

Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: April 25th, 2023 Time: 6:00 p.m.

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(828) 452-2491 cpoolton@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

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.

2. a. Adoption of minutes of the April 11th, 2023 Regular meeting
- b. Power of Pink 5K Special Event Permit Application

Motion: To approve the consent agenda as presented.

E. CALL FOR PUBLIC HEARING

3. Call for a Public Hearing to consider a request for Annexation for two (2) parcels along Howell Mill Road, PINs 8616-94-1485 (2.87 acres) and 8616-94-1047 (7.54 acres).
 - Olga Grooman, Land Use Administrator

Motion: To adopt the attached resolution and schedule a public hearing to consider an Annexation Petition.

F. OLD BUSINESS

4. Consideration of approval for a Community Development Block Grant (CDBG) application for utility infrastructure improvements in South Waynesville.
- Karen Kiehna, McGill and Associates

Motion: *To approve the application to the Community Block Grant Program for water and sewer infrastructure improvements.*

5. Consider amending Sections 2.1 and 2.3 of the Town’s Charter to Change the name of the Governing Board to that of “Town Council” and Change the Method of Election to that of “Staggered Terms”.
- Rob Hites, Town Manager

Motion: *After considering input from its 4/11/23 Public Hearing, Amend Article 2, Sections 2.1 and 2.3 of the Town’s Charter to change the name of the Governing Board to that of “Town Council” and change the Term of Office to electing two members every two odd numbered years for four-year terms.*

G. NEW BUSINESS

6. Application for “Clean Energy Fellowship”
- Alderman Chuck Dickson & Town Manager Rob Hites

Motion: *Approve the Town applying for the Fellowship.*

7. Review of Proposed 23-24 Budget
- Misty Hagood, Finance Director
8. Phase I Electrical Relocation for Russ Avenue Widening Project U-5839
- Jeff Stines, Public Services Director

Motion: *To award the Phase 1 electrical construction portion of the Russ Avenue widening project U-5839 to Haynes Electric in the amount of \$705,830.00.*

9. Mountain Lion Art Donation
- Jesse Fowler, Assistant Town Manager

Motion: *To accept the art donation from Mr. David Blevins.*

10. Oakdale Road Property Upset Bid
- Jesse Fowler, Assistant Town Manager

Motion: *To approve staff to move forward with procuring utility easements on parcel PIN #8615-33-9978 and to accept the final bid in the amount of \$69,615.13, or, reject the bid.*

H. COMMUNICATION FROM STAFF

11. Manager's Report

- Town Manager, Rob Hites

12. Town Attorney Report

- Town Attorney, Martha Bradley

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

J. ADJOURN



TOWN OF WAYNESVILLE

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

CALENDAR April 2023

2023	
Friday, May 5 th	Art After Dark gallery stroll 6-9pm
Tuesday May 9 TH	Board of Alderman Meeting – Regular Session
Monday May 23 RD	Board of Aldermen Meeting – Regular Session
Monday May 29 TH	Town Offices Closed – Memorial Day
Friday June 2 nd	Art After Dark gallery stroll 5:30-8:30pm
Tuesday June 13 TH	Board of Aldermen Meeting – Regular Session
Tuesday June 27 TH	Board of Aldermen Meeting – Regular Session
Friday, June 30 th	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm
Tuesday, July 4 TH	Stars & Stripes Kids Parade and July 4 th celebration
Tuesday, July 4 TH	Town Offices Closed – Independence Day
Friday, July 7 th	Art After Dark gallery stroll 5:30-8:30pm
Tuesday July 11 TH	Board of Aldermen Meeting – Regular Session
Friday, July 14	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm
Tuesday July 25 TH	Board of Aldermen Meeting – Regular Session
Friday, August 4 th	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm and Art After Dark gallery stroll 6-9pm
Tuesday August 8 TH	Board of Aldermen Meeting – Regular Session
Tuesday August 22 ND	Board of Aldermen Meeting – Regular Session
Friday, September 1 st	Art After Dark gallery stroll 5:30-8:30pm
Monday September 4 TH	Town Offices Closed – Labor Day
Tuesday September 12 TH	Board of Aldermen Meeting – Regular Session
Tuesday September 26 TH	Board of Aldermen Meeting – Regular Session
Friday, October 6 th	Art After Dark gallery stroll 5:30-8:30pm
Tuesday October 10 TH	Board of Aldermen Meeting – Regular Session
Saturday October 14 th	Church Street Art and Craft Show 40 th Anniversary
Tuesday October 24 TH	Board of Aldermen Meeting – Regular Session
Tuesday October 31 st	Treats on the Street
Friday, November 3 rd	Art After Dark gallery stroll 5:30-8:30pm
Friday November 10 th	Town Offices Closed- Veterans Day
Tuesday November 14 TH	Board of Aldermen Meeting – Regular Session
Tuesday November 28 TH	Board of Alderman Meeting- Regular Session
Friday, December 1 st	Art After Dark gallery stroll 5:30-8:30pm and Christmas Tree Lighting
Monday, December 4 th	Christmas Parade
Saturday, December 9 th	Night Before Christmas
Tuesday December 12 TH	Board of Aldermen Meeting – Regular Session
December 22 nd , 26 th	Town Closed – Christmas Holidays

Board and Commission Meetings – April 2023

ABC Board	ABC Office – 52 Dayco Drive	April 18 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	April 4-CANCELLED 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January, March-CANCELLED, July, and October 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	April 18 3 rd Tuesday 8:30 AM
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	April 5 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	April 17 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	April 13 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	April 19 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	April 11 2 nd Tuesday 5:30 PM

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
April 11, 2023

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, April 11, 2023, 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 6:10 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Candace Poolton, Town Clerk
Martha Bradley, Town Attorney
Assistant Police Chief, Brandon Gilmore
Sr. Lt. Chris Chandler
Misty Hagood, Finance Director
Jeff Stines, Director of Public Services
Elizabeth Teague, Planning Director
Olga Grooman, Land Use Administrator

Members of the media:

WLOS News Crew

Others present:

Karen Kiehna, McGill and Associates

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone of the Board of Aldermen Regular Meeting on April 25th, 2023.

B. PUBLIC COMMENT

No public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to remove item ten from the agenda (RAC Appointment), and that item seven (Public Hearing to amend the Town's charter to change its method of elections to that of staggered four-year terms and change its "style of governing board" to that of Town Council) be moved to directly under item three (Resolution Opposing HB 264 that changes Waynesville's Method of Elections from Nonpartisan to Partisan). The motion passed unanimously.

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.

2. a. Adoption of minutes of the March 28th, 2023, Regular meeting

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

E. PRESENTATION

3. Resolution Opposing HB 264 that changes Waynesville's Method of Elections from Nonpartisan to Partisan.
 - Rob Hites Town Manager

Town Manager Rob Hites reported that Representative Mark Pless has introduced HB 264 in the NC House that would change all municipal elections in Haywood and Madison Counties from being conducted on a nonpartisan to a partisan basis. Last year he introduced a similar bill (HB 988) attempting to change Haywood County's municipal governments and school board to a partisan basis. The bill passed the House and was referred to the Senate Rules Committee where no action was taken. Mr. Hites added that Rep. Pless did not consult with or notify any of the affected governments to determine the impact of the legislation. All of the municipal governments potentially impacted by the bill have expressed their opposition to the legislation.

Alderman Jon Feichter said that in a few months, he will have served on the Board for eight years. He said the best part about serving in local government is how close they are to the people they represent. He advised that the Town steers clear of anything that would divide it. He said that HB 264 will cause division. He added that an increase in partisanship will keep the Board from getting things done.

Alderman Anthony Sutton added that with the Canton mill closing, this should be a time for us to come together, and a partisanship would divide the community.

Alderman Chuck Dickson also opposed HB 264 and said that holding a primary would cost the Town money. He added that a partisan election discriminates against federal employees who cannot run in the election and makes it very difficult for people who are registered as independents to run for election.

Alderwoman Julia Freeman agreed with the other Aldermen; she is in opposition. She added that Aldermen from other municipalities are in opposition of HB 264 as well.

Mayor Gary Caldwell said he has been serving on the Board for 28 years and agrees that partisanship would prevent the Board from serving the citizens as efficiently.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adopt the Resolution opposing HB 264 that changes the Town of Waynesville’s method of election from non-partisan to partisan. The motion passed unanimously.

4. Public Hearing to amend the Town’s charter to change its method of elections to that of staggered four-year terms and change its “style of governing board” to that of Town Council.
 - Rob Hites, Town Manager

Town Manager Rob Hites reminded the Board that at their retreat, they requested to change the Board’s method of elections to that of “staggered terms”. He explained that staggered terms mean after an election for four open seats the two candidates that poll the highest votes serve four-year terms and the two members that poll the third and fourth most votes be selected for two-year terms. For all elections thereafter, the voters would elect two candidates to office every four years. He added that the second charter amendment requested of the Board at their retreat was to change the “Style of the Governing Board” from Board of Aldermen to the more gender neutral “Town Council”. The motion was adopted unanimously at the retreat. Mr. Hites said that according to State Statute GS 160A-101 (3), the Board must pass a Resolution of Intent, which they did during their March 28th meeting, and hold a Public Hearing at tonight’s meeting to receive public input on the proposal (in accordance with NC GS 160A- 102). Mr. Hites said at the next meeting, the Board can change the Charter.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:20 pm. The motion passed unanimously.

There was no public comment.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to close the Public Hearing at 6:21pm. The motion passed unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to consider an ordinance amending Article 2. Sections 2.1 and 2.3 of the Town’s Charter at the April 25, 2023 Board Meeting. The motion passed unanimously.

5. Staff Report on Buffers and Pollinators and request to selectively limit mowing.
 - Elizabeth Teague, Planning Director

Planning Director Elizabeth Teague reported that the staff have been working on an initiative involving pollinators that coincides with stormwater. She presented to the Board on the importance of stream buffers and their benefits to pollinators and explained the benefits of selective mowing during mid-April through May. She also explained the benefits of riparian buffers to prevent pollution and erosion into bodies of water.

Ms. Teague said that Stream banks and buffer areas should be left undisturbed because they serve as natural filters that protect water quality, provide wildlife habitats, reduce greenhouse gas emissions, reduce flood impacts, and provide recreational opportunities. Ms. Teague reviewed the Town’s Code of Ordinances and Land Development Standards that relate to Stream Buffers:

- No dumping within 30 feet of a stream or any body of water
- No storage areas may encroach into buffer
- An undisturbed buffer of a minimum of 30' from the centerline and a maximum of 25' from the top of bank of any perennial streams shall be maintained.
- An undisturbed buffer zone twenty-five (25) feet wide or of sufficient width to confine visible siltation within the twenty-five (25) percent of the buffer zone nearest
- The riparian stream buffers shall be left intact, which means that removal of trees, or other vegetation, or disturbance of soils within this buffer is prohibited when grading.
- Development that falls under stormwater regulations shall keep built-upon area at a minimum of thirty (30) feet landward of all perennial and intermittent surface waters.

Ms. Teague said that staff is requesting initiatives the preserve buffers and support pollinator regeneration:

- Understand that “no mow” areas along streams are being left undisturbed on purpose to protect water quality and support pollinating insects.
- Allow staff to scale back on mowing in selected public areas from late April through May to allow flowering plants to bloom and provide bees and other pollinators with nectar and pollen to feed themselves and their offspring during a critical time in their life cycle and in the pollination of other plants.
- Promote community participation to pause or reduce mowing during the month of May, allowing flowers to bloom to help early season pollinators.
- Allow code enforcement to extend compliance period of Ordinance 26-51, “growth of weeds or grass over 10 inches” during mid April - May for participating property owners.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve staff initiative to send out postcard and post “no-mow” areas. The motion passed unanimously.

F. PUBLIC HEARING

6. Public Hearing to consider a Community Development Block Grant (CDBG) application for \$2,500,000 in utility infrastructure improvements in South Waynesville.

- Karen Kiehna, McGill and Associates

Karen Kiehna presented the following to the Board of Aldermen: This public hearing on April 11, 2023, will provide an explanation and description of the 2022 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I).

We are present to discuss the purpose of the public hearing for the Town's CDBG-I funding application. The purpose of the public hearing is to obtain citizen's views and to allow response from the public to funding proposals and answer any questions posed by citizens.

This public hearing will cover the Town's community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town's

The Town proposes to request funding from NCDEQ'S CDBG-I program for South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project in the South Waynesville area. The proposed project will meet the following community and housing needs of the Town of Waynesville by replacing deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including residential connections and extend public water lines including hydrants, and residential taps. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street.

The purpose of the CDBG-I grant program is to improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of 2022 the CDBG-I funding available is expected to be \$19,000,000. The maximum available grant is \$3.0 million over a 3-year period. Applications for funding will be received by 5:00 pm, May 1, 2023.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19 related projects, and economic development projects that lead to job creation or retention.

The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The Town of Waynesville is seeking an amount in CDBG-I funds not to exceed Three Million Dollars (\$3,000,000.) for the South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project. The purpose of the Town's request will replace deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including

residential connections, and extend public water lines including hydrants, and residential taps. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street if time and budget allows.

The project proposed by the Town of Waynesville was identified in Capital Improvement Plan/Asset Management Plan) updated 2023. Informal community meetings were held in the project area to inform citizens of the potential project and get feedback from the residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the Town of Waynesville has been determined to have an Income Survey area of approximately 75.60% LMI. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street

The range of activities covered by the CDBG-I funds for the South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project.

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If Town is awarded a CDBG-I grant, the town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen’s Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that the if the Town of Waynesville receives CDBG grant funding that the town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. Being a water and sewer improvement project, it is very unlikely that any household would be displaced.

In the past, the Town has applied for and received for the following completed CDBG project:

- List Name of Projects and Outcomes/Outputs of the projects with output and outcomes:
 - Based on recent research Waynesville has not been awarded a CDBG project in a number of years.

The Town of Waynesville will submit its CDBG-I application for the South Waynesville Sanitary Sewer System Improvements Project on May 1, 2023. The CDBG-I application will be available for review during normal business hours at 9 S. Main Street, Waynesville, North Carolina 28786.

Additional information is available from Elizabeth Teague, Development Services Director, at 828-456-2004, or at the 9 S. Main Street, Waynesville, NC 28786.

Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within fifteen (15) business days or by April 26, 2023, and a written response to the written complaints and/or grievances will be sent by the Town of Waynesville within fifteen (15) business days, where practicable.

Mayor, I turn the floor back to you and am happy to respond to any comments or question about the CDBG program, and about the proposed project.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:50 pm. The motion passed unanimously.

There was no public comment.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to close the Public Hearing at 7:10pm. The motion passed unanimously.

Town Manager Rob Hites added that adding the new water line would give the Town new accounts.

Planning Director Elizabeth Teague said that this project would replace old terracotta water line and allow fire hydrants to be placed where there were none before, improving safety.

Ms. Kiehna said that if the Town gets the grant, it would be about a year before construction begins.

7. Public Hearing to consider a text amendment to Chapter 14, Article IV, Taxicabs to include provisions related to pedicabs/rickshaws in the Waynesville Code of Ordinances.

- Olga Grooman, Land Use Administrator & Lt. Chris Chandler

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 7:14 pm. The motion passed unanimously.

Land Use Administrator, Olga Grooman, reported that The Development Services Department received a request for a rickshaw business in Waynesville. The applicant plans to give tours and provide transportation services on a hybrid bicycle powered rickshaw, also known as a pedicab. This mobile business does not fall under any zoning use categories. However, it involves driving on public streets and transporting passengers. Development Services staff met with Police Chief David Adams and Senior Lieutenant Chris Chandler to discuss this business request and decided to add the pedicab-related provisions to the current Taxicab Ordinance because they involve transporting passengers on public streets. Ms. Grooman said the additions would include but not limited to definition of a pedicab/rickshaw, mandatory fire extinguisher and first aid kit requirement, prohibiting pedicabs on sidewalks, and a permit process with driver's background check, fingerprinting, and annual vehicle inspection by the police.

The applicant was present and thanked the Board. He said that he will not be doing cemetery tours. His goal with the business was to cut down on intoxicated drivers. He also said he wants to offer tours that focus on the history of Waynesville.

Alderman Jon Feichter asked the applicant where he'd be operating the business out of. The applicant said it depends on demand. The rickshaws could be staged in a public parking space, inn, or other place of business as they request.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson to close the Public Hearing at 7:30pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adopt the Ordinance as presented. The motion passed unanimously.

G. NEW BUSINESS

8. Department Head and Assistant Department Head Career Track.

- Rob Hites, Town Manager

Town Manager Rob Hites reported that the Town's Career Track does not include a system for rewarding department heads and their assistants for in-service training and certifications. With no means of achieving increases through Career Track, department heads only receive pay adjustments when the Town grants a cost-of-living adjustment. Mr. Hites said for the Town to provide a system where department heads are eligible for monetary advancement, they have drafted a "Career Track" for their classification. He added that it's for department heads to stay "up to date" on changes in their career field. The career tract is designed to provide an incentive for them to attend seminars, training, regional and statewide conferences, and personal enhancement such as supervisory training.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to adopt the Career Track for Department Heads and Assistant Department Heads. The motion passed unanimously.

9. Proposals to conduct Studies on Electric Rates and Upcoming Contract

- Rob Hites, Town Manager

Town Manager Rob Hites reported that in preparation for the negotiation of a new wholesale power contract in 2024, the Town needs three studies to be conducted, a "Cost of Service Study", a "Load Forecast" and the preparation of a "Request for Proposals for a Power Supply Contract". Mr. Hites recommended that the Board approve the "Cost of Service" and Load Forecast" now and fund the "Request for Proposals" as part of the upcoming budget. He said that Finance Director, Misty Hagood, has to have the "Cost of Service" and "Load Forecast" carried out as soon as possible to determine what percentage of an electric rate increase they need to recommend. During the winter, Santee Cooper charged the Town with a sizable "Fuel Adjustment Charge" which resulted in the Town expending the remaining funds from its "purchase power" budget in March. Mr. Hites said that the Fuel Adjustment Charges are added to the Town's wholesale power bill when Santee Cooper has to use expensive alternative fuels such as natural gas, coal or power from another utility to provide power to its system. These studies will determine whether the amount of power being used by the Town will increase over the next year and , if so , how much we need to increase the rates for both the remainder of this fiscal year and the upcoming fiscal year. He added that they will form the basis for the RFP that we will send out in 2024.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to approve the proposals for a “Load Forecast” and a “Cost of Service Study”. The motion passed unanimously.

10. Lighting Package for Russ Avenue Widening Project

- Jeff Stines, Public Services Director

Public Services Director, Jeff Stines, reported that the Russ Avenue Widening Project is set to begin in August 2023. The lighting upgrade will be the Town’s responsibility for purchase and install from Walnut Street to the Howell Mill Road/Russ Avenue Intersection.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to award the purchase of poles and led lighting for the Russ Avenue Project to Border States for \$120,846.00. The motion passed unanimously.

11. Main Street Bump Out Budget Amendment

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that in the current budget year, the Board of Aldermen had approved \$17,500 in the Downtown Budget for the installation of bump outs on Downtown Main Street. The Board also approved \$20,000 in the Development Services budget for the purpose of Downtown improvements. The Town was also awarded a \$7,000 grant in March through the Medford Fund for the purpose of installing bump outs. Mr. Fowler said that the Downtown Waynesville Commission approved the bump outs. He added that in order to proceed, staff are requesting a budget amendment to transfer the money from the Development Services account into the Downtown budget, while adjusting the current budget to reflect the money we will receive through the Medford grant. Mr. Fowler said the plan is to put two identical bump outs halfway between Church Street and Miller Street, and Miller Street and Truist bank.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve budget amendment No. 18, Ordinance No. O-18-23. The motion passed unanimously.

H. COMMUNICATION FROM STAFF

12. Manager’s Report

- Town Manager, Rob Hites

Town Manager Rob Hites reported that Virginia and Mississippi Avenues have been paved.

13. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

Mayor Gary Caldwell reported that he is retiring from Clark Communications. He also said that Dutch Fisher has been having some issues with homeless activity, so he is working with the police department and Recreation Director, Luke Kinsland, to come to a solution.

Alderman Anthony Sutton said he will be going to Raleigh on Monday to oppose HB 264.

There was discussion about scheduling a joint meeting between the Planning Board and the Board of Aldermen.

J. ADJOURN

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Anthony Sutton, to adjourn at 8:01pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk



Application for Special Events Permit

I. General Information

EVENT NAME: Power of Pink 5K

EVENT DATE(S): September 23, 2023
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: Commerce Street in Frog Level

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

SET-UP TIME (START/END): 6:00-9:00 AM

EVENT HOURS: 9:00-11:00 AM

DISMANTLE HOURS (START/END): 11:00 AM-12:00 PM

ESTIMATED ATTENDANCE: 300

BASIS ON WHICH THIS ESTIMATE IS MADE: 2022 attendance plus growth

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: Haywood Healthcare Foundation, Inc.

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

APPLICANT NAME: Marge Stiles TITLE: Executive Administrator

ADDRESS: 262 Leroy George Drive CITY: Clyde STATE: NC ZIP: 28721

PHONE: 452-8343 FAX#: 452-8973 EMAIL: Marge.stiles@haymed.org

ON-SITE CONTACT: Greg Duff, Kevin Fitzgerald TITLE: Race Director

ADDRESS: Glory Hound Events, PO Box 19256, Asheville, NC 28815

PHONE #: Greg: 400-5868 Kevin: 865-315-0758 CELL PHONE #: 315-0758 EMAIL: greg@gloryhoundevents.com

III. Brief Description of Event

The Power of Pink 5K is part of the 16th Annual Power of Pink, which raises money to provide mammogram screenings and follow-up procedures for underserved women and men in Haywood County. This will be the fourth time the race is held in Frog Level event after having spent 11 years on the Haywood Regional Medical Center's campus.

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. Commerce Street between Depot and Miller
2. _____
3. _____

V. Event Details

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the sale or use of alcoholic beverages ? If yes, has the ABC permit been obtained? Yes <input type="checkbox"/> No <input type="checkbox"/> Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the sale of food ? _____ If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the sale of non-food items ? If "YES" have you applied for a privilege license? _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will there be musical entertainment at your event? IF "YES" provide the following information: Number of Stages: <u>1</u> Number of Band(s): <u>DJ</u> Amplification? <u>Yes</u>
		Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Do you plan to use an existing occupied building ? Address Panacea (66 Commerce Street,) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do you plan to use an existing vacant building ? Address _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will there be any tents or canopies in the proposed event site? Please provide the following information: Approx. Number of Tents: <u>10</u> Will any tent exceed 400 sq. feet in area? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the use of pyrotechnics ? Explain _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will you provide portable toilets for the general public attending your event? IF SO, how many and where will they be located? <u>2 in parking lot</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will you require electrical hookup for the event? Generators? <u>Yes</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will you require access to water for the event? Explain _____ <u>\$30 (4/1-8/31); \$35 (9/1-event day); \$10 for dog</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will admission fees be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will fees be charged to vendors to participate in this event? If "YES", please provide the amount(s). _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will inflatable parade balloons be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event? Participants will be directed to the parking deck and Haywood Builders Supply

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? Receptacles collected by event staff/volunteers and taken back to HRMC

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

Return to:
Amie Owens, Assistant Town Manager
Town of Waynesville
16 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 452-2491
Fax No. : (828) 456-2000
Email Address: aowens@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.
- * No permanent alterations to the street will be permitted. Only chalk may be used on streets – no permanent paint.
- * 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 against animals at festivals except for service animals. The Applicant is expected to communicate this information to all vendors and participants. ***Ordinance under review – this may change – please remain in contact with Town officials to determine the ordinance status two weeks prior to your event.**
- * 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 police 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 and fee received:

Application approved:

Application denied:

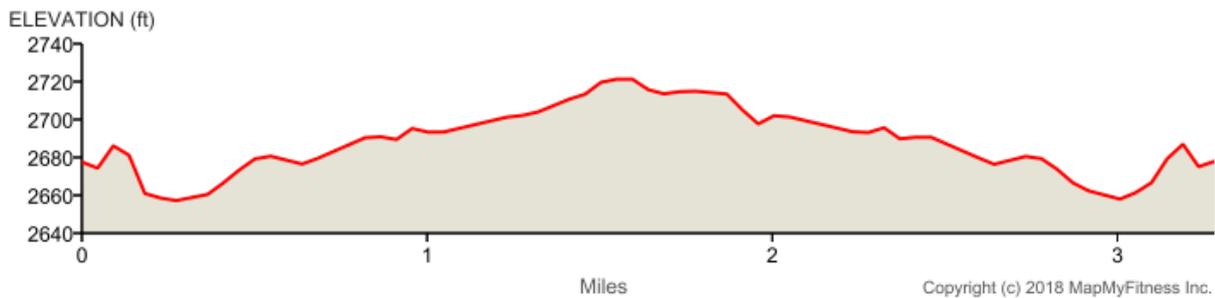
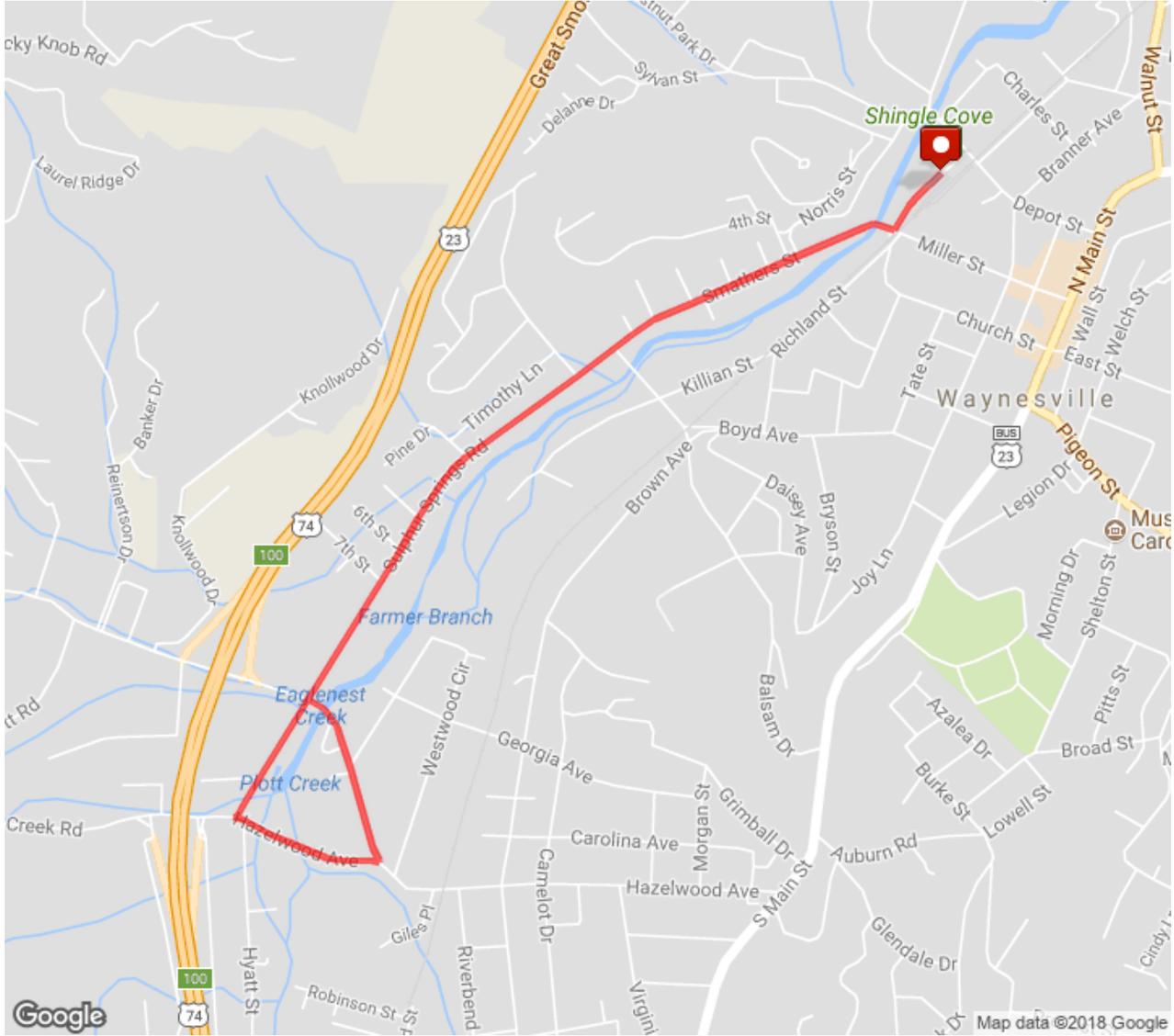
New POP 5K

Distance: 3.28 mi

Elevation Gain: 77 ft

Elevation Max: 2,723 ft

Notes



TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 25, 2023

SUBJECT: Call for a Public Hearing to consider a request for Annexation for two (2) parcels along Howell Mill Road, PINs 8616-94-1485 (2.87 acres) and 8616-94-1047 (7.54 acres).

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number:
Department: Development Services
Contact: Olga Grooman, Land Use Administrator
Presenter: Olga Grooman, Land Use Administrator

SUMMARY: The Town received the attached “Petition for Annexation for a Non-Contiguous ‘Satellite’ Areas” from Herman E. Ratchford Jr., President of Southwood Realty Company that owns the properties. The annexation request is for two unaddressed parcels along Howell Mill Road. The properties are the future site of a proposed multi-family development. The Planning Board granted the Special Use Permit for a 150-unit apartment complex for these properties on November 15, 2021. The properties are within the Town’s extra-territorial jurisdiction, and they are zoned Racoon Creek Neighborhood Residential (RC-NR).

MOTIONS FOR CONSIDERATION:

1. To adopt the attached resolution and schedule a public hearing to consider an Annexation Petition.

FUNDING SOURCE/IMPACT: Future action to annex these properties will allow these properties to receive Town municipal services and be subject to Town property tax.

ATTACHMENTS:

1. Petition, map, metes and bounds
2. Proximity to municipal boundaries and zoning maps
3. Resolution

MANAGER’S COMMENTS AND RECOMMENDATIONS: This is a call for Public Hearing only.

Exhibit A

Parcel One: Tax Pin Number: 8616-94-1485: Beginning at a point located in the pavement of Howell Mill Road (NCSR 1184), said Beginning point standing North 80° 10'23" East 214.61 feet from N.C.G.S. Monument "Suburban", with grid coordinates of N=664,694.21 and E=818,805.12, and from said Beginning point thus established runs thence with Howell Mill Road North 78° 33' 47" East 14.50 feet; thence South 11 ° 53' 12" East 14.58 feet to an aluminum right of way marker; thence South 11° 53' 12" East 10.02 feet to an aluminum right of way marker; thence South 75° 07' 28" East 140.22 feet to an aluminum right of way marker; thence South 80° 53' 45" East 132.17 feet to an aluminum right of way marker; thence North 82° 43' 26" East 149.89 feet to an aluminum right of way marker; thence South 50° 55' 50" East 42.68 feet to an iron pin; thence on a curve with a radius of 1,361.55 feet, an arc length of 216.09 feet (chord bearing South 15° 19' 59" East 215.87 feet) to an iron pin; thence South 19° 52' 41" East 66.99 feet to an iron pin; thence South 76° 22' 40" West 616.66 feet to an iron pin; thence North 05° 56' 46" East 505.16 feet to the point and place of BEGINNING. Said tract of land, consisting of 4.564 acres, more or less, as shown on a survey for Haywood Advancement Foundation, Inc., prepared by L. Kevin Ensley, PLS, dated June 6, 2001 and last revised October 29, 2001, Drawing A-073-01. Being all of that property conveyed in Deed Book 751 at Page 1460, Haywood County Registry.

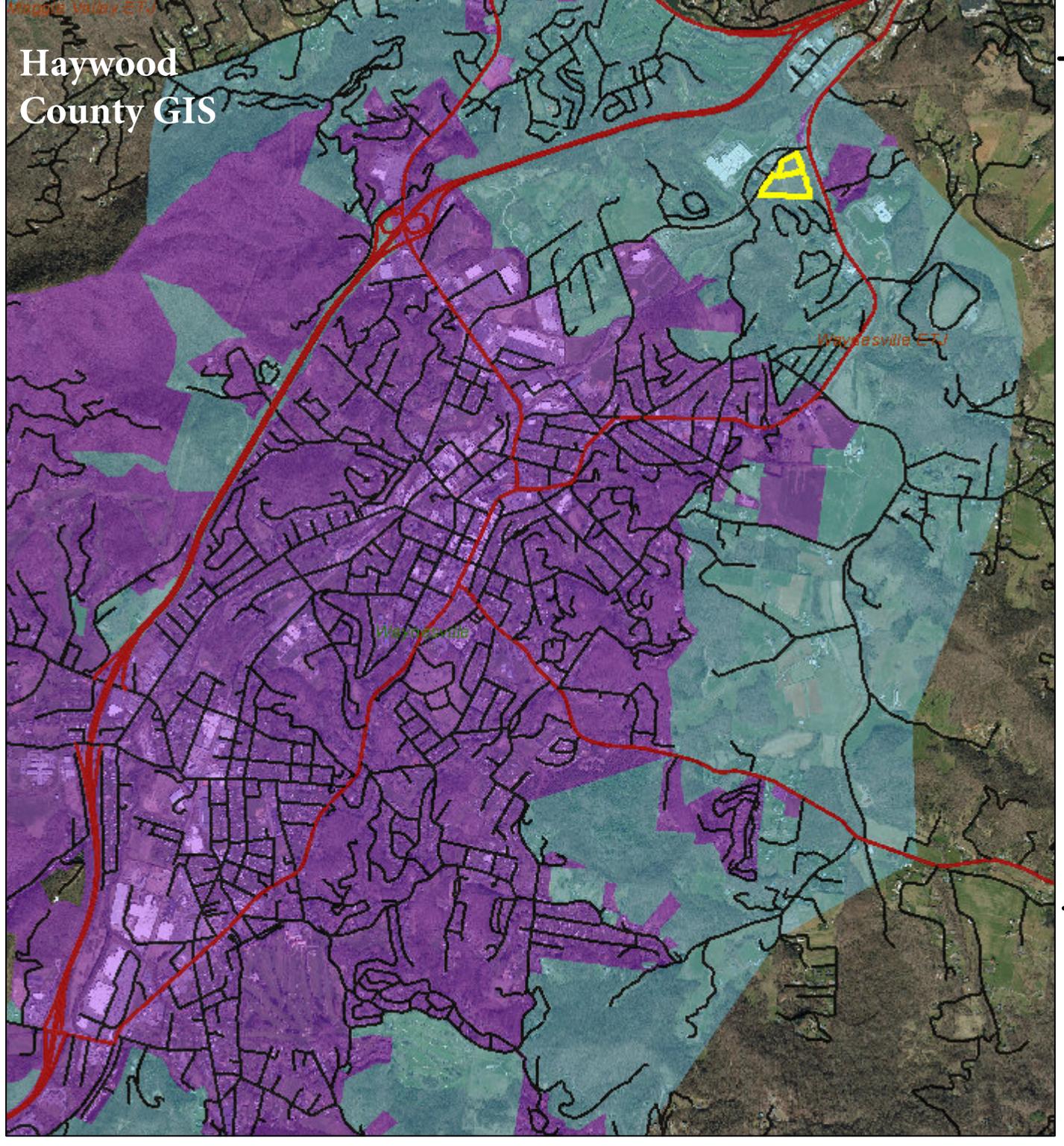
Parcel Two: Tax Pin Number:-8616-94-1047: Being that 9.677 acre tract or parcel of land particularly described upon plat of survey entitled "Haywood Advancement Foundation, Inc." by Clifford G Sechser, PLS, Sechser Surveying & Mapping, dated August 29, 2005 of record in Plat Cabinet C, Slot 4152, Haywood County Registry. Subject to that permanent drainage easement affecting 1.710 acres as described upon the above referenced recorded plat. Being all of that property conveyed in Deed Book 659 at Page 237, Haywood County Registry.

There is Less and Excepted from the above-described Property are the conveyances to the North Carolina Department of Transportation recorded in Book 808 at Page 1977 and in Book 845 at Page 827 and in Book 847 at Page 910 of the Haywood County Registry.



Maggie Valley, EV

Haywood County GIS



Waynesville

Waynesville, EV

Haywood County GIS

Delwood Residential Medium Density Residential

Howell Mill Residential Medium Density Residential

Commercial Industrial Commerical

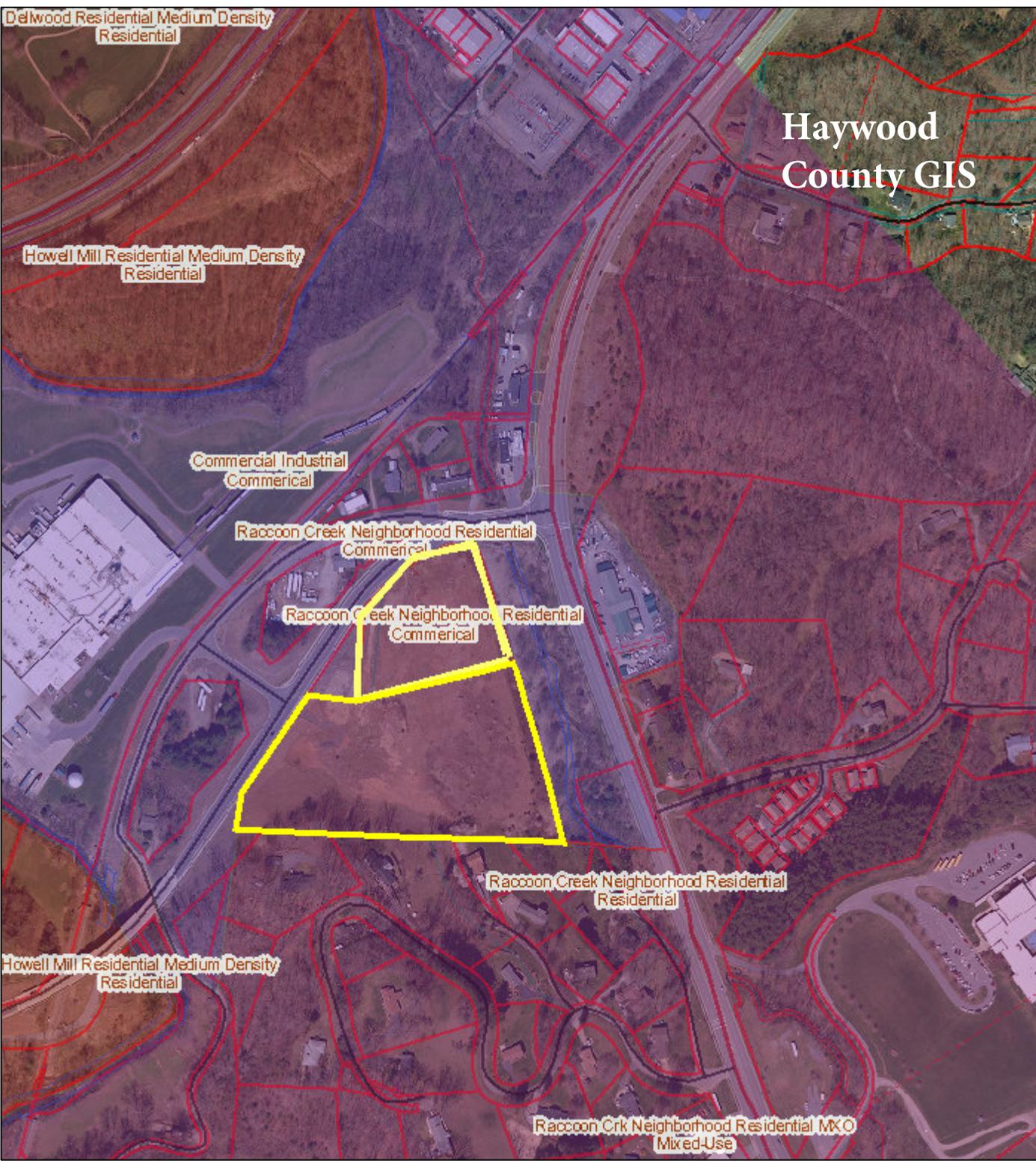
Raccoon Creek Neighborhood Residential Commerical

Raccoon Creek Neighborhood Residential Commerical

Raccoon Creek Neighborhood Residential Residential

Howell Mill Residential Medium Density Residential

Raccoon Crk Neighborhood Residential MXO Mixed-Use



PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

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

April 17, 2023
Date

TO: Board of Aldermen of the Town of Waynesville

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

OWNER Southwood Realty Company

BY Herman E. Ratchford, Jr., President

ADDRESS 1426 Howell Mill Road

SIGNATURE X 

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR BOARD OF ALDERMEN**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1426 Howell Mill Road in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: G. Thomas Jones III, PE

Title and Company: WGLA Engineering, PLLC Project Manager

Address: 1627 5th Avenue West, Hendersonville NC 28739

Phone and email: (828) 687-7177 x303 tjones@wgla.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 17th day of April, 2023.

Owner or Party with Contractual Interest in Property:



Herman E. Ratchford, Jr. President
Southwood Realty Company

Address and phone number:

165 S. York Street

Gastonia, NC 28054

(704) 869-6024

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR BOARD OF ALDERMEN**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1426 Howell Mill Road in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: William E. Ratchford

Title and Company: Southwood Realty Company

Address: 165 S. York Street, Gastonia NC 28054

Phone and email: (704) 869-6024 william.ratchford@southwoodrealty.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 17th day of April, 2023.

Owner or Party with Contractual Interest in Property:



Herman E. Ratchford, Jr. President
Southwood Realty Company

Address and phone number:

165 S. York Street

Gastonia, NC 28054

(704) 869-6024

NOTES

- * TOTAL AREA SURVEYED = 10.53± ACRES.
- * THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE.
- * THIS PROPERTY MAY BE SUBJECT TO OTHER RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED, NOT SHOWN HEREON.
- * THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.
- * SUBJECT PROPERTY IS ZONED RACCOON CREEK - NEIGHBORHOOD RESIDENTIAL. FRONT SETBACK: 10', SIDE SETBACK: 5', REAR SETBACK: 5'.
- * FOR FURTHER ZONING INFORMATION, CONTACT TOWN OF WAYNESVILLE PLANNING DEPARTMENT.
- * PORTIONS OF THIS PROPERTY LIE IN ZONE AE (AREAS DETERMINED TO BE INSIDE THE 1% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP #1700881000, EFFECTIVE DATE JULY 3RD, 2012. FLOOD LINES SHOWN HEREON WERE TAKEN FROM THE NORTH CAROLINA FLOOD RISK INFORMATION SYSTEM.
- * THE LOCATION OF RACCOON CREEK SHOWN HEREON WAS PROVIDED FROM THE NORTH CAROLINA FLOOD RISK INFORMATION SYSTEM WEBSITE UNLESS OTHERWISE NOTED.
- * GAS LINES ALONG ASHEVILLE ROAD ARE SHOWN BASED ON PROVIDED EXHIBITS FROM DOMINION ENERGY AND SHOULD BE CONSIDERED APPROXIMATE.
- * THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON ABOVE-GROUND EVIDENCE AND SHOULD BE CONSIDERED APPROXIMATE.
- * PORTIONS OF ASHEVILLE ROAD SHOWN HEREON ARE BASED ON THE HAYWOOD COUNTY GEOGRAPHIC INFORMATION SYSTEM AND SHOULD BE CONSIDERED APPROXIMATE.
- * ALL BOUNDARY MONUMENTS ARE FLUSH WITH ADJACENT GRADE UNLESS OTHERWISE NOTED.
- * ALL BEARINGS ARE ORIENTED TO N C. GRID NAD 83 (2011) AND ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ELEVATIONS ARE BASED ON NAVD88.
- * THE WATER LINE LOCATION SHOWN HEREON WAS SCALED FROM A PROVIDED EXHIBIT FROM THE TOWN OF WAYNESVILLE AND SHOULD BE CONSIDERED APPROXIMATE.

LEGEND

- CORNER FOUND (AS DESCRIBED)
- ⊙----- 5/8" REBAR SET WITH EHA CAP
- CALCULATED POINT
- CREEK
- FLOOD HAZARD LINE (FLOODWAY)
- FLOOD HAZARD LINE (ZONE AE)
- PROPERTY LINE (SURVEYED)
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- STORM LINE
- FENCE (AS DESCRIBED)
- GAS ----- UNDERGROUND GAS LINE (APPROXIMATE)
- SS----- SANITARY SEWER LINE
- SS----- SANITARY SEWER LINE (APPROXIMATE)
- OU----- OVERHEAD UTILITY LINE
- AG----- ABOVE ADJACENT GRADE
- BG----- BELOW ADJACENT GRADE
- CI----- CURB INLET
- DB----- DEED BOOK
- DI----- DROP INLET
- FOV----- FIBER OPTIC VAULT
- GA----- GUY ANCHOR
- OIP----- OPEN TOP PIPE
- PI----- PARCEL IDENTIFICATION NUMBER
- P----- PACE
- U----- UTILITY POLE
- AL----- ALUMINUM RIGHT-OF-WAY MONUMENT
- RBC----- REBAR WITH CAP
- RBF----- REBAR FOUND
- RC----- REINFORCED CONCRETE PIPE
- SM----- SANITARY SEWER MANHOLE
- S----- SIGN
- TDP----- TRUNCATED DOME PLATE
- TSB----- TRAFFIC SIGNAL BOX
- TYP----- TYPICAL

I, Robert J. Earley, certify that this plat was drawn under my supervision from an actual survey made under my supervision (using deed descriptions recorded in deed books and pages as noted); that the boundaries not surveyed are clearly indicated as drawn from information found in deed books and pages as noted; that the ratio of precision or positional accuracy as calculated is 1:10,000; and that this map meets the requirements of the Standard of Practice for Land Surveying in North Carolina (21 NCAC 56.1600), that this ground survey was performed at the 95% confidence level to meet Federal Geographic Data Committee Standards; that this survey was performed to meet the requirements for a topographic/planimetric survey to the accuracy of Class AA and vertical accuracy when applicable to the Class A standard; and that the original data was obtained on January 24th, 2022 and November 15th, 2022; and that all coordinates are based on NAD 83 (2011) and all elevations are based on NAVD 88.

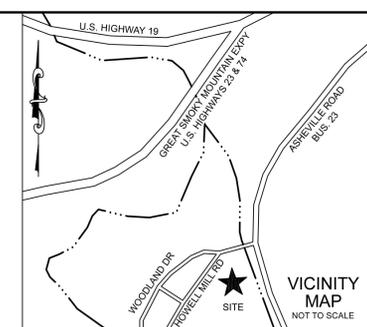
Furthermore, State Plane Coordinates for this survey were obtained by Global Navigation Satellite System (GNSS) Survey, and the following information was used to perform the GNSS survey:

Horizontal positional accuracy: 0.01m
 Vertical positional accuracy: 0.02m
 Type of GNSS field procedure: static (post-processed using Topcon Tools Software and verified using OPUS-RS)
 Date of GNSS Survey: May 19th, 2021
 Datum: horizontal = NAD83 (2011), Vertical = NAVD88
 Geoid model: GEOID 16
 Combined scale factor: 0.99976125
 Units: U.S. Survey Feet

Witness my original signature, license number, and seal

this date: 01/05/2023

Robert J. Earley
 Robert J. Earley, PLS
 N.C. Professional Land Surveyor L-5435



BOUNDARY SURVEY OF:
1426 Howell Mill Road
 OWNER: SOUTHWOOD REALTY CO.
 PIN: 8616-94-1485 & 8616-94-1047
 D.B. 1048, P. 553 & CAB C, P. 4152
 TOWN OF WAYNESVILLE
 HAYWOOD COUNTY, NORTH CAROLINA
 SCALE: 1" = 50' 06/01/2022

ROBERT J. EARLEY, PLS
 JOB# 22138
 DRAWN BY: J. EARLEY CHECKED BY: R. BROWN
 COMPANY LICENSEURE # C-2806
Ed HOLMES & ASSOCIATES
 LAND SURVEYORS P.A.
 200 RIDGEFIELD CT., STE. 208, 28806
 P.O. BOX 17335, ASHEVILLE, NC 28816
 PHONE: (828) 225-5562



REVISIONS	DATE	NOTE
06/16/2022	ADD SANITARY SEWER INFORMATION AND REMOVE ERRONEOUS RIGHT-OF-WAY LOCATION	
01/04/2023	ADD LIMITED TOPOGRAPHIC AREA	

D22-044

RESOLUTION R-08-2023 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 NC G.S. Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance an area non-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 G.S. 160A-58, 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 non-contiguous to the Town's municipal boundary, but it abuts several other non-contiguous annexed areas;

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 23, 2023, 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 25 day of April, 2022.

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Sharpe Bradley, Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: April 25, 2023

SUBJECT: Consideration of approval for a Community Development Block Grant (CDBG) application for utility infrastructure improvements in South Waynesville.

AGENDA INFORMATION:

Agenda Location: Old Business
Item Number:
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Karen Kiehna, McGill and Associates

BRIEF SUMMARY: At the April 11 Board of Aldermen Meeting, the Board held a public hearing on a potential CDBG application to improve water and sewer infrastructure in the areas of Sawyer, Hendrix, Muse, and Franklin Streets. Karen Kiehna of McGill and Associates will present information on the project, a proposed CIP budget, and answer questions from the Board and public. The Board must approve the application in order for it to be submitted.

MOTIONS FOR CONSIDERATION:

1. Motion to approve the application to the Community Block Grant Program for water and sewer infrastructure improvements.

FUNDING SOURCE/IMPACT: This particular CDBG grant would provide 100% funding for replacement of water and sewer lines in the area of Sawyer, Hendrix, Franklin and Muse Streets.

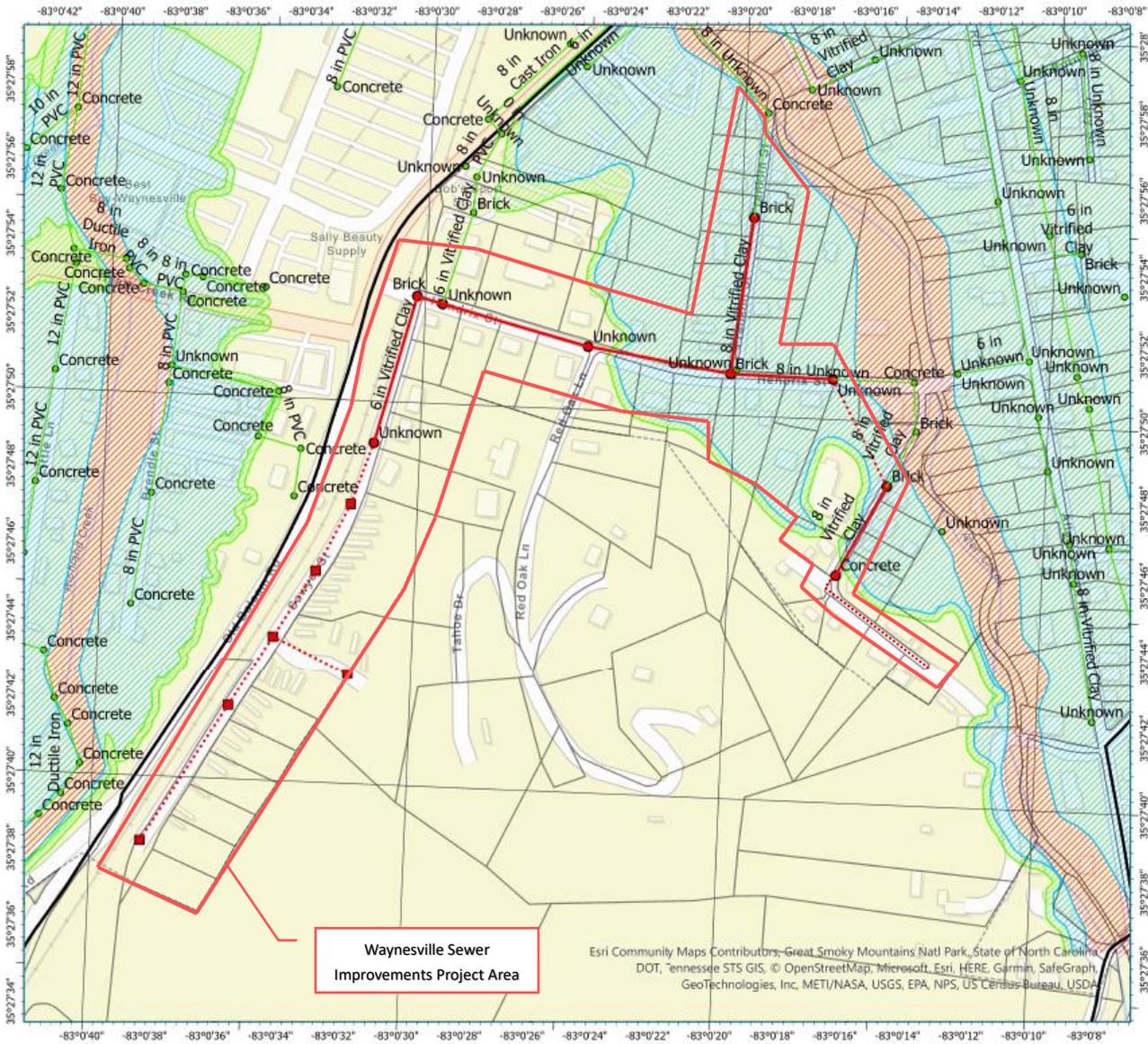
ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS: This project will assist the Town in addressing the SOC and improve water and sewer infrastructure in a lower income neighborhood.

	TOTAL ESTIMATED COST	CURRENT 2023	YEAR 1 2024	YEAR 2 2025	YEAR 3 2026	YEAR 4 2027	YEAR 5 2028	YEAR 6 2029	YEAR 7 2030	YEAR 8 2031	YEAR 9 2032	YEAR 10 2033
<u>EQUIPMENT</u>												
TOOLS - MAINTENANCE	\$ 200,000			\$ 50,000	\$ 50,000		\$ 15,000	\$ 35,000				
TOOLS - TREATMENT	\$ 230,000		\$ 10,000	\$ 30,000	\$ 20,000	\$ 15,000	\$ 40,000	\$ 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	\$ 640,000			\$ 70,000	\$ 120,000	\$ 40,000	\$ 80,000	\$ 130,000	\$ 120,000			
<u>LINE REPLACEMENTS</u>												
SOUTH WAYNESVILLE CDBG PROJECT	\$ 2,385,825		\$ 2,385,825									
NINEVAH NEIGHBORHOOD	\$ 400,000			\$ 400,000								
EAST ALLENS CREEK NEIGHBORHOOD	\$ 425,000				\$ 425,000							
RAILROAD/ROBINSON STREET NEIGHBORHOOD	\$ 425,000					\$ 425,000						
NINEVAH NEIGHBORHOOD	\$ 400,000						\$ 400,000					
OAKDALE ROAD NEIGHBORHOOD	\$ 400,000							\$ 400,000				
EAST ALLENS CREEK NEIGHBORHOOD	\$ 400,000								\$ 400,000			
EAST WAYNESVILLE NEIGHBORHOOD	\$ 425,000									\$ 425,000		
MARSHALL/HIGHLAND ROAD NEIGHBORHOOD	\$ 425,000										\$ 425,000	
SOUTH MAIN COMMUNITY	\$ 425,000											\$ 425,000
AUBURN PARK NEIGHBORHOOD	\$ 450,000											
<u>WWTP TREATMENT PLANT IMPROVEMENTS</u>												
WWTP PLANT UPGRADE/REPLACEMENT	\$ 29,723,150		\$ 18,000,000	\$ 11,723,150								
<u>SEWER TOTAL</u>												
	\$ 38,233,975	\$ -	\$ 20,645,825	\$ 12,293,150	\$ 615,000	\$ 480,000	\$ 615,000	\$ 605,000	\$ 615,000	\$ 470,000	\$ 450,000	\$ 435,000

**CAPITAL IMPROVEMENTS PLAN - WATER
TOWN OF WAYNESVILLE - APRIL 2023**

	TOTAL ESTIMATED COST	CURRENT 2023	YEAR 1 2024	YEAR 2 2025	YEAR 3 2026	YEAR 4 2027	YEAR 5 2028	YEAR 6 2029	YEAR 7 2030	YEAR 8 2031	YEAR 9 2032	YEAR 10 2033	YEAR 2034 BEYOND
WATER TREATMENT PLANT													
MISC IMPROVEMENTS	\$ 342,000		\$ 80,000	\$ 90,000	\$ 12,000	\$ 80,000	\$ 20,000	\$ 30,000	\$ 30,000				
SCADA	\$ 130,000			\$ 30,000									\$ 100,000
PUMPS	\$ 165,000		\$ 60,000		\$ 25,000	\$ 20,000			\$ 30,000		\$ 30,000		
DREDGE	\$ 350,000				\$ 150,000								\$ 200,000
WATER DISTRIBUTION SYSTEM													
VEHICLES	\$ 195,000						\$ 50,000		\$ 70,000				\$ 75,000
TOOLS	\$ 165,000		\$ 15,000	\$ 15,000	\$ 15,000		\$ 15,000	\$ 20,000		\$ 20,000		\$ 15,000	\$ 50,000
EQUIPMENT	\$ 906,000		\$ 250,000	\$ 20,000	\$ 26,000		\$ 80,000	\$ 20,000	\$ 80,000	\$ 30,000			\$ 400,000
LINE REPLACEMENT													
SOUTH WAYNESVILLE CDBG PROJECT	\$ 613,500		\$ 613,500										
WAYNESVILLE COUNTRY CLUB	\$ 400,000			\$ 400,000									
NINEVAH NEIGHBORHOOD	\$ 400,000				\$ 400,000								
CHESTNUT PARK NEIGHBORHOOD	\$ 400,000					\$ 400,000							
EAST ALLENS CREEK NEIGHBORHOOD	\$ 350,000						\$ 350,000						
NINEVAH NEIGHBORHOOD	\$ 450,000							\$ 450,000					
EAST STREET NEIGHBORHOOD	\$ 350,000								\$ 350,000				
CHESTNUT WALK NEIGHBORHOOD	\$ 350,000									\$ 350,000			
RATCLIFF COVE/FRANCIS FARM	\$ 400,000										\$ 400,000		
MAPLE/HAZEL STREET NEIGHBORHOOD	\$ 400,000											\$ 400,000	
OLD BALSAM ROAD NEIGHBORHOOD	\$ 400,000												\$ 400,000
TANKS/PUMPS STATIONS													
Shingle Cove 2MG Reservoir	\$ -												
Reservoir Drive 2MG Reservoir	\$ 30,000		\$ 30,000										
Laurel Ridge Drive Pump Station/Tank	\$ 20,000					\$ 20,000							
Eagles Nest Road Pump Station	\$ 70,000					\$ 70,000							
High Ridge Pump Station/Tank	\$ 30,000					\$ 30,000							
Little Mountain Pump Station	\$ 25,000				\$ 25,000								
Woody Lane Pump Station/Resv.	\$ 25,000				\$ 25,000								
Chestnut Walk Tank/Pump Station	\$ -												
Camp Branch Pump Station	\$ 40,000		\$ 40,000										
Camp Branch Tank	\$ 20,000					\$ 20,000							
Camp Branch Hydro Tank	\$ -												
Gaddis Branc Pump Station/Res.	\$ 15,000					\$ 15,000							
Eagles Nest Road Pump Station	\$ 20,000						\$ 20,000						
Eagles Nest Road Reservoir	\$ -												
Pinnacle Point Reservoir	\$ 15,000						\$ 15,000						
Lower Eagles Nest Reservoir	\$ 30,000						\$ 30,000						
Lower Eagles Nest Pump Station	\$ -												
Upper Eagles Nest Reservoir	\$ -												
Upper Eagles Nest Pump Station	\$ -												
Old Balsam Road Pump Station	\$ 12,000							\$ 12,000					
Redbank Pump House/ Reservoir	\$ -												
Ellenburger Reservoir	\$ -												
Scada System- Browning Branch	\$ -												
Scada System- Eagles Nest/Res. Drive	\$ -												
WATER TOTAL	\$ 7,118,500	\$ -	\$ 1,088,500	\$ 555,000	\$ 678,000	\$ 655,000	\$ 580,000	\$ 532,000	\$ 560,000	\$ 400,000	\$ 430,000	\$ 415,000	\$ 1,225,000



Project Map

Sewer Mains

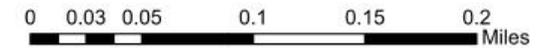
- Existing
- To Be Replaced
- ⋯ Proposed Sewer Mains

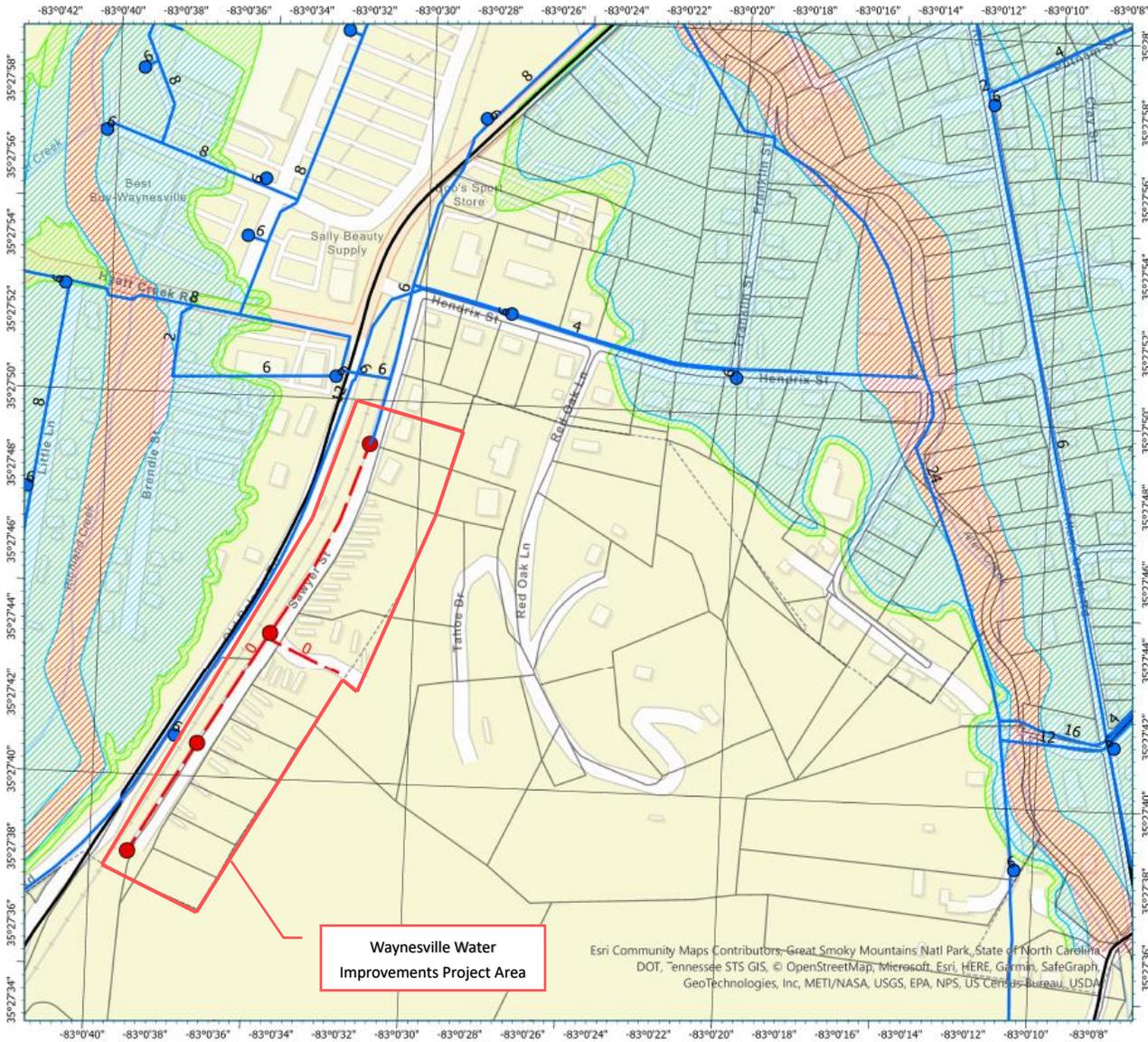
Sewer Manholes

- Existing
- To Be Replaced
- Proposed Sewer Manholes
- Project Area Parcels
- Census Block Group Boundary

Flood Hazard Area

- Floodway
- 100 Year Floodplain
- 500 Year Floodplain



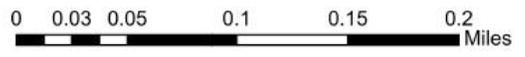


Project Map

- Existing Fire Hydrants
 - Existing Water Mains
 - Proposed Fire Hydrants
 - - - Proposed Water Mains
 - Project Area Parcels
 - Census Block Group Boundary
- ### Flood Hazard Area
- Floodway
 - 100 Year Floodplain
 - 500 Year Floodplain

Waynesville Water
Improvements Project Area

Esri Community Maps Contributors: Great Smoky Mountains Natl Park, State of North Carolina, DOT, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA





Public Hearing Meeting Minutes

April 11, 2023

Town of Waynesville

The Board of Commissioners for the Town of Waynesville held a public hearing on April 11, 2023, for providing explanation and description of the 2022 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I). Members present were Mayor Gary Caldwell, Alderwoman Julia Freeman, Alderman Jon Feichter, Alderman Anthony Sutton, Alderman Chuck Dickson of the Town of Waynesville Board of Aldermen.

Karen Kiehna, Client Relations - Funding of McGill Associates was present to discuss the purpose of the public hearing for the Town of Waynesville’s CDBG-I funding application. Karen Kiehna stated that the purpose of the public hearing was to obtain citizen’s views and to respond to funding proposals and answer any questions posed by citizens. Ms. Kiehna also stated that the public hearing must cover the Town’s community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town’s CDBG-I funding application to the state of the North Carolina.

The Town proposes to request funding from NCDEQ’S CDBG-I program for South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project in the South Waynesville area. The proposed project will meet the following community and housing needs of the Town of Waynesville by replacing deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including residential connections and extend public water lines including hydrants, and residential taps. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street.

The purpose of the CDBG-I grant program is to improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.



For the fiscal year of 2022 the CDBG-I funding available is expected to be \$19,000,000.00, and each the maximum available grant \$3.0 million over a 3-year period. Applications for funding are received May 1, 2023.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19 related projects, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The Town is seeking an amount in CDBG-I funds not to exceed Three Million Dollars (\$3,000,000.00) for the South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project. The purpose of the Town's request is replacing deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including residential connections and extend public water lines including hydrants, and residential taps. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street.

The project proposed by the Town of Waynesville was identified in the Capital Improvement Plan/Asset Management Plan) updated 2023. Informal community meetings were held in the project area to inform citizens of the potential project and get feedback from the residents.



A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the Town of Waynesville has been determined to have an LMI survey area of 75.60%. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street.

The range of activities covered by the CDBG-I funds for the South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project includes:

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If Town of Waynesville is awarded a CDBG-I grant, the town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen’s Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that the if the Town of Waynesville receives CDBG grant funding that the town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. Being a water and sewer improvement project, it is very unlikely that any household would be displaced.

In the past, the Town has applied for and received for the following completed CDBG project:

- List Name of Projects:



- List Name of Projects and Outcomes/Outputs of the projects with output and outcomes:
 - Based on recent research Waynesville has not been awarded a CDBG project in a number of years.

The Town will submit its CDBG-I application for South Waynesville Sanitary Sewer System Improvements Project on May 1, 2023. The CDBG-I application will be available for review during normal business hours at 9 S. Main Street, Waynesville, North Carolina 28786. Additional information is available from Elizabeth Teague, Development Services Director, at 828-456-2004, or at the 9 S. Main Street, Waynesville, NC 28786.

Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within fifteen (15) business days or by April 26, 2023, and a written response to the written complaints and/or grievances will be sent by the Town of Waynesville within fifteen (15) business days, where practicable.

Motion was made by

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:50 pm. The motion passed unanimously.

There was no public comment

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to close the Public Hearing at 7:10pm. The motion passed unanimously.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to adjourn at 8:01pm. The motion passed unanimously.

4/25/2023

Gary Caldwell, Mayor

Candace Poolton, Town Clerk

NOTICE OF PUBLIC HEARING
RELATIVE TO APPLICATION
BY TOWN OF WAYNESVILLE
FOR FUNDING UNDER THE HOUSING AND COMMUNITY
DEVELOPMENT ACT OF 1974, AS AMENDED

Notice is hereby given that the Town of Waynesville will conduct a public hearing on April 11, 2023 at 6:00 PM, or as soon thereafter as the agenda will allow, in the Town Hall Board Room located at 9 South Main Street, Waynesville, NC 28786 relative to the intention of the Town Board of Aldermen to apply for FY2022 CDBG funding under Title I of the Housing and Community Development Act.

Town of Waynesville intends to submit an application for a grant of approximately Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) in CDBG Infrastructure funds for Sanitary Sewer System Improvements and Public Water System Improvements Project, which will replace deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including residential connections and extend public water lines including hydrants, and residential taps. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street.

The following is a tentative list of proposed activities and an estimated budget. The final application will be reviewed at the public hearing.

Infrastructure Improvements and
Grant Administration Estimated Budget \$2,750,000.00

The proposed project will provide benefits to an estimated 106 persons, 80% of whom are low- and moderate-income individuals based on door-to-door income surveys performed by Town of Waynesville staff and McGill Associates staff. No individuals will be displaced, nor will any require temporary relocation assistance as a result of the proposed project.

Citizens will be given the opportunity to provide oral and written comments on the Town's past and proposed use of CDBG funds at the public hearing. All interested citizens are encouraged to attend.

If additional information is needed, please contact the Development Services Director, Elizabeth Teague at 9 S. Main Street, Waynesville, NC 28786, 828-456-2004 or eteague@waynesvillenc.gov. Formal written complaints or comments concerning the application process that are submitted to the Development Services Director prior to or following the public hearing will be responded to within fifteen (15) working days by April 26, 2023. A copy of the completed project application will be available for public review after April 26, 2023, at the Town of Waynesville, Development Services Office, 9 S. Main Street, Waynesville, NC 28786.

Persons with disabilities or who otherwise need assistance should contact Elizabeth Teague, Development Services Director, at 9 S. Main Street, Waynesville, NC 28786. or eteague@waynesvillenc.gov, TDD # 711 or 800-735-2962 or Relay North Carolina by September 10, 2022. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact Elizabeth Teague, Development Services Director, at 828-456-2004, or at the 9 S. Main Street, Waynesville, NC 28786 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Elizabeth Teague, Development Services Director, al 828-456-2004 o en 9 S. Main Street, Waynesville, NC 28786, de alojamiento para esta solicitud.



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4/25/2023**

SUBJECT Consider amending Sections 2.1 and 2.3 of the Town’s Charter to Change the name of the Governing Board to that of “Town Council” and Change the Method of Election to that of “Staggered Terms”.

AGENDA INFORMATION:

Agenda Location:

Item Number: Old business

Department: Governing Board

Contact: Martha Bradley

Presenter: Rob Hites

BRIEF SUMMARY During their 3/28/23 meeting the Board of Aldermen adopted a “Resolution on Intent” to amend section 2.1 Governing Body and Section 2.3 Board of Aldermen Term of Office The amendments would change the name of the Governing Body from “Board of Aldermen to “Town Council” and change the “Term of office from electing four Board members every four years to electing two Board members every two years for four-year terms. During their 4/11/23 meeting, the Board conducted a public hearing in accordance with NC GS 160A-102 to receive public input on the charter amendments. No earlier than the next regular meeting of the Board they may consider amending the Town Charter through adoption of the attached ordinance. (Reference in State statute is GS 160A-101 (3) and (4)).

MOTION FOR CONSIDERATION: After considering input from its 4/11/23 Public Hearing, Amend Article 2, Sections 2.1 and 2.3 of the Town’s Charter to change the name of the Governing Board to that of “Town Council” and change the Term of Office to electing two members every two odd numbered years for four-year terms.

FUNDING SOURCE/IMPACT: General

ATTACHMENTS: Proposed Ordinance

MANAGER’S COMMENTS AND RECOMMENDATIONS : Consider input from Public Hearing, discuss the amendments to the charter and adopt the ordinance.

ORDINANCE NO. O-16-23

ORDINANCE AMENDING THE TOWN CHARTER GOVERNING THE METHOD OF CONDUCTING ELECTIONS AND THE NAME OF ITS GOVERNING BOARD

WHEREAS, the Town of Waynesville is an incorporated political subdivision of the State of North Carolina and.

WHEREAS, on February 24, 2023, the Board of Aldermen voted unanimously to consider two (2) amendments to its Charter in accordance with NCGS 160A, Chapter 4. Article 5, Part 4. Modification of Form of Government and.

WHEREAS, GS 160A-101.(3) Style of the governing board. permits a municipal governing body to amend the name of its governing board and.

WHEREAS, GS 160A-101.(4) Terms of Office. permits a municipal government to amend its charter to change its method of conducting elections and.

WHEREAS, in accordance with GS 160A-102, Board adopted a “Resolution of Intent” to change its “method of elections” and “style of governing body” and.

WHEREAS, in accordance with GS 160A-102, the Board conducted a public hearing on April 11, 2023, to consider amending Section 2.1 “Governing body.” to change the “Style of the governing board” to that of “Town Council” in order to provide a gender-neutral title for the Town’s governing body in accordance with GS 160A-101(3) and consider amending Section 3.1 “Regular municipal elections.” to provide for elections to be held on “staggered terms”, that being two members elected for a four (4) year term every two (2) odd numbered years.

NOW, THEREFORE be it ordained by the Board of Aldermen, in accordance with GS160A-102, that Section 2.1 Governing Body of the Town Charter be amended as follows:

The mayor and ~~board of aldermen~~ Town Council elected and constituted as herein set forth, shall be the governing body of the town. On behalf of the town, and in conformity with applicable laws, the mayor and ~~board~~ council may provide for the exercise of all municipal powers , and shall be charged with the general government of the town and.

Be it further ordained that in accordance with GS 160A-101.(4) that Article III. Elections. Section 3.1 Regular Municipal Elections of the Town Charter be amended as follows:

Regular municipal elections shall be held in the town every four years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. Starting with the 2023 municipal election, the town shall change its method of elections to that of “staggered terms”. The Haywood County Board of Elections will conduct a municipal election for four (4) members of the town governing board. After the Board of Elections has certified the election, the candidates obtaining the highest vote total shall serve a four (4) year term and the candidates obtaining the lowest vote total shall serve a two (2) year term. Thereafter, the Town will conduct a municipal election every two years for its members, each serving a four-year term. The mayor and members of the governing board shall be elected according to the nonpartisan election method.

Adopted this the 25th day of April 2023.

ATTEST:

Gary Caldwell, Mayor

Candace Poolton, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4/25/2023**

SUBJECT Application for “Clean Energy Fellowship”

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Alderman Dickson/Rob Hites
Presenter: Alderman Dickson/Rob Hites

BRIEF SUMMARY: The “Fellowship” is a Federal Program that compensates an employee \$50,000 per year to “conduct energy audits of Town properties, researching how to achieve the carbon-neutral goal for 2050, planning for energy efficient buildings and municipal fleet and researching grant opportunities. The focus of Waynesville’s program will be on energy efficiency, saving money, and planning for the move to electrification of the whole Town operation. The position will be an employee of the Federal Government. Hopefully we can attract an employee that has a scientific background. They need not be an engineer.

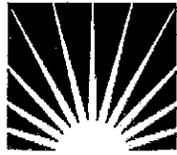
MOTION FOR CONSIDERATION:

Approve the Town applying for the Fellowship.

FUNDING SOURCE/IMPACT: Office space and computer access.

ATTACHMENTS: “Host Institution Application”.

MANAGER’S COMMENTS: The Town does not have a management level position within the Electric Department. The lack of such a position leaves us without the type of employee that would normally research and develop electrically related policies. This position would provide the Town with an entry level management position. As the Country moves toward more independence on electricity, the Town will need to create an Electric Department staffed by a management level director.



OAK RIDGE INSTITUTE FOR SCIENCE AND EDUCATION

The Clean Energy Innovator Fellowship

Host Institution Application

The Clean Energy Innovator Fellowship program funds recent graduates to conduct research with critical energy institutions to advance clean energy and grid resilience. The program recruits candidates from diverse backgrounds to spend up to two years advancing the mission of eligible Host Institutions, which include:

- Electric public utility commissions in the United States and U.S. Territories
- Electric cooperatives and municipal utilities
- Puerto Rican essential energy organizations
- Tribal utilities
- Inter-Tribal Councils and other Tribal organizations, and
- Grid operators

This year, the Office of Energy Efficiency and Renewable Energy (EERE) is partnering with the Grid Deployment Office (GDO) to expand the Clean Energy Innovator Fellowship policy priorities to include grid resilience and innovation. Prospective mentors within eligible Host Institutions may propose projects for Innovator Fellows that address a wide range of topics, including, but not limited to: grid modernization, equitable clean energy access and affordability, net-zero-carbon resource planning, grid resilience planning, enabling essential grid services on the distribution system, transmission and regional markets, interconnection, and rate design.

The role of Innovator Fellows is to pursue innovative projects at the Host Institution, with guidance from the mentor. Projects are defined up front to support the pairing process, but have flexibility to evolve over the fellowship period. Prospective Innovator Fellows will be asked to select potential Host Institutions based on project descriptions and locations. Sections from this application will be posted on the Department of Energy website to assist Innovator Fellows with their Host Institution selection.

Application Submission

You will be able to click away from the application without losing your work. You will also be able to review your answers before you submit your responses.

In order to be considered, applications must be submitted by 11:59 p.m. Eastern Time, April 27, 2023. Late applications will not be processed.

If you have questions about this application, please contact DOE-RPP@ornl.gov.

If you have questions about the program, please contact ceif@ee.doe.gov.

Mentor Information

NOTE: The Mentor will oversee the proposed project and mentor the selected Innovator Fellow.

First Name	<input type="text" value="x"/>
Last Name	<input type="text" value="x"/>
Email	<input type="text" value="x"/>
Direct Phone Number	<input type="text" value="x"/>

Job Title **Admin/Support Colleague**

NOTE: This person may assist the mentor with the selected Innovator Fellow on the proposed project.

 Not applicableFirst Name Last Name Email Direct Phone Number Job Title Support Role **Host Institution Information**Name of Institution Address City State Zip Code Website **Host Institution Profile**

Please provide a brief background of your institution, its needs, and how the Clean Energy Innovator Fellowship program will support its mission. This information will be shared with prospective candidates.

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Operating Status

General best practice is for Innovator Fellows to relocate and serve their appointments on-site, in-person. However, if your Host Institution is operating on a hybrid or remote status, it may be necessary for the Innovator Fellow to follow a similar operating status so long as you can still provide them a valuable experience. Please indicate which one of the options below best describes your Host Institution's current operating status.

- Innovator Fellow will need to relocate to the area for an on-site, in-person operating status.
- Innovator Fellow will need to relocate to the area for a hybrid operating status (hybrid meaning a combination of on-site, in-person days and virtual during a work week or pay period).
- Innovator Fellow can participate in a fully remote operating status and does not need to relocate to the area. The Innovator Fellow may need to travel to the Host Institution a few times throughout their appointment for in-person site visits.
- Other

Page 1 of 5

Continue later**Next page**



OAK RIDGE INSTITUTE FOR SCIENCE AND EDUCATION

The Clean Energy Innovator Fellowship Host Institution Application

Topics of Interest

To assist Host Institutions with their project summaries, DOE offers the following topics of interest for consideration.

Group A

Example topics for Host Institutions that are public utility commissions (PUCs), electric cooperatives and municipal utilities, and grid operators:

- Distributed energy resource adoption and integration
- Electrification (e.g., buildings, vehicles and transportation, charging infrastructure)
- Grid planning and modernization
- Equity and energy justice
- Regulation (e.g., rate design, interconnection)
- Resilience

Group B

Topics of interest for PUCs that are interested in enabling essential grid services on the distribution system:

- Regulatory and economic structures that allow distributed technologies to provide essential grid services while ensuring asset owner/operators receive fair compensation for these services.
 - Distributed energy technologies include but are not limited to inverter-based resources, microgrids, electric vehicle supply equipment, and distributed energy resources.
 - Essential grid services include but are not limited to frequency regulation, voltage support, and operating reserves.
- In their project summary, Host Institutions should identify specific grid services or distribution-level operations for which economic or regulatory support is necessary.
- DOE's Grid Deployment Office will support Innovator Fellows and help facilitate the collaborative development of best practices.

Group C

Topics of interest for Puerto Rican essential energy organizations:

- Grid resilience and energy planning

Group D

Topics of interest for PUCs, electric cooperatives and municipal utilities, Tribal utilities, Inter-Tribal Councils, or other Tribal organizations:

- Grid resilience formula grant implementation (i.e., BIL Sec. 40101(d))
- Grid resilience investment prioritization and valuation
- Grid resilience metrics development
- Community engagement and equity in the context of grid resilience planning
- Development of Tribal energy expertise and energy sector workforce
- Tribe energy resilience planning practices and decision-making

Additional Information

- Eligible Host Institutions in the United States and U.S. Territories (other than Puerto Rico) may host up to 2 Innovator Fellows so long as Innovator Fellow project topics are not from the same group. For example, a host can have one Innovator Fellow supporting a Group A topic and another Innovator Fellow supporting Group B topic, but not two Innovator Fellows supporting a Group A topic and a different Group A topic.
- Eligible Host Institutions in Puerto Rico may host up to 3 Innovator Fellows.
- Host Institutions interested in hosting more than one Innovator Fellow must submit a separate application for each. Applications should identify a unique project and mentor for each Innovator Fellow.

Below, please describe your proposed project that an Innovator Fellow would support in an appointment of up to two years.

Project Title

Please use key words to succinctly identify the project, (e.g. Expanding the Adoption of Electric Vehicles, Analyzing and Addressing Interconnection Queues, Developing Grid Resilience Metrics, or Incentivizing Essential Grid Services on the Distribution Grid).

Project Summary

Please provide the proposed project scope, identifying why it is a priority for the Host Institution and how the Innovator Fellow will contribute to the project's objectives. You may include other areas beyond the project where the Innovator Fellow could engage and contribute.

x

1 / 4000

Mentorship

Please describe your previous experience and approach toward mentoring interns, fellows, or junior staff; and your commitment to doing so as part of the Clean Energy Innovator Fellowship program.

x

1 / 4000

Continue later

Back

Next page



OAK RIDGE INSTITUTE FOR SCIENCE AND EDUCATION

The Clean Energy Innovator Fellowship Host Institution Application

Please identify desired skills and areas of expertise you consider important for completing the proposed project. This information helps candidates select projects that align with their skills and areas of expertise.

Innovator Skills

Which skill(s) do you see as most central to project success? Please select up to three (3) that are relevant to your project.

- Analysis & modeling
- Market assessment
- Program development
- Regulatory process administration
- Stakeholder engagement
- Tribal engagement
- Writing & publication
- Other

Briefly explain your selection(s) in the field below.

1 / 4000

Relevant Sectors

The following are clean energy sectors in which candidates may have experience or interest. Please select up to three (3) that are relevant to your project.

- Building efficiency
- Distribution operations and microgrids
- Energy storage
- Equity and environmental justice
- Renewable energy generation (e.g., geothermal, solar, wind, water power)
- Sustainable transportation (e.g., EV charging, bioenergy, hydrogen)
- Transmission infrastructure

Please briefly provide supporting information for your selection(s) above.

1 / 4000



Office of
ENERGY EFFICIENCY & RENEWABLE ENERGY

Clean Energy Innovator Fellowship

Office of Energy Efficiency & Renewable Energy

Office of Energy Efficiency & Renewable Energy » Clean Energy Innovator Fellowship

Clean Energy Innovator Fellowship applications for Host Institutions are due April 27, 2023. Apply today!

Submit questions to ceif@ee.doe.gov; answers will be posted to our frequently asked questions below.

The U.S. Department of Energy's (DOE) Clean Energy Innovator Fellowship program funds recent graduates and energy professionals to support critical energy organizations to advance clean energy solutions that will help decarbonize the power system, electrify transportation and industry, and make the U.S. power system more resilient, equitable and inclusive.

The program recruits candidates from diverse backgrounds to spend up to two years at eligible host institutions, which this year include:

- Electric public utility commissions in the United States and U.S. territories

- Electric cooperatives and municipal utilities
- Puerto Rican essential energy organizations
- Tribal utilities
- Inter-Tribal councils and other Tribal organizations
- Grid operators

Innovator Fellows receive a stipend to support their participation in the Clean Energy Innovator Fellowship program and an allowance for education and professional development opportunities.

The goal of the program is to increase access to clean energy career opportunities across the country and accelerate the national transition to resilient and affordable clean energy.

The year, DOE's Office of Energy Efficiency and Renewable Energy (EERE) is partnering with the Grid Deployment Office (GDO) to expand the Clean Energy Innovator Fellowship program to include a focus on grid resilience and innovative grid services within states, territories, and Tribal institutions.

Applications opened for the second round of the Clean Energy Innovator Fellowship on March 31, 2023.

How Does the Clean Energy Innovator Fellowship Work?

1. Applications

- **Prospective Host Institutions apply** to the program with a specific project scope. The staff member of an eligible host institution who will mentor the Fellow and oversee the project activities should submit the application and participate in the selection process. **Host applications are due by April 27, 2023.**
- **Fellowship candidates apply** to the program describing their interest in the opportunity and their relevant skills and experience. Candidates will indicate

their top host projects of interest in their applications. **Applications for Innovator Fellows open on May 22, 2023, and are due by June 8.** Host institution project descriptions will be posted on this page by May 19 to help fellowship candidates select projects of interest.

2. Merit Review

- **DOE selects Host Institutions and projects** that fit the program criteria and budget.
- **DOE may conduct a 15-minute interview** with a Host Institution for clarification purposes.
- **DOE reviews Innovator Fellow applications** according to program criteria and the number of selected host institution projects. Fellowship candidates may be invited to a 15-minute interview with DOE.

3. Host Institution—Candidate Interviews

- **Hosts Institutions conduct candidate interviews.** Host Institutions select candidates for interviews based on information submitted in the applications.

4. Innovator Fellow Selection

- **Host Institutions notify DOE of selected fellowship candidate.**
- **DOE confirms Host Institution—Innovator Fellow match.** A Host Institution and candidate are not guaranteed a match until offers are made and agreed to by both the Host Institution and the candidate.

Who Should Apply?

FOR HOST INSTITUTIONS

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FOR FELLOWS

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Selection Criteria

In addition to the merit criteria, the selection official may consider program policy factors in determining which applications to select.

FOR HOST INSTITUTIONS

For Host Institutions, program criteria include alignment with the mission and priorities of EERE and GDO, potential for impact, a needs assessment, and the commitment to mentorship.

Merit Review Criteria

- Degree to which the proposed project is in line with EERE's mission and priorities and/or GDO's mission and priorities.
- Degree to which there is strong potential for impact from a completed project.
- Degree to which the host demonstrates willingness to make the time commitment to be a good mentor.

Program Policy Factors

1. Applications may be selected for variety across EERE programmatic arenas (energy efficiency, renewable power, and sustainable transportation) and GDO programmatic arenas (essential grid services, grid resilience formula grant implementation, grid resilience metric development, and tribe energy resilience planning practices).
2. Applications may be selected to ensure diversity of Host Institutions (range of types, geography and resource needs).
3. Applications may be selected for optimal distribution of appointments within and across varying types of Host Institutions (e.g., PUCs, utilities, grid operators).
4. Applications may be selected that expand DOE's funding and support to new competitors and recipients that have not been supported in the

past.

FOR FELLOWS

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Frequently Asked Questions

Please submit any questions to ceif@ee.doe.gov; answers will be posted below.

FOR HOST INSTITUTIONS

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What is a Host Institution? What is a Host Institution mentor?

- Eligible Host Institutions for this cohort include electric public utility commissions in the United States and U.S. territories, electric cooperatives and municipal utilities, Puerto Rican essential energy organizations, grid operators, Tribal utilities, and Inter-Tribal councils and other Tribal organizations.
- This fellowship program is seeking Host Institutions with projects that require innovative approaches to advance the clean energy transition, to host participants in the Clean Energy Innovator Fellowship program, for up to two years.
- The staff member of the host institution that would guide the Innovator Fellow's progress on the proposed project is considered the mentor and is expected to play a mentoring role. The mentor is also the point of contact for the Host Institution through the selection process, including interviews.

How many Innovator Fellows can be placed at my Host Institution?

- Eligible host institutions in the United States and U.S. territories (other than Puerto Rico) may host up to two Innovator Fellows so long as fellow project topics are not from the same group of topics (see Project Topics section below). For example, a host can have one fellow supporting a Group A topic

and another fellow supporting a Group B topic, but not two fellows supporting a Group A topic and a different Group A topic.

- Eligible host institutions in Puerto Rico may host up to three Innovator Fellows.
- Host institutions interested in hosting more than one fellow must submit a separate application for each. Applications should identify a unique project and mentor for each fellow.

Will I have any say in what Fellow is placed at my Host Institution?

- Yes. The matching process is based on mutual agreement. At the conclusion of Host Institution candidate interviews, the host will select the fellowship candidate.

Are non-profits, universities, private associations, or privately-owned businesses eligible to apply as Host Institutions of the 2023 cohort?

- Non-profits, universities, or privately owned businesses are **ineligible** to apply as Host Institutions of this cohort.

Are investor-owned utilities (IOUs) eligible to apply as Host Institutions of the 2023 cohort?

- Investor-owned utilities are **ineligible** to apply as Host Institutions of this cohort.

What if we are an eligible host institution that has independently identified a strong fellow candidate?

- You may apply to the program with a mutually agreed host-fellow pair already arranged. Both the host and candidate would need to apply separately and indicate the mutual agreement on your respective applications.

FOR FELLOWS

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Project topics

To assist host institutions with their project summaries, DOE offers the following topics of interest for consideration.

GROUP A: TOPICS OF INTEREST FOR PUBLIC UTILITY COMMISSIONS (PUCS), ELECTRIC COOPERATIVES & MUNICIPAL UTILITIES, & GRID OPERATORS

- Distributed energy resource adoption and integration
- Electrification (e.g., buildings, vehicles and transportation, charging infrastructure)
- Grid planning and modernization
- Equity and energy justice
- Regulation (e.g., rate design, interconnection)
- Resilience

GROUP B: TOPICS OF INTEREST FOR PUCS THAT ARE INTERESTED IN ENABLING ESSENTIAL GRID SERVICES ON THE DISTRIBUTION SYSTEM

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GROUP C: TOPICS OF INTEREST FOR PUERTO RICAN ESSENTIAL ENERGY ORGANIZATIONS

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GROUP D: TOPICS OF INTEREST SPECIFIC TO GRID RESILIENCE AND/OR TRIBAL ORGANIZATIONS

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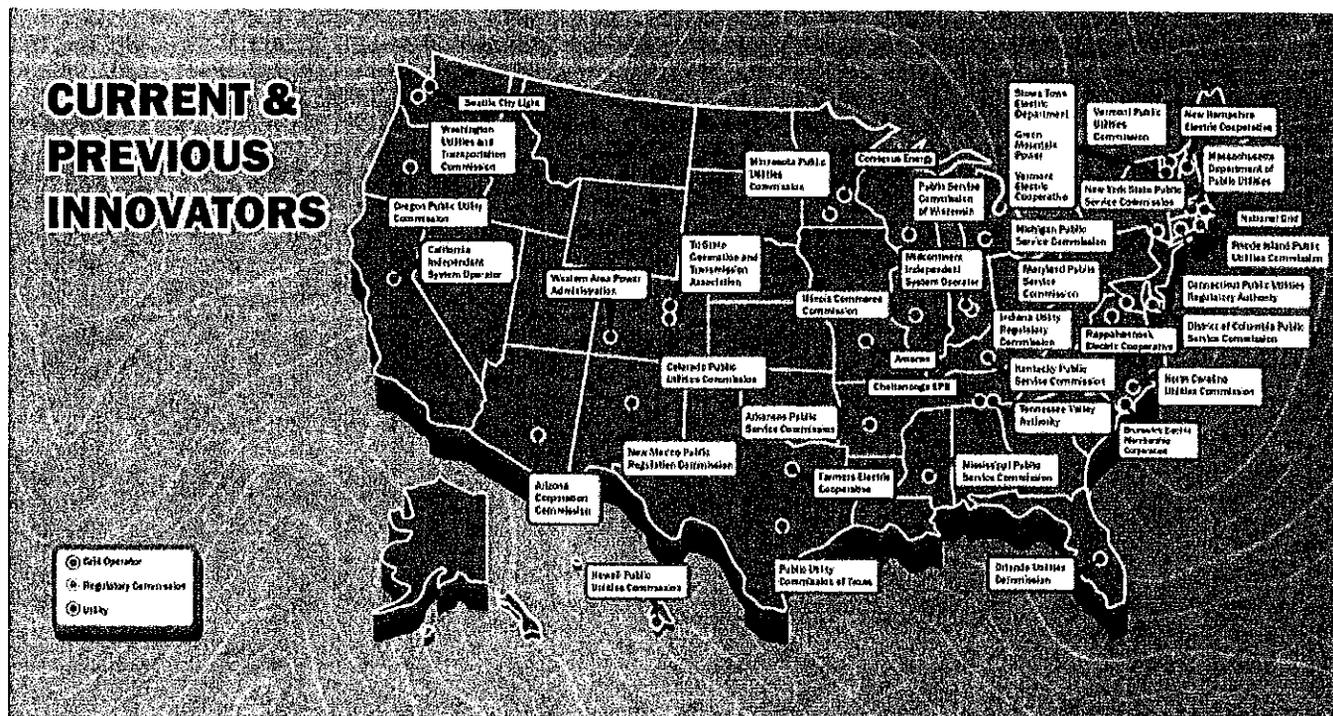
2022 Clean Energy Innovator Fellowship Cohort

On September 29, 2022, DOE announced the critical energy institutions that will host a fellow for the next year, renewable for a second year.

HOST INSTITUTION	CATEGORY	STATE	PROJECT FOCUS
Arkansas Public Service Commission	Regulatory commission	Arkansas	Updating state interconnection policy by expanding the scope of the existing policy beyond just net metering facilities and incorporating IEEE 1547-2018 standards
Brunswick Electric Membership Corporation	Cooperative utility	North Carolina	Electrification of transportation in rural southeastern North Carolina
Chattanooga EPB	Municipal utility	Tennessee	Decarbonizing Chattanooga
Connecticut Public Utilities Regulatory Authority	Regulatory commission	Connecticut	Connecticut's Equitable Modern Grid initiative
Connexus Energy	Cooperative utility	Minnesota	Accelerated electric vehicle deployment
Farmers Electric Cooperative	Cooperative utility	Texas	Rate structures and program design for distributed energy resources
Hawaii Public Utilities Commission	Regulatory commission	Hawaii	The path to 100% renewable energy in Hawaii
Indiana Utility Regulatory Commission	Regulatory commission	Indiana	State engagement in MISO long-term transmission planning
Maryland Public Service Commission	Regulatory commission	Maryland	Clean energy and climate change strategy and transmission planning
Massachusetts Department of Public Utilities	Regulatory commission	Massachusetts	Facilitating solar and energy storage interconnection in Massachusetts
Midwest Independent System Operator (MISO)	Grid operator	Indiana office, service territory covers multiple states	Software process automation for reliable, optimal grid operators
New Hampshire Electric Cooperative	Cooperative utility	New Hampshire	Rate design for transition to transactive energy
New York State Department of Public Service	Regulatory commission	New York	Equitable, affordable access to clean energy and efficiency for disadvantaged communities
North Carolina Utilities Commission	Regulatory commission	North Carolina	Development of North Carolina Clean Energy Transition Plan
Rappahannock Electric Cooperative	Cooperative utility	Virginia	Development and implementation of an electric vehicle expansion program
Seattle City Light	Municipal utility	Washington	Vehicle electrification infrastructure
Stowe Town Electric Department	Municipal utility	Vermont	Community solar program development

HOST INSTITUTION	CATEGORY	STATE	PROJECT FOCUS
Tennessee Valley Authority	Utility	Tennessee office, service territory covers multiple states	Transformative innovations for the electric grid in the Tennessee Valley
Tri-State Generation & Transmission Association	Cooperative utility	Colorado	Addressing energy inequities in rural areas of the Rocky Mountain West
Vermont Electric Cooperative	Cooperative utility	Vermont	Pilot program development for resilience, energy transformation and load management
Vermont Public Utilities Commission	Regulatory commission	Vermont	Regulatory implementation of innovative programs across multiple sectors that advance Vermont's energy goals
Washington Utilities and Transportation Commission	Regulatory commission	Washington	Equity in regulation and decision-making in Washington State
Western Area Power Administration	Grid operator	Colorado office, service territory covers multiple states	Power marketing and energy services technology support for Colorado River Storage Project

The Clean Energy Innovator Fellowship is an expansion of the Solar Energy Innovator Program. Since 2017, EERE has placed fellows with 41 hosts across 29 states to help them implement clean energy solutions.



The Clean Energy Innovators Fellowship is administered by the Oak Ridge

Institute for Science and Education (ORISE).

Learn about other **fellowship opportunities** in the Office of Energy Efficiency and Renewable Energy.

Office of
Energy Efficiency & Renewable Energy

Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585



An office of

ABOUT OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY



ENERGY.GOV RESOURCES



FEDERAL GOVERNMENT



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 25, 2023**

SUBJECT: Review of Proposed 23-24 Budget

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Finance
Contact: Rob Hites, Town Manager
Misty Hagood, Finance Director
Presenter: Misty Hagood, Finance Director

BRIEF SUMMARY: We will review the proposed 23-24 budget and capital requests at the April 25th meeting. We are still working on a few items so we will have materials available at the meeting.

MOTION FOR CONSIDERATION:

FUNDING SOURCE/IMPACT:

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

TOWN OF WAYNESVILLE BOARD OF ALDERMAN
REQUEST FOR BOARD ACTION
Meeting Date: April 25, 2023

SUBJECT: Phase I Electrical Relocation for Russ Avenue Widening Project U-5839

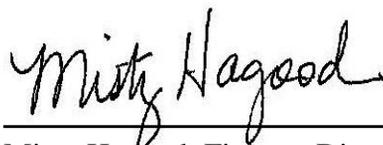
AGENDA INFORMATION:

Agenda Location: New Business
Department: Electric
Item Number:
Contact: Jeff Stines, Jay Entwistle
Presenter: Jeff Stines

BRIEF SUMMARY: The Russ Avenue Widening Project is set to begin in August 2023. The Phase I electrical relocation portion of the project begins at the intersection of Walnut Street/Russ Avenue and extends to the intersection of Russ Avenue/Howell Mill Road. This also includes installation of numerous new poles, cabinets, and other appurtenances to include directional bores.

MOTION FOR CONSIDERATION: To award the Phase 1 electrical construction portion of the Russ Avenue widening project U-5839 to Haynes Electric in the amount of \$705,830.00

FUNDING SOURCE/IMPACT: Electric Capital Budget



Misty Hagood, Finance Director

4/18/23

Date

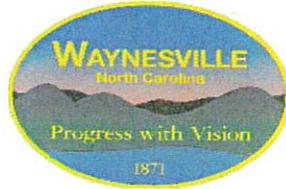
ATTACHMENTS:

- Russ Avenue RFP
- Haynes Electric Bid Tab
- Haynes Electric 5% Bid Bond

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Town of Waynesville

Russ Avenue Project (Phase 1)



REQUEST FOR PROPOSAL

BID OPENING: APRIL 6, 2023, AT 2:00 P.M. BID

DEADLINE FOR QUESTIONS: MARCH 31, 2023, AT 3:00 P.M.

BID PROPOSAL NO.: FBR24-500-RUSS

LOCATION: Walnut Street/Russ Avenue intersection to Howell Mill Rd.
(Phase 1 of the U-5839 Russ Avenue Widening Project)

DATE OF AVAILABILITY: JUNE 1, 2023

COMPLETION DATE: AUGUST 31, 2023

TOWN OF WAYNESVILLE

U-5839 Russ Avenue Widening Project

FBR24-500-RUSS

The Bidder has carefully examined the location of the proposed work to be known as **BID NO. FBR24-500-RUSS**; has carefully examined the plans and specifications, which are acknowledged to be part of the proposal, the special provisions, the proposal, the form of contract; and thoroughly understands the stipulations, requirements, and provisions. The undersigned bidder agrees to bound upon his execution of the bid and subsequent award to him by the Town of Waynesville in accordance with this proposal. The undersigned Bidder further agrees to provide all necessary machinery, tools, labor, and other means of construction; and to do all the work and to furnish all materials, except as otherwise noted, necessary to perform and complete the said contract in accordance with the dates(s) specified in the Project Specifications and in accordance with the requirements of the Town, and at the unit or lump sum prices, as the case may be, for the various items given on the sheets contained herein.

The Bidder shall provide and furnish all the materials, machinery, implements, appliances and tools, and perform the work and required labor to construct and complete the Russ Avenue Project (Phase 1) **BID NO. FBR24-500-RUSS**, for the unit or lump sum prices, as the case may be, bid by the Bidder in his bid and according to the proposal, plans, and specifications, which proposal, plans, and specifications show the details covering this project, and hereby become a part of this contract.

If the proposal is accepted and the award is made, the contract is valid only when signed by the Town Manager on behalf of the Town of Waynesville. The conditions and provisions herein cannot be changed except over the signature of the Town Manager.

The quantities shown in the itemized proposal for the project are considered to be approximate only and are given as the basis for comparison of bids. The Town of Waynesville may increase or decrease the quantity of any item or portion of the work as may be deemed necessary or expedient.

PROJECT SPECIAL PROVISIONS

PROJECT

Relocation of power poles, conduit, and lines on Russ Avenue in preparation for NC Project U-5839. Work will be done beginning from Matchline-L-STA. 24 + 50 to Matchline-Y9 STA. 14+ 50. This part of the overall project will be referred to as Phase 1. Walnut Street Relocation work will be Phase 2 and will be bid and awarded later this year. State of North Carolina Division of Highways will dictate the timeline of both projects.

SCOPE OF CONTRACT

The Town of Waynesville (hereinafter referred to as "TOW" or "Town") is seeking the services of an electric utilities maintenance company to provide relocation of power and communication lines consisting of but not limited to labor, supervision, equipment and supplies as specified herein. The intent of these specifications and requirements is to state and define the terms and conditions under which the Contractor shall provide the management, supervision, and manpower capable of performing work at the highest standards necessary to provide these services in a professional and workmanlike manner. This document is intended as a benchmark of the TOW minimum standards for this relocation project.

The Town of Waynesville places significant value on safety. The provisions of the services required as part of this solicitation ultimately reflect upon the Town of Waynesville as a whole. This proposal, as written, is to be binding by the Town and the Contractor.

MANDATORY PRE-BID

Please note that a pre-bid will not be held for this contract. If bidders have questions, they will be addressed in an addendum. The Bidder is encouraged to make his/her own observations of the site maps to determine the items identified in this contract as the Contractor's responsibility.

BID QUESTIONS

Purpose: Upon review of the bid documents, bidders may have questions to clarify or interpret the bid in order to submit the best bid possible. To accommodate the Bid Questions process, bidders shall submit by email any such questions **no later than Tuesday March 31, 2023, at 3:00 PM**. A response to bidder questions will be in the form of an addendum.

Instructions: Written questions shall be emailed to [Jeff Stines, jestines@waynesvillenc.gov](mailto:jestines@waynesvillenc.gov) by the date and time specified above. Questions received prior to the submission deadline date, the Town's response, and any additional terms deemed necessary by the Town will be documented and included in an addendum to be posted on the Town's website waynesvillenc.gov and on the Interactive Purchasing System (IPS): www.ips.state.nc.us/ips/. No information, instruction or advice provided orally or informally by any Town personnel, whether made in response to a question or otherwise in connection with this RFP, shall be considered authoritative or binding. Bidders shall be entitled to rely only on written material contained in an Addendum to this RFP.

The Contractor must sign the addendum signature page(s) where indicated and the entire addendum should be returned with the bid package. Please return the entire addendum, but failure to return the executed signature page(s) of the addendum may result in disqualification of bid.

PREQUALIFICATION

The Town of Waynesville encourages and promotes the growth, development, and continuation of competent Contractors that can perform the work necessary under this contract. The Town's procurement process is built on the principle of competition. The Town of Waynesville believes that the specifications and requirements under this contract are reasonable to satisfy the need for services requested, but are not unduly restrictive, in order to encourage

competition in the open market. In furtherance of these principles, bidders are not required to be prequalified for this contract. All references to "prequalification" of bidders are hereby waived for this contract.

CONTRACT TIME AND COMPLETION DATE

The date of availability for this contract will be June 1, 2023. The completion date for this contract is three (3) months from date of availability.

This project is to be awarded in the discretion of the Town of Waynesville, within thirty (30) days after the opening of bids.

QUANTITIES ESTIMATED

The quantities for materials and labor shown on the itemized bid form are considered to be approximate only and are given as the basis for comparison of bids.

AWARD OF CONTRACT

All eligible proposals will be evaluated, and acceptance made of the bid judged in the discretion of the TOW to determine the lowest responsible bidder for the purpose intended. The Town using its discretion, will determine whether a bidder is a "responsible" bidder. In determining whether a bidder is "responsible, the Contracting Agency will evaluate, the bid price, completeness and content of the bid, Bidder's experience, ability of the Bidder and staff to perform the services required, Bidder's past performance, references, operations plan including completed personnel and materials outlines, and Bidder's financial stability. After opening bids and prior to award, the Contracting Agency may also seek additional information from any or all bidders regarding the bidder's proposal, qualifications, experience, and ability to perform the required work prior to determining whether a bidder is a "responsible" bidder. No changes in bid price or price negotiations will be allowed after bids are opened and prior to an award. After the Town's evaluation, the award of the contract, if awarded, will be made to the lowest responsible bidder. The lowest responsible bidder will be notified that his bid has been accepted and that he has been awarded the contract. If a Bidder is awarded a contract, he/she will be expected to perform the work. Failure to perform may result in the Bidder being held in default of contract. In the event of default, the Department may, in its discretion, contact the next lowest responsible bidder to determine whether that next lowest responsible bidder is willing and able to complete the contract at its bid price.

Unless otherwise allowed by the Town, any formal protest to any proposed bid shall be made in writing (email is acceptable) to the Town for the project within five (5) days of bid opening and shall clearly indicate that it is a "bid protest." The protest must list each item that the protester believes is grounds for rendering a bid defective. The Town Manager will evaluate the protest and determine, in his/her discretion, whether any further action should be taken. Further action may consist of, but not limited to, seeking additional information and/or clarification from any and all bidders regarding the alleged complaint/protest, rejecting any or all bids, finding any or all bids irregular, finding any or all bidders "not responsible", holding a possible informal meeting to discuss the protest, or other actions in the discretion of the Manager. After further evaluation the Town Manager will notify the protesting party what further action, if any, will be taken with regard to the protest. All awards are final and are not subject to further review.

INSURANCE

The Contractor shall be liable for any losses resulting from a breach of the terms of this contract. The Contractor shall be liable for any losses due to the negligence or willful misconduct of its agents, assigns and employees including

any sub-contractors which cause damage to others for which the Town is found liable under the Torts Claims Act, or in the General Courts of Justice, provided the Town of Waynesville provides prompt notice to the Contractor and that the Contractor has an opportunity to defend against such claims. The Contractor shall not be responsible for punitive damages.

The Contractor shall at its sole cost and expense, obtain and furnish to the TOW an original standard ACORD form certificate of insurance evidencing commercial general liability with a limit for bodily injury and property damage in the amount of \$1,000,000.00 per occurrence and general aggregate, covering the Contractor from claims or damages for bodily injury, personal injury, or for property damages which may arise from operating under the contract by the employees and agents of the Contractor. The required limit of insurance may be obtained by a single general liability policy or the combination of a general liability and excess liability or umbrella policy. The Town of Waynesville shall be named as an additional insured on this commercial general liability policy. The policy may contain the following language as relates to the State as an additional insured: "This insurance with respect to the additional insured applies only to the extent that the additional insured is held liable for your or your agent's acts or omissions arising out of and in the course of operations performed for the additional insured."

The Contractor shall maintain all legally required insurance coverage, including without limitation, worker's compensation, and vehicle liability, in the amounts required by law. 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.

Upon execution of the contract, provide evidence of the above insurance requirements to the TOW. Insurance coverage shall be maintained during the life of this contract and shall extend to operations performed by the contractor or his subcontractors, and by anyone employed directly or indirectly by either of them.

The Contractor shall take out and maintain during the life of this contract Worker's Compensation Insurance for all of his employees employed at the site(s) of the project, in the amounts required by law. In case any work is sublet, the Contractor shall require the Subcontractor similarly to provide Worker's Compensation Insurance for all the latter's employees employed at the site(s) of the project, unless such employees are covered by the protection afforded by the Contractor.

Pursuant to N.C.G.S. § 97-19, all contractors are required, prior to beginning services, to show proof of coverage issued by a workers' compensation insurance carrier, or a certificate of compliance issued by the Department of Insurance for self-insured subcontractors stating that it has complied with N.C.G.S. § 97-93.

The contractor shall defend, indemnify and hold harmless the Town of Waynesville, its officers and employees from any claim, demand, suit, liability, judgment and expense (including attorney's fees and other costs of litigation) arising out of or relating to injury, disease, or death of persons or damage to or loss of property resulting from or in connection with the negligent performance of this contract by the contractor, its agents, employees, and subcontractors or any one for whom the contractor may be responsible. The obligations, indemnities and liabilities assumed by the contractor under this paragraph shall not extend to any liability caused by the negligence of the Town of Waynesville or its employees. The contractor's liability shall not be limited by any provisions or limits of insurance set forth in this contract.

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.

Proof of insurance from the Insurance Company as described above, for the period of the contract, shall be furnished to the Engineer prior to beginning of service. In addition to proof of insurance, the Contractor's policy shall include provisions whereby the Insurance Company will notify the TOW thirty (30) days prior to the policy being cancelled.

SUBLETTING OF CONTRACT

All work as outlined under this contract shall be performed by employees of the Contractor or by an approved Subcontractor. Any requests for subcontracting must be submitted in writing to the Town a minimum of thirty (30) days prior to the proposed implementation of the subcontract. Subcontracting of required personnel staffing (including supervisor) will not be permitted in this contract. The approval of any subcontract will not release the Contractor of liability under the contract, nor will the subcontractor or the second-tier subcontractor have any claim against the Town of Waynesville by reason of the approval of the subcontract.

Failure of the Contractor to comply with any of the provisions of this article may be justification for disqualifying the Contractor from further bidding.

PERFORMANCE OF WORK

The Contractor's attention is directed to the need for the timely performance of services provided for under this contract. The aesthetic appearance of the site and its reflection on the Town of Waynesville, as well as the safety and convenience of the public is the essence of the service.

TEMPORARY SUSPENSION OF THE WORK

The Town or his representative will observe operations and may suspend work for unsafe activities or conditions. Work will not resume until the unsafe condition has been eliminated or corrected. Failure to comply with any of the requirements for safety and traffic control of this contract shall result in suspension of work.

SITE INVESTIGATION AND REPRESENTATION:

By signing the proposal documents, the Contractor acknowledges that:

- (A) He understands the nature of the work and general and local conditions, particularly those bearing on transportation.
- (B) He is familiar with the availability and cost of labor and materials.
- (C) He will adhere to all State and Local regulations for safety and security of property, roads, and facilities.
- (D) He is able to execute the work in accordance with all applicable local, state, and federal rules and regulations.
- (E) He has thoroughly investigated the project site(s).

Any failure on the part of the Contractor to acquaint himself with all available information shall not relieve him from the responsibility of any aspect of the contracting process. No adjustment in contract time or contract prices will be made due to the Contractor's negligence to familiarize himself with the contract or project site(s).

LEGAL RELATIONS AND RESPONSIBILITY TO PUBLIC

LAWS TO BE OBSERVED

The Contractor shall keep himself fully informed of all Federal and State laws, all local laws, ordinances, and regulations, and all orders having any jurisdiction or authority which may in any manner affect those engaged or employed in the work, or which in any way affect the conduct of the work. He shall at all times observe and comply with all such laws, ordinances, regulations, orders, and decrees; and shall indemnify and hold harmless the Town of Waynesville and their agents and employees from any claim or liability arising from or based on the violation of any such law, ordinance, regulations, order, or decree, by the Contractor or by his agents and employees.

RESPONSIBILITY FOR DAMAGE CLAIMS

The Contractor shall indemnify and save harmless the Town of Waynesville and its officers, agents, and employees from all suits, actions, or claims of any character brought for any injury or damages received or sustained by any person, persons, or property by reason of any act of the Contractor, Subcontractor, its agents, or employees, in the performance of the contract.

SAFETY AND ACCIDENT PROTECTION

The Contractor shall comply with all applicable Federal, State, and local laws, ordinances, and regulations governing safety, health, and sanitation, and shall provide all safeguards, safety devices, and protective equipment, and shall take any other needed actions, on his own responsibility that are reasonably necessary to protect the life and health of employees on the job and the safety of the public, and to protect property in connection with the performance of the work covered by the contract.

WAGES AND CONDITIONS OF EMPLOYMENT

The Contractor's attention is directed to the provisions and requirements of any and all public statutes which regulate hours or conditions of employment on public work. Such provisions and requirements that are appropriate, in accordance with the intent of the particular law, act, or statute, will be applicable to all work performed by the Contractor with his own organization and with the assistance of workmen under his immediate superintendence, and to all work performed by subcontract. It will be the responsibility of the Contractor to ascertain the appropriate application of such provisions and requirements to the work.

PERSONNEL REQUIREMENTS

- A. **General:** During performance of the contract, the Contractor shall provide qualified and trained personnel capable to satisfy all the requirements of this contract. The Contractor is to make a review of the contract requirements for work included herein and in conjunction with actual job site conditions. The required staffing shall not be less than specified; however, the Contractor is responsible for all work included herein. While on duty, Contractor's personnel shall work consistently on the duties as described herein.
- B. **Staffing:** The Contractor shall provide sufficient man hours and personnel to satisfy the contract objectives at all times, but not less than the following man hours per week on site:

GENERAL REQUIREMENTS

SAFETY PRECAUTIONS

- A. Safety and Accident Protection: Contractor shall be required to supply all safety personal protective equipment (PPE) for employees to use/wear. PPE shall consist of, but not limited to face masks, ear protection, safety glasses, safety vest (meeting ANSI/ISEA 107-2004 Class 2 standards), safety toe shoes, and outside working gloves. Contractor shall follow all applicable orders, rules, policies, regulations, and/or OSHA standards, including using/wearing PPE.

All staff shall wear safety vests at all times.

The Contractor shall fulfill the requirements of this contract in a manner that ensures that all public access areas are free of potential hazards or risks that may cause injury, health or safety risks, or damage to assets. All accidents, injuries and near misses shall be reported to the TOW immediately. All staff on duty will be required to submit a written statement to the Department describing the incident.

It is the Contractor's responsibility to ensure that all employees are trained to meet OSHA training requirements and all equipment meets OSHA standards. Any fines imposed as a result of the activities of the Contractor's employees, the Contractor's equipment, or PPE which are in violation of OSHA standards shall be the responsibility of the Contractor.

- B. Materials and Equipment: The Contractor shall provide all materials, equipment, and supplies, adequate in quantity and of a high commercial quality, necessary for professionally performing all work in this contract, regardless of the estimated quantities proposed in their bid. All equipment used shall be commercial grade and of sufficient size to complete tasks effectively and in a timely manner. All equipment shall be in good working order capable of being used as originally intended, including all guards and safety attachments. All mowing equipment shall have deflector shields or bag attachments in place at all times. All blades shall be sharpened. The Contractor's company name shall be conspicuously displayed on each service vehicle.
- C. Temporary Traffic Control (TTC) Prior to beginning any maintenance operations, the Contractor shall place approved 48" x 48" warning signs with stands and orange cones
- D. Fire extinguisher, first aid kit and hazardous spill kit: These items shall be furnished by the Contractor and readily available at all times when work is being performed on site. Contractor shall ensure personnel are trained in the proper use of these items.

In the event of an emergency, Contractor's personnel are to contact local emergency services. Staff is not to act as emergency medical personnel, unless properly certified to do so. Contractor shall report all emergency events to the Town immediately.

Note: Contractor is responsible for any injury or damages received or sustained by any person, persons, or property by reason of any act of the Contractor, Subcontractor, its agents, or employees, in the performance of the contract.

DISCRIMINATION

The Town of Waynesville is fully committed to provide Small Local Business Enterprises (SLBE's) and Minority Business Enterprises (MBE's) an equal opportunity to participate in all aspects of the Town's contracting including, but not limited to participation in the procurement of contracts relating to the construction of and improvements to facilities throughout the Town. It is the policy of the Town to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, sex, color, religion, or national origin and to conduct its contracting and purchasing programs to prevent such discrimination. The Town is committed to follow all applicable State and Federal law as they relate to procurement practices.

BID GUARANTEE

- A. Each proposal shall be accompanied by a cash deposit, a cashier's check or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount not less than five percent (5%) of the proposal; or in lieu thereof, a bidder may offer a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bond; conditioned that the surety will upon demand forth with make payment to the oblige upon said bond if the bidder fails to execute the contract in accordance with the bid bond, and upon failure to forthwith make payment, the surety shall pay to the oblige an amount equal to the amount of said bond. The deposit shall be retained if the successful bidder fails to execute the contract within ten days (10) after notice of award or fails to give satisfactory surety required herein. **Bid Guaranties should be sealed in a separate envelope, marked as such, and attached to the envelope containing the bidder's proposal.** Checks are to be made payable to the Town of Waynesville. Facsimile bid bonds will not be accepted.
- B. A refund of any cash deposits, made by unsuccessful bidders, will be issued as soon as the bids have been awarded by the Town of Waynesville.

PERFORMANCE AND PAYMENT BOND – required at \$300,000 and above

- A. Having satisfied all conditions of the award set forth elsewhere in these documents, the successful bidder(s) shall furnish, within ten (10) days after award, the following:
 1. A Performance Bond in the amount of one hundred percent (100%) of the Construction Contract amount, conditioned upon the faithful performance of the Contract in accordance with the plans, specifications, and conditions of the Contract. Such bond shall be solely for the protection of the contracting body which awarded the Contract.
 2. A Payment Bond in the amount of one hundred percent (100%) of the Construction Contract amount, conditioned upon the prompt payment for all labor or materials for which a Contractor or Subcontractor is liable. The Payment Bond shall be solely for the protection of the persons furnishing materials or performing labor for which a Contractor or Subcontractor is liable.
- B. Such bond shall be in the same form as that indicated in the contract documents and shall bear the same date subsequent to that of the agreement. The current Power of Attorney for the person who signs for any surety shall be attached to such bond. This bond shall be signed by a guarantee or surety company licensed to do business in the State of North Carolina **and the agent MUST be a North Carolina resident.**

The failure of the successful bidder to supply the required bonds within ten (10) days after award, or within such extended period as the Owner may grant, shall constitute a default; and the Owner may either award the contract to the next lowest responsible bidder or re-advertise for bids. If the successful bidder fails to provide satisfactory surety, the Owners shall retain the bid guarantee as outlined in these instructions.

MAILING ADDRESS FOR DELIVER OF BID VIA U.S.POSTAL SERVICE	OFFICE ADDRESS FOR DELIVERY BY ANY OTHER MEANS, SPECIAL DELIVERY, HAND DELIVERY, OVERNIGHT DELIVERY OR BY ANY OTHER CARRIER
Town of Waynesville Attn: Lisa Burnett Address: 129 Legion Drive, Waynesville, NC 28786 BID NUMBER: FBR24-500-RUSS	BID NUMBER: FBR24-500-RUSS Attn: Lisa Burnett Town of Waynesville Purchasing Office Address: 129 Legion Drive, Waynesville, NC 28786

IMPORTANT NOTE: All paper bids shall be physically delivered to the office address listed above on or before the bid deadline in order to be considered timely, regardless of method of delivery (including U.S. mail). **This is an absolute requirement.** All risk of late arrival due to unanticipated delay – whether delivered by hand, U.S. Postal Service, courier, or other delivery service is entirely on the Vendor. It is the sole responsibility of the Vendor to have the bid physically in this Office by the specified time and date of opening. The time of delivery will be marked on each bid when received, and any bid received after the bid submission deadline will be rejected. Sealed bids, subject to the conditions made a part hereof, will be received at the address indicated in the table in this Section, for furnishing and delivering the commodity or service as described herein.

Note that the U.S. Postal Service does not deliver mail to the specified office address but to the State’s Mail Service Center. Vendors are cautioned that bids sent via U.S. Mail, including Express Mail, may not be delivered by the Mail Service Center to the agency’s purchasing office on the due date in time to meet the bid deadline. All Vendors are urged to take the possibility of delay into account when submitting a bid.

All bids shall be submitted in a sealed envelope. Clearly mark each package with: (1) Vendor name; (2) the FBR number; and (3) the due date. Address the package(s) for delivery as shown in the table above. Remember to attach bid bond in a separate envelope and attach to the bidder’s proposal.

Bids shall be marked on the outside of the sealed envelope with the Vendor’s name, FBR number, and date and time of opening. If Vendor is submitting more than one bid, each bid shall be submitted in a separate sealed envelope and marked accordingly. For delivery purposes, separate sealed bids from a single Vendor may be included in the same outer package. Do not include bids for more than one solicitation in the same package.

Failure to address proposals correctly could result in delayed delivery service.

OPENING OF BIDS

Bids subject to the conditions made a part hereof will be received until 2:00 pm on April 06, 2023, and then publicly opened for furnishing the services as described herein.

Opening of bids is to be in the Public Works Building located at 129 Legion Drive, Waynesville, NC 28786.

Issuance of this Proposal does not constitute a commitment on the part of the Town of Waynesville to award or execute a Contract. The Town retains the right, in its sole discretion, at any time to reject any or all bids and to cancel or cancel and reissue a Proposal, before or after receipt and opening of bids in response thereto or take any other actions it considers in its discretion to be in the best interest of the Town.

CONTRACTOR CONTACT INFORMATION

Contractor: Haynes Electric Utility a division of MB Haynes Corp.

Address: 187 Deaverview Rd.

Asheville, NC 28806

Telephone Number(s): 828-254-6141

Email Address: ntaylor@mbhaynes.com

Name of individual authorized to answer questions concerning the information contained herein:

Name: Nathaniel D. Taylor

Email Address: ntaylor@mbhaynes.com

CONTRACTOR'S LISTING OF MBE/SBE SUBCONTRACTORS

Firm Name and Address	Circle One	Item No.	Item Description	* Agreed upon Unit Price	** Dollar Volume of Item
Name Address <i>None</i>	MBE WBE		<i>None</i>	<i>None</i>	<i>None</i>
Name Address	MBE WBE				
Name Address	MBE WBE				
Name Address	MBE WBE				
Name Address	MBE WBE				
Name Address	MBE WBE				

* The Dollar Volume shown in this column shall be the Actual Price Agreed Upon by the Prime Contractor and the MBE/WBE subcontractor, and these prices will be used to determine the percentage of the MBE/WBE participation in the contract.

** Dollar Volume of MBE/WBE Subcontractor Percentage of Total Contract Bid Price:

** Dollar Volume of MBE Subcontractor \$ 0

MBE Percentage of Total Contract Bid Price 0 %

** Dollar Volume of WBE Subcontractor \$ 0

WBE Percentage of Total Contract 0 %

Contractor's References

These references are to include private commercial firms, governmental agencies (federal, state, county, city, etc.), and any other references related to utility maintenance services which this business or its supervisors, managers, owners, or other persons with supervisory responsibility for performance of this contract have had within the last three (3) years, or longer if necessary to attain the required number of references. The references are one factor that will be used by the Town to determine whether a bidder is "responsible" and capable or able to perform the work necessary under the contract. The bidder may submit more than three (3) references using this same form. **ALL REFERENCE CONTACT INFORMATION SHOULD BE CURRENT.**

1. Agency or Firm Name: Duke Energy
Physical Address: 555 A Brevard Rd. Asheville, NC 28806
Mailing Address: _____
Contact Person: Alex Johnson
Telephone(s): 828-258-6227
Email address: Alex.Johnson@duke-energy.com

2. Agency or Firm Name: French Broad EMC
Physical Address: 3043 Hwy 213 Marshall, NC 28754
Mailing Address: PO Box 9 Marshall, NC 28753
Contact Person: Rocky Fleming
Telephone(s): 828-649-2851
Email address: rocky.flemming@frenchbroademc.com

3. Agency or Firm Name: Haywood EMC
Physical Address: 376 Grindstone Rd. Waynesville, NC 28785
Mailing Address: _____
Contact Person: Joshua Deaver, PE
Telephone(s): 828-452-2281
Email address: josh.deaver@haywoodemc.com

EXECUTION OF BID

NON-COLLUSION, DEBARMENT AND GIFT BAN CERTIFICATION

The bidder being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the bidder has not been convicted of violating N.C.G.S. §133-24 within the last three years, and that the bidder intends to do the work with his own bona fide employees or subcontractors and will not bid for the benefit of another contractor.

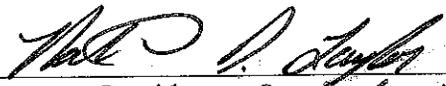
By submitting this non-collusion, debarment and gift ban certification, the Contractor is attesting his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

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

SIGNATURE OF BIDDER

Haynes Electric Utility a division of MB Haynes Corp
Full name of Company

187 Deaverview Rd. Asheville, NC 28806
Address


President or Owner Sr. VP

Nathaniel O. Taylor
Print Name

U-23775
NC Contractor License

TOWN OF WAYNESVILLE

Project: Russ Avenue
Bid Number : FBR24-500-RUSS
Walnut Street/Russ Ave to Howell Mill Road-Phase 1



Item Description	Qty	Unit	Unit Cost	Material Cost	Labor Cost	Sub-contractor	Total Amount
1 Installation of 35' poles	25	Each	\$ 1,500.00	\$ 20,000.00			\$ 20,000.00
2 Disconnect switches, crossarms, insulators and hardware			\$ 58,050.00	\$ 58,050.00			\$ 58,050.00
3 Conduit, conductors, pullboxes			\$120,000.00	\$120,000.00			\$ 120,000.00
4 Other miscellaneous items			\$ 35,250.00	\$ 35,250.00			\$ 35,250.00
5 500' Directional Bores excluding rock boring	3	Each	\$ 22,500.00	\$ 7,500.00		\$48,000.00	\$ 55,500.00
6 Contract Electric Underground Crew	27	2 Crew-Day	\$ 5,860.00		\$158,220.00		\$ 158,220.00
7 Contract Electric Overhead Line Crew	21	Crew-Day	\$ 8,220.00		\$172,620.00		\$ 172,620.00
8 Flagging Crews for UG and OH	27	Crew-Day	\$ 1,620.00		\$ 43,740.00		\$ 43,740.00
9 Contract Utility Pole Crew	15	Crew-Day	\$ 2,830.00		\$ 42,450.00		\$ 42,450.00
Total							
Total Project Bid							\$ 705,830.00

56-0506077
 Federal Tax ID #

4-6-23
 Date

Haynes Electric Utility
 Company Name

 Authorized Signer

THE CINCINNATI INSURANCE COMPANY

Bid Bond

CONTRACTOR (Name, legal status and address):

Haynes Electric Utility a Division of M.B. Haynes Corp
187 Deaverview Road
Asheville, NC 28806

SURETY (Name, legal status and principal place of business):

THE CINCINNATI INSURANCE COMPANY
6200 S. GILMORE ROAD
FAIRFIELD, OHIO 45014-5141

OWNER (Name, legal status and address):

Town of Waynesville
129 Legion Drive
Waynesville, NC 28786

This document has important legal consequences, Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT:

5% of Bid

PROJECT (Name, location or address, and Project number, if any):

Relocation of power poles, conduit and lines on Russ Avenue
in preparation for NC Project U-5839

Project Number, if any:

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond the sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirements shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 5

day of April, 2023



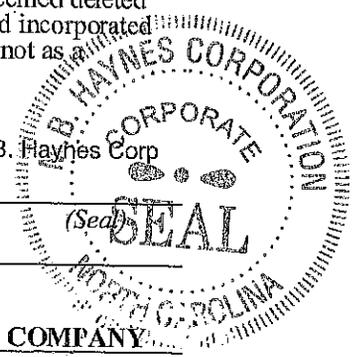
(Witness)

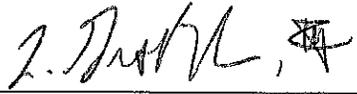
Haynes Electric Utility a Division of M.B. Haynes Corp



(Principal)
SR VP

(Title)

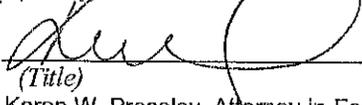




(Witness)

THE CINCINNATI INSURANCE COMPANY

(Surety) (Seal)



(Title)
Karen W. Pressley, Attorney-in-Fact

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY and THE CINCINNATI CASUALTY COMPANY, corporations organized under the laws of the State of Ohio, and having their principal offices in the City of Fairfield, Ohio (herein collectively called the "Companies"), do hereby constitute and appoint

James W. Stickney, IV; Jonathan S. Nelson; Karen W. Pressley; Regina H. Edwards; Robin Melton; Brittany Hollifield; L. Grant Bowles, III; Samuel S. Stickney; Dakota Owenby and/or Kristi Shrum

of Asheville, North Carolina

their true and legal Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and deliver on behalf of the Companies as Surety, any and all bonds, policies, undertakings or other like instruments, as follows:

Any such obligations in the United States, up to
Seventy Five Million and No/100 Dollars (\$75,000,000.00).

This appointment is made under and by authority of the following resolutions adopted by the Boards of Directors of The Cincinnati Insurance Company and The Cincinnati Casualty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the President or any Senior Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company.

RESOLVED, that the signature of the President or any Senior Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Vice-President and the Seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS WHEREOF, the Companies have caused these presents to be sealed with their corporate seals, duly attested by their President or any Senior Vice President this 16th day of March, 2021.



STATE OF OHIO)SS:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Stephen A. Justice

On this 16th day of March, 2021 before me came the above-named President or Senior Vice President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, to me personally known to be the officer described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of said Companies and the corporate seals and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporations.

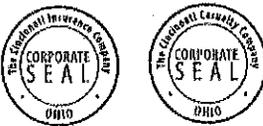


Keith Collett

Keith Collett, Attorney at Law
Notary Public - State of Ohio
My commission has no expiration date.
Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Vice-President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, hereby certify that the above is the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Power of Attorney is still in full force and effect.

Given under my hand and seal of said Companies at Fairfield, Ohio, this 5 day of April, 2023



Ed H.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4/25/2023**

SUBJECT: Mountain Lion Art Donation

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY: At the Waynesville Public Art Commission's regular meeting on April 13th, David Blevins, a previous WPAC member, offered to donate an art piece to the Town of Waynesville. The piece is a bronze mountain lion made by nationally renowned wildlife artist, Jim Eppler. The WPAC agreed that they would like to accept the piece, given the history of mountain lions in Western North Carolina, Mr. Blevins' ties to the Waynesville community, and that the sculpture is large and stable enough that people could interact with it. Mr. Blevins and the WPAC agreed that the space in front of the Town Hall would be ideal to location for the sculpture.

MOTION FOR CONSIDERATION: To accept the art donation from Mr. David Blevins.

FUNDING SOURCE/IMPACT:

ATTACHMENTS:

- Biography of Artist Jim Eppler
- Photos of the Mountain Lion Sculpture

MANAGER'S COMMENTS: Mr. Blevins is currently in the process of selling his home, and the buyer has expressed interest in purchasing this sculpture along with the house. If the piece is sold to the new buyer, then the Town would not receive it. If the Town does receive this donation, staff would like to move forward with installing it in front of the Town Hall.

INSIGHT

GALLERY

JIM EPPLER

B i o g r a p h y

1950 -

Jim Eppler is an artist in the truest sense - he takes the world around us and recreates it for our participation. He has been praised for his lifelike recreations and his gentle interpretations. It is Eppler's respect and appreciation for nature that allow his art to flow so freely. His wildlife art captures Naturalist Henry Beston's beliefs about the grandness of the creatures of nature -

"In a world older and more complete than ours, they move finished and complete, gifted with extensions of the senses we have lost or never attained, living by voices we shall never hear."

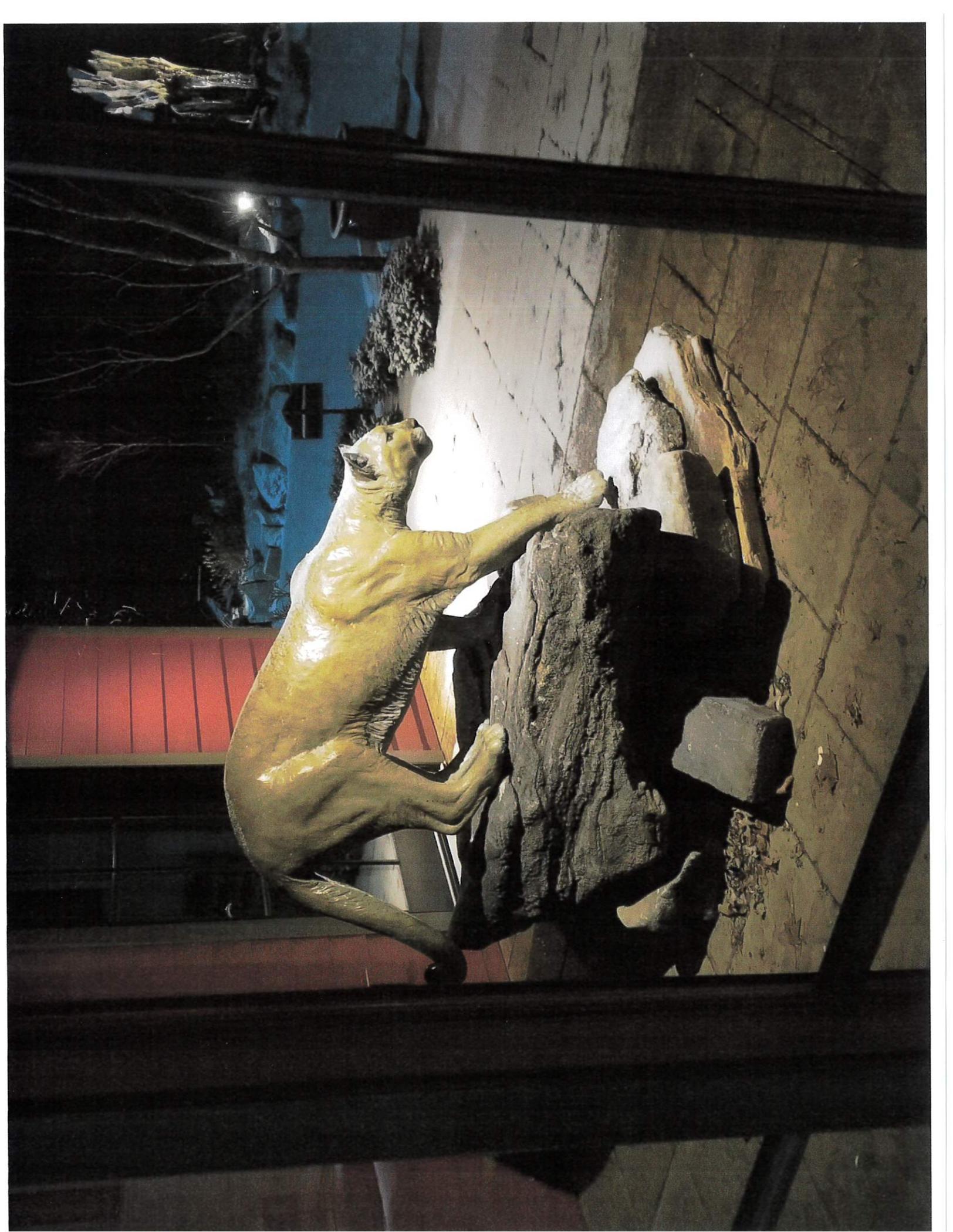
Eppler developed this appreciation for nature at a young age. Before becoming an official student of art, he unknowingly had been preparing to be an artist. As a small child growing up in El Paso, he would spend many hours outdoors, observing animals to sketch and paint. After moving to Lubbock, Texas, he took his first art class in high school. Eppler continued his official studies at Texas Tech University, earning a BFA in Studio Art. But Eppler has never limited his studies to the classroom. He has always been a keen observer of nature and has spent many hours capturing on film every aspect of nature - movement, landscape, and light, to name a few. In his paintings, Eppler particularly uses light to underscore select components of movement and landscape. In his bronzes, it is the details of movement that are subtly emphasized.

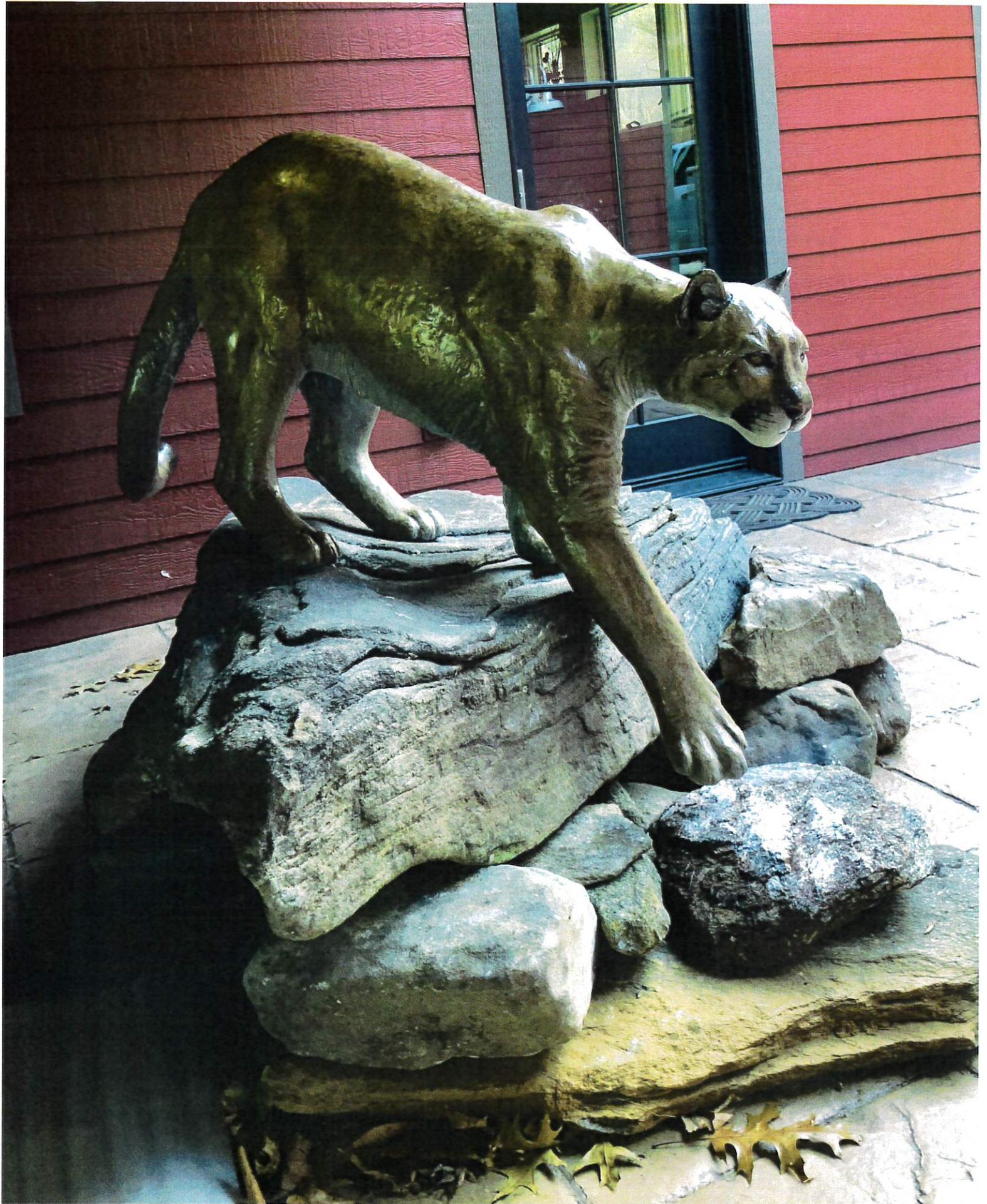
As accomplished as Eppler is in wildlife art, he does not limit himself only to that realm. He is an accomplished portrait artist and skilled musician who was able to meld his gift for song and portraiture by creating commissioned portraits for the Nashville Songwriters Hall of Fame. He has done other commissioned pieces for MCA Records, Mercury Records, Chappell Music, the National Wild Turkey Federation, and numerous private collectors.

Eppler has studied with Bob Kuhn, Robert Wood, Bill Worrell, Raymond Froman, Charles Reid, and Paul Milosevich. He is represented in galleries from California to New York, and has been featured in the book, "Wildlife Art, 60 Contemporary Masters and Their Work" (Joan Muyskens Pursley, Portfolio Press), and in numerous magazines. His public installations include the Ronald Reagan Presidential Library, Frederik Meijer Gardens, South Plains Wildlife Rehab Center, National Exhibits Foundation, National Ranching Heritage Museum, Booth Museum, West Texas Museum Collection, and the Benson Sculpture Garden, The Virginia Museum of Animal Art, along with numerous private installations.

InSight Gallery ♦ 214 West Main Street, Fredericksburg, Texas 78624

830-997-9920 tel ♦ 888-997-9921 tol ♦ info@insightgallery.com ♦ www.insightgallery.com

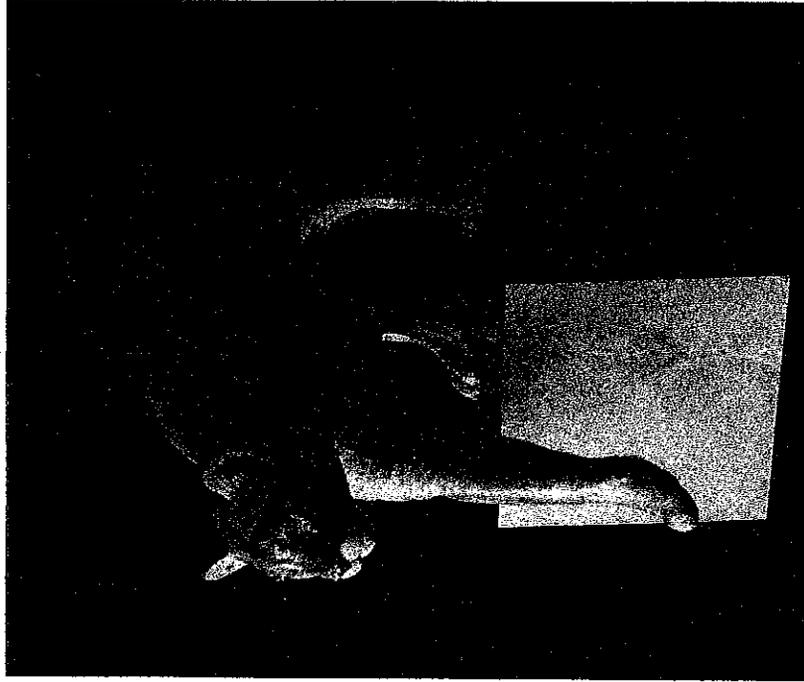




INSIGHT
GALLERY

214 West Main Street
Fredericksburg, TX 78624
(830) 997-9920
info@insightgallery.com

Title Cougar - Life Size
Artist Jim Eppler
Price \$24,500
Medium Bronze
Dimensions 27.5" x 59.25" x 12.5"
Framed Dims 12.5 x 0



INSIGHT
GALLERY

Jan Bailey
jan@insightgallery.com

214 West Main • Fredericksburg, Texas 78624
830.997.9920 tel • 888.997.9921 tol • insightgallery.com

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4/25/2023**

SUBJECT: Oakdale Road Property Upset Bid

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY: At their January 10, 2023 meeting, the Board of Aldermen received an offer by Mr. Nelson Amsler to purchase from the Town of Waynesville a property located on Oakdale Road identified as parcel PIN #8615-33-9978. The Town has followed the appropriate procedures as mandated in North Carolina General Statutes 160A-269 in order to sell this property via the upset bidding process. A final upset bid of \$69,615.13 has been received by the Town Clerk for this property being .83 acres in size. Mr. Roger King, on behalf of Jeff Powell, deposited 5% (\$3,480.76) of this bid on April 4th, 2023. This property exists currently with public water, sewer, and electrical infrastructure on site. The Town will require easements for all such utilities prior to accepting a winning bid.

MOTION FOR CONSIDERATION:

To approve staff to move forward with recording utility easements on parcel PIN #8615-33-9978 and to accept the final bid in the amount of \$69,615.13, or, reject the bid.

FUNDING SOURCE/IMPACT: .

ATTACHMENTS:

- Property Map
- North Carolina General Statute 160A-269
- Final Bid Receipt
- Tabulation of Bidding history

MANAGER'S COMMENTS:

While the Town has received an appropriate bid for this property, the Town reserves the right to deny any bid.

Report For

WAYNESVILLE TOWN OF
PO BOX C 100
WAYNESVILLE, NC 28786

Account Information

PIN: 8615-33-9978

Legal Ref: 300/316

Add Ref: A12/433
A93/433

Site Information

OAKDALE RD

Heated Area:

Year Built:

Total Acreage: 0.8317

Township: Town of Waynesville

Site Value Information

Land Value: \$31,700

Building Value: \$0

Market Value: \$31,700

Deferred Value: \$0

Assessed Value: \$31,700

Sale Price: \$2,000

Sale Date: 08/13/1978



1 inch = 50 feet

January 3, 2023

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.

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)



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 Sharpe Bradley, Town Attorney

RECEIPT

April 4, 2023

Mr. Roger King has placed an upset bid on the property identified as parcel PIN# 8615-33-9978 in the amount of \$69,615.13. Mr. King has placed a deposit in the amount of \$340 (\$3,480.76 less the upset bid deposit previously paid) which equals 5% of the upset bid.



Candace Poolton, Town Clerk

4-4-23
Date



Roger King

4-4-23
Date

Name	Date of Bid	Bid Amount	Upset percentage amount
Nelson Amsler	1/11/2023	\$31,700	\$1,585
Roger King-bidding for Jeff Powell	1/31/2023	35,000	\$1,800
Habitat for Humanity	2/6/2023	37500	1,875
Nelson Amsler	2/13/2023	50,000	2550, deposited 965 as the difference from his original upset.
Rita King-bidding for Jeff Powell	2/21/2023	55,000	2750 (paid difference in the amount of 950)
Habitat for Humanity	2/27/2023	60,000	3000 (paid differend in the amount of 1125)
Roger King-bidding for Jeff Powell	1/31/2023	63,050	3152.50 (paid difference of 403)
Nelson Amsler	3/13/2023	66,253	3312.63 (Paid the difference of 762.63)
Mr. Roger King	4/4/2023	\$69,615.13	\$3480.76 (paid an even \$340)