



## Town of Waynesville, NC

### Board of Aldermen Regular Meeting

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

Date June 25, 2019

Time: 6:30 p.m.

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#### A. CALL TO ORDER - Mayor Gavin Brown

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

**Motion: To approve the minutes of the June 11, 2019 regular meeting as presented (or as corrected).**

#### B. PRESENTATIONS

3. a. Recognition of Firefighter Chris Mills' retirement
  - Fire Chief Joey Webb
- b. Resolution Awarding Badge and Service Sidearm to retiring Police Chief William "Bill" H. Hollingsed
  - Mayor Gavin Brown

#### C. PUBLIC HEARINGS

4. ADA Transition Plan
  - David Foster, Public Works Director

**Motion: To adopt the Americans with Disabilities Act (ADA) Transition Plan for the Town of Waynesville.**

5. Public Hearing - Waynesville Housing Authority Board
  - Manager Rob Hites

**Motion: Approve the resolution increasing the size of the Waynesville Housing Authority Board from seven to nine members.**

6. Budget Ordinance 2019-2020 and Resolution on Financial Operating Plan-Internal Service Funds

- Eddie Caldwell, CPA

**Motion: To approve Budget Ordinance 2019-2020.**

**Motion: To approve Resolution on Financial Operating Plan for Two Internal Service Funds.**

C. NEW BUSINESS

7. Request approval for change to approved Special Event – September 14th Block Party

- Assistant Town Manager Amie Owens

**Motion: To approve the special events permit application with revised start time and direct Town Manager to execute special events permit, as presented.**

8. Appointments for Boards and Commissions

- Mayor Gavin Brown

**ABC Board – (1) vacancy (3-yr term ending June 30, 2022)**

2 Applicants: Danny Wingate – Currently Serving since 2018  
Margaret Erin Chandler

**Historic Preservation Commission – (3) vacancies (3-yr term ending June 30, 2022)**

5 Applicants: Jeff Childers – Currently Serving since 2017  
Rodney Conard  
Ann Melton – Currently Serving since 2010  
Sandra Owen – Currently Serving since 2008  
Lorna Sterling

**Planning Board – (4) vacancies (3-yr term ending June 30, 2022) – (3) for Town representatives**

\* (1) vacancy for ETJ Representative

5 Applicants: Margaret Erin Chandler  
Ginger Hain – Currently Serving since 2016 (ETJ Representative)  
Donald J McGowan  
Marty Prevost – Currently Serving since 1992  
Anthony Sutton – Currently Serving since 2015

**Public Art Commission – (3) vacancies (3-yr term ending June 30, 2022)**

4 Applicants: Margaret Erin Chandler  
Dominick DePaolo – Currently Serving since 2013  
Ann Melton – Currently Serving since 2010  
Jessi Stone

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

June 25, 2019

- 3 -

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**Recreation Commission** – (3) vacancies (3-yr term ending June 30, 2022)

3 Applicants: Margaret Erin Chandler  
Nicole Kott  
Sarah Massie – Currently Serving since 2006

**Waynesville Housing Authority** – (3) vacancies (5-yr term ending June 30, 2024)  
***(potential for five vacancies if the item 5 approved)***

5 Applicants: William Donald Barnette  
Margaret Erin Chandler  
H. P. “Bucky” Dykes - Currently Serving on Planning Board  
Don McGowan  
Jessi Stone

**Zoning Board of Adjustment** - (5) vacancies (3-yr term ending June 30, 2022)

\*(1) – ETJ Representative

1 Applicant: Margaret Erin Chandler  
Joshua Morgan – Currently Serving since 2016

\*ETJ representatives must be confirmed by Board of County Commissioners

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

**D. COMMUNICATIONS FROM STAFF**

9. Manager’s Report

- Town Manager Rob Hites

Proposal to prepare USDA Grant/Loan Application from WR-Martin and Associates

***Motion: Approve the proposal to prepare the grant/loan application for USDA funding and interim financing totaling \$17,500.***

10. Attorney’s Report

- Town Attorney Bill Cannon

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

**F. CALL ON THE AUDIENCE**

**G. ADJOURN**



# TOWN OF WAYNESVILLE

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

## CALENDAR June 25, 2019

2019	
<b>Tuesday June 25</b> 6:30 PM Board Room	Board of Aldermen Meeting – Regular Session
<b>Friday June 28</b> 6:30 – 9:00om Main Street	Mountain Street Dance Downtown Waynesville Association
<b>Saturday June 29</b> 10:00 AM – 2:00 PM Hazelwood Baptist Church	Car/Craft Show Sponsored by Hazelwood Baptist Church
<b>Monday July 1</b> 5:30 PM Municipal Building Board Room	Joint Meeting with Planning Board, Board of Aldermen, and Steering Committee for preliminary review of Comprehensive Plan
<b>Thursday July 4</b>	Town Offices Closed – Independence Day
<b>Thursday July 4</b> 11:00am – 3:00pm Main Street	Stars and Stripes Celebration Downtown Waynesville Association
<b>Tuesday July 9</b> 6:30 PM Board Room	Board of Aldermen Meeting – Regular Session
<b>Friday July 12</b> 6:30 – 9:00pm Main Street	Mountain Street Dance Downtown Waynesville Association
<b>Saturday July 20<sup>th</sup></b> 10:00 AM – 11:00 AM	Folkmoor Parade Main Street
<b>Tuesday July 23</b> 6:30 PM Board Room	Board of Aldermen Meeting – Regular Session
<b>Thursday July 25</b> 8:30 PM	Folkmoor Lantern Parade Hazelwood Parking Area to Folkmoor Friendship Center
<b>Friday July 26</b> 6:30 – 9:00pm Main Street	Mountain Street Dance Downtown Waynesville Association
<b>Saturday July 27</b> 10:00 AM – 5:00 PM Main Street	Folkmoor International Day
<b>Saturday August 3</b> 9:00 AM – 12:00 PM Haywood County Courthouse	Sarge's 14 <sup>th</sup> Annual Downtown Dog Walk Sarge's Animal Rescue Foundation Inc.



<b>Friday August 9</b> <b>6:30 – 9:00pm</b> <b>Main Street</b>	Mountain Street Dance Downtown Waynesville Association
<b>Saturday August 10</b> <b>9:00 am</b>	Antiques Extravaganza Festival Depot Street to Panacea
<b>Saturday August 10</b> <b>1:00 PM – 2:00 PM</b> <b>Main Street</b>	Mountaineer Day Big T Club Parade of Tuscola Teams
<b>Tuesday August 13</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Sunday August 25</b> <b>4:00 PM – 7:00 PM</b> <b>First Methodist Church</b>	Back to School Bash First Methodist Church
<b>Tuesday August 27</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Monday September 2</b>	Town Offices Closed – Labor Day
<b>Tuesday September 10</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Saturday September 14</b> <b>6:00 – 10:00pm</b> <b>Main Street</b>	Rockin Block Party Downtown Waynesville Association
<b>Tuesday September 24</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Saturday September 28</b> <b>9:00 – 10:00am</b> <b>Commerce Street in Frog Level</b>	Power of Pink 5K Haywood Healthcare Foundation
<b>Tuesday October 8</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Saturday October 12</b> <b>12:00am – 5:00pm</b> <b>Main Street</b>	Church Street Art & Craft Show Downtown Waynesville Association
<b>Saturday October 19</b> <b>10:00 – 5:00pm</b> <b>Main Street</b>	Apple Harvest Festival Downtown Waynesville Association
<b>Tuesday October 22</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Thursday October 31</b> <b>5:00 – 7:00pm</b> <b>Main Street</b>	Treats on the Street Downtown Waynesville Association
<b>Thursday October 31</b> <b>5:00 – 8:00 PM</b>	Trunk or Treat First United Methodist Church
<b>Tuesday November 12</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session

<b>Tuesday November 26</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Thursday &amp; Friday Nov 28 &amp; 29</b>	Town Offices Closed – Thanksgiving
<b>Saturday November 30</b> <b>9:00 AM – 4:00 PM</b> <b>Frog Level</b>	Holiday Market Sponsored by Frog Level Merchants Association
<b>Tuesday December 10</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Tues, Wed &amp; Thurs Dec 24 – 26</b>	Town Offices Closed – Christmas

## Board and Commission Meetings – June 2019

ABC Board	ABC Office – 52 Dayco Drive	<b>June 18th</b> 3 <sup>rd</sup> Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	<b>June 4<sup>th</sup></b> 1 <sup>st</sup> Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	<b>June 27th</b> 4 <sup>th</sup> Thursdays 12 Noon
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>June 5th</b> 1 <sup>st</sup> Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	<b>June 17th</b> 3 <sup>rd</sup> Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	<b>June 13th</b> 2 <sup>nd</sup> Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	<b>June 19th</b> 3 <sup>rd</sup> Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	<b>June 19th</b> 3 <sup>rd</sup> Wednesdays 3:30 PM

## BOARD/STAFF SCHEDULE

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**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**June 11, 2019**

**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday, June 11, 2019, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown  
Mayor Pro Tem Gary Caldwell  
Alderman Jon Feichter  
Alderman LeRoy Roberson  
Alderman Julia Freeman

The following staff members were present:

Rob Hites, Town Manager  
Assistant Town Manager Amie Owens  
Bill Cannon, Town Attorney  
Eddie Ward, Town Clerk  
Eddie Caldwell, CPA  
Dean Trader, Interim Finance Director  
Elizabeth Teague, Development Services Director  
Brian Beck, Captain Police Department  
Rhett Langston, Parks & Recreation Director

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

Monday June 17 – 6:00 pm – Walk to end Elder Abuse – Historic Courthouse

2. Adoption of Minutes

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to approve the minutes of the May 28, 2019 regular meeting and the minutes of the May 30 2019 special called meeting, as presented. The motion passed unanimously.***

**PROCLAMATION – Blue Ridge National Heritage Weekend**

Mayor Brown read a proclamation for the Blue Ridge National Heritage weekend which will be held at the Shelton Campus on June 22 and 23, 2019. He said this weekend event is a time to celebrate the contributions of those who have shaped the history of our region and state. He asked Mr. Mike McLean, Vice Chairman of the Shelton House, to explain some of the events that will take place during the weekend.

Mr. McLean stated that Mayor Brown will welcome everyone at 9:30 a.m., and Mr. Dale Bartlett of the Blue Ridge National Music Trails will be speaking afterwards. There will be a craft fair, farmers market, kid's games on front lawn, and alumni from the Junior Appalachian Musicians will perform on Sunday in the Hart Theater. He said that

Joe Sam Queen will also be conducting a street dance on the lawn of the Shelton House. He invited everyone and said and encouraged them to attend.

## **B. CALL FOR PUBLIC HEARING**

3. ADA Transition Plan - Call for Public Hearing on June 25, 2019
  - David Foster, Public Works Director

Mr. David Foster, Public Services Director, explained to the Board that the NCDOT has been mandated by the US Department of Justice and Federal Highway Administration to ensure that all subrecipients of State and Federal funds comply with the Americans with Disabilities Act in which any municipality in receipt of Federal or State aid (Powell Bill funds) with over 50 employees possess an ADA Transition Plan.

He stated that the plan in their packets has been completed by JM Teague Engineering and inventories the Town assets which include: sidewalks, signals, buildings, parking lots, rest areas, mixed us trails, linkage to transit, etc.

Mr. Foster asked that a Public Hearing be held at the June 25<sup>th</sup>, 2019 meeting to discuss and approve the ADA Transition Plan.

***A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson, to call for a Public Hearing on Tuesday, June 25, 2019 at 6:30 p.m. or as closely thereafter as possible, to be held in the Town Hall Board Room located at 9 South Main Street, Waynesville, to consider the adoption of the ADA Transition Plan. The motion carried unanimously.***

## **C. PUBLIC HEARING**

4. Fiscal Year 2019/2020 Budget Public Hearing
  - Eddie Caldwell, CPA

Mayor Brown noted that he was not inclined to approve the budget at this evening's meeting and informally polled the board to see if there were any objections to continuing the public hearing to the June 25th meeting. No objections were noted, and he asked Town Attorney Bill Cannon to open the public hearing.

The Public Hearing was opened at 6:46 p.m. and Attorney Bill Cannon asked if anyone from the audience would like to address the board. No one addressed the board. Mayor Brown asked former Finance Director Eddie Caldwell if there had been any changes to the budget since the previous discussion on May 30. Mr. Caldwell noted that there had not been any changes but that there still had not been any progress related to the landslide clean-ups.

Alderman LeRoy Roberson asked Mr. Foster if this type of repair for landslides and roadways following excessive rain was going to occur with regularity in the future. Mr. Foster answered that he could not

predict this, but with conditions becoming more and more wet, there was a possibility, but there was no true way to plan for it. Mr. Foster explained that there were currently 5 slide areas being addressed within the Town limits. He noted that the geotechnical firm was still busy with other projects but have been in contact with him and Town Engineer Preston Gregg; Mr. Foster will update when more information is known.

Mayor Brown added that several non-profits who regularly apply for special appropriations had not done so and he requested that they be contacted to inquire as to why. Multiple responses were received, and board members were given copies of their requests. Mayor Brown asked that the special appropriations be held open until the budget approval at the next regular meeting. Assistant Town Manager Amie Owens will update the spreadsheet and include for the next meeting.

Mayor Brown asked if any of the Board Members had questions about the budget. Alderman Jon Feichter indicated that he had several questions. His first question related to the Craven Street Park. He was enthusiastic about the funds being included in the capital budget but inquired as to the total cost of additional phases for the park and what amenities would be included. Development Services Director Elizabeth Teague noted that the initial plan was to get the picnic pavilion, site plan and parking area completed with the budgeted \$60,000. This appropriation could also be used as potential match funding for additional grants. With additional funding, and after meeting with the community, other additions could be considered. Ms. Teague that movement on the project could begin as soon as a contractor was secured.

Alderman Jon Feichter commented that there was an additional police patrol officer in this proposed budget and asked if a vehicle would be required for this new position. Captain Brian Beck explained that there would be a pool vehicle available to be assigned to this new position and that no purchase of a vehicle would be required.

Alderman Jon Feichter asked, besides the Wastewater Treatment Plant and the landslides, were there any additional large projects planned for the upcoming year. Mr. Caldwell noted that the Decktron dehumidification and air circulation system in the pool area needed replacement. Mr. Caldwell added that the cost for this system would be covered by a loan from the Electric Fund, so no outside borrowing would be necessary. Recreation Director Rhett Langston noted that there was a week each September when the Recreation Center is closed for maintenance and if possible, they would like to get this unit in at that time. Mr. Langston noted that bids could go out as soon as the fiscal year begins if the budget is approved.

Alderman Jon Feichter indicated that the Career Track amount that was included was 1.5% for this year, and that in the previous year a COLA (Cost of Living Adjustment) of 3.5% was available. Other municipalities and counties were offering COLAs to employees and from the retreat in 2018 he remembers that a COLA is proposed for next year. If COLA and Career Track are both indicated, would that be a 5% increase for employees? Town Manager Rob Hites answered that it would be a 5% increase over a two-year period. He reminded the board that if a COLA increase was provided every year, then funds would have to be available to cover the continuing employee costs which would mean that revenues would have to go up (i.e. tax or fee increases) or staffing pared down. By setting a COLA every other year, it is more manageable. At this point, the cash flow will not allow for annual COLAs. Manager Hites noted that ways to offset costs would be if the revaluation numbers came in stronger, the amount of development assists in the tax revenue received and potentially looking positively at a stormwater fee may prevent an elevation in tax rate. The revenues are not growing as fast as the needs.

Mayor Brown thanked Mr. Caldwell for his work on this budget and asked if there were any additional questions from the board. There being none, he asked the board to recess the public hearing until June 25, 2019.

***Alderman Jon Feichter made a motion, seconded by Alderman LeRoy Roberson to recess the Public Hearing for the Fiscal Year 2019-2020 budget until June 25, 2019 at the regular meeting. The motion carried unanimously.***

The public hearing was recessed at 7:06 p.m.

#### **D. COMMUNICATIONS FROM STAFF**

##### **5. Manager's Report**

- Town Manager Rob Hites

##### **a. Discussion and Call for Public Hearing - Waynesville Housing Authority Board**

Manager Hites explained to the Board that Chapter 157-4 of the General Statutes outlines the procedures for the creation, expansion and dissolution of Housing Authorities. The Chapter lays out their considerable powers to construct and maintain affordable housing and undertake neighborhood redevelopment. He said that Municipalities have the power to create an independent authority, assign the powers to an existing Redevelopment Authority, or undertake the powers of a Housing Authority themselves.

Housing Authorities may be administered as separate administrative units or a department of a Town. The statute permits authorities to have as few as five members and as many as eleven. Manager Hites stated that Waynesville's Housing Authority currently has seven members, with three vacancies coming up on June 30th. There is currently a critical need for more affordable housing in Waynesville, and several people have suggested that the Authority take on a more proactive role in neighborhood revitalization and construction of new housing. It has been suggested that the Town Board expand the size of the Housing Authority from seven to nine members. To do this, the General Statutes require that the Town Board pass a resolution to that effect and hold a public hearing seeking input into the need to increase the size of the Board. Manager asked the Board to call for a Public Hearing to consider this increase in the number of members on the Housing Authority.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman, to call for a Public Hearing to be held on Tuesday, June 25, 2019 at 6:30 p.m. or as closely thereafter as possible, to be held in the Town Hall Board Room located at 9 South Main Street, Waynesville, to consider the adoption of the change in the number of members on the Waynesville Housing Authority Board. The motion passed unanimously.***

##### **b. Update ABC Privatization**

Three bills have been filed in the NC Legislature relating to privatizing the States' ABC system. They are summarized in the memo prepared by Manager Hites concerning the Alcoholic Beverage Control Legislation as follows:

Three bills have been filed in the Legislature regarding changes to the ABC system. House Bill 091 and Senate Bill 0087 are companion bills. The House version has been assigned to House Finance and hasn't moved since 4/17/19. Senate Bill 0087 has been assigned to Senate Rules and hasn't been calendared for debate. These bills mainly deal with permitting private, non-State-owned vehicles to transport liquor to retail establishments. It permits an independent contractor hired by the ABC store or permit holder to transport any amount of spiritous liquor or fortified wine without obtaining a purchase-transportation permit. The main issue for municipalities is that his bill permits Sunday opening of ABC stores upon passage of an ordinance by a municipality permitting such an opening and it orders the merger of all ABC stores in a County into one. There does not appear to be much activity surrounding these bills.

House Bill 971 completely changes the way that spiritous liquors are distributed and sold in NC. The bill dissolves the State ABC warehouse and all locally owned ABC stores. It orders that the assets of both the State and local systems be sold at public auction by January 1, 2020. It specifies that "local boards remain subject to any liabilities arising or remaining from the liquidation. The proceeds of the auction of local ABC assets shall go to capital needs of the school system. The bill does NOT provide a mechanism for dealing with any debt local ABC Boards may owe.

The Bill states that if a municipality or county has an ABC system they are deemed to permit private distributors of liquor (off premises sales of spiritous liquor). The State shall permit an initial group of 1,500 liquor store permits and after January 1, 2021 each municipality and or county shall receive an additional permit for each 7,500 citizens added after the 2010 census. If a Town or County has an ABC store they must permit at least one retail sales location.

Sunday sales of liquor may be permitted by ordinance with each store opening at 10:00 am.

The distribution of taxes from the sale of liquor would be changed to one where each gallon of liquor is taxed at a rate of \$28. 25% of that tax would revert to municipalities. 30% of that would be earmarked for alcohol and substance abuse education and law enforcement. The remainder could be used for any lawful governmental purpose.

HB 971 passed first reading in the and has been sitting in the Finance Committee since April. It was supposed to be discussed during the Finance Committee meeting on Tuesday June 4th but was not on the committee agenda. A companion bill has not been introduced in the Senate.

The legislature is consumed in the budget at present and it is very possible that the Governor may veto it. Without the votes to override the Governors' veto the legislature may adopt a continuing resolution and "fight it out in the trenches if it takes all year". Given the uncertain adjournment of the long session it is difficult to determine if HB 971 will be passed by the House. If it is adopted in the House, it could be taken up in the Short Session of 2020 or even reintroduced as a "budget bill". There is also the real threat that the Governor could veto it even if it is ratified by both houses of the General Assembly.

Manager Hites stated he would like to follow the progress of the legislation, and at the next Board of Alderman meeting have a Resolution for adoption to oppose the Bill as it is currently drafted. He stated that if privatization becomes a reality, it should be required that each retail outlet remit the same taxes to the municipality as is currently permitted.



10. Attorney's Report

- Town Attorney Bill Cannon

Attorney Cannon stated he had received a dismissal order for the Red Square LLC lawsuit, and the Deaver lawsuit. He stated that as of now the only litigation pending is the Hazel Street property.

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

Board members had nothing to discuss.

**F. CALL ON THE AUDIENCE**

No one spoke.

**G. ADJOURN**

*With no further business, a motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to adjourn at 7:25 p.m. The motion carried unanimously.*

**ATTEST:**

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Gavin A. Brown, Mayor

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Robert H. Hites, Jr. Town Manager

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Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE**  
**PROCLAMATION HONORING THE RETIREMENT OF**

***Fire Engineer II Christopher Mills***

**WHEREAS,** Christopher (Chris) Mills began his fire service career with the Hazelwood Volunteer Fire Department on April 3, 1990; and

**WHEREAS,** On July 3, 1995, Mr. Mills began his career with the Town of Waynesville as a Firefighter I; and

**WHEREAS,** Chris served as a Fire Fighter from July 1995 through July 2000; and

**WHEREAS,** From July 2000 to January 2016 he served as a Fire Engineer I; and

**WHEREAS,** He was promoted to Fire Engineer II on January 11, 2016 and served in this capacity until his retirement effective May 31, 2019; and

**WHEREAS,** Mr. Mills has held the following certifications: Driver Operator Aerial, Fire & Life Safety Educator Level I, Hazardous Materials Level I, Basic Rescue Technician, Medical Responder and completed numerous hours of Fire Training and specialty fire training; and

**WHEREAS,** Chris has served the citizens of Waynesville well in all of his positions, holding to his values and integrity, while acting in the best interests of the citizens of Waynesville and the Fire Department.

**NOW, THEREFORE, BE IT RESOLVED, THAT I,** Gavin A. Brown, Mayor of the Town of Waynesville, on behalf the Town of Waynesville Board of Aldermen and Town Staff, formally thank Fire Engineer II Christopher Mills for his years of service to the Town of Waynesville and its citizens, and for his dedication, and commitment to his profession. We wish him well in his future endeavors and retirement.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Town of Waynesville to be affixed,

This the 25th day of June 2019.

**TOWN OF WAYNESVILLE**

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Gavin A. Brown, Mayor

# **TOWN OF WAYNESVILLE**

## **RESOLUTION AWARDING BADGE AND SERVICE SIDEARM TO RETIRING POLICE CHIEF WILLIAM “BILL” H. HOLLINGSSED**

**WHEREAS**, North Carolina General Statute 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality, and

**WHEREAS**, North Carolina General Statute 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member, and

**WHEREAS**, Chief William (Bill) Hollingsed has served as the Police Chief for the Town of Waynesville from February 1, 1999 to June 30, 2019 and as a law enforcement officer for multiple years prior to coming to the Town of Waynesville.

**NOW, THEREFORE, BE IT RESOLVED**, I, Gavin A. Brown on behalf of the members of the Board of Aldermen for the Town of Waynesville, North Carolina, the following:

The Town of Waynesville is hereby authorized in accordance with the provisions of North Carolina General Statute 20-187.2 to transfer to the badge worn by him during his service with the Waynesville Police Department and his service sidearm, identified as Glock, Model 35; .40 caliber; Serial # WLK 948.

Adopted this 25th day of June 2019.

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Gavin A. Brown, Mayor

ATTEST:

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Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: June 25, 2019**

**SUBJECT:** ADA Transition Plan - Public Hearing on June 25, 2019

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing  
**Item Number:** C4  
**Department:** Public Services Department  
**Contact:** David Foster, Preston Gregg  
**Presenter:** David Foster, Public Services Director

**BRIEF SUMMARY:**

The NCDOT has been mandated by the US Department of Justice and Federal Highway Administration to ensure that all subrecipients of State and Federal funds comply with the Americans with Disabilities Act in which any municipality in receipt of Federal or State aid (Powell Bill funds) with over 50 employees possess an ADA Transition Plan.

This plan inventories Town assets to include: sidewalks, signals, buildings, parking lots, rest areas, mixed us trails, linkage to transit, etc. JM Teague Engineering has completed the plan.

The notice of public hearing was published in the Mountaineer on Friday, June 7 and Friday, June 14, 2019.

**MOTION FOR CONSIDERATION:** To adopt the Americans with Disabilities Act (ADA) Transition Plan for the Town of Waynesville.

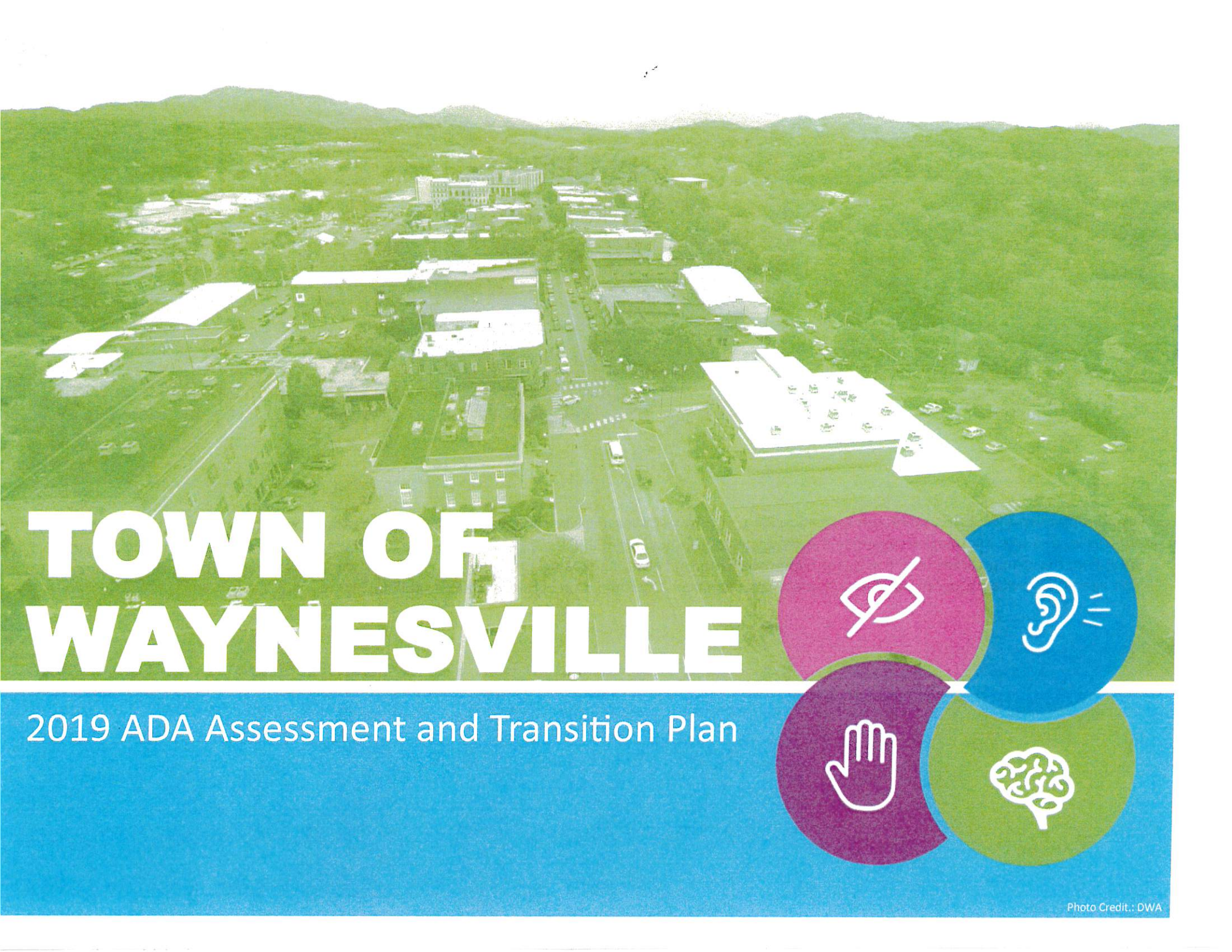
**FUNDING SOURCE/IMPACT:** Continued Powell Bill funding requirement

**ATTACHMENTS:**

- ADA Transition Plan prepared by JM Teague Engineering

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Recommend approval of the plan for continued Powell Bill funding.



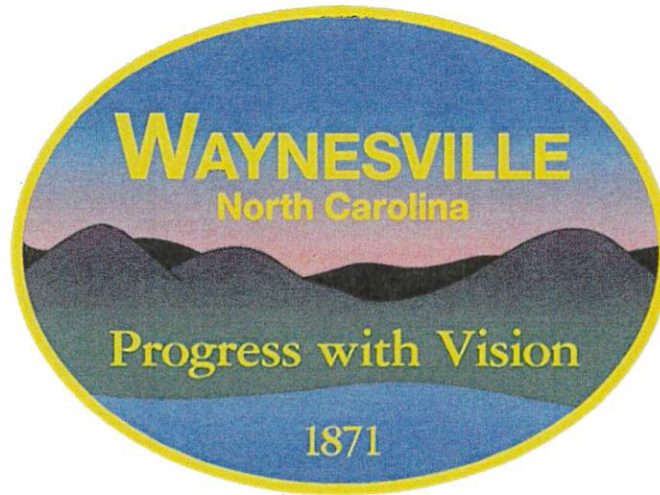


# TOWN OF WAYNESVILLE

2019 ADA Assessment and Transition Plan







**By adopting this ADA Assessment and Transition Plan,** The Town of Waynesville shall make available to applicants, participants, beneficiaries and other interested persons information regarding the provisions of this document and its applicability to Title II of the Americans with Disabilities Act. In its adoption, this plan provides for infrastructure improvements and gives a grievance procedure to citizens of the Town, along with all other recipients of this agency's services, programs and or activities protection from discrimination in reference to disabilities.



# **TOWN OF WAYNESVILLE, NC**

## **2019 ADA Assessment and Transition Plan**

Adopted (\_\_\_\_\_)

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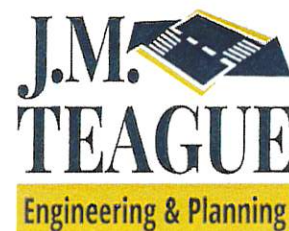
### **Board of Aldermen**

Gavin A. Brown, *Mayor*  
Gary Caldwell, *Mayor Pro Tem*  
Jon Feichter  
Julia Boyd Freeman  
LeRoy S. Roberson

### **Town Staff**

David Foster, *Public Services Director*  
Preston Gregg PE, *Town Engineer*  
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### **Prepared by:**



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# TABLE OF CONTENTS



## CHAPTER 1: INTRODUCTION

- 1.1 Plan Summary
- 1.2 Plan Purpose and Direction
- 1.3 Background
- 1.4 Title II Considerations

## TRANSITION RECOMMENDATIONS

- 1.5 Process
- 1.6 Plan Requirements

## CHAPTER 2: REQUIREMENTS

- 2.1.1 Title II Agency Requirements
- 2.1.2 Self Evaluation § 35.105
- 2.1.3 New Construction and Alterations § 35.151
- 2.1.4 Designation of the ADA Coordinator
- 2.1.5 Training and Continuing Education

## CHAPTER 2.2: CODE AND POLICY REVIEW—WAYNESVILLE LAND DEV. STANDARDS

## CHAPTER 2.3: STATE BUILDING CODE—PARKING

## CHAPTER 3: PUBLIC AND STAKEHOLDER ENGAGEMENT

- 3.1 Survey Summary
- 3.2 Survey Advertisement
- 3.3 Survey Process
- 3.4 Response Rates
- 3.5 Findings

## CHAPTER 4.1: SELF ASSESSMENT

- 4.1.1 Areas of Study
- 4.1.2 Commonly Observed ADA Barriers

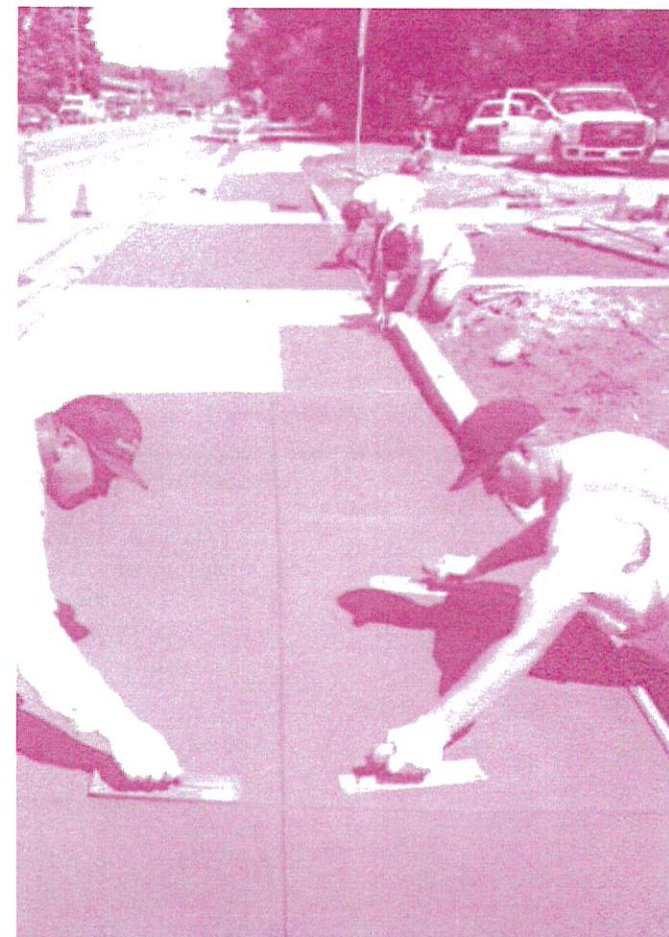
## CHAPTER 4.2: ASSESSMENT SUMMARIES PER CATEGORY

- 4.2.1 Public Buildings
- 4.2.2 Parking Lots
- 4.2.3 Parks and Playgrounds
- 4.2.4 Sidewalks and Crossings

## TRANSIT ACCESS

## APPENDIX

- A. Surveys
- B. Maps
- C. Data
- D. Sample Resolution
- E. Grievance Procedure
- F. Checklists





# Chapter 1 INTRODUCTION

## 1.1 Plan Summary

Within this ADA Assessment and Transition Plan, The Town of Waynesville, along with its consultant J. M. Teague Engineering and Planning (JMTE), have taken a broad look at publicly maintained sidewalks, parking areas, parks, and entrances to public buildings to discover common barriers to individuals with physical and cognitive limitations. Upon identifying these barriers, this plan outlines a general path of correction that will be utilized to address said issues.

## 1.2 Plan Purpose and Objective

It is the purpose of this ADA Assessment and Transition Plan to ensure that citizens of all physical and cognitive abilities have full access to the Town's street network and its services and activities. This pursuit is based upon the idea that equitable accommodation for disabled citizens is not only essential to good governance but also to the enhancement of quality of life within the town of Waynesville. The objective of this plan is to provide the Town with a comprehensive strategy to remove commonly identified barriers and upgrade non-compliant facilities while keeping context and feasibility in mind. This strategy has been organized into a short- to long-range schedule that places priority on eliminating certain barriers before others and also providing guidance for upgrades to systems when regular maintenance is required.

## 1.3 Background

In compliance with the Americans with Disabilities Act (ADA) and more specifically Title II of said Act, the Town of Waynesville has adopted this plan in order to ensure access to civic life by people with disabilities. Title II of the ADA regulates programs, activities, and services provided by public entities which includes municipalities. Moreover, while the Town desires to enhance quality of life for all of its citizens, the Town is also legally mandated to do so. While many facilities operated by the Town of Waynesville have been designed, constructed, and remodeled to comply with federal and state accessibility requirements, some barriers still exist.

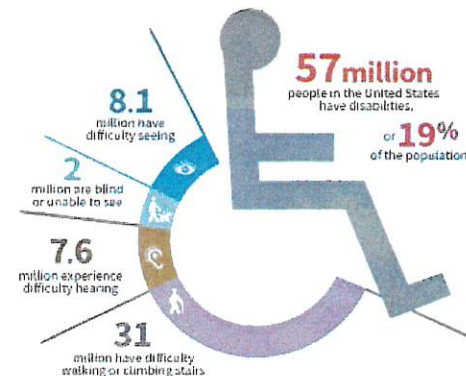
## 1.4 Title II Considerations

"...No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity" (42 USC Sec. 12132; 28 CFR Sec. 35.130).

See [HERE](#) for Greater Detail



### American Disabilities



117° 0' N  
Lat: 35° 30' 6.26" N Lon: 82° 50' 46.77" W





# TRANSITION RECOMMENDATIONS

## Years 1-3

- Create an ADA Update line item within the Town's budget.
- Add or update better detectable warnings - truncated domes in all deficient areas.
- Update pedestrian signal timing and auditory signals to facilitate longer crossings.
- Work to remove obstructions along sidewalks—except utility relocation.
- Level sidewalks with heaving, sinking or cracking.
- Add or update accessible parking spaces where deficient or lacking proper placement.
- Add signage and update pavement markings.
- Conduct a review of all internal building specifications.
- Partner with Haywood Transit in order to better serve disabled riders.
- Address accessibility limitations to all Town programs.

## Years 4-6

- Bring all Main Street, Hazelwood and Frog Level sidewalk corridor crossings into full compliance (outside of grade).
- Plan for upgrades along Sulphur Springs Road, Hazelwood Avenue and Montgomery and East Streets.
- Upgrade accessibility of standalone public restrooms.
- Complete a town-wide sidewalk condition survey.
- Add accessible walkway to restroom and play equipment near the town Dog Park.
- Add ADA accessible amenities in all parks and insure proper access to greenway gateways.
- Continue spot improvements where feasible.
- Draft, adopt, and start to implement a "Complete Streets Policy".

## Years 7+

- Implement Complete Streets on all new street projects.
- Work with utility companies to relocate poles out of sidewalks.
- Finish improvements on Sulphur Springs Road, Hazelwood Avenue and Montgomery and East Streets.



# PROCESS

## 1.5 Process

The purpose of an ADA Transition Plan is more than striving for state and federal compliance, but to create infrastructure that works for all. In order to accomplish this goal, the Town of Waynesville followed the process to the right, starting with assessment and ending with implementation.

1. **Conduct a Self-Assessment:** The purpose of an assessment is for the Town to look at its current level of inclusive accessibility. In order to find issues that need to be addressed, both observed data and surveyed data must be collected.
2. **Collect Stakeholder Feedback:** While gathering field data provides observed data, an assessment must also be vetted through the public process. This step ensures that all voices have a chance to be heard within the data collection process.
3. **Develop a Transition Plan:** Upon gathering all observed and collected data, a Transition Plan is created in order to prioritize mitigation projects that range from short- to long-term. While a Transition Plan addresses existing accessibility barriers of the day, the true goal is to transition into full compliance.
4. **Appoint an ADA Coordinator:** In order to further formalize a plan, an ADA Coordinator is appointed to be responsible for the ongoing continuance and maintenance of the plan. These duties include:
  - Ensuring adherence to the Action Plan
  - Receiving, processing, and mitigating future ADA compliance grievances
  - Maintaining records of all process documents
5. **Adopt a Resolution of Implementation:** The plan and a resolution of support must be formally adopted by a governing board. In passing a resolution, the Board of Aldermen state in a unified voice that the plan is to be priority both in project and fiscal planning.
6. **Create an Action Plan:** The Transition Plan addresses what needs to be done, while an Action Plan addresses how to do them. The ADA Coordinator is to facilitate the Action Plan.
7. **Implementation:** Implementation is a process that is to be carried out in perpetuity.



### 1. Conduct a Self-Assessment

### 2. Collect Stakeholder Feedback

### 3. Develop a Transition Plan

### 4. Appoint an ADA Coordinator

### 5. Adopt a Resolution of Implementation

### 6. Create an Action Plan

### 7. Implement Short- to Long-Term Action Plans

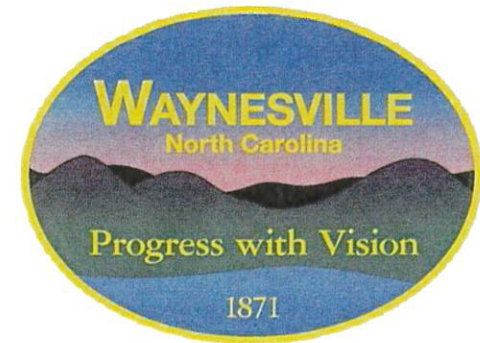


# PLAN REQUIREMENTS

## 1.6 Plan Requirements

The ADA mandates that any municipality with greater than 50 employees prepare a transition plan outlining the steps necessary to make its facilities accessible to persons with disabilities. In order to ensure compliance, transition plans must:

1. Identify common barriers that limit the accessibility of services or activities to individuals with disabilities;
2. Outline improvements and abatement methods that will be used to improve accessibility where needed;
3. Create an abatement schedule for short- to long-range improvements that balances the needs of today and tomorrow;
4. Identify the Town official responsible for implementation of the plan.







# Chapter 2 TITLE II REQUIREMENTS

## 2.1.1 Title II Agency Requirements

The Town of Waynesville must meet these general requirements in order to comply with Title II:

1. Must operate programs so that, when viewed in their entirety, the programs are accessible to and usable by individuals with disabilities [28 CFR Sec. 35.150].
2. May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability [28 CFR Sec. 35.130 (a)].
3. Must make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result [28 CFR Sec. 35.130(b)(7)].
4. May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective [28 CFR Sec. 35.130(b)(iv) and (d)].
5. Must take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others [29 CFR Sec. 35.160(a)].
6. Must designate at least one responsible employee to coordinate ADA compliance [28 CFR Sec. 35.107(a)]. This person is typically referred to as the ADA Coordinator. The public entity must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals [28 CFR Sec. 35.107(a)].
7. Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II of the ADA to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR Sec. 35.106]. The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis [28 CFR Sec. 104.8(a)].
8. Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [28 CFR Sec. 35.107(b)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

## 2.1.2 Self Evaluation § 35.105

Under § 35.105 the Town of Waynesville shall do the following:

1. A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
2. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.
3. A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:
  - i) A list of the interested persons consulted;
  - ii) A description of areas examined and any problems identified; and
  - iii) A description of any modifications made.



## TITLE II REQUIREMENTS CONTINUED

### 2.1.3 New Construction and Alterations § 35.151

Each requirement below is presented as a direct excerpt from the Americans with Disabilities Act Title II Regulations.

#### *(a) Design and construction.*

- (1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.
- (2) Exception for structural impracticability.
  - (i) Full compliance with the requirements of this section is not required where a public entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.
  - (ii) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.
  - (iii) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

#### *(b) Alterations.*

- (1) Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.
- (2) The path of travel requirements of § 35.151(b)(4) shall apply only to alterations undertaken solely for purposes other than to meet the program accessibility requirements of § 35.150.
- (3)
  - (i) Alterations to historic properties shall comply, to the maximum extent feasible, with the provisions applicable to historic properties in the design standards specified in § 35.151(c).
  - (ii) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of § 35.150.



# TITLE II REQUIREMENTS CONTINUED



## 2.1.4 Designation of the ADA Coordinator

In compliance with 28 CFR 35.107(a), the Town of Waynesville has designated the following to serve as ADA Title II Coordinator. In this role (he/she) will oversee the Town's policies and procedures and insure the Town's compliance with this transition plan along with any other action plans adopted by the Town (see Appendix F):

**Preston Gregg PE — Town Engineer  
ADA Coordinator and Grievance Officer**

**Email: [pgregg@waynesvillenc.gov](mailto:pgregg@waynesvillenc.gov)  
Office: 828-456-3706**

## 2.1.5 Training and Continuing Education

The ADA Title II Coordinator will also be responsible for the identification of resources and opportunities for agency employees, at various levels, to receive ADA-related training appropriate to their job functions.



## REFERENCES

<https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf>

<https://www.nadtc.org/wp-content/uploads/NADTC-Toolkit-for-the-Assessment-of-Bus-Stop-Accessibility.pdf>

## 2.2 CODE AND POLICY REVIEW—LAND DEV. STANDARDS



Each code below is presented as a direct excerpt from the Town of Waynesville's Land Development Standards (LDS).

### 5.7.3 Applicable Design Standards.

The Historic Preservation Commission in reviewing applications shall consider the following in their review and approval of all Civic/Monument buildings.

B. Site Prominence: Designers should consider methods in which to place such buildings above the grade of the surrounding buildings as a means to provide site prominence. Methods to consider include the incorporation of a raised entry from the primary street frontage (while still accommodating NC *Accessibility* Code requirements) and/or the setback of such buildings to create a formal landscaped area or plaza. Where possible, such buildings shall form a terminating vista down a street or across a civic space.

### 5.8.3 Building Entrances.

C. Visibility/*Accessibility*: For residential buildings in developments designed for residents aged 55 and older, there shall be provided one zero-step entrance to each building from an *accessible* path at the front, side, or rear of each building.

### 6.4.2 Pedestrian/Bicycle Connections.

D. Surface Treatment of Accessways: The surface of accessways shall be constructed of a smooth, compactable material that is *accessible* for wheelchairs and strollers. Acceptable materials include asphalt, concrete, and crushed stone.

### 6.7.6 Curb Radii and Construction.

F. Ramps Required: Wheel chair ramps shall be provided at all curb and gutter intersections and at other major points of pedestrian flow in accordance with ADA *Accessibility* Standards.

### 9.2.4 Accessible Parking.

Accessible parking shall be provided in accordance with Chapter 4 of the North Carolina Accessibility Code, as amended.

**\*Note: 2018 NC State Building Code: Accessibility in now Chapter 11 Recommend update to Waynesville LDS**

### 9.4.1 Surfacing.

Off-street parking areas developed to meet the minimum requirements of this section and all off-street parking facilities in the Central Business District, shall be properly graded, marked, and located on improved lots or within parking structures.

B. Accessible Spaces: All accessible spaces and corresponding access paths shall consist of concrete or asphalt.

**\*Note: Waynesville LDS will need to be updated to reflect adopted transition plan.**



## 2.3 STATE BUILDING CODE—PARKING



### Section 1106: Parking and Passenger Loading Facilities

#### 1106.1 Required.

Where parking is provided, accessible parking spaces shall be provided in compliance with Table 1106.1, except as required by Sections 1106.2 through 1106.4. Where more than one parking facility is provided on a site, the number of parking spaces required to be accessible shall be calculated separately for each parking facility [...]

**Exception:** This section does not apply to parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound and motor pools where lots accessed by the public are provided with an accessible passenger loading zone.

#### 1106.5 Van spaces.

For every six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space [...]

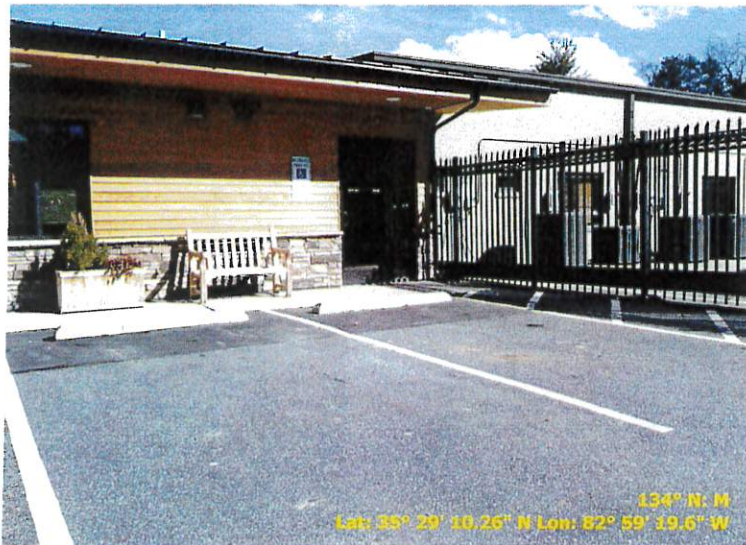
#### 1106.6 Location.

Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance [...]



TABLE 1106.1  
ACCESSIBLE PARKING SPACES

TOTAL PARKING SPACES PROVIDED IN PARKING FACILITIES	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus one for each 100, or fraction thereof, over 1,000



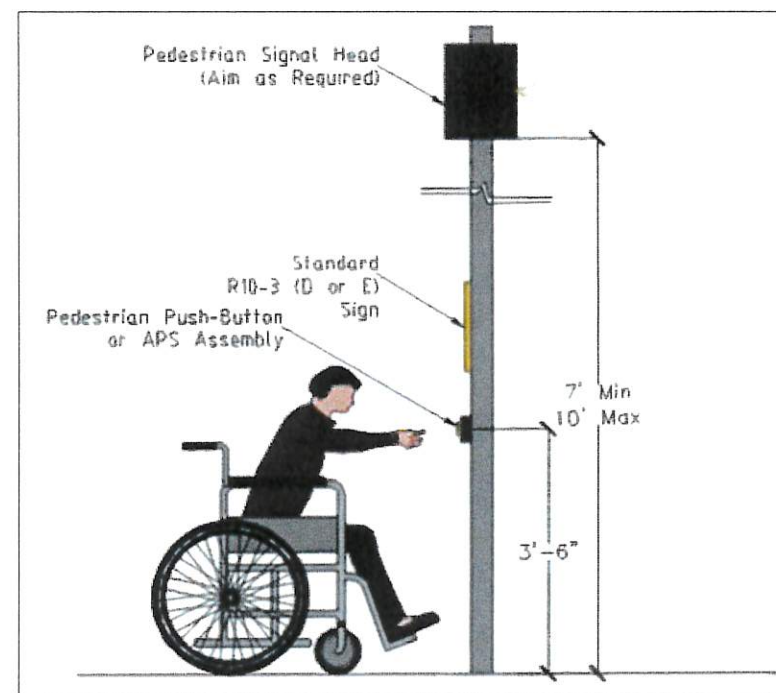
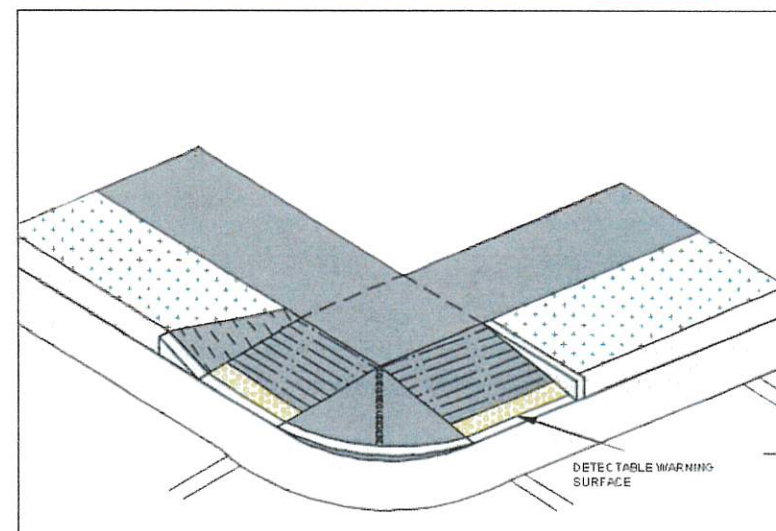


# CRITERIA FOR COMPLIANCE—PEDESTRIAN CROSSINGS

Each of the figures shown here illustrate proper ADA regulated installments for a curb ramp at a signalized intersection. The chart above defines these regulations as a checklist for compliant curb ramps as well as those that are non-compliant.

This criteria defines what has been decided by the ADA as the most inclusive and helpful design that should be used, at a minimum, in all municipalities to be ADA compliant.

Curb Ramp Criteria	Compliant	Non-Compliant
Ramp present	Yes	No
Width	>36"	<36"
Slope	<1:12 (8.33%)	>1:12 (8.33%)
Transition between ramp and walkway or street	Flush/Smooth	Abrupt level change
Truncated Domes/ Detectable Warnings	Yes	No, if required
Obstructed	No	Yes



# Chapter 3 PUBLIC AND STAKEHOLDER ENGAGEMENT



## 3.1 Survey Summary

In order to provide the most accurate and inclusive ADA Transition Plan for the Town of Waynesville, JMTE worked with Town staff in surveying both individual residents and organizations. These surveys (in Appendix A) aimed to take a more personal look at ADA barriers.

### Sample Questions and Responses:



**Q5: Are you aware of any specific concerns, complaints or problems regarding access for persons with disabilities to any of the programs, services or activities provided by the Town of Waynesville?**

**“The Pottery class is taught upstairs at the Armory”**

*This response is a good example of personal limitations to the Town’s programming.*

**Q6: What do you feel should be the highest priority of the Town of Waynesville to improve accessibility for persons with disabilities?**

**“The biggest problem we have is transportation which is a town and county problem”**

*Some responses outlined issues that cross agency service provision lines. Said issues should be addressed with partner agencies.*








### 3.2 Survey Advertisement

The links below were posted on the Town's website during the survey phase of the plan. The survey link was also placed within the local newspaper.

**THIS WEEK**

**Survey Available for ADA Transition Planning**

**SURVEY**

The Town of Waynesville is gathering information from the public as part of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. This survey is intended for people who live in Waynesville or who visit Waynesville to have valuable input about accessibility. This survey addresses accessibility of services and activities offered to the public. All responses are subject to becoming public record.

The purpose of this survey is intended to inform the ADA Transition Plan update by generating priorities for improving Town-owned infrastructure. The goal is that each service is readily accessible to and usable by persons of all abilities.

You may complete the survey by [CLICKING HERE](#).

## Waynesville seeks input on Americans with Disabilities Act self-evaluation survey



The Town of Waynesville is gathering information from the public as part of the Americans with Disabilities Act Self-Evaluation and Transition Plan. This survey is intended for people who live in Waynesville or who visit the Town to have valuable input about accessibility. This survey addresses accessibility of services and activities offered to the public. All responses are subject to becoming public record.

The purpose of this survey is to inform the ADA Transition Plan update by generating priorities for improving Town-owned infrastructure. The goal is that each service is readily accessible to and usable by persons of all abilities.

The survey will be available on the Town's website and on the Town's Facebook page or by visiting the following link: <http://bit.ly/2HUEavC>

For organizations representing specific populations, there is an organization survey link: <http://bit.ly/2HUKItW>

### 3.3 Survey Process

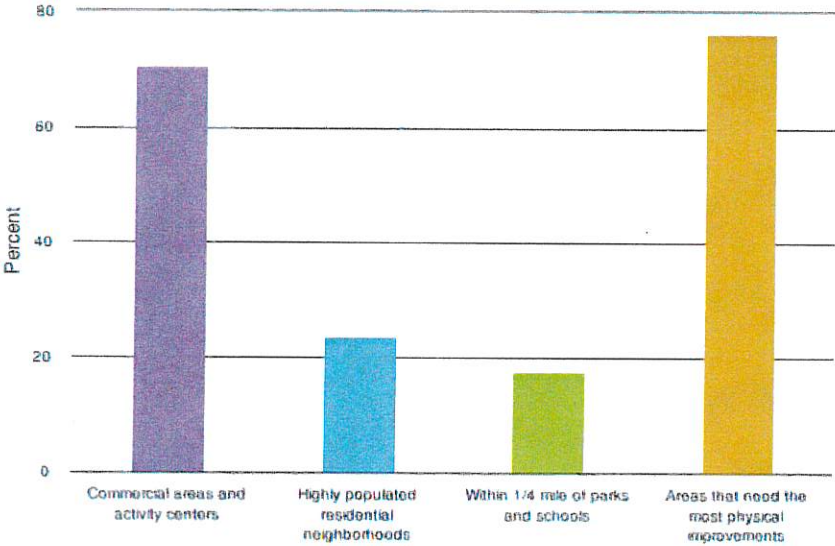
Formal entry and submission period for both surveys began midway through March, 2019 and was accessible through April 25th, 2019.

### 3.4 Response Rates

During the allocated response period, a total of 23 individuals responded to the survey with five organizations submitting responses.

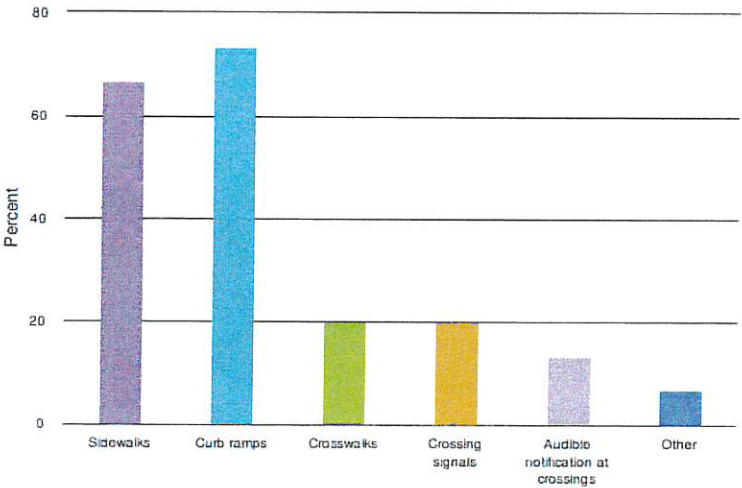
3.5 Findings

Having considered all non-compliant ADA features and locations around Waynesville, individuals were asked which of them are most urgently in need of repair. Commercial areas, activity centers, and more general areas each scored as the areas in town with the most urgent need of repair. More specifically, sidewalks, and curb ramps ranked the highest compared to crosswalks, crossing signals, and audible notifications. These results highlight the areas the people of Waynesville see as a priority for compliance repairs.



Value		Percent	Responses
Commercial areas and activity centers		70.6%	12
Highly populated residential neighborhoods		23.5%	4
Within 1/4 mile of parks and schools		17.6%	3
Areas that need the most physical improvements		76.5%	13

Figure 1: Individuals show the most concern in commercial areas and activity centers.



Value		Percent	Responses
Sidewalks		66.7%	10
Curb ramps		73.3%	11
Crosswalks		20.0%	3
Crossing signals		20.0%	3
Audible notification at crossings		13.3%	2
Other		6.7%	1

Figure 2: When asked what fixes they feel are most urgent, individuals answered (1) sidewalks and (2) curb ramps at the top of their list.

Note: full survey data is available upon request.



# Chapter 4.1 SELF-ASSESSMENT



## 4.1.1 Areas of Study

In taking a comprehensive accessibility survey of the Town's facilities, the following areas were studied:

Facility
Town Hall Building
Municipal Building
Fire Station #1 Building
Public Works Building
Recreation Center Building
Finance Building / Fire Station #2
Parking Lot (Municipal Building)
Parking Lot (Hazelwood)
Parking Lot (Wall Street)
Parking Lot (Miller Street)
Parking Lot (Comm. Playground)
Parking Lot (Skate Park)
Parking Lot (Vance Ball Field)
Public Restroom (Vance St)
Public Restroom (Dog Park)
Public Restroom (Miller St)
Public Restroom (Hazelwood)





# SELF-ASSESSMENT—4.1.2 COMMON BARRIERS



While specific examples of accessibility barriers have been outlined within the following pages, the table below gives a general overview of the most common observations.



For more information on full access and inclusion guidelines and standards visit <https://www.access-board.gov/>

Issues	Barriers
Sidewalk or Pathway width	Some sidewalks are less than 5-ft wide and or have barriers such as utility poles
Landings along Sidewalk or Pathways	Less than 4-ft x 4-ft or below guidelines
Sidewalk or Pathway Grade	Some sidewalks are too steep or have sharp angles
Sidewalk or Pathway Material and Finish	Some sidewalks have deterioration of surface or markings
Poor Connections	There are missing sections of sidewalk and some poor connections
Detectable Warnings Domes at roadway crossings	Not all crossings have truncated domes and some are made of inappropriate materials, while others are located incorrectly
Obstructions to Sidewalk or Pathways	There are places where utility poles, fire hydrants, signs, vegetation and other obstructions are in the sidewalk
Traffic Signal Systems	There are crossings where there is a lack of provision for the visually Impaired such as APS, inadequate time allowed to cross, and also inaccessible or inoperable buttons
Public Parking	There are instances where accessible parking spots are improperly located (i.e. too far from a destination or located among other barriers such as grade.)
Public Parks	There are instances of inaccessible gravel paths, and lack of ADA amenities
Public Buildings	See following pages 20 and 22



## Chapter 4.2 ASSESSMENT SUMMARIES PER CATEGORY



### Access to Public Buildings

Buildings open to the public in Waynesville include the Town Hall, Public Works and Finance offices, Municipal Building, Waynesville Recreation Center, two fire stations, and multiple public restrooms.

Many of the public buildings have been retrofitted with accessible amenities such as electric door openings, parking, and curb ramps.

Review of public buildings throughout Waynesville revealed a few barriers to accessibility.

Some of the needs for spot upgrades at town buildings include the addition of accessible parking spaces and the replacement of faded pavement markings and signage.

#### Recommendation:

The "BUILDINGS - ADA checklist" (in Appendix F) can be used by Facilities staff to review the internal public space at each of the town's buildings.



### Parking Lots

Public parking lots in Waynesville are located on Hazelwood Avenue, Miller Street, Commerce Street, and Wall Street. There are also public parking lots at each of the Town's public buildings and parks.

The number of accessible spaces required for each parking lot is regulated by the Town's LDS section 9.2.4 and NC Building Code.

#### Recommendation:

Update existing parking lots with required number of accessible parking spaces, update pavement markings where they are missing or faded, and add signage where necessary.





# ASSESSMENT SUMMARIES CONTINUED



## Access to Parks and Playgrounds

Overall, the Town's parks, greenways, and playgrounds are highly accessible. This is especially true for the fully compliant ADA accessible playground that opened in spring of 2018 that is adjacent to Vance Street. This facility should be used as a model and benchmark for future parks development with the town.

In making site visits to each facility though, there were some observed deficiencies. In summary, wheelchair access to some areas could be improved as well as the addition of ADA accessible amenities.

Other noted deficiencies were access to greenway issues such as blockages in pathways to improper entryways.



## Sidewalks and Crossings

Sidewalks and crossings were most notably in need of upgrading, as several common barriers were observed throughout the system. While many of these instances occur due to an aging network and topographic limitations of the Town, some limiting factors such as maintenance and blockages in pathways should be addressed.





# OBSERVED BARRIERS—ACCESS TO PUBLIC BUILDINGS



## 4.2.1—Common Accessibility Barriers at the Town's Public Buildings

1. Access to the door of Firehouse #2 has limitations from existing accessible parking (close to Finance Office) due to decorative column leaving <36" on sidewalk.
2. The ADA parking space behind the Municipal Building is non-compliant for access to the front as the slope from said location is too great. Slope >1:12(8.33%)
3. The restroom building near the Dog Park lacks accessibility as picnic tables block entry.
4. The restroom building on Vance Street near Ball Field lacks accessible hand levers.
5. The closest ADA accessible parking space is too far from the Hazelwood Restroom. While there are enough spaces present in the lot, they are all oriented towards the street.





# OBSERVED BARRIERS—PUBLIC PARKING LOTS



## 4.2.2—Common Accessibility Barriers within the Town's Parking Lots

1. Frog Level Parking Lot— Brick, used in place of truncated domes, some are sunken causing tripping hazard. Missing accessible parking signage.
2. Wall St. Parking Lot— No accessible parking spaces. Consider adding on Wall St. Per LDS; at least one accessible space for lots with 0-25 spaces.
3. Miller St. Parking Lot- Faded pavement markings on accessible parking. Only one accessible parking space. Per LDS, 2 spaces required for lots with 26-50 spaces.
4. Miller St. Parking Lot— No curb ramp or crosswalk from parking lot to cross Montgomery St.
5. Public Works Employee Parking Lot that is opposite the building lacks accessible parking spaces. Per LDS, 2 spaces required for 26-50 spaces.
6. Hazelwood Public Parking Lot—No accessible parking spaces at the rear of lot near the public restrooms.





# OBSERVED BARRIERS—PARKS AND PLAYGROUNDS



## 4.2.3— Common Accessibility Barriers within the Town's Parks and Playgrounds

1. Howell Street Park has a gravel parking area and no accessible pathways or ramps for utilizing playground equipment or picnic shelter.
2. While no accessibility barriers were found within the new ADA playground, there is a lack of ADA accessible features such as picnic tables.
3. Play area near Dog Park, ramp entering play area but no accessible pathway through the grass to playground equipment, or picnic shelter.
4. Dog Park has gravel parking and no accessible pathways to restrooms. Picnic benches block accessible use of restrooms.
5. No accessible parking near public tennis courts.
6. No accessible walkways or parking at Hazelwood ball field.





# OBSERVED BARRIERS—SIDEWALKS



## 4.2.4—Common Accessibility Barriers within the Town's Sidewalk Network

1. Pedestrian Signal button is inaccessible due to curb. This makes the signal useless, as it is out of reach for those who cannot pass over the curb.
2. Curb ramp is misaligned with crosswalk.
3. Various issues including: missing truncated domes, lack of level landing, narrow ramp, and utility pole blocking sidewalk.
4. Sidewalk < 5' wide, due to cut around sewer grate.
5. Decorative bricks used in lieu of truncated domes, needs more distinguishable texture.
6. Various issues including: Non-compliant placement of truncated domes, no crosswalk, grate at transition.





# OBSERVED BARRIERS—SIDEWALKS CONT.

7. No landing, exceeds running slope.
8. Signalized intersection without pedestrian crossing infrastructure.
9. Pedestrian must cross lane of traffic to get to pedestrian signal button.
10. Non-compliant transition from sidewalk to street.
11. Non-compliant intersection alignment, missing crosswalk.
12. Missing curb ramp, no transition.

## Other Considerations:

**Signal Timing:** While efficient traffic flow is important, some signal sequences had extremely short crossing periods. This was especially evident on uphill crossings.

**Vegetation Creep:** Throughout town, there are many instances where vegetation is encroaching onto sidewalks. This results in a sidewalk being constricted or impassable by those in wheelchairs and motorized carts and scooters.

**Sidewalk Sweeping:** While this is not a functional issue, there was a great amount of organic and non-organic debris along major thoroughfare routes in town.





# TRANSIT ACCESS



## Transportation Services for Haywood County

Door to door transit services are available for Waynesville residents by Haywood Public Transit. They use lift-equipped vans to provide accessibility to Haywood County residents. Currently, individuals must schedule rides in advance to take advantage of this service.

Connections provided to Buncombe County occur with the coordination between Haywood Public Transit and Mountain Projects/Buncombe County. They provide service from Waynesville to the edge of the County where the rider can transfer to Buncombe County transit.

Currently, there are plans in place to create a deviated fixed bus route for the urban sector of Haywood County. This plan includes a route connecting Canton, Clyde, Waynesville, and Hazelwood as well as a continued link into Buncombe County. Plans include busses that will be lift-equipped and offer paratransit.



Image: haywoodtransit.com



Image: brasco.com

## Barrier-Free Bus Stops

According to Easterseals "Toolkit for the Assessment of Bus Stop Accessibility and Safety" a barrier-free design includes:

- Planning outdoor elements to minimize obstacles and eliminate travel hazards such as support cables for utility poles and low signage protruding into the travel path.
- Positioning newspaper boxes and other street furniture close to the edge of a travel path, out of the main flow of pedestrian traffic and the bus landing pad.
- Avoiding grade-level changes in sidewalk and platforms wherever possible.
- Providing slip-resistant finishes, good grip, and sure footing to ensure surfaces are safe.
- Supplying seating adjacent to pathway routes.



# APPENDIX



## Transition to Functional Art

While traditional truncated domes may not be aesthetically pleasing, their importance to safety is paramount. Often in an effort to make these more design friendly, functionality is diminished. This example of using raised mosaic stones may be a way to blend both safety and public art within the Main Street District.



# A. SURVEYS (INDIVIDUAL)



## Town of Waynesville, NC ADA Survey for individuals

The Town of Waynesville is gathering information from the public as part of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. This survey addresses accessibility of services and activities offered to the public. All responses are subject to becoming public record.

The purpose of this survey is intended to inform the ADA Transition Plan update by generating priorities for improving Town-owned infrastructure. The goal is that each service is readily accessible to and usable by persons of all abilities.

If you have questions about the ADA Self-Evaluation and Transition Plan or require additional assistance, contact Andrew Bowen at J M Teague Engineering & Planning

Q1 Which option most accurately describes your disability status?

Individual with a disability

Family member or friend of an individual with a disability

Individual without a disability

Other \_\_\_\_\_

Q2 What is your current association with the Town of Waynesville?

Town Resident

Merchant or business owner

Visitor

Other \_\_\_\_\_

Q3 Where should the Town prioritize improvements? *This can be based on location or proximity to certain destinations. Please choose up to two options.*

Commercial Areas and Activity Centers

Highly populated residential neighborhoods

Within ¼ mile of parks and schools

Areas that need the most physical improvements

Other (specify) \_\_\_\_\_

Q4 Do you participate in programs, services or activities offered by the Town of Waynesville?

No

Yes - Please list: \_\_\_\_\_

Q5 Are you aware of any specific concerns, complaints or problems regarding access for persons with disabilities to any of the programs, services or activities provided by the Town of Waynesville?

No

Yes, please describe: \_\_\_\_\_

Q6 Do you know who to contact if you need assistance, have a concern, or need an accommodation to access a facility, service or event?

Yes - Please list who you would contact: \_\_\_\_\_

No - I do not know who to contact

Q7 Have you ever requested an accommodation for a disability from the Town?

Yes

No

Not Applicable

Q8 If an accommodation was requested, was your accommodation made by the Town?

Yes

No

Not sure/don't remember

Don't know

If yes, what accommodations were made? \_\_\_\_\_

## A. SURVEYS (INDIVIDUAL) CONTINUED



Q9 Overall, how would you rate the current level of accessibility to town buildings?

- Good
- Average
- Below Average
- Poor

Q10 Overall, how would you rate the current level of accessibility to town parks facilities?

- Good
- Average
- Below Average
- Poor

Q11 Overall, how would you rate the current level of accessibility to town sidewalks?

- Good
- Average
- Below Average
- Poor

Q12 What should be the highest priority of the Town of Waynesville to improve accessibility for persons with disabilities? Please choose up to two options.

- Sidewalks
- Curb Ramps
- Crosswalks
- Crossing Signals
- Signs (advisory and regulatory)
- Audible notifications at crossings
- Other \_\_\_\_\_

Q13 Please describe any specific Town buildings or facilities with which you have accessibility concerns:

Q14 How may we reach you?

- ☐ Contact information (name/email/phone) \_\_\_\_\_
- ☐ I choose to remain anonymous |

Thank you for completing this survey. The information collected will assist the various Town departments, divisions, and the people it serves.



# A. SURVEYS (ORGANIZATIONS)



## Town of Waynesville, NC ADA Survey for Organizations

The Town of Waynesville is gathering information from the public as part of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. This survey, which addresses accessibility of services and activities offered to the public. All responses are subject to becoming public record.

The purpose of this survey is intended to inform the ADA Transition Plan update by generating priorities for improving town-owned infrastructure. The goal is that each service is readily accessible to and usable by persons with disabilities.

If you have questions about the ADA Self-Evaluation and Transition Plan or require additional assistance, contact \_\_\_\_\_.

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Q1 Do you or your clients participate in programs, services or activities offered by the Town of Waynesville?

No

Yes - Please list: \_\_\_\_\_

Q2 Have you had direct communication with the Town of Waynesville regarding services and accommodations for individuals with disabilities?

No

Yes describe: \_\_\_\_\_

Q3 Are you aware of any specific concerns, complaints or problems regarding access for persons with disabilities to any of the programs, services or activities provided by Town of Waynesville?

No

Yes, please describe: \_\_\_\_\_

Q4 What information or other resources can you supply to help educate or inform the Town of Waynesville about your organization and your services for individuals with disabilities?

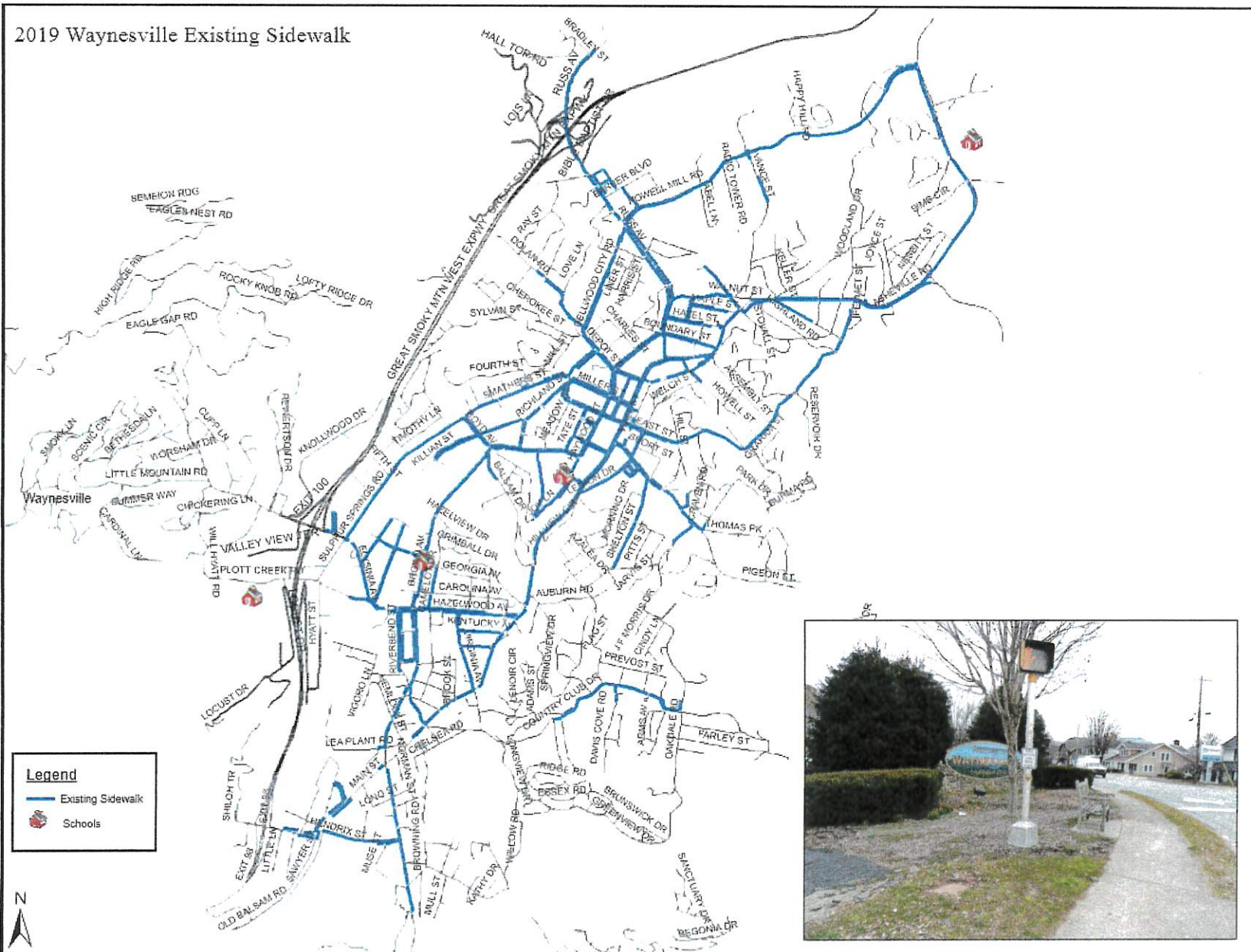
Q5 What general guidance, advice or assistance could your organization provide to the Town of Waynesville to protect against potential discrimination of individuals with disabilities in its programs, services and activities?

Q6 What do you feel should be the highest priority of the Town of Waynesville to improve accessibility for persons with disabilities?

Q8 Thank you for completing this questionnaire. If you have any questions regarding the Town of Waynesville's ADA Self-evaluation and Transition Plan, or aware of any specific physical or programmatic barriers, please use the area below for your suggestions or comments.

Thank you for completing this survey. The information collected will assist the various Town departments, divisions, and the people it serves.

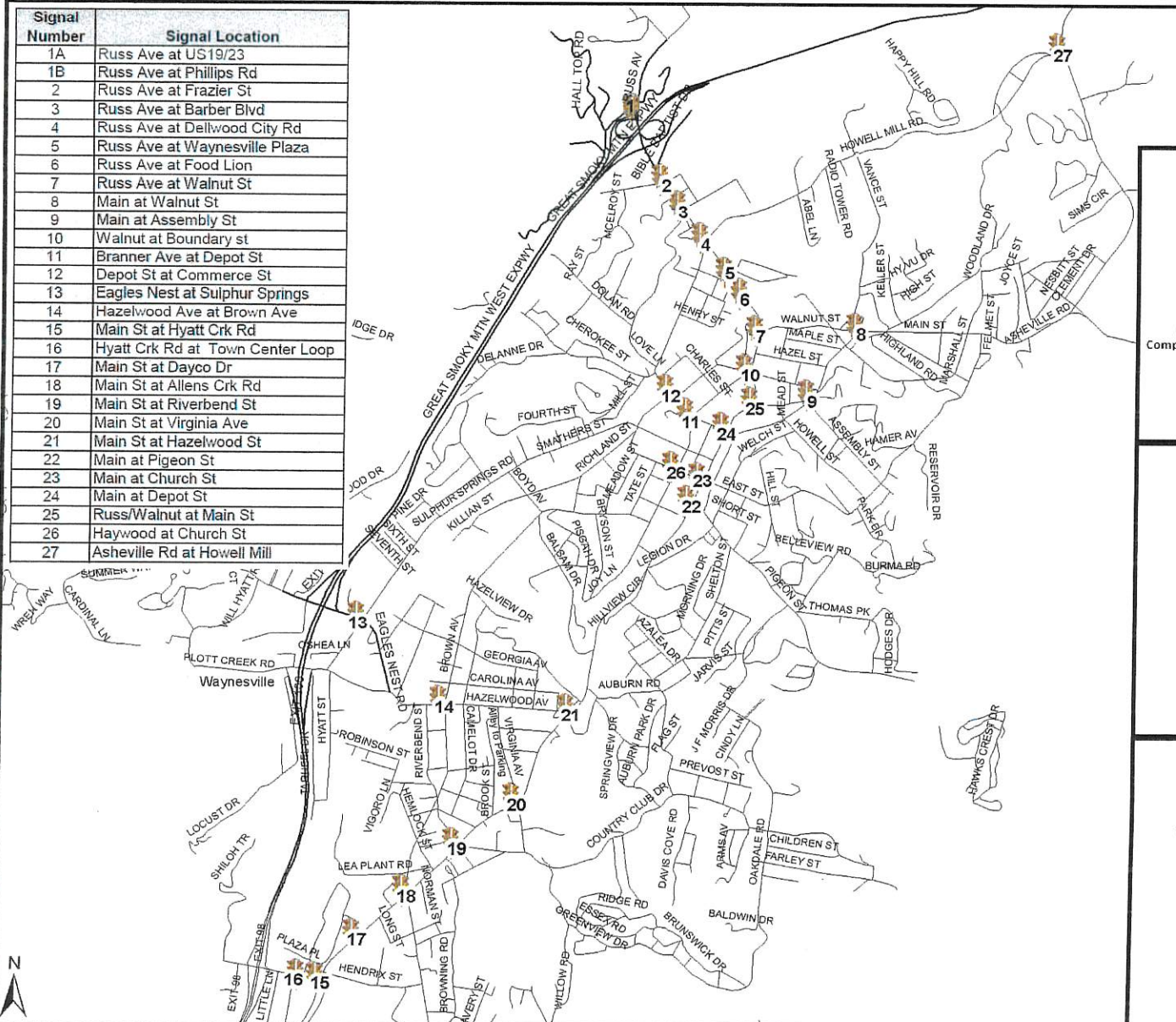
## B. TOWN OF WAYNESVILLE EXISTING SIDEWALKS





# B. SIGNALIZED INTERSECTION REVIEW

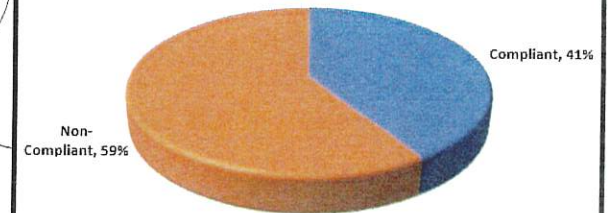
## 2019 WAYNESVILLE SIGNALIZED INTERSECTIONS



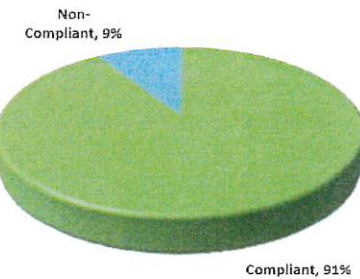
### Intersection Compliance

The pie charts below show compliance versus non-compliance for all signalized crosswalks within Town. Overall, the majority of signals within the Town's network are compliant.

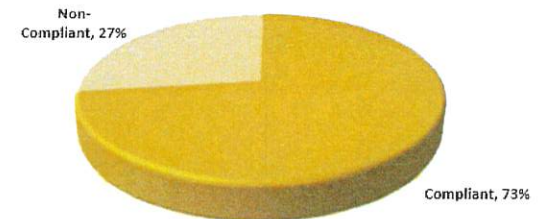
CURB RAMPS



PED SIGNALS



TRUNCATED DOMES



## C. SIGNALIZED INTERSECTION DATA

Intersection #	# of Curb Ramps	# of Ramps Compliant	# of Transitions Compliant	# of Ped Signals	Ped Signal Compliant?	# of Truncated Domes Present	# of Truncated Domes Compliant	# of Crosswalks Present
1a	0	0	0	0	0	0	0	0
1b	1	0	0	0	0	1	0	0
2	1	1	0	0	0	1	0	1
3	0	0	0	0	0	0	0	0
4	4	4	0	2	1	4	0	2
5	1	0	1	0	0	0	0	0
6	1	0	1	0	0	0	0	0
7	2	0	0	2	2	2	0	1
8	0	0	0	0	0	0	0	0
9	3	2	3	0	0	0	0	1
10	2	0	2	4	4	2	2	3
11	6	0	4	4	4	6	6	4
12	4	0	2	4	4	0	0	3
13	3	2	3	0	0	3	3	2
14	3	0	2	3	3	0	0	4
15	4	0	0	3	2	3	2	3
16	4	3	2	4	3	4	3	4
17	5	4	5	3	3	5	5	3
18	2	2	2	0	0	2	2	0
19	2	0	2	0	0	1	1	0
20	0	0	0	0	0	0	0	0
21	3	0	0	0	0	0	0	0
22	0	0	0	0	0	0	0	3
23	6	2	6	4	4	2	0	4
24	2	2	2	4	4	2	2	3
25	1	0	1	3	3	0	0	3
26	4	2	2	0	0	2	2	4
27	4	4	4	3	2	4	4	2
TOTAL	68	28	44	43	39	44	32	50



## C. PUBLIC BUILDINGS REVIEWED

Building	Finance	Public Works	Recreation Center	Municipal	Town Hall	Fire Station 1	Fire Station 2
Door Landing	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Door Opening	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Non-Compliant
Door Hardware	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Door Pull	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Non-Compliant
# Accessible Parking	3	3	15	2	2	2	1
Accessible Parking Location	Compliant	Compliant	Compliant	Non-Compliant	Compliant	Compliant	Non-Compliant
Width of Parking	9'	8.5'	10'	8.5'	9'	9'	9'
Signs Present?	No	Yes	Yes	Yes	Yes	Yes	Yes
Pavement Markings Present?	Yes	Faded	Yes	Yes	Yes	Faded	Faded
Aisle of Access	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Van Parking	Yes	No	Yes	No	Yes	Yes	No
Curb Ramps Present?	Yes	Yes	Yes	No	N/A	Yes	No
Handrail Present?	N/A	N/A	N/A	Yes	N/A	Yes	N/A
Slopes Compliant?	Yes	Yes	Yes	No	Yes	Yes	Yes

## D. RESOLUTION OF PLAN ADOPTION



### RESOLUTION NO. ( )

#### A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, NORTH CAROLINA ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

**WHEREAS**, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public programs, services and facilities; and

**WHEREAS**, Title II of the ADA requires that municipalities develop and adopt Transition Plans which document physical barriers to accessibility, propose modifications to remove those barriers, and a schedule to complete the modifications; and

**WHEREAS**, the Town of Waynesville, North Carolina adopted Resolution ( ) pertaining to ADA Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way; and

**WHEREAS**, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

**WHEREAS**, the Town of Waynesville, North Carolina remains committed to the ADA and the elimination of barriers to public program and services, and facilities; and

**WHEREAS**, a Transition Plan for the pedestrian network and a Transition Plan for programs, services, and facilities has been prepared that reflects current municipality infrastructure and ADA design standards, referred to as the "ADA Transition Plan: Pedestrian Facilities in the Public Right-of-Way" and the "ADA Transition Plan: Programs and Services, and Facilities;"

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Aldermen of the Town of Waynesville, North Carolina hereby adopts the ADA Transition Plan, a copy of which shall be filed with and maintained by the Town Clerk.

**PASSED, APPROVED AND ADOPTED** this ( ) day of June, 2019.

**Note: Due to chance of changing Federal ADA requirements, the designated ADA Coordinator should periodically review and adjust this plan accordingly.**



## E. GRIEVANCE PROCEDURE

Under Title II of the Americans with Disabilities Act Guidelines, the Town is required to adopt and publish procedures for resolving grievances. The intention of this process is to create a local system for resolving complaints of disability discrimination in a prompt and fair manner and to provide information for filing a complaint.

Currently, the Town of Waynesville has an online "Action Line" form on the town website. It includes requests for information and requests for service and repairs. Each request is provided a tracking number for reference and follow up. This could be a good platform for adding a Title II Grievance Form.

It is recommended that the following items be included in a standardized discrimination complaint form:

1. Description of Waynesville's Grievance Procedure
2. Contact information for the Town's ADA Coordinator
3. Contact information for the person filing the Grievance Form
4. A statement on alternative means of filing a complaint for people with disabilities who require an alternative (i.e., large print, Braille, audio format)
5. A space for the written description of complaint and how it is covered under Title II guidelines
6. Information on appeals to adverse decisions
7. Policy for retaining filed complaints

### REPORT A PROBLEM / REQUEST A SERVICE



It is recommended the Town utilize its current "Report a Problem" link for ADA Grievances.

#### Check the Status of an Action Line Request

Tracking Number:

Search

#### Create a New Action Line Request

Search for Request Type(s)

Request Type:

Search

#### Requests for Information

- Sewer General
- Tax Questions - General
- Utility Billing Questions
- Water General

#### Repairs and Requests for Service

- Electric Locate
- Sewer Stoppage
- Street Name Signs
- Street/Security Light Out
- Water & Sewer Locates
- Water Leak

## F. GRIEVANCE POLICY



**This full version of the ADA Grievance Procedure may be published on public sites and/or other forms of public advertising:**

### **Americans with Disabilities Act Grievance Procedure**

This grievance procedure is established to meet the requirements of Title II of the Americans with Disabilities Act. This procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Waynesville.

The complaint should be in writing and contain the following general information about the alleged discrimination:

1. Name
2. Mailing Address
3. Phone number
4. Email Address
5. Location of Complaint
6. Date of Occurrence
7. Description of the Problem

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted as soon as possible, preferably within 60 calendar days of the alleged violation to:

Preston Gregg

**Email:** [pgregg@waynesvillenc.gov](mailto:pgregg@waynesvillenc.gov)

**Mail:** P.O. Box 100 Waynesville, NC 28786

Within 15 calendar days after receipt of the complaint, Preston Gregg will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days of the meeting, Preston Gregg will respond in writing, and where appropriate, in a format that is accessible to the complainant, such as in large print, Braille, or audio tape. The response will explain the position of the Town of Waynesville and offer options for substantive resolution of the complaint.





## ADA SELF-ASSESSMENT CHECKLIST

BUILDINGS (EXTERIOR AND INTERIOR)	Compliant If:	Yes	No	Notes
<b>EXTERIOR</b>				
Is there a ramp, lift or alternative accessible entrance other than stairs?	Yes			
Do these entrances have proper signage?	Yes			
Does the entrance have a doorway at least 32 inches in width? At least 18 inches of door pull space?	Yes			
Is the door handle ≤ 48 inches high and operable with a closed fist?	Yes			
Parking - See Parking checklist	**			
<b>INTERIOR</b>				
Are all aisles and pathways at least 36 inches wide?	Yes			
Are all obstacles cane-detectable?	Yes			
Are the spaces for wheelchair seating distributed throughout?	Yes			
Are the tops of tables or counters between 28 and 34 inches high?	Yes			
Are there ramps, lifts, or elevators to all public levels?	Yes			
Do stair treads have non-slip surfaces? Continuous hand rails on both sides?	Yes			
Visible and audio indicators for opening/closing elevators? Are the call buttons no higher than 42-inches?	Yes			
<b>RESTROOMS</b>				
If public restrooms are present, is there at least one fully accessible restroom? With proper signage?	Yes			
Does restroom entry configuration provide adequate maneuvering space for persons in wheelchairs?	Yes			
Is there a 36 inch wide path to all fixtures?	Yes			
Is there a wheelchair accessible stall that has greater access than a typical stall?	Yes			
In the accessible stall, are there grab bars behind and on the side of the wall?	Yes			
Is the toilet seat 17-19 inches tall?	Yes			
Does one lavatory have a 30 inch wide by 48 inch deep clear space in front?	Yes			
Is the lavatory rim no higher than 34 inches?	Yes			
Are soap and other dispensers and hand dryers within reach and usable with a closed fist?	Yes			

## G. BUILDINGS CHECKLIST



# G. PATHWAYS AND ROAD CROSSINGS CHECKLIST

ADA SELF-ASSESSMENT CHECKLIST				
PATHWAYS AND ROAD CROSSINGS	Compliant if:	Yes	No	Notes
<b>CURB RAMPS</b>				
Is the curb ramp set at a slope $\leq 1:12$ ?	Yes			
Is the curb ramp at least 36 inches wide?	Yes			
Does the foot of the curb ramp fit within the crosswalk markings?	Yes			
Is the curb ramp to gutter transition flush?	Yes			
Is the boundary between sidewalk and street detectable with truncated domes?	Yes			
<b>SIDEWALKS</b>				
Is the sidewalk at least 36 inches wide	Yes			
Is the cross slope of the sidewalk no steeper than 1:48	Yes			
Are there clear and accessible audio and visual tools for crossing?	Yes			
Is there sufficient time allowed to cross by the signals?	Roughly 3.5 feet per second			
<b>PEDESTRIAN SIGNALS</b>				
Is the push button clearly aligned with the direction of travel?	Yes			
Are the audible, vibrotactile and visual indicators clear, unambiguous to all forms of disability?	Yes			
Is the visual crossing signal at max 10 ft. and at least 7 ft. tall?	Yes			
Is the visual crossing signal aimed correctly at the crossing pedestrian?	Yes			
Does the push button have a 4' x 4' landing with less than a 2% cross slope in each direction?	Yes			
Is the push button no more than 5 ft. from the edge of the crosswalk?	Yes			
Is the push button between 1.5 ft and 10 ft. from the back of the curb?	Yes			
If there are two push buttons, are they at least 10 ft. apart from each other?	Yes			
Is the push button, at most, a height of 42 in.? (vertical reach)	Yes			
Is the push button, at most, 10 in. off the sidewalk? (horizontal reach)	Yes			





## G. PARKING CHECKLIST

ADA SELF-ASSESSMENT CHECKLIST				
PARKING	Compliant if:	Yes	No	Notes
Are there an adequate number of accessible spaces?	1 for every 25 spaces			
Is at least one accessible space <b>van</b> accessible?	Yes; 1 for every 6 accessible spaces			
Do these accessible spaces connect with an access route?	Yes			
Is there signage designating accessible parking spots?	Yes			
Is there at least one access route from arrival point?	Yes; must have compliant ramp			
Is the travel route stable, firm and slip resistant?	Yes			
Are the accessible ramps/routes at least 36 inches wide?	Yes			
Do the accessible ramps/routes have a slope $\leq$ 1:20?	Yes			
If accessible route crosses a curb, is there a curb ramp?	Yes			
Is the curb ramp set at a slope $\leq$ 1:12?	Yes			
Is the curb ramp at least 36 inches wide?	Yes			

\*For use as a basic checklist only. For complete Title II guidelines: [www.ada.gov](http://www.ada.gov)

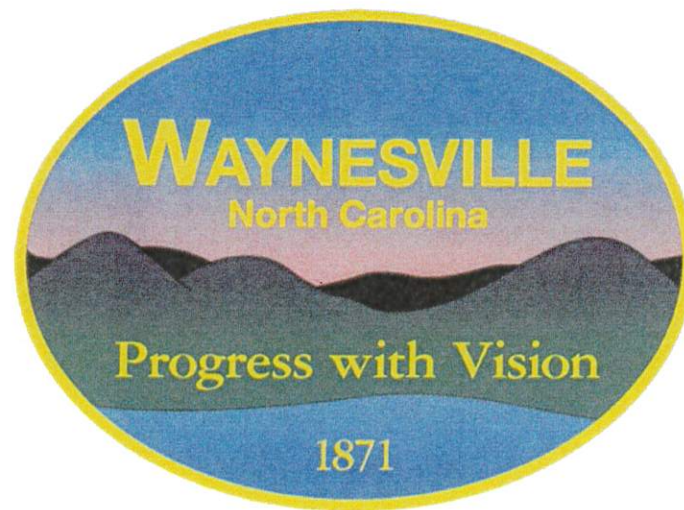


## G. REC. FACILITIES AND PLAY AREAS CHECKLIST

ADA SELF-ASSESSMENT CHECKLIST				
RECREATIONAL FACILITIES AND PLAY AREAS	Compliant if:	Yes	No	Notes
Is there an accessible route to the entrance of the play area?	Yes			
Is there an accessible route to to at least one of each type of play component?	Yes			
If the play area is less than 1000 sq ft. is the route at least 44 inches wide?	Yes			
If the play area is 1000 sq ft. or greater, is the route at least 60 inches wide?	Yes			
Is the accessible route no steeper than 1:16 inches?	Yes			
If the route is steeper than 1:20 and the rise for a ramp	Yes			
Is the top of the handrail gripping surface no less than 20 inches and no greater than 28 inches above the ramp surface?	Yes			

\*For use as a basic checklist only. For complete Title II guidelines: [www.ada.gov](http://www.ada.gov)





**RESOLUTION NO. R-13-19**

**A RESOLUTION ADOPTING THE  
AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

**WHEREAS**, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public programs, services and facilities; and

**WHEREAS**, Title II of the ADA requires that municipalities develop and adopt Transition Plans which document physical barriers to accessibility, propose modifications to remove those barriers, and a schedule to complete the modifications; and

**WHEREAS**, the Town of Waynesville, North Carolina adopted Resolution R-13-19 pertaining to ADA Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way; and

**WHEREAS**, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

**WHEREAS**, the Town of Waynesville, North Carolina remains committed to the ADA and the elimination of barriers to public program and services, and facilities; and

**WHEREAS**, a Transition Plan for the pedestrian network and a Transition Plan for programs, services, and facilities has been prepared that reflects current municipality infrastructure and ADA design standards, referred to as the "ADA Transition Plan: Pedestrian Facilities in the Public Right-of-Way" and the "ADA Transition Plan: Programs and Services, and Facilities;"

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Aldermen of the Town of Waynesville, North Carolina hereby adopts the ADA Transition Plan, a copy of which shall be filed with and maintained by the Town Clerk.

**PASSED, APPROVED AND ADOPTED** this 25th day of June, 2019.

**TOWN OF WAYNESVILLE**

ATTEST:

\_\_\_\_\_  
Gavin A. Brown, Mayor

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



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: June 25, 2019**

**SUBJECT** Statutory Basis for Creation, Expansion, and Discontinuation of Housing Authorities

**AGENDA INFORMATION:**

**Agenda Location:** Manager's Report  
**Item Number:** C5  
**Department:** Administrative Services  
**Contact:** Rob Hites, Town Manager  
**Presenter:** Rob Hites, Town Manager

**BRIEF SUMMARY** Chapter 157-4 of the General Statutes outlines the procedures for the creation, expansion and dissolution of Housing Authorities. The Chapter lays out their considerable powers to construct and maintain affordable housing and undertake neighborhood redevelopment. Municipalities have the power to create an independent authority, assign the powers to an existing Redevelopment Authority or undertake the powers of a Housing Authority themselves.

Housing Authorities may be administered as separate administrative units or a department of a Town. The statute permits authorities to have as few as five members and as many as eleven. Waynesville's authority currently has seven members with three vacancies coming up on June 30<sup>th</sup>. With the critical need for more affordable housing in Waynesville several people have suggested that the Authority take on a more proactive role is neighborhood revitalization and construction of new housing.

To bring additional perspectives on the Authority's role in providing affordable housing they have suggested that the Town Board expand the size of the Housing Authority from seven to nine members. The General Statutes require that the Town Board pass a resolution to that effect and hold a public hearing seeking input into the need to increase the size of the Board. You will find a summary of the General Statutes and a sample resolution as attachments.

The notice of public hearing was published in the Mountaineer on Friday, June 7 and Friday June 14, 2019.

**MOTION FOR CONSIDERATION:** Approve the resolution increasing the size of the Waynesville Housing Authority Board from seven to nine members.

**FUNDING SOURCE/IMPACT:** None

**ATTACHMENTS:**

- Memorandum outlining the NC General Statutes governing Housing Authorities

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Recommend approval of this increase in size to the Waynesville Housing Authority Board.



## **MEMORANDUM**

**TO:** Mayor and Town Board of Aldermen  
**FROM:** Robert W. Hites Jr.  
**DATE:** 6/11/19  
**SUBJECT:** Discussion of a municipality's authority to create, expand and disband Housing Authorities.

### **INTRODUCTION**

Chapter 157 of the NC General Statutes empowers municipalities and counties to create, expand and disband housing authorities. The chapter grants housing authorities broad powers to purchase land and constructs and maintain public housing. It grants them the power of eminent domain, the power to demolish dilapidated housing, and to borrow funds to carry out their programs. Few public bodies have such a broad grant of authority.

### **CREATION OF AUTHORITY**

Chapter 157-4 (2) permits a municipality to create a housing authority after hearing evidence of the need for such a body during a public hearing and the adoption of a resolution establishing the authority. The resolution would authorize the mayor to make the appointments to the body. The statute permits towns to set up a housing authority with as few as five and as many as eleven members. The Waynesville Housing Authority currently has a commission made up of seven members. As of June 30, there will be three vacancies. Members whose terms have expired may serve in until their replacements have been chosen by the mayor.

### **MAKEUP OF AUTHORITY**

There are few stipulations as to the makeup of the authority. One member must be "directly assisted" by the services of the authority. There is a stipulation that for authorities with less than 300 units the requirement that one member be "directly assisted" may be waived if, after notification of the "Resident Advisory Board" that a member be recommended the Advisory Board the Board does not respond or states they have no nominees the Mayor may choose anyone. A maximum of 1/3<sup>rd</sup> of the members can be "directly assisted" by the authority.



#### **CHANGE OF COMPOSITION OF AUTHORITY**

GA157-4(c) States that the Town Board of Aldermen may change the composition of the Housing Authority through public hearing and resolution.

#### **REMOVAL OF HOUSING AUTHORITY MEMBERS**

GS 157-8 states that the Mayor may remove a member of the Housing Authority Board for inefficiency, neglect of duty or misconduct. The member must be given a copy of the charges against him at least ten days prior to hearing before the Mayor and have an opportunity to defend himself against the charges.

#### **ALTERNATIVE ORGANIZATION**

GS 157-4.1 permits a Town to designate its "Redevelopment Authority" or itself as a Housing Authority. Should a Town wish to designate itself as a Housing Authority it may create carry out the programs of an authority through an existing or new department. The Town's Finance Department may be authorized to carry out the duties of a Housing Authority.

## **RESOLUTION # R-15-19**

### **A RESOLUTION CHANGING THE COMPOSITION OF THE WAYNEVILLE HOUSING AUTHORITY**

**WHEREAS,** The Board of Aldermen has determined that areas of dilapidated housing exist within the Town limits; and

**WHEREAS,** The Board of Aldermen of the Town of Waynesville has determined that the private market cannot provide suitable low to moderate income housing in such quantities and at such rents that it can serve the needs of the Town; and

**WHEREAS,** In accordance with GS 157-4 the Board of Aldermen have appointed the “Waynesville Housing Authority” to carry out a comprehensive housing program that will serve the needs of the Town’s low to moderate income residents; and

**WHEREAS,** the Board has received input from numerous citizens that the breadth and scope of the Housing Authority needs to be expanded and refined; and

**WHEREAS,** it is in the best interests to the Town to expand the size of the Housing Authority to increase community input in its programming effort;

**BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE THAT in ACCORDANCE WITH GS 157-4:**

1. The Town advertise a public hearing at least 10 days in advance of the hearing
2. Receive public input regarding increasing the membership of the Waynesville Housing Authority.
3. After receiving such input consider increasing the size of the Waynesville Housing Authority to 9 members.
- 4.

Adopted this the 25th day of June 2019.

**Town of Waynesville**

---

Gavin A. Brown, Mayor

ATTEST

---

Eddie Ward, Town Clerk



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: June 25, 2019**

**SUBJECT:** Budget Ordinance 2019-2020 and Resolution on Financial Operating Plan-Internal Service Funds

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing  
**Item Number:** C4  
**Department:** All Departments  
**Contact:** Eddie Caldwell, Finance Director / Rob Hites Town Manager / Amie Owens Assistant Town Manager  
**Presenter:** Eddie Caldwell, Finance Director / Rob Hites Town Manager / Amie Owens Assistant Town Manager

**BRIEF SUMMARY:** Over the past three months, extensive work has taken place on the development of the annual budget for the Town of Waynesville. As you know, the 2019-2020 Budget Ordinance covers four separate funds-General, Water, Sewer, and Electric. In addition, there are what we call Internal Service Funds for the operation of the Asset Services Management and the Garage Fund. The Internal Service Funds covers the maintenance and repair of the department's various buildings, grounds, vehicles and equipment. The funds are as follows:

- General Fund \$15,147,270
- Water Fund 3,348,660
- Sewer Fund 3,353,310
- Electric Fund 9,568,930
- Total \$31,418,170
  
- Public Works \$1,615,930
- Garage 667,670

On the revenue side, the General Fund proposed budget maintains the tax rate at .4957 cents per hundred and keeps all other fees at the same levels. In the enterprise funds, the sewer fund will increase rates 10% and the water and electric rates will remain the same.

On the expenditure side, the major increases are in the personnel and fringe benefits area, the proposed budget funds a 26.20% increase in health insurance premiums, funds a 1.2% increase in state retirement contributions, funds an 1.5% sit aside for career track adjustments and adds three positions. Operating expenditures for the most part, will see slight decreases from the 2018-2019 budget. Capital expenditures, debt payments and internal service costs will decrease to

fund the increases in personnel and fringe benefits. Overall the proposed 2019-2020 budget is (\$1,135,485) or (3.49%) lower than the current 2018-2019 amended budget. The lower budget will allow the Town to use less fund balance or savings to balance the budget than the 2018-2019 budget.

The notice of continuation of the public hearing was published in the Mountaineer on Friday, June 7 and Friday, June 14, 2019.

**MOTION FOR CONSIDERATION:** 1) To *approve Budget Ordinance 2019-2020.*

2) To approve Resolution on Financial Operating Plan for Two Internal Service Funds.

**FUNDING SOURCE/IMPACT:** This will be the budget for the next Fiscal Year

**ATTACHMENTS:**

- Budget Ordinance 2019-2020
- Resolution on Financial Operating Plan for Two Internal Service Funds

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Approve as presented.

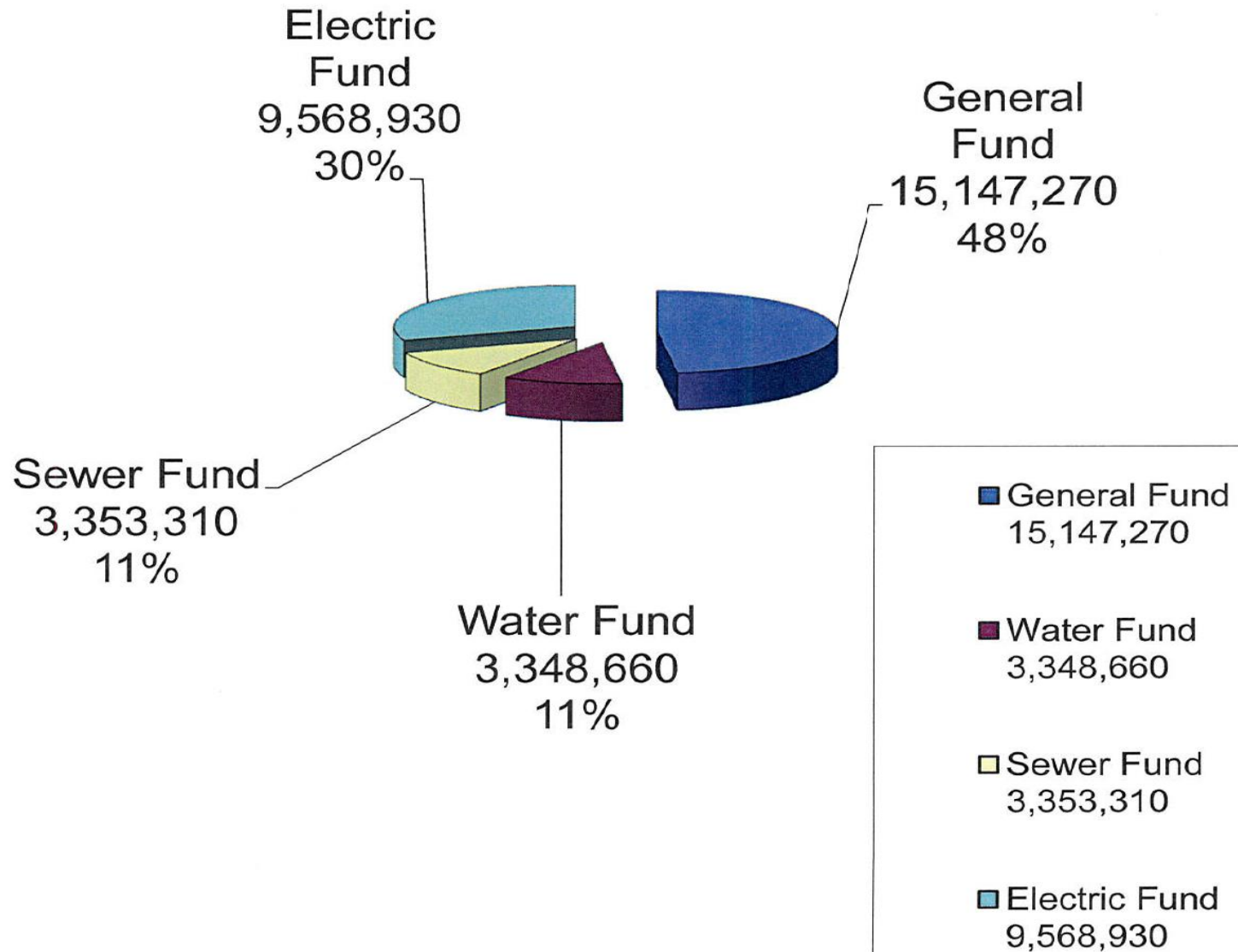


# Town of Waynesville 2019-2020 Budget



Prepared by  
Eddie Caldwell, CPA

## 2019-2020 Budget Summary



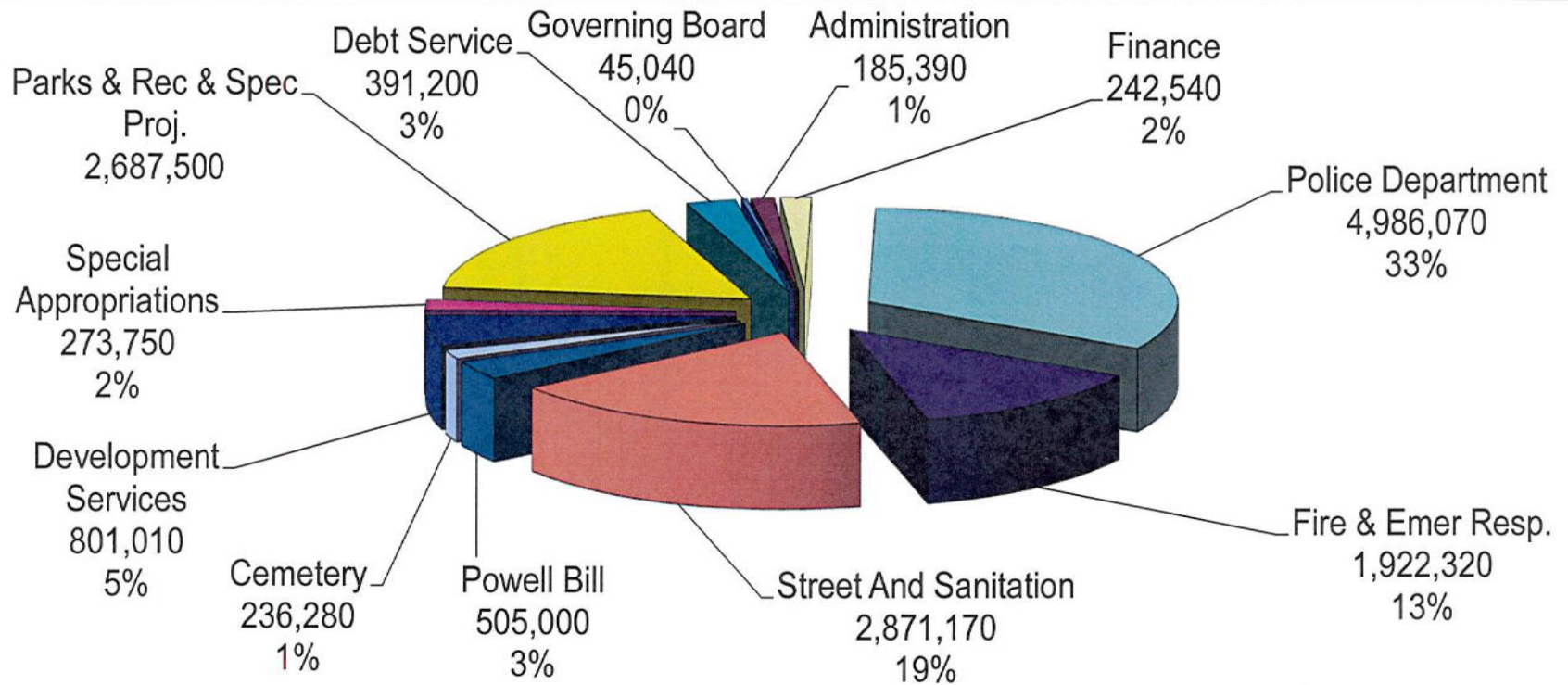


**2019-2020 BUDGET  
SUMMARY**

FUND SUMMARY			
A. REVENUES BY FUND	BUDGET 2018-2019	PROPOSED 2019-2020	DIFFERENCE
GENERAL FUND	15,449,575	15,147,270	(302,305)
WATER FUND	3,990,330	3,348,660	(641,670)
SEWER FUND	3,392,940	3,353,310	(39,630)
ELECTRIC FUND	9,720,810	9,568,930	(151,880)
<b>TOTAL BUDGET REVENUES</b>	<b>32,553,655</b>	<b>31,418,170</b>	<b>(1,135,485)</b>
B. EXPENDITURES BY FUND	BUDGET	PROPOSED	DIFFERENCE
GENERAL FUND	15,449,575	15,147,270	(302,305)
WATER FUND	3,990,330	3,348,660	(641,670)
SEWER FUND	3,392,940	3,353,310	(39,630)
ELECTRIC FUND	9,720,810	9,568,930	(151,880)
<b>TOTAL BUDGET EXPENDITURES</b>	<b>32,553,655</b>	<b>31,418,170</b>	<b>(1,135,485)</b>

INTERNAL SERVICE FUND SUMMARY			
C. REVENUES BY INTERNAL SERVICES	BUDGET	PROPOSED	DIFFERENCE
ASSET SERVICES MANAGEMENT	2,264,920	1,615,930	(648,990)
GARAGE OPERATIONS	681,550	667,670	(13,880)
D. EXPENDITURES BY INTERNAL SERVICES	BUDGET	PROPOSED	DIFFERENCE
ASSET SERVICES MANAGEMENT	2,264,920	1,615,930	(648,990)
GARAGE OPERATIONS	681,550	667,670	(13,880)

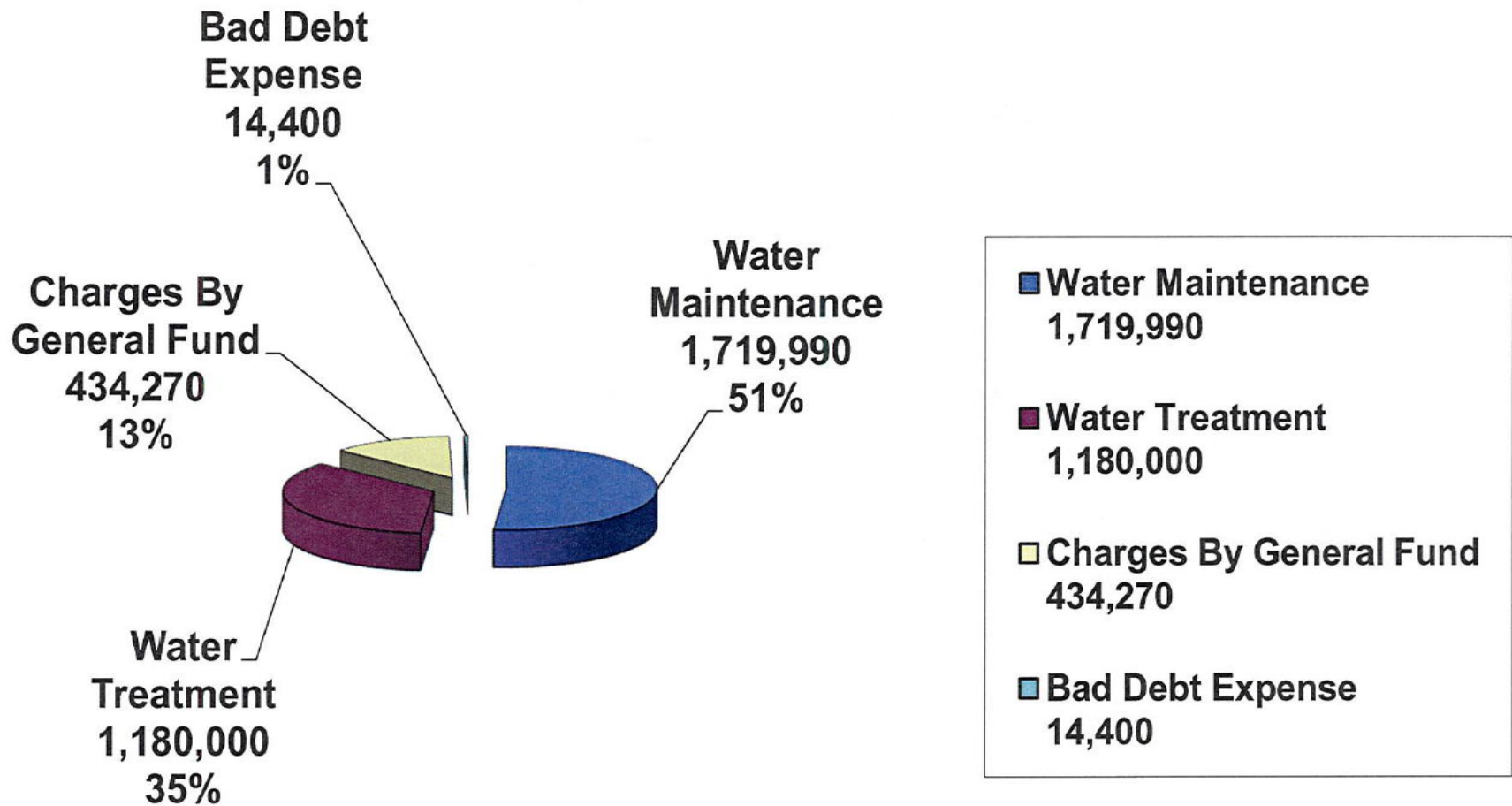
**General Fund  
Manager Recommended  
2019-2020**



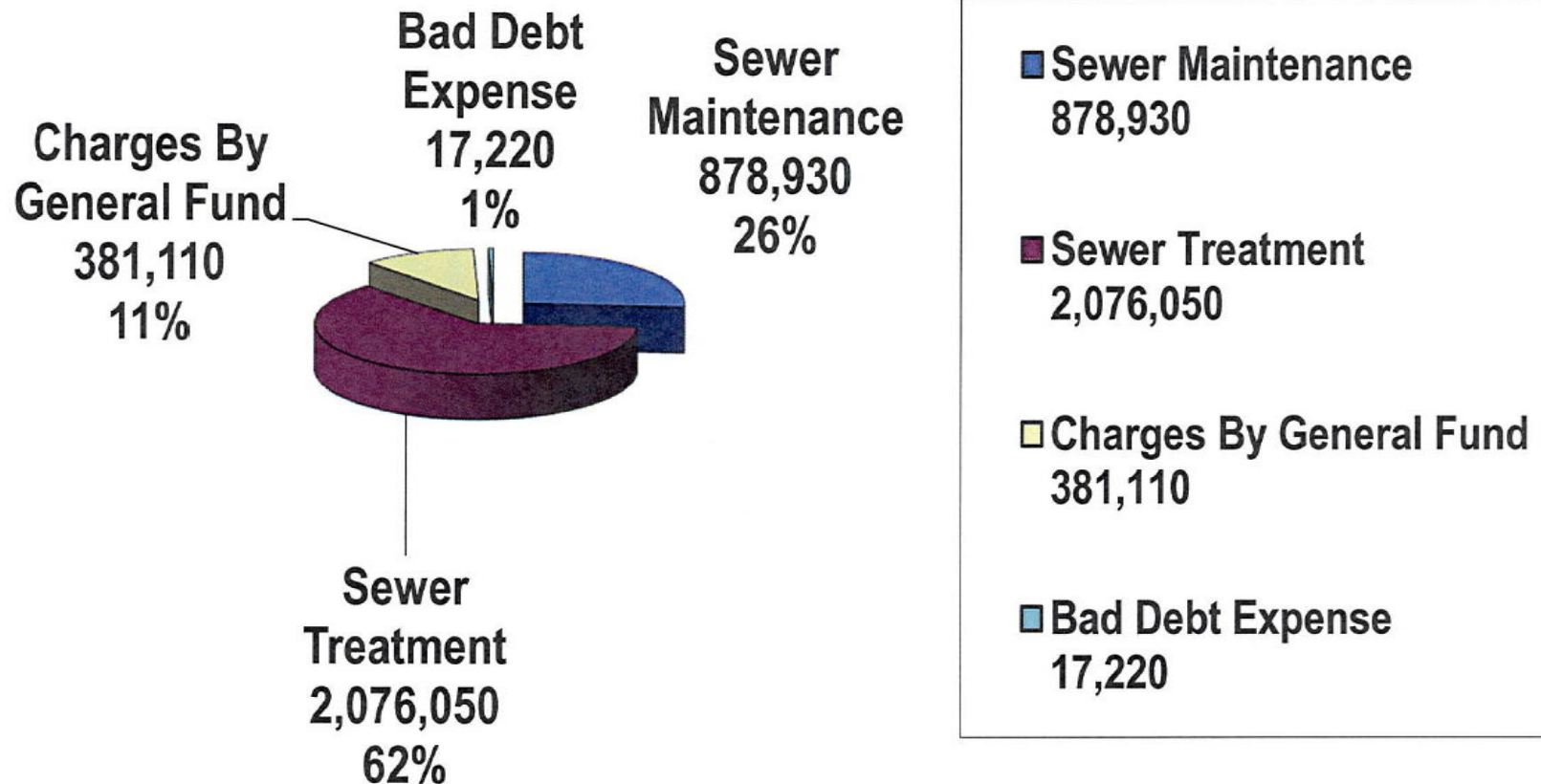
■ Governing Board	45,040	■ Administration	185,390
■ Finance	242,540	■ Police Department	4,986,070
■ Fire & Emer Resp.	1,922,320	■ Street And Sanitation	2,871,170
■ Powell Bill	505,000	■ Cemetery	236,280
■ Development Services	801,010	■ Special Appropriations	273,750
■ Parks & Rec & Spec Proj.	2,687,500	■ Debt Service	391,200



**Water Fund  
Manager Recommended  
2019-2020**



**Sewer Fund  
Manager Recommended  
2019-2020**



**Electric Fund  
Manager Recommended  
2019-2020**

**Transfer To Other  
Funds**

**1,275,600  
13%**

**Bad Debt  
Expense  
38,400  
0%**

**Charges By  
General Fund  
762,040  
8%**

**Electric  
Maintenance  
1,577,390  
17%**

**Purchase Power  
5,915,500  
62%**

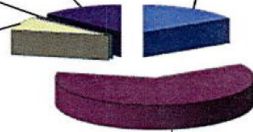
**Electric Maintenance  
1,577,390**

**Purchase Power  
5,915,500**

**Charges By General Fund  
762,040**

**Bad Debt Expense  
38,400**

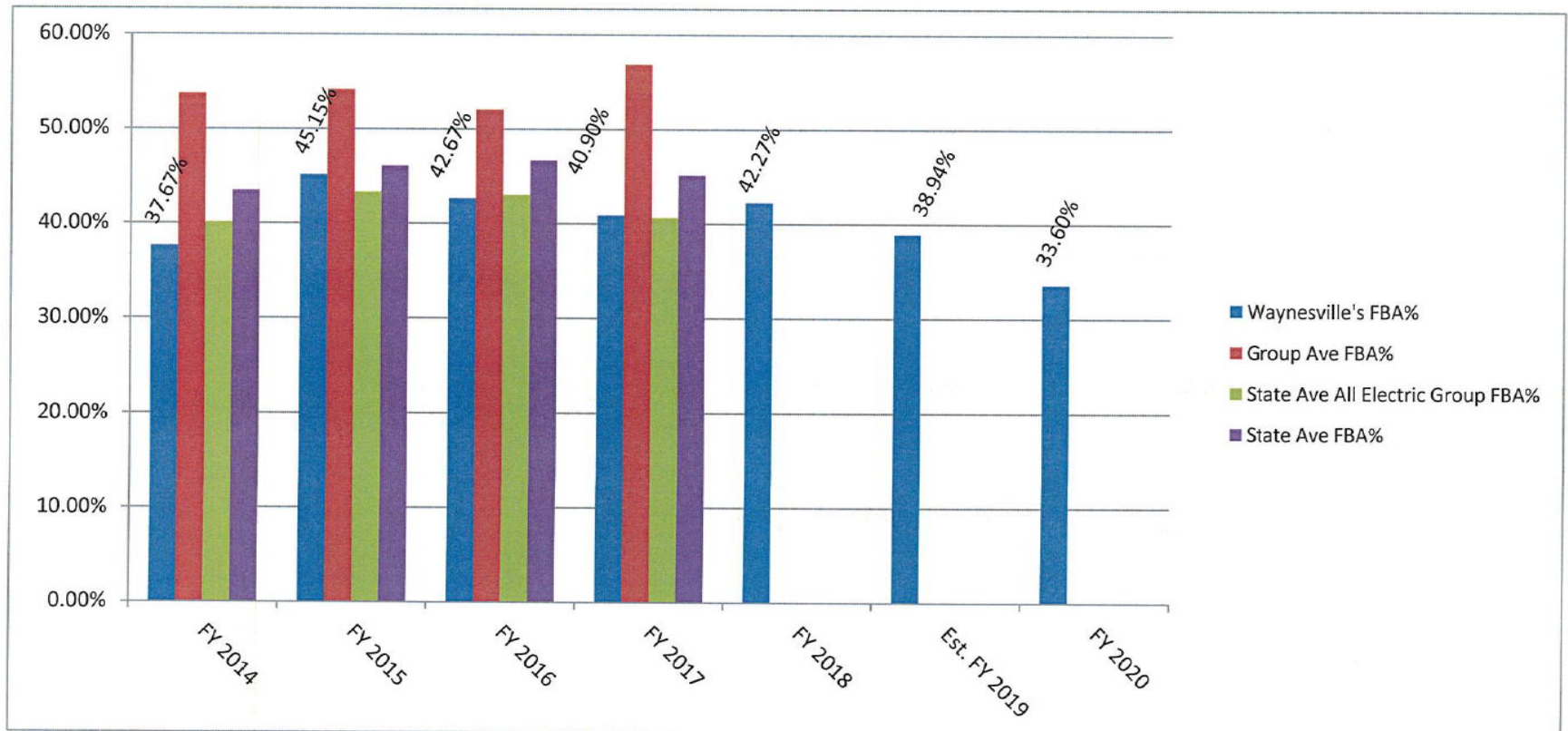
**Transfer To Other Funds  
1,275,600**





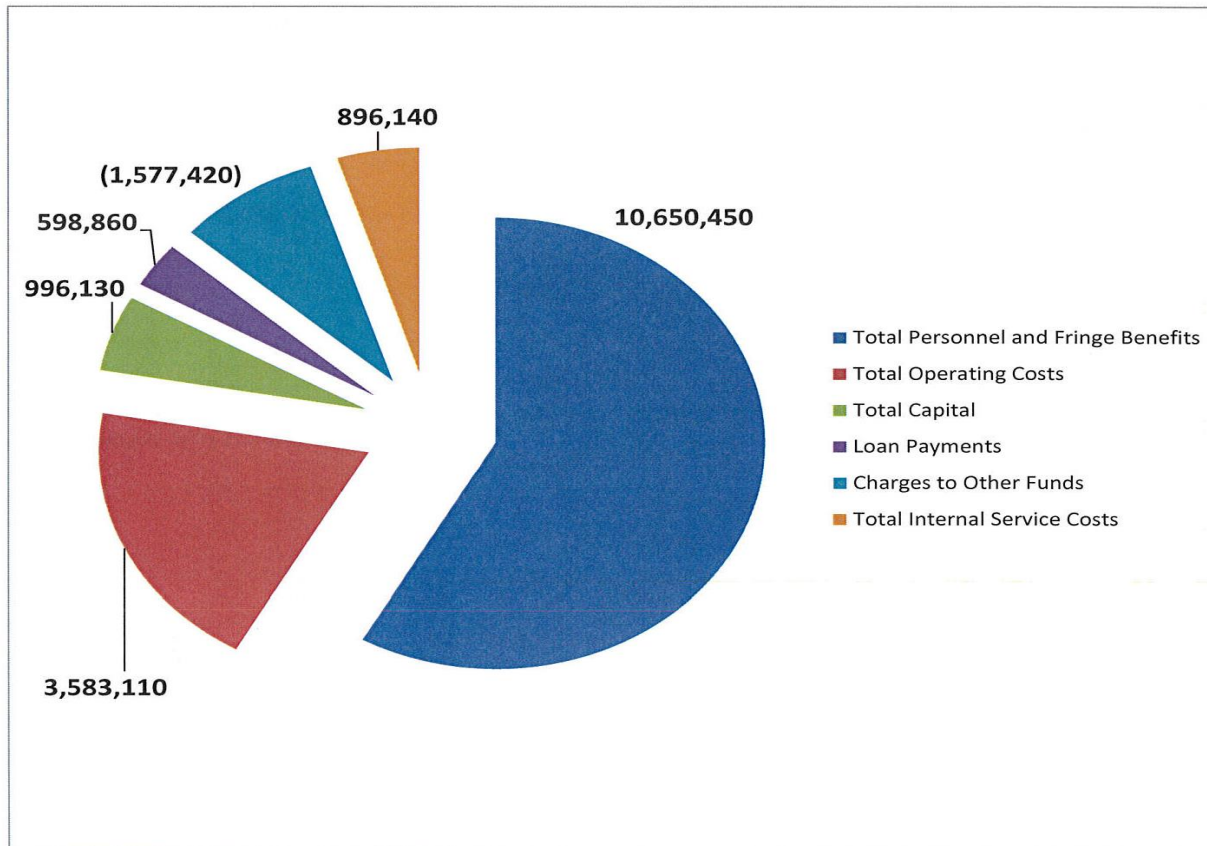
**Town of Waynesville**  
**Fund Balance Available Data**  
**For Year Ending 06/30/2014 thru estimated 06/30/2020**

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	What if we meet Projections Est. FY 2019	Budget FY 2020
Waynesville's FBA%	37.67%	45.15%	42.67%	40.90%	42.27%	38.94%	33.60%
Group Ave FBA%	53.74%	54.14%	52.07%	56.85%			
State Ave All Electric Group FBA%	40.05%	43.30%	43.04%	40.65%			
State Ave FBA%	43.50%	46.11%	46.71%	45.16%			
FBA	5,112,799	5,672,448	5,575,977	5,648,398	5,809,254	5,701,314	5,089,604
Expenditures	\$ 13,571,963	\$ 12,562,983	\$ 13,069,109	\$ 13,809,100	\$ 13,741,878	\$ 14,642,890	\$ 15,147,270



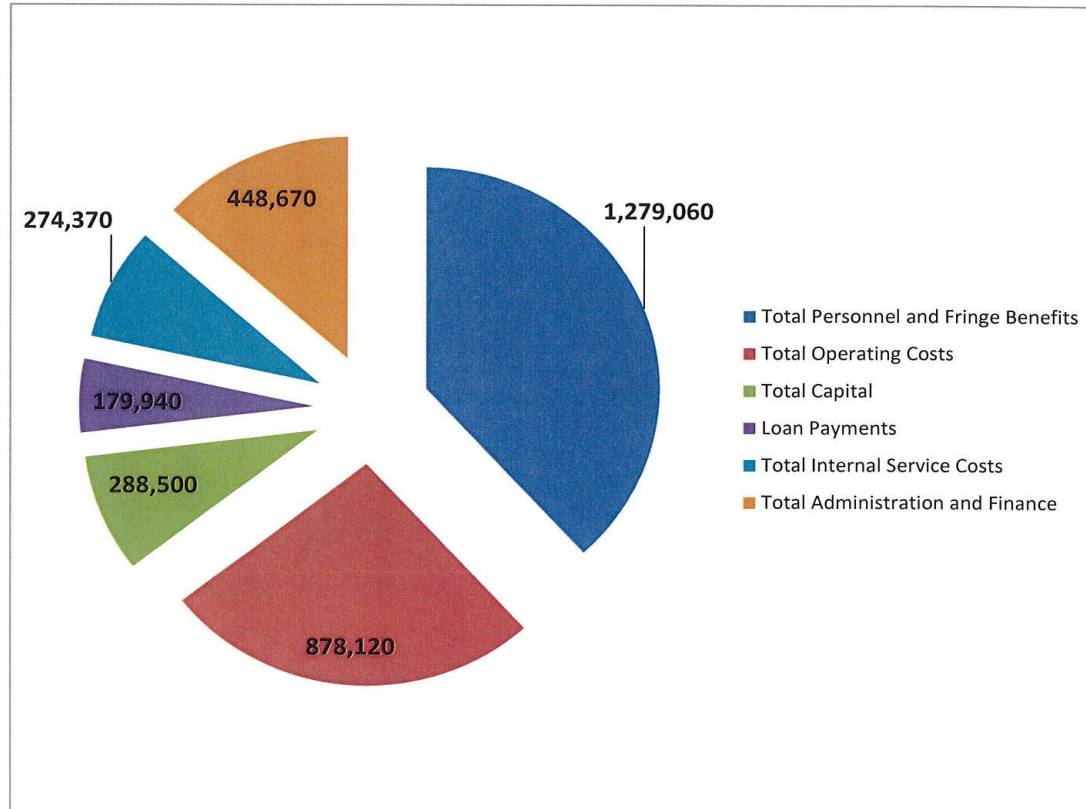
**Town of Waynesville  
General Fund  
Proposed FY 2019 - 2020 Budget**

	<b>Proposed FY 19-20</b>	<b>% of Budget</b>
General Fund Expenditures:		
Total Personnel and Fringe Benefits	10,650,450	70.31%
Total Operating Costs	3,583,110	23.66%
Total Capital	996,130	6.58%
Loan Payments	598,860	3.95%
Charges to Other Funds	(1,577,420)	-10.41%
Total Internal Service Costs	896,140	5.92%
<b>Total General Fund Expenditures</b>	<b>15,147,270</b>	<b>100.00%</b>



**Town of Waynesville**  
**Water Fund**  
**Proposed FY 2019 - 2020 Budget**

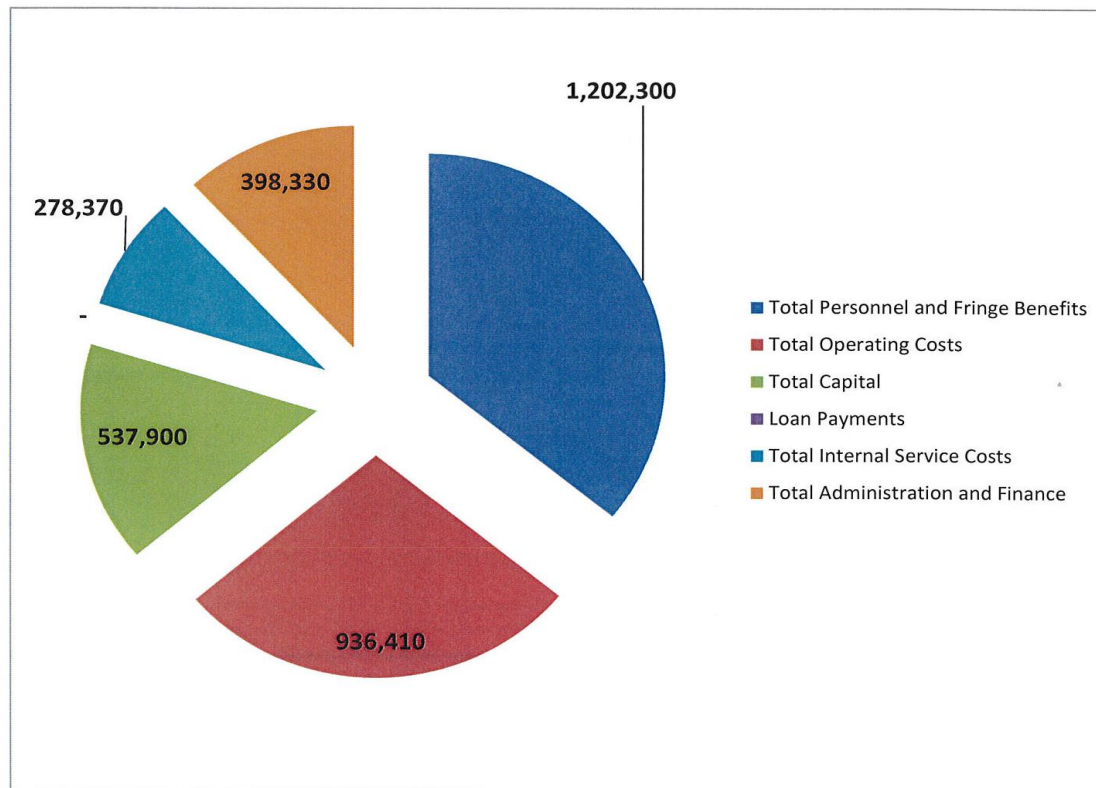
	<b>Proposed FY 19-20</b>	<b>% of Budget</b>
<b>Water Fund Expenditures:</b>		
Total Personnel and Fringe Benefits	1,279,060	38.20%
Total Operating Costs	878,120	26.22%
Total Capital	288,500	8.62%
Loan Payments	179,940	5.37%
Total Internal Service Costs	274,370	8.19%
Total Administration and Finance	448,670	13.40%
<b>Total Water Fund Expenditures</b>	<b>3,348,660</b>	<b>100.00%</b>





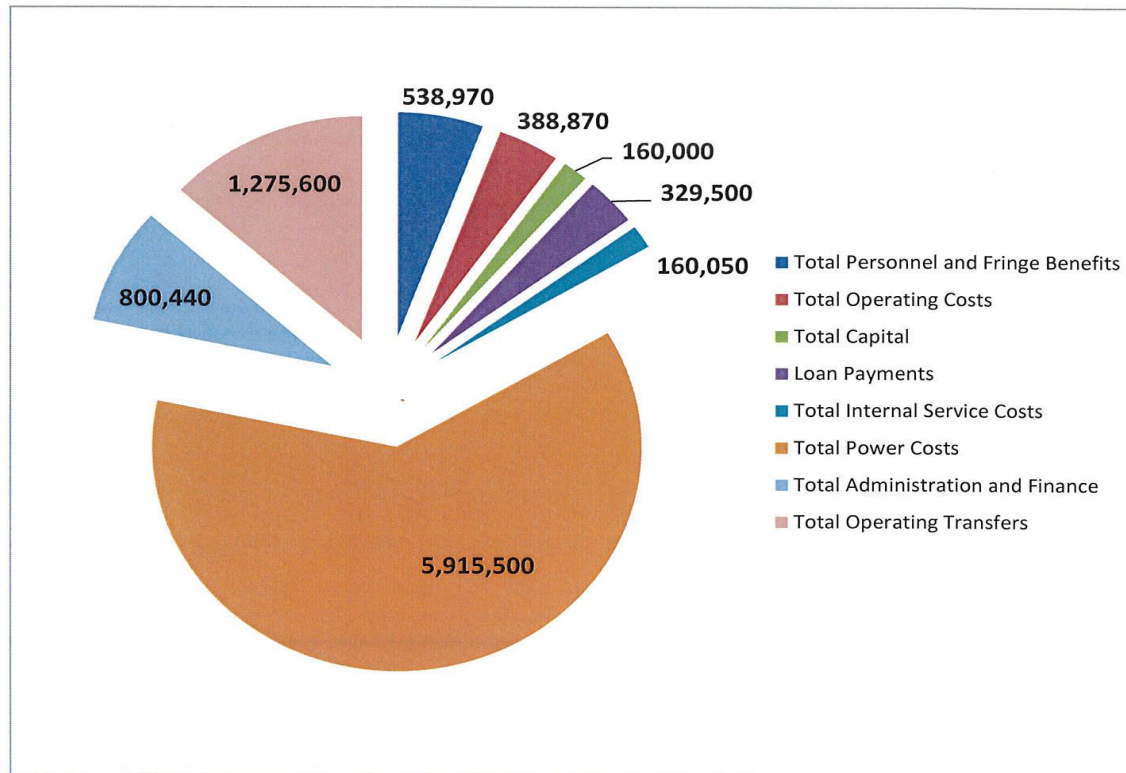
**Town of Waynesville  
Sewer Fund  
Proposed FY 2019 - 2020 Budget**

	<b>Proposed FY 19-20</b>	<b>% of Budget</b>
<b>Sewer Fund Expenditures:</b>		
Total Personnel and Fringe Benefits	1,202,300	35.85%
Total Operating Costs	936,410	27.92%
Total Capital	537,900	16.04%
Loan Payments	-	0.00%
Total Internal Service Costs	278,370	8.30%
Total Administration and Finance	398,330	11.88%
<b>Total Sewer Fund Expenditures</b>	<b>3,353,310</b>	<b>100.00%</b>



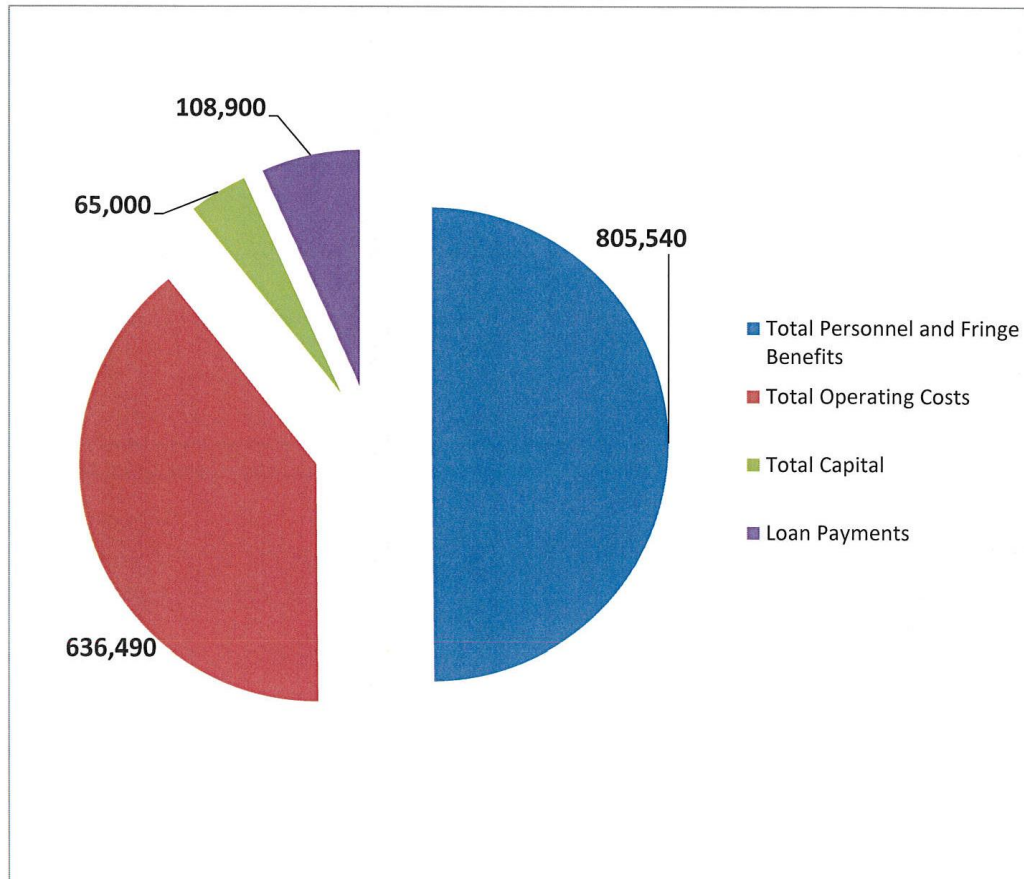
**Town of Waynesville  
Electric Fund  
Proposed FY 2019 - 2020 Budget**

	<b>Proposed FY 19-20</b>	<b>% of Budget</b>
Electric Fund Expenditures:		
Total Personnel and Fringe Benefits	538,970	5.63%
Total Operating Costs	388,870	4.06%
Total Capital	160,000	1.67%
Loan Payments	329,500	3.44%
Total Internal Service Costs	160,050	1.67%
Total Power Costs	5,915,500	61.82%
Total Administration and Finance	800,440	8.36%
Total Operating Transfers	1,275,600	13.33%
<b>Total Electric Fund Expenditures</b>	<b>9,568,930</b>	<b>100.00%</b>



**Town of Waynesville**  
**Asset Services Management**  
**Proposed FY 2019 - 2020 Budget**

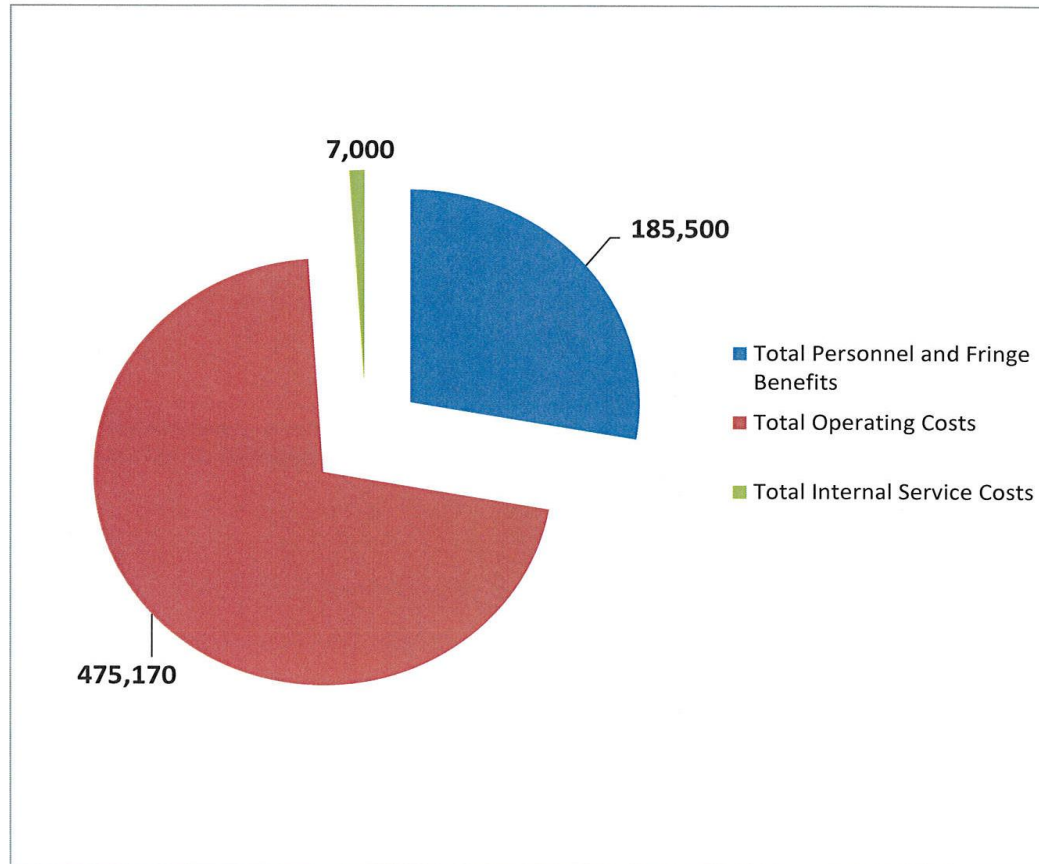
	<b>Proposed FY 19-20</b>	<b>% of Budget</b>
Asset Svs. Management Fund Expenditures:		
Total Personnel and Fringe Benefits	805,540	49.85%
Total Operating Costs	636,490	39.39%
Total Capital	65,000	4.02%
Loan Payments	108,900	6.74%
<b>Total Asset Svs. Mgmt Expenditures</b>	<b>1,615,930</b>	<b>100.00%</b>





**Town of Waynesville  
Garage Operations  
Proposed FY 2019 - 2020 Budget**

	<b>Proposed FY 19-20</b>	<b>% of Budget</b>
Garage Fund Expenditures:		
Total Personnel and Fringe Benefits	185,500	27.78%
Total Operating Costs	475,170	71.17%
Total Capital	-	0.00%
Loan Payments	-	0.00%
Total Internal Service Costs	7,000	1.05%
<b>Total Garage Fund Expenditures</b>	<b>667,670</b>	<b>100.00%</b>



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Revenues amounts have not been converted to budget basis/Fund balance numbers are being plugged in just to give a comparison.		
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Fund Bal. Approp. = add to balance					
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(Fund Bal. Approp.) = reduced fund balance								
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Page 19


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Revenues amounts have not been converted to budget basis/Fund balance numbers are being plugged in just to give a comparison.		
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(Fund Bal. Approp.) = reduced fund balance							
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							Diff	%
			FYE 2019		FYE 2020	FYE 2020	FYE 2019	%
	FYE 2017	FYE 2018	DEPARTMENT	FYE 2019	DEPARTMENT	MANAGER'S	Bud. Vs.	from FYE
	ACTUAL	ACTUAL	PROJECTION	BUDGET	REQUESTS	RECOMMENDS	FYE 2020	2019 Bud
Electric Fund Revenues:								
Total Customer Charges	(8,743,149)	(9,219,663)	(9,592,740)	(9,582,840)	(9,495,190)	(9,495,190)	87,650	-0.91%
Total All Other Revenues & Invest. Inc.	(28,954)	(26,314)	(23,950)	(12,690)	(25,270)	(25,270)	(12,580)	99.13%
Transfers from Sewer Fund	-	-	-	-	-	-	-	0.00%
Fund Balance Appropriation	18,660	410,139	475,420	(125,280)	(579,060)	(48,470)	76,810	-61.31%
Total Electric Fund Revenues	(8,753,443)	(8,835,838)	(9,141,270)	(9,720,810)	(10,099,520)	(9,568,930)	151,880	-1.56%

Revenue amounts have not been converted to budget basis/Fund balance numbers are being plugged in just to give a comparison.

Fund Bal. Approp. = add to balance

(Fund Bal. Approp.) = reduced fund balance

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TOWN OF WAYNESVILLE								
SPECIAL APPROPRIATIONS CONTRIBUTIONS								
	APPR 14/15	APPR 15/16	APPR 16/17	APPR 17/18	APPR FY 18/19	REQUESTED FY 19/20	COMMENTS	Board Recommendation
<b>IN-KIND SERVICES</b>								
<b>UTILITY ASSISTANCE</b>								
Museum of NC Handicrafts/Shelton House - <b>Utilities</b>	-	2,500	2,500	2,500	2,500	5,000	Utility Assistance	2,500
Open Door Kitchen - <b>Utilities</b>	2,500	2,500	2,500	2,500	0	No Application Rec'd		
Pigeon Community MDC- <b>Utilities</b>	5,000	5,000	5,000	5,000	5,000		Utility Assistance	5,000
<b>CONTRIBUTIONS/PROGRAM FUNDING</b>								
30th Judicial District Domestic Violence	500	1,595	1,500	1,500	1,500		General Operating Funds	1,500
Alcohol Education					0			
American Red Cross	3,000	3,000	3,000	3,000	0	3,000	Program Funds	
Arc of Haywood County	4,000	4,000	4,500	4,000	4,000	4,500	Program Funds	4,000
Big Brothers Big Sisters	1,500	1,500	1,500	1,500	1,500		General Operating Funds	1,500
Disabled American Veterans	500	1,000	1,000	1,000	1,000	No Application Rec'd		
Downtown Way Assoc - Events and Promotions	12,000	12,000	15,000	12,000	12,000	12,000	General Operating Funds	12,000
DWA-Christmas Parade	2,000	2,000	2,000	2,000	2,000	2,000	Christmas Parade Sponsorship	2,000
Folkmoot USA - annual festival support	10,000	10,000	10,000	10,000	10,000	10,000	Festival Support	10,000
Folkmoot USA - capital campaign	20,000	25,000	25,000	0	0	10,000	Capital Contribution - one year	10,000
Good Samaritan Clinic	4,500	5,000	5,000	4,000	0	0		
HART - annual season support	-	-	5,000	4,000	4,000		General Operating Funds	4,000
HART - capital campaign	25,000	25,000	-		0			
Haywood Co. Arts Council	4,000	4,000	4,000	3,000	3,000	5,000	General Operating Funds	3,000
Haywood Co. Chamber of Commerce	-	-	-	0	0		General Operating and Program Funds	
Haywood Co. Fairgrounds, Inc. - fair sponsorship					0	0		
Haywood Co. Fairgrounds, Inc. - capital request					0	5,000	Capital Contribution - one year	
Haywood Co. Meals on Wheels	3,000	3,000	3,000	3,000	3,000	3,800	Program Funds	3,000
Haywood County Toy Run					0			
Haywood Healthcare Foundation					0	5,000	Event Sponsorship	

Haywood Pathways	20,000	-	-	4,000	4,000		Capital Contribution - one year	4,000
Historic Frog Level Merchant Association	-	-	4,500	4,000	5,000		No application this year per email from FLMA	
Historic Haywood Farmers Market					0	5,000	General Operating Funds	
KARE	4,500	4,500	4,500	4,500	4,500	5,500	General Operating Funds	4,500
MLK Breakfast	500	500	500	500	500		Event Sponsorship	500
Mountain Mediation	2,500	2,500	2,500	2,000	2,000	5,000	General Operating and Program Funds	2,000
Mountain Projects - Senior Resource Center	9,000	6,500	6,500	6,000	6,000	6,500	General Operating Funds	6,000
Mountain Projects - SHIIP Program	-	2,500	2,500	2,000	2,000	2,500	General Operating Funds	2,000
Mountain Projects - Relocation - capital request					0		Relocation - multi year request	
Museum of NC Handicrafts/Shelton House - capital request	3,000	4,000	4,000	3,000	4,000	5,000	Capital Contribution - one year	4,000
REACH	10,000	10,000	10,000	10,000	10,000	10,000	General Operating Funds	10,000
Salvation Army	5,000	5,000	5,000	5,000	5,000		General Operating Funds	5,000
Tuscola AFJROTC	1,500	1,500	1,500	1,500	1,500		General Operating Funds	1,500
United Way of Haywood County	-	500	500	500	500		General Operating Funds - Day of Caring	
Waynesville Civilian Police Volunteers						5,000	General Operating Funds - First Time Request	5,000
Waynesville Historic Preservation Commission				4,000	0	4,000	Program Funds	4,000
Waynesville Public Art Commission	5,000	5,000	5,000	4,000	5,000	5,000	General Operating Funds	3,000
Undesignated-Future Usage		25,500	10,000	5,000	14,500			10,000
<b>TOTAL</b>								
<b>CONTRIBUTIONS TOTAL</b>	<b>150,500</b>	<b>175,095</b>	<b>157,500</b>	<b>115,000</b>	<b>114,000</b>	<b>118,800</b>		<b>120,000</b>
<b>TOWN OF WAYNESVILLE</b>								
<b>SPECIAL APPROPRIATIONS CONTRIBUTIONS</b>								
	<b>APPR</b>	<b>APPR</b>	<b>APPR</b>	<b>APPR</b>	<b>APPR</b>			
<b>CONTRIBUTIONS BY RECREATION</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>FY 18-19</b>			
Mountaineer/Babe Ruth Little League	1,500	1,500	1,500	-	-			
Mountain Projects-Elderly Nutrition	2,000	5,000	2,000	2,000	2,000	2,000	General Operating Funds	2000
<b>RECREATION TOTAL</b>	<b>3,500</b>	<b>5,000</b>	<b>3,500</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>		
<b>CONTRIBUTIONS BY STREET DEPT.</b>								
Commission for a Clean County	<b>1,000</b>	1,000	1000	1000	1000	1,000	Program funds and event sponsorship	1000
Trash Bags, Signs Etc...	<b>1,000</b>	1,000	1000	1000	1000	1,000		1000
<b>STREET DEPARTMENT TOTAL</b>	<b>2,000</b>	<b>2,000</b>	<b>2000</b>	<b>2000</b>	<b>2000</b>	<b>2,000</b>		
						4,000		4,000
<b>GRAND TOTAL CONTRIBUTIONS</b>	<b>156,000</b>	<b>182,095</b>	<b>163,000</b>	<b>119,000</b>	<b>118,000</b>	<b>122,800</b>		<b>124,000</b>



Hello, my name is Clay Payne and I am currently working on my Eagle Scout Project. I am a Senior at Tuscola High School. I am member of Troop 370, a member of Tuscola's AFJROTC Unit NC-075, and also a four year member of Tuscola's Marching Band.

For my Eagle scout project I am working with Principle Todd Trantham to build eight picnic tables for Tuscola High School. These picnic tables are going outside the School Cafeteria to replace the old broken down tables we currently have. The overall cost of my project is \$1300 Dollars, this includes all expenses, buying lumber, buying the metal frames, and buying the bolts, nuts, washers, and nails.

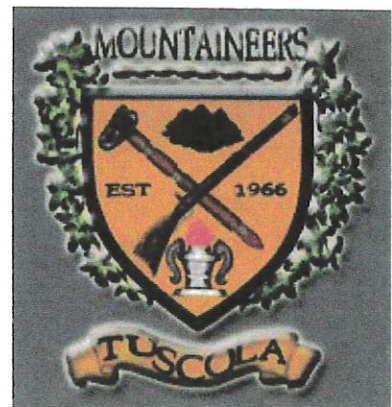
This donation is also able to be used as a tax write off. Any amount of money and/or supplies is EXTREMELY helpful because it allows me to get the project approved faster.

Clay Payne  
Scout  
[Claypayne147@yahoo.com](mailto:Claypayne147@yahoo.com)  
(828)-734-6759

Ron Perusi  
Scoutmaster  
(828)-734-6121

Todd Trantham  
Principle  
[ttrantham@haywood.k12.nc.us](mailto:ttrantham@haywood.k12.nc.us)

Thank You For Your Consideration,  
Clay Payne





**ORDINANCE NO. 09-19**  
**BUDGET ORDINANCE 2019-2020**

**SECTION I:** The following amounts are hereby appropriated for the operation of the Town of Waynesville and its activities for the fiscal year beginning July 1, 2019 and ending June 30, 2020 according to the following summary and schedules.

<u>SUMMARY</u>	<u>ESTIMATED REVENUES</u>	<u>APPROPRIATIONS</u>
General Fund	\$15,147,270	\$15,147,270
Water Fund	3,348,660	3,348,660
Sewer Fund	3,353,310	3,353,310
Electric Fund	<u>9,568,930</u>	<u>9,568,930</u>
 TOTAL BUDGET	 \$31,418,170	 \$31,418,170

**SECTION II:** That for the said fiscal year there is hereby appropriated out of the General Fund the following:

<u>GENERAL FUND - 10</u>	<u>CODE</u>	<u>AMOUNT</u>
Governing Board	4110-0000	\$ 45,040
Administration	4120-0000	185,390
Finance	4130-0000	242,540
Police	4310-0000	4,906,070
Police Grant Projects	4315-0000	80,000
Fire & Emergency Responders	4340-0000	1,922,320
Streets and Sanitation	4510-0000	2,871,170
Powell Bill	4560-0000	505,000
Cemetery	4740-0000	236,280
Planning, Code Enforcement & Inspections	4910-0000	801,010
Special Appropriations	6000-0000	273,750
Parks & Recreation	6120-0000	2,632,500
Recreation - Special Projects	6125-0000	55,000
Loan Payments Public Facilities	9100-0000	<u>391,200</u>
 TOTAL APPROPRIATIONS		 <u>\$15,147,270</u>

**SECTION III:** It is estimated that the following General Fund Revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020 to meet the foregoing General Fund Appropriations:

<u>ESTIMATED REVENUES - GENERAL FUND</u>	<u>CODE</u>	<u>AMOUNT</u>
Ad Valorem Taxes - Current Year	3000	\$5,816,100
Ad Valorem Taxes - All Prior Years	3000	132,100
Tax Refunds	3000	(3,500)
Tax Penalties, Interests and Advertising	3000	41,000
Motor Vehicle Rental Tax	3000	28,000
Motor Vehicle Taxes	3000-3350	114,000
1 cent County Sales Tax	3200	1,172,210
2 half cents Local Sales Tax	3200	1,196,830
Additional ½ cent Sales Tax (Hold Harmless)	3200	620,200
CATV Gross Receipts Tax	3200	113,290
Utilities Franchise Tax	3300	839,970
Wine and Beer	3300	44,580
Court Costs and Fees	3300	2,250
Powell Bill & 80% Reimbursement	3350	329,230
Grants/Restricted Revenues	3350	233,540
Interest Earned	3350-3850	59,770
Building Permits and Fees	3500	132,250
Reconnect Fees	3500	75,000
Late Fees	3500	25,000
Fire Protection	3600	347,400
Cemetery Revenues	3600	26,600
Recreation Department Revenues	3600	763,000
Police Contract Services	3600	121,500
Garbage Sanitation Fees	3600	769,000
Donations	3800	45,000
Miscellaneous Income	3800	78,890
Sale of Fixed Assets and Materials	3350-3800	7,000
Operating Transfer from Other Funds	3900	1,275,600
A B C Revenues	3900	129,750
Fund Balance Appropriated/Powell Bill	3900	88,720
Fund Balance Appropriated	3900	<u>522,990</u>
<b>TOTAL ESTIMATED REVENUES</b>		<b><u>\$15,147,270</u></b>

**SECTION IV:** That for said fiscal year there is hereby appropriated out of the Water Fund the following:

<u>WATER FUND - 61</u>	<u>CODE</u>	<u>AMOUNT</u>
Water Maintenance	7121	\$1,719,990
Water Treatment	7122	1,180,000
Charges by General Fund & Bad Debt	7125	<u>448,670</u>
<b>TOTAL APPROPRIATIONS</b>		<b><u>\$3,348,660</u></b>

**SECTION V:** It is estimated that the following Water Fund Revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020 to meet the foregoing Water Fund Appropriations:

<u>ESTIMATED REVENUES - WATER FUND</u>	<u>CODE</u>	<u>AMOUNT</u>
Utility Revenue	3700	\$3,330,600
Taps and Connections	3700	40,000
Capacity Fees	3700	20,000
Miscellaneous	3800	1,500
Contributed Capital	3800	000
Interest Earned	3850	25,800
Fund Balance Appropriated /(Add)	3900	<u>(69,240)</u>
<b>TOTAL ESTIMATED REVENUES:</b>		<u><b>\$3,348,660</b></u>

**SECTION VI:** That for said fiscal year there is hereby appropriated out of Sewer Fund the following:

<u>SEWER FUND - 62</u>	<u>CODE</u>	<u>AMOUNT</u>
Maintenance	7121	\$ 878,930
Treatment and Operations	7122	2,076,050
Charges by General Fund & Bad Debts	7125	<u>398,330</u>
<b>TOTAL APPROPRIATIONS:</b>		<u><b>\$3,353,310</b></u>

**SECTION VII:** It is estimated that the following Sewer Fund Revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020 to meet the foregoing Sewer Fund Appropriations:

<u>ESTIMATED REVENUES - SEWER FUND</u>	<u>CODE</u>	<u>AMOUNT</u>
Utility Revenue	3700	\$3,084,400
Taps and Connections	3700	20,000
Industrial Discharge Permits	3700	500
Flow Letter	3700	2,000
Capacity Fees	3700	85,500
Miscellaneous Revenue	3800	400
Contributed Capital	3800	00
Interest Earned	3850	23,260
Fund Balance Appropriated	3900	<u>137,250</u>
<b>TOTAL ESTIMATED APPROPRIATED:</b>		<u><b>\$3,353,310</b></u>



**SECTION VIII:** That for said fiscal year there is hereby appropriated out of the Electric Fund the following:

<u>ELECTRIC FUND - 63</u>	<u>CODE</u>	<u>AMOUNT</u>
Maintenance	7121	\$1,577,390
Purchased Power	7123	5,915,500
Charges by General Fund & Bad Debts	7125	800,440
Transfers to General Fund	9800	<u>1,275,600</u>
<b>TOTAL APPROPRIATIONS:</b>		<b><u>\$9,568,930</u></b>

**SECTION IX:** It is estimated that the following Electric Fund Revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020 to meet the foregoing Electric Fund Appropriations:

<u>ESTIMATED REVENUES - ELECTRIC FUND</u>	<u>CODE</u>	<u>AMOUNT</u>
Utility Revenue	3700	\$ 8,776,900
Security Lights	3700	51,200
Street Lights	3700	129,250
Sales Tax Collected	3700	465,070
REPS Charges	3700	52,800
Electric Pole Rents	3700	19,970
Miscellaneous Revenue/Sale of Fixed Assets	3800	3,000
Interest Earned	3850	22,270
Fund Balance Appropriated	3900	<u>48,470</u>
<b>TOTAL ESTIMATED REVENUES:</b>		<b><u>\$ 9,568,930</u></b>

**SECTION X:** Tax Rate Established

An Ad Valorem tax rate of 49.57 cents per \$100 evaluation on real and personal property billed by the town of \$1,109,070,950 and on motor vehicles billed by the North Carolina Department of Motor Vehicles of \$89,673,490 as of January 1, 2019 with an estimated rate of collection of 95.89 percent is hereby established for the Town of Waynesville and an estimated rate of collection of 99.99 percent is hereby established for motor vehicles collected by the state. A tax rate of \$.20 per \$100 evaluation of \$51,079,230 as of January 1, 2019, with an estimated rate of collection of 97.82 percent is hereby established for the Downtown Waynesville Association, a municipal service district within the Town of Waynesville.

**SECTION XI:** Rates effective for the fiscal year beginning July 1, 2019 are contained in the accompanying Town of Waynesville 2019-2020 Fee Schedule.

**SECTION XII:** It is the policy of the Town of Waynesville to establish a schedule of "System Development Fees in accordance with Article 8 of Chapter 162 of the North Carolina General Statutes. The fees are intended to defray the cost of the water and sewer infrastructure as calculated in a report by McGill Associates dated March, 2018 and titled "Cost-Justified Water and Wastewater System Development Fees Report". The fees are established as follows:

Water System Development Fees:	\$2.62 GPD* (Gallons Per Day) <i>With a \$100,000 Cap on residential</i>
Sewer System Development Fees	\$3.05 GPD*

\*Equivalent flow rates will be per the North Carolina Administrative Code 15A: NCAC 18C.0409 and NCAC 02T.0114 (*Authority NCGS 130A-315; 103A-317*)

**SECTION XIII:** Special Authorization

Budget Officer

- A. The Budget Officer may transfer amounts between objects of expenditure within a department without limitations.
- B. The Budget Officer may make interfund loans as deemed necessary.

**SECTION XIV:** Restrictions - Budget Officer

- A. The transfer of monies between funds, except as noted in this document, shall be accomplished by Board authorization only.
- B. The utilization of any reserve or contingency appropriation shall be accomplished only with Board authorization.

**SECTION XV:** Utilization of Budget and Budget Ordinance

This Ordinance and the Budget Document shall be the basis of the financial plan for the Waynesville Municipal Government during the 2019-2020 fiscal year.

The Budget Officer shall administer the budget and ensure that departments are provided guidance and sufficient information to implement their appropriate portion of the budget. The Finance Department shall establish records which are in consonance with the budget and this ordinance and the appropriate statutes of the State of North Carolina.

Adopted this 25th day of June, 2019.

TOWN OF WAYNESVILLE:

ATTEST:

\_\_\_\_\_  
Gavin A Brown, Mayor

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

APPROVED AS TO FORM:

\_\_\_\_\_  
William E Cannon Jr, Town Attorney



RESOLUTION NO. R-14-19

Resolution on Financial Operating Plan for Two Internal Service Funds

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to establish a financial operating plan for two Internal Service Funds.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville to adopt a financial operating plan for the 2019-20 year for two Internal Service Funds as follows:

Asset Services Management:

Estimated Revenues:

Charges to User Departments	\$ 1,615,930
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Total Estimated Revenues	\$ 1,615,930
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Appropriations:

Public Services Administration	\$ 443,730
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Public Facilities-Inside	671,980
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Public Facilities-Outside	253,880
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Purchasing Operations	246,340
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Total Asset Services Management	\$ 1,615,930
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Garage Operations:

Estimated Revenues:

Charges to User Departments	\$ 656,960
-----------------------------	------------

Other Revenue	10,000
---------------	--------

Investment Income	710
-------------------	-----

Total Estimated Revenues	\$ 667,670
--------------------------	------------

Appropriations:

Operations	\$ 667,670
------------	------------

Adopted this 25th day of June 2019.

TOWN OF WAYNESVILLE

\_\_\_\_\_  
Gavin A. Brown  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
William E Cannon Jr  
Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: June 25, 2019**

**SUBJECT:** Request approval for change to approved Special Event – September 14<sup>th</sup> Block Party

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** C7  
**Department:** Administrative Services  
**Contact:** Amie Owens, Assistant Town Manager  
**Presenter:** Amie Owens, Assistant Town Manager

**BRIEF SUMMARY:**

The Board approved the Rockin' Block Party at their March 26, 2019 regular meeting. A request was received from the DWA to expand the event to be an all-day event to include a car show. The Special Events Committee has reviewed the application, discussed the need to close the street earlier, have additional barricades in place, volunteers to help park the vehicles that will be on display, and included the Downtown Waynesville Association in the planning and discussion. This is the same weekend as the TDA's Elk Fest and will give visitors additional entertainment opportunities and places to visit around the county.

**MOTION:** *To approve the special events permit application with revised start time and direct Town Manager to execute special events permit, as presented.*

**FUNDING SOURCE/IMPACT:** There are direct costs to the Town associated with these events, other than labor costs.

**ATTACHMENTS:**

- Special Events Application, revised – Rockin' Block Party – Sept 14

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Recommend approval of this revised event as presented.



# Application for Special Events Permit

## I. General Information

EVENT NAME: Rockin' BLOCK PARTY since September 2004

EVENT DATE(S): September 14, 2019

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

LOCATION: Main Street, Downtown Waynesville

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

SET-UP TIME (START/END): ~~4:45 pm – 6 pm~~ 10am – 12noon for the New Car Show

EVENT HOURS: ~~6 pm – 10 pm~~ New: 12noon – 5pm Car Show • 7-10pm Block Party event

DISMANTLE HOURS (START/END): 10 pm – 11 pm

ESTIMATED ATTENDANCE: 3000-4000

BASIS ON WHICH THIS ESTIMATE IS MADE: Historic random crowd counts

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: Downtown Waynesville Association

ARE YOU A NON PROFIT CORPORATION? No Yes X If yes, are you 501c(3) **501c(4)** 501c(6) Place of Worship

APPLICANT NAME: Buffy Phillips TITLE: Executive Director

ADDRESS: 9 S. Main / PO Box 1409 CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-456-3517 FAX#: N/A EMAIL: dwa@downtownwaynesville.com

ON-SITE CONTACT: Buffy Phillips TITLE: Buffy Phillips: Executive Director

ADDRESS: 9 S. Main/PO Box 1409 Waynesville, NC 28786

PHONE #: 828-456-3517 CELL PHONE #: BP 828-734-7066 EMAIL: [buffy@downtownwaynesville.com](mailto:buffy@downtownwaynesville.com)  
[dwa@downtownwaynesville.com](mailto:dwa@downtownwaynesville.com)



<b>III. Brief Description of Event</b>
<b>This is our 2<sup>nd</sup> annual Block Party event for the year. TDA is sponsoring a 3 day Elk Fest at the Maggie Valley Fairgrounds. They are requesting other municipalities coordinate an event around this event. The name may change – added to the traditional Block Party at this time is a <i>NEW</i> - Car Show, held 12noon-5pm. Block Party will function from 6-10 pm. Live bands, from 7-10pm. Three music areas: center of Downtown area, south end, and north end. We have at least one non-profit food vendor planned and one commercial vendor. Focus begins with a car show at 12noon and changes to the</b>
<b>IV. Street Closure Request (Attach map of the Street Closure)</b>

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. **MAIN STREET CLOS**es from Church Street/East Street to edge of Courthouse lawn/Justice Center at Wells Event Way. **CLOS**es Saturday, 9/14/19 at 10am. **RE-OPENS** Saturday, 9/14/19 at 11 pm.

<b>V. Event Details</b>
-------------------------

**YES NO**

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

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

**X**☐ ☐ Does the event involve the **sale of food?** yes  
If "YES", has the health department been notified? YES Have you applied for a temporary permit? Not Yet; NOTE: In the first quarter of the year, we provide the Health Dept. a comprehensive list of all our events that will require food inspection so they can plan ahead for inspector schedules. Our event organizer permits are due 3 weeks prior to any event with food. That timeline works for when the event plans are firm and we can provide accurate layout maps for their inspector visit. NOTE: Food vendors for Block Party include one non-profit and one non-hazardous food vendor with neither requiring permit nor inspection. If that changes, we will plan accordingly with the Health Dept.

☐ **X**☐ Does the event involve the **sale of non-food items?** If "YES" have you applied for a privilege license? \_\_\_\_\_

**X**☐ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:

Number of	3 music	Number of	
Stages:	areas-1	Band(s):	
	w/stage		
			3 Amplification? <u>yes</u>

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

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

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

**X**☐ ☐ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:

Approx. Number of Tents: 2 Will any tent exceed 400 sq. feet in area? **X**☐ NO ☐ YES

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

**X**☐ ☐ Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? **(2) units located in United Community Bank Parking Lot**

**X**☐ ☐ Will you require **electrical hookup** for the event? Generators? no; (1) Electrical hook-up will be secured from a merchant; (2) hook-ups will be from the downtown kiosks at East/Main and Depot/Main. All cords are covered if in pedestrian pathway.

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

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

☐ **X**☐ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? Yes We have permission from Planning Dept. to display staked signs promoting the Block Party day/time at strategic points in the downtown district the Monday prior to the event and removed the evening of event.

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

## VI. Additional Questions

How will <b>parking</b> be accommodated for this event?	All off-Main Street public parking will be available on Wall, Miller, & Montgomery Streets, as well as FB Church lots, county parking deck, and other surrounding public parking and private lots if not barricaded by owners. DWA Staff hangs NO parking signs on Main St. the night before delivering notification to restaurants/residential. Merchants are also reminded via email, etc.
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 <b>trash</b> be contained and removed during and after the event?	DWA will place approximately 10 trashcans on Main Street during the event. These combined with permanent receptacles prove sufficient for size and nature of the event. Town of Waynesville Public Works crew changes out permanent cans at the end of the evening. During event DWA staff monitors all temporary cans and replaces liners as needed. Filled bags are put to the side and the Town crew hauls all trash/recyclables at the end of the evening.

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

**Return to:**

**Amie Owens, Assistant Town Manager**

**Town of Waynesville**

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

**Telephone: (828) 452-2491**

**Fax No. : (828) 456-2000**

**Email Address: [aowens@waynesvillenc.gov](mailto:aowens@waynesvillenc.gov)**

## VIII. Special Information for Applicants

- \* Do not announce, advertise or promote your event until you have an approved and signed permit.
- \* You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- \* **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 police street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

### FOR INTERNAL USE ONLY:

Application and fee received:

Application approved:

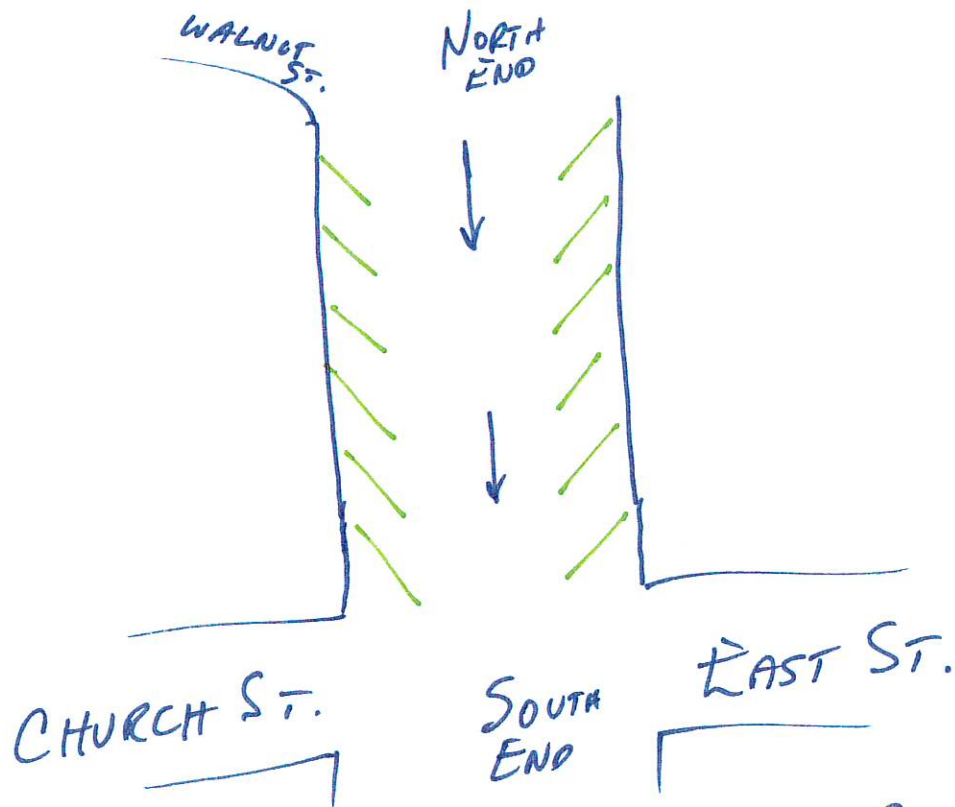
Application denied:





# CAR & MOTORCYCLE SHOW - SEPT. 14, 2019

VEHICLES WILL ENTER AT NORTH END OF MAIN ST. AND WALNUT ST. THEY WILL BE DIRECTED TO THE FAR END OF MAIN ST. AT CHURCH/EAST ST. VEHICLES WILL PULL UP AND BACK INTO SPOT DIAGONALLY ON BOTH SIDES OF STREET.



VEHICLES WILL EXIT ON MAIN ST. AT SOUTH END AT CHURCH/EAST ST.

First Name	Last Name	ABC	HPC	Parks & Rec	Planning	Public Art	WHA	ZBA
William Donald	Barnette						X	
Margaret Erin	Chandler	X		X	X	X	X	X
Jeff	Childers		Cur - X					
Dominick	DePePaolo					Cur - X		
Rodney	Conard		X					
H. P. "Bucky"	Dykes						X	
*Ginger	Hain				Cur - X			
Nicole	Kott			X				
Sarah	Massie			Cur - X				
Ann	Melton		Cur - X			Cur - X		
Joshua	Morgan							Cur-X
Don	McGowan				X		X	
Sandra	Owen		Cur - X					
Marty	Prevost				Cur - X			
Lorna	Sterling		X					
Jessi	Stone					X	X	
Anthony	Sutton				Cur - X			
Danny	Wingate	Cur - X						

\* ETJ Representative

Applicants currently serving on other Boards:

Ann Melton - Historic Preservation and Public Art

H. P. "Bucky" Dykes - Planning Board

Cur-X = currently serving on this board; eligible to serve again

X - applying for the board for first time

# **ABC BOARD**

**ONE VACANCY**

**TWO APPLICANTS**



# **HISTORIC PRESERVATION COMMISSION**

**THREE VACANCIES**

**FIVE APPLICANTS**

# **PLANNING BOARD**

**FOUR VACANCIES**

**(1 FOR ETJ)**

**FIVE APPLICANTS**

# **PUBLIC ART COMMISSION**

**THREE VACANCIES**

**FOUR APPLICANTS**



# **WAYNESVILLE HOUSING AUTHORITY**

**THREE VACANCIES\***

**FIVE APPLICANTS**

(\*potential for five vacancies if Item 5 on the agenda is passed prior to appointments being made)

# **RECREATION ADVISORY**

**THREE VACANCIES**

**THREE APPLICANTS**

# **ZONING BOARD**

**FIVE VACANCIES**

**(1 FOR ETJ)**

**(2 FOR TOWN REP)**

**(2 ALTERNATES FROM ETJ OR TOWN)**

**TWO APPLICANTS**

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: June 25, 2019**

**SUBJECT:** Proposal to prepare USDA Grant/Loan Application from WR-Martin and Associates

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D9  
**Department:** Administrative Services  
**Contact:** Rob Hites, Town Manager  
**Presenter:** Rob Hites, Town Manager

**BRIEF SUMMARY:** WR Martin conducted extensive financial analysis to prepare for and justify the Town's application for a State Revolving Loan that will have a 20-year term and an interest rate of around 1.9%. The second loan application that the staff recommends is a 40-year term 2.15% USDA Grant/Loan Application that may provide lower annual payments due to its longer term and the possibility of up to \$2 million dollars in grants due to the low per household income of Waynesville's utility user customers.

WR Martin has submitted a proposal to carry out the USDA Grant/Loan process at a fixed fee of \$11,000 and an additional proposal to prepare the financial backup for the Town's "Interim Financing" of the Plant construction for a fee of \$6,500. USDA is different from the State Revolving Loan in that the Town may NOT draw down loan funds to finance the construction of the plant. The loan closes upon completion. USDA requires the "interim financing" in the same manner as a homeowner uses a "construction loan" to build a house and a "permanent loan" to secure its long-term financing.

Mr. Martin and his team have a great deal of experience with USDA and we have held face to face meetings with Pam Hysong, Western Director of USDA in preparation for our application. The USDA application is far more "bureaucratic" than the State Revolving Loan and you will find many more exhibits presented to the Board over the next couple of months.

**MOTION FOR CONSIDERATION:** Approve the proposal to prepare the grant/loan application for USDA funding and interim financing totaling \$17,500.

**FUNDING SOURCE/IMPACT:** Sewer Fund Balance

**ATTACHMENTS:**

- Proposal from WR Martin

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Approve the proposals of \$17,500 subject to review of the proposal by the Town Attorney.





**WithersRavenel**

Our People. Your Success.

June 4, 2019

Town of Waynesville  
16 South Main Street  
Waynesville, NC 28786

Attn: Rob Hites, Town Manager

RE: Loan / Grant Funding Assistance Services

Dear Mr. Hites,

WithersRavenel (CONSULTANT) is pleased to provide this Agreement for professional services to aid the Town of Waynesville (CLIENT) with preparation and submission of a funding application to the United States Department of Agriculture (USDA) for improvements to the Town's wastewater treatment plant. The following proposal was made after careful consideration of all project related tasks.

If you have questions or concerns about the Agreement please do not hesitate to call me at the number listed below.

Sincerely,

**WithersRavenel**

Jessica Martin-Lane, MBA, MSIE  
Vice President – Management & Transformation Services

Attachments:

Agreement for Professional Services  
Exhibit I – Standard Terms and Conditions

**Town of Waynesville**  
**Funding Application Assistance**  
**Agreement for Professional Services**

**A. PROJECT DESCRIPTION**

The CONSULTANT will prepare a USDA Water & Waste Disposal Application for improvements to the Town's wastewater treatment facility (PROJECT). The CONSULTANT will also provide assistance through the LGC process and provide procurement support as an optional task if desired by the client.

**B. SCOPE OF SERVICES**

The CONSULTANT proposes to provide the following services with the CLIENT's assistance:

**Task 1: USDA Application Preparation**

- ▶ Confirm USDA Program requirements including all required federal forms, assurances and certifications for the pre-application and final application.
- ▶ Represent the CLIENT while working with program officials to qualify the project for consideration.
- ▶ Assist the CLIENT with getting registered for and setup in RD Apply.
- ▶ Assist the CLIENT with registration on sam.gov, the System for Award Management for federal funds, if needed.
- ▶ Assist with providing information to the local USDA representative that supports the pre-application and final application forms, and work with CLIENT officials to gather all statistics and information required.
- ▶ Provide the CLIENT with documents that require Council's action and approval.
- ▶ Prepare the pre-application and final application for submission.
- ▶ Assist the CLIENT with procurement of requisite professional services, including bond council, environmental consultant, and other engineering services, as requested.
- ▶ Communicate with the CLIENT and federal officials throughout the application, preparation and review process.

**Task 2: NC Local Government Commission (LGC) Interim Financing Support (optional)**

- ▶ Review the project scope, funding, and schedule with the Town Manager and other project team members.
- ▶ Prepare a project calendar addressing the major application process milestones and proposed LGC meeting date.
- ▶ Assist the CLIENT with a pre-application conference with NC Local Government Commission representatives.
- ▶ Assist the CLIENT with the preparation of the requisite Council resolutions for the actions required of the CLIENT throughout the application process.
- ▶ Prepare and deliver to potential lending institutions a Request for Proposals, in accordance with LGC protocols.



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- ▶ Assist the CLIENT with addressing questions and inquiries from potential lending institutions.
- ▶ Prepare a summary analysis of lending institutions proposals for inclusion in the LGC application, in an effort to determine which offers the lowest cost and best terms to the CLIENT.
- ▶ Collect the requisite information and compile the LGC application for review by the Town Manager.
- ▶ Prepare and submit a letter to the Joint Legislative Commission.
- ▶ Prepare and submit a formal application to the LGC in accordance with LGC requirements.
- ▶ Assist the CLIENT with addressing LGC questions relating to the application and monitor the progress of the LGC review.

Seth Robertson and Catherine Renbarger will serve as the primary points of contact for the application and will be supported by the following team of individuals at WithersRavenel as necessary:

- ▶ W.T. Sorrell who has 30 years of experience with USDA and will assist with the pre-application and final application process, ensuring the best potential for funding.
- ▶ Dennie Martin, Director
- ▶ Jessie Parris, LGC financing specialist.
- ▶ Jessica Martin-Lane, Vice-President.

## C. ADDITIONAL SERVICES

Services that are not included in Section B or are specifically excluded from this AGREEMENT shall be considered Additional Services and will be charged separately according to the CONSULTANT's current rate/fee schedule.

Scope of work does not include any accounting services, legal fees, engineering, environmental or other expenses that are not specifically provided for above in this Section. A Preliminary Engineering Report and Environmental Analysis are required in order to submit a complete USDA application. This work will be addressed in a separate agreement between the CLIENT and CONSULTANT.

The CONSULTANT will furnish or obtain from others Additional Services if requested in writing by the CLIENT and accepted by the CONSULTANT.

## D. CLIENT RESPONSIBILITIES

During the performance of the CONSULTANT's services under this AGREEMENT, the CLIENT will:

- ▶ Provide any information needed to complete the PROJECT.
- ▶ Examine all information and other documents presented by the CONSULTANT and render in writing decisions pertaining thereto within a reasonable period so as not to delay the services of the CONSULTANT.
- ▶ Give prompt written notice to the CONSULTANT whenever the CLIENT observes or otherwise becomes aware of any defect in the PROJECT.
- ▶ Handle matters requiring an attorney at law.

## **E. TIMELINE FOR SERVICES**

CONSULTANT will begin services immediately upon receipt of signed contract. CONSULTANT will manage the final assembly and completion of the application, per the USDA program guidelines.

In the event that the CLIENT elects to discontinue the USDA funding process, application for funding or LGC support services, the CONSULTANT agrees to terminate requested services upon receipt of the CLIENT's written notification formally requesting cancellation. CONSULTANT shall submit a final invoice based upon the work hours expended and expenses incurred up to the time of receipt of said notification. Any services rendered prior to written notice of termination shall be paid in full by CLIENT.

## **F. COMPENSATION FOR SERVICES**

CONSULTANT proposes to provide the following Scope of Services to the CLIENT as outlined below. The project cost would be assessed monthly based on progress, in accordance with the CONSULTANT's current schedule of fees and expenses.

Task Number	Task Name	Fee
Task I	USDA Application Preparation	\$11,000
Task II	LGC Interim Financing Support Services (optional)	\$6,500
	<b>Project Total</b>	<b>\$17,500</b>

Any changes to the PROJECT requirements after CONSULTANT has begun work may require additional fees.





## G. ACCEPTANCE

Receipt of an executed copy of this agreement will serve as the written agreement between CONSULTANT and CLIENT for the services outlined.

### Submitted by CONSULTANT:

WithersRavenel, Inc.  
84 Coxe Avenue  
Suite 260  
Asheville, NC 28801

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Jessica Martin-Lane  
Printed Name

\_\_\_\_\_  
Vice President  
Title

\_\_\_\_\_  
jmartinlane@withersravenel.com  
Email Address

\_\_\_\_\_  
828.232.6109  
Phone

### Accepted by CLIENT:

Town of Waynesville  
16 South Main Street  
Waynesville, NC 28786

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Rob Hites  
Printed Name

\_\_\_\_\_  
Town Manager  
Title

\_\_\_\_\_  
rhites@waynesvillenc.gov  
Email Address

\_\_\_\_\_  
828-452-2491  
Phone

**PREAUDIT STATEMENT:** *This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act (NC G.S. 159-28(a)).*

Signature of Finance Officer:

Printed Name:

Date:

Exhibit I – Standard Terms and Conditions

## EXHIBIT I

### Standard Terms and Conditions

WithersRavenel, Inc.

The proposal submitted by WithersRavenel, INC. ("CONSULTANT") is subject to the following terms and conditions (collectively referred to as the "Agreement") and, by accepting the proposal, the services, or any part thereof, the CLIENT agrees and accepts the terms and conditions outlined below:

**1. Payment:**

- a) The CLIENT will pay CONSULTANT for services and expenses in accordance with periodic invoices to CLIENT and a final invoice upon completion of the services. Each invoice is due and payable in full upon presentation to CLIENT. Invoices are past due after 30 days. Past due amounts are subject to interest at a rate of one and one-half percent per month (18% per annum) on the outstanding balance from the date of the invoice.
- b) If the CLIENT fails to make payment to the CONSULTANT within 45 days after the transmittal of an invoice, the CONSULTANT may, after giving 7 days written notice to the CLIENT, suspend services under this Agreement until all amounts due hereunder are paid in full. If an invoice remains unpaid after 90 days from invoice date, the CONSULTANT may terminate the Agreement and/or initiate legal proceedings to collect the fees owed, plus other reasonable expenses of collection including attorney's fees.

**2. Notification of Breach or Default:** The CLIENT shall provide prompt written notice to the CONSULTANT if CLIENT becomes aware of any breach, error, omission or inconsistency arising out of CONSULTANT's work or any other alleged breach of contract by the CONSULTANT. The failure of CLIENT to provide such written notice within ten (10) days from the time CLIENT became aware of the fault, defect, error, omission, inconsistency or breach, shall constitute a waiver by CLIENT of any and all claims against the CONSULTANT arising out of such fault, defect, error, omission, inconsistency or breach. Emails shall be considered adequate written notice for purposes of this Agreement.

**3. Standard of Care:** CONSULTANT shall perform Agreement for CLIENT in a professional manner, using that degree of care and skill ordinarily exercised by and consistent with the standards of professionals providing the same services in the same or a similar locality as the project. THERE ARE NO OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE THAT WILL OR CAN ARISE OUT OF THE SERVICES PROVIDED BY CONSULTANT OR THIS AGREEMENT.

**4. Waiver of Consequential Damages/Limitation of Liability:** CLIENT agrees that CONSULTANT's aggregate liability for any and all claims that may be asserted by CLIENT is limited to \$50,000 or to the fee paid to CONSULTANT under this Agreement, whichever is greater. Both CLIENT and CONSULTANT hereby waive any right to pursue claims for consequential damages against one another, including any claims for lost profits.

**5. Representations of CLIENT:** CLIENT warrants and covenants that sufficient funds are available or will be available upon receipt of CONSULTANT's invoice to make payment in full for the services rendered by CONSULTANT, and that such payments shall be made in a timely fashion.

**6. Ownership of Instruments of Service:** All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by the CONSULTANT as instrument of service, shall remain the property of the CONSULTANT. The CONSULTANT shall retain all common law, statutory and other rights, including the copyright thereto. In the event of termination of this Agreement and upon full payment of fees owed to CONSULTANT,

CONSULTANT shall make available to CLIENT copies of all plans and specifications.

**7. Change Orders:** CONSULTANT will treat as a change order any written or oral order (including directions, instructions, interpretations or determinations) from CLIENT which request changes in the Agreement or CONSULTANT's scope of work. CONSULTANT will give CLIENT written notice within ten (10) days of a Change Order of any resulting increase in CONSULTANT's fees.

**8. Opinion of Cost/Cost Estimates:** Since the CONSULTANT has no control over the cost of labor, materials, equipment of services furnished by others, or over methods of determining prices, or over competitive bidding or market conditions, any and all opinions as to costs rendered hereunder, including but not limited to opinions as to the costs of construction and materials, shall be made on the basis of its experience and qualifications and represent its best judgment as an experienced and qualified professional familiar with the construction industry; but the CONSULTANT cannot and does not guarantee the proposals, bids or actual costs and will not vary significantly from opinions of probable costs prepared by it. If at any time the CLIENT wishes greater assurances as to the amount of any costs, he shall employ an independent cost estimator to make such determination.

**9. Assignment and Third Parties:** Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than the CLIENT and CONSULTANT, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the CLIENT and the CONSULTANT and not for the benefit of any other party. Neither the CLIENT nor the CONSULTANT shall assign, sublet, or transfer any rights under or interests in this Agreement without the written consent of the other which shall not be unreasonably withheld. However, nothing contained herein shall prevent or restrict the CONSULTANT from employing independent subconsultants as the CONSULTANT may deem appropriate to assist in the performance of services hereunder.

**10. Project Site:** Should CLIENT not be owner of the project site, then CLIENT agrees to notify the site owner of the possibility of unavoidable alteration and damage to the site. CLIENT further agrees to indemnify, defend and hold CONSULTANT harmless against any claims by the CLIENT or persons having possession of the site through the Owner which are related to such alteration or damage.

**11. Access to Site:** CLIENT is responsible for providing legal and unencumbered access to site, including securing all necessary site access agreements or easements, to the extent necessary for the CONSULTANT to carry out his services.

**12. Survival:** All of CLIENT's obligations and liabilities, including but not limited to, its indemnification obligations and limitations, and CONSULTANT's rights and remedies with respect thereto, shall survive completion of the expiration or termination of this Agreement.

**13. Termination:** Either party may terminate the Agreement with or without cause upon ten (10) days advance written notice, if the other party has not cured or taken reasonable steps to cure the breach giving rise to termination within the ten (10) day notice period. If CLIENT terminates without cause or if CONSULTANT terminates for cause, CLIENT will pay CONSULTANT for all costs incurred, non-cancelable commitments, and fees earned to the date of termination and through demobilization, including any cancellation charges of vendors and subcontractors, as well as demobilization costs.



14. **Severability:** If any provision of this Agreement, or application thereof to any person or circumstance, is found to be invalid then such provision shall be modified if possible, to fulfill the intent of the parties as reflected in the original provision, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by the law.

15. **No Waiver:** No waiver by either party of any default by the other party in the performance of any provision of this Agreement shall operate as or be construed as a waiver of any future default, whether like or difference in character.

16. **Merger, Amendment:** This Agreement constitutes the entire Agreement between the CONSULTANT and the CLIENT and all integrated negotiations, written and oral understandings between the parties are merged herein. This Agreement can be supplemented and/or amended only by a written document executed by both the CONSULTANT and the CLIENT

17. **Unforeseen Occurrences:** If, during the performance of services hereunder, any unforeseen hazardous substance, material, element of constituent or other unforeseen conditions or occurrences are encountered which, affects or may affect the services, the risk involved in providing the service, or the recommended scope of services, CONSULTANT will promptly notify CLIENT thereof. Subsequent to that notification, CONSULTANT may: (a) if practicable, in CONSULTANT's sole judgment and with approval of CLIENT, complete the original scope of services in accordance with the procedures originally intended in the Proposal; (b) Agree with CLIENT to modify the scope of services and the estimate of charges to include study of the previously unforeseen conditions or occurrences, such revision to be in writing and signed by the parties and incorporated herein; or (c) Terminate the services effective on the date of notification pursuant to the terms of the Agreement.

18. **Force Majeure:** Should completion of any portion of the Agreement be delayed for causes beyond the control of or without the fault or negligence of CONSULTANT, including force majeure, the reasonable time for performance shall be extended for a period at least equal to the delay and the parties shall mutually agree on the terms and conditions upon which Agreement may be continued. Force majeure includes but is not restricted to acts of God, acts or failures of governmental authorities, acts of CLIENT's contractors or agents, fire, floods, epidemics, riots, quarantine restrictions, strikes, civil insurrections, freight embargoes, and unusually severe weather.

19. **Safety:** CONSULTANT is not responsible for site safety or compliance with the Occupational Safety and Health Act of 1970 ("OSHA"). Job site safety remains the sole exclusive responsibility of CLIENT or CLIENT's contractors, except with respect to CONSULTANT'S own employees. Likewise, CONSULTANT shall have no right to direct or stop the work of CLIENT's contractors, agents or employees.

20. ~~**Dispute Resolution/Arbitration:** Any claim or other dispute arising out of or related to this Agreement shall be subject to Arbitration under the Federal Arbitration Act. Such claims and disputes shall first be subject to non-binding mediation, and if mediation is unsuccessful, shall be subject to Arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association currently in effect. Any demand for Arbitration shall be filed in writing with the other party and with the American Arbitration Association.~~

21. **Independent Contractor:** In carrying out its obligations, CONSULTANT shall be acting at all times as an independent contractor and not an employee, agent, partner or joint venturer of CLIENT. CONSULTANT's work does not include any supervision or direction of the work of other contractors, their employees or agents, and CONSULTANT's presence shall in no way create any liability on behalf of CONSULTANT for failure of other contractors, their employees or agents to properly or correctly perform their work

22. **Hazardous Substances:** CLIENT agrees to advise CONSULTANT upon execution of this Agreement of any hazardous substances or any condition existing in, on or near the Project Site presenting a potential danger to human health, the environment or equipment. By virtue of entering into the Agreement or of providing services, CONSULTANT does not assume control of, or responsibility for, the Project Site or the person in charge of the Project Site or undertake responsibility for reporting to any federal, state or local public agencies, any conditions at the project site that may present a potential danger to the public, health, safety or environment except where required of CONSULTANT by law. In the event CONSULTANT encounters hazardous or toxic substances or contamination significantly beyond that originally represented by CLIENT, CONSULTANT may suspend or terminate the Agreement. CLIENT acknowledges that CONSULTANT has no responsibility as a generator, treater, storer, or disposer of hazardous or toxic substances found or identified at a site and CLIENT agrees to defend, indemnify, and hold harmless CONSULTANT, from any claim or liability, arising out of CONSULTANT's performance of work under the Agreement and made or brought against CONSULTANT for any actual or threatened environmental pollution or contamination except to the extent that CONSULTANT has negligently caused such pollution or contamination.

23. **Choice of Law:** The validity, interpretation, and performance of this Agreement shall be governed by and construed in accordance with the law of the State of North Carolina, excluding only its conflicts of laws principles.

24. **Construction Services:** If construction administration and review services are requested by the CLIENT, CLIENT agrees that such administration, review, or interpretation of construction work or documents by CONSULTANT shall not relieve any contractor from liability in regard to its duty to comply with the engineering standards for the Project, and shall not give rise to a claim against a contractor's failure to hold in accordance with the applicable plans, specifications or standards.

25. **Field Representative:** If CONSULTANT provides field services or construction observation services, the presence of the CONSULTANT's field personnel will only be for the purpose of providing observation and field testing of specific aspects of the Project. Should a contractor be involved in the Project, the CONSULTANT's responsibility does not include the supervision or direction of the actual work of any contractor, its employees or agents. All contractors should be so advised. Contractors should also be informed that neither the presence of the CONSULTANT's field representative nor the observation and testing by the CONSULTANT shall excuse contractor in any way for defects in contractor's work. It is agreed that the CONSULTANT will not be responsible for job or site safety on the Project and that the CONSULTANT does not have the right to stop the work of any contractor.

26. **Submittals:** CONSULTANT's review of shop drawings and other submittals is to determine conformity with the design concept only. Review of shop drawings and submittals does not include means, methods, techniques or procedures of construction, including but not limited to, safety requirements.