



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, January 24, 2022**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, January 24, 2022, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC with remote access also provided via zoom.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Jeff McKenna, and Councilmembers Doug Jackson, Andrew Nagle, John Chase, Catherine Cordell, Andrew Nagle and Michele Wood.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, Water Superintendent Trent Duncan.

### **1. Call to Order**

*Mayor Patrick Fitzsimmons called the meeting to order at 6:00 p.m.*

### **2. Approval/Adjustments to the Agenda**

Noting that agenda item 6A should be removed at the request of the applicant, Mayor Fitzsimmons requested a motion to approve the agenda as amended.

*Councilmember Jackson motioned to approve the agenda as amended. Vice Mayor McKenna seconded the motion. All voted in favor of the motion to approve the agenda as amended. Motion passed 7-0.*

### **3. Consent Agenda**

*Vice Mayor McKenna moved for the approval of the Consent Agenda. Councilmember Cordell seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 7-0.*

- A. Town Council Minutes – December 20, 2021 regular meeting of Town Council**
- B. Town Council Minutes – October 25, 2021 regular meeting of Town Council amendment**
- C. Monthly Tax Report – Information only; submitted by Buncombe County Tax Department**
- D. Budget Amendment – Public Wifi, Police, Fire – Budget amendment for the related items**
- E. Budget Amendment – Community Center – Community Center budget amendment**
- F. Drinking Water State Revolving Fund Resolutions – Resolutions authorizing funding applications for water system resiliency and water treatment plant expansion**
- G. Proposed Personnel Policy Amendment – Amendments to the personnel policy and its provisions concerning holiday pay, sick leave accrual and discipline**

**H. Resolution Approving Donation of Surplus Personal Property – Approval of donation to governmental entity of blue lights and related speakers and supplies**

**4. Town Manager’s Report**

Ms. Coffey presented her Manager’s report to Council which included information related to a July 4<sup>th</sup> event, noise ordinance update, public wifi update and a February workshop update.

Consensus was achieved to move forward with a downtown fireworks display.

**5. General Public Comment**

General public comments may be submitted either during the meeting or in writing in advance of the meeting. Normal rules of decorum apply to all comments. The general public comments section of the meeting will be limited to 20 minutes and priority will be given to those commenters in attendance. Individuals presenting comments during the meeting are generally limited to 3 minutes. Written comments that are timely received will be provided to Town Council, included as part of the minutes of the meeting, and read into the record during the 20-minute general public comment period as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) by emailing to [public-comment@weavervillenc.org](mailto: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 more information please call (828)645-7116.

Laura Ayers spoke to Council regarding fishing at Lake Louise and proper lure disposal.

David Steinman requested that members of Council drop their masks when speaking so as to be more clearly understood.

**6. Discussion and Action Items**

**A. Water System Committee Recommendations**

Vice Mayor McKenna presented the water committee’s findings which included 1) Move ahead with deliberate speed on the water supply resiliency, redundancy and safety improvements and pursue all reasonable funding sources including the Drinking Water State Revolving Fund grants/loans, 2) Engage in formal discussions with neighboring jurisdictions and other stakeholders to determine the feasibility of cooperative agreements that will allow a broader regional approach to the supply of water in and around the Town of Weaverville and, 3) Delay the Town’s Water Treatment Plant Expansion Project while the regional water discussions are taking place and the water supply resiliency improvements are being pursued and to consider carefully and water allocation requests for properties outside of town limits during these regional conversations.

A conversation occurred among Councilmembers regarding the length of the proposed delay in the town’s water treatment plant expansion project with Councilmember Cordell noting that the proposed resolution did not set a sunset provision for said delay.

*Councilmember Nagle motioned to adopt the proposed resolution concerning the town’s water system as presented. Vice Mayor McKenna seconded the motion. With a majority vote of 6-1 the resolution was adopted. Councilmember Cordell cast a dissenting vote because she thought a timeframe related to the delay of the water treatment plant expansion project should have been included.*

**B. Proposed Recreation Complex**

Ms. Coffey presented Town Council with a proposed site plan to be used moving forward with the proposed recreation complex at Lake Louise. The rendering closely aligns with the development of the property proposed by the Town prior to the construction of the Community Center and the public input received during a public input meeting in November, 2021.

Vice Mayor McKenna voiced his support for the pickleball aspects of the proposed plan. Councilmember Cordell noted a potential need for public restrooms. Consensus was achieved to move forward with the proposed concept, while maintaining a multipurpose striping and nature for the various courts shown.

**C. COVID-19 Vaccination Surcharges / Incentives Update**

Ms. Coffey gave an update to Council regarding the COVID-19 vaccination surcharge/incentive program including a table indicating vaccination status by department.

Consensus was achieved to allow the Town Manager to drop the departmental percentage of vaccinated employees below 95% for eligibility for vaccination incentives.

**D. Economic Development Advisory Committee Update**

Mayor Fitzsimmons provided an update to Town Council on his efforts to restart the economic development advisory committee reporting that the first meeting would be held on January 26.

**E. Quarterly Report – Planning**

Mr. Eller presented Town Council with the quarterly reports for the Planning Department.

**F. Quarterly Report - Finance**

Ms. Dozier presented Town Council with the quarterly report for the Finance Department.

**7. Adjournment.**

*Without objection, Mayor Fitzsimmons declared the meeting adjourned. Meeting adjourned at 9:45 p.m.*



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**James Eller, Town Clerk**

**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:

- The definition of workday in Article II is amended to read as follows:

**Workday** – For shift personnel operating in the fire department and the police department a workday for holiday leave, annual leave and sick leave calculations will be 12 hours. For shift personnel operating at the water treatment plant a workday for holiday leave, annual leave and sick leave calculations will be 10 hours. For all others, including non-shift personnel, a workday for these calculations will be either 8 hours or 7.5 hours depending on the schedule established in the employee's department.

- Article VII, Section 2 is retitled "**Holiday Leave**" and is replaced in its entirety with the following provisions:

(a) **Holiday Schedule** - The Town provides paid holidays each calendar year for eligible employees and recognizes the following holidays:

New Year's Day – 1 day  
Martin Luther King Birthday – 1 day  
Good Friday – 1 day  
Memorial Day – 1 day  
Independence Day – 1 day  
Labor Day – 1 day  
Veteran's Day – 1 day  
Thanksgiving – 2 days  
Christmas – 3 days

The Town Manager shall adopt and publish a schedule of holidays each year consistent with this policy but taking into consideration the days of the week on which the above holidays fall.

(b) **Religious Holidays** – Employees wishing to schedule time off for religious observances must request leave from their respective department heads. The department head will attempt to arrange the work schedule so that an employee may be granted annual leave for

the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

- (c) **Eligibility** - All fulltime and part-time employees, whether regular or probationary employees shall receive paid holiday leave. Auxiliary and temporary employees are eligible for holiday pay if, and only if, they actually work the holiday.
- (d) **Accrual Rate** - Holiday leave shall accrue at a rate of one (1) workday per month (see Article II for definition of workday).
- (e) **Accumulation** - Holiday leave may be accumulated without any maximum between January 1 and December 31 of each calendar year. All holiday leave balances accumulated in the prior year shall be converted to annual leave in January of each year.

As the latter part of the calendar year includes several holidays, employees are cautioned to be mindful of their use of holiday leave so that a sufficient holiday leave balance is available for use in November and December.

- (f) **Manner of Taking** - Holiday leave requests should typically be submitted with each payroll that includes a holiday. For employees that are required to work a holiday, holiday leave requests should follow the procedures for taking annual leave.
- (g) **Payment Upon Separation** - At separation all holiday leave accumulated by an employee shall be treated like annual leave and paid out in accordance with those provisions.

- Article VII, Section 4, subparagraph (b), concerning sick leave accrual is amended to read as follows:

**Accrual Rate** - Sick leave shall accrue at a rate of one (1) workday per month (see Article II for definition of workday)."

- The following provision is added to Article XIV, Section 2, as an additional disciplinary option:

Recommended and/or mandatory session(s) with an employee assistance program, with compliance and participation level being reported and included in the employee's personnel file.

- Article XIV, Section 3 is retitled "**Disciplinary Conference for Demotion or Dismissal**" and is replaced in its entirety with the following:

When the demotion or dismissal of an employee is recommended or being considered, to the greatest extent possible under the circumstances the following procedural guidelines shall apply. Modifications to the procedures shall only be made with the consent of the Town Manager.

- (a) **Step 1 - Department Head Recommendation** - A Department Head recommending demotion or dismissal shall present a written recommendation to the Town Manager and receive his or her authorization to hold a pre-disciplinary conference with the employee. A Department Head conducting a pre-disciplinary conference shall have the authority to recommend what, if any, disciplinary action should be imposed on the employee, but does not have the authority to dismiss any employee.
- (b) **Step 2 - Pre-Disciplinary Conference Scheduled** - The Department Head or Town Manager shall schedule a pre-disciplinary conference with the employee and provide notice to the employee. Advance written notice of the pre-disciplinary

conference shall be given to the employee of the time, location, and the issue for which demotion or dismissal has been recommended. The amount of advance notice shall be as much as is practical or reasonable under the circumstances.

- (c) **Step 3 – Pre-Disciplinary Conference Conducted** – The Department Head or Town Manager shall conduct a pre-disciplinary conference with the employee, The purpose of the pre-disciplinary conference shall be to review the recommendation for demotion or dismissal with the affected employee and to listen to and to consider any information put forth by the employee, in order to ensure that a demotion or dismissal decision is sound and not based on misinformation or mistake.

Attendance at the conference will be limited to the employee and the person conducting the conference. The Human Resources Officer or a second Town representative may be present at the Town Manager's direction. Security personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorneys representing either side may attend the conference.

In the conference, the Department Head or Town Manager shall give the employee oral or written notice of the recommendation for demotion or dismissal, including specific reasons for the proposed discipline and a summary of the information supporting that recommendation.

The employee shall have an opportunity to respond, to refute information supporting the recommended action and to offer information or arguments in support of the employee's position.

Every effort shall be made by the Department Head or the Town Manager to ensure that the employee has had a full opportunity to set forth any available information in opposition to the recommendation to demote or dismiss prior to the end of the conference. This opportunity shall not include the right to present witnesses.

Written notes of the conference must be taken by a Town representative attending the conference to summarize the employee's response and such notes shall be included in the employee's personnel file.

- (d) **Step 4 – Department Head Final Recommendation** – Not more than two business days after the conference, and as promptly as possible under the circumstances, the Department Head shall submit a final written recommendation to the Town Manager. In the discretion of the Town Manager this time frame may be extended if the employee is on leave with pay.

- (e) **Step 5 – Town Manager Review and Decision** – Following the conference and receipt of the Department Head's final recommendation, the Town Manager shall review and consider the response of the employee and reach a decision on the proposed recommendation of demotion or dismissal.

To minimize the risk of demotion or dismissal upon erroneous information, and to allow time following the conference for management to review all necessary information, the decision should not be made or communicated to the employee prior to the beginning of the next business day following the conclusion of the conference and receipt of the Department Head's final recommendation.

The Town Manager's decision should normally be made within two business days after the conclusion of the conference and receipt of Department Head's final recommendation. In the discretion of the Town Manager this time frame may be extended if the employee is on leave with pay.

- (f) **Step 6 – Employee Notification of Decision** – If the Town Manager's decision is to demote or dismiss the employee, a written letter of demotion or dismissal containing the effective date of the demotion or 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.

The effective date of a demotion or dismissal shall be determined by the Town Manager but should not be earlier than the date of the letter nor more than 14 calendar days after the notice of demotion or dismissal.

The employee shall be informed in the final decision letter that the final decision letter is a public record and that the agency is required by law to release it pursuant to a public records request.

- (g) **Step 7 – Employee Appeal of Decision** – A demoted or dismissed employee has 10 calendar days from the date of the letter of demotion or dismissal in which to submit an appeal under Article XV. If an employee is dismissed and appeals his or her dismissal through the Town's grievance procedure set out in Article XV, the Town's final decision shall be amended to set forth the specific acts or omissions that are the basis of the employee's dismissal.

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 24th day of January, 2022.

  
\_\_\_\_\_  
**PATRICK FITZSIMMONS, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**JAMES ELLER, Town Clerk**





**TOWN OF WEAVERVILLE  
RESOLUTION CONCERNING THE TOWN'S WATER SYSTEM**

**WHEREAS**, the Town owns and operates a water system that includes a water treatment plant that was completed in 1997 and has a permitted design capacity which allows the withdrawal of up to 1.5 million gallons of raw water per day from the Ivy River;

**WHEREAS**, the plant is in need of some improvements in order to address water supply resiliency, redundancy, and safety concerns (“water supply resiliency improvements”), including the following; a new generator at the WTP, a new generator at the raw water intake, back wash pumps, a new high service pump station, a new clearwell, and conversion from chlorine gas to sodium hypochlorite; and

**WHEREAS**, preliminary engineering reports secured by the Town indicate that there will likely be a need to expand the water production capacity in the Town's water treatment plant in the next ten years in order to accommodate expected growth in the area;

**WHEREAS**, the Ivy River is a regional natural resource and there appears to be interest among the Town's neighboring jurisdictions and other stakeholders to have formal discussions concerning the feasibility of cooperative agreements that will allow a broader regional approach to the supply of water in and around the Town of Weaverville;

**WHEREAS**, while it is not prudent to delay the water supply resiliency improvements, there is sufficient current capacity in the water treatment plant to delay a decision on that project pending the outcomes of the regional water discussions;

Now, therefore, **BE IT RESOLVED** by the Weaverville Town Council as follows:

1. The Mayor and Town Manager are directed to contact neighboring jurisdictions and stakeholders to gauge interest in participating in conversations concerning the feasibility of cooperative agreements that will allow a broader regional approach to the public supply of water in and around the Town of Weaverville. Governmental jurisdictions and stakeholders to invite to those conversations include, but are not limited to: Buncombe County, Marshall, Mars Hill, Madison County, Friends of the Ivy, Madison and Buncombe County Soil & Water Conservation District, Land-of-Sky Regional Council and North Carolina Department of Environmental Quality. Once interest is determined an interlocal regional water committee can be formed with representation from all interested parties.
2. Town Council action on the expansion of its Ivy River Water Treatment Plant is delayed while regional water discussions are occurring.
3. Town Council has agreed to approach water allocation requests pertaining to properties outside of the Town's limits very conservatively until a decision is made on the expansion of the water treatment plant and while regional water discussions are occurring.

4. Staff is directed to proceed with the water supply resiliency improvements by determining cost estimates, attempting to secure grant and/or loan financing for the improvements, developing a financing plan, and to proceed with all necessary engineering, permitting, and bidding, and all other tasks necessary to have these needed improvements under contract as soon as practicable.
5. The Mayor and staff are directed to provide regular updates to Town Council on the regional water conservation and the water supply resiliency improvements.

**THIS** the 24th day of January, 2022.

**TOWN OF WEAVERVILLE**

  
\_\_\_\_\_  
Patrick Fitzsimmons, Mayor

**ATTESTED BY:**

  
\_\_\_\_\_  
James Eller, Town Clerk



## TOWN OF WEAVERVILLE RESOLUTION CONCERNING APPLICATION FOR GRANTS AND/OR LOANS FOR WATER TREATMENT PLANT EXPANSION PROJECT

**WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works, and

**WHEREAS,** The Town of Weaverville has need for and intends to construct a drinking water treatment works project described as the expansion of the water treatment plant. The Town currently owns and operates a 1.5 MGD water treatment plant and associated water distribution system. This plant was constructed in 1996 and is approaching water production values which trigger mandated actions to begin the planning, design, and construction process for increase capacity of this facility, and

**WHEREAS,** The Town of Weaverville has a need for and intends to undertake a project to expand the plant to 3.0 MGD by providing a second treatment train identical to the existing train (claricone, flash mix, flocculation, sedimentation, and filtration). A new pump will be added to the existing intake pump station in a space provided in the original plant construction. Approximately 1,330 LF of piping will be installed along Sam's Road to extend the existing NPDES discharge of filter backwash. The existing clearwell will be converted to sludge handling and a new 0.5 MG clearwell and high service pumps will be constructed on the existing plant site. One generator for the WTP site and one for the intake pump station is also included in the project. All disturbed areas will be within the existing WTP site except for the drain line which runs along Sams Road from the WTP to the Intake pump station site, and

**WHEREAS,** The Town of Weaverville intends to request state grant/loan assistance for the project,

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

That Town of Weaverville, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant/loan award and such award is accepted by **Applicant**.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Weaverville to make scheduled repayment of the loan, to withhold from the Town of Weaverville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **Selena Coffey, Town Manager**, and **Patrick Fitzsimmons, Mayor**, the **Authorized Officials**, and successors so titled, are hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant and/or loan to aid in the construction of the project described above.

That the **Authorized Officials**, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained

above; and to execute such other documents as may be required in connection with the application.

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

**ADOPTED** this the 24th day of January, 2022, at Weaverville, North Carolina.



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Patrick Fitzsimmons, Mayor



**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting Town Clerk of the Town of Weaverville does hereby certify:  
That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of  
an application with the State of North Carolina, as regularly adopted at a legally convened meeting of  
the Town Council duly held on the 24th day of January, 2022; and, further, that such resolution has  
been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of January, 2022.



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James Eller, Weaverville Town Clerk

## TOWN OF WEAVERVILLE RESOLUTION CONCERNING APPLICATION FOR GRANTS AND/OR LOANS FOR WATER SUPPLY RESILIENCY IMPROVEMENT PROJECTS

- WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works, and
- WHEREAS,** The Town of Weaverville has need for and intends to construct a drinking water treatment works project described as the Water Supply Resiliency Improvements project, and
- WHEREAS,** The Town of Weaverville has a need for and intends to undertake a project to increase resiliency of the water supply by installing a new generator at the WTP, new generator at the raw water intake, back wash pumps and a new high service pump station, a new clearwell, and conversion from chlorine gas to sodium hypochlorite, and
- WHEREAS,** The Town of Weaverville intends to request state grant/loan assistance for the project,

### NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE:

That Town of Weaverville, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant/loan award and such award is accepted by **Applicant**.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Weaverville to make scheduled repayment of the loan, to withhold from the Town of Weaverville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **Selena Coffey, Town Manager**, and **Patrick Fitzsimmons, Mayor**, the **Authorized Officials**, and successors so titled, are hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant/loan to aid in the construction of the project described above.

That the **Authorized Officials**, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

**ADOPTED** this the 24th day of January, 2022, at Weaverville, North Carolina.

  
Patrick Fitzsimmons, Mayor



**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting Town Clerk of the Town of Weaverville does hereby certify:  
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IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of January, 2022.



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James Eller, Weaverville Town Clerk