



TOWN OF WAYNESVILLE, NC

Board of Aldermen – Regular Meeting

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

Date: **April 9, 2013** Time: **7:00 p.m.**

The agenda and all related documentation may be accessed electronically at www.townofwaynesville.org.

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 **Conserve resources; consider the environment; print only when necessary.**

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Should you need assistance or accommodation for this meeting, please contact the Town at

(828) 452-2491

townclerk@townofwaynesville.org

A. CALL TO ORDER

1. Welcome/Calendar/Announcements – Mayor Gavin Brown

2. Proclamations

- In Celebration of Earth Day on April 22, 2013
- In Celebration of Arbor Day on April 26, 2013

3. Adoption of Minutes

Motion: To approve the minutes March 26, 2013 (regular session) as presented [or as corrected].

B. NEW BUSINESS

4. Special Event Requests – 18 Temporary Street Closings, Apr– Dec, 2013
(request of Downtown Waynesville Association, Frog Level Merchants’ Association and Kids Advocacy Resource Effort)

Motion: To approve requested 2013 street closures as follows for:

- 1) **Downtown Waynesville Association (DWA)** – Main Street closures on 16 dates beginning May 25 and ending December 14, 2013, as presented;
- 2) **Frog Level Merchant’s Association** - Commerce and Depot Streets on Sat, May 11, 2013 for the “Whole Bloomin’ Thing” Festival, as presented;
- 3) **Kid’s Advocacy Resource Effort (KARE)** –Main Street from Courthouse to Country Club and return, rolling closures on Sat, April 27, 2013 for a 5K Road Race & Fun Run, beginning at 8:00 a.m..

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5. Special Event Request – Permission to Sell/Serve Beer/Wine on a Public Street or Sidewalk during Downtown Waynesville Block Parties on May 25, 2013 and August 31, 2013 (*request of Jon Bowman, Tipping Point Tavern*)

Motion: *To authorize the sale and service of Beer and Unfortified Wine, on a public street or sidewalk, in a controlled enclosure fronting the Tipping Point Tavern, 188-190 N. Main Street, on May 25 and August 31, 2013 from 6 pm until 10 pm, as requested, and as permitted by Section 42-4 of the Town of Waynesville Code of Ordinances.*

6. Call for Public Hearing to Consider Initial Zoning for the Satellite Annexation Area located at 2080 Dellwood Road

Motion: *To call for a public hearing on May 14, 2013 at 7:00 pm, or as soon thereafter as possible, in the Board Room of Town Hall, 9, S. Main Street, for the purpose of considering initial zoning for the parcel located at 2080 Dellwood Road.*

7. Appointment of Eddie Ward as Deputy Town Clerk

Motion: *To appoint Administrative Assistant Eddie Ward as Deputy Town Clerk, effective April 10, 2013, serving in that capacity until her successor is appointed.*

C. UNFINISHED BUSINESS

8. Call for Public Hearing to consider Amendments to Section 6.4.3 of the Land Development Standards requiring development of public transit shelters with commercial development

Motion: *To call for a public hearing on May 14, 2013, at 7:00 pm, or as soon thereafter as possible, in the Board Room of Town Hall, 9, S. Main Street, for the purpose of considering amendments to Section 6.4.3 of the Land Development Standards, requiring development of transit shelters in connection with commercial development.*

9. Municipal Agreement with NCDOT Project #K-5002, Highway 23-74 Safety Rest Area - Water and Sewer Improvements

Motion: *To authorize the manager and/or mayor to execute the municipal agreement between the Town of Waynesville and NCDOT for Project #K-5002, as presented.*

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10. Property Conversion for NCDOT Project #U-4412 Howell Mill Road

Motion: *To approve site selection and appraised property value for conversion of property required for completion of NCDOT Project #U-4412 at Howell Mill Road (Recreation Park), as proposed by NCDOT; and to authorize the town manager and/or mayor to execute the conversion agreement with NCDOT as presented, contingent upon receipt of final approval of conversion by the National Park Service.*

D. COMMUNICATIONS FROM STAFF

11. Town Manager-Marcy Onieal

- Hyatt Trace Incentive Agreement
- Town Hall Day Update
- Junaluska-Waynesville Merger Update
- Abandoned Town-owned Pump Houses/Tanks
- Dog Park
- Upcoming Ordinance Amendments
 - Sign Ordinance
 - Appointment Process for Boards & Commissions
 - Delegation of Authority from BoA to ZBA
 - Delegation of Authority for special event requests to staff
- Board Standards of Procedure
 - Use of Consent Agenda
 - Proclamations
 - Resolutions vs. Motions
- Board Retreat Topics
 - Expansion of MSD
 - Economic/Community Development Incentives
 - Enhancement of Bikeways/Greenways and Multimodal Safety initiatives
- Budget Workshop Scheduling

12. Town Attorney-Woody Griffin

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E. COMMUNICATIONS FROM THE MAYOR AND BOARD OF ALDERMEN

F. CALL ON THE AUDIENCE

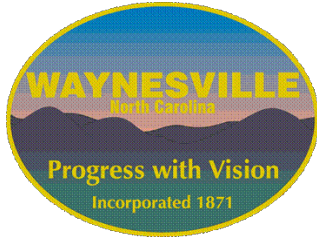
- Jack Kersten – representing Cliff Bolin in easement extension request
- Mary Grace Lodico – request to install audible signals at Haywood & Church
- Other

G. CLOSED SESSION

Motion 1: To go into closed session to consult with the town attorney on litigation matters, as permitted in NCGS §143-318.11(a)(3).

Motion 2: To return to open session.

H. ADJOURN



TOWN OF WAYNESVILLE

PO Box 100
16 South Main Street
Waynesville, NC 28786
Phone (828) 452-2491 • Fax (828) 456-2000
www.townofwaynesville.org

CALENDAR April 9, 2013

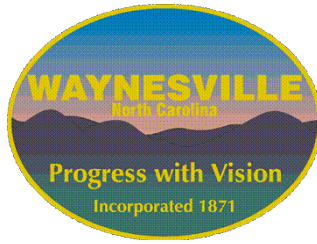
Thursdays Apr 4-May 23 6:30 – 8:30 PM Police Dept. Training Room	Waynesville Police Department Civilian Police Academy
W-F, Apr 11-13 8:00 AM – Noon TOW Mulch Yard	Annual Mulch Sale
Thu, Apr 11 9:00 AM - Noon WCU at Biltmore Park, Rm. 346 28 Schenck Parkway, Suite 300 Asheville	UNC-CH 2013 Rules of Procedure Seminar for Elected Officials (Registration required; contact Marcy or Alison for details)
Thu, Apr 11 5:30 – 7:30 PM Laurel Ridge Country Club	Melange of the Mountains Culinary Gala (Tickets required; contact Marcy or Chamber of Commerce for details)
Sat, Apr 13 9:00 AM Bethea Welcome Ctr, Junaluska	One Mile Fun Run & Dog Walk Benefit for Sarge's
Tue, Apr 16 6:30 PM HCC-Auditorium 185 Freedlander Drive, Clyde	Community Forum: "Motto: See and Tell" Sponsored by Drugs in Our Midst
Wed, Apr 17 Noon HVO-172 Riverbend Street	EPA Region 4 Excellence in Site Re-use Award Ceremony Honoring Haywood Vocational Opportunities
Thu, Apr 18 8:30 – 10:30 AM Doubletree Hotel, Biltmore	NCLM/Carolina Wireless Association Innovations in Wireless & Broadband Technology Seminar
Sat, Apr 20 9:00 AM Location(s) TBA	Commission for a Clean County 2013 Litter Sweep in Waynesville Volunteers Needed
Mon, Apr 22	Earth Day
Thu, Apr 25 12:30 – 2:00 PM	French Broad River MPO Transportation Advisory Committee (Alderman Roberson)
Fri, Apr 26	Arbor Day

F-Su, Apr 26-28 Haywood Co. Fairgrounds, 758 Crabtree Road	Smoky Mountain 9-Ball Shootout Tournament Benefit for Haywood County ARC
Sat, Apr 27 9:00 AM Main Street	KARE 5K Race
Sat, Apr 27 4:30 – 9:30 PM Laurel Ridge Country Club	WNC Quickdraw Benefit for arts education in Haywood County Public Schools
Mon, Apr 29 6:00 PM Maggie Valley Town Hall	Haywood County Council of Governments
Tue, Apr 30 6:30 PM Sweet Onion Restaurant	Duke Energy-Working Dinner with Board of Aldermen
Thu, May 2	ISO Audit (Class 5/5- 2008)
Thu, May 9 6:30 PM Chestnut Tree Inn, Cherokee	Southwestern Commission Annual Dinner & Meeting (RSVP required; contact Marcy or Alison for details & transportation)
Sat, May 11 9:00 AM – 4:00 PM Commerce/Depot Streets	Whole Bloomin' Thing Festival Frog Level Merchants' Association
Sat, May 25 7:00 – 10:00 PM Main Street	DWA Block Party/Street Dance
Mon, May 27	Memorial Day Holiday Town Offices Closed
Thu, May 30 (tent.) 5:30 – 7:30 PM	BoA Budget Work Session 1
Mondays, Jun 3, 10, 17, 24 (tent.) 5:30 – 7:30 PM Location TBA	Additional Budget Work Sessions, as needed
Wed, Jun 5 9:00 AM – 3:00 PM Haywood Community College 185 Freedlander Drive, Clyde	2 nd Annual Rockslide Conference 2013 NCDOT/TDOT, geological engineers, emergency mgmt. and local government officials
Sat, Jun 8 10:00 AM – 5:00 PM Main Street	Appalachian Lifestyle Celebration
Thu, Jun 27 6:00 PM HART, 250 Pigeon Street	Waynesville Public Art Commission Live & Silent Auction Fundraiser for next public art project
Fri, Jun 28 6:30 – 9:00 PM Courthouse/Main Street	Friday Night Street Dance
Thu, Jul 4	Independence Day Holiday Town Offices Closed

Thu, Jul 4 All Day Lake Junaluska	Lake Junaluska Centennial Celebration & Fireworks
Thu, Jul 4 11:00 AM – 3:00 PM Main Street	Stars & Stripes Celebration/Kids Parade
Fri, Jul 12 6:30 – 9:00 PM Courthouse/Main Street	Friday Night Street Dance
Fri, Jul 19 12:30 PM Courthouse/Main Street	Folkmoot Parade & Opening Ceremonies
Sat, Jul 20 10:00 AM – 5:00 PM Main Street	International Festival Day
Fri, Jul 26 6:30 – 9:00 PM Courthouse/Main Street	Friday Night Street Dance
Fri, Aug 9 6:30 – 9:00 PM Courthouse/Main Street	Friday Night Street Dance
Fri, Aug 16 6:30 – 9:00 PM Courthouse/Main Street	Hispanic Street Dance
Sat, Aug 31 7:00 – 10:00 PM Main Street	DWA Block Party/Street Dance
Sat, Aug 31	Lake Junaluska/ Waynesville Merger Proposed Effective Date

BOARD/STAFF OUT-OF-OFFICE SCHEDULE

Apr-Jun Various dates TBA	Town Manager Mayor	Raleigh, NC General Assembly/Various legislative committees (re: Junaluska/Waynesville merger)
F-Sa, Apr 12-13	Town Manager	Chapel Hill, NC UNC-CH GAA Board
Th-Sa, Apr 17-28	Mayor	Vacation
Thu, Apr 25	Town Manager Asst. Manager	Columbia, SC VC3 IT Consultants: On-site tour & meeting
Fri, Apr 26	Town Manager Asst. Manager	Asheville, NC (NC Arboretum) WNC Managers Association Annual Budget Roundtable
Th-Sa, May 9-11	Town Manager	Chapel Hill, NC Public Employment Law Update UNC-CH MPA Board Meeting
T-F, May 21-24	Asst. Manager	Wilmington, NC NCLGISA Conference
Th-Sa, Jun 20-22	Town Manager Asst. Manager	New Bern, NC 2013 NCCCCMA Summer Seminar
Su-We, Sep 22-25	Town Manager	Boston, MA ICMA Annual Conference



Proclamation

ARBOR DAY

April 26, 2013

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, Gavin A. Brown, Mayor of the Town of Waynesville, do hereby proclaim April 26, 2013 as

ARBOR DAY

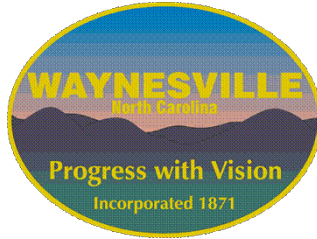
in the Town of Waynesville, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

SIGNED this 9th day of April 2013.

Gavin A. Brown, Mayor

Attest:

Alison Melnikova, Deputy Town Clerk



Proclamation

EARTH DAY

April 22, 2013

WHEREAS, the global community now faces extraordinary challenges, such as global health issues, food and water shortages, and economic struggles; and

WHEREAS, all people, regardless of race, gender, income or geography have a moral right to a healthy, sustainable environment with economic growth; and

WHEREAS, it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS, a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

WHEREAS, it is necessary to broaden and diversify this global movement to achieve maximum success; and

WHEREAS, the Town of Waynesville hereby encourages its residents, visitors, businesses and institutions to use **EARTH DAY** to celebrate the Earth and commit to building a sustainable and green economy,

NOW, THEREFORE, I, Gavin A. Brown, Mayor of the Town of Waynesville, do hereby declare the observance of Earth Day on April 22, 2013 and pledge to support green initiatives in Waynesville, NC and to encourage other to undertake similar actions.

SIGNED this 9th day of April 2013.

Gavin A. Brown, Mayor

Attest:

Alison Melnikova, Deputy Town Clerk

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
SPECIAL CALLED MEETING
(REGULAR MEETING RESCHEDULED FROM 7:00 PM TO 5:30 PM)
MARCH 26, 2013**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday March 26, 2013 at 5:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC. The meeting was rescheduled from the regularly scheduled time of 7:00 p.m. in order to accommodate both Board Members and staff who had to travel to Raleigh, NC the same evening in order to attend the NC League of Municipalities Town Hall Day at General Assembly beginning at 9:00 a.m. on Wednesday, March 28, 2013.

A. CALL TO ORDER

Mayor Brown called the meeting to order at 5:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Julia Freeman
Alderman Wells Greeley

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Alison Melnikova, Assistant Town Manager/Deputy Clerk
Eddie Ward, Administrative Assistant
Julie Grasty, Purchasing Manager

Representing the media:

Mary Ann Enloe, The Mountaineer

It was noted that Alderman LeRoy Roberson was absent from the meeting due to an unexpected health emergency experienced by a family member.

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone and asked Manager Onieal about upcoming events. She said there were several important additions to the calendar, including Town Hall Day, the annual mulch sale on April 4 -6 and Apr 11- 13, the Civilian Police Academy at the Waynesville Police Department April 4 – May 23, Rules of Procedure Seminar for Elected Officials to be held in Asheville, and the working dinner with Duke Energy officials scheduled for April 30.

2. Minutes of March 12, 2013

Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve the minutes of March 12, 2013 as presented. The motion passed unanimously.

B. NEW BUSINESS

3. Award of Contract – 2013 Public Art Project “Wildflowers of the Smokies”

- Jan Griffin, Chair, Waynesville Public Art Commission

Manager Onieal introduced Ms. Jan Griffin, Chairman for Waynesville Public Art Commission, to present the award of contract for 2013 Public Art Project “Wildflowers of the Smokies” to artist Grace Cathey. Ms. Griffin said at the March 14 meeting of the Art Commission, Grace Cathey’s submission received the highest score from the panel. Ms. Cathey’s piece fit the commission’s desire to showcase the diversity of wildflowers found in the Great Smokies National Park. David Blevins presented a half scale version of the “Ladyslipper” wildflower art work that is scheduled for installation in September 2013 on the south side of the minipark at the corner of Depot and Main Streets. The permanent version will be sixteen feet by four feet consisting of three different panels. Mayor Brown said the selected artist will receive \$12, 500 for the project, which is included in the budget for the Public Art Commission. He noted that the artist’s commission will be raised entirely through private donations and that the Town’s contribution is only in-kind administrative and technical support. Because the art will be displayed on Town property, the Town will be in charge of approving the selection and supervising cleaning of the wall and placement of the artwork.

Ms. Griffin said the Public Art Commission is charged with raising all the funds for the purchase of public art, and announced a fundraising event to include a live and silent auction scheduled for June 27, 2013 at HART Theater. In 2013 the Commission has raised \$3570.00 from the sale of its successful cookbook.

Ms. Griffin said that Commission member Ed Kelley resigned and that the Commission recommends he be replaced by Graphic Artist Micah McClure.

Alderman Greeley made a motion, seconded by Alderman Roberson, to award a contract in the amount of \$12,500 to Waynesville artist Grace Cathey, for production of the 2013 Public Art Project “Wildflowers of the Smokies,” as recommended by the Waynesville Public Art Commission. The motion passed unanimously.

4. Award of Bid – Skate Park Grading & Construction

Assistant Town Manager Alison Melnikova said the bids for the site work were opened on March 7, 2013. Three bids were received, and because of a clerical error in the instructions to the bidders specifying General Contractors must have a license classification for building contractor, the bid was not awarded at the last Board Meeting. After consultation with Project Engineer John Jenkins, Purchasing Supervisor Julie Grasty, Town Attorney Woodrow Griffin, and consulting attorneys from the UNC-CH School of Government, it is the staff’s opinion that the inclusion of this phrase in the bid was a minor informality and had no bearing on the bids actually submitted, and that this requirement may be waived. The bid will be awarded to the low bidder which is WNC Paving. WNC Paving will be the General Contractor and Artisan Skate Parks, a specialty skate park construction firm, will serve as a subcontractor to WNC Paving.

Alderman Caldwell made a motion, seconded by Alderman Freeman, to waive the requirement outlined in the Notice to Bidders that “general contractors have a license classification of Building Contractor”; and to award the contract for grading and construction of the skate park to WNC Paving of Waynesville, NC, to the lowest responsive responsible bidder, in the amount of \$341,657.70. The motion passed unanimously.

C. UNFINISHED BUSINESS

5. Request for Support of 2% Increase in Haywood County Occupancy Tax

Manager Onieal said that on Feb 26, 2013 the Board of Alderman adopted Resolution R-05-13 urging the General Assembly to pass local legislation allowing Haywood County to collect an additional 2% in occupancy taxes for the purpose of creating and administering a Tourism Product Development Fund. All Haywood County governments, with the exception of the Town of Maggie Valley, supported the original draft legislation. Due to a tight legislative deadline, the Tourism Development Authority amended the legislation in an effort to submit a bill that would gain Maggie Valley’s support without consulting the other boards, and in so doing lost the consensus it was trying to achieve. Due to lack of agreement within Haywood County, Senator Jim Davis withdrew his support for introducing the bill in the General Assembly. The Mayors of Canton, Maggie Valley, and the Chairman of the County Commissioners have drafted a third version of the legislation that does away with the proposed sunset clause in the legislation and more equitably distributes votes among the representative members of the proposed Product Development Committee as follows:

Maggie Valley	5
Waynesville	3
Lake Junaluska	1
Canton	1
Clyde	1
Haywood County	4
TOTAL	15 members

Manager Onieal reported that the Canton Board and Haywood County Board of Commissioners supported the revised draft of the bill unanimously. The Clyde Board of Aldermen have not yet met, but their individual support obtained via poll indicated that board would be in unanimously in favor, and Maggie Valley voted 3-1 in favor of supporting the revised legislative draft (with Alderman Phillip Wight opposed).

Alderman Greeley made a motion, seconded by Alderman Freeman, to authorize the mayor to sign and submit a letter to our local delegation of General Assembly on behalf of the Town of Waynesville, supporting the revised draft of local legislation authorizing an increase in Haywood County Occupancy Tax from 4% to 6%, and providing for proportional representation on the TDA Product Development Committee, as amended. The motion passed unanimously.

D. COMMUNICATIONS FROM STAFF

6. Town Manager – Marcy Onieal

- Town Hall Day Legislative Topics

Manager Onieal stated the North Carolina Governor's budget has proposed withdrawing all support for the Parks and Recreation Trust Fund (PARTF) for the next two years. This has been a very important source of funding for towns and municipalities across the state. The Town of Waynesville's new skate park has been funded in part by this fund. She then presented a resolution calling on the members of the General Assembly to maintain dedicated revenues generated by seventy five cents of the deed stamp tax for PARTF, which will be presented to legislators on Town Hall Day.

A motion was made by Alderman Caldwell, seconded by Alderman Freeman to adopt Resolution R-07-13 requesting that the North Carolina General Assembly maintain and support the current integrity and funding for the Parks and Recreation Trust Fund (PARTF). The motion passed unanimously.

- Junaluska – Waynesville Merger Update

Manager Onieal said the local bill for merger has been introduced in the House by Representative Joe Sam Queen and in the Senate by Senator Jim Davis, who is taking the lead in shepherding the bill through the Senate first. Mayor Brown, Manager Onieal and Lake Junaluska Executive Director Jack Ewing will attend the Senate State and Local Government Committee hearing of this bill on Tuesday, April 3, 2013. She said that there are many steps in the approval process before the bill becomes law, noting that if the bill receives favorable reading in the Senate Government Committee, the next step will be a referral to the Senate Finance Committee.

- Clean Community Coalition – Spring Clean-up Locations

The Clean Community Coalition has asked to inform everyone they will start their spring litter sweep on April 20 and they have asked for suggestions from the Town for locations for the volunteers to clean.

- Budget Workshop Scheduling

Budget workshops have not been scheduled as of yet because revenue estimates are expected to be late coming in from the state this year due to the high turnover in the General Assembly and the majority's focus on tax reform. In addition, the processes of merger with Lake Junaluska has also created considerable uncertainty on both the expense and revenue side. Manager Onieal said the budget workshops will be scheduled in late May and June.

- Appointments to Boards & Commissions

All boards and commissions will have terms expiring in June, so applications and nominations

will be accepted soon. Manager Onieal encouraged board members to begin recruiting candidates now, as all boards and commissions will have vacancies as of June 30, 2013.

- Easter Street Closing

There will be a short Good Friday walk along Main Street on Friday March 29, 2013 between the First Presbyterian Church and the First Methodist Church as part of Easter holiday observances.

- Non-profit Printer Donations

Manager Onieal announced the town has completed a move away from desktop printers to a managed printer/copier contract with Sharp Business Systems, which will provide far greater print capability in all departments at a lower overall cost to the town. As a result, approximately four dozen desktop printers and MFPs have been surplus, which have little to no fair market value. Despite having no resale value, either commercially or through GovDeals, many of the printers are still in working condition, and the manager would like to offer them as donation to other units of local government in Haywood County or to 501(c)3 non-profits serving citizens of Haywood County. Although the manager has the authority to declare as surplus and dispose of equipment and material valued under \$30,000, which has reached the end of its useful life, she felt it important to inform the board of her plans, since the Town has not heretofore undertaken disposition by donation. Hearing no objections to the proposed plan, the mayor declared that donation to other Haywood nonprofits as a means of disposal is acceptable to the Board and provides a useful second life to equipment that would have otherwise wound up in the landfill.

7. Town Attorney – Woodrow Griffin

No communications from Town Attorney Woodrow Griffin.

E. COMMUNICATIONS FROM THE MAYOR AND BOARD OF ALDERMEN

No communications from the Mayor and Board of Aldermen

F. CALL ON THE AUDIENCE

Ms Jean Parris, Canton, NC, Program Coordinator for Drugs in Our Midst, talked about a program being held at Haywood Community College on April 16, 2013, and invited the members of the Board and Town Manager to attend and bring others. There will be several speakers including Bill Hollingsed, Chief of Waynesville Police Department, Mark Mease, Haywood County Sheriff Department, and Greg Christopher, Sheriff of Haywood County. A personal testimony will be given by Richie Tannehill.

Ms. Parris has spoken to several organizations and leaders in the community for support in drug education, support for state legislation to control drugs, and support of law enforcement personnel in drug related issues. She asked Manager Onieal to relay to Town of Waynesville employees information about the upcoming program as well. Ms. Parris said she was grateful to be able to come before the leaders of the Town, and appreciated their support

G. ADJOURN

With no further business, Alderman Caldwell made a motion, seconded by Alderman Greeley, to adjourn the meeting at 6:35 p.m. The motion was approved unanimously.

ATTEST

Gavin A Brown, Mayor

Marcia D Onieal, Town Manager

Alison Melnikova, Deputy Clerk

Prepared by:

Eddie Ward, Administrative Assistant

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 9, 2013

SUBJECT: Special Events – 2013 Requests for 18 Temporary Street Closures

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 4-B
Department: Administrative Services
Contact: Marcy Onieal, Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Each year, the **Downtown Waynesville Association (DWA)**, and Frog Level Merchants' Association make formal written request for temporary closure of various town streets to facilitate special events held in the downtown area from spring through the winter holiday in December. These events are designed to entice visitors, diners, shoppers and families to Downtown Waynesville. The Town has an ongoing contractual relationship with DWA to manage the marketing of the Municipal Service District (MSD) and to coordinate most, if not all, special events, festivals, street dances, sidewalk sales, parades and other special activities, which are sponsored cooperatively with outside organizations or with the Town, and which occur primarily along Main Street in the MSD. DWA's 2013 event schedule includes closures for the same events as in 2012, with one addition proposed -- a "Light Up Main Street" "countdown event" during which all holiday and display lights in the downtown area are lit simultaneously during a special lighting ceremony, with a variety of entertainment to usher in the holiday season on Friday, November 22, 2013 from 5:00 – 10:00 pm.

The Frog Level Merchants' Association sponsors a major street sale and festival each year and requests that Commerce and a portion of Depot Streets be closed for this event, which serves as the association's major fundraiser for the year. Currently, Frog Level is not part of the MSD and has no other source of revenue to market this section of the downtown business community except through this fundraising event.

Occasionally other organizations request a street closing for a block party, parade, foot or bike race, or other event and the Town tries to accommodate those requests whenever possible. To date there have been two other street closure requests in 2013 (the Good Friday Cross Procession over Easter weekend), and a request from **Kid's Advocacy Resource Effort (KARE)** to conduct a 5K foot race and fun run (fundraiser) from the Courthouse along Main Street to Country Club Road and back on Saturday, April 27, 2013 beginning at 8:00 a.m. This closure will be a rolling closure with police escort at front and rear of the runners, and one lane open to vehicular traffic during the entire race.

MOTIONS FOR CONSIDERATION:

To approve the requested 2013 street closures as follows for:

- 1) Downtown Waynesville Association (DWA) – Main Street closures on 16 dates beginning May 25 and ending Dec 14, 2013, as presented;*
- 2) Frog Level Merchant’s Association - Commerce and Depot Street closures on Sat, May 11, 2013 for the “Whole Bloomin’ Thing Festival, as presented;*
- 3) Kid’s Advocacy Resource Effort (KARE) – Main Street closure from Courthouse to Country Club and return; rolling closures on Sat, April 27, 2013 for a 5K Road Race & Fun Run, beginning at 8:00 a.m.*

FUNDING SOURCE/IMPACT: There are few direct costs to the Town associated with street closings, most notably for disposable cleaning supplies, limited staff overtime and electricity for holiday lighting displays. However, the Town commits a significant level of resources in in-kind contributions of materials, use and storage of equipment and staff support for traffic control, event security, emergency response and sanitation. For the Chamber of Commerce, Arts Council, and Frog Level Merchants’ Association, the annual day-long festival serves as their primary source of fundraising revenue each year.

ATTACHMENTS:

- DWA Schedule, dated March 6, 2013
- Frog Level Merchants’ Association, dated Feb 7, 2013
- KARE 5K flyer and brochure

MANAGER’S COMMENTS AND RECOMMENDATIONS: Currently, only the Board of Aldermen has the authority to close a public street for special events, and it has generally granted permission for events that have broad public appeal without disrupting emergency services or the lives and livelihoods of residents and businesses in the surrounding area. The Manager receives regular inquiries from agencies other than those listed above about the possibility of initiating additional street closures, most notably a general request from area microbreweries to sponsor a beer-tasting festival/competition in the downtown area. Manager recommends approval of all 18 street closures as presented.

TO: Town of Waynesville Mayor and Board of Aldermen

FR: Buffy Phillips, Downtown Waynesville Association

DA: March 6, 2013

RE: STREET CLOSING requests

1. **Block Party Street Dance**, Saturday **May 25**, 7-10pm Sponsored by DWA
▶ Close Main Street from Church St. to edge of courthouse lawn/Justice Center **5-10:30pm**.
2. **Friday Night Street Dances**, **June 28, July 12 & 26, August 9** 6:30-9pm
▶ Close Main St at Depot intersection to end of courthouse lawn/Justice Center **5-9:30pm**
Co-sponsored by DWA, Town of Waynesville, Smoky Mountain Folk Festival.
3. **Appalachian Lifestyle Celebration**, Saturday, **June 8** Sat, 10-5
▶ Close Main St. @ 8:45pm Friday, 7th from Church St. to edge of courthouse lawn/Justice Center thru Sat, June 8th until 7pm or when street is cleared. Sponsored by DWA.
4. **Stars & Stripes Celebration**, **Thursday, July 4th** 11am-3pm
▶ Close top of Miller Street at N. Main Street. Miller Street parking lot will still be accessible from the bottom at Montgomery Street. DWA Staff handles placement of barricades/cones for closure **10:30am-3pm** "Kids on Main" Patriotic Parade @ 11am w/ Police presence.
5. **Folkmoot Parade (1pm) & Opening Ceremonies (12:30pm)** **July 19** Sponsored by Folkmoot
▶ Parade begins after the 12:30pm Opening Ceremony on the courthouse lawn, proceeds toward S Main Street **Police:** Parking removed several hours before parade and *street closed as parade progresses*.
6. **International Festival Day**, Saturday **July 20** 10am-5pm Co-sponsored by HCAC & Folkmoot.
▶ Close Main St. from Pigeon & S Main to north edge of courthouse lawn/Justice Center, **Fri, July 19@ 9pm through Sat, July 20**, until 7pm or when street is cleared.
7. **Hispanic Street Dance** Friday, **August 16** 6:30-9pm Co-sponsored by DWA & Town of Waynesville
▶ Close Main Street at Depot intersection to end of courthouse lawn/Justice Center **5 to 9:30 pm**
8. **Block Party Street Dance** Saturday **August 31** 7-10pm Sponsored by DWA
▶ Close Main Street from Church to edge of courthouse lawn/Justice Center, **5-10:30pm**.
9. **Church Street Art & Craft Show** Saturday, **October 12** 10am-5pm Sponsored by DWA.
▶ Close Main Street from Pigeon & S. Main to north edge of courthouse lawn & Justice Center **Fri, Oct 11 at 9pm thru Sat, Oct 12** until 7pm or when street is cleared.
10. **Haywood County Apple Harvest Festival** Saturday, **October 19** 10am-5pm
▶ Close Main Street from Pigeon and Main to edge of courthouse lawn/Justice Center, **Fri, Oct 18 at 8:45pm through Sat, Oct 19** until 7pm or when street is cleared. Co-Sponsored by Haywood Cooperative Extension Service, Haywood Apple Growers, Haywood Chamber, DWA and TOW
11. **"Light Up Main Street"** **PROPOSED** Friday, **November 22**
A committee has proposed a coordinated countdown: lights in downtown area, shop display window lights, etc. all come on at the same time. Mayor and officials invited for the lighting ceremony. Variety of entertainment: Santa, carolers, theater groups, church groups, bands, dance groups 6-9pm
▶ **NEW Request:** Close Main Street, Church to Depot St, **5-10pm** Main Street parking will be removed.
12. **Waynesville Christmas Parade**, Monday evening, **December 9** 6pm
▶ Parade begins at corner of N Main & Walnut St. parading toward S Main to Bogart's Restaurant. Parking is removed before parade and street closed as parade progresses.
Sponsored by Town of Waynesville, Waynesville Kiwanis Club and DWA.
13. **"A Night before Christmas"**, Saturday evening, **December 14** 6-9pm Sponsored by DWA.
▶ Close Main Street from Pigeon Street to Depot St, **5-10pm** Main Street parking will be removed.

February 7, 2013

Mayor Gavin Brown
Board of Aldermen
Town of Waynesville
16 South Main Street
Waynesville, NC 28786

Re: Street Closure Request, The 2013 "Whole Bloomin' Thing Festival"

Dear Sirs and Madam:

The Frog Level Merchants' Association is once again planning for their spring "Whole Bloomin' Thing Festival" in Frog Level. This year's event will be held on Saturday, May 11th, 2013 from 9 a.m. until 4 p.m. A call for vendors went out approximately two weeks ago. We anticipate over seventy five plus vendors will be juried for the event.

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

A. The closure of Commerce Street from Panacea to the traffic light on Depot Street from 5:30 a.m. until 5:30 p.m. and

B. A detour of traffic around the festival by closing Depot Street from the railroad tracks to Water Street from 5:30 a.m. until 5:30 p.m. (Both Water Street and Boundary Street would be open for traffic).

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

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

Very truly yours,

Historic Frog Level Merchants' Association, Inc.
Festival Committee



2013 5KARE

Benefiting KARE—Kids Advocacy Resource Effort

April 27, 2013

Downtown Waynesville, North Carolina

The 5KARE is a fundraiser for KARE—Kids Advocacy Resource Effort. KARE is a 501c3 not-for-profit, nationally accredited Child Advocacy Center that serves all of Haywood County and its mission is to “end child abuse and neglect through advocacy, education and support”.

**Our 5K and Fun Run through historic Downtown Waynesville is for the whole family.
Registration is available online at www.karehouse.org.**

Schedule: *Rain or Shine*

7:30 am: Race Day Registration/Check-In
(in Front of the Court House on Main St.)
8:30 am: 1KARE Fun Run Start
9:00 am: 5KARE Start

Awards:

Awards will be presented to the top male and female finishers in each age group as well as Top Male & Female, and Top Masters (40+) Male & Female

Race Packets:

Race packets will not be mailed. Numbers can be picked up on Friday, 4/26 in Downtown Waynesville at the corner of Main & Depot Streets from 3:00—7:00 OR on Race Day at the registration table.

Age Groups: Male & Female

0-14 15-19 20-29 30-39 40-49 50-59
60-69 70-79 80+

Last Name: _____ First Name: _____

Address: _____

City: _____ State: _____ Zip: _____ AGE: _____

Day Phone: _____ Gender (Please Circle One): M F

Email: _____

How did you hear about our race? _____

Fees:

\$10.00 - Children 12 and under

\$20.00 - Pre-Registration
Through 4-13-2013

\$25.00 - After 4-13-2013 and
on race day*

Event: 5KARE 1KARE Phantom (I support the cause but cannot attend; please mail my t-shirt)

Shirt Size: S M L XL XXL *T-shirts will be available to pre-registered runners first, then as available after 4-13-13*

In consideration and acceptance of this entry to the 2013 5KARE Road Race, I waive any and all claims for myself and my heirs and assigns against the sponsors and officials of the above mentioned race for injury or illness which may result from my participation. I also know that road racing is a strenuous sport and further state that I am in proper physical condition to participate in this event. I also give permission for the use of my name and likeness in any broadcast, telecast or public account of this event, including any printed promotions in subsequent years.

Signature

Signature of Parent/Guardian (if under 18)

MAKE CHECKS PAYABLE AND SEND TO:

KARE, PO BOX 1392, Waynesville, NC 28786

For more information, visit our website at www.karehouse.org or
Contact Julie Schroer at 828-456-8995 or jschroer@karehouse.org

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 9, 2013

SUBJECT: Special Event Request – Permission to Sell/Serve Beer/Wine on a Public Street or Sidewalk during Downtown Waynesville Block Parties on May 25, and Aug 31, 2013

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5-B
Department: Administrative Services
Contact: Marcy Onieal, Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: During 2012, the Tipping Point Tavern twice sought and received permission from the Board of Aldermen to serve beer and unfortified wine in an outdoor sidewalk café-type setting during DWA's Memorial Day and Labor Day weekend Block Parties in conjunction with offering full service dining outdoors. Although some concerns were expressed initially about serving alcohol in close proximity to children's activities located adjacent to the Tavern, and the Tavern's table set-up and large number of patrons resulted in sidewalk congestion at times, ultimately, the consensus of DWA's Board of Directors was that with some tweaking as to schedule, seating and location, the outdoor beer sales could and should continue to be encouraged during DWA block parties under controlled circumstances.

The DWA Board has agreed to support beer gardens where food and alcohol is served at tables and chairs for dining customers in a roped off area during DWA Block Parties, when Main Street is closed to vehicular access. For all Block Parties, DWA encourages all downtown restaurants to take advantage of the crowd by setting up food and or seating areas on Main Street itself rather than limiting seating to the very narrow sidewalks immediately fronting most businesses. DWA is trying to promote the extension of business onto the street particularly through use of food tents, controlled seating/serving zones and location of food service areas near music and stages. While this policy does not address all the issues that have arisen with regard to use of public streets and sidewalks during festivals, DWA has taken a leadership role in defining what type of outdoor dining and service of alcohol is acceptable during their events.

MOTION FOR CONSIDERATION: *To authorize the sale and service of Beer and Unfortified Wine, on a public street or sidewalk, in a controlled enclosure fronting the Tipping Point Tavern, 188-190 N. Main Street, on May 25 and August 31, 2013 from 6 pm until 10 pm, as requested, and as permitted by Section 42-4 of the Town of Waynesville Code of Ordinances.*

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS: Ordinance 42-3 through 42-4

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve request as presented.

Town of Waynesville Code of Ordinances
Chapter 42-Offenses and Miscellaneous
04/09/13

Sec. 42-3. - Consuming alcohol or possessing open containers of alcohol while on town recreation facilities.

- (a) It shall be unlawful for a person while on the property of the town at any of the town's recreation facilities or parks to possess fortified or unfortified wine, spirituous liquor or any malt beverage in other than the manufacturer's unopened original container.
- (b) It shall be unlawful for a person while on the property of town recreation facilities and parks to consume fortified or unfortified wine, spirituous liquor or any malt beverage.
- (c) The definitions of fortified or unfortified wine, spirituous liquor and malt beverage shall be the same as the definition in G.S. 18B-101.
- (d) Violations of this section shall be misdemeanors, punishable in accordance with section 1-8.

(Ord. No. 24-94, §§ 133.01—133.04, 9-27-1994)

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 board of aldermen 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.

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

Cross reference— *Streets, sidewalks and other public places, ch. 46.*

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 9, 2013

SUBJECT: Call for Public Hearing to Consider Establishment of Initial Zoning for the Satellite Annexation Area located at 2080 Dellwood Road

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 6-B
Department: Development Services
Contact: Paul Benson, Planning Director
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY:

A 7.2 acre portion of the Queen property located at 2080 Dellwood Road (Parcel Identification Number 8607-82-2478) was annexed upon petition by the property owners, Lois P. and James Richard Queen, Jr., by Ordinance No. 8-11, effective December 13, 2011. This property was not formerly within the Town's Extraterritorial Jurisdiction, so was not within a zoning district at the time of annexation.

The Planning Board held a public hearing on this zoning at their regular meeting of March 18, 2013 and voted to recommend that the annexation area be zoned Dellwood Residential Medium Density (D-RM) in accord with the planned land use as indicated in the Town's 2020 Land Development Plan.

MOTION FOR CONSIDERATION: *To call for a public hearing on May 14, 2013 at 7:00 pm, or as soon thereafter as possible, in the Board Room of Town Hall, 9 S. Main Street, for the purpose of considering initial zoning for the 7.2 acre parcel located at 2080 Dellwood Road.*

FUNDING SOURCE/IMPACT: N/A

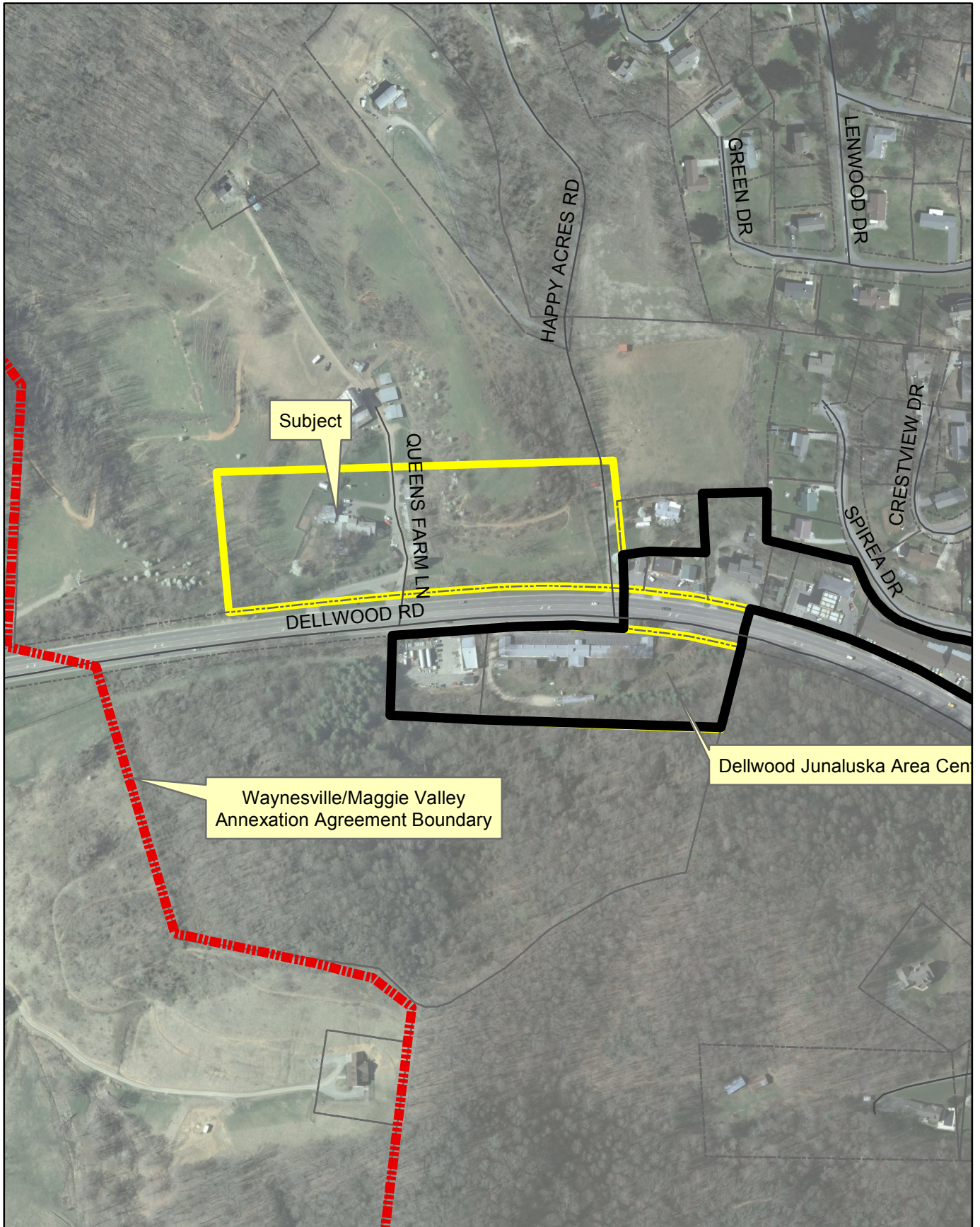
ATTACHMENTS:

- Queen's Farm Location Map
- Queen's Farm Aerial View
- Staff Report dated March 18, 2013 with attachments
- Draft Minutes from the regular meeting of Waynesville Planning Board of March 18, 2013

MANAGER'S COMMENTS AND RECOMMENDATIONS: *This is a call for public hearing only; no additional action required at this time.*

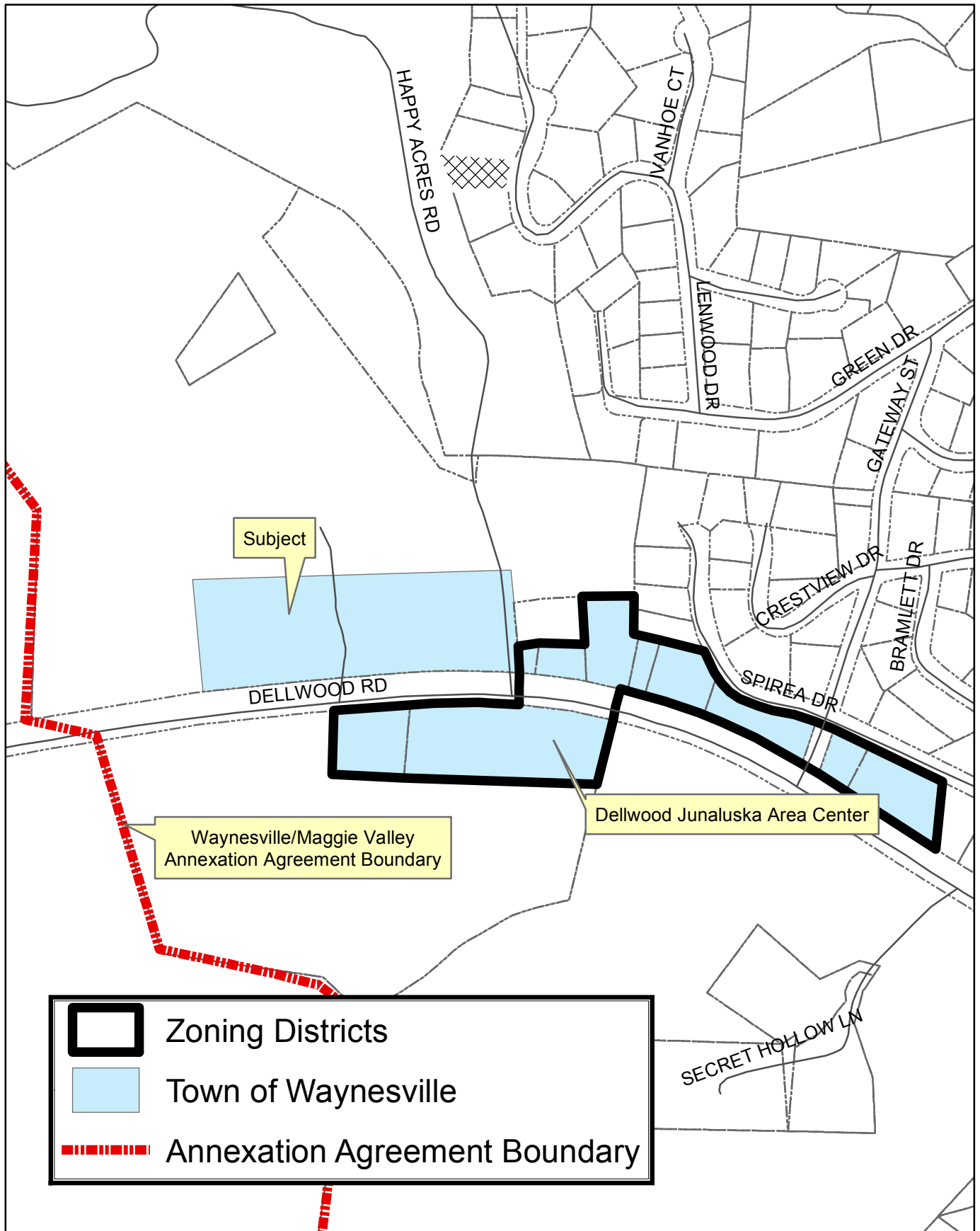


Location Map
Queen Farm Annexation Zoning
2180 Dellwood Road

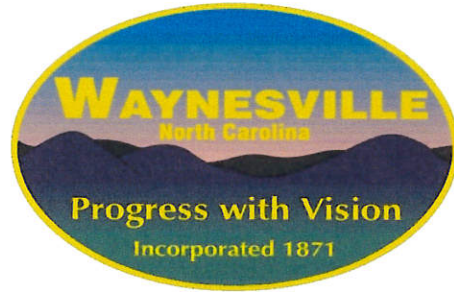




Location Map
Queen Farm Annexation Zoning
2180 Dellwood Road



Regular Meeting
Town of Waynesville
Planning Board
Town Hall 9 South Main Street
March 18, 2013



The Planning Board held a regular meeting on Monday, March 18, 2013. The meeting was called to order at 5:30.

Members present:

Chairman Patrick McDowell
Jon Feichter
Shell Isenberg
Danny Wingate
Brooks Hale
Marty Prevost
Lee Bouknight

Also present:

Planning Director Paul Benson
Administrative Assistant Ginny Boyer

Absent:

Bucky Dykes
Don Stephenson

Approval of Minutes, December 17, 2012

Jon Feichter moved to accept the minutes of December 17, 2012 as presented; this was seconded by Brooks Hale. All were in favor.

Old Business:

Transit Shelter Report and Recommendation to the Board of Aldermen

The public brought the need for transit shelters to the Town's attention. Shelters are required limitedly now and Ingles Market on Barber Boulevard will be putting in the very first. The Board discussed various topics and asked several questions of Town Planner Paul Benson before making its motion: current and recommended thresholds for residential, commercial and institutional properties; the range of possibilities for funding of transit shelters for new construction, reconstruction and even existing structures that would consider voluntarily providing shelters; practicality issues of requiring transit shelters on fixed route systems versus

those conducive to current on-demand service; and the shelters themselves, if they would be enclosed and/or heated.

Jon Feichter made a motion to accept the staff recommendation in its entirety; Marty Prevost seconded and all were in favor. The staff recommendation is as follows:

The Planning Board has been requested to report back to the Board of Aldermen on the issue of requiring transit shelters in connection with new development or redevelopment. Staff suggests that the report contain:

- 1) A recommendation that Section 6.4.3 of the LDS be amended to require shelter construction in the following circumstances:**
 - 1. Reduce the threshold on residential units from 100 to 50, and the square footage of commercial space from 100,000 to 50,000.**
 - 2. Add the requirement for “institutional” uses of 50,000 square feet or greater.**
 - 3. Delete the clause: “are adjacent to present of planned transit routes” to accommodate the current on-demand public transit service.**
- 2) Town staff work with Haywood Public Transit and the FBRMPO to develop a local transit plan as the basis of STP-DA funding requests.**
- 3) That Town staff work in partnership with Haywood Transit to develop transit projects eligible for grant funding, and consider providing matching funds for projects such as the construction of transit shelters on public rights-of-way adjacent to priority transit destinations.**

New Business:

Agenda Item: Annexation Zoning

Location: 2180 Dellwood Road (Queen Farm Satellite Annexation Area)

PIN: 8607-82-2478

Size: 7.2 acres, portion of 131.9 acre property *attached 1) Map 16, Town of Waynesville and 2) Location Map, Queen Farm Annexation Zoning*

Town Planner Paul Benson reported that about a year ago a small area of 131.9 acres was annexed, but never zoned and as a general rule, the Town is obligated to zone property. This was a voluntary annexation motivated by, as Mr. Benson understands, the desire for Town sewer service and there are no conflicts involved.

Marty Prevost made a motion to accept staff recommendations as presented which was seconded by Lee Bouknight. All were in favor. The staff recommendations are as follows:

This property is in a unique position as it is on the western border of land that the Town of Waynesville is likely to annex or zone in the foreseeable future. It is the last property on Waynesville’s side of the Annexation Agreement boundary with the Town of Maggie Valley.

Given that the current primary use of the property is agricultural and residential, and that the Land Development Plan indicates the future land use as “Rural”; staff recommends that this property be zoned Dellwood Residential Medium Density District (D-RM). This district is intended primarily to be low to medium residential density district (see attached Purpose and Intent from the LDS). The use of this district would at least partially protect a small area of less developed area along the increasingly intensive strip commercial development along US19/Dellwood Road.

Other Business:

Planning Director Benson plans to address Lake Junaluska zoning at the April meeting in a workshop setting.

Lee Bouknight called to the Board’s attention what looks to be a staging area for heavy equipment on Boyd Avenue. Mr. Benson said he will check on this, feeling certain the area has no permitted use for storage or staging.

Chairman McDowell inquired with Mr. Benson for an update on Ingles Market, Barber Boulevard. Mr. Benson said plans are currently being reviewed and a permit is on the verge of being issued. North Carolina Department of Transportation wants to do a project to extend the median to Frazier Street (Ingles is interested and the Barbers are involved). Preliminary feasibility studies and cost estimates are underway.

As for South Main Street Corridor Plan, Mr. Benson reported a feasibility study was completed but nothing is going to happen there because, as of yet, there is not an issue with congestion.

Adjournment:

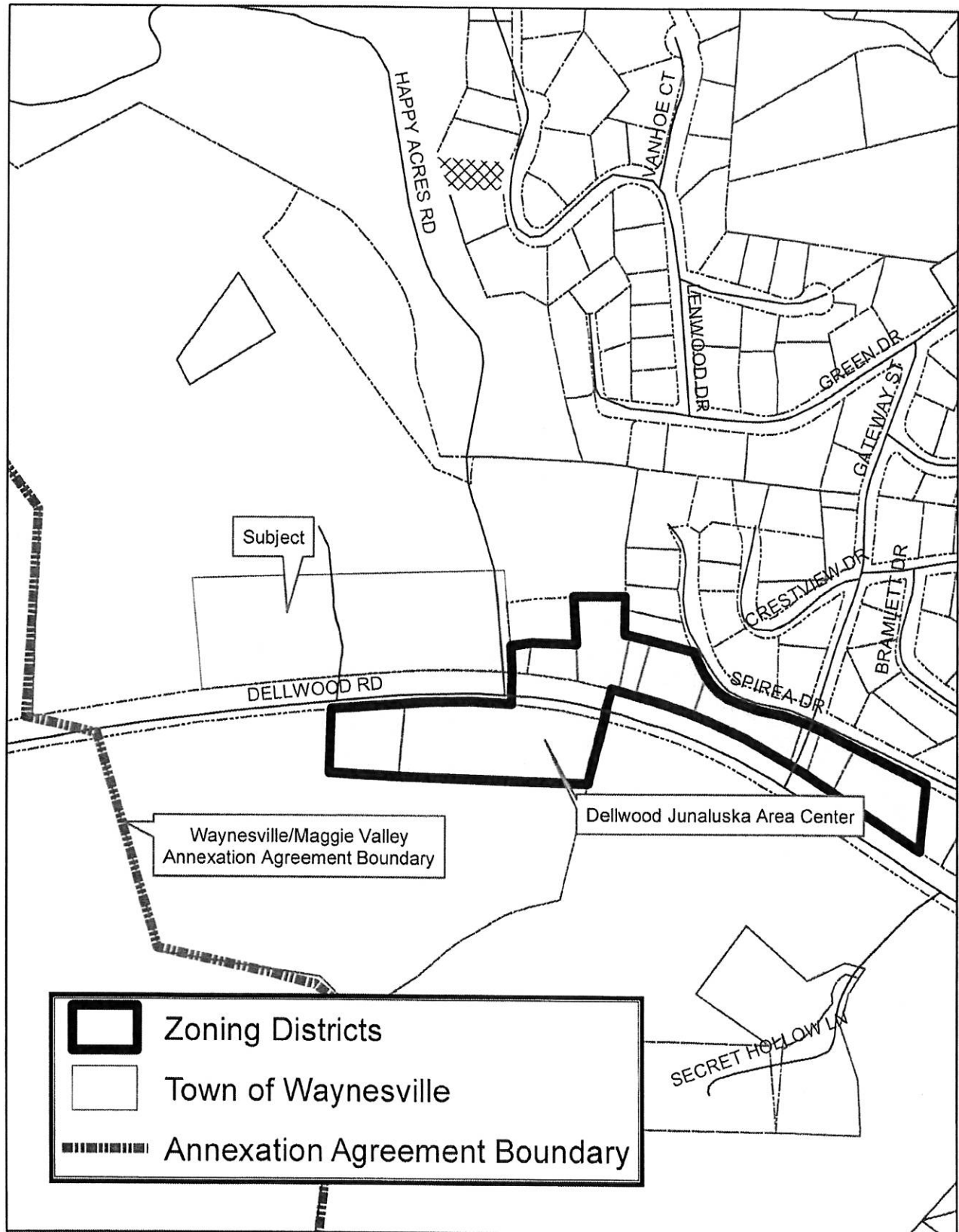
With no further business, Chairman McDowell adjourned the meeting at 6:10 p.m.

Ginny Boyer, Administrative Assistant

Patrick McDowell, Chairman



Location Map
Queen Farm Annexation Zoning
2180 Dellwood Road



Map 16
Town of Waynesville
 Haywood County, North Carolina
Area 1 Map
 January 14, 2002



1 Miles

..... Urban Services Boundary
 --- Major Creeks

Proposed Land Uses

- Rural
- Conservation, Open Space
- Industrial
- Residential, Low to Medium
- Residential, Medium to High
- Mixed Use, Low to Medium
- Mixed Use, Medium to High
- Community Facilities

Maggie Valley

Waynesville

Town

Area 1

Highlighted Goals & Objectives

- 1-1 Expand Downtown CBD
- 1-2 Reestablish Train Depot / Create a Farmers Market in Frog Level
- 1-3 Create "Town Square" in Frog Level
- 1-4 Create Secondary Roads along Russ Avenue & the Great Smokey Mountain Expressway to reduce access demands on these thoroughfares
- 1-5 Concentrate Medium to High Density Mixed Use Developments to limit sprawling strip commercial developments

Mapping prepared by:



Hyatt Creek

HYATT CREEK ROAD

- D. The Hall Top Residential – Low Density District (HT-RL)** is a rural district characterized by steep terrain and narrow winding roads. Despite the difficulty of developing in this district and the limited provision of services, the proximity to the Russ Avenue and Dellwood/Junaluska Town Centers makes the location an attractive one for the variety of residential developments permitted in this area. Large lot development is the standard with cluster development respecting the terrain encouraged so as to leave as much open space as possible. Road design will also consider the terrain with narrow road widths permitted and sidewalks not required. Linking developments with trails is encouraged.

2.3.2 Residential-Medium Density Districts (RM) – Purpose and Intent

- A. The Chestnut Park Residential – Medium Density District (CP-RM)** is a well-established older neighborhood bordering the Central Business District. This linear neighborhood is served mainly from a single road. This road, which leads into the Eagles Nest Mountain area, is one of the few roads in Waynesville that crosses under Highway 23/74. Due to the interference of the highway and limited access into the neighborhood itself, as future development occurs, connections into adjoining neighborhoods (i.e., connecting Shingle Cove Road to Laurel Ridge) are important to keep Chestnut Park Road from becoming too heavily traveled. Pedestrian and bicycle amenities connecting the neighborhood to Chestnut Park and adjoining areas will be developed. Medium density residential development will be the predominant land use in the area.
- B. The Dellwood Residential – Medium Density District (D-RM)** shall develop predominately as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Centers. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.
- C. The Howell Mill Residential – Medium Density District (HM-RM)** shall develop as a residential neighborhood providing a mix of housing types and densities. Long, narrow lots are encouraged to provide for the establishment of good block widths throughout the area. Higher density housing is encouraged south of Howell Mill Road with lower density housing provided to the north. The center of the neighborhood is the Waynesville Recreation Center, providing recreational and social opportunities for all of Waynesville but with particular convenience and importance for those residing in this district. The

Map 16
Town of Waynesville
 Haywood County, North Carolina
Area 1 Map
 January 14, 2002



1 Miles

..... Urban Services Boundary
 --- Major Creeks

Proposed Land Uses

- Rural
- Conservation, Open Space
- Industrial
- Residential, Low to Medium
- Residential, Medium to High
- Mixed Use, Low to Medium
- Mixed Use, Medium to High
- Community Facilities

Maggie Valley

Waynesville

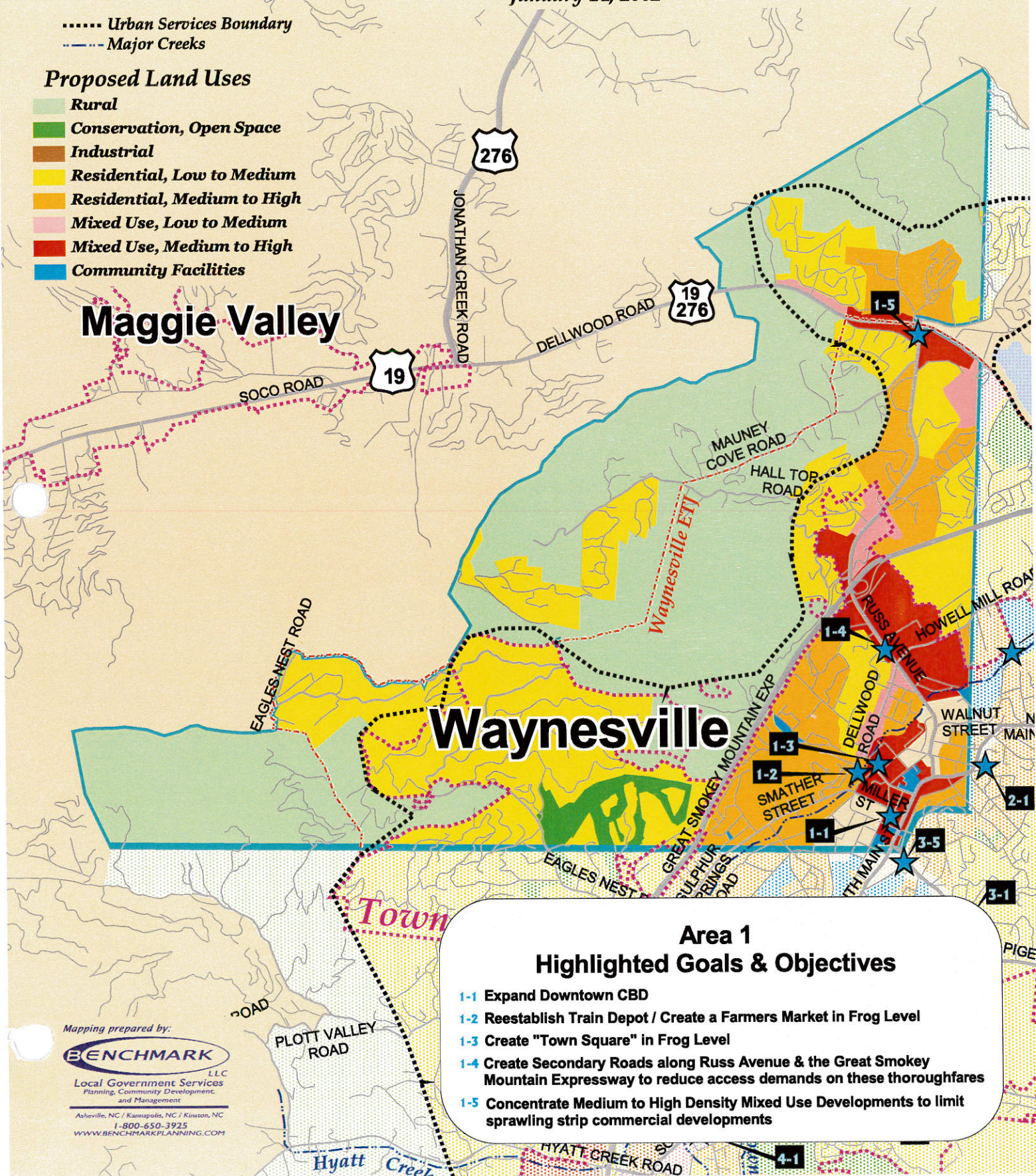
Town

Mapping prepared by:



**Area 1
 Highlighted Goals & Objectives**

- 1-1** Expand Downtown CBD
- 1-2** Reestablish Train Depot / Create a Farmers Market in Frog Level
- 1-3** Create "Town Square" in Frog Level
- 1-4** Create Secondary Roads along Russ Avenue & the Great Smokey Mountain Expressway to reduce access demands on these thoroughfares
- 1-5** Concentrate Medium to High Density Mixed Use Developments to limit sprawling strip commercial developments



STAFF REPORT

Agenda Item: Annexation Zoning
Location: 2180 Dellwood Road
PIN: 8607-82-2478
Size: 7.2 acres (portion of 131.9 acre property)
Owner(s): Lois P. Queen
Meeting Date: March 18, 2013

Background: This property is a satellite annexation to the Town of Waynesville by petition of its property owner. Since this property was not previously within the Town's ETJ zoning jurisdiction prior to annexation, there was no existing zoning on the property. Therefore, Town staff is hereby initiating zoning of this property.

Planned Land Use: The 2020 Land Development Plan indicates that this property and the surrounding area is planned to remain in "Rural" land use. Reference Map 16 – Area 1 Map (attached).

Utility service: Town of Waynesville water and sewer lines are currently in place along US19/Dellwood Road, although the Town's Urban Service Boundary does not include the entire annexation parcel.

Accessibility: This property has direct frontage on Dellwood Road / US 19, Queen's Farm Lane and Happy Acres Road.

Existing Zoning/Development Pattern: This property is bordered on the east and south by other satellite areas of the Town of Waynesville. These are developed and zoned for commercial use: Dellwood – Junaluska Area Center district (DJ-AC). However, large areas of forested property also border this property to the south and north – these properties are unzoned. Finally, property to the west along US19/Dellwood Road is a mix of vacant, commercial and residential use. This property is unzoned for approximately 0.25 mile extending west until the Maggie Valley ETJ boundary is reached. Maggie Valley zoning at this boundary is High Density Residential (R-3).

Staff Recommendation:

This property is in a unique position as it is on the western border of land that the Town of Waynesville is likely to annex or zone in the foreseeable future. It is the last property on Waynesville's side of the Annexation Agreement boundary with the Town of Maggie Valley.

Given that the current primary use of the property is agricultural and residential, and that the Land Development Plan indicates the future land use as "Rural"; staff recommends that this property be zoned Dellwood Residential Medium Density District (D-RM). This district is intended primarily to be a low to medium residential density district (see attached Purpose and Intent from the LDS). The use of this district would at least partially protect a small area of less developed area along the increasingly intensive strip commercial development along US19/Dellwood Road.

RESOLUTION R-08-13

**RESOLUTION OF THE BOARD OF ALDERMEN
NAMING EDDIE WARD AS DEPUTY TOWN CLERK
FOR THE TOWN OF WAYNESVILLE**

WHEREAS, North Carolina General Statute 160A-171 requires that local governments designate a position to serve as Town Clerk, who shall give notice of meetings of the council, keep a journal of the proceedings of the council, be the custodian of all city records, and shall perform any other duties that may be required by law or the council; and

WHEREAS, North Carolina General Statute 160A-171 allows for appointment of a deputy city clerk who shall have full authority to exercise and perform any of the powers and duties of the city clerk that may be specified by the council; and

WHEREAS, the Town of Waynesville Board of Aldermen has the authority under the Charter to name a person or persons to fill the role of Town Clerk; and

WHEREAS, the Town Manager has the responsibility and the authority under the Charter, subject to provisions of the Council-Manager Plan of Government, to appoint all city officers and employees not elected by the people; and

WHEREAS, the Town Manager commends Eddie Ward to fulfill the duties of Deputy Town Clerk, and wishes her to assume these duties effective April 10, 2013, and serve in that capacity until her successor is appointed;

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Waynesville that Administrative Assistant Eddie Ward, shall also serve as Deputy Town Clerk with responsibilities as specified in the Charter, and be recognized under State Law as having the same authority, duties and power as exercised by the Town Clerk.

READ, APPROVED AND ADOPTED this 9th day of April, 2013.

ATTEST:

Gavin A. Brown, Mayor

Alison Melnikova, Deputy Town Clerk

Marcia D. Onical, Town Manager

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 9, 2013

SUBJECT: Call for Public Hearing to consider Amendment to Section 6.4.3 of the Land Development Standards regarding requirements to provide Transit Shelters in connection with Commercial Development

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 8-C
Department: Development Services
Contact: Paul Benson, Planning Director
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Following requests by citizen PhilAnn Medford and the Board of Aldermen last fall, the Planning Board began gathering information and public comment at its regular meeting of November 19, 2012 regarding a requirement to construct or place transit shelter(s) in connection with commercial development. Following several months of research, public comment and discussion, at its regular meeting on March 18, 2013 the Planning Board voted to recommend that:

1. Section 6.4.3 of the Land Development Standards be amended to require provision of shelters in connection with development / redevelopment as follows:
 - a. Reduce the threshold on residential units from 100 to 50, and the square footage of commercial space from 100,000 to 50,000.
 - b. Add the requirement for “institutional” uses of 50,000 square feet or greater
 - c. Delete the clause: “are adjacent to present or planned transit routes” to accommodate the current on-demand public transit service.
2. Town staff work with Haywood Public Transit and the French Broad River Metropolitan Planning Organization to develop a local transit plan as the basis for future funding requests.
3. Town staff work in partnership with Haywood Transit to develop transit projects eligible for grant funding, and consider providing matching funds for projects such as the construction of transit shelters on public rights-of-way adjacent to priority transit destinations.

MOTION FOR CONSIDERATION: *To call for a public hearing on May 14, 2013, at 7:00 pm, or as soon thereafter as possible, in the Board Room of Town Hall, 9, S. Main Street, for the purpose of considering amendments to Section 6.4.3 of the Land Development Standards, requiring development of transit shelters in connection with commercial development.*

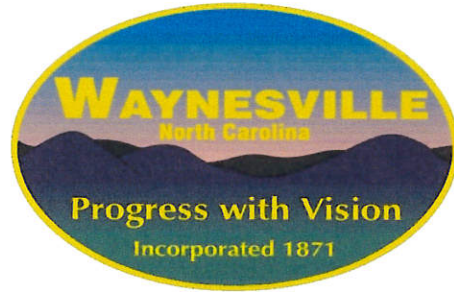
FUNDING SOURCE/IMPACT: No direct cost at this time, but may involve future costs to provide matching funds for transit planning and shelter construction.

ATTACHMENTS:

- Staff Report dated March 18, 2013
- Minutes from regular meeting of Planning Board on December 17, 2012
- Minutes from regular meeting of Planning Board on March 18, 2013

MANAGER’S COMMENTS AND RECOMMENDATIONS: This is a call for a public hearing only; no additional action required at this time.

Regular Meeting
Town of Waynesville
Planning Board
Town Hall 9 South Main Street
March 18, 2013



The Planning Board held a regular meeting on Monday, March 18, 2013. The meeting was called to order at 5:30.

Members present:

Chairman Patrick McDowell
Jon Feichter
Shell Isenberg
Danny Wingate
Brooks Hale
Marty Prevost
Lee Bouknight

Also present:

Planning Director Paul Benson
Administrative Assistant Ginny Boyer

Absent:

Bucky Dykes
Don Stephenson

Approval of Minutes, December 17, 2012

Jon Feichter moved to accept the minutes of December 17, 2012 as presented; this was seconded by Brooks Hale. All were in favor.

Old Business:

Transit Shelter Report and Recommendation to the Board of Aldermen

The public brought the need for transit shelters to the Town's attention. Shelters are required limitedly now and Ingles Market on Barber Boulevard will be putting in the very first. The Board discussed various topics and asked several questions of Town Planner Paul Benson before making its motion: current and recommended thresholds for residential, commercial and institutional properties; the range of possibilities for funding of transit shelters for new construction, reconstruction and even existing structures that would consider voluntarily providing shelters; practicality issues of requiring transit shelters on fixed route systems versus

those conducive to current on-demand service; and the shelters themselves, if they would be enclosed and/or heated.

Jon Feichter made a motion to accept the staff recommendation in its entirety; Marty Prevost seconded and all were in favor. The staff recommendation is as follows:

The Planning Board has been requested to report back to the Board of Aldermen on the issue of requiring transit shelters in connection with new development or redevelopment. Staff suggests that the report contain:

- 1) A recommendation that Section 6.4.3 of the LDS be amended to require shelter construction in the following circumstances:**
 - 1. Reduce the threshold on residential units from 100 to 50, and the square footage of commercial space from 100,000 to 50,000.**
 - 2. Add the requirement for “institutional” uses of 50,000 square feet or greater.**
 - 3. Delete the clause: “are adjacent to present of planned transit routes” to accommodate the current on-demand public transit service.**
- 2) Town staff work with Haywood Public Transit and the FBRMPO to develop a local transit plan as the basis of STP-DA funding requests.**
- 3) That Town staff work in partnership with Haywood Transit to develop transit projects eligible for grant funding, and consider providing matching funds for projects such as the construction of transit shelters on public rights-of-way adjacent to priority transit destinations.**

New Business:

Agenda Item: Annexation Zoning

Location: 2180 Dellwood Road (Queen Farm Satellite Annexation Area)

PIN: 8607-82-2478

Size: 7.2 acres, portion of 131.9 acre property *attached 1) Map 16, Town of Waynesville and 2) Location Map, Queen Farm Annexation Zoning*

Town Planner Paul Benson reported that about a year ago a small area of 131.9 acres was annexed, but never zoned and as a general rule, the Town is obligated to zone property. This was a voluntary annexation motivated by, as Mr. Benson understands, the desire for Town sewer service and there are no conflicts involved.

Marty Prevost made a motion to accept staff recommendations as presented which was seconded by Lee Bouknight. All were in favor. The staff recommendations are as follows:

This property is in a unique position as it is on the western border of land that the Town of Waynesville is likely to annex or zone in the foreseeable future. It is the last property on Waynesville’s side of the Annexation Agreement boundary with the Town of Maggie Valley.

Given that the current primary use of the property is agricultural and residential, and that the Land Development Plan indicates the future land use as “Rural”; staff recommends that this property be zoned Dellwood Residential Medium Density District (D-RM). This district is intended primarily to be low to medium residential density district (see attached Purpose and Intent from the LDS). The use of this district would at least partially protect a small area of less developed area along the increasingly intensive strip commercial development along US19/Dellwood Road.

Other Business:

Planning Director Benson plans to address Lake Junaluska zoning at the April meeting in a workshop setting.

Lee Bouknight called to the Board’s attention what looks to be a staging area for heavy equipment on Boyd Avenue. Mr. Benson said he will check on this, feeling certain the area has no permitted use for storage or staging.

Chairman McDowell inquired with Mr. Benson for an update on Ingles Market, Barber Boulevard. Mr. Benson said plans are currently being reviewed and a permit is on the verge of being issued. North Carolina Department of Transportation wants to do a project to extend the median to Frazier Street (Ingles is interested and the Barbers are involved). Preliminary feasibility studies and cost estimates are underway.

As for South Main Street Corridor Plan, Mr. Benson reported a feasibility study was completed but nothing is going to happen there because, as of yet, there is not an issue with congestion.

Adjournment:

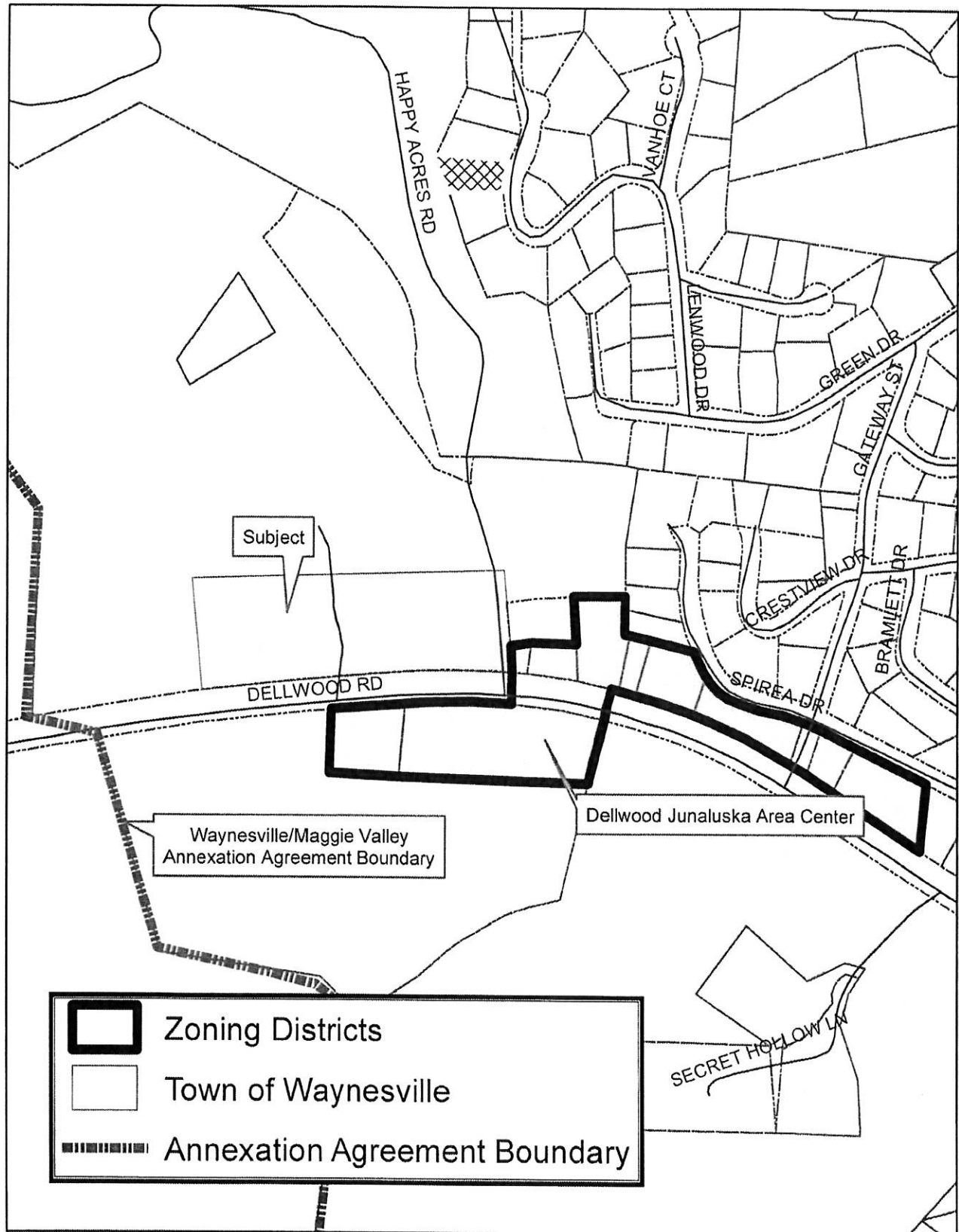
With no further business, Chairman McDowell adjourned the meeting at 6:10 p.m.

Ginny Boyer, Administrative Assistant

Patrick McDowell, Chairman



Location Map
Queen Farm Annexation Zoning
2180 Dellwood Road



Map 16
Town of Waynesville
 Haywood County, North Carolina
Area 1 Map
 January 14, 2002



1 Miles

..... Urban Services Boundary
 --- Major Creeks

Proposed Land Uses

- Rural
- Conservation, Open Space
- Industrial
- Residential, Low to Medium
- Residential, Medium to High
- Mixed Use, Low to Medium
- Mixed Use, Medium to High
- Community Facilities

Maggie Valley

Waynesville

Town

Area 1

Highlighted Goals & Objectives

- 1-1 Expand Downtown CBD
- 1-2 Reestablish Train Depot / Create a Farmers Market in Frog Level
- 1-3 Create "Town Square" in Frog Level
- 1-4 Create Secondary Roads along Russ Avenue & the Great Smokey Mountain Expressway to reduce access demands on these thoroughfares
- 1-5 Concentrate Medium to High Density Mixed Use Developments to limit sprawling strip commercial developments

Mapping prepared by:

BENCHMARK LLC
 Local Government Services
 Planning, Community Development,
 and Management
 Asheville, NC / Raleigh, NC / Kinston, NC
 1-800-550-3925
 WWW.BENCHMARKPLANNING.COM



Town of Waynesville

AGENDA
REGULAR MEETING
PLANNING BOARD
TOWN OF WAYNESVILLE
TOWN HALL – 9 SOUTH MAIN ST
MARCH 18, 2013
MONDAY – 5:30 PM

1. Call to order
2. Approval of Minutes of December 17, 2012
3. Old Business: Transportation Shelter Report and Recommendation to the Board of Aldermen
4. New Business: Queen Farm Satellite Annexation Area – New Zoning
5. Adjournment

REGULAR MEETING
TOWN OF WAYNESVILLE
PLANNING BOARD
TOWN HALL - 9 SOUTH MAIN STREET
DECEMBER 17, 2012

The Planning Board held a regular meeting on Monday, December 17, 2012. Members present were Danny Wingate, Shell Isenburg, Jon Feichter, Don Stephenson, Lee Bouknight, Bucky Dykes, Marty Prevost and Chairman Patrick McDowell. Also present were Planning Director Paul Benson, Town Manager Marcy Onieal, and Administrative Assistant Eddie Ward. The meeting was called to order at 5:30 P.M. by Chairman McDowell.

Approval of Minutes of November 19, 2012

Danny Wingate moved, seconded by Don Stephenson, to approve the minutes of November 19, 2012. The motion passed unanimously.

Discussion of Haywood Public Transit System

Paul Benson introduced Susan Anderson, Transportation Director of Haywood Public Transit. Mr. Benson asked her to talk about Haywood Public Transit and the need for drop-off improvements. Ms. Anderson stated that Haywood Public Transit is a rural system and they are considered a demand response system. They are not set up like an urban system, which goes by the same pick up points several times a day. She said last year Haywood Public Transit served fifty five-thousand trips with 38.6 percent of the trips being medically oriented and the rest being general purpose.

Haywood Public Transit operates five days a week, 6:00 A.M. - 5:30 P.M., with twenty-two vehicles covering all of Haywood County. Haywood Public Transit deals with all walks of life and the biggest challenges do not come from the downtown area, but from the bigger box stores, where people are waiting fifteen to thirty minutes in the busy walkways to be picked up. She said shelters at the big box stores would simplify the process for their drivers because many times they have to go inside looking for passengers.

Ms. Anderson stated that two year grants are available for funding of shelters, with the state of North Carolina paying 50 percent of the capital cost, and the community municipality paying the other 50 percent. She has just finished grants for the period of 2014 - 2016. There is a grant through North Carolina Department of Transportation that requires a plan approval by the Town Planning Board. If any state or federal monies are used in establishing shelters, they would automatically be considered public systems, which means any route will be open to the general public.

Ms. Philan Medford, 99 Pisgah Drive, Waynesville, NC asked the Board to keep in mind that anyone can use the Public Transit, and this contributes to their independence.

Mr. Benson stated he would contact the Metropolitan Planning Organization about regulations and grants for public shelters.

Chairman McDowell thanked Ms. Anderson for attending the meeting and said the Public Transit System and shelters would be an ongoing issue in the future. He felt it would be appropriate to obtain more information before moving forward.

Lake Junaluska Area Zoning

Mr. Benson introduced Town Manager Marcy Onieal to the Planning Board. Manager Onieal wanted to speak with the Board concerning the potential merger between the Town of Waynesville and Lake Junaluska. She said this merger might be happening faster than anticipated, with a special bill allowing this merger being introduced to the General Assembly in January 2013.

Manager Onieal stated that Junaluska and the Town of Waynesville had been having public meetings and discussions for eight months. After spending this time in an educational fashion, receiving public comments, and examining different options, both Lake Junaluska and the Town of Waynesville agreed the merger was best for the long term health of their community.

One of the major points of interest from the residents of Lake Junaluska is the zoning regulations. Currently, they do not have any zoning regulations but they do have some deed restrictions which will remain in place. They have no planning staff, and are unfamiliar with how the processes work. One of the things Manager Onieal has discussed with their Board is the possibility of meeting with the Town Planning Board to discuss what zoning would involve in Lake Junaluska. If a merger occurs, the zoning regulations would have to be in place.

Chairman McDowell stated the Planning Board would be happy to meet with the Lake Junaluska Council and answer any questions they might have. Manager Onieal said the arrangements would be made for a meeting in the near future.

With no further business, a motion was made by Marty Prevost and seconded by Danny Wingate to adjourn at 6:11 P.M.. The motion was approved unanimously.

Patrick McDowell
Chairman

Eddie Ward
Administrative Assistant

Planning Board Staff Report

Subject: **Transit Shelters**
Meeting Date: **March 18, 2013**

Background:

On September 25, 2012, at their regular meeting, Board of Aldermen requested that the Planning Board consider the possibility of an amendment to the Land Development Standards to require transit stops/shelters in conjunction with new development or redevelopment.

On November 19, the Planning Board considered an amendment recommend by staff and the comments of several interested citizens who addressed the Board. As a result, the Board requested that the staff invite Susan Anderson, Transportation Director of Haywood Public Transit, to a future meeting to obtain more information on the issue.

On December 17, Ms. Anderson attended the regular meeting of the Planning Board to explain the operations of Haywood Public Transit and the need for shelters. She also mentioned the possibility of grant funding for shelter construction. As a result of this meeting the Board requested that staff look into grant funding for transit shelters and report back any findings.

Grant Funding Possibilities:

Section 5310 of the Federal Transit Act: 80% matching capital assistance grants to private non-profits, or public bodies for transportation of elderly or disabled individuals. Haywood Transit won't be able to apply for two more years.

Section 5311 of the FTA: 80% matching grants for public transportation projects that meet the needs of rural areas. Haywood Transit has already submitted application for the 2014 funding cycle - may be a possibility for 2015.

CDBG, Community Development Block Grant funds: would not fund a bus shelter as a stand-alone project but a shelter could be part of a larger grant application. Sarah Graham with Southwestern Regional Commission is the contact for CDBG grants. These grants are awarded on a competitive basis and are intended to benefit low and moderate income persons.

STP-DA: the French Broad River Metropolitan Planning Organization (FBRMPO) region receives an allocation of approximately \$3 million per year. It has allocated 1.5 million for the Hendersonville Transit Center in FY 2015. During 2013-2014 fiscal year MPO staff will be working on a call for projects for STP-DA funding starting in FY 2016. This funding would not be available for a single shelter, but a \$100k-200k transit improvements project combined with pedestrian crossing improvements would be eligible if spelled out in a local or regionally-adopted plan; currently LOSRPO is updating the Locally-Coordinated Plan so that's a good place to spell out needed transit shelter improvements; STP-DA grant funding requires a 20% local match.

Staff Recommendation:

The Planning Board has been requested to report back to the Board of Aldermen on the issue of requiring transit shelters in connection with new development or redevelopment. Staff suggests that the report contain:

- 1) A recommendation that Section 6.4.3 of the LDS be amended to require shelter construction in the following circumstances:
 1. Reduce the threshold on residential units from 100 to 50, and the square footage of commercial space from 100,000 to 50,000.
 2. Add the requirement for “institutional” uses of 50,000 square feet or greater.
 3. Delete the clause: “are adjacent to present or planned transit routes” to accommodate the current on-demand public transit service.
- 2) Town staff work with Haywood Public Transit and the FBRMPO to develop a local transit plan as the basis of STP-DA funding requests.
- 2) That Town staff work in partnership with Haywood Transit to develop transit projects eligible for grant funding, and consider providing matching funds for projects such as the construction of transit shelters on public rights-of-way adjacent to priority transit destinations.

STAFF REPORT

Agenda Item: Annexation Zoning
Location: 2180 Dellwood Road
PIN: 8607-82-2478
Size: 7.2 acres (portion of 131.9 acre property)
Owner(s): Lois P. Queen
Meeting Date: March 18, 2013

Background: This property is a satellite annexation to the Town of Waynesville by petition of its property owner. Since this property was not previously within the Town's ETJ zoning jurisdiction prior to annexation, there was no existing zoning on the property. Therefore, Town staff is hereby initiating zoning of this property.

Planned Land Use: The 2020 Land Development Plan indicates that this property and the surrounding area is planned to remain in "Rural" land use. Reference Map 16 – Area 1 Map (attached).

Utility service: Town of Waynesville water and sewer lines are currently in place along US19/Dellwood Road, although the Town's Urban Service Boundary does not include the entire annexation parcel.

Accessibility: This property has direct frontage on Dellwood Road / US 19, Queen's Farm Lane and Happy Acres Road.

Existing Zoning/Development Pattern: This property is bordered on the east and south by other satellite areas of the Town of Waynesville. These are developed and zoned for commercial use: Dellwood – Junaluska Area Center district (DJ-AC). However, large areas of forested property also border this property to the south and north – these properties are unzoned. Finally, property to the west along US19/Dellwood Road is a mix of vacant, commercial and residential use. This property is unzoned for approximately 0.25 mile extending west until the Maggie Valley ETJ boundary is reached. Maggie Valley zoning at this boundary is High Density Residential (R-3).

Staff Recommendation:

This property is in a unique position as it is on the western border of land that the Town of Waynesville is likely to annex or zone in the foreseeable future. It is the last property on Waynesville's side of the Annexation Agreement boundary with the Town of Maggie Valley.

Given that the current primary use of the property is agricultural and residential, and that the Land Development Plan indicates the future land use as "Rural"; staff recommends that this property be zoned Dellwood Residential Medium Density District (D-RM). This district is intended primarily to be a low to medium residential density district (see attached Purpose and Intent from the LDS). The use of this district would at least partially protect a small area of less developed area along the increasingly intensive strip commercial development along US19/Dellwood Road.

- D. The **Hall Top Residential – Low Density District (HT-RL)** is a rural district characterized by steep terrain and narrow winding roads. Despite the difficulty of developing in this district and the limited provision of services, the proximity to the Russ Avenue and Dellwood/Junaluska Town Centers makes the location an attractive one for the variety of residential developments permitted in this area. Large lot development is the standard with cluster development respecting the terrain encouraged so as to leave as much open space as possible. Road design will also consider the terrain with narrow road widths permitted and sidewalks not required. Linking developments with trails is encouraged.

2.3.2 Residential-Medium Density Districts (RM) – Purpose and Intent

- A. The **Chestnut Park Residential – Medium Density District (CP-RM)** is a well-established older neighborhood bordering the Central Business District. This linear neighborhood is served mainly from a single road. This road, which leads into the Eagles Nest Mountain area, is one of the few roads in Waynesville that crosses under Highway 23/74. Due to the interference of the highway and limited access into the neighborhood itself, as future development occurs, connections into adjoining neighborhoods (i.e., connecting Shingle Cove Road to Laurel Ridge) are important to keep Chestnut Park Road from becoming too heavily traveled. Pedestrian and bicycle amenities connecting the neighborhood to Chestnut Park and adjoining areas will be developed. Medium density residential development will be the predominant land use in the area.
- B. The **Dellwood Residential – Medium Density District (D-RM)** shall develop predominately as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Centers. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.
- C. The **Howell Mill Residential – Medium Density District (HM-RM)** shall develop as a residential neighborhood providing a mix of housing types and densities. Long, narrow lots are encouraged to provide for the establishment of good block widths throughout the area. Higher density housing is encouraged south of Howell Mill Road with lower density housing provided to the north. The center of the neighborhood is the Waynesville Recreation Center, providing recreational and social opportunities for all of Waynesville but with particular convenience and importance for those residing in this district. The

Map 16
Town of Waynesville
 Haywood County, North Carolina
Area 1 Map
 January 14, 2002



..... Urban Services Boundary
 --- Major Creeks

Proposed Land Uses

- Rural
- Conservation, Open Space
- Industrial
- Residential, Low to Medium
- Residential, Medium to High
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Maggie Valley

Waynesville

Town

**Area 1
 Highlighted Goals & Objectives**

- 1-1** Expand Downtown CBD
- 1-2** Reestablish Train Depot / Create a Farmers Market in Frog Level
- 1-3** Create "Town Square" in Frog Level
- 1-4** Create Secondary Roads along Russ Avenue & the Great Smokey Mountain Expressway to reduce access demands on these thoroughfares
- 1-5** Concentrate Medium to High Density Mixed Use Developments to limit sprawling strip commercial developments

Mapping prepared by:



ROAD
 PLOTT VALLEY ROAD

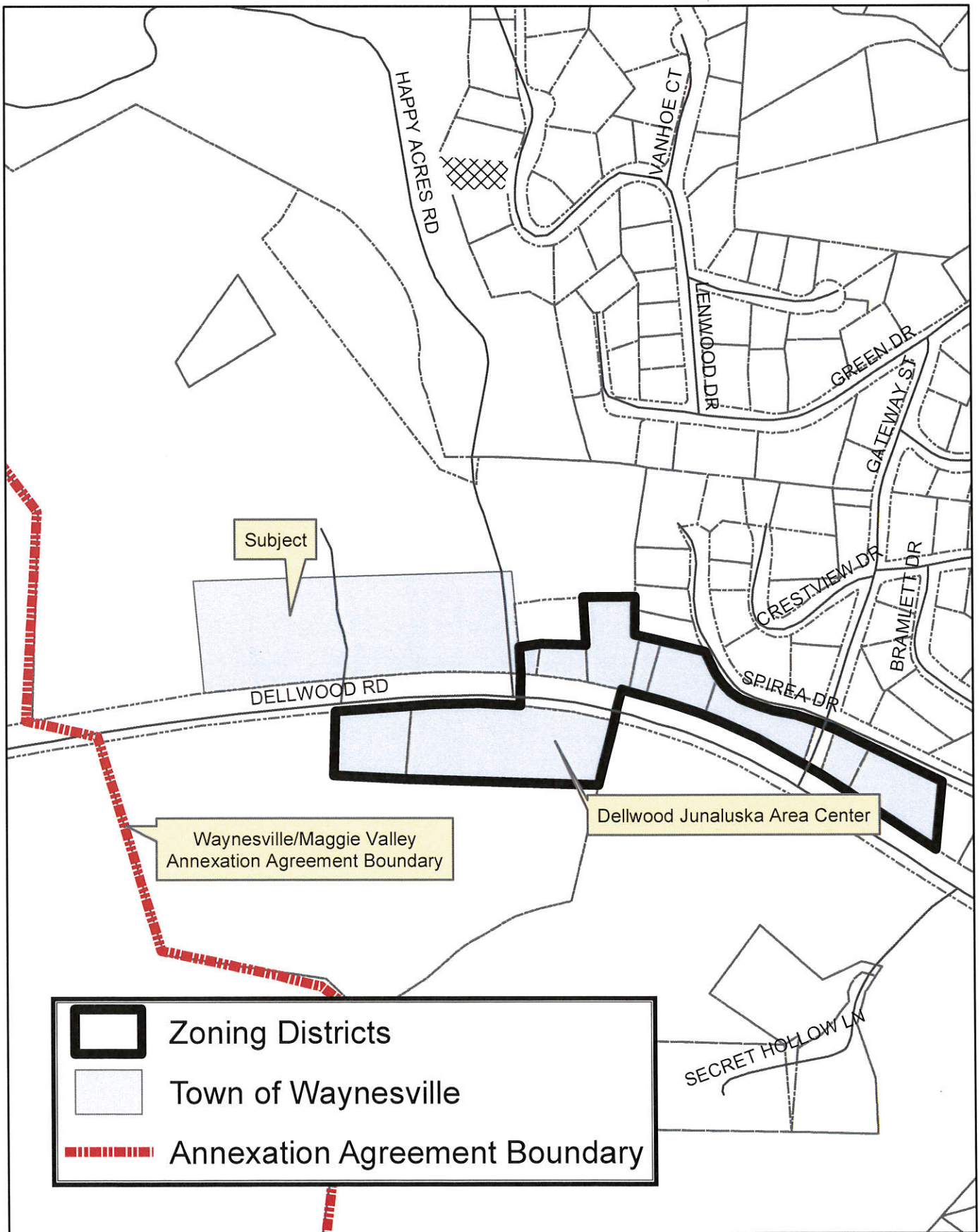
Hyatt Creek

HYATT CREEK ROAD

4-1



Location Map
Queen Farm Annexation Zoning
2180 Dellwood Road



Planning Board Staff Report

Subject: **Transit Shelters**
Meeting Date: **March 18, 2013**

Background:

On September 25, 2012, at their regular meeting, Board of Aldermen requested that the Planning Board consider the possibility of an amendment to the Land Development Standards to require transit stops/shelters in conjunction with new development or redevelopment.

On November 19, the Planning Board considered an amendment recommend by staff and the comments of several interested citizens who addressed the Board. As a result, the Board requested that the staff invite Susan Anderson, Transportation Director of Haywood Public Transit, to a future meeting to obtain more information on the issue.

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Grant Funding Possibilities:

Section 5310 of the Federal Transit Act: 80% matching capital assistance grants to private non-profits, or public bodies for transportation of elderly or disabled individuals. Haywood Transit won't be able to apply for two more years.

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Staff Recommendation:

The Planning Board has been requested to report back to the Board of Aldermen on the issue of requiring transit shelters in connection with new development or redevelopment. Staff suggests that the report contain:

- 1) A recommendation that Section 6.4.3 of the LDS be amended to require shelter construction in the following circumstances:
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 2. Add the requirement for “institutional” uses of 50,000 square feet or greater.
 3. Delete the clause: “are adjacent to present or planned transit routes” to accommodate the current on-demand public transit service.
- 2) Town staff work with Haywood Public Transit and the FBRMPO to develop a local transit plan as the basis of grant funding requests.
- 3) That Town staff work in partnership with Haywood Transit to develop transit projects eligible for grant funding, and consider providing matching funds for projects such as the construction of transit shelters on public rights-of-way adjacent to priority transit destinations.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 9, 2013

SUBJECT: Municipal Agreement for NCDOT Project # K-5002, Highway 23-74 Safety Rest Area - Water and Sewer Improvements

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 9-C
Department: Engineering
Contact: Fred Baker, Town Engineer
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: The project scope consists of extending a 6" water line to the new rest area site on US Hwy 23-74 toward Balsam, and providing sewer service to the existing rest area and proposed new rest area, consisting of 3" force mains and pump stations to the Town's manhole at Vantage Point. The Town will contract for design and construction of the project and NCDOT will reimburse the Town for actual project costs.

MOTION FOR CONSIDERATION: *To authorize the manager and/or mayor to execute the TIP Municipal Agreement for NCDOT project # K-5002, as presented.*

FUNDING SOURCE/IMPACT: NCDOT fully funds this project. The Water and Sewer Funds will benefit from increased revenues generated by additional user fees once the improvements are complete and on-line.

ATTACHMENTS:

- Draft TIP Municipal Agreement
- Executive Summary, January 2013
- Preliminary Engineering Report, McGill & Associates, January 2013

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: Town of Waynesville

County: Haywood

TIP / WBS Element:

TIP: K-5002

WBS Element: 36647.2.2

Scope: The Project consists of improvements at US23-74 Rest Area in Waynesville

Funding:

Type: Non Participation

Responsibilities:

The Department shall be responsible for all aspects of the project.

Utilities: *Note which Party is responsible for utilities denoted as True.*

Municipality is over 5,500: True If True, Municipality is responsible

Cost of Relocation: \$ 967,100

Municipality is under 5,500: False If True, Department is responsible

No Utilities to be relocated: False

Utilities are owned by a different entity: False

Entity Name:

Maintenance: Upon completion of the project, the Department shall be responsible for maintenance.

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT**

HAYWOOD COUNTY

DATE: 3/26/2013

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: K-5002

AND

WBS Elements: 36647.2.2

TOWN OF WAYNESVILLE

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Waynesville, a local government entity, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to construct a Highway Safety Rest Area and make certain Water and Sewer improvements within Haywood County that will connect to the Municipality systems under TIP K-5002, in Haywood County; and,

WHEREAS, the Department and the Municipality have agreed to assume certain responsibilities, as of the date of the awarding of the contract for the construction of the above-mentioned project, and the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following applicable legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

Comment [b1]:

Comment [b2]:

Comment [b3]:

Comment [b4]:

Comment [b5]:

Comment [b6]:

SCOPE OF THE PROJECT

1. The Project consists of Improvements to the Municipality's Sewer and Water System to serve the Proposed (SBL) Haywood County Rest Area with a 6" -Water Service and Sewer Pump Station and a 3" force main Sewer Service. Project also includes providing the existing (NBL) Haywood County Rest Area / with a Sewer Pump Station and a 3" force main Sewer Service. (Water and Sewer lines installed within the R/W of US 23-74).
2. Water Service – Water service installation shall consist of a tie-in to the existing (8") water line located on the south side of Old Balsam Road (SR 1243) near the intersection with West Brook Road, then extending a (6") water line north on Old Balsam Road with a (6") water line crossing under US 23/74 and continuing north on US 23/74 within the R/W with a (6") Water Line to the proposed (southbound) Rest Area Site. A Fire Hydrant shall be installed within the Rest Area Site adjacent to the car parking lot, followed by a 2" -Water Meter. Water Meter and Fire Hydrants within Rest Area Site shall be part of the design and construction of this project.
3. Sewer Service – At the Existing Rest Area -Sewer Service installation shall consist of installation and connection to a proposed sewer pump station at the existing Southbound Rest Area site, from the pump station a (3") force main sewer line shall be installed north, within the US 23/74 right of way on the northbound lane, the (3") force main shall continue north within the right of way of US 23/74 (approximately 17,800' linear feet) up to a manhole and the Municipalities (12") sewer line at Wilkerson Pass Lane. At the Proposed Rest Area -Sewer Service installation shall consist of installation and connection to a proposed sewer pump station at the proposed Northbound Rest Area site, From pump station a (3") force main sewer line installed under US 23/74, and connect to the previously described force Main to be installed on the northbound lane within the US-23/74 Right of Way.
4. Any oversizing of lines or additional lines other than the line and equipment specifications identified in item 1 and 2 above will be considered as betterment. All betterment cost will be the responsibility of the Municipality, to include engineering, construction and administrative costs.

PLANNING, DESIGN, RIGHT OF WAY AND UTILITIES

5. The Municipality or the Municipalities consulting engineer shall design and prepare the project plans, specifications and estimate. The total contract proposal and an estimate of the project costs shall be submitted to the Department for its review and approval prior to advertising of the project for bids. The construction of the project shall be accomplished by the Municipality awarding a contract to the lowest qualified bidder who submitted a proposal in conformity with the

requirements and specifications for the work to be performed, as set forth in an appropriate solicitation for bids. Letting of contracts for construction and purchases shall be in accordance with North Carolina General Statute 143-129. Bids received for the project shall be submitted to the Department for approval prior to the contract being awarded by the Municipality. If the Municipality proposes to employ the services of a consulting engineer to design and prepare plans, specifications and cost estimates and provide other engineering services for the project, the Department must approve this contract and the Municipality agrees that the Department will not participate in any costs paid for such services if the costs are based on a percentage of the cost of construction and further agrees that the Department will review and approve the rates to be charged before participating in the costs involved. (The Department shall make all reviews and respond back to the Municipality in a timely manner).

6. The Municipality shall adjust, relocate or cause to be relocated, all existing utilities lying within the right-of-way or construction limits that conflict with construction of the project as a part of this project.
7. The Municipality shall be responsible for the acquisition of all needed rights-of-way, easements and permits required to provide water services, described in this agreement, to the Rest Area, as part of the project and all cost shall be part of the project. Acquisition of right of way shall be performed in accordance with all state and federal policies and procedures.
8. The Department agrees to furnish, at no cost to the Municipality, permanent and temporary construction easements or encroachment agreements for portions of the waterlines constructed within properties owned by the Department and within limits of right-of-way authority the Department has on these properties
9. The Municipality hereby agrees to indemnify and save harmless, the Department from all damages that may arise by reason of the installation and maintenance of this utility work except damages that result from the sole negligence of the Department.
10. It is further agreed that the following provision shall apply regarding the Municipality owned utilities covered in the Agreement:

(A) The Municipality shall obligate itself to service and to maintain its facilities to be retained and installed under/over and along the highway within the Department's right-of-way limits and easements in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

(B) The Municipality agrees that no service taps for service to any customer other than to the

highway facilities as outlined in this Agreement will be made from within the Rest Area sites or the US 23/74 right-of-way, without written approval from the Department.

(C) The Municipality shall obtain a standard highway right-of-way Encroachment Agreement for construction of water lines within the highway rights-of-way including the Rest Area sites and/or crossings of highways and interstates.

(D) Any cost incurred due to betterment utility work to Municipality -owned utility lines shall be solely the responsibility of the Municipality. The Municipality shall be responsible for 100% of the additional utility cost.

CONSTRUCTION

11. The Municipality shall construct, or cause to be constructed, the project in accordance with the plans and specifications of said project to be filed with and approved by the Department. The Municipality shall administer the construction contract for said project and the procedures set out herein below shall be followed.

(A) The Municipality shall notify the Department's Division Engineer five (5) days in advance of initiation of construction of the project.

(B) The plans, specifications, estimates, construction, engineering and supervision will be provided by the Municipality.

(C) The Department's Division Engineer at his discretion, may assign a Resident Engineer to the project who shall have the right to inspect, sample or test, approve or reject any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with plans, specifications and the provisions of this Agreement. The Resident Engineer will be the Department's representative on the project. Prior to the final acceptance and payment by the Department, the Division Engineer and/or his representative shall make a final inspection of the completed work. The Division Engineer will be responsible for final acceptance of the completed work on behalf of the Department. Final payment to the Municipality by the Department shall be made in a timely manner.

(D) During construction of the project, if any changes in the plans are necessary, such changes must be approved by the Division Engineer prior to the work being performed.

(E) All materials incorporated into the project and workmanship performed by the contractor shall be in reasonable close conformity with the Standards and Specifications to the Department.

(F) The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the approved contract plans and project provisions.

(G) During construction of the project. The Municipality shall provide and maintain adequate barricades, signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformation with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.

(H) The Municipality shall complete said work within eighteen (18) months of execution of this agreement.

12. The Municipality, and/or its agent shall also comply with the following federal policies: (a) Conflict of Interest; (B) Equal Employment Opportunity; (c) Title VI - Civil Rights Act of 1964.
13. The Municipality, and/or its agent shall also comply with the following federal policy: Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26.

FUNDING

14. Subject to compliance by the Municipality with the provisions set forth in this Agreement, the Department shall reimburse the Municipality actual project costs in accordance with this agreement and the Costs which exceed this amount or have not been stipulated in this Agreement must have prior written approval by the Department.

(A) This agreement is contingent upon the Municipality being able to enter into a contract(s) which would enable the work called for in this agreement to be performed for the dollar amount for which the Department has agreed to reimburse the Municipality. The Department shall make all reimbursement payments to the Municipality in a timely manner.

(B) The Municipality may bill the Department on a monthly basis for actual project costs to include administrative cost incurred by the Municipality as herein stated by submitting an itemized invoice, in quadruplicate, to the Department's Roadside Environmental Unit. Reimbursement to the Municipality shall be made upon approval of each invoice by the the Department's Fiscal Section. Invoices shall be based on the contract unit costs and actual quantities used to the date of each invoice.

(C) The Municipality shall ensure that all work is properly accomplished at a just cost. If the Municipality withholds retainage from payments due to its contractor(s), the Municipality shall remit the balance of the retainage to the contractor(s) upon satisfactory completion of the work

performed by the contractor(s). The Municipality shall make an inspection of the completed work prior to the release and reimbursement of contractor retainage withheld.

(D) The Municipality shall be responsible for adhering to applicable administrative requirement of 49 CFR Part 18 (www.fhwa.dot.gov/legisregs/legislat). If the work is performed by force account, said invoices shall show a summary of labor, labor additives, equipment, materials and other qualifying cost in conformance with the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/wh/eop/omb). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Utility. Reimbursement for rates of equipment owned by the Municipality cannot exceed the Department's rates in effect for the time period in which the work is performed. If the work is performed by a contractor, said invoices shall show the contract cost.

(E) In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/OMB/circulars/a133/a13.html), dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipalities fiscal year ends.

(F) A final itemized invoice listing all costs shall be submitted to the Department's Division Engineer upon completion of the project.

(G) The Municipality agrees that it shall bear all construction costs for which it is unable to substantiate actual costs.

(H) Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

(I) The Municipality or the Department may, upon thirty (30) days written notice to the other party, elect to terminate this utility agreement for failure by the other party to comply with the conditions of this agreement. The Department shall reimburse the Municipality for work completed in accordance with the agreement prior to receipt of the termination notice.

(J) All invoices must be submitted within one (1) year of completion and acceptance of the project by the Department.

(K) If the Municipality elects to procure engineering services, and if the Department is participating in these costs, the Municipality must adhere to North Carolina Department of Transportation "Rules and Regulations for Major Professional or Specialized Services Contracts".

This policy conforms to NCSS 143-64, Parts 31 and 32, and Title 23 of the Code of Federal Regulations, part 172. Prior to entering into a third party consultant agreement, the Municipality must submit said agreement to the Department for review and approval.

15. The Preliminary Engineer's Estimate of Cost for the Rest Area Water and Service is \$967,100.00, for engineering, construction, inspections, administration, legal services, right of way, easements, and contingencies in accordance with estimate dated 1/2013 as prepared by the Consulting Engineering firm - McGill Associates.

MAINTENANCE

16. Upon satisfactory completion of the construction of the work covered in this Agreement, the Municipality shall assume ownership of the manhole and sewer line at Wilkerson Pass Lane, and ownership and responsibilities of the water line installed in this project. Sewer lines and pump stations installed within this project shall be the responsibility of the department for ownership and maintenance responsibilities.

ADDITIONAL PROVISIONS

17. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
18. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such material available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this Agreement, for inspection and audit by the Department's Fiscal Section.
19. With thirty (30) days written notice to the other party, the Municipality or the Department reserves the right to withdraw from this Agreement at any time prior to construction of the project. The Department shall participate in the costs incurred up to the abandonment of the project subject to the terms of this Agreement. Any Notice of Withdrawal from this Agreement by the Department shall be in writing delivered Certified Mail to the Municipality.

20. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
21. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
22. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: TOWN OF WAYNESVILLE

Comment [b7]:

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

"N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

Comment [b8]:

Approved by _____ of the local governing body of the Town of Waynesville as
attested to by the signature of Clerk of said governing body on _____ (Date)

This Agreement has been pre-audited in the manner
required by the Local Government Budget and
Fiscal Control Act.

(SEAL)

BY: _____
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Waynesville

Comment [b9]:

P. O. Box 100

Waynesville, NC 28786

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

EXECUTIVE SUMMARY

January 2013

The North Carolina Department of Transportation (NCDOT) is considering the construction of a new rest area on the north side of US 23/74 (westbound side). The location of the proposed rest area is approximately one mile east of the existing US 23/74 rest area which is located on the south side of US 23/74 in western Haywood County.

NCDOT commissioned McGill Associates, P.A. to prepare a study to evaluate potential water and sewer extension alternatives to achieve the following two goals:

1. Provide public sewer service to the existing NCDOT rest area on US 23/74 to allow NCDOT to discontinue use of the existing septic system, which has been problematic. The existing rest area already has public water service.
2. Provide public water and sewer service to the proposed NCDOT rest area to be located on the north side of US 23/74.

Public Water Service

This report evaluates the following two (2) alternative water line extensions from the Town of Waynesville system and provides the preliminary estimated costs shown below.

Alternative W-1	(from Hyatt Road)	\$239,200
Alternative W-2	(from Old Balsam Road)	\$193,200

The lower cost option (Alternative W-2) includes the construction of approximately 2,000 linear feet of 6-inch ductile iron water line beginning at a connection to the Town of Waynesville's existing 8-inch water line at Old Balsam Road.

Public Sewer Service

This report evaluates the following four alternatives to extend sewer service to the rest areas and provides the estimated preliminary costs shown below.

Alternative S-1	(Gravity Sewer)	\$2,816,100
Alternative S-2	(Pump Stations and Force Main)	\$ 768,000
Alternative S-3	(Gravity Sewer and Pump Station)	\$2,365,200
Alternative S-4	(Gravity Sewer and Pump Station)	\$1,884,600

It is noted that both the existing and proposed rest areas are located outside of the Town of Waynesville's Urban Services Boundary. Town officials have expressed concerns with extending sewer service to the rest areas because of the potential for uncontrolled

development that could occur outside of the Town's planning boundary. Since Alternative S-2 is a pressurized system, connection of additional sewer customers to the sewer force main can cause pump capacity issues, and other operational and maintenance problems, and is therefore not recommended. It is noted that the other three alternatives, all of which include various lengths of gravity sewer lines, would be significantly more conducive to the connection of future gravity sewer customers.

From a cost perspective, Alternative S-2 is by far the least costly alternative, and appears to be more consistent with the local planning policies of the Town of Waynesville.

Total Project Estimated Cost

Since geotechnical explorations were beyond the scope of this report, it is important to note that the estimates included in this report are based on a minimal amount of rock excavation being required, and all road and stream crossings being bored through soil and not rock. For this reason, it is recommended that geotechnical investigations be performed, and that the cost estimates be adjusted, if necessary, following the completion of the geotechnical investigations.

It is assumed that NCDOT would construct both the water and sewer improvements as a single project. The total preliminary project cost estimate for the combined lowest cost water and sewer extensions, including estimated costs for geotechnical investigations, is \$967,100. A detailed preliminary cost estimate is provided in Section IV of the report.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

Mr. Fred Baker, PE
Public Works Director
Town of Waynesville
16 South Main Street
Waynesville, North Carolina 28786

RE: Water and Sewer Service
NCDOT -US-23-74 / Balsam Rest Areas
Waynesville, North Carolina

Dear Mr. Baker,

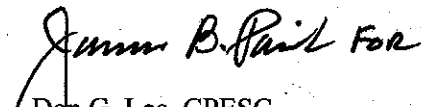
Please accept this Letter and the attached Preliminary Engineering Report as the Department of Transportation Request for the Town to provide access to Water and Sewer service to serve the existing and proposed Rest Area Facilities near the Balsam Community on US-23/74.

The Department commissioned the attached Preliminary Engineering Report through the Consultant Engineering Firm of *McGill Associates, Asheville, NC* -for the purpose of examining options and costs for providing Water and Sewer service to the Rest Area Facilities.

The Department requests that the Town review the attached Report and respond back to this office with the method by which the Town will approve connection to their water and sewer systems and if the Town can provide Project Management for the Design and Construction of these extensions through a Reimbursable Municipal Utility Agreement—whereby the Department will fund the Design and Construction of Water/Sewer lines and Equipment necessary to serve the requirements of the Rest Area Facilities.

Thanks for your consideration and assistance with this project, if more information is needed please contact Paul Stankiewicz of this office at (919) 707-2929.

Sincerely,


Don G. Lee, CPESC
State Roadside Environmental Engineer

CC: J.B. (Joel) Setzer, PE

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
ROADSIDE ENVIRONMENTAL UNIT
1557 MAIL SERVICE CENTER
RALEIGH NC 27699-1557

TELEPHONE: 919-707-2920
FAX: 919-715-2554
WEBSITE: WWW.NCDOT.GOV

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 9, 2013

SUBJECT: Property Conversion for NCDOT Project # U-4412 Howell Mill Road

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 10-C
Department: Engineering, Development Services, Parks & Recreation , Administration
Contact: Marcy Onieal, Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: NCDOT's Project # U-4412 will require the taking of a small parcel of land at Vance Street Park (Recreation Center) in order to affect improvements to Howell Mill Road. Because the Vance Street Park site was purchased and developed in part through federal grant funding awarded under the Land and Water Conservation Fund (LWCF) Act Section 6(f), conversion of the property to non-recreational use requires approval from the NC Division of Parks and Recreation and the National Park Service. NCDOT proposes to acquire 0.349 acre of park property and replace it with a 1.124 acre undeveloped natural site located at Killian Street on the north side of Dutch Fisher Park, along Richland Creek. Based on their initial review of property appraisals, the NC Division of Parks and Recreation and the State Property Office agree that the replacement property is of at least equivalent value as the property being converted. The newly appraised value of both parcels is \$32,825. The search for a suitable property exchange has been ongoing for 2-3 years, with state, federal and town officials having reviewed at least seven potential properties before finding one suitable for conversion. The subject property is owned by Nancy Wade and Priscilla Tomlinson of Atlanta, GA. The site targeted for exchange is located in floodway, but the property has been surveyed for potential development as a greenway with protected trout buffer along Richland Creek. The parcel is a small part of a much larger six-parcel 15.6 acre tract that could be developed as multi-family residential. If the Board of Aldermen approve of the site and agree that the replacement property is of equal or greater value than the property being converted, then the next step will be to obtain approval by NC Division of Parks & Recreation and the National Park Service for the proposed exchange , to be followed by acquisition and conveyance of the replacement property to the town.

MOTION FOR CONSIDERATION: *To approve the site selection and appraisal for converted property required for completion of NCDOT Project #U-4412 at Howell Mill Road, as proposed by NCDOT; and to authorize the town manager and/or mayor to execute the conversion agreement with NCDOT as presented, contingent upon receipt of final approval of conversion by the NC Division of Parks & Recreation and National Park Service.*

FUNDING SOURCE/IMPACT: \$32,825 appraised value - NCDOT will bare costs of acquiring property for the exchange.

ATTACHMENTS:

- Revised Property Appraisal, dated March 18, 2013
- LWCF Conversion Report is not attached, but is available on disk or as hard copy for review in the Town Manager's office.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Town staff has maintained a good working relationship with the property owners, who are interested in seeing the replacement parcel developed as public greenway. It will be the responsibility of NCDOT to acquire the replacement property, hopefully through negotiated sale rather than eminent domain. Manager recommends approval as presented.



Florence & Hutcheson

An **ICA** Company

March 27, 2013

John Poole, Grants Program Manager
DENR Division of Parks and Recreation
Mail Service Center 1615
Raleigh, North Carolina 27699

SUBJECT: U-4412, Howell Mill Road, Waynesville, Haywood Co., Vance Street Park
(Waynesville Recreation Center) Conversion, LWCF Project Nos. 37-00230 &
37-00701

Dear Mr. Poole:

Thank you for providing the 3/18/13 memorandum from the State Property Office regarding the Vance Street Park (Waynesville Recreation Center) LWCF conversion and replacement. I am responding on behalf of Theresa Ellerby, NCDOT Project Planning Engineer. NCDOT contacted Eric Moore, Real Property Agent, on 3/21/13 to discuss his comments in this memorandum. Mr. Moore requested documentation to assess the value of the Wade/ Tomlinson parent tract after partial acquisition of the proposed replacement parcel within the floodplain.

In response to his comments, NCDOT revised the appraisal documentation. Enclosed is an updated property appraisal for the Wade/ Tomlinson parcel for review by your office and the State Property Office. We would appreciate receiving input on the appraisal by April 4, 2013, if possible.

If you have questions or need additional information, please contact Theresa Ellerby of NCDOT at 919-707-6020 or by email at tellerby@ncdot.gov. You may also contact me at 919-900-1635 or by email at mreep@flohut.com.

Sincerely,

Florence & Hutcheson – An ICA Company

Mark L. Reep, PE
Project Manager

Attachments

MR/

cc: John Shoemaker, Assistant State Negotiator, Right of Way Branch
Teddy Greene, Division Agent, Highway Division 14 Right of Way
Brian Burch, PE, Division Construction Engineer, Highway Division 14
Stacy Oberhausen, PE, Consultant Engineering Group Supervisor, PDEA Unit
Theresa Ellerby, CPM, Project Planning Engineer, PDEA Unit



North Carolina Department of Administration


Pat McCrory, Governor
Bill Daughtridge, Jr., Secretary


State Property Office

March 18, 2013

APPRAISAL REVIEW MEMORANDUM

TO: John Poole, Grants Program Manager

THROUGH:  Tim Walton, General Real Estate Manager

FROM: Eric W. Moore, Real Property Agent 

SUBJECT: LWCF Conversion Request, Review of Two Appraisals, Waynesville Recreation Park, Haywood County

The Town of Waynesville has required that appraisals be developed for two properties for the intended use of converting land assisted by the Federal LWCF program to a use that is not consistent with its original intent, and replacing it with another suitable property.

The "converted" tract is 0.349 acres and will be used by NC DOT for a road widening project and was appraised as of March 15, 2011, and updated December 10, 2012. This appraisal purports to have been completed under the Uniform Standards of Professional Appraisal Practice. This appraisal selected three (3) comparable sales from the local market and used the Sales Comparison Approach to determine the land value before the partial acquisition. The appraiser then provides the value of the larger parcel after the acquisition and by recapitulation, uses the difference between the two values to provide a reasonable value for the "converted" tract. This recapitulation process is generally required when providing appraisals that must meet the Federal UASFLA ("Yellow Book") Standards.

The "replacement" tract is 1.124 acres and was appraised as of March 21, 2012. This appraisal purports to have been completed under the Uniform Standards of Professional Appraisal Practice. This appraiser selected four (4) sales from the local market and used the Sales Comparison Approach to determine a value for the subject before the partial acquisition. *As a reviewer, I would like to have seen the appraiser develop a value of the larger parcel after the partial acquisition, and would have expected this if this were being done to meet the Federal UASFLA "Yellow Book" Standards.* Also of concern is the fact that the "replacement property" is mostly wetlands. Does the removal of the wetlands from the (border of the) larger parcel reduce the number of units that can be developed? If this property is zoned for Urban Residential and does not have any buffer requirements, how will moving the border of the property away from the creek bed affect the density? Using the Cost Approach to determine a before and after value of the larger parcel would have better identified the utility of the 1.124 acres in question. **Because this critical component is missing, this appraisal does not provide sufficient information to determine a reasonable value of the "replacement" tract.**

Mailing Address:
1321 Mail Service Center
Raleigh, N.C. 27699-1321

Telephone (919) 807-4650
Fax (919) 733-1431
State Courier #52-71-78

Location:
116 West Jones Street
Raleigh, North Carolina

North Carolina Department of Transportation-Right of Way Branch

REVIEW CERTIFICATION

TIP/Parcel No.: U-4412/028A WBS Element: 35022.2.1 County: Haywood
Owner(s): Nancy E. Wade and Priscilla G. Tomlinson FedAid Project: STP – 1184(1)

I HEREBY CERTIFY THAT, to the best of my knowledge and belief the facts and data reported by me and used in the review process are true and correct.

I understand that this estimate of value is to be used in connection with a highway project and/or NCDOT Real Estate transaction.

The analyses, opinions, and conclusions in this **Review Report** are limited only by the critical assumptions and limiting conditions stated in this **Review Report** and are my personal, unbiased professional analyses, opinions, and conclusions.

I have no direct or indirect, present or prospective interest in the subject property or in any benefit from the acquisition of the subject property and I have no personal interests or bias with respect to the parties involved.

My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this **Review Report**.

My estimate of the value of all items which are Compensable under State law but not eligible for Federal Aid reimbursement is \$ 0

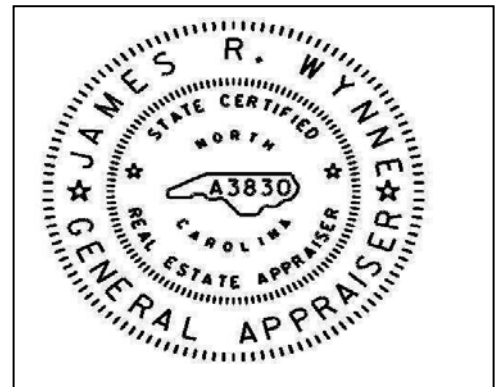
I personally inspected the subject parcel. I did ☒ did not ☐ personally inspect all sales/rentals considered to be comparable to the subject parcel.

My analyses, opinions, and conclusions were developed and this **Review Report** was prepared in compliance with **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice**. The appraisals in this assignment are to be made in accordance with all of the requirements set out in the **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice** and shall also comply with all applicable **Local, State, and Federal** laws, ordinances, regulations, restrictions and/or requirements; and any additions, revisions and/or supplements thereto. No one provided me with significant professional assistance with this **Review Report**.

My opinion of the difference, if any, in the “**Market Value**” of the entire tract **Before the Acquisition** and the “**Market Value**” of the remaining property immediately **After the Acquisition** is \$ 32,825, as allocated:
Allocation

Right Of Way	\$ <u>32,825</u>
Permanent Easements	\$ <u>0</u>
Temporary Easements	\$ <u>0</u>

Total Value of Land Acquired	\$ <u>32,825</u>
Value of Improvements Acquired	\$ <u>0</u>
Damage to Remainder	\$ <u>0</u>
Benefits to Remainder	\$ <u>0</u>
DIFFERENCE	\$ <u>32,825</u>



James R. Wynne

03/25/13

DATE OF CERTIFICATION

REVIEW APPRAISER

“Un-Economic Remnant” is a factor ☐ Yes ☒ No

Area

Value:

Administrative Approval

James R. Wynne

APPROVED BY:

03/25/13

DATE:

North Carolina Department of Transportation Right of Way Branch Appraisal Summary Sheet

1. **TIP/Parcel No.:** U4412 / 028A **WBS Element:** 35022.2.1 **County:** Haywood
 2. **Owner(s):** Nancy E. Wade & Priscilla G. Tomlinson **Fed Aid Project:** STP – 1184(1)
 3. **Plan Sheet No.:** N/A **Survey Stations:** N/A
 4. **Land Areas:**

	AREA LT.OF R/W	AREA IN R/W	AREA RT. OF R/W	TOTAL
	0.0 ac	1.124 ac	14.476 ac	15.600 ac
5. Less: Land Area in Existing R/W:	0.0 ac	0.0 ac	0.0 ac	0.0 ac
6. Appraise Net Areas	0.0 ac	1.124 ac	14.476 ac	15.600 ac

7. **Easements:** TCE: 0.0 ac DRAINAGE: Temp. 0.0 ac Perm. 0.0 ac
 PUE: 0.0 ac OTHER: _____

8. Improvements Lt. of R/W	Improvements to be Acquired	Improvements Rt. of R/W
N/A	N/A	N/A

9. Rights and Interests to be Appraised: **Unencumbered Fee Simple Interest**
 (Subject to Existing Easements and Restrictions as Affected by Highway Acquisition.)


10. Estimated “**MARKET VALUE**” of Property Immediately Before:

Land \$	<u>455,525</u>
Improvements \$	<u>-0-</u>
TOTAL \$	<u>455,525</u>

11. Estimated “**MARKET VALUE**” of Property Immediately After:

Land \$	<u>422,700</u>
Improvements \$	<u>-0-</u>
TOTAL \$	<u>422,700</u>

12. “**DIFFERENCE**” Between Before and After Value (If Benefited, Type “**BENEFITS**”) \$ 32,825



Signed

March 21st, 2012

Date of Appraisal

Name: Daniel C. Page **Phone:** 828-274-8449
Address: 83 Turtle Creek Drive
Asheville, NC 28803
E-Mail Address: dcpage@ncdot.gov



North Carolina Department of Transportation Right of Way Branch Preamble

A. Objective of Appraisal and Purpose of Report

The objective of this appraisal is to estimate the market value of the subject property. The purpose of this report is to present data and analyses which support the opinion of market value.

B. Definition of Market Value

As defined in The Appraisal of Real Estate, 13th Edition, "**MARKET VALUE is the most probable price, as of a specified date, in cash or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a "Fair Sale", with the Buyer and Seller each acting prudently, knowledgeable, and for self-interest, and assuming that neither is under undue stimuli.**"

C. Scope of Appraisal

The scope of this appraisal involves an inspection of the subject property and general area, research into the market for sales and other comparable information, analysis of the findings, and a report of the findings in a narrative format.

D. Hazardous Material Statement

Unless otherwise stated in this report, (see extra-ordinary assumption/hypothetical condition statement) the appraiser has no knowledge of the existence of such materials on the existence of hazardous material and/or contamination which may or may not be present on the property, was not observed by the appraiser or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client/property owner is urged to retain an expert in this field, if desired. That is, the subject property is appraised "**as clean**".

E. Americans with Disabilities Act

The appraiser has not made a specific compliance survey and analysis of the subject parcel to determine whether or not it is in conformity with the various detailed requirements of the **American with Disabilities Act ("ADA")**. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the **ADA** could reveal that the subject parcel is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative affect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, the appraiser did not consider possible non-compliance with the requirements of **ADA** in estimating the value of the subject.

SUMMARY APPRAISAL REPORT

TIP / Parcel No.: U 4412 / 028A Federal I.D.: STP 1184 (1)
WBS Element: 35022.2.1 County: Haywood
Owner: Nancy E. Wade & Priscilla G. Tomlinson

This report presented in a narrative format has been prepared for the North Carolina Department of Transportation under the guidelines of the manual, Uniform Appraisal Standards & General Legal Principles for Highway Right of Way Acquisitions. The subject of this appraisal is a 15.600 acre land tract situated off Killian Street in Waynesville in Haywood County, North Carolina. The property interest appraised is the unencumbered fee simple estate. The Dictionary of Real Estate Appraisal, Fifth Edition, published by the Appraisal Institute, defines the fee simple estate as "Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat". This report is to be reviewed and utilized by the North Carolina Department of Transportation as the basis for payment of just compensation under the laws of Eminent Domain.

INSPECTION of PROPERTY

Initial contact with the property owner, Nancy Wade, was by telephone on March 20th, 2012. At that time an appointment for inspection was scheduled for March 21st, 2012 at 10 am. The owner was not present for the inspection. Ms. Wade was courteous and cooperative and did not express any concerns. The property was inspected and photographed on March 21st, 2012. The date of value is the most recent date of inspection which is March 21st, 2012.

EXTRA-ORDINARY ASSUMPTIONS AND/OR HYPOTHETICAL CONDITIONS

As defined by USPAP an *extraordinary assumption* is an assumption directly related to a specific assignment which, if found to be false, could alter the appraiser's opinions or conclusions; and a *hypothetical condition* is that which is contrary to what exists but is supposed for the purpose of analysis. No extraordinary assumptions or hypothetical conditions have been considered in developing the value opinions.

DESCRIPTION and ANALYSIS of the MARKET AREA

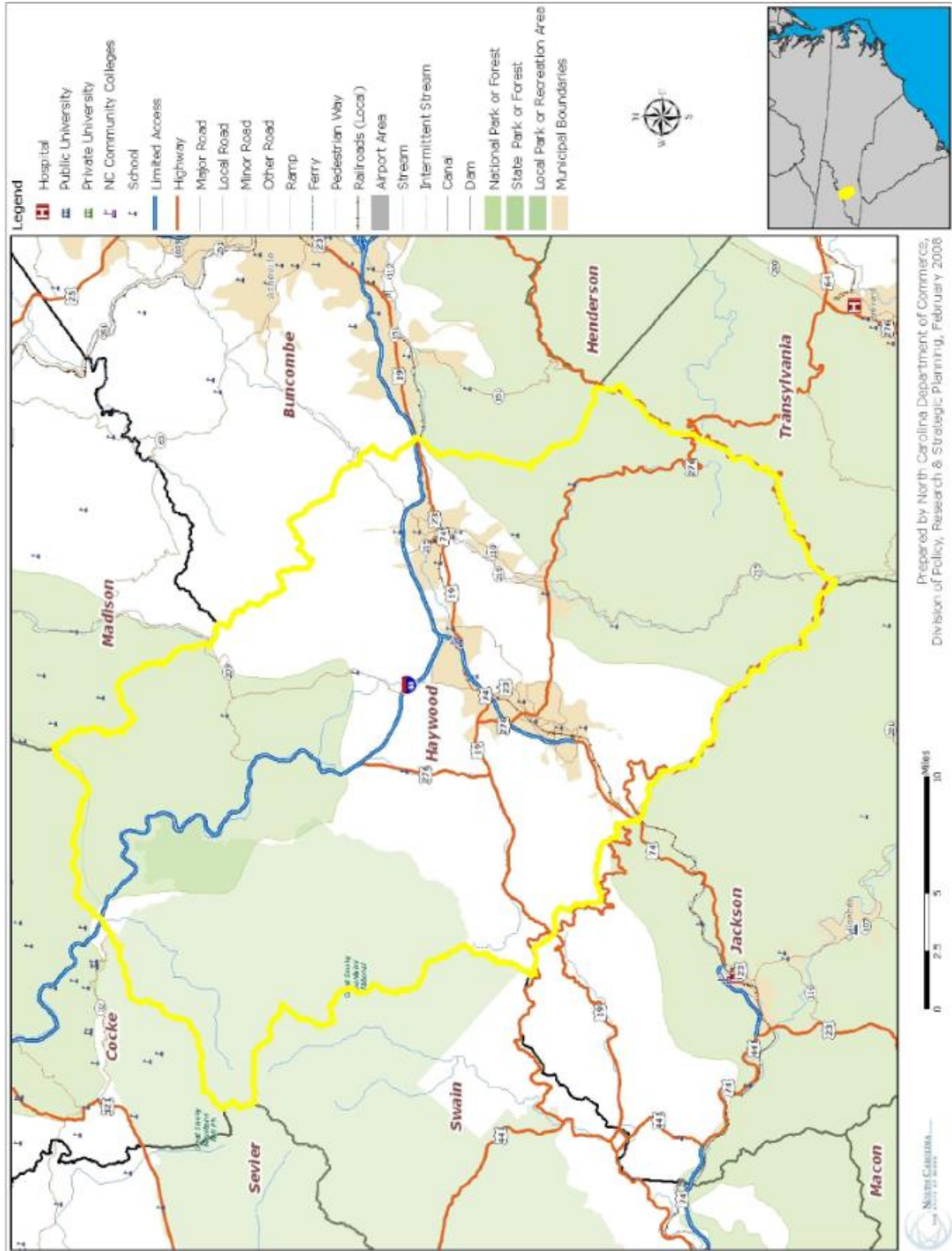
Haywood County Data: The property is located in the central section of Haywood County, northern section of Waynesville, the county seat. Haywood County is one of the 17 counties comprising the Western region of North Carolina. Haywood County is located only 20 minutes east of Cherokee, NC and 20 minutes west of Asheville, NC. Asheville is the seventh largest city in North Carolina, and the largest city in the western region of the state. Driving times to Haywood County are as follows: two hours and 30 minutes from Atlanta; four hours and 30 minutes from Charleston, S.C.; two hours and 20 minutes from Charlotte; three hours and 30 minutes from Columbia, S.C.; one hour and 15 minutes from Gatlinburg and Pigeon Forge, Tenn.; one hour and 30 minutes from Greenville, S.C.; one hour and 30 minutes from Knoxville, Tenn.; four hours and 30 minutes from Raleigh, N.C.. Asheville Regional Airport is located about 40 minutes east

of Haywood County, and Greenville-Spartanburg International Airport is just over an hour drive from Haywood County.

With a 546-square mile radius and a population of about 57,000, Haywood County is the third largest county in western North Carolina after Buncombe and Henderson Counties. First established in 1808, Haywood County was named for John Haywood, North Carolina treasurer from 1787 to 1827. Unlike the other 99 counties in the state, all the water in Haywood County originates in Haywood County, including the Pigeon River. The annual average temperature is 54 degrees; the temperature averages 38 degrees in January and 71 degrees in June. Haywood County averages 47.5 inches of rainfall and 12.2 inches of snowfall each year. The Blue Ridge Parkway winds its way around the county with four entrances to this scenic byway and its many hiking, viewing and picnic spots along the way. Haywood County is home to part of the Great Smoky Mountains National Park, the most visited National Park in the U.S. The area has recently been designated a Blue Ridge Heritage area and is well known for its creativity in arts and crafts.

Haywood County has four towns, Clyde, Canton, Maggie Valley, and Waynesville. In addition to these four towns, Haywood County also is home to Lake Junaluska Assembly, a camp and conference center for the Southeastern Jurisdiction of the United Methodist Church in the United States, and headquarters of the World Methodist Council, a consultative body that links almost all churches in the Methodist tradition. The 200-acre lake is a popular destination for tourists and local residents, offering everything from a stroll along the lake through an array of roses to a paddle boat trip on the lake. Lake Logan Episcopal Center is a 300-acre retreat center that is available for spiritual retreats, business conferences, seminars and family reunions. Haywood Regional Medical Center provides 184 beds and over 120 physicians. Haywood Community College has more than 55 curricular programs and a student population of more than 2,000. Unique programs include the only fish and game wildlife program in North Carolina, Forest Management Technology, Pulp and Paper Technology and a four-year program in Professional Crafts that includes clay, fiber, jewelry and wood. Western Carolina University and the University of North Carolina at Asheville are each 30 minutes away. The county has a strong support system for small business with the combined efforts of a Small Business Incubator and the Small Business Center at Haywood Community College's High Technology Center. The Haywood County Economic Development Commission and Haywood County Chamber of Commerce are actively involved in the support of existing businesses as well as attracting new business to the area. Haywood County has 15 public schools – 9 elementary, schools, 3 middle schools, 2 high schools and 1 alternative high school.

On the following pages is a map of Haywood County and general demographic information provided by the North Carolina Department of Commerce.



Haywood County (NC)

December 2010

THRIVE
NORTH
CAROLINA

County Profile Contact (919) 715-6374

Commerce Economic Development Contact (919) 733-4977

Demographics

Population & Growth

	Population	Annual Growth Rate
2014 Total Population	59,316	0.5%
2009 Total Population	57,825	0.7%
2000 Total Population	54,033	
July 2009 Certified Population Estimate	58,028	
July 2009 Certified Population Growth	3,994	
July 2009 Certified Net Migration	4,896	

Urban/Rural Representation

		Urban/Rural Percent
2000 Total Population: Urban - inside Urbanized Area	28,162	52.1%
2000 Total Population: Urban - inside Urbanized Clusters	0	0.0%
2000 Total Population: Rural - Farm	843	1.6%
2000 Total Population: Rural - Nonfarm	25,028	46.3%

Estimated Population by Age

		Pop by Age, % Est.
2014 Median Age	47	
2009 Median Age	46	
2000 Median Age	42	
2009 Total Pop 0-19	12,537	21.7%
2009 Total Pop 20-29	5,164	8.9%
2009 Total Pop 30-39	6,690	11.6%
2009 Total Pop 40-49	8,534	14.8%
2009 Total Pop 50-59	8,923	15.4%
2009 Total Pop 60+	15,977	27.6%

Working Commuters, 2000 Census

Workers, Travel Time

Avg Travel Time, Not at Home	23
Workers Not Working at Home	23,072
Travel Time to Work: < 5 minutes	934
Travel Time to Work: 5-9 minutes	2,877
Travel Time to Work: 10-14 minutes	3,965
Travel Time to Work: 15-19 minutes	4,112
Travel Time to Work: 20-24 minutes	3,180
Travel Time to Work: 25-29 minutes	978
Travel Time to Work: 30-34 minutes	3,043
Travel Time to Work: 35-39 minutes	742
Travel Time to Work: 40-44 minutes	713
Travel Time to Work: 45-59 minutes	1,466
Travel Time to Work: 60-89 minutes	539
Travel Time to Work: 90+ minutes	523

Travel to Work

Worked in State/County of Residence	
Worked in State/Outside County of Residence	
Worked Outside State of Residence	

Workers, By Transportation

Worker Mode, Base	23,721
Work at Home	649
Drove Car/Truck/Van Alone	19,280
Carpooled Car/Truck/Van	3,239
Bus/Trolley Bus	72
Streetcar/Trolley Car	0
Subway/Elevated	0
Railroad	0
Ferryboat	0
Taxicab	49
Motorcycle	5
Bicycle	10
Walked	318
Other Means	99

Commuters

17,263
6,120
338

Percent by Residence

72.8%
25.8%
1.4%

Education

		Pop Age 25+, %
2009-10 Kindergarten-12th Enrollment	7,653	
2010 Average SAT score (2400 scale)	1,541	
2010 Percent of Graduates taking SAT	46.5%	
2008-09 Higher Education Completions	385	
2008-09 Higher Education Total Enrollment	3,456	
2009 Proj Education Attainment - At Least High School Graduate	34,811	81.3%
2009 Proj Education Attainment - At Least Bachelor's Degree	7,449	17.4%

Housing

		Growth / Appreciation Est
2014 Total Housing	33,355	3.5%
2009 Total Housing	32,231	
2014 Median Value of Owner Occupied Housing	\$135,392	10.7%
2009 Median Value of Owner Occupied Housing	\$122,331	36.8%
2009 Owner Occupied Housing	19,597	
2009 Renter Occupied Housing	5,791	
2009 Total Households	25,388	
2000 Median Year Housing Structure Built	1973	

Income

		Growth Est or Total %/ Percent
2014 Median Family Income	\$54,003	5.7%
2009 Median Family Income	\$51,082	26.3%
2000 Median Family Income	\$40,430	
2014 Median Household Income	\$44,557	5.2%
2009 Median Household Income	\$42,361	24.7%
2000 Median Household Income	\$33,959	
2009 Median Disposable Income	\$34,844	
2009-2014 Per Capita Income: Annual Compound Growth Rate %		0.7%
2014 Per Capita Income	\$23,451	3.5%
2009 Per Capita Income	\$22,662	22.1%
2000 Per Capita Income	\$18,554	
2000 Total Pop with Income Below Poverty Level	6,112	
2000 Percent of Pop with Income Below Poverty Level		11.5%

Employment / Unemployment

	Year to Date	2009 Annual
2010Q3 Employment	24,924	24,319
2010Q3 Unemployment	2,233	2,657
2010Q3 Unemployment Rate	8.2%	9.8%
2010Q3 Announced Job Creation	.	75
2010Q3 Total Announced Investments (\$mil)	.	\$3.4
Oct2010 Lost Jobs, Closings & Layoffs	.	224
Oct2010 Establishment Events, Closings & Layoffs	0	6

Employment / Wages by Industry	2010 1st Qtr Employment	2009 Annual Employment	2010 1st Qtr Avg Weekly Wage	2009 Avg Weekly Wage
Total All Industries	15,954	16,503	\$577	\$590
Total Government	1,308	1,377	\$665	\$674
Total Private Industry	11,754	12,278	\$544	\$562
Agriculture Forestry	0	0	.	.
Fishing & Hunting				
Mining	0	0	.	.
Utilities	0	0	.	.
Construction	815	971	\$522	\$571
Manufacturing	1,879	1,937	\$879	\$916
Wholesale Trade	257	272	\$655	\$616
Retail Trade	2,654	2,739	\$418	\$442
Transportation and Warehousing	99	104	\$842	\$915
Information	147	130	\$821	\$838
Finance and Insurance	403	416	\$726	\$724
Real Estate and Rental and Leasing	164	186	\$367	\$383
Professional and Technical Services	591	662	\$779	\$759
Mgt of Companies, Enterprises	50	47	\$837	\$880
Administrative and Waste Services	424	427	\$377	\$430
Educational Services	44	47	\$359	\$311
Health Care and Social Assistance	1,798	1,700	\$638	\$686
Arts, Entertainment and Recreation	384	308	\$512	\$432
Accommodation and Food Services	1,766	2,000	\$220	\$237
Other Services Ex. Public Admin	371	418	\$424	\$447
Public Administration	1,204	1,264	\$650	\$653
Unclassified	14	27	\$505	\$735

Commercial/Retail/Industrial

Local Businesses

2010 Available Industrial Buildings	1
2010Q1 Establishments: Total Private Industry	1,440
2010Q1 Establishments: Manufacturing	44

Local Retail Business

2009 Total Retail Sales (With Food/Drink) (\$mil)	\$479.8
2009 Total Retail Businesses (With Food/Drink)	551
2009 Avg Sales/Business Total (with Food/Drink)	\$870,789

Quality of Life

Taxes

FY2010-11 Property Tax Rate per \$100 Value	\$0.5140
FY2009-10 Annual Taxable Retail Sales (\$mil)	\$498.1
2011 Tier designation	2

Childcare

Sep2010 Licensed Child Care Facilities	45
Sep2010 Licensed Child Care Enrollment	1,681

Weather

Annual Rainfall	52
Annual Snowfall	14
Average Annual Temperature	57
Average Annual High Temperature	71
Average Annual Low Temperature	50

Healthcare Providers

2009 Number of Physicians	96
2009 Physicians per 10,000 population	16.5
2009 RNs per 10,000 population	74.4
2009 Dentists per 10,000 population	4.5
2009 Pharmacists per 10,000 population	7.2

Sources:

ESRI for demographics, working population, educational attainment, housing, income, crime, weather, and retail data. <http://www.esri.com>
 NC Dept. of Education and various state education departments for SAT data by county system. <http://www.ncpublicschools.org>
 US Dept. of Education, National Center for Education Statistics for higher education data. <http://nces.ed.gov/ipeds/>
 NC Commerce for announced new jobs and investment, NC tiers, and number of industrial buildings. <http://www.nccommerce.com/en>
 NC Employment Security Commission for lost jobs and affected establishments data. <http://www.ncesc.com>
 NC Dept. of Health & Human Services for childcare data. <http://www.ncdhhs.gov/>
 UNC Sheps Center for healthcare provider statistics. <http://www.shepscenter.unc.edu/>
 US Bureau of Labor Statistics for employment and unemployment, wages and establishments by industry. <http://www.bls.gov>

Notes:

Data are the latest available at the date the profile was prepared. SAT scores use the new scoring system including a writing test for a perfect score of 2400 and represent county systems. ESRI 2009/2014 data are projections. Some data may be available only for North Carolina. For further details or questions, please check the Data Sources Guide at https://edis.commerce.state.nc.us/docs/bibliography/Data_Sources_Guide.pdf.

Waynesville Area Data: Waynesville was founded in 1809 by Colonel Robert Love, a Revolutionary War soldier. He donated land for the courthouse, jail and public square, and named the Town after his commander in the war, General "Mad" Anthony Wayne.

The Town of Waynesville was incorporated in 1871. In July 1995 the Towns of Hazelwood and Waynesville merged into one community and continued to grow with a population today of 9,972. With a great climate, growing cultural environment, extensive recreation areas and educational opportunities for all ages, Waynesville rates very high on quality of life issues. Waynesville began to see development after arrival of the railroad in 1884. The agricultural, lumber and tourism industries in Waynesville and Haywood County began to thrive as access to the west was opened up. However, as the automobile began to change the primary mode of transportation for most residents, the railroad declined in importance. The last passenger train arrived in Waynesville in 1949, and freight trains pass through Frog Level twice daily, with most trains continuing on to Sylva. By the 1980s the railroad in Waynesville had been integrated into the Southern Railway Company system. The first depot burned in 1900, but it was soon replaced with another depot that remained standing until 1987.

Water: Waynesville operates a water treatment plant, including an 8,400 acre watershed with a WS-1 restricted classification, certified bacteriological lab and a 50 acre lake. The plant has a capacity of 8 million gallons per day and serves 17,000 customers.

Sewer: Waynesville operates a wastewater treatment plant with a 6 million gallon per day capacity with an average flow of 3.5 million gallons per day. It uses a conventional primary treatment process with secondary biological processes.

Electricity: Waynesville provides electric service to some areas inside the corporate limits. Electric service is also provided to some customers by Progress Energy.

Gas: Public Service Company of North Carolina provides natural gas service to some areas in Waynesville. Propane is also available from local distributors.

Immediate Neighborhood: The immediate neighborhood is defined as that area bounded by Highway 23-74 to the west, South Main Street to the east, Russ Avenue to the north and Hyatt Creek Road to the south. This neighborhood is primarily residential development with areas of commercial development on the periphery. North, west and east of the subject is residential development. South of the subject is a community park with a baseball field. Commercial uses in the general neighborhood include restaurants, hotels, automotive sales and service, grocery stores, financial services, churches, professional offices, industrial, various trade and distribution businesses, recreational facilities, and a variety of small retail enterprises as well as some big box retailers. Residential property types range from manufactured housing to modest and moderate value site built single family dwellings, high density multi-family to high value estates.

DESCRIPTION of the PROPERTY

- **Identification and Location** – The subject property does not have a formal street address. The property is situated on the west side of the Southern Railroad tracks between Killian Street and Old Hickory Street to the north and Westwood Circle to the south. The western boundary follows Richland Creek.

- ▶ **Size and Shape** – According to information provided on the Appraisal Request/Summary Sheet the subject property is 15.600 acres in size. The tract is irregular in shape. An aerial image is included in the addenda as a visual aide.
- ▶ **Frontage and Access** – Data available via the Haywood County GIS indicates the subject does not have direct frontage on any street. There is a deeded right of way from the intersection of Old Hickory Street and Killian Street that varies in width from ± 5 feet to ± 40 feet. There is also a right of way from Westwood Circle that is 30 feet in width. There is no constructed access developed from these rights of ways.
- ▶ **Topography** – Onsite inspection and the Haywood County online GIS Topographic Map indicates that the tract has a terrain that ranges from gently rolling to moderately sloping portions with elevations of the parcel in the range of $\pm 2,670$ feet $\pm 2,700$ feet.
- ▶ **Flood Plain/Drainage** – According to information available through the North Carolina Floodplain Mapping Program, the subject property is located in a flood zone. Approximately 20 percent of the tract is in the floodway of the Richland Creek and another ± 10 percent is in the flood plain. Other than the flood areas, drainage of the tract appears good although it was not observed during heavy rain. An aerial image of the flood area is included in the addenda as a visual aide.
- ▶ **Streams/Creeks/Wetlands** – Richland Creek traces the western boundary and there is a small tributary that flows through the tract from near the southeast corner to near the midpoint of the western boundary. There are no other apparent wetlands, streams and/or creeks indicated from onsite inspection and available information.
- ▶ **Soils** – Clay soil is typical for the area, and is assumed for the subject. Normally there are no problems for construction associated with the soil in this vicinity. The percolation quality is not known.
- ▶ **Ground Cover** – Approximately 90 percent of the tract is heavily wooded with dense understory. The remaining ± 10 percent is mostly cleared with scattered trees and an indigenous grass ground cover.

Structural Improvements – There are no known structural improvements.

Site Improvements – There are no known site improvements.

Utilities – Public utilities available to the property are electricity, telephone, water, sewer and cable.

Present use – Vacant

Easements and encroachments –Other than normal utility/right-of-way easements, there are no known access easements, conservation easements, or encroachments apparent from the onsite inspection or available records.

Zoning – The property has a zoning designation of Hazelwood Neighborhood District. This designation provides for a variety of residential development with some other limited non-residential uses.

Assessed value and taxes – For real estate taxation purposes the property that is the subject of this appraisal is identified by five PIN numbers. They are as follows:

8605-85-3479, the 2011 appraised/assessed total value is \$16,500 for 5.31 acres,
8605-85-7293, the 2011 appraised/assessed total value is \$28,900 for 5.69 acres,
8605-95-2800, the 2011 appraised/assessed total value is \$18,900 for 1.32 acres,
8605-85-9631, the 2011 appraised/assessed total value is \$19,800 for 1.53 acres,
8605-95-0760, the 2011 appraised/assessed total value is \$18,900 for 1.31 acres.

Total Tax Value \$103,000

The 2011 aggregate Haywood County tax rate for the parcel is \$0.5413 which includes fire protection. Based on this information total real estate taxes for 2011 are \$557.54. The last revaluation of the property was in 2006 and the revaluation scheduled for 2011 has been completed. Taxes for 2011 have been paid. The estimated before value per this appraisal is \$455,525 which is allocated entirely to land. Market indicators for this property do not support the lower value indicated by the tax valuation.

Public, private restrictions – Other than typical public restrictions on water/sewer systems and building construction requirements, there are no other known public or private restrictions. Location inside or outside of a watershed district was not confirmed.

Personal Property – No personal property is included in the value opinion.

CURRENT OWNERSHIP, LEGAL REFERENCE, and PROPERTY HISTORY

The deed for the subject property indicates that it is currently owned by Nancy E. Wade and Priscilla G. Tomlinson who acquired it on August 7th, 2003 from the Burton Green Trust et al. The transfer is recorded in the Haywood County Register of Deeds Office in Deed Book 568 at Page 180. There is \$520 (\$260,000 sale price) excise tax indicated on the deed. The purchase consisted of ±16.99 acres and a masonry dwelling. The tax parcel with the masonry dwelling is not being considered in this appraisal. There have been no other known transfers of this property in the last five years. In the distant past the property had been used for commercial purposes including a mill and an ice and cold storage facility. The property is presently vacant and has been for quite some time.

HIGHEST and BEST USE ANALYSIS

The Thirteenth Edition of the Appraisal of Real Estate, published by the Appraisal Institute, defines the highest and best use as "the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." The highest and best use of both land as

though vacant and the property as improved must meet four criteria; legal permissibility, physical possibility, financial feasibility, and maximum profitability.

Legal Permissibility: The subject property has a formal zoning designation Hazelwood Residential District that legally limits how the site may be developed. This designation allows a variety of residential uses including high density residential. Limited other uses are permitted under this designation.

Physical Possibility: Topography and shape characteristics have a considerable effect on the type of improvement and how it is constructed on a site. Terrain may allow a certain construction but a highly irregular shape may limit that same construction. Conversely, shape may allow that same construction but terrain limits it. Physical possibility is as much about maximizing utility and maintaining the continuity of a site as it is about the ability to construct on a particular topography and/or shape. Other than the areas in the flood zone the subject property has topographical, size and shape characteristics that are conducive to most any development that would be considered.

Financial Feasibility: Defined as the ability of a property to generate sufficient income to support the use for which its intended purpose is, or in the case of non-revenue generating property such as residential, financial feasibility is based on the need for and desirability of the property for a particular purpose. This measure of financial feasibility along with what is reasonably probable in the subject's local market, applied to potential permitted uses, would indicate some type of high density residential development as highest and best use.

Maximally Productive: States that the selected land use must yield the highest value of the possible uses. Of all the possible uses for a tract or parcel, commercial development generally yields the highest value closely followed by high density residential.

Conclusion: **As if Vacant** – Topographical features are considered sufficient for most uses. Electric, telephone, water and sewer are available. Nearby properties have been or are available for residential development. Of the physically possible development options, and those legally permitted, high density residential development is likely most feasible for the highest return to the land. Therefore, the highest and best use of the subject site, as vacant, is considered to be a type of high density residential development that is suited to the immediate market environment.

VALUATION

Consideration is given as to whether the five parcels comprising the 15.600 acre tract can be appraised as individual parcels. The North Carolina Department of Transportation publication Real Estate Appraisal Standards and Legal Principles addresses this issue in Section 5.510 – Unity of Lands. The first line of this section states, "In determining the unity of lands, the factors most generally emphasized are unity of ownership, physical unity, and unity of use." This tract of land meets those requirements. The first of which is all five parcels comprising the 15.600 acre tract are under sole ownership. The second is "physical unity". Quoting again from Section 5.510, "Mere paper division by lot or property line and undeveloped streets and alleys are not

sufficient alone to destroy unity of land". The subject property does not have any physical divisions and as such meets the test of being contiguous. In regards to "unity of use", although presently vacant, all five parcels have the same zoning designation of Hazelwood Urban Residential, thus the potential for comparable development. This designation allows for high density residential development at 16 units per acre by right and up to 24 units per acre by special exception. Public sewer and water are available for the development of maximum density. Although one of the parcels (5.31 acres) has a significant portion of it in a flood zone (flood way/flood plain) it still has equal contributing value to the tract as a whole. It has contributing value in that a portion of it in the flood way and flood plain can be used to satisfy "green space" requirements in residential development as well as being counted in the total units per acre allowed. In addition, from the available flood map aerials it appears that the elevation of the apartment complex to the northwest of the subject was raised in order to build those structures. This gives credence to raising the elevation of the subject land in the flood plain to accommodate development. Given the topography of the subject land, it appears there would be sufficient fill dirt on site to raise the elevation of at least a portion of the land in the flood plain to render it suitable for construction.

Based on this discussion and the salient particulars regarding this property it is reasonable to conclude that the tract meets the test of "unity of use" and therefore the parcels cannot be broken out for individual appraisal and the resultant different values.

Methodology: The Cost Approach has been omitted as it is not appropriate for vacant land and the absence of a specific development plan precludes the application of the Income Capitalization Approach. Therefore, the Sales Comparison Approach as a basis for an opinion of value is concluded to be the only feasible methodology.

Sales Comparison Approach: As the basis for an opinion of value of the subject by the Sales Comparison Approach four sales are analyzed and compared to the subject. These comparable sales represent the most appropriate information found by research and analysis of various data sources. A map showing the location of each sale is included in the addenda. General data and comments related to the comparable sales and a digital image of each follow on the subsequent pages.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY BRANCH

SALE NO: 10

TIP: U-4412 **WBS Element:** 35022.2.1 **County:** Haywood

Date: 08/16/10 **Deed Book:** 787 **Page:** 847 **Stamps:** \$534 **County:** Haywood

Grantor: Nancy Swanger Connor et al **Grantee:** Robert E. Hyatt et ux Deborah Hyatt

Location: Tiger Mountain Rd off Hyatt Creek Rd

Sales Price: \$267,000 **Confirmed by (Name):** D. Womack, Selling Agent

Financing: Cash to Seller

Condition of Sale and Reason Bought/Sold: Market transaction - Purchased for Residential Development

Present Use: Vacant **Zoning:** N/A

Highest and Best Use: Residential

Size: 11.5 Acres **Shape:** Irregular **Topography:** Sloping to Rolling

Existing R/W Area: None **Area Cleared/Wooded:** 50% / 50%

Soil Type: Typical For Area **Drainage:** Adequate **Available Utilities:** E, T

Access: Average, Tiger Mountain Rd **Frontage:** ±12ft Hyatt Creek Rd, ±200ft Tiger Mountain Rd

Improvements: Two older dwellings with no contributing value.

Lessor: N/A **Lessee:** N/A

Rentable Area: N/A **Rent:** N/A **V & C:** N/A **Expenses:** N/A **Term:** N/A

Unit Price: \$23,217/AC (\$0.53/ft²) **Tax ID:**

Other Pertinent Information: There are no other known sales of this property in the last three years.



(Arrow Indicates Direction of Photo)

Taken By: dcp Date Inspected: October 14th, 2011



FRM5-G

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY BRANCH

SALE NO: 11

TIP: U-4412 **WBS Element:** 35022.2.1 **County:** Haywood

Date: 11/07/08 **Deed Book:** 748 **Page:** 1270 **Stamps:** \$430 **County:** Haywood

Grantor: Smith & Yoast Properties, LLP **Grantee:** Julian Smathers et al

Location: Thompson Cove Rd ±¼ mile past I-40 bridge – gate on right

Sales Price: \$215,000 **Confirmed by (Name):** N. Medford (Grantee)

Financing: Cash to Seller

Condition of Sale and Reason Bought/Sold: Market transaction - Purchased for Investment

Present Use: Vacant **Zoning:** N/A

Highest and Best Use: Residential

Size: 12.322 Acres **Shape:** Irregular **Topography:** Sloping to Rolling

Existing R/W Area: None **Area Cleared/Wooded:** 10% / 90%

Soil Type: Typical For Area **Drainage:** Adequate **Available Utilities:** E, T

Access: Average, Thompson Cove Rd – I-40 **Frontage:** ±170ft Thompson Cove Rd, ±2,200ft I-40

Improvements: None at time of purchase

Lessor: N/A **Lessee:** N/A

Rentable Area: N/A **Rent:** N/A **V & C:** N/A **Expenses:** N/A **Term:** N/A

Unit Price: \$17,448/AC (\$0.40/ft²) **Tax ID:** 8647-07-4050

Other Pertinent Information: There are no other known sales of this property in the last three years.



(Arrow Indicates Direction of Photo)

Taken By: dcp Date Inspected: October 14th, 2011

FRM5-G

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY BRANCH**

SALE NO: 12

TIP: U-4412 **WBS Element:** 35022.2.1 **County:** Haywood

Date: 1/18/08 **Deed Book:** 726 **Page:** 1483 **Stamps:** \$640* **County:** Haywood

Grantor: Paula Kay Bryson **Grantee:** David J. Sutton et ux Rosemary P. Sutton

Location: Bryson Heights Rd of Ratcliffe Rd

Sales Price: \$350,000* **Confirmed by (Name):** David J. Sutton (Grantee)

Financing: Cash to Seller

Condition of Sale and Reason Bought/Sold: Market transaction - Purchased for SFR

Present Use: Residential **Zoning:** N/A

Highest and Best Use: Residential

Size: 9.999 Acres **Shape:** Irregular **Topography:** Rolling

Existing R/W Area: None **Area Cleared/Wooded:** 100% / 0%

Soil Type: Typical For Area **Drainage:** Adequate **Available Utilities:** E, T

Access: Average, Bryson Heights Rd **Frontage:** ±350ft on Bryson Heights Rd

Improvements: None at time of purchase

Lessor: N/A **Lessee:** N/A

Rentable Area: N/A **Rent:** N/A **V & C:** N/A **Expenses:** N/A **Term:** N/A

Unit Price: \$35,004/AC (\$0.80/ft²) **Tax ID:** 8625-66-5773

Other Pertinent Information: Grantee stated that in addition to \$320,000 cash he also conveyed to the Grantor a ±1 acre lot in the same development with an estimated value of \$30,000. There are no other known sales of this property in the last three years.



(Arrow Indicates Direction of Photo)



Taken By: dcp Date Inspected: October 14th, 2011

FRM5-G

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY BRANCH

SALE NO:

13

TIP: U-4412 WBS Element: 35022.2.1 County: HaywoodDate: 12/14/07 Deed Book: 724 Page: 624 Stamps: \$595 County: HaywoodGrantor: Vivian Selene Arrington Grantee: Thomas Rental Properties, LLCLocation: End of Single Foot Lane off Timberlane Rd off Hwy 23-74 just before Blue Ridge ParkwaySales Price: \$297,500 Confirmed by (Name): Charles R. Kendrick (Grantee)Financing Cash to SellerCondition of Sale and Reason Bought/Sold: Market transaction - Purchased for Residential DevelopmentPresent Use: Vacant/Agricultural Zoning: N/AHighest and Best Use: ResidentialSize: 11.147 Acres Shape Irregular Topography: RollingExisting R/W Area: None Area Cleared/Wooded: 100% / 0%Soil Type: Typical For Area Drainage: Adequate Available Utilities: E, TAccess: Average, Single Foot Lane Frontage: ±350ft on Single Foot LaneImprovements: None at time of purchaseLessor: N/A Lessee: N/ARentable Area: N/A Rent: N/A V & C: N/A Expenses: N/A Term: N/AUnit Price: \$26,689/AC (\$0.61/ft²) Tax ID: 7684-80-6315Other Pertinent Information: There are no other known sales of this property in the last three years.

(Arrow Indicates Direction of Photo)

Taken By: dcp Date Inspected: October 14th, 2011

FRM5-G

SALES COMPARISON ANALYSIS CHART

PROPERTY	Subject	Sale No. 10	Sale No. 11	Sale No. 12	Sale No. 13
Location	Off Killian Street Waynesville	Tiger Mountain Road Waynesville	Thompson Cove Road Clyde	Bryson Heights Road Waynesville	Single Foot Lane Waynesville
Date of Appraisal and of Sales	3/21/2012	8/16/2010	11/7/2008	1/18/2008	12/14/2007
Recorded at Deed Book/Page	N/A	787/847	748/1270	726/1483	724/624
Interest Transferred	N/A	Fee	Fee	Fee	Fee
Conditions of Sale (or Concessions)	N/A	Market	Market	Market	Market
Financing	N/A	Market	Market	Market	Market
Sale Price	N/A	\$267,000	\$215,000	\$350,000	\$297,500
Size (Acre)	15.600	11.500	12.322	9.999	11.147
Price/Acre	N/A	\$23,217	\$17,448	\$35,004	\$26,689
Market Environment	Good	Average	Average	Average	Average
Topography	Slpng/Rllng	Slpng/Rllng	Slpng/Rllng	Rolling	Rolling
Shape/Usable Area	Good/Good	Fair/Fair	Good/Good	Good/Good	Good/Good
Frontage/Access	Avg/Avg	Avg/Avg	Good/Avg	Avg/Avg	Avg/Avg
Utilities	E,T,W,S	E,T	E,T	E,T	E,T
Zoning	Residential	N/A	N/A	N/A	N/A
Other	Flood Zone	N/A	N/A	N/A	N/A
Adjustments: By comparison the comparable is either superior(-), inferior(+), or similar(=) to the subject.					
Price/Acre		\$23,217	\$17,448	\$35,004	\$26,689
Interest Transferred		=	=	=	=
Subtotal		\$23,217	\$17,448	\$35,004	\$26,689
Conditions of Sale (or Concessions)		=	=	=	=
Subtotal		\$23,217	\$17,448	\$35,004	\$26,689
Financing		=	=	=	=
Cash Equivalent Price		\$23,217	\$17,448	\$35,004	\$26,689
Market Conditions	0.0%	0.0%	0.0%	0.0%	0.0%
Adjusted Price		\$23,217	\$17,448	\$35,004	\$26,689
Market Environment		5.0%	5.0%	5.0%	5.0%
Size		=	=	=	=
Topography		5.0%	5.0%	=	=
Shape/Usable Area		10.0%	=	=	=
Frontage/Access		=	-5.0%	=	=
Utilities		10.0%	10.0%	10.0%	10.0%
Zoning		=	=	=	=
Other		-5.0%	-5.0%	-5.0%	-5.0%
Total Adjustments		25.0%	10.0%	10.0%	10.0%
Indicated Unit Value of Subject		\$29,022	\$19,193	\$38,504	\$29,358
Mean Adjusted Unit Value	\$29,019				
Median Adjusted Unit Value	\$29,190				
Concluded Unit Value:	\$29,200				
Total Value Indication:		\$455,520			
				Rounded to:	\$455,525

Sales Comparison Analysis: In the preceding Sales Comparison Analysis Chart pertinent characteristics related to the subject property and each of the sales is briefly recited and/or rated in various categories. These categories establish the basis of comparison between the sales and the subject. Where differences exist percentage adjustments are applied against an appropriate unit of value, which in this case is the price acre.

Comparative items considered in the chart are:

Conditions Of Sale And Financing – Each of the four sales was indicated to be a normal transaction, free of any abnormalities that affected the price paid, either positively or negatively. All sales are indicated to have had typical financing arrangements that did not artificially influence the sale price.

Market Conditions or Value Change since Time of Sale – Sales used in this analysis have sale dates from December 2007 to August 2010. Available statistical data from the Western North Carolina MLS related to increasing/declining vacant land sale prices offers conflicting conclusions. One data set will indicate a decline in values while another data set within the same time frame will indicate stable or increasing values. Statistics from the last five years of market activity also indicate wide swings of changes in value from one year to the next. A critical element of market value is supply and demand factors correlated with marketing times (days on market). In the following chart, data on the vacant land sales market in Haywood County indicates that, with the exception of slight dip in 2010, the ratio of new listings to sold properties has steadily increased in the past five years (more sellers than buyers). The chart also indicates a steady decline in the new listing average price after a peak in 2007 with a moderate rebound in 2010 to near 2006 levels. Unknown from available statistics is the mix of properties over time, that is, how many high end properties and how many lower end properties make up the data set.

HAYWOOD COUNTY VACANT LAND SOLD/LISTINGS RATIO

Year	New Listings	# Sold	Ratio	Avg. L. P.	% Change
2007	1,745	748	1 : 2.33	\$152,820	
2008	1,817	183	1 : 9.93	\$122,423	-19.89%
2009	1,328	111	1 : 11.96	\$85,319	-30.31%
2010	1,230	138	1 : 8.91	\$98,204	+15.10%
2011	901	117	1 : 7.70	\$69,791	-28.93%

Statistics published by the WNC MLS summarizing Haywood County vacant land sales in the past five years are shown in the following chart. Significant value changes in *average sale prices* are indicated from one year to the next, while at the same time, value changes in the *median sale prices* seemingly had minimal correlation to the changes in average sale prices. Also shown is a steady decline in the number of sales up until 2010 that had a slight increase. The average days on market also fluctuate from year to year with a consistent increase after a decline in 2008.

HAYWOOD COUNTY VACANT LAND MARKET DATA

Year	Sales	Avg. S. P.	% Change	Median S. P.	% Change	Avg. D.O.M.
2007	748	\$141,217		\$64,600		249
2008	183	\$105,069	-25.60%	\$75,000	+16.10%	201
2009	111	\$75,510	-28.13%	\$45,000	-40.00%	264
2010	138	\$77,577	+2.74%	\$50,000	+11.11%	298
2011	117	\$48,991	-36.85%	\$27,500	-45.00%	509

In the following chart the subject neighborhood is further defined by its location within the Waynesville postal Zip Code 28786. Similar to the county data, significant value changes in *average sale prices* are indicated from one year to the next while at the same time *median sale prices* remained fairly stable until a significant drop in 2010. Some of the skewing of data in the indications for year to year data and the average versus median are likely due to the decreasing total number of sales. The smaller statistical sample tends to be more sensitive to one or two anomalous sales. The average days on market, after a sizeable increase in 2009, dropped considerably in 2010 and increased again in 2011.

WAYNESVILLE (ZIP CODE 28786) VACANT LAND MARKET DATA

Year	Sales	Avg. S. P.	% Change	Median S. P.	% Change	Avg. D.O.M.
2007	104	\$191,272		\$63,800		271
2008	59	\$100,081	-47.68%	\$62,000	-2.82%	215
2009	28	\$104,698	+4.61%	\$62,450	+0.73%	306
2010	28	\$59,350	-43.31%	\$41,201	-34.03%	248
2011	26	\$61,469	+3.57%	\$29,000	-29.61%	330

Presently there are 24 vacant land tracts listed for sale through the WNC MLS, 10 to 15 acres in size in the Haywood County area. These listings have an average of 384 days on market. The median asking price for these properties is \$249,250 and the mean is \$315,955. Comparatively these listings and other properties in the subject's market area that are not listed on the MLS indicate that asking prices for similar properties are near the levels seen in the recent past as far back as 2007. Historic indications in the broader market for active areas have typically reflected annual changes from around negative 10 percent to as much as positive 20 percent. As can be seen from the preceding discussion of recent market trends for the subject and comparables market area the data is somewhat conflicting and provides no clear indication of the direction of value change over time. Based on the previous comments and with consideration to all factors, a 0.0 percent per annum adjustment is made for changes in value over time from 2007 to the present.

Market Environment – The subject property is located between Killian Street and Old Hickory Street to the north and Westwood Circle to the south. The property is well situated and convenient to Waynesville and the surrounding area. All of the sales are not as well situated as the subject and are adjusted a positive 5 percent.

Size – Typically a smaller parcel will command a higher unit value than a larger one and vice versa. The sales are considered similar to the subject in size.

Topography – The subject has a topography that is rolling with moderately sloping portions near the middle portion of the tract. Sales No. 10 and 11 have terrain that is moderately sloping and are adjusted a positive 5 percent. Sales No. 12 and 13 are considered similar to the subject in this regard.

Shape/Usable Area – Sale No. 10 has a highly irregular shape with narrow portions and is adjusted a positive 10 percent. The remaining sales are considered equal in this category.

Frontage/Access –The subject has access by way of two right-of-ways, one from the intersection of Old Hickory Street and Killian Street and the other from Westwood Circle, but no direct frontage on a public highway. Sales No. 10, 12 and 13 all have good frontages on their respective roads but are limited to that one road for access to a main paved road and as such are considered similar and no adjustment is made. Sale No. 11 has frontage and access along Thompson Cove Road that is considered superior to the subject and is adjusted a negative 5 percent.

Utilities - Public utilities available to the subject include electricity, telephone, water and sewer. All the sales only have electricity and telephone available to them and are all adjusted a positive 10 percent.

Zoning – The subject is zoned Residential (Hazelwood Residential District) which allows for high density to single family residential dwellings with some limited other non-residential uses. The zoning designations or lack thereof for the comparables are considered equal to the subject in this regard.

Flood Conditions – The subject is situated in a flood zone and would most likely have special considerations to construction requirements in affected areas. None of the sales are in a flood area and as such all are adjusted a negative 5 percent for this difference.

Concluded Land Value – After adjustments the sales indicate a unit value range of \$19,193 to \$38,504 per acre for the subject. The mean (average) of all indications is \$29,019 and the median is \$29,190 per acre. Sale No. 12 represents the high end with three adjustments and positive 10 percent overall. Sale No. 11 represents the low end with five adjustments and also positive 10 percent overall. Sale No. 10 has the highest overall adjustment at positive 25 percent. There is less than a 1.0 percent difference between the mean and median. In that no one comparable is most persuasive and with consideration to all factors a unit value in the direction of the median is concluded for an indicated value of \$29,200 per acre. Therefore, a total value of \$455,520 results for the 15.600 acre land area and this is rounded to **\$455,525**.

RECONCILIATION and FINAL BEFORE VALUE ESTIMATE

Cost Approach	N/A
Sales Comparison Approach	\$455,525
Income Approach	N/A

The Cost Approach has been omitted as it is not appropriate for vacant land and the absence of a specific development plan precludes the application of the Income Capitalization Approach. Therefore, the Sales Comparison Approach as a basis for an opinion of value is concluded to be the only feasible methodology for an estimated value of **\$455,525**.

DESCRIPTION of the ACQUISITION

A portion (1.124 acres) of the 15.60 acre subject property is under consideration for replacement of the Waynesville Recreation Center property protected by 6(f) of the Land and Water Conservation Fund Act (LWCF). This area is a strip of land that is ±45 feet in width running parallel and adjacent to Richland Creek from The Town of Waynesville Hazelwood Park to property owned by Hickory Hollow Apartments.

LAND

The proposed preliminary design and the appraisal request summary sheet provided indicate the acquisition as it affects the subject property is to consist of 1.124 acres.

IMPROVEMENTS

There are no known improvements.

DESCRIPTION of REMAINDER and EFFECTS of ACQUISITION

The remaining subject land will contain 14.476 acres. Effects of the acquisition include a reduction in the total land area resulting in a net loss of total potential residential units being developed on the 15.600 acre site. (Example: disregarding all other variables, assume zoning allows 16 residential units per acre – before acquisition 15.600 acres x 16 units = 249.6 units – after acquisition 14.476 acres x 16 units = 231.6 units – total net loss of 18 units) The acquisition of the 1.124 acre land area is not considered to be detrimental to the subject in terms of overall residential units per acre allowed by zoning statute.

HIGHEST and BEST USE of the REMAINDER

The required acquisition area is not sufficient to affect the highest and best use of the subject property in the after condition. The highest and best use of the subject property in the after condition remains to be a type of residential development that is suited to the immediate market environment.

VALUATION of PROPERTY AFTER the ACQUISITION

Methodology: The Cost Approach has been omitted as it is not appropriate for vacant land and the absence of a specific development plan precludes the application of the Income Capitalization Approach. Therefore, the Sales Comparison Approach as a basis for an opinion of value is concluded to be the only feasible methodology.

AFTER VALUE

Land – The after value of the land area is again estimated utilizing the Sales Comparison Approach. In that the subject's overall land characteristics have not substantially changed from the before condition to the after condition, the per acre unit value estimate in the after is equal to the before value (\$29,200/acre).

As previously stated, the total area as indicated by the appraisal summary sheet is 14.476 acres. The total land after value as shown in the following chart is \$422,699 which is rounded to **\$422,700**.

AFTER VALUE CHART (Land)

<u>Type</u>	<u>Area</u>		<u>Value</u>	<u>Adjustment</u>	<u>Total</u>
Land	14.476 ac	x	\$29,200/ac	N/A	= \$422,699
<u>TOTAL AFTER VALUE (Land)</u>			\$422,699	Rounded to:	\$422,700

Improvements – There are no known structural or site improvements.

RECONCILIATION and FINAL AFTER VALUE ESTIMATE

Cost Approach	\$ N/A
Sales Comparison Approach	\$422,700
Income Approach	N/A

The Sales Comparison Approach has been utilized to develop the value opinions pertaining to the after value. In that they are not necessary for a credible estimate of value the Income Capitalization and Cost Approaches have not been developed. Therefore, the indication by the Sales Comparison Approach as a basis for an opinion of value is concluded appropriate for an estimated after value of **\$422,700**.

DIFFERENCE in BEFORE and AFTER VALUE

Before Value

Land	\$455,525
Improvements	\$-0-

Total Before Value **\$455,525**

After Value

Land	\$422,700
Improvements	\$-0-

Total After Value **\$422,700**

Difference in Before and After Value **\$32,825**

DAMAGES/BENEFITS to REMAINDER

Damages: Analysis of the proposed plans do not indicate any significant changes in the subject property in relation to zoning density, access, topographical grade changes or drainage areas that require consideration to damages to the tract.

Benefits: Although the proposed project will provide a formal “green space” in the vicinity of the subject these changes do not translate to a quantifiable benefit to the property.

ALLOCATION

Value of Land Acquired	\$32,825
Value of Improvements Acquired	-0-
Damages to Remainder	-0-
Benefits to Remainder	-0-
Total	<hr/> \$32,825

ADDENDA

AERIAL TAX MAP & IMAGE LOCATIONS

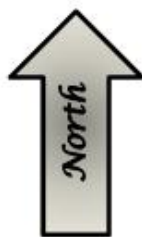
DIGITAL IMAGES OF SUBJECT PROPERTY

FLOOD MAP

ZONING MAP

COMPARABLE SALES LOCATION MAPS

CERTIFICATE OF APPRAISER



Digital Image Location

Project ID: U-4412

WBS Element: 35022.2.1

Parcel #: 028A

County: Haywood

Plan Sheet #: N/A

Owner: Nancy E. Wade &
Pricilla G. Tomlinson

Area Lt of R/W: 0.0ac

Area in R/W: 0.0ac

Area Rt of R/W: 0.0ac

Total Net Area: 15.600ac



PHOTO NO.	1
VIEW	Overview
DIRECTION	±Northeast



PHOTO NO.	2
VIEW	
DIRECTION	±North

TAKEN BY: *Daniel C. Page*
 DATE: March 21st, 2012

Project ID	Parcel #	WBS Element	County	Owner's Name
U 4412	028A	35022.2.1	Haywood	Nancy E. Wade & Priscilla G. Tomlinson



PHOTO NO.	3
VIEW	Interior
DIRECTION	±West



PHOTO NO.	4
VIEW	Interior
DIRECTION	±East

TAKEN BY: *Daniel C. Page*
 DATE: March 21st, 2012

Project ID	Parcel #	WBS Element	County	Owner's Name
U 4412	028A	35022.2.1	Haywood	Nancy E. Wade & Priscilla G. Tomlinson



PHOTO NO.	5
VIEW	Interior
DIRECTION	±Southwest



PHOTO NO.	6
VIEW	Interior
DIRECTION	±East

TAKEN BY: *Daniel C. Page*
 DATE: March 21st, 2012

Project ID	Parcel #	WBS Element	County	Owner's Name
U 4412	028A	35022.2.1	Haywood	Nancy E. Wade & Priscilla G. Tomlinson

TIP/Parcel No. U 4412-028A Haywood County



PHOTO NO.	7
VIEW	R/W Killian Street
DIRECTION	±Northeast



PHOTO NO.	8
VIEW	R/W Killian Street
DIRECTION	Southwest

TAKEN BY: *Daniel C. Page*
 DATE: March 21st, 2012

Project ID	Parcel #	WBS Element	County	Owner's Name
U 4412	028A	35022.2.1	Haywood	Nancy E. Wade & Priscilla G. Tomlinson



PHOTO NO.	9
VIEW	Sewer Line – Old Mill Race
DIRECTION	±South



PHOTO NO.	10
VIEW	Stream Traversing Property
DIRECTION	±North

TAKEN BY: *Daniel C. Page*
 DATE: March 21st, 2012

Project ID	Parcel #	WBS Element	County	Owner's Name
U 4412	028A	35022.2.1	Haywood	Nancy E. Wade & Priscilla G. Tomlinson



PHOTO NO.	11
VIEW	R/W Westwood Circle
DIRECTION	±Southwest



PHOTO NO.	12
VIEW	Adjacent City Park
DIRECTION	±West

TAKEN BY: *Daniel C. Page*
DATE: March 21st, 2012

Project ID	Parcel #	WBS Element	County	Owner's Name
U 4412	028A	35022.2.1	Haywood	Nancy E. Wade & Priscilla G. Tomlinson



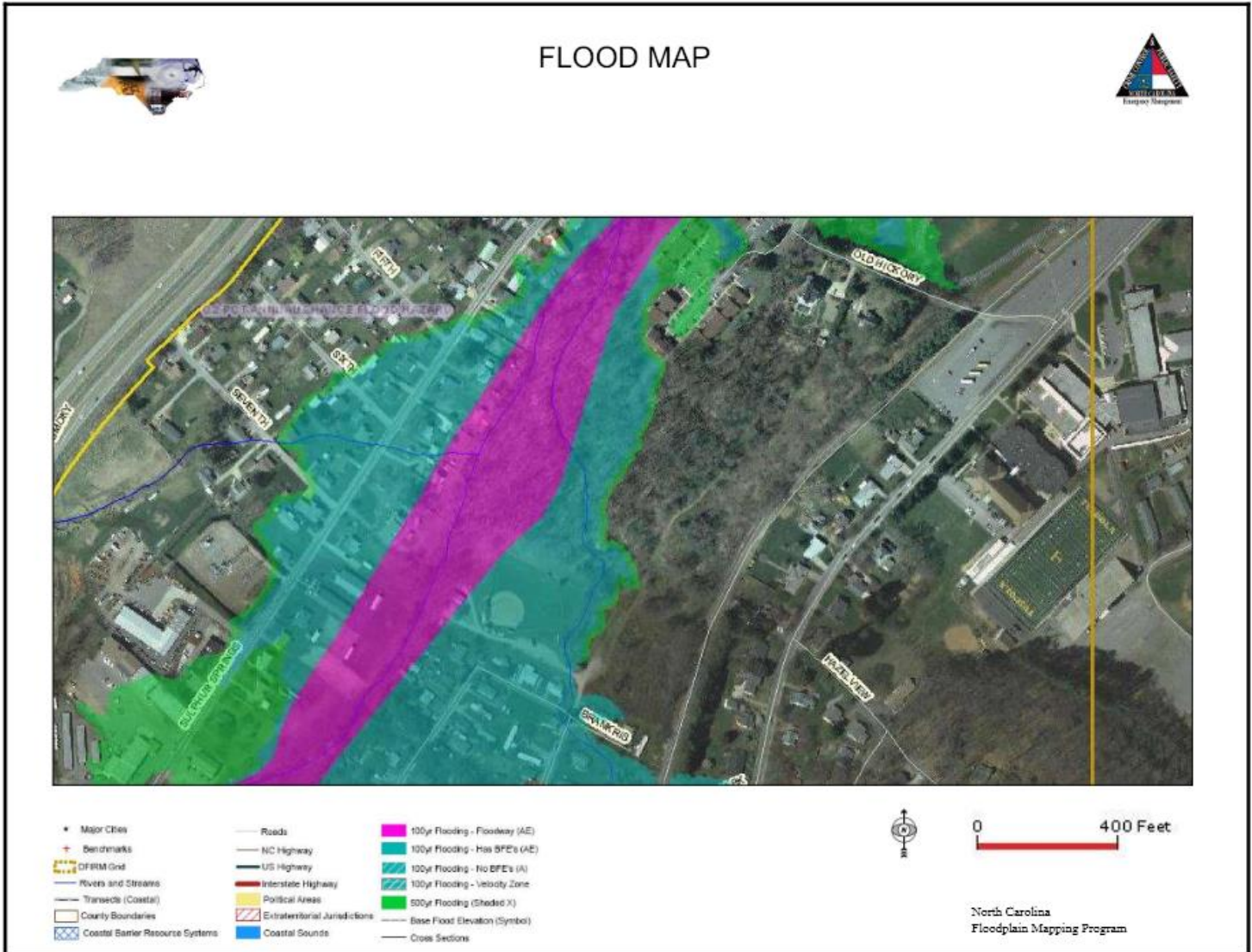
PHOTO NO.	13
VIEW	Westwood Circle
DIRECTION	±Southwest



PHOTO NO.	14
VIEW	Westwood Circle
DIRECTION	±Northwest

TAKEN BY: *Daniel C. Page*
 DATE: March 21st, 2012

Project ID	Parcel #	WBS Element	County	Owner's Name
U 4412	028A	35022.2.1	Haywood	Nancy E. Wade & Priscilla G. Tomlinson





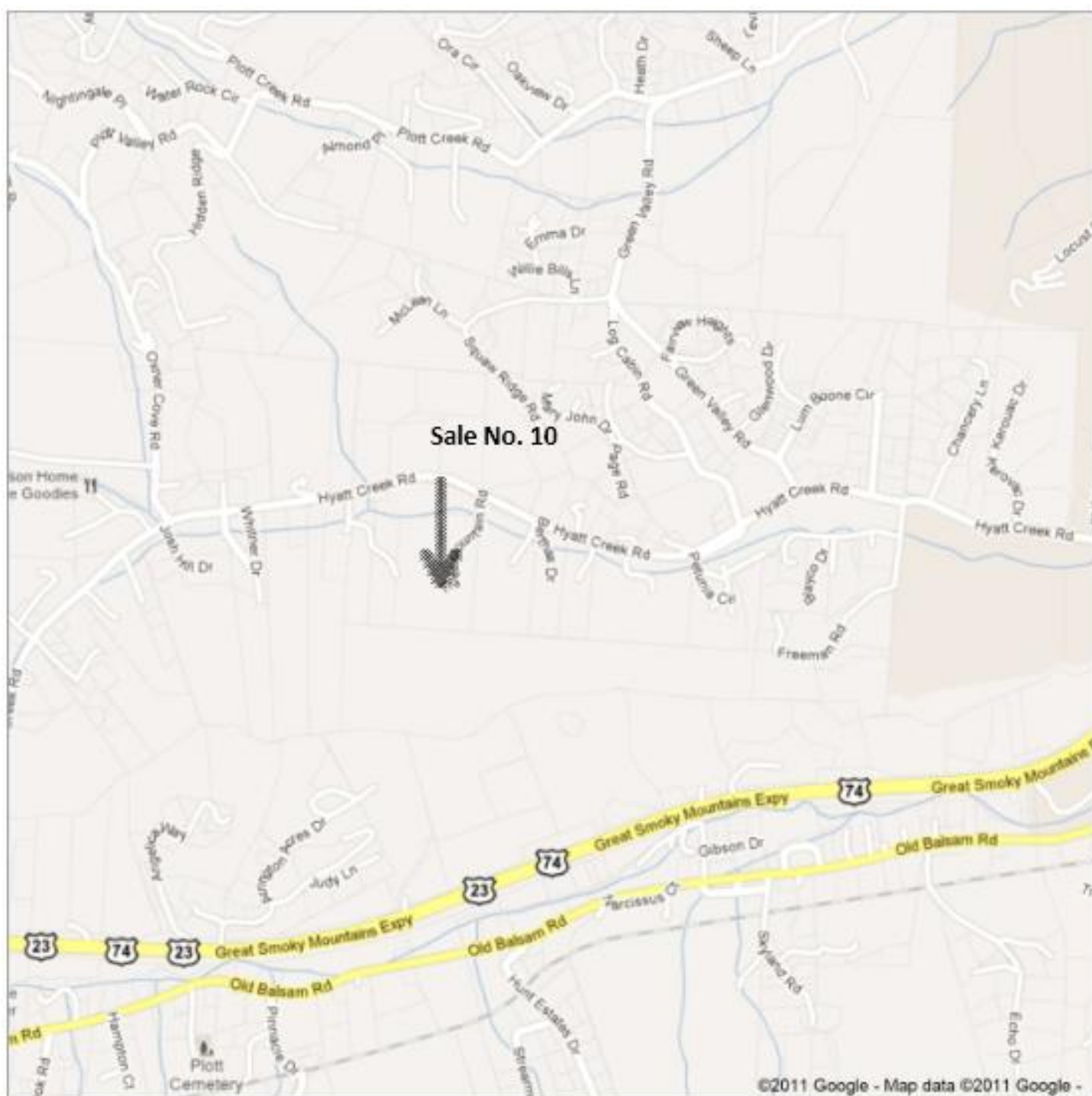
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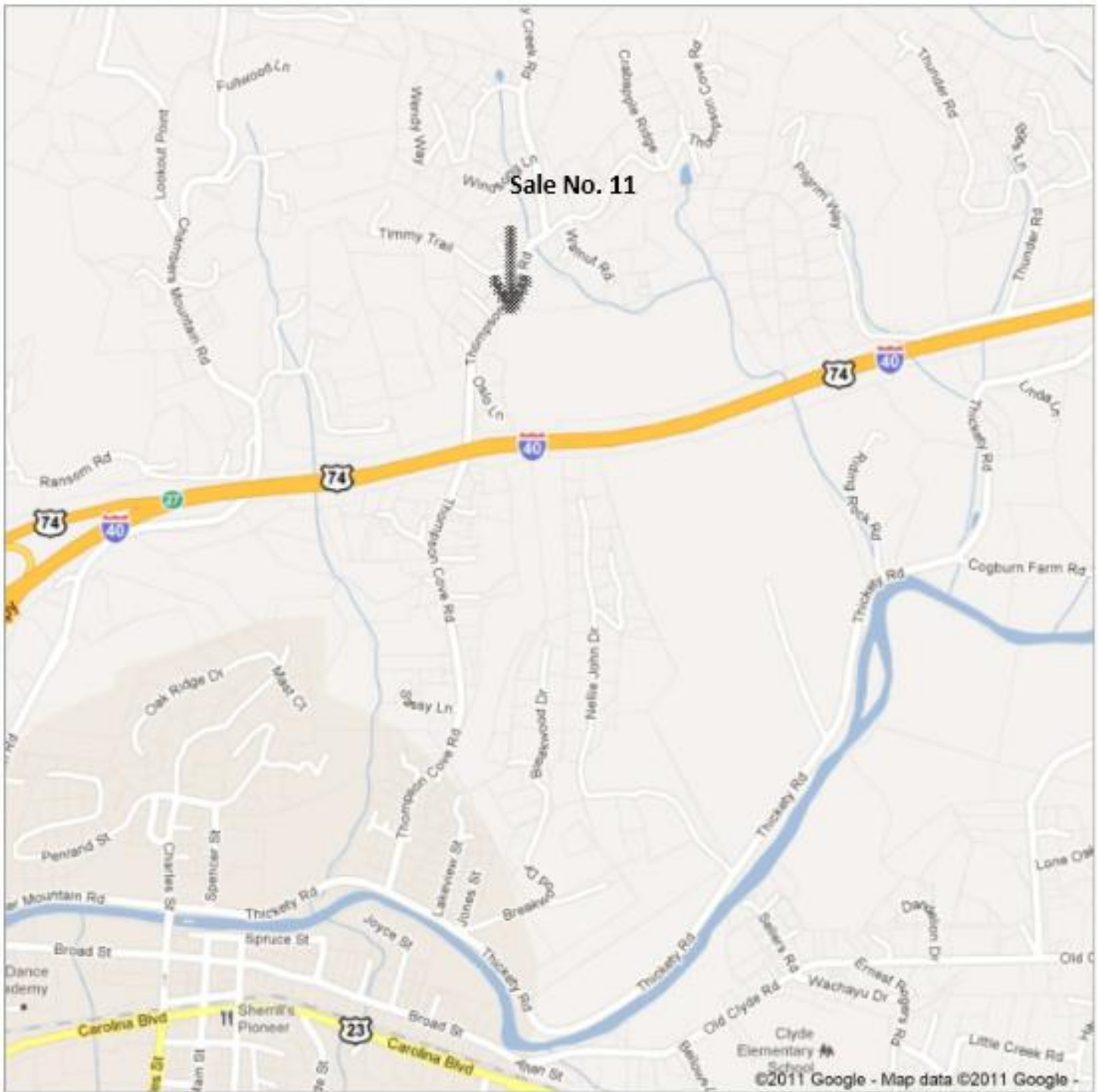
Haywood County GIS

Map generated by the Haywood County Map Server.
3/19/2012

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.











North Carolina Department of Transportation - Right of Way Branch

Certificate of Appraiser

TIP/Parcel No.: U-4412 / 028A WBS Element: 35022.2.1 County: Haywood
 Description: Proposed improvements of SR 1184(HowellMill Rd)from US 276 (Russ Ave) to US 23 Business
 Property Owner's Name: Nancy E. Wade and Priscilla G. Tomlinson Fed Aid Project: STP 1184 (1)

I HEREBY CERTIFY THAT:

I have personally inspected the property herein appraised and that I have also made a personal field inspection of the comparable sales/rentals relied upon in making said appraisal. The subject and the comparables relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

I have performed no other services, as an appraiser or in any other capacity regarding the property that is the subject of this report within the last three years as of the date of acceptance of this assignment.

I have given the owner or his designated representative the opportunity to accompany me during my inspection of the subject property.

Any decrease or increase in the "Market Value" of real property prior to the date of valuation caused by the public improvement for which such property is acquired or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, is disregarded in determining the compensation for the property.

The statements of fact contained in this appraisal report are true and correct, and the reported analyses, opinions and conclusions, subject to the critical assumptions and limiting conditions herein set forth, are my personal, unbiased, professional analyses, opinions and conclusions.

I understand such appraisal may be used in connection with the acquisition of or disposal of right-of-way for a highway to be constructed by the **State of North Carolina**, and that such appraisal has been made in conformity with appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes, and that to the best of my knowledge, no portion of the value assigned to such property consists of items which are "Non-Compensable" under established laws of the **State of North Carolina**.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in compliance with **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice**. The appraisals in this assignment are to be made in accordance with all of the requirements set out in the **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice** and shall also comply with all applicable **Local, State, and Federal** laws, ordinances, regulations, restrictions and/or requirements; and any additions, revisions and/or supplements thereto.

Neither my employment nor my compensation for making this appraisal is in any way contingent on the values reported herein.

I have no direct or indirect, present or prospective interest in neither the subject property nor any benefit from the acquisition of this property nor any bias with respect to the parties involved.

In addition to the undersigned, those persons duly noted in this report and under my direct supervision and responsibility, in so far as this particular appraisal is concerned, have contributed to the production of this appraisal. The analyses, conclusions or value estimates set forth in this appraisal are those of the undersigned.

I will not reveal the findings and results of such appraisal to anyone other than the proper officials of the **State of North Carolina** or officials of the **Federal Highway Administration** until authorized by State officials to do so, or until I am required to do so by **due process of law**, or until I am released from this obligation by having publicly testified as to such findings or to a duly authorized professional peer review committee.

My independent opinion of the difference in Market Value as of the 21st day of March 2012, is \$ 32,825 based upon my independent appraisal and the exercise of my professional judgment.



March 25th, 2013
 Daniel C. Page Date
 N. C. Certified General Appraiser A7265

