

Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: April 26, 2022 Time: 6:00 p.m.

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

Written Comments from Rick Moreland, Travis Bramlett, and Kelly Ferguson

C. ADDITIONS OR DELETIONS TO THE AGENDA

D. CONSENT AGENDA

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

1. Adoption of minutes of the April 12, 2022 regular meeting
2. Waynesville Christmas Parade Special Event Application
3. Fall Block Party Special Event Application
4. Mountain Street Dances (4) Special Event Application
5. A night before Christmas Special Event Application
6. Spring Block Party Special Event Application
7. Treats on the Street Special Event Application

Motion: To approve the consent agenda as presented.

E. PROCLAMATION

2. Day of Prayer

- Mayor Gary Caldwell

3. Administrative Assistants Day

- Jesse Fowler, Assistant Town Manager

F. PRESENTATIONS

4. TDA Mid-Year Report

- Lynn Collins, TDA Executive Director

5. CALL FOR PUBLIC HEARING

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

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Call for Public Hearing to consider a request for Annexation for property at 1184 Camp Branch Road, Waynesville, NC 28786, PIN 8614-34-4314.

- Olga Grooman, Planner

Motion: *To Call for a Public Hearing to be held on Tuesday May 24, 2022, beginning at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the Public H614-34-4314 hearing is to consider an application for annexation for property at 1184 Camp Branch Road, Waynesville, NC PIN (8614-34-4314.)*

Motion: *Approve the Request for Extension of Sewer Lines Outside the Corporate Limits of the Town of Waynesville for the described property.*

PUBLIC HEARINGS

6. Public Hearing to consider a request for affordable housing incentives for construction of a 60 unit low to moderate income senior housing complex located on Locust Drive

- Town Manager Hob Hites

Motion: *To adopt Resolution # R-04-22 in support and offer of incentives for the “Hazelwood Bluff” Senior Living Affordable Housing Development*

7. Public Hearing to consider an application for a Conditional District Map Amendment

- Byron Hickox, Land Use Administrator

Motion: *To adopt a Consistency Statement indicating that the proposed Conditional District is reasonable and consistent with the 2035 Comprehensive Land Use Plan.*

Motion: *To approve, deny, or approve with conditions the proposed Conditional District.*

8. Public Hearing to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances.

- Olga Grooman, Planner

Motion: *To adopt Ordinance # O-13-22 Article IV, Junked and Abandoned Motor Vehicles as presented.*

F. OLD BUSINESS

9. Recommendation for renewable solar power rate riders

- Rob Hites, Town Manager Discuss the rate riders that are before you and advise the staff on a path forward.

Motion: *Discuss the rate riders that are before you and advise the staff on a path forward.*

10. Amended Burn Ordinance #0-08-22

- Fire Chief Joey Webb

Motion: *To approve amended change; The Fire Marshall can issue a permit prior to burning after inspection and approval is made.*

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

April 26, 2022

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F. NEW BUSINESS

11. Main Street Pavilion Bid

- Assistant Town Manager Jesse Fowler

Motion: To accept presentation and direct staff how they wish to move forward with the Main Street Pavilion Project.

12. Skate Park Pavilion Bid

- Assistant Town Manager Jesse Fowler

Motion: To reject Providence construction Group's bid and put the Skate Park Pavilion out for another round of bids.

OR

Motion: To reject Providence Construction Group's bid and postpone the Skate Park Pavilion project until a later date, pending budgetary and market projections.

13. No Parking Sign on Dolan Road

- Public Services Director, Jeff Stines

Motion: To install "No Parking" signs along Dolan Road to minimize/eliminate on-street parking.

14. Repair and/or relocation of the Wall Street dumpster

- Code Enforcement Officer Sam Cullen

Motion: To direct staff to take action on the Wall Street dumpster.

15. Budget Amendment to accept Parks and Recreation Trust Fund (PARTF) grant of \$232,750 into the budget for the development of the Greenway Bridge and Park.

- Development Services Director, Elizabeth Teague

Motion: To approve Ordinance # O-15-22 Amendment # 22 in the amount of \$232,750.00 for the Greenway Bridge and Park Development

16. Request from Haywood County Soil and Water Conservation District for Conservation Easements in East Street Park

- Development Services Director, Elizabeth Teague

Motion: To authorize staff to execute agreements as prepared.

17. Award of Contract for Fire Tanker

- Misty Hagood, Finance Director

Motion: To approve Ordinance # O-14-22 Amendment # 21 in the amount of \$475,000.00 for expenditures associated with Fire Tanker and equipment

Motion: To award the contract to Atlantic Emergency Solutions using H-GAC cooperative purchasing

G. COMMUNICATION FROM STAFF

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

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18. Manager's Report

- Town Manager, Rob Hites

* Report on EV Charger Grants

Motion: *Review the material provided by the staff and determine application for grants to fund EV Chargers would be in the interest of the Town.*

* Review and Adoption of a Capital Improvement Plan for the Waste Water Treatment Plant

Motion: *To approve resolution adopting a capital improvement plan for the waste water treatment system.*

Motion: *To approve an additional \$233,100 in services to address design and plant performance issues required by the NC Department of Environmental Quality's Divisions of Environmental Infrastructure and Environmental Quality.*

* Amendment to McGill Associates Design Contract

Motion: *To approve McGill Associates contract amendment in the amount of \$233,100*

* Report on Price of Light Fixtures for Roundabout

19. Town Attorney Report

- Town Attorney, Martha Bradley

* Rules of Procedure for Public Bodies of the Town of Waynesville

POSSIBLE MOTIONS

Option 1. Motion: *To call for a Public Hearing to be held on Tuesday, May 24, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider revisions to Ordinance Sec. 2-54 and adoption of "Rules of Procedure for Public Bodies of the Town of Waynesville."*

Option 2. Motion: *To place Ordinance #O- - and "Rules of Procedure for Public Bodies of the Town of Waynesville" on the agenda for the Tuesday, May 24, 2022 meeting (with revisions, if any) for adoption.*

Option 3. Motion: *To adopt Ordinance #O- - as presented (or revised, if any).*

AND

Motion: *To adopt "Rules of Procedure for Public Bodies of the Town of Waynesville" as presented (or as revised, if any).*

Option 4. Other motions consistent with the Board's preference.

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. ADJOURN



TOWN OF WAYNESVILLE

PO Box 100
16 South Main Street
Waynesville, NC 28786
Phone (828) 452-2491 • Fax (828) 456-2000
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CALENDAR May 2022

2022	
Saturday May 7	Mother's Day Resource Fair – FUMC Parking Lot 11am – 3:00 pm
Tuesday May 10	Board of Alderman Meeting – Regular Session
Sunday May 15	Drug Awareness Walk – Main Street 2:00 pm – 4:00 pm
Monday May 24	Board of Aldermen Meeting – Regular Session
Wednesday May 25	Summer Resource Fair – FUMC Parking Lot 11:00 am – 2:00 pm
Monday May 30	Town Offices Closed – Memorial Day
Saturday June 11	Main Street Mile – Main Street – 7:30 pm to 8:30 pm
Tuesday June 14	Board of Aldermen Meeting – Regular Session
Tuesday June 28	Board of Aldermen Meeting – Regular Session
Monday July 4	Town Offices Closed – Independence Day
Tuesday July 12	Board of Aldermen Meeting – Regular Session
Tuesday July 26	Board of Aldermen Meeting – Regular Session
Tuesday August 9	Board of Aldermen Meeting – Regular Session
Tuesday August 23	Board of Aldermen Meeting – Regular Session
Monday September 5	Town Offices Closed – Labor Day
Tuesday September 13	Board of Aldermen Meeting – Regular Session
Tuesday September 27	Board of Aldermen Meeting – Regular Session
Tuesday October 11	Board of Aldermen Meeting – Regular Session
Saturday October 15	Apple Festival
Tuesday October 25	Board of Aldermen Meeting – Regular Session
Tuesday November 8	Board of Aldermen Meeting – Regular Session
Tuesday November 11	Town Offices Closed – Veterans Day
Friday November 22	Board of Aldermen Meeting – Regular Session
Tuesday December 13	Board of Aldermen Meeting – Regular Session
December 23, 24 & 27th	Town Closed – Christmas Holidays

Board and Commission Meetings – April 2022

ABC Board	ABC Office – 52 Dayco Drive	May 17 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	May 3 1 st Tuesday 5:30 PM
Downtown Waynesville Advisory Committee	Municipal Building – 16 South Main Street	May 17 3 rd Tuesday
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	May 4 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	May 16 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	May 12 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	May 18 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	May 10 2 nd Tuesday 3:30 PM

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

April 12, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, April 12, 2022, at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

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

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Jon Feichter
Alderman Chuck Dickson
Alderman Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Eddie Ward, Town Clerk
Martha Bradley, Town Attorney
David Adams, Police Chief
Brandon Gilmore, Assistant Police Chief
Joey Webb, Fire Chief
Misty Hagood, Finance Director
Elizabeth Teague, Development Services Director
Members of the Development Services Team
Public Services Director, Jeff Stines
Assistant Public Services Director, Ricky Foster
Wastewater Treatment Superintendent, Jeff Evans
Fire Marshall, Darrell Calhoun

The following media representatives was present:

Becky Johnson, Mountaineer
Cory Vaillancourt, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded the Board about the upcoming Easter Holiday. The Town offices will be closed on Friday April 15 in observance.

B. PUBLIC COMMENT

Janet and Bob Clark spoke to the Board concerning the capacity of the Wastewater Treatment Plant capacity.

Sherry Morgan expressed concerns about the recent building developments in the Town.

Scott Cason talked about the recent Zoning Board decisions, and Planning Board notice period for applicants.

Wanda Brooks expressed her concerns about the Burning Ordinance.

Sharon Ramsey expressed her concerns about the Burning Ordinance.

Don Bishop asked the Board to consider a sewer line extension near his property.

Phillip Gibbs told the Board that the streets are dangerous now, and with the proposed apartments on Preservation Way they will be more dangerous.

C. ADDITIONS OR DELETIONS TO THE AGENDA

Mayor Caldwell said there was a change to the agenda with the addition of adding a full-time position in Outside Facilities.

D. CONSENT AGENDA

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

- i. Adoption of minutes of the April 12, 2022 regular meeting
- ii. Adoption of the Apple Festival Special Event Application
- iii. Adoption of Mother's Day Resource Fair Special Event Application
- iiii. Adoption of Summer Resource Fair Special Event Application
- iiiii. Adoption of Main Street Mile Special Event Application

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the Consent Agenda as presented. The motion passed unanimously.

E. PROCLAMATION

- 2. Earth Day Proclamation
 - Alderman Jon Feichter

Alderman Feichter introduced Ms. Betsy Wall, WNC Climate Action Coalition and asked her to read the Earth Day Proclamation. Ms. Wall presented the Board with bags that have been sewn by local citizens and will be distributing these bags at local businesses during the week of Earth Day. She told the Board that local organizations are coming together this year to encourage BYOBag (bring your own Bag) to mark Earth Day and encourage the public to reduce the amount of single use plastics in our community. The problem with single use plastics is that they do not break down. She named several organizations that are supporting this effort including area churches, Haywood Waterways, Haywood Community College, and Haywood Parks and Rec. Some places where bags will be distributed are Food Lion, Tractor Supply, Ace Hardware, Mast General Store, Junaluska Feed Center and Haywood Farmers Market. People are encouraged to bring their own bags to help reduce single plastics in our community.

Ms. Wall read the Proclamation for Earth Day on April 22, 2022.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to support this initiative. The motion passed unanimously.

F. PRESENTATION

3. 933 Dogwood Trail-Request of Tom Daniel to install retaining walls on Dogwood Lane

- Tom Daniel
- Will Gentry Geo Engineering (on Phone)

Mr. Tom Daniel gave a brief history of the property located at 933 Dogwood Trail. The house had been vacant for a while, and in June of 2020 Mr. Daniel visited the house and found the slide that had taken down trees and is threatening the driveway. He contacted the Town and contacted BLE Engineers who had been hired by the Town to evaluate the slide. Mr. Daniel said that at the first of 2021 he was told the property was stable. He then contacted Mr. Will Gentry with Geo Engineering for further evaluation.

Mr. Gentry stated he had visited the site in October of 2021, and the recommendations found in the BLE Engineering reports should be able to reduce further erosion and slope failure.

Mr. Daniel said he did not understand how he could continue with the work on the property without the Town building the retaining wall at the bottom of the slide. He asked the Board for answers about how to proceed going forward.

Manager Hites told Mr. Daniel that the Town does not have a legal obligation to carry through with the retaining walls. The Town's responsibility is for the safety of the road, not Mr. Daniel's private property where the slide areas are. He said there are two roads that can reach Eagles Nest Road on either side of the property. There is very little traffic on the road, and with very low risk of a slide, it does not merit a penny on the tax rate to construct the gabion system.

4. A true need for Progress with Vision for the Town of Waynesville

- Mark Banks

Mr. Mark Banks, former Police Department employee in the Town of Waynesville, talked to the Board concerning the hiring of a certified Human Resource Director. He feels that the Town employees are not receiving the benefits of having a dedicated HR person to guide them with insurance, retirement, training, policies, and many other areas of employment with the Town. He asked the Board to please consider the benefits of having an HR Director as they have in the past.

F. CALL FOR PUBLIC HEARING

5. Call for a Public Hearing to be held on April 26, 2022, or other date to be proposed, to consider an application for a Conditional District Map Amendment

- Elizabeth Teague, Development Service Director

Ms. Elizabeth Teague, Development Services Director, explained to the Board that Quartz Properties, LLC has applied for a Conditional District Map Amendment for four properties: 18 Allison Acres Drive (PIN 8615-88-

1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442). A development consisting of 59 two-family and townhome dwelling units is proposed on the 7.7 acres of these four properties. The properties are in the East Waynesville Urban Residential (EW-UR) and Raccoon Creek Neighborhood Residential (RC-NR) Districts.

At the March 21, 2022 meeting, the Planning Board voted (1) that the proposed Conditional District Map Amendment is consistent with the Comprehensive Land Use Plan and (2) to recommend approval of the Conditional District Map Amendment to the Board of Aldermen.

Ms. Teague asked the Board to call for a Public Hearing to be held on April 26th 2022 to consider the approval of the Conditional District.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to call for a Public Hearing to be held on Tuesday April 26, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider an application for a Conditional District Map Amendment for the four properties described as 18 Allison Acres Drive (PIN 8615-88-1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442). The motion passed unanimously.

Ms. Teague introduced the employees of the Development Services Department who have worked on the Junked and Abandoned Vehicles Ordinance.

6. Call for Public Hearing to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances
 - Olga Grooman, Planner

Ms. Olga Grooman, Planner told the Board that The Town does not have adequate authority to enforce the Article IV - Junked and Abandoned Motor Vehicles Ordinance causing the 4 cases in 2022 not to be moved. She said the current sections of enforcement, vehicle removal, notification, and reclaiming procedures are broadly written and can be easily challenged.

Chief Building Inspector David Kelley answered questions from the Board concerning the actions that will be taken for a junked or abandoned vehicle. He referred them to the packet for the forms that will be used.

Code Enforcement Officer Sam Cullen explained the steps of appeal for the vehicle.

Ms. Grooman asked the Board to call for a Public Hearing to be held on April 26, 2022 to consider the text amendment to the Article IV, Junked and Abandoned Motor Vehicles of the Code of Ordinances.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to call for a Public Hearing to be held on Tuesday April 26, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances. The motion passed unanimously.

7. Call for a Public Hearing on May 10, 2022 to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards (LDS)
 - Olga Grooman, Planner

At the November 15, 2021 Planning Board meeting a subcommittee was formed to better align the Land Development Standards with the 2035 Land Use Plan goals. This committee focuses on revising existing subdivision regulations and promoting preservation of Waynesville's natural resources.

Ms. Grooman said staff would like to expand civic space options for developers, reduce the minimum acreage for some types of civic spaces to promote more green acres among projects of various sizes, clarify the use and maintenance of civic spaces, and increase the percent of land allocated to civic space based on the size of development. She asked the Board to call for a Public Hearing to be held on April 26, 2022 to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to call for a Public Hearing to be held on Tuesday May 10, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards. The motion passed unanimously.

8. Call for a Public Hearing for April 26, 2022 to consider a request for affordable housing incentives for construction of a 60 unit low to moderate income senior housing complex located on Locust Drive.
 - Rob Hites, Town Manager

Town Manager Rob Hites explained that Mills Construction of Carrboro NC is going to apply for a 60-unit residential living development to the NC Housing Finance Agency for tax credits necessary to make the project feasible. To submit a marketable application, the support of the Town and an offer of incentives is required. The requests involve the cost of extending water to the site and must be paid by the General Fund. The Locust Drive development consists of 100% low to moderate income housing with fifteen of the units targeted at renters who earn 40% of the Average Monthly Income.

Manager Hites asked the Board to call for a Public Hearing to be held on April 26, 2002 to consider the Mills' Construction request.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to call for a Public Hearing to be held on Tuesday April 26, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street to consider a request for affordable housing incentives for construction of a 60 unit low to moderate income senior housing complex located on Locust Drive. The motion passed unanimously.

F. NEW BUSINESS

9. Selection of Audit Firm and Approval of Audit Contract
 - Misty Hagood, Finance Director

Finance Director Misty Hagood told the Board that The Town must follow the Uniform Guidance procedures to follow Federal Regulations for any year that the Town expends \$750,000.00 or more. She said she had sent out bids on February 7, 2022 and received three bids. The lowest of the bids was submitted by Martin Starnes & Associates, CPAs, P.A., and Ms. Hagood recommended selecting them for a period of three years. The cost of the contract is \$40,000.00 in FY 2022, \$42,000.00 in FY 2023, and \$44,100.00 in FY 2024.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the selection of Martin Starnes & Associates as the Town's audit firm for a period of three years. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the audit contract as presented. The motion passed unanimously.

10. Adding Electric Line Tech 3 & 4 title to the pay/classification table

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler reported that the Town has designed the career tract structure for the Electric Department from the ElectriCities model. This model has positions of Electric Lineman 3 and 4, and the Town's career tract has Electric Line Tech 3 and 4. However the Town's Pay and Classification Table does not include those positions from the ElectriCities model. To better emulate that model, staff would like to make our Pay and Classification Table more in line with the Electric Department's Career Track by adding the positions of Electric Line Tech 3 and 4 to the Pay and Classification Table with the grades of 66 and 69.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to add the position of Electric Line Tech 3 to the Town of Waynesville Pay and Classification Table at grade 66 and the position of Electric Line Tech 4 to the Town of Waynesville Pay and Classification Table at grade 69. The motion passed unanimously.

11. Moving Lead Mechanic on the Pay & Classification table

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler stated that staff is requesting to move the Lead Mechanic position from a grade 63 to a grade 69 on the Town's Pay and Classification Table. The lead mechanic is performing more duties with an additional fleet being added, including administrative duties, ordering of parts, and fleet maintenance scheduling. By moving this on the pay classification, the minimum salary for this position will be increased, and cut the expense of on-call pay for the garage budget.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to move the lead mechanic position from a grade 63 on the pay and classification table to a grade 69. The motion passed unanimously.

12. Adding a full-time position to Parks & Recreation outside facilities

- Jesse Fowler, Assistant Town Manager

Currently there are three full-time Outside Maintenance employees that maintain all parks in Town. There are also two part-time Outside Maintenance positions that are unfilled. Mr. Fowler said that staff is requesting that the two part-time positions be combined into a single full-time position to make this more attractive to applicants.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve eliminating two part-time Outside Maintenance positions within the Parks and Recreation Department to add a full-time Outside Maintenance position. The motion passed unanimously.

13. Accepting the Church Street Festival as a Town Sponsored Event

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler explained that the Downtown Waynesville Association would like for the Town and the Downtown Waynesville Advisory Committee to take over the operations of the Church Street Festival. Ms. Teresa Pennington would act as the Church Street Show Director and has recently been appointed to the Events and Promotions Subcommittee of the DWAC. This move would allow staff to manage the application process, advertising, logistics, and setup of the event. Proceeds from the event will be handed over to the Town to cover the cost for services rendered by the Town.

Alderman Sutton had questions about the money that has been collected by the Downtown Waynesville Association for the Church Street Festival in the past. Alderman Jon Feichter explained that the DWAC would submit an invoice to the DWA for the money, and it would be given to the newly formed DWAC.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to accept the Church Street Festival as a Town Sponsored and operated event with Teresa Pennington as the Show Director. The motion passed unanimously.

14. ARP funding for Rollout Garbage Carts

- Rob Hites, Town Manager

Manager Hites stated that included in the 2021-2022 annual budget, there are funds to purchase new roll-out garbage carts with Federal ARPA monies. He said there were 5 bids for the Carts, but three of those did not meet specifications. Of the remaining two the low bid who met all specifications was OTTO Environmental Systems in the amount of \$294,165.00, and \$278,000.00 was budgeted. The carts should be in place by June. The consensus of the Board was for the dark green color of the carts.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to award purchase and delivery of 4500 roll-out garbage carts to OTTO Environmental Systems in the amount of \$294,165.00 and approve Ordinance O-11-22, Budget Amendment 19 in the amount of \$22,000.00 to cover the additional cost of the contract, and direct the Town Manager and Public Services Director get the arrows facing correctly. The motion carried unanimously.

G. COMMUNICATION FROM STAFF

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

Presentation on WWTP Project (design, bids, borrowing, grants)

The Town and McGill Associates have been working to alter the design of the Wastewater Treatment Plant to reduce the price from \$28,600,00.00, and it has been submitted to the DENR staff and received their informal approval. They have also requested the Division of Environmental Infrastructure (DEI) use their administrative discretion to increase our loan by 10% or \$1,900,000.00. In addition, they are asking the LCG to grant a further increase in the loan by an additional \$2,100,000.00. We are applying for a \$5 million grant to eliminate the need for this additional loan amount.

Manager Hites told the Board that the impact is minimal on rates with the additional \$4 million in loans. He said if the Town borrows the addition money, the rate for sewer usage would increase to \$49.95 by 2029.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to receive the presentation and approve Resolution # R-03-22 to carry out the design, loan increases and grants. The motion passed unanimously.

Manager Hites told the Board that in addition to the services that McGill and Associates are providing to write this grant, provide reporting for the grant, and carry the project through, they are requiring an amendment to their contract in the amount of \$15,000.00. The Town is also requesting a modification of the Special Order of Consent to permit us to have an addition 150 thousand gallons of flow. He explained to the Board that there is still 2.9 million gallons of capacity in the Treatment Plant.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to add another \$30,000.00 to the McGill Contract for additional services provided. The motion passed unanimously.

16. Wayfinding Phase II
- Rob Hites, Town Manager

Manager Hites said that over the last two weeks he has been meeting with stakeholders, to present the Wayfinding program including DWAC, Frog Level, Hazelwood, John Burgin, and Chris Forga. He said the plans were well accepted, and they liked the design, message, and placement of the signs. Travis Crisp and Jim Pierce from Frog Level asked the Town to place a sign at the intersection of Depot and Main Street to direct people to Frog Level from Main Street. Currently there is a parking sign at that location, so the parking and directional sign can be on one post. He said this program is split into 3 phases and recommends that the first two phases be funded in the amount of \$62,436.20 in this budget year. The TDA is providing a \$40,000.00 grant with the Tow paying the additional \$22,436.20 from the General Fund. During the time Phases I and II are being constructed and installed we will negotiate the third Phase with NCDOT.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman , to approve Phase I and II of the Wayfinding Program and approve O-12-22, budget amendment #20 in the amount of \$24,000.00 to cover the Town's share plus incidental expenses. The motion carried unanimously.

17. Town Attorney Report

- Town Attorney, Martha Bradley

Attorney Martha Bradley stated that she had prepared an initial draft of an Ordinance for Social Districts. She said she had been in conversation with Assistant Manager Fowler and Downtown Waynesville Advisory Director Beth Gilmore to discuss dates, hours, and streets the committee would prefer. This will be discussed at the next meeting of the DWAC.

She asked the Board if they were interested in combining the extended license when working on the Social District Ordinance. This would allow businesses to extend the area in which they can serve patrons.

Attorney Bradley said she was going to meet with the Clerk of Court, and the Judicial Court staff concerning search warrants for junk vehicles.

G. COMMUNICATION FROM THE MAYOR AND BOARD

Mayor Caldwell stated he had received numerous calls concerning the Burning Ordinance. He recommended that the Board vote to allow Fire Chief Joey Webb to revisit the Ordinance and bring back to the Board an updated Ordinance.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to direct Fire Chief Joey Webb to revisit the Burning Ordinance to make it more adaptable to citizens. The motion passed unanimously.

H. ADJOURN

With no further business, a motion was made by Alderwoman Julia Freeman, seconded by Alderman Anthony Sutton, to adjourn the meeting at 8:18 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk



Application for Special Events Permit

I. General Information

EVENT NAME:	Waynesville Christmas Parade
EVENT DATE(S):	Monday- December 5, 2022
	Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.
LOCATION	Main Street
IF THIS EVENT IS A PARADE OR ROAD RACE	Please provide a full route description and map
SET-UP TIME (START/END):	4 to 6 p.m.
EVENT HOURS:	6 - 8 p.m.
DISMANTLE HOURS (START/END):	8 to 9 p.m.
ESTIMATED ATTENDANCE:	5,000
BASIS ON WHICH THIS ESTIMATE IS MADE:	Record of past events
COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000.	Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME:	Town of Waynesville - The Downtown Waynesville Advisory Committee							
ARE YOU A NON PROFIT CORPORATION?	No	X	Yes	If yes, are you	501c(3)	501c(6)	Place of Worship	
APPLICANT NAME:	Beth Gilmore			TITLE: Downtown Waynesville Executive Director				
ADDRESS:	9 S. Main Street, PO Box 100			CITY :	Waynesville	STATE: NC	ZIP 28786	
PHONE:	828-550-8122			FAX#:	EMAIL: bethgilmore@waynesvillenc.gov			
ON-SITE CONTACT:	Beth Gilmore			TITLE: Downtown Waynesville Executive Director				
ADDRESS:	9 S. Main Street, PO Box 100			CITY :	Waynesville	STATE: NC	ZIP 28786	
PHONE #:	456-3517			CELL PHONE #:	550-8122			EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event
<p>The Waynesville Christmas parade is a nighttime parade, held the first Monday of December at 6 p.m. Parade entries are staged along residential streets near the north end of Main Street, including: Boundary, Hazel, Cherry and Maple Streets (typically facilitated by the Waynesville Kiwanis Club) between 4 and 6 p.m. The parade begins at 6 p.m. at the corner of North Main and Walnut Street and ends at South Main/Haywood Street.</p>
IV. Street Closure Request (Attach map of the Street Closure)

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

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

1. Close residential streets to all traffic except residents and floats for staging by 4 p.m: Boundary, Hazel, Cherry and Maple Streets.
2. Close Walnut Street at 5 p.m. Close N. Main at Howell Street (detour traffic via Wall St). Clear Main Street traffic by 5:45.
3. Police cars and volunteers, and orange barricades are used to block side street entrances/intersections including: Church, East, Depot, Pigeon and Academy Streets.

V. Event Details

YES NO

- ☐ ☒ Does the event involve the sale or **use of alcoholic beverages**?
 If yes, has the ABC permit been obtained? Yes ☐ No ☐ Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
- ☐ ☒ Does the event involve the **sale of food**? _____
 If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
- ☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
 Number of Stages: 0 Number of Band(s): 0 Amplification? yes
 Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
- ☐ ☒ Do you plan to use an existing **occupied building**? Address _____
- ☐ ☒ Do you plan to use an existing **vacant building**? Address _____
- ☐ ☒ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
 Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? ☐ NO ☐ YES
- ☐ ☒ Does the event involve the use of **pyrotechnics**? Explain _____
- ☐ ☒ Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____
- ☐ ☒ Will you require **electrical hookup** for the event? Generators? _____
- ☐ ☒ Will you require **access to water** for the event? Explain _____
- ☐ ☒ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
- ☐ ☒ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____
- ☒ ☐ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit?
 Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event
- ☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will parking be accommodated for this event?	Public parking will be available on Wall, Miller and Montgomery Streets, and the justice center parking deck. Signs will be posted on Main Street early Monday to let residents and patrons know that the street will be closed for the parade.
Notes:	
1. Parking and buildings involved may be examined for ADA compliance.	2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.
How will trash be contained and removed during and after the event?	Permanent receptacles along Main Street have proven sufficient. Town street/sanitation dept crews will change out liners prior to the event.
Volunteers: Will you require Civilian Police Volunteers for your event?	YES.

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

Return to:

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

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME:	Fall Block Party
EVENT DATE(S):	Saturday- September 10, 2022
	Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.
LOCATION	Main Street
IF THIS EVENT IS A PARADE OR ROAD RACE	Please provide a full route description and map
SET-UP TIME (START/END):	4:30 to 6:30 p.m.
EVENT HOURS:	7 to 10 p.m.
DISMANTLE HOURS (START/END):	10 to 11 p.m.
ESTIMATED ATTENDANCE:	4,000
BASIS ON WHICH THIS ESTIMATE IS MADE:	Record of past events
COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000.	Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME:	Town of Waynesville - The Downtown Waynesville Advisory Committee						
ARE YOU A NON PROFIT CORPORATION?	No	X	Yes	If yes, are you	501c(3)	501c(6)	Place of Worship
APPLICANT NAME:	Beth Gilmore			TITLE: Downtown Waynesville Executive Director			
ADDRESS:	9 S. Main Street, PO Box 100			CITY :	Waynesville	STATE: NC	ZIP 28786
PHONE:	828-550-8122			FAX#:		EMAIL:	bethgilmore@waynesvillenc.gov
ON-SITE CONTACT:	Beth Gilmore			TITLE: Downtown Waynesville Executive Director			
ADDRESS:	9 S. Main Street, PO Box 100			CITY :	Waynesville	STATE: NC	ZIP 28786
PHONE #:	456-3517			CELL PHONE #:	550-8122	EMAIL:	bethgilmore@waynesvillenc.gov

III. Brief Description of Event
The FALL BLOCK PARTY on September 10 is a night of live music on three Main Street stages. Main Street will close at 4:30 p.m. to begin set up for the event from 7 to 10 p.m. Three bands will perform simultaneously on three separate stages- typically set up on each end of the street (Church/East Street and Depot Street) and near the Miller Street intersection. The event may include a non-profit food fundraiser and kids activity area.
IV. Street Closure Request (Attach map of the Street Closure)

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

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

1. Close Main Street from Pigeon Street to Wells Way.
2. Closure at Depot and Montgomery Streets AND Church and Montgomery Streets.
3. Close Main Street at Miller Street. Close East Street at Wall Street.
Roads close at 4:30. Reopen by 11 p.m.

V. Event Details

YES NO

- ☐ ☒ Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes ☐ No ☐ Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
- ☐ ☒ Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
- ☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 1-3 Number of Band(s): 3 Amplification? yes
Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
- ☐ ☒ Do you plan to use an existing **occupied building**? Address _____
- ☐ ☒ Do you plan to use an existing **vacant building**? Address _____
- ☐ ☐ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? ☐ NO ☐ YES
- ☐ ☒ Does the event involve the use of **pyrotechnics**? Explain _____
- ☐ ☒ Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____
- ☒ ☐ Will you require **electrical hookup** for the event? Generators? _____
- ☐ ☒ Will you require **access to water** for the event? Explain _____
- ☐ ☒ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
- ☐ ☒ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____
- ☒ ☐ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit?
Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event
- ☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

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

Public parking will be available on Wall, Miller and Montgomery Streets, in addition to the First Baptist Church parking lot and the justice center parking deck. Signs will be posted on Main Street early Saturday to let residents and patrons know that the town will close the street to vehicular traffic at 4:30 p.m.

Notes:

1. Parking and buildings involved may be examined for ADA compliance.

2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

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

Town staff and DWAC volunteers will set out trash cans on Main Street near the three stage areas prior to the event. Town street/sanitation dept crews change out liners in the permanent cans along Main Street and replace as needed. At the end of the event, garbage bags are left on the sidewalk for the town crew to haul away.

Volunteers: Will you require Civilian Police Volunteers for your event?

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

Return to:

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

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME:	<u>Mountain Street Dances (4)</u>
EVENT DATE(S):	<u>Fridays – June 24, July 8 and 22, August 5</u> <small>Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.</small>
LOCATION	<u>North Main Street – from Depot Street to Wells Way</u>
IF THIS EVENT IS A PARADE OR ROAD RACE	<u>Please provide a full route description and map</u>
SET-UP TIME (START/END):	<u>4 to 6 p.m.</u>
EVENT HOURS:	<u>6 to 9 p.m.</u>
DISMANTLE HOURS (START/END):	<u>9 to 10 p.m.</u>
ESTIMATED ATTENDANCE:	<u>1,500</u>
BASIS ON WHICH THIS ESTIMATE IS MADE:	<u>Record of past events</u>
COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000.	<u>Please attach proof of insurance (or applicable rider).</u>

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME:	<u>Town of Waynesville - The Downtown Waynesville Advisory Committee</u>						
ARE YOU A NON PROFIT CORPORATION?	No	<input checked="" type="checkbox"/> X	Yes	If yes, are you	501c(3)	501c(6)	Place of Worship
APPLICANT NAME:	<u>Beth Gilmore</u>			TITLE: <u>Downtown Waynesville Executive Director</u>			
ADDRESS:	<u>9 S. Main Street, PO Box 100</u>			CITY :	<u>Waynesville</u>	STATE: <u>NC</u>	ZIP <u>28786</u>
PHONE:	<u>828-550-8122</u>			FAX#:	<u></u>		
ON-SITE CONTACT:	<u>Beth Gilmore</u>			TITLE: <u>Downtown Waynesville Executive Director</u>			
ADDRESS:	<u>9 S. Main Street, PO Box 100</u>			CITY :	<u>Waynesville</u>	STATE: <u>NC</u>	ZIP <u>28786</u>
PHONE #:	<u>456-3517</u>			CELL PHONE #:	<u>550-8122</u>	EMAIL: <u>bethgilmore@waynesvillenc.gov</u>	

III. Brief Description of Event
Friday night Mountain Street Dances are an opportunity for the community to come together on Main Street to celebrate a piece of Appalachian culture and participate in an authentic square dance, officiated by caller Joe Sam Queen. One block of Main Street is closed from 4 to 10 p.m. from Depot Street to Wells Way. A stage is set up in front of the Mountaineer, facing the historic courthouse, where people gather on the lawn for live music, performances by clogging teams and square dancing in the street. Set up involves: a stage and stage skirt, 4 sets of bleachers and trash cans.
IV. Street Closure Request (Attach map of the Street Closure)

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

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

1. North Main Street is closed at 4 p.m. from Depot Street to Wells Way. Reopens by 10 p.m.

2.

3.

V. Event Details

YES NO

- ☐ ☒ Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes ☐ No ☐ Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
- ☐ ☒ Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
- ☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 1 Number of Band(s): 1 Amplification? yes
Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
- ☐ ☒ Do you plan to use an existing **occupied building**? Address _____
- ☐ ☒ Do you plan to use an existing **vacant building**? Address _____
- ☐ ☒ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? ☐ NO ☐ YES
- ☐ ☒ Does the event involve the use of **pyrotechnics**? Explain _____
- ☒ ☐ Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____
- ☒ ☐ Will you require **electrical hookup** for the event? Generators? _____
- ☐ ☒ Will you require **access to water** for the event? Explain _____
- ☐ ☒ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
- ☐ ☒ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____
- ☒ ☐ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit?
Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event.
- ☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

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

Most of Main Street will remain open for parking. Public parking will also be available on Wall, Miller and Montgomery Streets, in addition to the nearby justice center parking deck. Signs will be posted on Main Street in front of the Mountaineer and historic courthouse early Friday to let residents and patrons know that the town will close that part of the street to vehicular traffic at 4 p.m. for set up

Notes:

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

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

Town staff and DWAC volunteers will set out trash cans on Main Street near the stage area prior to the event. At the end of the event, garbage bags will be left on the sidewalk for the town crew to haul away.

Volunteers: Will you require Civilian Police Volunteers for your event?

NO

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

Return to:

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

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: A Night Before Christmas (2)

EVENT DATE(S): Saturday- December 10 and 17, 2022

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

LOCATION: Main Street

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

SET-UP TIME (START/END): 4 to p.m.

EVENT HOURS: 6 to 9 p.m.

DISMANTLE HOURS (START/END): 9 to 10 p.m.

ESTIMATED ATTENDANCE: 8,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past events

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Town of Waynesville - The Downtown Waynesville Advisory Committee

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

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-550-8122 FAX#: EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP: 28786

PHONE #: 456-3517 CELL PHONE #: 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event
Main Street is lined with luminaries for the Saturday evening event, "A Night Before Christmas." Shops are encouraged to extend hours of operation for holiday shopping. Main Street closes to traffic and transforms into a nostalgic "hometown Christmas" scene with horses-drawn wagon rides, Santa and Mrs. Cluas mingling with children, live music and entertainment scattered about the sidewalk, strolling carolers and a live handbell choir. This event traditionally happens in conjuncture with the live nativity event at First Baptist Church. Two dates have been set aside to allow for the option of having a 2-night
IV. Street Closure Request (Attach map of the Street Closure)

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

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

1. Close Main Street from Pigeon Street to Wells Way.
2. Closure at Depot and Montgomery Streets AND Church and Montgomery Streets.
3. Close Main Street at Miller Street. Close East Street at Wall Street.
Roads close at 4:30. Reopen by 10 p.m.

V. Event Details

YES NO

- ☐ ☒ Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes ☐ No ☐ Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
- ☐ ☒ Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
- ☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Sidewalk Number of
Stages: music Band(s): 6 to 10 Amplification? yes
- Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
- ☐ ☒ Do you plan to use an existing **occupied building**? Address _____
- ☐ ☒ Do you plan to use an existing **vacant building**? Address _____
- ☒ ☐ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: 1-3 Will any tent exceed 400 sq. feet in area? ☒ NO ☐ YES
- ☐ ☒ Does the event involve the use of **pyrotechnics**? Explain _____
- ☒ ☐ Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____
- ☒ ☐ Will you require **electrical hookup** for the event? Generators? _____
- ☐ ☒ Will you require **access to water** for the event? Explain _____
- ☐ ☒ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
- ☐ ☒ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____
- ☒ ☐ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit?
Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event
- ☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

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

Public parking will be available on Wall, Miller and Montgomery Streets, surrounding residential streets and the justice center parking deck. Signs will be posted on Main Street early Saturday to let residents and patrons know that the town will close the street to vehicular traffic at 4:30 p.m.

Notes:

1. Parking and buildings involved may be examined for ADA compliance.

2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

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

Town staff and DWAC volunteers will set out additional trash cans on Main Street in high traffic areas. Town street/sanitation dept crews will also change out liners in the permanent cans along Main Street and replace as needed. At the end of the event, garbage bags will be left on the sidewalk for the town crew to haul away.

Volunteers: Will you require Civilian Police Volunteers for your event?

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

Return to:

Beth Gilmore, Downtown Waynesville Director

Town of Waynesville

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

Telephone: (828) 456-3517

Fax No. : (828) 456-2000

Email Address: bethgilmore@waynesvillenc.gov

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Spring Block Party

EVENT DATE(S): Saturday- May 28, 2022

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

LOCATION: Main Street

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

SET-UP TIME (START/END): 4:30 to 6:30 p.m.

EVENT HOURS: 7 to 10 p.m.

DISMANTLE HOURS (START/END): 10 to 11 p.m.

ESTIMATED ATTENDANCE: 4,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past events

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Town of Waynesville - The Downtown Waynesville Advisory Committee

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

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-550-8122 FAX#: EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP: 28786

PHONE #: 456-3517 CELL PHONE #: 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event
<p>The SPRING BLOCK PARTY on May 28 is a night of live music on three Main Street stages. Main Street will close at 4:30 p.m. to begin set up for the event from 7 to 10 p.m. Three bands will perform simultaneously on three separate stages- typically set up on each end of the street (Church/East Street and Depot Street) and near the Miller Street intersection. The event may include a non-profit food fundraiser and kids activity area.</p>
IV. Street Closure Request (Attach map of the Street Closure)

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

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

1. Close Main Street from Pigeon Street to Wells Way.
2. Closure at Depot and Montgomery Streets AND Church and Montgomery Streets.
3. Close Main Street at Miller Street. Close East Street at Wall Street.
Roads close at 4:30. Reopen by 11 p.m.

V. Event Details

YES NO

- ☐ ☒ Does the event involve the sale or **use of alcoholic beverages**?
 If yes, has the ABC permit been obtained? Yes ☐ No ☐ Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
- ☐ ☒ Does the event involve the **sale of food**? _____
 If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
- ☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
 Number of Stages: 1-3 Number of Band(s): 3 Amplification? yes
 Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
- ☐ ☒ Do you plan to use an existing **occupied building**? Address _____
- ☐ ☒ Do you plan to use an existing **vacant building**? Address _____
- ☐ ☒ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
 Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? ☐ NO ☐ YES
- ☐ ☒ Does the event involve the use of **pyrotechnics**? Explain _____
- ☐ ☒ Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____
- ☒ ☐ Will you require **electrical hookup** for the event? Generators? _____
- ☐ ☒ Will you require **access to water** for the event? Explain _____
- ☐ ☒ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
- ☐ ☒ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____
- ☒ ☐ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit?
 Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event
- ☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

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

Public parking will be available on Wall, Miller and Montgomery Streets, in addition to the First Baptist Church parking lot and the justice center parking deck. Signs will be posted on Main Street early Saturday to let residents and patrons know that the town will close the street to vehicular traffic at 4:30 p.m.

Notes:

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

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

Town staff and DWAC volunteers will set out trash cans on Main Street near the three stage areas prior to the event. Town street/sanitation dept crews change out liners in the permanent cans along Main Street and replace as needed. At the end of the event, garbage bags are left on the sidewalk for the town crew to haul away.

Volunteers: Will you require Civilian Police Volunteers for your event?

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

Return to:

**Beth Gilmore, Downtown Waynesville Director
Town of Waynesville**

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

Telephone: (828) 456-3517

Fax No. : (828) 456-2000

Email Address: bethgilmore@waynesvillenc.gov

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Treats on the Street (Halloween event)

EVENT DATE(S): Monday- October 31, 2022

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

LOCATION: Main Street

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

SET-UP TIME (START/END): 3 p.m.

EVENT HOURS: 5 to 7 p.m.

DISMANTLE HOURS (START/END): 7 to 8 p.m.

ESTIMATED ATTENDANCE: 4,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past events

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Town of Waynesville - The Downtown Waynesville Advisory Committee

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

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE: 828-550-8122 FAX#: EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE #: 456-3517 CELL PHONE #: 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event
Children in Halloween costumes fill Main Street on Halloween night for “Treats on the Street.” From 5 to 7 p.m. participating merchants/businesses line the sidewalks of Main Street to distribute candy to trick-or-treaters. Participating churches and/or civic groups set up on each end of Main Street (in front of Town Hall and The Mountaineer/courthouse) with treats and Halloween-themed music. Typically, the event occurs on the same night that children are trick-or-treating in surrounding neighborhoods, and in conjunction with the Fall Carnival at First Baptist Church and First Methodist Church’s “Trunk or Treat”
IV. Street Closure Request (Attach map of the Street Closure)

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

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

1. Close Main Street from Pigeon Street to Wells Way (boom trucks on each end).
2. Closure at Depot and Montgomery Streets AND Church and Montgomery Streets.
3. Police cars and volunteers, and orange barricades are used to block side street entrances/intersections.

V. Event Details

YES NO

- ☐ ☒ Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes ☐ No ☐ Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
- ☐ ☒ Does the event involve the **sale of food**? _____
If “YES”, has the health department been notified? _____ Have you applied for a temporary permit? _____
- ☒ ☐ Will there be **musical entertainment** at your event? IF “YES” provide the following information:
Number of Stages: 0 Number of Band(s): 0 Amplification? yes
Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
- ☐ ☒ Do you plan to use an existing **occupied building**? Address _____
- ☐ ☒ Do you plan to use an existing **vacant building**? Address _____
- ☐ ☒ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? ☐ NO ☐ YES
- ☐ ☒ Does the event involve the use of **pyrotechnics**? Explain _____
- ☐ ☒ Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____
- ☒ ☐ Will you require **electrical hookup** for the event? Generators? _____
- ☐ ☒ Will you require **access to water** for the event? Explain _____
- ☐ ☒ Will **admission fees** be charged to attend this event? If “YES”, provide the amount(s) of all tickets. _____
- ☐ ☒ Will **fees be charged to vendors** to participate in this event? If “YES”, please provide the amount(s). _____
- ☒ ☐ Will **signs and/or banners** be displayed as part of the event? If “YES” have you applied for a sign permit?
Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event
- ☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

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

Public parking will be available on Wall, Miller and Montgomery Streets, in addition to the First Baptist Church parking lot and the justice center parking deck. Signs will be posted on Main Street early Monday to let residents and patrons know that the town will close the street to vehicular traffic at 3 p.m.

Notes:

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

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

Permanent receptacles along Main Street have proven sufficient. Town street/sanitation dept crews will change out liners prior to the event.

Volunteers: Will you require Civilian Police Volunteers for your event?

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

Return to:

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

VIII. Special Information for Applicants

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- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Resolution adopting and observing April 26, 2022 as “Administrative Assistant Day”

AGENDA INFORMATION:

Agenda Location: Proclamations
Item Number:
Department: Administration
Contact: Assistant Town Manager Jesse Fowler
Presenter: Assistant Town Manager Jesse Fowler

BRIEF SUMMARY:

This is a resolution which would adopt April 26, 2022 as “Administrative Assistant Day”. Administrative Assistant Day is a day set aside to appreciate the work that all of our Administrative Assistants do in support of our town of Waynesville Team, Waynesville citizens, and those that wish to visit.

MOTION FOR CONSIDERATION:

ATTACHMENTS:

Proclamation

MANAGER’S COMMENTS AND RECOMMENDATIONS:

Proclamation

WHEREAS, administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations, and

WHEREAS, administrative professionals are vital contributors in today's team-oriented work environment and are key front-line public relations ambassadors for their organizations, and

WHEREAS, the work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities, and most importantly, have the willingness to learn and accept new challenges, and

WHEREAS, Administrative Assistant Day is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and is sponsored by the International Association of Administrative Assistants, and

WHEREAS, Administrative Assistant Day 2022 is focused on "Honoring the Office Professionals Who Make Offices Work," reflecting the integral and central role that office professionals play in modern business, and

NOW, THEREFORE, I, Gary Caldwell, Mayor of the Town of Waynesville, do hereby proclaim

the April 27, 2022 as

Administrative Assistant Day

In Waynesville and encourage all citizens to join me in this worthy observance.

Town of Waynesville

Gary Caldwell, Mayor

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022**

SUBJECT: TDA 1% Zip Code Funding Mid-Year Report for 28785/86

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Haywood County TDA
Contact: Lynn Collins
Presenter: **Lynn Collins**

BRIEF SUMMARY: Presentation of the TDA Occupancy Tax collections for the 28785/86 zip code and how the funding has been utilized. Additional information on TDA Programs.

MOTION FOR CONSIDERATION: NA

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

Misty Hagood, Finance Director

Date

ATTACHMENTS: Report

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Waynesville 1% MID-YEAR REPORT



VISITNC  SMOKIES

Haywood County 3% Net Occupancy Tax 2021-2022

A	B	C	D	E	F	G	H
	2021-2022	2021-2022	2021-2022	% Change	2021-2022	2020-2021	% Change
	Original	Revised	Occupancy	Compared	Occupancy	Occupancy	Compared
	Occupancy	Occupancy	Tax	To	Tax	Tax	To
	Tax	Tax	Actual	Revised	Penalties	Actual	Previous
	Projections	Projections		Budget			Year
July	\$163,480	\$201,080	\$250,376	125%	\$166	\$173,533	144%
August	\$137,112	\$168,648	\$208,444	124%	\$152	\$173,664	120%
September	\$132,164	\$162,562	\$199,018	122%	\$442	\$172,717	115%
October	\$173,709	\$213,662	\$257,233	120%	\$274	\$221,520	116%
November	\$100,197	\$123,242	\$162,073	132%	\$482	\$128,278	126%
December	\$80,421	\$98,918	\$134,274	136%	\$316	\$117,856	114%
January	\$59,327	\$72,972	\$121,230	166%	\$259	\$107,520	113%
February	\$54,054	\$66,486				\$112,223	
March	\$64,601	\$79,459				\$131,644	
April	\$76,466	\$94,053				\$156,955	
May	\$118,655	\$145,946				\$171,515	
June	\$158,207	\$194,595				\$221,387	
Total	\$1,318,393	\$1,621,623				\$1,888,812	
YTD		\$1,041,084	\$1,332,648	128%	\$2,091	\$1,095,088	122%

2021-2022
1% NET OCCUPANCY TAX REPORT REVISED

	ACTUAL	PROJECTED	ACTUAL	ACTUAL	PROJECTED	ACTUAL	ACTUAL	PROJECTED	ACTUAL	ACTUAL	PROJECTED	ACTUAL	ACTUAL	PROJECTED	ACTUAL
	28716	28716	28716	28721	28721	28721	28745	28745	28745	28751	28751	28751	28785 &	28785 &	28785 &
	CANTON	CANTON	CANTON	CLYDE	CLYDE	CLYDE	LAKE	LAKE	LAKE	MAGGIE	MAGGIE	MAGGIE	28786	28786	28786
							JUNALUSKA	JUNALUSKA	JUNALUSKA	VALLEY	VALLEY	VALLEY	WAYNESVILLE	WAYNESVILLE	WAYNESVILLE
	21/22	21/22	20/21	21/22	21/22	20/21	21/22	21/22	20/21	21/22	21/22	20/21	21/22	21/22	20/21
July 2021 Received September 2021	\$ 6,776	\$ 4,497	\$ 4,772	\$ 3,791	\$ 2,836	\$ 2,930	\$ 7,573	\$ 6,811	\$ 3,948	\$ 38,783	\$ 35,843	\$ 28,398	\$ 26,591	\$ 18,819	\$ 17,933
August 2021 Received October 2021	\$ 5,120	\$ 4,323	\$ 4,854	\$ 2,946	\$ 2,180	\$ 3,376	\$ 7,516	\$ 5,351	\$ 3,873	\$ 31,091	\$ 27,317	\$ 26,564	\$ 22,860	\$ 17,981	\$ 19,260
September 2021 Received November 2021	\$ 4,934	\$ 5,621	\$ 4,775	\$ 2,880	\$ 2,093	\$ 2,921	\$ 6,457	\$ 4,865	\$ 3,723	\$ 30,995	\$ 27,502	\$ 27,746	\$ 21,221	\$ 15,468	\$ 18,584
October 2021 Received December 2021	\$ 6,094	\$ 5,188	\$ 5,094	\$ 3,093	\$ 2,936	\$ 3,389	\$ 7,385	\$ 6,323	\$ 5,690	\$ 42,311	\$ 33,508	\$ 37,011	\$ 26,593	\$ 23,008	\$ 22,767
November 2021 Received January 2022	\$ 4,351	\$ 3,589	\$ 3,559	\$ 2,815	\$ 2,180	\$ 2,843	\$ 3,225	\$ 3,892	\$ 2,166	\$ 26,598	\$ 18,940	\$ 20,407	\$ 17,196	\$ 14,630	\$ 13,863
December 2021 Received February 2022	\$ 3,497	\$ 2,508	\$ 3,033	\$ 2,084	\$ 2,331	\$ 2,308	\$ 2,667	\$ 2,194	\$ 1,965	\$ 23,509	\$ 17,940	\$ 21,039	\$ 13,106	\$ 8,765	\$ 11,021
January 2022 Received March 2022	\$ 3,387	\$ 1,815	\$ 2,589	\$ 2,373	\$ 2,396	\$ 2,465	\$ 2,529	\$ 1,459	\$ 1,167	\$ 20,555	\$ 12,973	\$ 18,209	\$ 11,652	\$ 6,419	\$ 11,832
February 2022 Received April 2022		\$ 1,989	\$ 2,796		\$ 1,791	\$ 2,499		\$ 1,215	\$ 1,672		\$ 11,455	\$ 19,182		\$ 6,252	\$ 11,516
March 2022 Received May 2022		\$ 1,737	\$ 4,215		\$ 2,049	\$ 2,840		\$ 1,946	\$ 1,634		\$ 11,713	\$ 20,372		\$ 7,090	\$ 14,969
April 2022 Received June 2022		\$ 2,680	\$ 4,656		\$ 1,747	\$ 2,920		\$ 2,432	\$ 2,725		\$ 12,973	\$ 25,190		\$ 9,938	\$ 17,076
May 2022 Received July 2022 (unavailable)		\$ 3,804	\$ 4,509		\$ 2,180	\$ 2,251		\$ 4,378	\$ 4,799		\$ 20,756	\$ 25,679		\$ 15,141	\$ 20,009
June 2022 Received August 2022 (unavailable)		\$ 5,491	\$ 6,306		\$ 2,310	\$ 3,453		\$ 7,783	\$ 5,374		\$ 28,541	\$ 35,251		\$ 18,649	\$ 23,455
Budget Totals	\$ 34,159	\$ 43,242	\$ 51,158	\$ 19,982	\$ 27,029	\$ 34,195	\$ 37,352	\$ 48,649	\$ 38,736	\$ 213,842	\$ 259,461	\$ 305,048	\$ 139,219	\$ 162,160	\$ 202,285
	Projected	YTD	YTD vs Projected												
Total 1% Collections for 21/22	\$ 540,541	\$ 444,554	82%												
Comparison of YTD Actual vs YTD Projected	124%			118%			121%			123%			132%		
Comparison of YTD Actual vs Total Projected	79%			74%			77%			82%			86%		
Comparison of Jan Actual vs Jan Projected	187%			99%			173%			158%			182%		
Comparison of YTD Actual vs Total Actual 20/21	67%			58%			96%			70%			69%		
% Share of YTD 1% Total Collections	8%			4%			8%			48%			31%		

4%	07 -08	08 -09	09 -10	10 -11	11 -12	12 -13	13-14	14-15
JULY	\$119,444	\$159,495	\$137,569	\$145,990	\$135,198	\$137,947	\$133,263	\$142,655
AUGUST	\$99,841	\$131,497	\$117,782	\$100,236	\$93,646	\$103,431	\$116,162	\$126,898
SEPTEMBER	\$79,311	\$87,440	\$91,141	\$89,438	\$95,843	\$90,510	\$94,870	\$95,747
OCTOBER	\$110,003	\$132,396	\$133,849	\$134,624	\$130,581	\$136,495	\$142,155	\$151,235
NOVEMBER	\$46,439	\$55,182	\$43,621	\$42,659	\$47,080	\$53,005	\$60,419	\$67,636
DECEMBER	\$39,365	\$53,605	\$54,350	\$55,330	\$50,958	\$53,897	\$58,161	\$66,898
JANUARY	\$39,259	\$41,875	\$32,049	\$38,460	\$35,651	\$34,897	\$37,531	\$42,020
FEBRUARY	\$41,147	\$36,774	\$35,892	\$32,692	\$36,109	\$37,176	\$38,257	\$45,762
MARCH	\$31,274	\$27,539	\$24,597	\$25,977	\$29,368	\$37,277	\$36,329	\$35,662
APRIL	\$49,773	\$45,245	\$41,406	\$40,432	\$41,440	\$45,647	\$53,249	\$53,250
MAY	\$89,153	\$70,170	\$66,649	\$74,350	\$75,488	\$93,520	\$88,787	\$99,318
JUNE	\$134,730	\$111,445	\$110,512	\$113,614	\$119,172	\$131,194	\$134,102	\$135,308
TOTAL	\$879,739	\$952,663	\$889,417	\$893,802	\$890,534	\$954,996	\$993,285	\$1,062,389

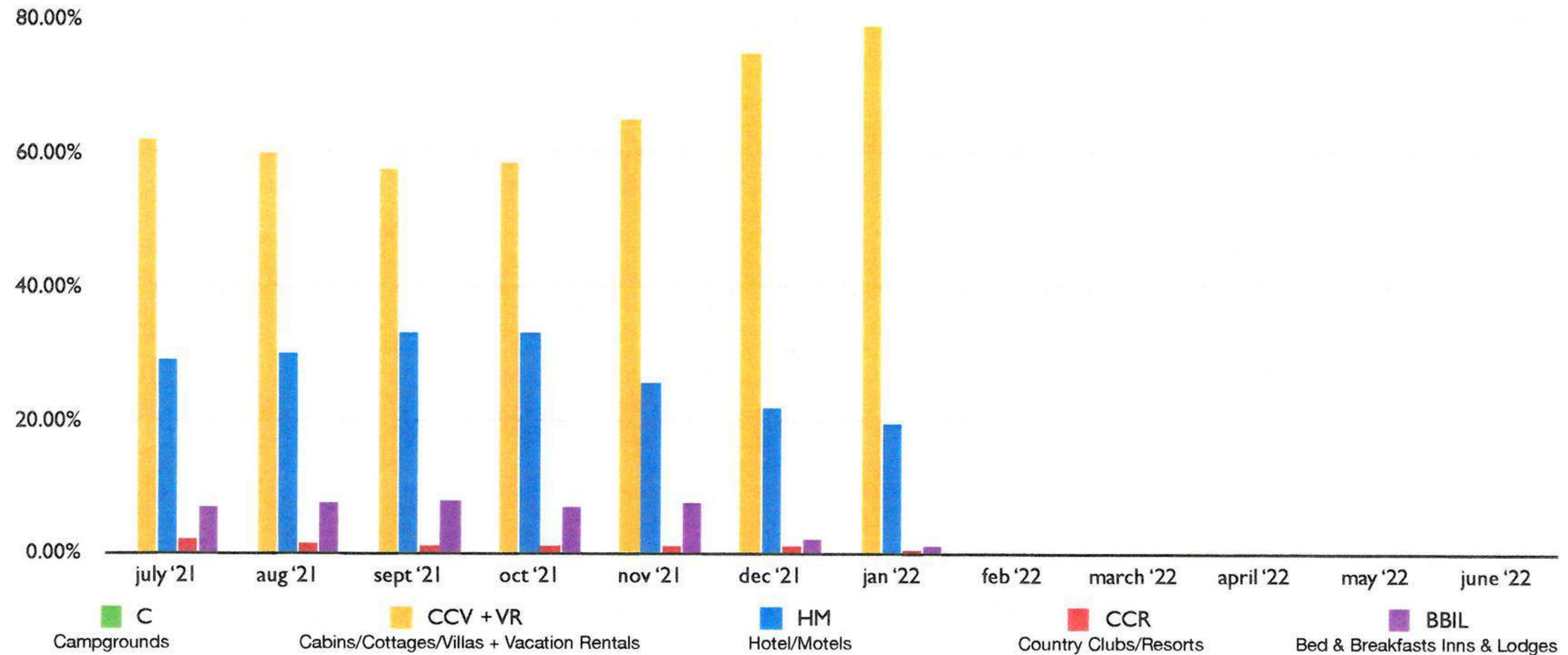
15-16	16-17	17-18	18-19	19-20	20-21	21-22
\$166,306	\$191,526	\$208,212	\$203,959	\$213,134	\$238,533	\$344,159
\$125,654	\$145,818	\$169,913	\$169,594	\$183,375	\$238,713	\$283,879
\$118,307	\$143,632	\$167,758	\$155,249	\$179,291	\$233,067	\$268,037
\$166,228	\$200,681	\$204,954	\$214,612	\$228,613	\$298,343	\$345,442
\$81,833	\$103,543	\$106,654	\$121,957	\$150,046	\$172,765	\$218,281
\$64,892	\$94,392	\$98,016	\$96,992	\$105,707	\$158,729	\$180,840
\$52,924	\$48,009	\$59,986	\$76,960	\$89,208	\$144,809	\$163,273
\$55,888	\$56,218	\$52,597	\$68,170	\$83,112	\$151,142	
\$53,782	\$64,041	\$75,078	\$84,653	\$36,803	\$177,298	
\$70,257	\$84,126	\$89,550	\$101,950	\$7,456	\$211,387	
\$101,839	\$120,395	\$135,671	\$150,073	\$79,339	\$230,997	
\$157,368	\$178,049	\$194,431	\$197,065	\$181,127	\$298,164	
\$1,215,278	\$1,430,430	\$1,562,820	\$1,641,234	\$1,537,211	\$2,553,947	\$1,803,911

21/22 OCCUPANCY TAX BY CATEGORY

OCCUPANCY TAX JULY 2021 - JUNE 2022

TYPE	JULY '21	AUG '21	SEPT '21	OCT '21	NOV '21	DEC '21	JAN '22	FEB '22	MARCH '22	APRIL '22	MAY '22	JUNE '22
C	0.00%	0.00%	0.05%	0.05%	0.05%	0.00%	0.00%					
CCV + VR	62.00%	60.00%	57.50%	58.50%	65.00%	75.00%	79.00%					
HM	29.00%	30.00%	33.00%	33.00%	25.50%	22.00%	19.50%					
CCR	2.00%	1.50%	1.00%	1.00%	1.00%	1.00%	0.50%					
BBIL	7.00%	7.50%	8.00%	7.00%	7.50%	2.00%	1.00%					

OCCUPANCY TAX BY ACCOMMODATION CATEGORY



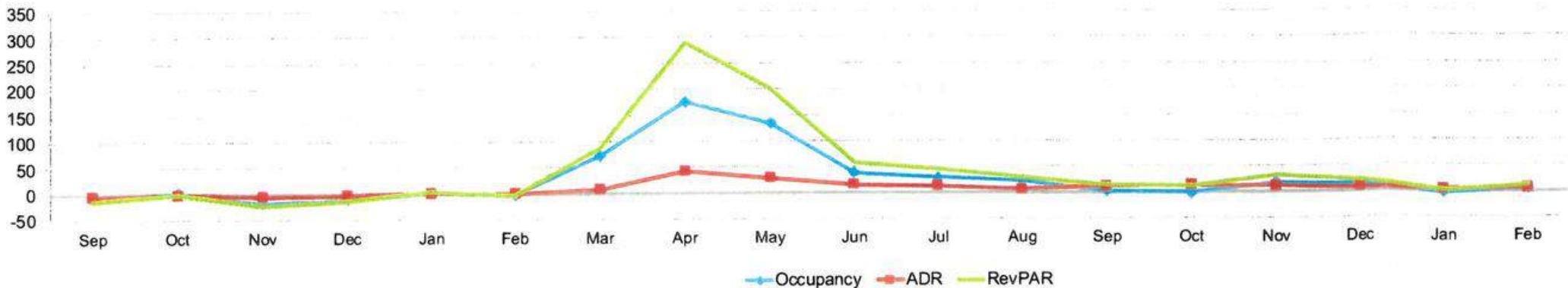
STR Report

ab 2 - Trend Haywood County, NC

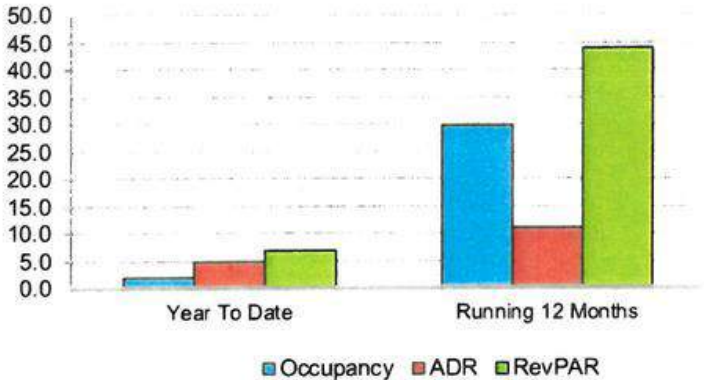
Currency: USD - US Dollar

wood County Tourism Development Authority
the Month of February 2022

Monthly Percent Change



Overall Percent Change



Occupancy (%)	2020				2021				2022				Year To Date			Running 12 Months				
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2020	2021	2022	
	This Year	55.5	69.7	43.1	36.1	33.2	37.7	45.1	56.6	54.8	64.7	71.1	61.0	56.7	68.7	50.8	41.0	35.5	35.3	36.0
Last Year	60.7	68.3	52.4	40.2	32.5	38.9	26.2	20.5	23.5	46.9	55.0	49.7	55.5	69.7	43.1	36.1	37.5	32.5	35.3	
Percent Change	-8.5	2.0	-17.8	-10.3	2.3	-3.2	72.4	175.6	133.7	37.9	29.4	22.7	2.1	-1.4	17.9	13.8	-2.5	8.8	1.9	
ADR	2020				2021				2022				Year To Date			Running 12 Months				
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2020	2021	2022	
	This Year	104.92	121.30	100.26	98.61	93.44	93.65	96.09	105.35	112.87	112.90	123.24	111.98	116.88	136.83	111.79	106.51	93.26	93.54	98.07
Last Year	110.58	123.54	106.67	101.44	92.22	94.23	89.13	74.50	87.91	98.40	109.31	105.36	104.92	121.30	100.26	98.61	90.64	92.22	93.54	
Percent Change	-5.1	-1.8	-6.0	-2.8	1.3	-0.6	7.8	41.4	28.4	14.7	12.7	6.3	11.4	12.8	11.5	8.0	2.9	1.4	4.8	
RevPAR	2020				2021				2022				Year To Date			Running 12 Months				
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2020	2021	2022	
	This Year	58.24	84.55	43.19	35.56	31.04	35.27	43.35	59.60	61.86	73.01	87.66	68.28	66.24	94.02	56.80	43.70	33.13	33.05	35.31
Last Year	67.11	84.44	55.87	40.79	29.93	36.68	23.32	15.29	20.62	46.15	60.08	52.37	58.24	84.55	43.19	35.56	31.04	29.93	33.05	
Percent Change	-13.2	0.1	-22.7	-12.8	3.7	-3.8	85.9	289.7	200.0	58.2	45.9	30.4	13.7	11.2	31.5	22.9	-2.5	10.4	6.8	
Supply	2020				2021				2022				Year To Date			Running 12 Months				
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2020	2021	2022	
	This Year	51,990	53,723	48,810	48,825	48,081	43,428	49,941	50,400	53,506	51,780	52,855	52,855	51,150	52,855	47,970	48,174	93,338	91,509	87,910
Last Year	52,710	54,467	49,530	49,786	49,042	44,296	50,902	47,550	53,723	51,990	53,723	53,723	51,990	53,723	48,810	48,825	101,067	49,042	91,509	
Percent Change	-1.4	-1.4	-1.5	-1.9	-2.0	-2.0	-1.9	6.0	-0.4	-0.4	-1.6	-1.6	-1.6	-1.6	-1.7	-1.3	-7.6	86.6	-3.9	
Demand	2020				2021				2022				Year To Date			Running 12 Months				
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2020	2021	2022	
	This Year	28,860	37,449	21,028	17,606	15,972	16,357	22,531	28,511	29,325	33,482	37,593	32,230	28,989	36,320	24,371	19,764	33,159	32,329	31,652
Last Year	31,990	37,226	25,945	20,018	15,918	17,241	13,321	9,761	12,601	24,382	29,528	26,703	28,860	37,449	21,028	17,606	37,908	15,918	32,329	
Percent Change	-9.8	0.6	-19.0	-12.0	0.3	-5.1	69.1	192.1	132.7	37.3	27.3	20.7	0.4	-3.0	15.9	12.3	-12.5	103.1	-2.1	
Revenue	2020				2021				2022				Year To Date			Running 12 Months				
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2020	2021	2022	
	This Year	3,027,979	4,542,541	2,108,188	1,736,130	1,492,416	1,531,781	2,165,010	3,003,733	3,310,003	3,780,263	4,633,079	3,609,134	3,388,198	4,969,635	2,724,483	2,105,158	3,092,541	3,024,197	3,104,226
Last Year	3,537,495	4,599,053	2,767,438	2,030,563	1,467,983	1,624,558	1,187,242	727,217	1,107,807	2,399,254	3,227,717	2,813,480	3,027,979	4,542,541	2,108,188	1,736,130	3,436,107	1,467,983	3,024,197	
Percent Change	-14.4	-1.2	-23.8	-14.5	1.7	-5.7	82.4	313.0	198.8	57.6	43.5	28.3	11.9	9.4	29.2	21.3	-10.0	106.0	2.6	
Census %	2020				2021				2022				Year To Date			Running 12 Months				
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2020	2021	2022	
	Census Props	44	44	40	38	37	37	39	42	44	44	44	44	44	40	38	36	37,283,138	25,901,753	36,792,923
Census Rooms	1733	1733	1627	1575	1551	1551	1611	1680	1726	1726	1705	1705	1705	1705	1599	1554	1490	39,455,511	35,658,580	25,901,753
% Rooms Participants	22.7	22.7	24.2	25.0	31.3	31.3	30.1	31.3	30.4	35.6	34.8	34.8	34.8	34.8	37.1	38.2	39.9	-5.5	-27.4	42.0

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AirDNA
1523 15th Street
Suite 200
Denver, CO 80202
+1 (720) 372-2318
hello@airdna.co

Data pulled up to Feb-22

140389 - Haywood County

Total Available Listings

	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22
Entire Place	899	1,073	1,158	1,212	1,247	1,239	1,276	1,305	1,389	1,422	1,396	1,414	1,344
Private Room	76	80	82	81	77	77	69	72	77	73	69	70	67
Shared Room	2	1	2	2	2	2	2	2	3	2	3	3	1

Booked Listings

Entire Place	841	967	1,074	1,159	1,194	1,216	1,210	1,255	1,351	1,369	1,344	1,334	1,218
Private Room	68	58	73	73	71	73	65	66	71	64	61	61	54
Shared Room	2	0	2	2	2	2	1	1	3	2	3	2	0

Room Nights - Entire Place

Total Available	55,200	68,655	72,539	80,455	80,219	80,244	84,240	85,046	94,987	96,223	97,740	94,117	83,149
Booked	31,299	45,099	47,291	49,596	60,184	66,079	56,281	52,191	70,398	60,819	58,951	46,411	38,347

Room Nights - Hotel Comparable

Total Available	4,264	5,134	5,639	5,808	6,009	6,207	5,931	6,103	6,946	6,205	6,241	5,875	5,241
Booked	1,958	2,946	3,486	3,466	3,987	4,533	3,778	3,630	5,023	3,837	3,530	2,497	2,416

Listing Nights - Entire Place

Available	21,349	26,468	28,217	31,077	31,002	30,998	31,870	32,417	36,476	36,613	37,103	35,700	31,435
Booked	11,860	16,986	18,280	19,169	22,834	25,069	21,270	19,976	27,246	23,173	22,096	17,023	14,348

Occupancy

Entire Place	55.6%	64.2%	64.8%	61.7%	73.7%	80.9%	66.7%	61.6%	74.7%	63.3%	59.6%	47.7%	45.6%
Hotel Comparable	45.9%	57.4%	61.8%	59.7%	66.4%	73.0%	63.7%	59.5%	72.3%	61.8%	56.6%	42.5%	46.1%

ADR

Entire Place	\$222.53	\$224.39	\$225.19	\$228.84	\$233.41	\$242.65	\$235.95	\$231.07	\$237.81	\$238.57	\$242.52	\$240.24	\$248.74
Hotel Comparable	\$136.45	\$134.99	\$136.05	\$142.17	\$142.90	\$146.48	\$138.24	\$141.65	\$147.47	\$143.05	\$142.96	\$138.04	\$139.83

RevPAR

Entire Place	\$123.62	\$144.01	\$145.89	\$141.15	\$171.91	\$196.24	\$157.47	\$142.39	\$177.63	\$150.99	\$144.43	\$114.55	\$113.53
Hotel Comparable	\$62.66	\$77.46	\$84.11	\$84.84	\$94.82	\$106.97	\$88.06	\$84.25	\$106.64	\$88.46	\$80.86	\$58.67	\$64.46

Total est. US adult Trips to POI

256,335

Average Nights

2.6

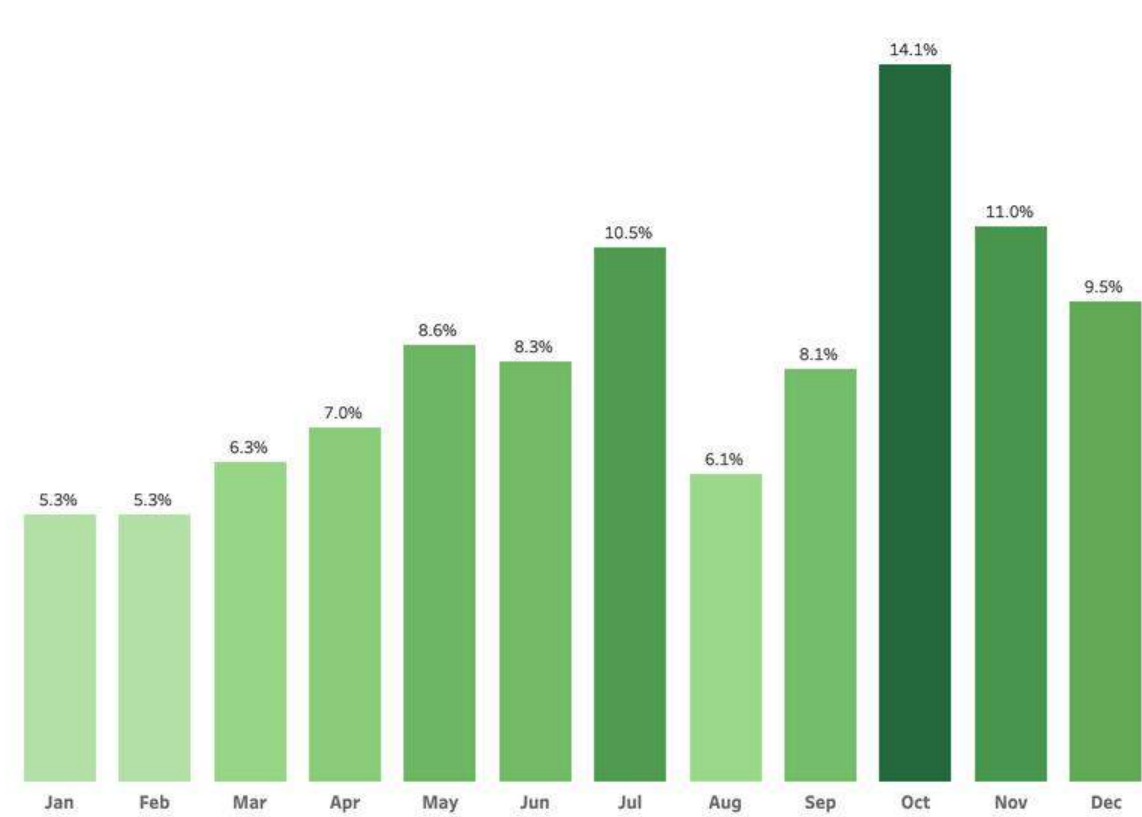
Average Distance Traveled

330.2 Miles

Trips by POI

Point of Interest	Trips	Share of Trips	Avg. Time in POI (Hours)
Downtown Waynesville	256,335	100.0%	2.3

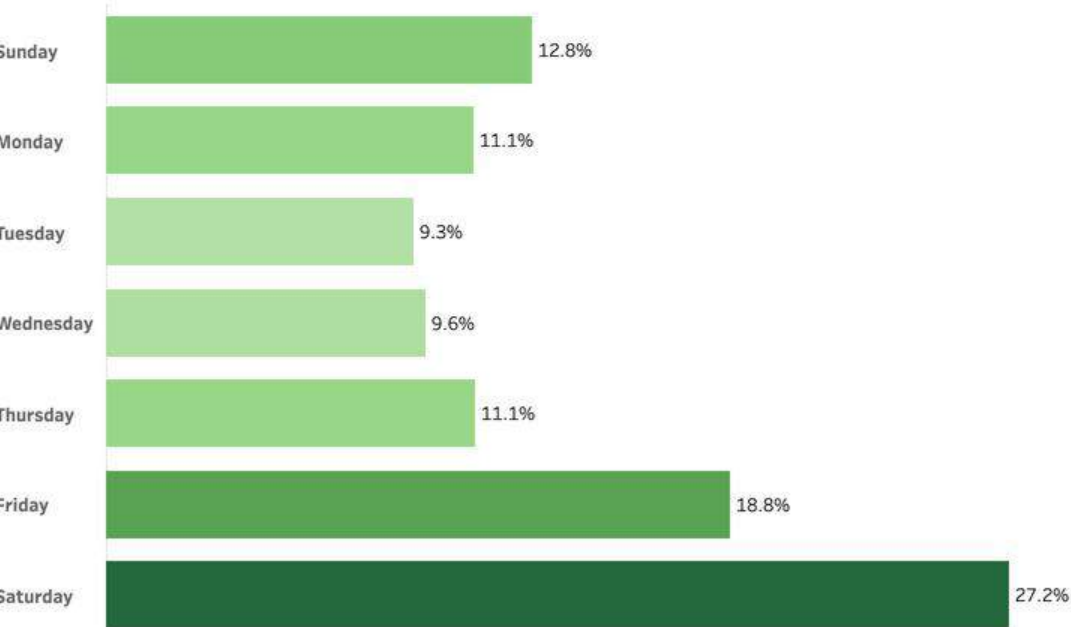
Trips by Month



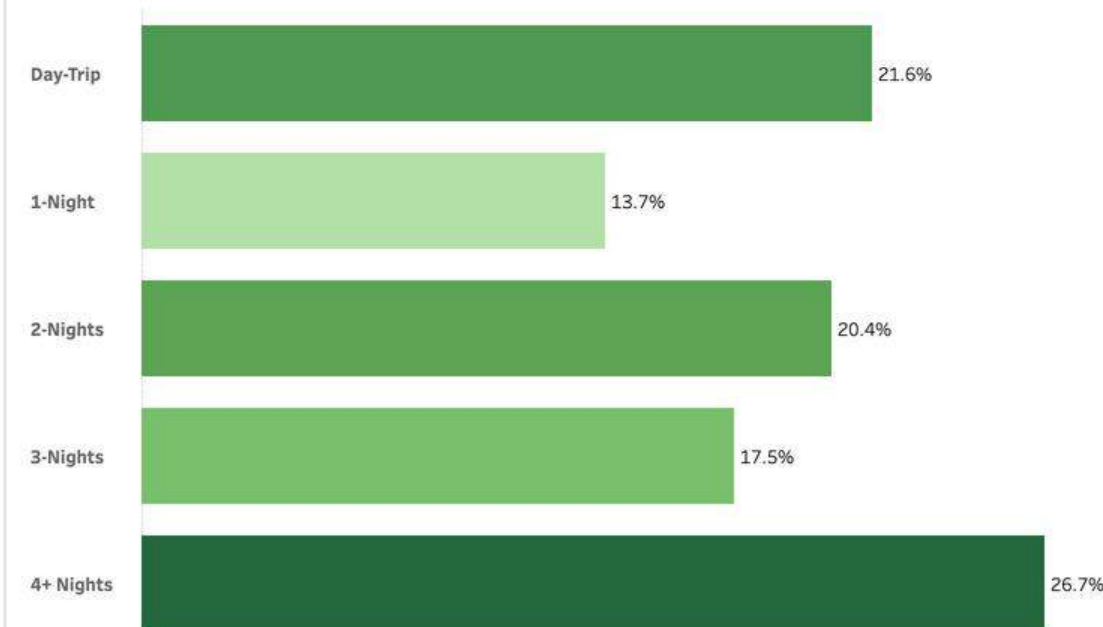
Top Origin Markets(DMA)

DMA	Trips	Share of Trips	Average Unique Nights
Charlotte	30,044	11.7%	2.2
Greenville/Spartanburg/Asheville/...	19,339	7.5%	0.9
Atlanta	17,322	6.8%	1.8
Tampa/Saint Petersburg	16,056	6.3%	3.3
Raleigh/Durham	15,595	6.1%	2.7
Orlando/Daytona Beach/Melbourne	13,062	5.1%	3.1
Columbia-Sc	12,064	4.7%	2.2
Knoxville	8,524	3.3%	0.9
Greensboro/High Point/Winston-S...	8,378	3.3%	2.1
Jacksonville-Brunswick	7,576	3.0%	3.6
Miami/Fort Lauderdale	6,711	2.6%	4.0
Charleston-Sc	6,616	2.6%	2.5
West Palm Beach/Fort Pierce	5,985	2.3%	3.6
Wilmington	5,930	2.3%	4.0
Florence/Myrtle Beach	4,467	1.7%	2.5
Greenville/New Bern/Washington	4,077	1.6%	2.6
Nashville	4,068	1.6%	2.7
Fort Myers/Naples	3,348	1.3%	4.0
Chattanooga	3,241	1.3%	1.6
Tallahassee/Thomasville	3,144	1.2%	2.3
Augusta	2,663	1.0%	1.9
Savannah	2,550	1.0%	2.9
Cincinnati	2,465	1.0%	4.4
Tri-Cities-Tn-Va	2,294	0.9%	0.9
Mobile/Pensacola/Fort Walton Be...	2,243	0.9%	2.9

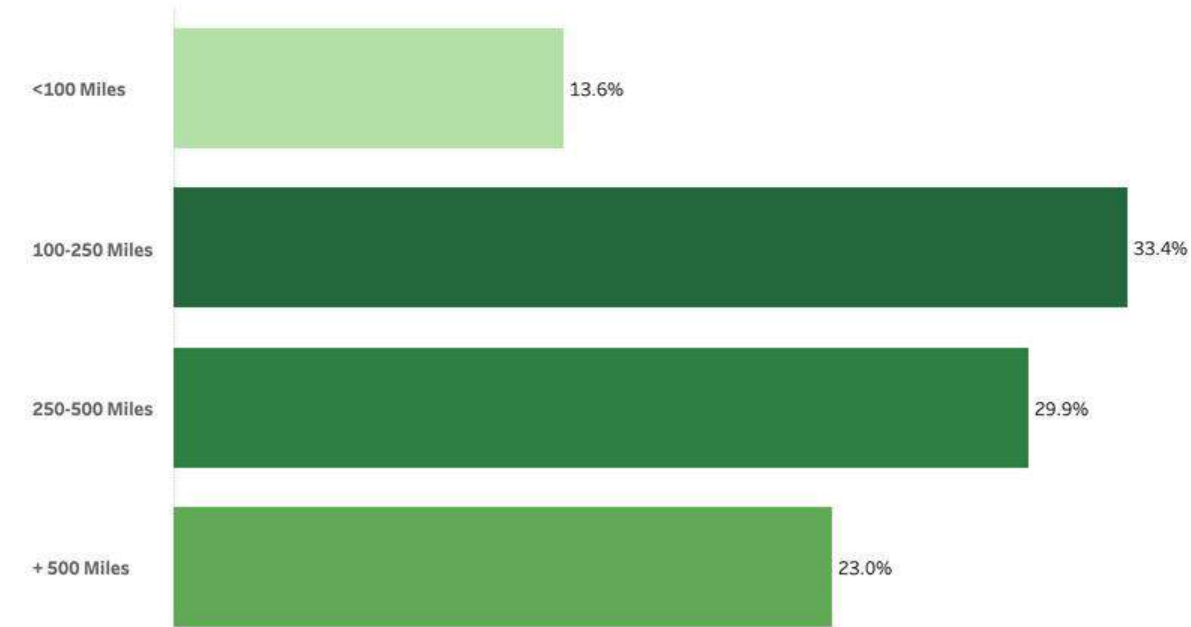
Trips by Day of Week



Trips by Length of Stay



Trips by Avg. Distance(miles)



Zip Code Destination Marketing

- Q4 traffic to Waynesville landing pages increased 24.0% YOY.
- Organic search traffic increased 11.3% YOY, making up more than 56.7% of all traffic in Q4.
- 180 email leads were generated for the Waynesville e-newsletter in Q4
- Display campaign CTRs increased slightly from Q3 to Q4, averaging 0.99% and exceeding the industry average of 0.47%.
- Facebook ads had a CTR of 2.3%, more than double the industry average of 0.90%.
- The Facebook page like campaign generated 295 likes in Q4 at a cost of \$1.26 per like.
- Organic search traffic increased 11.3% YOY, making up 56.7% of all traffic in Q4.
- On average, organic users visited 3.6 pages per session and spent an average of 3m on the site.



From Theater to Table: Exploring Waynesville's Arts

Spend a weekend on the edge of the Great Smoky Mountains in this vibrant, artsy town and you'll offer a standing ovation.

by Cate Doty

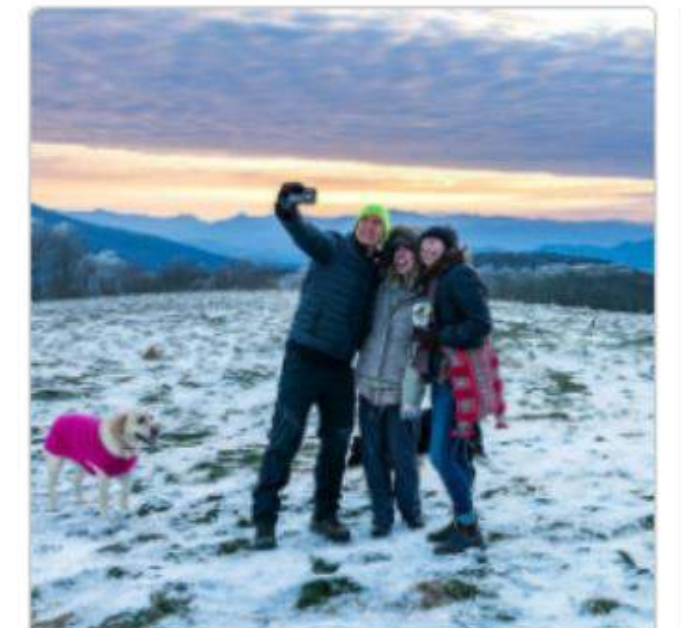


A SPIRITED TOUR OF WAYNESVILLE

When it comes to restaurants, Waynesville has no shortage of places to delight your tastebuds.




You won't soon forget a winter spent in Waynesville. Experience it for yourself.



Go For a Winter Hike


[LEARN MORE](#)

Zip Code Destination Marketing




Upscale Fare with Unexpected Flare

In the heart of the NC Smokies and just minutes off the Blue Ridge Parkway, Waynesville delights and inspires with eclectic neighborhoods, vibrant shopping districts, and a surprisingly diverse foodie scene. Immerse yourself in innovative farm-to-table fare, flavorful handcrafted brews and delectable treats, all conveniently curated in one scenic destination. Treat yourself to an unexpected adventure.



ExperienceWaynesville.com




PAID ADVERTISEMENT


SUMMER SURPRISES IN THE SMOKIES

Discover the unexpected adventures of Western NC.

It's no secret that summer vacations are known for sizzling days in the sun. But why not take a more refreshing approach for your time off and immerse yourself in the cool mountain breezes and crystal-clear waters of the North Carolina Smokies. Nestled in the heart of these mountains lies five out-of-the-ordinary destinations with unique adventures to explore—Maggie Valley, Waynesville, Canton, Clyde, and Lake Junaluska. Capture the delights of outdoor excursions, cultural celebrations, and a blend of flavorful cuisines, without all the crowds. Haywood County is your haven for escaping the ordinary and embracing a getaway filled with new adventures.

A visit to the NC Smokies creates new opportunities for authentic experiences. Set your sights on Maggie Valley for a festival, a unique shopping experience, or a peek at our famous antlered "locals" in Cataloochee Valley. Enjoy artistic and cultural events of the summer surrounded by majestic mountain views in Waynesville. Discover the eclectic blend of small-town history and outdoor adventures of Canton. Looking for even more? Rest and relax in our unique accommodations like a luxury train caboose in Clyde. When it's time to cool off, beautiful Lake Junaluska is your stop for watersports or a lakeside round of golf. It's never too early to start planning your summer getaway at VisitNCSmokies.com.





PAID ADVERTISEMENT

MAGGIE VALLEY

SHE'S A BREATH OF FRESH AIR.

Maggie Valley, NC is well-known as a place for making memories and feeling nostalgic. Generations of families gather to enjoy the friendly charm and warm hospitality that radiates from this special mountain town. Cruise along vibrant Soco Road to browse local specialty shops and handcrafted artisan goods. Visit the Festival Grounds to enjoy a summer lineup of car and craft shows, or listen to a live concert as it echoes throughout the mountains. Take a pit stop at the legendary Dale's Wheels Through Time Museum for a mind-blowing collection of rare motorcycles. Or pay a visit to the elk roaming through scenic Cataloochee Valley. When you're exhausted after a day full of adventures, our unique accommodations are sure to help you recharge. Explore even more things to do at VisitMaggieValleyNC.com.



Getting there is part of the adventure! Experience the scenic Blue Ridge Parkway's peaks and rolling ranges.



EXPRESSION AT ITS PEAK.

There's a certain charm that draws people to Waynesville, NC. Downtown is home to fine art galleries, shops, and delicious farm-to-table dining—all with a backdrop of picturesque mountain views. Relax with a cold beer at Frog Level Brewing Company with your furry four-legged companion. Have a locally ground coffee from Smoky Mountain Roasters or take in a live performance at the HART Theatre. Share the gift of handmade soaps from Green Orchid Soap Company and take a few home for friends. Venture beyond downtown to embrace your wild side with an animal encounter at Winchester Creek Farm or by hiking a scenic trail along the Blue Ridge Parkway. Summer brings a new level of excitement to Waynesville that you won't want to miss. Find even more opportunities that await at ExperienceWaynesville.com.



See inspiration in Sun Sohovich's new art gallery and studio. Find the perfect landscape to take home with you!



PLAN AHEAD: EVENTS AND SEASONAL FUN AT VISITNCSMOKIES.COM

MAY	JUNE	JULY
<ul style="list-style-type: none">• Whole Bloomin' Thing• Block Party• Slingshots in the Smokies	<ul style="list-style-type: none">• Cold Mountain Music Festival• WNC Jeep Fest• Thunder in the Smokies	<ul style="list-style-type: none">• Maggie Valley Arts & Crafts Festival• Folkmoot• Hillbilly Jam• Independence Day Celebrations

HAYWOOD You Like To GET HIGH?

Plan your adventure today.



HAYWOOD You Like To
STEP THINGS UP?

Plan your adventure today.



HAYWOOD You Go With OUR FLOW?

Plan your adventure today.



HAYWOOD You Like To
HANG WITH OUR GANG?

Plan your adventure today.



HAYWOOD You Like To
STAY A WHILE?

Plan your adventure today.



HAYWOOD You Like To
SEE WHAT'S IN STORE?

Plan your adventure today.



One Time Project Fund

The Purpose of the One Time Project Fund (OTPF) is to encourage creation or expansion of capital projects that will showcase Haywood County's unique offerings and will attract visitors from outside a fifty (50) mile radius, generating overnight stays and creating economic/destination impact for the zip code and Haywood County.

All grants will be awarded to Capital Projects and are defined as follows:

New construction, expansion, renovation, or a replacement project for an existing facility or facilities. The project must have a minimum budget of \$40,000. All grants will be awarded on a competitive basis, with primary consideration given to applications that focus on the following:

- Enhance the destination experience for both visitors and residents
- Attract overnight visitors from more than fifty (50) miles outside Haywood County
- Shovel ready projects will be preferred
- Project funding is a 50/50 match for all applicants
- No studies or maintenance projects

All awarded One Time Project Funds grants must be used by June 30, 2024

Applications are due by 5:00 PM on April 29, 2022, to the HCTDA.

STRATEGIC DESTINATION PLANNING

A proven approach that empowers the HCTDA to lead a community-wide collaborative process that will establish a shared, thoughtful, and exciting vision for the future.

WHY DO THIS?

- Current resurgence of travel and development brings risks — overtourism, brand dilution or drift, etc.
- Local power plays bring risk — mixed use of tax dollars, mixed messaging, etc.

**Strategic
Destination
Plan will be
delivered by
December 2022**

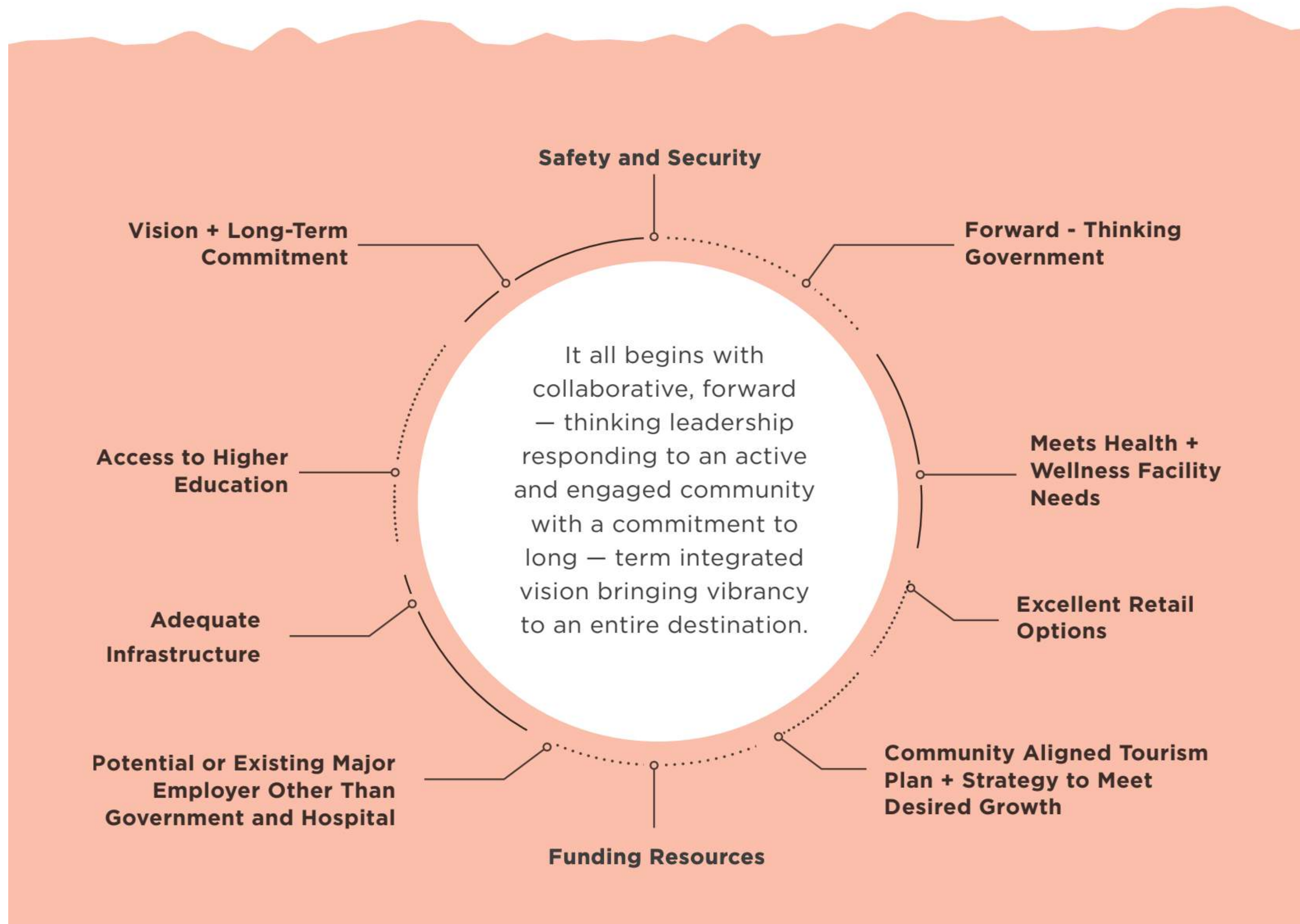
PLAN OBJECTIVES

- Widely-shared vision for the community's future
- Pathway to develop and achieve that vision
- Pathway to sustainably market the destination based on the vision
- Metrics to measure progress and success

THE SOLUTION

- **A Comprehensive and Strategic Destination Plan**
 - Stakeholder ownership
 - Long-range vision
 - Updated and comprehensive brand plan
 - Specific destination development plan
 - Updated and specific marketing plan
 - Success measures

PILLARS OF A **VIBRANT DESTINATION**



TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Public Hearing to consider a request for Annexation for property at 1184 Camp Branch Road, Waynesville, NC 28786, PIN 8614-34-4314.

AGENDA INFORMATION:

Agenda Location: **Call for Public Hearing**
Item Number:
Department: Development Services
Contact: Olga Grooman, Planner
Presenter: Olga Grooman, Planner

BRIEF SUMMARY: The Town received the attached Petition for Annexation of contiguous area from property owners Billy Sorrells and Hazel Sorrells. This 0.57-acre property is within the Town's Extraterritorial Jurisdiction and lies within the Country Club Residential-Low Density (CC-RL) district.

The Town also received the attached Request for Extension of Sewer Lines Outside the Corporate Limits from Mr. Sorrells. The connection to the Town's sewer is the main reason for the annexation. The failed sewer tank causes raw sewage to run down the driveway, and it is an environmental issue. In addition to the Call for Public Hearing, the staff asks the Board to approve the request for sewer extension before the annexation hearing so Mr. Sorrells can eliminate raw sewage in his yard and driveway as soon as possible. The Board has authority to do so through Chapter 58- Utilities, Section 58-277(d) of the Waynesville Code of Ordinances:

“(d) The board of aldermen may accept or reject a written request for extension of sewer lines outside the corporate limits of the town without regard to whether or not it accepts the property in question for annexation; however, if the board of aldermen rejects the written request for connection to or extension of the town sewer lines outside the corporate limits of the town, the board of aldermen shall also automatically reject the petition for annexation.”

Mr. Sorrells has paid all the tap fees associated with the extension. Haywood Waterways covered 75% of these costs through the grant. The sewer line is roughly 75 ft away from the property, and the extension will be made across the NCDOT-owned Camp Branch Rd. The property is already connected to the Town's water.

MOTIONS FOR CONSIDERATION:

1. Adoption of attached ordinance to approve the annexation of described property.
2. Approve the Request for Extension of Sewer Lines Outside the Corporate Limits of the Town of Waynesville for the described property.

FUNDING SOURCE/IMPACT: Future action to annex this property will allow the owners to fix environmental issue, receive town municipal services, and be subject to Town property tax.

ATTACHMENTS:

1. Petition with metes and bound description
2. Request for Extension of Sewer Lines
3. Zoning Map
4. Property location map relative to municipal boundaries
5. Payment confirmation
6. Picture of the driveway with sewage
7. Resolution

MANAGER'S COMMENTS AND RECOMMENDATIONS:

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

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

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

Date: Apr 6 - 22

To: Board of Aldermen of the Town of Waynesville

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

Name Billy Wayne Sorrell Signature Billy Wayne Sorrell

Address 1184 Camp Branch Rd Waynesville N.C. 28786

Name Harrel M. Sorrell Signature Harrel M. Sorrell

Address 1184 Camp Branch Rd. Waynesville N.C. 28786

Name Danny W. Sorrell Signature Danny W. Sorrell

Address 1367 Queenstown Rd. Canton NC 28716

(Attach additional sheet if necessary)

421-6643 - Cell

wendy 452-2756 - Home

PENDING REVIEW FOR TAX LISTING

**2017002451**

HAYWOOD CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED

03-20-2017 12:09:13 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY: TARA E. REINHOLD
DEPUTY**BK: RB 925****PG: 242-244**DATE 3/20/17 BY SP

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien

against parcel number(s) 8614-34-4306/4353

Mike Matthews, Haywood County Tax Collector

Date: 3-20-17 By: ell**NORTH CAROLINA GENERAL WARRANTY DEED**

Prepared by and return to: T. Michael Jordan, 154 N. Main St., Suite 1, Waynesville, NC 28786

Excise Tax: \$0.00

Parcel Identifier No. 8614-34-4306 and 8614-34-4353

TITLE NOT CHECKED BY PREPARER.

THIS DEED made this 20th day of March, 2017, by and between

GRANTOR	GRANTEE
BILLY WAYNE SORRELLS and wife, HAZEL M. SORRELLS a/k/a HAZEL SORRELLS	DANNY WAYNE SORRELLS
Mailing Address: 1184 Camp Branch Road Waynesville, NC 28786	Mailing Address: 1367 Queentown Road Canton, NC 28716

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantors, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple, SUBJECT TO THE LIFE ESTATE HEREIN RESERVED, all that certain lot or parcel of land situated in Waynesville Township, Haywood County, North Carolina, and more particularly described as follows:

SEE SCHEDULE A ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE.

THE SUBJECT REAL ESTATE IS THE PRIMARY
RESIDENCE OF GRANTOR.

Exhibit 1

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple, BUT SUBJECT ALWAYS TO THE LIFE ESTATE HEREIN RESERVED BY THE SAID GRANTORS.

And the Grantors covenant with the Grantee, that Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantors will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Billy Wayne Sorrells (SEAL)
BILLY WAYNE SORRELLS

Hazel M. Sorrells (SEAL)
HAZEL M. SORRELLS a/k/a HAZEL SORRELLS

NORTH CAROLINA
HAYWOOD COUNTY

I, a Notary Public of the County and State aforesaid, certify that BILLY WAYNE SORRELLS and HAZEL M. SORRELLS a/k/a HAZEL SORRELLS personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this 20th day of March, 2017.

My commission expires:
3/29/2021

Lorraine S. Ransburg
Notary Public

Lorraine S. Ransburg
Notary Public
Haywood County
North Carolina

SCHEDULE A

PARCEL ONE (PIN 8614-34-4306):

BEGINNING on a locust tree and Southwest corner of the 0.405-acre tract conveyed by Shepard to W. S. Hicks on January 3, 1957, and runs N. 73 deg. W. 121 feet to a stake; thence N. 18 deg. E. 190 feet to a stake in south margin of Camp Branch Road; thence with road margin S. 55 deg. 15 min. E. 53.5 feet to a stake, the northwest corner of said W. S. Hicks lot; thence with line of that lot, S. 0 deg. 15 min. E. 200 feet to the BEGINNING, containing 0.389 of an acre as per survey and plat of Nathan Rogers, Surveyor.

BEING the same property conveyed from Lowell L. Mills and wife, Elaine P. Mills, to Billy Wayne Sorrells and wife, Hazel M. Sorrells by deed dated September 25, 1973, recorded in Deed Book 264, page 421, Haywood County Registry.

PARCEL TWO (PIN 8614-34-4353):

BEGINNING at the northwesterly corner of the 0.405 acre tract as described in Deed dated July 28, 1976, and filed in Deed Book 283, page 517, Haywood County Registry, said BEGINNING point BEING in the southerly margin of Camp Branch Road (NCSR 1138); thence in a southeasterly direction on a curve to the left with a radius of 704.73 feet and a chord of S. 66 deg. 41 min. 43 sec. E. 38.48 feet, and an arc length of 38.49 feet; thence S. 02 deg. 51 min. 38 sec. E. 218.78 feet passing an iron set at 13.80 feet to an iron set in a fence line; thence along said fence line N. 65 deg. 08 min. 37 sec. W. 47.16 feet to a locust stump in the fence; thence N. 00 deg. 55 min. 46 sec. W. 213.93 feet to the point of BEGINNING; and containing 0.191 acres according to map entitled "Billy Wayne Sorrells and wife & Lester Wayne Mashburn and wife", prepared by Herron Land Surveying, dated November 11, 1991, bearing Drawing No. 2312-279-A.

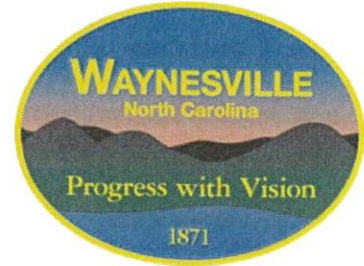
BEING the same property conveyed from Grace J. Blythe, a single woman, to Billy Wayne Sorrells and wife, Hazel Sorrells, by deed recorded November 26, 1991, in Deed Book 422, page 207, Haywood County Registry.

BUT THIS CONVEYANCE OF PARCELS ONE AND TWO IS MADE SUBJECT TO a life estate in said lands which is hereby expressly excepted and reserved by Grantors for and during their natural lives.

It is the intent of the Grantors and Grantee that these parcels be combined into one parcel.

BOARD OF ALDERMEN

REQUEST FOR EXTENSION OF SEWER LINES
OUTSIDE THE CORPORATE LIMITS OF THE TOWN OF
WAYNESVILLE



I, Billy W. Sorrells, ask the Board of Aldermen to extend the sewer line(s)
to my property at 1184 Camp Branch Rd., Waynesville, NC. PIN _____.

The reasons I am asking for the extension of sewer line(s) are:

That sewer is running from our
~~from~~ septic system into driveway
we already have city water

I understand that in the nature of this voluntary request, I am responsible for paying all the associated costs to the Town and private contractors for the extension of the sewer facilities to and on my property.

Property Owner Name: Billy W. Sorrells

Signature: Billy W. Sorrells

Date: 4-11-2020



Exhibit 3 Report For

SORRELLS, BILLY WAYNE/LT
SORRELLS, HAZEL M/LT
1184 CAMP BRANCH RD
WAYNESVILLE, NC 28786

Account Information

PIN: 8614-34-4314

Legal Ref: 925/242

Add Ref: A92/79

Site Information

DWELLING

1184 CAMP BRANCH RD

Heated Area: 1520

Year Built: 1960

Total Acreage: 0.5732

Township: Waynesville

Site Value Information

Land Value: \$30,300

Building Value: \$108,700

Market Value: \$139,000

Deferred Value: \$0

Assessed Value: \$139,000

Sale Price: \$0

Sale Date: 03/19/2017



1 inch = 100 feet

April 13, 2022

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

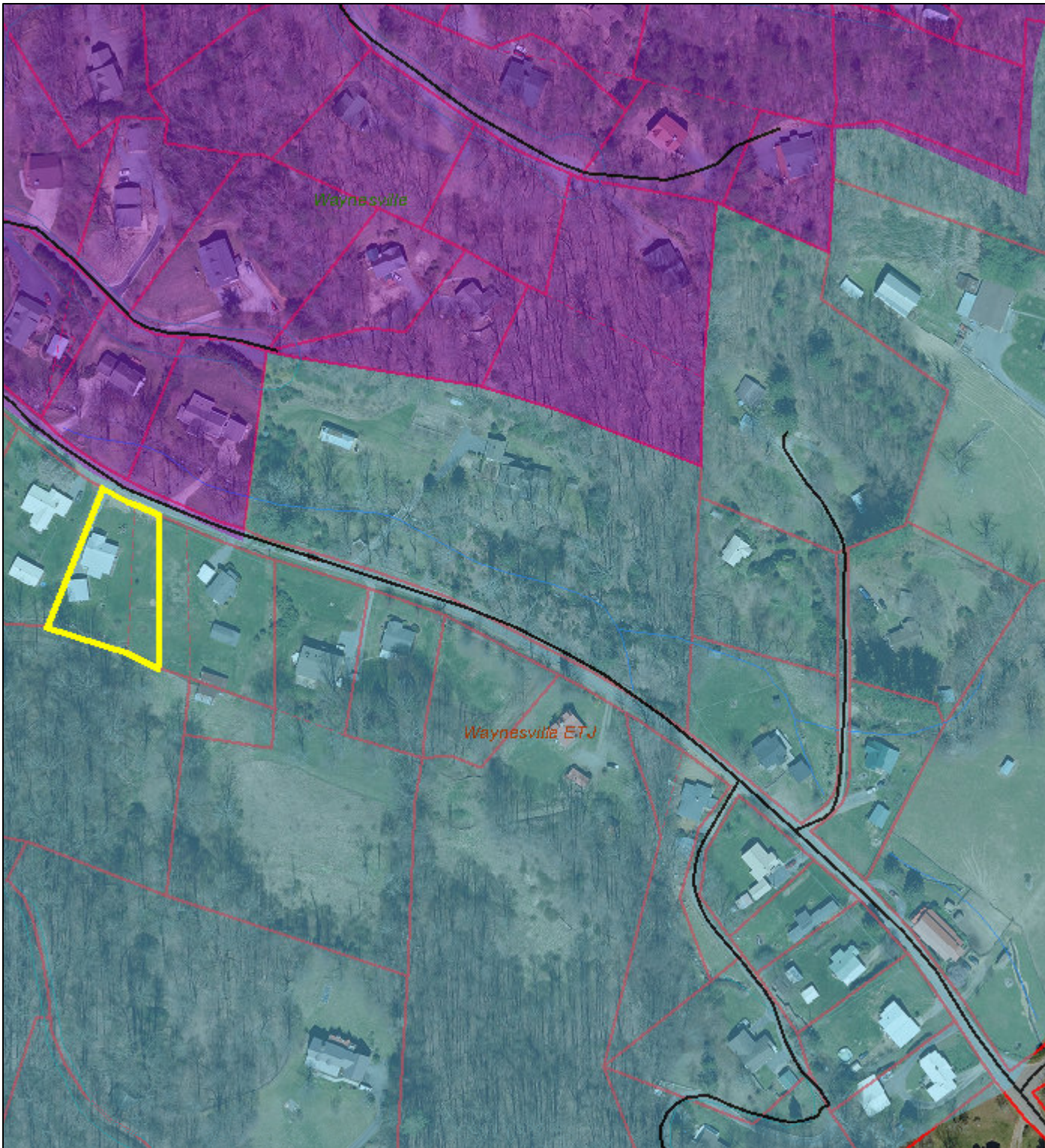


Exhibit 4 Report For

SORRELLS, BILLY WAYNE/LT
SORRELLS, HAZEL M/LT
1184 CAMP BRANCH RD
WAYNESVILLE, NC 28786

Account Information

PIN: 8614-34-4314

Legal Ref: 925/242

Add Ref: A92/79

Site Information

DWELLING

1184 CAMP BRANCH RD

Heated Area: 1520

Year Built: 1960

Total Acreage: 0.5732

Township: Waynesville

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 03/19/2017



1 inch = 200 feet

April 13, 2022

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

os 565

Town of Waynesville

Water and Sewer Tap Authorization

Applicant Name: Bill Sorrells

Applicant Mailing Address: _____

Location of Tap(s): 1184 Campbranch RD

Parcel Number: _____

Tap is for: Water _____ Sewer x

Inside Customer: _____ Outside x

Petition for Annexation Required? Yes x No _____

Water Meter \$ 1250.00

Water Capacity Fee \$ 732.00

Sewer Connection \$ _____

Sewer Capacity Fee \$ _____

Fire Line \$ _____

Irrigation Meter \$ _____

Irrigation Capacity Fee \$ _____

Total Charges \$ 1,982.00

Date 04/11/22

Signature of Applicant _____

Signature of Town Representative Wayne Bolin

Exhibit 5

Sewer
Tap

0.*
0.*
1,250.00+
1,250.00*
0.*

Mr.
Sorrells

1,250.x
0.25=
312.50*
0.*
0.*

HWKS

1,250.x
0.75=
937.50*
0.*
0.*

Sewer
(company)

0.*
0.*
312.50+
937.50+
1,250.00*

Mr.
Sorrells

0.*
732.x
0.25=
183.00*
0.*

HWKS

0.*
732.x
0.75=
549.00*
0.*
0.*

TOTAL: 183.00

PMT TYPE QTY REF **Exhibit 5** A
MOUNT
CHECK 1 14169 8
08.00

PG: 1

TOWN OF WAYNESVILLE
MISC RECEIPT 2749352
280 GEORGIA AVENUE
REFERENCE
WAYNESVILLE NC 28786
DATE/TIME 04/12/22 14:49

CLERK 2044jshe

CUSTOMER

EFF. DATE 04/12/2022

DEPT

01

937.50

TOTAL: 937.50

PMT TYPE QTY REF
MOUNT

A

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST
WAYNESVILLE NC 28786

DATE: 04/11/22 CUSTOMER#: 000000000
TIME: 15:25
CLERK: 2044jshe

RECPT#: 2749162 PREV BAL:
TP/YR: MS/2022 AMT PAID: 312.50
BILL: ADJSTMNT:
EFF DT: 04/11/22 BAL DUE:
MISCELLANEOUS PAYMENT

RECPT#: 2749163 PREV BAL:
TP/YR: MS/2022 AMT PAID: 183.00
BILL: ADJSTMNT:
EFF DT: 04/11/22 BAL DUE:
MISCELLANEOUS PAYMENT

PG: 1

TOWN OF WAYNESVILLE
MISC RECEIPT 2749353
280 GEORGIA AVENUE
REFERENCE
WAYNESVILLE NC 28786
DATE/TIME 04/12/22 14:50

CLERK 2044jshe

CUSTOMER HAYWOOD WATERWAYS

EFF. DATE 04/12/2022

DEPT

01

549.00

TOTAL: 549.00

PMT TYPE QTY REF
MOUNT
CHECK 1 2823
24.00

A
2,4

-----TOTALS-----
PRINCIPAL PAID: 495.50
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 495.50
AMT APPLIED: 495.50
CHANGE: .00

PAID BY: BILL SORRELLS
PAYMENT METH: CHECK
PAYMENT REF: 14169

TOWN OF WAYNESVILLE
280 GEORGIA AVENUE
WAYNESVILLE NC 28786

MISC RECEIPT 2748535
REFERENCE Annexation
DATE/TIME 04/08/22 15:22
CLERK 2044ecou
CUSTOMER Billy Sorrells
EFF. DATE 04/08/2022
DEPT

Exhibit 5

01

200.00

TOTAL: 200.00

PMT TYPE	QTY	REF
CHECK	1	14167

AMOUNT
200.00



Exhibit 6

RESOLUTION # R-05-22
TO CONSIDER AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Board of Aldermen has been petitioned under G.S. 160A-31, to annex the area as described in the petition for a contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all real property located within the area; and

WHEREAS, the clerk of the Town of Waynesville certifies the sufficiency of the petition in accordance with 160A-31, to wit:

- a. The petition follows the form required by statute in which the owner of real property has requested the area described for voluntary annexation; and
- b. That the petitioning owner of record owns 100 percent of the property in question; and
- c. The property is contiguous to the Town's municipal boundary, abutting other contiguous property;

WHEREAS, the Board of Aldermen must fix a date for a public hearing, and cause notice of the public hearing to be published in a newspaper at least 10 days prior to the hearing;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville, North Carolina:

1. To fix the date for the public hearing on May 24, 2022, during the regularly scheduled meeting of the Board of Aldermen, at 6:00pm or close to that time within the agenda of the meeting, in the Town Board Room at 9 South Main Street, Waynesville, NC 28786; and
2. To direct the Town Clerk to notice the public hearing in the Mountaineer at least 10 days prior to the meeting; and
3. To post the property in at least three locations providing additional notice to the public.

Adopted this 26th day of April, 2022.

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Sharpe Bradley, Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4-26-22

SUBJECT Set hold public hearing to consider a request for affordable housing incentives for construction of a 60 unit low to moderate income senior housing complex located on Locust Drive.

AGENDA INFORMATION:

Agenda Location: Public Hearing

Item Number:

Department: Administration

Contact: Rob Hites

Presenter: Rob Hites

BRIEF SUMMARY: Mills Construction of Carrboro NC will apply for a 60- unit residential living development to the NC Housing Finance Agency for tax credits necessary to make the project feasible. They propose the follow mix of housing and income thresholds:

11 one-bedroom units at 40% of AMI	Rent \$402 per month
3 one-bedroom units at 50% of AMI	Rent \$520 per month
22 one-bedroom units at 60% of AMI	Rent \$640 per month
4 two-bedroom units at 40% of AMI	Rent \$485 per month
6 two-bedroom units at 50% of AMI	Rent \$625 per month
14 two-bedroom units at 60% of AMI	Rent \$770 per month

In order to submit a marketable application, the support of the Town and an offer of incentives is very important. The request for incentives involves the cost of extending water to the site and grants to pay for system development and tap fees. Please note that incentive grants **MUST** be paid by the general fund. They are requesting approximately \$215,000 in incentives or \$3,583 per unit. To compare this request with the Old Hospital, the Town provided an incentive grant of \$172,042 for a 60-unit project or \$2,867 per unit. The Locust Drive development contains 100% low to moderate income housing with fifteen of the units targeted at renters who earn 40% of the Average Monthly Income (AMI).

MOTION FOR CONSIDERATION: Hold the public hearing, consider the input from the public. After Board discussion adopt the Resolution attached to this cover sheet.

FUNDING SOURCE/IMPACT: General

ATTACHMENTS: Mills Application, Resolution

MANAGER'S COMMENTS AND RECOMMENDATIONS Adopt the resolution.

Affordable Housing Incentive Grant Request



Hazelwood Bluff

60 Unit Affordable Senior Housing (55+) Development

Sewer Extension Grant Request to the Town of Waynesville

84 Locust Drive, Waynesville

3/15/22





Cover Letter

March 15, 2022

Town of Waynesville
16 South Main Street
PO Box 100
Waynesville, NC 28786

We are pleased to prepare this grant request to support the development of much needed new affordable senior housing in Waynesville on Locust Drive. The following application contains project information about our 60 unit proposed development as well as a scope of work related to our sewer extension grant request in the amount of \$172,123 to support the viability of this new housing. This application also requests a grant to reimburse local water and sewer tap and capacity fees to further support the financial viability of this development in the amount of \$60,015. This total request for this application is \$232,138

The Mills family of companies have been developing housing in North Carolina for over 50 years including the development, construction, and management of over 2,800 affordable units over the past 30 years with over 700 units currently in our development pipeline. We are uniquely situated to successfully complete this development with the support of our vertically integrated company which includes in-house construction, development and management teams staffed by talented and seasoned housing professionals.

Our proposed development will build 60 new housing units available to seniors aged 55 and up in Waynesville affordable households earning up to 60% of Area Median Income. Through our market research we understand that Waynesville and Haywood County at large is experiencing a significant housing affordability challenge and this development will bring a mix of 1- and 2-bedroom units serving households with incomes in the ranges most in need of affordable housing.

Thank you for your consideration and we look forward to the opportunity to bring new housing to Waynesville

Sincerely,

Bobby Funk
Development Director
FGM Development, LLC

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Project Overview

Hazelwood Bluff is a proposed 60-unit age-restricted senior housing community which consists of one 3-story Energy Star-compliant building containing leasing office, community room, computer center, laundry facility, and kitchenette in addition to numerous other site amenities located on Locust Drive directly off Plott Creek Road in the Hazelwood neighborhood of Waynesville. Hazelwood Bluff will house 36 one-bedroom/one bathroom, and 24 two-bedroom/one-bathroom units on a 5.76-acre site. As proposed, 25% of the units will serve residents earning less than 40% of the Area Median Income (AMI); a total of 40% of the units will serve residents earning less than 50% of the AMI. The remaining units will be affordable for those earning 60% or less of the AMI which is further discussed below.



The community will include 6 fully accessible units for the mobility impaired and 6 targeted to persons with disabilities or formerly homeless seniors. Hazelwood Bluff will incorporate the expertise of on-site property management and maintenance staff. 1-BR units will be 680 sqft and 2BR units will be 905 sqft. The project will conform to the conditional district approved by the Waynesville Board of Aldermen in April, 2021



Units Mix and Affordability Commitments

Below is a chart of units and their affordability ranges. This development will serve senior households (people aged 55 and up) earning between 40% of Area Median Income (AMI) to 60% AMI. The household income bands mean rents will be affordable and occupied by households earning 40%, 50% and 60% of area median income. These affordability commitments will be tied to a deed restriction assuring units will remain affordable at these levels for 30 years with compliance monitoring through NCHFA. Based on previous market analysis these units represent the creation of approximately 10% of the current need for this type of household in the Waynesville area.

Unit Type	Income	Units	Rent
1BR	40% AMI	11	\$ 402
1BR	50% AMI	3	\$ 520
1BR	60% AMI	22	\$ 640
2BR	40% AMI	4	\$ 485
2BR	50% AMI	6	\$ 625
2BR	60% AMI	14	\$ 770
	Total Units		Weighted Average Rent
	60		\$ 609

Applicant Team

The development of Hazelwood Bluff will be supported by the following team:

FGM Development, LLC
5608 Spring Court, Suite 100
Raleigh, NC 27616
www.millsconstructionco.com
919-719-6589

Fred Mills, Sr. – Fred brings over 50 years of experience in housing development in North Carolina and over 30 years of experience in the Low-Income Housing Tax Credit Program with over 50 LIHTC projects in North Carolina. Fred is the manager of FGM Development, LLC – Mill’s Construction’s development arm – as well as the manager of United Property Management, our property management company. A full list of properties Fred and his team have successfully developed are included in the appendix. Fred Mills is supported by a full-time staff of experienced housing professionals with expertise in land planning, construction and site development, legal staff, and property management. This staff is vertically integrated allowing the Mills team to see projects from their initial concept plan through financing, construction, and long-term operations and maintenance with decades of experience in North Carolina.

Development Director, Bobby Funk: Bobby serves as the Development Director for Mills Construction, helping coordinate housing development opportunities throughout North Carolina. Before joining the Mills team, he spent over ten years in community and economic development roles in North Carolina with the Chapel Hill Downtown Partnership and DFI. He currently serves on the Town of Carrboro Affordable Housing Advisory Committee and previously served on the Board of the North Carolina Downtown Development Association. He holds a BS in Business from Appalachian State and a Master of City and Regional Planning from University of North Carolina at Chapel Hill.

Development Associate, Tammy Stern: Tammy received her Master of City and Regional Planning from UNC Chapel Hill in 2020 with a concentration in Land Use. Her Master’s Project focused on the asset value and appreciation of manufactured housing. While at UNC, Tammy worked as a Graduate Fellow with the Development Finance Initiative (DFI), where she conducted pre-development studies for revitalization projects in different parts of the state and prepared RFP packages and presentations for boards and councils. Tammy recently joined the City of Raleigh’s Bike and Pedestrian Advisory Commission.

Architect

Wayne Jones
Jones Architecture, PLLC
Raleigh, NC

Mr. Jones is an architect with over 20 years of experience. He started his own business in 2007 as Jones Architecture, PLLC in Raleigh, North Carolina. Mr. Jones has an extensive amount experience of in affordable housing, acting as the principal architect in charge on these projects. He has been recognized in his field by numerous groups including serving as Chairman of the Green Building Touring Committee, NC Sustainable Energy Association and has served in various position with the North Carolina Solar Energy Association to

name a few. The Mills Team has worked with Jones Architecture on all of their LIHTC developments for many years.

General Contractor

Fred G. Mills, Jr.
Mills Construction Co. of SC, Inc.,
Raleigh, NC

Construction of the proposed project will be completed by Mills Construction Co. of SC, Inc. owned and operated by Fred Mills Jr. who also brings several decades of development and construction experience to the team building affordable housing throughout North Carolina and Virginia.

Legal - Ian Byrne, Raleigh, NC

Mr. Byrne has worked extensively with Mills Construction Co. of S.C., Inc. since 2004, and has significant experience in all aspects of construction law, including contracts, subcontracts, and lien filing compliance. Ian also has extensive experience closing a variety of financing for LIHTC projects, including construction loans, tax credit equity funding, permanent loans, and state-sponsored loans (RPP, WHLP, etc.).

Property Management - United Property Management, LLC, Raleigh, NC

United Property Management, LLC (UPM) was formed by Fred G. Mills, Sr. in 1999, with the understanding that ownership establishes a personal interest to effectively manage rental communities. UPM is a family-owned and operated organization that manages quality affordable housing for families and seniors. UPM now successfully manages 29 Low Income Housing Tax Credit (LIHTC) properties with over 2,400 units throughout the state of North Carolina, with several under development as of January 2022. United Property Management, LLC is licensed by the North Carolina Real Estate Commission to conduct the business of property management in the state of North Carolina. Numerous staff members also hold individual real estate broker licenses as well as multiple levels of Low-Income Housing Tax Credit Compliance and affordable housing certifications.

Project Timeline

If Hazelwood Bluff is successful in securing tax credit funding from NCHFA this will be the development and construction timeline for the project:

January 2022:	NCHFA Preliminary Application and underwriting
May 2022:	NCHFA – LIHTC Final Applications Due
Fall 2022:	Funding Awards Announced
Winter 2022/23:	Civil Engineering of project and permitting Environmental Review Construction and permanent financing Finalization of equity partnership
June 2023 to June 2024:	Construction period
June 2024	Leasing commences – anticipated 4-month period for full occupancy

Project Sources and Uses

The preliminary application for 9% Tax Credits was submitted to NCHFA in January 2022 with full application to be submitted in May of 2022 (preliminary application attached). The funding sources contemplated below include a planned request to NCHFA for \$800,000 in funds through the Rental Production Program as well as a request to the Region A Council of Governments for additional soft debt. We are requesting the Town of Waynesville approve the grant funding request to support sewer improvements to support the project contingent upon the successful award of Tax Credits through NCHFA with a conditional commitment in place by May 10.

Project Funding Sources	
Tax Credits:	\$ 8,126,060
USDA 538 Perm Loan	\$ 2,220,288
Secondary Debt:	\$ 1,050,000
Town of Waynesville Utility Grant:	\$ 232,176
Deferred Developer Fee:	\$ 36,911
Total Sources	\$ 11,665,435

Project Uses	
Hard Costs	\$ 8,704,271
Utility Extension	\$ 172,123
Water/Sewer Tap & Capacity Fees	\$ 60,053
Financing and other Soft Costs	\$ 1,865,988
Rent-up, Operating, and other Reserves:	\$ 238,000
Land Cost:	\$ 625,000
Total Uses	\$ 11,665,435

Funding Request

The cost estimate for this grant request was generated by Paul Craig, Director of Site Work for Mills Construction Co of S.C. Inc, the general contractor for this project. Because we self-perform site work and utility installation for our construction projects, we have confidence in this cost estimate as it is generated off numerous similar utility improvements performed on other projects listed in the included exhibits. The scope includes the construction of an 8" gravity sewer extension commencing at the north-east entrance of the property along Locust Drive extending north toward Plott Creek Road connecting to the manhole on the north end of Plott Creek Road. This is an approximately 700 ft extension. The installation is planned as a jack and bore installation minimizing traffic disturbance along Locust Drive and Plott Creek Road. The sewer improvements could also provide future service to any future development further down Locust Drive or as a replacement service if the existing 6" terracotta sewer line which currently serves the housing further down Locust Drive ever needs to be abandoned. Accommodations could also be made as is practical to provide potential connectivity to the undeveloped property to the west of our development site for future sewer service.

To cover the extension cost Mills Construction estimates the improvements will cost \$172,123 for the sewer line installation, associated manholes, and returning the road to its former condition. See attached cost estimate for cost details.

To further support this housing development, we also request a grant to cover the cost of local water and sewer tap fees as well as local capacity fees associated with this development. These fees are estimated to be at least \$60,015 based on Waynesville's current fee schedule as provided by Director of Public Services, Jeff Stines. We have attached a letter provided by Mr. Stines outlining the estimated fees based on the development size in this application.

Tax Base at Buildout

The property at Locust Drive (PIN 8605-52-8765) has a current tax value of \$251,600 in land value with no building value. In 2021 the property's tax bill was \$1,346. If this development is built the property will operate as affordable housing under the operating guidelines of NCHFA for 30 years. Because the property will operate within these guidelines the property will be appraised using the income method of property valuation. Based on cash flow projections for the project assuming a 9% cap rate on year-one operations, the property is estimated to be valued at \$1,750,804. Given this assumed valuation predicated on operating the property as an affordable property will generate \$17,587 in the first year of operations in property taxes based on current applicable local and county taxes. This property will not apply for any tax exemption and pay property taxes based on the property serving low-income senior (55+) households for the 30-year affordability period committed through a Land Use Restriction Agreement to be recorded following the award of Low-Income Housing Tax Credits through NCHFA.

Site Map



Report For

BOYD, JAMES R
BURGIN, BOYD
C/O JAMES PATRICK CLAYTON
310 FAIRFAX AVE
ASHEVILLE, NC 28806

Account Information
PIN: 8605-52-8765

Legal Ref: 2016E/587
1994E/78
Add Ref: A02/359
A96/107

Site Information

104 LOCUST DR
Heated Area:
Year Built:
Total Acreage: 5.76
Township: Town of Waynesville

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price:
Sale Date: 11/30/2016

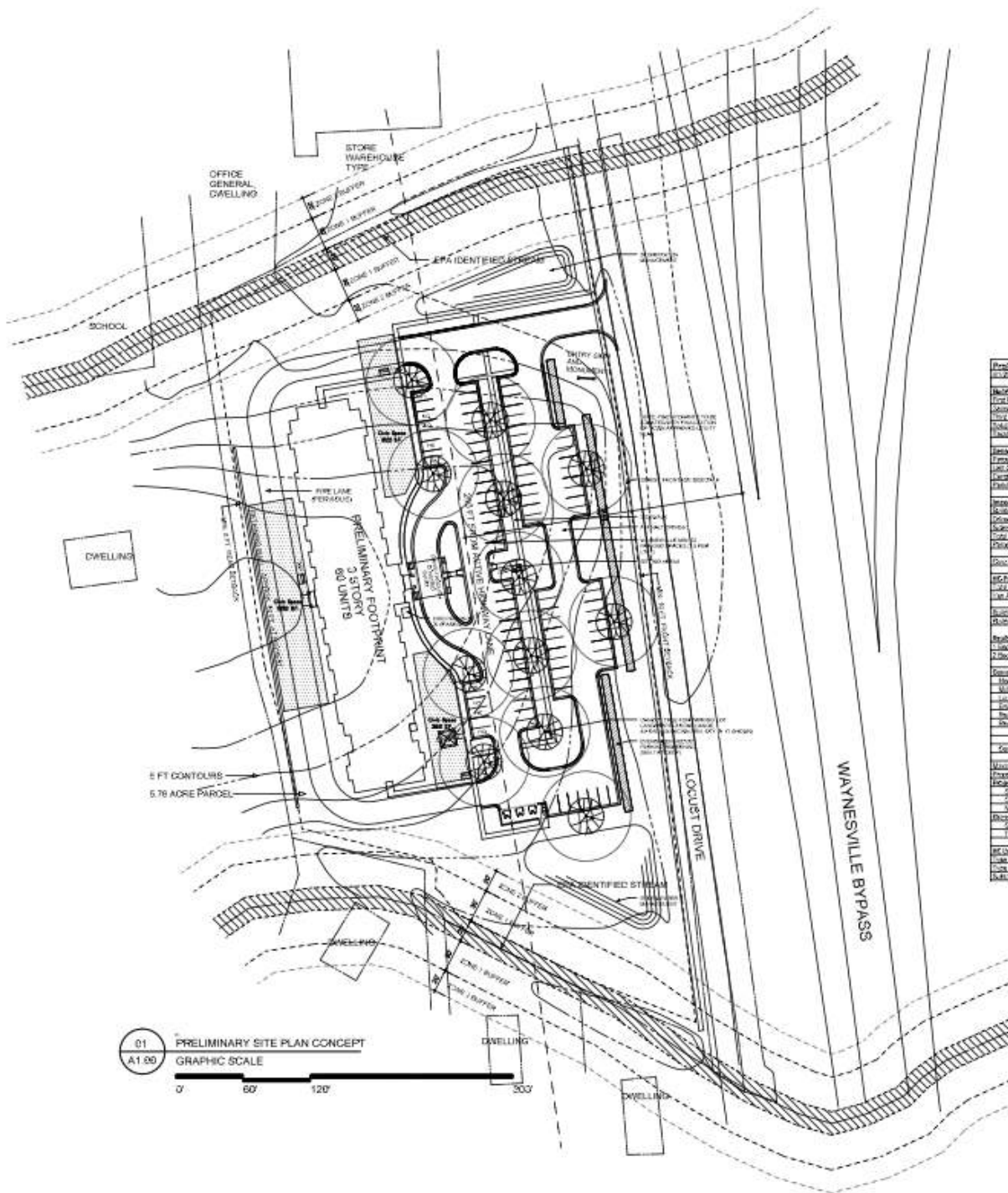


1 inch = 200 feet
November 10, 2020

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

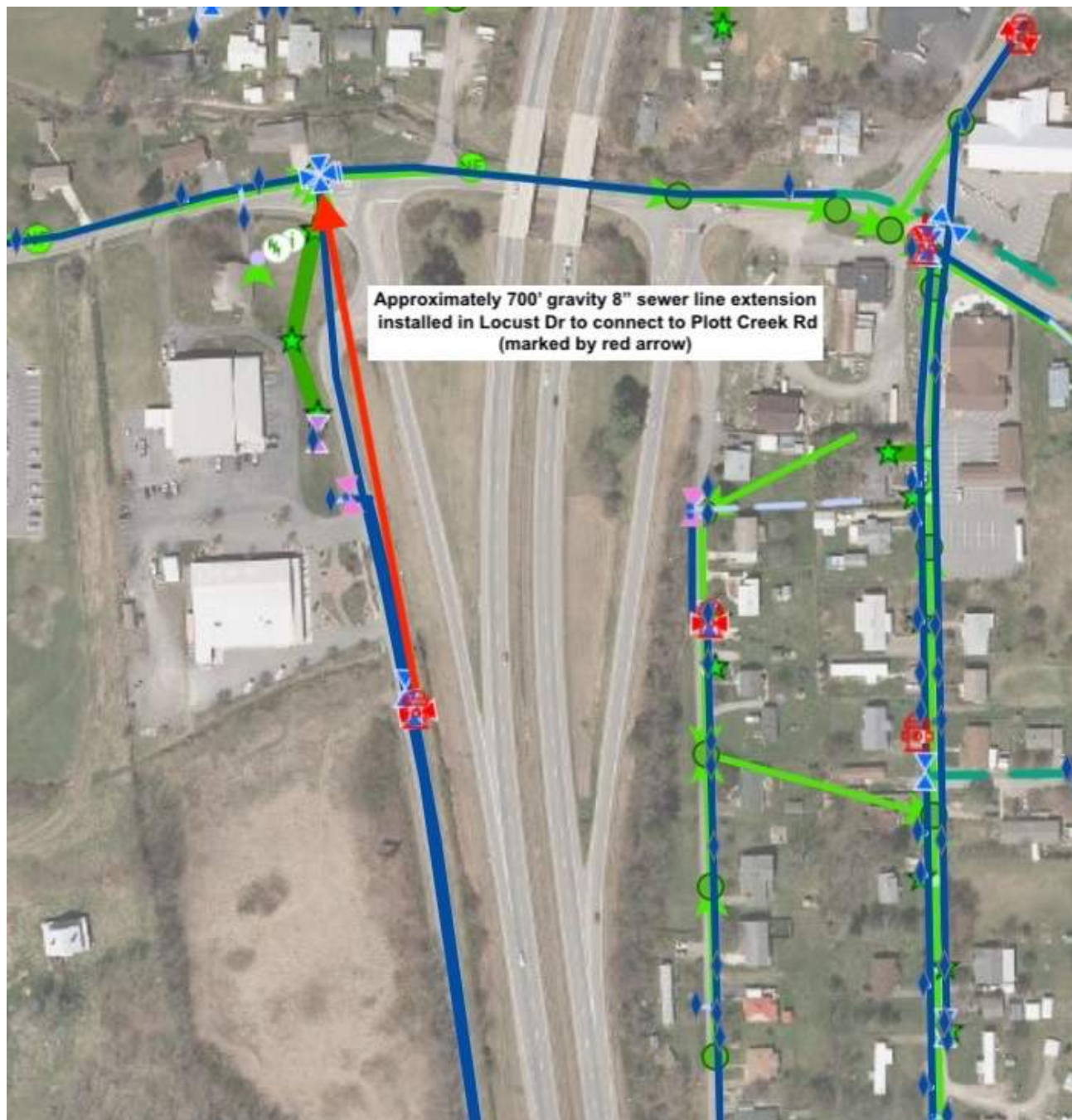
Site Plan

A full site plan including floor plans, parking commitments and other amenities are included as an attachment.



Sewer Extension Plan

Gravity sewer will extend along Locust Drive to connect at Plott Creek Road to be engineered and permitted through our selected civil engineer following funding commitments through NCHFA.



Mills Construction Properties in NC



Mills Properties in North Carolina

Project Name	Address	City	Year Completed	Units
Garnet Place	4916 Arnold Street	Shallotte	In Development	72
Northeast Pointe II	219 Harrill Rd	Lumberton	In Development	72
Pine Crossing Apartments**	601 Pineburr Ave SW	Valdese	In Development	66
Summit at Sawyer	1451 Sawyer Rd	Raleigh	In Development	154
Toulon Place	1248 Angelus Drive	Raleigh	In Development	200
Valley River Apartments**	2334 US Highway 19	Murphy	In Development	56
Yanceyville Place	2005 Mitchell Ave	Greensboro	In Development	84
Elkin Ridge Apartments	110 PGW Drive	Elkin	2021	66
Meadow Branch Apartments	2015 E. Elizabethtown Road	Lumberton	2021	72
Fair Bluff Apartments	16370 Rough and Ready Road	Fair Bluff	2020	32
Long Creek Apartments II	1005 Millington Circle	Dallas	2019	80
Mocksville Pointe Apartments	187 Koontz Road	Mocksville	2019	66
Woodlane Street Apartments	113 Woodlane Steet Ext	Granite Falls	2019	66
Enfield Pointe Apartments	276 Daniels Bridge Road	Enfield	2018	48
Perry Lane Apartments	2568 Hendersonville Road	Arden	2018	120
Smith Creek Apartments	4711 US-158	Bermuda Run	2018	80
Tabor Landing Apartments	383 Swamp Fox Highway E	Tabor City	2018	48
Northeast Pointe Apartments	218 Harrill Road	Lumberton	2017	64
Sandy Ridge Apartments	712 Green Street	Raeford	2016	49
Kittrell Place Apartments	4117 Kittrell Farms Drive	Greenville	2015	64
Emerald Forest Apartments	100 Forest Drive	Biscoe	2014	48
Long Creek Apartments	1005 Millington Circle	Dallas	2014	103
River Run Apartments	150 River Run Drive	Chocowinity	2014	48
Forest Hills Apartments	900 Apex Drive	Lexington	2013	88
Willow Oak Run	2908 Turning Oak Drive	Charlotte	2012	85
Chapel Ridge Apartments	301 Jesslyn's Drive	Roanoke Rapids	2011	50
Chapel Ridge Manor	264 Jesslyn's Drive	Roanoke Rapids	2011	36
Soco Creek Apartments	1003 Wolfetowne Road	Cherokee	2011	60
Sampson Square	804 College Street	Clinton	2010	40
Fairview Manor Apartments	33 Macy Lane	Lillington	2009	32
Fairview Pointe Apartments	192 Bryson Court	Lillington	2008	50
Rollinwood Manor Apartments	144 Rollinwood Manor	Rocky Mount	2008	64
Filbert's Creek Apartments	112 Filbert's Creek Drive	Edenton	2006	50
Sandhill Manor	801 Harkey Road	Sanford	2006	50
Firetower Crossing	119 Lightwood Lane	Sanford	2005	60

Myrtle Place Apartments	202 N Hereford Drive	Dudley	2005	60
Chestnut Hills Apartments*	111 Milchest Place	Raleigh	2004	50
Hodges Creek Apartments*	2020 Hodges Creek Drive #103	Raleigh	2004	50
Dunbar Place Apartments*	100 Peacock Lane	Arden	2003	74
Best Village Phase II*	909 Savannah Lane	Kinston	2001	44
Savannah Place Apartments*	1519 Savannah Place	Durham	2000	84
Best Village Apartments*	909 Savannah Lane	Kinston	1999	50
Lakeside Apartments*	111 Cameron Drive	Elizabeth City	1999	50
Milburnie Road Apartments*	901 Sawpit Drive	Raleigh	1998	50
Shammah Winds (Rehab)*	1407 Sawyer Road	Raleigh	1998	32
Glendale Apartments (Rehab)*	823 Mangum Street	Durham	1998	29
Arbors Apartments*	2611 Pine Village Road	Raleigh	1997	50
Marsh Creek*	2410 Brentwood Road	Raleigh	1997	24
Sherwood Park*	500 McCallie Ave. #406	Durham	1997	71
West Oaks*	705 Flavion Dr	Raleigh	1993	50
Lovett Square*	211 Stokes St	Durham	1994	60
Projects 51			Units	3251

** marked properties have been sold*

***Development consultant and general contractor*

Project Examples

Woodlane Street Apartements

113 Woodlane Street
Granite Falls, NC
Completed 2019
66 Units



Perry Lane Apartments
2568 Hendersonville Rd Arden
Arden, NC
Completed 2019
120 Units

Fairview Pointe Apartments

192 Bryson Court
Lillington, NC
Completed 2008
50 Units



Sewer Improvement Cost Estimate



Hazelwood Bluff
84 Locust Drive, Waynesville
March, 2022

	Off-Site Sewer Extension	Qty	Unit	Unit Price	Total
1	Dog House MH 8-10	1	LS	\$ 10,000	\$ 10,000
2	16" Bore & Jack	80	LF	\$ 300	\$ 24,000
3	4' Manhole 8-10	3	EA	\$ 6,000	\$ 18,000
4	8" DIP Sewer 8-10	620	LF	\$ 100	\$ 62,000
5	8" TR Flex DIP	80	LF	\$ 125	\$ 10,000
6	Road Screenings	60	TN	\$ 45	\$ 2,700
7	Traffic Control	10	DAY	\$ 1,200	\$ 12,000
8	Silt Fence	650	LF	\$ 4	\$ 2,763
9	Seeding	1	AC	\$ 3,500	\$ 1,750
10	Waddles	12	EA	\$ 55	\$ 660
11	Inlet Protection	3	EA	\$ 250	\$ 750
12	Driveway Cut	2	EA	\$ 12,000	\$ 24,000
13	Testing	1	LS	\$ 3,500	\$ 3,500
	Total Estimate				\$ 172,123

Tap and Capacity Fees

Gary Caldwell, Mayor
Julia Freeman, Mayor Pro Tem
Jon Feichter, Alderman
Anthony Sutton, Alderman
Chuck Dickson, Alderman



Rob Hites Jr., Town Manager
Woody Griffin, Town Attorney

Tammy Stern
Mills Construction
(201) 951-1213

March 24, 2022

Public Water & Sewer Service Capabilities: 104 Locust Dr. Multifamily Development Project (PIN #8605-52-8765)

To Whom It May Concern,

Please accept this letter as notice that the Town of Waynesville can provide water and sewer services to the above referenced address. The responsibility of upgrading or improving said utility line(s) to meet the required demand for the project shall be the responsibility of the developer. Town staff will work with the developer to determine where connections can best be made. Developer will need to specify the number of water and sewer taps for an accurate estimate. Water and sewer tap / capacity fees are currently as follows:

WATER TAP FEES

- 1" \$1,562
- 2" \$3,125
- Greater than 2" \$1,300 + Costs

WATER CAPACITY FEES

- **\$26,409.60**
(Assumes 84 bedrooms)

SEWER TAP FEES

- 4" \$1,250.00
- 6" & Up \$1,562.00

SEWER CAPACITY FEES

- **\$30,744.00**
(Assumes 84 bedrooms)

If there are any further questions, please do not hesitate to contact the Public Services Operations Center.

Thank You,

Jeff Stines
Director of Public Services

Ec: Ricky Foster, Assistant Director of
Public Services

**Note: All proposed capacities are based
on available allocation from current
SOC.**

RESOLUTION # R-04-22

A RESOLUTION OF SUPPORT AND OFFER OF INCENTIVES FOR THE “HAZELWOOD BLUFF SENIOR LIVING AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, The NC GS 160A-456(b) permits municipalities to carry out the powers of housing authorities outlined in GS 157-9.4; and

WHEREAS NC GS 160A-20.1 permits municipalities to appropriate funds to a private entity to carry out a public purpose; and

WHEREAS, The Board of Aldermen has established a policy to encourage both rental and for sale housing opportunities for low to moderate income citizens of Haywood County; and

WHEREAS, Mills Construction Company of Carrboro has received all approvals necessary to develop a sixty (60) unit affordable rental housing development within easy access to most amenities needed by Senior Citizens ; and

WHEREAS, the Board finds that Waynesville is in vital need of affordable housing for all age and income groups; and

WHEREAS, it is necessary to provide incentives to Mills Construction in order to reduce the cost of the development in order to be able rent the units to low to moderate income senior citizens; and

WHEREAS, the offer of incentive to encourage development of the development is tangible proof of the support of the Board of Aldermen for Mill’s Construction’s application for low-income tax credits.

**BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE THAT IT;
SUPPORT THE APPLICATION FOR LOW INCOME TAX CREDITS FROM THE NC HOUSING FINANCE AGENCY AND
OFFER THE FOLLOWING INCENTIVES TO AIDE IN THE DEVLOEPMENT OF THE PROJECT:**

1. Provide \$170,000 in material and service to construct a water line from the development on Locust Drive to a water main in Plott Creek Road.
2. Provide a \$45,000 incentive grant from the General Fund to compensate the water and sewer fund for system development fees and water and sewer tap fees associated with the development.
3. Total Incentive Grant would equal \$215,000.
- 4.

Adopted this the 26 day of April 2022.

Town of Waynesville

Gary Caldwell , Mayor

**Attest: _____
Eddie Ward, Town Clerk**

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT:

Conduct a Public Hearing to consider an application for a Conditional District Map Amendment.

AGENDA INFORMATION:

Agenda Location: Public Hearing

Item Number:

Department: Development Services

Contact: Byron Hickox

Presenter: Byron Hickox

BRIEF SUMMARY:

On March 2, 2022, Quartz Properties, LLC applied for a Conditional District Map Amendment for four properties – 18 Allison Acres Drive (PIN 8615-88-1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442). A development consisting of 59 two-family and townhome dwelling units is proposed on the 7.7 acres of these four properties. The properties are located in the East Waynesville Urban Residential (EW-UR) and Raccoon Creek Neighborhood Residential (RC-NR) Districts.

According to the Land Development Standards, Section 15.15, Conditional Districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Aldermen in accordance with G.S. 160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. A Conditional District is similar to a text and map amendment in that the Planning Board holds a hearing and determines whether the request is consistent with the Comprehensive Land Use Plan and is reasonable and in the public interest. The Planning Board makes a recommendation to the Board of Aldermen, which then holds a second public hearing, considers a statement of consistency, and approves, denies, or approves with conditions the application.

At its March 21, 2022 meeting, the Planning Board voted (1) that the proposed Conditional District Map Amendment is consistent with the Comprehensive Land Use Plan and (2) to recommend approval of the Conditional District Map Amendment to the Board of Aldermen.

MOTIONS FOR CONSIDERATION:

1. Motion to adopt a Consistency Statement indicating that the proposed Conditional District is reasonable and consistent with the 2035 Comprehensive Land Use Plan.
2. Motion to approve, deny, or approve with conditions the proposed Conditional District.

FUNDING SOURCE/IMPACT:

N/A

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**Board of Aldermen Staff Report
Allison Acres Conditional District Map Amendment (Rezoning) Application
April 26, 2022**

Project: Allison Acres Townhome Development
Location: 18 Allison Acres Drive (PIN 8615-88-1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442)
Districts: East Waynesville Urban Residential (EW-UR) and Raccoon Creek Neighborhood Residential (RC-NR)
Applicant: Quartz Properties, LLC

Background

The proposed project consists of 59 two-family and townhome dwelling units divided among 24 structures on 7.7 acres. The units will be served by a network of interior streets with perpendicular parking spaces, pedestrian pathways, designated civic space, and associated infrastructure.

The plans for this project were reviewed by the town's Technical Review Committee on January 26, 2022, and revised plans and complete application were submitted March 2, 2022.

Notification of this hearing was scheduled for advertisement in The Mountaineer on April 13 and April 20, 2022. Notification letters were mailed to property owners within 500 feet of the proposed project site on April 14, 2022. The four properties were posted on April 13, 2022.

At its March 21, 2022 meeting, the Planning Board voted (1) that the proposed Conditional District Map Amendment is consistent with the Comprehensive Land Use Plan and (2) to recommend approval of the Conditional District Map Amendment to the Board of Aldermen.

Conditional District Application

According to the Town of Waynesville's Land Development Standards, Section 15.15:

Conditional Districts (Section 2.6) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Aldermen in accordance with G.S. 160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development.

A Conditional District (CD) is similar to a text and map amendment in that the Planning Board holds a hearing and determines whether the request is consistent with the Comprehensive Land Use Plan and is reasonable and in the public interest. The Planning Board makes a recommendation to the Board of Aldermen, which then holds a second public hearing, considers a statement of consistency, and approves, denies, or approves with conditions the application.

During its public hearing, the Planning Board considered the following aspects of the proposed project:

- Compatibility with surrounding properties,
- Area impacts and adequate facilities, infrastructure, etc.,
- Building and site design, and

- Compatibility with the immediate context.

If approved, the site plan and CD designation replaces any conflicting regulations which would otherwise apply. Therefore, reasonable and appropriate conditions may be attached to approval, including, but not limited to the location, nature, hours of operation and extent of the proposed use. Such conditions or additional standards “shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.” The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either the Planning Board or the Board of Aldermen prior to final action.

The developer is requesting the creation of a Conditional District incorporating the following conditions:

Reduction of Lot Dimensions and Setbacks – The intent of this project is to maximize open space and to create fee simple lots for each townhouse and duplex unit. Lot lines will run down party walls and extend behind and in front of each unit, providing small private yards for residents. Therefore, the proposed lot sizes, lot widths, and setbacks will be less than allowed by the LDS.

Specifically, the following sections of the LDS Section 2.4.1 would not apply:

1. *3(a) - Lot area* - Proposed lots will be less than 1/6 acre
2. *3(c) - Lot width* - Proposed lots will be less than 50 ft wide
3. *4(a) - Front setback* – Two-family and townhome units may be closer than this section allows

Streets and Off-Street Parking – The proposed road network and associated off-street parking are designed to provide adequate and safe access for residents, fire, and EMS, while minimizing pavement width to reduce impervious area and allow for more open space (including a significant trail network). Despite proposed lot widths being well below 50 feet, no alleys are proposed, which minimizes both impervious surfaces and the prominence of the automobile in this project. The road network and parking more closely resemble a cottage-style subdivision, with clustered perpendicular parking in front of the townhouse and duplex units (instead of independent driveways and garages for each residential unit).

Section 5.8.4(A&B) - No garages are proposed. Off-street surface parking will not be accessed via alleys. The initial site design concept Quartz Properties, LLC presented at the TRC meeting adhered to the rear loaded requirement for narrow lots found in this section of the LDS; the result was an extensive road and alley network, a significant quantity of impervious surfaces, and very little open space. Conversely, the current layout, which has off-street parking located in front of the dwelling units (coming directly off the right-of-way), eliminates redundant alleys and maximizes open space.

Section 9.4.2(B)(3) - Townhouse units will have associated parking that does not adhere to the “entering and leaving in a forward motion” requirement. Vehicles will enter parking spaces in a forward motion and leave by reversing.

Section 9.4.2(C) - Parking for townhome units will require vehicles to back into the right-of-way.

Zoning Compliance

The subject properties lie within two zoning districts: East Waynesville Urban Residential (EW-UR) and Raccoon Creek Neighborhood Residential (RC-NR), which have the following purpose and intent statements (**LDS 2.3.4A & LDS 2.3.3G**):

The **East Waynesville Urban Residential District (EW-UR)** is an urban neighborhood of mostly medium to high density residential development bordering the Waynesville town center. Higher density development is encouraged closer to town with lesser densities found as the district approaches areas with steeper slopes. A number of public spaces are found in this district including the East Street and Vance Street parks. It will be important as new development and redevelopment occurs for connections to be made to such public spaces and throughout the district.

The **Raccoon Creek Neighborhood District (RC-NR)** is a medium density residential area surrounding one of the major entrances into Waynesville — Business 23. There are two centers for this area — the Ratcliff Cove Neighborhood Center and the Junaluska School/ballfield area within the district itself. Water service is available throughout much of the district with sewer available along Business 23 and Francis Farm Road. Higher density development is encouraged west of Business 23 with lower density clustered development proposed to the east. It is suggested that the County explore recreational uses on the landfill property on Francis Farm Road — an area that could become another focal point for the community. Development will occur at a residential scale. Development fronting onto Business 23 must form a street wall along this entryway into town.

The East Waynesville Urban Residential District has a maximum base density of 16 units per acre, while the Raccoon Creek Neighborhood District has a maximum base density of 10 units per acre. The proposed project has a density of 7.6 units per acre, less than the density allowable by right in either district. The plan exceeds the minimum set back requirements (10' side setbacks, 6' rear setbacks, and 6' between buildings). The closest buildings to an exterior property line are two buildings in the northwest corner of the development, each of which are approximately 14' from the property line. Building height is limited to 3 stories. The project proposes two-story structures. **(LDS 2.4.1)**

Building Design Guidelines

Two-family and townhome (also referred to as townhouse) dwellings are allowable uses within the EW-UR and RC-NR Districts. Two-family dwellings are considered a house building type, which is described by the **LDS Section 5.5.2** as follows:

The house is the predominant residential building type in the Town of Waynesville. This building type is flexible in use, accommodating primarily residential uses, home occupations, professional offices, and limited retail uses based on the zoning district in which it is located. The two basic House types - House-Street and House-Alley - are a function of how the lot is accessed by automobile. In general, within a block, building types should be uniform in their use of driveways or alleys. The House typically has four yards (front yard; two side yards; and rear yard). Variations include setting the building on one of the side property lines.

Townhouse Buildings are described by the **LDS Section 5.5.3** as follows:

The townhouse is a building with three (3) or more attached units that are located side by side. The use permitted within the building is determined by the district in which it is located. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The Townhouse typically has one yard (rear) through variations including a small front setback to provide some landscaping.

The proposed structures meet all the Design Guidelines for two-family dwellings and townhomes. **(LDS 5.10)**

Roofs are sloped as required and feature overhanging eaves with gutters.

Front and rear stoops are proposed, and the entrances are raised approximately two feet.

At least 15% of the area of a façade that faces a street lot line must be windows or main entrance doors. Windows and doors comprise approximately 30% of the front facades of the proposed structures. Windows and doors comprise approximately 22% of the rear facades.

At least five architectural features from a list found in LDS Section 5.8.5(B) shall be provided to achieve detailed design. The following features are shown on the proposed structures: gables, stoop entries, off-sets in the building face, window trim, balconies, and a decorative pattern on the exterior finish.

The materials are primarily horizontal lap siding and board and batten siding. The LDS states that residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, asphalt shingles or synthetic materials similar and/or superior in appearance and durability. The proposed roof material appears to be standing seam metal, but is not indicated on the elevation drawings.

Connectivity and Infrastructure

Each of the proposed dwelling units addresses an internal street system connected to Allison Acres Drive and Counsel Place, which each connect to East Street. Drive lanes are 20 feet wide throughout the development. Block lengths are all less than 500 feet. **(LDS 6.4)**

Sidewalks are provided along the frontages of all interior streets and connect to the primary entrance of each dwelling unit. There is also an extensive network of sidewalks throughout the interior of the development connecting pedestrians to designated civic space. **(LDS 6.8)**

Water, sewer, and electric service is available from the Town of Waynesville and can supply the projected demand for this development. **(LDS 6.11)**

Civic Space

There are multiple civic space areas located throughout the proposed development, all of which are connected by a network of pedestrian pathways. LDS Section 7.2.5 specifies requirements for seating within civic spaces. The site plan does not indicate any seating within civic spaces. This section also specifies that at least 25% of the civic space land shall be dedicated to active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. The remainder of the park may be designed for passive recreation purposes such as walking, jogging, cycling, relaxation, etc. No active recreation equipment, fields, or courts are shown on the site plan. **(LDS 7.2)**

Within the EW-UR and RC-NR Districts, a minimum of 5% of a development shall be dedicated as civic space. With a total area of 7.7 acres, this proposed development requires a minimum of 0.39 acres of civic space. The site plan indicates 2.11 acres of civic space, comprising 27% of the total development.

Landscaping

Because the proposed development is located within the EW-UR and RC-NR Districts, and is surrounded by properties within these two districts and the North Main Street Neighborhood Center District, no buffer yard is required between the development and surrounding properties. **(LDS 8.4)**

Street tree plantings are required in these zoning districts at a rate of 1 canopy tree for every 40 feet of street frontage with a maximum spacing of 50 feet within a planting strip at least 5 feet in width. There are 2,110 feet of proposed street frontage within the development, which would require at least 53 street trees. Only 46 street trees are shown. Additionally, the 50-foot street tree spacing requirement is not met in multiple locations throughout the development. **(LDS 8.5)**

Since the March 21, 2022 Planning Board meeting, the developer has met with Ms. Price to discuss possible erosion issues as well as supplementing the landscaping along her property line.

Parking and Driveways

Parking will be provided in the form of on-street perpendicular spaces throughout the development. The minimum number of parking spaces allowed is 1.5 spaces per unit, which would require at least 89 spaces for this development. The project proposes 136 parking spaces. **(LDS 9.2)**

Additionally, one bicycle parking space is required per 20 auto spaces. With 136 auto spaces proposed, 7 bicycle spaces are required. These bicycle spaces are not shown on the current plan. **(LDS 9.5)**

Entrances to the development will be located at two existing access points, Allison Acres Drive and Counsel Place, each of which connect to East Street. Because East Street is an NC DOT road (SR 1808), any alterations to these existing access points or approaches will require permitting from NC DOT.

At the March 21, 2022 Planning Board meeting, Mr. Mark Howell expressed concerns regarding the access and water line right-of-way that crosses the subject properties. The developer has adjusted the alignment of the parking lot to maintain Mr. Howell's access and is proposing a plan to connect his water line in conjunction with the overall infrastructure plan.

Environmental

The proposed development is not located within any special flood hazard area.

There are no known streams on the development site.

The site has no known wetlands.

Post-construction stormwater control measures will consist of conveyance pipes and above ground detention ponds to control runoff and water quality. Stormwater systems will be designed to meet the standards of the North Carolina Department of Environmental Quality and the Town of Waynesville.

Consistency with the 2035 Comprehensive Land Use Plan

The project meets the 2035 Comprehensive Land Use Plan's following goals:

Goal 1 – Continue to promote smart growth principles in land use planning and zoning.

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage infill, mixed-use and context-sensitive development.

Goal 2 – Create a range of housing opportunities and choices.

- Encourage new housing inside Waynesville's city limits and ETJ.
- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Requested Action

1. Motion to adopt a Consistency Statement indicating that the proposed Conditional District is reasonable and consistent with the 2035 Comprehensive Land Use Plan.
2. Motion to approve, deny, or approve with conditions the proposed Conditional District.

Attachments

1. Application for Conditional District
2. Authorization for Agent to Appear Before Planning Board and Board of Aldermen
3. Letter of Owner Authorization
4. Quit Claim Deed for Four Subject Properties
5. Project Narrative from Quartz Properties
6. Wastewater Letter from McGill Associates
7. Water, Sewer, and Electric Availability Letter from Jeff Stines, Public Services Director
8. Environmental Survey Prepared by Civil Design Concepts
9. Site Development Plans for Allison Acres
10. Planning Board Report from March 21, 2022 Meeting
11. Notice of Public Hearing Mailed to Property Owners within 500 Feet of Subject Properties
12. List of Mailing Labels for Property Owners within 500 Feet of Subject Properties
13. Photographs of Public Notification Signs Posted on Subject Properties
14. Land Development Standards (By Reference)



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

Application for Land Development Standards Map Amendment: Conditional District

Application is hereby made on March 1st 2022, to the Town of Waynesville for the following map amendment to establish or amend a Conditional District:

Property owner of record: The KT Revocable Trust

Address/location of property: Allison Acres Dr

Parcel identification number(s): 8615-88-1632, 8615-88-4442, 8615-88-3857, 8615-88-1854

Deed/Plat Book/Page, (attach legal description): Book 997 Pages 82-84

The property contains 7.71 acres, shown as 4 lots under unified control.

Current district: East Waynesville & Raccoon Creek

Conditional Districts are zoning overlays with conditions voluntarily added by the applicant onto specified properties and approved in a legislative procedure by the Board of Aldermen in accordance with G.S. 160D. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of prescribed standards guiding by-right development. Conditional Districts are not intended to relieve hardships otherwise handled with a variance procedure.

Conditional District application requirements Attached:

Environmental Survey (15.4.1)

Master Plan (15.4.3)

Other plans, drawings, renderings, elevations, maps and documents included as development documents for approval by the Board of Aldermen.

Full list of proposed uses consistent in character with the underlying zoning district and any conditions requested as part of the Master Plan.

A proposed development schedule if the project is to be phased.

Applicant Contact Information

Applicant Name (Printed): Quartz Properties, LLC

Mailing Address: 430 Lexington Street, 2nd Floor, Newton, MA 02466

Phone(s): (206) 949-0688

Email: jake@quartzproperties.com

Signature of Property Owner(s) of Record Authorizing Application:

Kristi Carlton

F07FE3613ECA4FE...

Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.

This institution is an equal opportunity provider

Letter of Owner Authorization

Name and Address of Owner(s) of the Property

Name: The KT Revocable Trust

Address: 3151 2nd St. W, , FL 33706 / kristicarlton1@gmail.com

City: St. Pete Beach State: FL Zip Code: 33706

Phone: _____ Email: kristicarlton1@gmail.com

To Whom It May Concern:

As owner(s) of the property located at PIN's 8615-88-1632, 8615-88-4442, 8615-88-3857, 8615-88-1854

I/we authorize Quartz Properties, LLC and their agents to act as Agent for the following permits:

Major Subdivision

Conditional District Rezone

Preliminary Plat

Sincerely,

Kristi Carlton

Owner's Printed Name

Kristi Carlton

Owner's Signature

2/24/2022

Date

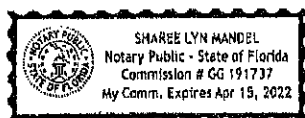
Kristi Diane Carlton
KRISTI DIANE CARLTON
3151 2ND ST W
ST PETE BEACH, FL 33706

STATE OF FLORIDA

COUNTY OF PINELLAS

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that KRISTI DIANE CARLTON whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 6 day of May, 2020.



Sharee Lyn Mandel
Notary Public

My Commission Expires: 4/15/22



February 28, 2022

**Re: Project Narrative for Major Subdivision & Conditional District Rezone - Allison Acres Drive
PIN's 8615-88-1632, 8615-88-4442, 8615-88-3857, 8615-88-1854**

Dear Planning Staff & Planning Board Members,

Quartz Properties is proud to present our proposed Major Subdivision and Conditional District Rezone application to the Town of Waynesville. As designed, the project will produce 59 new dwelling units (plus the existing house) on this 7.7-acre site. Current zoning allows 106 dwellings per base density and 137 dwelling units with a Special Use Permit, putting our proposal at about half of the allowable density.

In contrast to conventional subdivisions, where lots front on a road and back up to other lots or an alley, this project is designed so that each townhouse and duplex unit has direct access to one of three proposed pocket parks. This is accomplished by clustering dwelling units and parking, minimizing road width and other impervious surfaces, and using a narrow building footprint. These factors allow for a significant quantity of the site to be dedicated as open space (over 20%), resulting in a site layout that is akin to a cottage-style subdivision.

Conditional District Rezoning - Relief from LDS standards

Per Section 2.7 and Section 15.15 of the Town of Waynesville Land Development Standards (LDS) and in accordance with the enclosed Master Plan drawing and other supporting information, Quartz Properties, LLC requests the following items be incorporated as part of the proposed Conditional District for the subject property.

Lot Dimensions & Setbacks - The intent of this project is to maximize open space and to create fee simple lots for each townhouse and duplex unit. Lot lines will run down party walls and extend behind and in front of each unit, providing small private yards for residents. As such, lot size, lot width, and setbacks will be less than the minimum allowed by the LDS. Specifically, the following sections of the LDS will not apply:

Section 2.4 - Table 2.4.1 -

- *3(a) - Lot area* - Proposed lots will be less than 1/6 acre
- *3(c) - Lot width* - Proposed lots will be less than 50 ft wide, but will not have rear vehicular access (see "Roads & Off-street Parking" section of this narrative below)
- *4(a) - Front setback* - Townhouse and duplex units may be closer than this section allows



February 11, 2022

Ms. Elizabeth Teague
9 South Main Street
Waynesville, North Carolina 28786

RE: Wastewater Allocation
Allison Acres
Quartz Properties
Waynesville, North Carolina

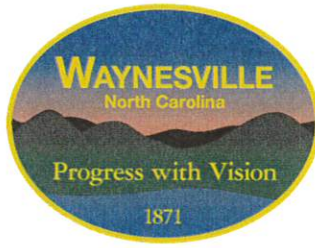
Dear Ms. Teague,

McGill Associates has reviewed the adequacy of the Town of Waynesville's sewer system to accept and treat an estimated 14,400 gpd wastewater flow generated by the proposed Allison Acres development by Quartz Properties. This flow amount is within the 155,000 gpd "New Flow" which may be accepted as provided by Article 8 of the Town's Special Order by Consent with the North Carolina Environmental Management Commission dated December 31, 2020.

Sincerely,
McGill Associates, P.A.

Joel L. Storrow, P.E.
Senior Principal

P:\2019\19.00330-WaynesvilleNC-WWTP Upgrade Design & Cons\Correspondence\22-0211-Allison Acres
Wastewater Allocation Letter.docx



Gary Caldwell, Mayor
Julia Freeman, Mayor Pro Tem
Clarence "Chuck" Dickson, Alderman
Jon Feichter, Alderman
Anthony Sutton, Alderman

Robert W. Hites, Jr. Town Manager
Martha Bradley, Town Attorney

March 3, 2022

Re: Water/Sewer and Electric Availability

PIN 8615-88-1632, 8615-88-3857, 8615-88-1854 & 8615-88-4442

To whom it may concern:

For the parcels in question, the Town of Waynesville can supply water/sewer and electric to this property. Based on the capacity requested, the Town of Waynesville can supply the demand of water/sewer and electric to the referenced PINs. If you have any questions, feel free to contact me.

Sincerely,

Jeff Stines

ENVIRONMENTAL SURVEY

FOR

A Proposed 7.67 Acre Development Allison Acres

PIN #'s 8615-88-3857 / 8615-88-1854 / 8615-88-1632 / 8615-88-4442

APPLICANT:

Quartz Properties, LLC
430 Lexington St, 2nd Floor
Newton, MA 02466

PREPARED BY:



168 Patton Ave.
Asheville, NC 28801
Phone: 828-252-5388
Fax: 828-252-5365

52 Walnut Street – Suite 9
Waynesville, NC 28786
Phone: 828-452-4410
Fax: 828-456-5455

www.cdngo.com

NCBELS LICENSE #: C-2184

CDC Job No. 22205
February 28, 2022



Project Name: Proposed 7.67 Acre Development along Allison Acres Drive
Haywood County PIN # 8615-88-3857 / 8615-88-1854 / 8615-88-1632 / 8615-88-4442

Project Location: Waynesville, NC
CDC Project No. 22205
Date: February 28, 2022

The proposed development is located off of Allison Acres Drive, Waynesville, Haywood County, North Carolina. The development parcels include PIN # 8615-88-3857 / 8615-88-1854 / 8615-88-1632 and 8615-88-4442 as shown by Haywood County GIS and the proposed development area is approximately 7.67 acres.

Three of the subject parcels are located in the East Waynesville – Urban Residential zoning district and the remaining parcel is located in the Racoon Creek – Neighborhood Residential. The proposed development parcels include a mix of open grassland and scattered structures, including two residential buildings. The proposed site improvements would include a proposed road network, storm drainage, water and sewer facilities to support a development of 60 proposed townhouse units.

The property is located in Zone X on the FEMA Flood Insurance Rate Maps and no portion of the site is located in a Special Flood Hazard Area. The project area can be found from the FEMA FIRM 3700861500J with an effective date of April 3, 2012.

The site soils consist of the following classifications: Evard-Cowee (EvD) and Saunook Loam (SdC). All of these soils are described as being well drained and have no frequency of flooding per the USDA and NRCS data sources.

Erosion control measures during construction will consist of silt fences, sediment basins, temporary diversion ditches and other conventional measures. Post-construction stormwater control measures will consist of conveyance pipes and above ground detention ponds to control post development runoff and water quality.

Mailing Address: P.O. Box 5432, Asheville, NC 28813
168 Patton Avenue Asheville, NC 28801 52 Walnut Street Ste. 9, Waynesville, NC 28786
Phone 828-252-5388 Fax 828-252-5365 Phone: 828-452-4410 Fax: 828-456-5455

SITE DEVELOPMENT PLANS FOR
ALLISON ACRES

PREPARED FOR:
Quartz Properties, LLC
430 Lexington Street, 2nd Floor
Newton, MA 02466



LANDSCAPE ARCHITECTURE
82 Patton Ave | Suite 700 | Asheville, NC 28801
828.225.4945 | siteworkstudios.com



CONTRACT PURCHASER/DEVELOPER:

QUARTZ PROPERTIES, LLC
CONTACT: JAKE LIBARE
430 LEXINGTON STREET, 2ND FLOOR
NEWTON, MA 02466

LANDSCAPE ARCHITECT:
SITWORK STUDIOS, PLLC
82 PATTON AVENUE, SUITE 700
ASHEVILLE, NC 28801
828.249.4945

CIVIL ENGINEER:
PATRICK BRADSHAW, PE
CIVIL DESIGN CONCEPTS, PA
188 PATTON AVENUE
ASHEVILLE, NC 28801
828.252.5388

PROPERTY INFORMATION

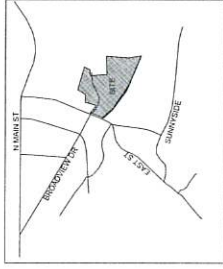
TRACT 1 8615-98-0651 AND 8615-78-555
TRACT 2 8615-98-1854
TRACT 3 8615-98-3857
TRACT 4 8615-98-4442
SIZE OF PROPERTY: 7.71 AC



VICINITY MAP
112

DRAWING INDEX

SHEET #	SHEET TITLE
L-100	SITE SURVEY AND EXISTING CONDITIONS
L-200	MASTER SITE PLAN
L-300	PRELIMINARY PLAT PLAN
C601	UTILITY PLAN
A1.0	ELEVATIONS



CONTRACT PURCHASER/DEVELOPER
Quartz Properties, LLC
Contact: Jake Leane
10000 Highway 100, 2nd Floor
Newton, MA 02459
208-948-0888

LANDSCAPE ARCHITECT
Sitemwork Studios
8000 Highway 100, Suite 700
Ashville, NC 28801
(828) 249-4945
msprouse@sitemworkstudios.com

PROJECT ADDRESS
Allison Acres
Wynnesville, NC 28723

PIN: 8615-88-0851 AND 8615-78-8556
TRACT 1: 8615-88-0851
TRACT 2: 8615-88-3857
TRACT 3: 8615-88-3857
TRACT 4: 8615-88-4442
Total Acreage: 7.71 acres

Zoning:
East Wynnesville Urban Residential District (EVALUR)
Raccoon Creek Neighborhood Residential (RC-NR)

BASE INFORMATION SHOWN IS A
COMBINATION OF HAYWOOD COUNTY
GIS, NCNEMAP AERIAL, AND
BOUNDARY SURVEY PROVIDED BY
OWNER.

LANDSCAPE ARCHITECTURE

STUDIOS

1000 Main Street, Suite 200
Newton, MA 02459
Tel: 617.552.1000
Fax: 617.552.1001
www.siteworkstudios.com

CONSULTANT

ALLISON ACRES

PREPARED FOR
QUARTZ PROPERTIES, LLC
430 LEVINGTON STREET, 2ND FLOOR
NEWTON, MA 02466

NO.

REVISIONS

DATE

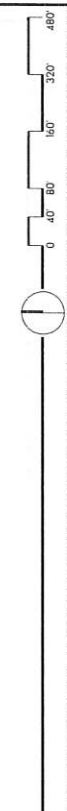
REMARKS

NOT FOR CONSTRUCTION

DATE
03/01/2022
SHEET TITLE
MASTER SITE PLAN
SHEET NO.
L-200

The master site plan for Allison Acres shows a residential development with various building footprints, parking areas, and roads. The plan includes a north arrow and a scale bar (0 to 120 feet). Key features include:

- Buildings:** Multiple building footprints are shown, some with labels like "NEWELL DB 425, PG 549, PIN 8815-68-1770" and "JENOVANS WITNESS DB 681, PG 873, PIN 8815-68-144".
- Parking:** Several parking areas are indicated, including "PARKING - 138 SPACES (12.0 SPACES UNIT)" and "ACCESSIBLE PARKING - 5 SPACES".
- Roads:** Roads shown include "EAST STREET", "BROOKVIEW ROAD", "COUNSEL PLACE", and "ALISON ACRES ROAD".
- Context:** Surrounding areas are labeled with owner names and addresses, such as "CR 491, PG 485, PIN 8815-68-105" and "ROGERS DB 472, PG 1718, PIN 8815-74-5083".
- Notes:** A note states "THE DEVELOPER IS THE PROPERTY OF SITUATION STUDIOS, LLC. TO BE USED FOR THE PROJECT ONLY. NO OTHER USES ARE PERMITTED WITHOUT WRITTEN CONSENT FROM SITUATION STUDIOS, LLC."



LANDSCAPE ARCHITECTURE sitework STUDIOS	CONSULTANT	ALLISON ACRES	PREPARED FOR: QUARTZ PROPERTIES, LLC 436 KENINGTON STREET, 2ND FLOOR NEWTON, MA 02466
	REVISIONS NO. REVISIONS DATE		
NOT FOR CONSTRUCTION			DATE 03.01.2022 SHEET TITLE PRELIMINARY PLAT PLAN SHEET NO. L-300



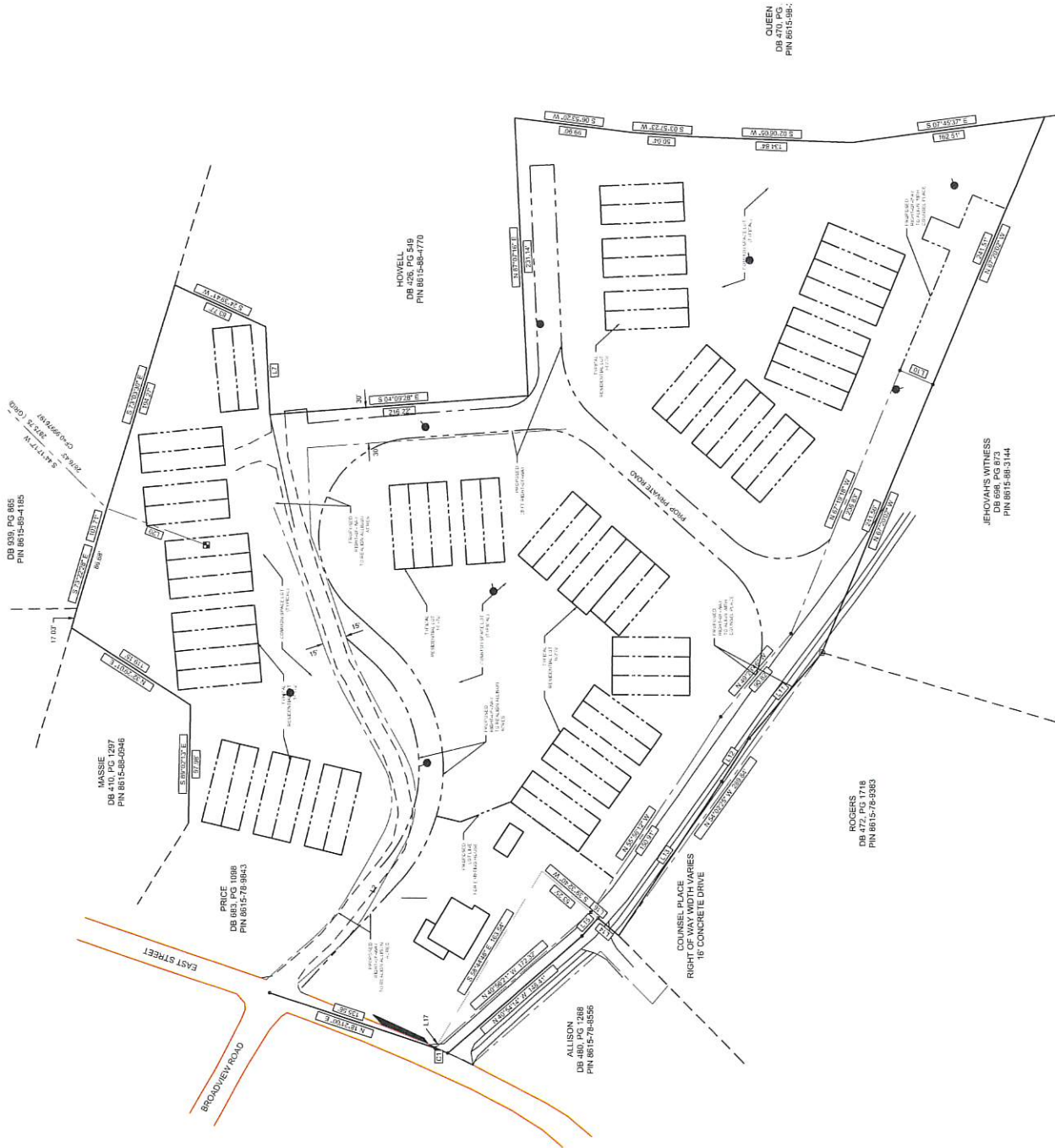
CONTRACT PURCHASER/DEVELOPER
Quartz Properties, LLC
Contact: Jake Leaire
1000 Commonwealth Ave., 2nd Floor
Newton, MA 02466
208-949-0888

LANDSCAPE ARCHITECT
sitework Studios
8000 North Main Street, Suite 700
Asheville, NC 28801
(828) 249-4945
mspruue@siteworkstudios.com

PROJECT ADDRESS
Allison Acres
Waynesville, NC 28723

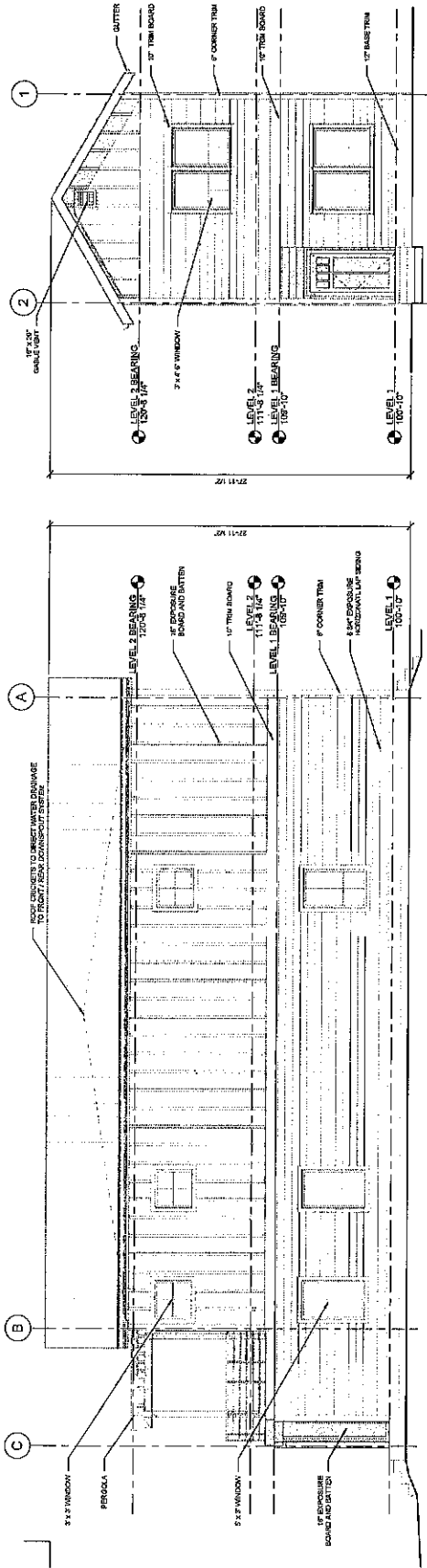
PIN:
TRACT 1 8815-88-1632
TRACT 2 8815-88-1654
TRACT 3 8815-88-1857
TRACT 4 8815-88-4442
Total Acreage: 7.71 acres

Zoning:
East Waynesville Urban Residential District (EVALUR)
Raccoon Creek Neighborhood Residential (RC-NR)



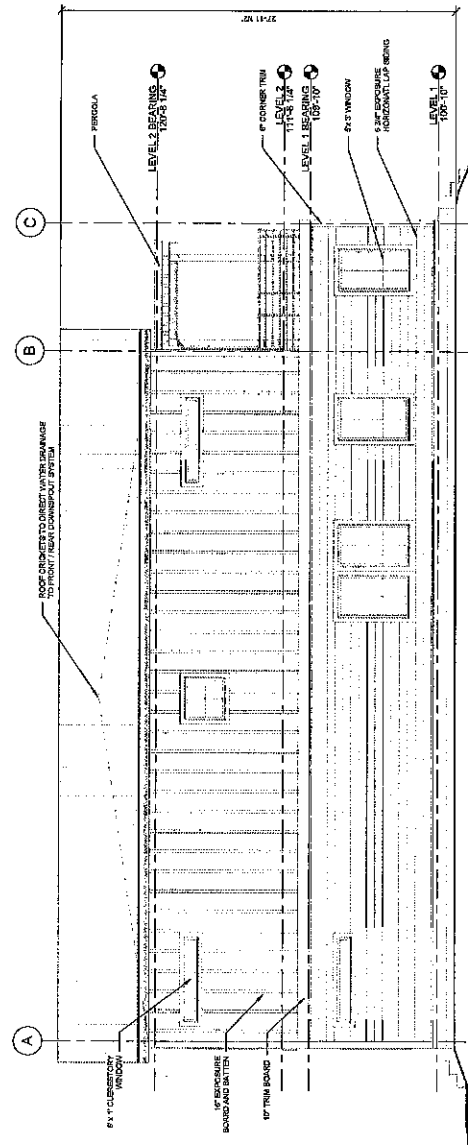
THIS DRAWING IS THE PROPERTY OF SITUWORK STUDIOS, LLC
IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT TO
BE USED OTHERWISE WITHOUT OBTAINING WRITTEN CONSENT
FROM SITUWORK STUDIOS, LLC





4 TYPICAL SIDE / RIGHT ELEVATION (WHERE END UNITS OCCUR)
1/8" = 1'-0"

SCALE: 1/8"=1'-0"

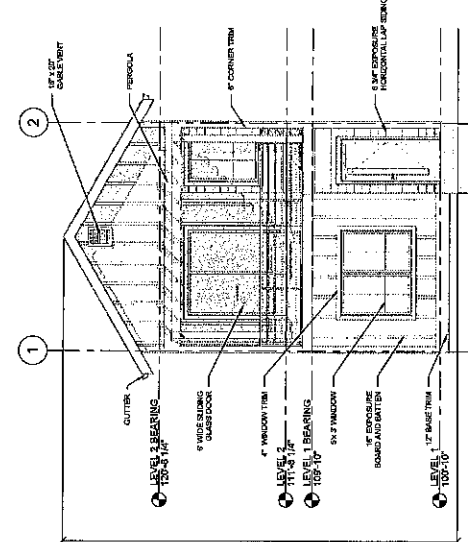


3 TYPICAL SIDE / LEFT ELEVATION (WHERE END UNITS OCCUR)
1/8" = 1'-0"

SCALE: 1/8"=1'-0"

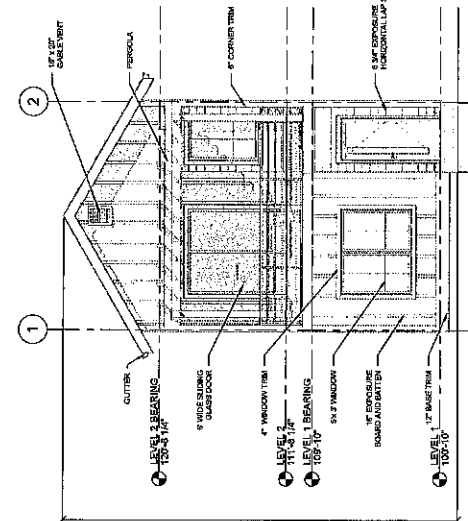
2 TYPICAL REAR ELEVATION
1/8" = 1'-0"

SCALE: 1/8"=1'-0"



1 TYPICAL FRONT ELEVATION
1/8" = 1'-0"

SCALE: 1/8"=1'-0"





To: Town of Waynesville Board of Aldermen
From: Ginger Hain, Vice Chair of Planning Board
Date: March 28, 2022
Subject: Planning Board Report and Statement of Consistency for a Conditional District Map Amendment Recommendation
Property Description: "Allison Acres" 7.71 acres on 4 lots in EW-UR and RC-NR districts; PINs 8615-88-1632, 8615-88-3857, 8615-88-4442, 8615-88-1854
Applicant: Quartz Properties, LLC

At the Planning Board's March 21st regularly scheduled meeting, the Planning Board held a public hearing on a proposed conditional zoning request on a project consisting of:

1. Combination of three parcels from two zoning districts into a single tract;
2. 59 living units in duplexes and multi-unit houses clustered in 24 structures or 7.6 units/acre while preserving existing house (note if the existing house is separated with its own lot, planned density will still be under 10 units/acre).
3. Lot sizes will be less than 1/6th of an acre, but clustered housing allows for more green space and civic space, and requires less impervious area.

The Planning Board requested staff and the Town attorney to prepare a more detailed description of the proceedings for the Board of Aldermen's benefit:

A. Concerns expressed by members of public and noted by the Planning Board

1. *Pace of Development*: Allison Acres development may represent a tipping point when public support for meeting the needed housing inventory is outweighed by "too much, too fast." Next Planning Board meeting agenda will include a review of the use and application of moratoriums on residential developments.
2. *Water and sewer capacity*: public concerns about current and future capacity and the Town's sewer plant. Even if future capacity can be increased, is it the will of the citizens of the Town? The Planning Board noted public concerns, but no conditions were applied to this specific development as water and sewer capacity is available.
3. *Traffic volume and excess speed*: when additional residential units are added, current residence expressed concern for East Street and Broadway which are used as "cut throughs." The Planning Board acknowledged comments and agreed to include a recommendation to the Board of Alderman to consider traffic calming on East Street (in proximity to Allison Acres) and Broadway.
4. *A private right of way* through property to an adjoining property must be resolved by Applicant prior to any building permits. This is a legal matter between private parties, and the planning board did not find that this needs to be a condition of the rezoning.

5. *Parking spaces* in Allison Acres are perpendicular rather than “pull through” parking spaces. While this design may decrease vehicular safety, the design also decreases impervious space and increases civic space. The Planning Board did not find that the trade-off was contrary to the public interest, so no conditions were applied.
6. *Density allowed in residential districts.* Public perception is that allowed density is too high (NR Districts allow 10 units/acre and 16 units/acre with SUP, and UR Districts allow 16 units/acre and 24 units/acre with SUP) resulting in negative impacts to existing neighborhoods. Allison Acres is significantly less dense than allowed.

B. Below are conditions discussed by the Planning Board, but not applied because they are required by the LDS and will be enforced by Administrator for building permits.

1. Plans do not show molding or gutters. LDS states “flush eaves shall be finished by profiled molding and gutters” (LDS 5.10).
2. Site plans do not indicate seating in civic space, or “active space” (LDS 7.2) and will need to be included in design.
3. Number of street trees should be 53, plan shows 46 (LDS 8.5).

C. Board deliberation

1. Several Board members expressed interest in having parties resolve the issue of the right of way before coming to the Board, as well as having a higher level of civic engineering (particularly streets, stormwater, and architecture) on applications.
 - a. Board attorney explained that many developers do not resolve all issues prior to Board zoning approval due to expense which may not be re-couped if Board denies application.
2. Allison Acres meets or exceeds the draft ordinance, including conducting community meetings, increased civic space, and greenways/paths/connectivity which were achieved with less density than current zoning allowed.

D. Motion

After public comment was closed, the following motion was made by Ginger Hain and seconded by Michael Blackburn that the application is consistent with the Comprehensive Land Use Plan and meets the requirements of the Land Development Standards. The Clerk verified the vote as:

Marty - Yea
Barbara - Yea
Gregory - Nay
Ginger - Yea
Tommy - Nay
Don - Nay
Michael - Yea

At the hearing the question was raised whether a simple majority of the members present could pass the motion to recommend approval or if a majority of the full membership was required. That was resolved when the board attorney researched the issue and concluded that a simple majority of the board members present could approve the motion.

There was additional discussion by the Planning Board about whether the Comprehensive Plan's goal to create housing is given too much weight in light of other goals and how the Board should handle the "reasonable and in the public interest" part of the consistency statement when faced with so much development, as well as LDs changes related with 160D.

Respectively submitted,

Esther Coulter, Administrative Assistant,

Date

Ginger Hain, Chair of March 21st Meeting

Date

There was additional discussion by the Planning Board about whether the Comprehensive Plan's goal to create housing is given too much weight in light of other goals and how the Board should handle the "reasonable and in the public interest" part of the consistency statement when faced with so much development, as well as LDs changes related with 160D.

Respectively submitted,



Esther Coulter, Administrative Assistant,

4-19-22

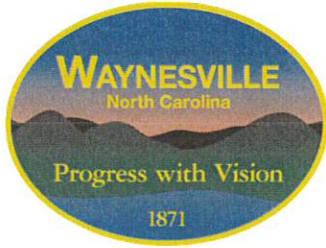
Date



Ginger Hain, Chair of March 21st Meeting

4/19/2022

Date



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

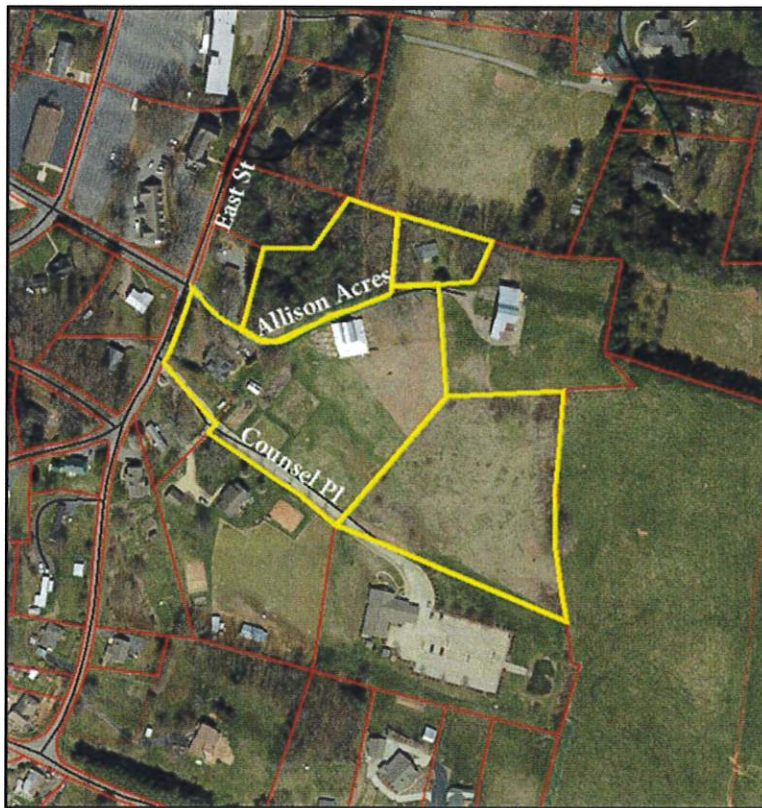
www.waynesvillenc.gov

April 13, 2022

Notice of Public Hearing

Town of Waynesville Board of Aldermen

The Town of Waynesville Board of Aldermen will hold a **public hearing on April 26, 2022, at 6:00 PM**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a conditional district zoning amendment for a 59-unit townhome development on 7.71 acres at Allison Acres Drive (PINs 8615-88-1632, 8615-88-3857, 8615-88-1854) and off East Street (PIN 8615-88-4442).



For questions, contact the Development Services Department by phone at (828) 456-8647, by email at bhickox@waynesvillenc.gov, or by mail at 9 South Main Street, Suite 110, Waynesville, NC 28786.

OGDEN, MATTIE F/TR;
MATTIE F OGDEN REV TRUST
322 WINCHESTER CREEK RD
WAYNESVILLE, NC 28786

MASSIE LTD PTNRP
PO BOX 274
WAYNESVILLE, NC 28786

CLAYTON, CAROLYN G
1060 EAST ST
WAYNESVILLE, NC 28786

BURGIN, SHARON W/TR;
SHARON W BURGIN REV TRUST
120 HY-VU DR
WAYNESVILLE, NC 28786

JACKSON, KIMBERLY GUFFEY;
JACKSON, JEREMIAH
59 WOODFIN RD
SYLVA, NC 28779-8396

HAYNIE, BUEL DAN;
HAYNIE, GAYLE RENE
PO BOX 1559
WAYNESVILLE, NC 28786

HADDAD, JAMAL
17444 GREAT SMOKY MOUNTAIN EXPY
WAYNESVILLE, NC 28786-7770

CHAMBERS, CHARLES K;
CHAMBERS, GWEN S
48 MEDFORD AVE
WAYNESVILLE, NC 28786-3309

KT REV TRUST
3151 2ND ST W
ST PETE BEACH, FL 33706-4003

DURHAM, SANDRA;
DURHAM, SANDRA WOOTEN
465 E MARSHALL ST
WAYNESVILLE, NC 28786

ARTILAKVA, KETEVAN G
1004 EAST ST
WAYNESVILLE, NC 28786

HOWELL, DONALD;
HOWELL, LOYCE
195 RAINBOW ST
WAYNESVILLE, NC 28786-4288

GARLAND, JUANITA
298 HIGHLAND RD
WAYNESVILLE, NC 28786

KREITZBURG, KAREN L
365 EAST MARSHALL ST
WAYNESVILLE, NC 28786

JEHOVAH'S WITNESSES CLYDE (TR);
C/O JOHN QUEEN
20 OAKLAND CIRCLE
CANTON, NC 28716

STAIR, TIMOTHY W
STAIR, DEBORA J
6144 41ST E
BRADENTON, FL 34203

ALLISON, LORRI LYNN
322 WILSON ST
GRAHAM, NC 27253

EDENS, JARROD WALKER
201 SUNNYSIDE RD
WAYNESVILLE, NC 28786

PRICE, JAMES K;
PRICE, TINA E
90 - TRL
WAYNESVILLE, NC 28786

QUEEN, JOHN M III
480 QUEEN COVE RD
WAYNESVILLE, NC 28785

FOX, GARRY J;
FOX, MARGARETT J
1129 EAST ST
WAYNESVILLE, NC 28786-3409

THOMPSON, ROBERT W;
THOMPSON, FLORA R
56 LITTLE TREE LN
WAYNESVILLE, NC 28785-8095

STOVALL, GEORGE DEWEY JR;
STOVALL, MARY HELEN
PO DRAWER 689
WAYNESVILLE, NC 28786

BALL, JEANNIE H
312 BROADVIEW
WAYNESVILLE, NC 28786

KT REV TRUST
3151 2ND ST W
ST PETE BEACH, FL 33706-4003

MASSIE MINI MALL INC
PO BOX 274
WAYNESVILLE, NC 28786

MATHER, WALTER B III
375 LITTLE MOUNTAIN RD
WAYNESVILLE, NC 28786-4114

VONKALER, KRISTOF;
VONKALER, LUISA MARIA JAVENS
PO BOX 913
WAYNESVILLE, NC 28786-0913

W F P LAND DEVELOPERS
1272 EAST ST
WAYNESVILLE, NC 28786

SMITH, RICHARD CHARLES;
SMITH, BILLIE ILENE
201 CROOKED FORK LANE
WAYNESVILLE, NC 28785

CLARK, EMILY M;
CLARK, LEWIS
PO BOX 201
WAYNESVILLE, NC 28786

SHUFORD, JEFF;
SHUFORD, KIMBERLY M
111 MASSIE HILL DR
WAYNESVILLE, NC 28786

BOBBY M MCKAY FAMILY TRUST
389 E MARSHALL ST
WAYNESVILLE, NC 28786-3325

ROGERS, CHARLOTTE
28 COUNSEL PL
WAYNESVILLE, NC 28786-3529

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HAYNIE, GAYLE RENE A
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STOVALL, MARY HELEN
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MOODY, ELVIRA K
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WINSTON SALEM, NC 27101-4112

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WAYNESVILLE, NC 28786

GRESHAM, WARREN W
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WAYNESVILLE, NC 28786-3520

KT REV TRUST
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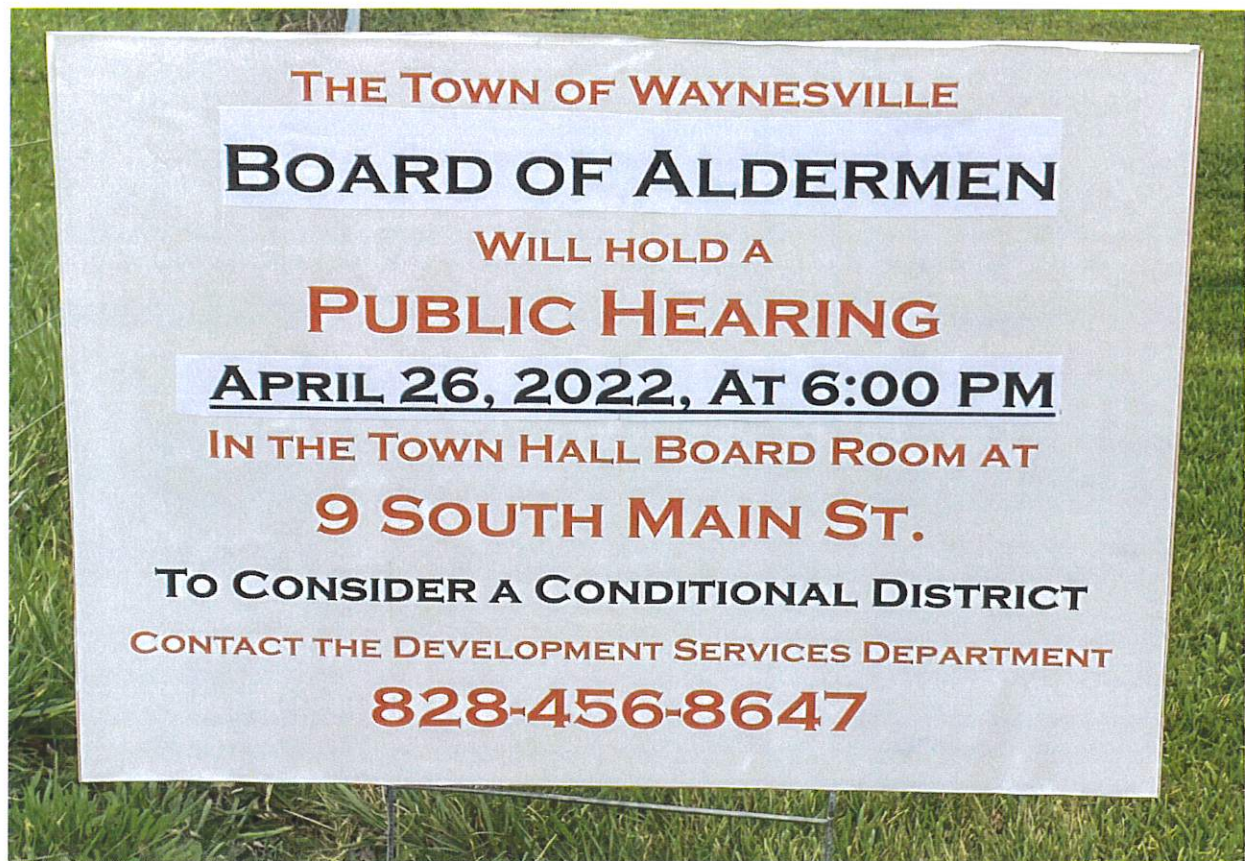
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TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Public Hearing to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances.

AGENDA INFORMATION:

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

BRIEF SUMMARY:

The Town of Waynesville has the authority, pursuant to Chapter 160A-303 of the North Carolina General Statutes, to remove and dispose of junked and abandoned motor vehicles. Junked vehicles can create public health and safety hazards and degrade the look of neighborhoods. The Board of Aldermen adopted the 2035 Comprehensive Plan to “enable the growth of a vibrant, healthy, and successful community” with goals to protect Waynesville’s natural resources and promote a safe and attractive multi-modal transportation system. The updates to the junked vehicle ordinance enhance these goals, provide fair procedures, and establish clear guidelines for both code enforcement officials and owners of the junked vehicles.

MOTIONS FOR CONSIDERATION:

1. Motion to adopt the Ordinance as presented (or as amended).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Proposed Text Amendment
2. Junked Vehicle Notice
3. Sample Bill for Removal of Junked Vehicle
4. Authorization for Vehicle Removal Form

MANAGER’S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Junked and Abandoned Motor Vehicles text amendment
Ordinance Section: Article IV of the Waynesville Code of Ordinances
Applicant: Staff initiated text amendment; Development Services Department
Meeting Date: April 26, 2022

Background

In 2021, Code Enforcement had 10 cases of junked vehicles in Waynesville (started tracking in April). In 2022, we have 4 active cases of junked vehicles. The Town's junk vehicle ordinance as written, does not provide clarity of authority or process to identify and remove junk vehicles. The current ordinance sections of enforcement, vehicle removal, notification, and reclaiming procedures are broadly written and could be easily challenged. North Carolina gives its municipalities the authority to remove and dispose of junked and abandoned vehicles following proper procedures (NC G.S. 160A-303). The purpose of the proposed text amendment is to clearly align our ordinance with state statutes and to provide a clear method of enforcement that is equitable and defensible if challenged.

Development Services researched the ordinances of other jurisdictions in North Carolina, such as Charlotte, Black Mountain, Franklin, and Asheville. We found several specific provisions missing from Waynesville's ordinance, including: notice prior to removal, post-towing notice, definition of a vehicle that is a public health/safety hazard, an antique vehicle, exceptions to removal, exceptions to notice requirements, reclaiming, and sale of abandoned and junked vehicles. Development Services has drafted the ordinance to address those gaps and also created a Notice of Violation template that will be mailed to the owner, posted on the windshield, and kept for our records.

Staff Recommended Text Changes:

The proposed text amendments include the following changes:

- Definitions of antique vehicle, authorizing official, and vehicle that is public health/safety hazard
- Exceptions to the ordinance
- Right of the Town to contract with private towing companies
- Pre-towing notice requirements
- Post-towing notice requirements
- Clarification of hearing procedure
- Procedure for reclaiming a vehicle
- Provisions for vehicles abandoned on private property

Staff submits the proposed changes for the adoption by the Board of Aldermen **in red**.

Attachments

1. Proposed Text Amendment
2. Junked Vehicle Notice
3. Sample Bill for Removal of Junked Vehicle
4. Authorization for Vehicle Removal Form

Recommended Motions

1. Motion to adopt the Ordinance as presented (or as amended)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE CODE OF ORDINANCES**

WHEREAS, the Town of Waynesville has the authority, pursuant to Chapter 160A-303 of the North Carolina General Statutes, to remove and dispose of junked and abandoned motor vehicles; and

WHEREAS, junked or abandoned vehicles can create public health and safety hazards, degrade the look of public rights-of-ways and neighborhoods, and contribute to stormwater and environmental pollution;

WHEREAS, the Board of Aldermen adopted the 2035 Comprehensive Plan to “enable the growth of a vibrant, healthy, and successful community,” and find that abandoned and junked vehicles are detrimental to the goals of protecting natural resources, and promoting a safe and attractive multi-modal transportation system; and

WHEREAS, the Board of Aldermen desire to provide fair and equitable procedures and clear guidelines for code enforcement; and

WHEREAS, after notice duly given, a public hearing was held on April 26, 2022, at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON APRIL 26, 2022, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Ordinance be amended as follows:

1. Replace Chapter 26, Article IV.- Junked and Abandoned Motor Vehicles as follows:

~~Sec. 26-126. Definitions.~~

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

~~Abandoned motor vehicle means a motor vehicle that:~~

- ~~(1) — Has been left upon a street or highway in violation of a law, provision of this Code, or other ordinance of the town prohibiting parking; or~~
- ~~(2) — Is left on property owned or operated by the town for longer than 24 hours; or~~
- ~~(3) — Is left on private property without the consent of the owner, occupant or lessee for longer than two hours; or~~
- ~~(4) — Is left on any public street or highway for longer than seven days.~~

~~Junked motor vehicle means a motor vehicle which does not display a current license plate and:~~

- ~~(1) — Is partially dismantled or wrecked; or~~
- ~~(2) — Cannot be self-propelled or moved in the manner in which it was originally intended to move; or~~
- ~~(3) — Is more than five years old and appears to the codes administrator to be worth less than \$500.00.~~

~~Motor vehicle means any machine designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.~~

~~(Code 1987, § 90.01)~~

~~State law reference(s) — Similar definitions, G.S. 160A-303; G.S. 160A-303.2(a).~~

~~Note(s) — As per General Assembly of North Carolina Session Law 2004-30, the allowable rate for junked motor vehicles was increased to \$500.00.~~

~~Sec. 26-127. Duty of owners.~~

~~It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause its removal immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain after notice has been given to such person to have the vehicle removed.~~

~~(Code 1987, § 90.02)~~

~~Sec. 26-128. Liability of persons to owners.~~

~~No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen motor vehicle for disposing of the vehicle as provided in this chapter.~~

~~(Code 1987, § 90.03)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(f).~~

~~Sec. 26-129. Removal of abandoned vehicle by town.~~

~~Any junked or abandoned motor vehicle may be removed by the town to a storage garage or area. However, no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the premises unless the town or a duly authorized town official or employee has declared that vehicle to be a health or safety hazard, except as set out in this article.~~

~~(Code 1987, § 90.04)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-130. Indemnification of town.~~

~~Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale of that vehicle.~~

~~(Code 1987, § 90.05)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-131. Notice.~~

~~When any junked or abandoned motor vehicle is removed, the town shall give notice to the owner as required by G.S. 20-219.11(a) and (b).~~

~~(Code 1987, § 90.06)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-132. Sale or disposal of abandoned vehicles; hearing procedure.~~

~~(a) — Regardless of whether the town does its own removal and disposal of motor vehicles or contracts with another person to do so, the town shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. 20-219.9 apply.~~

~~(b) — If the town operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of G.S. 20-219.9 et seq. apply.~~

~~(c) — If the town operates in such a way that it is responsible for collecting towing fees, it shall:~~

~~(1) — Provide by contract or ordinance for a schedule of reasonable towing fees;~~

~~(2) — Provide a procedure for a prompt fair hearing to contest the towing;~~

~~(3) — Provide for an appeal to district court from that hearing;~~

~~(4) — Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due; and~~

~~(5) — Provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5 and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the town may destroy it.~~

~~(d) — Once the owner of the abandoned or junked vehicle has been properly notified, the owner shall have seven days to apply for a hearing before the codes administrator to contest the removal of the abandoned or junked vehicle. If the owner is dissatisfied with the decision of the codes administrator, the owner shall have ten days from the date of the decision to appeal the decision to the district court.~~

~~(Code 1987, § 90.07)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(d).~~

~~Sec. 26-133. Exemptions.~~

~~Nothing in this article shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.~~

~~(Code 1987, § 90.08)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(g).~~

~~Sec. 26-134. Abandoned or junked vehicles on private property.~~

~~(a) — It shall be unlawful for the owner, possessor, occupant or lessee of any property to utilize, maintain or operate the property for the open storage of one or more junked vehicles unless the property is a bona fide automobile graveyard or junkyard as defined in G.S. 136-143 and is in a zone allowing such automobile graveyard or junkyard within the zoning jurisdiction of the town.~~

~~(b) — It shall be unlawful for the owner, possessor, occupant or lessee of any property to have, keep or maintain on such property the open storage of a junked vehicle.~~

~~(c) — Open storage of a junked motor vehicle is defined as allowing one or more junked motor vehicles to remain outside of a building on any property within the town's corporate limits.~~

~~(d) — Any junked vehicle found to be in violation of this article may be removed by the town to a storage garage or area; but no such vehicle shall be removed from private property without the written request of the owner, lessee, possessor or occupant of the premises unless the codes administrator finds in writing that aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:~~

~~(1) — Protection of property value.~~

~~(2) — Promotion of tourism and other economic development opportunities.~~

~~(3) — Indirect protection of public health and safety.~~

~~(4) — Preservation of the character and integrity of the community.~~

~~(5) — Promotion of the comfort, happiness and emotional stability of the area residents.~~

~~(e) — The town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of its removal, storage or sale. When an abandoned or junked motor vehicle is removed, the town shall give notice to the owner as required in G.S. 20-219.11(a) and (b).~~

~~(f) — Regardless of whether the town does its own removal or disposal of motor vehicles or contracts with another person to do so, the town shall provide to the owner of the vehicle a prior hearing procedure exactly as set forth in section 26-132.~~

~~(g) — In addition to the other provisions set forth in this section, when one or more junked motor vehicles are discovered in open storage, the inspections department may issue a notice to the owner, possessor, occupant, or lessee of the land where the one or more junked motor vehicles are in open storage, notifying and requiring the removal of the vehicles violating this section within 30 days after the date of the notice. The notice may be served in person or by first class mail. Each violation shall be considered a separate offense.~~

~~(h) — If the junked motor vehicles are not removed within 30 days of the delivery of the notice, the owner, possessor, occupant or lessee of the land shall be subject to civil penalties in the following amounts:~~

~~(1) — Beginning 31 days after the notice of violation, \$10.00 per day.~~

~~(2) — Beginning 60 days after the notice of violation, \$25.00 per day.~~

~~(3) — Beginning 90 days after the notice of violation, \$50.00 per day, and every day thereafter.~~

~~Civil penalties shall be assessed by the codes administrator and such other inspectors or deputy or assistant inspectors as authorized by the board aldermen.~~

~~(Code 1987, § 90.09; Ord. No. 14-10, 10-26-2010)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303.2.~~

Sec. 26-126. - Definitions.

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates a different meaning:

Abandoned motor vehicle, as defined by G.S. § 160A-303, is a motor vehicle that:

- (1) Has been left upon a street or highway in violation of a law, provision of this Code, or other ordinance of the Town prohibiting parking; or
- (2) Is left on property owned or operated by the Town for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

Junked motor vehicle, as defined by G.S. § 160A-303.2, is a vehicle which does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the way in which it was originally intended to move; or
- (3) Is more than five years old and appears to the authorizing official to be worth less than \$500.00.

Motor vehicle means any machine designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Antique vehicle means a motor vehicle, but not a reproduction of thereof, manufactured at least 30 years prior to the current year, and which is titled and registered in a similar manner as a car with the N.C. Division of Motor Vehicles and listed for ad valorem taxes in Haywood County.

Authorizing official means the Chief of Police Department, Code Enforcement Official, or Development Services Director, respectively, designated to authorize the removal of vehicles under the provisions of this article.

Town: Town of Waynesville, NC

State Law reference— Similar definitions, G.S. 160A-303; G.S. 160A - 303.2(a).

Sec. 26-127. Administration and Enforcement.

- (1) **Purpose:** G.S. 160A-303.2 authorizes the Town to regulate and prohibit junked motor vehicles on public grounds and on private property. Nothing in this article shall be construed to authorize the Town to require the removal or disposal of a motor vehicle kept or stored at:
 - (a) A bona fide “automobile graveyard” or junkyard as defined in G.S. 136-143; or
 - (b) In an enclosed building; or
 - (c) Has an approved cover, as determined by an authorizing official, and located in the rear yard of the property; only one such vehicle is allowed; or
 - (d) On the premises of a registered automobile repair business; or

- (e) On the premises of a business being operated in a lawful place and manner if the motor vehicle is necessary to the operation of the business.

State Law Reference- Similar provisions, G. S. 160A- 303(g).

- (2) **Responsibilities of Town Departments:** The Chief of Police Department, Code Enforcement Official, or Development Services Director for the Town shall be responsible for the overall administration and enforcement of this article, including administering the removal and disposition of abandoned or junked motor vehicles on the public streets and highways within the Town, property owned by the Town, and on private property.
- (3) **Right to Contract:** The Town may contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned and junked vehicles in compliance with this article and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department or Fire Department in enforcing other laws or in otherwise carrying out their duties.
- (4) **Authority:** An authorizing official may apply for an administrative warrant to inspect or remove the vehicle in question if the property appears to be unoccupied or the official has been refused entry.

26-128. Duty of Owners.

It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause its removal immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him/her to remain after notice has been given to such person to have the vehicle removed.

(Code 1987, § 90.02)

Sec. 26-129. - Liability of Persons to Owners.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of the vehicle as provided in this chapter.

(Code 1987, § 90.03)

State Law reference— Similar provisions, G.S. 160A-303(f).

Sec. 26-130. Junked and Abandoned Vehicle Unlawful; Removal Authorized.

- (1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to cause or allow the vehicle to be abandoned, as the term is defined in section 26-126 above.
- (2) It shall be unlawful for the registered owner, or person entitled to possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property on which a junked motor vehicle is located to leave or allow the vehicle to remain on property after the vehicle has been ordered removed.

- (3) G.S. 160A-303(c) authorizes the Town to remove any junked or abandoned motor vehicle to a storage garage or area if a duly authorizing official has declared that vehicle to be a health or safety hazard.
- (4) A vehicle on public or private property is a health/safety hazard if a motor vehicle exhibits any of the following:
 - (a). Evidence as a breeding ground or harbor for mosquitoes, other insects, rodents, vermin, or other pests.
 - (b). A point of heavy growth of weeds or other vegetation over ten inches in height.
 - (c). A point of collection of pools or ponds of water.
 - (d). A point of concentration of gasoline, oil, or other flammable or explosive materials.
 - (e). So situated or located that there is a danger of it falling or turning over.
 - (f). A place in which debris, bottles, or other solid waste is either discarded or present within or around the motor vehicle.
 - (g). A source of danger for children either through entrapment in areas of confinement that cannot be opened from the inside, or exposed surfaces of metal, glass, or other rigid materials.
 - (h). Sharp parts thereof which are jagged or contain sharp edges of metal or glass.
- (5) The authorizing official may order the removal of a junked or abandoned motor vehicle, as defined in this chapter, after finding, in writing, that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:
 - (a). Protection of property values.
 - (b). Promotion of tourism and other economic development opportunities.
 - (c). Indirect protection of public health and safety.
 - (d). Preservation of the character and integrity of the community.

Sec. 26-131. - Indemnification of Town.

Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the Town against any loss, expense or liability incurred because of the removal, storage or sale of that vehicle.

(Code 1987, § 90.05)

State Law reference— Similar provisions, G.S. 160A-303(c).

Sec. 26-132. - Removal of Abandoned or Junked Motor Vehicle, Pre-Towing Notice Requirements.

- (1) When any junked or abandoned vehicle is to be removed, the Town shall give notice to the registered owner or person entitled to possession of a vehicle.

- (2) If the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The notice shall state that the vehicle will be removed by the Town on/after a specified date, but not sooner than 15 days after the notice is mailed.
- (3) If the names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on/after a specified date, but no sooner than 15 days after the notice is affixed.

Sec. 26-133. Exceptions to Prior Notice Requirements.

- (1) The requirement that the notice be given prior to the removal of an abandoned or junked vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise protect the public safety and welfare.
- (2) The findings shall be entered by an authorizing official in the appropriate daily records in all cases. Circumstances authorizing the removal of vehicles without prior notice include:
 - (a) Obstructing traffic or emergency vehicle access to property.
 - (b) Parked in violation of an ordinance prohibiting or restricting parking.
 - (c) Parked in a no stopping or standing zone.
 - (d) Parked in a loading zone.
 - (e) Parked in a bus zone.

State Law reference— Similar provisions, G.S. 160A-303(c).

Sec. 26-134. Removal of Abandoned or Junked Motor Vehicle, Post-Towing Notice Requirements.

- (1) Whenever a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner of the vehicle. As described in G.S. 219-11(a), the post-towing notice shall include:
 - (a) A description of the vehicle,
 - (b) The place where the vehicle is stored,
 - (c) The violation with which the owner is charged, if any,
 - (d) The procedure the owner must follow to have the vehicle returned to him/her, and
 - (e) The procedure the owner must follow to request a probable cause hearing on the towing.
- (2) If the vehicle is registered in North Carolina, a notice shall be given to the owner within 24 hours by first class mail. If the vehicle is not registered in North Carolina, a notice shall be mailed to the owner within 72 hours from the removal of the vehicle.

- (3) Whenever a removed vehicle has no valid registration or registration plates, the authorizing Town official shall make reasonable efforts to determine the last known registered owner of the vehicle and notify the owner as set in this section.
- (4) The notice shall further advise the registered owner or person entitled to claim possession of the right to a hearing to determine if probable cause existed for the towing.
- (5) The Town must hold a towed vehicle for at least 30 days after notification to the vehicle owner is attempted.

State law reference G.S. 20-219.11

Sec. 26-135. Hearing Procedure.

- (1) Regardless of whether the Town does its own removal and disposal of motor vehicles or contracts with another person to do so, the Town shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. 20-219.9 apply.
- (2) After the removal of a motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive the hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. §20-219.11.

Sec. 26-136. Reclaiming the Vehicle.

- (1) At any stage of the proceedings, including before and after the probable cause hearing, the owner or the person who claims the possession of a vehicle may reclaim the towed vehicle after making a payment to the Town for all the costs of removal and storage, including towing and storage fees. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this article.
- (2) The Town shall provide a schedule of reasonable towing fees. The Town shall authorize the release of the vehicle at any time after towing by the posting of a bond or payment of the fees.
- (3) Any person violating any provisions of this ordinance may also be subject to penalties described in Section 1.8- General Penalty of the Town of Waynesville Code of Ordinances.

Sec. 26-137. Sale or Disposal of Abandoned and Junked Vehicles.

The Town shall have the authority to authorize the disposition of abandoned and junked motor vehicles by a sales procedure as provided in G.S. 44A-4(c) and, as applicable, G.S. 44A-5 and 44A-6, except that no hearing in addition to a probable cause hearing is required. If no one purchases the motor vehicle at the sale, the authorizing official may authorize the destruction of the motor vehicle.

Sec. 26-138. Unlawful Removal of Impounded Vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing and impoundment fees which are due have been paid.

Sec. 26-139. - Abandoned or Junked Vehicles on Private Property.

In the case of abandoned or junked motor vehicles left on private property without the consent of the owner, occupant or lessee, the vehicle may be removed by the Town only after the following conditions are met:

- (a) The owner, occupant, or lessee of the real property upon which the vehicle is located submit to the Town a written request that the vehicle be removed, which written request shall contain a certification that the vehicle has remained on said property without consent in excess of seven days.
- (b) The owner, occupant or lessee pay any required pre-towing fees or charges at the time of removal.
- (c) The owner, occupant or lessee agree to indemnify the Town against any loss, expense (including attorney fees), or liability incurred because of the removal, storage, or sale thereof.
- (d) This section shall apply only in those instances when an abandoned or junked vehicle remains on private property without the consent of the owner, occupant, or lessee of the real property.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



NOTICE

Town of Waynesville
CODE ENFORCEMENT
9 South Main St., Suite 110
Waynesville, NC 28786
T: (828) 456 8647

This is to certify that the following vehicle located at _____ is in violation of Article IV ("Junked and Abandoned Motor Vehicles") of the Waynesville Code of Ordinances.

VEHICLE DESCRIPTION:

Year/Make/Model _____ Color _____
VIN _____ Tag _____ State _____
Sticker Month/Year _____
Condition _____
Additional Vehicle Comments _____

ABANDONED - Sec. 26-126

____ Left on Town-owned or Town-operated property
for longer than 24 hours
____ Parking at this location is not allowed

____ Left on public right-of-way, street, or highway for seven
days
____ Left on private property without consent of
owner/occupant/lessee for longer than 2 hours

SAFETY/HEALTH HAZARD- Sec. 126-130

____ A breeding ground or harbor for rats, pests, etc.
____ High grass over and around vehicle
____ Point of collection for pools of water
____ Point of concentration of gas, oil, etc.

____ Vehicle is in danger of falling or turning over
____ Debris/junk/solid waste discarded inside vehicle
____ Source of entrapment, exposed metal, glass, etc.
____ Vehicle creating a condition exposing general public to
health/safety hazard, as determined by an authorized official

JUNK MOTOR VEHICLE - Sec. 26-126- Vehicle appears inoperable as evidenced by the statutory characteristics below:

____ Partially dismantled or wrecked
____ Does not demonstrate operability
____ No battery/radiator/motor

____ Invalid/expired license tag or registration
____ More than five years old and appears to be worth <\$500

____ **Sec. 26-127-** Vehicle must have acceptable car cover and be located at rear of premises. Tarps are **not** an acceptable cover.

IF THE VIOLATION(S) IS/ARE NOT CORRECTED BY _____ (am) (pm) ON _____, 20____, THE VEHICLE WILL BE REMOVED TO A STORAGE LOT. THE OWNER WILL BE REQUIRED TO SHOW PROOF OWNERSHIP AND PAY TOWING AND STORAGE CHARGES BEFORE THE VEHICLE CAN BE RECLAIMED.

Notice mailed by first-class mail to property owner on (date) _____

Name _____

Address _____

Notice mailed by first-class mail to property registered vehicle owner on (date) _____

Name _____

Address _____

Inspector _____ Phone _____ Date _____

POST-TOWING INFORMATION

Warrant: YES ☐ NO ☐ If yes, date obtained _____

The vehicle was removed on (date) _____

The vehicle is stored at (name of business and address) _____

Reclaiming the vehicle: The owner or the person who claims the possession of the vehicle may reclaim it after making a payment to the Town for all the costs of removal, storage, and associated fines. Please use the contact information at the top of this notice for further assistance.

Hearing: If you disagree with the decision and would like to request a hearing to determine if probable cause existed to remove the vehicle, please file a request for hearing in writing with the Haywood County magistrate (NC G.S. § 20-219.11).

Inspector _____ Phone _____ Date _____



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

BILL TO:

Sam Cullen

111 VALLEY VIEW LN.

WAYNESVILLE, NC 28786

DOC#: 0452022

DESCRIPTION

AMOUNT

Fee for removal of junk motor vehicle.

Towing fee -----\$65.00

Storage fee-----\$25.00 per day
beginning on day of removal.

TOTAL YOU OWE: **\$65.00**

PLUS, ADDITIONAL STORAGE FEES

If you would like to know the current fee you owe you may call our office at the number below.

If this bill is not paid as of 5/4/2022 this vehicle will be subject to the following.

Sec. 26-137. Sale or Disposal of Abandoned and Junked Vehicles.

The Town shall have the authority to authorize the disposition of abandoned and junked motor vehicles by a sales procedure as provided in G.S. 44A-4(c) and, as applicable, G.S. 44A-5 and 44A-6, except that no hearing in addition to a probable cause hearing is required. If no one purchases the motor vehicle at the sale, the authorizing official may authorize the destruction of the motor vehicle.

You may pay by this bill in the development service office at 9 South Main St. Waynesville, NC.
Thank you for your cooperation and do not hesitate to call our office with any questions.

Sam Cullen, Code Enforcement Official
Cell # (828)-246-8050. M-F 8-4:30

X. _____



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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AUTHORIZATION FOR VEHICLE REMOVAL

This is to certify that I am the owner, agent, lessee, or occupant of the property located at _____ in Waynesville, NC. It is my desire to cooperate with the Town of Waynesville in the removal of motor vehicles that are in violation of Town code, Article IV Sec. 26-139.

This is to request that the representatives and/or the agent of the Town of Waynesville enter the above referenced property and remove the motor vehicle described below.

MAKE _____

MODEL _____

CONDITION _____

TAG # _____

VIN # _____

Per section 26-139 of the Town of Waynesville Code of Ordinances, I agree to indemnify the Town of Waynesville against any loss, expense (including attorney fees), or liability incurred because of the removal, storage, or sale thereof.

Print Name: _____

Address: _____

Signature _____

Phone: _____

Title (property owner, leasee, agent, occupant) _____

Date _____

Code Enforcement Official: _____

THE TOWN OF WAYNESVILLE RENEWABLE ENERGY PURCHASE RATE TEST CASE

The purpose of this memo is to demonstrate the application of electric rate schedules for town purchase of customer-owned renewable energy being considered by the Town of Waynesville. Should the Town Council desire to implement a Renewable Energy Rate Schedule, UTEC recommends that a “Cost of Service Study” be performed prior to implementation of the proposed new rate to identify the impact the Renewable Energy Rate Schedule will have on the overall annual electric revenue.

OVERVIEW OF RENEWABLE ENERGY PURCHASE RATE SCHEDULE

UTEC’s recommendation is for the Town of Waynesville to implement a program to purchase all of the customer generated energy from the customer and continue to serve the customer’s energy use to the customer.

1. Renewable Energy Purchase Rate
 - a. There will be two meters installed at the premise, one to measure the sale of generated energy from the customer and one to measure the purchase of energy by the customer.
 - b. The customer continues to be a customer of the Town under the appropriate Electric Rate Schedule for the customer class (Residential, Commercial, etc.).
 - c. The Town purchases all of the Renewable Energy from the customer under this Renewable Energy Purchase Rate . This energy is displacing the energy the Town would have purchased under its Wholesale Power Agreement.
 - d. In this fashion, the Town provides a market for the Renewable Energy
 - e. There is risk for a system the size of Waynesville to make dramatic changes to its rate schedules without first performing a Cost-of-Service Study. The Rate Schedules and how these rate schedules are applied is the way the Town brings in revenue.

THE TOWN OF WAYNESVILLE RENEWABLE ENERGY PURCHASE RATE TEST CASE

Recommendation for the Town's Consideration

UTEC's recommendation is for the Town of Waynesville to implement this Renewable Energy Purchase Rate as described below. The Town will continue to make the same sales to its customers, reducing the amount of energy bought from the Wholesale Power Provider and purchasing this amount of Renewable Energy from its customers.

UTEC recommends that the Town adopt the following test program and to implement this program on a Test Case basis with a limit of 500 kW of Residential customer owned renewable generation, 500 kW of Commercial customer owned renewable generation and 500 kW of Municipal customer owned generation. This Test Case program will limit the Town's exposure without the expense of a full-scale Cost of Service Study.

It is recommended that the Town limit the availability of this Test Case to the first 500 kW of Residential installed renewable capacity, the first 500 KW of Commercial installed renewable capacity and the first 500 kW of Municipal installed renewable capacity, as measured in AC capacity.

Below is a description of how the Test Case Rider is applied and demonstrates the potential impacts to the customer and to the Town.

Residential Customer – Residential Rate Schedule

The current Residential rate consists of a fixed monthly Base Charge and an Energy Charge based on the actual kWh used by the customer. The monthly bill is the sum of the two rate components. The current Residential rate schedule is:

Rate Schedule	Residential
Base Charge	\$13.86 / month
Energy Sell Rate	\$0.11233 / kWh

Assume the customer uses **11,269 kWh** in one year (typical for the Waynesville area). The annual bill would be:

Base Charge (\$13.86/mo.)	Energy Sale (kwh)	Energy Rate (\$0.11233/kwh)	Energy Charge	Total Charge
\$ 166	11,269	0.11233	\$1,266	\$1,432

**THE TOWN OF WAYNESVILLE
RENEWABLE ENERGY PURCHASE RATE
TEST CASE**

Test Case: Residential Renewable Energy Purchase Rate

Rate Schedule	Residential
Base Charge	\$10.00 / month
Energy Buy Rate	\$0.100 / kwh

The energy purchase rate reflects an appropriate “value” for renewable energy purchase which exceeds the current cost that Waynesville pays for wholesale energy by almost 270%.

Application of the Test Case Renewable Energy Purchase Rate

Base Charge (\$23.86/mo.)	Energy Sale (kwh)	Energy Rate (\$/kwh)	Energy Charge	Energy Purchase (kwh)	Energy Purchase Rate (\$/kwh)	Energy Credit	Total Charge
\$286	11,269	0.11233	\$1,266	11,269	0.10	(\$1,127)	\$425

*Assuming the solar panels produce **11,269 kwh annually**

In this example, there is a customer cost reduction from \$1,432 to \$425, or cost reduction of \$1,007. This represents **a 70% reduction** in the total electric bill for this residential customer. Under this example, there is an incremental cost to the Town in the cost of the Renewable Energy vs the energy that could have been bought from the Wholesale Power provider and incremental revenue through the additional base charge to the customer.

Test Case: Commercial Renewable Energy Purchase Rate

Rate Schedule	Commercial
Base Charge	\$10.00 / month
Energy Buy Rate	\$0.080 / kwh

The energy purchase rate reflects an appropriate “value” for renewable energy purchase which exceeds the current cost that Waynesville pays for wholesale energy by almost 216%.

There are four different Commercial class accounts under the current Electric Rate Classes for the Town of Waynesville:

- **Commercial - single phase – No Demand**
- **Commercial – three phase – No Demand**
- **Commercial – single phase – Demand**
- **Commercial – three phase - Demand**

THE TOWN OF WAYNESVILLE RENEWABLE ENERGY PURCHASE RATE TEST CASE

Assuming the rates in the table above, each of the four commercial rate classes experiences **approximately a 70% reduction** in the total electric bill. Under this Purchase Rate, there is an incremental cost to the Town in the cost of the Renewable Energy vs the energy that could have been bought from the Wholesale Power provider and incremental revenue through the additional base charge to the customer.

Potential Impacts to Town

Residential Renewable Energy Purchase Rate

Assumptions:

- 500 kW (ac) installed
 - Assume 500 kW of all Residential Customers solar panels in the program with approximately 70 customers with average of ~7.20 kW (ac)
 - 70 Residential Customers represents approximately 2.8% of the 2,512 (Year 2021) residential customers
- Systems produce energy at an average capacity factor of 18%
 - $500 \text{ kW} * .18 * 8760 \text{ hrs./year} = 788,400 \text{ kWh}$
- Wholesale Energy Costs of \$0.037/kWh
- Renewable Energy Purchase Rate:
 - \$0.10/kWh – Residential Rate
- Renewable Energy Rider includes incremental monthly Base charge of:
 - \$10.00 / month – Residential Rate

Potential impact to the Town from Residential Renewable Energy Purchase Rate :

- Incremental energy costs to Town = $788,400 * (\$0.10 - \$0.037) = \$49,669$
- Additional annual Base Charge Revenue = $\$10.00 * 12 * 70 = \$8,400$
- Total annual impact = a loss for the Town of approximately \$41,269 a year. This can be viewed as a premium in purchasing Renewable Energy.

Commercial Renewable Energy Purchase Rate

Assumptions:

- 500 kW (ac) installed
 - Assume 500 kW of Commercial customers' solar panels in the program with approximately 25 customers with average of ~20 kW (ac)
 - 25 Commercial Customers represents approximately 2.8% of the 871 (Year 2021) Commercial customers
- Systems produce energy at an average capacity factor of 18%

THE TOWN OF WAYNESVILLE RENEWABLE ENERGY PURCHASE RATE TEST CASE

- $500 \text{ kW} * .18 * 8760 \text{ hrs./ year} = 788,400 \text{ kWh}$
- Wholesale Energy Costs of \$0.037/kWh
- Renewable Energy Purchase Rate:
 - \$0.08/kWh – Commercial Rate
- Renewable Energy Rider includes incremental monthly Base charge of:
 - \$10.00 / month – Commercial Rate

Potential impact to the Town from Commercial Renewable Energy Purchase Rate :

- Incremental energy costs to Town = $788,400 * (\$0.08 - \$0.037) = \$33,901$
- Additional annual Base Charge Revenue = $\$10.00 * 12 * 25 = \$3,000$
- Total annual impact = a loss for the Town of approximately \$30,901 a year. This can be viewed as a premium in purchasing Renewable Energy.

Municipal Renewable Energy Purchase Rate

Assumptions:

- 500 kW (ac) installed
 - Assume 500 kW of Municipal customers' solar panels in the program with approximately 25 customers with average of ~20 kW (ac)
 - 25 Municipal Customers (currently considered Commercial Customers) represents approximately 2.8% of the 871 (Year 2021) Commercial customers
- Systems produce energy at an average capacity factor of 18%
 - $500 \text{ kW} * .18 * 8760 \text{ hrs./ year} = 788,400 \text{ kWh}$
- Wholesale Energy Costs of \$0.037/kWh
- Renewable Energy Purchase Rate:
 - \$0.08/kWh – Municipal Rate
- Renewable Energy Rider includes incremental monthly Base charge of:
 - \$10.00 / month – Municipal Rate

Potential impact to the Town from Municipal Renewable Energy Purchase Rate :

- Incremental energy costs to Town = $788,400 * (\$0.08 - \$0.037) = \$33,901$
- Additional annual Base Charge Revenue = $\$10.00 * 12 * 25 = \$3,000$
- Total annual impact = a loss for the Town of approximately \$30,901 a year. This can be viewed as a premium in purchasing Renewable Energy.

**THE TOWN OF WAYNESVILLE
RENEWABLE ENERGY PURCHASE RATE
TEST CASE**

Total Potential impact to the Town for this Renewable Energy Purchase Rate :

Rate Class	Annual Impact*
Residential	\$41,269
Commercial	\$30,901
Municipal	\$30,901
Total Potential Annual Impact	\$103,072

*This does not include any incremental costs required to administer this program, nor does it include any incremental costs for metering or other system impacts.

THE TOWN OF WAYNESVILLE RENEWABLE ENERGY PURCHASE RATE TEST CASE

ATTACHMENT 1

TOWN OF WAYNESVILLE TEST CASE RIDER: RENEWABLE ENERGY PURCHASE

AVAILABILITY

This Test Case Rider is available to Residential, Commercial and Municipal applicants taking electric service from the Town. This Test Case Rider is available to the first 500 KW (AC) of installed renewable capacity for Residential customers, the first 500 KW (AC) of installed renewable capacity for Commercial customers and the first 500 KW (AC) of installed renewable capacity for Municipal customers.

Once this Test Case Rider is fully subscribed with 500 KW (AC) of installed renewable capacity for Residential customers, as measured in AC capacity, this Test Case Rider is closed for Residential customers until further consideration. Once this Test Case Rider is fully subscribed with 500 KW (AC) of installed renewable capacity for Commercial customers, as measured in AC capacity, this Test Case Rider is closed for Commercial customers until further consideration. Once this Test Case Rider is fully subscribed with 500 KW (AC) of installed renewable capacity for Municipal customers, as measured in AC capacity, this Test Case Rider is closed for Municipal customers until further consideration.

This Rider is available in conjunction with any of the Town's Electric Rate Schedules applicable to a Residential or Commercial customer who operates an approved renewable energy generation system, located and used at the customer's primary residence or business. The rated capacity of the generation system shall be less than 20 kW for a residential system and shall be less than 150 kW for a commercial system and shall be less than 150 kW for a municipal system. The expected output of the generating system in kWh's shall not exceed the historical annual consumption of the customer in kWh's. The generation system that is connected in parallel with service from the Town and located on the customer's premises must be manufactured, installed, and operated in accordance with governmental and industry standards, in accordance with all requirements of the local code official, and must fully conform with the Town's applicable renewable energy generation application and attachments. Renewable Generation shall be defined as adopted by NC G.S. 62-133.8(a) (8).

APPLICABILITY

Residential Customer

This schedule is applicable to any new or existing Residential Customers taking service under any of the Town's Rate Schedules with the rated solar facility capacity no greater than 20 kW AC. Customers who wish to apply for this schedule and have a rated capacity in excess of 20 kW shall be considered on a case-by-case basis. All provisions of the Town's Rate Schedules shall apply, including but not limited to, determination of Billing Demand, Contract Demand, and Approved Fuel Charge Adjustments etc.

THE TOWN OF WAYNESVILLE

RENEWABLE ENERGY PURCHASE RATE

TEST CASE

Commercial Customer

This schedule is applicable to any new or existing Commercial Customers taking service under any of the Town's Rate Schedules that have a rated capacity no greater than 150 kW. Customers who wish to apply for this schedule and have a rated capacity in excess of 150 kW shall be considered on a case-by-case basis. All provisions of the Town's Rate Schedules shall apply, including but not limited to, determination of Billing Demand, Contract Demand, and Approved Fuel Charge Adjustments etc.

Municipal Customer

This schedule is applicable to any new or existing Municipal Customers taking service under any of the Town's Rate Schedules that have a rated capacity no greater than 150 kW. Customers who wish to apply for this schedule and have a rated capacity in excess of 150 kW shall be considered on a case-by-case basis. All provisions of the Town's Rate Schedules shall apply, including but not limited to, determination of Billing Demand, Contract Demand, and Approved Fuel Charge Adjustments etc.

TYPE OF SERVICE

The types of service to which this schedule is applicable are, alternating current, 60 hertz, 120/240 volt 3-wire single phase, 120/208-volt 3 phase 4-wire, 277-480-volt 3 phase 4-wire, and 240-volt Delta 3 phase 4-wire.

SPECIAL CONDITIONS

Prior to receiving service under this Test Case Rider, customer must execute and Interconnection Request and an Interconnection Agreement. Customer shall not install solar systems until both the Interconnection Request and Agreement are completed and approved by the Town Electric Division.

In the event the Town determines that it is necessary to install a dedicated transformer or other equipment to protect the safety and adequacy of electric service provided to other customers, the customer shall pay all costs involved with system upgrades to accommodate installation.

Customer grants the Town the right to install, operate and monitor special equipment to measure customer's load, generating system output, or any part thereof and to obtain any other data necessary to determine the operating characteristics and effects of the installation.

**THE TOWN OF WAYNESVILLE
RENEWABLE ENERGY PURCHASE RATE
TEST CASE**

TOTAL MONTHLY CHARGE AND RATES*

Residential Customer

Test Case Rate	Residential Customer
Base Charge	\$10.00 / month (additional)
Energy Buy Rate**	\$0.10 / kwh

Commercial Customer

Test Case Rate	Commercial Customer
Base Charge	\$10.00 / month (additional)
Energy Buy Rate**	\$0.08 / kwh

Municipal Customer

Test Case Rate	Commercial Customer
Base Charge	\$10.00 / month (additional)
Energy Buy Rate**	\$0.08 / kwh

* All of the rates and Credits for Renewable Energy Rate Schedule are adopted as of the billing cycle as of March 1st, 2022. Charges and Credits shall be periodically reviewed and are subject to change as part of the Town's annual review of the Electric Fee Schedule.

Renewable Energy is purchased by the Town at this rate for all kWh produced by renewable energy generating system

SALES TAXES

Any applicable NC Sales Tax will be added to the charges noted above. There are no taxes paid for purchased energy.

CONTRACT PERIOD

The Contract Period for service under this schedule shall be one (1) year and thereafter shall be renewed for successive one (1) year periods. After the initial period, customer may terminate service under this schedule by giving at least sixty (60) days previous notice of such termination in writing to the Town.

The Town may terminate service under this schedule at any time upon written notice to the customer. In the event that customer violates any of the terms or conditions of this schedule or operates the generating system in a manner, service under this schedule may be terminated immediately.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022**

SUBJECT: Amended Burn Ordinance #0-08-22

AGENDA INFORMATION:

Agenda Location:

Item Number: (LEAVE BLANK – Eddie will fill in)

Department: Fire Department

Contact: Joey Webb, Fire Chief

Presenter: Joey Webb

BRIEF SUMMARY:

Previously the Board approved Ordinance # 0-08-22; an ordinance amending Chapter 30 adding section 6 of The Town of Waynesville Code of Ordinances. It was discovered that no exception for citizens to be allowed to burn where removal of debris in steep terrain or circumstance that makes it impracticable to carry to curbside. With the exception, The Fire Marshal can issue a permit prior to burning after inspection and approval is made.

MOTION FOR CONSIDERATION:

Motion to approve amended change

FUNDING SOURCE/IMPACT:

No impact

ATTACHMENTS:

Amended Ordinance # 0-08-22

MANAGER’S COMMENTS AND RECOMMENDATIONS:

ORDINANCE # 0-08-22

AN ORDINANCE AMENDING CHAPTER 30 ADDING SECTION 6 OF THE TOWN OF WAYNESVILLE CODE OF ORDINANCES.

WHEREAS, the Town of Waynesville is experiencing considerable growth in both population and development;
and

WHEREAS, the increase in development and housing density requires the Board of Aldermen to review the regulation of “Open Burning” to determine if the provisions of Chapter 30 need to be clarified and strengthened: and

WHEREAS, after receiving citizen input through public comment.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE THAT SECTION 6 “ OPEN BURNING” BE ADDED TO CHAPTER 30 FIRE PREVENTION AND PROTECTION.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Open burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a chimney, or a permitted air pollution control device.

Pile means a quantity of objects or materials stacked or thrown together in a heap, three feet or less in diameter and two feet or less in height.

Stack means a usually conical shaped pile of debris or material, three feet or less in diameter and two feet or less in height.

- (b) *Prohibited acts.* No person shall ignite, cause to be ignited, permit to be ignited, allow or maintain, kindle or maintain within the corporate limits of the Town any open burning fire.

- (c) *Exceptions.* Exceptions shall include only the following:

- (1) Training fires set for the purpose of instruction and training of public and industrial employees in the methods of firefighting. Prior to commencement of open burning, the fire department shall be notified. All open burning for this purpose shall meet the requirements of all state regulations.
- (2) Open fires for cooking, heating, religious and ceremonial fires shall be allowed when such fire is not composed, in whole or substantial part, of leaves or yard waste, and the location of such fire, and the items necessary for its containment, and provided that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others. Such fires shall be conducted in accordance with the North Carolina Fire Prevention Code, be contained in a campfire pit meeting the requirements of pile and/or stack, confined within an enclosure from which burning material may not escape. Fuels for such fires must be naturally cut wood, charcoal, propane, or natural gas; no construction materials or building materials shall be permitted.
- (3) Bonfires, public or private, shall require a permit and are subject to approval of the fire department. Approval will be granted on the sole discretion of the fire department based upon:
 - a. The proximity of the proposed fire to dwellings, trees, woods and other structures.
 - b. Facilities available for fire management.
 - c. Atmospheric conditions. During period of hazardous forest fire conditions or air pollution episodes.
 - d. Type of material to be burnt must be naturally cut woody vegetation, three inches in diameter or smaller; no construction materials or building materials.
 - e. The bonfire shall be no more than five feet by five feet by five feet in dimension and shall burn no longer than three hours.
 - f. Any other consideration judged by the fire department to be required to ensure safe burning.

g. Such fires shall be maintained in accordance with the North Carolina Fire Prevention Code.

Failure to maintain bonfires in accordance with this section shall constitute fire extinguishment and revocation of the permit.

- (4) On the sole discretion of the fire department when there exists an extreme or emergency circumstance which lacks any other reasonable means of disposing of items which need to be disposed of, and not addressed in this section, the fire department may issue a permit to burn. These fires shall be limited to the disposal of material generated during a natural disaster, such as a tornado, hurricane or flood.
- (5) The Fire Marshal may approve open burning for the purpose of land clearing on large undeveloped tracts of land in circumstances where it is impractical for the debris to be hauled from the site. This provision shall be limited to areas in the corporate limits of the Town that are significantly rural, or undeveloped; and where it is determined that such activity will not endanger life, property, or pose an undue nuisance. The open burning shall be limited in scope to land clearing and debris removal. Before burning begins, a permit shall be obtained from the Fire Marshal.
- (6) The Fire Marshal may approve open burning where removal of debris is a burden on the landowner due to steep terrain or circumstance that makes it impracticable to carry to the curb. This provision shall be limited to areas where it is determined that such activity will not endanger life, property, or pose undue nuisance. Before burning begins, a permit shall be obtained from the Fire Marshal. Burning will be limited to naturally cut woody vegetation, wood, three inches in diameter or smaller. Piles shall be no more than five feet by eight feet by up to five feet in dimension. NC Open Burning Rules and Regulations shall be followed.

(d) *Violations and enforcement.*

- (1) The Fire Marshal shall have the authority to summarily abate any condition that is in violation of this section and that presents an immediate fire hazard to life or property.
- (2) Any open burning in violation of this section shall be extinguished by the responsible party or the fire department.
- (3) All costs incurred by the Town for enforcement of this section will be the responsibility of the party in violation of this section and will be added to the fine.
- (4) A civil fine shall be issued to any person or company violating the provisions of this section. The civil fine for residential violations shall be \$50.00 and \$100.00 per day for any repeat violation. The civil fine for commercial violations of this section shall be \$500.00 per stack or pile and \$1,000.00 per stack or pile for any repeat violation by the same person or company.
- (5) Violations of this section shall be a misdemeanor as provided under G.S. 160A-175 and 14-4. Each day's continuing violation shall constitute a separate offense as provided by G.S. 160A-175(g).

Town of Waynesville

Mayor Gary Caldwell

ATTEST:

Eddie Ward, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Main Street Pavilion bid

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Administration

Contact: Jesse Fowler, Assistant Town Manager

Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY:

The bids for the Main Street Pavilion have been received. Providence Construction Group was the sole bidder on the pavilion with a bid price of \$152,580. The preliminary engineers estimate for the cost of this project was approximately \$81,000. As instructed by the Board of Aldermen, staff has received input from the Downtown Waynesville Advisory Commission (DWAC) on the design and location of the project. The DWAC's consensus is that the location at Miller Street does not lend itself well to the idea of a pavilion due to the topography of Miller Street. As a venue, the DWAC did not believe that this site was suitable due to access to the site being constrained to a single entrance from the Miller Street Garden which precludes the public from truly gathering and enjoying any public performances. The DWAC's recommendation for the Board of Aldermen is to rethink the location of a venue space to somewhere more suitable such as along Main Street.

MOTION FOR CONSIDERATION:

FUNDING SOURCE/IMPACT:

ATTACHMENTS:

- Main Street Pavilion Bid documents

MANAGER'S COMMENTS AND RECOMMENDATIONS:

(NOTE: THIS FORM MUST BE FULLY EXECUTED AND RETURNED FOR CONSIDERATION OF PROPOSAL)

**TOWN OF WAYNESVILLE
PROPOSAL FORM**

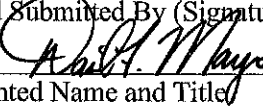
OUTDOOR PAVILION – MAIN STREET

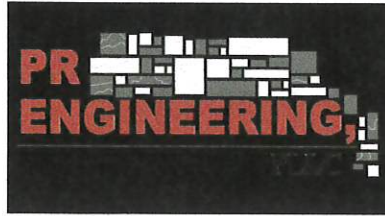
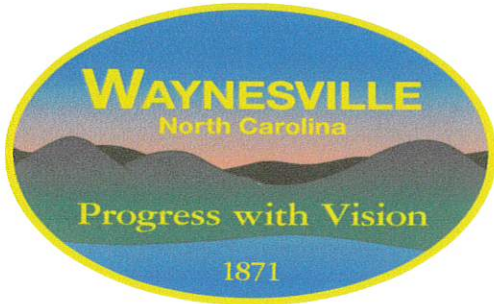
DUE DATE: APRIL 04, 2022, at 2:00 PM

By submitting this proposal, the potential contractor certifies the following:

- ** This proposal is signed by an authorized representative of the firm.
- ** It can obtain and submit to the Owner insurance certificates as required within 5 calendar days after notice of award.
- ** The cost and availability of all equipment, materials, and supplies associated with performing the services described herein have been determined and included in the proposed cost.
- ** All labor costs, direct and indirect, have been determined and included in the proposed cost.
- ** All taxes have been determined and included in the proposed cost.
- ** The offeror has attended the conference *(if applicable)* or conducted a site visit and is aware of prevailing conditions associated with performing these services.
- ** The potential contractor has read and understands the conditions set forth in this RFP and agrees to them with no exceptions.

Therefore, in compliance with this Request for Proposals, and subject to all conditions herein, the undersigned offers and agrees, if this proposal is accepted within 45 days (normally less) from the date of the opening, to furnish the subject services for a cost not to exceed.

Company Name Providence Construction Group, INC.	Bid Submitted By (Signature) 
Address PO Box 6039	Printed Name and Title David Mayo, President
City State Zip Hendersonville, NC 28739	Email Address David@providencecgc.com
Telephone No. 828-697-7017	Federal Taxpayer ID No. 20-2485957



BID DOCUMENT

Project Name: Miller St. Pavilion
 Location: Waynesville, NC
 Engineer: PR Engineering, PLLC
 Bid Due Date: **Monday April 4, 2022**

LUMP SUM BID QUANTITIES						Total Amount	BID
Ref #	Bid Item #	Item Description	Quantity	UNIT PRICE	UOM		
0	0.000	Permitting				\$0	
1	1.001	Site Prep (Demo. Existing) (#57 Stone Fill)				\$8800	
2	1.002	Foundations and Slab on Grade (Matr'l & Labor)				\$5420	
3	1.003	Rough & Finish Framing(Material & Labor)				\$31440	
4	1.004	Timber Trusses (Material Only)				\$14,990	
5	1.005	Stain (Material & Labor)				\$1,150	
6	1.006	Metal Roofing (Material & Labor)				\$4,800	
7	1.007	Brick Veneer (Material & Labor)				\$10,320	
8	1.008	42" Custom Railing (Material & Labor)				\$9,000	
9	1.009	1'-6" Curb & Gutter (Material & Labor)				\$3,130	
10	1.010	Lighting (Material & Labor) (Max Allotted)				\$4,290	
11	1.011	Walkway Pavers (Material & Labor)				\$2,050	
12	1.012	Concrete Retaining Walls (Material & Labor)				\$9,860	
13	1.013	General Contractor Overhead and Profit				\$47,330	
TOTAL BID AMOUNT				\$152,580			

Assumptions and Clarifications:

- 1.) This project is intended to be a lump sum contract for the pavilion as drawn and detailed on project plans by PR Engineering, PLLC.
- 2.) Contractor to provide estimated start and completion date with bid.
- 3.) Town of Waynesville reserves the right to self perform any item of work.
- 4.) No mechanical system.
- 5.) The awarded contractor will be responsible for pulling a building permit; however the permit fee assessed by the Town will be waived.
- 6.) Town staff to provide any landscaping proposed.

I acknowledge, by my signature below, that I received the project plans and understand that the information included in these documents are to be included in my bid.

Signature

David Mayo

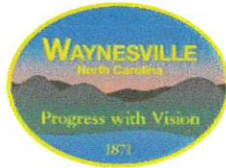
Pint Name

Providence Construction Group

Company

4-4-2022

Date



TOWN OF WAYNESVILLE

PROJECT: OUTDOOR PAVILION – MAIN STREET

TOWN OF WAYNESVILLE

ISSUE DATE: March 11, 2022

Proposals from bidders, subject to the conditions of this Request for Proposal, will be received until **Monday, April 04, 2022 at 2:00 p.m.**, for furnishing all labor, materials, equipment, and services incidental and implied, for completion of the project described herein.

SITE VISIT REQUIRED: A site visit is scheduled for **Monday, March 21, 2022 at 11:00 a.m.**, at the corner of North Main and Miller Streets, Waynesville, NC 28786.

SEND ALL PROPOSALS DIRECTLY TO THE ADDRESS AS SHOWN BELOW:

Town of Waynesville
Attn: Jesse Fowler, Assistant Town Manager
P.O. Box 100
16 South Main Street
Waynesville, NC 28786

NOTE: Indicate project name and the above information on the front of each sealed proposal envelope or package.

Direct inquiries concerning this RFP to: **Jesse Fowler, Assistant Town Manager** Phone: 828-452-2491

THE PROCUREMENT PROCESS

The following is a general description of the process by which a firm will be selected to provide services.

1. Request for Proposals (RFP) is issued to prospective contractors.
2. A deadline for written questions is five days prior to due date.
3. Proposals in one original will be received from each offeror in a sealed envelope or package. Each original shall be signed and dated by an official authorized to bind the firm. Unsigned proposals will not be considered.
4. All proposals must be received by the issuing agency not later than the date and time specified on the cover sheet of this RFP.
5. At the specified date and time, the proposals from each responding firm will be opened. This will not be a public bid opening. Interested parties are cautioned that these costs and their components are subject

to further evaluation for completeness and correctness and therefore may not be an exact indicator of an offeror's pricing position. Informal proposals (less than \$ 300,000) are confidential until such time that award has been made. Thereafter, the purchasing division will furnish bid tabs upon request.

6. At their option, the evaluators may request oral presentations or discussion with any or all offerors for the purpose of clarification or to amplify the materials presented in any part of the proposal. However, offerors are cautioned that the evaluators are not required to request clarification; therefore, all proposals should be complete and reflect the most favorable terms available from the offeror.

7. Proposals will be evaluated according to completeness, content, experience with similar projects, ability of the offeror and its staff, and cost. Award of a contract to one offeror does not mean that the other proposals lacked merit, but that, all factors considered, the selected proposal was deemed most advantageous to the State.

8. Contractors are cautioned that this is a request for offers, not a request to contract, and the Town of Waynesville reserves the right to reject any and all offers when such rejection is deemed to be in the best interest of the Town.

GENERAL INFORMATION ON SUBMITTING PROPOSALS

1. **EXCEPTIONS:** All proposals are subject to the terms and conditions outlined herein. All responses shall be controlled by such terms and conditions and the submission of other terms and conditions, price lists, catalogs, and/or other documents as part of an offeror's response will be waived and have no effect either on this Request for Proposals or on any contract that may be awarded resulting from this solicitation. Offeror specifically agrees to the conditions set forth in the above paragraph by signature to the proposal.
2. **CERTIFICATION:** By executing the proposal, the signer certifies that this proposal is submitted competitively and without collusion (G.S. 143-54), that none of our officers, directors, or owners of an unincorporated business entity has been convicted of any violations of Chapter 78A of the General Statutes, the Securities Act of 1933, or the Securities Exchange Act of 1934 (G.S. 143-59.2), and that we are not an ineligible vendor as set forth in G.S. 143-59.1. False certification is a Class I felony.
3. **ORAL EXPLANATIONS:** The Town of Waynesville shall not be bound by oral explanations or instructions given at any time during the competitive process or after award.
4. **COST FOR PROPOSAL PREPARATION:** Any costs incurred by offerors in preparing or submitting offers are the offerors' sole responsibility; the Town of Waynesville will not reimburse any offeror for any costs incurred.
5. **TIME FOR ACCEPTANCE:** Each proposal shall state that it is a firm offer which may be accepted within a period of 45 days. Although the contract is expected to be awarded prior to that time, the 45-day period is requested to allow for unforeseen delay.
6. **HISTORICALLY UNDERUTILIZED BUSINESSES:** The Town of Waynesville invites and encourages participation in this procurement process by businesses owned by minorities, women, disabled, disabled business enterprises and non-profit work centers for the blind and severely disabled.

The Contractor agrees in particular to maintain open hiring and employment practices and to receive applications for employment in compliance with all requirements of applicable federal, state, and local laws and regulations issued pursuant thereto relating to nondiscriminatory hiring and employment practices. Each Contractor shall undertake an affirmative action program to ensure that no person shall be excluded from participation in any employment activities because of age, sex, race, religion, color, national origin, or handicap.

7. **PROTEST PROCEDURES:** If an offeror wants to protest a contract awarded pursuant to this solicitation, they must submit a written request to the Purchasing Office, 129 Legion Drive, or P.O. Box 100, Waynesville, NC 28786. This request must be received by the Purchasing Division within thirty (30) consecutive calendar days from the date of the contract award and must contain specific sound reasons and any supporting documentation for the protest. NOTE: Contract award notices are sent only to those actually awarded contracts, and not to every person or firm responding to this solicitation. Contract status and award notices are available through the purchasing division (828) 456-3706.
8. **TABULATIONS:** Bidders may call the purchasing division to obtain a verbal status of contract award.

Town of Waynesville

CONTRACT TERMS AND CONDITIONS

1. **INDEPENDENT CONTRACTOR:** The Contractor shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the Town of Waynesville.
 2. **KEY PERSONNEL:** The Contractor shall not substitute key personnel assigned to the performance of this contract without prior written approval by the Town Manager. The individuals designated as key personnel for purposes of this contract are those specified in the Contractor's proposal.
 3. **SUBCONTRACTING:** Work proposed to be performed under this contract by the Contractor or its employees shall not be subcontracted without prior written approval by the Town Manager. Acceptance of an offeror's proposal shall include any subcontractor(s) specified therein.
 4. **PERFORMANCE AND DEFAULT:** If, through any cause, the Contractor shall fail to fulfill in timely and proper manner the obligations under this agreement, the Town of Waynesville shall thereupon have the right to terminate this contract by giving written notice to the Contractor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items under this contract prepared by the Contractor shall, at the option of the Town, become its property, and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials. Notwithstanding, the Contractor shall not be relieved of liability to the Town for damages sustained by the Town by virtue of any breach of this agreement, and the Town may withhold any payment due the Contractor for the purpose of setoff until such time as the exact amount of damages due the Town of Waynesville from such breach can be determined.
 5. **TERMINATION:** The Town may terminate this agreement at any time by giving a **15-day** notice in writing from the Town to the Contractor. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the Town, become its property. If the contract is terminated by the Town of Waynesville, as provided herein, the Contractor shall be paid for services satisfactorily completed, less payment or compensation previously made.
 6. **CARE OF PROPERTY:** The Contractor agrees that it shall be responsible for the proper custody and care of any property furnished it for use in connection with the performance of this contract or purchased by it for this contract and will reimburse the Town for loss or damage of such property.
 7. **ASSIGNMENT:** No assignment of the Contractor's obligations nor the Contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the Town of Waynesville may:
 - a. Forward the contractor's payment check(s) directly to any person or entity designated by the Contractor, or
 - b. Include any person or entity designated by Contractor as a joint payee on the Contractor's payment check(s).
- In no event shall such approval and action obligate the Town to anyone other than the Contractor and the Contractor shall remain responsible for fulfillment of all contract obligations.
8. **COMPLIANCE WITH LAWS:** The Contractor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements (permits) that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

9. **AFFIRMATIVE ACTION:** The Contractor shall take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of people with disabilities and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin, or disability.
10. **INSURANCE:** During the term of the contract, the contractor at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the contractor shall provide and maintain the following coverage and limits:
- a. **Worker's Compensation** - The contractor shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$150,000.00, covering all of Contractor's employees who are engaged in any work under the contract. If any work is subcontracted, the contractor shall require the subcontractor to provide the same coverage for any of its employees engaged in any work under the contract.
 - b. **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$2,000,000.00 Combined Single Limit.
 - c. **Automobile** - Automobile Liability Insurance, to include liability coverage, covering all owned, hired, and non-owned vehicles, used in connection with the contract. The minimum combined single limit shall be \$500,000.00 bodily injury and property damage; \$500,000.00 uninsured/under insured motorist; and \$100,000.00 medical payment.

Providing and maintaining adequate insurance coverage is a material obligation of the contractor and is of the essence of this contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The contractor shall at all times comply with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this contract. The limits of coverage under each insurance policy maintained by the contractor shall not be interpreted as limiting the contractor's liability and obligations under the contract.

The Contractor shall furnish a Certificate of Insurance as proof of the above coverages. Certificate will contain provision that the insurance coverages cannot be canceled, reduced in amount or coverage eliminated without 30 days written notice to the Town of Waynesville. Owner's Protective insurance must list the Town of Waynesville as a "Named Insured" as it's interest may appear. Owner's approval of Certificate of Insurance does not decrease or relieve the contractor's responsibility for maintaining insurance coverage as required in this Request for Proposal

11. **ENTIRE AGREEMENT:** This contract and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral or written statements or agreements. This Request for Proposals, any addenda thereto, and the offeror's proposal are incorporated herein by reference as though set forth verbatim.

All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise

herein, or unless superseded by applicable Federal or State statutes of limitation

12. **AMENDMENTS:** This contract may be amended only by written amendments duly executed by the Town and the Contractor.
13. **GENERAL INDEMNITY:** The contractor shall hold and save the Town of Waynesville, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses, with the exception of consequential damages, accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the contractor in the performance of this contract

Additional Instructions to Bidders

Scope: Work shall consist of furnishing all labor, materials, equipment and services, incidental for the completion of work as described herein. All items not specifically mentioned in the specifications, but which obviously are required to make the job complete, shall be included automatically.

Qualifications: All bidders must furnish a list of North Carolina Contractor Licenses, which they hold.

Contractor's Responsibility: The Contractor shall be responsible for the construction site during the performance of the work. The Contractor shall be responsible for any and all damages to persons and property during the performance of the work and shall further provide all necessary safety measures and shall fully comply with all federal state and local laws, building rules, rules, and regulations to prevent accidents or injury to persons or property on or about the location of the work site. This is to include OSHA 1910, General Construction, or those regulations mandated by these specifications. Special attention will be made to proper barricading of the work areas due to the work progressing within an actively operating office atmosphere.

Safety Regulations: The Contractor shall adhere to the rules, regulations and interpretations of the North Carolina Department of Labor relating to Occupational Safety and Health Standards for the Construction Industry (Title 29, Code of Federal Regulations, Part 1926, published in Volume 39, Number 122, Part II, June 24, 1974, Federal Register) which is hereby incorporated in these specifications.

Codes: All work shall be done in accordance with the specifications and shall comply with North Carolina Building Code, Underwriters' Rules and Regulations and Federal, State and Local Regulations covering work of this nature. Whenever drawings or specifications are in excess of such laws, codes and regulations, the specifications shall hold. All equipment shall have U. L. labels attached.

Work Schedule: The desire is for this project to be carried out during the **Spring of 2022**. Construction can begin on 5/01/22. No liquidated damages are proposed for the construction contract.

Workers on Job: All employees of the Contractor shall act in a professional and courteous manner.

E-Verify: Contractor shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of Contractor's knowledge, any subcontractor employed by Contractor as a part of this contract shall follow the requirements of E-Verify and N.C.G.S. §64-25 et seq.

Iran Divestment Act: North Carolina Local Government Units may not enter into contracts with any entity or individual found on the State Treasurer's Iran Final Divestment List N.C.G.S. 143C-6A. By bidding on this project, the bidder certifies it is not listed on the Final Divestment List created by the State Treasurer.

Materials: The Town of Waynesville is not responsible for any materials, equipment or tools lost or stolen from the site.

Clean Up: The area of work shall be cleaned daily so that the Town shall not incur any additional costs to make the area suitable for the work process. Also, the Contractor shall keep the public safe from construction debris by taking appropriate steps to close off access to work area.

Performance of Work: All work shall be performed at the highest level of quality. The Owner shall be responsible for determining the quality of work and may notify the Contractor of same. **ANY WORK COMPLETED THAT IS NOT SUITABLE TO THE OWNER SHALL BE REPEATED BY THE CONTRACTOR AT NO COST TO THE OWNER.** Any damage to existing area or utilities will be the responsibility of the Contractor. **NO EXCEPTIONS.**

On behalf of The Town of Waynesville, North Carolina
IBR for Main Street Pavilion

ADDENDUM I

March 24, 2022

Acknowledgment of receipt of Addenda must be included with sealed Bid. Include an initialed copy of each addendum with your submission.

Initials: JS **Company:** Providence Construction Group, INC.

Vendors are informed that the above referenced subject is hereby modified, corrected, or supplemented as specified, described, and set forth in this Addendum:

- 1. The Town of Waynesville shall provide two reserved parking spaces adjacent to the construction zone along Miller Street for the purpose of providing onsite dumpsters and porta johns by the Contractor for the duration of the project.**
- 2. The recessed can lighting referred to in the bid documents shall consist of four exterior grade can lights attached to the trusses of the structure. Power service for this lighting shall be pulled from "Electrical Panel B" which is located adjacent to the proposed construction site. Power service will be ran by the contractor under the supervision of the Town's Electric Department.**
- 3. The Town shall be responsible for relocating any onsite utilities that require relocation. The Town shall be responsible for any road closures required by the contractor in order to carry out the contract.**

Any and all questions regarding this Bid should be addressed to:

**Jesse Fowler
Assistant Town Manager
(828) 452-2491
jfowler@waynesvillenc.gov**

License Year

2022

License No.

57631

North Carolina

Licensing Board for General Contractors

This is to Certify That:

Providence Construction Group, Inc.

Hendersonville, NC

is duly registered and entitled to practice

General Contracting

Limitation: Unlimited

Classification: Building

until

December 31, 2022

when this Certificate expires.

Witness our hands and seal of the Board.

Dated, Raleigh, N.C.

January 01, 2022

This certificate may not be altered.



John E. Runyon
Chairman

C. Hank Wicker
Secretary-Treasurer

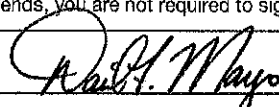
Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Providence Construction Group, Inc.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input checked="" type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions. PO Box 6039 6 City, state, and ZIP code Hendersonville, NC 28793 7 List account number(s) here (optional)	Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later. Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.	<table border="1"><tr><td colspan="9">Social security number</td></tr><tr><td></td><td></td><td></td><td>-</td><td></td><td></td><td>-</td><td></td><td></td></tr><tr><td colspan="9">or</td></tr><tr><td colspan="9">Employer identification number</td></tr><tr><td>2</td><td>0</td><td>-</td><td>2</td><td>4</td><td>8</td><td>5</td><td>9</td><td>5</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>7</td></tr></table>	Social security number												-			-			or									Employer identification number									2	0	-	2	4	8	5	9	5									7
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Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.	Sign Here Signature of U.S. person ►  Date ► October 21, 2021
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

INSURED PROVIDENCE CONSTRUCTION GROUP INC
NAME AND PROVIDENCE CUSTOM HOMES OF WNC INC
ADDRESS PO BOX 6039
HENDERSONVILLE NC 28793-6039

CERTIFICATE DMF HOLDINGS, LLC
HOLDER 446 TRACY GROVE RD.
HENDERSONVILLE, NC 28792

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

X	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY - OCCURRENCE GEN'L AGGREGATE APPLIES PER POLICY			GL 0473680	9/11/2021	9/11/2022	GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OPS AGGREGATE	\$2,000,000
							PERSONAL & ADV INJURY	\$1,000,000
							EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea Occurrence)	\$100,000
							MED EXP (Any one person)	\$5,000
<input type="checkbox"/>	BUSINESSOWNERS						EACH OCCURRENCE	\$
							AGGREGATE	\$
<input checked="" type="checkbox"/>	AUTOMOBILE LIABILITY			BAP 2907965	8/16/2021	8/16/2022	COMBINED SINGLE LIMIT (Each accident)	\$1,000,000
<input checked="" type="checkbox"/>	SCHEDULED AUTOS						BODILY INJURY (Per person)	\$
<input type="checkbox"/>	HIRED AUTOS						BODILY INJURY (Per accident)	\$
<input type="checkbox"/>	NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	\$
<input type="checkbox"/>	GARAGE LIABILITY							
<input type="checkbox"/>	(Other)							
<input checked="" type="checkbox"/>	EXCESS LIABILITY - OCCURRENCE			UP 7678251	10/27/2021	10/27/2022	EACH OCCURRENCE	\$3,000,000
							AGGREGATE	\$3,000,000
<input checked="" type="checkbox"/>	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY POLICY APPLIES TO THE WORKERS COMPENSATION LAW IN THE STATE OF NC	N/A		WC 0231572	1/7/2021	1/7/2022	WC STATUTORY LIMITS	
							E.L. EACH ACCIDENT	\$500,000
							E.L. DISEASE - EA EMPLOYEE	\$500,000
							E.L. DISEASE - POLICY LIMIT	\$500,000
<input type="checkbox"/>	OTHER:							

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES:**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

DATE 10/21/2021

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Skate Park Pavilion Bid

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Administration

Contact: Jesse Fowler, Assistant Town Manager

Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY:

The bids for the Skate Park Pavilion have been received. Providence Construction Group was the sole bidder on the pavilion with a bid price of \$104,100. The preliminary engineer's estimate for this project was approximately \$55,000. Currently there are no funds appropriated to fund this project. At the Board of Aldermen's annual budget retreat, staff received direction by consensus to postpone this project until a later date in hopes that the cost of construction will come down in the future, or to put the project out for another round of bids with the hope of attracting more bidders. Staff is now seeking the Board's official direction on this matter

MOTION FOR CONSIDERATION:

- Motion to put the skate park pavilion out for another round of bids.

OR

- Motion to postpone the Skate Park Pavilion until a later date.

FUNDING SOURCE/IMPACT:

ATTACHMENTS:

- Skate Park Pavilion Bid Documents

MANAGER'S COMMENTS AND RECOMMENDATIONS:

(NOTE: THIS FORM MUST BE FULLY EXECUTED AND RETURNED FOR CONSIDERATION OF PROPOSAL)

**TOWN OF WAYNESVILLE
PROPOSAL FORM**

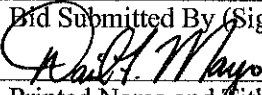
OUTDOOR PAVILION ~~—MAIN STREET~~ *285 Vance Street*

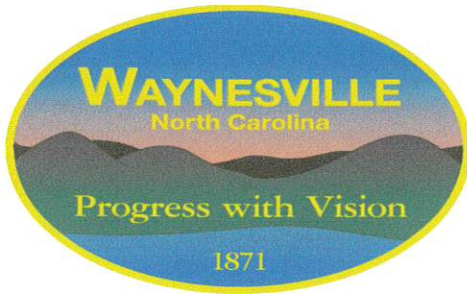
DUE DATE: APRIL 04, 2022, at 2:00 PM

By submitting this proposal, the potential contractor certifies the following:

- ** This proposal is signed by an authorized representative of the firm.
- ** It can obtain and submit to the Owner insurance certificates as required within 5 calendar days after notice of award.
- ** The cost and availability of all equipment, materials, and supplies associated with performing the services described herein have been determined and included in the proposed cost.
- ** All labor costs, direct and indirect, have been determined and included in the proposed cost.
- ** All taxes have been determined and included in the proposed cost.
- ** The offeror has attended the conference (*if applicable*) or conducted a site visit and is aware of prevailing conditions associated with performing these services.
- ** The potential contractor has read and understands the conditions set forth in this RFP and agrees to them with no exceptions.

Therefore, in compliance with this Request for Proposals, and subject to all conditions herein, the undersigned offers and agrees, if this proposal is accepted within 45 days (normally less) from the date of the opening, to furnish the subject services for a cost not to exceed.

Company Name Providence Construction Group, INC.	Bid Submitted By (Signature) 
Address PO Box 6039	Printed Name and Title David Mayo, President
City State Zip Hendersonville, NC 28793	Email Address David@providencecgc.com
Telephone No. 828-697-7017	Federal Taxpayer ID No. 20-2485957



SKATE PARK PAVILION

BID DOCUMENT

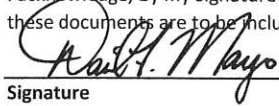
Project Name: Waynesville Skate Park Pavilion
 Proposed Location: Town of Waynesville Skate Park
 Address: 285 Vance St., Waynesville
 Engineer: Preston Gregg
 Bid Due Date: **Monday April 4, 2022**

LUMP SUM BID QUANTITIES					Total Amount	BID
Ref #	Bid Item #	Item Description	Price	UNIT		
1	1.001	Rough & Finish Grading			\$3000	
2	1.002	Foundations Material and Labor			\$13780	
3	1.003	Rough Framing Material and Labor			\$24660	
4	1.004	Roofing Material and Labor			\$5500	
5	1.005	Finish Carpentry Material and Labor			\$9280	
6	1.006	Concrete Slab on Grade Prep, Post Holes Material and Labor				
7	1.007	Painting and Staining Material and Labor			\$4300	
8	1.008	Electrical, Can Lights			\$11170	
9	1.009	General Contractor Overhead and Profit			\$32410	
TOTAL BID AMOUNT			\$104,100			

Assumptions and Clarifications:

- 1.) Level terrain with minimum grading
- 2.) No trees / clearing required on-site
- 3.) Town Electric Dept. to supply electrical service connection
- 4.) Town staff to provide any landscaping proposed

I acknowledge, by my signature below, that I received the project plans and understand that the information included in these documents are to be included in my bid.



Signature

David Mayo

Pint Name

Providence Construction Group, INC.

Company

4.4.2022

Date



TOWN OF WAYNESVILLE

PROJECT: OUTDOOR PAVILION – 285 VANCE STREET

TOWN OF WAYNESVILLE

ISSUE DATE: March 11, 2022

Proposals from bidders, subject to the conditions of this Request for Proposal, will be received until **Monday, April 04, 2022 at 2:00 p.m.**, for furnishing all labor, materials, equipment, and services incidental and implied, for completion of the project described herein.

SITE VISIT REQUIRED: A site visit is scheduled for **Monday, March 21, 2022 at 10:00 a.m.**, at the Waynesville Parks and Recreation Skatepark, 285 Vance Street, Waynesville, NC 28786.

SEND ALL PROPOSALS DIRECTLY TO THE ADDRESS AS SHOWN BELOW:

Town of Waynesville
Attn: Jesse Fowler, Assistant Town Manager
P.O. Box 100
16 South Main Street
Waynesville, NC 28786

NOTE: Indicate project name and the above information on the front of each sealed proposal envelope or package.

Direct inquiries concerning this RFP to: **Jesse Fowler, Assistant Town Manager** Phone: 828-452-2491

THE PROCUREMENT PROCESS

The following is a general description of the process by which a firm will be selected to provide services.

1. Request for Proposals (RFP) is issued to prospective contractors.
2. A deadline for written questions is five days prior to due date.
3. Proposals in one original will be received from each offeror in a sealed envelope or package. Each original shall be signed and dated by an official authorized to bind the firm. Unsigned proposals will not be considered.
4. All proposals must be received by the issuing agency not later than the date and time specified on the cover sheet of this RFP.
5. At the specified date and time, the proposals from each responding firm will be opened. This will not be a public bid opening. Interested parties are cautioned that these costs and their components are subject

to further evaluation for completeness and correctness and therefore may not be an exact indicator of an offeror's pricing position. Informal proposals (less than \$ 300,000) are confidential until such time that award has been made. Thereafter, the purchasing division will furnish bid tabs upon request.

6. At their option, the evaluators may request oral presentations or discussion with any or all offerors for the purpose of clarification or to amplify the materials presented in any part of the proposal. However, offerors are cautioned that the evaluators are not required to request clarification; therefore, all proposals should be complete and reflect the most favorable terms available from the offeror.

7. Proposals will be evaluated according to completeness, content, experience with similar projects, ability of the offeror and its staff, and cost. Award of a contract to one offeror does not mean that the other proposals lacked merit, but that, all factors considered, the selected proposal was deemed most advantageous to the State.

8. Contractors are cautioned that this is a request for offers, not a request to contract, and the Town of Waynesville reserves the right to reject any and all offers when such rejection is deemed to be in the best interest of the Town.

GENERAL INFORMATION ON SUBMITTING PROPOSALS

1. **EXCEPTIONS:** All proposals are subject to the terms and conditions outlined herein. All responses shall be controlled by such terms and conditions and the submission of other terms and conditions, price lists, catalogs, and/or other documents as part of an offeror's response will be waived and have no effect either on this Request for Proposals or on any contract that may be awarded resulting from this solicitation. Offeror specifically agrees to the conditions set forth in the above paragraph by signature to the proposal.
2. **CERTIFICATION:** By executing the proposal, the signer certifies that this proposal is submitted competitively and without collusion (G.S. 143-54), that none of our officers, directors, or owners of an unincorporated business entity has been convicted of any violations of Chapter 78A of the General Statutes, the Securities Act of 1933, or the Securities Exchange Act of 1934 (G.S. 143-59.2), and that we are not an ineligible vendor as set forth in G.S. 143-59.1. False certification is a Class I felony.
3. **ORAL EXPLANATIONS:** The Town of Waynesville shall not be bound by oral explanations or instructions given at any time during the competitive process or after award.
4. **COST FOR PROPOSAL PREPARATION:** Any costs incurred by offerors in preparing or submitting offers are the offerors' sole responsibility; the Town of Waynesville will not reimburse any offeror for any costs incurred.
5. **TIME FOR ACCEPTANCE:** Each proposal shall state that it is a firm offer which may be accepted within a period of 45 days. Although the contract is expected to be awarded prior to that time, the 45-day period is requested to allow for unforeseen delay.
6. **HISTORICALLY UNDERUTILIZED BUSINESSES:** The Town of Waynesville invites and encourages participation in this procurement process by businesses owned by minorities, women, disabled, disabled business enterprises and non-profit work centers for the blind and severely disabled.

The Contractor agrees in particular to maintain open hiring and employment practices and to receive applications for employment in compliance with all requirements of applicable federal, state, and local laws and regulations issued pursuant thereto relating to nondiscriminatory hiring and employment practices. Each Contractor shall undertake an affirmative action program to ensure that no person shall be excluded from participation in any employment activities because of age, sex, race, religion, color, national origin, or handicap.

7. **PROTEST PROCEDURES:** If an offeror wants to protest a contract awarded pursuant to this solicitation, they must submit a written request to the Purchasing Office, 129 Legion Drive, or P.O. Box 100, Waynesville, NC 28786. This request must be received by the Purchasing Division within thirty (30) consecutive calendar days from the date of the contract award and must contain specific sound reasons and any supporting documentation for the protest. NOTE: Contract award notices are sent only to those actually awarded contracts, and not to every person or firm responding to this solicitation. Contract status and award notices are available through the purchasing division (828) 456-3706.
8. **TABULATIONS:** Bidders may call the purchasing division to obtain a verbal status of contract award.

Town of Waynesville

CONTRACT TERMS AND CONDITIONS

1. **INDEPENDENT CONTRACTOR:** The Contractor shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the Town of Waynesville.
 2. **KEY PERSONNEL:** The Contractor shall not substitute key personnel assigned to the performance of this contract without prior written approval by the Town Manager. The individuals designated as key personnel for purposes of this contract are those specified in the Contractor's proposal.
 3. **SUBCONTRACTING:** Work proposed to be performed under this contract by the Contractor or its employees shall not be subcontracted without prior written approval by the Town Manager. Acceptance of an offeror's proposal shall include any subcontractor(s) specified therein.
 4. **PERFORMANCE AND DEFAULT:** If, through any cause, the Contractor shall fail to fulfill in timely and proper manner the obligations under this agreement, the Town of Waynesville shall thereupon have the right to terminate this contract by giving written notice to the Contractor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items under this contract prepared by the Contractor shall, at the option of the Town, become its property, and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials. Notwithstanding, the Contractor shall not be relieved of liability to the Town for damages sustained by the Town by virtue of any breach of this agreement, and the Town may withhold any payment due the Contractor for the purpose of setoff until such time as the exact amount of damages due the Town of Waynesville from such breach can be determined.
 5. **TERMINATION:** The Town may terminate this agreement at any time by giving a **15-day** notice in writing from the Town to the Contractor. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the Town, become its property. If the contract is terminated by the Town of Waynesville, as provided herein, the Contractor shall be paid for services satisfactorily completed, less payment or compensation previously made.
 6. **CARE OF PROPERTY:** The Contractor agrees that it shall be responsible for the proper custody and care of any property furnished it for use in connection with the performance of this contract or purchased by it for this contract and will reimburse the Town for loss of damage of such property.
 7. **ASSIGNMENT:** No assignment of the Contractor's obligations nor the Contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the Town of Waynesville may:
 - a. Forward the contractor's payment check(s) directly to any person or entity designated by the Contractor, or
 - b. Include any person or entity designated by Contractor as a joint payee on the Contractor's payment check(s).
- In no event shall such approval and action obligate the Town to anyone other than the Contractor and the Contractor shall remain responsible for fulfillment of all contract obligations.
8. **COMPLIANCE WITH LAWS:** The Contractor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements (permits) that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

9. **AFFIRMATIVE ACTION:** The Contractor shall take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of people with disabilities and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin, or disability.
10. **INSURANCE:** During the term of the contract, the contractor at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the contractor shall provide and maintain the following coverage and limits:
- a. **Worker's Compensation** - The contractor shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$150,000.00, covering all of Contractor's employees who are engaged in any work under the contract. If any work is subcontracted, the contractor shall require the subcontractor to provide the same coverage for any of its employees engaged in any work under the contract.
 - b. **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$2,000,000.00 Combined Single Limit.
 - c. **Automobile** - Automobile Liability Insurance, to include liability coverage, covering all owned, hired, and non-owned vehicles, used in connection with the contract. The minimum combined single limit shall be \$500,000.00 bodily injury and property damage; \$500,000.00 uninsured/under insured motorist; and \$100,000.00 medical payment.

Providing and maintaining adequate insurance coverage is a material obligation of the contractor and is of the essence of this contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The contractor shall at all times comply with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this contract. The limits of coverage under each insurance policy maintained by the contractor shall not be interpreted as limiting the contractor's liability and obligations under the contract.

The Contractor shall furnish a Certificate of Insurance as proof of the above coverages. Certificate will contain provision that the insurance coverages cannot be canceled, reduced in amount or coverage eliminated without 30 days written notice to the Town of Waynesville. Owner's Protective insurance must list the Town of Waynesville as a "Named Insured" as it's interest may appear. Owner's approval of Certificate of Insurance does not decrease or relieve the contractor's responsibility for maintaining insurance coverage as required in this Request for Proposal

11. **ENTIRE AGREEMENT:** This contract and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral or written statements or agreements. This Request for Proposals, any addenda thereto, and the offeror's proposal are incorporated herein by reference as though set forth verbatim.

All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise

herein, or unless superseded by applicable Federal or State statutes of limitation

12. **AMENDMENTS:** This contract may be amended only by written amendments duly executed by the Town and the Contractor.
13. **GENERAL INDEMNITY:** The contractor shall hold and save the Town of Waynesville, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses, with the exception of consequential damages, accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the contractor in the performance of this contract

Additional Instructions to Bidders

Scope: Work shall consist of furnishing all labor, materials, equipment and services, incidental for the completion of work as described herein. All items not specifically mentioned in the specifications, but which obviously are required to make the job complete, shall be included automatically.

Qualifications: All bidders must furnish a list of North Carolina Contractor Licenses, which they hold.

Contractor's Responsibility: The Contractor shall be responsible for the construction site during the performance of the work. The Contractor shall be responsible for any and all damages to persons and property during the performance of the work and shall further provide all necessary safety measures and shall fully comply with all federal state and local laws, building rules, rules, and regulations to prevent accidents or injury to persons or property on or about the location of the work site. This is to include OSHA 1910, General Construction, or those regulations mandated by these specifications. Special attention will be made to proper barricading of the work areas due to the work progressing within an actively operating office atmosphere.

Safety Regulations: The Contractor shall adhere to the rules, regulations and interpretations of the North Carolina Department of Labor relating to Occupational Safety and Health Standards for the Construction Industry (Title 29, Code of Federal Regulations, Part 1926, published in Volume 39, Number 122, Part II, June 24, 1974, Federal Register) which is hereby incorporated in these specifications.

Codes: All work shall be done in accordance with the specifications and shall comply with North Carolina Building Code, Underwriters' Rules and Regulations and Federal, State and Local Regulations covering work of this nature. Whenever drawings or specifications are in excess of such laws, codes and regulations, the specifications shall hold. All equipment shall have U. L. labels attached.

Work Schedule: The desire is for this project to be carried out during the **Spring of 2022**. Construction can begin on 5/01/22. No liquidated damages are proposed for the construction contract.

Workers on Job: All employees of the Contractor shall act in a professional and courteous manner.

E-Verify: Contractor shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of Contractor's knowledge, any subcontractor employed by Contractor as a part of this contract shall follow the requirements of E-Verify and N.C.G.S. §64-25 et seq.

Iran Divestment Act: North Carolina Local Government Units may not enter into contracts with any entity or individual found on the State Treasurer's Iran Final Divestment List N.C.G.S. 143C-6A. By bidding on this project, the bidder certifies it is not listed on the Final Divestment List created by the State Treasurer.

Materials: The Town of Waynesville is not responsible for any materials, equipment or tools lost or stolen from the site.

Clean Up: The area of work shall be cleaned daily so that the Town shall not incur any additional costs to make the area suitable for the work process. Also, the Contractor shall keep the public safe from construction debris by taking appropriate steps to close off access to work area.

Performance of Work: All work shall be performed at the highest level of quality. The Owner shall be responsible for determining the quality of work and may notify the Contractor of same. **ANY WORK COMPLETED THAT IS NOT SUITABLE TO THE OWNER SHALL BE REPEATED BY THE CONTRACTOR AT NO COST TO THE OWNER.** Any damage to existing area or utilities will be the responsibility of the Contractor. **NO EXCEPTIONS.**

On behalf of The Town of Waynesville, North Carolina
IBR Skate Park Pavilion

ADDENDUM I

March 24, 2022

Acknowledgment of receipt of Addenda must be included with sealed Bid. Include an initialed copy of each addendum with your submission.

Initials: JS **Company:** Providence Construction Group, INC.

Vendors are informed that the above referenced subject is hereby modified, corrected, or supplemented as specified, described, and set forth in this Addendum:

- 1. The Town of Waynesville Electric Department shall install a new pole adjacent to the construction site that will provide electrical service to the pavilion. The Contractor shall be responsible for pulling electric service from the new pole to the structure. Approximate distance of required trenching is 30'.**
- 2. The Contractor shall install eight recessed can lights within the ceiling of the structure.**
- 3. The Town shall be responsible for any grading of the site prior to construction of the pavilion. Contractor shall be responsible for providing postconstruction seeding and straw.**

Any and all questions regarding this Bid should be addressed to:

**Jesse Fowler
Assistant Town Manager
(828) 452-2491
jfowler@waynesvillenc.gov**

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

INSURED PROVIDENCE CONSTRUCTION GROUP INC
NAME AND PROVIDENCE CUSTOM HOMES OF WNC INC
ADDRESS PO BOX 6039
HENDERSONVILLE NC 28793-6039

CERTIFICATE DMF HOLDINGS, LLC
HOLDER 446 TRACY GROVE RD.
HENDERSONVILLE, NC 28792

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

X	TYPE OF INSURANCE	ADDL. SUBR. INSR. WVD	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY - OCCURRENCE GEN'L AGGREGATE APPLIES PER POLICY		GL 0473680	9/11/2021	9/11/2022	GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OPS AGGREGATE \$2,000,000 PERSONAL & ADV INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea Occurrence) \$100,000 MED EXP (Any one person) \$5,000
<input type="checkbox"/>	BUSINESSOWNERS					EACH OCCURRENCE \$ AGGREGATE \$
<input checked="" type="checkbox"/>	AUTOMOBILE LIABILITY		BAP 2907965	8/16/2021	8/16/2022	COMBINED SINGLE LIMIT (Each accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
<input type="checkbox"/>	SCHEDULED AUTOS					
<input type="checkbox"/>	HIRED AUTOS					
<input type="checkbox"/>	NON-OWNED AUTOS					
<input type="checkbox"/>	GARAGE LIABILITY					
<input type="checkbox"/>	(Other)					
<input checked="" type="checkbox"/>	EXCESS LIABILITY - OCCURRENCE		UP 7678251	10/27/2021	10/27/2022	EACH OCCURRENCE \$3,000,000 AGGREGATE \$3,000,000
<input checked="" type="checkbox"/>	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY POLICY APPLIES TO THE WORKERS COMPENSATION LAW IN THE STATE OF NC	N/A	WC 0231572	1/7/2021	1/7/2022	WC STATUTORY LIMITS E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000
<input type="checkbox"/>	OTHER:					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES:**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

DATE 10/21/2021

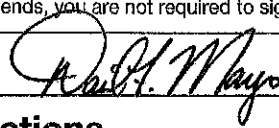
**Request for Taxpayer
Identification Number and Certification**

**Give Form to the
requester. Do not
send to the IRS.**

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Providence Construction Group, Inc.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input checked="" type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ►	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions. PO Box 6039 6 City, state, and ZIP code Hendersonville, NC 28793	7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later. Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.	<table border="1"><tr><td colspan="9">Social security number</td></tr><tr><td></td><td></td><td></td><td>-</td><td></td><td></td><td>-</td><td></td><td></td></tr><tr><td colspan="9">or</td></tr><tr><td colspan="9">Employer identification number</td></tr><tr><td>2</td><td>0</td><td>-</td><td>2</td><td>4</td><td>8</td><td>5</td><td>9</td><td>5</td></tr></table>	Social security number												-			-			or									Employer identification number									2	0	-	2	4	8	5	9	5
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Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.	Sign Here Signature of U.S. person ►  Date ► October 21, 2021
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

License Year

2022

License No.

57631

North Carolina

Licensing Board for General Contractors

This is to Certify That:

Providence Construction Group, Inc.
Hendersonville, NC

is duly registered and entitled to practice

General Contracting

Limitation: Unlimited

Classification: Building

until

December 31, 2022

when this Certificate expires.

Witness our hands and seal of the Board.

Dated, Raleigh, N.C.

January 01, 2022

This certificate may not be altered.



J. E. Runyan
Chairman

C. Hank Wiener
Secretary-Treasurer

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022**

SUBJECT: No Parking Sign on Dolan Road

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Public Services
Contact: Jeff Stines/Ricky Foster
Presenter: Jeff Stines

BRIEF SUMMARY: On several occasions, vehicles have parked on Dolan Road (on-street) and caused lane travel issues with residents in this area.

MOTION FOR CONSIDERATION: To install “No Parking” signs along Dolan Road to minimize/eliminate on-street parking.

FUNDING SOURCE/IMPACT: Streets and Sanitation Materials and Supplies

ATTACHMENTS:

MANAGER’S COMMENTS AND RECOMMENDATIONS:

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Guidance on the repair and/or relocation of the Wall Street dumpster.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Sam Cullen
Presenter: Sam Cullen

BRIEF SUMMARY:

The Town of Waynesville has allowed Downtown Waynesville Businesses and residents to utilize a public dumpster located in the corner of the lower Wall Street parking area. This dumpster pad and screen is in severe need of repair and has created a hazardous situation which is difficult to maintain and keep free to debris. Staff recommends that this dumpster area be removed and a new dumpster containment be constructed on existing parking spaces of higher quality materials. The benefits are that more dumpsters could be provided, the area would be more accessible to trucks, and the hazardous situation would be removed. Staff has put together a number of options for your consideration and seeks your direction.

MOTIONS FOR CONSIDERATION:

1. Motion to direct staff to take action on the Wall Street dumpster.

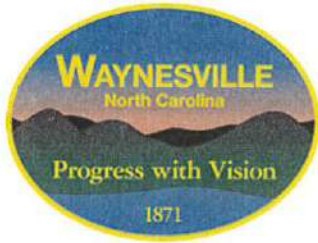
FUNDING SOURCE/IMPACT:

Costs will depend on the option chosen and are subject to bid.

ATTACHMENTS:

1. Option Sheet
2. Cost estimate for repair of existing dumpster containment area
3. Map and legend
4. Sample pictures
5. Powerpoint

MANAGER'S COMMENTS AND RECOMMENDATIONS:



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

Dumpster relocation project

The dumpster pad and enclosure located in the Wall St. parking lot has become a hazard and is unsafe for continued use. There are a few options that the town could use for the relocation

Option 1

The current location could be repaired/replaced. This option this would be a large project requiring an engineer to do work on a retaining wall amongst other things. The service charge for the engineering process would be about \$56,500. This does not include construction/materials.

Option 2

Relocation to proposed location A. This option would move the dumpsters to directly off Wall St. and would eliminate two parking spots including a handicap spot that will be relocated close by. This option will require the cost of construction of a new screen. The new scree could accommodate 3 dumpsters.

Option 3

Relocation to proposed location B. This option would also be a large project requiring a retaining wall, new screen and would not accommodate more than two dumpsters. This option would eliminate two to three parking spots.

Option 4

Relocation to proposed location C. This option would move the dumpsters to the other side of the parking lot and would eliminate two parking spots. This option would require a new screen and the relocation/isolation of a storm drain but would accommodate the number of dumpsters needed.

For all these options the cost of a new screen would be about the same. Please see attached pictures for a proposal of the new screens look and materials.





(c) Todd W.



NC Firm License # P-1305

August 2, 2018

Attn: Preston Gregg
Town of Waynesville
129 Legion Drive
Waynesville, NC 28786

RE: Town of Waynesville – Wall Street Solid Waste Facility Design and Permitting

Dear Preston:

Drye-McGlamery Engineering, PLLC (DME) is pleased to submit this proposal for Engineering Services.

PROJECT DESCRIPTION

It is assumed that this development will be a paved lot with ability to securely store and access (8) to (12) 8-cubic yard solid waste dumpsters located near an existing parking lot along Wall Street in Waynesville, NC. The Town of Waynesville owns the site. Site located in Haywood County, PIN #: 8615-37-5169 (1.09 acres).

SCOPE

We understand that the proposed scope is to provide engineering services to prepare and submit site civil plans including but not limited to a demolition plan, staking and materials plan, grading and drainage plan, erosion control plan (if required), utility plan, and planting plan (if required) for the referenced project. The scope also included all engineering analysis / calculations required for zoning, screening, solid waste access, as well as construction administration services for the duration of the project.

The scope also includes the necessary geotechnical evaluation of the existing soils with recommendations for retaining wall design parameters and paving recommendations (performed by subconsultant). Based on the geotechnical evaluation/recommendations and the final site grading requirements, DME will design a site retaining wall to support the new paved lot described above.

ENGINEERING SERVICES

The proposed services will be in four phases as follows:

A. Site Development / Design Phase

- 1) Site / Civil Plans will be prepared to obtain all necessary site development approvals through the Town of Waynesville and to meet all client development requirements. Coordination with and submittals to client are also realized under this scope. The Plans and reports are further defined in the following.
 - i. Demolition Plan – Plan to show extents of demolition, removal, and / or relocation of all existing driveways, curb and gutter, sidewalk, utilities, and site structures, etc.
 - ii. Site Plan – DME will prepare an overall Site Plan that meets the user requirements. The site plan will denote all parking/layout, dumpster locations, fencing/screening, guardrail, sidewalk, etc. It will also include property lines, building setbacks, build-to setbacks, zoning requirements, etc. The site plan will also include building materials.

- iii. Grading Plan – DME will prepare a grading plan to reflect the existing and proposed grades (contours and spot elevations) for the proposed development. All necessary stormwater management areas, conveyance structures and pipes will be detailed on this plan. Assumes Stormwater BMP design not required.
 - iv. Sediment and Erosion Control Plan – Plan to be provided as required to meet NCDENR and/or Town of Waynesville land disturbing activity requirements and address any project phasing.
 - v. Site Utility Plan - Illustrate water and sewer connection information as necessary for permit approvals and instruction for contractors.
 - vi. Landscape/Planting Plan – Planting plans for site as required.
 - 2) Issue signed and sealed plans for permitting with the Town of Waynesville and for construction.
 - 3) Provide earthwork evaluations for retaining wall options for import quantities.
 - 4) Provide engineer's cost estimate for completion of construction after design concept is complete.
- B. Geotechnical Site Evaluation (Performed by Others – Scope to be Provided to TOW from Subconsultant upon award).
- C. Retaining Wall Design Phase
- 1) DME will provide structural design and analysis for the retaining wall needed to support the new solid waste storage lot. Based on topography information from Haywood County GIS, the elevation of the site ranges from approximately 2715 at the edge of the current parking lot to 2665 at the property corner (approximately 50' in elevation drop). The property is approximately 100 linear feet wide at this location.
 - 2) DME will issues signed and sealed construction documents for the retaining wall in conjunction with the final site grading plan.
- D. Construction Administration Services
- 1) Answer any questions / requests for information during construction by contractor or owner.
 - 2) Perform periodic site inspections.

FEE

Our fee for the proposed services will be a lump sum of **Fifty-Six Thousand Five Hundred Dollars (\$56,500.00).**

Fee Breakdown:

Site Development/Design Phase:	\$22,000.00
Geotechnical Evaluation:	\$6,000.00
Retaining Wall Design Phase:	\$20,000.00
Construction Administration:	\$8,500.00

	Base Rate
Principal Engineer	\$150.00
Professional Engineer	\$125.00
Clerical:	\$50.00

Reimbursable expenses directly related to the project shall be billed as incurred. Expenses to be reimbursed include but are not limited to; plotting and printing of documents (excluding plots and prints for in-house use), delivery service, equipment rentals. **All travel expenses related to the project (mileage, lodging, incidentals, etc.) are included in the lump sum fee above.**

ASSUMPTIONS / CLARIFICATIONS

If additional services beyond the scope of our proposal are required and authorized by the client, these services will be negotiated and performed for an additional fee (See below for Breakdown). Additional services will include but are not limited to the following:

- This proposal does not include any response from third party reviews/comments outside of the permitting agency. These will be covered as an additional service or under hourly rates, listed below, and are not part of this proposed fee.
- The existing nearby storm drainage in Wall St. will accept the new storm drainage pipes (no off-site drainage analysis required)
- The nearby sewer system in Wall St. will accept any new sewer laterals (no off-site/downstream impact analysis of sewer is required).
- No permit application fees or other applicable submittal fees for any agency are included in this fee.
- Survey cost, if required, are not included in this fee.
- Fire Line Flow tests are not included in this scope / fee.
- Flood Study/Alluvial Soil Analysis is not included in this scope/fee.
- Analysis of off-site storm drainage systems or storm water management devices is not included in this price.
- Water (if required), sewer, and storm drainage connection locations are in close proximity to the site.

PAYMENT

Performed services will be Invoiced monthly based upon a percentage of completed scope. Payment of each invoice will be due upon receipt of invoice and will considered past due if not paid within thirty (30) days of the date of the invoice.

LIABILITY

Drye-McGlamery Engineering, PLLC has in effect professional liability insurance in the amount of \$2,000,000 for each claim and \$2,000,000 in the aggregate. Certificates of Insurance are available upon request.

We appreciate your selection of our firm for this project. We look forward to the opportunity to work with you. If you have any questions regarding our proposal, please feel free to contact us.

Sincerely,



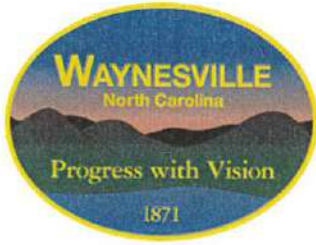
Daniel J. McGlamery, PE
Principal
Drye-McGlamery Engineering, PLLC
5720 Six Forks Rd, Suite 203
Raleigh, NC 27609

ACCEPTED

Signature

Title

Date



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100


9 South Main Street


Waynesville, NC 28786

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

www.waynesvillenc.gov

MAP LEGEND

Current location - 

Proposed locations - 

Report For

WAYNESVILLE TOWN OF
PO BOX C 100
WAYNESVILLE, NC 28786

Account Information

PIN: 8615-37-5169
Legal Ref: 289/277

Add Ref:

Site Information

WALL ST
Heated Area:
Year Built:
Total Acreage: 1.09
Township: Town of Waynesville

Site Value Information

Land Value: \$237,800
Building Value: \$28,600
Market Value: \$266,400
Deferred Value: \$0
Assessed Value: \$266,400
Sale Price: \$0
Sale Date: 5/16/1977



1 inch = 50 feet
April 11, 2022

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



DUMPSTER RELOCATION PROJECT

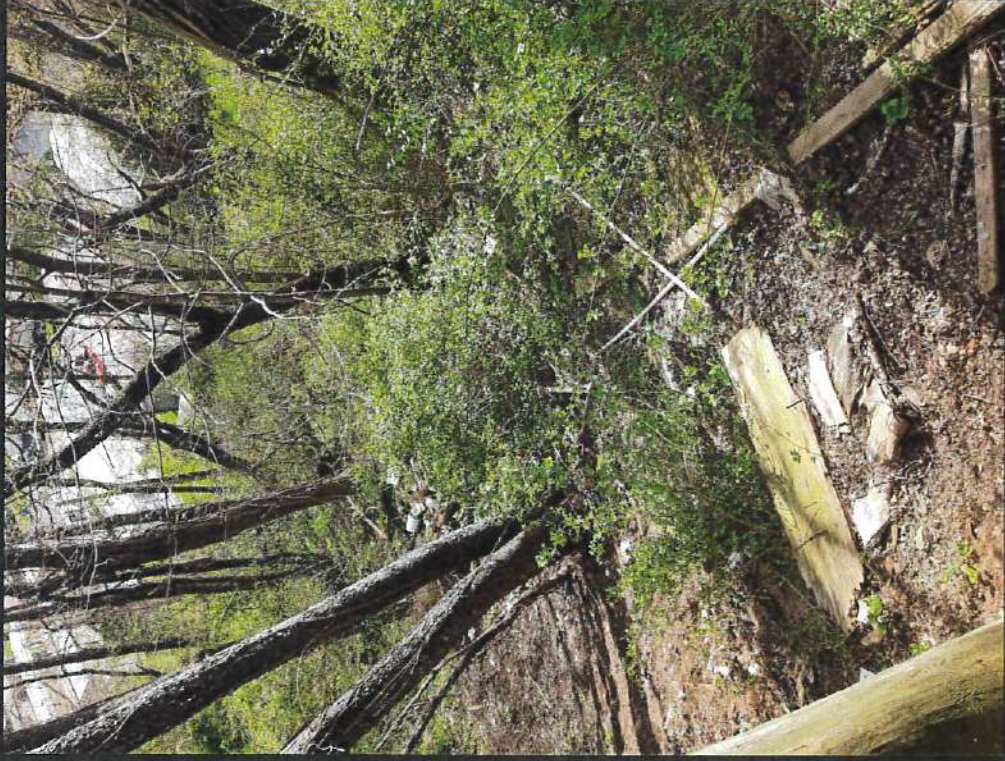
Development Services
Department

State of existing screen and pad

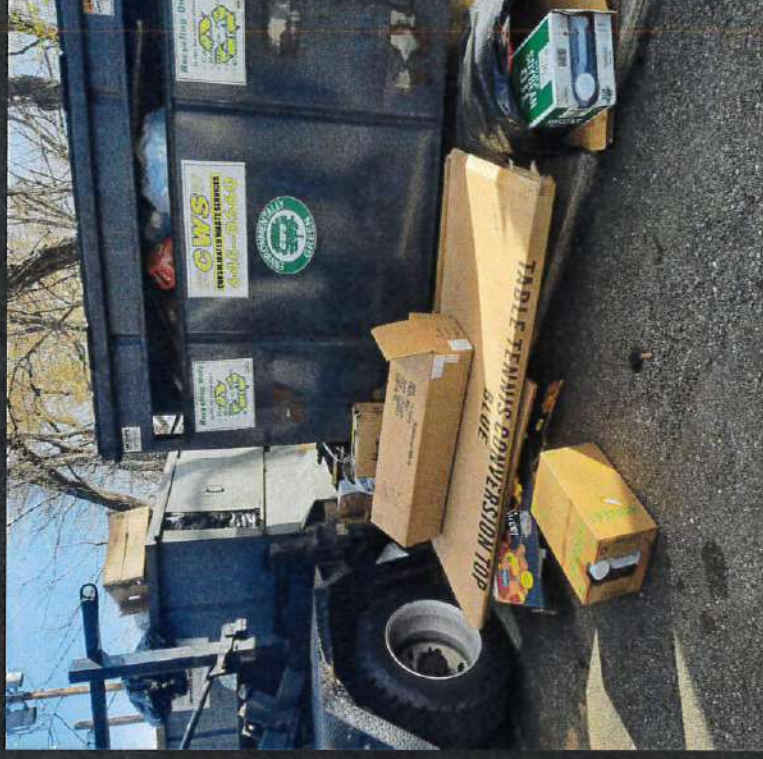
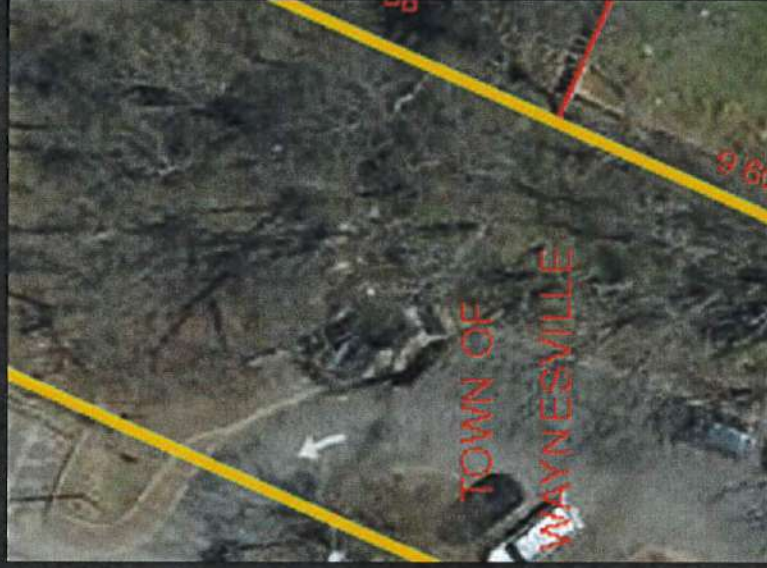




Trash from current pad falling down the bank looking towards Welch St.



Option for repair of current location.



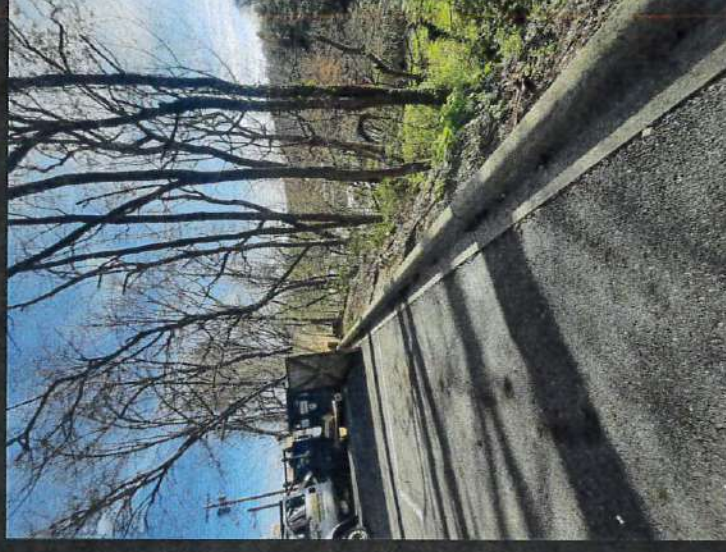
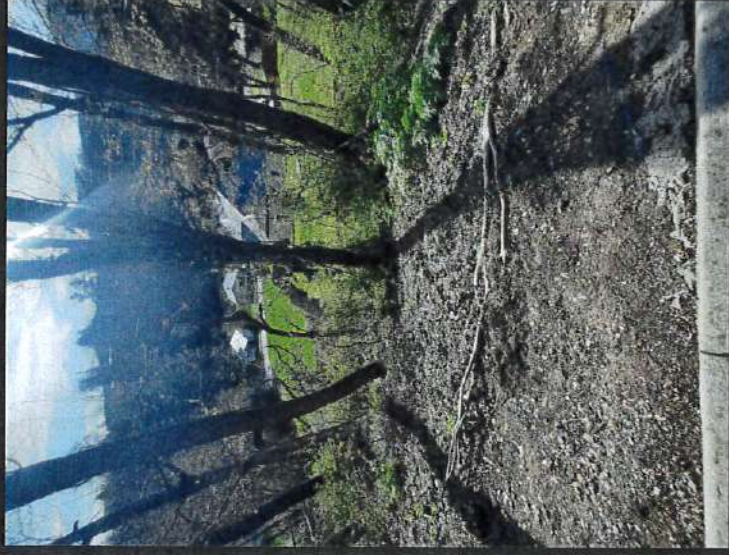
Proposed location A

- This location sets directly off wall street and would eliminate 2 parking spots.



Proposed location B

- This location sets to the right of the current pad. This would require a new retaining wall to be built off the side of the wall street parking area. This option would eliminate one parking spot.



Proposed location C

- This location sets in front of the current pad across the parking lot and would eliminate two parking spots. This location would provide space for the proper enclosure and an added dumpster.



Examples of possible new encloser



TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Budget Amendment to accept Parks and Recreation Trust Fund (PARTF) grant of \$232,750 into the budget for the development of the Greenway Bridge and Park.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Misty Hagood, Finance Director
Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY:

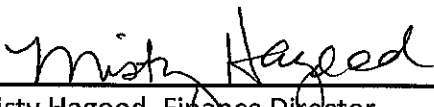
The Town received a grant from the Parks and Recreation Trust Fund in the amount of \$232,750 for assistance with the extension of the town's greenway system and the development of new park amenities on the property across Richland Creek from The Town's Recreation Center. With the Assistance of Bell Engineering and Owl construction, the Town has begun work on the bridge installation.

MOTION FOR CONSIDERATION:

1. Approval of the attached budget amendment.

FUNDING SOURCE/IMPACT:

This project will require \$232,751 in match which is partially met with \$119,000 in private donations and the ARP allocation.

 4-19-22
Misty Hagood, Finance Director Date

ATTACHMENTS:

1. Budget Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Recommendation is to approve budget amendment in order to accept PARTF Funds into the budget.

STATE OF NORTH CAROLINA

CONTRACTOR'S FEDERAL I.D.

COUNTY OF WAKE

566001367

N.C. Parks and Recreation Trust Fund Project Agreement

Grantee: Town of Waynesville

Project Number: 2022 - 993

Project Title: Richland Creek Park and Greenway

Period Covered by This Agreement: 2/1/2022 to 1/31/2025

Project Scope (Description of Project): Development including greenway trail / exercise loop, fitness equipment, bridge, picnic area, parking, and contingency.

Project Costs: PARTF Amount \$ 232,750

Local Government Match \$ 232,751

Conditions

The North Carolina Department of Natural and Cultural Resources (hereinafter called the "Department") and Town of Waynesville (hereinafter referred to as "Grantee") agree to comply with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances described in the North Carolina Parks and Recreation Trust Fund (PARTF) administrative rules and grant application which are hereby by reference made a part of the PARTF grant contract and which are on file with the Division of Parks and Recreation. In addition, the Department and the Grantee agree to comply with the State of North Carolina's Terms and Conditions as listed in "Attachment A" to this contract.

Now, therefore, the parties hereto do mutually agree as follows:

Upon execution of this grant agreement, the Department hereby promises, in consideration of the promises by the Grantee herein, to obligate to the Grantee the grant amount shown above. The Grantee hereby promises to efficiently and effectively manage the funds in accordance with the approved budget, to promptly complete grant assisted activities described above in a diligent and professional manner within the project period, and to monitor and report work performance.

The parties to this contract agree and understand that the payment of the sums specified in this contract is dependent and contingent upon and subject to the appropriation, allocation and availability of funds for this purpose to the Department.

Section I. Eligible Project Costs and Fiscal Management

1. The PARTF grant amount must be matched on at least a dollar-for-dollar basis by the Grantee. To be eligible, project costs must be incurred during the contract period, be documented in the grant application, and described in the project scope of this agreement, and initiated and/or undertaken after execution of this agreement by the Grantee and the Department.
2. PARTF assistance for land acquisition will be based on the fair market value of real property or the sales price, whichever is less. Value must be based upon an independent appraisal by a licensed appraiser holding a general or residential certification from the North Carolina Appraisal Board. The Department shall review the appraisal as to content and valuation. Approval of appraised amounts rests with the Department. The Grantee agrees to begin development on PARTF acquired land within five (5) years of the date this contract is signed by the Department and Grantee in order to allow general public access and use.
3. Payment shall be made in accordance with the contract documents as described in the Scope of Work (Attachment B). Payment for work performed will be made upon receipt and approval of invoice(s) from the Grantee documenting the costs incurred in the performance of work under this contract. Invoices may be submitted to the Contract Administrator

quarterly. Final invoices must be received by the Department within forty-five (45) days after the end of the contract period or contract completion, whichever occurs first. Accounting records should be based on generally accepted local government accounting standards and principles. Records shall be retained for a period of five (5) years following project completion, except those records shall be retained beyond five (5) year period if audit findings have not been resolved. All accounting records and supporting documents will clearly show the number of the contract and PARTF project to which they are applicable. The State Auditor shall have access to persons and records as a result of all contracts and grants entered into by state agencies and or political subdivisions in accordance with General Statute 147-64.7.

4. The Grantee agrees to refund to the Department, subsequent to audit of the project's financial records, and costs disallowed or required to be refunded to the Department on account of audit exceptions.

Section II. Project Execution

1. The Grantee may not deviate from the scope of the project without approval of the Department. When one of the conditions in the contract changes, including but not limited to the project scope, a revised estimate of costs, a deletion or additions of items, or need to extend the contract period, the Grantee must submit in writing a request to the Department for approval.
2. The Grantee shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Grantee represents that it has, or will secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the Department.
3. In the event the Grantee subcontracts for any or all of the services covered by the contract:
 - a. The Grantee is not relieved of any of the duties and responsibilities provided in this contract;
 - b. The subcontractor agrees to abide by the standards contained herein or to provide such information as to allow the Grantee to comply with these standards, and;
 - c. The subcontractor agrees to allow state and federal authorized representatives access to any records pertinent to its role as a subcontractor.
4. In accordance with Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, the grantee agrees not to subcontract with any vendors debarred or suspended by the State of North Carolina and shall not knowingly enter into any lower tier covered transactions with a person or vendor who is debarred, suspended or declared ineligible.
5. The Grantee shall not substitute key personnel assigned to the performance of this contract without prior approval by the Department's Contract Administrator. Mr. Rhett Langston is designated by the Grantee as key personnel for purposes of this contract. The Department designates, Ms. Jill Fusco, Grant Administrator, as the Contract Administrator for the contract.

Department Contract Administrator	Grantee Contract Administrator
NC Department of Natural and Cultural Resources Division of Parks and Recreation Attention: Ms. Jill Fusco, Contract Administrator 1615 Mail Service Center Raleigh, NC 27699-1615 Telephone 919-707-9362 Email: jill.fusco@ncparks.gov	Town of Waynesville Attention: Rhett Langston 550 Vance St. Waynesville, NC 28786 Telephone: 828-458-2030 Email: recdirector@townofwaynesville.org

6. The Grantee agrees to comply with all applicable federal, state and local statutory provisions governing purchasing, construction, land acquisition, fiscal management, equal employment opportunity and the environment including but not limited to the following:

Local Government Budget and Fiscal Control Act (G.S. 159-7 to 159-42); Formal Contracts, Informal Contracts and Purchasing (including but not limited to G.S. 44A-26, G.S. 87-1 to 87.15.4, G.S. 133.1 to 133-40, G.S. 143-128 to

G.S.143-135; Uniform Relocation Assistance Act (G.S. 133-5 to 133-18); Conflict of Interest (G.S. 14-234); Contractors Must use E-Verify (G.S. 143-48.5); Americans With Disabilities Act of 1990 (P.L. 101-336) and ADA Accessibility Guidelines; N.C. State Building Code; and the North Carolina Environmental Policy Act (G.S. 113A-1 to G.S. 113A-12), and Sales Tax Refund (G.S. 105-164.14(c)).

7. The Grantee agrees it provides a drug-free workplace in accordance to the requirements of the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D).
8. The Grantee agrees to permit periodic audits and site inspections by the Department to ensure work progress in accordance with the approved project, including a close-out inspection upon project completion. After project completion, the Grantee agrees to conduct grant contract compliance inspections at least once every five (5) years and to submit a Department provided inspection report to the Department.
9. The Grantee agrees land acquired with PARTF assistance shall be dedicated in perpetuity as a recreation site for the use and benefit of the public, the dedication will be recorded in the deed of said property and the property may not be converted to other than public recreation use without approval of the Department. The Grantee agrees to maintain and manage PARTF assisted development/ renovation projects for public recreation use for a minimum period of twenty-five (25) years after project completion.
10. The Grantee agrees to operate and maintain the project site so as to appear attractive and inviting to the public, kept in reasonably safe repair and condition, and open for public use at reasonable hours and times of the year, according to the type of facility and area.
11. The Grantee shall agree to place utility lines developed with PARTF assistance underground.
12. If the project site is rendered unusable for any reason whatsoever, the Grantee agrees to immediately notify the Department of said conditions and to make repairs, at its own expense, in order to restore use and enjoyment of the project by the public.
13. The Grantee agrees not to discriminate against any person on the basis of race, sex, color, national origin, age, residency or ability in the use of any property or facility acquired or developed pursuant to this agreement.
14. The Grantee certifies that it:
 - (a) Has neither used nor will use any appropriated funds for payment to lobbyists;
 - (b) Will disclose the name, address, payment details, and purposes of any agreement with lobbyists whom Grantee or its sub-tier contractor(s) or sub-grantee(s) will pay with profits or non-appropriated funds on or after December 22, 1989; and,
 - (c) Will file quarterly updates about the use of lobbyists if material changes occur in their use.

Section III. Project Termination and Applicant Eligibility

1. The Grantee may unilaterally rescind this agreement at any time prior to the expenditure of funds on the project described in this contract.
2. If through any cause, the Grantee fails to fulfill in a timely and proper manner the obligations under this contract, the Department shall thereupon have the right to terminate this contract by giving written notice to the Grantee of such termination and specifying the reasons thereof. In that event, the Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed in an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this contract.
3. Failure by the Grantee to comply with the provisions and conditions set forth in the formal application, PARTF administrative rules and this agreement shall result in the Department declaring the Grantee ineligible for further participation in PARTF, in addition to any other remedies provided by law, until such time as compliance has been obtained to the satisfaction of the Department.

Section IV. Attestation and Execution

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

In witness whereof, the Department and the Grantee have executed the Agreement in duplicate originals, one of which is retained by each of the parties.

Town of Waynesville	<i>Gary Caldwell</i>
Name of Grantee (Local Government)	Signature of Grantee (Chief Elected Official)
<i>GARY CALDWELL</i>	<i>Mayor</i>
Typed or Printed Name of Official	Title of Official

(Notary Public Completes)

State of North Carolina

County of

Haywood

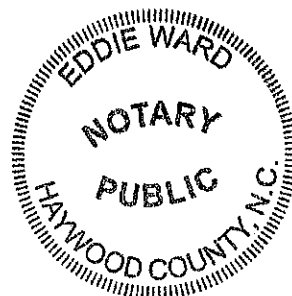
On this 1st day of March, 2022, Gary Caldwell

personally appeared before me the said named Mayor, to me known and known to me to be the person described in and who executed the foregoing instrument, and he (or she) acknowledged that he (or she) executed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

My commission expires: 4-18, 2025.

Eddie Ward
Signature of Notary Public

(Seal Here)



North Carolina Department of Natural and Cultural Resources
D. Reid Wilson, Secretary

By: *Dwayne Patterson*
Department Head or Authorized Agent
for Secretary Wilson

DIRECTOR, NC DIVISION OF PARKS AND RECREATION

Title

Ordinance No. O-15-22

Amendment No. 22 to The 2021-2022 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2021-2022 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2015-2016 Budget Ordinance be amended as follows:

General Fund:

Increase the following appropriation:

Account

Total General Fund revenue increase: \$232,750.

For the Purpose of: Greenway Bridge and Park Development

Adopted this ____ day of April, 2022.

Town of Waynesville

Gary Caldwell, Mayor

Attest:

Eddie Ward
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Request from Haywood County Soil and Water Conservation District for Conservation Easements in East Street Park.

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Development Services

Contact: Elizabeth Teague

Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The Town worked with Haywood Waterways and the Southwestern Soil and Water Conservation District to implement stream bank restoration activities within East Street Park. The projects were funded by the North Carolina Clean Water Management Trust Fund (CWMTF). This project will address erosion and improve the stream through the East Street Park property. CWMTF requires that the footprint of the restoration areas on Town property be placed into a conservation easement with the Soil and Water Conservation District in accordance with their grant requirements. Covenants have been reviewed by Town Attorney Martha Bradley.

MOTION FOR CONSIDERATION:

1. Authorize staff to execute agreements as prepared.

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

NA

ATTACHMENTS:

1. Restoration declaration
2. Area Map
3. Plat

MANAGER'S COMMENTS AND RECOMMENDATIONS:

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

PIN: 8615-56-3800
CWMTF Project No.: 2016-423

**DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS FOR RESTORATION PURPOSES**
East Street Park

Prepared by: Martha Sharpe Bradley, Esq., 37 Church St., Ste. 2800, Waynesville, NC 28786

After Recording Return to: Haywood Soil and Water, 589 Raccoon Rd., Ste. 203, Waynesville, NC 28786

NO TITLE SEARCH PERFORMED BY PREPARER

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR RESTORATION PURPOSES ("Restoration Declaration") is made this the ____ day of _____, 2022, by the Town of Waynesville, a municipal corporation (the "Declarant").

RECITALS AND CONSERVATION PURPOSES

A. The Declarant is a unit of local government and accepts responsibility for enforcing the terms of this Restoration Declaration and for upholding its conversation purposes forever.

B. The Declarant is the sole owner in fee simple of certain real property containing 4.783 acres, more or less, located in Waynesville Township, Haywood County, North Carolina, and more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference (hereafter "the Property").

C. The State of North Carolina (hereafter “the State”) enacted the Uniform North Carolina Conservation and Historic Preservation Agreements Act (the “Conservation Agreements Act”), Chapter 121, Article 4 of the North Carolina General Statutes (hereafter “NCGS”), which provides for enforceability of restrictions, easements, covenants, or conditions “appropriate for retaining in land or water areas predominantly in their natural, scenic, or open condition . . .”.

D. This Restoration Declaration is intended to be a “conservation agreement” and/or a “preservation agreement” as defined and contemplated in the Conservation Agreements Act.

E. The North Carolina Clean Water Management Trust Fund (hereafter “the Fund”), an independent agency of the State with its address at 1651 Mail Service Center, Raleigh, North Carolina 27699-1651, is authorized by NCGS Chapter 113A, Article 18, to provide fundings for projects and to acquired land and interests in land for riparian buffers for the purposes of protecting surface waters and urban drinking water supplies.

F. The Declarant is party to an agreement with the Fund through which it has received a grant from the Fund, identified as Grant Contract No. 2016-423 (hereafter “the Grant Contract”), entered into between the Declarant and the Fund effective June 29, 2017 for improving water quality by restoring (1) an unnamed tributary to Chestnut Branch and (2) Shingles Cove Branch on or bordering the Property and restoring and/or protecting riparian buffers on the Property (hereafter “the Restoration Project”).

G. The Declarant and the Fund have determined that water quality will benefit by implementation of the Restoration Project and subsequent protecting and maintenance of riparian resources and other natural values on the Property (hereafter “the Conservation Values”).

H. In order to protect and maintain the Conservation Values, the Declarant wishes to restrict and limit in perpetuity activities on and uses of the Property that could conflict with the Conservation Values, such restrictions and limitations applying only to that portion of the Property shown on Exhibit B entitled “Protection Area,” attached hereto and incorporated herein by reference as part of the terms, conditions, and purposes hereinafter set forth along with the right of ingress, egress, and regress over, upon, and across the Property to and from the Protection Area.

NOW, THEREFORE, the Declarant hereby unconditionally and irrevocably declares that the Protection Area will be held and subject to the following restrictions, covenants, and conditions as set out herein, to run with the subject real property and be binding on all parties that have or may have any rights, title, or interest in said property.

ARTICLE I. DURATION OF RESOTRATION DECLARATION

The covenants, conditions, and restrictions, and access rights contained in this Restoration Declaration are permanent and perpetual, run with the land, and are to be binding on the Declarant and its successors and assigns as owner of the Property and on all those claiming by, through, or under each such owner, in perpetuity.

ARTICLE II. ACTIVITIES AND USES EXPRESSLY RESTRICTED OR PROHIBITED AND EXCEPTIONS THERETO

A. **Prohibited Activities and Uses.** The Protection Area will be maintained in a manner consistent with and will not be developed or used in any manner that would impair or interfere with the purposes of this Restoration Declaration. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited, except as expressly identified herein as exceptions:

(1) Industrial, Residential, and Commercial Uses. Industrial, residential, and commercial activities and the rights of passage for such purposes;

(2) Agricultural, Grazing, and Horticultural Uses. Agriculture, grazing, horticultural, and animal husbandry operations;

(3) New Construction. Newly constructed buildings, facilities, mobile homes, antennas, utility poles, towers, and other structures;

(4) Dumping or Storing. Dumping or storage of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances or machinery, or other material;

(5) Mitigation. Neither the Protection Area nor any portion thereof may be used to satisfy compensatory mitigation requirements under 33 USC Section 1344 or NCGS § 143-214.11 or any successor or replacement provision of the foregoing;

(6) Open Space Requirements. The Protection Area may not be used to satisfy open space requirements of any cluster or other development scheme; and

(7) Development Rights. All development rights are extinguished from the Protection Area and may not be transferred to any other lands pursuant to a transfer of development rights scheme or cluster development arrangement or otherwise.

B. **Activities and Uses Restricted in the Easement Area.** Without limiting the generality of the foregoing, the following activities and uses are expressly restricted, except as expressly identified herein as exceptions:

(1) Cutting of Vegetation. Except as related to removal of non-native plants, diseased or damaged trees, and vegetation that obstructs, destabilizes

or renders unsafe the Protection Area to persons or natural habitat or as necessitated by the activities described in Article III, above, all cutting, removal, mowing, harming, or destruction of any trees and vegetation on the Protection Area is prohibited, other than customary maintenance required to maintain the public park.

(2) Stream Crossings and Roads. New stream crossings for livestock and access to adjacent property are prohibited, with the understanding that any crossing may not impede flow of water or aquatic life. Exciting roads, trails, or paths may be maintained with loose gravel or permanent vegetation to stabilize or cover the surfaces.

(3) Signs. Signs are prohibited, except interpretive signs describing activities and the purpose and function of the Protection Area, signs identifying the owner of the Property, signs giving directions, and signs prescribing rules and regulations for the use of the Protection Area.

(4) Grading, Mineral Use, Excavation, Dredging. Grading, filling, excavation, dredging, mining, drilling, and removal of topsoil, sand, gravel, rock, peat, minerals, and other materials are prohibited, except as necessitated by activities described in Article III.

(5) Water Quality and Drainage Patterns. Except as necessitated by activities described in Article III, diking, draining, dredging, channeling, filling, leveling, pumping, impounding, diverting, causing, allowing, or permitting the diversion of surface or underground water; altering or tampering with water control structures or devices; disruption or alteration of the restored, enhanced, or created drainage patterns; and removal of wetlands, polluting or discharging into waters, springs, seeps, or wetlands, or use of pesticide or biocides are prohibited.

(6) Subdivision and Conveyance. The Protection Area may not be subdivided, partitioned, or conveyed except in its current configuration as an entity or block of property.

ARTICLE III. ACTIVITIES AND USES EXPRESSLY ALLOWED

Any activity on or use of the Protection Area not consistent with the purposes of this Restoration Declaration or that could interfere with maintenance of the Protection Area in its natural or restored condition is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly allowed on the Protection Area:

A. **Passive Recreational Uses.** The Declarant may engage in undeveloped recreational uses, including hiking, bird watching, hunting, and fishing, and access to the Protection Area for the purposes thereof. Motorized vehicles may be used on trails, paths, and roads existing on the date hereof and only for managing, maintaining, and stewarding the Protection Area.

B. **Educational Uses.** The Declarant may engage in and permit others to engage in educational uses on the Protection Area consistent with this Restoration Declaration and the right of access to the Protection Area for such purposes, including organized educational activities such as site visits and observations. Educational uses of the Protection Area may not alter vegetation, hydrology, or topography.

C. **Restoration.** The Declarant and its representatives may engage in the Restoration Project. All activity associated with the Restoration Project will be conducted according to the requirements hereof and those incorporated herein from the Grant Contract and pursuant to all applicable laws, rules, regulations, and permits.

ARTICLE IV. RIGHT OF ENFORCEMENT BY STATE

In the event that the Declarant fails to comply with the terms of this Restoration Declaration, pursuant to the terms of the Grant Contract between the Declarant and the State acting by and through the Fund, the State has the independent right to enforce the terms of this Restoration Declaration through any and all authorities available under state law. Any forbearance by the State to exercise this right of enforcement may not be deemed or construed to be a waiver by the State of such right in general or with respect to a specific violation of any of the terms of this Restoration Declaration. The State and its agents and employees have such right of entry and access to the Protection Area as may be necessary to carry out the rights of enforcement set forth herein.

ARTICLE V. DECLARANT'S WARRANTY OF TITLE

The Declarant covenants, represents, and warrants that (i) the Declarant is the sole owner and is seized of the Protection Area in fee simple and has good right to grant and convey the aforesaid Restoration Declaration; (ii) there is legal access to the Property and the Protection Area; (iii) the Protection Area is free and clear of any and all encumbrances, except those exceptions of record, none of which would nullify, impair, or limit in any way the terms or effect of this Restoration Declaration; and (iv) the Declarant will defend its title against the claims of all persons whomsoever.

ARTICLE VI. MISCELLANEOUS

A. **Stewardship of the Protection Area.** Pursuant to the terms of the Grant Contract, the Declarant hereby covenants and agrees that it will monitor and observe the Protection Area in perpetuity to assure compliance with the purposes and provisions of the Restoration Declaration and the provisions of the Grant Contract.

B. **Subsequent Transfer of Fee.** The Declarant may not convey the Property or any interest therein and may not incur, assume, or suffer to exist any lien upon or with respect to the Property without disclosing to the prospective buyer the Restoration Declaration, the obligations of an owner of the Property, and limitations

on use of the Property hereunder. The Declarant further agrees to make any subsequent lease, deed, or other legal instrument by which any interest in the Property is conveyed subject to the Restoration Declaration herein created.

C. **Transfer of Restoration Declaration.** The Declarant has the right to transfer this Restoration Declaration to a “qualified conservation organization” under Section 170(h) of the Code, only if the agency or organization expressly agrees to assume the responsibility imposed on the Grantee by this declaration and if said transfer is approved by the State acting by and through the Fund or its successor agency.

D. **Amendments.** The Declarant or its successors in interest in the Protection Area is free to amend this Restoration Declaration to meet changing conditions, provided that no amendment will be allowed that is inconsistent with the purposes of this Restoration Declaration or affects the perpetual duration of this Restoration Declaration. Such amendment(s) require the written consent of both the Declarant and the Fund and will be effective upon recording in the public records of Haywood County, North Carolina. The Declarant acknowledges that it has no right to agree to any activity that would result in the termination of this Restoration Declaration.

E. **Interpretation.** This Restoration Declaration will be construed and interpreted under the laws of the State of North Carolina, and any ambiguities herein will be resolved so as to give maximum effect to the purposes of this Restoration Declaration as stated herein. Further, this Restoration Declaration will be construed to promote the purposes of the Conversation Agreements Ac, which authorizes the creation of conservation agreements for purposes including those set forth herein, such conservation purposes as are defined in Section 170(h)(4)(A) of the Code and set forth in NCGS Chapter 113A, Article 18. If any provision of this Restoration Declaration is found to be invalid, the remainder of the provisions of this Restoration Declaration and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, will not be affected thereby.

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, Declarant, by authority duly given, has hereunto caused these presents to be executed by its respective officers and its seal affixed, to be effective the day and year first above written.

DECLARANT

The Town of Waynesville, a municipal corporation,

By: _____ (SEAL)

Title: _____

**STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD**

I, the undersigned, certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Name of Signatory

Date: _____

Name of Notary

(SEAL)

Signature of Notary

My Commission Expires: _____

APPROVED AS TO FORM:

Martha Sharpe Bradley, Esq.
Town Attorney

**NC CLEAN WATER MANAGEMENT TRUST FUND
ACCEPTED AS TO FORM:**

By: _____
Restoration/Stormwater Project Manager

EXHIBIT “A”

**TOWN OF WAYNESVILLE
EAST STREET PARK**

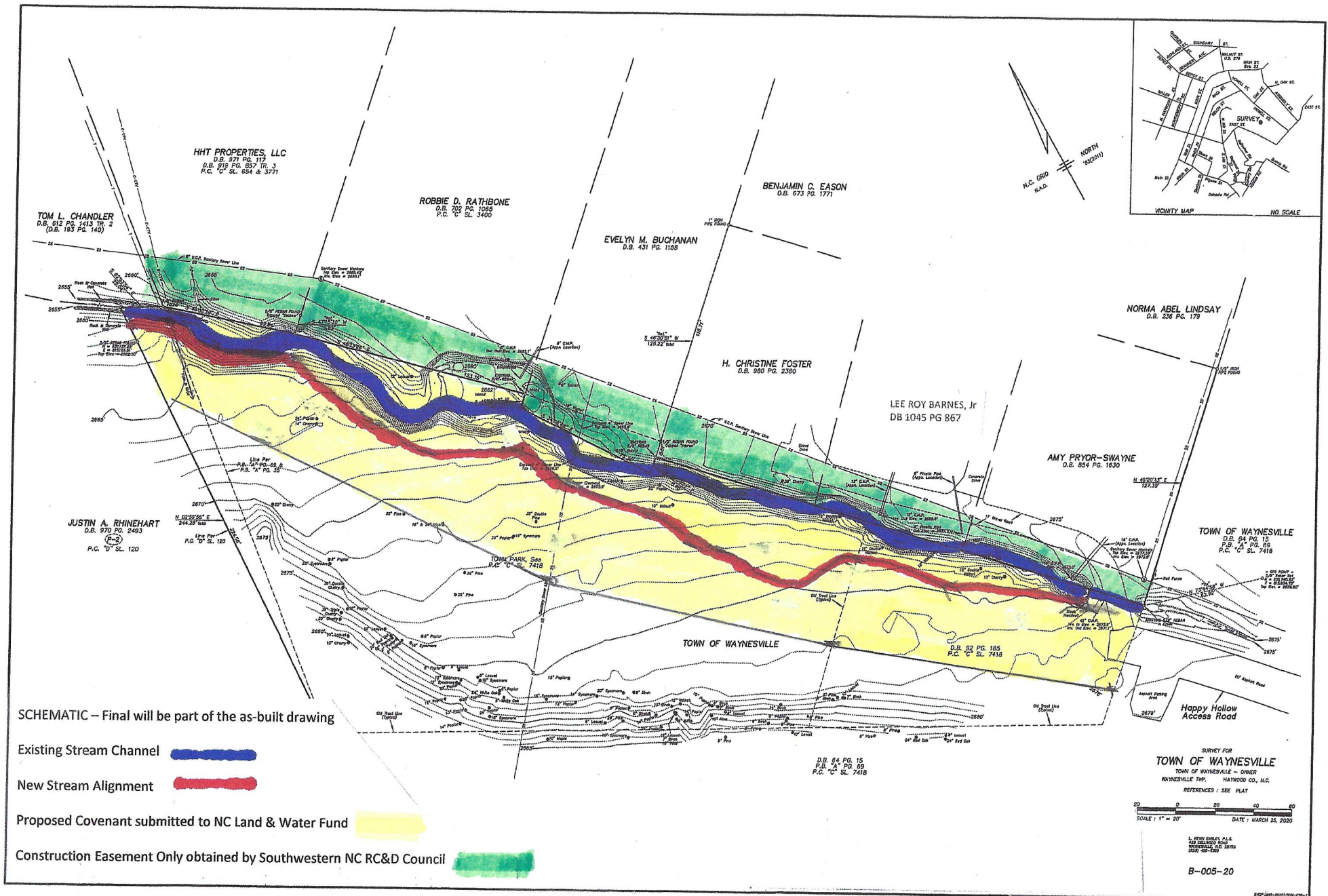
LYING WITHIN HAYWOOD COUNTY

BEING all of the 4.783-acre parcel of real property reflected on a survey dated January 5, 2017 and prepared for the Town of Waynesville which was recorded on January 23, 2017 at Map CABP Page 7418 in the Haywood County Registry.

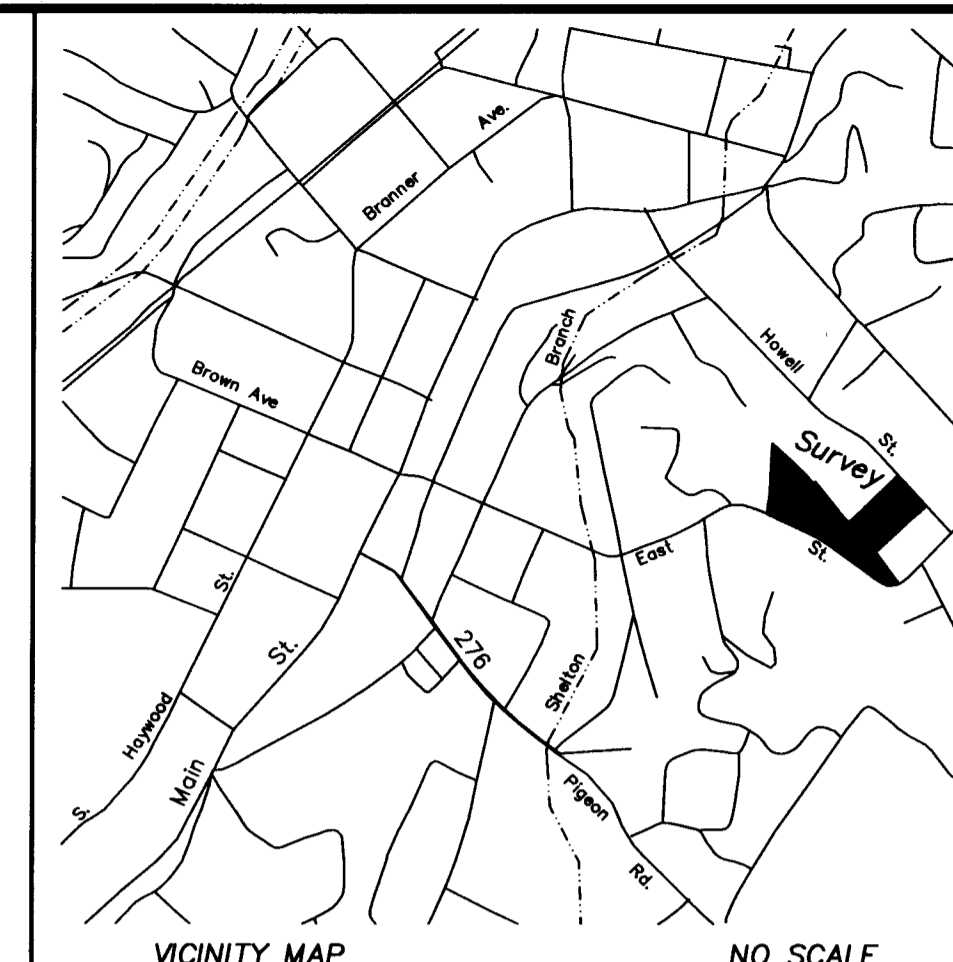
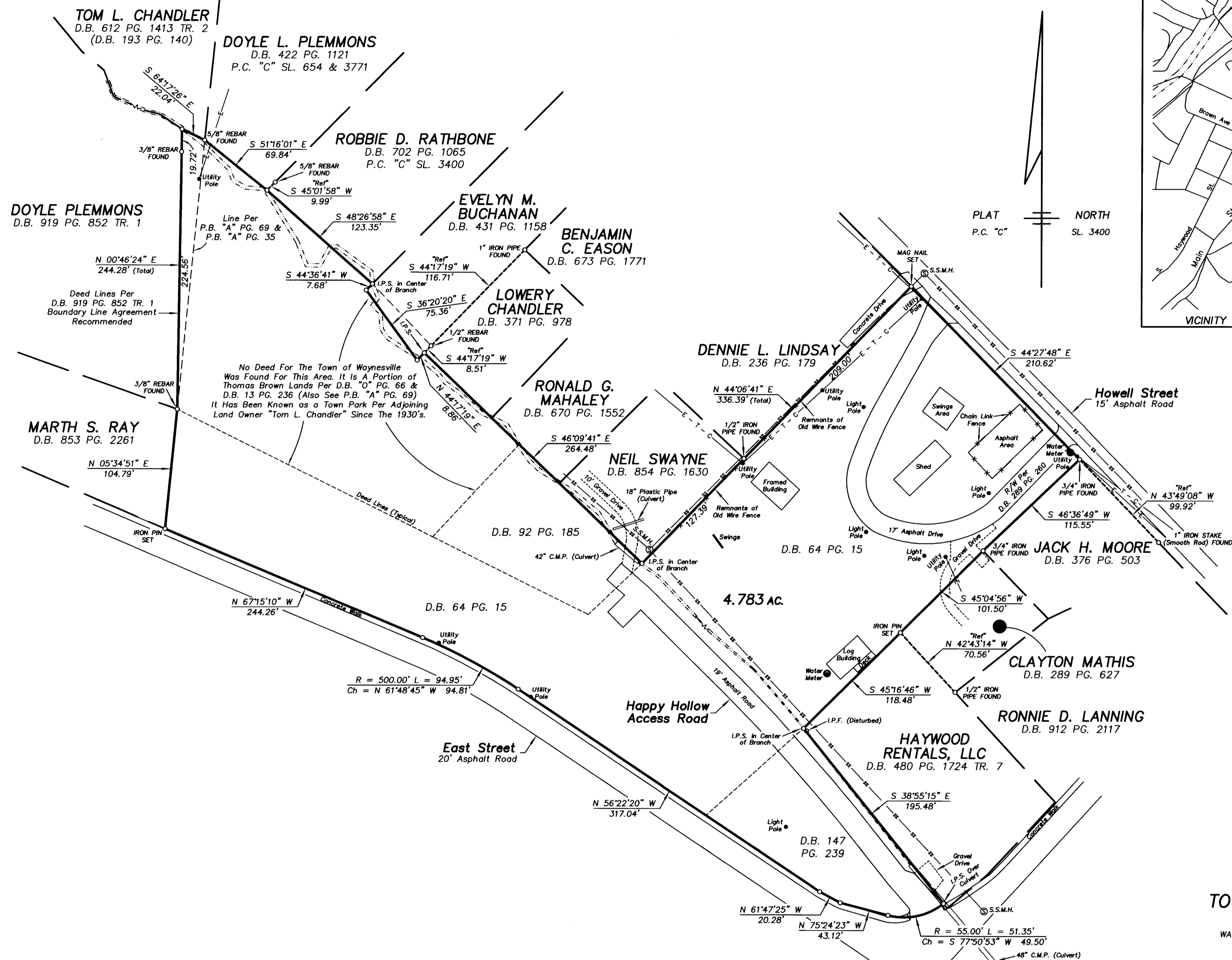
EXHIBIT “B”

DESCRIPTION OF THE PROTECTION AREA

BEING



C/7418



2017000600
HAYWOOD CO. NC FEE \$21.00
PRESENTED & RECORDED
01-23-2017 02:03:42 PM
SHERRI C. ROGERS
REGISTER OF DEEDS
BY: STACY C. MOORE
ASSISTANT
BK: MAP CABC
PG: 7418-7418

SURVEY FOR
TOWN OF WAYNESVILLE

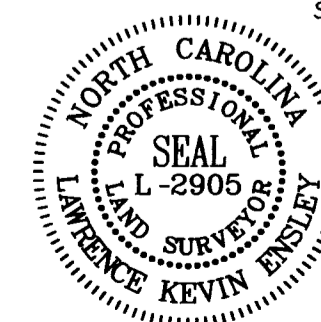
TOWN OF WAYNESVILLE - OWNERS
WAYNESVILLE TWP. HAYWOOD CO., N.C.

REFERENCES : D.B. 64 PG. 15
D.B. 92 PG. 185
D.B. 147 PG. 239

60 0 60 120 180
SCALE : 1" = 60' DATE : JANUARY 5, 2017

I, L. KEVIN ENSLEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE, PAGE PLAT, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK SEE, PAGE PLAT; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 5th DAY OF JANUARY, A.D., 2017.

L. Kevin Ensley
Professional Land Surveyor L-2905



L. KEVIN ENSLEY, P.L.S.
428 DELLWOOD ROAD
WAYNESVILLE, N.C. 28786
(828) 456-6395

A-003-17

SVCP\JAN-2017\TOWNWAYNE-EASTSTPARK

C/7418

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 26, 2022

SUBJECT: Award of Contract for Fire Tanker

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: (LEAVE BLANK)
Department: Fire Department
Contact: Joey Webb or Misty Hagood
Presenter: Misty Hagood

BRIEF SUMMARY:

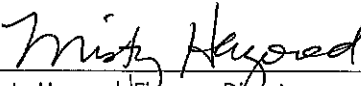
We are requesting permission to order the Pierce Dryside Fire Tanker on a Freightliner 114SD 2-dr chassis as specified in the attached quote. The Fire Department has been informed that Pierce will not be accepting orders starting on May 1 for a period of 90 days or more for commercial chassis products. The pricing will also increase when they start taking orders again. We will not need to pay any money until delivery of the fire tanker which is estimated to be at least 18 months. We will be closing on the loan with JP Morgan Chase in May that includes the funding to pay for the truck and necessary equipment. A budget amendment is necessary to account for the loan proceeds and to issue the purchase order for the truck.

MOTION FOR CONSIDERATION:

1. Approval of the attached budget amendment
2. Award of contract to Atlantic Emergency Solutions using H-GAC cooperative purchasing

FUNDING SOURCE/IMPACT:

Total cost of tanker is \$427,893.00 and we will use loan proceeds. The remaining loan proceeds of \$47,107 are to purchase equipment for the truck.


Misty Hagood, Finance Director

4-19-22
Date

ATTACHMENTS:

- Budget Amendment
- Quote for Fire Tanker
- Letter from Fire Department

MANAGER'S COMMENTS AND RECOMMENDATIONS:

The recommendation is to award contract to Atlantic Emergency Solutions using H-GAC cooperative purchasing in the amount of \$427,893 and to approve the budget amendment.



Waynesville Fire Department

Fire Tanker Update

Per our sales representative, Pierce Manufacturing will have another 7% price increase on May 1, 2022, as inflation pressures are very severe in the fire apparatus industry. There will not be any price holds allowed on trucks bid at current pricing and booked after May 1. Our tanker will increase about \$ 17,000.00 as it sits. Also, commercial chassis are expected to increase as well, and they've been told to expect the Freightliner chassis might increase by as much as 15% which would add an additional \$ 26,000.00 to the above number. They don't know when, or if, Freightliner will be doing another increase. Please keep in mind that we don't think the May 1, 2022, price increase will be the last one this calendar year. Pierce has not documented that it will happen, it's just an informed opinion on their part. Town of Waynesville is a member of H-GAC as we thought. They do not require money down to order the truck. The terms are net on delivery which means when they bring it to us at our station, we give them a check, or wire the payment. They will then give us the title paperwork. They only need either a signed contract, or PO issued by the Town of Waynesville. The documents will need to reference H-GAC FS12-19 as the means of purchase. The invoice will reference that as well. That's all they need to get the process started.

They were told today, April 18, that on May 1, 2022, Pierce will not be accepting orders for any commercial chassis products. This could last 90 days, or more. None of the commercial manufacturers, KW/Peterbilt, IHC, or Freightliner will guarantee pricing and delivery. If the truck is approved on the 26th we'll need to get the paperwork done and the truck ordered by April 30 to make the price increase and now the cutout date.



PROPOSAL FOR FURNISHING FIRE APPARATUS

DATE: 2/4/22

Waynesville Fire Department
1022 North Main Street
Waynesville, NC, 28786

The undersigned is prepared to manufacture for you, upon an order being placed by you, for final acceptance by *Atlantic Emergency Solutions, Inc.* at its home office in Manassas, Virginia, the apparatus and equipment herein named and for the following prices:

One (1) Pierce Dryside Tanker on a Freightliner 114SD 2-dr chassis as Specified Herein \$ 427,893.00

TOTAL **\$ 427,893.00**

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 18 to 20 calendar months after receipt of this order and the acceptance thereof at our *Atlantic Emergency Solutions, Inc.* office at Manassas, Virginia, and to be delivered to you at Pierce Mfg. in Appleton, Wisconsin.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

The proposal for fire apparatus conforms with all Federal Department of Transportation (DOT) rules and regulations in effect at this time of bid, and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Unless accepted within 60 days from date, the right is reserved to withdraw this proposition.

Atlantic Emergency Solutions Inc.

By: Frank Suggs

AUTHORIZED SALES REPRESENTATIVE

Frank Suggs

WAYNESVILLE FIRE DEPARTMENT

2000 Gallon Dryside Tanker on 2-dr FL 114SD Proposal



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WAYNESVILLE FIRE DEPARTMENT

2000 Gallon Dryside Tanker on 2-dr FL 114SD Proposal



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WAYNESVILLE FIRE DEPARTMENT

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WAYNESVILLE FIRE DEPARTMENT

2000 Gallon Dryside Tanker on 2-dr FL 114SD Proposal



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WAYNESVILLE FIRE DEPARTMENT

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WAYNESVILLE FIRE DEPARTMENT

2000 Gallon Dryside Tanker on 2-dr FL 114SD Proposal



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Atlantic Emergency Solutions is pleased to submit a proposal to Waynesville Fire Department for a **Pierce® Tanker** per your request for quotation. The following paragraphs will describe in detail the apparatus proposed. It will meet the applicable requirements of the National Fire Protection Association (NFPA) as stated in current edition at time of contract execution, except where amended by your specifications. Loose equipment not specifically requested will not be provided.

PIERCE MANUFACTURING was incorporated in 1917. Since then, we have been building bodies with one (1) philosophy, "BUILD THE FINEST". Our skilled craftsmen take pride in their work, which is reflected, in the final product. We have been building fire apparatus since the early "forties" giving Pierce Manufacturing over 75 years of experience in the fire apparatus market. Pierce Manufacturing has built and put into service more than 28,500 apparatus on commercial chassis and more than 33,900 on Pierce custom chassis designed and built specifically for fire and emergency applications. Our Appleton, Wisconsin facility has over 870,000 total square feet of floor space situated on approximately 105 acres of land. Our Bradenton, Florida facility has 300,000 square feet of floor space situated on approximately 38 acres of land. A multi-million dollar inventory of parts is available to keep your unit in service long after it has left the factory.

Our beliefs in high ethical standards are carried through in all of our commitments and to everyone with whom we do business. Honesty, Integrity, Accountability and Citizenship are global tenets by which we all live and work. Consequently, we neither engage in, nor have we ever been convicted of price fixing, bid rigging, or collusion in any domestic or international fire apparatus market.

Pierce has only one brand of fire apparatus "Pierce", ensuring you are receiving top of the line product that meets your specification.

In accordance with the current edition of NFPA 1901 standards, this proposal will specify whether the fire department, manufacturer, or apparatus dealership will provide required loose equipment.

Images and illustrative material in this proposal are as accurate as known at the time of publication, but are subject to change without notice. Images and illustrative material is for reference only and may include optional equipment and accessories and may not include all standard equipment.

GENERAL DESIGN AND CONSTRUCTION

To control quality and ensure the compatibility of all the components, Pierce specifically designs the pump module, body and electrical system to properly integrate and function with the commercial cab and chassis.

All welding, assembly and paint work will be done in Pierce owned manufacturing facilities. This includes, but not limited to the pumphouse module assembly, the body and the electrical system.

QUALITY AND WORKMANSHIP

Pierce has set the pace for quality and workmanship in the fire apparatus field. Our tradition of building the highest quality units with craftsmen second to none has been the rule right from the beginning and we demonstrate that ongoing commitment by: Ensuring all steel welding follows American Welding Society D1.1-2004 recommendations for structural steel welding. All aluminum welding follows American Welding society and ANSI D1.2-2003 requirements for structural welding of aluminum. All sheet metal welding follows American welding Society B2.1-2000 requirements for structural welding of sheet metal. Our flux core arc welding uses alloy rods, type 7000 and is performed to American Welding Society standards A5.20-E70T1. Furthermore, all employees classified as welders are tested and certified to meet the American welding Society codes upon hire and every three (3) years thereafter. Pierce also employs an American Welding Society certified welding inspector in plant during working hours to monitor weld quality.

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Pierce Manufacturing operates a Quality Management System under the requirements of ISO 9001. These standards sponsored by the International Organization for Standardization (ISO) specify the quality systems that are established by the manufacturer for design, manufacture, installation and service. A copy of the certificate of compliance is included with this proposal.

In addition to the Quality Management system, we also employ a Quality Achievement Supplier program to ensure the vendors and suppliers that we utilize meet the high standards we demand. That is just part of our overall "Quality at the Source" program at Pierce.

To demonstrate the quality of our products and services, a list of at least two (2) fire departments/municipalities that have purchased vehicles for a second time is provided.

DELIVERY

The apparatus will be delivered under its own power to ensure proper break-in of all components while the apparatus is still under warranty. A qualified delivery representative shall deliver the apparatus and remain for a sufficient length of time to instruct personnel in proper operation, care and maintenance of the equipment delivered.

MANUAL AND SERVICE INFORMATION

At time of delivery, complete operation and maintenance manuals covering the apparatus will be provided. A permanent plate will be mounted in the driver's compartment specifying the quantity and type of fluids required including engine oil, engine coolant, transmission, pump transmission lubrication, pump primer and drive axle.

SAFETY VIDEO

At the time of delivery Pierce will also provide one (1) 39-minute, professionally-produced apparatus safety video, in DVD format. This video will address key safety considerations for personnel to follow when they are driving, operating and maintaining the apparatus, including the following: vehicle pre-trip inspection, chassis operation, pump operation and safety during maintenance.

PERFORMANCE TESTS

A road test will be conducted with the apparatus fully loaded and a continuous run of no less than ten (10) miles. During that time the apparatus will show no loss of power nor will it overheat. The transmission drive shaft or shafts and the axles will run quietly and be free of abnormal vibration or noise. The apparatus will meet NFPA 1901 acceleration requirements and NFPA 1901 braking requirements. The apparatus when fully loaded will not have less than 25 percent nor more than 50 percent on the front axle and not less than 50 percent nor more than 75 percent on the rear axle.

SERVICE AND WARRANTY SUPPORT

Pierce dealership support will be provided by Atlantic Emergency Solutions by operating a Pierce authorized service center. The service center will have factory-trained mechanics on staff versed in Pierce fire apparatus. The service facility will be located within one hundred fifty (150) miles of the fire department.

In addition to the dealership, Pierce has service facilities located in both, Weyauwega, Wisconsin and Bradenton, Florida. Pierce also maintains a dedicated parts facility of over 100,000 square feet in Appleton, Wisconsin. The parts facility stocks in excess of \$5,000,000 in parts dedicated to service and replacement parts. The parts facility employs a staff dedicated solely for the distribution and shipment of service and replacement parts.

Service parts for the apparatus being proposed can be found via Pierceparts.com which, is an interactive online tool that delivers information regarding your specific apparatus as well as the opportunity to register for training classes.

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As a Pierce customer you have the ability to view the complete bill of materials for your specific apparatus, including assembly drawings, piece part drawings and beneficial parts notations. You will also have the ability to search the complete Pierce item master through a parts search function which offers all Pierce SKU's and descriptions offered on all Pierce apparatus. Published component catalogs, which include proprietary systems along with an extensive operator's manual library is available for easy reference.

Pierce Manufacturing maintains a dedicated service and warranty staff of over 35 personnel, dedicated to customer support, which also maintains a 24 hour 7 day a week toll free hot line, four (4) on staff EVTs and offers hands-on repair and maintenance training classes multiple times a year.

LIABILITY

The successful bidder will defend any and all suits and assume all liability for the use of any patented process including any device or article forming a part of the apparatus or any appliance furnished under the contract.

LOCATION

Your apparatus will be manufactured in Bradenton, Florida.

INSURANCE PROVIDED BY BIDDER

COMMERCIAL GENERAL LIABILITY INSURANCE

The successful bidder will, during the performance of the contract and for three (3) years following acceptance of the product, keep in force at least the following minimum limits of commercial general liability insurance:

- | | |
|---|-------------|
| - Each Occurrence | \$1,000,000 |
| - Products/Completed Operations Aggregate | \$1,000,000 |
| - Personal and Advertising Injury | \$1,000,000 |
| - General Aggregate | \$2,000,000 |

Coverage will be written on a Commercial General Liability form. The policy will be written on an occurrence form and will include Contractual Liability coverage for bodily injury and property damage subject to the terms and conditions of the policy. The policy will include Owner as an additional insured when required by written contract.

COMMERCIAL AUTOMOBILE LIABILITY INSURANCE

The successful bidder will, during the performance of the contract, keep in force at least the following minimum limits of commercial automobile liability insurance and coverage will be written on a Commercial Automobile liability form:

- | | |
|--|-------------|
| - Each Accident Combined Single Limit: | \$1,000,000 |
|--|-------------|

UMBRELLA/EXCESS LIABILITY INSURANCE

The successful bidder will, during the performance of the contract and for three (3) years following acceptance of the product, keep in force at least the following minimum limits of umbrella liability insurance:

- | | |
|--------------------|-------------|
| - Aggregate: | \$3,000,000 |
| - Each Occurrence: | \$3,000,000 |

The umbrella policy will be written on an occurrence basis and at a minimum provide excess to the bidder's General Liability and Automobile Liability policies.

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The required limits can be provided by one (1) or more policies provided all other insurance requirements are met.

Coverage will be provided by a carrier(s) rated A- or better by A.M. Best.

All policies will provide a 30-day notice of cancellation to the named insured. The Certificate of Insurance will provide the following cancellation clause: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

Bidder agrees to furnish owner with a current Certificate of Insurance with the coverages listed above along with the bid. The certificate will show the purchaser as certificate holder.

INSURANCE PROVIDED BY MANUFACTURER

PRODUCT LIABILITY INSURANCE

The manufacturer will, during the performance of the contract and for three (3) years following acceptance of the product, keep in force at least the following minimum limits of Product Liability insurance:

- Each Occurrence \$1,000,000
- Products/Completed Operations Aggregate \$1,000,000

Coverage will be written on a Commercial General Liability form. The policy will be written on an occurrence form. The manufacturer's policy will include the owner as additional insured when required by written contract between the Owner and a Pierce authorized dealer.

UMBRELLA/EXCESS LIABILITY INSURANCE

The manufacturer will, during the performance of the contract and for three (3) years following acceptance of the product, keep in force at least the following minimum limits of umbrella liability insurance:

- Each Occurrence: \$25,000,000
- Aggregate: \$25,000,000

The umbrella policy will be written on an occurrence basis and provide excess to the manufacturer's General Liability/Products policies.

The required limits can be provided by one (1) or more policies provided all other insurance requirements are met.

Coverage will be provided by a carrier(s) rated A- or better by A.M. Best.

All policies will provide a 30-day notice of cancellation to the named insured. The Certificate of Insurance will provide the following cancellation clause: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

Manufacturer agrees to furnish owner with a current Certificate of Insurance with the coverages listed above along with the bid. The certificate will show the purchaser as the certificate holder.

NFPA 2016 STANDARDS

This apparatus specification includes a commercial chassis that has not been certified to meet the requirements of NFPA 1901 by the chassis manufacturer. Although this chassis may comply with certain aspects of the standard, Pierce has not received certification from this chassis manufacturer

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that all criteria have been met. The body as built by the manufacturer must comply with the NFPA standards effective January of 2016.

Certification of slip resistance of all stepping, standing and walking surfaces must be supplied with delivery of the apparatus.

All horizontal surfaces designated as a standing or walking surface that are greater than 48.00" above the ground must be defined by a 1.00" wide line along its outside perimeter. Perimeter markings and designated access paths to destination points will be identified on the customer approval print and are shown as approximate. Actual location(s) will be determined based on materials used and actual conditions at final build. Access paths may pass through hose storage areas and opening or removal of covers or restraints may be required. Access paths may require the operation of devices and equipment such as the aerial device or ladder rack.

A plate that is highly visible to the driver while seated will be provided. This plate will show the overall height, length and gross vehicle weight rating.

The manufacturer will have programs in place for training, proficiency testing and performance for any staff involved with certifications.

An official of the company will designate, in writing, who is qualified to witness and certify test results.

NFPA COMPLIANCY

Apparatus proposed by the bidder will meet the applicable requirements of the National Fire Protection Association (NFPA) as stated in the current edition at time of contract execution. Fire Department's specifications that differ from NFPA specifications will be indicated in the proposal as "non-NFPA."

PUMP TEST

The rated water pump will be tested, approved and certified by an ISO certified independent third party testing agency at the manufacturer's expense. The test results, along with the pump manufacturer's certification of hydrostatic test, the engine manufacturer's certified brake horsepower curve and the manufacturer's record of pump construction details will be forwarded to the Fire Department.

GENERATOR TEST

If the unit has a generator, the generator will be tested, approved and certified by an ISO certified independent third party testing agency at the manufacturer's expense. The test results will be provided to the Fire Department at the time of delivery.

SERVICE CENTER WITH MOBILE SERVICE TRUCKS

Atlantic Emergency Solutions provides a Charlotte Regional Service Center located 150 miles from your station. The address is 6809 Statesville Road, Charlotte, NC, 27269.

Our service center provides your department with support when and where you need it. Plus, we maintain a fleet of mobile service vehicles to provide mobile service 24 hours a day, 7 days a week to handle any roadside emergency. Our service center features EVT and ASE certified technicians, so you can be sure our professionals are highly trained in diagnosing and repairing fire apparatus. With mobile service trucks operating out of this location, we are able to repair your out of service vehicles, as well as provide in-station preventive maintenance and repairs.

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INSPECTION TRIP

The bidder will provide one (1) factory inspection trip for four customer representatives. The inspection trip will be scheduled at times mutually agreed upon between the manufacturer's representative and the customer. All costs of transportation, lodging and meals will be the responsibility of the bidder. If the bidder's factory is more than 250 miles, the transportation will be by commercial air carrier.

BID BOND NOT REQUESTED

A bid bond will not be included. If requested, the following will apply:

All bidders will provide a bid bond as security for the bid in the form of a 5% bid bond to accompany their bid. This bid bond will be issued by a Surety Company who is listed on the U.S. Treasury Departments list of acceptable sureties as published in Department Circular 570. The bid bond will be issued by an authorized representative of the Surety Company and will be accompanied by a certified power of attorney dated on or before the date of bid. The bid bond will include language, which assures that the bidder/principal will give a bond or bonds as may be specified in the bidding or contract documents, with good and sufficient surety for the faithful performance of the contract, including the Basic One (1) Year Limited Warranty and for the prompt payment of labor and material furnished in the prosecution of the contract.

Notwithstanding any document or assertion to the contrary, any surety bond related to the sale of a vehicle will apply only to the Basic One (1) Year Limited Warranty for such vehicle. Any surety bond related to the sale of a vehicle will not apply to any other warranties that are included within this bid (OEM or otherwise) or to the warranties (if any) of any third party of any part, component, attachment or accessory that is incorporated into or attached to the vehicle. In the event of any contradiction or inconsistency between this provision and any other document or assertion, this provision will prevail.

PERFORMANCE BOND NOT REQUESTED

A performance bond will not be included. If requested at a later date, one will be provided to you for an additional cost and the following will apply:

The successful bidder will furnish a Performance and Payment bond (Bond) equal to 100 percent of the total contract amount within 30 days of the notice of award. Such Bond will be in a form acceptable to the Owner and issued by a surety company included within the Department of Treasury's Listing of Approved Sureties (Department Circular 570) with a minimum A.M. Best Financial Strength Rating of A and Size Category of XV. In the event of a bond issued by a surety of a lesser Size Category, a minimum Financial Strength rating of A+ is required.

Bidder and Bidder's surety agree that the Bond issued hereunder, whether expressly stated or not, also includes the surety's guarantee of the vehicle manufacturer's Bumper to Bumper warranty period included within this proposal. Owner agrees that the penal amount of this bond will be simultaneously amended to 25 percent of the total contract amount upon satisfactory acceptance and delivery of the vehicle(s) included herein. Notwithstanding anything contained within this contract to the contrary, the surety's liability for any warranties of any type will not exceed three (3) years from the date of such satisfactory acceptance and delivery, or the actual Bumper to Bumper warranty period, whichever is shorter.

APPROVAL DRAWING

A drawing of the proposed apparatus will be prepared and provided to the purchaser for approval before construction begins. The Pierce sales representative will also be provided with a copy of the same drawing. The finalized and approved drawing will become part of the contract documents. This

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drawing will indicate the chassis make and model, location of the lights, siren, horns, compartments, major components, etc.

A "revised" approval drawing of the apparatus will be prepared and submitted by Pierce to the purchaser showing any changes made to the approval drawing.

ELECTRICAL WIRING DIAGRAMS

Two (2) electrical wiring diagrams, prepared for the body as it interfaces with the commercial chassis, will be provided.

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CHASSIS

The chassis will be a Freightliner, Model 114SD Conventional Chassis, supplied with the following equipment:

WHEELBASE

The wheelbase of the vehicle will be 217.00 inches.

GVW RATING

The gross vehicle weight rating will be 51,500 pounds.

FRAME

The frame rails will be formed from 120,000 psi yield, heat treated alloy steel. The frame rails will be E-coated prior to painting.

FRAME LINER

An 0.25" inner frame reinforcement will be provided.

The frame section properties will be:

- Section Modulus: 26.80 cubic inch, per rail
- RBM: 3,217,000 in-lb., per rail
- Yield Strength: 120,000 psi, per rail

FRONT AXLE

Front axle will be an I beam type, made of forged steel. It will have a ground rating capacity of 18,000 lb.

FRONT SUSPENSION

Taper leaf springs

Capacity at ground: 18,000 lb.

Shock absorbers will be provided on the front axle.

FRONT BRAKES

The front brakes will be S-Cam, 16.50" x 6.00". The front brakes will be provided with automatic slack adjusters.

TIRE BRAND

The brand of tire for the commercial chassis manufacturer for this apparatus with a high capacity rear axle is Continental.

However, the commercial chassis manufacturer reserves the right to substitute brands and models of tire as may be available at the factory on the date of manufacture. They will provide the proper tread style and weight rating for the position in which the tire is installed.

Pierce Manufacturing and the chassis manufacturer are working to provide the brand of tire specified. However, due to shortages (and even model changes by the tire manufacturers), if the chassis manufacturer substitutes other tires, they will not be changed by Pierce.

TIRES, FRONT

Front tires will be 315/80R22.50, radial tires with a tread pattern suitable for the steering axle position. The capacity of the tires will meet or exceed the rating of the axle and/or suspension.

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WHEELS, FRONT

Wheels for the front axle will be 22.50" x 9.00" steel disc.

REAR AXLE

The single reduction rear axle will be a Meritor™, Model RS-30-185, with a ground rating capacity of 33,500 lb.

PARKING BRAKE

The parking brake will be spring set and located on the rear axle service brake.

Rear axle brakes will be 16.50" x 8.62", S-Cam drum type brakes. Automatic slack adjusters will be provided.

REAR AXLE RATIO

A rear axle ratio will be furnished to allow the vehicle to reach a top speed of 60 MPH.

REAR SUSPENSION

The rear suspension will be spring mounted with a capacity at ground level of 33,500 lbs. Auxiliaries will be included.

TIRES, REAR

Rear tires will be 315/80R22.50 radial tires with a traction tread pattern suitable for the drive axle position. The tires will meet or exceed the weight rating of the axle and/or suspension.

WHEELS, REAR

The rear wheels will be 22.50" x 9.00" steel disc.

TIRE PRESSURE MANAGEMENT

There will be a RealWheels LED AirSecure™ tire alert pressure management system provided, that will monitor each tire's pressure. A sensor will be provided on the valve stem of each tire for a total of six (6) tires.

The sensor will calibrate to the tire pressure when installed on the valve stem for pressures between 10 and 200 psi. The sensor will activate an integral battery operated LED when the pressure of that tire drops 5 to 8 psi.

Removing the cap from the sensor will indicate the functionality of the sensor and battery. If the sensor and battery are in working condition, the LED will immediately start to flash.

CHROME LUG NUT COVERS

Chrome lug nut covers will be supplied on front and rear wheels.

FRONT HUB COVERS

Stainless steel hub covers will be provided on the front axle. An oil level viewing window will be provided.

REAR HUB COVERS

A pair of stainless steel high hat hub covers will be provided on rear axle hubs.

MUD FLAPS

Mud flaps with a Pierce logo will be installed behind the front wheels.

MUD FLAPS

Mud flaps with a Pierce logo will be installed behind the rear wheels.

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WHEEL CHOCKS

There will be one (1) pair of Worden Safety Products, Model HWGY-SB, wheel chocks provided.

Heavy Duty, large molded aluminum wheel chock with solid bottom, yellow powder coat finish.

WHEEL CHOCK BRACKETS

There shall be one (1) pair of Worden Safety model U815T mounting wheel chock brackets provided. The brackets shall be mounted one in front and one behind the left side rear wheels.

ANTI-LOCK BRAKE SYSTEM

The vehicle will be equipped with an anti-lock braking system. The ABS will provide anti-lock braking control on both the front and rear wheels. It will be a digitally controlled system that utilizes microprocessor technology to control the anti-lock braking system. Each wheel will be monitored by the system. When any particular wheel begins to lockup, a signal will be sent to the control unit. This control unit then will reduce the braking of that wheel for a fraction of a second and then reapply the brake. This anti-lock brake system will eliminate the lockup of any wheel thus helping to prevent the apparatus from skidding out of control.

The system will include Automatic Traction Control (ATC).

The system will include Electronic Stability Control (ESC). When instability is detected, the ESC system will automatically apply brakes to individual wheels (with no intervention from the driver) and may also reduce engine torque to help keep the vehicle on track.

AIR COMPRESSOR, BRAKE SYSTEM

The air compressor will have an output of 25.9 cubic feet per minute.

AIR DRYER

An air dryer with a heater will be provided. Other features of this air dryer include:

- Desiccant style filter
- In-line filtration system
- Automatic purge valve

AIR INLET

A single air inlet with male coupling will be provided. It will allow station air to be supplied to the apparatus brake system through a shoreline hose. The inlet will be located on the driver side pump panel. A check valve will be provided to prevent reverse flow of air. The inlet will discharge into the "wet" tank of the brake system. A mating female coupling will also be provided with the loose equipment.

AIR TANK, ADDITIONAL

One (1) additional air tanks with total of 1452 cubic inch displacement will be provided to increase the capacity of the main air brake system. This tank will be plumbed into the rear half of the brake system. The air tank will be primed and painted to meet a minimum 750 hour salt spray test. To reduce the effects of corrosion, the air tanks will be mounted with stainless steel brackets.

The output flow of the engine air compressor will vary with engine rpm. Full compressor output will only be achieved at governed engine speed. Engine speed will be limited by generators, pumps and other PTO driven options.

ENGINE

The chassis will be powered by an electronically controlled engine as described below:

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Make:	Cummins
Model:	X12 455EV
Power:	455 hp at 1900 rpm
Torque:	1700 lb.-ft at 1000 rpm
Governed Speed:	2000 rpm
Fuel:	Diesel
Cylinders:	Six (6)
Displacement:	729 cubic inches (11.9L)
Starter:	Delco Remy 39MT™
Fuel Filters:	Spin-on style primary filter with water separator and water-in-fuel sensor. Secondary spin-on style filter.
Coolant Filter:	Engine mounted spin-on style

HIGH IDLE

A high idle switch will be provided on the instrument panel inside the cab. Activating the switch will cause the vehicle to automatically maintain a preset engine rpm.

The high idle switch will be operational only when the parking brake is on and the truck transmission is in neutral. A green indicator light will be provided adjacent to the switch. The light will be labeled "OK To Engage High Idle."

ENGINE BRAKE

An engine compression brake is to be installed with the controls located within easy reach of the driver. There will be an "On/Off" switch and also a settings switch for "High/Low" activation.

AIR INTAKE, w/EMBER SEPARATOR

The air inlet will be equipped with a stainless steel mesh to separate water and burning embers from the air intake system such that particulate matter larger than 0.039" (1.0 mm) in diameter cannot reach the air filter element.

This will comply with NFPA 1901 and 1906 standards.

EXHAUST SYSTEM

The exhaust system will include a diesel particulate filter (DPF) and a selective catalytic reduction (SCR) device to meet current EPA standards. The DPF and SCR will be mounted horizontally outside of the frame rails in the right side front step area.

EXHAUST MODIFICATIONS

The exhaust will terminate with a horizontal tailpipe and diffuser ahead of the right side rear wheels.

A heat deflector shield will be provided where the tail pipe is routed under any side compartmentation.

All modifications will be approved by the chassis engine manufacturer and/or the chassis OEM. Exhaust treatment devices will not be altered.

COOLANT LINES

Gates Blue Stripe rubber hose will be used for all engine coolant lines installed by the chassis manufacturer.

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Hose clamps will be the constant torque type to prevent coolant leakage. They will expand and contract according to coolant system temperature thereby keeping a constant clamping pressure on the hose.

FUEL TANK

A 50 gallon fuel tank will be provided and mounted at the left-hand cab step. The tank will be constructed of aluminum.

DIESEL EXHAUST FLUID TANK

A diesel exhaust fluid (DEF) tank will be provided and mounted on the left side, below the cab.

The tank will be sized by the chassis manufacturer based on the engine provided. It will include an integrated heater unit that utilizes engine coolant to thaw the DEF in the event of freezing.

FUEL PRIMING PUMP

A Cummins automatic electronic fuel priming pump will be integrated as part of the engine.

AUXILIARY FUEL COOLING SYSTEM

A supplementary fuel cooling system will be provided to allow the use of water from the discharge side of the pump for cooling the chassis engine fuel. The heat exchanger will be a cylindrical type and will be a separate unit. The cooler will operate any time the pump is discharging water and will be plumbed to the master drain valve.

TRANSMISSION

An Allison, model 4000 EVS, electronic torque converting automatic transmission will be provided.

Two (2) PTO openings will be located on left side and top of converter housing (positions 8 o'clock and 1 o'clock). To qualify for the EVS rating, the transmission will be filled with synthetic transmission fluid.

A transmission temperature gauge or warning light will be installed on cab instrument panel.

TRANSMISSION SHIFT CONTROL

A push button shift module will be mounted to right of driver. Shift position indicator will be indirectly lit for after dark operation.

The transmission will be a five (5)-speed.

TRANSMISSION COOLER

An external transmission oil cooler will be provided.

DOWNSHIFT MODE (w/engine brake)

The transmission will be provided with an aggressive downshift mode.

This will provide earlier transmission downshifts to 2nd gear, resulting in improved engine braking performance.

ALLISON EVS AUTOMATIC TRANSMISSION PROGNOSTICS

The Allison EVS automatic transmission will be provided with the prognostics software enabled.

The prognostics will be accessed via the shift selector and the following information will display on the shift pad read-out:

- Oil Level
- Oil Life Monitor

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- Filter Life Monitor
- Trans Health Monitor
- Diagnostic Code

DRIVELINE

Drivelines will be a heavy duty metal tube equipped with universal joints properly sized for the application. A splined slip joint will be provided in each driveshaft.

STEERING

The steering system will be hydraulically driven. The steering column will have an adjustable tilt and telescope feature.

BUMPER

A 14.00", swept back ends, full width chrome plated steel bumper will be attached to the front of the chassis frame.

TOW HOOKS

Two (2) painted, forged steel tow hooks will be provided.

CAB

A 2-door flat-roof cab will be provided. The cab and doors will be of an aluminum construction. The cab will have an air suspension system for a smooth ride.

Exterior Styling

Aerodynamic hood and windshield

Tinted Glass in all Windows

Fiberglass hood with mounted plastic grille

Single 63"x14" rear window

Interior

Black vinyl mats

Forward roof mounted console

Two (2) dash-mounted cup holders, right-hand and left-hand

Gray Vinyl Upholstery

Dual Sun visors

Fresh Air Heater and Defroster

CAB INTERIOR w/CONVENIENCE PACKAGE

The cab upholstery will be gray vinyl.

The cab interior will include wood grain driver and center instrument panels, molded plastic door panels with vinyl inserts and brushed aluminum lower door kick plates.

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CAB GRILLE

The cab will include a stationary black grille with bright accents with a horizontal louver design. A non-removable bug screen will be located behind the grille.

The grille will have a bright finish radiator shell/hood bezel. The headlight bezels will be of a matching bright finish, along with the side hood air intake grille.

MIRRORS

West Coast style heated, remote operated mirrors constructed from a molded composite material with a bright finish will be provided. A heated 8.00" convex mirror will be included below the primary mirrors. An auxiliary down view mirror will be included on the passenger side.

CAB ACCESS STEPS

The cab steps will be provided by the chassis manufacturer. These steps will be modified by the apparatus manufacturer if required to meet NFPA step requirements.

Bright aluminum treadplate trim between the steps will be provided by the apparatus manufacturer. A bright aluminum overlay will be placed over any fuel tank, under the mounting bands. Access to the chassis batteries will be provided if batteries are located under the cab.

STEP LIGHTS

There will be four (4) white LED step lights provided. There will be one (1) light installed at each cab door, one (1) light per doorstep.

In order to ensure exceptional illumination, each light will provide a minimum of 25 foot-candles (fc) covering an entire 15" x 15" square placed ten (10) inches below the light and a minimum of 1.5 fc covering an entire 30" x 30" square at the same ten (10) inch distance below the light.

The lights will be activated when the adjacent door is opened.

DAYTIME RUNNING LIGHTS

The chassis will be provided with daytime running lights.

AIR CONDITIONING

An air conditioner will be provided that is integral with heater and defroster system.

AIR CONDITIONING EMBER FILTER

An ember filter will be provided by the apparatus manufacturer to keep embers out of the HVAC filter element.

The air inlet will be equipped with a stainless steel mesh to separate water and burning embers from the HVAC air intake system such that particulate matter larger than 0.039" (1.0 mm) in diameter cannot reach the air filter element.

This will comply with NFPA 1901 and 1906 standards.

ENGINE COMPARTMENT LIGHTS

Two (2) engine compartment lights will be installed under the engine hood, of which the switches are an integral part.

STORAGE CONSOLE

There will be a console located between the front seats with room for switches and map storage. There will be an area for switching, pump shift and siren to the front of the console. There will be four (4) sections for map storage to the rear of the console. Each map storage section will be

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approximately 4.00" wide x 13.00" long x 12.25" deep. The console will be constructed of smooth aluminum and painted black.

SEATING CAPACITY

The seating capacity in the cab will be two (2).

SEATING

Seating inside the cab will consist of an air-ride driver seat and a fixed companion seat.

SEAT BELT WEB LENGTH

NFPA 14.1.3.2 and 14.1.3.3 requires effective seat belt web length for a Type 1 lap belt for pelvic restraint to be a minimum of 60 in. and a Type 2 pelvic and upper torso restraint-style seat belt assembly to be a minimum of 110 in.

Per Fire Department specification of a commercial chassis, this apparatus will have seat belts of the required length. These belts will provide sufficient length for large firefighters in bunker gear. This apparatus will be compliant to NFPA standards effective at time of contract execution.

SEAT BELTS

All seating positions in the cab and crew cab will have highly visible (orange) seat belts.

HELMET STORAGE

Helmet storage will be located in a body compartment.

PORTABLE HAND LIGHTS, PROVIDED BY FIRE DEPARTMENT

NFPA 1901, 2016 edition, section 7.9.4 requires two portable hand lights mounted in brackets fastened to the apparatus.

The hand lights are not on the apparatus as manufactured. The fire department will provide and mount these hand lights.

CAB INSTRUMENTS

- Engine Temperature Gauge and Warning Buzzer
- Engine Oil Pressure Gauge and Warning Buzzer
- Speedometer with Odometer
- Engine Tachometer
- Engine Hour meter
- Fuel Level Gauge
- DEF Level Gauge and Warning Lamp
- Voltmeter: Low voltage red warning light and audible alarm
- Air Brake Pressure Gauge
- Air Restriction Indicator
- Circuit Breakers: For overload protection of electric circuits
- Ignition Switch: Keyless type

EMERGENCY SWITCH PANEL

The emergency switch panel will be provided in the cab, located on the floor mounted console.

"DO NOT MOVE APPARATUS" INDICATOR

A flashing red indicator light (located in the driving compartment) will be illuminated automatically per the current edition of NFPA. The light will be labeled "Do Not Move Apparatus If Light Is On".

The same circuit that activates the Do Not Move Apparatus indicator will activate a steady tone alarm when the parking brake is released.

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OPEN DOOR INDICATOR LIGHT

A red "open door" indicator light will be provided inside the cab, in clear view of the driver, to warn of an open compartment door.

WIPER CONTROL

Wiper control will include an intermittent feature and windshield washer controls.

RADIO

An AM/FM stereo radio with weather band and Bluetooth, USB inputs, auxiliary input and J1939 compatibility will be provided. It will also include two (2) speakers and a clock.

VEHICLE DATA RECORDER

There will be a vehicle data recorder (VDR) capable of reading and storing vehicle information provided.

The information stored on the VDR can be downloaded through a USB port mounted in a convenient location determined by cab model. A USB cable can be used to connect the VDR to a laptop to retrieve required information. The program to download the information from the VDR will be available to download on-line.

The vehicle data recorder will be capable of recording the following data via hardwired and/or CAN inputs:

- Vehicle Speed - MPH
- Acceleration - MPH/sec
- Deceleration - MPH/sec
- Engine Speed - RPM
- Engine Throttle Position - % of Full Throttle
- ABS Event - On/Off
- Seat Occupied Status - Yes/No by Position
- Seat Belt Buckled Status - Yes/No by Position
- Master Optical Warning Device Switch - On/Off
- Time - 24 Hour Time
- Date - Year/Month/Day

The system will also be capable of no additional functionality required.

An additional input will be included with this system. When the VDR is active, this input will not be required.

SEAT BELT MONITORING SYSTEM

A seat belt monitoring system (SBMS) will be provided. The SBMS will be capable of monitoring up to six (6) seating positions indicating the status of each seat position per the following:

- Seat Occupied & Buckled = Green LED indicator illuminated
- Seat Occupied & Unbuckled = Red LED indicator with audible alarm
- No Occupant & Buckled = Red LED indicator with audible alarm
- No Occupant & Unbuckled = No indicator and no alarm

The SBMS will include an audible alarm that will warn that an unbuckled occupant condition exists and the parking brake is released, or the transmission is not in park.

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RADIO ANTENNA MOUNT

There will be one (1) standard 1.125", 18 thread antenna-mounting base(s) installed on the cab roof with high efficiency, low loss, coaxial cable(s) routed to the console. A weatherproof cap will be installed on the mount.



VEHICLE CAMERA SYSTEM

There will be a color vehicle camera system provided with the following:

- One (1) camera located at the rear of the apparatus, pointing rearward, displayed automatically with the vehicle in reverse
- One (1) camera located near the right side dump chute area, pointing outward, manual display only
- One (1) camera located near the left side dump chute area, pointing outward, manual display only

The camera images will be displayed on a 7.00" LCD display located on the overhead console by the driver's seating position.. The display will include manual camera activation capability and audio from the rear camera only.

The following components will be included:

- One (1) MO700136DC Display
- One (1) SV-CW134639CAI Rear camera
- Two (2) CS134404CI Side cameras
- All necessary cables

VEHICLE CAMERA GUARD

There will be one (1) aluminum treadplate guard(s) fastened over the vehicle camera(s) located on the rear camera .

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ELECTRICAL

All 12-volt electrical equipment installed by the apparatus manufacturer will conform to modern automotive practices. All wiring will be high temperature crosslink type. Wiring will be run in loom or conduit where exposed and have grommets where wire passes through sheet metal. Automatic reset circuit breakers will be provided which conform to SAE Standards. Wiring will be color, function and number coded. Function and number codes will be continuously imprinted on all wiring harness conductors at 2.00" intervals. Exterior exposed wire connectors will be positive locking and environmentally sealed to withstand elements such as temperature extremes, moisture and automotive fluids. Electrical wiring and equipment will be installed utilizing the following guidelines:

1. All holes made in the roof will be caulked with silicon. Rope caulk is not acceptable. Large fender washers, liberally caulked, will be used when fastening equipment to the underside of the cab roof.
2. Any electrical component that is installed in an exposed area will be mounted in a manner that will not allow moisture to accumulate in it. Exposed area will be defined as any location outside of the cab or body.
3. Electrical components designed to be removed for maintenance will not be fastened with nuts and bolts. Metal screws will be used in mounting these devices. Also, a coil of wire will be provided behind the appliance to allow them to be pulled away from mounting area for inspection and service work.
4. Corrosion preventative compound will be applied to all terminal plugs located outside of the cab or body. All non-waterproof connections will require this compound in the plug to prevent corrosion and for easy separation (of the plug).
5. All lights that have their sockets in a weather exposed area will have corrosion preventative compound added to the socket terminal area.
6. All electrical terminals in exposed areas will have silicon (1890) applied completely over the metal portion of the terminal.

All emergency light switches will be mounted on a separate panel installed in the cab. A master warning light switch and individual switches to be provided to allow pre-selection of emergency lights. The light switches will be "rocker" type with an internal indicator light to show when switch is energized. All switches will be properly identified and mounted in a removable panel for ease in servicing. Identification of the switches will be done by either printing or etching on the switch panel. The switches and identification will be illuminated.

All lights and reflectors, required to comply with Federal Motor Vehicle Safety Standard #108, will be furnished. Rear identification lights will be recessed mounted for protection. Lights and wiring mounted in the rear bulkheads will be protected from damage by installing a false bulkhead inside the rear compartments.

An operational test will be conducted to ensure that any equipment that is permanently attached to the electrical system is properly connected and in working order.

The results of the tests will be recorded and provided to the purchaser at time of delivery.

BATTERY SYSTEM

A single starting battery system will be provided consisting of three (3)-12 volt, 1000 CCA, maintenance-free, batteries.

The batteries system will have a total of 3000 cold cranking amps (CCA).

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JUMP START CONNECTIONS

Positive and negative posts for jump starting will be provided by the chassis manufacturer. They will be frame mounted and located under the hood.

BATTERY LOCATION - CARGO AREA

The batteries will be relocated by the apparatus manufacturer. They will be installed in the cargo area above the pump. The batteries will be placed in a stainless steel tray with hold-down mechanisms to keep the batteries in position. A latched cover constructed from bright aluminum treadplate will be provided to protect the batteries and prevent other equipment from contacting them.

The area above the pump is often very congested. Engineering will place the batteries in the optimum location if there is adequate room. This option may not be feasible based on other equipment in this area.

MASTER BATTERY SWITCH

A master battery switch, to activate the battery system, will be provided inside the cab within easy reach of the driver.

The master battery disconnect switch will be wired between the starter solenoid and the remainder of the electrical loads on the apparatus.

A green "battery on" indicator light, visible from the driver's position, will be provided.

BATTERY CHARGER

There will be a Kussmaul Auto Charge 1200, Model 091-187-12-REMOTE-B1, battery charger provided. A bar graph display indicating the state of charge will be provided.

The charger will have a maximum output of 40 amps and a fully automatic regulation.

The 120-volt air compressor will be installed to maintain the air system pressure when the vehicle is not in use.

The battery charger will be wired to the AC shoreline inlet through an AC receptacle adjacent to this battery charger.

Battery charger/compressor will be located in high in the right front high side compartment.

The battery charger indicator will be located adjacent to the driver's seat riser. The indicator will be enclosed to protect it from damage.

AUTO EJECT FOR SHORELINE

There will be one (1) Kussmaul™, Model 091-55-20-120, 20 amp 120 volt AC shoreline inlet(s) provided to operate the dedicated 120 volt AC circuits on the apparatus.

The shoreline inlet(s) will include red weatherproof flip up cover(s).

There will be a release solenoid wired to the vehicle's starter to eject the AC connector when the engine is starting.

The shoreline(s) will be connected to the battery charger.

There will be a mating connector body supplied with the loose equipment.

There will be a label installed near the inlet(s) that state the following:

- Line Voltage

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- Current Rating (amps)
- Phase
- Frequency

The shoreline receptacle will be located on the driver side of pump panel.

ALTERNATOR

The alternator will be a Delco Remy 40SI, 275 amp, quadramount, with remote battery voltage sensor.

ELECTRONIC LOAD MANAGEMENT

A Kussmaul Load Manager 2 will be provided on the apparatus. The device is an electronic load management (ELM) system that monitors the vehicles 12-volt electrical system and automatically reduces the electrical load in the event of a low voltage condition and by doing so, ensures the integrity of the electrical system.

The ELM will monitor the vehicle's voltage while at the scene (parking brake applied). It will sequentially shut down individual electrical loads when the system voltage drops below a preset value. Two (2) separate electrical loads will be controlled by the load manager. The ELM will sequentially re-energize electrical loads as the system voltage recovers.

HEADLIGHTS, HALOGEN

The headlights will be a halogen style of lamp. There will be a high beam/low beam set for each side as provided by the chassis manufacturer.

The lights will comply to all FMVSS requirements.

EXTERIOR LIGHTING

Exterior lighting will meet or exceed Federal Department of Transportation, Federal Motor Vehicle Safety Standards and National Fire Protection Association requirements in effect at this time.

Five (5) LED clearance/marker lights will be installed across the leading edge of the cab.

INTERMEDIATE LIGHT

There will be two (2) Weldon, Model 9186-8580-29, amber LED turn signal marker lights furnished, one (1) each side, in the rear fender panel. The light will double as a turn signal and marker light.

REAR CLEARANCE/MARKER/ID LIGHTING

There will be three (3) Truck-Lite®, Model 33050R, LED lights used as identification lights recessed and located at the rear of the apparatus per the following:

- As close as practical to the vertical centerline
- Centers spaced not less than 6.00" or more than 12.00" apart
- Red in color
- All at the same height

There will be two (2) Truck-Lite, Model 33050R, LED lights recessed at the rear of the apparatus used as clearance lights located at the rear of the apparatus per the following:

- To indicate the overall width of the vehicle
- One (1) each side of the vertical centerline
- As near the top as practical

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- Red in color
- To be visible from the rear
- All at the same height

There will be two (2) Truck-Lite, Model 33050R, LED lights recessed on the side of the apparatus as marker lights as close to the rear as practical per the following:

- To indicate the overall length of the vehicle
- One (1) each side of the vertical centerline
- As near the top as practical
- Red in color
- To be visible from the side
- All at the same height

There will be two (2) red reflectors located on the rear of the truck facing to the rear. One (1) each side, as far to the outside as practical, at a minimum of 15.00", but no more than 60.00", above the ground.

There will be two (2) red reflectors located on the side of the truck facing to the side. One (1) each side, as far to the rear as practical, at a minimum of 15.00", but no more than 60.00", above the ground.

Per FMVSS 108 and CMVSS 108 requirements.

REAR FMVSS LIGHTING

There will be a pair of Weldon, Model 3884-0100-1*, LED tri tail lamp assemblies provided.

Each module will include the following:

- One (1) LED stop and tail light
- One (1) LED sequential turn light (right or left)
- One (1) LED backup light
- One (1) triple light, polished aluminum housing

The assemblies will be mounted on the face of the rear body compartments.

LICENSE PLATE BRACKET

There will be one (1) Weldon, Model 0J10-0393-00, license plate bracket mounted on the rear of the body.

A Truck-Lite, Model 15055, LED white light with chrome housing will illuminate the license plate.

BACK-UP ALARM

A PRECO, Model 1040, solid-state electronic audible back-up alarm that actuates when the truck is shifted into reverse will be provided. The device will sound at 60 pulses per minute and automatically adjust its volume to maintain a minimum ten (10) dBA above surrounding environmental noise levels.

PERIMETER SCENE LIGHTS

There will be two (2) TecNiq, Model E10-WS00-1, 12 volt DC LED lights provided for each cab door.

The lights will be activated automatically when the battery switch is on and the cab exit doors are opened and by the same means as the body perimeter lights.

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PUMP HOUSE PERIMETER LIGHTS

There will be two (2) TecNiq, Model T10-LC00-1, 15.00" white 12 volt DC LED weatherproof strip lights provided under the pump panel running boards, one (1) each side.

The lights will be controlled by the same means as the body perimeter lights.

BODY PERIMETER SCENE LIGHTS

There will be two (2) TecNiq, Model T10-LC00-1, 15.00" 12 volt DC LED strip lights provided at the rear step area of the body, one (1) each side shining to the rear.

The perimeter scene lights will be activated when the parking brake is applied.

STEP LIGHTS

Four (4) white LED step lights will be provided. One (1) step light will be provided on each side, on the front compartment face and two (2) step lights at the rear to illuminate the tailboard.

In order to ensure exceptional illumination, each light will provide a minimum of 25 foot-candles (fc) covering an entire 15.00" x 15.00" square placed 10.00" below the light and a minimum of 1.5 fc covering an entire 30.00" x 30.00" square at the same 10.00" distance below the light.

These step lights will be actuated with the pump panel light switch.

All other steps on the apparatus will be illuminated per the current edition of NFPA 1901.

SIDE SCENE LIGHTS

There will be two (2) HiViz, Model FT-GESM, 10,491 20,500 equivalent lumens 8.65" high x 10.61" wide x 2.75" deep light(s) with white LEDs installed on the side of the apparatus, one (1) high and forward on passenger's side body and one (1) high and rearward on passenger's side body.

The light(s) will be activated by a switch at the driver's side switch panel and by a switch at the left side pump panel.

The light(s) may be load managed when the parking brake is applied.

SIDE SCENE LIGHTS

There will be two (2) HiViz, Model FT-GESM, surface mount, 20,500 equivalent lumens, 8.65" high x 10.61" wide x 2.75" deep light(s) with white LEDs installed on the side of the apparatus, one (1) high and forward on driver's side body and one (1) high and rearward on driver's side body.

The light(s) will be activated by a switch at the driver's side switch panel and by a switch at the left side pump panel.

The light(s) may be load managed when the parking brake is applied.

12 VOLT LIGHTING

There will be a Hi Viz LED, Model FT-B-46-*, 46.00" 12 volt LED combination spot/flood light provided on the front of the cab mounted to the front of the lightbar.

The painted parts of the light housing and brackets to be black .

The light will be controlled by a switch at the driver's side switch panel.

The light will be controlled by a switch at the pump operator's panel .

The light will be controlled by no additional switch location

These light may be load managed when the parking brake is set.

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HOSE BED LIGHTS

There will be white 12 volt DC LED light strips with stainless steel protective cover, provided to light the hose bed area. Hose Bed lights will meet the photometric levels listed in NFPA 1901 for Hose Bed lighting requirements.

- Light strip(s) will be installed along the upper edge of the left side of the hose bed.
- Light strip(s) will be installed along the upper edge of the right side of the hose bed.

The lights will be activated by a cup switch at the rear of the apparatus no more than 72.00" from the ground.

REAR SCENE LIGHTS

There will be two (2) HiViz Model FT-GSM, 8.50" high x 10.51" long x 2.75" deep 6,500 measured lumens scene lights with white LEDs and trim installed at the rear of the apparatus, high on the rear body bulkhead.

The lights will be controlled by a switch at the driver's side switch panel, by a cup switch at the driver's side rear bulkhead and when the emergency master switch is activated and the transmission is shifted into reverse.

WALKING SURFACE LIGHTS

There will be white 12 volt DC LED light strips with stainless steel protective cover, provided to light the cargo area.

- One (1) light strip will be installed the entire length of the driver's side of the cargo area.
- One (1) light strip will be installed the entire length of the passenger's side of the cargo area.

The light will be activated when the body step lights are on.

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WATER TANK

The tank will have a minimum capacity of 2000 U.S. gallons complete with a **lifetime** warranty. The tank will be of a specified configuration and so designed to be completely independent of the compartment and/or fender modules. When placed on the chassis, the tank will meet or exceed all federal DOT regulations regarding weight distribution, axle loading and horizontal and vertical center of gravity locations. The tank manufacturer will mark the tank with the manufacturers name, date of manufacture and serial number. The tank manufacturer will furnish notice that indicates proof of warranty.

The tank will be constructed using a virgin polypropylene sheet with a minimum thickness of .50". This material will be a high impact copolymer (HIC), non-corrosive, stress relieved thermoplastic, UV stabilized for maximum protection.

All joints and seams will be nitrogen welded and tested for maximum strength and integrity. All swash partitions will interlock and be welded to each other as well as to the walls of the tank.

The tank will incorporate a manual fill tower with a 6.00" combination vent/overflow pipe. The fill tower will be constructed of polypropylene and will be large enough to provide filling by means of a conventional 2.50" hose nozzle. The tower will be located near the center of the tank to minimize water surge during vehicle operation. The tower will have a removable polypropylene screen and a polypropylene hinged cover. The vent/overflow pipe will run through the tank and exit through the floor of the tank behind the rear axle.

The sides of the tank will be covered with smooth sheets of aluminum that are painted to match the body. These sheets will provide a pleasing, finished, traditional "fire truck" appearance. These side sheets will not comprise any part of the body or its structure. To closely match the expansion / contraction of the water tank, these sheets will always be aluminum, regardless of the material used to construct the body compartments.

The front cross sheet will be aluminum treadplate.

WATER TANK RESTRAINT

A heavy-duty water tank restraint will be provided to keep the water tank in position.

TOP OF TANK, ACCESS LADDER

An access ladder constructed of aluminum tubing will provided for access to the hose bed and/or tank dome. The ladder will have a flexible mount attached to the tailboard. The ladder will be located on the left side of the truck at the rear.

TANK OVERFLOW/VENT

A 6.00" tube will be installed through the shell of the tank. This tube will function as an overflow to discharge water to the ground once the tank is filled to capacity. It will also function as a vent to allow air to enter the tank when water is being dumped or pumped from the tank.

The tube will be positioned to drain at the bottom of the truck near the center, behind the rear axle.

PORTABLE TANK RACK

A portable tank rack constructed of stainless steel tubing will be installed on the right side of the truck, on top of the catwalk. The rack will be hinged to allow the entire rack to fold down to a position adjacent to the side of the body where two (2) people can easily remove the tank. Two (2) heavy-duty latches will be installed, one (1) on the front and one (1) on the rear, to lock the rack in the stored position.

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The rack will be designed to carry a 2100 gallon aluminum framed Fol-Da-Tank (w/closed dimensions of 135" x 9" x 30").

The exterior of the rack will be covered with aluminum treadplate to enclose the portable tank.

When the rack is in the lowered position, it will activate the "Do Not Move Apparatus" light in the cab

REAR TANK FILL

A 2.50" gated external tank fill will be installed and properly labeled at the rear of the water tank, located left side.

Piping, for the fill, will be routed through the rear wall of the tank and include a flow deflector to break up the stream of water entering the water tank.

A 2.50" full flow ball valve with 2.50" piping and a 2.50" (F)NST chrome swivel will be located at the inlet.

A 2.50" chrome plated 30 degree elbow and plug with VLH automatic pressure relieving thread technology will be provided for the tank fill.

REAR TANK FILL

There will be one (1) gated external tank fill(s) installed and properly labeled at the rear of the water tank, located right side of the tank.

Piping, for the fill, will be routed through the rear wall of the tank and include a flow deflector to break up the stream of water entering the water tank.

A 2.50" full flow ball valve with 2.50" piping and a 2.50" (F)NST chrome swivel will be located at the inlet.

A 2.50" chrome plated 30 degree elbow and plug with VLH automatic pressure relieving thread technology will be provided for the tank fill.

REAR TANK DUMP VALVE

One (1) 10.00" Newton Quick Dump will be installed at the rear of the tank. The valve will be controlled electrically from one (1) switch inside the cab and one (1) switch at the rear of the apparatus.

A 180 degree, Newton 6012SW swivel dump chute will be provided.

The chute will include a Newton 4036 telescopic extension to allow the chute to extend past the body side for dumping.

The water tank design will include additional support for this chute.

LEFT SIDE TANK DUMP VALVE

One (1) 10.00" Crane™ centerline valve will be installed at the left side of the apparatus, rear of the rear axle. The valve will have 316 stainless steel shaft, bronze disc and Buna-N seat. The valve will be actuated pneumatically from one (1) switch in the cab and one (1) switch at the rear of the apparatus.

A sliding stainless steel extension chute will be provided on the dump valve. The extension chute will extend and retract automatically with a pneumatic cylinder when the valve is opened or closed.

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RIGHT SIDE TANK DUMP VALVE

One (1) 10.00" Crane™ centerline valve will be installed at the right side of the apparatus, rear of the rear axle. The valve will have 316 stainless steel shaft, bronze disc and Buna-N seat. The valve will be actuated pneumatically from one (1) switch inside the cab and one (1) switch at the rear of the apparatus.

A sliding stainless steel extension chute will be provided on the dump valve. The extension chute will extend and retract automatically with a pneumatic cylinder when the valve is opened or closed.

HOSE BED

The hose bed will be fabricated of 0.190"-5052 aluminum with a nominal 38,000 psi tensile strength.

Upper edges of side panels will have a double break for rigidity.

The inside of the hose bed will be painted to match the job color on the side sheets of the body.

Flooring of the hose bed will be removable aluminum grating with the top surface corrugated to aid in hose aeration. The grating slats will be a minimum of 0.50" x 4.50" with spacing between slats for hose ventilation.

HOSE BED CAPACITY - DRY SIDE TANKER

Per NFPA 1901, a tanker will carry a minimum of 200 feet of 2.50" hose.

However, Dry Side hose beds are large and can accommodate much more hose than the NFPA minimum. The intended amount of hose to be carried is 800' of 5.00" rubber LDH. Pierce will calculate whether or not the intended amount of hose will fit. The hose bed side sheets will not be altered from their standard size. If necessary, the purchaser agrees that the amount of hose to be carried will be decreased so that it properly fits within the hose bed.

The intended amount of hose will also be factored into the engineering weight distribution calculation to assure proper axle capacity.

HOSE BED DIVIDER

One (1) adjustable hose bed divider will be furnished for separating hose.

Each divider will be constructed of a .25" brushed aluminum sheet. Flat surfaces will be sanded for uniform appearance, or constructed of brushed aluminum.

Divider will be mounted permanently.

Acorn nuts will be installed on all bolts in the hose bed which have exposed threads.

HOSE BED HOSE RESTRAINT

The hose in the hose bed will be restrained by a pair of black nylon Velcro® straps at the top of the hose bed. At the rear of the hose bed, 2.00" black nylon webbing with a 1.50" x 4.00" box pattern will attach at the top rear outside corners with seat belt buckle fasteners. The webbing will have straps connected with seat belt buckle fasteners located at the rear body sheet below the hose bed.

RUNNING BOARDS

Running boards will be fabricated of .125" bright aluminum treadplate.

Each running board will be supported by a welded 2.00" square tubing and channel assembly, which will be bolted to the pump compartment substructure.

Running boards will be 12.75" deep and spaced .50" away from the pump panel.

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A splash guard will be provided above the running board treadplate.

TAILBOARD

The tailboard will be constructed of .125" bright aluminum treadplate supported by a structural steel assembly.

The rear tailboard will be 16.00" deep.

The exterior side will be flanged down and in. The flanges will not be notched.

SMOOTH ALUMINUM REAR WALL

The rear wall will be smooth aluminum.

TOW EYES

There will be a total of two (2) painted tow eyes provided and mounted directly to the chassis frame rails at the rear of the apparatus. The inner and outer edges of the tow eyes will have a radius.

COMPARTMENTATION

Body and compartments will be fabricated of .125", 5052-H32 aluminum.

Side compartments will be an integral assembly with the rear fenders.

Circular fender liners will be provided for prevention of rust pockets and ease of maintenance.

Side compartment flooring will be of the sweep out design with the floor higher than the compartment door lip.

The compartment door opening will be framed by flanging the edges in 1.75" and bending out again .75" to form an angle.

Drip protection will be provided above the doors by means of bright aluminum extrusion, formed bright aluminum treadplate or polished stainless steel.

Front facing compartment walls will be covered with bright aluminum treadplate.

All screws and bolts which protrude into a compartment will have acorn nuts on the ends to prevent injury.

UNDERBODY SUPPORT SYSTEM

Due to the severe loading requirements of this tanker, a method of body and compartment support suitable for the intended load will be provided.

The backbone of the support system will be the chassis frame rails which is the strongest component of the chassis and is designed for sustaining maximum loads.

The support system will include .375" thick steel vertical angle supports bolted to the chassis frame rails with .625" diameter bolts.

Attached to the bottom of the steel vertical angles will be horizontal angles, with gussets welded to the vertical members, which extend to the outside edge of the body.

The body substructure will result in a 500 lb. equipment support rating per lower compartment.

AGGRESSIVE WALKING SURFACE

All exterior surfaces designated as stepping, standing and walking areas will comply with the required average slip resistance of the current NFPA standards.

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LOUVERS

Louvers will be stamped into compartment walls to provide the proper airflow inside the body compartments and to prevent water from dripping into the compartment. Where these louvers are provided, they will be formed into the metal and not added to the compartment as a separate plate.

PROOF OF TESTING OF BODY DESIGN

A structural analysis has been performed on the body and substructure design. Proven engineering and test techniques such as finite element analysis, stress coating and strain gauging was used with special attention given to fatigue, life and structural integrity of the body and substructure.

When the test was performed, the body was loaded to its greatest in-service weight.

Other criteria used during the testing procedure was include:

- Raising opposite corners of the vehicle tires 9.00" to simulate the twisting a truck may experience when driving over a curb.
- Making a 90 degree turn, while driving at 20 mph to simulate aggressive driving conditions.
- Driving the vehicle at 35 mph on a washboard road.
- Driving the vehicle at 55 mph on a smooth road.
- Accelerating the vehicle fully, until reaching the approximate speed of 45 mph on rough pavement.

Each truck produced is not subject to this testing. However, the design has been proven via testing. Evidence and actual test results and techniques are available upon request.

LEFT SIDE COMPARTMENTATION

One (1) vertically hinged double door compartment will be provided in the area ahead of the rear wheels. The interior dimensions of the compartment will be 63.00" wide x 26.00" high x 25.88" deep. The depth of the compartment will be calculated with the compartment door closed. The clear door opening of the double door compartment will be 58.50" wide x 25.00" high. A positive door holder will be furnished with this compartment.

Three (3) horizontally hinged, lift-up door upper compartments will be provided. They will have interior dimensions of approximately 48.00" wide x 30.25" tall x 12.00" deep. The depth of the compartment will be calculated with the compartment door closed. The clear door opening of the compartment will be 43.50" wide x 27.25" high. Closing of the door will not require releasing, unlocking, or unlatching any mechanism and will easily be accomplished with one hand.

RIGHT SIDE COMPARTMENTATION

A vertically hinged double-door compartment will be provided in the area ahead of the rear wheels. The interior dimensions of the compartment will be 63.00" wide x 26.00" high x 25.88" deep. The depth of the compartment will be calculated with the compartment door closed. The clear door opening of the compartment will be 58.50" wide x 25.00" high.

Positive door holders will be furnished with this compartment.

DOORS, SIDE COMPARTMENT

All hinged compartment doors will be lap style with double panel construction and will be a minimum of 1.50" thick. To provide additional door strength, a "C" section reinforcement will be installed between the outer and interior panels.

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Doors will be provided with a closed cell rubber gasket around the surface that laps onto the body. A second heavy-duty automotive rubber molding with a hollow core will be installed on the door framing that seals onto the interior panel, to ensure a weather resisting compartment.

All compartment doors will have polished stainless steel continuous hinge with a pin diameter of .1875", that is bolted or screwed on with stainless steel fasteners. A strip of dielectric isolation tape will be provided between the hinge and door jamb.

All door lock mechanisms will be fully enclosed within the door panels to prevent fouling of the lock in the event equipment inside shifts into the lock area.

Doors will be latched with recessed, polished stainless steel "D" ring handles and Eberhard 106 locks.

To prevent corrosion caused by dissimilar metals, compartment door handles will not be attached to outer door panel with screws. A rubber gasket will be provided between the "D" ring handle and the door.

LIFTUP DOOR PULL STRAPS

three (3) compartment doors will be provided with pull straps. The pull straps will be 14.00" long and red in color.

The straps will be installed directly to the inside of the lift up door.

The lift up door compartments to have these straps will be all three lift up doors.

COMPARTMENT LIGHTING

There will be five (5) compartment(s) with two (2) white 12 volt DC LED compartment light strips. The dual light strips will be centered vertically along each side of the door framing. There will be two (2) light strips per compartment. The dual light strips will be in all body compartment(s).

Any remaining compartments without light strips will have a 6.00" diameter Truck-Lite, Model: 79384 light. Each light will have a number 1076 one filament, two wire bulb.

Opening the compartment door will automatically turn the compartment lighting on.

MOUNTING TRACKS

There will be three (3) sets of tracks for mounting shelf(s) in LS1, LS2 and LS3. These tracks will be installed vertically to support the adjustable shelf(s) and will be full height of the compartment. The tracks will be painted to match the compartment interior.

ADJUSTABLE SHELVES

There will be three (3) shelves with a capacity of 500 lb. provided. The shelf construction will consist of .188" aluminum with 2.00" sides. Each shelf will be painted spatter gray. Each shelf will be infinitely adjustable by means of a threaded fastener, which slides in a track.

The shelves will be held in place by .12" thick stamped plated brackets and bolts.

The location will be two in LS3 and one in LS1 .

SLIDE-OUT FLOOR MOUNTED TRAY

There will be two (2) floor mounted slide-out tray(s) provided.

Each tray will have 2.00" high sides and a minimum capacity rating of 500 lb. in the extended position.

Each tray will be constructed of aluminum painted spatter gray

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There will be two undermount-roller bearing type slides rated at 250lb each provided. The pair of slides will have a safety factor rating of 2.

To ensure years of dependable service, the slides will be coated with a finish that is tested to withstand a minimum of 1,000 hours of salt spray per ASTM B117.

To ensure years of easy operation, the slides will require no more than a 50lb force for push-in or pull-out movement when fully loaded after having been subjected to a 40 hour vibration (shaker) test under full load. The vibration drive file will have been generated from accelerometer data collected from a heavy truck chassis driven over rough gravel roads in an unloaded condition. Proof of compliance will be provided upon request.

Automatic locks will be provided for both the "in" and "out" positions. The trip mechanism for the locks will be located at the front of the tray for ease of use with a gloved hand.

The location(s) will be RS1 and LS4.

RUB RAIL

Bottom edge of the side compartments will be trimmed with a bright aluminum extruded rub rail.

Trim will be 2.12" high with 1.38" flanges turned outward for rigidity.

The rub rails will not be an integral part of the body construction, which allows replacement in the event of damage.

BODY FENDER CROWNS

Stainless steel fender crowns will be provided around the rear wheel openings. These fender crowns must be wide enough to prevent splashing onto the body from the specified tires.

A rubber welting will be provided between the body and the crown to seal the seam and restrict moisture from entering.

A dielectric barrier will be provided between the fender crown fasteners (screws) and the fender sheet metal to prevent corrosion.

HARD SUCTION HOSE

NFPA 1901, 2016 edition, section 7.8.2 requires a minimum of 20 ft of suction hose or 15 ft of supply hose.

Hose is not on the apparatus as manufactured. The fire department will provide suction or supply hose.

There will be two (2) lengths of 10' long x 6.00" diameter hose provided and equipped with a rocker lug male and long handle swivel female couplings provided on the ends. The brand will be clear PVC.

HOSE TROUGHS

A total of two (2) trough(s) for hard suction hose will be installed on the on the left side of the tank. Each trough will be designed to carry a 6.00" diameter 10' long hose.

The trough(s) will be designed to remove the hose out the rear and will be positioned toward the rear of the body so a person standing on the tailboard may access the hose. Each trough will be full-length of the hard sleeve being carried within.

Two Velcro straps, at the rear of each trough, will keep the hose in place. One strap for over the top of the hose and one across the rear to prevent the hose from sliding out rearward. Each trough will

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have a retaining tab at the forward end to prevent the hose from accidentally coming out of the trough.

Troughs will be constructed of smooth painted aluminum. A smooth durable material will line the bottom of the trough to aid in the removal and installation of the hose. Troughs will be constructed of smooth painted aluminum.

Hose troughs will be adjustable up and down.

HANDRAILS

The handrails will be 1.25" diameter knurled aluminum to provide a positive gripping surface.

Chrome plated end stanchions will support the handrail. Plastic gaskets will be used between end stanchions and any painted surfaces.

Drain holes will be provided in the bottom of all vertically mounted handrails.

Handrails will be provided to meet NFPA 1901 section 15.8 requirements. The handrails will be installed as noted on the sales drawing.

AIR BOTTLE STORAGE (Single)

A quantity of two (2) air bottle compartments, 7.75" in diameter x 26.00" deep, will be provided on the left side forward of the rear wheels and on the right side forward of the rear wheels. A polished stainless steel door with a chrome plated flush lift & turn latch will be provided to contain the air bottle. A dielectric barrier will be provided between the door hinge, hinge fasteners and the body sheet metal.

Inside the compartment, black Dura-Surf friction reducing material will be provided.

6 FT PIKE POLE, NOT REQUIRED BY NFPA 2016

NFPA 1901, 2016 edition, Section 7.9.4 does not require a pike pole to be provided under the miscellaneous equipment.

FOLDING STEPS FRONT OF BODY

Folding steps will be provided full height on the left side body compartments to provide access to the cargo bed. Steps will be spaced evenly on the sales drawing. Actual quantity may vary due to pump panel interferences but will meet the NFPA required maximum stepping height.

The Trident steps will be bright finished, non-skid with a black tread coating on the stepping surface.

The step will incorporate an LED light to illuminate the stepping surface.

The steps can be used as a hand hold with two openings wide enough for a gloved hand.

PUMP COMPARTMENT

The pump compartment will be separate from the hose body and compartments so that each may flex independently of the other. It will be a fabricated assembly of steel tubing, angles and channels which supports both the fire pump and the side running boards.

The pump compartment will be mounted on the chassis frame rails with rubber biscuits in a four point pattern to allow for chassis frame twist.

Pump compartment, pump, plumbing and gauge panels will be removable from the chassis in a single assembly.

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PUMP MOUNTING

Pump will be mounted to a substructure which will be mounted to the chassis frame rail using rubber isolators. The mounting will allow chassis frame rails to flex independently without damage to the fire pump.

LEFT SIDE PUMP CONTROL PANELS

All pump controls and gauges will be located at the left side of the apparatus and properly identified.

Layout of the pump control panel will be ergonomically efficient and systematically organized.

The pump operator's control panel will be removable in two (2) main sections for ease of maintenance:

The upper section will contain sub panels for the mounting of the pump pressure control device, engine monitoring gauges, electrical switches and foam controls (if applicable). Sub panels will be removable from the face of the pump panel for ease of maintenance. Below the sub panels will be located all valve controls and line pressure gauges.

The lower section of the panel will contain all inlets, outlets and drains.

All push/pull valve controls will have 1/4 turn locking control rods with polished chrome plated zinc tee handles. Guides for the push/pull control rods will be chrome plated zinc castings securely mounted to the pump panel. Push/pull valve controls will be capable of locking in any position. The control rods will pull straight out of the panel and will be equipped with universal joints to eliminate binding.

IDENTIFICATION TAGS

The identification tag for each valve control will be recessed in the face of the tee handle.

All discharge outlets will have color coded identification tags, with each discharge having its own unique color. Color coding will include the labeling of the outlet and the drain for each corresponding discharge.

All line pressure gauges will be mounted directly above the corresponding discharge control tee handles and recessed within the same chrome plated casting as the rod guide for quick identification. The gauge and rod guide casting will be removable from the face of the pump panel for ease of maintenance. The casting will be color coded to correspond with the discharge identification tag.

All remaining identification tags will be mounted on the pump panel in chrome plated bezels.

The pump panel on the right side will be removable with lift and turn type fasteners.

Trim rings will be installed around all inlets and outlets.

The trim rings for the side discharge outlets will be color coded and labeled to correspond with the discharge identification tag.

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PUMP

Pump will be a Waterous CXPA, 1000 gpm, single (1) stage, power take off (PTO) driven midship mounted centrifugal type.

Pump will be the class "A" type.

Pump will deliver the percentage of rated discharge at pressures indicated below:

- 100% of rated capacity at 150 psi net pump pressure.
- 70% of rated capacity at 200 psi net pump pressure.
- 50% of rated capacity at 250 psi net pump pressure.

Pump casting will be a two (2) piece, vertically split design and will be constructed of high tensile, close grain gray iron.

Impeller shaft will be stainless steel, heat treated, accurately ground to size and polished under the shaft seal. It will be supported by oil lubricated ball bearings.

Bearings will be protected from water and sediment by suitable stuffing boxes, flinger rings and oil seals. No special or sleeve type bearings will be used.

MECHANICAL SEAL ON PUMP

Pump will be equipped with a self-adjusting, maintenance-free, mechanical shaft seal.

The mechanical seal will consist of a flat, highly polished, spring fed carbon ring that rotates with the impeller shaft. The carbon ring will press against a highly polished stainless steel stationary ring that is sealed within the pump body.

In addition, a throttling ring will be pressed into the steel chamber cover, providing a very small clearance around the rotating shaft in the event of a mechanical seal failure. The pump performance will not deteriorate, nor will the pump lose prime, while drafting if the seal fails during pump operation.

Wear rings will be bronze and easily replaceable to restore original pump efficiency and eliminate the need to replace the entire pump casing due to wear.

PUMP TRANSMISSION

Pump transmission will be made of lightweight aluminum casing. Power transfer to pump will be through a pressure lubricated, Morse HY-VO drive chain.

Drive shafts will be a minimum of 1.50" diameter hardened and ground alloy steel. All shafts will be ball bearing supported. The case will be designed as to eliminate the need for water cooling.

The water pump will be driven by a ten (10)-bolt hot shift PTO will be located on the left side of the chassis transmission.

PUMPING MODE

An interlock system will be provided to ensure that the pump drive system components are properly engaged so that the apparatus can be safely operated. The interlock system will be designed to allow stationary pumping and the truck to be in motion while pumping.

A digital pump pressure gauge will be supplied in the cab.

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PUMP SHIFT

A pump shift will be provided within easy reach of the driver for engagement of the PTO driven pump. The shift will include the indicator lights as mandated by NFPA. The pump shift control will be illuminated to meet NFPA requirements.

AUXILIARY COOLING SYSTEM

A supplementary heat exchange cooling system will be provided to allow the use of water from the discharge side of the pump for cooling the engine water. The heat exchanger will be a separate unit. The heat exchanger will be installed in the pump or engine compartment with the control located on the pump operator's control panel. Exchanger will be plumbed to the master drain valve.

INTAKE RELIEF VALVE - PUMP

There will be One (1) Elkhart Style 40 relief valve(s) installed on the suction side of the pump preset at 125 psig.

The relief valve(s) will have a working range of 75 psi to 250 psi.

The outlet will terminate below the frame rails with a 2.50" National Standard hose thread adapter and will have a "do not cap" warning tag.

The relief valve pressure control will be located behind the right side pump panel with a stainless steel access door .

PRESSURE CONTROLLER

A Pierce Pump Boss Model PBA300 pressure governor will be provided.

A pressure transducer will be installed in the water discharge manifold on the pump.

The display panel will be located at the pump operator's panel.

PRIMING PUMP

The priming pump will be a Trident Emergency Products compressed air powered, high efficiency, multistage venturi based AirPrime System, conforming to standards outlined in the current edition of NFPA 1901.

All wetted metallic parts of the priming system are to be of brass and stainless steel construction.

One (1) priming control will open the priming valve and start the pump primer.

PUMP MANUALS

There will be a total of two (2) pump manuals provided by the pump manufacturer and furnished with the apparatus. The manuals will be provided by the pump manufacturer in the form of two (2) electronic copies. Each manual will cover pump operation, maintenance and parts.

PLUMBING, STAINLESS STEEL AND HOSE

All inlet and outlet lines will be plumbed with either stainless steel pipe, flexible polypropylene tubing or synthetic rubber hose reinforced with hi-tensile polyester braid. All hose's will be equipped with brass or stainless steel couplings. All stainless steel hard plumbing will be a minimum of a schedule 10 wall thickness.

Where vibration or chassis flexing may damage or loosen piping or where a coupling is required for servicing, the piping will be equipped with Victaulic or rubber couplings.

Plumbing manifold bodies will be ductile cast iron or stainless steel.

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All piping lines are to be drained through a master drain valve or will be equipped with individual drain valves. All drain lines will be extended with a hose to drain below the chassis frame.

All water carrying gauge lines will be of flexible polypropylene tubing.

All piping, hose and fittings will have a minimum of a 500 PSI hydrodynamic pressure rating.

MAIN PUMP INLETS

A 6.00" pump manifold inlet will be provided on each side of the vehicle. The suction inlets will include removable die cast zinc screens that are designed to provide cathodic protection for the pump, thus reducing corrosion in the pump.

SHORT SUCTION TUBE(S)

The suction tube(s) on the water pump will have short suction tube(s) installed to allow for installation of adapters, elbows or intake valves without excessive overhang.

MAIN PUMP INLET CAP

The main pump inlets will have National Standard Threads with a long handle chrome cap.

The cap will be the Pierce VLH, which incorporates an exclusive thread design to automatically relieve stored pressure in the line when disconnected.



VALVES

All ball valves will be Akron® Brass. The Akron valves will be the 8000 series heavy-duty style with a stainless steel ball and a simple two-seat design. No lubrication or regular maintenance is required on the valve.

Valves will have a **ten (10) year** warranty.

The location of the valve for the one (1) inlet will be recessed behind the pump panel.

INLET CONTROL

The side auxiliary inlet(s) will incorporate a quarter-turn ball valve with the control located at the inlet valve. The valve operating mechanism will indicate the position of the valve.

LEFT SIDE INLET

There will be one (1) auxiliary inlet with a 2.50" valve at the left side pump panel, terminating with a 2.50" (F) National Standard hose thread adapter.

The auxiliary inlet will be provided with a strainer, chrome swivel and plug.

INLET BLEEDER VALVE

A 0.75" bleeder valve will be provided for each side gated inlet. The valves will be located behind the panel with a swing style handle control extended to the outside of the panel. The handles will be chrome plated and provide a visual indication of valve position. The swing handle will provide an ergonomic position for operating the valve without twisting the wrist and provides excellent leverage. The water discharged by the bleeders will be routed below the chassis frame rails.

TANK TO PUMP

The booster tank will be connected to the intake side of the pump with heavy duty 4.00" piping and a quarter turn 3.00" valve with the control remotely located at the operator's panel. A rubber coupling will be included in this line to prevent damage from vibration or chassis flexing.

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A check valve will be provided in the tank to pump supply line to prevent the possibility of "back filling" the water tank.

TANK REFILL

A 2.00" combination tank refill and pump bypass line will be provided using a quarter-turn full flow ball valve, controlled from the pump operator's panel.

DISCHARGE OUTLET CONTROLS

The discharge outlets will incorporate a quarter-turn ball valve with the control located at the pump operator's panel. The valve operating mechanism will indicate the position of the valve.

If a handwheel control valve is used, the control will be a minimum of a 3.9" diameter stainless steel handwheel with a dial position indicator built in to the center of the handwheel.

Any 3.00 inch or larger discharge valve will be a slow-operating valve in accordance with NFPA 16.7.5.3.

LEFT SIDE DISCHARGE OUTLETS

There will be Two (2) discharge outlets with a 2.50" valve on the left side of the apparatus, terminating with a 2.50" (M) National Standard hose thread adapter.

LEFT SIDE OUTLET ELBOWS

The 2.50" discharge outlets located on the left side pump panel will be furnished with a 2.50" (F) National Standard hose thread x 2.50" (M) National Standard hose thread, chrome plated, 45 degree elbow.

The elbow will be Pierce VLH, which incorporates an exclusive thread design to automatically relieve stored pressure in the line when disconnected.

RIGHT SIDE DISCHARGE OUTLETS

There will be One (1) discharge outlet with a 2.50" valve on the right side of the apparatus, terminating with a 2.50" (M) National Standard hose thread adapter.

RIGHT SIDE OUTLET ELBOWS

The 2.50" discharge outlets located on the right side pump panel will be furnished with a 2.50" (F) National Standard hose thread x 2.50" (M) National Standard hose thread, chrome plated, 45 degree elbow.

The elbow will be Pierce VLH, which incorporates an exclusive thread design to automatically relieve stored pressure in the line when disconnected.

There will be a 4.00" discharge outlet with a 3.00" valve with a 3.00" ball, installed on the right side of the apparatus, terminating with a 4.00" (M) National Standard hose thread adapter. This discharge outlet will be actuated with a handwheel control with position indicator at the pump operator's control panel.

ADDITIONAL RIGHT SIDE OUTLET ELBOWS

The 4.00" outlet will be furnished with a 4.00" (F) National Standard hose thread x 5.00" Storz elbow adapter with Storz cap.

DISCHARGE CAPS/ INLET PLUGS

Chrome plated, rocker lug, caps with chain will be furnished for all discharge outlets 1.00" thru 3.00" in size, besides the pre-connected hose outlets.

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Chrome plated, rocker lug, plugs with chain will be furnished for all auxiliary inlets 1.00" thru 3.00" in size.

The caps and plugs will incorporate a thread design to automatically relieve stored pressure in the line when disconnected.

OUTLET BLEEDER VALVE

A 0.75" bleeder valve will be provided for each outlet 1.50" or larger. Automatic drain valves are acceptable with some outlets if deemed appropriate with the application.

The valves will be located behind the panel with a swing style handle control extended to the outside of the side pump panel. The handles will be chrome plated and provide a visual indication of valve position. The swing handle will provide an ergonomic position for operating the valve without twisting the wrist and provides excellent leverage. Bleeders will be located at the bottom of the pump panel. They will be properly labeled identifying the discharge they are plumbed in to. The water discharged by the bleeders will be routed below the chassis frame rails.

CROSSLAY HOSE BEDS

Two (2) crosslays with 1.50" outlets will be provided. Each bed to be capable of carrying 200' of 1.75" double jacketed hose and will be plumbed with 2.00" i.d. pipe and gated with a 2.00" quarter turn ball valve.

Outlets to be equipped with a 1.50" National Standard hose thread 90 degree swivel located in the hose bed so that hose may be removed from either side of apparatus.

The crosslay controls will be at the pump operator's panel.

The center crosslay dividers will be fabricated of 0.25" aluminum and will provide adjustment from side to side. The divider will be unpainted with a brushed finish.

Vertical scuff plates constructed of stainless steel will be provided at the front and rear ends of the bed on each side of vehicle.

Crosslay bed flooring will consist of removable perforated brushed aluminum.

CROSSLAY/DEADLAY HOSE RESTRAINT

Elastic netting will be provided across the top and ends of two (2) crosslay/deadlay opening(s) to secure the hose during travel. The netting will be permanently attached at the top center of the crosslay/deadlay bed and removable on each end.

BOOSTER HOSE REEL

A Hannay electric rewind booster hose reel will be installed over the pump in a recessed open compartment on the right side of the apparatus.

The exterior finish of the reel will be painted #269 gray from the reel manufacturer.

A polished stainless steel roller and guide assembly will be mounted on the reel side of the apparatus.

Discharge control will be provided at the pump operator's panel. Plumbing to the reel will consist of 1.50" Aeroquip hose and a 1.50" valve.

Reel motor will be protected from overload with a circuit breaker rated to match the motor.

An electric rewind control switch will be installed on the reel side pump panel.

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Booster hose, 1.00" diameter and 200 feet, with chrome plated Barway, or equal couplings will be provided.

Working pressure of the booster hose will be a minimum of 800 psi.

Capacity of the hose reel will be 200 feet of 1.00" booster hose.

There will be one (1) additional polished stainless steel roller and guide assembly mounted on the top of the cargo side sheet on the left side.

FOAM SYSTEM

A foam system will not be required on this apparatus.

PUMP PANEL CONFIGURATION

The pump panel configuration will be arranged and installed in an organized manner that will provide user-friendly operation.

PUMP AND GAUGE PANEL

The pump and gauge panels will be constructed of aluminum with a black vinyl finish. A polished aluminum trim molding will be provided around each panel.

PUMP ACCESS

Right Side Panel

The right side upper pump panel will be removable.

Panel Fastener

The removable panels will be secured with black swell latch .

The left side pump panels will be attached with screws.

The right side lower pump panel (drain bank) will be attached with screws.

PUMP HOUSE MODIFICATIONS, NOTCHES

Due to the chassis cab and engine combination, the exhaust emissions equipment extends rearward of the back of the right side of the cab.

Additionally, the fuel and DEF tank sizes and positions cause the components to extend rearward of the back of the cab on the left side.

In order to maintain a reasonable gap between the back of the cab and the pump module, there will be a notch in the right and left side lower front area of the module. These notches will reduce the cab/pump module gap as much as practical, based on the pump and pump module size combination.

PUMP COMPARTMENT LIGHT

There will be one (1) Whelen®, Model 3SC0CDCR, 3.00" white 12 volt DC LED light(s) with Whelen, Model 3FLANGECE, flange(s) installed in the pump compartment.

There will be a switch accessible through a door on the pump panel included with this installation.

Engine monitoring graduated LED indicators will be incorporated with the pressure controller.

Also provided at the pump panel will be the following:

- Master Pump Drain Control

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THROTTLE READY GREEN INDICATOR LIGHT

There will be a green indicator light integrated with the pressure governor and/or engine throttle installed on the pump operator's panel that is activated when the pump is in throttle ready mode.

OK TO PUMP INDICATOR LIGHT

There will be a green indicator light installed on the pump operator's panel that is activated when the pump is in Ok To Pump mode.

VACUUM AND PRESSURE GAUGES

The pump vacuum and pressure gauges will be liquid filled and manufactured by Class 1 Incorporated ©.

The gauges will be a minimum of 4.00" in diameter and will have white faces with black lettering, with a pressure range of 30.00"-0-600#.

Gauge construction will include a Zytel nylon case with adhesive mounting gasket and threaded retaining nut.

The pump pressure and vacuum gauges will be installed adjacent to each other at the pump operator's control panel.

Test port connections will be provided at the pump operator's panel. One will be connected to the intake side of the pump and the other to the discharge manifold of the pump. They will have 0.25 in. standard pipe thread connections and non-corrosive polished stainless steel or brass plugs. They will be marked with a label.

This gauge will include a 10 year warranty against leakage, pointer defect and defective bourdon tube.

PRESSURE GAUGES

The individual "line" pressure gauges for the discharges will be Class 1© interlube filled.

They will be a minimum of 2.00" in diameter and have white faces with black lettering.

Gauge construction will include a Zytel nylon case with adhesive mounting gasket and threaded retaining nut.

Gauges will have a pressure range of 30"-0-400#.

The individual pressure gauge will be installed as close to the outlet control as practical.

This gauge will include a 10 year warranty against leakage, pointer defect and defective bourdon tube.

WATER LEVEL GAUGE

There will be an electronic water level gauge provided on the operator's panel that registers water level by means of five (5) colored LED lights. The lights will be durable, ultra-bright five (5) LED design viewable through 180 degrees. The water level indicators will be as follows:

- 100 percent = Green
- 75 percent = Yellow
- 50 percent = Yellow
- 25 percent = Yellow
- Refill = Red

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The light will flash when the level drops below the given level indicator to provide an eighth of a tank indication. To further alert the pump operator, the lights will flash sequentially when the water tank is empty.

The level measurement will be based on the sensing of head pressure of the fluid in the tank.

The display will be constructed of a solid plastic material with a chrome plated die cast bezel to reduce vibrations that can cause broken wires and loose electronic components. The encapsulated design will provide complete protection from water and environmental elements. An industrial pressure transducer will be mounted to the outside of the tank. The field calibratable display measures head pressure to accurately show the tank level.

There will be a Hale part number: 106877, 4-light driver module included with this installation to power additional water level gauges.

The system(s) will be energized when parking brake is applied.

WATER LEVEL GAUGE

There will be one (1) additional water level indicator, Whelen®, Model PSTANK2, LED module with chrome flange installed one (1) on the rear body.

This light module will include four (4) colored levels and function similar to the water level indicator located at the operator's panel:

- First green module indicates a full water level
- Second blue module indicates a water level above 3/4 full
- Third amber module indicates a water level above 1/2 full
- Last red module indicates a water level above 1/4 full and empty
 - o Above 1/4 this light will be steady burning
 - o At empty this light will be flashing

This module will be activated when the parking brake is applied.

WATER LEVEL GAUGE, ADDITIONAL

An additional water level gauge will be provided. This gauge will have four (4) indicator modules and it will be installed in the cab.

LIGHT SHIELD

There will be a polished, 16 gauge stainless steel light shield installed over the pump operator's panel.

- There will be 12 volt DC white LED lights installed under the stainless steel light shield to illuminate the controls, switches, essential instructions, gauges and instruments necessary for the operation of the apparatus. These lights will be activated by the pump panel light switch. Additional lights will be included every 18.00" depending on the size of the pump house.
- One (1) pump panel light will come on when the pump is in ok to pump mode.

There will be a light activated above the pump panel light switch when the parking brake is set. This is to afford the operator some illumination when first approaching the control panel.

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AIR HORN SYSTEM

Two (2) Grover, Stutter Tone, air horns will be provided and located one (1) each side of the engine hood. The horn system will be piped to the air brake system wet tank utilizing 0.38" tubing. A pressure protection valve will be installed in-line to prevent the loss of air, in the air brake system.

AIR HORN(S) LOCATION

The air horn(s) location will be on the side of the engine hood.

AIR HORN CONTROL

The air horns will be actuated by a chrome push button located on the officer's side of the engine tunnel and by the horn button in the steering wheel. The driver will have the option to control the air horns or the chassis horns from the horn button by means of a selector switch located on the instrument panel.

ELECTRONIC SIREN

A Whelen®, Model 295SLSA1, electronic siren with noise canceling microphone will be provided.

This siren to be active when the battery switch is on and that emergency master switch is on.

Siren head will be located near the overhead switches.

The electronic siren will be controlled on the siren head only. No horn button or foot switches will be provided.

SPEAKER

There will be one (1) Whelen®, Model SA315P, black nylon composite, 100-watt, speaker with through bumper mounting brackets and polished stainless steel grille provided. The speaker will be connected to the siren amplifier.

The speaker will be recessed in the OEM non-extended front bumper on the driver's side.

SIREN PROGRAMMING

The electronic siren will be programmed to include the warble and whoop tones.

CAB ROOF LIGHTBAR

There will be one (1) 56.00" Whelen®, Justice lightbar mounted on the cab roof.

This lightbar will include the following:

- one (1) red flashing LED module in the left side rear corner position
- open in the left side end position
- one (1) red flashing LED module in the left side front corner position
- one (1) red flashing LED module in the left side first front position
- one (1) white flashing LED module in the left side second front position
- one (1) red flashing LED module in the left side third front position
- one (1) red flashing LED module in the left side fourth front position
- one (1) red flashing LED module in the right side fourth front position
- one (1) red flashing LED module in the right side third front position
- one (1) white flashing LED module in the right side second front position
- one (1) red flashing LED module in the right side first front position
- one (1) red flashing LED module in the right side front corner position
- open in the right side end position

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- one (1) red flashing LED module in the right side rear corner position
- the lens color will be clear

There will be a switch in the cab on the switch panel to control the lightbar.

The white warning lights shall be disabled when the parking brake is set.

FRONT WARNING LIGHT

There will be two (2) Whelen, Model M6** LED flashing lights provided at the front of the truck.

The driver's side front warning light to be red.

The passenger's side front warning light to be red.

The color of the lenses will be the same color as the LED's.

The lights will be mounted with chrome trim.

The lights will be activated by a switch on the cab instrument panel.

SIDE ZONE LOWER LIGHTING

There will be four (4) Whelen®, flashing LED warning lights with chrome trim installed per the following:

- Two (2) Model M4*, 3.38" high x 5.50" wide lights one (1) each side on the engine hood under 62.00". The side front lights to be red.
- Two (2) Model M6*, 4.31" high x 6.75" wide lights one (1) each side above rear wheels. The side rear lights to be red.
- The lenses will be the same color as the LEDs.

There will be a switch in the cab on the switch panel to control the lights.

REAR ZONE LOWER LIGHTING

Two (2) Whelen, Model M6* LED flashing warning lights with chrome bezels will be located at the rear of the apparatus.

The driver's side rear light to be red.

The passenger's side rear light to be red.

Both lights will include a lens that is the same color as the LED's.

There will be a switch located in the cab on the switch panel to control the lights.

REAR OF HOSE BED WARNING LIGHTS

There will be two (2) Whelen® Rota-Beam™, Model R416*F, 4.88" high x 6.44" wide LED beacons.

- The driver's side beacon to include red LED's.
- The passenger's side beacon to include red LED's.
- The domes to be the same color as the LED's.

There will be a switch located in the cab, on the switch panel to control the beacons.

The rear warning lights will be mounted on stainless steel brackets with all wiring totally enclosed. These brackets will also support the clearance/marker lights.

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LOOSE EQUIPMENT

The following equipment will be furnished with the completed unit:

- One (1) bag of chrome, stainless steel, or cadmium plated screws, nuts, bolts and washers, as used in the construction of the unit.

NFPA REQUIRED LOOSE EQUIPMENT PROVIDED BY FIRE DEPARTMENT

The following loose equipment as outlined in NFPA 1901, 2016 edition, section 7.9.3.1, 7.9.3.2 and 7.9.4 will be provided by the fire department.

- 200 ft (60 m) of 2.50" (65 mm) or larger fire hose.
- 100 ft (120 m) of 1.50" (38 mm), 1.75" (45 mm), or 2.00" (52 mm) fire hose (if equipped with a fire pump).
- One (1) handline nozzle, 95 gpm (360 L/min) minimum (if equipped with a fire pump).
- One (1) first aid kit.
- Two (2) combination spanner wrenches.
- One (1) hydrant wrench.
- One (1) double female adapter, sized to fit 2.50" (65 mm) or larger fire hose.
- One (1) double male adapter, sized to fit 2.50" (65 mm) or larger fire hose.
- One (1) rubber mallet, for use on suction hose connections (if equipped with a fire pump).
- One (1) traffic vest for each seating position, each vest to comply with ANSI/ISEA 207, *Standard for High Visibility Public Safety Vests* and have a five-point breakaway feature that includes two at the shoulders, two at the sides and one at the front.
- Five (5) fluorescent orange traffic cones not less than 28.00" (711 mm) in height, each equipped with a 6.00" (152 mm) retro-reflective white band no more than 4.00" (102 mm) from the top of the cone and an additional 4.00" (102 mm) retro-reflective white band 2.00" (51 mm) below the 6.00" (152 mm) band.
- Five (5) illuminated warning devices such as highway flares, unless the five (5) fluorescent orange traffic cones have illuminating capabilities.
- One (1) automatic external defibrillator (AED).
- If none of the pump intakes are valved, a hose appliance that is equipped with one or more gated intakes with female swivel connection(s) compatible with the supply hose used on one side and a swivel connection with pump intake threads on the other side will be carried. Any intake connection larger than 3.00" (75 mm) will include a pressure relief device that meets the requirements of 16.6.6 (if equipped with pump).
- If the apparatus does not have a 2.50" National Hose (NH) intake, an adapter from 2.50" NH female to a pump intake will be carried, mounted in a bracket fastened to the apparatus if not already mounted directly to the intake.
- If the supply hose carried has other than 2.50" National Hose (NH) threads, adapters will be carried to allow feeding the supply hose from a 2.50" NH thread male discharge and to allow the hose to connect to a 2.50" NH female intake, mounted in brackets fastened to the apparatus if not already mounted directly to the discharge or intake.

SOFT SUCTION HOSE

There will be no soft suction hose provided.

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STRAINER PROVIDED BY FIRE DEPARTMENT

NFPA 1901, 2016 edition, section 7.8.2.1.1 requires a suction strainer when suction hose is provided.

The strainer is not on the apparatus as manufactured. The fire department will provide the suction strainer.

DRY CHEMICAL EXTINGUISHER PROVIDED BY FIRE DEPARTMENT

NFPA 1901, 2016 edition, section 7.9.4 requires one (1) approved dry chemical portable fire extinguisher with a minimum 80-B:C rating mounted in a bracket fastened to the apparatus.

The extinguisher is not on the apparatus as manufactured. The fire department will provide and mount the extinguisher.

WATER EXTINGUISHER PROVIDED BY FIRE DEPARTMENT

NFPA 1901, 2009 edition, section 7.7.3.1 requires one (1) 2.5 gallon or larger water extinguisher mounted in a bracket fastened to the apparatus.

The extinguisher is not on the apparatus as manufactured. The fire department will provide and mount the extinguisher.

AXE, FLATHEAD, NOT REQUIRED BY NFPA 2016

NFPA 1901, 2016 edition, Section 7.9.4 does not require a flathead axe to be provided under the miscellaneous equipment.

WAYNESVILLE FIRE DEPARTMENT

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PAINT PROCESS

The exterior custom cab and/or body painting procedure will consist of a seven (7) step finishing process. A commercial chassis paint process will follow similar processes as determined by the chassis manufacturer. The following procedure will be used by Pierce:

1. **Manual Surface Preparation** - All exposed metal surfaces on the custom cab and body will be thoroughly cleaned and prepared for painting. Imperfections on the exterior surfaces will be removed and sanded to a smooth finish. Exterior seams will be sealed before painting. Exterior surfaces that will not be painted include chrome plating, polished stainless steel, anodized aluminum and bright aluminum treadplate.
2. **Chemical Cleaning and Pretreatment** - All surfaces will be chemically cleaned to remove dirt, oil, grease and metal oxides to ensure the subsequent coatings bond well. The aluminum surfaces will be properly cleaned and treated using a high pressure, high temperature 4 step Acid Etch process. The steel and stainless surfaces will be properly cleaned and treated using a high temperature 3 step process specifically designed for steel or stainless. The chemical treatment converts the metal surface to a passive condition to help prevent corrosion. A final pure water rinse will be applied to all metal surfaces.
3. **Surfacer Primer** - The Surfacer Primer will be applied to a chemically treated metal surface to provide a strong corrosion protective base coat. A minimum thickness of 2 mils of Surfacer Primer is applied to surfaces that require a critical aesthetic finish. The surfacer primer will be a two-component high solids urethane that has excellent sanding properties and an extra smooth finish when sanded.
4. **Finish Sanding** - The surfacer primer will be sanded with a fine grit abrasive to achieve an ultra-smooth finish. This sanding process is critical to produce the smooth mirror like finish in the topcoat.
5. **Sealer Primer** - The sealer primer is applied prior to the base coat in all areas that have not been previously primed with the surfacer primer. The sealer primer is a two-component high solids urethane that goes on smooth and provides excellent gloss hold out when top coated.
6. **Base coat Paint** - Two coats of a high performance, two component high solids polyurethane base coat will be applied. The Base coat will be applied to a thickness that will achieve the proper color match. The Base coat will be used in conjunction with a urethane clear coat to provide protection from the environment.
7. **Clear Coat** - Two (2) coats of clear coat will be applied over the base coat color. The clear coat is a two-component high solids urethane that provides superior gloss and durability to the exterior surfaces. Lap style doors will be clear coated to match the body. Paint warranty for the roll-up doors will be provided by the roll-up door manufacturer.

Our specifications are written to define cyclic corrosion testing, physical strengths, durability and minimum appearance requirements must be met in order for an exterior paint finish to be considered acceptable as a quality finish.

Each batch of base coat color will be checked for a proper match before painting of the cab and the body. After the cab and body are painted, the color is verified again to make sure that it matches the color standard. Electronic color measuring equipment will be used to compare the color sample to

WAYNESVILLE FIRE DEPARTMENT

2000 Gallon Dryside Tanker on 2-dr FL 114SD Proposal



the color standard entered into the computer. Color specifications are used to determine the color match. A Delta E reading will be used to determine a good color match within each family color.

All removable items such as brackets, compartment doors, door hinges and trim will be removed and separately if required, to ensure paint behind all mounted items. Body assemblies that cannot be finish painted after assembly will be finish painted before assembly.

ENVIRONMENTAL IMPACT

Contractor will meet or exceed all current State regulations concerning paint operations. Pollution control will include measures to protect the atmosphere, water and soil. Controls will include the following conditions:

- Topcoats and primers will be chrome and lead free.
- Metal treatment chemicals will be chrome free. The wastewater generated in the metal treatment process will be treated on-site to remove any other heavy metals.
- Particulate emission collection from sanding operations will have a 99.99 percent efficiency factor.
- Particulate emissions from painting operations will be collected by a dry filter or water wash process. If the dry filter is used, it will have an efficiency rating of 98 percent. Water wash systems will be 99.97 percent efficient.
- Water from water wash booths will be reused. Solids will be removed on a continual basis to keep the water clean.
- Paint wastes will be disposed of in an environmentally safe manner.
- Empty metal paint containers will be recycled to recover the metal.
- Solvents used in clean-up operations will be recycled on-site or sent off-site for distillation and returned for reuse.

Additionally, the finished apparatus will not be manufactured with or contain products that have ozone depleting substances. Pierce will, upon demand, present evidence that the manufacturing facility meets the above conditions and that it is in compliance with the state EPA rules and regulations.

PAINT

The chassis will be painted by the chassis manufacturer and will remain the commercial grade finish as provided. The body will be painted the matching color by Pierce.

To ensure a good color match between the body and chassis, Pierce has a mutually pre-approved paint color program with the chassis manufacturer. The apparatus will be painted Pierce #90 candy apple red.

COMMERCIAL CHASSIS PAINT

The chassis will be painted by the chassis manufacturer. It will remain the color and commercial quality finish as provided. The primary color will be Pierce #90 candy apple red.

TWO-TONE CAB

The cab shall be painted two-tone by the chassis manufacturer. The color used for the upper section shall be to match Pierce #20 white. The area of the cab to be painted white shall be from the bottom of the cab grille (low), across the top of the hood and around the cab including the roof.

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PAINT CHASSIS FRAME ASSEMBLY

The chassis frame assembly shall be painted black by the chassis manufacturer. It shall remain the commercial grade finish as provided.

WHEEL PAINT

The wheels will be painted by the chassis manufacturer to match the main color of the cab.

WHEELS, ACCENT STRIPE

The exposed outer edge circumference of the wheel will be painted with a silver accent stripe.

COMPARTMENT INTERIOR PAINT

The interior of all compartments will be painted with a gray spatter finish for ease of cleaning and to make it easier to touch up scratches and nicks.

REFLECTIVE STRIPES

Three (3) reflective stripes will be provided across the front of the vehicle and along the sides of the body. The reflective band will consist of a 1.00" white stripe at the top with a 1.00" gap then a 6.00" white stripe with a 1.00" gap and a 1.00" white stripe on the bottom.

REFLECTIVE VINYL ON FRONT BUMPER

There will be a reflective vinyl band provided across the front bumper.

REAR CHEVRON STRIPING

There will be alternating chevron striping located on the rear-facing vertical surface of the apparatus.

The colors will be red and fluorescent yellow green diamond grade.

Each stripe will be 6.00" in width.

This will meet the requirements of the current edition of NFPA 1901, which states that 50% of the rear surface will be covered with chevron striping.

REFLECTIVE STRIPE, CAB DOORS

A white reflective stripe will be provided on the interior of each cab door.

This stripe will be a minimum of 96.00 square inches and will meet the NFPA 1901 requirement.

LETTERING

The lettering will be totally encapsulated between two (2) layers of clear vinyl.

LETTERING

Forty-one (41) to sixty (60) genuine gold leaf lettering, 3.00" high, with outline and shade will be provided.

LETTERING

There will be reflective lettering, 18.00" high, with outline and shade provided. There will be two (2) letters provided.

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MANUAL, BODY PARTS ONLY

A custom parts manual for the Pierce® installed parts only will be provided in USB flash drive format with the completed unit.

The manual will contain the following:

- Job number
- Part numbers with full descriptions
- Table of contents
- Parts section sorted in functional groups reflecting a major system, component, or assembly
- Parts section sorted in Alphabetical order
- Instructions on how to locate parts

The manual will be specifically written for the body model being purchased. It will not be a generic manual for a multitude of different bodies.

SERVICE PARTS INTERNET SITE

The service parts information included in this manual are also available on the Pierce website. The website offers additional functions and features not contained in this manual, such as digital photographs and line drawings of select items. The website also features electronic search tools to assist in locating parts quickly.

MANUALS, SERVICE

A USB flash drive format service manual supplement containing parts and service information on Pierce® installed components will be provided with the completed unit.

The manual will be specifically written for the unit being purchased. It will not be a generic manual for a multitude of different units.

MANUAL, CHASSIS OPERATION

One (1) chassis operation manual will be provided with the completed unit.

ONE (1) YEAR MATERIAL AND WORKMANSHIP

Each new piece of apparatus will be provided with a minimum one (1) year basic apparatus material and workmanship limited warranty. The warranty will cover such portions of the apparatus built by the manufacturer as being free from defects in material and workmanship that would arise under normal use and service.

A copy of the warranty certificate will be submitted with the bid package.

CHASSIS WARRANTY

The chassis manufacturer shall provide a **one (1) year or 50,000 mile warranty**.

Reduced warranty duration will occur due to greater GVW rating of the chassis. Review coverage documents for details.

PAINT WARRANTY

The commercial chassis manufacturer's paint warranty will apply to the paint on the chassis only.

CAMERA SYSTEM WARRANTY

A Pierce fifty four (54) month warranty will be provided for the camera system.

COMPARTMENT LIGHT WARRANTY

The Pierce 12 volt DC LED strip lights limited warranty certificate, WA0203, is included with this proposal.

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TRANSMISSION WARRANTY

The transmission will have a **five (5) year/unlimited mileage** warranty covering 100 percent parts and labor. The warranty to be provided by Allison Transmission and not apparatus builder.

TEN (10) YEAR STRUCTURAL INTEGRITY

The Pierce apparatus body limited warranty certificate, WA0009, is included with this proposal.

ROLL UP DOOR MATERIAL AND WORKMANSHIP WARRANTY

A Gortite roll-up door limited warranty will be provided. The mechanical components of the roll-up door will be warranted against defects in material and workmanship for the lifetime of the vehicle. A **six (6) year** limited warranty will be provided on painted and satin roll up doors.

The limited warranty certificate, WA0190, is included with this proposal.

PUMP WARRANTY

The Waterous pump will be provided with a Seven (7) year material and workmanship limited warranty.

A copy of the warranty certificate will be submitted with the bid package (no exception).

TEN (10) YEAR PUMP PLUMBING WARRANTY

The Pierce apparatus plumbing limited warranty certificate, WA0035, is included with this proposal.

LIFETIME MATERIAL AND WORKMANSHIP

A UPF poly water tank limited warranty certificate, WA0195, is included with this proposal.

TEN (10) YEAR PRO-RATED PAINT AND CORROSION

A Pierce body limited pro-rated paint warranty certificate, WA0057, is included with this proposal.

THREE (3) YEAR MATERIAL AND WORKMANSHIP

The Pierce Goldstar gold leaf lamination limited warranty limited warranty certificate, WA0018, is included with this proposal.

VEHICLE STABILITY CERTIFICATION

The fire apparatus manufacturer will provide a certification stating the apparatus complies with NFPA 1901, current edition, section 4.13, Vehicle Stability. The certification will be provided at the time of bid.

CAB INTEGRITY

The cab has been tested to and passed the following standards:

- ECE Regulation No.29
- SAE J2422 Cab Roof Strength Evaluation - Quasi-Static Loading Heavy Trucks.

AMP DRAW REPORT

The bidder will provide, at the time of bid and delivery, an itemized print out of the expected amp draw of the entire vehicle's electrical system.

The manufacturer of the apparatus will provide the following:

- Documentation of the electrical system performance tests.
- A written load analysis, which will include the following:
 - o The nameplate rating of the alternator.
 - o The alternator rating under the conditions specified per:

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- Applicable NFPA 1901 or 1906 (Current Edition).
- The minimum continuous load of each component that is specified per:
 - Applicable NFPA 1901 or 1906 (Current Edition).
- Additional loads that, when added to the minimum continuous load, determine the total connected load.
- Each individual intermittent load.

All of the above listed items will be provided by the bidder per the applicable NFPA 1901 or 1906 (Current Edition).

Ordinance No.O-14-22

Amendment No.21 to the 2021-2022 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2021-2022 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2021-2022 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Proceeds from Capital Lease 103900-493990	<u>\$475,000.00</u>
Total General Fund revenue increase	\$475,000.00

(Increasing revenues to account for loan)

Increase the following appropriations:

Fire Department	
Vehicles 104340-545400	<u>\$475,000.00</u>
Total General Fund appropriation increase	\$475,000.00

(Increasing expenditures associated with Fire tanker and equipment)

Adopted this 26th day of April 2022.

Town of Waynesville

J. Gary Caldwell
Mayor

Attest:

Eddie Ward
Town Clerk

Approved As To Form:

Martha Sharpe Bradley, PLLC
Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4-26-22

SUBJECT Report on EV Charger Grants

AGENDA INFORMATION:

Agenda Location: Manager's Report

Item Number:

Department: Administration

Contact: Rob Hites

Presenter: Rob Hites

BRIEF SUMMARY: The State of NC is administering a VW Settlement Act program that offers grants for both high speed and low speed electric charging stations. The State has set a limit of two fast charging stations and four low speed stations. A business in Canton has applied and received a "nongovernmental grant" to install a fast-charging station off I-40. The Town of Franklin has also been awarded a high-speed charging station. Technically Waynesville does not qualify for a high-speed charging station since we are with fifty miles of both towns, but our traffic volumes and influx of travelers has awarded the Town "priority corridor" status. Our grants person from the Southeastern Council of Governments believe the State will permit us to have a "primary corridor grant of up to \$ 142,500 per charger station due to the amount of traffic flow that passes through Town on the Smoky Mountain Expressway. Waynesville will also qualify for grants to install "Slow Charger"(Level 2) stations at four locations. The State grant administrators have set a 6.6 kW limit on the slow chargers (Level 2). Their rationale for the low charging rate is that such a rate will "save the life of the battery". This type of charger will give a vehicle 100 miles of charge for every three hours of charging time. The State intends these stations to be for local users who will be traveling from home charge station to a paid station or from paid station to paid station. This makes NO SENSE to me especially given that 100 miles of charge is based on traveling on level highways and not the more rapid discharge experienced in the mountains. That being said the grants should cover 100% of the cost of the stations so we can install a fast station and four slow stations at very little cost to the Town. The more powerful "fast charging stations of 50 kW can recharge a typical (not Tesla) electric vehicle to an 80% charge in 30 minutes and a Tesla type vehicle in about an hour. Their purchase and installation run approximately \$52,000 per charger. the charging capacity of the vehicle. We recommend applying for grants that provide 90%-100% grant funding to limit the impact on the Electric Fund balance. The grant funding covers not only the cost of the charging unit but also the cost of installing the charger and the software to communicate with the credit card industry and the charger maintenance firms. While we would prefer to install the charger stations on our electric system Duke Power has a "Make Ready Credit Programs" that will pay for the installation of the stations on their system through a three-year rebate on the charges to the Town from the meters installed at each station. The single greatest hurdle we face is locating the station within a mile of the Expressway. Most of the exits are located in the Duke system and the Town needs to procure an easement from a private property owner in order to install the stations. We are reaching out to several landowners along Russ Avenue in search of an easement the size of three parking spaces.

MOTION FOR CONSIDERATION: Review the material provided by the staff and authorize the staff to apply for two "fast chargers" and four 6.6 kW chargers. This grant program does not preclude the Town from using its own funds to lease or purchase the "fast charging stations (50kW) at a later date. The fees local charging stations are charging are in the \$.30 per kW rate for the "Fast Chargers" and \$.45 per kW for the "Super Chargers (i.e., Tesla, Hyundai and Audi).

FUNDING SOURCE/IMPACT: Electric

ATTACHMENTS: 7.5 kW charger options, price quote.

MANAGER'S COMMENTS AND RECOMMENDATIONS See above.



2019
TOP 100
ROCHESTER CHAMBER

Product Specialist: Daniel Canning
dcanning@evchargesolutions.com

PowerCharge™
Distributed by EV Charge Solutions®

- All Installations must be performed by qualified technicians, as per manufacturer.
- Tax exempt sales require state documents to be on file with EV Charge Solutions.
- Late Payment - 1% finance charge, per month, on accounts overdue.
- All Pricing in US Dollars.
- Quote Expires in 30 Days.
- (585) 533-4051 (M-F 7am-8pm EST) or customerservice@evCHARGEolutions.com
- Credit Card Payments will incur a 1.5% Surcharge.

Total with Credit Card Surcharge

\$5,803.85

THANK YOU - WE APPRECIATE YOUR BUSINESS



CT4000 Family

ChargePoint® Level 2 Commercial Charging Stations

The CT4000 family is the latest generation of ChargePoint commercial charging stations. Refined yet rugged, these stations set the industry standard for functionality and aesthetics.

The CT4000 full motion color LCD display instructs drivers and supports dynamic updates of custom branded videos and advertisements.

Intelligent power management options double the number of parking spaces served by allowing **two charging ports to share a single circuit**. Sites with single port EV stations can upgrade to dual port stations without requiring additional electrical services.

The CT4000 is the first ENERGY STAR® certified EV charger because it charges efficiently and conserves power when not charging. As an ENERGY STAR certified EV charger, the CT4000 uses significantly less energy than a standard EV charger when in standby mode to help you save money on your utility bill.

All CT4000 models offer one or two standard SAE J1772™ **Level 2 charging ports** with locking holsters, each port supplying up to **7.2kW**. With this standard connector, ChargePoint **level 2 stations** can charge any EV.

Stations are available in bollard and wall mount configurations for easy installation anywhere. All stations are fully software upgradeable remotely over the air.

Stations come in both 6' and 8' tall models with 18' and 23' cords, respectively. With multiple options for size and cord reach, your station can service up to four parking spaces, reach all car models regardless of parking style or car sizes and increase the usability of your EV spots.

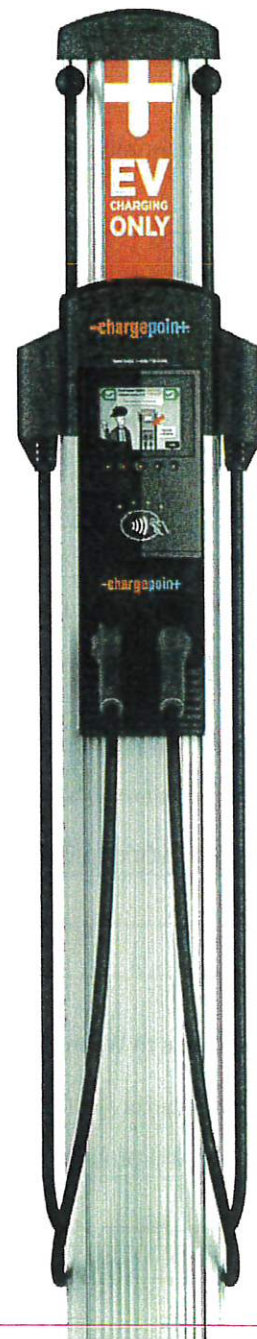
Driver Friendly User Interface

- + Instructional video shows how to use the station
- + Multi-language: English, French, Spanish
- + Touch button interface; works in rain, ice and with gloves
- + Backed by ChargePoint's world class 24/7 driver phone support

Easily Communicate with Your Drivers

Whether you're a retail establishment wanting to advertise your latest product, a workplace looking to communicate with employees or a municipality wanting to welcome visitors, ChargePoint's prominent LCD screen makes it easy to reach EV drivers:

- + Daylight readable, with auto brightness control
- + 640 X 480 resolution active matrix
- + Full motion 30fps video support
- + Upload up to 60 seconds of high quality video on a color LCD screen to individual stations as often as desired
- + Brand your charging stations to communicate with drivers
- + Instructional video in English, Spanish or French



The First
ENERGY STAR®
Certified EV Charger

Service Products and Support

ChargePoint offers world-class service products and support that help ensure quality of work, save time and money, protect your investment and enhance the productivity of your charging stations. From site planning to installation and setup, to ongoing care and management, when you choose ChargePoint, you're covered.

- + **ChargePoint Configuration and Activation:** customized setup and activation of your stations
- + **ChargePoint Assure:** the most comprehensive EV Station maintenance and management in the industry

Energy Measurement and Management

- + Real-time energy measurement
- + 15 minute interval recording
- + Time of Day (TOD) pricing
- + Load shed by percentage of running average or to fixed power output

Minimize Costs with Flexible Power Management Options

In the vast majority of applications, a full power configuration is the best choice for both station owners and drivers. However, when drivers are parked for a longer time, an intelligent, lower power output can save station owners considerable installation cost while still providing drivers a great charging experience. With flexible power options, station owners can meet the needs of drivers while lowering costs:

Power Select (Patent Pending)

- + Allows for a lower capacity (less than 40A) circuit to power each port
- + Cuts installation costs by reducing the cost or even avoiding the need to upgrade panels or transformers

Power Sharing

- + Dynamically share one 40A, 30A or 20A circuit between two parking spaces
- + Doubles the number of parking spots served while reducing installation and operating costs
- + Allows station owners to upgrade a single port station to dual port to serve more drivers with no electrical upgrade

Clean Cord Technology

- + Keep charging cords off the ground
- + Standard on all models
- + Ultra-reliable second-generation gravity operated mechanism
- + Flexible over entire -40°F to +122°F product temperature range

Safe, Reliable, Energy Efficient Hardware

- + UL listed, meeting the stringent requirements of the nation's leading safety standards organization
- + Stations are rugged, built to withstand the elements
- + Safe, Reliable and Energy Efficient
- + ENERGY STAR certified, charges efficiently and conserves power when not charging

When Charging is Mission Critical, Protect Your Investment with ChargePoint Assure

- + **Minimize downtime:** ChargePoint Assure provides the most comprehensive EV Station maintenance and management in the industry
- + **Get up and running quickly and flawlessly:** Professional guidance for station configuration saves you time, and unlimited changes to station policies flexibly supports your business
- + **Eliminate unexpected future expenses:** Cost for parts and on-site labor to install is covered for all Assure eligible repairs
- + **One less thing to worry about:** Proactive station monitoring provides you with regular reporting
- + **Reduced risk of downtime:** We guarantee 98% annual uptime and one business day response to requests
- + **Support when you need it:** We're there for you *and* your drivers. Phone support available for station owners Monday to Friday from 5 AM to 6 PM Pacific. Phone support for drivers is 24/7/365, so you never need to field a driver call

Ultra-reliable second-generation gravity operated mechanism.

18' and 23' cords to reach all car models and serve more parking spaces.

World-class 24/7 driver phone support.

Instructional video shows how to use the station. Multi-language charging instructions, giving drivers the choice of English, French or Spanish.

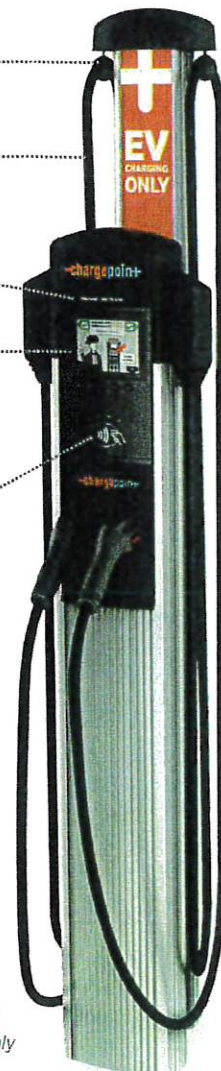
Driver interaction is supported in any weather by five rugged, back-lit buttons with audio feedback.

Strong and rugged design materials built to withstand the elements.

CT4000 stations come with 18' or 23' cords to increase the usability of your charging spots, on 6' and 8' tall models respectively.

CT4021

Dual-port bollard charging station with 18' charging cables. Standard EV Charging Only sign without optional custom branding.



Promote Your Brand and Business

Having your stations installed in a visible location makes a bold statement about your business' commitment to sustainability and shows that you care about your customers. ChargePoint CT4000 stations are built for customization so you can conveniently promote your brand as well. With custom signage and video you can:

- + Increase brand recognition
- + Attract EV drivers by making sure your stations are highly visible
- + Ensure EV charging installations are consistent with the look and feel of your brand
- + Differentiate your stations from standard ChargePoint stations to make them easily identifiable by your driver base



Branded CT4021
Shown with optional
branding on bollard.
18' cords on 6' model.

Easily customizable branding area.
All stations come with *EV Charging Only* sign, which can be replaced with your custom signage.

5.7" color LCD display for customizable video content.

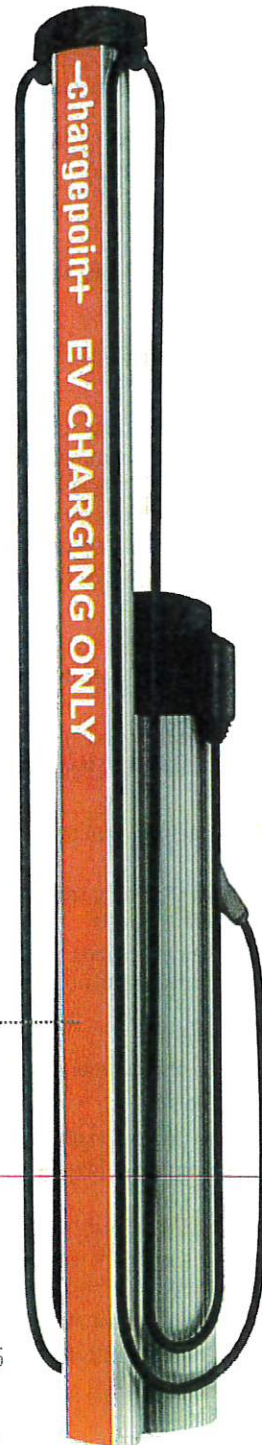
Upload up to 60 seconds of high quality video to individual stations as often as desired.

Daylight readable with auto brightness control.

OPTIONAL:
Additional customizable branding areas.

All stations have standard extrusions to hold your custom signage.

Artwork templates and material specifications are conveniently downloadable from chargepoint.com



Branded CT4025
Shown with optional
branding on back.
23' cords on 8' model.

Hi Rob-

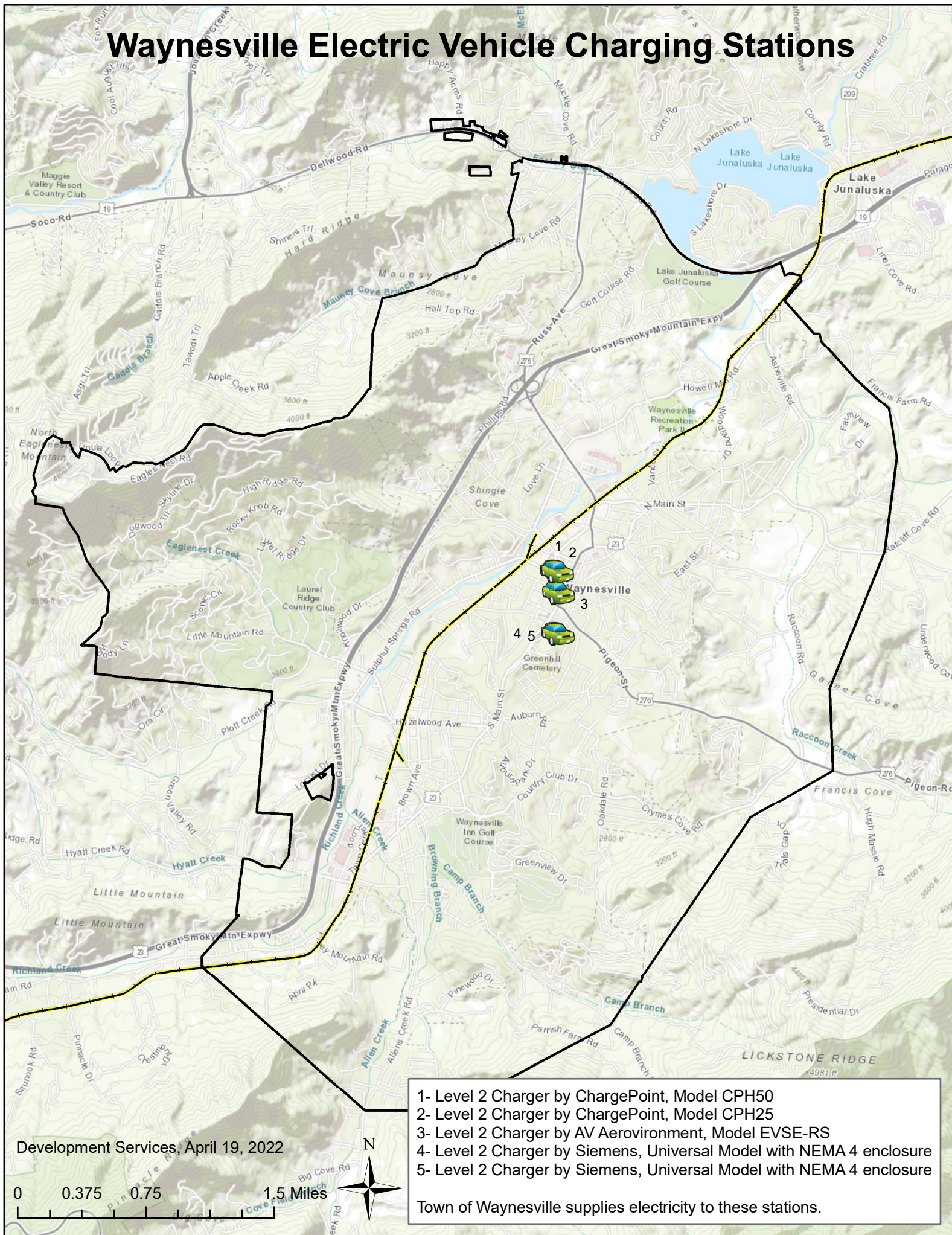
Yes- the **match isn't a 50%**.....so we aren't looking for a \$250K project. If we go to the highest rank, you are eligible for no match up to \$120K....if the project was over that you would have to cover the difference. That would only be at the 120kW level, you can see the price caps for the others. In the case of the Canton charger the business wanted it, so they have the costs (I believe shared with the electric company), in the case of Franklin's Duke is working with them. Generally, the costs get high when we have significant site upgrades, so finding sites that require little electrical upgrades is preferred. Do you have some maps for us?

Funding Levels - DC Fast Program - Priority Corridors*

Charging Capacity	Priority Corridor (per port)				Non-Priority Corridor (per port)				Maximum Number of Ports Funded per Application
	Government		Non-Government		Government		Non-Government		
	Owned Property		Owned Property		Owned Property		Owned Property		
50kW to 60kW	100%	\$67,500	80%	\$54,000	100%	\$52,500	80%	\$42,000	4
60kW to 75kW	100%	\$76,000	80%	\$60,800	100%	\$60,000	80%	\$48,000	4
76kW to 120kW	100%	\$114,000	80%	\$91,200	100%	\$90,000	80%	\$72,000	2
120kW and over	100%	\$142,500	80%	\$114,000	100%	\$120,000	80%	\$96,000	2

*Represents maximum funding levels by applicant type per port.

Waynesville Electric Vehicle Charging Stations






Development Services, April 19, 2022

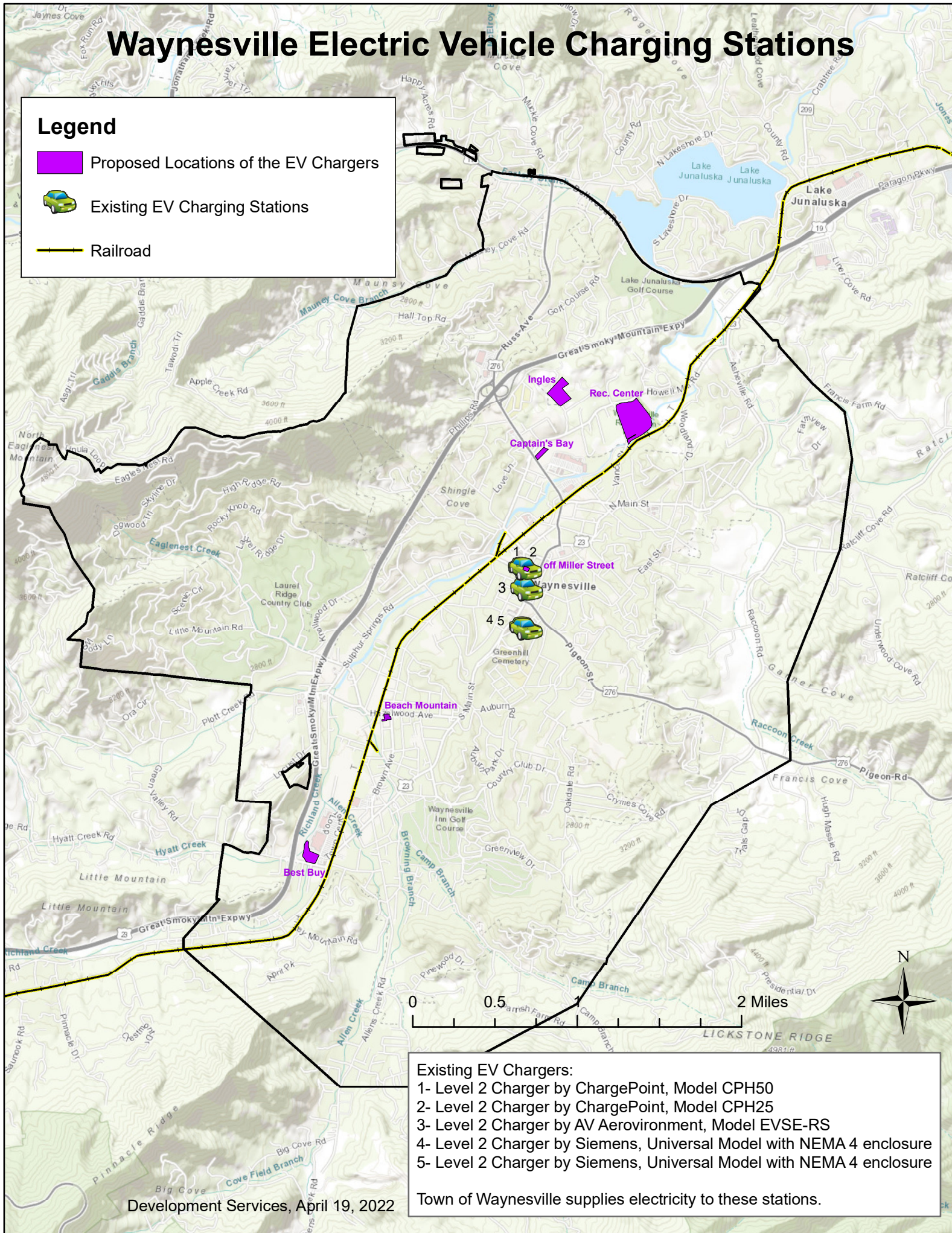
0 0.375 0.75 1.5 Miles



Waynesville Electric Vehicle Charging Stations

Legend

-  Proposed Locations of the EV Chargers
-  Existing EV Charging Stations
-  Railroad



Existing EV Chargers:

- 1- Level 2 Charger by ChargePoint, Model CPH50
- 2- Level 2 Charger by ChargePoint, Model CPH25
- 3- Level 2 Charger by AV Aerovironment, Model EVSE-RS
- 4- Level 2 Charger by Siemens, Universal Model with NEMA 4 enclosure
- 5- Level 2 Charger by Siemens, Universal Model with NEMA 4 enclosure

Town of Waynesville supplies electricity to these stations.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4/26/22**

SUBJECT Updated Capital Improvement Plan (CIP) for Wastewater Treatment Plant and Inflow/Infiltration program.

AGENDA INFORMATION:

Agenda Location: Manager's Report

Item Number:

Department: Administration

Contact: Rob Hites

Presenter: Rob Hites

BRIEF SUMMARY: The Town plans to apply for \$5 million dollars in grant funds through the State's ARP program. The application deadline is May 2nd. One of the requirements of the grant application is to provide a recent update of the CIP for the WWTP and the Collection System (inflow/infiltration). Jeff Stines and Keith Webb (McGill Associates) are in the final hours of completing a CIP that will state our current needs. The Town has a CIP plan in place, but it has not been updated since the bids for the WWTP and inflow/infiltration projects have been added.

MOTION FOR CONSIDERATION: Approve CIP plan (s) for the Sewer fund.

FUNDING SOURCE/IMPACT: Sewer

ATTACHMENTS: CIP Plan (to be sent later on Wednesday or Thursday)

MANAGER'S COMMENTS AND RECOMMENDATIONS Please remember that a CIP plan is just that "a plan". It does not legally obligate a municipality to carry out the programs set out in the plan. In fact, most CIPs are amended annually to delete programs that are found not to be a priority and add new projects that are introduced due to circumstances beyond the control of the Town i.e., landslides, failures of water or sewer lines, damage or failures to roof systems or HVAC units. It is important to adopt a CIP that shows the Board's commitment to correct deficiencies in its waste treatment and collection system. Review the proposed plan, amend it where necessary and adopt it so the staff can include it in the May 2nd ARP grant request.

	TOTAL ESTIMATED COST	CURRENT 2022	YEAR 1 2023	YEAR 2 2024	YEAR 3 2025	YEAR 4 2026	YEAR 5 2027	YEAR 6 2028	YEAR 7 2029	YEAR 8 2030	YEAR 9 2031	YEAR 10 2032
<u>EQUIPMENT</u>												
TOOLS - MAINTENANCE	\$ 200,000			\$ 50,000	\$ 50,000		\$ 15,000	\$ 35,000				
TOOLS - TREATMENT	\$ 210,000		\$ 10,000	\$ 20,000	\$ 20,000	\$ 15,000	\$ 30,000	\$ 20,000	\$ 15,000	\$ 15,000	\$ 25,000	\$ 10,000
EQUIPMENT	\$ 880,000		\$ 250,000	\$ 20,000			\$ 80,000	\$ 20,000	\$ 80,000	\$ 30,000		
VEHICLES	\$ 630,000			\$ 70,000	\$ 110,000	\$ 40,000	\$ 80,000	\$ 130,000	\$ 120,000			
<u>LINE REPLACEMENTS</u>												
MISCELLANEOUS REPLACEMENTS	\$ 1,474,250		\$ 127,000	\$ 127,000	\$ 126,950	\$ 128,500	\$ 130,000	\$ 130,000	\$ 130,000	\$ 104,800	\$ 130,000	\$ 130,000
INFILTRATION/INFLOW IMPROVEMENTS	\$ 2,531,700		\$ 190,000	\$ 190,000	\$ 190,000	\$ 195,000	\$ 195,000	\$ 195,000	\$ 247,200	\$ 226,600	\$ 176,700	\$ 172,700
<u>TREATMENT PLANT IMPROVEMENTS</u>												
WWTP PLANT UPGRADE/REPLACEMENT (PHASE 1)	\$ 28,965,200		\$ 28,965,200									
WWTP ACCESS ROAD	\$ 75,000		\$ 75,000									
WWTP PLANT UPGRADE (PHASE 2)	\$ 9,522,340											
<u>WASTEWATER IMPROVEMENTS SUBTOTAL</u>	\$ 44,488,490	\$ -	\$ 29,617,200	\$ 477,000	\$ 496,950	\$ 378,500	\$ 530,000	\$ 530,000	\$ 592,200	\$ 376,400	\$ 331,700	\$ 312,700

RESOLUTION NO. _____

RESOLUTION BY THE WAYNESVILLE BOARD OF ALDERMEN

- WHEREAS, The **Town of Waynesville** has a current Capital Improvement Plan (CIP) for the Sewer Enterprise Fund that spans 10-years, and
- WHEREAS, The **Town of Waynesville** held a Meeting of the Board of Aldermen on April 26, 2022, to present the 10-Year Sewer CIP, and
- WHEREAS, An application for funding submitted to the North Carolina Department of Environment Quality (DEQ) Division of Water Infrastructure (DWI) may earn points if the Applicant has a CIP adopted by the Town Council within two years of the application date.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN:

That **Town of Waynesville** does hereby adopt the Capital Improvement Plan (CIP) as updated for the Fiscal Year 2021-22 budget, as presented at the April 26, 2022, Town Council Meeting.

Adopted this the 26th day of April 2022 at Waynesville, North Carolina.

Robert W. Hites Jr. Town Manager

Gary Caldwell, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Waynesville does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the adoption of the 10-Year Capital Improvement Plan, as regularly adopted at a legally convened meeting of the Board of Aldermen of the Town of Waynesville duly held on the 26th day of April, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2022.

Signature

Town Clerk, Eddie Ward

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4/26/22

SUBJECT Amendment to McGill Associates Design Contract

AGENDA INFORMATION:

Agenda Location: Manager's Report

Item Number:

Department: Administration

Contact: Rob Hites

Presenter: Rob Hites

BRIEF SUMMARY: We have been negotiating design changes with the grant/loan division of DENR (DEI) that will result in a \$5 million dollar reduction in the bid price of \$28,600,000. After reaching an oral agreement on the changes the regulatory division of DENR (DEQ) represented by the Western Regional Office objected to some of the design changes that were agreed upon with DEI. McGill presented the performance calculations backing up the changes in project scope and DEQ in Asheville agreed "in principle". They stated in a recent meeting that the SOC specifies that the Town would build the plant "as designed" in the original bid document and any revision to that plan would call for a complete renegotiation of the SOC. We amended McGill's agreement at the last meeting to amend McGill's SOC contract to negotiate the SOC and apply for the additional grant and loan application. DEQ is going to require that in order to approve the design and the new SOC McGill will have to submit construction drawings showing the redesign with explanation of the impact of the changes on the plant's performance. The requirement for the redesign is beyond the Town's original contract with McGill. They have estimated the cost of the modifications to the plan and negotiation of those changes with the regulatory branch of DENR (DEQ) and provide a fee amendment of \$233,100. Given that we have been moved to a "distressed community" status and are eligible for up to \$15 million in grants I am going to request that the Town be reimbursed for McGill's contract.

MOTION FOR CONSIDERATION: Approve McGill Associates contract amendment in the amount of \$233,100.

FUNDING SOURCE/IMPACT: Sewer

ATTACHMENTS: Amendment to Contract

MANAGER'S COMMENTS AND RECOMMENDATIONS We are at the mercy of the regulatory division of DENR and the Western Regional Office. In order to successfully negotiate a new SOC and receive a new "Authorization to Construct" we are forced to comply with their demand for new engineered designs. We hope to negotiate an acceptable conceptual design, draft the revisions to the construction drawings and complete a new SOC in the next three months.

AMENDMENT NO. 1 TO
AGREEMENT FOR ENGINEERING SERVICES

This AMENDMENT NO. 1, made and entered into this the 26th day of April 2022 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** and

WHEREAS, the OWNER and the ENGINEER have entered into an AGREEMENT for professional services, and

WHEREAS, Section 3 – Additional Services provides for additional compensation for out-of-scope work, the ENGINEER has performed value engineering (VE) services for the project at the direction of the Owner.

The OWNER opened bids for the Wastewater Water Treatment Plant Improvements Phase 1 project on December 7, 2021. All bid prices exceeded the Clean Water State Revolving Fund (CWSRF) construction budget. The apparent low bidder was Harper General Contractors (Harper) with a total bid of \$28,440,000. At that time, the OWNER directed ENGINEER to discuss potential cost savings with Harper.

ENGINEER worked closely with its subconsultants and Harper during the four-month VE phase and total project cost reductions were created from scope changes and modifications while maintaining the overall design intent.

ENGINEER conducted multiple coordination meetings with the Department of Environmental Quality, Division of Water Resources (DWR) to give updates on the project and facilitate the revised permitting and funding applications.

WHEREAS, Section 3 – Additional Services, the ENGINEER will perform additional design services for the project as follows:

- Revise construction drawings and technical specifications based on reduced scope derived from VE findings.
- Provide bid and design revision package for Authorization to Construct and Division of Water Infrastructure (DWI) submittals, which are required prior to execution of construction contract with Harper.

- Respond to Requests for Additional Information (RAIs) required by DWR and/or DWI.
- Provide additional conformed drawings for Harper. This includes revisions to each participating discipline including process, electrical, structural, architectural, mechanical, and plumbing drawings.

NOW, THEREFORE, Section 6.2.1 of the AGREEMENT shall be amended as follows:

6.1 PAYMENT FOR BASIC SERVICES

6.2.1 The OWNER will pay the ENGINEER for Additional Services as outlined in Section 3 shown for the following lump sum amount.

Re-design and Permitting:	\$223,100.00
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ENGINEER:
McGILL ASSOCIATES, P.A.

ATTEST:



By: Mark Cathey
Mark Cathey, PE
Principal – Asheville Office Manager

(SEAL)

OWNER:
TOWN OF WAYNESVILLE

ATTEST:

By: _____

Name:

Title:



MEMORANDUM

TO: Mayor and Town Board of Aldermen
FROM: Martha S. Bradley, Town Attorney
DATE: April 19, 2022
SUBJECT: Proposed Rules of Procedure

SUMMARY

Several Aldermen have suggested that we consider revising our procedures for meetings of the Board of Aldermen (“BOA”). In undertaking that task, it became apparent that we have very few policies in place concerning the conduct of meetings of the BOA and none at all for the other various boards and committees that qualify as “public bodies” under state law. Adopting a comprehensive set of Rules of Procedure would benefit the public, as well as Town staff and individual board and committee members, by having access to a single set of guidelines rather than several dozen separate statutes or ordinances.

KEY CHANGES / ADDITIONS

The vast majority of these rules are simply a restatement of current practice and/or state law. The items included here are either notable deviations from current practice or a new procedure instituted where none existed previously.

- Rule 13. Agenda (pp 13-14) – This rule creates a written, uniform process by which members of the public may request to place an informational presentation on the agenda of a regular meeting of the BOA. It creates an application and formal review process and imposes deadlines for the submission of information or illustrations to be shown as a part of the presentation.
- Rule 15. Agenda Items from Members of the Public (p 15) – This rule permits the Town Clerk to place items submitted by members of the public according to the process in Rule 13 on the agenda for a regular meeting of the BOA. It also permits the BOA to remove these same items at the beginning of the meeting.
- Part VIII. Motions and Voting (pp 19-23) – This section condenses the most common aspects of Roberts Rules of Order applicable to small bodies and is likely the most beneficial for members of the Town’s other boards or

committees. Most meetings operate consistent with these Rules, but it will be helpful, particularly in meetings with active debate, to have a single, condensed set handy for the presiding officer to rely on in governing the conduct of the participants. Input from the BOA regarding the timing and deadlines set by Motions 8, 11, 13, and 16 under Rule 30(c) is requested.

- Rule 33(a). Adoption of Ordinances (p 24) – This rule is notably only to confirm whether the BOA wishes to continue with its practice to hold public hearings before the adoption of any new ordinance. Public hearings are required only for certain ordinances (e.g., zoning ordinances), but the BOA has adopted the custom of holding a public hearing anytime a new ordinance is up for consideration.
- Rule 36. Public Hearings (pp 26-28) – The Town’s current public hearing procedure and policy is attached.
- Rule 37. Public Comment Periods (pp 28-30) – The Town’s current public comment procedure and policy is attached.
- Article II – Rules Applicable to All Other Boards & Committees (pp 34-38) – This article applies all of the previously stated rules, with some revisions, to all other public bodies of the Town. (Meetings of Town staff are exempt from this definition by state law.)

POSSIBLE MOTIONS

Option 1. Motion: To call for a Public Hearing to be held on Tuesday, May 24, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider revisions to Ordinance Sec. 2-54 and adoption of “Rules of Procedure for Public Bodies of the Town of Waynesville.”

Option 2. Motion: To place Ordinance #O-__-__ and “Rules of Procedure for Public Bodies of the Town of Waynesville” on the agenda for the Tuesday, May 24, 2022 meeting (with revisions, if any) for adoption.

Option 3. Motion: To adopt Ordinance #O-__-__ as presented (or as revised, if any).

AND

Motion: To adopt “Rules of Procedure for Public Bodies of the Town of Waynesville” as presented (or as revised, if any).

Option 4. Other motions consistent with the Board’s preference.

[About \(/about-waynesville\)](/about-waynesville)[News \(/news\)](/news)[\(/\).](#)[Events \(/events\)](/events)[Contact \(/contact-us\)](/contact-us)[Q \(/search\)](/search)[How Do I? \(/how-do-i\)](/how-do-i)[Services](#)[Residents](#)[Visitors](#)[Businesses](#)[Departments](#)[Government](#)

Public Hearings

Public hearings are a specific time during a meeting of the Board of Aldermen when citizens and other interested persons have the opportunity to be heard and to express their opinions on a particular matter. They are opened and closed by the Town Attorney.

Some public hearings are required by state statute before the Board may take any action. For example, the Board must hold a public hearing before it may adopt the annual budget, to allow interested citizens to provide their opinions on the proposed budget. Other public hearings are not required by statute, but the Waynesville Board of Aldermen has adopted the practice of calling for a public hearing before adopting any ordinance changes.

When required by law, a notice of public hearing will be published in a local newspaper.

Upcoming Public Hearings

No upcoming hearings

Policy on Comments at Public Hearings

1. Public Hearings scheduled for the Board meetings shall be conducted by the Town Attorney. Prior to opening any public hearing, the Town Attorney shall advise those in attendance of the rules to be followed.
2. The Town Attorney shall first call upon the appellant or the designated representative either of which shall be allowed a combined maximum time of ten minutes to explain the request and provide whatever information they feel is needed for consideration by the Town Board.
3. The Town Attorney may call upon Staff members to provide any information related to the matter at hand.
4. The customary amount of time set aside for public comment during a public hearing shall be thirty minutes. The Town Attorney shall note that the public hearing is the time for speakers to express their opinions about the issue under discussion, not a time to ask questions of the Mayor and Town Board or staff members. The Town Attorney will recognize those wishing to speak on the particular issue, and the individuals who are recognized will come to the podium and give their name and address. They will then be allowed three minutes in which to present comments, and the Town Attorney will keep the time for that period. A person may only speak once during the period allotted for all comments on the issue.
5. In an attempt to give balance to discussion on a particular issue, the Town Attorney shall alternate speakers between someone wishing to support a

request and then someone who is opposed to the request.

6. At the conclusion of the thirty minute period, the Town Attorney shall close the public hearing and turn the meeting back over to the Mayor.
7. The Board may vote to allow additional comment beyond the thirty minute period, and it may allow a person to speak a second time during the period if time remains after all others have spoken.

Public Comment Policy

Board of Aldermen Policy On Comments At Board Meetings

1. At the beginning of each regularly scheduled meeting, the Board shall allow public comment. The maximum amount of time set aside for public comment shall be thirty minutes, but the Board may reduce that time based upon various factors, such as: the length of the meeting, the time the normal business on the agenda concludes, whether there is a closed session scheduled, whether one or more of the Board members have other conflicts and are unable to remain past a certain time, etc.
2. Prior to the meeting, anyone wishing to speak shall complete an index card supplied by the Town, on which they will provide their name, address and telephone number. They shall identify the topic they wish to address, and they shall indicate the Town representative with whom they have discussed the issue. These cards are to be presented to the Town Clerk who will give each card a number in the order in which it is received.
3. When the Board reaches that portion of the meeting when public comments are permitted, the Mayor will recognize those wishing to speak in the numerical order shown on the cards. Individuals who are recognized will come

to the podium and give their name and address. They will then be allowed three minutes in which to present comments, and the Town Attorney will keep the time for that period. A person may only speak once during the period allotted for all comments.

4. The Board may decline to take action on a request which is presented during the public comment portion of the meeting. They may instead refer the matter to the Town Manager, the Town Attorney or other appropriate individual for investigation and action or for a future report back to the Board.
5. The Board may also vote to allow additional comment beyond the thirty minute period, and it may allow a person to speak a second time during the period if time remains after all others have spoken.

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE CODE OF ORDINANCES**

WHEREAS, the Town of Waynesville has the authority, pursuant to Chapter 160A-71 of the North Carolina General Statutes, to adopt its own rules of procedure, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure; and

WHEREAS, establishing rules of procedure for meetings of the Board of Aldermen and other public bodies in the Town of Waynesville is necessary to preserve order and decorum and to ensure compliance with the city charter, general law, and parliamentary procedure;

WHEREAS, after notice duly given, the following ordinance was first introduced on April 26, 2022 at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____, 2022 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Ordinance be amended as follows:

Chapter 2 – ADMINISTRATION

ART. II. – MAYOR AND BOARD OF ALDERMEN

Sec. 2-54. - Rules of procedure.

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

(Code 1987, § 30.03)

State Law reference— Council to adopt rules of procedure, G.S. 160A-71.

RULES OF PROCEDURE FOR PUBLIC BODIES OF THE TOWN OF WAYNESVILLE¹

ARTICLE I – RULES APPLICABLE TO THE BOARD OF ALDERMEN

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Town of Waynesville (the “Town”) Board of Aldermen (the “Board”). For purposes of these rules, a meeting of the Board occurs whenever a majority of the Board’s members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the council’s real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.²

¹ N.C. Gen. Stat. § 160A-71 (“The council may adopt its own rules of procedure, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure.”).

² N.C. Gen. Stat. §§ 160A-71(c) & 143-318.9, -318.18.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the Board to conduct business. A majority of the Board's actual membership plus the mayor, excluding vacant seats, constitutes a quorum.³ A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

³ N.C. Gen. Stat. §160A-74; Waynesville, NC, Charter § 2.7.

Part III. Open Meetings

Rule 3. Meetings to be Open to the Public

Except as permitted by Rule 5, all meetings of the council shall be open to the public, and any person may attend its meetings.⁴

Rule 4. Remote Participation in Meetings.

No member who is not physically present for a Board meeting held pursuant to Rules 9, 10, or 11 may participate in the meeting by telephonic or electronic means⁵ except as allowed by a majority vote of the members physically in attendance and by using one of the following means: (i) conference telephone; or (iii) other electronic means. Any member who attends an in-person meeting telephonically or electronically pursuant to such means may take part in debate but shall not be counted toward a quorum or vote on any matter before the council.

Rule 5. Closed Sessions

- (a) **Motion to Enter Closed Session.** The Board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under sub-paragraph (b)(1), (b)(2), or (b)(4) must contain the additional information specified in those provisions.⁶
- (b) **Bases for Closed Session.** A closed session is permissible under the following circumstances and no others:
 - (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.⁷
 - (2) To consult with the city attorney or another attorney employed or retained by the city in order to preserve the attorney-client privilege. If the Board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.⁸

⁴ N.C. Gen. Stat. § 143-318.10(a); Waynesville, NC, Code § 2-56(a).

⁵ N.C. Gen. Stat. § 143-318.13(a).

⁶ N.C. Gen. Stat. § 143-318.11.

⁷ N.C. Gen. Stat. § 143-318.11(a)(1).

⁸ N.C. Gen. Stat. § 143-318.11(a)(2).

- (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the Town or (b) the closure or realignment of a military installation. The Board may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.⁹
- (4) To establish or instruct staff or agents concerning the Town's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease. A motion to enter a closed session for this purpose must disclose: (i) the current owner of the property; (ii) the property's location; and (iii) the use to which the Board intends to put the property.¹⁰
- (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.¹¹
- (6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective member of the Board or other public body or is being considered to fill a vacancy on the Board or other public body. Final action to appoint or employee a public officer or employee must take place in open session.¹²
- (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.¹³
- (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.¹⁴
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.¹⁵

⁹ N.C. Gen. Stat. § 143-318.11(a)(4).

¹⁰ N.C. Gen. Stat. § 143-318.11(a)(5).

¹¹ N.C. Gen. Stat. § 143-317.11(a)(5).

¹² N.C. Gen. Stat. § 143-318.11(a)(6).

¹³ N.C. Gen. Stat. § 143-318.11(a)(6).

¹⁴ N.C. Gen. Stat. § 143-318.11(a)(7).

¹⁵ N.C. Gen. Stat. § 143-318.11(a)(9).

- (10) To view a law enforcement recording released pursuant to N.C. Gen. Stat. 132-1.4A.¹⁶
- (11) On another basis permitted by law.
- (c) **Closed Session Participants.** Unless the Board directs otherwise, the Town Manager, the Town Attorney, and Town Clerk may attend closed sessions of the Board. No other person may attend a closed session unless their presence is (i) reasonably necessary to aid the Board’s deliberations and (ii) invited by the mayor or, in their absence, the Mayor Pro Tempore.¹⁷
- (d) **Motion to Return to Open Session.** Upon completing its closed session business, the Board shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

- (a) **Minutes Required for All Meetings.** The Board must keep full and accurate minutes of all its meetings, including closed sessions.¹⁸ To be a “full and accurate,” minutes must record all actions taken by the Board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the Board, though the Board in its discretion may decide to incorporate such details into the minutes.¹⁹ All minutes shall be approved by the Board and signed by the Mayor and Town Clerk.²⁰
- (b) **Record of “Ayes” and “Noes.”** At the request of any member of the Board, the minutes shall list each member by name and record how each member voted on a particular matter.²¹
- (c) **General Accounts of Closed Sessions.** In addition to minutes, the Board must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpire. The Board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.
- (d) **Sealing Closed Session Records.** Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board or, if the Board

¹⁶ N.C. Gen. Stat. § 143-318.11(a)(10).

¹⁷ Waynesville, NC, Code § 2-56.

¹⁸ N.C. Gen. Stat. § 143-318.10(e).

¹⁹ *Id.*; N.C. Gen. Stat. § 160A-72; *Maready v. City of Winston-Salem*, 342 N.C. 708, 733 (1996) (Minutes “should contain mainly a record of what was *done* at the meeting, not what was *said* by the members.”)

²⁰ Waynesville, NC, Code § 2-53(a)(2).

²¹ N.C. Gen. Stat. § 160A-72.

delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the Board. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

- (a) **Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a council meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board meeting.²²
- (b) **Advance Notice.** Any radio or television station that plans to broadcast any portion of a Board meeting shall so notify the Town Clerk no later than twenty-four (24) hours prior to the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Board meeting.
- (c) **Equipment Placement.** The Board, the Town Manager, or their designee may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Board meeting, so long as the equipment may be placed where it can carry out its intended function. If the Town Manager or their designee determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Board, the Town Manager, or their designee may require the pooling of the equipment and the personnel operating it.²³
- (d) **Alternative Meeting Site.** If the news media request an alternative meeting site to accommodate news coverage, and the Board grants the request, the news media making the request shall pay the costs incurred by the Town in securing an alternative meeting site.²⁴

²² N.C. Gen. Stat. § 143-318.14(a).

²³ N.C. Gen. Stat. § 143-318.14(b).

²⁴ *Id.*

Part IV. Organization of the Board

Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

- (a) **Scheduling Organizational Meeting.** The Board must hold an organizational meeting following each general election in which Board members are elected. The organizational meeting must be held either (i) on the date and at the time of the Board's first regular meeting in December following the election or (ii) at an earlier date, if any, set by the incumbent Board members. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.²⁵
- (b) **Oath of Office.** As the first order of business at the organizational meeting, all newly elected members of the Board must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the Town Clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.²⁶
- (c) **Selection of Mayor Pro Tempore.** As the second order of business at the organizational meeting, the Board shall elect from among its members a mayor pro tempore using the procedures specified in Rule 38. The mayor pro tempore shall serve as set forth in the Charter for the Town of Waynesville, section 2.4 and as otherwise authorized by law.²⁷

²⁵ N.C. Gen. Stat. § 160A-68(a).

²⁶ N.C. Gen. Stat. §§ 11-7 & 160-A-68(b).

²⁷ N.C. Gen. Stat. § 160A-70; Waynesville, NC, Charter § 2.4.

Part V. Types of Meetings

Rule 9. Regular Meetings

- (a) **Regular Meeting Schedule.** The Board shall hold a regular meeting on the second and fourth Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day or on another date selected by a majority of the Board. The meeting shall be held at the Town Hall located at 9 South Main Street, Waynesville, North Carolina 28786 and begin at 6:00PM. The Board shall adopt a meeting schedule each year consistent with this rule. A copy of the Board's current meeting schedule shall be filed with the Town Clerk and posted on the Town's website.²⁸
- (b) **Change to Meeting Schedule.** Notwithstanding paragraph (a) of this rule, the Board may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the Town Clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the Town's website.²⁹

Rule 10. Special Meetings

- (a) **Calling Special Meetings.** A special meeting of the Board may be called by the mayor, the mayor pro tempore, or any two (2) members of the Board. A special meeting may also be called by vote of the Board in open session during a regular meeting or another duly called special meeting.³⁰
- (b) **Notice to the Public.** At least twenty-four (24) hours before a special meeting of the Board, notice of the date, time, place, and purpose of the meeting shall be (i) posted on the Board's principal bulletin board or, if the Board has no such board, at the door of the Board's usual meeting room and (ii) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Furthermore, if the Board has a website maintained by at least one (1) Town employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.³¹
- (c) **Notice to Members.**
 - (1) *Meeting called by the mayor, the mayor pro tempore, or any two (2) Board members.* At least forty-eight (48) hours before a special meeting called

²⁸ N.C. Gen. Stat. §§ 143-318.12(d) & 160A-71(a); Waynesville, NC, Charter § 2.5, Code § 2-51(a).

²⁹ N.C. Gen. Stat. § 143-318.12(a).

³⁰ N.C. Gen. Stat. § 160A-71(b)(1); Waynesville, NC, Charter § 2.5.

³¹ N.C. Gen. Stat. §§ 143-318.12(b)(2), (e).

by the mayor, the mayor pro tempore, or any two (2) Board members, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered, shall be delivered to the mayor and each Board member or left at their usual dwelling place.³²

- (2) *Meeting called by vote of the Board in open session.* When a special meeting is called by vote of the Board in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose.³³

- (d) **Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to Board members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the Board may take up an item of business not covered by the notice only if the Board first determines, upon motion of a member, in good faith that the item must be discussed or acted upon immediately. A motion to take up an item of business not covered by the notice must state a factual basis or other reasonable grounds for the Board's determination of good faith and exigency.³⁴

Rule 11. Other Special Meetings

- (a) **Special Meeting for an Emergency.**³⁵

- (1) *Grounds.* A special meeting of the Board may be called in an emergency ("emergency meeting") only to address generally unexpected circumstances demanding the council's immediate attention.
- (2) *Notice to the Media.* Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the Town Clerk for notice of emergency meetings. Notice may be given by telephone, e-mail, or the same method used to notify Board members, and must be delivered immediately after notifying Board members.
- (3) *Notice to Members.* There are two methods by which an emergency meeting of the Board may be called. These methods shall be the sole and exclusive methods for providing notice of an emergency meeting.
- i. The mayor, the mayor pro tempore, or any two (2) members of the Board may call an emergency meeting by signing a written notice

³² N.C. Gen. Stat. § 160A-71(b)(1); Waynesville, NC, Code § 2-51(b)(1).

³³ N.C. Gen. Stat. § 160A-71(b)(3); Waynesville, NC, Code § 2-51(b)(3).

³⁴ N.C. Gen. Stat. § 160A-71(b)(1) ("[A] person or persons calling a special meeting of a city council shall comply with the notice requirements of Article 33C of the General Statutes Chapter 143 ["Open Meetings Law"].)

³⁵ N.C. Gen. Stat. § 160A-71(b)(1); Waynesville, NC, Charter § 2.5.

stating the date, time, and place of the meeting, as well as the subject(s) to be considered. The notice shall be personally delivered to the mayor and each Board member or left at their usual dwelling place at least six (6) hours before the meeting.

- ii. An emergency meeting may be held when the mayor and all members of the Board are present and consent thereto, or which any absent member has signed a written waiver of notice.

(4) *Transacting Other Business.* The Board may not take up any business other than the specific subject(s) set forth in the meeting notice.

(b) **Electronic Meetings.** The Board may hold an official meeting by use of conference telephone or other electronic means. If the Board holds an official meeting by the foregoing means, it shall provide a location and means whereby members of the public may listen to the meeting, and the notice of the meeting shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged to each such listener to defray the cost of providing the necessary location and equipment.³⁶

(c) **Remote Meetings During Certain Declarations of Emergency.**³⁷

(1) *Remote Meetings Allowed.* Notwithstanding any other provision of law, upon issuance of a declaration of emergency by the Governor or General Assembly according to G.S. 166A-19.20, the Board within the emergency area may conduct remote meetings in accordance with applicable state law throughout the duration of that declaration of emergency. Any meeting held according to this provision shall be open to the public.

(2) *Notice.* The Board shall give notice as required for any regular meeting, and such notice shall include instructions to the public on the manner in which they can access the remote meeting as the remote meeting occurs.

(3) *Participation by Board Members.* Any Board member participating by a method of simultaneous communication in which that member cannot be physically seen by the other members of the Board must identify themselves in each of the following situations: (i) when the roll is taken or the remote meeting commences; (ii) prior to participating in deliberations, including making motions, proposing amendments, and raising points of order; and (iii) prior to voting.

(4) *Documents Considered.* All documents to be considered during the remote meeting shall be provided to each member of the Board in advance of the meeting.

³⁶ N.C. Gen. Stat. § 143.318.13(a).

³⁷ N.C. Gen. Stat. § 166A-19.24.

- (5) *Communication Requirements.* The method of simultaneous communication shall allow for any member of the Board to do all of the following: (i) hear what is said by other members of the Board; (ii) hear what is said by any individual addressing the Board; and (iii) to be heard by other members of the Board when speaking.
- (6) *Votes.* All votes of the Board taken in a remote meeting held pursuant to this provision shall be by roll call. No other means of voting is allowed.
- (7) *Acting by Reference.* The Board may not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, in any manner which makes it impossible for members of the public attending the meeting to understand what is being deliberated, voted on, or acted upon. This subsection does not prohibit the Board from deliberating, voting, or otherwise taking action by reference to an agenda which: (i) has been made available for public inspection prior to or at the meeting; and (ii) is sufficiently worded to enable the public to understand the matters before the Board.³⁸
- (8) *Minutes.* In addition to the requirements in Rule 6, the minutes of a remote meeting must reflect that the meeting was conducted by use of simultaneous communication, which Board members participated by simultaneous communication, and when such Board members joined or left the remote meeting.
- (9) *Public Record.* All chats, instant messages, texts, or other written communications between Board members within the simultaneous communication platform and regarding the transaction of the public business during the remote meeting are deemed a public record.
- (10) *Simultaneous Live Streaming.* The remote meeting shall be simultaneously streamed live online so that simultaneous live audio and/or video of such meeting is available to the public. If the remote meeting is conducted by conference call, the Board may comply with this requirement by providing the public with an opportunity to dial in or stream the audio live.
- (11) *Quorum.* Notwithstanding the provisions of Rule 2 and Rule 4(a), a member of the Board attending a remote meeting pursuant to Rule 4(c) shall be counted as present for the purpose of establishing a quorum but only during the period while simultaneous communication.
- (12) *Voting.* Members of the Board shall vote according to the manner, means, and obligations delineated in these rules.³⁹ Votes of each

³⁸ N.C. Gen. Stat. §§ 166A-19.24(b)(6) & 143.318.13(c).

³⁹ N.C. Gen. Stat. §§ 166A-19.24(c) & 160A-75.

member of the Board made during a remote meeting shall be counted as if the member were physically present only during the period while simultaneous communication is maintained for that member.

- (13) *Public Hearings.* The Board may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the Board allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and twenty-four (24) hours prior to the scheduled time for the beginning of the public hearing.
- (14) *Quasi-Judicial Hearings.* The Board may conduct a quasi-judicial proceeding as a remote meeting if: (i) the right of an individual to a hearing and decision occurs during the emergency; (ii) all persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice as otherwise required by law and consent to the remote meeting; and (iii) all due process rights of the parties affected are protected.
- (15) *Closed Sessions.* The Board may conduct a closed session during the remote meeting according to the provisions of Rule 5. While in closed session, the Board is not required to provide public access to the remote meeting.

Rule 12. Recessed Meetings

- (a) **Calling Recessed Meetings.** When conducting a properly called regular, special, or emergency meeting, the Board may recess the meeting to another date, time, or place by a procedural motion made and adopted⁴⁰, as provided in Rule 31, Motion 3, in open session⁴¹. The motion must state the time (including the date if the meeting will resume on a different day) and place at which the meeting will reconvene.⁴²
- (b) **Notice of Recessed Meetings.** Notice of the recessed meeting's date, time, and place must appear on the Town's webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

⁴⁰ N.C. Gen. Stat. § 143-318.12(b)(1), (e).

⁴¹ N.C. Gen. Stat. § 143-318.11.

⁴² Waynesville, NC, Code § 2-51(c).

Part VI. Agenda

Rule 13. Agenda

- (a) **Preparing Agenda.** The Town Clerk will prepare an agenda in advance of each meeting of the Board according to the following provisions.⁴³
- (1) *Content.* Each agenda may provide for the following items: announcements concerning the official Town calendar; comment by members of the public; presentations pursuant to subparagraph (a)(3) below; consent agenda pursuant to subparagraph (c) below; public hearings; quasi-judicial hearings; old unfinished business; new business; informal reports from the Town Manager, Town Attorney, or other Town employees; comments or updates from members of the Board; or other items deemed necessary for the Board's consideration by a member of the Board, the Town Manager, the Town Attorney, or another Town employee.
 - (2) *Requesting placement of items on an agenda by the Board or Town employees.* For a regular meeting, a request from any member of the Board or any person employed by the Town to have an item of business placed on the agenda should be delivered to the Town Clerk at least one (1) week prior to the date of the meeting. For a special meeting, each item of business for the agenda shall be delivered to the Town Clerk with the written notice of the special meeting in compliance with Rules 10 and 11.
 - (3) *Requesting placement of items on an agenda by members of the public.* Members of the public may submit a written request to the Town Manager or Assistant Town Manager to place an informational presentation of no more than ten (10) minutes in length on the agenda of any regular meeting of the Board. In order to be effective, such written request shall include: (i) the presenter's name, residential address, and telephone number; (ii) whether the presenter is affiliated with any organization and the name of such organization; (iii) the general topic covered by the presentation; and (iv) whether the presenter will request any action by the Board. The Town Manager or Assistant Town Manager shall approve or deny the request in writing within two (2) working days of receipt. If approved, the presenter shall provide either a digital or physical copy of any photographs, data sets, graphs, tables, illustrations, slides, or other illustrative materials to be displayed to the Board during the course of the presentation to the Town Clerk at least one (1) week prior to the date of the meeting. No informational presentation may be placed on the agenda of any regular

⁴³ Waynesville, NC, Code § 2-53.

meeting of the Board if the presenter fails to provide the foregoing materials by the deadline imposed herein.

- (4) *Delivery to Board members.* Each Board member shall receive either a paper or electronic copy of the agenda and packet of any additional materials to be considered by the Board during the meeting on the Thursday immediately preceding any regular meeting. For any special meeting, the agenda and packet of additional materials shall be furnished to each Board member at least six (6) hours prior to the meeting or as soon thereafter as the Town Clerk is reasonably able.
- (5) *Public inspection.* The agenda and packet of additional materials shall be made available to the public immediately after delivery to Board members and published on the Town's website.
- (b) **Altering the Agenda after Publication.** At the beginning of any meeting, the Board may add or remove items from the agenda by majority vote of the members present and voting except as otherwise governed by Rules 10(d) and 11(a)(4).
- (c) **Consent Agenda.** The agenda may designate some of the items for consideration at a regular meeting as the "consent agenda." Items may be placed on the consent agenda by the Town Manager, Assistant Town Manager, or Town Clerk if the items are judged to be noncontroversial and routine. An item may be removed from the consent agenda under subparagraph (b) of this rule, and the request of any member to remove an item from the consent agenda to unfinished business must be honored by the Board. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.
- (d) **Informal Discussion of Agenda Items.** The Board may informally discuss an agenda item even when no motion regarding that item is pending.⁴⁴

Rule 14. Acting by Reference

The Board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document in such a manner which prevents persons in attendance from understanding what action is being considered or undertaken. The Board may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, if it: (i) has been made available for public inspection prior to or at the meeting; and (ii) is sufficiently worded to enable the public to understand the matters before the Board.⁴⁵

⁴⁴ Waynesville, NC, Code § 2-54; *Robert's Rules of Order, Newly Revised* ("RONR") (11th ed.) 488. 11. 7-8.

⁴⁵ N.C. Gen. Stat. § 143-218.13(c).

Rule 15. Agenda Items from Members of the Public

If a member of the public requests that the Board undertake an action item either as a part of an informational presentation pursuant to Rule 13(a)(3) or otherwise, he or she must submit a written request to the Town Clerk as specified in Rule 13(a)(3). If approved as provided therein by the Town Manager or Assistant Town Manager, the Town Clerk shall place the action item on the agenda with other items of new business. The Board may, according to Rule 13(b), remove the action item from the agenda.

Rule 16. Order of Business

- (a) At any regular meeting of the Board, the order of business shall be as follows:
 - (1) Reading the proceedings of the last regular meeting and all special meetings held since the last regular meeting, if any;
 - (2) Correction of the minutes, if necessary and their approval;
 - (3) Published agenda of the meeting;
 - (4) New business.⁴⁶
- (b) If the Board directs any matter to be the special business of a future meeting according to Rule 31, Motion 10, then that matter will take precedence over any other business at such meeting.⁴⁷
- (c) Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

⁴⁶ Waynesville, NC, Code § 2-53(a).

⁴⁷ Waynesville, NC, Code § 2-53(b).

Part VII. Role of the Presiding Officer

Rule 17. The Mayor

- (a) **Presiding Officer.** The mayor shall preside at all meetings of the Board.⁴⁸
- (b) **Right to Vote.** The mayor shall have the right, but no obligation, to vote on all matters before the Board.⁴⁹
- (c) **Recognition of Members.** A member should be recognized by the mayor prior to addressing the Board, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1.⁵⁰ The presiding officer must recognize any member who seeks the floor and is entitled to it.⁵¹
- (d) **Powers as Presiding Officer.** The mayor will enforce these rules and maintain order and decorum during Board meetings⁵² and, as a result, may:
 - (1) Rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
 - (2) Determine whether a member or other speaker has gone beyond reasonable standards of courtesy in their remarks and entertain and rule on objections from other members on this ground;
 - (3) Entertain and answer questions of parliamentary procedure;
 - (4) Call a brief recess at any time;
 - (5) Adjourn the meeting without motion or vote of the Board in an emergency; or
 - (6) Take any such other proper or necessary action permitted by Robert's Rules of Order, Newly Revised.
- (e) **Appeals of Procedural Rulings.** A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1.
- (f) **Definitions.** For the purposes of Rule 17(d), the following definitions will apply:
 - (1) The term "recess" shall mean a short intermission in the Board's meeting, commonly of only a few minutes, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.

⁴⁸ Waynesville, NC, Code § 2-52.

⁴⁹ Waynesville, NC, Charter § 2.2; N.C. Gen. Stat. § 160A-69.

⁵⁰ *RONR* (11th ed.) 376, ll. 13-16.

⁵¹ *RONR* (11th ed.) 376, l. 16; 377, l. 1.

⁵² Waynesville, NC, Code § 2-55.

- (2) The term “emergency” shall embrace and include any circumstance or condition which endangers the health or well-being of the Board or those other persons in attendance at the meeting, including, but not limited to, fire, riot, explosion, spread of poisonous gas or effluent, or the threat of any of any dangerous circumstance or condition which the presiding officer reasonably believes to be legitimate.

Rule 18. The Mayor Pro Tempore

- (a) **Presiding in Mayor’s Absence.** In the event of the mayor’s absence from a meeting of the Board, the mayor pro tempore shall preside with all the powers specified in Rule 17.⁵³
- (b) **Delegation of Mayor’s Powers or Duties.** In the mayor’s absence or disability, the mayor pro tempore shall perform the duties of the mayor as conferred upon them by the Board.⁵⁴ If the mayor should become physically or mentally incapable of performing the duties of their office, the Board may by unanimous vote declare that the mayor is incapacitated and confer any of the powers and duties of their office on the mayor pro tempore.⁵⁵ Upon the mayor’s declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties.⁵⁶
- (c) **Duty to Vote.** The mayor pro tempore has a duty to vote on all matters before the Board even when serving as the presiding officer for the meeting unless they have been excused from voting on a matter according to Rule 28.⁵⁷

Rule 19. Other Presiding Officer

If both the mayor and mayor pro tempore are absent, the Board may elect from among its members in attendance a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17. Service as a temporary presiding officer does not relieve that member of the duty on all questions unless excused from voting pursuant to Rule 28.⁵⁸

Rule 20. When the Presiding Officer is Active in Debate

If the mayor becomes active in debate on a particular matter before the Board, they may have the mayor pro tempore or another presiding officer preside during the

⁵³ Waynesville, NC, Charter § 2.4.

⁵⁴ *Id.*

⁵⁵ N.C. Gen. Stat. § 160A-70.

⁵⁶ *Id.*

⁵⁷ N.C. Gen. Stat. § 160A-75.

⁵⁸ N.C. Gen. Stat. § 160A-70.

Board's consideration of the matter. Similarly, if the mayor pro tempore or a temporary presiding officer is presiding and takes an active part in debate, they may designate another Board member to preside temporarily.⁵⁹

⁵⁹ See *American Institute of Parliamentarians Standard Code of Parliamentary Procedure* ("Standard Code") 2 (2012) ("The purpose of meeting procedures is to allow members to reach informed business decisions in an effective, efficient, orderly, courteous, and fair manner.").

Part VIII. Motions and Voting

Rule 21. Action by the Board

Except as otherwise provided in these rules or by law, the Board shall act by motion.⁶⁰ Any member may make a motion, not including the mayor.

Rule 22. Second Required; Motion Reduced to Writing

No proposition shall be entertained by the mayor until it has been seconded⁶¹, and every motion, when required by the mayor or any member of the Board, shall be reduced to writing.⁶²

Rule 23. One Motion at a Time

A member may make only one motion at a time.⁶³

Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been seconded or amended or the presiding officer has put the motion to a vote.⁶⁴

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the following principles⁶⁵:

- (a) The maker of the motion is entitled to speak first.
- (b) A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- (c) To the extent practicable, the debate shall alternate between proponents and opponents of the measure.

Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.⁶⁶

⁶⁰ Waynesville, NC, Charter § 2.7, Code § 2-53(b).

⁶¹ *RONR* (11th ed.) 36, ll. 28-31.

⁶² Waynesville, NC, Code § 2-53(b).

⁶³ *See Standard Code 2, infra.*

⁶⁴ *RONR* (11th ed.) 295, ll. 31-33; 296, ll. 21-25.

⁶⁵ *RONR* (11th ed.) 379, ll. 10-13, 27-35; 380, ll. 1-2.

⁶⁶ Waynesville, NC, Charter § 2.7.

Rule 27. Changing a Vote

A member may change their vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change their vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.⁶⁷

Rule 28. Duty to Vote

- (a) **Duty to Vote.** Every Board member must vote except when excused from voting as provided by this rule.⁶⁸
- (b) **Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to council members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 160A-381(d) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-388(e)(2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker).
- (c) **Procedure for Excusal.**⁶⁹
 - (1) *At member's request.* Upon being recognized at a duly called meeting of the council, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
 - (2) *On the Board's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining council members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).
- (d) **Consequence of Non-Excused Failure to Vote.** Except as specified in paragraph (e)⁷⁰, if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote⁷¹ provided: (i) the member is physically present in the meeting chamber;

⁶⁷ *RONR* (11th ed.) 408, ll. 21-36; 409, ll. 1-10.

⁶⁸ N.C. Gen. Stat. § 160A-75.

⁶⁹ See N.C. Gen. Stat. §§ 160A-12 & 160A-67.

⁷⁰ N.C. Gen. Stat. § 160A-385.

⁷¹ N.C. Gen. Stat. § 160A-75.

or (ii) the member has physically withdrawn from the meeting without being excused by a majority vote of the remaining members present.

- (e) **Failure to Vote on Certain Zoning Matters.** A member's unexcused failure to vote on a motion concerning a proposal to amend, supplement, or repeal a zoning ordinance shall not be recorded as an affirmative vote. Instead, the member's unexcused failure to vote shall be recorded as an abstention.⁷²

Rule 29. Voting by Written Ballot

- (a) **Secret Ballots Prohibited.** The Board may not vote by secret ballot.⁷³
- (b) **Rules for Written Ballots.** The Board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign their own ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the Town Clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.⁷⁴

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the Board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 31, Motion 14.⁷⁵

Rule 31. Procedural Motions

- (a) **Certain Motions Allowed.** The Board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.
- (b) **Priority of Motions.** The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that: (i) any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12; and (ii) a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

⁷² N.C. Gen. Stat. § 160A-385.

⁷³ N.C. Gen. Stat. § 143-318.13(b).

⁷⁴ *Id.*

⁷⁵ *RONR* (11th ed.) 100, ll. 3-4; 111, ll. 11-15.

(c) **Procedural Motions Allowed.**

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonably standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. Any member may move to adjourn to close a meeting. A motion to adjourn is not in order if the Board is in closed session.

Motion 3. To Recess to a Time and Place Certain. Any member may make a motion to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the council is in closed session.

Motion 4. To Take a Brief Recess. Any member may move to pause a meeting for a few minutes.

Motion 5. To Follow the Agenda. Any member may move to require the presiding officer to adhere to the agenda as presented where the presiding officer attempts to deviate from the agenda pursuant to Rule 16(c). The motion is not in order if no such attempt to deviate has occurred.

Motion 6. To Suspend the Rules. Any member may move to suspend these rules but may be adopted only with an affirmative vote of at least two-thirds (2/3) of the Board's actual membership, excluding vacant seats. The Board may not suspend any provisions in these rules that are required by state law.

Motion 7. To Divide a Complex Motion. Any member may move to consider and vote on parts of a complex motion separately. The motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. Any member may move to defer the Board's consideration of a substantive motion, and any amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Board votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). Any member may move to terminate debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. Any member may move to delay the Board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Refer a Motion to a Committee. Any member may move to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the Board must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend. Any member may move to amend an earlier motion under consideration by the Board. The motion to amend must concern the same subject matter as the motion it seeks to alter. No more than one motion to amend and one motion to amend the amendment may be pending at the same time. Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. Any member may move to revive consideration of any substantive motion that was deferred pursuant to Motion 8, provided it does so within 100 days of the Board's vote to defer.

Motion 14. To Reconsider. A member may move to have the Board reconsider its action on a previously considered matter. The motion must be made: (i) at the same meeting during which the action to be reconsidered was taken; and (ii) by a member who voted with the prevailing side. For the purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place pursuant to Motion 3. The motion is not in order if: (i) it is made by a member who voted with the non-prevailing side; or (ii) it interrupts the Board's deliberation on a pending matter.

Motion 15. To Rescind. Any member may move to have the Board rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16. To Prevent Reintroduction for Six (6) Months. Any member may move to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive an affirmative vote of at least two-thirds (2/3) of the Board's actual membership, excluding vacant seats. If the motion is adopted, the ban on reintroduction remains in effect for six (6) months or until the Board's next organizational meeting, whichever occurs first.

Part IX. Ordinances and Contracts

Rule 32. Introduction of Ordinances

For the purposes of the rules in this Part IX, the “date of introduction” for a proposed ordinance is the date on which the Board first votes on the proposed ordinance’s subject matter.⁷⁶ The Board votes on the subject matter of a proposed ordinance when it votes on whether to adopt or to make changes to the proposed ordinance.

Rule 33. Adoption, Amendment, and Repeal of Ordinances

(a) Adoption of Ordinances.⁷⁷

- (1) *Proposed ordinances to be in writing.* No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.
- (2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive an affirmative vote of at least two-thirds (2/3) of the Board’s actual membership, excluding vacant seats.
- (3) *Adoption after date of introduction.* To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all Board members not excused from voting on the matter.

(b) Amendment and Repeal of Ordinances. The same voting requirements that govern the adoption of proposed ordinances apply to the amendment or repeal of an ordinance.⁷⁸

Rule 34. Adoption of the Budget Ordinance

(a) Special Rules for the Adoption or Amendment of the Budget Ordinance. Notwithstanding any provision in the Town Charter, general law, or local act:

- (1) The Board may adopt or amend the budget ordinance at a regular or special meeting of the Board by a simple majority of those members present and voting, a quorum being present⁷⁹;

⁷⁶ N.C. Gen. Stat. § 160A-75.

⁷⁷ *Id.*

⁷⁸ *Id.*; N.C. Gen. Stat. § 160A-364(a).

⁷⁹ N.C. Gen. Stat. § 159-17(1).

- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Board⁸⁰; and
 - (3) The adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any section of the Town Charter or local act concerning initiative or referendum⁸¹.
- (b) **Notice Requirements for Budget Meetings.** During the period beginning with the submission of the budget to the Board and ending with the adoption of the budget ordinance, the Board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as: (i) each member of the Board has actual notice of each special meeting called for the purpose of considering the budget; and (ii) no business other than consideration of the budget is taken up.⁸²
 - (c) **No Authority for Closed Sessions.** This rule shall not be construed to authorize the council to hold closed sessions on any basis other than the grounds set forth in Rule 5.

Rule 35. Approval of Contracts and Authorization of Expenditures

- (a) **Contracts to be in Writing.** No contract shall be approved or ratified by the Town Board unless it has been reduced to writing at the time of the Board's vote.⁸³
- (b) **Approval of Contracts.** To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all Board members not excused from voting on the contract.⁸⁴
- (c) **Authorization of Expenditure of Public Funds.** The same vote necessary to approve or ratify a contract is required for the Board to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

⁸⁰ N.C. Gen. Stat. § 159-17(2).

⁸¹ N.C. Gen. Stat. § 159-17(3).

⁸² N.C. Gen. Stat. § 159-17.

⁸³ N.C. Gen. Stat. § 160A-16.

⁸⁴ N.C. Gen. Stat. § 160A-75.

Part X. Public Hearings and Comment Periods

Rule 36. Public Hearings

- (a) **Calling Public Hearings.** In addition to holding public hearings required by law, the Board may hold any public hearing it deems advisable. The Board may schedule hearings or delegate that responsibility to Town employees, as appropriate, except when state law directs the Board itself to call the hearing. If the Board delegates scheduling authority, it must provide adequate guidance to assist Town employees in exercising that authority.⁸⁵
- (b) **Public Hearing Locations.** Public hearings may be held anywhere within the Town of Waynesville or within Haywood County.⁸⁶
- (c) **Rules for Public Hearings.** The Board hereby adopts the following reasonable rules for the conduct of public hearings⁸⁷:
 - (1) Public Hearings shall be conducted by the Town Attorney.⁸⁸
 - (2) The Town Attorney shall determine first whether any individuals with standing to offer evidence or to contest or appeal the decision of the Board wish to make a presentation during the public hearing.
 - (3) Prior to opening any public hearing, the Town Attorney shall advise those in attendance of the rules to be followed if there are any individuals other than Town employees who will offer evidence or comment.
 - (4) The Town Attorney shall then administer oaths to any individuals offering testimony or evidence during the public hearing.
 - (5) The total time for a public hearing shall be limited to one (1) hour. The Board may, in its discretion, extend the time allotted for a public hearing by a majority vote of the members actually in attendance and not excused from voting.
 - (6) After opening the public hearing, the Town Attorney shall first recognize any Town employees to provide information concerning the subject matter of the public hearing.
 - (7) Following the presentation of any Town employees, the Town Attorney shall next recognize the applicant or petitioner, if any. The time allotted for the applicant or petitioner shall be limited to ten (10) minutes. The Board may, in its discretion, extend the time allotted for public comment

⁸⁵ See N.C. Gen. Stat §§ 160A-30(c); 160A-58.2; 160A-102; 160A-364(a).

⁸⁶ N.C. Gen. Stat. § 160A-81.

⁸⁷ N.C. Gen. Stat. § 160A-81.

⁸⁸ See fn. 90, *infra*.

by a majority vote of the members actually in attendance and not excused from voting.

- (8) Following the applicant or petitioner, if any, the Town Attorney shall next recognize any other individuals with standing. The time allotted for each individual with standing shall be limited to five (5) minutes. The Board may, in its discretion, extend the time allotted for individuals with standing by a majority vote of the members actually in attendance and not excused from voting.
- (9) Next, the Town Attorney shall recognize members of the general public who wish to make a comment during the public comment portion of the hearing.
- (10) Public comment during a public hearing shall be limited to thirty (30) minutes. Before making their remarks, individuals making a comment during this period shall provide their full name and their permanent residential address. Each individual shall be allowed no more than three (3) minutes to make their comments, and no person may speak more than once. The Board may, in its discretion, extend the time allotted for public comment, extend the time allotted for any individual, or allow an individual to speak more than once by a majority vote of the members actually in attendance and not excused from voting.
- (11) The Board may, in its discretion and by a majority vote of the members actually in attendance and not excused from voting, allow groups of aligned individuals who have retained a licensed professional to speak on their behalf during the public comment period to combine their allotted time to permit the professional to exceed the three (3) minute limit. No such professional, however, shall be permitted to speak longer than ten (10) minutes, regardless of the number of individuals represented.
- (12) Individuals providing comment during the public comment period are permitted to express their concerns or opinions about the issues under discussion or share facts, data, or other information which may assist the Board in its deliberation, but they may not ask questions of the Mayor, Town Board, or Town officers or employees; make personal attacks on the applicant, petitioner, members of the Board or mayor, or any other persons which are not pertinent to the subject matter of the public hearing; or generally expound on matters which are wholly unrelated and irrelevant to the subject matter of the public hearing.
- (13) Following the conclusion of the public comment period, the Town Attorney may recognize a Town employee to provide additional information to address any concerns raised during public comment. The Town Attorney may then recognize the applicant or petitioner, if any, to provide a rebuttal to address concerns raised during public comment.

- (14) At the conclusion of the public hearing, the Town Attorney shall close the public hearing and turn the meeting back over to the mayor.
- (d) **Notice of Public Hearings.** Any public hearing at which a majority of the Board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.
- (e) **Continuing Public Hearings.** The Board may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to subparagraph (g) below, if a quorum of the Board is not present for a properly scheduled public hearing, the hearing must be continued until the Board's next regular meeting without further advertisement.⁸⁹
- (f) **Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall designate the Town Attorney as the presiding officer who shall conduct the public hearing according to the rules adopted in subparagraph (c) above. Unless the Board extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the Town Attorney shall declare the hearing closed, return the meeting to the mayor, and the Board shall resume the regular order of business.⁹⁰
- (g) **Public Hearings by Less Than a Majority of Board Members.** Nothing in this rule prevents the Board from appointing a member or members to hold a public hearing on the Board's behalf, except when state law requires that the Board itself conduct the hearing.

Rule 37. Public Comment Periods

- (a) **Frequency of Public Comment Periods.** The Board must provide at least one opportunity for public comment each month at a regular meeting, except that the Board need not offer a public comment period during any month in which it does not hold a regular meeting.⁹¹

⁸⁹ N.C. Gen. Stat. § 160A-81.

⁹⁰ This subparagraph as written deviates from the model language recommended by the School of Government which is: "At the time appointed for the hearing, the *mayor* shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the Board for the hearing. Unless the Board extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the *mayor* shall declare the hearing closed, and the Board shall resume the regular order of business."

⁹¹ N.C. Gen. Stat. § 160A-81.1.

- (b) **Rules for Public Comment Periods.** The Board hereby adopts the following reasonable rules for the conduct of public comment during regular meetings⁹²:
- (1) At the beginning of each⁹³ regularly scheduled meeting, the Board will allow public comment.
 - (2) The maximum time allotted for all comments from the public shall be thirty (30) minutes, and the maximum time allotted for any individual to make comments shall be three (3) minutes. No individual may speak more than once. The Board may, in its discretion and by a majority vote of the members actually in attendance and not excused from voting, increase or decrease this period or, if all other persons have spoken, permit any individual to speak longer than their allotted time or more than once, based upon various factors, such as: the length of the meeting agenda; the time required to address the normal business on the agenda; whether a closed session is scheduled; whether one or more of the Board members are unable to remain past a certain time; or any such other reasonable grounds to alter the time provided for public comment.
 - (3) Before any meeting including a public comment period is called to order, any individual may request to speak during the period by submitting a fully completed written request card supplied by the Town to the Town Clerk.
 - (4) A written request shall not be fully completed unless the individual provides their name, permanent residential address, and telephone number, as well as the general topic of their remarks.
 - (5) The Town Clerk shall reject any written requests which are not fully completed and shall mark all fully completed requests with a number corresponding to the order in which it was received.
 - (6) During that portion of the meeting designated for public comment, the mayor shall recognize the individuals who wish to speak in the numerical order shown on the fully completed request cards provided by the Town Clerk.
 - (7) Individuals providing comment during the public comment period are permitted to express their concerns or opinions about any matter under discussion or share facts, data, or other information which may assist the Board in its deliberation, or on any subject within the Board's real or apparent jurisdiction, but they may not ask questions of the Mayor, Town Board, or Town officers or employees; make personal attacks on the members of the Board or mayor, or any other persons which are not pertinent to a subject within the Board's real or apparent jurisdiction;

⁹² N.C. Gen. Stat. § 160A-81.1.

⁹³ See N.C. Gen. Stat. § 160A-81 (only one public comment session per month is required).

or generally expound on matters which are wholly unrelated and irrelevant to the Board's real or apparent jurisdiction.

- (8) The Town Attorney shall keep time for each individual and for the total time of the public comment period.
 - (9) The Board may decline to take action on a request presented during the public comment period. The Board also may refer the matter to the Town Manager, the Town Attorney, or another appropriate individual for investigation, action, or for future report back to the Board.
- (c) **Content-Based Restrictions Generally Prohibited.** The Board will not restrict speakers based on the subject-matter of their remarks, as long as their comments pertain to subjects within the Board's real or apparent jurisdiction.

Part XI. Appointments and Appointed Bodies

Rule 38. Appointments

- (a) **Appointments in Open Session.** The Board must consider and make any appointment to another body or, in the event of a vacancy on the Board, to its own membership in open session.⁹⁴
- (b) **Nomination and Voting Procedure.** The Board shall use the following procedure to fill a vacancy in its own membership or in any other body over which it has the power of appointment.
 - (1) The Town shall call for applications from the public to fill any vacancies, specifying any eligibility requirements in the notice.
 - (2) The Town Clerk or the Assistant Town Manager shall review all applications received to determine whether the applicants meet the eligibility requirements specified in the notice and shall compile a list, together with the full applications, of all eligible applicants which shall be provided to the Board with the agenda for the meeting where the appointment(s) will be considered by the Board.
 - (3) Voting shall occur by written ballot according to Rule 29, and each Board member actually present and not otherwise excused from voting shall vote to appoint one (1) person for each vacancy to be filled.
 - (4) The Board may vote to fill multiple vacancies on a single body on one (1) ballot.
 - (5) The Town Clerk or the Assistant Town Manager shall collect and tally the written ballots, keeping a record for the minutes of how each member voted, and then they shall announce the total votes for each applicant from all ballots.
 - (6) Where the Board considers multiple vacancies on a single body, if no applicant receives a majority vote for one or more vacancies, then the Town Clerk or Assistant Town Manager shall announce: (i) any vacancy which was filled and the applicant to be appointed; (ii) the number of vacancies which were not filled; and (iii) the applicants who were not appointed in order of most votes received to least. The Board shall then complete successive rounds of ballots according to this procedure until all vacancies are filled.
 - (7) At the conclusion of voting, the mayor shall call for a vote to confirm the appointments to the body consistent with the outcome of the written ballots.

⁹⁴ N.C. Gen. Stat. § 143-318.11(a)(6).

- (c) **Mayor.** The mayor may vote on appointments under this rule.
- (d) **Duty to Vote.** It is the duty of each member, other than the mayor, to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

Rule 39. Committees and Boards

- (a) **Establishment and Appointment.** The Board may establish temporary and standing committees, boards, and other bodies to help carry on the work of city government. Unless otherwise provided by law or the Board, the power of appointment to such bodies lies with the Board.⁹⁵
- (b) **Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the Town's professional staff.⁹⁶
- (c) **Procedural Rules.** The Board may prescribe the procedures by which the Town's appointed bodies operate, subject to any applicable state law.

⁹⁵ N.C. Gen. Stat. § 160A-146.

⁹⁶ N.C. Gen. Stat. § 143.318.10(c).

Part XII. Miscellaneous

Rule 40. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the Town Charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the Board's members, excluding vacant seats.

Rule 41. Reference to *Robert's Rules of Order Newly Revised*

The Board shall refer to *Robert's Rules of Order Newly Revised* ("*RONR*") for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *RONR*, the mayor shall make a ruling on the issue subject to appeal to the Board under Rule 31, Motion 1.

ARTICLE II – RULES APPLICABLE TO ALL OTHER BOARDS & COMMITTEES

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the boards and committees (“Public Body” or “Public Bodies” collectively) of the Town of Waynesville (the “Town”). For purposes of these rules, a meeting of a Public Body occurs whenever a majority of the Public Body’s members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the council’s real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.⁹⁷

⁹⁷ N.C. Gen. Stat. §§ 160A-71(c) & 143-318.9, -318.18.

Part II. Adoption by Reference

The following rules from Article I – Rules Applicable to the Board of Aldermen are adopted by reference as though fully set forth herein and shall apply to all Public Bodies of the Town:

- (a) Rule 2,
- (b) Rule 3,
- (c) Rule 4,
- (d) Rule 5,
- (e) Rule 6,
- (f) Rule 7,
- (g) Rule 9,
- (h) Rule 10,
- (i) Rule 11(b),
- (j) Rule 11(c),
- (k) Rule 12,
- (l) Rule 13,
- (m) Rule 14,
- (n) Rule 15,
- (o) Rule 16,
- (p) Rule 21,
- (q) Rule 22,
- (r) Rule 23,
- (s) Rule 24,
- (t) Rule 25,
- (u) Rule 26,
- (v) Rule 27,
- (w) Rule 28,
- (x) Rule 29,
- (y) Rule 30,
- (z) Rule 31,
- (aa) Rule 36,
- (bb) Rule 37, and
- (cc) Rule 41.

Part III. Additional Rules for Public Bodies

Rule 42. Selection and Role of a Chair and Vice Chair

- (a) **Selection of a Chair.** Each Public Body may select from among its members an individual to recommend to the Board of Aldermen to be appointed as Chair. The Board of Aldermen may, in its discretion, accept the recommendation of the Public Body but shall not be bound by it.
- (b) **Selection of a Vice Chair.** Each Public Body may select from among its members an individual to recommend to the Board of Aldermen to be appointed as Vice Chair. The Board of Aldermen may, in its discretion, accept the recommendation of the Public Body but shall not be bound by it.
- (c) **Role of the Chair.**
 - (1) *Presiding Officer.* The chair of each Public Body shall preside at all meetings of that Public Body.
 - (2) *Right to Vote.* The chair shall have the right, but not obligation, to vote on all matters before the Board.
 - (3) *Recognition of Members.* A member should be recognized by the presiding officer prior to addressing the Board, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1. The presiding officer must recognize any member who seeks the floor and is entitled to it.
 - (4) *Powers as Presiding Officer.* The presiding officer will enforce these rules and maintain order and decorum during Board meetings and, as a result, may:
 - i. Rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
 - ii. Determine whether a member or other speaker has gone beyond reasonable standards of courtesy in their remarks and entertain and rule on objections from other members on this ground;
 - iii. Entertain and answer questions of parliamentary procedure;
 - iv. Call a brief recess at any time;
 - v. Adjourn the meeting without motion or vote of the Board in an emergency; or
 - vi. Take any such other proper or necessary action permitted by *Robert's Rules of Order, Newly Revised*.

- (5) *Appeals of Procedural Rulings.* A member may appeal a decision made or answer given by the presiding officer under subparagraph (c)(4)i., ii., or iii. in accordance with Rule 31, Motion 1.
- (6) *Definitions.* For the purposes of Rule 42(c), the following definitions will apply:
 - i. The term “recess” shall mean a short intermission in the Board’s meeting, commonly of only a few minutes, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.
 - ii. The term “emergency” shall embrace and include any circumstance or condition which endangers the health or well-being of the Board or those other persons in attendance at the meeting, including, but not limited to, fire, riot, explosion, spread of poisonous gas or effluent, or the threat of any of any dangerous circumstance or condition which the presiding officer reasonably believes to be legitimate.

(d) **Role of the Vice Chair.**

- (1) *Presiding in the Chair’s Absence.* In the event of the chair’s absence from a meeting of the Public Body, the vice chair shall preside with all the powers specified in Rule 42(c).
- (2) *Duty to Vote.* The vice chair has a duty to vote on all matters before the Public Body even when serving as the presiding officer for the meeting unless they have been excused from voting on a matter according to Rule 28.

Rule 43. Other Presiding Officer

If both the chair and vice chair are absent, the Public Body may elect from among its members in attendance a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 42(c). Service as a temporary presiding officer does not relieve that member of the duty on all questions unless excused from voting pursuant to Rule 28.

Rule 44. When the Presiding Officer is Active in Debate

If the chair becomes active in debate on a particular matter before the Public Body, they may have the vice chair or another presiding officer preside during the Public Body’s consideration of the matter. Similarly, if the vice chair or a temporary presiding officer is presiding and takes an active part in debate, they may designate another member of the Public Body to preside temporarily.

Rule 45. Delegation of Responsibilities

Where reference is made to the Town Clerk, Town Manager, Assistant Town Manager, or Town Attorney in rules adopted by reference in Part II of these rules, those individuals may delegate the duties imposed upon them by such rules to another Town officer or employee whose regular responsibilities are more suited to carry out the duties required for the corresponding Public Body.

Rule 46. Adoption of Additional Rules

Each Public Body may adopt rules of procedure to supplement or in addition to, but not inconsistent with, the rules set forth herein. No Public Body may attempt to amend or repeal any rules adopted by the Board of Aldermen.