



Town of Waynesville, NC

Town Council Regular Meeting

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

Date: April 9th, 2024 Time: 6:00 p.m.

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(828) 452-2491 cpoolton@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

C. ADDITIONS OR DELETIONS TO THE AGENDA

D. CONSENT AGENDA

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

2.
 - a. March 26, 2024 Regular Scheduled Meeting Minutes
 - b. Police Department Block Grant budget amendment
 - c. Call for a Public Hearing for April 23, 2024 to consider a Longview Subdivision Conditional District Map Amendment (Rezoning) Application, sections 2.7 and 15.15 of the Land Development Standards (LDS).
 - d. SOAR Eagle Special Event Permit
 - e. Gateway to the Smokies Half Marathon/Mighty Four Miler to Benefit Riley Howell Foundation Fund Special Event Permit
 - f. Steppin' Into Spring Special Event Permit

Motion: To approve the consent agenda as presented.

E. PRESENTATIONS

3. Presentation on program of work for the Haywood County TDA
 - Corrina Ruffieux, TDA Director

F. PUBLIC HEARINGS

4. Public Hearing to consider 486 East Marshall Street, known as the Historic Haywood County Hospital, PIN 8615-79-8480, to April 9, 2024.
- Elizabeth Teague, Development Director

Motion: Adoption of the attached ordinance to designate Brookmont Lofts, and the property at 486 Marshall Street, PIN 8615-79-8480, as a Local Landmark, for April 9, 2024

G. NEW BUSINESS

5. Fire Department Part-Time Budget Amendment
- Joey Webb Sr., Fire Chief

Motion: To amend the fire department part-time budget in the amount of \$45,000 to be taken from the fund balance

6. Downtown Waynesville Full Fiscal Campaign Proposal
- Beth Gilmore, DWC Director

Motion: To approve the Full Fiscal Campaign Proposal by Kanipe Creative.

H. OLD BUSINESS

7. Increase in budget for capital purchase
- Jeff Stines, Public Services Director

Motion: Approve the increase in funds to purchase the Vac All vehicle.

8. Project Budget Amendment for ARP funds
- Rob Hites, Town Manager

Motion: Approve the ordinance that amends the ARP project ordinance.

I. COMMUNICATION FROM STAFF

9. Manager's Report
- Town Manager, Rob Hites

10. Town Attorney Report- Revisions to Charter & Code of Ordinances to reflect change in governing body's name
- Town Attorney, Martha Bradley

Motion: *To place a resolution of intent and call for hearing to amend the Town’s Charter and Code of Ordinance to reflect the governing body’s correct title on the agenda for the April 23, 2024 meeting of the Town Council.*

J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

K. ADJOURN



TOWN OF WAYNESVILLE

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 16 South Main Street
 Waynesville, NC 28786
 Phone (828) 452-2491 • Fax (828) 456-2000
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CALENDAR

April 2024

ALL COUNCIL MEETINGS TO START AT 6:00 PM IN THE BOARD ROOM LOCATED AT 9 SOUTH MAIN STREET UNLESS OTHERWISE NOTED

2024	
Wed. April 17th	Town Council Budget Meeting-Special Called 5pm, 16 S. Main Street
Sat. April 20 th	Mountain Heritage Market 10am-4pm
Tues. April 23	Town Council Meeting – Regular Session
Sat, May 11	Whole Bloomin Thing Festival-Frog Level
Tues. May 14	Town Council Meeting – Regular Session
Mon. May 27	Town Offices Closed-Memorial Day
Tues. May 28	Town Council Meeting – Regular Session
Tues. June 11	Town Council Meeting – Regular Session
Fri. June 14th	Mountain Street Dance 4-6pm
Tues. June 25	Town Council Meeting – Regular Session
Thurs. July 4	Town Offices Closed-Independence Day & Stars and Stripes Kids Parade 10am-3pm
Tues, July 9	Town Council Meeting – Regular Session
Fri. July 12 th	Mountain Street Dance 4-6pm
Tues. July 23	Town Council Meeting – Regular Session
Fri. August 9 th	Mountain Street Dance 4-6pm
Tues. August 13	Town Council Meeting – Regular Session
Tues, August 27	Town Council Meeting – Regular Session
Mon Sept. 2	Town Offices Closed-Labor Day
Tues, September 10	Town Council Meeting – Regular Session
Tues. September 24	Town Council Meeting – Regular Session
Tues. October 8	Town Council Meeting – Regular Session
Sat. October 12	Church Street Art and Craft Show 10am-5pm
Tues. October 22	Town Council Meeting – Regular Session
Thurs. October 31 st	Treats on the Street 5-7pm
Mon November 11	Town Offices Closed-Veteran’s Day
Tues. November 12	Town Council Meeting – Regular Session
Thurs. & Fri. November 28 & 29	Town Offices Closed-Thanksgiving
Sat. November 30 th	Christmas Tree Lighting 6-7pm

Mon. December 2 nd	Waynesville Christmas Parade 4-6pm
Tues. December 10	Town Council Meeting – Regular Session
Sat. December 14	A Smoky Mountain Christmas 6-9pm
Tues, Wed, Thurs December 24, 25, and 26	Town Offices Closed-Christmas

Board and Commission Meetings – April 2024

ABC Board	ABC Office – 52 Dayco Drive	April 16th 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	CANCELLED 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January, March, July, and October 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	April 16th 3 rd Tuesday 8:30 AM
Environmental Sustainability Board	Municipal Building-16 South Main Street	April 4th and 18th 1 st and 3 rd Thursdays 4:30pm
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	April 3rd 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	April 15th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	April 11th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	April 15th 3 rd Monday 5:30 PM
Waynesville Housing Authority	Main Office-48 Chestnut Park Drive	April 17th 3 rd Wednesday 9:00 AM

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
March 26, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, March 26, 2024, at 6:00 pm in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:04 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tempore Chuck Dickson
Councilmember Jon Feichter
Councilmember Anthony Sutton
Councilmember Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Candace Poolton, Town Clerk
Town Attorney Martha Bradley
Elizabeth Teague, Director of Development
Olga Grooman, Land Use Administrator
Misty Hagood, Finance Director
Sharon Agostini, Tax Collector
Police Chief David Adams
Julie Grasty, Asset Services Manager
Page McCurry, Human Resources Director
Luke Kinsland, Recreation Director

Members of the Media:

Paul Nielson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Town Council meeting will be held on April 9th and town offices will be closed on March 29th for Good Friday.

B. PUBLIC COMMENT

Chris Scott- Mr. Scott said he is a resident that lives on East Street, and he has witnessed another accident at the corner of South Hill Street and East Street at the bottom of both the hills, the second in the last three to four months. He would like the town to extend the sidewalk that ends at Shelton Creek so pedestrians don't have to cross the street to get to Main Street. He said drivers run the stop sign and gain speeds over the speed limit of 20mph. Mr. Scott thanked Council for the speed bumps at the top the hill, but he would like to see speed bumps toward at the bottom of the hill to help slow people down.

Rumi Kakareka- Mr. Kakareka said he is the tennis coach for Tuscola High School, and they have practices and matches at the Rec Center tennis courts. He said the conditions of the tennis courts are getting worse and are potentially dangerous. He would like to see them re-done.

James Gross- Mr. Gross said he moved here seven years ago and lives out by Rabbitskin Road. He said he moved here partially because of the recreation facility, particularly the tennis courts. He said the tennis courts desperately need maintenance.

C. ADDITIONS OR DELETIONS TO THE AGENDA

Councilmember Sutton pointed out to the public that the Longview Public Hearing was cancelled and moved to the April 23rd meeting.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to move item #6. "Public Hearing to consider a Greenview Subdivision Conditional District Map Amendment (Rezoning) Application, sections 2.7 and 15.15 of the Land Development Standards (LDS)" to item #3. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to add a report on a grant the town received from the Department of Energy. The motion passed unanimously.

D. CONSENT AGENDA

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

2.
 - a. Approve the March 12, 2024 Regular Scheduled Meeting Minutes
 - b. Accept the CDBG-I Semi-Annual Compliance Report
 - c. To approve/disapprove the addition of a public workshop/meeting for the Cemetery Master Plan in the amount of \$ 8,350 and the associated budget amendment.
 - d. To approve the budget amendment to authorize the use of donation funds from Pepsi for skatepark competition t-shirts/marketing and the budget amendment to authorize the use of donation funds from Peggy Melville for hand dryers at the Vance St bathrooms.

- e. To reschedule the public hearing to consider a request by Brookmont Lofts, LLC for 486 Marshall Street to be designated as a Local Landmark, for April 9, 2024
- f. Approval of NC Class Resolution and Interlocal Agreement
- g. Order of Collection
- h. To cancel a public hearing for a Longview Subdivision Conditional District Map Amendment (Rezoning) Application, sections 2.7 and 15.15 of the Land Development Standards (LDS).

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the consent agenda as presented. The motion passed unanimously.

E. PUBLIC HEARINGS

- 3. Public Hearing to consider a Greenview Subdivision Conditional District Map Amendment (Rezoning) Application, sections 2.7 and 15.15 of the Land Development Standards (LDS).
 - Olga Grooman, Land Use Administrator

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 6:11pm. The motion passed unanimously.

Land Use Administrator Olga Grooman reported that the 10.99-acre portion of Waynesville Inn and Golf Club off Greenview Drive (PINs 8614-27-1901 and 8614 27-7912) is the proposed subdivision of 13 single-family homes. She said the area is within Waynesville Inn and Golf Country Club's property and within Waynesville ETJ and the applicant is requesting a Conditional District Rezoning in order to develop the property on 13 individual lots and as the application states, "with the balance of the development areas to remain in a private common area as represented on the attached master plan." She said the project is seeking flexibility in lot width, pedestrian facilities, civic space, alternative landscape plan, and driveway.

If approved, Ms. Grooman said the request would amend the zoning map and create a Country Club Residential Low Density Conditional District (CC-RL-CD) and would relax the LDS requirements specifically for that property and as shown on the proposed master plan.

Ms. Grooman presented the notes from the neighborhood meeting that the developer held on February 19th, 2024. She proceeded to read the purpose and intent statement for the Club Residential Low Density (CC-RL) zoning district (LDS 2.3.1):

"The Country Club Residential—Low Density District (CC-RL) is an area predominately comprised of large lot subdivisions with the Waynesville Country Club serving as its social and recreational center. While single-family homes are the dominant residential use in this area, townhouses and accessory apartments are also permitted. Connections to the South Main Street Business District should be enhanced as new development takes place. A residential scale is required for all new development. Tree preservation and proliferation along the South Main Street corridor is critical to the ambiance of the area. Single-family dwellings are permitted outright without supplemental standards in CC-RL (LDS 2.5.3)."

Per LDS 2.5.3, single-family dwellings are permitted outright without supplemental standards in CC-RL.

Ms. Grooman said the applicant is asking for leniency in the following areas:

- Lot Width Standards
- LDS standards for the proposed “Lane” within the subdivision. The project proposes a 20-ft wide and 950-ft long Lane. It is 150 ft longer than the maximum length specified in the LDS. Additionally, the Fire Marshall and Building Inspections requested the proposed lane to be wider at both fire hydrant locations (beside lots 4,5 and lot 11) for fire access and to avoid blocking the road with fire trucks. At both hydrant locations, the lane needs to be at least 26 ft wide.
- The applicant is requesting a payment-in-lieu for a sidewalk, which is the staff recommendation. Ms. Grooman said that payment collected for the fee-in-lieu option could go towards extending sidewalk in other areas of the neighborhood to greater public benefit such as along Longview or Ninevah.
- Civic space- The developer is asking for credit for existing amenities within the existing golf course and country club.
- Landscaping: The applicant is requesting to remove specific requirements of this section and prepare a site specific landscape plan commensurate with the nature of the plantings contemplated on the Master Plan.
- Parking and Driveways: Each driveway will connect to the Lane within the development traveled only by the residents. The proposal has been reviewed by Town’s public services, fire, and building inspections with no additional comments or concerns.

The applicant provided the environmental survey prepared by the CDC engineering firm. It contains the following information:

- Current conditions (grassy area, part of golf course)
- The property is not in the floodplain
- There are no jurisdictional wetlands or streams on site
- Soil classification (a mix of well-drained soils)
- Proposed erosion control measures (silt fences, sediment basins, temporary diversion ditches)
- Because the project will disturb more than an acre, they will obtain Erosion and Sedimentation permit from the state. The Town will need a copy
- The plan shows post-construction stormwater conveyance systems (pipes). The applicant also submitted stormwater management narrative. The development does not require a stormwater permit because the project will decrease the impervious surface on site (previously removed golf course paths) and treat runoff by the existing Gold Course pond.

Ms. Grooman reported that staff found the Conditional District request is consistent with the 2035 Comprehensive Plan. She read the Planning Board’s recommendations:

1. Lot width standards for CC-RL shall not apply
2. LDS standards for the proposed “Lane” within the subdivision shall not apply (LDS 6.6.2. E)
3. At both hydrant locations, the proposed “Lane” needs to be at least 26 ft wide. The plan needs to be adjusted prior to issuance of the building permit to comply with Fire and Building Codes.

4. The developer will pay payment-in-lieu for sidewalk construction.
5. Civic space requirements of the LDS Chapter 7 shall not apply as the project claims credit for the existing amenities.
6. Landscape requirements of the LDS Chapter 8 shall not apply as the project will propose custom landscaping plan
7. Minimum spacing requirements between the driveways in CC-RL of the LDS Chapter 9 shall not apply.

Councilmember Feichter asked for clarification about the payment-in-lieu. He asked if the easement within the neighborhood is staff recommended, and whether the Council can make that a condition of approval. Ms. Grooman responded yes, it is the staff's recommendation, and yes, Council has the final say.

Patrick Bradshaw with Civil Design Concepts reported that he is presenting on behalf of the Waynesville Inn and Golf Club. He answered Councilmember Sutton's question about Lane length- he said it would be 950 feet long. Mr. Bradshaw said the new owners have made millions of dollars' worth of renovations and have saved the club from going out of business.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to extend the applicant's time to speak. The motion passed unanimously.

Councilmember Dickson asked Mr. Bradshaw if water pressure will be an issue. Mr. Bradshaw said he didn't believe so.

Emily Clark, the architect for the project, said that the firm wants to build on the traditions of WNC. She said the quality of landscaping and construction materials will be high. She said the architectural standards do not dictate specific style, but do offer guidelines. She said 35 feet would be the average house height.

Councilmember Dickson asked about waiving landscape requirements. Mr. Bradshaw said that no buffering is required, but there are street trees which are mature. He said they don't want to block the view of the neighbors on the hill. He added that there are trees existing along Greenview.

Councilmember Dickson asked if Council could put a limit on how tall the buildings can be. Town Attorney Martha Bradley said the Council has significant discretion. Ms. Grooman said the standards limit buildings at 60 feet tall, with each story limited to 14 feet. Councilmember Feichter said he prefers to leave the height standard at 60 feet. Councilmember Dickson confirmed that they would not have to vary height standards since the average building height will be 35 feet.

Annette Brunn said she lives off of Greenview. She said she walks often, but there are no sidewalks, and she would like to see sidewalks installed as a part of this project. Town Attorney Martha Bradley said the project will give the town an easement so the town can install a sidewalk where staff recommend it in the affected neighborhood, with strong preference along the northern part of Longview.

Linnea McAden said she mirrors Annette's comments.

Councilmember Feichter asked staff where they plan on putting the sidewalk. Ms. Grooman said after looking at all locations, staff decided that the best option would be to install the sidewalk will starts at the base of the hill at the entrance of the club, along northern Longview, and the length should be 950 feet, equal to the length of the proposed lane within the subdivision.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to close the public hearing at 7:07pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to find the Conditional District Map Amendment as proposed as being consistent with the 2035 Land Use Plan and reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning by encouraging in-fill, mixed use, and context-sensitive development and promotes conservation design to preserve important natural resources, with the following conditions:

Lot width standards for CC-RL shall not apply, LDS standards for the proposed "Lane" within the subdivision shall not apply (LDS 6.6.2. E), at both hydrant locations, the proposed "Lane" needs to be at least 26 ft wide. The plan needs to be adjusted prior to issuance of the building permit to comply with Fire and Building Codes, the developer will pay payment-in-lieu for sidewalk construction, contingent that it be with staff recommendation, civic space requirements of the LDS Chapter 7 shall not apply as the project claims credit for the existing amenities, except that residents may be guaranteed access to the green space at the current country club, landscape requirements of the LDS Chapter 8 shall not apply as the project will propose custom landscaping plan, and minimum spacing requirements between the driveways in CC-RL of the LDS Chapter 9 shall not apply. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve with conditions the Conditional District Map Amendment in that it creates a range of housing opportunities and choices., encourage new housing inside Waynesville's city limits and Extraterritorial Jurisdiction (ETJ), and promotes a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households. The motion passed unanimously.

F. PRESENTATIONS

4. Presentation by Forest Stewards on their activities in the Watershed

- Dr. Peter Bates

Dr. Peter Bates presented the updates on the forest stewardship activities with the Waynesville Watershed. Introduced Matt Vaughn, the director of stewardship and forestry education. Dr. Bates said they are currently working with NC Forest Service to implement a prescribed burn program at no cost to the town. He explained that prescribed burns are used to prevent uncontrolled wildfires from overwhelming a forest landscape by removing hazardous fuels such as low growing vegetation, and it helps fire adapted species of trees.

Councilmember Feichter asked when the controlled burning will start. Dr. Bates said it could be as early as next month and the prescribed burning would be a regular scheduled thing. He offered for Council to tour the watershed.

5. Presentation of awards to 2023 Christmas parade winners
 - Eva Hansen, Kiwanis Club President

Eva Hansen presented the winners of the Christmas parade. She said that Woodland Baptist Church was 1st, Sk8way placed 2nd, and the Caldwell rock yard placed 3rd. She also mentioned that Kiwanis received the Medford endowment so they can begin work on the East Street park.

6. Report on Delinquent Property Taxes
 - Sharon Agostini, Tax Collector

Ms. Agostini presented a report of all unpaid real estate taxes with a balance of more than \$5 for tax years 2013 to 2022. She said the top 11 account for 41.83% of the past due amount. She said for the most part, people have been cooperative. Ms. Agostini requested Council's approval of working towards rent garnishments. Council agreed that they gave permission in years past and would like to continue with that measure of collection.

G. NEW BUSINESS

7. Approve and award of contract to Dan Grady Co in the amount of \$163,500 for the Richland Creek Greenway trail construction at the old "Schulhoffer" property.
 - Luke Kinsland, Recreation Director

In response to the public comments made earlier regarding the tennis courts, Recreation Director Luke Kinsland said they were quoted \$44,000 to resurface the tennis courts, and half a million to 1.4 million dollars to reconstruct and move the courts.

He reported that staff sent out formal sealed bid invitations in late January and bids were due February 22nd. He said there were four contractors who bid on the greenway trail paving project. This project is part of the ongoing PARTF grant to the Town from 2020. He said that Dan Grady Company was the lowest bidder at \$163,500. He added that Bell Engineering is providing light supervision of this project and did reference checks and they have recommended the Town award the contract to Dan Grady Co.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve and award the contract to Dan Grady Co in the amount of \$163,500 for the Richland Creek Greenway trail construction at the old "Schulhoffer" property. The motion passed unanimously.

8. Approve the quote for employee survey services from the University of North Carolina School of Government Workplaces Initiative.

- Page McCurry, Human Resources Director

Human Resources Director Page McCurry said that during the Council Retreat on March 1, 2024, Councilmember Jon Feichter requested that she look into conducting an employee satisfaction survey. Ms. McCurry said she spoke with Leisha DeHart Davis, Director of the Local Government Workplaces Initiative and professor of public administration and government at the UNC-Chapel Hill School of Government, for a quote to conduct a Basic Employee Satisfaction Survey for The Town of Waynesville. She said that over the past 20 years, LGWI has surveyed, interviewed, or facilitated group discussions for nearly 16,000 employees in 35 local government organizations.

She said staff would need three weeks to promote the survey to employees and the survey could be done in May. She said the quote includes: Full time and Part time staff can take the survey, department heads will receive trainings on how to handle employee questions, they would send out personalized invitations to staff, they track non-respondents, conduct follow-up analysis, HR could customize the survey, staff would receive weekly updates on response rate per department, they would deliver visualizations of survey results, they could see comparisons with other organizations responses, and they would deliver the results from Chapel Hill at a Council meeting if Council would like. She said the survey would allow HR to understand overall workplace climate and recognize areas of improvement.

A motion was made by Councilmember Feichter, seconded by Councilmember Dickson, to approve the \$10,000 quote for services from the SOG Local Government Workplaces Initiative and appropriate the recommended funds for the basic survey. The motion passed unanimously.

9. Water Shortage Response Plan

- Rob Hites, Town Manager

Town Manager Rob Hites reported that the Town of Waynesville is required by the Division of Water Resources, NCDEQ to present the WSRP (Water Shortage Response Plan) to the Town of Waynesville Council and must be adopted by resolution by Council to be considered compliant with the division. He said that it has five levels of water shortage response; the first one is a voluntary 5% reduction, the second is a 10% reduction, the third is mandatory reduction, the fourth is 25% reduction, and the final is water rationing.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adopt by resolution the WRSP (Water Shortage Response Plan). The motion passed unanimously.

10. Interview Logistics for Zoning Board of Adjustment applicant

- Elizabeth Teague, Director of Development Services

Development Director Elizabeth Teague reported that the Town of Waynesville's Zoning Board of Adjustment has three vacancies, all of which are "alternate" positions. She said with the recent and sudden vacancies, staff had to cancel April's ZBA meeting due to lack of a quorum, which delayed 3 variance requests. She requested that Council expedite these appointments so that the ZBA could have a full Board for their April 2nd meeting.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to appoint John Mason and Sam Hyde as alternates to the Zoning Board of Adjustment. The motion passed unanimously.

11. DOE LEAP Grant

- Councilmember Chuck Dickson

Councilmember Dickson announced that the Environmental Sustainability Board was awarded the Department of Energy LEAP Grant for upwards to \$750,000. He said the grant will include technical assistance for clean energy planning and development of community resilience microgrids. He added that it also provided up to \$50,000 to help implement the plan. He said the name of the plan is “Greening the Grid in Southern Appalachia”. Councilmember Dickson said the census tract is near the same area as the CDBG grant, in south part of town. He said that 40% of all federal climate and clean energy investments go to disadvantaged communities.

H. COMMUNICATION FROM STAFF

12. Manager’s Report

- Town Manager, Rob Hites

Mr. Hites requested Council’s permission to apply for a \$3 million grant called the Grid Resilience and Innovation Partnership grant. He said the town is eligible for a 25% match. He said this grant will allow the Town to install a full AMI meter reading system and advanced technical capabilities for the substation. Council recommended that Mr. Hites to apply for the grant.

Mr. Hites said that April 17th at 5pm will be the Council Budget meeting, so the budget can be presented in May.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to schedule a special called meeting on April 17th at 5pm in the Municipal Conference Room for the purpose of discussing the 24-25 FY budget.

13. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

I. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Nothing to report.

J. ADJOURN

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to adjourn at 8:53pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk

DRAFT

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 9, 2024**

SUBJECT: Police Department Block Grant budget amendment

AGENDA INFORMATION:

Agenda Location: Consent
Item Number:
Department: Police Department
Contact: Misty Hagood, Finance Director
Presenter: Misty Hagood, Finance Director

BRIEF SUMMARY: The police department applied for and received grant funding to purchase equipment needed by the department. They were awarded \$27,936.51 with no match required.

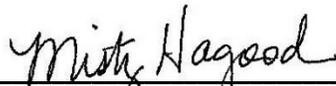
MOTION FOR CONSIDERATION: Approve the budget amendment as presented for the grant.

FUNDING SOURCE/IMPACT: Department of Public Safety (\$27,936.51), No match

ATTACHMENTS:

Budget Amendment

FINANCE DIRECTOR: _____


MISTY HAGOOD

4/1/24

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Ordinance No. O-18-24

Amendment No. 21 to the 2023-2024 Budget Ordinance

WHEREAS, the Town Council of the Town of Waynesville wishes to amend the 2023-2024 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville that the 2023-2024 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Grants	\$27,936.51
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Increase the following appropriations:

Police Department	\$27,936.51
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Adopted this 9th day of April 2024.

Town of Waynesville

Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 9, 2024**

SUBJECT: Call for a Public Hearing for April 23, 2024 to consider a Longview Subdivision Conditional District Map Amendment (Rezoning) Application, sections 2.7 and 15.15 of the Land Development Standards (LDS).

AGENDA INFORMATION:

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

BRIEF SUMMARY:

The 3.49-acre portion of the 102-acre property at 176 Country Club Drive (PIN 8604-99-9023) is proposed as a subdivision of 12 lots for single-family homes. The area is within Waynesville Inn and Golf Country Club's property and within the corporate limits of the town. The applicant is requesting a Conditional District Rezoning in order to develop the property on 12 individual lots of varying sizes and, as the application states, "with the balance of the development areas to remain in a private common area as represented on the attached master plan." The project is seeking flexibility in lot size, lot width, pedestrian facilities, civic space, alternative landscape plan, and driveway.

If approved, the request would amend the zoning map and create a Country Club Residential Low Density Conditional District (CC-RL-CD). It would relax the LDS requirements specifically for that property and as shown on the proposed master plan.

Conditional Districts are handled in the same way as a text or map amendment. The Planning Board holds a hearing and makes a recommendation to the Town Council. The Planning Board held the hearing on this CD application on February 26, 2024.

MOTIONS FOR CONSIDERATION:

1. Motion to call for a Public Hearing for April 23, 2024 to consider a Longview Subdivision Conditional District Map Amendment (Rezoning) Application, as recommended by the Planning Board.

FUNDING SOURCE/IMPACT:

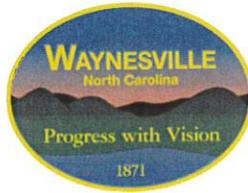
N/A

ATTACHMENTS:

Application materials

MANAGER'S COMMENTS AND RECOMMENDATIONS:

This is a call for public hearing only.



To: Waynesville Town Council
From: Olga Grooman, Land Use Administrator
Date: March 26, 2024
Subject: Planning Board Report and Statement of Consistency
Description: Conditional District Rezoning
Project: Longview Subdivision
Location: 3.49-acre portion of the 102-acre property at 176 Country Club Drive (PIN 8604-99-9023)

The Planning Board hereby adopts and recommends to the Town Council the following statement(s):

A motion was made by board member Tommy Thomas and seconded by board member John Baus **to recommend denial of this Conditional Zoning District to the Town Council because:**

- The applicant is requesting leniencies in all major categories of the zoning ordinance, including lot size, lot widths, setbacks, sidewalks, civic space, landscaping, and driveway spacing;
- The predominant concerns were lot sizes, widths, and setbacks being out compliance with the Low Density District requirement of the zoning;
- The board also expressed concerns about the lack of clear design guidelines for the houses to be constructed;
- The board considers this type of development to be more of a cottage development that would need to comply with all relevant provisions of the cottage ordinance; and
- The proposed development does not show reasonable compliance with our Land Development Standards and does not provide any accommodation or benefit to the surrounding community.

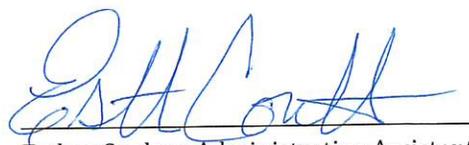
The motion was carried with four (4) board members voting not to recommend the proposal and three (3) board members voting to recommend the proposal to the Council.



Ginger Hain, Planning Board Vice Chair

3/19/2024

Date



Esther Coulter, Administrative Assistant

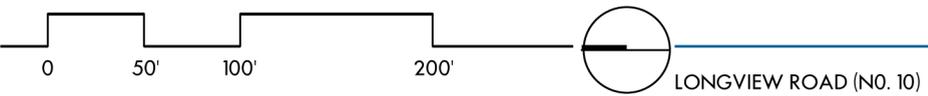
3-19-24

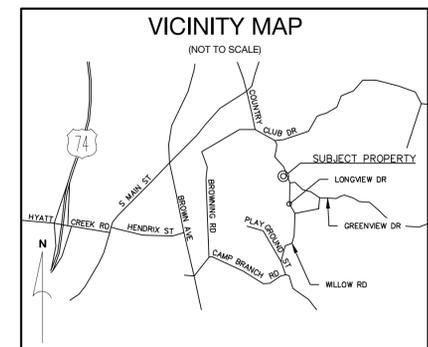
Date



WAYNESVILLE INN & GOLF CLUB

WAYNESVILLE, NORTH CAROLINA





DEVELOPMENT DATA

OWNER/DEVELOPER: WGC HOSPITALITY LLC
 1943 HOFFMEYER RD STE C
 FLORENCE, SC 29501-3939
 JAY HAM
 (843) 799-2306

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
 168 PATTON AVENUE
 ASHEVILLE, NC 28801
 DAVID BRAUN, P.E.
 (828) 252-5388

CONTACT:

SURVEYOR: MCBABE & ASSOCIATED, P.A.
 3 MCBABE TRAIL
 FARRIVUE, NC 28730
 (828) 628-1295

CONTACT:

PROJECT DATA

PIN: 8604-99-9023
 ADDRESS: 176 COUNTRY CLUB RD, TOWN OF WAYNESVILLE, NC 28786
 DEED BOOK/PAGE: 1027/2044
 PROJECT ACREAGE: 3.49± ACRES
 CURRENT ZONING: BEING SPLIT FROM GOLF CLUB PROPERTY, COUNTRY CLUB RESIDENTIAL-LOW DENSITY, CC-RL
 PROPOSED ZONING: COUNTRY CLUB RESIDENTIAL-CONDITIONAL DISTRICT: CC-RL (CD)
 PROPOSED USE: 12 SINGLE FAMILY LOTS

CDC Civil Design Concepts, PA
 www.civildesignconcepts.com

168 PATTON AVENUE
 ASHEVILLE, NC 28801
 PHONE (828) 252-5388
 FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
 WAYNESVILLE, NC 28786
 PHONE (828) 628-1295
 FAX (828) 455-5455

NCBLES LICENSE # C-2184

NO.	DATE	DESCRIPTION	BY



FOR REVIEW ONLY

CONDITIONAL DISTRICT - REZONING PLAN FOR:

**WAYNESVILLE INN & GOLF CLUB
 LONGVIEW ROAD**

WGC HOSPITALITY LLC - TOWN OF WAYNESVILLE, NORTH CAROLINA

811 Know what's below. Call before you dig.

811

CONDICIONAL DISTRICT - REZONING PLAN

GRAPHIC SCALE
 1 inch = 50 ft.

DRAWN BY: ERK
 CDC PROJECT NO.: 22265
 XXX PERMIT NO. xxx

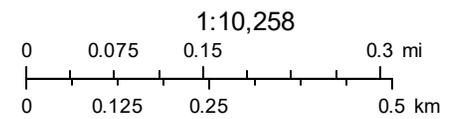
SHEET
C001

Haywood County



Longview
Development Area

January 25, 2024





Application for Special Events Permit

I. General Information

EVENT NAME: SOAR Eagle 5k

EVENT DATE(S): 10/12/24

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

LOCATION: 112 Virginia Ave Bldg B, Waynesville, NC 28786

IF THIS EVENT IS A PARADE OR ROAD RACE: Course map attached with course cues.

SET-UP TIME (START/END): 6AM - 12PM

EVENT HOURS: 8AM-11AM

DISMANTLE HOURS (START/END): 11AM-12PM

ESTIMATED ATTENDANCE: 350

BASIS ON WHICH THIS ESTIMATE IS MADE: 250 runners + 100 spectators

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Academy at SOAR

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

APPLICANT NAME: Rhianna Scott TITLE: Race Director

ADDRESS: 112 Virginia Avenue BLDG B (828) 301-2886 CITY: Waynesville STATE: NC ZIP: 28786

PHONE: _____ FAX#: _____ EMAIL: rhianna@kickitevents.com

ON-SITE CONTACT: Rhianna Scott TITLE: Race Director

ADDRESS: 17 Sylvan Avenue Asheville, NC 28801 (828) 301-2886

PHONE #: _____ CELL PHONE #: _____ EMAIL: rhianna@kickitevents.com

III. Brief Description of Event
<p>3.1 mile run/walk fundraiser for Academy at SOAR that starts and finishes at the Academy on Virginia Avenue. Packet pick up for runners will start at 8AM and race will start at 9AM. We expect up to 250 runners and about 100 spectators. The first runner will complete the course in 20 minutes and the last walker/runner will likely complete in 1 HR-1.5 HRs.</p>
IV. Street Closure Request (Attach map of the Street Closure)

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

Attached map of road closure. Virginia Avenue from 10/12/24 6AM - 10/12/24 12PM

1.
2.
3.

V. Event Details

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the sale or use of alcoholic beverages? If yes, has the ABC permit been obtained? Yes <input type="checkbox"/> No <input type="checkbox"/> Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the sale of food? _____ If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will there be musical entertainment at your event? IF "YES" provide the following information: Number of Stages: _____ Number of Band(s): _____ Amplification? <input checked="" type="checkbox"/> Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Do you plan to use an existing occupied building? Address <u>112 Virginia Avenue, Waynesville, NC</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do you plan to use an existing vacant building? Address _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will there be any tents or canopies in the proposed event site? Please provide the following information: Approx. Number of Tents: <u>10</u> Will any tent exceed 400 sq. feet in area? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the use of pyrotechnics? Explain _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will you provide portable toilets for the general public attending your event? IF SO, how many and where will they be located? <u>4, Virginia Ave</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will you require electrical hookup for the event? Generators? <u>2</u> generators for Timing Structure _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will you require access to water for the event? Explain _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will admission fees be charged to attend this event? If "YES", provide the amount(s) of all tickets. Race Registration = \$40-50 _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will fees be charged to vendors to participate in this event? If "YES", please provide the amount(s). Sponsor Fee approximately \$250 _____
<input checked="" type="checkbox"/>		Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? <u>No</u>

VI. Additional Questions

How will **parking** be accommodated for this event? We will utilize the parking lot on Virginia Avenue, one behind the Academy, and street parking.

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

How will **trash** be contained and removed during and after the event? Trash will be placed in a dumpster.

Volunteers: Will you require Civilian Police Volunteers for your event? No

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

Return to:
Beth Gilmore, Downtown Waynesville Director & Jesse Fowler, Assistant Town Manager
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov
jfowler@waynesvillenc.gov

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

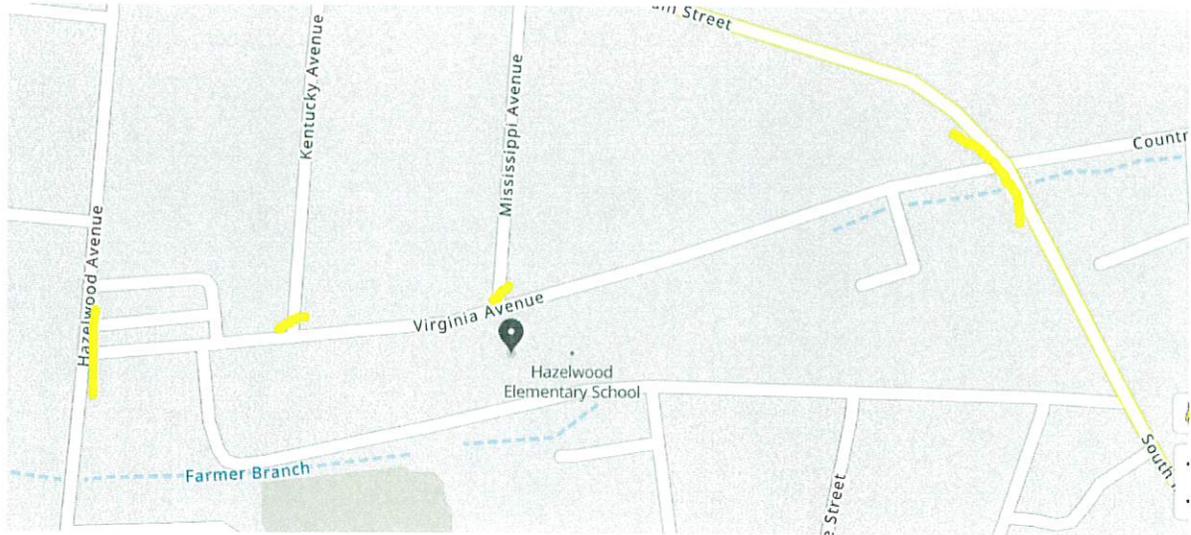
Application received:

Application approved:

Application denied:

SOAR Eagle 5k Course Map

Saturday, October 12, 2024 9AM Race Start



ROAD CLOSURE REQUEST:

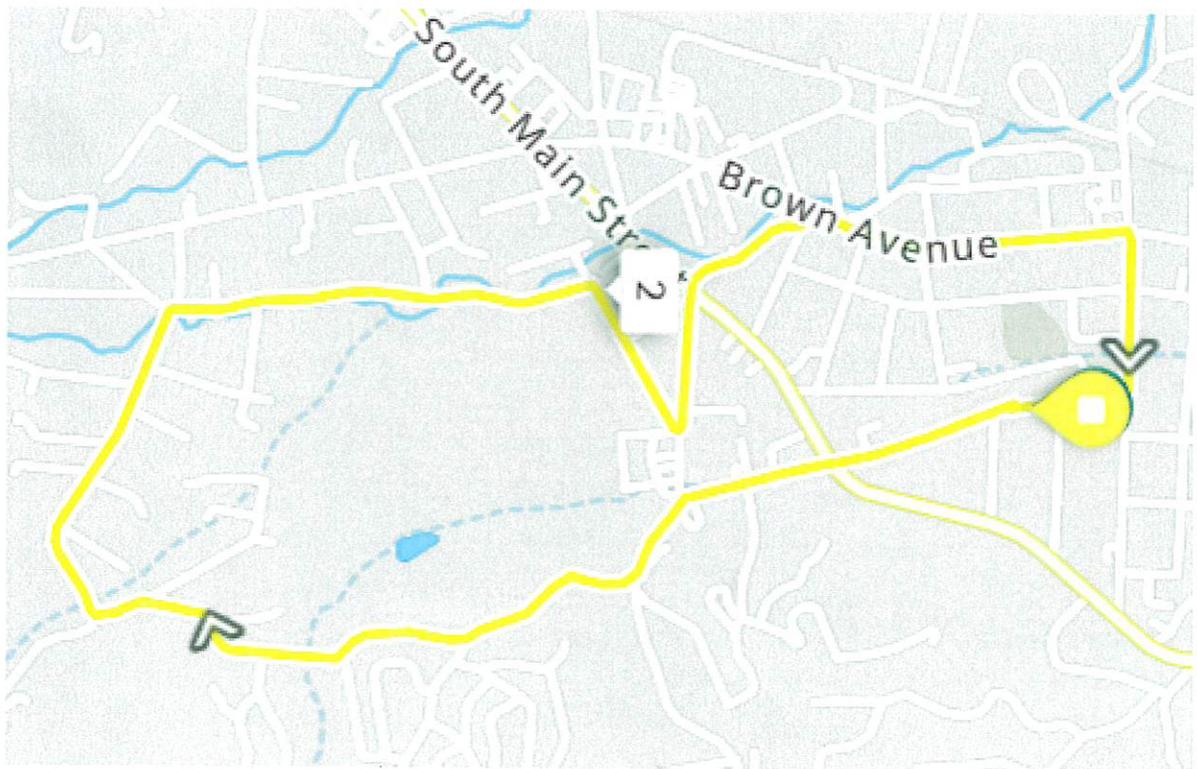
Virginia Avenue

6AM 10/12/24 CLOSURE START

12PM 10/12/24 CLOSURE END

SOAR Eagle 5k Course Map

Saturday, October 12, 2024 9AM Race Start



- Race start on Virginia Avenue
- Continue straight on Country Club Drive
- Veer Left to stay on Country Club Drive
- Turn right onto Longview Drive
- Turn right onto Willow Road
- Veer left to stay on Willow Road
- Turn right onto Camp Brand Road
- Turn right onto Browning Road
- Turn right onto Chelsea Road
- Sharp left onto Ninevah Road
- Veer left on South Main Street
- Sharp right onto Riverbend Street
- Left on Belle Meade Drive
- Right on Brown Avenue
- Right on Hazelwood Avenue
- Right on Virginia Avenue

LINK TO COURSE MAP:

<https://ridewithgps.com/trips/141169751>



Application for Special Events Permit

I. General Information

EVENT NAME: Gateway to the Smokies Half Marathon/Mighty Four Miler to Benefit Riley Howell Foundation Fund

EVENT DATE(S): April 6, 2023
Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: Starts on Main Street at Branner Ave; Finishes on Boundary Street

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

SET-UP TIME (START/END): 6:00-8:00 AM

EVENT HOURS: 8:00 AM-12:00 PM

DISMANTLE HOURS (START/END): 11:00 AM-1:00 PM

ESTIMATED ATTENDANCE: 700

BASIS ON WHICH THIS ESTIMATE IS MADE: Previous experience and current growth rate of races

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Glory Hound, Inc. dba Glory Hound Events

ARE YOU A NON PROFIT CORPORATION?	No	Yes	If yes, are you	501c(3)	501c(6)	Place of Worship
	<input checked="" type="checkbox"/>					

APPLICANT NAME: Greg Duff TITLE: President

ADDRESS: PO Box 19256 CITY: Asheville STATE: NC ZIP 28815

PHONE: 828-400-5868 FAX#: _____ EMAIL: greg@gloryhoundevents.com

ON-SITE CONTACT: Same TITLE: _____

ADDRESS: _____

PHONE #: _____ CELL PHONE #: _____ EMAIL: _____

III. Brief Description of Event

Glory Hound Events, in partnership with the Riley Howell Foundation, will produce this event for the second year. We will use the same start/finish and courses as previous years. All profits from the 4-mile event will go to the Riley Howell Foundation. The course designer and past race director, Kevin Fitzgerald, works with our company and will play a major role in the event. The races will start 15 minutes apart and finish near the old armory with the post-race activities in Boundary Street.

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

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

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

1. Boundary Street from Depot St to Branner Avenue (4/2, 6 AM-1 PM)

2.

3.

V. Event Details

YES NO

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

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

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

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

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

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

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

Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: 5-10 Will any tent exceed 400 sq. feet in area? X NO YES

Does the event involve the use of **pyrotechnics**? Explain _____

Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? 5-10 at Wells Event Center and finish area

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

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

Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. See Page 4

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

Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? Not yet

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

VI. Additional Questions

How will **parking** be accommodated for this event? Primary-Courthouse parking deck; secondary-street parking as available

Notes:

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

How will **trash** be contained and removed during and after the event? We will utilize a trash/recycling service

Volunteers: Will you require Civilian Police Volunteers for your event? Yes, please

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

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

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:

2024 Entry Fees

Gateway to Smokies Half Marathon

70	10/31-12/31/23
80	1/1/24-3/14
90	3/15 On

Mighty Four Miler

35	10/31-12/31/23
40	1/1/24-3/14
45	3/15 On

GATEWAY TO THE SMOKIES HALF MARATHON AND 4 MILER**APRIL 6, 2024****OFFICER LOCATIONS**

<u>Location</u>	<u>Race</u>	<u>Time</u>	<u>Direction</u>	<u>Agency</u>
Start - Main Street at Depot (Gateway Arch)	13.1 and 4	0745-0830	Straight	Lead-WPD
South Main & Church Street	13.1 and 4	0745-0830	Straight	CP
South Main and Pigeon St (Follow ATV then moves to #2)	13.1 and 4	0745-0830	Straight	WPD
South Main and Academy	13.1 and 4	0745-0830	Straight	CP
South Main & Haywood Street	13.1 and 4	0745-0830	Straight	CP
South Main and Legion Street	13.1 and 4	0745-0830	Straight	CP
South Main and Hazelwood Ave	13.1 and 4	0745-0830	Straight	CP
South Main and Country Club/Virginia	13.1 and 4	0745-0910	HM Left/4M Right	WPD
Country Club and Ninivah	13.1	0745-0830	Left	WPD
Ninivah and Country Club	13.1	0805-0905	Left	WPD
Virginia and Hazelwood	13.1 and 4	0810-0910	Left	WPD
Georgia and Brown	13.1 and 4	0810-0915	Right	CP
Brown and Boyd	13.1	0810-0925	Left	WPD
Boyd and Sulphur Springs	13.1	0810-0925	Left	CP
Sulphur Springs and Eagles Nest	13.1	0815-0940	Right	WFD
Eagles Nest and US 19/23 West Off Ramp	13.1	0815-0940	Straight	CP or WPD
Eagles Nest and Will Hyatt	13.1	0820-0945	Left	HCS
Will Hyatt and Plott Creek	13.1	0820-0955	Right	HCS
Plott Creek and Green Valley	13.1	0825-1000	Left	HCS
Log Cabin and Hyatt Creek (runners stay left to Green Valley)	13.1	0825-1010	Left	HCS
Plott Creek and 74 East Off Ramp to Hazelwood	13.1	0835-1040	Straight	CP or NCHP
Sulphur Springs Rd & Hazelwood Ave	13.1	0835-1040	Straight	HCS
Hazelwood and Brown	13.1	0835-1045	Left	WFD
Joy Ln and South Haywood	13.1 and 4	0815-1110	Straight	CP
N. Haywood and Church Street	13.1 and 4	0815-1110	Straight	WPD
N. Haywood and Depot	13.1 and 4	0820-1115	Left	WPD
Depot Street & Boundary Street (Barricaded Position)	13.1 and 4	0820-1115		CP

Summary:

Combined 13.1/4 mi positions - 10

13.1 positions only - 13

WPD = Waynesville Police Depart

CP = Citizens Police

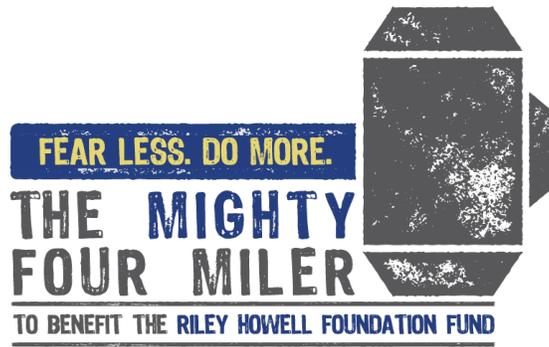
HCS = Haywood Co Sheriff Dept



TURN-BY-TURN DIRECTIONS

<u>Direction</u>	<u>Streets</u>
START	Main Street-Across from Gateway plaza
Left	South Main and Country Club
	Aid Station #1, Country Club (MM 1.7)
Left	Country Club and Ninivah
Right	Country Club and Longview
Left	Longview and Greenview
180 degrees	Turn Around on Greenview
Left	Greenview and Longview
Right	Longview and Willow
Left	Willow and Playground
Right	Willow and Camp Branch
Right	Camp Branch and Browning
Right	Browning and Chelsea
Right	Chelsea and Ninevah
Left	Ninivah and Country Club
	Aid Stations #2, Country Club (MM 4.25)
Straight	Country Club and South Main (cross S. Main to Virginia)
Left	Virginia and Hazelwood
Right	Hazelwood and Camelot
Left	Camelot and Georgia
Right	Georgia and Brown
	Aid Stations #3, Brown Ave at Waynesville Middle School (MM 5.2)
Left	Brown and Boyd
Left	Boyd and Sulphur Springs
Right	Sulphur Springs and Eagles Nest
Left	Eagles Nest and Will Hyatt
Right	Will Hyatt and Plott Creek
Left	Plott Creek and Green Valley
Straight	Green Valley and Log Cabin
Left	Log Cabin and Hyatt Creek (runners stay left to Green Valley)

Left	Hyatt Creek and Green Valley
	Aid Station #4 Jct of Hyatt Creek and Green Valley (MM 8.7)
Right	Hyatt Creek and Log Cabin
Right	Log Cabin and Plott Creek
Straight	Plott Creek and Will Hyatt
Straight	Plott Creek and 74 Overpass to Hazelwood
Stay Right	Hazelwood and Elysinia
	Aid Station #5, Brown Avenue at Wvl Middle School (MM11.4)
Left	Hazelwood and Brown
Right	Brown and Boyd
Right	Boyd and Bryson
Left	Bryson and Joy
Straight	Joy Ln and South Haywood
Straight	S Haywood and N Haywood at Miller St
Left	N. Haywood and Depot
Right	Depot and Boundary
FINISH	Boundary at Armory



TURN-BY-TURN DIRECTIONS

<u>Direction</u>	<u>Streets</u>
START	Main Street-Across from Gateway plaza
Right	South Main and Virginia Ave
Left	Virginia Ave and Hazelwood
Right	Hazelwood and Camelot Dr
Left	Camelot and Georgia
Right	Georgia and Brown
Right	Brown and Boyd
Right	Boyd and Bryson
Left	Bryson and Joy Lane
Straight	Joy and S. Hazelwood St - Turns into S. Hazelwood St
Straight	S. Hazelwood and Miller St - Turns into N. Hazelwood St
Left	N. Haywood and Depot
Right	Depot and Boundary
FINISH	Boundary at Armory



Application for Special Events Permit

I. General Information

EVENT NAME: Steppin Into Spring

EVENT DATE(S): May 18, 2024

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

LOCATION: Axe & Awl Leatherworks, 41 Depot St. Waynesville, Nc 28786

IF THIS EVENT IS A PARADE OR ROAD RACE: NA

SET-UP TIME (START/END): 8:30 am -10:00am

EVENT HOURS: 10am-6pm

DISMANTLE HOURS (START/END): 6pm-7pm

ESTIMATED ATTENDANCE: 500 (this is a first time event so we don't have much data to go off of)

BASIS ON WHICH THIS ESTIMATE IS MADE: Advertising efforts & attendance at holiday night market

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Axe & Awl Leatherworks

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

APPLICANT NAME: Axe & Awl Leatherworks TITLE: _____

ADDRESS: 41 Depot St CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-2460 996 FAX#: _____ EMAIL: axeandawlleatherworks@gmail.com

ON-SITE CONTACT: Ashlev Tetrault TITLE: Event Coordinator

ADDRESS: _____

PHONE #: _____ CELL PHONE #: 828-243-1481 EMAIL: ashley@axeandawlleatherworks.com

III. Brief Description of Event

Steppin Into Spring is a new event hosted by Axe & Awl Leatherworks. The intention behind the event is to give locals a new event to attend in the spring and to draw visitors to the area during a time that is typically slower for tourism. We will have multiple food truck vendors, a curated local artisans market & live music all day.

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

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

1. Depot street from Montgomery to Main 8:30am-7pm

2.

3.

V. Event Details

YES NO

Does the event involve the sale or use of alcoholic beverages? **Yes**

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

Does the event involve the sale of food? ___ Yes, food trucks ___

If "YES", has the health department been notified? ___ Have you applied for a temporary permit? ___

Will there be musical entertainment at your event? IF "YES" provide the following information: Yes

Number of Stages: 1 Number of Band(s): 2 Amplification? Yes

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

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

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

Will there be any tents or canopies in the proposed event site? Please provide the following information: Yes

Approx. Number of Tents: 14 Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of pyrotechnics? Explain No _____

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

Yes, 2, in the bank parking lot behind 41 Depot. (UCB)

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

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

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

N _____

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). Yes, \$50

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

Will **inflatable parade balloons** be used for the event? Provide details if necessary. NO

VI. Additional Questions

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

Street parking, parking garage

Notes:

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

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

Mobile receptacles

Volunteers: Will you require Civilian Police Volunteers for your event? No

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

Return to:

**Beth Gilmore, Downtown Waynesville Director &
Jesse Fowler, Assistant Town Manager**

Town of Waynesville

9 S. Main Street, P.O. Box 100, Waynesville, NC 28786

Telephone: (828) 456-3517

Fax No. : (828) 456-2000

**Email Address: bethgilmore@waynesvillenc.gov
jfowler@waynesvillenc.gov**

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Vendor Entrance

Spring Market Map

Stage

Porta Potty

Orchard Coffee
Top rated

Vendor Exit

- 15
- 14
- 13
- 12
- 11
- 10
- 9
- 8
- 7
- 6
- 5
- 4
- 3
- 2
- 1

Beer Garden

Beer Garden

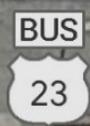
Haywood County
Register of Deeds

Haywood County
Human Resources

Gateway to the
Smokies Plaza

Sauced - Pizza,
Tacos, Taps
Not busy

The Southern Loft



**THE
CINCINNATI INSURANCE COMPANIES**

THE CINCINNATI INSURANCE COMPANY THE CINCINNATI INDEMNITY COMPANY
 THE CINCINNATI CASUALTY COMPANY

Named Insured: AXE & AWL INC

Policy Number: EPP 065 83 82

Policy Period: 06-24-2022 to 06-24-2025

Effective Date of Change: 05-24-2023

Endorsement Number: 2

Agency Name: THE L.N. DAVIS COMPANY 32-057
WAYNESVILLE, NC

Explanation of Billing

A change was recently made to your policy with The Cincinnati Insurance Companies. Attached to this summary is the endorsement that amends your policy.

The additional premium for this endorsement is \$ 38

This premium is for the time period of 05-24-2023 to 06-24-2023. You will receive a statement based on the payment option you have selected.

Please contact your agency if you have any questions concerning your policy or statement:

THE L.N. DAVIS COMPANY
143 N MAIN ST
WAYNESVILLE, NC 28786-3809

828-452-2876

This is not a bill. No payment is necessary at this time.



The Cincinnati Insurance Company
The Cincinnati Casualty Company
The Cincinnati Indemnity Company

Policy Number: EPP 065 83 82

Effective Date: 06-24-2022

Named Insured: AXE & AWL INC

For professional advice and policy questions or changes, please contact your local independent agency:

THE L.N. DAVIS COMPANY
143 N MAIN ST
WAYNESVILLE, NC 28786-3809

828-452-2876

Dear Policyholder:

Thank you

Thank you for trusting The Cincinnati Insurance Companies with your commercial insurance coverage. We recognize that locally based independent agents have the working knowledge to help you choose the right insurance company for your needs. Together with your local independent insurance agency, we are committed to providing you with the highest level of service.

Please review your enclosed policy information to verify your coverage details, as well as deductibles and coverage amounts. Should your needs change, your agent is available to review and update your policy.

Please promptly report claims

If you experience a policy-related loss, you may report it by contacting your local professional independent agency representing The Cincinnati Insurance Companies or by directly calling us toll-free at **877-242-2544** and providing your policy number and claim-related information.

Sincerely,

Sean M. Givler
Senior Vice President - Commercial Lines

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date 4/9/24**

SUBJECT Presentation on program of work for the Haywood County TDA

AGENDA INFORMATION:

Agenda Location: Presentation

Item Number:

Department: Administration

Contact: Rob Hites

Presenter: **Corrina Ruffieux, Executive Director TDA**

BRIEF SUMMARY : The TDA has been carrying out a process to redefine its mission in the county and determine the opinion of numerous stakeholders. The Board has created several working committees that are tasked with this mission. Ms. Ruffieux (Ruffier) would like to present their program of work and their progress to date.

MOTION FOR CONSIDERATION: **Accept the presentation as information.**

FUNDING SOURCE/IMPACT: Income from TDA grants

ATTACHMENTS: None

MANAGER'S COMMENTS: The new organization is intended to be transparent. It approach is to follow the NC General Statutes and local enabling legislation by viewing its mission through countywide lenses. "How does the TDAs program or a local program further the goals set in the enabling legislation?" New governing committees have been established and are moving through their first months.



VISITNC SMOKIES

HAYWOOD COUNTY TOURISM DEVELOPMENT AUTHORITY

Presentation to Waynesville Town Council | April 9, 2024



Annual Report 2023

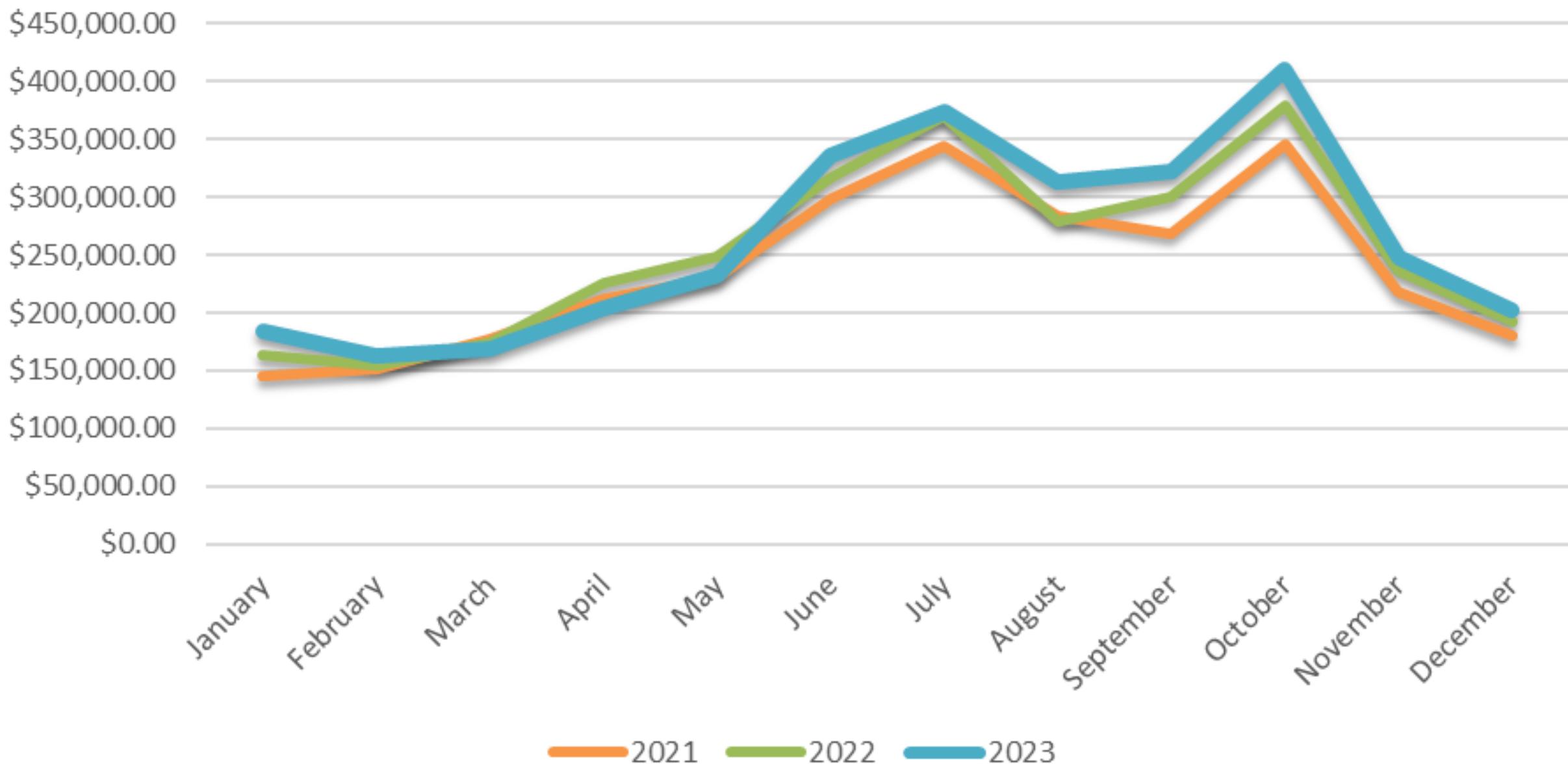
Haywood County Tourism
Development Authority

VISITNC  SMOKIES
Maggie Valley • Waynesville • Lake Junaluska • Canton • Clyde

<https://haywoodtda.com/annual-report/>

*Report covers calendar year 2023.
Published 02.28.2024.*

YOY Monthly Occupancy Tax Comparison





VISIT NC MOUNTAIN SMOKIES

Marketing FY 2023-2024

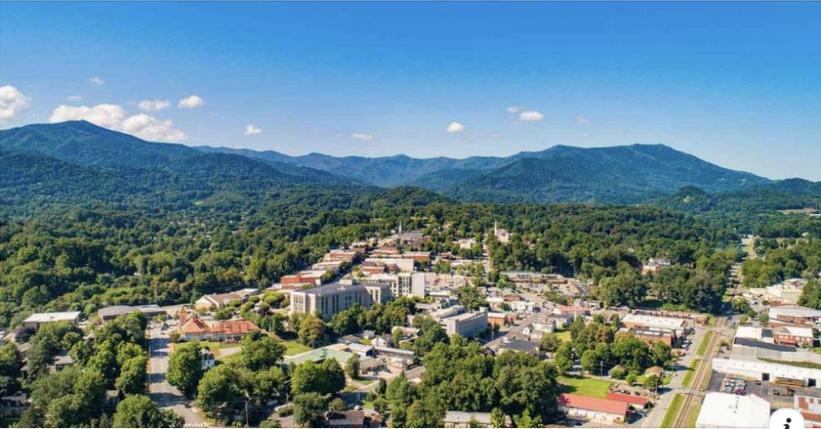
Social Media

In effort to streamline our social media, we have started to increase our presence and engagement on our best performing social channels. This has allowed us to showcase all the things to do and places to stay within Waynesville and all of Haywood County.

Visit NC Smokies
Published by Amie Newsome · August 1, 2023 ·

Discover one of our charming mountain towns, now featured in Travel + Leisure! ✨
Immerse yourself in its quaint streets, breathtaking mountain views, and vibrant local culture. From outdoor adventures to cozy eateries, this town has something for everyone. Come explore Waynesville and experience the magic for yourself!

The Swag
Andon-Reid Inn Bed and Breakfast
The Yellow House on Plott Creek Road
Boyd Mountain Log Cabins
Great Smoky Mountains National Park
Haywood's Historic Farmers Market
Panacea Coffeehouse, Cafe, and Roastery
Frog Level Brewing Company
Mast General Store
Sutton and Son's Antiques
The Station On Main
Wall Street Books LLC
The Jeweler's Workbench
Haywood Smokehouse - Waynesville
Bosu's Wine Shop



TRAVELANDLEISURE.COM
This North Carolina Mountain Town Has Picturesque Views, a Quaint Downtown, and the Best Resort in the South

VISITNCSMOKIES
Posts

wechouseadventures and visitncsmokies
altego_music · WHENEVER WHEREVER X HUN...

6. Check out the shops in downtown Waynesville.



View insights

VISITNCSMOKIES
Posts

wechouseadventures and visitncsmokies
altego_music · WHENEVER WHEREVER X HUN...

4. Take a tour of Winchester Creek Farm



View insights



Visit NC Smokies = 134K Followers



@visitncsmokies = 25K Followers



Discover Waynesville's Charm

Come explore the enchanting streets of Waynesville where every corner is filled with its own unique charm and character. Begin your journey with a stroll through downtown, where the historic buildings house treasures from local artisans, showcased in galleries like [Green Hill Gallery](#) or [Twigs and Leaves Gallery](#). Then, let your taste buds dance with delight as you sample the farm-to-table dishes at [Singletree Heritage Kitchen](#) or [Birchwood Hall Southern Kitchen](#). Finally, round out your tour of downtown with a brew from [Frog Level Brewing](#) or a classic cocktail from [The Scotsman Public House](#).

[Tour Waynesville](#)

Email Newsletters



Waynesville Awaits

Indulge in the beauty of spring in Waynesville, nestled in the scenic NC Smokies. Explore our quaint downtown and urban charms, perfect for walkable shopping in [local boutiques](#), [farm-to-table dining](#), and [local craft brewing](#). If you're looking for a day of antique shopping, food trucks, sweet treats, live music, and more, stop by the [Cotton Tail Market](#) March 23 at the Smoky Mountain Event Center. With proximity to relaxed hiking trails, serene waterfalls, the Great Smoky Mountains National Park, and the Blue Ridge Parkway, Waynesville is the leisure-lover's springtime destination.

[Wander Waynesville](#)



Celebrate the Season's Sensations

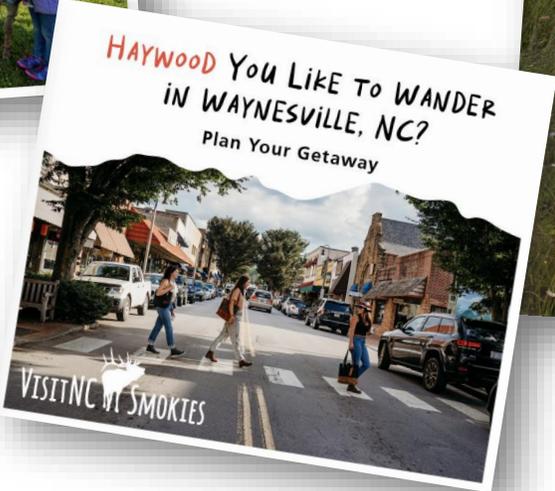
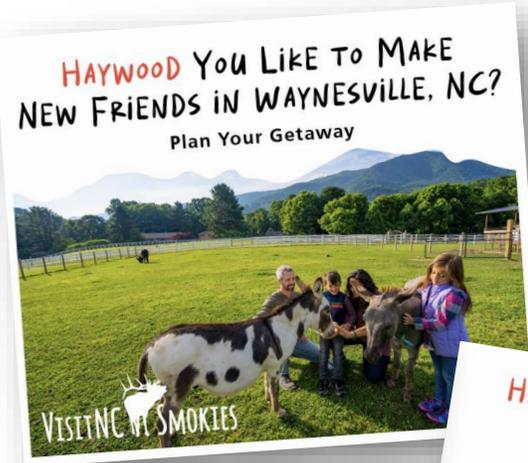
Rejoice in downtown Waynesville during [A Night Before Christmas](#), a beloved December tradition that's a winter wonder of luminaries, sparkling window displays, and festive lamp posts. Enjoy carolers, live music, horse-drawn wagon rides, and the captivating Living Nativity under the stars on December 9 and 16. Another beloved tradition in Waynesville is selecting the perfect homegrown Fraser fir Christmas tree from one of our four mountainside farms: [Boyd Mountain Christmas Tree Farm](#), [Mehaffey Tree Farm](#), [Smoky Mountain Christmas Tree Farm](#), and [WNC Landscaping](#).

[Experience Waynesville](#)

Marketing

Budget
\$84,000

- Paid Social Advertising
- Paid Google Display
- Paid Google Retargeting
- Monthly Newsletters
- Visit NC Travel Guide (2-Page Spread)



HAYWOOD You Like to
EXPERIENCE THE NC SMOKIES?

Make haywood... table NC Smokies
adventure! From weekends away to extended vacations, discover all the
things you can see, and the fun you can have, in our charming mountain towns.

HAY NOW → Plan your Getaway at
VisitNCsmokies.com.

Experience downtown Waynesville's
one-of-a-kind boutiques, farm-to-table
restaurants, and seasonal markets.

Witness Maggie Valley's beautiful elk in
Cataloochee Valley graze the landscape and
roam the hillsides with their majestic presence.

Relax on river time as you float through
Canton, refreshed by the crisp, clean waters
of the Pigeon River with family and friends.

After a day of adventure, climb into comfort
in one of Clyde's unique lodgings, from a luxury
yurt to a cozy cabin to a colorful caboose.

VISITNC  SMOKIES



VISIT NC  SMOKIES

Other Updates

2024 NC Smokies Ice Festival Weekend



January 26, 27 & 28, 2024

NCSmokiesIceFest.com



@NCSmokiesIceFest





NC Smokies Ice Fest Weekend Highlights

Ice Sculpture Stroll in Downtown Waynesville
Friday 5-8PM

Ice Skating at Sorrell's Street Park
Friday 5-8PM | Saturday 4-8PM | Sunday 4-8PM

Winter Arts Show at Metzgers Burl Wood Gallery
Friday & Saturday 10AM – 5PM | Sunday 12 - 4PM

Polar Express Model Train Expo at Buffalo Creek Vacations
Saturday 11AM - 2PM

Ice Festival at Maggie Valley Festival Grounds
Saturday 4-9PM

Cataloochee Ski's Torch Run – watch on the webcam!
Saturday 10:30PM

Winter Hikes With Haywood County Parks & Recreation
Saturday & Sunday

Frosty 5K at Haywood Community College
Sunday 10:00AM – 12:00PM

Clyde Winter Lights
All weekend!!

Lodging, shopping, and dining specials
All weekend!!



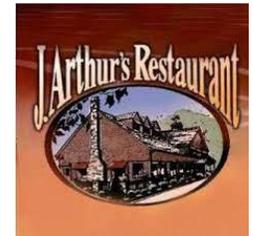
Thank you to our Sponsors!



Lake Junaluska
Conference & Retreat Center



Where true Italian
meets the Great Smokies.



The Biltmore Beacon

THE MOUNTAINEER
HAYWOOD'S #1 NEWS SOURCE

Volunteers

Maggie Valley Ice Festival

- 8 in the ticket booth
- 9 assisting with parking

Thank You!



55 Participating Partners



Town of Maggie Valley
Downtown Waynesville Commission
Cataloochee Ski Area
Canton Parks & Recreation
Waynesville Parks & Recreation
Maggie Valley Chamber of Commerce
Haywood Chamber of Commerce
Metzger's Burl Wood Gallery
Haywood Community College
Haywood County Parks & Recreation
Haywood County
Town of Canton
Buffalo Creek Vacations
Bearwaters Brewing
Haywood County
Town of Clyde
Buffalo Creek Vacations
Bearwaters Brewing
Lake Junaluska Conference & Retreat Center

Yellow House on Plott Creek
Maggie Mountain Vacations
Carolina Mornings Vacations
Country Cabins
Serene Green Vacation Rental
Bella Mountain Properties
Andon Redi B&B

55 Participating Partners

Scotsman Public House

Minted Mercantile

Sassafrass

Town of Waynesville

Haywood County

Haywood County Arts Council

The Kitchen Shop

Charmed/Green Hill Gallery

Twigs and Leaves Gallery

Mast General Store

Ava and Arden

Gallery 164

Kilwin's

Amici's

Sauced

828 market

Organic Beans Coffee

Blue Ridge Beer Hub

J Arthurs

Grateful Table

Valley Wine & Cigar

Hazelwood Soap

Pigeon River Mercantile

Willow Hill Soap Co

Soul Sisters Depot

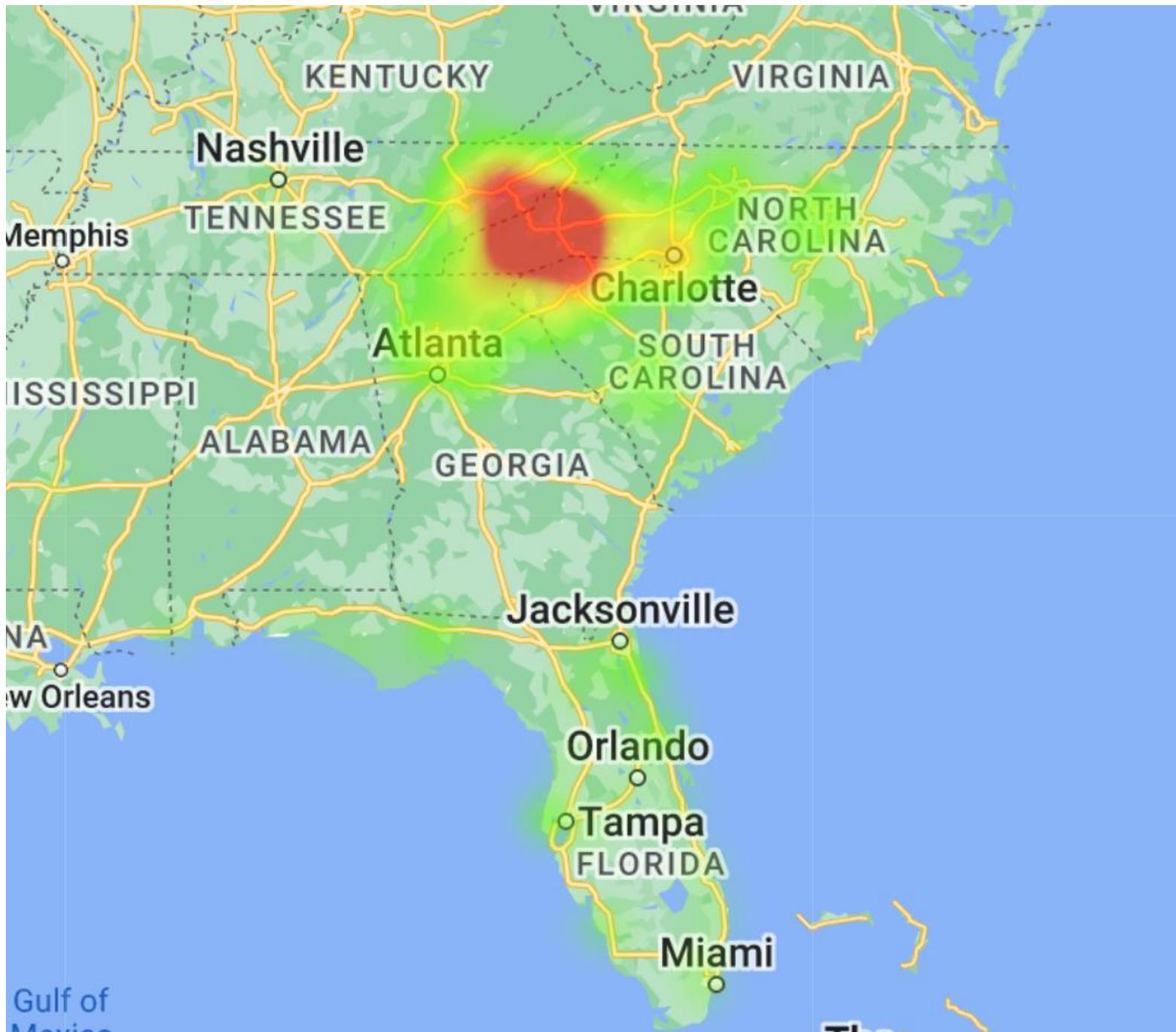
Geek Mountain

Winchester Creek Farm

Sundara Wellness

The Yoga & Bodywork Collective





Maggie Valley Ice Festival

Total Ticket Sales

12 & up	1946
Under 12	541
Total	2487

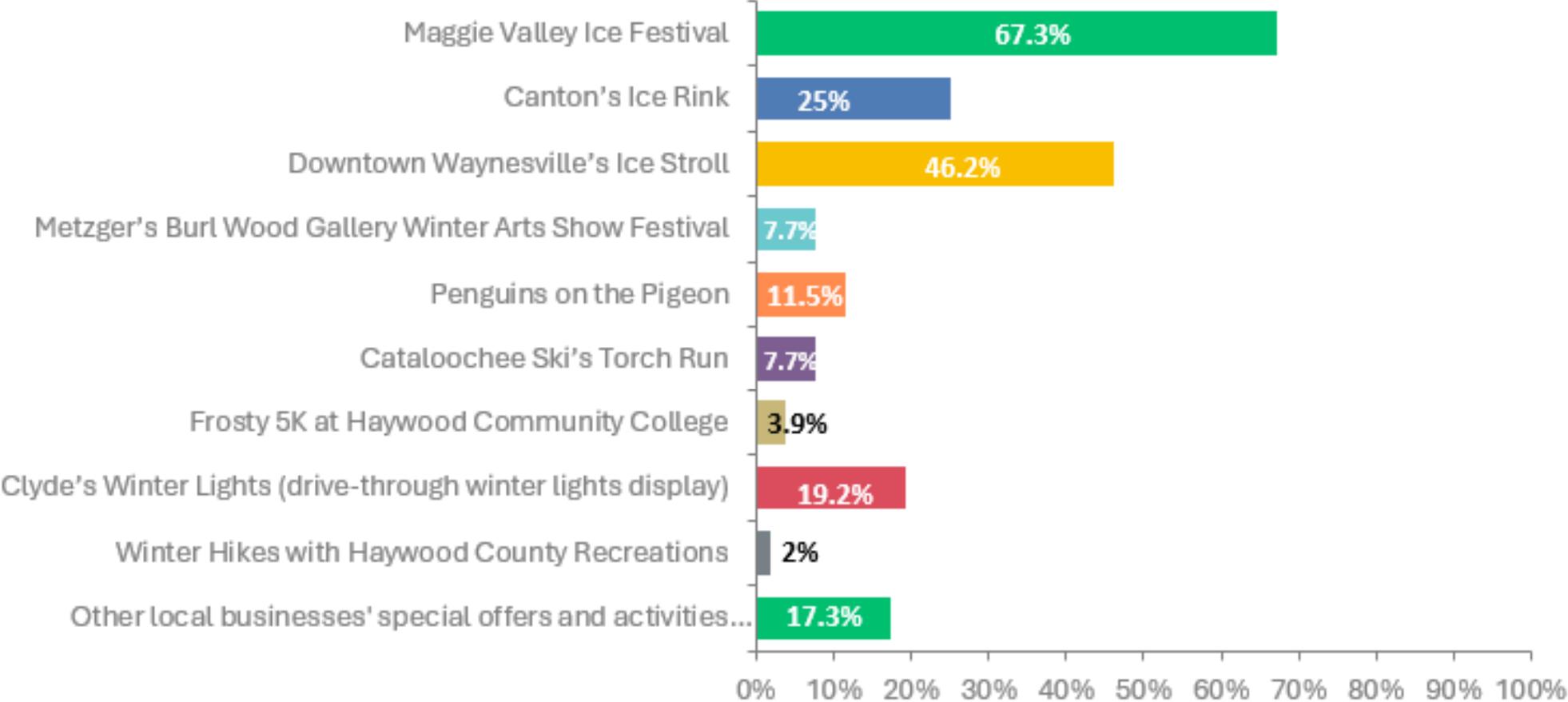
Day-of Ticket Sales

Online	179
Cash at Gate	376
Total	555

Source: RunSignUp.com Ticket Dashboard

Visitor Survey

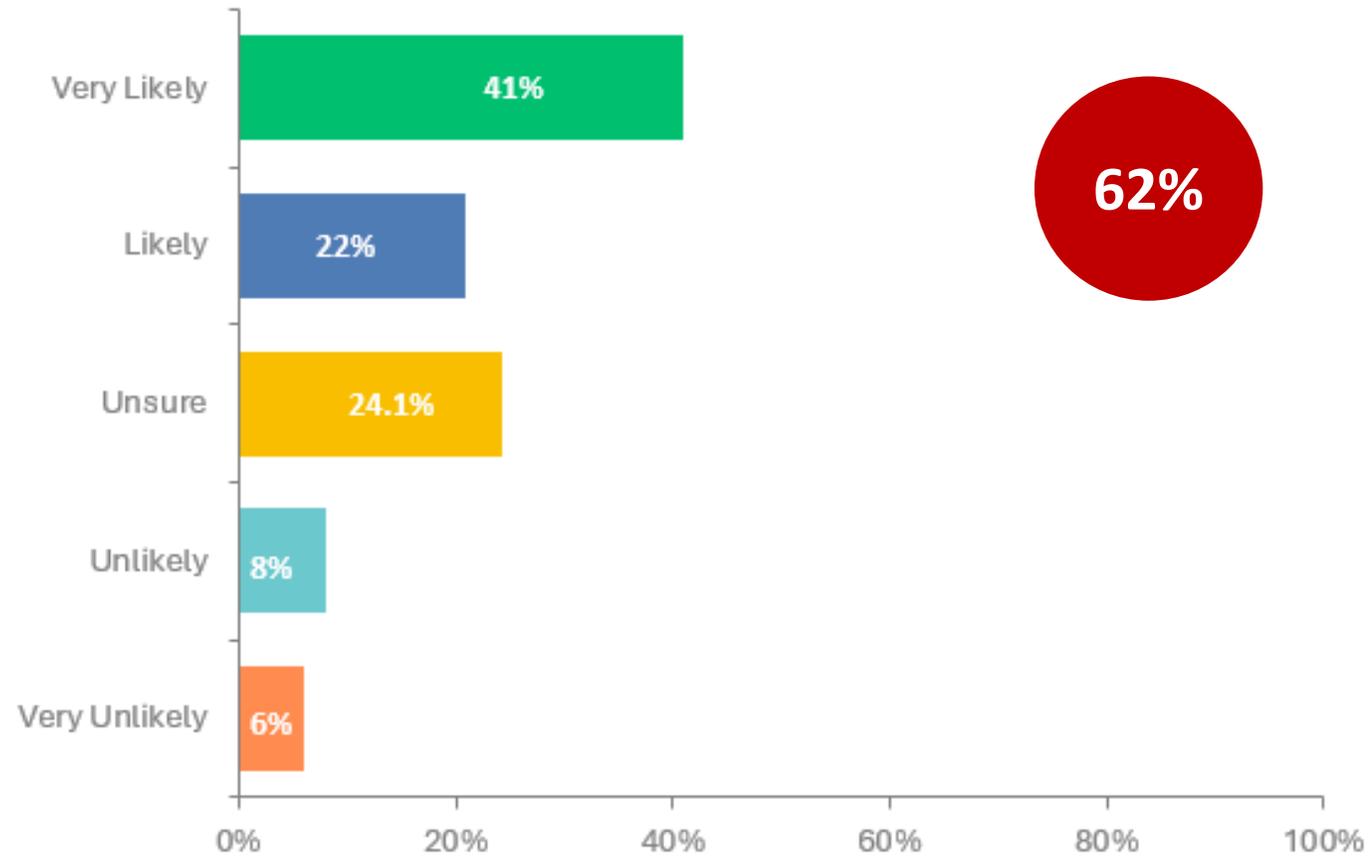
152 Responses



Which Ice Festival Weekend Event did you attend? Select all that apply.

Visitor Survey

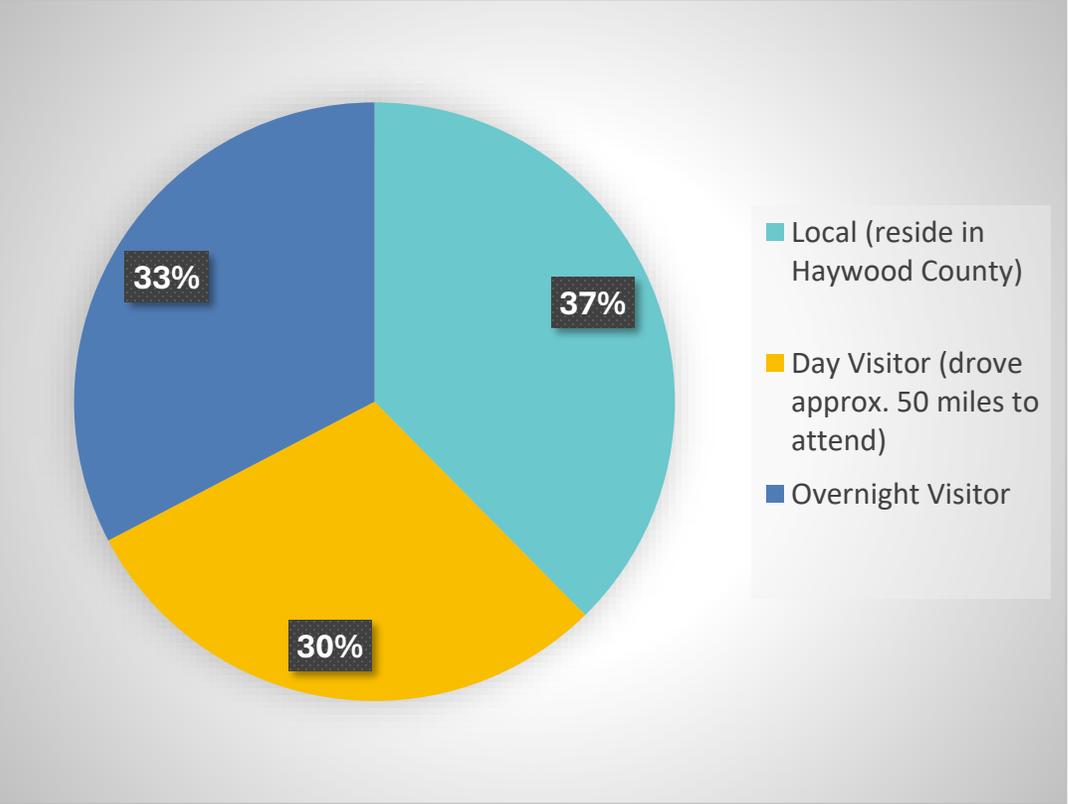
152 Responses



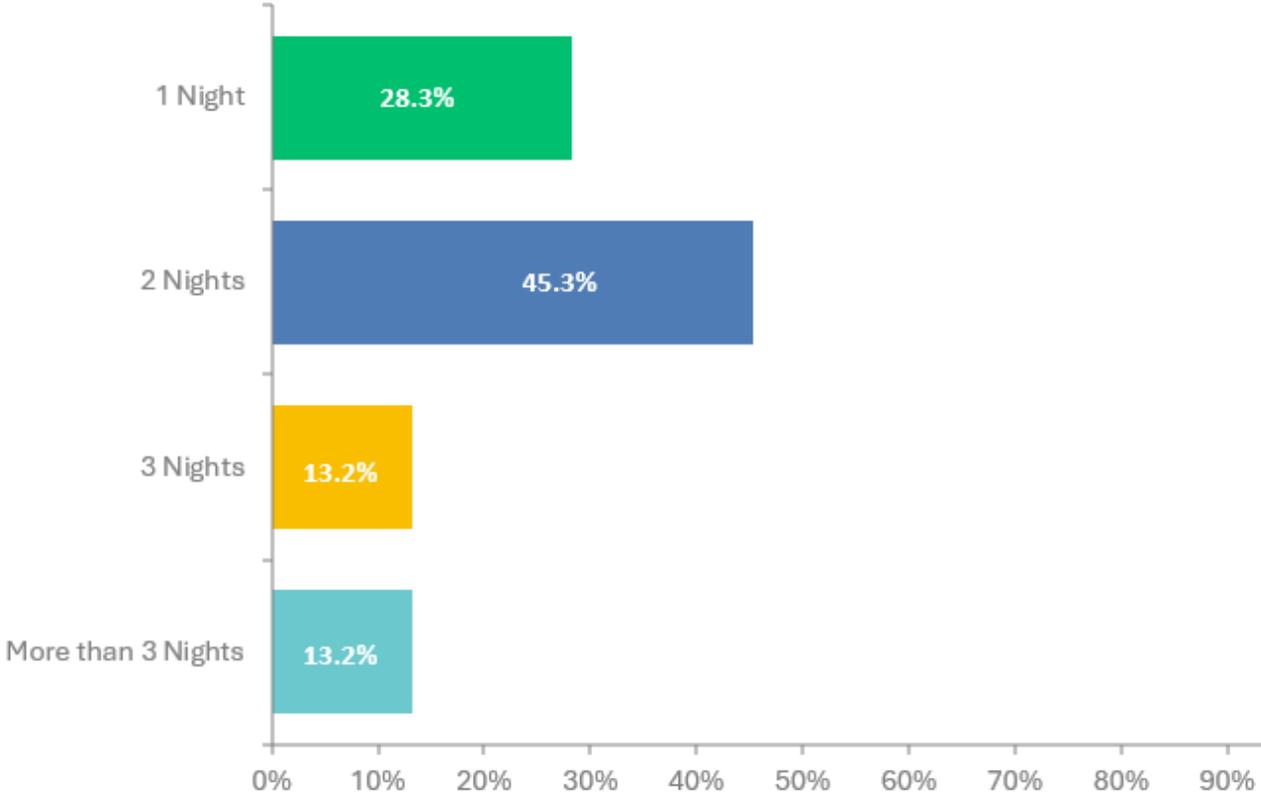
On a scale of one to five, how likely are you to attend a future Ice Festival Weekend?

Visitor Survey

152 Responses



Visitor Type



Duration of Stay

2025 NC Smokies Ice Festival Weekend



Jan 31, Feb 1 & 2 2025
NCSmokiesIceFest.com



@NCSmokiesIceFest



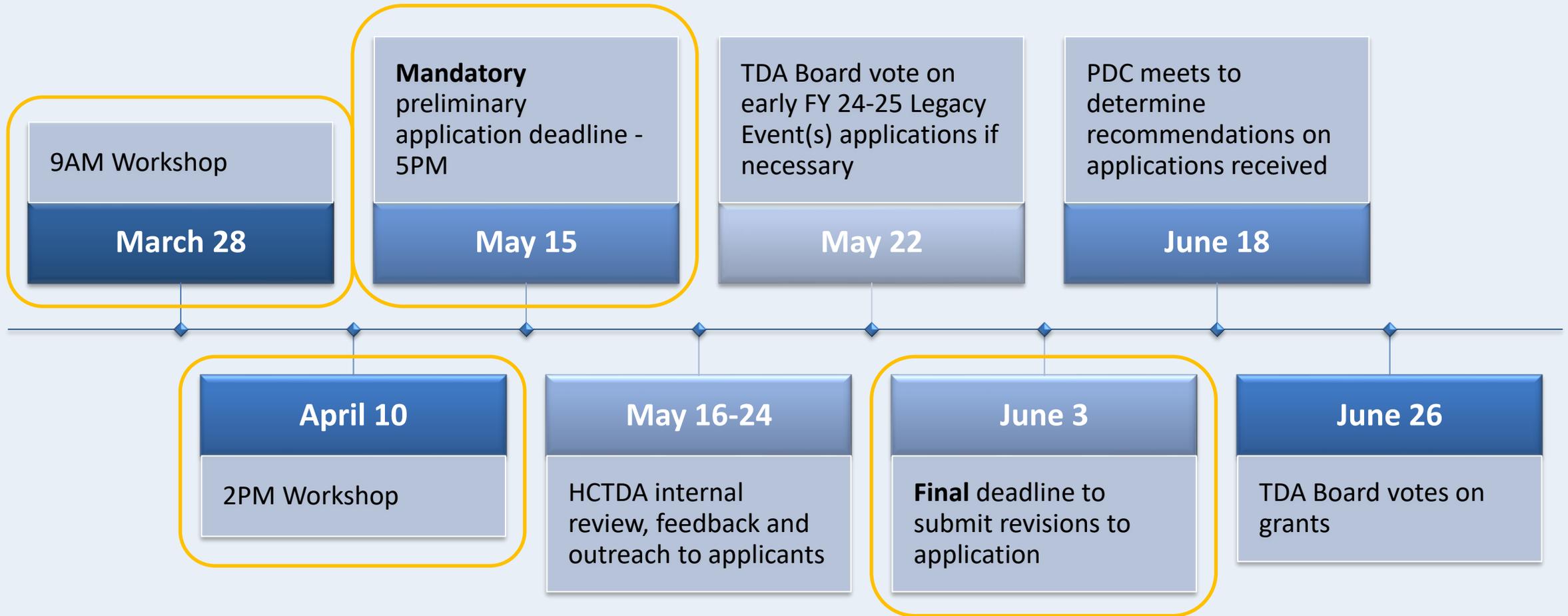


VISIT NC  SMOKIES

Grants FY 2024-2025



Grant Timeline & Workshops





ELEVATING NC SMOKIES

A Research and Stewardship-Driven
Tourism Brand Strategy and Destination Master Plan



Input Informing Consultants (as of 02.26.2024)





Preliminary Feedback



“Better Together”

What does that look like?



VISITNC  SMOKIES

Zartico Overview

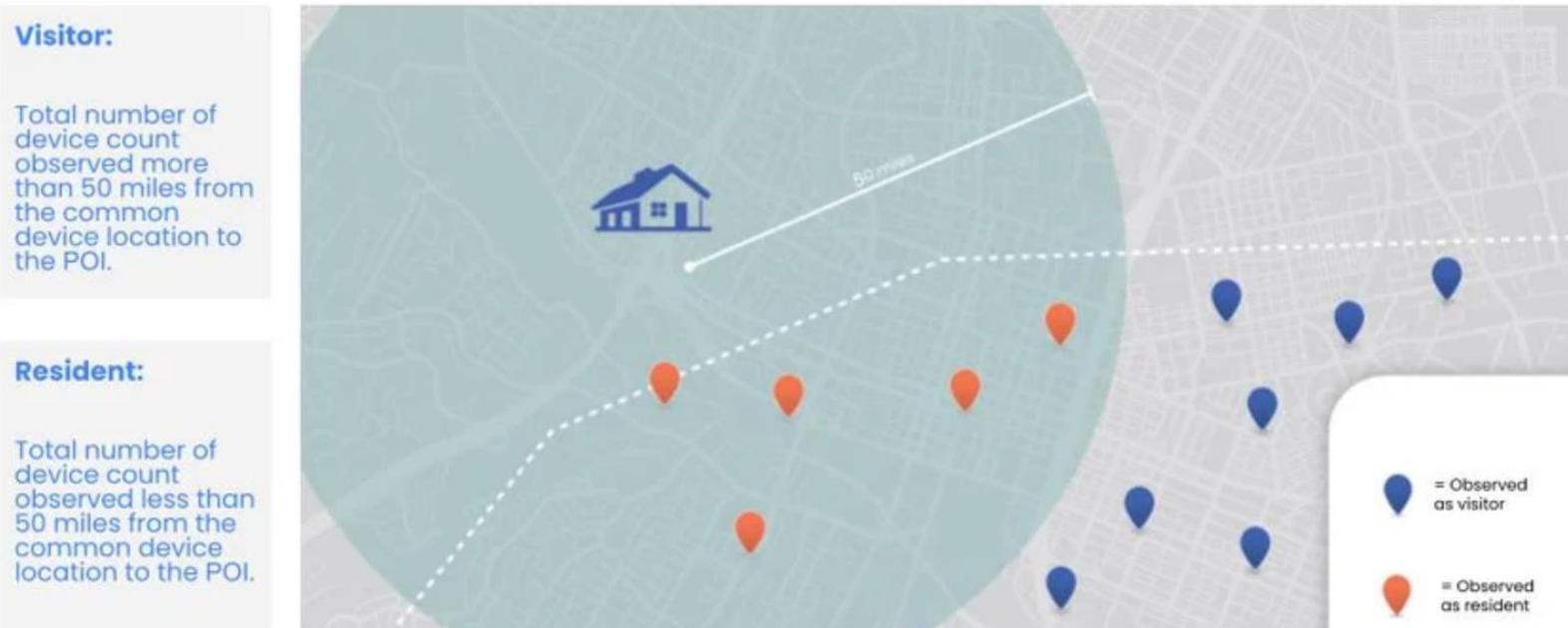


ZARTICO

A visitor is someone who has:

1. Come from over 50 miles from where they live or work,
2. Stayed for more than 2 hours in your destination, **and**
3. Have visited at least one place of impact.

Visitor In Location Data



Top Origin Markets - In-State & Out-of-State

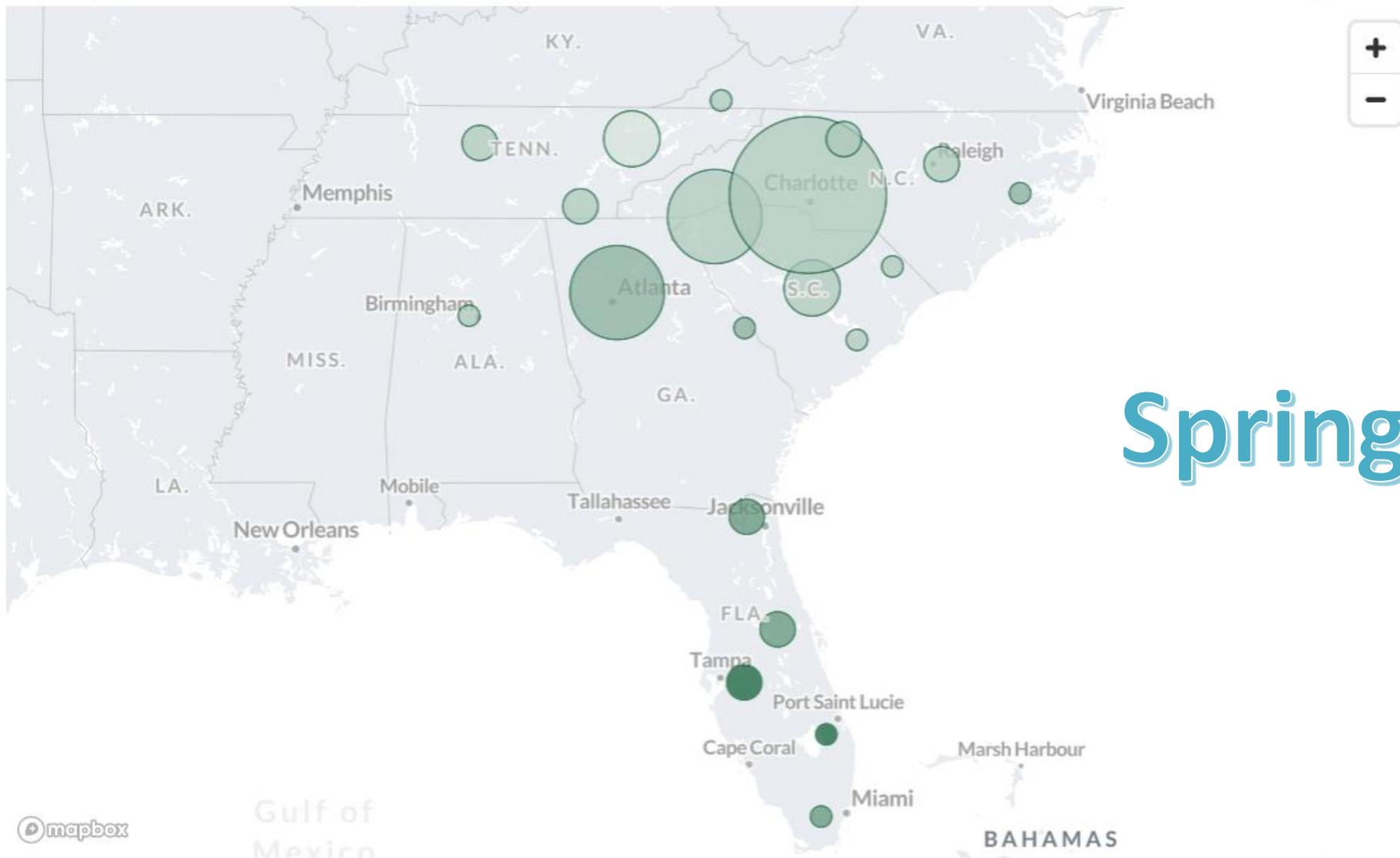
Avg. Visitor Spend: 46 98 150 203 255 307 360

% Visitors: 1% ... 3% ... 12%

Out-of-State Visitors
78.8%

Visitor % of Total
40.5%

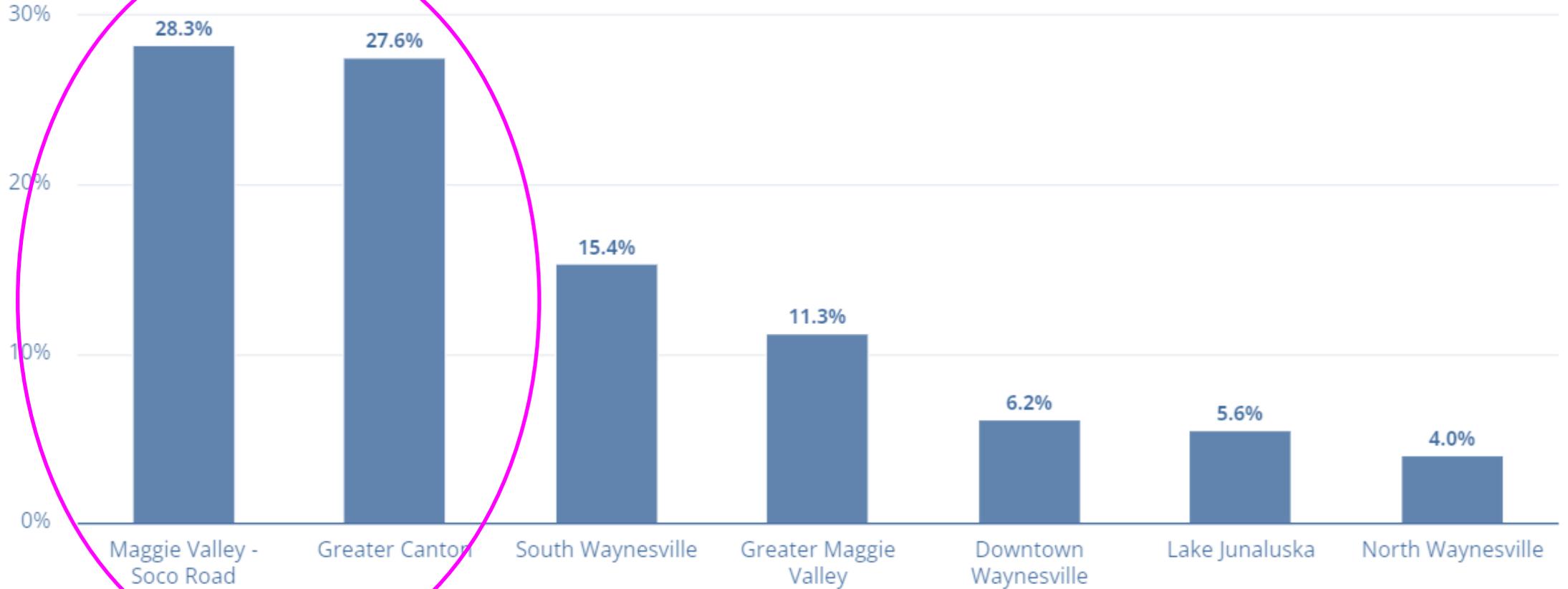
Visitor Spend % of Total
40.6%



Spring

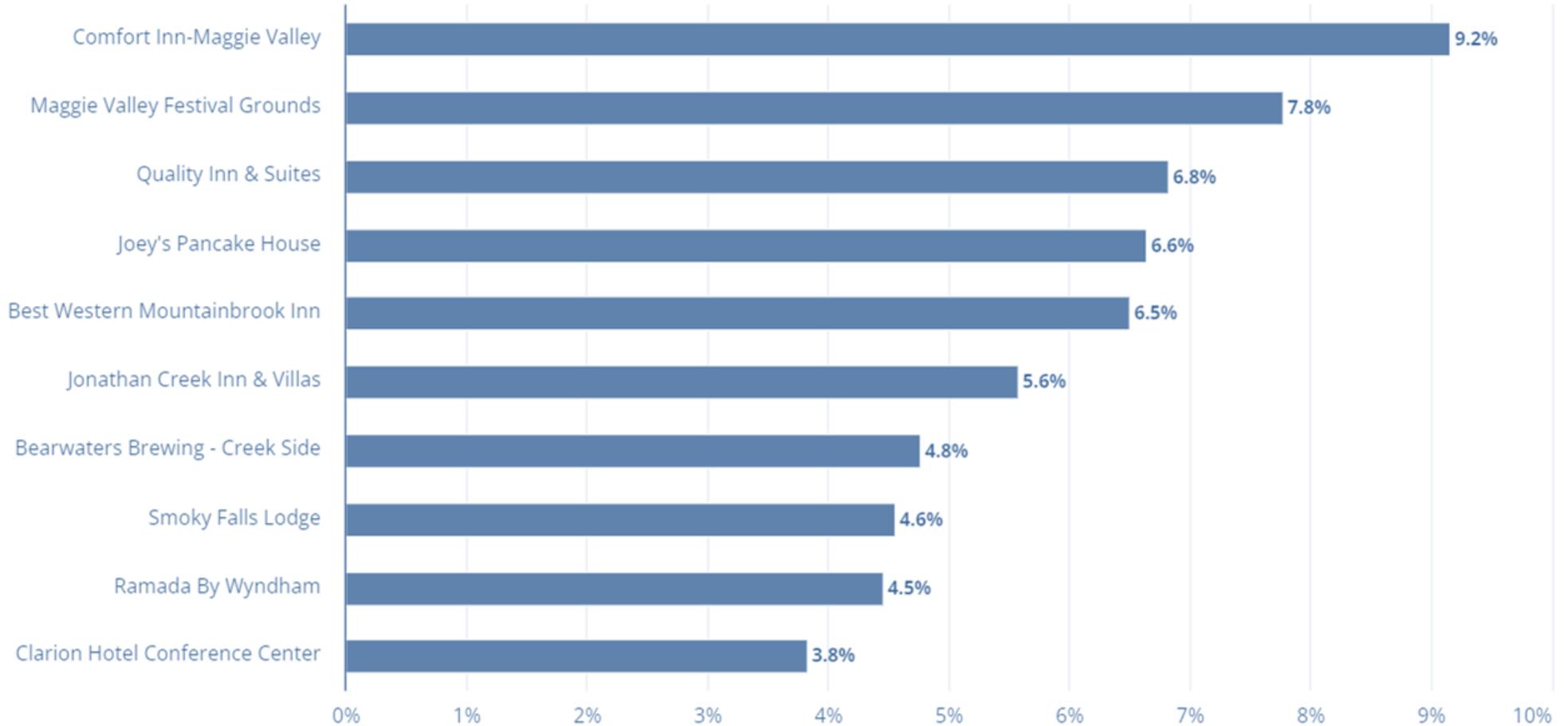


% Visitation by Region



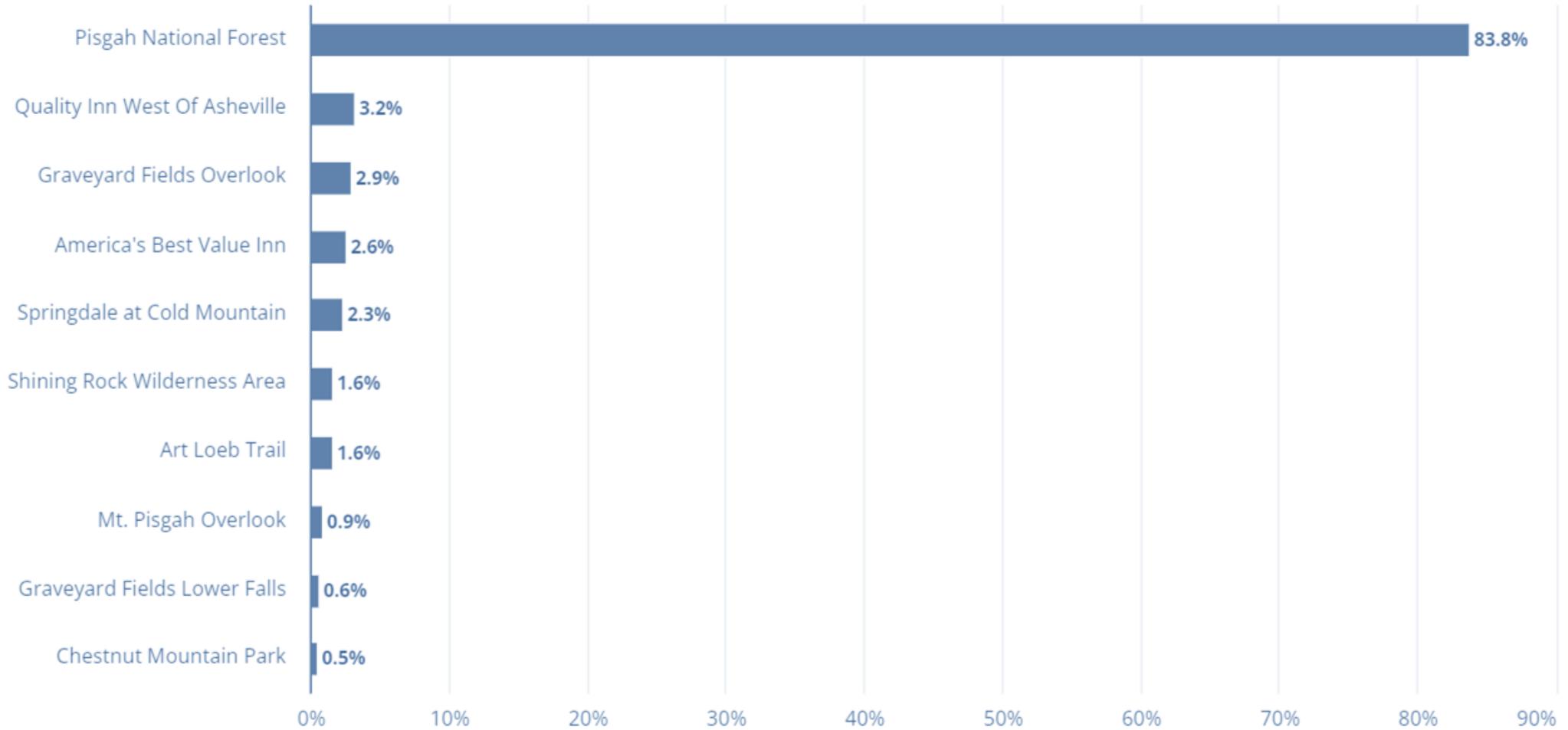
Top 10 Primary Places of Impact

Maggie Valley – Soco Road

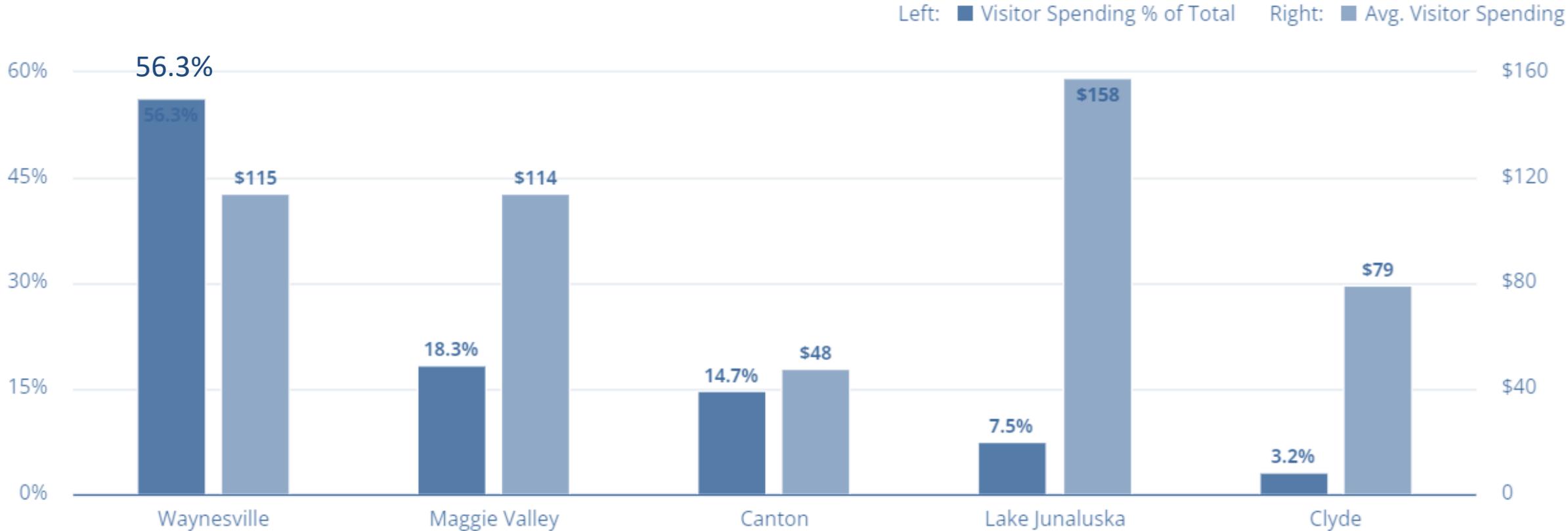


Top 10 Primary Places of Impact

Greater Canton



Visitor Spending by City





VISITNC  SMOKIES

Thank you!

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date 4/9/24**

SUBJECT Public Hearing to consider 486 East Marshall Street, known as the Historic Haywood County Hospital, PIN 8615-79-8480, to April 9, 2024.

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Development Services

Contact: Elizabeth Teague

Presenter: Elizabeth Teague

BRIEF SUMMARY: The Haywood Hospital at 486 East Marshall Street was listed in the National Register on June 18, 2018. After a multi-year renovation process, the Hospital was converted into the Brookmont Lofts Apartments and issued a Certificate of Occupancy as multi-family apartments on May 24, 2022. At their January 3 and February 7, 2024 meetings, the Waynesville Historic Commission heard and considered a request from the Brookmont Lofts, LLC to be considered for a Local Landmark, and recommend to Council that this property be designated in accordance with LDS Section 15.11.

MOTION FOR CONSIDERATION:

1. Adoption of the attached ordinance to designate Brookmont Lofts, and the property at 486 Marshall Street, PIN 8615-79-8480, as a Local Landmark, for April 9, 2024

FUNDING SOURCE/IMPACT: 50% reduction in property tax revenue from this property.

ATTACHMENTS:

1. Staff report
2. Draft Ordinance
3. Application
4. SHPO Comments

MANAGER'S COMMENTS: None

Town Council Staff Report

Subject: Request for Designation of a Local Landmark
486 East Marshall Street, PIN 8615-79-8480
Ordinance Sections: Section 15.11 of the Land Development Standards.
Applicant: Brookmont Lofts, LLC, John Stiltner,
Presenter: Elizabeth Teague, Development Services Director
Meeting Date: April 9, 2024

Background

The Haywood Hospital at 486 East Marshall Street was listed in the National Register on June 18, 2018. After a multi-year renovation process, the Hospital was converted into the Brookmont Lofts and issued a Certificate of Occupancy as multi-family apartments on May 24, 2022.

At their January 3 and February 7, 2024 meetings, the Waynesville Historic Commission heard and considered a request from the Brookmont Lofts, LLC to be considered for a Local Landmark. The application and report was also forwarded to the State Historic Preservation Office for comment. Both the Waynesville HPC and the State confirm that the documentation provided, the historic elements of the property, and the efforts of the owners to restore and maintain those elements, justify the designation as a local landmark and the tax benefits and demolition limitations associated with that designation.

In accordance with Chapter 15.11 of the Town's Land Development Standards and NCGS 160d, the Council can officially adopt an ordinance designating the property as a local landmark after a duly noticed public hearing.

Staff Recommendation:

The applicant has provided adequate documentation for the HPC and the Council to find that this property meets the criteria for designation as a local landmark because:

- 1) the hospital building and portion of the grounds are already on the National Register of Historic Places,
- 2) the applicant has provided documentation showing that the renovation and rehabilitation of the property maintains the historic integrity of the original architecture in a way that will preserve the structure even as it has converted its use to a multifamily residential facility, and
- 3) the State Historic Preservation Office confirms its support of the application; and
- 3) the applicant has made a significant investment into the rehabilitation of the property and will continue to maintain it.

The designation of a Local Landmark, provides an incentive for property owners to restore and maintain historic structures. The Brookmont Lofts project is a good example of re-investment and re-use of an historic structure.

Attachments:

1. Draft Ordinance
2. Application
3. Comment from the SHPO Office

Recommended Motion:

1. Motion to adopt the ordinance designating 486 East Marshall Street, PIN 8615-79-8480, as a local landmark.

ORDINANCE NO. O-11-24

**AN ORDINANCE DESIGNATING THE HISTORIC HAYWOOD
HOSPITAL
AT 486 EAST MARSHALL STREET AS A LOCAL HISTORIC
LANDMARK**

WHEREAS, the Historic Preservation Commission of the Town of Waynesville has taken into full consideration all statements and information presented at a public hearing held on the 7th day of February, 2024 on the question of designating a property known as the HISTORIC HAYWOOD HOSPITAL (PIN 8615-79-8480), and currently owned by BROOKMONT LOFTS, LLC, at 486 East Marshall Street, as a Local Historic Landmark; and

WHEREAS, the property known as the Historic Haywood Hospital (PIN 8615-79-8480) is owned and managed by Brookmont Lofts, LLC and the owners have made application for historic designation; and

WHEREAS, the property is listed on the National Register of Historic Places, and has therefore been recognized as an official historic landmark; and

WHEREAS, the Historic Preservation Commission finds that the property owners have demonstrated that this property at 486 East Marshall Street (PIN 8615-79-8480) possesses special significance in terms of its historical, architectural, and cultural importance, and that they have worked to restore and preserve the integrity of historic elements of the structure through documentation provided in their application; and

WHEREAS, the Historic Preservation Commission considered this request for local landmark designation at a hearing at their regular meeting of January 3, 2024, and continued until February 7, 2024, and unanimously recommends approval by the Waynesville Town Council in accordance with Section 15.11 of the Town of Waynesville Land Development Standards; and

WHEREAS, after notice duly given, a public hearing was held by the Waynesville Town Council on _____, April, 2024;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, AT A MEETING IN REGULAR SESSION ON _____ AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the property known as the Historic Haywood County Hospital (PIN 8615-79-8480) is hereby designated as a Local Historic Landmark pursuant to Chapter 160A-400.5 of the General Statutes of North Carolina.

ADOPTED this _____ Day _____ of 2024.

TOWN OF WAYNESVILLE

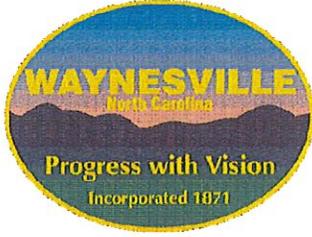
Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

Application for Designation as a Local Historic Landmark

Property Address/Location: 486 E. Marshall Street, Waynesville, NC 28786

Property PIN: 8615-79-8480 Property Zoning District: (NM-NC)

Owner Name: Brookmont Lofts, LLC Owner Phone #: (336) 714-8920

Owner Mailing Address: 401 E. 4th Street, Suite 203 Winston-Salem, NC 27101

Detailed description of the property's special significance in terms of its historical, pre-historical, architectural, or cultural importance, and its integrity of design, setting, workmanship, materials, feeling and/or association (attach additional pages if necessary):

Haywood County Hospital, established in 1927 in Waynesville, North Carolina, is locally significant for the medical care it provided as one of the region's largest hospitals during its operation from 1927 until 1979. The Classical Revival-style and Modernist buildings are also architecturally important as they feature distinctive characteristics of 1920's and 1950's hospital design. Beginning in 1927, the institution was the primary source of inpatient and outpatient medical treatment for the residents of Haywood County. Haywood County Hospital became North Carolina's first publicly funded county hospital. It was also the first of many North Carolina and South Carolina hospitals subsidized by a grant from the Duke Endowment, which supported the construction effort with a \$10,000 donation. The institution was in dire need of additional space by the mid-1930's, but improvements were not feasible until the passage of the 1946 Hill-Burton Act, which provided federal, state, and local funding for health care facility improvements throughout the nations.

Haywood County Hospital reflects both the design standards of the 1920's, intended to result in buildings that were commanding in appearance as well as fireproof and hygienic, and changes in medical technology, theory, and practice that coalesced with the desire for a fresh, progressive image for new facilities in the 1950's. In his design for the 1927 hospital, Charlotte architect Louis H. Asbury

This institution is an equal opportunity provider

employed classical architectural elements that evoke a sense of tradition and permanence. The imposing brick edifice features a stepped parapet, Indiana limestone cornice and water table, and double-hung multi-light wood sash. Interior finishes such as terrazzo floors and ceramic-tile wainscoting and floors were durable and easy to disinfect.

Asheville architect Lindsay M. Gudger prepared plans for the five-story, brick, Modernist 1952 addition, while Foy and Lee Associates, Architects, of Waynesville, designed the 1958 addition that doubled the real wing's size. The long rectangular form, horizontal massing, flat roof, sleek lines, smooth brick facades, and large multipaned steel sash express Modernist tenets in a pragmatic manner. The architects selected economical materials due to the limited construction budget. The contrasting texture and color of the 1958 wing's red brick walls, orange-brick stretcher-course accents, and cream concrete-block spandrels was an affordable means of adding interest and dimension. Large windows in every room and the southeast stair tower's full-height curtain wall supply abundant light and ventilation while creating a sense of openness and connectivity between the building interior and the surrounding landscape.

The additions encompassed air-conditioned operating and delivery rooms, private and semi-private rooms for up to four patients, nursing stations on each floor, a third-floor nursery, a medical library, a kitchen, and a morgue. Finishes such as ceramic-tile wainscoting, floors, and baseboards in the surgical suite, restrooms, kitchen, and morgue facilitated a hygienic environment. Built-in closets, cabinets, and lockers provided efficient storage and reduced furnishing costs. In the 1958 corridors, angled baseboards and aluminum handrails protected the walls from repeated strikes from gurneys and other equipment.

The hospital's period of significance begins in 1927 with the construction of the Classical Revival-style building and continues through 1968, encompassing the completion dates of the 1952 and 1958 additions. Haywood County Hospital continued to function at this location until moving to a new facility in 1979.

I,  , hereby petition the Historic Preservation Commission to formally designate my property (as identified above) a local historic landmark.

Date: 04/25/2023



**HISTORIC PRESERVATION CERTIFICATION APPLICATION
PART 3 – REQUEST FOR CERTIFICATION OF COMPLETED WORK**

Instructions: This page must bear the applicant's original signature and must be dated. NPS Project Number
34436

1. **Historic Property Name** Haywood County Hospital
Street 1230 North Main Street
City Waynesville County Haywood State NC Zip 28786-3310
Is property a certified historic structure? Yes No If yes, date of NPS certification 08/08/2016 OR date of National Register listing _____

2. **Project Data**
Project start date 09/30/2020 Project completed and building placed in service date 12/28/2021
Estimated rehabilitation costs (QRE) \$9,608,655 Total estimated costs (QRE plus non-QRE) \$11,343,983
Number of housing units before/after rehabilitation 0 / 55 Number of low-moderate housing units before/after rehabilitation 0 / 55

3. **Project Contact** (if different from applicant)
Name Heather Fearnbach Company Fearnbach History Services, Inc.
Street 3334 Nottingham Road City Winston-Salem State NC
Zip 27104 Telephone (336) 765-2661 Email Address heatherfearnbach@bellsouth.net

4. **Applicant** (List all additional owners on next page.)
I hereby attest that the information I have provided is, to the best of my knowledge, correct and that I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011). For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years. Additionally:
 If I am not the fee simple owner of the above described property, I have checked this box to attest that the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which statement (a) either is attached to this application form and incorporated herein, or has been previously submitted, and (b) meets the requirements of 36 CFR § 67.3(a)(1) (2011).
 Applicant, SSN, or TIN has changed since previously submitted application.
 There are no additional owners within the meaning of "owner" set forth in 36 CFR § 67.2 (2011).
Name Samuel J. Sari Signature (Sign in ink) [Signature] Date 08/15/2022
Applicant Entity Brookmont Lofts LLC SSN _____ or TIN 84-3050550
Street 406 E. Fourth Street City Winston-Salem State NC
Zip 27101 Telephone (336) 782-5976 Email Address devadmin@landmarkdevelopment.biz

NPS Official Use Only

The National Park Service has reviewed the Historic Preservation Certification Application – Request for Certification of Completed Work (Part 3) for this property and has determined that:

- the completed rehabilitation meets the Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, where applicable, the district in which it is located. Effective the date indicated below, the rehabilitation of the "certified historic structure" is hereby designated a "certified rehabilitation." This certification is to be used in conjunction with appropriate Internal Revenue Service regulations. Questions concerning specific tax consequences or interpretations of the Internal Revenue Code should be addressed to the Internal Revenue Service. Completed projects may be inspected by an authorized representative of the Secretary to determine if the work meets the Standards for Rehabilitation. The Secretary reserves the right to make inspections at any time up to five years after completion of the rehabilitation and to revoke certification, if it is determined that the rehabilitation project was not undertaken as presented by the owner in the application form and supporting documentation, or the owner, upon obtaining certification, undertook unapproved further alterations as part of the rehabilitation project inconsistent with the Secretary's Standards for Rehabilitation.
- the completed rehabilitation meets the Secretary of the Interior's Standards for Rehabilitation. However, because this property is not yet a "certified historic structure," the rehabilitation cannot be designated a "certified rehabilitation" eligible for Federal tax credits at this time. The property will become a "certified historic structure" on the date it or the historic district in which it is located is listed in the National Register of Historic Places. On that date, the completed rehabilitation will automatically become a "certified rehabilitation." It is the owner's responsibility to obtain such listing through the State Historic Preservation Office. Questions concerning specific tax consequences or interpretations of the Internal Revenue Code should be addressed to the Internal Revenue Service. Completed projects may be inspected by an authorized representative of the Secretary to determine if the work meets the Standards for Rehabilitation. The Secretary reserves the right to make inspections at any time up to five years after completion of the rehabilitation and to revoke certification, if it is determined that the rehabilitation project was not undertaken as presented by the owner in the application form and supporting documentation, or the owner, upon obtaining certification, undertook unapproved further alterations as part of the rehabilitation project inconsistent with the Secretary's Standards for Rehabilitation.
- the rehabilitation is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation.

A copy of this determination will be provided to the Internal Revenue Service in accordance with Federal law.

Date _____ National Park Service Authorized Signature (Sign in ink) _____
 NPS Comments Attached



HPO Use Only
Project No.:

Rev. 1/1/16

**HISTORIC PRESERVATION CERTIFICATION APPLICATION
 PART B – REQUEST FOR CERTIFICATION OF COMPLETED WORK**

Read the instructions carefully before completing. Upon completion of the rehabilitation, return this form with representative photographs of the completed project (both exterior and interior views) to the State Historic Preservation Office (HPO).

Check applicable box(es): Income Producing Non-income Producing

1. Name of property: Haywood County Hospital Street 1230 North Main Street
 City Waynesville County Haywood State NC Zip 28786-3310

For Non-Income Producing structures only, check applicable box:

- Located in a National Register or Certified Local Historic District; please complete Attachment 1.
- Listed individually in the National Register of Historic Places; give date of listing: 6/18/2018

2. Data on rehabilitation project:
 Project starting date: 09/30/2020 Rehabilitation work on this property was completed on: 12/28/2021
 Estimated rehabilitation expenses attributed solely to the rehabilitation of the historic structure: \$ 9,608,655
 Estimated rehabilitation expenses attributed to other new construction associated with the rehabilitation, including additions, site work, and landscaping: \$ 1,735,328

3. Owner: (space on reverse for additional owners)
 I hereby apply for certification of rehabilitation work described above for the purpose of the State Historic Rehabilitation Tax Credit Program for Historic Structures. I hereby attest that the information provided is correct to the best of my knowledge, and that in my opinion the completed rehabilitation meets the Secretary's Standards for Rehabilitation and is consistent with the work described in the "Historic Preservation Certification Application Part A – Description of Rehabilitation." I also attest that I own the property described above.

Name Samuel J. Sari Signature  Date 8/15/2022
 Company Brookmont Lofts LLC Social Security or Taxpayer Identification Number 84-3050550
 Street 406 E. Fourth Street City Winston-Salem State NC Zip 27101
 Telephone 336-782-5976 Email Address devadmin@landmarkdevelopment.biz

HPO Use Only	
The HPO has reviewed the "Historic Preservation Certification Application Part B" for the above-named property and the SHPO has determined:	
<input type="checkbox"/> that the property contributes to the significance of the above-named National Register or certified historic district and is a "certified historic structure" for the purpose of the State Tax Credit for Rehabilitating Historic Structures. (Non-income Producing structures only)	
<input type="checkbox"/> that the property does not contribute to the significance of the above-named National Register or certified historic district, and therefore, the property is not a "certified historic structure" for the attached given reasons. (Non-income Producing structures only)	
<input type="checkbox"/> that the completed rehabilitation meets the Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, where applicable, the district in which it is located. Effective the date indicated below, the rehabilitation of the "certified historic structure" is hereby designated a "certified rehabilitation." This certification is to be used in conjunction with appropriate Department of Revenue regulations. Questions concerning specific tax consequences or interpretations of North Carolina income tax rules and bulletins should be addressed to the Department of Revenue.	
<input type="checkbox"/> that the rehabilitation is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation for the attached given reasons.	
Deputy SHPO _____	Date _____



www.rowhousearchitects.com
 1700 Park Avenue
 Asheville, NC 28801
 Tel: 828.251.2844
 Fax: 828.271.1871

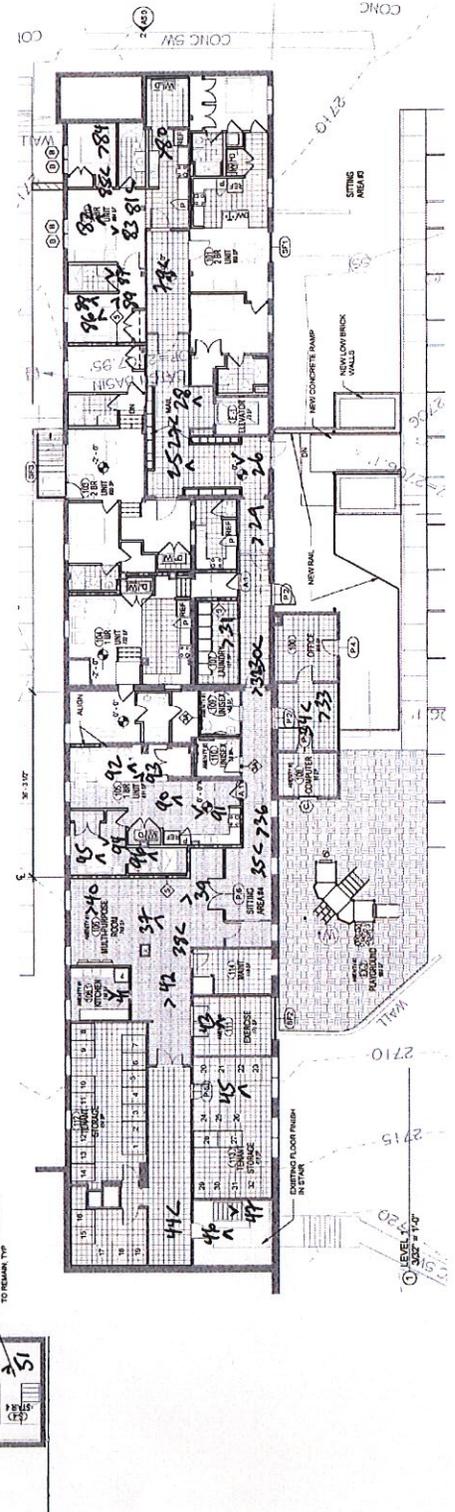
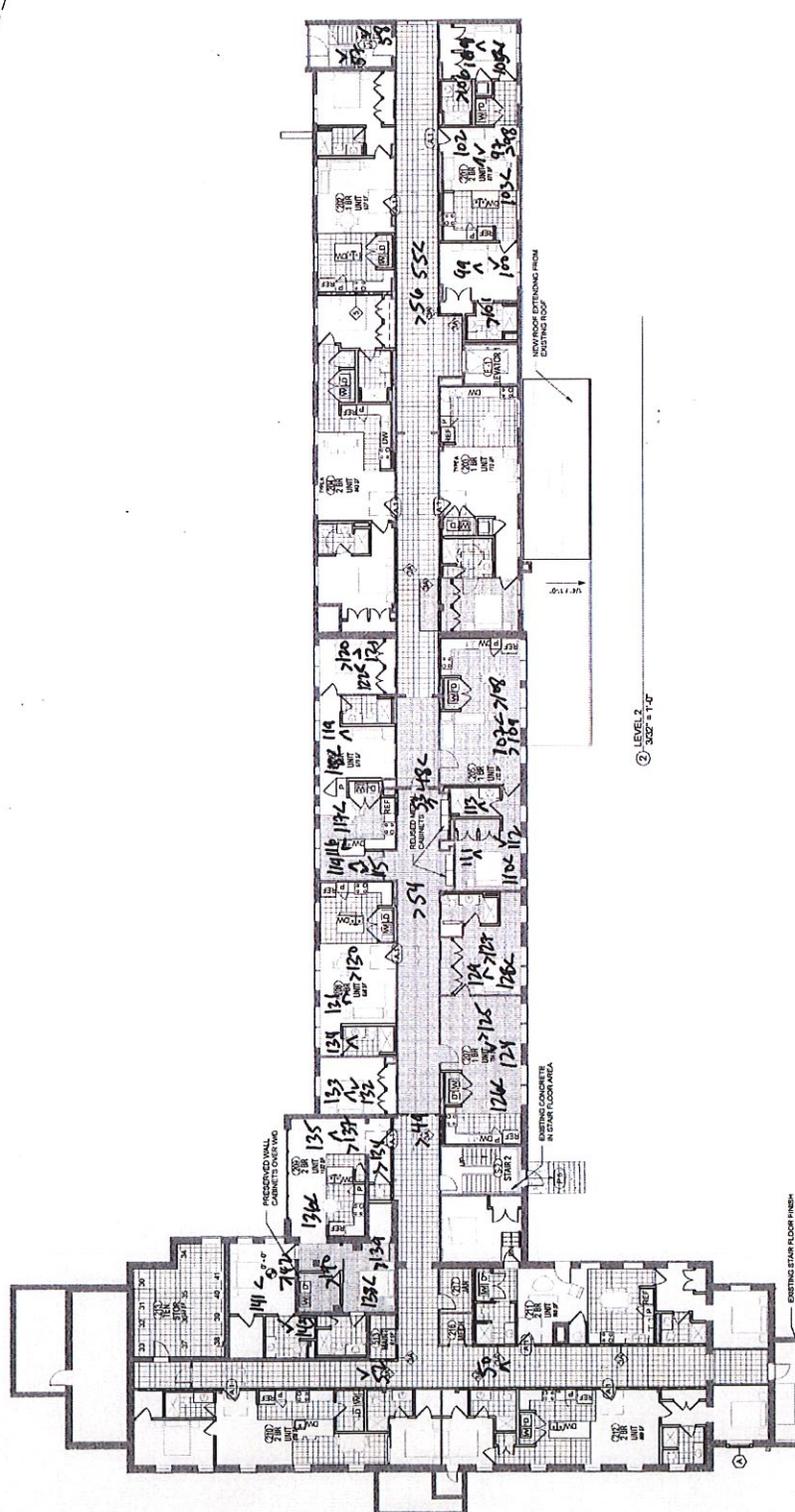
BROOKMONT LOFTS
A FAMILY DEVELOPMENT
 WAYSVILLE, NC

- 12" SQUARE VCT
 - COMMERCIAL GRADE CARPETING
 - EXISTING CERAMIC TILE TO REMAIN
 - EXISTING TERAZZO FINISH
- DOOR LEGEND**
- CASED OPENING (WOOD TRIM SUPPORT)
 - DOUBLE DOOR
 - ALUM. CLAD WOOD DOOR (TRIPLE SLIDER)
 - SINGLE DOOR
 - INTERIOR WOOD SLEER
- PARTITION KEY**
- UNRATED WALL SEE SHEET A4.0 FOR WALL TYPES PARTITION/INSULATED
 - 2 HOUR RATED WALL SEE SHEET A4.0 FOR WALL TYPES
 - 1 HOUR RATED EXISTING WALL SEE SHEET A4.0 FOR WALL TYPES
 - EXISTING MASONRY WALL

- ANNOTATION KEY**
- EXTENSION ELEVATION VIEW & SHEET #
 - INTERIOR ELEVATION VIEW & SHEET #
 - COMPONENT TYPE
 - DOOR TYPE
 - EXPRESS DOOR TAG
 - WINDOW TYPE
 - ROOM NAME, #, AND AREA
 - BUILDING SECTION VIEW & SHEET #
 - WALL SECTION VIEW & SHEET #
 - CLG. HEIGHT
 - WALL TYPE
 - ENLARGED DETAIL OR CALLOUT
- NOTE:** SEE SHEET A4.0 FOR ALL LENGTH REQUIREMENTS & CONTROL POINTS

SYMBOL	DESCRIPTION
(Symbol)	EXTENSION ELEVATION VIEW & SHEET #
(Symbol)	INTERIOR ELEVATION VIEW & SHEET #
(Symbol)	COMPONENT TYPE
(Symbol)	DOOR TYPE
(Symbol)	EXPRESS DOOR TAG
(Symbol)	WINDOW TYPE
(Symbol)	ROOM NAME, #, AND AREA
(Symbol)	BUILDING SECTION VIEW & SHEET #
(Symbol)	WALL SECTION VIEW & SHEET #
(Symbol)	CLG. HEIGHT
(Symbol)	WALL TYPE
(Symbol)	ENLARGED DETAIL OR CALLOUT

- GENERAL NOTE:** DIMENSIONS ARE FROM FACE OF STUDO ON FACE OF CONCRETE TO FACE OF STUDO ON FACE OF CONCRETE UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO FACE OF WALLS UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO FACE OF WALLS UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO FACE OF WALLS UNLESS NOTED OTHERWISE.
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**Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022**



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**Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022**



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**Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022**



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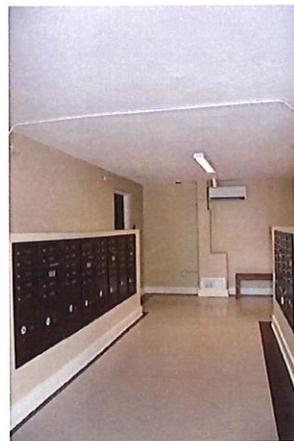
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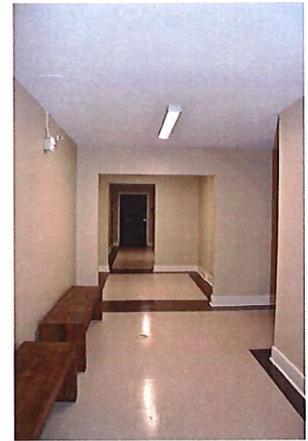
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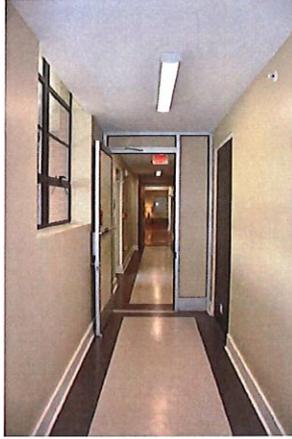


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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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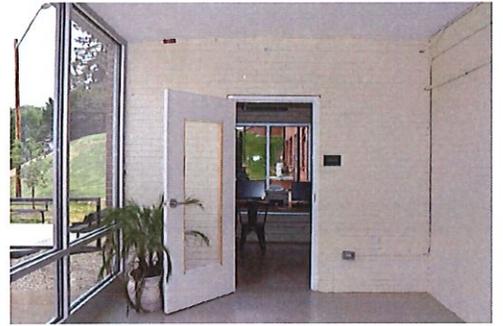
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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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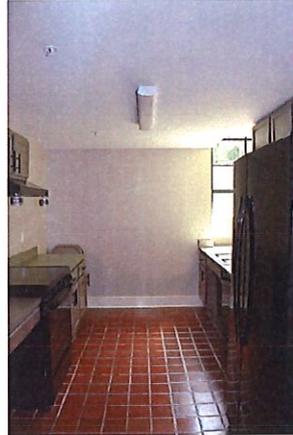
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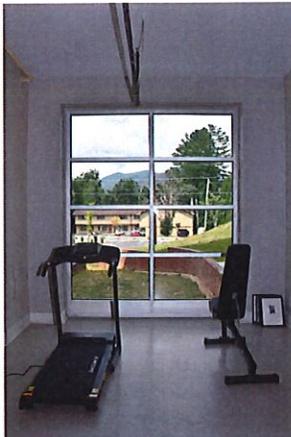
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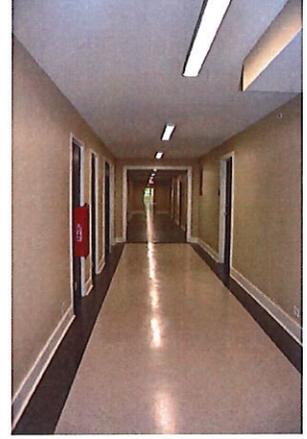
Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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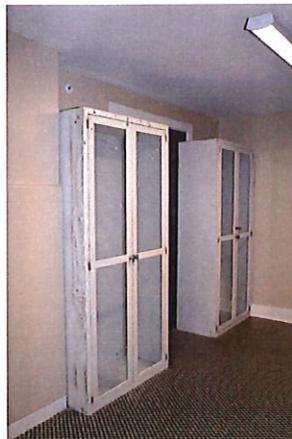
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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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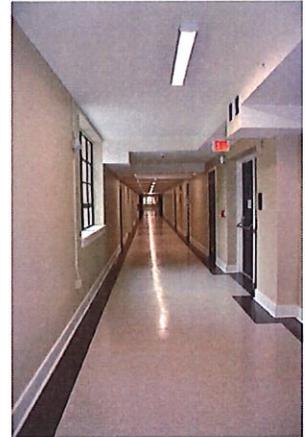
Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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078



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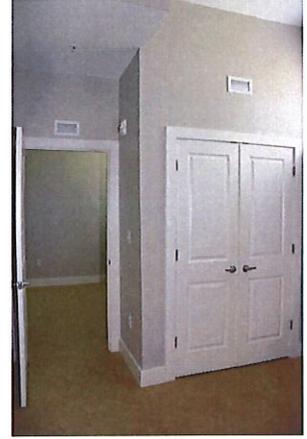
Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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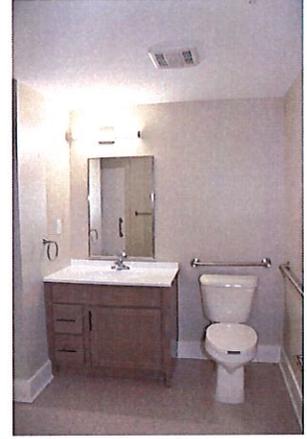
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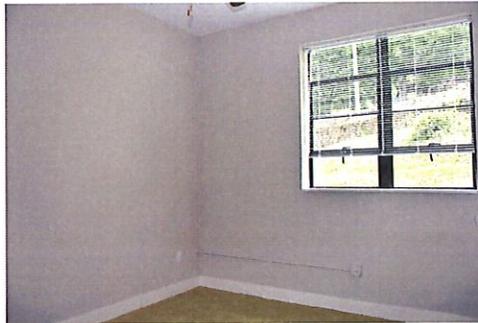
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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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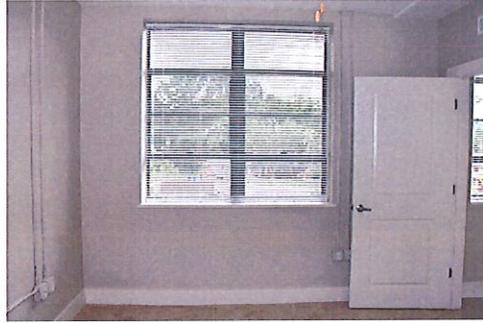
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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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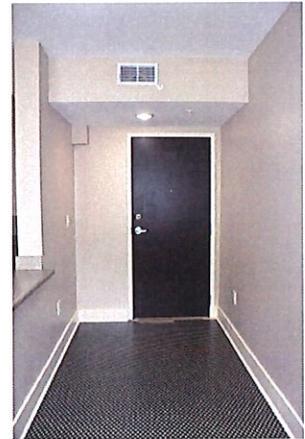
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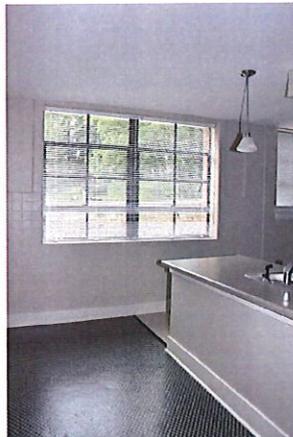
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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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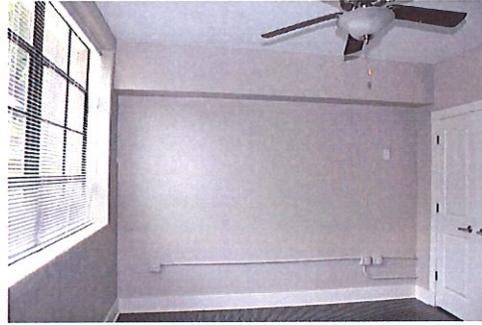
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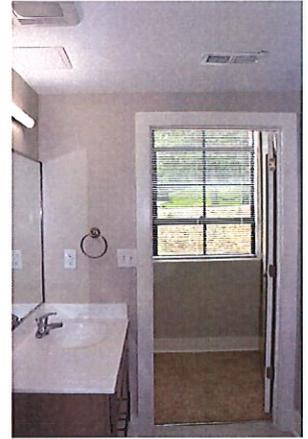
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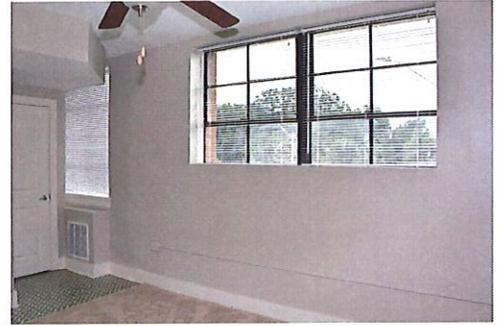
Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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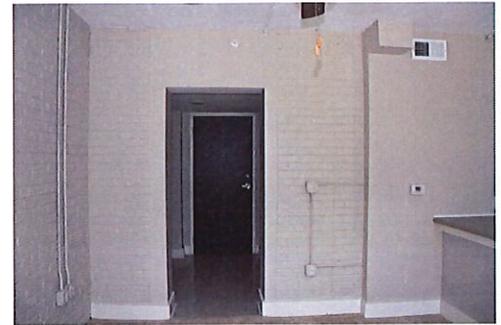
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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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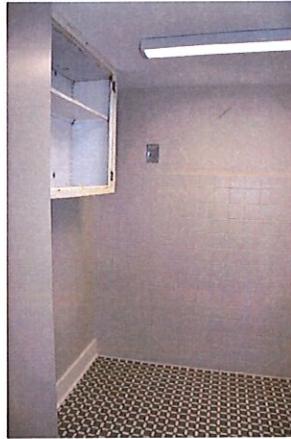
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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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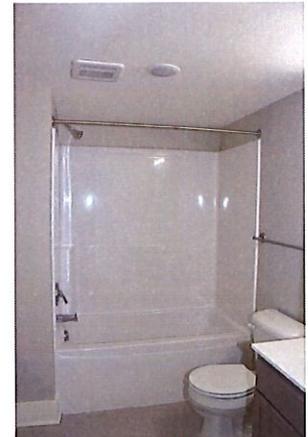
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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



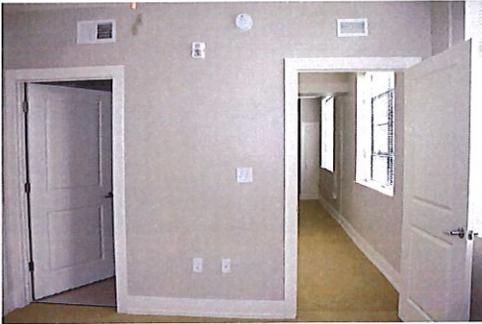
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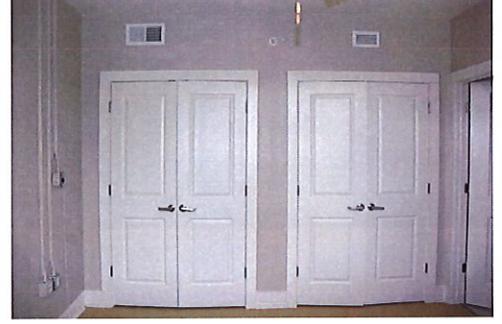
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HW0079_Waynesville_
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**Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022**



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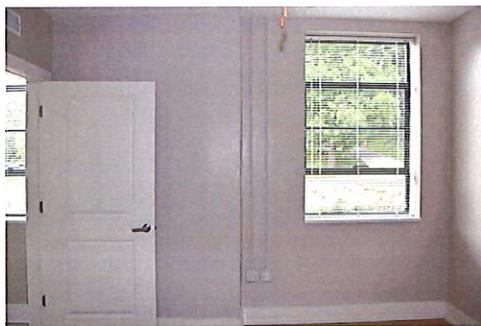
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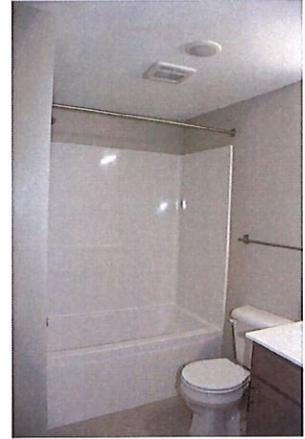
Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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**Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022**



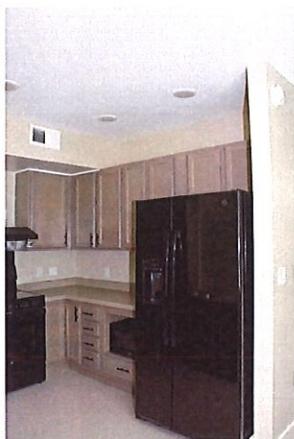
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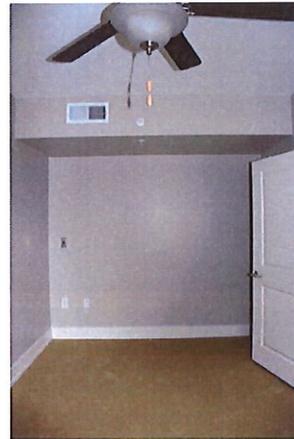
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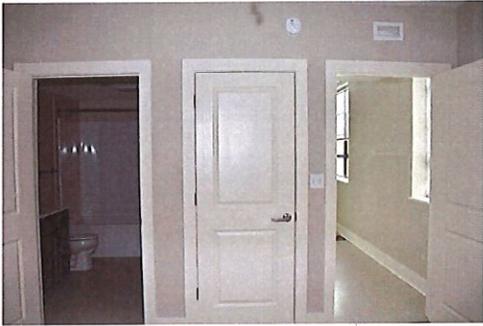


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_hf_189**

Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



HW0079_Waynesville_
1230NMainSt_Unit404_7-25-2022
_hf_190



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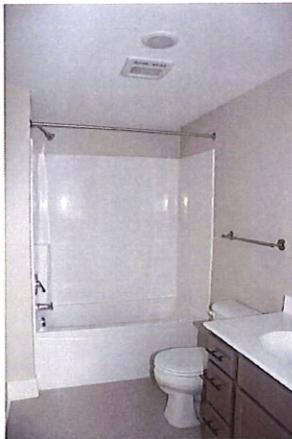
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Heather Fearnbach, photographer, July 25, 2022**



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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022



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**Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022**



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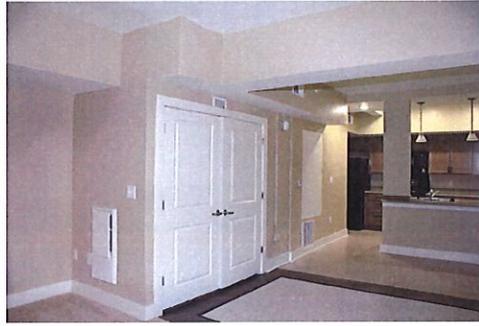
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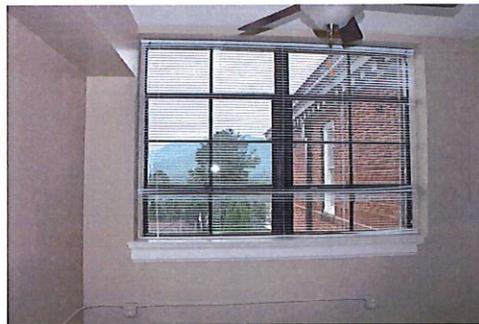
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1230NMainSt_Unit511_7-25-2022
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**Haywood County Hospital, 1230 North Main Street, Waynesville, Haywood County, NC
Heather Fearnbach, photographer, July 25, 2022**



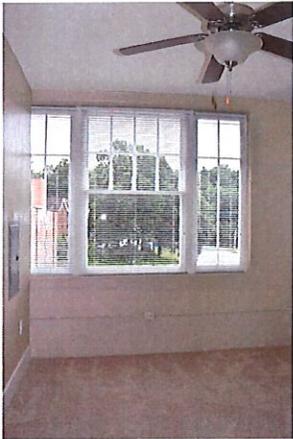
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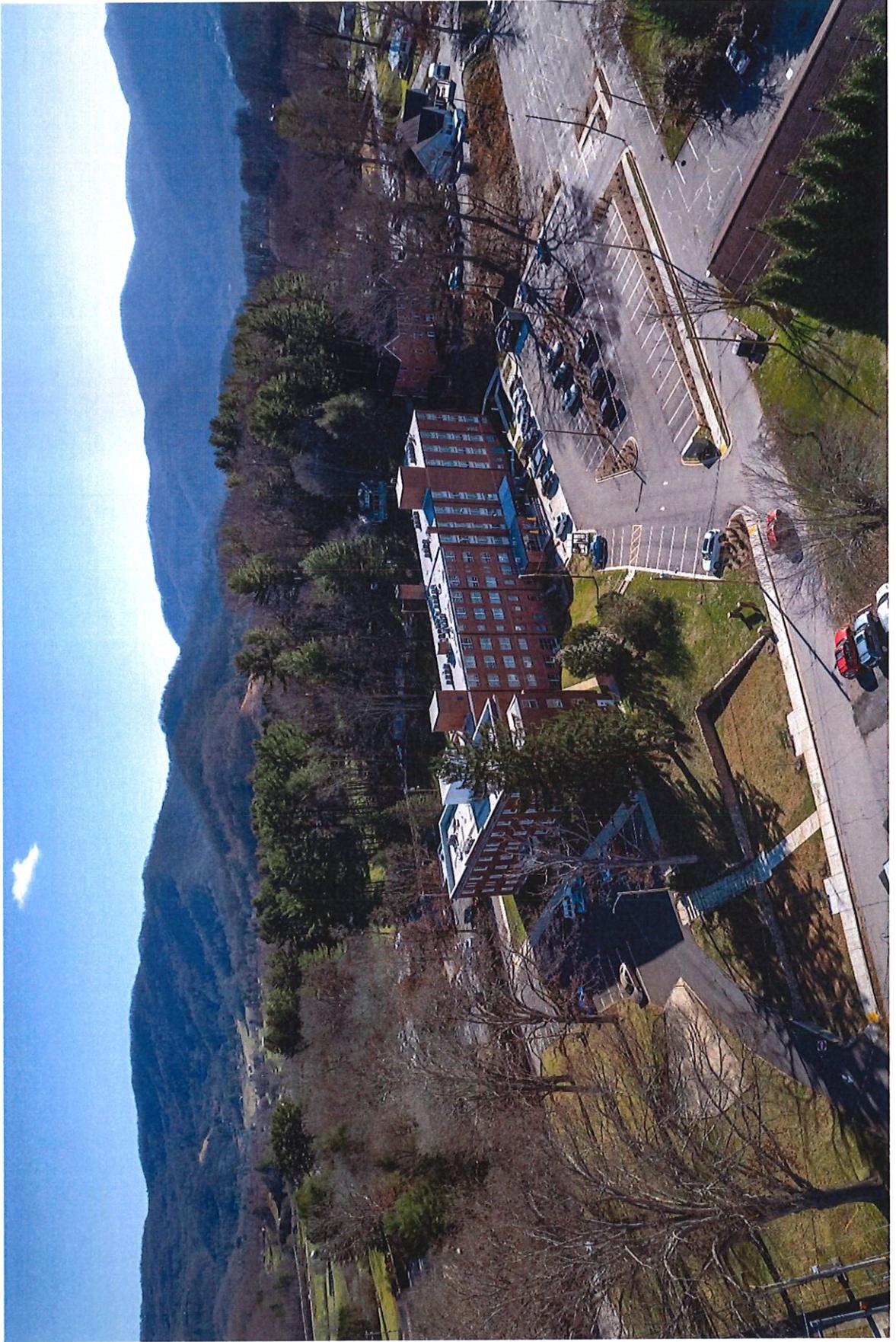
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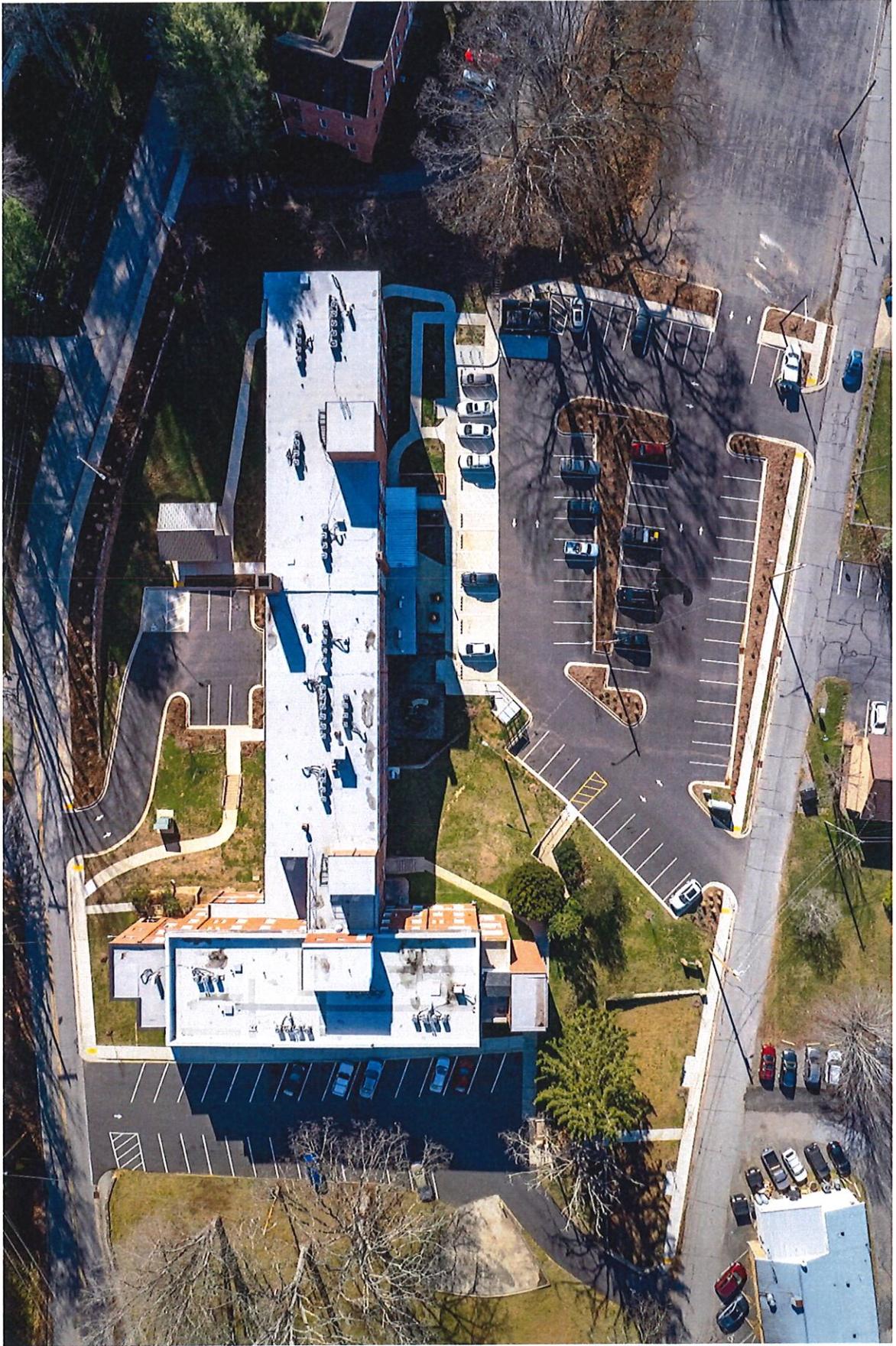


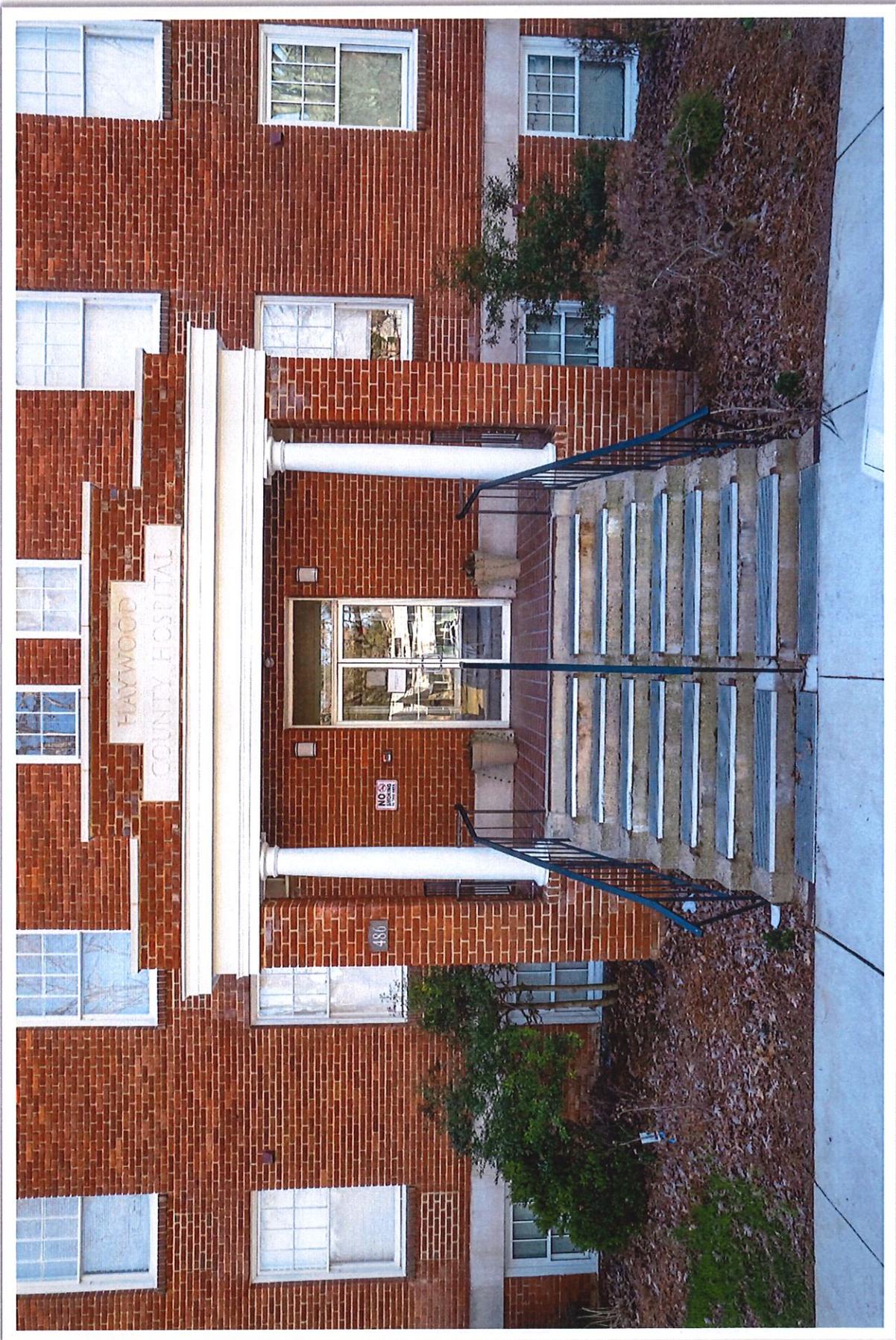
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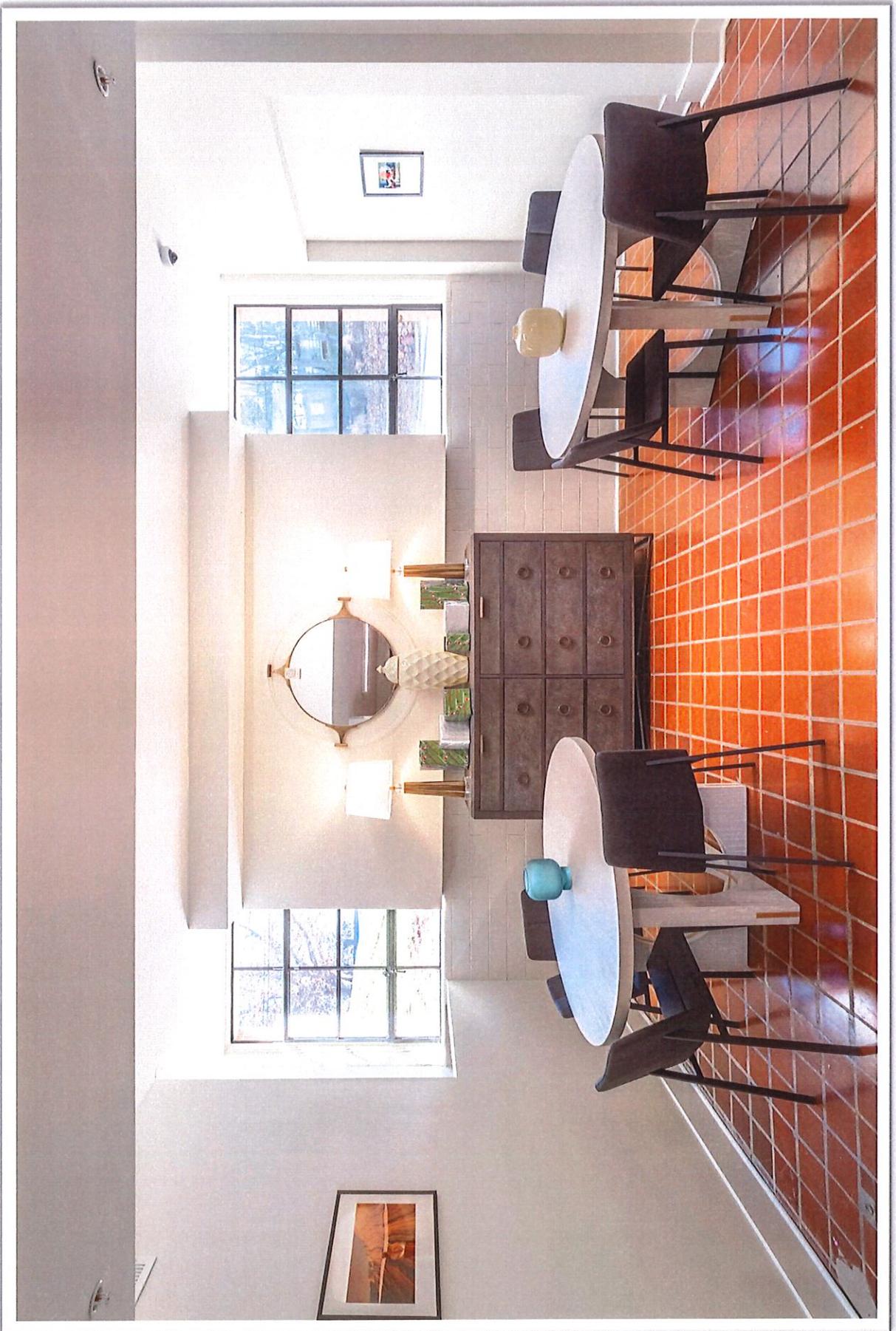


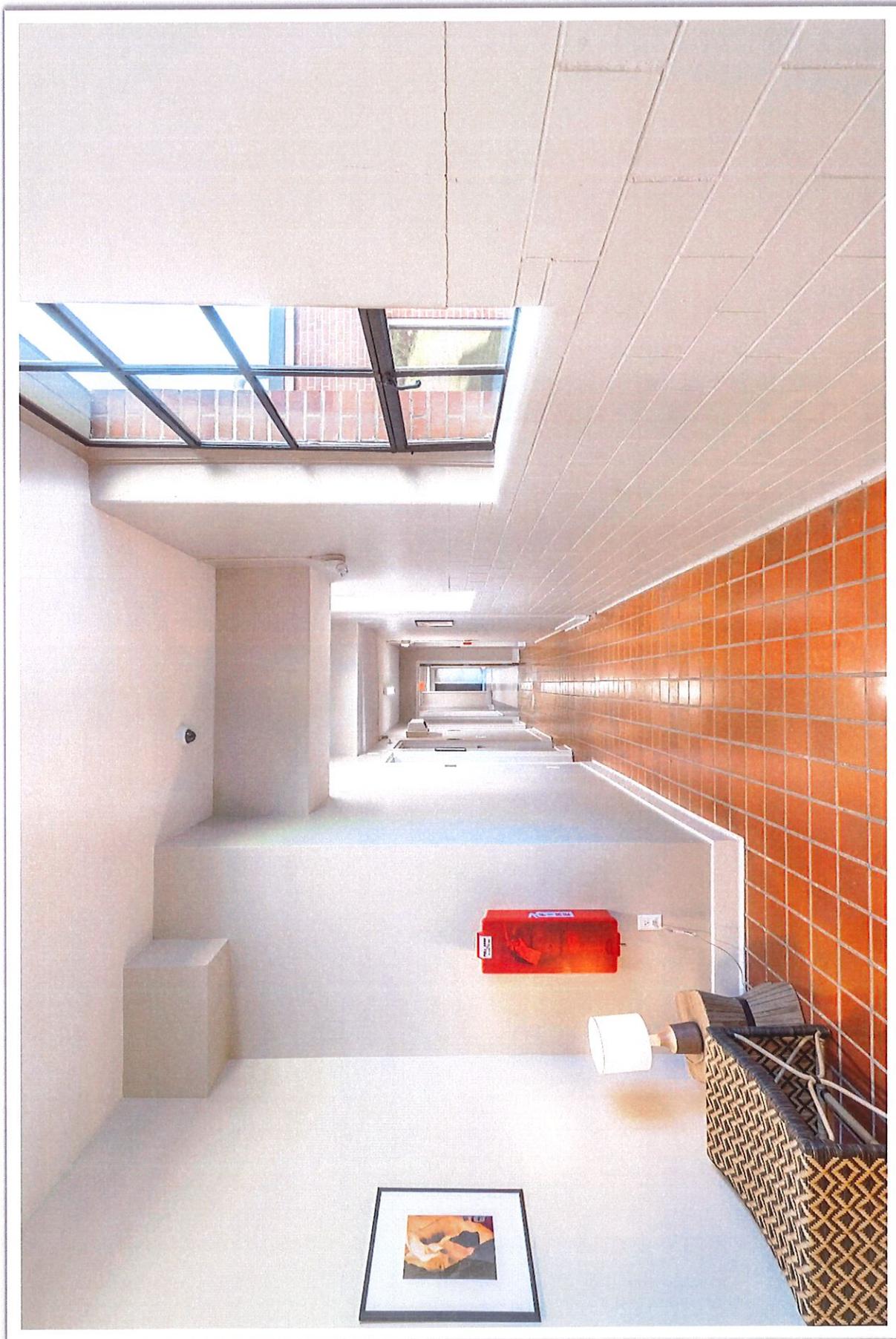
















North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

June 30, 2023

Byron Hickox
9 South Main St., Suite 110
Waynesville, NC 28786

RE: Proposed Designation of the **Haywood County Hospital, 486 E. Marshall St., Waynesville, Haywood County.**

Email: bhickox@waynesvillenc.gov

Dear Mr. Hickox:

Thank you for the report we received on the proposed designation of the Haywood County Hospital, 486 E. Marshall St., Waynesville, Haywood County. We have reviewed the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

According to the report, Haywood County Hospital is of special local significance because of the important role it played in providing medical care to the region during the early to late twentieth century. It is also of architectural significance as the Classical Revival-style and Modernist buildings feature distinctive characteristics of 1920s and 1950s hospital design.

We have shared recommendations with staff to perform several changes to the report including more information about the property's special significance, a more robust building description, analysis of historic integrity, proposed designation boundaries, source citations, and clarification about which portions of the property are proposed for designation. Several of these items can be easily addressed by attaching the 2018 National Register nomination for the property. With these changes, we believe the designation report will provide the preservation commission and local governing board sufficient information to determine whether the Haywood County Hospital possesses the requisite special local significance and integrity for local historic landmark designation.

Local landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance of the property would be subject to the design review procedures of the preservation

commission. The owner may receive an annual deferral of up to fifty percent of the property taxes for as long as the property is designated and retains significance and integrity. (N.C.G.S. 105-278 *et seq.*).

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, non-binding. Once the governing board has received a recommendation from the Waynesville Historic Preservation Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

This letter serves as our comments on the proposed designation of the Haywood County Hospital. Please contact me at kristi.brantley@ncdcr.gov or 919-814-6576 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is written in a cursive, flowing style with a long, sweeping tail on the letter "y".

Kristi Brantley
Local Preservation Commissions/CLG Coordinator

CC: Commission Chair

Enclosure

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date:

SUBJECT: Fire Department Part-Time Budget Amendment

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Fire

Contact: Assistant Chief Chris Mehaffey

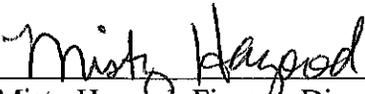
Presenter: Chief Joey Webb Sr.

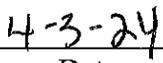
BRIEF SUMMARY:

The part-time budget was decreased the previous two years due to not enough part-time staff to fill open shifts. Staffing has increased and we are now able to fill open shifts. Requesting enough funding to staff previously approved shifts (two positions, 7am-7pm, 7 days). This is especially important as summer approaches and we attempt to cover the north side of the district around the Russ Avenue road-construction.

MOTIONS FOR CONSIDERATION:

FUNDING SOURCE/IMPACT:


Misty Hagood, Finance Director


Date

ATTACHMENTS:

- Budget Amendment

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval

Ordinance No. O-20-24

Amendment No. 22 to the 2023-2024 Budget Ordinance

WHEREAS, the Town Council of the Town of Waynesville wishes to amend the 2023-2024 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville that the 2023-2024 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Fund Balance Appropriation	\$45,000
----------------------------	----------

Increase the following appropriations:

Fire Department	\$45,000
-----------------	----------

Adopted this 9th day of April 2024.

Town of Waynesville

Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 9, 2024**

SUBJECT: Downtown Waynesville Full Fiscal Campaign Proposal

AGENDA INFORMATION

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Beth Gilmore, Downtown Waynesville Commission Executive Director
Presenter: Beth Gilmore, Downtown Waynesville Commission Executive Director

BRIEF SUMMARY:

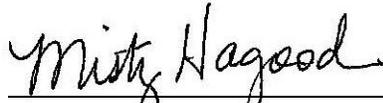
The Downtown Waynesville Commission (DWC) would like to contract with Kanipe Creative to develop a 12-month marketing campaign to drive the “Appalachian True” brand and create and deliver an archive of content for marketing and promotions, website and social media. The ultimate goal is to increase awareness about downtown Waynesville, attract guests and residents to spend more time downtown and drive consumer spending.

Kanipe Creative focuses on small town travel and tourism and was selected in 2022 to develop the downtownwaynesville.com website.

The proposed contract includes a complete communications plan outlining 12-months of messaging across digital and social media platforms; a proprietary “NowHive Scannable Signage” system that will establish a virtual visitor center accessible by scannable signs placed throughout the district; campaign management for the downtownwaynesville.com website and social media channels; analytics to measure visitor traffic and audience; and 8-months of placed ads. By contracting with Kanipe, we will be able to consolidate our ad spending through one outlet as part of a coordinated strategic campaign, rather than through individual contracts for randomly placed ads.

MOTIONS FOR CONSIDERATION

Motion to approve the Full Fiscal Campaign Proposal by Kanipe Creative.



Misty Hagood, Finance Director

4/3/24

Date

FUNDING SOURCE/IMPACT

The DWC would like to spend up to \$16,000 of funds remaining in their current budget for “other advertising” toward the Kanipe Creative proposal. Remaining funds will come from the FY 2024-25 budget for “other advertising”.

ATTACHMENTS

Full Fiscal Campaign Proposal by Kanipe Creative

MANAGER’S COMMENTS AND RECCOMENDATIONS



**FULL FISCAL
CAMPAIGN
PROPOSAL**



Downtown Waynesville

CAMPAIGN OVERVIEW

OVERVIEW:

Downtown Waynesville would like to create a campaign to help promote visitation in their area during the new fiscal year. This campaign will be focused on the highlighting the Outdoors, History, Arts, Food, Drink, Shopping and more. The following proposal will outline the process and deliverables of the campaign. This proposal is our suggestion of updates, projects, content and media needed to increase site visits, social followers and local spending.

GOALS:

- Increase awareness
- Drive site traffic
- Raise time on site
- Lower bounce rates
- increase user sign ups for email

MEASUREMENT:

We will use Google analytics, previous targeted media campaigns and state averages to set baselines for the campaign performance

TIMELINE:

The new fiscal campaign will launch July 1, 2024 and run until June 30, 2025. With budget and scope approval, a full Communications Plan will be developed that outlines the deliverables and messaging timeline. (There may be months of less media based upon budget or message)



FOUNDATION UPDATES



Downtown Waynesville

FOUNDATION PROJECTS

Communications Plan:

With budget and scope approval, a full Communications Plan will be developed that outlines the deliverables and messaging timeline.

NowHive Scannable Signage:

We will set up a Virtual Visitor Center scannable signs in local shops, restaurants and high trafficked areas of the downtown to get access to a quick overview of things to do. This includes lists of places to shop, eat and stay.

Set up includes a single NowHive point, uploading of content to that point, and design of table signage. It does not include sign holders or printing.

Also includes (2) additional NowHive points content and use TBD by client

Analytics / Campaign Overview

We will set up benchmarks for you site performance. Using these benchmarks, we will track campaign performance through out the 8-months. This includes building an overview deck of all creative, content, and analytics that is updated monthly and sent to the client.

Campaign Management

We will rotate content on your Website during the campaign. We will update your Scannable Signage for each part of the campaign. We will build all the creative and schedule all your brand social posts as part of the campaign.

===



CONTENT & MEDIA PLAN



Downtown Waynesville

CONTENT PLAN

We will work with you to develop a content-led media approach for your brand. Unlike traditional media, content-led media plays a more active role with the visitor. It goes beyond pretty images and clever headlines to show them what to expect, give them suggestions on what to do, and help them make and share plans.

We send our influencers and writers to your area to learn about what you have to offer. Then we develop custom content that aligns with your brand: Blog articles that build the history and personality of your region. Videos that bring to life local attractions or personalities. Tours that give visitors a plan on where to stop and what to do next.

(3) Blogs

We will write a series of blogs that promote area attractions, shops, personalities and things to do. These blogs will give visitors a better idea of where to go and how to spend their time. We will invite various travel writers and social influencers to contribute.

(2) Tours

We will curate and write tours that include area stops organized around audience interests. Tours could include Outdoor adventure weekends for the warmer and colder weather, Foodie tours, Girlfriend shopping weekends, and more.

(8 MONTHS) Social Roadmap

All your branded social posts are planned and scheduled for the year. Better yet, they are designed to initiate discussion and grow your audience.

===

RECAP CONTENT DELIVERABLES:

(3) Blogs with topics to be determined

(2) Tours with topics to be determined

(8 months) Social Roadmap and scheduled postings



Downtown Waynesville

MEDIA PLAN

Once your content is ready, we promote what your city has to offer to visitors who have similar interests. Tours about kayaking and hiking are targeted to outdoor enthusiasts. Videos about local chefs are sent to foodies. You and your visitors instantly have something in common. You become part of the conversation, build a loyal audience, and not a single media impression is wasted. Visitors develop a connection with you that makes them say, "Let's go there."

TIMING OF MEDIA (6 months)

mid-August through mid-December 2024

March through June 2025

(8 MONTHS) Targeted Display Media

Display Targeting is a media channel in which you can target your ideal customer and serve them display ads wherever they are online. With Display Targeting you can serve your ad to consumers based on demographics, shared interests, geography, and their online browsing habits. This allows you to advertise to the right person, at the right place, at the right time. With its immense adaptability, Display Targeting is a great tool to drive large amounts of visitors to your site, further define your targets and not waste any marketing dollars.

(8 MONTHS) Targeted Search Media

Search Targeting will allow us to target competitive cities and events. This will be a smaller part of your buy year one as we learn more about your audience.

(2) Targeted Seasonal Emails

Our emails are sent to a highly targeted list of more than 85,000 visitors and prospects who have asked to learn more about North Carolina and Virginia.

(8 MONTHS) Social Posts

All your branded social posts are planned and scheduled for the year. Better yet, they are designed to initiate discussion and grow your audience.

===

RECAP DIGITAL MEDIA DELIVERABLES:

(8 months) Targeted Display Media

(8 months) Targeted Search Media

(2) Seasonal eNewsletters to an opt-in list of 120,000 as well as any client lists

(8 months) Scheduled social posts and (2) social promotions

Monthly Campaign Impressions: Avg. 1.5 Million

Total Campaign Impressions: 12 Million



PRICING



Downtown Waynesville

PRICING

This estimate is an all-inclusive proposal this includes all site updates, design, creative, development, trafficking, and specified media as outlined on the previous pages:

- **Foundation Projects**
- **Content Development**
- **Media Plan and Placement**

\$38,500

(This is an estimate cost for the outlined deliverables. It can flex up or down based upon final deliverables. A final estimate will be created after client discussion and development of a Communications Plan)

===

All the content for this campaign will be developed upfront in order to stay in budget. I will need a signed proposal to start the booking and planning process for content development. Payment for the campaign will split into three payments with a weighted payment upfront to cover initial media costs, writing and video expenses.

Client Signature



Downtown Waynesville

RECURRING COSTS

This page indicates recurring costs after year one of the campaign if you choose to keep the service:

- **Nowhive Scannable Signage**

\$1,500

===

Client Signature



**OPTIONAL
PROJECTS**



Downtown Waynesville

OPTIONAL PROJECTS

Rewards You Program

Rewards You is a savings program that supports local businesses by encouraging visitors to stay longer and spend more. Participating businesses agree to a 10% discount on products and services. There is no special equipment to buy. There is no e-commerce or credit card collection. The entire process happens at checkout. Visitors simply scan a sign with the camera on their phone and show their rewards card. The discount is applied immediately by the merchant. There is zero cost to the business or visitor to participate.

Starting at \$8,500

(Includes signage design for tabletop, does not include signage printing or promotion, renews annually)

Digital Travel Guides

More and more publications are going all digital. There are a few reasons for this: To save on printing costs, to be more environmentally responsive, to reduce Covid contamination, and to be able to make changes in content instantly. With all the new content we are generating with the campaigns, this idea will allow us to automatically generate seasonal guides for the area using that content as the basis. The client will be able to rotate content and decide what to feature for each season. Think of it as a standalone magazine for the region that is updated per season to highlight things to do.

Starting at \$7,500 year one and includes set up for 4 seasons)

(includes training, does not include content upload and formatting, renews annually at \$3,500)

Tripriffic Travel Planner

Give your visitors a way to find and save your best content with the Tripriffic Travel Planner. The planner installs on your site in minutes. Visitors can save content by simply clicking on the floating icon located throughout your site or by clicking Add to Planner on the content listing itself. Once a visitor is done saving items to their planner, they can share it by email, by text or simply print it out. You can even send a survey to follow up and collect information on completed trips.

Starting at \$4,250

(renews annually)



Downtown Waynesville

OPTIONAL PROJECTS

Additional Now Hive Signage

With Nowhive, you can create scannable signage to put in places your visitors are most likely to go. When visitors see a sign, they scan it with the camera on their phone to get relevant information about that place.

Post Nowhive signs at area attractions. *Visitors can scan these signs with their phone to access videos, brochures and a list of upcoming events.*

Put Nowhive signs in restaurants. *While waiting on their meal, diners can access tour suggestions, local maps and area discounts. They can even download your travel guide.*

Mount signs around your town for wayfinding. *Visitors can access a directory of nearby places to eat, shop, play and stay. When they find what they want, directions are just click away.*

Link signs together to create a trail. *For example, connect museums and attractions to map out a history trail. Or find your most interesting local flavors and create a culinary trail.*

Collect guest-generated content and feedback. *Visitors can upload videos, photos, reviews and blogs about their experience for you to use in your marketing and social media.*

There's no expensive equipment to take care of or install. There's no app to download. There's no face-to-face contact. Setup and training even takes less than a day.

Starting at \$7,500 year one (includes first dozen points, each additional only \$300)
(renews annually at 50% of cost)

Note Toaster

Notetoaster installs on your Web site in a day. It allows you to add custom marketing messages on any page. Use these messages to suggest related content, build contact lists, put out surveys, showcase videos, increase downloads, grow social followers, and expedite bookings. The goal is to move visitors from considering a visit to an actual visit faster. Change messages as often as you would like. You can even track the progress of your work in our custom admin panel.

Starting at \$1,250
(renews annually)

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date 4/9/24**

SUBJECT Increase in budget for capital purchase

AGENDA INFORMATION:

Agenda Location: Old Business
Item Number:
Department: Public Services
Contact: Jeff Stines
Presenter: Jeff Stines

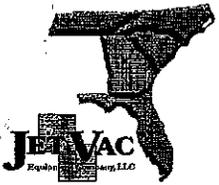
BRIEF SUMMARY: The Council approved a \$475,000 appropriation for a VAC ALL truck. The truck is equipped with a powerful vacuum that is used in multiple ways. It cleans leaves and debris from storm basins before they reach the streams, it can vacuum clogs out of sewers when the jet truck is not suitable. Its pump can aid the crews in any place a high-power vacuum may be of benefit. The staff tested four models advertised by the Sherriff's Association purchasing service and recommends one with a single axle configuration. It works in areas where streets are narrow and steep. This model is also the cheapest model they tested. The model completely equipped is \$505,730 or \$30,450 more than appropriated. The Department has \$50,000 in the budget designated for "miscellaneous repairs". We recommend that the Council increase the appropriation to \$505,730 and authorize the purchase of the vehicle. This type of vehicle is rated to remain in service for 20 years.

MOTION FOR CONSIDERATION: Approve the increase in funds to purchase the Vac All vehicle.

FUNDING SOURCE/IMPACT: Water and Sewer

ATTACHMENTS: None

MANAGER'S COMMENTS: The VAC ALL is one of the most versatile pieces of equipment in a Town's fleet. It can be used for many purposes. It's vacuum saves many staff hours by vacuuming debris from storm basins and blocked water, sewer and storm water lines rather than having staff dig them out by hand.



5746 Broad Street
SUMTER, SC 29154
4036 Bennett Road
COOKEVILLE, TN 38506

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703

www.jet-vac.com

Ship To: Town of Waynesville
129 Legion Dr
Waynesville, NC 28786-4499

Branch 40 - ASHEBORO		
Date 03/20/2024	Time 8:49:21 (O)	Page 1
Account No WAYNE001	Phone No 8284563706	Est No 03 Q00219
Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson RG1 / HH1

Invoice To: Town of Waynesville
Attn: Accounts Payable
129 Legion Drive
Waynesville, NC 28786

Attention: Wayne Bolin

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 04/30/2024 Amount

Sourcewell Contract #101221-SCA
Sewer Equipment - High Pressure Jetting, Vacuum,
Hydro-Excavating & Recycling
Maturity Date: 11/29/2025

900-ECO 9 Yard Truck Mounted Combination Sewer Cleaner 406597.12
To Include the Following:
Vacuum System:
4400 CFM Blower
8" Vacuum Hose system
18" Hg vacuum rating
Dual Cyclone Separator
Dual Element 10 Micron Final Filter
Remote Vacuum Relief
Analog Vacuum Display
(6) Tube / Tube Rack
Boom:
Telescoping Boom System
Telescoping Reach 17' 2" to 27' 2"
Hydraulic Powered Boom
180° Working Radius
Boom Joystick Control
Debris Tank:
9 Cubic Yard Capacity
Hydraulic Dump, 50° Dump Angle
Dual Ported Rear Door w/ Knife Valve
Dump Height 60"
Hydraulic Open/Close/Lock Door
Water System:
1000 Gallon Capacity Water Tank
Giant plunger style triplex 65 gpm @ 2000 psi w/ 30 min run
dry

Accounts not paid within 30 days of the date of the invoice are subject to a
1.5% monthly finance charge.

Thank You For Your Business!



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4036 Bennett Road
COOKEVILLE, TN 38506

5500 S Cobb Drive, Bld 200, Suite 210
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1350 Sheeler Avenue, Building 12, Unit 7
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www.jet-vac.com

Ship To: Town of Waynesville
129 Legion Dr
Waynesville, NC 28786-4499

Invoice To: Town of Waynesville
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129 Legion Drive
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Attention: Wayne Bolin

Branch 40 - ASHEBORO		
Date 03/20/2024	Time 8:49:21 (O)	Page 2
Account No WAYNE001	Phone No 8284563706	Est No 03 Q00219
Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson RG1 / HH1

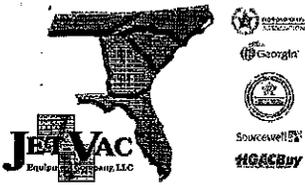
EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 04/30/2024 Amount

Black Duraprolene Water Tank Construction w/ 10 Year
Warranty
Cold Weather Recirculation System
2.5" Hydrant Fill system
Air Purge Valve
Variable Volume Delivery
Low Water Warning Light
Analog Pressure Display
Front and Mid Ship Hand Gun Ports
Electrical:
NEMA 4 Control Panel
Hour Meter (Blower & Water Pump)
Military Spec. Sealed Switches
Truck:
Mounting to Approved Chassis
(1) Alum Toolbox 24"x42"x100" - Behind Cab
LED D.O.T. Approved Lighting
(2) Tow Hooks Front Bumper
Hose Reel & Hose:
Front Mounted Telescoping & Rotating
800' X 1" Hose Capacity
10' Leader Hose
Single Side Controls
Accessories:
(3) 8" x 6' Extension Tube
(1) 8" X 3' Extension Tube
(1) 8" x 6' Crowned Suction Nozzle
(1) 6" x 10' Flat Discharge Hose
BB Hose Guide
Tri-Star (chisel point) nozzle
DD (high flow) nozzle
Finned Nozzle extension
Nozzle Rack (Mounted midship toolbox)
25' Fill Hose

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Thank You For Your Business!



5746 Broad Street
SUMTER, SC 29154

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

4036 Bennett Road
COOKEVILLE, TN 38506

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703

www.jet-vac.com

Ship To: Town of Waynesville
129 Legion Dr
Waynesville, NC 28786-4499

Invoice To: Town of Waynesville
Attn: Accounts Payable
129 Legion Drive
Waynesville, NC 28786

Attention: Wayne Bolin

Branch 40 - ASHEBORO		
Date 03/20/2024	Time 8:49:21 (O)	Page 3
Account No WAYNE001	Phone No 8284563706	Est No 03 Q00219
Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson RG1 / HH1

EQUIPMENT ESTIMATE - NOT AN INVOICE

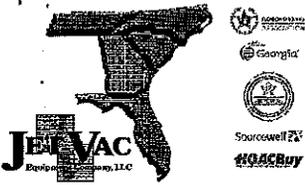
Description ** Q U O T E ** EXPIRY DATE: 04/30/2024 Amount

Upstream Pulley Guide
Washdown Gun w/ 50' of Hose
Cleaner, Tip, Torch, Small
(1) Hydrant Wrench
(1) Paper Owner's Manual

STANDARD OPTIONS:
AUTOMATIC LEVEL WIND WITH HYDRAULIC UP/DOWN ACTION
FOOTAGE METER (mounted on jet hose reel)
600' X 1" I.D. X 2500 P.S.I. SEWER HOSE
WATER TANK LOW LEVEL AUDIBLE ALARM (level set point is fixed at 150 gallons)
2" Y-STRAINER ON INLET FILL SYSTEM
FILL HOSE STORAGE RACK
STANDARD HYDROEXCAVATION CLEANING KIT 20 GPM @ 2000 PSI (8" x 6' digging tube, 8gpm rotary digging wand, 10gpm linear nozzle (shipped loose), (2) 5' Extension wands and automatic reel w/ 75' of 3/8" hose)
LATERAL LINE CLEANING KIT (200' X 1/2" hose with nozzle; includes addition of auxiliary cleaning circuit and mounting on passenger side)
CENTRAL WASHDOWN SYSTEM (includes 50' of 1/2" hose on a spring retracting hose reel mounted mid-ship)
REAR TOOLBOX GROUP w/ (2) long handle tool storage tubes (includes (2) 24"x18"x18" boxes, (1) 63.75"x17.25"x12" cabinet and (2) 4" tubes)
(2) 30"x18"x18" passenger side toolboxes with retractable two-step ladder
DEBRIS BODY PUMP OFF SYSTEM (4" hydraulic driven pump rated @ 800 gpm located on rear door of debris box, includes swing out decant screen)
MANUAL/ELECTRIC BOOM CONTROL VALVE (Control valves have built-in levers for manual boom control) (Located at midship control panel)

Accounts not paid within 30 days of the date of the invoice are subject to a 1.5% monthly finance charge.

Thank You For Your Business!



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COOKEVILLE, TN 38506

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703

www.jet-vac.com

Ship To: Town of Waynesville
129 Legion Dr
Waynesville, NC 28786-4499

Invoice To: Town of Waynesville
Attn: Accounts Payable
129 Legion Drive
Waynesville, NC 28786

Attention: Wayne Bolin

Branch 40 - ASHEBORO		
Date 03/20/2024	Time 8:49:21 (O)	Page 4
Account No WAYNE001	Phone No 8284563706	Est No 03 Q00219
Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson RG1 / HH1

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 04/30/2024 Amount

DUAL VARIABLE VACUUM CONTROL (Located at both hose reel & midship stations)
 DEBRIS BODY WASH OUT SYSTEM (includes dual nozzles in debris box)
 WIRELESS REMOTE CONTROL PENDANT (controls include hose reel payout/retrieve, water pump on/off, vacuum relief open/close, boom up/down, boom left/right, boom extend/retract and module kill switch)
 WIRELESS REMOTE ALARM (Buzzer alarm sounds off when truck is taken out of neutral with remote not in docking station)
 ENHANCED VISIBILITY CAMERA SYSTEM (includes front and rear mounted camera heads with monitor in cab)
 (6) LED FLUSH MOUNTED STROBES: (2) FRONT, (2) SIDE & (2) REAR FACING (factory standard)
 LED ARROW STICK (factory standard)
 LED MANHOLE AREA WORK LIGHT
 LED CURBSIDE BODY MOUNTED WORK LIGHT
 LED BOOM MOUNTED WORK LIGHTS (2) (complete with limb guard)
 AIR PURGE WINTERIZATION SYSTEM (supplied by chassis air system)
 (4) RUBBER BUMPERS MOUNTED ON REAR BUMPER - (Recommended for use when dumping into containers)
 SIX (6) 28" D.O.T. SAFETY CONES AND HOLDER
 CENTRAL LUBRICATION SYSTEM

Freightliner Plus 114SD Detroit Diesel 450HP Single Axle 135645.00

Miscellaneous Charges/Credits

EQP SOURCEWELL DISCOUNT	Qty:	1	Price:	12197.91	12197.91-
EQP SHIPPING		1		3500.00	3500.00
JET-VAC DISCOUNT		1		42683.54	42683.54-

Accounts not paid within 30 days of the date of the invoice are subject to a 1.5% monthly finance charge.

Thank You For Your Business!



5746 Broad Street
SUMTER, SC 29154

4036 Bennett Road
COOKEVILLE, TN 38506

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703

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Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson RG1 / HH1

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 04/30/2024 Amount

Authorization: _____ Subtotal: 490860.67
Quote Total: 490860.67

.....-P
491,000.00 x
Road Use 3.0%
14,730.00*

491,000.00*

14,730.00+
491,000.00+

002 505,730.00*

0.00*

Accounts not paid within 30 days of the date of the invoice are subject to a 1.5% monthly finance charge.

Thank You For Your Business!

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date 4/9/2024**

SUBJECT Project Budget Amendment for ARP funds

AGENDA INFORMATION:

Agenda Location: Old Business
Item Number:
Department: Finance
Contact: Rob Hites
Presenter: Rob Hites

BRIEF SUMMARY: The Town established a project budget for its American Rescue Plan (ARP) in 2021. We are moving toward the end of the program and all funds must be obligated by June 30,2024. Several projects were under budget or cannot be designed and under contract before the grant deadline. The staff has reviewed the remaining funds and recommends that the items underlined in yellow be purchased and installed before the end of the fiscal years. Several of the items can be purchased through these funds and thereby take pressure off the upcoming budget. You will find an electric riding lawnmower for the Recreation Department, the repair and capping of the tennis courts, the replacement of the HVAC unit that conditions the ½ of the second floor of the Town Hall and several pump and tank related repairs to the water plant.

MOTION FOR CONSIDERATION: Approve the ordinance that amends the ARP project ordinance.

FUNDING SOURCE/IMPACT: General, Water,

ATTACHMENTS: Proposed Ordinance

MANAGER'S COMMENTS: The funds that are remaining in the ARP account must be obligated by June 30,2024. The remaining funds will help fund capital items that the Town need but may not be able to afford in the upcoming budget. These funds will help us greatly with capital funding in 2024.

Ordinance No. O-19-24

**Grant Project Ordinance for the Town of Waynesville American Rescue Plan Act of 2021:
Coronavirus State and Local Fiscal Recovery Funds**

BE IT ORDAINED by the town council of the Town of Waynesville, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Waynesville (Town) has received the first and second tranches in the amount of \$3,231,910.78 of CSLFRF funds. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

Section 3: The following amounts are appropriated for the project and authorized for expenditure:

including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town's Uniform Guidance Allowable Costs and Cost Principles Policy.

Section 6: The Finance Officer is hereby directed to report the financial status of the project to the town council on a quarterly basis.

Section 7: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Town Clerk.

Section 8: This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Adopted this 9th day of April 2024.

Town of Waynesville

J. Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 9, 2024**

SUBJECT: Revisions to Charter & Code of Ordinances to reflect change in governing body's name

AGENDA INFORMATION:

Agenda Location: Communication from Staff / Town Attorney Report

Item Number:

Department: Legal

Contact: Martha Sharpe Bradley

Presenter: Martha Sharpe Bradley

BRIEF SUMMARY: Now that the governing board of the Town of Waynesville has changed its name to "Town Council" from "Board of Aldermen," the Town's Charter and Code of Ordinances should be updated to avoid confusion or misinterpretation. Redlined copies of the current ordinance are attached for your review. Revisions to the Town Charter are allowed pursuant to N.C.G.S. § 160A-102. The statute requires the Council to adopt a resolution of intent at the same time as a call for a public hearing to be held after 45 days from the date the resolution is adopted.

MOTION FOR CONSIDERATION:

1. To place a resolution of intent and call for hearing to amend the Town's Charter and Code of Ordinance to reflect the governing body's correct title on the agenda for the April 23, 2024 meeting of the Town Council.

FUNDING SOURCE/IMPACT: Newspaper publication expenses

ATTACHMENTS:

1. Redlined Charter and Code of Ordinances reflecting revisions to be made
2. N.C.G.S. § 160A-102

COMMENTS AND RECOMMENDATIONS: None.



Martha Sharpe Bradley
Town Attorney

Date: April 1, 2024

CHARTER

ARTICLE II. MAYOR AND ~~TOWN COUNCIL~~¹

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Sec. 2.1. Governing body.

The mayor and ~~town council~~, elected and constituted as herein set forth, shall be the governing body of the town. On behalf of the town, and in conformity with applicable laws, the mayor and ~~council~~ may provide for the exercise of all municipal powers, and shall be charged with the general government of the town.

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Sec. 2.2. Mayor; terms of office; duties.

The mayor shall be elected by and from the qualified voters of the town for a term of four years, in the manner provided by article III of this Charter; provided, the mayor shall serve until his successor is elected and qualified. The mayor shall be the official head of the town government, shall preside at all meetings of the ~~town council~~, and shall have the powers and duties of mayor as prescribed by this Charter and the General Statutes. The mayor shall have the right to vote on all matters before the ~~council~~.

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Sec. 2.3. ~~Town Council~~; terms of office.

The ~~Town Council~~ shall be composed of four members, each of whom shall be elected for terms of four years, in the manner provided by article III of this Charter; provided, ~~council~~ members shall serve until their successors are elected and qualified.

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Sec. 2.4. Mayor pro tempore.

In accordance with applicable state laws, the ~~town council~~ shall appoint one of its members to act as mayor pro tempore to perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the ~~council~~.

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State law reference(s)—Mayor pro tempore; disability of mayor, G.S. 160A-70.

Sec. 2.5. Meetings of the ~~Town Council~~.

In accordance with applicable State laws, the ~~town council~~ shall establish a suitable time and place for its regular meetings. Special meetings may be held according to applicable provisions of the General Statutes.

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State law reference(s)—Regular and special meetings, G.S. 160A-71.

Sec. 2.6. Ordinances and resolutions.

The adoption, amendment, repeal, pleading, or proving of town ordinances and resolutions shall be in accordance with applicable provisions of the General Statutes of North Carolina not inconsistent with this Charter. Except as otherwise provided by law, all ordinances shall become effective upon adoption; provided, an ordinance

¹State law reference(s)—Form of government, G.S. 160A-59 et seq.

may, by its own terms, specify some other time upon which it shall take effect. The enacting clause of all town ordinances shall be: "Be it ordained by the Town Council of the Town of Waynesville."

State law reference(s)—Code of ordinances, G.S. 160A-77; franchises and technical ordinances, G.S. 160A-76.

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Sec. 2.7. Voting requirements; quorum.

Official action of the council shall, except as otherwise provided by law, be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the council, is present. Vacant seats are to be subtracted from the normal council membership to determine actual membership.

(Ord. No. 8-95, § 2.7, 3-14-1995)

State law reference(s)—Quorum, G.S. 160A-74.

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Sec. 2.8. Qualifications for office; vacancies; compensation.

The compensation of council members, the filling of vacancies of the council, and the qualifications of council members shall be in accordance with applicable provisions of the General Statutes.

State law reference(s)—Vacancies on the governing body, G.S. 160A-63; compensation of members, G.S. 160A-64.

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Sec. 3.1. Regular municipal elections; conduct.

Regular municipal elections shall be held in the town every four years in odd-numbered years, and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The mayor and members of the council shall be elected according to the nonpartisan election method.

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Sec. 4.2. Town manager.

The town council shall appoint a town manager who shall be the administrative head of town government, and who shall be responsible to the council for the proper administration of the affairs of the town. The town manager shall hold office at the pleasure of the town council, and shall receive such compensation as the council shall determine. In exercising his duties as chief administrator, the manager shall:

- (1) Appoint and suspend or remove all town officers and employees not elected by the people, except the town attorney and those whose appointment or removal is otherwise provided by law, in accordance with such general personnel rules, regulations, policies or ordinances as the council shall adopt.
- (2) Report to the town council each appointment or removal of an officer or employee at the next council meeting following such appointment or removal.
- (3) Direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the council, except as otherwise provided by law.
- (4) Attend all meetings of the council, unless excused therefrom, and recommend any measures that he deems expedient.
- (5) Prepare and submit the annual budget and capital program to the council.
- (6) Keep the council fully advised as to the financial condition of the town and annually submit to the council, and make available to the public, a complete report on the finances and administrative activities of the town at the end of the fiscal year.

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(7) Make any other reports that the council may require concerning the operation of the town departments, offices and agencies subject to his direction and control.

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(8) Perform any other duties that may be required or authorized by the council, or as required by law.

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State law reference(s)—Powers and duties of manager, G.S. 160A-148 et seq.

Sec. 4.3. Town attorney.

The town council shall appoint a town attorney who shall be licensed to engage in the practice of law in the State of North Carolina. Upon request of the town council, it shall be the duty of the town attorney:

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(1) To defend suits against the town;

(2) To advise the mayor, town council and other town officials with respect to the affairs of the town;

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(3) To draft legal documents relating to the affairs of the town;

(4) To inspect and pass upon agreements, contracts, franchises and other instruments with which the town may be concerned;

(5) To attend meetings of the town council; and

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(6) To perform other duties as the council may direct.

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State law reference(s)—Municipal attorney, G.S. 160A-173.

Sec. 4.4. Town clerk.

The town manager shall appoint a town clerk to keep a journal of the proceedings of the council, to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform such other duties as may be required by law or as the town council may direct.

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State law reference(s)—Municipal clerk, G.S. 160A-171 et seq.

Sec. 4.7. Consolidation of functions.

The town council may provide for the consolidation of any two or more positions of town manager, town clerk, town tax collector and town finance officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act [G.S. 159-7 et seq.]. The duties of town tax collector and town finance officer shall not be conferred on the same person.

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(Ord. No. 6-95, § 4.7, 2-14-1995)

Sec. 4.8. Other administrative officers and employees.

Consistent with applicable state laws, the town council may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the town government in order to promote the orderly and efficient administration of the affairs of the town.

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Sec. 5.1. Assessments for street and sidewalk improvements: petition unnecessary.

- (a) In addition to any authority which is now or hereafter may be granted by general law to the town for making street improvements, the town council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this section.
- (b) The town council may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in G.S. 160A-216 et seq. without the necessity of a petition, upon the finding by the council as a fact:
 - (1) That the street improvement project does not exceed 2,000 linear feet; and
 - (2) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvements; or
 - (3) That it is in the public interest to connect two streets, or portions of a street already improved; or
 - (4) That it is in the public interest to widen a street, or part thereof, which is already improved, provided, that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such streets in accordance with the street classification and improvement standards established by the town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this article.
- (c) For the purpose of this article, the term "street improvement" shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.
- (d) In addition to any authority which is now or may hereafter be granted by general law to the town for making sidewalk improvements, the council is hereby authorized without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the town, and to assess the total costs thereof against abutting property owners, according to one or more of the assessment bases set forth in G.S. 160A-216 et seq.; provided however, that regardless of the assessment bases or bases employed, the town council may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.
- (e) In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this article, the council shall comply with the procedure provided by G.S. 160A-216 et seq., except those provisions relating to the petition of property owners and the sufficiency thereof.
- (f) The effect of the act of levying assessments under the authority of this article shall for all purposes be the same as if the assessments were levied under authority of G.S. 160A-216 et seq.

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CODE OF ORDINANCES

Sec. 1-2. Definitions and rules of construction.

For the purpose of this Code, unless otherwise specifically provided, the following definitions and rules of construction shall apply and the following words and phrases shall have the following meanings:

And, or. Either conjunction shall include the other as if written "and/or," if the sense requires it.

Town Council. The term "~~town council~~" means the governing body of the Town of Waynesville, North Carolina.

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Charter. The term "Charter" shall mean the Charter of the Town of Waynesville as printed in part I of this volume.

Code. The term "Code" shall mean the Code of Ordinances, Town of Waynesville, North Carolina, as designated in section 1-1.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is a Saturday, Sunday or legal holiday, it shall be excluded.

County. The term "county" means Haywood County, North Carolina.

Gender. Words importing the masculine gender shall include the feminine and neuter.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Month. The term "month" means a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language. However, technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to that meaning.

Number. Words used in the singular include the plural, and the plural includes the singular.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Official time standard. Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time, as may be in current use in this town.

Officials, boards, commissions, departments. Whenever reference is made to officials, boards, commissions and departments by title only, they shall be deemed to refer to the officials, boards, commissions and departments of the Town of Waynesville, North Carolina.

Owner. The term "owner," when applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or part of the property.

Person. The term "person" means a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" means every species of property, except real property.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" means real and personal property.

Real property. The term "real property" means lands, tenements and hereditaments.

Shall, may. The term "shall" is mandatory, and the term "may" is permissive.

State. The term "state" means the State of North Carolina.

Statute references. The term "General Statutes" or "G.S." shall refer to the latest edition of the General Statutes of North Carolina, as amended.

Street. The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and their approaches within the town and shall mean the entire width of the right-of-way between abutting property lines.

Tenant and occupant. The terms "tenant" and "occupant," when applied to a building or land, shall include any person who occupies the whole or a part of the building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The term "town" means the Town of Waynesville, Haywood County, North Carolina.

Year. The term "year" means a calendar year.

(Code 1987, §§ 10.04, 10.05)

Sec. 1-5. Severability.

It is declared to be the intention of the town council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since they would have been enacted by the town council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

(Code 1987, § 10.07)

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Sec. 1-9. Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, section or subsection or any portion of this Code, such repealed portions may be excluded from this Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the town council.
- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section ____ of the Code of Ordinances, Town of Waynesville, North Carolina, is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.
- (c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Town of Waynesville, North Carolina, is hereby amended by adding a section, to be numbered ____, which section reads as follows:...." The new section shall then be set out in full as desired.
- (d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

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(Code 1987, § 10.17)

Sec. 1-10. Supplementation of Code.

- (a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the town council during the period covered by the supplement and all changes made by the supplement in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by their omission from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions.
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
 - (5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

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ARTICLE II. MAYOR AND TOWN COUNCIL²

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DIVISION 1. GENERALLY

Secs. 2-31—2-50. Reserved.

²Charter reference(s)—Mayor and town council~~town council~~, art. II.

State law reference(s)—Administration of council-manager cities, G.S. 160A-147 et seq.

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DIVISION 2. MEETINGS³

Sec. 2-51. Regular and special meetings; recessed and adjourned meetings.

- (a) *Regular meetings.* There shall be a regular bimonthly meeting of the ~~town council~~ at the municipal building at such time as prescribed by the ~~town council~~ after public notice of the date and time has been advertised.
- (b) *Special meetings.*
 - (1) The mayor, the mayor pro tempore, or any two members of the ~~town council~~ may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each ~~councilor~~ or left at his usual dwelling place at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice. In addition to the procedures set out in this section or in the Charter, a person calling a special meeting of the ~~town council~~ shall comply with the notice requirements of G.S. 143-318.9 et seq.
 - (2) Special meetings may be held at any time when the mayor and all members of the ~~town council~~ are present and consent to such meeting, or when those not present have signed a written waiver of notice.
 - (3) During any regular meeting, or any duly called special meeting, the ~~town council~~ may call or schedule a special meeting, provided that the motion or resolution calling or scheduling any special meeting shall specify the time, place and purpose of the meeting and shall be adopted during an open session.
- (c) *Recessed, adjourned meetings.* Any regular or duly called special meeting may be recessed to reconvene at a time and place certain, or may be adjourned to reconvene at a time and place certain, by the ~~town council~~.

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(Code 1987, § 30.01)

State law reference(s)—Regular and special meetings, G.S. 160A-71.

Sec. 2-52. Mayor to be presiding officer.

The mayor shall preside at all ~~town council~~ meetings.

(Code 1987, § 31.10)

Charter reference(s)—Mayor's duties and term of office, § 2.2.

State law reference(s)—Mayor to preside over council, G.S. 160A-69.

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³Charter reference(s)—Meetings of the ~~town council~~town council, § 2.5.

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Sec. 2-53. Order of business.

- (a) When a regular meeting of the town council shall be organized, the order of business shall be as follows:
 - (1) Reading the proceedings of the last regular meeting and all special meetings held since the last regular meeting, if any.
 - (2) Correction of the minutes, if necessary, and their approval. All minutes shall be approved by the town council and signed by the mayor and town clerk.
 - (3) Published agenda of town council.
 - (4) New business.
- (b) If the council shall direct any matter to be the special business of a future meeting that matter shall have precedence over any other business at such meeting. No proposition shall be entertained by the mayor until it has been seconded, and every motion shall, when required by the mayor or any councilor, be reduced to writing.

(Code 1987, § 30.02)

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Sec. 2-54. Rules of procedure.

- (a) The procedure of the town council and other boards, commissions, and committees of the town shall be consistent with Robert's Rules of Order, Newly Revised.
- (b) The town council shall adopt rules of procedure, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure which may apply to all boards, commissions, or committees of the town.
- (c) Any rules of procedure adopted pursuant to this section shall be published on the town's website, if any, and copies shall be available to the public in the office of the town clerk and at each meeting of the town council or any other board, commission, or committee of the town.

(Code 1987, § 30.03; Ord. No. O-27-22 , 6-14-2022)

State law reference(s)—Council to adopt rules of procedure, G.S. 160A-71.

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Sec. 2-55. Preservation of order.

The mayor or the presiding officer of the town council shall preserve order and decorum during the meetings of the council.

(Code 1987, § 30.04)

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Sec. 2-56. Meetings to be public; exception.

- (a) All meetings of the town council shall be open to the general public, except those meetings designated as closed sessions. No person other than a member of the town council shall occupy the seat of any member of the council during the sessions of the council. The council or mayor shall have the right to invite to the floor such persons as they may deem deserving of the privilege, but the right of admission under such invitation shall not extend beyond the meeting at which the invitation shall be given. After the council is called to order by the mayor or the presiding officer, all conversation between those present shall cease, and the mayor or the presiding officer only shall be addressed.

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(b) No person, except town officers or their deputies or clerks, in the exercise of their official duty, and such reporters as the town council may designate, shall be admitted during a closed session of the council unless by a permit from the mayor.

(Code 1987, § 30.05)

Charter reference(s)—Meetings of the town council, § 2.5.

State law reference(s)—Meetings of public bodies, G.S. 143-318.9 et seq.; conduct of public hearings, G.S. 160A-81.

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Secs. 2-57—2-90. Reserved.

Sec. 2-91. Director of public works/town engineer.

(a) The town manager shall appoint and supervise the director of public works/town engineer. The director of public works/town engineer shall receive a salary as set by the town council.

(b) The director of public works/town engineer shall supervise all employees of the department of public works/town engineer, including the water plant superintendent, wastewater plant superintendent, street/sanitation superintendent, water/sewer maintenance superintendent, electric superintendent and assistant public works director.

(Code 1987, § 31.11)

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Sec. 2-92. Chief of police.

The chief of police shall be appointed by and shall serve under the supervision of the town manager. He shall receive a salary as set by the town council.

(Code 1987, § 31.12)

State law reference(s)—Authority to appoint a chief of police, G.S. 160A-281.

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Sec. 2-94. Recreation director.

The recreation director shall be appointed by and shall serve under the supervision of the town manager. He shall receive a salary as set by the town council.

(Code 1987, § 31.14)

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ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES⁴

DIVISION 1. GENERALLY

⁴Cross reference(s)—Firemen's relief board, § 30-101 et seq.; community appearance commission, § 62-71 et seq.

State law reference(s)—Authority to create or abolish boards and commissions, G.S. 160A-146.

Sec. 2-126. Membership (number of members).

The number of members for the various boards, commissions and committees appointed by the town council may from time to time be updated. The number of members for each board, commission or committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the town clerk. Revisions to the number of members on the various boards, commissions and committees shall not require the update of the Code of Ordinances unless required by federal, state or local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the board, commission or committee.

(Ord. No. 04-14 , 5-27-2014)

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Sec. 2-127. Meetings.

Board, commissions and committee meetings shall be held on the date, time and frequency as referenced in the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. Changes in meeting dates, times or frequency will be based on actions by individual boards, commissions and committees and reported to the town council. Changes to the meeting date, time or frequency shall not require the update of the Code of Ordinances unless required by federal, state or local legislation.

(Ord. No. 04-14 , 5-27-2014)

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Sec. 2-128. Conduct of meetings.

All boards, commissions and committees will conduct meetings in accordance with G.S. 143-318.10.

(Ord. No. 04-14 , 5-27-2014)

Secs. 2-129—2-145. Reserved.

DIVISION 2. ALCOHOLIC BEVERAGE CONTROL BOARD⁵

Sec. 2-146. Establishment; members.

- (a) There is established an alcoholic beverage control board for the town.
- (b) The alcoholic beverage control board shall consist of the number of members referenced and indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. A quorum of members shall be necessary to transact business. Members are appointed for three-year terms. The initial members of the alcoholic beverage control board shall serve staggered terms, thereafter their successors shall each be appointed for three-year terms. The town council shall designate one member of the alcoholic beverage control board as chairperson.
- (c) Members of the alcoholic beverage control board shall be appointed by the town council.

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⁵State law reference(s)—Local alcoholic beverage control boards, G.S. 18B-700 et seq.

- (d) The town council shall appoint members of the alcoholic beverage control board on the basis of the appointees' interest in public affairs, good judgment, knowledge, ability and good moral character.
- (e) A vacancy on the alcoholic beverage control board shall be filled by the town council for the remainder of the unexpired term. If the chairman's seat becomes vacant, the town council may designate either the new member or an existing member of the alcoholic beverage control board to complete the chairman's term.
- (f) A member of the alcoholic beverage control board may be removed for cause at any time by the town council. Alcoholic beverage control board members are subject to the removal provisions of G.S. 18B-202.
- (g) An alcoholic beverage control board member may be compensated as determined by the town council.
- (h) The provisions of G.S. 18B-201 shall apply to alcoholic beverage control board members and employees.
- (i) Each alcoholic beverage control board member shall be bonded in an amount not less than \$5,000.00, secured by a corporate surety, for the faithful performance of his duties. A public employee's blanket position bond in the required amount satisfies the requirements of this division. The bond shall be payable to the alcoholic beverage control board and shall be approved by the town council for the alcoholic beverage control board. The town council may exempt from this bond requirement any board member who does not handle board funds, and it may also increase the amount of the bond for any member who does handle board funds.
- (j) Meetings shall be held on the date and time as referenced in the Town of Waynesville Boards and Commissions Manual and may from time to time be updated or amended.

(Code 1987, §§ 32.001, 32.010; Ord. No. 04-14 , 5-27-2014)

Secs. 2-147—2-165. Reserved.

DIVISION 3. RECREATION AND PARKS ADVISORY COMMISSION⁶

Sec. 2-166. Establishment.

There shall be a recreation and parks advisory commission established under rules and regulations adopted by the town council. The recreation and parks advisory commission shall consist of the number of members referenced and indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. A quorum of the members shall be necessary to transact business.

(Code 1987, § 32.100; Ord. No. 04-14 , 5-27-2014)

Secs. 2-167—2-190. Reserved.

DIVISION 5. PUBLIC ART COMMISSION

⁶Cross reference(s)—Parks and recreation department, § 2-271 et seq.

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Sec. 2-226. Establishment.

There shall be a public art commission established under rules and regulations adopted by the town council. The public art commission shall consist of the number of members referenced and indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. A quorum of members shall be necessary to transact business.

(Ord. No. 04-14 , 5-27-2014)

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Secs. 2-227—2-250. Reserved.

Sec. 2-246. Organization.

The department of public works/town engineer shall consist of a director of public works/town engineer and as many employees as authorized by the town council.

(Code 1987, § 32.020)

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Sec. 2-247. Duties.

The department of public works/town engineer shall be responsible for:

- (1) Street construction and maintenance;
- (2) Water, sewer and electrical system construction and operation;
- (3) General maintenance of town property and equipment;
- (4) Solid waste collection and disposal; and
- (5) Other duties as assigned by the town council and the town manager.

(Code 1987, § 32.021)

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Sec. 2-271. Established.

There is a parks and recreation department consisting of a director and other employees as authorized by the town council.

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

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

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

- (1) Controlled by means of a chain, leash, or other like device; and
- (2) To be under the physical control of the owner or animal handler and is obedient to that person's commands;
 - a. *Prohibited.* It shall be unlawful for any person that owns or possesses any animal, including dogs or cats:
 1. To allow such animal to run at large within 150 feet of any street fair, festival or parade sanctioned or permitted by the town.
 2. Animals designated under section 91-01 of the Haywood County Code and defined by G.S. § 67-4.1(a)(1) and (2), subject to the exceptions of G.S. § 67-4.1(b) as "fierce, dangerous, or vicious" are not permitted within the boundaries of the festival.
 - b. *Exceptions.* This section shall not apply to licensed or permitted kennels or to animals legitimately a part of a parade, sanctioned street fair or festival, animals in a petting zoo or animal rides if the otherwise prohibited animals are part of an authorized exhibit, activity or display.
 - c. *Approval.* For the purposes of this section, a sanctioned or permitted street fair, festival or parade is an event approved or permitted by the town council by action taken and recorded in the official minutes of the town council. The geographical limitations of the street fair, festival or parade shall be delineated by the approval or permitting of the event.
 - d. *Violations.* Violations of subsection a. of this section shall be misdemeanors, punishable upon conviction in accordance with section 1-8.

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(Ord. No. 12-02, 7-23-2002; Ord. No. O-5-19 , 2-12-2019)

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(Supp. No. 13)

Ord. No. O-5-19 , adopted Feb. 12, 2019, changed the title of § 6-6 from "Animals prohibited at street fairs, festivals or parades" to read as herein set out.

Sec. 10-79. Fees.

Fees for permits shall be based upon the total estimated cost of the proposed work, including all subcontracts, if any; but in no case shall the total estimated cost be less than the market value of similar completed work in the town, as determined by the planning and zoning manager or other authorized inspector. Permit fees shall be as established by the town council. Schedules of such fees shall be maintained on file in the office of the planning and zoning manager or other authorized inspectors.

(Code 1987, § 150.23)

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Sec. 10-116. Organization.

- (a) The inspection department shall consist of the codes administrator and such other inspectors or deputy or assistant inspectors as may be authorized by the town council.
- (b) The Town of Waynesville shall not employ an inspector to enforce the state building code as a member of the town inspection department who does not have one of the following types of certificates issued by the state code officials qualification board attesting to his qualifications to hold such position:
 - (1) A probationary certificate, valid for one year only;
 - (2) A standard certificate; or
 - (3) A limited certificate, which shall be valid only as an authorization for him to continue in the position held on the date specified in G.S. 143-151.13(c) and which shall become invalid if he does not successfully complete in-service training specified by the qualification board within the period specified in G.S. 143-151.13(c).
- (c) An inspector holding one of the certificates specified in subsection (b) of this section can be promoted to a position requiring a higher level certificate only upon issuance by the qualification board of a standard certificate or probationary certificate appropriate for such new position.

(Code 1987, § 150.50; Ord. No. O-12-21 , § 3, 6-8-2021)

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Sec. 10-117. Duties and powers.

- (a) It shall be the duty of the inspection department to enforce all of the provisions of this chapter and of the regulatory codes adopted in this chapter, and to make all inspections necessary to determine whether or not the provisions of this chapter and such codes are being met.
- (b) Other duties and responsibilities of the inspection department and of the inspectors in the department shall be to enforce within the town, state and local laws relating to:
 - (1) The construction of buildings and other structures;
 - (2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems and air conditioning systems;
 - (3) The maintenance of buildings and other structures in a safe, sanitary and healthful condition; and
 - (4) Other matters that may be specified by the town council.

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These duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws. The town council shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

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- (c) Inspectors are also authorized, empowered and directed to enforce all the provisions of this chapter and the regulatory codes adopted in this chapter.
- (d) Inspectors shall have the right of entry on any premises within the jurisdiction of the inspection department, at all reasonable hours, for the purpose of inspection or other enforcement action, upon presentation of proper credentials.
- (e) Whenever any building or structure or part is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner or in substantial violation of any state or town building law, or in a manner that endangers life or property, the codes administrator or other authorized inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons and the conditions under which the work may be resumed.
 - (1) The owner or builder may appeal from a stop order involving alleged violation of the state building code or any approved local modification to the state commissioner of insurance or his designee within five days after the order is issued. The owner or builder shall give to the commissioner of insurance or his designee written notice of appeal, with a copy to the codes administrator or other authorized inspector. The commissioner of insurance or his designee shall promptly conduct an investigation and the appellant, and the inspector shall be permitted to submit relevant evidence. The commissioner or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached and the reason for the decision. Pending the ruling by the commissioner of insurance or his designee on an appeal, no further work shall take place in violation of a stop order.
 - (2) In the event of dissatisfaction with the decision, the person affected shall have the options of appealing to the state building code council, or appealing to the superior court as provided in G.S. 143-141.

(Code 1987, § 150.51)

Sec. 10-119. Records and reports.

The inspection department shall keep complete and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted, and all other work and activities of the inspection department. These records shall be kept in the manner and for the periods prescribed by the state department of cultural resources. Periodic reports shall be submitted to the town council and to the state commissioner of insurance as they shall by ordinance, rule or regulation require.

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(Code 1987, § 150.53)

Sec. 10-120. Inspection procedure.

- (a) *Inspections of work in process.* The codes administrator or other authorized inspector shall inspect all buildings and structures and work for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes. When deemed necessary by the codes administrator or other authorized inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and

recognized inspection organizations. However, no approval shall be based upon reports of such organizations, unless they are in writing and certified by a responsible officer of such organization. All holders of permits, or their agents, shall notify the inspection department at each of the following stages of construction, so that approval may be given before work is continued:

- (1) *Foundation inspection*, to be made after trenches are excavated and the necessary reinforcement and forms are in place, and before concrete is placed. Drilled footings, piles and similar types of foundations shall be inspected as installed.
 - (2) *Framing inspection*, to be made after all structural framing is in place and all roughing-in of plumbing and electrical and heating has been installed, after all fire blocking, chimneys, bracing and vents are installed, but before any of the structure is enclosed or covered. Poured-in-place concrete structural elements shall be inspected before each pour of any structural member.
 - (3) *Fireproofing inspection*, to be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.
 - (4) *Final inspection*, to be made after the building or structure has all doors hung and fixtures set and is ready for occupancy, but before the building is occupied.
- (b) *Calls for inspection*. Request for inspections may be made to the office of the inspection department. The inspection department shall make inspections as soon as practicable after requests are made, provided such work is ready for inspection at the time the request is made.
- (1) Reinspections may be at the convenience of the codes administrator or other authorized inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the codes administrator or other authorized inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the codes administrator or other authorized inspector in the form of a notice posted on the building or given to the permit holder or his agent.
 - (2) Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this chapter.
- (c) *Street or alley lines*. Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley or other public place, he shall secure a survey of the line of the street, alley or other public place adjacent to the property upon which the building or structure is to be erected, before proceeding with construction of the building or structure. It shall be the duty of the codes administrator to see that the building does not encroach upon the street, alley or other public place.
- (d) *Certificates of compliance*. At the conclusion of all work done under a permit, the codes administrator or other authorized inspector shall make a final inspection; and if he finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied until the codes administrator or other authorized inspector has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the codes administrator or other authorized inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a misdemeanor.
- (e) *Periodic inspections*. The inspection department shall make periodic inspections, subject to the town council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in structures within its territorial jurisdiction. In addition, it shall make inspections when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

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(Code 1987, § 150.54)

Sec. 10-159. Appeal by owner.

Any owner who has received an order under subsection 10-158(c) may appeal from the order to the town council by giving notice of appeal in writing to the codes administrator or other authorized inspector and to the town clerk within ten days following issuance of the order. In the absence of an appeal, the order of the codes administrator or other authorized inspector shall be final. The town council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

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(Code 1987, § 150.38)

State law reference(s)—Similar provisions, G.S. 160D-1123.

Sec. 10-160. Enforcement procedures against owner.

If the owner of a building or structure fails to comply with an order issued pursuant to subsection 10-158(c) from which no appeal has been taken, or fails to comply with an order of the town council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

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(Code 1987, § 150.39)

State law reference(s)—Similar provisions, G.S. 160D-1124.

Sec. 14-34. Application; issuance.

- (a) Every application for a license required by this article shall be made to the tax collector. The tax collector shall prepare a form with all information needed to determine the amount of the license, and the applicant or his agent shall sign and date this form.
- (b) The tax collector shall not issue any license until the applicant has complied with every provision of this article, including the execution and delivery of any bond required and complied with the appropriate building, fire and zoning regulations of the town.
- (c) Every license issued under the provisions of this article shall show on the face of the license the name of the licensee, the nature of the business and its location (provided the business has a fixed location), the time for which issued, and the amount of the tax and penalty, if any, paid. Any license requiring the approval of the town council or of any board, commission or official shall show such approval on the face of the license. The tax collector shall keep an exact copy of each license issued, including the approval of any board, commission, or official endorsed on the face of the license.

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(Code 1987, § 111.04)

Sec. 14-37. Revocation.

Any license issued under the provisions of this article by the tax collector may be revoked by the town council upon the finding by the town council that the licensee has persistently violated any applicable section of this chapter, town ordinance, or any federal or state law, or that the licensee is conducting his business in a fraudulent or unlawful manner.

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(Code 1987, § 111.07)

Sec. 14-38. Appeal.

Any person aggrieved by the action of the tax collector in the denial of or in the revocation of a privilege license shall have the right to appeal to the town council. The appeal shall be taken by filing with the town council, within 14 days after notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The town council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided for notice of hearing on revocation. The decision of the town council on the appeal shall be final and conclusive.

(Code 1987, § 111.08)

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Sec. 14-41. License tax schedule.

- (a) The privilege license tax schedule shall be set from time to time by the town council, and a schedule of such taxes is on file and available in the town offices.
- (b) It shall be unlawful for any person to carry on or perform any business or do any act enumerated in this chapter without first having paid the license tax and procured a license as set forth in this article.

(Code 1987, § 111.11)

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Sec. 14-105.8. Fees.

Fees, as established by the town council 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. O-09-18 , 6-12-2018)

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Sec. 14-127. License required; procedure for issuance.

- (a) A license issued by the town shall be required of all street performers working within the town. Licenses are valid from July 1 to June 30. The fee shall be set from time to time by the town council, and is nonrefundable. Every performer within a single group is required to meet the licensing requirements of this article.
- (b) Application for a license to become a street performer in the town shall include, at a minimum, the following information and requirements:
 - (1) The name, permanent address, phone number, and proof of the identity of the applicant. Acceptable forms of identification shall include, but not be limited to, a driver's license, student identification card, or passport;
 - (2) A detailed description of the nature of the act to be performed;
 - (3) A detailed description of any instrument(s) or prop(s) which will be used by the performer;
 - (4) Two, two-inch by two-inch head shot color photos of the applicant. One shall be kept with the application, and the other included on the final license.
- (c) Before any license shall be issued under this section, the applicant shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant. No applicant shall be eligible for issuance or renewal of a license under this section if the applicant has been convicted of two or more offenses within a period of five years preceding the application where

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each offense involved an assault, sex offense, communicating a threat, illegal use of a weapon or other act of violence or attempted violence.

- (d) Upon receipt of a signed complete application for a performance license, the town manager or his designee shall approve the permit within five business days, unless one of the following findings is made:
 - (1) The applicant knowingly made a false, misleading or fraudulent statement of fact to the town in the application process;
 - (2) The application does not contain the information required by this article;
 - (3) The applicant has not satisfied the requirements of this article.
 - (e) A street performer license is not assignable or transferable.
 - (f) Licenses must be displayed at all times during performances.
- (Ord. No. O-08-13 , 8-27-2013)

Sec. 14-128. Locations where street performers are allowed.

- (a) Street performers may only perform at specified areas of public property within Waynesville which the town manager or his designee determines to be reasonably suitable to conduct street performances without adversely impacting the community as described herein.
- (b) Public areas for street performance are available on a first-come, first-serve basis each day. No street performer shall claim a greater right to perform at any location over a street performer who arrives first at the same location.
- (c) The town manager or his designee may solicit opinions from any party concerning the suitability of allowing street performances at any area of public property in Waynesville. The town manager shall assess such information thereby developed and may exclude or include additional sites for good cause related to public safety, public health, public peace, or the peaceful enjoyment of nearby premises. Any party may petition the town council for inclusion or exclusion of a particular public area from the list of areas where street performances are permitted.
- (d) No street performer may perform within 50 feet of another street performer; however, this provision shall not preclude street performers who are performing together from performing in close proximity to one another.
- (e) Excluded areas. Performances are not permitted within 50 feet of any structure which is used as a school, library, hospital, church, funeral home, or courthouse. No performance may occur within 50 feet of the property line of a cemetery. No performance shall occur within an encroachment area for dining on a public sidewalk. No performance activity shall interfere with or impede the flow of pedestrian traffic at a crosswalk, building entrance, private patio, or curb cut, or entrance into an encroachment area for dining. No performance may occur within 100 feet of any special event authorized by the town unless the performer has been approved by the event organizer. Street performers shall not perform on private property without written permission of the property owner. Street performers are required to keep the writing granting such permission on their person during any performance on private property. Notwithstanding, street performers shall not conduct any performances on property used for any residential purpose.

(Ord. No. O-08-13 , 8-27-2013)

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Sec. 18-4. Sale of cemetery spaces and columbarium niches.

- (a) The town shall sell easements for cemetery spaces and for columbarium niches to those persons desiring spaces and niches at such price as may be determined by the town council; however, one person may not purchase more than ten individual spaces and ten niches in a columbarium, except upon special permission from the town council. Columbarium niches and burial spaces cannot be purchased for commercial resale, and will not be sold to funeral homes, churches, or corporations.
 - (b) Upon purchase of a burial space, the owner will be conveyed an easement deed that shall identify the purchaser and contain a description of the easement purchased. Cemetery easement deeds shall be recorded at the Haywood County Register of Deeds Office by the town. The town will pay for the initial recording of the deed.
 - (c) Upon purchase of a columbarium niche, the purchaser will be issued a certificate granting them the right to use the niche for the inurnment of human remains.
- (Ord. No. O-03-20 , 3-10-2020)

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Sec. 22-32. When state of emergency deemed to exist.

A state of emergency within the Town of Waynesville exists upon a finding and declaration of an emergency by the town council or the mayor, acting under authority of G.S. 166A-19.22.

(Ord. No. O-26-20 , 12-8-2020)

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Sec. 22-33. Declaration of emergency.

- (a) In the event of a state of emergency the mayor is authorized and empowered to issue a public declaration determining and imposing those prohibitions or restrictions that the mayor deems necessary or suitable to a particular state of emergency.
 - (b) In the event of the mayor's absence or disability, the town council is authorized to confer upon the mayor pro tempore the mayor's authority and power to issue a public declaration determining and imposing those prohibitions or restrictions that the mayor pro tempore deems necessary or suitable to a particular state of emergency.
 - (c) In the event of both the mayor and mayor pro tempore's absence or disability, the town council is authorized and empowered to issue a public declaration determining and imposing those prohibitions or restrictions that the town council deems necessary or suitable to a particular state of emergency.
- (Ord. No. O-26-20 , 12-8-2020)

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Sec. 30-5. Burning of leaves prohibited.

- (a) It shall be unlawful for any person or persons to burn leaves, either openly or in any form of container, within the town.
 - (b) A violation of this section shall subject the offender to a civil penalty in the amount as set forth in the official schedule of fees and charges as set by the town council and maintained by the town clerk.
- (Ord. No. 27-03, 10-28-2003)

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Sec. 30-66. Adopted.

- (a) Volume V and in particular chapters 4 and 5 of volume V North Carolina Fire Prevention Code of the North Carolina State Building Code is adopted by the town council as its fire code by reference, with the exception of such portions as are deleted, modified or amended in this article, of which one copy will be filed by the town under the supervision of the town clerk; and the provisions are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the incorporated limits of the town.
- (b) The fire code shall be enforced by the codes administrator and the development services department.
- (c) Any person who shall violate any of the provisions of the fire code adopted in this section, fail to comply with such code, or who shall violate or fail to comply with any orders made under such code, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under such code, or any certificate or permit issued under such code, and from which no appeal had been taken, or who shall fail to comply with such an order as affirmed or modified by the codes administrator or by a court of competent jurisdiction, within the time fixed in this section, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor punishable as provided in section 1-8. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within reasonable time; and when not otherwise specified, each ten days that prohibited conditions continue shall constitute a separate offense.
- (d) If any violation under the provisions of this section shall fail to have been promptly corrected, the codes administrator shall mail, by certified mail or registered mail to the violator at his last known address, or by personal service give, written notice that:
 - (1) Fire hazards noted on the inspection form constitute a safety hazard or are dangerous to the life, health or welfare of the occupants;
 - (2) A hearing will be held before the codes administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) Following the hearing, the codes administrator may issue any order to correct the fire code discrepancies that appears appropriate.
- (e) If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building in question at least ten days before the day of the hearing and a notice of the hearing is published at least once, not later than one week before the hearing.

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(Code 1987, § 95.05; Ord. No. O-01-13, 1-22-2013)

State law reference(s)—North Carolina State Building Code applicable throughout the state, G.S. 143-138; authority to adopt technical codes by reference, G.S. 160A-76.

ARTICLE IV. FIREMEN'S RELIEF FUND BOARD¹

¹Cross reference(s)—Boards, commissions and committees, § 2-126 et seq.

State law reference(s)—Firemen's relief fund board of trustees, G.S. 58-84-30.

Sec. 30-101. Establishment; members.

There shall be appointed a board of trustees to be known as the firemen's relief fund board. The board shall be composed of five members, two of whom shall be appointed by the members of the fire department who are qualified as beneficiaries of the fund, two of whom shall be elected by the mayor and town council, and one of whom shall be named by the state commissioner of insurance. Their selection and term of office shall be as provided in G.S. 58-84-30.

(Code 1987, § 32.050)

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Sec. 38-38. Enforcement procedure.

- (a) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the codes administrator by a public authority or by at least five residents of the town, charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the codes administrator, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the codes administrator at a place fixed in the notice, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the dwelling. Any person desiring to do so may attend the hearing and give evidence. Evidence relevant in courts of law or equity shall not be controlling in hearings before the codes administrator.
- (b) *Procedure after hearing.* After the notice and hearing prescribed in subsection (a) of this section, the codes administrator shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and if so, whether it is deteriorated or dilapidated.
 - (1) *Deteriorated dwelling, dwelling unit.* If the codes administrator determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of that determination, and shall issue and cause to be served upon the owner an order directing and requiring the owner to repair, alter or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed 90 days. The order may also direct and require the owner to vacate and close the dwelling or dwelling unit until the repairs, alterations and improvements have been made.
 - (2) *Dilapidated dwelling.* If the codes administrator determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support that determination, and shall issue and cause to be served upon the owner an order directing and requiring the owner either to repair, alter or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or demolish them within a specified period of time not to exceed 90 days.
 - (3) *Vacated and closed dwellings.*
 - a. If the town council shall have adopted an ordinance, or the codes administrator shall have issued an order, ordering a dwelling to be repaired, altered or improved in subsection (b)(1) or (2) or subsection (c), and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order, if the town council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of

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the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause and contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state, in such circumstances, the town council, may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

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1. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50 percent of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish the dwelling within 90 days; or
 2. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50 percent of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.
- b. An ordinance adopted pursuant to this subsection shall be recorded in the office of the county register of deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this section, the codes administrator shall effectuate the purpose of the ordinance. The cost to repair or demolish and remove the dwelling shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority and be collected in the same manner as the lien for special assessments established by G.S. 160A-216 et seq.
- c. For the purpose of this subsection, the "current value" of a dwelling or structure shall be defined as the fair market value as determined by a certified appraiser or the current tax value on record with the county tax office, whichever is less.

(c) *Failure to comply with order.*

- (1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the codes administrator to repair, alter or improve, or to vacate and close the dwelling or dwelling unit within the time specified, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the codes administrator to repair, alter or improve, or to vacate and close and remove or demolish the dwelling or dwelling unit within the time specified, the codes administrator shall submit to the town council at its next regular meeting a resolution directing the town attorney to petition the superior court for an order directing that owner comply with the order of the codes administrator, as authorized by G.S. 160D-1208(e).
- (2) *In rem remedy.* After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the codes administrator within the time specified, if injunctive relief has not been sought or has not been granted as provided in subsection (c)(1), the codes administrator shall submit to the town council an ordinance ordering the codes administrator to cause that dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the codes administrator, and pending removal or demolition, to place a placard on that dwelling as provided by G.S. 160D-1203 and section 38-40.

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(d) *Appeals from orders of the codes administrator.*

- (1) An appeal from any decision or order of the codes administrator may be taken by any aggrieved person. Any appeal from the codes administrator shall be taken within ten days from the rendering of the decision or service of the order and shall be taken by filing with the codes administrator and with

the housing appeals board a notice of appeal which shall specify the grounds upon which the appeal is based. The board of adjustment shall sit as the housing appeals board. Upon the filing of any notice of appeal, the codes administrator shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the codes administrator refusing to allow the aggrieved person to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the codes administrator requiring the aggrieved person to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board unless the codes administrator certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of this requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the codes administrator, by the board, or by a court of record upon petition made pursuant to G.S. 160D-1208(d) and subsection (e) of this section.

- (2) The board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end shall have all the powers of the codes administrator; but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the codes administrator. The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, to adapt the application of this chapter to the necessities of the case to the end that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (3) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.
- (e) *Petition to superior court by owner.* Any person aggrieved by an order issued by the codes administrator or a decision rendered by the board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the codes administrator pending a final disposition of the cause, as provided by G.S. 160D-1208(d).

(Code 1987, § 152.37; Ord. No. 26-98, 8-25-1998; Ord. No. O-12-21, § 6, 6-8-2021)

State law reference(s)—Similar Provisions, G.S. 160D-1203.

Sec. 38-40. In rem action by codes administrator; placarding.

- (a) After failure of an owner of a dwelling or dwelling unit to comply with an order of the codes administrator issued pursuant to the provisions of this chapter, and upon adoption by the town council of an ordinance authorizing and directing him to do so, as provided by G.S. 160D-1203 and 152.37(C), the codes administrator shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the town council, and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.
- (b) Each ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160D-1203.

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(Code 1987, § 152.39; Ord. No. O-12-21 , § 6, 6-8-2021)

Sec. 42-4. Consumption or possession of alcohol on the public streets and sidewalks of the town.

- (a) It shall be unlawful for a person to consume a malt beverage or unfortified wine on the public streets or sidewalks owned, occupied or controlled by the town.
- (b) It shall be unlawful for a person to possess an open container of malt beverage or unfortified wine on the public streets or sidewalks owned, occupied or controlled by the town.
- (c) It shall be unlawful for any person to possess or consume malt beverages or unfortified wine on public streets, sidewalks, alleys or parking lots which are closed to regular traffic for special events.
- (d) For the purpose of this section, the term "open container" means a container with a seal that has been broken or a container other than the manufacturer's unopened original container. The terms "malt beverages" and "unfortified wine" are defined in G.S. 18B-101.
- (e) The town council may adopt a resolution making other provisions for the possession and consumption of malt beverages and/or unfortified wine at special events of the town or at special community festivals. Any resolutions that may be adopted shall provide for the specific times, dates and geographical limitations of the special event or festival.
- (f) Violations of subsections (a), (b) and (c) of this section shall be misdemeanors, punishable upon conviction in accordance with section 1-8.

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(Ord. No. 14-02, 8-13-2002)

Cross reference(s)—Streets, sidewalks and other public places, ch. 46.

Sec. 42-126. Definition of terms.

The following definitions are applicable to this section:

E-cigarette means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor. An e-cigarette does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Employee means a person who is employed by the Town of Waynesville, or who contracts with the town or a third person to perform services for the town, or who otherwise performs services for the town with or without compensation.

Enclosed area means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind regardless of the presences of openings for ingress and egress, on all sides or on all sides but one.

Sidewalk means a sidewalk that is owned, leased, or occupied by the Town of Waynesville, including those that are controlled and maintained by the Town of Waynesville.

Smoking means the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

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Temporary special event or activity means any indoor or outdoor public gathering or celebration sponsored by the Town of Waynesville, including dance, music, and dramatic productions, entertainment, amusements, festivals, carnivals, parades, bicycle rides, walks, and runs and any event that will not comply with usual traffic regulations or controls, requiring temporary closure of streets, sidewalks or alleyways and for which permission is granted by the Town of Waynesville Town council.

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Tobacco product means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to: cigarettes; cigars, little cigars, chewing tobacco, snus, and snuff. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Town building means a building owned, leased as lessor, or the area leased as lessee and occupied by the town and includes, but is not limited to, offices, restrooms, indoor walkways, stairwells, entrances, passageways, break rooms, lobbies, and work areas.

Town grounds means an unenclosed area owned, leased, or occupied by the Town of Waynesville.

Town park system means any tract of land or body of water comprising part of the Town of Waynesville's parks, playgrounds, recreational areas, trails, and greenways, including but not limited to the 39 acres of parks identified as: Waynesville Recreation Center, Waynesville State Park, Waynesville Disc Golf Course, Old Armory Recreation Center, East Street Park, Recreation Park, Vance Street Park, Sulphur Springs Park, Hazelwood Park, Pepsi Dog Park and any areas designated as parks or greenways in the future.

Town vehicle means a passenger-carrying vehicle owned, leased, or otherwise controlled by the Town of Waynesville and assigned permanently or temporarily by the Town of Waynesville to town employees, agencies, institutions, or facilities for official town business.

Universal "no smoking" symbol means symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

Universal "no smoking and use of tobacco products prohibited" symbol means symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.

(Ord. of 5-12-2015 , § 42.6)

Sec. 44-48. Frequency of collection; fees.

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

such private firms comply with the provisions of this chapter and with any other applicable provisions of law.

- (3) *Transporting through town.* This section shall not prohibit collectors of refuse from outside the town from hauling such refuse over town streets, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of the law.
- (4) *Volunteers/cleanup operations.* This section shall not prohibit volunteers or those who are assigned cleanup duty by the courts or in the course of their work from collecting, conveying, and disposing of such refuse, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of the law.

- (c) The schedule of fees for collecting residential and commercial refuse shall be determined from time to time by the town council and set forth in the official schedule of fees as a part of the budget ordinance.

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(Ord. No. 31-03, § 96.08, 12-9-2003; Ord. No. O-03-22, 1-11-2022)

Editor's note(s)—In order to avoid duplicate section numbering, § 44-47 has been redesignated as § 44-48 at the discretion of the editor.

Sec. 44-50. Penalties and remedies.

- (a) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. 14-4.
- (b) A violation of any of the provisions of this chapter shall also subject the offender to civil penalties in the follow amounts:
 - (1) Beginning 31 days after the notice of violation, \$25.00 per day.
 - (2) Beginning 60 days after the notice of violation, \$50.00 per day
 - (3) Beginning 90 days after the notice of violation, \$75.00 per day and every day thereafter.

Civil penalties shall be assessed by the code administrator and such other inspectors or deputy or assistant inspectors as authorized by the town council.

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- (c) The town may seek to enforce this chapter through any appropriate equitable action.
- (d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (e) The town may seek to enforce this chapter by using any one or any combination of the remedies in subsections (a) through (d) of this section.

(Ord. No. O-03-22, 1-11-2022)

Ord. No. O-03-22, adopted Jan. 11, 2022, enacted provisions designated as § 44-49. In order to avoid duplication of section numbers, said provisions have been redesignated as § 44-50 at the discretion of the editor.

Sec. 46-1. Approval of cost estimate; supervision of work on streets, public ways.

- (a) Whenever any work on or concerning the streets, alleys, sidewalks or other public ways of the town is proposed to be done, a detailed estimate of the cost shall be first submitted to the director of public works/town engineer for his approval.

(b) No amount of work in or upon the streets, alleys or other public ways in the town done by contract shall be allowed until the work so contracted for shall be examined by the director of public works/town engineer, who shall certify to the town council whether the work is done as prescribed in the proposals.

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(Code 1987, § 98.01)

Sec. 46-66. Road naming procedures for public roads.

The planning officer, in consultation with the emergency operations coordinator, fire departments, the county addressing office, and any other office or agency it deems necessary, is authorized to recommend new road names and name changes to the town council of the town for public roads inside the corporate limits of the town. The town council shall not name or rename a public road until they have held a public hearing on the matter. At least ten days before the day of the hearing, the town council shall cause notice of the time, place and subject matter of the hearing to be prominently posted at the town hall and the county courthouse, and shall publish a notice of hearing in at least one newspaper of general circulation published in the county.

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(Ord. No. 8-94, § 301, 3-22-1994)

Sec. 46-68. Notice of action for all roads.

- (a) A road name shall be assigned to any public road, or roadway which provides access to two or more residences, businesses, industries, or combination, regardless of the length of the road.
- (b) The planning officer is authorized to determine the need for road names and name changes and to recommend such additions or changes to the town council for both private and public roads inside the corporate limits of the town.
- (c) In addition, citizens may request the town council to change the name of a road as described in this section. Property owners who want to have the name of a road changed must submit a petition (form to be provided by the planning officer) to the planning officer for verification. The planning officer will make recommendations to the town council after the following criteria have been met:
 - (1) The currently required petition filing fee for each road name change shall be paid to the town clerk to cover legal advertisement and shall accompany any petition requesting that an existing road name be changed.
 - (2) The petition should include the existing road name, the proposed road name, the names, addresses and phone numbers of 100 percent of the persons owning property adjacent to the road and the signatures of at least 65 percent of those persons owning property adjacent to the road.
 - (3) The planning officer shall cause the request to be advertised pursuant to section 46-43.
 - (4) If the planning officer and the town council approve the request, the petitioners shall be required, prior to installation, to pay the town for the cost of purchasing new signs, erecting them, and the costs of the public hearing.
- (d) After naming or renaming a road, the planning officer shall cause notice of its action to be given to the postmaster with jurisdiction over the road, to the state department of transportation (in the case of public roads), and to the following agencies: county sheriff's department, town police department, county 911 director, fire department with jurisdiction over the road, land record office, and the school board.

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(Ord. No. 8-94, § 303, 3-22-1994)

Sec. 46-70. Prohibited road names.

The planning officer may disapprove newly proposed street names which fall under the following categories:

- (1) Road names that are duplicated or deceptively similar to the name of any other public or private road in the town, including a phonetic similarity. This shall include road names that have a different suffix.
- (2) Road names which have numbers as part of the name.
- (3) Road names which are over 15 characters in total length, including spaces, but not including suffixes.
- (4) Road names that are similar to the name of an existing subdivision unless the road lies within that same subdivision.
- (5) Any other road names that the town council may find offensive, disrespectful or otherwise inappropriate.

(Ord. No. 8-94, § 305, 3-22-1994)

Sec. 54-1. Definitions.

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

Ambulance means a vehicle equipped for transporting wounded, injured or sick persons.

Authorized emergency vehicle means a vehicle of the fire department, police vehicles, or rescue squad emergency vehicles or vehicles as authorized by the chief of police.

Block means the length of that portion of any street which is located between two adjacent street intersections.

Business district means the territory contiguous to a highway when 50 percent or more of frontage on the highway for a distance of 300 feet or more is occupied by buildings which are in use for business purposes.

Commercial motor vehicle means any of the following motor vehicles that are designed or used to transport passengers or property:

- (1) A Class A motor vehicle that has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
- (2) A Class B motor vehicle.
- (3) A Class C motor vehicle that meets either of the following descriptions:
 - a. Is designed to transport 16 or more passengers, including the driver.
 - b. Is transporting hazardous materials and is required to be placarded in accordance with 49 CFR Part 172, Subpart F.
- (4) Any other motor vehicle included by federal regulation in the definition of commercial motor vehicle pursuant to 49 USC Appdx. chapter 2716.
- (5) Class A motor vehicle, Class B motor vehicle, Class C motor vehicle and GVWR (Gross Vehicle Weight Rating) are all defined in G.S. 20-4.01, and the definitions are incorporated and adopted by reference as if fully set out herein.

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Crosswalk means that portion of a roadway which lies between the prolongations of the lateral sidewalk or boundary lines over an intersection; any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver and operator mean the operator of a vehicle. The term "operator" shall mean any person in actual physical control of a vehicle which is in motion or which has the engine running. The terms "driver" and "operator" and their cognates are synonymous.

Engine compression brakes means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes (commonly referred to as a "jake" brake, "jacob's" brake, engine brake or dynamic braking device).

Highway and street mean the entire width between property or right-of-way lines of every way or place of whatever nature, when any part is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous.

House trailer means any trailer or semitrailer designed and equipped to provide living and sleeping facilities and drawn by a motor vehicle.

Intersection means the area embraced within the prolongation of the lateral curblines or, if none, the lateral edge of the roadway lines of two or more highways which join one another at any angle, whether or not one such highway crosses the other. Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of such a divided highway by an intersecting highway shall be regarded as a separate intersection. If such an intersecting highway also includes two roadways 30 feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection.

Moped means a vehicle having two or three wheels and operable pedals and equipped with a motor which does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface.

Motor vehicle means every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds.

Motorcycle means a vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law enforcement agencies and mopeds.

Official traffic control devices means all signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of the town council or an official having jurisdiction for the purpose of regulating, warning or guiding traffic.

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Official traffic signals means any device, whether manually or automatically operated, by which traffic is alternately directed to stop and to proceed.

Operator means the same as "driver."

Owner means a person holding the legal title to a vehicle. However, if a vehicle is the subject of a chattel mortgage or an agreement for conditional sale or lease or other like agreement, with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the mortgagor, conditional vendee or lessee, the mortgagor, conditional vendee, or lessee shall be deemed the owner for the purpose of this chapter. For the purposes of this chapter, the lessee of a vehicle owned by the government of the United States shall be considered the owner of that vehicle.

Park means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

Pedestrian means any person afoot.

Police officer means every officer of the police department or any officer authorized to direct traffic or to make arrests for violations of traffic regulations.

Private road or driveway means every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic.

Public conveyance means any vehicle which is engaged in the business of transporting persons for fare.

Railroad means a carrier, other than streetcars, of persons or property, with cars operated on stationary rails.

Railroad train means a steam engine, electric or other locomotor, with or without cars coupled, operated upon rails, not including streetcars.

Residence district means the territory contiguous to a highway not comprising a business district, when the frontage on the highway for a distance of 300 feet or more is mainly occupied by residential dwellings, but also by dwellings or buildings which are in use for business purposes.

Right-of-way means the privilege of the immediate use of the roadway, not inconsistent with regulations and conditions imposed by this Code, other town ordinances, or state law.

Road tractors means vehicles designed and used for drawing other vehicles upon the highway and not so constructed as to carry any part of the load, either independently or as a part of the weight of the vehicle so drawn.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. If a highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone means a traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

Semitrailers means vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.

Sidewalk means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines, exclusively intended for use of pedestrians.

Signs means the same as "traffic signs."

Standing means any stopping of a vehicle, whether occupied or not.

Stop, when required, means complete cessation of movement.

Stop or stopping, when prohibited, means any stopping of a vehicle, except when conflict with other traffic is imminent or when otherwise directed by a police officer.

Street means the same as "highway."

Traffic means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic control devices means authorized signs or markers which are assumed to be permanently or temporarily placed or erected or installed at certain places and which purport to give notice of direction or to convey a prohibition or warning. The presence of such signs, though not compulsory, is generally dictated by necessity or common sense, with a view to furtherance of public safety.

Trailers means vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle, including pole trailers or a pair of wheels used primarily to balance a load rather than for purposes of transportation.

Truck tractors means vehicles designed and used primarily for drawing other vehicles and not so constructed as to carry any load independent of the vehicle so drawn.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks. For the purposes of this chapter, bicycles shall be deemed vehicles; and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, is suitable for both inside and outside a building and whose maximum speed does not exceed 12 miles per hour when the device is operated by a person with a mobility impairment.

(Code 1987, § 70.01; Ord. No. 22-06, 7-25-2006)

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

State law reference(s)—Similar definitions, G.S. 20-4.01.

Sec. 54-7. Motor vehicle tax.

(a) *Definitions:*

- (1) *Motor vehicle.* Each and every vehicle designed to run upon the highways, which is self-propelled or designed to be self-propelled, excluding:
 - a. Vehicles exempted from registration by G.S. 20-51;
 - b. Non-motorized vehicles pulled by self-propelled vehicles such as trailers, campers, mobile homes, trailers and tractor trailers; and
 - c. Vehicles listed in the inventory of car dealers.
- (2) *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.
- (3) *General motor vehicle tax imposed; scope.* Each motor vehicle which is sited within the Town of Waynesville on January 1, 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. The tax shall continue until rescinded in writing by the town council of the Town of Waynesville.

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- (b) *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.

(Ord. No. O-08-18 , 6-26-2018)

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Sec. 54-41. Installation and maintenance.

The town council is authorized to designate those intersections at which traffic shall be controlled by official traffic control signals and shall install such signals as shall be necessary. The director of public works/town engineer shall also install and maintain such other traffic control devices as are necessary to carry out the provisions of this chapter.

(Code 1987, § 70.30)

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Sec. 54-43. Crosswalks; safety zones.

(a) The town council is authorized to designate and shall thereafter maintain or cause to be maintained, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in their opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as they may deem necessary.

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(b) The town council is authorized to establish safety zones of such kind and character and at such places as they may deem necessary for the protection of pedestrians.

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(Code 1987, § 70.34)

Sec. 54-47. No parking zones.

The town council is authorized to designate streets and alleys, or portions of streets and alleys, where the parking of vehicles shall be prohibited, limited or restricted, and to erect signs or markings indicating such prohibition, limitation or restriction. It shall be unlawful for any person to park a vehicle in violation of any such sign or marking.

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(Code 1987, § 70.38)

Sec. 54-48. Stop intersections.

(a) The town council is authorized to erect stop signs at the entrances of intersections designated by them, which signs shall be located so as to indicate which vehicles approaching the intersection are required to stop.

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(b) The driver of a vehicle approaching such a sign shall stop at the entrance to the intersection and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so closely as to constitute an immediate hazard; but the driver, having so yielded, may proceed; and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding into or across the intersection.

(Code 1987, § 70.39)

Sec. 54-111. Conformity with state law; exceptions.

Except in those cases in which speed limits differing from those provided by state law have been adopted by ordinance, and made effective by the adoption of a concurring ordinance by the state board of transportation, where required by state law, and by the erection within the town of signs giving notice of the authorized speed limits, the speed limits established by G.S. 20-141 shall apply within the town. A schedule of all authorized variations from such limits, together with copies of ordinances of the town council, and of the state board of

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transportation where required by state law, authorizing such variations shall be maintained on file in the office of the town clerk and are also listed in section 54-113.

(Code 1987, § 71.20)

Sec. 54-144. Passenger and freight loading zones; freight loading permit.

- (a) The town council shall have authority from time to time to determine, designate and locate passenger loading zones and freight loading zones on the highways, streets and roadways within the town and shall direct and maintain, or cause to be maintained, appropriate signs indicating such zones.
- (b) It shall be unlawful for the driver of any vehicle to stop, stand or park a vehicle for any period of time longer than is necessary for the expeditious loading or unloading of passengers or freight in any place marked as a passenger loading zone; and it shall also be unlawful for the driver of any vehicle to stop, stand or park a vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers or material in any place marked as a freight loading zone; and in no case shall a stop for loading and unloading of materials exceed the space of 30 minutes unless specially permitted by a permit issued by the director of public works/town engineer.
- (c) The chief of police is authorized to issue, in special cases where he deems it necessary, a permit for any vehicle used to transport merchandise or material to park the vehicle back to the curb for the purpose of loading or unloading freight. The permit shall definitely specify the time to be permitted, and the driver of the vehicle shall have the permit in his possession at the time and place of loading or unloading.
- (d) In unloading of freight on Main Street, when trucks would use parking spaces intended for shoppers or inhibit the flow of motor vehicles on the street, freight deliveries should be made prior to 9:00 a.m. or after 5:00 p.m.
- (e) In no case shall the loading or unloading of freight result in the blocking of any sidewalk with any device used for the loading or unloading of freight or with the freight itself, so as to impede the flow of pedestrian traffic or to endanger the safety of pedestrians or motor vehicles.
- (f) The following are designated as passenger loading zones:
 - (1) In a northerly direction 22 feet from the unnamed alley that formally was the first two spaces on the east side of North Main Street, opposite where Depot Street intersects with Main Street, shall be designated as a passenger loading zone for the Haywood Shuttle program. The next 22-foot parking space shall be designated as a handicapped parking space. Both the designated passenger loading zone and the handicapped parking shall be appropriately marked.
 - (2) Beginning at Main Street and going in a northwesterly direction on Depot Street, the two parking spaces on the north side of Depot Street closest to Branner Avenue, shall be designated as passenger/freight loading zones. The passenger/freight loading zones shall have a 15-minute time limit and shall be appropriately marked.

(Code 1987, § 72.10; Ord. No. 24-98, 7-28-1998; Ord. No. 19-01, § 72.10, 8-14-2001; Ord. No. 7-03, § 72.10, 3-25-2003; Ord. No. 11-05, 3-22-2005; Ord. No. 2-10, 2-15-2010)

Sec. 54-145. Regulating stopping, standing or parking on private parking lots and driveways open to the public.

- (a) *Authority.* Upon the written request of the owner or other person in general charge of the operation and control of any parking areas or driveways of privately owned real property, including but not limited to shopping centers, commercial office complexes, or other privately owned public vehicular areas lying within

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the corporate limits of the town, the town council may enter into an agreement to regulate or prohibit during specified hours the stopping, standing or parking of motor vehicles.

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(b) *Request required; contents.*

(1) The owner or person in charge of the operation and control of the property must submit the request for regulation in writing, including at a minimum the following:

- a. Name, home and business address;
- b. Name, location and nature of facility or operation for which regulation is required;
- c. Name of the owner of the property, and if the applicant is not the owner the position or authority which entitles the applicant to request regulations;
- d. Type of parking regulations requested; and
- e. A description of the specific area on the property which is to be regulated, including, if necessary, a map or drawing.

(2) Application shall be submitted to the town clerk and shall be on approved forms if such forms are provided.

(c) *Cost.* The cost of erecting, placing or installing all necessary signs as determined by the chief of police shall be paid by the person requesting regulations.

(d) *Prohibitions.* No person shall stop, leave standing or park a motor vehicle in any of the areas specified and described in section 54-146, in violation of posted signs where signs are placed, erected or installed, giving notice that stopping, standing or parking of motor vehicles is regulated or prohibited during certain hours in that space or area.

(e) *Storage of violating vehicles.* The owner of a vehicle parked in violation of this section shall be deemed to have appointed any member of the police department as his agent for the purpose of arranging for the transportation and safe storage of any motor vehicles stopped, left standing or parked in any of the areas specified in section 54-146, in violation of such posted notice.

(f) *Penalty.* Any person violating any provision of this section shall be charged with an infraction and be liable for a fine not to exceed \$50.00.

(Code 1987, § 72.11)

Sec. 54-149. No parking zones established.

In accordance with section 54-47, the town council is authorized to designate streets and alleys, or portions of streets and alleys, where the parking of vehicles shall be prohibited, limited or restricted. Signs shall be erected and the following areas shall be designating such areas as no parking zones:

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Epson Street from where that street intersects with Ninevah Road and extending eastward for 53 feet on the north side and 193 feet on the south side.

Beginning at the intersection of Hazelwood Avenue and Morgan Street, the area along both sides of Morgan Street, 100 feet from the intersection of Morgan Street and Hazelwood Avenue, shall be designated as a no parking zone and shall be appropriately marked.

On Branner Avenue, the space closest to Depot Street and adjoining the driveway on the side of the building at 166 Branner Avenue.

(Ord. No. 3-02, 4-9-2002; Ord. No. 10-06, 3-14-2006; Ord. No. 2-10, 2-15-2010)

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Sec. 54-150. Handicapped parking.

- (a) It shall be prohibited for any person to park or leave standing any vehicle in a space designated for handicapped persons or visually impaired persons when the vehicle does not display the distinguishing license plate, placard, or identification card or a disabled veteran registration plate as provided by state law.
- (b) It shall be prohibited for any person not qualifying for the rights and privileges extended to handicapped or visually impaired persons to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate, placard or identification card.
- (c) A violation of this section shall subject the offender to a civil penalty in the amount as set forth in the official schedule of fees and charges as set by the mayor and town council and maintained by the town clerk. The civil penalty shall be collected in the same manner as other violations of the parking ordinances of the town are collected.

(Ord. No. 25-99, 10-12-1999)

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Sec. 54-153. Civil enforcement of parking violations.

All such persons as may be designated by the town manager to enforce the various provisions of this article shall attach to any vehicle violating the provisions thereof a notice to the owner or operator thereof that such a vehicle has been parked in violation of the provisions of the ordinances of the town and that such violation subjects the offender to a civil penalty as shown in the official schedule of fees and charges as set by the mayor and town council and maintained by the town clerk.

Absent designation by the town manager of any person or persons as set forth herein, the enforcement of the various provisions of this article shall be under the authority of the Police Department of the Town of Waynesville. To this end, said police department shall have the authority to create a civilian unit for the purpose of enforcement of the provisions of this article, with the specific exception of the enforcement of those provisions which pursuant to the North Carolina General Statutes are exclusively the responsibility of said police department. Said police department shall be responsible for the training and supervision of said civilian unit.

(Ord. No. 26-99, § 72.22, 10-12-1999; Ord. No. 13-05, 4-26-2005)

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Sec. 58-31. Policy.

The town council declares that it is in the public interest that the town fairly and indiscriminately administer a reasonable policy with regard to the termination of electric service by written regulation. The regulations established in this article shall be applied in an equitable and nondiscriminatory manner to all customers for electric service throughout the service area of the town, without any different application in any part of the town.

(Code 1987, § 51.01)

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Sec. 58-33. Discontinuance of service.

- (a) The town shall have the right to discontinue utility service to its customers for the following reasons:
 - (1) Failure of a customer to pay any bill for utility service within the time allowed by section 58-32.
 - (2) Failure of a customer to make a deposit to guarantee payment of charges for utility service, or to increase his deposit when required to do so by this article or other town ordinances.
 - (3) Refusal of legitimate access to premises or damage to or loss of town property on the customer's premises for which the customer is liable.
- (b) If payment for utility service is not received by the date specified in the delinquent notice delivered to the customer pursuant to section 58-32(b), the customer's utility service shall be terminated until such time the delinquent account is paid and the other costs required in this article are received by the town.
- (c) When it becomes necessary for the town to discontinue utility service to a customer for any of the reasons stated in subsections (a) or (b) of this section, service will be reinstated only after all bills for service have been paid in full, any deposit required has been made, and the current reconnection fee has been paid to reimburse the town for expenses involved in disconnecting and reconnecting the utility service.
- (d) The town council acknowledges that while under a declaration of a state of emergency that adjustments to this disconnect policy may be required. When such conditions are present, the town council may adopt measures to suspend disconnections or waive associated fees. These actions shall be conducted in open session and any suspension or change to fees shall not exceed a period of 60 days. All actions will be recorded via resolution and included in the permanent records of the Town of Waynesville.

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(Code 1987, § 51.03; Ord. No. O-05-20 , 3-24-2020)

Sec. 58-159. Purpose.

It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater disposal system of the town for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the POTW director and approved by the town council. A copy of these charges and fees will be made available from the POTW director.

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(Ord. No. 13-07, § 3.1, 5-10-2007)

Sec. 58-277. Requests for connections to, extension of sewer lines outside town limits.

- (a) All requests for connection to or extensions of sewer lines from the present sewer system of the town outside the corporate limits of the town shall be writing and shall be addressed to the town council.
- (b) A written petition for voluntary annexation which meets the requirements of G.S. ch. 160A art. 4A for the particular piece of property in question shall accompany all written requests for connections to or extensions of sewer lines outside the corporate limits of the town. The petition shall be addressed to the town council and shall comply in all respects with the then-existing annexation laws of the state.
- (c) The town council shall have 180 days from the date of submission of the voluntary petition for annexation to the town council within which to commence the annexation process.
- (d) The town council may accept or reject a written request for extension of sewer lines outside the corporate limits of the town without regard to whether or not it accepts the property in question for annexation;

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however, if the town council rejects the written request for connection to or extension of the town sewer lines outside the corporate limits of the town, the town council shall also automatically reject the petition for annexation.

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(Ord. No. 13-07, § 11.2, 5-10-2007)

Chapter 62 VEGETATION¹

DIVISION 2. COMMUNITY APPEARANCE COMMISSION²

Sec. 62-71. Established; membership and terms.

- (a) There is hereby established a community appearance commission (referred to in this division as the "commission") under the authority of G.S. 160D-304.
- (b) The commission shall consist of nine members appointed by the town council. All members shall reside within the planning and zoning jurisdiction of the town. A majority of the members of the commission shall have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning, or a closely related field. The commission shall serve without compensation. The commission may appoint advisory bodies and committees as appropriate. Members of the commission shall serve terms of four years. Terms shall be staggered. A member may be reappointed for consecutive terms.

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(Ord. No. 19-99, § 154.249, 8-24-1999; Ord. No. 24-00, § 154-249, 9-26-2000; Ord. No. O-12-21, § 8, 6-8-2021)

Sec. 62-76. Powers and duties.

The commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this division and G.S. 160D-960. Including but not limited to the following, the commission is authorized and empowered to:

- (1) Initiate, promote and assist in the implementation of programs of general community beautification in the town;
- (2) Seek to coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities and programs bear upon the appearance of the town;
- (3) Provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations and agencies;

¹Cross reference(s)—Boards, commissions and committees, § 2-126 et seq.; buildings and building regulations, ch. 10; removal of trees, plants and shrubs in cemeteries, § 18-7; environment, ch. 26; weeds as nuisances, § 26-51 et seq.; housing, ch. 38; solid waste and weed management, ch. 44; streets, sidewalks and other public places, ch. 46; trees and shrubs in public places, § 46-8; subdivisions, ch. 50.

²Cross reference(s)—Boards, commissions and committees, § 2-126 et seq.

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- (4) Make studies of visual characteristics and problems of the town, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion of the community thereof, or any project to be undertaken.
 - (5) Prepare both general and specific plans for the improved appearance of the town. The plans may include the entire area or any part thereof, and may include private as well as public property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of the town or any part thereof, including public ways and areas, open spaces, and public and private buildings and projects;
 - (6) Participate, in any way deemed appropriate by the town council, and, specified in the ordinance from which this division is derived, in the implementation of its plans. To this end, the town council authorizes the commission to:
 - a. Request from the proper officials of any public agency or body, including agencies of the state and its political subdivisions, its plans for public buildings, facilities, or projects located within the town.
 - b. Review these plans and make recommendations regarding their aesthetic suitability to the appropriate agency, or to the appropriate town authority. All plans shall be reviewed by the commission in a prompt and expeditious manner, and all recommendations of the commission with regard to any public project within the town shall be made in writing. Copies of the recommendations shall be transmitted promptly to the town planning department and to the appropriate agency.
 - c. Formulate and recommend to the planning board and the town council the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to enhance the appearance of the town.
 - d. Direct the attention of the town officials to needed enforcement of any ordinance that may in any way affect the appearance of the town.
 - e. Seek voluntary adherence to the standards and policies of the commission's plans.
 - f. Enter, in the performance of its official duties at reasonable times, upon private lands and make examinations or surveys.
 - g. Promote public interest in and an understanding of its recommendations, studies, and plans, and to that end to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the commission, advance the cause of improved town appearance.
 - h. Conduct public meetings and hearings, giving reasonable notice to the public thereof.

(Ord. No. 19-99, § 154.254, 8-24-1999; Ord. No. O-12-21, § 8, 6-8-2021)

Sec. 62-77. Staff services; advisory council.

The commission may recommend to the town council suitable arrangements for the procurement or provision of staff or technical services for the commission. The commission may establish an advisory council or other committees.

(Ord. No. 19-99, § 154.255, 8-24-1999)

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Sec. 62-78. Annual report.

The commission shall, no later than February 15 of each year, submit to the ~~town council~~ a written report of its activities and its requested budget for the next fiscal year.

(Ord. No. 19-99, § 154.256, 8-24-1999)

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APPENDIX A - LAND DEVELOPMENT STANDARDS

CHAPTER 1. - PURPOSE AND APPLICABILITY

1.5 Consistency with All Adopted Plans.

In accordance with G.S. 160D, all development plans shall be in conformance with all adopted plans (including comprehensive plans, transportation plans, small area plans, open space and greenway plans, or any other plan adopted by the Waynesville ~~Town Council~~).

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2.1 Official Land Development Map.

2.1.1 Official Land Development Map.

In accordance with 160D-105, the adopted zoning district boundaries and zoning overlays shall be shown on a map of the Town of Waynesville which shall be known as the Official Land Development Map, and such map is hereby incorporated into these Land Development Standards for the Town of Waynesville.

Zoning district maps and a copy of the currently effective version of any incorporated map shall be maintained for public inspection in the Waynesville Development Services Department.

The Official Land Development Map shall be maintained in the Waynesville Development Services Department and a copy shall be kept on file with the Town Clerk. Copies of the Official Land Development Map shall be provided upon request and, when certified by the town clerk in accordance with G.S. 160A-79 or G.S. 153A-50, shall be admissible into evidence and shall have the same force and effect as would the original map.

Zoning district boundaries are automatically amended to remain consistent with the incorporated map upon Town Council approval of zoning map amendments.

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2.7 Conditional Districts (CD).

Conditional Districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Town Council in accordance with G.S. 160D. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, they establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

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2.7.1 Standards for Conditional Districts.

Within a Conditional District (CD), petitioners may place additional requirements or standards onto themselves and their property or ask that certain uses identified in the specific zoning category or provisions in Chapters 2-12 be decreased. It shall be the Town Council's final decision to grant approval or denial of the CD zoning amendment in light of the revised development standards presented in accordance with the procedures of Section 15.15. If no specific request is made by the petitioner to the change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

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In addition to modification of specific district provisions (except use), the various provisions detailed in Chapters 2-12 may be varied if specifically requested by the petitioner as part of a Conditional District application:

CH	Title	Exception to modifications:
2	District Provisions	Uses permitted may not be added unless the use proposed is not currently defined or contemplated by the Code. Permitted uses may be removed from the petition.
3	Supplemental Use Standards	
4	General Provisions for All Districts	
5	Building and Development Design Standards	
6	Site and Development Infrastructure Improvement Requirements	
7	Civic Space	May substitute required open space for payment-in-lieu. Amount required may not be reduced.
8	Tree Protection, Landscaping and Screening	No further modifications permitted. See Alternate Methods of Compliance.
9	Parking	
10	Lighting	
11	Signs	Signage may exceed the permitted amount by no more than 50 percent.
12	Environmental Conservation Standards	No further modifications permitted. See Alternate Methods of Compliance.

(Ord. No. O-11-21 , § 5, 6-22-2021; Ord. No. O-06-22 , § 6, 3-22-2022)

3.3 Supplemental Use Standards—Lodging.

3.3.3 Inn (Up to 30 Rooms).

- A. **Development Standards:** Inns shall be buffered from any adjoining residentially zoned property in accordance with Section 8.4.
- B. **Owners/Employee:** An owner/manager of an inn shall reside on the property.
- C. **Parcel Size:** Each inn constructed in a residential district shall be on a lot which is no less than five (5) acres in size. The size limit is waived if the principal building is on the National Register of Historic Places either individually or as a contributing building within a district, is designated as a Local Historic Landmark by the Town Council, or is on the inventory of historic properties maintained by the Historic Preservation Commission.
- D. **Number of Rooms:** Inns shall provide no more than thirty (30) rooms for lodging; however, inns on properties of less than five (5) acres shall provide no more than twenty (20) rooms for lodging.
- E. **Activities:**
 - 1. **Special Events:** Inns may have parties, receptions, or other similar contracted activity provided that these take place on no more than twelve (12) days within a one (1) year period; and that such events take place on no more than three (3) consecutive days. A temporary use permit (see Section 15.4) must be obtained for each such event.
 - 2. **Meals Open to non-Overnight Guests:** In addition to the special events above, the inn may also have up to one (1) meal per month open to non-overnight guests.
 - 3. **Personal, non-commercial use of the inn by the resident owner or manager is not subject to the limitations of this section.**
- F. **Open Space:** Every inn located in a residential district must maintain at least fifty percent (50%) of the development for common open space.
- G. **Building Setbacks:** All buildings shall be located no closer than fifty (50) feet from the rear and side property lines.

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3.5 Supplemental Use Standards—Commercial.

3.5.1 Adult Establishment.

- A. **Purpose:**
 - 1. The Town Council of the Town of Waynesville finds that it is necessary to set forth the appropriate special requirements by which adult establishments may be established within the Town's zoning jurisdiction.
 - 2. Adult establishments, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious or recreational uses.
 - 3. Studies have shown that lower property values and increased crime rates tend to accompany and are brought about by the concentration of adult establishments.
 - 4. The Town Council finds that the regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in the Town of Waynesville.
 - 5. It is not the intent of the Town Council in adopting this section to suppress any activities protected by the First Amendment, but rather to enact a content neutral standard that addresses the secondary effects that adult establishments have on the Town.

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B. Location:

1. No adult establishment shall be located within one thousand three hundred and twenty feet (1,320) of another adult establishment.
2. No adult establishment shall be located within one thousand three hundred and twenty (1,320) feet of: a church, synagogue or regular place of worship; a public or private elementary or secondary school; a public library; a public park or playground; a licensed child care center; or an entertainment business that is oriented primarily toward children.
3. No adult establishment shall be located within one hundred (100) feet of Russ Avenue, from Frazier Street to Walnut Street, measured from the right-of-way.
4. For the purposes of this section, measurement shall be made in a straight line, from the nearest property line on which an adult establishment is located to the nearest property line of the premises of any use listed above.

C. Signs and Displays: No sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

D. Hours of Operation: No adult establishment, except an adult motel, may remain open at any time between the hours of one o'clock (1:00) a.m. and eight o'clock (8:00) a.m. on weekdays and Saturdays, and one o'clock (1:00) a.m. and twelve (12:00) p.m. on Sundays.

6.4 Connectivity.

6.4.1 Street Network.

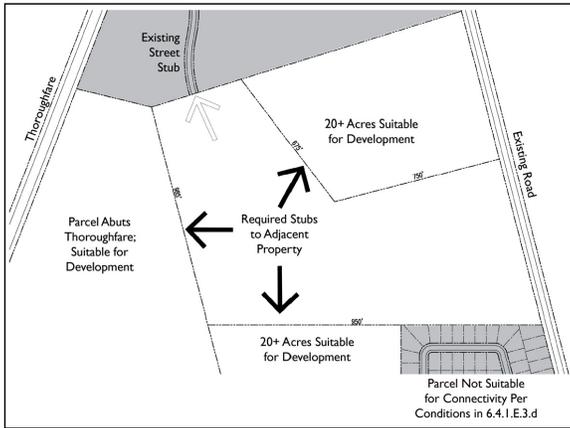


The images to the left illustrate three conceptual subdivision layouts. The top image is an example of a poor layout with too few connections and many dead ends. The lower two images show improved street layouts with the required connections and a network of streets. (Diagrams courtesy of Fort Collins Colorado)



- A. **Streets to be Interconnected:** Except where determined not feasible by the Administrator, all streets shall be designed to form part of an interconnected street pattern. Streets must connect with adjacent street networks to the extent possible. Street designs will be assessed, in terms of meeting this interconnectivity standard, on their ability to: permit multiple routes between origin/destination points; diffuse traffic; and, shorten walking distances. [154.309(B)(2)]
- B. **Block Lengths:** Low speed, low volume streets shall be designed with short block lengths of between two hundred and fifty (250) and five hundred (500) feet. The Administrator may approve alternative block length designs based on topography, the existence of environmentally sensitive lands, the need to preserve cultural resources and similar considerations. [154.309(B)(2)]
- C. **Compliance with Adopted Plans:** Streets shall be planned with due regard to the designated corridors shown on the adopted Thoroughfare Plan.
- D. **Reserve Strips Prohibited:** Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property (except those required by the Town Council to prevent access to thoroughfares), and half-streets shall not be permitted.
- E. **Street Stubs:**
1. **Connection to Street Stubs Required:** New developments shall connect to any existing street stubs from adjacent properties.

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2. **Street Stub Prioritization:** New development shall stub to all adjacent properties where practical. The location of new required street stubs shall be prioritized as follows:
 - a. Adjacent parcels 20 acres or greater
 - b. Adjacent parcels that abut or are traversed by existing or proposed thoroughfares or collector streets.
 - c. Where any adopted transportation or land use plan recommends a street connection.
3. **Exemptions:** Street stubs shall not be required where the conditions listed below would prevent connections:
 - Topographical conditions (where pre-development slopes are 18 percent or greater)

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- Environmental conditions (e.g., jurisdictional wetlands)
 - Property shape
 - Property accessibility (e.g., existing platted subdivision with no stubs)
 - Land use relationships (e.g., incompatible land use)
4. **Stub Street Details:** Stub streets and streets intended for extension during future phases shall be constructed to extend to the property line or as close to the line as practical. It shall be the responsibility of the second development to construct the connection to an existing stub street. Stub (or dead head) streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary). A clearly visible street sign shall be erected at the end of the stub street stating that the street is planned to connect to a future street.

6.10 Transportation Impact Analysis.

6.10.7 Payments-in-Lieu of Improvements.

The Town Council may, at its discretion, accept either mitigation measures to be completed by the developer or a fee paid to the Town in lieu of mitigation. The fee shall be equal to the costs of the required mitigation measures, as determined by the Administrator. A combination of mitigation measures and payments-in-lieu of dedication may be permitted. Payments-in-lieu of dedication shall be approved as part of the Development Plan.

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6.11 Utilities.

6.11.3 Water Systems.

- A. All development applications must be accompanied by satisfactory evidence as to the proposed method and system of water supply.
- B. In no case shall water lines be extended beyond the Urban Services Boundary line established in the Town of Waynesville Land Development Plan unless approved by the Town Council.
- C. The installation of all water systems (except for individual wells) shall be required prior to final plat approval or the issuance of a certificate of occupancy unless otherwise permitted in this chapter.
- D. Public Water Systems:
 - 1. Where connection is proposed to the public sewer system and dedicated to the Town of Waynesville, the proposed system shall be installed according to the specifications of the Town's Public Services Department and designed by a registered engineer. Plans shall be reviewed and approved by the Public Works Department for the Town of Waynesville and any applicable state agency. A letter of approval from the Public Works Department and appropriate state agency must accompany the development application.
 - 2. Connection to the public water system shall be required as set forth below depending on the number of dwelling units proposed in a development and the distance the development is located from existing public water supply systems.
 - a. One unit - connection required if development is within two hundred (200) feet of a public system.
 - b. Two units - connection required if development is within four hundred (400) feet of a public system.

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- c. Three units - connection required if development is within six hundred (600) feet of a public system.
 - d. Four units - connection required if development is within eight hundred (800) feet of a public system.
 - e. Five units or more - connection required if development is within one thousand (1,000) feet of a public system.
3. Where a water line six (6) inches or greater in diameter is required in a public water system, fire hydrants shall be installed on the line. The hydrants shall be spaced so that coverage to all building sites along the line may be provided with not more than five hundred (500) feet of hose and shall be located to facilitate access, hose laying and drainage.
- E. Private Systems: Where private individual systems are proposed for a development, a written statement or letter of approval from the Haywood County Health Department shall be submitted with the development application indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply.

6.11.4 Sanitary Sewer Systems.

- A. All development applications must be accompanied by satisfactory evidence as to the proposed method and system of sanitary sewer.
- B. In no case shall sanitary sewer lines be extended beyond the Urban Services Boundary line established in the Town of Waynesville Land Development Plan unless approved by the Town Council.
- C. The installation of all sanitary sewer systems (except for individual septic systems) shall be required prior to final plan approval or the issuance of a certificate of occupancy unless otherwise permitted in this ordinance.
- D. Public Sewer Systems:
 - 1. Where connection is proposed to the public sewer system and dedicated to the Town of Waynesville, the proposed system shall be installed according to the specifications of the Town's Public Services Department and designed by a registered engineer. Plans shall be reviewed and approved by the Public Works Department for the Town of Waynesville and any applicable state agency. A letter of approval from the Public Works Department and appropriate state agency must accompany the development application.
 - 2. Connection to the public sewer system shall not be required for developments on slopes exceeding 30% average.
 - 3. Installation of sewer lines requiring the Town of Waynesville to pump sewage is not permitted.
 - 4. Connection to the public sewer system shall be required as set forth below depending on the number of dwelling units proposed in a development and the distance the development is located from existing public sewer system.
 - a. One unit - connection required if development is within two hundred (200) feet of a public system.
 - b. Two units - connection required if development is within four hundred (400) feet of a public system.

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- c. Three units - connection required if development is within six hundred (600) feet of a public system.
 - d. Four units - connection required if development is within eight hundred (800) feet of a public system.
 - e. Five units or more - connection required if development is within one thousand (1,000) feet of a public system.
- E. Private Systems:
- 1. Private sanitary systems are not permitted.
 - 2. Private treatment systems resulting in discharges to surface waters are not permitted.
 - 3. Individual on-site systems are permitted.
 - 4. Where individual systems are proposed for a development, a written statement or letter of approval from the Haywood County Health Department shall be submitted with the development application. Such approval must indicate that each lot in the development has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.
 - 5. When individual, on-lot systems are approved, each lot so served shall be of a size and shape to accommodate the necessary length of a leach field at a safe distance from and at a lower elevation than the proposed building(s). Such lot size and shape shall conform to the requirements of the land development district in which they are located.

6.12 Improvement Guarantees.

6.12.3 Relevant Provisions:

A. Default by Developer:

- 1. Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, the town council may required the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the town.
- 2. Upon payment, the Town Council, in its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.

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B. Release of Guarantee:

- 1. The Town Manager may release a portion of any security posted as the improvements are completed and recommended for approval by the Administrator.
- 2. Within thirty-two (32) days after approval of all improvements by the Administrator, the Town Manager may release the security guarantee.

C. Warranty Against Defects.

- 1. Prior to the approval of the Final Plat or acceptance by the Town of any improvements in any subdivision or site development project, the developer shall furnish to the Town a written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the Town equal to at least 10 percent of the cost of the installation of such improvements as

determined by the Town Manager. Such financial guarantee shall be in the form of financial guarantee as provided for in A or B above.

2. **Release of Warranty:** Upon successful performance of the improvements, as determined by the Town Manager, the financial guarantee shall be returned to the developer. Upon the failure of an improvement to perform within the generally accepted standards for the type improvement as determined by the Town Manager, the developer shall be notified and given a reasonable period of time to correct the defects. Should the developer fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the Town Manager shall find the developer in default and proceed in the same manner as provided for in Subsection C above. Although other town owned/managed utilities and services as are required in this ordinance (e.g., electric, natural gas) are not included in this warranty against defects, any grading, boring, cutting or other disturbances in public easements or rights-of-way associated with the installation or such facilities shall be restored prior to the release of this financial guarantee.
- D. **Coverage:** The performance guarantee shall be used only for the completion of the required improvements. It shall not be used for repairs or maintenance after initial completion (160D-804.1(4)). If the project has common areas that require maintenance, the developer or the entity to which the property has been officially transferred is responsible for maintaining these common areas.
- E. **Exclusion:** Performance guarantees associated with erosion control and stormwater control are not subject to the provisions of this section.

7.2 Civic Space Standards.

7.2.8 Ownership and Maintenance.

Ownership: Dedicated civic space land shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, Haywood County, to the Town of Waynesville (upon approval by the Town Council), or may be held in private ownership with conservation easements recorded in the Haywood County Register of Deeds in a form approved by the Town. A metes and bounds description of the space to be preserved and limits on its use shall be recorded on the development plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives will also be permitted.

Maintenance: The owner or lessee of the property designated for civic space is responsible for its maintenance. Landscaped areas shall be maintained in good condition and the entire area shall be kept clear of debris. All civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans. Documents such as covenants for a homeowners' association, bylaws, charter for a non-profit entity, or similar agreements and guarantees shall be filed with the final plat.

Dedication to the Town or other public entity is subject to acceptance by and at the sole discretion of the Town or other public entity. If the civic space land is dedicated to the Town and accepted for public use, this land will be maintained by the Town.

7.4 Payment in Lieu of Civic Space Dedication.

Any person developing and/or subdividing property subject to this Chapter, and upon approval of the Town Council, may make a payment in lieu of any required dedication of public recreational space.

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7.4.2 Payment-in-lieu Required.

- A. The Town Council may, at its discretion, accept either an equitable amount of land in another location or a fee paid to the Town in lieu of dedication. A combination of park, recreation, and open space land dedication and payments-in-lieu of dedication may be permitted.
- B. All payments made in lieu of dedication shall be made at the time of Final Plat approval or prior to the issuance of the first Certificate of Occupancy (whichever comes first as appropriate). Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, or redevelopment of public recreation space by the Town.
- C. Reasons for payments in lieu of dedication may include, but are not limited to, proximity to existing public parks and/or existing topographic or geographic conditions.

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14.1 The Administrator.

The various provisions of this ordinance shall be administered under the general direction of the Town Manager and under the specific direction of the Town of Waynesville Development Services, Public Services and Utility Departments. For the purposes of this ordinance, the directors of these departments and their subordinate staffs are collectively referred to as the Administrator. The Development Services Department will serve as the "gatekeeper" for all development applications and will advise applicants on appropriate personnel to contact.

14.1.1 Duties and Responsibilities.

The Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this ordinance:

- A. To maintain a record of all permits and approvals on file and to make available copies to interested parties.
- B. To review all applications for land development for compliance with the terms of this ordinance.
- C. To provide the Waynesville Town Council, the Waynesville Planning Board, the Board of Adjustment of Waynesville, and the Historic Preservation Commission of Waynesville with reports and recommendations regarding matters before these bodies, either as required by this ordinance, other laws or regulations or at the request of the body.
- D. To enforce compliance with the terms of this ordinance, unless otherwise specified.
- E. To administer the floodplain management program for the town.
- F. To administer the stormwater management program for the town.
- G. To administer the sedimentation and erosion control program for the town.
- H. To issue driveway access permits.
- I. To review all development plans for compliance with street and utility requirements of the Town of Waynesville.
- J. Such additional powers and duties as may be set forth for the Administrator elsewhere in this ordinance and other laws and regulations of the town.

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(Ord. of 5-27-2014(1))

14.2 Town Council.

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14.2.1 Powers and Duties.

The Town of Waynesville's Town Council shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

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- A. To conduct any and all business in accordance with their Charter and North Carolina General Statutes.
- B. To amend the Land Development Plan and other plans as necessary.
- C. LDS Decisions: The Town Council shall render final decisions regarding the following permits types (see also Chapter 15):
 - 1. Designation of Historic Landmarks/Districts (15.11.1)
 - 2. Text Amendments (15.14)
 - 3. Map Amendments/Rezoning (15.14)
 - 4. Conditional District (15.15)
 - 5. Vested Right (15.16)

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14.3 Planning Board.

14.3.1 Powers and Duties.

The Town of Waynesville's Planning Board shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

- A. To perform studies and surveys of the present conditions and probable future development of the town and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, expansions of extraterritorial jurisdiction, etc.
- B. To formulate and recommend to the Town Council the adoption and amendment of a Land Development Plan and other plans as necessary.
- C. To conduct annexation feasibility studies and recommend suitable areas of annexation to the Town Council.
- D. LDS Review: The Planning Board shall review and make recommendations regarding the following permits types (see also Chapter 15):
 - 1. Text Amendments (15.14)
 - 2. Map Amendments/Rezoning (15.14)
 - 3. Conditional District (15.15)
 - 4. Vested Right (15.16)
- E. LDS Decisions: The Planning [Board] shall render final decisions regarding the following permits types (see also Chapter 15):
 - 1. Site Plans/Design Review (Major) (15.8.2)

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- 2. Subdivision (Major) - Preliminary Plat (15.9.2)
- 3. Special Use Permits (15.11.1)

[F]. The Planning Board shall also have any additional powers and duties as may be set forth for in other laws and regulations or at the direction of the Town Council.

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14.3.2 Membership and Quorum.

- A. The Planning Board shall consist of the number of members referenced and indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. A quorum, consisting of a simple majority of members shall be necessary to transact business.
- B. The Waynesville Town Council shall appoint members from within the Town limits and, if the Town is exercising Extraterritorial Jurisdiction, one (1) or more members shall be appointed by the Haywood County Commissioners as set forth in G.S. 160D-307 to provide for proportional representation of residents within the Extraterritorial Jurisdiction. As vacancies occur the Administrator shall advise the appropriate governing board to make appointments or reappointments as necessary to maintain this proportional representation based on best available estimates of current population of the Town and the Extraterritorial Jurisdiction. The representatives of the Extraterritorial Jurisdiction shall have equal rights, privileges and duties with the other members of the Planning Board.
- C. All members shall serve three (3) year terms and may succeed themselves.
- D. Officers shall be elected in accordance with the adopted rules of procedure.
- E. Meetings shall be held on the date and time as referenced in the Town of Waynesville Boards and Commission Manual and may from time to time be updated or amended.

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(Ord. of 5-27-2014(1) ; Ord. No. O-11-21 , § 6, 6-22-2021)

14.4 Board of Adjustment.

14.4.1 Powers and Duties.

The Board of Adjustment of Waynesville shall have the following powers and duties to be carried out in accordance with the terms of this ordinance:

- A. To hear and decide appeals from any order, requirement, permit, decision or determination issued by an administrative officer of the town in enforcing any provision of the Town of Waynesville Minimum Housing Codes.
- B. LDS Decisions: The Board of Adjustment shall render final decisions regarding the following permits types (see also Chapter 15):
 - 1. Appeal of any Administrative decisions (15.6-7, 15.8.1, 15.9.1,3, 15.12)
 - 2. Appeals of Planning Board Decision regarding Subdivision (Major) - Preliminary Plats (15.11.1)
 - 3. Appeals of Historic Preservation Commission Decision regarding Certificate of Appropriateness (Major) (15.11.3)
 - 4. Variances (15.13)
- C. The Board of Adjustment shall also have any additional powers and duties as may be set forth for in other laws and regulations or at the direction of the Town Council.

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14.4.2 Membership and Quorum.

- A. The Waynesville Board of Adjustment shall consist of the number of members referenced and indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. A quorum of four-fifths (4/5) of the membership shall be necessary to transact business.
- B. The Board shall not pass upon any question relating to an appeal from a decision, order, requirement or determination of town officials or an application for a variance when there are less than four-fifths (4/5) of the board members with jurisdictional authority present.
- C. The Waynesville Town Council shall appoint members from within the Town limits and, if the Town is exercising Extraterritorial Jurisdiction, one (1) or more members shall be appointed by the Haywood County Commissioners as set forth in G.S. 160A-362 to provide for proportional representation of residents within the Extraterritorial Jurisdiction. As vacancies occur the Administrator shall advise the appropriate governing board to make appointments or reappointments as necessary to maintain this proportional representation based on best available estimates of current population of the Town and the Extraterritorial Jurisdiction. The representatives of the Extraterritorial Jurisdiction shall have equal rights, privileges and duties with the other members of the Board of Adjustment.
- D. All members shall serve three (3) year terms and may succeed themselves.
- E. Officers shall be elected in accordance with the adopted rules of procedure.
- F. Meetings shall be held on the date and time as referenced in the Town of Waynesville Boards and Commission Manual and may from time to time be updated or amended.

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(Ord. of 5-27-2014(1) ; Ord. No. O-01-15 , § 10, 1-27-2015; Ord. No. O-11-21 , § 7, 6-22-2021; Ord. No. O-06-22 , § 14, 3-22-2022)

14.5 Historic Preservation Commission.

14.5.1 Powers and Duties.

The Historic Preservation Commission of Waynesville shall have the following powers and duties to be carried out in accordance with the terms of this ordinance of G.S. Chapter 160D, Article 9, Part 4:

- A. To undertake and inventory of properties of historical, prehistorical, archaeological, architectural and/or cultural significance.
- B. To conduct an educational program with respect to historic districts and landmarks within its jurisdiction.
- C. To cooperate with the state, federal and local government in pursuance of the purposes of the tasks assigned to them; to offer or request assistance, aid, guidance or advice concerning matters under its purview or of mutual interest. The Town Council, or the commission, when authorized by the Town Council, may contract with the state or the United States, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law.
- D. To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.
- E. To prepare and recommend the official adoption of a preservation element as part of the town's Land Development Plan.

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- F. To recommend to the Town Council the acquisition by any lawful means of the fee or any lesser interest, including options to purchase, of properties within established districts or of any such properties designated as landmarks. The commission may recommend to the board to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property.
- G. To recommend the restoration, preservation and operation of historic properties.
- H. To negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or is preservation, when such action is reasonably necessary and is authorized by the Town Council.
- I. LDS Review: The Planning Board shall review and make recommendations regarding the following permits types (see also Chapter 15):
 - 1. Designation of Historic Landmarks/Districts (15.11.1)
- J. LDS Decisions: The Historic Preservation Commission shall render final decisions regarding the following permits types (see also Chapter 15):
 - 1. To Hear Appeals of Administrative Decisions regarding Certificates of Appropriateness (Minor) (15.11.2)
 - 2. Certificates of Appropriateness (Major) (15.11.3)
- K. The Historic Preservation Commission shall also have any additional powers and duties as may be set forth for in other laws and regulations or at the direction of the Town Council.

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14.5.2 Membership and Quorum.

- A. The Waynesville Historic Preservation Commission shall consist of the number of members referenced in the most current version of the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. A quorum, consisting of a simple majority of the membership shall be necessary to transact business.
- B. The Waynesville Town Council shall appoint all members. Vacancies shall be filled by the Waynesville Town Council as they occur.
- C. All members shall serve three (3) year terms and may succeed themselves.
- D. Officers shall be elected in accordance with the adopted rules of procedure.
- E. Meetings shall be held on the date and time as referenced in the Town of Waynesville Boards and Commission Manual and may from time to time be updated or amended.

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(Ord. of 5-27-2014(1) ; Ord. No. O-11-21 , § 8, 6-22-2021)

14.6 Meetings and General Procedures.

14.6.1 All Meetings to be Open.

All meetings of bodies under this ordinance shall be open to the public in accordance with G.S. 143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies and approved by the Town Council.

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14.6.6 Attendance Policy.

All members shall attend board/commission meetings on a regular basis. If any member misses more than three (3) consecutive meetings, or does not attend at least 75% of the meetings in one calendar year, he/she may be replaced at the discretion of the Town Council.

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14.6.7 Conflict of Interest Policy.

- A. **Governing Body.** A governing body member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- B. **Appointed Boards.** Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- C. **Administrative Staff.** No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.
- D. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.
- E. **Quasi-Judicial Decisions.** A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- F. **Resolution of Objection.** If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
- G. **Familial Relationship.** For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4.)

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15.1 Purpose and Intent.

In order to establish an orderly process to develop land within the jurisdiction of the Town of Waynesville consistent with standard development practices and terminology it is the purpose of this Chapter to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, Town staff and related agencies, and the Town Council.

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15.2 General Provisions and Applicability.

15.2.3 Permit/Process Type.

Permit/Process Type	Section	Permit/Process Type	Reviewing Agency	Public Notification (15.3)	Approving Agency	Appeal Process	Permit Period	Permit Extension
Certificate of LDS Compliance	15.6.1	Administrative	Admin.	None	Admin.	BOA	12 months	Re-submit
Temporary Use Permit	15.6.2	Administrative	Admin.	None	Admin.	BOA	See 4.6	n/a
Certificate of Occupancy	15.6.3	Administrative	Admin.	None	Admin.	BOA	n/a	n/a
Modification of Dimensional Standards	15.6.4	Administrative	Admin.	None	Admin.	BOA	n/a	n/a
Grading Permit	15.7.1	Administrative	Admin.	None	Admin.	BOA	12 months	Re-submit
Floodplain Development Permit	15.7.2	Administrative	Admin.	None	Admin.	BOA	12 months	Re-submit
Stormwater Permit	15.7.3	Administrative	Admin.	None	Admin.	BOA	12 months	Re-submit
Site Plan/Design Review (Minor)	15.8.1	Administrative	Admin.	None	Admin.	BOA	2 years	Up to 3 years max.*
Site Plan/Design Review (Major)	15.8.2	Administrative	Admin.	1,2,4	Planning Board	Superior Court	2 years	Up to 3 years max.*
Subdivision (Minor)	15.9.1	Administrative	Admin.	None	Admin.	Superior Court**	30 days to file plat	Re-submit
Subdivision (Major)	See 15.9.2, 15.9.3, and 15.9.4							
Subdivision (Major)— Preliminary Plat	15.9.3	Administrative	Admin.	1,2,4	Planning Board	Superior Court**	2 years to final plat	Up to 3 years max.*
Subdivision (Major)— Final Plat	15.9.4	Administrative	Admin.	Non	Admin.	Superior Court**	30 days to file plat	Re-submit
Special Use Permit	15.10	Quasi-Judicial	Planning Board	1,2,3,5	Planning Board	Superior Court	2 years	Up to 3 years max.*
Designation of Historic Landmarks/Districts	15.11.1	Legislative	HPC	1,2,3	<u>Town Council</u>	Superior Court	n/a	n/a

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Certificate of Appropriateness (Minor)	15.11.2	Administrative	Admin.	None	Admin.	HPC	12 months	Re-submit
Certificate of Appropriateness (Major)	15.11.3	Quasi-Judicial	Admin.	1,2,3,4	HPC	BOA	12 months	Re-submit
Appeal of Administrative Decision	15.12	Quasi-Judicial	BOA	1,3,4	BOA	Superior Court	30 days to Appeal	n/a
Variance	15.13	Quasi-Judicial	BOA	1,3,4	BOA	Superior Court	30 days to Appeal	n/a
Text Amendment	15.14	Legislative	Planning Board	1,2,3	Town Council	Superior Court	n/a	n/a
Map Amendment (Rezoning)	15.14	Legislative	Planning Board	1,2,3,4	Town Council	Superior Court	n/a	n/a
Conditional District	15.15	Legislative	Planning Board	1,2,5	Town Council	Superior Court	2 years	Up to 3 years max.*

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* See Section 15.16.3
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Admin—Administrator (14.1) / ~~Town Council~~ (14.2) / BOA—Board of Adjustment (14.4) / HPC—Historic Preservation Commission (14.5) / Superior Court of North Carolina

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15.2.5 Administrative Modifications and Substantial Changes.

- A. **General.** The Administrator can approve administrative minor modifications for conditional districts (160D-703(b)), special use permits (160D-705(c)), and administrative development approvals (160D-403(d)).
- B. **Minor Modification:** A minor administrative modification is a non-substantial change to the approved plan that may include but is not limited to: relocation of a bus stop, moving landscaping around, reduction in the number of parking spaces, reduction in the number of units/lots, building elevation changes, increasing vegetative buffer or the number of trees, etc.
- C. **Unique Property Attributes.** A minor modification may also be allowed to provide relief from a unique physical attribute of the property not known at the time of initial approval. The applicant will need to provide evidence of why relief is needed.
- D. **Substantial Changes.** Any substantial change to a Master Plan or Plat as noted below shall be reviewed by the Planning Board and approved or denied by the ~~Town Council~~:
 - An increase in impervious surface.
 - A change in land use or development type beyond that permitted by the approved Master Plan or Plat.
 - The introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - Change in density: when there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan or Plat.

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- An increase of the total floor area of a commercial or industrial classification by more than 10 percent beyond the total floor area last approved by Town Council.
- Any decrease in the setbacks greater than 10% from the originally approved Master Plan or Plat.

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- E. **Variance.** Minor and major modifications require the project to stay in compliance with the Land Development Standards and any other applicable laws. Some modifications may require a variance procedure as found in Section 15.13 Variances.

15.3 Public Notification.

The following procedures have been established for development applications/petitions that require notification of the public prior to consideration and/or approval.

15.3.3 Level 3—Notification to Affected Property Owners.

The applicant and owners of all property affected by a pending action (e.g., new overlay district) shall be notified of the hearing/meeting by first class mail. Such notification shall be deposited in the mail at least 10 but not more than 25 days prior to the date to the meeting at which the matter is to be heard. In addition, a sign shall be prominently posted on the subject property(ies) or on an adjacent public street or highway right-of-way with a notice of the pending action and a phone number and email address to contact for additional information. Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Town Council that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The applicant shall certify to the Town Council that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. (For Third Party Rezoning: If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply.)

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15.3.4 Level 4—Notification to Adjacent Property Owners.

The applicant and owners of property within one hundred (100) feet on all sides of the subject property (not including street rights-of-way that are less than 100 feet in width) shall be notified of the hearing/meeting by first class mail. Such notification shall be deposited in the mail at least 10 but not more than 25 days prior to the date to the meeting at which the matter is to be heard.

15.3.5 Level 5—Notification to Property Owners in Close Proximity.

The applicant and owners of property within five hundred (500) feet on all sides of the subject property shall be notified of the hearing/meeting by first class mail. Such notification shall be deposited in the mail at least 10 but not more than 25 days prior to the date to the meeting at which the matter is to be heard.

15.3.6 Level 6—Full Community Notification.

The town may elect to either make a Level 3 notification or as an alternative elect to publish notice of the hearing/meeting provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.

15.3.7 Neighborhood Meeting.

A neighborhood meeting is mandatory for development projects of 8 or more lots/units or where required prior to any public hearing or review by a board or commission. This meeting will allow the applicant to explain the proposed project and to be informed of the concerns of the neighborhood. When an applicant is required to conduct a neighborhood meeting, a summary of the meeting in the form of meeting notes or minutes along with a list and contact information for all attendees shall be submitted to the Planning Board for their review.

(Ord. of 5-27-2014(2) ; Ord. No. O-01-15 , § 11, 1-27-2015; Ord. No. O-06-22 , § 18, 3-22-2022)

15.5 General Requirements for Evidentiary Hearings and Quasi-Judicial Decisions.

15.5.3 Record of Decision.

- A. The following shall become part of the official record of decision:
 - Documents and exhibits submitted to the decision-making board.
 - Meeting minutes.
- B. **Transcript of Audio/Video of Meetings:** Any party may request, at their expense, a transcript of the proceedings from any recorded audio/video.
- C. The decision-making board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based on competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the decision-making board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the decision-making board. The decision of the decision-making board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision become effective. The Administrator shall certify that proper notice has been made.

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15.9 Subdivisions.

15.9.4. Final Plat for Major Subdivision:

- A. **Process Types:** Administrative.
- B. **Improvements to Be Installed or Guaranteed:** All required infrastructure improvements shall be either installed or financially guaranteed in accordance with Section 6.12.
- C. **As-Builts Required:** Upon completion of a project, and before a Final Plat shall be granted (unless financially guaranteed), the applicant shall certify that the completed project is in accordance with the approved plans and designs, and shall submit actual "as built" plans (15.4.6) for all public infrastructure after final construction is completed. No certificate of occupancy shall be granted without completed as-built plans.
- D. **Required Application Information:** Final Plat (15.4.6) by a registered land surveyor.
- E. **Determination of Conformity:** The Final Plat of a major subdivision shall be reviewed by the Administrator for compliance with the requirements of this chapter and for conformity with the approved Preliminary Plat. Provided the application is complete, applications shall be reviewed and acted upon by the staff and notice given the applicant within ten (10) days of receipt of the Final Plat. If the Administrator has not completed review in this time period, the applicant may seek final approval from the Town Council at their next meeting.
- F. **Public Notification:** None required.
- G. **Appeals:** An appeal of the decision to approve or deny a Final Plat or to approve or deny a substantial change to an approved Preliminary Plat may be made by an aggrieved party to the Superior Court of Haywood County no later than thirty (30) days after the applicant receives the written copy of the decision.
- H. **Effect of Approval:** The approval of a Final Plat does not constitute acceptance for maintenance or other purposes of improvements in rights-of-way, such as utility lines, street paving, drainage facilities or sidewalks. Such improvements, when located within the corporate limits of the Town of Waynesville, may be accepted only by action of the town following inspection and approval. Land designated as public open space or a park on a plat shall be considered to be offered for dedication, but not accepted until the Town Council has by expressed action done so.
- I. **Phasing:** Final plats for phased subdivisions shall be recorded in accordance with the schedule presented by the applicant during the Major Subdivision Plan/Preliminary Plat approval.
- J. **Permit Validity:** Final plats for major subdivisions must be recorded within thirty (30) days following approval or the approval becomes invalid. No lots shall be sold prior to approval by the town and recording of the Final Plat for the subdivision.
- K. **Permit Extension:** Re-submit.

(Ord. No. O-11-21 , §§ 18—21, 6-22-2021; Ord. No. O-06-22 , § 26, 3-22-2022; Ord. No. O-16-22 , §§ 10, 11, 5-10-2022)

15.11 Historic Preservation.

15.11.1 Designation of Historic Landmarks/Historic Districts.

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Upon complying with the required landmark designation procedures set forth herein, the Town Council may adopt and from time to time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, pre-historical, architectural or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

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- A. **Process Type:** Legislative.
- B. **Inventory of Possible Landmarks:** As a guide for the identification and evaluation of landmarks, the Historic Preservation Commission shall maintain an inventory of properties of historical, architectural, pre-historical and cultural significance within the land development jurisdiction of the town.
- C. **Creation of Ordinance for Designation:**
 - 1. Once a potential landmark has been identified, the Administrator shall draft an ordinance for the designation of said property as an official historic landmark.
 - 2. The ordinance shall describe the property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or pre-historical value, including the land area of the property so designated and any other information the governing body deems necessary.
 - 3. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this ordinance be observed prior to its demolition.
- D. **Opportunity for Comment from the State of North Carolina:**
 - 1. Once the ordinance is drafted, the Historic Preservation Commission shall make or cause to be made an investigation and report on the historic, architectural, pre-historical, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
 - 2. The Department of Cultural Resources, acting through the State Historic Preservation Officer, or his or her designee, shall either upon request of the Department or at the initiative of the commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the department does not submit its comments to the Historic Preservation Commission within thirty (30) days following receipt by the department of the report, the commission and the Town Council shall be relieved of any responsibility to consider such comments.
- E. **Public Notification:** Level 1, 2 and 3.
- F. **Neighborhood Meeting (15.3.7):** Optional.
- G. **Public Hearing and Decision by the Town Council:** The Historic Preservation Commission and the Town Council shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. Following the public hearing(s), the Town Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
- H. **Post-Adoption Procedures:**

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1. Upon adoption of the ordinance the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits.
 2. One copy of the ordinance and all amendments thereto shall be filed by the Administrator in the office of the Register of Deeds of Haywood County.
 3. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Register of Deeds office and the commission shall pay a reasonable fee for filing and indexing.
 4. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Town Clerk and be made available for public inspection at any reasonable time.
 5. A third copy of the ordinance and any amendments thereto shall be given to the building inspector for the Town.
 6. The fact that a building, structure, site or area has been designated a landmark shall be clearly indicated on all tax maps maintained by Haywood County for such period as the designation remains in effect.
 7. Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Historic Preservation Commission to give notice thereof to the tax supervisor of Haywood County.
 8. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.
 9. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent; otherwise, a sign may be placed on a nearby right-of-way.

15.11.3 Certification of Appropriateness—Major Works for Local Landmarks and Local Historic Districts.

- A. **Process Type:** Quasi-Judicial (See also 15.4).
- B. **Pre-Application Meeting:** It shall be the policy of the Historic Preservation Commission, in regard to applications involving new construction or extensive alterations and/or additions to existing structures, that a sub-committee of the commission shall be available to meet with persons involved in planned or pending applications in order to advise them informally, at an early stage in the development process. This advice shall be on the commission's Design Review Guidelines or other standards that may apply, the nature of the area where the proposed project will take place, and other relevant factors. In giving such advice, the members of the sub-committee, collectively and individually, shall refrain from any indication of approval or disapproval. Advice or opinions given by any member of the sub-committee at such an informal meeting shall not be considered official or binding upon the commission.
- C. **Required Application Information:** Each application for a certificate of appropriateness shall contain all information required on the application. Other information necessary to show that the use or structure complies with the standards set forth in this ordinance shall also be provided.
- D. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public hearing before the Historic Preservation Commission.
- E. **Public Notification:** Level 1, 2 and 4.

- F. **Public Hearing:** The Historic Preservation Commission shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- G. **Commission Review:** Following the public hearing the commission may approve, deny or approve with conditions the application for a Certificate of Appropriateness. No Certificate of Appropriateness shall be granted unless the commission finds that the application complies with the principles of the Design Review Guidelines adopted by the commission for review of changes and new construction.
- H. **Findings of Fact:** The action on an application must be supported by specific findings of fact indicating the extent to which the application is or is not congruous with the special character of the historic district or landmark.
- I. **Delay in Demolition of Local Landmarks and Buildings within Local Historic Districts:** An application for a certificate of appropriateness authorizing the demolition, removal or destruction of a designated local landmark or a building, structure or site within a local historic district may not be denied except as provided below:
1. The effective date of such a certificate may be delayed for up to three hundred and sixty-five (365) days from the date of approval. The period of delay should be reduced by the Historic Preservation Commission if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay.
 2. During the delay period the commission shall negotiate with the owner in an effort to find a means of preserving the building, structure or site.
 3. If the Historic Preservation Commission finds that a building, structure or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.
 4. If the Historic Preservation Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district, and final designation has not been made by the Town Council, the demolition or destruction of any building, structure or site in the proposed district or of the designated landmark may be delayed by the commission for up to one hundred and eighty (180) days or until the Town Council takes final action on the designation, whichever occurs first.
 5. The Town Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any structure or building within the established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue hardship.
 6. An application for a certificate of appropriateness authorizing the demolition of a building, structure or site determined by the State of North Carolina's Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.
- J. **Review Period by Commission:** Applications for Certificates of Appropriateness shall be acted upon within ninety (90) days after filing, otherwise the application shall be deemed approved and a certificate shall be issued. An extension of time may be granted by mutual consent of the commission and the applicant.

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- K. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment (15.12).
 - L. **Permit Validity:** one (1) year.
 - M. **Permit Extension:** Re-submit.

(Ord. No. O-11-21 , §§ 23, 24, 6-22-2021)

15.14 Map and Text Amendments.

The Town Council may from time to time amend any part of the text of this ordinance or amend the Land Development Map of the town.

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15.14.1 Application Procedures.

- A. **Process Types:** Legislative.
- B. **Applicants:** Map or text amendments may be submitted by any of the following:
 - The Town Council.
 - The Planning Board.
 - The Board of Adjustment.
 - The Planning Department.
 - Any owner of property within the land use jurisdiction of the town.
- C. **Pre-Application Procedure:** Before filing a petition of an amendment, an applicant (if an owner requesting a map amendment) shall meet with the Administrator to discuss the proposed amendment or request and to become more familiar with the applicable requirements and approval procedures of the town.
- D. **Content of Application:** A petition for an amendment to the town's official land development map or text shall be filed on a form provided by the Administrator. Such a petition shall contain all the information required on the form and must be determined to be complete by the Administrator prior to advancing it through the review process.
- E. **Determination of Completeness:** Staff shall review an application for amendment to determine if it is complete. If an application is complete, the Administrator shall schedule the matter for consideration at a meeting of the Planning Board. The Administrator shall prepare a staff report and recommendation on the matter.

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15.14.2 Review By Planning Board.

- A. **Public Notification (Prior to Planning Board):** Level 1, 2, 3 and 4.
- B. **Neighborhood Meeting (15.3.7):** Optional.
- C. **Additional Public Notification for Large Scale Amendments:** If the land development map amendment directly affects more than fifty (50) properties, owned by at least fifty (50) different property owners the Town may elect to utilize a Level 6 notification. When this occurs, the town may use the expanded published notice provisions found in the North Carolina General Statutes at Section 160D-601.
- D. **Review by Planning Board:** The Planning Board shall conduct a public hearing and receive public input on the proposed amendment and shall make recommendations to the Town Council.

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regarding whether to approve or deny each proposed amendment within sixty-four (64) days of its first consideration on the matter.

1. **Recommendation for Approval:** If the Planning Board makes a favorable recommendation, the matter shall be scheduled a public hearing before the Town Council.
2. **Recommendation for Denial:** If the Planning Board makes a negative recommendation, the petitioner may, within thirty (30) days after written notification from the town clerk, request that a public hearing be held by the Town Council on the matter. This appeal process does not apply to amendments initiated by the Town Council or planning department. These amendments go immediately to the Board following a recommendation by the Planning Board.

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15.14.3. Public Comment

Zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the governing body. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting (160D-603).

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15.14.4 Consideration by Town Council.

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- A. **Public Notification (Prior to Planning Board):** Level 1, 2, 3 and 4.
- B. **Additional Public Notification for Large Scale Amendments:** If the land development map amendment directly affects more than fifty (50) properties, owned by at least fifty (50) different property owners the Town may elect to utilize a Level 6 notification. When this occurs, the town may use the expanded published notice provisions found in the North Carolina General Statutes at Section 160D-601.
- C. **Consideration by the Town Council:** Following receipt of a recommendation or appeal of a proposed amendment, the Town Council shall conduct a public hearing on the matter. Upon reviewing all of the pertinent information, the Town Council may:
 1. Adopt the proposed amendment.
 2. Adopt the proposed amendment with modifications.
 3. Reject the proposed amendment.
 4. Refer the proposed amendment back to the Planning Board for further consideration.

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15.14.5 Plan Consistency.

In accordance with G.S. 160D-604(d); 160D-605(a); 160D-701, all such amendments shall be made in accordance with the Comprehensive Land Use Plan and any other officially adopted development plan. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with the adopted comprehensive plan and explaining why the Town Council considers the action taken to be reasonable and in the public interest.

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15.14.6 Waiting Period for Subsequent Applications.

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- A. When an application for an amendment has been approved or denied by the Town Council, no application shall be considered on the same issue within the next twelve (12) months after approval or denial.
- B. This waiting period may be waived by the Town Council (three-fourths vote required) if it determines that there have been substantial changes in conditions or circumstances which may relate to the request.

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(Ord. No. O-11-21, §§ 27–30, 6-22-2021)

15.15 Conditional Districts (CD).

Conditional Districts (Section 2.6) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Town Council in accordance with G.S. 160D. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

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15.15.1 Application Procedures.

- A. **Applicant and Property:** Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.
- B. **Standards of District to be Met:** Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Town Council may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice.
- C. **Content of Application:** A Conditional District shall consist of the Environmental Survey (15.4.1) and Master Plan (15.4.3); as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Town Council. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning. The Master Plan shall, at a minimum consist of the following:
 - 1. The overall boundary and area of the district, including underlying zoning districts;
 - 2. The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;
 - 3. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;

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4. Full list of proposed uses consistent in character with the underlying zoning district. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District;
5. A proposed development schedule if the project is to be phased.

15.15.2 Formal Review.

- A. **Procedure:** The procedure for approval shall follow the procedure outlined in Section 15.14, Text and Map Amendments (Rezoning).
- B. **Reviewing Agency:** The Planning Board shall review the Conditional District application and shall make a recommendation relevant to the following: Uses proposed, compatibility with surrounding property, area impacts and adequate facilities, infrastructure, etc., building and site design, immediate context and compatibility, etc.
- C. **Decisions:** Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.14.3 has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.
- D. **Fair and Reasonable Conditions:** The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Town Council (with mutual approval of the applicant) may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either the Planning Board or the Town Council prior to final action. In accordance with G.S. 160D.
- E. **Additional Review:** Site Plans and Subdivisions that implement approved CD Master Plans shall be approved by the Administrator and are not subject to the procedures of Section 15.8.2 or 15.9.2.

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15.15.3 Effect of Approval/Changes.

- A. For modifications to an approved Master Plan see Section 15.2.5.
- B. **Rescission of Conditional Districts:** The Applicant shall secure a valid building or construction permit(s) within two (2) years from date of approval of the Conditional District unless otherwise specified. If such project is not complete or a valid building or construction permit is not in place at the end of the two (2) year period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Town Council. The Town Council may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time. The rescission of a Conditional District shall follow the same procedure as was needed for approval.

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(Ord. No. O-11-21 , §§ 31, 32, 6-22-2021; Ord. No. O-06-22 , § 27, 3-22-2022)

15.16 Permit Choice and Vested Rights.

15.16.5 Relevant provisions.

- A. **Run with the Property:** A zoning vested right is not a personal right but shall attach to and run with the applicable property. All successors to the original landowner may exercise such right under the same conditions and for the same time that the original applicant could have exercised such right.
- B. **Town May Terminate Vested Rights Early:** The town may terminate the zoning vested rights upon payment to the affected landowner of compensation for all costs, expenses and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of all financing and all architectural, legal and other fees incurred after approval by the town.
- C. **Not Exclusive:** Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this chapter.
- D. **Hazard:** The town may terminate the zoning vested right if it determines after a public hearing that natural or man-made hazards are on or in the immediate vicinity of the property, and if not corrected, these hazards would pose a serious threat to the public health, safety, and welfare.
- E. **State or Federal Regulation Not Bound by Vested Right:** The zoning vested right may be terminated upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site-specific vesting plan. In such a case the Town Council may, by ordinance, after notice and a hearing, modify the affected provisions upon a finding that the change in state or federal law has a fundamental effect on the plan.

(Ord. No. O-11-21 , § 33, 6-22-2021; Ord. No. O-16-22 , § 12, 5-10-2022)

16.2 Penalties for Violation and Enforcement Mechanisms.

16.2.2 Civil Penalties.

- A. **General:** Violations of this ordinance, except violations of Chapter 12 as noted below, shall subject the offender to a civil penalty in the amount of \$200.00 per day for each day the violation continues, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been cited for the violation.
- B. **Grading and Filling Activities.**
 - 1. Any person who violates any of the provisions of Chapter 12 of this ordinance and/or who initiates land-disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions and provisions of an approved plan, shall be subject to a civil penalty of not more than \$500.00 except as otherwise set forth below.
 - 2. Each day of a continuing violation shall constitute a separate violation.
 - 3. The amount of penalty shall be determined by the town council. In determining the amount of the penalty, the board shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully and the prior record of the violator in compliance or failing to comply with grading and filling control standards.

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4. Any person who fails to submit an erosion control plan for approval in accordance with Chapter 12 of this ordinance shall be subject to a single, noncontinuing civil penalty of not more than \$1,000.00.
 5. Anyone who violates a stop work order regarding grading and filling control shall be subject to a civil penalty of not more than \$5,000.00.
 6. Any civil penalty assessed against a person who violates any of the provisions of Chapter 12 of this ordinance shall be recovered by the town in a civil action in the nature of debt, to be brought in Haywood County Superior Court, if the offender does not pay the penalty within the prescribed period of time after he or she has been cited for the violation.

C. Enforcement and Violations of the Stormwater Ordinance.

The following remedies and penalties provided for violations of the Chapter 12.5- Stormwater Ordinance, shall be cumulative and in addition to any other remedy provided by law, Town Ordinance, and may be exercised in any order.

1. **Authority to enforce.** The provisions of the Stormwater Ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the Town. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the Town.
2. **Violation unlawful.** Any failure to comply with applicable requirements, prohibitions, standards, or limitations imposed by the Stormwater Ordinance, or the terms or conditions of any permit, maintenance agreement, or other development or redevelopment approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance and is subject to a civil penalty of not more than \$500 per day. Each day that a violation continues shall constitute a separate and distinct violation or offense.
3. **Responsible persons/entities.** Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair, or maintain any structure, BMP, practice, or condition in violation of the ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take an appropriate action, so that a violation of this ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to: Person maintaining condition resulting in or constituting a violation. An architect, engineer, builder, contractor, developer, agency, the owner of the land on which a violation occurs, any tenant or occupant of the property, any person responsible for stormwater controls pursuant to a private or public document, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take an appropriate action, so that a violation of this ordinance results or persists.

4. **Notice of Violation and Order to Correct.** When the Stormwater Administrator finds that any building, structure, or land is in violation of the ordinance, the Stormwater Administrator shall notify, in writing, the property owner or other person violating the

ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation.

The Stormwater Administrator may deliver the notice of violation and correction order personally, by the law enforcement, or by certified or registered mail, return receipt requested.

A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation.

5. **Withholding of Certificate of Occupancy.** The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
6. **Disapproval of subsequent permits and development approval.** As long as a violation of the ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the approving body may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the zoning, and/or subdivision regulations, as appropriate for the land on which the violation occurs.
7. **Injunction, abatements, etc.** The stormwater administrator may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of the ordinance. Any person violating the ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.
8. **Correction as public health nuisance, costs as lien, etc.** If the violation is deemed dangerous to the public health or public safety and is within the geographic limits prescribed by G.S. 160D, the Stormwater Administrator may cause the action to be corrected and the costs to be assessed as a lien against the property.

§ 160A-102. Amendment by ordinance.

By following the procedure set out in this section, the council may amend the city charter by ordinance to implement any of the optional forms set out in G.S. 160A-101. The council shall first adopt a resolution of intent to consider an ordinance amending the charter. The resolution of intent shall describe the proposed charter amendments briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes. At the same time that a resolution of intent is adopted, the council shall also call a public hearing on the proposed charter amendments, the date of the hearing to be not more than 45 days after adoption of the resolution. A notice of the hearing shall be published at least once not less than 10 days prior to the date fixed for the public hearing, and shall contain a summary of the proposed amendments. Following the public hearing, but not earlier than the next regular meeting of the council and not later than 60 days from the date of the hearing, the council may adopt an ordinance amending the charter to implement the amendments proposed in the resolution of intent.

The council may, but shall not be required to unless a referendum petition is received pursuant to G.S. 160A-103, make any ordinance adopted pursuant to this section effective only if approved by a vote of the people, and may by resolution adopted at the same time call a special election for the purpose of submitting the ordinance to a vote. The date fixed for the special election shall be the next date permitted under G.S. 163-287(a) that is more than 70 days after adoption of the ordinance.

Within 10 days after an ordinance is adopted under this section, the council shall publish a notice stating that an ordinance amending the charter has been adopted and summarizing its contents and effect. If the ordinance is made effective subject to a vote of the people, the council shall publish a notice of the election in accordance with G.S. 163-287, and need not publish a separate notice of adoption of the ordinance.

The council may not commence proceedings under this section between the time of the filing of a valid initiative petition pursuant to G.S. 160A-104 and the date of any election called pursuant to such petition. (1969, c. 629, s. 2; 1971, c. 698, s. 1; 1973, c. 426, s. 20; 1979, 2nd Sess., c. 1247, s. 11; 2014-111, s. 18; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)