

Remote Electronic Meeting

April 14, 2020

Zoom: <https://us04web.zoom.us/j/167912792>

Regular Workshop at 6:00 pm

- | | <i>Presenter</i> |
|------------------------------------------------------|----------------------------|
| 1. Call to Order | Mayor Root |
| 2. Town's Response to COVID-19 Pandemic | Town Manager
Dept Heads |
| 3. Potential Action | Mayor and
Town Council |
| 4. Adjournment | Mayor Root |

**RESOLUTION
DESIGNATION OF APPLICANT'S AGENT**
North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) Disaster Number:
TOWN OF WEAVERVILLE COVID-19

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):
NORTH CAROLINA

Applicant's Fiscal Year (FY) Start Month: JULY Day: 1ST
2019/2020

Applicant's Federal Employer's Identification Number
56 - 6001368

Applicant's Federal Information Processing Standards (FIPS) Number
- -

PRIMARY AGENT		SECONDARY AGENT	
Agent's Name	TED WILLIAMS	Agent's Name	SELENA COFFEY
Organization	FIRE DEPARTMENT	Organization	ADMINISTRATION
Official Position	FIRE CHIEF	Official Position	TOWN MANAGER
Mailing Address	PO BOX 338	Mailing Address	PO BOX 338
City ,State, Zip	WEAVERVILLE, NC 28787	City ,State, Zip	WEAVERVILLE, NC 28787
Daytime Telephone	(828) 645-3500	Daytime Telephone	(828) 645-7116
Facsimile Number	(828) 658-9868	Facsimile Number	
Pager or Cellular Number	(828) 545-2823	Pager or Cellular Number	

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof.** BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 14 day of 20, 2020.

GOVERNING BODY		CERTIFYING OFFICIAL	
Name and Title	ALLAN P. ROOT, MAYOR	Name	DEREK K. HUNINGHAKE
Name and Title		Official Position	TOWN CLERK
Name and Title		Daytime Telephone	(828) 645-7116

CERTIFICATION

I, DEREK K. HUNINGHAKE, (Name) duly appointed and TOWN CLERK (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of TOWN OF WEAVERVILLE (Organization) on the 14TH day of APRIL, 2020.

Date: _____

Signature: _____

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

TOWN OF WEAVERVILLE
RESOLUTION ADOPTING SPECIAL RULES FOR
REMOTE ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS
DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, it is essential for the Town to continue its governmental operations during the COVID-19 public health emergency, including holding public meetings and public hearings;

WHEREAS, the Town of Weaverville is committed to the transparency of government that is required by the North Carolina open meetings laws and the right of its citizens to remain engaged through attendance at public meetings and through opportunities to make public comment;

WHEREAS, because of the risks to the public and the Town's officials and employees that would arise from continued in-person meetings, the Town is converting most public meetings and public hearings to a remote electronic format;

WHEREAS, Town Council is authorized to establish rules of procedure for its official meetings and to mandate rules of procedure for its boards, including the Planning and Zoning Board, the Board of Adjustment, the ABC Board, and any other board appointed by the Weaverville Town Council;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WEAVERVILLE, NORTH CAROLINA, ACTING THROUGH ITS COUNCIL MEMBERS, AS FOLLOWS:

1. During the COVID-19 public health emergency, all public meetings and public hearings of Town Council, the Planning and Zoning Board, the Board of Adjustment, the ABC Board, and any other board appointed by the Weaverville Town Council, may, in the discretion of the Mayor or the chairman of the respective boards, be conducted in a remote electronic format.
2. In-person public meetings and/or public hearings can only be held if limitations on gatherings and social distancing requirements can be met and if the public's ability to attend and listen to the public meeting or attend and participate in the public hearing is provided for.
3. In accordance with G.S. § 143-318.13(a), notice must be provided for all remote electronic meetings in order to provide instructions for how the public can listen and/or participate in the meeting or hearing.
4. Remote participation is allowed only if the member at a remote location can fully participate in the deliberations, can hear and can be heard by the other members of Council and any other individual in attendance at the official meeting. A member participating remotely is considered to be present at the meeting and entitled to

vote. Members participating remotely are required to announce when they are leaving the meeting or rejoining the meeting.

5. If an electronic communication is lost unintentionally by a member due to technical problems, the member will not be considered present. If the entire remote electronic meeting fails due to technical difficulties the meeting will be considered recessed for 10 minutes. If the meeting is not able to reconvene within 10 minutes, then the meeting will be considered adjourned.
6. Roll call votes are required for all remote electronic meetings. A voice vote by telephone or video, which can be heard and recorded, will be counted. If a vote is not made or cannot be heard it will be considered a nay vote.
7. Minutes of the meetings at which one or more members participate remotely must reflect which members were physically present and which members attended remotely. Minutes should also reflect when members are excused from voting or are excused to leave or rejoin the meeting, just as they would for members who are physically present.
8. In order to safely receive public comments, public comments must be submitted in advance of the meeting subject to the following guidance:
 - a. Public comments should be limited to no more than 450 words and no more than one public comment can be submitted.
 - b. Public comments timely received will be read into the record during the public comment period.
 - c. Public comments can be submitted as follows:
 - i. By emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting;
 - ii. By putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting;
 - iii. By mailing your written comment (must be received not later than Monday's mail delivery) to:

Town of Weaverville
PO Box 338
Weaverville, NC 28787
Attn: Public Comments
 - d. Public comments must observe the normal rules of decorum for public comments during in-person meeting. Public comments contain personal attacks will not be read.
 - e. For additional assistance in providing public comments, please call (828)645-7116.

9. Special instructions will be provided for providing comments during public hearings, including a public comment period in advance of the public hearing where written comments can be submitted in advance and read into the record of the public hearing.
10. For quasi-judicial matters, all applicants will be given an opportunity to postpone their evidentiary hearing until an in-person hearing can be held.
11. This resolution shall become effective immediately and may be terminated at any time by action of Town Council or by action of the Mayor, who is hereby authorized to terminate these rules if he has determined that it is advisable to do so based on the status of the COVID-19 public health emergency.

ADOPTED this ___ day of April, 2020.

ALLAN P. ROOT, Mayor

ATTEST:

DEREK K. HUNINGHAKE, Town Clerk