

## Town of Waynesville, NC

### Town Council Regular Meeting

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

Date: November 14th, 2023 Time: 6:00 p.m.

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(828) 452-2491 [cpoolton@waynesvillenc.gov](mailto:cpoolton@waynesvillenc.gov)

#### A. CALL TO ORDER - Mayor Gary Caldwell

##### 1. Welcome/Calendar/Announcements

#### B. PUBLIC COMMENT

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

#### D. CONSENT AGENDA

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

2.
  - a. October 10<sup>th</sup>, 2023 Regular Scheduled Meeting Minutes
  - b. Appointment of Kelly Allred to the Downtown Waynesville Commission
  - c. Appointment of Mandy Giust to the Recreation and Parks Advisory Commission
  - d. Budget Amendment for the Police Department
  - e. ABC official designation
  - f. Axe and Awl Holiday Night Market Special Event Permit

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

#### E. PRESENTATION

3. Mothers Against Drunk Driving (MADD) recognition of several WPD officers
  - David Adams, Chief of Police & Ellen Pitt, MADD representative

4. Promotions: Sergeant Josh Schick to Lieutenant and Detective Jason Reynolds to Sergeant David Adams, Chief of Police

5. Employee Appreciation for Discovery Tax Billing Volunteer Efforts
- Jesse Fowler, Assistant Town Manager

6. Presentation of the June 30, 2023 Audit Report and Financial Statements
- Jonas Watts with Martin Starnes & Associates

**F. PUBLIC HEARING**

7. Public Hearing to consider a request for Annexation for one (1) unaddressed parcel off Russ Avenue, PIN 8616-37-5048 (0.81 acre).
- Olga Grooman, Land Use Administrator

***Motion: Adoption of attached ordinance to approve the annexation of described property.***

8. Continuation of a Public Hearing to consider the text amendment to define and regulate cryptocurrency mining and data centers as land uses in the Land Development Standards (LDS).
- Olga Grooman, Land Use Administrator

**Motions:**

- 1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.***
- 2. Motion to adopt the Ordinance as presented (or as amended).***

**G. NEW BUSINESS**

9. Approve changing the Town's payroll system by creating a one-week lag between the end of the payroll period and the issuance of the employees' checks. Approve the budget amendment to cover a one-time supplement.
- Page McCurry, Director of Human Resources

**Motions:**

- 1. Approve the change in payroll policy and appropriate the recommended funds for the "Payroll Supplement."***
- 2. Approve the budget amendment as presented.***

10. Creation of Billing and Collections Supervisor in the Finance Department and Budget Amendment
- Misty Hagood, Finance Director

**Motions:**

- 1. To add a Billing and Collections Supervisor to the Pay and Class as a Grade 68.***

**2. Approve the budget amendment.**

11. Increase of \$4,877,100 in State Revolving Loan for Wastewater Treatment Plant Project
- Misty Hagood, Finance Director

**Motions:**

1. **Approve the resolution accepting the \$4,877,100 loan increase.**
2. **Approve the amendment to the project budget.**
3. **Approve budget amendment to the sewer fund for loan fees.**

12. Endorsement of the Town Applying for Sustainability grant under the DOE LEAP Program
- Rob Hites, Town Manager

**Motion: Approve the Town partnering with a “community organization” and applying for a LEAP grant.**

**H. OLD BUSINESS**

13. Endorsing the Federal “Affirmatively Furthering Fair Housing Plan
- Rob Hites, Town Manager

**Motion: Approve the Federal “Affirmatively Furthering Fair Housing Plan and adopt it “Fair Housing Complaint Procedure”.**

**I. COMMUNICATION FROM STAFF**

14. Manager’s Report
- Assistant Town Manager, Jesse Fowler
15. Town Attorney Report
- Town Attorney, Martha Bradley

**J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL**

**K. CLOSED SESSION**

16. To enter into closed session under NC General Statute § 143.318.11(a)(5)(i) to discuss the potential acquisition of property.
- Rob Hites, Town Manager

**Motion:** *To enter into closed session under NC General Statute § 143.318.11(a)(5)(i) to consider the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.*

**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 November 2023

2023	
Thursday-Friday, November 23 and 24	Town Offices Closed-Thanksgiving holiday
Tuesday November 28 <sup>TH</sup>	Town Council Meeting – Regular Session
Friday, December 1 <sup>st</sup>	Art After Dark gallery stroll 5:30-8:30pm and Christmas Tree Lighting 5pm-6pm
Sunday, December 3 <sup>rd</sup>	Hazelwood Christmas Parade 3pm-5pm
Monday, December 4 <sup>th</sup>	Waynesville Christmas Parade 6pm-7pm
Saturday, December 9 <sup>th</sup>	Smoky Mountain Christmas 6pm-9pm on Main Street
Tuesday December 12 <sup>TH</sup>	Town Council Meeting – Regular Session
December, 25 <sup>th</sup> , 26 <sup>th</sup> and 27 <sup>th</sup>	Town Closed – Christmas Holidays

## Board and Commission Meetings – November 2023

ABC Board	ABC Office – 52 Dayco Drive	<b>November 21</b> 3 <sup>rd</sup> Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	<b>November 7<sup>th</sup>-CANCELLED</b> 1 <sup>st</sup> Tuesday 5:30 PM
Cemetery Commission	Public Services Building	<b>January, March-CANCELLED, July, and October</b> 3 <sup>rd</sup> Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	<b>November 21</b> 3 <sup>rd</sup> Tuesday 8:30 AM
Environmental Sustainability Board	Municipal Building-16 South Main Street	<b>November 16<sup>th</sup></b> 1 <sup>st</sup> and 3 <sup>rd</sup> Thursdays 4:30pm
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>November 1st</b> 1 <sup>st</sup> Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	<b>November 20<sup>th</sup></b> 3 <sup>rd</sup> Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	<b>November 9<sup>th</sup></b> 2 <sup>nd</sup> Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	<b>November 20<sup>th</sup></b> 3 <sup>rd</sup> Monday 5:30 PM
Waynesville Housing Authority	Main Office-48 Chestnut Park Drive	<b>November 15<sup>th</sup></b> 3 <sup>rd</sup> Wednesday 9:00 AM

**MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL**  
**Regular Meeting**  
**October 10, 2023**

**THE WAYNESVILLE TOWN COUNCIL** held a regular meeting on Tuesday, October 10, 2023, at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gary Caldwell called the meeting to order at 6:07 pm with the following members present:

Mayor Gary Caldwell  
Mayor Pro Tempore Julia Freeman  
Councilmember Chuck Dickson  
Councilmember Jon Feichter  
Councilmember Anthony Sutton

The following staff members were present:

Jesse Fowler, Assistant Town Manager  
Martha Bradley, Town Attorney  
Candace Poolton, Town Clerk  
Jeff Stines, Public Services Director  
Elizabeth Teague, Development Services Director  
Olga Grooman, Land Use Administrator  
Patrick Bradshaw, Civil Design Concepts  
Christine O'Brien, Haywood Waterways Association  
Police Chief David Adams  
Assistant Police Chief Brandon Gilmore  
Previous Mayor-Gavin Brown

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that Saturday, October 14<sup>th</sup> is the Church Street Art and Craft show, Saturday, October 21<sup>st</sup> is the Apple Harvest Festival, and the next Town Council meeting is October 24<sup>th</sup>.

**B. PUBLIC COMMENT**

No one signed up for public comment.

## C. ADDITIONS OR DELETIONS TO THE AGENDA

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to approve the agenda as presented. The motion passed unanimously.***

## D. CONSENT AGENDA

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

2.
  - a. September 26<sup>th</sup>, 2023 Regular Scheduled Meeting Minutes
  - b. Call for a Public Hearing for November 14, 2023 to consider a request for Annexation for one (1) unaddressed parcel off Russ Avenue, PIN 8616-37-5048 (0.81 acre).
  - c. Axe and Awl "Awl Hallows Eve" Special Event Permit
  - d. Appointment of Beth Elsey to the Cemetery Committee.
  - e. Appointment of Grace Mason to the Downtown Waynesville Commission
  - f. Reallocation of ARP Funding for WTP
  - g. Approval of the contract with WithersRavenel engineering firm for Comprehensive Stormwater Master Plan and grant administration services.

***A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the consent agenda as presented. The motion passed unanimously.***

## E. PROCLAMATION

3. Captain Fred Hall Week
  - Mayor Gary Caldwell

Mayor Gary Caldwell read the proclamation stating the week of October 8<sup>th</sup>-14<sup>th</sup> "Captain Fred Hall Week". He said that Captain Fred Hall was laid to rest today, October 10<sup>th</sup>, 2023. The Town Council made this proclamation to honor his service to our country and to acknowledge the sacrifices he made.

Gavin Brown thanked everyone who helped to coordinate Captain Hall's service today. He thanked Town staff, Councilmembers, and the police. He said that his brother was a good friend of Fred Hall and was also killed in action in Vietnam.

## F. PRESENTATION

4. Public Presentation on the Town of Waynesville's Stormwater Program, General Stormwater Issues, and Erosion and Sedimentation, as required by the NPDES Permit.

- Olga Grooman, Land Use Administrator and Christine O'Brien, Haywood Waterways

Land Use Administrator Olga Grooman reported that the Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES) issued by the NC Department of the Environmental Quality (NC DEQ) on August 19, 2021. The permit is valid for five (5) years and the purpose of the permit is to manage stormwater runoff, reduce the discharge of pollutants, and protect water quality within the Town's jurisdiction. She introduced Christine O'Brien with Haywood Waterways to present the topics of Erosion and sedimentation and hot spot monitoring.

Christine O'Brien reported that sediment is the #1 pollutant in Haywood County. She said it originates from construction site runoff, streambank erosion because of lack of vegetation, building on steep terrain, and unpaved roads. She encouraged the public to care because sediment that settles on the bottom of the streams and can suffocate wildlife and disrupt the food chain and polluted rivers affect tourism. She offered three solutions: Reduce building on steep slopes, direct water off unpaved roads into vegetated areas, and avoid mowing within 10-25 feet of a waterway. She also gave a fecal monitoring update. Christine identified several areas with potential sewer and water line issues and praised the work of Wayne Bolin's team on the Town's Water Department in locating and fixing major sewer line breakages.

## G. PUBLIC HEARINGS

5. A Public Hearing to consider the text amendments to clarify the Zoning Board of Adjustment and quasi-judicial procedures in the Land Development Standards (LDS), in compliance with the G.S. 160D.
  - Olga Grooman, Land Use Administrator

***A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 6:32pm. The motion passed unanimously.***

Land Use Administrator Olga Grooman that the proposed text amendment will clarify the quorum and voting requirements for different types of quasi-judicial procedures as specified in the Chapter 160D-406(i)- *Quasi-Judicial Procedure* and variance criteria per 160D-705(d) *Quasi-Judicial Zoning Decisions*. She said that in applying these changes, the staff consulted the Planning Board counsel Ron Sneed. On September 18, 2023, the Planning Board recommended this text amendment to the Town Council.

The variance criteria were updated per Chapter 160D as follows:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.
5. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

Olga Grooman also added that the requirement to demonstrate that “the variance is the minimum necessary to afford relief” is not applicable anymore, per 160D.

There was no public comment.

***A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to close the public hearing at 6:36pm. The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning and encourages in-fill, mixed use, and context-sensitive development. The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to adopt the Ordinance as presented. The motion passed unanimously.***

6. A Public Hearing to consider the text amendment to define and prohibit cryptocurrency mining / data centers as a land use in the Land Development Standards (LDS).
  - Olga Grooman, Land Use Administrator

***A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to open the public hearing at 6:38pm. The motion passed unanimously.***

Land Use Administrator Olga Grooman reported that the purpose of the proposed amendment is to mitigate the negative effects of cryptocurrency mining operations by defining and prohibiting this use in all districts. She explained that crypto farms are usually in large warehouses, don't create jobs, and make loud humming sounds. The Planning Board discussed concerns with crypto-mining and data centers at their July meeting and directed staff to draft a definition and ordinance based on their discussion. She said the staff presented the text amendment to the Planning Board on September 18, 2023. The board revised the proposed definition to expand on the data center types and recommended the text amendment for the Council's consideration.

There was much discussion on the differences between data centers and cryptocurrency mining facilities. Councilmembers Sutton and Dickson expressed concern that lumping the “data center” definition with “cryptocurrency mining facility” definition would prohibit facilities such as Drake software and the NC Judicial data center. Council asked staff to clarify the definitions of “data center” and “cryptocurrency mining facility”.

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to continue the public hearing to the next regular scheduled meeting for the purpose of allowing staff to clarify definitions. The motion passed unanimously.***

## **H. NEW BUSINESS**

7. Chelsea Road Street Realignment
  - Patrick Bradshaw, Civil Design Concepts

Mr. Bradshaw said he is presenting on behalf of Waynesville Country Club regarding a potential relocation of Chelsea Road. He said that Chelsea Road and Ninevah Road intersect at an extreme angle adjacent to Waynesville Country Club. He said that the intersection does cause difficulties for transition onto Ninevah Road from Chelsea Road, and is dangerous to motorists and pedestrians. He added that if the Council approves the realignment of Chelsea Road to Ninevah Road, the ingress/egress would be a much safer one for traffic with a more open sight triangle. Mr. Bradshaw said that Waynesville Country Club will grant easements for all existing utilities and just asks that the triangle portion that is left is used for parking for the Club.

Councilmember Sutton recommended a community meeting to present the idea to the people that this road change would affect to get their opinions.

Councilmembers Sutton and Dickson agreed that intersection is difficult and the road relocation would be safer for pedestrians and motorists.

Councilmember Feichter asked Mr. Bradshaw who would pay for the road relocation. Mr. Bradshaw responded that the developer would pay for it and that the DOT may have money for traffic safety improvements that the Town could use. He clarified that the ask is not for cost participation. Councilmember Feichter also requested that the tree in the “triangle” be left in place.

Planning Director Elizabeth Teague said the Planning Department would need to review the design and sidewalk connection.

## **I. COMMUNICATION FROM STAFF**

8. Manager’s Report
  - Assistant Town Manager, Jesse Fowler

Assistant Town Manager Jesse Fowler said he met with the Cemetery Committee and they requested that the Greenhill Cemetery parking gets blocked off during the Halloween events so people don’t tear up the grass. He also thanked Jeff’s team, the Public Services department, and the police and fire department for their excellent job putting together the operations for Captain Fred Hall’s service. Mr. Fowler said that there was a new sanitation route that ran today and it went very smoothly.

9. Town Attorney Report
- Town Attorney, Martha Bradley

Nothing to report.

**J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL**

Councilmember Feichter announced that Jeff’s team is digging holes for the arch next week, and the poles will be installed. He said all the money has been raised, about \$170,000.

Councilmember Sutton thanked the volunteer police.

Councilmember Freeman thanked Jesse and everyone for their work today.

Councilmember Dickson thanked the Police Department for how well they handled the Prevost Street incident- with de-escalation tactics, and no loss of life.

**K. ADJOURN**

***A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to adjourn at 7:15pm. The motion passed unanimously.***

ATTEST:

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

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

\_\_\_\_\_  
Candace Poolton, Town Clerk

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Appointment of Kelly Allred to the Downtown Waynesville Commission

**AGENDA INFORMATION**

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

**BRIEF SUMMARY**

The Downtown Waynesville Commission has one vacancy for a downtown business owner. If appointed, Kelly Allred's term would end June 30<sup>th</sup>, 2026.

**MOTIONS FOR CONSIDERATION**

Motion to appoint Kelly Allred to the Downtown Waynesville Commission.

**ATTACHMENTS:**

None

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Appointment of Mandy Giust to the Recreation and Parks Advisory Commission

**AGENDA INFORMATION**

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

**BRIEF SUMMARY**

The Recreation and Parks Advisory Commission has one vacancy. If appointed, Mandy Giust term would end June 30<sup>th</sup>, 2026. Ms. Giust is a Haywood County resident.

**MOTIONS FOR CONSIDERATION**

Motion to appoint Mandy Giust to the Recreation and Parks Advisory Commission.

**ATTACHMENTS:**

None

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

**TOWN OF WAYNESVILLE COUNCIL MEETING  
REQUEST FOR BOARD ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Budget Amendment for the Police Department

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:** I am requesting to use \$1700.00 from our Asset Forfeiture Funds. This will pay for the tuition of Chief Adams and Asst. Chief Gilmore to attend a Leadership Class being taught by the University of Louisville – Southern Police Institute. The class is being hosted by the Fletcher Police Department.

**MOTION FOR CONSIDERATION:**

**FUNDING SOURCE/IMPACT:** Asset Forfeiture Funds

	10/27/23
Misty Hagood, Finance Director	Date

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

Ordinance No. O-45-23

Amendment No. 6 to the 2023-2024 Budget Ordinance

WHEREAS, the Town Council of the Town of Waynesville, wishes to amend the 2023-2024 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville that the 2023-2024 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Restricted Fund Balance (Fed Asset Forfeiture) 1,700

Increase the following appropriations:

Police Department 1,700

Adopted this 14th day of November 2023.

Town of Waynesville

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Gary Caldwell  
Mayor

Attest:

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Candace Poolton  
Town Clerk

Approved As To Form:

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Martha Sharpe Bradley  
Town Attorney

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** ABC official designation

**AGENDA INFORMATION**

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

**BRIEF SUMMARY**

The Town employee who oversees the ABC Permit Application process needs to be updated with the state. Assistant Police Chief Brandon Gilmore is currently the point person. A resolution must be passed to send to the state ABC Board naming AC Gilmore as the designee.

**MOTIONS FOR CONSIDERATION**

To pass Resolution R-25-23, naming Assistant Police Chief Brandon Gilmore as the official who makes recommendations to the NC ABC Commission on ABC permit applications.

**ATTACHMENTS:**

Resolution R-25-23

**MANAGER'S COMMENTS AND RECCOMENDATIONS**





# Application for Special Events Permit

## I. General Information

EVENT NAME: Axe & Awl Leatherworks Presents Holiday Night Market

EVENT DATE(S): December 9, 2023

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

LOCATION: Axe & Awl Leatherworks, 41 Depot St. Waynesville, Nc 28786

IF THIS EVENT IS A PARADE OR ROAD RACE: NA

SET-UP TIME (START/END): 4:30pm-6:30pm

EVENT HOURS: 7pm-11pm

DISMANTLE HOURS (START/END): 11pm-12am

ESTIMATED ATTENDANCE: 200

BASIS ON WHICH THIS ESTIMATE IS MADE: Taking count at the door in previous years

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: Axe & Awl Leatherworks

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

APPLICANT NAME: Axe & Awl Leatherworks TITLE: \_\_\_\_\_

ADDRESS: 41 Depot St CITY: Waynesville STATE: NC ZIP: 28786

828-2460

PHONE: 996 FAX#: \_\_\_\_\_ EMAIL: [axeandawlleatherworks@gmail.com](mailto:axeandawlleatherworks@gmail.com)

ON-SITE CONTACT: Ashlev Tetrault TITLE: Event Coordinator

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

PHONE #: \_\_\_\_\_ CELL PHONE #: 828-243-1481 EMAIL: [ashley@axeandawlleatherworks.com](mailto:ashley@axeandawlleatherworks.com)

**III. Brief Description of Event**

**The Holiday Night Market is an annual event hosted by Axe & Awl Leatherworks that brings together local makers, live music and delicious foods for a unique shopping experience for our community & visitors around the state. In the years past it has been hosted exclusively inside of Axe & Awl, however with increased interest and attendance it makes sense to expand out onto the street to offer more opportunities for the community to shop with local makers for the holiday season.**

**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. Depot street from Montgomery to Main 4:30pm-12am

2.

3.

**V. Event Details**

YES NO

Does the event involve the sale or **use of alcoholic beverages**? **Yes**

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**? \_\_\_ Yes, food truck \_\_\_

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: Yes

Number of Stages: \_\_\_\_\_ Number of Band(s): 1 Amplification? \_\_\_\_\_ On property jazz band \_\_\_\_\_

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 41 Depot Street

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: Yes

Approx. Number of Tents: 16 Will any tent exceed 400 sq. feet in area? **NO** YES

Does the event involve the use of **pyrotechnics**? Explain \_\_\_\_\_  
No \_\_\_\_\_

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

Yes, 2, in the bank parking lot behind 41 Depot. (UCB)

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

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

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

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). Yes, \$40

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. NO

## VI. Additional Questions

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

Street parking, parking garage

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?

Mobile receptacles

**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 &  
Jesse Fowler, Assistant Town Manager**

**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](mailto:bethgilmore@waynesvillenc.gov)  
[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:

59 77

13

13

68

60

Montgomery St

49



Food Truck

Beer Garden



16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

Depot St

Haywood County Register of Deeds

Haywood County Human Resources



Gateway to the Smokies Plaza



St

Sauced - Pizza, Tacos, Taps  
Not busy



196



The Southern Loft



68

**THE  
CINCINNATI INSURANCE COMPANIES**

THE CINCINNATI INSURANCE COMPANY     THE CINCINNATI INDEMNITY COMPANY  
 THE CINCINNATI CASUALTY COMPANY

**Named Insured:** AXE & AWL INC

**Policy Number:** EPP 065 83 82

**Policy Period:** 06-24-2022 to 06-24-2025

**Effective Date of Change:** 05-24-2023

**Endorsement Number:** 2

**Agency Name:** THE L.N. DAVIS COMPANY 32-057  
WAYNESVILLE, NC

**Explanation of Billing**

A change was recently made to your policy with The Cincinnati Insurance Companies. Attached to this summary is the endorsement that amends your policy.

**The additional premium for this endorsement is \$ 38**

This premium is for the time period of 05-24-2023 to 06-24-2023. You will receive a statement based on the payment option you have selected.

Please contact your agency if you have any questions concerning your policy or statement:

THE L.N. DAVIS COMPANY  
143 N MAIN ST  
WAYNESVILLE, NC 28786-3809

828-452-2876

**This is not a bill. No payment is necessary at this time.**

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## GENERAL CHANGE ENDORSEMENT

Attached to and forming part of:

Auto / Garage  
Policy Number

All Other  
Policy Number EPP 065 83 82

Effective Date  
of Endorsement 05-24-2023

Issued to AXE & AWL INC  
Agent THE L.N. DAVIS COMPANY 32-057  
WAYNESVILLE, NC

Endorsement # 2

---

### PREMIUM INFORMATION

---

Additional Premium Due at Endorsement Effective Date REFER TO IA4319

Subsequent Annual Installments Increased by \$ \_\_\_\_\_

Revised Annual Installment Payment(s) \$ \_\_\_\_\_

---

It is agreed that the policy is amended as indicated by

Policy Installment Premium Amended to:

Annual  Semi-Annual  Quarterly

Named Insured

Mailing Address

Form(s) Added

IL0021 04/98	NUCLEAR ENERGY LIABILITY EXCLUSION ENDORSEMENT (BROAD FORM)
GA539 07/08	LIQUOR LIABILITY COVERAGE PART DECLARATIONS
CG0033 04/13	LIQUOR LIABILITY COVERAGE FORM
CG0305 01/96	DEDUCTIBLE LIABILITY INSURANCE
GA4534 09/20	LIQUOR LIABILITY AMENDATORY ENDORSEMENT

Form(s) Deleted

---

All Other Reason for Change

ADDING GA539 ATTACHED

---

Auto / Garage Reason for Change

---

### COINSURANCE CONTRACT

The rate charged in this policy is based upon use of a coinsurance clause attached hereto, with the consent of the insured.

IA-461 (6/10)

---

05-31-2023 13:46



The Cincinnati Insurance Company  
The Cincinnati Casualty Company  
The Cincinnati Indemnity Company

**Policy Number:** EPP 065 83 82

**Effective Date:** 06-24-2022

**Named Insured:** AXE & AWL INC

For professional advice and policy questions or changes, please contact your local independent agency:

THE L.N. DAVIS COMPANY  
143 N MAIN ST  
WAYNESVILLE, NC 28786-3809

828-452-2876

Dear Policyholder:

**Thank you**

Thank you for trusting The Cincinnati Insurance Companies with your commercial insurance coverage. We recognize that locally based independent agents have the working knowledge to help you choose the right insurance company for your needs. Together with your local independent insurance agency, we are committed to providing you with the highest level of service.

Please review your enclosed policy information to verify your coverage details, as well as deductibles and coverage amounts. Should your needs change, your agent is available to review and update your policy.

**Please promptly report claims**

If you experience a policy-related loss, you may report it by contacting your local professional independent agency representing The Cincinnati Insurance Companies or by directly calling us toll-free at **877-242-2544** and providing your policy number and claim-related information.

Sincerely,

Sean M. Givler  
Senior Vice President - Commercial Lines



The Cincinnati Insurance Company ■ The Cincinnati Indemnity Company  
The Cincinnati Casualty Company ■ The Cincinnati Specialty Underwriters Insurance Company  
The Cincinnati Life Insurance Company

## Notice to Policyholders – Cincinnati Data Defender™

Data breach and identity recovery support and resources included with your insurance policy

To:

AXE & AWL INC

Policy Number: EPP 065 83 82

Expiration Date: 06-24-2025

Agency: THE L.N. DAVIS COMPANY 32-057

Your policy includes Cincinnati Data Defender coverage for an additional premium, helping to safeguard your business against the rising costs of a data breach and offering services to assist you in the event of identity theft. Please save this information so you can access all the tools and resources that come with your cyber protection. Refer to Cincinnati Data Defender Coverage Form, HC102, for a complete statement of coverages, exclusions and limits of insurance.

### Policyholder tools and resources

*Cyber risk management portal* – You gain access to <https://eriskhub.com/cic>, a portal that provides you with the comprehensive, on-demand resources you need to:

- Create your breach response plan from the template
- Learn about breach laws that apply to your business
- Use the compliance reference guide and notification letter examples
- Locate credit bureau and government agency notification information
- Learn how to contact data risk management experts for more help

In addition, you are entitled to two hours of risk management services at no additional charge – one hour of pre-incident cyber/privacy risk legal consulting with one of the participating law firms, and one hour of cybersecurity risk consulting services with one of the participating cybersecurity vendors. While some of the services are similar – such as risk assessment, incident response planning and review – the law firm services focus on legal requirements, while cybersecurity vendors focus on technical cybersecurity requirements. To take advantage of these risk management services anytime, visit <https://eriskhub.com/cic> for a list of participating companies. You may be asked to provide your policy number.

The first time you visit eRiskHub, please complete new user registration using this information:

**Access code = 12116-868**

*Identity theft services* – You also receive case management services and reimbursement for covered expenses if you, as a business owner, become the victim of identity theft or account takeover. If you suspect that you may be an identity theft victim or you have questions, please call our Identity Recovery Help Line, 866-219-9831.

### Claims service

If you suspect or know that a data breach may have exposed or compromised your organization's private, customer or personal data, a swift response is critical for your protection. Please note that the cyber risk management portal and help line provide advice and information, and using them does not satisfy any notice of claim requirement. The only way to report a claim is to contact your independent agent or call us directly, 877-242-2544, for claims service anytime. Your agent and Cincinnati will work with you to preserve your company's goodwill, prevent regulatory sanctions or fines, avoid civil litigation and safeguard your business reputation.

Please contact your agent representing Cincinnati with questions about this valuable coverage.

Thank you for trusting your agent and Cincinnati to protect your business.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Ellen Pitt, local representative for Mothers Against Drunk Driving (MADD) is requesting an opportunity to recognize several WPD officers for their contributions in the battle against drunk driving.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** Leave Blank  
**Department:** Police Department  
**Contact:** David Adams, Chief of Police  
  
**Presenter:** David Adams, Chief of Police

**BRIEF SUMMARY:**

MADD would like to recognize several WPD Officers for the hard work in the battle against drunk driving.

**MOTION FOR CONSIDERATION:**

N/A

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

N/A

Misty Hagood, Finance Director

Date: \_\_\_\_\_

**ATTACHMENTS:**

N/A

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

**TOWN OF WAYNESVILLE COUNCIL MEETING  
REQUEST FOR BOARD ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Promotions: Sgt. Josh Schick to Lieutenant  
Det. Jason Reynolds to Sgt.

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:** Sgt. Schick has been promoted to Lieutenant of special operations.  
Det. Reynolds has been promoted to Sgt. of the T.A.C. Unit.

**MOTION FOR CONSIDERATION:**

**FUNDING SOURCE/IMPACT:**

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Employee Appreciation for Discovery Tax Billing Volunteer Efforts

**AGENDA INFORMATION:**

**Agenda Location:** Presentation  
**Item Number:**  
**Department:** Administration  
Human Resources  
**Contact:** Jesse Fowler, Assistant Town Manager  
Page McCurry, Human Resources Director  
**Presenter:** Jesse Fowler, Assistant Town Manager

**BRIEF SUMMARY:**

On October 10, 2023 The Town received 869 discovery tax records from the Haywood County Tax Assessor's Office. Typically, we receive approximately 30 discovery tax records every year. These records require manual entry into our financial management software, Munis. In order to allow customers to pay their discovery tax bills, these records have to be entered into Munis in order to update the General Ledger. The process of manually inputting 869 discovery tax records would take a single person approximately 27 days to complete. We found this unreasonable due to the fact that customers were already attempting to pay their bills. We cannot process these payments until the records are updated in the General Ledger.

In the face of this obstacle we put out a call for volunteers and delivered this call to all Town employees. We asked for individuals who owned a 'get-it-done' and team orientated attitude, who could quickly learn a new computer system's process in order to manually enter all 869 discovery tax records. We received so many volunteers that we crashed the discovery tax billing module of Munis, and when we requested support from Munis, we were told that it was best practice for only a single person to input these records. We decided to continue with as many users as we could continue with and operated on the edge of Muni's capabilities in order to accomplish the objective.

The team of discovery tax entry volunteers completed all record inputs in 3 days. We are all very proud of every person's discipline, their attitudes, and their ability to assist the larger Waynesville team in the face of adversity that was caused by forces we could not control. We would like to present these individuals with a certificate of appreciation, as well as credit towards their respective Career Tracks.

**MOTION FOR CONSIDERATION**

**FUNDING SOURCE/IMPACT**

**ATTACHMENTS**

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Presentation of the June 30, 2023 Audit Report and Financial Statements

**AGENDA INFORMATION:**

**Agenda Location:** Presentation  
**Department:** Finance  
**Contact:** Misty Hagood  
**Presenter:** Jonas Watts with Martin Starnes & Associates

**BRIEF SUMMARY:**

Jonas Watts with Martin Starnes & Associates will present an overview of the Town's financial statements and audit report for the year ended June 30, 2023. The Town received an unqualified opinion.

**MOTION FOR CONSIDERATION:**

To accept the financial statements and reports as presented.

**ATTACHMENTS:**

A copy of the statements and letters will be provided either at the meeting or by email if we do not have LGC approval before the meeting.

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

To accept the financial statements and reports as presented.

**TOWN OF WAYNESVILLE COUNCIL**  
**REQUEST FOR ACTION**  
**Meeting Date: November 14, 2023**

**SUBJECT:** Public Hearing to consider a request for Annexation for one (1) unaddressed parcel off Russ Avenue, PIN 8616-37-5048 (0.81 acre).

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:** The Town received the attached “Petition for Annexation for a Non-Contiguous ‘Satellite’ Area” from Nicholas B. Osborne DMD PLLC, the owner of the property. The annexation request is for one (1) unaddressed parcel off Russ Avenue, PIN 8616-37-5048 (0.81 acre). The property is a future site of a proposed dentist office. The property is within the Town’s extra-territorial jurisdiction and is zoned Dellwood Residential Medium Density Mixed-Use Overlay (D-RM-MXO).

The staff submits that this proposed noncontiguous annexation meets the statutory standards of the NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1- Petition for annexation; standards:

1. *The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city:* the property is approximately .25 miles from the primary corporate limits (per Haywood County GIS).
2. *No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section:* the closest town to this parcel is Waynesville.
3. *The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits:* The Town can provide water, sewer, and sanitation services for the abovementioned parcel, and the utilities availability letter from the Public Services Director is attached.
4. *If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.*- it is not a subdivision.

**MOTION FOR CONSIDERATION:**

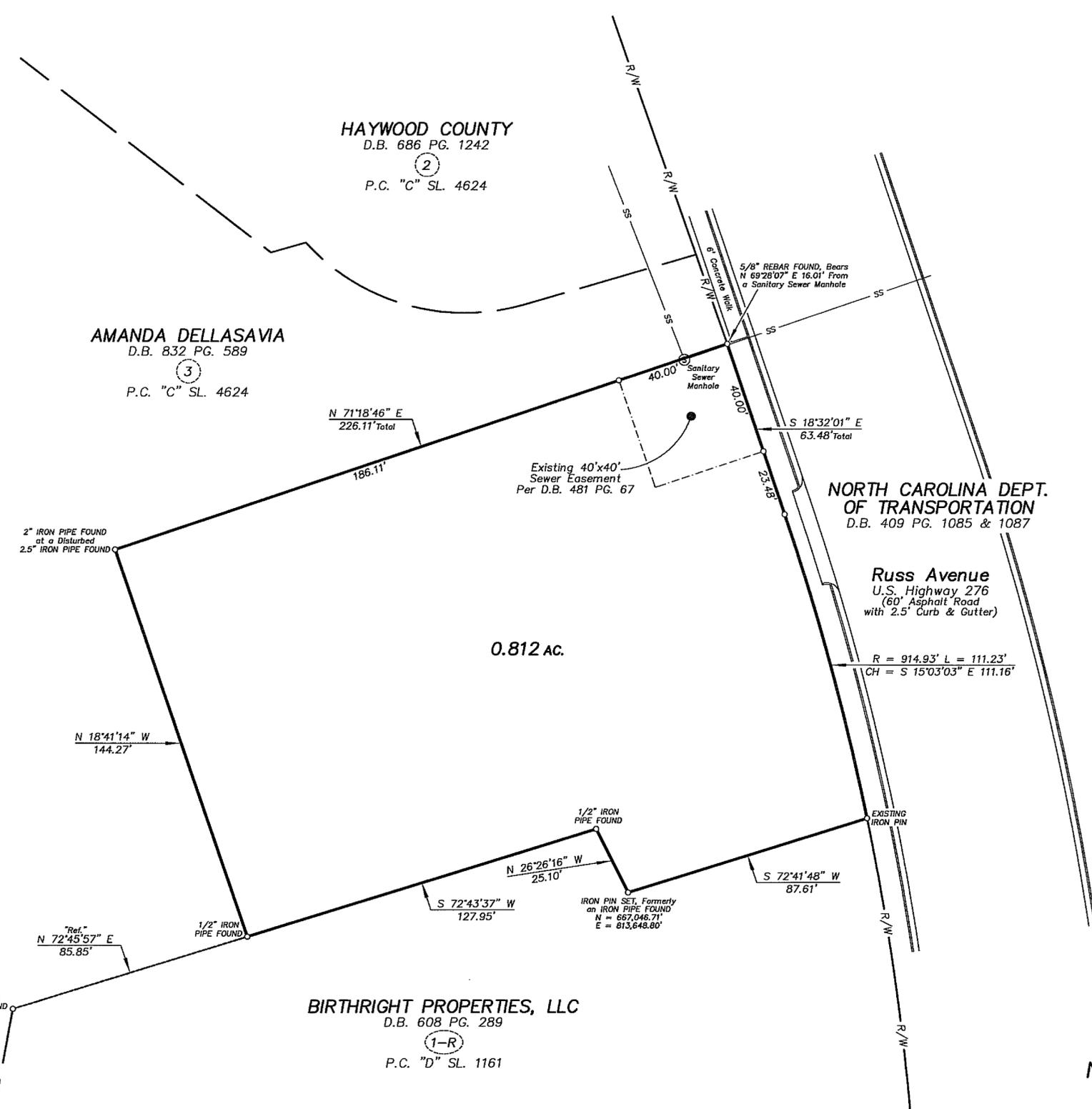
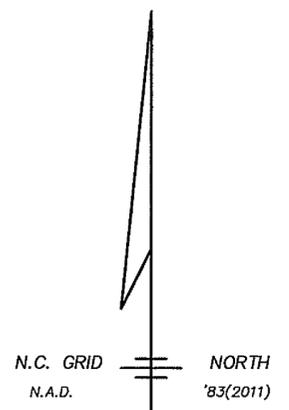
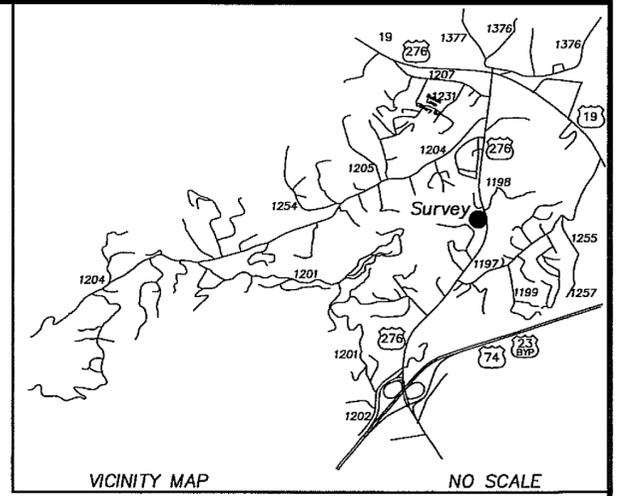
1. Adoption of attached ordinance to approve the annexation of described property

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

**ATTACHMENTS:**

1. Petition
2. Platted map, metes and bounds
3. Proximity to municipal boundaries and zoning maps
4. Deed
5. Resolution to Consider
6. Utilities letter by Public Services
7. Draft Ordinance

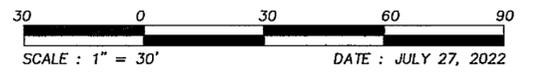
**MANAGER'S COMMENTS AND RECOMMENDATIONS:**



- NOTES & LEGEND**
- 1.) ALL ROADS ARE PRIVATE, UNLESS OTHERWISE NOTED.
  - 2.) AREA COMPUTED BY D.M.D. METHOD.
  - 3.) TOTAL AREA = 0.812 ACRES.
  - 4.) IRON PIN SET = 5/8" REBAR WITH I.D. CAP.
  - 5.) EXISTING IRON PIN = 5/8" REBAR WITH I.D. CAP.
  - 6.) ALL GRID INFORMATION IS N.A.D. '83(2011).
  - 7.) ALL DISTANCES ARE HORIZONTAL GROUND.
  - 8.) EDGE OF EASEMENT = - - - - -
  - 9.) PROPERTY LINE = \_\_\_\_\_
  - 10.) SANITARY SEWER LINE = — ss — ss —

**2022008771**  
 HAYWOOD COUNTY NC FEE \$21.00  
 PRESENTED & RECORDED  
 08/18/2022 10:32:12 AM  
**SHERRI C. ROGERS**  
 REGISTER OF DEEDS  
 BY: TARA E. REINHOLD  
 DEPUTY  
**BK: MAP CABD**  
**PG: 1957 - 1957**

SURVEY FOR  
**NICHOLAS B. OSBORNE, D.M.D., PLLC**  
 MUSE BROS. CONSTRUCTION, INC. — OWNER  
 WAYNESVILLE TWP. HAYWOOD CO., N.C.  
 REFERENCES : D.B. 637 PG. 2472



I, L. KEVIN ENSLEY, PLS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- 1.) CLASS OF SURVEY: A
- 2.) POSITIONAL ACCURACY: H: 0.07'
- 3.) TYPE OF GPS FIELD PROCEDURE: RTK
- 4.) DATES OF SURVEY: 07/20/2022, 07/27/2022
- 5.) DATUM: NAD '83(2011)
- 6.) PUBLISHED/FIXED CONTROL USE: VRS
- 7.) GEOID MODEL: G18
- 8.) COMBINED GRID FACTOR: 0.99975954
- 9.) UNITS: US SURVEY FEET

I, L. KEVIN ENSLEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 637, PAGE 2472, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK SEE , PAGE PLAT ; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 ; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 27th DAY OF JULY, A.D., 2022 .

*L. Kevin Ensley*  
 Professional Land Surveyor L-2905



ENSLEY LAND SURVEYING (FIRM NO. F-1481)  
 L. KEVIN ENSLEY, P.L.S.  
 428 DELLWOOD ROAD  
 WAYNESVILLE, N.C. 28786  
 (828) 456-6395

A-130-22

DATE 2022-08-23 BY daniel**2022008953**HAYWOOD COUNTY NC FEE \$26.00  
STATE OF NC REAL ESTATE EXT X**\$630.00**

PRESENTED &amp; RECORDED

08/23/2022 10:23:42 AM

**SHERRI C. ROGERS**

REGISTER OF DEEDS

BY: STACY C. MOORE

ASSISTANT

**BK: RB 1070****PG: 520 - 522****NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$630.00

Parcel Identifier No. 8616-37-5048 Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Mail/Box to: Ann Hines Davis, 95 Depot Street, Waynesville, NC 28786This instrument was prepared by: Joel R. Weaver, 41 Woodland Drive, Waynesville, NC 28786Brief Description for the index: 

This instrument was prepared by Joel R. Weaver, a NC licensed attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

THIS DEED made the 23<sup>rd</sup> day of August, 2022 by and between:

GRANTOR(S)	GRANTEE(S)
<p><b>Muse Brothers Construction Company, Inc., a North Carolina Corporation AKA Muse Bros. Construction, Inc.</b></p> <p><b>730 Woodfield Dr. Waynesville, NC 28786</b></p>	<p><b>Nicholas B. Osborne, D.M.D, PLLC</b></p> <p><b>147 Highland Ridge Drive Waynesville, NC 28785</b></p>

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

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

**See Exhibit "A" attached hereto and incorporated herein by reference**

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 637, Page 2472.

A map showing the above described property is recorded in Plat Cabinet , Slot .

All or a portion of the property herein conveyed \_\_\_ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Ad Valorem property taxes, easements, restrictions, rights of way and all other such matters of public record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Muse Brothers Construction Company, Inc.

Ronald C. Muse (SEAL)  
By: Ronald C. Muse  
Title: President

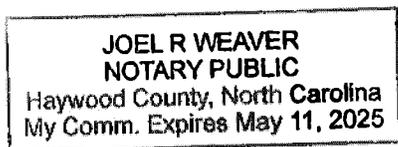
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STATE OF NORTH CAROLINA, COUNTY OF HAYWOOD

I, the undersigned Notary Public for the County of Haywood and State aforesaid, certify that Ronald C. Muse personally came before me this day and acknowledged that he is the President of Muse Brothers Construction Company, Inc., a North Carolina corporation, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this the 27 day of August, 2022.

(Official Seal)



Joel R Weaver  
Notary Public  
My Commission Expires: 5/11/25

**EXHIBIT "A"**

**COMPREHENDING and INCLUDING** that 0.812 acre tract, as per plat of survey by L. Kevin Ensley, P.L.S., dated July 27, 2022 and entitled "Nicholas B. Osborne, D.M.D., PLLC", recorded in Plat Cabinet D, Slot 1957, Haywood County Registry.

**TOGETHER WITH, INCLUDING and SUBJECT TO** those rights of way as set forth upon the plat recorded in Plat Cabinet D, Slot 1957, Haywood County Registry.

**BEING** that property described in a deed dated July 25, 2005 from Vicki R. Kolomechuk and husband, Keith E. Kolomechuk to Muse Bros. Construction, Inc. (should read "Muse Brothers Construction Company, Inc."), of record in Book 637, Page 2472, Haywood County Registry.



## Report For

NICHOLAS B OSBORNE D M D PLLC  
147 HIGHLAND RIDGE DR  
WAYNESVILLE, NC 28785-7481

### Account Information

**PIN:** 8616-37-5048

**Legal Ref:** 1070/520

**Add Ref:** CABD/1957  
409/1085

### Site Information

RUSS AVE

**Heated Area:**

**Year Built:**

**Total Acreage:** 0.812

**Township:** Waynesville

### Site Value Information

**Land Value:** \$162,400

**Building Value:** \$0

**Market Value:** \$162,400

**Deferred Value:** \$0

**Assessed Value:** \$162,400

**Sale Price:** \$315,000

**Sale Date:** 08/22/2022



1 inch = 100 feet  
October 3, 2023

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

# Report For

NICHOLAS B OSBORNE D M D PLLC  
147 HIGHLAND RIDGE DR  
WAYNESVILLE, NC 28785-7481

## Account Information

**PIN:** 8616-37-5048

**Legal Ref:** 1070/520

**Add Ref:** CABD/1957  
409/1085

## Site Information

RUSS AVE

**Heated Area:**

**Year Built:**

**Total Acreage:** 0.81

**Township:** Waynesville

## Site Value Information

**Land Value:** \$162,400

**Building Value:** \$0

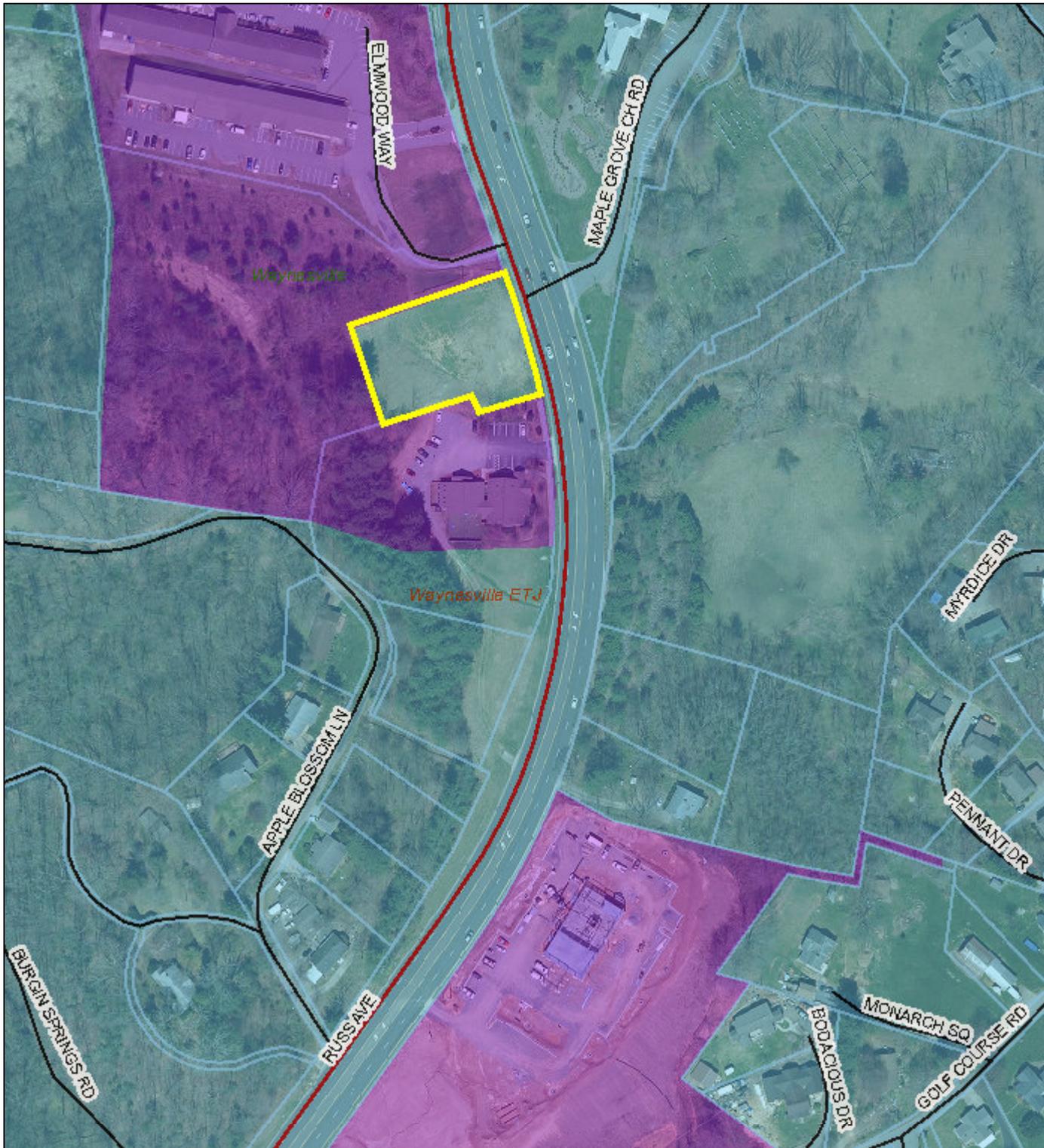
**Market Value:** \$162,400

**Deferred Value:** \$0

**Assessed Value:** \$162,400

**Sale Price:** \$315,000

**Sale Date:** 8/23/2022



1 inch = 200 feet

October 3, 2023

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



Waynesville

Waynesville ETD



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

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

October 3, 2023

Re: PIN 8616-37-5048

To whom it may concern,  
The Town of Waynesville can provide water, sewer, and sanitation services for the above-mentioned parcel. Electric distribution services will be provided by Duke Energy. If you have any questions, feel free to reach out.

Town of Waynesville  
Director of Public Services  
Jeff Stines

PETITION FOR ANNEXATION OF  
NON-CONTIGUOUS "SATELLITE" AREAS

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

09/29/2023

Date

TO: Board of Aldermen of the Town of Waynesville

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

NAME Nicholas B. Osborne DMD <sup>PLUS</sup> SIGNATURE Nicholas Osborne  
ADDRESS TBD - RUSS AVENUE

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE  
16 S MAIN ST

DATE: 09/29/23 CUSTOMER#:  
TIME: 10:02:01  
CLERK: 2044ecou

RECPT#: 2959765 PREV BAL: 250.00  
TP/YR: P/2024 AMT PAID: 250.00  
BILL: 2959765 ADJSTMNT: .00  
EFF DT: 09/29/23 BAL DUE: .00  
Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 250.00  
INTEREST PAID: .00  
ADJUSTMENTS: .00  
DISC TAKEN: .00

AMT TENDERED: 250.00  
AMT APPLIED: 250.00  
CHANGE: .00

PAID BY: Nicholas Osborne Ann  
PAYMENT METH: CHECK  
PAYMENT REF: 1304

TOT PREV BAL DUE: 250.00  
TOT BAL DUE NOW : .00

# Report For

NICHOLAS B OSBORNE D M D PLLC  
147 HIGHLAND RIDGE DR  
WAYNESVILLE, NC 28785-7481

## Account Information

**PIN:** 8616-37-5048

**Legal Ref:** 1070/520

**Add Ref:** CABD/1957  
409/1085

## Site Information

RUSS AVE

**Heated Area:**

**Year Built:**

**Total Acreage:** 0.812

**Township:** Waynesville

## Site Value Information

**Land Value:**

**Building Value:**

**Market Value:**

**Deferred Value:**

**Assessed Value:**

**Sale Price:**

**Sale Date:** 08/22/2022



1 inch = 100 feet

October 3, 2023

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

RESOLUTION R-22-23 TO CONSIDER

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under NC G.S. Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas, to annex the area as described in the petition for a non-contiguous annexation request, and

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

WHEREAS, the Clerk of the Town of Waynesville certifies the sufficiency of the petition in accordance with G.S. 160A-58, to wit:

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

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

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

1. To fix the date for the public hearing on November 14, 2023, during the regularly scheduled meeting of the Council, at 6:00 pm or close to that time within the agenda of the meeting, in the Town Board Room at 9 South Main Street, Waynesville, NC 28786; and
2. To direct the Town Clerk to notice the public hearing in the Mountaineer at least 10 days prior to the meeting; and
3. To post the property in at least three locations providing additional notice to the public.

Adopted this 10<sup>th</sup> day of October, 2023.

TOWN OF WAYNESVILLE

ATTEST:

  
Candace Poolton, Town Clerk

  
James Gary Caldwell, Mayor

APPROVED AS TO FORM:

  
Martha Sharpe Bradley, Town Attorney

Property posted  
on 10/23/23  
Sign #1

THE TOWN COUNCIL  
**WILL HOLD**  
A PUBLIC HEARING  
**ON NOVEMBER 14, 2023 AT 6:00 PM**  
IN THE TOWN HALL BOARD ROOM  
**AT 9 SOUTH MAIN ST.**  
TO CONSIDER  
AN ANNEXATION PETITION  
**CONTACT DEVELOPMENT SERVICES**  
T. 828-456-8647

Property posted  
on 10/23/23  
Sign #2

THE TOWN COUNCIL  
**WILL HOLD**  
A PUBLIC HEARING  
**ON NOVEMBER 14, 2023 AT 6:00 PM**  
IN THE TOWN HALL BOARD ROOM  
**AT 9 SOUTH MAIN ST.**  
TO CONSIDER  
AN ANNEXATION PETITION  
**CONTACT DEVELOPMENT SERVICES**  
T. 828-456-8647

THE TOWN COUNCIL  
**WILL HOLD**  
A PUBLIC HEARING  
**ON NOVEMBER 14, 2023 AT 6:00 PM**  
IN THE TOWN HALL BOARD ROOM  
**AT 9 SOUTH MAIN ST.**  
TO CONSIDER  
AN ANNEXATION PETITION  
**CONTACT DEVELOPMENT SERVICES**  
T. 828-456-8647

Property posted  
on 10/23/23  
Sign #3



ORDINANCE NO. O-46-23

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned voluntarily under G.S. 160A-58.1, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area not contiguous to its primary corporate limits upon presentation to the governing board of a petition signed by the owners of all real property located within the area; and

WHEREAS, the Town Council finds the sufficiency of the petition in accordance with NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1-Petition for Annexation; standards, to wit:

- a. The petition follows the form required by the statute in which the owner of real property has requested the area described for voluntary annexation; and
- b. That the petitioning owner of record owns 100 percent of the property in question; and
- c. The property is not contiguous to the Town's municipal boundary; and
- d. The nearest point on the proposed satellite corporate limits is not more than three miles from the primary corporate limits of Waynesville; and
- e. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city; and
- f. The area is so situated that Waynesville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits; and
- g. The Town Clerk has conducted an investigation in compliance with G.S. 160A-58.1, and has certified the sufficiency of the petition; and

WHEREAS, a public hearing on the question of annexation was held at Town Hall at 6:00 pm, on the 14<sup>th</sup> day of November, 2023; and

WHEREAS, the Town Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the Town and of the area proposed for annexation will

best be served by annexing the area described as PIN 8616-37-5048; and

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

Section 1. By virtue of the authority granted by North Carolina General Statutes, the following described non-contiguous territory is hereby annexed and made part of the Town of Waynesville as of the Fourteenth Day of November, 2023. Metes and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the Fourteenth Day of November, 2023, the above described territory, and its citizens, and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Waynesville and shall be entitled to the same privileges and benefits as other parts of the Town of Waynesville. Said territory shall be subject to municipal taxes according to G.S. 160A.

Section 3. The Mayor of the Town of Waynesville shall cause to be recorded in the office of the Register of Deeds of Haywood County and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Haywood County Board of Elections as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Waynesville.

Adopted this the 14<sup>th</sup> day of November, 2023.

TOWN OF WAYNESVILLE

ATTEST:

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

\_\_\_\_\_  
Candace Poolton, Town Clerk

APPROVED AS TO FORM:

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



## TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

FOR PUBLICATION IN THE MOUNTAINEER: October 22 and October 29 Sunday Editions

Date: October 11, 2023

Contact: Olga Grooman, (828) 356-1172

### **Notice of Public Hearing Town of Waynesville Council**

The Town of Waynesville Council will hold a public hearing on Tuesday, November 14, 2023 at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the Public Hearing is to consider a request for Annexation of one (1) unaddressed parcel off Russ Avenue, PIN 8616-37-5048 (0.81 acre).

For more information contact the Development Services Department at: (828) 356-1172, email: [ogrooman@waynesvillenc.gov](mailto:ogrooman@waynesvillenc.gov), mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

**TOWN OF WAYNESVILLE COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Continuation of a Public Hearing to consider the text amendment to define and regulate cryptocurrency mining and data centers as land uses in the Land Development Standards (LDS).

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

The purpose of this amendment is to mitigate the impacts of cryptocurrency mining operations and data centers by defining and regulating these uses. The Planning Board discussed concerns with crypto-mining and data centers at their July meeting and directed staff to draft a definition and ordinance based on their discussion. The staff presented the text amendment to the Planning Board on September 18, 2023 and Town Council on October 10, 2023. The Council directed staff to distinguish the definition of data centers from the definition of cryptocurrency mining facilities. Today staff presents the revised definitions, as directed. The text amendment also includes the updated Table of Permitted Uses in the LDS where cryptocurrency mining will be prohibited across all zoning districts, and data centers will be allowed only in the Commercial Industrial district.

**MOTIONS FOR CONSIDERATION:**

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).

**FUNDING SOURCE/IMPACT:**

N/A

**ATTACHMENTS:**

1. Proposed Text Amendment
2. Consistency Statement Worksheet
3. Report from the Planning Board
4. Staff Report

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

*DRAFT FOR COUNCIL CONSIDERATION*

**ORDINANCE NO. O-43-23**

**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 they support:

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

- Encourage infill, mixed-use and context-sensitive development.
- Promote conservation design to preserve important natural resources.

Goal # 2: Protect and enhance Waynesville’s natural resources.

- Protect rural lands, iconic views and mountain vistas.
- Continue to engage in and promote best management practices related to energy use, efficiency and waste management.

Goal # 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

**WHEREAS**, the Planning Board has reviewed and recommends the proposed text amendment to prohibit crypto-currency, data mining, and data centers, for enactment by the Town Council; and

**WHEREAS**, the Town Council 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.”

**WHEREAS**, after notice duly given, a public hearing was held on **September 18, 2023** at the regularly scheduled meeting of the Waynesville Planning Board, and on **November 14, 2023** at the regularly scheduled meeting of the Waynesville Town Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON NOVEMBER 14, 2023, AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

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

1. Add the use to the Section 2.5.3- Table of Permitted Uses as follows:

USE TYPES	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)								Urban Residential (UR)			Neighborhood Center (NC)			Business District (BD)			Regional Center (RC)			Commercial Industrial (CI)			
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	HM-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	PC-NR	RC-NR <sup>1</sup>	SS-NR	WS-NR	EW-UR	H-UR <sup>2</sup>	HM-UR	NM-NC	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	CI		
<b>COMMERCIAL</b>																																
Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS
Alcoholic Beverage Sales Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-
Auto Parts Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Bar/Tavern/Night Club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
<b>Cryptocurrency Mining Facility</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Data Center Facility</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<b>P</b>
Drive-Thru Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Event Space	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gas/Fueling Station	-	-	-	-	-	-	-	-	PC/PS	-	-	-	-	-	PL/PS	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
General Commercial – Less than 100,000 sf	-	-	-	-	-	-	-	-	-	-	PL	PL	-	-	PL	-	PL	-	PL	-	P	P	P	P	P	P	P	P	P	P	P	-
General Commercial – Greater than 100,000 sf	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	-
Neighborhood Commercial (as defined in section 17.30 adopted 8/2018)	-	-	-	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	PL	PL	-	-	-	-	-	-	-	-	-	-	-	-
Neighborhood Restaurant (as defined in section 17.30 adopted 8/2018)	-	-	-	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	PL	PL	-	-	-	-	-	-	-	-	-	-	-	-
Outside Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PL	-	PL	-	PL	-	P	P	P	P	P	P	P	P	P	P	P	-
Outside Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P
Pawnshops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-
Restaurant	-	-	-	-	-	-	-	-	-	-	PL	PL	-	-	PL	-	PL	-	PL	-	P	P	P	P	P	P	P	P	P	P	P	-

2. Add a definition to the Section 17.3- Definitions, Use Type.

**Cryptocurrency Mining Facility.** A facility that exists for the purpose of operating computer equipment in order to mine or store crypto currencies or the data associated with mining or storing of crypto currencies. The individual use of personal computers for the mining of cryptocurrencies is not included in this definition. This definition does not limit the use of computer equipment for personal or commercial purposes of a permitted land use.

**Data Center Facility.** Facilities that exist for the sole of purpose of storing, processing, or sharing data or applications. Such facilities may include computers, servers, routers, storage systems, firewall, and other similar components. These establishments may provide complete processing and preparation of reports from data, cloud services, automated data entry services, data storage, file sharing, virtual communication services, artificial intelligence, or make data processing resources available to clients on an hourly or timesharing basis. This definition does not include data centers that are necessary or incidental to the function of permitted land uses within the same property.

**ADOPTED** this \_\_\_\_\_ Day of \_\_\_\_\_, 2023.

TOWN OF WAYNESVILLE

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

ATTEST:

\_\_\_\_\_  
Candace Poolton, Town Clerk

APPROVED AS TO FORM:

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



To: Waynesville Town Council  
 From: Olga Grooman, Land Use Administrator  
 Date: November 14, 2023  
 Subject: Text Amendment Statement of Consistency  
 Description: Text amendment to define and regulate cryptocurrency mining and data centers as land uses in the Land Development Standards (LDS).  
 Ordinance Section: Sections 2.5.3 and 17.3 of the LDS  
 Address: Development Services initiated text amendment

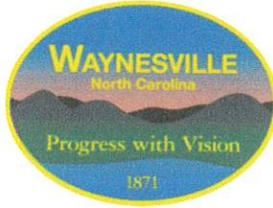
The Town Council hereby finds that:

The zoning text amendment **is approved and consistent with the Town’s Comprehensive Land Use Plan** because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

The zoning amendment **is rejected because it is inconsistent with the Town’s Comprehensive Land Plan and is not reasonable and in the public interest** because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s Comprehensive Land Use Plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



To: Waynesville Town Council  
 From: Olga Grooman, Land Use Administrator  
 Date: October 10, 2023  
 Subject: Planning Board Report and Statement of Consistency  
 Description: Text amendment to define and prohibit cryptocurrency mining / data centers as a land use, Sections 2.5.3 and 17.3 of the Land Development Standards (LDS)  
 Applicant: Planning Board Initiated Text Amendment

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

Board member Jan Grossman motioned to include the text amendment defining cryptocurrency mining / data centers and prohibiting them across all zoning districts in the LDS, as amended by the Planning Board. Board Chair Susan Teas Smith seconded the motion. **The Board finds that this text amendment is consistent with the Town’s Comprehensive Land Use Plan and is reasonable and in the public interest** because it is in line with:

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

- Encourage infill, mixed-use and context-sensitive development.
- Promote conservation design to preserve important natural resources.

Goal # 2: Protect and enhance Waynesville’s natural resources.

- Protect rural lands, iconic views and mountain vistas.
- Continue to engage in and promote best management practices related to energy use, efficiency and waste management.

Goal # 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

The motion carried unanimously.

  
 Susan Teas Smith, Planning Board Chair      Date 9/22/23

  
 Esther Coulter, Administrative Assistant      Date 9-25-23

## Waynesville Town Council Staff Report

**Subject:** Text amendment to define and regulate cryptocurrency mining and data centers as land uses in the Land Development Standards (LDS).  
**Ordinance Section:** Sections 2.5.3 and 17.3 of the LDS  
**Applicant:** Planning Board initiated text amendment  
**Meeting Date:** November 14, 2023

### Background:

Currently Waynesville Land Development standards do not address cryptocurrency mining operations or data centers. The Planning Board discussed concerns with crypto-mining and data centers at their July 2023 meeting and directed staff to draft a definition and ordinance based on their discussion. Although Waynesville did not have any inquiries as of today, the Development Services staff and Planning Board recommend to define and regulate crypto-mining and data centers.

The issue of crypto-mining has been covered by the news lately. Commercial crypto-mining consumes a lot of energy (electricity, water) and produces constant noise. These facilities require a great deal of continuous power which can also impact local utilities. This use generates very few jobs or local commerce and would have minimal economic development value beyond the initial land sale or construction. Staff conducted research and found that many governments nationwide as well as several neighboring jurisdictions are either in the process of regulating cryptocurrency mining, or have already addressed it via definitions, imposed moratoriums, or specific restrictions in their ordinances (noise, waste disposal, buffer requirements, setbacks, etc.). This includes Haywood County, Jackson County, the Town of Fletcher, Henderson County, and Buncombe County.

The original definition of cryptocurrency mining facilities by the Planning Board included data centers. The Council directed staff to distinguish the two definitions and regulate these uses separately. To ensure that permitted businesses operate without constraints, the proposed definition of data centers specifically excludes facilities that are necessary or incidental to the function of permitted land uses within the same property.

### Staff Recommended Text Changes and Consistency with the 2035 Comprehensive Plan:

Staff submits that the proposed text amendments to the LDS are consistent with the 2035 Comp Plan goals:

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

- Encourage infill, mixed-use and context-sensitive development.
- Promote conservation design to preserve important natural resources.

Goal # 2: Protect and enhance Waynesville's natural resources.

- Protect rural lands, iconic views and mountain vistas.
- Continue to engage in and promote best management practices related to energy use, efficiency and waste management.

Goal # 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

The proposed changes to the LDS are:

- Define cryptocurrency mining and data centers, Section 17.3 of the LDS.
- Prohibit cryptocurrency mining facilities across all zoning districts and allow data centers only in the Commercial Industrial district in the Table of Permitted Uses, Section 2.5.3 of the LDS.

The proposed changes are shown on the attached draft ordinance and **in red**.

**Attachments:**

1. Cover sheet
2. Proposed Text Amendment
3. Consistency Statement Worksheet
4. Report from the Planning Board

**Recommended Motions:**

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).



**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 11/14/23**

**SUBJECT:** Approve changing the Town's payroll system by creating a one-week lag between the end of the payroll period and the issuance of the employees' checks. Approve the budget amendment to cover a one-time supplement.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Human Resources  
**Contact:** Page McCurry  
**Presenter:** Page McCurry

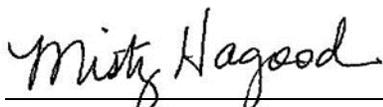
**BRIEF SUMMARY:** The Town's current payroll procedure is to close the payroll period every other Tuesday, key in the payroll on Wednesday, and deposit the checks on Thursday morning of the same week. The compressed schedule does not permit the Human Resources or Finance Department to review the accuracy of the payroll records. Human Resources can only access payroll records after paychecks are issued. The system causes confusion among employees when they discover errors in their wages or accruals. We must write manual checks to correct underpayment or reduce employees' subsequent wages to correct overpayment. We recommend that the Town change its payroll procedure to permit a one-week lag time between the end of the payroll period and the issuance of the checks. This change would enable the Human Resources and Finance Department to review the payroll before cutting paychecks. A one- or two-week lag between the end of the payroll period and the issuance of wages is common among businesses and governments. The challenge for employers is the impact of changes to this system on the employees. Most employees in America live from paycheck to paycheck, so changing to a new system would deprive them of a week's pay on a one-time basis. To mitigate this inconvenience, we recommend using savings from underspending our previous year's budget and a small fund balance contribution to provide a \$500 "payroll supplement" for full-time employees and a \$250 "payroll supplement" for part-time employees. We will notify all employees of this payroll change and make them aware that they will receive a "one-time" supplement to help them through the "lag week." Once through the lag period, employees will begin to be paid on the same bi-weekly schedule as they have before.

The cost of the one-time supplement across all funds will be \$144,655. The General Fund budget included a \$75,000 loan payment for the new fire truck, but the first payment will not be paid this fiscal year. We can reappropriate those funds and use fund balance in each fund to cover the rest of the cost.

**MOTION FOR CONSIDERATION:**

1. Approve the change in payroll policy and appropriate the recommended funds for the "Payroll Supplement."
2. Approve the budget amendment as presented.

**FUNDING SOURCE/IMPACT:** Reappropriate the \$75,000 that was budgeted for the fire truck loan payment and cover the remaining cost with fund balance.



Misty Hagood, Finance Director

10/31/2023

Date

**ATTACHMENTS:**

1. PowerPoint presentation
2. Budget amendment

**MANAGER'S COMMENTS:** The current payroll system causes frequent adjustments to employees' bi-weekly

compensation. HR receives the payroll record several days AFTER the paychecks are cut. We have followed this outmoded system for years because we could not figure out how to cover compensation for the "Lag Week ."One of the most common complaints from employee interviews is that they do not understand their paychecks. Introducing this important internal control will help catch payroll errors before issuing checks, enabling employees to understand their compensation better.

# Pay Cycle Change Proposal

1

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## What is our current payroll process?

Paycheck issued **one day** after the end of the pay period.

Time cards are due on Tuesday, the pay period ends on Wednesday, and paychecks are issued on Thursday.

No "lag" in the pay cycle.

No chance to review payroll for accuracy.

Frequently creates friction with employees when they receive incorrect compensation.

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## What is a payroll lag?

Paycheck issued one week after the actual time worked.

"Lag" pay cycle rather than "current" pay cycle.

Standard payroll practice.

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## Benefits of a Payroll Lag

- More efficient payroll process
- Decreased payroll errors
- More accurate and timely reporting of employee benefits
- Reduction in the amount of time spent correcting time cards
- Provides important financial internal control

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## Who is Impacted?

All full-time and part-time Town of Waynesville Employees

**with the exception of**

All Recreation Center Employees who are already on a payroll lag

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## What a Payroll Lag is NOT

There is no positive or negative impact on the budget.

Payroll lag does not generate savings for The Town of Waynesville.

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# Proposal Step 1

The Finance Team recommends a short pay period running from February 15-21st that will encumber all staff, including Recreation Department.



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# Proposal Step 2

All staff would be paid on February 29th for the short pay cycle.

Staff would be paid for one week of wages rather than two during this short pay cycle.



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# Proposal Step 3

Everyone will be on the same pay cycle for February 22 - March 6th and thereafter.



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**Proposal Step 4**

The pay cycle ending March 6th would be paid on March 14th.

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**Challenges**

A payroll lag could create a **temporary** financial hardship on some of our staff.

The February 29th paycheck would be for **one week** of work, not two.

This would result in **1/2** the amount staff are accustomed to receiving.

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**What can we do to help?**

-Issue a \$500 stipend to full-time staff and \$250 to part-time staff during the short pay cycle to help supplement their income.

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Thank you for allowing me to present to you today. I appreciate your consideration of the topics we covered.



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**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Creation of Billing and Collections Supervisor in the Finance Department and Budget Amendment

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Department:** Finance  
**Contact:** Misty Hagood, Finance Director  
**Presenter:** Misty Hagood, Finance Director

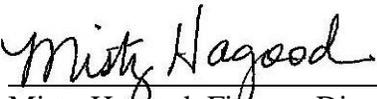
**BRIEF SUMMARY:**

I am requesting that we create a new position in the Finance Department that will oversee the Utility Billing Tech, Tax Collector, and Customer Service Reps. The position is needed to take some responsibilities off of the Assistant Finance Director so that position will be able to assist the Finance Director and focus on more of the technical accounting tasks. The Assistant Finance Director spends the majority of his time working with customers and researching and troubleshooting complaints and unusual issues. Each year GASB has added new standards that require very technical research, a deep understanding of the standards, ongoing documentation and record keeping, and journal entries to meet the standards. I need the Assistant Finance Director to assist with implementing and keeping us in compliance with all of the ever-changing GASB standards so we can maintain a clean audit. The position will be split between the General Fund, Water Fund, Sewer Fund, and Electric Fund. Increased collections of final utility bills, delinquent taxes, and maintaining a high tax collection rate will cover the cost of the new position. We are currently carrying \$226,225.23 in outstanding utility bills that are over 91 days old on our books and on June 30, 2023 there was \$373,661.98 in outstanding taxes. The new position can focus on the collection of these outstanding balances. We were able to catch up all of the customers that were on payment plans once we started delinquents and cut offs so now, we need to change our focus to collection of final bills that are not paid. The Tax Collector has done a fantastic job with collections, but there is still a lot outstanding for the 10 years on our books that can be collected with further collection efforts.

**MOTION FOR CONSIDERATION:**

1. To add a Billing and Collections Supervisor to the Pay and Class as a Grade 68.
2. Approve the budget amendment.

**FUNDING SOURCE/IMPACT:** The position will be funded by the General, Water, Sewer, and Electric Funds with increased collections of final bills, collection of delinquent taxes, and maintaining a high tax collection rate.

  
Misty Hagood, Finance Director

10/30/2023  
Date

**ATTACHMENTS:**

1. Job Description
2. Proposed org chart
3. Budget amendment

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**



## The Town of Waynesville, NC

### JOB DESCRIPTION

*To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.*

### Billing and Collections Supervisor

Department: Finance

Pay Grade: 68

FLSA Status: Exempt

### JOB SUMMARY

Responsible for performing supervisory and administrative functions in support of utility billing, cashiering, customer service, revenue collections, and tax collections for the Town.

### ESSENTIAL JOB FUNCTIONS

- Oversees and establishes work methods, procedures and research and recommends policies related to revenue billing and collections including property taxes, beer and wine licenses, business license billing and collections, and utility billing and collections.
- Provides troubleshooting for unusual customer or taxpayer issues.
- Answers complaints from citizens, research problems and refers precedent setting issues to higher level management for advice and consultation.
- Supervises Tax Collector; assists with property tax issues with the County; monitors the yearly billing and assures that all records are submitted on a timely basis in order that established deadlines will be met; manages delinquent notices and delinquent collections by garnishment or attachments.
- Manages the NC Debt Setoff Program for the Town.
- Prepares and analyzes financial statements related to revenues and compiles other reports at regular intervals for use by various departments, the Town Manager and Town Council.
- Supervises customer service, collection of money for payment of utility billings, taxes, licenses, services, fines, including the receipting, posting, and balancing process associated with this responsibility.

- Research procedural improvements; internal controls; writes Customer Service policies and procedures.
- Trains, assigns, and monitors work of employees; delegates duties appropriately; provides backup when employees are absent; cross trains employees in several functions; provides performance coaching and evaluation; specifically trains customer service representatives to ensure consistency in setting up new accounts, posting customer payments, settling batches at the end of the day, and closing accounts.
- Supervises billing processes and handles any special problems associated with the utility billing cycles; monitors the appropriate billing cycles (28 to 32 days) and assures that all records are submitted on a timely basis in order that established deadlines will be met; manages delinquent notices and cut offs for utilities.
- Prepares reconciliations of the tax and utility collections modules to the general ledger.
- Approves customer bill adjustments for leaks and other problems; makes arrangements for payments; works with community agencies for customer emergency or destitution problems.
- Researches and prepares special reports for management as requested on the assigned area of work.
- Implements and manages new online billing and collections platform(s), e-bill option, and other technology improvements.
- Performs other related job duties as assigned.

## **QUALIFICATIONS**

### **Education and Experience:**

Associates degree in a related area; and two (2) years of work-related experience; or an equivalent combination of education and experience.

### **Special Qualifications:**

- Possession of a valid driver's license to operate a motor vehicle. Requirement exists at the time of hire and as a condition of continued employment.
- Must be certified as a North Carolina Notary Public or complete the certification within 6 months of employment. Requirement exists at the time of hire and as a condition of continued employment.

### **Knowledge, Skills and Abilities:**

- Skills in the application of the Town's personnel policies, supervisory principles, and motivation techniques.
- Skills in performing complex mathematical calculations and accounting functions.
- Skills in the processes and procedures of effective budgeting and auditing.
- Skills in oral and written communication; good organizational skills.
- Skills in analytical decision-making, good judgement, and problem-solving skills.
- Ability to establish and maintain effective working relationships with the general public, vendors, and employees.
- Ability to train and provide technical assistance to all levels of city staff.
- Ability to interact and effectively communicate with people from diverse backgrounds, with a focus on teamwork and problem solving.
- Ability to interpret and apply regulations, policies, and laws.
- Ability to manage and prioritize projects and meet deadlines.

### **PHYSICAL DEMANDS**

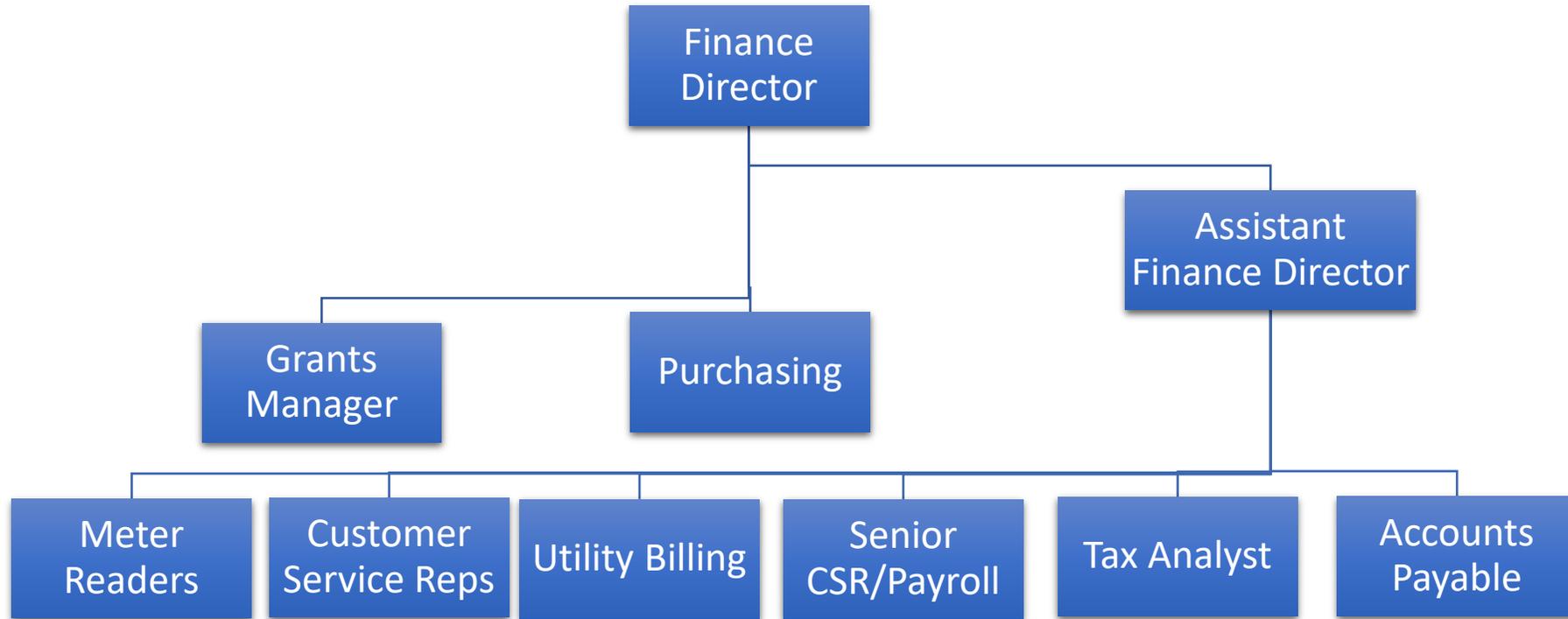
Work in this classification is defined as light work requiring the physical exertion of up to 10 pounds of force occasionally and a negligible amount of force constantly to move objects. Physical demands require climbing, crouching, crawling, standing, walking and lifting. Vocal communication is required for responding to inquiries, expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required for extensive reading, to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, and observe general surroundings and activities.

### **WORK ENVIRONMENT**

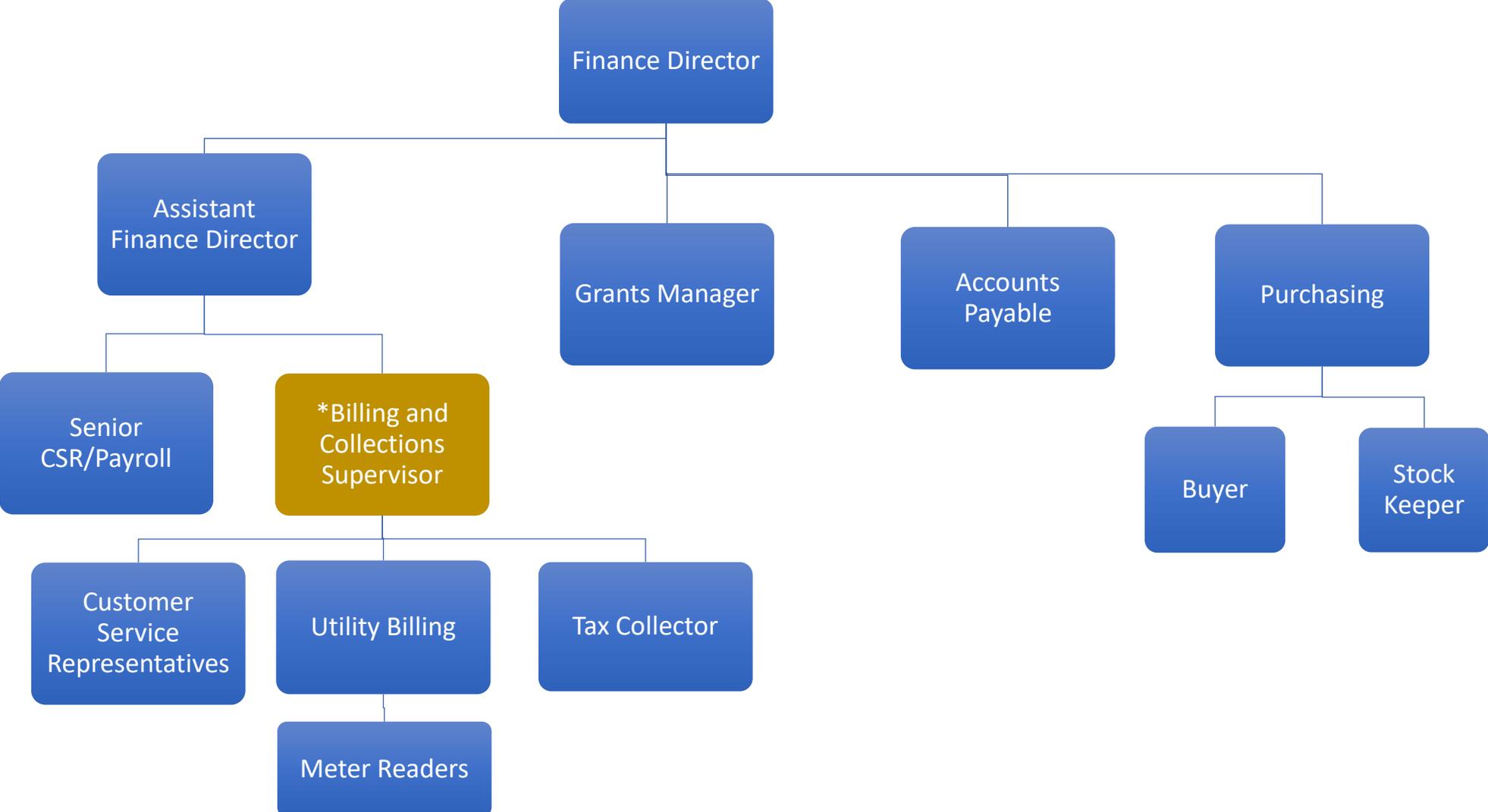
Work is primarily performed in an office with a controlled environment without exposure to harmful conditions.

*The Town of Waynesville has the right to revise this job description at any time. This description does not represent in any way a contract of employment.*

# Current Finance Department Org Chart



# Finance Department Proposed Org Chart



\*Indicates new position needed

Ordinance No. O-47-23

Amendment No. 7 to the 2023-2024 Budget Ordinance

WHEREAS, the Town Council of the Town of Waynesville, wishes to amend the 2023-2024 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville that the 2023-2024 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Ad Valorem Taxes-prior years 13,000

Increase the following appropriations:

Finance Department 13,000

Water Fund:

Increase the following revenues:

Water Charges 13,000

Increase the following appropriations:

Charges by General Fund 13,000

Sewer Fund:

Increase the following revenues:

Sewer Charges 13,000

Increase the following appropriations:

Charges by General Fund 13,000

Electric Fund:

Increase the following revenues:

Electric Charges 13,000

Increase the following appropriations:

Charges by General Fund 13,000

Adopted this 14th day of November 2023.

Town of Waynesville

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Gary Caldwell  
Mayor

Attest:

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Candace Poolton  
Town Clerk

Approved As To Form:

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Martha Sharpe Bradley  
Town Attorney

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: November 14, 2023**

**SUBJECT:** Increase of \$4,877,100 in State Revolving Loan for Wastewater Treatment Plant Project

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Department:** Finance  
**Contact:** Rob Hites or Misty Hagood  
**Presenter:** Misty Hagood, Finance Director

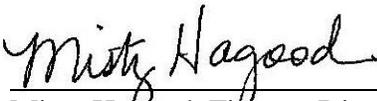
**BRIEF SUMMARY:**

We received a letter from the State that they had approved the WWTP project as eligible to receive a loan increase of up to \$4,877,100 repayable at 0% interest with a loan fee of 2%. The increase will bring the total loan amount for the project to \$29,423,000. The total project budget is currently \$29,631,150 but the 2% loan fees are not reimbursable from the loan so we will need to amend the sewer fund budget and use sewer fund balance to cover the loan fees. We need to have the Town Council approve the resolution accepting the loan, amend the project budget for the new loan amount and loan fee, and approve a budget amendment for a transfer from the Sewer Fund to the project fund to cover the 2% loan fees.

**MOTIONS FOR CONSIDERATION:**

1. Approve the resolution accepting the \$4,877,100 loan increase.
2. Approve the amendment to the project budget.
3. Approve budget amendment to the sewer fund for loan fees.

**FUNDING SOURCE/IMPACT:** Loan increase and sewer fund balance



Misty Hagood, Finance Director

11/6/2023

Date

**ATTACHMENTS:**

1. Resolution accepting loan increase.
2. Letter of intent to fund from NC DEQ.
3. Project budget amendment.
4. Budget amendment to Sewer Fund.

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Approve the resolution accepting the additional loan, amend the project budget, and amend the sewer fund to cover the 2% loan fees.

**RESOLUTION R-26-23**

**RESOLUTION BY TOWN COUNCIL OF TOWN OF WAYNESVILLE**

**WHEREAS,** the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

**WHEREAS,** the North Carolina Department of Environmental Quality has offered a State Revolving Loan in the amount of \$4,877,100 for the construction of the Wastewater Treatment Plant, and

**WHEREAS,** the Town of Waynesville intends to construct said project in accordance with the approved plans and specifications,

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE:**

That the Town of Waynesville does hereby accept the State Revolving Loan offer of \$4,877,100.

That the Town of Waynesville does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan or grant offer, Section II - Assurances will be adhered to.

That Robert W. Hites, Jr., Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Town of Waynesville has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 14th day of November 2023 at Waynesville, North Carolina.

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

November 14, 2023

Attest:

\_\_\_\_\_  
Candace Poolton  
Town Clerk



NORTH CAROLINA  
*Environmental Quality*

ROY COOPER

*Governor*

ELIZABETH S. BISER

*Secretary*

SHADI ESKAF

*Director*

August 18, 2023

Mr. Rob Hites, Town Manager  
Town of Waynesville  
PO Box 100  
Waynesville, North Carolina 28786

Subject: **REVISED** Letter of Intent to Fund  
Town of Waynesville  
Waynesville WWTP Supplemental Funding  
April 2023 Application Cycle  
Project No(s): CS370930-01

Dear Mr. Hites:

The Division of Water Infrastructure (Division) has reviewed your application, and the State Water Infrastructure Authority (SWIA) has approved your project as eligible to receive a total funding increase of \$4,877,100 from the following funding:

Clean Water State Revolving Fund (SRF) loan of up to \$4,877,100 repayable at 0.00% interest. A loan fee of 2% will be invoiced after bids have been received.

The total funding amount for this project is now \$29,423,000 of SRF loan.

Please note that this intent to fund is contingent on approval of the loan through the Local Government Commission.

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding and the total funding amount may be reduced. Additionally, changes in the scope or priority points awarded – based on additional information that becomes apparent during project review – may also result in changes to the total funding amount and loan terms.

#### Engineering Services Procurement

All projects must comply with North Carolina General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying Services. Projects cannot be exempted from qualification-based selection of these services under N.C.G.S. 143-64.32. Any services provided that were not selected in compliance with federal requirements will be ineligible for reimbursement.



Mr. Rob Hites, Town Manager

August 18, 2023

Page 2 of 3

#### Davis-Bacon Requirements and American Iron and Steel Provisions

Projects funded through the State Revolving Fund (SRF) programs must comply with Davis-Bacon wage requirements and American Iron and Steel provisions. You can find standard specifications covering these requirements on our website.

#### Build America, Buy America Act (BABA)

SRF-funded projects may be required to comply with the Federal Build America, Buy America Act (BABA). The Build America, Buy America Act (BABA) requires that iron, steel, manufactured products, and construction materials used in infrastructure projects are produced in the United States. You can find additional information at the following link:

<https://www.epa.gov/cwsrf/build-america-buy-america-baba>

#### Approval of Debt by Local Government Commission

Projects funded with a Division of Water Infrastructure (Division) loan component must receive approval from the Local Government Commission (LGC). Final approval of debt must be coordinated directly with the LGC after construction bids are received. Materials must be emailed to [srf@nctreasurer.com](mailto:srf@nctreasurer.com)

#### Joint Legislative Committee on Local Government Notification Requirements

In accordance with G.S. 120-157.2, local government units with projects that require debt to be issued greater than \$1,000,000 **must** submit a letter to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission. You are responsible for submitting that letter and providing a copy to the Division.

#### Extended Term Loan

Projects that qualify for a targeted interest rate and demonstrate in the Engineering Report a weighted average design life for the major components of the project greater than 20 years are eligible for an extended loan term up to the calculated weighted average design life, but not to exceed 30 years. Request an extended term by contacting your project manager and provide the necessary calculation (see design life workbook here <https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-reportenvironmental-information>).

Upon receipt of your letter of intent to fund, please fill out the attached Federal ID & Unique Entity ID (UEI) form and email it to Pam Whitley at [pam.whitley@deq.nc.gov](mailto:pam.whitley@deq.nc.gov). If you choose to decline this funding, the Authorized Representative as declared in the application must directly contact the Division project manager via email or letter on the applicant's letterhead.

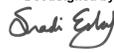
If you have any questions, please contact Trupti Desai at [trupti.desai@deq.nc.gov](mailto:trupti.desai@deq.nc.gov) or by phone at (919) 707-9166.

Mr. Rob Hites, Town Manager

August 18, 2023

Page 3 of 3

Sincerely,

DocuSigned by:  


6300A872077B4C5  
Shadi Eskaf, Director

Division of Water Infrastructure, NCDEQ

EC: Alison Heim, McGill Associates, PA (via email)  
Trupti Desai (via email)  
SRF (**COM\_LOIF**) (Agreement ID 2000039292)

Ordinance No. O-49-23

WWTP Improvements Project Ordinance Amendment 2

WHEREAS, the Town Council of the Town of Waynesville wishes to amend the capital project fund to account for the WWTP Improvements.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville that the following project ordinance is hereby amended to the following:

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

**Revenues**

SRF Loan Proceeds	\$29,423,000
Transfer from Sewer Fund	<u>588,460</u>
Total Revenues	\$30,011,460

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

**Expenditures**

Engineering & Professional Services	\$ 1,978,900
Construction - WWTP	25,772,585
Construction – Access Road	176,778
Closing Costs	588,460
Contingency	<u>1,494,737</u>
Total Appropriations	\$30,011,460

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

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

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

Adopted this 14th day of November, 2023.

Town of Waynesville

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Gary Caldwell  
Mayor

Attest:

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Candace Poolton  
Town Clerk

Approved As To Form:

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Martha Sharpe Bradley  
Town Attorney

Ordinance No. O-48-23

Amendment No. 9 to the 2023-2024 Budget Ordinance

WHEREAS, the Town Council of the Town of Waynesville, wishes to amend the 2023-2024 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville that the 2023-2024 Budget Ordinance be amended as follows:

Sewer Fund:

Increase the following revenues:

Fund Balance Appropriated	588,460
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Increase the following appropriations:

Transfer to WWTP Capital Project Fund	588,460
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Adopted this 14th day of November 2023.

Town of Waynesville

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Gary Caldwell  
Mayor

Attest:

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Candace Poolton  
Town Clerk

Approved As To Form:

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Martha Sharpe Bradley  
Town Attorney

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 1/14/23**

**SUBJECT** Endorsement of the Town Applying for Sustainability grant under the DOE LEAP Program

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:**

**Department:** Administration

**Contact:** Rob Hites, Councilmember Dickson

**Presenter:** Rob Hites

**BRIEF SUMMARY:** During their 11/2/23 meeting the “Environmental Sustainability Board” reviewed a grant opportunity offered by the Department of Energy. After reviewing the program the Committee moved to request the Council to endorse the Town applying for a grant that would involve the concepts below. There is no local match involved in the program. The Application is due on December 14, 2023.

The “Local Energy Action Program (LEAP) is a program established by the US Dept. of Energy. It is authorized by the “Bipartisan Infrastructure Law (BIL)” and the “Inflation Reduction Act (IRA)”. The program “aims to facilitate sustained community-wide economic empowerment through clean energy, and improved local environmental conditions” It offers technical assistance to selected communities that meet low to moderate income thresholds up to \$50,000. It also offers “community organizations (not sponsoring local governments) up to \$1.5 million in funding for services (projects) Nationwide, 24-32 communities will be awarded the grants. Total funding for the nationwide program is \$18.75 million. “ Eligible communities are low-income, high energy-burdened experiencing direct economic impacts from a shift away from reliance on the fossil fuel industry.” “Local Governments must partner with at least one local , regional or state government entity.” According to the census maps, Waynesville has a census tract that qualifies for program.

“Communities may pursue one or more approaches and integrate multiple approaches to increase community benefits”. Such approaches include Clean Energy Planning and Development, Energy Efficient Buildings and Beneficial Electrification and Planning and Investment, Community Resilience and Microgrids (buildings that are capable of independence from the grid)”. The “Environmental Sustainability Board” will review the categories outlined in the program guide and develop a program that is competitive and fits Waynesville’s energy infrastructure.

**MOTION FOR CONSIDERATION:** Approve the Town partnering with a “community organization” and applying for a LEAP grant.

**FUNDING SOURCE/IMPACT:** Electric/General Funds

**ATTACHMENTS:** “Communities LEAP Program Guide

**MANAGER’S COMMENTS:** The program is very broad in scope of services. The Board will need to determine a scope of services that fits the Waynesville community, especially the needs of low-income residents. Since there is no local match, the Town’s investment in the program will be staff assistance.

**Communities LEAP (Local Energy Action Program) Cohort 2  
Competitive Technical Assistance Opportunity**

**U.S. Department of Energy**

**September 27, 2023**



## Table of Contents

- A. Executive Summary
- B. Competitive Opportunity Description
  - 1. Introduction and Background
  - 2. Technical Assistance Structure
  - 3. Approaches of Interest for Clean-Energy Related Economic Development
  - 4. Communities of Interest and Eligibility
- C. Submission Information and Application
  - 1. Important Dates and Deadlines
  - 2. How to Apply
  - 3. Evaluation Criteria
  - 4. Other Selection Factors
- D. Appendix A
  - 1. Approaches of Interest for Clean Energy-Related Economic Development
- E. Appendix B
  - 1. Terms and Conditions
    - i. Compliance
    - ii. Applicant Representation and Warranties
    - iii. Verification of Eligibility and Notifications
    - iv. Records Retention and Freedom of Information Act
    - v. Privacy Act Statement
    - vi. Use of Data
    - vii. Relationship of the Parties
    - viii. Merit Review and Selection Process
    - ix. Publicity
    - x. General Conditions

## A. Executive Summary

**Program Name:** Communities Local Energy Action Program (LEAP)

**Summary:** Communities LEAP aims to facilitate sustained community-wide economic empowerment through clean energy, improved local environmental conditions, and open the way for other benefits primarily through the Department of Energy's (DOE) clean energy deployment work.

**Opportunity type:** Technical assistance (expert services), with the opportunity for selected communities to receive direct funding (up to \$50,000) for services rendered to facilitate or help implement technical assistance.

**Total amount:** Up to \$18.75 million in total, with up to \$17.5 million in technical assistance and up to \$1.5 million in funding for community organizations for services rendered.

**Eligible communities:** Low-income, high energy-burdened communities that are also disadvantaged as identified by the Council on Environmental Quality's Climate and Economic Justice Screening Tool, and/or experiencing direct economic impacts from a shift away from historical reliance on the fossil fuels industry. Applicants must include at least one community-based organization and at least one local, tribal (Federally recognized tribe), territorial, regional, or state government entity.

**Number of estimated selected communities:** 24-32 communities

**Length of program:** approximately 12-18 months

### **Approaches of Interest for community-wide economic empowerment through clean energy:**

Communities may pursue one or more Approaches and are encouraged to explore integrating multiple approaches to increase community benefits. Communities may explore opportunities beyond the specific approaches provided that they are in line with the objectives of Communities LEAP:

- Clean Energy Planning and Development
- Energy Efficient Buildings and Beneficial Electrification Planning and Investment
- Clean Transportation Planning and Investment
- Carbon Capture and Storage
- Critical Minerals Resource Potential from Energy Wastes and By-products
- Community Resilience Microgrids
- New or Enhanced Manufacturing
- Advanced Nuclear Technology and Support for Existing Reactors
- Puerto Rico Community Resilience (for Puerto Rico communities only)

**How to apply:** DOE is providing an optional fillable template that identifies the information required for an application. [Submit fillable template application](#). Alternatively, applications with all required information can be sent as a PDF to: [CommunitiesLEAPInfo@hq.doe.gov](mailto:CommunitiesLEAPInfo@hq.doe.gov).

**Deadline to apply:** December 14, 2023, 5:00 PM EST

## B. Competitive Opportunity Description

### 1. Introduction and Background

The Communities Local Energy Action Program (LEAP) Initiative of the U.S. Department of Energy (DOE) seeks to help communities access the economic and environmental benefits of clean energy and clean energy manufacturing. The initiative aims to facilitate sustained community-wide economic empowerment through clean energy, improve local environmental conditions, and open the way for other benefits primarily through DOE's clean energy deployment work. This opportunity is specifically open to disadvantaged and/or energy communities, including Tribes, that are also low income and experiencing high energy burden.

The opportunities and potential benefits to communities from the nation's transition to clean energy are compelling. They include lower local air pollution, lower utility costs and energy burdens, improved access to reliable energy, enhanced economic productivity, and new clean energy supply chain demonstration and manufacturing opportunities. Many of these opportunities will create and sustain high quality jobs when coupled with strong labor standards.

The country is facing a period of major investment in new clean energy technologies and their supply chains due to the passage and implementation of the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA). DOE designed this competitive technical assistance opportunity to help ensure that communities will benefit from clean energy investments, advancing priorities detailed in President Biden's Executive Order 13985, *Advancing Racial Equity and Support for Under-served Communities Through the Federal Government*; Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*; Executive Order 14017, *America's Supply Chains*; Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*; and Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.

Over the last 18 months, 24 communities from around the country have participated in the Communities LEAP pilot program. From conducting building stock analysis to inform actions to help residents save money on energy bills, to exploring resilience hubs to keep residents safe and businesses open during extreme weather, to creating an electric mobility plan that meets the needs of community members in getting around, each community received customized technical assistance support that will serve as a launch pad to help them advance their vision for a clean energy future.<sup>1</sup>

Through the pilot program, Communities LEAP has proven to be a valuable platform for DOE to support community-led energy and economic development work, particularly in communities that have historically faced challenges in participating in Federal programs. Communities LEAP has reduced barriers to participation for historically disadvantaged communities, allowing them to pursue multiple clean energy technologies and approaches through one program. The second cohort will build on the experience gained in the pilot and make some key improvements.

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<sup>1</sup> For more information on pilot LEAP communities, visit <https://www.energy.gov/communitiesLEAP/leap-communities>

In Communities LEAP Cohort 2, DOE will provide technical and financial assistance services valued at up to a total of \$18.75 million to support 24-32 communities to develop and advance their own community-driven clean energy transition approach. Technical assistance is defined on page 6, and its goals and structure are described in this document below. ***This is not a funding opportunity announcement; however selected communities may have the opportunity to receive funds (up to \$50,000) for services rendered to help implement the technical assistance.***

Examples of community-wide clean energy opportunities that can lead to substantial economic, environmental, and other benefits to communities are provided below in the section titled, “Approaches of Interest to Clean Energy-Related Economic Development”. It is DOE’s intent to help selected communities realize those benefits.

DOE has designed this initiative with the aim of:

- Recognizing each community’s specific energy-related challenges and opportunities.
- Supporting community member and stakeholder leadership in designing and implementing actions to address those challenges and opportunities.
- Building toward long-term community economic and environmental change and a more sustainable, resilient, and equitable energy future.

Multi-stakeholder teams representing eligible communities described below can apply to this opportunity whether they are ready to begin their clean energy transition, or their transition is already in progress. Selected communities will commit to working with DOE and its technical assistance provider network for approximately 12-18 months. Selected communities will receive:

- A dedicated point of contact within the national lab system to coordinate all program related activities.
- Extensive technical support from the DOE national laboratory complex as well as other experts based on individualized needs.
- Facilitation and community engagement support, as needed, to bring together community stakeholders to identify local clean energy objectives, core community assets, and data and resource requirements.
- A potential opportunity for certain community coalition members to serve as a subcontractor within DOE’s technical assistance network to receive compensation for services rendered.

At the end of the technical assistance period, each participating community will have an action plan or other deliverable(s) that prepares it to take further steps toward realizing its goals, including leveraging federal, state, and local funding or financing opportunities, participating in programs offered by philanthropic organizations, and/or partnering with private sector investment. DOE intends to assist participating communities in identifying specific resource opportunities to take those further steps.

This technical assistance opportunity is managed by DOE’s Office of State and Community Energy Programs and offered in partnership with DOE’s Offices of Energy Efficiency and Renewable Energy, Grid Deployment, Electricity, Policy, Indian Energy, Fossil Energy and Carbon Management, Manufacturing and Energy Supply Chains, Nuclear Energy, and Economic Impact and Diversity. This initiative complements DOE’s ongoing efforts to deliver benefits from clean energy research, development, demonstration, and deployment to overburdened and underserved communities and communities with

historical ties to fossil fuel industries, including Tribes. Furthermore, this initiative complements services and resources across the federal government to these same communities. DOE also recognizes that energy is a critical part of a larger set of factors requiring cross-sectoral and long-term response for sustained economic and environmental health of the nation's communities.

## **2. Technical Assistance Structure**

The term "technical assistance" is used throughout this document to refer to expertise and resources provided by DOE to selected communities. Technical assistance can take the form of deliverables (e.g., an action plan) and/or services (e.g., expert consultation) provided through DOE's network of experts, primarily in the fields of energy and economic development. DOE will make additional expertise available as needed to support the success of selected communities depending on the specific skills and capabilities required for success. As the provider of technical assistance, DOE views its relationship with selected communities receiving the technical assistance as a committed and collaborative partnership.

Technical assistance provided under this opportunity will focus on the development of community-driven clean energy planning and implementation with economic, environmental, and other benefits based on each community's unique combination of:

- Energy-related resources, assets, or potential.
- Social, institutional, and economic strengths and opportunities.
- The specific clean energy approach the community hopes to pursue.

Communities LEAP core staff at DOE will connect selected communities to the relevant technical assistance provider organizations. One or more organizations may provide technical assistance to selected communities. Upon selection, each community will work with DOE's technical assistance providers to develop a scope of work for technical assistance based on community-led needs, technical feasibility and level of effort supported by this opportunity. DOE anticipates providing limited-duration technical assistance to selected communities for approximately 12–18 months after the start date.

Subcontracting Opportunity. Community team partners in the selected LEAP Communities may have the opportunity to receive funds up to \$50,000 total over the performance period for services rendered as a subcontractor to one of DOE's technical assistance providers. Upon selection, each community will work with DOE's technical assistance providers to develop a scope of work that the community partner(s) will deliver. These funds can be used by one or more members of the multi-stakeholder applicant team for activities such as convening community stakeholders, compiling community energy-related risks and opportunities, identifying key decision makers and resources, developing clean energy materials, assessing strengths of the community relative to possible clean energy transitions, developing a governing framework to equitably manage a community-wide energy transition, reviewing and improving documents produced by DOE's technical assistance provider, and more. Subcontractor funds cannot be used for any activities not agreed to as part of the scope of work.

Applicants interested in being considered to receive subcontracting funds for services rendered as part of the technical assistance delivery should describe how funds would be utilized in question 8 of the application. DOE encourages applicants to consider how to utilize funds in an equitable manner to further build community support and improve the project outcomes. Each proposed subcontractor from a selected community must take all necessary steps to become a subcontractor. These steps will be outlined to interested recipients after initial selection of LEAP communities.

### **3. Approaches of Interest for Clean Energy-Related Economic Development**

The below Approaches of Interest represent broad areas of opportunity for community clean energy-related economic development and where DOE has extensive research, resources and expertise to support community progress. Communities may choose to pursue one or more Approaches toward clean energy-related economic development, and communities are encouraged to explore integrating multiple approaches to increase community benefits. Selected communities may explore opportunities beyond the specific approaches if they are in line with the objectives of Communities LEAP. Each Approach can include an emphasis on developing energy jobs and workforce skills, as well as promoting minority-owned businesses and small- to mid-size businesses. The eligible approaches include:

1. Clean Energy Planning and Development
2. Energy Efficient Buildings and Beneficial Electrification
3. Clean Energy Transportation
4. Carbon Capture and Storage
5. Critical Minerals Resource Potential from Energy Wastes and By-products
6. Community Resilience Microgrids
7. New or Enhanced Manufacturing
8. Advanced Nuclear Technology and Support for Existing Reactors
9. Puerto Rico Community Resilience (for Puerto Rico communities only)

Descriptions of each Approach, along with example projects, are provided in Appendix A.

#### **Applications Specifically Not of Interest**

- Technology R&D or commercialization projects or programs.
- Applications for capital projects, including the purchase or installation of infrastructure or equipment.
- Lobbying activities.
- Applications that are not focused on community-scale impacts.
- Applications from teams that do not represent the applying community. Applications will be evaluated in part based on the extent to which community members, organizations, or businesses are directly and substantively involved in the project design and execution in a leadership role, either as team lead organization or as a member of the multi-stakeholder team with responsibility for a substantial share of project effort.
- Applications seeking funding. This opportunity is to provide technical assistance only; financial compensation may be available only to selected entities that join the project delivery team and provide agreed upon services.

### **4. Communities of Interest and Eligibility**

#### Eligible Communities

For the purpose of this initiative, a community is defined as a group of individuals, households, and businesses in geographic proximity to one another. This opportunity is focused on strengthening communities—and is not focused on providing direct assistance to individual persons, companies, or

technologies. Communities in the United States—including communities in U.S. territories—are eligible to apply if they meet the criteria below:

- At least 30% of the community population is classified as low income **AND**
- High or severe energy burden<sup>2</sup> (median spending of household income on energy bills  $\geq 5\%$ ).

As well as **one or both** of the following criteria:

- Historical economic dependence on fossil fuel industrial facilities defined as:
  - A census tract or directly adjoining census tract in which a coal mine closed after 1999 or in which a coal-fired electric generating unit has been retired after 2009; or
  - Metropolitan statistical areas (MSAs) and non-metropolitan statistical areas (non-MSAs) that are energy communities for 2023. These MSAs and non-MSAs have had for at least one year since 2009, 0.17% or greater direct employment related to extraction, processing, transport, or storage of coal, oil, or natural gas (the fossil fuel employment (FFE) threshold) and have an unemployment rate for 2022 that is equal to or greater than the national average.
- Disadvantaged communities defined as:
  - Overburdened and underserved using the Council on Environmental Quality's geospatial mapping tool Climate and Economic Justice Screening Tool (CEJST) <sup>3</sup>

The CEJST map includes Federally recognized Tribes and Alaska Native villages, therefore these communities are defined as disadvantaged communities for the purposes of LEAP eligibility criteria.

[Data on each of the criteria is provided HERE.](#)<sup>4</sup> While this data is provided at the census tract level, census tracts do not necessarily have the same physical boundaries as a community but are used as they provide the closest proxy based on publicly available information collected using an empirically robust method. Applying communities should describe how they meet the eligibility criteria in their application even if these data do not specifically show that they are eligible.

#### Eligible Multi-Stakeholder Team Applicants

Multi-stakeholder teams representing communities are eligible to apply to this competitive technical assistance opportunity. Multi-stakeholder teams will be best positioned to ensure efforts supported by Communities LEAP have the necessary support from local, state and regional government partners and from community members and stakeholders to be successful both during and after the project period.

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<sup>2</sup> Energy burden is defined as the percentage of gross household income spent on energy costs. Information about community energy burden can be found at [Low-Income Energy Affordability Data \(LEAD\) Tool | Department of Energy](#)

<sup>3</sup> [Explore the map - Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#)

<sup>4</sup> Datasets for DOE 2023 Communities LEAP Cohort 2 <https://edx.netl.doe.gov/dataset/datasets-for-doe-2023-communities-leap>

Community applicants in the form of multi-stakeholder teams **must**:

- Identify a lead organization to represent the team.
- Include at least one community-based organization with a demonstrated track record of working with stakeholders within the applying community. (Note: This can be the same as the lead organization.)
- Include at least one local, tribal (Federally recognized tribe), territorial, regional, or state government entity. (Note: This can be the same as the lead organization.) Public colleges and universities are not considered government entities for the purpose of LEAP eligibility.
- Include entities and organizations that together have sufficient authority and influence to ensure overall success in applying the DOE-provided technical assistance within the community toward the community’s goals and objectives.

Community multi-stakeholder teams are **strongly encouraged** to include a local economic development official.

Community multi-stakeholder teams planning to pursue the Puerto Rico Resilience Approach must be based in Puerto Rico.

Community multi-stakeholder teams **may** include, but are not limited to, the following types of organizations: non-profit organizations, community-based organizations, grassroots organizations and environmental justice networks, faith-based organizations and those affiliated with religious institutions, private organizations, and academic institutions. Community multi-stakeholder teams **may** also include companies, corporations or similar organizations contributing to the economic development of the community, in particular: (1) the community’s minority-owned businesses and small- to mid-size businesses or (2) organizations critical to success such as manufacturing firms under the New or Enhanced Manufacturing approach or utilities (investor-owned or public power) under the Clean Energy Planning and Development, Energy Efficient Buildings and Beneficial Electrification, or Community Resilience Microgrid approach example.

Participants in the first Communities LEAP pilot are eligible to apply again and will be evaluated equally along with other applicants, with no advantage or disadvantage based on their previous participation. However, applicants are encouraged not to apply for the same purpose of their first application.

#### Ineligible Entities

Ineligible entities for this opportunity are individual persons, foreign entities, and Federally Funded Research and Development Centers (FFRDCs) and any entities or teams that do not meet the eligibility criteria defined in this Opportunity Announcement.

### **C. Submission Information and Application**

#### **1. Important Dates and Deadlines**

• Opportunity Announcement Issued	September 27, 2023
• Application Deadline	December 14, 2023 at 5 p.m.ET
• Expected Date for Selections	March 2024

All dates are subject to change.

## Questions

The Frequently Asked Questions (FAQs) in connection with this competitive technical assistance opportunity announcement will be posted at <https://www.energy.gov/communitiesLEAP/>. Applicants are encouraged to check the FAQs webpage prior to submitting a question. DOE will regularly update the FAQs webpage. Any other questions regarding this competitive technical assistance opportunity announcement must be directed to [CommunitiesLEAPInfo@hq.doe.gov](mailto:CommunitiesLEAPInfo@hq.doe.gov). Questions must be submitted not later than three (3) business days prior to the application due date and time. DOE will strive to provide an email response or post answers to questions on the FAQs website within five (5) business days unless a similar question and answer have already been posted on the website's FAQs page.

DOE will host virtual informational sessions related to this announcement. The dates, times, and information on how to participate will be available on the website.

## 2. How to Apply

To assist applicants with their submissions, DOE is providing a fillable template that identifies the information required for an application. Use of the template is not mandatory. If an applicant chooses to rely on a different form or format, they must ensure all the information specified in the template is provided (subject to the word limitations specified in the template) or the application will be considered incomplete. [The fillable application template can be found here.](#)

Alternatively, applications with all required information can be sent as a PDF to [CommunitiesLEAPInfo@hq.doe.gov](mailto:CommunitiesLEAPInfo@hq.doe.gov).

All applications must be submitted by December 14, 2023, by 5:00 p.m. EST.

## Additional Requirements

Inclusion of Personally Identifiable Information (PII) (i.e., information that can be used to distinguish or trace an individual's identity) beyond what is specifically requested in this opportunity announcement is strongly discouraged. Inclusion of business sensitive or proprietary information is prohibited.

## 3. Evaluation Criteria

Applications will be screened for compliance with eligibility and submission requirements. Applicants that do not meet requirements will be notified; these applications will not be considered. Applications meeting the submission requirements will be evaluated and scored using the evaluation criteria described below.

For the purpose of the evaluation criteria below, "community" or "communities" refers to the description of Eligible Communities in Section 3 of this document.

### CRITERION 1: MULTI-STAKEHOLDER TEAM COMPOSITION AND CAPABILITIES (30%)

1. Extent to which team members together have sufficient authority and influence, as well as the skills and demonstrated track record, to ensure overall success in applying the DOE-provided technical assistance within the community toward the community's goals.
2. Extent to which the community/ies members, organizations, or businesses are directly and substantively involved in project design and execution in a leadership role, either as team lead organization or as a member of the multi-stakeholder team with responsibility for a substantial share of project effort.

#### CRITERION 2: TECHNICAL MERIT (30%)

3. Extent to which the community/ies clean energy and economic development goals, challenges and opportunities/benefits are clearly articulated.
4. Extent to which the applicant has a clearly defined request for technical assistance services and deliverables.

#### CRITERION 3: COMMUNITY IMPACT (40%)

5. Extent to which the submission clearly and convincingly demonstrates how the requested technical assistance can help the community/ies successfully address its clean energy and economic development challenges, opportunities and goals beyond the current level of development or practice.
6. Extent to which the submission directly includes key needs and preferences identified by the community/ies.

#### **4. Other Selection Factors**

In addition to the criteria above, the Selection Official may consider the following unweighted program policy factors in determining which applications to select for technical assistance under this opportunity:

- Overall alignment with the objectives of Communities LEAP.
- Geographic and demographic diversity (e.g., rural versus urban, Southeast versus Northwest).
- Overall diversity of Approaches of Interest being pursued by the cohort of selected communities (aligned with DOE programmatic funding).
- Diversity among participants in having prior experience participating in DOE funding or technical assistance programs.
- Strategy for utilizing funds for services rendered as part of technical assistance delivery.

## APPENDIX A

### Approaches of Interest for Clean Energy-Related Economic Development

#### *1. Clean Energy Planning and Development*

Clean, low carbon electricity and renewable energy sources can provide significant local economic, environmental, reliability, and other benefits and are major tools in the fight against the climate crisis.

The goal of this approach is to support communities in developing design, implementation, and/or investment strategies for renewable energy projects that meet local environmental, economic, or community priorities and quantifies community benefits where possible (e.g., energy bill savings, reduce pollution, improve energy access, revenue streams). Among other activities, DOE anticipates providing selected communities with an analysis of clean energy planning and development opportunities based on current infrastructure, workforce availability, energy resource potential, utility regulatory structure, and other aspects of the community relevant to this approach.

Projects could include technologies such as solar, wind, hydropower, geothermal, nuclear, hydrogen, hybrid power plants, storage, energy efficiency, distributed energy resources, and electric vehicle charging stations. These plans could also outline how to transition a significant portion of local electricity and energy consumption to be served by renewable energy generation. Project designs, informed by community priorities, could include details such as project size and technologies, how to pay for new investments, and community roles in ownership or operation of the technologies.

Example project:

- Communities LEAP Pilot Program Example: [Questa, New Mexico](#)

Next steps for implementation: At the end of the project period, communities participating in the Clean Energy Planning and Development approach will have either a plan that outlines a series of investments to meet a community-wide clean energy goal, or locally developed parameters for renewable energy projects that provide environmental, economic and/or social benefits to the community. In addition, the community will have either local project development capacity or local leadership and participation structure that can engage directly with externally based project developers.

#### *2. Energy Efficient Buildings and Beneficial Electrification*

Upgrading existing buildings to efficiently run on clean energy will help address climate change. Building upgrades may include transitioning to efficient electric equipment, including heat pumps and heat pump water heaters, and improving building efficiency through measures such as insulation and air sealing. Together, efforts will help reduce carbon emissions and energy costs, while improving indoor air quality and occupant comfort.

The goal of technical assistance for the Energy Efficient Buildings and Beneficial Electrification Planning and Investment approach is to develop a customized plan to comprehensively approach energy-related building upgrade programs in support of community clean energy objectives. DOE's technical assistance providers will work with community stakeholders to assess the current building stock and power supply, identify building-related load management needs and opportunities for energy and cost savings, and

determine additional community priorities such as reducing energy bills for residents and businesses, increasing building and community resilience and sustainability, improving the health of indoor environments, and developing new workforce opportunities. The technical assistance providers will facilitate stakeholder engagement to incorporate community objectives and needs and provide proven strategies for an energy plan that incorporates recommended partnerships and investment options.

The plan may include projects focused on building efficiency, demand flexibility, distributed energy resources, and/or electrification solutions across different building types such as residential homes, multifamily and commercial public buildings and/or privately-owned commercial buildings.

Example project:

- Communities LEAP Pilot Program Example: [North Birmingham, Alabama](#)

Next steps for implementation: At the end of the project period, communities participating in the Energy Efficient Buildings and Beneficial Electrification Planning and Investment approach will have a plan which outlines a strategy for a building upgrade program/s aligned with meeting the community's overall clean energy vision. Communities with this plan will be well positioned to initiate deployment programs and seek project funding available at the federal, state, and local level.

### *3. Clean Transportation*

The transportation sector accounts for approximately 30% of total U.S. energy needs and is the largest source of greenhouse gas emissions in the energy sector. The average U.S. household spends more than 15% of its total family expenditures on transportation, making it the biggest expense for families after housing.

The goal of technical assistance for the Clean Transportation Planning and Investment approach is to assist communities with developing a clean energy transportation plan to meet community objectives. DOE's technical assistance providers will work with community stakeholders to assess the local transportation system, identify community transportation needs, and determine plan objectives (e.g., decarbonization, air quality improvement, community access to transportation, workforce development, increase in electric vehicle charging availability, assessment of grid capacity for transportation electrification). The technical assistance providers will work with communities to develop strategies to meet community transportation needs and objectives and facilitate stakeholder engagement to develop a clean energy transportation plan. The clean energy transportation plan will inform future community partnerships and investments. The plan may include projects that implement alternative fuels, fuel-saving technologies and practices, and new mobility choices.

Example project:

- Communities LEAP Pilot Program Example: [Hennepin County, Minnesota](#)

Next steps for implementation: At the end of the project period, communities participating in the Clean Transportation Planning and Investment approach will have a plan with specific clean energy transportation projects working toward a cohesive vision for meeting the community's goals. Communities that have gone through this planning process will be well-positioned to pursue future

funding opportunities for transportation deployment projects available at the federal, state, and local levels.

#### *4. Carbon Capture and Storage*

Carbon Capture and Storage (CCS) is among a broad portfolio of carbon management solutions for combatting the climate crisis by reducing carbon dioxide (CO<sub>2</sub>) emissions from industries that together currently vent billions of tons of CO<sub>2</sub> every year. These emissions have been accumulating in the atmosphere for decades and influencing climate change with profound impacts. Impacts such as rising sea level, terrestrial and aquatic habitat degradation, drought, increase in storm severity and frequency, flooding, wildfires, and others will continue to worsen unless CO<sub>2</sub> emissions can be avoided or captured for conversion or for permanent geologic storage. Certain regions of the country have deep geologic formations that are suitable for safe and secure geologic storage of captured CO<sub>2</sub>. While CCS projects can help the United States meet its climate goals, it can also improve the conditions of communities by creating new jobs or offering opportunities for job transitioning, increasing regional tax revenue, and creating new sources for private landowners. Recently enacted incentives such as the amended 45Q tax credit and California's Low-Carbon Fuel Standard have made CCS an economically viable option for many CO<sub>2</sub>-emitting industries, which has created a surge in interest in deploying CCS as part of a nationwide effort to transition to clean energy sources and low-carbon industries.

The DOE Office of Fossil Energy and Carbon Management seeks applications for technical assistance from communities interested in exploring the potential community benefits associated with different types of industries equipped or fitted with CO<sub>2</sub> capture, and how these industries might serve community, regional, and/or state CO<sub>2</sub> emission reduction goals or strategic plans. Technical assistance will be provided in the form of a techno-economic analysis of community selected industries integrated with CCS or carbon dioxide removal (CDR) with storage that could bring high quality jobs, increase tax revenue, and other benefits. Examples of industry types integrated with CCS technologies include, but are not limited to, bioenergy with carbon capture and storage (BECCS), biomass with carbon removal and storage (BiCRS), power/electricity generation, chemical/cement production, hydrogen production from natural gas, and direct air capture (DAC). The techno-economic analysis will consider various parameters such as local and state policies and regulations, available skilled workforce, workforce training and education opportunities, local supply chain economics and availability, and proximity to resources for geologic storage of captured CO<sub>2</sub>. The end deliverable will be a report that highlights the industries that have the highest potential for sustaining/creating jobs and preserving/increasing tax revenue – and other benefits as may be desired by the applicant – based on the community's regional attributes, resources, and/or community development plans. Deliverables can also include engagement and/or outreach materials. Technical assistance providers will work directly with LEAP awardees to identify the criteria of the analysis to ensure the benefits of interest are defined by the community.

It is important to note that the federal funding that technical assistance providers will use for projects awarded under the LEAP CCS pathway is mandated exclusively for projects that address geologic storage of CO<sub>2</sub>. Technical assistance under the LEAP CCS pathway cannot expand into land-based carbon management (e.g. forestry), renewable energy such as wind, solar, or geothermal as part of the techno-economic evaluation. However, applicants are encouraged to request technical assistance from other LEAP pathways with the intent to create a combined and integrated techno-economic evaluation that is more inclusive of a broad range of decarbonization and CO<sub>2</sub> removal approaches.

Example project:

- Communities LEAP Pilot Program Example: [Kern County, California](#)

Next steps for implementation: At the end of the project period, communities participating in the CCS pathway will have a techno-economic analysis of the types of industries integrated with CCS/CDR that align with community interests and resources. Communities can use this report to supplement their efforts to implement emission reduction goals or strategic plans and/or improve the community's economic, health, or environmental conditions. Potential sources of funding for a commercial-scale CO<sub>2</sub> storage project could include private and public sector investments in research, development, and deployment that leverage existing policies and incentives.

#### *5. Critical Minerals Resource Potential from Energy and Mining Wastes and By-products*

Over the past century, energy-related activities have left a legacy of environmental impacts (e.g., mine tailings, ash piles, acid mine drainage (AMD)) in thousands of communities across the country. In some cases, these waste materials that were left behind can become a valuable resource because they may contain critical minerals including rare earth elements that could help pay for remediation costs, while producing valuable domestic resources needed to support the clean energy transition.

The goal of technical assistance for the Critical Minerals Resource Potential from Energy and Mining Wastes and By-products approach is to assist communities with evaluating whether there is a significant concentration of rare earth elements or other critical minerals within their community or region to justify building a hypothetical minerals processing facility to remediate the waste while separating and concentrating the valuable critical minerals. DOE's technical assistance providers will work with the community to develop a pre-feasibility study for a hypothetical critical minerals processing facility that will: evaluate the scale of the remediation and critical minerals extraction opportunity; assess the potential economic prospects of a hypothetical processing facility and related remediation activities; and identify specific workforce needs and opportunities in pursuing this approach. The benefit to the community would be providing an approach to improve water and/or air quality that would likely have a positive impact on human health and economic outcomes in the region. Jobs could eventually be created, both at the reclamation site, as well as in the mineral processing plant. Finally, the critical minerals and rare earths will provide economic value for the project, as well as produce supplies of materials necessary for transitioning to a clean energy future.

#### Example project:

- Communities LEAP Pilot Program Example: [Mingo and Logan Counties, West Virginia](#)

Next steps for implementation: At the end of these activities, the selected communities will have a pre-feasibility study for a remediation and mineral processing project located in the community. This study would provide communities with the information required to decide whether to pursue a commercial-scale project. Potential sources of funding for a commercial-scale remediation project could include private and public sector investments in research, development, and deployment that leverage existing policies and incentives.

#### *6. Community Resilience Microgrids*

Microgrids not only provide backup for the grid in case of emergencies but can also be economically beneficial by providing grid services (such as demand response, renewable energy integration, ancillary services, etc.). Communities can become more energy independent and, in some cases, more environmentally sound, with microgrid operations.

The goal of technical assistance for the Community Resilience Microgrids approach is to assist communities with evaluating the suitability of microgrids for the community (including the regulatory, technical, and financial barriers and opportunities); the potential location, size, and composition of a new microgrid; how best to match clean and renewable energy and storage alongside conventional generation to meet a community's most important loads (such as electric, thermal, and water) at the lowest life cycle cost; and the potential for a microgrid to provide power during outages. DOE's technical assistance providers will work with the community to develop a plan that outlines a series of investments to meet a community-wide resilience goal, or locally-developed parameters for microgrid projects that provide environmental, economic and/or social benefits to the community.

Example project:

- Communities LEAP Pilot Program Example: [Iowa Tribe of Kansas and Nebraska](#)

Next steps for implementation: At the end of the project period, communities participating in the Community Resilience Microgrid approach will have either a plan that outlines a series of investments to meet a community-wide resilience goal, or locally developed parameters for microgrid projects that provide environmental, economic and/or social benefits to the community. In addition, the community will have either local project development capacity or local leadership and participation structure that can engage directly with externally based project developers.

### *7. New or Enhanced Manufacturing*

The manufacturing sector is a cornerstone of the U.S. economy; more than 240,000 manufacturing firms employ roughly 8.5% of the workforce and account for approximately 11% of the country's gross domestic product (GDP). At the community level, the U.S. manufacturing footprint translates to substantial opportunities for economic growth and high-quality jobs, including for the 60% of Americans without a four-year college degree. Manufacturing is critical to producing technologies needed for the country's clean energy transition, but as an industry also faces its own decarbonization challenges.

The goal of technical assistance for the New or Enhanced Manufacturing approach is to assist communities in developing and implementing a strategy to foster a strong, clean, and resilient local manufacturing ecosystem, including assessing potential for clean energy supply chain manufacturing. Selected communities can receive assistance to engage with existing local manufacturing facilities on energy performance to lower emissions and reduce waste; identify how local strengths—such as natural resources or existing manufacturing infrastructure or capabilities—could play a role in manufacturing new clean energy technologies; evaluate education and workforce development resources to train a skilled local workforce; and/or provide planning support for new manufacturing capacity. This coordinated approach can help communities develop more sustainable and cost-competitive manufacturing capabilities while fostering local conditions to attract new firms to the area. Additionally, DOE's technical assistance providers will work with communities to tailor implementation strategies for approaches from existing DOE programs around efficiency, education, and technology adoption to serve

the dual purposes of bolstering economic growth and increasing environmental quality through decarbonization.

DOE's technical assistance may also connect community-based manufacturers with additional opportunities, such as demonstrating emerging technologies at their facilities, receiving financial consulting services, and conducting R&D at cutting edge facilities like the Oak Ridge National Laboratory (ORNL) Manufacturing Demonstration Facility.

Example project:

- [St. Louis electric battery production facility](#)

Next steps for implementation: At the end of the project period, communities participating in the New or Enhanced Manufacturing approach will have a plan to support a resilient manufacturing ecosystem in their community, connections with the manufacturing firms in their community, plans for education and workforce development programs that train skilled workers, and identified supply chains for clean energy manufacturing processes. Communities can continue to work with local firms on encouraging new technology implementation and continuous improvement of their energy and water use. Continuous improvement also leads to continuous cost savings that can be reinvested into growth. Improved or new education and workforce development activities will be identified and planned to increase the pool of eligible candidates to work in manufacturing.

### *8. Advanced Nuclear Technology and Support for Existing Reactors*

With advanced nuclear energy's flexibility to support multiple industries, it can be an important cornerstone technology to achieving a clean economy. Nuclear energy is also uniquely positioned to replace the jobs and the local revenue in communities currently hosting fossil plants. The varied use cases for nuclear energy, including both generation and industrial applications, allows regions/communities to reimagine how they might want to redevelop their economic strategies around a cornerstone of clean nuclear energy.

For communities with retired or retiring fossil fuel plants or existing nuclear plants, technical assistance for nuclear energy could explore various project schedules, sites, and advanced nuclear reactors that meet local/state/regional objectives. Technical assistance can be used to understand how nuclear energy can be used to attract new industries to a community by articulating the local and regional assets that are a direct match to hosting nuclear energy projects. These can be captured in a roadmap, strategy or a community benefits plan. Technical assistance can also help a community understand how nuclear energy and renewable projects can be integrated.

The goal of the technical assistance for the Advanced Nuclear approach is to assist communities in assessing technology maturity, development timelines, feasibility and applicability of technologies available as well as speak to the potential job retention and creation and economic growth. The advanced nuclear approach will also aid in forming collaborative partnerships and connections with similar communities allowing for information sharing and technical assistance as they develop mature plans for implementing nuclear energy strategies. These collaborative partnerships can provide expertise, support and resources throughout various stages of project development. DOE's technical assistance providers will work with communities to curate a feasibility action plan to embolden decision

making and planning for the inclusion of advanced nuclear that results in significant economic benefits for the affected communities/regions. Finally, hosting nuclear technology requires open transparent conversations with all stakeholders. Technical assistance can be used to support local organizations in leading conversations about barriers/concerns related to nuclear energy such as safety, waste management, regulatory process, cost and public perception.

Since the Department of Energy has a separate effort underway for consent-based siting of nuclear waste, this funding opportunity would not be used for similar work scopes.

Example project:

- [GAIN Case Study: Repurposing the Coronado Generating Station with Nuclear Technology](#)

Apache and Navajo Counties report “Estimating Economic Impacts of Repurposing the Coronado Generating Station (CGS) with Nuclear Technology”. The report describes the socioeconomic characteristics of these counties and the results of a comparison between two scenarios: one where CGS runs as a coal power plant and one where it runs as a nuclear power plant and the related economic impacts to jobs, labor income in the region, value added (i.e., new economic activity) and economic output.

Next steps for implementation: At the end of the project period, communities participating in the Advanced Nuclear approach will have a feasibility action plan that assesses technology applicability and job creation and economic growth potential and addresses safety concerns and other barriers. This study would provide communities with the information needed to decide on what, if any, kind of advanced nuclear project they would like to pursue.

### *9. Puerto Rico Community Resilience*

Communities in Puerto Rico face a unique combination of energy-related challenges. The Puerto Rico Community Resilience approach is tailored towards reducing energy burden and enhancing energy resilience in Puerto Rico and is only open to multi-stakeholder teams located on the island.

Participants in the Puerto Rico Community Resilience Approach will receive technical assistance to partake in each step of planning a local community energy resilience project, including project realization, education opportunities and planning and development. Selected teams participating will be provided assistance to:

- Identify the community-wide resilience goal and/or clean energy-related economic development approach(es) that offer the best fit to the community.
- Make a community-wide commitment to these approach(s) through a resolution, Memorandum of Understanding (MOU) among the community’s participating parties, adoption of an environmental or clean energy goal, and/or similar formalized approach.
- Develop a strategic and long-range community roadmap that defines the community-wide resilience goal and/or clean energy-related economic development goals and major steps to achieve those goals.

By the end of the initial phase, participants will have identified the best-fit approach to community solar or renewable energy solution that enhances energy resilience, considered all necessary steps toward project completion and produced a reasonable project timeline.

The second phase of the Puerto Rico Community Resilience Approach will provide a hands-on education in community energy project development. Participants will be provided technical assistance to create a publicly vetted business plan or project design requirements based on an existing community clean energy plan. The technical assistance may include an intensive training course, individual mentoring, personalized deliverables, a mid-point review, and a final project presentation.

Applicants to the Puerto Rico Community Resilience approach may incorporate other LEAP approaches into their projects (e.g., community resilience microgrids). Applications to the Puerto Rico Community Resilience Approach must be submitted in English, but translation assistance can be provided if requested by emailing [CommunitiesLEAPinfo@hq.doe.gov](mailto:CommunitiesLEAPinfo@hq.doe.gov) by November 30<sup>th</sup> by 5pm EST.

Example project:

- Puerto Rico Energy Cooperative: [La Margarita AveynoCoop](#)  
This example project is centered on deployment of individual residential rooftop solar and storage systems. While it serves as an example of the scale of eligible projects, applications to the Puerto Rico Community Resilience Approach must be centered on community-wide energy solutions.

Next steps for implementation: At the end of the project period, communities participating in the Puerto Rico Community Resilience approach will have a clear business and development plan to construct new community energy projects that will be paired with developers in a future DOE funding opportunity. Communities will have the education and technical tools to create new project pipelines that will continue to reduce the energy burden and enhance resiliency in Puerto Rico.

## Appendix B

### Term and Conditions

By registering and submitting an application to the Communities LEAP technical assistance opportunity, the applicant acknowledges and agrees to the following Terms and Conditions.

### Compliance

DOE reserves the right to require additional documentation demonstrating an Applicant's compliance with the eligibility and application requirements and may at any time disqualify those Applicants who are unable to satisfactorily demonstrate compliance to DOE. Applicants must comply with the following eligibility requirements:

- a. Applicants must have complied with all eligibility, registration and application requirements set forth above for Communities LEAP.
- b. The Applicant's authorized representative must be a United States citizen or a permanent U.S resident and be at least 18 years of age.
- c. The lead organization representing the multi-stakeholder applying team must be formed (e.g., incorporated, chartered) in and maintain a primary place of business in the United States, which includes tribal nations and territories.
- d. DOE employees and DOE support service contractors are not eligible to participate.
- e. Non-DOE federal entities and federal employees are not eligible to participate.

By uploading an application, an Applicant certifies that it complies with the compliance and eligibility requirements described above. DOE reserves the right to require additional documentation demonstrating an Applicant's compliance and may at any time disqualify those Applicants who are unable to satisfactorily demonstrate compliance to DOE.

### Applicant Representations and Warranties

Upon submission, the Applicant hereby represents and warrants that:

- a. The Applicant has sufficient rights to use and to authorize others, including DOE, to use the application, as specified above.
- b. The application does not contain Publicly Identifiable Information (PII), business sensitive, confidential, or proprietary information beyond what is specifically requested in the application.
- c. The application does not infringe upon any copyright, trademark, patent, trade secret or upon any other third-party rights of which the Applicant is aware.
- d. The application does not constitute or result in any misappropriation or other violation of the publicity rights or right of privacy of any person or entity, or infringe, misappropriate or otherwise violate any intellectual property rights, privacy rights, or any other rights of any person or entity.
- e. The application is free of malware.
- f. The application, and any use thereof by DOE, is not defamatory or libelous in any manner.
- g. The Applicant is free to provide an application without the consent of any third party.

- h. The Applicant's authorized representative is a United States citizen or a permanent U.S. resident, and 18 years or older.
- i. The Applicant is not a party to (and it agrees that it shall not become a party to) any agreement, obligation, or understanding that is inconsistent with these Terms and Conditions or might limit or impair DOE's rights or the Applicant's obligations under the Terms and Conditions.
- j. The Applicant otherwise meets the eligibility requirements set forth by this technical assistance opportunity.

## Verification of Eligibility and Notifications

DOE will verify the identity and the role of an Applicant potentially selected to receive the technical assistance. DOE will notify each selected applicant using the provided email contact information after the date selections are announced. Before technical assistance is provided, each selected applicant will be required to sign and return to DOE, within a specified time period, an agreement addressing the terms and conditions of the technical assistance to be provided. At the sole discretion of DOE, a selected Applicant may be disqualified and receive no technical assistance if:

- The Applicant cannot be contacted, or the notification is returned as undeliverable.
- The Applicant fails to sign and return the required documentation within the required time period.
- The application or person/entity is not otherwise found to be in compliance with the Terms and Conditions.

## Records Retention and the Freedom of Information Act

Information received from the Applicant is considered a federal agency record, and as such, subject to public release under the Freedom of Information Act (FOIA). Applicants should therefore use care in only submitting information that is necessary for purposes of the application. Inclusion of PII beyond what is specifically requested in this opportunity announcement is strongly discouraged.

Inclusion of business sensitive or proprietary information is prohibited. For more information on DOE's FOIA process and regulations, please see 10 CFR Part 1004 and/or visit DOE's FOIA website here:

<https://www.energy.gov/management/office-management/operational-management/freedom-information-act>.

## Privacy Act Statement

Personally Identifiable information (PII) collected pursuant to this activity is subject to the requirements of the Privacy Act, 5 U.S.C. 552a. Any PII collected as part of this effort will be used for communication and evaluation purposes. Specifically, DOE will use this information to communicate with the applicants that respond to this Competitive Technical Assistance Opportunity and, in some limited circumstances, to evaluate members of a given applicant team when making selection determinations. Routine uses of this information include: applicant communication and technical review. For a complete overview of the routine uses for which this information may be used, please refer to the Department of Energy's System of Records Notification (SORN) at DOE-82. Disclosure of information under this action is voluntary, however failure to provide the requested information may result in an inability of the Department to

make timely contact with the applicant with necessary communications regarding this Competitive Technical Assistance Opportunity.

## Use of Data

All information and data contained in the application will be made available to DOE and parties authorized to act on behalf of DOE. By accepting these Terms and Conditions, the Applicant consents to the use of information and data submitted to DOE for evaluation purposes and for any other purpose consistent with the Terms and Conditions. All materials submitted to DOE as part of an application become DOE records and cannot be returned.

## Relationship of the Parties

Nothing contained in these Terms and Conditions is intended to create or constitute a relationship between DOE and the Applicant. Participation in the technical assistance opportunity does not imply any form of sanction, endorsement, or support of the Applicant by DOE, nor does it grant either party any authority to act as agent, nor assume or create any obligation, on behalf of the other party. Applicants may not use the DOE logo or official seal in their submissions.

## Merit Review and Selection Process

Each submission will be reviewed and evaluated by qualified technical reviewers and a Merit Review Panel selected by DOE at its sole discretion. Technical evaluators and Merit Review Panel members may not (A) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered Applicant; or (B) have a familial or financial relationship with a registered Applicant. The Merit Review Panel will rate the qualified applications based on the evaluation criteria identified above and determine a final score for each submission. DOE's final determination of selected applications will take the Merit Review Panel's scores and program policy factors listed above into account. All selection decisions by DOE are final. The scores of the Merit Review Panel and the final determination of selected applications may not be challenged or appealed.

## Publicity

The selected applications may be featured on DOE social media sites, newsletters, and other similar forms of media. Except where prohibited by law, submission of an application constitutes each Applicant's consent to DOE's and its agents' use of each Applicant's name, likeness, photograph, voice, opinions, and/or hometown and state information, and abstract of each Applicant's submission for promotional purposes through any form of media, worldwide, without further permission, payment or consideration. As a condition of receiving technical assistance, the Applicant will be required to submit an executed DOE approved publicity release from each of the Applicant's stakeholder team members after the Applicant is notified of selection.

## General Conditions

DOE reserves the right to cancel, suspend, and/or modify the technical assistance opportunity, or any part of it, if any fraud, technical failure, or any other factor beyond DOE's reasonable control impairs the

integrity or proper functioning of the opportunity, as determined by DOE in its sole discretion. DOE is not responsible for, nor is it required to accept, incomplete, late, misdirected, damaged, unlawful, or illicit applications.

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 11-14-23**

**SUBJECT** Endorsing the Federal “Affirmatively Furthering Fair Housing Plan.

**AGENDA INFORMATION:** A condition of our \$1,097,000 CDBG Infrastructure grant is to endorse and promote several Federal Programs. One of the programs is the “Fair Housing Act”. The resolution that is attached stipulates that the Town hereby “endorses an Affirmatively Furthering Fair Housing Plan that ensures equal opportunity and fair housing for all persons to rent, purchase, obtain financing and enjoy all other housing attributes, that is affordable, safe, decent, free of unlawful discrimination and accessible as required on a non-discriminatory basis.” In addition, the Town will take meaningful actions that taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with the civil right a fair housing laws”.

An element of the Fair Housing Plan is for the Town to serve as a resource for people wishing to file fair housing complaints. Under the plan outlined in the “Fair Housing Complaint Procedure” a person may inform the Town Manager of the housing complaint. The Manager will forward the complaint to the “NC Division of Water Infrastructure” and the NC Human Relations Commission. Together, the Town , Division and Commission shall investigate the complaint. All information relating to the Town’s role in Fair Housing shall be available in Spanish should the person wish to obtain a translation\*.

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Administration  
**Contact:** Rob Hites  
**Presenter:** Rob Hites

**BRIEF SUMMARY :** See Above

**MOTION FOR CONSIDERATION:** Approve the Federal “Affirmatively Furthering Fair Housing Plan and adopt it “Fair Housing Complaint Procedure”.

**FUNDING SOURCE/IMPACT:** Water and Sewer

**ATTACHMENTS:** Resolution, Fair Housing Complaint Procedure

**MANAGER’S COMMENTS:** As with any Federal Categorical Grant, there are numerous Federal Policy related strings attached. Over the next year, the Council will be presented with a number of Federal Policies that are requirements of the CDBG program.

\*Esta informacion esta disponible en Espanol o en cualquier otro idioma bajo peticion. Por favor, pongase en contacto con Candance Poolton al 828-452-2491 o en (16 S. Main Street, Waynesville, NC 28786) de alojamiento para esta solicitud.

**RESOLUTION NO. R-23-23**  
**TOWN OF WAYNESVILLE**  
**EQUAL HOUSING OPPORTUNITY RESOLUTION**

WHEREAS, the Town of Waynesville, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program, and

WHEREAS, the Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property, and

WHEREAS, The Fair Housing Act (Act) declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, rental and financing of housing, or making dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin or disability, and

WHEREAS, Executive Order 12892, Equal Opportunity in Housing, as amended (*Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing*), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities; and

WHEREAS, North Carolina State Fair Housing Act, prohibits unlawful discriminatory housing practices for any person in real estate transactions, because of race, color, religion, sex, national origin, handicapping condition, or familial status; unlawful discriminatory housing practice to discriminate in land-use decisions or in the permitting of development based on race, color, religion, sex, national origin, handicapping condition, familial status, or, except as otherwise provided by law, the fact that a development or proposed development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income.

NOW THEREFORE, BE IT RESOLVED:

The Town of Waynesville hereby endorses an Affirmatively Furthering Fair Housing Plan that ensures equal opportunity and fair housing for all persons to rent, purchase, obtain financing and enjoy all other housing attributes, that is affordable, safe, decent, free of unlawful discrimination and accessible as required on a non-discriminatory basis as provided by state and federal statutes and regulations.

In addition, the Town of Waynesville will take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with the civil rights and fair housing laws.

ADOPTED BY THE TOWN COUNCIL, WAYNESVILLE, NORTH CAROLINA.

Adopted this 14th day of November 2023

ATTEST:

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

\_\_\_\_\_  
Candace Poolton, Town Clerk



**RESOLUTION NO. R-24-23**  
**FAIR HOUSING COMPLAINT PROCEDURE**

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and the North Carolina Fair Housing Act. In an effort to promote fair housing and that the rights of housing discrimination victims are protected, Town of Waynesville, has adopted the following procedures for receiving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the Town may do so by informing the **Town Manager** of the facts and circumstance of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the Town Manager shall acknowledge the complaint within fifteen (15) working days in writing and inform the Division of Water Infrastructure and the North Carolina Human Relations Commission about the complaint.
3. The Town Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the Town.
4. The Town Manager shall publicize in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

It is the policy of the Town of Waynesville to implement the CDBG program to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, sex, familial status, or disability.

If you have any questions about the complaint procedure or would like to register a complaint of fair housing discrimination, please contact the Town Manager at 828-5452-2491, 16. S. Main Street, Waynesville, NC 28786 or rhites@waynesvillenc.gov, or for the hearing impaired, TDD assistance is available at (TDD #and/or TYY#) and providing the facts and circumstances of alleged discriminatory act or practice.

This information is available in Spanish or any other language upon request. Please contact Candace Poolton, Town Clerk at 828-452-2491 or at (16. S. Main Street, Waynesville, NC 28786) for accommodations for this request.



Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Candace Poolton al (828-452-2491) o en (16. S. Main Street, Waynesville, NC 28786) de alojamiento para esta solicitud.

Adopted this 14<sup>th</sup> day of November 2023.

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

ATTEST: \_\_\_\_\_

Candace Poolton, Town Clerk