



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: **November 13, 2018**

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

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

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

Motion: To approve the minutes of the October 23, 2018 regular meeting as presented (or as corrected).

B. CALLS FOR PUBLIC HEARING

3. Call for Public Hearings – Text Amendments

- Elizabeth Teague, Development Services Director
 - a. Sections 3.2.6 and 5.9 to clarify design standards for Manufactured homes on individual lots and for those manufactured homes within manufactured home parks.
 - b. Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers within the Commercial-industrial District.
 - c. Section 2.5.3 Table of Permitted Uses to add clarification to allow manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM).
 - d. Text Amendment to LDS 2.5.3 Table of Permitted Uses and LDS 3.2 Supplemental Standards to allow video-gaming as a permitted use with supplemental standards within the Regional Center District.

Motion: To call for four separate public hearings on Tuesday, November 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider various text amendments related to Sections 3.2.6 and 5.9 design standards for manufactured homes; Sections 2.4.2 and 3.10.4 related to monopole towers in the CI district; Section 2.5.3 clarification allowing manufactured housing on individual lots in D-RM; and Section 2.5.3 and 3.2 supplemental standards to allow video-gaming in the Regional Center District.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

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4. Call for Public Hearings for Voluntary Annexation

- Amie Owens, Assistant Town Manager

- a. Voluntary Annexation for properties located off Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412) to receive town services

Motion: To call for public hearing on Tuesday, November 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider a voluntary annexation into the Town of Waynesville for property off of Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412) to receive town services.

- b. Voluntary Annexation for property located at 187 Secret Hollow Lane (PIN 8616-09-5980)

Motion: To call for public hearing on Tuesday, November 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider a voluntary annexation into the Town of Waynesville for property located at 187 Secret Hollow Lane (PIN 8616-09-5980).

C. PUBLIC HEARINGS

5. Public Hearing to consider a text amendment to add multi-family to the LDS Section 2.5.3 Table of Permitted Uses within the Plott Creek Neighborhood Residential District (PC-NR)

- Elizabeth Teague, Development Services Director

Motion: To approve the proposed text amendment and its consistency with the "Waynesville: Our Heritage, Our Future, the Town of Waynesville 2020 Land Development Plan in that the amendment will: (Board members will include reasons).

Motion: To approve the proposed text amendment as it is reasonable and in the public interest because it will: (Board members will include reasons).

Motion: To approve Ordinance O- 21 -18 to amend the text to add multi-family to the LDS Section 2.5.3 Table of Permitted Uses within the Plott Creek Neighborhood Residential District (PC-NR).

6. Ordinance Amending Chapter 42 prohibiting trespassing and camping on Town Property.

- Rob Hites, Town Manager

Motion: To approve an ordinance amending Chapter 42 of the Town of Waynesville Code of Ordinances prohibiting trespassing and camping on Town Property.

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D. NEW BUSINESS

7. Request for Town to move utility pole

- Elise Curry

Motion: To approve (or deny) the movement of a Town of Waynesville utility pole to accommodate the placement of a driveway at 398 Boundary Street.

8. Request approval of updated Personnel Manual/Employee Handbook

- Amie Owens, Assistant Town Manager
- Brittany Buchanan, HR Specialist

Motion: To approve the revisions to the Personnel Manual/Employee Handbook to be effective January 1, 2019.

E. CONTINUED BUSINESS

9. Policy regarding trimming of growth extending into Town rights of way

- Rob Hites Town Manager

Motion: to approve the policy regarding trimming of growth extending into the Town of Waynesville rights of way, effective immediately.

F. COMMUNICATIONS FROM STAFF

10. Manager's Report

- Town Manager Rob Hites

11. Attorney's Report

- Town Attorney Bill Cannon

G. COMMUNICATIONS FROM THE MAYOR AND BOARD

H. CALL ON THE AUDIENCE

I. ADJOURN



TOWN OF WAYNESVILLE

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16 South Main Street
Waynesville, NC 28786
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CALENDAR October 23, 2018

2018	
Tuesday November 13 6:30 PM Town Hall Board Room	Board of Aldermen Meeting - Regular Session
Thursday & Friday November 22 & 23	Thanksgiving Town Offices Closed
Tuesday November 27 6:30 Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday November 30 5:00 PM Oak Park Inn	Community Christmas Tree Lighting Sponsored by Downtown Waynesville Association
Monday December 3 6:00 PM Main Street	Waynesville Christmas Parade
Friday December 7 11:30 AM Recreation Center	Employee Holiday Luncheon
Saturday December 8 6:00 PM – 9:00 PM Main Street	A Night Before Christmas
Tuesday December 11 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Monday, Tuesday & Wednesday December 24, 25, & 26	Christmas Town Offices Closed

Board and Commission Meetings – November 2018

ABC Board	ABC Office – 52 Dayco Drive	November 20th 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	November 6th 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	November 22nd 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	November 7th 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	November 19th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	November 8th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	November 21st 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	November 21st 3 rd Wednesdays 3:30 PM

BOARD/STAFF SCHEDULE

December 28, 29 and 31	Town Clerk	Vacation
January 28 – February 1	Assistant Town Manager	Vacation

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
October 23, 2018

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, October 23, 2018 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

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

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

The following staff members were present:

Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Bill Cannon, Town Attorney
Elizabeth Teague, Development Services Director
David Foster, Public Services Director
Preston Gregg, Town Engineer
Daryl Hannah, Street Superintendent

The following media representatives were present:

Becky Johnson, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone to the meeting. From the events calendar, the following were mentioned:

- Wednesday October 31st – Treats on the Street- 5:00-7:00 pm – Main Street
- Wednesday October 31st – Trunk or Treat-5:30-8:30 pm First United Methodist Church – Academy Street
- Friday November 2nd – Art After Dark – 5:00-9:00 pm - Main Street
- Thursday – Saturday November 1st – 3rd – 8:00 am – Noon – Fall Mulch Sale
- Thursday – Saturday November 8th – 10th – 8:00 am – Noon – Fall Mulch Sale
- Monday November 12th – Veterans Day – Town Offices Closed

2. Adoption of Minutes

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve the minutes of the regular October 9, 2018 meeting as presented. The motion passed unanimously.

B. PROCLAMATION

Red Ribbon Week – October 23rd – 31st

Mayor Brown read a Proclamation for Red Ribbon Week which is October 23rd – 31st, and was established in 1988 by Congress to encourage a drug-free lifestyle and involvement in drug prevention efforts. It is named for the work of Enrique “Kiki” Camarena, drug enforcement Special Agent who was killed in the line of duty.

Mayor Brown encouraged everyone to wear a “red ribbon” to show their support for a drug free environment.

C. PRESENTATION

3. Selective Service

Area Office Coordinator LTC Chris Castro spoke to the Board about the Selective Service, and becoming a member of the Board of Selective Service. He said the Selective Service or Draft is currently not operational, but remains in place in case the draft has to be reinstated. He said Haywood, Jackson and Macon Counties share a five person local board, and are comprised of citizen volunteers. If the draft is ever reinstated, the Board would make decisions using the training provided, about who would receive deferments, postponements, and exemptions from military service. This is a very important role in a back-up capacity.

Mr. Castro asked the Board for assistance in recruiting members for two vacancies on the Selective Service Board in Haywood County. He said Board appointment is considered a Presidential Appointment and confirmed from the Governor’s Office. He said he would appreciate any assistance if the Board had recommendations or volunteers for the vacancies.

4. Hazelwood Drainage System Follow-up

Public Services Director David Foster gave a presentation concerning the drainage system in Hazelwood. Mr. Foster said that recently there had been several heavy rain storms that caused some flooding in Hazelwood, and during one of those storms he and Mr. Daryl Hannah, Street Superintendent, had been out taking inventory of the drainage system. He said that FEMA lists Hazelwood as an AE zone, which means that there is a 1 percent chance of an annual flood, and Hazelwood has been on track for what has been projected.

Mr. Foster said that the area, which was just over a square mile, had been cleaned and inspected prior to hurricane Florence, and an estimated 20 – 30 tons of debris, had been removed. During these inspections he and his staff found projects that can be improved with system upgrades, such as Brown

Avenue, Georgia Avenue, and at the railroad behind the Hazelwood Finance Office. He said some of the problem was pipes that were lower than others, and he said he would like to look at going in and raising those pipes that were put in many years ago.

Another problem they found was at Brown Avenue and Carolina where a drain goes under Brown Avenue and they found an impediment along where trees are located. It is possible that a tree has grown over the drainage pipe and it has collapsed. Solutions for opening the drain include rerouting the drain or removing the tree.

At Georgia Avenue and the railroad crossing, during the rain, the water never covered the tracks. Mr. Foster said the solution would be to work with the railroad and place a larger smooth pipe in that area to help the water flow better.

The parking lot at the Finance Department has a box type drain, and the creek comes behind the finance office and passes under the railroad and then takes a ninety degree turn causing the water to back up and slow down, and affects the whole system. The solution to this would not be cheap with possible a ridge or open channel so the water can maintain velocity.

He explained that starting at the crosswalk going toward the railroad, there is about a 12 foot difference in elevation, and a new drainage collection system would create positive drainage from there.

Mr. Foster said he had met with an engineering firm that specializes in storm water to identify feeding drainage basins and possible work scope for the entire drainage basin. He explained the Hazelwood water shed basin goes to Hickory Drive off of Camp Branch, Eagles Nest basin is most of the golf course on the right side, and the Downtown Basin is Church Street at Main Street and South, and encompasses almost 1,900 acres. To do a full watershed assessment would be approximately \$120,000.00, and would include surveying and video inspection.

Mr. Foster told the Board that he did not want to present a false picture by saying that these improvements will prevent flooding, but these projects, and drainage assessment, he can say at what level event or threat should flooding be expected and residents can be warned.

Manager Hites explained that this could be a long term project where something could be done every year. He said it could be set up to study each basin independently, and a work plan could be set up for each basin in advance of doing a Storm Water Master Plan. Manager Hites would like to discuss the project at the winter Board retreat, and in the meantime, Public Services can do the maintenance items such as raising the pipes to the grade at Brown Avenue.

D. CALL FOR PUBLIC HEARING

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

Ms. Elizabeth Teague, Development Services Director, stated that at the direction of the Board of Aldermen, the Planning Department is making application to allow Multi-family within the PC-NR District in order to address any procedural issues associated with an earlier text amendment application.

The proposal went before the Planning Board at their October 15th, 2018 meeting and the Planning Board voted 6-2 in favor that the amendment was consistent with the land use plan, reasonable and in the public interest and to recommend adoption of the text amendment. She added that she would be bringing forward a more in depth report and Statement of Consistency at the Public Hearing on November 13, 2018.

A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson, to call for a public hearing to be held on November 13, 2018 beginning at 6:30 pm. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street Waynesville, to consider a text amendment to add multi-family dwellings to the LDS Section 2.5.3, Table of Permitted Uses in the Plot Creek Neighborhood Residential District (PC-NR). The motion passed unanimously.

E. PUBLIC HEARING

6. Public Hearing to consider a Resolution to Close a named but un-opened portion of a right-of-way between 277 East Street (PIN # 8615-46-4688) and 24 North Hill Street (PIN# 8615-46-3776)

Assistant Town Manager Amie Owens explained to the Board that the Town received a petition from a single property owner to close a named but un-opened portion of right of way off of North Hill Street and East Street (map attached). Pursuant to State Statutes, the Board adopted a Resolution of Intent to Close the Right-of-Way at their September 25 meeting and subsequently provided public notice to surrounding property owners to hold a public hearing.

This Right of Way was named in 1966 when the development was created; however, there was never a street that was maintained or used. The Town does not have an interest in the right-of-way for public access and staff recommends closure in order to allow conveyance to the property owner whose two properties it bisects. There are no homes other than the petitioners on the right of way as all properties connect to Johnson Hill Drive and have addresses as such.

The Town Clerk advertised notice of the public hearing and provided the necessary documentation to the adjacent property owners. The notices were published in the Mountaineer on September 28, October 5, October 12 and October 19 and the letters with a copy of the resolution of intent to close the right of way were sent to adjacent property owners on September 26, 2018.

Town Attorney Bill Cannon opened the Public Hearing at 7:00 pm and asked if anyone wished to speak.

No one spoke.

Attorney Cannon closed the Public Hearing at 7:01 pm.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to adopt the Resolution closing a named but un-opened portion of Right of Way between 277 East Street (PIN # 8615-46-4688) and 24 North Hill Street (PIN# 8615-46-3776). The motion passed unanimously.

F. **NEW BUSINESS**

7. Special Event – Holiday Market – November 10, 2018

Assistant Town Manager Amie Owens said that a request for a new event in the Town had been received. The Special Events Committee has reviewed the application, discussed any concerns noted and spoken with event organizers.

The Frog Level Merchant's Association (FLMA) has requested a Holiday Market on November 10, 2018. This event would utilize the same footprint as the Whole Bloomin' Thing Festival. The FLMA will be including the merchants in Haywood Square in this celebration.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the special events permit application and direct Town Manager to execute special event permit. The motion passed unanimously.

8. Award of contract to JM Teague Engineering for engineering - ADA Transition Plan

Town Engineer Preston Gregg explained to the Board that the NCDOT has been mandated by the US Department of Justice and Federal Highway Administration to ensure that all sub-recipients of State and Federal funds comply with the Americans with Disabilities Act in which any municipality in receipt of Federal or State aid (Powell Bill funds) with over 50 employees possess an ADA Transition Plan.

This plan inventories Town assets to include: sidewalks, signals, buildings, parking lots, rest areas, mixed us trails, linkage to transit, etc.

NCDOT is requiring the Town produce such plan at no particular timeframe. Mr. Gregg has been in contact with JM Teague Engineering, and they have provided a scope and fee estimate to perform the work for \$26,800.00.

Town Attorney Bill Cannon stated that in reference to the JM Teague Engineering and Planning Contract, he had some recommendations as follows:

1. The second page of the contract document entitled "Client and Engineer Professional Services Agreement" insert the word "By" as shown on the attached Exhibit B to indicate the person executing the contract is acting on behalf of the Town.

2. Paragraph (4) (C) of the Standard Provisions be delete and the following substituted therefore:

"If either party to this Agreement initiates legal proceedings arising out of a breach of the Agreement, the prevailing party shall be entitled to recovery its reasonable attorney's fees, reasonable expert's fees, and other reasonable expenses related to the proceeding."

3. Paragraph (10) of the Standard Provisions should be deleted as it is covered in the modification of paragraph (4) (C).

4. Paragraph (16) in the Standard Provisions should be modified as shown in attached Exhibit C.

Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman to enter into a contract with JM Teague Engineering for engineering services for ADA Transition Plan at a fee not to exceed \$26,800.00, subject to the Town Attorney's recommendations. The motion passed unanimously.

9. Award of Contract for Engineering Service for the Rehabilitation Design of Hwy 276 (Pigeon St.) to Mattern & Craig

Mr. Gregg said that The Town has been discussing ideas for the rehabilitation design of Highway 276 (Pigeon St) for about 2 years. The Public Services Department has met with NCDOT onsite to discuss options, plans, and funding. One of the things that DOT would like to see is a set of plans and cost estimates to address the pavement and Town utilities on that street.

The Public Services Department advertised for a request for qualifications for engineering services in the rehabilitation design of Pigeon St. The proposed project limits have been defined as between Main St. and the bridge over Shelton Branch adjacent to the Hart Theatre. This proposal of work will include design plans and engineering estimates that will allow the Town to start conversations with NCDOT on being a financial partner for the project.

Manager Hites explained that this had been an ongoing conversation with many residents asking about the condition of Pigeon Street would be done. The issue is the shallow utilities along the street that prohibit the repaving of the street. These utilities will have to be lowered before paving can be done. He stated this will be a complicated project, and all design documents will have to be approved by NCDOT. He said that after the engineer provides the engineering designs, then the Town will know the cost estimate of the entire project.

A total of six engineering firms submitted RFQs: Bell Engineering, Vaughn & Melton, Mattern & Craig, Withers Ravenel, The Wooten Co., and McGill. Of these listed, Town staff selected three firms to short list and interview: McGill, Mattern & Craig, and Vaughn & Melton.

Town staff selected Mattern & Craig to provide a scope fee of the work. The estimate was \$130,000.00 to provide engineering plans, and cost estimates in order to communicate with NCDOT concerning funding such a project. They have put together a well rounded, experienced team with an aggressive timeline for completion of the work, in which staff has full confidence in.

Town Attorney Bill Cannon stated that in reference to the Mattern & Craig Engineering Services Contract, he had some recommendations for changes as follows:

1. The last sentence in paragraph (4) of the Standard Provisions be deleted. Expenses should be reimbursed, but there should not be a mark-up.
2. Paragraph (10) of the Standard Provisions should be modified as shown in Exhibit A.
3. The language in the Contract should state that it has been pre-audited.

Alderman Jon Feichter asked about the firm of Vaught & Melton submitting a RFQ, and then being a subcontractor for much of the work in the contract. Mr. Gregg said that he felt that in the scoring of the RFQ's, Vaughn & Melton was doing all the work in house, and with Mattern & Craig he felt that he was getting the best of both companies.

Alderman Jon Feichter made a motion, seconded by Alderman LeRoy Roberson, to award contract to Mattern & Craig for engineering services for the rehabilitation design of highway 276 (Pigeon Street), subject to the Town Attorney's recommendations. The motion passed unanimously.

10. Lighting options for improved Russ Avenue widening project

Mr. Gregg stated that staff is currently working with NCDOT on the electric relocation plans for the upcoming U-5839 Russ Avenue widening project. A design has been provided back to NCDOT for the relocation of all overhead utilities to underground on the Walnut St. portion of the project. Included in this design is the layout of new proposed street lighting through the "Historic" section which spans from Main Street to the bridge at the intersection of Walnut & Russ. These new proposed lighting fixtures will be brought back before the Board for approval on style of fixture, color, etc. at a later date.

Presently, staff is working to design the new layout of overhead utilities from the bridge at the intersection of Russ & Walnut back to Howell Mill Rd. Town electric infrastructure is located all through this area with main feeders running along the right side of Russ Avenue (heading towards the bypass). Current lighting through this section of corridor varies between high pressure sodium bulbs and LED lighting. Lighting fixtures through this section of roadway are the plain standard wooden poles with galvanized horizontal arms.

Mr. Gregg explained to the Board that every piece of electric infrastructure along the corridor must be "touched" in some fashion, which means it must be relocated or removed all together. Prior to staff getting "elbow deep" in the new design, we would like direction from the Board to see if there is interest in making roadway lighting improvements that are more aesthetically appealing and energy efficient on this section of road leading into town. These fixtures are not a "decorative style fixture" like you see downtown, they are much taller in height, serve the purpose of lighting up the roadway and are intended to match the look and style of the new signal mast arms that are part of NCDOT's project. He referred the Board to pictures included in their packets.

Depending on the type fixture selected and the photometric / lumen output from each roadway fixture, he estimates approximately \$2,000 per pole/fixture. The photometric layout with each fixture will dictate the spacing requirement needs but I would estimate around 25 poles needed from Howell Mill Rd. to Boundary St. and would estimate \$10,000 for directional bores required under Russ Ave. Town staff would install these new poles / fixtures. Total costs estimated at \$60,000. Specifics of pole type, fixture type, color, etc. all to be presented back to the Board at later date.

Alderman LeRoy Roberson made a motion, seconded by Alderman Julia Freeman, to direct Town staff in consideration for lighting improvements as part of the NCDOT Russ Avenue widening project. The motion passed unanimously.

11. Request to Approve a Resolution to Abandon a Purported Utility Easement

Attorney Burton Smith stated he is representing Kim Ferguson, from Kim's Pharmacy, and Ms. Ferguson is purchasing the old Greystone Automotive and the adjoining lot owned by Bob Breese. Mr. Smith said a plat of a utility easement in the middle of the property had been discovered. It is abutted by no one else, and was on record for two hours and twenty-two minutes. A subsequent plat was recorded and that utility easement was never opened or recorded. Mr. Smith said his client filed a petition to abandon the utility easement, and the proposed Resolution will fulfill that petition.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Gary Caldwell, to approve a Resolution to Abandon a Purported Utility Easement at 479 Dellwood Road and authorizing execution of a Deed of Release. The motion passed unanimously.

F. **PUBLIC COMMENT**

12. Public Comment regarding trimming of items in the Town Rights of Way

Mayor Brown asked if anyone had any comments regarding trimming of items in the Town Rights of way. There were no comments.

Manager Hites said that at the last meeting concerns had been raised about the trimming of vegetation and trees, and the Board had asked for options for the rights-of-way pruning and trimming. Manager Hites presented options for the Board's consideration.

The Town would conduct an annual right-of way pruning program for vegetation that extends beyond the curb lines along state highways, arterial and collector streets.

The pruning would be conducted after notice would be published in the newspaper, posted on our website and mailed by postcard to residents thirty (30) days before pruning commences.

Pruning of right of way on non arterial and collector streets would only be carried out on a case by case basis when a condition is reported by a citizen or an area of vegetation is observed by Town staff to pose a hazardous condition. The staff would send a written request of the property owner to cut the vegetation back behind the curb line thirty (30) days before it is removed by the Town. The staff will consult with the Town horticulturalist on proper pruning techniques.

Attorney Bill Cannon recommended to the Board not to delay in correcting hazardous conditions within the right-of-way that poses an unnecessary risk to the Town. He said it was the responsibility of the land owner to keep their vegetation out of the right-of-way.

There was discussion concerning methods of notifications to property owners before the pruning takes place. Manager Hites suggested sending letters to those in horticulture so they can plan that mature growth is free from curb line.

The consensus of the Board was that Manager Hites will write a more formal policy and bring back to the board for approval.

F. COMMUNICATION FROM STAFF

13. Manager's Report

Acts Prohibited on Town Property

Manager Hites said there is an increasing problem of homelessness in the Town, and they are coming from other states thinking there is free room and board in the Homeless Shelter. When they find out the Shelter is full they are going to areas and living in tents. Town staff has been cleaning some of these camps out at Town parks and other areas in Town. He said that in order to trespass these people off of Town property, there has to be an Ordinance in place that unless otherwise posted, states that any Town facilities or property will close at 9:00 pm. This will prohibit camping or living on the property, and will enable the Police Department to arrest anyone who resists being vacated. He presented Ordinance O-21-18 for a first reading amending Chapter 42, Article I, Section 42-5 Acts Prohibited on Town Property.

Call for Public Hearing on Ordinance O-21-18 - Amending Chapter 42-5, Article I of the Town of Waynesville Code of Ordinances be amended to include the following: Sec. 42-5 Acts Prohibited on Town Property.

A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson, to call for a public hearing to be held on November 13, 2018 beginning at 6:30 pm. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street Waynesville, to consider Ordinance O-21-18 - Amending Chapter 42-5, Article I of the Town of Waynesville Code of Ordinances be amended to include the following: Sec. 42-5 Acts Prohibited on Town Property. The motion carried unanimously.

14. Attorney's Report

Attorney Cannon stated that a motion had been filed to dismiss the lawsuit pertaining to Red Square properties. He said he expects the opposing brief to be coming in within two weeks. He said that Ms. Elizabeth Teague had been dismissed personally from the suit.

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

No one spoke

I. CALL ON THE AUDIENCE

Mr. Dick Young complimented the Board for starting to move ahead with the Pigeon Street projects.

J. ADJOURN

With no further business, Alderman Julia Freeman made a motion, seconded by Alderman Gary Caldwell, to adjourn the meeting at 7:53 pm. The motion passed unanimously.

ATTEST:

Gavin A. Brown, Mayor

Robert W. Hites, Jr., Town Manager

Eddie Ward, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 13, 2018

SUBJECT: Call for Public Hearings on the following Text Amendment to the Land Development Standards:

1. Sections 3.2.6 and 5.9 to clarify design standards for Manufactured homes on individual lots and for those manufactured homes within manufactured home parks.
2. Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers within the Commercial-industrial District.
3. Section 2.5.3 Table of Permitted Uses to add clarification to allow manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM).
4. Text Amendment to LDS 2.5.3 Table of Permitted Uses and LDS 3.2 Supplemental Standards to allow video-gaming as a permitted use with supplemental standards within the Regional Center District.

AGENDA INFORMATION:

Agenda Location:	Call for Public Hearings
Item Number:	B3
Department:	Development Services
Contact:	Elizabeth Teague, Planning Director
Presenter:	Elizabeth Teague, Planning Director

BRIEF SUMMARY: At the direction of the Board of Aldermen the Planning Department is making application to address any procedural issues associated with earlier text amendments. These text amendments were heard at the Planning Board Special Called Meeting on November 5, 2018, found consistent with the Town's Land Use Plan and recommended for adoption.

MOTION FOR CONSIDERATION:

1. Motion to call for public hearings to be held on November 27, 2018 at 6:30pm to consider identified text amendments.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Application materials.

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is a call for public hearings only.



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
 one (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Text Amendment

Application is hereby made on September 18, 2020 to the Town of Waynesville for the following amendment: Re-hearing 4 actions at the direction of Aldermen

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

See Attached

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

See Attached

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

See Attached - Ensuring procedural correctness in findings related to Statements of Consistency per 160A-383

Applicant Contact Information

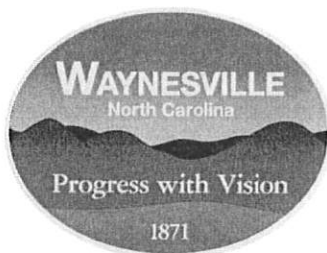
Name (Printed): TOWN OF WAYNESVILLE PLANNING DEPARTMENT ("DEVELOPMENT SERVICES DEPARTMENT")

Mailing Address: 9 S. MAIN STREET, WAYNESVILLE, NC 28786

Phone(s): (828) 456-8647

Email: eteague@waynesvillenc.gov

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



Town of Waynesville, NC

Board of Aldermen – Special Called Meeting

Municipal Building, 16 South Main Street, Waynesville, NC 28786

Date: August 21, 2018

Time: 4:00 pm

The agenda and all related documentation may be accessed electronically at www.waynesvillenc.gov.
Click on "Government/Mayor & Board" to download materials for town board meetings.

Consider the environment ♦ Conserve resources ♦ Print only when necessary

The Town of Waynesville provides accessible facilities, programs and services for all people, in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or accommodation for this meeting, please contact the Town Clerk at: (828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER

B. NEW BUSINESS

Consideration and discussion of Land Development Ordinance applications under Section 15.14.6 of the Town of Waynesville Land Development Standards

1. Text amendment to the Town of Waynesville Land Development Standards Sections 3.2.6 and 5.9 to clarify design standards for Manufactured homes on individual lots and for those manufactured homes within manufactured home parks.

MOTION: To waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 3.2.6 and 5.9 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan.

MOTION: To approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendments for Land Development Standards for Sections 3.2.6 and 5.9 to the Planning Board.

2. Text Amendment to the Town of Waynesville Land Development Standards Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers

MOTION: To waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.4.2 and 3.10.4 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan as well as the original applicant already prepared the lot for a monopole tower under these standards.

MOTION: To approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendments for Land Development Standards for Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 to the Planning Board.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

August 21, 2018

- 2 -



3. Text amendment to the Town of Waynesville Land Development Standards regarding Manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM), Section 2.5.3 Table of Permitted Uses.

MOTION: *To waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan.*

MOTION: *To approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendment for Land Development Standards for Section 2.5.3 to the Planning Board.*

4. Text Amendment to the Town of Waynesville Land Development Standards Section 2.5.3 Table of Permitted Uses, in regards to allowing multi-family within the Plott Creek-Neighborhood Residential (PC-NR) District.

MOTION: *To waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan as well as the original applicant has purchased the property and the site plan has been approved.*

MOTION: *To approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendment for Land Development Standards for Section 2.5.3 to the Planning Board.*

5. Map amendment to the Town of Waynesville Land Development Standards to rezone the 120 and 140 Broadview, PINs 8615-69-9255 and 8615-69-8390 from East Waynesville Urban Residential to North Main Street Neighborhood Center.

MOTION: *To waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards to rezone the 120 and 140 Broadview, PINs 8615-69-9255 and 8615-69-8390 from East Waynesville Urban Residential to North Main Street Neighborhood Center as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan, as well as the original applicant has sold the property and there has been substantial financial investment by the party who purchased these properties for their business.*

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

August 21, 2018

- 3 -

MOTION: *To approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the map amendment for Land Development Standards for the rezoning 120 and 140 Broadview, PINs 8615-69-9255 and 8615-69-8390 from East Waynesville Urban Residential to North Main Street Neighborhood Center to the Planning Board.*

C. OTHER BUSINESS

D. ADJOURN

John Burgin

Mr. Burgin stated he had been in contact with Town Staff, and many scenarios have been discussed, and he would like to expedite a solution for the flooding of his building in Hazelwood. He said that since the new crosswalk has been constructed, surface water has been running into his building, causing flooding even with rains that are not considered extreme. Mr. Burgin said he feels that the storm water system in Hazelwood is antiquated and will not carry the amount of water that some of the recent storms have produced, but he also feels that the crosswalk should be removed, and let the water run down the street like it has for over 20 years.

Mr. Burgin stated that after speaking with Manager Hites, he does not believe that raising the sidewalk three inches will fix the problem. He feels that removing the crosswalk is the only solution for the water going into the business. In doing this he wants to have the least impact on the businesses in Hazelwood as possible, and feels that doing the work in November would be the best time. Mr. Burgin agreed that a solution may not be easy to come to. He said he would like for the Board to say that they would do whatever it takes to solve the flooding into his building.

There was much discussion concerning the raising of the sidewalk, removing the raised crosswalk, and the timing for the work to be done.

A motion was made by Mayor Brown seconded by Alderman Gary Caldwell to authorize staff to raise the sidewalk within a comparable timeframe for the tenants, and anything else down the road to solve the problem, and evaluate the system and make smart changes that can be addressed according to what a study shows. The motion passed unanimously.



Consideration and discussion of an additional Land Development Ordinance application under Section 15.14.6 of the Town of Waynesville Land Development Standards

Mayor Brown explained to the Board that at the Special Called Meeting on August 21, 2018, the Town Board determined to re-hear text amendments adopted since revisions to NCGS 160A-383 in 2017. A text amendment adopted on November 28, 2017 to include the zoning classification and definition of "nudge or skill games" to the Land Development Standards was inadvertently left out of the action. We would like to include this amendment along with the others being brought forward in order to assure technical correctness.

Alderman LeRoy Roberson made a motion, seconded by Alderman Julia Freeman to waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 and 3.2 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan to include the zoning classification and definition of "nudge or skill games" to the Land Development Standards. The motion passed unanimously.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Gary Caldwell, to approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendments for Land

Development Standards for Sections 2.5.3 Table of Permitted Uses, LDS 3.2 Supplemental Standards, and LDS Chapter 17 Definitions, in regards to video gaming. The motion passed unanimously.

Signage at Waynesville Middle School

Public Services Director David Foster reported that there was a sign that has been causing a bit of confusion at the Waynesville Middle School. The sign indicates that there is no left turn into the parking area from Brown Avenue during certain hours. There was concern that this was meaning no left turn across the railroad tracks on to Boyd Avenue during these times.

Mr. Foster explained that this was not a sign that the Town had placed in the right-of-way and that police could not enforce a sign that was not regulated by the Town. All signage that alters normal traffic patterns and/or hours must be approved by the Board of Aldermen. Mr. Foster recommends modifying or clarifying the existing sign to specifically reference the parking area to ensure that everyone understands that it is not related to Boyd Avenue, but only the parking lot.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the recommendation by Public Services Director, David Foster to install a regulatory sign at the Waynesville Middle School.

6. Attorney's Report – Town Attorney Bill Cannon

Attorney Bill Cannon referred the Board to a "Family Tree Chart" of the Hazel Street property. He said that genealogist Mr. Harvey Morse had spent considerable time tracing the family members down. A quote would have amounted to about \$2,500.00, but Mr. Morse had indicated no charge for the work. Attorney Cannon asked if it would be possible to reimburse him \$500.00 for his work.

A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson, to authorize payment of \$500.00 to genealogist Harvey Morse for the work on the Hazel Street property. The motion passed unanimously.

Attorney Cannon reported that he anticipated, and he has already answered on behalf of the Town, the lawsuit with Red Square Properties will file a motion to dismiss within the next two weeks.

D. **CALL ON THE AUDIENCE**

**Rich Byers
Morgan Street
Hazelwood, NC**

Mr. Byers stated that he and his wife are bee keepers. And he would like to invite the Board to the Beekeepers meeting on October 2, 2018. Ms. Phyllis Stiles from Asheville will be speaking. Ms. Stiles is instrumental in naming Asheville as a Bee City USA. Mr. Byers and the Beekeepers club would like to partner with the Town of Waynesville to make Waynesville a Bee City USA also. Mr. Byers said he had spoken with Jonathan Yates concerning pollinator gardens, and Tom Maguire about approaching Publix



To: Town of Waynesville Planning Board
 From: Elizabeth Teague, Planning Director
 Date: November 5, 2018
 Subject: Text Amendment Statement of Consistency
 Description: Re-hearing of past text amendments
 Address: Town of Waynesville Planning Department ("Development Services Department")

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

☐

The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because: _____

The zoning amendment **is reasonable and in the public interest** because: _____

☐

The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because _____

☐

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

Planning Board Member _____, made a motion, seconded by _____

The motion passed _____. (*unanimously or vote results here*)

 Patrick McDowell, Planning Board Chair, Date

 Michelle Baker, Clerk, Date

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 13, 2018

SUBJECT: Call for Public Hearing to be held on November 27, 2018 to consider a Petition for Annexation of a Contiguous Satellite Area for properties located off Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412)

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: B4
Department: Administration
Contact: Eddie Ward, Town Clerk
Presenter: Amie Owens, Assistant Town Manager

BRIEF SUMMARY: This petition is being requested by Masi Homes LLC for the purpose of annexing to receive town services such as water and sewer in accordance with Town Policy. This property is contiguous to the Town's current limits and is currently in the ETJ (map attached). Services are already provided in this area.

This property was recently purchased by Masi Homes LLC. The properties are not part of any subdivision. Town services are already available in the area. The petition meets the requirements of the general statutes NCGS §160A-31 annexation of contiguous area and a public hearing is required prior to the Board voting on such annexation.

MOTION FOR CONSIDERATION: To call for public hearing on Tuesday, November 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider a voluntary annexation into the Town of Waynesville for town services for property off of Willow Road (PIN 8614-07-7110 and PIN 8614-07-9412).

FUNDING SOURCE/IMPACT: Addition of water and sewer system revenue for property

ATTACHMENTS:

1. Petition
2. Aerial Map
3. Property description

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is a call for public hearing only.

**TOWN OF WAYNESVILLE
PLANNING DEPARTMENT
P.O. BOX 100, WAYNESVILLE, NC 28786
828-456-2004**

**ANNEXATION UPON PETITION
OF ALL OWNERS OF REAL PROPERTY**

(G.S. 160A-31, as amended)

Date: 10.31.19

To: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described below be annexed to the Town of Waynesville.
2. Character of area to be annexed:
 - a. Any area which is contiguous to the corporate limits of the Town of Waynesville may be annexed by petition.
 - b. For purposes of these laws, an area is deemed ?contiguous? If, at the time the petition is submitted, the area either abuts directly on the municipal boundary or is separated from the minicipal boundary by a street, right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State.
3. The area to be annexed is contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. Metes and bounds description is attached.
 - b. Tax map of the proposed territory is attached.

Name MASI HOMES LLC Signature [Signature]

Address 44 DRUID DRIVE ASHEVILLE NC 28806

Name _____ Signature _____

Address _____

Name _____ Signature _____

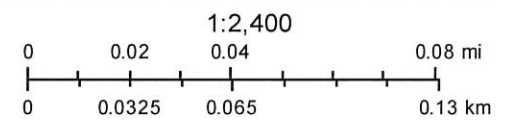
Address _____

(Attach additional sheet if necessary)

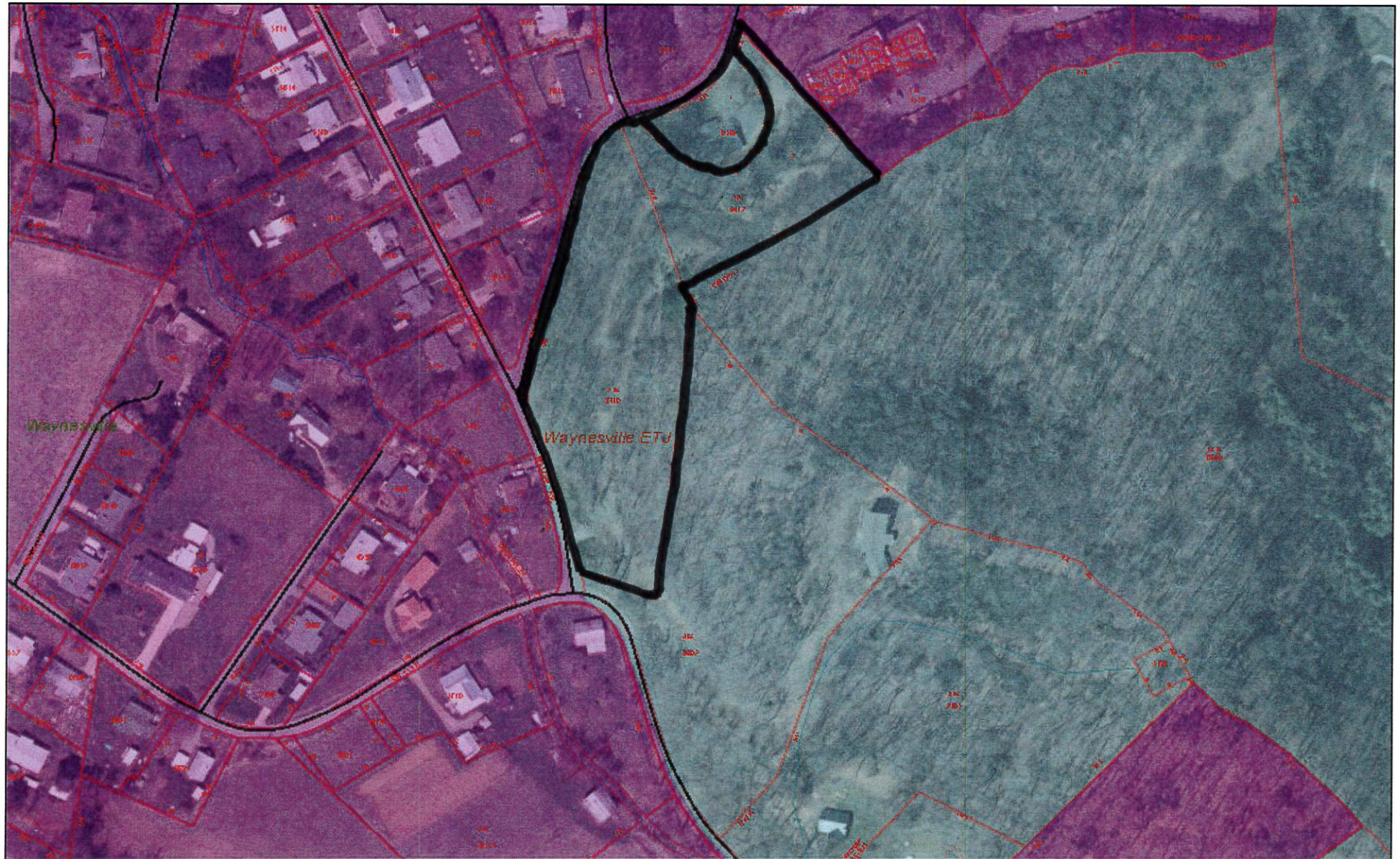
Annexation Area



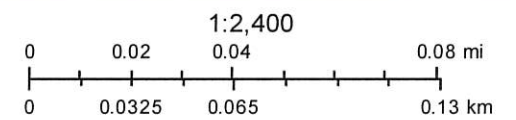
October 31, 2018



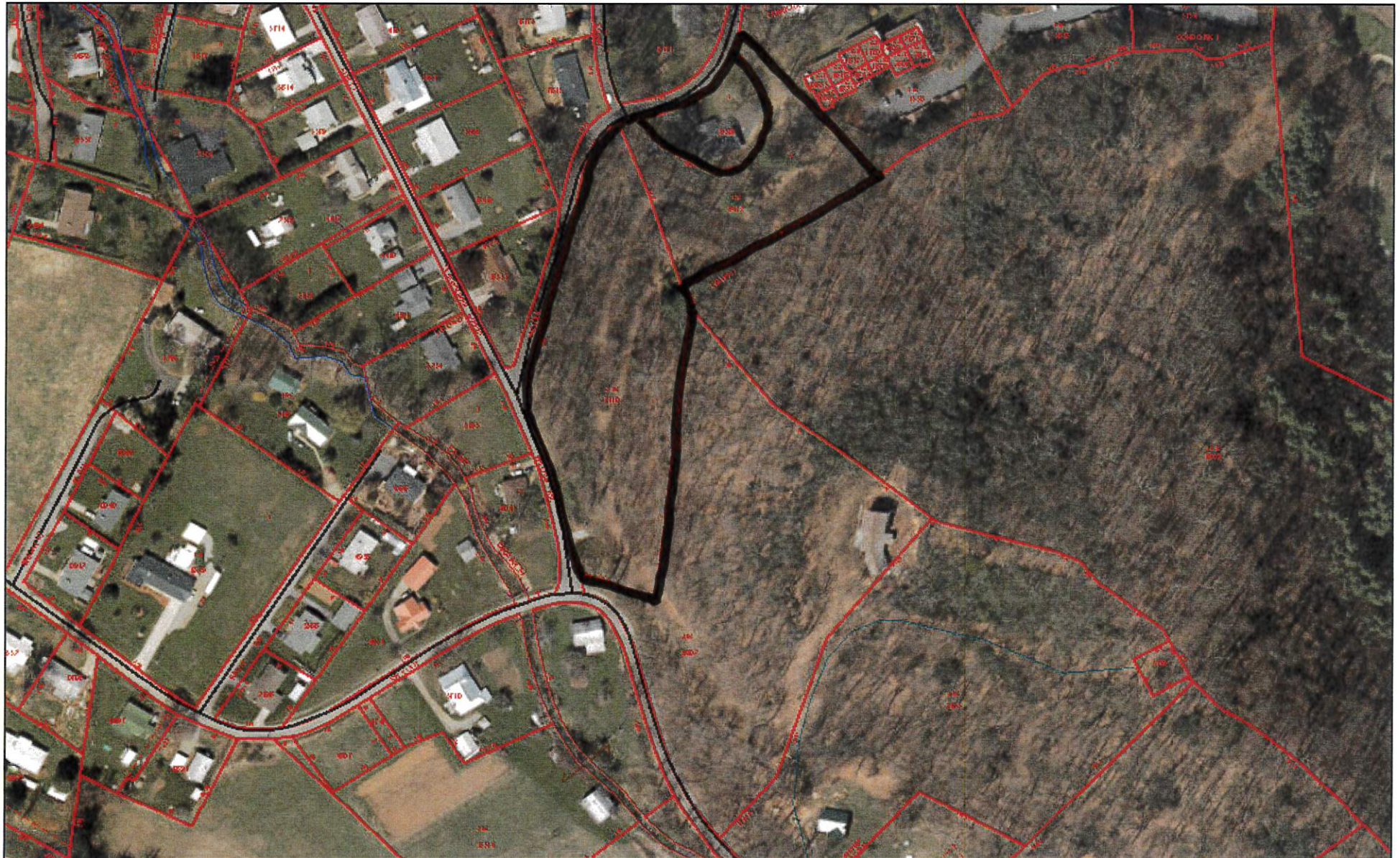
Annexation Request



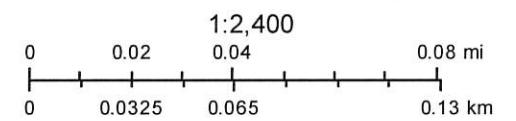
October 31, 2018

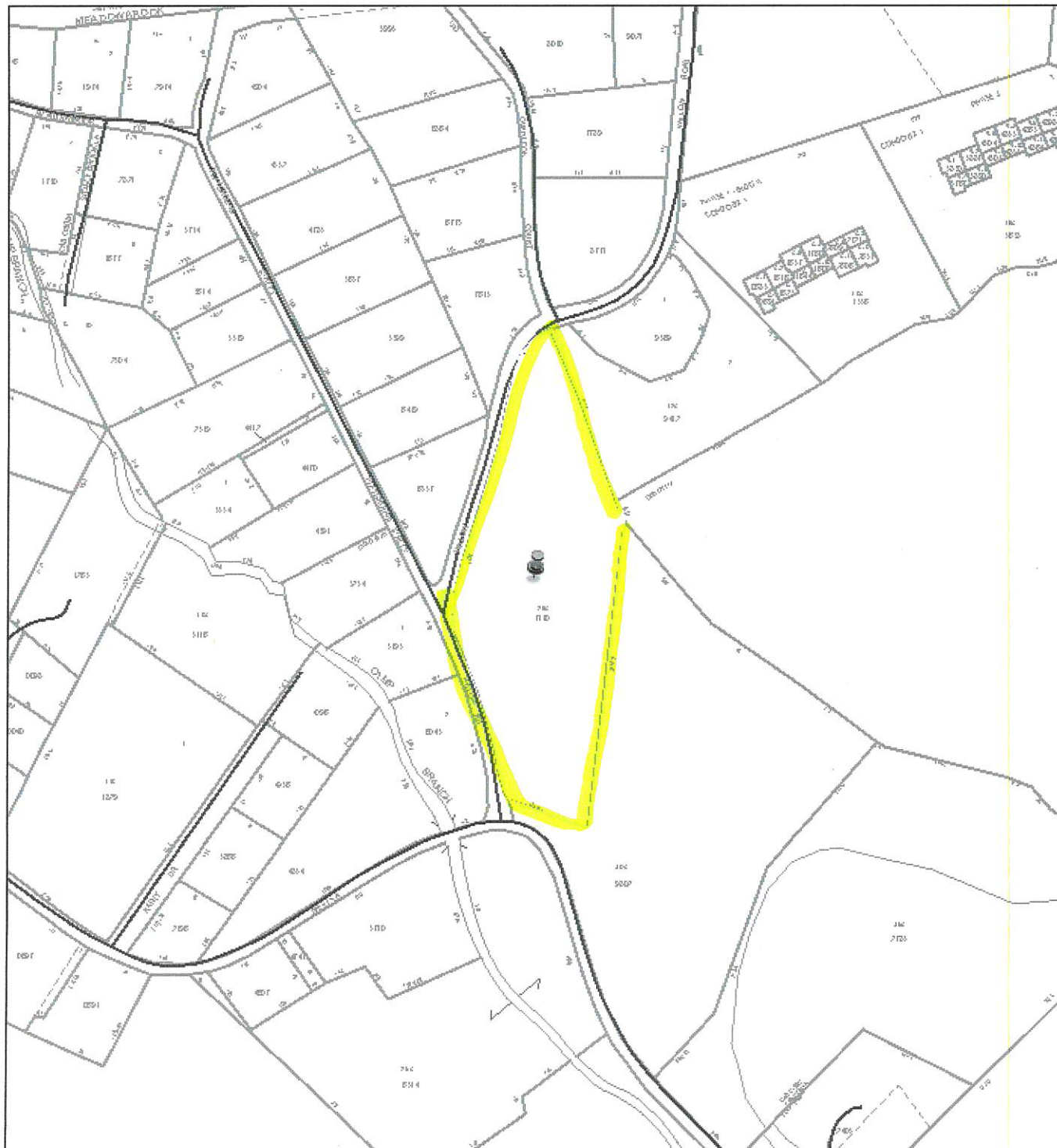


Annexation Request



October 31, 2018





Parcel Report For 8614-07-7110

WEST, WILLIAM C/TR
EAGLE INTER VIVOS TRUST
8155 SIQUITA DR NE
ST PETERSBURG, FL 33702

Account Information

PIN: 8614-07-7110

Legal Ref: 779/1001

Add Ref: 779/994
A05/361

Site Information

WILLOW RD

Heated Area: 0
Year Built: 0
Total Acreage: 2.4
Township: WAYNESVILLE

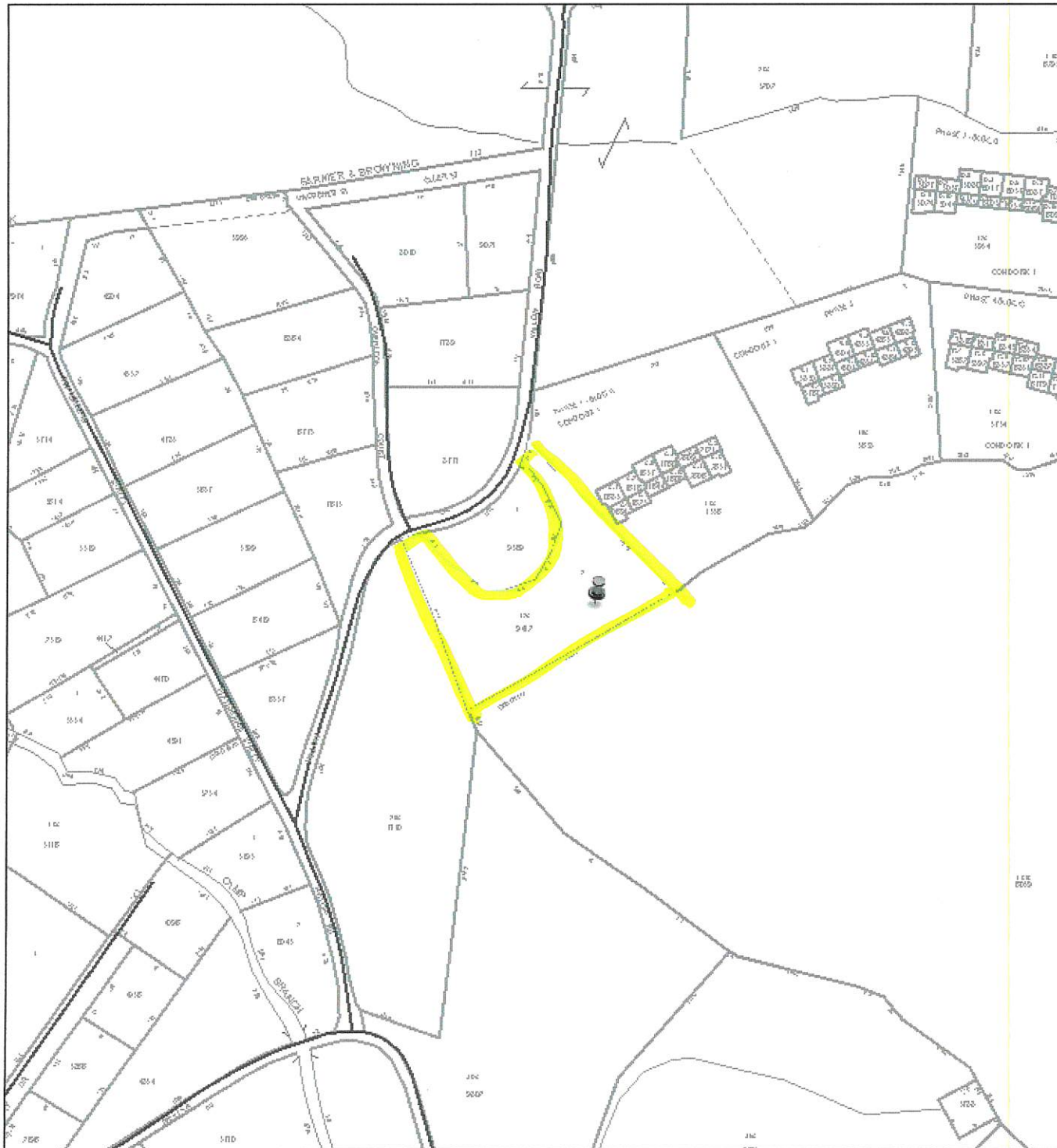
Site Value Information

Land Value: \$45,500
Building Value: \$0
Market Value: \$45,500
Deferred Value: \$0
Assessed Value: \$45,500
Sale Price: \$110,000
Sale Date: 3/19/2010



1 inch = 200 feet
October 28, 2018

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.



Parcel Report For 8614-07-9412

WEST, WILLIAM C/TR
EAGLE INTER VIVOS TRUST
8155 SIQUITA DR NE
ST PETERSBURG, FL 33702

Account Information

PIN: 8614-07-9412

Legal Ref: 779/1001

Add Ref: 779/994
A05/361

Site Information

WILLOW RD

Heated Area: 0
Year Built: 0
Total Acreage: 1.19
Township: WAYNESVILLE

Site Value Information

Land Value: \$28,000
Building Value: \$0
Market Value: \$28,000
Deferred Value: \$0
Assessed Value: \$28,000
Sale Price: \$110,000
Sale Date: 3/19/2010



1 inch = 200 feet
October 28, 2018

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 web site provider assume no legal responsibility for the information contained on these maps.

- NOTES:**
1. ALL DISTANCES ARE GROUND DISTANCES, UNLESS OTHERWISE SHOWN.
 2. THIS SURVEY HAS BEEN PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT, AND NORTON SURVEYING DOES NOT CLAIM THAT ALL MATTERS OF RECORD UNUSUAL OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
 3. PROPERTY SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS SHOWN OR NOT SHOWN, VISIBLE OR NOT VISIBLE.
 4. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
 5. THERE IS NO RECOVERABLE N.C.L.S. HORIZONTAL CONTROL WITHIN 500' OF THE SUBJECT PROPERTY.
 6. AREA BY METHOD OF COORDINATES.

LEGEND:

- PROPERTY LINE
ADJACENT LINE (NOT PLANNED)
ADJACENT LINE (PLANNED)
R/W
FENCE
TIE LINE
CALCULATED POINT
EXISTING NEIGHBOR OR PIV
ADJACENT
FOUND NAIL

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I, _____, REVIEW OFFICER
OF HAYWOOD COUNTY, CERTIFY THAT THE MAP
OF PLAT TO WHICH THIS CERTIFICATION IS
ATTACHED MEETS ALL STATUTORY REQUIREMENTS
FOR RECORDING.

REVIEW OFFICER

DATE

NORTH CAROLINA, HAYWOOD COUNTY

REGISTERED THIS _____ DAY OF _____

AT _____ O'CLOCK _____ RECORDING

PLAT BOOK _____ PAGE _____

HAYWOOD COUNTY REGISTER OF DEEDS

BY DEPUTY ASSISTANT

SURVEYOR'S CERTIFICATE:

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD
I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT HAS BEEN DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL OR DIRECT SUPERVISION
AND THAT THE SURVEYING WAS DONE IN ACCORDANCE WITH THE RULES OF THE BOARD OF
SURVEYING AND MAPPING, AND THAT THIS PLAT HAS BEEN PREPARED IN
ACCORDANCE WITH G.S. 42-1, AS AMENDED, WITHIN MY ORIGINAL SIGNATURE,
LICENSE NUMBER AND SEAL, THE 15TH DAY OF _____, 2018.

THIS PLAT IS OF AN ENTIRE PARCEL, OR PARTS OF LAND, AND DOES NOT CREATE
A NEW TRACT OR CHANGE AN EXISTING TRACT, OR A NEW INTEREST.

SURVEYOR



FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED
BY THE FEDERAL FLOOD INSURANCE ADMINISTRATION (FFIA)
APRIL 3, 2012
MAP NUMBER: 1708001400 0, 2016 X

ROD NORTON LAND SURVEYING

1408 DeHaven Road
Waynesville, North Carolina 28786
www.rodnortonsurvey.com
828-316-1084

C-3587

DATE: 10/18/2018

SCALE: 1"=40'

SURVEY BY: RAN

PLAT BY: RAN

REVISIONS:

OWNERS OF RECORD:

HOLLAM WEST

REFERENCE: AS NOTED ON PLAT

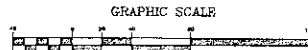
Plat Prepared For:

Masi Homes

Town of Waynesville, Haywood County, North Carolina

DB 779, PG: 1001

PH: 8614-07-7110, 8614-07-8412



GRAPHIC SCALE

(1" = 40' FEET)

1 inch = 40 ft.

LINE	BEARING	DISTANCE
1-2	S 21° 17' 00" W	27.70'
2-3	S 89° 44' 00" E	10.00'
3-4	S 35° 31' 00" E	10.00'
4-5	S 23° 30' 00" E	14.00'
5-6	S 17° 00' 00" W	24.00'
6-7	S 28° 30' 00" W	22.00'
7-8	S 71° 00' 00" W	48.15'
8-9	N 82° 38' 11" W	22.00'
9-10	N 42° 00' 00" E	25.00'
10-11	S 78° 16' 00" W	27.70'
11-12	S 81° 01' 00" W	38.00'
12-13	S 28° 31' 00" W	22.00'

2018008424
HAYWOOD CO, NC FEE \$21.00
10-18-2018 10:31:11 PM
BKC: MAP CABC
PG: 8174-8174

Exhibit A

Tract One:

Beginning at an iron pipe found in the eastern right of way line of Willow Road, a corner with The Greens Condominium Common Area as shown on a plat recorded in Plat Cabinet B, Slot 287-A, Haywood County Registry; and running thence along the line of said Common Area South 45° 26' 00" East 291.94 feet to an iron pipe found in the line of Jack M. Farmer (See Deed Book 308, Page 186, Haywood County Registry); thence with Farmer's line South 60° 14' 16" West 333.05 feet to a point in a 41" white oak stump at a fence corner, thence North 21° 47' 45" West 253.77 feet to an existing iron pipe in the eastern right of way line of Willow Road; thence North 75° 13' 00" East 27.77 feet to an existing iron pipe; thence leaving said right of way line at a corner with Karl Melter (See Deed Book 441, Page 2367, Haywood County Registry) South 43° 01' 59" East 51.23 feet to an existing iron pipe; thence remaining with Melter's line seven (7) calls as follows: South 62° 30' 58" East 82.44 feet to an existing iron pipe, North 71° 46' 29" East 49.18 feet to an existing iron pipe, North 29° 01' 14" East 51.99 feet to an existing iron pipe, North 17° 51' 02" East 35.10 feet to an existing iron pipe, North 27° 02' 24" West 61.64 feet to an existing iron pipe, North 35° 59' 41" West 29.73 feet to an existing iron pipe and North 60° 51' 30" West 8.03 feet to a point on the eastern right of way line of Willow Road; thence along and with said right of way line North 21° 36' 00" East 27.79 feet to the point and place of Beginning, and containing 1.193 acres, more or less, as shown on a plat entitled "Survey for Donald A. Hairston, Sr.," by L. Kevin Ensley, PLS, dated July 22, 2002, Drawing #A-096-02, and being all of Tract One as conveyed in Deed Book 448, Page 269, Haywood County Registry, to which deed reference is hereby made.

Tract Two:

Beginning at a point in the center of a 41 inch white oak stump, a corner with Jack M. Farmer (see Deed Book 308, page 186, Haywood County Registry), said Beginning point being the terminus of the second call of Tract One as herein described; and running thence from said Beginning point along Farmer's line South 21° 38' 29" East 30.63 feet to an iron pin found in the northernmost corner of David Ray Moody (See Deed Book 263, Page 14, Haywood County Registry); thence with Moody's line South 06° 47' 57" West 429.29 feet to an iron pin found at a fence corner; thence North 70° 22' 27" West 121.19 feet to a point on the eastern right of way line of Willow Road at the intersection with Camp Branch Road (NCSR 1138), said point being located North 72° 34' 57" East 29.81 feet from a nail and flag found at the southeast corner of Delores Wyatt Dudley (See Deed Book 439, Page 741, and plat recorded in Plat Cabinet C, Slot 881, Haywood County Registry); thence with the eastern right of way line of Willow Road the following seven (7) calls as follows: North 08° 54' 11" West 74.71 feet to a point, North 15° 13' 29" West 95.17 feet to a point, North 23° 33' 49" West 109.81 feet to a point, North 17° 00' 13" East 199.27 feet to a point, North 13° 49' 43" East 146.07 feet to a point, North 25° 20' 13" East 37.97 feet to a point, North 61° 19' 45" East 34.72 feet to an existing iron pipe; thence South 21° 47' 45" East 253.77 feet to the point and place of Beginning, and containing 2.395 acres, more or less, as shown on a plat entitled "Survey for Donald A. Hairston, Sr." by L. Kevin Ensley, PLS, dated July 22, 2002, Drawing #A-096-02, and being all of Tract Two as conveyed in Deed Book 448, Page 269, Haywood County Registry, to which deed reference is hereby made.

The above-described Tract One and Tract Two being a portion of that property conveyed in that deed recorded in Record Book 779, at Page 1001 of the Haywood County, NC Register's Office.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 13, 2018

SUBJECT: Call for Public Hearing to be held on November 27, 2018 to consider a Petition for Annexation of a Contiguous Satellite Area for property located at 187 Secret Hollow Lane (PIN 8616-09-5980)

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: B4b
Department: Administration
Contact: Eddie Ward, Town Clerk
Presenter: Amie Owens, Assistant Town Manager

BRIEF SUMMARY: This petition is being requested by Julia Boyd Freeman for the purpose of annexing to receive town sewer services in accordance with Town Policy. This property is non-contiguous to the Town's current limits. Water service is already provided to this property utilizing an outside water rate.

The property is closer than 3 miles to the Waynesville Town limit; the property is not closer to another municipality's primary corporate limits than to Waynesville; the property is not part of any subdivision and Town services are already available in the area. The petition meets the requirements of the general statutes NCGS §160A-58.1 annexation of non-contiguous area and a public hearing is required prior to the Board voting on such annexation.

MOTION FOR CONSIDERATION: To call for public hearing on Tuesday, November 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider a voluntary annexation into the Town of Waynesville for property located at 187 Secret Hollow Lane (PIN 8616-09-5980).

FUNDING SOURCE/IMPACT: Addition of sewer system revenue for property

ATTACHMENTS:

1. Petition
2. Aerial Map
3. Property description

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is a call for public hearing only.

PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

(Part 4, Article 4A, G.S. 160A-58)

11.7.18

Date

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.
2. Standards which the satellite area must meet:
 - a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
 - b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
 - c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
 - d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
 - e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
 - f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.
3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. Metes and bounds description is attached.
4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME JULIA FREEMAN SIGNATURE Julia Freeman
ADDRESS 187 SECRET HOLLOW LN., WAYNESVILLE, NC 28786

BEGINNING on an iron pin set at the southwest corner of the 4.00 acre tract shown on plat recorded in Plat Cabinet C, Slot 2046 Haywood County Registry and runs thence N. 05 deg. 45 min. W. 275.00 feet; thence N. 88 deg. 15 min. E. 633.60 feet; thence S. 05 deg. 45 min. 00 sec. E. 275.00 feet; thence S. 88 deg. 15 min. 00 sec. W. 633.60 feet to the Beginning and containing 4.00 acres as per survey and plat of J. Randy Herron, R.L.S. recorded in Plat Cabinet C, Slot 2046 Haywood County Registry reference to which is made for a more particular description thereof.

Together with and including the joint use of the right of way set forth on aforesaid survey and plat.

For title of Grantor see Last Will and Testament of Thomas G. Boyd set forth in the office of the Clerk of Superior Court of Haywood County, North Carolina.

Report For

FREEMAN, JULIA BOYD
PO BOX 261
WAYNESVILLE, NC 28786

Account Information

PIN: 8616-09-5980

Legal Ref: 2006E/517
219/407

Add Ref: A98/128
CAB C/2046

Site Information

DWELLING
SINGLE FAMILY
187 SECRET HOLLOW LN

Heated Area: 3086
Year Built: 1967
Total Acreage: 4
Township: IVY HILL

Site Value Information

Land Value: \$45,100
Building Value: \$247,900
Market Value: \$293,000
Deferred Value: \$
Assessed Value: \$293,000
Sale Price: \$
Sale Date: 12/29/2006



1 inch = 200 feet
November 7, 2018

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.



Haywood County North Carolina

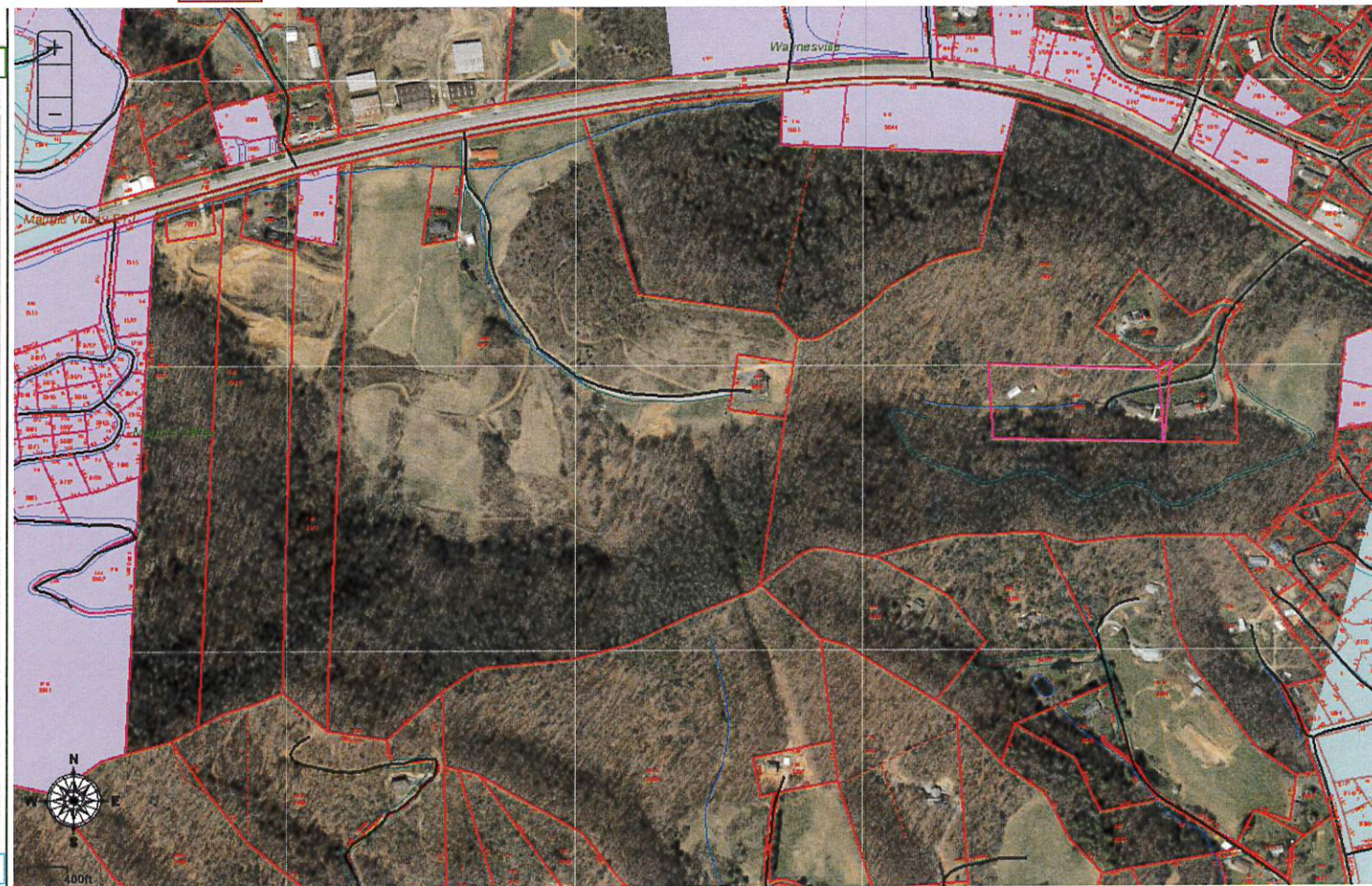


Search Results Layers

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- ☐ Survey Monuments
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- ☐ 20 Foot Topo
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- ☐ Census Tract
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- ☐ Fire Districts
- ☐ Zoning
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- ☒ streetsAnno

Legend



Haywood County

North Carolina



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Legend



TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 13, 2018

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

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: C5
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: At the direction of the Board of Aldermen, the Planning Department made application to allow Multi-family within the PC-NR District in order to address any procedural issues associated with an earlier text amendment application. Proposal went before the Planning Board at their October 15th, 2018, Meeting and the Planning Board voted 6-2 in favor that the amendment was consistent with the land use plan, reasonable and in the public interest and to recommend adoption of the text amendment.

MOTION FOR CONSIDERATION:

1. Motion to adopt the Statement of Consistency (as recommended from the Planning Board or as amended)
2. Adoption of the attached text amendment ordinance to permit multi-family dwellings within the PC-NR District per the Land Development Standards Section 2.5.3, Table of Permitted Uses.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Planning Board report
2. staff report
3. application materials
4. map of area impacted by text amendment.

MANAGER'S COMMENTS AND RECOMMENDATIONS: The Board heard this text amendment application in May of 2018, and determined to re-hear this proposed legislation at your August 21, 2018 as a result of changes to NCGS 160A-383.

Board of Aldermen Staff Report

Subject: Text Amendment request to the Land Development Standards (LDS) to add “Dwelling-Multi-Family” as a Permitted Use (P) within PC-NR District.
Ordinance Section: Table of Permitted Uses, Section 2.5.3 of the Land Development Standards
Applicant: Planning Department on behalf of the Board of Aldermen
Meeting Date: November 13, 2018

Background:

In April, 2018, a development firm applied for a text amendment to include multi-family within the PC-NR District in order to build an apartment complex on a 41 acre tract. The Planning Board and Board of Aldermen held hearings in May, after which the Aldermen took action to amend the Land Development Standards to include multi-family within the Plott Creek Neighborhood Residential (PC-NR) District. In August of 2018, as a result of a filed complaint to the Board’s action and changes to the General Statutes, the Town Board of Aldermen determined:

- 1. To waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board’s reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan.*
- 2. To approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendment for Land Development Standards for Section 2.5.3 to the Planning Board.*

Other historical background relevant to the proposed text amendment and the Plott district include:

- In 1986, this tract was annexed into the Town as part of the George Plott Estate and was zoned R-2.
- In 1999, Hazelwood Elementary School built on another portion of the original George Plott Estate.
- In 2002, the “Waynesville our Heritage our Future 2020 Land Use Plan” (“Comprehensive Plan”) was adopted. The Plott Creek area is identified as “medium to high density residential” on the Future Land Use Map adopted as part of the plan.
- In 2003, the Land Development Standards (“LDS”) were adopted pursuant to the Comprehensive Plan. The “Plott Creek-Neighborhood District” (PC-ND) is established and multi-family is permitted with “Special Requirements.” (Ordinance No. 13-03 to add Plott Creek Neighborhood District).
- In 2004, Waynesville completed a study and survey to extend Extra Territorial Jurisdiction (ETJ) further west along Plott Creek in accordance with the adopted future land use map and apply a “Plott Creek Rural District” beyond Town limits. Town determines not to extend ETJ.
- In 2006, NCDOT considered a road widening project as part of NC Moving Ahead Project that was not implemented, but NCDOT did extend the school parking lot.

- In 2010, the Town adopted the Comprehensive Pedestrian Plan which identified a sidewalk between Hazelwood Elementary and downtown Hazelwood, and construction funding was allocated in 2017.
- In 2011, the Land Development Standards were revised and a “P” is not included in in Permitted Uses Table column under multi-family within PC-NR, although Townhomes are. Minutes from the 2011 LDS revision do not reflect discussion related to the removal of multi-family from the PC-NR district. Section 5.3 “Permitted Building Types and Frontages,” states that Townhouse *and* Apartment Buildings are allowed in all of the Town’s Neighborhood Residential Districts, including PC-NR, showing a conflict in the ordinance. Section 5.5 goes on to describe Apartment Buildings as “a multi-unit building with dwelling units vertically arranged (generally)...units may be for rental or for sale in condominium ownership...”

The purpose and intent statement of the PC-NR District *also did not* change between the 2003 and 2011 versions of the LDS and still reads (Section 2.3.3 (F)):

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

The purpose and intent statement seems to acknowledge the area as rural in character but as an area for growth that should be networked through infrastructure “as the area develops.”

The Land Development Standards (LDS) definitions (Section 17.1), distinguish residential uses:

Dwelling-Single Family A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code. (LBCS F1100 and S1100).

Dwelling-Two Family A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule. (LBCS F 1100 and S1121)

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

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

Staff Comment:

These definitions refer to building style and how property is subdivided to accommodate units - not by whether the unit itself is owned or leased. Therefore, someone can rent a townhome, a unit within a multi-family structure, a duplex or a single family dwelling. Condominiums can be within a townhome, multi-family or duplex style structures. The LDS does not distinguish rental property from non-rental property. Parking for multi-family is treated the same as Townhomes in LDS Chapter 9, requiring 1.5 spaces per unit, while single family and duplex dwellings require one space per unit. Multi-family development must comply with all other LDS standards for design, landscaping, driveways, lighting, signage, floodplain, stormwater and slopes just as townhome or major subdivision development.

What makes multi-family distinctive from other types of development, is that one unit can be located above another unit, sharing a footprint, with shared parking areas, civic space, and other amenities. Depending on design, this can mean higher density within a smaller area. For example, the proposed Master Plan within this district compressed density for the site. On a tract that is 40.96 acres, 200 units were proposed within an area of 20 acres, leaving half of the tract undeveloped, and staying off of the steeper areas of the property and outside of the 25' stream buffer. By contrast, a single-family subdivision meeting the PC-NR minimum lot requirements, would be much more spread out, using at least 32 acres (200 units with a minimum lot size of 1/6 of an acre), not including roads. Each unit would also have an individual driveway and parking area within its lot, adding impervious surface.

This text amendment would place a "P" within the Table of Permitted Uses in the PC-NR Column at the "multi-family" row, without changing any other requirements or density of the district. This would re-instate multi-family within a district that is identified for growth and medium to high density development. It would allow structures that could accommodate apartments or condominiums for new rental or ownership housing, which allows a more compact development approach.

Adding multi-family back in to the Land Development standards as an allowable use in this area provides a development option that can assist in the District's intent and purpose statement by:

- Allowing a development option in which facilities and parking areas may be shared, and the overall development footprint compacted;
- Enhancing the sidewalk and infrastructure network as development occurs; and
- Creating a development opportunity for community growth near the existing Hazelwood Elementary school, and in close proximity to the 23/74 corridor and downtown Hazelwood.

Additionally, this amendment creates opportunity to meet an identified housing need for Waynesville. Western North Carolina and Waynesville are experiencing growth that has resulted in a shortage of available rental housing. According to the 2017 Haywood County Housing Strategy, "There are few long term rentals available in the county; rental rates are typically above HUD Fair Market Rent level . . . Only 7.4% of the units in the county are multi-family units." (p. 5). The Strategy explains that available land that is relatively flat and that can be served with infrastructure is rare and that rental should be considered a priority. To verify this concern in today's market, Planner Jesse Fowler researched available rental housing and found only 1 rental apartment available (study conducted in mid-October). This text amendment would expand housing opportunities that meet an identified community need, in an area that is buildable, within our urban service boundary, and close-in to urbanized areas.

In regards to the complaint that was filed, staff objects to multiple assertions that it makes, and finds no reasons to change a recommendation in favor of this amendment because of its contents:

1. The applicant, Triangle Real Estate of Gastonia Inc. had a contract to purchase and had submitted an authorization to apply form at the time of their application. They are now the owner of record.
2. Section 15.14 Map and Text Amendments states that, “the Board of Aldermen may from time to time amend any part of the text of this ordinance or amend the Land Development Map of the town” and that the Town Board, the Planning Department, or the Planning Board may initiate a text amendment. Just because an area may have a history of one type of development, that does not take away a local government’s authority to conduct land use planning and envision future change.
3. Impacts of adding multi-family to the PC-NR list of permitted uses creates an opportunity for growth in an area that has available land within the Town boundary. This type of development will certainly impact traffic and aesthetics of what is there now. However, traffic and aesthetic impacts would be associated for any new development, including Townhomes or subdivisions for single-family homes which is permitted now. This text amendment does not change or minimize development requirements already in force within the District, the Town or the State and would be subject to the same rules, and have many of the same impacts as other types of development.
4. Information provided by JM Teague Engineering indicates that Plott Creek Road is managing approximately 2,500 cars per day but that roads of this type could handle up to 8,500-10,000 cars per day. For the specific project of 200 units considered, the Traffic Impact report indicated that Plott Creek Road could accept additional traffic from 200 multi-family units and more, without requiring additional road improvements.
5. New multi-family development must meet the Town’s design guidelines in Section 5.8 and height requirements (3 stories above of the highest adjacent grade). Structures of similar height are present in the surrounding area, including the House and barn at Stone Haven Farms, and single family and townhome structures in the adjacent neighborhoods of Eagle’s Nest and Laurel Ridge.
6. “Multi-Family Development with 8 or more units,” must meet additional review and public hearing requirements subject to Section 15.8.2 Site Plan/Design Review (Major) which requires an *“Environmental Survey (15.4.1), Master Plan (15.4.3) and Building Elevations for Design Review (15.4.7) - Construction Documents (15.4.4) shall be submitted after Planning Board approval.* All development is vetted through the Town’s administrative procedures per Chapter 15. Assertions that a developer must have construction documents, including stormwater engineering, prior to Planning Board approval are incorrect.
7. In fact, once approved by the Town Planning Board, a project must comply with all applicable State and local standards including: land disturbance, stormwater requirements, steep slope protections, US Army Corps of Engineers permits for stream crossing, trout buffers, construction drawings and all other requirements that would apply, prior to the issuance of a building permit. Any development within the floodplain has to comply with all State and local floodplain requirements. Compliant development, therefore, should not negatively impact the water quality of Plott Creek in a way that harms the stream or adjacent properties, especially the “farming and cattle operation” of up-stream Stone Haven Farms.

8. Multi-family residential should not generate any more noise than the existing Hazelwood Elementary school, nor has multi-family development in other areas created objectionable noise complaints for the Town.
9. Concerns regarding compliance with 160A-383 and specific phrasing related to statements of “consistency,” “reasonableness”, and “in the public interest” were addressed by our Planning Board in their findings during and in the discussion of our Board of Aldermen during the first round of hearings and this is fully reflected in those minutes. For zoning text or map amendments, the Town Planning Board and Board of Aldermen use the Town’s Comprehensive Land Development Plan as the source for “determining and guiding principles,” and have always done so in practice. In hearing this matter again, the Board has an opportunity to remove all doubt regarding the Town’s commitment to proper procedure and to include the verbatim language upon which the complaint insists.

There is much concern that this text amendment creates *sprawl* and endangers the environment of the Plott Creek Valley. I believe this text amendment actually is the opposite. All development impacts the environment, but multi-family development, close-in to the Town’s major transportation corridor and urban center, can provide more housing on less real-estate than single-family subdivisions or large estate lot development does. The fact that the Plott Creek NR District contains the elementary school, flat land, and infrastructure, makes it a reasonable area for Town growth, and were undoubtedly considered when the Land Use Plan was adopted in 2002 in which the area was identified for medium to high density development.

Consistency Statement Information

In accordance with the 2017 revisions to NCGS 160A-383, staff recommends that the Board could find that this text amendment is consistent with the Town of Waynesville’s Comprehensive Plan, *Waynesville: Our Heritage, Our Future, 2020 Land Development Plan*, adopted in 2002, and that this text amendment is reasonable and in the public interest with the following considerations:

1. This text amendment is consistent with the following Land Use Plan goals and actions:
 - A. “Provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville,” with actions to:
 - “Work with the development community to explore ways to make affordable housing construction more attractive to developers (cost lowering mechanisms, incentives, etc.)
 - Use creative zoning to allow accessory dwellings, duplexes and other affordable housing alternatives.” (LDP, p. 4-6)
 - B. “Rezone areas as indicated on the Land Use Map which allow for higher density residential development.” (LDP, p. 4-7)
 - C. “Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi-family dwelling options.” (LDP, p. 4-7)

2. This revision is consistent with the Comprehensive Plan's Future Land Use Map (LDP Map 12).
 - A. Plott Creek NR District is identified within the "medium to high density" along with other areas (represented in orange on the map) as areas for future growth. All of these areas, including the Plott Creek area near the school, represent the medium to high density zoning districts as "Neighborhood Residential" or "Urban Residential" or mixed use zoning districts.
 - B. All NR districts, including PC-NR have the same dimensional standards (Section 2.4.1) and density of 10 units/acre, or 16 units/acre with a Special Use Permit. This text amendment does not change the density, dimensional regulations or residential focus as identified in the Land Use Plan, nor does it treat the district differently than other similarly zoned areas.
 - C. This PC-NR district is within the urban services boundary, in keeping with the objective to "limit "urban sprawl" through the establishment of a planned growth area for the Town of Waynesville." (2020 LDP, p 4-3). The PC-NR District is also within a mile's range of the Hazelwood Central Business District and less than .5 of a mile to the 23/74 Expressway.
3. The Comprehensive Plan is based on Smart Growth Principles which encourage *mixed land uses, compact building design, creating a range of housing opportunities and choices, creating walkable neighborhoods, preserving open space, and directing development toward existing communities*. The location of the PC-NR District within one mile of downtown Hazelwood and close to the Expressway creates an opportunity for growth close to a major transportation corridor, an urban area and an existing school. (2020 LDP pp 1-2-1-5)

The Planning Board crafted a Statement of Consistency that included their own findings as well as findings related to the text amendment's "reasonableness" and it's being "in the public interest." Their findings are included in their report to the Board of Aldermen which is attached.

Recommended Motions:

1. The Board of Aldermen hereby adopt the Statement of Consistency to develop findings which demonstrate consistency with the Land Use Plan, reasonableness, and the public good.
2. The Board should adopt (or not) the text amendment Ordinance as presented (or as amended).



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 (Chairman)

Planning Board Members

Anthony Sutton (Vice Chairman)

Marty Prevost

Robert Herrmann

Jason Rogers

H.P. Dykes, Jr.

Pratik Shah

Ginger Hain

Susan Smith

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 October 15, 2018

THE WAYNESVILLE PLANNING BOARD held its regular meeting on October 15, 2018 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 called the meeting to order at 5:30 p.m., and welcomed everyone.

Elizabeth Teague, Development Services Director, noted that the next Planning Board Meeting would be a Special Called Meeting to be held on November 5, 2018, at 5:30 pm because of the Thanksgiving Holiday.

The following members were present:

Patrick McDowell (Chairman)
Anthony Sutton (Vice Chairman)
Jason Rogers
Ginger Hain
Pratik Shah
Bucky Dykes
Robert Herrmann
Susan Smith

The following Board Member was absent:

Marty Prevost

The following staff members were present:

Elizabeth Teague, Development Services Director
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk

Planning Board Minutes
October 15, 2018

Jesse Fowler, Planner I
Attorney Ron Sneed

The following media representatives were present:
Becky Johnson, the Mountaineer

2. Adoption of Minutes

Ms. Teague explained to the Board that in regards to the July 30, 2018 minutes, a full review of the transcribed minutes has not been completed. She stated there were issues with the minutes, stemming from the audio in the Courthouse room and with names being wrong.

A motion was made by Board Member Robert Herrmann, seconded by Board Member Bucky Dykes, to approve the minutes of the September 17th, 2018 board meeting as presented. The motion passed unanimously.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Ginger Hain to table the adoption of the minutes of the July 30, 2018 until the next meeting. The motion passed unanimously.

B. BUSINESS

1. Comprehensive Plan Update - Elizabeth Teague

Ms. Teague presented a detailed update on the Comprehensive Land Use Plan. She explained to the Board what the North Carolina General Statutes Authority says about the Comprehensive Plan.

NCGS § 160A-381. Grant of power

"For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance or as a separate ordinance. A zoning ordinance may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land.

NCGS § 160A-383 Purposes in View (revised 2017):

"Zoning regulations shall be made in accordance with a comprehensive plan...

"Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement approving the zoning amendment and describing it consistency with an adopted comprehensive plan and explaining why the action is reasonable and in the public interest."

Ms. Teague gave an overview of the Town's existing Comprehensive Plan which was started in 1999, and involved the Planning Board, Aldermen, Land Development Plan Steering Committee, and Benchmark Consulting. The Plan was completed in December 2001 and adopted in 2002. The plan includes a "Smart Growth" framework for guiding development. There have been multiple amendments from 2004-2010, and a comprehensive update in April 2011.

She explained the ten principles of the Smart Growth Framework. These principles were developed through Smart Growth America in partnership with the EPA and Urban Land Institute, and are as follows:

1. Mix land uses
2. Take advantage of compact design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

Some of the goals that were presented to the Planning Board at the start of the update:

Build from what is good and working well.

Identify current and future needs.

Ask and Answer questions: What do we want in the future? What is our Vision?

Meet social, environmental, and economic needs.

Be true to Waynesville.

Foster community.

Engage public.

Ms. Teague gave a timeline of the process of updating the Comprehensive Plan as follows and emphasized to the Board that there had been many changes since 2002, especially with the Internet and Broadband. There have been changes in population, annexations, and currently there are three major transportation projects on the horizon. (Improvements to Russ Avenue, South Main Corridor, and North Main Street realignment)

Contracted with Stewart Engineering last spring

Started process May, 2018; Keeping Smart Growth Framework

Address changing context (economy, population, technology, annexations, growth, and transportation)

Planning Horizon from 2020 to 2035

Key Themes include:

- *Greenways, Green Infrastructure*
- *Historic Preservation*
- *Multi-faceted economy (Hospitality and Tourism, Manufacturing and Industry, Small businesses, Internet/broad-band based, Education, Healthcare)*
- *Housing Variety (ages, incomes, styles)*
- *Redevelopment Opportunities, Encouraging Infill, Density*
- *Public Health (opioid epidemic, aging in place, parks and recreation)*
- *Workforce preparedness*
- *Entering phase 2 (drafting of vision, goals, plan)*

- Comprehensive Plan website: <http://www.waynesvillenc.gov/comprehensive-plan-update>

Ms. Teague said the existing Vision Statement for the Town of Waynesville reads as follows:

“Waynesville’s Vision is preserving its heritage and inviting the future through quality planning for living today and tomorrow.

Our mission is to preserve and promote our neighborhoods, open spaces, vistas, natural and cultural resources and historic places. We will achieve this through planning mixed-use developments, aesthetic infrastructure design for economic prosperity, healthy community and family life, education, and the arts for public enjoyment. Waynesville will be regarded as the model town for the twenty-first century.”

Proposed working draft for update (2018):

“Waynesville will enable the growth of a vibrant, healthy, and successful community – TRUE to our history, small-town culture and heritage; RESPONSIVE to the changing aspirations and needs of all our citizens; PURPOSEFULLY BUILT on the principles of smart growth; MINDFUL of the gift of our rivers and creeks, and the surrounding farmland and mountain vistas; and ATTENTIVE to the opportunities presented in regional preservation, arts and education, economic development, and land use initiatives.”

Ms. Teague said that next in the process will be suitability mapping. This will involve decisions concerning density appropriateness, considering slopes, floodplains, proximity to commercial development, transportation, infrastructure, and schools. This process will generate draft, revised Land Use Maps and recommendations for zoning map changes or changes to districts, land and farm conservation, and parks and greenways.

Ms. Teague referred the Board to the existing Land Use Plan, Map 12, explaining the Urban Growth Boundary. She said this is where water and sewer infrastructure has been extended. She indicated where the Town Boundaries are located as well as the ETJ. In the Plott Creek area, the Town chose not to extend the ETJ. She said this is important because in 2002 the Town went through a process to establish zoning based on the Land Use Plan. Zoning is a tool that takes the Land Use Plan and assigns density and suitability to planning areas. She pointed out that in the Land Development Map density is focused inward so that areas that are identified as medium to high or mixed use medium to high are located in the center of Town. They are adjacent to or near Central Business Districts and transportation corridors.

The next Steering Committee Meeting will be held on Thursday November 14th at 8:00 and the public is invited. A second community workshop is planned for December.

2. Public Hearing and consideration of a text amendment to add multi-family to the LDS Section 2.5.3 Table of Permitted Uses within the Plott Creek Neighborhood Residential District (PC-NR). (Legislative Proceeding)

Chairman Patrick McDowell advised to the Board and audience that this meeting is a legislative procedure to consider a text amendment to the Land Development Standards only, and to make a recommendation to the Board of Aldermen for the entire zoning district. He reviewed protocols with the Board and asked that the public also follow all protocols. Chairman McDowell noted that this continued a discussion that was held on

May 21, 2018. Mr. Sneed indicated that it was a topic previously covered and that the Board could consider past comments already in the record.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Susan Smith, to open the Public Hearing at 6:00 p.m. The motion passed unanimously.

Chairman McDowell asked Ms. Teague to present the staff report for the text amendment.

Ms. Teague said this was a text amendment request to the Land Development Standards (LDS) to add "Dwelling-Multi Family" as a permitted use (P) within the PC-NR District. The ordinance section for this request is Table of Permitted Uses, Section 2.5.3 of the Land Development Standards. She explained that the applicant is the Planning Department on behalf of the Board of Aldermen.

Ms. Teague explained to the Board that in April, 2018, the development firm Triangle Real Estate of Gastonia / Southwood Realty applied for a text amendment to include multi-family within the PC-NR District in order to build an apartment complex on a 41 acre tract, PIN 8605-42-0093. The Planning Board and Board of Aldermen held hearings in May of 2018, after which the Aldermen took action to amend the Land Development Standards text to include multi-family within the Plott Creek Neighborhood Residential (PC-NR) District. On July 30, 2018, the Planning Board considered the major site plan proposed, and on July 31, adjacent property owners to the tract in question filed a "Complaint for Declaratory Relief" purporting "procedural defects," that the action was "arbitrary, capricious and unreasonable," and that the action was an "illegal contract zoning."

In August of 2018, the Town Board of Aldermen determined to address the complaint with two actions:

- 1. To waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan. She said one of the primary bases of the complaint was that the Town did not use the proper language in the motion to adopt the consistency.*
- 2. To approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendment for Land Development Standards for Section 2.5.3 to the Planning Board.*

Ms. Teague gave other historical background, and referred the Board to the Land Use and zoning maps relevant to the proposed text amendment and to this tract of land as follows:

- In 1986, this tract was annexed into the Town as part of the George Plot Estate and was zoned R-2.
- In 1999, Hazelwood Elementary School built on another portion of the original George Plott Estate.
- In 2002, the "Waynesville our Heritage our Future 2020 Land Use Plan" ("Comprehensive Plan") was adopted. The Plott Creek area is identified as "medium to high density residential" on the Future Land Use Map adopted as part of the plan.
- In 2003, the Land Development Standards ("LDS") were adopted pursuant to the Comprehensive Plan. The "Plott Creek-Neighborhood District" (PC-NO) is established and multi-family is permitted with "Special Requirements." (Ordinance No. 13-03 to add Plott Creek Neighborhood District).

- In 2004, Waynesville completed a study and survey to extend Extra Territorial Jurisdiction (ETJ) further west a long Plott Creek in accordance with the adopted future land use map and apply a "Plott Creek Rural District" beyond Town limits. Town determines not to extend ETJ.
- In 2006, NCDOT considered a road widening project as part of NC Moving Ahead Project that was not implemented, but NCDOT did extend the school parking lot.
- In 2010, the Town adopted the Comprehensive Pedestrian Plan which identified a sidewalk between Hazelwood Elementary and downtown Hazelwood, and construction funding was allocated in 2017.
- In 2011, the LDS were revised and a "P" is not included in in Permitted Uses Table column under multi-family within PC-NR, but Townhomes are. Minutes from the 2011 LOS revision do not reflect discussion related to the removal of multi-family from the PC-NR district. Section 5.3 "Permitted Building Types and Frontages," states that Townhouse and Apartment Buildings are allowed in all of the Town's Neighborhood Residential Districts, including PC-NR, showing a conflict in the ordinance.

The purpose and intent statement of the PC-NR District also did not change between the 2003 and 2011 versions of the LDS and still reads (Section 2.3.3 (F)):

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

The Land Development Standards (LDS) definitions {Section 17.1}, distinguish residential uses

Dwelling-Single Family: A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code. (LBCS F1100 and 51100).

Dwelling-Two Family: A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule. (LBCS F 1100 and S1121}

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

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

These definitions refer to building style and how property is subdivided to accommodate dwelling units, and not by whether the unit itself is owned or leased. Therefore, someone can rent a townhome, a unit within a multi-family structure, a duplex or a single family dwelling. Condominiums can be within a townhome, multi-family or duplex style structures. The LDS does not distinguish rental property from non-rental property, nor does the Town so discriminate among its residents. Parking for multi-family is treated the same as Townhomes in LOS Chapter 9, while single family and duplex dwellings require one space per unit. Multi-family development must comply with other LDS standards for design, landscaping, driveways, lighting, signage, floodplain, storm water, and slopes just as other development.

What makes multi-family distinctive from other types of development, is that one unit can be located above another unit, sharing a footprint, and that parking areas are shared by the units. Depending on design, this can mean higher density within a smaller area. For example, in the Master Plan proposed in this case presented, the developer compressed density for the site, minimizing impact to the flood plain and preserving the natural slopes of the property. On a tract that is 40.96 acres, 200 units were proposed within an area of 20 acres, leaving half of the tract undeveloped. By contrast, a single-family subdivision meeting the PC-NR requirements would be much more spread out, using at least 32 acres (200 units with a minimum lot size of 1/6 of an acre not including roads). Each unit would also have an individual driveway and parking area within its lot. Ms. Teague pointed out to the Board how the different types of definitions can have different impacts on the land. She stated that Townhomes or Multifamily homes allow more density in a smaller space.

Ms. Teague reviewed the Consistency Statement with the Board.

In accordance with the 2017 revisions to NCGS 160A-383, staff recommends that the Planning Board could find that this text amendment is consistent with the Town of Waynesville Comprehensive Plan, Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, adopted in 2002, and that this text amendment is reasonable and in the public interest because of the following:

1. Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare. This revision would add back in to the PC-NR district multi-family housing that is allowed in the majority of other NR Districts and for which there was not a documented reason for removal.

2. This revision is consistent with the following adopted Land Use Plan goals and actions:

A. "Provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville," with actions to:

- "Work with the development community to explore ways to make affordable housing construction more attractive to developers (cost lowering mechanisms, incentives, etc.)
- Use creative zoning to allow accessory dwellings, duplexes and other affordable housing alternatives." (LDP, p.4-6)

B. "Rezone areas as indicated on the Land Use Map which allow for higher density residential development." (LDP, p.4-7)

C. "Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi- family dwelling options." (LDP, p. 4-7)

- This revision is consistent with the Comprehensive Plan's Future Land Use Map which identified the Plott Creek NR District within the "medium to high density" area for future growth. The current LDS zoning category of Neighborhood Residential ("NR"), along with Urban Residential and Neighborhood Center Districts, represent the medium to high density areas identified in the 2002 future land use map. All NR districts, including PC-NR have the same dimensional standards (Section 2.4.1) and density of 10 units/acre, or 16 units/acre with a Special Use Permit. This text amendment does not change the density, regulations or residential focus as identified in the Land Use Plan, nor does it treat the district differently than other similarly zoned areas.

- This PC-NR district is within the urban services boundary, in keeping with the objective to "limit "urban sprawl" through the establishment of a planned growth area for the Town of Waynesville." (2020 LDP, p 4-3). The PC-NR District is also within a mile's range of the Hazelwood Central Business District and less than .5 of a mile to the 23/74 Expressway.

- Western North Carolina and the Town of Waynesville is experiencing growth that has resulted in a shortage of available rental housing. According to the 2017 Haywood County Housing Strategy, "There are few long term rentals available in the county; rental rates are typically above HUD Fair Market Rent level ... Only 7.4% of the units in the county are multi-family units." (p. 5). The Strategy explains that available land that is relatively flat and that can be served with infrastructure is rare and that rental should be considered a priority. Online searches during the week of October 1st – 5th, show limited options currently available rental housing. According to the 2017 Haywood County Housing Strategy, "There are few long term rentals available in the county; rental rates are typically above HUD Fair Market Rent level ... Only 7.4% of the units in the county are multi-family units." (p. 5). The Strategy explains that available land that is relatively flat and that can be served with infrastructure is rare and that rental should be considered a priority. Online searches during the week of October 1-5, show limited options currently available within Waynesville:

Apartment.com	1	3 bedroom house	\$950/month
Zillow.com	10	2 mobile homes	\$950/ month
		5 houses	\$925-\$1995/month
		3 apt/condos	\$470-\$1600/month

Ms. Teague added that she checks the availability of rentals because of the housing need in Waynesville and the requests she receives through her office. The only large scale apartment complex within Waynesville is Vantage Pointe on 17 Wilkinson Pass Lane, ([www.balsammountainapartments .com/](http://www.balsammountainapartments.com/)), which offers 1-3 bedrooms from \$850/month to \$1175/month and maintains a waiting list. This text amendment would expand housing opportunities that meet an identified community need on a large undeveloped tract of land that can hold a large scale project.

This text amendment would place a "P" within the Table of Permitted Uses in the PC-NR Column at the "multi-family" row, without changing any other requirements or density of the district. This would re instate multi-family within a district that is identified for growth and medium to high density development. It would allow structures that could accommodate apartments or condominiums for new rental or ownership housing, which the Town of Waynesville needs.

Ms. Teague addressed some of the specifics of the filed complaint as follows:

1. The applicant, Triangle Real Estate of Gastonia Inc. which had a contract to purchase at their time of application for the original text amendment request, is now the owner of record. Section 15.14 Map and Text Amendments states that, "the Board of Aldermen may from time to time amend any part of the text of this ordinance or amend the Land Development Map of the Town." Further, the Town or the Planning Department may be an applicant.

Ms. Teague stated she wanted to be clear that the Town is following the proper procedure and that at the time Triangle Real Estate had a contract for the original text amendment, they are now the owner of the property. She said that in this particular hearing they are not the applicant, but the Town Planning Department is at the direction of the Town Board of Aldermen.

2. Concerns regarding compliance with 160-A-383 and specific phrasing related to statements of "consistency," "reasonableness", and "in the public interest" can be addressed using the attached work sheet in order to frame your review and findings.

She noted that in the Statement of Consistency, findings for "reasonableness" and "in the public interest" or separated on the work sheet in order for board to consider those findings in addition to "consistency" as was addressed by Chairman McDowell at the beginning of the hearing.

3. For zoning text or map amendments, the Town Planning Board and Board of Aldermen must use the Town's Comprehensive Plan as the source for "determining and guiding principles."

Ms. Teague reminded the Board that by making the Statement of Consistency as part of their decision, that these principles should be addressed.

4. Impacts of adding multi-family to the PC-NR list of permitted uses creates an opportunity for growth in an area that has available land within the Town boundary. It could also impact traffic and aesthetics of what is there now. However, traffic and aesthetic impacts would also be associated for a townhome development or major subdivision of single-family homes which could be permitted now. This text amendment does not change or minimize development requirements already in force within the District, the Town or the State. In regards to the original application and the proposed development, the Board should consider the information and materials previously presented in the May 21, 2018 meeting.

- A traffic impact analysis conducted by JM Teague Engineering for the specific project of 200 units indicates that Plott Creek Road could accept the additional projected traffic and more. Ms. Teague said in the traffic impact analysis, it is indicated that Plott Creek Road could handle more traffic. Also in that study, it is distinguished between school traffic, school peak hours, and regular use traffic.
- New multi-family development must meet the Town's design guidelines in Section 5.8 and height requirements (3 stories above of the highest adjacent grade).
- "Multi-Family Development with 8 or more units," are considered for their specific impacts subject to the requirements of "Site Plan/Design Review (Major), according to Section 15.8.2. Ms. Teague reiterated that any multi-family development that comes into the Plott Creek Neighborhood Residential District still has to meet all the other requirements of the Town, including the fact that if it is any more than eight units, it has to go through a major site plan process.

D. The Town's Land Development Standards lay out an application and hearing process:

- **"Required Application Information:** Environmental Survey (15.4.1}, Master Plan {15.4.3} and Building Elevations for Design Review {15.4.7} (may be waived by Administrator as appropriate) - Construction Documents (15.4.4} shall be submitted after Planning Board approval."
 - **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public hearing before the Planning Board. Ms. Teague pointed out that it is in the Town Ordinance that staff makes a recommendation. She said she has done that based on her interpretation of the plan and the Ordinance. She stated that she gives a recommendation because that is part of the process, not because there is any sort of collusion between staff and a developer.
 - **Public Notification:** Level, 2 and 4.
 - **Neighborhood Meeting** {15.3.7): Optional.
 - **Public Hearing:** The Planning Board shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
 - **Decisions/Findings of Fact:** Following the public hearing the commission may approve, deny or approve with conditions the application for a Major Site Plan. No Major Site Plan shall be granted unless it complies with the following findings of fact:
 - a. The plan is consistent with the adopted plans and policies of the Town;
 - b. The plan complies with all applicable requirements of this ordinance;
 - c. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed;
 - d. The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site; and
 - e. The application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
- E. To achieve a building permit, any development has to comply with all applicable State and local standards including, land disturbance, floodplain, storm water requirements, and steep slope protections. Plott Creek is a designated Trout water of the state from its headwaters to Richland Creek requiring compliance with the Trout Stream buffer rules of the State, and a 25' buffer. Any development within the floodplain will have to comply with all State and local floodplain requirements. There is no FIRM designated floodway within the PC-NR District. Compliant development should not negatively impact the water quality of Plott Creek or interfere with adjacent property uses. In the Land Development Standards, there are protections for floodplains, slopes and stormwater issues. She emphasized that amending any text means that a certain type of use would be allowed. It would not change the allowable density to this area. Teague referred the Board to maps for the slope elevations and regulations. She said any development within the floodplain will have to

comply with State and local floodplain requirements. She explained that the Trout Stream Buffer is a 25 foot set back on either side of the stream. Compliant development should not impact the water quality of the stream or interfere with adjacent property uses because of the Town's regulations.

- F. Multi-family residential should not generate any more noise than the existing Hazelwood Elementary school, nor has multi-family development in other areas created objectionable noise or policing complaints for the Town. Another multi-family development, Vantage Pointe, has not generated significant policing incidents or increase in noise complaints from the development.

Ms. Teague gave her recommendation from staff as follows:

1. The Board should utilize the Statement of Consistency Worksheet to develop findings which demonstrate your review of, and consideration for consistency with the Land Use Plan, reasonableness, and the public good.
2. The Board should recommend, or not recommend, the text amendment for approval by the Board of Aldermen.

Chairman McDowell asked the Board if they had any questions for Ms. Teague. There was much discussion concerning the Land Development Standards and the update of 2011 when the "P" was omitted or removed from the Table of Use in the Multi-family category in the Plott Creek District. Ms. Teague said some of the benefits of allowing multi-family dwellings are shared parking and the condensing of density. The infrastructure and roadway that is required to support single-family dwellings, as opposed to a townhome or multi-family unit, is much greater.

Chairman Patrick McDowell began calling on speakers who had signed up in advance of the call to order.

**Teresa Brothers
186 Water Rock Circle
Waynesville, NC**

Ms. Brothers stated that she wanted to speak to one particular issue concerning this text amendment. During the Public Hearings of May 21, and May 22, 2018, members of the Planning Board and Board of Aldermen told the "Save Plott Creek" advocates that many of their concerns were insignificant and irrelevant based on residential addresses. She quoted the North Carolina School of Government saying that North Carolina Local Governments are supposed to be responsible to and responsive to the people, and all people are supposed to be responsible and supportive to the government. She asks the question "Who are the people that local government should serve?" She said the Town of Waynesville government should serve its residents living within its Town limits. She stated the Town also has a duty to serve other citizens as well, and must serve people who work, shop, visit or own property. She said the people who live just outside the Town's limits contribute to the Town's economy as well. Ms. Brothers told the Board that they should take into consideration the people just outside the Town limits work, attend churches and festivals and many other activities, and are part of the Waynesville community and share common bonds and concerns. She said ignoring the people who have gone on record against this text amendment is preposterous. She said the Board's responsibility lies with the residents of the Town of Waynesville and not with the developer. She asked the Board to do what is right and vote against the text amendment.

**Chuck Mason
19 West Street Apt. A**

Waynesville, NC

Mr. Mason stated that he was a new resident. He said he had a friend that lived across from the proposed development, and his heritage goes back to when the Town was formed in 1871. He asked the Board to oppose the text amendment because he feels it leads to a situation that will change the heritage of the area.

**Ken Hollifield
1228 Plott Creek Road
Waynesville, NC**

Mr. Hollifield stated that most of the people in the room were against the text amendment. He said the property was not adjacent to US-74 because there are three or four property owners between this property and the road which is Locust Drive. Locust Drive is a single lane road and cannot be widened to accommodate more traffic. He said he had spoken with NCDOT and had been told that Plott Creek or Will Hyatt Road could not handle the traffic that would come from this development. He added that the State had notified the Town that they would be put under a moratorium because of the need for an upgrade to the waste water treatment facility. He said he felt that development needed to be put on the back burner until the problem with the treatment facility is solved. He asked the Board to think about this before making a decision tonight.

**Jeff Ledford
807 Jamestown Drive
Gastonia, NC**

Mr. Ledford thanked the Board for the last meeting which was held at the courthouse. He asked the Board to read the sign behind them which reads "Progress with Vision." He asked the Board to take that vision into consideration.

**Mary Thomas
152 Sherman Way
Waynesville, NC**

Ms. Thomas told the Board that the Town took great pride in the 2020 Land Development Plan. It is based on Smart Growth principles to preserve and promote open spaces natural resources and historic places. She said the action for a text amendment to add multi-family to the table of permitted uses within the Plott Creek neighborhood ignores the community and the environment. Ms. Thomas stated she is not a Town resident, but she helped canvass the neighborhood getting signatures for petition of opposition. She presented a spreadsheet showing the signatures and neighborhood covered. She referred the Board to maps indicating the percentages of opposition to the text amendment in the sections of Plott Creek. She said a multi acre parking lot would cover the wetlands, and this would not encompass the definition of Smart Growth.

**Mark Teague
525 North Main Street
Waynesville, NC**

Mr. Teague stating housing was a big issue. He had employees that live in Asheville because housing cannot be found in Waynesville. He said that professionally he was a transportation engineer; he conducts traffic studies over a six state area. As far as the Plott Creek area, Mr. Teague said that with single family homes, about 10 trips a day, per unit, are generated. With multi-family homes, units 7 trips per day are generated. He said

there is a possibility that there would be less traffic than single family development. The traffic counter on Plott Creek between the ramp and the school has been there since around 2003. The traffic count has gone from about 2800 vehicles per day in 2003, to 2300 in 2012. Currently the count is 2500 vehicles a day. Mr. Teague said typically on a two lane road you can have a capacity of up to 8 – 10 thousand cars a day. Mr. Teague said he supported the project.

Ray Moody
1266 Plott Creek Road
Waynesville, NC

Mr. Moody stated he and his wife moved into Plott Creek in 2013. He said allowing apartments in the Plott Creek District would change the character forever. He said the Board should also consider that the “P” for multi-family dwellings was removed intentionally. He said that the Smart Growth provision in the Land Development Standards is not being followed. Mr. Moody said he understood that Waynesville and Haywood County need additional housing, but there are other areas in the county where apartments are permitted and would be better suited to meet this housing need. He added that knowing the shape that the Town of Waynesville sewer system is in currently, it would be inconceivable for the Town to approve more areas for apartments. He addressed the topographical restraints for utilities in the Plott Creek. He asked the Board to wait until the Land Development Standards update is complete before making a decision on this text amendment that will result in making drastic change to the unique area of Plott Creek. He urged the Board to consider the input and consensus of the public and vote no to the text amendment.

Bruce Ganger
2915 Plott Creek Road
Waynesville, NC

Mr. Ganger referred to the staff report stating the Town Planning Board and Board of Aldermen must use the Town’s Comprehensive Plan in determining and guiding principles. Mr. Ganger stated he had gone to different areas and talked with homeowners about the proposed development, and was speaking on their behalf. He had spoken with many people who stated they lived in homes that have been in Plott Creek for many generations. Those people were against the development project because of traffic, and having the development next to the school where their grandchildren attended. He added that his single parent daughter would not be able to afford on of the apartments on a \$30,000.00 yearly income. He said this is not affordable housing.

Susan Smith
279 Village Lane
Waynesville, NC

Ms. Smith stated she had worked as a County Commissioner Aide for over 10 years in Broward County Florida. She worked closely with Land Development Planners, and she commended the Board for caring what people have to say. She said In terms of this development, Ms. Smith believes Plott Creek does not deserve a development like this. She asked how a project like this can get approved within a small town, with a two lane road, and with a school that has a tremendous amount of traffic. She said that despite the fact that is has been said that a multi-family dwelling generates 7 trips per day, versus 10 trips a day for a single-family, she doubts that fact in this rural community. This is vey frustrating for residents who live in the area. She asked the Board to pause before making a decision of this magnitude.

Chuck Dickson
1154 Plott Creek Road
Waynesville, NC

Mr. Dickson stated that he had been a homeowner in Plott Creek for the last 20 years. Mr. Dickson said that from 1986 until 2003, Plott Creek was zoned single-family. He said that when he first heard about the proposed development, he looked at the Table of Permitted Uses in the Land Development Standards, and discovered it is not zoned multi-family. He alluded that the process was rushed because of a mistake, and the developer would have suffered a great loss, and be a potential lawsuit against the Town. Mr. Dickson said the Board was hearing from the public and that they were all against the text amendment to allow multi-family housing in Plott Creek. He expressed concerns about a member of the Planning Board receiving incentives for a recent project. He urged the Board Member to abstain from voting. Mr. Dickson stated he was sick when he visualized a four story development in the Plott Creek area. He agreed that affordable housing was needed in this area, but this development will not be affordable. He asked the Board to let the planning process proceed and figure out where the Town needs growth.

Ms. Teague addressed the question of the floodplain maps that was adopted in 2012, and stated that Hazelwood was developed prior to the existing floodplain maps.

Ms. Teague clarified that the map referred to by Mr. Dickson on the Comprehensive Plan website was not generated by staff, but by the consultant who developed the Comprehensive Land Use Plan. She stated that there was no approval given to the developer prior to Planning Board approval.

Mr. Teague said there was a mistake made when the developers were coming in at the time of consideration of buying that property. She said there was no application at that time, and it did appear to her that Neighborhood Residential was zoned to handle the density of a multi-family district. As soon as application was made, the developer had to go back through the process of a text amendment application.

Chelsea White
18 Hemmingway
Clyde, NC

Ms. White stated she is a life long resident of Western North Carolina, and considers this area her home. She said that finding affordable housing has been a struggle for her. She said that the number one response when asked about affordable housing is that you can't stay here, you have to move elsewhere to afford housing. She said she commends all the folks speaking against the development, but she also commends the Planning Board for planning into the future. Affordable housing is an issue that the community must face because 45% of renters in Haywood County are rent over burdened now. With this text amendment more affordable housing can become a reality in this area, and the folks in her generation won't have to leave the area to find housing. She said it was a privilege to stand and defend the right as a homeowner to not have to look at a development complex that would give someone else the opportunity to be able to stay in their "home" area.

(Couldn't make out her name)
84 Harris Circle
Sylva NC

Ms. stated she has worked in Waynesville for the past 3 years with the WNC Homeless Coalition who provides direct services to those people experiencing homelessness and lack of housing services. **Ms.** works

with 8 counties, all of whom have expressed concerns with the lack of affordable housing. She said she recognized that the price range that is being proposed for these units is out of affordability range, but she hopes that by opening up zoning, it will alleviate burdens for those who are unable to find housing. She addressed the concerns of people having a multi-family next to a school by saying that there are background checks, and the narrative that sex offenders will be living next to where children are in school is not true. She said everyone needed to think about people who live in tents and in cars, as well as homeowners.

**Vickie Gribble
Fairview Heights
Waynesville, NC**

Mr. Gribble stated she works with the homeless at Pathways, and in no way is this development affordable housing, because affordable housing should be about 30% of your income. Ms. Gribble said she had heard no evidence or reason for the Board to approve a text amendment. She asked the Board to think about how they were going to amend something, and suddenly the developer wants to develop there. She said she hoped the Board was listening to the voices of the taxpayers, and citizens of Haywood County, and not go back and amend something for the sake of having a mistake rectified.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann, to close the Public Hearing at 7:31 pm. The motion passed unanimously.

It was the consensus of the Board to take a break from the meeting at 7:32 pm.

The meeting was reconvened at 7:40 p.m.

Chairman Patrick McDowell asked the Board Members if they had any comments prior to taking action.

Board Member Anthony Sutton commented that the current density that is allowed for townhomes or single family residences would allow more homes in the district that would take up more space than apartments.

Chairman Patrick McDowell reminded Board Members that this is a zoning text amendment for the area, not an approval for a specific piece of property. Related to the sewer system, he noted that if someone chooses to develop in an area, the Town would determine whether the sewer system could handle such additions. The Planning Board is responsible only from a zoning standpoint; sewer system requirements and infrastructure is a concern for staff and the Board of Aldermen.

Board Member Jason Rogers noted that he felt a large development would be aesthetically unpleasant in that area, as you come up from bypass you would see only a building or buildings and not the current green valley. Also, the traffic on Plott Creek and Locust Drive would be increased dramatically.

Board Member Ginger Hain explained that what we (the Planning Board) are charged with is looking at a text amendment and determining whether the omission from the permitted uses was intentional or not. Even though that area is very close to a school and to Hazelwood, she did not consider it an area where there should be future growth. She indicated that the area there is unique. She expressed that it was conceivable that multi-family was intentionally left off there. Board Member Jason Rogers added that the Sulphur Springs Neighborhood also does not allow multi-family.

Chairman Patrick McDowell asked Planning Board Attorney Ron Sneed to explain the proper documentation process for the Board's decision. Attorney Ron Sneed noted that the legislation that was adopted includes a requirement to have specific reasons as to why or why not the Planning Board feels that the decision is either consistent or not consistent with the land use plan, and whether a decision is reasonable, or not, and in the public interest, or not. Therefore, Board Members must provide reasons as part of any motions set forth, and if the motions are approved then a third motion is required to move to the Board of Aldermen level.

Chairman Patrick McDowell inquired if all of the Board Members understood the process. All indicated that they did. Board Member Robert Herrmann requested a clarification regarding the definition of multi-family that Ms. Teague provided from page 17 of the board packet.

Chairman Patrick McDowell also asked Attorney Ron Sneed whether or not there was any reason to have Board Member Pratik Shah recuse himself from the vote based on speaker comments previously. Mr. Shah stated that if the Board feels that he should not vote on this matter, he would recuse himself. Attorney Ron Sneed asked if there was any direct financial gain from this decision and there was discussion that there was no direct financial gain to Mr. Shah. There being none, and although not required, the Board Members indicated by consensus that Board Member Pratik Shah should vote on the matter.

Attorney Ron Sneed added that at the beginning of the meeting the public hearing was referred to as a continuation. However, he clarified it was a noticed re-hearing on the issue, but that all of the information contained in the minutes from the previous hearing was still pertinent. There being no further clarification or discussion required, Chairman Patrick McDowell asked if there was a motion from the floor.

Board Member Anthony Sutton made a motion to find that the proposed text amendment was consistent with the Town's comprehensive land use plan. Chairman Patrick McDowell reiterated that there had to be reasons included as part of the motion. Board Member Anthony Sutton requested to withdraw his motion.

The withdrawal was granted.

Board Member Jason Rogers made a motion to find that the proposed text amendment was inconsistent with the Town's comprehensive land use plan and not reasonable and in the public interest because it did not protect the environment especially the ridgelines and valleys, was not included on future land use maps, and did not connect neighborhoods. Board Member Ginger Hain seconded the motion.

Chairman Patrick McDowell opened the floor for discussion. Chairman Patrick McDowell began the discussion related to maintaining certain areas. He noted that these are the most difficult choices a Planning Board faces. If you never allow development in open land, our community will die. He acknowledged that people are involved in their community, and that in his time on the board, the most consistent idea is that we need things, however, not in our neighborhood. Unfortunately the Board has to choose where to put those things and look at moving forward toward the future. Protecting ridgelines and valleys is one consideration, and he noted he thought this was a good area for development. Chairman Patrick McDowell also added that he remembered when the community was not growing and the Planning Board was charged with trying to get more development allowed. He continued saying that, unfortunately, no one builds affordable housing. Affordable housing is created by having new housing which forces pricing down; creating additional supply produces that affordable range.

Board Member Ginger Hain respectfully disagreed. In order to balance better economic development concentrating on urban centers and preventing urban sprawl, there are existing areas that could be infilled. While Board Member Ginger Hain appreciates the opposing point of view, she asked her fellow board members to dig deep and consider the pros and cons and value for the overall community. She noted that there is not much untouched land left.

Board Member Robert Herrmann expressed that he had dealt with “not in my back yard” everywhere he had lived. He disagreed with previous comments noting that this change would prevent urban sprawl. He alluded to the younger speakers who explained the difficulty that young people face when trying to decide whether to stay or leave this community. Board Member Robert Herrmann encouraged the board to look at what is going on in this community and understand that this is a problem that Waynesville is facing long term and that the zoning change needs to go through.

Board Member Anthony Sutton likened the situation to a putting the horse before the cart and vice versa. Individuals cannot get jobs without housing and cannot get housing without jobs.

Board Member Jason Rogers rebutted by expressing the need to identify and inventory the natural and historical resources. He added that one thing we do have in that area is the Plott Hound. It is a natural resource for us and for our community to be proud of. It is part of the preservation of that community in addition to the views that we see there as we go through.

Chairman Patrick McDowell thanked the Board Members for their passionate, but respectful, comments. He appreciated the diversity of the thoughts/views and the healthy debate.

Chairman Patrick McDowell noted that there was a motion and second and called for a vote. Board Member Jason Rogers and Board Member Ginger Hain voted in support of the motion; Board Members Susan Smith, Bob Herrmann, Pratik Shah, Chairman Patrick McDowell, Anthony Sutton and Bucky Dykes voted in opposition. The motion failed by a vote of 2 to 6.

Board Member Anthony Sutton made a motion to find that the zoning amendment should be approved and was consistent with the Town’s comprehensive land use plan because it encourages a variety of housing types for various incomes, ages and ethnic groups as alternatives and in addition to the single dwelling options already allowed. Board Member Robert Herrmann seconded.

Chairman Patrick McDowell inquired if additional information was needed for the motion to meet the requirements of the legislation, as he was concerned if this would meet the statute requirements and agreed with the statement. Attorney Ron Sneed answered that the requirement is to find that the amendment would be consistent with the comprehensive land use plan; however, the statute does not determine how. Attorney Ron Sneed noted that the information at this level would not come under the same scrutiny as that of the Board of Aldermen.

Patrick McDowell suggested that it may be better to have a more robust motion to include multiple items such as was in a previous motion.

Board Member Robert Herrmann inquired if he could withdraw his second of the motion. Attorney Ron Sneed answered that he could not and the vote should take place.

Chairman Patrick McDowell noted that there was a motion and second and called for a vote. The motion failed by unanimous vote.

Board Member Robert Herrmann made a motion to find that the zoning amendment should be approved and was consistent with the Town's comprehensive land use plan because it:

- Encourages a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi-family dwelling options; and***
- The Plott Creek Neighborhood Residential district is within the medium to high density area for future growth; and***
- The Plott Creek Neighborhood Residential district is within the urban services boundary in keeping with the objective to limit urban sprawl through the establishment of a planned growth area for the Town of Waynesville; and***
- The Plott Creek Neighborhood Residential district is also within a mile's range of the Hazelwood Central Business District and less than .5 of a mile to the 23/74 Expressway; and***
- Western North Carolina and the Town of Waynesville is experiencing growth that has resulted in a shortage of available housing. "According to the 2017 Haywood County Housing Strategy, there are few long term rentals available in the county; rental rates are typically above HUD Fair Market Rent level and only 7.4% of the units in the county are multi-family units."***

Board Member Anthony Sutton seconded the motion.

Chairman Patrick McDowell asked if there was additional discussion.

Chairman Patrick McDowell addressed urban sprawl by noting that the Board of Aldermen had indicated that not extending utility infrastructure (water/sewer/electric) will assist with controlling where future development can occur and where current services are available. In his opinion urban sprawl is not just what happens in the town, but beyond and by providing housing in the town, you are preventing this sprawl outward into the county; this is a well stated reason for this in the motion.

Board Member Jason Rogers commented related to the housing issue noting that he agreed there was a shortage of housing; however, this is something county-wide and areas in Canton, Clyde, Maggie Valley, Junaluska Sanitary District have been growing and have open lands and utilities available for development and expansion. He added that he was not willing to sacrifice a neighborhood for it.

Board Member Susan Smith expressed her respect for the opposing position but that there is an opportunity for this community at this moment; that someone is interested in this area and has a concrete project right now. It is a viable opportunity and we should not sit aside and watch, hoping that another tract of land becomes available. It is a responsibility of the town to take opportunities as they are available.

Board Member Ginger Hain commented in response to the 2020 Land Use plan that she would consider this as "spot zoning", but in no way took away from the point that Board Member Smith had made. Ms. Hain added that everyone who spoke had valid points of view and she was thankful for the process for all to be heard related to this difficult decision.

Chairman Patrick McDowell reiterated that he, too, was pleased with the active participation, respectful interaction and the conduct of the board and speakers and for the input related to this decision.

Board Member Pratik Shah commented from an employer perspective that he loses employees because there is no housing and he cannot secure new employees for the same reason. While it may be tough to give up pastures, the overall good needs to be filled to continue to have opportunity for growth.

Chairman Patrick McDowell noted that there was a motion and second as noted above and called for a vote. Board Members Susan Smith, Robert Herrmann, Pratik Shah, Chairman Patrick McDowell, Anthony Sutton and Bucky Dykes voted in favor of the motion. Board Members Jason Rogers and Ginger Hain voted against the motion. The motion carried 6 to 2.

Chairman Patrick McDowell noted that an additional motion was required related to the amendment being reasonable and in the public interest.

Board Member Bucky Dykes made a motion to approve the zoning amendment as it is reasonable and in the public interest because:

- the text amendment would expand housing opportunities that meet an identified community need on a large undeveloped tract of land that can hold a large scale project; and***
- This text amendment would place a “P” within the table of permitted uses in the PC-NR column at the “multi-family” row, without changing any other requirements or density of the district.***
- This would re-instate multi-family within a district that is identified for growth as medium to high density development. It would allow structures that could accommodate apartments or condominiums for new rental or ownership housing, which the Town of Waynesville needs.***

Board Member Robert Herrmann seconded the motion. Board Members Susan Smith, Robert Herrmann, Pratik Shah, Chairman Patrick McDowell, Anthony Sutton and Bucky Dykes voted in favor of the motion. Board Members Jason Rogers and Ginger Hain voted against the motion. The motion carried 6 to 2.

A final motion is required for recommendation from the Planning Board to the Board of Aldermen.

Chairman Patrick McDowell made a motion to recommend the text amendment to the Board of Aldermen. Board Member Anthony Sutton seconded the motion. Board Members Susan Smith, Robert Herrmann, Pratik Shah, Chairman Patrick McDowell, Anthony Sutton and Bucky Dykes voted in favor of the motion. Board Members Jason Rogers and Ginger Hain voted against the motion. The motion carried 6 to 2.

D. ADJOURN

With no further business to discuss, a motion was made by Board Member Anthony Sutton, seconded by Board Member Ginger Hain, to adjourn the meeting at 8:27 p.m. The motion carried unanimously.

ATTEST:

Patrick McDowell, Chairman

Eddie Ward, Town Clerk

Amanda Owens, Assistant Town Manager



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
one (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Text Amendment

Application is hereby made on August 21, 20 18 to the Town of Waynesville for the following amendment:

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

Section 2.5.3 "Table of Permitted Uses"

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

Add "multi-family" to PC-NR District

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

Board of Aldermen Action

Applicant Contact Information

Name (Printed): ELIZABETH TEAGUE, PLANNING DIRECTOR, WAYNESVILLE DEVELOPMENT SERVICES
Mailing Address: 9 S. MAIN ST., WAYNESVILLE, NC 28786 ("PLANNING DEPARTMENT")
Phone(s): (828) 456-2004
Email: eteague@waynesvillenc.gov

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

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

2.3.3 Neighborhood Residential Districts (NR) Purpose and Intent

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

2.4.1 Table of Dimensional Standards by Residential District

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

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

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

2.5-3 Table of Permitted Uses (rev. 2012, 2016, 2017):

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

	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)										Urban Residential (UR)				Neighborhood Center (NC)			Business District (BD)			Regional Center (RC)			Commercial Industrial (CI)
USE TYPES	CC-RL	EN-RL	PC-RL	HT-RL	CP-RM	D-RM	HM-RM	SW-RM	AC-NR	LL-NR	MS-NR	HN-NR	PS-NR	PC-NR	AC-NR	SS-NR	WS-NR	EW-UR	H-UR	HM-UR	NM-NC	PS-NC	AC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	CI		
RESIDENTIAL																																
Dwelling-Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling-Two Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling-Townhome	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling-Multifamily					P	P		P	P	P	P	P	P		P			P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling-Accessory Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Halfway Houses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Home Occupation	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Home-Work Units	PL/PS	-	-	-	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P	P	P	P	P	P		
Manufactured Home Parks	-	-	-	-	-	-	-	-	SUP	-	-	-	-	-	PL/PS	-	PL/PS	CL/PS	PL/PS	CL/PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Manufactured Housing	-	-	PS	PS	PS	PL/PS	-	PS	PS	-	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Residential Care Facilities (More than 6 residents)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P	P	P	P	P	P		
ODDING																																
Bed and Breakfast Homes (Up to 4 rooms)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Boarding House	-	-	PS	-	PS	-	-	PS	PS	PS	PS	-	-	-	-	-	PS	-	-	-	-	P	P	P	P	P	P	P	P	P		
In (Up to 20/30 Rooms)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P	P	P	P	P		
Hotel/Motels (More than 30 Rooms)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
OFFICE/SERVICE																																
Animal Services	PL	-	PL	-	-	PL	-	-	-	-	-	-	-	-	-	-	PL	-	-	-	-	P	P	P	P	P	P	P	P	P		
ATM	PL	-	-	-	-	PL	-	PL	-	PL	-	PL	-	-	-	PL	-	PL	-	-	-	P	P	P	P	P	P	P	P	P		
Banks, Credit Unions, Financial Services	PL	-	-	-	-	PL	-	PL	-	PL	-	PL	-	-	-	PL	-	PL	-	-	-	P	P	P	P	P	P	P	P	P		
Business Support Services	PL	-	-	-	-	PL	-	PL	-	PL	-	PL	-	-	-	PL	-	PL	-	-	-	P	P	P	P	P	P	P	P	P		
Child/Adult Day Care Home (6 or less persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PC	-	PC	P	P	P	P	P	P	P		
Child/Adult Day Care Center (More than 8 persons)	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P	P	P	P	P		
Civic/Social/Fraternal Organization	-	-	-	-	-	-	PS	-	PS	PS	PS	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P		
Construction & Maintenance Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P		
Delivery Thru Service	PL/PS	-	-	-	-	PL/PS	-	-	-	PL/PS	-	-	-	-	-	-	PL/PS	-	-	-	-	P	P	P	P	P	P	P	P	P		
Dry Cleaning & Laundry Services	-	-	-	-	-	-	-	-	-	PL	-	PL	-	-	-	PL	-	PL	-	-	-	P	P	P	P	P	P	P	P	P		
General Homes	PL	-	-	-	-	PL	-	PL	-	PL	-	PL	-	-	-	PL	-	PL	-	-	-	P	P	P	P	P	P	P	P	P		
Government Services	-	-	P	-	-	PL	PC	PL	-	PL	-	PL	-	-	-	PL	-	PL	-	-	-	P	P	P	P	P	P	P	P	P		
Grocery Stores	-	PS	-	-	-	-	PS	-	PS	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Medical Outpatient Care Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P		
Personal Services	PL	-	PL	-	-	PL	-	PL	PC	PL	-	PL	-	-	-	PL	-	PL	-	PL	PL	P	P	P	P	P	P	P	P	P		
Post Office	-	-	-	-	-	-	PC	PL	-	PL	-	PL	-	-	-	-	-	PL	-	PL	PL	P	P	P	P	P	P	P	P	P		
Professional Services	PL	-	PL	-	-	PL	-	PL	PC	PL	PC	PL	-	-	-	PL	-	PL	PC	PL	P	P	P	P	P	P	P	P	P	P		
Radio - Art, dance, martial arts, music	P	P	P	P	-	P	P	PL	P	PL	P	PL	-	-	-	P	-	PL	P	PL	P	P	P	P	P	P	P	P	P	P		
COMMERCIAL																																
Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Alcoholic Beverage Sales Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	PS		
Auto Parts Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	P	P	P		

P Permitted

PC Permitted on corner lots only

PL Permitted in Designated Locations

PS Permitted subject to Additional Standards in Ch 3

SUP Special Use Permit Required (See Ch 3 and



Waynesville, NC

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Knoxville, TN

234 Morrell Road
Box 322
Knoxville, TN 37919
(P) 865.661.2810

Traffic Impact Analysis

For

The Plott Creek Apartments

Located in
Waynesville, North Carolina

Prepared For:
William Ratchford
Southwood Realty
165 South York Street
PO Box 4158
Gastonia, NC 28054

Prepared By:
J.M. Teague Engineering & Planning
525 North Main Street
Waynesville, North Carolina 28786



February 2018

Introduction and Background

This report summarizes the findings of the Traffic Impact Analysis (TIA) that was performed for a 200-unit multi-family apartment development proposed in Waynesville. (Figures 1 & 2) The purpose of this study is to determine the impact of the anticipated traffic associated with this development including trip generation, trip distribution, intersection delay, vehicle queue, and intersection capacity. Each of these aspects will be analyzed to determine any potential adverse traffic impacts on the adjacent roadway network from the proposed development.

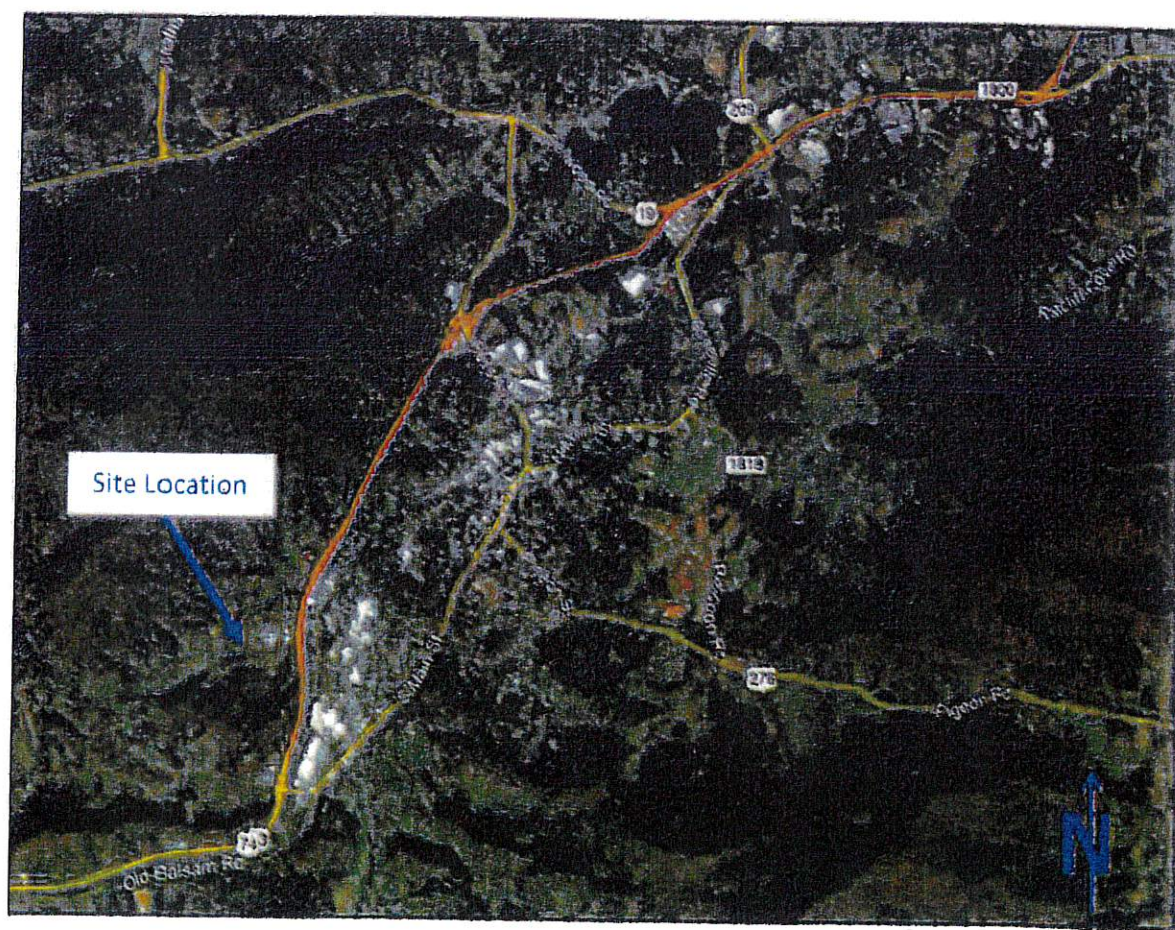


Figure 1 – Region of Proposed Site Location

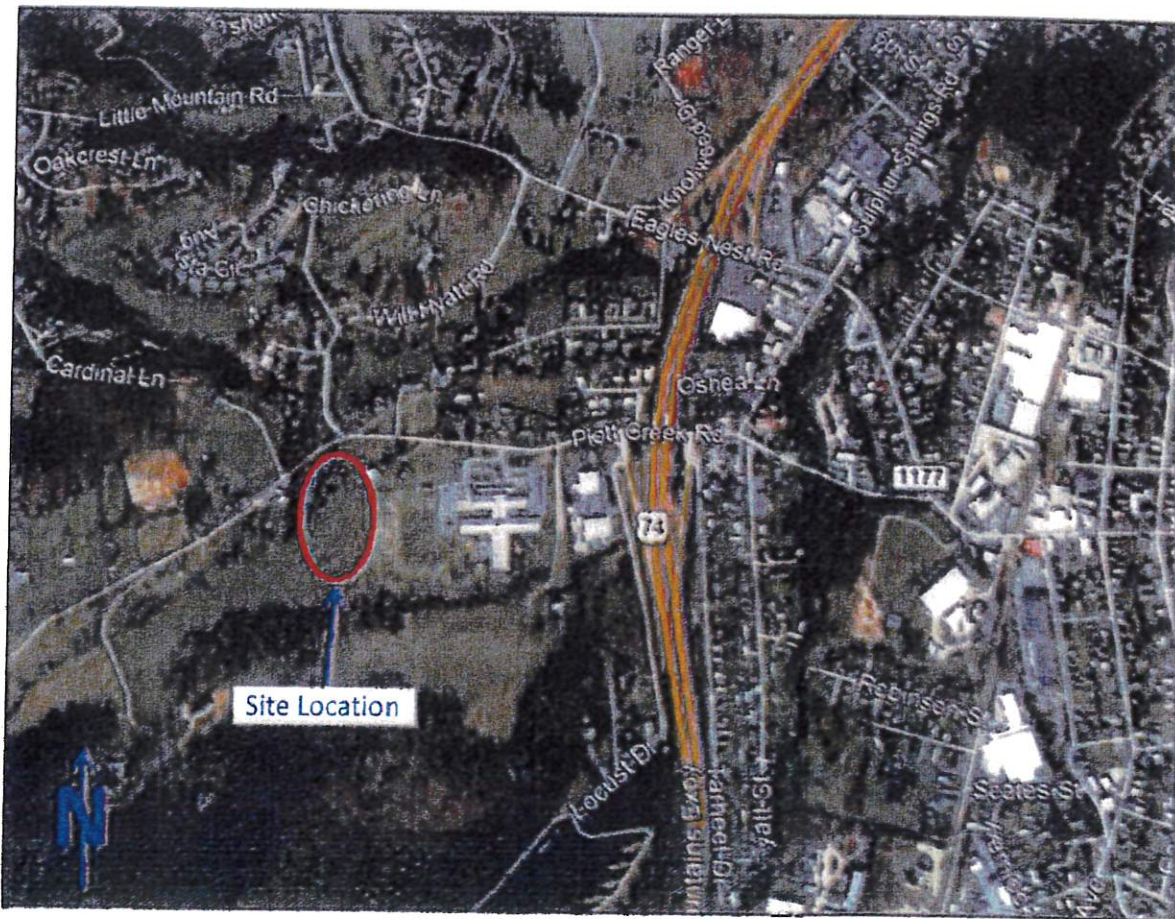


Figure 2 – Proposed Site Location

Proposed Site Use and Access

The site plan consists of a 200-unit multi-family apartment development. The proposed apartment development will be a mixture of 1, 2 and 3-bedroom apartments. The proposed site access will intersect Plott Creek Rd. directly across from the intersection with Will Hyatt Rd. Figure 3 shows the proposed site layout of the development. This proposed site plan can be found in Appendix A.

Conclusions and Recommendations

The mitigation recommendations at each of the studied intersections are based on NCDOT's Policy on Street and Driveway Access to North Carolina Highways (Driveway Manual) methodology, Town of Waynesville mitigation threshold requirements and engineering judgement.

Plott Creek Road @ Will Hyatt Road / Proposed site access:

Plott Creek Road @ Will Hyatt Road/Proposed Site Access Comparison of Background vs Build-out Peak Hour Traffic Conditions

Approach	Peak Hour	Background			Build-out			V/C Increase
		LOS	Delay	V/C	LOS	Delay	V/C	
Eastbound (Plott Creek Rd)	AM	A	2.9	0.03	A	2.9	0.03	0
	PM	A	2.2	0.02	A	2.2	0.01	0
Westbound (Plott Creek Rd)	AM	A	0.0	0.03	A	1.5	0.01	0
	PM	A	0.0	0.04	A	3.7	0.04	0
Southbound (Will Hyatt Rd)	AM	B	10.3	0.13	B	12.2	0.19	0.06
	PM	A	9.1	0.07	B	10.7	0.14	0.07
Northbound (Site Access)	AM	–	–	–	A	9.8	0.11	N/A
	PM	–	–	–	A	9.3	0.06	N/A

<Table 12>

In the table above the V/C ratio increase is zero for all conditions except the comparison of the background and build-out for the southbound traffic. The V/C increase for the southbound traffic under build-out conditions remains under the Town of Waynesville thresholds for mitigation found in Chapter 6 of Appendix A – Land Development Standards of the Town's Code of Ordinances (6.10.4 – Thresholds for Mitigation). An increase of 0.06 and 0.07 for the AM & PM is seen for V/C on the southbound approach of Will Hyatt Road while the threshold for mitigation is an increase of 0.10.

As can be seen in Table 12, the LOS increases from A to B during the PM peak hour on the southbound intersection approach. This LOS change does not significantly change the intersection operation because the level of service increase was due to a very small delay increase.

The background and build-out traffic cannot be compared to the Northbound traffic out of the development because it is created under build-out conditions. However, in Table 9 where the intersection is analyzed under build-out conditions, the traffic operation appears adequate for an intersection according to thresholds specified in the Highway Capacity Manual (HCM) published by the Transportation Research Board. The addition of the site access in alignment with Will Hyatt Road and the site generated traffic is not anticipated to degrade general roadway or driver safety at this intersection if all conditions of the NCDOT driveway permit are met.

Sight distance:

One important aspect of the NCDOT driveway permit for the new site access will be adequate sight distance along Plott Creek Road. The addition of the site access will create the need for some sight distance improvements on the southwest side of Plott Creek Road from the new access. Currently, there are pine trees and vegetative undergrowth that impede the site distance looking westward on Plott Creek Road from the proposed access. The Plott Creek Road @ Will Hyatt Road intersection is also located in a slight curve; thus, the roadway geometry also contributes to the reduction of sight distance. The site access location will require grading according to the site plan, thus sight distance improvements should be addressed during the grading phase of the project. According to the American Association of State Highway and Transportation Officials (AASHTO) in "A Policy on Geometric Design of Highways and Streets", the sight distance should be 390 feet for a road with a 35 mph speed.

Turn Lane Analysis:

A left turn lane is not warranted for this development and associated traffic on Plott Creek Road. The Town of Waynesville mitigation thresholds is not exceeded along Plott Creek Road by the addition of the site access and the additional traffic. None of the approaches are beyond the typical thresholds for delay increase percentage or LOS degradation. Since each approach maintains excellent LOS operation for an un-signalized intersection during a peak hour, no changes are recommended at this intersection to accommodate traffic generated by the site under build-out conditions. The addition of site generated traffic is not anticipated to

degrade general roadway or driver safety at this intersection, thus a turn lane is not recommended at this intersection.

Plott Creek Road @ Hazelwood Elementary School:

**Plott Creek Road @ Hazelwood Elementary School Access
Comparison of Background vs Build-out Peak Hour Traffic Conditions**

Approach	Peak Hour	Background			Build-out			V/C Increase
		LOS	Delay	V/C	LOS	Delay	V/C	
Eastbound	AM	—	0.0	0.15	—	0.0	0.19	0.04
	PM	—	0.0	0.05	—	0.0	0.07	0.02
Westbound thru	AM	—	0.0	0.02	—	0.0	0.02	0
	PM	—	2.3	0.04	—	0.0	0.08	0.04
Westbound left	AM	A	9.5	0.39	A	9.9	0.41	0.02
	PM	A	7.5	0.04	A	7.5	0.04	0
Northbound left	AM	E	41.8	0.21	F	50.1	0.26	0.05
	PM	B	10.2	0.02	B	11.0	0.02	0
Northbound right	AM	C	16.2	0.65	C	19.9	0.72	0.07
	PM	A	9.0	0.10	A	9.3	0.10	0

<Table 13>

Video of the existing traffic at the school access reveal short periods of queues developing in the left turn lane of westbound Plott Creek Road during student drop-off and pick-up periods. Vehicles passing the left turn queue were also observed traveling in the westbound through lane and turning into the school as well. These observations show that the school access and internal traffic operations of the school could be improved to better accommodate existing traffic conditions. Drop-off and pick-up periods at schools typically create challenging traffic related issues and the Plott Creek Road @ Hazelwood Elementary access is no different. It is important to understand that these issues already exist, but opportunities to improve the situation may be presented as part of the NCDOT sidewalk project that is scheduled along Plott Creek Road. Any improvements to the school would have to be incorporated into an existing design for the sidewalk improvements planned on Plott Creek Road.

During build-out conditions the left turn of the school exit increases to an "F" from a level of service (LOS) of "E". This movement is heavily restricted, however the volume of this turn is very low and these conditions are short lived during the student drop-off period.

As can be seen in Table 13, the resulting V/C increase in the build-out traffic conditions remain below mitigation thresholds. The V/C ratio for the Hazelwood Elementary school exit during the AM peak hour increases by 0.07 during build-out conditions. This V/C increase does not warrant mitigation on behalf of the development and is below the Town of Waynesville mitigation thresholds.

The volume to capacity issues are only occurring during the AM peak hour. The student drop-off in the morning peak period coincides with expected AM development traffic. However, with the PM peak hour traffic, the development and the school peak hour traffic travels on Plott Creek Road at different times. During the PM peak hour, the northbound school exit does not experience an increase in V/C when comparing background to build-out.

Hazelwood Avenue @ Sulphur Springs Road:

Hazelwood Avenue @ Sulphur Springs Road Comparison of Background vs Build-out Peak Hour Traffic Conditions

Approach	Peak Hour	Background			Build-out			V/C Increase %
		LOS	Delay	V/C	LOS	Delay	V/C	
Eastbound (Hazelwood Ave)	AM	A	5.9	0.20	A	6.1	0.22	0.02
	PM	A	4.8	0.10	A	4.9	0.12	0.02
Westbound (Hazelwood Ave)	AM	A	0.0	0.14	A	0.0	0.15	0.01
	PM	A	0.0	0.08	A	0.0	0.09	0.01
Southbound (Sulphur Springs)	AM	C	12.5	0.25	B	13.0	0.27	0.02
	PM	B	11.4	0.23	B	11.9	0.28	0.05

<Table 14>

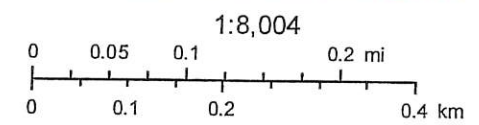
As can be seen in Table 14, the Hazelwood Avenue @ Sulphur Springs Road intersection is only minimally effected by the proposed development and the intersection operation remains mostly consistent through the addition of the proposed development. All V/C increases are within the Town of Waynesville mitigation thresholds. This intersection operates sufficiently under both background and build-out conditions with the existing lane configurations and

current traffic configurations.

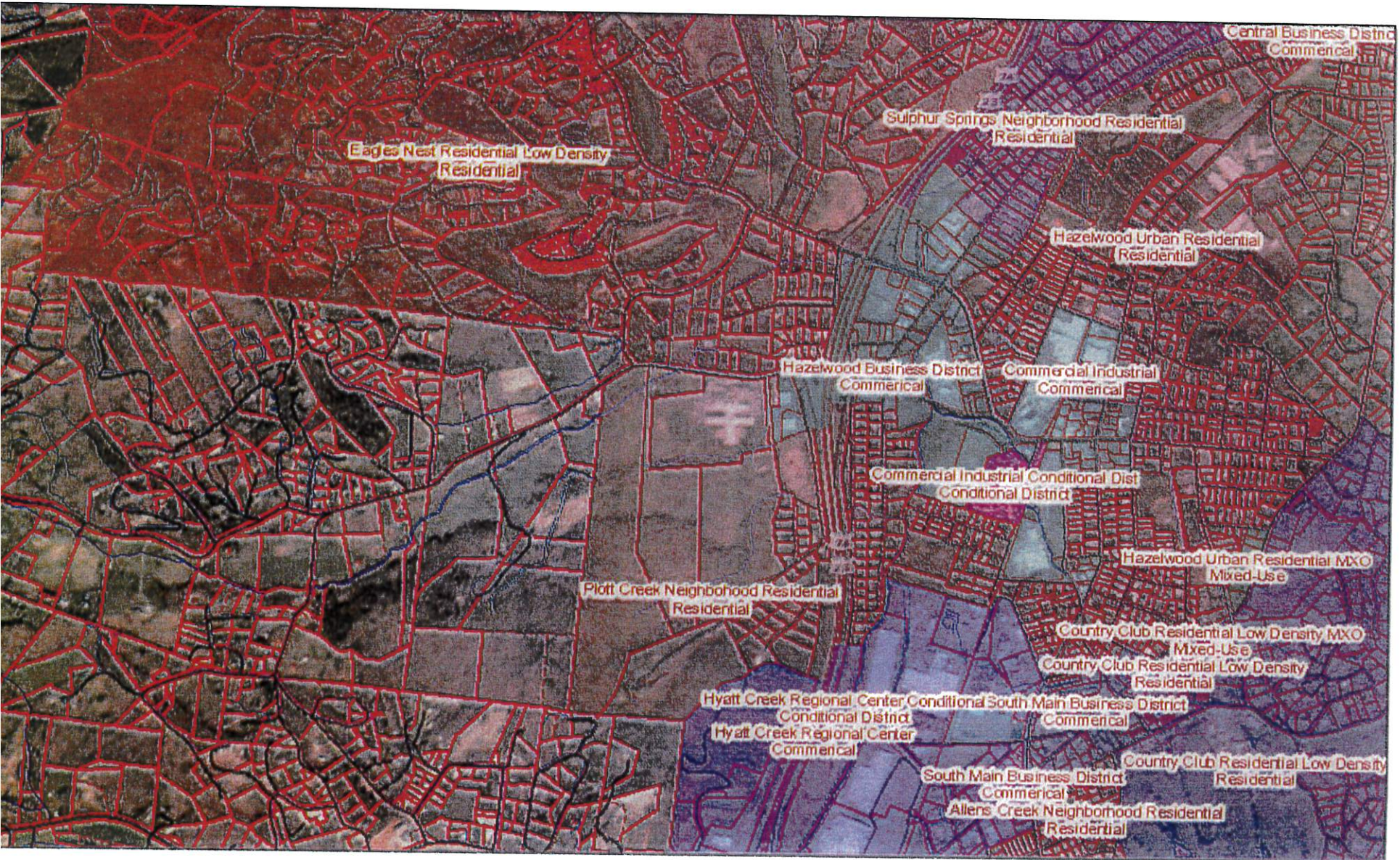
No changes are recommended at this intersection to accommodate traffic generated by the site under build-out conditions. The addition of site generated traffic is not anticipated to degrade general roadway or driver safety at this intersection.



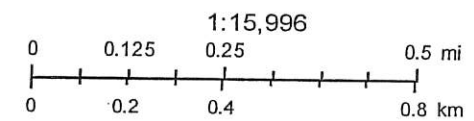
May 22, 2018



PC-NR and Nearby Zoning Districts



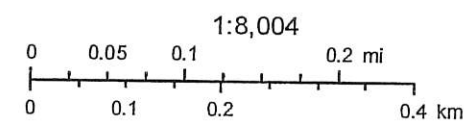
October 9, 2018



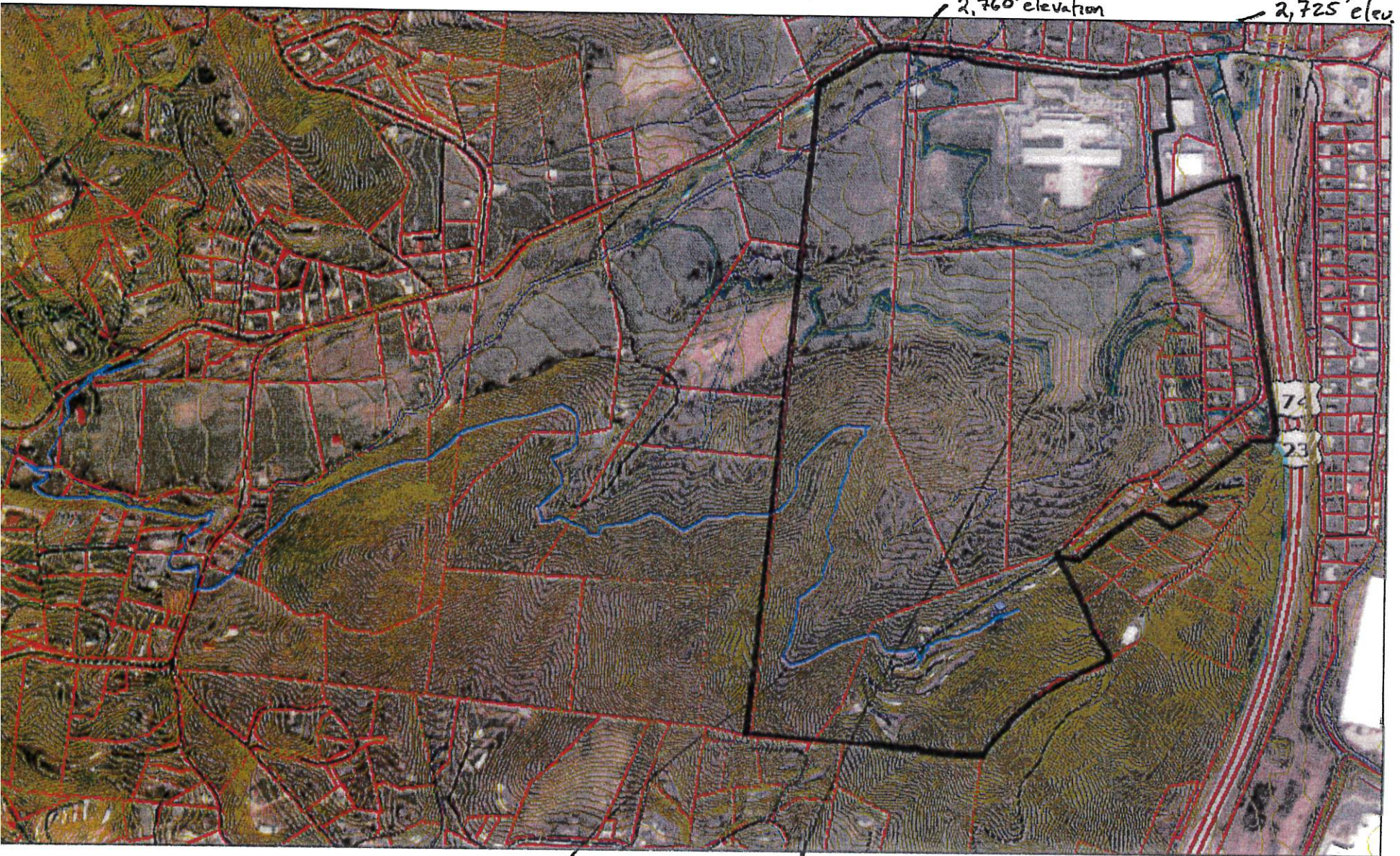
2012 FIRM (green = "100 yr floodplain)



September 20, 2018



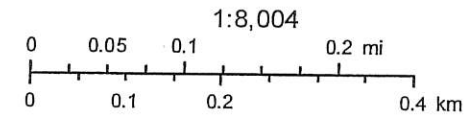
Haywood County



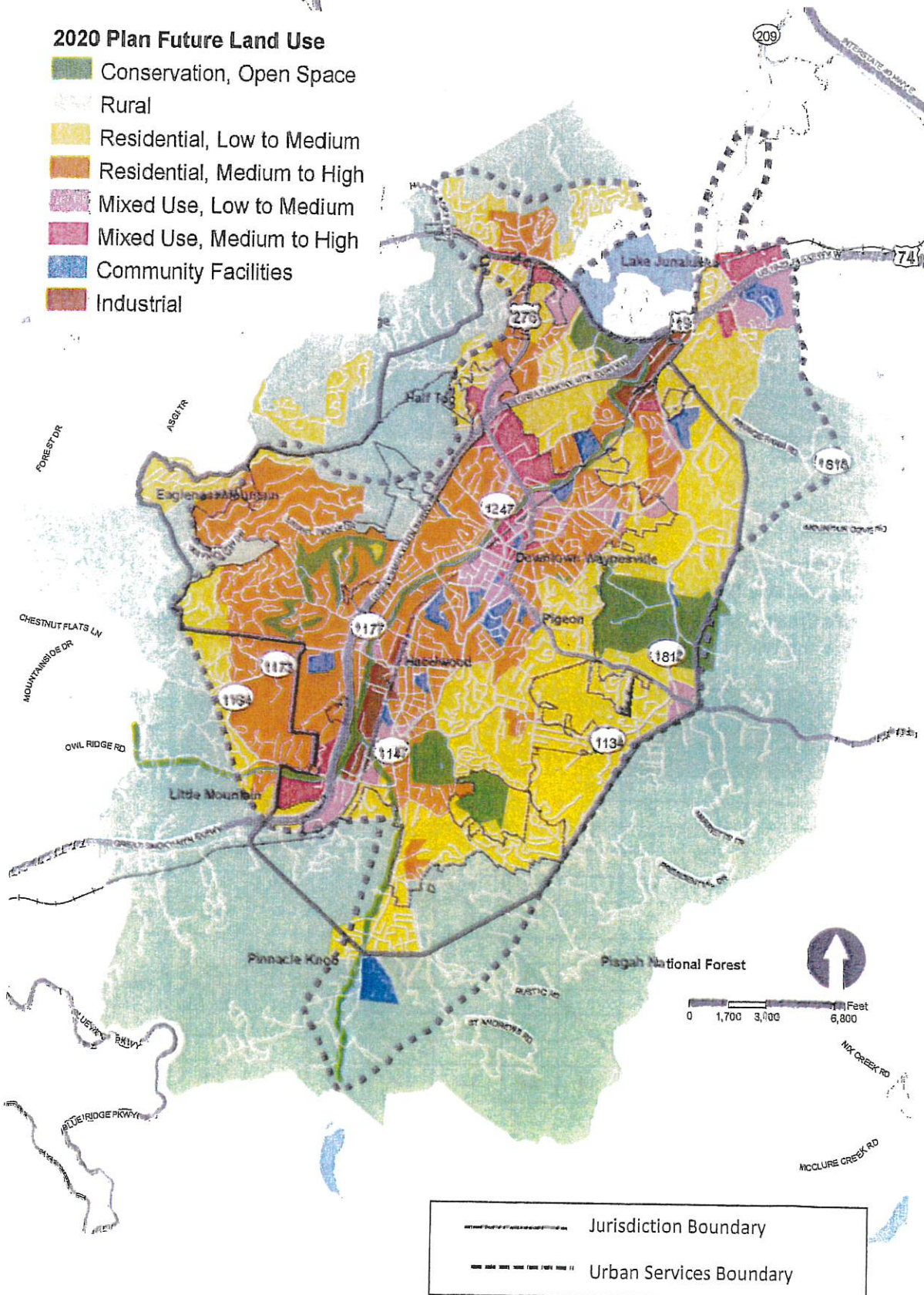
May 22, 2018

2,900' elevation

2,800' elevation



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



ORDINANCE NO. 0-21-18

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

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

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed amendment at a notified public hearing, and adopted a Statement of Consistency with findings that the ordinance is consistent with the 2020 Comprehensive Land Development Plan, and that the Ordinance is both reasonable and in the public interest, and voted to recommend its enactment by the Board of Aldermen; and

WHEREAS, the Town of Waynesville Board of Aldermen reviewed the proposed amendment and adopted a Statement of Consistency with findings that the text amendment is consistent with the 2020 Comprehensive Land Development Plan and is both reasonable and in the public interest, prior to this ordinance; and

WHEREAS, after notice duly given, a public hearing was held on November 13, 2018;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON NOVEMBER 13, 2018 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

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

ADOPTED this 13th day of November, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William Cannon, Town Attorney



To: Town of Waynesville Board of Aldermen
From: Patrick McDowell, Chair, Town of Waynesville Planning Board
Date: November 5, 2018
Subject: Report to the Aldermen and Text Amendment Statement of Consistency
Description: Action to recommend addition of “multi-family” to the PC-NR District

At their October 15, 2018 regularly scheduled meeting, the Planning Board followed a worksheet that reflects the exact wording of NCGS 160A-383, and broke up their findings into two parts made by separate motions. The Board then took a vote on their recommendation. The approved minutes of the October 15, 2018 meeting are attached for your information.

In regards to the text amendment to add multi-family into the Table of Permitted Uses in the Plott Creek Neighborhood Residential District (pursuant to the worksheet):

✓ The Planning Board hereby adopts and recommends to the Governing Board the following statement(s) :

1. The zoning amendment **is approved and is consistent with the Town’s comprehensive land use plan** because:

- *The text amendment encourages a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi-family dwelling options; and*
- *The Plott Creek Neighborhood Residential district is within the medium to high density area for future growth; and*
- *The Plott Creek Neighborhood Residential district is within the urban services boundary in keeping with the objective to limit urban sprawl through the establishment of a planned growth area for the Town of Waynesville; and*
- *The Plott Creek Neighborhood Residential district is also within a mile’s range of the Hazelwood Central Business District and less than .5 of a mile to the 23/74 Expressway; and*
- *Western North Carolina and the Town of Waynesville is experiencing growth that has resulted in a shortage of available housing. “According to the 2017 Haywood County Housing Strategy, there are few long term rentals available in the county; rental rates are typically above HUD Fair Market Rent level and only 7.4% of the units in the county are multi-family units.”*

This motion made by Bob Herrmann and seconded by Anthony Sutton, and voted on with 6 Planning Board members voting in favor and 2 voting against.

2. The zoning amendment **and is reasonable and in the public interest** because:

- *The text amendment would expand housing opportunities that meet an identified community need on a large undeveloped tract of land that can hold a large scale project; and*

- *This text amendment would place a “P” within the table of permitted uses in the PC-NR column at the “multi-family” row, without changing any other requirements or density of the district.*
- *This would re-instate multi-family within a district that is identified for growth as medium to high density development. It would allow structures that could accommodate apartments or condominiums for new rental or ownership housing, which the Town of Waynesville needs.*

This motion made by Bucky Dykes and seconded by Bob Herrmann, and voted on with 6 Planning Board members voting in favor and 2 voting against.

☐

The zoning amendment **is rejected because it is inconsistent with the Town’s comprehensive land plan and is not reasonable and in the public interest** because _____

☐

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s comprehensive land use plan.** The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

The Planning Board voted to recommend the text amendment to the Board of Aldermen. This motion was made by Patrick McDowell and seconded by Anthony Sutton, and carried by a vote of 6 in favor and 2 in opposition.

Patrick McDowell, Planning Board Chair, Date

Eddie Ward, Clerk, Date

Purpose

This study examines affordable rental housing for the work force of Waynesville in October of 2018. The purpose of the study is to verify rental availability in the current market.

Affordable Housing Definition

A metric used by the federal government and mortgage lenders for determining an individual's affordable housing price is the 30 percent metric. This metric assumes that housing costs should be 30 percent or less than one's annual salary. To determine what affordable housing in Waynesville might look like, salary data was collected from 3 sources: teachers within Haywood County, employees of the Town of Waynesville, and employees of Giles Chemical in Waynesville. The salary data from each of these sources was separated into different salary ranges, each salary range was averaged, and 30 percent of each salary range was determined before and after tax deductions. Insurance and retirement benefits are not included in these salary figures. Staff submits that affordable rent should be estimated upon 30 percent of what individuals net after taxes rather than their gross

Findings indicate that housing which would cater to the workforce in Waynesville would lie in the range of \$500 to \$1,100 a month, with the majority of this range lying between \$700 and \$1000 a month.

Rental Housing Availability and Prices in Waynesville

In order to determine the availability of housing and the current price of housing in Waynesville, staff made contact with several apartment complexes in the town and inquired about how many units were available and the pricing options offered by each complex. Staff reached out to seven different housing

Nov. – Dec. Availability		
Units	Bedrooms	Price
1	3	\$1,265
1	2	\$1,125
1	2	\$695
1	2	\$650
1	1	\$750
1	1	\$475

Figure 1

providers in the town of Waynesville but was only able to make contact with four of them. One single bedroom is available immediately for \$650 per month and five other units will become available between now and December. These apartments range between \$475 per month to \$1265 per month.

Of the four complexes staff was able to make contact with only one unit was available between October 22 and 26.

The largest apartment complex currently located in The Town of Waynesville is Vantage Pointe Homes which offers rents for one bedroom apartments starting at \$875 per month to three bedroom apartments for \$1,265 per month. However, only two and three bedroom units will become available between November and December. Meadowland Apartments offer one bedroom units for \$595 per month and two bedroom units for \$695 per month with only one two bedroom unit becoming available. The apartments off of Walnut Street offer one bedroom units for \$650 per month

and two bedroom units for \$750 per month. The apartments of Natural Springs Loop offer one bedroom units for \$475 per month.

Conclusion

Of the 6 apartments that will become available between now and December, four of them lie within what could be considered the affordable housing range for the workforce we studied in Waynesville. What can be considered affordable for the workforce in Waynesville is a price range between \$500 and \$1,100 a month with the majority of workers falling into the \$700 to \$1,000 range. This study has shown that there is housing in the Town of Waynesville which meets these criteria, but it is in short supply.

This study is not an in depth analysis as any family or individual's ability to afford housing can be subject to many variables. However, this study does confirm what staff has heard anecdotally for someone in the typical range of the Waynesville workforce attempting to find a place to rent.

TEACHER SALARY AND AFFORDABLE HOUSING ANALYSIS					
Salary Range	Number of Teachers	Average Salary Before Tax	Average Salary After Tax	Affordable Rent Based on Before Tax	Affordable Rent Based on After Tax
[T] 35k-63.44k	457 (100%)	\$45,562	\$35,676	\$1,139	\$891
[A] 35k-40k	116 (25.3%)	\$37,461	\$29,641	\$936	\$741
[B] 41k-46.2k	83 (18.1%)	\$43,113	\$33,851	\$1,077	\$846
[C] 47k-52.8k	146 (31.9%)	\$49,970	\$38,618	\$1,249	\$965
[D] 53.76k-59.78k	82 (17.9%)	\$55,843	\$42,406	\$1,396	\$1,060
[E] 61-63.44k	31 (6.7%)	\$61,488	\$46,047	\$1,537	\$1,151

Figure 2 (For the sake of this study, all teachers not considered full time were omitted: 36 in total)

TOWN OF WAYNESVILLE SALARY AND AFFORDABLE HOUSING ANALYSIS					
Salary Range	Number of Employees	Average Salary Before Tax	Average Salary After Tax	Affordable Rent Based on Before Tax	Affordable Rent Based on After Tax
[T] 24.55k-67.6k	169 (100%)	\$38,695	\$30,560	\$967	\$764
[A] 24.55k-29.85k	36 (21.3%)	\$27,919	\$22,532	\$697	\$563
[B] 30.12k-35.82k	42 (24.8%)	\$35,655	\$28,295	\$891	\$707
[C] 36.12k-41.63	44 (26%)	\$38,802	\$30,640	\$970	\$766
[D] 42k-53.16k	26 (15.3%)	\$46,984	\$36,692	\$1,174	\$917
[E] 54.75k-67.6k	21 (12.4%)	\$58,762	\$44,289	\$1,469	\$1,107

Figure 3 (For the sake of this study, members of the Board of Alderman, department heads, the Town Manager, and the Assistant Town Manager were omitted: 13 in total)

GILES CHEMICAL SALARY AND AFFORDABLE HOUSING ANNALYSIS					
Salary Range	Number of Employees	Average Salary Before Tax	Average Salary After Tax	Affordable Rent Based on Before Tax	Affordable Rent Based on After Tax
All Employees	201 (100%)	\$36,235	\$28,727	\$905	\$718
Starting at \$12.21/hour	Unknown	\$25,396	\$20,652	\$634	\$516
Starting at \$11.90/hour	Unknown	\$24,752	\$20,172	\$618	\$504

Figure 4 (For the sake of this study, owners and upper management were omitted)

From: Amie Owens
Sent: Wednesday, November 07, 2018 7:41 AM
To: Eddie Ward
Subject: FW: Input on Text Amendment Request Concerning Apartments in the Plott Valley District

Please print for the board meeting.

Thanks!

Amie Owens
Assistant Town Manager
aowens@waynesvillenc.gov

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

From: Comcast [mailto:TRMNAVY@COMCAST.NET]
Sent: Tuesday, November 06, 2018 11:06 PM
To: Mayor & Board of Aldermen; THOMAS MOODY
Subject: Input on Text Amendment Request Concerning Apartments in the Plott Valley District

Dear Aldermen,

First of all, thank you for your service to our Community and to the town of Waynesville. Yours is a very difficult and often a thankless job. Secondly, I apologize in advance for the length of this email. Having only three minutes to speak at the Alderman's Meeting doesn't allow addressing all the issues I hope you will consider related to the proposed text amendment to Waynesville's Land Use Plan...

- My wife's family moved into the house at the intersection of Plott Creek Road and Will Hyatt Road about 1955. We made some renovations and moved into the house in 2013.
- There are many negative impacts that the approval of this text amendment would create, including: loss of open space; destruction of the marvelous view of Plott Valley; increased water run off; increased demand on water/sewer systems; increased traffic on Plott Creek Road and adjoining roads; increased overcrowding of the elementary school; potential additional development; security concerns; and property value reduction. I won't address those issues here, but I would like to mention a few others:
 - As I understand it, apartments were permitted in the Plott Creek District until 2011. Ms. Teague has stated that apartments were "dropped" from the land use plan by mistake, but I think you need to consider that removing apartments in 2011 was a conscious decision because it was felt that Plott Valley was not an appropriate location for apartments.
 - The Land Use Plan uses the "Smart Growth" philosophy. One of the ten principles of Smart Growth is "Preserve Open Space, Farmland, Natural Beauty, and Critical Environmental Areas". Allowing apartments in the Plott Creek District would do just the opposite of this principle.
 - I fully understand that Waynesville and Haywood County need additional housing but I do not understand why this problem must be fixed inside the Waynesville town limits and on one of the few remaining large tracts of land in the Town of Waynesville. As the opening sentence of Chapter 1 Introduction of the 2020 Land Development Plan states, "Land is our most basic resource". I believe there are other areas in the Town and/or County where apartments are already permitted that are better-suited to help reduce this housing need.

- An update of the Land Development Plan is underway now and is scheduled to be completed in first quarter 2019. Would it not be prudent to wait until that update is completed before approving this text amendment that will result in drastic and permanent changes to this unique area? Additionally, what would happen if you approve this text amendment now and, then, when the review that is underway now, that group recommends not allowing apartments in the Plott Valley District? Perhaps it would be wise to allow the review process to run its course instead of making this significant change to the Land Use Plan while the review is underway.

- As I understand it, Waynesville's sewer system is in very bad shape, with fines being assessed due to non-compliance with standards and with the possibility of the state of North Carolina imposing a moratorium on future taps to the sewer system until Waynesville develops a plan to upgrade the sewer system including funding sources. Knowing that, it seems inconceivable that now is a good time for the town to approve more areas for apartments. Additionally, the "Utilities" section of the Land Use Plan Update states, "The Plott Creek area is difficult to serve due to topographical constraints." Why not encourage apartments in areas where utilities are more accessible instead of Plott Valley?

- I pulled "Google Maps" up on my computer and looked at several of the Southwoods Realty apartment complexes in the Asheville/Hendersonville area. Some of the properties within 900 hundred feet of the entrances of these apartment complexes include Ingles, Batteries Plus Bulbs, a Sushi and Grill Restaurant, Massage Envy, Earth Fare, Kentucky Fried Chicken, Ace Hardware, Taco Bell, Harbor Freight Tools, Sherwin Williams, Carolina Guns and Gear, Fat Cat's Billiards, The Oaks at Sweeten Creek Retirement Home, Hubbell Electrical Distribution, Denny's Jewelry and Pawn, King's Auto Sales, Jack in the Box, Dollar Tree, Sonic Drive In, multiple other apartment complexes, and Golden Corral. I'm not sure which came first, the apartments or the businesses, but, in either case, they are all there. Looking at the Google Maps satellite view of the same areas and comparing them to the satellite view of Plott Valley shows quite a contrast in developed versus open areas. I hope it is not the Town's vision to turn

Plott Creek Valley into an industrial/shopping/eating/intensive apartment area as in these Asheville/Hendersonville areas.

- Based on earlier meetings that have been conducted and the petition against the text amendment request that has been submitted, community consensus on this change and it is overwhelmingly against allowing apartments in the Plott Creek District. Approving this text amendment would be an instance of violating another "Smart Growth" philosophy principle which states, "Encourage Community and Stakeholder Collaboration in Development Decisions".

- We have been told that Plott Creek Road is not at capacity and even adding 200 apartments, by the way, with an entrance in a blind curve, will not take Plott Creek Road to its capacity. At capacity or not, I can tell you from living there that Plott Creek Road is very busy and the vehicles move very quickly. I can also tell you that I have to pick up pieces of asphalt chipped off Plott Creek Road before I mow my front yard just about every time I mow. So, at capacity or not, the road is not holding up to the traffic and I can't imagine what an additional 200 units would do to the traffic on Plott Creek, Will Hyatt, Eagles Nest, and Green Valley Roads.

Plott Valley is a beautiful and unique community. Allowing apartments in the Plott Creek District would significantly change its character forever. I strongly urge you to take into account the above information and the voices, input, concerns, and consensus of the residents of Plott Valley and the County and disapprove this text amendment request.

Thank you for your time and consideration, Thomas Ray Moody
Gail Caldwell Moody
1266 Plott Creek Road
Waynesville, NC 28786
404-372-3499

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 13, 2018

SUBJECT: Public hearing to consider an Ordinance Amending Chapter 42 prohibiting trespassing and camping on Town Property.

AGENDA INFORMATION:

Agenda Location: Public Hearings
Item Number: C6
Department: Administrative Services
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY The Town has experienced a rash of night time trespassing and camping in its parks and other Town property. We do not have an ordinance that empowers the Town staff to order trespassers off our property. The proposed ordinance sets a nightly closing hour of nine (9) pm “unless otherwise posted or permitted”. The language would permit the Town to permit special events or activities later than 9 pm or post different hours through signage.

The ordinance was presented during the Board’s October 23rd meeting and is before you for public comment and adoption. Notice of Public Hearing was published on November 2 and November 9.

MOTION FOR CONSIDERATION: To approve an ordinance amending Chapter 42 of the Town of Waynesville Code of Ordinances prohibiting trespassing and camping on Town Property.

FUNDING SOURCE/IMPACT: No financial impact but would provide Police with additional enforcement capabilities related to town properties.

ATTACHMENTS:

- Ordinance

MANAGER’S COMMENTS AND RECOMMENDATIONS: The Police need this type of ordinance for instances where trespassers become belligerent and refuse to leave Town property resulting in their arrest.

ORDINANCE # 0-22-18

AN ORDINANCE AMENDING CHAPTER 42 OF THE TOWN OF WAYNESVILLE CODE OF ORDINANCES

WHEREAS, The Town of Waynesville through the authority granted by GS 160A-3 has a duty to protect the health, safety and welfare of its residents; and

WHEREAS, it is important to protect patrons of its public spaces and insure the orderly safe use of the Town's property; and

WHEREAS, the Town is experiencing a increased incidence of overnight use of its property for purposes other than activities related to its recreational programs; and

WHEREAS, after notice duly given, a public hearing was held on November 6, 2018;

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

THAT, Chapter 42, Article I be amended to include the following:

Sec. 42-5 Acts Prohibited on Town Property.

- (a) Unless otherwise posted or permitted by the Town through "Special Events Permit" Town property shall open to the public at dawn and close at 9:00 pm.
- (1) During the hours the Town's property is closed it shall be illegal to congregate, camp, or otherwise trespass.
- (b) Violations of this section shall be a class 3 misdemeanor punishable upon conviction in accordance with Section 1-8. With respect to section (1) each separate incident and each day's violation shall constitute a separate offense.

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

Adopted this the 13th day of November, 2018

Town of Waynesville

Gavin A. Brown, Mayor

Attest:

Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 13, 2018**

SUBJECT: Request to have Town utility pole moved to edge of property

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D7
Department: Public Services
Contact: Elise Curry
Presenter: Elise Curry – property owner 398 Boundary Street

BRIEF SUMMARY: Citizen is making some changes/improvements to the property and a driveway will be expanded. The current utility pole would be where the new driveway improvements would be. Request that the Town move the utility pole approximately 3 feet.

MOTION FOR CONSIDERATION: To approve (or deny) the movement of a Town of Waynesville utility pole to accommodate the placement of a driveway at 398 Boundary Street.

FUNDING SOURCE/IMPACT: Electric department staff would have to move pole and rewire

ATTACHMENTS:

- Map of 398 Boundary Street

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend that the individual making the request pay for the costs associated with the movement of the utility pole.

Haywood County North Carolina



Search Results Layers

Results List

Details

View Tax Card (<taxcard.aspx?id=8615-48-5723>)

CURRY, BETH ELISE
80-70 CANDLER ST
WAYNESVILLE, NC 28786

PIN:	Acct#:
8615-48-5723	152582
Legal Ref 1:	Add Ref 1:
608/2300 (DeedReference.aspx?target=608/2300)	81E204
Legal Ref 2:	Add Ref 2:

Acreage
0.47 AC

Current Value	
Land: \$42,300	Building: \$151,200
Market: \$193,500	Deferred:
Total	\$193,500
Assessed:	
Sale Info	
\$220,500	09/15/2004

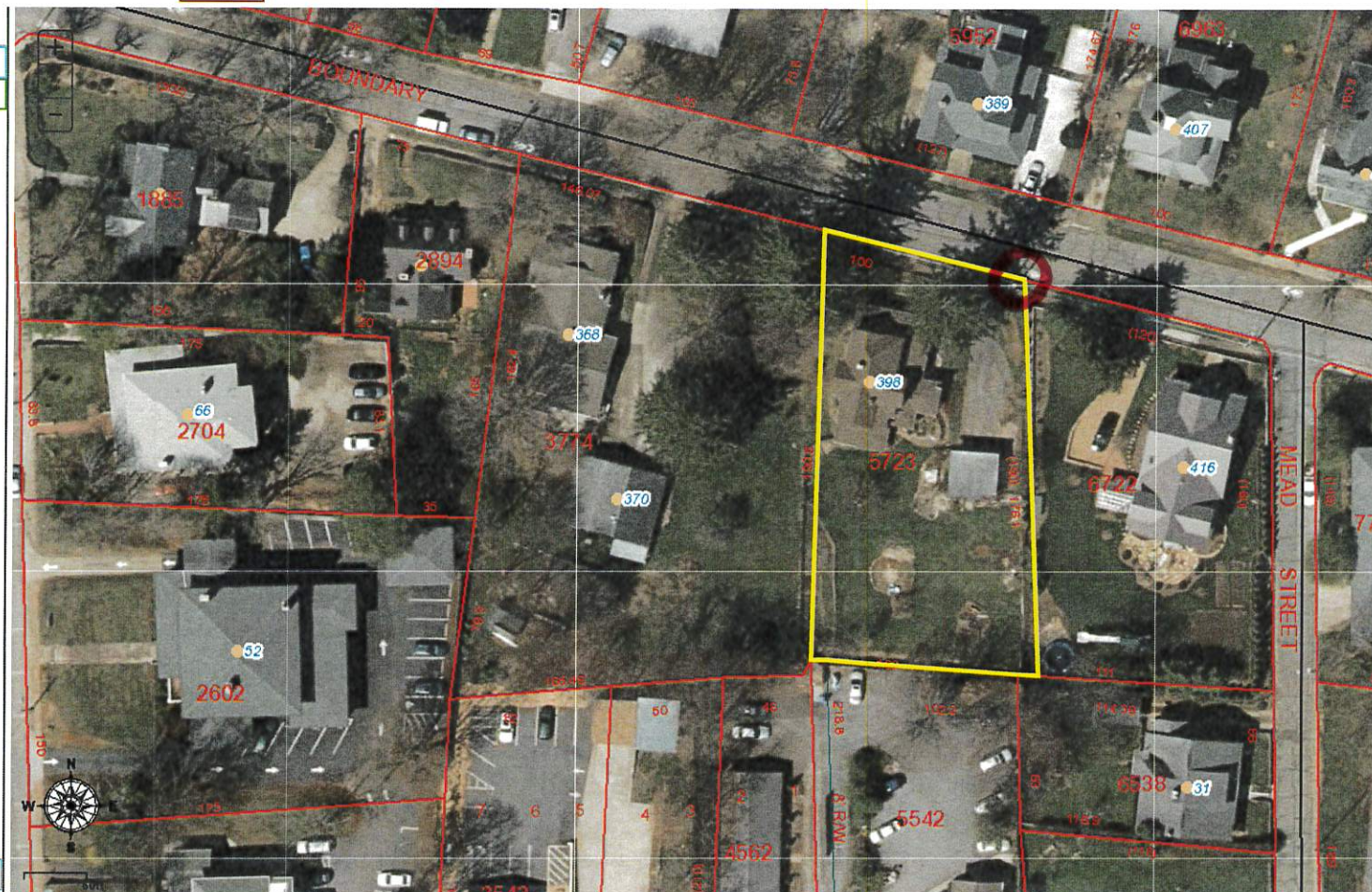
Additional Information

Property Address: 398 BOUNDARY ST
Property Desc: 398 BOUNDARY ST
Subdivision:
Year Built: 1900
Heated Area: 2290
Building Desc: DWELLING
Land Desc: HOMESITE PRIMARY
Occupancy Desc: SINGLE FAMILY

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**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 13, 2018**

SUBJECT: Personnel Policy Manual/Employee Handbook Revision

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D8
Department: Administrative Services
Contact: Amie Owens, Assistant Town Manager
Presenter: Amie Owens, Assistant Town Manager
Brittany Buchanan, HR Specialist

BRIEF SUMMARY: It has been multiple years since the Personnel Policy Manual in its entirety has been updated. We have made changes to specific policies but never completed a full review. As members of the Society for Human Resource Management (SHRM), we had access to a handbook builder that had the appropriately crafted language provided by the SHRM legal team. Using this template ensured that all the federal and state provisions and language requirements were included and legally compliant.

Any items that the Board has approved that were specifically done separately have been included in the new version. For example: on page 11 and 12, items that were passed by the Board of Aldermen in 2016, and will remain in effect. There are some of these amendments that are as far back as 1998.

There are two new policies that have been added including the social media policy and the social function policy. These were precipitated by the fact that social media litigation has been in the forefront of employment law issues in recent years and due to recent events in neighboring counties.

One deletion that occurred in 2016 when the Town began services with USABLE Life was the elimination of the Retiree Life Insurance as a purchased option through the Town. Retirees still have an option for life insurance through the NC Retirement System for a \$10,000 policy. This is one of the first forms that a retiree will complete at the time of retirement paperwork submission. All retirees who had coverage prior to 2016 are grandfathered in and will continue to receive their benefit until age 70. This is now billed through Flores rather than the Town.

MOTION FOR CONSIDERATION: To approve the revisions to the Personnel Policy Manual/Employee Handbook to be effective January 1, 2019.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- Revised Personnel Policy Manual/Employee Handbook

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval of the revised Personnel Policy Manual/Employee Handbook - noting that as a policy tool, revisions may be made periodically based on changes in personnel law and Board direction.

Town of Waynesville
PERSONNEL POLICY MANUAL
Employee Handbook



**Revisions, additions and/or deletions to Policy Manual are approved
and adopted by the Mayor and Board of Aldermen**

Last updated: November 2018

Welcome

Welcome to the Town of Waynesville! We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further the Town of Waynesville's goals.

You are joining an organization that has a reputation for outstanding leadership, innovation, and expertise. Our employees use their creativity and talent to invent new solutions, meet new demands, and offer the most effective services/products in the industry. With your active involvement, creativity, and support, the Town of Waynesville will continue to achieve its goals. We sincerely hope you will take pride in being an important part of the Town of Waynesville's success.

The purpose of this policy manual is to provide officials and employees of the Town of Waynesville (hereinafter referred to as the Town) with a concise document which contains the general personnel policies governing Town personnel. This policy manual replaces and supersedes all previously issued manuals, policies, memorandums and directives.

The issuance of this personnel policy manual does not constitute a contractual relationship with employees and is adopted by Resolution by the Mayor and Board of Aldermen. The Town has the right to change or suspend any provisions of this manual at any time at the Town's discretion. No term of this personnel policy manual will be binding on the Town.

Reference is made throughout this manual to the personal pronouns "his," "him," and "he." The use of these terms is not intended to imply gender and consequently such reference means both male and female.

Please take time to review the personnel policies contained in this manual. If you have questions, feel free to ask your supervisor or to contact the Human Resources Department.

BE IT RESOLVED, by the Board of Aldermen of the Town of Waynesville, that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Waynesville.

Adopted this ____ day of _____, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

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Personnel Policy (in general) – Approved via Resolution of the Board of Aldermen on November 13, 2018

The purpose of this policy is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible work force for the Town. The policy is established under the authority of Chapter 160A-164 of the General Statutes of the State of North Carolina.

This policy will cover all regular, temporary, seasonal, part-time, and probationary employees except as specifically exempted. Members of the Board of Aldermen and any other task force, advisory board or commission are exempted from these policies unless specifically stated.

Employment at Will

Employment at Town of Waynesville is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the Mayor on behalf of the Board of Aldermen.

This means that either the employee or the Town may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no Town representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Town of Waynesville employees have the right to engage in or refrain from such activities.

Responsibility of Town Manager

The Town Manager will be responsible to the Board of Aldermen for the administration and direction of the personnel program. The Town Manager will make appointments, dismissals and suspensions in accordance with the policies and procedures spelled out in later sections of this policy. Appointment, dismissal, and suspension policies will apply to all employees. The Town Manager will be responsible for interpreting policies when necessary and recommending to the Board of Aldermen policy changes and new policies. The Town Manager will also be responsible for determining conditions of employment.

Responsibility of Board of Aldermen

The Board of Aldermen will establish and amend personnel policies, position classifications and pay plans, and related rules and will make and confirm appointments when so specified by law.

Responsibility of Human Resource Department

The Human Resource Department is responsible for maintaining all official personnel files which include, but are not limited to the following: employment applications, conditions of employment, reference checks, performance evaluation forms, attendance records, disciplinary actions taken, commendations received, and documentation of all other personnel actions as deemed pertinent by the Town Manager.

Departmental Rules and Regulations

Due to the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel and operating procedures of that department. All such rules and regulations will be subject to the approval of the Town Manager, and will not in any way conflict with the provisions of this policy, but will be considered as a supplement to this policy.

Equal Opportunity and Commitment to Diversity

Equal Opportunity

It is the policy of the Town of Waynesville to foster, maintain and promote equal employment opportunities. The Town of Waynesville provides equal employment opportunities to all employees and applicants for employment without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, or service in the military. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

Town of Waynesville expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Department or Town Manager. The Town will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention of the Human Resources Department or Town Manager.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below.

“Adverse conduct” includes but is not limited to:

- (1) shunning and avoiding an individual who reports harassment, discrimination or retaliation;
- (2) express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or
- (3) denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure found under Grievance Procedure on page .

Notices with regard to equal employment matters will be posted in conspicuous places on the premises in places where notices are customarily posted.

Posting of Vacancies

When job vacancies occur within the Town, the Human Resources office will be responsible for informing each department manager and placement in conspicuous places where notices of Town activities are customarily posted such as the Town of Waynesville website. Postings for vacant positions may be posted internally and externally at the same time. Internal job postings will be listed in house for at least five (5) working days. Current employees must file a written internal application with the Human Resources office to be considered for the vacant position. The Human Resources office is responsible for such distribution of vacancy notices that will provide a reasonable opportunity for all employees to be aware of vacancies.

Applications for Employment

All persons applying for employment with the Town will be required to complete an official Town employment application, which will be made available to all applicants for all position listings.

Applications will be accepted at any time a job vacancy exists. Applications may be submitted through NC Works (formerly NC Office of Employment Security) or the Human Resources office. All information provided on the application must be true and correct with the provision of false information being grounds for elimination from consideration and/or dismissal from Town employment. Additional disciplinary procedures can be instituted as provided in G.S. 14-3 and G.S. 14-122.1. (Adopted by the Mayor and Board of Aldermen, 10/7/98)

Applications will be kept in an inactive reserve file for a period of one year, in accordance with Equal Employment Opportunity Commission and North Carolina Municipal Records Retention and Disposition schedule guidelines.

Background Checks

All employees who go through the Town’s hiring process will complete a background check. Such background checks may also apply to internal candidates who are being considered for a promotion or transfer. A background check form is part of the onboarding paperwork and will be provided to those who are offered a position with the Town of Waynesville.

Background screening will not be used as a way to disqualify someone or reduce the number of applicants for a position. Background checks are meant to reinforce a hiring decision and ensure candidates who have been selected for a job are suitable.

Testing

Applicants for certain positions may be required to take various job-related tests which measure ability, aptitude, agility or skill. The Town may also require a polygraph examination for law enforcement applicants. Law enforcement personnel will be required to have been administered a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina in accordance with 12 NCAC 9B.0101. Law enforcement personnel who carry firearms may be subject to periodic evaluation for mental and physical fitness for duty. All tests given to applicants will be administered and evaluated by qualified individuals chosen by the Town and at the Town's expense. All tests administered will conform to all applicable legal regulations.

Medical Examination/Fitness for Duty

All applicants will be required to undergo a drug screening and physical examination by a licensed physician after receiving a conditional offer of employment. Such examinations will be at the expense of the Town.

Identification

All personnel employed by the Town must present a valid North Carolina driver's license or other acceptable form of identification at the time of employment.

All new appointments to the Town will present proof of identification and employment eligibility before they are placed on the Town payroll. New appointments are required to present acceptable documentation in accordance with the Immigration Reform and Control Act of 1986. The Human Resource office will be responsible for obtaining adequate identification for satisfying the requirements of the Act. Documentation will be maintained on file in accordance with the Act.

Selective Service Compliance

All new appointments to the Town, who are U.S. male citizens, 18 to 26 years of age, must certify they have registered for Selective Service. This applies to all positions, whether full-time, part-time or seasonal.

Applicants not in compliance are ineligible for employment. After notification of ineligibility, the applicant has thirty (30) days to provide the Town with information that he is now in compliance with the federal law.

The Town Manager may then give the applicant a hearing and if the applicant proves that the failure to register "was not a knowing and willful failure," he may be hired by the Town. This procedural requirement only applies to applicants hired by the Town after October 1, 1989 (G.S. 143B-421.1).

Americans with Disabilities Act (ADA) and Reasonable Accommodation

To ensure equal employment opportunities to qualified individuals with a disability, Town of Waynesville will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result. Employees who may require a reasonable accommodation should contact the Human Resources Department.

The Town has designated a coordinator to handle issues related to the Americans with Disabilities Act of 1990 (ADA). All requests for reasonable accommodation, auxiliary communication aids and services, alternative accessible formats for notices, policies and other information, as well as complaints regarding the Town's ADA program should be directed to the ADA Coordinator:

Human Resource Department
Town of Waynesville
16 S. Main Street/PO Box 100
Waynesville, NC 28786
Telephone # (828) 456-2028
Fax # (828) 456-2000

Any complaint or grievance relating to disability must be filed in writing directly with the ADA Coordinator, and can be appealed, if necessary, to the Town Manager.

Employment Relationship

Employment Classification

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, Town of Waynesville classifies its employees as shown below. Town of Waynesville may review or change employee classifications at any time.

Exemptions – General (Amended Board of Aldermen 07-01-2016)

The exempt or non-exempt status of any particular employee must be determined on the basis of the nature of work performed, the duties, responsibilities assigned, and the terms or conditions of employment and in accordance with the Fair Labor Standards Act (FLSA) testing.

Definitions:

Exempt. Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.

Nonexempt. Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Full-Time. Employees who are not in a temporary status and work a minimum of 30 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Part-Time. Employees who are not in a temporary status and who are regularly scheduled to work fewer than 30 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the Town and are subject to the terms, conditions, and limitations of each benefits program.

Temporary or Seasonal, Part-Time. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 30 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

Volunteers. Excluded from the definition of “employee” and thus from coverage of the FLSA, individuals who volunteer services to the Town, such as volunteer fire fighters and who volunteer services without compensation, but are paid expenses, reasonable benefits, or a nominal fee.

Minimum Age Requirement (Amended Board of Aldermen 07-01-2016)

The minimum age for employment with the Town is eighteen (18) for all full-time positions. Exceptions to the minimum age are provided for under the law if the applicant procures an employment certificate from the Haywood County Health and Human Services Department and is hired in a part-time or seasonal capacity. For example: Life Guards. No individual under the age of 16 will be employed by the Town of Waynesville in any capacity.

Authorization of New Positions

New positions will be established upon recommendation of the Town Manager and approval of the Town Board of Aldermen during the budget process. New positions will be recommended to the Board of Aldermen with a recommended class title, salary, job description and rationale for the addition of a position.

Employment of Relatives (Nepotism) (Amended Board of Aldermen 03-13-2018)

It is the policy of the Town that persons considered for employment or promotion shall be evaluated on the basis of individual merit, including qualifications, experience and training, without reference to considerations of race, gender, color, religion, disability, age, sexual orientation, national origin, or any other factors not involving personal professional qualifications and performance. Notwithstanding this policy, the Town retains the right to refuse to appoint a person to any position wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale or involves a potential conflict of interest. The purpose of this Nepotism Policy is to prevent improper favoritism in employment based upon family or personal relationships within the Town.

Objectives:

- To promote fairness in employment, supervision, discipline, transfer, promotion, salary administration and other human resource management considerations.

- To prevent improper favoritism, real or perceived conflicts of interest, or undue influence based upon family or personal relationship.
- To enhance the overall internal control system and reduce the probability of placing public assets in jeopardy.

A relative may not occupy a position which has influence over another related family member's employment, transfer or promotion, salary administration, or other human resource management consideration, including any position having responsibility for the direct supervision of the other related person.

If relatives are considered for employment, transfer, or promotion by the Town, it is necessary for Human Resources Manager to certify that such action will not result in one family member supervising another member of the family, or in any other violation of this section.

Relatives of current employees (permanent or temporary) may not be employed within the same department, except as provided by exception below. A person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.

“Family member” is defined as one of the following: relationships by blood or legal adoption—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin; and relationships by marriage—husband, wife (as defined by state law), step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above, and co-habiting couples or significant others.

In addition, the Town also prohibits the employment of a person into any position who is a relative of individuals holding the following positions: Mayor, Mayor Pro Tem, Alderman, Town Manager, Assistant Town Manager, Town Attorney, Finance Director or Human Resources; with the exception noted below related to a limited duty assignment.

Existing Employees

If an existing employee of the Town becomes subject to this policy as a result of the election of a relative, the Town Manager will assess whether or not there would be any conflict of interest prior to requesting the resignation of an existing employee. Changes in marital, domestic partner/cohabitant or relationship status will result in one of the related persons resigning his/her position within 180 days. Every effort will be made to accommodate the displaced employee with a transfer to another position within the Town for which he/she is qualified, if such a position becomes available during the 180 day period. If the change in relationship status also results in a direct supervisory relationship between two relatives, the Town Manager shall arrange for an alternate supervisory relationship for the duration of the 180-day period, after consultation with the employees' Department Director or Human Resources.

It shall be each employee's affirmative duty to immediately disclose any circumstances which may constitute a violation of this policy. Failure to do so will result in disciplinary action.

Any employees who may be related to any elected official prior to the approval of this revised policy would be considered grandfathered in and not subject to Town Manager assessment related to conflicts for as long as such employee is employed by the Town.

Exception: Unpaid volunteers and individuals hired for temporary positions, with duration of 100 days or less within any one-year period, e.g. student internships or limited professional consulting relationships, are exempt from this section. Also exempt are part-time public safety employees in fire and police, who generally are full-time employees of other agencies, and who occasionally and voluntarily provide supplemental staffing in the form of off-duty or overtime routine staffing or special event coverage or response to emergency calls for service. Any other exceptions to this policy shall be made only with the expressed and documented approval of the Town Manager.

Probationary Period of Employment

An employee appointed to a regular position will serve a probationary period of six (6) months. The probationary period may be extended up to an additional six months if performance is deemed unsatisfactory after the initial probationary period. Disciplinary action, including demotion or dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in the policy for disciplinary action. Promoted employees retain all other rights and benefits such as the right of use of the grievance procedures.

An employee serving a probationary period will receive all benefits provided in accordance with these policies except employees serving a probationary period following initial appointment will not be permitted to take vacation leave during the probationary period.

If a probationary employee is terminated during the probationary period, the employee will not be paid for accumulated vacation leave.

During a performance evaluation prior to completion of the probationary period, the employee's immediate supervisor will indicate in writing the following:

1. That the employee's progress (accomplishments, strengths, and weaknesses) have been discussed with the new employee;
2. Whether the new employee is performing satisfactory work;
3. Whether the employee should be retained in the present position or should be released and whether the probationary period should be extended for up to an additional six (6) months. If an employee's probation is extended, a work plan for achieving satisfactory performance should be included with the evaluation, including specific requirements and/or parameters, such as expected time to complete certain tasks.

Following successful completion of the 6-month probationary period, an employee's pay will be adjusted to allow for an increase of (5%) in accordance with the Town's pay plan. Likewise, the employee becomes eligible to take accumulated vacation leave.

Probationary Period - Water/Waste Water Operations

An employee appointed to a regular apprenticeship position in Wastewater or Water Operations ultimately requiring State certification of a minimum grade C license or a class I certification will serve an extended probationary period to allow time for testing and written notification from the State, that the employee has successfully passed the certification process. This extended probationary period may last up to one (1) year, but may not exceed one (1) year. Failure to pass the certification process within one (1) year will result in the apprentice being dismissed. Initial testing will occur approximately six (6) months following training. Upon receiving written certification from the State, pay will be adjusted in steps to achieve a pay increase of (5 %). Apprenticeship trainees will be hired at 10% below the regular starting rate. Following state certification, the apprentice will be promoted to an Operator I and advanced to the minimum grade and step in accordance with the pay plan. Upon satisfactory completion of a 6-month period following promotion to an operator, the employee will be advanced by the pay steps necessary to allow for an increase of five (5%) of the current grade.

Probationary Period - Law Enforcement

Sworn law enforcement personnel are required to serve a 12-month probationary period (1 2 NCAC 9C.0302).

Time Records

All employees are required to complete accurate bi-weekly time reports showing all time actually worked. These records are required by governmental regulations and are used to calculate regular and overtime pay. At the end of each pay period, the employee and his or her supervisor must sign the time record attesting to its correctness before forwarding it to the Finance Department for payroll activity.

Records of hours worked and wages paid are required to be kept for each employee subject to this policy. Records must be preserved for at least three years. Such records will be kept by the Human Resource office.

Overtime

When required due to the needs of the Town, you may be asked to work overtime. Overtime is actual hours worked in excess of 40 in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of one and one half their regular rate of pay for all hours over 40 actually worked in a single workweek. *Fire fighters overtime will be paid when hours exceed 212 hours in a 28 day consecutive period. Law enforcement personnel overtime will be paid when hours exceed 171 in a 28 day consecutive period.

Paid leave, such as holiday, vacation, sick, bereavement, and jury duty does not apply toward work time. All overtime work must be approved in advance by a department manager.

Call-back and Stand-by Pay (Amended Board of Aldermen 07/01/2016)

The Town provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee will be subject to disciplinary actions up to and including dismissal.

Call back - Non-exempt employees will be guaranteed a minimum of two hours of wages for being called back outside of normal working hours when not on stand-by. "Call back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance). On-call duty will not be assigned to employees who are on approved vacation leave, sick leave, civil leave, or military leave without authorization from the Town Manager.

Stand-by - Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. In addition, employees on stand-by will be paid an established flat stand-by rate. Stand-by time is defined as that time when an employee must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called.

Time spent by an employee who is required to remain on-call/stand-by on the Town's premises or so close thereto that he cannot use the time for his own purposes is considered working time. However, if he is required only to leave word where he may be reached, or has the use of the Town's cell phone, the hours spent on call-or on stand-by are not regarded as working time.

Stand-by duty will not be assigned to employees who are on approved vacation leave, sick leave, civil leave, or military leave without authorization from the Town Manager.

Longevity Pay (Added 07/01/2001 and Amended 10/01/2017)

Employees will receive longevity pay in the last week in October (unless it is a payroll week; in which case it would be the first week in November) that reflects years of service as of July 1, of each year according to the following schedule:

Years of Service	Longevity Amount
0-10	\$10/year of service
11-15	\$15/year of service
16-20	\$20/year of service
21+	\$25/year of service

Effective 7/1/01, employees will receive longevity pay in the last week of October, for each year that reflects the years of service as of July 1, of that fiscal year. Any employee that retires from service with the Town between July 1, and the date when that last payroll of October is issued, will receive the longevity check at their time of retirement. An employee will only be entitled to receive one longevity check in any fiscal year.

Work (general terms)

Work Week

A work week is a regular recurring period of 168 consecutive hours. The work week need not coincide with the calendar week. It may begin any day of the week and any hour of the day but it must in each case be established in advance. The work week may be changed, but only if the change is intended to be permanent and is not made to evade the policy. The Town will operate under a one work week period. All employees will have an established work week of Thursday through Wednesday for the purpose of computing overtime compensation. The work week will run from midnight to midnight. Exception: Law enforcement personnel and fire fighters will work a 28 day work cycle.

Unauthorized Work

Hours worked by an employee without his supervisor's permission or contrary to his instructions may or may not be considered as hours worked. Unrecorded hours worked during a workweek by an employee at the job site or at his home must be counted as hours worked if the supervisor knows or has reason to know of such practice. The Town must enforce the no-work rule and may not unjustly benefit from work performed without prior knowledge.

Hours Worked

"**Hours worked**" is defined as the time during which an employee is required, suffered or permitted to be on duty on the Town's premises or at a prescribed work place. Ordinarily, an employee's working hours will include all hours from the beginning of the work day to the end with the exception of periods when the employee is relieved of all duties for the purpose of eating meals.

Use of Town Property

Use of Town-owned property is intended for official Town business only. Town-owned property including supplies, tools, materials, equipment and vehicles are not for personal use and should not be removed from Town property except in the conduct of official Town business. Vehicles owned by the Town will be cared for in a responsible way. Such vehicles are to be used exclusively for Town business, except, in special circumstances the Town Manager may authorize an employee to take a vehicle home if it is in the best interest of the Town. Use of Town vehicles for commuting to and from work usually will be limited to an employee who is subject to emergency call-back work. Employees who drive Town owned vehicles back and forth to work will be subject to all provisions of the Internal Revenue Service regarding private use of Town vehicles, and will provide information on their driving record prior to being hired.

Use of Personal Car for Business

When it is necessary to use a personal car for Town business, with prior approval of the Town Manager, the Town will pay the prevailing Internal Revenue Service rate for business mileage for use of the private vehicle. A travel expense form must be completed by the individual and submitted to the department head for approval.

Political Activity

The Town encourages an employee to exercise his civic responsibility in supporting good government by voting for the issues and candidates of his choice. Employee may join or affiliate with political organizations, may attend political meetings and may advocate and support political principles and policies in accordance with the Constitution and laws of the State of North Carolina and of the United States of America. However, while on duty an employee will not:

- (1) Engage in any political or partisan activity;
- (2) Be required to contribute funds or support for political or partisan purpose as a condition of employment, duty, pay raise, or promotion;
- (3) Coerce or compel contributions for political or partisan purposes by another Town employee;
- (4) Use Town supplies, equipment or funds for political or partisan purposes;
- (5) Be a candidate for or hold a federal or state publicly elected office; be a candidate for or hold a position on the Haywood Board of Commissioners or any governing board of a municipality within Haywood County. Any employee holding or being a candidate for an office not prohibited herein, will observe the other Conditions of Employment stated in this Article. Current non-conflicting offices to this policy are Haywood County School Board, Maggie Valley Sanitary District, Junaluska Sanitary District and Haywood County Soil & Water Conservation District.
- (6) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

Any violation of this policy may subject the employee to disciplinary action up to and including dismissal.

Gifts and Favors

An employee will not accept any gift or gratuity, whether in the form of service, loan, thing of value, or promise from any person, business concern, or organization who is interested directly or indirectly in business dealings with the Town. These limitations are not intended to prohibit the acceptance of articles of nominal value which are distributed generally, nor to prohibit employees from obtaining personal loans from regular lending institutions.

A employee will not grant, in the discharge of his official duties, any improper favor, service, or thing of value.

Meal and Rest Breaks

Employees are entitled to a 30-minute unpaid meal break each day. If a nonexempt employee is required to work through a meal break, he or she will be paid for the 30-minute period.

Employees are also entitled to two 15-minute rest periods each day. Meal and rest breaks will be scheduled by the department manager.

Pay Information

The Town of Waynesville's pay period for all employees is bi-weekly on Thursday. If pay day falls on a federal holiday, employees will receive their paycheck on the preceding workday, when possible. Pay is directly deposited into the employee's checking or savings account as set up during the onboarding process. The only exception is the first check following employment may be in the form of a check to allow for proper direct deposit routing to be confirmed by the Finance Department.

Personnel Files

Employee files are maintained by the Human Resources department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Personnel file access by current employees and former employees upon request will generally be permitted within 3 days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Human Resources department. Employee files may not be taken outside the department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information. Employees requiring photo copies of their personnel file must make such a request in writing and pay the Town's established printing costs. The Human Resources office will comply to appropriate requests within seven (7) working days from receipt of the request.

Personnel Files as a Public Record

As required by North Carolina General Statute 160A-168, Privacy of Employee Personnel Records, any person may have access to the information listed in the above section for the purpose of inspection, examination, and copying, during the regular business hours.

The following information with respect to each Town employee is a matter of public record:

1. Name.
2. Age.
3. Date of original employment or appointment to the service.
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.

7. Current salary.
8. Date and amount of each increase or decrease in salary with that municipality.
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
10. Date and general description of the reasons for each promotion with that municipality.
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office to which the employee is currently assigned.

Confidential Personnel File Information

All information contained in a Town employee's personnel file, other than the information listed above will be maintained as confidential in accordance with the requirement of G.S. 160A-168 and will be open to public inspection only in the following instances:

The employee or his duly authorized agent may examine all portions of his personnel file except:

- (a) Letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient. A licensed physician designated in writing by the employee may examine the employee's medical record.
- (b) A Town employee having supervisory authority over the employee may access employee's personnel file for information listed above, if job related; excludes medical and psychological records which are maintained under strict confidentiality separate from the personnel records.
- (c) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- (d) An official of any agency of the state or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the Town Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information will be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employees tax liability.
- (e) An employee may request a written release, to be placed with his personnel file that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (f) The Town Manager may inform any person of the employment, or non-employment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of a Town employee and the reasons for that personnel action. Before releasing the information, the Town Manager will determine in writing that the release is essential to maintaining public confidence in the administration of Town services or to maintain the level and quality of Town services. This written determination will be retained in the Human Resources Department and is a record available for public inspection and will become part of the employee's personnel file.

- (g) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (h) A record will be made of each disclosure and placed in the employee's file (except disclosures to the employee and the supervisor).

Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Remedies of Employees Objecting to Material in File

An employee who objects to material in his file may place in his file a statement relating to the material he considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

Penalties for Permitting Access to Confidential Records

Section 160A - 168 of the General Statutes of the State of North Carolina provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction will be fined in an amount consistent with the General Statutes of the State of North Carolina.

Examining and/or Copying Confidential Material without Authorization

Section 160A - 168 of the General Statutes of the State of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who will knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file will be guilty of a misdemeanor and upon conviction will be fined consistent with the General Statutes of the State of North Carolina.

Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with N.C.G.S. 121-(5), without the consent of the North Carolina Department of Cultural Resources.

Separation from Employment

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisor at least 10 working days (two weeks) in advance of the last day of work. Holidays and/or vacation will not be counted toward the 10-day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire. For Department Directors or Supervisors, a minimum of 30 days is requested as a notice of resignation to allow for proper succession transitioning.

Types of Separation

All separations of employees from positions in the service of the Town will be designated as one of the following types and will be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, dismissal or death.

Resignation

An employee who desires to terminate his employment with the Town should give written notice to his department head two weeks prior to his last intended day of employment. Resigning department heads will give one month's notice. An employee who does not provide the required notification will have recorded on his service record that he resigned without giving proper notice. An employee who is absent from work three consecutive days without reporting to his supervisor the reason for his absence will be considered to have terminated his employment without notice, and notation to this effect will be recorded on the employee's service record.

Reduction in Force

Should it become necessary because of economic conditions to reduce the number of employees or work hours, this will be done at the discretion of the Town. The Town Manager with the approval of the Board of Aldermen has the authority to call for a reduction in force. In the event a reduction in force becomes necessary, consideration will be given to the quality of each employee's performance, as documented by current performance appraisals, organizational needs, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force will be given at least two weeks notice of the anticipated lay-off and will be given first opportunity to return to work should an opening become available commensurate with his skills. No regular employee will be separated while there are temporary employees serving in the same class in the department unless the regular employee is not willing to transfer to the position held by the temporary employee. Under the provisions of reduction in force, the Town Manager has the option to make changes in work time and/or work load to accomplish the reduction.

Reinstatement (Amended Board of Aldermen 11-10-2015)

An employee who resigns while in good standing or who is separated because of a reduction in force, may be reinstated within one year of the date of separation. An employee, who is reinstated, within one year, will be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy. The salary paid a reinstated employee will be as close as reasonably possible, given the circumstances of each employee's case, to the salary previously attained by the employee, plus any across-the-board pay increases.

Disability

An employee may be separated when the employee cannot perform the essential functions of his/her job with or without accommodations because of physical or mental impairment which substantially limits the employee's ability to perform the essential job functions.

Action may be initiated by the employee or the Town, but in all cases consideration for disability separation will be supported by medical evidence or psychological evidence as certified by a competent physician or psychologist.

Before an employee is separated for disability, a reasonable effort will be made to locate vacant positions within Town service for which the employee may be suited. The Town will comply with the Americans with Disabilities Act of 1990 (ADA) in this matter.

In most cases, Human Resources and/or the Department Director will conduct an exit meeting on or before the last day of employment to collect all Town property, and to discuss final pay. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Retirement

Town employees participate in and are eligible to retire under the North Carolina Local Governmental Employees Retirement System (LGERS). Any employee who is planning to retire should work with the Human Resource office three months prior to the planned effective retirement date to complete necessary paperwork for LGERS. Those employees retiring from Town service will be paid up to 240 hours of vacation time not used. Employees may apply unused sick leave toward their retirement credit.

Any necessary paperwork for retirement should be completed with Human Resources at least ninety (90) days in advance to allow for proper processing by LGERS.

Death

All compensation due to an employee who dies while employed by the Town will be paid to the estate of the deceased employee. The date of death will be recorded as the separation date for computing compensation due to the estate.

Eligibility for Rehire (Amended Board of Aldermen – 11-10-2015)

Individuals who are dismissed from the Town of Waynesville for cause are ineligible for rehire with the Town of Waynesville in any capacity (permanent full-time, part-time or seasonal).

Workplace Safety

Safety

Safety is the responsibility of both the Town and all employees. It is the policy of the Town to establish a safe work environment for employees. The Town will establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Occupational Safety and Health Administration (OSHA) training is provided with onboarding and annually as required.

Each Town employee is responsible for following:

- (1) Developing and maintaining safe work habits.
- (2) Reporting all accidents and injuries promptly.
- (3) Pointing out dangerous practices and working conditions.
- (4) Assisting with investigations of accidents.
- (5) Taking proper care of equipment.
- (6) Wearing proper clothing, and avoiding loose sleeves, cuff, rings, bracelets and long hair around moving machinery.
- (7) Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

Drug-Free and Alcohol-Free Workplace

It is the policy of Town of Waynesville to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the Town.

The unlawful use, possession, purchase, sale, distribution, or being under the influence of any illegal drug and/or the misuse of legal drugs while on Town or client premises or while performing services for the Town is strictly prohibited. Town of Waynesville also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, the Town of Waynesville prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the Town's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

Pre-employment: As required by the Town for all prospective employees who receive a conditional offer of employment

For Cause: Upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or has adversely affected the employee's job performance.

Random: As authorized or required by federal or state law – the most common requirement is for those individuals holding a Commercial Drivers License (CDL).

Post-Accident: Following an accident involving any Town vehicle or an on-the-job injury requiring more than just first aid care. A supervisor will accompany the employee to the requisite facility for testing.

Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

Substance Abuse Policy

The Town has established policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees and to comply with any federal, state or other laws and regulations. The Town has resources available to assist employees with treatment options. Employees should contact Human Resources for a list of these options.

Tobacco-Free Workplace

Smoking and use of tobacco products is not allowed in Town buildings, vehicles or work areas at any time. Tobacco products include chewing tobacco, electronic smoking devices, and e-cigarettes. See Town of Waynesville Tobacco Ordinance for definitions and specific public areas where tobacco products are prohibited.

Commitment to Safety

Protecting the safety of our employees and visitors is the most important aspect of running our business.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

Workplace Violence Prevention

The Town of Waynesville is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy

covers any violent or potentially violent behavior that occurs in the workplace or at Town-sponsored functions.

All Town of Waynesville employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or the Human Resources Department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline. Any individual engaging in violence against the Town, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

The Town of Waynesville prohibits the possession of weapons on its property at all times, including our parking lots or Town vehicles. Additionally, while on duty, employees may not carry a weapon of any type; excluding sworn law enforcement officers. Weapons include, but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia (throwing stars, nunchucks), stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for any offense.

The Town reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on Town property. In addition, Town of Waynesville may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all Town property and other items that are in violation of Town rules and policies.

In the event of an emergency, notify the appropriate emergency personnel by dialing 9 for an outside line, then dial 911 to activate the medical emergency services.

The Town of Waynesville's Safety Policy in its entirety is available in Human Resources.

Adverse Weather/Emergency Closings

Town of Waynesville will always make every attempt to be open for business in order to serve our citizens. In situations in which some employees are concerned about their safety, management may advise supervisors to notify their departments that the office is not officially closed, but anyone may choose to leave the office if he or she feels uncomfortable.

Following severe weather conditions occurring during the night, it is the responsibility of each employee to report to work as soon as possible after the normal workday begins. The employee must charge time away from work during adverse weather to vacation leave unless other specific arrangements are made with the Town Manager. The Town Manager has the authority to alter the regular business day in the event of severe weather conditions.

If the Town offices are officially closed during the course of the day to permit employees to leave early, nonexempt employees who are working on-site as of the time of the closing will be paid for a full day. If employees leave earlier than the official closing time, they will be paid only for actual hours worked, or they can take vacation time. Exempt employees will be paid for a normal full day but are expected to complete their work at another time.

General Workplace Guidelines

Attendance

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. Voice mail and e-mail messages are not acceptable except in certain emergency circumstances. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled work shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for 3 consecutive days or more, the employee will be considered to have voluntarily resigned employment.

Job Performance

Communication between employees and supervisors or managers is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed. Generally, formal performance reviews are conducted annually. These reviews include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year. However, performance discussion may occur at any time.

Dress and Grooming

Town of Waynesville provides a casual yet professional work environment for its employees. Even though the dress code is casual, it is important to project a professional image to our customers, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Please use common sense.

Dress Code/Personal Appearance (portions Amended Board of Aldermen 05-18-03)

Much of the public image of the Town of Waynesville and its employees is based upon the impression citizens make as a result of their contact with Town employees. Appearance, as well as conduct, is a part of that initial impression.

Employees are expected to dress at all times in an acceptable and professional manner which is consistent with good business practices and the provisions of the safety policy. Employees who are issued Town uniforms by their respective departments are expected to wear uniforms at all

times, while on duty. Additionally, employees working on private property or out in the community are readily identified by wearing a Town uniform and/or ID Badge; both forms of identification allow citizens to identify employees when service is needed. Uniforms are not to be worn off-duty. All other employees are expected to dress appropriately, wearing clothes that are neat, clean and well-arranged in appearance.

While not all inclusive, unacceptable or inappropriate work attire would be: short shorts; low rise jeans, hip hugger jeans; T-shirts bearing writing and/or logos (other than the Town of Waynesville logo) and short wasted T-shirts; halter, tank, tube and spaghetti strap tops worn without a sweater or jacket and; any low cut clothing that expose or reveal personal body parts, i.e. midriff area.

(1) Hygiene: All employees shall be aware that appropriate hygiene and undergarments (underwear and bras) are required at all times. Hair should be clean and appropriately kept. Beards and mustaches should be kept clean and neatly trimmed. Clothing and shoes should be clean and neatly worn (absent of holes). Grooming accessories including perfumes, colognes or sprays should be applied as to not affect other employees who may have allergies or sensitivities to scent.

(2) Jewelry and body art: Visible tattoos may be required to be covered at director or department manager discretion, if the tattoos is offensive in its general nature or presentation. No tongue rings, brow rings, facial piercings, or visible belly-button rings will be allowed. Men with ear piercings should wear a clear stud or no earring while on duty. Conventional dress for women generally allows for pierced ears; however earrings should be conservative and in good taste.

(3) Religious accommodations may be made for some form of body jewelry or piercing, but will be discussed with department management and human resources should a religious accommodation be requested by the employee.

Department heads will be responsible for assuring that dress code guidelines set forth in this policy are followed, as well as they may further define dress codes for administrative and office personnel, should the need arise. Employees that are deemed to be in violation of this policy will be subject to appropriate disciplinary measures, as well as being sent home without pay to change into appropriate professional attire.

Uniforms are issued to employees in certain departments with the understanding that upon receipt, they are the property of the Town. If uniforms are damaged as a result of neglect or abuse, individuals will be required to replace them at their own expense. The Town will replace uniforms damaged as a result of job requirements or performance. Damaged uniforms should be reported immediately to employee's supervisor. Employees leaving Town employment must turn in all uniforms and/or any Town property acquired. Items not returned will be deducted from employee's final pay check.

Outside Employment

Employees are permitted to work a second job as long as it does not interfere with their job performance with Town of Waynesville. Employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours.

A Dual Employment Form should be completed and filed in the employee's personnel file to ensure that there is no conflict of interest or access to information for other employees that may be considered confidential.

If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action, up to and including termination.

Social Media

The Town of Waynesville encourages employees to share information with co-workers and with those outside the Town for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provide inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the Town has established the following guidelines for employee participation in social media.

Note: As used in this policy, “social media” refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and SnapChat, among others.

On-duty use of social media

Employees may engage in social media activity during work time provided it is directly related to their work, approved by their manager, and does not identify or reference Town clients, customers, or vendors without express permission. The Town monitors employee use of Town computers and the Internet, including employee blogging and social networking activity. There are four approved social media accounts for on-duty use – one for Administration, Fire Department, Police Department and Recreation Department. Individuals appearing on these approved sites may have identifying Town of Waynesville uniforms, logos or other identifiers in images posted here.

Off-duty use of social media

Employees may maintain personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the Town considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas; however, no individual shall be appearing on social media in any identifying uniform, badge or other item identifying them as a Town of Waynesville employee.

Social Media Expectations

Respect. Demonstrate respect for the dignity of the Town, its owners, its customers, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge Town of Waynesville confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

Post disclaimers. If an employee identifies himself or herself as a Town employee or discusses matters related to the Town on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of the Town and that the employee is expressing only his or her personal views. For example: “The views expressed on this website/Weblog are mine alone and do not necessarily reflect the views of my employer.” Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the Town or the Town’s business. Employees must keep in mind that if they post information on a social media site that is in violation of Town policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

Competition. Employees should not use a social media to criticize the Town’s competition and should not use it to compete with the Town.

Confidentiality. Do not identify or reference Town clients, customers, or vendors without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy. When in doubt, ask before publishing.

Violations of this policy may result in discipline up to and including immediate termination of employment.

Note: Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits.

Solicitation

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on “working time.” “Working time” is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after his or her shift. Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in “working areas,” which includes all office areas. “Working areas” do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

Nonemployees may not trespass or solicit or distribute materials anywhere on Town property at any time.

Computers, Internet, Email, and Other Resources

The Town provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voice mail, fax, scanner, Internet, intranet, e-mail, text messaging, or any other Town-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Employees should not have any expectation of privacy in their use of Town computer, phone, or other communication tools. All communications made using Town-provided equipment or services including email and internet activity, are subject to inspection by the Town. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the Town's systems.

Employee use of Town-provided communication systems, including personal e-mail and internet use, that are not job-related have the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through e-mail and the internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the Town's systems as well as the reputation and/or competitiveness of the Town. To protect against possible problems, delete any e-mail messages prior to opening that are received from unknown senders and advertisers. It also is against Town policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on Town computers. Violations of this policy may result in termination for a first offense.

The Town encourages employees to use e-mail only to communicate with fellow employees, suppliers, customers, or potential customers regarding Town business. Internal and external e-mails are considered business records and may be subject to federal and state recordkeeping requirements as well as to discovery in the event of litigation. Be aware of this possibility when sending e-mails within and outside the Town.

All use of Town-provided communications systems, including e-mail and internet use, should conform to our Town guidelines/policies, including but not limited to the Equal Opportunity, Harassment, Confidential Information, and Conflicts of Interest. So for example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Similarly, employees should not divulge confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites.

Because e-mail, telephone and voice mail, and internet communication equipment are provided for Town business purposes and are critical to the Town's success, your communications may be accessed without further notice by Information Technology department administrators and Town management to ensure compliance with this guideline.

The electronic communication systems are not secure and may allow inadvertent disclosure, accidental transmission to third parties, etc. Sensitive information should not be sent via unsecured electronic means.

Office telephones are for business purposes. While the Town recognizes that some personal calls are necessary, these should be kept as brief as possible and to a minimum. Personal use of the Town's cell phones, long-distance account, or toll-free numbers is strictly prohibited. Abuse of these privileges is subject to corrective action up to and including termination.

The Town reserves the right to monitor customer calls to ensure employees abide by Town quality guidelines and provide appropriate levels of customer service. Employees working in sales and customer service will be subject to telephone monitoring and e-mail. [move to above] Should the subject matter of any telephone conversation become personal while monitoring is taking place, monitoring of the call will immediately be discontinued.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the National Labor Relations Act. Employees have the right to engage in or refrain from such activities.

Disciplinary Procedures

The Town expects employees to comply with the Town's standards of behavior and performance and to correct any noncompliance with these standards.

Disciplinary Actions for Failure in Performance of Duties

An employee whose work is unsatisfactory over a period of time will be notified in writing by the employee's immediate supervisor in what way the employee's work is deficient and what must be done if the work is to become satisfactory. Unsatisfactory work performance includes aspects of the employee's job which do not meet the standards set by the supervisor.

Disciplinary Actions for Failure in Personal Conduct

An employee may be suspended or dismissed without prior notice by the Department Head or Town Manager for causes relating to personal conduct detrimental to service with the Town in order to avoid undue disruption of work, to protect the safety of person or property, or for other serious reasons.

Inappropriate personal conduct such as insubordination, reporting to work under the influence of alcohol or illegal drugs, or conduct that threatens the health and safety of persons or property or any other disruptive behavior the Department Head, or Town Manager deems unbefitting the Town are examples, but are not an inclusive list of reasons for immediate suspension or dismissal.

Progressive Steps of Discipline

Under normal circumstances, the Town endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the Town's right to bypass the disciplinary procedures suggested.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file.

Step 1: Informal Discussion. When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

Step 2: Counseling. If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action which may include discharge, and (e) issue a written counseling notice to the employee.

Step 3: Reprimand. If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and his or her superior should meet with the employee in private and proceed via (a) through (d) above, and issue a written reprimand notice to the employee.

Step 4: Suspension. Supervisors have the authority to temporarily remove employees from the workplace, with or without pay, if approved in advance by the department director and/or Town Manager. An exempt employee generally may not be suspended without pay for less than a full day, and the suspension must be related to written workplace conduct rules applicable to all employees, e.g., such as a written policy prohibiting sexual harassment or workplace violence.

Step 5: Failure to improve. Failure to improve performance or behavior after the written warning or suspension will result in termination.

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained above may be disregarded. Typically, the supervisor should suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

Dismissal of Employee

If all efforts have failed to improve the performance of the employee the following steps should be taken to dismiss an employee:

1. A written summary of the case will be prepared by the Department Head along with a decision for the action to be taken;

2. A pre-dismissal conference will be held between the Department Head and the employee for the purpose of presenting the employee with the specific reason(s) for the dismissal. The employee will have the right to respond at the pre-dismissal conference.
3. The Department Head will notify the employee of the action taken and will provide the employee with a written copy of the decision. Such written notice will include an indication of the employee's right to an appeal. A copy of the action will be placed in the employee's file.

Right of Appeal

An employee may appeal disciplinary action taken against him through the Town's grievance procedure as described on page 50 of this manual.

Time Off and Leaves of Absence

Holidays

The Town observes and allows time off with pay for the following holidays:

- New Year's Day
- Martin Luther King Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Workday directly before or after Christmas (depending on day of the week for Christmas)
- Christmas

The Town follows the North Carolina State Holiday schedule.

If one of these holidays falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, the Town will select either the following Monday or the preceding Friday as a substitute holiday. The Town reserves the right to pay eligible employees in lieu of time off if the holiday falls on Saturday.

Holiday Pay

Full-time regular employees are eligible for holiday pay. Part-time and temporary employees, including summer employees, are not eligible for holiday pay.

Holiday pay shall be at the employee's regular straight-time rate, inclusive of shift premiums, times his regularly scheduled hours (not to exceed 8 hours).

A holiday shall be considered as 8 hours worked for the purpose of computing overtime; with the exception of police and fire employees whose holiday pay is based on their shift hours.

To receive holiday pay, an employee must be at work or taking an approved absence on the work days immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid sick leave. If an employee is absent on one or both of these days because of an illness or injury, the Town may require verification of the reason for the absence before approving holiday pay.

Religious Observances

Employees who need time off to observe religious practices or holidays not already scheduled by the Town should speak with their supervisor. Depending upon the Town's needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, or take vacation time, or take off unpaid days. The Town will seek to reasonably accommodate individuals' religious observances.

Vacation Leave

Town of Waynesville recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The Town provides paid vacation time to full-time employees for this purpose and employees are encouraged to take vacation during the year.

Vacation Leave - Accumulation (Amended Board of Aldermen 08-01-2016)

Full-time employees will accrue paid vacation according to the following schedule (annual totals should be rounded to the nearest whole day):

Length of Service	Hours Earned Each Month	Days earned each month	Days Earned Each Year
0-5 years	6.67	.83	10
5-10 years	8.00	1.00	12
10- 15 years	10.00	1.25	15
15-20 years	11.33	1.41	17
20+ years	13.33	1.67	20

Vacation leave may accumulate to a maximum of thirty (30) days. When the maximum has been accumulated, all additional leave over thirty (30) days must be taken by December 31st. On January 1st the accumulated leave balance will be reduced back to the thirty (30) day maximum.

Vacation days reduced in excess of 30 days on January 1, will be transferred to the employee's accrued sick leave benefits. Time taken off by employees using approved leave with pay, or receiving workers compensation benefits, will be counted as time worked for the purpose of earning vacation leave.

Probationary employees will accrue vacation leave but are not entitled to take such leave until completion of the probationary period.

Newly hired employees will receive credit for years of service in calculating annual leave for total years served in any unit of government which participates in NCLGERS. For example: if an individual has served for 10 years with another unit and transfers to Waynesville, they would accrue annual leave based on their 10 years of service, rather than that of an employee with no NCLGERS service (i.e. 10 hours per month rather than 6.67). An individual who has a break in service longer than six (6) months is ineligible to accrue at a rate different from a newly hired employee.

An employee that has at least one (1) year of service may request for an advancement in vacation leave to a maximum of 40 hours with the approval of the Town Manager. Approval or denial is at the Town Manager's discretion.

Vacation Leave - Use and Reporting

Vacation leave may be taken as earned by the employee, subject to the approval of the department head, except in the case of a probationary employee. Probationary employees may earn, but may not take vacation leave during their six month probationary period.

All requests for vacation leave must be approved, in writing, in advance, by the department head. Minimum vacation leave that can be taken is in one-half day increments or four (4) hours.

An employee will not be permitted to work for the Town at the same time he is on vacation leave. Under no circumstances will an employee be paid for accumulated or unused vacation leave while still in the employment of the Town.

Transfer of Vacation Leave to Another Employee

Vacation time can be transferred to fellow employees under certain conditions on a voluntary basis, when a deserving employee is threatened with loss of income due to extended illness or a family crisis. Transfer of time will require approval by the employee's supervisor, and must be reviewed by the Town Manager and Human Resource office.

No employee may transfer more than one-half of their time to a deserving employee. Time transferred/donated will be converted from the donating employee's dollar value to the receiving employee's dollar value in hours. This is a voluntary program in which no employee will coerce any employee to donate vacation time. Confidentiality between donor and recipient will be maintained.

Vacation Leave - Payment of Leave Upon Termination of Employment

Upon termination of employment with the Town for whatever reason, an employee must have worked through the last day of the month of termination to earn vacation leave for that month.

At the time of an employee's separation, any advanced vacation leave owed the Town will be deducted from the employee's final compensation.

Upon submission of a resignation, an employee will be eligible to be paid for vacation leave accumulated to the date of separation, not to exceed the maximum thirty (30) days or 240 hours.

Vacation Leave - Payment of Vacation Leave Upon Death

The estate of an employee who dies while employed by the Town will be entitled to payment of all of the accumulated vacation leave credited to the employee's account, not to exceed thirty (30) days or 240 hours.

Sick Leave

Sick days are not intended to be used as a substitute for vacation days, but sick days may be used if an employee needs to provide care for a family member who is ill. Sick days may also be used if an employee needs time off for scheduled medical procedures.

Sick leave with pay is a privilege granted by the Town for the benefit of an employee when sick or when tending to an immediate family member who is sick. "Immediate family member" will be defined as a spouse, parent, child, step parent, brother, sister, grand parent, grand child, daughter-in-law, son-in-law, mother-in-law, or father-in-law of the employee or legal guardian. As well as various combinations of half-brothers/sisters and legally adopted relationships that can be derived from the family members named herein. Sick leave is also available when an employee has been exposed to a contagious disease when continuing to work could jeopardize the health of others.

Temporary/part-time employees are not entitled to earn sick leave. Temporary employees must take leave without pay for days missed due to sickness.

Sick Leave – Accumulation (Amended Board of Aldermen 06-23-2015)

Each regular and probationary employee will earn sick leave at the rate of eight (8) hours per month. Employees hired on or before the 15th of the month earn one-half day sick leave for that month and those hired after the 15th of the month begin earning sick leave on the first of the following month. Permanent part-time employees will accrue sick leave benefits on a pro-rated schedule, based on hours worked.

Time taken off by employees using approved leave, or time off under workers compensation, will be counted as time worked for the purpose of sick leave accumulation.

There is no maximum accumulation for sick leave. Unused sick leave may be applied toward retirement credit, at the rate of one month of credit for every twenty (20) days of unused sick leave, under the rules of the North Carolina Local Governmental Employees Retirement System (NCLGERS).

Newly hired employees who are transferring from another unit of local or state government may transfer Unused Sick Leave if their former unit participated in the NCLGERS and proper documentation is provided from the previous employer.

Sick Leave - Use and Reporting

Sick leave must be charged as used. All employees will be eligible to use sick leave as soon as it is earned. Minimum sick leave that can be taken is one-half day or four (4) hours.

Employees are required to notify their supervisors as soon as possible, but no later than two hours after the beginning of their regular work day, if they are unable to report to work due to illness.

Sick Leave - Physician's Certification

For all absences due to illness extending beyond three (3) days, a physician's certificate providing proof the employee was unable to work due to illness or injury is required before returning to work. A physician's certification regarding an employee's ability to return to work after an illness or injury may also be required. The Human Resources office and/or department head has the authority to request the certification. The Town Manager, at his discretion, may require a doctor's statement for any sick leave taken.

Failure of an employee to provide requested proof will constitute a reason for nonpayment of the days taken. Such action may also be construed as grounds for further disciplinary action.

Sick- Leave - Payment upon Separation

All sick leave accumulated by an employee will end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force.

Transfer of Accrued Sick Leave to Another Employee

Sick leave benefits may be transferred to fellow employees under certain conditions on a voluntary basis, when a deserving employee is threatened with loss of income due to extended illness or family crisis. Transfer of time will require approval by the employee's supervisor and must be reviewed by the Town Manager and Human Resource office. No employee may transfer more than one-half of their time to a deserving employee.

Time transferred/donated will be converted from the donating employee's dollar value to the receiving employee's value in hours. This is a voluntary program in which no employee will coerce any employee to donate sick leave time. Confidentiality between donor and recipient will be maintained.

Family and Medical Leave

Town of Waynesville complies with the federal Family and Medical Leave Act (FMLA), which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The Town also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

Please note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the Human Resources department to discuss options for leave.

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered servicemember with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period, measured forward from the date an employee first takes that type of leave.

Basic Leave Entitlement. The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or child birth; (2) to care for the employee's child after birth or placement for adoption or foster care; (3) to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work.

Military Family Leave Entitlements. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties and

for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections During FMLA Leave. During FMLA leave, the Town will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the Town's operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of the Town's employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employee Eligibility. The FMLA defines eligible employees as employees who: (1) have worked for the Town for at least 12 months; (2) have worked for the Town for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of Town worksites that taken together have a total of 50 or more employees.

Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

Substitution of Paid Leave for Unpaid Leave. Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, the Town requires employees to use any accrued paid vacation, personal, and sick days during an unpaid FMLA

leave taken because of the employee's own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member's active duty or call to active duty status in support of a contingency operation. In order to use paid leave for FMLA leave, employees must comply with the Town's normal paid leave procedures found in its Vacation and Sick Leave policies.

Employee Responsibilities. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Town's normal call-in procedures. The Town may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the Town to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The Town also may require a second, and if necessary, a third opinion (at the Town's expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The Town also may delay or deny approval of leave for lack of proper medical certification.

Town Responsibilities. The Town will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees are not eligible, the Town will provide a reason for the ineligibility.

The Town will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA leave entitlement. If the Town determines that the leave is not FMLA-protected, the Town will notify the employee.

Other Provisions. Under an exception to the Fair Labor Standards Act (FLSA) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly-skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the

Town has approved the employment under its Outside Employment policy and the employee's reason for FMLA leave does not preclude the outside employment.

Unlawful Acts by Employers. The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Military Leave

Town of Waynesville supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the Human Resources department and his or her supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

Bereavement Leave

Employees with more than 3 months' service may take up to 3 days of paid bereavement leave upon the death of a member of their immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild. All regular, full-time employees may take up to one (1) day off with pay to attend the funeral of an extended family member (aunts, uncles, and cousins).

The Town may require verification of the need for the leave. The employee's supervisor and Human Resources will consider this time off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to a maximum of 8 hours for 1 day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

Jury Duty/Court Appearance

The Town supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Nonexempt employees will be paid for up to 2 weeks of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Exempt employees are subject to the same 2-week limitation except that they will also receive pay for any days they serve as a juror or witness in a workweek in which they actually perform work. All employees may use any accrued time off if required to serve more than 2 weeks on a jury. If an employee is released from jury duty after 4 hours or less of service, he or she must report to work for the remainder of that work day.

Time for appearance in court for personal business will be the individual employee's responsibility. Vacation hours will be used for this purpose.

Time Off for Voting

Town of Waynesville recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If for any reason you think this won't be the case, contact your supervisor to discuss scheduling accommodations.

Employee Benefits

Town of Waynesville recognizes the value of benefits to employees and their families. The Town supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the Town Summary Plan Descriptions (SPD), or contact the Human Resources department. To the extent of the information provided here conflicts with the SPD or full plan document, the full plan document will control.

The Employee Benefits Program Guide is updated each year and employees are provided a copy at the time of onboarding or open enrollment. Copies may be obtained at any time from Human Resources. The Town reserves the right to re-evaluate healthcare benefits and to make changes in coverage and rates at its discretion without prior notice to employees.

Group Health Insurance for Active Employees (Amended by Board of Aldermen 02-10-2015)

Medical coverage will be made available to all regular full-time employees and their eligible dependents. Medical coverage is generally provided at no cost for the employee, although employees may be charged a premium for coverage of certain lifestyle risks, or voluntary participation in certain health-related programs and activities.

Dependent coverage is provided at a cost to employees. Employees with working spouses whose employers offer group health coverage must elect medical coverage through their employer and are therefore ineligible to participate in the Town's health plan. Non-working spouses can be covered as eligible dependents and are subject to the Town's fee structure plan for dependents.

Medical coverage will be effective on the first day of the month, following thirty (30) days of consecutive employment.

The Town will comply with all federal, state or other regulations including but not limited to: the Health Insurance Portability and Accountability Act of 1996, (HIPAA) regarding protected health information and other requirements and the Affordable Care Act (ACA) of 2014.

Group Health Insurance For Retirees (Amended by Board of Aldermen 02-10-2015)

Retirees must meet the NC Local Governmental Employees Retirement System or the NC Law Enforcement Officers Retirement System's eligibility guidelines for retirement.

- 1) A Retiree who has achieved at least ten (10) or more consecutive years of service with the Town, not including any accumulated sick or vacation time, and has reached 55 years of age, will receive health insurance coverage, at no cost to the retiree, until the retiree reaches Medicare eligibility through age or disability.
- 2) A Retiree of any age, who has achieved thirty (30) or more years of creditable service under the N. C. Local Governmental Employees Retirement System or the N.C. Law Enforcement Officers Retirement system, with at least half of that time (15 or more years) having been in active service with the Town of Waynesville, will receive health insurance

coverage, at no cost to the retiree, from the date of separation from the Town of Waynesville, regardless of age at the time of separation, until the retiree becomes Medicare eligible through age or disability.

The Town reserves the right to change benefits at its discretion without prior notice to retirees.

Eligible Retiree Dependents (Amended by the Board of Aldermen on 10-07-98)

Retirees may obtain coverage for eligible dependents from the Town by paying the full premium for dependents as established by the insurance carrier. Employees who retire under conditions set forth in Subsection 1 or 2 above, may purchase coverage for their spouse, at their own expense, until the retiree's coverage terminates, then spouse would be eligible for medical coverage based on COBRA guidelines.

The coverage option in place on the day immediately prior to retirement is the coverage that is available to continue unless there is a qualifying event or a change is made during the annual open enrollment period.

When the retiree reaches the age of 65 and the Town's regular health insurance coverage terminates. The spouse/dependents would be eligible for medical coverage based on COBRA guidelines.

Group Dental Insurance for Active Employees

Dental coverage will be made available to all regular full-time and permanent part-time employees and their eligible dependents. Dental coverage for all employees will become effective on the first day of the month following 30 (thirty) days of continuous employment. Coverage for eligible employees is paid by the Town, dependent coverage is provided at the group rate.

Group Dental Insurance for Retirees

Dental benefits are not available to retirees as a paid benefit; however, dental benefits may be purchased by retirees at a rate determined by the Human Resource and Finance offices. Dependents may retain dental continue coverage as outlined for group health coverage for retirees above and will be billed via a third party.

Group Life Insurance for Active Employees (Amended by the Board of Aldermen 06-23-2015)

The Town will provide fully paid life insurance for full-time regular employees. Coverage amounts will be equal to one (1) times the annual salary of the employee with a minimum of \$25,000 and a maximum of \$100,000. Coverage will be effective on the first day of the month following 30 (thirty) days of continuous employment. Dependent coverage is optional at the employee's cost.

Retirement Plan (Amended by Board of Aldermen 06-23-2015)

All regular, full-time positions that are budgeted as permanent positions for a minimum of 1,000 hours per year are required to enroll in the North Carolina Local Governmental Employees Retirement System. The Town contributes to this tax sheltered plan in addition to the six (6%)

percent payroll deduction from employees. The Town will pay the employer's portion and deduct the employee's portion from his pay check each pay period.

Specific information on the retirement plan is available during employee onboarding. Additional information may also be obtained from the Human Resource office.

The North Carolina Local Governmental Employees Retirement System has online resources available by visiting the North Carolina Local Governmental Employees Retirement System - <https://orbit.myncretirement.com/> or other information available to all Town employees from the Human Resources office.

401(k) Plan

Town of Waynesville recognizes the importance of saving for retirement and offers eligible employees a 401(k) plan. Employer will contribute 5% of gross earnings into the Town-sponsored 401(k) account effective from first day of employment. Employees may also contribute to the 401(k) account from date of hire.

Eligibility, vesting, and all other matters relating to these plans are explained in the SPD that can be obtained from Human Resources.

Law Enforcement Officers Separation Allowance (LEOSA): Supplemental Retirement Income Plan

The Town will provide a special separation allowance to qualified officers who retire early and meet all of the following qualifications:

- 1) The officer must have completed 30 years or more of creditable service or have attained 55 years of age and have completed 5 or more years of creditable service;
- 2) The officer must not yet be age 62; and
- 3) The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately before service retirement.

Payment of the separation allowance will cease if the officer 1) reaches age 62; 2) dies; or 3) is re-employed in any capacity by the State of North Carolina or any of its political sub-divisions. All law enforcement officers automatically become members of the State Supplemental Retirement Income Plan on the date of hire.

Training and Educational Incentives

The Town recognizes the need to encourage its employees to acquire job-related training and to further their education through accredited programs and institutions. Therefore, with the prior approval of the department head and authorization from the Town Manager, the Town will provide reimbursement for expenses incurred in completing job-related training sessions, seminars, or workshops which relate directly to the employees duties and responsibilities with the Town.

Reimbursement for expenses will include registration fees, books, meals, transportation costs, reimbursement for use of private vehicle at the prevailing IRS rate and lodging expenses, which must be documented by receipts. Claims for reimbursement of expenses must be approved by the department head before submission to the finance officer for approval. All claims for reimbursement are subject to budget appropriation and should receive approval in advance of taking the training.

Career Track Progression also includes training and educational components specific to individual positions and job classifications and would be considered for reimbursement providing the individual can prove the relationship to the career track.

Workers' Compensation

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment. Town of Waynesville pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The Town abides by all applicable state workers' compensation laws and regulations. If an employee sustains a job-related injury or illness, it is important to notify the supervisor and Human Resources immediately. The supervisor will complete an injury report with input from the employee and return the form to the Human Resources department. Human Resources will file the claim with the insurance Town. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the Town's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employee's salary as allowed by state law.

Travel

It is the policy of the Town to reimburse its employees for out-of-town travel and transportation expenses directly related to official business of the Town. All travel costs will be paid directly to the individual incurring the expense.

This policy is intended to address out-of-pocket expenses for employees and Aldermen on official Town business. It is not intended to replace travel allowances given to employees as a condition of employment who are required to provide a vehicle in their work. The Town Manager is responsible for determining if additional reimbursement of travel expenses is appropriate.

Prior Approval for Travel

The Town recognizes the need for flexibility in obtaining approval for travel. It is the Town Manager's responsibility to determine if travel is necessary and reasonable and to set standards for approval. All travel out-of-state and travel requiring an overnight stay will be approved in advance by the Town Manager. It is always the responsibility of the department head to insure that a sufficient unexpended appropriation remains to cover all travel expenses.

Eligible Transportation Expenses

Transportation expenses that are ordinary and necessary while conducting official business for the Town are eligible. Eligible transportation expenses include the cost of travel by air, rail, bus, taxi, and personal auto. All transportation by commercial carrier must be less than first class unless such rates are not available and no other travel options are available.

Whenever possible Town vehicles should be used for auto travel. In the event a Town vehicle is not available, personal auto may be used with prior approval from the Town Manager.

Reimbursement for use of an employee's personal auto is allowable at the prevailing rate allowed by the Internal Revenue Service for business mileage. Generally, reimbursement for the use of an employee's private auto is limited to travel incurred in the general area or within the state.

Occasionally, either for personal preference or for the benefit of the Town, an employee may take his personal auto for out-of-town travel when transportation by other means would be more economical. In those cases reimbursement will be limited to the governmental mileage rate or an equivalent air fare, whichever is less.

Other transportation expenses that are allowable are:

- Taxi fares or other costs of transportation between the airport or station and employee's hotel or from one place of business to another. Taxi fares are also allowable between the hotel and temporary work assignment.
- Baggage charges.
- Reasonable tips that are incidental to any of the above transportation expenses.

Eligible Travel Expenses

Expenses for lodging and other expenses incurred while traveling away from home and related to official duties, are eligible for reimbursement if reasonable and supported by receipts. Travel items eligible for reimbursement are as follows:

- Meals served as part of a convention or conference will be reimbursed at actual cost. Required night meetings and dinner meetings will also be reimbursed if supported by receipts.

- Actual cost of lodging at the single room rate if supported by receipts. Employees are encouraged to obtain governmental rates whenever possible.
- Telephone expenses that are related to official business.
- Tips associated with the costs listed above.

Expenses incurred for personal entertainment and alcoholic beverages are not allowable. Employee will be reimbursed for meals if reasonable and supported by receipts.

Reporting Expenses for Reimbursement

All employees authorized to travel should keep all receipts and memoranda of actual expenditures, with the exception of normal subsistence costs, from which they can prepare an official travel voucher. Receipts for lodging, transportation other than auto, tolls, parking fees, registration fees, etc. must accompany the travel voucher.

Claims for mileage reimbursement should indicate the point of departure and destination and will be computed in a manner that is most reasonable and favorable to the Town. The business purpose of each trip for which reimbursement is claimed must be clearly stated. Travel vouchers which have been approved by the department head are to be submitted sufficiently in advance for reimbursement. Reimbursement expenses are for out-of-town, official Town business only.

Travel Advance

If a travel advance is necessary to conduct official Town business, the request for such advance must be submitted to the finance officer by no later than five (5) working days prior to the time travel is anticipated. Travel advances may not exceed the estimated cost of travel and must be accounted for on the travel voucher.

Travel expenses to and from work is not eligible for reimbursement.

Grievances

A grievance is a claim or complaint by an employee based upon: (a) an event or term or condition which affects the circumstances under which an employee works, including employment practices, policies or programs or benefits; (b) involuntary termination of employment; or (c) any allegedly illegal discrimination by the Town.

The Town desires to resolve employee complaints and grievances in a fair and equitable manner. Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution in accordance with these procedures, with or without a representative, from interference, penalty, discrimination, coercion, recrimination, restraint, reprisal or retaliation. Employees utilizing the grievance procedures will not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

Employees will be allowed such time off from their regular duties, as may be necessary and reasonable as determined by the department head or Town Manager to prepare and present a grievance.

Objective of the Town's grievance procedure is to:

- a. Assure employees of a way in which they can get their problems and complaints considered rapidly, orderly, fairly and without fear of retaliation.
- b. Encourage the employee to express himself about how conditions of work affect him as an employee.
- c. Foster better employee understanding of policies, practices and procedures.
- d. Provide employees with assurance that actions are taken in accordance with policies.
- e. Provide a check on how policies are carried out.

The provisions of this procedure will apply to all the Town's employees. The Town Manager has the authority to hire, supervise, discipline and dismiss employees.

Grievance Procedure

All grievances will be administered in the specified manner and processed within the stated time limits unless a time extension is mutually agreed upon. Failure by the employee to process a complaint within the stated time limits, or agreed upon extension will constitute termination of the complaint. At each step of the grievance process where written documentation is required, the Human Resource office will receive a copy to put in the employee's permanent file. The employee filing a grievance will have the right to have a representative present at each step of the process.

Step One - Department Head

An employee with a grievance will present the matter orally or in writing to his department head within fifteen (15) working days of its occurrence with the objective of resolving the matter

informally. The department head will consult with the employee within ten (10) working days of receipt of the grievance. If the matter cannot be resolved informally, the department head will give the employee a written decision of the grievance within ten (10) working days after the meeting.

Step Two - Appeal to the Town Manager

If the response from step one is not acceptable to the employee, within ten (10) working days of the Department Head's written decision, the grievant may file a written grievance with the Town Manager. The written grievance will state concisely the basis for the complaint and if based on alleged discrimination, indicate whether the basis for the alleged discrimination was based on race, color, religion, sex, national origin, age, or disability. The Town Manager will promptly notify the employee and the department head of a date and time for a meeting which will be no later than fifteen (15) working days following receipt of the grievance by the Town Manager. Within fifteen (15) working days from the date of the meeting, the Town Manager will render a decision on the grievance. The decision of the Town Manager is final. No grievance will be accepted after separation from employment with the Town.

Exempt Employee (Supervisor) Appeal Process

In the event the immediate supervisor is the Town Manager, the appeal process is filed with the Board within fifteen (15) working days of the occurrence. The Board will consult with the employee within ten (10) working days of receipt of the grievance. Within fifteen (15) working days following the meeting between the Board and the employee, the Board will render a decision on the grievance. The decision of the Board is final.

Grievance Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion or disability), he or she has the right to appeal such action using the grievance procedure outlined in this Article. While such persons are encouraged to use the grievance procedure, they will also have the right to appeal directly to the Human Resource office or Town Manager. Employment actions subject to appeal because of discrimination include hiring, promotion, training, classification, pay, disciplinary action, transfer, lay off, or termination of employment.

Harassment

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is Town of Waynesville's policy to provide a work environment free of sexual and other harassment. To that end, harassment of Town of Waynesville's employees by management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a

harassment complaint is similarly unlawful and will not be tolerated. Town of Waynesville will take all steps necessary to prevent and eliminate unlawful harassment.

“Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law. While all forms of harassment are prohibited, special attention should be paid to sexual harassment.

“Sexual harassment” is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual’s employment or as a basis for employment decisions; *or*
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life, comments about an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one’s sexual experiences; *and*
- Discussion of one’s sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated at Town of Waynesville.

Harassment Complaint Procedure

Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. You may complain directly to your immediate supervisor or department manager, the HR director, or any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality.

If the investigation confirms conduct contrary to this policy has occurred, Town of Waynesville will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

Commitment to Diversity

Town of Waynesville is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the organization and are valued for their skills, experience, and unique perspectives. This commitment is embodied in Town policy and the way we do business at Town of Waynesville and is an important principle of sound management.

Conflicts of Interest and Confidentiality

Conflicts of Interest

Town of Waynesville expects all employees to conduct themselves and Town business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

Exactly what constitutes a conflict of interest or an unethical business practice is both a moral and a legal question. Town of Waynesville recognizes and respects the individual employee's right to engage in activities outside of employment which are private in nature and do not in any way conflict with or reflect poorly on the Town.

It is not possible to define all the circumstances and relationships that might create a conflict of interest. If a situation arises where there is a potential conflict of interest, the employee should discuss this with a manager for advice and guidance on how to proceed. The list below suggests some of the types of activity that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

1. Simultaneous employment by another firm that is a competitor of or supplier to Town of Waynesville.
2. Carrying on Town business with a firm in which the employee, or a close relative of the employee, has a substantial ownership or interest.
3. Holding a substantial interest in, or participating in the management of, a firm to which the Town makes sales or from which it makes purchases.
4. Borrowing money from customers or firms, other than recognized loan institutions, from which our Town buys services, materials, equipment, or supplies.
5. Accepting substantial gifts or excessive entertainment from an outside organization or agency.
6. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the Town.
7. Participating in civic or professional organization activities in a manner that divulges confidential Town information.
8. Misusing privileged information or revealing confidential data to outsiders.
9. Using one's position in the Town or knowledge of its affairs for personal gains.
10. Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, campaign contribution laws, or other laws regulating the conduct of Town business.

Confidential Information

The protection of confidential business information and trade secrets is vital to the interests and success of Town of Waynesville. Confidential information is any and all information disclosed to or known by you because of employment with the Town that is not generally known to people outside the Town about its business.

An employee who improperly uses or discloses trade secrets or confidential business information will be subject to disciplinary action up to and including termination of employment and legal action, even if he or she does not actually benefit from the disclosed information. All inquiries from the media should be referred to the Town Manager.

Social Function Policy

The Town of Waynesville recognizes that employees may wish to arrange social functions on Town premises during regular business hours to celebrate special events and other special occasions. This policy sets out parameters and procedures for such events. Nothing in this policy should be read to limit the rights of employees under federal, state or local labor and employment laws. Further, the Town of Waynesville reserves its right to maintain and enforce valid no-solicitation and no-distribution rules consistent with federal labor laws.

1. Social events held on Town premises and during regular business hours are to be limited to special occasions only. For the purposes of this policy, special occasions are birthdays, baby showers, retirement receptions, recognition events for profession designated weeks (i.e. XYZ Week), and up to two (2) luncheons for department staff annually.
2. Departmental birthday events should be held within the departmental area or off Town premises during regular morning break or lunch break times. Such organized birthday events should be limited to the normal time allowed for breaks or lunch and should not utilize any Town of Waynesville funds.
3. No event should result in a reduction or disruption in customer service in any department or function.
4. Town of Waynesville funds will not be available for use for functions with the exception of the Town of Waynesville Annual Holiday Party and up to two (2) annual meals per department.
5. Invitations to other departments are not required for all events; however, department directors are encouraged to include the elected officials as part of their celebrations, when appropriate.
6. Any event utilizing Town of Waynesville funds will be open to any Town employee without exception if consumables (food/snacks) are available.
7. Functions that last greater than the normal lunch break time (one hour) require advance approval from the Town Manager.

8. The department director and/or staff for the area holding any event that is discovered to be in direct contradiction of this policy will be subject to paying the Town of Waynesville back for those event costs paid with Town funds.
9. Town of Waynesville funds may be utilized related to official duties, if they are found to be eligible for reimbursement in accordance with the Travel and Training policies, if reasonable and supported by receipts. This does not include meals between co-workers unless attending a travel and training event.
10. The Finance Director and/or Town Manager have the right to request additional documentation related to any receipt where Town of Waynesville funds have been expended.

GLOSSARY OF TERMS

Affordable Care Act - The Patient Protection and Affordable Care Act (PPACA) – also known as the Affordable Care Act or ACA, is the landmark health reform legislation passed by the 111th Congress and signed into law in March 2010. It is intended to extend coverage to millions of uninsured Americans, to implement measures that will lower health care costs and improve system efficiency, and to eliminate industry practices that include rescission and denial of coverage due to pre-existing conditions.

Americans with Disabilities Act (ADA) – gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

COBRA – (Consolidated Omnibus Reconciliation Act) A health insurance plan which allows an employee who leaves a company to continue to be covered under the company's health plan, for a certain time period and under certain conditions. The system is designed to prevent employees who are between jobs from experiencing a lapse in coverage.

Designee - An employee who has been designated to make decisions or conduct business on behalf of another employee.

Eligible Dependent - An eligible person, other than the member (generally a spouse or child), who has health care benefits under the member's policy.

Exempt Employee - An employee who is not subject to the provisions of the Fair Labor Standards Act.

Fair Labor Standards Act (FLSA) - is a federal labor law of general and nationwide application, including Overtime, Minimum Wages, Child Labor Protections, and the Equal Pay Act.

Family Medical Leave Act (FMLA) – is a federal program that entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. (see FMLA pages 53-55)

Full-Time employee - An employee who is regularly scheduled to work the standard number of work hours per week, who has successfully completed the probationary period, and is budgeted for at least 12 months.

Grievance - A claim or complaint by an employee based upon: (a) an event or term or condition which affects the circumstances under which an employee works, including employment practices, policies or programs or benefits; (b) involuntary termination of employment; or (c) any allegedly illegal discrimination by the Town.

HIPAA – Health Insurance Portability and Accountability Act of 1996

Law Enforcement Officers Retirement System (LEORS) – provides retirement benefits to law enforcement personnel through a program established by North Carolina.

Local Governmental Employees' Retirement System (LGERS) - provides retirement benefits to employees of cities, towns, counties, boards, commissions, and other entities of local government in North Carolina.

Permanent Position- A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All positions are subject to budget review and approval each year by the Board of Aldermen. All employees' work and conduct must meet Town standards, therefore, reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment.

Probationary Period - A working test period of six months, extendable for an additional six months, for all new employees except law enforcement which are subject to a 12 month probationary period. Wastewater and Water Operations apprenticeship employees may be subjected to a probationary period of 12 months, but not to exceed 12 months contingent upon operator licensure by the state.

Retiree - an individual who leaves the Town of Waynesville's employ at the conclusion of a minimum of ten (10) years of benefits-eligible service and for whom benefits are available until Medicare eligible at age 65 or through disability at an earlier age.

Spouse – a legally valid, existing marriage between persons of the opposite sex; or a person of the same sex with whom you have entered into a marriage that has been recognized under applicable state law.

Temporary/Seasonal Employee - An employee regularly scheduled to work the standard number of hours per week but for a limited period. Temporary/seasonal employees are not entitled to employee benefits or any type of leave, unless specifically indicated.

Trainee - An employee's status when the applicant hired (or employee promoted) does not meet all of the requirements for the position. During the duration of the trainee appointment, the employee is on probationary status.

**PERSONNEL POLICY MANUAL/
EMPLOYEE HANDBOOK
ACKNOWLEDGMENT AND RECEIPT**

I hereby acknowledge receipt of the Personnel Policy Manual/Employee Handbook of Town of Waynesville. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the personnel policy manual and all other written and oral materials provided to me are intended for informational purposes only. Neither it, Town practices, nor other communications create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal and change by the Board of Aldermen any time without notice.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind the Town to employ me now or hereafter and that my employment may be terminated by me or the Town without reason at any time. I understand that no representative of the Town has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment, or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the Town Manager may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the Town Manager.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 13, 2018

SUBJECT : Policy regarding trimming of growth extending into Town rights of way

AGENDA INFORMATION:

Agenda Location: Continued Business
Item Number: E9
Department: Administrative Services
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: Town ordinances provide for the trimming of growth that extend into its rights of way and empowers the Town to remove it. The ordinances do not discuss how and under what conditions growth should be removed. The attached policy establishes the location and conditions where the Town staff would trim growth that is extending into the Town's rights of way.

The staff would use electronic and print media to alert the public that it will begin trimming along arterial, collector and State maintained roads thirty days after notice. When the staff notices or is informed of growth impeding traffic or site distance on neighborhood streets they will notify the owners and give them thirty (30) days to trim the growth before trimming it with Town staff. There will be conditions where growth is impeding disabled individuals and must be trimmed immediately for ADA reasons. The owner will be given a chance to trim it back but the staff will act more quickly.

MOTION FOR CONSIDERATION: To approve the policy regarding trimming of growth extending into the Town of Waynesville rights of way, effective immediately.

FUNDING SOURCE/IMPACT: None

ATTACHMENTS:

- Proposed Policy

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval of the policy as presented

POLICY REGARDING TRIMMING ON RIGHTS OF WAY

Whereas, section 46.8 of Waynesville's code of ordinances declares it "unlawful for any person to allow to permit any shrubbery, undergrowth, trees, weeds or any other form of plant growth grow upon, protrude or project into any sidewalk, street or public square.... or any form of plant growth to stand upon any property at or near any street intersection so that the growth may obscure the view of pedestrians or persons traveling in vehicles at street intersections"; and

Whereas, section 8.3.3 of the code of ordinances' Land Development Standards states that "every owner of any tree overhanging any street or right of way shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection so that there shall be a clear space of eight (8) feet above the surface of the sidewalk or parking area and thirteen (13) feet above any travel way"; and

Whereas, section 8.3.3 of Waynesville's code of ordinances' Land Development Standards states that "The Town is authorized to remove and /or trim trees and shrubs from public properties and public rights of way; and

Whereas, The Board of Aldermen have requested that a policy regarding the administration of the above mentioned ordinances be developed;

BE IT RESOLVED BY THE BOARD OF ALDERMEN THAT THE FOLLOWING POLICY BE ADOPTED:

That, the Town shall advertise thirty (30) days in advance through, print media, electronic means, and direct mail the periods when the staff intends to conduct right of way trimming in the Town; and

That, The Town shall conduct annual trimming of arterial, collector streets and State maintained roads after said advertisement in accordance with applicable industry standards and with direction from the Town's assigned right-of-way agent; and

That, The Town shall conduct trimming of all other streets, rights of way and sidewalks on a case by case basis when violations of the above stated ordinances are brought to their attention or violations are observed by the Town employees. Such trimming shall take place only after the property owner has been provided a written ten (10) working day notice of said violation; and

That, Town employees may take immediate action against a violation of the above ordinances after personally contacting the owner in cases where the violation poses an immediate danger to the life and or property of a citizen. (Ex. Obstruction of a sidewalk where blind or wheelchair bound citizens may traverse).

Adopted this the 13th day of November, 2018.

Town of Waynesville

Gavin A. Brown, Mayor

Attest:

Eddie Ward, Town Clerk