TOWN OF WEAVERVILLE **AGENDA**

Weaverville Town Hall, 30 South Main Street, Weaverville, NC 28787 **April 27, 2020**
Public can attend via Zoom Meeting: **Regular Meeting at 7:00 pm**
https://us02web.zoom.us/j/84711190168 - Meeting ID: 847 1119 0168
Dial +1 253 215 8782 US or +1 301 715 8592 US - Meeting ID: 847 1119 0168

		Pg #	*Presenter*
1.	**Call to Order**		Mayor Root
2.	**Approval/Adjustments to the Agenda**		Mayor Root
3.	**Approval of Minutes**		Mayor Root
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4.	**General Public Comments** *(see below for submission instructions)*		Town Clerk
5.	**Consent Agenda**		Town Manager
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	3. Civil Rights - Title VI Implementation Plan	137	Town Attorney
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	A. Code Amendments to Chapters 25 & 36 on Streets, Parking, and Notices	158	Planning Dir.
	B. Code Amendments to Chapter 36 on Mixed Use Development	164	Planning Dir.
	C. Conditional Zoning District for Garrison Reserve	174	Planning Dir.
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			Public Works Dir.
8.	**Adjournment**		Mayor Root

On a temporary basis, general public comments must be submitted in advance of the meeting. Comments are limited to no more than 450 words and must observe normal rules of decorum. Only comments that are timely received will be read into the record during the general public comment period. Public comments can be submitted as follows: (1) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) 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, (3) 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. For assistance in providing public comments, please call (828)645-7116.

DRAFT

NOTICE OF WEAVERVILLE TOWN COUNCIL REGULAR MEETING
REMOTE ELECTRONIC MEETING ON APRIL 27, 2020

The State of North Carolina, Buncombe County and the Town of Weaverville have all declared States of Emergency in response to the COVID-19 public health crisis. Emergency restrictions intended to slow the spread of the coronavirus and COVID-19 include, among other things: requiring individuals to remain in their homes, except for certain essential activities, closing many businesses to the public, and prohibiting any gatherings which do not comply with its terms. Because of the risks to the public that would arise from in-person meetings, the Town's regular meeting on April 27, 2020, will be conducted via remote electronic format.

This NOTICE OF REMOTE ELECTRONIC MEETING is to inform the public that the Weaverville Town Council will hold its regularly scheduled meeting on Monday, April 27, 2020 at 7:00 p.m. as an electronic video/audio meeting via Zoom Meeting. Access to the meeting will begin at 6:50 p.m. and the meeting will start at 7:00 p.m. The instructions to access this public meeting are:

> **To join the meeting by computer**, go to this link: https://us02web.zoom.us/j/84711190168 . You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 847 1119 0168
>
> **To join the meeting by phone**, call: (253)215-8782 or (301)715-8592
> You will then be asked for the Meeting ID which is: 847 1119 0168
>
> **To view a recording of the meeting**, please visit the Town's website at https://www.weavervillenc.org . A recording of the meeting will be posted to the Town's website for public viewing within 24 hours of the meeting.

General Public Comments – On a temporary basis, general public comments must be submitted in advance of the meeting. Comments are limited to no more than 450 words and must observe normal rules of decorum. Only comments that are timely received will be read into the record during the public comment period. Public comments can be submitted as follows:

> By **emailing** to public-comment@weavervillenc.org at least 6 hours prior to the meeting
>
> 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
>
> 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

For questions or additional assistance in how to participate in this meeting or in providing public comments, please call (828)645-7116.

Allan P. Root, Mayor
Posted: 4/20/2020

MINUTES

Town of Weaverville **Town Council Meeting**
State of North Carolina **Monday, January 27, 2020**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, January 27, 2020, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Vice Mayor/Councilmember Doug Jackson and Councilmembers Dottie Sherrill, Jeffrey McKenna, and Andrew Nagle. Councilmember Patrick Fitzsimmons was absent.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Town Clerk Derek Huninghake, Town Planner James Eller, Fire Chief Ted Williams, Police Chief Ron Davis, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

Mayor Al Root called the meeting to order at 7:02 p.m.

2. Approval/Adjustments to the Agenda

Councilmember Nagle mentioned that he had some questions about Consent Agenda Item G, and asked if we should take it off or keep it on and discuss later. Mayor Root noted that we will keep it on the Consent Agenda and can move it if need.

Councilmember Sherrill made a motion to approve the agenda as presented. Councilmember McKenna seconded and all voted in favor of the motion.

3. Approval of Minutes

Vice Mayor Jackson made the motion to approve the minutes from the December 12, 2019 Joint Meeting of Town Council/Planning and Zoning Board and December 16, 2019 Town Council Regular Meeting. Councilmember McKenna seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Laura Ayers, 300-1 Reems Creek Rd, commented that a heron that hung around Lake Louise had passed away at the Appalachian Wildlife Refuge recently. She expressed a concern that wildlife is being negatively affected by fishing and after speaking with Public Works Director Dale Pennell, Lieutenant Somer Oberlin, and Appalachian Wildlife Refuge individuals, thinks it would be beneficial to hang a contact list and proper fishing laws down at the lake, distribute handouts when individuals purchase their permits at the Town Hall, and have the police department check for proper permits at the lake.

5. Consent Agenda

Councilmember Sherrill moved for the approval of the Consent Agenda. Councilmember Nagle seconded the motion and all voted unanimously to approve all action requested in the Consent Agenda.

A. **Tax Collector's Monthly Report –** *Informational Only*
B. **Tax Releases & Refunds–** *Approved the tax release of business personal property owned by G C W Enterprises, Inc. DBA Firehouse Subs, valued at $102,780, so that $390.56 can be released from the 2019 levy*
C. **Arbor Day Resolution –** *Adopted Resolution recognizing Arbor Day on Friday, April 24, 2020*
D. **Adoption of FY 2020-2021 Budget Calendar** *– Adopted FY 2020-2021 Budget Calendar*
E. **Set Public Hearing on Code Amendments – Technical Review Committee for Land Development for February 24, 2020 at 6:45 pm –** *Scheduled Public Hearing for Monday, February 24, 2020 at 6:45pm*
F. **Lake Louise Public Fishing Access Project –** *Approved the Lake Louise Public Fishing Access project and authorized the Mayor and Town Clerk to execute the Memorandum of Agreement and deliver it to Wildlife Resources Commissions*
G. **Budget Amendment: Police Department Cops for Kids & Pink Patch Project –** *Approved Budget Amendment*

Councilmember Nagle wondered if the funds discussed in the budget amendment are being distributed to the police department or to each specific program to be used. Town Manager Coffey noted that the funds in question have been received throughout the year and then are distributed into the individual program where the funds are only to be used. Finance Officer Tonya Dozier mentioned that on the quarterly report, the budgeted amount is lower than the year to date amount, since the funds haven't been distributed yet. Mrs. Dozier noted that she didn't want to bother Town Council every month with a budget amendment when the funds were received. Mayor Root noted that since the funds are being used in the current year, then we should do these budget amendments as the funds come in.

6. Town Manager's Report

Town Manager Coffey presented her Manager's report to Council including 1) that the recent MLK Day Observance was very successful and had approximately 35 in attendance; 2) Our firework purchase has been confirmed for the 2020 July 4 Downtown and she has spoken with the Superintendent and Principal Chandler, who approved our use of the Weaverville Primary School baseball field for staging the fireworks this year. Also, based on input from last year, the fireworks display time has been adjusted to 9:45 pm and she has confirmed the band, Devils in Dust, for the event; 3) the Community Center Update will be discussed later in the action items; 4) Town Manager Coffey has confirmed bands for each of our 2nd Saturday Summer Series events this year. (Flyer attached) 5) The Request for Letters of Interest for planning on our greenway is public, with a deadline date of January 31, 2020, and Doug Dearth and her will continue to keep Council updated; 6) The Board of Elections will be using our community room from February 12-29 and they must secure the voting locations, so the February Town Council meeting has changed its location from the Town Hall to the Fire Department Training Room for this Council meeting; 7) and the first session of the 2020 Citizens Academy was held last week with 18 in attendance. She thanked Jan Lawrence for presenting the insightful history of Weaverville, Town Attorney Jennifer Jackson for presenting a legal overview of municipal government and Finance Director Tonya Dozier for presenting information on the Town's finance. Town Manager Coffey presented Town leadership and the budget process. The next session is presented by Town Planner James Eller on Land Use and Code Enforcement, which will be February 20 at the Weaverville Fire Department.

Councilmember Nagle commented that he thinks the 2nd Saturday Summer Series flyer is great and thinks that we should try to get this in the breakrooms of AB Emblem and Thermo Fisher Scientific, instead of just the businesses up Main Street.

Town Manager Coffey noted that Public Works employee Kevin Childers has worked with the Town of Weaverville for 17 years and is retiring at the end of January 2020. The Public Works Department is holding a celebration for him on January 31, 2020 from 1 – 2 pm and the public is welcome.

7. Discussion and Action Items

A. Community Center Project

Town Manager Selena Coffey commented that the Town had a bid opening on January 22, 2020 for the Community Center project, where bids ranged from $2,779,000 to $3,577,000. The Town Manager and Legerton Architecture recommend awarding the bid to Goforth Builders, a local contractor who submitted a low bid of $2,779,000. She

reminded Town Council that back at their July 15, 2019 meeting, they voted unanimously to provide a budget of approximately $2.5 million for the construction cost of the Community Center (Phase 1) and an additional $250,000 for outdoor recreational amenities (Phase 2). Town Manager Coffey recommends Town Council take action to 1) award the construction bid to Goforth Builders and approve the execution of the Construction Documents for a negotiated amount not to exceed $2,779,000; 2) direct staff and Goforth Builders to look at value engineering in an effort to identify cost reductions totaling 5% of the bid or greater and adjust the contract lump sum amount accordingly; and 3) adopt the Capital Project Ordinance.

John Legerton of Legerton Architecture noted that there were five good bids received and he recommends Town Council award the bid to Goforth Builders and set a 5% contingency for the construction project. Mr. Legerton mentioned that Goforth Builders is a local company with a good reputation that has been operating for a number of years in Fairview, NC. He did speak with Goforth Builders after the opening and they feel very confident with their bid amount and are excited to work with the Town of Weaverville.

Councilmember Nagle wondered if there was anything in place to make sure that the builder didn't go over the designated amount. Town Manager Coffey noted that the way the ordinance is written any contingency would have to go before Town Council for approval. Mayor Root also included that there is a performance bond and any change orders would have to be approved by Town Council. John Legerton added that any project will have change orders, but one of the advantages of this project is the site. The project site is a flat site that had a building on it previously, so we don't anticipate any site issues.

Vice Mayor Jackson commented that when you include in the additional inflation from the six month delay and the addition of the fire sprinkler system, this bid amount is remarkably close to the original amount they had determined.

Mayor Root thanked Thomas Veasey, Lou Accornero, and the Lake Louise Community Center committee for their hard work in getting through this process.

Councilmember McKenna asked if the phase 2 project would segway into the back of the building project phase 1. Town Manager Coffey noted that the goal is to hopefully mesh the end of the community center project into phase 2.

Public Comment

1) John Bowen, 50 N. College St., commented that he has noticed some extraordinary slow construction projects and wondered if there was anything in the contract that holds the contractor accountable to finishing the project in the next 14 months. Town Attorney Jackson mentioned that there is a liquidated damages provision if they go over the allowed time.
2) Laura Ayers, 300-1 Reems Creek Road, asked when the ground breaking ceremony would be held. Town Manager Coffey mentioned that they had not decided yet, since they were still trying to figure out a good time when the Mayor and all of Town Council could get together.

Vice Mayor Jackson made a motion to 1) award the construction bid to Goforth Builders and approve the execution of the Construction Documents for a negotiated amount not to exceed $2,779,000; 2) direct staff and Goforth Builders to look at value engineering in an effort to identify cost reductions totaling 5% of the bid or greater and adjust the contract lump sum amount accordingly; and 3) adopt the Capital Project Ordinance. Councilmember Sherrill seconded the motion. The motion passed by a majority vote of Council. Motion carries 4-0

B. Waterline Extension Project

Town Manager Selena Coffey commented that on January 15, 2020, the Town held bid openings for the Waterline Extension project and the six bids received ranged from $1,954,143 to $2,577,395.68. Staff and the engineering firm of Withers Ravenel have reviewed the bids and recommend awarding the bid to Hyatt Pipeline, LLC, the lowest responsive bidder with a bid amount of $1,954.143, and approval of the construction contract consistent with the bid. As Town Council is aware, this project is contingent upon approval of interim financing and issuance of USDA

revenue bonds by the Local Government Commission (LGC). The next step for Town Council will be the consideration of and action to approve the interim financing and the later issuance of the revenue bonds which should occur at the Town Council meeting on February 24, 2020. One item that must be presented to the LGC is a final project budget, so if this bid is accepted then the Capital Project Ordinance must be updated to reflect the actual cost of construction to serve as the final project budget. Town Manager Coffey asks Town Council to adopt the amended and restated capital project ordinance.

Councilmember Nagle asked for a simple map showing what Town Council is approving and where the waterlines are connecting into the existing system.

Councilmember Nagle made a motion to 1) award the construction bid to Hyatt Pipeline, LLC, in the amount of $1,954,143, and approve the construction contract and its execution, all contingent upon LGC approval of the interim financing and later issuance of the USDA revenue bonds, and 2) adopt the Amended and Restated Capital Project Ordinance. Vice Mayor Jackson seconded the motion. The motion passed by a majority vote of Council. Motion carries 4-0

C. Policies Regarding Acceptance of Private Streets

Mayor Root noted that this does not affect any ongoing applications that the Town has received from subdivisions like Creekside Village and Fox Lair Crossing.

Town Attorney Jennifer Jackson discussed the working draft Town policy that was based on conversations at the last Council meeting, since Town Council didn't have any questions about the map and street lists provided. She noted that what we anticipate is a new Article V would need to be added to Chapter 24 entitled "Street Standards and Acceptance of Private Streets and Related Infrastructure into Public Street System." Town Council would need to confirm and make everyone aware that it is still up to their discretion if they want to bring a street into the Town and what standards they would be applying. She also mentioned that staff tried to model the same process according to our water allocation process for new a public street commitment process.

Councilmember Nagle asked how Section 24-85 would pair with our zoning ordinance, or how we are defining these properties? Town Attorney Jackson mentioned that if we proceed with the Article V, there will need to be changes made in the Chapter 25 Subdivision ordinance and Chapter 36 Zoning ordinance to make it consistent.

Mayor Root wondered when Town Council issues a commitment letter, is it a true commitment or will it be coming back before them again? Also, in regard to private streets, what is the current policy and does anyone inspect these roads? Lastly, Mayor Root asked if there was any mechanism setup for maintaining roads through HOAs or subdivision ordinances? Town Attorney Jackson commented that it is her understanding that it would be a true commitment, but Council always has the right at the end of the project to not honor it. As for private streets, there is an inconsistency between Town Standards and DOT standards, but nothing can be built to less than DOT standards and the Town doesn't inspect any unless they are called. Also, the subdivision regulations require the homeowner to show that they are abutting a public road, a private road with a recorded easement. For private roads the developer must include road maintenance provisions in their restrictive covenants.

Next, Town Attorney Jennifer Jackson covered all the alternative options for existing private streets and asked for feedback from Council.

Mayor Root asked for clarification about Option 2 and Town Attorney Jackson said there were some streets that had been inspected by Public Works but they haven't asked to be taken in yet. Town Attorney Jackson mentioned that Declan Drive, Lillie Farm Lane, Critter Trail, and Yarrow Meadow Drive, all apart of the affordable housing development by Mountain Housing Opportunities have been inspected to town standards and have just recently asked to have those roads brought into the Town.

Councilmember McKenna noted that he likes that we are mirroring our water allocation process and getting developers to declare up front, instead of leaving it open ended. He believes if we take Option 4 as it is laid out, then we should add a date and have owners notify the Town if they want to be considered. He would like to see this date be fairly soon like the end of June 2020 or beginning of July 1, then we would publicize it and set another date for when all the testing and steps would have to be completed. He also would like to add from Option 3 that unless such acceptance would, in town council's discretion, further a significant public interest.

Vice Mayor Jackson asked for clarification under Option 4(a), why it says may be eligible for acceptance into Town's street system, instead of will be? Town Attorney Jackson noted that it can say will be, it just depends on the conditions that are decided by Town Council.

Councilmember Nagle noted that first off, he likes that we included new, since it can become an existing street. He preferred Option 1 but thinks that Councilmember McKenna's comments on Option 4 would be great with an end date. The only thing he doesn't want to do is mislead people, so if the testing is done and passes, then they should be allowed into the Town. It shouldn't go back and forth.

Councilmember McKenna mentioned that he wants it to be a little more restricted like the public street commitment should be applied for by July 1, if not then they aren't eligible. Next, they would have to have the testing and steps done within six months, so by the end of the calendar year they would know where they stand on private roads.

Public Works Director Dale Pennell noted that six months is a gracious amount of time for testing, however if there are any deficiencies detected then they would have to be fixed before Town Council brings into the Town, and if it is near the end of the year, then it wouldn't be a good time to work on roads.

Councilmember Nagle discussed that the commitment letter application deadline could be three months like May 1, 2020, the testing period could be three months and then if there are any deficiencies, they have 6 months to fix it. Councilmember McKenna agrees with this, since it add dates and urgency.

Mayor Root mentioned that he believes this is very fair and appropriate. Owners can apply for a commitment letter and then after this they would have to clarify that they are coming into Town at the beginning of the development process.

Public Comment

John Bowen, 50 N. College St., doesn't live on a private road, but he doesn't understand why there must be a deadline for the commitment letter application. Things will change and new homeowners will come in and they might want to come into the Town, so he doesn't see why it should only be allowed for the six months.

Thomas Veasey, 69 Lakeshore Drive, commented about a development going in and the requirements that were met for the width of the street. He believes that streets should be wide enough to maintain a fire truck and allow for parking on one side of the street, so there aren't any issues like Lake Louise.

Judith Craggs, 34 Rabbit Ridge Drive, commented that she isn't hearing a recourse for the older private roads that are not in a development and have a limited amount of people. She says realtors do not tell them that it is private road and retirees can't afford to fix the roads that are deteriorating, so what is Town Council going to do when the fire trucks and garbage trucks can't access these homes that pay Town taxes?

Doug Theroux, 73 Hillcrest Drive, commented that he doesn't see a reason for the application deadline and that staff should mail directly to all residents that face this issue. He also believes that with this deadline, all the applications are going to come in at once and Council won't have the time to address each one individually. Plus, the testing part isn't going to be the expensive part, it will be having to replace the road when most of them don't meet standards.

Councilmember Nagle noted that the reason for the deadline is because he would prefer the deadline as of today, but they are compromising in making the policy to make sure that everyone is able to join. The big misconception is that by default it is a private road, not a public road. Plus it doesn't matter what the developer puts on the plat, since state law says that only a majority vote of Town Council can adopt it. He believes Town Council is trying to get this behind them, so they don't have to consider it every year.

Vice Mayor Jackson made a motion to adopt as a policy what has been drafted as Article V of Chapter 24 with Option 4 included for existing streets with applications due not later than May 1, 2020, a testing period of not longer than three months, and a repair period of not longer than six months from completion of testing, with the understanding that existing streets that do not apply before May 1, 2020, will not be eligible for acceptance into the Town's public street system; and 2) to direct staff to draft appropriate Code Amendments consistent with Option 1 of the policy and bring them back to Town Council for review and possible adoption with an effective date of May 1, 2020. Councilmember Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion passed 4-0.

D. Quarterly Report: Planning

Town Planner James Eller presented the Planning Department Quarterly Report from October – December 2019 and noted that 32 Zoning Permits, including 2 Institutional Permits for the Weaverville Community Center and Lake Louise Fishing Pier had been issued during this period. Mr. Eller also gave a review of the Planning and Zoning Board activity during these months that included in October, the board working on a possible high density single family residential zoning district called for by the Comprehensive Land Use Plan and in December, they received the updated regulations from the 2019 NC legislation and held a joint meeting with Town Council. The Zoning Board of Adjustment activity included the board holding a public hearing regarding a variance application for property commonly known as 120 South Main Street in October 2019.

E. Quarterly Report: Finance

Finance Officer Tonya Dozier presented the Quarterly Finance Report from October 2019 – December 2019 with charts summarizing Revenues and Expenditures that provide comparisons from previous years. Some highlights were that the first column of Ad Valorem Tax Revenue is as of December 31, 2019, most of the variances from expenditures are from the timing of capital purchases, and the Cops for Kids revenues and expenditures show when money was received and reason for amendment. Finance Officer Dozier also discussed the updated Capital Project Fund established for the Waterline Extension Project that lists the revenues and expenditures.

8. Adjournment

Vice Mayor Jackson made the motion to adjourn; Councilmember Nagle seconded and all voted to adjourn the Council's meeting at 8:57 p.m.

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Derek K. Huninghake, Town Clerk

DRAFT

MINUTES

Town of Weaverville **Town Council Special Called Meeting**
State of North Carolina **Monday, February 24, 2020**

The Town Council for the Town of Weaverville met for a Special Called meeting on Monday, February 24, 2020, at 6:45 p.m. in the Training Room within Weaverville Fire Department at 3 Monticello Road, Weaverville, North Carolina.

Councilmembers present were: Mayor Al Root, Vice Mayor Doug Jackson, and Councilmembers Dottie Sherrill, Jeffrey McKenna, and Andrew Nagle. Councilman Patrick Fitzsimmons was absent.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Town Planner James Eller, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. **Call to Order**
   Mayor Root called the meeting to order at 6:45 p.m.

2. **Public Hearing: Code Amendments-Technical Review Committee for Land Use**
   Mayor Root opened the Public Hearing

   Town Planner James Eller commented that before Town Council was a proposed text amendment that would create a staff led Technical Review Committee for the review of major and minor subdivisions, and several zoning permits. This text amendment is a stated goal from the Comprehensive Land Use Plan and has been shown to the Planning and Zoning Board and received a unanimous positive recommendation. The public hearing has been duly advertised in accordance with state statute and municipal ordinance.

3. **Public Comment – No Comments**

4. **Adjournment**
   Vice Mayor/Councilman Jackson made the motion to close the public hearing and adjourn the Special Called meeting; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 6:50 p.m.

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Derek K. Huninghake, Town Clerk

DRAFT

MINUTES

Town of Weaverville **Town Council Meeting**
State of North Carolina **Monday, February 24, 2020**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, February 24, 2020, at 7:00 p.m. in the Training Room within Weaverville Fire Department at 3 Monticello Road, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Vice Mayor/Councilmember Doug Jackson and Councilmembers Dottie Sherrill, Jeffrey McKenna, and Andrew Nagle. Councilmember Patrick Fitzsimmons was a remote participant by audio access and provided comments but did not participate in any votes.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Town Clerk Derek Huninghake, Town Planner James Eller, Fire Chief Ted Williams, Police Chief Ron Davis, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

Mayor Al Root called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

Councilmember Nagle made a motion to approve the agenda as presented. Councilmember Sherrill seconded and all voted in favor of the motion.

3. Approval of Minutes

Councilmember Dottie Sherrill noted that the January 27, 2020 Town Council Meeting minutes show that Councilmember Fitzsimmons seconded the Consent Agenda, even though he was absent from the meeting. Mayor Root asked for those minutes to be taken off until that is corrected.
Vice Mayor Jackson made the motion to approve the minutes from the January 14, 2020 Town Council Workshop. Councilmember Sherrill seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Darryl Fox, 28 Central Avenue, commented on the downtown parking issues and said that he has a commercial lot on Central Avenue that he has trouble accessing. He has had to contact the police department many times to get equipment and vehicles in and out of the lot. Mr. Fox also noted that people are parking all the way down to the stop sign, so vehicles like the Town garbage truck can't get by.

Alan Sheppard, 25 Alabama Avenue, commented that he will be discussing the same issue as Mr. Fox. He noted that if there is any consideration for parking on Alabama or Central Avenue, nobody from the Town has come by to speak with the homeowners. Mr. Sheppard has had to contact the police department three times in the last month, since someone keeps blocking the driveway of his rental property. Plus, the intersection gets blocked and drivers must go up into their yards to make the turn and the owners must continue fixing this issue since the Town doesn't.

Jackie Fox, 28 Central Avenue, commented on the parking issue on Central Avenue and noted that there were never any issues until about a year ago. She has had to call the police several times about vehicles blocking the intersection and impeding traffic, since you can't see if any vehicles are coming down the road. She knows that there is parking in Weaverville and doesn't know why they must drive on the opposite side of the road to get down the street. Also, Public Works can't pick up leaves or brush, since vehicles are always blocking it.

5. Consent Agenda

Councilmember Sherrill moved for the approval of the Consent Agenda. Councilmember McKenna seconded the motion and all voted unanimously to approve all action requested in the Consent Agenda.

A. Monthly Tax Report & Order to Advertise Tax Liens – *Adopted the Order to Advertise Tax Liens*

B. Tax Releases & Refunds– *Approved the tax release of business personal property of Weaverville Tribune at 113 North Main Street, valued at $2,123, so that $8.07 can be released from the 2019 levy, the tax release of personal property of Barbara Sexton at 14 Wildwood Avenue, valued at $2,106, so that $8.00 can be released from the 2019 levy, and the tax release of real property of Keith Einsmann at 108 Twin Courts Drive with PIN 9752-58-2538, valued at $56,700, so that $215.46 can be released from the 2019 levy and refunded.*

C. Board of Adjustment Rules of Procedure – *Consented to the Rules of Procedure adopted by the Board of Adjustment*

D. Waterline Extension Project: Adoption of Resolution Approving Interim Financing & Bond Order – *Adopted Resolution Approving Interim Construction Financing for the Waterline Extension Project and Bond Order Authorizing Water Revenue Bonds, Including an Initial Revenue Bond Issue in the Maximum Amount of $2,800,000, to Help Finance the Waterline Extension Project*

E. Set Public Hearing on Code Amendments for Mixed Use Development for March 23, 2020 at 6:45 pm – *Scheduled Public Hearing on Code Amendments for Mixed Use Development for Monday, March 23, 2020 at 6:45pm*

6. Town Manager's Report

Town Manager Coffey presented her Manager's report to Council including 1) that the Citizens Academy has added 3 more residents, so the total is up to 23. The Citizen Academy on Planning/ Zoning by Town Planner James Eller was originally scheduled for February 20, 2020, but was cancelled due to the weather. It has been rescheduled for March 12, 2020 at the Town Hall at 6pm; 2) Town Council's next workshop is on March 10, 2020 and it is a joint meeting with the Planning and Zoning Board; and 3) the Town is working on the American with Disabilities Act (ADA) evaluation and transition plan that Town Council approved funds for during the Fiscal Year's budget. This plan is required for state and local governments for accessibility purposes and identifies any deficiencies in Town programs or facilities.

7. Discussion and Action Items

A. Consensus Complete Count Presentation

Chuck McGill, Partnership Specialist to U.S. Census Bureau, gave a presentation on the upcoming 2020 Census. (Power point attached) Mr. McGill expressed that the main goal is to get every individual counted before July 31. The more individuals accounted for leads to more funding distributed to state and local governments and more political representation.

B. Reems Creek Greenway Plan Development Update

Doug Dearth updated Town Council on the Reems Creek Greenway Plan Development. He noted that two weeks ago as part of the Oversight Committee, he and Town Manager Coffey and others went through all the vendor submissions and made a selection. Mr. Dearth is not allowed to inform them on their selection yet, since it has to go to NCDOT for approval. They should hear back from them very shortly and, at that point, the Oversight Committee will get together with the selectee and finalize the statement of work and sort out the cost estimates.

Mayor Root thanked Mr. Dearth for his hard work on this volunteer project and noted that the Town is very thankful.

C. Action on Code Amendment – Technical Review Committee

Town Planner James Eller noted that Town Council is being asked to consider a stated goal of the Town Comprehensive Land Use Plan of creating a staff-led Technical Review Committee to review minor and major subdivisions as well as certain zoning applications. This staff led Technical Review Committee would consist of himself, Public Works Director Dale Pennell, and a combination of Fire Marshall Kile Davis and Fire Chief Ted Williams.

Town Attorney Jennifer Jackson commented that this is ready for action by Town Council, but recommended that Council hold off on taking action, since there are several text amendments that relate to the land development ordinances that this amendment affects. Town Council could adopt this in three separate ordinances, or to be more efficient by just one ordinance update. If Town Council wants to hold off the public hearing has already taken place and is ready for a vote on it, so they can roll it into a package with the other amendments.

Consensus was given by Town Council to package all amendments together and bring back before them for approval.

D. Initial Consideration – Conditional Zoning District for 20/30 Garrison Branch Road

Town Planner James Eller mentioned that staff is in possession of a conditional zoning district application for further development of properties commonly known as 20 and 30 Garrison Branch Road at the intersection of US 25/70 and Monticello Road. The plan calls for three multi-tenant buildings consisting of approximately 70,000sq/ft. with a combination use of office, retail, and mini-warehousing. This is before Town Council, since it is more than 25,000sq/ft. and any multi-tenant development of this size is approvable by conditional zoning district.

Mayor Root wondered procedurally, if they are seeking Town Council's opinion, and unless they completely say no, it would go in front of the Planning and Zoning Board for further review to work on the proposal and come back to Town Council for a vote. Town Planner Eller agreed with Mayor Root that they are seeking Council's initial opinions, so that the Planning and Zoning Board can take them into consideration before they offer their recommendation on this project as it relates to the Comprehensive Land Use plan.

Warren Suggs, Civil Design Concepts, commented that the property currently has C-2 zoning with around five acres and they are seeking three multi-tenant buildings with a combination use of office, retail and mini-warehousing. They believe this is a great site for this mix of uses (office, retail and mini-warehouses), since there are a number of different apartments and commercial buildings surrounding it.

Councilmember Dottie Sherrill wondered if mini-warehousing meant it was going to be a storage facility for the public. Mr. Suggs replied that the intention is to have a storage facility that the public can rent with an office included. It is intended to have an architectural look very similar to the other buildings. Vice Mayor Jackson wondered if there were any concerns regarding traffic, since it is a three story building warehouse with the surrounding apartments. Mr. Suggs noted that typically mini-storage facilities have a pretty low parking count associated with them, but it would be up to NCDOT since they have driveway access permitted through them. Town Manager Selena Coffey read comments provided by Councilmember Fitzsimmons via text message that he believes this multi-tenant development in C-2 should be allowed. Even though this kind of development contributes to suburban sprawl and is undesirable, it does meet the standards under the table of uses. Councilmember McKenna mentioned that in general this keeps up with what Council has laid out in their strategic plan and it's potentially servicing customers that live around there. He likes that the storage facility would be blending in with the other buildings. Vice Mayor Jackson asked if this takes into account what Council decides on affecting future phases in the area. Town Planner Eller noted that it is his understanding that the conditional zoning district does include the entire area before Council, but the way they have dealt with this situation before is any use allowable in the underlying zoning district for future parcels. Councilmember Nagle commented that it fits in with everything surrounding it and it is a vast improvement to what is already there.

E. Downtown Parking Recommendations

Town Manager Selena Coffey noted that at Town Council's Regular meeting in December, Town Council asked staff to bring forward a proposal for addressing parking issues in downtown Weaverville. Since this meeting, staff has worked to develop documents that discuss the existing conditions of downtown parking, recommendations and suggestions, and steps needed for implementation of this policy for Town Council's review and approval (Attached).

Vice Mayor Jackson commented about Sec. 28-303 item 5 that discusses a railroads should be eliminated, since the Town does not have any railroads anymore. He also noted that it does address the issue of parking closer than 30 feet to a stop sign that was discussed by citizens during public comment. Mayor Root mentioned that we have to get very serious about enforcement for parking down Central Avenue to get more employees to park at the churches. Councilmember McKenna mentioned that after meeting with downtown Weaverville business owners about six months ago the issue on the top of their list was parking, so their employees will have to be parking at the church and walk down the street. Councilmember Nagle commented that he sees this as a Weaverville Business Association problem, since it deals mainly with their employees, so he doesn't believe that the Town should be spending tax funds on this issue. Also, if the Town is going to start ticketing than the funds should be donated to charity and not the Police Department budget. Mayor Root noted that as a resident it is hard for him to come downtown in the middle of the day and find parking, so this affects residents as well. Town Manager Coffey read comments provided by Councilmember Fitzsimmons via text message that he believes the parking plan should be adopted, he prefers the standard two hour parking enforcement and agrees with the idea of giving the parking ticket funds to the parks.

Town Attorney Jennifer Jackson commented that traffic and parking are dealt with in Chapter 28 of the Code of Ordinances, which is from 1974 so that is why they recommended a repeal and replacement of it. She reviewed the provisions and mentioned that it importantly has concurrent jurisdiction noted, so nothing will take away from the police department from enforcing the state criminal laws as well with the NCDOT. They have included an enforcement of penalties section that has been mostly applied to Chapter 1 in General Enforcement and have listed out that the traffic penalties will be set out in the fee schedule. They listed that the revenues from the violations would go to defray the cost of enforcing and administering this, which could be changed to go somewhere else if Council prefers. As far as decriminalization is concerned, the Town has the authority to make any violation a misdemeanor so there is an ability to criminalize all of this. She recommends against that due to lack of cooperation from the court system and the complication that arises due to criminal fines being distributed to the school system. They have listed ADA responsibilities as well, so that if customers are having an accessibility issue they know who to reach out too. Article III contains the parking regulations.

Councilmember Nagle asked what would happen if vehicles are parking at his driveway and they aren't able to access it. Police Chief Davis commented that they try to warn the vehicle owner if they can find them, if not then they will ticket and tow them. Town Manager Coffey noted that a key part of this recommendation is that Council would be adopting a fee schedule, since we don't have that in the Code at this time.

Concerning marked and timed parking spaces Town Council is being asked to give authority to the Town Manager to handle which spaces should be marked and designated as 2 hour or 3 hour spaces. They are proposing the time restrictions being in place from 8:00am to 6:00pm except on weekends and holidays. It also gives the Town Manager the authority to authorize temporary suspension of parking time limits for big events. She doesn't expect Council to necessarily vote on this today, but wanted to get feedback so that the Town Manager has time to get notice out to the public about enforcement starting on April 1.

Mayor Root commented that Council could tease out whether or not the fines go into the Town funds for enforcement or to a charity or the parks. Also to discuss the idea of 3 hour parking in the municipal lot instead of 2 hours parking to give input to the Town Manager. Councilmember McKenna noted that he likes that idea of giving the funds to parks, so the public doesn't believe it is a revenue source. Vice Mayor Jackson agreed with the funds going to parks or the greenways. Councilmember Sherrill agreed with the funds going to parks as well and believes that three hourly parking gives plenty of time for eating and shopping. Councilmember Nagle mentioned that he believes that they

should add Saturday to days that violations can be enforced. Councilmember McKenna wondered if bicycles and skateboards can operate on sidewalks downtown or if they have to be in the streets. He thinks it could be causing an issue to arise for someone being hurt, since there aren't any bike lanes. Town Attorney Jackson commented that they believe there was enough traffic on Main Street, so in order to protect the pedestrians downtown the bicycles be walked on sidewalks or rode in the streets. She also noted that this restrictions was brought forward from the current regulations. Mayor Root asked if Council would like to move adopt the plan presented by the Town Manager going forward, which would include the fee schedule.

Public Comment

Catherine Cordell, 13 Hamburg Drive, mentioned that when she worked in Palo Alto, CA, they used to have to park on the streets and every two hours their tires would be marked, so they would have to move their vehicles to another spot every two hours in order to not be in violation. She wonders if they will be able to continue to move their vehicles to another spot or if they would be in violation. Town Manager Coffey mentioned that they have discussed enforcements and will likely have the tag number to determine if someone is moving their vehicles to avoid these violations. Town Attorney Jackson mentioned that the ordinance does address that the changing of the position of a vehicle from one parking space to another on the same block or the same parking lot shall be deemed one continuous parking period and doesn't defeat this action.

Walt Thompson, 5 Birkdale Drive, mentioned that he managed public lands for many years and he disagrees with the funding proposal because generally in these kinds of endeavors, personnel is about 60% to 70% of the budget. So if you are spending a lot of personnel time on this traffic management it can be quite significant. He would suggest covering the costs first and then if there is any surplus of funds give it to parks or charity. He gets concerned when requirements are given to agencies of government and no funding is being compensated and it has to come out of the general fund revenue.

Mayor Root suggests that with this being an ordinance we get language on the issue of giving money to parks or charity and also provide them further specific information on costs they are looking at. Councilmember Nagle commented that if we need another police officer to do this then we can just budget for it.

Councilmember Sherrill made a motion to adopt the presented plan moving forward including the fee schedule. Vice Mayor Jackson seconded the motion. The motion passed by a majority vote of Council. Motion carries 3-1. Councilmember Nagle voted nay.

F. Budget Amendment: Public Works

Town Manager Coffey reminded Town Council that in 2018, there was a consensus among them to allow Public Works to use some proceeds from the sale of the old bus garage to replace storage that they lost in the sale. During that time, the Public Works Director prepared an estimate to build another storage unit, which was estimated around $784,000. New Public Works Director Dale Pennell has developed a new plan with Town Manager Coffey that encloses two of the existing storage bays allowing for the wormy chestnut boards to be moved from the rented storage unit, which saves $120 per month as well. This new plan uses the existing floor of the former quarry and is estimated at $98,100. Town Manager Coffey will look into the incentive program for the Public Works employees, but doesn't believe it applies to department heads. Town Manager Coffey recommends a budget amendment in this amount in order to fund the project from the General Fund Balance.

Vice Mayor Jackson made a motion to adopt the budget amendment. Councilmember Sherrill seconded the motion. The motion passed by a majority vote of Council. Motion carries 4-0

G. Request for Public Street Commitment – Lillie Farm Cove Streets

Public Works Director Dale Pennell commented that Mountain Housing Opportunities (MHO), the developer of the 46-lot affordable housing subdivision known as Lillie Farm Cove has requested that the following streets be accepted into the Town's public street system: Declan Drive, Yarrow Meadow Road, Lillie Farm Lane, and the paved portion

of Critter Trail from North Main Street to Lille Farm Lane. As part of the project the developer has constructed its streets to the Town's street standards. Public Works Director Pennell verified that, in 2017, the street construction was observed by the Town's Public Works staff during the critical construction phases and recommends that they be accepted into the public street system. Staff also recommends a few conditions that would be appropriate to include in the public street commitment letter if Town Council decides to accept these streets.

Councilmember Nagle wondered if anybody on staff in 2017 promised MHO that the Town would take in the streets. Public Works Director Dale Pennell noted that he wasn't sure if anyone from Public Works did, but Town Planner Eller might be able to give more input on the discussions during the approval process. Town Planner James Eller noted that he wouldn't suggest that there were not any promises made, however it was common knowledge that MHO did intend for these streets to become public. Town Attorney Jackson commented that she isn't aware where Town Council has made a commitment to bring these into Town as public streets. Councilmember Nagle mentioned that even though it was known they wanted the streets to be public, state law hasn't changed, and Town Council still must vote on it.

Mayor Root commented that the important distinction to remember is that these streets were inspected while they were being constructed, instead of developments coming to us now and we must come up with a testing regimen. Councilmember McKenna noted that they are initiating what Town Council agreed to do last month for streets to be taken over by the Town.

Joe Quinlan, MHO Home Ownership Manager, commented that when the plans were submitted for Lillie Farm Cove, they made it clear that every road proposed a public right of way. Also, when MHO discussed street lighting, Council required that it not be public, the HOA pay for it and that they move the street lighting out of public right of way. So, the whole discussion was to make the roads public and that is why they built them to the Town standards. He doesn't know if this constitutes a promise or not, but both parties knew that the plan was to make the roads public.

Town Manager Coffey read comments provided by Councilmember Fitzsimmons via text message that he supports action to make the MHO roads public and is thankful for them being transparent from the beginning.

PUBLIC COMMENT:
Thomas Veasey, 69 Lakeshore Drive, commented that he remembers this whole conversation going before Town Council and he feels that the impression he got from them was that the roads would be public. The only concerned he had at that time was the streets weren't wide enough for street parking and to allow a fire truck to get by. He hopes going forward that there be more no parking signs put up and that the streets be wide enough to allow a fire truck by street parking.

Vice Mayor Jackson made a motion to approve a public street commitment for Declan Drive, Yarrow Meadow Road, Lillie Farm Lane, and the portion of Critter Trail from North Main Street to Lillie Farm Lane, subject to the conditions as stated in the attached staff recommendation and commitment letter. Councilmember McKenna seconded the motion. The motion passed by a majority vote of Council. Motion carries 4-0

H. Quarterly Report: Police Department
Police Chief Ron Davis presented the Weaverville Police Department Quarterly Report for November 2019 – January 2020. Chief Davis noted that there were 3,104 calls for service last quarter, which is an increase of 11% from the same quarter last year, 60 arrests, which is a decrease of 11.7% from same quarter last year, and 60 vehicle collisions with 6 injuries, which is an increase of 9% from same quarter last year. He also noted that the police departments response times have decreased, which he believes is due to the department being fully staffed.

I. Quarterly Report: Fire Department
Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for November 2019 – January 2020. There were 469 calls this quarter with an average response time for all calls at 6:28 minutes, the increase is due

to a large number of overlapping calls and calls outside the jurisdiction, 11 child passenger safety seats were installed, 83 commercial business inspections, and 5 fire prevention and education classes were conducted.

8. Adjournment

Councilmember Sherrill made the motion to adjourn; Councilmember McKenna seconded and all voted to adjourn the Council's meeting at 9:20 p.m.

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Derek K. Huninghake, Town Clerk

DRAFT

Town of Weaverville
Minutes

Joint Meeting of Town Council and Planning and Zoning Board
Tuesday, March 10, 2020 – Town Hall

The Town Council and Planning and Zoning Board for the Town of Weaverville met for a Joint Meeting on Tuesday, March 10, 2020, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present: Mayor Al Root, Vice Mayor Doug Jackson, Councilmembers Dottie Sherrill, Jeff McKenna and Andrew Nagle. Councilmember Patrick Fitzsimmons was absent.

Planning and Zoning Board members present: Chairman Gary Burge, Vice Chairman Catherine Cordell, Board Members: Peter Stanz, John Chase and Steve Warren, Alternate Board Members: Tom Balestrieri and Rachael Bronson

Staff present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Planner James Eller, and Town Clerk Derek Huninghake

1. **Call to Order**
   Mayor Root called the meeting to order on behalf of Town Council at 6:00pm.
   Chairman Gary Burge called the meeting to order on behalf of the Planning and Zoning Board at 6:00pm.

   Chairman Gary Burge introduced guest speaker Joseph Quinlan, the Self-Help Program Manager from Mountain Housing Opportunities, who was asked to discuss ways that the Town can support the development of affordable housing in Weaverville.

2. **Affordable Housing Presentation**
   Mr. Quinlan noted that Mountain Housing Opportunities sees affordable housing as well built, energy efficient, modest homes, that are affordable to families earning 80% or less of the area median income. The median income changes every year, but right now a family of 4 would earn less than $53,000 to qualify for their affordable housing. Also, these families should have a mortgage payment, which includes property taxes and homeowner's insurance, that doesn't exceed one-third of the family's budget. Mr. Quinlan mentioned that there is no requirement for the homeowners to stay in the house for 15 years. They can turn around and sell the house the next day, but these houses are not sold for less than their value so there is no equity for families to benefit from. All the neighborhoods are mixed income neighborhoods and they do not provide first mortgage financing to owners since they don't have the financial capacity to do so. However, they do offer some second mortgage financing which typically does not require the owner to make monthly payments when the primary mortgage is still outstanding. The second mortgage gets paid back either when the first mortgage is paid off or when the house is sold. This loan is without interest but does have an equity sharing component that raises the second mortgage loan amount as the value of the house increases.

   Mayor Root wondered how many owners leave after their first 5 years in the house. Mr Quinlan stated that they don't really keep those statistics, but have some informal numbers. They have different home ownership products: Turn Key Ownership and Self-Help Ownership. Turn Key homes are built and sold so owners don't have any input in the process, and are built as both affordable and market rate homes. The market rate sales are used to generate funds to support the development of the affordable ones. The Self-Help homes have families working together to build a small community of homes. No one can move into the Self-Help homes until all the homes are built which builds a sense of community literally from the ground up. The Self-Help houses are hardly ever sold since the owners worked so hard

to get them, but about 10% have sold for various reasons that are typically related to taking the owner outside of the geographic area.

Vice Mayor Jackson asked if they were 30-year mortgage loans. Mr. Quinlan noted they don't provide the first mortgages since this area is USDA eligible and a lot of families get NC 502 loans that can be 33 or 38 years.

Councilmember Nagle wondered what the Town of Weaverville can do to help them out with more affordable housing. Mr. Quinlan mentioned that the key component would be allowing higher density, since that is the only way they can make the numbers work. Also, when they ask for greater density, Town Council usually asks for certain conditions and the added conditions has a direct impact on whether they can make a project work or not. The fees for the water depletion have also increased to $2,232, which is high for them so if the Town could help on that as well it would be beneficial.

Catherine Cordell wondered if all their homes come with city water and sewer. Mr. Quinlan mentioned that most of all their homes come with city utilities or that is what they look for when they are picking sites.

Peter Stanz asked how they find owners to buy these affordable houses. Mr. Quinlan noted that they do advertisements and flyers. All low-income families are required to take classes for credit counseling and they send a representative to discuss affordable housing options. They also have affordable apartments in the area and they send information to those affordable apartment tenants in case the tenants want to consider moving into a home.

3. **Mixed Use Recommendation**
Town Planner Eller noted that at their February 2020 meeting, the Planning and Zoning Board was charged with considering a set of language that would transition the permitting of mixed-use structures/developments from the existing conditional zoning district to permitted with standards. It is important to know that this is only in the C-1, C-2, and R-12 zoning districts and for only projects of certain size. Any projects over 25,000sq/ft would still require the conditional zoning process. The Planning and Zoning Board offers a unanimous recommendation to Town Council. Town Attorney Jennifer Jackson mentioned that the public hearing has been scheduled for the next Town Council meeting on March 23, 2020.

Town Planner Eller mentioned that they are recommending a set of additional standards that would permit to get mixed use structures within the C-1, C-2, and R-12 zoning districts. These additional standards largely revolve around parking requirements, garbage container requirements, density requirements, and dimensional requirements of the underlying zoning district.

4. **Comprehensive Land Use Plan Priorities and 160D Update**
Town Planner James Eller noted that it is his understanding that mixed use development was the last priority listed as the highest priority, which, if adopted by Town Council, would have been addressed. That would leave the secondary priorities, so at some point it might be to our advantage for the priorities to be reranked by Town Council and the Planning and Zoning Board to give some guidance to staff.

Town Attorney Jackson mentioned that they would like a reranking of the priorities but right now the top priority is tackling the revisions to both the subdivision ordinances and zoning code that are necessary due to 160D, since we are on the clock. She indicated that there will be some substantive changes and some policy issues they would like to get some upfront input from Town Council and the Planning and Zoning Board as they work on the 160D revisions. They hope that by the next joint meeting four months from now, the 160D changes would be presented to Town Council in draft form.

Chairman Burge mentioned that as far as he can see there is nothing in these changes that is controversial. It is mainly following the lead of the legislature.

Town Attorney Jackson thinks that while they go through the process, they will see some policy issues and ordinances that have been on the list for compliance reasons and now may be the time to tackle them. She does anticipate that

there will be some substantive policy and procedures that will be brought forward, like the subdivision review process, to see if there is a way to streamline it.

Mayor Root noted that he would like at some point to have discussion on what we see as limits to growth.

Catherine Cordell mentioned that her concern is still the availability of water, since there are a lot of projects still being built with water allocations. She wants to know when the water plant is going to be expanded. Town Manager Coffey mentioned that the water plant is going to be completed and is the top priority on the budget list. Also, with the water allocation projections it appears that the prior Public Works Director might have done some over calculations, so we have plenty of available water.

5. Miscellaneous Items

Councilmember Nagle mentioned that if we are looking at how to make things affordable instead of subdividing. He has 15 acres and already has one out building, but isn't allowed to build another outbuilding. However, someone who has a quarter acre lot can have one out building, so it doesn't seem affordable if the only way is to subdivide. He thinks that there should be some proportionality of the number of out buildings based on the amount of property owned, instead of just one out building for any property regardless of size.

Catherine Cordell mentioned that with roads being made private and soon to become public if there is a way to put sidewalks into Town standards. Councilmember McKenna noted that he wonders if when they widen I-26 if they can add sidewalks for bikes to go across the bridge. He believes they need to take every opportunity with developments and ask what they plan for sidewalks and if they don't have a plan then we can discuss it.

Town Planner Eller mentioned that this may speak to the reprioritization of some of the goals within the land use plan as well and it is certainly a topic at the Planning and Zoning Board and if this two bodies can agree then it can certain be placed at the front of the priorities.

Town Attorney Jackson mentioned that right now the regulations on sidewalks is required for commercial development, but for residential subdivisions, even large ones, it is not required at all. The Board of Adjustment can waive the sidewalk requirements. The Town has been able to require sidewalks for residential projects through conditional zoning districts. Policies concerning sidewalks and the implementation of a sidewalk improvement plan are noted priorities in the comprehensive land use plan.

Town Planner Eller noted that based on this conversation, our sidewalk requirements should be closely examined and the type of developments that are subject to these sidewalk requirements be expanded upon.

6. Adjournment.

Vice Mayor/Councilman Jackson made the motion to adjourn the Town Council meeting; Councilman Nagle seconded and all of Town Council voted to adjourn the Council's meeting at 7:30 p.m.

Vice Chairman Cordell made the motion to adjourn the meeting of the Planning and Zoning Board; Board member Stanz seconded and all Board members voted to adjourn the Board's meeting at 7:30 p.m.

DEREK K. HUNINGHAKE, Town Clerk	**JAMES ELLER, Deputy Town Clerk**
MAYOR ALLAN ROOT	**CHAIRMAN GARY BURGE**

MINUTES

Town of Weaverville
State of North Carolina

Town Council Regular Workshop
Tuesday, April 14, 2020

Remote Electronic Meeting
Zoom: http//us04web.zoom.us/j/167912792

The Town Council for the Town of Weaverville met for its regularly scheduled workshop on Tuesday, April 14, 2020, at 6:00 p.m. as a remote electronic video meeting via Zoom Meeting.

Councilmembers remotely present were: Mayor Al Root, Vice Mayor Doug Jackson, and Councilmembers Dottie Sherrill, Jeffrey McKenna, Andrew Nagle, and Patrick Fitzsimmons.

Staff remotely present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Town Planner James Eller, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. **Call to Order**
   Mayor Root called the meeting to order at 6:00 p.m.

2. **Town's Response to COVID-19 Pandemic**
   The Town of Weaverville Department Heads reviewed their slides from the Power point presentation that is attached.

   Councilmember Nagle wondered 1)what the Town can and can't do in regard to following the authority given by the State and County, 2)can the Town ask the online payment company if we can waive the fee for payments at this time or if we can pay it, and what the estimated sales tax loss would be for the Town.

   Town Attorney Jackson noted that the Governor's declaration applies to everyone. She believes that if the County wants to be more restrictive than the State, it can do so but the more restrictive County restrictions are only effective in the municipal jurisdictions if the respective mayors consent to them. The Town of Weaverville can always make it more restrictive as well but the question was whether the Town can be less restrictive than the County. Town Attorney believes that to be an option for the Town but will confirm.

   Town Manager Coffey mentioned that the fee is $2.95 per transaction for payment on water bills online and she was looking into trying to do away with this fee, but if this is possible there are some statements that Town Council will have to approve. She wonders whether jumping through the steps to do this will be effective given that we are hopefully rounding the corner for this to end and it would not be fair to others that have made those payments. There are other payment options, besides paying online, for the citizens and customers to pay their bills without incurring any fees, including: bank draft for water bills, drop boxes at Town Hall, and payment by mail.

As for the sales tax, Town Manager Coffey noted that the County is looking at lowering their sales tax projections by about 20% to 30% and to us that equals out to about $500,000.

Councilmember Sherrill wondered where the new storage units for Public Works will be placed. Public Works Director Dale Pennell mentioned that they had been installed down where the old quarry used to be, beyond the gate heading toward the firing range.

Vice Mayor Jackson asked when we start to get over this pandemic, are we going to go through phases to get operations back up in the Town. Town Manager Coffey mentioned that she is keeping an eye on what other Towns are planning on doing, but the Small Town Strong initiative will be apart of this to help get information to the community about local businesses and to also get some input from the local businesses on how the community can help them get back up. She is hearing that we should be getting back to normal sometime in the May timeframe and she and Mayor Root have discussed some strategies to help the local businesses out.

Councilmember McKenna mentioned that several companies he works with are rethinking how they do business, including how they deploy people, conduct meetings, and use physical buildings. He wondered if the Town vision would change since there could be a ripple affect when businesses change. Mayor Root noted that this would be a great opportunity for us to rethink our Town model. Councilmember Fitzsimmons mentioned that, after this public health emergency has passed, having large gatherings may not be the norm anymore, so do we rethink about having big meeting rooms in the future.

3. Potential Action

Town Manager Selena Coffey noted that she is recommending a resolution to designate a primary and secondary applicant agent for the Town FEMA reimbursement. She is recommending that Fire Chief Ted Williams be the primary agent and she will be the secondary agent. Town Attorney Jennifer Jackson mentioned that this essentially assigns the paperwork submittal to the primary agent for FEMA reimbursements.

Vice Mayor Jackson made a motion to approve the Designation of Applicant's Agent Resolution. Councilmember Fitzsimmons seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0

Town Attorney Jennifer Jackson mentioned that it is important that we continue our governmental operations including an ability for Town Council on other public boards to continue to meet. The opinion has been given that public bodies can have remote electronic meeting, including public comment, and comply with Open Meetings law that guarantees transparency in government. The resolution before Town Council adopts special rules for remote electronic meetings and public hearings during the COVID-19 public health emergency. It authorizes the Mayor and board chairman to convert the Town's public meetings and public hearings to remote electronic meetings and to only allow in-person meetings and hearings if the gathering limitations and social distancing requirements can be observed.

Councilmember Nagle made a motion to approve the Resolution adopting Special Rules for Remote Electronic Meetings and Public Hearings during the COVID-19 Public Health Emergency as presented. Councilmember McKenna seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0

4. Adjournment

Councilmember Sherrill made the motion to adjourn; Vice Mayor/Councilmember Jackson seconded and all voted to adjourn the Council's workshop meeting at 7:25 p.m.

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Derek K. Huninghake, Town Clerk

DRAFT

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: Monthly Tax Report

PRESENTER: Tax Collector

ATTACHMENTS: Monthly Tax Report

DESCRIPTION/SUMMARY OF REQUEST:

The Town Tax Collector provides the following monthly tax report as of April 20, 2020. This report is provided for information only.

No action is requested or required.

Town of Weaverville
MONTHLY TAX REPORT
FY 2019-20

				4/20/2020
Real Property:	$	783,958,380		
Real Property Discoveries:		1,122,100		
Total Real Property:			$	785,080,480
Personal:		73,730,921		
Personal Discoveries:		229,087		
Total Personal:				73,960,008
Public Utilities:				5,406,640
Exemption:				(9,473,150)
Releases:				(2,792,494)
Total Tax Value			**$**	**852,181,484**
Tax Levy @.38 cents per $100				
Real Property:				2,983,306
Personal Property:				281,048
Public Utilities:	$	20,545		
Less Under $5 Adjustment		(47)		
Total Public Utilities:				20,498
Exemption:				(35,998)
Releases:				(10,611)
Total Levy (Total Billed)			**$**	**3,238,243**
Total Current Year Collections			**$**	**3,161,493**
% Collected				**97.63%**
Total Left to be Collected:			**$**	**76,750**
Prior Years Paid			**$**	**4,537**

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: Tax Refund and Releases

PRESENTER: Tax Collector

ATTACHMENTS:

DESCRIPTION/SUMMARY OF REQUEST:

Town Council is asked to approve a tax release from a duplicate 2018 tax bill for personal property with PIN P753263, owned by Robert and Martha Hoyle at 68 Highland Street, for $22,057 in value and $87.44 from the 2018 tax levy and refund this amount and a tax release from a 2018 tax bill for personal property with PIN P3025190, owned by David Foster at 212 N. Main Street, for $3,588 in value and $13.63 from the 2018 tax levy.

TOWN COUNCIL ACTION:

Town Council is requested to approve the above-described release. This action could be in the form of the following motion:

> ***I move to approve the release of personal property from Robert and Martha Hoyle at 68 Highland Street with PIN P753263, valued at $22,057, so that $87.44 can be released from the 2018 levy and refunded, and the release of personal property from David Foster at 212 N. Main Street with PIN P3025190, valued at $3,588, so that $13.63 can be released from the 2018 levy.***

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: Resolution Approving Donation of Surplus Personal Property – Used Fire Hoses and Supply Lines

PRESENTER: Town Manager

ATTACHMENTS: Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

Over the last year the Fire Department has replaced several sections of fire hose and supply lines, rendering several sections of hose and line as surplus equipment.

As allowed by G.S. § 160A-280, the Town Manager proposes that these items be declared surplus and donated to the governmental unit and nonprofit corporation indicated below:

Quantity	Length	Type	Age	Governmental/Nonprofit Organization
15	100 ft	4 ½ -inch supply line	10 years old	Town of Mars Hill, North Carolina
8	50 ft	2 ½ - inch fire hose	10-12 years old	Barnardsville Volunteer Fire Department, Incorporated

Notice of an intent to take this action was posted on the Town's website and main bulletin board on March 11, 2020, so action at tonight's meeting to adopt a resolution declaring the surplus and authorizing the donation is appropriate.

The Town Attorney has prepared a release of liability for donated equipment for each receiving entity to sign prior to the donation and that is referenced as a condition of the donation in the proposed resolution.

COUNCIL ACTION REQUESTED:

Adoption of the attached *Resolution Declaring Used Fire Hoses and Supply Lines Surplus Personal Property and Approving Donation Pursuant to G.S. § 160A-280*.

TOWN OF WEAVERVILLE

RESOLUTION DECLARING USED FIRE HOSES AND SUPPLY LINES SURPLUS PERSONAL PROPERTY AND APPROVING DONATION PURSUANT TO G.S. § 160A-280

WHEREAS, North Carolina General Statute §160A-280 authorizes Town Council to donate surplus personal property to another governmental unit and/or a nonprofit organization incorporated in North Carolina; and

WHEREAS, the Town of Weaverville has replaced several used fire hoses and supply lines within the last year, rending the following surplus property:

Quantity	Length	Type	Age
15 sections	100 ft	4 ½ - inch supply line	10 years old
8 sections	50 ft	2 ½ - inch fire hose	10-12 years old

WHEREAS, the Town of Mars Hill, a North Carolina municipality, has expressed an interest in receiving the 15 sections of surplus supply lines and the Barnardsville Volunteer Fire Department, Incorporated, a North Carolina nonprofit corporation, wishes to receive the 8 sections of surplus fire hoses;

WHEREAS, in accordance with North Carolina General Statute §160A-280, notice of Town Council's intent to declare these personal property items as surplus and donate them to the Town of Mars Hill and the Barnardsville Volunteer Fire Department, Incorporated, was posted on the Town's website and main bulletin board on March 11, 2020;

NOW, THEREFORE, BE IT RESOLVED, that, as allowed by North Carolina General Statute §160A-280, the personal property described herein is hereby declared as surplus and the respective donations is authorized subject to the execution of a release of liability for donated equipment to be drafted and approved by the Town Attorney.

ADOPTED this the 27th day of April, 2020.

_____

ALLAN P. ROOT, Mayor

_____

Derek K. Huninghake, Town Clerk

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting:	Monday, April 27, 2020
Subject:	Greenwood Park Major Subdivision Preliminary Plat
Presenter:	Planning Director
Attachments:	Recommendation of the Planning and Zoning Board; Greenwood Park Preliminary Plat; Staff Report

Description:

On Thursday, March 5, 2020 the Planning and Zoning Board reviewed the attached preliminary plat as required by ordinance and passed along a unanimous recommendation that said plat be approved by Town Council.

Action Requested:

Staff is requesting the approval of the aforementioned major subdivision and has found in conjunction with the Planning and Zoning Board that the proposed subdivision is in accordance with the ordinances of the Town.

Town of Weaverville
Planning and Zoning Board

On Thursday, March 5, 2020 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached major subdivision preliminary plat and plans for the property commonly known as Greenwood Park with one condition as stated in the also attached Technical Review Committee report.

It has been found that the proposed major subdivision would not conflict with the Town's Comprehensive Land Use Plan or Subdivision and Zoning Ordinances. The Planning and Zoning Board Considers approval both reasonable and in the public interest due to the Town's technical review committee finding of compliance with municipal ordinance and relevant state and federal laws, rules and regulations.

_____

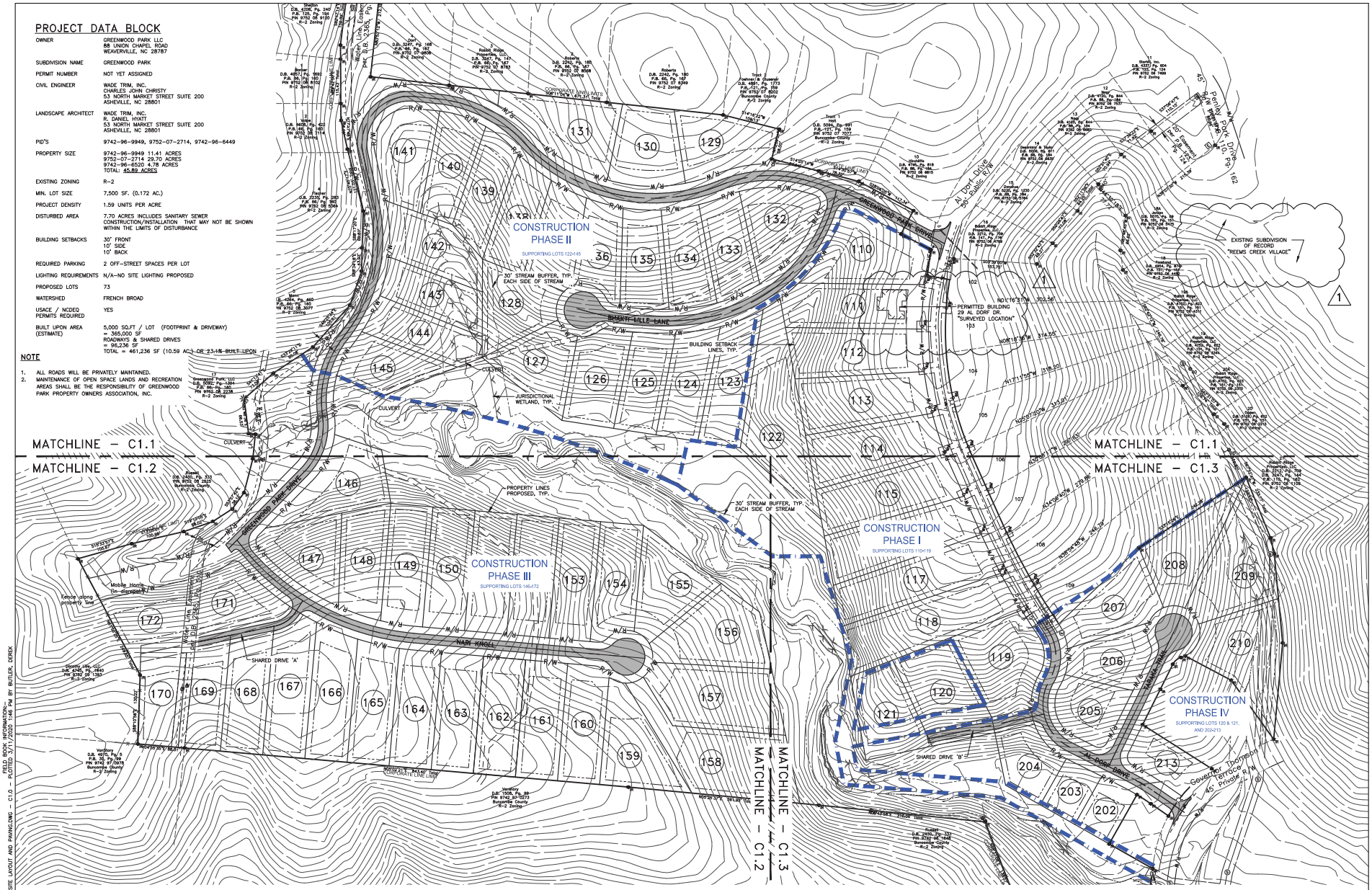
Gary Burge
Chairman, Planning and Zoning Board

PROJECT DATA BLOCK

OWNER	GREENWOOD PARK LLC 88 UNION CHAPEL ROAD WEAVERVILLE, NC 28787
SUBDIVISION NAME	GREENWOOD PARK
PERMIT NUMBER	NOT YET ASSIGNED
CIVIL ENGINEER	WADE TRIM, INC. CHARLES JOHN CHRISTY 53 NORTH MARKET STREET SUITE 200 ASHEVILLE, NC 28801
LANDSCAPE ARCHITECT	WADE TRIM, INC. R. DANIEL HYATT 53 NORTH MARKET STREET SUITE 200 ASHEVILLE, NC 28801
PID'S	9742-96-9949, 9752-07-2714, 9742-96-6449
PROPERTY SIZE	9742-96-9949 11.41 ACRES 9752-07-2714 29.70 ACRES 9742-96-6520 4.78 ACRES TOTAL: 45.89 ACRES
EXISTING ZONING	R-2
MIN. LOT SIZE	7,500 SF. (0.172 AC.)
PROJECT DENSITY	1.59 UNITS PER ACRE
DISTURBED AREA	7.70 ACRES INCLUDES SANITARY SEWER CONSTRUCTION/INSTALLATION THAT MAY NOT BE SHOWN WITHIN THE LIMITS OF DISTURBANCE
BUILDING SETBACKS	30' FRONT 10' SIDE 10' BACK
REQUIRED PARKING	2 OFF-STREET SPACES PER LOT
LIGHTING REQUIREMENTS	N/A-NO SITE LIGHTING PROPOSED
PROPOSED LOTS	73
WATERSHED	FRENCH BROAD
USACE / NCDEQ PERMITS REQUIRED	YES
BUILT UPON AREA (ESTIMATE)	5,000 SQ.FT / LOT (FOOTPRINT & DRIVEWAY) = 365,000 SF ROADWAYS & SHARED DRIVES = 96,236 SF TOTAL = 461,236 SF (10.59 AC) ~~OR 23.1% BUILT UPON~~

NOTE

1. ALL ROADS WILL BE PRIVATELY MAINTAINED.
2. MAINTENANCE OF OPEN SPACE LANDS AND RECREATION AREAS SHALL BE THE RESPONSIBILITY OF GREENWOOD PARK PROPERTY OWNERS ASSOCIATION, INC.



Know what's below. Call before you dig.

REV#	DATE	DESCRIPTION	BY
1	02/18/20	WEAVERVILLE TRC REVIEW COMMENT REVISIONS	RDH

29

WADE TRIM
53 N. Market Street, Suite 200
Asheville, NC 28801
828.252.8000
Corporate License Number: F-1063
www.wadetrim.com

GREENWOOD PARK SUBDIVISION
AL DORF DRIVE, REEM'S CREEK VALLEY
WEAVERVILLE, NC 28787

MASTER LAYOUT AND PAVING PLAN

GREENWOOD PARK SUBDIVISION

ISSUED FOR:	DATE:	BY:
REVIEW	01/14/20	RDH
APPROVAL	02/18/20	RDH

JOB NO. GNW2001.01A

SHEET C1.0

© Wade Trim Group, Inc.

PROJECT MANAGER: R:\PROJECTS\GNW2001.01\GNW2001.01A\PLTS-SITE LAYOUT AND PAVING\DWG - C1.0 - PROPOSED SITE LAYOUT.DWG PLOTTED ON 2/18/2020 4:46 PM BY BUTLER, DEREK
FIELD BOOK INFORMATION:

TOWN OF WEAVERVILLE
TECHNICAL REVIEW COMMITTEE
REPORT II

Project: Major Subdivision Preliminary Plat, Plans and Application – Greenwood Park
Date: February 21, 2020; 10:00
Location: Conference Room, Town Hall
Staff: Planning Director, James Eller; Public Works Director, Dale Pennell; Fire Marshal Kile Davis.

Dept:	Comment:	Sheet #:
FD	Hydrants at 500 ft. intervals along traveled roadways and preferably at intersections. Too much distance between hydrants shown at Lot 113 and Lot 204. (possibly relocate hydrant shown at LOT 204 to Lot 119 or 207). Fire hydrant shown at lot 204 also appears to be located on steep fill slope.	C3.0

Town of Weaverville, North Carolina

Staff Report: Proposed Major Subdivision for Greenwood Park

Prepared February, 2020

Sources: Town of Weaverville Code of Ordinances; Town of Weaverville Water and Street Standards; North Carolina Fire Prevention Code

Introduction to the Property

The subject parcel(s), commonly known as Greenwood Park, consists of 45.89 acres as shown on Buncombe County tax records and proposes to create 73 lots from the aforementioned acreage. The property may be found directly adjacent to the existing Reems Creek Village subdivision and also in close proximity to the Reems Creek Golf Community. The zoning of all properties in question is R-2 which carries the following dimensional requirements established by Section 36-106 of municipal ordinance.

Sec. 36-106. - Table of dimensional requirements.

Zoning District	R-2
Minimum Lot Area (sq. Ft.)	7,500
Minimum Lot Width(ft.)	75
Minimum Front Yard (ft.)	30
Minimum Side Yard (ft.) Abutting Residential District	10
Minimum Rear Yard (ft.) Abutting Residential District	10
Height Limit (ft.)	35

Question of Jurisdiction

Section 25-81.B tasks the Planning and Zoning Board to conduct a review and recommendation to Town Council regarding a major subdivisions compliance with the Town's Subdivision and Zoning Ordinance within 90 days of its original consideration of the preliminary plat.

Previous Decisions Related to this Property

On or about August 2015 the property owner was able to achieve preliminary plat approval for a previous iteration of a subdivision for the subject properties. Under these parameters the property owner was also able to achieve final plat approval for the then known as phase 1 of Greenwood Park in January of 2018. On Monday, December 16, 2019 staff received a correspondence from the property owner expressing the desire and intent to vacate previous preliminary plat approvals for Greenwood Park in favor of a forthcoming version of the plan. This version of the new preliminary plat is what you are being asked to review and consider.

Technical Review Committee Review and Comment

On January 14, 2020 staff first received the preliminary plat and plans for Greenwood Park. On January 21, 2020 the Technical Review Committee consisting of Planning Director James Eller, Public Works Director Dale Pennell and Fire Marshal Kile Davis convened to review the proposed project. A TRC report, a copy of which is attached hereto, was created as a result of this review which proposed 12 changes to the plat and plans as submitted. As a result of these findings, the preliminary plat was rescinded from consideration by the Planning and Zoning Board during their regularly scheduled meeting on Tuesday, February 4, 2020. In the following days, the engineers of the project worked with various members of staff from various departments to address the findings of the TRC. On February 17, 2020 a second version of the plat and plans were submitted to staff with TRC comment revisions at which point the TRC reconvened on February 21, 2020 for further review. A second TRC report was created, also attached hereto, with only one comment on the current version of the plat and plans. Given the current nature of the plat and plans staff felt it appropriate to present to the Board for their review and comment.

Staff Recommendation

Having thoroughly reviewed the plat and plans through the TRC staff is prepared to offer a positive recommendation to the Planning and Zoning Board on the proposed major subdivision commonly known as Greenwood Park with the one recommendation stated on the TRC report II dated February 21, 2020. A copy of the preliminary plat and plans with attesting signatures of the aforementioned municipal officials is on file for review, if needed.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: Annual Presentation of Town Manager Delegated Policies

PRESENTER: Town Manager

ATTACHMENTS: Index to Policy and Procedure Manual
Town Manager Approved Policies

DESCRIPTION/SUMMARY OF REQUEST:

In accordance with Section 6 of Article I of the Town's Personnel Policy, the Town Manager presents to Town Council the policies that have been adopted by the Town Manager as allowed by the Personnel Policy. The attached Policy and Procedures Manual Index shows the Town Manager delegated policies highlighted in orange. Each of these policies is attached for Town Council's review. The following policies have been adopted by the Town Manager and added to the Town's Policy and Procedure Manual since Town Council last reviewed them in June 2019: Procurement Card Program, Emergency Telework Policy, and the Safety Program, Rules, Policies and Procedures. The Town Manager has also adopted Supplement Safety Rules pertaining specifically to the COVID-19 public health emergency.

One of the responsibilities of the Town Manager is to recommend rules and procedures affecting the Town's personnel system. The Town Manager proposes non-controversial amendments to the policies that are highlighted in yellow. These recommendations will be presented in separate items at tonight's meeting, but include the following:

> Minor amendments to Personnel Policy – The Town Manager recommends that Town Council consider minor amendments to the Personnel Policy to allow the Town Manager to designate an ADA Coordinator and the discretion to serve as the Human Resources Officer, and to modify the content of a letter of dismissal given that it is a public record subject to inspection.
>
> Non-controversial amendments to the Town's ADA Compliance Policy and Procedures and the Town's Grievance Policy and Procedures as a part of the Town's ADA Transition Plan.
>
> Adoption of a non-controversial Title VI Civil Rights Compliance Policy, in order to clearly set out those policies and to provide procedures to address issues that arise as a part of a Title VI Implementation Plan that Council will be considering tonight.

COUNCIL ACTION REQUESTED:

This information is provided for Town Council's information. All action that is recommended is under other specific agenda items.

TOWN OF WEAVERVILLE
POLICY AND PROCEDURE MANUAL INDEX

TAB	POLICY	ADOPTED BY	DATE
1	**CODE OF ETHICS**	Town Council	12/21/1998 & 10/18/2010
2	**PERSONNEL POLICY**	Town Council	6/17/2019
3	**PAY PLAN**	Town Council	7/16/2018
4	**WORKPLACE VIOLENCE PREVENTION POLICY AND PROCEDURES**	Town Council	6/17/2019
5	**HARASSMENT POLICY AND PROCEDURES**	Town Council	6/17/2019
6	**AMERICANS WITH DISABILITIES ACT COMPLIANCE POLICY AND PROCEDURES**	Town Council	6/17/2019
7	**GRIEVANCE POLICY AND PROCEDURES**	Town Council	6/17/2019
8	**FAMILY AND MEDICAL LEAVE POLICY AND PROCEDURES**	Town Council	6/17/2019
9	**WORKERS' COMPENSATION POLICY AND PROCEDURES**	Town Council	6/17/2019
10	**TRAVEL POLICY AND PROCEDURES**	Town Council	6/17/2019
11	**EMPLOYEE SUGGESTION INCENTIVE PROGRAM**	Town Council	2/25/2019
12	**VOLUNTARY SHARED LEAVE PROGRAM**	Town Manager	6/17/2019
13	**ALCOHOL AND SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE POLICY AND PROCEDURES**	Town Manager	5/21/2019
14	**EQUIPMENT AND VEHICLE USE POLICY**	Town Manager	4/15/2019
15	**INFORMATION TECHNOLOGY AND INTERNET USE POLICY**	Town Manager	4/15/2019
16	**SOCIAL MEDIA USE POLICY AND PROCEDURES**	Town Manager	4/15/2019
17	**RECYCLING AND RECYCLED PRODUCTS PURCHASING POLICY**	Town Manager	6/3/2019
18	**WATER CUSTOMER SERVICE POLICY**	Town Council	4/16/2012
19	**FACILITY USE POLICY**	Town Council	2/27/2017
20	**INTERNAL COMMUNICATIONS POLICY**	Town Manager	3/8/2018
21	**PROCUREMENT CARD PROGRAM**	Town Manager	7/30/2019
22	**EMERGENCY TELEWORK POLICY**	Town Manager	3/26/2020
23	**SAFETY PROGRAM**	Town Manager	4/14/2020

TOWN OF WEAVERVILLE
VOLUNTARY SHARED LEAVE PROGRAM

Section 1. Purpose and Objectives

There are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave resulting in being placed on leave without pay. It is recognized that such employees who are forced to go on leave without pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their annual leave so as to provide assistance to a fellow Town employee.

This program provides an opportunity for employees to assist others affected by a medical condition that requires absence from duty for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave.

Section 2. Definitions

Donor – Town employee who donates leave

Immediate family – An employee's spouse or domestic partner, parent, sibling, child, grandparent or grandchild, aunt or uncle, niece or nephew, guardian or ward; step- and half- relations of the aforementioned; and the corresponding relatives of the employee's spouse or domestic partner.

LGERS – The North Carolina Local Government Employees' Retirement System

Prolonged medical condition – Serious medical condition (including but not limited to heart attack, stroke, cancer, serious injury, and/or related medically necessary operations) which requires an absence from work for 20 or more consecutive workdays

Prolonged period of time – 20 or more consecutive workdays

Recipient – Town employee who receives donated leave

Regular full-time employee – An employee who has successfully completed the designated probationary period and who is in a position for which an average work week is at least 32 hours and for which at least 12 months continuous employment is needed.

Regular part-time employee – An employee who has successfully completed the designated initial probationary period and who is in a position for which an average work week is at least 20 hours but less than 32 hours and for which at least 12 months continuous employment is needed.

Section 3. Applicability

Only regular full-time and regular part-time employees of the Town are eligible to donate or receive leave under this policy.

Section 4. Policy

A regular full-time or regular part-time employee of the Town may voluntarily transfer annual leave to another regular full-time or regular part-time employee of the Town for

use as sick leave, subject to the provisions of this policy and subject to approval by the Town Manager. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.

Section 5. Intimidation and Coercion Prohibited

An employee may not intimidate, threaten, coerce, bribe, or attempt to intimidate, threaten, coerce, or bribe, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct and/or harassment.

Section 6. Qualifications and Conditions for Recipients

a. **General Eligibility** - In order to receive donated leave, a recipient must meet all of the following qualifications:

   - Be an active employee of the Town (not separated from the Town);
   - Be in a position that earns leave;
   - Have a prolonged medical condition or be the primary caregiver for an immediate family member residing in the recipient's household and experiencing a prolonged medical condition and;
   - Have insufficient sick and annual leave balances to cover the prolonged medical condition;
   - Apply for or be nominated to become a recipient;
   - Produce medical evidence to support the need for leave beyond the accumulated leave available for use by the employee;
   - Be in compliance with existing leave rules; and
   - Be approved by the Town Manager.

b. **Eligibility for Employees on Maternity Leave** – An employee on maternity leave may be eligible to receive donated leave to cover the period of disability related to the pregnancy and/or birth as documented by a physician. Donated shared leave cannot be used for parental care of a newborn child absent a documented prolonged medical condition.

c. **Eligibility for Employees Receiving Disability Benefits Through LGERS** – An employee who is receiving disability benefits from the Local Government Employees' Retirement System is not eligible to participate in the program. Donated leave may, however, be used during the required waiting period and following the waiting period provided that disability benefits have not yet begun.

d. **Short-Term and/or Sporadic Conditions Not Covered** –This policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions, short-term absences due to contagious diseases; or short-term,

recurring medical or therapeutic treatments. These examples are illustrative and not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently and equitably.

e. **Coverage for Care of Immediate Family** – This policy is meant to provide an opportunity for coworkers to donate annual leave to an employee who is: (1) experiencing a prolonged medical condition, or (2) serving as the primary caregiver for an immediate family member residing with the employee and experiencing a prolonged medical condition.

f. **Using Donated Leave** – Donated leave will be credited to the recipient's sick leave balance and must be used in accordance with the Town's sick leave policies except as provided herein. Donated leave must be used in half day or whole day increments. Donated leave will generally not be allowed to be used on an intermittent basis. An employee may begin using donated leave after all of the employee's available sick and annual leave has been exhausted, and can be retroactively applied for up to 30 days if the recipient used leave without pay related to the prolonged medical condition. While using donated leave, the employee continues to earn leave. When accounting for leave, sick and annual leave accrued by the employee should be used first. Under no circumstance can donated leave be used to receive creditable service with LGERS.

g. **Maximum Amount of Leave Received** – The maximum amount of donated leave a recipient may receive for each prolonged medical condition is 480 hours (prorated for part-time employees).

h. **Effect of Resignation, Retirement or Death of Recipient** – If a recipient separates from the Town for any reason, including resignation, retirement, or death, participation in the program ends.

i. **Return of Unused Donated Leave** – Any donated leave that is unused by the recipient when either the prolonged medical condition has ended or the recipient separates from employment with the Town, shall be returned to the donor(s) on a prorata basis and credited to the same account from which it originally came.

Section 7. Qualifications and Conditions for Donors

a. **General Eligibility** – In order to donate leave an employee must at the time of donation:

- Be an active employee of the Town (not separated from the Town);
- Be in a position that earns leave;
- Have an annual leave balance that would not be reduced below a minimum of 80 hours after the donation of leave;
- Be in compliance with existing leave rules; and
- Be approved by the Town Manager.

b. **Restriction on Type of Leave Donated** – Only annual leave may be donated under this policy.

c. **Minimum and Maximum Leave Donated** – The number of annual leave hours that can be transferred by an employee donor is a minimum of 4 hours and a maximum of 40 hours each calendar year per employee recipient.

d. **Timing of Donation** – The transfer of annual leave can occur at any time during the calendar year except that no leave transfers shall be approved within 60 days of the date of an employee's retirement, resignation or other anticipated separation from the Town.

e. **Transfers are Irreversible** – Except for the return of unused donated leave and for corrections associated with mistakes or violations of policy, after leave is transferred it is irreversible.

Section 8. Application and Approval

A prospective recipient shall apply or be nominated by a fellow employee to participate in the program. An application for shared leave must be submitted on approved forms and must be accompanied by medical evidence supporting the need for leave beyond the available accumulated leave. A recommendation of the employee's department head and the Human Resources Officer's certification of leave balances of the recipient employee and the donor employee must be submitted to the Town Manager with the application. The Town Manager shall review the merits of the request and approve or disapprove the sharing of leave, in his or her sole discretion.

Section 9. Confidentiality

Medical information is confidential. When disclosing information on an approved recipient, only a statement that the recipient has a prolonged medical condition needs to be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known. Confidentiality also extends to the identification of donors. It is up to individual employees to share whether they have donated leave under this policy.

Section 10. Leave Records and Accounting

The Town's Human Resources Officer shall establish a system of leave accountability which provides a clear and accurate record for financial and management audit purposes.

Leave donated shall be:

- Kept confidential (only individual employees may reveal their donation or receipt of leave);
- Deducted from the donor's annual leave account;
- Credited to the recipient's sick leave account and charged according to the Town's sick leave policy; and

- Available for use on a current basis or may be retroactive for up to 30 calendar days to substitute for leave without pay.

Section 11. Violations

Any employee found to be in violation of this policy will be subject to prompt disciplinary action under the Town's Personnel Policy, up to and including dismissal.

Section 12. Adoption and Effective Date

This policy is adopted by the Town Manager pursuant to authorization in the Town's Personnel Policy and may, from time-to-time, be amended by the Town Manager under that same authority. This policy is effective beginning July 1, 2019, and shall continue in full force and effect until amended or repealed.

ADOPTED BY the Town Manager on the 17 day of June, 2019.

TOWN OF WEAVERVILLE

By: _____
Selena D. Coffey, MPA, ICMA-CM
Town Manager

TOWN OF WEAVERVILLE
ALCOHOL AND SUBSTANCE ABUSE AND
DRUG-FREE WORKPLACE POLICY AND PROCEDURES

Section 1. Purpose and Objectives

The Town is committed to protecting the safety, health, and wellbeing of all employees and other individuals in its workplace and strives to be a drug-free workplace. The Town intends to provide a safe and drug-free work environment for its customers and employees.

All employees are expected to adhere to these policies which are designed to provide a safe workplace, discourage alcohol and drug abuse and encourage treatment, recovery and the return to work of those employees with such abuse problems.

The policy includes certain testing requirements and procedures for candidates and employees, including those with a commercial driver's license, as required by the U.S. Department of Transportation and the Federal Highway Administration, and outlines the rules and regulations regarding what happens if an employee is suspected of drug use and/or has a positive test result, and the subsequent course of action.

No part of this policy, nor its procedures, is intended to affect the Town's right to manage its workplace, to discipline its employees, or to change the "at will" nature of employment with the Town. Since it is impossible to anticipate every situation which may arise under this policy, the Human Resources Officer should be contacted to resolve any question or situation not addressed herein. This contact should be made before action is initiated if at all possible.

Section 2. Definitions

Alcohol test– A technical analysis of a biological specimen (urine, hair, blood, breath, sweat, and/or oral fluid/saliva) to determine the presence of alcohol in an individual's blood due to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol

Commercial Driver's License (CDL) – A special driver's license issued by the State of North Carolina (or other state) indicating that a driver is authorized to operate specialized equipment such as semi-trailers, trailers with two or more axles, vehicles with a towing capacity, buses, vehicles with heavy load capacity, and vehicles used to transport hazardous materials.

Drug test – A technical analysis of a biological specimen (urine, hair, blood, breath, sweat, and/or oral fluid/saliva) to determine the presence or absence of specified parent drugs, or their metabolites, including cannabis (marijuana), cocaine, phencyclidine (PCP), heroin, opiates or opioids, amphetamines, but does not include non-controlled over-the-counter drugs unless the context indicates otherwise

Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving and analyzing laboratory results generated by the Town's drug and alcohol testing program, who has knowledge of substance abuse disorders, and who has appropriate medical training to interpret and evaluate an individual's confirmed

positive test result, together with his or her medical history and other relevant biomedical information.

Positive Result – The presence of an illegal drug at a level equal to or greater than the threshold value established by the Department of Health and Human Services for federal Workplace Drug Testing Program; the presence of an alcohol concentration of 0.04 or greater.

Prohibited substances – Illegal drugs and prescription drugs not taken in accordance with a prescription given to the employee.

Reasonable suspicion – An objectively justifiable belief that is based on specific facts and circumstances and reasonable inferences drawn from those facts and circumstances.

Safety sensitive positions – Those job classifications which are entrusted with preserving the public health and safety or the safety of other employees; typically have a special responsibility to maintain physical and mental fitness for duty at all times while on the job; include, but are not limited to: (1) positions requiring the use of weapons, operation of vehicles, machinery or equipment as a primary task; (2) positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace; (3) positions working on or with large or hazardous equipment; (4) positions requiring the potential use of weapons; (5) positions where physical and/or mental fitness is required to prevent immediate injury to the public or to fellow employees; (6) positions working with youth and/or those required to routinely drive other persons; and (7) other positions as required or determined by law, or designated by the Town Manager, as safety sensitive. The following are hereby designated as safety sensitive positions: all sworn law enforcement officers, all heavy equipment operators, all employees that are required to have a CDL as a condition of their job, all certified Fire Department personnel, all employees working at the Water Treatment Plant, and all employees working on the water distribution system.

Section 3. Applicability

This policy applies to applicants wishing to secure a position with the Town and all Town employees.

Section 4. Employee Assistance Program (EAP)

Employees with substance abuse problems are encouraged to voluntarily seek help. Employees may self refer themselves to a medical facility.

Any employee voluntarily seeking help from management will be referred to the Employee Assistance Program. The Town believes an employee who comes forward to report a substance abuse problem should be encouraged to participate in a counseling, treatment, or rehabilitation program. Employees who avail themselves of this program are subject to random testing, at the Town's discretion, for up to 2 years after successful completion of the program.

Employees who successfully complete a rehabilitation program will not be penalized for their participation. However, any future violations of this policy will result in further disciplinary action including dismissal from employment.

Section 5. Medication Use Reporting

Employees of the Town that are taking medication that may alter their ability to perform the essential duties of their position shall report this to their supervisor. The employee does not have to explain what the medication is or what the medication is for. The Town will make reasonable attempts to accommodate the employee and their needs during the time period in which the employee remains on that medication.

Section 6. Prohibitions

Activities that are expressly prohibited on Town property and in the Town's workplaces, and while conducting Town business, include, but are not limited to, the following:

a. the unlawful manufacture, distribution, dispensation, sale, possession, or use of controlled substances;
b. the unlawful use of prescription drugs;
c. the possession, manufacture, or delivery of drug paraphernalia;
d. the solicitation for or sale of narcotics or other illegal drugs or prescription medication without a prescription;
e. being impaired or under the influence of legal or illegal drugs or alcohol, whether on Town property or at a Town workplace or not, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the Town's reputation; and
f. the presence of any detectable amount of an illegal substance in the employee's system while at work, while on Town property or the property of its customers, or while on Town business; and
g. reporting to work or remaining on duty with an alcohol concentration of 0.04 or greater.

Section 7. Drug and Alcohol Testing Required

Testing shall be required for all of the following subject to the provisions and procedures outlined in this policy:

a. employees wishing to secure employment with the Town;
b. employees who are involved in an accident or incident;
c. employees returning to work following referral, evaluation, and/or treatment for a positive alcohol or controlled substances test, and periodic follow-up testing;
d. employees who are reasonably suspected to be under the influence of drugs, alcohol, or other impairing substance while on the job;
e. randomly selected employees holding a CDL; and
f. randomly selected employees working in safety sensitive positions.

TOWN OF WEAVERVILLE
ALCOHOL AND SUBSTANCE ABUSE AND
DRUG-FREE WORKPLACE POLICY AND PROCEDURES

A. **Pre-Employment Testing** – A candidate selected for employment in a safety sensitive position or position which requires a CDL will be tested for illegal substances. Other candidates may, in the discretion of the Town Manager, be required to submit to a pre-employment drug test. If the candidate elects to proceed with the testing, he or she will be contacted by the Human Resources Officer in order to schedule the test. If the employee chooses not to proceed with the testing or the testing yields a "positive" or "dilute specimen" result without satisfactory medical explanation and approval, the employment offer will be withdrawn.

B. **Post-Accident/Post-Incident Testing** – The Town will conduct post-accident or post-incident drug and/or alcohol testing if there is a reasonable possibility that employee drug or alcohol use is likely to have contributed to the accident or incident and for which the drug and alcohol test can accurately identify impairment caused by drug or alcohol use. An employee involved in an on-the-job accident or incident under circumstances that suggest possible use or influence of drugs or alcohol in the accident or incident may in the discretion of the Town Manager be required to submit to a drug and/or alcohol test. This applies not only to the person who was or could have been injured, but also any employee who potentially contributed to the accident or injury in any way. Discretion may be exercised by the Town Manager in determining whether testing is required if there is no reason to suspect that an employee was actively involved in an accident or incident because of alcohol or substance use, except that drug and alcohol testing is required when a Town vehicle is involved in an accident and:

   i. there is a fatality or bodily injury requiring medical treatment away from the scene (whether or not the employee caused the accident);
   ii. the employee received a traffic citation under state or local law for a moving traffic violation arising from the incident;
   iii. one or more of the vehicles involved receives disabling damage requiring that the vehicle be towed from the scene.

   Testing for drugs and alcohol should occur within 2 hours of the accident or incident but not more than 8 hours following the time of the accident or incident. If the employee is unable to be tested within 2 hours, reasons for the delay must be documented. If no alcohol test is conducted at the scene and the employee leaves the workplace, the employee should not drink any alcoholic beverages for at least 8 hours due to the fact that the Town may still call the employee back in for testing.

   Employees may be required to be escorted by another Town employee to a testing facility after an accident or incident has occurred. No employee will be allowed to drive themselves to a testing facility after an accident or incident has occurred. No employee is authorized to operate Town equipment or a Town vehicle until test results are confirmed.

C. **Return to Duty and Periodic Follow-up Testing Following Referral, Evaluation and/or Treatment for Positive Alcohol or Controlled Substances Test** – As a condition of continued employment with the Town an employee that has tested positive for drugs and/or alcohol may in the discretion of the Town Manager be required to submit to return to duty testing and/or random testing during a period not to exceed 2 years from the date of return to work.

D. **Reasonable Suspicion Testing** – The Town may ask an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs and/or alcohol, including, but not limited to, the following circumstances:

- Direct observation of prohibited drug or alcohol use
- Evidence of drugs/alcohol on or about the employee's person or in the employee's vicinity
- Unusual conduct on the employee's part that suggests impairment or influence of drugs/alcohol
- Visible signs of impairment including, but not limited to, slurred speech, glassy eyes, strong odor of alcohol or drugs on the employee's person, swaying or staggering, inability to walk a straight line, unusually loud speech, abusive language, harassing behavior
- Physical or verbal altercation
- Arrest, citation, or deferred prosecution related to drugs/alcohol
- Behavior that is so unusual that it warrants a report to Town management (i.e. confusion, disorientation, lack of coordination, marked personality changes, marked appearance changes, irrational behavior, negative performance patterns, excessive and unexplained absenteeism or tardiness)

If the Town Manager determines that an employee is either reasonably suspected of being under the influence of drugs and/or alcohol or reasonably suspected of drug or alcohol abuse, then the employee will be required to submit to a drug and/or alcohol test.

E. **Random Testing** – An employee who is entrusted with preserving public health, public safety, or the safety of other employees, has a special responsibility to maintain physical and mental fitness for duty at all times, while on the job, off of the job, and while on call. Quarterly randomized testing is required for all safety sensitive positions and for all positions that require a CDL. For compliance purposes, two groups of employees for random testing will be maintained. Town employees holding a CDL or are otherwise subject to DOT regulations will be placed in one group. Town employees in safety sensitive positions that are not DOT regulated will be placed in a second group. Random testing will be conducted on a percentage basis in a fair manner as provided by DOT regulations. Each time a random selection is made, every employee will have an equal chance of being selected. Random tests will be unannounced and spread reasonably throughout the year. Once the selection of the employees to be tested is made, the supervisor shall advise the

employee that he or she has been randomly selected for an immediate drug/alcohol test and the supervisor may be required to accompany the employee to the testing location and wait until the testing is completed. Town employees who are subject to federal or state mandated substance abuse testing, including but not limited to DOT regulations, will be tested pursuant to such testing requirements notwithstanding this policy.

Section 8. Refusal to Submit to Testing

Applicants who refuse to submit to a pre-employment test will not be hired. If an employee refuses to submit to testing under this policy or attempts to falsify such a test, the employee will be subject to appropriate disciplinary action, up to and including dismissal from employment. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

Section 9. Confidentiality

All information from an employee or applicant's drug and alcohol test is confidential and only those with a need to know are informed of the test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant, except as provided by law.

Section 10. Testing Procedures

A. **Specimen Collection** – An applicant will be required to have the test taken at a Town-approved testing facility as indicated by the Human Resources Officer and will be required to sign and submit a consent form. Return to duty testing must, likewise, be conducted at an approved testing facility as indicated by the Human Resources Officer. For post-accident or incident, reasonable suspicion testing, random testing, and follow-up testing, an employee escort to a Town-approved testing facility may be required.

B. **Testing Requirements** – All alcohol and drug testing of employees and applicants shall be conducted in compliance with the North Carolina Controlled Substance Examination Regulation Act (NCGS § 95-230 *et seq*.) or the US Drug and Alcohol Testing Regulations (49 CFR Part 40), whichever is applicable, and shall be conducted in an approved testing facility or laboratory selected by the Town.

C. **Testing Facilities** – To be approved as a testing facility, a medical facility or laboratory must have: (1) testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering; (2) methods of analysis which ensure reliable test results, including the use of gas chromatography or mass spectrometry to confirm positive test results; (3) chain of custody procedures which ensure proper identification, labeling, and handling of test samples; and (4) retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

D. **Positive Results** – An employee whose drug test yields a positive result shall be given a follow-up confirmation test. If the confirmation test results are positive, then the employee

or applicant will be notified by the MRO and given an opportunity to respond verbally or explain in writing. The Town may, in its discretion, take this explanation into account in making any employment related decision. A confirmation of the test results by the MRO shall be considered final.

Section 11. Communication of Negative Test Results

If a drug screening test result is negative, the laboratory will so advise the Human Resources Officer, or other designated Town official. Negative test results are available to the employee or applicant upon request.

Section 12. Communication of and Response to Positive Test Results

If the alcohol or drug screening test result is positive, the laboratory will so advise the Human Resources Officer, or other designated Town official, and the following action shall be taken:

a. A job applicant shall be informed of the positive test by the Human Resources Officer and the conditional offer of employment will be withdrawn;
b. A current employee shall be informed of the positive test results by the Human Resources Officers who will also inform the Town Manager.
c. A pre-disciplinary hearing between the employee, the department head, and the Town Manager will be scheduled. Procedures described in the Personnel Policy will be followed.
d. Employees who hold a CDL will be subject to the DOT regulations for positive test results. The Town will complete and submit Forms CDL-8 or CDL-9, whichever may be appropriate.
e. An employee who tests positive for alcohol with an alcohol concentration of 0.04 or greater will be removed from duty for a 24 hour period without pay and will be subject to a return to duty test. The return to duty test must indicate an alcohol concentration of 0.00.
f. Factors to be considered in determining the appropriate response to a positive test result include the nature of the position to which an employee is assigned, the extent of performance deficiencies, the seriousness of any accident or incident, the employee's work history, and the existence of past disciplinary actions. Mandatory EAP referral, leave (either with or without pay), and disciplinary action up to and including dismissal may result. If an employee has previously received a positive test result while employed by the Town, any subsequent positive test results (other than the follow-up confirmatory test) will result in immediate dismissal.
g. If disciplinary action is recommended or taken, the employee shall be notified in writing and the employee shall be afforded a right to appeal the decision as set out in the Personnel Policy.

TOWN OF WEAVERVILLE
ALCOHOL AND SUBSTANCE ABUSE AND
DRUG-FREE WORKPLACE POLICY AND PROCEDURES

Section 13. Counseling, Treatment and Rehabilitation and Return to Work

Counseling, treatment, and rehabilitation for drug and alcohol issues are eligible for use of sick and annual leave to the extent that such leave is available to the employee, otherwise such time off is to be without pay. An employee receiving counseling, treatment, and rehabilitation may qualify for voluntary shared leave. An employee may return to work only after he or she has been certified by a treatment facility or substance abuse counselor as being fit to return to duty and he or she has produced a negative alcohol and drug test result. As a condition of return, the employee may be required to submit to further random drug and alcohol screenings for a period not to exceed 2 years from return to work.

Section 14. Adoption and Effective Date

This policy is adopted by the Town Manager pursuant to the Town's Personnel Policy and may, from time-to-time be amended by the Town Manager under that same authority. This policy is effective immediately and replaces any previously adopted policy, and shall continue in full force and effect until amended or repealed.

ADOPTED BY the Town Manager on the 21st day of May, 2019.

TOWN OF WEAVERVILLE

By:_____

Selena D. Coffey, MPA, ICMA-CM
Town Manager

TOWN OF WEAVERVILLE
EQUIPMENT AND VEHICLE USE POLICY

Section 1. Purpose and Objectives

Operations of Town vehicles and use of Town equipment is both a privilege and a responsibility. This policy is established to provide procedures and requirements for employees who operate Town vehicles and/or utilize Town equipment in order to ensure proper use and operation of those Town resources.

This policy is intended to provide a basic framework governing the use of Town equipment and vehicles and, as such, cannot contain procedures governing every situation that might arise. ***Where departments have more stringent procedures they will take precedence over this policy.***

The objectives of this policy are to:

- Set guidelines for official uses of Town-owned equipment and vehicles
- Establish criteria for types of vehicle assignments
- Address guidelines for vehicle operators
- Establish maintenance and care responsibilities of Town vehicles

Employees seeking clarification or exemption from the provisions of this policy should contact their Department head or Town Manager who will provide such clarification. Only the Town Manager may authorize exceptions to the policy.

Section 2. Definitions

Official Town business - The performance of job or operational duties in the provision of governmental services on behalf of the Town, and travel related to an employee's official duties.

Town equipment – Is broadly defined as items of personal property owned by the Town for use in providing governmental services; such items include, but are not limited to supplies, tools, materials, equipment, and power tools, but exclude motor vehicles.

Town vehicle – Is any motorized vehicle and/or motorized equipment owned by the Town for use in providing governmental services; such items include, but are not limited to, cars, trucks of any type, trailers, heavy equipment such as backhoes and front-end loaders, garbage trucks, golf carts and all-terrain vehicles.

Weapon – Broadly defined as something used, or designed to be used, for inflicting body injury or physical damage and includes, but is not limited to, guns, knives, bombs, and other similar items.

Section 3. Applicability

This policy and the procedures contained herein apply to all employees and all

departments and shall remain in effect until such time that it is altered, modified, or rescinded by the Town Manager.

Section 4. Use of Town Equipment

The use of Town equipment is intended for official Town business only. Town equipment is not for personal use. Town equipment should generally not be removed from Town property unless used in conducting official Town business and should always be left in a secure and safe manner. Town equipment should be operated safely by authorized employees only and must be maintained in good working order. Town equipment should be used for its intended purposes only. All maintenance issues should be reported promptly to a supervisor or department head. All Town equipment in the possession of an employee who separates from Town employment must be turned in prior to separation or promptly thereafter.

Section 5. Use of Town Vehicles

A. **Official Use** – Town vehicles shall only be used for official Town business. Town vehicles should be driven over the most economically direct route, taking into account exceptions due to safety needs, road considerations, vehicle capabilities, and traffic considerations.

B. **Personal Use Limited** – The employee may use a Town vehicle for necessary personal business when the following conditions exist:

   1. The employee is in route between locations for official Town business or when in route between home and the workplace for take home vehicles;
   2. The personal use is minimal, taking into consideration time and distance, and reasonable in light of the employee's public responsibility.

C. Assignment of Town Vehicles

   1. **Daily/Temporary Vehicle** – The departments who have Town vehicles may assign employees vehicles for daily or temporary use for the purpose of conducting Town business. Only Town employees who have received permission from their supervisor are allowed to drive Town vehicles. Departments shall assign such vehicles in a manner consistent with operational requirements and workload.
   2. **Vehicle for Authorized Travel** – Town vehicles should be used whenever possible for any authorized travel pursuant to Town's Travel Policy set out in the Town's Personnel Policy, including overnight travel that would reasonably require an employee to temporarily take home a vehicle. Requests for vehicles for travel should be made to their department head at

least one (1) week in advance of anticipated need, if possible. The employee should consult the Town's Travel Policy for travel related regulations, including a listing of reimbursable expenses.

3. **Standby Vehicle** – Those employees who are on call, or who expect to be called back to work, or who return to work before the next regular workday may temporarily take vehicles home. Under no circumstance is commuting allowed on a regular basis except as authorized by the Take Home Vehicle section outlined below.
4. **Take Home Vehicle** –An employee who is assigned a Town vehicle for take home purposes may regularly drive the Town vehicle to and from his/her home. Only the Town Manager can approve the use of a take home vehicle. The following criteria shall apply in determining whether an employee is eligible for use of a take home vehicle:
    a. The employee is a law enforcement officer performing duties related to public safety. Law enforcement personnel should also consult their general orders manual for rules and regulations that are not addressed in this policy.
    b. The employee is on 24-hour call as part of his/her work duties and the vehicle is essential for those duties.
    c. The employee needs a vehicle after the completion of the regular workday to complete Town business on the same day or before his/her usual work hours.
    d. By virtue of his/her position, the employee has been approved for use of a take home vehicle by the Town Manager.

Except for extraordinary circumstances, take home vehicles are only authorized for employees who live within a 25-mile travel distance from their work location.

A department head request for a take home vehicle for an employee must address the rationale for the request and compliance with the criteria listed above. Take home vehicle assignments will be made in writing by the department head if approved by the Town Manager. The Town Manager or the department head may rescind the assignment of a take home vehicles at any time.

When an employee assigned a take home vehicle takes a vacation or is on extended sick leave, the department head or Town Manager shall determine whether or not that vehicle shall remain on Town property during the

absence. This is to insure the safety and security of the vehicle, and to make it available to other employees during that time.

Section 6. Vehicle Operation Guidelines

The following are guidelines that must be exercised by all operators of Town vehicles:

1. **Motor Vehicle Laws** – It is the responsibility of the driver to observe all State motor vehicle laws and ordinances. Employees who receive a citation for any violation are responsible for paying the cost of the citation issued. Abuse of motor vehicle laws and ordinances may result in denial of operating privileges and disciplinary action up to and including termination.
2. **License and Insurance** – All employees operating Town of Weaverville vehicles must have a valid driver's license in their possession when operating a Town vehicle. Employees are required to report to their supervisor immediately any revocation of their driver's license or any moving citation. Failure to provide such notice will be grounds for disciplinary action up to and including termination. For employees whose job responsibilities require that they possess an active, valid driver's license, a suspension or revocation of the license will be grounds for termination. Liability insurance is provided by the Town for all drivers of Town vehicles. Workers Compensation, third party insurance, and/or Town-provided insurance should cover medical expenses incurred by any Town of Weaverville employee while operating a Town vehicle and conducting official Town business.
3. **Safety and Security** – An employee assigned to a Town vehicle is responsible for taking reasonable steps to ensure the safety and security of the vehicle. Windows should be rolled up and doors locked when the vehicle is not in use.
4. **Housekeeping within Vehicles** – Vehicle compartments will be kept clear of materials that could constitute a safety hazard in the operation of the vehicle. Unsecured tools, loose debris or other items that could contribute to an accident or blow out of the vehicle (e.g. trash) must be removed or dealt with immediately. The interior and exterior of the vehicle must be kept reasonably clean. Food and drinks should be carefully consumed within a vehicle so as to preserve the interior condition of the vehicle. Spills should be immediately cleaned.
5. **Alcoholic Beverages, Drugs, Weapons, and Obscene Material** – Under no circumstance shall a Town employee operate a Town vehicle under the influence of intoxicating beverages, drugs, or impairing substances.

   Vehicles shall not contain items such as weapons, illegal drugs (including

prescribed medications without a prescription), obscene material, or any other item the possession of which would be grounds for disciplinary action up to and including dismissal.

The only exception to these provisions are for items that are in the possession of law enforcement officers in the performance of their official law enforcement duties.

6. **Passengers** – Passengers are generally limited to persons related to official Town business. Family member(s) who wish to accompany the employee on authorized travel and passengers related to incidental personal use require Town Manager approval. Vehicles that are used to transport personnel, regardless of the distance, will be equipped with seating as supplied by the manufacturer. All passengers (including the driver) shall wear seat belts when the vehicle is in motion and comply with all motor vehicle laws. The employee assigned the Town vehicle is responsible for the actions of all passengers.
7. **Smoking** – Smoking and vaping of any kind are expressly prohibited in Town vehicles.
8. **Fuel Conservation - Unnecessary Idling** – Employees should eliminate unnecessary vehicle idling in order to reduce overall fuel consumption and equipment wear as well as to help the environment. This practice shall apply to all Town owned gasoline- or diesel-powered vehicles and equipment. Unless operations fall under an exemption listed below, no Town operated vehicle shall be permitted to idle for prolonged periods of time. Town vehicles must be off when engaged in the following activities:

    - Loading or unloading (unless engine is required to load or unload);
    - When unattended (no vehicle shall be left running while unattended);
    - When parked (vehicles are not permitted to idle while parked to operate heating or air conditioning unless exempted below). In general, once a vehicle becomes stationary, the engine is to be turned off unless one of the exemptions below apply.

    Town vehicles may idle for the following reasons:

    - When idling in traffic
    - To operate needed electrical equipment (or to keep such equipment charged and in sufficient working order) on emergency and traffic control/safety vehicles
    - To build air pressure for vehicles with air brakes
    - During emergency situations
    - During extreme cold weather conditions

- To defrost windshields
- To warm up diesel engines (3 - 5 minutes)
- To provide for crew/passenger comfort (5 minutes)

Section 7. Maintenance and Care of Vehicles

Employees are required to routinely check their assigned Town vehicles to ensure: (1) proper inflation of tires, (2) proper operation of lights and signals, and (3) adequate fluid levels. Employees are required to schedule or arrange for required or recommended vehicle servicing, including routine servicing and servicing related to vehicle recalls, and required inspections. Drivers should note any malfunctions, unusual operations, or damage to the vehicle and immediately report such issues to their supervisor in order for the vehicle to be evaluated and repaired expeditiously.

Employees shall not alter or change any operational aspect of a Town vehicle. The employee must receive clearance from their department head before any auxiliary equipment is added to any vehicle.

Section 8. Accident Reporting

All accidents involving a Town vehicle must be immediately reported to the employee's department head or supervisor.

It is the department head and/or supervisor's responsibility to report any accident which resulted in property damage or personal injury, regardless of the amount of damage or extent of injury, to the appropriate law enforcement agency for investigation. Such accidents involving property damage or injury must also be reported to the Town Manager within 24 hours of the accident unless circumstances require otherwise.

Failure to report an accident is grounds for disciplinary action up to and including dismissal.

Section 9. Violations

Anyone employee found to be in violation of this policy for misuse of a Town vehicle or other equipment, or any other violation of this policy, will be subject to any of the following:

a. Denial of further use of the Town vehicle and/or equipment;
b. Revocation of the assignment of a Town vehicle and/or equipment;
c. Reimbursement by the employee to the Town for any resultant damage or cost; and/or
d. Prompt disciplinary action up to and including dismissal.

TOWN OF WEAVERVILLE
EQUIPMENT AND VEHICLE USE POLICY

Section 10. Adoption and Effective Date

This policy is adopted by the Town Manager in accordance with the Town's Personnel Policy and may, from time-to-time be amended by the Town Manager under that same authority. This policy is effective immediately upon adoption.

ADOPTED BY the Town Manager on the 15th day of April, 2019.

TOWN OF WEAVERVILLE

By: _____
Selena D. Coffey, MPA, ICMA-CM
Town Manager

TOWN OF WEAVERVILLE
INFORMATION TECHNOLOGY AND
INTERNET USE POLICY

Section 1. Purpose and Objectives

It is the policy of the Town to provide guidance to employees so that Town computer equipment and related resources are used efficiently, effectively, honestly, and appropriately. Employee access to computers and network resources imposes certain responsibilities and obligations and is granted subject to relevant Town policies and local, North Carolina, and Federal laws.

The items addressed in this policy are common sense items. As holders of confidential information, there comes a level of responsibility to take proper precautions to protect that information. The use of Town resources, including the internet, is a privilege which can and will be revoked when necessary and appropriate.

The primary purpose of this policy is to provide parameters in which a productive and professional work environment for conducting Town business can be maintain.

Section 2. Definitions

Information technology (IT) – The technology involving the development, maintenance, and use of computer systems, software, and networks for the processing, storing and distribution of data and information.

Private information – Any private, personal or sensitive information, messages, and/or records.

Town IT equipment and/or resources – Town-owned or Town-operated equipment and/or resources related to the processing, storing, and distribution of data and information, and include, but is not limited to, cellular phones, telephones, tablets, computers (both desktops and laptops), whether connected to the Town's network and/or wireless resources or not, and the Town-owned or Town-operated network resources and wireless resources, including the Town's wired and wireless internet connection. Also included are any personal device or personal equipment that is connected to Town-owned network resources or wireless resources.

Section 3. Use of Town IT Equipment and Resources Restricted

Town IT equipment and resources are provided to employees to assist the employee in performing assigned work for the benefit of the Town and its employees and the citizens that the Town serves. Town IT equipment and/or resources should be used for Town business only, with the exception of incidental personal use or use in emergency situations.

Section 4. Expectations of Privacy

Electronic and other technological methods must not be used to infringe upon privacy; however, employees should utilize Town IT equipment and resources at their own risk

and with the awareness that Town IT equipment and resources are not to be treated as personal resources.

Authorized Town representatives can and will review materials sent and received through Town resources on a random basis and upon suspicion of misuse or other violation of Town policy.

Section 5. Limitation on Freedom of Speech and Expression

The Constitutional right to freedom of speech and expression applies to all employees of the Town. The Town seeks to balance the interests of the employee, as a citizen, in commenting upon matters of public concern and the interest of the Town, as an employer, in promoting the efficiency and effectiveness of the public services it provides through its employees.

Town employees should recognize the difference between freedom of expression as a general member of the public and freedom of expression as a public employee of the Town.

Town employees are liable and accountable for all expression exhibited or communicated during the performance of official Town duties, while using Town IT equipment or resources or while connected to Town IT resources.

An employee's off-duty speech may be evaluated on a case-by-case basis to determine (1) if it is protected speech, and (2) if such speech negatively affects or is likely to negatively affect the Town, its reputation, or its ability to provide services to its citizens. Employees will be accountable for any off-duty speech or expression concerning a matter of public concern that disrupts the Town's operations or erodes the public's trust.

As an example, the Town has an interest in distancing itself from hateful speech, racist speech or other speech that would undermine the effectiveness of its work or the public's trust. Many of the Town's employees must have the public's trust that they will discharge their duties faithfully and impartially without regard to factors like a person's race, gender or sexual orientation, so the Town has the right to limit an employee's off-duty freedom of expression if such expression will disrupt its operations, erode the public's trust, or interfere with the employee's ability to perform his or her job.

Any questions regarding what constitutes permissible freedom of expression should be directed to the employee's department head or the Town Manager.

Section 6. Ownership of Data and Information

All forms of data stored or transmitted on or with Town IT equipment and/or resources are the property of the Town.

Section 7. Harassment Prohibited and Respect and Courtesy Encouraged

All employees have the right not to be harassed by other employees while at work, while utilizing Town IT equipment and/or resources, or while connected to Town IT equipment or resources.

Each employee is responsible to all other Town network users. Respecting and valuing the privacy of others, recognizing and respecting the diversity of the workforce and the community population, behaving ethically, and complying with all legal restrictions regarding the usage of information is required.

No employee of the Town may use Town-owned equipment or resources of any kind to libel, slander, or harass any member of the public. The following is explicitly prohibited:

a. Intentionally annoying, harassing, terrifying, intimidating, threatening, offending, or bothering another person by conveying obscene language, pictures, or other materials, or by threatening bodily harm to the recipient or the recipient's family.

b. Intentionally contacting another person repeatedly with the intent to annoy, harass, or bother, whether or not any actual message is communicated, and where no purpose of legitimate communication exists or the recipient has expressed a desire for the communication to cease.

c. Intentionally invading the privacy of another or threatening the invasion of privacy of another.

Section 8. Expectations as to Private Information

Private information, regardless of the medium on which it is stored or transmitted, may be subject to access by the Town if such information is on Town equipment or resources, or on personal devices which are connected to Town equipment or resources.

Private information made on Town IT equipment may not be subject to public access, however, it may be subject to access by the Town.

No employee should look at, copy, alter, or destroy another individual's personal files without explicit permission from a department head or their designee.

Employees are reminded that being able to access a file or other information does not automatically imply permission to do so.

It is a violation of this policy for any employee to use or help another use any private information for the employee's or another's personal use or any other unapproved or inappropriate purpose.

Section 9. Employee Responsibility for Information Integrity

It is the responsibility of the employee to be aware of the potential for the manipulation of information and the possible effects of manipulation of information as it relates to Town business.

Employees are encouraged to be thoroughly aware of the ease of which electronically stored information can be changed and are further encouraged to verify the integrity and completeness of information the employee compiles or uses.

Each employee is responsible, in coordination with the department head, for the security and integrity of Town information stored on Town IT equipment and/or resources assigned to the employee.

Section 10. Employee Responsibility for Assigned IT Equipment and Resources

Each employee is responsible for the security, maintenance, and proper care of any and all assigned Town IT equipment and resources and for his or her personal workspace.

Each employee is responsible, in coordination with the department head, for the security and integrity of Town information stored on Town IT equipment and resources assigned to the employee.

Employees should maintain passwords and other information that are used to access Town IT equipment and/or resources in such a manner as to protect against unauthorized access.

Section 11. Email and Other Electronic Communications

Electronic communication provides a useful way to exchange ideas, share files, and maintain relationships with coworkers and members of the community. Messages sent and received through Town network resources and/or wireless resources, may be considered property of the Town and may be public records which are subject to the North Carolina Public Records Act. This includes but is not limited to email and social media sites.

Electronic communications should not be deleted unless authorized by and in compliance with the Town's adopted Records Retention Schedule.

The Town's IT equipment and resources should not be used to communicate sensitive or confidential information without ensuring that such information can be communicated securely.

Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the Town's IT equipment or resources. Authorized access to employee electronic communications by department heads or their designee includes the following:

a. Access by information technology personnel or contracted agents during the course of system maintenance and administration;

b. Access approved by the employee, employee's supervisor, or the Town Manager when there is an urgent need to access the employee's mailbox or other computer files;

c. Access approved by the employee's supervisor and the Town Manager when there is reason to believe the employee is using the communication system in violation of the Town's policy;

d. Access approved by the Town Manager or Town Attorney in response to a public records request; and

e. Access approved by the Town Attorney in response to the Town's receipt of a court order or request from law enforcement.

Section 12. Use of the Internet

Town IT resources, including access to the internet, are provided for Town employees for Town business only, with the exception of incidental personal use. All existing Town personnel policies apply to employee conduct on the internet, including those that deal with employee performance, personal conduct, intellectual property protection, privacy, misuse of Town resources, sexual harassment, information and data security, and confidentiality.

Employees must conduct themselves honestly and appropriately on the internet. Employees must also respect copyrights, software licensing rules, property rights, and the prerogatives of others. Unlawful or inappropriate usage may garner negative publicity for the Town, expose the Town to significant legal liabilities, and may result in disciplinary action up to and including termination for the employee.

The following behaviors are examples of activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the Town's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and/or electronic files without permission
- Sending or posting confidential information, trade secrets, or proprietary information outside of the Town
- Violating copyright law

- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the Town or initiate unwanted internet services and transmissions
- Sending or posting messages or material that could damage the Town's image or reputation
- Participating in the view or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system or another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to the Town's business or activities
- Using the internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the Town's electronic communications system
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the Town
- Sending anonymous email messages
- Engaging in any illegal activity

Section 13. Personal Use of Town IT Resources

Town IT equipment and resources may not be used in connection with compensated outside work or for the benefit of individuals or organizations not related to the Town of Weaverville, except in connection with official Town activities. Incidental and short duration personal use of Town IT equipment and/or resources, including wireless connection, is authorized, provided such use occurs on the employee's own time and such use is legal, ethical, does not compromise the Town's reputation or the public's confidence in the Town as an organization, and does not compromise the Town's IT equipment or resources. Any incidental use must not interfere with an employee's ability to perform their official duties and must not interfere with other users' access to resources.

Section 14. Personal Use of Town Websites

Endorsing or promoting services, entities, or products not sponsored by the Town is not allowed on Town websites unless the Town Manager or his or her designee authorizes such activity.

TOWN OF WEAVERVILLE
INFORMATION TECHNOLOGY AND
INTERNET USE POLICY

Section 15. Violations

Violations of this policy will be addressed in accordance with the Town of Weaverville's Personnel Policy, up to and including dismissal.

Section 16. Adoption and Effective Date.

This policy is adopted by the Town Manager in accordance with the Town's Personnel Policy and may, from time-to-time be amended by the Town Manager under that same authority. This policy is effective immediately upon adoption.

ADOPTED BY the Town Manager on the 15th day of April, 2019.

TOWN OF WEAVERVILLE

By: _____

Selena D. Coffey, MPA, ICMA-CM
Town Manager

TOWN OF WEAVERVILLE
SOCIAL MEDIA POLICY

Section 1. Purpose and Objectives

Social media enables the Town to reach different demographics in order to achieve certain business and communication goals including the following:

- Transparency in conducting local government business
- Civic engagement regarding Town projects, programs and initiatives
- Disseminating information, especially time-sensitive material during public safety emergencies
- Promotion of the Town and its services and programs

Social media tools supplement the Town's primary websites and, among other purposes, should drive people to the primary websites. The Town's primary website is its primary and definitive source of accurate information about the Town.

It is the policy of the Town to provide guidance to Town employees and to inform employees of expectations when using social media so that the Town achieves high standards in communication that reflect positively on the Town and complies with other relevant Town policies. Additionally, it is the policy of the Town to provide guidance and necessary information to members of the community who access Town social media sites for updates and information.

Section 2. Definitions

Personal use of social media – Use of social media by an employee speaking as an individual and not on behalf of the Town.

Social media – A broad term that encompasses various Town and personal activities integrating technology, social interactions, and content creation to share and exchange information, allow comments on user-generated content, or otherwise encourage online discussion about Town programs, services, events, activities, and other matters of public interest. Social media sites, including but not limited to, Facebook, Twitter, Instagram, Snapchat, and Tumblr, all fall under this policy.

Section 3. Applicability

All Town departments and their employees must follow the Social Media Policy when using Town-related social media sites.

All Town employees must follow the Social Media Policy when using personal social media sites in order to minimize the risk of personal social media sites impacting Town business and community perception.

All community members who access Town social media sites must follow the guidelines set out in the Social Media Policy to ensure continued access to updates and information posted on Town social media sites.

TOWN OF WEAVERVILLE
SOCIAL MEDIA POLICY

Section 4. Prohibited Uses of Social Media

Whether an employee is using social media, whether for personal or official Town business, there are prohibitions that apply to its employees at all times, whether on or off duty and whether using a Town-owned or a personal device. Prohibitions include, but are not limited to, the following:

a. Disclosing confidential information to which an employee has access as part of the employee's role or duties. Examples of such information are a vendor's patented information of which the employee has knowledge due to his/her assignment on a Town project; personal, confidential or health information about someone; billing information of customers compiled and maintained by the Town; any data collected from a person applying for financial or other types of assistance including, but not limited to, their income, bank accounts, savings account, etc.
b. Disclosing non-public information or legally protected personal information to which an employee has access or has obtained from the Town such as someone's address, date of birth, driver's license number, social security number or other personal information.
c. Disclosing information related to unlawful activities including, but not limited to, the use, sale or distribution of illegal substances.
d. Intentionally annoying, harassing, terrifying, intimidating, threatening, offending, or bothering another person by conveying obscene language, pictures, or other materials, or by threatening bodily harm to the recipient or the recipient's family.
e. Intentionally contacting another person repeatedly with the intent to annoy, harass, or bother, whether or not any actual message is communicated, and where no purpose of legitimate communication exists or the recipient has expressed a desire for the communication to cease.
f. Intentionally invading the privacy of another or threatening the invasion of privacy of another.
g. Endorsing or promoting of services, entities, or products not sponsored by the Town is not allowed on Town social media sites unless the Town Manager or their designee authorizes such action.
h. Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other Town-specific material on any personal or social networking website or web page without the express written permission of the Town Manager or their designee.
i. Representing themselves, directly or indirectly, in any public forum as a Town employee, either by text, photograph, or image depicting a uniform or badge in any manner that reflects a lack of good moral character.
j. Representing themselves in any public forum as an employee of the Town with information, opinion, or posture that would bring unfavorable criticism or embarrassment upon the Town or erode the public's trust.

k. Acting in violation of the Town's Personnel Policy, the Town's Information Technology and Internet Use Policy, or any other relevant policy or protocol.

Employees are encouraged to ask for clarification and verification before posting anything they are unsure of on the Town's website, social media sites, and personal social media sites.

Violations may be grounds for disciplinary action up to and including termination.

Section 5. Personal Use of Social Media

Personal use of social media by a Town employee is permitted for social and/or professional networking purposes. An employee's use and comments made on social media sites are subject to limited First Amendment protections. As a public employee, use of social media is considered an extension of the workplace as it relates to employee conduct. As a Town employee, personal use is subject to the following guidelines:

a. Where personal use is related to a matter of public concern, it must be conducted in such a manner that a reader would not think the employee is speaking for or on behalf of the Town.
b. Employees must comply with Town policies, including but not limited to the Personnel Policy and Information Technology and Internet Use Policy.
c. Employees should exercise sound judgment and discretion so as not to reflect adversely on the Town in contributing to social media sites.
d. Personal use of social media may not violate or infringe upon the right of any other person or entity or constitute a criminal offense or create civil liability.
e. Personal use of social media while on duty, including during breaks, must not be excessive such that it interferes with the employee's work or work of others.

Employees are reminded that if their personal devices are connected to the Town equipment and/or resources, data sent, received, or stored may become Town property and may be subject to transparency and information laws, including public records law.

Inappropriate personal usage of social media may be grounds for disciplinary action up to and including dismissal.

Section 6. Official Use of Social Media

Town departments are permitted to create and use a social media site to support their services and operations, subject to the provisions of this Policy.

A. **Social Media Action Plan Required** – If a department wishes to engage in social media, then the department must develop a social media action plan which must include the following elements:

    1. **Social Media Spokesperson** – Designate one or more Town employees who are approved for official use of social media as site managers and spokespersons for their department.

2. **Goals and Objectives** – State the goals and objectives of the social media usage.
3. **Community Engagement Strategy** – Describe how use of the social media supports a larger departmental communications plan or initiatives related to the community engagement strategy and identify audiences, messages, and other tactics.
4. **Site Manager** – List a primary contact for the social media site and list all employees authorized to post on the site
5. **Service Delivery and Response** – Outline the plan for fulfillment of service requests that may come in via the site or how responses will be made and include timeframes for responses.
6. **Implementation and Resources** – Develop an implementation plan as well as a process for managing site accounts including monitoring frequency and protocols associated with posting information.
7. **Passwords and Authorizations** – Provide all authorization information necessary for designated employees to gain access to social media sites for updates or postings in the absence of the site manager/social media spokesperson.
8. **Public Comments** – Determine whether public comments will be permitted and how such comments will be displayed.

B. **Compliance with Town Policies and Protocols Required** - Town social media sites and applications, regardless of date of establishment or whether such sites are maintained internally or externally, must adhere to Town policies and protocols, including the following:

1. **Communications Standards** – All tools must maintain corporate standards in the use of Town logos. Variations of the standards can be approved by the Town Manager or their designee.
2. **Best Practices** – Use of social media sites shall meet best practices for maintaining social media such as but not limited to frequent updates and accurate information.
3. **Public Records and Retention** – All sites are subject to state of N.C. public records laws and retention and shall be based on standards for other public records.
4. **Political Activity** – The social media sites shall not contain any political information or be used for political activity.
5. **Town-Sponsored Content Only** – Nothing shall be posted on Town social media sites that is not sponsored by the Town unless the Town Manager or their designee grants a variance.
6. **Internet Security Policies** – All sites shall comply with Town policies and procedures for information security.

7. **Conduct** – Town policies, rules, regulations, and standards of conduct apply to employees who engage in social activities while conducting Town business.
8. **Privacy** – Information created for or posted on social media sites by Town employees shall comply with all privacy protection laws to protect the privacy of employees, privacy of citizens, and the Town and its confidential information.
9. **Other Laws** – Sites also shall adhere to all copyright, public records, retention, fair use, and financial disclosure laws and other statutes that might apply to the Town or department.
10. **Third-Party Citations** – Information created for or posted on social media sites by Town employees shall not contain citations of vendors, suppliers, clients, citizens, co-workers or other stakeholders without their explicit permission.

C. **Social Media Spokesperson Required** – When a Town employee is designated by a department or the Town Manager as an official social media spokesperson for the Town, the following guidelines apply:

1. When Town-related matters are discussed in one's official Town capacity, each employee must identify himself or herself and the role held at the Town as **it is important to clearly articulate when speaking for oneself, when giving an opinion, or when speaking on behalf of the Town.**
2. **Employees are personally responsible for what they publish.** Be mindful that information published in social media constitutes a public record and as such will be retained per the regulations of public records law
3. **Be transparent, admit mistakes, and respectfully handle differences of opinion.** Promptly admit to and correct mistakes with facts and do not enter into verbal altercations with users.
4. **Use good judgment in selecting content to post**. If the content of what is being published or posted causes discomfort, the employee should pause, review and edit the submission; if discomfort remains, discuss it with the department manager before posting.

D. **Required Disclaimers for Public Comments and Postings** – Town social media sites that permit public comments and postings should include the following disclaimers:

1. Views and opinions expressed are those of the authors and do not reflect those of Town of Weaverville officials and employees.
2. People who comment should have no expectation of privacy as comments and postings are public records retained and subject to disclosure in accordance with applicable laws and Town policies.

3. Town social media policies are subject to amendment or modification at any time without prior notice.
4. Multiple violations of comment standards may result in a public user's comments and postings being banned from Town social media sites.
5. Limitations may apply to public users and users should be cautioned not to use the site when another form or filing, notification, or request is required.

E. **Public Comments and Postings to be Retained** – All comments and postings shall be retained in accordance with Town policies. Public comments from Town social media sites may be blocked, hidden, or removed as long as the site manager develops content-neutral comment standards. All comments and postings that are blocked, hidden, or removed from Town social media sites shall be retained until such time as the Town Attorney advises otherwise.

F. **Blocking, Hiding or Removing of Public Comments and Postings**

The Town reserves the right to block, hide or remove comments and postings that contain the following:

- Vulgar, abusive or threatening language, defamatory statements, or nudity in profile pictures or attachments
- Personal attacks, hate speech, or offensive terminology targeting individuals or groups of individuals
- Suggestions or encouragement of illegal activity
- Unsolicited business proposals or endorsements and promotion of commercial services, products, or entities
- Infringements of copyrights, trademarks, or other intellectual property
- Endorsements of political parties, candidates, or groups
- Off-topic comments and postings, spam, or links to unrelated sites

Section 7. Oversight of Social Media Sites, Policies and Use

The Town Manager has the authority to delegate oversite duties as deemed appropriate. The Town Manager or their designee will review requests for new social media sites to ensure that the sites are implemented as effectively and consistently as possible across all Town departments. This includes approval for individual employees to engage in social media as Town employees and as an official part of their duties. The Town maintains a list of social media accounts approved for use and will expand or contract the list as social media evolves. The Town will also monitor all Town social media accounts to ensure adherence to the policy and reserves the right to remove pages or close sites if necessary.

Section 8. Violations

Violations of this policy will be addressed in accordance with the Town of Weaverville's Personnel Policy, up to and including dismissal.

TOWN OF WEAVERVILLE
SOCIAL MEDIA POLICY

Section 9. Adoption and Effective Date

This policy is adopted by the Town Manager in accordance with the Town's Personnel Policy and may, from time-to-time be amended by the Town Manager under that same authority. This policy is effective immediately upon adoption.

ADOPTED BY the Town Manager on the 15th day of April, 2019.

TOWN OF WEAVERVILLE

By: _____

Selena D. Coffey, MPA, ICMA-CM
Town Manager

TOWN OF WEAVERVILLE
RECYCLING, RECYCLED PRODUCTS AND ENERGY EFFICIENCY PRODUCTS AND EQUIPMENT PURCHASING POLICY

Section 1. Purpose and Objectives

The Town of Weaverville recognizes the importance of taking steps to protect and preserve our environment. One of the ways to do this is by recycling and using materials made from post-consumer waste.

Section 2. Definitions

Post-consumer material – A finished material that would normally be disposed of as a solid waste, having completed its life cycle as a consumer item, and does not include manufacturing or converting wastes. Examples of post-consumer materials include, but are not limited to, old newspapers, office paper, yard waste, aluminum cans, glass, plastic bottles, oil, asphalt, concrete, and tires.

Recyclable material – Any material that is collectible the Town's recycling contractor including, but not limited to, plastic bottles, paper products, newspapers, cardboard, aluminum and steel cans, glass.

Section 3. Applicability

This policy applies to all departments of the Town of Weaverville.

Section 4. Collection of Recyclable Materials

All Town departments will provide recycling bins for the collection of recyclable materials. All employees are required to recycle any material that is identified as recyclable material rather than place the material in the trash.

Section 5. Purchase of Office Paper

The Town will purchase office paper made from at least 30% recycled paper.

Section 6. Post-Consumer Recycled Products

The Town will make an effort to purchase other products made from recycled post-consumer materials when operational requirements and effectiveness can be maintained and it is not cost-prohibitive.

Section 7. Energy Efficient Products and Equipment

The Town will make an effort to purchase energy efficient products and equipment when operational requirements and effectiveness can be maintained and it is not cost-prohibitive. The Town will require pricing and research on energy efficient product and equipment options. If the cost difference is no more than 15% then the product or equipment will not be considered cost-prohibitive.

TOWN OF WEAVERVILLE
RECYCLING, RECYCLED PRODUCTS AND ENERGY EFFICIENCY PRODUCTS AND EQUIPMENT PURCHASING POLICY

Section 8. Adoption and Effective Date

This policy is amended and restated by the Town Manager, is effective beginning July 1, 2019, and shall continue in full force and effect until amended or repealed.

ADOPTED BY the Town Manager on the 3rd day of June, 2019.

TOWN OF WEAVERVILLE

By: _____

Selena D. Coffey, MPA, ICMA-CM
Town Manager

INTERNAL COMMUNICATION POLICY

Purpose

The purpose of this internal policy is to provide guidance to the Town's management team, department heads and key staff regarding significant issues and/or incidences. The Town Manager recognizes that certain issues and/or incidences of significance must be brought to the attention of the Mayor and Town Council prior to public notification, including the media. Upon notification, the Town Manager will make the determination as to what information is then conveyed to the Mayor and Town Council.

Criteria Requiring Notification to the Town Manager

The Town Manager expects notification/communication regarding any known or suspected incident or activity that could be perceived as a significant issue or incident by a reasonable person. These issues include, but are not limited to the following:

- Accidents, injuries, deaths or other significant incidences involving Town officials (including employees) or prominent community members
- Any claims or potential claims against the Town
- Public records requests, media requests or any other requests for information that may be sensitive in nature or significant in scope
- Criminal or civil incidences involving Town employees
- Accusations or involvement by a Town employee in any illegal or unethical behavior
- Homicides, suicides or suspicious deaths in the Town's jurisdiction
- Crimes or unusual circumstances that may include, but are not limited to the following: illegal drug operations involving large quantities and/or significant danger, significant threats, armed robberies, sexual assaults, hostages, home invasions, bomb threats, school lockdowns, public health issues, rescue operations, mutual aid rendered outside of the Town's corporate limits
- Missing children or adults
- In-custody deaths or significant injury, other than minor injuries not created or involving actions taken by Town employees
- Major traffic accidents involving significant injuries or fatalities
- Major infrastructure, utility or equipment failures or issues that may impact Town operations or the public
- Arrests of Town employees or prominent individuals
- Any acts of discrimination, fraud, dishonest acts or known violations of activities in accordance with the Town's personnel policies
- Fires causing significant damage or loss to businesses or homes
- Inclement weather requiring the Town Manager to make decisions regarding road closures, office closings, etc.
- Any incident or issue that is likely to attract media attention or has the potential to erode the public trust

Reporting Procedures

Each department head or key staff person as designated by the Town Manager is responsible for making reasonable attempts in gathering pertinent information and communicating said information to the Town Manager as soon as practicable, but no later than one hour from the incident or knowledge of issue. Acceptable communication includes phone calls and/or text messages to the Town Manager as soon as possible for significant and time-sensitive incidents. An e-mail follow-up may be requested by the Town Manager. The Town Manager shall notify the Mayor and Town Council of any significant incidents, activities or issues as appropriate.

_____
Printed Employee Name

_____ _____
Employee Signature Date

TOWN OF WEAVERVILLE
PROCUREMENT CARD PROGRAM
POLICY AND PROCEDURES

Section 1. Purpose and Objectives

The purpose of a procurement card program is to provide an efficient, cost-effective method of purchasing and paying for goods and services costing less than $5,000. By using a procurement card (P-Card), the traditional requisition-to-check process and cost is greatly reduced. Employees who have been issued P-Cards are allowed to initiate a transaction in person, by telephone, or through the internet, subject to the terms and conditions of this policy.

Benefits of the Procurement Card Program include the following:

- Transactions are completed quickly and conveniently
- Lower processing costs and less paperwork
- Increased control of expenditures through complete and timely reporting
- Allows cardholder to purchase by phone and internet
- Reduces delivery time
- One monthly payment to one merchant (P-Card provider)
- Improved cash flow management

Section 2. Definitions

Procurement card (P-Card) - Any credit card, debit card, or procurement card that is issued by the Town's procurement card vendor in the name of the Town of Weaverville. A corporate credit card issued to Town officials/employees that can be used at any merchant that accepts credit cards.

Split transactions – Transactions that together exceed the maximum amount of a single transaction and were split into more than one transaction to avoid being over the single transaction limit.

Section 3. Applicability

This policy applies to all Town officials and employees who have been assigned a P-Card or who review P-Card transactions. Department Heads may adopt additional requirements dependent on budget or resources available. Emergencies may preclude the applicability of this policy in certain instances.

Section 3. Roles and Responsibilities

Program Administrator – The Finance Officer is the person responsible for all procurement card program details, including requests for new enrollment, maintenance and cancellation of cards, and service as the liaison between the Town's P-Card provider and the Town. The Program Administrator works with departments in setting up users and cardholders as well as troubleshooting and answering department inquiries. With the consent of the Town Manager, the Program Administrator has the authority to terminate a cardholder's use of a card. The Program Administrator shall

maintain records of all procurement card requests, limits, and lost/stolen/destroyed card information.

Cardholder – Town officials or personnel who have been issued a P-Card are authorized to make purchases only in accordance with this policy. Prior to using a P-Card a cardholder must acknowledge in writing that they have read this policy and agree to adhere to the terms.

Department Head – Department Heads are responsible for actively monitoring card activity within his or her department. Department Heads have the authority to authorize the issuance of a card and to terminate the use of a card as well as invoke disciplinary action when appropriate. The Department Head serves as a primary reviewer and approver for all department P-Card transactions, excluding their own.

Finance Officer – The Finance Officer is responsible for ensuring that all P-Card transactions are submitted with proper documentation prior to approval and entering the charges into the proper expenditure accounts, or for supervising the Finance Department employee who is assigned those duties. The Finance Officer serves as a primary reviewer and approver for all P-Card transactions for Department Heads, the Town Manager, and the Town Attorney. The Finance Officer serves as a secondary reviewer and approver for all P-Card transactions.

Town Manager - The Town Manager serves as the primary reviewer and approver of all P-Card transactions of the Finance Officer and any elected Town officials that is issued a P-Card. The Town Manager performs random audits of P-Card transactions at such intervals as he or she deems advisable.

Designee – The Town Manager, Finance Officer, and/or Department Head may temporarily designate someone to act on his or her behalf during their absence or at appointed times for certain duties and responsibilities under this policy.

Section 4. General Provisions and Procedures

a. **Requesting a Card** – Department Heads may propose personnel to be cardholders by contacting the Finance Officer. In an effort to prevent fraud, the P-Card provider may request a cardholder's date of birth or other personally identifying information prior to card issuance. When requesting the issuance of a card, the Department Head should indicate the monthly transaction limit that is recommended, with a maximum of $5,000. Single transaction limits, daily transaction limits, and monthly transaction limits must be approved by the Program Administrator.

b. **Acknowledgement of Terms and Conditions –** Each cardholder, reviewer, and approver must acknowledge in writing that they have read this policy and agree to adhere to its terms and conditions prior to issuance or use a P-Card and prior to performance of any action as may be required by the policy.

c. **Issuance of a Card** – Each P-Card will have the person's name embossed on it and shall **ONLY** be used by that cardholder. **NO OTHER PERSON IS AUTHORIZED TO USE THAT CARD**. A violation may result in cardholders having their card revoked and disciplinary action up to and including termination. Cardholders are responsible for all purchases charged on their card.

d. **Preaudit –** Cardholders shall follow all procedures set forth by the Town for the preaudit of P-Card transactions in accordance with North Carolina Administrative Code (20 NCAC 03.0409 and 20 NCAC 03.0410).

e. **Usage –** A cardholder's usage of the P-Card must be in accordance with this policy and any other relevant and applicable policies and procedures, including specifically the Town's ***Travel Policy and Procedures*** and the ***Personnel Policy***.

f. **Primary Review and Approval of Transactions and Submittal to the Finance Department** –

Each Department is required to ensure that each P-Card transaction is properly reviewed and submitted to the Finance Department with the required documentation supporting each charge within 10 days of the date of the P-Card statement. Any employee charged with review of P-Card transactions must review each receipt and make certain that all documentation is appropriate and in good order. Reviewers have the responsibility of approving only those transactions that:

(1) Contain appropriate and proper documentation;
(2) were made for legitimate Town business; and
(3) were for a readily identifiable public purpose.

Charges that do not have proper documentation or are otherwise not approved must be brought to the Finance Officer's immediate attention so that appropriate investigation and action can be taken.

g. **Finance Department Review and Entry** – The Finance Officer shall ensure that the Finance Department reviews each charge for proper documentation and approval prior to entering or posting the charge into the Town's expenditure accounts.

h. **Secondary Review and Approval of Transactions** – The Finance Officer shall generally review all P-Card transactions to ensure that charges are properly documented and represent legitimate governmental purchases.

i. **Payment** – Once all reviews and approvals have been secured the Finance Officer shall direct that the P-Card bill be promptly processed as an account payable and best efforts should be taken by the Finance Department to ensure that payment is made prior to the due date in order to avoid any late payment penalty or accrued interest.

j. **Retention of Records** – All P-Card related records (including but not limited to receipts/invoices, P-Card statements and payment information) are to be maintained in accordance with the Town's Records Retention Schedule.

k. **Reporting –** A report detailing P-Card activity for any of the following shall be made available for public inspection upon request: Mayor, Town Council, Town Manager, Town Attorney.

Section 5. Card Security

It is the responsibility of cardholders to safeguard their P-Cards and account numbers to the same degree they safeguard their personal credit information. Cardholders shall not allow anyone else to use their card, including supervisors and co-workers. A violation of thus trust may result in cardholders having their card revoked and disciplinary action up to and including dismissal.

Loss or theft of a card should be reported immediately to the Program Administrator, the cardholder's immediate supervisor and the procurement card vendor. Cardholders should keep the customer service phone number in a safe place separate from the card for quick reference in the case of a lost or stolen card.

Changes to a cardholder's name must be reported to the Program Administrator in writing by the cardholder's Department Head so that a new card can be issued.

Periodically P-Cards shall be reviewed for inactivity. Cards that show no activity within a 12-month period may either be deactivated or have their transaction limit reduced.

Upon separation from the Town due to resignation, retirement, or dismissal, cardholders shall surrender their P-Card and P-Card invoices to their supervisor. The Program Administrator shall be notified immediately by the supervisor so that the employee's P-Card can be terminated.

Section 6. Purchasing Guidelines

The P-Card is designed to be an enhancement of the Town's purchasing and payment process. It does not replace requirements to comply with existing State of Town laws, regulations, or policies and procedures regarding purchasing and/or travel.

a. **Transaction Limits** – Single transaction limits and daily transaction limits for each P-Card are set by the Program Administrator after consultation with the Town Manager and/or Department Head requesting the issuance of the card. The maximum monthly transaction limit is $5,000, except that amount may be temporarily increased by the Program Administrator for programs such as Cops for Kids or other situations as approved by the Program Administrator. The total value of a transaction shall not exceed the transaction limits set for the cardholder's P-Card.

b. **Authorized/Unauthorized Use of P-Cards** – P-Cards may be used at any merchant that accepts credit cards. Cardholders must comply with the Town's purchasing and

travel policies and procedures when using a P-Card. Examples of appropriate and inappropriate use include, but are not limited to, purchases of:

Appropriate Use	Inappropriate Use
• Materials	• Any purchases for personal use or for personal gain
• Equipment	• Purchases over cardholder's transaction limits
• Supplies	• Transaction split to avoid or circumvent single purchase limits
• Membership Dues	• Use of a P-Card by anyone other than the cardholder
• Lodging/Accommodations	• Cash refunds or advances, money orders, wire transfers
• Airfare	• Entertainment expenses
• Training/Conference Registrations	• Fines or traffic tickets
• Gasoline for Town Vehicle	• Gasoline for Personal Vehicle
• Publications	• Gift cards
• Professional Services	• Controlled substances such as alcoholic beverages or tobacco products

Cardholders shall be personally responsible for any expenditures on their card and shall provide, when requested, information about any specific purchase.

If the P-Card is accidentally used by a cardholder for a personal purchase, the cardholder shall immediately notify the Program Administrator in writing and provide payment via check or money order to "Town of Weaverville" for the exact amount of the purchase. Habitual accidental use of the P-Card may result in the revocation of the card or other appropriate disciplinary action.

c. **Online Accounts/Memberships** – Many online vendors offer business or enterprise accounts. Any use of a P-Card for such an account must be approved by the Program Administrator. Cardholders should avoid adding P-Cards to online accounts that may be used for a mix of personal and Town purchases.

d. **Required Documentation** – When purchases are made, the cardholder shall retain a receipt. If the information below is not on the receipt provided by the merchant, the cardholder must write the information on, or attach it to, the receipt:

- Merchant name and address
- Date of transaction
- Card number charged (partially encrypted)
- Quantity and description of item(s) purchased (description must be decipherable by anyone reading the receipt)
- Department purpose served if the governmental purpose is not clear
- Amount charged to card
- Expenditure code

For all transactions exceeding $1,000 a purchase order must be issued and included with the required documentation.

e. **Disputed Transactions** – Each cardholder or reviewer is responsible for resolving any disputed item directly with the merchant. If resolution is not possible, the employee or their supervisor should attempt to dispute the transaction via the Town's credit card vendor or contract the Program Administrator for assistance.

f. **Retention of Receipts/Invoices** –Retention schedules for the Town state that the minimum retention for general receipts/invoices is 3 years. However, certain transactions, such as those associated with a grant or project, may be subject to retention requirements greater than 3 years. The Finance Department is responsible for implementing a process to retain receipts/invoices in accordance with the Town's adopted Records Retention and Disposition Schedule.

Section 7. Audits

All P-Card activity is subject to routine monitoring and audits to determine compliance with terms and conditions of the P-Card program. The overall audit objective is to ensure proper management controls are maintained over the authorization and use of the P-Card, to provide feedback for process improvements, and to focus on potentially fraudulent, improper or abusive purchases.

Section 8. Identifying and Reporting Fraudulent, Improper, or Abusive Activity

With the common goal to provide the citizens of the Town of Weaverville with an honest, effective, and efficient Town government, it is the duty of any official or employee to report all suspected instances of fraud and/or abuse. The Town has an open door policy and suggests that employees report their concerns to any of the following: Supervisor, Department Head, Finance Officer, Town Manager, Town Attorney or Mayor.

Prohibited activity specifically related to P-Cards and P-Card purchases include, but is not limited to, the following:

- P-Card transactions to acquire goods or services that are unauthorized or inappropriate (see Section 7(b) above), including, but not limited to:

  - Use of a P-Card to acquire goods or services that are intended for personal use or gain
  - Use of a P-Card to purchase gift cards for any reason
  - Use of a P-Card by someone other than the cardholder
  - Use of a P-Card for transactions that exceed transactional limits
- P-Card transactions to acquire goods or services that have questionable governmental need
- P-Card purchases of goods that are not delivered directly to a place where official Town business is conducted
- P-Card transactions that are not permitted by law or Town policy
- P-Card transactions involving authorized items at terms that are excessive (e.g. price, quantity, etc.)

Section 9. Penalties for Misuse

A cardholder who makes unauthorized purchases or carelessly or fraudulently uses a P-Card may be liable for the total dollar amount of such purchases, plus any administrative fees charged in connection with the misuse. The cardholder will also be subject to disciplinary action up to and including dismissal and applicable criminal charges.

Section 10. Questions/Contact Information

Questions regarding issues not addressed in this Policy or the Policy and Procedures Manual should be addressed to the Program Administrator/Finance Officer by calling 828-645-7116.

Section 11. Adoption and Effective Date

This policy is adopted by the Town Manager and may, from time-to-time, be amended by the Town Manager in his or her sole discretion. This policy is effective immediately upon adoption.

ADOPTED BY the Town Manager on the 30th day of July, 2019.

TOWN OF WEAVERVILLE

By:_____
Selena D. Coffey, MPA, ICMA-CM
Town Manager

TOWN OF WEAVERVILLE
EMERGENCY TELEWORK POLICY

Section 1. Purpose and Objectives

The Town of Weaverville wishes to establish a general policy that will enable the Town of Weaverville Departments to include in their emergency operations plans the ability for certain employees to work from home during a period of emergency in order to allow the departments to continue to provide essential and critical services to the citizens of Weaverville. This policy does not relate to periodic Town Manager or Department Head approved telework.

This policy applies to employees in all departments in the Town's jurisdiction. This policy shall be applicable to all emergencies, including but not limited to natural and man-made disasters and pandemic illness. Because the response to an emergency will be event driven, this policy provides general guidance only, and departments can expect more specific guidance from the Town Manager.

The objective of this policy is to define and establish general standards for determining the circumstances under which working from home will be incorporated into each department's continuity of operations plan.

Section 2. Definitions

Alternative Worksite – An alternative worksite(s) selected by a department to be used when the primary worksite is not available, and may include an employee's home.

Critical business functions – Those functions, stated or implied, that must be performed during or after a period of emergency either because they are required by statute, regulation or executive order or are otherwise necessary to provide vital services, exercise civil authority, maintain the safety and well-being of the general population, and sustain critical support to the citizens of Weaverville and its municipal departments.

Emergency or ***Period of Emergency*** – Any natural or man-made disaster or pandemic illness event that causes an interruption in normal work practices.

Social Distancing Management – Taking measures to slow the spread of pandemic illness by limiting the opportunities for exposure to a virus.

Telework – Working from home or an alternative worksite when an employee's primary location is inaccessible or the employee is not able to be located in the department's alternative worksite due to an emergency. A pandemic scenario may require certain employees to work from an alternative worksite, including from home, to achieve social distancing management, if able to do so.

Section 3. Applicability

This policy applies to all departments of the Town of Weaverville when this policy has been activated by the Town Manager during an emergency.

TOWN OF WEAVERVILLE
EMERGENCY TELEWORK POLICY

Section 4. Technology

The Town will not establish home offices or provide permanent installation of computers or other technological equipment for a home office for employees who do not already have this as part of their employment structure.

There are different levels of technology that are, however, available to temporarily enable telework, including cell phones and smart phones, laptops and tablets, wireless email and virtual private networks (VPN).

Section 5. Security Protocols

Telework will only be approved if security concerns can be minimized and the benefit to the Town is greater than the security risks that cannot be mitigated. The following security measures must be taken if at all possible:

1. Avoid public WiFi if possible as this access is not secured.
2. Use a Virtual Private Network (VPN) to help protect your internet traffic. Please note that this only protects the data to and from the VPN provided, not to the destination, so a VPN alone is not enough.
3. If you are working from home on your home network (on work or personal devices), ensure that your home router is properly secured:
    a. Make sure that you change the factory preset password. Many people do not do this and it leaves their home networks vulnerable.
    b. Ensure firmware updates are installed to patch any security vulnerabilities.
    c. Set the router's encryption to WPA2 or WPA3. WEP is not sufficient.
    d. Use this guide for more advanced practices, like restricting inbound and outbound traffic: https://comparitech.com/blog/information-security/securing-your-wireless-router-and-your-wifi-network/
4. Do not use personally owned computers for work purposes if at all possible. It is unlikely that your personal computer has sufficient antivirus software, customized firewalls, and automatic backup tools running, compared to devices deployed by the Town.
5. Ensure firewalls are setup. Your device's operating system should have a built-in firewall, but there are other options that add more protection on your personal devices if needed. Epsilon will have handled firewalls for work devices.
6. Use antivirus software on your personal devices. In the case of work-provided devices, this software will already be installed and running.
7. Ensure that your updates are being installed regularly. Patches for security vulnerabilities are essential for both work and personal devices. Epsilon has set these to automatically update but you must shutdown and reboot daily to have the updates installed on your devices.
8. Always use strong passwords for all accounts.
9. Use two-factor authentication whenever possible.

10. Always backup your data. The Town's network is backed up daily.
11. Watch out for phishing emails, voicemails, and text messages. As people transition to teleworking there is a huge spike in these attempts. If you receive a message that purports to be from a known associate, doublecheck the email address, never open attachments or click on links until you have confirmed that the sender is legitimate. Use the telephone or software like Skype or Microsoft Teams or another messaging service to verify with the purported sender before opening or clicking on anything that you were not expecting to receive.
12. Use encrypted communications for all sensitive information. The Town's email system uses Microsoft Office 365 so employee to employee email is automatically encrypted. If you wish to send something with a password protection just type "Confidential" or "Secured" in the email subject line. This will require the recipient to open it with a one-time password or their email password.
13. Do not allow non-Town employees to use Town-owned devices or equipment.

Section 6. Time and Attendance, Work Performance and Overtime for Teleworkers

The following provisions shall apply to all employees authorized to telework under this policy:

1. If you are directly engaged in performing the duties of your job, you are covered by the Fair Labor Standards Act while working at home or at your alternative worksite.
2. Time spent working at an approved alternative worksite must be accounted for and reported in the same manner as if you reported for duty at your normal work location. Electronic submission of timesheets may be required.
3. You are required to satisfactorily complete all assigned work according to established standards and guidelines.
4. You are required to follow normal department procedures regarding requesting and approval of overtime and leave.
5. If you are unable to work due to illness, become ill while at work or have had close contact with a contagious person, you must follow all protocols established before returning to work.
6. You are required to follow standard procedures for reporting any accident or injury at your alternative worksite.
7. You are responsible for continued compliance with all applicable Town policies while working at your alternative worksite.

Section 7. Responsibilities

Department Head – Each Department Head must identify its critical business functions. For each emergency each Department Head must identify and communicate to the Town Manager the methods in which those critical business functions will be

accomplished during the emergency. This should include identifying which employees are essential to continuing critical operations and disaster recovery, and which of those employees are available to work at an alternative worksite or from home. Not all employees will be involved in initial emergency operations or recovery efforts and not all employees will be able to perform their functions from home. For each employee identified as available to work at an alternative worksite or from home, the Department Head must also identify and request any additional equipment or technology needed for those employees and an approximate cost.

Town Manager – Activate the provisions of this policy when emergencies are declared and telework may be required for continuity of critical business functions. Review each Department Head's identification of critical business functions. For each emergency evaluate each Department Head's plan for continuing critical business functions and the individual employees that are recommended for an alternative worksite, including work from home, and the anticipated additional cost. After consultation with each Department Head, authorize telework as deemed advisable under the emergency situation.

Employee – An employee must ensure that all of the requirements to do official work are met in an environment that allows the tasks to be performed safely and efficiently. The Town is not responsible for any costs that are associated with the maintenance, insurance, and utilities at the employee's home. Only employees who agree to abide by the terms of this policy are eligible for telework. Security protocols established in this policy must be observed to the greatest extent possible. All Town-owned equipment that was used during telework must be returned to the Town when normal operations are restored or at the request of the Town Manager or Department Head.

Section 8. Approval

Telework can only be authorized by the Town Manager in consultation with the Department Head. Nothing in this policy should be construed as permitting employees to work from home or alternative sites during non-emergency periods, except for the purposes of training or testing for emergency preparedness.

Section 9. Termination

The Town Manager reserves the right to terminate telework for any employee in her discretion. The Town Manager will declare an end to telework and activation of this policy at the time that he or she deems that normal operations can be resumed.

Section 10. Public Records Compliance

Public records law remains applicable regardless of what device an employee is operating on. It is the content of the communication, not the device, that determines whether it is accessible to the public or not. If you are communicating about public business on personal devices, then you are creating a public record and you (as the

sender or receiver of the record) need to determine how you will keep the record according to the North Carolina Local Government Records Retention requirements.

Section 11. Effect on Other Town Policies

All Town policies remain in effect, including but not limited to the Personnel Policy, Workers' Compensation Policy and Procedures, and the Equipment and Vehicle Use Policy. The Information Technology and Internet Use Policy remains in effect to the extent that those provisions are not in conflict with this policy.

Section 12. Adoption and Effective Date

This policy is effective immediately upon adoption and shall continue in full force and effect until amended or repealed.

ADOPTED BY the Town Manager on the 26th day of March, 2020.

TOWN OF WEAVERVILLE

By: _____
Selena D. Coffey, MPA, ICMA-CM
Town Manager

EMERGENCY TELEWORK AUTHORIZED
AUTHORIZATION, ACKNOWLEDGEMENTS AND AGREEMENTS

The Town of Weaverville has activated it Emergency Telework Policy and, if signed below by the Town Manager, telework has been authorized as indicated below.

By signing this:

I ACKNOWLEDGE that an emergency situation exists that prevents normal Town operations, that my job duties have been identified as critical business functions, and I have been authorized to perform by job duties at an alternative worksite identified below or via telework from home:

EMPLOYEE NAME	
DEPARTMENT	
CRITICAL BUSINESS FUNCTION	
TOWN EQUIPMENT ASSIGNED	
ALTERNATIVE WORKSITE	
DATE TELEWORK TO BEGIN	

I UNDERSTAND that as a teleworker I must comply with the policies and procedures outlined in the Emergency Telework Policy and that all other Town policies remain in effect.

I ACKNOWLEDGE that I am familiar with the provisions of the Emergency Telework Policy, including specifically the Security Protocols, Public Records Compliance, and the Time and Attendance, Work Performance and Overtime provisions, that I have been provided with a copy for my records and acknowledge that a copy can also be accessed at Town Hall and in my Department and/or on online at *https://weavervillenc.sharepoint.com/SitePages/Home.aspx*. I ALSO ACKNOWLEDGE that I have had an opportunity to ask questions concerning the same, and AGREE to abide by the policies and procedures contained therein.

I UNDERSTAND that my failure to comply with the these policies may result in disciplinary action up to and including dismissal and/or legal action in the form of civil and/or criminal penalties.

Signature _____ Date _____

Printed Full Name _____

_____
Selena D. Coffey, Town Manager

Date _____

_____
Department Head

Date _____

TOWN OF WEAVERVILLE
SAFETY PROGRAM, RULES, POLICY AND PROCEDURES

Section 1. Purpose and Objectives

This Safety Program describes the policies, procedures, and methods to be followed by all Town of Weaverville employees in order to provide a safe environment for our employees and the general public.

The Town has a sincere concern for the welfare and safety of its employees as well as the public it serves. The goal of the program is to eliminate the suffering and cost of avoidable personal injury and vehicle accidents.

It is the Town's policy to provide safe working conditions for all employees and to provide clear instructions covering safe methods. All employees will promote accident prevention by actively supporting the safety program.

This safety program is designed to accomplish the primary purpose of preventing accidents. Preventing accidents will result in saving lives, eliminating human suffering, increasing efficiency of operations, and saving thousands of dollars for both the Town and its employees. A municipal safety program must provide not only for the safety of Town employees but also protect the public by preventing unsafe acts or conditions from being created by the Town.

This policy sets out general and specific safety rules for all departments and employees within the Town. While it is not possible to foresee all potential health and safety hazards, this policy seeks to identify as many as possible. As additional safety programs are identified over time, the policy will be revised accordingly.

To be successful, the safety program must have continuous and active support of all employees and particularly those in supervisory positions. The effectiveness of the safety program depends on the commitment of the Town's departmental leaders. If a department head or supervisor appears to be unconcerned about the safety program, this attitude will likely be adopted by the employees they supervise.

Section 2. Definitions

Personal Protective Equipment (PPE) – Those items of personal equipment of protective clothing, helmets, goggles, gloves, or other garments or equipment designed to protect the wearer's body from injury or infection. Hazards addressed by PPE include physical, electrical, heat, chemicals, biohazards, and airborne particulate matter.

Section 3. Applicability

This policy applies to all employees in all departments of the Town of Weaverville.

Section 4. Functions and General Responsibilities

The Town's safety program includes, but is not limited to, the following functions and responsibilities:

- The individual responsibility of each employee to act in a safe and prudent manner, thereby avoiding injury to himself or herself and others and damage to equipment
- Assigning responsibilities to persons for safety activities, designating at least one person in each department as a safety representative
- Ensuring equipment, work areas, and working methods are safe
- Assigning personnel to jobs for which they are physically qualified to perform safely
- Locating hazards and eliminating them immediately
- Keeping employees interested in performing their duties in a safe and efficient manner
- Controlling work habits by adequate and effective supervision
- Providing proper protective equipment and making its use mandatory
- Educating and training employees as to specific hazards of their jobs
- Investigating accidents to determine cause and taking necessary action to prevent a repeat performance
- Preparing and maintaining proper and complete accident reports to permit evaluation of the safety program
- Adoption and enforcement of safety rules, policies, and procedures

Section 5. Safety Committee

The Safety Committee will consist of at least six (6) members including the Safety Coordinator, and one or more representatives from each department including Administration, Police, Fire, Public Works, and Water Resources.

Section 6. Specific Responsibilities

Town of Weaverville – The Town of Weaverville will implement a safety program that strives to eliminate workplace injuries and illnesses. The Town will:

1. Work to achieve zero injuries in all aspects of our operations.
2. Train employees in good safety and health practices.
3. Incorporate safety in all business planning, programs, and activities.
4. Require all managers and supervisors to consider it an essential part of their job to administer the safety program.
5. Encourage employees to get involved in improving workplace safety.
6. Provide appropriate leadership, organization, funding, and other appropriate resources necessary to maintain a comprehensive safety and health program.
7. Provide necessary PPE and instructions for its use and care when needed.
8. Investigate every accident to determine its cause, work to eliminate such causes in the future, and maintain investigative records.
9. Develop safety and health rules for Town operations.

10. Establish a Safety Committee to recommend new safety procedures, review and update existing safety policies, inspect Town buildings, review accidents and establish methods to help prevent accidents and injuries including any damages to equipment.
11. Require employees to comply with safety and health rules as a condition of employment.

Safety Coordinator – The designated Safety Coordinator shall have the responsibility for coordinating the work of the Safety Committee.

Safety Committee – The Safety Committee will:

1. Work closely with Administration in creating safety rules, policies, and procedures.
2. Assist departments in planning and conducting safety training and safety education courses.
3. Make annual inspections of work areas for the purpose of identifying unsafe conditions or unsafe practices and make recommendations to the person responsible for corrective action.
4. Review of annual workers' compensation generalized reports to identify any trends in injuries.
5. Review all complaints, concerns, and suggestions regarding employee safety.

Department Heads – The Department Heads will:

1. Assure that all employees are properly instructed regarding safe working practices and that supervisors fulfill their assigned responsibilities in safety instruction and supervision.
2. Assure that required reports pertaining to injuries, vehicle accidents, and investigations are promptly prepared and forwarded to the appropriate person.
3. Cause periodic inspection of work areas for the purpose of identifying unsafe conditions or unsafe practices and take corrective action when possible or make recommendations to the person responsible for corrective action.
4. Encourage the reporting of unsafe conditions, equipment, and practices, and take necessary action to correct when possible.
5. Require all personnel to obey safety rules, procedures, and policies, and take appropriate disciplinary action whenever necessary.
6. Ensure that thorough investigations of all accidents are conducted and take necessary steps to prevent recurrence through employee safety education, operating procedures, and/or equipment modification.
7. Accept, in a cooperative manner, all reports of hazards and ensure that employees are not to be reprimanded or penalized for reporting hazards.
8. Conduct department safety meetings at least once per quarter and document the meeting including the date, time, attendance, and issues covered. Reports are to be submitted to the Safety Committee for tracking and filing.

9. Require supervisors and employees to comply with the responsibilities set out in this program.
10. Inform the Safety Committee of any employee complaints, concerns or suggestions regarding safety.
11. Serve as the department's Safety Committee representative or designate one or more departmental employees to serve in that capacity. The department representative must be a person with a reasonably high supervisory status and is subject to Town Manager approval.

Supervisors – The supervisor is responsible to the Department Head for the safety of personnel and equipment under his or her supervisor. The supervisor is the key person of the safety program because he or she is in the best position to observe work habits of the employees. The Supervisor will:

1. Give job instructions to subordinates with special emphasis on the hazards of the work to be performed.
2. Search for and promptly correct unsafe conditions and unsafe work practices, and report to the Department Head those incidents which are beyond his or her scope of authority to resolve.
3. Promptly inform the Department Head of all accidents involving personnel and/or equipment under their supervision.
4. Assure that required reports pertaining to injuries, vehicle accidents and investigations are promptly prepared and forwarded to the appropriate person.
5. Enforce safety rules, policies, and procedures, and require the wearing of all PPE when necessary.
6. Document repeated discussion of unsafe habits with an employee. This documentation may then serve as a basis should disciplinary action become necessary in the future.
7. Encourage safe work practices of employees and demonstrate, by action, that safety is to be the number one priority.
8. Inform all personnel as to their responsibilities when dealing with chemicals or toxic substances.
9. Accept, in a cooperative manner, all reports of hazards and ensure that employees are not to be reprimanded or penalized for reporting hazards.
10. Require employees to comply with the responsibilities set out in this program.
11. Inform Department Head of any employee complaints, concerns or suggestions regarding safety.

Employee – Each employee is responsible for his or her own safety, the safety of co-workers, and the safety of the general public as it applies within the scope of employment. Each employee will:

1. Cooperate in detecting hazards, reporting dangerous conditions, and controlling workplace hazards as a condition of employment.
2. Wear PPE whenever conditions make that equipment necessary.
3. Promptly inform the supervisor of any injury received while on the job no matter how minor the injury. In addition, the injured employee will work with the supervisor to complete the necessary reports required pertaining to injuries, vehicle accidents, so that it can be forwarded to the appropriate person.
4. Promptly inform the supervisor of any noted unsafe equipment, unsafe tools, and/or hazardous conditions or practices which may affect Town employees, the work area, or the general public.
5. Obtain specific instructions for the supervisor in all cases where the employee does not completely understand the job requirements, including safety instructions.
6. Immediately inform supervisors when the employee's driving privileges have been suspended or revoked by the State. Failure to do so while continuing to operate a Town vehicle will result in disciplinary action up to and including dismissal.
7. Use sound judgment and, with safe work practices, remain alert to safety at all times. Give job instructions to subordinates with special emphasis on the hazards of the work to be performed.

Section 7. Departmental Safety Meetings

Departmental safety training meetings are a key component of the Town's safety program and are required at least quarterly. All meetings must be documented by emailing the Safety Coordinator. Emailed meeting notes should at a minimum contain the purpose of the training, date of the training, and a list of all participants.

Section 8. Safety Committee Meetings

The Safety Committee will meet on a quarterly basis or when requested by the Safety Coordinator in order to carry out its responsibilities as set forth in this policy or as directed by the Town Manager. All meetings must be documented by emailing the Town Manager. Emailed meeting notes should at a minimum contain a summary of the matters discussed, date of the meeting, and list of those in attendance.

Section 9. General Safety Guidelines - *Applicable to All Employees*

The following general safety rules are applicable to all employees:

1. Security doors and/or doors locked to public entry should not be propped open.
2. Assistance should be requested when moving heavy or bulky items. The use of dollies, hand trucks, and other lifting devices is recommended.
3. Lift with your legs instead of your back. Ask for assistance when the object is too heavy, is awkwardly shaped, or blocks you view when you carry it.

4. Do not twist or turn your body when lifting.
5. Where required, you must wear provided PPE such as goggles, safety glasses, masks, gloves, helmets, or other gear provided for your safety. Employees who have been issued PPE are required to wear the equipment. Injury resulting from a failure to wear provided safety equipment or as a result of a violation of any safety rules, may result in the loss of workers' compensation benefits.
6. Horseplay and other acts that could potentially cause an accident or injury are prohibited.
7. Do not block access to exits, fire equipment, lighting or power panels, or valves. Do not pile materials, bins, boxes, or other equipment in aisles or stairways, or in a manner that would block entrance or exit. Fire doors and aisles must be kept clear.
8. All employees operating Town vehicles must comply with all traffic laws (including observing speed limits, following signs and signals, stopping at Stop signs, wearing seat belts, etc.). Employees driving Town vehicles must ensure that they have a valid driver's license in their possession.
9. Employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a phone call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short and if possible use hands-free devices and voice recognition dialing.
10. Safety belts shall be worn by ***all occupants*** at all times when Town vehicles are in operation. Anyone employee riding in a Town vehicle without properly wearing a seat belt, and any driver of Town vehicles permitting anyone to ride in a Town vehicle without properly wearing a seat belt, are violating Town policy, breaking the law, and may be disciplined up to and including dismissal.
11. Employees must use turn signals property at all times.
12. For vehicles with tailgates, the employee shall ensure that they are up and locked any time the vehicle is in motion, or that they are properly flagged if carrying a load requiring the tailgate to be down or open.
13. Employees shall lock their vehicles when they are unattended.
14. Employees driving Town vehicles or driving in the line and scope of employment shall not engage in text messaging while driving. Text messaging refers to reading from or entering data into any hand held or electronic device for the purpose of texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication. This safety rule shall not apply to the use of the mobile data units installed in the Town's police, fire, and rescue vehicles.
15. Whenever any Town vehicle is involved in an accident, employees shall immediately notify the appropriate law enforcement department and his/her supervisor and submit a completed incident report form within 24 hours.
16. Employees shall attempt to keep any accident scene intact until law enforcement arrives and shall not volunteer any information (except name, address, and registration number to the other party involved) to anyone except the investigating officer, supervisor, and Town attorney.

17. Employees should be familiar with the basic techniques of first aid so that they may provide emergency treatment to fellow employees. The Town offers periodic training in first aid so that personnel can be knowledgeable of the treatment of traumatic shock, means of giving cardio-pulmonary resuscitation (CPR), use of automatic electronic defibrillators (AEDs), and control of bleeding. Pre-planning for a potential emergency situation is of great value to the Town.
18. Due to potential hazards associated with blood-borne pathogens that cause diseases such as hepatitis B and HIV, when administering any type of first aid, care must be taken to eliminate or limit contact with blood and bodily fluids. Use of gloves, goggles, safety glasses, and a specialized mask for administering CPR is recommended. Employees shall wash hands and other potentially contaminated body areas and remove all contaminated clothing immediately after administering first aid. Contaminated clothing or protective gear shall be disposed of in red bio-hazard bags located at the Fire Department. Employees shall immediately report all exposure to blood and bodily fluids so post-exposure care can be initiated.
19. Each Town facility shall have a first aid kit and kit supplies shall be kept stocked. Employees shall be trained by their supervisor on the location, the contents, and the instructions given with the first aid kit. The Town offers periodic training on first aid so that personnel can learn how to use this equipment and render treatment as may become necessary.
20. Any spills of blood, bodily fluids, or other potentially infectious materials must be cleaned up and disposed of immediately using the appropriate PPE and disinfectants.
21. Any equipment or surfaces contacted with blood, bodily fluids, or other potentially infectious materials must be cleaned and decontaminated using appropriate PPE and supplies.
22. Any exposure to blood or other bodily fluids must be reported promptly to one's supervisor.

Section 10. Employee Counseling Guidelines

Department Heads and supervisors are encouraged to counsel employees after any workers' compensation claim or preventable accident. This process should not be designed in order to find fault, blame, or punish the employee but rather should be structured to see what the Town can do to help the employee avoid the accident/injury from happening again. The following are recommended issues to be discussed during the counseling:

- Discussing of the chain of events that led to the event of injury with a view towards prevention;
- Helping the employee to see the contributing elements that led to his or her injury in order to help prevent recurrence;

- Providing the employee with an opportunity to make their own suggestions as to steps that need to be taken to help prevent that kind of accident from happening again;
- Addressing whether additional equipment or training would have helped prevent the injury;
- Determining whether current personnel or safety policies might need to be changed or added in light of the accident;
- Emphasizing that the Town takes its employee's safety seriously and heightening the employee's sense of accountability for their own safety

Section 11. Adoption and Effective Date

This policy is effective immediately upon adoption and shall continue in full force and effect until amended or repealed.

ADOPTED BY the Town Manager on the 14th day of April, 2020.

TOWN OF WEAVERVILLE

By: _____
Selena D. Coffey, MPA, ICMA-CM
Town Manager

TOWN OF WEAVERVILLE
SUPPLEMENTAL SAFETY RULES REGARDING
COVID-19 PUBLIC HEALTH EMERGENCY

Section 1. Purpose and Objectives

In recognition that the COVID-19 public health emergency involves widespread community transmission of the coronavirus, it is necessary to implement supplemental safety rules intended to protect its employees and the citizens, to mitigate the effects of this public health emergency within Town government so that the Town's governmental operations can continue without interruption.

Section 2. Definitions

COVID-19 Symptoms – Include any or all of the following: fever, dry cough, tiredness, difficulty breathing.

Personal Protective Equipment (PPE) – Those items of personal equipment of protective clothing, helmets, goggles, gloves, or other garments or equipment designed to protect the wearer's body from injury or infection. For the purposes of this policy PPE specifically addresses biohazards and airborne particulate matter.

Social distancing – Maintaining at least six (6) feet of distance from other individuals.

Subject to a quarantine or isolation order – A public health order requiring an individual to self-quarantine, isolate, or stay at home, rendering an employee unable to work at his or her normal worksite.

Section 3. Applicability

This policy applies to all employees in all departments of the Town of Weaverville.

Section 4. Supplemental Safety Rules - *Applicable to All Employees*

1. You must comply with emergency declaration directives and executive orders while at work and in off hours.
2. You must wear all provided PPE appropriate to your circumstances.
3. You must notify your supervisor if needed PPE is unavailable. The Town will do its best to provide needed PPE during this public health emergency but shortages have been experienced.
4. You must not report to work if you are experiencing any COVID-19 symptoms. You must notify your supervisor as soon as possible after the onset of such symptom(s).
5. You must not report to work if you are subject to an isolation or quarantine order. You must notify your supervisor as soon as possible after receiving such an order. A copy of the order may be requested.
6. You must not report to work if you have been directed to self-quarantine by a healthcare provider. You must notify your supervisor as soon as possible after receiving direction to self-quarantine. You may be asked the name of your healthcare provider.

7. You must notify your supervisor as soon as possible if you have been exposed to someone exhibiting COVID-19 symptoms.
8. You must notify your supervisor as soon as possible if you have been exposed to someone who has tested positive for COVID-19.
9. You must notify your supervisor as soon as possible if a member of your household is subject to a quarantine or isolation order.
10. If you have COVID-19, you must not return to work for at least seven (7) days from onset of symptoms and at least three (3) days have elapse since you have experienced a fever or respiratory symptoms, unless you can present a note from your healthcare provider indicating that you are fit to return to duty.
11. You must practice social distancing to the greatest extent possible in carrying out your job duties. Alterations to your normal operations in order to accommodate social distancing (including telework) is encouraged and allowed if approved by your Department Head.
12. You must properly dispose of all used single-use PPE. PPE that is meant to be re-worn should be properly cleaned prior to re-use.
13. You must regularly clean your work station, high touch surfaces in your area, and Town equipment and/or vehicles assigned to you.
14. You must regularly and frequently wash your hands using soap and water or use sanitizer.
15. You are encouraged to support your co-workers with reminders about these safety rules.

Section 5. Failure to Comply

Failure to comply with these supplement safety rules related to COVID-19 puts you, your co-workers, and the citizens of Weaverville at risk for contracting COVID-19, and jeopardizes the Town's ability to provide essential governmental services. Violators will be subject to disciplinary action up to and including dismissal.

Section 6. Adoption and Effective Date

This policy is effective immediately upon adoption and shall continue until the expiration or termination of the COVID-19 public health emergency, or until otherwise terminated by the Town Manager.

ADOPTED BY the Town Manager on the 14th day of April, 2020.

TOWN OF WEAVERVILLE

By: _____
Selena D. Coffey, MPA, ICMA-CM
Town Manager

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: Minor Amendments to Personnel Policy

PRESENTER: Town Manager

ATTACHMENTS: Proposed Resolution Amending the Town's Personnel Policy

DESCRIPTION/SUMMARY OF REQUEST:

The Town Manager recommends that Town Council consider minor amendments to the Personnel Policy to allow the Town Manager the discretion to serve as Human Resources Officer and to designate an ADA Coordinator, and to modify the content of a letter of dismissal given that it is a public record subject to inspection. The specific amendments that are recommended are as follows:

Article I, Section 6, subparagraphs (i) and (j) [page 8] are amended to read as follows:

(i) serving as or appointing an employee to the role of Human Resources Officer;
(j) serving as or appointing someone to serve as the ADA Coordinator.

Article XIV, Section 3, subparagraph (e), first sentence [page 63] is amended as follows:

Step 5 – If the Town Manager's decision is to dismiss the employee, a written letter of dismissal containing ~~the specific reasons for dismissal,~~ the effective date of the dismissal and the employee's appeal rights shall be issued to the employee in person or by mail to the last known address of the employee.

It is noted that the specific reasons for dismissal are to be added to the letter should the employee appeal the dismissal.

COUNCIL ACTION REQUESTED:

Town Council is asked to approve these minor amendments to the Town's Personnel Policy. A resolution that accomplishes this requested action is attached for Town Council's consideration. The following motion could be considered:

I move that we adopt the attached Resolution Amendment the Town's Personnel Policy as presented.

TOWN OF WEAVERVILLE
RESOLUTION AMENDING THE TOWN'S PERSONNEL POLICY

WHEREAS, Part 4 of Article 7 of Chapter 160A of the North Carolina General Statutes sets forth certain requirements and provides certain authority to Town Council regarding its employees and the establishment of policies regarding its employees; and

WHEREAS, pursuant to Article I, Section 6 of the Personnel Policy, the Town Manager provided Town Council with copies of the adopted policies and her recommendations on certain amendments and additions to the Town's policies; and

WHEREAS, Weaverville has previously adopted a Personnel Policy and related policies, routinely reviews those policies, and now wishes to adopt new and revised policies regarding personnel and related matters to set forth general guidelines for its employees' conduct and benefits; and

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

1. Town Council hereby amends the **PERSONNEL POLICY** as noted below with an immediate effective date and directs that Tab 1 of the Policy and Procedures Manual be updated with the amended policy:

   Article I, Section 6, subparagraph (i) [page 8] is amended read as follows: "serving as or appointing an employee to the role of a Human Resources Officer."

   Article I, Section 6, subparagraph (j) [page 8] is amended to read as follows: "serving as or appointing someone to serve as the ADA Coordinator."

   Article XIV, Section 3, subparagraph (e), first sentence [page 63] is amended as follows: "Step 5 – If the Town Manager's decision is to dismiss the employee, a written letter of dismissal containing ~~the specific reasons for dismissal,~~ the effective date of the dismissal and the employee's appeal rights shall be issued to the employee in person or by mail to the last known address of the employee."

2. The Town Manager is hereby directed to continue to maintain a Policy and Procedures Manual which is to include, but is not limited to, all personnel and related policies adopted by Town Council and the Town Manager, and, in accordance with Section 6 of Article I of the Personnel Policy, is directed to continue to develop, maintain and administer such guidelines, policies, and procedures indicated in the Personnel Policy, and to provide copies of those adopted policies to Town Council on an annual basis or upon request.

3. This resolution shall become effective immediately.

ADOPTED this _____ day of April, 2020.

_____
ALLAN P. ROOT, Mayor

ATTEST:

_____
DEREK K. HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: Ratification of Earth Day and Census Day Proclamations

PRESENTER: Town Manager

ATTACHMENTS: Proclamations

DESCRIPTION/SUMMARY OF REQUEST:

Town CouncIl was due to consider adoption of two proclamations in March concerning Earth Day and Census Day. Since the March meeting had to be cancelled due to the COVID-19 public health emergency and the days that were to be recognized were prior to Town Council's April meeting, the Mayor opted to sign those proclamations. This allowed for promotion of Census Day (April 1) and Earth Day (April 22).

Town Council is asked tonight to ratify these proclamations.

TOWN COUNCIL ACTION:

Ratification of the attached proclamations could be in the form of the following motion:

> *I make a motion to ratify the attached proclamations for Census Day and Earth Day.*

TOWN OF WEAVERVILLE
CENSUS DAY 2020 PROCLAMATION

WHEREAS, Article 1, Section 2 of the United States Constitution mandates that a census be conducted of the nation's population every ten (10) years with the next census scheduled for April 1, 2020; and

WHEREAS, it is vital that all households in Weaverville, North Carolina, complete and submit a census form and every resident of our community counts and deserves to be counted; and

WHEREAS, the census will determine how the federal government distributes $400 billion in funding, including an estimated $16 billion for critical community services, housing, transportation, healthcare, economic development, as well as other need and services in North Carolina; and

WHEREAS, the census will determine how the state of North Carolina distributes $1.5 billion for municipal street maintenance, state tax distributions as well as other revenues to municipalities and counties throughout the state; and

WHEREAS, census data ensures fair Congressional representation by determining how many elected congressional representatives and congressional districts each state will have and it is predicted that North Carolina may gain an additional congressional district after the 2020 Census; and

WHEREAS, it is essential that accurate data be collected from groups of people who are historically difficult to count, including young children, low-income individuals, military personnel, non-native English speakers, minorities, and rural residents; and

WHEREAS, planning, outreach, local government involvement, and community education are required to ensure that the census is as accurate as possible; and

WHEREAS, the information collected by the Census is confidential and protected by law; and

WHEREAS, the Town of Weaverville supports the Buncombe County Census 2020 Complete Count and will make every effort to encourage every resident to accurately complete the Census questionnaire on-line, by telephone, or by promptly returning it by mail;

NOW, THEREFORE, I, Allan P. Root, Mayor of the Town of Weaverville, do hereby proclaim Tuesday, April 1, 2020, as Census Day and, in recognizing the importance of the 2020 Census, pledge full support to achieving a complete and accurate Census Count.

THIS the 30th day of March, 2020.

ALLAN P. ROOT, Mayor

ATTEST:

DEREK HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE CORPORATE SEAL NORTH CAROLINA

TOWN OF WEAVERVILLE
EARTH DAY 2020 PROCLAMATION

WHEREAS, on April 22, 1970, millions of people took to the streets to protect the negative impacts of 150 years of industrial development and, since then, millions of people have celebrated Earth Day in order to increase the awareness among people of the issues affecting the environment in which we live; and

WHEREAS, the Town of Weaverville wishes to join all of the other environmentally-minded jurisdictions around the world celebrating Earth Day; and

WHEREAS, climate change represents the biggest challenge to the future of humanity and the life-support systems that make our world habitable, so this enormous challenge — but also the vast opportunities — of action on climate change have distinguished the issue as the most pressing topic for the 50th anniversary of Earth Day;

WHEREAS, the Town recognizes the benefit of promoting climate change awareness and the effect that even small changes can have on our climate, including:

• change lightbulbs to LEDs • replace HVAC filters every 3 months • unplug unused electronics • participate in the Town's recycling service operated by Curbie • drink great quality tap water produced by the Town instead of buying bottled water • with the Town's walkability map as a guide, walk more • watch the movie* Wall-E *or read* The Lorax *• respond to the Census so we can all be counted • consider reducing consumption of meat • opt for reusable bags • decline plastic drinking straws • create a pollinator garden • plant a tree and promote Weaverville as a Tree City • shop and eat in Weaverville

NOW, THEREFORE, I, Allan P. Root, Mayor of the Town of Weaverville, do hereby proclaim Monday, April 22, 2020, as Earth Day and encourage all residents to join the Town in celebrating the earth, recognizing climate change as a challenge that needs solutions, and choosing small ways to combat climate change each day.

THIS the 30th day of March, 2020.

ALLAN P. ROOT, Mayor

ATTEST:

DEREK HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE CORPORATE SEAL NORTH CAROLINA

Town of Weaverville

Town Council Agenda Item

Date of Meeting:	Monday, April 27, 2020
Subject:	Revised Arbor Day 2020 Proclamation
Presenter:	Town Manager Selena Coffey
Attachments:	Revised Arbor Day Proclamation

Description:

Attached and for approval, please find a resolution for recognizing Thursday, October 15, 2020 as Arbor Day.

Action Requested:

The Town Manager recommends approval of the attached resolution.

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Allan P. Root, Mayor of the Town of Weaverville, North Carolina do hereby proclaim Thursday, October 15, 2020 as

Arbor Day

In the Town of Weaverville, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 27th day of April, 2020

Mayor _____

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting:	Monday, April 27, 2020
Subject:	Road Closure Ordinances: July 4 Downtown Celebration
Presenter:	Selena D. Coffey, Town Manager
Attachments:	Road Closure Ordinance

Description:

Attached please find the Ordinances for the road closures for each respective event.

Council Action Requested:

The Town Manager recommends approval of the ordinance.

Suggested Motion:

I move to approve the road closure ordinances for the Downtown July 4th Celebration.

Town of Weaverville

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE
Weaverville July 4th Celebration

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of hosting a July 4th celebration, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges the July 4 downtown celebration will require approximately two (2) hours to install signage, and also will require approximately one (1) hour for removing signage, litter, etc.

WHEREAS, The Town Council of Weaverville recognizes that the detour route will be appropriately marked with signage and personnel at various locations to ensure the motoring public travels safely and without unnecessary delay.

NO THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

Weaverville Downtown July 4th Celebration

Date:	July 4, 2020
Time:	12:00pm until 11:30pm
Road Closure:	The portion of Main Street between Church Street and Brown Street will be closed and all traffic safely detoured around this area.

This ordinance to become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

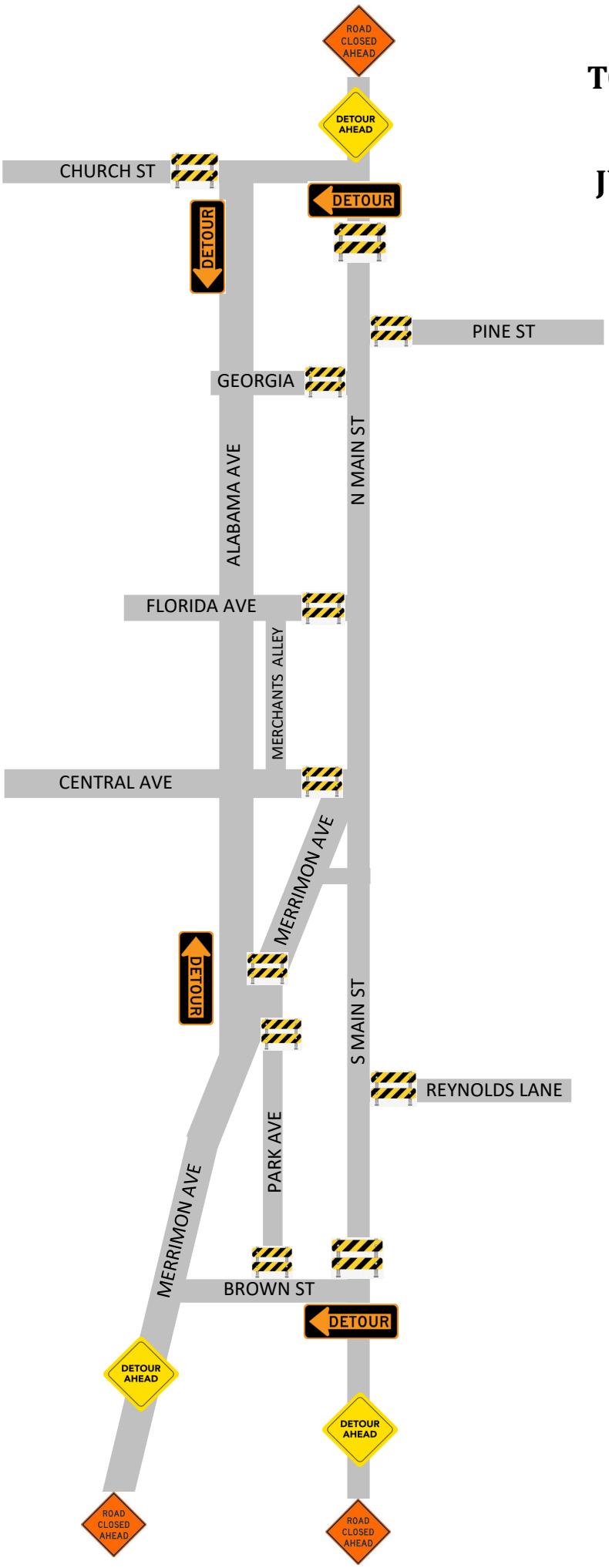
Adopted this 27rd day of April, 2020

_____
Al Root, Mayor

Attest:

_____
Derek Huninghake, Town Clerk

TOWN OF WEAVERVILLE
NORTH CAROLINA
JULY 4 ROAD CLOSURES



TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting: April 27, 2020

Subject: Budget Amendment – Police Dept.

Presenter: Town Finance Director

Attachments: Budget Amendment Form

Description/Summary of Request:

On 2/19/20 the Town received $111.31 from the state for Unauthorized Substance Tax, which is an excise tax imposed on controlled substances. A portion of the tax collected by the state is shared with the local law enforcement agency that conducted the investigation.

The attached budget amendment is necessary so that the Police Department can utilize these funds in the current fiscal year.

Action Requested:

Town Manager recommends approval of the attached Budget Amendment.

Budget Amendment

Town of Weaverville

What expense accounts are to be increased?

Account	Account Description	Transfer Amount
010-430-431-35200	Police – Equipment Maint.	$111.31

What expense account(s) are to be decreased or additional revenue expected to offset expense?

Account	Account Description	Transfer Amount
010-004-300-09019	State Distribution - Police	$111.31

Justification: Please provide a brief justification for this budget amendment.
Unauthorized Substance Tax received from the State on 2/19/2020

Authorized by Finance Officer **Date**

Authorized by Town Manager **Date**

Authorized by Town Council (if applicable) **Date**

Budget Ordinance Section 7:

B. *The Budget Officer or his/her designee is hereby authorized to distribute departmental funds based upon the line item budgets and make expenditures therefrom, in accordance with the Local Government Budget and Fiscal Control Act.*

C. *The Budget Officer or his/her designee may authorize transfers between line items, expenditures and revenues, within a department or division without limitation and without a report being required.*

D. *The Budget Officer or his/her designee may transfer amounts up to 5%, but not to exceed $10,000 monthly, between departments, including contingency appropriations, but only within the same fund. The Budget Officer must make an official report on such transfers at a subsequent regular meeting of Town Council.*

E. *The Budget Officer or his/her designee may not transfer any amounts between funds, except as approved by Town Council, as a budget amendment.*

Town of Weaverville

Town Council Agenda Item

Date of Meeting: Monday, April 27, 2020

Subject: Town Manager's Report

Presenter: Town Manager

Attachments: Yes-Monthly Report

Description:

Attached you will find the Town Manager's Monthly Report for your review.

Action Requested:

No action necessary.

April 2020

1. **Budget Process:** As mentioned during the last workshop, the budget process will be a very difficult one this year, based on the unknowns generated by COVID-19. We will not have a full grasp on the pandemic's impact on our revenue until well after our economy is back to normal. However, in accordance with N.C. General Statutes, I plan to move forward in presenting a budget to you at the May 12 workshop.

2. **Fountain Update:** As you're aware, the fountain in front of Town Hall is almost complete. We are waiting for the final slate to arrive to top the perimeter of the fountain in order for Public Works to finish this project.

3. **Community Center Update:** As you are aware, the community center construction has also been continuing with our contractors continuing their grading work, as well as digging and pouring footings. The project is on schedule at this point.

4. **Weaverville Small-Town-Strong Initiative:** This initiative survey seems to be moving along well. As of the date of printing this report, over 30 business owners had responded to the survey and I am continuing to update the associated website.

5. **Applications for Commitment of Private Streets:** As we near the May 1 deadline, we have received a number of applications to transfer private streets to the public system. Some of these include the following:
    - Creekside Village
    - Fox's Lair
    - Weaver Village Way
    - Reems Creek Village
    - Aldi
    - Reems Creek Villas

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE:	April 27, 2020
SUBJECT:	Downtown Parking Update and Code Amendments to Chapter 28 – Traffic and Parking
PRESENTER:	Town Manager and Town Attorney
ATTACHMENTS:	Proposed Ordinance Repealing and Replacing Town Code Chapter 28 Concerning Traffic and Parking

DESCRIPTION/SUMMARY OF REQUEST:

The Town Manager will be providing Town Council with an update on the downtown parking project at tonight's meeting.

As part of this project Town Council has been asked to consider amendments to Chapter 28 of the Town's Code of Ordinance concerning traffic and parking. Proposed amendments were discussed at the Town Council meeting in January. A few revisions have been made based on comments at that meeting and continued work by staff to make the provisions as reasonable as possible for the Town and its citizens. The revisions are highlighted in green and will be reviewed at the meeting by the Town Attorney.

As these Code amendments will be enacted under the police power of the Town, and not land development authority, no public hearing is required prior to adoption. It should be noted that there are related minor amendments that are proposed to the subdivision and zoning regulations in order to provide for consistency between Code regulations and to avoid any overlapping of regulations. Those Code amendments have received a unanimous Planning and Zoning Board recommendation and Town Council will be asked to set a public hearing on those changes under a separate agenda item tonight.

COUNCIL ACTION REQUESTED:

Town Council is asked to approve the amendments to Code Chapter 28 either as presented, or with such revisions as Town Council desires, through the adoption of an ordinance similar to the one attached. The following motion is proposed:

> *I move that we adopt the Ordinance Repealing and Replacing Town Code Chapter 28 Concerning Traffic and Parking.*

ORDINANCE REPEALING AND REPLACING
TOWN CODE CHAPTER 28 CONCERNING TRAFFIC AND PARKING

WHEREAS, Town Council of the Town of Weaverville wishes to exercise its authority under N.C. Gen. Stat. §§ 160A-296, 160A-300, and 160A-301 in order to establish control over vehicular and pedestrian traffic and parking within its jurisdiction; and

WHEREAS, Chapter 28 of the Weaverville Town Code contains the Town's regulation of traffic and it is the desire of Town Council to repeal and replace that Chapter with new regulations;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville, North Carolina, as follows:

1. Chapter 28 of the Weaverville Town Code of Ordinances is hereby repealed and replaced with the following:

CHAPTER 28 - TRAFFIC AND PARKING

ARTICLE I. - GENERAL PROVISIONS

Sec. 28-100. Title

This chapter 28 of the Town's Code of Ordinances may be referred to as the town's traffic ordinance or the town's parking ordinance.

Sec. 28-101. – Authority.

The regulations contained within this article are adopted pursuant to the authority granted under NCGS §§ 160A-296, 160A-300, and 160A-301.

Sec. 28-102. - Administration.

The town's law enforcement officers, code enforcement officer, and the town manager, or his or her designee, shall be responsible for the administration and enforcement of this chapter. The board of adjustment shall be the appeals board for all decisions made under this chapter unless otherwise provided.

Sec. 28-103. – Concurrent jurisdiction.

Nothing in this chapter shall be construed to limit the legal authority or powers of federal, state, or county law enforcement officers or officers of the town's police department or fire department in enforcing applicable laws, rules or regulations, or in otherwise carrying out their duties. Nothing in this chapter shall be construed to limit the authority of the North Carolina Department of Transportation over right-of-way under its jurisdiction.

Sec. 28-104. - Definitions.

For the purposes of this chapter the following definitions shall apply, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means any motor vehicle that has been (1) left upon a street or highway in violation of the law or ordinance regulating or prohibiting parking, (2) left on property owned or operated by the town for longer than 24 hours; (3) left in any town owned or operated parking lot for longer than seven days, (4) left on any street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public, or (5) left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours.

Chronic parking violator means anyone that has three (3) or more outstanding, unpaid and overdue parking citations within a 90 day period.

Curb means the boundaries of the public streets of the town.

Double parking means a motor vehicle parked between a motor vehicle parked at the edge of a curb and the center of a street or the curb on the opposite side of such street.

Gross vehicle weight (GVW) means the weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load on the vehicle.

Motor vehicle or *vehicle* means any machine designed or intended to travel over land or water by self-propulsion or which is attached to any self-propelled vehicle. Specifically included in this definition are mopeds and electric assisted bicycles, but not electric personal assistive devices as defined in NCGS § 20-4.01(7b) such as wheelchairs.

On-street parking space means a space designated by the town or the state for parking a motor vehicle on a street right-of-way.

Parking means the standing of any motor vehicle, whether occupied or unoccupied, for a longer period of time than is reasonably necessary to receive or discharge passengers. The stopping and/or standing of a motor vehicle for longer than five (5) minutes shall be deemed parking.

Time-limited parking space means an on-street parking space or parking lot space in which parking is lawful for a specified period that is less than 24 hours.

Truck means a vehicle that has any of the following characteristics: (1) any vehicle with a gross vehicle weight (GVW) rating of 10,000 pounds or more, (2) any tandem axle or triaxle vehicle, or (3) any tractor and tandem vehicles when pulling semitrailers or tandem semitrailers.

Sec. 28-105. – Enforcement and penalties.

The provisions of Section 1-6 of the Town's Code of Ordinances shall apply to all violations under this chapter. If civil penalties for violations of this chapter are set out in the adopted fee schedule then such civil penalties shall be assessed in lieu of those established in Section 1-6.

In addition to the enforcement options set out in Section 1-6, the provisions of this chapter may also be enforced by any legal or equitable means, including summary abatement through the use of towing, and vehicle immobilization devices, if such measures are legal under the circumstance. Failure to pay fines may be cause for vehicle towing or immobilization.

Sec. 28-106. – Processing of citations; payment of fines and penalties.

All citations received for the violations of this chapter shall be presented at Weaverville Town Hall at 30 South Main Street during normal business hours for payment processing or the citation and payment shall be mailed to the Weaverville Finance Department, PO Box 338, Weaverville, NC, 28787, all within 10 days from the time of the offense, except when the time limit expires on a holiday or weekend, and then the time limit is extended to the next working day. Failure to pay within 10 days may subject the violator to late payment penalties and other enforcement action.

Revenues received from violations of this chapter shall be used to support the Town's park facilities and programs.

Sec. 28-107. – ADA accessibility.

The town desires to ensure that all of its citizens and the general public have equal opportunity to participate in its programs and services. The town continually looks for ways to better provide access to its facilities, including its sidewalks and parking and to fully comply with the most current accessibility codes. Persons that wish to make a recommendation or file a grievance should contact the town's ADA Coordinator at 30 South Main Street, Weaverville, North Carolina, 28787, by calling (828)645-7116, or by email to coordinator@weavervillenc.org .

Sec. 28-107. – Severability.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid..

Sec. 28-108. – Conflicts with other provisions of town code.

In the event of a conflict between a provision of this chapter and any other section of the Town's Code of Ordinances, the more stringent provision shall apply.

ARTICLE II. – OPERATION OF VEHICLES

Sec. 28-200. – Establishment of traffic regulations - generally.

Town council has the authority to prohibit, regulate, divert, control, and limit pedestrian and vehicular traffic upon the public streets, sidewalks, alleys, and bridges within the town. Included within this authority is the right to establish traffic control regulations on the public streets and sidewalks within its control, including, but not limited to, the establishment of one-way streets, stop and yield intersections, truck traffic restrictions, and speed limits.

Sec. 28-201. – Traffic control regulations and signage.

Traffic control regulations adopted by the town to establish one-way streets, stop and yield intersections, truck traffic restrictions, and speed limits are fully enforceable if signage and/or

markings are installed. It shall be unlawful to disobey traffic control signs and markings within the town.

Sec. 28-202. - Noisy operation.

No person shall willfully operate any automobile, motorcycle or other motor vehicle in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

No person shall start the operation of any motor vehicle in such a sudden and violent manner as to create the screeching of the tires of the vehicle. The leaving of tire marks on the pavement shall be prima facie evidence of the unlawful operation of the vehicle in violation of this section.

Sec. 28-203. - Operation of bicycles.

It shall be unlawful for any person to ride a bicycle on the streets of the town after sundown and before sunup if the bicycle is operated without a working powered front and rear light.

Sec. 28-204. - Specific operation on sidewalk.

It shall be unlawful to ride bicycles, skateboards, roller skates, rollerblades, horses, or other similar device or vehicle, including any power-assisted scooters or recreational devices, upon the sidewalks of Main Street between its intersection with Brown Street on the south and its intersection with Hamburg Mountain Road on the north. Within the section of Main Street described above bicycles can be pushed on the sidewalk but not ridden. This section is not intended to restrict in any way the use of wheelchairs or other similar assistive or adaptive devices on the sidewalks within the town.

Sec. 28-205. - Trucks prohibited on certain streets.

When signs designating a "no through trucks" street have been erected, it shall be unlawful for any truck to travel on any of the designated streets for any purpose other than the delivery of goods, parcels or materials to premises on such streets.

Sec. 28-206. - Speed limitations - generally.

The speed limit within the town is 25 miles per hour unless otherwise established by the North Carolina Department of Transportation or town council and posted as such.

ARTICLE III. - STOPPING, STANDING AND PARKING

Sec. 28-200. – Establishment of parking regulations - generally.

Town council has the authority to prohibit, regulate, divert, control, and limit pedestrian and vehicular traffic upon the public streets, sidewalks, alleys, and bridges within the town. Included within this authority is the right to establish parking regulations on the public streets within its control and the public parking lots owned and operated by the town.

Sec. 28-300. – Law enforcement authority - generally.

Town police officers shall have authority to prohibit the stopping, standing, and/or parking of vehicles in order to allow the safe and efficient flow of traffic given the existing traffic conditions. The driver of a motor vehicle shall be required to move when instructed to do so by a police officer.

Sec. 28-301. - Manner of parking - generally.

Where the street is not sign-posted or marked to show how vehicles are to park, all vehicles shall park parallel to the curb, headed in the same direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway. The driver shall stand or park the vehicle within the lines making the space.

When angled parking is authorized and lines painted on the surface of the street indicate that vehicles may be parked at an angle within the spaces between such painted lines, it shall be unlawful for any person to park a vehicle at such point in any way except at an angle to the curb, as indicated by the lines marking the space. It shall be unlawful for any person to back a vehicle into an angled parking space on a public street or public parking lot so that the rear rather than the front of such vehicle is placed at the curb or the inside of the parking space; provided, however, that nothing contained in this section shall affect the backing of a vehicle into a loading or unloading zone for the purposes of loading or unloading in accordance with the regulations applying to such zones.

The driver shall stand or park the vehicle within the lines marking the space, except that a vehicle may occupy two spaces if it is too long to occupy one space, provided that this exception applies only when the spaces are parallel with the edge of the roadway. Long vehicle parking is not allowed on Main Street between its intersection with Brown Street on the south and its intersection with Hamburg Mountain Road on the north.

Sec. 28-302. - Double parking and parking within a traffic lane prohibited.

No person shall park a vehicle, whether attended or unattended, on the roadway side of another vehicle parked at the edge of the roadway or curb, or on the main traveled portion of any street, unless so directed by competent authority or when a special hazard exists.

Sec. 28-303. - Parking prohibited in certain places.

No person shall stop, stand or park a vehicle, attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places, unless parking within a marked parking space:

(1) On the sidewalk. For the purpose of this subsection the sidewalk will be deemed to continue in front of all businesses and residences from a direct line of the sidewalk on each side of such business or residence.

(2) Within 10 feet of a residential driveway unless permitted by the owner(s) of the property for which the driveway provides access.

(3) In a crosswalk or within 10 feet of a crosswalk.

(4) Within 20 feet of any flashing beacon, stop sign or other official traffic control signal located at the side of a street or roadway.

(5) Alongside or opposite any street excavation or temporary obstruction, when such stopping, standing or parking would obstruct the flow of traffic.

(6) Upon any bridge or other elevated structure or within an underpass, except to repair such place.

(7) Within 10 feet of a public facility driveway, commercial driveway, or alley.

(8) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.

(9) Within 20 feet from the intersection of curb lines or, if none, within 10 feet of the intersection of property lines at an intersection of highways or streets.

(10) Within a traffic lane or upon the traveled portion of a roadway.

(11) Along any portion of a street without marked parking spaces where the clear distance from the side of the parked vehicle to the marked street centerline or to the edge of a left turn lane is less than 10 feet.

(12) Within 10 feet of a fire hydrant.

(13) In any area designated as a fire lane, including designated fire lanes in shopping centers or mall parking lots and all other public vehicular areas; provided, however, persons actively engaged in loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended.

Sec. 28-304. - Parking prohibited at all times on certain streets.

When signs are placed which prohibit parking or when the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any street so marked or signed.

Sec. 28-305. – Marked and timed parking spaces during certain hours.

The town manager is authorized to create and mark parking spaces on the town's public streets and within public parking lots and to designate a maximum time period for which a vehicle may occupy a marked parking space. Parking time restrictions shall apply between the hours of 8:00 a.m. and 6:00 p.m., on any day except Saturday, Sunday and public holidays. The town manager shall cause appropriate signs and markings to be maintained for each time-limited parking lot and for timed-limited parking spaces.

It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any timed-limited parking space, provided that signs, curb or pavement markings, or other markings are placed so as to be sufficiently legible to be seen by an ordinarily observant person which state the length of time beyond which parking is prohibited.

The town manager has the authority to temporarily suspend parking time limits to accommodate particular activities, including parades and special events.

Sec. 28-306. – Exemptions from limited time zone parking restrictions.

The following are exempt from limited time zone parking restrictions:

(1) Vehicles parked by individuals attending a funeral, including the funeral director and his or her employees, if the funeral is organized by a funeral director licensed pursuant to NCGS § 90-210.25, during the time period beginning one hour before the funeral is scheduled to begin, while the funeral is in progress, and ending one hour after the funeral has ended;

(2) Town vehicles while parked to facilitate construction, maintenance, or repair of pipes, apparatus, and equipment used for the supply and transmission of potable water; and

(3) Vehicles parked by any of the following, while engaged in the performance of their respective occupations: firefighting personnel, law enforcement personnel, EMS personnel, code enforcement personnel, emergency management personnel and emergency management workers.

Sec. 28-307. Prohibited purposes - generally.

No person shall stand or park a vehicle within any marked parking space for the purposes of:

(1) Displaying it for sale;

(2) Washing, greasing, or repairing it, except repairs necessitated by an emergency;

(3) Storing it, when such storage is by garages, dealers, or other persons and when not incidental to the bona fide use and operation of such vehicles; or

(4) Storing any detached trailer or van when the towing unit has been disconnected, or for the purposes of transferring merchandise or freight from one vehicle to another.

Sec. 28-308. – Parking so as to block driveway as nuisance.

The stopping, standing, or parking of a vehicle in a street in front of the entrance to a public or private driveway so as to cause the blocking of such driveway and to prohibit the use of such driveway for the purpose of gaining access to and from the street is hereby declared to be a public nuisance.

In addition to the penalties prescribed for the violation of this Code, insofar as such section relates to the stopping, standing, or parking of a vehicle in front of a public or private driveway, in the event of the occurrence of a public nuisance as declared in subsection (a) of this section, such public nuisance may be summarily abated and, to that end, the police officers of the town shall cause any vehicle causing such public nuisance immediately to be removed from in front of the entrance to the public or private driveway. In order to affect the abatement of such nuisance, the police officers shall cause the vehicle to be towed away and stored for the use of the owner. The cost of such towing and storing shall be borne by the offender as part of the cost of the enforcement of law.

Sec. 28-309. – ADA accessibility.

ADA accessible or handicapped parking is provided at certain locations within the town and is regulated by NCGS § 20-37.6. Persons that require an additional accommodation should contact the town's ADA Coordinator at 30 South Main Street, Weaverville, North Carolina, 28787, by calling (828)645-7116, or by email to coordinator@weavervillenc.org .

Sec. 28-310. – Abandoned motor vehicles.

Abandoned motor vehicles are subject to the provisions of Article II of Chapter 9 of the Town's Code of Ordinances.

_____

2. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.
3. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the ____ day of April, 2020, by a vote of ___in favor and ___ against.

_____

ALLAN P. ROOT, Mayor

ATTESTED BY:

_____

DEREK K. HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:

_____

JENNIFER O. JACKSON, Town Attorney

ORDINANCE REPEALING AND REPLACING
TOWN CODE CHAPTER 28 CONCERNING TRAFFIC AND PARKING

WHEREAS, Town Council of the Town of Weaverville wishes to exercise its authority under N.C. Gen. Stat. §§ 160A-296, 160A-300, and 160A-301 in order to establish control over vehicular and pedestrian traffic and parking within its jurisdiction; and

WHEREAS, Chapter 28 of the Weaverville Town Code contains the Town's regulation of traffic and it is the desire of Town Council to repeal and replace that Chapter with new regulations;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville, North Carolina, as follows:

1. Chapter 28 of the Weaverville Town Code of Ordinances is hereby repealed and replaced with the following:

CHAPTER 28 - TRAFFIC AND PARKING

ARTICLE I. - GENERAL PROVISIONS

Sec. 28-100. Title

This chapter 28 of the Town's Code of Ordinances may be referred to as the town's traffic ordinance or the town's parking ordinance.

Sec. 28-101. – Authority.

The regulations contained within this article are adopted pursuant to the authority granted under NCGS §§ 160A-296, 160A-300, and 160A-301.

Sec. 28-102. - Administration.

The town's law enforcement officers, code enforcement officer, and the town manager, or his or her designee, shall be responsible for the administration and enforcement of this chapter. The board of adjustment shall be the appeals board for all decisions made under this chapter unless otherwise provided.

Sec. 28-103. – Concurrent jurisdiction.

Nothing in this chapter shall be construed to limit the legal authority or powers of federal, state, or county law enforcement officers or officers of the town's police department or fire department in enforcing applicable laws, rules or regulations, or in otherwise carrying out their duties. Nothing in this chapter shall be construed to limit the authority of the North Carolina Department of Transportation over right-of-way under its jurisdiction.

Sec. 28-104. - Definitions.

For the purposes of this chapter the following definitions shall apply, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means any motor vehicle that has been (1) left upon a street or highway in violation of the law or ordinance regulating or prohibiting parking, (2) left on property owned or operated by the town for longer than 24 hours; (3) left in any town owned or operated parking lot for longer than seven days, (4) left on any street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public, or (5) left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours.

Chronic parking violator means anyone that has three (3) or more outstanding, unpaid and overdue parking citations within a 90 day period.

Curb means the boundaries of the public streets of the town.

Double parking means a motor vehicle parked between a motor vehicle parked at the edge of a curb and the center of a street or the curb on the opposite side of such street.

Gross vehicle weight (GVW) means the weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load on the vehicle.

Motor vehicle or *vehicle* means any machine designed or intended to travel over land or water by self-propulsion or which is attached to any self-propelled vehicle. Specifically included in this definition are mopeds and electric assisted bicycles, but not electric personal assistive devices as defined in NCGS § 20-4.01(7b) such as wheelchairs.

On-street parking space means a space designated by the town or the state for parking a motor vehicle on a street right-of-way.

Parking means the standing of any motor vehicle, whether occupied or unoccupied, for a longer period of time than is reasonably necessary to receive or discharge passengers. The stopping and/or standing of a motor vehicle for longer than five (5) minutes shall be deemed parking.

Time-limited parking space means an on-street parking space or parking lot space in which parking is lawful for a specified period that is less than 24 hours.

Truck means a vehicle that has any of the following characteristics: (1) any vehicle with a gross vehicle weight (GVW) rating of 10,000 pounds or more, (2) any tandem axle or triaxle vehicle, or (3) any tractor and tandem vehicles when pulling semitrailers or tandem semitrailers.

Sec. 28-105. – Enforcement and penalties.

The provisions of Section 1-6 of the Town's Code of Ordinances shall apply to all violations under this chapter. If civil penalties for violations of this chapter are set out in the adopted fee schedule then such civil penalties shall be assessed in lieu of those established in Section 1-6.

In addition to the enforcement options set out in Section 1-6, the provisions of this chapter may also be enforced by any legal or equitable means, including summary abatement through the use of towing, and vehicle immobilization devices, if such measures are legal under the circumstance. Failure to pay fines may be cause for vehicle towing or immobilization.

Sec. 28-106. – Processing of citations; payment of fines and penalties.

All citations received for the violations of this chapter shall be presented at Weaverville Town Hall at 30 South Main Street during normal business hours for payment processing or the citation and payment shall be mailed to the Weaverville Finance Department, PO Box 338, Weaverville, NC, 28787, all within 10 days from the time of the offense, except when the time limit expires on a holiday or weekend, and then the time limit is extended to the next working day. Failure to pay within 10 days may subject the violator to late payment penalties and other enforcement action.

Revenues received from violations of this chapter shall be used to support the Town's park facilities and programs.

Sec. 28-107. – ADA accessibility.

The town desires to ensure that all of its citizens and the general public have equal opportunity to participate in its programs and services. The town continually looks for ways to better provide access to its facilities, including its sidewalks and parking and to fully comply with the most current accessibility codes. Persons that wish to make a recommendation or file a grievance should contact the town's ADA Coordinator at 30 South Main Street, Weaverville, North Carolina, 28787, by calling (828)645-7116, or by email to coordinator@weavervillenc.org .

Sec. 28-107. – Severability.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid..

Sec. 28-108. – Conflicts with other provisions of town code.

In the event of a conflict between a provision of this chapter and any other section of the Town's Code of Ordinances, the more stringent provision shall apply.

ARTICLE II. – OPERATION OF VEHICLES

Sec. 28-200. – Establishment of traffic regulations - generally.

Town council has the authority to prohibit, regulate, divert, control, and limit pedestrian and vehicular traffic upon the public streets, sidewalks, alleys, and bridges within the town. Included within this authority is the right to establish traffic control regulations on the public streets and sidewalks within its control, including, but not limited to, the establishment of one-way streets, stop and yield intersections, truck traffic restrictions, and speed limits.

Sec. 28-201. – Traffic control regulations and signage.

Traffic control regulations adopted by the town to establish one-way streets, stop and yield intersections, truck traffic restrictions, and speed limits are fully enforceable if signage and/or

markings are installed. It shall be unlawful to disobey traffic control signs and markings within the town.

Sec. 28-202. - Noisy operation.

No person shall willfully operate any automobile, motorcycle or other motor vehicle in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

No person shall start the operation of any motor vehicle in such a sudden and violent manner as to create the screeching of the tires of the vehicle. The leaving of tire marks on the pavement shall be prima facie evidence of the unlawful operation of the vehicle in violation of this section.

Sec. 28-203. - Operation of bicycles.

It shall be unlawful for any person to ride a bicycle on the streets of the town after sundown and before sunup if the bicycle is operated without a working powered front and rear light.

Sec. 28-204. - Specific operation on sidewalk.

It shall be unlawful to ride bicycles, skateboards, roller skates, rollerblades, horses, or other similar device or vehicle, including any power-assisted scooters or recreational devices, upon the sidewalks of Main Street between its intersection with Brown Street on the south and its intersection with Hamburg Mountain Road on the north. Within the section of Main Street described above bicycles can be pushed on the sidewalk but not ridden. This section is not intended to restrict in any way the use of wheelchairs or other similar assistive or adaptive devices on the sidewalks within the town.

Sec. 28-205. - Trucks prohibited on certain streets.

When signs designating a "no through trucks" street have been erected, it shall be unlawful for any truck to travel on any of the designated streets for any purpose other than the delivery of goods, parcels or materials to premises on such streets.

Sec. 28-206. - Speed limitations - generally.

The speed limit within the town is 25 miles per hour unless otherwise established by the North Carolina Department of Transportation or town council and posted as such.

ARTICLE III. - STOPPING, STANDING AND PARKING

Sec. 28-200. – Establishment of parking regulations - generally.

Town council has the authority to prohibit, regulate, divert, control, and limit pedestrian and vehicular traffic upon the public streets, sidewalks, alleys, and bridges within the town. Included within this authority is the right to establish parking regulations on the public streets within its control and the public parking lots owned and operated by the town.

Sec. 28-300. – Law enforcement authority - generally.

Town police officers shall have authority to prohibit the stopping, standing, and/or parking of vehicles in order to allow the safe and efficient flow of traffic given the existing traffic conditions. The driver of a motor vehicle shall be required to move when instructed to do so by a police officer.

Sec. 28-301. - Manner of parking - generally.

Where the street is not sign-posted or marked to show how vehicles are to park, all vehicles shall park parallel to the curb, headed in the same direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway. The driver shall stand or park the vehicle within the lines making the space.

When angled parking is authorized and lines painted on the surface of the street indicate that vehicles may be parked at an angle within the spaces between such painted lines, it shall be unlawful for any person to park a vehicle at such point in any way except at an angle to the curb, as indicated by the lines marking the space. It shall be unlawful for any person to back a vehicle into an angled parking space on a public street or public parking lot so that the rear rather than the front of such vehicle is placed at the curb or the inside of the parking space; provided, however, that nothing contained in this section shall affect the backing of a vehicle into a loading or unloading zone for the purposes of loading or unloading in accordance with the regulations applying to such zones.

The driver shall stand or park the vehicle within the lines marking the space, except that a vehicle may occupy two spaces if it is too long to occupy one space, provided that this exception applies only when the spaces are parallel with the edge of the roadway. Long vehicle parking is not allowed on Main Street between its intersection with Brown Street on the south and its intersection with Hamburg Mountain Road on the north.

Sec. 28-302. - Double parking and parking within a traffic lane prohibited.

No person shall park a vehicle, whether attended or unattended, on the roadway side of another vehicle parked at the edge of the roadway or curb, or on the main traveled portion of any street, unless so directed by competent authority or when a special hazard exists.

Sec. 28-303. - Parking prohibited in certain places.

No person shall stop, stand or park a vehicle, attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places, unless parking within a marked parking space:

(1) On the sidewalk. For the purpose of this subsection the sidewalk will be deemed to continue in front of all businesses and residences from a direct line of the sidewalk on each side of such business or residence.

(2) Within 10 feet of a residential driveway unless permitted by the owner(s) of the property for which the driveway provides access.

(3) In a crosswalk or within 10 feet of a crosswalk.

(4) Within 20 feet of any flashing beacon, stop sign or other official traffic control signal located at the side of a street or roadway.

(5) Alongside or opposite any street excavation or temporary obstruction, when such stopping, standing or parking would obstruct the flow of traffic.

(6) Upon any bridge or other elevated structure or within an underpass, except to repair such place.

(7) Within 10 feet of a public facility driveway, commercial driveway, or alley.

(8) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.

(9) Within 20 feet from the intersection of curb lines or, if none, within 10 feet of the intersection of property lines at an intersection of highways or streets.

(10) Within a traffic lane or upon the traveled portion of a roadway.

(11) Along any portion of a street without marked parking spaces where the clear distance from the side of the parked vehicle to the marked street centerline or to the edge of a left turn lane is less than 10 feet.

(12) Within 10 feet of a fire hydrant.

(13) In any area designated as a fire lane, including designated fire lanes in shopping centers or mall parking lots and all other public vehicular areas; provided, however, persons actively engaged in loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended.

Sec. 28-304. - Parking prohibited at all times on certain streets.

When signs are placed which prohibit parking or when the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any street so marked or signed.

Sec. 28-305. – Marked and timed parking spaces during certain hours.

The town manager is authorized to create and mark parking spaces on the town's public streets and within public parking lots and to designate a maximum time period for which a vehicle may occupy a marked parking space. Parking time restrictions shall apply between the hours of 8:00 a.m. and 6:00 p.m., on any day except Saturday, Sunday and public holidays. The town manager shall cause appropriate signs and markings to be maintained for each time-limited parking lot and for timed-limited parking spaces.

It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any timed-limited parking space, provided that signs, curb or pavement markings, or other markings are placed so as to be sufficiently legible to be seen by an ordinarily observant person which state the length of time beyond which parking is prohibited.

The town manager has the authority to temporarily suspend parking time limits to accommodate particular activities, including parades and special events.

Sec. 28-306. – Exemptions from limited time zone parking restrictions.

The following are exempt from limited time zone parking restrictions:

(1) Vehicles parked by individuals attending a funeral, including the funeral director and his or her employees, if the funeral is organized by a funeral director licensed pursuant to NCGS § 90-210.25, during the time period beginning one hour before the funeral is scheduled to begin, while the funeral is in progress, and ending one hour after the funeral has ended;

(2) Town vehicles while parked to facilitate construction, maintenance, or repair of pipes, apparatus, and equipment used for the supply and transmission of potable water; and

(3) Vehicles parked by any of the following, while engaged in the performance of their respective occupations: firefighting personnel, law enforcement personnel, EMS personnel, code enforcement personnel, emergency management personnel and emergency management workers.

Sec. 28-307. Prohibited purposes - generally.

No person shall stand or park a vehicle within any marked parking space for the purposes of:

(1) Displaying it for sale;

(2) Washing, greasing, or repairing it, except repairs necessitated by an emergency;

(3) Storing it, when such storage is by garages, dealers, or other persons and when not incidental to the bona fide use and operation of such vehicles; or

(4) Storing any detached trailer or van when the towing unit has been disconnected, or for the purposes of transferring merchandise or freight from one vehicle to another.

Sec. 28-308. – Parking so as to block driveway as nuisance.

The stopping, standing, or parking of a vehicle in a street in front of the entrance to a public or private driveway so as to cause the blocking of such driveway and to prohibit the use of such driveway for the purpose of gaining access to and from the street is hereby declared to be a public nuisance.

In addition to the penalties prescribed for the violation of this Code, insofar as such section relates to the stopping, standing, or parking of a vehicle in front of a public or private driveway, in the event of the occurrence of a public nuisance as declared in subsection (a) of this section, such public nuisance may be summarily abated and, to that end, the police officers of the town shall cause any vehicle causing such public nuisance immediately to be removed from in front of the entrance to the public or private driveway. In order to affect the abatement of such nuisance, the police officers shall cause the vehicle to be towed away and stored for the use of the owner. The cost of such towing and storing shall be borne by the offender as part of the cost of the enforcement of law.

Sec. 28-309. – ADA accessibility.

ADA accessible or handicapped parking is provided at certain locations within the town and is regulated by NCGS § 20-37.6. Persons that require an additional accommodation should contact the town's ADA Coordinator at 30 South Main Street, Weaverville, North Carolina, 28787, by calling (828)645-7116, or by email to coordinator@weavervillenc.org .

Sec. 28-310. – Abandoned motor vehicles.

Abandoned motor vehicles are subject to the provisions of Article II of Chapter 9 of the Town's Code of Ordinances.

_____

2. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.
3. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the ____ day of April, 2020, by a vote of ___in favor and ___ against.

_____

ALLAN P. ROOT, Mayor

ATTESTED BY:

_____

DEREK K. HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:

_____

JENNIFER O. JACKSON, Town Attorney

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: ADA Transition Plan

PRESENTER: Town Attorney

ATTACHMENTS: Proposed Resolution Amending the ADA Compliance Policy and the Grievance Policy and Procedures
Amended and Restated ADA Compliance Policy
Amended and Restated Grievance Policy and Procedures

DESCRIPTION/SUMMARY OF REQUEST:

The Town Manager and Town Attorney have been working together on the Town's compliance with the American's with Disabilities Act. The goal is for the ADA Transition Plan to be presented to Town Council for review and adoption at its meeting in June. At tonight's meeting the Town Attorney will be updating Town Council on the progress of the project and certain recommendations concerning policy amendments and a plan for public input.

One recommendation is for Town Council to adopt amendments to the Town's ADA Compliance Policy and the Town's Grievance Policy and Procedures in order to more clearly set out those policies and to provide procedures to address issues that arise. Those policies are attached showing the amendments requested. These amendments will be reviewed during the meeting.

In the development of the ADA Transition Plan the Town is required to receive public input from its citizens in order to discover any concerns on accessibility to Town programs and facilities. Staff plans to conduct a public comment period during the month of May and to host a public input session in order to allow adequate investigation of any issues that might be brought to the Town's attention. Given the COVID-19 public health emergency, the public input session will be conducted in such a way as to abide by the gathering limitations and social distancing requirements. All comments received will be incorporated into the Transition Plan with proposals for resolution of those issues as appropriate.

COUNCIL ACTION REQUESTED:

Town Council is asked to approve the recommendations of the Town Manager and Town Attorney concerning policy amendments through the adoption of the attached proposed resolution. The following motion is proposed:

> *I move that we adopt the Proposed Resolution Concerning the ADA Compliance Policy and the Grievance Policy and Procedures.*

TOWN OF WEAVERVILLE
RESOLUTION AMENDING THE TOWN'S ADA COMPLIANCE POLICY AND THE GRIEVANCE POLICY AND PROCEDURES

WHEREAS, Part 4 of Article 7 of Chapter 160A of the North Carolina General Statutes sets forth certain requirements and provides certain authority to Town Council regarding its employees and the establishment of policies regarding its employees; and

WHEREAS, Town Council wishes to make clear policy statements with regard to compliance with the Americans with Disabilities Act and provide a process hereby discrimination under the Act can be brought to the Town's attention for resolution;

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

1. Town Council hereby amends and restates the **AMERICANS WITH DISABILITIES COMPLIANCE POLICY** that is shown as Tab 5 of the Policy and Procedures Manual, with the attached policy effective immediately.

2. Town Council hereby amends and restates the **GRIEVANCE POLICY AND PROCEDURES** that is shown as Tab 6 of the Policy and Procedures Manual that is attached, with the attached policy effective immediately.

3. This resolution shall become effective immediately.

ADOPTED this _____ day of April, 2020.

_____
ALLAN P. ROOT, Mayor

ATTEST:

_____
DEREK K. HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE
AMERICANS WITH DISABILITIES
COMPLIANCE POLICY

Section 1. Purpose and Objectives

It is the policy of the Town to afford equal employment opportunity to all qualified individuals with disabilities as defined in the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act (ADAAA) in all employment-related decisions. As part of this policy, the Town will work to seek reasonable accommodations for applicants in the employment process, qualified employees with disabilities and for applicants with disabilities who have been offered employment.

The Town has long recognized that its employees are its most valuable asset. Accordingly, it is Town policy to support employees and candidates affected by mental or physical impairments, which may limit their opportunities to be productive. It is the Town's intent to provide support and assistance, consistent with the Americans with Disabilities Act and business demands, within reason, to qualified individuals who are disabled. As appropriate, the Town will attempt to eliminate barriers to employment in order to afford all individuals opportunities to pursue available employment to the extent of their abilities and talents.

The cooperation of all employees is expected and necessary to make this policy a reality. Employees with questions about this policy, reasonable accommodation, or who feel they have been treated unfairly because of a disability, perceived disability, or record of a disability should contact the ADA Coordinator as designated in this policy.

In addition to assuring compliance with the ADA in its employment practices, it is the policy of the Town to prohibit discriminate against qualified individuals with disabilities on the basis of disability in the Town's provision of services, programs and activities.

Section 2. Definitions

ADA – Includes collectively the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendment Act of 2008, and any subsequent amendments thereto.

Communicable disease – An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a person from infected person or animal through the agency of an intermediate animal, host or vector, or through the inanimate environment, pursuant to NCGS 130A-133(1). The term shall include, but is not limited to: acquired autoimmune deficiency syndrome ("AIDS"), AIDS-related complex, human immunodeficiency virus ("HIV") infection, hepatitis A, B, or C, and tuberculosis.

Direct threat to safety – A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.

Disability – A person is "disabled" under this policy if that person has a physical or mental impairment that substantially limits him or her in one or more major life activities.

Essential job function – The basic job duties that an employee must be able to perform in his or her assigned job, with or without reasonable accommodation. Factors to be considered in determining if a function is essential include: (a) whether the reason the position exists is to perform that function, (b) the number of other employees available to

perform that function or among whom the performance of the function can be distributed, (c) the degree of expertise or skill required to perform the function, (d) the time spent performing a function, and (e) the consequences of not requiring that an employee perform a function.

Qualified individual with a disability – An employee or candidate with a disability who has the necessary skill, education, experience, and other job-related requirements to perform the essential functions of a position with or without a "reasonable accommodation."

Reasonable accommodation –

> Reasonable accommodation is any modification or adjustment to a job, job schedule or the work environment that will enable a qualified candidate or employee with a disability to participate in the application process or to perform essential job functions, or enjoy other benefits of employment without imposing an undue hardship on the Town or imposing a direct threat of safety to the individual or others in the workplace.
>
> Examples of reasonable accommodation may include modifying existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs.
>
> Reasonable accommodation may also include reassigning a current employee to a vacant position for which the individual is qualified if the person is unable to do the original job because of a disability even with an accommodation and no other accommodations exist. However, there is no obligation to find or create a position as an accommodation. The Town is not required to lower quality or quantity standards as an accommodation, nor is it obligated to provide personal use items such as glasses or hearing aids. The Town is not required to reallocate essential job functions of a job as a reasonable accommodation.

Undue hardship – The point at which an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.

Section 3. ADA Coordinator

The Town has designated the Town Manager, or designee, to handle issues related to the ADA. All requests for reasonable accommodation, auxiliary communication aids and services, alternative accessible formats for notices, policies, and other information, as well as complaints regarding the Town's ADA program should be directed to the ADA Coordinator as follows:

TOWN OF WEAVERVILLE
AMERICANS WITH DISABILITIES
COMPLIANCE POLICY

ADA Coordinator
Weaverville Town Hall
30 South Main Street
Weaverville, NC 28787
828-645-7116
coordinator@weavervillenc.org

Section 4. Complaint Procedures

Complaints of alleged discrimination on the basis of disability by the Town may be filed by job applicants, employees, and former employees ~~members of the general public~~, by using the grievance procedures set forth in Article XV of the Town's Personnel Policy. Members of the general public who feel that they have been discriminated against on the basis of disability may utilize the Grievance Policy and Procedures adopted by Town Council to file a disability related discrimination complaint.

The grievance procedures shall be distributed to members of the general public upon request for persons with disabilities. Any complaints relating to the ADA shall be considered confidential and kept separate from an employee's personnel file.

Section 5. No Retaliation

Individuals who oppose any act or practice that is unlawful under any title of the ADA, or who make a charge, testify, assist, or participate in any investigation, proceedings, or hearing under the ADA will not be retaliated against, nor will they be coerced, intimidated, threatened, or interfered with in the exercise or enjoyment of any ADA right. Job applicants or employees who may have a friend, associate, or family member with a disability are also covered by this ADA nondiscrimination policy pursuant to the ADA.

Section 6. Communicable Diseases

The Town shall not exclude from employment, participation in programs, or receipt of services individuals with communicable diseases or a related condition unless a determination is made by the Town Manager that such individual presents a direct threat or significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. It is the policy of the Town to consider the employment status or participation of an individual with a communicable disease on an individual case-by-case basis and in accordance with the ADA.

Section 7. Confidentiality of Medical Records

All information obtained by the Town regarding an applicant's or employee's disability, medical condition, request for reasonable accommodation, or workers' compensation shall be maintained on separate forms and in medical files which are separate from the regular personnel files. All medical files and records will be treated as confidential.
Access to medical information shall be given for the following reasons only:

a. To supervisors who may be told only about work restrictions for an applicant or employee;

b. To first aid and safety officials where emergency treatment might be required;

c. To government officials charged with enforcement of disability laws, including the ADA; and

d. Human Resources staff and legal counsel on an as-needed basis.

Section 8. Reasonable Accommodation

It is the policy of the Town to provide reasonable modifications or adjustments to services, programs, or activities, to avoid discrimination on the basis of disability, unless the modification would result in a fundamental alteration or would impose an undue financial or administrative burden. The Town will make all reasonable efforts to provide appropriate services and aids so that people with disabilities receive effective communication.

The Town will make reasonable accommodations whenever necessary for all qualified employees or candidates for employment with disabilities (as defined by applicable law), provided that:

1. The individual is otherwise qualified to safely perform the essential job functions of the job, and
2. Such accommodations do not impose undue hardship on the Town.

Where a job or work assignment is subject to health or medical standards required for assignments or deployments in support of the military, this policy does not require employment of an employee or candidate who cannot satisfy those standards.

A. **Requesting an Accommodation – Employee** – If an employee has a disability that requires an accommodation in order to perform the essential functions of his or her job, or otherwise enjoy the benefits and privileges of employments, he or she must initiate a request for accommodation by contacting his or her direct supervisor, the Human Resources Officer, or Town Manager, and identify an adjustment or change at work that is needed because of a disability.

B. **Requesting an Accommodation – Candidate** – If a candidate for employment has a disability that requires an accommodation in order to apply for a job, he or she must initiate the request for accommodation by contacting Human Resources Officer or Town Manager and identifying an adjustment or change in the application or system that is needed because of a disability.

C. **Participation in the Interactive Process** –

i. An employee seeking an accommodation under this policy will engage in an interactive dialogue (the "interactive process") with his or her supervisory, department head, and Human Resources Officer, to

identify an accommodation that will allow the employee to perform the essential functions of the job effectively or engage in other benefits and privileges of employment that are enjoyed by similarly situated employees without disabilities.

ii. If the Town is able to accommodate the request as a result of the interactive process, without the need for supporting medical documentation or other information, the employee does not need to proceed with any further steps outlined in this process.

iii. The ADA Coordinator has the responsibility to secure a final decision about questions regarding the implementation of an accommodation related to whether the medical condition is a qualifying disability under the ADA. In the event that additional medical information is needed to determine what accommodations may be necessary the ADA Coordinator will secure a release of medical information from the employee in order to obtain the medical information that is needed to make such a determination.

iv. The employee must cooperate with Human Resources in submitting necessary medical documentation and/or providing a release of medical information that permits HR to communicate with the employee's health care provider(s). The employee must return all forms and responsive information within 15 days of the request. Processing the request for accommodation may not proceed until all required forms have been completed and returned to Human Resources.

v. HR will review the completed request for accommodation forms received from the employee and/or the employee's health care provider. If the information provided is incomplete or requires further clarification, HR may request additional information from the employee or his or her health care provider.

D. **Determination** – If, based on medical and other information provided by the employee and/or his or her health care provider, the employee is determined to be a qualified individual with a disability, the ADA Coordinator will notify the employee, supervisor, department head and Town Manager. The ADA Coordinator will work with the employee and the department head to identify and discuss reasonable accommodations that will enable the employee to perform the essential functions of the job or to participate in the same benefits and privileges of employment enjoyed by similarly situated employees without benefits. In instances where there is no reasonable accommodation that enables the employee to perform the essential functions of the job, including unpaid leave and assignment to a vacant position, the employee may be terminated.

E. **Responsibilities – Employees/Candidates** – Employees and candidates with a disability that interferes with their ability to apply for a job, perform their essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated employees without disabilities, and who desire an accommodation, must follow the process set forth above. The employee or candidate who requests an accommodation has the responsibility to submit all required documentation on a timely basis and to remain engaged in the interactive process with the Town while a determination is being made. It is the employee's responsibility to work with his or her supervisor/department head, ADA Coordinator and qualified health care professional to review and complete all forms required. Any failure by the employee to supply the Town with all relevant and requested medical information or to otherwise meaningfully cooperate in the interactive process may result in the Town's denial of an accommodation or delay in the process.

F. **Responsibilities – Management** – The Town Manager and all department heads are responsible for ensuring that all employees under their supervision are fully aware of the Town's reasonable accommodation policy and equal employment opportunity and non-discrimination policy. When an employee requests an accommodation, supervisors and department heads must participate in the interactive process with the employee to determine if a reasonable accommodation can be made, with or without seeking additional information about the employee's medical condition.

   If the ADA Coordinator determines that an employee's medical condition is a qualifying disability under the ADA, supervisors and department heads must continue to work with the employee to identify existing reasonable accommodations that will enable the employee to perform the essential functions of his or her job.

G. **Responsibilities – ADA Coordinator** – The ADA Coordinator is responsible for determining whether an individual is entitled to an accommodation under the terms of this policy, assisting in the interactive process to identify reasonable accommodations as necessary, and informing employees of their rights and obligations pursuant to this policy. The ADA Coordinator is responsible for ensuring appropriate confidentiality of employees' and candidates' medical information, consistent with Town policy and state and federal law.

Section 9. Violations

Any employee found to be in violation of this policy will be subject to prompt disciplinary action under the Town's Personnel Policy, up to and including dismissal.

Section 10. Adoption and Effective Date

This policy has been amended and restated by Town Council, is effective immediately, and shall be in full force and effect until such time as it is amended or repealed.

TOWN OF WEAVERVILLE
AMERICANS WITH DISABILITIES
COMPLIANCE POLICY

ADOPTED BY the Weaverville Town Council on the ____ day of April, 2020.

TOWN OF WEAVERVILLE

By: _____
Allan P. Root, Mayor

ATTESTED:

By: _____
Derek K. Huninghake, Town Clerk

TOWN OF WEAVERVILLE
GRIEVANCE POLICY AND PROCEDURES

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of grievances of citizens or other non-employees. The purpose of this policy is to outline a grievance procedure and to assure the public that a response to their complaints and grievances will be prompt and fair.

Section 2. Definition

ADA – Collectively the Americans with Disabilities Act and the Americans with Disabilities Act Amendment Act

Grievance – A grievance is a claim or complaint of a citizen or customer of the Town, or member of the public against the Town or any of its officials or employees, including, but not limited to, claims or complaints alleging discrimination, harassment, retaliation, improper or unlawful activity, Title VI civil rights discrimination, ADA accessibility issues, failure to provide services, or access to services, violations of Town policies, excessive or improper imposition of fees.

Title VI – Title VI of the Civil Rights Act of 1964

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

(a) Providing the public with a procedure by which their complaints can be considered promptly and fairly;
(b) Promoting better understanding of the Town's policies, practices, and procedures;
(c) Increasing confidence that Town services are being delivered in accordance with established, fair, and uniform policies and procedures;
(d) Encouraging conflicts to be resolved between the Town and the public in order to foster good relationships; and
(e) Creating an environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders in order to allow for better public relations and provision of municipal services.

Section 4. Procedure

When a member of the public has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by the aggrieved person shall be considered to be the step at which the grievance is resolved. In all cases the Town Manager's decision shall be the final decision.

(a) **Informal Resolution –** Prior to the submission of a formal grievance, the aggrieved person and Town employee should meet to discuss the problem and

seek to resolve it informally. Either the aggrieved person or Town employee may involve the respective Department Head as a resource to help resolve the grievance.

(b) **Formal Resolution –** If an informal resolution is not achieved then the following procedures shall be utilized with written documentation made at each step. For grievances involving ADA or Title VI civil rights issues, the respective coordinators will serve as the Department Head in the following steps (see Sections 5 and 6 below).

Step 1 – If no resolution to the grievance is reached informally, the aggrieved person who wishes to pursue a grievance shall present the grievance to the appropriate Department Head in writing. The Department Head shall respond to the grievance within 10 calendar days after receipt of the grievance. The Department Head should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the Department Head is required to cooperate to the fullest extent possible. The response shall explain the position of the Town and offer options for substantive resolution of the complaint.

Step 2 – If the grievance is not resolved to the satisfaction of the citizen at the end of Step 1, the aggrieved person may appeal, in writing, to the Town Manager within 10 calendar days after receipt of the response from Step 1. The Town Manager shall meet with the aggrieved person to discuss the complaint and possible resolutions. Within 10 calendar days of the meeting the Town Manager will respond in writing with a final resolution of the complaint.

The Town reserves the option, but not the requirement, to obtain a neutral outside party to provide mediation between the aggrieved person and the Town. Such parties might consist of attorneys trained in mediation, mediators, or other parties appropriate to the situation.

In all cases the Town Manager's decision shall be the final decision. The Town Manager shall notify the Mayor and Town Council of any impending legal action.

Section 5. Grievances Related to the Americans with Disabilities Act (ADA) or Title VI Civil Rights Discrimination

Complaints concerning discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town should be sent to the ADA Coordinator who shall serve as the Department Head in the formal grievance steps set out herein if an informal resolution cannot be reached. Where appropriate, responses and resolutions shall be provided in a format that is accessible to the aggrieved person.

Complaints concerning discrimination on the basis of race, color, national origin, sex, age, or disability, in the provision of services, activities, programs, or benefits by the Town should be sent to the Civil Rights Coordinator who shall serve as the Department Head in the formal grievance steps set out herein if an informal resolution cannot be reached.

TOWN OF WEAVERVILLE
GRIEVANCE POLICY AND PROCEDURES

Complaints involving the ADA Coordinator or the Civil Rights Coordinator can be made directly to the Town Manager.

Section 6. Contact Information for Submitting Grievances

The following contact information can be used to submit a grievance:

GENERAL GRIEVANCES	ADA GRIEVANCES	TITLE VI CIVIL RIGHTS GRIEVANCES
Town Manager 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org	ADA Coordinator 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org	Civil Rights Coordinator 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org

Section 7. Adoption and Effective Date

This policy has been amended and restated by Town Council, is effective immediately, and shall be in full force and effect until such time as it is amended or repealed.

ADOPTED BY the Weaverville Town Council on the ____ day of April, 2020.

TOWN OF WEAVERVILLE

By: _____
Allan P. Root, Mayor

ATTESTED:

By: _____
Derek K. Huninghake, Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: Civil Rights - Title VI Implementation Plan

PRESENTER: Town Attorney

ATTACHMENTS: Proposed Resolution
Title VI Implementation Plan
Title VI Civil Rights Compliance Policy

DESCRIPTION/SUMMARY OF REQUEST:

Title VI of the Civil Rights Act of 1964 states that:

> 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 subjected to discrimination under any program or activity receiving Federal Financial assistance.

The federal government is looking more closely at what cities and towns are doing to protect the civil rights of its citizens from discrimination and to provide a clear way for a citizen to have complaints heard and resolved.

As a recipient of federal funds that are funneled through the North Carolina Department of Transportation (like Powell Bill funds), the Town is required to implement non-discrimination practices for all of its programs and activities. Even though the Town has long upheld these non-discriminatory practices, the Town is required to formalize a Title VI Implementation Plan.

The Town Attorney and Town Manager recommend the adoption of the proposed Title VI Implementation Plan and the Title VI Civil Rights Compliance Policy that is recommended in that Plan.

COUNCIL ACTION REQUESTED:

Town Council is asked to approve the recommendations of the Town Attorney and Town Manager through the adoption of the attached proposed resolution. The following motion is proposed:

> *I move that we adopt the Proposed Resolution Adopting the Title VI Implementation Plan and the Title VI Civil Rights Compliance Policy.*

TOWN OF WEAVERVILLE
RESOLUTION ADOPTING THE TOWN'S TITLE VI IMPLEMENTATION PLAN AND TITLE VI CIVIL RIGHTS COMPLIANCE POLICY

WHEREAS, Town Council wishes to make it clear that it intends to operate its programs, activities, and services, without regard to race, color, national origin, sex, age, disability, or income level, in accordance with Title VI of the Civil Rights Act of 1964 and related statutes, and to assure that every effort will be made to ensure that no person in the Town will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that it administers, whether those programs, activities and services are federally funded or not;

WHEREAS, Town Council wishes to adopt clear policy statements with regard to compliance with Title VI of the Civil Rights Act of 1964 and provide a process whereby discrimination under the Act can be brought to the Town's attention for resolution;

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

1. Town Council hereby adopts the attached **TITLE VI IMPLEMENTATION PLAN**, including the policy statements included therein, with an immediate effective date;

2. Town Council hereby adopts the attached **TITLE VI CIVIL RIGHTS COMPLIANCE POLICY** and directs that it be included in the Town's Policy and Procedures Manual, with an immediate effective date.

3. This resolution shall become effective immediately.

ADOPTED this _____ day of April, 2020.

_____
ALLAN P. ROOT, Mayor

ATTEST:

_____
DEREK K. HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE
TITLE VI IMPLEMENTATION PLAN

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TOWN OF WEAVERVILLE
TITLE VI IMPLEMENTATION PLAN

INTRODUCTION

The Town of Weaverville has adopted this Title VI Implementation Plan to ensure that the Town is in compliance with the provisions of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Discrimination on the basis of gender, age, and disability is prohibited under related statutes. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

Federal-aid recipients, subrecipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services whether these programs, activities and services are federally funded or not. The Town Attorney of the Town of Weaverville is responsible for providing leadership, direction and policy to ensure compliance with Title VI and environmental justice principles.

Title VI is a mechanism that directs the federal financial assistance, which drives or promotes economic development. By legislative mandate, Title VI examines the following public policy issues:

- Accessibility for all persons
- Accountability in public funds expenditures
- Disparate impact
- Economic empowerment
- Environmental justice
- Infrastructure development
- Minority participation in decision making
- Program service delivery
- Public and private partnerships built in part or whole with public funds
- Site and location of facilities

Title VI was enacted to ensure equal distribution of federal funds regardless of race, color, or national origin. Because of this, Title VI:

- Encourages the participation of minorities as members of Implementation Planning or advisory bodies for programs receiving federal funds
- Prohibits discriminatory activity in a facility built in whole or part with federal funds
- Prohibits entities from denying an individual any service, financial aid, or other benefit because of race, color, or national origin

- Prohibits entities from providing a different service or benefit, or providing these in a different manner from those provided to others under the program
- Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals
- Prohibits locating facilities in any way that would limit or impede access to a federally funded service or benefit
- Prohibits segregation or separate treatment in any manner related to receiving program services or benefits
- Requires assurance of nondiscrimination in purchasing of services
- Requires entities to notify the respective population about applicable programs
- Requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English speaking ability

Any Weaverville resident who has experienced discrimination or harassment or have a human rights concern, may file a discrimination complaint with the Town.

LEGAL AUTHORITY

The Town of Weaverville establishes the Title VI Implementation Plan not only on the adoption of a local policy, but by long standing federal law.

Title VI of the Civil Rights Act of 1964 [Pub. L. 88-352 (1964), codified as 42 U.S.C. §§2000d through 2000d-4]: Title VI of the Civil Rights Act of 1964 prohibits the discrimination in, or the denial of benefits under, any program or activity receiving federal financial assistance on grounds of race, color or national origin.

The Civil Rights Restoration Act of 1987, [Pub. L. 100-259, Sec. 6 (1988), codified as 42 U.S.C. §2OOOd-4a]: The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Federal Aid Highway Act of 1973, [Pub. L. 93-87 (1973), codified as 23 U.S.C. §324]: The Federal Aid Highway Act of 1973 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Age Discrimination Act of 1975, [Pub. L. 94-135 (1975), codified as 42 U.S.C. §6102): The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Americans with Disabilities Act of 1990, Subchapter 2, Part A [Pub. L. 101-336 (1990); codified as 42 U.S.C. §§12131-12134]: The Americans with Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973 [Pub. L. 93-112 (1973), codified as 29 U.S.C. §794]: Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

23 CFR Part 200: 23 CFR 200 are administration regulations promulgated by the Federal Highway Authority that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

49 CFR Part 21: 49 CFR 21 are administration regulations promulgated by the US Department of Transportation that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

Executive Order No. 12898: Executive Order 12898 regards federal actions to address Environmental Justice in minority populations and low income populations. (Environmental justice seeks equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Additionally, environmental justice means that no group of people including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use Implementation Planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies).

Executive Order No. 13166: Executive Order 13166 regards the improvement of access to services for persons with Limited English Proficiency.

DEFINITIONS

As used in this Title VI Implementation Plan, the following mean:

Affected Parties: persons protected against discrimination because of race, color, national origin, sex, age, disability, or income by the Title VI Requirements, and the Town of Weaverville's Non-Discrimination Policy.

Contractor: a person or entity who has entered into an agreement with the Town that is subject to the Title VI Requirements.

LEP Program: the Limited English Proficient program established by the Town to assist individuals who do not speak English as their primary language, and who therefore have limited ability to read, speak, or understand the English language and connect with Town government and assist with needed services.

Locating and Siting Actions: a recommendation by Town staff or decision by the Town staff or the Town Council that will result in the construction of a public facility that could have adverse environmental impacts on the surrounding area.

Meaningful Access: the provision of communicative assistance by the Town necessary to allow affected persons to participate in governmental services/activities.

Proposed Project: a project that receives federal funds and is subject to the Title VI Requirements.

Subrecipient: a person or entity that receives federal funds from the Town to be used by the entity to further the objectives of the federal grant. The Town is the recipient of the grant, and the person or entity is a subrecipient of those grant funds. An example of a subrecipient relationship would be where the Town grants federal funds to a non-profit corporation that the corporation uses to provide assistance for low-income households to pay utility bills.

Title VI Assurances: conditions imposed upon contractors or subrecipients as a result of federal funding being directly or indirectly provided to the contractor or subrecipient.

Title VI Requirements: the nondiscrimination provisions contained in Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order13166.

TITLE VI STAFFING AND ORGANIZATION FOR IMPLEMENTATION

Town Manager

The Town Manager is ultimately responsible for ensuring the Town's compliance with Title VI Requirements, including, but not limited to, monitoring Town programs, preparing required reports and undertaking such other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21 (Appendix D). To ensure compliance the Town Manager has appointed the Town Attorney to serve as the Title VI Implementation Plan and Program Coordinator until such time additional staff is hired to support

compliance efforts. Other department heads will collaborate with the Town Attorney as needed to ensure required compliance.

Town Attorney

The Town Attorney shall serve as the Title VI Implementation Plan and Program Coordinator. The Town Attorney is responsible for the overall management of the Title VI Program, under the direct supervision of the Town Manager to include the following responsibilities as the Title VI Program Coordinator:

- Process and research complaints regarding compliance with this Title VI Implementation Plan that are received by the Town and coordinate with relevant and appropriate staff and the Town Attorney, to compile statistical data related to race, color, national origin, sex, age, disability, and income of participants in, and beneficiaries of, federally funded programs to ensure compliance with the Title VI Requirements.
- Review Town programs or projects receiving federal funding for matters regarding Title VI compliance and reporting.
- Conduct training programs related to Title VI Requirements for Town staff who are responsible for Title VI compliance, and for contractors or subrecipients who are subject to Title VI Requirements.
- Make recommendations to the Town Manager on ways to achieve compliance with Title VI Requirements.
- Develop information regarding this Title VI Implementation Plan for dissemination to the general public and, where appropriate, use the LEP Program to ensure dissemination of the information to affected populations.
- Ensure that individuals who will be affected by locating and siting actions obtain meaningful access to the public awareness/involvement process.
- Identify deficiencies in compliance with the Title VI Requirements, and make recommendations to the Town Manager for remedial actions to be taken to promptly resolve such deficiencies.
- Properly advise citizens of the process to submit complaints and handle grievances and complaints.
- Annually prepare a Title VI Implementation Plan Report that documents progress, accomplishments, impediments and goals in fulfilling this Title VI Implementation Plan.

Departmental Responsibility

Each Department Head is responsible for Title VI compliance, with support from the Town Attorney, for individual projects. Compliance activities include, but are not limited to:

- Ensuring that all aspects of a project's Implementation Planning process and operations comply with the Title VI Requirements.
- Ensuring that Affected Parties have meaningful access to a project's Implementation Planning processes.
- Assisting the Town Attorney in gathering and organizing data for the Title VI Implementation Plan Report.
- Reviewing the Department work programs, policies, and other directives to ensure compliance with the Title VI Requirements.
- Verifying the level of participation of Affected Parties at public outreach meetings.

IMPLEMENTATION PLAN

Policy and Public Notice

The Town, with the adoption of this Title VI Implementation Plan, has adopted the Title VI Non-Discrimination Policy that is set out as **Appendix A.**

The Town will use the general non-discrimination notice set out in **Appendix B** to reflect the adopted policy and support all activities and services provided by the Town of Weaverville

The Town's equal employment opportunity statement is set out on **Appendix C** and is to be included within the Town's Personnel Policy and on the Town's job application forms.

Elimination of Discrimination

The Title VI Civil Rights Compliancy Policy that is attached as **Appendix D** is to be added to the Town's Policy and Procedures Manual.

The Town will continue its practice of identifying discrimination based on race, color, religion, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, and where such discrimination is found to exist, implementing programs or practices to eliminate the discrimination. Programs include, but are not limited to, hiring Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, providing translations through the LEP Program as necessary, and conducting public outreach and involvement in Town projects.

Public Dissemination of Information

The Town will include the Title VI non-discrimination policy and public notice on its website.

The Town Attorney shall assist Town staff in the creation and dissemination of Title VI Program information to Town employees, subrecipients, contractors, Affected Parties, and the general public. Public dissemination efforts may include: posting public statements setting forth the Town's non-discrimination policy; inclusion of Title VI Assurances in Town contracts and grants; and publishing a Title VI Policy Statement on the Town's website; including the notice and policy into all adopted plans and program documents.

Title VI Assurances in Contracts and Grants

Contracts and procurement are integrated into each department. Staff will ensure that all federally funded contracts administered by the Town contain Title VI Assurances. In the event that the Town distributes federal funds to another entity through grants or other agreements, the Department Head administering the grant or agreement will ensure that such grants and agreements contain the Title VI Assurances. The Department's project administrator or grant administrator will monitor the performance of the contract or grant for compliance. The Town Attorney and Department Head will coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting and grant performance process.

Data Collection

Statistical data on Affected Parties will be compiled by each department head and provided to the Town Attorney. The data compilation process will be reviewed regularly by the Town Attorney to ensure the data is sufficient to meet the requirements of this Title VI Implementation Plan.

Training Program

Annual training will be made available to Department Heads from the Town Attorney. Department Heads will be required to provide training to all staff. Training will provide comprehensive information on the Title VI Requirements and its application to specific programs or operations; assistance on the identification of Title VI issues; and an overview of the complaint process.

Site and Facility Location

The Town shall not make selection of a site or location of a facility for participants in and beneficiaries of the Town's federal aid programs if that selection could exclude individuals from participation in, or deny them benefits of, or subject them to discrimination on grounds of race, color or national origin, or could substantially impair the accomplishment of the objectives of the non-discrimination policy.

Environmental Justice in Minority and Low-Income Populations

In accordance with Executive Order 12898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," the Town will develop strategies to review, consider, and address disproportionally high and adverse human health or environmental effects on minority and low-income populations, to promote non-discrimination in Federal-aid programs, substantially effect human health and the environment, and to provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

Limited English Proficiency (LEP)

In accordance with Executive Order 13166, the Town has established a LEP program. Approximately 2.2% of residents in Weaverville primarily speak a language other than English. Of these residents the vast majority speak Spanish. The Town of Weaverville will review demographic data annually and solicit data from the LEP community to identify language assistance needs within its service areas, utilizing the American Community Survey.

Staff will continue to monitor and evaluate the Town's efforts based on requests for LEP assistance and make adjustments or changes as needed. There are several measures that can be taken to identify persons who may need language assistance in our service area, with emphasis on our primary group requiring help:

- Send out notifications in Spanish of upcoming events/meeting(s).
- Select locations that may be more convenient for LEP persons; send out the notices in Spanish.
- Train staff to utilize translation apps to support LEP persons during regular customer service provided by Town staff.
- When open houses or public meetings are held, set-up a sign-in table and have a staff member greet and briefly speak to each attendee in order to informally gauge his/her ability to speak and understand English.
- Have the Census Bureau's "I Speak" card at various events. Although staff may not be able to provide translation assistance at the time, the cards are an excellent tool to identify language needs for future events/meetings.
- Post a notice of available language assistance at open houses/public meetings to encourage LEP persons to self-identify.
- Examine record requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings.
- Survey staff who have contact with LEP individuals to record language assistance requests.

TOWN OF WEAVERVILLE
TITLE VI IMPLEMENTATION PLAN

Town of Weaverville has or will implement the following LEP measures: Users of the Town of Weaverville's website have online access to Google Translate, the online language translation service which allows users to translate to and from Spanish and 56 other languages. Upon request or as needed, documents will be translated into Spanish.

PREVENTION

The Town will actively seek to prevent Title VI deficiencies or irregularities. In taking such action, the Department Head will work with the Town Attorney to create an action Implementation Plan within 90 days of the date the need for preventive or remedial action is identified by Town staff. A copy of the action Implementation Plan will be provided to the Department Head and the Town Manager and retained by the Town Attorney. When the Department Head reasonably believes a contractor or subrecipient has violated a Title VI Requirement, the Department Head will follow the following process:

1. The project or grant administrator and the Department Head will meet with the contractor or subcontractor to conduct an initial review of the facts supporting a finding that a violation of the Title VI Requirements has occurred or is occurring.

2. If, after the initial review, the Department Head concludes that the contractor or subrecipient has violated the Title VI Requirements, the contractor or subrecipient will be given a reasonable time, not to exceed 90 days from the date notice is provided to the contractor or subrecipient, to voluntarily correct noncompliance.

3. The Town will seek to obtain the cooperation of the contractor or subrecipient in correcting noncompliance, and will offer to provide technical assistance needed by the contractor or subrecipient to obtain voluntary compliance with the Title VI Requirements.

4. A follow-up review will be conducted within 180 days of the date notice is provided to the contractor or subrecipient to ensure that the violation of the Title VI Requirements has been corrected. If after the review, the contractor or subrecipient has failed to correct the violation, the Town Manager may take appropriate action (e.g., withhold funds, cancel contract) required to comply with the Town's obligation under the federal grant.

5. When a contractor or subrecipient has failed or has refused to comply with Title VI requirements within the 180 day period after the initial review, the Department Head will submit two copies of the file to the appropriate state or federal agency, along with a recommendation that the file be reviewed for a determination of whether the contractor or subrecipient has violated the Title VI Requirements.

COMPLAINT PROCESS

Any person who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in his or her receipt of benefits and/or services from the Town, or by a contractor or subrecipient on the grounds of race, color, national origin, sex, age, disability, or income, may file a Title VI Complaint with the Town Attorney.

Any person who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, may file a complaint. The complaint form is including in Appendix D of this document.

Every effort will be made to obtain early resolution of complaints. The option of information mediation meeting(s) between the Town Attorney, town staff, contractors, subrecipients and Affected Parties may be utilized for resolution.

The use of the Town's Grievance Policy and Procedures (**Appendix E**) is encouraged for all complaints filed under Title VI. These procedures do not deny the right of the complainant after the completion of the Title VI process to file a complaint with state or federal agencies or to bring private action based on the complaint. As an alternative to the Town's Grievance Policy the following procedure can be used:

1. Any person, group of persons, or entity that believes they have been subjected to discrimination under the Title VI requirements may file a written complaint with the Town Attorney. The complaint must be filed within 180 days of the alleged discriminatory act or occurrence.
2. Upon receipt of the complaint, the Town Attorney will determine whether the Town has jurisdiction over the complaint, whether the complaint contains the necessary information, what additional information is needed, and whether further investigation is needed. Within five working days of receipt of the complaint, the Town Attorney will determine whether the Town has jurisdiction, if the complaint is complete, and if it requires additional investigation.
3. The Town Attorney will provide the respondent the opportunity to respond in writing to the allegations of the complaint. The respondent shall have fifteen days from receipt of notification to provide a response to the allegation in the complaint.

4. If the complaint is against a contractor or subrecipient, the Town shall have fifteen days from receipt of the complaint to advise the appropriate state or federal agency of the receipt of complaint and statutes of the investigation.
5. Within sixty days of the receipt of the complaint the Town Attorney shall prepare a written investigative report. The report shall include narrative description of the incident, identification of persons interviewed, findings, and recommendations for resolution and corrective action. The written report will be sent to the Town Attorney.
6. The Town attorney will review the report and meet with the Town Attorney and the Town Manager to determine the appropriate action.
7. When the investigative report is complete and appropriate action has been determined, the complainant and respondent shall receive a copy of the report, statement of appropriate action, and notification of appeal rights.
8. Within fifteen days of the complainant and respondent receiving a copy of the report and determination of appropriate action, the Town Attorney will meet with each party to discuss the determination of appropriate action as well as the findings made in the investigative report.
9. Within sixty days of receipt of the original compliant, a copy of the complaint and the Town's investigative report and determination of appropriate action will be provided to the appropriate federal or state agency for comments.
10. Within fifteen days of receiving comments from the federal or state agency, the Town Attorney will meet with all parties to discuss comments provided by the responding agencies.
11. After receiving comments from the federal or state agency, the Town Manager shall review the comments and adopt a final decision that includes taking appropriate actions to address any comments provided by a federal or state agency. The final decision shall be provided to all parties of the proceedings and shall include a statement that a party has a right to appeal the decision if the party produces evidence of new facts that were not previously considered and could not have been reasonably discovered during the investigation.
12. If a party is not satisfied with the results of the investigation or the resolution of the complaint, the party may appeal the Town Manager's decision to the appropriate federal or state agency, by filing a request for an appeal no later than 180 days after the date of the Town Manager's final decision.

TOWN OF WEAVERVILLE
TITLE VI IMPLEMENTATION PLAN

TITLE VI PROGRAM REVIEW AND REPORT

The Town Attorney will conduct an annual Title VI Program review to assess the Town's effectiveness in ensuring compliance with the Title VI Requirements. The Title VI Program review will be overseen by the Town Attorney with the assistance of other Department Heads, and will include an evaluation of administrative procedures and staffing; review of operational guidelines for town staff, contractors and subrecipients; and assessment of resources available to ensure compliance with the Title VI Requirements.

The Town Attorney shall annually prepare an annual report to be submitted to the Town Manager on or before June 30th of each year. The Title VI Program Report will be based on the data compiled by the Department Heads and the Title VI Program Review. The Program Report shall include an executive summary; a list of programs subject to the Title VI Requirements; a summary of any complaints of violations of the Title VI requirements and how each complaint was resolved; a summary of the statistical data compiled by the Department Head; a summary of Title VI training provided; and a general assessment of the Title VI compliance by the Department.

ANNUAL COMPREHENSIVE TITLE VI IMPLEMENTATION PLAN REPORT

The Town Attorney shall annually prepare a comprehensive Title VI Implementation Plan Report, and forward it to Town Council on or before October 1 of each year. The Title VI Implementation Plan Report will be based on the Title VI program reviews and report, and shall contain an assessment of the accomplishments during the preceding year; a list of recommended changes to the programs subject to the Title VI Requirements; and a list of recommended goals and objectives for the upcoming year.

ADOPTION

ADOPTED BY the Weaverville Town Council on the ____ day of April, 2020.

TOWN OF WEAVERVILLE

By: _____
Allan P. Root, Mayor

ATTESTED:

By: _____
Derek K. Huninghake, Town Clerk

TOWN OF WEAVERVILLE
TITLE VI IMPLEMENTATION PLAN

APPENDIX A - TITLE VI NON-DISCRIMINATION POLICY STATEMENT

It is the policy of the Town of Weaverville to ensure that no person shall, on the grounds of race, color, national origin, limited English proficiency, income-level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Town of Weaverville program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the Town of Weaverville to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restricting in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Using methods of Administrations, which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Applying different standards, criteria, or other requirements for admission, enrollment, or participation in Implementation Planning, advisory, contractual or other integral activities;
- Using acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Allowing discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

TOWN OF WEAVERVILLE
TITLE VI IMPLEMENTATION PLAN

APPENDIX B - NON-DISCRIMINATION NOTICE AND ACCESSIBILITY RIGHTS

The Town of Weaverville, pursuant to its policy to comply with Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities, will not exclude from participation in, deny the benefits of, or subject to discrimination any person based on race, color, national origin, limited English proficiency, income-level, sex, age, or disability, (or religion, as applicable), under any programs or activities conducted or funded by the Town of Weaverville.

Any person who believes they have been wronged by a discriminatory act (action or inaction) of the Town of Weaverville or its funding recipients, has the right to file a complaint with the Town of Weaverville. For instructions on how to file a complaint, or additional information regarding the Town of Weaverville's nondiscrimination obligations, please contact:

Town of Weaverville
Town Attorney
PO Box 338
Weaverville, NC 28787
(828)645-7116

Email to: compliance@weavervillenc.org

You may also visit https://www.weavervillenc.org

Anyone with a hearing or speech impairment may use Relay NC, a telecommunications relay service, to call the Town of Weaverville. Relay NC can be accessed by dialing 711 or 1-877-735-8200.

ATTENTION: If you speak a language other than English, the following language assistance services are available to you, free of charge. Qualified interpreters and information written in other languages. Call 1-800-522-0453.

ATENCION: Si habla un idioma distinto del inglés, los siguientes servicios de asistencia de idiomas están disponibles para usted, de forma gratuita. Intérpretes cualificados e información escrita en otros idiomas. Llame al 1-800-522-0453.

APPENDIX C - EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The Town of Weaverville is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to age, sex, race, color, religious beliefs, non-qualifying disability, national origin, ethnicity, sexual orientation, gender identity, veteran status, political affiliation, or genetic information. The Town of Weaverville is committed to providing access, equal opportunity and reasonable accommodation for individuals with disabilities in employment opportunities.

APPENDIX D – TITLE VI CIVIL RIGHTS COMPLIANCY POLICY

The Title VI Civil Rights Compliancy Policy that is attached as **Appendix D** is to be added to the Town's Policy and Procedures Manual.

APPENDIX E – GRIEVANCE POLICY AND PROCEDURES

[Town's Amended and Restated Grievance Policy and Procedures will be included as Appendix D]

TOWN OF WEAVERVILLE
TITLE VI CIVIL RIGHTS COMPLIANCE POLICY

Section 1. Policy

The Town of Weaverville operates its programs, activities, and services, without regard to race, color, national origin, sex, age, disability, or income level, in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. The Town assures every effort will be made to ensure that no person in the Town will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that it administers, whether those programs, activities and services are federally funded or not.

Section 2. Prohibited Practices

The following practices are hereby prohibited:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restricting in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Using methods of Administrations, which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Applying different standards, criteria, or other requirements for admission, enrollment, or participation in Implementation Planning, advisory, contractual or other integral activities;
- Using acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Allowing discrimination in any employment resulting from a program, the primary purpose of which is to provide employment. Section 3. Civil Rights Coordinator

Section 3. Civil Rights Coordinator

The Town has designated the Town Manager, or designee, to handle issues related to Title VI Civil Rights. All complaints related to protected classes under Title VI should be directed to the Civil Rights Coordinator as follows:

TOWN OF WEAVERVILLE
TITLE VI CIVIL RIGHTS COMPLIANCE POLICY

Civil Rights Coordinator
30 South Main Street
Weaverville, NC 28787
828-645-7116
coordinator@weavervillenc.org

Section 4. Complaint Procedures

Complaints of alleged discrimination on the basis of race, color, national original, sex, age, or disability by the Town may be filed by job applicants, employees or former employees by using the grievance procedures set forth in Article XV of the Town's Personnel Policy.

Complaints of alleged discrimination on the basis of race, color, national original, sex, age, or disability by the Town may be filed by members of the general public by using the grievance procedures set forth in the Grievance Policy and Procedures as adopted by Town Council or by contacting the Town Attorney:

Town of Weaverville
Town Attorney
30 South Main Street
Weaverville, NC 28787
828-645-7116
coordinator@weavervillenc.org

Section 5. Adoption and Effective Date

This policy has been adopted by Town Council and is effective immediately, and shall be in full force and effect until such time as it is amended or repealed.

ADOPTED BY the Weaverville Town Council on the ____ day of April, 2020.

TOWN OF WEAVERVILLE

By: _____
Allan P. Root, Mayor

ATTESTED:

By: _____
Derek K. Huninghake, Town Clerk

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting:	Monday, April 27, 2020
Subject:	Setting a Public Hearing on Proposed Text Amendments Related to Parking, Streets and Mandated Notices for the Zoning Board of Adjustment
Presenter:	Planning Director
Attachments:	Planning and Zoning Board Recommendation, Proposed Ordinance Amendments

Description:

Staff has prepared, in conjunction with the Planning and Zoning Board a set of proposed text amendments which would ensure code consistency in light of Town Council's work on their general police power ordinances regarding streets, traffic and parking.

Language related to the mandated notices for quasi-judicial matters proposed to align the Town's noticing requirements with that of state statute.

Action Requested:

Staff is seeking the setting of a public hearing before Town Council on Monday, May 25 at 6:30pm, or at such time as Council reaches the matter, for the aforementioned text amendments.

Town of Weaverville
Planning and Zoning Board

On Thursday, March 5, 2020, the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached proposed text amendments which pertain to streets, parking, and mandated notice for quasi-judicial hearings. The proposed amendments represent, in large part, the revisions of the land use regulations related to Town Council's work on its police power ordinances regarding streets, traffic, and parking.

It has been found that the proposed text amendments are consistent with the Town's Comprehensive Plan in that the plan sets a goal of reviewing policies concerning standards for private streets and encourages review of regulations to ensure consistency with stated goals.

The Planning and Zoning Board considers these amendments both reasonable and in the public interest in light of Town Council's recent comprehensive review of Chapters 24 concerning streets and Chapter 28 concerning traffic and parking and anticipated amendments to those Code Chapters, and by providing better clarity in its regulations and removing inconsistencies between Code chapters.

_____

Gary Burge
Chairman, Planning and Zoning Board

PROPOSED CODE AMENDMENTS TO LAND USE REGULATIONS
REGARDING STREETS, PARKING, AND MANDATED NOTICE FOR QUASI-JUDICIAL HEARINGS

AS RECOMMENDED BY STAFF AND THE PLANNING & ZONING BOARD

Sec. 25-111. - Streets.

(a) *Type of street required.* All subdivision lots shall abut on a "public" street as herein defined or on a "private" street with reference to which there is a duly recorded maintenance agreement as provided for in this chapter. All public streets may be dedicated to the town or to the state. All public and private streets shall be built to the standards ~~of this chapter~~ established in Chapter 24 and all other applicable standards of the town and the state department of transportation, whichever is the more restrictive standard.

A written maintenance agreement providing for maintenance of the street until it is added to the town or state highway system shall be included with the final plat. Such agreement shall be recorded as provided for in other sections of this chapter.

(b) *Subdivision street disclosure statement.* All streets shown on the final plat shall comply with the provisions of G.S. 136-102.6 and a designation as "public" shall be conclusively presumed to be an offer of dedication to the town or state. Where streets are offered to be dedicated but are not finally accepted into the town or state system, before lots are sold, a statement explaining the status of the street shall be included on the final plat.

(c) *Access to adjacent properties.* Where, in the opinion of the planning and zoning board and/or the town council, it may be necessary to provide for public street access to an adjoining property not within the subdivision proposed streets shall, as allowed by law, be extended by dedication to the boundary of such public adjoining property and a temporary turnaround provided. The extension dedicated shall have the same right-of-way width as the street being extended.

(d) ~~*Nonresidential streets.* The subdivider of a nonresidential subdivision shall provide streets constructed in accordance with I.F-4 of the North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, and the standards in this chapter, whichever are stricter in regard to each particular item.~~

~~(e) *Design standards.* The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the state department of transportation, division of highways, which are patterned on the American Association of State Highway Officials (AASHO) manuals. The North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, shall apply for any items not included in this chapter, or where they may be stricter than this chapter.~~

~~(f)~~ *Other requirements.*

(1) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Provision shall be made for the free flow of traffic so as not to cause undue congestion. ~~All streets shall be designed or walkways shall be dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.~~

(2) *Sidewalks.* Sidewalks may be required as provided in Sec. 36-24. ~~by the planning and zoning board or the town council on one or both sides of a street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas, or in other areas as deemed appropriate by the planning and zoning board or by the town council. Such sidewalks shall be constructed to a minimum width of five feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be within the street right-of-way, unless the subdivision is platted as a planned unit or group development. Sidewalks shall consist of a minimum of eight inches of concrete at driveway crossings and at handicapped ramps~~.

(3) *Street names.* Street names shall be subject to the approval of Buncombe County E-911 Addressing. ~~Proposed streets which are in alignment with existing streets and which will constitute extension of the existing street shall be given the same name as the existing street. In assigning new street names, duplication of existing names shall be avoided. In no case shall a~~

Commented [JJ1]: Street standards are consolidated in Chapter 24.

Commented [JJ2]: Street standards are consolidated in Chapter 24

Commented [JJ3]: Street standards are consolidate in Chapter 24

~~proposed street name be phonetically similar to an existing street name used in Buncombe County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the planning and zoning board and/or the town council~~.

(4) *Street name and other signs.* All subdividers shall be required to provide and erect street name signs to town standards at all intersections within the subdivision. Subdividers shall also erect traffic control and directional signs in appropriate locations.

(5) *Permits for connection to state roads.* An approved permit shall be required for connection to an existing state system road. Such permit shall be required prior to any construction on the street or road. A permit application may be obtained at the office of the nearest district engineer of the division of highways.

(6) *Offsets to utility poles.* Poles for overhead utilities shall be located back from roadway shoulders, preferably a minimum of at least 30 feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six feet from the face of the curb.

(7) ADA accessibility ~~*Ramps for handicapped persons*~~*.* Where curbs are provided on streets or where curbs and sidewalks are constructed within any subdivision, any construction or reconstruction of such curbs and sidewalks shall be in full compliance with ADA accessibility standards. ~~the provisions of G.S. 136-44.14 which sets forth standards for providing curb ramps or curb cuts for handicapped persons~~.

(8) *Guard rails*~~. Guardrails may be required in areas of danger where deemed appropriate by the planning and zoning board or by the town council~~. Guardrails must be constructed in accordance with the minimum standards for subdivisions as established by North Carolina Department of Transportation or the North Carolina Fire Prevention Code, whichever is stricter.

(9) ~~*Horizontal width for bridge decks.*~~ *Bridges*. Bridges must be constructed in accordance with the minimum standards for subdivisions as established by North Carolina Department of Transportation or the North Carolina Fire Prevention Code, whichever is stricter.

~~a. The clear roadway widths for new and reconstructed bridges serving two-lane, two-way traffic shall be as follows:~~

~~1. Shoulder section approach.~~

~~Under 800 ADT Design Year: Minimum 28 feet width face-to-face of parapets or rails or pavement width plus ten feet, whichever is greater.~~

~~800—2000 ADT Design Year: Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.~~

~~Over 2000 ADT Design Year: Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.~~

~~2. Curb and gutter approach.~~

~~Under 800 ADT Design Year: Minimum 24 feet face-to-face of curbs.~~

~~Over 800 ADT Design Year: Width of approach pavement measured face-to-face of curbs.~~

~~Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be three feet minimum, or greater if sidewalks are required.~~

Commented [JJ4]: NCDOT or Fire Prevention Code Standards

Commented [JJ5]: NCDOT or Fire Prevention Code Standards

~~b. The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided two-way traffic shall be as follows:~~

~~1. Shoulder section approach. Width of approach pavement plus width of usable shoulders on the approach left and right.~~

~~2. Curb and gutter approach. Width of approach pavement measured face-to face of curbs.~~

(10) *Curbs and gutter.* Street curbs and gutters must be constructed in accordance with the street standards established in Chapter 24. ~~Curbs and gutters shall be provided where deemed necessary by the town council upon recommendation of the planning and zoning board, the street maintenance superintendent, and/or the town's consulting engineer in order to provide adequate drainage because of high traffic volume, poor soil conditions, or where other similar conditions or special problems exist which justify the necessity of curbs and gutters.~~

Sec. 36-12. Street access.

Commented [JJ6]: Reviewed. No amendment requested.

Sec. 36-176. - Off-street parking.

Commented [JJ7]: Sec. 28-101 deleted in favor of this section.

(a) Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established. Each parking space shall have an all weather surface with minimum dimensions of nine by 18 feet. The number of parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be provided with vehicular access to a street or alley.

[TABLE NOT CHANGED]

(b) *Extension of parking space into a residential district.* Required parking space may not extend from a commercial (C-1 and C-2) use district or from a conditional use district (CZD) that contains any commercial or office use into any residential use district.

(c) Notwithstanding the foregoing, no additional off-street parking other than the parking currently available in the C-1 central business district shall be required except where the structures currently located on an existing lot of record containing more than 1,875 square feet are razed and the lot of record is put to a new use in which event the parking regulations of section 36-176 shall be fully applicable to said property.

(d) *Joint use of parking lots.* The required parking space for any number of separate uses may be combined in one lot, but the required number of spaces assigned to one use may not be assigned to another for use during the same hours.

Commented [JJ8]: Policy Discussion; moved from Sec. 28-103

(e) *Remote parking.* For any use except residential, if the off-street parking spaces required by this division cannot be reasonably provided on the same lot on which the use is located, such spaces may be provided on any land within 800 feet walking distance of any entrance to such use, provided that the district use regulations for the district in which the remote parking spaces are located permit the use which the parking space serves.

Commented [JJ9]: Policy Discussion; moved from Sec. 28-105

Sec. 36-177. - Off-street loading.

Commented [JJ10]: No changes needed; Sec. 28-101 deleted in favor of this section.

Sec. 36-329. - Hearings and notices.

Commented [JJ11]: For consistency with the new BOA rules of procedure; 45 days better allows for the required noticing

(a) *Hearing* . The zoning board of adjustment shall hold a public hearing and enter a written decision on all matters upon which it is required to decide under this chapter. The public hearing shall be held within ~~30-days~~ 45 days after receipt by the town clerk of an application for a special use permit or variance or a notice of appeal, unless otherwise agreed to by the applicant. The board shall follow quasi-judicial procedures when deciding appeals, requests for variances and requests for special use permits. The board shall decide the matter within 60-days after the conclusion of the hearing. Upon a hearing before the zoning board of adjustment, any party may appear in person, or by agent, or by an attorney.

(b) *Notice* . ~~Notice of the time and the place of the public hearing shall be published weekly for two consecutive weeks in a newspaper of general circulation in the town. The first weekly notice shall be published not less than ten days nor more than 25 days before the date fixed for the public hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.~~ Notice of hearings shall be mailed to the person or entity whose appeal, application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing ~~and to all property owners within 500 feet of the property boundaries even if their property is not abutting~~. Notice to such persons or entities must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, a notice of hearing shall be prominently posted on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

Commented [JJ12]: Provisions that the Board of Adjustment, SOG, and staff recommend deleting so as to perfectly align with the notice requirements provided in statute. SOG cautions that the wider the notice bubble on quasi-judicial hearings the more susceptible you are to challenge on issue of standing.

(c) *Oaths* . The chair of the board of adjustment or any member temporarily acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a class 1 misdemeanor.

(d) *Subpoenas* . The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. § 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the general court of justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting:	Monday, April 27, 2020
Subject:	Setting a Public Hearing on a Proposed Text Amendment to Permit Mixed Use Structures with Standards in the C-1, C-2 and R-12 Zoning Districts
Presenter:	Planning Director
Attachments:	Planning and Zoning Board Recommendation; Proposed Text Amendment; Staff Report

Description:

Staff has prepared a proposed text amendment to achieve the stated goals of the comprehensive land use plan of "consider land use regulation that provides for transition districts" and "consider land use regulation that better provides for mixed use development." The Planning and Zoning Board has reviewed said text amendment and offered a unanimous positive recommendation to Town Council related to the proposed text amendment.

Action Requested:

Staff is seeking the setting of a public hearing before Town Council on Monday, May 25 at 6:30pm, or at such time as Council reaches the matter, for the aforementioned text amendment.

Town of Weaverville
Planning and Zoning Board

On Tuesday, February 4, 2020 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached proposed text amendment which formally permits with standards certain mixed use development with the Town's C-1, C-2 and R-12 zoning districts. Mixed use development is currently only allowed as a conditional zoning district. The text amendment recommended would allow for a more expedited approval process and developmental certainty for mixed use projects that can meet the standards proposed.

It has been found that the proposed text amendment is consistent with the Town's Comprehensive Plan in that the plan calls for language related to a transitional district and mixed use development as follows:

> **Consider land use regulation that provides for transition districts; and consider land use regulation that better provides for mixed use development.**

The Planning and Zoning Board considers approval both reasonable and in the public interest as the Town's Strategic Plan sets specific objectives of "consider a zoning district to serve as a transition between residential and commercial districts" and "consider mixed use development regulation as a means of expanding development in areas with geographic limitations" under the overall goal of promoting a successful downtown.

_____

Gary Burge
Chairman, Planning and Zoning Board

Sec. 36-5. - Definitions of specific words and terms.

Mixed-use building or development. A multi-story building or structure which may accommodate both commercial and residential uses. A group of mixed-use buildings or structures can be combined to form a mixed-use development.

Sec. 36-104. - Notes on table of uses.

Notes:

1. See article V (section 36-116 et seq.) for additional standards for those uses identified on the Table of Uses as "permitted with standards."
2. If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the regulations and restrictions governing the use which most closely resembles the proposed use shall apply.
3. The abbreviations and symbols shown in the Table of Uses have the following meanings:

"C" = Conditional Zoning District required

"P" = Permitted

"PS" = Permitted with Standards

"-" = Not Permitted

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
MISCELLANEOUS USES							
Mixed-Use Building or Structure	-	-	-	~~C~~ PS	~~C~~ PS	~~C~~ PS	-

Sec. 36-140. – Mixed-Use Building or Structure.

(a) Additional Standards applicable only within the R-12 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 or C-2 Zoning District.
2. The dimensional requirements for the R-12 zoning district and additional standards for the use defined as dwelling-multifamily (more than 4 units/per building are also fully applicable to the use defined mixed-use building or structure.
3. In no case shall the number of dwelling units exceed 12 units per acre.
4. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
    a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
    b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
    c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
5. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
6. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
    a. All containment areas shall be enclosed to contain windblown litter.
    b. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
    c. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
    d. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access.
    e. Enclosures shall contain gates to allow for access and security.
    f. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
    g. Enclosures shall be landscaped in accordance with article VI of Chapter 36.

(b) Additional Standards applicable only within the C-1 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 Zoning District.
2. In no case shall the number of dwelling units exceed 4 units per building notwithstanding the latter permissible density bonus for additional off street parking places provided.
3. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
    a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
    b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
    c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
4. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
    a. A waiver of the foregoing requirement may be achieved in writing from the Town Manager or their designee upon showing of good cause. Factors for consideration include but are not limited to available space on the subject property, or any variable related to the public health or safety.
5. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
    b. All containment areas shall be enclosed to contain windblown litter.
    c. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
    d. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
    e. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access. Enclosures shall contain gates to allow for access and security.
    f. Enclosures shall contain gates to allow for access and security.
    g. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
    h. Enclosures shall be landscaped in accordance with article VI of Chapter 36.
6. Within the C-1 Zoning District additional dwelling units may be permitted up to a maximum of eight dwelling units per building provided the property owner provide off street parking in addition to those spaces required by Article VII of this Chapter at a ratio of two spaces per additional dwelling unit.

(c) Additional Standards applicable only within the C-2 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 or C-2 Zoning District.
2. The dimensional requirements for the C-2 zoning district and additional standards for the use defined as dwelling-multifamily (more than 4 units/per building are also fully applicable to the use defined mixed-use building or structure.
3. In no case shall the number of dwelling units exceed 8 units per acre.
4. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
    a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
    b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
    c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
5. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
6. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
    a. All containment areas shall be enclosed to contain windblown litter.
    b. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
    c. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
    d. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access. Enclosures shall contain gates to allow for access and security.
    e. Enclosures shall contain gates to allow for access and security.
    f. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
    g. Enclosures shall be landscaped in accordance with article VI of Chapter 36.

Town of Weaverville, North Carolina

Staff Report: Mixed Use Development / Transitional District

Prepared January 2020

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan

Strategic Plan

Through the adoption of the Town's strategic plan, 2018-2021 Strategic Plan in Brief attached hereto, Town Council set a goal of promoting a successful downtown. Specific objectives toward this end were identified as "consider a zoning district to serve as a transition between residential and commercial districts" and "consider mixed use development regulation as a means of expanding development in areas with geographic limitations."

Comprehensive Land Use Plan

Language related to a possible transition district and mixed use development is largely brought forth from the previously adopted strategic plan which Town Council adopted in November, 2018. The aforementioned goals contained within the strategic plan transitioned to the stated goals of "consider land use regulation that provides for transition districts" and "consider land use regulation that better provides for mixed use development."

Existing Conditions

As illustrated by the following residential section from the table of uses, there is a hard line between residential uses and non-residentially zoned districts. In short, no new residential uses are permitted within the C-1, C-2 and I-1 zoning districts. This hard line typically exists in most zoning ordinances between industrial and residential uses. However, most jurisdictions soften this distinction between commercial and residential uses or more specifically multifamily residential uses.

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
RESIDENTIAL							
Dwelling - Single Family	P	P	P	-	-	-	-
Dwelling - Duplex	-	P	P	P	-	-	-
Dwelling - Multifamily (4 or fewer units/building)	-	P	P	P	-	-	-

Dwelling - Multifamily (more than 4 units/building)	-	-	PS	PS	-	-	-
Dwelling - Secondary	PS	PS	PS	-	-	-	-
Family Care Home (6 or fewer residents)	P	P	P	-	-	-	-
Child Care Home (6 or fewer children)	PS	PS	PS	-	-	-	-
Home Occupation	PS	PS	PS	PS	-	-	-
Manufactured Home	-	-	PS	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-
Recreational Vehicle	-	-	-	-	-	-	-
Recreational Vehicle Park, Campground	-	-	-	-	-	C	C
Bed & Breakfast	P	P	P	-	-	-	-
Hotel, Motel, Inn	-	-	-	-	C	C	C

It's also fair to recognize that a mixed use building or structure is acknowledged by the zoning ordinance and is defined and regulated as follows. Conditions are present for the Planning and Zoning Board and Town Council to analyze mixed use development on an individual project basis through conditional zoning districts.

Mixed-use building or development. A multi-story building or structure which may accommodate both commercial and residential uses. A group of mixed-use buildings or structures can be combined to form a mixed-use development.

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1

MISCELLANEOUS USES							
Mixed-Use Building or Structure	-	-	-	C	C	C	-

Direction to Staff

Staff intends to address a number of topics in an effort to gain some consensus moving forward in drafting language related to the content of the conversation. These topics include but are not limited to the following…

- Review of mixed use development and areas identified for future mixed use development on the future land use map within the Comprehensive Land Use Plan. (pgs. A-2, A-3 of CLUP)

- Should the hard line between industrial uses and residential uses remain?
- Infill considerations or strictly for new development?
- Should new residential uses be permitted in the C-1 and C-2 Zoning Districts? If so, at what density? Reserve ground floor for commercial uses?
- Should light commercial uses be permitted in some residentially zoned districts? If so, which uses and/or districts? Can the character of certain residential districts be maintained?
- Are these objectives better addressed through the creation of a new zoning district or an amendment to existing zoning districts?

Similar discussion topics from members of the Board are obviously welcome at the meeting.

2018-2021 STRATEGIC PLAN IN BRIEF
TOWN OF WEAVERVILLE

Approved 11/19/2018

Goal 1: Provide town services to meet the needs of the community.

Objective A: Develop consensus on water and annexation growth and develop policies consistent with that consensus.

Objective B: Revisit the relationship with *Asheville Redefines Transit* to consider re-establishment of bus route given new residential development within the Town.

Objective C: Enhance the Town's outreach to educate the public about the Town's services.

Objective D: Recognize the needs of each Town department in serving an ever-changing and growing population.

Goal 2: Improve regional collaboration.

Objective A: Strengthen relationship with the Asheville-Buncombe Economic Development Coalition and other economic development organizations.

Objective B: Recognize water as a regional resource and identify regional jurisdictions that wish to partner in water production, sale and distribution.

Objective C: Consistent involvement and collaboration with neighboring and regional jurisdictions in functional areas, such as police, fire, water resources, etc.

Objective D: Distribute information regarding regional programs, services and resources available to town citizens.

Goal 3: Maintain balance in land use planning efforts.

Objective A: Development of tools to encourage balanced residential economic development.

Objective B: Update economic development goals for the Town.

Objective C: Update the Town's Comprehensive Land Use Plan.

Objective D: Investigate options for geographic information systems.

Goal 4: Promote a successful downtown.

Objective A: Consider a zoning district to serve as a transition between residential and commercial districts.

Objective B: Develop a mechanism to expand business opportunities along the central business district.

Objective C: Consider mixed-use development regulation as a means of expanding development in areas with geographic limitations.

Objective D: Provide information resources marketing downtown and its walkability.

Objective E: Research grant opportunities for all Town operations and projects, as well as for downtown efforts.

Objective F: Act as a liaison between downtown churches and businesses to identify available parking downtown.

Goal 5: Increase legislative outreach.

Objective A: Engage legislative representatives regarding the Town's needs.

Objective B: Consider opportunities for potential special legislation as Town needs dictate.

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, April 27, 2020

Subject: Setting a Public Hearing on a Proposed Conditional Zoning District on the Property Commonly Known as Garrison Reserve at 10 and 30 Garrison Branch Road

Presenter: Planning Director, Civil Design Concepts

Attachments: Planning and Zoning Board Recommendation, Staff Report, TRC Report, CZD Application and Plans

Description:

Staff is in possession of an executed conditional zoning district application for properties commonly known as 10 and 30 Garrison Branch Road which can be found at the intersection of Monticello Road and US25/70. Given that a CZD is proposed, initial review by Town Council is required. The application is calls for the establishment of a multi-tenant development of 25,000 square feet of more. Said development is permissible via a conditional zoning district from within the underlying C-2 zoning district.

The plan, as presently constituted, calls for a combination of office, retail, mini-warehousing and a proposed outparcel for a restaurant or drive-thru restaurant.

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
RETAIL / RESTAURANTS							
Multi-tenant Development (25,000 sq. ft. or more)	-	-	-	-	C	C	C

Action Requested:

Staff is seeking the setting of a public hearing before Town Council on Monday, May 25 at 6:30pm, or at such time as Council reaches the matter, for the aforementioned conditional zoning district.

The Town of
Weaverville

NORTH CAROLINA

March 10, 2020

Mayor Al Root and
Weaverville Town Council

Re: *Garrison Branch Acquisitions LLC*
Conditional Zoning District Application for 10 and 30 Garrison Branch Road
Garrison Reserve Project – Multi-Tenant Commercial Development
Statement of Consistency/Reasonableness and Recommendation

Dear Mayor and Council –

On March 5, 2020, pursuant to Section 36-84 of the Town's Code of Ordinances, the Planning and Zoning Board reviewed the application for a Conditional Zoning District that was submitted by Garrison Branch Acquisitions LLC, on February 10, 2020.

This project consists of a multi-tenant commercial development consisting of three (3) buildings housing a mix of retail, warehouse, and office spaces for a total of approximately 70,000 square feet, and an outparcel for future development. The property is under single ownership, is located near the southwest corner of the intersection of Monticello Road and US 25/70, and is currently zoned C-2.

C-2 zoning regulations require that any multi-tenant development exceeding 25,000 square feet be approved through a conditional zoning district. At the meeting on March 5, 2020, the Planning and Zoning Board reviewed the project for compliance with all of the items enumerated in Section 36-84(d) and, specifically, the Comprehensive Land Use Plan.

The Planning and Zoning Board found that the project is consistent with the Town's Comprehensive Land Use Plan in that it is consistent with the future land use map which identifies the property as being within the mixed use area of Monticello Road and is also consistent with the use and dimensional requirements of the Town's underlying C-2 zoning district which was designed and implemented specifically to accommodate commercial uses such as the ones proposed. With the conditions recommended below, the project can co-exist with the multifamily residential development that is occurring in the area and is, therefore, reasonable in light of the Town's Comprehensive Land Use Plan and other land use policies.

After careful review of this application and the materials submitted, the Planning and Zoning Board unanimously recommends the approval of the application for a Conditional Zoning District for the project as reflected on the attached plans and elevations, subject to the following proposed conditions:

1. The project is to be constructed in substantial compliance with the following plans submitted by the applicant, copies of which are attached hereto and incorporated herein by reference:

    i. Master plan – Sheet C200
    ii. Site plan – Sheet C201
    iii. Grading, erosion control and storm drainage plan – C301
    iv. Utility plan – Sheet C601
    v. Building elevations – Sheets A201, A202
    vi. Building elevation renderings

2. The height of buildings constructed on the site may not exceed the height as indicated on the plans and elevations identified above.

3. The exterior of the buildings must be substantially similar to the building elevations attached hereto and incorporated herein with the following construction materials: metal panels and fiber cement siding.

4. Sidewalks are required along all portions of the property, including the outparcel, which front Garrison Branch Road to provide access to the apartment complex that is under construction on the property adjoining to the west.

5. All driveways/streets within the project shall be private. Said private driveways/streets shall be constructed in such a way as to allow reasonable access for the anticipated traffic of the multi-tenant development proposed and for ease of emergency access, including full compliance with the North Carolina Fire Prevention Code. A driveway permit for the entrance onto Garrison Branch Road must be secured from the North Carolina Department of Transportation.

6. A minimum of 159 off-street parking spaces, with a minimum size of 9 feet by 18 feet, must be provided and must be constructed and maintain in an all-weather condition.

7. The warehousing that is proposed is for mini-warehouses, as that term is defined by Code Section 36-5, and is limited to interior storage in Building C only. Warehousing with exterior storage of any kind is expressly prohibited.

8. One freestanding sign at the entrance of the project is allowed as long as it complies with the standards contained in Article VIII of Chapter 36 of the Town's Code of Ordinances.

9. Any and all outdoor lighting that is to be installed must comply with Town Code Section 36-26, except as specifically provided in this paragraph. All outdoor lighting on the property shall be mounted on posts that are no more than 16 feet tall. Blocking, shielding and aiming of all outdoor lighting shall be used to minimize light trespass on to adjoining residential

properties. The outdoor lighting plan must be submitted and approved in conjunction with a zoning permit application.

10. Landscape buffers between the property and adjoining properties are required. Landscaping must comply with Article VI of Chapter 36 of the Town's Code of Ordinances. A landscaping plan must be submitted and approved in conjunction with a zoning permit application.

11. Grading, sedimentation and erosion control, and storm drainage plans must be reviewed and permitted by Buncombe County.

12. Construction related vehicles must be parked on the property and not on the public streets or the shoulders of those public streets. All dirt, mud, construction materials, or other debris deposited on the public streets as a result of construction activities must be removed by the contractor or owner on a daily basis, pursuant to Code Section 22-48.

13. Code Section 36-84 shall continue to govern the project including, but not limited, to those provisions regarding issuance of zoning permits, modifications, appeals, and final plat approval.

Representatives of Garrison Branch Acquisitions LLC were at the Planning and Zoning Board meeting on March 5th and seemed to indicate their agreement to these conditions.

A traffic analysis was not conducted as Town staff determined that the peak hour trips would not trigger the requirement stated in Town Code Section 36-25.

It is noted that a public involvement meeting required by Sec. 36-84(e)(3) has been scheduled for April 7, 2020, which will allow for the public hearing to be held on April 27, 2020, and action by Town Council to be taken thereafter.

Please let me know if you need anything further from the Board on this matter.

Sincerely,

Gary Burge
Planning and Zoning Board Chairman

cc: James Eller, Town Planner
Selena Coffey, Town Manager
Jennifer Jackson, Town Attorney
Garrison Branch Acquisitions, LLC

Town of Weaverville, North Carolina

Staff Report: Proposed Conditional Zoning District for Garrison Reserve

Prepared February, 2020

Sources: Town of Weaverville Code of Ordinances; Town of Weaverville Water and Street Standards; North Carolina Fire Prevention Code

Introduction to the Property

The subject parcel(s), commonly known as Garrison Reserve, consists of 4.89 acres as shown on Buncombe County tax records and the conditional zoning district proposal seeks to create approximately 70,000 square feet of commercial space to be used for a combination of warehousing, retail and office purposes. The property may be found on the western corner of the intersection of 25/70 and Monticello Road.

Question of Jurisdiction

Section 36-84 tasks the Planning and Zoning Board to conduct a review and recommendation to Town Council on the proposed conditional zoning district and its compliance, or lack thereof, with the Town's Comprehensive Land Use Plan or other applicable and adopted plans. An initial consideration requisite of Town Council was conducted on the night of Monday, February 24. Comments made ranged from "sprawl with too much parking" to an "improvement over existing or previous conditions" and "suitable to the needs of those in the vicinity."

Sec. 36-105. - Table of Uses

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
RETAIL / RESTAURANTS							
Multi-tenant Development (25,000 sq. ft. or more)	-	-	-	-	C	C	C

Technical Review Committee Review and Comment

On February 12, 2020 the Technical Review Committee consisting of Planning Director James Eller, Public Works Director Dale Pennell and Fire Marshal Kile Davis convened to review the proposed project. A TRC report, a copy of which is attached hereto, was created as a result of this review which proposed 1change to the plans submitted. The project engineer has since made the requested revision.

TOWN OF WEAVERVILLE
TECHNICAL REVIEW COMMITTEE
REPORT

Project: Conditional Zoning District Plans and Application – Garrison Reserve
Date: February 12, 2020
Location: Conference Room, Town Hall
Staff: Planning Director, James Eller; Public Works Director, Dale Pennell; Fire Marshal Kile Davis.

Dept:	Comment:	Sheet #:
All	Using the FFE listed on plans provided by CDC for buildings A and C (2140 for both), and heights shown for the same buildings on multiple pages there appears to be a problem with the scale of building C in particular on plans provided by Sitework Studios. In short, a three story building is being shown as being shorter than a two story building. Please revise.	CDC: C200 + all FFE shown/ Sitework: Sections A and B; Sections C and D
PW, FD	Water and sewer availability relies entirely on lines currently under construction for the neighboring apartment complex. No action required.	C601
PLN	Please confirm that a storage building the size of building C, does not require any water service as shown.	C601

GARRISON RESERVE

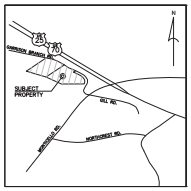
WEAVERVILLE, NORTH CAROLINA

PREPARED FOR:

GARRISON BRANCH ACQUISITIONS, LLC
19 ARLINGTON STREET, SUITE 1
ASHEVILLE, NC 28801
JC GUEST
(828) 301-4322

Sheet List Table

Sheet Number	Sheet Title
C000	COVER
C200	MASTER SITE PLAN
C201	SITE PLAN
C301	GRADING, EROSION CONTROL, & STORM DRAINAGE PLAN
C601	UTILITY PLAN



VICINITY MAP
(NOT TO SCALE)

811
Know what's below.
Call before you dig.

DEVELOPMENT DATA

OWNER/DEVELOPER:	GARRISON BRANCH ACQUISITIONS, LLC 19 ARLINGTON STREET, SUITE 1 ASHEVILLE, NC 28801
CONTACT:	JC GUEST (828) 301-4322
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-0450

53 MAIN STREET, SUITE 3
WAYNESVILLE, NC 28786
PHONE (828) 452-2121
FAX (828) 452-0450

CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE #: C-2194

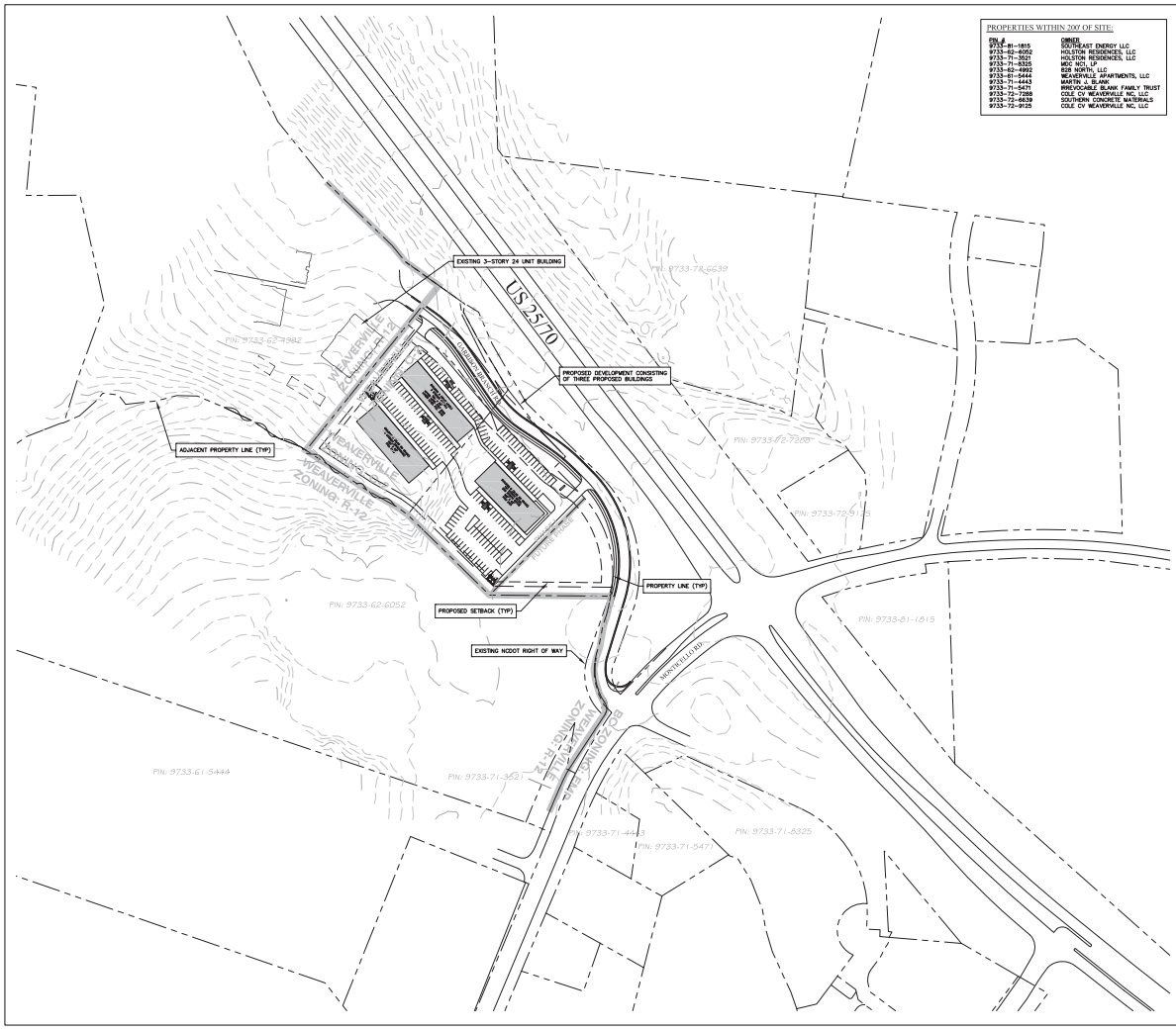
NO.	DATE	DESCRIPTION	BY
1	02/10/20	CONDITIONAL ZONING SUBMITTAL	MJG

PRELIMINARY NOT RELEASED FOR CONSTRUCTION
Warren E. Sugg, P.E.

COVER FOR:
GARRISON RESERVE
GARRISON BRANCH ACQUISITIONS, LLC – WEAVERVILLE, NORTH CAROLINA

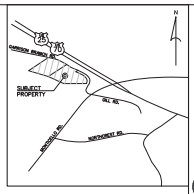
DRAWN BY: AMP
CDC PROJECT NO.: 11557
CDC PROTOTYPE NO.: N/A

SHEET
C000



PROPERTIES WITHIN 200' OF SITE:

PIN #	OWNER
9733-81-1815	SOUTHEAST ENERGY LLC
9733-62-6052	HOLSTON RESIDENCES, LLC
9733-71-3521	HOLSTON RESIDENCES, LLC
9733-71-8325	RDB NORTH, LLC
9733-62-4982	RDB NORTH, LLC
9733-61-5444	WEAVERVILLE APARTMENTS, LLC
9733-71-4443	MARTIN J. BLANK
9733-71-5471	IRREVOCABLE BLANK FAMILY TRUST
9733-72-7288	COLE CV WEAVERVILLE NC, LLC
9733-72-6639	SOUTHERN CONCRETE MATERIALS
9733-72-9125	COLE CV WEAVERVILLE NC, LLC



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GARRISON BRANCH ACQUISITIONS, LLC 19 ARLINGTON STREET, SUITE 1 ASHEVILLE, NC 28801 JC GUEST (828) 301-4322
CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388
CONTACT:	
ARCHITECT:	BCA ARCHITECTURE AND DESIGN 30 MCDOWELL STREET ASHEVILLE, NC 28801 ERIN FOY, A.I.A. (828) 423-5351
CONTACT:	

PROJECT DATA

PIN:	9733-72-2155, 9733-72-0316
ADDRESS:	20 & 30 GARRISON BRANCH ROAD
DEED BOOK/PAGE:	5808/0498;5806/0490
SITE ACREAGE:	4.89 ACRES
ZONING:	C-2 (GENERAL BUSINESS DISTRICT)
SETBACKS:	
FRONT:	25'
SIDE:	30'
REAR:	30'
DISTURBED AREA:	4.6 AC
PARKING CALCULATIONS:	
VEHICULAR:	
REQUIRED SPACES:	
RETAIL:	1/300 SF (TOTAL 29,700 SF) REQUIRED: 99
OFFICE:	1/200 SF (TOTAL 9,920 SF) REQUIRED: 50
WAREHOUSE:	1/200 SF (TOTAL 32,400 SF) REQUIRED: 108 SUGGESTED PARKING: 10
SPACES REQUIRED:	159 SPACES
SPACES PROVIDED:	159
HANDICAPPED SPACES:	
SPACES REQUIRED: 7	SPACES PROVIDED: 8
BUILDING DATA:	

BUILDING	DESCRIPTION	HEIGHT	GFA
A	TWO STORY METAL	36'-3"	19,500 SF
B	TWO STORY METAL	36'-3"	17,360 SF
C	THREE STORY METAL	37'-0"	32,400 SF

Know what's below. Call before you dig.

NORTH

MASTER SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
1	02/10/20	CONDITIONAL ZONING SUBMITTAL	MAD

168 PATTON AVENUE
ASHEVILLE, N.C. 28801
PHONE (828) 252-5388
FAX (828) 252-0092

53 MAGNOLIA STREET, SUITE 5
WAYNESVILLE, N.C. 28786
PHONE (828) 452-2121
FAX (828) 452-0410

CDC Civil Design Concepts, PA
www.cdcdesignconcepts.com
NCBELS LICENSE #: C-0194

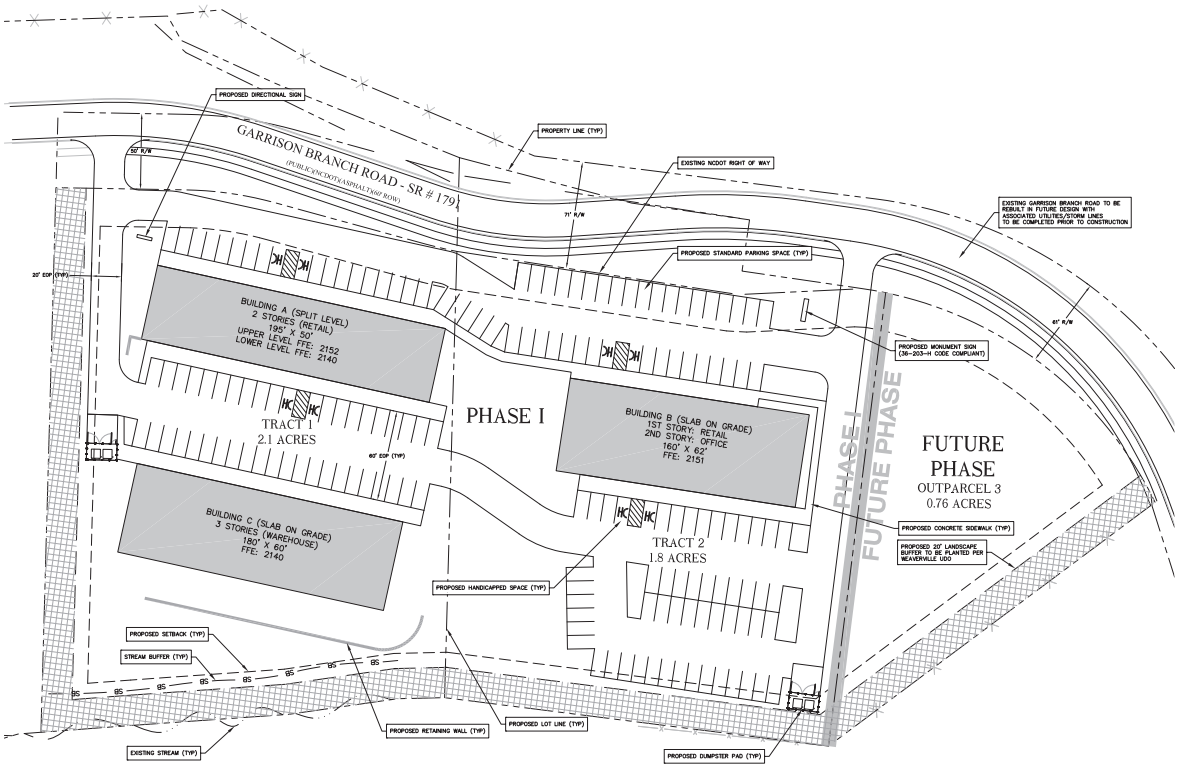
MASTER SITE PLAN FOR:

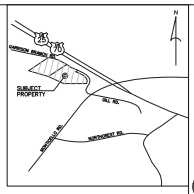
GARRISON RESERVE

GARRISON BRANCH ACQUISITIONS, LLC – WEAVERVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11557
DOS PERMIT NO.: N/A

SHEET
C200





VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GARRISON BRANCH ACQUISITIONS, LLC 19 ARLINGTON STREET, SUITE 1 ASHEVILLE, NC 28801
CONTACT:	JC GUEST (828) 301-4322
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388
ARCHITECT:	BCA ARCHITECTURE AND DESIGN 30 MCDOWELL STREET ASHEVILLE, NC 28801
CONTACT:	ERIN FOY, A.I.A. (828) 423-5351

PROJECT DATA

PIN:	9733-72-2155, 9733-72-0316
ADDRESS:	20 & 30 GARRISON BRANCH ROAD
DEED BOOK/PAGE:	5808/0498;5806/0490
SITE ACREAGE:	4.89 ACRES
ZONING:	C-2 (GENERAL BUSINESS DISTRICT)
SETBACKS:	
FRONT:	25'
SIDE:	30'
REAR:	30'
DISTURBED AREA:	4.6 AC
PARKING CALCULATIONS:	
VEHICULAR:	
REQUIRED SPACES:	
RETAIL:	1/300 SF (TOTAL 29,700 SF) REQUIRED: 99
OFFICE:	1/200 SF (TOTAL 9,920 SF) REQUIRED: 50
WAREHOUSE:	1/200 SF (TOTAL 32,400 SF) REQUIRED: 108 SUGGESTED PARKING: 10
SPACES REQUIRED:	159 SPACES
SPACES PROVIDED:	159
HANDICAPPED SPACES:	
SPACES REQUIRED: 7	SPACES PROVIDED: 8

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
A	TWO STORY METAL	36'-3"	19,500 SF
B	TWO STORY METAL	36'-3"	17,360 SF
C	THREE STORY METAL	37'-0"	32,400 SF

Know what's below. Call before you dig.

NORTH

SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
1	02/10/20	CONDITIONAL ZONING SUBMITTAL	MAD

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-0431

10 WALKER STREET, SUITE 5
WAYNESVILLE, NC 28786
PHONE (828) 452-2121
FAX (828) 452-0410

CDC Civil Design Concepts, PA
www.cdcdesignconcepts.com
NCBELS LICENSE #: C-0194

SITE PLAN FOR:

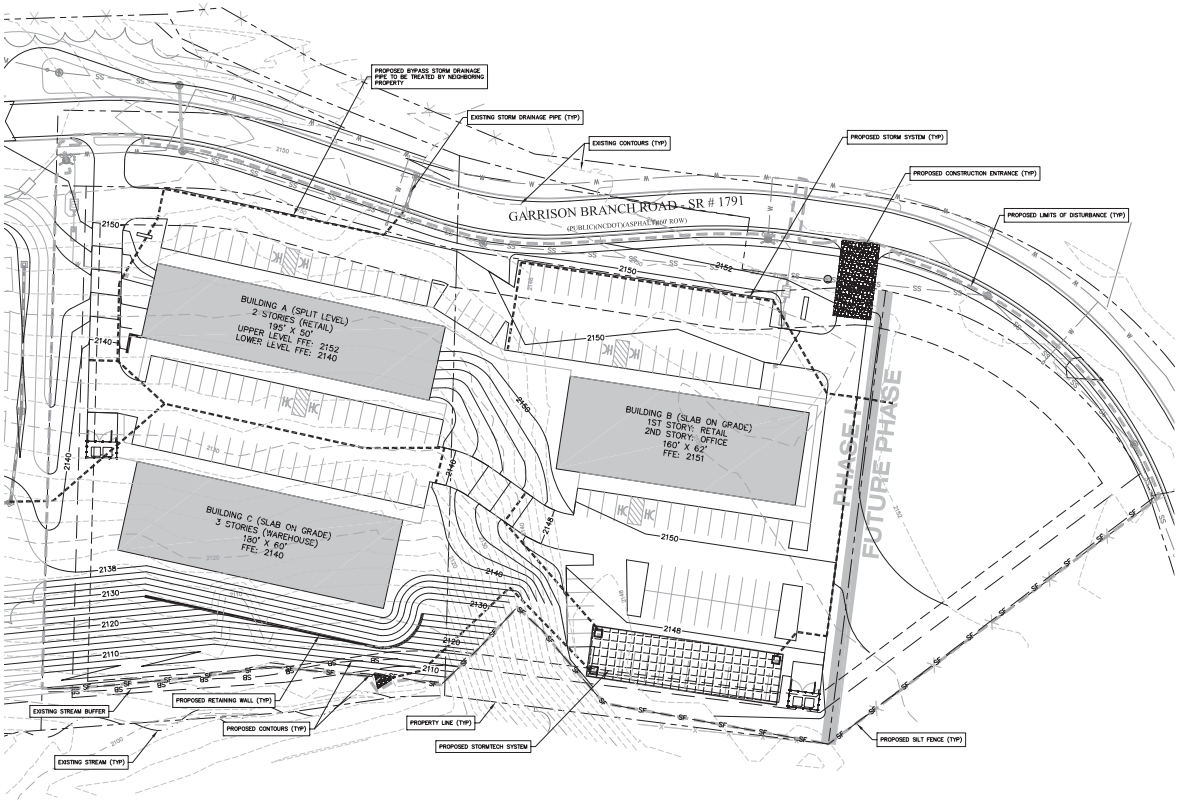
GARRISON RESERVE

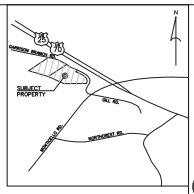
GARRISON BRANCH ACQUISITIONS, LLC – WEAVERVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11557
DOS PERMIT NO.: n/a

SHEET

C201





VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

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CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN BURGL, P.E. (828) 252-5388
CONTACT:	
ARCHITECT:	BCA ARCHITECTURE AND DESIGN 30 MCDOWELL STREET ASHEVILLE, NC 28801 ERIN FOY, A.I.A. (828) 423-5351
CONTACT:	

PROJECT DATA

PIN:	9733-72-2155, 9733-72-0316
ADDRESS:	20 & 30 GARRISON BRANCH ROAD
DEED BOOK/PAGE:	5808/0498;5806/0490
SITE ACREAGE:	4.89 ACRES
ZONING:	C-2 (GENERAL BUSINESS DISTRICT)
SETBACKS:	
FRONT:	25'
SIDE:	30'
REAR:	30'
DISTURBED AREA:	4.6 AC

PARKING CALCULATIONS:

VEHICULAR:

REQUIRED SPACES:

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811 Know what's below. Call before you dig.

NORTH

GRADING, EROSION CONTROL, & STORM DRAINAGE PLAN

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

FOR REVIEW ONLY

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
1	02/10/20	CONDITIONAL ZONING SUBMITTAL	MAD

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-0431

33 WALNUT STREET, SUITE 5
WAYNESVILLE, NC 28786
PHONE (828) 452-2484
FAX (828) 452-0410

CDC Civil Design Concepts, PA
www.cdcdesignconcepts.com
NCBELS LICENSE #: C-0194

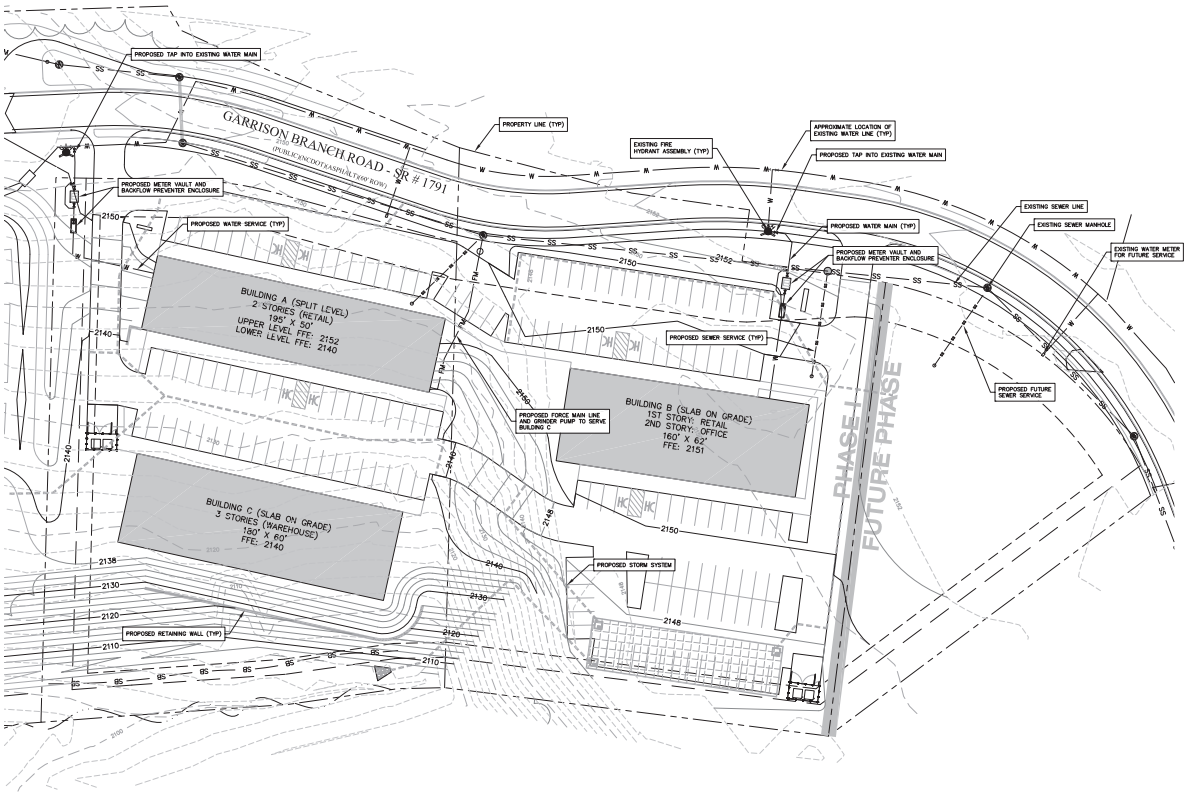
GRADING, EROSION CONTROL, & STORM DRAINAGE PLAN FOR:

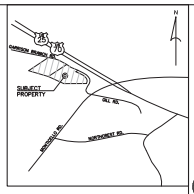
GARRISON RESERVE

GARRISON BRANCH ACQUISITIONS, LLC – WEAVERVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11557
DCD PERMIT NO.: n/a

SHEET
C301





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(NOT TO SCALE)

DEVELOPMENT DATA

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CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388
CONTACT:	
ARCHITECT:	BCA ARCHITECTURE AND DESIGN 30 MCDOWELL STREET ASHEVILLE, NC 28801 ERIN FOY, A.I.A. (828) 423-5351
CONTACT:	

PROJECT DATA

PIN:	9733-72-2155, 9733-72-0316
ADDRESS:	20 & 30 GARRISON BRANCH ROAD
DEED BOOK/PAGE:	5806/0498;5806/0490
SITE ACREAGE:	4.89 ACRES
ZONING:	C-2 (GENERAL BUSINESS DISTRICT)
SETBACKS:	
FRONT:	25'
SIDE:	30'
REAR:	30'
DISTURBED AREA:	4.6 AC

PARKING CALCULATIONS:

VEHICULAR:

REQUIRED SPACES:

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Know what's below. Call before you dig.

NORTH

UTILITY PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

FOR REVIEW ONLY

NO.	DATE	DESCRIPTION	BY
1	02/10/20	CONDITIONAL ZONING SUBMITTAL	MAD

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-0092

32 WALNUT STREET, SUITE 3
WAYNESVILLE, NC 28786
PHONE (828) 452-2481
FAX (828) 452-0410

CDC Civil Design Concepts, PA
www.civildesignconcepts.com
NCBELS LICENSE #: C-0194

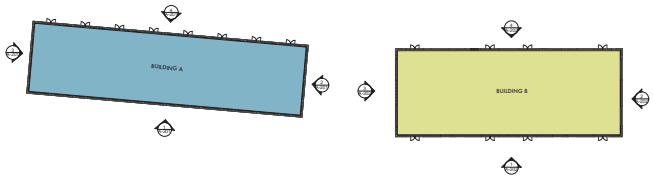
UTILITY PLAN FOR:

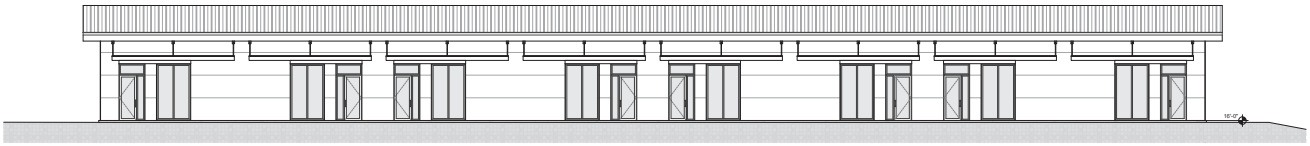
GARRISON RESERVE

GARRISON BRANCH ACQUISITIONS, LLC – WEAVERVILLE, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11557
DOC FORMAT NO.: xxx

SHEET
C601



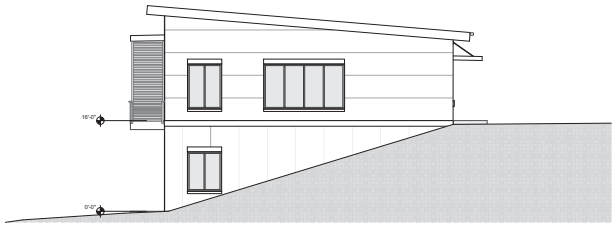


1 BUILDING A (S)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

2 BUILDING A (E)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'



3 BUILDING A (W)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

4 BUILDING A (N)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

BCA
28 MCDOWELL ST. ASHEVILLE, NC
(T) 828.230.7732 WWW.BCAVL.COM

NOTICE
THESE DRAWINGS ARE THE RESULT OF A LIMITED SERVICES AGREEMENT BETWEEN THE OWNER AND THE ARCHITECT. INFORMATION, DETAILS, AND SPECIFICATIONS, NOT INCLUDED IN THIS UNBUNDLED SET OF DRAWINGS SHALL BE THE RESPONSIBILITY OF OTHERS.
IT SHALL BE THE RESPONSIBILITY OF OTHERS TO INTERPRET THESE DRAWINGS AND COORDINATE THE DRAWINGS WITH THE WORK. FURTHER, IT SHALL BE THE RESPONSIBILITY OF OTHERS TO OBSERVE THE WORK TO DISCOVER, CORRECT AND/OR MITIGATE ERRORS, INCONSISTENCIES, OR OMISSIONS IN BOTH THE WORK, AND IN THE DRAWINGS.
USE OF THESE DRAWINGS WITHOUT THE PARTICIPATION BY THE ARCHITECT IN THE CONSTRUCTION PHASE OF THE PROJECT CONSTRUCTION PHASE OF THE PROJECT SHALL INDEMNIFY THE ARCHITECT AND ITS CONSULTANTS AGAINST LIABILITY RESULTING FROM ERRORS, INCONSISTENCIES, OR OMISSIONS IN BOTH THE WORK, AND IN THE DRAWINGS.

CONDITIONAL ZONING

NOT FOR CONSTRUCTION

PROJECT NAME:

GARRISON BRANCH
#Site Address1
Asheville, NC 28801

OWNER:

#Client Full Name

MARK	DATE	ISSUE

PROJECT NO: *1951*
MODEL FILE:
DRAWN BY: *BCA*
CHK'D BY:

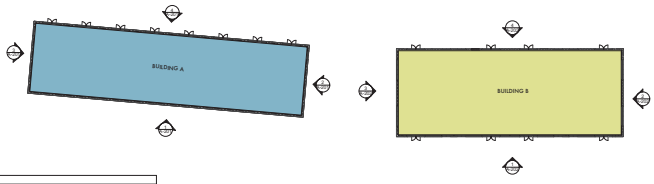
SHEET TITLE

BUILDING A ELEVATIONS

DATE: 2/5/20 © 2020

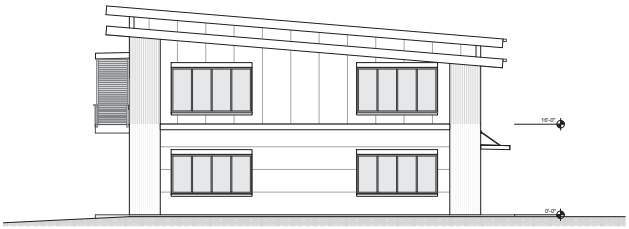
A-201

FOR REVIEW ONLY **NOT FOR CONSTRUCTION**



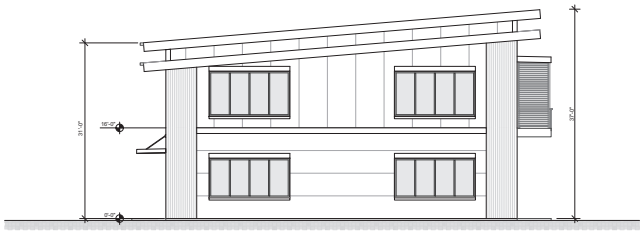
1 BUILDING B (S)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'



2 BUILDING B (E)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'



3 BUILDING B (W)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

4 BUILDING B (N)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

FOR REVIEW ONLY **NOT FOR CONSTRUCTION**

BCA
38 MCDOWELL ST. ASHEVILLE, NC
(T) 828.230.7732 WWW.BCAVL.COM

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CONDITIONAL ZONING

NOT FOR CONSTRUCTION

PROJECT NAME:

GARRISON BRANCH
#Site Address1
Asheville, NC 28801

OWNER:

#Client Full Name

MARK	DATE	ISSUE

PROJECT NO: *1951*
MODEL FILE:
DRAWN BY: *BCA*
CHK'D BY:

SHEET TITLE

BUILDING B ELEVATIONS

DATE: 2/5/20 *© 2020*

A-202

0 15' 30' 60' 90' 120'

GARRISON BRANCH

MASTER PLAN

WEAVERVILLE, NC

THIS DOCUMENT IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE REPRESENTATIONS PROVIDED ARE SUBJECT TO CHANGE AND SHOULD NOT BE
RELIED UPON AS A COMPLETE, ACCURATE OR FINAL DESCRIPTION OF THE PROJECT.

sitework STUDIOS

FEBRUARY 7, 2020

1 BUILDING A (S)
SCALE: 1/8" = 1'-0"

2 BUILDING A (E)
SCALE: 1/8" = 1'-0"

3 BUILDING A (W)
SCALE: 1/8" = 1'-0"

4 BUILDING A (N)
SCALE: 1/8" = 1'-0"

GARRISON BRANCH

BUILDING A ELEVATIONS

WEAVERVILLE, NC

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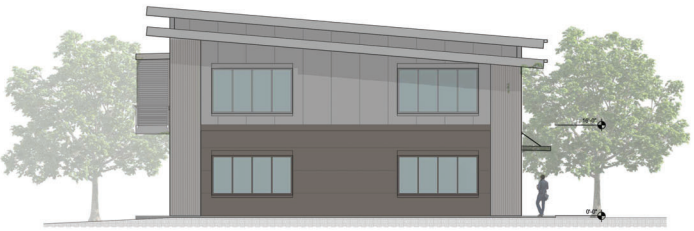
sitework STUDIOS

FEBRUARY 7, 2020

1 BUILDING B (S)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'



2 BUILDING B (E)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

3 BUILDING B (W)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

4 BUILDING B (N)
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

GARRISON BRANCH

BUILDING B ELEVATIONS

WEAVERVILLE, NC

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sitework STUDIOS

FEBRUARY 7, 2020

BUILDING C (W)

BUILDING C (N)

0 1 2 3 4 feet

1" = 1'-0"

BUILDING C ELEVATIONS

GARRISON BRANCH

WEAVERVILLE, NC

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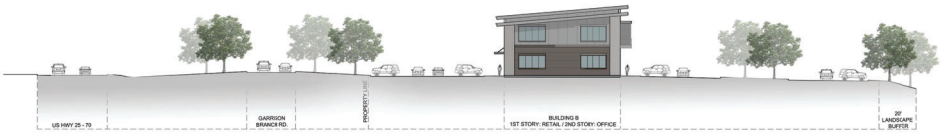
sitework STUDIOS

FEBRUARY 20, 2020

SECTION A



SECTION B

0 2 4 6 8 feet

1/2" = 1'-0"

SECTION A AND B

GARRISON BRANCH

WEAVERVILLE, NC

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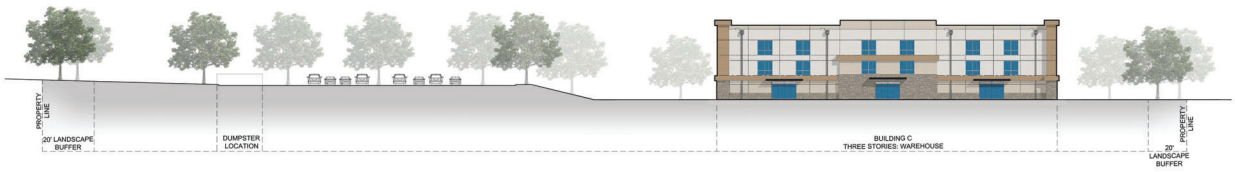
sitework STUDIOS

FEBRUAEY 20, 2020

SECTION C



SECTION D

0 2 4 6 8 feet
1/2" = 1'-0"

SECTION C AND D

GARRISON BRANCH

WEAVERVILLE, NC

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sitework STUDIOS

FEBRUARY 20, 2020

Town of Weaverville

Town Council Agenda Item

Date of Meeting:	Monday, April 27, 2020
Subject:	Set Public Hearing on FY 2020-2021 Budget
Presenter:	Town Manager
Attachments:	No Attachments

Description:

In accordance with North Carolina's Local Government Budget and Fiscal Control Act, G.S. § 159-12(b), Town Council *must hold a public hearing at which time any persons who wish to be heard on the budget may appear*.

Action Requested:

Town Manager Coffey recommends that Town Council schedule the public hearing on the fiscal year 2020-2021 budget on Tuesday, June 9, 2020 at 6:00pm.

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, April 27, 2020

Subject: Planning Department Report for the 1st Quarter of Calendar Year 2020

Presenter: Planning Director

Attachments: Planning Department Report – Q1 2020

Description:

Attached you will find a report reflective of permits issued in January, February and March, 2020 and Planning and Zoning Board and Zoning Board of Adjustment activity during the same time.

Action Requested:

None

Planning Department Report – Q1, 2020

Total Zoning Permits Issued: 39

Residential:
Single family dwellings: 21 **Internal upfit or accessory structure: 9**

Commercial:
New Commercial: 0 **Internal upfit or accessory structure: 9**

Sign Permits: 4

Planning and Zoning Board Activity:

January: The Board considered and offered a unanimous recommendation to Town Council regarding the formal establishment of a technical review committee as called for in the Comprehensive Land Use Plan. The Board also began a conversation related to mixed use development.

February: The Board considered and offered a unanimous recommendation to Town Council regarding permitting with standards certain mixed use development in the C-1, C-2 and R-12 zoning districts as called for in the Comprehensive Land Use Plan. The Board also offered a unanimous recommendation to staff related to a minor subdivision of land on Reynolds Lane.

March: The Board considered and offered a unanimous recommendation to Town Council on a major subdivision of land commonly known as Greenwood Park. Said subdivision proposes the creation of 73 lots for single family residences from the underlying 46 acres. The Board also considered and offered a unanimous recommendation to Town Council related to a conditional zoning district which proposes to house a multitenant development of 25,000 sq. ft. or more at the intersection of 25/70 and Monticello Road. The Board also considered and offered a unanimous recommendation to Town Council regarding a proposed text amendment related to certain sections of ordinance pertaining to streets, parking and mandated notices for matters to be considered by the Zoning Board of Adjustment.

Zoning Board of Adjustment Activity:

February: The Board considered and granted via a vote of 4-1 a variance to allow a new gas station canopy with the setback established by the underlying C-2 zoning district on the property commonly known as 284 North Main Street.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: April 27, 2020

SUBJECT: Departmental Quarterly Report

PRESENTER: Dale Pennell, Public Works Director

ATTACHMENTS: Quarterly Report (December 2019 – February 2020)

ACTION REQUESTED: No action requested

It should be noted that this report was due to be presented at the March 23, 2020 meeting. Due to the cancelled of that meeting, it is presented tonight but is based on data through February 2020.

TOWN OF WEAVERVILLE PUBLIC WORKS ACTIVITY SHEET

DECEMBER 2019 - FEBRUARY 2020

WATER MAINTENANCE DIVISION:

	Dec-19	Jan-20	Feb-20	3 month average
Water Leaks Repaired	3	2	5	3
New Water Taps	5	11	8	8
Total Active Water Meters	2,901	2,908	2,909	2906
Water Quality Complaints	1	0	0	0
Meter Re-Read Service Calls	53	63	34	50
General Service Calls	110	106	96	104
Water Door Tags Delivered	20	27	27	25
Water Line Locate Utility Service Calls (811)	144	125	115	128
Water Meter Change Outs to Radio Read	0	0	0	0
Reservoir-Pump Station Site Checks	133	154	140	142
Water Line Construction Inspections:	Maple Trace 4 Amblers Chase Fairfield Inn Northridge TH	Fairfield Inn Northridge TH	Fairfield Inn Northridge TH	

WATER PRODUCTION DIVISION:

(Gallons per month)

	Dec-19	Jan-20	Feb-20	3 month average
1A. Raw water pumped from river to Water Treatment Plant	17,861,000	17,385,000	16,616,000	17,287,333
(daily average vs. 1.5 MGD plant capacity)	49%	44%	41%	45%
1B. Raw water used at the WTP	1,924,000	1,804,000	1,596,000	1,774,667
1C. Finished water Produced at WTP	15,937,000	15,581,000	15,020,000	15,512,667
2. Water Purchased from Asheville	0	0	0	0
A1. TOTAL WATER PRODUCTION (1.C. + 2)	15,937,000	15,581,000	15,020,000	15,512,667
3. Finish Water used at WTP	573,732	560,916	540,720	558,456
A2. TOTAL WATER AVAILABLE FOR SALES	15,363,268	15,020,084	14,479,280	14,954,211
B. TOTAL METERED FOR BILLING	11,969,600	11,909,400	13,077,800	12,318,933
C. Metered, Non-Metered & Non-Billed Use by Town	1,750,000	1,750,000	1,500,000	1,666,667
D. Total Accounted For Water (B+C)	13,719,600	13,659,400	14,577,800	13,985,600
E. TOTAL UNACCOUNTED (A-D)	2,217,400	1,921,600	442,200	1,527,067
F. MONTHLY UNACCOUNTED WATER (E/Ax100)	13.9%	12.3%	2.9%	9.8%

WATER CAPACITY VS PRODUCTION:

(Gallons per day)

	Dec-19	Jan-20	Feb-20	3 month average
Water Plant Design Capacity	1,500,000	1,500,000	1,500,000	1,500,000

Net Sellable Production Capacity (80%)	1,200,000	1,200,000	1,200,000	1,200,000
Average Daily Production Total Water Production (**A** above) / 30 days in month	531,233	519,367	500,667	517,089
AVERAGE USE RELATIVE TO DESIGN CAPACITY	35.4%	34.6%	33.4%	34.5%
Current Water Commitments for future development	406,104	406,104	442,304	418,171
MONTHLY USAGE & FUTURE USAGE VS 1,500,00 GPD	62.5%	61.7%	62.9%	62.4%

STREET MAINTENANCE DIVISION:

	Dec-19	Jan-20	Feb-20	3 month average
Street/Sidewalk/Drainage /Sign Repairs Completed	5	0	0	2
Roads paved	na	na	na	

PARKS, RECREATION, & FACILITY MAINTENANCE DIVISION:

	Dec-19	Jan-20	Feb-20	3 month average
P&R Special Projects/Repairs Completed	2	0	0	1

SANITATION DIVISION:

	Dec-19	Jan-20	Feb-20	3 month average
Residential Collection Points	1844	1844	1844	1844
Monthly Residential Collections (4/month)	7376	7376	7376	7376
Business Pick Ups	76	76	76	76
Business Pick Ups (4/month)	304	304	304	304
Residential Set-Outs	84	84	84	84
Residential Set-Outs (4/month)	336	336	336	336
TOTAL points picked up per month	8016	8016	8016	8016
Total Tons to Landfill	121.75	106.08	103.59	110.47
Average Pounds Per Collection Point (per week)	30.4	26.5	25.8	27.6
Cubic Yards - Yard Debris	27	18	22.5	23
Cubic Yards - Brush Chipped	99	77	88	88
Cubic Yards - Leaf Collection	329	98	0	142

MISC

1. USDA water line project is proceeding with preconstruction conference on March 19, 2020.
2. Community Center project is proceeding with preconstruction conference on March 19, 2020.
3. 33 toter garbage cans were sold during the quarter.
4. Quarry Road final layer of paving should be completed in March.
5. State grant application submitted for assist with funding of blue recycling carts in 2020-21.
6. High service pumps and motors replaced at WTP; annual sludge removal process completed.

TOWN OF WEAVERVILLE - PUBLIC WORKS DEPARTMENT - WATER COMMITMENTS

Prepared by: Dale Pennell, Public Works Director

REVISED 03/17/2020

Water Line Status	Project with current commitment	Address	Description	Number of Units	Gallons per Connection	Projected Demand (GPD)
Construction	828 North (aka Blue Ridge Crossing)	Garrison Branch Road	174 Unit Apartment Project	176	229	40,304
Construction	Fairfield Inn	off of Weaver Blvd	104 Rooms	104	125	13,000
Construction	Amblers Chase Subdivision	Reems Creek Road	22 homes	21	400	8,400
Construction	Northridge Commons Townhomes	Monticello and Northcrest Dr	53 units	53	400	21,200
Pending	Brown Street Apartments	37 Brown St	16 apartments	16	300	4,800
Pending	Holston (Stump Dump) Apartments	135 Monticello Road	234 apartments	234	400	93,600
Pending	All Ways Storage	597 Old Mars Hill Highway	Storage Facility	1	200	200
Construction	Nekko Properties LLC	13 Central Avenue	Storage Facility (bus garage)	1	200	200
Pending	Brigman Group	11 Moss Road	4 homes	4	500	2,000
Pending	The Broadway Group	60 Old Mars Hill Highway	Dollar General store	1	200	200
Pending	Monticello Office near Epsilon	16 Monticello Village	3 story office building	1	2400	2,400
Pending	Greenwood Park (Dorf)	Governor Thomson Terrace	73 homes	73	400	29,200
Pending	Ward Single Family Home	121 Highland Street	1 home	1	2000	2,000
Pending	Stoney Knob Mixed Use Development	3 Garrison Road	2 buildings w 4 units/bldg	8	625	5,000
			Subtotal Current Projects			222,504
on-going	Existing but not active meter sets		164 open meter sets	164	250	41,000
on-going	Projected inside-town vacant land development			397	400	158,800
on-going	Projected Outside-town-limit residential units			50	400	20,000
			Subtotal On-going Projections			219,800
			Total Outstanding Commitments			**442,304**

SUMMARY OF PROJECTED WATER DEMANDS (GPD)						
Average metered and unmetered town usage per day Dec 2019 - Feb 2020	Average Unaccounted-for daily water Dec 2019 - Feb 2020	Outstanding Commitments (as of February 29, 2019)	Mars Hill agreement for emergency water (expired Oct. 20, 2015)	Current usage and commitment	WTP Capacity and permitted withdrawal	**Current % of WTP used or commited**
466,167	50,902	442,304	0	959,373	1,500,000	**63.96%**
466,167	50,902	442,304	200,000	1,159,373	1,500,000	**77.29%**

Outstanding Wtr Commitments 03-17-2020