



Town of Waynesville, NC

Board of Aldermen – Regular Meeting

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

Date: January 10, 2017

Time: 6:30 p.m.

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A. CALL TO ORDER - Mayor Gavin Brown

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

Motion: To approve the minutes of the December 13, 2016 regular meeting, as presented [or as corrected].

B. CALL FOR PUBLIC HEARING

3. Call for Public Hearing to consider a map and text amendment to rezone the following properties from Howell Mill Road Medium Density Residential to Howell Mill Urban Residential
 - Elizabeth Teague, Development Services Director

Motion: To call for public hearing to be held on Tuesday, January 24, 2017 at 6:30 p.m. or as closely thereof as possible, in the Town Hall Board Room located at 9 South Main Street, Waynesville, to consider a map and text amendment to rezone 59 Abel Lane, PIN 8616-42-9030; 48 Misti Lane, PIN 8616-51-0949; and 12 Misti Lane, PIN 8616-52-0138 from Howell Mill Road Medium Density Residential to Howell Mill Road Urban Residential, as presented.

C. NEW BUSINESS

4. Request approval of Letter of Commitment to uphold the Town’s twenty percent (20%) match commitment for NCDOT Division 14 Needs Project to construct a pedestrian facility along Hazelwood and Plott Creek Road (TIP EB-5859, projected construction date 2023)
 - Elizabeth Teague, Development Services Director

Motion: To authorize the Town Manager to sign a letter of commitment on behalf of the Town for the required match of 20% of the cost to construct this pedestrian facility from Will Hyatt Road to Elsynia Road, as presented.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

January 10, 2017

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5. Request to Haywood County to obtain property and work with the Town to redevelop County property on Calvary Street as a new park

Motion: *To direct staff to attempt to obtain property and work with Haywood County to redevelop lots on Calvary Street as a community park.*

6. Resolution requesting the Haywood County Board of Commissioners to approve a fire district for the properties in and around the Junaluska Assembly

- Rob Hites, Town Manager
- Joey Webb, Fire Chief

Motion: *To approve the resolution requesting the Haywood County Commissioners to adopt a fire district involving the area that the Town has continually served with fire and rescue services for many years.*

7. Request approval of renewal of lease contract with Asheville Radio Group for radio transmitter located in the Municipal Building

Motion: *To approve the renewal of the lease contract with Asheville Radio Group for radio transmitter located in the Municipal Building effective February 1, 2017, as presented.*

D. COMMUNICATIONS FROM STAFF

8. Manager's Report –Town Manager Rob Hites
a. Vehicle Purchases

Motion: *to approve a resolution authorizing the Town Manager to utilize the residual loan proceeds for the purchase of additional vehicles, as presented.*

9. Attorney's Report – Town Attorney Woody Griffin

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

10. Town of Waynesville Resolution to NCDOT regarding Russ Avenue Project

Motion: *to approve the resolution from the Town of Waynesville to the NC Department of Transportation regarding the Russ Avenue Project.*

F. CALL ON THE AUDIENCE

G. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR

January 10, 2017

2017	
Mon, Jan 2	New Year Holiday Town Offices Closed
Tues, Jan 10 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Sat, Jan 14 11:00 AM Harris Chapel AME Zion Church	2017 MLK Weekend Activities - Pride March
Sun, Jan 15 3:00 PM Pleasant Grove Baptist Church	2017 MKL Weekend Activities – Commemorative Service
Mon, Jan 16 8:00 AM Lambuth Inn, LJA	2017 MLK Prayer Breakfast – registration required
Mon, Jan 16	Martin Luther King, Jr. Day Town Offices Closed
Mon, Jan 23 5:00 PM Wells Events Center	Haywood Chamber of Commerce Elected Officials Reception – RSVP required – please let Amie know by January 17
Tues, Jan 24 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, Feb 14 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, Feb 28 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, March 14 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, March 28 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, April 11 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Fri, April 14	Good Friday Town Offices Closed

Tues, April 25 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, May 9 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, May 23 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Mon, May 29	Memorial Day Town Offices Closed
Tues, June 13 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, June 27 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tue, July 4	Independence Day Town Offices Closed
Tues, July 11 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, July 25 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, Aug 8 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, Aug 22 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Mon, Sept 4	Labor Day Town Offices Closed
Tues, Sept 12 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, Sept 26 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, Oct 10 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, Oct 24 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Fri, Nov 10	Veteran's Day Town Offices Closed
Tues, Nov 14 6:30 PM	Board of Aldermen Meeting – Regular Session

Town Hall Board Room	
Thur & Fri, Nov 23-24	Thanksgiving Town Offices Closed
Tues, Dec 12 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Mon – Wed, Dec 25-27	Christmas Town Offices Closed

Board and Commission Meetings – January 2017

ABC Board	ABC Office – 52 Dayco Drive	January 17 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	January 3 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	January 26 4 th Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	January 4 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	January 19 (changed due to MLK, Jr. Day) 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	January 12 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	January 18 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	January 18 3 rd Wednesdays 3:30 PM

BOARD/STAFF SCHEDULE

Tue – Fri, Jan 10 – 13, 2017	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC
Wed – Fri, Feb 1 – 3, 2017	Town Manager and Assistant Town Manager	NC City and County Managers Association Winter Meeting Raleigh, NC
Tue – Fri, Feb 14 – 17, 2017	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC
Tue – Fri, March 14 – 17, 2017	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC
Tue – Fri, April 25 – 28, 2017	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC



**2017 Haywood County
MLK Holiday Weekend
January 13-16, 2017**

January 14, 2017 ~ 11:00 am

Pride March

Beginning at Harris Chapel AME Zion Church and ending at the Town Annex, Canton, NC

January 15, 2017 ~ 3:00 pm

Commemorative Service

Pleasant Grove Baptist Church, Canton, NC

Speaker: Elder Sandy Smith, Canton, NC

Featuring: WCU Gospel Choir

January 16, 2017 ~ 8:00 am

Prayer Breakfast

Lambuth Inn Dining Room, Lake Junaluska, NC

Speaker: Rev. Stephanie Hand

Church Vitality Strategist for the Western NC Conference of the United Methodist Church

Special Music: Todd Alston

Special Music: Rockell Scott and Taylor Scott-Whiteside

Breakfast Tickets:

\$17.00 Adults; \$8.00 Students & Children

(8 and under free)

For tickets and more information contact:

Tammy McDowell 828-215-0296; Rocky Tucker 828-246-2588; Ann McAdams 828-648-3363

Lunia Williams 828-648-5471; Christiana Gibson 828-648-1233; Phil Gibbs 828-646-8466

Tickets may also be purchased at the Administration Building at Lake Junaluska Conference & Retreat Center

Haywood Chamber of Commerce

Dear Elected Official,

Please be our guest at the upcoming Elected Officials Reception held in your honor. The Haywood Chamber extends our gratitude for your public service and would like to congratulate you at our annual member-exclusive event.

Sincerely,

CeCe Hipps, CCE IOM

President of the Haywood Chamber of Commerce

Elected Officials Reception

Celebrating our county and state officials.

Wells Events & Reception Center

Monday, January 23, 2017

5:00 - 7:00 PM

248 N. Main Street

Waynesville, NC 28786

Please RSVP by January 19, 2017

Hors D' Oeuvres will be provided, cash bar available

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
December 13, 2016

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, December 13, 2016 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Jon Feichter
Alderman Julia Freeman
Alderman LeRoy Roberson

The following staff members were present:

Rob Hites, Town Manager
Woody Griffin, Town Attorney
Amie Owens, Assistant Town Manager/Town Clerk
Elizabeth Teague, Development Services Director
David Foster, Public Services Director
Eddie Caldwell, Finance Director

The following media representatives were present:

Allison Richmond, the Mountaineer
Cory Vaillancourt, Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and noted the following calendar events including:

- December 14 – TDA Holiday Luncheon
- December 14 – Chamber Holiday Event
- December 17 – REACH Gala

Mayor Brown noted that there would not be a second regular meeting in December as it falls just after the Christmas holiday; however, should the need arise, a special called meeting can be held.

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve the minutes of the November 8, 2016 regular meeting, as presented. The motion carried unanimously.

Mayor Brown changed the agenda order as there were approximately 30 individuals present who wished to speak or have a representative speak regarding the proposed NCDOT Russ Avenue project.

B. CALL ON THE AUDIENCE

Elizabeth Teague, Development Services Director provided information related to the proposed Russ Avenue project designs. She noted that this was a NCDOT project; designs were not generated by the town. The NCDOT held its first public meeting on December 6, 2016. Plans were discussed at that time and a second set of plans was forwarded after that point for Town use. Ms. Teague added that the public comment period is open until January 13, 2017 and she encouraged the public to look at the renderings.

Ms. Teague continued noting that the NCDOT had the option to provide design alternatives after the close of the public comment period. This would allow for addressing specific areas where changes or reconfigurations could be made. She added that a second public meeting would be set by the NCDOT for some time in mid-2017. Ms. Teague provided a brief timeline of events noting that right-of-way acquisition would be considered in 2020 with construction slated to begin in 2022. Ms. Teague again emphasized that the place to send comments is to the NCDOT. The Town will pass on comments to the NCDOT. She reiterated that the Board of Aldermen is not the decision making body for the project design.

Ms. Teague provided additional background as to the project development including the initial 2010 study that was completed by Wilbur Smith and Associates. The original scope of the study being, *"The Town of Waynesville, North Carolina has identified the need to improve the Russ Avenue Corridor from the Great Smoky Mountains Expressway (US 23-74) interchange to Walnut Street. The purpose of this study is to develop a feasible corridor plan which includes plans for future travel demand; intersection improvements; access configuration and management; median and edge landscaping; and pedestrian, bicycle, and public transportation facilities along the Russ Avenue corridor."* The end point of the study was Walnut Street.

Ms. Teague explained that several concerns with the current proposed design including: the impact to the Historic District properties and encroachment on several local landmark properties; and possible removal of trees and walls. Ms. Teague added that while there had not been any identified issues with Walnut Street and no perceived problem in this area and that staff agreed that they would like to see Russ Avenue be the focus, not Walnut Street. One possible theory for inclusion of Walnut Street is that the project would connect to Main Street and there would not be a midblock stoppage of the project. Walnut Street is not where the problem is, the original intention of the project was to solve traffic issues on Russ Avenue including traffic conflicts, land use decisions, solve interactions between properties along the roadway and the entrance and exiting of the Russ Avenue corridor.

Before Mayor Brown opened the floor for comment, he thanked Ms. Teague for her comments and citizens for coming to express their concerns. He added that Ms. Teague and her staff were happy to assist in getting comments to the NCDOT. Mayor Brown asked those individuals wishing to speak to raise their hand and be recognized before approaching the podium and to identify themselves for the record.

Jeff Norris, local attorney, representing Charles McDarris of 28 and 52 Walnut Street and several others spoke in opposition of the proposed changes to Walnut Street. He noted that the group agreed that the focus should be on Russ Avenue rather than on the historic district of Walnut Street. Mr. Norris expressed concern that the cultural importance of Walnut Street was not being considered in the existing plans. He added that Walnut Street does not need to be expanded to include another lane. Mr. Norris referenced the 2020 Comprehensive Plan noting that it talked about community values and historic preservation. He added that Walnut Street is of historical, architectural and cultural importance no one wants to see the historic district eviscerated when no changes are wanted or needed.

Beth Johnson, Maggie Valley, looked at purchase and renovation of historic home on Walnut Street. Ms. Johnson noted that previous studies did not take the Russ Avenue improvements to Main Street and questioned why this study did so. With the comment period stopping in January, she encouraged the Town to make a formal position related to Walnut Street and speak out against the project going all the way to Main Street.

David Foster, Public Services Director, Town of Waynesville, explained that representatives who were at the initial meeting with the NCDOT specifically asked that Walnut Street not be included in the plans.

Mrs. Porter, resident of Walnut Street, commented that she agreed with everything that has been said about the need to leave Walnut Street alone. She referenced the 4-lane that dumping into a 2-lane street on the Old Asheville Highway and added that if the focus was on Russ Avenue and the improvements, then the project would not have to go into Walnut Street. Mrs. Porter added that Waynesville has a reputation as a great small town and we need to maintain that to keep the image of an inviting small town. The focus should be on improving the sidewalks and curbing and traffic islands rather than changing Walnut Street.

Ron Morrow, Chairman, First Presbyterian Church, Buildings and Grounds Committee explained that the location of the church at the corner of Walnut and North Main would be impacted by the plans. The Church is greatly concerned about the project as they have recently made \$800,000 in improvements to their building which would be encroached upon if the intersection modifications were made. Mr. Morrow added that the original study did not include Walnut Street and such change would impact the church in a negative manner. The NCDOT does not understand the needs of the Town by moving forward with such a plan as outlined in the TIP.

Bill Jones, 89 Walnut Street, explained that he attended the public meeting by the NCDOT and questioned why the sidewalks would need to be widened as part of the project. He was told by NCDOT representatives that it was a Town of Waynesville requirement. He noted that he walks through town on Walnut Street and has never seen too many pedestrians warranting widening of sidewalks and never witnessed backed up traffic going toward Main Street. Mr. Jones added that when reviewing the plans with the NCDOT, the reason for the project going through Walnut Street was the intersection of Walnut and Boundary Streets and Branner Avenue. He continued requesting that anything that can be done to keep Walnut Street from being impacted is appreciated. These changes would make it to where it will not remotely resemble the Walnut Street that we are used to. He wanted the public to know that even though it was not the Town's decision, it was being laid on the town.

Sandra Owen, Chairperson, Historic Preservation Commission spoke to the board relating that many of the homes on Walnut Street were categorized as historic and part of the designated Historic

District in Town. She explained that there were several on the National Register. Ms. Owen added that these properties are contributing to the economy of Waynesville being used as office buildings. If the slated improvements were to follow Walnut Street, the widening would take away yards and leave the street up to the steps of these historic homes. She added that the Historic Preservation Commission as a whole is not in favor of this project as it would impact the personality and historic character that people recognize when visiting or moving to Waynesville.

Lawrence Braxton, 66 Walnut Street spoke in opposition to the proposed changes to Walnut Street. He noted that he loves the neighborhood and restored his home and chose colors to fit with the 1920's color pallet to keep its historic charm. Walnut Street is important to the vision of the town and he was in agreement with those who spoke previously to stop any changes to Walnut Street.

Former NC Representative Jane Hipps, 90 Walnut Street, spoke as a 40-year resident of Waynesville noting that in looking at traffic patterns, as it moves forward, it dissipates; the traffic is not heavy at Main Street coming from Walnut Street. There is no reason to tear up a historic neighborhood for this NCDOT project and urged the Board to stand with the neighbors on Walnut Street and keep the current historic atmosphere and condition.

Alex McKay, representing the Haywood County Historical Society, Historic Preservation Commission and Waynesville Archives noted that there are 16 historic homes on Walnut Street and provided information to the Board outlining each's history. He encouraged everyone to take a stand against changes to Walnut Street. Mayor Brown expressed his appreciation for Mr. McKay's interest in this for the future showing the torch pass to another generation.

Charles McDarris, Walnut Street, explained he was emotionally wrapped up in this, and could not fully address the sentimental nature of this. He took the opportunity to thank Ms. Teague for her assistance and contribution to the town. He noted that there are 8 trees that are 100+ years old which would be taken as part of this project. He asked the NCDOT if any property would be taken. The initial response was no, but in review of the plans, a wall and a total of 12 maple trees could be taken. Mr. McDarris made it clear that he and those speaking tonight were not upset with the Board of Aldermen and appreciate their support. When he spoke with NCDOT, he alluded to the fact that they would pay some deference to the Town as to what would be done on Walnut Street. But, if no one comments, the plans would remain the same. Mr. McDarris encouraged the public to comment and provided copies of forms that could be submitted to the NCDOT.

Mayor Brown noted that the discussion here tonight was good, but is not this Board was not a controlling factor. He reminded everyone that they need to tell DOT and the consulting group what the problems and issues and concerns are.

Ms. Teague asked to speak to clarify the question related to sidewalk width. She noted that the town does require an 8 foot sidewalk off of a four-lane road. For a three-lane it is a 5 foot sidewalk; Walnut would remain a 3-lane and sidewalks could be 5 feet. Ms. Teague added that when staff were talking to NCDOT, they did not talk about Walnut Street as part of the project.

Kent Plemmons, resident of Walnut Street, spoke noting that he appreciated the Board allowing the citizens to comment about their discontent. He explained that it is not the widening of streets that is the issue, it is the changing of the character of Walnut Street; it's a sense of place. It

would forever be changed from a quaint historic district to just another thoroughfare. Mr. Plemmons added that the trees and the layout of the land are important to Waynesville's image.

Mayor Brown asked for any additional comments; there being none, he explained that this issue had not been discussed by the Board in advance of this meeting. He ascertained that it may be that the NCDOT and consultants just got ahead of themselves in this plan. At the upcoming January 10 regular meeting, the board will fully look at this issue from the town's perspective and that the Town takes a position that is consistent with the land development standards and comprehensive plan, and that is consistent with the citizens and concerns.

Mayor Brown concluded by noting that in the past, the NCDOT has been amenable to discussion and accommodation based on citizen input. In the period between now and January 13, citizens were once again encouraged to get comments submitted to the NCDOT or to Ms. Teague who will forward on the citizens' behalf. Those in attendance indicated approval of this plan of action by a round of applause.

C. REPORT/PRESENTATION

4. Fiscal Year 2015-2016 Annual Audit Report

Bruce Kingshill and Nancy Lux of Ray, Bumgarner, Kingshill and Associates attended the meeting to present highlights and an overview of the Town's financial condition and audit report for the year ended June 30, 2016. Mr. Kingshill explained that there were two audits completed, the first was a financial audit and the second a yellow book audit looking specifically at Powell Bill funds. The report noted that no deficiency in internal controls, compliance or financial reporting was identified and the auditors issued an unqualified opinion. He explained that the firm has been doing Waynesville's audits since 1986 and thanked the Board for the opportunity to present. He noted that in advance of the meeting, the board packet contained graphs of revenues and expenditures for the current and prior year for comparison. Mr. Kingshill commented that Ms. Nancy Lux will go over the details of the audit in her presentation. He added that the audit report was provided to the Local Government Commission (LGC) prior to the October 31, 2016 deadline and the LGC found nothing wrong with the audit report.

Ms. Lux called attention to the overall financial report as well as supplemental data related to the revenues and expenditures for 2015/2016. A fluctuation analysis of the revenues and expenditures was presented, which provided information explaining the increases or decreases to the various accounts.

Ms. Lux reminded the Board of reporting of the statutory change related to pension liabilities. As a result, the Town of Waynesville reported approximately \$600,000 as an additional asset. The NC Local Government Employees Retirement System (LGERS) is well managed and the Town has always funded the pension liability adequately, and it is now reported on the balance sheet. Now the unfunded portion will be reported as an asset.

Ms. Lux again announced that the opinion from the audit was an unqualified opinion which reflects excellent financial management practices are in place and with no deficiencies.

Mr. Kingshill thanked Mr. Caldwell and his staff and Manager Hites for their cooperation during the audit.

Mayor Brown commented that having no issues with management indicates that the job is being done correctly and is very important to the Town. The expectation is that the auditors will tell us if something is being done incorrectly and to date, we have never had that disagreement. The Mayor added that the Town has a healthy fund balance, debt is down and the Town made approximately \$27,000 last year. All in all, the Town is in good shape.

Alderman Caldwell made a motion, seconded by Alderman Feichter to approve the Fiscal Year 2015/2016 Annual Audit Report. The motion carried unanimously.

Finance Director Eddie Caldwell provided a summary of the inflows, outflows and balances of usable resources. He noted that at the end of the fiscal year, the available general fund balance was \$5,575,977 with total fund balance at \$7,111,084. The LGC requires that a minimum of 8% be kept in the general fund balance at all times. Currently, the Town's rate is 42.67% of the general fund and 54.40% overall. This is equivocal with other peer municipalities, if not slightly below.

D. PUBLIC HEARING

5. Public Hearing to consider the Amendment of the Town of Waynesville Cemetery Ordinance

David Foster, Public Services Director, informed the board that these revisions have been in the works for several years. The need to update is to clarify policies and procedures in the cemetery, standardize what can be placed in the cemetery, outline what is grandfathered in and provide for continued maintenance and upkeep of the cemetery.

Mr. Foster noted that revisions were made to ensure consistency with state law, liability standards and board standards related to the purchase of lots. Additional provisions to the ordinance will help to preserve the cemetery into the future by creating operational procedures and some latitude related to trimming and removal of plants.

Mayor Brown asked if any board members had received any comments related to this issue. No comments had been received.

Attorney Griffin reconvened the public hearing from November 8, 2016 at 7:58 p.m. and reminded those who wished to speak to raise their hand, be recognized and once at the podium provide their name and address for the minutes.

No one addressed the board.

Attorney Griffin closed the hearing at 7:59 p.m.

Alderman Caldwell made a motion, seconded by Alderman Feichter to approve the amendment of the Town of Waynesville Cemetery Ordinance as presented with amendments to become effective January 1, 2017. The motion carried unanimously.

E. NEW BUSINESS

6. Request Approval of the 2017 Board of Aldermen Regular Meeting Schedule

Mayor Brown noted that the proposed schedule had been included in the board packet with the schedule slated to remain as the 2nd and 4th Tuesdays of each month except for November and December where there would be only one regularly scheduled meeting.

Alderman Freeman made a motion, seconded by Alderman Roberson to approve the 2017 Board of Aldermen Regular Meeting Schedule, as presented. The motion carried unanimously.

F. COMMUNICATION FROM STAFF

7. Manager's Report – Town Manager Rob Hites

Emergency Response Plan

Manager Hites was part of the discussion of emergency response plan for providing water to Haywood County Municipalities. In recent weeks, both Maggie Valley and Canton requested assistance from the Town of Waynesville to supply water in times of emergency. Manager Hites asked how much each would need. Maggie Valley reportedly needed 750,000 gallons per day and Canton 990,000 per day. If this supply were to be utilized, it would cause the citizens of Waynesville to have to reduce their consumption in order to supply others.

At a second meeting among the County and Municipalities, representatives from McGill and Associates and a regional engineer from NCDENR, it was determined that Waynesville could not provide water to Maggie Valley or Canton without exceeding the maximum safe load. The group reviewed existing interconnects and determined that Junaluska Sanitary District (JSD) could not provide water to Canton as the push to get the water over Radio Hill would drain the tank at Tuscola. Clyde could receive water through its existing interconnect and Maggie Valley could be provided water via the interconnect at Queens Farm.

The representative from McGill recommended applying for a grant to determine the maximum load for the region with an inventory of the watersheds and streams and look at alternative sources for water. Manager Hites added that water cannot be provided to the county on a long-term basis, but could be a tremendous aid in catastrophic fire event. Manager Hites recommended looking at a draft contract that will allow fire water or emergency water for 30 days, but Waynesville will not be in a position to provide long-term assistance. Currently there is no agreement with Maggie Valley although there is an existing interconnect.

Manager Hites requested permission to work on a draft water agreement with Maggie Valley to ensure that something is in place before this becomes an issue again. A second phase to this project would be to look at an interconnect for Canton in the future.

Mr. Foster added that as part of this process, revision of the Waynesville Water Shortage Plan could occur. He has learned that under the existing dam permit, the required flow into Allens Creek could be limited under certain conditions, and the maximum reservoir level possibly increased from 600 million to 1 billion gallons. If there was no rain – the reservoir could last for 491 days.

Manager Hites noted that the existing Water Shortage Response Plan is excellent and that under the plan the Mayor is authorized to enact a conservation plan. There are varying levels of restriction based on water levels. The first level of water conservation occurs when the water level is at 72" below normal level and restrictions increase in magnitude as the water level goes down.

Mayor Brown thanked Manager Hites and Mr. Foster for their continued monitoring and work to ensure that Waynesville continues to have viable water resources. The board agreed by consensus that Manager Hites should pursue an agreement with Maggie Valley.

8. Attorney's Report – Town Attorney Woody Griffin

Town Attorney Griffin had nothing to report.

G. COMMUNICATION FROM THE MAYOR AND BOARD

9. WestNGN Update

Alderman Feichter provided an update on the WestNGN Broadband project. A meeting was held at UNC-Asheville with a report from the project manager. He reminded the Board that the participating municipalities and UNC-A had allocated funds for this project several months ago and WestNGN steering committee hired Magellan Partners, the same consultant used by Haywood County.

Alderman Feichter explained that the scope of services for the consultant was to advise the steering committee regarding infrastructure needs, code requirements and administration. The next step is to develop a template for each community profile to determine the assets and resources we can bring to the table, including any right of way and pole attachment agreements. Alderman Feichter added that once such an assessment is completed, a consolidated request for proposals (RFP) would be sent out by April 15, 2017.

The second phase of the project is to select a contractor/provider for the infrastructure and cabling to be completed by June 30, 2017. Alderman Feichter noted that the Triangle NGN (in the central/eastern part of the state) has selected AT&T as their contractor/provider. Alderman Feichter commented that one of the key considerations related to this project is what to do with the services once they are available. For example: if no one utilizes the resources available, was it a waste of time and energy? The steering committee has spent much time and has worked with the project manager to develop a plan to ensure that this project remains relevant and viable in the region as part of economic development efforts. Alderman Feichter is pleased with how the program is moving forward and expects that mid-year 2017 there will be many exciting things to bring back to the Board.

Mayor Brown added that Haywood County and the Haywood Advancement Foundation while on a parallel path to WestNGN related to broadband; both groups are working to achieve the best possible broadband access in the region. He added that the spirit of collaboration is gratifying and that such undertakings are critical to economic development in the future.

H. CLOSED SESSION

10. Enter into Closed Session for the purpose of discussion of property acquisition under North Carolina General Statute § 143.318.11(a)(5)

Prior to entering into closed session, Mayor Brown wished those in attendance a happy holiday season and a Merry Christmas. He indicated that there may be action taken following the closed session.

Alderman Caldwell made a motion, seconded by Alderman Freeman to enter into closed session for the purpose of discussion of property acquisition under North Carolina General Statute § 143.318.11(a)(5). The motion carried unanimously.

The Board entered into closed session at 8:21 p.m.

The Board returned from closed session at 8:40 p.m.

Mayor Brown noted that following discussion in closed session, Manager Hites and Ms. Teague have been directed to continue meeting with a property owner for the purpose of potential greenway alignment and to begin negotiation for a potential purchase contract.

Alderman Feichter made a motion, seconded by Alderman Caldwell to direct staff to continue negotiation with property owner and begin negotiation for a potential purchase contract. The motion carried unanimously.

I. ADJOURN

There being no further business to discuss, Alderman Feichter made a motion, seconded by Alderman Freeman to adjourn the meeting at 8:44 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Robert W. Hites, Jr., Town Manager

Amanda W. Owens, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2017

SUBJECT: Call for a Public Hearing to be held on January 24, 2017 to consider a map and text amendment to rezone the following properties from Howell Mill Road Medium Density Residential to Howell Mill Urban Residential:

1. 59 Abel Lane, PIN 8616-42-9030
2. 48 Misti Lane, PIN 8616-51-0949
3. 12 Misti Lane, PIN 8616-52-0138

AGENDA INFORMATION:

Agenda Location: Call For Public Hearing
Item Number: 3-B
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: These lots total 1.65 acres and are adjacent to the DC Plus Packaging warehouse and convenient to Town and the Town's Recreation Center. A zoning designation of Urban Residential would maintain the residential character of the area but would allow for increased density to take advantage of this location's convenience and the pedestrian amenities that are now available as part of the roadway corridor. It would also create a transitional district between the heavy commercial of Russ Avenue and the Medium Density residential neighborhood. This UR zoning designation (HM-UR) was created in May for a similar request on the opposite side of Howell Mill Road.

MOTION FOR CONSIDERATION:

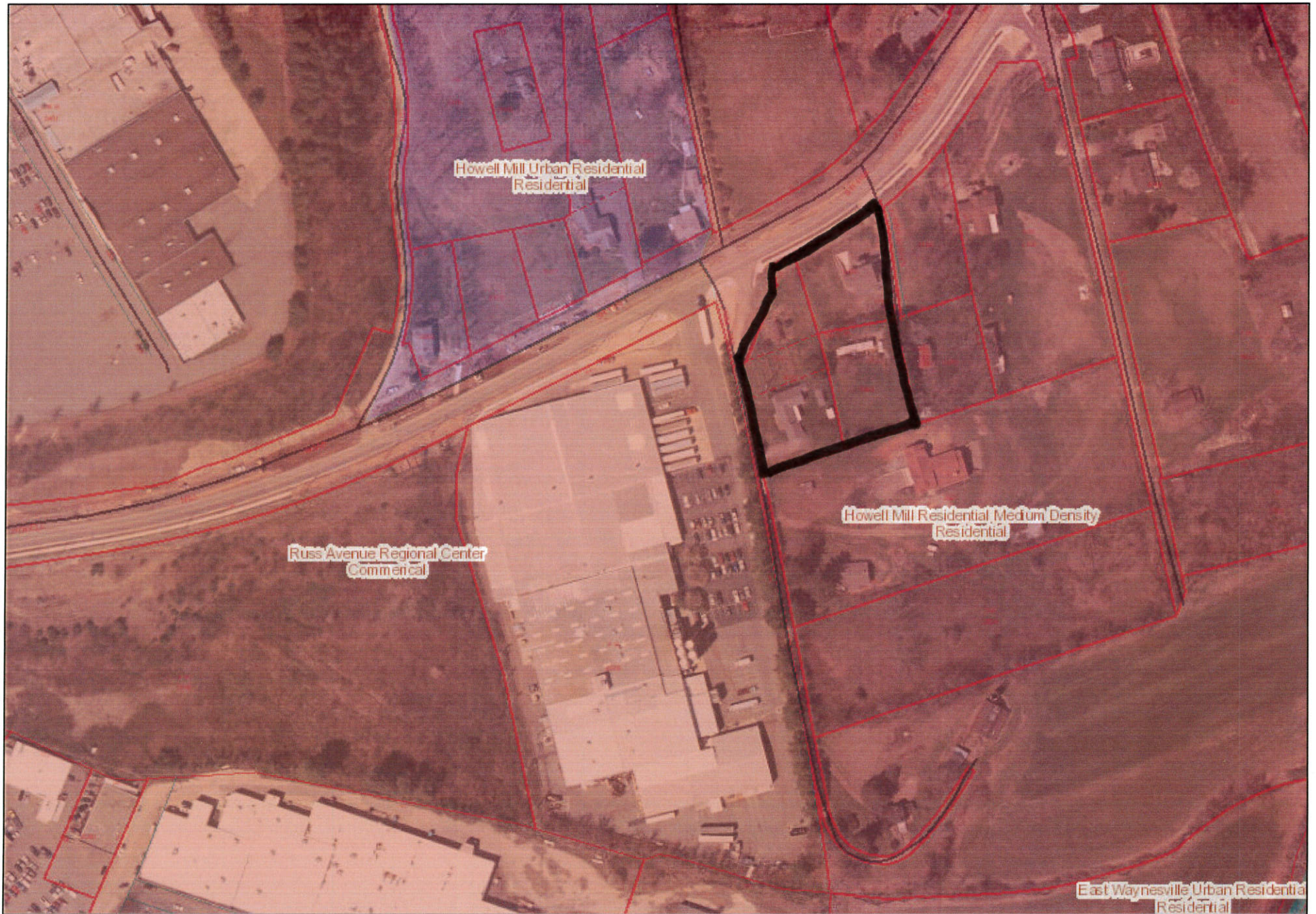
To Call for a Public Hearing to be held on January 24, 2017 at the Board of Aldermen Meeting at 6:30 pm in order to consider a zoning map amendment request to reclassify this area as the Howell Mill Road Urban Residential District.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Area Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: Only action is to call for public hearing.



1 inch = 200 feet
December 13, 2016

Howell Mill Road Area Zoning

AREA OF REQUEST

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.



TOWN OF WAYNESVILLE Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

Anthony Sutton

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr

Pratik Shah

Ginger Hain

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786

December 19, 2016

THE WAYNESVILLE PLANNING BOARD held a regular meeting on December 19, 2016 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate
Bucky Dykes
Anthony Sutton
Patrick McDowell
Ginger Hain
Pratik Shah
Phillip Gibbs
Marty Prevost

Absent:

Robert Herrmann

The following staff members were present:

Elizabeth Teague, Development Services Director
Eddie Ward, Deputy Clerk

Alternative dates for regularly scheduled meeting which conflicts with Martin Luther King Day on January 16, 2017

Chairman McDowell explained to the Board that the next regular meeting of the Planning Board is scheduled for January 16, 2017, which is the Martin Luther King Holiday and government offices are closed. Several alternative dates were discussed and it was the consensus of the Board to hold the next meeting on Thursday, January 19, 2017 at 5:30 p.m.

Russ Avenue road improvement plans

Ms. Elizabeth Teague, Development Services Director, told the Board that the Town had received copies of the plans for the Russ Avenue road improvement, and those plans were located in the Municipal Building for public review. She said the North Carolina Department of Transportation and the engineering firm are asking for public comments until January 13, 2017. Ms. Teague said that prior to the January Board of Alderman meeting, the Aldermen would be holding a work shop in order to look at the corridor study in more detail.

2. Adoption of Minutes

A motion was made by Board Member Anthony Sutton, seconded by Board Member Pratik Shah, to approve the minutes of the November 21, 2016 regular meeting as presented. The motion passed unanimously.

B. NEW BUSINESS

1. Public Hearing to consider a map amendment request for 59 Abel Lane, 48 Misti Lane, and 12 Misti Lane; Haywood County Tax Parcel Identification Numbers 8616-42-9030, 8616-51-0949, and 8616-52-0138 from Howell Mill Medium Density Residential to Howell Mill Urban Residential District.

Background:

Chairman McDowell opened the Public Hearing at 5:35 p.m. and asked Elizabeth Teague, to present background information.

Ms. Teague told the Board this Zoning Map Amendment request is from Mr. Thomas Mack Moody, for three properties along Howell Mill Road totaling 1.65 acres, adjacent to the DC Plus Packaging warehouse. Mr. Moody is requesting rezoning from Howell Medium Density Residential District to Howell Mill Urban Residential District.

Ms. Teague said that in May of 2016 the Planning Board voted to recommend a change in zoning designation for properties on the opposite side of Howell Mill Road to "Urban Residential." This designation was created as part of an earlier request in order to provide a zoning option that would allow professional offices and business services uses. The property is within the Town's ETJ but retain a residential character. This goal was for this area to serve as a transitional district between the intensive commercial uses allowed in the Regional Center District and the Medium Density District along Howell Mill Road. She explained that by transitional she meant that Howell Mill Road Urban

Residential District (HM-UR) buffers rural and medium density residential areas from the intense commercial uses found within the Russ Avenue Regional Center District. The change to Urban Residential would increase the allowable density from eight units per acre to 16 units per acre, and permit multi-family developments at a higher density of up to 24 units per acre with a Special Use Permit. Ms. Teague referred the Board to a comparison table of permitted uses showing the existing and proposed uses allowed in the Urban Residential District.

Consistency with 2020 Land Development Plan

Ms. Teague stated that at the community meeting held in 2016, it was very important to residents to maintain the rural and residential nature of the area. The Town's Comprehensive Plan, Waynesville Our Heritage, Our Future, 2020 Land Development Plan state that the land use goal is to promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community. The Land Development Plan specifically speaks to the goal of creating a variety of residential opportunities for all incomes and to promote infill development and mixed use areas.

The Future Land Use Map shows this area along Howell Mill Road and adjacent to the Town's Recreation Center as medium to high density residential and mixed use district. Ms. Teague presented the Land Use Map for the Board Members to see. She explained that adjusting the map would create a higher density residential and mixed use district in the area identified on the Land Use Plan map. This would be consistent with the Plan's goals to create infill and prevent urban sprawl.

Surrounding Land Use/Zoning Patterns

Ms. Teague said the proposed rezoning area is across the street from the recently expanded Ingles and Ingles' Russ Avenue Regional Center Conditional District Zoning. The 59 Abel Lane property abuts the DC Plus Packaging warehouse, and the Misti Lane properties abut residential property to the east.

Staff Recommendation

Staff recommends in favor of this zoning map amendment.

Requested Action

1. Motion to find that the map amendment is consistent with the Town of Waynesville's Comprehensive Land Use Plan.
2. Motion to recommend the proposed map amendment to the Board of Aldermen to rezone the property to the Urban Residential District.

Chairman McDowell asked if anyone would like to speak.

**Thomas Moody
Howell Mill Road
Waynesville, NC**

Mr. Moody said he appreciated the Board's time on this matter. He stated that this request was basically the same as a former request by Mr. Tim Shook concerning his properties on Howell Mill Road. He said that decision had created more possibilities for him to possibly sell his properties. Mr. Moody said he felt that Howell Mill Road would eventually become commercial, and he hoped his request would be the start of progress going in that direction.

**Bill Bolton
Howell Mill Road**

Mr. Bolton said he owned approximately three acres near Mr. Moody's property. He had several questions for the Board concerning buffers, sewer systems, set backs and fire sprinklers. Ms. Teague explained the buffer and set backs that are required by the Town of Waynesville. She explained that Haywood County handles all private sewer systems, and that in order for the Town of Waynesville to supply sewer, the property must be annexed. Sprinkler systems depend on the design of the building as required by the North Carolina Building Code. Mr. Bolton also asked about where a buffer would be located for a dedicated right-of-way. Ms. Teague said that the buffer would start on the property of usable land space.

A motion was made by Board Member Danny Wingate, seconded by Board Member Phillip Gibbs, to close the Public Hearing at 6:01 pm. The motion passed unanimously.

Board Member Ginger Hain stated that she felt that while adjusting the zoning map might promote infill for mixed use, it doesn't provide for how deep or how wide the Urban Residential District could, or should, extend. She said the upcoming, but yet undeveloped, Land Development Plan could address that issue. Ms. Hain said she feared that the Board was dismantling the 2020 Plan piecemeal, parcel by parcel.

A motion was made by Board Member Ginger Hain to find the proposed map amendment not consistent with the Town of Waynesville's Comprehensive Land Use Plan. There was no second to the motion. Motion Failed.

A motion was made by Board Member Danny Wingate, seconded by Board Member Bucky Dykes, to find the map amendment is consistent with the Town of Waynesville's Comprehensive Land Use Plan. The motion passed with seven ayes (Board Members Phillip Gibbs, Anthony Sutton, Danny Wingate, Patrick McDowell, Pratik Shah, Bucky Dykes, and Marty Prevost) and one nay (Board Member Ginger Hain).

A motion was made by Board Member Anthony Sutton, seconded by Board Member Pratik Shah to recommend the proposed map amendment to the Board of Aldermen to rezone the property to Howell Mill Road Urban Residential District. The motion passed with seven ayes (Board Members Phillip Gibbs, Anthony Sutton, Danny Wingate, Patrick McDowell, Pratik Shah, Bucky Dykes, and Marty Prevost) and one nay (Board Member Ginger Hain).

C. OLD BUSINESS

1. Revised Draft of Signage Ordinance for Planning Board Comment and Review

Chairman McDowell asked Ms. Teague to give background information on the proposed text amendment to the Land Development Standards regarding Political Signs.

Ms. Teague said this working draft is in response to discussion from the November meeting. At that meeting, concerns were raised about limiting political signage and possible conflicts with freedom of expression. Ms. Teague told the Board that in rewriting these rules, the Town is responding to a decision of the Supreme Court but for which there is not a precedent of how it will be interpreted, however the Town wants to be responsive and keep our ordinances up to date. In this version of the draft, political signage has been separated into its own category. Ms. Teague said that political signage has specific protections under State Statutes. Locally, the Town wants to err on the side of freedom of expression, and allow temporary signs to be placed on private property during political season. At the same time the Town is always trying to be consistent with the purpose and intent of the Town's Sign Ordinance and Comprehensive Land Use Plan.

There was much discussion with Mr. Ronald Sneed, Attorney for the Planning Board, concerning the legality of the political signage as stated in the draft ordinance.

Philan Medford
Waynesville, NC

Ms. Medford had questions concerning signage being placed in a Public Garden located on Church Street. Ms. Teague stated that in Section 11.5.11 Temporary Signs that such signage shall not be placed on any Town property or Park without the permission of the Town Manager.

Suggested Motion

1. Motion to move forward with the Signage Draft as provided (or as amended) in order to set a Public Hearing and make a recommendation to the Board of Aldermen.

The consensus of the Board was to move forward with the Signage Draft as provided in order to set a Public Hearing and make a recommendation to the Board of Aldermen.

D. PUBLIC COMMENT/CALL ON THE AUDIENCE

No one spoke

E. ADJOURN

With no further business, a motion was made by Board Member Anthony Sutton, seconded by Board Member Phillip Gibbs, to adjourn at 6:26 pm. The motion passed unanimously.

Patrick McDowell, Chairman

Eddie Ward, Deputy Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2017

SUBJECT: Letter of commitment to uphold the Town's twenty percent (20%) match commitment for NCDOT Division 14 Needs Project to construct a pedestrian facility along Hazelwood and Plott Creek Road (TIP EB-5859, projected construction date 2023).

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 4-C
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: This project has officially been placed on the TIP for construction in 2023. This action authorizes the Town Manager to sign a letter of commitment on behalf of the Town for the required match of 20% of the cost to construct this pedestrian facility from Will Hyatt Road to Elsynia Road. This project was identified in the Town's adopted 2010 Comprehensive Pedestrian Plan and will link Hazelwood Elementary School to existing sidewalk in downtown Hazelwood. Estimated costs of construction are \$100,000. Therefore this action would commit the Town to approximately \$20,000 toward this project depending on actual costs at the time of construction.

MOTION FOR CONSIDERATION:

1. Motion to approve the Town's commitment of 20% of total construction costs to NCDOT Project TIP# EB-5859.

FUNDING SOURCE/IMPACT: \$20,000 (estimated) in FY 2022-23.

ATTACHMENTS:

- Draft Letter of Commitment

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval of letter of commitment and town contribution to project.



Gavin Brown, Mayor
Gary Caldwell, Mayor Pro Tem
Jon Feichter, Alderman
Julia Freeman, Alderman
LeRoy Roberson, Alderman

Robert W. Hites, Jr. Town Manager
Woody Griffin, Town Attorney

January 10, 2017

E.A. (Ed) Green, P.E.
Highway Division 14
253 Webster Road
Sylva, NC 28779

Re: Letter of Commitment for EB-5859

Dear Mr. Green,

The Town of Waynesville submitted bike and pedestrian projects to the French Broad River MPO for scoring and ranking in NCDOT's strategic prioritization process developed in accordance with the Strategic Transportation Investments (STI) Law. We have been informed that project EB-5859 which would construct a pedestrian facility along Hazelwood Road and Plott Creek Road has been programmed into the TIP for construction in 2023 at an estimated cost of \$100,000. As you are aware, this project was listed as a priority in the Town's Comprehensive Pedestrian Plan which was adopted in 2010 and would provide a critical connection between the Hazelwood Elementary School and downtown Hazelwood.

In order to secure these federal funds, the Town commits to a 20% non-federal funding match for the above bike and pedestrian project. The Town would expect the State to provide the remaining 80% of the eligible funding.

This local contribution/match will be available concurrent with project authorization and in accordance with Federal Highways Administration requirements. The Town is aware that any funded projects will also be subject to additional requirements included in the municipal reimbursement agreement.

We also understand that TIP U-4712 which would construct improvements to South Main Street/US23 has also been programmed with a projected construction date in 2026. Please let us know what you may need from the Town at the time that more information is available on this project.

Sincerely,

Robert W. Hites, Jr.
Town Manager

Cc: Elizabeth Teague, AICP, CTP, Development Services Director
Tristan Winkler, FBRMPO
LeRoy Roberson, Alderman, FBRMPO TAC Representative

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2017

SUBJECT: Consideration of Request to Haywood County to obtain property and work with the Town to redevelop County property on Calvary Street as a new park.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5-C
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The County has recently completed foreclosure on a piece of property in the Pigeon Street community. Put together with other adjacent parcels owned by the county, this area could be redeveloped for a community pavilion and play area to serve the public and the neighboring Head Start Center. While the Pigeon Center provides facilities for youth, there is no recreation area available for the general public nearby or another centrally located area on which to place historical markers or other markers of recognition of importance to the neighborhood. Additionally, this effort is a good opportunity to clean up a blighted area on which the Town receives complaints, and to take down a structure that presents both a public health and safety issue and a policing problem. This potential park would create a neighborhood focal point out of an area of concern. In pursuing this effort, the Town would work with the County to gain control of the property, clean up the site and complete a park plan with neighborhood involvement, and initiate park development efforts through a combination of grants at local investment.

MOTION FOR CONSIDERATION:

1. Motion to direct staff to obtain property and work with the County to redevelop lots on Calvary Street as a park.

FUNDING SOURCE/IMPACT: Costs of clean up and redevelopment are estimated at \$60,000.

ATTACHMENTS:

Project area maps.

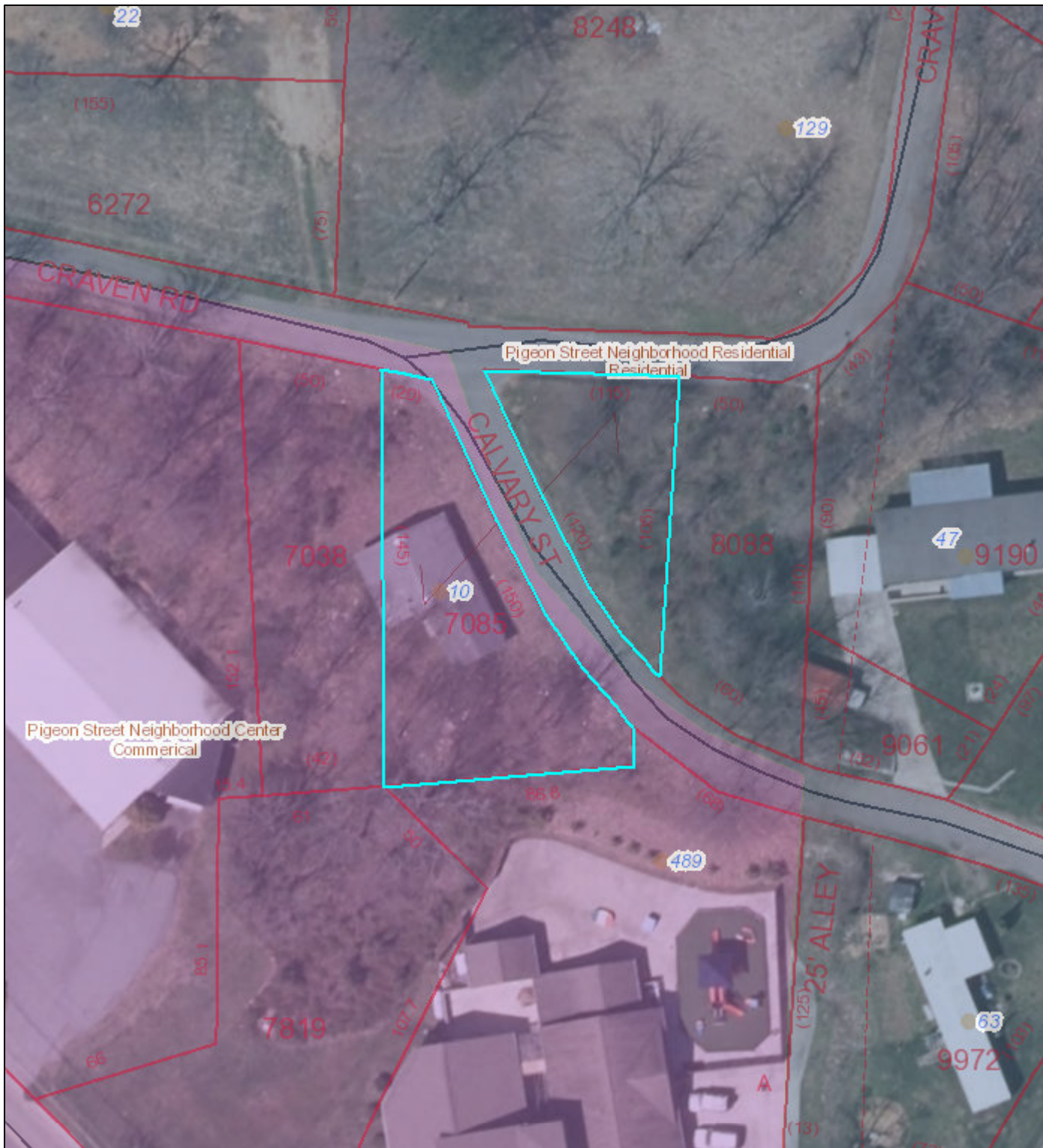
MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend moving forward with potential project



1 inch = 50 feet
August 1, 2016

Haywood County

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Parcel Report For 8615-45-7085

HAYWOOD COUNTY
HAYWOOD COUNTY COURTHOUSE
215 N MAIN ST
WAYNESVILLE, NC 28786

Account Information

PIN: 8615-45-7085

Legal Ref: 862/421

Add Ref: A14/205
607/165

Site Information

CHURCH
EXEMPT
10 CALVARY ST

Heated Area:

Year Built:

Total Acreage: 0.432 AC

Township: TOWN OF WAYNESVILLE

Site Value Information

Land Value: \$6,700

Building Value: \$1,100

Market Value: \$7,800

Deferred Value: \$0

Assessed Value: \$7,800

Sale Price: \$9,000

Sale Date: 1392854400000

Tax Bill 1: \$182.09

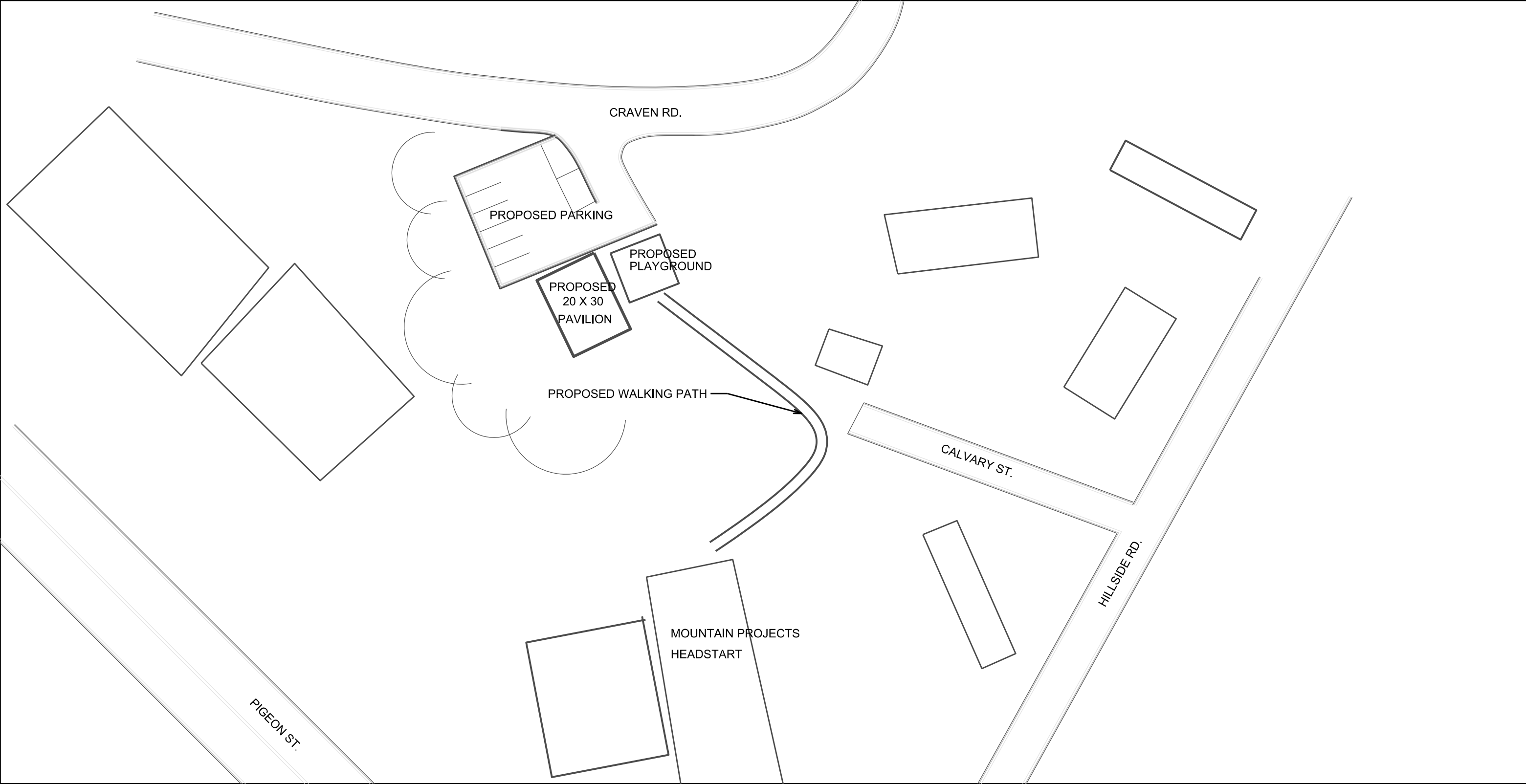
Tax Bill 2: \$0



1 inch = 50 feet

January 3, 2017

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DATE: 1/7/17		CALVARY ST. PROJECT	TOWN OF WAYNESVILLE	
SCALE: N.T.S.				
SHEET NO.: 1 OF 1				
LOCATION: CALVERY ST.				
DRAWN BY: PRESTON GREGG, PE				

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2017

SUBJECT: Resolution requesting the Haywood County Board of Commissioners to approve a fire service district for the properties in and around the Junaluska Assembly, the Reinertson, Knollwood and Shingle Cove Subdivisions.

AGENDA INFORMATION:

Agenda Location: NEW BUSINESS
Item Number: 6-C
Department: Administrative Services, Fire Department, Finance
Contact: Rob Hites, Town Manager; Joey Webb, Fire Chief
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: The Town increased its ad valorem tax rate 5 cents per \$100 in assessed valuation to fund eight additional fire fighters. Due to the increase in the Fire Department's budget the Town requests that the Haywood County Commissioners create a fire district that encompasses the properties that the Town has served for decades in order to change the method and fairness of collections for fire service from a fee on the residents utility bill to the customary method of collection, a fee on the ad valorem tax bill for fire service.

MOTION FOR CONSIDERATION: To approve resolution and GIS map requesting the Haywood County Commissioners to adopt a fire service district involving the area that the Town has served with fire and rescue for many years.

FUNDING SOURCE/IMPACT: Fire Service District revenue is estimated to be \$200,826.40 per year at a 6 cent per \$100 valuation. The current revenue for the properties in question equals approximately \$103,622.40.

ATTACHMENTS:

- Resolution
- GIS map

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve resolution and GIS maps.

RESOLUTION 01-17

**TOWN OF WAYNESVILLE
RESOLUTION TO CREATE A FIRE SERVICE DISTRICT**

WHEREAS, the Town of Waynesville has been serving the Junaluska Assembly, the Reinhart, Knollwood, and Shingle Cove Subdivisions with fire protection for many years and;

WHEREAS, the Town provides a combination of full time and volunteer fire fighters and certified emergency medical technicians to provide a high degree of protection of life and property to the Junaluska Assembly and above mentioned subdivisions and;

WHEREAS, the Town has recently increased its full time fire fighting capability by eight (8) employees and;

WHEREAS, the cost of the service improvement has significantly increased the budget of the Fire Department resulting in a five (5) cent increase in the Town's ad valorem tax levy;

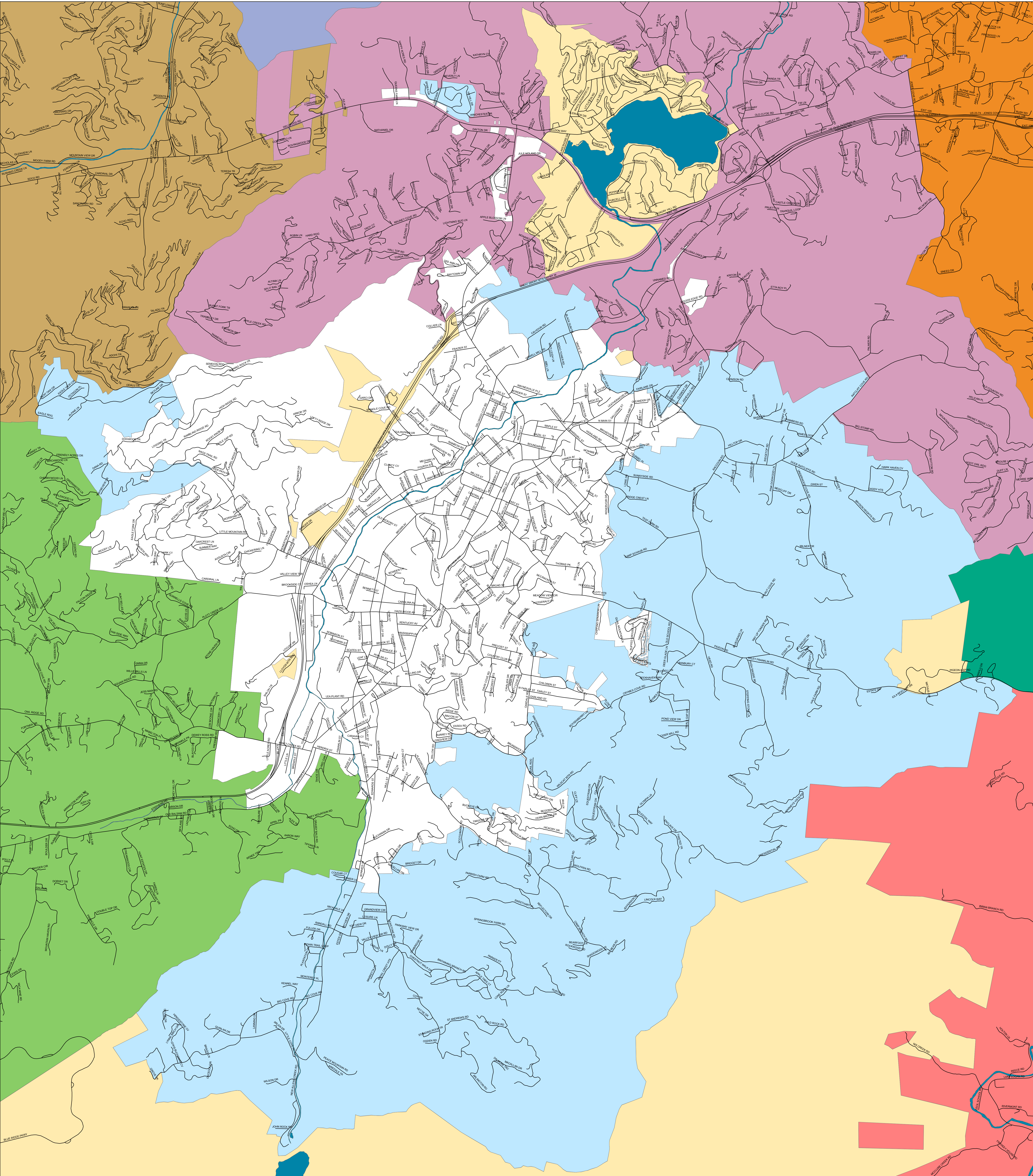
NOW, THEREFORE be it resolved by the Town Board of Aldermen that it requests the Haywood County Board of Commissioners to create a "fire service district" encompassing the property described in the attached GIS maps in accordance with North Carolina General Statute §153A-301 (2) and North Carolina General Statute § 153A-309.2

Adopted this the 10th day of January, 2017.

ATTEST:

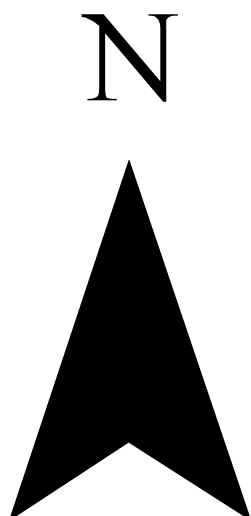
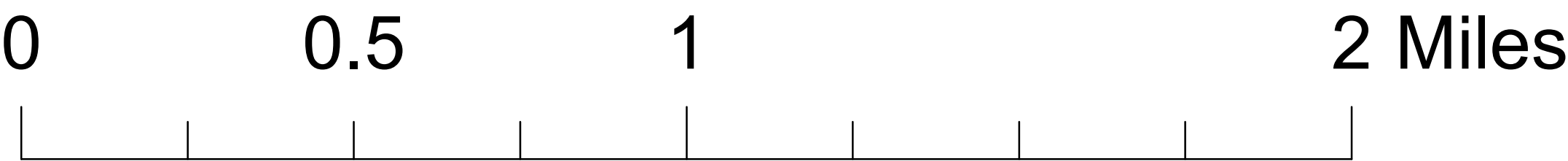
Gavin A. Brown, Mayor

Eddie Ward, Deputy Town Clerk



Fire Districts

- CENTER PIGEON
- CENTRAL HAYWOOD
- EAGLES NEST
- EXCLUDED
- HOWELL MILL
- IVY HILL
- JONATHAN CREEK
- LAKE JUNALUSKA
- LAKE LOGAN - CECIL
- MAGGIE VALLEY
- SALNOOK
- WAYNESVILLE
- WAYNESVILLE RURAL



Waynesville Fire District

Created on 5/24/16



TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2017

SUBJECT: Renewal of radio transmitter lease with Asheville Radio Group (SAGA Communications)

AGENDA INFORMATION:

Agenda Location: NEW BUSINESS
Item Number: 7-C
Department: Administrative Services
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: On the 10th of December 2015 the Town entered into a one year lease with SAGA Communication dba Asheville Radio Group to locate transmission equipment and use radio tower at the Town Hall.

GS 160A-272 permits municipalities to enter into one year leases without public notice. It also permits elected bodies to delegate the authority to the Manager to enter into such leases on behalf of the Town. Asheville Radio Group requests that the Town renew the lease for an additional one year beginning on February 1st. The monthly rent is \$200. The rationale for entering into this lease was to provide local programming to the community.

It is not my practice to negotiate and sign such leases without the approval of the governing board so I do not wish to be granted the authority to sign such leases independent of Board approval. I recommend that we permit them to continue to use the tower in hopes that they will develop local programming for the community. We do not currently need the tower space for municipal use though I would not recommend we extend the lease beyond one year at a time.

The current equipment is taking up an office on the second floor making it unusable for the staff. I have asked the Group to relocate the equipment on the top two shelves of a storage closet at the top of the stairs thereby freeing up the office. They have agreed to do so.

MOTION FOR CONSIDERATION: Approve a one (1) year extension to the SAGA Communications Lease provided that they move their equipment to the storage closet on the second floor of the Town Hall.

FUNDING SOURCE/IMPACT: \$200 monthly rent will provide \$2,400 per year in general revenue

ATTACHMENTS:

- Lease

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval of the contract extension

TOWER LICENSE AGREEMENT

THIS TOWER LICENSE AGREEMENT ("Agreement") is made and entered into this 1st day of February, 2017 between the **TOWN OF WAYNESVILLE**, located at 16 S. Main St. Waynesville, NC 28786 ("Owner" or "Licensor") and **SAGA COMMUNICATIONS OF NORTH CAROLINA, LLC**, a Delaware Limited Liability Company, dba Asheville Radio Group, located at 1190 Patton Avenue, Asheville, NC 28806 ("User" or "Licensee").

RECITALS

- A. Owner owns a radio/communications tower facility (the "Tower") located at the Municipal Building, 16 S. Main St. Waynesville, NC 28786, more particularly described in Exhibit A (the "Premises").
- B. User wishes to install and operate radio communications equipment on the Tower and the surrounding Premises.
- C. Owner wishes to permit installation of such equipment on the Tower subject to the terms and conditions of this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the agreements contained herein, Owner and User hereby agree as follows:

1. Incorporation by Reference. The details of Exhibit A and Exhibit B are incorporated by reference in, and are made a part of, this Agreement.
2. License. (a) Owner grants to User, and User accept as from Owner, a non-exclusive license (the "License") to install, maintain and operate, at User's sole cost and expense the equipment and any related property of User as more particularly described on Exhibit B (collectively referred to as "User's Equipment").
 - (b) The term of this Agreement ("Term") shall commence on that 1st day of February, 2017 and shall be for a period of one (1) year. This Agreement may be extended at the end of the Term by mutual consent of the parties.
3. Use of Tower. (a) User agrees that during the Term of this Agreement, User will install, maintain and operate at its sole cost and expense User's Equipment: (i) in good order and condition, (ii) in compliance with all applicable Federal, state and local laws, statutes, rules codes, and regulations, including those of the Federal Communications Commission ("Applicable Laws") and (iii) in a manner which will not interfere with Owner's or any other party's use or operation of radio or other communications equipment on the Tower as determined by the Town or its representative. User shall submit to Owner a copy of its license for User's Equipment and operation that is to be located at the Premises.

(b) If the installation or use of User's Equipment violates the provisions of clause (iii) of Section 3(a), User shall discontinue its use of User's Equipment and take such action as may be necessary to eliminate such interference to the satisfaction of Owner or, if such interference cannot be eliminated, remove User's Equipment. In such event, this Agreement shall immediately terminate. User has satisfied itself and hereby represents and warrants to Owner that no such interference shall result to the currently-existing equipment.

(c) User shall have access to the Premises between the hours of 8 A.M. and 5 P.M. Monday through Friday, except in the case of emergencies, in which case access will be permitted at any time of day subject to the reasonable security safety and identification procedures required by Owner, for the purpose of installing, operating, inspecting, servicing, maintaining, repairing and removing User's Equipment. User shall have access to the Premises outside the permitted hours as stated above, so long as User is accompanied by a Town employee and pays Owner an hourly rate of Eighty Dollars (\$80.00), to be paid with the following monthly License Fee (defined below).

4. Utilities. User will utilize the existing electric circuits at the Premises. Payment for utilities shall be considered as included in the Base License Fee as defined in Section 5.

5. License Fees. During the Term, User shall pay Owner monthly license fees ("Base License Fees") in the amount of Two Hundred Dollars (\$200.00), payable in advance, commencing on February 1, 2017.

6. Insurance. User shall maintain insurance to protect Owner and User against any and all claims, demands, actions, judgments, costs, expenses and liabilities which may arise out of or result, directly or indirectly, from the installation, maintenance or operation of User's Equipment or use of the Tower or Premises, except such liability as shall arise in whole out of, or result in whole from, the negligence or intentional conduct of Owner. The amounts of such insurance against liability due to damage of property shall be One Million Dollars (\$1,000,000) as to any one occurrence and against liability due to injury or death of a person shall be One Million Dollars (\$1,000,000) as to any one person and One Million Dollars (\$1,000,000) as to any one occurrence. All insurance required hereunder shall name Owner as an additional insured and shall require at least twenty (20) days prior notice to Owner of any cancellation or modification. Certificates evidencing such insurance shall be delivered to Owner upon execution of this Agreement.

7. Indemnification. User shall indemnify and hold harmless the Owner, its agents, employees and board members against and from any and all liability, damages, claims and demands whatsoever, including reasonable attorney's fees and expenses, suffered or incurred by any of the Indemnified Parties in connection with or as a result of the failure of the other party to perform any of its obligations under this Agreement.

8. Condition of Premises. User has visited and inspected the Premises and accepts the physical condition thereof and the uses permitted under Applicable Laws and acknowledge that no representations or warranties have been made to User by Owner as to the condition of the

Premises, including the Tower, and/or the storage facilities, or as to any engineering data. User shall repair, in a manner acceptable to Owner, any damage to the Premises that results from, or arises through, the use, maintenance, removal and/or operation of User's Equipment on the Tower and/or acts or omissions of User, its agents, contractors and/or employees, reasonable wear and tear excepted. User shall relocate equipment from its current location in an office on the second floor of the Town Hall and place it in a storage closet located across from the stairs leading to the second floor or in the attic crawl space immediately above its current location. Equipment relocation shall take place on or before March 1, 2017.

9. Reservation of Rights - Inspection. Owner reserves to itself, its successors and assigns, the right to maintain the Premises and to operate and permit others to operate its facilities thereon in such manner as will best enable it to fulfill its and their own service requirements .

10. Subordination. This Agreement and all right s hereunder shall be subordinate and subject to every mortgage or deed of trust now existing or hereafter executed covering the Premises or any part thereof, and User agrees to execute and deliver any instrument reasonably requested by Owner consenting to any such mortgage or deed of trust and subordinating this s Agreement to such mortgage or deed of trust.

11. Loss or Damage. (a) User assumes and shall bear the entire risk of loss of and damage to User's Equipment. No loss of or damage to User's equipment shall terminate or permit User to terminate this Agreement.

(b) In the event of damage by fire or other casualty to the Premises (including the building in which the Radio Equipment is located) not caused by User, its agents, contractors or employees which materially interferes with User's use of the Tower and User's Equipment, User may terminate this Agreement upon thirty (30) days prior written notice to Owner unless within such period Owner elects to repair such damage. If Owner elects to repair such damage, this Agreement shall remain in effect, Owner shall use reasonable efforts to repair such damage and a proportionate amount of Base License Fees based on the interference with User's use of User's Equipment, shall abate from the occurrence of the damage to the time the same is substantially repaired.

12. Entire Agreement. This Agreement embodies the entire agreement between the parties. It may not be modified or terminated except as provided herein or by other written agreement between the parties. If any provision herein is invalid, it shall be considered deleted from this Agreement and shall not invalidate the remaining provisions of this Agreement.

13. Confidentiality. Owner and User agree not to disclose, without written consent of the other party, any of the terms of this Agreement, except as required by governmental authority, in which case the other party will be promptly informed. Owner and User further acknowledge and agree that information submitted by Owner and User to the other party concerning the equipment, methods of operation or business affairs of Owner and User (the "Shared Information") is proprietary and confidential and that the Shared Information is solely for

Owner's and User 's use in connection with the Agreement.

14. Assignment. User may not assign this Agreement or any of its rights or obligations under this Agreement without the written consent of Owner, which will not unreasonably be withheld. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective permitted successors and assigns.

15. Notices. All notices given pursuant to this Agreement shall be in writing and shall be delivered by hand, overnight courier service or mailed by certified mail, return receipt requested, to the parties hereto at their respective addresses listed directly below, or at such other address as either party hereby may, be written notice, hereafter give to the other.

(a) Owner:

(b) User:

Town of Waynesville
16 S. Main St.
PO Box 100
Waynesville, NC 28786

Saga Communications of North Carolina, LLC
1190 Patton Ave.
Asheville, NC 28806
Attn: Val Spivey

With a courtesy copy to:

Saga Communications, Inc.
73 Kercheval, Ste. 201
Grosse Pointe Farms, MI 48236
Attn: Contracts

16. Governing Law. This Agreement shall be construed, interpreted and applied in accordance with, and the rights of the parties shall be governed by the laws of North Carolina applicable to agreements made and performed in that state, except to the extent that specific rights or remedies affecting agreements relating to real property are governed by the laws of the state in which the Premises are located.

17. Severability of Void Provisions. The invalidity or unenforceability of any provision of this Agreement shall not affect any other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were modified or omitted to the minimum extent necessary so that the remainder of the Agreement is enforceable.

18. Taxes/Expenses. Any and all local property taxes levied against the Premises that are based on User's Equipment located on the Premises shall be paid by the User.

[SIGNATURE BLOCK APPEARS ON NEXT PAGE]

IN WITNESS WHEREOF, Owner and User have executed this Agreement as of the Execution Date.

OWNER:

Town of Waynesville

Name: Robert W. Hites Jr.,
Title: Town Manager

USER: SAGA Communications of North Carolina

Name: Samuel D. Bush
Title: Treasurer

EXHIBIT A

Premises: real property located at Municipal Building, 16 S. Main St. Waynesville, NC:

30 foot tower on roof of building with access through the normal roof access point.

Space provided for small rack and transmission equipment on third floor of building.

EXHIBIT B

User's Equipment:

(a) Call sign: WTMT-HD3

(b) Radio Equipment:

1 – rack

1 -FX transmitter in rack

1 – rackmount receiver

1 -transmit antenna on tower (specifics to be determined)

1 -receive antenna on tower (small Radio shack antenna)

120 feet of W' Andrew cable (already have with type N connectors from the Pisgah take down)

100 feet of RG8 cable for receive antenna

(c) Equipment Shelter:

____Closet space on third floor

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2017

SUBJECT: Manager's Report – Purchase of Vehicles

AGENDA INFORMATION:

Agenda Location: **MANAGERS REPORT**
Item Number: **D-8**
Department: Administrative Services
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: **Section XI. Special Authorization** of the Budget Ordinance permits the Budget Officer (Manager) "to effect transfers within the same fund. Notation of such transfers shall be made to the Board on the next Financial Report": This broad authority has been used to purchase capital items when funds are freed up in both Capital and Operating budgets. A new Ford Explorer 4x4 has been purchased to patrol the Watershed by the Water Department to replace a vehicle transferred to the Police Department. The cost amounts to \$26,842.87 including tax and tags.

The second vehicle is a Nissan Leaf purchased for use in the Asset Management Division. This all electric vehicle is to be used for regional travel. The Division's Toyota Prius will be transferred to the Administrative Division to replace a vehicle wrecked several years ago and not replaced. The cost of this vehicle is \$23,302.54 including tax and tags.

These purchases are apparently common practice when unspent funds can be used to purchase needed capital items. While I have the authority to make these purchases I am uncomfortable doing so without prior knowledge of the Board of Aldermen. The Board sets the Town's schedule of work through its annual budget and approves the capital (vehicles, equipment and major construction projects) for the upcoming year. If the staff is in need of additional vehicles and equipment during the year I believe the budget should be amended by the Board to reflect the changes. I have instructed the staff to submit any future capital requests to me and Eddie Caldwell for approval by the Board "before" any purchase orders are issued. While this is a departure from current practice I believe it instills good budget discipline in our budget administration.

MOTION FOR CONSIDERATION: N/A – information only

FUNDING SOURCE/IMPACT: Funds for the Ford Explorer 4X4 came from unspent capital in the Water Plant Media Filter and Spillway Improvements project.

Funds for the Nissan Leaf came from \$21,000 in savings derived from favorable purchasing in the Lease Purchase for vehicles funded in 2016-17 budget. The additional \$2,303.54 will be transferred from Departmental Supplies in the Administration Budget.

ATTACHMENTS:

- Resolution

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval of resolution and purchase of vehicles

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO UTILIZE RESIDUAL LOAN PROCEEDS to purchase an additional vehicle and related equipment.

WHEREAS, the Town of Waynesville solicited and received competitive proposals from financial institutions to purchase nine (9) vehicles and related equipment with the total amount financed not to exceed \$521,950.00 on November 3, 2015;

WHEREAS, First-Citizens Bank & Trust Company offered the lowest fixed interest rate of 1.56% for a 5 year term for this purchase;

WHEREAS, through the use of State Approved Purchasing Contracts the initial nine (9) vehicles and related equipment were purchased at a cost less than that of the total borrowed amount of \$521,950.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Waynesville, that the Board of Aldermen authorizes the Town Manager to a contract with First-Citizens Bank & Trust Company on behalf of the Town of Waynesville to utilize the residual loan proceeds to purchase an additional vehicle while still not exceeding the original financed amount of \$521,950.00.

BE IT FURTHER RESOLVED that the aforesaid contracts by and between the Town of Waynesville, various State contracts and other vendors, and First-Citizens Bank & Trust Company, together with the amounts to be paid thereunder, be and the same are hereby designated as qualified tax-exempt obligations of the Town of Waynesville for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BE IT FURTHER RESOLVED that the Board of Aldermen does not reasonably expect that the Purchaser (and any subordinate entities) will issue more than \$10,000,000 in qualified tax-exempt obligations pursuant to such Sections 265(b)(3)(ii) during the current calendar year.

This resolution is effective upon its adoption this 10th day of January, 2017. The motion to adopt this resolution was made by Alderman _____, seconded by Alderman _____, and was passed by a vote of _____ to _____.

Gavin A. Brown, Mayor

ATTEST:

This is to certify that this is a true and accurate copy of a Resolution, adopted by the Board of Aldermen of the Town of Waynesville on the 10th day of January, 2017.

Eddie Ward, Deputy Clerk

Date