

## Town of Waynesville, NC

### Board of Aldermen Regular Meeting

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

Date: June 28, 2022 Time: 6:00 p.m.

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

*Consider the environment ♦ Conserve resources ♦ Print only when necessary*

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

1. Adoption of minutes of the June 14, 2022 Regular meeting
2. 4th of July Block Party - 56/61 Glendale Dr – Between Springview Dr and Auburn Park Dr
3. Boundary Street 4<sup>th</sup> of July Street Closure

***Motion: To approve the consent agenda as presented.***

#### E. PRESENTATION

2. Life Saving Award granted to Detective Paige Shell
  - Police Chief David Adams

#### F. CALL FOR PUBLIC HEARING

- Olga Grooman, Planner

3. Call for a Public Hearing for August 9, 2022 to consider the text amendment regarding driveway standards, Section 9.8- Driveway Access of the Land Development Standards (LDS).

***Motion: To call for a Public Hearing on Tuesday August 9, 2022 to be held at 6:00 pm in the Town Hall Board Room located at 9 South Main Street regarding driveway standards, Section 9.8- Driveway Access of the Land Development Standards (LDS), as recommended by the Planning Board***

#### G. PUBLIC HEARING

4. Public Hearing for June 28, 2022, to consider a zoning text amendment request initiated by the Planning Board to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 31 or more lots.

- Elizabeth Teague, Development Services Director

***Motion:*** *To find the text amendment is reasonable and in the public interest and is consistent with the 2035 Comprehensive Plan.*

***Motion:*** *To approve Ordinance No. O-25-22 amending the text of the Town of Waynesville Land Development Standards.*

**H. OLD BUSINESS**

5. Rules and Procedures

- Attorney Martha Bradley

6. Statutory Boards and Commissions Vacancies

- Assistant Town Manager Jesse Fowler

***Motion:*** *To set a special called meeting of the Board of Aldermen for the Purpose of interviewing members of the Statutory Boards (ABC Board, Board of Adjustment, and Planning Board.)*

7. Non-Statutory Boards and Commissions

- Assistant Town Manager Jesse Fowler

Motion:

8. Special Appropriations for Fiscal Year 2022/2023

***Motion:*** *To accept the special appropriations in the amount of \$\_\_\_\_.\_\_\_\_.*

**I. NEW BUSINESS**

9. Resolution requesting that NC DOT place the South Main (US 23) project ahead of the Russ Avenue/Walnut Street project

- Mayor Gary Caldwell

***Motion:*** *To adopt Resolution R-18-22 requesting the NCDOT place the South Main (US23) project ahead of the Russ Avenue/Walnut Street project*

10. Approval of ARP required policies

- Finance Director Misty Hagood

***Motion:*** *To approve the Conflict of Interest Policy, Cost Principles Policy, Nondiscrimination Policy, Record Retention Policy, and UG Eligible Use Policy*

11. Approval of updated Purchasing Policy and Procedures

- Finance Director Misty Hagood

***Motion:*** *To approve the updated Purchasing Policy and Procedures*

12. Increase Micro-purchase Threshold

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

June 28, 2022

- 3 -

---

- Finance Director Misty Hagood

***Motion: To approve Resolution No. R-16-22 authorizing increase in Micro-Purchase Threshold.***

13. Budget Amendment to the General Fund and Garage Internal Service Fund

- Finance Director Misty Hagood

***Motion: To approve Ordinance No. O-25-22 Amendment # 27 to the 2021-2022 Budget Ordinance***

***Motion: To approve Resolution No. R-17-22 amending the Financial Operating Plan for the Garage Internal Service Fund***

14. Helping Hands of Haywood fourth ARP Installment

- Assistant Town Manager Jesse Fowler

***Motion: Motion to approve the third installment of American Recovery Plan funding to Helping Hands of Haywood for the sole purpose of providing temporary housing to individuals experiencing homelessness in the amount of \$8,750***

**J. COMMUNICATION FROM STAFF**

15. Manager's Report

- Town Manager, Rob Hites

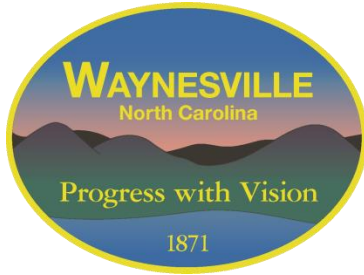
After consulting with staff members, it has been determined that no one has any items for the July 12<sup>th</sup> 2022 Board of Aldermen meeting. If the Aldermen do not have something pressing, it is recommended to cancel the July 12, 2022 meeting. The next regular meeting will be held on July 26, 2022.

16. Town Attorney Report

- Town Attorney, Martha Bradley

**K. COMMUNICATIONS FROM THE MAYOR AND BOARD**

**L. ADJOURN**



# TOWN OF WAYNESVILLE

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

## CALENDAR July 2022

2022	
Monday July 4	Town Offices Closed – Independence Day
Friday July 8	Mountain Street Dance – Main Street – 6:00 pm – 9:00 pm
Tuesday July 12	Board of Aldermen Meeting – Regular Session
Friday July 22	Mountain Street Dance – Main Street – 6:00 pm – 9:00 pm
Tuesday July 26	Board of Aldermen Meeting – Regular Session
Saturday July 30	Folkmoor Summerfest 2022 International Day 10:00 am – 4:00 pm – Main Street
Friday August 5	Mountain Street Dance – Main Street – 6:00 pm – 9:00 pm
Saturday August 6	Sarge’s 17 <sup>th</sup> Annual Downtown Dog Walk – 9:00 – 12:00 – Downtown Waynesville – starting at Courthouse
Tuesday August 9	Board of Aldermen Meeting – Regular Session
Tuesday August 23	Board of Aldermen Meeting – Regular Session
Monday September 5	Town Offices Closed – Labor Day
Saturday September 10	Fall Block Party – Main Street – 7:00 pm – 10:00 pm
Saturday September 10	Tuscola High School Band Day-8:00 am – 6:00 pm – First Presbyterian Church – and County Courthouse lawn
Tuesday September 13	Board of Aldermen Meeting – Regular Session
Tuesday September 27	Board of Aldermen Meeting – Regular Session
Tuesday October 11	Board of Aldermen Meeting – Regular Session
Saturday October 15	Apple Festival
Tuesday October 25	Board of Aldermen Meeting – Regular Session
Monday October 31	Treats on the Street – 5:00 pm – 7:00 pm
Tuesday November 8	Board of Aldermen Meeting – Regular Session
Tuesday November 11	Town Offices Closed – Veterans Day
Friday November 22	Board of Aldermen Meeting – Regular Session
Monday December 5	Waynesville Christmas Parade – Main Street - 6:00 pm
Saturday December 10	Night Before Christmas – Main Street – 6:00 pm – 9:00 pm
Tuesday December 13	Board of Aldermen Meeting – Regular Session
Saturday December 17	Night Before Christmas – 6:00 om – 9:00 pm
December 23, 24 & 27th	Town Closed – Christmas Holidays

## Board and Commission Meetings – July 2022

ABC Board	ABC Office – 52 Dayco Drive	<b>July 19</b> 3 <sup>rd</sup> Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	<b>July 5</b> 1 <sup>st</sup> Tuesday 5:30 PM
Downtown Waynesville Advisory Committee	Municipal Building – 16 South Main Street	<b>July 19</b> 3 <sup>rd</sup> Tuesday
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	<b>Meets as needed;</b> <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	<b>July 6</b> 1 <sup>st</sup> Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	<b>July 18</b> 3 <sup>rd</sup> Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	<b>July 14</b> 2 <sup>nd</sup> Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	<b>July 20</b> 3 <sup>rd</sup> Wednesday 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	<b>July 12</b> 2 <sup>nd</sup> Tuesday 3:30 PM

## MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

### Regular Meeting

June 14, 2022

**THE WAYNESVILLE BOARD OF ALDERMEN** held a regular meeting on Tuesday June 14, 2022 at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

#### A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:03 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager  
Jesse Fowler, Assistant Town Manager  
Eddie Ward, Town Clerk  
Martha Bradley, Town Attorney  
David Adams, Police Chief  
Brandon Gilmore, Assistant Police Chief  
Elizabeth Teague, Development Service Director  
Misty Hagood, Finance Director  
Jeff Stines, Public Services Director

The following media representative was present:

Becky Johnson, Mountaineer  
Cory Valliancort, Smoky Mountain News

#### 1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded the Board of Mountain Street Dance on June 24<sup>th</sup>, and the Hazelwood First Baptist Children's Benefit Car Show on Saturday June 25<sup>th</sup>.

#### B. PUBLIC COMMENT

**Peggy Hannah – 268 Hemlock Street** - commented concerning the presentation by the Waynesville Police Department, and the purchase of a Thermal Imaging Night Drone for the Police Department.

**Wanda Brooks - 63 North Hill Street** – commented on the Police Department presentation, and on the pre-trial release program. She requested that the Alderman converse with the Haywood County Commissioners and convey to Judge Letts that the citizens do not want the pre-trial release program.

**Sherry Morgan – 437 Boundary Street** – commented on the Land Development Standards, density, and reinstatement of the quasi-judicial procedure that allow decisions on large developments.

**C. ADDITIONS OR DELETIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

**D. CONSENT AGENDA**

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

1. Adoption of minutes of the May 24, 2022 Regular meeting
2. Adoption of minutes of the June 3, 2022 Emergency Meeting
3. Approval of Special Events Application for Hazelwood First Baptist Children’s Benefit Car Show
4. Approval of Special Events Application for Sarges 17th Annual Downtown Dog Walk
5. Approval of Special Events Application for Folkmoot Summerfest 2022 International Day

***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. CALL FOR PUBLIC HEARING**

2. Map Amendment request to change the zoning of property located at 134 Belle Meade Drive PIN 8605-81-6159
  - Elizabeth Teague, Development Services Director

Ms. Teague explained to the Board that staff had determined that outside storage of vehicles, or as part of an automotive repair business, was not an allowable use within the Hazelwood UR District where the request for a Map Amendment to change zoning is located. The zoning administrative decision was appealed by the applicant to the Town’s Zoning Board of Adjustment, and the ZBA upheld the staff decision. On May 16th, 2022, the Planning Board held a public hearing and considered this request to rezone this lot to the Hazelwood Business District which would introduce commercial uses into the Hazelwood Urban Residential District. The Planning Board voted that this would not be consistent with the Comprehensive Land Use Plan or the current zoning and did not recommend approval by the Board of Aldermen. The Planning Board also noted that historically this lot has been zoned residential going back to the 1977 Town of Hazelwood zoning map.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to call for a Public Hearing to be held on Tuesday, June 28th, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, to consider a zoning Map Amendment request to change the zoning of property located at 134 Belle Meade Drive, PIN 8605-81-6159, from Hazelwood Urban Residential (H-UR) to Hazelwood Business District (H-BD). The motion passed unanimously***

3. Zoning text amendment request initiated by the Planning Board to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 30 or more lots.

- Elizabeth Teague, Development Services Director

The subcommittee of the Planning Board has been working to make recommendations to improve the Land Development Standards and the adoption of the 2020 Comprehensive Plan. The committee recommends dividing major subdivisions into “tiers” so that larger subdivisions that have more impacts to surround neighbors, would have to meet additional requirements. Ms. Teague said this request for text amendments is the result of citizens concerns regarding procedural changes from quasi-judicial to administrative decision, and the desire to require buffering around large subdivisions that create 30 or more lots.

***A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to call for a Public Hearing to be held on Tuesday, June 28th, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, to consider a Zoning Text Amendment request to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 30 or more lots. The motion was passed unanimously.***

#### F. OLD BUSINESS

4. 2022-2023 Annual Budget
  - Town Manager, Rob Hites

Manager Hites said that in following the direction of the Board, Finance Director Misty Hagood had met with Department Heads to help discover cuts in the proposed budget that would achieve a \$300,000.00 reduction in General Fund spending, and no tax increase. He said rather than make further appropriations from the General Fund, they would rather reduce expenditures, and referred the Board to the list of cuts that had been drafted.

Alderman Chuck Dickson told the Board that the ABC budget has \$12,184.00, and he proposed deleting the \$30,000.00 camera update for the cemetery, replace that with the \$15,000.00 Police App, and \$20,865.00 for the Police cameras.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to delete the \$30,000.00 upgrade to the Cemetery Camera, and use \$15,000.00 for the Police App and \$20,865.00 for Police cameras. The motion passed unanimously.***

Alderman Dickson commented that he would like to use the money that will be coming in from the past due utility bills instead of the ARP money for the to the sewer and water additions, and upgrades. He also mentioned a possible revision of the electric bills by making them more equitable towards lower income families.

Alderwoman Julia Freeman stated she was happy with the Budget as presented.

Alderman Anthony Sutton said he would like to see \$14,000.00 allocated to the Police Department for the Thermal Night Drone. He commented on the need for capital projects, but the Board was reluctant to raise taxes, and that puts these needed projects farther and farther behind.



***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to add another \$14,000.00 for the Police Department in contingency for a drone. The motion passed unanimously.***

Manager Hites said that the item could be added as a contingency item, but since the Police Department's budget is so large, there could be funds available for the drone.

Alderman Anthony Sutton withdrew the motion to add another \$14,000.00 for the Police Department in contingency for a drone.

***A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to adopt the 2022-2023 budget as presented. The motion passed unanimously.***

***A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to adopt the Budget Ordinance. The motion passed unanimously.***

***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adopt the Resolution R-16-22 on Operating Plan for two Internal Service Funds. The motion carried unanimously.***

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to adopt Ordinance O-22-22 for the Grant Project ARP Plan. The motion carried unanimously.***

5. Presentation of Proposed Rules and Procedures
  - Town Attorney Martha Bradley

Town Attorney Martha Bradley stated the Rules and Procedures Ordinances are clarifying policies and putting them in writing. This gives guidance in preparation of Agendas and assures that everyone is being treated the same. She said she had received feed back from the Board, and one of the key questions for the Board to answer is whether the Town Attorney will continue to conduct Public Hearings.

Alderman Chuck Dickson brought up the procedure of the Town Attorney conducting the Public Hearings instead of the Mayor. There was much discussion as to who should keep time and conduct the meetings.

Alderwoman Julia Freeman stated that the Board should follow what is statutorily correct, and not compromise the Town Attorney. Alderman Jon Feichter and Alderman Anthony Sutton agreed.

Manager Hites explained the "reading" system of approving Ordinances. The Board asked Attorney Bradley to adjust the Rules and Procedures and present the revised document at the June 28, 2022 meeting.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve Ordinance No O-23-22 amending the text of the Town of Waynesville Code of Ordinances. The motion passed unanimously.***

## G. NEW BUSINESS

### 6. Request for Funding Curb and Gutter Improvements Along Longview Drive

- Chris Corbin, General Manager, Waynesville Inn and Golf Club

Mr. Chris Corbin of the Waynesville Inn and Golf club told the Board that Civic Design Concepts and the Teraflex Group have been working to redesign the Waynesville Inn & Golf club. As a part of this project, a new stormwater catch basin along the edge Longview Drive. In order for the sheet flow from Longview Drive to be collected by this new catch basin, the Inn is requesting that the Town cover the cost of improving to Longview Drive by installing 250 feet of new curb and gutter. Longview Drive is a Town owned street, and the cost of this project is quoted at \$17,567.62.

***A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve the Town to cover the cost of installing approximately 250 feet of new curb and gutter along Longview Drive. The motion passed unanimously.***

### 7. Request for Donation to Hazelwood Baptist Church Car Show

- Dick Young, Hazelwood Baptist Church

Mr. Dick Young requested that the Board appropriate \$500.00 to the Hazelwood Baptist Church Car Show to be used for trophies and supplies.

Alderman Chuck Dickson stated that he felt that even though the money would be used for the purpose of the car show, the beneficiary is a religious organization, and should not be spending taxpayer money on nonprofits.

***A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman to provide \$500.00 sponsorship of the Hazelwood Baptist Car Show. The motion passed with four yays (Alderwoman Julia Freeman, Alderman Anthony Sutton, Mayor Gary Caldwell, and Alderman Jon Feichter) and one nay (Alderman Chuck Dickson.)***

### 8. Special Appropriations for Fiscal Year 2022/2023

- Assistant Town Manager, Jesse Fowler

Assistant Town Manager Jesse Fowler explained that in the previously approved budget, the Board has approved \$100,000.00 for special appropriations. He said that he had sent out worksheets to the Board but had not received all of them back. He asked that this item be moved to the June 28<sup>th</sup> Board meeting for the Board to return their worksheets, and he will present those numbers at that time.

Alderman Dickson asked why the Civilian Police was not a line item and should this be added to the Police Department Budget. Manager Hites said a line item could be moved to a line item for volunteers in the Police Department.

The consensus of the Board was to move the item to the June 28<sup>th</sup> Board meeting.

9. Boards and Commissions

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler referred the Board to the Boards and Commissions Current Vacancies and Applicant Worksheet in their packet. This indicates Board Members whose terms will be ending on June 30<sup>th</sup>, applicants that have recently applied, and who have applied in the past and still have an interest in serving.

Assistant Manager Fowler said that in July 2021 the Board had voted to make it their policy to interview all candidates for those Advisory Boards and Commission required by Statute. These Boards and Commissions are the Waynesville Housing Authority, Planning Board, Zoning Board of Adjustment, and the ABC Board. We have no vacancies on the Waynesville Housing Authority. He asked the Aldermen for guidance as to when the Board of Aldermen wishes to convene for a special called meeting to interview the candidates for these Boards and Commissions and seeking guidance as to who the Board of Aldermen wish to interview for these positions so that we may contact them.

The Board had questions concerning residency requirements for the statutory Boards.

The consensus of the Board was to set a time for the Special Called meeting after researching the residency of the applicants.

10. Conveyance of Property to NCDOT along the right-of-way adjacent to the BiLo Apartments

- Town Manager, Rob Hites

Manager Hites said that during the negotiations with Tribridge LLC they asked to convey a part of the right-of-way that would be conveyed to the NCDOT for the Russ Avenue Project. This includes a small parcel purchased as part of the permanent right-of-way and a second parcel larger construction easement will revert to the Town once the project is complete. The DOT right-of-way agent used an appraised value of \$550,000.00 per acre as his value for surrounding property. His offer is based on the percentage of the appraised value and is offering \$5000.00 for the permanent conveyance and \$6800.00 for the temporary easement, totaling \$11,800.00.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve the conveyance of the Property and granting of a construction easement to the NCDOT at the Tribridge Apartment site. The motion passed unanimously.***

H. **COMMUNICATION FROM STAFF**

Manager's Report

- Rob Hites, Town Manager

Change in "Tentative Award of Waste Treatment Plant contract

At the last Board of Aldermen meeting, a “Tentative Award of Contract” was approved to Harper Construction Company. Since that meeting Harper has re-estimated the cost of the value engineered plant and increased the price to \$25,497,000.00 – an increase of \$1,475,800.00. The Tentative Award of Contract will need to be amended to reflect that increase. McGill has been told by the State that they would not increase their loan offer beyond \$5 million, so to fill in the gap Manager Hites recommends using fund balances. The Town has applied for a \$15 million grant, so if the Town receive \$5 or \$6 million in grants, we will not have to use the fund balance. If the full \$15 million is granted to us, the Town would be able to fund the plant as planned.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to amend the “Tentative Award of Contract to reflect a contract amount of \$25,495,000.00 and authorize the reimbursement agreement. The motion passed unanimously.***

Manager Hites reported on the progress on Pigeon Street. He said that soon after this project is finished, the Town would be sending out notices on behalf of NCDOT that Main Street and Pigeon Street will be repaved at night.

Town Attorney Report

- Martha Bradley, Town Attorney

Town Attorney Bradley had no comments.

**I. COMMUNICATIONS FROM THE MAYOR AND BOARD**

All the Board members commented that they did not know about the meeting the Police Department held addressing crime and drugs in Waynesville.

Alderwoman Julia Freeman extended her thanks to the Police Department and Public Services Department for the work they put into the Main Street Mile.

**K. ADJOURN**

***With no further business, a motion was made by Alderwoman Julia Freeman, seconded by Alderman Anthony Sutton, to adjourn the meeting at 7:38 pm. The motion carried unanimously.***

ATTEST:

\_\_\_\_\_  
Gary Caldwell, Mayor

\_\_\_\_\_  
Robert W. Hites, Jr. Town Manager

\_\_\_\_\_  
Eddie Ward, Town Clerk



# Application for Special Events Permit

## I. General Information

EVENT NAME: Boundary Street 4th July  
 EVENT DATE(S): July 4th, 2022

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

LOCATION: @ Walnut + Boundary St to @ Boundary + Mead St.  
 IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 2 pm - 2:45  
 EVENT HOURS: 2pm - 6:30 pm  
 DISMANTLE HOURS (START/END): 6:30 - 6:45  
 ESTIMATED ATTENDANCE: 35

BASIS ON WHICH THIS ESTIMATE IS MADE: Neighborhood event only + previous event  
 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: \_\_\_\_\_  
 ARE YOU A NON PROFIT CORPORATION?  No Yes If yes, are you 501c(3) 501c(6) Place of Worship \_\_\_\_\_

APPLICANT NAME: Abbie Wilkins TITLE: \_\_\_\_\_  
 ADDRESS: 416 Boundary St CITY: Wayl STATE: NC ZIP: 28786

PHONE: 828-269-6061 FAX#: \_\_\_\_\_ EMAIL: abbie.wilkins@icloud.com  
 ON-SITE CONTACT: Janice Feichter TITLE: \_\_\_\_\_

ADDRESS: 31 Mead St. CITY: Wayl. STATE: NC ZIP: 28786  
 PHONE #: \_\_\_\_\_ CELL PHONE #: 828-246-7474 EMAIL: feichter.janice@gmail.com

**III. Brief Description of Event**

18<sup>th</sup> Annual Boundary Street  
4<sup>th</sup> of July Block Party

**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. Boundary St. from Walnut to Mead
- 2.
- 3.

**V. Event Details**

YES  NO

Does the event involve the sale or use of alcoholic beverages?  
 If yes, has the ABC permit been obtained? Yes  No  Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

Does the event involve the sale of food? \_\_\_\_\_  
 If "YES", has the health department been notified? \_\_\_\_\_ Have you applied for a temporary permit? \_\_\_\_\_

Will there be musical entertainment at your event? IF "YES" provide the following information:  
 Number of Stages: \_\_\_\_\_ Number of Band(s): \_\_\_\_\_ Amplification? \_\_\_\_\_

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

Do you plan to use an existing occupied building? Address \_\_\_\_\_

Do you plan to use an existing vacant building? Address \_\_\_\_\_

Will there be any tents or canopies in the proposed event site? Please provide the following information:  
 Approx. Number of Tents: 3 Will any tent exceed 400 sq. feet in area?  NO  YES

Does the event involve the use of pyrotechnics? Explain \_\_\_\_\_

Will you provide portable toilets for the general public attending your event? IF SO, how many and where will they be located? \_\_\_\_\_

Will you require electrical hookup for the event? Generators? \_\_\_\_\_

Will you require access to water for the event? Explain \_\_\_\_\_

Will admission fees be charged to attend this event? If "YES", provide the amount(s) of all tickets. \_\_\_\_\_

Will fees be charged to vendors to participate in this event? If "YES", please provide the amount(s). \_\_\_\_\_

Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? \_\_\_\_\_

Will inflatable parade balloons be used for the event? Provide details if necessary.

**VI. Additional Questions**

How will parking be accommodated for this event?

n/a

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?

Participants take trash with them

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

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

**Return to:**

**Jesse Fowler, 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: [jfowler@waynesvillenc.gov](mailto:jfowler@waynesvillenc.gov)**

**VIII. Special Information for Applicants**

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

**FOR INTERNAL USE ONLY:**

Application received:

Application approved:

Application denied:

Walnut St

Roundway St.

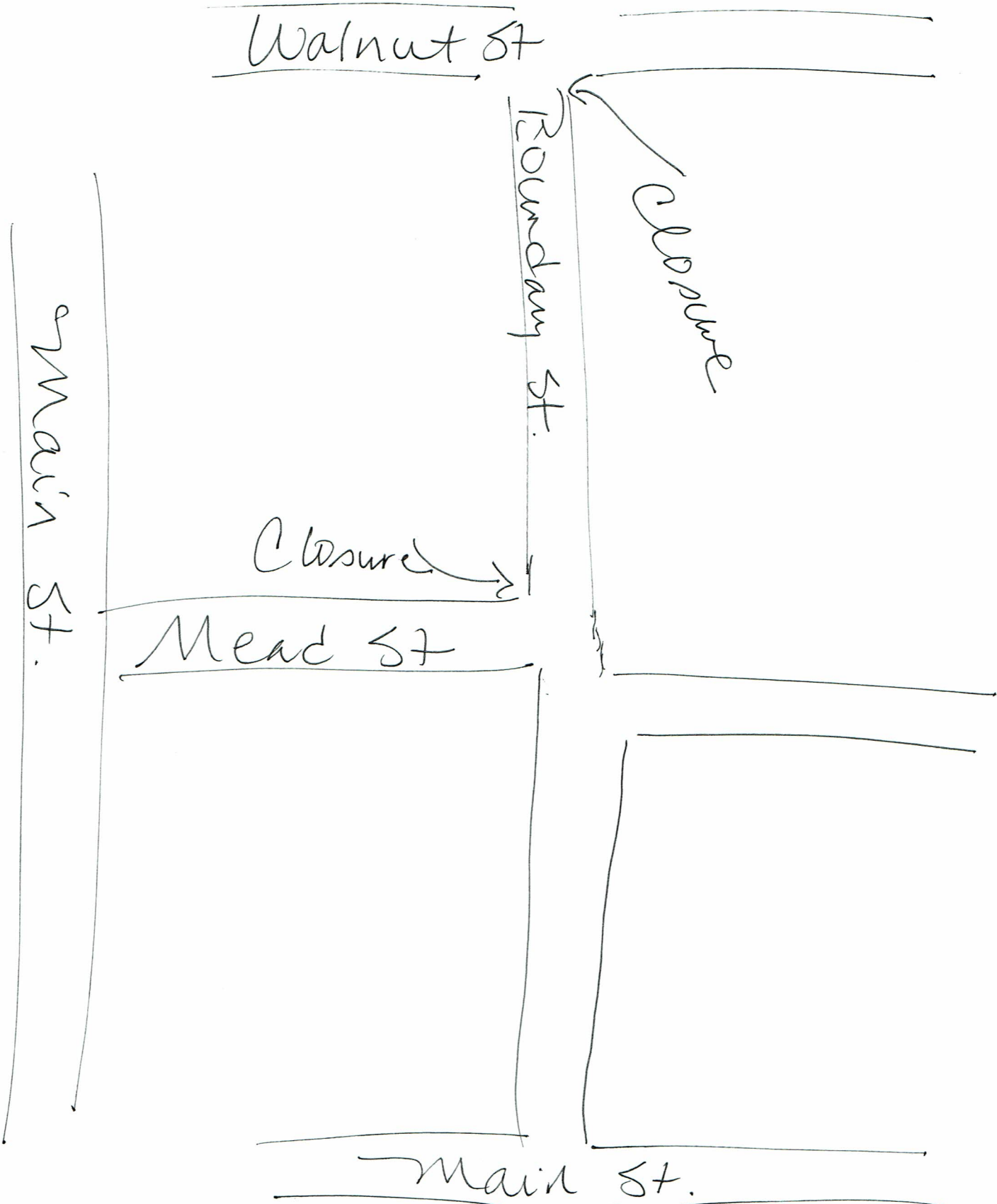
Closure

Closure

Mead St

Main St.

Main St.







# Application for Special Events Permit

## I. General Information

EVENT NAME: 4<sup>th</sup> of July Block Party

EVENT DATE(S): July 3<sup>rd</sup>, 2022  
 Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: 56/61 Glendale Dr – Between Springview Dr and Auburn Park Dr

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

SET-UP TIME (START/END): 2PM

EVENT HOURS: 7 hrs

DISMANTLE HOURS (START/END): 9PM

ESTIMATED ATTENDANCE: 35 - 40

BASIS ON WHICH THIS ESTIMATE IS MADE: Last years attendance as well as people who have said they will attend.

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: \_\_\_\_\_

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

APPLICANT NAME: Jay Dearmon      TITLE: \_\_\_\_\_

ADDRESS: 56 Glendale DR    CITY :    Waynesville    STATE:    NC    ZIP28786

PHONE: 228-313-0880      FAX#: \_\_\_\_\_      EMAIL: Jay.dearmon@gmail.com

ON-SITE CONTACT: Same as Above      TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_      CELL PHONE #: \_\_\_\_\_      EMAIL: \_\_\_\_\_

**III. Brief Description of Event**

**Families in Auburn Park will be having a 4<sup>th</sup> of July celebration in the yards of 56 and 61 Glendale DR. There will be many families with small children and the kids ride their bikes up and down the blocked section of the street, as well as back and forth between the yards for games.**

**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. Both lanes of Glendale Dr from Auburn Park DR to Springview Dr.

2.

3.

**V. Event Details**

YES NO

X Does the event involve the sale or **use of alcoholic beverages**?  
If yes, has the ABC permit been obtained? Yes  No  Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

X Does the event involve the **sale of food**? \_\_\_\_\_  
If "YES", has the health department been notified? \_\_\_\_\_ Have you applied for a temporary permit? \_\_\_\_\_

X Will there be **musical entertainment** at your event? IF "YES" provide the following information:  
Number of Stages: \_\_\_\_\_ Number of Band(s): \_\_\_\_\_ Amplification? \_\_\_\_\_

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

X Do you plan to use an existing **occupied building**? Address \_\_\_\_\_

X Do you plan to use an existing **vacant building**? Address \_\_\_\_\_

X Will there be any **tents or canopies** in the proposed event site? Please provide the following information:  
Approx. Number of Tents: \_\_\_\_\_ Will any tent exceed 400 sq. feet in area?  NO  YES

X Does the event involve the use of **pyrotechnics**? Explain \_\_\_\_\_

X Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? \_\_\_\_\_

X Will you require **electrical hookup** for the event? Generators? \_\_\_\_\_

X Will you require **access to water** for the event? Explain \_\_\_\_\_

X Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. \_\_\_\_\_

X Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). \_\_\_\_\_

X Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? \_\_\_\_\_

X Will **inflatable parade balloons** be used for the event? Provide details if necessary.

**VI. Additional Questions**

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

Most everyone walks from their house.

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?

We have trash cans at the houses.

**Volunteers:** Will you require Civilian Police Volunteers for your event?NO

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

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

**VIII. Special Information for Applicants**

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

**FOR INTERNAL USE ONLY:**

Application received:

Application approved:

Application denied:

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: June 28, 2022**

**SUBJECT:** (1) Life Saving Award granted to Detective Paige Shell

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Police  
**Contact:** Chief David Adams  
**Presenter:** **Chief David Adams**

**BRIEF SUMMARY:** During the morning hours of Tuesday May 24, 2022, Det. Paige Shell and other rescue/first responders responded to lake Junaluska. They were dispatched to a water rescue, because a male had fallen out of his kayak and was struggling to keep his head above water. The rescuers had unsuccessfully thrown a rope to the male. Without hesitation Det. Shell put on a life vest and swam to the male. She was able to pull him back to the shoreline, where Rescue staff pulled him out of the water.

Det. Shell's selfless actions undoubtedly saved his life. Therefore, Paige Shell is to be recognized with a Life Saving Award.

**MOTION FOR CONSIDERATION:**

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

---

Misty Haygood, Finance Director

Date

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: June 28, 2022**

**SUBJECT:** Call for a Public Hearing for August 9, 2022 to consider the text amendment regarding driveway standards, Section 9.8- Driveway Access of the Land Development Standards (LDS).

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

Driveway standards are crucial for stormwater management, appropriate sidewalk connectivity, traffic flow, and quality of the road material. Development Services and Public Services worked together to revise the Driveway Permit form, its fee, and develop an adequate inspection procedure to ensure that all new and rebuilt driveways comply with the ordinance requirements. In the process, the staff identified several improvements to the driveway standards that they would like to address.

First, staff believes it is reasonable to update the minimum driveway spacing requirements. The current minimum spacing of 50 ft (measured from inside edge to inside edge of a driveway) within the Town's more urbanized, high-density residential districts is hard to achieve because the minimum lot width is only 50 feet within the Medium Density, Neighborhood Residential and Urban Residential Districts.

The second change is to allow an Administrator (Public Services Director or his designee) to approve alternative materials for a driveway apron section. Currently, the only allowable material is concrete. With an abundance of high-quality materials, the staff finds this amendment reasonable, and it will provide the contractors with flexibility without compromising quality.

Changes related to fire safety include distinguishing between joint driveways (driveway entrances that serve two abutting properties) and shared driveways which serve multiple dwelling units; driveways longer than 150 ft will need a fire hydrant; number of structures served by the shared driveways, etc. These guidelines were written in coordination with fire officials and JMTeague engineers' recommendations.

**MOTIONS FOR CONSIDERATION:**

1. Motion to call for a Public Hearing on August 9, 2022 to consider the text amendment regarding driveway standards, Section 9.8- Driveway Access of the Land Development Standards (LDS), as recommended by the Planning Board.

**FUNDING SOURCE/IMPACT:**

N/A

**ATTACHMENTS:**

1. Proposed Text Amendment

2. Driveway Sections

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

# Exhibit 1: Driveway in Waynesville, NC



~~DRIVEWAY~~

10' apron

curb  
gutter

**Apron-** a part of a driveway; a transition between the driveway and the street (their connection). Oftentimes, it is merged together in one pour.



## Exhibit 1: Driveway in O'Fallon, MO

*This image has a better visual of the apron, which in this case is separated from the driveway by the sidewalk.*

CITY RIGHT-OF-WAY  
LINE

PERMIT REQUIRED

APRON

CITY RIGHT-OF-WAY  
LINE

SIDEWALK



**ORDINANCE NO. \_\_\_\_\_**

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

**WHEREAS**, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Driveway Standards, Section 9.8.3 of the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they support the following goals:

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

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

Goal 3: Protect and enhance Waynesville’s natural resources.

- Protect and enhance water quality and forests.

Goal 6: Create an attractive, safe, and multi-modal transportation system.

- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes and sidewalks that improves safety and strategic access for all users.

**WHEREAS**, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen; and

**WHEREAS**, the Board of Aldermen find this Ordinance is consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with North Carolina General Statutes.” and

**WHEREAS**, after notice duly given, a public hearing was held on June 20, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on \_\_\_\_\_, 2022 at the regularly scheduled meeting of the Board of Aldermen;

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

That the Land Development Standards be amended as follows:

1. Amend Section 9.8.1 Purpose and Applicability as follows:

- A. The standards contained in this section are designed to ensure that access to development in the Town of Waynesville does not impair the function of the adjacent roadways or public safety.
- B. All proposed vehicular access points connecting to a public or private street shall conform to the provisions of this section as well as to the driveway ~~separation standards established for the particular land development district in which a property is located.~~ construction standards of the Town.
- C. Driveways should be designed for their intended use and traffic, located for safety, and consistent with their context with respect to sidewalks, drainage, landscape, and other characteristics of the roadway to which they connect.

2. Replace Section 9.8.3 Driveway Standards as follows (re-organizing sections into “general,” “Residential,” and “commercial” guidelines:

**A. General Guidelines:**

- 1. The width, in feet, of a driveway approach shall be within the minimum and maximum limits as specified below, ~~excluding detached, single-family residential properties from the minimum width standard.~~ Required driveway width pertains to the measurement at the sidewalk. At other points in the driveway the width may vary.
- 2. ~~Any driveway access to a state-maintained roadway shall comply with NCDOT’s “Policy on Street and Driveway Access to North Carolina Highways.”~~
- 3. Driveway approaches must cross the sidewalk area at the sidewalk grade established by the ~~Administrator and to accommodate ADA compliance in accordance with the driveway permit.~~
- 4. All driveway approaches shall be a concrete apron section ("ramp" type), except that street type driveway entrances may be required ~~to developments that have parking spaces for two hundred (200) or more vehicles when required~~ by the Administrator for large parking lots and along high volume roadways.
- 5. All concrete aprons shall be installed to the right-of-way line or at least ten (10) feet from the edge of the traveled way and built to the specifications of the Administrator. ~~Apron section materials other than concrete must be determined appropriate and approved by the Administrator.~~
- 6. Driveway access to state highways shall not be permitted for parking or loading areas that require backing maneuvers onto the public street right of way. Driveway access to town-maintained streets for non-residential and multi-family developments shall not be permitted for parking or loading areas that require backing maneuvers onto a public street right-of-way.
- 7. Where feasible, road access for corner lots shall be provided to the street or road with the lowest traffic volume.

8. Driveways shall not interfere with municipal facilities such as street lights, traffic signal poles, signs, fire hydrants, crosswalks, drainage structures or other necessary street structures.

## **B. Residential Driveways**

1. Driveways serving single family and duplex residences should have a minimum width of 10 feet and shall not exceed a maximum width of 18 feet.
2. The minimum distance between the front wall or garage door of a residential dwelling to the back of sidewalk along the driveway length shall be at least 25 feet to permit vehicular parking without blocking the sidewalk.
3. Joint Use or Shared Driveways are encouraged. Driveways serving adjacent residential properties shall have easement agreements among owners, and shall not serve more than three single-family or duplex structures. Rights of Way serving more than 3 structures should comply with LDS Chapter 6 Infrastructure Standards.
4. A shared driveway that serves 3 or fewer dwelling unit structures shall be managed to provide emergency access and fire protection and shall conform to the following:
  - Right-of-way width: *Minimum* 18 feet.
  - Surface Widths: Minimum 12 feet for driveways less than 150' in length; and a minimum of 14 feet in width if driveway length exceeds 150 ft.
  - May be paved, gravel, or natural compacted surface.
  - Parking for units served by the shared driveway must be provided outside of the shared driveway right-of-way so that access to structures is not blocked.
  - Shared driveways do not require curbs, pedestrian connections or landscaping, but must be designed for stormwater management and safety as approved through the driveway permit.
  - Length: *Maximum* 150 ft. unless a hydrant and turn-around are provided.
  - Only 3 dwelling unit structures (single family or duplex) may be served off of a single shared driveway accessing a public street. Shared driveways may be converted to alleys, lanes, or other roadway types and uses with approval of the Administrator and Fire Code Official.

## **C. Non-residential and multi-family driveways**

1. Driveway Widths:
  - a. One-way drives shall have a minimum width of 12 feet and shall not exceed a maximum width of 18 feet.
  - b. Two-way drives shall have a minimum width of 18 feet and shall not exceed a maximum width of 24 feet.
  - c. Commercial driveways shall have a radius of 20 to 50 feet, or per engineering judgment based on the adjacent roadway.
  - a. All driveways shall have an internal stem length of 25 feet or greater unless otherwise approved by the administrator.

- b. Two-way drives serving a major site plan containing a multi-family development shall have a minimum paved width of 20' and shall include a sidewalk or other pedestrian connection.
- c. Driveways entering industrial property may be up to 36 feet in width with the approval of the Administrator.

2. Joint Use Driveway: Wherever feasible, the Administrator shall require the establishment of a joint use driveway serving two (2) abutting non-residential properties. When a property is developed before an abutting property is developed, the site shall be designed to ensure that its driveway and circulation may be modified to create a joint use driveway and interconnected parking with the abutting properties ~~at a later date,~~ or to connect to a shared driveway for the purpose of access management.

B.

#### D. Driveway Spacing:

1. Access separation between driveways shall be measured from inside edge to inside edge of driveways. Access separation between a driveway and intersecting street shall be measured from the nearest edge of the driveway to the intersection right-of-way lines.
2. Residential Driveways shall be spaced from other drives and from intersecting streets as set forth for the land development district in which the property is located.
3. Non-Residential and multi-family driveways shall be spaced from other driveways and from intersecting streets in accordance with the chart below, or per AASHTO's "A Policy on Geometric Design of Highways and Streets," at the determination of the Administrator. All driveways shall be located as far from signalized intersections as feasible.
4. The use of alleys to access the rear of properties is strongly encouraged. ~~therefore,~~ A minimum separation of ten (10) feet between adjacent property lines and the alley intersection is required. A forty (40) feet separation is required between alleys and the intersection of streets.
5. As determined by the Administrator, engineering judgment shall override the required dimensions set forth in district standards if warranted by
  - pre-existing environmental conditions (such as a rock outcrop, steep slope, stream or protected area),
  - Recommendations of a Traffic Impact Analysis,
  - Low traffic volumes on adjacent streets,
  - Cumulative impact of adjacent land uses, and
  - Safety of vehicles and pedestrian users.

## 5. Driveway Minimum Spacing Chart

District Category	Applicable Districts	Driveway Spacing (Min)
<b>Residential—Low Density (RL)</b>	CC-RL, EN-RL, FC-RL, HT-RL	40 ft. (75 ft. between driveways and streets)
<b>Residential—Medium Density (RM)</b>	CP-RM, D-RM, HM-RM, SW-RM	<del>50 ft. (75 ft. between driveways and streets)</del> No minimum.
<b>Neighborhood Residential (UR)</b>	AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR	<del>50 ft. (75 ft. between driveways and streets)</del> No minimum.
<b>Urban Residential (UR)</b>	EW-UR, H-UR, HM-UR	<del>50 ft. (75 ft. between driveways and streets)</del> No minimum.
<b>Neighborhood Center (NC)</b>	PS-NC, RC-NC, NM-BD	100 ft. (100 ft. between driveways and streets) or as determined by AASHTO Standards or NCDOT permit.
<b>Business District (BD)</b>	CBD, SM-BD, H-BD	<del>100</del> 50 ft. (100 ft. between driveways and streets) or as determined by AASHTO Standards or NCDOT permit.
<b>Regional Center (RC)</b>	RA-RC, DJ-RC, NC-RC	150 ft. (250 ft. between driveways and streets) or as determined by AASHTO Standards or NCDOT permit.
<b>Commercial Industrial (CI)</b>	CI	50 ft. (150 ft. between driveways and streets) or as determined by AASHTO Standards or NCDOT permit.

### E. Sight Visibility Triangle: (...)

#### 3.Amend 17.4 Definitions, General as follows:

**Driveway.** A private vehicular access connecting a dwelling, carport, garage, parking area or other buildings with a street. A driveway is not a road, street, boulevard highway or parkway.

**Driveway Approach.** The improved area between the roadway of a public street and private property intended to provide access for motor vehicles to a well-defined area on private property.

**Driveway, Joint:** A joint-use driveway serving two (2) abutting properties.

**Driveway, Shared.** A shared driveway with the similar characteristics as a street that serves 3 or fewer dwelling structures (single family or duplex structures), often used to reach landlocked parcels or for access management purposes.

**Driveway, Width.** The horizontal distance between the sides of a driveway measured at the right-of-way or the back of the sidewalk (whichever is farthest from the traveled way) and measured parallel with the centerline of the traveled way. Medians shall not be included in the calculations for the width of driveways.

**ADOPTED** this \_\_\_\_\_ Day of \_\_\_\_\_, 2022.

TOWN OF WAYNESVILLE

\_\_\_\_\_  
J. Gary Caldwell, Mayor

ATTEST:

\_\_\_\_\_  
Eddie Ward, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martha Bradley, Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: June 28, 2022**

**SUBJECT:** Public Hearing for June 28, 2022, to consider a zoning text amendment request initiated by the Planning Board to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 31 or more lots.

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing  
**Item Number:**  
**Department:** Development Services  
**Contact:** Olga Grooman or Elizabeth Teague  
**Presenter:** Elizabeth Teague

**BRIEF SUMMARY:**

A subcommittee of the Planning Board has been working to make recommendations on improving the Land Development Standards in response to 160D and the adoption of the 2020 Comprehensive Plan. This Planning Board initiated text amendment proposes to divide major subdivisions into “tiers” so that larger subdivisions with presumably more impacts to surrounding neighbors, would have to meet additional requirements. This was discussed as part of a public hearing on April 11, 2022 and was continued until the May 16, 2022 Planning Board Meeting. This text amendment is in response to board and citizen concerns regarding procedural changes from quasi-judicial to administrative decision, and the desire to require buffering around large subdivisions. Additionally, this text amendment clarifies the procedure for when a substantial change is requested in a preliminary plat, master plan or major site plan.

**MOTIONS FOR CONSIDERATION:**

1. Motion to find the text amendment is reasonable and in the public interest and is consistent with the 2035 Comprehensive Plan.
2. Motion to approve the text amendment as proposed (or as amended).

**FUNDING SOURCE/IMPACT:** N/A

**ATTACHMENTS:**

Draft Ordinance  
Current LDS Standards on Buffers  
Current LDS Standards for Quasi Judicial Proceedings



**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

**ORDINANCE NO. O-25-22**

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

**WHEREAS**, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The amendment will “create a range of housing opportunities and choices,” (Goal #2);
- The Town will “protect and enhance Waynesville’s natural resources,” (Goal #3);

**WHEREAS**, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen; and

**WHEREAS**, the Board of Aldermen find this Ordinance is consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with North Carolina General Statutes.” and

**WHEREAS**, after notice duly given, a public hearing was held on April 11, 2022 at a special called meeting of the Waynesville Planning Board, continued on May 16, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and held on \_\_\_\_, 2022 at the regularly scheduled meeting of the Board of Aldermen;

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

That the Land Development Standards be amended as follows (in red):

1. Amend the following Sections of Chapter 8 Tree Protection, Landscaping and Screening

**8.4 Buffer Yards.**

Buffer yards are planting areas located parallel to the side and rear lot lines. **The purpose and intent of buffer yard requirements are to preserve landscape and provide a buffer as a mitigation measure for potential development impacts. They are** designed to separate incompatible adjacent uses, **or to and** provide privacy and protection against potential adverse impacts of an adjoining ~~incompatible~~ use or zoning district.

**8.4.1 Required Buffer Yards.**

**A. Required Yards by District:** The size of a buffer shall be determined both by the zoning district of the proposed development and by the adjacent zoning district(s). Buffer yards shall be required in accordance with the table below when any use is being established on a property that abuts an existing developed lot or less intense zoning district.

		Adjacent Zoning District					
		RL/RM	NR/UR	NC	BD	RC	CI
District of Proposed Development	RL/RM	X	X	X	X	A <sup>1</sup>	A <sup>1</sup>
	NR/UR <sup>2</sup>	C	X	X	X	X	X
	NC <sup>2</sup>	B	C	X	X	X	X
	BD	C	C	X	X	X	X
	RC	A	A	B	C	X	X
	CI	A	A	A	A	B	X
	<sup>1</sup> Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property <sup>2</sup> Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes						X = No Buffer Required

- B. Additional Buffer Yard Requirements:** A type B Buffer Yard is required along the side and rear lot lines, not including road frontage, of new major subdivisions of 31 or more units and special use permits in all districts, except where the above table has a stricter requirement or as part of a conservation subdivision.
- C. Location:** Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- D. Relationship to Required Yards and Setbacks:** Where front, side and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- E. More Restrictive to Apply:** Where a proposed use or development type abuts multiple use types or zoning districts along the same side or rear year[yard], the largest buffer will apply.
- F. Buffer Location Restrictions:** Buffers shall not be located on any portion of any existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with them; however, they shall not be permitted to run linear with and superimposed on them.

2. Amend Section 15.2.5 Administrative Modifications and Substantial Changes as follows:

D. **Substantial Changes.** Any substantial change to a Master Plan, **major site plan, or preliminary plat for a major subdivision** as noted below shall be reviewed by the Planning Board. ~~and approved or denied by the Board of Aldermen.~~ **Any substantial change to a Conditional District as noted below shall be reviewed by the Planning Board and the Planning Board will issue a written recommendation to the Board of Aldermen who will then approve or deny an amended Conditional District:**

- An increase in impervious surface.
- A change in land use or development type beyond that permitted by the approved master plan or Plat.
- The introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
- Change in density: when there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan or Plat.
- An increase of the total floor area of a commercial or industrial classification by more than 10 percent beyond the total floor area. ~~last approved by Board of Aldermen.~~
- Any decrease in the setbacks greater than 10% from the originally approved Master Plan or Plat.

3. Amend Section 15.9.2 Major Subdivisions as follows:

**15.9.2 Major Subdivisions.**

The major subdivision review process is required for those divisions of land into eight (8) or more lots or which require dedication of public utilities and/or public streets. **There are four tiers of major subdivisions.**

<b>Tier</b>	<b>Description</b>	<b>Process Type</b>
Tier 1	0-14 lots	Administrative
Tier 2	15-30 lots	Administrative
Tier 3	31-60 lots	Quasi-judicial Special Use Permit
Tier 4	60 lots<	Quasi-judicial Special Use Permit.

- A. **Process Types:** **Major Subdivisions are Administrative, unless the application seeks additional density (in accordance with Section 2.4.1) or creates 31 or more new lots (tiers 3 or 4) in which case the process type is a quasi-judicial procedure as a Special Use Permit.**
- B. **Pre-Application Procedure:** It is required that every applicant for a Major Subdivision meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval. It is recommended that the applicant provide a sketch plan (15.4.2) and Environmental Survey (15.4.1) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Subdivision Plan.

- C. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat.
- D. **Preliminary Plat Approval:** The Planning Board shall review and either approve or deny the major subdivision applicant's preliminary plat in accordance with the procedure set forth in section 15.9.3 below. Engineering, including a compliant Stormwater Plan (12.5) and Construction Documents (15.4.4) shall be submitted after Planning Board review.
- E. **Final Plat:** Once all infrastructure improvements are installed or financially guaranteed as required by Section 6.13 below, the Final Plat shall be presented for approval in accordance with Section 15.9.4 below.

### 15.9.3 Preliminary Plats for Major Subdivision.

- A. **Process Types:** Administrative or Special Use Permit (see LDS Section 15.10).
- B. **Permit Required Before Any Land-Disturbing Activity:** No land-disturbing activity shall take place until a Preliminary Plat has been approved.
- C. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat (15.4.4) prepared by a registered land surveyor, licensed landscape architect or licensed engineer.
- D. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public hearing before the Planning Board.
- E. **Public Notification:** None required.
- F. **Neighborhood Meeting (15.3.7):** Optional.
- G. **Public Hearing:** The Planning Board shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- H. **Decisions/Findings of Fact:** Following the public hearing the board may approve, deny or approve with conditions the application for a Major Subdivision. No Major Subdivision shall be approved unless the commission finds each of the following facts to be true:
  1. The plan is consistent with the adopted plans and policies of the Town;
  2. The plan complies with all applicable requirements of this ordinance; and
  3. The plan has infrastructure as required by the ordinance to support the plan as proposed.
- I. **Substantial Changes:** ~~Substantial Changes from the approved preliminary plat shall require additional review by the Planning Board. Substantial changes shall include redesign of streets, increasing the number of lots, altering the design of more than twenty (20) percent of the lots, and/or reducing the number of lots by twenty (20) percent. All other changes shall be considered minor modifications subject to review by the Administrator. See section 15.2.5.~~
- J. **Appeals.** An appeal of the decision to approve or deny a Preliminary Plat or a substantial change to an approved Preliminary Plat may be made by an aggrieved party to the Superior Court of Haywood County no later than thirty (30) days after the applicant receives the written copy of the decision.
- K. **Permit Validity:** Unless substantial work has commenced or a building permit has been obtained, approval of a preliminary plat expires two (2) years from the date such approval was granted.
- L. **Permit Extension:** The applicant may apply for an extension of the approval period. The Planning Board may approve an extension of the time required to file the final plat up to a total of five (5) years from the date the initial application was approved where warranted in light of all relevant

circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. No further development activity shall be performed until the new approval is issued.

**ADOPTED** this \_\_\_\_\_ Day of \_\_\_\_\_, 2022.

TOWN OF WAYNESVILLE

\_\_\_\_\_  
J. Gary Caldwell, Mayor

ATTEST:

\_\_\_\_\_  
Eddie Ward, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martha Bradley, Town Attorney

**CURRENT LAND DEVELOPMENT STANDARDS EXCERPT OF:**

**8.4 Buffer Yards.**

Buffer yards are planting areas located parallel to the side and rear lot lines designed to separate incompatible adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining incompatible use or zoning district.

**8.4.1 Required Buffer Yards.**

- A. **Required Yards by District:** The size of a buffer shall be determined both by the zoning district of the proposed development and by the adjacent zoning district(s). Buffer yards shall be required in accordance with the table below when any use is being established on a property that abuts an existing developed lot or less intense zoning district.

		Adjacent Zoning District					
		RL/RM	NR/UR	NC	BD	RC	CI
District of Proposed Development	RL/RM	X	X	X	X	A <sup>1</sup>	A <sup>1</sup>
	NR/UR <sup>2</sup>	C	X	X	X	X	X
	NC <sup>2</sup>	B	C	X	X	X	X
	BD	C	C	X	X	X	X
	RC	A	A	B	C	X	X
	CI	A	A	A	A	B	X
	<sup>1</sup> Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property						X = No Buffer Required
<sup>2</sup> Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes							

- B. **Location:** Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- C. **Relationship to Required Yards and Setbacks:** Where front, side and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- D. **More Restrictive to Apply:** Where a proposed use or development type abuts multiple use types or zoning districts along the same side or rear year[yard], the largest buffer will apply.
- E. **Buffer Location Restrictions:** Buffers shall not be located on any portion of any existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with them; however, they shall not be permitted to run linear with and superimposed on them.

#### 8.4.2 Buffer Yard Types.

<b>A. Type A Buffer Yard</b>	<i>A Type A buffer yard is intended to provide a very dense all season sight barrier to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties.</i>			
	<b>Minimum Depth</b>	<b>Minimum Plantings per 100 linear feet</b>	<b>Wall, Fence, or Berm</b>	<b>Required Opacity</b>
<b>1. Option A</b>	40 feet	4 Evergreen Trees 4 Canopy Trees 4 Understory Trees 48 Shrubs	Not Required	Completely opaque (i.e., having no horizontal openings from the ground to a height of 8 feet within two 2 years of planting)
<b>2. Option B</b>	25 feet	2 Evergreen Trees 1 Canopy Tree 1 Understory Tree 12 Shrubs	Wall or Berm	
<b>3. Option C</b>	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 12 Shrubs	Wall	

<b>B. Type B Buffer Yard</b>	<i>A Type B buffer yard is medium density screen which is intended to create a visual separation between uses and zoning districts.</i>			
	<b>Minimum Depth</b>	<b>Minimum Plantings per 100 linear feet</b>	<b>Wall, Fence, or Berm</b>	<b>Required Opacity</b>
<b>1. Option A</b>	20 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Shrubs	Not Required	Semi opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within two 2 years of planting)
<b>2. Option B</b>	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 24 Shrubs	Not Required	

<b>C. Type C Buffer Yard</b>	<i>A Type C buffer yard is a planting strip intended to separate uses, provide vegetation in densely developed areas and enhance the appearance of individual properties.</i>			
	<b>Minimum Depth</b>	<b>Minimum Plantings per 100 linear feet</b>	<b>Wall, Fence, or Berm</b>	<b>Required Opacity</b>
<b>1. Option A</b>	20 feet	1 Canopy Tree 2 Understory Trees 8 Shrubs	Not Required	Semi opaque (i.e., having only seasonal horizontal openings not exceeding 25% of the total width from the ground to a height of 6 feet within two 2 years of planting)
<b>2. Option B</b>	10 feet	2 Canopy Trees 2 Understory Trees 12 Shrubs	Not Required	

#### 8.4.3 Additional Buffer Requirements.

- A. **Fences and Walls:** Any required 6-foot tall privacy fence or wall shall be made of treated and stained wood, brick, stone, or other composite material as approved by the Administrator and maintained in a like-new manner. All required vegetation shall be placed on the side of the fence or wall of the adjacent property.
- B. **Berms:** All berms, if provided, shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (a ratio of 1:2) and a maximum height of 4 feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. Berms taller than 4 feet shall be approved by the Administrator on a case by case basis.
- C. **Existing Vegetation:** Existing vegetation within the buffer yard which meets or exceeds the standards of this section shall be maintained and may receive partial or total credit toward buffer yard requirements.



---

## **CURRENT LAND DEVELOPMENT STANDARDS EXCERPT: 15.5 General Requirements for Evidentiary Hearings and Quasi-Judicial Decisions.**

A quasi-judicial decision is a decision involving the finding of facts regarding a specific application of an ordinance and that requires the exercise of discretion when applying the standards of the ordinance. Quasi-judicial decisions include, but are not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. In accordance with G.S. 160D-1-2, -1402, decisions are quasi-judicial in nature if the ordinance authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the ordinance, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings of fact to be made by the decision-making board. As a result the following standard procedures shall be incorporated as appropriate.

### **15.5.1 Standards for Conduct of Evidentiary Hearings.**

An evidentiary hearing is a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by an ordinance.

- A. **Contact with Decision-Making Board Members:** Contact with any members of a decision-making board prior to the public hearing by any individual regarding the matter is prohibited.
- B. **All Participants to be Sworn In:** All participants in the public hearing shall be duly sworn in prior to the submission of any testimony by the Chair or Clerk to the Board/Commission.
- C. **Competent Evidence Required:** All decisions shall be based on competent, material, and substantial evidence entered in as part of the record. The term "competent evidence," as used in this subsection, shall not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) the evidence was admitted without objection, or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making board to rely upon it. The term "competent evidence," as used in this subsection, shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
  - 1. The use of property in a particular way would affect the value of other property.
  - 2. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
  - 3. Matters about which only expert testimony would generally be admissible under the rules of evidence.
- D. **Cross-Examination Permitted:** The cross-examination of witnesses submitting testimony shall be permitted upon request.

### **15.5.2 Standards for Decisions.**

Each decision-making board under the provisions of this section shall ensure that the rights of petitioners have not been prejudiced because the decision-making body's findings, inferences, conclusions, or decisions were:

- A. In violation of constitutional provisions, including those protecting procedural due process rights.
- B. In excess of the statutory authority conferred upon the city or the authority conferred upon the decision-making board by ordinance.
- C. Inconsistent with applicable procedures specified by statute or ordinance.

- 
- D. Affected by other error of law.
  - E. Unsupported by substantial competent evidence in view of the entire record.
  - F. Arbitrary or capricious.

#### **15.5.3 Record of Decision.**

- A. The following shall become part of the official record of decision:
  - Documents and exhibits submitted to the decision-making board.
  - Meeting minutes.
- B. **Transcript of Audio/Video of Meetings:** Any party may request, at their expense, a transcript of the proceedings from any recorded audio/video.
- C. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based on competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision become effective. The Administrator shall certify that proper notice has been made.

( Ord. of 5-27-2014(2) )

### **15.10 Special Use Permits (SUP).**

Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. Applications requiring a Special Use Permit are noted in Section 2.4 and Chapter 3.

#### **15.10.1 Application Procedures.**

- A. **Process Type:** Quasi-Judicial (See also 15.4).
- B. **Pre-Application Meeting:** Every applicant for a Special Use Permit is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.
- C. **Required Application Information:** An application for a Special Use Permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Each application for a Special Use Permit shall contain, at a minimum, an Environmental Survey (15.4.1), Master Plan (15.4.3) and Building Elevations for Design Review (15.4.7) (may be waived by Administrator as appropriate). Other information necessary to show that the use or structure complies with the standards set forth in this ordinance shall also be provided.
- D. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public hearing before the Planning Board.

---

### 15.10.2 Review Process.

- A. **Public Notification:** Level 1, 2 and 5.
- B. **Neighborhood Meeting (15.3.7):** Optional.
- C. **Public Hearing:** The Planning Board shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- D. **Planning Board Review:** Following the public hearing the Planning Board may approve, deny or approve with conditions the application for a Special Use Permit within thirty-two (32) days of the date of the public hearing.
- E. **Findings of Fact:** In addition to determining that the application meets all other requirements of this ordinance (no variances are permitted) the Planning Board must find the following:
  - 1. The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
  - 2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
  - 3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
  - 4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
  - 5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.
  - 6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.
- F. **Additional Conditions:** The Planning Board may place conditions on the use as part of the approval to assure that mitigation measures are associated with the use. The conditions shall become part of the Special Use Permit approval and shall be included in the final site plan application.

### 15.10.3 Effect of Decisions.

- A. **Appeals:** An appeal from the decision of the Planning Board regarding a Special Use Permit application may be made by an aggrieved party and shall be made to the Superior Court of Haywood County in the nature of certiorari. Any such petition to the Superior County shall be filed with the court no later than thirty (30) days after the applicant receives the written copy of the decision of the Planning Board.
- B. **Permit Validity:** two (2) years to obtain building permit. Such permit shall remain valid as long as a valid building permit exists for the project.
- C. **Permit Extension:** The applicant may apply for an extension of the approval period. The Planning Board may approve an extension of the time required to file the final plat up to a total of five (5) years from the date the initial application was approved where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. No further development activity shall be performed until the new approval is issued.



## MEMORANDUM

**TO:** Mayor and Town Board of Aldermen  
**FROM:** Martha S. Bradley, Town Attorney  
**DATE:** June 22, 2022  
**SUBJECT:** Proposed Rules of Procedure

### REVISIONS

The following changes have been made to the draft Rules according to the instructions of the Board at its last meeting on June 14, 2022:

- Rule 11(b) (p 10) – The option of imposing a fee for participation in electronic meetings has been removed.
- Rules 32 & 33 (p 24) – Language was added to implement the “reading system” explained by Mr. Hites and clarify the meaning of “date of introduction.”
- Rule 36 (pp 26-28) – “Town Attorney” has been replaced with “Presiding Officer,” and language added to permit the Presiding Officer to delegate time-keeping to the Town Attorney or Town Clerk.

### ADDITIONAL MATERIALS

The full text of the model rules for Rule 36 (“Public Hearings”) and Rule 37 (“Public Comment Periods”) from *Suggested Rules of Procedure for a City Council* are enclosed to assist the Board in their consideration of the proposed text.

**RULES OF PROCEDURE FOR PUBLIC BODIES OF THE TOWN OF  
WAYNESVILLE<sup>1</sup>**

**ARTICLE I – RULES APPLICABLE TO THE BOARD OF ALDERMEN**

**Part I. Applicability**

**Rule 1. Applicability of Rules**

These rules apply to all meetings of the Town of Waynesville (the “Town”) Board of Aldermen (the “Board”). For purposes of these rules, a meeting of the Board occurs whenever a majority of the Board’s members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Board’s real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.<sup>2</sup>

---

<sup>1</sup> N.C. Gen. Stat. § 160A-71 (“The council may adopt its own rules of procedure, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure.”).

<sup>2</sup> N.C. Gen. Stat. §§ 160A-71(c) & 143-318.9, -318.18.

## **Part II. Quorum**

### **Rule 2. Quorum**

The presence of a quorum is necessary for the Board to conduct business. A majority of the Board's actual membership plus the mayor, excluding vacant seats, constitutes a quorum.<sup>3</sup> A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

---

<sup>3</sup> N.C. Gen. Stat. §160A-74; Waynesville, NC, Charter § 2.7.

### **Part III. Open Meetings**

#### **Rule 3. Meetings to be Open to the Public**

Except as permitted by Rule 5, all meetings of the Board shall be open to the public, and any person may attend its meetings.<sup>4</sup>

#### **Rule 4. Remote Participation in Meetings.**

No member who is not physically present for a Board meeting held pursuant to Rules 9, 10, or 11 may participate in the meeting by telephonic or electronic means<sup>5</sup> except as allowed by a majority vote of the members physically in attendance and by using one of the following means: (i) conference telephone; or (iii) other electronic means. Any member who attends an in-person meeting telephonically or electronically pursuant to such means may take part in debate but shall not be counted toward a quorum or vote on any matter before the Board.

#### **Rule 5. Closed Sessions**

- (a) **Motion to Enter Closed Session.** The Board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under sub-paragraph (b)(1), (b)(2), or (b)(4) must contain the additional information specified in those provisions.<sup>6</sup>
- (b) **Bases for Closed Session.** A closed session is permissible under the following circumstances and no others:
  - (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.<sup>7</sup>
  - (2) To consult with the town attorney or another attorney employed or retained by the Town in order to preserve the attorney-client privilege. If the Board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.<sup>8</sup>

---

<sup>4</sup> N.C. Gen. Stat. § 143-318.10(a); Waynesville, NC, Code § 2-56(a).

<sup>5</sup> N.C. Gen. Stat. § 143-318.13(a).

<sup>6</sup> N.C. Gen. Stat. § 143-318.11.

<sup>7</sup> N.C. Gen. Stat. § 143-318.11(a)(1).

<sup>8</sup> N.C. Gen. Stat. § 143-318.11(a)(2).

- (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the Town or (b) the closure or realignment of a military installation. The Board may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.<sup>9</sup>
- (4) To establish or instruct staff or agents concerning the Town's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease. A motion to enter a closed session for this purpose must disclose: (i) the current owner of the property; (ii) the property's location; and (iii) the use to which the Board intends to put the property.<sup>10</sup>
- (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.<sup>11</sup>
- (6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective member of the Board or other public body or is being considered to fill a vacancy on the Board or other public body. Final action to appoint or employ a public officer or employee must take place in open session.<sup>12</sup>
- (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.<sup>13</sup>
- (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.<sup>14</sup>
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.<sup>15</sup>

---

<sup>9</sup> N.C. Gen. Stat. § 143-318.11(a)(4).

<sup>10</sup> N.C. Gen. Stat. § 143-318.11(a)(5).

<sup>11</sup> N.C. Gen. Stat. § 143-317.11(a)(5).

<sup>12</sup> N.C. Gen. Stat. § 143-318.11(a)(6).

<sup>13</sup> N.C. Gen. Stat. § 143-318.11(a)(6).

<sup>14</sup> N.C. Gen. Stat. § 143-318.11(a)(7).

<sup>15</sup> N.C. Gen. Stat. § 143-318.11(a)(9).



- (10) To view a law enforcement recording released pursuant to N.C. Gen. Stat. 132-1.4A.<sup>16</sup>
- (11) On another basis permitted by law.
- (c) **Closed Session Participants.** Unless the Board directs otherwise, the Town Manager, the Town Attorney, and Town Clerk may attend closed sessions of the Board. No other person may attend a closed session unless their presence is (i) reasonably necessary to aid the Board’s deliberations and (ii) invited by the mayor or, in their absence, the Mayor Pro Tempore.<sup>17</sup>
- (d) **Motion to Return to Open Session.** Upon completing its closed session business, the Board shall end the closed session by adopting a duly made motion to return to open session.

#### Rule 6. Meeting Minutes

- (a) **Minutes Required for All Meetings.** The Board must keep full and accurate minutes of all its meetings, including closed sessions.<sup>18</sup> To be a “full and accurate,” minutes must record all actions taken by the Board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for an against each motion. The minutes need not record discussions of the Board, though the Board in its discretion may decide to incorporate such details into the minutes.<sup>19</sup> All minutes shall be approved by the Board and signed by the Mayor and Town Clerk.<sup>20</sup>
- (b) **Record of “Ayes” and “Noes.”** At the request of any member of the Board, the minutes shall list each member by name and record how each member voted on a particular matter.<sup>21</sup>
- (c) **General Accounts of Closed Sessions.** In addition to minutes, the Board must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpire. The Board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.
- (d) **Sealing Closed Session Records.** Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board or, if the Board

<sup>16</sup> N.C. Gen. Stat. § 143-318.11(a)(10).

<sup>17</sup> Waynesville, NC, Code § 2-56.

<sup>18</sup> N.C. Gen. Stat. § 143-318.10(e).

<sup>19</sup> *Id.*; N.C. Gen. Stat. § 160A-72; *Maready v. City of Winston-Salem*, 342 N.C. 708, 733 (1996) (Minutes “should contain mainly a record of what was *done* at the meeting, not what was *said* by the members.”)

<sup>20</sup> Waynesville, NC, Code § 2-53(a)(2).

<sup>21</sup> N.C. Gen. Stat. § 160A-72.

delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the Board. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

#### **Rule 7. Broadcasting and Recording Meetings**

- (a) **Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a Board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board meeting.<sup>22</sup>
- (b) **Advance Notice.** Any radio or television station that plans to broadcast any portion of a Board meeting shall so notify the Town Clerk no later than twenty-four (24) hours prior to the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Board meeting.
- (c) **Equipment Placement.** The Board, the Town Manager, or their designee may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Board meeting, so long as the equipment may be placed where it can carry out its intended function. If the Town Manager or their designee determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Board, the Town Manager, or their designee may require the pooling of the equipment and the personnel operating it.<sup>23</sup>
- (d) **Alternative Meeting Site.** If the news media request an alternative meeting site to accommodate news coverage, and the Board grants the request, the news media making the request shall pay the costs incurred by the Town in securing an alternative meeting site.<sup>24</sup>

---

<sup>22</sup> N.C. Gen. Stat. § 143-318.14(a).

<sup>23</sup> N.C. Gen. Stat. § 143-318.14(b).

<sup>24</sup> *Id.*

## Part IV. Organization of the Board

### Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

- (a) **Scheduling Organizational Meeting.** The Board must hold an organizational meeting following each general election in which Board members are elected. The organizational meeting must be held either (i) on the date and at the time of the Board's first regular meeting in December following the election or (ii) at an earlier date, if any, set by the incumbent Board members. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.<sup>25</sup>
- (b) **Oath of Office.** As the first order of business at the organizational meeting, all newly elected members of the Board must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the Town Clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.<sup>26</sup>
- (c) **Selection of Mayor Pro Tempore.** As the second order of business at the organizational meeting, the Board shall elect from among its members a mayor pro tempore using the procedures specified in Rule 38. The mayor pro tempore shall serve as set forth in the Charter for the Town of Waynesville, section 2.4 and as otherwise authorized by law.<sup>27</sup>

---

<sup>25</sup> N.C. Gen. Stat. § 160A-68(a).

<sup>26</sup> N.C. Gen. Stat. §§ 11-7 & 160-A-68(b).

<sup>27</sup> N.C. Gen. Stat. § 160A-70; Waynesville, NC, Charter § 2.4.

## Part V. Types of Meetings

### Rule 9. Regular Meetings

- (a) **Regular Meeting Schedule.** The Board shall hold a regular meeting on the second and fourth Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day or on another date selected by a majority of the Board. The meeting shall be held at the Town Hall located at 9 South Main Street, Waynesville, North Carolina 28786 and begin at 6:00PM. The Board shall adopt a meeting schedule each year consistent with this rule. A copy of the Board's current meeting schedule shall be filed with the Town Clerk and posted on the Town's website.<sup>28</sup>
- (b) **Change to Meeting Schedule.** Notwithstanding paragraph (a) of this rule, the Board may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the Town Clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the Town's website.<sup>29</sup>

### Rule 10. Special Meetings

- (a) **Calling Special Meetings.** A special meeting of the Board may be called by the mayor, the mayor pro tempore, or any two (2) members of the Board. A special meeting may also be called by vote of the Board in open session during a regular meeting or another duly called special meeting.<sup>30</sup>
- (b) **Notice to the Public.** At least twenty-four (24) hours before a special meeting of the Board, notice of the date, time, place, and purpose of the meeting shall be (i) posted on the Board's principal bulletin board or, if the Board has no such board, at the door of the Board's usual meeting room and (ii) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Furthermore, if the Board has a website maintained by at least one (1) Town employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.<sup>31</sup>
- (c) **Notice to Members.**
  - (1) *Meeting called by the mayor, the mayor pro tempore, or any two (2) Board members.* At least forty-eight (48) hours before a special meeting called by the mayor, the mayor pro tempore, or any two (2) Board members,

<sup>28</sup> N.C. Gen. Stat. §§ 143-318.12(d) & 160A-71(a); Waynesville, NC, Charter § 2.5, Code § 2-51(a).

<sup>29</sup> N.C. Gen. Stat. § 143-318.12(a).

<sup>30</sup> N.C. Gen. Stat. § 160A-71(b)(1); Waynesville, NC, Charter § 2.5.

<sup>31</sup> N.C. Gen. Stat. §§ 143-318.12(b)(2), (e).

written notice of the meeting stating its date, time, and place, as well as the subjects to be considered, shall be delivered to the mayor and each Board member or left at their usual dwelling place.<sup>32</sup>

- (2) *Meeting called by vote of the Board in open session.* When a special meeting is called by vote of the Board in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose.<sup>33</sup>
- (d) **Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to Board members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the Board may take up an item of business not covered by the notice only if the Board first determines, upon motion of a member, in good faith that the item must be discussed or acted upon immediately. A motion to take up an item of business not covered by the notice must state a factual basis or other reasonable grounds for the Board's determination of good faith and exigency.<sup>34</sup>

#### Rule 11. Other Special Meetings

- (a) **Special Meeting for an Emergency.**<sup>35</sup>
  - (1) *Grounds.* A special meeting of the Board may be called in an emergency ("emergency meeting") only to address generally unexpected circumstances demanding the Board's immediate attention.
  - (2) *Notice to the Media.* Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the Town Clerk for notice of emergency meetings. Notice may be given by telephone, e-mail, or the same method used to notify Board members, and must be delivered immediately after notifying Board members.
  - (3) *Notice to Members.* There are two methods by which an emergency meeting of the Board may be called. These methods shall be the sole and exclusive methods for providing notice of an emergency meeting.
    - i. The mayor, the mayor pro tempore, or any two (2) members of the Board may call an emergency meeting by signing a written notice stating the date, time, and place of the meeting, as well as the

<sup>32</sup> N.C. Gen. Stat. § 160A-71(b)(1); Waynesville, NC, Code § 2-51(b)(1).

<sup>33</sup> N.C. Gen. Stat. § 160A-71(b)(3); Waynesville, NC, Code § 2-51(b)(3).

<sup>34</sup> N.C. Gen. Stat. § 160A-71(b)(1) ("[A] person or persons calling a special meeting of a city council shall comply with the notice requirements of Article 33C of the General Statutes Chapter 143 ["Open Meetings Law"].)

<sup>35</sup> N.C. Gen. Stat. § 160A-71(b)(1); Waynesville, NC, Charter § 2.5.

subject(s) to be considered. The notice shall be personally delivered to the mayor and each Board member or left at their usual dwelling place at least six (6) hours before the meeting.

- ii. An emergency meeting may be held when the mayor and all members of the Board are present and consent thereto, or which any absent member has signed a written waiver of notice.

(4) *Transacting Other Business.* The Board may not take up any business other than the specific subject(s) set forth in the meeting notice.

(b) **Electronic Meetings.** The Board may hold an official meeting by use of conference telephone or other electronic means. If the Board holds an official meeting by the foregoing means, it shall provide a location and means whereby members of the public may listen to the meeting, and the notice of the meeting shall specify that location.

(c) **Remote Meetings During Certain Declarations of Emergency.**<sup>37</sup>

- (1) *Remote Meetings Allowed.* Notwithstanding any other provision of law, upon issuance of a declaration of emergency by the Governor or General Assembly according to G.S. 166A-19.20, the Board within the emergency area may conduct remote meetings in accordance with applicable state law throughout the duration of that declaration of emergency. Any meeting held according to this provision shall be open to the public.
- (2) *Notice.* The Board shall give notice as required for any regular meeting, and such notice shall include instructions to the public on the manner in which they can access the remote meeting as the remote meeting occurs.
- (3) *Participation by Board Members.* Any Board member participating by a method of simultaneous communication in which that member cannot be physically seen by the other members of the Board must identify themselves in each of the following situations: (i) when the roll is taken or the remote meeting commences; (ii) prior to participating in deliberations, including making motions, proposing amendments, and raising points of order; and (iii) prior to voting.
- (4) *Documents Considered.* All documents to be considered during the remote meeting shall be provided to each member of the Board in advance of the meeting.
- (5) *Communication Requirements.* The method of simultaneous communication shall allow for any member of the Board to do all of the following: (i) hear what is said by other members of the Board; (ii) hear

**Deleted:** A fee of up to twenty-five dollars (\$25.00) may be charged to each such listener to defray the cost of providing the necessary location and equipment.<sup>36</sup>

<sup>37</sup> N.C. Gen. Stat. § 166A-19.24.

what is said by any individual addressing the Board; and (iii) to be heard by other members of the Board when speaking.

- (6) *Votes.* All votes of the Board taken in a remote meeting held pursuant to this provision shall be by roll call. No other means of voting is allowed.
- (7) *Acting by Reference.* The Board may not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, in any manner which makes it impossible for members of the public attending the meeting to understand what is being deliberated, voted on, or acted upon. This subsection does not prohibit the Board from deliberating, voting, or otherwise taking action by reference to an agenda which: (i) has been made available for public inspection prior to or at the meeting; and (ii) is sufficiently worded to enable the public to understand the matters before the Board.<sup>38</sup>
- (8) *Minutes.* In addition to the requirements in Rule 6, the minutes of a remote meeting must reflect that the meeting was conducted by use of simultaneous communication, which Board members participated by simultaneous communication, and when such Board members joined or left the remote meeting.
- (9) *Public Record.* All chats, instant messages, texts, or other written communications between Board members within the simultaneous communication platform and regarding the transaction of the public business during the remote meeting are deemed a public record.
- (10) *Simultaneous Live Streaming.* The remote meeting shall be simultaneously streamed live online so that simultaneous live audio and/or video of such meeting is available to the public. If the remote meeting is conducted by conference call, the Board may comply with this requirement by providing the public with an opportunity to dial in or stream the audio live.
- (11) *Quorum.* Notwithstanding the provisions of Rule 2 and Rule 4(a), a member of the Board attending a remote meeting pursuant to Rule 4(c) shall be counted as present for the purpose of establishing a quorum but only during the period while simultaneous communication.
- (12) *Voting.* Members of the Board shall vote according to the manner, means, and obligations delineated in these rules.<sup>39</sup> Votes of each member of the Board made during a remote meeting shall be counted as

---

<sup>38</sup> N.C. Gen. Stat. §§ 166A-19.24(b)(6) & 143.318.13(c).

<sup>39</sup> N.C. Gen. Stat. §§ 166A-19.24(c) & 160A-75.

if the member were physically present only during the period while simultaneous communication is maintained for that member.

- (13) *Public Hearings.* The Board may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the Board allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and twenty-four (24) hours prior to the scheduled time for the beginning of the public hearing.
- (14) *Quasi-Judicial Hearings.* The Board may conduct a quasi-judicial proceeding as a remote meeting if: (i) the right of an individual to a hearing and decision occurs during the emergency; (ii) all persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice as otherwise required by law and consent to the remote meeting; and (iii) all due process rights of the parties affected are protected.
- (15) *Closed Sessions.* The Board may conduct a closed session during the remote meeting according to the provisions of Rule 5. While in closed session, the Board is not required to provide public access to the remote meeting.

## **Rule 12. Recessed Meetings**

- (a) **Calling Recessed Meetings.** When conducting a properly called regular, special, or emergency meeting, the Board may recess the meeting to another date, time, or place by a procedural motion made and adopted<sup>40</sup>, as provided in Rule 31, Motion 3, in open session<sup>41</sup>. The motion must state the time (including the date if the meeting will resume on a different day) and place at which the meeting will reconvene.<sup>42</sup>
- (b) **Notice of Recessed Meetings.** Notice of the recessed meeting's date, time, and place must appear on the Town's webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

---

<sup>40</sup> N.C. Gen. Stat. § 143-318.12(b)(1), (e).

<sup>41</sup> N.C. Gen. Stat. § 143-318.11.

<sup>42</sup> Waynesville, NC, Code § 2-51(c).



## Part VI. Agenda

### Rule 13. Agenda

- (a) **Preparing Agenda.** The Town Clerk will prepare an agenda in advance of each meeting of the Board according to the following provisions.<sup>43</sup>
- (1) *Content.* Each agenda may provide for the following items: announcements concerning the official Town calendar; comment by members of the public; presentations pursuant to subparagraph (a)(3) below; consent agenda pursuant to subparagraph (c) below; public hearings; quasi-judicial hearings; old unfinished business; new business; informal reports from the Town Manager, Town Attorney, or other Town employees; comments or updates from members of the Board; or other items deemed necessary for the Board's consideration by a member of the Board, the Town Manager, the Town Attorney, or another Town employee.
  - (2) *Requesting placement of items on an agenda by the Board or Town employees.* For a regular meeting, a request from any member of the Board or any person employed by the Town to have an item of business placed on the agenda should be delivered to the Town Clerk at least one (1) week prior to the date of the meeting. For a special meeting, each item of business for the agenda shall be delivered to the Town Clerk with the written notice of the special meeting in compliance with Rules 10 and 11.
  - (3) *Requesting placement of items on an agenda by members of the public.* Members of the public may submit a written request to the Town Manager or Assistant Town Manager to place an informational presentation of no more than ten (10) minutes in length on the agenda of any regular meeting of the Board. In order to be effective, such written request shall include: (i) the presenter's name, residential address, and telephone number; (ii) whether the presenter is affiliated with any organization and the name of such organization; (iii) the general topic covered by the presentation; and (iv) whether the presenter will request any action by the Board. The Town Manager or Assistant Town Manager shall approve or deny the request in writing within two (2) working days of receipt. If approved, the presenter shall provide either a digital or physical copy of any photographs, data sets, graphs, tables, illustrations, slides, or other illustrative materials to be displayed to the Board during the course of the presentation to the Town Clerk at least one (1) week prior to the date of the meeting. No informational presentation may be placed on the agenda of any regular

---

<sup>43</sup> Waynesville, NC, Code § 2-53.

meeting of the Board if the presenter fails to provide the foregoing materials by the deadline imposed herein.

- (4) *Delivery to Board members.* Each Board member shall receive either a paper or electronic copy of the agenda and packet of any additional materials to be considered by the Board during the meeting on the Thursday immediately preceding any regular meeting. For any special meeting, the agenda and packet of additional materials shall be furnished to each Board member at least six (6) hours prior to the meeting or as soon thereafter as the Town Clerk is reasonably able.
- (5) *Public inspection.* The agenda and packet of additional materials shall be made available to the public immediately after delivery to Board members and published on the Town's website.
- (b) **Altering the Agenda after Publication.** At the beginning of any meeting, the Board may add or remove items from the agenda by majority vote of the members present and voting except as otherwise governed by Rules 10(d) and 11(a)(4).
- (c) **Consent Agenda.** The agenda may designate some of the items for consideration at a regular meeting as the "consent agenda." Items may be placed on the consent agenda by the Town Manager, Assistant Town Manager, or Town Clerk if the items are judged to be noncontroversial and routine. An item may be removed from the consent agenda under subparagraph (b) of this rule, and the request of any member to remove an item from the consent agenda to unfinished business must be honored by the Board. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.
- (d) **Informal Discussion of Agenda Items.** The Board may informally discuss an agenda item even when no motion regarding that item is pending.<sup>44</sup>

#### **Rule 14. Acting by Reference**

The Board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document in such a manner which prevents persons in attendance from understanding what action is being considered or undertaken. The Board may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, if it: (i) has been made available for public inspection prior to or at the meeting; and (ii) is sufficiently worded to enable the public to understand the matters before the Board.<sup>45</sup>

---

<sup>44</sup> Waynesville, NC, Code § 2-54; *Robert's Rules of Order, Newly Revised ("RONR")* (11<sup>th</sup> ed.) 488. 11. 7-8.

<sup>45</sup> N.C. Gen. Stat. § 143-218.13(c).

### **Rule 15. Agenda Items from Members of the Public**

If a member of the public requests that the Board undertake an action item either as a part of an informational presentation pursuant to Rule 13(a)(3) or otherwise, he or she must submit a written request to the Town Clerk as specified in Rule 13(a)(3). If approved as provided therein by the Town Manager or Assistant Town Manager, the Town Clerk shall place the action item on the agenda with other items of new business. The Board may, according to Rule 13(b), remove the action item from the agenda.

### **Rule 16. Order of Business**

- (a) At any regular meeting of the Board, the order of business shall be as follows:
  - (1) Reading the proceedings of the last regular meeting and all special meetings held since the last regular meeting, if any;
  - (2) Correction of the minutes, if necessary and their approval;
  - (3) Published agenda of the meeting;
  - (4) New business.<sup>46</sup>
- (b) If the Board directs any matter to be the special business of a future meeting according to Rule 31, Motion 10, then that matter will take precedence over any other business at such meeting.<sup>47</sup>
- (c) Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

---

<sup>46</sup> Waynesville, NC, Code § 2-53(a).

<sup>47</sup> Waynesville, NC, Code § 2-53(b).

## Part VII. Role of the Presiding Officer

### Rule 17. The Mayor

- (a) **Presiding Officer.** The mayor shall preside at all meetings of the Board.<sup>48</sup>
- (b) **Right to Vote.** The mayor shall have the right, but no obligation, to vote on all matters before the Board.<sup>49</sup>
- (c) **Recognition of Members.** A member should be recognized by the mayor prior to addressing the Board, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1.<sup>50</sup> The presiding officer must recognize any member who seeks the floor and is entitled to it.<sup>51</sup>
- (d) **Powers as Presiding Officer.** The mayor will enforce these rules and maintain order and decorum during Board meetings<sup>52</sup> and, as a result, may:
  - (1) Rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
  - (2) Determine whether a member or other speaker has gone beyond reasonable standards of courtesy in their remarks and entertain and rule on objections from other members on this ground;
  - (3) Entertain and answer questions of parliamentary procedure;
  - (4) Call a brief recess at any time;
  - (5) Adjourn the meeting without motion or vote of the Board in an emergency; or
  - (6) Take any such other proper or necessary action permitted by Robert's Rules of Order, Newly Revised.
- (e) **Appeals of Procedural Rulings.** A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1.
- (f) **Definitions.** For the purposes of Rule 17(d), the following definitions will apply:
  - (1) The term "recess" shall mean a short intermission in the Board's meeting, commonly of only a few minutes, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.

<sup>48</sup> Waynesville, NC, Code § 2-52.

<sup>49</sup> Waynesville, NC, Charter § 2.2; N.C. Gen. Stat. § 160A-69.

<sup>50</sup> *RONR* (11<sup>th</sup> ed.) 376, ll. 13-16.

<sup>51</sup> *RONR* (11<sup>th</sup> ed.) 376, l. 16; 377, l. 1.

<sup>52</sup> Waynesville, NC, Code § 2-55.

- (2) The term “emergency” shall embrace and include any circumstance or condition which endangers the health or well-being of the Board or those other persons in attendance at the meeting, including, but not limited to, fire, riot, explosion, spread of poisonous gas or effluent, or the threat of any of any dangerous circumstance or condition which the presiding officer reasonably believes to be legitimate.

#### **Rule 18. The Mayor Pro Tempore**

- (a) **Presiding in Mayor’s Absence.** In the event of the mayor’s absence from a meeting of the Board, the mayor pro tempore shall preside with all the powers specified in Rule 17.<sup>53</sup>
- (b) **Delegation of Mayor’s Powers or Duties.** In the mayor’s absence or disability, the mayor pro tempore shall perform the duties of the mayor as conferred upon them by the Board.<sup>54</sup> If the mayor should become physically or mentally incapable of performing the duties of their office, the Board may by unanimous vote declare that the mayor is incapacitated and confer any of the powers and duties of their office on the mayor pro tempore.<sup>55</sup> Upon the mayor’s declaration that he is no longer incapacitated, and with the concurrence of a majority of the Board, the mayor shall resume the exercise of his powers and duties.<sup>56</sup>
- (c) **Duty to Vote.** The mayor pro tempore has a duty to vote on all matters before the Board even when serving as the presiding officer for the meeting unless they have been excused from voting on a matter according to Rule 28.<sup>57</sup>

#### **Rule 19. Other Presiding Officer**

If both the mayor and mayor pro tempore are absent, the Board may elect from among its members in attendance a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17. Service as a temporary presiding officer does not relieve that member of the duty on all questions unless excused from voting pursuant to Rule 28.<sup>58</sup>

#### **Rule 20. When the Presiding Officer is Active in Debate**

If the mayor becomes active in debate on a particular matter before the Board, they may have the mayor pro tempore or another presiding officer preside during the Board’s consideration of the matter. Similarly, if the mayor pro tempore or a

---

<sup>53</sup> Waynesville, NC, Charter § 2.4.

<sup>54</sup> *Id.*

<sup>55</sup> N.C. Gen. Stat. § 160A-70.

<sup>56</sup> *Id.*

<sup>57</sup> N.C. Gen. Stat. § 160A-75.

<sup>58</sup> N.C. Gen. Stat. § 160A-70.

temporary presiding officer is presiding and takes an active part in debate, they may designate another Board member to preside temporarily.<sup>59</sup>

---

<sup>59</sup> See *American Institute of Parliamentarians Standard Code of Parliamentary Procedure* (“*Standard Code*”) 2 (2012) (“The purpose of meeting procedures is to allow members to reach informed business decisions in an effective, efficient, orderly, courteous, and fair manner.”).

## **Part VIII. Motions and Voting**

### **Rule 21. Action by the Board**

Except as otherwise provided in these rules or by law, the Board shall act by motion.<sup>60</sup> Any member may make a motion, including the mayor.

### **Rule 22. Second Required; Motion Reduced to Writing**

No proposition shall be entertained by the mayor until it has been seconded<sup>61</sup>, and every motion, when required by the mayor or any member of the Board, shall be reduced to writing.<sup>62</sup>

### **Rule 23. One Motion at a Time**

A member may make only one motion at a time.<sup>63</sup>

### **Rule 24. Withdrawal of Motion**

The member who introduces a motion may withdraw the motion unless the motion has been seconded or amended or the presiding officer has put the motion to a vote.<sup>64</sup>

### **Rule 25. Debate**

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the following principles<sup>65</sup>:

- (a) The maker of the motion is entitled to speak first.
- (b) A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- (c) To the extent practicable, the debate shall alternate between proponents and opponents of the measure.

### **Rule 26. Adoption by Majority Vote**

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.<sup>66</sup>

---

<sup>60</sup> Waynesville, NC, Charter § 2.7, Code § 2-53(b).

<sup>61</sup> *RONR* (11<sup>th</sup> ed.) 36, ll. 28-31.

<sup>62</sup> Waynesville, NC, Code § 2-53(b).

<sup>63</sup> *See Standard Code 2, infra.*

<sup>64</sup> *RONR* (11<sup>th</sup> ed.) 295, ll. 31-33; 296, ll. 21-25.

<sup>65</sup> *RONR* (11<sup>th</sup> ed.) 379, ll. 10-13, 27-35; 380, ll. 1-2.

<sup>66</sup> Waynesville, NC, Charter § 2.7.

## Rule 27. Changing a Vote

A member may change their vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change their vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.<sup>67</sup>

## Rule 28. Duty to Vote

- (a) **Duty to Vote.** Every Board member must vote except when excused from voting as provided by this rule.<sup>68</sup>
- (b) **Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to Board members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 160A-381(d) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-388(e)(2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker).
- (c) **Procedure for Excusal.**<sup>69</sup>
  - (1) *At member's request.* Upon being recognized at a duly called meeting of the Board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
  - (2) *On the Board's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining Board members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).
- (d) **Consequence of Non-Excused Failure to Vote.** Except as specified in paragraph (e)<sup>70</sup>, if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote<sup>71</sup> provided: (i) the member is physically present in the meeting chamber;

<sup>67</sup> *RONR* (11<sup>th</sup> ed.) 408, ll. 21-36; 409, ll. 1-10.

<sup>68</sup> N.C. Gen. Stat. § 160A-75.

<sup>69</sup> See N.C. Gen. Stat. §§ 160A-12 & 160A-67.

<sup>70</sup> N.C. Gen. Stat. § 160A-385.

<sup>71</sup> N.C. Gen. Stat. § 160A-75.



or (ii) the member has physically withdrawn from the meeting without being excused by a majority vote of the remaining members present.

- (e) **Failure to Vote on Certain Zoning Matters.** A member's unexcused failure to vote on a motion concerning a proposal to adopt, amend, supplement, or repeal a zoning ordinance shall not be recorded as an affirmative vote. Instead, the member's unexcused failure to vote shall be recorded as an abstention.<sup>72</sup>

#### **Rule 29. Voting by Written Ballot**

- (a) **Secret Ballots Prohibited.** The Board may not vote by secret ballot.<sup>73</sup>
- (b) **Rules for Written Ballots.** The Board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign their own ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the Town Clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.<sup>74</sup>

#### **Rule 30. Substantive Motions**

A substantive motion is not in order if made while another motion is pending. Once the Board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 31, Motion 14.<sup>75</sup>

#### **Rule 31. Procedural Motions**

- (a) **Certain Motions Allowed.** The Board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.
- (b) **Priority of Motions.** The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that: (i) any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12; and (ii) a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

---

<sup>72</sup> N.C. Gen. Stat. § 160A-385.

<sup>73</sup> N.C. Gen. Stat. § 143-318.13(b).

<sup>74</sup> *Id.*

<sup>75</sup> *RONR* (11<sup>th</sup> ed.) 100, ll. 3-4; 111, ll. 11-15.

(c) **Procedural Motions Allowed.**

**Motion 1. To Appeal a Ruling of the Presiding Officer.** Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

**Motion 2. To Adjourn.** Any member may move to adjourn to close a meeting. A motion to adjourn is not in order if the Board is in closed session.

**Motion 3. To Recess to a Time and Place Certain.** Any member may make a motion to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the Board is in closed session.

**Motion 4. To Take a Brief Recess.** Any member may move to pause a meeting for a few minutes.

**Motion 5. To Follow the Agenda.** Any member may move to require the presiding officer to adhere to the agenda as presented where the presiding officer attempts to deviate from the agenda pursuant to Rule 16(c). The motion is not in order if no such attempt to deviate has occurred.

**Motion 6. To Suspend the Rules.** Any member may move to suspend these rules but may be adopted only with an affirmative vote of at least two-thirds (2/3) of the Board's actual membership, excluding vacant seats. The Board may not suspend any provisions in these rules that are required by state law.

**Motion 7. To Divide a Complex Motion.** Any member may move to consider and vote on parts of a complex motion separately. The motion must specify how the complex motion will be divided.

**Motion 8. To Defer Consideration.** Any member may move to defer the Board's consideration of a substantive motion, and any amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Board votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

**Motion 9. To End Debate (Call the Previous Question).** Any member may move to terminate debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

**Motion 10. To Postpone to a Certain Time.** Any member may move to delay the Board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

**Motion 11. To Refer a Motion to a Committee.** Any member may move to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the Board must take up the motion if asked to do so by the member who introduced it.

**Motion 12. To Amend.** Any member may move to amend an earlier motion under consideration by the Board. The motion to amend must concern the same subject matter as the motion it seeks to alter. No more than one motion to amend and one motion to amend the amendment may be pending at the same time. Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

**Motion 13. To Revive Consideration.** Any member may move to revive consideration of any substantive motion that was deferred pursuant to Motion 8, provided it does so within 100 days of the Board's vote to defer.

**Motion 14. To Reconsider.** A member may move to have the Board reconsider its action on a previously considered matter. The motion must be made: (i) at the same meeting during which the action to be reconsidered was taken; and (ii) by a member who voted with the prevailing side. For the purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place pursuant to Motion 3. The motion is not in order if: (i) it is made by a member who voted with the non-prevailing side; or (ii) it interrupts the Board's deliberation on a pending matter.

**Motion 15. To Rescind.** Any member may move to have the Board rescind an action taken at a prior meeting provided rescission is not forbidden by law.

**Motion 16. To Prevent Reintroduction for Six (6) Months.** Any member may move to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive an affirmative vote of at least two-thirds (2/3) of the Board's actual membership, excluding vacant seats. If the motion is adopted, the ban on reintroduction remains in effect for six (6) months or until the Board's next organizational meeting, whichever occurs first.

## Part IX. Ordinances and Contracts

### Rule 32. Introduction of Ordinances

For the purposes of the rules in this Part IX, the “date of introduction” for a proposed ordinance is the date on which the text of the proposed ordinance first appears on an agenda of a meeting of the Board.<sup>76</sup> The Board votes on the subject matter of a proposed ordinance when it votes on whether to adopt or to make changes to the proposed ordinance.

Deleted: Board first votes on

Deleted: 's

Deleted: subject matter

### Rule 33. Adoption, Amendment, and Repeal of Ordinances

#### (a) Adoption of Ordinances.<sup>77</sup>

- (1) *Proposed ordinances to be in writing.* No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.
- (2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive an affirmative vote of at least two-thirds (2/3) of the Board’s actual membership, excluding vacant seats.
- ~~(3)~~ *Adoption after date of introduction.* To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all Board members not excused from voting on the matter.
- (4) *Proposed ordinances placed on the consent agenda. Proposed ordinances may be placed on and approved as a part of the consent agenda for any meeting of the Board occurring after the date of introduction according to Rule 13(c).*

- (b) **Amendment and Repeal of Ordinances.** The same voting requirements that govern the adoption of proposed ordinances apply to the amendment or repeal of an ordinance.<sup>78</sup>

### Rule 34. Adoption of the Budget Ordinance

- (a) **Special Rules for the Adoption or Amendment of the Budget Ordinance.** Notwithstanding any provision in the Town Charter, general law, or local act:

<sup>76</sup> N.C. Gen. Stat. § 160A-75.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*; N.C. Gen. Stat. § 160A-364(a).

- (1) The Board may adopt or amend the budget ordinance at a regular or special meeting of the Board by a simple majority of those members present and voting, a quorum being present<sup>79</sup>;
  - (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Board<sup>80</sup>; and
  - (3) The adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any section of the Town Charter or local act concerning initiative or referendum<sup>81</sup>.
- (b) **Notice Requirements for Budget Meetings.** During the period beginning with the submission of the budget to the Board and ending with the adoption of the budget ordinance, the Board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as: (i) each member of the Board has actual notice of each special meeting called for the purpose of considering the budget; and (ii) no business other than consideration of the budget is taken up.<sup>82</sup>
- (c) **No Authority for Closed Sessions.** This rule shall not be construed to authorize the Board to hold closed sessions on any basis other than the grounds set forth in Rule 5.

### **Rule 35. Approval of Contracts and Authorization of Expenditures**

- (a) **Contracts to be in Writing.** No contract shall be approved or ratified by the Town Board unless it has been reduced to writing at the time of the Board's vote.<sup>83</sup>
- (b) **Approval of Contracts.** To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all Board members not excused from voting on the contract.<sup>84</sup>
- (c) **Authorization of Expenditure of Public Funds.** The same vote necessary to approve or ratify a contract is required for the Board to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

---

<sup>79</sup> N.C. Gen. Stat. § 159-17(1).

<sup>80</sup> N.C. Gen. Stat. § 159-17(2).

<sup>81</sup> N.C. Gen. Stat. § 159-17(3).

<sup>82</sup> N.C. Gen. Stat. § 159-17.

<sup>83</sup> N.C. Gen. Stat. § 160A-16.

<sup>84</sup> N.C. Gen. Stat. § 160A-75.

**Part X. Public Hearings and Comment Periods**

**Rule 36. Public Hearings**

- (a) **Calling Public Hearings.** In addition to holding public hearings required by law, the Board may hold any public hearing it deems advisable. The Board may schedule hearings or delegate that responsibility to Town employees, as appropriate, except when state law directs the Board itself to call the hearing. If the Board delegates scheduling authority, it must provide adequate guidance to assist Town employees in exercising that authority.<sup>85</sup>
- (b) **Public Hearing Locations.** Public hearings may be held anywhere within the Town of Waynesville or within Haywood County.<sup>86</sup>
- (c) **Rules for Public Hearings.** The Board hereby adopts the following reasonable rules for the conduct of public hearings<sup>87</sup>:
  - (1) Public Hearings shall be conducted by the Presiding Officer.<sup>88</sup>
  - (2) The Presiding Officer shall determine first whether any individuals with standing to offer evidence or to contest or appeal the decision of the Board wish to make a presentation during the public hearing.
  - (3) Prior to opening any public hearing, the Presiding Officer shall advise those in attendance of the rules to be followed if there are any individuals other than Town employees who will offer evidence or comment.
  - (4) The Presiding Officer or another person authorized by law to administer oaths shall then administer oaths to any individuals offering testimony or evidence during the public hearing.
  - (5) The Presiding Officer may delegate the task of monitoring the time allotted for the hearing or for each speaker to the Town Attorney or the Town Clerk.
  - (6) The total time for a public hearing shall be limited to one (1) hour. The Board may, in its discretion, extend the time allotted for a public hearing by a majority vote of the members actually in attendance and not excused from voting.
  - (7) After opening the public hearing, the Presiding Officer shall first recognize any Town employees to provide information concerning the subject matter of the public hearing.

Deleted: Town Attorney

Deleted: Town Attorney

Deleted: Town Attorney

Deleted: Town Attorney

Deleted: Town Attorney

<sup>85</sup> See N.C. Gen. Stat §§ 160A-30(c); 160A-58.2; 160A-102; 160A-364(a).

<sup>86</sup> N.C. Gen. Stat. § 160A-81.

<sup>87</sup> N.C. Gen. Stat. § 160A-81.

<sup>88</sup> See fn. 90, *infra*.

(8) Following the presentation of any Town employees, the Presiding Officer shall next recognize the applicant or petitioner, if any. The time allotted for the applicant or petitioner shall be limited to ten (10) minutes. The Board may, in its discretion, extend the time allotted for public comment by a majority vote of the members actually in attendance and not excused from voting.

Deleted: Town Attorney

(9) Following the applicant or petitioner, if any, the Presiding Officer shall next recognize any other individuals with standing. The time allotted for each individual with standing shall be limited to five (5) minutes. The Board may, in its discretion, extend the time allotted for individuals with standing by a majority vote of the members actually in attendance and not excused from voting.

Deleted: Town Attorney

(10) Next, the Presiding Officer shall recognize members of the general public who wish to make a comment during the public comment portion of the hearing.

Deleted: Town Attorney

(11) Public comment during a public hearing shall be limited to thirty (30) minutes. Before making their remarks, individuals making a comment during this period shall provide their full name and their permanent residential address. Each individual shall be allowed no more than three (3) minutes to make their comments, and no person may speak more than once. The Board may, in its discretion, extend the time allotted for public comment, extend the time allotted for any individual, or allow an individual to speak more than once by a majority vote of the members actually in attendance and not excused from voting.

(12) The Board may, in its discretion and by a majority vote of the members actually in attendance and not excused from voting, allow groups of aligned individuals who have retained a Licensed Professional to speak on their behalf during the public comment period to combine their allotted time to permit the professional to exceed the three (3) minute limit. No such professional, however, shall be permitted to speak longer than ten (10) minutes, regardless of the number of individuals represented. For the purposes of this section, a Licensed Professional shall mean an individual licensed in a learned profession (including, but not limited to, engineering, law, medicine, etc.) by the appropriate licensing body and authorized to practice within that profession in the State of North Carolina.

(13) Individuals providing comment during the public comment period are permitted to express their concerns or opinions about the issues under discussion or share facts, data, or other information which may assist the Board in its deliberation, but they may not ask questions of the Mayor, Town Board, or Town officers or employees; make personal attacks on the applicant, petitioner, members of the Board or mayor, or

any other persons which are not pertinent to the subject matter of the public hearing; or generally expound on matters which are wholly unrelated and irrelevant to the subject matter of the public hearing.

- (14) Following the conclusion of the public comment period, the Town Attorney may recognize a Town employee to provide additional information to address any concerns raised during public comment. The Town Attorney may then recognize the applicant or petitioner, if any, to provide a rebuttal to address concerns raised during public comment.
- (15) At the conclusion of the public hearing, the **Presiding Officer** shall close the public hearing.

Deleted: Town Attorney

Deleted: and turn the meeting back over to the mayor

- (d) **Notice of Public Hearings.** Any public hearing at which a majority of the Board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.
- (e) **Continuing Public Hearings.** The Board may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to subparagraph (g) below, if a quorum of the Board is not present for a properly scheduled public hearing, the hearing must be continued until the Board's next regular meeting without further advertisement.<sup>89</sup>
- (f) **Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall designate the Town Attorney as the presiding officer who shall conduct the public hearing according to the rules adopted in subparagraph (c) above. Unless the Board extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the **Presiding Officer** shall declare the hearing closed, and the Board shall resume the regular order of business.
- (g) **Public Hearings by Less Than a Majority of Board Members.** Nothing in this rule prevents the Board from appointing a member or members to hold a public hearing on the Board's behalf, except when state law requires that the Board itself conduct the hearing.

Deleted: Town Attorney

Deleted: return the meeting to the mayor,

Deleted: <sup>90</sup>

### Rule 37. Public Comment Periods

- (a) **Frequency of Public Comment Periods.** The Board must provide at least one opportunity for public comment each month at a regular meeting, except

<sup>89</sup> N.C. Gen. Stat. § 160A-81.



that the Board need not offer a public comment period during any month in which it does not hold a regular meeting.<sup>91</sup>

(b) **Rules for Public Comment Periods.** The Board hereby adopts the following reasonable rules for the conduct of public comment during regular meetings<sup>92</sup>:

- (1) At the beginning of each<sup>93</sup> regularly scheduled meeting, the Board will allow public comment.
- (2) The maximum time allotted for all comments from the public shall be thirty (30) minutes, and the maximum time allotted for any individual to make comments shall be three (3) minutes. No individual may speak more than once. The Board may, in its discretion and by a majority vote of the members actually in attendance and not excused from voting, increase or decrease this period or, if all other persons have spoken, permit any individual to speak longer than their allotted time or more than once, based upon various factors, such as: the length of the meeting agenda; the time required to address the normal business on the agenda; whether a closed session is scheduled; whether one or more of the Board members are unable to remain past a certain time; or any such other reasonable grounds to alter the time provided for public comment.
- (3) Before any meeting including a public comment period is called to order, any individual may request to speak during the period by submitting a fully completed written request card supplied by the Town to the Town Clerk.
- (4) A written request shall not be fully completed unless the individual provides their name, permanent residential address, and telephone number, as well as the general topic of their remarks.
- (5) The Town Clerk shall reject any written requests which are not fully completed and shall mark all fully completed requests with a number corresponding to the order in which it was received.
- (6) During that portion of the meeting designated for public comment, the mayor shall recognize the individuals who wish to speak in the numerical order shown on the fully completed request cards provided by the Town Clerk.
- (7) Individuals providing comment during the public comment period are permitted to express their concerns or opinions about any matter under discussion or share facts, data, or other information which may assist the Board in its deliberation, or on any subject within the Board's real or apparent jurisdiction, but they may not ask questions of the Mayor, Town Board, or Town officers or employees; make personal attacks on

---

<sup>91</sup> N.C. Gen. Stat. § 160A-81.1.

<sup>92</sup> N.C. Gen. Stat. § 160A-81.1.

<sup>93</sup> See N.C. Gen. Stat. § 160A-81 (only one public comment session per month is required).

the members of the Board or mayor, or any other persons; or comment upon matters which are not pertinent to a subject within the Board's real or apparent jurisdiction; or generally expound on matters which are wholly unrelated and irrelevant to the Board's real or apparent jurisdiction.

- (8) The Town Attorney shall keep time for each individual and for the total time of the public comment period.
  - (9) The Board may decline to take action on a request presented during the public comment period. The Board also may refer the matter to the Town Manager, the Town Attorney, or another appropriate individual for investigation, action, or for future report back to the Board.
- (c) **Content-Based Restrictions Generally Prohibited.** The Board will not restrict speakers based on the subject-matter of their remarks, as long as their comments pertain to subjects within the Board's real or apparent jurisdiction.

## Part XI. Appointments and Appointed Bodies

### Rule 38. Appointments

- (a) **Appointments in Open Session.** The Board must consider and make any appointment to another body or, in the event of a vacancy on the Board, to its own membership in open session.<sup>94</sup>
- (b) **Nomination and Voting Procedure.** The Board shall use the following procedure to fill a vacancy in its own membership or in any other body over which it has the power of appointment.
  - (1) The Town shall call for applications from the public to fill any vacancies, specifying any eligibility requirements in the notice.
  - (2) The Town Clerk or the Assistant Town Manager shall review all applications received to determine whether the applicants meet the eligibility requirements specified in the notice and shall compile a list, together with the full applications, of all eligible applicants which shall be provided to the Board with the agenda for the meeting where the appointment(s) will be considered by the Board.
  - (3) Voting may occur by acclamation where the number of eligible applicants to be considered by the Board is less than or equal to the number of vacant seats to be filled.
  - (4) In all other circumstances, voting shall occur by written ballot according to Rule 29, and each Board member actually present and not otherwise excused from voting shall vote to appoint one (1) person for each vacancy to be filled.
  - (5) The Board may vote to fill multiple vacancies on a single body on one (1) ballot.
  - (6) The Town Clerk or the Assistant Town Manager shall collect and tally the written ballots, keeping a record for the minutes of how each member voted, and then they shall announce the total votes for each applicant from all ballots.
  - (7) Where the Board considers multiple vacancies on a single body, if no applicant receives a majority vote for one or more vacancies, then the Town Clerk or Assistant Town Manager shall announce: (i) any vacancy which was filled and the applicant to be appointed; (ii) the number of vacancies which were not filled; and (iii) the applicants who were not appointed in order of most votes received to least. The Board shall then complete successive rounds of ballots according to this procedure until all vacancies are filled.

---

<sup>94</sup> N.C. Gen. Stat. § 143-318.11(a)(6).

- (8) At the conclusion of voting, the mayor shall call for a vote to confirm the appointments to the body consistent with the outcome of the written ballots.
- (c) **Mayor.** The mayor may vote on appointments under this rule.
- (d) **Duty to Vote.** It is the duty of each member, other than the mayor, to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

**Rule 39. Committees and Boards**

- (a) **Establishment and Appointment.** The Board may establish temporary and standing committees, boards, and other bodies to help carry on the work of Town government. Unless otherwise provided by law or the Board, the power of appointment to such bodies lies with the Board.<sup>95</sup>
- (b) **Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the Town's professional staff.<sup>96</sup>
- (c) **Procedural Rules.** The Board may prescribe the procedures by which the Town's appointed bodies operate, subject to any applicable state law.

---

<sup>95</sup> N.C. Gen. Stat. § 160A-146.

<sup>96</sup> N.C. Gen. Stat. § 143.318.10(c).

**Part XII. Miscellaneous**

**Rule 40. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the Town Charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the Board's members, excluding vacant seats.

**Rule 41. Reference to *Robert's Rules of Order Newly Revised***

The Board shall refer to *Robert's Rules of Order Newly Revised* ("RONR") for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *RONR*, the mayor shall make a ruling on the issue subject to appeal to the Board under Rule 31, Motion 1.

**ARTICLE II – RULES APPLICABLE TO ALL OTHER BOARDS &  
COMMITTEES**

**Part I. Applicability**

**Rule 1. Applicability of Rules**

These rules apply to all meetings of the boards and committees (“Public Body” or “Public Bodies” collectively) of the Town of Waynesville (the “Town”). For purposes of these rules, a meeting of a Public Body occurs whenever a majority of the Public Body’s members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Board’s real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.<sup>97</sup>

---

<sup>97</sup> N.C. Gen. Stat. §§ 160A-71(c) & 143-318.9, -318.18.

**Part II. Adoption by Reference**

The following rules from Article I – Rules Applicable to the Board of Aldermen are adopted by reference as though fully set forth herein and shall apply to all Public Bodies of the Town:

- (a) Rule 2,
- (b) Rule 3,
- (c) Rule 4,
- (d) Rule 5,
- (e) Rule 6,
- (f) Rule 7,
- (g) Rule 9,
- (h) Rule 10,
- (i) Rule 11(b),
- (j) Rule 11(c),
- (k) Rule 12,
- (l) Rule 13,
- (m) Rule 14,
- (n) Rule 15,
- (o) Rule 16,
- (p) Rule 21,
- (q) Rule 22,
- (r) Rule 23,
- (s) Rule 24,
- (t) Rule 25,
- (u) Rule 26,
- (v) Rule 27,
- (w) Rule 28,
- (x) Rule 29,
- (y) Rule 30,
- (z) Rule 31,
- (aa) Rule 36,
- (bb) Rule 37, and
- (cc) Rule 41.

### **Part III. Additional Rules for Public Bodies**

#### **Rule 42. Selection and Role of a Chair and Vice Chair**

- (a) **Selection of a Chair.** Each Public Body may select from among its members an individual to recommend to the Board of Aldermen to be appointed as Chair. The Board of Aldermen may, in its discretion, accept the recommendation of the Public Body but shall not be bound by it.
- (b) **Selection of a Vice Chair.** Each Public Body may select from among its members an individual to recommend to the Board of Aldermen to be appointed as Vice Chair. The Board of Aldermen may, in its discretion, accept the recommendation of the Public Body but shall not be bound by it.
- (c) **Role of the Chair.**
  - (1) *Presiding Officer.* The chair of each Public Body shall preside at all meetings of that Public Body.
  - (2) *Right to Vote.* The chair shall have the right, but not obligation, to vote on all matters before the Board.
  - (3) *Recognition of Members.* A member should be recognized by the presiding officer prior to addressing the Board, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1. The presiding officer must recognize any member who seeks the floor and is entitled to it.
  - (4) *Powers as Presiding Officer.* The presiding officer will enforce these rules and maintain order and decorum during Board meetings and, as a result, may:
    - i. Rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
    - ii. Determine whether a member or other speaker has gone beyond reasonable standards of courtesy in their remarks and entertain and rule on objections from other members on this ground;
    - iii. Entertain and answer questions of parliamentary procedure;
    - iv. Call a brief recess at any time;
    - v. Adjourn the meeting without motion or vote of the Board in an emergency; or
    - vi. Take any such other proper or necessary action permitted by *Robert's Rules of Order, Newly Revised.*



- (5) *Appeals of Procedural Rulings.* A member may appeal a decision made or answer given by the presiding officer under subparagraph (c)(4)i., ii., or iii. in accordance with Rule 31, Motion 1.
- (6) *Definitions.* For the purposes of Rule 42(c), the following definitions will apply:
  - i. The term “recess” shall mean a short intermission in the Board’s meeting, commonly of only a few minutes, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.
  - ii. The term “emergency” shall embrace and include any circumstance or condition which endangers the health or well-being of the Board or those other persons in attendance at the meeting, including, but not limited to, fire, riot, explosion, spread of poisonous gas or effluent, or the threat of any of any dangerous circumstance or condition which the presiding officer reasonably believes to be legitimate.

(d) **Role of the Vice Chair.**

- (1) *Presiding in the Chair’s Absence.* In the event of the chair’s absence from a meeting of the Public Body, the vice chair shall preside with all the powers specified in Rule 42(c).
- (2) *Duty to Vote.* The vice chair has a duty to vote on all matters before the Public Body even when serving as the presiding officer for the meeting unless they have been excused from voting on a matter according to Rule 28.

**Rule 43. Other Presiding Officer**

If both the chair and vice chair are absent, the Public Body may elect from among its members in attendance a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 42(c). Service as a temporary presiding officer does not relieve that member of the duty on all questions unless excused from voting pursuant to Rule 28.

**Rule 44. When the Presiding Officer is Active in Debate**

If the chair becomes active in debate on a particular matter before the Public Body, they may have the vice chair or another presiding officer preside during the Public Body’s consideration of the matter. Similarly, if the vice chair or a temporary presiding officer is presiding and takes an active part in debate, they may designate another member of the Public Body to preside temporarily.

**Rule 45. Delegation of Responsibilities**

Where reference is made to the Town Clerk, Town Manager, Assistant Town Manager, or Town Attorney in rules adopted by reference in Part II of these rules, those individuals may delegate the duties imposed upon them by such rules to another Town officer or employee whose regular responsibilities are more suited to carry out the duties required for the corresponding Public Body.

**Rule 46. Adoption of Additional Rules**

Each Public Body may adopt rules of procedure to supplement or in addition to, but not inconsistent with, the rules set forth herein. No Public Body may attempt to amend or repeal any rules adopted by the Board of Aldermen.

## Part X. Public Hearings and Comment Periods

### Rule 36. Public Hearings

(a) **Calling Public Hearings.** In addition to holding public hearings required by law, the council may hold any public hearings it deems advisable. The council may schedule hearings or delegate that responsibility to city staff members, as appropriate, except when state law directs the council itself to call the hearing. If the council delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

**Comment:** Some councils allow staff members to schedule public hearings on the council's behalf. Paragraph (a) sanctions that practice except when otherwise limited by law, but it also requires an explicit delegation of authority by the council and clear guidelines for the exercise of the delegated authority.<sup>109</sup> Courts are often very particular about the procedural requirements for public hearings. It is imperative that the council ensure that staff members follow statutory and any council-established procedures when they schedule public hearings.

<sup>109</sup> Numerous state laws mandate that the council hold public hearings prior to taking certain kinds of actions. See David M. Lawrence, *When Are Public Hearings Required*, COATES' CANONS: NC LOC. GOV'T L. BLOG (Aug. 21, 2009) <http://canons.sog.unc.edu/when-are-public-hearings-required> (cataloging city or county actions that trigger statutory public hearing requirements). Most of these statutes direct the council to "hold" a hearing, usually subject to some kind of public notice requirement. See, e.g., 160A-364(a) ("Before adopting, amending, or repealing any ordinance authorized by this Article, the city council shall hold a public hearing on it."). When such a statute is involved, there usually will not be any legal reason why the council may not delegate the scheduling of the hearing to staff. The wording in a few statutes, though, appears to oblige the council itself to set the dates for public hearings on certain topics. Under G.S. 160A-102, for example, if a council wishes to amend the city charter by ordinance, it must first adopt a resolution of intent and, at the same time "call a public hearing on the proposed charter amendments." Similarly, statutory provisions governing voluntary annexations expressly require the council to "fix a date" for an annexation hearing. G.S. 160A-30(c); 160A-58.2.

**(b) Public Hearing Locations.** Public hearings may be held anywhere within the city or within the county where the city is located.

**Comment:** Paragraph (b) restates the geographic limitation on public hearings contained in G.S. 160A-81.

**(c) Rules for Public Hearings.** The council may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

**Comment:** Paragraph (c) incorporates provisions in G.S. 160A-81 regarding rules for public hearings. In keeping with the spirit of the open meetings law, it also dictates that group members desiring to be present at a hearing covered by that law be given the opportunity to listen to the proceedings—outside the meeting room if necessary—if the room is too small to accommodate them.

**(d) Notice of Public Hearings.** Any public hearing at which a majority of the council is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

**Comment:** A public hearing triggers the notice, minutes, and other requirements of the open meetings law if a majority of the council is present for the hearing, since under those circumstances it qualifies as an official meeting of the council. Depending on the topic of the hearing, other statutory notice requirements also may have to be satisfied.<sup>110</sup>

---

<sup>110</sup> For a list of the various statutes requiring cities to hold public hearings, see Appendix 2 in BLUESTEIN & LAWRENCE, *supra* note 10, at 111–13.

**(e) Continuin**  
ther advertis  
hearing will  
in open sessi  
of the council  
continued ur

**Comm**  
tinuing

**(f) Conduct o**  
call the heari  
adopted by th  
time allotted  
the mayor sha  
the council st

**Comm**  
require  
languag

**(g) Public Hea**  
vents the cour  
council's beha

**Comme**  
regular  
might ap  
by the c  
ings ma  
decides  
appoint  
is not rec  
example  
number  
to hold a  
decide to  
to captur

When  
not requi

within the city or

public hearings

or public hearings

supporting or

ing or opposing  
the hearing

in the case of a  
meeting room to listen to

the hearing.

regarding rules  
of law, it also dic-  
tates by that law be  
meeting room if

the council is pres-  
ent, the relevant  
rules 9 through  
particular types  
meeting during

requirements  
for the hearing,  
of the council.  
Requirements also

2 in BLUESTEIN

**(e) Continuing Public Hearings.** The council may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the council is not present for a properly scheduled public hearing, the hearing must be continued until the council's next regular meeting without further advertisement.

**Comment:** Paragraph (e) essentially restates provisions in G.S. 160A-81 on continuing hearings.

**(f) Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the council for the hearing. Unless the council extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall [declare the hearing closed] [entertain a motion to close the hearing], and the council shall resume the regular order of business.

**Comment:** Some councils allow the mayor to close a public hearing, while others require a motion and vote. Either practice is acceptable, as indicated by the optional language in brackets.

**(g) Public Hearings by Less Than a Majority of Council Members.** Nothing in this rule prevents the council from appointing a member or members to hold a public hearing on the council's behalf, except when state law requires that the council itself conduct the hearing.

**Comment:** By providing that a public hearing is deferred until the council's next regular meeting if a quorum is not present at the scheduled time, G.S. 160A-81 might appear to imply that a quorum is necessary for any public hearing scheduled by the council. Rightly understood, however, the statute concerns public hearings mandated by law, as well as discretionary public hearings that the council decides to conduct as a body. There is no legal reason why the council could not appoint one or more members short of a quorum to conduct a public hearing that is not required by law, and sometimes good reason exists for doing so. Suppose, for example, that the council wants public input on a controversial proposal to cap the number of dogs or cats per residence. Inasmuch as no statute directs the council to hold a public hearing prior to adopting such an ordinance, the council could decide to have individual members conduct hearings throughout the city in order to capture a broader sample of public opinion.

When the council authorizes more than one member to conduct a public hearing not required by law, the safe course of action with regard to the open meetings law

is to assume that the members tasked with holding the hearing constitute a committee of the council and that the hearing is therefore subject to the law's public notice and related requirements for special meetings.

probably  
some wa

### Rule 37. Public Comment Periods

(a) **Frequency of Public Comment Periods.** The council must provide at least one opportunity for public comment each month at a regular meeting, except that the council need not offer a public comment period during any month in which it does not hold a regular meeting.

(b) **Rules for Public Comment Periods.** The council may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(c) **Content-Based Restrictions Generally Prohibited.** The council may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the council's real or apparent jurisdiction.

**Comment:** Paragraphs (a) and (b) largely paraphrase G.S. 160A-81.1. In keeping with the spirit of the open meetings law, paragraph (b) likewise requires that all group members desiring to be present for the public comment period be given the opportunity to listen to the proceedings—outside the meeting room if necessary—if the room is too small to accommodate them.

Paragraph (c) recognizes that the free speech guarantee in the First Amendment to the United States Constitution applies to public comment periods. Specifically, in First Amendment jargon, the public comment period constitutes a “limited public forum,” which means that the council may impose reasonable time, place, and manner restrictions. Restrictions premised on the content or viewpoint of a speaker's remarks will usually be deemed unconstitutional, though the council

## Part XI. App

### Rule 38. App

(a) **Appointment**  
to another bo  
open session.

**Comme**  
in closed  
forbids a  
among it

(b) **Nomination**  
vacancy in the c  
[The nominati  
if any.] The may  
may put forward  
the members, a  
ing shall contin

**Comme**  
nominati  
moves th  
votes on t  
open to a  
that it put  
having to

---

111. For an overv  
statements made di  
*What's Legal?* COA  
comment-period-p  
112. G.S. 143-318  
113. *Id.*

com-  
iblic

probably may insist that speakers confine their statements to matters related in some way to matter's within the council's real or apparent jurisdiction.<sup>111</sup>

oportu-  
l need  
regular

public

g the

ame  
eriod  
luded

g.  
akers  
ncil's

ng  
all  
he  
y—

ent  
lly,  
ed  
ce.  
fa  
nd

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: 6/28/2022**

**SUBJECT** Boards and Commissions Vacancies

**AGENDA INFORMATION:**

**Agenda Location:**

**Item Number:**

**Department:** Administration

**Contact:** Jesse Fowler, Assistant Town Manager

**Presenter:** **Jesse Fowler, Assistant Town Manager**

**BRIEF SUMMARY:**

We have several Advisory Board and Commission members whose terms will be expiring on June 30. Those who have applied, and those who have decided to reapply are outlined on the attached "Boards and Commissions Current Vacancies and Applicant Worksheet." The full applications for each applicant have been included in the agenda packet. These applications include individuals who have recently applied, as well as individuals who have applied in the past who are still interested in serving on different Advisory Boards or Commissions.

In July of 2021 the Board of Aldermen voted to make it their policy to interview all candidates for those Advisory Boards and Commissions required by statute. These Boards and Commissions are the Waynesville Housing Authority, Planning Board, Zoning Board of Adjustment, and the ABC Board. We have no vacancies on the Waynesville Housing Authority. We are seeking guidance as to when the Board of Aldermen wishes to convene for a special called meeting in order to interview the candidates for these Boards and Commissions. We are also seeking guidance as to who the Board of Aldermen wish to interview for these positions so that we may contact them.

We are awaiting the Board of Aldermen's direction as to the individuals they wish to interview for the statutory boards.

**MOTION FOR CONSIDERATION:**

- Motion to set a special called meeting of the Board of Aldermen for the Purpose of interviewing members of the Statutory Boards (ABC Board, Board of Adjustment, and Planning Board.)

**FUNDING SOURCE/IMPACT:**

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS**



## **Boards and Commissions current vacancies and Applicant Worksheet – June 2022**

### **ABC Board – 1 vacancy – 3 Applicants**

1. Danny Wingate \*
2. Jed Lambert
3. C Kenneth Stines

### **Board of Adjustment – 3 Vacancies (One for Alternate) – 2 Applicants**

1. Travis Dustin Smith
2. Joshua Morgan\*

### **Cemetery Commission – 3 Vacancies – 2 Applicants**

1. Warren Putnam\*
2. Bill Revis\*

### **Historic Commission – 4 vacancies - 2 Applicants**

1. Claire Bass
2. Shereen Malek

### **Planning Board – 4 vacancies – 7 Applicants**

1. Travis Dustin Smith
2. Ronald James Call
3. Robert M. Blackburn\*
4. Jan Grossman
5. Peggy Hannah
6. Donald McGowan\*
7. John Baus

### **Public Art Commission – 3 vacancies – 3 Applicants**

1. Ashten McKinney
2. Douglas Garrett \*
3. Morgan Beryl

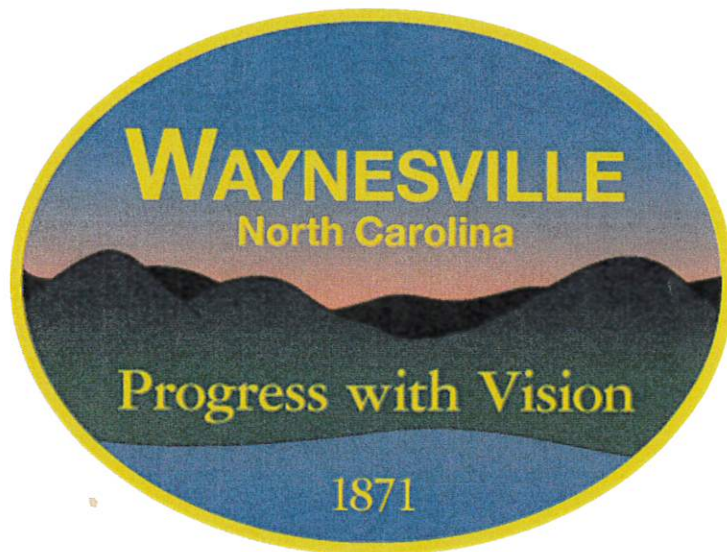
### **Recreation & Parks Advisory Commission – 3 vacancies – 3 Applicants**

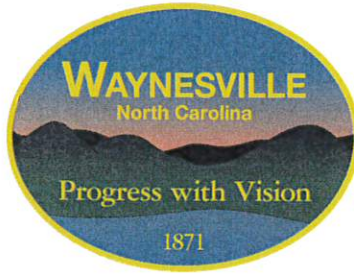
1. Chad Carver
2. Corey Johnson
3. Nicole Kott\*

There are no vacancies on the Waynesville Housing Authority.

\* Currently Serving

# Town of Waynesville Board/Commissions Manual





## **TOWN OF WAYNESVILLE BOARDS AND COMMISSIONS MANUAL**

- A. INTRODUCTION
- B. POLICIES CONCERNING BOARDS AND COMMISSIONS
- C. DUTIES OF CHAIR PERSON
- D. OPEN MEETINGS PROPER NOTIFICATION AND RECORDKEEPING
- E. PROCEDURE FOR TAKING MINUTES
- F. ORDER OF BUSINESS
- G. TERMS AND DUTIES OF BOARDS/COMMISSIONS

- TAB 1 ALCOHOLIC BEVERAGE CONTROL BOARD (ABC Board)
- TAB 2 BOARD OF ADJUSTMENT (Zoning Board of Adjustment)
- TAB 3 COMMUNITY ACTION FORUM (Inactive since 2010)
- TAB 4 FIREFIGHTERS' RELIEF FUND BOARD
- TAB 5 HISTORIC PRESERVATION COMMISSION
- TAB 6 PLANNING BOARD
- TAB 7 RECREATION & PARKS ADVISORY COMMISSION
- TAB 8 WAYNESVILLE HOUSING AUTHORITY
- TAB 9 WAYNESVILLE PUBLIC ART COMMISSION

## **A. INTRODUCTION**

The Town of Waynesville Board of Aldermen consists of a Mayor and four Aldermen who are elected at large in a non-partisan election. The Mayor and Board of Aldermen hold four (4) year concurrent terms. All positions on the Board of Aldermen are elected at the same time during the municipal elections held every four years. This body is the governing board for the Town. The governing board has the authority to adopt policies for the Town and is responsible to the citizens to ensure that the Town responds to public needs and works to meet those needs.

The Town also has appointed boards and commissions that provide opportunities for many citizens to assist the elected governing board in shaping public policy. State law requires that some of these boards and commissions (such as the Alcoholic Beverage Control Board) play a direct role in selecting agency heads and setting operating policies for the agency. Other boards and commissions are established by the Board of Aldermen to advise them directly on matters ranging from land use to recreation. In some cases, at least some of the members of an appointed board or commission must be residents of the Town or have other specific qualifications.

Advisory board and commission members are responsible directly to the Board of Aldermen. While different members of the staff of the Town of Waynesville are assigned by the Town Manager to assist various boards and commissions in their endeavors, the members of the advisory boards and commissions are appointed by and directly accountable to the Board of Aldermen. Chairs of the various advisory groups are requested to appear annually before the Board of Aldermen and report on the activities of their commission or board. The annual reporting schedule is kept by the Town Clerk. Chairs may request to report to the Mayor and Board of Aldermen in order to provide updates and information as necessary. The governing body and their advisory boards should work to facilitate an optimal working relationship and to promote a better understanding of the endeavors in which the various boards and commissions are involved.

The Town of Waynesville is fortunate to have a wealth of people with special expertise and qualifications who volunteer to serve on appointed boards and commissions. Many of these people have a particular concern or interest for the subject the board or commission deals with. This is especially important to the success of these boards and commissions in helping to represent the best interests of the Town.

## **B. POLICIES CONCERNING BOARDS AND COMMISSIONS**

### ***Terms of Office***

Advisory board and commission members are appointed by and serve at the pleasure of the Board of Aldermen. Appointments for all advisory bodies are made for three (3) year terms of office unless otherwise specified via enabling legislation (e.g. the Waynesville Housing Authority is a five (5) year term). Terms on various boards and commissions are overlapping so as to avoid replacement of all members of any board at a single time. All terms shall become effective on July 1 and shall remain in effect until June 30 of the last year of the term. The exception is any appointment required to fill the balance of unexpired terms shall become effective upon the appointee having taken the oath of office.

### ***Term Limits***

The Board of Aldermen has expressed their preference to limit advisory board and commission members' terms of service to three (3) consecutive terms (effective July 2018); however, they have reserved the right to override that preference when they deem the circumstances of an individual's service to the community to be of such notable importance as to warrant a continuation of service. In those situations where the Board of Aldermen deems special circumstances to exist that warrant the continuation of community service by an individual on a board or commission, any member of the Board of Aldermen may place the name of that individual into nomination and state that they believe special circumstance to warrant a continuation of service. The Board of Aldermen may then reappoint said individual by voting in no less than a 4/5 majority of the membership to reappoint the individual to another term of office. This process may be repeated as often as the Board of Aldermen deems the special circumstances to warrant an additional appointment.

A person who has served more than two-thirds of a full term after being appointed to complete the term of a previous board member shall be considered to have served a full term for the purposes of determining eligibility under the provisions of this section.

### ***Vacancies***

When a vacancy occurs on a board or commission due to a resignation or the end of a three (3) year term\*, the Town Clerk's office should be notified by the chair of that board or commission as soon as possible. The vacancy will be advertised in the Mountaineer and posted on the Town of Waynesville website. The notice will instruct persons interested in being considered for appointment to fill out an Application for Appointment and set an application deadline. The notice shall contain any residency restrictions for the board or commission. The deadline for the applications should be submitted to the Town Hall is the Friday at least 10 days prior to a regularly scheduled monthly meeting of the Board of Aldermen. All applications will be copied and submitted to the Board of Aldermen for consideration. Vacancies shall be filled for the remainder of the unexpired term of the person being replaced.

### ***Membership Requirements***

Membership requirements are specific to the particular board or commission as set out in the Town of Waynesville Code of Ordinances and are further detailed herein under the description of the particular board or commission.

Advisory board and commission members are expected to be diligent in the performance of their duties and responsibilities. The Board of Aldermen may dismiss any member who misses three (3) consecutive meetings or one-half of the meetings held in a single six-month period without good cause (such as temporary severe illness of member or family member or overriding but temporary business concerns). Such dismissal may be considered upon report or complaint by the advisory board or commission chairperson, a member of the advisory board or commission, or on the Board of Aldermen's own motion.

\*The Waynesville Housing Authority members serve a 5 year term

## ***Meeting Quorums***

A majority of the members of any board or commission are required to be present before an official meeting may be called to order. In the event that a quorum is not present, the advisory board or commission may not act on any item brought before them. The recommended wait time to determine if a quorum is present is fifteen (15) minutes. Once a quorum has been established, the committee may proceed with its work. Members who find it necessary to withdraw from a meeting prior to adjournment shall be counted as present for purposes of a quorum unless the committee has excused said member by a majority vote. Any member choosing to withdraw from a meeting without first being excused by a vote of the committee shall be counted as present for the purposes of maintaining a quorum and shall be considered to have voted to the affirmative for any motion that is brought before the board or commission.

## ***Officers***

Each board and commission shall elect a chair person and a vice-chair person. The election of a secretary is required for those boards and commissions for which the Town does not provide support assistance in the form of a clerk. The election of a secretary is optional for those boards or commissions to which the Town provides staff support. The duties of the chairman of any boards or commissions are set forth herein below. In the absence of a chair person, the vice-chair person assumes the role of the chair and is, at that point in time, vested with the responsibilities of the chair of the board or commission. The duties of the secretary are to ensure that proper records are maintained, notices made, and minutes taken for the advisory board on which the secretary may serve. All officers serve one-year terms and are eligible for re-election as to as many terms as the advisory board or commission may deem appropriate.

## ***Rules of Procedure***

Each board or commission shall adopt rules of procedure that shall not be inconsistent with any other rules governing their operations as expressed in the Town policies and ordinances or in conflict with State statutes and administrative codes.

### **C. DUTIES OF THE CHAIR PERSON**

#### ***Presiding at Meetings***

The chair of the board/commission shall preside at meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The chair may vote in all cases. In order to address the board/commission, a member must be recognized by the chair.

If the chair is absent, the vice-chair person shall preside. If both the chair and vice-chair are absent, another member designated by vote of the board shall preside. The vice-chair or another member who is temporarily presiding retains all his or her rights as a member, including the right to make motions and the right to vote.

If the chair sees a conflict of interest or becomes actively involved in debate on a particular matter, he or she shall designate another board member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time; and
- To adjourn in an emergency.

A decision by the presiding officer may be appealed to the board or commission upon motion of any member. Such a motion is in order immediately after a decision by the presiding officer is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

#### ***Action by the Board***

The board shall proceed by motion made by any member, including the chair. A motion requires a second and a member may make only one motion at a time. Each motion shall be considered and dealt with one at a time, and a new motion may not be put forth until action on the previous one is concluded. With the exception of special rules applicable only to the Zoning Board of Adjustment, a motion shall be adopted by a majority of the votes cast with a quorum present.

#### ***Notification of Absentee Members***

It is the duty of the chairperson of each board or commission to be responsible for notifying the Mayor and Board of Aldermen when members of that board or commission have not met the guidelines for faithful attendance. In the event that a member of an advisory board or commission fails to comply with the attendance policies contained herein, it shall be the responsibility of the chair of that advisory board or commission to notify the Town Clerk, in writing, of the policy violation and to request to the Board of Aldermen that said member be replaced.

### **D. OPEN MEETINGS, PROPER NOTIFICATION AND RECORD KEEPING**

All meetings of all advisory boards and commissions as appointed by the Board of Aldermen shall be open to the public and shall be properly publicized. If the board/commission has a designated meeting place, day and time each month, a copy of the regular meeting schedule shall be posted at the Town Hall, the Municipal Building, on the Town of Waynesville website and sent to local media contacts including the Mountaineer and Smoky Mountain News and other standard media outlets by the office of the Town Clerk. Any change or cancellation of a meeting must also be posted and sent to the local media outlets. For those committees that do not have a designated meeting date, place and time, a minimum of 48 hours' notice must be given to the public before a meeting may take place. Said notice

shall contain the date, time, location and purpose of the meeting. If an agenda is developed, the agenda shall be publicized as well. The office of the Town Clerk shall be notified of an impending meeting in sufficient time for the 48 hour notice to be given. No meeting shall be held unless the meeting notice requirements contained herein are met. The meeting schedule for all Boards and Commissions shall be approved annually by the Board of Aldermen.

The chair of each board/commission shall be responsible for insuring that the proper meeting notices are sent to each member of the respective boards or commissions and to the office of the Town Clerk. That notification may be made either through the secretary of the respective advisory board or commission or through the staff member, if any, who provides the advisory board or commission support. The office of the Town Clerk shall be responsible for public notification of all meetings in accordance with locally adopted procedures and the North Carolina General Statutes.

The chair of each board or commission shall be responsible for insuring that proper rules are adopted for transaction of business and that proper records, including minutes of all proceedings, are kept in accordance with the guidelines specified herein.

#### **E. PROCEDURE FOR TAKING MINUTES**

Minutes of a board/commission are the official written record of actions taken by the board/commission. It is the responsibility of the chair, through either the secretary or the clerk, to keep a record of the proceedings of the board/commission. Minutes should be kept in a permanent minute book and are open to public inspection. The minutes provide future generations with the past history of a board/committee. They are used for many types of research and can be consulted for purposes of verification that certain actions were taken, when those actions were taken, and why. It is imperative that the minutes be a clear, concise, informative and accurate record of the proceedings of the meeting.

The minutes must be "full and accurate" (G.S. § 160A-72; G.S. § 143-318.10e) for they are the legal evidence of what the advisory board or commission has said and done. "Full and accurate" does not generally mean, however, that a verbatim transcript of a meeting's proceedings must be made. Including a detailed record of comments may well be counterproductive and the board or commission may find itself spending an excessive amount of time at its next meeting discussing the details of this record, which could have been omitted altogether. Rather, the minutes must record the results of each vote taken by the board or commission, and they should also show the existence of any condition that is required before a particular action may validly be taken. The full text of each motion should be recorded, including the full text of all ordinances and resolutions passed by the advisory board or commission.

Minutes should include the following essential facts:

1. The name of the board/commission, date, time and place of the meeting.
2. The minutes should state that the meeting was legally convened.



3. Show that a quorum was present at all times during the meeting. The late arrival and the early departure of members (including whether someone leaving was excused by the remaining members) should be noted.
4. The names of the members present and absent.
5. The names of any person addressing the board/commission, a summary of subject matter presented and any action taken as a result of the person's appearance before the board/commission.
6. A record of all motions. A motion must be recorded verbatim, along with the name of the person making the motion and the person seconding the motion (if applicable). The results of each vote must be recorded and upon the request of any member of the board/commission, votes for and against a motion shall be recorded.
7. A record of all ordinances and resolutions introduced (if applicable). Ordinances and resolutions must be recorded verbatim as adopted by the board/commission. Short resolutions and ordinances should be incorporated into the body of the minutes. Lengthy resolutions and ordinances may be attached as an addendum to the minutes.
8. The exact words of each amendment to any motion, order, ordinance or resolution.
9. A record of all subjects before the board/commission and actions taken.
10. Draft copies of advisory board or commission minutes are generally sent by the secretary or the clerk to members several days before the meeting at which they are to be considered for approval. The circulated draft minutes are a public record that must also be available for public inspection. The minutes do not become the official record of the committee's action until it approves them.
11. The advisory board or commission may correct minutes that it has already approved if it later finds that they are incorrect. In such a case, the correction should be noted in the minutes of the meeting at which the correction is made, with an appropriate notation and cross-reference at the place in the minutes book where the provision being corrected appears. Non-substantive corrections, such as those pertaining to grammar or spelling, may be corrected outside of the meeting by way of individual members contacting the secretary or clerk for their particular board or commission.
12. A statement that the meeting adjourned and at what time.
13. Minutes should be signed by their respective chair and clerk, if applicable.
14. The secretary or clerk may ask for assistance from the Town Clerk in publishing the minutes.

15. Under the Open Meetings Law, “full and accurate” minutes must also be kept of the meetings of “public bodies” that are part of municipal government. Included are all city council committees, all boards and commissions of the city that perform either legislative, policy making, quasi-judicial, administrative or advisory functions, and all subcommittees of these other boards and committees. The Board of Aldermen establishes procedures to ensure that the minutes of these various boards are properly recorded and maintained.

The minutes should not include:

1. Any personal opinions or comments (unless meeting is a bona fide Public Hearing).
2. Irrelevant comments or discussion surrounding a topic under discussion or action being taken.

A copy of the minutes, after approval, should be distributed by the secretary or clerk to all members of the respective board/commission and delivered to the office of the Town Clerk either via email or hard copy.

#### **F. ORDER OF BUSINESS**

- Ascertain quorum present
- Call Meeting To Order
- Discussion and revision of proposed agenda
- Approval of the minutes from the previous meeting
- Old Business
- New Business
- Discussion or Other Business
- Adjourn

Unless the board or commission deems a different “order of business” more appropriate for its work and sets it by policy, or by motion at the start of the meeting.

#### **G. TERMS AND DUTIES OF BOARDS/COMMISSIONS**

Each of the Boards or Commissions is listed alphabetically in this manual and relevant enacting legislation and board or commission specific information included behind each tab.

#### **H. EMPLOYEES SERVING ON ADVISORY BOARDS**

Current employees of the Town of Waynesville are not permitted to serve on boards and commissions, this includes all permanent, part-time and seasonal workers. Members who are listed as staff for Boards and Commissions serve on an ex-officio basis with no voting rights or responsibilities. Staff will serve as liaison between the boards and commissions and town administration and the Board of Aldermen.

## ALCOHOLIC BEVERAGE CONTROL BOARD

### **Purpose**

The Alcoholic Beverage Control (ABC) Board is responsible for the general oversight of the Town of Waynesville operated ABC Store.

### **Membership**

The ABC Board shall consist of three (3) members. Residency requirements are not limited to persons residing within the corporate limits of Waynesville. The North Carolina General Statute 18B-700(a) requires the Board of Aldermen to appoint the Chair of the ABC Board. A copy of the referenced statute is included at the end of this section.

### **Term**

Members appointed to the ABC Board will serve three (3) year terms beginning on July 1 of the year of appointment through June 30 of the third year of the term.

### **Powers**

The ABC Board shall have all of the powers and duties imposed by Sections 18B-701 and 18B-702 of the North Carolina General Statutes. A full copy of the referenced statutes is included at the end of this section.

1. Buy, sell, transport, and possess alcoholic beverages as necessary for the operation of its ABC stores;
2. Adopt rules for its ABC system, subject to the approval of the Commission;
3. Hire and fire employees for the ABC system;
4. Designate one employee as manager of the ABC system and determine his responsibilities;
5. Require bonds of employees as provided in the rules of the Commission;
6. Operate ABC stores as provided in Article 8;
7. Issue purchase transportation permits as provided in Article 4;
8. Employ local ABC officers or make other provision for enforcement of ABC laws as provided in Article 5;
9. Borrow money as provided in G.S. 18B 702;
10. Buy and lease real and personal property, and receive property devised or given, as necessary for the operation of the ABC system;

11. Invest surplus funds as provided in G.S. 18B 702;
12. Dispose of property in the same manner as a city council may under Article 12 of Chapter 160A of the General Statutes; and
13. Perform any other activity authorized or required by the ABC law.

## **Duties**

1. **Duties.** – A local board shall have the duty to comply with all rules adopted by the Commission pursuant to this Chapter and meet all standards for performance and training established by the Commission pursuant to G.S. 18B 203(a)(20) and (21). Failure to comply with Commission rules shall be cause for removal.
2. **Generally.** – A local board may transact business as a corporate body, except as limited by this section. A local board shall not be considered a public authority under G.S. 159-7(b)(10).
3. **Borrowing Money.** – A local board may borrow money only for the purchase of land, buildings, equipment and stock needed for the operation of its ABC system. A local board may pledge a security interest in any real or personal property it owns other than alcoholic beverages. A city or county whose governing body appoints a local board shall not in any way be held responsible for the debts of this board.
4. **Audits.** – A local board shall submit to the Commission an annual independent audit of its operations, performed in accordance with generally accepted accounting standards and in compliance with a chart of accounts prescribed by the Commission. The audit report shall contain a summary of the requirements of this Chapter, or of any local act applicable to that local board and a description of how those distributions have been made, including the names of recipients of the profits and the activities for which funds were distributed. A local board shall also submit to any other audits and submit any reports demanded by the Commission.
5. **Deposits and Investments.** – A local board may deposit monies at interest in any bank or trust company in this State in the form of savings accounts or certificates of deposit. Investment deposits shall be secured as provided in G.S. 159-31(b) and the reports required by G.S. 159-33 shall be submitted. A local board may invest all or part of the cash balance of any fund as provided in G.S. 159-30(c) and (d), and may deposit any portion of those funds for investment with the State Treasurer in the same manner as State boards and commissions under G.S. 147-69.3.
6. **Compliance with Commission Rules.** - The Commission shall adopt, and each local board shall comply with, fiscal control rules concerning the borrowing of money, maintenance of working capital, investments, appointment of financial officer, daily deposit of funds, bonding of employees, auditing of operations, and the schedule, manner and other procedures for distribution of profits. The Commission may also adopt any other rules concerning the

financial operations of local boards which are needed to assure the proper accountability of public funds.

7. **Applicability of Criminal Statutes.** – The provisions of G.S. 14-90 and G.S. 14-254 shall apply to any person appointed to or employed by a local board, and any person convicted of a violation of G.S. 14-90 or G.S. 14-254 shall be punished as a Class H felon.

### **Meetings**

The ABC Board meets on the Third Tuesday of each month at 10:00 a.m. at the ABC Board Office located at 52 Dayco Drive in Waynesville. All meetings of the ABC Board are open to the public.

### **Compensation**

Members of the ABC Board shall serve at the rate of compensation established by the Board of Aldermen. At the time of this publication, compensation is as follows: Board Chairman \$350.00 per month or \$4,200 annually; Board Member \$250.00 per month or \$3,000 annually.

### **Reporting**

The ABC Board shall provide a comprehensive report to the Board of Aldermen in October each year.

### **Town Specific Information and Enabling Legislation Related to the ABC Board**

(Copies included at the end of this section)

#### **May 9, 1967**

Resolution requesting introduction of legislation to allow for a municipal election for the purpose of determining whether or not an Alcoholic Beverage Control board and Alcoholic Beverage Control stores shall be established in the corporate limits of the Town of Waynesville; as well as the establishment of the schedule of proceeds from sales.

#### **May 29, 1967**

Resolution calling for a special election on July 25, 1967 for the purpose of determining whether or not a Town Liquor Control Store may be operated in the Town of Waynesville.

#### **May 29, 1967**

Resolution noting the special election on July 25, 1967 and the opening of the election books from July 7, 1967 through July 14, 1967 and that the challenge day shall be July 15, 1967.

#### **August 9, 1967**

Special meeting to canvass election returns was held. A copy of the election results was reviewed and approved by the Board of Aldermen. \*\*Note the election was held on August 8, 1967 rather than July 25, 1967.

#### **August 14, 1967**

Special meeting held to appoint the initial ABC Board for the Town of Waynesville.

**May 13, 2014**

An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen and shall not require the update of the Code of Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

**July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.

## **BOARD OF ADJUSTMENT (Zoning Board of Adjustment)**

### **Purpose**

The Board of Adjustment (Waynesville Board of Adjustment) is established as a “quasi-judicial” administrative board that operates on a level between the enforcement officials of the Town of Waynesville and the Courts. The purpose of the Zoning Board of Adjustment is to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of an ordinance adopted pursuant to the Land Development Standards Section 14.4 through 14.4.2 adopted by the Town of Waynesville and in accordance with North Carolina General Statute 160A-388. A copy of the referenced statute and ordinance are included at the end of this section.

### **Membership**

The membership of the Waynesville Board of Adjustment shall consist of five (5) members with a minimum of three (3) alternates. The majority of the membership shall reside within the corporate limits of the Town of Waynesville. In accordance with North Carolina General Statute 160A-32, the Haywood County Commissioners will appoint one (1) or more members to provide for proportional representation of residents within the extraterritorial jurisdiction (ETJ) of the Town of Waynesville.

### **Term**

Members appointed to the Waynesville Board of Adjustment shall serve three (3) year terms beginning on July 1 of the year of appointment through June 30 of the third year of the term.

### **Powers, Duties and Functions**

The Waynesville Board of Adjustment shall have the following powers and duties to be carried out in accordance with North Carolina General Statute 160A-388 and with the terms of the Land Development Standards set forth by the Town of Waynesville.

1. Hear and decide appeals from any order, requirement, permit, decision or determination issued by an administrative officer of the Town of Waynesville in enforcing any provision of the Town of Waynesville Minimum Housing Codes.
2. Land Development Standards – the Waynesville Board of Adjustment shall render final decisions regarding the following types of permit types:
  - a. Appeal of any administrative decisions
  - b. Appeals of Planning Board decisions regarding Subdivision (major) – Preliminary Plats
  - c. Appeals of Historic Preservation Commission decision regarding Certificates of Appropriateness (major)
  - d. Variances

### **Decisions of the Waynesville Board of Adjustment**

The concurring vote of four (4) members of the Waynesville Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to or to effect any variation of the Zoning

Ordinance. On all appeals, applications and matters brought before the Waynesville Board of Adjustment, the Board shall inform, in writing the applicant of its decision.

**Meetings**

Meetings of the Waynesville Board of Adjustment are held on the First Tuesday of each month at 5:30 p.m. at the Town Hall at 9 South Main Street.

**Reporting**

The Waynesville Board of Adjustment shall provide a comprehensive report to the Board of Aldermen in April each year.

**Compensation**

Members of the Waynesville Board of Adjustment shall serve without compensation except that they will be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the Waynesville Board of Adjustment.

**Town Specific Information and Enabling Legislation Related to the Waynesville Board of Adjustment**

(Copies included at the end of this section)

**November 13, 1958** – Initial appointment of Zoning and Planning Board which became Waynesville Board of Adjustment

**May 13, 2014**

An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen and shall not require the update of the Code of Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

**July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.



## **TOWN OF WAYNESVILLE CEMETERY COMMITTEE**

### **Purpose**

The Cemetery Committee shall serve as an advisory committee to the Board of Aldermen making recommendations regarding guidelines and procedures for the maintenance and upkeep of the Town's Cemeteries.

### **Mission Statement**

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

It is the Cemetery committee's desire to offer as much freedom of choice as possible while preserving those regulations necessary to maintain a high standard of beauty and efficiency of maintenance.

### **Membership**

The Cemetery Committee shall consist of seven (7) members serving staggered terms for a maximum of three (3) year terms. In order to properly stagger terms, the initial appointments of the committee will be assigned as follows:

- Two members will serve a one-year term
- Two members will serve a two-year term
- Three members will serve a three-year term

There is no residency requirement for the Cemetery Committee.

### **Power, Duties and Functions**

#### 1. Authority

The Committee shall serve as an advisory committee to the Town's Cemetery Staff making recommendations for the care of maintenance of Town Cemeteries

#### 2. Meetings

The Committee will meet publicly a minimum four (4) times a year in January, March, July and October. Meetings will be the third Tuesday at 2:00 p.m. A change of the date and time of any posted meeting may be revised or canceled due to holidays, inclement weather, sickness or other factors.

Members shall elect their own Chairman and Vice-Chairman at the first meeting in July or at the first meeting of each new term.

#### 3. Attendance

Any member who for reasons other than sickness or emergency misses one meeting without being excused or informing staff ahead of meetings, within a calendar year shall no longer qualify for serving

on the Committee. The staff liaison shall maintain a record of attendance for the committee. The staff liaison shall notify the Town Clerk of any members who violate the attendance requirements.

#### 4. Modifications

The Committee shall provide recommendations for modifications of the rules and regulations governing the Town's cemeteries.

#### 5. Capital Improvements

The Committee shall provide recommendations for which capital improvements should be made to the cemeteries and their priority.

#### 6. Future Demands and Long-Range Planning

The Committee shall determine how to respond to future demands for cemetery services and develop a long-range plan for the future of the cemetery.

#### 7. Preservation and Conservation

The Committee shall focus on the preservation and conservation of the Historic section of the Cemetery including grave markers, monuments, memorials and other artifacts.

#### 8. Report to the Board of Aldermen

The Committee shall submit an annual report of the general activities, operation and condition of the cemeteries.

#### **Day to Day Administration**

The day to day administration and operation of the cemeteries shall be under the direction and control of the Town, through the Town Manager or their designee. The Town Manager or their designee shall have the authority to implement the recommendations of the Committee as funding is approved and available.

#### **Town Specific Information Related to the Cemetery Committee**

(Copies included at the end of this section)

**March 10, 2020-Ordinance number O-03-20 CEMETERIES OF THE TOWN OF WAYNESVILLE CODE OF ORDINANCES** as approved by the Board of Aldermen.

## **COMMUNITY ACTION FORUM**

**(This committee has been inactive since 2010, but could be reactivated if the need presents itself)**

### **Purpose**

The purpose of the Community Action Forum is to provide a manner for feedback directly to the Police Department related to public safety and to work in conjunction with the Community Oriented Policing Services.

### **Membership**

The Community Action Forum shall have fifteen (15) members. Six (6) members are appointed by the Board of Aldermen and Town Manager; four (4) members are appointed by the Police Department and should represent balance and diversity from different areas in the Town; and one (1) appointment each by the Downtown Waynesville Association, Frog Level Merchants' Association, Hazelwood Merchants' Association, Junaluska Assembly Community Council and the Pigeon Community Center Board of Directors.

### **Term**

Members of the Community Action Forum shall serve shall serve three (3) year terms beginning on July 1 of the year of appointment through June 30 of the second year of the term.

### **Powers, Duties and Functions**

The Community Action Forum will work in conjunction with the Community Oriented Policing Services program to:

1. Place emphasis on improving the communication and training of various agencies involved in addressing public safety concerns
2. Educate the citizens of Waynesville regarding potential safety issues and provide information in various formats
3. Take direction from the Police Department regarding community outreach and services available in an effort to fully inform and educate citizens and visitors to Waynesville

### **Meetings**

The Community Action Forum will meet quarterly on a date to be announced at 5:30 p.m. in the Police Training Room at 9 South Main Street.

### **Reporting**

The Community Action Forum shall provide a comprehensive report to the Board of Aldermen in February each year.

## **Compensation**

Members of the Community Action Forum shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the Community Action Forum.

## **Town Specific Information and Enabling Legislation Related to the Community Action Forum** (Copies included at the end of this section)

**January 29, 2010** – The Community Action Forum first mentioned at Board Retreat as a requirement for the COPS Grant

**February 15, 2010** – The Community Action Forum explained at Regular Session of the Board of Aldermen

**May 13, 2014** - An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen, and shall not require the update of the Code of Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

### **July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.

## **FIREFIGHTERS' RELIEF FUND BOARD**

### **Purpose**

The purpose of the Firefighters' Relief Fund Board is to control the local firefighters' relief funds in accordance with North Carolina General Statute 58-84. A copy of the statute is included at the end of this section.

### **Membership**

The Firefighters' Relief Fund Board shall consist of five (5) members. Two (2) of the members will be appointed by the Town of Waynesville and must be a resident of the fire district; two (2) members will be appointed by the Waynesville Firemen's Association and must be a resident of the fire district or an active or retired member of the Waynesville Fire Department; and one (1) member will be appointed by the North Carolina Insurance Commissioner and must be a resident of the fire district or an active or retired member of the Waynesville Fire Department.

### **Term**

Members of the Firefighters' Relief Fund Board shall serve two (2) year terms beginning on January 1 of the year of appointment through December 31 of the second year of the term.

### **Powers, Duties and Functions**

The Firefighters' Relief Fund Board is responsible for the distribution of funds to recipients. Annual requirements related to eligibility for receipt of funding must be met including:

1. A rated fire department must be a member of the State Firemen's Association;
2. A financial report of the local Firefighters' Relief Fund receipts, disbursements, and remaining balance must be submitted to the State Firemen's Association; (the State Firemen's Association mails the Financial Statement directly to the fire department each June)
3. A Report of Fire Conditions Form, which provides the names of the local Firefighters' Relief Fund board, must be submitted to the Insurance Commissioner; (the Department of Insurance mails the Report of Fire Conditions to the Clerks each August 15) and
4. All General Statute requirements must be met by October 31 of each year.
5. Funds may be used to provide for benefits of supplemental retirement, workers compensation, and other insurance and pension protection for firemen; to provide for educational benefits to firemen and their dependents who otherwise qualify for benefits from the Firefighters' Relief Fund; or to provide assistance to a destitute member fireman who has served honorably for at least five years. The Firefighters' Relief Fund Board is responsible for verification of information and eligibility of those requesting funding.

### **Meetings**

The Firefighters' Relief Fund Board meets on an as needed basis, but at least annually.

**Reporting**

The Firefighters' Relief Fund Board shall provide a comprehensive report to the Board of Aldermen in January each year.

**Compensation**

Members of the Firefighters' Relief Fund Board shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the Firefighters' Relief Fund Board.

**Enabling Legislation Related to the Firefighters' Relief Fund Board**

(Copies included at the end of this section)

**May 13, 2014**

An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen and shall not require the update of the Code of Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

**July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.

## **HISTORIC PRESERVATION COMMISSION**

### **Purpose**

The Waynesville Historic Preservation Commission was created for the purpose of designating historic districts and landmarks within the Town of Waynesville. In addition, the Historic Preservation Commission (HPC) shall develop and recommend to the Board of Aldermen rules and regulations governing the designation and maintenance of historic properties in the Town.

### **Membership**

The Historic Preservation Commission shall consist of nine (9) members all of whom shall reside within the planning and zoning jurisdiction of Waynesville. A majority of members of the Commission shall have demonstrated special interest, experience or education in history, architecture, archeology or related fields.

### **Term**

Members appointed to the Historic Preservation Commission will serve three (3) year terms beginning on July 1 of the year of appointment through June 30 of the third year of the term.

### **Powers, Duties and Functions**

The Historic Preservation Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in The Town of Waynesville Ordinance Number 4-95 (Code of Ordinances Section 154) and Part 3C, Article 19 of Chapter 160A of the General Statutes of the State of North Carolina. A full copy of the Ordinance and General Statutes are included at the end of this section.

1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
2. Recommend to the Board of Aldermen areas to be designated by ordinance as "Historic Districts"; and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks";
3. Recommend to the Board of Aldermen that designation of any area as a historic district, or part thereof, or designation of any building, structure, site, area or object as a landmark be revoked or removed for cause;
4. Review and act upon proposals for alterations, demolition or new construction within historic districts, or the alteration or demolition of designated landmarks;
5. Conduct an educational program with respect to historic properties and districts within its jurisdiction;
6. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The governing board or the commission when authorized by the governing board may

contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law;

7. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;
8. Prepare and recommend the official adoption of a preservation element as part of the Town of Waynesville's comprehensive plan;
9. The Commission may recommend to the Board of Aldermen the acquisition by any lawful means the fee or any lesser included interest, including options to purchase, of properties within established districts or of any such properties designated as landmarks. The Commission may recommend to the Board of Aldermen to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of the public access and promote the preservation of the property;
10. Recommend the restoration, preservation and operation of historic properties; and
11. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary and authorized by the Board of Aldermen.
12. Adopt and publish rules of procedure governing its meeting and the conduct of official business and bylaws governing the appointment of members, terms of office, the election of officers and related matters.
13. Prepare and adopt principles and guidelines for altering, restoring, moving or demolishing properties designated as landmarks or within historic districts.

**Meetings:**

The Historic Preservation Commission shall meet on the First Wednesday of each month at 2:00 p.m. at the Town Hall in Waynesville.

**Compensation:**

Members of the Historic Preservation Commission shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of funding available to the Commission.

**Reporting**

The Historic Preservation Commission shall provide a comprehensive report to the Board of Aldermen in March each year.



**Town Specific Information and Enabling Legislation Related to the Historic Preservation Commission**  
(Copies included at the end of this section)

**January 24, 1995**

The Ordinance Creating the Historic Preservation Commission of Waynesville is adopted.

**March 12, 1996**

An amendment to the Ordinance is made increasing the membership to seven (7) members with one member residing in the area formerly known as the Town of Hazelwood.

**May 13, 2014**

An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen and shall not require the update of the Code of Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

**July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.

## PLANNING BOARD

### **Purpose**

The Planning Board is established to advise the Board of Aldermen on matters related to land use and community development. The Planning Board shall be governed by the terms of North Carolina General Statute 160A-360 through 160A-387 and by the terms of the Town of Waynesville's Land Development Standards and Code of Ordinances Section 14.3 through 14.3.2. A full copy of the General Statutes and Ordinance referenced is included at the end of this section.

### **Membership**

The Planning Board shall consist of nine (9) members. Seven (7) of the members must reside within the corporate limits of the Town of Waynesville, the remaining two (2) members must reside in the one-mile extraterritorial jurisdiction (ETJ) of the Town of Waynesville. Members in the ETJ will be appointed by the County Commissioners.

### **Term**

Members appointed to the Planning Board shall serve three (3) year terms beginning on July 1 of the year of appointment through June 30 of the third year of the term.

### **Powers, Duties and Function**

The Planning Board shall be governed by the terms of North Carolina General Statute 160A-360 through 160A-387 and by the terms of the Town of Waynesville's Land Development Standards and Code of Ordinances Section 14.3 through 14.3.2.

1. Perform studies and surveys of the present conditions and probable future development of the town and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, expansions of extraterritorial jurisdiction, etc.
2. Formulate and recommend to the Board of Aldermen the adoption and amendment of a Land Development Plan and other plans as necessary.
3. Conduct annexation feasibility studies and recommend suitable areas of annexation to the Board of Aldermen
4. Review Land Development Standards (LDS) – the Planning Board shall review and make recommendations regarding the following permit types:
  - a. Text Amendments
  - b. Map Amendments/Rezoning
  - c. Conditional District
  - d. Vested Right
5. Land Development Standards Decisions – the Planning Board shall render final decisions regarding the following permit types
  - a. Site Plans/Design Review
  - b. Subdivision (Major) – Preliminary Plat
  - c. Special Use Permits

6. The Planning Board shall also have any additional powers and duties as may be set forth for in other laws and regulations or at the direction of the Board of Aldermen.
7. Promote public interest in and an understanding of its recommendations, and to that end may publish and distribute copies of its recommendations and may employ other means of publicity and education where appropriate.

### **Meetings**

The Planning Board meets on the Third Monday of each month at 5:30 p.m. at the Town Hall located at 9 South Main Street.

### **Reporting**

The Planning Board shall provide a comprehensive report to the Board of Aldermen in August each year.

### **Compensation**

Members of the Planning Board shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the Planning Board.

### **Town Specific Information and Enabling Legislation Related to the Planning Board** (Copies included at the end of this section)

#### **May 13, 2014**

An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen, and shall not require the update of the Code of Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

#### **July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.

## **RECREATION AND PARKS ADVISORY COMMISSION**

### **Purpose**

The Recreation and Parks Advisory Commission provides guidance and advises the Board of Aldermen on proposed and existing recreation programs and public recreational opportunities.

### **Membership**

The Recreation and Parks Advisory Commission shall consist of ten (10) members. A minimum of two-thirds of the membership shall be made up of full-time residents within the corporate limits of the Town of Waynesville. The remaining one-third of the membership may be made up of those residents who do not reside within the corporate limits of the Town of Waynesville.

### **Term**

Members appointed to the Recreation and Parks Advisory Commission shall serve three (3) year terms beginning on July 1 of the year of appointment through June 30 of the third year of the term.

### **Powers, Duties and Functions**

The Recreation and Parks Advisory Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined by the Resolution Creating the Recreation and Parks Advisory Commission.

1. Serve as the Recreation and Parks advisory body to the Board of Aldermen for the Town of Waynesville.
2. Assist the staff of the Recreation and Parks department to develop rules, regulations and procedures governing the operation and conduct of the recreation facilities for presentation to the Board of Aldermen.
3. Recommend policies to the Recreation Director and Board of Aldermen within the scope of responsibilities as outlined in the Resolution to Amend Recreation and Parks Advisory Commission and in conjunction with all Town Ordinances.
4. Develop and maintain an overall Recreation and Parks Master Plan for the Town of Waynesville, to include the following: proposed location greenway and park sites and types of recreation activities and/or facilities.
5. Participate in the preparation of any special plans or studies authorized by the Board of Aldermen having a bearing on Recreation and Parks issues pertinent to or affecting the Town of Waynesville.
6. Assist with the furthering of recreational programs, including understanding and education of the general citizenry and participants.

7. Stimulating public involvement in decision-making related to recreational programming and offerings
8. Work in conjunction with the Haywood County Recreation and Parks Advisory Board and department to ensure that recreational programming is offered county-wide and that the general population is being served.

### **Meetings**

Meetings of the Recreation and Parks Advisory Commission are held on the Third Tuesday of each month at 5:30 p.m. at the Recreation Center Office at 550 Vance Street.

### **Reporting**

The Recreation and Parks Advisory Commission shall provide a comprehensive report to the Board of Aldermen in November each year.

### **Compensation**

Members of the Recreation Commission shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the Recreation and Parks Advisory Commission.

### **Town Specific Information and Enabling Legislation Related to the Recreation and Parks Advisory Commission**

(Copies included at the end of this section)

**March 11, 1969** – the initial Recreation and Parks Advisory Commission members appointed

**August 11, 1992** – Resolution Amending the Recreation and Parks Advisory Commission Composition

**October 8, 1996** – Resolution Amending the Recreation and Parks Advisory Commission membership to five (5) members

**March 24, 1997** – Resolution Amending the Recreation and Parks Advisory Commission membership to seven (7) members

**October 10, 2006** – Resolution Amending the Recreation and Parks Advisory Commission membership to nine (9) members

**May 13, 2014** - An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen, and shall not require the update of the Code of

Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

**July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.

## WAYNESVILLE HOUSING AUTHORITY

### **Purpose**

The Waynesville Housing Authority is formed to promote and preserve a variety of housing choices for the citizens of Waynesville and to increase public awareness of housing opportunities, needs and concerns.

### **Membership**

The Waynesville Housing Authority shall consist of nine (9) members. One member must be directly assisted by the Waynesville Housing Authority. Residency requirements are not limited to persons residing within the corporate limits of Waynesville.

### **Term**

Members appointed to the Waynesville Housing Authority will serve five (5) year terms beginning on July 1 of the year of appointment through June 30 of the fifth year of the term.

### **Powers, Duties and Functions**

The Waynesville Housing Authority is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in North Carolina General Statute 157-9. A full copy of the General Statute is included at the end of this section.

Duties and Responsibilities include but are not limited to:

1. Survey and study the housing situation in the Town of Waynesville.
2. Help develop and preserve housing stock by rehabilitation of older houses and development of new housing for middle and lower income citizens.
3. Search and apply for available funding sources and enlist partner agencies to increase housing opportunities.
4. Involve citizens in support of improved housing.
5. Educate the public about housing problems and opportunities.
6. Identify and analyze obstacles to affirmatively further fair housing in the Town of Waynesville.
7. Search, apply for and recommend acceptance by the Board of Aldermen any appropriate grant, gift, bequest or donation of property.
8. Promote public interest in and an understanding of its recommendations both externally and in Town of Waynesville processes and employ other means of publicity and education, when possible.

**Meetings**

The Waynesville Housing Authority meets on the First Wednesday of each month at 5:30 p.m. at the Waynesville Towers located at 65 Church Street.

**Reporting**

The Waynesville Housing Authority shall provide a comprehensive report to the Board of Aldermen in May each year.

**Compensation**

Members of the Waynesville Housing Authority shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the Waynesville Housing Authority.

**Enabling Legislation Related to the Waynesville Housing Authority**

(Copies included at the end of this section)

**May 13, 2014**

An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen and shall not require the update of the Code of Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

**July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.



## WAYNESVILLE PUBLIC ART COMMISSION

### **Purpose**

The Public Art Commission shall serve as an advisory commission to the Board of Aldermen making recommendations regarding guidelines and procedures for planning, development, acquisition, display and maintenance of public art.

### **Membership**

The Public Art Commission shall consist of nine (9) members. A minimum of two-thirds of the membership shall be made up of full-time residents within the corporate limits of the Town of Waynesville. The remaining one-third of the membership may be made up of those residents who do not reside within the corporate limits of the Town of Waynesville.

### **Term**

Members appointed to the Public Art Commission shall serve three (3) year terms beginning on July 1 of the year of appointment through June 30 of the fourth year of the term.

### **Powers, Duties and Functions**

1. Recommend guidelines and procedures for the planning, development, acquisition, display and maintenance of Public Art, which interprets the cultural, historical, natural and human resources of the Waynesville community and surrounding region.
2. Recommend guidelines and procedures for the establishment of a Public Art Fund administered by the Town of Waynesville. This includes funds from Town appropriations and all funds donated to the Town by private or other sources, such as through public and private grant programs. The fund shall be used for the selection, commissioning, acquisition, installation, maintenance, administration and insurance of works of art as well as for publicity and education pertaining to public art.
3. Recommend procedures and guidelines for the acceptance of gifts of money and art to the Town Board of Aldermen and acknowledge the gift to the donor and make recommendations to the Board for appropriate recognition.
4. Recommend expenditures from the Public Art Fund for approval by the Board of Aldermen, for the following:
  - a. Acquisition of artwork through commission or purchase
  - b. Direct costs incurred in the relocation or conservation of an artwork owned by the Town
  - c. Site preparation
  - d. Collection management
  - e. Program and project planning
  - f. Artist and artwork selection-related expenses, including proposal honoraria
5. Recommend guidelines and procedures for the acquisition of artwork, selection of artists and management of projects.

6. Coordinate with the Town Attorney and Town Purchasing Agent to expedite the artist's contract or donated artwork for approval by the Board of Aldermen.
7. Provide background information about the inspiration and display of public artworks through appropriate signage, brochures and digital media.
8. Provide opportunities for the community to participate in the public art process.
9. Inventory Public Art annually to ensure that the conditions and standards of Public Art are being met and report their condition to the Director of Public Services, including recommendations for maintenance, repair or reaccessioning, when appropriate.
10. Encourage pedestrian activity through human-scale public art placements where appropriate.
11. Provide for the incorporation of public art in public buildings, parks, building facades, entry corridors, transportation projects and other forms where appropriate.
12. Provide coordination with the Downtown Waynesville Association, Haywood County Arts Council, Waynesville Historical Commission, Waynesville Appearance Commission and other organizations interested in public art.
13. Provide an educational program explaining the role and function of public art and its relationship to the unique cultural and environmental heritage of the Town of Waynesville and surrounding region.

### **Meetings**

The Public Art Commission meets on the Second Thursday of each month at 4:00 p.m. at the Town Hall at 9 South Main Street.

### **Reporting**

The Public Art Commission shall provide a comprehensive report to the Board of Aldermen in September each year.

### **Compensation**

Members of the Public Art Commission shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the Public Art Commission.

**Town Specific Information and Enabling Legislation Related to the Public Art Commission**  
(Copies included at the end of this section)

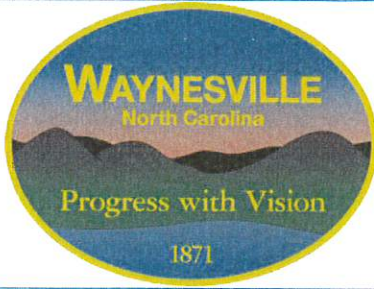
**January 24, 2006** – Ordinance number 4-06 – Creation of Waynesville Public Art Commission is approved

**May 13, 2014**

An amendment to the Ordinance is made to indicate that the number of members for the various Boards, Commissions and Committees appointed by the Board of Aldermen may from time to time be updated. The number of members for each Board, Commission or Committee will be indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which is maintained by the Town Clerk. Revisions to the number of members on the various Boards, Commissions and Committees will be based on actions by individual Board, Commissions and Committees and approved by the Board of Aldermen and shall not require the update of the Code of Ordinances unless required by Federal, State or Local legislation. This does not apply to the membership requirements related to residency, professional status or other requisite qualification, only to the number of members on the Board, Commission or Committee.

**July 12, 2018**

The Board of Aldermen approved the extension of the terms of the Boards and Commissions to three (3) three year terms, retroactive to 2013.



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Danny Wengate

STREET ADDRESS 392 AUBURN PK DR

MAILING ADDRESS

PHONE 828 734 6287

E-MAIL dwingate@haywoodccw/dep.com

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

- Alcoholic Beverage Control Board
- Board of Adjustment
- Firemen's Relief Fund Board
- Historic Preservation Commission
- Planning Board
- Public Art Commission
- Recreation & Parks Advisory Commission
- Waynesville Housing Authority
- Cemetery Committee

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because:

I would like to continue with another term to use experience to maintain ABC's steady growth & progress

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

Planning Board - Waynesville ABC Board

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

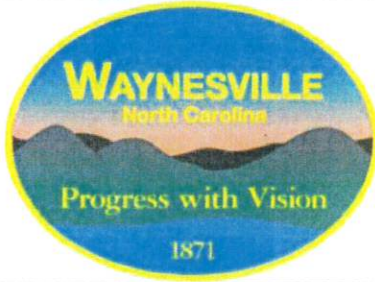
PRIOR EXPERIENCE

Tell us about yourself and your background:

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

Danny Wengate  
Signature

5/31/2022  
Date



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Jed Lambert  
STREET ADDRESS 79 Walking Horse Dr., Clyde NC 28721  
MAILING ADDRESS 79 Walking Horse Dr., Clyde NC 28721  
PHONE 828-400-7646  
E-MAIL driedlambert@gmail.com

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

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

I am interested in serving on this board or commission because: I have a vested interest in the community and want to play my role in the economic development of Waynesville.

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

As a small business owner, with 20 employees for over 14 years, I understand the dynamics and challenges that might occur. I have also been very active with the non-profit Sarge's Organization, Sarge's Board member 8 years, officer for 6 years, and 2 years as President.

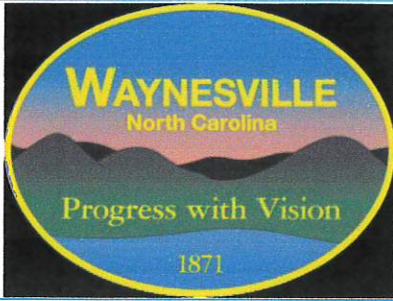
I feel that I can contribute the following to this board or commission: Practical business knowledge and leadership, Fiscal responsibility, and a love of the community

Tell us about yourself and your background: Originally from Louisiana, I have lived in Haywood County for the past 15 years. My wife is originally from Waynesville and we have a dental practice, Smoky Mountain Dentistry. We are very active in the community and are always looking for ways to give back.

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

[Signature]  
Signature

Date



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME C. Kenneth Stines

STREET ADDRESS 4294 PISGAH DRIVE, CANTON NC 28716

MAILING ADDRESS \_\_\_\_\_

PHONE 828-231-2625

E-MAIL GSMLLOOKOUTFARMS@GMAIL.COM

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

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

I am interested in serving on this board or commission because: I feel would be a interesting board to serve and be able to give back to community.

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

Assoc. Degree in Civil Engineering, Assoc Degree in Surveying, Worked for County organization for 25 years, serve on NC Bill Board and serve on NC Water Pollution operators Certification Commission.

I feel that I can contribute the following to this board or commission NATIVE to Haywood County I feel could help contribute to the continued success of this board and put good professional to discussion.

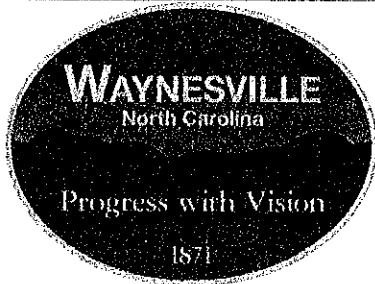
Tell us about yourself and your background: Born and raised in Haywood County, attend Church @ LOUIS CHAPEL, EAGLE SCOUT, employed for 25 years @ MSD of Buncombe County as DIRECTOR OF MAINTENANCE AND FARM BLACK HERFORD CATTLE. ENTRY BEING OUTSIDE

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

6-12-2021

Signature

Date



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Travis Dustin Smith
STREET ADDRESS 85 Mississippi Ave, Waynesville NC 28786
MAILING ADDRESS Same
PHONE 828 550 7731
E-MAIL Trwanta1404@yahoo.com

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
Cemetery Committee

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: I do not like the direction this town is headed, and I want to be a part of the decision making

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

I have a Bachelors Degree from Western Carolina University and I am a small business owner

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

give a better view of what the people of this town want and desire when it comes to what's allowed to happen

Tell us about yourself and your background:

Born and Raised Here, Highly Educated, Very Successful Business man.

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

Signature Travis Dustin Smith Date 5-27-22

Talked w/ Mr Morgan  
by phone

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME Joshua F. Morgan  
STREET ADDRESS 190 Valley View Terrace Waynesville NC 28786  
MAILING ADDRESS - SAME -  
PHONE 828-712-9382  
E-MAIL jfmorganjfg@gmail.com

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

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

I am interested in serving on this board or commission because: I am very interested in providing leadership to the town in managing growth and resources. I have developed short and long range plans and have 3 children that I would like to ensure have the opportunities to prosper.

I have experience/expertise in the following areas and/or have served on the following board or commission: I have served with the Haywood County Schools on the Foundation Board and on the Policy Committee. In my current role, I review personnel policies routinely.

I feel that I can contribute the following to this board or commission I want to preserve the small town spirit yet promote opportunities for cultural, social, and recreational growth.

Tell us about yourself and your background: I have been a school administrator for 10+ years, with 7 being in Haywood County. I am currently the Director of Human Resources at HVO. I am the vice-President of the Carolina Mtn. Soccer Club and currently coach ages 4-9. I am a Haywood County native and want only the best for our community

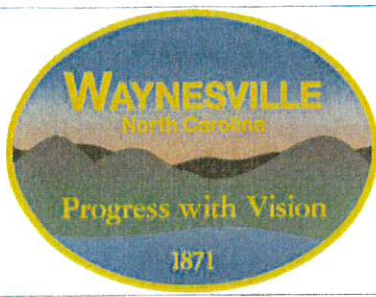
If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Joshua F. Morgan  
Signature

7-1-2016  
Date



Talked w/ Bill by Phone



TOWN OF WAYNESVILLE, NORTH CAROLINA
Application for Appointment to Boards/Commissions
Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786
(828) 452-2491
eward@waynesvillenc.gov

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

NAME Bill Revis
STREET ADDRESS 160 Chelsea Rd. Waynesville
MAILING ADDRESS SAME
PHONE 828 456 8440
E-MAIL brevis160@gmail.com

- Please consider me for appointment to the following board(s) or commission(s):
Alcoholic Beverage Control Board
Community Action Forum
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Cemetery Committee
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
1% Zip Code Subcommittee (TDA)

I am interested in serving on this board or commission because: see ATTACHED #1

I have experience/expertise in the following areas and/or have served on the following board or commission: ATTACHED #2

I feel that I can contribute the following to this board or commission: ATTACHED #3

Tell us about yourself and your background: see ATTACHED

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

Signature Bill Revis Date 5/25/2020

## CEMETERY COMMITTEE

#1. I am interested in serving on this board or commission because:

As a present committee member, I would like to continue in this capacity to help guide and implement the new ordinance which was recently adopted by the town of Waynesville.

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

As a committee member, I have attended several workshops presented by the Town of Waynesville on the management, budget and rules for the cemetery. Being on the Historic Preservation Commission, I was involved in the process for the cemetery to be placed on the National Historic Register. I developed signage for the cemetery entrance. I researched and participated in the yearly historic tours.

#3. I feel that I can contribute the following to this board or commission:

With my knowledge of the many aspects concerning the cemetery, I feel I can make neutral, positive decisions on matters that the committee will be presented with.

## **WILLIAM MARCELL REVIS**

160 Chelsea Road  
Waynesville, NC 28786  
(828) 456-8440  
brevis160@gmail.com

### **Skills**

Participated in numerous training seminars in sales design and team building for the Atlanta region. VP of Planning Society at Appalachian State. Former member of the Waynesville Merchants Association and Chairman of the Revitalization Committee.

### **Experience**

January 2007 - March 2013

**DeKalb Office Environments, Inc., Alpharetta, GA** - *Major Furnishings Dealer for Southeast Fortune 500 Companies*

- Executive sales associate for SunTrust Bank, Atlanta.
- Responsible for corporate standards and furnishings.
- Awarded top sales recognition yearly.

March 1984 - January 2007

**Ivan Allen Company, Atlanta, GA** - *Major Dealer/Executive Sales Associate*

- Atlanta/Southeast contract furnishings and design dealer.
- Sales contracts and corporate standards development included SunTrust, Bank of America and Turner Broadcasting/CNN accounts.
- Awarded top sales recognition yearly.

December 1980 - March 1984

**Talman's Office Systems and Design, Asheville, NC** - *Sales and Design Staff Member*

- Accounts included Mission Hospital and various Doctor's Parks.

November 1979 - December 1980

**Talman's of Waynesville, Waynesville, NC** - *Manager*

- Responsible for daily operation of furniture, office supplies and Hallmark Store.
- Top sales and Merit sales awards.

November 1976 - October 1979

**Elkorn Village Inn and Condominiums, Sun Valley, ID - *Evening Manager***

- Responsible for housekeeping, maintenance, food and beverage and front desk operations for 146 room hotel and 213 condominiums.

1974 - 1976

**Town of Waynesville, Waynesville, NC - *Assistant to City Manager***

- Duties included research for funding grants, surveys for public works department, ranger for the watershed and interoffice management.

## **Education**

**Wingate College, Wingate, NC - *General Education***

**Appalachian State University, Boone, NC - *B.A. in Urban Planning and Geography***

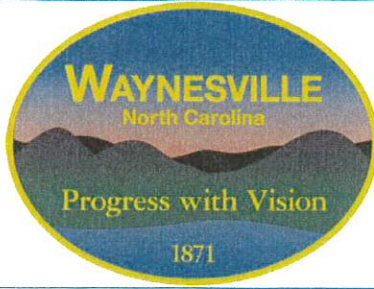
**Appalachian State University, Boone, NC - *M.A. in City Management and Public Administration***

## **References**

**Furnished upon request**

## **Family History**

My ancestors immigrated from England to Virginia in the 1630s. James Pickey Scates, my great, great grandfather, settled in the Hazelwood area in 1868. He fought in the Civil War and was a member of the Palmetto Sharp Shooters. He is buried in Green Hill Cemetery. J.P. Scates, my great grandfather, was mayor and magistrate for Hazelwood in the early 1900s. H.B. Milner, my grandfather, was in real estate and owned several businesses in the west Waynesville area. He was very instrumental in the development of Balsam Road from the 1920s - 1940s.



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME WARREN PUTNAM
STREET ADDRESS 189 CLOVERHILL ROAD, CLYDE, NC 28721
MAILING ADDRESS SAME
PHONE 828-734-8159
E-MAIL WARREN-PUTNAM@YAHOO.COM

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
Cemetery Committee

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: I HAVE SERVED THE LAST 2 YRS AND WOULD LIKE TO SERVE AGAIN TO COMPLETE SOME PROJECTS WE ARE WORKING ON NOW

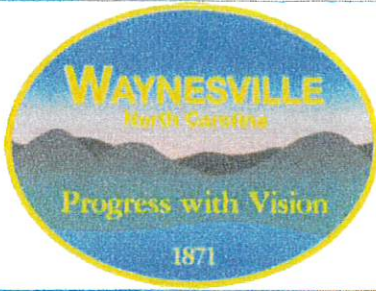
I have experience/expertise in the following areas and/or have served on the following board or commission: SERVED THE PAST 2 YRS

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

Tell us about yourself and your background: FIRE INSPECTOR, CODE ENFORCEMENT, BUILDING INSPECTOR AND HAVE ALREADY SERVED 2 YRS ON THIS COMMITTEE

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

Signature: [Handwritten Signature] Date: 6-7-2022



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME CLARE A BASS
STREET ADDRESS 94 KATKA LOOP WAYNESVILLE 28786
MAILING ADDRESS SAME
PHONE 919 818-7403
E-MAIL CBASS7399@GMAIL.COM

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

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

I am interested in serving on this board or commission because: I would like the opportunity to serve this community in an area in which I have great interest and experience.

I have experience/expertise in the following areas and/or have served on the following board or commission: I worked with the Historic Sites program for more than 20 years. I have served on several historic site and museum boards. Resume is attached.

I feel that I can contribute the following to this board or commission: In addition to bringing years of experience, I would provide dedication and "fresh eyes" to this commission.

Tell us about yourself and your background: I am an Asheville native. My husband and I have recently moved here and are building our retirement home.

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

Signature: Clare A. Bass Date: 2/15/22

**Clare Arthur Bass**  
94 Katka Loop  
Waynesville, NC. 28786  
Home: 919 818-7403  
cbass7399@gmail.com

## **Professional Experience**

### **Wake County Public Libraries, Raleigh, NC**

*Adult Services Department Manager*

*Cameron Village Regional Library, 2011-2015 (retired)*

Managed the staff and daily operations of the Adult Services Department; established work priorities, and developed schedules; supervised four librarians and 4.5 FTE library assistants.

Served on management team to restructure and direct programming model for the library system; oversaw the planning, implementation, and evaluation of the Arts & Literature programming for six Regional Libraries.

*Adult Services Librarian*

*Cameron Village Regional Library, 2005-2011*

Provided Readers Advisory and Reference services to a diverse community; developed displays and marketing initiatives for promoting the collection; established and maintained community partnerships to enhance library programming; planned, developed and presented public programs for adult patrons; lead a monthly book club.

Served as a customer service and a readers' advisory trainer for library staff; taught computer skills classes for the patrons

### **North Carolina Historic Sites, Raleigh, NC**

*Curator of Collections, 1987-2005*

Directed the Collections Branch of the NC Division of State Historic Sites. Supervised collections staff of 5 permanent employees. Managed budgets; set and maintained work goals. Developed and oversaw collections management training, collections care workshops, and object identification training.

Directed the acquisition, registration, conservation, research, exhibition and care of nearly 75,000 historic objects and documents. Led two disaster response teams. Served as grant reviewer for the Institute of Museum and Library Services (IMLS).

**CSS Neuse State Historic Site, Kinston, NC**  
*Assistant Manager, 1985-1987*

**Thomas Wolfe Memorial State Historic Site, Asheville, NC**  
*Historic Interpreter, 1984*

**Pack Memorial Public Library, Asheville NC 1976-1977**  
*Library Page*

### **Education**

M.L.S., North Carolina Central University. 2004

M.A. American History and Applied History, University of South Carolina, 1983.

B.A. History, Catawba College, Salisbury, NC, 1981

### **Professional Associations**

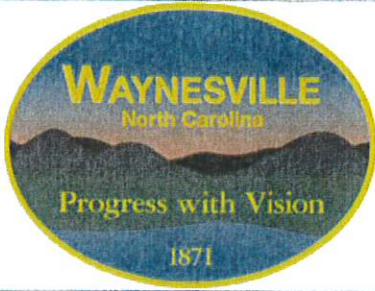
North Carolina Library Association  
*Conference planning committee, 2013*

North Carolina Museums Council  
*Secretary, 2000-2005*  
*Chair, Nominating Committee, 1996-1997*  
*Treasurer, 1994-1996*

### **Community Activities**

City of Raleigh Historic Resources and Museums Advisory Board 2016-2021  
Board chair 2020-2021  
Historic Oakview County Park Advisory Board 2009-2021  
NCSU Olli Member, 2015-2021  
J. C. Raulston Arboretum volunteer 2016-2021





TOWN OF WAYNESVILLE, NORTH CAROLINA  
Application for Appointment to Boards/Commissions  
Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME SHEREEN MALEK  
STREET ADDRESS 175 ATKINS LOOP, LAKE JUNALUSKA, NC 28745  
MAILING ADDRESS PO BOX 1164, WAYNESVILLE, NC 28706  
PHONE 301-280-0000  
E-MAIL MISSMALEK@GMAIL.COM

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

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

I am interested in serving on this board or commission because: I have a passion for old buildings and would like to help preserve sites of historical and cultural importance.

I have experience/expertise in the following areas and/or have served on the following board or commission:  
Real Estate, Strategy Development, Financial Planning

I feel that I can contribute the following to this board or commission A unique perspective through a real estate and construction lens.

Tell us about yourself and your background: I have been involved with varying forms of real estate and corporate planning for 7+ years. I am a creative people-person, good listener, and solution-finder.

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

Shereen Malek  
Signature

2/21/2022  
Date

**Technical Support/Software Tester (September, 2002 – November, 2007)**

Drake Software, Franklin, NC

Fielded technical support calls from a wide variety of income tax software clients. Tested the software for accuracy in tax calculations.

**Skills**

- ▶ Highly qualified teacher, Secondary social studies, general science, and English.
- ▶ Highly qualified teacher, Middle grades social studies.
- ▶ Advanced Law Enforcement Certificate
- ▶ Traffic Enforcement and Investigations Certificate
- ▶ Criminal Investigations Certificate
- ▶ Certified General Instructor for law enforcement classes

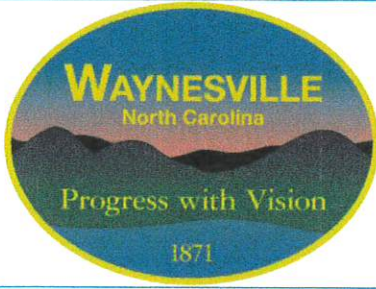
**References**

Dewayne Greene  
Sergeant, Asheville Police Department (Retired)  
Telephone: 828-552-9367

Daniel Atwood  
Science Department Head, Tuscola High School  
Telephone: 828-593-9036

Jennifer Worley  
Biology Teacher, Tuscola High School  
Telephone: 828-734-6485

Bart Murphy  
History Teacher, Asheville High School  
Telephone: 828-329-1392



TOWN OF WAYNESVILLE, NORTH CAROLINA  
Application for Appointment to Boards/Commissions  
Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Travis Dustin Smith  
STREET ADDRESS 85 Mississippi Ave, Waynesville NC 28786  
MAILING ADDRESS Same  
PHONE 828 550 7731  
E-MAIL Truanto1404@yahoo.com

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

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

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: I do not like the direction this town is headed, and I want to be a part of the decision making

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

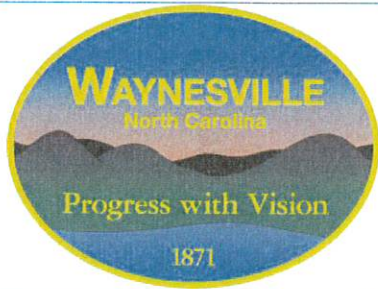
I have a Bachelors Degree from Western Carolina University and I am a small business owner

I feel that I can contribute the following to this board or commission: give a better view of what the people of this town want and desire when it comes to what's allowed to happen

Tell us about yourself and your background: Born and Raised Here, Highly ~~educated~~ Educated, Very Successful Business man.

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

Travis Dustin Smith 5-27-22  
Signature Date



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Ronald James Call

STREET ADDRESS 134 Belle Meade Drive Waynesville, NC 28786

MAILING ADDRESS \_\_\_\_\_

PHONE (828) 508-2421

E-MAIL ronniecall07@yahoo.com

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

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

*\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.*

I am interested in serving on this board or commission because: I want to be part of the future of this community

I have experience/expertise in the following areas and/or have served on the following board or commission:  
small business, community service, public relations

I feel that I can contribute the following to this board or commission I believe i can contribute my lifelong experience of being a active member in the community ,raising a family, and being a small business owner right here in waynesville

Tell us about yourself and your background: My name is Ronnie Call husband and father of two children, small business owner in waynesville, class of 93 Tuscola Senior High School born in Detroit MI 1974 moved to Waynesville, 1979 lived here till current date,im also an award winning singer/songwriter who loves music, family, and community.

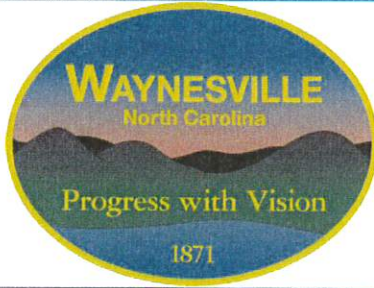
If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Ronald James Call

05/27/ 2022

Signature

Date



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

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

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
Cemetery Committee

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because:

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

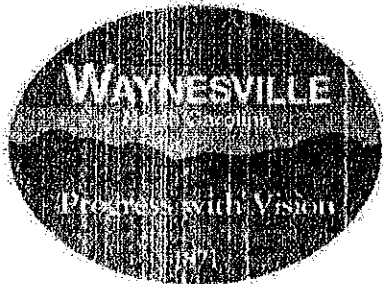
Have served on this board the last couple of years.

I feel that I can contribute the following to this board or commission: I hire many people in Waynesville and know how hard housing is

Tell us about yourself and your background: Graduate of Tuscola 1996, I have worked at RUMC since 2003, I have three boys and a wife in the school system

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

Signature [Handwritten Signature] Date 5/31/22



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME JAN GROSSMAN
STREET ADDRESS 21 TUBURN B, WAYNESVILLE, NC 28786
MAILING ADDRESS SAME AS ABOVE
PHONE 828-564-3216
E-MAIL JANEGROSSMAN@HOTMAIL.COM

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
Cemetery Committee

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: 1

I have experience/expertise in the following areas and/or have served on the following board or commission: 2

I feel that I can contribute the following to this board or commission 3

Tell us about yourself and your background: 4

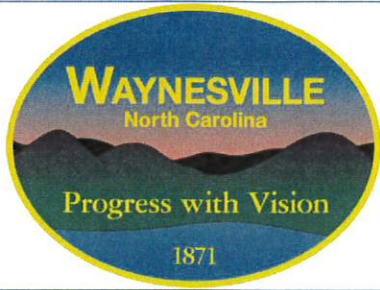
If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature: [Handwritten Signature] Date: 5-31-22

## Town of Waynesville, NC - Application for Appointment to Boards

### Application for PLANNING BOARD – Jan Grossman

1. I am interested in serving on this board or commission because:
  - a. I am interested in ensuring that Waynesville grows responsibly with the interest of the residents in mind
2. I have experience in the following areas and/or have served on the following board or commission:
  - a. Member of the Haywood Greenway Commission
  - b. Previous member of the Orange County Transportation Board
  - c. Site Leader for Haywood Taxaide – the largest free tax preparation service
  - d. President or officer of numerous clubs and HOAs
  - e. Mediator for Mountain Mediation – court mediation
  - f. Counselor for SCORE – free business mentoring
3. I feel that I can contribute the following to this board or commission:
  - a. I am a good listener and problem solver. I can usually diffuse tense situations.
  - b. I am detail oriented allowing me to understand policies and procedures
  - c. I am Interested in new ideas or better ways of doing things when present processes are not working well
  - d. I am interested in the well-being of Waynesville and understand that growth comes with issues – that can rationally be dealt with.
4. Tell us about yourself and your background:
  - a. I've been a polymer scientist for over 40 years and one of my core skills is project assessment.
  - b. I've been active in the biking and hiking communities
  - c. I live on South Main Street and use walking as my main daily means of transportation
  - d. I've lived in major metropolitan cities, small cities, and towns
  - e. Presently my major volunteering effort is helping the underserved and senior population of Haywood County with tax preparation.



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Peggy Hannah
STREET ADDRESS 268 Hemlock St
MAILING ADDRESS Same
PHONE 828-550-3443
E-MAIL Peggy Hannah

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
Cemetery Committee

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: I want to be part of my community & learn how to be part of the solution.

I have experience/expertise in the following areas and/or have served on the following board or commission: Mountainview Little League Softball vice president for 4 yrs

I feel that I can contribute the following to this board or commission by listening - researching facts.

Tell us about yourself and your background: Married. Retired 1 child, Native to Haywood Co.

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

Signature (Handwritten name)

Date 5-27-2022





TOWN OF WAYNESVILLE, NORTH CAROLINA  
Application for Appointment to Boards/Commissions  
Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME DONALD J. MCGOWAN  
STREET ADDRESS 958 LITTLE MOUNTAIN ROAD  
MAILING ADDRESS WAYNESVILLE, NC 28786  
PHONE HOME: 828-456-8064 CELL: 407-832-0994  
E-MAIL \_\_\_\_\_

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

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

*\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.*


I am interested in serving on this board or commission because: SEE ATTACHED LETTER

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

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

Tell us about yourself and your background: SEE ATTACHED BIOGRAPHY

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

  
Signature

5/26/22  
Date

To: The Town of Waynesville Board of Aldermen  
From: Donald J. McGowan  
Subject: Request to Continue to Serve on Planning Board  
Date: May 26, 2022

My term on the Planning Board is scheduled to conclude on June 30, 2022 and I am requesting that the Board consider renewing same for an additional three years.

It has been my pleasure to serve on the Planning Board for the last three years. During that period of time, we have developed a new comprehensive land use plan, developed new ordinances that define the operation of differing types of shelters in the community, and guided the town through a period of extraordinary growth and development pressure while dealing with the exigencies of 160D. I currently serve on the Subdivision Ordinance subcommittee of the Planning Board that is putting the final touches on new ordinances that, with Board of Aldermen approval, will be critical in shaping future large subdivision development.

As the current demographic wave continues to cascade over us, both from Asheville and out of state migration, the tension in the community from those that want no growth and NIMBYism needs to be counter balanced with a sensitivity to providing desperately needed market rate and affordable workforce housing while at the same time growing our tax base. I look forward to continuing to work with the Planning Board and the Board of Aldermen in striking that balance.

## Donald J. McGowan

### Biography

Donald J. McGowan is a national award-winning community bank President and CEO with a highly distinguished 45-year banking career. He has specialized in small business banking, strategic planning, product development, creating affordable housing financing solutions, and loan and credit administration.

McGowan has remained actively engaged in a number of professional and community organizations throughout his career:

After retiring to Waynesville, NC he is on the Planning Board of the Town of Waynesville, a Commissioner of the Waynesville Housing Authority, Founder and Past Chairman of the Smoky Mountain Housing Partnership, Founder of the SW North Carolina HOME Consortium (which has received over \$2million in funding from HUD) and Director of the Canopy Foundation. He was the recipient of the Sister Barbara Sullivan Award from the North Carolina Housing Partnership as Volunteer of the Year for finding viable solutions for improving housing conditions for low-income individuals.

In Massachusetts, he served as the Chairman of the Massachusetts Bankers Association, Chairman of the Massachusetts Biotechnology Research Institute, Chairman of the Alliance for Education, Chairman of the Massachusetts Housing Partnership, Chairman of Community Healthlink. He was also a Director of Commonwealth Bioventures, Memorial Hospital and the HMO HealthSource of Massachusetts. He was named "Business Person of the Year" by the Worcester Business Journal, "Citizen of the Year" by the Worcester Telegram and Gazette and received the prestigious "Torch Award for Commitment to the Community" by the Better Business Bureau.

In Florida, McGowan served on the Government Relations Committee of the Florida Bankers Association, Director of Leadership Winter Park, Riverside Theater, the Environmental Learning Center, National Entrepreneur Center and Vice Chairman of the Small Business Development Center at the University of Central Florida.

He is a graduate of Dowling College with a BBA, attended Boston University MBA program, and is a graduate of the Stonier Graduate School of Banking at Rutgers University. He served in the U. S. Navy.

McGowan's professional accomplishments include:

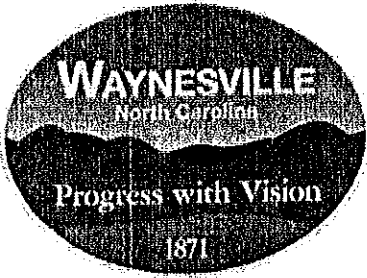
President and CEO of BankFIRST in Winter Park, Florida from 2003 until the sale of the bank to Seacoast National Bank in November, 2014. Under his management the bank grew from \$220million in assets to \$700million with 12 offices located in Orange, Lake, Seminole, Brevard and Volusia counties. BankFIRST was the largest SBA lender in Central Florida and had been named "Best Community Bank in Central Florida" by the readers of the Orlando Business Journal.

Previous to BankFIRST, McGowan was the Founder, Chairman and CEO of Flagship Bank and Trust Company, headquartered in Worcester, Massachusetts from 1987 until the sale of the bank in 2002 to the Chittenden Corporation in Burlington, Vermont. Flagship had \$400 million in assets and six offices located in Worcester County. Flagship Bank was recognized as one of the most successful denovo banks in the country specializing in serving small and medium size businesses.

Flagship was the leading Small Business Administration lender in Massachusetts. Under McGowan's leadership Flagship won the highest national banking award for product development for its SBA program, which led to McGowan being named the "National Small Business Financial Services Advocate of the Year" by the U.S. Small Business Administration. McGowan also won a second "Golden Coin Award" from the Bank Marketing Association for his socially responsible banking program called the "Worcester Fund".

Previous to Flagship Bank, McGowan held other senior executive banking positions in Massachusetts and Florida. He served as the President of the Central Massachusetts Region of Bank of Boston, was the President and CEO of FinancialFed Mortgage Corp. and concurrently the Chief Loan Officer for its parent company, Financial Federal Savings and Loan Association in Miami Lakes, Florida. He was the Senior Vice President for Strategic Planning and Corporate Development for the Conifer Group, a \$4 billion community bank holding company in Worcester, Massachusetts. McGowan started his banking career in the management training program of Marine Midland Bank, New York, NY where he became a Regional Commercial Loan Officer responsible for commercial lending in the eastern part of Long Island.

Don McGowan and his wife Geri reside in Waynesville, North Carolina.



TOWN OF WAYNESVILLE, NORTH CAROLINA  
Application for Appointment to Boards/Commissions  
Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

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

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

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

I am interested in serving on this board or commission because:  
I WANT WHAT IS BEST FOR THE RESIDENTS AND  
BUSINESSES OF WAYNESVILLE

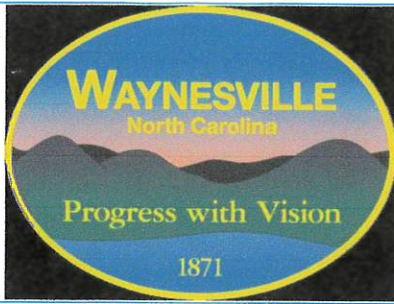
I have experience/expertise in the following areas and/or have served on the following board or commission:  
LAW, REAL ESTATE, COMMERCIAL DEVELOPMENT  
- CURRENT MEMBER OF THE ZONING BOARD

I feel that I can contribute the following to this board or commission  
LEGAL EXPERIENCE, MEDIATION EXPERIENCE, JUDGEMENTAL  
EXPERIENCE, COMMERCIAL PROPERTY EXPERIENCE, AS WELL  
AS RATIONAL PROBLEM SOLVING AND COMMON SENSE.

Tell us about yourself and your background: FORMER STATE PROSECUTOR,  
FORMER CIVIL TRIAL ATTORNEY (DEFENSE PRACTICE), FORMER  
ADMINISTRATIVE LAW JUDGE, OWNED AND OPERATED A COMMERCIAL  
REAL ESTATE CONSULTING BUSINESS

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

Signature  Date \_\_\_\_\_



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Ashten McKinney
STREET ADDRESS 52 Mountain View Dr.
MAILING ADDRESS Waynesville, NC 28786
PHONE (828) 222-9222
E-MAIL Curatory Gallery @ gmail.com

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

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

I am interested in serving on this board or commission because: I have a deep passion for the arts and a mission of nurturing and representing young artists in Haywood county

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

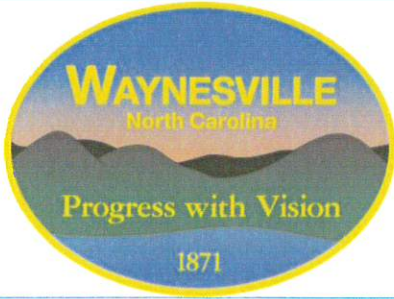
Founder/Artistic Director - Thirsty Canvas; Dallas, TX
Board Member - Start Now; Waynesville, NC
Business Owner & Curator - Curatory Gallery; Waynesville, NC

I feel that I can contribute the following to this board or commission by having a wide network of artists; as an art gallery owner; representing young local talent; fresh ideas and finding opportunity

Tell us about yourself and your background: Moved to Waynesville 4 years ago. Business owner, artist mother of 3. Experience in art curation, exhibits, funding. Passionate about Waynesville.

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

Signature [Handwritten Signature] Date 18 June, 2021



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Morgan Beryl
STREET ADDRESS 162 Katka Loop Waynesville NC 28786
MAILING ADDRESS Same
PHONE 917 375 9943
E-MAIL director@haywoodarts.org

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

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

I am interested in serving on this board or commission because: I am the new director for the Haywood county Arts Council and believe I can be an asset to the commission.

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

I am currently on the Board of Directors for a non-profit and have a good understanding of procedures and applying for grants.

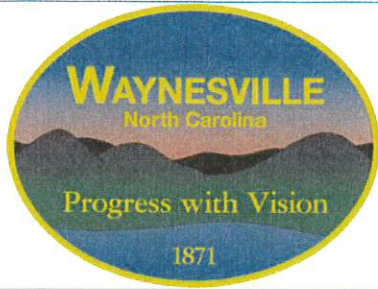
I feel that I can contribute the following to this board or commission Ideas, positivity, passion for the arts.

Tell us about yourself and your background: I have a long history of being involved in the Arts, non-profits + community planning.

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

Signature [Handwritten Signature]

Date June 10, 2021



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Douglas Garrett
STREET ADDRESS 70 Chancery Lane
MAILING ADDRESS Waynesville NC 28786
PHONE (H) 828-452-9068 (C) 828-550-9039
E-MAIL dpgarrett1948@gmail.com

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
Cemetery Committee

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: I am a retired art teacher, love art and our mountains. Would love to serve on art Commission to give some artistic insight.

I have experience/expertise in the following areas and/or have served on the following board or commission:
- member of Public Art (Board) Commission
- Former Haywood County School Board art supervisor
- Folkmoor USA

I feel that I can contribute the following to this board or commission:
- art experience
- lifetime resident of Haywood County

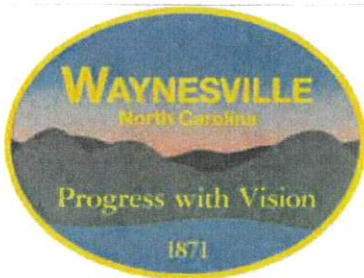
Tell us about yourself and your background:
- Attended Clemson / WCU - graduate
- 30+ yrs. teacher in Haywood County
- 32 years working with Folkmoor

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

Douglas Garrett
Signature

May 30, 2022
Date





TOWN OF WAYNESVILLE, NORTH CAROLINA  
Application for Appointment to Boards/Commissions  
Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Chad Carver

STREET ADDRESS 176 Grimboll Dr

MAILING ADDRESS Waynesville NC 28786

PHONE 828-236-9315

E-MAIL cscarver44@gmail.com

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

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

I am interested in serving on this board or commission because: I have a desire to serve the community, particularly in areas that have direct impact on my two young daughters.

I have experience/expertise in the following areas and/or have served on the following board or commission: My undergraduate degree, wellness management, was designed specifically to address individual and community needs as it relates to exercise and recreation

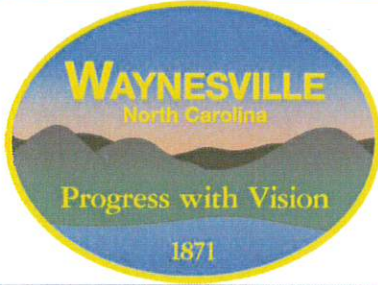
I feel that I can contribute the following to this board or commission: I believe my years of management experience can help drive the Town's Park and Recreation offerings to even greater levels.

Tell us about yourself and your background: B.S. wellness management. MBA - WCU. I've lived in WNC for nearly 20 years and waynesville for over 5 years. I've always enjoyed recreation activities like hiking, cycling, basketball and disc golf.

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

Chad Carver  
Signature

6.16.21  
Date



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Corey w. Johnson

STREET ADDRESS 145 Woodland Drive, Waynesville NC 28786

MAILING ADDRESS same as above

PHONE 828-216-7261

E-MAIL nleisure01@gmail.com

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

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

I am interested in serving on this board or commission because: I am relatively new to Waynesville, but I am interested in becoming involved with local government to try to give back to the community in which I live.

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

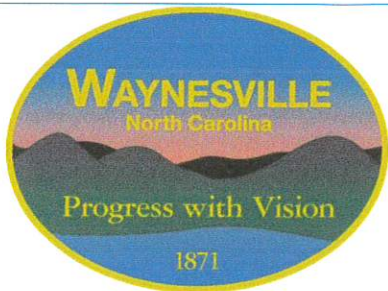
I have years of experience in arts management, event coordination, recreation programming and I have a three degrees in Recreation and Leisure Studies. I have spent the past 20 years teaching and conducting research at Cal. State Long Beach, The University of Georgia and the University of Waterloo. I have also chaired many boards and committees in a volunteer capacity.

I feel that I can contribute the following to this board or commission An insight into managing programs, expertise in inclusion and social justice, insight into programming, event, and volunteer management,

Tell us about yourself and your background: I grew up to a single mother living in Ohio before going to college at Bowling Green State University in Ohio. My first job was at Duke University as the coordinator of performing arts and facilities, but went onto a career in academia. I am married to my wonderful husband Yancey, who is a faculty member at Wester Carolina. I enjoy cooking, eating, camping, backpacking, yoga, meditation and my Frenchie, Sedgwick.

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

Signature Corey W. Johnson Date 06.08.2021



TOWN OF WAYNESVILLE, NORTH CAROLINA
Application for Appointment to Boards/Commissions
Please return to the Town Clerk's office.

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

(828) 452-2491

eward@waynesvillenc.gov

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

NAME Nicole Kott

STREET ADDRESS 217 Assembly Street, Waynesville NC 28786

MAILING ADDRESS 217 Assembly Street, Waynesville NC 28786

PHONE (828) 508-3420

E-MAIL nicole\_268\_@hotmail.com

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission (checked)
Waynesville Housing Authority
Cemetery Committee

\*\*As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because:

Waynesville is home to my family and I, we are thankful to live in such a strong and functional community. I want to serve on this board for a second term to contribute my skills, time, and effort alongside other great community members to maintain and improve this valuable aspect of our community. Mental and physical health are greatly impacted by green spaces and recreational programs, which is one of many reasons why I value parks and recreation.

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

I have had the privilege of serving one three year term on the Recreation and Parks Advisory Commission, I served as the Sponsorship Coordinator for the American Youth Soccer Organization, and I am the founder of Helping Hands of Haywood (a local 501c3 charitable nonprofit organization). I was board President at Helping Hands, and now serve as Executive Director. I have also served on various other smaller local subcommittees.

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

As a resident of the Town of Waynesville, I am committed to preserving our small town values, structures, and environment, while also advocating for sustainable growth that is essential to our growing community. Healthy and functional outdoor green spaces are an important part of our community, as well as structured indoor programs. My goal is to analyze and contribute to maintenance, growth plans, policies, and other park and rec duties.

Tell us about yourself and your background: My name is Nicole Kott and I am the Executive Director for Helping Hands of Haywood, a local charitable 501c3 organization with an emphasis on homelessness and mental health. I grew up in a very small, well-preserved New Hampshire town. I understand how crucial it is for small cities and towns to have functional recreational programs and green spaces. I am currently serving on the Town of Waynesville Recreation and Parks Advisory Commission. My family and myself have frequented the local parks and recreation center for over fourteen years.

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

Handwritten signature of Nicole Kott

Signature

Handwritten date: 5/31/2022

Date

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: 6/28/2022**

**SUBJECT** Non-Statutory Boards and Commissions Vacancies

**AGENDA INFORMATION:**

**Agenda Location:**

**Item Number:**

**Department:** Administration

**Contact:** Jesse Fowler, Assistant Town Manager

**Presenter:** **Jesse Fowler, Assistant Town Manager**

**BRIEF SUMMARY:**

We have several Non-Statutory Advisory Board and Commission members whose terms will be expiring on June 30. Those who have applied, and those who have decided to reapply are outlined on the attached "Boards and Commissions Current Vacancies and Applicant Worksheet." The full applications for each applicant have been included in the agenda packet. These applications include individuals who have recently applied, as well as individuals who have applied in the past who are still interested in serving on different Advisory Boards or Commissions. Below is a summary of each Non-Statutory Board and Commission, the number of vacancies, and the number of applicants.

- Cemetery Commission: 3 vacancies & 2 applicants
- Historic Preservation Commission: 4 vacancies & 2 applicants
- Public Art Commission: 3 vacancies & 3 applicants
- Parks and Recreation Advisory Commission: 3 vacancies & 3 applicants

Those applicants approved for the above Advisory Boards and Commissions will serve 3 year terms.

**MOTION FOR CONSIDERATION:**

- Motion to approve the ballots and appoint those applicants selected by majority vote to each respective Non-Statutory Advisory Board and Commission with terms ending June 30, 2025.

**FUNDING SOURCE/IMPACT:**

- Boards and Commissions Current Vacancies Applicant Worksheet

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS**

## Boards and Commissions current vacancies and Applicant Worksheet – June 2022

### ABC Board – 1 vacancy – 4 Applicants

1. Danny Wingate \*
2. Jed Lambert (*Clyde – is eligible*)
3. C Kenneth Stines (*Canton – is eligible*)
4. Chris Caldwell (*Clyde – is eligible*)

### Board of Adjustment – 3 Vacancies (One for Alternate) – 2 Applicants

1. Travis Dustin Smith
2. Joshua Morgan\*

### Cemetery Commission – 3 Vacancies – 2 Applicants

1. Warren Putnam\* (*Clyde – is eligible*)
2. Bill Revis\*

### Historic Commission – 4 vacancies - 2 Applicants

1. Claire Bass
2. Shereen Malek (*Lake Junaluska – ineligible*)

### Planning Board – 4 vacancies – 8 Applicants

1. Travis Dustin Smith
2. Ronald James Call
3. Robert M. Blackburn\*
4. Jan Grossman
5. Peggy Hannah
6. Donald McGowan\*
7. John Baus
8. Kara Sither
9. Mathew Johnson

### Public Art Commission – 3 vacancies – 3 Applicants

1. Ashten McKinney
2. Douglas Garrett\* (*Outside City and ETJ – is eligible*)
3. Morgan Beryl

### Recreation & Parks Advisory Commission – 3 vacancies – 3 Applicants

1. Chad Carver
2. Corey Johnson
3. Nicole Kott\*

There are no vacancies on the Waynesville Housing Authority.

\* Currently Serving

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: 6/28/2022**

**SUBJECT** Special Appropriations for Fiscal Year 2022/2023

**AGENDA INFORMATION:**

**Agenda Location:**

**Item Number:**

**Department:** Administration

**Contact:** Jesse Fowler, Assistant Town Manager

**Presenter:** Jesse Fowler, Assistant Town Manager

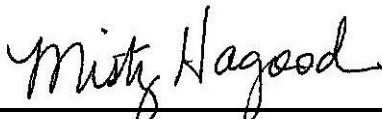
**BRIEF SUMMARY:** The Town has accepted applications for special appropriations for the upcoming 2022/2023 fiscal year. The Board has provided staff with their recommendations for funding and those recommendations have been averaged and will be presented to the Board to vote upon. Attached is the work sheet given to the Board of Alderman with the requested amounts from each organization. With passage of the FY 2022/2023 fiscal year budget, the Board of Aldermen has set aside \$100,000 for special appropriations.

**MOTION FOR CONSIDERATION:**

- Motion to accept the special appropriations in the amount of \$\_\_\_\_.\_\_\_\_.

**FUNDING SOURCE/IMPACT:**

- General Fund: Special Appropriations



Misty Hagood, Finance Director

6/22/22

Date

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS :**

Available: \$158,000

**TOWN OF WAYNESVILLE  
SPECIAL APPROPRIATIONS CONTRIBUTIONS**

	APPR 14/15	APPR 15/16	APPR 16/17	APPR 17/18	APPR 18/19	APPR 19/20	APPR 20/21	APPR 21/22	Requested 22/23	Request Purpose	Board Rec- Mayor	Board Rec - Freeman	Board Rec - Feichter	Board Rec - Sutton	Board Rec - Dickson
Arc of Haywood County	\$4,000	\$4,000	\$4,500	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$5,000	General operating Funds					
Big Brothers Big Sisters	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$500	\$1,750	\$2,000	General operating Funds					
Folkmoot USA - annual festival support	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$5,000	\$5,000	Sponsorship of the Folkmoot Festival					
HART Theater	\$0	\$0	\$5,000	\$4,000	\$4,000	\$3,500	\$3,500	\$6,250	\$4,500	General operating Funds					
Haywood Co. Arts Council	\$4,000	\$4,000	\$4,000	\$3,000	\$3,000	\$3,000	\$1,500	\$4,250	1) \$1,000 2) \$4,000	1) Sponsor: Life in Haywood Exhibit 2) Sponsor: Haywood County Studio tour	1)	1)	1)	1)	1)
Haywood Co. Meals on Wheels	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$1,500	\$3,680	\$5,000	Purchase shelf stable meals					
Historic Frog Level Merchant Association	\$0	\$0	\$4,500	\$4,000	\$5,000	\$0	\$2,500	\$4,750	\$5,000	Purchase planters and plants for frog level					
KARE	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$2,500	\$6,750	\$4,500	Utility assistance					
Mountain Projects - Elderly Nutrition	\$2,000	\$5,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	General operating Funds					
Mountain Projects - Senior Resource Center	\$9,000	\$6,500	\$6,500	\$6,000	\$6,000	\$6,000	\$1,500	\$6,375	\$6,500	General operating Funds					
Mountain Projects - SHIP Program	\$0	\$2,500	\$2,500	\$2,000	\$2,000	\$2,000	\$750	\$2,375	\$2,500	General operating Funds					
Museum of NC Handicrafts/Shelton House	\$3,000	\$4,000	\$4,000	\$3,000	\$4,000	\$4,000		\$6,250	1) \$4,500 2) \$5,000	1) Utility assistance 2) Footbridge across Shelton Branch	1)	1)	1)	1)	1)
Pigeon Community MDC	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$7,500	\$10,000	Utility assistance					
REACH	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$6,000	\$7,500	\$10,000	General shelter operations					
Tuscola AFJROTC	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	General operating funds					
United Way of Haywood County	\$0	\$500	\$500	\$500	\$500	\$500	\$500	\$1,000	\$500	Sponsor "Day of Caring"					
Waynesville Civilian Police Volunteers		\$0	\$0	\$0	\$0	\$5,000	\$5,000	\$4,000	\$4,000	General operating funds					
Meridian Behavioral Health Services		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$15,000	Furniture, stove, cooking supplies					
Waynesville Historic Preservation Commission		\$0	\$0	\$4,000	\$0	\$4,000	\$0	\$0	\$2,000	Historic Commercial Districts					
Haywood Healthcare Foundation		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,500	Sponsor "Power of Pink 5K"					
American Red Cross		\$3,000	\$3,000	\$3,000	\$0	\$0	\$2,500	\$0	\$0	Disaster Cycle Services					
Haywood Pathways Center		\$0	\$0	\$4,000	\$4,000	\$4,000	\$1,000	\$0	\$52,000	General Operating Funds					
Waynesville Public Art Commission	\$5,000	\$5,000	\$5,000	\$4,000	\$5,000	\$3,000	\$3,000	\$4,500	\$5,000	General fundraising					
Undesignated-Future Usage		\$25,500	\$10,000	\$5,000	\$14,500	\$15,000	\$7,500	\$30,123	\$5,000	Red Cross Disaster Cycle Services					

**TOTAL** 107,500

**CONTRIBUTIONS TOTAL 58,500 95,500 157,500 115,000 89,500 91,500 62,250**

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: 6-28-2022**

**SUBJECT** Resolution requesting that NC DOT place the South Main (US 23) project ahead of the Russ Avenue/Walnut Street project

**AGENDA INFORMATION:**

**Agenda Location:**

**Item Number:**

**Department:** Mayor

**Contact:** Rob Hites

**Presenter:** Mayor Caldwell

**BRIEF SUMMARY:** DOT has scheduled Russ Avenue/Walnut Street for bid in the Spring. While the project will provide a greater carrying capacity from Exit 102 through the Russ Avenue commercial district it will not have the impact of the improvements to South Main (US23). South Main from Brown Avenue to Pigeon Street has not been improved for decades yet it is carrying all of the commercial traffic from the Walmart/Belk shopping area through Town to NC 276. In addition, South Main is heavily impacted by the size and weight of gravel and asphalt vehicles that use it to reach Exit 98 and NC 276 (Pigeon Street). The redesign and improvement of the South Main Street corridor will have a greater impact on the redevelopment of the community than the Russ Avenue/ Walnut Street Project. The Mayor and Board have received a number of calls from owners that cannot plan to rebuild their property adjacent to the South Main Project until DOT established a new right of way. The result is a corridor of demolished and abandoned commercial structures that create an eyesore for travelers. For these reasons, I request that the Board adopt the attached resolution asking the NC DOT to place the South Main Street (U-4712) project ahead of the Russ Avenue/Walnut Street (U-5938) project.

**MOTION FOR CONSIDERATION:** Adopt Resolution

**FUNDING SOURCE/IMPACT:** None

**ATTACHMENTS:** Resolution

**MANAGER'S COMMENTS AND RECOMMENDATIONS** I agree with the mayor that the improvements to South Main Street will result in a rejuvenation of a deteriorating commercial area. The corridor between the Walmart area and the Downtown should be as attractive as possible. The corridor is deteriorating due to the wear and tear of the gravel and asphalt trucks that use it as the primary means of access to exit 98 and NC 276 (Pigeon Street). The issue that DOT is facing is they have designed the Russ Avenue project and acquired the property. I suspect that it will take a year to redesign the South Main Street project due to the results of the "no rise study" that show that DOT has very little leeway in raising the roadbed of South Main along Browning Branch. Discuss the impact of the resolution with your representatives of the MPO (Anthony and Elizabeth) and determine the best approach to pushing the South Main Project ahead of other projects in Division 14.



**RESOLUTION # R-18-22**

**A RESOLUTION REQUESTING THE NC DEPARTMENT OF TRANSPORTATION TO CHANGE THE PRIORITY OF THE SOUTH MAIN IMPROVEMENT PROJECT (U-4712) PLACE IT AHEAD OF THE RUSS AVENUE/WALNUT STREET IMPROVEMENT PROJECT (U-5938)**

**WHEREAS**, US 23 is a major corridor that carries considerable commercial and residential traffic from Exit 98 of the Smoky Mountain Expressway to NC 276 in Downtown Waynesville; and

**WHEREAS**, US 23 serves as the primary corridor for heavily weighted vehicles from a quarry and asphalt plant; and

**WHEREAS**, the weight and volume of stone and asphalt vehicles on US 23 has damaged significant areas of South Main (US 23); and

**WHEREAS**, the property owners adjacent to the South Main Street project are unable to improve their property until such time as DOT establishes a right of way for the South Main Project; and

**WHEREAS** the improvement of South Main Street (U-4712) will have a more significant impact on the Waynesville community than the Russ Avenue/Walnut Street (U-5938) project; **NOW THEREFORE**

**BE IT RESOLVED BY THE BOARD OF ALDERMEN THAT IT;** request the NC Department of Transportation to change the priority of Russ Avenue/Walnut Street (U-5938) and replace it with South Main US 23 (U-4712).

**Adopted this the 28<sup>th</sup> day of June 2022**

**Town of Waynesville**

\_\_\_\_\_  
**Gary Caldwell, Mayor**

**Attest:** \_\_\_\_\_  
**Eddie Ward, Town Clerk**

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: June 28, 2022**

**SUBJECT:** Approval of ARP required policies

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** (LEAVE BLANK)  
**Department:** Finance  
**Contact:** Misty Hagood  
**Presenter:** Misty Hagood

**BRIEF SUMMARY:**

The UNC School of Government has created a checklist and sample policies that are needed to comply with the federal requirements for the ARP funds. I have used the sample policies and am asking the Board of Aldermen to approve the following policies:

- Conflict of Interest Policy
- Cost Principles Policy
- Nondiscrimination Policy
- Record Retention Policy
- UG Eligible Use Policy
- ARP Subaward Policy

**MOTION FOR CONSIDERATION:**

Approval of the Conflict of Interest Policy, Cost Principles Policy, Nondiscrimination Policy, Record Retention Policy, and UG Eligible Use Policy.

**ATTACHMENTS:**

- Standard Allowance Action Item Checklist from UNC School of Government
- Conflict of Interest Policy
- Cost Principles Policy
- Nondiscrimination Policy
- Record Retention Policy
- UG Eligible Use Policy
- ARP Subaward Policy

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

The recommendation is to approve the policies.

[Note that this sample policy is intended to give NC local governments a general guide to crafting a Subaward and Monitoring Policy that is consistent with federal Uniform Guidance provision in 2 CFR 200. A local government must work with its attorney to draft a policy that is compliant with applicable laws and regulations and that can be fully implemented by the local government. Use of this sample template does not create an attorney / client relationship. Any questions about this sample policy, or suggestions for improvements, may be directed to Kara Millonzi at [millonzi@sog.unc.edu](mailto:millonzi@sog.unc.edu).]

## SAMPLE POLICY FOR SUBAWARD & MONITORING FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS

**WHEREAS** the TOWN OF WAYNESVILLE, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing \(21.027\)](#); and

**WHEREAS** the ARP/CSLFRF authorizes the TOWN OF WAYNESVILLE to enter subaward agreements with subrecipients to assist the TOWN OF WAYNESVILLE to carry out the terms of the ARP/CSLFRF; and

**WHEREAS** if the TOWN OF WAYNESVILLE enters into a subaward as a subrecipient, it acts as a pass-through entity, as described in 2 CFR 200.1; and

**WHEREAS** the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) (v.3.0 February 2022) provides, in relevant part:

**Subrecipient Monitoring.** SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds. (See Contract)

Next, your organization will need to evaluate each subrecipient's risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations. (See Contract)

Recipients should note that non-entitlement units of local government (NEUs) are not subrecipients under the SLFRF program. They are SLFRF recipients that will report directly to Treasury.

Recipients should also note that subrecipients do not include individuals and organizations that received SLFRF funds as end users to respond to the negative economic impacts of COVID-19 on these organizations. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F. (Ask Martha)

Separately or in addition, many recipients may choose to provide a subaward (e.g., via contract or grant) to other entities to provide services to other end—users. For example, a recipient may provide a grant to a nonprofit to provide homeless services to individuals experiencing homelessness. In this case, the subaward to a nonprofit is based on the services that the Recipient intends to provide, assistance to households experiencing homelessness, and the nonprofit is serving as the subrecipient, providing services on behalf of the recipient. Subrecipients are subject to audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements; and

**WHEREAS** Subpart D of the UG dictates subrecipient and award requirements for expenditure of [ARP/CSLFRF] funds; and

**WHEREAS** 2 CFR 200.332 states that:

All pass-through entities must:

- (a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the [required] information at the time of the subaward . . . When some of [the required information] is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. (See Contract)
- (b) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring. (See Contract)
- (c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described by 2 CFR 200.208. (See Contract)
- (d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes,

regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. (See Contract)

- (e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient, [specific] monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements an achievement of performance goals. (See Contract)
- (f) Verify that every subrecipient is audited as required by [2 CFR 200, Subpart F] when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR 200.501.
- (g) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.
- (h) Consider taking enforcement action against noncompliant subrecipients as described in 2 CFR 200.339 and in program regulations.

**BE IT RESOLVED** that the governing board of the TOWN OF WAYNESVILLE hereby adopts and enacts the following Subaward and Monitoring Policy for the expenditure of ARP/CSLFRF funds.

# SUBAWARD AND MONITORING POLICY FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

## I. POLICY OVERVIEW

[Title 2 U.S. Code of Federal Regulations Part 200](#), (2 CFR 200) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart D, defines requirements of pass-through entities initiating subaward agreements with Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Waynesville (hereinafter TOWN shall adhere to all applicable subaward and monitoring requirements governing the use of ARP/CSLFRF. This policy establishes procedures for classifying, making an award to, and monitoring a sub-recipient consistent with ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the Assistant Town Manager and the Finance Director who are charged with the administration and financial oversight of the [ARP/CSLFRF].

## II. DEFINITIONS

The definitions in 2 CFR 200.1 apply to this policy, including the following:

**Contract:** for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. For additional information on subrecipient and contractor determinations, see [§ 200.331](#). See also the definition of *subaward* in this section.

**Contractor:** an entity that receives a contract as defined in this section.

**Pass-through Entity:** a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program. **[THE COUNTY/CITY/TOWN/VILLAGE IS THE PASS-THROUGH ENTITY IF IT AWARDS A SUBAWARD TO A SUBRECIPIENT.]**

**Recipient:** an entity, usually but not limited to non-Federal entities that receives a Federal award directly from a Federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

**Subaward:** an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

**Subrecipient:** an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

### III. SUBRECIPIENT CLASSIFICATION

The **TOWN** must make a case-by-case determination whether an agreement with another government entity or private entity, that is not a beneficiary, casts the party receiving the funds in the role of a subrecipient or contractor. 2 CFR 200.331.

A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

- (1) Determines who is eligible to receive what Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a Federal program were met;
- (3) Has responsibility for programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
- (5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the contractor:

- (1) Provides the goods and services within normal business operations;
- (2) Provides similar goods or services to many different purchasers;
- (3) Normally operates in a competitive environment;
- (4) Provides goods or services that are ancillary to the operation of the Federal program; and
- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.

The **Town** will use the above criteria to determine if an agreement involving the expenditure of ARP/CSLFRF is a contract or subaward. **Assistant Town Manager or the Finance Director** will document the determination in the Subrecipient or Contractor Classification Checklist in Appendix 1. ([Appendix 1: Subrecipient or Contractor Classification Checklist.](#))

If the agreement involves a contractor relationship (including a contract for services), the **Town** must follow its UG Procurement Policy when entering into a contract.

If the agreement involves a subrecipient relationship, the **Town** must proceed to Sections IV. through VII. below.

## IV. ASSESSMENT OF RISK

Before engaging in a subaward, the **Town** must evaluate a subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward to determine whether to award the subaward and the appropriate subrecipient monitoring.

The **Administration Department** or the **Finance Department** will conduct the risk assessment, which will include consideration of the following factors:

- (1) The subrecipient's prior experience with the same or similar subawards;
- (2) The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with 2 CFR 200 Subpart F and the extent to which the same or similar subaward has been audited as a major program;
- (3) Whether the subrecipient has new personnel or new or substantially changed systems; and
- (4) The extent and results of Federal awarding agency monitoring (*e.g.*, if the subrecipient also receives Federal awards directly from a Federal awarding agency). 2 CFR 200.332(b).

The results of the risk assessment must be documented in the Subrecipient Assessment of Risk form in Appendix 2 and will be used to dictate the types and degree of subrecipient monitoring. ([Appendix 2: Subrecipient Assessment of Risk](#)) The **Town** will assign an overall risk level to the subrecipient indicating the following:

<b>Low Risk</b>	<b>Moderate Risk</b>	<b>High Risk</b>
There is a low risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.	There is moderate risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.	There is high risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.

If a proposed subrecipient is deemed high risk, the **Assistant town Manager** must provide written justification to proceed with the subaward. The justification must be approved by the **Town Attorney**.

## V. SUBRECIPIENT MONITORING

The **Town** will develop and implement a subrecipient monitoring plan for the particular subaward based on the findings of the Subrecipient Assessment of Risk. According to 2 CFR 200.332(d), the monitoring plan must involve:

- (1) Reviewing financial and performance reports required by the pass-through entity.
- (2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.
- (3) Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by 2 CFR [200.521](#).
- (4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been



excluded from receipt of Federal funding (*e.g.*, has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section 2 CFR [200.513\(a\)\(3\)\(vii\)](#). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.

The **TOWN'S** monitoring plan will vary based on the overall subrecipient risk assessment as low risk, medium risk, or high risk, detailed as follows:

Subrecipient Deemed Low Risk	Subrecipient Deemed Medium Risk	Subrecipient Deemed High Risk
<ul style="list-style-type: none"> <li>• Payment validations (quarterly)</li> <li>• Report reviews (quarterly)</li> <li>• Onsite reviews upon request of Town</li> <li>• Audit review only if the subrecipient is required by law to be audited (yearly)</li> </ul>	<ul style="list-style-type: none"> <li>• More detailed financial reporting</li> <li>• Payment validations (monthly)</li> <li>• Report reviews (bi-monthly)</li> <li>• Desk reviews (within 6 months of project start and every six months thereafter)</li> <li>• Onsite reviews (within 12 months of project start and annually thereafter, or more frequently as requested by Town or subrecipient)</li> <li>• Audit review (yearly)</li> <li>• Procedures engagement (if subrecipient not subject to Single Audit Act; yearly)</li> </ul>	<ul style="list-style-type: none"> <li>• More detailed financial reporting</li> <li>• Compliance training (one-time)</li> <li>• Prior approvals for certain expenditures</li> <li>• Payment validations (monthly)</li> <li>• Report reviews (monthly)</li> <li>• Desk reviews (within 3 months of project start and at least quarterly thereafter)</li> <li>• Onsite reviews (within 6 months of project start and bi-annually thereafter, or more frequently as requested by Town or subrecipient)</li> <li>• Audit review (yearly)</li> <li>• Procedures engagement (if subrecipient not subject to Single Audit Act; yearly)</li> </ul>

**Payment validation:** All subrecipient documentation for project expenditures must be reviewed by the **TOWN** for compliance with subaward requirements. Any non-compliant expenditures will be denied and the subrecipient will be provided a reasonable description of the reason for denial and an opportunity to cure the deficiency. For a subrecipient on a reimbursement-based payment structure, the validation will occur before a reimbursement payment is approved. For a subrecipient that received an up-front payment, any funds found to have been expended in violation of the subaward requirements must be repaid to the **TOWN**.

**Report review:** A subrecipient must submit quarterly financial and performance reports, based on the schedule set forth in the subaward. The nature and scope of the reports will depend on the project and be spelled out in the subaward. The reports will be reviewed by **the Assistant Town Manager or the Finance Director**. Any deficiencies or other performance concerns will be

addressed with the subrecipient in a timely manner and could trigger additional monitoring requirements or other interventions, as specified in the subaward.

**Desk review:** The TOWN will conduct a meeting to review the subrecipient's award administration capacity and financial management. The meeting may be held virtually or in person. Topics covered will depend on project scope and subrecipient risk assessment and may include governance, budgeting, accounting, internal controls, conflict of interest, personnel, procurement, inventory, and record keeping. The TOWN will produce a report which summarizes the results and any corrective actions if deemed necessary. The report will be shared in a timely manner with the subrecipient.

**Onsite review:** The TOWN will conduct an on-site meeting at the subrecipient's location to review the subrecipient's project performance and compliance. Topics covered will depend on project scope and subrecipient risk assessment and may include project procurement, data systems, activity and performance tracking, project reporting, inventory, and software systems. The TOWN will produce a report which summarizes the results and any corrective actions deemed necessary. The report will be shared in a timely manner with the subrecipient.

**Audit review:** The TOWN must verify that every subrecipient is audited as required by [2 CFR 200 Subpart F](#) (Single Audit) when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR [200.501](#). The TOWN must obtain a copy of the subrecipient's Single Audit from the Federal Audit Clearinghouse (FAC). Within six months of the acceptance of the audit report by the FAC, the TOWN will issue a management decision for any audit findings related to the subaward. The decision will clearly state whether or not the audit finding is sustained, the reasons for the decision, and the expected auditee action to repay disallowed costs, make financial adjustments, or take other action. (The decision will include reference numbers the auditor assigned to each finding.) The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the TOWN may request additional information or documentation from the auditee, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

**Procedures engagement:** Applicable only to subrecipients who are not subject to the Single Audit Act. An auditor will perform specific procedures and report on findings. The scope must be limited to the following compliance requirements: activities allowed or unallowed; allowable costs/cost principles; eligibility; and reporting. The review will be arranged and paid for by the TOWN. The TOWN will verify completion of the procedures engagement. Within six months of the acceptance of the procedures engagement report, the TOWN will issue a management decision for any findings related to the subaward. The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the TOWN may request additional information or documentation from the subrecipient, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

The specific monitoring plan for each subrecipient, including the type and frequency of reviews, will be detailed in the subaward agreement. For all requirements beyond those listed under the Low Risk category above, the TOWN will notify the subrecipient of the following in the subaward:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;

- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.

To implement the monitoring plan, **ASSISTANT TOWN MANAGER** must perform periodic reviews and document findings in the Subrecipient Monitoring Form ([Appendix 3: Subrecipient Monitoring Form](#)).

## VI. SUBRECIPIENT INTERVENTIONS

The **TOWN** may adjust specific subaward conditions as needed, in accordance with 2 CFR 200.208 and 2 CFR 200.339. If the **TOWN** determines that the subrecipient is not in compliance with the subaward, the **TOWN** may institute an intervention. The degree of the subrecipient's performance or compliance deficiency will determine the degree of intervention. All possible interventions must be indicated in the subaward agreement.

The **TOWN** must provide written notice to the subrecipient of any intervention within thirty days of the completion of a report review, desk review, onsite review, audit review, or procedures engagement review or as soon as possible after the **TOWN** otherwise learns of a subaward compliance or performance deficiency.

Pursuant to 2 CFR 200.208, the written notice must notify the subrecipient of the following related to the intervention:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.

The following interventions may be imposed on a subrecipient, based on the level of the compliance or performance deficiency:

**Level 1 Interventions.** These interventions may be required for minor compliance or performance issues.

- (1) Subrecipient addresses specific internal control, documentation, financial management, compliance, or performance issues within a specified time period
- (2) More frequent or more thorough reporting by the subrecipient
- (3) More frequent monitoring by the TOWN
- (4) Required subrecipient technical assistance or training

**Level 2 Interventions.** These interventions may be required, in addition to Level 1 interventions, for more serious compliance or performance issues.

- (1) Restrictions on funding payment requests by subrecipient
- (2) Disallowing payments to subrecipient
- (3) Requiring repayment for disallowed cost items
- (4) Imposing probationary status on subrecipient

**Level 3 Interventions.** These interventions may be required, in addition to Level 1 and 2 interventions, for significant and/or persistent compliance or performance issues.

- (1) Temporary or indefinite funding suspension to subrecipient

- (2) Nonrenewal of funding to subrecipient in subsequent year
- (3) Terminate funding to subrecipient in the current year
- (4) Initiate legal action against subrecipient

## VII. SUBAWARD AGREEMENT & EXECUTION

The subaward agreement will be drafted by **The Assistant Town Manager or the Town Attorney**. Contract terms and conditions may vary based on several factors, including subrecipient risk assessment findings, as documented in the Subrecipient Assessment of Risk. After review by **the Town Attorney** the **Board of Aldermen** may fully execute the subaward agreement, subject to any required budget amendments by the **TOWN'S** governing board and preaudit requirements.

## APPENDIX 1: Subrecipient or Contractor Classification Checklist

---

If the Town of Waynesville wishes to contract with another government entity or a private entity and use ARP/CSLFRF funds to pay for that contract, the Town must determine if the relationship with the outside entity is a contractor or subrecipient. To make this determination the Town must review the project proposal, budget classification, and other related proposal documents, as well as engage in discussions with key personnel about the nature of the proposed agreement. The determination of whether a proposed agreement involves a contractor or subrecipient relationship must be recorded on this form and maintained in the project file for the duration of the records retention period for ARP/CSLFRF records.

**Instructions:** Complete Sections one through three. The section with the greatest number of marked characteristics indicates the likely type of relationship. The substance of the relationship should be given greater consideration than the form of agreement between the Town and outside entity. In borderline cases, the Town may either provide a written justification for its determination in Section three or, if appropriate, restructure the agreement to more clearly define it as either a contractor or subrecipient relationship.

**Name of Outside Entity:** \_\_\_\_\_

### Section 1 -- Brief Description of Nature of Proposed Agreement:

**Section 1 -- Subrecipient.** A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship between the recipient and the subrecipient. Subrecipients may have one or more of the following characteristics:

- May determine who may be eligible to receive Federal assistance under the program guidelines. *For example: A subrecipient that identifies mentors and mentees under a mentoring program.*
- Has its performance measured in relation to whether objectives of a Federal program were met? *The recipient will rely upon the subrecipient's data to submit its own performance data to Treasury.*
- Has responsibility for programmatic decision making. *For example: If the recipient funds a subrecipient to develop (or improve) a particular program and the subrecipient will use its own judgment, discretion, and expertise to develop all or part of the program.*
- In accordance with its subaward agreement (which may be in the legal form of a contract), the subrecipient uses the Federal funds to carry out a program for a public purpose specified in authorizing statutes, as opposed to providing goods or services for the benefit of the recipient. *For example: To provide crime- or criminal-justice-related services (and, in the case of crime victims, compensation) to individual members of the public, such as victims of crime, or at-risk youth.*
- The subrecipient will not earn a profit under the agreement.
- The subrecipient is required to contribute cash or in-kind match in support of the subaward.

**Section 2 -- Contractor.** A contract is for the purpose of obtaining goods and services for the recipient's own use and creates a procurement relationship between the recipient and the contractor. *Entities that include these characteristics are not subject to compliance requirements of the Federal program because of the agreement, though similar requirements may apply for other reasons.* A contractor relationship may have one or more of the following characteristics:

- Provides goods and services within normal business operations.
- Provides similar goods or services to many different purchasers.
- Normally operates in a competitive environment.
- Provides goods or services that are ancillary to the operation of the Federal program.  
*Examples include but are not limited to: Office equipment, supplies, software licenses, reference books, chemical reagents, cell phones, body-worn cameras, body armor, internet services, cell phone service, website hosting, copying/printing, lodging.*
- The entity may earn a profit under the contract.

**FINAL DETERMINATION:**

- Subrecipient**
- Contractor**

**Section 3 – Justification.** In determining whether an agreement between a recipient and another non-Federal entity reflects a subrecipient or a contractor relationship, the substance of the relationship is more important than the form of the agreement. Considering the characteristics checked above, provide a written justification for the final determination of either a subrecipient or contractor relationship.

*Explanation of Justification Determination:*

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name and Title:** \_\_\_\_\_

**APPENDIX 2: Subrecipient Risk Assessment**

**Subrecipient Information:**

Subrecipient Name	[INSERT SUBRECIPIENT NAME, WHICH MUST MATCH THE NAME ASSOCIATED WITH ITS UNIQUE ENTITY IDENTIFIER]
Subrecipient Unique Entity Identifier:	[INSERT SUBRECIPIENT UNIQUE ENTITY IDENTIFIER]
Brief Description of Subaward Project and Role of Subrecipient:	[INSERT A BRIEF DESCRIPTION OF SUBAWARD PROJECT AND ROLE OF SUBRECIPIENT]
Name and Title of Subrecipient Personnel Providing Information for this Risk Assessment	[INSERT NAME AND TITLE OF SUBRECIPIENT PERSONNEL PROVIDIN INFO. FOR THIS RISK ASSESSMENT]

Choose an item.	Is the entity prohibited from receiving Federal funds due to suspension or debarment per the Excluded Parties List located in the System for Award Management (SAM)? ( <a href="https://sam.gov/content/home">https://sam.gov/content/home</a> )
Choose an item.	Is the entity in good standing with [LOCAL GOVERNMENT NAME]? Discuss with appropriate staff.
Choose an item.	Has Data Collection Form on Federal Audit Clearinghouse (FAC) been reviewed? ( <a href="https://facweb.census.gov/uploadpdf.aspx">https://facweb.census.gov/uploadpdf.aspx</a> )
If yes,	List Findings:

Risk Category	Rating Label	Comments
<b>General Assessments</b>		
1. Is the proposed subrecipient entity's (hereinafter "entity") facility, equipment, supplies, and staffing adequate for the needs of the award?	Choose an item.	
2. Has the entity adopted and implemented all required Uniform Guidance policies and procedures?	Choose an item.	
3. Has the entity adopted and implemented records retention, conflict of interest, and nondiscrimination policies, consistent with the ARP/CSLFRF award terms?	Choose an item.	
4. Is the entity properly licensed or certified by a recognized source (i.e., the Internal Revenue Service non-profit determination letter, bonded and insured if performing construction-related activities, etc.)?	Choose an item.	
5. Does the entity have a Code of Ethics policy which is provided to all associated employees?	Choose an item.	
6. Has the entity's management demonstrated a commitment to compliance with the subaward terms and all applicable laws and regulations?	Choose an item.	
<b>Financial Management, Systems, &amp; Personnel</b>		

7. Does the entity have a financial management system that provides records that can identify the sources and application of funds for subaward funded activities?	Choose an item.	
8. Does the entity's financial management system provide for the control and accountability of project funds, property, and other assets?	Choose an item.	
9. What is the current staffing level of the entity?	Choose an item.	
10. Has there been any change in the entity's key staffing positions in the last 2 years?	Choose an item.	
11. What is the entity's staff's experience in performing stated activities in the proposed subaward?	Choose an item.	
12. Does the entity have a formal, written personnel policy that addresses: (a) Pay rates & benefits (b) Time & attendance (c) Leave (d) Discrimination (e) Nepotism (f) Conflict of Interest?	Choose an item.	
13. Does the entity have sufficient internal controls related to the subaward funds?	Choose an item.	
14. Does the entity have sufficient cash flow to carry out the subaward terms?	Choose an item.	
<b>Experience with Other Federal Grants</b>		
15. Has the entity previously done work for the federal government?	Choose an item.	<b>If low or moderate (yes), list the last three agencies and award periods.</b>
(a) <b>If low or moderate (yes)</b> , what is the entity's past performance on meeting federal program outcomes and managing federal funds in compliance with federal regulations?	Choose an item.	
16. Is the entity experienced in managing federal funds of the scope of this proposed subaward?	Choose an item.	
17. Identify any monitoring interventions the entity is currently subject to related to other federal grant awards.	Choose an item.	
18. Does the entity maintain an inventory of federal government property that, at a minimum, identifies purchase date, cost, vendor, description, serial number, location, and ultimate disposition data?	Choose an item.	
<b>Audits</b>		
19. Does the entity have a designated federal cognizant audit agency?	Choose an item.	<b>If low (yes), provide name of audit agency.</b>
20. Has the entity completed a Single Audit in the past five years?	Choose an item.	<b>If low or moderate (yes), provide a copy of the most recent audit and do not complete the rest of the Audit Section.</b>



(a) <b>If high (no) to 20.</b> , does the entity have annual financial statements that have been reviewed of audited by an independent audit firm?	Choose an item.	If yes, please provide a copy of the statements for the most current fiscal year. If no, please explain.
<b>Indirect Rate Information</b>		
21. Does the entity have a negotiated federal indirect/F&A rate? ( <i>Note: This question does not impact weight of risk assessment</i> )	Choose an item.	<b>If yes</b> , what is the rate? <b>If no</b> , indicate that de minimis 10% indirect rate will apply
<b>Overall Risk Assessment</b>		
22. Based on the overall assessment, does the reviewer anticipate any implementation problems with the proposed subaward?	Choose an item.	
23. What percentage of the entity's overall annual budget will this subaward comprise?	Choose an item.	
<b>24. Considering all factors above, assess overall level of risk</b>	<b>Choose an item.</b>	

Document any additional findings, mitigating factors, and recommendations here.

Assessment Completed By: \_\_\_\_\_ Date of Assessment: \_\_\_\_\_

APPENDIX 3: Subrecipient Monitoring Form

This report reflects the TOWN'S substantive assessment of the subrecipient's project implementation and subaward compliance. The TOWN'S project manager assigned to the subaward or finance officer must complete this report for each payment validation, report review, desk review, site review, and audit or procedures engagement review during the subaward term (and, as appropriate, after the expiration or termination of the subaward). Upon completion, and following review by the Assistant Town Manager the original will be filed in the subaward file. Any required subrecipient corrective actions will be detailed in writing and provided to the subrecipient within thirty days of the completion of this report.

I. Subaward Overview (complete this section for all reviews)

STAFF INFORMATION

Reviewed conducted by:		Date:
Type (programmatic, financial, or both)		Date:
Review confirmed by:		Date:

SUBRECIPIENT INFORMATION

Subrecipient Name:	
Subrecipient Program Personnel (who participated in the review):	
Subrecipient Contact Phone Number:	
Subrecipient Fiscal/Audit Personnel (who participated in the review):	
Subrecipient Fiscal Contact Phone Number:	

GRANT REVIEW INFORMATION

Grant	Project #	Award \$	POP Begin	POP End	Review Period	
					Beginning Date	Ending Date

TYPE OF MONITORING

	Type of Monitoring	Date Completed	Comments
<input type="checkbox"/>	Payment Validation (Complete this column, but not the rest of the form.)		
<input type="checkbox"/>	Report Review (Complete this column, but not the rest of the form.)		

<input type="checkbox"/>	Audit or Procedures Engagement Review (Complete this column, but not the rest of the form.)		
<input type="checkbox"/>	Desk Review (If desk review, complete the rest of the form.)		
<input type="checkbox"/>	Onsite Review (If onsite review, complete the rest of the form.)		

## II. Desk and Onsite Reviews (complete this section for desk and onsite reviews only)

### PRE-MEETING NOTES

List any issues, concerns, or other specialty items for follow-up during review.

- 1.
- 2.

### SUMMARY OF PROGRESS

Subrecipient must submit a written summary of the major workplan milestones during the review period at least one week prior to the review. The summary must address 1) number of clients served as compared with projections; 2) staffing; 3) activities undertaken; and 4) significant accomplishments. A copy of that summary will be appended to this written review report.

### MONITORING OVERVIEW

#### PROGRAM IMPLEMENTATION

Indicate milestones met this quarter and identify milestones as scheduled to occur in the following quarter.

#### ACTIVITIES/PRODUCTS

Identify any reports or products that were submitted during the quarter, and identify those due the following quarter.

CORRECTIVE ACTIONS FROM PRIOR REVIEWS

Indicate actions taken in response to prior review issues.

ASSESSMENT OF QUALITY OF IMPLEMENTATION

Is the project being implemented on schedule? Are the activities impacting the goals and objectives as outlined in approved application?

ISSUES/PROBLEMS

Discuss significant new issues/problems with respect to projected milestones, audits, staffing, client flow, departures from approved goals, late reports, etc.

**MONITORING SPECIFICS** (Complete all fields that are applicable to the subaward.)

Activity Goals	<input type="checkbox"/> N/A	Yes	No	N/A
<b>Scope of Service, Number of People to be Served, and any Special Terms stated within the Subaward Agreement.</b>				
1. Has there been a change in the activity goals, scope of service, number of people to be served or other special terms as indicated in the Agreement between the Subrecipient and the Recipient?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(a) If yes, was the Recipient informed of the change?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Did the activity conform to any additional or special terms as reflected in the Subaward Agreement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the subrecipient providing the full scope of services as stated in the application and Subaward Agreement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are the actual accomplishments at the time of this review the same as the planned accomplishments? Is the activity achieving the expected quantifiable levels of performance (number of persons served, achieving goals set for clients, etc.) reaching the intended client group?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the overall activity performance schedule being met in a timely manner (i.e. goal for number of clients served, expenditure of funds in timely manner, reporting requirements)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Did the activity operate within the approved budget as detailed in the Subaward Agreement? (i.e., budgetary line items both accurate and realistic for activity expenses; source and use of match funds accurate)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Did the activity funding source change?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Was there a change in make-up or responsibility of staff for the activity?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Were invoices for reimbursement payments submitted with support documentation?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Were reports outlined in the Subaward Agreement submitted on time?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>General Comments</b>				

General Compliance	Yes	No	N/A
<b>Request a copy of all applicable policies and procedures required by the ARP/CSLFRF award terms and Uniform Guidance.</b>			
11. Does the subrecipient have written policies and procedures to adequately administer the ARP/CSLFRF subaward?			
12. Does the subrecipient have a written conflict of interest policy for their employees?			
13. Are there sufficient internal controls in place to protect against waste, fraud and abuse of Federal funds (segregation of duties, etc.)?			
14. If program income will be generated by the subrecipient, have provisions been made to ensure that it is used in accordance with ARP/CSLFRF and Uniform Guidance requirements?			
What procedures does the subrecipient use to identify and account for federal property purchased with subaward funds?			
Does the subrecipient have adequate safeguards for preventing loss, damage, or theft of property held (inventory control, etc.)?			
Describe any technical assistance/training provided to subrecipient during the project period.			
<b>General Comments</b>			

--

Employee Reimbursement	<input type="checkbox"/> N/A	Yes	No	N/A
<b>Request a copy of the employee reimbursement policy, and/or have the subrecipient describe the procedure for approving and documenting expenses that are reimbursed.</b>				
15. Are detailed receipts (i.e., receipts that do not merely show a total, but the detail of what was purchased) provided for reimbursement?				
16. Are reimbursements reviewed and approved by a supervisor or project manager prior to being submitted to the Fiscal Officer/Accounting Staff for payment?				
17. Does the subrecipient have a Reimbursement Policy?				
<b>Examine two or more reimbursements that were paid out of the grant being monitored.</b>				
18. Were the detailed receipts provided to support the amounts requested?				
19. Were the expenses in compliance with grant requirements/guidelines and UG?				
20. If reimbursed for training or conference expenses, was a certificate of attendance or completion, or agenda and brochure provided to support request for reimbursement?				
<b>General Comments</b>				

Equipment	<input type="checkbox"/> N/A	Yes	No	N/A
<b>What is the purchasing procedure for equipment purchased with grant funds?</b> Attach copies of relevant policies and of any purchasing documentation during the review period.				
<b>How is equipment inventoried, insured, and managed?</b> Attach copies of relevant policies and current inventory information.				
<b>What is the procedure for transferring equipment purchased with grant funds to another entity?</b> Attach copies of relevant policies and documentation for any transfers during review period.				
<b>Request an inventory list, physical locate selected items, and examine items to ensure compliance.</b>				
1. Were all transactions conducted in a manner providing full and open competition, and quotations obtained from an adequate number of sources?				
2. Has all equipment indicated as purchased actually been purchased?				
3. Was equipment purchased in accordance with required procurement rules/policies?				
4. Were additions and deletions to the equipment budget made and approved prior to the purchase/procurement dates?				
5. Does a detailed expenditure list indicate any equipment purchased that is not accounted for in the subaward budget?				
6. Is equipment purchased with subaward funds in prior years still in inventory and still being used for subaward purposes?				
7. Has the inventory been updated, and did it account for all items transferred to other entities?				
8. For equipment that was transferred, aside from normal office equipment, was the transferee properly trained on the equipment, and is there a record of that training?				
9. For equipment transferred to other entities; have they added it to their inventory records and is it maintained/used for intended purposes?				
<b>General Comments</b>				

--

Financial Management	<input type="checkbox"/> N/A	Yes	No	N/A
<b>What is the Accounting System for each grant program?</b>				
1. Is there a separate accounting for all financial transactions for the subaward?				
2. Is a process in place to prevent co-mingling of funds?				
3. Does the accounting system prevent obligation or expenditure of funds outside the subaward's period of availability?				
4. Are accounting records supported by source documentation?				
5. Were any illegal transfers or unusual activities noted during a review of the subrecipient's fund activity reports?				
6. Does the system provide for prompt and timely recording and reporting of all financial transactions?				
7. Is proper Fiscal record retention being followed (through Dec. 31, 2031)?				
<b>What is the process for approval and payment of expenditures and posting to the General Ledger?</b>				
8. Are subaward costs identified as eligible prior to encumbering funds and placing an order?				
9. Were the applicable State/Federal suspension and debarment listings consulted prior to doing business with a vendor and/or contractor?				
10. Are all invoices reviewed by the project director for eligibility and marked 'okay to pay' prior to being submitted to the fiscal office or accounting staff for payment?				
11. Are disbursements fully support by invoices, requisitions, purchase orders, or similar documents?				
12. Are cancelled checks or warrants available for review?				
13. Were all subaward funds that were received disbursed within the allowable timeframe?				
<b>What is the reconciliation process, and how are errors or adjustments handled?</b>				
14. Does the subrecipient perform routine reconciliations of its records against the General Ledger? By whom and how often?				
15. Does the subrecipient have sufficient internal controls related to reconciliations?				
16. Were actions taken to promptly correct any errors and/or resolve issues?				
<b>General Comments</b>				

Other Direct Costs	<input type="checkbox"/> N/A	Yes	No	N/A
<b>How are rent, utilities, and other items allocated for the program?</b>				
1. Are rent payments documented by a copy of the lease agreement, and canceled checks or receipts?				
2. Are receipts, bills, and invoices properly maintained?				
3. Is the actual rate and method being charged to the grant consistent with the rate and method approved in the budget?				
4. Are costs shared with other programs or funding sources? If yes, how are costs allocated?				
<b>General Comments</b>				

Personnel/Direct Labor	<input type="checkbox"/> N/A	Yes	No	N/A
<b>Describe the payroll process and who is paid by the subaward.</b>				
1. Are personnel files maintained for each employee that include current job descriptions, performance and evaluations, and changes in pay rates?				
2. Are time sheets, activity reports, or payroll files available for review? These documents should clearly show the effort toward the subaward charged.				
3. Are individual employee time sheets and attendance records:				
• Prepared and signed by each employee for each pay period?				
• Reviewed and signed by each employee's supervisor?				
• Reconciled to the payroll master ledger?				
4. Are all authorized staff positions filled for the approved budget?				
5. Are staff salaries consistent with the approved budget?				
6. Are fringe benefits the same as what is listed in the approved budget?				
<b>General Comments</b>				

Reporting Requirements	<input type="checkbox"/> N/A	Yes	No	N/A
<b>Subrecipients are required to report on progress toward implementing plans described in their application/proposal.</b>				
1. Progress reports must be submitted based on approved work plan. Have all of the reports been submitted for this reporting period?				
2. Are there any outstanding data elements that must be tracked and reported by the subrecipient? If so, detail the plan for the subrecipient to comply with this requirement.				
<b>Comments</b>				

Supplies & Materials	<input type="checkbox"/> N/A	Yes	No	N/A
<b>Explain the process of allocating supply costs to the subaward.</b>				
1. Are purchases of supplies approved and well documented by quotes, invoices, or receipts?				
2. Are expenditures for supplies consistent with the approved budget?				
3. Is there a substantial supply inventory remaining at the project termination date?				
4. Were all transactions conducted in a manner providing full and open competition, and quotations obtained from an adequate number of sources?				
<b>General Comments</b>				

Travel/Vehicle Mileage	<input type="checkbox"/> N/A	Yes	No	N/A
<b>Request a copy of the subrecipient's travel policy or have them describe the procedure for approving and documenting travel expenses.</b>				
1. Is employee travel approved in advance by a supervisor or project manager?				
2. Are travel expenditures documented with expenses reports and/or detailed receipts (i.e., receipts do not merely show total but detail of what was purchased)?				



3. Are travel expenditures appropriately supported within subaward guidelines and in the approved budget?			
4. Are mileage reimbursements supported by a mileage log or similar documentation?			
<b>General Comments</b>			

Single Audit Review	<input type="checkbox"/> N/A	Yes	No	N/A
<b>Obtain a copy of the subrecipient's most recent audit from FAC.</b> Attach it to this review form.				
1. Was the Major Programs' Compliance Opinion in the Summary of Auditor's Results in the Schedule of Findings qualified?				
2. Were there any findings and/or questioned costs for federal awards in the Schedule of Findings? Were any other operational issues such as the handling of assets, lack of policies and procedures, contract non-compliance, etc., which would impact Federal dollars received?				
3. Were past audit findings and/or questioned costs for federal awards satisfactorily resolved?				
4. Was any control issue identified which would impact the processing of Federal grant dollars (i.e., control weaknesses)?				
<b>General Comments</b> <i>(If yes response to questions 1, 2, and/or 4, then comment on the issues noted from the audit and how this was addressed during the onsite review).</i>				

**RECOMMENDED CHANGES AND/OR NEW MONITORING INTERVENTIONS**

Please document any recommendations for financial, programmatic, or other changes. Indicate if further monitoring interventions are warranted.



# TOWN OF WAYNESVILLE, NORTH CAROLINA

## Administrative Policies and Procedures

### **CONFLICT OF INTEREST POLICY**

Effective Date: June 28, 2022

Finance Department (828) 456-3515

#### **APPLICABLE TO CONTRACTS AND SUBAWARDS OF THE TOWN OF WAYNESVILLE SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE**

\* \* \* \* \*

#### **I. Scope of Policy**

- a. Purpose of Policy. This Conflict of Interest Policy (“*Policy*”) establishes conflict of interest standards that (1) apply when THE Town of Waynesville (“*Unit*”)<sup>1</sup> enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).
- b. Application of Policy. This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

#### **II. Definitions**

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II: Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. “*COI Point of Contact*” means the individual identified in Section III(a) of this Policy.
- b. “*Contract*” means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a Federal award.
- c. “*Contractor*” means an entity or individual that receives a Contract.

- d. “*Covered Individual*” means a Public Officer, employee, or agent of the Unit.
- e. “*Covered Nonprofit Organization*” means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the Unit).
- f. “*Direct Benefit*” means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
- g. “*Federal Financial Assistance*” means Federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. “*Governing Board*” means the Board of Aldermen of the Unit.
- i. “*Immediate Family Member*” means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.<sup>2</sup>
- j. “*Involved in Making or Administering*” means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
- k. “*Pass-Through Entity*” means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- l. “*Public Officer*” means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.

- m. “*Recipient*” means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. “*Related Party*” means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.
- o. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- p. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
- s. “*Unit*” has the meaning specified in Section I hereof.

### III. COI Point of Contact.

- a. Appointment of COI Point of Contact. The Finance Director, an employee of the Unit, shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. In the event that the Finance Director is unable to serve in such capacity, the Purchasing Supervisor shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III(a) shall be known as the “*COI Point of Contact*”.
- b. Distribution of Policy. The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

### IV. Conflict of Interest Standards in Contracts and Subawards

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with

the prohibitions imposed by the North Carolina General Statutes and restated in this Section III.

- i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.
- ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive any gift, favor, reward, service, or promise of reward, including but not limited to a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Unit.
- iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.
- iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. Federal Standards.

- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.
  1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.
- ii. Identification and Management of Conflicts of Interest.
    1. Duty to Disclose and Disclosure Forms
      - a. Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact potential real or apparent conflicts of interest arising under this Policy.
      - b. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the Contract or Subaward of such duty.
      - c. If the value of a proposed Contract or Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form contained in Exhibit C (for Contracts) and Exhibit E (for Subawards) from each Covered Individual and file such Conflict of Interest Disclosure Form in records of the Unit.
    2. Identification Prior to Award of Contract or Subaward.
      - a. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist contained in Exhibit B (for Contracts) and Exhibit D (for Subawards) attached hereto and file such Compliance Checklist in the records of the Unit.
    3. Management Prior to Award of Contract or Subaward
      - a. If, after completing the Compliance Checklist, the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to the Town Manager and to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or

Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:

- i. accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from (a) if Unit is a Recipient of Federal Financial Assistance, the Federal awarding agency with appropriate mitigation measures, or (b) if Unit is a Subrecipient of Federal Financial Assistance, from the Pass-Through Entity that provided a Subaward to Unit; or
  - ii. reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in writing document a justification supporting such rejection.
- b. If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the Unit may enter into the Contract or Subaward in accordance with the Unit's purchasing or subaward policy.

4. Identification After Award of Contract or Subaward.

- a. If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the Unit has entered into a Contract or Subaward, the COI Point of Contact shall, as soon as possible, disclose such finding to the Town Manager and to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the Unit shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

5. Management After Award of Contract or Subaward.

- a. Following the receipt of such disclosure of a potential real or apparent conflict of interest pursuant to Section IV(b)(ii)(4), the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall:
  - i. if Unit is a Recipient of Federal Financial Assistance funding the Contract or Subaward, disclose the conflict to the Federal awarding agency providing such Federal

Financial Assistance in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency, or

- ii. if Unit is a Subrecipient of Federal Financial Assistance, disclose the conflict to the Pass-Through Entity providing a Subaward to Unit in accordance with 2 C.F.R. § 200.112 and applicable regulations of the Federal awarding agency and the Pass-Through Entity.

V. **Oversight of Subrecipient's Conflict of Interest Standards**

- a. **Subrecipients of Unit Must Adopt Conflict of Interest Policy.** Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the COI Point of Contact shall ensure that the proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.
- b. **Obligation to Disclose Subrecipient Conflicts of Interest.** The COI Point of Contact shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the Federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. **Gift Standards**

- a. **Federal Standard.** Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. **Exception.** Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:
  - i. honorariums for participating in meetings;
  - ii. advertising items or souvenirs of nominal value; or
  - iii. meals furnished at banquets.
- c. **Internal Reporting.** A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact. If required by regulation of a Federal awarding agency, the COI Point of Contact shall report such gifts to the Federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.



## VII. Violations of Policy

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the Unit.
- b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.
- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; or (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

**EXHIBIT A**

Examples

<b><i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i></b>	<b><i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i></b>
Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include: <ul style="list-style-type: none"><li>- Stock in a corporation.</li><li>- Membership interest in a limited liability company.</li><li>- Partnership interest in a general or limited partnership.</li><li>- Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract.</li><li>- Option to purchase any equity interest in a firm or organization.</li></ul>	Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract.  A position as a director or officer of the firm or organization, even if uncompensated.
Holder of any debt owed by a firm considered for a Contract or Subaward, which may include: <ul style="list-style-type: none"><li>- Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment))</li><li>- Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan).<ul style="list-style-type: none"><li>o Holder of a judgment against the firm.</li></ul></li></ul>	A referral of business from a firm considered for a Contract or Subaward.
Supplier or contractor to a firm or organization considered for a Contract or Subaward.	Political or social influence (e.g., a promise of appointment to an local office or position on a public board or private board).

## EXHIBIT B

### COMPLIANCE CHECKLIST FOR OVERSIGHT OF CONTRACT CONFLICTS OF INTEREST

The Town of Waynesville (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Finance Director as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Contracts (as defined in Section II) and file the Checklist in the records of the Unit.

#### Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Contract exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to the Town Manager and to each member of the Governing Board.

#### Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

<b>Step</b>			
<b>1</b>	Identify the proposed Contract, counterparty, and the subject of the Contract.	<u>Name of Contract:</u> _____	
		<u>Name of Counterparty</u> _____	
		<u>Subject of Contract:</u> _____	
<b>2</b>	Identify all individuals involved in the selection, award, or administration of the Contract. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.		
	<u><b>Public Officials</b></u>	<u><b>Employees</b></u>	<u><b>Agents</b></u>
<b>3</b>	Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Contract. [If the estimated Contract amount exceeds \$250,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]		
<b>Any identified interest in Step 3 is a potential “real” conflict of interest.</b>	<u><b>Public Officials</b></u>	<u><b>Employees</b></u>	<u><b>Agents</b></u>
<b>4</b>	Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Contract. If the estimated Contract amount exceeds \$250,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.		
<b>Any identified interest in Step 4 is a potential “real” conflict of interest.</b>	<u><b>Public Officials – Related Party</b></u>	<u><b>Employees – Related Party</b></u>	<u><b>Agents – Related Party</b></u>

5	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract? If yes, explain.		
Any identified interest in Step 5 is a potential “apparent” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>

COI Point of Contact: \_\_\_\_\_

Signature of COI Point of Contact: \_\_\_\_\_

Date of Completion: \_\_\_\_\_

**EXHIBIT C**

**CONTRACT CONFLICT OF INTEREST DISCLOSURE FORM  
FOR OFFICIALS, EMPLOYEES, AND AGENTS**

The Town of Waynesville (“Unit”) has adopted a Conflict of Interest Policy (“Policy”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Finance Director as the “COI Point of Contact.”

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following contract: \_\_\_\_\_ (the “Contract”). To safeguard the Unit’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Contract. Using the Exhibit A to the Policy as a guide, please answer the following questions:

---

1. Do you have a financial or other interest in a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

\_\_\_\_\_

2. Will you receive any tangible personal benefit from a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

\_\_\_\_\_

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

\_\_\_\_\_

- b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

4. Do you have any other partner with a financial or other interest in a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Contract or will such current or potential employer receive a tangible personal benefit from this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

7. Benefits to Employers

- a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

- b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

- 
- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

8. Does any existing situation or relationship create the *appearance* that you have a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

9. Does any existing situation or relationship create the *appearance* that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

10. Does any existing situation or relationship create the *appearance* that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

11. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other



interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

\_\_\_\_\_

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

\_\_\_\_\_

\* \* \* \* \*

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Name of Employer \_\_\_\_\_

Job Title: \_\_\_\_\_

Date of Completion: \_\_\_\_\_

\* \* \* \* \*

## EXHIBIT D

### **COMPLIANCE CHECKLIST FOR SUBAWARD OVERSIGHT**

The Town of Waynesville (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Finance Director as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Subawards (as defined in Section II) and file the Checklist in the records of the Unit.

#### Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to the Town Manager and to each member of the Governing Board.

#### Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

<b>Step</b>			
1	Identify the proposed Subaward, Subrecipient, and the subject of the Subaward.	<u>Name of Contract:</u> <hr/> <u>Name of Counterparty</u> <hr/> <u>Subject of Subaward:</u> <hr/>	
2	Identify all individuals involved in the selection, award, or administration of the Subaward. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.		
	<u><i>Public Officials</i></u>	<u><i>Employees</i></u>	<u><i>Agents</i></u>
3	Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Subaward. [If the estimated Subaward amount exceeds \$100,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]		
<b>Any identified interest in Step 3 is a potential “real” conflict of interest.</b>	<u><i>Public Officials</i></u>	<u><i>Employees</i></u>	<u><i>Agents</i></u>
4	Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Subaward. If the estimated Subaward amount exceeds \$100,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]		
<b>Any identified interest in Step 4 is a potential “real” conflict of interest.</b>	<u><i>Public Officials – Related Party</i></u>	<u><i>Employees – Related Party</i></u>	<u><i>Agents – Related Party</i></u>

<b>5</b>	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Subaward? If yes, explain.		
<b>Any identified interest in Step 5 is a potential “apparent” conflict of interest.</b>	<b><u>Public Officials</u></b>	<b><u>Employees</u></b>	<b><u>Agents</u></b>

COI Point of Contact: \_\_\_\_\_

Signature of COI Point of Contact: \_\_\_\_\_

Date of Completion: \_\_\_\_\_

**EXHIBIT E**

**SUBAWARD CONFLICT OF INTEREST DISCLOSURE FORM**

**FOR OFFICIALS, EMPLOYEES, AND AGENTS**

The Town of Waynesville (“Unit”) has adopted a Conflict of Interest Policy (“Policy”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Finance Director as the COI Point of Contact.

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following subaward: \_\_\_\_\_ (the “Subaward”). To safeguard the Unit’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Subaward. Using the Exhibit A to the Policy as a guide, please answer the following questions:

---

1. Do you have a financial or other interest in a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

2. Will you receive any tangible personal benefit from a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

4. Do you have any other partner with a financial or other interest in a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Subaward or will such current or potential employer receive a tangible personal benefit from this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

7. Benefits to Employers

a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

- 
- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

8. Does any existing situation or relationship create the *appearance* that you have a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

9. Does any existing situation or relationship create the *appearance* that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

10. Does any existing situation or relationship create the *appearance* that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

---

11. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

\_\_\_\_\_

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure: \_\_\_\_\_

If the answer is Yes or Unsure, please explain:

\_\_\_\_\_

\* \* \* \* \*

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Name of Employer \_\_\_\_\_

Job Title: \_\_\_\_\_

Date of Completion: \_\_\_\_\_

\* \* \* \* \*





## TOWN OF WAYNESVILLE, NORTH CAROLINA

### Administrative Policies and Procedures

#### POLICY FOR ALLOWABLE COSTS AND COST PRINCIPLES FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Effective Date: June 28, 2022

Finance Department (828) 456-3515

**WHEREAS** the Town of Waynesville, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the [Assistance Listing](#); and

**WHEREAS** the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) provides, in relevant part:

**Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of

sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

[ARP/CSLFRF] Funds may be, but are not required to be, used along with other funding sources for a given project. Note that [ARP/CSLFRF] Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the [ARP/CSLFRF] Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the [ARP/CSLFRF] program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the [ARP/CSLFRF] award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of [ARP/CSLFRF] award funds; and

**WHEREAS** Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

**WHEREAS** Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

**BE IT RESOLVED** that the governing board of the Town of Waynesville hereby adopts and enacts the following US Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

### **ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW**

[Title 2 U.S. Code of Federal Regulations Part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to

types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town of Waynesville shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the Finance Officer and Purchasing Supervisor, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to the Finance Officer or Purchasing Supervisor. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

## **GENERAL COST ALLOWABILITY CRITERIA**

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

### **1. Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Waynesville or the proper and efficient performance of the federal award.

- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to the Town of Waynesville, its employees, the public at large, and the federal government.
- Whether the Town of Waynesville significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

2. **Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

3. **Be authorized and not prohibited under state or local laws or regulations.**
4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**
5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of Town of Waynesville.**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**

8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.
9. **Be adequately documented.**

### **SELECTED ITEMS OF COST**

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Finance Department is responsible for determining cost allowability and must be familiar with the Selected Items of Cost. The Town of Waynesville must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. Finance Department personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, local regulations, and program-specific rules may deem a cost as unallowable, and Finance Department personnel must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

### **DIRECT AND INDIRECT COSTS**

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

*Direct costs* are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

*Indirect costs* are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of Waynesville may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under

the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

## **SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS**

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

### **§ 200.444 General costs of government.**

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in [§ 200.475](#)). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a [state](#) or the chief executive of a [local government](#) or the chief executive of an [Indian tribe](#);
- (2) Salaries and other expenses of a [state](#) legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in [§ 200.435](#)); and
- (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For [Indian tribes](#) and Councils of Governments (COGs) (see definition for *Local government* in [§ 200.1](#) of this part), up to 50% of salaries and expenses directly attributable to managing and operating [Federal programs](#) by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

### **§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.**

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost

rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

- (1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and
- (2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

#### **§ 200.417 INTERAGENCY SERVICE.**

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

### **COST ALLOWABILITY REVIEW PROCESS**

#### **PREAPPROVAL COST ALLOWABILITY REVIEW**

Before an ARP/CSLFRF-funded project is authorized, Finance Officer and Purchasing Supervisor must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Purchasing Supervisor for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, the Finance Department must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.
- If a proposed project includes a request for an unallowable cost, the Finance Department will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.



- Once a proposed project budget is pre-approved by the Finance Department, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

### **POST-EXPENDITURE COST ALLOWABILITY REVIEW**

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Finance Officer must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Finance Department will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Finance Department must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Finance Department must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the Finance Officer will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Finance Officer may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. Town of Waynesville's governing board must approve any allocation of other funds for this purpose.
- The Finance Department must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

### **COST TRANSFERS**

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

## EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions

Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions

Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions

Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed



## TOWN OF WAYNESVILLE, NORTH CAROLINA

### Administrative Policies and Procedures

### Nondiscrimination Policy

Effective Date: June 28, 2022

Finance Department (828) 456-3515

### **Recitals**

**WHEREAS**, the Town of Waynesville has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”).

**WHEREAS**, CSLFRF funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

**WHEREAS**, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town of Waynesville agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**RESOLVED**, That the governing board of the Town of Waynesville hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

### **Nondiscrimination Policy Statement**

It is the policy of the Town of Waynesville to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the Town of Waynesville, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the Town received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

#### **I. Governing Statutory & Regulatory Authorities**

As required by the CSLFRF [Award Terms and Conditions](#), the Town of Waynesville shall ensure that each "activity," "facility," or "program"<sup>1</sup> that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination

---

<sup>1</sup> 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

on the basis of age within programs or activities receiving federal financial assistance;  
and

- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

## **II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award**

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town of Waynesville shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or



privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

### **III. Reporting & Enforcement**

1. The Town of Waynesville shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Waynesville shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. The Town of Waynesville shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Waynesville shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Waynesville in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence: Human Resources Director at 828-452-2491.



## TOWN OF WAYNESVILLE, NORTH CAROLINA

### Administrative Policies and Procedures

### Policy for Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award

Effective Date: June 28, 2022

Finance Department (828) 456-3515

#### **Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award**

**Retention of Records:** The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) [Award Terms and Conditions](#) and the [Compliance and Reporting Guidance](#) set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Waynesville to follow Treasury’s record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Waynesville agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act “ARPA,” Treasury’s regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.

- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Waynesville's expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rationale to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

**Storage:** The Town of Waynesville's records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department or unit of the Town of Waynesville, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Finance Director is responsible for identifying the documents that the Town of Waynesville must or should retain and arrange for the proper storage and retrieval of records. The Finance Director shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

**Reporting Policy Violations:** The Town of Waynesville is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been

violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Town Manager. The Town of Waynesville prohibits, any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

**Questions About the Policy:** Any questions about this policy should be referred to the Finance Director at 828-456-2026 who is in charge of administering, enforcing, and updating this policy.

# Action Item Checklist:

There are samples  
for all these items  
in your materials

Print this out  
and use as step-  
by-step guide to  
spending  
ARP/CSLFRF in  
the Revenue  
Replacement  
Category

1. Adopt and implement nondiscrimination / civil rights policy
2. Adopt and implement conflicts of interest policy
3. Set up accounting to allow for tracking of obligations and expenditures by project and show comparison to budgeted amounts for each reporting period
4. Review written internal control policies to make sure sufficient
5. Set up procedures to create project files and collect and retain all documentation through December 31, 2031
6. Adopt eligible use policy
7. Adopt an allowable cost policy
8. Create an eligibility determination and allowable cost review form
9. Adopt grant project ordinance
10. *Identify if any other UG compliance polices might be required*
11. Once funds are budgeted, start spending!



## TOWN OF WAYNESVILLE, NORTH CAROLINA

### Administrative Policies and Procedures

#### **ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY THE TOWN OF WAYNESVILLE**

Effective Date: June 28, 2022

Finance Department (828) 456-3515

#### **ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY THE TOWN OF WAYNESVILLE**

**WHEREAS** the Town of Waynesville, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and

**WHEREAS** US Treasury has issued a [Compliance and Reporting Guidance v.2.1 \(November 15, 2021\)](#) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

**WHEREAS** the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

**BE IT RESOLVED** that the [Local Government Name] hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

## Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how [Local Government Name] will spend its ARP/CSLFRF funds.

### I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its [Final Rule](#) regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its [Interim Final Rule](#) or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;

4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

## II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the [Local Government Name] to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The [Local Government Name], and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

## III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Town of Waynesville employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following:
  - a. Brief description of the project
  - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the [US Treasury Compliance and Reporting Guidance](#).)



- c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARPA funding should review the [Final Rule](#) and [Final Rule Overview](#) prior to submitting a proposal.
  - d. Proposed budget, broken down by cost item, in accordance with the Town of Waynesville's Allowable Cost Policy.
  - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to the Finance Director for approval. All requests will be reviewed by the Finance Director and Town Manager for ARP/CSLFRF compliance and by the Purchasing Supervisor for allowable costs and other financial review.
3. No ARP/CSLFRF may be obligated or expended before final approval by the Board of Aldermen along with a budget allocation approval from the Board.
4. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Finance Director and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Finance Director and Town Manager immediately.
5. The Finance Director must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
6. The Finance Director must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: June 28, 2022**

**SUBJECT:** Approval of updated Purchasing Policy and Procedures

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** (LEAVE BLANK)  
**Department:** Finance  
**Contact:** Misty Hagood  
**Presenter:** Misty Hagood

**BRIEF SUMMARY:**

The Purchasing Policy has not been updated since 2013 so I am recommending updating it to better match the state's purchasing laws. It will make purchasing easier if our policy matches state law for limits that require informal and formal bids. The current purchase order limit is very low at \$500, so I recommend raising it to \$1,500.

**MOTION FOR CONSIDERATION:**

Approval of the updated Purchasing Policy and Procedures.

**ATTACHMENTS:**

Purchasing Policy and Procedures

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

The recommendation is to approve the updated policy.



# TOWN OF WAYNESVILLE, NORTH CAROLINA

## Administrative Policies and Procedures

### Purchasing Policy and Procedures

Effective Date: June 28, 2022

Supersedes: August 2013

Revision # 4

**Purchasing Department (828) 456-5114**

---

1. Purpose	1
2. General Guidelines for Purchasing Supplies and Materials	2
3. Environmentally Responsible Purchases Preferred	2
4. Vendor Relations	3
5. Vendor Selection	4
6. Supplies, Materials, Equipment, or Services	4
7. Vehicles and Other Rolling Stock	6
8. Construction and Repair Work	7
9. Purchase Orders	8
10. Contract Management	9
11. Special Procurement Procedures	10
12. Specifications	12
13. Delivery and Performance	13
14. Inspection and Testing	13
15. After the Order	14
16. Warehousing	14
17. Purchase Cards	14
Vendor Performance Evaluation Form	17
Purchasing Card Employee Agreement	18
New Cardholder Enrollment Form	19

---

## 1. Purpose

This purchasing policy and procedures manual is intended for use as a guide to the Town of Waynesville's purchasing methods and practices. While this manual does not answer all questions related to purchasing, it does provide the foundation for a sound centralized purchasing system.

The goals of the Town's purchasing program are:

1. To comply with the legal and ethical requirements of public purchasing and procurement.
2. To receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible bidder, taking into consideration quality, performance, technical support, delivery schedule, past performance, and other relevant factors.
3. To provide Town departments the required goods, equipment, and services at the time and place needed and in the proper quantity and quality.
4. To professionally administer the search for sources of supplies, the development of new sources, the selection of suppliers, negotiations, commitment, follow-up, and adjustments.
5. To promote good and effective vendor relations, cultivated by informed and fair buying practices and strict maintenance of ethical standards.
6. To effect maximum standardization of products used within and among departments in order to minimize stock levels and obtain better prices.

If the procedures and guidelines established in this manual are followed, each department can efficiently manage, control, and plan its available resources to meet present and future departmental needs.

## **2. General Guidelines for Purchasing Supplies and Materials**

### ***2.1 Local Buying***

It is the desire of the Town to purchase from vendors located within Waynesville and Haywood County whenever possible. This can be accomplished by ensuring that local vendors who have goods or services available are included in the competitive purchasing process. However, the Town has a responsibility to its residents to ensure that the maximum value is obtained for each public dollar spent. **The Town cannot and will not make purchasing decisions solely on the basis of vendor residence.**

### ***2.2 Buying Proper Quality***

Quality and service are as important as price; it is the duty of the requesting department to secure the best, most economical, quality that will meet but not exceed the requirements for which the goods or services are intended. In some instances, the lowest price does not necessarily mean the lowest cost.

### ***2.3 Planning***

Planning for purchases should be done on both a short-term and long-term basis, thereby minimizing small orders and last-minute purchases. Planning will also reduce the number of trips required to obtain materials and minimize clerical and supervisory time spent on documenting purchases.

### ***2.4 Purchase Cut-Off Date***

Purchase requests for materials, supplies, services and equipment (not included in blanket purchase orders or service contracts) for the current fiscal year must be received by the Purchasing Department no later than June 1. Purchase requests of a routine nature that could have been scheduled prior to June 1, and are not critical, will be returned to the department for disposition in the new fiscal year. This procedure affords the Purchasing and Finance Departments the opportunity to complete fiscal year end activities in a timely and proper manner.

## **3. Environmentally Responsible Purchases Preferred**

The Town of Waynesville is a large consumer of goods and services and the purchasing decision of our employees and contractors can positively or negatively affect the environment. By including environmental considerations in our procurement decisions, along with our traditional concerns with price, performance and availability, we will remain fiscally responsible while promoting practices that improve public health and safety, reduce pollution, and conserve natural resources.

It is not the intent of this policy to require a department or contractor to: take any action that conflicts with local, state or federal requirements; procure products that do not perform adequately for their intended use; exclude adequate competition; or pursue products not available at a reasonable price in a reasonable period of time.

### ***3.1 Environmentally Responsible Criteria***

All Town Departments shall take every reasonable effort to purchase environmentally responsible products, as long as those items meet or exceed specification and required quality levels set forth by the Town.

#### **3.1.1 Definition, environmentally responsible products and services**

- a) Made with recycled, non-toxic, and/or recyclable materials that minimize environmentally harmful processes and products in their production and use
- b) Maximize use of recycled content
- c) Absent of hazardous chemicals
- d) Minimize energy consumption
- e) Reduce solid waste, either in production or packaging
- f) Protect air quality
- g) Conserve water
- h) Have a long useful life
- i) Are recyclable or biodegradable

Examples including, but are not limited

to:

- a) Cleaning solvents should be biodegradable, phosphate free and citrus-based where their use will not compromise quality of service
- b) Industrial cleaning products that meet Green Seal certification standards or environmental preferably and performance shall be purchased for employee use and be required to be supplied by janitorial contractors. See [www.greenseal.org](http://www.greenseal.org).
- c) Whenever possible, products and equipment should not contain lead or mercury. For products that contain lead or mercury, preference should be given to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs
- d) Products purchased or leased by the Town shall meet Energy Star certification and shall be configured to maximize energy saving features. See [www.energystar.gov](http://www.energystar.gov).
- e) New and replacement equipment for lighting, heating, ventilation, refrigeration, HVAC systems, water consuming fixtures and process equipment and all such components shall meet or exceed the Federal Energy Management Program (FEMP) recommended levels, whenever practicable. See [www.femp.org](http://www.femp.org).

## **4. Vendor Relations**

Good vendor relations are established through mutual confidence and satisfactory business exchanges between buyer and seller.

### ***4.1 Vendor Performance Evaluation***

The Purchasing Department maintains a vendor file for recording the performance of vendors with whom the Town engages in business. Should a department experience difficulty with or have a complaint with a particular vendor, concerns should be documented on a Vendor Performance Evaluation Form (Exhibit A). A memo to the Purchasing Supervisor with the concerns will also suffice. Be as specific as possible, detailing the circumstances, dates, personnel involved (including titles) and phone numbers. This information will be helpful in determining if the vendor shall remain on the vendor

list. If it is felt a certain vendor should be commended for his efforts, document the circumstances on the Vendor Evaluation Form and forward to the Purchasing Department.

Should any Department Director or town employee become aware that a vendor has made contact with an elected official, the Town Manager should be notified.

#### **4.2 Vendor Selection Policy**

Vendors will be selected on a competitive basis. Formal bids, informal bids, or telephone quotations will be solicited by the Purchasing Department. Bid awards, purchase orders and/or contracts will be issued to the lowest responsible responsive bidder.

#### **4.3 Future Commitments to Vendors**

Employees do not have the authorization to commit, in writing or verbally, future Town business to vendors. If a department wishes to add a specific vendor or contractor to a bid list, the Purchasing Department must be contacted.

### **5. Vendor Selection**

#### **5.1 Selection Procedures**

For the procurement of supplies, materials, and equipment and for construction or repair, the Town will observe the following procedures. Sections 6 - 8 detail the steps which must be used by town employees to satisfy these selection procedures.

- a) Purchases of less than \$5,000 will be made in the open market and every effort should be made to obtain **three written quotes** for purchases of less than \$5,000. All quotes must be forwarded to the Purchasing Department. Purchases over \$5,000 must be budgeted in capital outlay.
- b) North Carolina General Statute §143-131, requires a Request for Written Quotation (RFQ) to be used for purchases of \$30,000 to \$89,999, with or without advertising. A RFQ must be used for purchases of \$30,000 to \$89,999 for apparatus, supplies, materials, and equipment. Does not apply to fuel purchases.
- c) In accordance with North Carolina General Statute §143-129, invitation for formal bids will be used for purchases of \$90,000 and greater (\$500,000 and greater for construction and repairs). This includes advertising in the local newspaper and/or other advertising media as deemed appropriate and receiving sealed bids.

### **6. Supplies, Materials, Equipment, or Services**

The required procedure for the purchase of apparatus, supplies, materials, and equipment varies, depending on the expenditure amount. The threshold amounts are: \$1,500; \$30,000, and \$90,000. Purchases over \$5,000 must be budgeted in capital outlay.

Town of Waynesville Ordinance 17-98 delegates the authority to purchase apparatus, supplies, materials, and equipment to the Purchasing Officer (Purchasing Supervisor). In practice, such purchases are made with the full involvement of the Department Director or his designee, and when appropriate, the Town Manager.

### **6.1 Supplies, Materials, Equipment, or Services (Less Than \$1,500)**

The employee ordering the product must request that the vendor put the employee's name and phone number on the invoice. Upon receipt of the item, the invoice must be submitted to Accounts Payable in a timely manner. Under no circumstances may an order be split to stay under the \$1,500 threshold. Such purchases are normally made at the Department level, but the Purchasing Department may be consulted to aid in finding an appropriate vendor or competitive pricing.

### **6.2 Supplies, Materials, Equipment, or Services (\$1,500—\$29,999)**

The Department Director or his/her designee must approve all requests within the department. For purchases over \$1,500, a request must be submitted to the Purchasing Department.

After receiving a request for expenditures of less than \$30,000, the Purchasing Supervisor shall accept quotes. Every effort should be made to obtain three (3) quotes, as outlined in Section 4.2. Once the quote deemed to be in the best interest of the Town is determined, the Purchasing Supervisor shall create the purchase order and contact the successful bidder(s).

With the above statements in mind, there are a variety of exceptions to the Purchase Requisition Form requirement:

#### **6.2.1 Purchases Not Requiring a Purchase Order**

Advertising ( <i>legal ads, radio, etc.</i> )	Petty cash - replenishment of funds
Annual dues & memberships	Postage permits and expenses
Claim payments	Refunds
Insurance premiums	Rental of buildings
Medical examinations	Subscriptions
Land purchases	Tuition fees for educational purposes
Professional services	Utilities
<i>(accounting, legal, architectural, etc.)</i>	

This list is not all inclusive. Contact the Purchasing Department with any questions.

### **6.3 Informal Bids - Supplies and Materials (\$30,000 - \$89,999)**

After receiving a list of supplies and materials, the Purchasing Supervisor shall utilize the informal bidding process for purchases of \$30,000 to \$89,999. The informal bidding process requires that competitive pricing be obtained in a written manner using a Request for Quotation (RFQ). These requests are sent to several sources who can supply the product(s) desired, with the goal of gaining three (3) quotes.

Informal bids do not have to be publicly opened. However, **the quotes received for an informal bid are not public knowledge until after the deadline for receipt of bids.** Once all available quotes are received, and the quote deemed in the best interest of the Town is determined, the Purchasing Supervisor shall create the purchase order and contact the successful bidder(s). It is not permissible to divide a proposal in order to avoid formal bid requirements in favor of informal bids. In other words, under no circumstances may an order be split to stay under the \$90,000 threshold.

### **6.3.1 Purchase Approval**

Approval of purchases involving the expenditure of more than \$30,000 but less than \$90,000 are made by the Purchasing Supervisor in consultation with the Department Director or his designee. Purchases over \$30,000 must be budgeted in capital outlay.

## **6.4 Formal Bids - Supplies and Materials (\$90,000 and Greater)**

The Department Director or his/her designee shall complete a Purchase Requisition, then work with the Purchasing Supervisor to develop and prepare specifications for bidding on supplies, apparatus, materials, and equipment with an expenditure of \$90,000 or more.

The Purchasing Supervisor shall be responsible for ensuring that all North Carolina General Statutes are satisfied, including, but not limited to, newspaper advertisement and receipt of sealed bids. The Board of Aldermen, pursuant to G.S. 143-129(b), has further authorized the Purchasing Supervisor to advertise by electronic means as an alternative to newspaper advertisement whenever it is deemed the most effective and efficient method of obtaining bids. Advertisement by newspaper and electronic means may be used together or separately to meet the statutory requirements.

After receipt of a bid, the Purchasing Supervisor, with the Department Director or his/her designee, shall review all bid responses to determine the bid deemed in the best interest of the Town. The Department Director or his/her designee shall make a formal recommendation of award, with supporting documentation to the Town Manager, Finance Director, and the Board of Aldermen.

### **6.4.1 Purchase Approval**

Purchases involving the expenditure of more than \$90,000 require approval of the Board of Aldermen, even if an established purchasing contract, such as the state contract, is being utilized. Upon Board of Aldermen approval of the recommendation, the Purchasing Supervisor shall create the purchase order and contact the successful bidder(s).

## **7. Vehicles and Other Rolling Stock**

The timing of vehicle and rolling stock purchases must be approved by the Town Manger. The Town's Fleet Replacement Policy should be referenced first, to determine the criteria for vehicle and equipment replacement.

The purchase and acquisition of vehicles shall be handled by the Purchasing Supervisor, who will work with Department Directors and other personnel in the development of the vehicle specifications. The Purchasing Supervisor shall determine which bidding process, informal or formal, is required based on the anticipated vehicle cost.

The Purchasing Supervisor will handle all necessary forms for title work on new vehicles. Vehicles shall not be released to departments until title work, insurance coverage, and necessary equipment has been installed in the vehicle.

Once a new vehicle has been delivered and entered into service, Department Directors must notify the Purchasing Supervisor of any vehicle that is determined to be surplus.

Whenever possible, Town departments shall evaluate the purchase of alternative fuel vehicles and equipment. Even when not purchasing alternative fuel vehicles, departments shall purchase "greener"



vehicles by specifying good fuel economy and environmental performance. See [www.epa.gov/greenvehicles](http://www.epa.gov/greenvehicles).

## **8. Construction and Repair Work**

Please note: In accordance with G.S. 143-128.2, the provisions of the Town's Minority Business Outreach Plan must be followed on all *building* construction or repair projects in the amount of \$300,000 or more (or if using state funds, \$100,000 or more). Additional outreach and documentation may be required for projects which receive federal funding, regardless of funding amount.

### **8.1 Definitions**

**Construction & Repair** – Contracted services defined by General Statute that include labor and material costs for construction, renovations, water/sewer line repair, paving, street repair etc., not involving a building

**Building Construction** – Contracted services defined by General Statute that include labor and materials costs for construction and /or renovation of existing or new buildings.

### **8.2 Performance/Payment Bonds**

Contracts over \$50,000 that are part of a project with estimated expenditures of more than \$300,000 require Performance and Payment Bonds (100% of bid amount) per North Carolina General Statutes. This includes "horizontal" projects such as water/sewer line replacement, street repairs, paving etc.

### **8.3 Informal Construction or Repair Contracts (Less than \$500,000)**

Construction, renovation, or repair work of less than \$500,000 shall be the responsibility of the Department Director, the contracted engineer and other Town officials as deemed necessary. After receiving a properly executed Purchase Requisition, the Purchasing Supervisor shall utilize the informal bidding process for informal construction or repair contracts. The Purchasing Supervisor shall be responsible for ensuring that all North Carolina General Statutes are satisfied.

The informal bidding process requires that competitive pricing be obtained in a written manner using a Request for Quotation (RFQ). These requests are sent to several sources who are capable of performing the work desired, with the goal of gaining three (3) quotes.

Informal bids do not have to be publicly opened, and **the quotes received for an informal bid are not public knowledge until after the deadline for receipt of bids**. Once all available quotes are received, and the quote deemed in the best interest of the Town is determined, the Purchasing Supervisor shall create the purchase order and contact the successful bidder(s). It is not permissible to divide a proposal in order to avoid formal bid requirements in favor of informal bids. Under no circumstances may a project be split to stay under the \$500,000 threshold.

Construction or Repair Contracts with estimated expenditures of \$30,000 or more must use a licensed general contractor per NCGS 87.1.

### **8.4 Purchase Approval**

Approval of all building construction or repair contracts under \$30,000 shall be made by the Purchasing Supervisor in consultation with the Department Director or his designee, all building and repair contractions between \$30,000 and \$99,999 shall be made by the Town Manager, and approval of all other informal building construction and repair contracts shall be made by the Board of Aldermen.

### **8.5 Formal Construction or Repair Contracts (\$500,000 and greater)**

Construction contracts within this range shall be the responsibility of the Department Director and contracted engineer and other Town staff as deemed necessary. These officials are responsible for specification development and the bidding process. Upon award by the Board of Aldermen and execution of the contract, the Department Director shall initiate a Purchase Requisition form so that a purchase order can be generated to encumber the expenditure account.

The Purchasing Supervisor shall be responsible for ensuring that all North Carolina General Statutes are satisfied, including, but not limited to, newspaper advertisement and receipt of sealed bids.

### **8.6 Purchase Approval**

Approval of all formal building construction or repair contracts shall be made by the Board of Aldermen.

### **8.7 Bid Bonds/Deposit**

A Bid Bond or Deposit equal to 5% of the bid is required on Construction or Repair Projects with estimated expenditures of \$500,000 or more. Bid Bonds when required should be placed in separate envelope and opened before bid to ensure proper submittal.

## **9. Purchase Orders**

To be valid, a Purchase Order must be completed and signed by the Purchasing Supervisor, the Finance Director, or the Town Manager.

### **9.1 The Purchase Order Process**

A purchase order is a contract between the Town and a vendor and is not binding until accepted by the vendor. Purchase orders are available only through the Purchasing Department. The issuance of purchase orders by unauthorized Town employees or officials will not be recognized by the Town and payment of these obligations will not be approved. Obtaining supplies, materials, equipment or services over \$1,500 without a purchase order is also an unauthorized purchase. (Except in emergency situations as outlined in Section 12.2.) **Unauthorized purchases are classified as a personal expense and will be paid for by the employee.**

The purchase order is a numbered three-part form with copies to be distributed as follows:

White	-	(Finance Copy)	Forwarded to Accounts Payable
Pink	-	(Buyer's Copy)	Forwarded to Purchasing
Yellow	-	(Purchasing's Copy)	Filed sequentially

In order to properly process the vendor's invoice(s) for payment, the packing slips must indicate the purchase order number, be signed by an authorized Town employee, and forwarded to Accounts Payable. This must be done immediately after the item(s) have been received, inspected and accepted by the user department.

If the purchase is to be charged to an account other than the one indicated on the purchase order, the account number to be charged for the expenditure must be indicated.

## **9.2 Change Orders**

In order to change, modify, or cancel an existing purchase order, the user department must request a Change Order from the Purchasing Supervisor. Purchasing will be responsible for the distribution of paperwork to the vendor and requesting department. The Board of Aldermen must approve change orders more than the contingency amounts for purchases and/or contracts which it originally awarded.

Change orders are not allowed:

- a. That alter the procurement procedures used in the original process. (i.e., from informal to formal).
- b. After the scope of services have been rendered or materials have been received.
- c. That increase a blanket purchase order.
- d. That adds additional items to the purchase order.

## **10. Contract Management**

A contract is a legal instrument that protects the Town's interests by clearly establishing the responsibility of all parties. The contract establishes the terms and conditions under which a service is to be performed or a good purchased.

All contracts above \$5,000 must be in writing and have the pre-audit certification completed by the Finance Officer.

### **10.1 Definition**

Contracts include those signed for the purchase of goods, construction and repairs, service agreements, and more. Contracts include but are not limited to the following:

Rental of equipment or uniforms	Cellular phone contracts
Consulting services	Purchase of goods
Leases for real estate or equipment	Advertising agreements
Letter of agreement	Revision or addendum to an existing contract
Agreements for acceptance of grant funds	

### **10.2 General Services**

General Services consist of all other services not defined by North Carolina General Statutes and include maintenance agreements, contract for semi-skilled and unskilled labor and contracts for services not covered by the Professional Services. Examples of these types of services include but are not limited to include, elevator repair, lot cleanup, demolition, sludge removal, instructors, HVAC repairs, electrical repairs.

### 10.2.1 Service Contracts

A Purchase Order is required for service contracts above \$1,500. Copies of executed contracts must be provided to the Town Clerk, Finance Officer and the Purchasing Supervisor.

Service contracts should be reviewed by the affected department, at a minimum, every two years to ensure the Town is not paying for maintenance or service on equipment it no longer owns or operates.

### 10.3 Contract Authority

The majority of employees do not have the authority to sign contracts on behalf of the Town, and the approval of a Purchase and Contract Authority are two distinct processes. In general, a Department Director or his designee is responsible for negotiating and managing the contract with the vendor, but is not authorized to sign the contract.

Purchasing Supervisor	Materials, Equipment, and Supplies	\$1 - \$89,999
	Construction & Repairs	\$1 - \$29,999
Town Manager (or designee)	Materials, Equipment, and Supplies	\$90,000 and above
	Construction & Repairs	\$30,000 and above
Mayor	In specific instances, the Mayor is required to sign as the chief elected official for the Town.	

## 11. Special Procurement Procedures

### 11.1 Blanket Purchase Orders

The Purchasing Department will issue blanket purchase orders to selected vendors for the procurement of large volume items such as landscaping supplies, rock, sand and asphalt. Blanket purchase orders should not be used for items normally carried in stock at the warehouse and will not be issued for items that should be purchased with a purchasing card or petty cash.

Requests for blanket purchase orders must, in addition to the required information, indicate the following: items covered by the blanket purchase order, a Not to Exceed (NTE) amount in the appropriate column, and an attached listing of all personnel approved to purchase from the blanket PO. The issued purchase order will instruct the vendor that unauthorized purchases will not be allowed. It is the responsibility of the individual authorized to purchase under a blanket purchase order to ensure that an unspent balance remains to cover the purchase to be made. **Any purchase that exceeds the funds available under a blanket purchase order will be classified as an unauthorized purchase.**

**Any purchases made by personnel not authorized by the blanket purchase order request will be classified as a personal expense and will be paid by the employee.**

The vendor's delivery ticket must be signed by an authorized Town employee and the purchase order number must be indicated. If the purchase is to be charged to an account other than that indicated by the purchase order, the account number to be charged for the expenditure must be indicated on the ticket. Departments must immediately forward these delivery tickets to Accounts Payable for payment.

## **11.2     *Emergency Purchases***

In cases of emergencies, the Department Director or his/her designee may purchase directly from any vendor supplies or services whose immediate procurement is essential to prevent delays in work which may affect the life, health, safety, or convenience of Town of Waynesville employees or citizens.

The user department shall exercise good judgment and use established vendors when making emergency purchases. Emergency purchases, although sometimes necessary, are costly both in time and money. Always obtain the best possible price and limit purchases to those items that are emergency related. **Not anticipating needs does not constitute an emergency situation.** The use of emergency purchases should be limited and will be monitored for abuse.

### **11.2.1 Emergency Purchase Procedure During Business Hours**

Contact the Purchasing Department and give all pertinent information to obtain a purchase order. The information needed will include vendor name, item(s) to be purchased with quantities, expenditure account to which the item(s) will be charged and the reason for the emergency purchase. After verifying available funds, a purchase order number will be issued for the expenditure and a confirming purchase order will be mailed to the vendor.

### **11.2.2 Emergency Purchase Procedure After Business Hours**

The packing slip or invoice received should be coded with the account(s) to be charged and signed. Please attach a brief explanation of the nature of the emergency, and forward immediately to the Finance Department for payment. The Purchasing Supervisor must be notified of the purchase and the circumstances the morning of the next business day.

## **11.3     *Sole Source of Supply***

If there is only one vendor capable of providing a particular good or service, the competitive pricing procedures outlined in this manual may be waived by the Board of Aldermen, as outlined in G.S. 143-129. Whenever a Department Director or his/her designee determines it is necessary to purchase goods or services from a "sole source," he/she shall document why only one company or individual is capable of providing the goods or services required.

## **11.4     *Competitively Bid Group Contracts***

The Town may utilize state and national competitively bid group contracts whenever possible for procurement of capital and non-capital items. Such programs include but are not limited to the State of North Carolina Purchase and Contract Division, US Communities, NJPA, and GSA. This system expedites the purchase of goods, offers pricing comparable with quotes received from formal and informal bids, and satisfies North Carolina General Statutes. Contact the Purchasing Department with questions about goods available on group contract.

## **11.5     *Piggybacking***

The Purchasing Department may use the piggybacking process whenever necessary to purchase apparatus, supplies, materials and equipment. Contracts in the informal range can be used as a tool to solicit additional bids, but no board action is necessary. For purchases of \$90,000 and above, the provisions of G.S. 143-129 will be followed.

### **11.6 Professional Services**

Normal competitive procedures cannot be utilized in securing professional services such as attorneys, planners, and other professional people who, in keeping with the standards of their discipline, will not enter into a competitive bidding process. When an agreement between a professional service company and the Town is established, a purchase order with a NTE amount shall be issued to satisfy accounting and statutory requirements.

### **11.7 Gas, Fuel and Oil**

Purchases of gasoline, diesel fuel, motor oil, fuel oil or natural gas are not subject to the formal bidding requirements. These purchases are subject to the informal procedures of G.S. 143-131

## **12. Specifications**

Whether goods or services are procured under the formal or informal bidding process, specifications must be prepared. All specifications should do at least four things:

1. Identify minimum requirements
2. Encourage competitive bids
3. Be capable of objective review
4. Provide for an equitable award at the lowest possible cost

Department Directors and Supervisors are responsible for developing the minimum technical requirements (specifications) for the items they wish to purchase. Departments are encouraged to provide a contact list of vendors for outreach purposes.

Specifications should be as simple as possible while maintaining the degree of exactness required to assure that bidders are offering the quality of goods and services required. Such exactness also prevents bidders from taking advantage of their competitors by not offering the quality of goods and level of service required by the Town.

All specifications utilizing a name brand must include the term "or approved equal" to avoid being restrictive and to allow fair competition in the bidding process. Departments should supply any documentation that may assist the Purchasing Department in procuring the desired item(s).

### **12.1 Methods of structuring specifications**

Qualified products on acceptable vendor list	Performance, purpose or use
Blueprint or dimension sheet	Identification with industry standards
Chemical analysis or physical properties	By samples

### **13. Delivery and Performance**

A completed and accepted purchase order by the parties concerned must produce the intended results or objectives before it can be considered a successful or completed purchase. The terms and conditions must clearly define the delivery and performance requirements of the services, supplies or equipment.

If several items are required by the purchase order, there may be a different delivery schedule for each item. It is necessary to clearly indicate the delivery location on the Purchase Requisition form.

#### **13.1 Partial Deliveries**

Some purchase orders may list several items. It is possible the vendor may complete timely delivery on some items without including all items ordered in the same shipment. This is referred to as a "partial delivery." Upon receipt of a partial delivery, photocopy the purchase order, attach a copy of the signed delivery receipt and forward to Accounts Payable.

#### **13.2 Non-performance**

If a vendor fails to meet any requirements(s) of the specifications or terms and conditions of the contract or purchase order, the vendor and proposed remedies will be evaluated based upon the circumstances of each violation.

### **14. Inspection and Testing**

Goods and materials should be checked at the time of receipt for damage or defects. The inspection shall include assuring goods comply with the specifications. If damage is found or the goods fail to comply with the specifications, the item(s) shall be rejected as outlined below.

#### **14.1 Rejection**

In order to protect the Town's rights in the event of rejection, for whatever reason, the vendor shall be informed immediately. Reasons for the rejection must be documented in memo form, attached to a copy of the purchase order and forwarded to the Purchasing Department in a timely manner. Purchasing will notify the vendor of the reason for the rejection.

#### **14.2 Damaged Goods**

One of the major reasons for immediately inspecting the goods or materials upon receipt is to detect any visible damage. When it is apparent that the extent of the damage causes the goods to be worthless, they will not be accepted. If the damage is not apparent until after the goods have been accepted, the Purchasing Department will contact the vendor.

It is necessary that all damage, including evidence of concealed damage, be documented by memo, attached to a copy of the purchase order and forwarded to the Purchasing Department so that Purchasing can inform the vendor of the damaged goods. Photo documentation may also be necessary.

#### **14.3 Latent Defects**

Latent defects may be the result of damage in transit or failure of the manufacturer to conform to specifications. Consequently, it is often difficult to fix responsibility for the defective material. If specific liability for the defect cannot be determined between the carrier, the vendor, or the manufacturer, the Town may file a claim against all parties. A memo attached to a photocopy of the purchase order must be forwarded to the Purchasing Department so all parties involved can be properly informed.

## **15. After the Order**

Follow-up or expediting delivery of an order is part of the purchasing process and can be more efficiently handled by the purchasing party, whether it is the Department or Purchasing.

The Purchasing Department shall on a regular basis review outstanding purchase orders to determine if vendors are delinquent in shipping the items requested and contact these vendors if necessary. Purchasing shall also contact vendors concerning invoice discrepancies and has the authorization, along with the Finance Director and Town Manager, to dispute invoice amounts.

## **16. Warehousing**

A warehouse is maintained by the Purchasing Department at the Public Works Building to keep in stock a 90-day supply of those items most commonly used by all departments. Should a department require these items, a representative from the department must pick up the items and complete a Materials Requisition Form, available from Purchasing.

It is the responsibility of the User Department to notify Purchasing at least 60 days before beginning a project that will deplete particular items faster than normal. This to ensure that adequate supplies can be ordered to fulfill the project requirements and meet normal demands.

If a department has a recurring demand (need for particular items that exceed three times in a six-month period) for a particular item that is not stocked in the warehouse, the department may request that the warehouse stock this item by providing the following information:

1. Description - A thorough description of the item is requested. When possible, please provide catalog data, drawings, or pictures.
2. Recommended Initial Order Quantity - This is the quantity expected to be consumed in a 90-day period.
3. Recommended Minimum Stocking Quantity - This is the critical minimum quantity (i.e., a point that if stock were lower than this quantity, your performance would be compromised).
4. Adjusted Min/Max Numbers for Current Item - If the item requested will be used in addition to a current item, include a new quantity recommendation for that item.

If the item being requested replaces a current item, the Purchasing Supervisor shall determine the value of existing stock being replaced. If the dollar amount is significant, the Purchasing Supervisor shall review this with the Department Director to determine if existing stock can be depleted to the new recommended minimum/maximum stocking levels.

The same review process shall be taken with eliminated stock items. These items shall be declared surplus/obsolete and processed in accordance with general statutes.

## **17. Purchase Cards**

The use of Purchasing Cards is authorized to reduce or eliminate certain types of paper-based processing, thereby saving Town employees time and effort.

***The use of the Purchasing Card (P-Card) is not intended to change what items are purchased—only the method by which they are purchased.***



## **17.1 Issuance of Purchasing Card**

- a) Purchasing Cards are issued to those permanent full-time employees who routinely make purchases on behalf of the Town. P-cards are not tied to job description, and the Department Director may use discretion when assigning cards.
- b) The Department Director or his/her designee will determine the purchase authority of the employee and sign the New Cardholder Enrollment Form (Exhibit C) indicating approval.
- c) The employee must sign the "Cardholder's Agreement" (Exhibit B) verifying agreement to conditions of use. This agreement may be periodically updated, and all P-card users must sign the most current form in order to continue using the card.
- d) Purchasing will review the Cardholder Enrollment Form and process for issuance of a purchasing card to the employee.

## **17.2 Use of Purchasing Card**

- e) Each card will include a transaction limit, daily limit and monthly limit. Under no circumstances may a purchase be split into multiple parts in order to circumvent card limits.
- f) A Purchase Order is required for all non-emergency purchases over \$1,500.00, excluding the exceptions listed in section 5.2.1 of this manual.
- g) It is the cardholder's responsibility to provide a detailed receipt for each transaction on the billing statement. Telephone orders that do not generate receipts shall be evidenced by a catalog page and supplemented by any documentation that becomes available once the transaction is complete. Internet purchases should be evidenced by a printout of the order confirmation page. Cardholders must give all documentation to their supervisors on a monthly basis for reconciliation of the purchase card statement by Accounts Payable.
- h) Undocumented transactions (transactions turned in to be paid without a receipt) are not allowed and must be a rare occurrence. If the cardholder does not have documentation of a transaction listed on the monthly statement, he/she must attach an explanation that includes a description of the item(s) purchased, date of purchase, vendor's name, and reason for the lack of documentation. The Finance Department may request additional information or may disallow the transaction and the cardholder will be personally responsible for the transaction amount.
- i) Any disputed transactions are to be first resolved by the department, and if this fails, then referred to Finance. If a disputed transaction results in a credit being issued, Accounts Payable must be notified that this will appear on the bill.
- j) Finance and Administration may at any time review individual card activity and may revoke the purchasing card privileges of any or all employees.

### **17.2.1 Authorized Transactions**

All authorized uses listed below assume unencumbered funds are available in the appropriate department.

- a) Payment for all approved Town purchases. All purchases must comply with the Purchasing Policy, including the Purchase Requisition Form requirement.
- b) Lodging reservations and payment when attending Town-approved conferences or meetings.
- c) Meal purchases as allowed in the Travel Policy.
- d) Online and telephone purchases.

### **17.2.2 Unauthorized Transactions**

- a) Personal use
- b) Alcoholic beverages

- c) Any nonofficial purpose
- d) Gasoline for private automobiles. Travel is reimbursed at the mileage rate.

**The list of authorized uses and unauthorized uses is not exhaustive. The guiding principle is to determine whether the expenditure is necessary for the cardholder to carry out his/her duties in the Town. All purchases must be carried out within the guidelines of this manual and be part of the normal budgeting process.**

### ***17.3 Cardholder Responsibilities***

- a) The satisfactory receipt of goods or services is the responsibility of the cardholder.
- b) It is the cardholder's responsibility to provide a detailed receipt for each transaction on the billing statement.
- c) A cardholder shall not permit another person to use his/her Purchasing Card.
- d) If any item purchased with the purchasing card is returned, the merchant must credit the card account. Employees are not to accept cash or gift cards for returned items. Accounts Payable must be notified of the credit amount that will appear on the bill.

### ***17.4 Approval Required***

Authorized employees must review and sign a Purchasing Card agreement when a card is issued.



### Purchasing Card Employee Agreement

I, \_\_\_\_\_, agree to the following regarding my use of the Town of Waynesville Purchasing Card:

1. I understand that I am being entrusted with a Purchasing Card to make financial commitments on behalf of the Town and will restrict my purchases to approved Town of Waynesville activities.
2. I understand that under no circumstances will I use the Purchasing Card to make personal purchases.
3. I will not permit another person to use the Purchasing Card issued to me. Any such purchases made with my card will be considered to be made by me and will be my responsibility.
4. I will be responsible for the safekeeping of the Purchasing Card issued to me and, if lost or stolen, I will report its loss immediately to my supervisor and to Purchasing.
5. **I understand that I must submit a detailed receipt for each purchase on a monthly basis to my supervisor for submittal to Accounts Payable. I understand that a failure to do so will result in suspension of my purchasing card account until the required receipts have been submitted. Repeated failure to submit detailed receipts will result in the termination of my Purchasing Card Account.**
6. I understand that my personal credit will not be affected by use of the Town of Waynesville Purchasing Card.
7. I understand that in the event of termination of my employment with the Town of Waynesville, my final paycheck will be retained subject to the return of the Purchasing Card and any outstanding receipts to my supervisor.
8. I have read the Purchasing Policy and Procedure Manual and understand the requirements for using the Town of Waynesville Purchasing Card.
9. I agree that I will return the Purchasing Card to the Town upon termination of my Purchasing Card privileges.
10. I agree that should I violate the terms of this Agreement and use the Purchasing Card for personal use or gain that I will reimburse the Town of Waynesville for all incurred charges and any fees (including attorneys' fees and expenses) related to the collection of these charges.
11. *The use of the Town of Waynesville Purchasing card to procure goods and services for other than the official use of the Town of Waynesville is prohibited. Failure to follow the established procedures for using the Purchasing Card may result in revocation of use privileges or other disciplinary actions up to and including dismissal.*

I have read, understand, and agree to the conditions above:

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

Purchasing Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

## New Cardholder Enrollment Form

### Town of Waynesville Purchasing Card

#### Employee/Cardholder Information

Name: \_\_\_\_\_

Department: \_\_\_\_\_

#### Card Limits

Daily \$ \_\_\_\_\_

Monthly \$ \_\_\_\_\_

Per Transaction \$ \_\_\_\_\_

Daily Number of Transactions: \_\_\_\_\_

Monthly Number of Transactions: \_\_\_\_\_

#### Approvals:

Department Director: \_\_\_\_\_

Purchasing Supervisor: \_\_\_\_\_

#### Card Receipt Documentation:

Card Account Number: \_\_\_\_\_

Date Issued to Cardholder: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

**RESOLUTION R-19-22**  
**OF**  
**BOARD OF ALDERMEN**  
**OF THE TOWN OF WAYNESVILLE**  
**AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD**

\* \* \* \* \*

**WHEREAS**, from time to time, the Town of Waynesville (the “Town”) purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

**WHEREAS**, the Town’s procurement of such goods and services is subject to the Purchasing Policy and Procedures, as most recently amended on June 28, 2022; and

**WHEREAS**, the Town is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

**WHEREAS**, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

**WHEREAS**, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

**WHEREAS**, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

**WHEREAS**, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

**WHEREAS**, G.S. 143-129(a) and G.S. 143-131(a) require the Town to conduct a competitive bidding process for the purchase of (1) “apparatus, supplies, materials, or equipment” where the cost of such purchase is equal to or greater than \$30,000, and (2) “construction or repair work” where the cost of such purchase is greater than or equal to \$30,000; and

**WHEREAS**, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the “Mini-Brooks Act”); and

**WHEREAS**, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

**WHEREAS**, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the Board of Aldermen of the Town of Waynesville now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE:**

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the Town hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and

B. \$30,000, for the purchase of “construction or repair work”; and

C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and

D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Town has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until the end of the current fiscal year of the Town but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the Town receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Town shall comply with the more restrictive threshold when expending such funds.

4. The Town shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The Purchasing Supervisor of the Town are hereby authorized, individually and collectively, to revise the Purchasing Policy of the Town to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

Adopted this the 28th day of June, 2022.

Town of Waynesville

---

J. Gary Caldwell  
Mayor

Attest:

---

Eddie Ward

Town Clerk

Approved As To Form:

---

Martha Sharpe Bradley, PLLC  
Town Attorney



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: June 28, 2022**

**SUBJECT:** Increase Micro-purchase Threshold

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** (LEAVE BLANK)  
**Department:** Finance  
**Contact:** Misty Hagood  
**Presenter:** Misty Hagood

**BRIEF SUMMARY:**

On August 13, 2020, the Office of Management and Budget published revisions to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200) (the “Uniform Guidance”). Among other things, the revisions to the Uniform Guidance allow non-Federal entities to raise, via annual self-certification, the micro-purchase threshold to a “higher threshold consistent with State law.”

Local government entities are eligible to raise the micro-purchase thresholds to the levels identified below, which are consistent with North Carolina law:

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
  - B. \$30,000, for the purchase of “construction or repair work”; and
  - C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law;
- and
- D. \$50,000, for the purchase of services subject to the Mini-Brooks Act (Article 3D of Chapter 143), but only where the unit of local government exercises, in writing, an exemption to the Mini-Brooks Act for a particular project pursuant to G.S. 143-64.32. Where the unit does not exercise an exemption to the Mini-Brooks Act for a particular project, the micro-purchase threshold shall be \$10,000 (as adjusted periodically for inflation pursuant to 48 CFR Subpart 2.1).

I recommend that we make these changes so that the Purchasing Policy, state law, and Uniform Guidance for purchases within the resolution will all be consistent.

**MOTION FOR CONSIDERATION:**

Approval of the Resolution Authorizing Increase in Micro-Purchase Threshold.

**ATTACHMENTS:**

Resolution Authorizing Increase in Micro-Purchase Threshold

**MANAGER’S COMMENTS AND RECOMMENDATIONS:**

The recommendation is to adopt the resolution.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: June 28, 2022**

**SUBJECT:** Budget Amendment to the General Fund and Garage Internal Service Fund

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Finance  
**Contact:** Misty Hagood, Finance Director  
**Presenter:** Misty Hagood, Finance Director

**BRIEF SUMMARY:**

The Finance Department budget needs to be increased by \$40,000. The increase is needed to cover overtime expenses when we were down meter readers, and our new audit firm is billing at different intervals than our previous auditor, so we need to adjust to the new schedule.

The garage also needs an increase to cover the continuous rise in prices for gas, diesel, oil, and other supplies. I am requesting that we increase the Garage budget by \$25,000 to cover expenses for the fiscal year. I had hoped the previous increase would be enough, but the gas delivery and cost of materials was more than expected. All departments have enough to cover their increased portion of the budget, so we do not need to amend the departmental budgets.

**MOTION FOR CONSIDERATION:**

1. Approval of the attached Amendment to the 2021-2022 Budget Ordinance.
2. Approval of Resolution Amending the Financial Operating Plan for the Garage Internal Service Fund.

**FUNDING SOURCE/IMPACT:**

An increase in Sales Tax received will cover the extra expenses in the Finance Department. The Garage Fund charges each department and there is enough in every department to cover the increase.

*Misty Hagood*

Misty Hagood, Finance Director

6/21/2022

Date

**ATTACHMENTS:**

1. Amendment to the 2021-2022 Budget Ordinance
2. Resolution Amending the Financial Operating Plan for the Garage Internal Service Fund

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

Recommendation is to approve budget amendment for the General Fund and Garage Internal Service Fund.

Ordinance No. O-25-22  
Amendment No. 27 to the 2021-2022 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2021-2022 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2021-2022 Budget Ordinance be amended as follows:

General Fund:	
Increase the following revenues:	
Sales Tax Revenue	\$40,000
Total General Fund revenue increase	\$40,000
Increase the following appropriations:	
Finance Department	\$40,000
Total General Fund appropriation increase	\$40,000

Adopted this 28th day of June 2022.

Town of Waynesville

\_\_\_\_\_  
J. Gary Caldwell  
Mayor

Attest:

\_\_\_\_\_  
Eddie Ward  
Town Clerk

Approved As To Form:

\_\_\_\_\_  
Martha S. Bradley  
Town Attorney



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: June 28, 2022**

**SUBJECT:** Helping Hands of Haywood fourth ARP Installment

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

Helping Hands of Haywood has provided the Town with a written report of how they have spent their previous ARP Funding installment of \$8,750. This money is used for the sole purpose of providing temporary housing for individuals experiencing homelessness. If the Board is satisfied with the report provided to them by Helping hands of Haywood, then staff is asking for their direction in whether to provide Helping Hands of Haywood the fourth installment of American Relief Plan funding.

**MOTION FOR CONSIDERATION:**

Motion to approve the fourth installment of American Recovery Plan funding to Helping Hands of Haywood for the sole purpose of providing temporary housing to individuals experiencing homelessness in the amount of \$8,750

**FUNDING SOURCE/IMPACT:** \$8,750 in American Recovery Plan funding



\_\_\_\_\_  
Misty Hagood, Finance Director

6/22/22

\_\_\_\_\_  
Date

**ATTACHMENTS:**

- Helping Hands of Haywood Written Report

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

Dear Board of Alderman and Mayor,

Helping Hands of Haywood is pleased to share the outcome of our third quarter increment from the American Rescue Plan funding that we have been generously awarded by the Town of Waynesville. Attached you will find receipts for hotel room stays totaling 189 nights. We were left with \$7.22 from our previous increment, giving us a total sum of \$8,757.22 for hotel shelter. We spent \$8,755.85 on 189 nights of hotel shelter, leaving a remainder of \$1.37. The remaining funds are not enough to provide further shelter, and will be added to the next increment of funding for hotel shelter. We have exceeded expectations by providing more shelter than we originally estimated, with an average of a little over \$46 per night.

We often shelter families with children when there is no space available at Haywood Pathways Center in their family dorm. Other participants were not able to stay at HPC due to various other circumstances such as having medical issues that conflict with congregate living such dementia, paranoid schizophrenia, and other severe mental illnesses. We often get individuals that have suffered broken bones, miscarriages, had surgeries, and other various medical conditions. We provide them with wound care supplies, a place to clean and dress wounds, and a place to rest and properly heal. All participants were residents of the town of Waynesville, and were able to present us with identification. We are working diligently with other providers to permanently place our most vulnerable cases in facilities and housing opportunities that they are eligible for. We do our best to help these clients obtain medical insurance and other benefits, which are major factors in certain assisted living and other housing opportunities. We help obtain prescriptions, critical documents, clothing, food, and other necessary supplies to increase stability. Many clients in shelter follow through with short term goals and long term goals when given the appropriate tools, guidance, and space.

Meridian Behavioral Health visits many of the participants in hotel shelter, ensuring they get mental health assessments, employment specialist sessions, therapy, substance use treatment, medication assistance appointments, rides to appointments, and peer support. Lunch is delivered to most participants daily, and there is a food pantry and clothing closet that participants can access when needed. Transportation is provided for most participants during weekdays, ensuring they have access to services in town, and a way back to their hotel rooms at the end of the day. SeekHealing also conducts listening sessions and connection practices on site in the Community Room with most participants, giving participants alternative options for different forms of mental healthcare. Self defense classes will begin on site in July. We are currently seeking new partnerships to create more care opportunities, classes, enrichment, and productivity for individuals in shelter. We collaborate with many agencies and organizations such as The Goodwill Career Center, Haywood County probation officers, Meridian Behavioral Health, Mountain Projects, the Haywood County Jail, local law enforcement, local churches, The National Parks Service, Vaya Health, Haywood Pathways Center, and Haywood Regional Hospital to provide services when needed during regular business hours, evenings, and weekends.

We have had great success with this program, and are motivated to continue being a "step one" or "stepping stone" for people in need of housing. We appreciate your support, and look forward to continuing to help our Waynesville neighbors experiencing life without a home.

Nicole Kott

Executive Director

Helping Hands of Haywood

(828) 508-3420