

## MEMORANDUM

**TO:** Tamara Mercer, Town Clerk  
Jennifer Jackson, Civil Rights Coordinator  
Sommer Oberlin, Police Chief  
John Henning, Town Attorney  
Michael Frue, Town Attorney

**FROM:** Scottie Harris, Town Manager

**DATE:** April 29, 2025

**SUBJECT:** Administration and Enforcement of NDO

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On 28 April 2025, Town Council adopted a Non-Discrimination Ordinance (NDO) with an effective date of 1 May 2025. This ordinance prohibits discrimination in employment practices and in public accommodations (any place, facility, store, or other establishment which supplies accommodations, goods, or services to the public or which solicits or accepts the patronage or trade of the public) by anyone within the Town.

The following procedures shall apply to all complaints received under the Ordinance:

1. **Submission of Complaint.** Complaints should be submitted in writing to the Town Clerk within 60 days of the alleged discriminatory act by using the "Discrimination Complaint Form" which is attached and found on the Town's website: <https://weavervillenc.org/town-council-government/ada-accessibility-civil-rights/>

Complaints received more than 60 days after the alleged discrimination are not required to be considered by the Town. A complete form should include all requested information on the form and be signed by the complainant under penalty of perjury. Completed forms can be submitted to the Town Clerk as follows:

- a. Website – Online form submittal through [Town of Weaverville Discrimination Complaint Form](#)
  - b. Email – [tmercerc@weavervillenc.org](mailto:tmercerc@weavervillenc.org)
  - c. Mail – Town of Weaverville, ATTN Town Clerk, PO Box 338, Weaverville, NC 28787
  - d. Hand-Delivery – Town Clerk, via Weaverville Town Hall, 30 S. Main Street, Weaverville, NC
2. **Review of Complaint for Completeness and Jurisdiction.** Town Clerk will review all complaints within 10 calendar days of receipt. Review shall include (a) the completeness of the form, (b) presence of a signature, (c) meaningful description of the situation complained of, (d) timeliness of the submittal of the complaint, and (e) verification that the location complained of is within the Town's jurisdiction. Town Clerk should notify the complainant of any deficiencies in their complaint form that are preventing the complaint from being considered and offer an opportunity to correct or complete. Town Clerk shall forward all completed complaint forms to the Town's Civil Rights Coordinator.
  3. **Response to Complaint.** The Civil Rights Coordinator shall provide a copy of the completed complaint form to the adverse party mentioned in the complaint ("respondent") with a cover letter that encourages the respondent to reach out to Town staff to discuss the matter informally and provides a minimum of 30 calendar days within which to provide a written response.

4. **Informal Conciliation Efforts.** The Town's Civil Rights Coordinator, and other Town Staff as designated by the Town Manager, will offer an opportunity for the respondent to discuss the complaint and resolve the matter informally. Any changes to policy, practice, or actions to be taken by the respondent as a result of informal conversations will be documented in writing and shared with the complainant in the hope of a successful resolution of the matter. If the respondent does not wish to engage in any discussions with Town staff, then the matter should proceed to formal conciliation efforts.
5. **Formal Conciliation Efforts.** If the matter is not resolved informally, then the Town will, at its expense, take steps to arrange for a formal but non-binding mediation of the matter between the complainant and the respondent through The Mediation Center. If the complainant refuses to participate in the mediation, then their complaint shall be deemed abandoned. If the respondent refuses to participate in the mediation, then the complainant can proceed with a request for a formal review. If a mediation is conducted, then The Mediation Center is asked to provide notice to the Town of whether an agreement was made between the parties or whether the parties reached an impasse. If an agreement was made between the parties then through mediation the matter will be considered resolved.
6. **Formal Review.** If the matter is not resolved informally or through mediation, then the complainant has the right to request a formal review. Such request must be made in writing and delivered to the Town Clerk within 30 calendar days of the conclusion of the mediation or a failure of the respondent to participate in a mediation. The review shall be held as soon as practical, but in all cases within 15 calendar days of the request for review. The review shall be held by the Civil Rights Coordinator. All findings, agreements, and/or decisions of the Civil Rights Coordinator must be reduced to writing and provided to both the complainant and the respondent.
7. **Administrative Appeal.** If the matter is not resolved to the satisfaction of the complainant, the respondent, or both, through the formal review process, then they each have the right to appeal any finding or administrative decision made by the Civil Rights Coordinator. The request for an appeal must be directed to the Town Clerk within 15 calendar days of the written decision of the Civil Rights Coordinator, must be in writing, and must set forth what the appealing party disagrees with and wishes to appeal. The appeal shall be held as soon as practical, but in all cases within 30 calendar days of the request for appeal. The appeal shall be held on the record submitted (written complaint, written response, findings and decision of the Civil Rights Coordinator, etc.). The appeal panel shall consist of the Town Manager, the Police Chief, and a Town Attorney. All decisions of the appeal panel are final and are not appealable.
8. **Private Right to Sue.** If the Town substantiates the complaint, then the complainant will be issued a private right to sue allowing the complainant a private cause of action under the Town's NDO against the respondent. If the Town does not substantiate the complaint, then the complainant will not be entitled to sue the respondent with reference to the Town's NDO, but may have other private causes of action directly against the respondent.
9. **Notices.** Any notice that is required to be made under this procedure can be made to the individuals named below, as appropriate, by email, mail, or hand-delivery based on the following contact information at the bottom of this page.

Any questions concerning the enforcement of the NDO should be directed first to the Civil Rights Coordinator (Jennifer Jackson). If she cannot answer the question, please feel free to reach out to the Town Manager's Office.

Scottie Harris, Town Manager  
[sharris@weavervillenc.org](mailto:sharris@weavervillenc.org)

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(828)645-7116

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