



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: January 28, 2020

Time: 6:30 p.m.

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 - Mayor Gary Caldwell

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

Motion: To approve the minutes of the January 14, 2020 regular meeting as presented (or as corrected).

B. PUBLIC HEARING

3. Cemetery Presentation
 - Asset Services Manager Julie Grasty

Motion: To continue the public hearing to February 11, 2020 for additional public input.

C. NEW BUSINESS

4. Yearly Tax Advertisement in local newspaper
 - Tax Collector, James Robertson

Motion: To approve the yearly tax advertisements in The Mountaineer in accordance with N. C. G. S.105-369

5. Requesting Board approval to donate \$500 to Haywood Waterways 8th Annual Plunge Benefitting Kids in the Creek
 - Planner Jesse Fowler

Motion: To approve a donation of \$500 in support of Haywood Waterways 8th Annual Plunge benefitting Kids in the Creek.

6. Authorization to proceed with grant applications

- Development Services Director, Elizabeth Teague

Motion: To direct staff to proceed with grant applications in support of the greenway bridge construction project with the understanding that matching funds will be appropriated, if awarded, as indicated.

Motion: To direct staff to proceed with grant application to the CFWNC Medford Grant in support of the Calvary/Craven Street park improvements.

7. Appointments for Boards and Commissions

Planning Board: (1) Vacancy – Term ending June 30, 2022

5 Applicants: John Baus, Jr.
Robert “Michael” Blackburn
Travis Collins
Richard W. Dickinson
Ron D. Reid

**Waynesville Housing Authority: (1) Vacancy – Term ending June 30, 2023
5 year term**

3 Applicants: Kathy Barnette
Georgette Morand
Rob Roland

Zoning Board of Adjustment: (3) Vacancies – Term ending June 30, 2022

1 Applicant: John V. Baus, Jr.

Motion: To appoint [candidate’s name] to [name of board/commission] for [terms as indicated above]

8. Appointment of Alderman Anthony Sutton to the Land of Sky MPO

Motion: To appoint Alderman Anthony Sutton to the Land of Sky MPO

9. Appointment of Deputy Clerk

- Town Clerk, Eddie Ward

Motion: To appoint Michelle Baker as Deputy Clerk

10. Permitting, Bidding, Contract Administration and Closeout for Waste Water Treatment Plant

- Town Manager Rob Hites

Motion: To approve the contract from McGill and Associates for the permitting, bidding, contract administration and closeout for the Waste Water Treatment Plant.

Motion: To approve the project Ordinance 0 - 1 -20 for the Waste Water Treatment Plant Improvements

D. COMMUNICATIONS FROM STAFF

11. Manager's Report

- Town Manager Rob Hites

Board consideration and direction as to the date of the retreat and any specific topics

12. Attorney's Report

- Town Attorney Bill Cannon

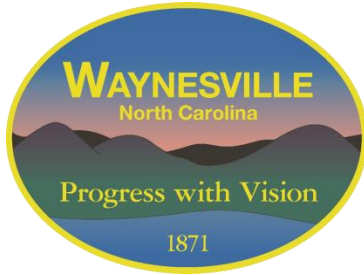
E. COMMUNICATIONS FROM THE MAYOR AND BOARD

13. Special Called Meeting – Homelessness Task Force

- Mayor Gary Caldwell

F. CALL ON THE AUDIENCE

G. ADJOURN



TOWN OF WAYNESVILLE

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

CALENDAR

February 2020

2020	
Thursday January 30 5:00-7:30	Elected Officials Reception Wells Event Center
Monday February 3 3:00 – 5:00 pm	Mercy Urgent Care Ribbon Cutting and Grand Opening 124 Frazier Street, Waynesville
Tuesday February 4 5:30 pm	Board of Aldermen Meeting – Special Session Public Services Training Room – 129 Legion Drive
Tuesday Feb 11	Board of Aldermen Meeting – Regular Session
Tuesday Feb 25	Board of Aldermen Meeting – Regular Session
Tuesday March 10	Board of Aldermen Meeting – Regular Session
Tuesday March 24	Board of Aldermen Meeting – Regular Session
Friday April 10 Good Friday	Town Offices Closed
Tuesday April 14	Board of Aldermen Meeting – Regular Session
Tuesday April 28	Board of Aldermen Meeting – Regular Session
Tuesday May 12	Board of Aldermen Meeting – Regular Session
Monday May 25 Memorial Day	Town Offices Closed
Tuesday May 26	Board of Aldermen Meeting – Regular Session
Tuesday June 9	Board of Aldermen Meeting – Regular Session
Tuesday June 23	Board of Aldermen Meeting – Regular Session
Friday July 3 Independence Day	Town Offices Closed
Tuesday July 14	Board of Aldermen Meeting – Regular Session
Tuesday July 28	Board of Aldermen Meeting – Regular Session
Tuesday August 11	Board of Aldermen Meeting – Regular Session
Tuesday August 25	Board of Aldermen Meeting – Regular Session
Monday September 7 Labor Day	Town Offices Closed
Tuesday September 8	Board of Aldermen Meeting – Regular Session
Tuesday September 22	Board of Aldermen Meeting – Regular Session
Tuesday October 13	Board of Aldermen Meeting – Regular Session
Tuesday October 27	Board of Aldermen Meeting – Regular Session
Tuesday November 10	Board of Aldermen Meeting – Regular Session
Wednesday November 11	Veterans Day – Town Offices Closed
Tuesday November 24	Board of Aldermen Meeting – Regular Session
Thursday & Friday November 26 & 27 Thanksgiving	Town Offices Closed
Tuesday December 8	Board of Aldermen Meeting – Regular Session
December 24, 25 & 28 Christmas Holidays	Town Offices Closed Christmas Holidays

Board and Commission Meetings – February 2020

ABC Board	ABC Office – 52 Dayco Drive	February 18th 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	February 4th 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	February 27th 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	February 5th 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	February 17th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	February 13th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	February 19th 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	February 11th 2 nd Tuesday 3:30 PM

BOARD/STAFF SCHEDULE

--	--	--

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

January 14, 2020

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, January 14, 2020 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER REGULAR MEETING

Mayor Gary Caldwell called the meeting to order at 6:30 pm with the following members present:

Mayor Gary Caldwell
Alderman Jon Feichter
Alderman Anthony Sutton
Alderman Chuck Dickson

Mayor Pro Tem Julia Freeman was absent due to sickness.

The following staff members were present:

Rob Hites, Town Manager
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Bill Cannon, Town Attorney
Ben Turnmire, Finance Director
Jeff Stines, Interim Public Services Director
Julie Grasty, Asset Services Manager
Jonathan Yates, Outside Services
Joey Webb, Fire Chief

The following media representatives were present:

Becky Johnson, The Mountaineer
Cory Vaillancourt, Smoky Mt. News

1. Welcome/Calendar/Announcements

Mayor Caldwell reminded the Board of the following calendar events:

January 18th – 20th – Martin Luther King Day events
Thursday January 30th – Elected Officials Reception – 5:00 – 7:30 – Wells Event Center

2. Adoption of Minutes

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the minutes of the December 10, 2019 organizational and regular meetings as presented. The motion carried unanimously.

3. Presentation

- Alderman Jon Feichter

Alderman Feichter presented Mr. Dick Young with a certificate of appreciation from the Board of Alderman of the Town of Waynesville as an expression of the Town's appreciation for Mr. Young's constant attendance at the Board meetings and continual interaction with the Board and staff. Alderman Feichter said that it seemed that unless it was a controversial item, there was very low attendance to the meetings. Mr. Young was the exception to the rule because he was almost always at the meetings, and not shy about "holding their feet to the fire." Mr. Young thanked the Board and said he would continue to be present at the meetings.

3. Mayor Caldwell – Homelessness Task Force update

Mayor Caldwell stated that due to the overwhelming number of applications (31) that were received for the Homelessness Task Force, he would like to give the Board time to review the applications before making appointments to the Task Force. He said he would like to have a special meeting to discuss the applicants and he asked the Board to check their calendars for the week of February 3rd – 7th and let the Town Clerk know what days is best for them.

Mayor Caldwell told the Board that the grant application for Dogwood Health Trust had been completed and submitted.

B. PRESENTATION

4. Cemetery Presentation

- Assistant Town Manager Amie Owens

Assistant Manager Amie Owens said that in 2018, following an unfortunate incident involving Greenhill Cemetery, applications were taken for membership to an adhoc cemetery committee to better develop the cemetery ordinance and to correct some inconsistencies in the ordinance. She stated that the cemetery ordinance discussion is not slated for discussion at this meeting, but she will ask the Board for some recommendation for actions.

Assistant Manager Owens introduced the members of the committee and staff and thanked them for their hard work and open-mindedly working to develop regulation for the future. She said that the committee had met a total of 13 times between May and November.

Some of the highlights the committee worked on included:

- Touring both Greenhill and Dix Hill Cemeteries
- Discussed the annual budget for the Cemetery division and the use of the house on the grounds as an office
- Clarified that individuals who have burial or cremation sites do not own the site, but rather can use them for burials – could be called an easement instead of a deed
- Delved into the existing ordinance to reach a compromise related to maintenance and freedoms for decorating/memorializing
- Graphic representation to better show how it is possible to have multiple individuals remains in one burial site and how to properly mark those sites with memorials

- Created process much like special event process for tours – where the cemetery committee would review and send to the Board for approval
- Provisions for items that are permanently affixed to a headstone to remain.
- New revision for items to be at burial site, but must be in a memorial box to allow for proper maintenance

Assistant Manager Owens told the Board that the current committee members are prepared to continue serving until June and have the option, if the Board chooses, to make this a standing committee on a staggered appointment schedule with the terms being as follows:

Utilizing current membership until June 30, 2020 then appoint:

- One Year - 2 members
- Two years - 3 members
- Three years - 2 members

The Committee would work with Public Services and the Historic Preservation Commission to have signs placed at two entrances to Green Hill Cemetery and one at Dix Hill Cemetery and assist with clean-ups and notifications prior to clean-up. The bi-annual clean-ups would be held in the spring and the fall, with a 14-day requirement for compliance. A portion of the Cemetery budget for maintenance and improvements to Dix Hill Cemetery in the future. Assistant Manager Owens said the Committee would look at improvements to both cemeteries such as accessibility needs like handrails and steps.

Assistant Manager Owens presented the proposed calendar for the upcoming meetings which included Public Hearings to be held on January 28, and February 11 to gain public input. In February and March, the committee will educate the public regarding ordinance changes and prepare for spring clean-up in April.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to make the Cemetery Committee a standing committee. The motion carried unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to call for a Public Hearing to be held on Tuesday January 28, 2020 at 6:30 pm, or as closely thereafter in the Town Hall Board Room, 9 South Main Street, to gain public input on the Cemetery Ordinance. The motion carried unanimously.

5. Audit Presentation of the FY 2019 Financial Statements

- Finance Director Ben Turnmire
- Nancy Lux – Ray, Bumgarner, Kingshill and Associates
- Bruce Kingshill – Ray, Bumgarner, Kingshill and Associates

Bruce Kingshill and Nancy Lux of Ray, Bumgarner, Kingshill and Associates attended the meeting to present highlights and an overview of the Town's financial condition and audit report for the year ended June 30, 2019. Ms. Lux explained that there were two (2) audits completed, the first was a financial audit, the second a yellow book audit looking specifically at Powell Bill funds from a compliance perspective. The report noted no deficiency in internal controls, compliance or financial reporting was identified and the auditors issued an unmodified opinion. Ms. Lux noted that unmodified is the new terminology used

when auditing and is the same as the previous unqualified opinion which is the highest level of compliance. She added that the firm has been doing Waynesville's audits since 1986 and thanked the Board for the opportunity to present. Ms. Lux concluded by noting that the audit report was ready to be provided to the Local Government Commission (LGC) prior to the October 31, 2019 deadline; however, the actuaries reviewing the other post-employment benefits (OPEB) took a bit longer to review and the December 1, 2019 deadline was met for submission to the LGC. The LGC found nothing wrong with the audit report.

Mr. Kingshill noted that he would be providing information in graphic form of revenues and expenditures for the current and prior year for comparison. He highlighted the changes by fund and by department and noted the additions to each fund's fund balance. Mr. Kingshill indicated that this had been a good year for the Town, not a great year, but a good one. Mr. Kingshill thanked Finance Director Ben Turnmire, Former Finance Director Eddie Caldwell, Assistant Finance Director Dean Trader, the Finance staff and Manager Hites for their cooperation during the audit.

Finance Director Turnmire, provided a report on the overall position of the Town. He illustrated the property tax valuation and analysis noting the trending of percent change. He continued by noting that revenues came in as expected but that all departments had done a great job in keeping expenditures under budget. Finance Director Turnmire highlighted the tax collection rate of 96.92% which was an increase over previous years and that delinquent taxes from prior years had been collected at 4.2% which was nearly double from previous years. He reminded the board that one of the benchmarks used with peer groups is the general fund balance. Currently, the Town is at 41.78%; this is slightly below average in the peer groups of like-size ElectriCities in the state which is 45.70%.

Finance Director Turnmire provided a summary of the Fiscal Year 2018-2019 including: Waynesville managed the budget so that the fiscal year was within expectations; revenues grew slightly with a positive trajectory going forward; paid off significant debt for the Recreation Center; enterprise funds were stable and were able to make budgeted transfers; Town Board with Administration awarded Employees a Cost of Living increase of 3 Percent and Administration with Department Leadership successfully managed expenditures while maintaining a high standard of service. This reflects well on the fiscal responsibility shown by the Town.

Mayor Caldwell thanked Mr. Kingshill, Ms. Lux and Mr. Turnmire for their portions of the presentation and was grateful for a good year.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to accept the audit report as presented. The motion carried unanimously.

C. NEW BUSINESS

6. Rehabilitation of Digester at Waste Water Treatment Plant

- Jeff Stines, Interim Public Services Director

Jeff Stines, Interim Public Services Director, explained to the Board that the Town currently uses an "anaerobic digester". This is a digester that treats sludge in an environment that is free of air, to treat solids (sludge). This process is creating high levels of sulfur oxide which is dangerous for operators to breath as they operate a belt press to dewater it. Mr. Stines stated that in the past hydrogen peroxide has

been added to change the chemical makeup of the sulfur oxide. He said that this process creates a great deal of foam which overflows onto the ground. The Town has been cited by the Asheville Regional Office of DENR for overflows, so this is no longer a viable method of dealing with the sulfur oxide.

Mr. Stines said the plan for rehabilitating the Waste Water Treatment Plant calls for the anaerobic digester to be converted to an "aerobic digester". The aerobic digester will produce more air which will eliminate the problem of excessive sulfur oxide buildup. The current budget has a line item of \$200,000 to fund improvements such as this. The current digester has been redesigned by McGill by removing the ¼ inch steel lid and the internal piping and converting the digester.

Mr. Stines told the Board that this digester would be converted to aerobic as part of the long-term renovation of the plant. This work would be carried out as part of the overall renovation. The Town received three bids for the conversion, and the low bid was submitted by Ashe Construction and Maintenance of Canton for \$83,259.00.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the bid of \$83,259.00 submitted by Ashe Construction and Maintenance for the conversion of the anaerobic digester to and aerobic digester. The motion carried unanimously.

7. Award of Contract to Green Light Electric: Haywood & Church St. Pedestrian Signal Upgrade
 - Jeff Stines, Interim Public Services Director

Approximately two years ago a visual impaired person who frequently walks throughout Town, identified an area that was ADA deficient. Mr. Stines said that last year the Board had approved the company of Mattern & Craig Engineering to provide engineered plans and specifications for the upgrade to the signals at Haywood and Church Street.

The project was advertised for multiple weeks and the Town received two responses. Green Light Electric was the low bidder at \$30,275.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to award the project to Green Light Electric in the amount of \$30,275.00. The motion carried unanimously.

8. Chestnut Walk Tank Bid Results
 - Jeff Stines, Interim Public Services Director

Mr. Stines explained that the 10,000-gallon water tank located off Apple Tree Court, which serves the Chestnut Walk community, is slowly deteriorating and beyond its service life. This tank has developed large pin hole leaks over the last two years, and multiple attempts have been made to repair the tank. In addition to a depleted a tank, the tank is well undersized, and this is creating inadequate flow for fire protection in the area. Because of this, the Town is unable to sell any more water taps off this system.

An avenue to replace the tank early last year was presented to the board and requested hiring an engineering firm to put together plans, specifications and bid documents. McGill & Associates have prepared plans for a forty-thousand-gallon tank and received the bids back in October 2019. McGill's

method of advertising included the following: local newspaper, town website, various construction sites and sending plans directly to 16 different qualified potential bidders.

Mr. Stines said that four bids for the tank were received ranging in price from \$151,412 to \$392,410. ACMI was the low bid for the tank project by nearly half the price. McGill & Associates requested a price from ACMI to install the tank and prep the site per the plans and specifications. ACMI's proposal for this work was for \$154,540 plus an additional \$15,000 for payment and performance bond.

After much discussion concerning the legality of providing city services, such as water, to people who live outside the city limits and pay no taxes, the Board decided to table the item until a later date.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to table the item until the Town Attorney can report back to the Board on the legality requiring the Board to provide a \$320,000.00 water tank to people who live outside the City Limits of Waynesville. The motion carried unanimously.

9. Award of RFQ and Fee for Engineering Services: Hydraulic Modeling / Fire Flow Mapping

- Jeff Stines, Interim Public Services Director

As part of last year's budget request, Public Works and the Fire Department identified the need to map available fire flows by developing a hydraulic model of the Town's water distribution system. Mr. Stines told the Board that this project will significantly reduce staff time required to test fire hydrants annually and will assist the fire department with ratings and inspections by the office of the State Fire Marshal. It will also aid Town staff in prioritizing new capital improvement projects and help determine available pressures and flow for new development proposed in Waynesville.

An RFQ for engineering services was issued, and McGill & Associates stood out among the group of responses. Their local presence added value to this project because they have completed various hydraulic grade line studies for the Town over the years. In addition, they hold all the GIS data for utilities for the Town.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to award the contract to McGill & Associates in the amount of \$55,500 for Hydraulic Modeling/Fire Flow Mapping. The motion passed unanimously.

10. Request approval of NC 457(b) Deferred Compensation Plan

- Assistant Town Manager Amie Owens

Assistant Town Manager Amie Owens explained to the Board that the Town has previously offered a 457(b) deferred compensation plan for its employees. Unfortunately, there has been minimal participation in previous years. At the present time, there are only 5 participants in the program. Nationwide was the previous account holder and they will no longer be providing this service; Prudential has indicated that they would be interested in working with the Town and they are the current 401(k) vendor.

Ms. Owens said that this program is different from the 401(k) in that it allows for full-time and part-time employees to participate, does not require matching from the Town and there is already a code in the

payroll system for deductions. Because of changes to the plan, a resolution is required by the Board to allow new enrollment in the plan.

If approved, Ms. Owens stated that the plan would be available to employees with the open enrollment in June 2020 with a July 1, start date for contributions. Existing participants could roll their previous contributions into the new plan and will be receiving information related to their options via mail from the NC Retirement System in March/April.

Ms. Owens said that this is a great way for the Town to provide a benefit for part-time employees that previously not had access to, and an additional option for our full-time staff related to their retirement contributions.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the Resolution R-01-20 to Adopt A Qualified Defined Contribution Plan (NC 457) for the Employees of the Town of Waynesville. The motion carried unanimously.

11. Report to Board on Feasibility of Printed Quarterly Newsletter

- Assistant Town Manager Amie Owens

At the last Board meeting, staff was asked to study the feasibility of resuming a printed quarterly newsletter. Ms. Owens said that the last printed Town of Waynesville newsletter was done for May/June 2015. At the beginning of FY 2016, due to the cost of the printing/postage, the practice of printing a newsletter was discontinued. Instead, with the implementation of a new website, information would be included there and sent out via regular press releases.

After researching, Ms. Owens explained to the Board that the information related to the cost of the printed newsletter was included in their packets. This is for internal and external printing and includes staff time, mail permits, printing costs, additional copies, postage, and cost for a mail management service to label the pieces with addresses. The estimated cost annually would be \$34,060.00. Ms. Owens stated that staff feels that this is not a feasible option and recommends that the Town continue to publish information on the website and in the newspaper via press releases and continue to use the Everbridge notification system for communication with the public.

Ms. Owens made a recommendation to try publishing a one-page two-sided flyer, beginning in July 2020, on a bi-annual basis, that could be placed in public areas such as Finance office, Recreation Center and downtown kiosks. This would provide basic budget information, holiday and trash schedules and events for the next six months.

Alderman Dickson thanked Ms. Owens for the information and her research and stated that he would like to revisit this at the board retreat when it is scheduled. He also added that televising the board meetings may be a good option instead of printing.

D. COMMUNICATIONS FROM STAFF

12. Manager's Report

- Town Manager Rob Hites

Manager Hites had no report.

13. Attorney's Report

- Town Attorney Bill Cannon

Town Attorney Bill Cannon brought back a parking lot lease for the area next to the Town Hall/Watami building that was initially presented in November 2019. At that time, the then Mayor Gavin Brown asked for the item to be tabled for more extensive review by the board.

The lease is for \$400.00 per month (\$4,800 annually) and assures that Police have designated parking spots and that the lot can be used for public parking outside of Watami's normal business hours. The owners of Watami are amenable to closing the parking lot for the various street festivals as part of the agreement. This lease was approved by the attorney of the Watami owners who purchased the lot. This is a five-year lease.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the lease for the parking lot adjacent to the Town Hall/Watami as presented. The motion carried unanimously.

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

14. Call for Public Hearing

- Alderman Jon Feichter

Alderman Feichter explained to the Board that he had been inspired by an action taken by the Graham County Board of Commissioners when they had voted unanimously to show their full support for House Bill 655 NC HealthCare for Working Families. He said it had been well documented that physical and mental health problems and homelessness are linked. Conditions such as diabetes, heart disease, and HIV/AIDS are found at high rates among the homeless population, sometimes three to six times higher than that of the general population.

Alderman Feichter said that currently, some 500,000 North Carolinians are unable to afford health insurance, even though most are working. This creates an untold number of problems, including, making it more difficult to address the opioid crisis, increasing both infant and maternal mortality, and straining our rural hospitals. Moreover, it is reasonable to conclude that the lack of health insurance by so many in this state contributes significantly to homelessness in our community.

He told the Board that in our ongoing effort to reduce homelessness in Waynesville, it is imperative that all possibilities be considered. For individuals and families who experience homelessness, having access to health insurance provides a path to greater self-reliance and independence, and Medicaid expansion is an idea our state should carefully consider. He asked the Board to consider holding a Public Hearing at

the February 11, 2020 Board of Aldermen meeting to gain public input of a Resolution supporting House Bill 655.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to hold a Public Hearing on Tuesday February 11, 2020 at 6:30 pm, or as closely thereafter in the Town Hall Board Room, 9 South Main Street, in order to gain public input on a Resolution supporting House Bill 655. The motion carried unanimously.

Broadview Road

Alderman Feichter stated that the Board had received an email from Leisa McDonald concerning parking on Broadview Road. He said that since the new businesses have opened at the Overbrook intersection, the residents are experiencing significant more traffic on Broadview Road, with cars being parked on the sides of the road and delivery trucks blocking the entire road.

Alderman Dickson stated he had heard from several people also concerning parking in that area.

Manager Hites said he would like to see if there could be a delivery time for the trucks and designate three parking spaces as a delivery zone for 7:00 -10:00 am. That would provide room for cars to get around the trucks. He said staff would look at the width of the road to see if there were two travel lanes, and possibly striping for parking.

Highlands Road

Alderman Feichter told the Board that he had been asked about a sidewalk on Summit Street that just stops. Below this point there is a steep bank, and at one point a man in a wheel chair had gotten stuck in this spot and had to ask for help getting out. Alderman Feichter asked is there could be a wheel chair accessible curb ramp on that sidewalk, so that if someone is there in a wheel chair, they could exit the sidewalk.

Manager Hite said that could be done.

F. CALL ON THE AUDIENCE

Mr. Dick Young said that he had spoken with the Board previously concerning several issues such as protecting the Watershed, paving Main Street and Pigeon Street, and establishing a truck route. He asked the Board to address these issues.

Alderman Feichter asked Manager Hites about the truck route. He said that property would have to be acquired in order to have ample turning radius from Main Street to Haywood Street, and rebuild the intersection in order to accommodate tractor trailer trucks.

G. CLOSED SESSION

16. Enter closed session to discuss potential acquisition of property under NC General Statute §143-318.11(a)(5)

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to enter into closed session under NC General Statute § 143.318.11(a)(5)(i) to consider the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease. The motion carried unanimously.

The Board entered closed session at 8:47 p.m.

The Board returned from closed session at 9:15 p.m.

H. ADJOURN

With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to adjourn the meeting at 9:16 p.m. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 28, 2020

SUBJECT: Public Hearing for consideration of amendments to the Cemetery Ordinance

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: B3
Department: Board of Aldermen
Contact: Amie Owens, Assistant Town Manager
Julie Grasty, Asset Services Manager
Presenter: Julie Grasty, Asset Services Manager

BRIEF SUMMARY: In late 2018, there was concern related to the Greenhill Cemetery and the clean up that occurred. As a result, the Board of Aldermen named an adhoc committee to review the various aspects of the Greenhill Cemetery and Dix Hill Cemetery, the town's cemetery ordinance and other potential policy issues related to maintenance of the cemetery.

One of the recommendations from the Cemetery Committee was approval of the revised cemetery ordinance. This is the first of two public hearings on the cemetery ordinance proposed changes. There are multiple changes in the ordinance and a tracked copy was included in the board agenda packet.

Some of the changes include but are not limited to:

- Clarification of terms and definitions used in the ordinance
- Elimination of commercial tours in the cemetery
- Addition of graphic representations to assist in understanding of burial site layout
- Allowance of solar lights – one per burial site
- Allowance of items that can be permanently affixed to headstones and the addition of memorial boxes for those items that are not permanently affixed
- Addition of new section related to group tours and the manner for approval

The notice of public hearing was advertised in the Mountaineer on January 18/19 and January 25/26 and will be re-advertised on February 1/2 and February 8/9.

MOTION FOR CONSIDERATION: To continue the public hearing to February 11, 2020 for additional public input.

FUNDING SOURCE/IMPACT: No funding required at this time.

ATTACHMENTS:

- Revised Cemetery Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS: Any changes would be Board of Aldermen policy decision. Action is at the will of the Board. Continue the public hearing to February 11, 2020.

Chapter 18 CEMETERIES*

*Cross references: Streets, sidewalks and other public places, ch. 46.

State law references: Authority to regulate cemeteries, G.S. 160A-341--160A-348, An act authorizing the county of Haywood and the town of Waynesville to jointly establish, improve, and maintain a memorial cemetery for the burial of United States war veterans, S.L. 1949-140.

It is the desire of the Town of Waynesville and the Cemetery Committee to operate and maintain cemeteries that are beautiful, dignified and an appropriate final resting place for departed loved ones.

In formulating this ordinance, it has been the committee's desire to offer as much freedom of choice as possible while preserving those regulations necessary to maintain a high standard of beauty and efficiency of maintenance.

Sec. 18-1. Definitions.

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

Cemetery means a burial park for earth interments and columbarium inurnments.

Columbarium means a freestanding structure containing niches for the inurnment of ~~cremated~~ remains.

Commercial means activities for which money is charged.

Cremains means cremated human remains.

Cremation Burial Space means a land area designated for the burial of cremated human remains.

Deed means the document provided to purchaser that clearly defines the space allotted for interment or inurnment that has been paid for and outlines survivorship and burial rights; may also be referred to in the future as an Easement or Right of Entry.

Interment means the disposition of human remains by burial in the earth.

Inurnment means the permanent placement of ~~cremated~~ remains which are contained in an urn in a columbarium or by burial in the earth.

Lot means the numbered divisions as shown on the recorded plat, which consists of 10 spaces.

Niche means a recessed compartment in a columbarium designed to hold urns.

Style Definition: alphabetized ordinance level: No bullets or numbering

Formatted: Footer distance from edge: 0.9"

Owner means the owner of record with the town of a specific lot or in a specific columbarium niche.

Section means the numbered divisions as shown on the recorded plat, consisting of multiple lots.

Space (also referred to as a lot) means a land area four (4) feet wide and ten (10) feet in length designated for the burial of human remains.

Tour means any group that enters the cemetery with a guide.

Town means the Town of Waynesville, North Carolina.

Urn Garden means a land area two (2) feet wide and two (2) feet in length designed for the burial of cremated human remains contained in an urn.

Sec. 18-2. Burial permitted only in cemetery; notification of superintendent

No person shall bury or cause to be buried any dead body in any place within the town except in a cemetery. The town shall have the right to disinter any such body which may have been illegally buried and have the body removed to a cemetery. Prior to any burial in town cemeteries, the cemetery superintendent shall be notified. No remains except those of human beings shall be interred in any town cemetery.

Sec. 18-3. Scheduling of interments and inurnments.

Committal services requiring staff support may be held any day except New Year's Day, Easter Sunday, Thanksgiving Day and Christmas Day. On days when inclement weather is such that a burial or placement of an urn would not be feasible, the town cemetery superintendent, in consultation with the funeral director, shall have the right to delay burials and the placement of urns. It will be the responsibility of the Town of Waynesville to supply up to date contact information for staff to the local funeral directors in order to effectively communicate related to scheduling.

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

(a) The town shall sell cemetery spaces to those persons desiring lots at such price as may be determined by the board of aldermen; however, one person may not purchase more than ten (10) individual spaces or niches in a columbarium, except upon special permission from the board of aldermen. Columbarium niches and burial spaces cannot be purchased for commercial resale, and will not be sold to funeral homes, churches, or corporations.

(b) Upon purchase of a burial space, the owner will be issued a cemetery deed (easement or right of entry) that shall identify the purchaser and the specific space to which the certificate applies. Cemetery deeds should be recorded at the Haywood County Register of Deeds Office. The Town will pay for the initial filing of the deed. A cemetery space owner's rights are contractual and subject to ordinary rules of contract law. The Town has conveyed to the owner

the right of burial which has been designated as an easement. The purchaser does not own the land, but rather a right to use the land for purpose of keeping remains there.

(c) Upon purchase of a columbarium niche, the purchaser will be issued a certificate granting them the right to use the niche for the inurnment of human remains.

Sec. 18-5. Owner's name to appear on records of town.

Formatted: Font: Not Bold

No person will be recognized by the town as owner or part owner of any lot unless his name appears on the records of the town as owner or part owner thereof. Notice of any transfer of any lot, portion of lot, single space, or columbarium niche must be made in writing to the town clerk or cemetery superintendent. Transfers of lots or burial spaces must also be recorded at the Haywood County Register of Deeds Office. If a plot owner dies and a will indicates the passing of the cemetery plot(s), a copy of the will is required for transfer. If a plot owner dies intestate, the rights of the plot pass to the heirs in the same manner that personal property passes in the absence of a will and proper documentation may be requested to show proof of ownership.

Sec. 18-6. Right of town to repurchase columbarium niche.

The town may repurchase any unused columbarium niches from the owner at the original purchase price minus a \$250.00 fee for replacement of the niche door and administrative fee, upon written request of said owner.

Sec. 18-7. Restrictions on rights of owners.

Owners of lots or single spaces and purchasers of columbarium niches in any cemetery owned by the town are subject to the rules and regulations of the town now or hereafter adopted. The town reserves the right to amend at any time ~~and without notice~~ its rules and regulations, following a period for public comment.

Sec. 18-8. Identification of remains.

All caskets and all cremation urns shall contain some means of identifying the remains of the deceased contained within the casket or urn. This identification shall be either within or on the casket or urn following state law and in conformance with generally accepted practices of the funeral home industry and per North Carolina General Statutes.

Sec. 18-9. Veterans Memorial Section Regulations.

Upon recommendation from the Veterans of Foreign Wars of the United States, the cemetery superintendent may authorize the burial of a veteran in the Veterans Memorial Section of Green Hill cemetery in accordance with Board approved regulations. The Veterans Memorial Section is ~~reserved~~ for the interment of veterans discharged from active military service under conditions other than dishonorable, and does not include space for spouses, children, or other family members. Spaces for traditional burial and inurnment are assigned in sequential order by the cemetery superintendent. A full copy of the approved regulations are available in the Public Services Department.

Formatted: Left

Sec. 18-10. County Section.

Only those individuals for whom the Haywood County Health and Human Services Agency serves as a Guardian or for whom funeral pre-arrangements have been made through the Health and Human Services Agency on their behalf, or who qualify under the North Carolina General Statutes 130A-415 through 420 for unclaimed bodies, may be interred or ~~inured~~inurned in the County Section of Green Hill Cemetery. —Only markers flush with the ground are allowed in the County Section of Green Hill ~~cemetery~~Cemetery.

Sec. 18-11. Space and niche specifications.

~~(a)~~(4) Caskets or urns in burial spaces

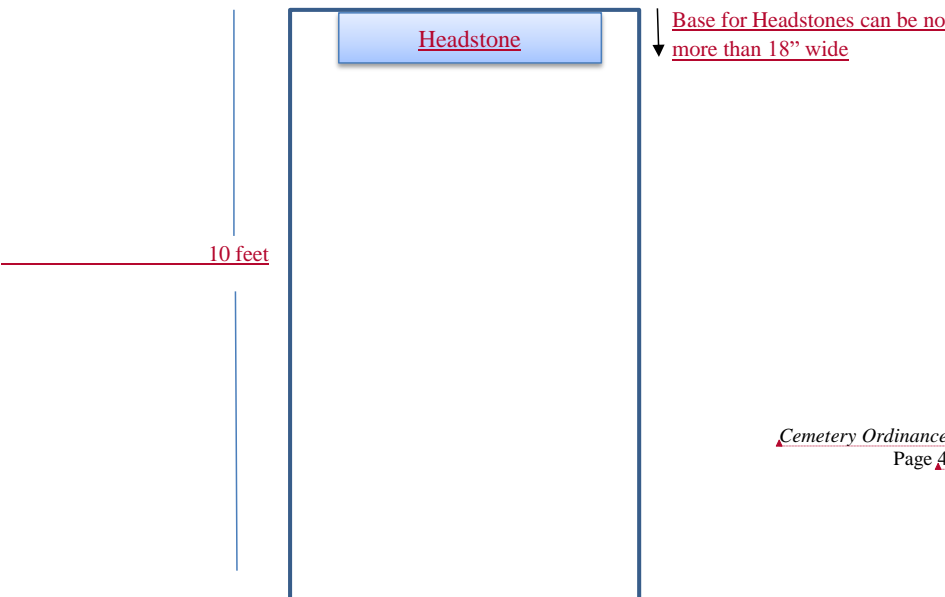
(1) All graves for the burial of a casket shall be in accordance with all applicable North Carolina General Statutes contained in Chapter 65 – Cemeteries, and all laws, regulations and requirements therein.

(2) Headstones must be at the head of the burial space; which is the area that is in line with other headstones and is aesthetically consistent with the rest of the section where the burial space is located and facing a specific geographic direction.

~~(2)(3)~~ (4) Concrete ~~liners~~ or steel vaults are required for the burial of all caskets.

~~(3)(4)~~ (4) Not more than one body shall be interred in one space except in the case of a mother and newborn baby, unless such space was purchased with the written agreement that more than one body or the remains of more than one body may be interred, and provided proper identification is made of such interment by the marker.

a. Specifications for burial spaces are 4' x 10' and are outlined as noted:



Formatted: Font color: Auto

Formatted: Font: Not Italic, Font color: Auto

Formatted: alpabetized ordinance level, Left, No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Bullets and Numbering

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Underline, Font color: Dark Red

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: List Paragraph, Left, Indent: Left: 0", Tab stops: Not at 0.25"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

Formatted: Font: 10 pt

_____ 4 feet _____

(4)

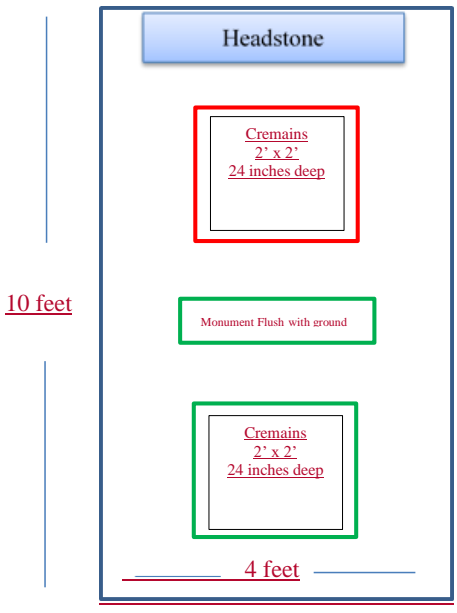
Not more than two urns may be buried in one traditional burial space, and urns may not contain more than two ~~cremated remains~~. ~~Cremated remains~~ sets of cremains. Cremains may be inurned on top of existing graves provided that the space dug for burial is a minimum of 24 inches in depth.

Formatted: Font color: Auto

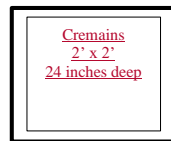
Formatted: Left, Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering, Tab stops: 2.8", Left + Not at 0.25"

Formatted: Font color: Auto

- b. Specifications for full depth burial and cremains:
- i. If one set of cremains, will be placed at top of the space (diagram in red)
 - ii. If two sets of cremains with monument: the monument must be flush with the ground with no vase or attachments and second set of cremains at the bottom of the space (diagram in green). Any vase or attachment may be mounted on the base of the headstone.



~~(b)~~ *Cremation burial space; or urn garden.* Means a land area designated for the burial of cremated human remains (cremains) and is 2' x 2' in size and is a minimum of 24 inches in depth.



~~(c)~~ *Columbarium inurnment.* Up to two ~~cremated remains~~ sets of cremains are permitted in a single columbarium niche. Owners must give notice of the number of ~~cremated remains~~ cremains to be placed in a niche at time of purchase. Additional costs will be incurred by the owner if the number of ~~cremated remains~~ cremains to be placed changes after the door engraving has been completed.

~~(d)~~ *Urn specifications for both in-ground and columbarium inurnment*

(1) No cremation urn shall contain the ~~cremated remains~~ cremains of more than two individuals. Funeral directors shall assist family members in selecting an urn that is appropriately sized to fit within the 2' x 2' burial space.

(2) The addition of ~~cremated remains~~ cremains to an urn shall be done by the funeral director, not by town personnel. If any memorabilia are to be placed with the ~~cremated remains~~ cremains, it shall be done before the container is sealed by the undertaker. Town employees are not permitted to open any urn under any circumstances.

(3) ~~Cremated remains~~ Cremains to be placed in a columbarium niche are recommended to be enclosed in a rigid, permanent, rustproof, waterproof, sealed container. ~~Cardboard; in addition, cardboard~~ or plastic urns are only permitted for in-ground inurnment. The Town will not sell urns for ~~cremated remains~~ cremains.

Sec. 18-12. Opening and closing of spaces and columbarium niches.

(a) Interments or inurnments will only be made after the cemetery superintendent has received the authorization of the owner of the space or columbarium niche, and the opening and closing fees due to the Town have been paid in full.

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Bullets and Numbering

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Bullets and Numbering

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Bullets and Numbering

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 8 pt

Formatted: Heading 1, Left, Indent: Left: 0"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

Formatted: Font: 10 pt

(b) For traditional burials in spaces, the funeral homes will be responsible for the openings and closings of spaces, and to see that the vault is properly set and sealed.

(c) For burials in columbarium units or for the in-ground placement of cremation urns, the Town will be responsible for the openings and closings. In opening and closing spaces for the burial of cremation urns or in opening columbarium niches for the placement of urns, care shall be taken to avoid damages to monuments, stones, markers and other structures on other lots in the cemetery. Should damages occur, the Town shall be responsible to see that corrections are made, either through repair or replacement.

Sec. 18-13. Funeral home opening/closing responsibilities.

All funeral directors and their work crews employed in opening and filling spaces shall be subject to rules and regulations covered in this chapter. It is the responsibility of the funeral director to obtain permission for burial from the cemetery superintendent. Any person failing to conform with such rules and regulations will not afterwards be permitted to work in the cemetery. Extreme or continuous violation of rules and regulations may be cause to bar that funeral home from further burials in the town cemetery.

(a) If other spaces sink due to the weight of the equipment used to open and close a space, or there are damages to drives, trees, sod, monuments, stones, markers and other structures in the cemetery, the funeral home shall be responsible to see that corrections are made, either through repair or replacement.

(b) When work performed pursuant to this chapter is completed, the lots/spaces and surroundings must be left in a clean and acceptable condition. All materials, tools, ground covers, lowering devices, dirt, litter, trash, etc., must be immediately removed by the party in charge of the work.

(c) Ropes or other guides are not to be tied to any tree or other object. No post or anchors will be sunk into any occupied space.

(d) No material, tools, ground covers, lowering devices, etc., shall be left in the cemetery. Such items must be removed immediately after funeral service is completed.

Sec. 18-14. Liability insurance.

Any firm that performs a service of any type in any town owned cemetery such as installing vaults, installing monuments, mausoleums, or grave markers, setting up or taking down tents; directing funerals, or other work and services shall furnish the cemetery supervisor a current certificate of insurance for the following types of insurance coverage:

(a) Workers compensation as required by law;

(b) Comprehensive automobile liability insurance coverage with a combined single limit of not less than five hundred thousand dollars (\$500,000.00) per accident for bodily injury and property damage;

(c) Standard comprehensive general liability insurance providing coverage for operations, products and completed operations coverage with a combined single limit of not less than one million dollars (\$1,000,000.00) at any town owned cemetery.

Firms may name the Town of Waynesville as an additional insured on their existing policies.

Sec. 18-15. Markers.

No person shall place any marker without first gaining approval of the cemetery supervisor.

(a) *Burial markers.* For traditional spaces, only one upright family marker shall be permitted for each respective space, and all other markers that may be placed on the space shall be flush with the surface of the ground. Family markers must be placed at either the head or foot of the space.

1. Spaces located in the County Section, on the south side of Golden Drive and in Sections 9, 10, and 11 of the Shook B, and Shook Sections C, D, E and subsequent other surveys shall only feature markers flush with the surface of the ground; no upright family markers are permitted in these sections.

2. For ~~eremated remains~~cremains in any location other than a columbarium unit, markers shall be flush with the surface of the ground. All flat grave markers shall be placed in such a manner in a row of graves that they shall be in complete alignment.

(b) *Columbarium markers.* The exterior of every columbarium niche is covered by a door made of a thin granite material, provided by the town. Information on the granite doors will be limited to the full name of the deceased whose remains are within the niche, and the year of birth and the year of death. The information for every niche will be cut in the same font style and appropriate font size. The Town will make arrangements for this work to be done at the time of purchase. Following the death of an individual and the placement of the urn in the niche, the Town will be responsible for seeing that any missing information is engraved onto the door. If an owner sells an unused niche, or there is an addition or removal of a name from the door of a niche, the current owner shall be responsible for payment for a replacement door.

Sec. 18-16. Repair of monuments.

If any monument or marker becomes unsafe or in need of repair or resetting, the town, after attempting to give notice to the owner of record of such condition and upon the failure of the

Formatted: Font: Not Italic

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

Formatted: Font: 10 pt

owner to correct the condition within ninety (90) days after receiving the notice, reserves the right to correct or remove the same at the expense of the owner.

Sec. 18-17. Improvements and other work.

(a) All works and improvements shall be done under the control of the Public Services Department. All permanent planting and removal of trees or shrubs within the cemetery grounds shall be the sole right and duty of the town.

(b) Any person entering the cemetery for the purpose of working in any space belonging to another shall first present to the Public Services Department a written order from the owner or his agent. Work on any lot must not interfere in any manner with the walk, decorations or general arrangement of the cemetery.

(c) Neither the respective owners of cemetery lots or spaces nor any other person shall change the contour of any cemetery lot or plot, construct any curb on or around the lots or spaces, or plant or transplant any tree or shrubbery of any kind of the lots or spaces.

(Code 1987, § 93.05)

Sec. 18-18. Permission required for excavations.

No person shall excavate any earth or stone in the cemetery or remove earth or stones except by the consent and under the direction of the Public Services Department. No person shall exhume any remains without first notifying the cemetery superintendent. In no case shall any remains be disinterred without following the requirements of the State of North Carolina for exhumations.

Sec. 18-19. Removal of trees, plants, shrubs.

When any tree, plant or shrub standing in the cemetery shall injure any monument or decoration in any adjoining lot or the lot on which it stands by the drip of its leaves or otherwise, complaint may be made to the Public Services Department. If the Public Services Department shall decide that the tree, plant or shrub should be removed for any cause, it shall be his duty to attempt to have notice served upon the owner to remove the tree, plant or shrub without injury to any tombstone or other trees; and if the owner shall fail or refuse to remove the tree, plant or shrub within thirty (30) days from such notice, the Public Services Department shall have the right to remove the tree, plant or shrub.

(Code 1987, § 93.07)

Cross references: Vegetation, ch. 62.

Sec. 18-20. Placing articles on lots generally.

(+) It shall be unlawful for any person to place anything on any lot, space, or columbarium unit with the exception of a marker placed in accordance with the rules and regulations of this chapter.

Formatted: No bullets or numbering

Formatted: Font color: Auto

Formatted: No bullets or numbering

cut flowers or artificial flowers, and approved flags on spaces of soldiers, sailors or marines. When the items interfere with routine cemetery maintenance they shall be immediately removed without notice by town employees. Articles that are permitted or not permitted are noted below based on the area where interred or inurned.

1. In ground burial spaces

(a) Cut flowers or artificial flowers in permanently affixed containers and approved flags on spaces of soldiers, sailors or marines are permitted.

(b) Items placed on the headstone are permitted, as long as they are permanently affixed and do not interfere with routine cemetery maintenance.

i. Any trinkets, toys, shells, sand, artificial material or anything not permanently affixed to the headstone which may prevent proper mowing and/or interfere with routine cemetery maintenance or cause a safety hazard (such as becoming a projectile) to town employees or visitors may be allowed if they are contained within an approved memorial box.

ii. The area of a memorial box may not exceed the width of the headstone and may not exceed 24" from the back of the headstone base in order to allow for a proper maintenance area in each row. The memorial box must be made of formed stone or concrete and must be at least 1" above the ground in front of the headstone and should abut the headstone to prevent staff from having to perform additional maintenance. See graphic below.

*Burial sites as indicated in Sec 18.11.4(b) will only be allowed a memorial box at the headstone, not at any marker mid-burial site.

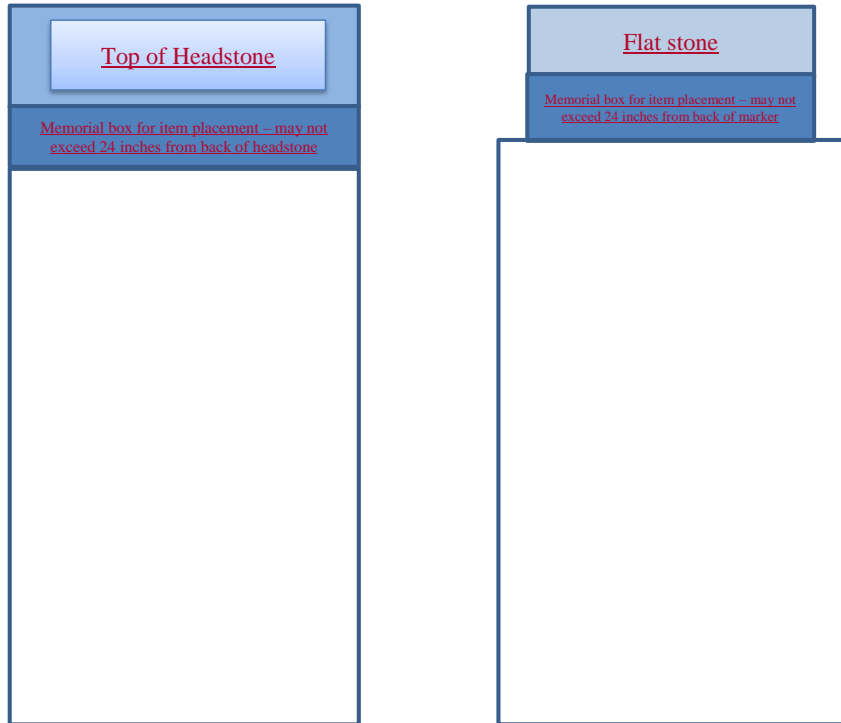
Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

Formatted: Font: 10 pt

View is looking down on an in ground burial space



- iii. Individuals wishing to utilize a memorial box must first allow staff to approve the materials utilized for the memorial box prior to placement.

Items that are not permanently affixed or in a memorial box shall be tagged for removal and will be removed after fourteen (14) days. Those items will be stored as noted in section 5 below.

**Spaces located in the County Section, on the south side of Golden Drive and in Sections 9, 10, and 11 of the Shook B, and Shook Sections C, D, E and subsequent other surveys shall only feature markers flush with the surface of the ground; no upright family markers are permitted in these sections.

(c) Glass jars, tin cans or glass vases are not permitted on any burial space.

(d) One (1) solar powered or other artificial light source is allowed per burial space and should be centered and placed as close to or affixed to the marker. No light source shall exceed the dimensions of 8" x 10". This applies to lights that are included in flower arrangements.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

(e) Benches and settees are not permitted on any burial space. *Those benches already in place prior to January 1, 2017 are considered grandfathered as part of this ordinance and will not be removed.

Formatted: Font color: Auto

Formatted: Left, Indent: Left: 0", Tab stops: Not at 0.25"

Formatted: Normal, Indent: Left: 0.5", No bullets or numbering, Tab stops: 0.25", Left

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Underline, Font color: Dark Red

Formatted: List Paragraph, Left, Indent: Left: 0.75", Tab stops: Not at 0.25"

(f) No border, fence, railing, trellis, shepherds crook or yard flag stand/holders, bird houses, coping, hedge, shrubs, trees or any other bounding or enclosing object or material shall be constructed, staked or planted in or around any burial space.

2. Columbarium spaces

(a) No floral arrangement or any type decoration or other sort of ornamentation or picture may be attached to a columbarium unit. All floral ground pieces, wreaths, or funeral sprays may only be placed at the end of the columbarium unit or in another area designated for this purpose by the cemetery superintendent. No more than one piece per niche or urn space is permitted.

Formatted: Font color: Auto

Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.69" + Indent at: 0.94"

Formatted: Font color: Auto

(b) No trinkets, toys, shells, glass vases, jars, tin cans, sand, Solar powered or artificial material or anything which, in the opinion lights are not allowed on columbarium units.

Formatted: Font color: Auto

3. Urn Garden spaces

(a) No floral arrangement or any type decoration or other sort of ornamentation or picture are allowed in urn garden spaces. All floral ground pieces, wreaths, or funeral sprays may only be placed in an area designated for this purpose by the cemetery superintendent, will. No more than one piece per urn garden space is permitted.

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: List Paragraph, Left, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.19" + Indent at: 0.44"

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Left, Tab stops: Not at 0.25"

(b) Solar powered or artificial lights are not allowed in the urn garden.

(c) 4. When any items interfere with routine cemetery maintenance, will be allowed on any lot, single space, or on or around any columbarium unit. All such articles will be they shall be tagged for removal and will be immediately removed after fourteen (14) days without further notice and they to prevent hazards to town shall not be responsible for their loss or destruction. Items placed on the headstone are acceptable, as long as they do not interfere with routine cemetery maintenance employees and visitors. Those items will be stored as noted in section 5 below.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font color: Auto

Formatted: Left, Indent: Left: 0", Tab stops: Not at 0.25"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

Formatted: Font: 10 pt

(d)(a) Solar powered or other artificial light sources are not allowed or permitted on any space.

~~(e)(a) Benches and settees are not permitted on any space. *Those benches already in place prior to January 1, 2017 are considered grandfathered as part of this ordinance and will not be removed.~~

~~5. Items that are removed from lots or columbarium will be stored onsite for sixty (60) days. Following the end of the sixty (60) days, items will be disposed of if not retrieved.~~

~~(f) No border, fence, railing, trellis, coping, hedge, shrubs, trees or any other bounding or enclosing object or material shall be constructed or planted in or around any lot or space.~~

~~(g)~~
6. The Town, at its discretion, will conduct ~~an~~ bi-annual clean ~~up-ups~~ of the Green Hill cemetery and will advertise such clean ~~up-ups~~ in the local newspaper, on its website and post signage in the cemetery ~~at least one month prior to the date of each clean-up.~~

~~1. (h) Items that are removed from lots or columbarium will be stored for sixty (60) days. Following the end of the sixty (60) days, items will be disposed of if not retrieved.~~

Formatted: List Paragraph, Left, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font color: Auto

Formatted: Underline, Font color: Dark Red

Formatted: List Paragraph, Left, Indent: Left: 0.75", Tab stops: Not at 0.25"

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.19" + Indent at: 0.44"

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.19" + Indent at: 0.44"

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.19" + Indent at: 0.44"

Formatted: Font color: Auto

Sec. 18-21. Prohibited acts.

(a) No person shall disturb the quiet and good order of the cemetery by a noise of any kind or by other improper conduct.

(b) No person shall destroy, mutilate, deface, injure or remove in any way from where it is placed any tomb, monument, gravestone or other structure placed in the town cemetery or any plank or fence or part of a fence, railing or other structure within the cemetery or from the fence surrounding the cemetery, which is placed for the protection or ornament of the cemetery or any tomb, monument, gravestone or space. Any person who shall destroy, cut down, break, remove or injure any space, tree, shrub, plant or flower that may have been planted or that may be growing in the cemetery or commit any other trespass in the cemetery shall be guilty of a misdemeanor.

(c) It shall be unlawful for any person to use the cemetery as a playground.

(d) It shall be unlawful for any person to sell or offer for sale any article of merchandise, any fruit, drink or beverage, or anything of value within the limits of any town cemetery.

~~(e)~~ ~~It shall be unlawful for any person to bring a dog or other animal into the~~ cemetery except for service animals. Per the Haywood County Animal Services Ordinance definition, a service animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

(f) The scattering of ~~cremated remains~~remains anywhere within the bounds of any town cemetery is expressly prohibited.

(Code 1987, § 93.08)

Sec. 18-22. Hunting in cemetery restricted.

No person shall hunt, kill or trap any bird or animal in the cemetery.

(Code 1987, § 93.09)

Cross references: Animals, ch. 6.

Sec. 18-23. Speed limit in cemetery.

No person shall drive or ride any vehicle in the cemetery in the town at a speed greater than 10 miles per hour.

(Code 1987, § 93.10)

Cross references: Traffic and vehicles, ch. 54.

(Code 1987, § 93.04)

Sec. 18-24. Use of cemetery as thoroughfare prohibited.

No person shall use the cemetery as a common thoroughfare or public walk or as a bicycle path; and all traveling through or across the cemetery, except in connection with cemetery purposes or for the purposes of visiting a burial lot, is forbidden.

(Code 1987, § 93.11)

Sec. 18-25. Perpetual care.

The town shall provide perpetual care in and for all cemeteries owned and maintained by the town. The term “perpetual care” shall be deemed to include the maintenance and care of all grounds, roadways, entrances, gates, fences, and columbarium constructed by the town, but shall not include the maintenance, care, refurbishing, repair or replacement of any monument, vault, headstone, marker or any other structure of a like nature used in the interment or inurnment of human remains.

Sec. 18-26. Group Activities/Tours

(a) The town allows activities such as history tours, and other events designed to promote the appreciation of our culture or history. No commercial tours are allowed. As a general rule, no individual or group activity which is considered disrespectful of the dead will be permitted within the boundaries of the cemetery.

(b) Permission for any group activity to take place in the cemetery must be obtained at least thirty (30) days in advance of an event.

(c) No event or activity which depicts horror, monsters, spirits or ghosts, or other Halloween-type subjects will be allowed. No after dark tours will be permitted.

Formatted: Font: Not Italic

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date:**

SUBJECT: Yearly Tax Advertisement in local newspaper

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: **C4**
Department: Finance
Contact: James Robertson
Presenter: **James Robertson**

BRIEF SUMMARY:

Tax Collector James Robertson respectively requests that the Mayor and Board of Alderman approve the yearly tax advertisements in the local newspaper. This is usually done in *The Mountaineer* and is in accordance with N.C.G.S. 105-369. A tentative date for March 7/8, 2020.

MOTION FOR CONSIDERATION: To approve the yearly tax advertisements in The Enterprise Mountaineer in accordance with N. C. G. S.105-369

FUNDING SOURCE/IMPACT: (must have approval by Finance Director prior to submission to the Board)

Ben Turnmire, Finance Director

Date

ATTACHMENTS:

A summary of collections over a three (3) year period for comparison.

A delinquent tax listing. (Please note that this delinquent tax listing is only a snap shot of collections to a certain point of time and will change before the advertisement date. An updated list will be provided before the advertisements are actually printed.)

MANAGER'S COMMENTS AND RECOMMENDATIONS:

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 28, 2020

SUBJECT: Requesting Board approval to donate \$500 to Haywood Waterways' 8th Annual Plunge Benefitting Kids in the Creek

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: **C5**
Department: Development Services
Contact: Jesse Fowler, Planner
Presenter: Jesse Fowler, Planner

BRIEF SUMMARY:

Staff is requesting that the Board donate \$500 dollars to Haywood Waterways' 8th Annual Plunge Benefitting Kids in the Creek. Kids in the Creek is an educational program which teaches kids about the importance of water quality in Haywood county and our responsibility as a "headwaters" county to protect our watersheds. This program also assists the Town in fulfilling our phase two stormwater public education requirements. Approximately 575 students participated in Kids in the Creek in 2019, and this donation by the Board would go directly to helping fund this program.

MOTION FOR CONSIDERATION:

1. Motion to approve a donation of \$500 in support of Haywood Waterways' 8th Annual Plunge Benefitting Kids in the Creek.

FUNDING SOURCE/IMPACT:

\$500 from special appropriations

 1/21/20

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Greetings!



Once a year for the past 22 years, every 8th grade public school student descended on the Canton Recreation Park for a hands-on learning experience unlike any other. **It's called Kids in the Creek and it is consistently one of the more memorable experiences students have from middle school.**

- *"It was a wonderful experience! It's better than learning from the book or classroom. I love hands-on!"*
- *"I loved it! It was so fun! It was a cool experience!"*

But do the students learn anything and does it help the teachers teach? We believe so...

- *"Kids in the Creek does more to increase students understanding of water and water quality than anything I could do in the classroom. It has been a valuable learning tool for many years and something the students and I look forward to every year."*
- *"Kids in the Creekhas a definitive impact on End of Grade Testing."*
- *"Kids in the Creek provides a one of a kind opportunity to let the kids connect with real science in a way few of them would ever get without it. Kids in the Creek is an absolutely vital program for us."*

Kids in the Creek exposes students to water quality through four stations – water chemistry, the EnviroScope stormwater model, benthic macroinvertebrates, and fish. The program's incredible power is demonstrated every year when these "cool" 8th graders revert back a few years and rediscover how amazing a stonefly is or a tangerine darter. **It's called the "wow factor" and it's big at Kids in the Creek.**

It takes a lot to host Kids in the Creek, from organizing volunteers, to the pre-event classroom pep talks, the field event itself, the post-event classroom exercises, and finally the t-shirt design contest. **On Saturday, February 1, 2020, Haywood Waterways and the Town of Canton will host the "8th Annual Plunge Benefit-t-t-ting Kids in the Creek & Environmental Education Programs".** The Plunge is a community event, bringing together public officials, schools, businesses, churches, and many others to support kids. It features a "plunge" (or a run) into the waters of the Champion Credit Union Aquatics Center. **How deep folks go (ankles, chest, or full immersion jump off the diving board) is a personal choice**, but depends a little on courage and a lot on spectator persuasion. Costumes welcome and prizes awarded for best costumes and top individual and team fundraisers.



Planning for the 8th Annual Plunge is well underway and we need your help. **Please consider becoming an Event Supporter.** This a fun event that benefits kids and our waterways; community support is needed!

"I hope you keep this program going to inspire and educate the children about the Pigeon River."

Thank you!

Eric Romaniszyn, Executive Director, Haywood Waterways Association, Inc.





8th Annual Plunge Information & Sponsorships

Date: Saturday, February 1, 2020

Time: 11:30 am to 1:30 pm (registration opens at 10 am)

Place: Champion Credit Union Aquatics Center, Canton Recreation Park

Why?: To raise money for Kids in the Creek and environmental education programs, all work to protect the waterways of Haywood County.

How Can You Help?

Show your community spirit and sponsor Haywood Waterways' Plunge. It's a great way to promote your business and support youth education.

➔ \$250 – Stonefly

Name on Sponsor Board and social media advertisements; recognition in all Plunge materials, press releases, and announcements; recognition at our annual meeting and newsletters; one year Donor-level membership to HWA.

➔ \$500 – Trout

Logo on Sponsor Board, logo on social media advertisements; recognition in all Plunge materials, press releases, and announcements; recognition at our annual meeting and newsletters; one year Patron-level membership to HWA.

➔ \$1,000 - Presenting Polar Bear

Prime sponsor; banner at event (provided by sponsor); logo on social media advertisements; top billing on all Plunge materials, press releases, and announcements; recognition at our annual meeting and newsletters; one year Benefactor-level membership to HWA.

We also invite you to brave the winter weather and take the plunge on behalf of your business. Better yet, organize your employees into a team that raises money collectively!

Haywood Waterways is using [GoFundMe Charity](https://charity.gofundme.com/8thannualhwaplunge) to coordinate Plungers and accept donations (charity.gofundme.com/8thannualhwaplunge). Click "Join" and create your own Plunge page that can be forwarded to leverage even greater support from family, friends, and coworkers. Donations can also be accepted offline using the attached **Registration, Sponsorship and Donation Form**.

If you don't want to plunge, you can still donate and cheer on your favorite plunger. Then join us for the 8th Annual Plunge. It's a great way to get out of the house in February while supporting the kids of Haywood County.

There will be lots of door prizes and great prizes for the top fundraisers and best costumes! All plungers get a free t-shirt!



For more details, contact Eric Romaniszyn at 828-476-4667 or info@haywoodwaterways.org.





8th Annual Plunge Benefit-t-t-ting
Kids in the Creek & Environmental Education
Saturday, February 1, 2020
Registration, Sponsorship and Donation Form

Organization: _____

Contact Name: _____

Address: _____

Contact Phone: _____ Email: _____

Sponsor, Registration, Donation (*check all that apply*)

_____ Presenting Polar Bear Sponsorship (\$1,000)

_____ Trout Sponsorship (\$500)

_____ Stonefly Sponsorship (\$250)

_____ I believe in Kids in the Creek. Here's a one-time gift to help with the event.

_____ Forget sponsorship, I want to PLUNGE for bragging rights! (\$25 or get your friends and family to sponsor you at charity.gofundme.com/8thannualhwaplunge; \$10 for under age 18)

_____ I want to donate an in-kind gift or service to help. Contact me at (*phone/email*) _____ to discuss further.

Fulfillment Method

_____ Cash/Check Enclosed (Made payable to Haywood Waterways Association)

_____ Credit Card at charity.gofundme.com/8thannualhwaplunge

_____ Please bill me.

Mail or email this form to:

Haywood Waterways Association
PO Box 389
Waynesville, NC 28786
info@haywoodwaterways.org

Haywood Waterways Association is a 501(c)(3) not for profit organization. All donations are tax-deductible to the extent allowed by law (Tax ID: 56-2108874). Financial information and a copy of our license is available from the State Solicitation Licensing Branch at 919-807-2214; the license is not an endorsement by the State.



You can also call us with the information and pay later - 828-476-4667.

THANK YOU FOR YOUR SUPPORT!

All proceeds benefit Kids in the Creek and youth education programs, and help protect our waterways for all users.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 28, 2020

SUBJECT: Authorization to proceed with grant applications

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C6
Department: Development Services
Contact: Elizabeth Teague
Presenter: Elizabeth Teague

BRIEF SUMMARY:

The Town unsuccessfully applied for funding through the Haywood Healthcare Foundation for assistance with the installation of the proposed greenway bridge over Richland Creek between Recreation Park and the town's new property. However, there are two additional grant opportunities for the bridge project coming up this spring that staff would also like the Aldermen's permission to pursue. The Pigeon River Fund could provide a \$25,000 grant to assist the Town with permitting and planning costs associated with the bridge placement. The NC Recreational Trails Program Grant could provide up to \$100,000 to assist with actual construction and placement of the bridge. Preparation of grant applications will require some additional drawing and design from Belle Engineering under our Fee for Services Contract, and if grants are approved, local match of approximately \$105,000 will be budgeted in the next fiscal year ('20-'21). Note, the Town is in receipt of donations over \$100,000 in support of this project.

MOTION FOR CONSIDERATION:

1. To direct staff to proceed with grant applications in support of the greenway bridge construction project.

FUNDING SOURCE/IMPACT: (must have approval by Finance Director prior to submission to the Board)

This project will require allocation of grant match in the next fiscal year of \$105,000, most of which is available through donations toward the greenway bridge.

s/Ben Turnmire

01/21/20

Ben Turnmire, Finance Director

Date

ATTACHMENTS: n/a

MANAGER'S COMMENTS AND RECOMMENDATIONS:

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 28, 2020

SUBJECT: Requesting Board authorization to proceed with application to the Medford Grant

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C6
Department: Development Services
Contact: Jesse Fowler, Planner
Presenter: Jesse Fowler, Planner

BRIEF SUMMARY:

In June of 2019 the Town allocated \$60,000 to be used for improvements to Calvary/Craven Park. Following this allocation, the Town unsuccessfully applied for funding through the Haywood Healthcare Foundation for assistance with this project. In order to continue with this project, Town staff is seeking Board permission to pursue the Medford Grant for approximately \$14,090. This money would be used with the \$60,000 allocated by the Town, and an additional \$2,650 raised by the Pigeon Community in a golf tournament to begin construction of a covered pavilion, purchase and installation of park amenities, purchase of playground equipment, and the addition of off-street parking.

MOTION FOR CONSIDERATION:

1. Motion to direct staff to proceed with application to the Medford Grant in support of improvements to Calvary/Craven Park.

FUNDING SOURCE/IMPACT:

The Board has already allocated \$60,000 in support of this project.

s/Ben Turnmire, Finance Director Date: 01-21-2020

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Planning Board

One Vacancy

Five Applicants

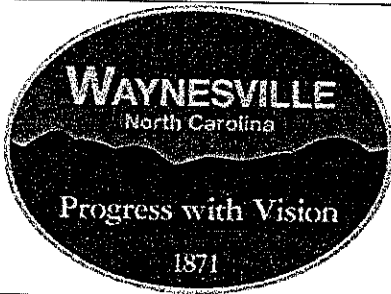
John Baus, Jr.

Robert Michael Blackburn

Travis Collins

Richard W. Dickinson

Ron D. Reid



Planning Board
TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME JOHN V. BAUS JR
STREET ADDRESS 55 LOVE LANE, WAYNESVILLE, NC 28786
MAILING ADDRESS Same
PHONE 504-239-8080
E-MAIL jvbaus@att.net

Please consider me for appointment to the following board(s) or commission(s):

- | | |
|---|---|
| <input type="checkbox"/> Alcoholic Beverage Control Board | <input checked="" type="checkbox"/> Planning Board |
| <input type="checkbox"/> Community Action Forum | <input type="checkbox"/> Public Art Commission |
| <input checked="" type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Recreation & Parks Advisory Commission |
| <input type="checkbox"/> Firemen's Relief Fund Board | <input type="checkbox"/> Waynesville Housing Authority |
| <input type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> 1% Zip Code Subcommittee (TDA) |
| <input type="checkbox"/> Homelessness Taskforce (adhoc) | <input type="checkbox"/> Cemetery Committee (adhoc) |

I am interested in serving on this board or commission because: ON THE PLANNING BOARD BECAUSE I HOPE FOR THE GROWTH OF WAYNESVILLE IN A MANNER CONSISTENT WITH ITS EXISTING CHARM AND VALUES.
ON THE BOARD OF ADJUSTMENT FOR THE SAME REASONS

I have experience/expertise in the following areas and/or have served on the following board or commission:

LEGAL EXPERIENCE, INCLUDING PROPERTY ISSUES; NEGOTIATION SKILLS;
ANALYSIS SKILLS; EXPERIENCE IN ADMINISTRATIVE MATTERS
AS AN ADMINISTRATIVE JUDGE; EXPERIENCE IN PLANNING, ZONING,
AND CONSTRUCTION MANAGEMENT AS OWNER/MANAGER OF PROPERTY MANAGEMENT CO,

I feel that I can contribute the following to this board or commission

I FIRST WOULD PREFER APPOINTMENT TO THE PLANNING BOARD, OR IN THE ALTERNATIVE TO THE BOARD OF ADJUSTMENT.

Tell us about yourself and your background: SEE RESUME

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature

John V. Baus Jr

Date

1/2/20

JOHN V. BAUS JR.

**322 ATHERTON DR., METAIRIE, LA 70005
(504) 239-8080 JOHNBAUS@ATT.NET**

QUALIFICATIONS

- AV Preeminent rated, experienced lead counsel with extensive federal and state civil trial and appellate experience.
 - 20+ years experience in casualty insurance defense.
 - 15+ years experience as coverage counsel.
 - 10+ years experience in commercial real estate development and construction consulting.
 - Admitted La., Texas, U.S. District Courts, Fifth Circuit, and United States Supreme Court.
 - Experienced in litigation practice, insurance defense (professional liability, general liability, environmental, property, casualty, and automobile), insurance coverage (including marine, pollution, general liability, and professional liability), complex business and financial institution litigation, workers compensation, real estate, corporate, contracts, and healthcare.
-

STATE OF LOUISIANA, DIVISION OF ADMINISTRATIVE LAW,

Administrative Law Judge, Health and Hospitals 2015-2017

JOHN V. BAUS JR. PLC, Solo Practitioner 2003-2015

- Civil practice, including commercial litigation, professional liability defense, insurance coverage, subrogation, certain real estate matters, general civil litigation, criminal litigation, and contracts, corporate, and business law.

• Affiliated with Larzelere Picou Wells Simpson Lonero, LLC 2013-2015

NEW ORLEANS LEASING & PROPERTY LLC, Owner 2005-2013

- Development of commercial properties, consulting, negotiation, leasing, management, property agreements, easements, restrictions, administrative hearings, and construction.

HAMMETT & BAUS / BAUS & DALY, Managing Partner 1991-2002

BLUE, WILLIAMS, & BUCKLEY, Associate Attorney 1987-1991

HAMMETT, LEAKE, & HAMMETT, Associate Attorney 1986-1987

NEW ORLEANS DISTRICT ATTORNEYS OFFICE 1984-1986

- Senior Trial Attorney; Tried over 125 felony jury trials and 200 bench trials.
-

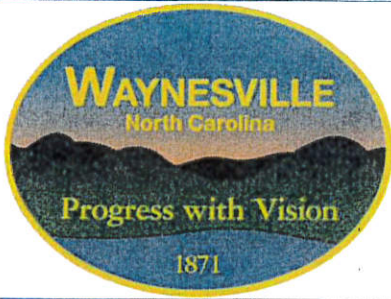
EDUCATION

University of Virginia, Bachelor of Arts With Honors, Economics

Loyola Law School, Juris Doctorate

SKILLS

- Qualified in all areas of litigation practice, insurance coverage, and complex litigation.
- Qualified in negotiation and preparation of contracts.
- Experienced in law office management, administration, and supervision.
- Microsoft Office, Word, Outlook, and Excel, and in time and billing software.
- Experienced public speaker, as seminar instructor and as volunteer lobbyist for Pump to the River organization.



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Robert "Michael" Blackburn
STREET ADDRESS 110 High St.
MAILING ADDRESS Waynesville NC 28786
PHONE 828-226-3363
E-MAIL michael.fumc@gmail.com

Please consider me for appointment to the following board(s) or commission(s):

<input type="checkbox"/> Alcoholic Beverage Control Board	<input checked="" type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> 1% Zip Code Subcommittee (TDA)
<input type="checkbox"/> Cemetery Committee	

I am interested in serving on this board or commission because: I love
Waynesville and want to see it
grow responsible

I have experience/expertise in the following areas and/or have served on the following board or commission:

Was a part of the Steering Committee
to develop the Comprehensive plan for
Waynesville

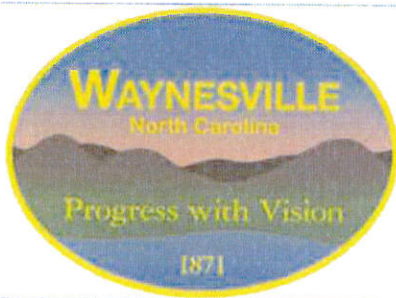
I feel that I can contribute the following to this board or commission I am a part
of the downtown community and have
been a part of the faith community here for
20 years.

Tell us about yourself and your background: I have worked with
several non-profits, before returning to Waynesville
to work at FUMC in 2003. My wife Kristi works
in the school system.

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

[Signature]
Signature

12/30/19
Date



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME TRAVIS COLLINS
STREET ADDRESS 227 BOYD AVE. WAYNESVILLE, NC 28786
MAILING ADDRESS SAME AS ABOVE
PHONE 828.421.8654
E-MAIL Wtraviscollins1@gmail.com

Please consider me for appointment to the following board(s) or commission(s):

<input type="checkbox"/> Alcoholic Beverage Control Board	<input checked="" type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> 1% Zip Code Subcommittee (TDA)
<input type="checkbox"/> Homelessness Taskforce (adhoc)	<input type="checkbox"/> Cemetery Committee (adhoc)

I am interested in serving on this board or commission because: PLEASE SEE ATTACHED RESPONSE FOR THIS & THE FOLLOWING QUESTIONS.

I have experience/expertise in the following areas and/or have served on the following board or commission:

I feel that I can contribute the following to this board or commission

Tell us about yourself and your background:

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature W. Travis Collins Date 1.16.20

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1.

Return Application to Town Clerk's Office



TC

PLANNING BOARD APPLICANT FOR THE TOWN OF WAYNESVILLE, NC
PROFESSIONAL EXPERIENCED PROBLEM SOLVER

TRAVIS COLLINS

227 Boyd Avenue
Waynesville, NC, 28786
Wtraviscollins1@gmail.com
828.421.8654

TOWN OF WAYNESVILLE PLANNING BOARD

BOARD OF ALDERMEN • TOWN OF WAYNESVILLE, NC

1.16.20

RESPONSES TO APPLICATION QUESTIONS:

I am interested in serving on the Town of Waynesville Planning Board because I believe that I reflect and can represent a broad array of stakeholders who reside within the Town of Waynesville. My desire to serve in this capacity is purely apolitical and altruistic. I love and am proud of Waynesville and want to contribute to our bright future.

My professional experience has been as a teacher for six years, and as a school principal for the past 18 years. This professional life as a school leader has allowed me to have gained experience and expertise in the following ways: in building and promoting positive professional cultures, leading growth and goal attainment, strategic planning, performance management, strong communication skills, problem solving in a variety of settings with a diverse group of stakeholders.

I feel that I can contribute to the Planning Board because I have a passion for serving my community. Serving others has been my life's work and my strong and diverse skillset will translate seamlessly to the goals and mission of the Planning Board.

I am the husband of an amazing mother, teacher, and friend – Melissa Collins. We have two amazing kids, Jack (18) a freshman at UNC-Chapel Hill, and Ruthie (11) a sixth-grade student. I grew up in Cullowhee and have lived in Waynesville for the last 18 years. Waynesville is our home.

I look forward to serving if given the opportunity.
Sincerely,

Travis Collins



TC

TRAVIS COLLINS

227 BOYD AVENUE WAYNESVILLE NC 28786

TELEPHONE: 828.421.8654

OBJECTIVE

To serve on the Town of
Waynesville, NC Planning Board

SKILLS

Strategic Planning
Strong Communication Skills
Proven Problem Solver
Culture Builder
Growth Mindset Leader

EXPERIENCE

PRINCIPAL • ENKA INTERMEDIATE SCHOOL • 7/18 - PRESENT

Reduction of staff turnout rate from 57% the previous 2 years to 2% in 18 months. Increase in student performance scores with regards to both proficiency and growth.

PRINCIPAL • TUSCOLA HIGH SCHOOL • 7/14 - 6/18

Haywood County Schools Principal of the Year 2016-17. Student proficiency, growth, ACT, scores rose every year from year 1 to year 4. Moved from a "C" school to a "B" school under NC School Report Card analysis.

PRINCIPAL • CANTON MIDDLE SCHOOL • 7/12 - 6/14

Increase in student achievement scores with regards to both proficiency and growth. C.M.S. test scores ranked among the top 35% of middle schools in North Carolina by the summer of 2014.

PRINCIPAL • MEADOWBROOK ELEMENTARY SCHOOL • 7/08 - 6/12

Enrollment increase of 25% while enrollment throughout the rest of the school system declined over same period of time. Moved from one of lowest performing elementary schools to among the highest in five-year period.

Other professional experiences and references available upon request.

EDUCATION

**MASTERS OF SCHOOL ADMINISTRATION • MAY 2002 • WESTERN
CAROLINA UNIVERSITY**

North Carolina Principal Fellow, 4.0 GPA



TC

TRAVIS COLLINS

227 BOYD AVENUE WAYNESVILLE NC 28786

TELEPHONE: 828.421.8654

**BACHELOR OF SCIENCE IN ELEMENTARY EDUCATION • DECEMBER 1995 •
WESTERN CAROLINA UNIVERSITY**

LEADERSHIP EXPERIENCE

2013-2014 NC Aspiring Superintendent Fellows Program

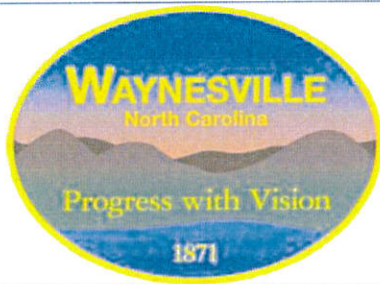
2011-2013 President, North Carolina Principals and Assistant Principals Association

2011-2013 North Carolina State Superintendent's Advisory Council

2011-2013 Governor's Task Force on Educator Effectiveness

2008-2009 President, Haywood County Schools Principals and Assistant Principals Association

Eagle Scout, Boy Scouts of America, March 1987



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Richard W. Dickinson

STREET ADDRESS 517 Hickory Drive

MAILING ADDRESS Waynesville, NC 28786

PHONE Cell Best: (828) 734-9899

E-MAIL rwd@benchmarkadvisors.com

Please consider me for appointment to the following board(s) or commission(s):

<input checked="" type="checkbox"/> Alcoholic Beverage Control Board	<input checked="" type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> 1% Zip Code Subcommittee (TDA)
<input type="checkbox"/> Homelessness Taskforce (adhoc)	<input type="checkbox"/> Cemetery Committee (adhoc)

I am interested in serving on this board or commission because: I feel my education and experience qualifies me to make a contribution to this board and to the Town of Waynesville. I have been a full-time resident of the Town since 2003 and feel I understand many of the planning issues faced by this board.

I have experience/expertise in the following areas and/or have served on the following board or commission:

I am an active member of the Urban Land Institute, the largest International organization dealing with planning and design issues. I have served on the National board of the American Land Development Association. For 25 years I Served as managing principal of an international land planning firm in Florida with 150 employees.

I feel that I can contribute the following to this board or commission My experience throughout my career involved leadership as part of a team of individuals and problem-solving at a high level. I feel I can bring this experience To this board on a day-to-day basis as well as long-range planning dealing with the 2035 plan.

Tell us about yourself and your background: Married 53 years. Wife Marlyn is a broker at RE/MAX. Two grown Daughters in Charlotte and Fort Lauderdale. Three grandchildren. Attached resume will give you complete information on my Background and experience.

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Richard W. Dickinson
Signature

09 January 2020
Date

Richard W. Dickinson
Founder and President

Background and professional experience has included general practice of land planning and landscape architecture; Administration and management of professional society (6 years); Management of major planning / landscape architectural firm (23 years); Independent consulting services to development entities and design professionals specializing in the implementation of Conservation Easements (24 years).

EXPERIENCE:

BENCHMARK ADVISORS – multi-faceted company serving development entities specializing in the implementation of conservation easements

Founder and President, (1995 – Present) BenchMark has assisted a number of development entities and professional design firms with management and marketing services. Range of services performed has included conducting a management audit, structuring of a design team for a development project and management of the professional services required for conservation easement projects.

BenchMark has assisted a number of development entities in planning for “limited development” projects. Limited Development utilizes conservation easements and other conservation tools to encourage the protection of significant open space. This technique can result in substantial economic benefit.

Productivity and profit planning has been another primary area where BenchMark has contributed to the success of a development or design entity. BenchMark’s efforts have frequently resulted in a 30-50% increase in productivity.

EDWARD D. STONE JR. AND ASSOCIATES (EDSA) - One of the leading planning / landscape architectural firms in the U.S. with an increasing international practice.

Managing Principal, (1972 –1995) Responsible for overall firm operations, overview of finance, contracts and negotiations, administration and marketing.

As managing principal, led the expansion of the firm’s role in Pre-Development Project Management, whereby EDSA assumed the leadership role on interdisciplinary project teams. Participated in developing overall marketing strategy for key projects and for the firm. Responsible for establishing subsidiaries in the United Kingdom and France. Represented the firm at major industry meetings and was a frequent speaker on the topic of the Team Approach to Planning.

In 1991 the firm was Featured by Landscape Architectural Magazine as one of the leading firms and the third largest firm in the U.S. Based upon the scope of their practice, benefits and general work environment EDSA became well known in the professions as one of the most desirable places to work. In 1989 they were named by Florida Trend Magazine as one of the 10 best places to work in Florida.

EXPERIENCE (cont)

AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS – Professional organization of land planners and landscape architects.

Associate Executive Director, Washington, D.C. (1969-1972) - Varied duties, overall administration of the organization, membership services, organization of continuing education programs, long range planning activities and legislative liaison with Federal Agencies.

COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS- Coordinating organization for State Registration Authorities. **Executive Secretary**, Washington, DC (1969-1972) - Varied duties, overall administration of the organization, membership services, organization of continuing education programs, long range planning activities and legislative liaison with Federal Agencies. Responsible for implementation of the first Uniform National Examination in Landscape Architecture.

M. PAUL FRIEDBERG AND ASSOCIATES – Leading firm for Inner City Projects. **Senior Associate**, New York, New York (1966-69) - Responsible for Project Management on variety of Urban Planning Projects in the New York City Area.

EDUCATION:

College of Environmental Science & Forestry at Syracuse University, BLA, 1966;
State University of New York, Associate in Applied Science, 1963

PROFESSIONAL:

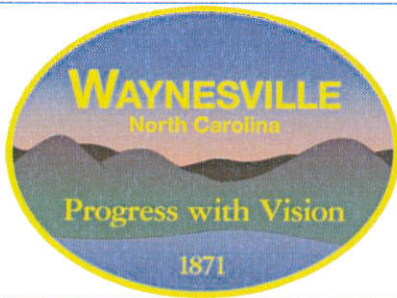
Urban Land Institute – Recreational Development Council, Former Vice Chair
American Society of Landscape Architects (ASLA) - Former Chairman of Private Practice Committee, Former Vice-Chairman of the Council of Professional Practice, Florida Chapter, Chairman Examining Board.
American Land Development Association – Former Board Member
Council of Landscape Architectural Registration Boards – Uniform National Examination Committee.

CIVIC AND BUSINESS:

Broward Workshop – Board of Directors 1992-95, Executive Committee 1995-96, Treasurer 1995-96
Fort Lauderdale Chamber of Commerce – Trustee 1990-95
Stranahan House – Board of Directors 1989-1993, Executive Committee 1990-92, President 1992-93
Broward Economic Development Council – Member 1989-96
The Executives' Association of Fort Lauderdale – Board of Directors 1991-95, President 1995
Professional Services Management Association (PSMA) - Florida Chapter (Founding Member).

517 Hickory Drive
Waynesville, NC 28786
Office: 828 452-9598 Cell: 828 734-9899

Email - rwd@benchmarkadvisors.com



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Ron D. Reid
STREET ADDRESS 91 Worsham Drive, Waynesville, N.C. 28786
MAILING ADDRESS (same) #
PHONE 828-246-5305
E-MAIL ronreid1956@gmail.com

Please consider me for appointment to the following board(s) or commission(s):

<input type="checkbox"/> Alcoholic Beverage Control Board	<input checked="" type="checkbox"/> Planning Board *
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> 1% Zip Code Subcommittee (TDA)
<input type="checkbox"/> Cemetery Committee	

I am interested in serving on this board or commission because: Have served on Waynesville's Planning Board in the past ... (2011 + 2012 ish) and currently serving on the Haywood County Planning Board for past year #

I have experience/expertise in the following areas and/or have served on the following board or commission:

Business + Economic Development Commission
Board of Director(s) for Haywood Chamber of Commerce
Board of Director(s) for TDA ... Finance Dept + Marketing

I feel that I can contribute the following to this board or commission because of the passion that I feel for my home ... Waynesville ... always looking out for Waynesville best interest ... Planning it's future w/ vision!

Tell us about yourself and your background: Have lived in Waynesville for approx. past 15 years ... owned/operated the Anden Reid B+B Inn and a strong desire to pick up where I left off from a few years ago.

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature

Dec. 4th, 2019

Date

Waynesville Housing

Authority

One Vacancy

Three Applicants

Kathy Barnette

Georgette Morand

Rob Roland

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME Kathy Barrette
STREET ADDRESS 519 Camelot Drive Waynesville NC 28786
MAILING ADDRESS Same
PHONE 828 316 1129
E-MAIL kob1744@gmail.com

Please consider me for appointment to the following board(s) or commission(s):

<input type="checkbox"/> Alcoholic Beverage Control Board	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input checked="" type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	

I am interested in serving on this board or commission because: I was previously employed at Waynesville Housing / Towers. I have working knowledge of the Housing Authority. I would like to see more low income housing.

I have experience/expertise in the following areas and/or have served on the following board or commission: I have previous Housing Authority experience. over

I feel that I can contribute the following to this board or commission Because I was Executive Director of a healthcare facility I would like to see the housing authority to expand.

Tell us about yourself and your background: I was Executive Director/Business Office Manager at a Healthcare Facility. I have been in various accounting positions.

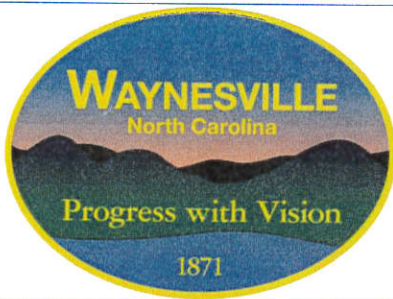
If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Kathy Barrette
Signature

12-31-19
Date

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1.

- Return Application to Town Clerk's Office -



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Georgette Morand
STREET ADDRESS 219 Killian St. Apt 318
MAILING ADDRESS Waynesville NC 28786
PHONE cell 775-764-1845
E-MAIL Jet8774@yahoo.com

Please consider me for appointment to the following board(s) or commission(s):

<input type="checkbox"/> Alcoholic Beverage Control Board	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input checked="" type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> 1% Zip Code Subcommittee (TDA)
<input type="checkbox"/> Cemetery Committee	

I am interested in serving on this board or commission because: I am a resident and want to participate in decisions made on behalf of the tenants

I have experience/expertise in the following areas and/or have served on the following board or commission:

officer, secretary and treasures of BPOE (ELKS), managed 'mini storage' complex

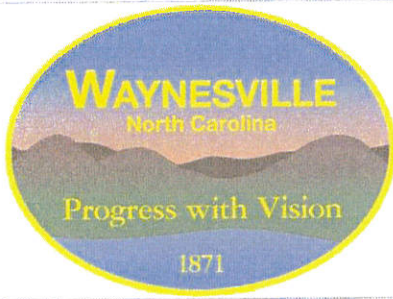
I feel that I can contribute the following to this board or commission I feel that I can be objective on issues that arise.

Tell us about yourself and your background: married 52 years, 3 children, originally from Albany NY, moved to Las Vegas NV and now in Waynesville. Volunteer @ Haywood Christian Ministries.

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Georgette Morand
Signature

10/16/19
Date



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Rob Roland
STREET ADDRESS 91 Worsham Dr.
MAILING ADDRESS Waynesville, N.C. 28786
PHONE 828-400-1923
E-MAIL rroland33@gmail.com

Please consider me for appointment to the following board(s) or commission(s):

- | | |
|---|---|
| <input type="checkbox"/> Alcoholic Beverage Control Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Community Action Forum | <input type="checkbox"/> Public Art Commission |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Recreation & Parks Advisory Commission |
| <input type="checkbox"/> Firemen's Relief Fund Board | <input checked="" type="checkbox"/> Waynesville Housing Authority |
| <input type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> 1% Zip Code Subcommittee (TDA) |
| <input type="checkbox"/> Homelessness Taskforce (adhoc) | <input type="checkbox"/> Cemetery Committee (adhoc) |

I am interested in serving on this board or commission because: I have been involved with Tax Credit Housing, attended Affordable Housing ~~and~~ Conference in Raleigh the last three years. Knowledge of the financing.

I have experience/expertise in the following areas and/or have served on the following board or commission:

Financing with Agencies who will loan or gift Money's To Housing.

I feel that I can contribute the following to this board or commission with the Tax Credit with NC Housing Finance Agency. Know people who can help us to navigate the process thru their experience.

Tell us about yourself and your background: Sales Owner, Knowledge of local Real Estate

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Rob Roland
Signature

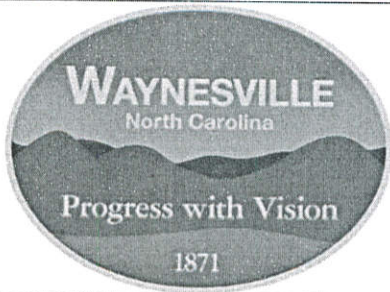
Date

Zoning Board of Adjustment

Three Vacancies

One Applicant

John Baus, Jr.



Board of Adjustment
TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME JOHN V. BAUS JR
STREET ADDRESS 55 LOVE LANE, WAYNESVILLE, NC 28786
MAILING ADDRESS SAME
PHONE 504-239-8080
E-MAIL jvbaus@att.net

Please consider me for appointment to the following board(s) or commission(s):

<input type="checkbox"/> Alcoholic Beverage Control Board	<input checked="" type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input checked="" type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> 1% Zip Code Subcommittee (TDA)
<input type="checkbox"/> Homelessness Taskforce (adhoc)	<input type="checkbox"/> Cemetery Committee (adhoc)

I am interested in serving on this board or commission because: ON THE PLANNING BOARD BECAUSE I HOPE FOR THE GROWTH OF WAYNESVILLE IN A MANNER CONSISTENT WITH ITS EXISTING CHARACTER AND VALUES.
ON THE BOARD OF ADJUSTMENT FOR THE SAME REASONS

I have experience/expertise in the following areas and/or have served on the following board or commission:

LEGAL EXPERIENCE, INCLUDING PROPERTY ISSUES; NEGOTIATION SKILLS;
ANALYSIS SKILLS; EXPERIENCE IN ADMINISTRATIVE MATTERS
AS AN ADMINISTRATIVE JUDGE; EXPERIENCE IN PLANNING, ZONING
AND CONSTRUCTION MANAGEMENT AS OWNER/MANAGER OF PROPERTY MANAGEMENT CO.

I feel that I can contribute the following to this board or commission

I FIRST WOULD PREFER APPOINTMENT TO THE PLANNING BOARD, OR IN THE ALTERNATIVE TO THE BOARD OF ADJUSTMENT.

Tell us about yourself and your background: SEE RESUME

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature

John V. Baus Jr

Date

1/2/20

JOHN V. BAUS JR.

**322 ATHERTON DR., METAIRIE, LA 70005
(504) 239-8080 JOHNBAUS@ATT.NET**

QUALIFICATIONS

- AV Preeminent rated, experienced lead counsel with extensive federal and state civil trial and appellate experience.
 - 20+ years experience in casualty insurance defense.
 - 15+ years experience as coverage counsel.
 - 10+ years experience in commercial real estate development and construction consulting.
 - Admitted La., Texas, U.S. District Courts, Fifth Circuit, and United States Supreme Court.
 - Experienced in litigation practice, insurance defense (professional liability, general liability, environmental, property, casualty, and automobile), insurance coverage (including marine, pollution, general liability, and professional liability), complex business and financial institution litigation, workers compensation, real estate, corporate, contracts, and healthcare.
-

STATE OF LOUISIANA, DIVISION OF ADMINISTRATIVE LAW,

Administrative Law Judge, Health and Hospitals 2015-2017

JOHN V. BAUS JR. PLC, Solo Practitioner 2003-2015

- Civil practice, including commercial litigation, professional liability defense, insurance coverage, subrogation, certain real estate matters, general civil litigation, criminal litigation, and contracts, corporate, and business law.

• Affiliated with Larzelere Picou Wells Simpson Lonero, LLC 2013-2015

NEW ORLEANS LEASING & PROPERTY LLC, Owner 2005-2013

- Development of commercial properties, consulting, negotiation, leasing, management, property agreements, easements, restrictions, administrative hearings, and construction.

HAMMETT & BAUS / BAUS & DALY, Managing Partner 1991-2002

BLUE, WILLIAMS, & BUCKLEY, Associate Attorney 1987-1991

HAMMETT, LEAKE, & HAMMETT, Associate Attorney 1986-1987

NEW ORLEANS DISTRICT ATTORNEYS OFFICE 1984-1986

- Senior Trial Attorney; Tried over 125 felony jury trials and 200 bench trials.
-

EDUCATION

University of Virginia, Bachelor of Arts With Honors, Economics

Loyola Law School, Juris Doctorate

SKILLS

- Qualified in all areas of litigation practice, insurance coverage, and complex litigation.
- Qualified in negotiation and preparation of contracts.
- Experienced in law office management, administration, and supervision.
- Microsoft Office, Word, Outlook, and Excel, and in time and billing software.
- Experienced public speaker, as seminar instructor and as volunteer lobbyist for Pump to the River organization.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 28, 2020**

SUBJECT Design, Permitting, Bidding, Contract Administration and Closeout for Waste Water Treatment Plant

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C10
Department: Public Services
Contact: Rob Hites, Town Manager
Presenter: Rob Hites

BRIEF SUMMARY In accordance with the General Statutes the Board selected McGill and Associates as their engineer to provide engineering service for the design, permitting, bidding, construction administration and closeout of the Waste Water Treatment Plant. McGill submitted a contract for the Board's consideration for a project that will extend approximately four years. Their original quote was \$1,769,300 or 9% of project cost. For all services. During its November 26 meeting there appeared to be some objection to the firm's quote. Keith Webb, Vice President of McGill requested that we sit down and discuss every phase of the proposal to see if any savings could be achieved. I requested Larry Pressley, the Town's Consultant for reviewing the engineering contract to meet us and lend his experience to the discussion. Keith Webb, Joel Storrow, Larry Presley and I met on two occasions to discuss every section of the proposed contract. The product of the negotiation is to reduce the overall contract to \$1,635,800 or 8.4% of project cost. We reduced the contract by \$133,400. The changes to the contract follow:

Section:	Original Amount	Negotiated Amount
Finalize Engineering Report	\$ 35,000	\$ 30,000
Design and Permitting Phase	\$ 1,232,200	\$1,109,200
Pre-Qualification of Bidders and award	\$ 25,000	\$ 19,500
Construction Phase	\$ 467,100	\$ 467,100 (Maximum not to Exceed)
Post Construction Services	\$ 10,000	\$ 10,000
Total:	\$1,769,300	\$ 1,635,800

MOTION FOR CONSIDERATION:

Approve the contract

FUNDING SOURCE/IMPACT: Proceeds of 19.4-million-dollar State Revolving Loan

ATTACHMENTS: Amended McGill contract, Memo from Larry Pressley

MANAGER'S COMMENTS AND RECOMMENDATIONS: The statutes instruct a Board to choose their engineer based on their training and experience. After the Board chooses the firm, they submit a proposed contract to the Board. The Board may accept the contract, request that the firm negotiated the price or terms of the contract or reject the contract stating that they cannot come to satisfactory terms and authorize the Town staff to begin negotiation with the next firm on the list of qualified firms. After listening to the comments from the Board Keith Webb volunteered to enter the negotiation phase and value engineer the contract. We discussed each section of the contract at length and reduced the Finalization of the Engineering Report \$5,000, Reduced the design and permitting phase \$123,000. While the construction administration phase was not reduced, we changed it from a flat fee to a "Maximum not to exceed" contract. If the project goes exceptionally smoothly McGill will charge us the hourly rate for their on-site construction inspector. If it is more difficult McGill will not charge the Town more than \$467,100. The total contract has been reduced from \$1,742,000 to \$1,635,800 or \$133,400.

AGREEMENT FOR ENGINEERING SERVICES

This **AGREEMENT FOR ENGINEERING SERVICES** dated the **16th** day of **January 2020**, is made and entered into by and between the **Town of Waynesville** (OWNER) and **McGill Associates, P.A.** (ENGINEER).

WHEREAS, the OWNER proposes to do certain work toward the accomplishment of the project entitled **Design and Construction Administration Service for Wastewater Treatment Plant Improvements**.

WHEREAS, the ENGINEER desires to provide professional engineering services as required to complete the project in accordance with this agreement.

NOW, THEREFORE, in consideration of the mutual covenants and benefits contained herein, it is hereby mutually understood and agreed as follows:

PURPOSE/SCOPE

The Preliminary Engineering Report (PER) entitled "Wastewater Treatment Plant Improvements" was completed in August 2019 and submitted to the Division of Water Infrastructure, North Carolina Division of Environmental Management for Review and Approval. The Division of Water Infrastructure has offered to fund the project and the Town desires to move forward with securing funding, plant improvements design, permitting, bidding and construction of those components identified in the Preliminary Engineering Report. This agreement for Engineering Services outlines the task associated with the final planning, design, permitting and construction of the project.

SECTION 1 - GENERAL SERVICES

The ENGINEER shall:

- 1.1 The ENGINEER shall, as directed by the OWNER, provide professional engineering services for the OWNER in all phases of the project; serve as OWNER's professional engineering representative for the project; and shall give professional consultation and advice to OWNER during the performance of the services hereunder.
- 1.2 The ENGINEER shall provide necessary personnel required in performing the project unless otherwise provided herein. Such personnel shall not be employees of or have any contractual relationship with the OWNER. All services rendered hereunder shall be performed by the ENGINEER or under his supervision and all personnel engaged in the project shall be fully qualified under North Carolina law to perform such services.
- 1.3 The ENGINEER shall obtain and furnish, or cause to be obtained and furnished, approvals and permits from governmental authorities having jurisdiction over the project, if such permits are required, unless otherwise agreed to herein.
- 1.4 The ENGINEER shall seek and obtain authorization from the OWNER or the OWNER's assignee before proceeding with the project, or before performing any Additional Services as described in Section 3, or before performing any other services which would not be included in the fee for Basic Services set forth in Section 6 hereof, subject OWNER's right to terminate as herein provided.
- 1.5 The ENGINEER shall comply with existing federal, state and local laws and regulations regarding equal employment opportunity. The ENGINEER is further obligated to include requirements hereunder in any subcontract written by him in association with this agreement.

SECTION 2 - BASIC SERVICES

2.1 PRELIMINARY PLANNING AND DESIGN

- 2.1.1 Meet with town staff and the wastewater treatment plant (WWTP) operational staff to review all previously completed Preliminary Engineering Reports (PER) completed within the past 12-month period and refine the scope of the WWTP upgrade project as mutually agreed following review of the subject PER.
- 2.1.2 Prepare the required Engineer's Report (ER)/Environmental Information Document (EID) per Division of Water Infrastructure (DWI) guidelines using the PER. It is assumed the project will be funded by a grant/loan from the North Carolina Division of Water Infrastructure. Respond to DWI review comments and make revisions as needed to secure final approval of the ER/EID.
- 2.1.3 Prepare a topographic survey of the wastewater treatment plant site including underground utilities and pipe systems which serve the WWTP, including invert elevations where feasible to secure. Prepare and update a boundary survey of the plant property including the adjacent property which may be considered for purchase as a part of the WWTP upgrade. The boundary survey of the wastewater treatment plant site may be used by the Town in easement acquisition and/or property acquisition. Assistance with easement or property acquisition is not included.

2.2 WASTEWATER TREATMENT PLANT DESIGN AND PERMITTING

- 2.2.1 Prepare a complete set of bid documents, contract documents, technical specifications and construction drawings to detail the character and scope of the work including all design functions, surveying, and coordination for all construction sequencing of the project as determined in an initial scoping meeting and as detailed in the Preliminary Engineering Report (PER) for **“Wastewater Treatment Plant Improvements”**.
- 2.2.2 Review all the design documents as described above with the OWNER for comments and approval throughout the design process. This shall include a 60% design submittal, 90% design submittal and the final 100% design submittal.
- 2.2.3 Assist the OWNER in securing approval of the final design documents from such governmental agencies as have jurisdiction over the project or any portion thereof. The following approvals/permits are assumed to be required for the project as defined in the PER. Any additional permitting beyond this due to unforeseen regulatory requirements or changes in project scope would be considered additional services.
 - NC Division of Water Resources – NPDES Authorization to Construct
 - NC Division of Water Resources (as lead agency) – Environmental Assessment/Finding of No Significant Impact (Note that it is assumed that an Environmental Impact Statement (EIS) will not be required. Should one be required this would be considered additional services.)
 - NC Division of Land Quality – Erosion Control Permit
 - Town of Waynesville – Land Development Permit and Commercial Building Permit
 - Haywood County – Preliminary Review of Building permit. Note that the construction contractor will be responsible for securing any building permits.
- 2.2.4 Coordinate any subsurface and/or geotechnical investigations or similar types of testing and analysis needed for proper design within the initial scope of the project. These costs included in the fee stipulated in Section 6 with a maximum allowance of \$20,000. Any cost over this allowance will be deemed as additional services.
- 2.2.5 Coordinate and provide the provision of any structural design for proper design within the initial scope of the project.

- 2.2.6 Coordinate and provide the provision of any architectural design for proper design within the initial scope of the project.
- 2.2.7 Prepare and submit to the OWNER an updated project cost estimate based upon the final design drawings and documents. Based upon the revised cost estimate advise the OWNER of any adjustment of the project cost caused by changes in scope, design requirements or construction costs.
- 2.2.8 Furnish copies of the final design documents as required to accomplish the design phase.

2.3 BIDDING AND AWARD

- 2.3.1 Assist the OWNER in advertising the project for competitive bids. This agreement assumes the project will be bid in one contract.
- 2.3.2 Assist the OWNER with the evaluation and pre-qualification of treatment equipment to be included in the WWTP upgrade. If approved by the appropriate funding agencies assist the Owner with the procurement of selected treatment equipment to be provided to the Contractor for installation.
- 2.3.3 Assist the OWNER with scheduling and facilitating a pre-bid conference for prospective bidders. Prepare minutes for the pre-bid meetings and distribute to prospective bidders.
- 2.3.4 On behalf of the OWNER respond to prospective bidders' questions and prepare project addenda as necessary.
- 2.3.5 Assist the OWNER with receiving, opening and evaluating bids for the project.
- 2.3.6 On behalf of the Owner provide information to the funding agency as to the bids received, acceptability of bidders/contractors, subcontractors, and equipment suppliers and respond to questions from the funding agency.
- 2.3.7 Consult with and advise the OWNER as to the acceptability of bidders/contractors, subcontractors, equipment suppliers and make recommendations as to the lowest responsive, responsible bidder for each contract
- 2.3.8 Assist the OWNER in the final preparation and execution of construction contracts and in checking Performance and Payment Bonds and Insurance Certificates for compliance.
- 2.3.9 Schedule preconstruction conferences with the OWNER, Contractors, ENGINEER and all other applicable parties to assure discussion of all matters related to the project.

2.4 CONSTRUCTION PHASE AND ADMINISTRATION

- 2.4.1 Provide project observation to monitor the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents, and during such visits and on the basis of on-site observations as an experienced and qualified design professional, keep the OWNER informed of the progress of the work, endeavor to guard the OWNER against defects and deficiencies in the work of the Contractor(s) and notify owner of work failing to conform to the Contract Documents. This agreement is based on a total construction time of 550 days. Field observation will be provided by a single construction field representative who will be assigned to the project full time over the course of the project.
- 2.4.2 Prepare project work change directives, field work directives and change orders as required to facilitate the construction of the project. If required provide special inspection or testing of the work if necessary.

- 2.4.3 Review and approve shop drawings, diagrams, illustrations, brochures, catalog data, schedules and samples, the results of tests and inspections and other data which any Contractor is required to submit, and receive and review schedules, guarantees, bonds and certificates of inspection which are to be assembled by the Contractor(s) in accordance with the Contract Documents.
- 2.4.4 Based on on-site observations as an experienced and qualified design professional and on review of the Contractor(s) applications for payment and supporting data, determine the amount owing to the Contractor(s) and approve to the OWNER payment to the Contractor(s) in such amounts; based on such observations and review, that the work has progressed to the point indicated and that to the best of his/her knowledge, information and belief the quality of the work is in accordance with the Contract Documents.
- 2.4.5 Conduct a final inspection with applicable parties to determine if the project has been completed in accordance with the Contract Documents and if each Contractor has fulfilled all his obligations thereunder so that the ENGINEER may approve to the OWNER final payment to each Contractor.

2.5 POST-CONSTRUCTION PHASE

- 2.5.1 Prepare for the OWNER a set of reproducible record prints of drawings showing those changes made during the construction process, based on the marked-up prints, drawings and other data furnished.
- 2.5.2 Provide or make available all project files and information to effect project closeout.
- 2.5.3 Assist the OWNER in assuring that the one (1) year warranty period for the construction work is complied with.

SECTION 3 - ADDITIONAL SERVICES

If authorized by the OWNER, the ENGINEER will furnish or obtain from others additional services of the following types which are not considered Basic Services under this agreement.

- 3.1 Additional services resulting from significant changes in general scope of the project or its design including, but not limited to, changes in size, complexity, or OWNER's schedule.
- 3.2 Revising previously approved studies, reports, design documents, drawings or specifications, when such revisions are due to causes beyond the control of the ENGINEER.
- 3.3 Providing field surveys and legal descriptions to assist the OWNER in obtaining any right-of-way easements or real property from private bodies, entities or persons necessary for satisfactory construction of the project.
- 3.4 Preparing to serve or serving as a witness for the OWNER in any litigation, condemnation or other legal or administrative proceeding involving the project.
- 3.5 Additional services in connection with the project, including services normally furnished by the OWNER and services not otherwise provided for in this agreement.
- 3.6 If after submission of all required elements for the Environmental Assessment/Finding of No Significant Impact, NCWRC determines that an Environmental Impact Statement or additional studies are needed, these may require additional services Any environmental investigations, surveys, or studies required by other agencies not specifically described in the Basic Services may require additional services.

SECTION 4 - OWNER'S RESPONSIBILITIES

The OWNER shall:

- 4.1 Provide full information as to its requirements for the project.
- 4.2 Assist the ENGINEER by placing at his disposal all available information pertinent to the project including previous documents and any other data relative to evaluation, design and construction of the project.
- 4.3 Furnish the ENGINEER any existing data and information for property boundary, easement, railroad and road right-of-way, topographic and utility surveys; zoning and deed restriction; all of which the ENGINEER may rely upon in performing his services under this agreement.
- 4.4 Guarantee access to and make all provisions for the ENGINEER to enter upon public and private property as required for the ENGINEER to perform his services under this agreement.
- 4.5 Designate a person to act as OWNER's representative with respect to the work to be performed under this agreement; and such person shall have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to materials, equipment, elements and systems pertinent to the services covered by this agreement.
- 4.6 Examine all sketches, estimates, specifications, drawings, proposals and other documents presented by the ENGINEER and render decisions and comments pertaining thereto within a reasonable time so as not to delay the services of the ENGINEER.
- 4.7 Provide such legal, accounting and insurance counseling services as may be required for the project, and such auditing services as may be required to ascertain how or for what purpose any Contractor has used the monies paid to him under the construction contract.
- 4.8 Give prompt notice to the ENGINEER whenever the OWNER observes or otherwise becomes aware of any defect in the project.
- 4.9 Furnish or direct the ENGINEER to provide necessary Additional Services as stipulated in Section 3 of this agreement or other services as required.
- 4.10 Bear all costs incident to compliance with the requirements of this Section 4.

SECTION 5 - PERIOD OF SERVICES

- 5.1 Unless this agreement has been terminated as provided in paragraph 7.1, the ENGINEER will be obligated to render services hereunder for a period which may reasonably be required for the services described herein. Upon receiving a written authorization to proceed, the ENGINEER shall provide the OWNER with design, project bidding, construction and post construction phase services outlined in the previous sections and so authorized.
- 5.2 If the project is delayed significantly for reasons, beyond the ENGINEER's control, the various rates of compensation provided for elsewhere in this agreement shall be subject to renegotiation. It is expressly understood by all parties to the agreement that a delay of several months may occur between completion of design and commencement of construction. This shall not be considered significant.

SECTION 6 - PAYMENT TO THE ENGINEER

6.1 PAYMENT FOR BASIC SERVICES

6.1.1 The OWNER will pay the ENGINEER for Basic Services as outlined in Section 2, The below defined lump sum and/or maximum not to exceed amounts for the project as follows:

- | | | |
|----|--|--------------------|
| a. | Finalize Engineering Report - Division of Water Infrastructure Review Comments: | \$30,000 |
| b. | Design and Permitting Phase Services: | \$1,109,200 |
| c. | Pre-Qualification, Bidding and Award Phase Services: | \$19,500 |
| d. | Construction Phase Services – (Maximum Not to Exceed Fee): | \$467,100 |
| e. | Post Construction Phase Services: | \$10,000 |

6.2 PAYMENT FOR ADDITIONAL SERVICES

6.2.1 The OWNER will pay the ENGINEER for services rendered for the construction phase services as described in the agreement and as outlined in Section 2.4 an amount based on actual time spent and expenses incurred by principals and employees of the ENGINEER assigned to the project in accordance with Attachment A - Basic Fee Schedule, should any of these services be requested by the OWNER.

6.2.2 The OWNER will pay the ENGINEER for Additional Services as outlined in Section 3 an amount based on actual time spent and expenses incurred by principals and employees of the ENGINEER assigned to the project in accordance with Attachment A - Basic Fee Schedule, should any of these services be requested by the OWNER.

6.3 TIMES OF PAYMENT

6.3.1 The OWNER will make prompt monthly payments in response to the ENGINEER's monthly statements for all services rendered under this agreement.

6.4 GENERAL

6.4.1 If the OWNER fails to make any payment due the ENGINEER because of his services and expenses within sixty (60) days after receipt of the ENGINEER's bill therefore, the ENGINEER may, after giving seven (7) days written notice to the OWNER, suspend services under this agreement until he has been paid in full all amounts due him because of his services and expenses.

6.4.2 If the agreement is terminated, at the completion of any phase of the Basic Services called for under Section 2, progress payment to be made to the ENGINEER because of services rendered shall constitute total payment for services rendered. If this agreement is terminated during any phase of the Basic Services, except for termination due to breach of the terms and conditions of the agreement by ENGINEER, the ENGINEER shall be paid for services rendered on the basis of his ~~reasonable estimate of the~~ portion of such phase completed prior to termination. In the event of termination, except for termination due to breach of the terms and conditions of the agreement by ENGINEER, the ENGINEER will be paid for any unpaid reasonable reimbursable expenses.

- 6.4.3 If, prior to termination of this agreement, any work designed or specified by the ENGINEER, under Section 2, is suspended in whole or in part for more than three (3) months or is abandoned, after written notice from the OWNER, the ENGINEER shall be paid for services performed prior to receipt of such notice from the OWNER as provided in paragraph 6.4.2 for termination during any phase of his service, except for suspension of work due to breach of the terms and conditions of the agreement by ENGINEER..

SECTION 7 - GENERAL CONDITIONS

7.1 TERMINATION

- 7.1.1 In the event that the OWNER finds that it is inadvisable or impossible to continue the execution of the Project; or if the ENGINEER shall fail to fulfill in a timely and proper manner his obligations under this agreement; or, if the ENGINEER shall violate any of the covenants, agreements, or stipulations of this agreement; or if the services called for in this agreement are not completed within the time period specified under Section 5, or if the ENGINEER becomes subject to a voluntary or involuntary adjudication of bankruptcy or makes a general assignment for the benefit of creditors; then the OWNER has the right to terminate at any time this agreement or any task or phase of work being performed herein by providing thirty (30) days written notice to the ENGINEER of such termination and specifying the effective date of such termination; provided, however, that during such period of thirty (30) days the ENGINEER shall have the opportunity to remedy such failures or violations to avoid such termination. Termination of the agreement by OWNER pursuant to this paragraph 7.1.1 shall not limit the OWNER's right to pursue any legal or equitable remedy for damages available under the law. The Town shall exercise its best efforts to obtain annual appropriation to meet each payment required under this agreement. Notwithstanding anything to the contrary in this agreement, the Agreement shall be terminated at any time, without penalty, in the event of non- appropriation of funds for payment of the Town's obligation under this agreement.

7.2 OWNERSHIPHIP OF DOCUMENTS

- 7.2.1 All documents, including original drawings, estimates, specifications, field notes and data are and remain the property of the ENGINEER as instruments of service. The OWNER shall be provided a set of reproducible record prints of drawings, and copies of other documents, ~~in consideration of which the OWNER will use them solely in connection with the Project, and not for the purpose of making subsequent extensions or enlargements hereto and not for resale.~~

7.3 OPINIONS OF PROBABLE COST

- 7.3.1 Since the ENGINEER has no control over the cost of labor, materials, or equipment, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, his opinions of probable cost (cost estimates) for cost for the Project provided for herein are to be made on the basis of his experience and qualifications and represent his best judgement as a design professional familiar with the construction industry, but the ENGINEER cannot and does not guarantee that proposals, bids or the project construction cost will not vary from cost estimates prepared by him.

7.4 INSURANCE AND CLAIMS

- 7.4.1 The ENGINEER will secure and maintain such insurance as will protect him and the OWNER from claims under workmen's compensation acts, claims for damages because of bodily injury including personal injury, sickness, or disease, or death of any of his employees or of any person other than his employees, and from claims for damages because of injury to or destruction of tangible property including loss of use resulting therefrom. Said insurance policy or policies shall be written by a company or companies and in a form and

substance approved by the OWNER prior to the policies being put into effect and shall be in an amount not less than one million dollars (\$1,000,000) and shall name the OWNER as an additional insured.

7.5 SUCCESSORS AND ASSIGNS

- 7.5.1 The OWNER and the ENGINEER each binds himself and his partners, successors, executors, administrators and assigns to the other party of this agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this agreement; except as above, neither the OWNER nor the ENGINEER will assign, sublet or transfer his interest in this agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the OWNER and the ENGINEER.

7.6 ENTIRE AGREEMENT

- 7.6.1 ~~This agreement constitutes the entire agreement between the OWNER and ENGINEER and supersedes all prior written or oral understandings. This agreement may only be amended, supplemented or modified by a duly executed written instrument. A modification of this Agreement is not valid unless signed by both parties and otherwise in accordance with the requirements of law. Further, a modification is not enforceable against the OWNER unless the Town Manager signs it for the OWNER. This contract contains the entire agreement between the parties pertaining to the subject matter of this Agreement. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in this contract.~~

7.6.2 No Pledge of Faithor Delegation of Powers

IN WITNESS WHEREOF, the parties hereto have made and executed this agreement as of the day and year first written above.

McGILL ASSOCIATES, P.A.

ATTEST:

By: _____

M. KEITH WEBB
Vice President

TOWN OF WAYNESVILLE

ATTEST:

By: _____

Rob Hites
Town Manager

ATTACHMENT A - BASIC FEE SCHEDULE

BASIC FEE SCHEDULE

August 2019

<u>PROFESSIONAL FEES</u>	<u>Current Rate</u>
Firm Principal	\$205.00
Program Services Manager I	\$160.00
Program Services Manager II	\$170.00
Senior Project Manager I	\$170.00
Senior Project Manager II	\$180.00
Senior Project Manager III	\$185.00
Project Manager I	\$150.00
Project Manager II	\$160.00
Project Engineer I	\$110.00
Project Engineer II	\$120.00
Project Engineer III	\$140.00
Engineering Associate I	\$ 90.00
Engineering Associate II	\$ 95.00
Engineering Technician I	\$ 90.00
Engineering Technician II	\$100.00
Engineering Technician III	\$110.00
Environmental Specialist I	\$ 85.00
Environmental Specialist II	\$ 95.00
Electrical Engineer I	\$110.00
Electrical Engineer II	\$120.00
Electrical Engineer III	\$140.00
Electrical Engineering Associate I	\$ 90.00
Electrical Engineering Associate II	\$ 95.00
Electrical Engineering Technician I	\$ 90.00
Electrical Engineering Technician II	\$100.00
Electrical Engineering Technician III	\$110.00
Mechanical Engineer I	\$110.00
Mechanical Engineer II	\$120.00
Mechanical Engineer III	\$140.00
Mechanical Engineering Associate I	\$ 90.00
Mechanical Engineering Associate II	\$ 95.00
Mechanical Engineering Technician I	\$ 90.00
Mechanical Engineering Technician II	\$100.00
Mechanical Engineering Technician III	\$110.00
CADD Operator I	\$ 80.00

CADD Operator II	\$ 85.00
CADD Operator III	\$ 90.00
Construction Services Manager I	\$130.00
Construction Services Manager II	\$145.00
Construction Administrator I	\$ 95.00
Construction Administrator II	\$105.00
Construction Administrator III	\$115.00
Construction Field Representative I	\$ 85.00
Construction Field Representative II	\$ 90.00
Construction Field Representative III	\$ 95.00
Construction Services Coordinator	\$ 80.00
Planner I	\$100.00
Planner II	\$115.00
Planner III	\$135.00
Planner IV	\$145.00
Surveyor I	\$ 80.00
Surveyor II	\$ 90.00
Surveying Associate I	\$ 70.00
Surveying Associate II	\$ 75.00
Survey Technician I	\$ 75.00
Survey Technician II	\$ 82.00
Survey Field Technician I	\$ 60.00
Survey Field Technician II	\$ 65.00
Survey Field Technician III	\$ 70.00
Administrative Assistant (I-II)	\$ 70.00
Administrative Assistant III	\$ 80.00
Accounting Assistant (I-II)	\$ 80.00

1. EXPENSES

- a. Mileage - \$0.65/mile
- b. Robotics/GPS Equipment - \$25/hr.
- c. Survey Drone - \$100/hr.
- d. Telephone, reproduction, postage, lodging, and other incidentals shall be a direct charge per receipt.

2. ASSOCIATED SERVICES

- a. Associated services required by the project such as soil analysis, materials testing, etc., shall be at cost plus ten (10) percent.

Memorandum

To: Rob Hites, Town Manager

From: Larry Pressley, PE - Management Consultant

Date: January 21, 2020

Subject: McGill Associates agreement for wastewater Services

Thank you for the opportunity to assist with the wastewater project. This memo documents the discussions we had with McGill Associates on January 9th and 16th.

We reviewed the contract with McGill's staff and their fees were adjusted as follows:

1. Finalize engineering report- reduced from \$35,000 to \$30,000.
2. Design and permitting phase services-reduced from \$1,232,200 to 1,109,200.
3. Pre-qualification, bidding and award phase services reduced from \$25,000 to \$19,500.
4. Construction phase services- the fee structure was changed from lump sum to maximum-not to exceed. It was agreed that some reduction is possible, but given the compliance issues during construction, unknowns of working on an aging wastewater plant and the complexity of the project a reduction for this line item was not in the best interest of the town.
5. Post construction phase services - vital to a successful project and ensures that record drawings are properly updated for construction changes and any issues that arise during the warranty period are properly addressed. Remains at \$10,000.

Based on the changes noted above, I recommend that the contract for engineering services for the wastewater plant expansion be awarded to McGill Associates.

Ordinance No. O-1-20

WWTP Improvements Project Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville wishes to establish a capital projects fund to account for the WWTP Improvements.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the following project ordinance is hereby adopted:

Section 1. The following sources of resources are anticipated to be available to complete this project:

Other financing Sources		
Loan Proceeds	233900-493990	\$19,400,000
Total Revenues		<u>\$19,400,000</u>

Section 2. The following amounts are appropriated for expenditures of this project:

Expenditures		
Engineering/Pro. Services	234260-521990	\$1,640,000
Equipment	234260-545500	\$500,000
Land Purchase	234260-545100	\$500,000
Construction	234260-545900	\$15,760,000
Contingency	234260-596200	\$1,000,000
Total Appropriations		<u>\$19,400,000</u>

Section 3. Funds may be advanced from the General Fund for the purpose of making payments due. Reimbursements requests should be made to the lender agency in an orderly and timely manner.

Section 4. The budget officer may approve transfers of appropriations, including transfers from the contingency, without prior approval of the Board of Aldermen. Any transfers of appropriation will be reported by the budget officer to the Board of Aldermen at their next regular meeting.

Section 5. This Fund will be abolished when all obligations to contractors and vendors are completed. Any resources remaining will be transferred to the Sewer Capital Reserve Fund.

Adopted this 28th day of January 2020.

Town of Waynesville

Gary Caldwell, Mayor

Attest:

Eddie Ward, Town Clerk

Approved As To Form:

William Cannon, Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 28, 2020

SUBJECT: Retreat

AGENDA INFORMATION:

Agenda Location: Manager's Report
Item Number: D11
Department: Administration
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: The Town Board has historically held a winter retreat to discuss policy and budget items. In the past we have held the retreat on Fridays from 8:15 a.m. to 4:00 p.m. None of our subjects or times are set in stone so we await your direction. We recommend that you hold your retreat in late-February since some of our members will not be present in March.

During a retreat the staff provides a mid-year review of the budget. The Board members send the staff subjects they wish to be discussed and we will provide background for the discussion. We will choose an agenda that fits the time allotted. We will most likely have more subjects than time, so I recommend that we add retreat subjects to the regular agenda or continue the retreat.

MOTION FOR CONSIDERATION: No Motion – for Board consideration and direction as to the date of the retreat and any specific topics

FUNDING SOURCE/IMPACT: None

ATTACHMENTS:

None

MANAGER'S COMMENTS AND RECOMMENDATIONS: Advise the staff on the dates and subjects for the Town's retreat.