

## Town of Waynesville, NC

### Town Council Regular Meeting

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

Date: August 8th, 2023 Time: 6:00 p.m.

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

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

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

#### B. PUBLIC COMMENT

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

#### D. CONSENT AGENDA

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

2.
  - a. June 25<sup>th</sup>, 2023 Regular Scheduled Meeting Minutes
  - b. Revised meeting procedure to reflect change from Aldermen to Council and Councilmember

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

#### E. PRESENTATIONS

3. ABC Board Annual Report
  - Danny Wingate, ABC Board Chair
4. Waynesville Housing Authority Annual Report
  - Belinda Kahl, WHA Interim Director

#### F. CALL FOR PUBLIC HEARINGS

5. Call for a Public Hearing for September 12, 2023 to consider the text amendment to add an “Event Space” as a stand-alone use in the Land Development Standards (LDS).
- Olga Grooman, Land Use Administrator

***Motion:*** *To call for a Public Hearing on September 12, 2023, to consider the text amendment to add an “Event Space” as a stand-alone use in the LDS, with supplemental standards as recommended by the Planning Board.*

6. Call for a Public Hearing for September 12, 2023 to consider the text amendment to update the definition of “Freight Hauling/Truck Terminals” in section 17.3 of the Land Development Standards (LDS).
- Olga Grooman, Land Use Administrator

***Motion:*** *To call for a Public Hearing on September 12, 2023, to consider the text amendment to update the definition of “Freight Hauling/Truck Terminals” in the LDS, as recommended by the Planning Board.*

7. Call for a Public Hearing for September 12, 2023 to consider a text amendment to establish a Railroad Overlay District (RR-O) and its uses, sections 2.5.3 and 2.6 of the Land Development Standards.
- Olga Grooman, Land Use Administrator

***Motion:*** *To call for a Public Hearing on September 12, 2023, to establish a Railroad Overlay District (RR-O) and its uses in the LDS, as a text amendment recommended by the Planning Board.*

## G. PUBLIC HEARINGS

8. Public Hearing to consider a revised Community Development Block Grant (CDBG) application for utility infrastructure improvements in South Waynesville.
- Karen Kiehna, McGill and Associates

***Motion:*** *To direct McGill and Associates to move forward with finalization of the application.*

## H. OLD BUSINESS

9. Report from Cemetery Committee regarding request for double burial.
- Rob Hites, Town Manager

***Motion:*** *Consider the recommendation of the Cemetery Committee and concur with their recommendation.*

## I. NEW BUSINESS

10. Memorandum of Understanding-School Resource Officers
- Police Chief David Adams

**Motion: Approve the Memorandum of Understanding**

11. Street Name for remainder of Vance Street

- Fire Chief Joey Webb

**Motion: Approve naming the 350 ft. segment “Charlie’s Place”.**

12. WTP Tank Painting

- Ricky Foster, Assistant Director of Public Services

**Motion: To award the WTP Tank rehab project to Carolina Management Team in the amount of \$82,707.00 from ARP funding.**

13. Change Recreation Advisory Committee monthly meeting day to Mondays at 5:30pm

- Luke Kinsland, Recreation Director

**Motion: To change the monthly meeting day to Mondays at 5:30pm for the Recreation Advisory Committee.**

14. Request of Cemetery Committee to reduce their membership from seven to five members.

- Rob Hites, Town Manager

**Motion: Approve the request of the Cemetery Committee.**

15. Request by Waynesville Housing Authority to reduce their membership from nine to seven members.

- Rob Hites, Town Manager

**Motion: Adopt a resolution reducing the size of the Waynesville Housing Authority.**

16. No Parking Designation on Wall Street

- Jesse Fowler, Assistant Town Manager

**Motion: To designate as a no-parking zone the section of public street located from the intersection of Wall Street and East Street to approximately 75 feet down the South bound lane of Wall Street.**

17. Appointment to the Waynesville Recreation Advisory Commission

- Jesse Fowler, Assistant Town Manager

**Motion: To appoint Matt Diskin to the Waynesville Recreation Advisory Commission**

18. Interview Logistics for Zoning Board of Adjustment applicant

- Jesse Fowler, Assistant Town Manager

19. Public Comment Policy

- Town Attorney Martha Bradley

**J. COMMUNICATION FROM STAFF**

20. Manager's Report

- Town Manager, Rob Hites

21. Town Attorney Report

- Town Attorney, Martha Bradley

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

**L. ADJOURN**



# TOWN OF WAYNESVILLE

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## CALENDAR August 2023

2023	
Saturday, August 12 <sup>th</sup>	Hazelwood Hot Summer Nights 6-9pm
Tuesday August 22 <sup>ND</sup>	Town Council Meeting – Regular Session
Friday, September 1 <sup>st</sup>	Art After Dark gallery stroll 5:30-8:30pm
Monday September 4 <sup>TH</sup>	Town Offices Closed – Labor Day
Tuesday September 12 <sup>TH</sup>	Town Council Meeting – Regular Session
Saturday, September 23 <sup>rd</sup>	Power of Pink 5K-Frog Level 9-11am
Saturday, September 23 <sup>rd</sup>	Sarges 18 <sup>th</sup> Annual Dog Walk 9am-1pm Main Street
Tuesday September 26 <sup>TH</sup>	Town Council Meeting – Regular Session
Friday, October 6 <sup>th</sup>	Art After Dark gallery stroll 5:30-8:30pm
Tuesday October 10 <sup>TH</sup>	Town Council Meeting – Regular Session
Saturday October 14 <sup>th</sup>	Church Street Art and Craft Show 40 <sup>th</sup> Anniversary
Saturday, October 21 <sup>st</sup>	Apple Harvest Festival-Main Street 10am-5pm
Tuesday October 24 <sup>TH</sup>	Town Council Meeting – Regular Session
Tuesday October 31 <sup>st</sup>	Treats on the Street
Friday, November 3 <sup>rd</sup>	Art After Dark gallery stroll 5:30-8:30pm
Friday November 10 <sup>th</sup>	Town Offices Closed- Veterans Day
Tuesday November 14 <sup>TH</sup>	Town Council Meeting – Regular Session
Tuesday November 28 <sup>TH</sup>	Town Council Meeting – Regular Session
Friday, December 1 <sup>st</sup>	Art After Dark gallery stroll 5:30-8:30pm and Christmas Tree Lighting
Monday, December 4 <sup>th</sup>	Christmas Parade
Saturday, December 9 <sup>th</sup>	Night Before Christmas
Tuesday December 12 <sup>TH</sup>	Town Council Meeting – Regular Session
December 22 <sup>nd</sup> , 26 <sup>th</sup>	Town Closed – Christmas Holidays

## Board and Commission Meetings – August 2023

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

**MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL**

**Regular Meeting**

**July 25, 2023**

**THE WAYNESVILLE TOWN COUNCIL** held a regular meeting on Tuesday, July 25, 2023, at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gary Caldwell called the meeting to order at 6:00 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager  
Jesse Fowler, Assistant Town Manager  
Martha Bradley, Town Attorney  
Candace Poolton, Town Clerk  
Police Chief, David Adams  
Assistant Police Chief Brandon Gilmore  
Misty Hagood, Finance Director  
Byron Hickox, Land Use Administrator  
Beth Gilmore, Director of Downtown Waynesville Commission (DWC)  
Jeff Stines, Public Services Director  
Darrell Calhoun, Fire Marshall

Members of the media:

Payton Renegar, The Mountaineer  
Cory Vaillancourt, Smoky Mountain News  
Becky Johnson, The Mountaineer  
News 13

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone that Friday, August 4<sup>th</sup> is the Mountain Street Dance 6-8:30pm in front of the courthouse, and the next Town Council meeting will be Tuesday, August 8<sup>th</sup> at 6pm. He also mentioned that the Mountain Lion statue that was donated has been installed outside of Town Hall. He thanked the staff for doing an excellent job of installing the artwork. He also congratulated Councilmember Sutton for getting the \$4.8 million grant for the sewer plant.

## **B. PRESENTATIONS**

2. Remembering K9 Arco
  - Officer Gasperson

Officer Gasperson presented Assistant Police Chief Brandon Gilmore with a shadowbox dedicated to Arco, as well as an award thanking AC Gilmore for his 20 years of work and dedication with police K9s. Officer Gasperson said that K9 Arco passed in May 2023 and Assistant Chief Brandon Gilmore will no longer be working with K9s. He referenced the packed room and said that the officers in the room all worked and trained with AC Gilmore. He said that the Waynesville K9 unit is a direct result from AC Gilmore's introduction of the program and continued work with the dogs and staff. Officer Gasperson said that Arco was by far the most successful dog, winning trial awards, case of the quarter, assisting with seizing drugs, chasing down violent criminals, and most importantly watching after AC Gilmore. He added that while Arco was excellent at his job, he was also great with kids, and the entire community will miss Arco.

Before Public Comment began, Councilmember Anthony Sutton read a statement:

"As a member of the LGBTQ+ Community and Council Member for the Town of Waynesville, I am deeply troubled by the continued vilification of our transgender citizens. It's disheartening to see this level of hostility being leveled at such a historically marginalized group of people; and there is no place in Waynesville for these kinds of cold-hearted, calloused, and libelous attacks. I commend our wonderful Police Department in taking this investigation seriously and without prejudice. I want all of Waynesville's citizens to know that I will always fight for them; regardless of race, religion, gender, or sexual orientation. I know first hand the difficulties faced when others try to disparage the love I have for my husband. But our community is made from all walks of life and together our light cannot be diminished; and that is what makes me proud to call Waynesville home."

Councilmember Jon Feichter said he believes that Waynesville is the best small town in the world. He said what makes it great are the people that live here. He said recently he is disappointed in the responses regarding the "incident" that was alleged to take place at the rec center. He said that he had seen this violence elsewhere but didn't expect it here and that violence has no place here. Councilmember Feichter said the investigation showed that the incident never happened the way that it was alleged, if at all. He said that elevates it to nothing other than a tragedy. He said that deep down, he doesn't believe this is who we are and called on the community to be better.

## **C. PUBLIC COMMENT**

Hilary Elizabeth Underwood-44 Plow Point, Waynesville: Underwood said thank you to the police department and the people who did the investigative report on the incident at the rec center. Underwood said that transgendered people just want to live their lives and are respectful when changing. They said that transgendered people have always been around but now are being used as a political token and asked that transgendered people be left to live in peace.



Chelsea White-36 Wilkinson Pass Lane, Waynesville: White said that she has lived in these mountains her whole life and thanked the Town for doing their research regarding the rec center incident. She said that 90% of sexual assaults are committed by someone the victim knows. She said that no community members deserve to feel unsafe for merely existing.

Tera McIntosh-119 Winter Lane, Clyde: Dr. McIntosh thanked Town leadership and the police department for investigating the rec center incident and for not releasing Jane Doe's name. She added that transgendered people have the same rights as any other American. She also requested that Town Council not require people to give their names and addresses before speaking at public comment.

Brandon Milan-1041 Kims Cove Road, Canton: Milan said that he works in child welfare and has a degree in religion. He said that the transgendered person who visited the rec center has unfairly received threats of violence for merely existing. He said that transgendered people don't want to make children uncomfortable because they know what it feels like to be a child who is made to feel unsafe.

Helen Ryde-109 Tri Vista Drive, Lake Junaluska: Ryde said that Christianity and faith are important to many in the community. Ryde said that most people just want to live in peace and that trans people are our neighbors, and we should love our neighbors as the bible tells us to do.

Jeremy Stephens-31 Svyeta Park Drive, Waynesville: Stephens said he came to the meeting as an ally for the LGBTQ+ community. Stephens said that Joey Reece referred to transgendered people as "it" on social media.

Blake Yoder-60 Love Lane, Waynesville: Yoder said he was raised in the south and is speaking tonight as an ally of the LGBTQIA+ community. He said that the Facebook post regarding an alleged incident at the rec center has been found to be false. He said that as humans, we like to project our fears on others. He asked for people not to vilify a group of people based on unfounded accusations.

Garrett Lagan-319 Carpenter Road, Bryson City: Lagan said he has worked in social work for the last 20 years. He said that the violent threats made will cause ripples and will cross county lines. He asked for leadership to prosecute people who make violent threats and hold liars accountable, or they will continue.

Janna Bianculli-14 Briar Lane, Clyde: Bianculli thanked everyone for their public service. She said we should be coming together in love and unity and not violence and added that it's common decency to treat neighbors with respect, regardless of faith. She said citizens of this democracy should be able to live lives safely and free of discrimination.

Veronica Ethereal-1534 South Main Street, Waynesville: Ethereal thanked the Councilmembers, Town Attorney, and allies of the LGBTQ+ community. Ethereal said the support for the trans community is obvious. She added that she is a social worker and people welcome her into their homes. She asked people who were at the meeting that are not supportive of the community to ask themselves what they're so afraid of, because there's nothing to be afraid of.

Jesse Ross- 201 South Main Street, Waynesville: Ross said he just wanted to support the community. Ross said elections are coming up and there are people that do not need to serve on the Town Council.

***Councilmember Sutton made a motion, seconded by Councilmember Freeman, to continue public comment. The motion passed unanimously.***

Chris Brierley- 540 North Main Street, Canton: Brierly said he came to counter hateful voices, but there are none. He thanked Councilmembers Sutton and Feichter for their speeches before public comment.

Beck Martens-22 Westfall Drive, Waynesville: Martens said they are the Youth Program Director of Youth OUTright. They said that trans people are not here to hurt people, but simply to live. Martens said that transgendered people have always lived in the south and will continue to.

Max Ringenbach-62 Woodsedge Drive, Asheville: Ringenbach said when HB2 came out, they had to beg and grovel to members of the state to say they have the right to use the bathroom where they want to. Ringenbach said they love the area and the people, but people who spur hate and violence need to be held accountable.

David Lovett- 28 Kelly Street, Waynesville: Lovett said that there were a bunch of people confused about the bible, and that Leviticus said all of this is wrong, that Noah and the Ark happened and killed everyone on the earth except those on the ark because of this kind of behavior. Lovett said that people who are calling themselves Christians need to go back and read the bible, because this behavior is not okay, disgusting. He said he served his country and will protect himself, others, and has grandchildren. He said if a male walks into a locker-room with them, he will defend them to his death. He said there's no such thing as trans-anything and it's a mental disorder.

Elias Hatcher- 130 Narrow Gauge Trail, Canton: Hatcher said he does not want to worry about a biological male entering the restroom or changing rooms with his daughters. He said that he realizes that are transgendered people who don't have bad intentions, but there are males that would enter a changing room that may have bad intentions. He asked for the rec center staff to enforce that people use the restroom of their biological sex, or unisex bathrooms are implemented.

Kasey Valentines Stephens-1377 Allens Creek Road, Waynesville: Stephens said she grew up here and loves Appalachian people. She said that she understands that people are afraid, but in 20 years of working in the community, she has never known of a trans person that molested someone. She said that we don't ban people in Waynesville. She said that Jesus did not discriminate, so neither will the community.

Town Attorney Martha Bradley said that this has been one of the most difficult two weeks of her life. She said that she has coached five-year-olds on how to testify against a grandfather who has molested them, as well as other victims who are testifying against someone who sexually assaulted them. She said that never did those assaults happened in a women's restroom. She said she wants everyone to feel safe in this Town.

***A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, for Town Council to approve, support, and endorse Councilmember Sutton's statement that was made prior to public comment. The motion was passed unanimously.***

***A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to look at all of the Town's policies of employment and use of facilities, to ensure there is no discrimination based on sexual orientation, or gender identity and expression. The motion passed unanimously.***

Town Manager Rob Hites said that fourth circuit court of appeals opinion is the law for the state of NC. He added that HB142 limits in some manner the way local governments can regulate the certain issues that have been recently discussed.

Town Attorney Martha Bradley added that in 2017 the General Assembly repealed HB2. She said that the bill removed legal authority from counties and municipalities from adopting policies related to the use of gendered restrooms or locker rooms. She said that municipalities only have the authority that the General Assembly gives them. Ms. Bradley said that the Town cannot enact policies related to those issues but can ensure that the Town has responsive staff.

#### **D. ADDITIONS OR DELETIONS TO THE AGENDA**

***A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to remove item five (ABC Board Annual Report) from the agenda and approve the agenda as amended. The motion passed unanimously.***

#### **E. CONSENT AGENDA**

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

3.
  - a. June 27<sup>th</sup>, 2023 Regular Scheduled Meeting Minutes
  - b. Downtown Waynesville Commission Labor Day Special Event Permit
  - c. Appalachian Adventure 2023 Special Event Permit
  - d. Fiscal Year 2022-2023 Carryforwards

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

***A recess was called at 7:33pm. The meeting reconvened at 7:44pm.***

#### **F. CALL FOR PUBLIC HEARING**

4. Call for a public hearing for August 8, 2023, to consider a revised Community Development Block Grant (CDBG) application for \$1,400,000 in utility infrastructure improvements in South Waynesville.
  - Elizabeth Teague, Director of Development

Development Director Elizabeth Teague reported that McGill and Associates received word from the Community Block Grant Program that the Town's application to extend and repair water and sewer

infrastructure in parts of Hazelwood can be partially funded this fiscal year, with the remainder being funded in next fiscal year. As a result, Ms. Teague said the Town must submit a revised application that would break up the project into two phases. She added that as before, Town Council must hold a public hearing to get community input and Karen Kiehna of McGill and Associates will present information on the project, a proposed CIP budget, and answer questions from the Council and public. Ms. Teague said Council will then have to approve the application at the August 22nd, 2023 meeting, and approve the minutes from that hearing to accompany the revised application.

***A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to call for the Public Hearing for August 8th, 2023. The motion passed unanimously.***

## **G. OLD BUSINESS**

### **5. Reappointment of Planning Board and Zoning Board of Adjustment Members**

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that reported that Councilmember Jon Feichter and Councilmember Anthony Sutton had interviewed members of the Planning Board and the Zoning Board of Adjustment who had not previously been interviewed by Council, and whose terms we up for reappointment. Those applicants interviewed were:

- Tommy Thomas (Planning Board)
- Stuart Bass (Planning Board)
- Bob Herrmann (Zoning Board of Adjustment)

These three applicants currently serve on their respective Advisory Boards

***A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to reappoint Tommy Thomas and Stuart Bass to the Planning Board. The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to reappoint Bob Herrmann to the Zoning Board of Adjustment. The motion passed unanimously.***

### **6. Appointment to the Waynesville Housing Authority**

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that Councilmember Chuck Dickson and Councilmember Anthony Sutton interviewed Sandra Arnold for an appointment to the Waynesville Housing Authority. There are currently 4 vacancies on the Waynesville housing Authority.

***A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to appoint Sandra Arnold to the Waynesville Housing Authority. The motion passed unanimously.***

## **H. NEW BUSINESS**

7. Establish an “Environmental Sustainability Board”

- Councilmember Chuck Dickson

Councilmember Chuck Dickson reported that during the Council’s retreat, Council approved the concept of a establishing a working board whose task is to study trends in energy conservation, the transition from fossil fuel to electric propelled devices, policies that would help stem increases in the ambient temperature of neighborhoods and commercial areas and efforts to aide citizens and businesses with energy conservation by conducting energy audits of their homes and businesses. Councilmember Dickson has worked with a group of citizens to develop a framework for such a board. At this time, he recommended that the Council establish an “Environmental Sustainability Board”. He said he will bring recommendations of the composition of the Board and its “Charge” in the coming months. Councilmember Dickson read, verbatim for the record, the mission and scope of sustainability board:

“The purpose of the Environmental Sustainability Board (ESB) is to provide citizen-led, expert advice and leadership to guide the Town of Waynesville in achieving its goal of carbon neutrality and net zero emissions by 2050. The Waynesville Town Council cares deeply about our mountain environment, and the creation of the ESB reflects the importance of participatory democracy, serves as an extender of municipal leadership, and sets an example for our community and other communities.

The ESB will assist the Town Council with better understanding current and future threats to the natural environment and will communicate to citizens and business owners the town’s commitment to solving current and evolving environmental and climate challenges. The ESB may coordinate with its peer groups across the state and will leverage state and federal partnership and funding opportunities to promote scientifically sound and fiscally responsible climate solutions.

The ESB will be responsible for crafting working reference documents that will lay out timelines for achieving climate mitigation and adaptation benchmarks. Documents such as an Environmental Sustainability Strategy, a Carbon Management Plan, and a Climate Adaptation Plan will recommend climate mitigation and resiliency strategies and tools.

Recommended strategies to achieve carbon neutrality and net zero emissions may include, but are not limited to:

- 1) Renewable energy systems
- 2) Building energy efficiency improvements
- 3) Conservation standards
- 4) Green Infrastructure (rain gardens, tree canopy monitoring, pervious parking surfaces, agricultural practices)
- 5) Electric Vehicle Supply Equipment (EVSE)
- 6) Electric vehicle fleet procurement and ownership cost analysis
- 7) Improving Town utility grid resiliency
- 8) Partnering with local nonprofits in the housing sector to support rollout of Inflation Reduction Act (IRA) funding to low- and moderate-income households for energy efficiency and decarbonization efforts

Deployment of these strategies for town buildings and properties, businesses and residents will confer significant utility cost savings over time. While especially beneficial to low-income residents of Waynesville, every resident of the Town will benefit from the activities of the ESB and implementation of their recommendations. In addition to cost savings, benefits of the ESB will include:

- 1) Improved health outcomes due to lower transportation sector emissions and reduced emissions from household heating and cooking.
- 2) Eco-tourism and promotion of electric vehicle charging may lead to more tax receipts from sales and occupancy in Waynesville.
- 3) Increased community partnerships, as alignment with energy savings brings different mission-oriented groups together.
- 4) When the Town or a major local entity adopts energy efficiency or a renewable energy system, other towns, groups, and businesses will be encouraged to adopt these technologies, creating a bandwagon effect.
- 5) Promotion of a sustainable community improves the prosperity of our citizens and enables them to live and work in a safe and healthy environment.
- 6) Creation of green jobs”

***A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to approve establishing an Environmental Sustainability Board, adopt the Mission and Scope of the ESB, and instruct the Town Clerk to advertise membership for the ESB. The motion passed unanimously.***

8. Request by Councilmember Feichter for the Town to begin maintaining the medians in the State rights of way.
  - Councilmember Jon Feichter

Councilmember Feichter reported that citizens had told him that the medians at Hyatt Creek looked overgrown and the Town’s Public Services staff took care of it. He said that now people are complaining about the median in front of Publix. He asked if the Town could continue to maintain the medians since the DOT has not been taking care of it. Councilmember Sutton mentioned that NCDOT significantly cut funding for maintenance. Town Manager Rob Hites said if the Town is going to take over the maintenance of those areas, landscaping would require putting together a plan, getting approval for said plan, and obtaining an encroachment agreement. Councilmember Sutton suggested just mowing right now because Russ Avenue is getting ready to change. Mr. Hites said that’s also easier for staff to just mow and not maintain landscaping.

***A motion was made by Councilmember Feichter, seconded by Councilmember Sutton, to direct the Town staff to begin maintaining the DOT medians within the Town limits. The motion passed unanimously.***

9. Request to cease enforcement of “Temporary Sign’ enforcement within construction areas.
  - Councilmember Jon Feichter

Councilmember Feichter said the Main Street construction has affected a local business, so he requested that the Town permit inflatable signs while construction activity inhibits the flow of traffic to the business.

***A motion was made by Councilmember Feichter, seconded by Councilmember Sutton, to request that the Town staff not enforce the prohibition of temporary signs in areas where traffic flow is limited by construction activity on the roadways. The motion passed unanimously.***

10. A staff request to allow sign and building permits to be waived for businesses whose signs must be relocated or replaced due to NCDOT Project U-5839.
  - Byron Hickox, Land Use Administrator

Land Use Administrator Byron Hickox reported that with the Russ Avenue project, about 35 businesses are having to relocate and update their signs. He said it would be a nice gesture not to charge the business owners permit fees for the new signs.

Mr. Hites asked if non-compliant signs will be required to be compliant once they are moved. Mr. Hickox replied yes.

***A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to allow the Development Services Department to waive sign and electrical permit fees related to the relocation or replacement of signs that are impacted by NCDOT Project U-5839. The motion passed unanimously.***

11. Approve the purchase of a replacement street sweeper.
  - Rob Hites, Town Manager

Town Manager Rob Hites reported that the Public Services Department has been keeping a 2004 Johnson Street Sweeper operating for many years. He said the electrical wiring harness has failed to the point that it cannot be repaired. He said when the staff took the vehicle to the factory repair facility, and they reported that not only was a new wiring harness not available, but they don't have a record of how the harness is configured, so now the Town is without a street sweeper. Mr. Hites said that street sweepers are on "State Contract" and are in stock. He said the Town will need to substitute the purchase of a "VAC-All truck for a new sweeper and use ARP funds to purchase the truck. He reminded the Council that they moved to purchase electric vehicles and equipment whenever possible, so staff priced both a diesel and an electric hybrid for review. He said the sweeper representative has priced a "State Contract" diesel sweeper priced at \$272,345.36. They provided an estimated price of \$700,000 for an electric hybrid sweeper. While the Town has the funds to pay cash for a diesel sweeper, Mr. Hites said the Town would need to borrow funds to purchase a hybrid model. He said that staff have found, through the recent effort to finance the fire truck, that many lending institutions are steering away from funding small municipal debt. He added that the current interest rate for such small municipal debt is 4%.

***A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to approve the purchase of a street sweeper for \$280,000 (the turn-key price includes, tags, title and town installed equipment such as radio and warning lights). The motion passed unanimously.***

12. Amendment to ARP Project Fund-Addition of Street Sweeper
  - Misty Hagood, Finance Director

Finance Director Misty Hagood reported that the Town’s street sweeper is out of service and beyond repair. She said that to purchase a replacement, staff recommend that the Council use ARP funds. She said the budget amendment adds the street sweeper and reduces the I&I Slip Lining line item. In addition to the addition of the street sweeper, she said the budget amendment “trues up” several items that have been purchased by recognizing their “actual cost” vs the “budgeted estimate”. She said the savings derived from the move from budget to actual has been added to the I&I Slip Lining Budget.

***A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the ARP Budget Amendment. The motion passed unanimously.***

13. Resolution Approving Financing Terms

- Misty Hagood, Finance Director

Finance Director Misty Hagood reported she sent out a Request for Proposals to 10 banks on June 5, 2023 for financing on the new fire truck and equipment. She said she heard back from five of the banks that they were not interested in bidding at this time and the only proposal she received is from Truist for a term of 15 years at an interest rate of 4.89% and it is prepayable in whole at any time without penalty. She added that the yearly payment will be \$76,501.83. Ms. Hagood recommended that Council go with this proposal and approve the Resolution Approving Financing Terms because a lot of banks are no longer financing rolling stock and she said she does not think we will get any other proposals if we release it again.

***A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to approve the Resolution Approving Financing Terms. The motion passed unanimously.***

14. Budget Amendment for TDA Grant Awards

- Misty Hagood, Finance Director

Finance Director Misty Hagood reported that The DWC has been awarded several grants that require a budget amendment for us to record the revenue and expend the funds. The awarded grants are listed below:

TDA Grants

- |                             |          |
|-----------------------------|----------|
| • Appalachian True Weekend  | \$16,000 |
| • Christmas Decorations     | \$ 3,750 |
| • Creative Campfire         | \$ 5,000 |
| • String Lights             | \$ 1,875 |
| • Summertime Sidewalk Music | \$ 3,750 |

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

15. Request for a double burial

- Rob Hites, Town Manager

Town Manager Rob Hites reported that Department of Defense recovered the remains of a Waynesville Vietnam veteran. He said that the Defense Department and area veterans would like to return his remains to



Green Hill Cemetery for burial. Mr. Hites said that many years ago, the veteran was declared missing in action. In memoriam, he said his uniform was buried in an empty coffin in the veteran's section of the cemetery. He said that it is the wish of his surviving widow that his remains be buried in her family's private plot in a double burial. He added that he would be laid to rest and at a future date, she would be buried above his interment. Mr. Hites said that currently, rules of the cemetery do not permit double burials. Due to the special circumstances surrounding the identification of his remains, the family requested that the Town Council permit a double burial.

***A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to refer the request to the Cemetery Committee for their recommendation. The motion passed unanimously.***

16. Appointment of Alcohol Beverage Control Board Applicant

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that the ABC Board appointment will fulfill the last vacancy. Councilmember Freeman said that both candidates were excellent.

***A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to appoint Jonathan Sears as the new member to the Alcoholic Beverage Control Board. The motion passed unanimously.***

**I. COMMUNICATION FROM STAFF**

17. Manager's Report

- Town Manager, Rob Hites

Town Manager Rob Hites commended Assistant Town Manager Jesse Fowler for his contribution and hard work on the investigation. Councilmember Freeman thanked the Police Department and Town Attorney. Mr. Fowler thanked the Rec Center staff as a whole and said they performed flawlessly in the absence of the director. Mayor Gary Caldwell said that he's proud of Mr. Fowler in his role as Assistant Town Manager and that he's grown a lot.

18. Town Attorney Report

- Town Attorney, Martha Bradley

Town Attorney Martha Bradley thanked Council for not passing the buck with the rec center incident.

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

Councilmember Sutton thanked everyone for their support and levelheadedness. He also thanked Chief Adams, Detective Shell, the police department, and rec center staff.

**K. ADJOURN**

***A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to adjourn at 8:32pm. The motion passed unanimously.***

ATTEST:

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

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

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

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

**ARTICLE I – RULES APPLICABLE TO THE TOWN COUNCIL**

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**Part I. Applicability**

**Rule 1. Applicability of Rules**

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

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

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

**Part II. Quorum**

**Rule 2. Quorum**

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

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

### Part III. Open Meetings

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

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

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

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

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#### Rule 5. Closed Sessions

(a) **Motion to Enter Closed Session.** The Council may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under sub-paragraph (b)(1), (b)(2), or (b)(4) must contain the additional information specified in those provisions.<sup>6</sup>

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(b) **Bases for Closed Session.** A closed session is permissible under the following circumstances and no others:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.<sup>7</sup>
- (2) To consult with the town attorney or another attorney employed or retained by the Town in order to preserve the attorney-client privilege. If the Council expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.<sup>8</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) To view a law enforcement recording released pursuant to N.C. Gen. Stat. 132-1.4A.<sup>16</sup>

(11) On another basis permitted by law.

(c) **Closed Session Participants.** Unless the Council directs otherwise, the Town Manager, the Town Attorney, and Town Clerk may attend closed sessions of the Council. No other person may attend a closed session unless their presence is (i) reasonably necessary to aid the Council's deliberations and (ii) invited by the mayor or, in their absence, the Mayor Pro Tempore.<sup>17</sup>

(d) **Motion to Return to Open Session.** Upon completing its closed session business, the Council shall end the closed session by adopting a duly made motion to return to open session.

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#### Rule 6. Meeting Minutes

(a) **Minutes Required for All Meetings.** The Council must keep full and accurate minutes of all its meetings, including closed sessions.<sup>18</sup> To be a "full and accurate," minutes must record all actions taken by the Council. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for an against each motion. The minutes need not record discussions of the Council, though the Council in its discretion may decide to incorporate such details into the minutes.<sup>19</sup> All minutes shall be approved by the Council and signed by the Mayor and Town Clerk.<sup>20</sup>

(b) **Record of "Ayes" and "Noes."** At the request of any member of the Council, the minutes shall list each member by name and record how each member voted on a particular matter.<sup>21</sup>

(c) **General Accounts of Closed Sessions.** In addition to minutes, the Council must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpire. The Council may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) **Sealing Closed Session Records.** Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Council or, if the Council

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

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

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

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

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

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

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

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### Rule 7. Broadcasting and Recording Meetings

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

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

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

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



**Part IV. Organization of the Council**

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

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

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

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

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

**Part V. Types of Meetings**

**Rule 9. Regular Meetings**

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

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**Rule 10. Special Meetings**

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

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<sup>28</sup> N.C. Gen. Stat. §§ 143-318.12(d) & 160A-71(a); Waynesville, NC, Charter § 2.5, Code § 2-51(a).  
<sup>29</sup> N.C. Gen. Stat. § 143-318.12(a).  
<sup>30</sup> N.C. Gen. Stat. § 160A-71(b)(1); Waynesville, NC, Charter § 2.5.  
<sup>31</sup> N.C. Gen. Stat. §§ 143-318.12(b)(2), (e).

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

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(2) *Meeting called by vote of the Council in open session.* When a special meeting is called by vote of the Council in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose.<sup>33</sup>

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(d) **Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to Council members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the Council may take up an item of business not covered by the notice only if the Council first determines, upon motion of a member, in good faith that the item must be discussed or acted upon immediately. A motion to take up an item of business not covered by the notice must state a factual basis or other reasonable grounds for the Council's determination of good faith and exigency.<sup>34</sup>

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## Rule 11. Other Special Meetings

(a) **Special Meeting for an Emergency.**<sup>35</sup>

(1) *Grounds.* A special meeting of the Council may be called in an emergency ("emergency meeting") only to address generally unexpected circumstances demanding the Council's immediate attention.

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(2) *Notice to the Media.* Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the Town Clerk for notice of emergency meetings. Notice may be given by telephone, e-mail, or the same method used to notify Council members, and must be delivered immediately after notifying Council members.

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(3) *Notice to Members.* There are two methods by which an emergency meeting of the Council may be called. These methods shall be the sole and exclusive methods for providing notice of an emergency meeting.

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

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

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

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

- i. The mayor, the mayor pro tempore, or any two (2) members of the Council may call an emergency meeting by signing a written notice stating the date, time, and place of the meeting, as well as the subject(s) to be considered. The notice shall be personally delivered to the mayor and each Council member or left at their usual dwelling place at least six (6) hours before the meeting.
  - ii. An emergency meeting may be held when the mayor and all members of the Council are present and consent thereto, or which any absent member has signed a written waiver of notice.
- (4) *Transacting Other Business.* The Council may not take up any business other than the specific subject(s) set forth in the meeting notice.
- (b) **Electronic Meetings.** The Council may hold an official meeting by use of conference telephone or other electronic means. If the Council holds an official meeting by the foregoing means, it shall provide a location and means whereby members of the public may listen to the meeting, and the notice of the meeting shall specify that location.
- (c) **Remote Meetings During Certain Declarations of Emergency.**<sup>36</sup>
  - (1) *Remote Meetings Allowed.* Notwithstanding any other provision of law, upon issuance of a declaration of emergency by the Governor or General Assembly according to G.S. 166A-19.20, the Council within the emergency area may conduct remote meetings in accordance with applicable state law throughout the duration of that declaration of emergency. Any meeting held according to this provision shall be open to the public.
  - (2) *Notice.* The Council shall give notice as required for any regular meeting, and such notice shall include instructions to the public on the manner in which they can access the remote meeting as the remote meeting occurs.
  - (3) *Participation by Council Members.* Any Council member participating by a method of simultaneous communication in which that member cannot be physically seen by the other members of the Council must identify themselves in each of the following situations: (i) when the roll is taken or the remote meeting commences; (ii) prior to participating in deliberations, including making motions, proposing amendments, and raising points of order; and (iii) prior to voting.
  - (4) *Documents Considered.* All documents to be considered during the remote meeting shall be provided to each member of the Council in advance of the meeting.

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<sup>36</sup> N.C. Gen. Stat. § 166A-19.24.

- (5) *Communication Requirements.* The method of simultaneous communication shall allow for any member of the Council to do all of the following: (i) hear what is said by other members of the Council; (ii) hear what is said by any individual addressing the Council; and (iii) to be heard by other members of the Council when speaking.
- (6) *Votes.* All votes of the Council taken in a remote meeting held pursuant to this provision shall be by roll call. No other means of voting is allowed.
- (7) *Acting by Reference.* The Council may not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, in any manner which makes it impossible for members of the public attending the meeting to understand what is being deliberated, voted on, or acted upon. This subsection does not prohibit the Council from deliberating, voting, or otherwise taking action by reference to an agenda which: (i) has been made available for public inspection prior to or at the meeting; and (ii) is sufficiently worded to enable the public to understand the matters before the Council.<sup>37</sup>
- (8) *Minutes.* In addition to the requirements in Rule 6, the minutes of a remote meeting must reflect that the meeting was conducted by use of simultaneous communication, which Council members participated by simultaneous communication, and when such Council members joined or left the remote meeting.
- (9) *Public Record.* All chats, instant messages, texts, or other written communications between Council members within the simultaneous communication platform and regarding the transaction of the public business during the remote meeting are deemed a public record.
- (10) *Simultaneous Live Streaming.* The remote meeting shall be simultaneously streamed live online so that simultaneous live audio and/or video of such meeting is available to the public. If the remote meeting is conducted by conference call, the Council may comply with this requirement by providing the public with an opportunity to dial in or stream the audio live.
- (11) *Quorum.* Notwithstanding the provisions of Rule 2 and Rule 4(a), a member of the Council attending a remote meeting pursuant to Rule 4(c) shall be counted as present for the purpose of establishing a quorum but only during the period while simultaneous communication.
- (12) *Voting.* Members of the Council shall vote according to the manner, means, and obligations delineated in these rules.<sup>38</sup> Votes of each

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<sup>37</sup> N.C. Gen. Stat. §§ 166A-19.24(b)(6) & 143.318.13(c).  
<sup>38</sup> N.C. Gen. Stat. §§ 166A-19.24(c) & 160A-75.

member of the Council made during a remote meeting shall be counted as if the member were physically present only during the period while simultaneous communication is maintained for that member.

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- (13) *Public Hearings.* The Council may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the Council allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and twenty-four (24) hours prior to the scheduled time for the beginning of the public hearing.

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- (14) *Quasi-Judicial Hearings.* The Council may conduct a quasi-judicial proceeding as a remote meeting if: (i) the right of an individual to a hearing and decision occurs during the emergency; (ii) all persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice as otherwise required by law and consent to the remote meeting; and (iii) all due process rights of the parties affected are protected.

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- (15) *Closed Sessions.* The Council may conduct a closed session during the remote meeting according to the provisions of Rule 5. While in closed session, the Council is not required to provide public access to the remote meeting.

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## Rule 12. Recessed Meetings

- (a) **Calling Recessed Meetings.** When conducting a properly called regular, special, or emergency meeting, the Council may recess the meeting to another date, time, or place by a procedural motion made and adopted<sup>39</sup>, as provided in Rule 31, Motion 3, in open session<sup>40</sup>. The motion must state the time (including the date if the meeting will resume on a different day) and place at which the meeting will reconvene.<sup>41</sup>
- (b) **Notice of Recessed Meetings.** Notice of the recessed meeting's date, time, and place must appear on the Town's webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

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<sup>39</sup> N.C. Gen. Stat. § 143-318.12(b)(1), (e).

<sup>40</sup> N.C. Gen. Stat. § 143-318.11.

<sup>41</sup> Waynesville, NC, Code § 2-51(c).

**Part VI. Agenda**

**Rule 13. Agenda**

(a) **Preparing Agenda.** The Town Clerk will prepare an agenda in advance of each meeting of the Council according to the following provisions.<sup>42</sup>

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(1) *Content.* Each agenda may provide for the following items: announcements concerning the official Town calendar; comment by members of the public; presentations pursuant to subparagraph (a)(3) below; consent agenda pursuant to subparagraph (c) below; public hearings; quasi-judicial hearings; old unfinished business; new business; informal reports from the Town Manager, Town Attorney, or other Town employees; comments or updates from members of the Council; or other items deemed necessary for the Council's consideration by a member of the Council, the Town Manager, the Town Attorney, or another Town employee.

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(2) *Requesting placement of items on an agenda by the Council or Town employees.* For a regular meeting, a request from any member of the Council or any person employed by the Town to have an item of business placed on the agenda should be delivered to the Town Clerk at least one (1) week prior to the date of the meeting. For a special meeting, each item of business for the agenda shall be delivered to the Town Clerk with the written notice of the special meeting in compliance with Rules 10 and 11.

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(3) *Requesting placement of items on an agenda by members of the public.* Members of the public may submit a written request to the Town Manager or Assistant Town Manager to place an informational presentation of no more than ten (10) minutes in length on the agenda of any regular meeting of the Council. In order to be effective, such written request shall include: (i) the presenter's name, residential address, and telephone number; (ii) whether the presenter is affiliated with any organization and the name of such organization; (iii) the general topic covered by the presentation; and (iv) whether the presenter will request any action by the Council. The Town Manager or Assistant Town Manager shall approve or deny the request in writing within two (2) working days of receipt. If approved, the presenter shall provide either a digital or physical copy of any photographs, data sets, graphs, tables, illustrations, slides, or other illustrative materials to be displayed to the Council during the course of the presentation to the Town Clerk at least one (1) week prior to the date of the meeting. No informational presentation may be placed on the agenda of any regular

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<sup>42</sup> Waynesville, NC, Code § 2-53.

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

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(4) *Delivery to Council members.* Each Council member shall receive either a paper or electronic copy of the agenda and packet of any additional materials to be considered by the Council during the meeting on the Thursday immediately preceding any regular meeting. For any special meeting, the agenda and packet of additional materials shall be furnished to each Council member at least six (6) hours prior to the meeting or as soon thereafter as the Town Clerk is reasonably able.

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(5) *Public inspection.* The agenda and packet of additional materials shall be made available to the public immediately after delivery to Council members and published on the Town’s website.

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(b) **Altering the Agenda after Publication.** At the beginning of any meeting, the Council may add or remove items from the agenda by majority vote of the members present and voting except as otherwise governed by Rules 10(d) and 11(a)(4).

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(c) **Consent Agenda.** The agenda may designate some of the items for consideration at a regular meeting as the “consent agenda.” Items may be placed on the consent agenda by the Town Manager, Assistant Town Manager, or Town Clerk if the items are judged to be noncontroversial and routine. An item may be removed from the consent agenda under subparagraph (b) of this rule, and the request of any member to remove an item from the consent agenda to unfinished business must be honored by the Council. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

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(d) **Informal Discussion of Agenda Items.** The Council may informally discuss an agenda item even when no motion regarding that item is pending.<sup>43</sup>

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**Rule 14. Acting by Reference**

The Council shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document in such a manner which prevents persons in attendance from understanding what action is being considered or undertaken. The Council may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, if it: (i) has been made available for public inspection prior to or at the meeting; and (ii) is sufficiently worded to enable the public to understand the matters before the Council.<sup>44</sup>

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<sup>43</sup> Waynesville, NC, Code § 2-54; *Robert’s Rules of Order, Newly Revised (“RONR”)* (11<sup>th</sup> ed.) 488. ll. 7-8.

<sup>44</sup> N.C. Gen. Stat. § 143-318.13(c).



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

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

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**Rule 16. Order of Business**

- (a) At any regular meeting of the Council, the order of business shall be as follows:
  - (1) Reading the proceedings of the last regular meeting and all special meetings held since the last regular meeting, if any;
  - (2) Correction of the minutes, if necessary and their approval;
  - (3) Published agenda of the meeting;
  - (4) New business.<sup>45</sup>
- (b) If the Council directs any matter to be the special business of a future meeting according to Rule 31, Motion 10, then that matter will take precedence over any other business at such meeting.<sup>46</sup>
- (c) Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

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<sup>45</sup> Waynesville, NC, Code § 2-53(a).

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

**Part VII. Role of the Presiding Officer**

**Rule 17. The Mayor**

- (a) **Presiding Officer.** The mayor shall preside at all meetings of the [Council](#).<sup>47</sup>
- (b) **Right to Vote.** The mayor shall have the right, but no obligation, to vote on all matters before the [Council](#).<sup>48</sup>
- (c) **Recognition of Members.** A member should be recognized by the mayor prior to addressing the [Council](#), but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1.<sup>49</sup> The presiding officer must recognize any member who seeks the floor and is entitled to it.<sup>50</sup>
- (d) **Powers as Presiding Officer.** The mayor will enforce these rules and maintain order and decorum during [Council](#) meetings<sup>51</sup> and, as a result, may:
  - (1) Rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
  - (2) Determine whether a member or other speaker has gone beyond reasonable standards of courtesy in their remarks and entertain and rule on objections from other members on this ground;
  - (3) Entertain and answer questions of parliamentary procedure;
  - (4) Call a brief recess at any time;
  - (5) Adjourn the meeting without motion or vote of the [Council](#) in an emergency; or
  - (6) Take any such other proper or necessary action permitted by Robert's Rules of Order, Newly Revised.
- (e) **Appeals of Procedural Rulings.** A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1.
- (f) **Definitions.** For the purposes of Rule 17(d), the following definitions will apply:
  - (1) The term "recess" shall mean a short intermission in the [Council's](#) meeting, commonly of only a few minutes, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.

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<sup>47</sup> Waynesville, NC, Code § 2-52.

<sup>48</sup> Waynesville, NC, Charter § 2.2; N.C. Gen. Stat. § 160A-69.

<sup>49</sup> *RONR* (11<sup>th</sup> ed.) 376, ll. 13-16.

<sup>50</sup> *RONR* (11<sup>th</sup> ed.) 376, l. 16; 377, l. 1.

<sup>51</sup> Waynesville, NC, Code § 2-55.

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

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### Rule 18. The Mayor Pro Tempore

- (a) **Presiding in Mayor’s Absence.** In the event of the mayor’s absence from a meeting of the Council, the mayor pro tempore shall preside with all the powers specified in Rule 17.<sup>52</sup>
- (b) **Delegation of Mayor’s Powers or Duties.** In the mayor’s absence or disability, the mayor pro tempore shall perform the duties of the mayor as conferred upon them by the Council.<sup>53</sup> If the mayor should become physically or mentally incapable of performing the duties of their office, the Council may by unanimous vote declare that the mayor is incapacitated and confer any of the powers and duties of their office on the mayor pro tempore.<sup>54</sup> Upon the mayor’s declaration that he is no longer incapacitated, and with the concurrence of a majority of the Council, the mayor shall resume the exercise of his powers and duties.<sup>55</sup>
- (c) **Duty to Vote.** The mayor pro tempore has a duty to vote on all matters before the Council even when serving as the presiding officer for the meeting unless they have been excused from voting on a matter according to Rule 28.<sup>56</sup>

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### Rule 19. Other Presiding Officer

If both the mayor and mayor pro tempore are absent, the Council may elect from among its members in attendance a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17. Service as a temporary presiding officer does not relieve that member of the duty on all questions unless excused from voting pursuant to Rule 28.<sup>57</sup>

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

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

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<sup>52</sup> Waynesville, NC, Charter § 2.4.

<sup>53</sup> *Id.*

<sup>54</sup> N.C. Gen. Stat. § 160A-70.

<sup>55</sup> *Id.*

<sup>56</sup> N.C. Gen. Stat. § 160A-75.

<sup>57</sup> N.C. Gen. Stat. § 160A-70.

temporary presiding officer is presiding and takes an active part in debate, they may designate another [Council](#) member to preside temporarily.<sup>58</sup>

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<sup>58</sup> See *American Institute of Parliamentarians Standard Code of Parliamentary Procedure* (“*Standard Code*”) 2 (2012) (“The purpose of meeting procedures is to allow members to reach informed business decisions in an effective, efficient, orderly, courteous, and fair manner.”).

## Part VIII. Motions and Voting

### Rule 21. Action by the Council

Except as otherwise provided in these rules or by law, the Council shall act by motion.<sup>59</sup> Any member may make a motion, including the mayor.

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

No proposition shall be entertained by the mayor until it has been seconded<sup>60</sup>, and every motion, when required by the mayor or any member of the Council, shall be reduced to writing.<sup>61</sup>

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### Rule 23. One Motion at a Time

A member may make only one motion at a time.<sup>62</sup>

### Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been seconded or amended or the presiding officer has put the motion to a vote.<sup>63</sup>

### Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the following principles<sup>64</sup>:

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

### Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.<sup>65</sup>

<sup>59</sup> Waynesville, NC, Charter § 2.7, Code § 2-53(b).

<sup>60</sup> *RONR* (11<sup>th</sup> ed.) 36, ll. 28-31.

<sup>61</sup> Waynesville, NC, Code § 2-53(b).

<sup>62</sup> *See Standard Code 2, infra.*

<sup>63</sup> *RONR* (11<sup>th</sup> ed.) 295, ll. 31-33; 296, ll. 21-25.

<sup>64</sup> *RONR* (11<sup>th</sup> ed.) 379, ll. 10-13, 27-35; 380, ll. 1-2.

<sup>65</sup> Waynesville, NC, Charter § 2.7.

## Rule 27. Changing a Vote

A member may change their vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change their vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.<sup>66</sup>

## Rule 28. Duty to Vote

- (a) **Duty to Vote.** Every Council member must vote except when excused from voting as provided by this rule.<sup>67</sup>
- (b) **Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to Council members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 160A-381(d) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-388(e)(2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker).
- (c) **Procedure for Excusal.**<sup>68</sup>
- (1) *At member's request.* Upon being recognized at a duly called meeting of the Council, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
  - (2) *On the Council's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining Council members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).
- (d) **Consequence of Non-Excused Failure to Vote.** Except as specified in paragraph (e)<sup>69</sup>, if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote<sup>70</sup> provided: (i) the member is physically present in the meeting chamber;

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<sup>66</sup> *RONR* (11<sup>th</sup> ed.) 408, ll. 21-36; 409, ll. 1-10.

<sup>67</sup> N.C. Gen. Stat. § 160A-75.

<sup>68</sup> See N.C. Gen. Stat. §§ 160A-12 & 160A-67.

<sup>69</sup> N.C. Gen. Stat. § 160A-385.

<sup>70</sup> N.C. Gen. Stat. § 160A-75.

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

- (e) **Failure to Vote on Certain Zoning Matters.** A member's unexcused failure to vote on a motion concerning a proposal to adopt, amend, supplement, or repeal a zoning ordinance shall not be recorded as an affirmative vote. Instead, the member's unexcused failure to vote shall be recorded as an abstention.<sup>71</sup>

### Rule 29. Voting by Written Ballot

- (a) **Secret Ballots Prohibited.** The Council may not vote by secret ballot.<sup>72</sup>
- (b) **Rules for Written Ballots.** The Council may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign their own ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the Town Clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.<sup>73</sup>

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### Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the Council disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 31, Motion 14.<sup>74</sup>

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### Rule 31. Procedural Motions

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

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<sup>71</sup> N.C. Gen. Stat. § 160A-385.

<sup>72</sup> N.C. Gen. Stat. § 143-318.13(b).

<sup>73</sup> *Id.*

<sup>74</sup> *RONR* (11<sup>th</sup> ed.) 100, ll. 3-4; 111, ll. 11-15.

(c) **Procedural Motions Allowed.**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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**Part IX. Ordinances and Contracts**

**Rule 32. Introduction of Ordinances**

For the purposes of the rules in this Part IX, the “date of introduction” for a proposed ordinance is the date on which the text of the proposed ordinance first appears on an agenda of a meeting of the Council.<sup>75</sup> The Council votes on the subject matter of a proposed ordinance when it votes on whether to adopt or to make changes to the proposed ordinance.

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

(a) **Adoption of Ordinances.**<sup>76</sup>

- (1) *Proposed ordinances to be in writing.* No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to the members of the Council before a vote on adoption is taken.
- (2) *Adoption on date of introduction.* Only budget amendment ordinances may be adopted on the date of introduction. All other ordinances shall be adopted after the date of introduction as provided herein. This rule may be suspended only by a unanimous vote of the Council members in attendance.
- (3) *Adoption after date of introduction.* To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all Council members not excused from voting on the matter.
- (4) *Proposed ordinances placed on the consent agenda.* Proposed ordinances may be placed on and approved as a part of the consent agenda for any meeting of the Council occurring after the date of introduction according to Rule 13(c).

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(b) **Amendment and Repeal of Ordinances.** The same voting requirements that govern the adoption of proposed ordinances apply to the amendment or repeal of an ordinance.<sup>77</sup>

**Rule 34. Adoption of the Budget Ordinance**

<sup>75</sup> N.C. Gen. Stat. § 160A-75.  
<sup>76</sup> *Id.*  
<sup>77</sup> *Id.*; N.C. Gen. Stat. § 160A-364(a).

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

- (1) The Council may adopt or amend the budget ordinance at a regular or special meeting of the Council by a simple majority of those members present and voting, a quorum being present<sup>78</sup>;
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council<sup>79</sup>; and
- (3) The adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any section of the Town Charter or local act concerning initiative or referendum<sup>80</sup>.

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(b) **Notice Requirements for Budget Meetings.** During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as: (i) each member of the Council has actual notice of each special meeting called for the purpose of considering the budget; and (ii) no business other than consideration of the budget is taken up.<sup>81</sup>

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(c) **No Authority for Closed Sessions.** This rule shall not be construed to authorize the Council to hold closed sessions on any basis other than the grounds set forth in Rule 5.

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

(a) **Contracts to be in Writing.** No contract shall be approved or ratified by the Town Council unless it has been reduced to writing at the time of the Council's vote.<sup>82</sup>

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(b) **Approval of Contracts.** To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all Council members not excused from voting on the contract.<sup>83</sup>

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<sup>78</sup> N.C. Gen. Stat. § 159-17(1).

<sup>79</sup> N.C. Gen. Stat. § 159-17(2).

<sup>80</sup> N.C. Gen. Stat. § 159-17(3).

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

<sup>82</sup> N.C. Gen. Stat. § 160A-16.

<sup>83</sup> N.C. Gen. Stat. § 160A-75.

(c) **Authorization of Expenditure of Public Funds.** The same vote necessary to approve or ratify a contract is required for the Council to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

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

**Rule 36. Public Hearings**

- (a) **Calling Public Hearings.** In addition to holding public hearings required by law, the Council may hold any public hearing it deems advisable. The Council may schedule hearings or delegate that responsibility to Town employees, as appropriate, except when state law directs the Council itself to call the hearing. If the Council delegates scheduling authority, it must provide adequate guidance to assist Town employees in exercising that authority.<sup>84</sup>
- (b) **Public Hearing Locations.** Public hearings may be held anywhere within the Town of Waynesville or within Haywood County.<sup>85</sup>
- (c) **Rules for Public Hearings.** The Council hereby adopts the following reasonable rules for the conduct of public hearings<sup>86</sup>:
  - (1) Public Hearings shall be conducted by the Presiding Officer.<sup>87</sup>
  - (2) The Presiding Officer shall determine first whether any individuals with standing to offer evidence or to contest or appeal the decision of the Council wish to make a presentation during the public hearing.
  - (3) Prior to opening any public hearing, the Presiding Officer shall advise those in attendance of the rules to be followed if there are any individuals other than Town employees who will offer evidence or comment.
  - (4) The Presiding Officer or another person authorized by law to administer oaths shall then administer oaths to any individuals offering testimony or evidence during the public hearing.
  - (5) The Presiding Officer may delegate the task of monitoring the time allotted for the hearing or for each speaker to the Town Attorney or the Town Clerk.
  - (6) The total time for a public hearing shall be limited to one (1) hour. The Council may, in its discretion, extend the time allotted for a public hearing by a majority vote of the members actually in attendance and not excused from voting.
  - (7) After opening the public hearing, the Presiding Officer shall first recognize any Town employees to provide information concerning the subject matter of the public hearing.

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<sup>84</sup> See N.C. Gen. Stat §§ 160A-30(c); 160A-58.2; 160A-102; 160A-364(a).

<sup>85</sup> N.C. Gen. Stat. § 160A-81.

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

<sup>87</sup> See fn. 90, *infra*.

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

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

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

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

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

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

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

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

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

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(e) **Continuing Public Hearings.** The Council may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to subparagraph (g) below, if a quorum of the Council is not present for a properly scheduled public hearing, the hearing must be continued until the Council's next regular meeting without further advertisement.<sup>88</sup>

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(f) **Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall designate the Town Attorney as the presiding officer who shall conduct the public hearing according to the rules adopted in subparagraph (c) above. Unless the Council extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the Presiding Officer shall declare the hearing closed, and the Council shall resume the regular order of business.

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

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### Rule 37. Public Comment Periods

<sup>88</sup> N.C. Gen. Stat. § 160A-81.

(a) **Frequency of Public Comment Periods.** The Council must provide at least one opportunity for public comment each month at a regular meeting, except that the Council need not offer a public comment period during any month in which it does not hold a regular meeting.<sup>89</sup>

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(b) **Rules for Public Comment Periods.** The Council hereby adopts the following reasonable rules for the conduct of public comment during regular meetings<sup>90</sup>:

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(1) At the beginning of each regularly scheduled meeting, the Council will allow public comment.

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(2) The maximum time allotted for all comments from the public shall be thirty (30) minutes, and the maximum time allotted for any individual to make comments shall be three (3) minutes. No individual may speak more than once. The Council may, in its discretion and by a majority vote of the members actually in attendance and not excused from voting, increase or decrease this period or, if all other persons have spoken, permit any individual to speak longer than their allotted time or more than once, based upon various factors, such as: the length of the meeting agenda; the time required to address the normal business on the agenda; whether a closed session is scheduled; whether one or more of the Council members are unable to remain past a certain time; or any such other reasonable grounds to alter the time provided for public comment.

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(3) Before any meeting including a public comment period is called to order, any individual may request to speak during the period by submitting a fully completed written request card supplied by the Town to the Town Clerk.

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(4) A written request shall not be fully completed unless the individual provides their name, permanent residential address, and telephone number, as well as the general topic of their remarks.

(5) The Town Clerk shall reject any written requests which are not fully completed and shall mark all fully completed requests with a number corresponding to the order in which it was received.

(6) During that portion of the meeting designated for public comment, the mayor shall recognize the individuals who wish to speak in the numerical order shown on the fully completed request cards provided by the Town Clerk.

(7) Individuals providing comment during the public comment period are permitted to express their concerns or opinions about any matter under discussion or share facts, data, or other information which may assist

<sup>89</sup> N.C. Gen. Stat. § 160A-81.1.

<sup>90</sup> N.C. Gen. Stat. § 160A-81.1.



the Council in its deliberation, or on any subject within the Council's real or apparent jurisdiction, but they may not ask questions of the Mayor, Town Council, or Town officers or employees; make personal attacks on the members of the Council or mayor, or any other persons; or comment upon matters which are not pertinent to a subject within the Council's real or apparent jurisdiction; or generally expound on matters which are wholly unrelated and irrelevant to the Council's real or apparent jurisdiction.

(8) The Town Attorney shall keep time for each individual and for the total time of the public comment period.

(9) The Council may decline to take action on a request presented during the public comment period. The Council also may refer the matter to the Town Manager, the Town Attorney, or another appropriate individual for investigation, action, or for future report back to the Council.

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

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**Part XI. Appointments and Appointed Bodies**

**Rule 38. Appointments**

- (a) **Appointments in Open Session.** The Council must consider and make any appointment to another body or, in the event of a vacancy on the Council, to its own membership in open session.<sup>91</sup>
- (b) **Nomination and Voting Procedure.** The Council shall use the following procedure to fill a vacancy in its own membership or in any other body over which it has the power of appointment.
  - (1) The Town shall call for applications from the public to fill any vacancies, specifying any eligibility requirements in the notice.
  - (2) The Town Clerk or the Assistant Town Manager shall review all applications received to determine whether the applicants meet the eligibility requirements specified in the notice and shall compile a list, together with the full applications, of all eligible applicants which shall be provided to the Council with the agenda for the meeting where the appointment(s) will be considered by the Council.
  - (3) Voting may occur by acclamation where the number of eligible applicants to be considered by the Council is less than or equal to the number of vacant seats to be filled.
  - (4) In all other circumstances, voting shall occur by written ballot according to Rule 29, and each Council member actually present and not otherwise excused from voting shall vote to appoint one (1) person for each vacancy to be filled.
  - (5) The Council may vote to fill multiple vacancies on a single body on one (1) ballot.
  - (6) The Town Clerk or the Assistant Town Manager shall collect and tally the written ballots, keeping a record for the minutes of how each member voted, and then they shall announce the total votes for each applicant from all ballots.
  - (7) Where the Council considers multiple vacancies on a single body, if no applicant receives a majority vote for one or more vacancies, then the Town Clerk or Assistant Town Manager shall announce: (i) any vacancy which was filled and the applicant to be appointed; (ii) the number of vacancies which were not filled; and (iii) the applicants who were not appointed in order of most votes received to least. The Council shall then complete successive rounds of ballots according to this procedure until all vacancies are filled.

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<sup>91</sup> N.C. Gen. Stat. § 143-318.11(a)(6).

(8) At the conclusion of voting, the mayor shall call for a vote to confirm the appointments to the body consistent with the outcome of the written ballots.

(c) **Mayor.** The mayor may vote on appointments under this rule.

(d) **Duty to Vote.** It is the duty of each member, other than the mayor, to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

**Rule 39. Committees and Councils**

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(a) **Establishment and Appointment.** The Council may establish temporary and standing committees, Councils, and other bodies to help carry on the work of Town government. Unless otherwise provided by law or the Council, the power of appointment to such bodies lies with the Council.<sup>92</sup>

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(b) **Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the Town's professional staff.<sup>93</sup>

(c) **Procedural Rules.** The Council may prescribe the procedures by which the Town's appointed bodies operate, subject to any applicable state law.

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<sup>92</sup> N.C. Gen. Stat. § 160A-146.

<sup>93</sup> N.C. Gen. Stat. § 143.318.10(c).

**Part XII. Miscellaneous**

**Rule 40. Amendment of the Rules**

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

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

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

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

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**Part I. Applicability**

**Rule 1. Applicability of Rules**

These rules apply to all meetings of the Councils and committees (“Public Body” or “Public Bodies” collectively) of the Town of Waynesville (the “Town”). For purposes of these rules, a meeting of a Public Body occurs whenever a majority of the Public Body’s members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Council’s real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.<sup>94</sup>

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<sup>94</sup> N.C. Gen. Stat. §§ 160A-71(c) & 143-318.9, -318.18.

**Part II. Adoption by Reference**

The following rules from Article I – Rules Applicable to the [Town Council](#) are adopted by reference as though fully set forth herein and shall apply to all Public Bodies of the Town:

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

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

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

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

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(5) *Appeals of Procedural Rulings.* A member may appeal a decision made or answer given by the presiding officer under subparagraph (c)(4)i., ii., or iii. in accordance with Rule 31, Motion 1.

(6) *Definitions.* For the purposes of Rule 42(c), the following definitions will apply:

i. The term “recess” shall mean a short intermission in the Council’s meeting, commonly of only a few minutes, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.

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

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

(1) *Presiding in the Chair’s Absence.* In the event of the chair’s absence from a meeting of the Public Body, the vice chair shall preside with all the powers specified in Rule 42(c).

(2) *Duty to Vote.* The vice chair has a duty to vote on all matters before the Public Body even when serving as the presiding officer for the meeting unless they have been excused from voting on a matter according to Rule 28.

**Rule 43. Other Presiding Officer**

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

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

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



**Rule 45. Delegation of Responsibilities**

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

**Rule 46. Adoption of Additional Rules**

Each Public Body may adopt rules of procedure to supplement or in addition to, but not inconsistent with, the rules set forth herein. No Public Body may attempt to amend or repeal any rules adopted by the [Town Council](#).

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**TOWN OF WAYNESVILLE TOWN COUNCIL**  
**REQUEST FOR COUNCIL ACTION**  
**Meeting Date: August 8, 2023**

**SUBJECT:** ABC Board Annual Report

**AGENDA INFORMATION**

**Agenda Location:** Presentation  
**Item Number:**  
**Department:** ABC Board  
**Contact:** Danny Wingate, ABC Board Chair  
**Presenter:** Danny Wingate, ABC Board Chair

**BRIEF SUMMARY**

The Board and Commissions manual states that Chairs of advisory boards are required to appear annually before the Town Council to report on the activities of their board. Danny Wingate, Chair of the ABC Board, is appearing before the Town Council to present the ABC Board's annual report.

**MOTIONS FOR CONSIDERATION**

None

**ATTACHMENTS:**

- ABC Board FY23-24 Final Budget

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

**FINAL BUDGET**  
**WAYNESVILLE ABC BOARD**  
**Fiscal Year 2023 - 2024**

The following budget establishing revenues and setting expense appropriations is hereby adopted and effective July 1, 2023, through June 30, 2024.

*Section 1. Estimated Revenues.* It is estimated that the revenues listed below will be available during the fiscal year beginning July 1, 2023 and ending June 30, 2024 to meet the operational and functional appropriations as set forth in Section 2, in accordance with the chart of accounts prescribed by the state ABC Commission.

**Estimated Revenues:**

Sales	\$4,813,793
Other Income	\$0
<b>Total</b>	<b><u><u>\$4,813,793</u></u></b>

*Section 2. Appropriations.* The following expenses are hereby appropriated for fiscal year 2023 - 2024 and are funded by the revenues made available through Section 1, herein.

**Appropriations:**

Taxes Based on Revenue	\$1,165,305
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<b>Cost of Goods Sold</b>	<b>\$2,617,833</b>
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**Operating Expenses**

Salaries & Wages	\$304,700
Payroll Taxes	\$23,310
Retirement Expense	\$37,483
Group Insurance	\$76,769
Unemployment Insurance	\$1,200
Repairs & Maintenance Building	\$35,000
Repairs & Maintenance Equipment	\$20,000
Insurance - General & Bonds	\$17,600
Store Supplies	\$21,000
Office Supplies & Postage	\$5,000
Professional Fees	\$20,000
Credit Card Fees	\$72,200
Bank Charges	\$6,300
Telephone	\$4,500
Utilities	\$12,000
Licenses & Taxes	\$300
Dues & Subscriptions	\$4,700
Ground Maintenance	\$7,000

Computer & Software	\$8,000
Uniforms	\$1,000
Contingencies	\$20,000
Cash Short/Over	\$400
Travel	\$11,000
<b>Total</b>	<b>\$709,462</b>

**Capital Outlay:** \$0

**Debt Service/Lease:**

**Total Estimated Expenses** **\$4,492,600**

**Distributions:**

Town of Waynesville	\$158,844
Law Enforcement	\$41,000
Alcohol Education & Rehab.	\$32,000
Haywood County	\$89,349
<b>Total Distributions</b>	<b>\$321,193</b>

Working Capital Retained \$0

**Total Expense, Distribution & Reserve** **\$4,813,793**

*Section 3.* Copies of this Budget Document shall be furnished to the Town of Waynesville, the state ABC Commission, and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

*Adopted by the Waynesville ABC Board on*

*6/20/2023*

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: August 8, 2023**

**SUBJECT:** Waynesville Housing Authority Annual Report

**AGENDA INFORMATION**

**Agenda Location:** Presentation  
**Item Number:**  
**Department:** Waynesville Housing Authority  
**Contact:** Belinda Kahl, WHA Interim Director  
**Presenter:** Belinda Kahl, WHA Interim Director

**BRIEF SUMMARY**

The Board and Commissions manual states that Chairs of advisory boards are required to appear annually before the Town Council to report on the activities of their board. Belinda Kahl, WHA Interim Director is appearing before the Town Council to present the Waynesville Housing Authority's annual report.

**MOTIONS FOR CONSIDERATION**

None

**ATTACHMENTS:**

- Waynesville Housing Authority 2023 Annual Report

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

# WAYNESVILLE HOUSING AUTHORITY

## 2023 ANNUAL REPORT



[www.waynesvillehousing.org](http://www.waynesvillehousing.org)





## Annual Report of Waynesville Housing Authority

### Board Members

The following officers were elected at the Waynesville Housing Authority annual meeting held June 14, 2022.

Brian Cagle, Chairman  
H.P. Dykes, Vice Chairman  
Donald McGowan, Commissioner  
Mandy Haithcox, Commissioner  
Michael Loomis, Commissioner

### WHA Staff

Belinda Kahl, Executive Director  
John Bryson, Assistant Director/ Public Housing Site Manager  
Shelley Puckett, Tower Site Manager  
Chris Shuler, Maintenance Supervisor  
Wayne Davis, Maintenance & Inventory Specialist  
Cole Slater, Maintenance Laborer  
Stephen Dyer, Maintenance Laborer  
Dylan Stepp, Maintenance Laborer

### WHA Property

The Waynesville Housing Authority manages 100 units of low-income family housing and 62 units of site-based vouchers for elderly and disabled families.

### WHA VISION

The vision of the WHA is to improve the quality of life of the residents of the housing authority by providing safe and decent housing. The WHA will also educate and empower residents to improve their quality of life through assistance by providing safe and decent housing opportunities with upgrades and rehabilitation of their units.

### LEADERSHIP MESSAGE

Under the direction of a new Executive Director Waynesville Housing Authority's (WHA's) 57<sup>th</sup> year of operation was full of large-scale changes that will advance the agency into a bright future of housing. WHA is working on improving the physical structures of all units and buildings and incorporating more programs for the families that WHA assists.

WHA hosted multiple events for the families during the year. Multiple organizations came together to help support the families of Waynesville Housing Authority at the different events listed below. For families looking to better themselves and move on from Waynesville Housing Authority, Affordable Housing Foundation helped the tenants' budget and advised the tenants of their options based on the tenant's needs.

WHA is looking towards the future and will work to expand more housing for Haywood County families. WHA is also looking to expand the opportunities for betterment for the families directly assisted by the housing authority.

## SPECIAL EVENTS

WHA's first back-to-school bash for the children to enjoy a day of fun with others in the neighborhood was a success. Backpacks and school supplies were given to the children graciously by Generation Church and their sponsors and volunteers. Unete provided materials on COVID and hand sanitizer for the families to keep. Kristen Rogers, the owner of 74 Main Salon, provided free haircuts for all families in attendance if requested.

Waynesville Housing Authority's first Halloween party for all residents in the community was also a great gathering. Games, candy, and activities were held by Generation Church and their volunteers, Women of Waynesville, Unete, Kristen Rogers of 74 Main Salon, and WHA staff.

WHA's first Christmas Party for all families was festive and fun. WHA provided supplies for wrapping presents, pictures with Santa, and refreshments. Generation Church and volunteers provided the families with activities and a reading of The Night Before Christmas.

WHA provided breakfast for elderly families. WHA also does raffles and other events to raise money for tenant services.

Monthly haircuts for elderly families are provided by Kristen Rogers, the owner of 74 Main Salon. First United Methodist Church and its youth group have provided monthly bingo and other activities, prizes, and refreshments.

## DEMOGRAPHICS

### **Public Housing Demographics**

Group Category	Group Name	Count	% of Category
Age	Elderly 62 +	99	47.14
	Near-Elderly 55+	19	9.05
	Non-Elderly <55	92	43.81
Children	# Less than 18 years old	98	
	# of Families with children	55	
Disabled/Handicapped	No	148	70.48
	Yes	62	29.52

Income Bracket	Household Count	% of Total
1) Up to \$5,000	93	46.27
2) Up to \$10,000	6	2.99
3) Up to \$15,000	41	20.40
4) Up to \$20,000	20	9.95
5) Up to \$25,000	10	4.98
6) Over \$25,000	31	15.42

Public Housing has 5 waiting lists. There are 126 households on the public housing waiting lists.



## Tower Building Demographics

Group Category	Group Name	Count	% of Category
Age	Elderly 62 +	51	86
	Near-Elderly 55+	4	58
	Non-Elderly<55	4	43

Income Bracket	Household Count	% of Total
7) Up to \$5,000	0	0
8) Up to \$10,000	1	2
9) Up to \$15,000	33	56
10) Up to \$20,000	17	29
11) Up to \$25,000	7	12
12) Over \$25,000	1	2

The Tower has 2 waiting list. There are 20 households on the Tower waiting lists.

### SPECIAL THANKS

The board of commissioners, staff, and residents of Waynesville Housing Authority want to express their appreciation to the following:

- ❖ The Mayor and all the Town of Waynesville Aldermen
- ❖ Waynesville Police Department and Police Chief Adams
- ❖ Waynesville Fire Department and Fire Chief Joey Webb Sr.
- ❖ Generation Kids for all the time and help you invest in our community and children and help provide activities and resources to the children to excel in the future.
- ❖ 74 Main Salon and owner Kristen Rogers for your time to continually cut the elderly tenant's hair and help with cutting hair for our children at the back-to-school bash.
- ❖ First United Methodist Church and youth group for showing support for our elderly families with monthly games and activities.
- ❖ Cornerstone Senior Services, Medicare & insurance specialist Norman Morris for your consideration and help with providing our elderly with help and information about insurance services and for joining in and donating items for activities being held.
- ❖ Affordable Housing Foundation for helping educate families and showing them our shared vision of helping families become more financially independent and expanding the affordable housing opportunities in Haywood County.
- ❖ Haywood Gleaners and Haywood Pantries for providing food to the residents of Waynesville Housing Authority.

## Combined Statement of Net Assets Fiscal Year Ended September 30, 2022

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### ASSETS

Cash	\$449,983
Accounts Receivables, Net	\$26,067
Prepaid Expenses and Other Assets	\$47,749
Fixed Assets	\$3,383,784
<b>Total Assets</b>	<b><u>\$3,907,583</u></b>

### LIABILITIES

Accounts Payable	\$6,841
Current Portion Long-Term Debt	\$50,720
Accrued Liabilities	\$20,818
Tenant Security Deposits	\$41,158
Other Current Liabilities	\$33,614
Non-Current Liabilities-principally debt	\$958,584
<b>Total Liabilities</b>	<b><u>\$1,111,735</u></b>

### NET ASSETS

Investment in Capital Assets, Net of Related Debt	\$2,376,205
Restricted Net Assets	\$40,351
Unrestricted Net Assets	\$379,292
<b>Total Net Assets</b>	<b><u>\$2,795,848</u></b>

## Combined Statement of Revenue and Expenses and Changes in Net Position- Fiscal Year Ended September 30, 2022

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### OPERATING REVENUE

Tenant Revenue	\$600,170
Government Grants and Subsidy	\$988,942
Other Income	\$1,946
<b>Total Operating Revenue</b>	<b><u>\$1,591,058</u></b>

### OPERATING EXPENSE

Administrative	\$401,705
Utilities	\$194,470
Maintenance and Operations	\$372,772
Insurances	\$30,818
General Expenses	\$35,720
Depreciation	\$305,136
<b>Total Operating Expense</b>	<b><u>\$1,340,621</u></b>

### Non-Operating Revenue

#### (EXPENSES)

Principally interest expense	10,765
<b>Changes in Net Position</b>	<b><u>\$239,672</u></b>

**TOWN OF WAYNESVILLE COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: August 8, 2023**

**SUBJECT:** Call for a Public Hearing for September 12, 2023 to consider the text amendment to add an “Event Space” as a stand-alone use in the Land Development Standards (LDS).

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

Pursuant to the 2035 Comp Plan recommendations, the Planning Board assigned an ad hoc committee to study the land use challenges and opportunities along the Waynesville railroad corridor. In discussions related to economic development along the railroad, the subcommittee identified a gap in our zoning ordinances. An “event space” is not defined as a stand-alone use. Additionally, the Development Services Department received inquiries about converting properties into wedding venues and event spaces as a primary use, and there was no guidance in the Land Development Standards for managing their potential impacts.

This text amendment comes out of the Railroad Subcommittee and proposes a definition of an “event space” with supplemental standards (parking, noise, trash, buffer against residential areas). The Planning Board recommends allowing “event spaces” as a Special Use Permit, and proposes to allow them only in the Railroad Overlay District. This would limit potential impacts on surrounding areas and give the planning board an opportunity to carefully review each application through a quasi-judicial proceeding. In the future however, property owners could request to add “event spaces” in other districts in the Table of Permitted Uses (LDS 2.5.3) via text amendment procedure that would require approval by the Town Council.

Staff presented the text amendment to the Planning Board and received the feedback on June 19, 2023. On July 17, 2023, the Board held a public hearing and voted unanimously to recommend the text amendment to the Town Council.

**MOTIONS FOR CONSIDERATION:**

1. Motion to call for a Public Hearing on September 12, 2023, to consider the text amendment to add an “Event Space” as a stand-alone use in the LDS, with supplemental standards as recommended by the Planning Board.

**FUNDING SOURCE/IMPACT:**

N/A

**ATTACHMENTS:**

1. Proposed Text Amendment

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

This is a call for public hearing only.

*DRAFT FOR COUNCIL CONSIDERATION*

**ORDINANCE NO. O-36-23**

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

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

**WHEREAS**, the Town of Waynesville Land Development Standards (LDS) do not have a definition of an “event space” as a use or any regulating standards for such use; and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed text amendment to the LDS and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.

**WHEREAS**, the Planning Board has reviewed and recommends the proposed text amendment for enactment by the Town Council; and

**WHEREAS**, after notice duly given, a public hearing was held on **July 17, 2023** at the regularly scheduled meeting of the Waynesville Planning Board, and on \_\_\_\_\_ at the regularly scheduled meeting of the Waynesville Town Council;

**WHEREAS**, the Town Council find this Ordinance to be consistent with the Town’s 2035 Comprehensive Plan it meets the following goals, and is reasonable and in the public interest to clarify a definition:

- Goal # 1: to “promote smart growth in land use planning and zoning;”
- Goal #5: to “create opportunities for a sustainable economy;”

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

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

1. Amend Section 2.5.3 Table of Permitted Uses as follows:

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

2. Amend Section 17.3 Definitions, Use Type as follows:

**Event Space.** An establishment that is available to the general public for hosting weddings, receptions, conferences, parties, business meetings, banquets, social gatherings, or similar indoor or outdoor events.

3. Amend Section 3.5 Supplemental Use Standards- Commercial and renumber the subsequent sections as follows:

**3.5.5 Event Space.**

- A. An “event space” may be a primary or secondary use of the property. In both cases, it must be allowed in the underlying zoning district.
- B. **Screening.** An outdoor area of an event space shall be buffered by a Type C buffer (LDS 8.4.2.C) from any lot containing a church, a school, or any residential district (adjacent or across the street / private road).
- C. **Parking.** LDS 9.2.1 standards apply. Vehicles attending/employed by an event cannot block the streets, create traffic congestion or unsafe situations, or park in the public right-of-way or undesignated areas.
- D. **Noise.** All events must comply with the Town of Waynesville noise ordinances.
- E. **Trash.** All events must contain their trash and comply with the Town of Waynesville trash pick-up ordinances and schedules.
- F. **Other permits.** All events must be in compliance with all local, state, and federal regulations and permits, including but not limited to ABC permit.
- G. **Off-Site Events.** All events are limited to the property. If additional activities take place off premises (such as parades, special events outside of your building, tent sales, or other similar events), a temporary use permit must be obtained for each such event (LDS 15.6.2).

**3.5.6 Gas/Fueling Station**

...

**3.5.7 General Commercial- Greater than 100,000 sq. ft**

...

**3.5.8 Outside Storage**

...

**3.5.9 Vehicle and Heavy Equipment Sales/ Rental ...**

...

**3.5.10 Vehicle Services- Minor Maintenance/Repair/Wash**

...

**3.5.11 Vehicle Services- Major Repair/Body Work**

...

**3.5.12 Video Gaming or Video Gaming Parlor**

...

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

TOWN OF WAYNESVILLE

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

ATTEST:

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

APPROVED AS TO FORM:

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

**TOWN OF WAYNESVILLE COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: August 8, 2023**

**SUBJECT:** Call for a Public Hearing for September 12, 2023 to consider the text amendment to update the definition of “Freight Hauling/Truck Terminals” in section 17.3 of the Land Development Standards (LDS).

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

The current definition of the “Freight Hauling/Truck Terminals” in the LDS is the same as the definition of “Funeral Homes,” which appears to be a copy and paste error from many years ago. However, the footnote for the definition has a valid reference to the Land Based Classification Standards (LBCS), a guidance document by the American Planning Association that classifies and defines various land uses. The staff wishes to correct the mistake and replace the wrong definition with the intended one from the LBCS.

**MOTIONS FOR CONSIDERATION:**

1. Motion to call for a Public Hearing on September 12, 2023, to consider the text amendment to update the definition of “Freight Hauling/Truck Terminals” in the LDS, as recommended by the Planning Board.

**FUNDING SOURCE/IMPACT:**

N/A

**ATTACHMENTS:**

1. Proposed Text Amendment

**MANAGER’S COMMENTS AND RECOMMENDATIONS:**

This is a call for public hearing only.



*DRAFT FOR COUNCIL CONSIDERATION*

**ORDINANCE NO. O-37-23**

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

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

**WHEREAS**, the Land Development Standards had an incorrect definition of “Freight Hauling/Truck Terminals,” but reference to a different definition that is provided in the American Planning Association’s Land Based Classification Standards (LBCS); and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed text amendment to the LDS and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.

**WHEREAS**, the Planning Board has reviewed and recommends the proposed text amendment for enactment by the Town Council; and

**WHEREAS**, after notice duly given, a public hearing was held on **July 17, 2023** at the regularly scheduled meeting of the Waynesville Planning Board, and on \_\_\_\_\_ at the regularly scheduled meeting of the Waynesville Town Council;

**WHEREAS**, the Town Council find this Ordinance to be consistent with the Town’s 2035 Comprehensive Plan it meets the following goals, and is reasonable and in the public interest to clarify a definition:

- Goal # 1: to “promote smart growth in land use planning and zoning;”
- Goal #5: to “create opportunities for a sustainable economy;”
- Goal #6 to “create an attractive, safe, and multi-modal transportation system.”

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

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

1. Amend Section 17.3 Definitions, Use Type as follows:

~~**Freight Hauling/Truck Terminals.** Establishments for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise). (LBCS S2760 and F4140).~~

**Freight Hauling/Truck Terminals.** Establishments in the truck and freight transportation category that provide over-the-road transportation of cargo using motor vehicles, such as trucks and tractor trailers. These establishments may handle a variety of commodities, involve local or long distance trucking, and require specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo (LBCS F4140).

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

TOWN OF WAYNESVILLE

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

ATTEST:

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

APPROVED AS TO FORM:

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

**TOWN OF WAYNESVILLE COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: August 8, 2023**

**SUBJECT:** Call for a Public Hearing for September 12, 2023 to consider a text amendment to establish a Railroad Overlay District (RR-O) and its uses, sections 2.5.3 and 2.6 of the Land Development Standards.

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

Underutilized rail corridors present opportunities for economic development. Zoning can encourage the reuse of existing buildings, introduce more allowed uses and flexibility. Railway corridors can be the areas where commercial, cultural, and residential areas safely coexist and promote economic and social vibrancy.

Pursuant to the 2035 Comp Plan recommendations, the Planning Board assigned an ad hoc committee to study the land use challenges and opportunities along the Waynesville railroad corridor. The group consisted of local business owners, community representatives, Planning Board members, and Development Services staff. Additionally, the staff had discussions with the leadership team of the Blue Ridge Southern Railroad. Five months of the subcommittee's work included research, study, and discussions about potential uses along the corridor, economic opportunities, and gateways to the Town. The Planning Board's Railroad Subcommittee work has been documented on the Town's website at:

<https://www.waynesvillenc.gov/departments/development-services/rail-corridor-study>

The staff presented the subcommittee's work to the Planning Board and received additional feedback on June 19, 2023. On July 17, 2023 the Board unanimously recommended the text amendment to the Council:

- Add a narrative in LDS Section 2.6 describing the district's purpose and allowed uses.
- Add a notation about the new overlay district in the Table of Permitted Uses (LDS 2.5.3).

Once established, the overlay could be applied through a rezoning/map amendment process to areas along the railroad corridor. Staff will come back to the Council with the map amendment to apply this district to proposed areas in Frog Level and Hazelwood, as recommended by the Subcommittee and Planning Board.

**MOTIONS FOR CONSIDERATION:**

1. Motion to call for a Public Hearing on September 12, 2023, to establish a Railroad Overlay District (RR-O) and its uses in the LDS, as a text amendment recommended by the Planning Board.

**FUNDING SOURCE/IMPACT:**

N/A

**ATTACHMENTS:**

Proposed Text Amendment

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

This is a call for public hearing only.

*DRAFT FOR COUNCIL CONSIDERATION*

**ORDINANCE NO. O-38-23**

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

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

**WHEREAS**, the Town of Waynesville Comprehensive Plan 2035 recommends the creation of “a railroad overlay district to encourage redevelopment along the railroad corridor, especially in areas with access to existing/future greenway;” and “to create opportunities within the Town of Waynesville’s industrial areas and along the railroad corridor;” and

**WHEREAS**, the Town of Waynesville Planning Board conducted a study of the railroad corridor and has proposed text amendments to the Land Development Standards which it finds to be consistent with the 2035 Comprehensive Plan and are reasonable and in the public interest; and

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

**WHEREAS**, after notice duly given, a public hearing was held on **July 17, 2023** at the regularly scheduled meeting of the Waynesville Planning Board, and on \_\_\_\_\_ at the regularly scheduled meeting of the Waynesville Town Council;

**WHEREAS**, the Town of Waynesville Town Council find that the proposed text amendments are consistent with the 2035 Comprehensive Plan and are reasonable and in the public interest because they meet the following goals:

- Goal #1: to “promote smart growth in land use planning and zoning;” by encouraging infill, mixed-use, and context sensitive development, and implementing a railroad overlay district to encourage redevelopment along the corridor, especially will reinforce the unique character of Waynesville; and
- Goal#5: to “create opportunities for a sustainable economy,” by promoting the growth of the existing local businesses, promote Waynesville’s downtown districts, inns, restaurants, and reputation as the “gateway to the Smokies.”

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

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON SEPTEMBER 12 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

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

1. Amend Section 2.5.3 of the LDS as follows:

**2.5.3 Table of Permitted Uses** (rev. 2012, 2016,2017, 2018, 2020, 2022, 2023):

**For uses permitted in the Railroad Overlay District (RR-O), see Section 2.6 Overlay Districts of the LDS.**

USE TYPES	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)						
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	HM-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	PC-NR	RC-NR
<b>RESIDENTIAL</b>															
Dwelling-Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling-Two Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling-Townhome	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling – Cottage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling-Multifamily	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P
Dwelling-Accessory	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Halfway Houses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Live-Work Units	PL/PS	-	-	-	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	-	PL/PS

2. Amend the LDS Section 2.6 Overlay Districts as follows:

**2.6.3 Railroad Overlay District.**

**A. Purpose:** The Railroad Overlay District (RR-O) is a zoning overlay district created with the purpose of implementing the goals of the 2035 Comprehensive Land Use Plan to encourage redevelopment along the railroad corridor and to create opportunities within the Town of Waynesville’s industrial areas. The goal of the RR-O is to provide more zoning flexibility and promote economic vibrancy of the underutilized areas along the rail tracks.

**B. Development Standards:** all development standards, including but not limited to density, setbacks, height, etc., of the underlying district apply.

**C. Permitted Uses:**

- All the uses allowed in the underlying districts remain exactly as they are noted in the Table of Permitted Uses (See LDS 2.5.3).
- In case of a conflict with the table below, the use as noted for the underlying district in LDS 2.5.3 will prevail (not necessarily the most restrictive).
- Additional uses for RR-O are specified in the table below. If the use is not allowed in the underlying district but is noted in the table below, then it is permitted in RR-O.
- Permitted Uses allowed within the RR-O<sup>1</sup>:

<sup>1</sup> P- Permitted, PS- Permitted subject to additional standards in Chapter 3, SUP- Special Use Permit required (See Chapter 3 and 15).

Uses	Railroad Overlay Districts (RR-O)
Dwelling-Single Family	PS
Dwelling- Two Family	P
Dwelling- Townhome	P
Dwelling- Cottage	P
Dwelling-Multifamily	P
Dwelling Accessory	PS
Family Care Home (6 or fewer residents)	PS
Halfway Houses	PS
Home Occupation	PS
Live-Work Units	PS
Manufactured Home Parks	SUP
Manufactured Housing	PS
Residential Care Facilities (more than 6 residents)	P
Hotels/Motels	P
Personal Services	P
Professional Services	P
Event Space	SUP
Neighborhood Commercial	P
Neighborhood Restaurant	P
Vehicle & Heavy Equipment Sales/Rental	PS
Vehicle Services- Major Repair/Body Work	PS
Amusements, Outdoor	P
Billiard/Pool Hall	P
Freight Hauling/Truck Terminals	SUP
Mini-Warehouses	SUP
Storage- Warehouse, Indoor Storage	P
Manufacturing, Light	P
Produce Stands in Conjunction with Crop Production	P
Wireless Communications Facility, Mini	PS
Wireless Communications Facility, Macro	PS
Monopole Wireless Communications Tower	SUP

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

TOWN OF WAYNESVILLE

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

ATTEST:

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

APPROVED AS TO FORM:

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

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: August 8, 2023**

**SUBJECT:** Public hearing for to consider a revised Community Development Block Grant (CDBG) application for utility infrastructure improvements in South Waynesville.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Development Services  
**Contact:** Karen Kiehna, McGill and Associates  
**Presenter:** Karen Kiehna, McGill and Associates

**BRIEF SUMMARY:** McGill and Associates assist the Town in submitting a revised application that would fund water and sewer infrastructure improvements in the Hazelwood areas of Waynesville. The purpose of this public hearing is to get community input and comment on the project and to answer any questions from the Town Council and public. The Council must approve the application at their August 22nd, 2023 meeting, and approve the minutes from that hearing to accompany the revised application.

**MOTIONS FOR CONSIDERATION:**

1. Motions to open and close the Public Hearing.
2. Motion to direct McGill and Associates to move forward with finalization of the application.

**FUNDING SOURCE/IMPACT:** This particular CDBG grant would provide 100% funding for replacement of water and sewer lines in the area of Sawyer, Hendrix, Franklin, and Muse Streets in two phases – one this fiscal year, and one in FY25.

**ATTACHMENTS:** Copy of public hearing notice and Presentation

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



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

Notice is hereby given that the Town of Waynesville will conduct a public hearing on August 8, 2023, at 6:00 PM, or as soon thereafter as the agenda will allow, in the Town Hall Board Room located at 9 South Main Street, Waynesville, NC 28786 relative to the intention of the Town Board of Aldermen to apply for FY2022 CDBG funding under Title I of the Housing and Community Development Act.

The Town of Waynesville intends to submit two applications. The first is for Public Water System Improvements for approximately Six Hundred Thirteen Thousand Five Hundred Dollars, (\$613,500) and the second, for Sanitary Sewer System Improvements of approximately One Million Three Hundred Seventy-Six Thousand Two Hundred Eighty-Two Dollars (\$1,376,282), together totaling One Million Nine Hundred Eighty-Nine Thousand Seven Hundred Eighty-Two Dollars (\$1,989,782) in CDBG Infrastructure funds. The Public Water System Improvements Project will extend public water lines including residential connections, hydrants, and residential taps. The Sanitary Sewer System Improvements will replace deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines, including residential connections.

The proposed Sanitary Sewer System Improvements project area includes Franklin Street, Hendrix Street, and Muse Street, and the proposed Public Water System Improvements project area includes Sawyer Street.

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

Public Water System Infrastructure Improvements and Grant Administration Estimate Budget \$613,500.00  
Sanitary Sewer System Infrastructure Improvements and Grant Administration Estimate Budget \$1,376,282.00  
Total funding applications requests \$1,989,782.00

The proposed Public Water System Improvement project will provide benefits to an estimated 60 persons or 74.59 percent of whom are low- and moderate-income individuals. The proposed Sanitary Sewer System Improvement project will provide benefits to an estimated 86 persons or 56.98 percent of whom are low- and moderate-income individuals. These calculations are based on door-to-door income surveys performed by Town of Waynesville staff and McGill Associates staff. No individuals will be displaced, nor will any require temporary relocation assistance as a result of the proposed project.

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

If additional information is needed, please contact the Development Services Director, Elizabeth Teague at 9 S. Main Street, Waynesville, NC 28786, 828-456-2004 or [eteague@waynesvillenc.gov](mailto:eteague@waynesvillenc.gov). Formal written complaints or comments concerning the application process that are submitted to the Development Services Director prior to, or following, the public hearing will be responded to within fifteen (15) working days by August 24, 2023. A copy of the completed project application will be available for public review after October 2, 2023, at the Town of Waynesville, Development Services Office, 9 S. Main Street, Waynesville, NC 28786.

Persons with disabilities or who otherwise need assistance should contact Elizabeth Teague, Development Services Director, at 9 S. Main Street, Waynesville, NC 28786, or [eteague@waynesvillenc.gov](mailto:eteague@waynesvillenc.gov), TDD # 711 or 800-735-2962 or Relay North Carolina by August 1, 2023. Accommodations will be made for all who request assistance with or participation in the public hearing.

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

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





## **PUBLIC HEARING MEETING SCRIPT**

**Date August 8, 2023**

**Town of Waynesville**

This public hearing on August 8, 2023, will provide an explanation and description of the 2023 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I).

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

This public hearing will cover the Town’s community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town’s Community Development Block Grant Applications

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

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

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



For the fiscal year of 2023 the CDBG-I funding available is expected to be about \$25,000,000. The maximum available grant is \$3.0 million over a 3-year period. Applications for funding will be received by 5:00 pm, October 2, 2023.

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

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

Water:

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

Wastewater:

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

The Town of Waynesville is seeking an amount in CDBG-I funds not to exceed Two Million Dollars (\$2,000,000.) for the South Waynesville Phase II Sanitary Sewer System Improvements and Public Water System Improvements Project. The purpose of the Town's requests will replace deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including residential connections in the project area of Franklin Street, Hendrix Street, and Muse Street. The public water lines activities will include replacement of deteriorated water liens and the extension of public water lines including the installation of hydrants, and residential taps in the project area of Explorer Street, and Sawyer Street if time and budget allows.

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



A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The proposed Public Water System Improvement project will provide benefits to an estimated 60 persons of which, 74.59 percent of whom are low- and moderate-income individuals, within the project area of Explorer Street, and Sawyer Street. The proposed Phase II Sanitary Sewer System Improvement project will provide benefits to an estimated 86 persons of which 56.98 percent of whom are low- and moderate-income individuals with the project area being Franklin Street, Hendrix Street, and Muse Street.

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

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

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

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

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

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

- List Name of Projects and Outcomes/Outputs of the projects with output and outcomes:



- Based on recent research Waynesville has been awarded the recent Sanitary Sewer Improvement Project in July 2023.

The Town of Waynesville will submit its CDBG-I application for the South Waynesville Phase II Sanitary Sewer System Improvements Project on October 2, 2023. The CDBG-I application will be available for review during normal business hours at 9 S. Main Street, Waynesville, North Carolina 28786 after October 2, 2023.

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

Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within fifteen (15) business days or by August 24, 2023, and a written response to the written complaints and/or grievances will be sent by the Town of Waynesville within fifteen (15) business days, where practicable.

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

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 8/8/23**

**SUBJECT** Report from Cemetery Committee regarding request for double burial.

**AGENDA INFORMATION:**

**Agenda Location:** Old Business  
**Item Number:**  
**Department:** Public Services  
**Contact:** Rob Hites  
**Presenter:** Rob Hites

**BRIEF SUMMARY :** The Department of Defense have identified the remains of a Waynesville veteran killed in action in Viet Nam. Many years ago, he was pronounced “dead” and a burial was conducted using an empty coffin. The coffin was laid to rest in the Veteran’s Section of the Green Hill Cemetery. The DOD plans to hold a funeral with all military honors to properly inter the soldier’s remains. It is the request of the surviving widow that the soldier be buried in her family’s plot in a “double burial”. This involves the interment of one individual deep enough for a second individual to be interred above the first. For safety concerns surrounding the depth of a double burial the Town does not permit such burials. Due to the unique circumstances surrounding the discovery of the soldier’s remains the family requests that the Town waive its prohibition on double burials to permit the interment of the soldier below the future resting place of his wife. The Council referred the request to the Cemetery Committee which will hold a meeting regarding the request on the 3<sup>rd</sup> of August. I will report on their recommendation after the meeting.

**MOTION FOR CONSIDERATION:** Consider the recommendation of the Cemetery Committee and concur with their recommendation.

**FUNDING SOURCE/IMPACT:** None

**ATTACHMENTS:** None

**MANAGER’S COMMENTS:** The Town will not be involved with the digging of the grave. As long as the company preparing the interment follows OSHA regulations when excavating an area over 5’ feet in depth, the Town would have no safety concerns.

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 8/8/23**

**SUBJECT** Memorandum of Understanding-School Resource Officers

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:**

**Department:** Police

**Contact:** Rob Hites

**Presenter:** Chief Adams

**BRIEF SUMMARY** : The Board of County Commissioners funded eight School Resource Officers Positions as part of their 2023-24 budget. The positions will provide a fund time school resource officer in the elementary schools. The positions are funded through the Haywood County Sheriff's Department. The Sheriff and County staff recommend that the new positions be filled by municipal employees when the schools are located within town limits. The agreement would fund eleven months' salary, benefits and equipment for an SRO assigned to Hazelwood Elementary. The SRO would serve under the supervision of the Police Department and be subject to the Town's standard operating procedures, pay and benefits the program. The Town will request the County Manager to compensate the Town for equipment, fuel, and auto repair.

**MOTION FOR CONSIDERATION:** Approve the Memorandum of Understanding

**FUNDING SOURCE/IMPACT:** General

**ATTACHMENTS:** Draft Memorandum of Understanding

**MANAGER'S COMMENTS:** We have been working with the County Manager and Attorney for several weeks to develop a workable arrangement for a new SRO. The MOU will also include the Town of Canton. The MOU is an annual contract and is subject to funding by the Haywood County. Should the County wish to discontinue the use of Town Police personnel we would absorb the SRO into our workforce. Since we frequently have vacancies in the patrol ranks, there would be no impact on the Police budget.



# **Memorandum of Understanding Expanded School Resource Officer Program**

Between:

Haywood County Government

Office of Haywood County Sheriff (“Sheriff”)

Haywood County Consolidated School System  
Board of Education (“School Board”)

Town of Maggie Valley (“Maggie Valley”)

Town of Waynesville (“Waynesville”)

Town of Canton (“Canton”)

This Memorandum of Understanding (“Agreement”) is made effective for the Term and for these purposes, terms, and conditions:

**1. Status of parties.** The Sheriff is the duly elected Sheriff of Haywood County and is acting on behalf of his office. School Board is the statutorily established public school system in the county. Maggie Valley, Waynesville, and Canton are municipal corporations established by the state of North Carolina.

**2. Purpose.** The parties desire to memorialize their understanding concerning the provision of law enforcement officers, generally described as “school resource officers” (“SROs”), within the county’s school system. The Sheriff presently maintains SROs in four schools. This agreement governs eight additional SROs in an expanded SRO program.

**3. Term.** This Agreement will become effective August 1, 2023 and continue through June 30, 2024. Unless notified of termination or modification by a party’s written notice to the other parties at least 90 days prior to the end of the initial or any renewal term, it shall renew automatically for successive annual terms, beginning July 1 each year.

#### **4. Outline of responsibilities.**

**Sheriff:** The Sheriff will hire, supervise, discharge, maintain records of certifications, and equip the additional four (4) SROs for Bethel Elementary School, Riverbend Elementary School, Clyde Elementary, and Junaluska Elementary School.

**Maggie Valley:** Maggie Valley will hire, compensate, supervise, maintain records of certifications, and discharge one (1) additional SRO assigned to the Jonathan Valley elementary school. Maggie Valley will provide, equip, and maintain an appropriately configured vehicle for that SRO.

**Waynesville:** Waynesville will hire, compensate, supervise, maintain records of certifications, and discharge one (1) additional SRO assigned to the Hazelwood Elementary School. Waynesville will provide, equip, and maintain an appropriately configured vehicle for that SRO.

**Canton:** Canton will hire, compensate, supervise, maintain records of certifications, and discharge two (2) additional SROs, with one assigned to the Meadowbrook Elementary School and one to North Canton Elementary School. Canton will provide, equip, and maintain appropriately configured vehicles for those SROs.

**All municipalities:** Each municipality will supply replacement personnel for an absent (sickness, leave, etc.) SRO funded by it. If a replacement cannot be supplied, then the municipality will notify the Sheriff's Office of the absence. If a municipality takes disciplinary action toward any SRO, it will promptly notify the Sheriff of any action taken (consistent with personnel policies and employee privacy laws). If at any point any of the municipalities become unable to adequately fill an SRO position, then the Sheriff's Office will undertake to fill the SRO position.

**5. Employment status.** Each additional SRO described in this agreement is solely an employee of his or her employing agency (the Sheriff or a municipality). Unless otherwise agree upon in writing all assigned SROs shall serve a term of 11 months in their assigned school. Compensation, employment procedures, and daily supervision of each SRO shall be that of the employing agency.

**6. Coordination with school and agency officials.** Because of the unique relationship of SROs to the students and staff in each school, all parties will endeavor to establish and maintain a cordial, professional attitude of cooperation with school personnel. The Sheriff's Office and municipalities will maintain training and standard operational procedures to facilitate the efficient operation of the SRO program. The parties will confer on the qualifications and suitability for each SRO.

**7. Management of SROs during emergency events.** The municipalities and Sheriff's office will establish procedures for the coordination of responses to emergencies, so that the SROs and their employing agencies understand the unity-of-command process during such events.

**8. Reimbursement by school system.** The School Board will continue its previous reimbursement procedure for SROs under the auspices of separate agreements. The terms of this agreement and those reimbursement agreements shall be read to give effect to both, but in case of an explicit conflict between them, the terms of this agreement shall prevail.

**9. Reimbursement by county.** The costs (personnel, operational and capital) of the additional SROs being engaged by the municipalities pursuant to this memorandum will be reimbursed to the municipalities by Haywood County. The costs will be invoiced by the municipalities quarterly to the County finance office. Any planned capital expenditures to be incurred by the municipalities in excess of Five Thousand Dollars (\$5,000) must be approved in advance by the County Manager or his designee.

In witness whereof, the parties have caused this instrument to be executed by their duly authorized officials, effective as set out above.

[Signature page attached]

Haywood County

By: \_\_\_\_\_  
Bryant Morehead, Manager

Office of Haywood County Sheriff

By: \_\_\_\_\_  
Bill Wilke, Sheriff

Haywood County Consolidated School System Board of Education

By: \_\_\_\_\_  
Dr. Trevor Putnam, Superintendent

Town of Maggie Valley

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

Town of Waynesville

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

Town of Canton

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

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 8/8/2023**

**SUBJECT** Street Name for remainder of Vance Street

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:**

**Department:** Fire

**Contact:** Chief Webb

**Presenter:** Chief Webb

**BRIEF SUMMARY**: The Construction of the Roundabout at Vance/Walnut/Main Street re-routed Vance street to the roundabout stranding three dwellings in a segment that was previously Vance Street. The old section of Vance Street needed to be named for EMS/Location purposes. A longtime restaurant and gathering place, Charlie's Drive-In dates back to the 1930's and in later years became DuVall's. The Drive-In was a popular place for Waynesville residents with curbside dining and teens cruising the parking lot. The building was demolished to make way for the roundabout.

It has been suggested to name the short street "Charlie's Place" to commemorate the memory of a historical gathering place. There is not another street named Charlie's in Haywood County and should not interfere with the current Charles Street in Waynesville.

**MOTION FOR CONSIDERATION:** Approve naming the 350 ft. segment "Charlie's Place"

**FUNDING SOURCE/IMPACT:** None

**ATTACHMENTS:** None

**MANAGER'S COMMENTS:** None

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: August 8, 2023**

**SUBJECT:** WTP Tank Painting

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Public Services  
**Contact:** Jeff Stines, Director of Public Services  
Ricky Foster, Assistant Director of Public Services  
Kyle Cook, WTP Superintendent

**Presenter:** Ricky Foster, Assistant Director of Public Services

**BRIEF SUMMARY:** There are two tanks included in this project. The contact chamber and backwash tanks that were originally built in 2004 as part of the plant expansion. The contact chamber tank is 750,000 gallons and backwash tank is 300,000 gallons. This project will be a routine maintenance project that will address spalling, crazing, repainting, ventilation screens on both tanks. This will extend the life of the tanks by twenty plus years.

**MOTION FOR CONSIDERATION:** To award the WTP Tank rehab project to Carolina Management Team in the amount of \$82,707.00 from ARP funding.

**FUNDING SOURCE/IMPACT:** ARP Funding

**ATTACHMENTS:**

- Recommendation of Award
- Bid Tab
- Notice of Award

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**



July 24, 2023

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

RE: Recommendation of Award  
WWTP Clearwell Backwash Tanks  
Exterior Painting Improvements  
Town of Waynesville  
Haywood County, North Carolina

Dear Mr. Hites:

Informal construction bids for the subject project were received by the Town of Waynesville on July 20, 2023. The construction project includes exterior cleaning, surface preparation, and painting of two (2) pre-stressed concrete tanks (300,000-gallon backwash tank, 750,000-gallon clearwell). Work will also include various tank appurtenance replacement. A total of three (3) bids were received, summarized as follows:

<u>Bidder</u>	<u>Total Unit Price Bid Amount</u>
Carolina Management Team, LLC	\$ 82,707.00
Southern Painting & Maintenance Specialists, LLC	\$ 89,400.00
R.E. McLean Tank Company, Inc.	\$133,220.00

McGill Associates has reviewed the bids for accuracy and the certified bid tabulation along with Carolina Management Team, LLC's Bid Form and attachments are enclosed for your files. Carolina Management Team, LLC is properly licensed and qualified to perform the work.

Accordingly, McGill Associates recommends award of the "WWTP Clearwell Backwash Tanks Exterior Painting Improvements" construction contract to Carolina Management Team, LLC for the total bid amount of **\$82,707.00**. Please review this information at your earliest convenience and should you have any questions or wish to discuss this matter further, please do not hesitate to call.

Sincerely,  
**McGILL ASSOCIATES, P.A.**

**J. MELISKI, PE**  
Senior Project Manager

Enclosures: Certified Bid Tab  
Carolina Management Team, LLC Bid Form and Attachments

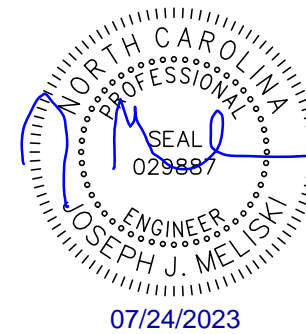
<P:\2023\23.00314-WaynesvilleNC-WTP Clearwell Backwash Tan\Bidding\Recommendation of Award 07.21.23.docx>

**CERTIFIED BID TABULATION**  
**WATER TREATMENT PLAN CLEARWELL BACKWASH TANKS EXTERIOR PAINTING IMPROVEMENTS**  
**TOWN OF WAYNESVILLE**

				Carolina Management Team, LLC 49 McDowell Street Asheville, NC 28801		Southern Painting & Maintenance Specialists, LLC Post Office Box 16688 Greenville, SC 29606		R.E. McLean Tank Co., Inc. Post Office Box 1062 Gastonia, NC 28053	
ITEM	DESCRIPTION	QUANTITY	UNIT		TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Lump Sum Base Bid	1	LS	\$82,707.00	\$82,707.00	\$89,400.00	\$89,400.00	\$133,220.00	\$133,220.00
<b>TOTAL</b>					<b>\$82,707.00</b>		<b>\$89,400.00</b>		<b>\$133,220.00</b>



This is to certify that the bids tabulated herein were opened and read at 5:00 p.m. on the 20th day of July 2023, and that said bids were accompanied by acceptable certified checks or bidder's bonds in the amount of 5% of the bid.





**ARTICLE 1 – BID RECIPIENT**

This Bid is submitted to:

**Town of Waynesville  
16 South Main Street  
Waynesville, North Carolina 28786**

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

**ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS**

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the date of the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

**ARTICLE 3 – BIDDER'S REPRESENTATIONS**

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged.

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>None</u>	_____
_____	_____
_____	_____

B. Bidder has visited the Project Site and has become familiar with and is satisfied as to the general, local and Site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress and performance of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures, including Underground Facilities, at or contiguous to the Site which have been included as a part of the Contract Documents.

- E. Bidder has obtained and carefully studied (or accepts the consequences for not doing so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.
- F. Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bidding Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder or, if no written response was made by Engineer, that Bidder has resolved the issue to its satisfaction prior to the submittal of its Bid.
- J. The Bidding Documents are sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.
- K. Bidder will submit written evidence of its authority to do business in the state where the Project is located not later than the date of its execution of the Agreement.
- L. Bidder has not relied upon any information provided by the Engineer except information which is part of the Bidding Documents and is in writing and in the form of a formal addendum.
- M. The submission of a Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of the Bid Documents and the Instructions to Bidders, and that without exception the Bid is premised upon performing and furnishing the Work required by the Bidding Documents and applying any specific means, methods, techniques, sequences, and procedures of construction that may be shown or indicated or expressly required by the Bidding Documents.

#### **ARTICLE 4 – FURTHER REPRESENTATIONS**

4.01 Bidder further represents that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;

- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

**ARTICLE 5 – BASIS OF BID**

Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

**LUMP SUM BASE BID – EXTERIOR PAINTING IMPROVEMENTS**

Lump Sum Base Bid Price: \$ 82,707.00

Eighty-two thousand seven hundred seven dollars dollars

(words)

(\$ 82,707.00)

(numbers)

**ARTICLE 6 – TIME OF COMPLETION**

- 6.01 Bidder agrees that the Work will be substantially complete within 45 calendar days after the date when the Contract Times commence to run as provided in the Modified General Conditions, and will be completed and ready for final payment in accordance with the Modified General Conditions within 60 calendar days after the date when the Contract Times commence to run.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the Contract Times.

**ARTICLE 7 – ATTACHMENTS TO THIS BID**

- 7.01 The following documents are attached to and made a condition of this Bid:
  - A. Required Bid security in the form of 5% Bid Bond
  - B. List of Material Suppliers

**ARTICLE 8 – BID SUBMITTAL**

**This Bid Submitted By:**

If Bidder is:

An Individual

Name (typed or printed): \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
*(Individual's signature)*

Doing business as: \_\_\_\_\_

A Partnership

Partnership Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_  
*(Signature of general partner -- attach evidence of authority to sign)*

Name (typed or printed): \_\_\_\_\_

A Corporation

Corporation Name: Carolina Management Team, LLC (SEAL)

State of Incorporation: North Carolina  
Type (General Business, Professional, Service, Limited Liability): LLC

By: Wendy Banks  
*(Signature -- attach evidence of authority to sign)*

Name (typed or printed): Wendy Banks

Title: Member Manager

Attest Ann A. Fielder



Date of Authorization to do business in [State Where Project is Located] is September 8, 2003

A Joint Venture

Name of Joint Venture: \_\_\_\_\_

First Joint Venturer Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_  
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): \_\_\_\_\_

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

Second Joint Venturer Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_  
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): \_\_\_\_\_

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

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address 49 McDowell Street

Asheville, N.C. 28801

Phone No. (336) 431-7708 Fax No. N/A

SUBMITTED on July 19<sup>th</sup>, 2023.

State Contractor License No. 67579 Unlimited Building and PV: Water Lines and Sewer Lines Classifications

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_

Carolina Management Team, LLC \_\_\_\_\_ as principal, and The Cincinnati Insurance Company \_\_\_\_\_, as surety, who is duly licensed to act as surety in North Carolina, are held and firmly bound unto Town of Waynesville \_\_\_\_\_ as obligee, in the penal sum of Five Percent of Amount Bid \_\_\_\_\_ 5% \_\_\_\_\_ DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 20th day of July, 2023

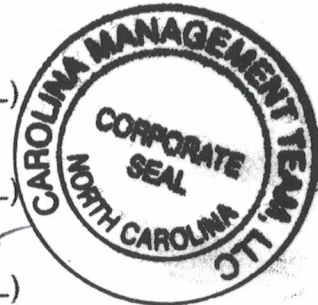
WHEREAS, the said principal is herewith submitting proposal for

Water Treatment Plant Clearwell Backwash Tanks Exterior Painting Improvements \_\_\_\_\_ and the principal desires to file this bid bond in lieu of making the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal shall be awarded the contract for which the bid is submitted and shall execute the contract and give bond for the faithful performance thereof within ten days after the award of same to the principal, then this obligation shall be null and void; but if the principal fails to so execute such contract and give performance bond as required by G.S. 143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by G.S. 143-129.1

Carolina Management Team, LLC \_\_\_\_\_ (SEAL)

By: Wendy Banks \_\_\_\_\_ (SEAL)
Wendy Banks, Member/Manager \_\_\_\_\_ (SEAL)



The Cincinnati Insurance Company \_\_\_\_\_ (SEAL)

By: Ronda W. Bush \_\_\_\_\_ (SEAL)
Ronda W. Bush, Attorney-in-Fact

THE CINCINNATI INSURANCE COMPANY  
THE CINCINNATI CASUALTY COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

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

Kenneth J. Peoples; Phoebe C. Honeycutt; Heather Segrist; Bobbi D. Pendleton; Christopher A. Lydick; Julia C. McElligott; Adam Pfanmiller; Megan S. Bartman; James Holden Keen; Ronda Bush; Debbie Davis; David Liggett; Camille Moye Edwards; Samantha Argenio; Michael McCreddie; Joseph Zoller and/or Margo G. Roberts

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

Any such obligations in the United States, up to Twenty Five Million and No/100 Dollars (\$25,000,000.00).

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

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

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

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



STATE OF OHIO )SS:  
COUNTY OF BUTLER )

THE CINCINNATI INSURANCE COMPANY  
THE CINCINNATI CASUALTY COMPANY

*Stephen A. Ventre*

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



*Keith Collett*

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

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

Given under my hand and seal of said Companies at Fairfield, Ohio, this 20th day of July, 2023



*Ed H.*



49 McDowell Street  
Asheville, NC 28801  
[www.CMTcoatings.com](http://www.CMTcoatings.com)

336-431-7708

**WBE and HUB certified**

Date: July 19, 2023  
To: J. Meliski, P.E.  
From: Clark Fields, business administrator  
Subject: CMT Supplier List for Water Treatment Plant Clearwell Backwash Tanks Exterior Painting Improvements—Town of Waynesville

**Supplier List**

<b>Supplier Name</b>	<b>Address</b>	<b>Product</b>
Tnemec Company, Inc.	130 West 23 Avenue North Kansas City, Missouri, USA 64116	Series 151 and 156





# NORTH CAROLINA

## Department of The Secretary of State

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To all whom these presents shall come, Greetings:

I, **ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

### ARTICLES OF ORGANIZATION

OF

### CAROLINA MANAGEMENT TEAM, LLC

the original of which was filed in this office on the 1st day of December, 2003.



IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed my official seal at the  
City of Raleigh, this 1st day of December, 2003

*Elaine F. Marshall*

Secretary of State

State of North Carolina  
Department of the Secretary of State

SOSID: 700661  
Date Filed: 12/1/2003 12:37:00 PM  
Elaine F. Marshall  
North Carolina Secretary of State  
C200325400017

Limited Liability Company  
ARTICLES OF ORGANIZATION

Pursuant to §57C-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: **Carolina Management Team, LLC**
2. If the limited liability company is to dissolve by a specific date, the latest date on which the limited liability company is to dissolve: *(If no date for dissolution is specified, there shall be no limit on the duration of the limited liability company.)* None
3. The name and address of each person executing these articles of organization is as follows:  
*(State whether each person is executing these articles of organization in the capacity of a member, organizer or both).*

**Wendy Van Zee, Member and Organizer**  
275 Kinder Lane  
Canton, NC 28716

**George Van Zee, Member**  
275 Kinder Lane  
Canton, NC 28716

**David Van Zee, Member**  
206 Abbey Oaks Lane  
Apex, NC 27502

4. The street address and county of the initial registered office of the limited liability company is:  
  
Number and Street **2279 Pisgah Drive**  
  
City, State, Zip Code: **Canton, NC 28716** County: **Haywood**
5. The mailing address, *if different from the street address*, of the initial registered office is:  

---

6. The name of the initial registered agent is: **Wendy Van Zee**

7. Principal office information: *(Select either a or b.)*

- a.  X The limited liability company has a principal office.

The street address and county of the principal office of the limited liability company is:

Number and Street: **2279 Pisgah Drive, Canton, NC 28716**

The mailing address, *if different from the street address*, of the principal office of the corporation is:

---

b.  The limited liability company does not have a principal office.

8. Check one of the following:

(i) **Member-managed LLC**: all members by virtue of their status as members shall be managers of this limited liability company.

(ii) **Manager-managed LLC**: except as provided by N.C.G.S. Section 57C-3-20(a), the members of this limited liability company shall not be managers by virtue of their status as members.

9. Any other provisions which the limited liability company elects to include are attached.

10. These articles will be effective upon filing, unless a date and/or time is specified:

**Effective Upon Filing**

**This is the 8th day of September, 2003.**

  
Signature

**Wendy Van Zee, Organizer & Member**

  
Signature

**George Van Zee, Member**

  
Signature

**David Van Zee, Member**

**Notice of Award**

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

Project: WTP Clearwell Backwash Tank Exterior Painting Improvements

Owner: Town of Waynesville

Owner's Contract No.:

Contract: WTP Clearwell Backwash Tank Exterior Painting Improvements

Engineer's Project No.: 23.00314

Bidder: Carolina Management Team, LLC

Bidder's Address: 49 McDowell Street

Asheville, North Carolina 28801

You are notified that your Bid dated July 20, 2023 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for the WTP Clearwell Backwash Tank Exterior Painting Improvements

The Contract Price of your Contract is Eighty Two Thousand, Seven Hundred Seven and 00/100Dollars (\$82,707.00).

3 copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within ten (10) days of the date you receive this Notice of Award.

1. Deliver to the Owner [Three (3)] fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security [Bonds] and other documents as specified.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

\_\_\_\_\_  
 Town of Waynesville  
 Owner  
 By: \_\_\_\_\_  
 Authorized Signature  
 \_\_\_\_\_  
 Title

**ACCEPTED**  
Carolina Management Team, LLC  
 Contractor  
 By: \_\_\_\_\_  
 Authorized Signature  
 \_\_\_\_\_  
 Title

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: 8/8/2023**

**SUBJECT:** Motion to change Recreation Advisory Committee monthly meeting day to Mondays at 5:30pm

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:**

**Department:** Recreation

**Contact:** Luke Kinsland

**Presenter:** Luke Kinsland

**BRIEF SUMMARY:**

The recreation advisory committee unanimously voted in June to change the monthly meeting day to Mondays at 5:30pm. A poll was taken from each member and Monday's were chosen as the better day. The current meeting day is Wednesday.

**MOTION FOR CONSIDERATION:** To change the monthly meeting day to Mondays at 5:30pm for the Recreation Advisory Committee

**FUNDING SOURCE/IMPACT:** none

**ATTACHMENTS:** none

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** none

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: 8/8/23**

**SUBJECT** Request of Cemetery Committee to reduce their membership from seven to five members.

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY** : The Cemetery Committee has been having problems recruiting members and obtaining a quorum at meetings. They believe that they can work most efficiently with a core group of five members. During their July 18 meeting, they moved to request the Council to reduce their membership from seven to five.

**MOTION FOR CONSIDERATION:** Approve the request of the Cemetery Committee.

**FUNDING SOURCE/IMPACT:** None

**ATTACHMENTS:** None

**MANAGER'S COMMENTS:** The Committee has worked very diligently with the staff. It has a core group of members that understand all elements of the Cemetery and its operation. Not being able to achieve a quorum have hindered their effectiveness.

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 8/8/23**

**SUBJECT** Request by Waynesville Housing Authority to reduce their membership from nine to seven members.

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:** The Housing Authority has been working with a nine-member commission since the Council increased their membership in 2019. They have found the size of the Board to be unwieldy. They are requesting that the Town Council reduce the membership of the Commission to seven members. As per GS 157-5(c), "The Council may, at any time, by resolution or ordinance, increase or decrease the membership of an Authority, within the limitation herein prescribed".

**MOTION FOR CONSIDERATION:** Adopt a resolution reducing the size of the Waynesville Housing Authority.

**FUNDING SOURCE/IMPACT:** None

**ATTACHMENTS:** Housing Authority cover letter, draft resolution, GS 157-5(c) and Section 2-191 Waynesville Code or Ordinances.

**MANAGER'S COMMENTS:** Approve the Resolution reducing the membership of the Housing Authority

**RESOLUTION R-16-23**

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

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

**WHEREAS,** The Council 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 Council created 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 Commissioners of the Waynesville Housing Authority have determined that the Commission will operate more efficiently with a seven (7) member governing body; and

**WHEREAS,** the Commission has requested that the composition of the Authority be reduced from nine (9) to seven (7) members; and

**WHEREAS,** the Town Council has determined that it is in the best interests to the Town to reduce the size of the Housing Authority.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE THAT, IN ACCORDANCE WITH GS 157-5 AND SECTION 2-191 OF THE WAYNESVILLE CODE OF ORDINANCES,**

The membership of the Waynesville Housing Authority be reduced from nine (9) to seven (7) members.

Adopted this the 8th day of August 2023

SEAL

Town of Waynesville

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

Attest: \_\_\_\_\_  
Candice Poolton, Town Clerk





# WAYNESVILLE HOUSING AUTHORITY

48 Chestnut Park Drive · Waynesville NC 28786

Phone: (828) 456-6377 (\*TRS Dial 711) · Fax: (828) 456-3377

<https://www.waynesvillehousing.org> | Email: [info@waynesvillehousing.org](mailto:info@waynesvillehousing.org)

July 19th, 2023

Mayor Caldwell,

I hope this letter finds you well. We appreciate your leadership and thank you for all the time you invest in our community.

We are requesting that the size of the Waynesville Housing Authority board of commissioners be reduced from 9 to 7. It is not only challenging to fill the positions with able leaders it tends to make the board less efficient in our discussions and decision making. Our board currently has 5 sitting members and so no one would need be removed for this change to take place.

If this change is acceptable we would need 2 new members, one of which needs to be a resident, as soon as we can identify able candidates. It is of further note that 3 commissioners terms, including mine, will expire June of 2024.

Waynesville Housing Authority is operating well and we have capable staff in place. However it is important to continue to appoint strong leaders to serve this important and we appreciate your assistance with this matter. Don't hesitate to reach out to me if you would like to discuss.

Thank you for your time and consideration.

Brian J. Cagle

Chairman of the Board

Waynesville Housing Authority

PAGE 1 OF 1



This organization is an equal opportunity provider, employer, and lender. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found at [www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested on the form. To request a copy of the form, call (866) 632-9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

\* The FCC has adopted use of the 711 dialing code for access to TRS which permits persons with a hearing or speech disability to use the telephone via a TTY or other device to call persons with or without such disabilities. For more information see the FCC [www.fcc.gov/](http://www.fcc.gov/).



## DIVISION 4. - HOUSING AUTHORITY

*Footnotes:*

-- (8) --

**Cross reference**— *Housing, ch. 38.***State Law reference**— *Housing Authorities Law, G.S. 157-1 et seq.*

## Sec. 2-191. - Establishment.

There shall be a housing authority consisting of not less than five nor more than nine commissioners appointed by the mayor. The Waynesville Housing Authority shall consist of the number of members referenced and indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. A quorum of members shall be necessary to transact business.

(Code 1987, § 32.060; Ord. No. 04-14, 5-27-2014)

## Secs. 2-192—2-225. - Reserved.

**§ 157-5. Appointment, qualifications and tenure of commissioners.**

(a) An authority shall consist of not less than five nor more than eleven commissioners appointed by the mayor and the mayor shall designate the first chair. No commissioner may be a city official. At least one of the commissioners appointed shall be a person who is directly assisted by the public housing authority. However, there shall be no requirement to appoint such a person if the authority: (i) operates less than 300 public housing units, (ii) provides reasonable notice to the resident advisory board of the opportunity for at least one person who is directly assisted by the authority to serve as a commissioner, and (iii) within a reasonable time after receipt of the notice by the resident advisory board, has not been notified of the intention of any such person to serve. The mayor shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the mayor.

(b) No commissioner who is also a person directly assisted by the public housing authority shall be qualified to vote on matters affecting his or her official conduct or matters affecting his or her own individual tenancy, as distinguished from matters affecting tenants in general. No more than one third of the members of any housing authority commission shall be tenants of the authority or recipients of housing assistance through any program operated by the authority.

(c) The council may at any time by resolution or ordinance increase or decrease the membership of an authority, within the limitations herein prescribed.

(d) The mayor shall designate overlapping terms of not less than one nor more than five years for the commissioners first appointed. Thereafter, the term of office shall be five years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. A majority of the commissioners shall constitute a quorum. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but he or she shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his or her duties.

(e) When the office of the first chair of the authority becomes vacant, the authority shall select a chair from among its members. An authority shall select from among its members a vice-chair, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. An authority may call upon the corporation counsel or chief law officer of the city for such legal services as it may require or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper. (1935, c. 456, s. 5; 1971, c. 362, ss. 2-5; 1981, c. 864; 1999-146, s. 1.)

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: August 8, 2023**

**SUBJECT:** No Parking Designation on Wall Street

**AGENDA INFORMATION**

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

**BRIEF SUMMARY**

Town staff has received a request to designate a section of Wall Street as a no parking zone. In accordance with the Town of Waynesville Code of Ordinances §54-47, the Town Council has the authority to designate any street or portion of the street maintained by the Town of Waynesville as a no-parking zone. These streets are listed in §54-149.

Attached is a map illustrating the section of Wall Street which we have received a request to designate as a no parking zone. This designation is requested from the intersection of East Street and Wall Street, approximately 75 feet down the South bound lane of Wall Street. The purpose of this request is to prevent vehicular traffic from parking along the rear of the residences that occupy the 2<sup>nd</sup> story of the business that have an entrance along Wall Street. On several occasion, the individuals who live in these residences have been prevented from leaving as a result of commercial traffic parking behind these buildings in order to deliver supplies onto Main Street.

**MOTIONS FOR CONSIDERATION**

- **Motion to designate as a no-parking zone the section of public street located from the intersection of Wall Street and East Street to approximately 75 feet down the South bound lane of Wall Street.**

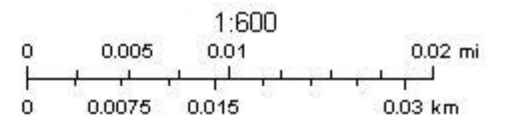
**FUNDING SOURCE/IMPACT**

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

# Haywood County



August 1, 2023



**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: August 8, 2023**

**SUBJECT:** Appointment to the Waynesville Recreation Advisory Commission

**AGENDA INFORMATION**

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

**BRIEF SUMMARY**

The Waynesville Recreation Advisory Commission has three vacancies. If appointed, Mr. Diskin's term would end June 30<sup>th</sup>, 2026. While not required, Mr. Diskin lives in the ETJ.

**MOTIONS FOR CONSIDERATION**

Motion to appoint Matt Diskin to the Waynesville Recreation Advisory Commission.

**ATTACHMENTS:**

Matt Diskin's application to the Waynesville Recreation Advisory Commission

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

**TOWN OF WAYNESVILLE TOWN COUNCIL**  
**REQUEST FOR COUNCIL ACTION**  
**Meeting Date: August 8, 2023**

**SUBJECT:** Interview Logistics for Zoning Board of Adjustment applicant

**AGENDA INFORMATION**

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

**BRIEF SUMMARY**

The Town of Waynesville's Zoning Board of Adjustment has two vacancies, both of which are "alternate" positions. Travis Tallent has been the only recent applicant. Per the Boards and Commissions manual, potential ZBA members must be interviewed prior to being appointed. Staff is requesting that Council decides who will be interviewing Mr. Tallent, and when.

**MOTIONS FOR CONSIDERATION**

N/A

**FUNDING SOURCE/IMPACT**

N/A

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

**ATTACHMENTS:**

- Travis Tallent's application and resume



## MEMORANDUM

**TO:** Mayor and Town Council  
**FROM:** Martha S. Bradley, Town Attorney  
**DATE:** August 2, 2023  
**SUBJECT:** Public Comment Policy

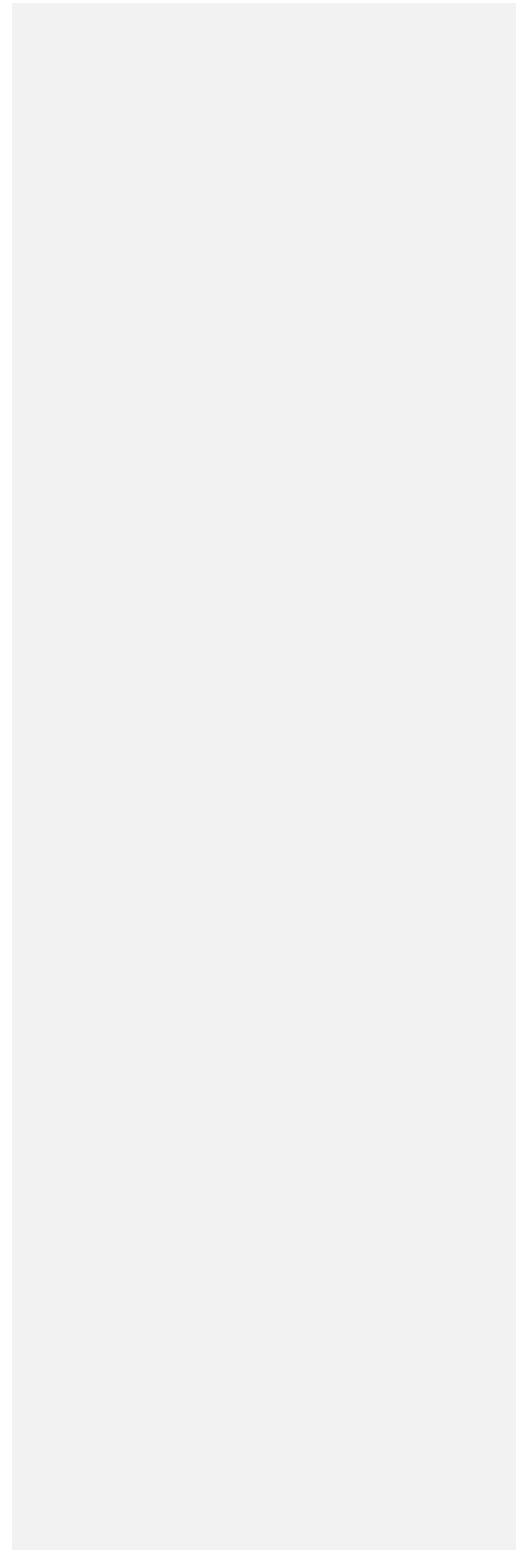
During the public comment period of the regular meeting of the Town Council on July 25, 2023, several speakers requested that the Town alter its policy of requiring residential address and telephone numbers from individuals who wish to make a statement. Following the meeting, Councilor Sutton asked that I present several different proposed revisions to the Town's Rules of Procedure to accommodate the concerns of those individuals.

Attached are: (1) a copy of Rule 37 ("Public Comment Periods") in its current form; and (2) several proposed revisions to illustrate the various options available to the Council which might address the privacy and safety concerns raised by the public on July 25<sup>th</sup> while also distinguishing residents of the Town from non-residents.

**MOTION: No action requested; item presented for discussion only.**



**CURRENT PUBLIC COMMENT POLICY**



### **Rule 37. Public Comment Periods**

- (a) **Frequency of Public Comment Periods.** The Council must provide at least one opportunity for public comment each month at a regular meeting, except that the Council need not offer a public comment period during any month in which it does not hold a regular meeting.<sup>1</sup>
- (b) **Rules for Public Comment Periods.** The Council hereby adopts the following reasonable rules for the conduct of public comment during regular meetings<sup>2</sup>:
  - (1) At the beginning of each regularly scheduled meeting, the Council will allow public comment.
  - (2) The maximum time allotted for all comments from the public shall be thirty (30) minutes, and the maximum time allotted for any individual to make comments shall be three (3) minutes. No individual may speak more than once. The Council may, in its discretion and by a majority vote of the members actually in attendance and not excused from voting, increase or decrease this period or, if all other persons have spoken, permit any individual to speak longer than their allotted time or more than once, based upon various factors, such as: the length of the meeting agenda; the time required to address the normal business on the agenda; whether a closed session is scheduled; whether one or more of the Council members are unable to remain past a certain time; or any such other reasonable grounds to alter the time provided for public comment.
  - (3) Before any meeting including a public comment period is called to order, any individual may request to speak during the period by submitting a fully completed written request card supplied by the Town to the Town Clerk.
  - (4) A written request shall not be fully completed unless the individual provides their name, permanent residential address, and telephone number, as well as the general topic of their remarks.
  - (5) The Town Clerk shall reject any written requests which are not fully completed and shall mark all fully completed requests with a number corresponding to the order in which it was received.
  - (6) During that portion of the meeting designated for public comment, the mayor shall recognize the individuals who wish to speak in the numerical order shown on the fully completed request cards provided by the Town Clerk.

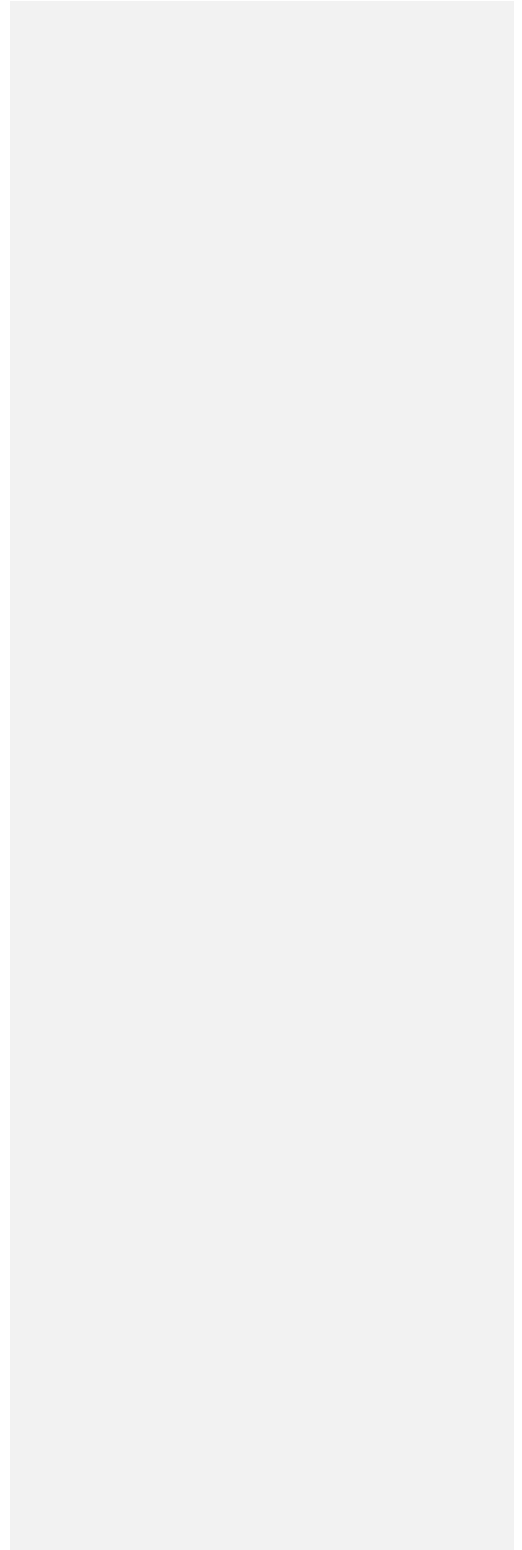
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<sup>1</sup> N.C. Gen. Stat. § 160A-81.1.

<sup>2</sup> N.C. Gen. Stat. § 160A-81.1.

- (7) Individuals providing comment during the public comment period are permitted to express their concerns or opinions about any matter under discussion or share facts, data, or other information which may assist the Council in its deliberation, or on any subject within the Council's real or apparent jurisdiction, but they may not ask questions of the Mayor, Town Council, or Town officers or employees; make personal attacks on the members of the Council or mayor, or any other persons; or comment upon matters which are not pertinent to a subject within the Council's real or apparent jurisdiction; or generally expound on matters which are wholly unrelated and irrelevant to the Council's real or apparent jurisdiction.
  - (8) The Town Attorney shall keep time for each individual and for the total time of the public comment period.
  - (9) The Council may decline to take action on a request presented during the public comment period. The Council also may refer the matter to the Town Manager, the Town Attorney, or another appropriate individual for investigation, action, or for future report back to the Council.
- (c) **Content-Based Restrictions Generally Prohibited.** The Council will not restrict speakers based on the subject-matter of their remarks, as long as their comments pertain to subjects within the Council's real or apparent jurisdiction.

**REVISED PUBLIC COMMENT POLICY:  
PROPOSALS**



### Rule 37. Public Comment Periods

- (a) **Frequency of Public Comment Periods.** The Council must provide at least one opportunity for public comment each month at a regular meeting, except that the Council need not offer a public comment period during any month in which it does not hold a regular meeting.<sup>3</sup>
- (b) **Rules for Public Comment Periods.** The Council hereby adopts the following reasonable rules for the conduct of public comment during regular meetings<sup>4</sup>:
- (1) At the beginning of each regularly scheduled meeting, the Council will allow public comment.
  - (2) The maximum time allotted for all comments from the public shall be thirty (30) minutes, and the maximum time allotted for any individual to make comments shall be three (3) minutes. No individual may speak more than once. The Council may, in its discretion and by a majority vote of the members actually in attendance and not excused from voting, increase or decrease this period or, if all other persons have spoken, permit any individual to speak longer than their allotted time or more than once, based upon various factors, such as: the length of the meeting agenda; the time required to address the normal business on the agenda; whether a closed session is scheduled; whether one or more of the Council members are unable to remain past a certain time; or any such other reasonable grounds to alter the time provided for public comment.
  - (3) Before any meeting including a public comment period is called to order, any individual may request to speak during the period by submitting a fully completed written request card supplied by the Town to the Town Clerk.
  - (4) A written request shall not be fully completed unless the individual provides their name, and the general topic of their remarks.
  - (5) The Town Clerk shall reject any written requests which are not fully completed and shall mark all fully completed requests with a number corresponding to the order in which it was received.
  - (6) During that portion of the meeting designated for public comment, the mayor shall recognize the individuals who wish to speak in the numerical order shown on the fully completed request cards provided by the Town Clerk.
  - (7) Upon being called to the podium by the Mayor, individuals providing comment during the public comment period shall state:

Deleted: permanent residential address, and telephone number, as well as

<sup>3</sup> N.C. Gen. Stat. § 160A-81.1.

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i. their name; and

ii. whether their permanent residence lies within: the corporate limits of the Town; the Town's extraterritorial jurisdiction; Haywood County; or outside of Haywood County.

- (8) Individuals providing comment during the public comment period are permitted to express their concerns or opinions about any matter under discussion or share facts, data, or other information which may assist the Council in its deliberation, or on any subject within the Council's real or apparent jurisdiction, but they may not ask questions of the Mayor, Town Council, or Town officers or employees; make personal attacks on the members of the Council or mayor, or any other persons; or comment upon matters which are not pertinent to a subject within the Council's real or apparent jurisdiction; or generally expound on matters which are wholly unrelated and irrelevant to the Council's real or apparent jurisdiction.
- (9) The Town Attorney shall keep time for each individual and for the total time of the public comment period.
- (10) The Council may decline to take action on a request presented during the public comment period. The Council also may refer the matter to the Town Manager, the Town Attorney, or another appropriate individual for investigation, action, or for future report back to the Council.
- (c) **Content-Based Restrictions Generally Prohibited.** The Council will not restrict speakers based on the subject-matter of their remarks, as long as their comments pertain to subjects within the Council's real or apparent jurisdiction.

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  - (4) A written request shall not be fully completed unless the individual provides their name, whether they are eligible to register to vote in Town of Waynesville municipal elections, and the general topic of their remarks.
  - (5) The Town Clerk shall reject any written requests which are not fully completed and shall mark all fully completed requests with a number corresponding to the order in which it was received.
  - (6) During that portion of the meeting designated for public comment, the mayor shall recognize the individuals who wish to speak in the numerical order shown on the fully completed request cards provided by the Town Clerk.

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(9) The Town Attorney shall keep time for each individual and for the total time of the public comment period.

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  - (4) A written request shall not be fully completed unless the individual provides their name, permanent residential address, and telephone number, as well as the general topic of their remarks.
  - (5) The Town Clerk shall reject any written requests which are not fully completed and shall mark all fully completed requests with a number corresponding to the order in which it was received.
  - (6) Notwithstanding the requirements set forth in paragraphs 37(b)(4) and 37(b)(5), any individual may decline to provide the Clerk with their residential address and telephone number out of concern for their privacy or personal safety by marking the written request card accordingly and advising the Board of the same from the podium.

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