

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, DECEMBER 12, 2016 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
AGENDA**

Prayer – Mayor Bill Deter

1. Open the Meeting
2. Pledge of Allegiance
3. Determination of Quorum

PUBLIC ADDRESS TO THE COUNCIL

Any individual or group who wishes to address the Council may do so at this time. Each speaker will have three (3) minutes to make their remarks and shall obey reasonable standards of courtesy in their remarks. Typically, this is a time for the Mayor and Council to hear from the public and not respond. If questions are raised, a member of the Town Council or Staff may contact the individual after the meeting to help address issues raised. If the item you wish to speak about is a Public Hearing item, address your concerns during that time and not under the Public Comment period.

4. Public Comments
5. Additions, Deletions and/or Adoption of the Agenda

CONSENT AGENDA

The Council may designate a part of the agenda as the "Consent Agenda." Items placed on the consent agenda are judged to be non-controversial and routine. Any member of the Council may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

6. Consent Agenda
 - A. Call for Public Hearing on January 9, 2016 at 7:00pm to add "Gross area/acreage of a tract of land" to section 58-4 definitions of the Town Ordinances.
 - B. Call for Public Hearing on January 9, 2016 at 7:00pm to add section 46-79 Blasting to the Town Ordinances.
 - C. Call for Public Hearing on January 9, 2016 at 7:00pm for text amendment section 58-270(h) protest petitions.
 - D. Adoption of 2017 Council meeting schedule.
7. Approval of Minutes
 - A. Approval of November 14, 2016 Regular Town Council Meeting Minutes.
 - B. Approval of November 21, 2016 Continued Town Council Meeting Minutes

PUBLIC HEARINGS

The Public must sign up before the beginning of the meeting to speak on an item under Public Hearings. The Mayor will recognize speakers in the order in which their names appear on the sign-up sheet. The Council sets the rules for the Public Hearing. The rules may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the Town Hall; and for providing for the maintenance of order and decorum in the conduct of the hearing.

Each speaker must address the Council from the lectern and begin their remarks by giving their name and address. Each speaker will have three (3) minutes to make remarks. A speaker may not yield any of his or her time to another speaker. Speakers must be courteous in their language and presentation. Personal attacks on the Council or members of the public will not be tolerated.

The Mayor may determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and shall rule on objections from other members of the Council on discourteous behavior. A majority vote of the Council may overrule the Mayor's ruling on standards of courtesy. Speakers may leave written comments and/or supporting documents, if any, with the Town Clerk to the Council.

8. Public Hearing and Consideration of Public Hearing

- A. Public Hearing for Review and Consideration of Text Amendment to Appendix I. – List of Acceptable Plant Species of the Weddington Zoning Ordinance to add items to the list
- B. Public Hearing for Review and Consideration of Text Amendment to Section 46-45 (b) (1), Section 58-54 (3) i 3 iv. Section 58-58 (3) i 3 iv and Section 58-58 (4) I 3 iv of the Weddington Zoning Ordinance regarding maintenance bonds

9. Old Business

- A. Discussion and Consideration of N-Focus and/or other contracts for temporary help
- B. Discussion and review of revised employee handbook

10. New Business

- A. Review and Consideration of the Final Plat for Falls at Weddington Phase I Map 3
- B. Review and Consideration of the Final Plat for Falls at Weddington Phase I Map 4
- C. Review and Consideration of a Modification of the Subdivision Ordinance Section 46-76(g) Cul-de-sac for Graham Allen subdivision
- D. Review and Consideration of Sign for All Saints Anglican Church
- E. Consideration of appointments to the Planning Board, Board of Adjustment, and Historic Preservation Commission.
- F. Discussion on dates for the Town Retreat in February 2017.
- G. Discussion and Consideration of an employment offer for a Planner/Administrator.

11. Update from Planner

12. Code Enforcement Report

13. Update from Finance Officer and Tax Collector

14. Public Safety Report

15. Transportation Report

16. Council Comments

17. Adjournment

TOWN OF WEDDINGTON

MEMORANDUM

TO: Planning Board

FROM: Nadine Bennett, Interim Zoning Administrator/Planner

DATE: November 21, 2016

SUBJECT: Gross Area Acreage of Tract of Land

Because of the issue we had with Weddington Pond and the Highway 84 road lots lines extending to the center of the road, we are adding a definition of "Gross area/acreage for a tract of land". The Planning Board unanimously recommended this language at their November meeting.

Sec. 58-4. - Definitions.

Grocery store means a retail store greater than 3,000 square feet in area which sells a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off-premises. In addition, a grocery store may contain a section where prepared foods are sold and consumed on-premises in a specially designated sitdown area. The sale of prepared foods for on-premises consumption, however, must be clearly subordinate to the sale of food and goods intended for consumption and use off-premises. The sale of fuel at fuel stations shall not be permitted at grocery stores.

Gross area/acreage of a tract of land is the total square footage of a parcel excluding area contained in a current DOT easement that the developer will be deeding to NCDOT.

Gross floor area means the total area of a building (in square feet) measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

TOWN OF WEDDINGTON

MEMORANDUM

TO: Town Council

FROM: Nadine Bennett, Interim Zoning Administrator/Planner

DATE: December 5, 2016

SUBJECT: Blasting Language

The following language is proposed to be added to the Subdivision Ordinance. It was unanimously recommended by the Planning Board at their November meeting.

Sec. 46-79 Blasting

- (a) Blasting permits are issued by the Union County Fire Marshal.
- (b) Any applicant for a blasting permit shall submit a copy of said application to the Town along with a certificate of insurance evidencing all insurances carried by the applicant.
- (c) After receipt of blasting permit from the Union County Fire Marshal the applicant shall send a copy of the blasting permit to the Town. The applicant shall notify in writing the Town and all occupants and owners of residences and businesses adjoining the property where the blasting will occur of the intention to use explosives at least 48 hours before each blast.
- (d) Hours of Detonation. Hours of detonation shall be limited to daylight hours, no earlier than 8:00 a.m. or later than 5:00 p.m., Monday through Friday, except by special exception specifically authorized by the Town Administrator. Blasting shall also be prohibited on the following legal holidays: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

TOWN OF W E D D I N G T O N

MEMORANDUM

TO: Town Council

FROM: Nadine Bennett, Interim Zoning Administrator/Planner

DATE: December 5, 2016

SUBJECT: Elimination of Protest Petitions

Protest petitions were eliminated in 2015. S.L. 2015-160 allows written protests to be filed with the city clerk and requires those objections be presented to the council, but provides that a simple majority is required to adopt the amendment.

This probably slipped past Weddington because it has never been an issue here. However, this is necessary to be in compliance with State statute.

The Planning Board unanimously recommended this language at their November meeting.

(g)

The zoning administrator shall transmit any decision of the planning board to the town council. Once action has been taken by the planning board or the time for action by the planning board has expired, the town council shall, no later than their next regularly scheduled meeting, consider calling for a public hearing or a requested conditional use permit, conditional zoning permit, zoning change, or other matter providing for public hearing under this chapter. Notification of the public hearing shall be made in the following manner:

(1)

A notice shall be published in the newspaper having general circulation in the area once a week for two successive weeks, the first notice to be published not less than ten days, nor more than 25 days prior to the date established for the hearing. In computing such time the date of publication is not to be included but the date of the hearing shall be included.

(2)

A notice shall be conspicuously placed in the town hall not less than ten days, nor more than 25 days before the date established for the public hearing. However, failure to post a notice as provided by this section shall not invalidate any action taken with regard to the application.

(3)

A notice shall be prominently posted on the subject property or on an adjacent public street or highway right-of-way. When an application concerns multiple parcels, a posting on each individual parcel is not required, but sufficient notices shall be posted to provide reasonable notice to interested persons.

(4)

A notice shall be sent by first class mail to all owners of parcels of land abutting the subject property. The owners shall be identified by county tax listings and the notice shall be sent to the last address listed for each owner on the county tax abstracts. The notice shall be deposited in the mail at least ten, but not more than 25, days before the date of the public hearing. In computing notice periods under this section, the date of mailing is not to be included, but the date of the hearing shall be included.

(5)

A notice shall be sent by first class mail to the owner of the subject property. The owner shall be identified by county tax listings and the notice shall be sent to the last address listed for the owner on the county tax abstracts. This notice shall be deposited in the mail at least ten, but not more than 25, days before the date of the public hearing. In computing notice periods under this section, the date of mailing is not to be included, but the date of the hearing shall be included.

(6)

The zoning administrator shall certify that the requirements of subsections (g)(1)—(g)(4) of this section have been met. The town shall charge the applicant a separate fee to cover costs incurred.

~~(h)~~

~~A written application of protest may be filed with reference to any proposed change or amendment to the zoning map. In case of a protest against such change, an amendment shall not become effective except by favorable vote of three-fourths of the town council. For purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered members of the council for calculation of the requisite three-fourths vote. To qualify as a protest, the application must be signed by the owners of either 20 percent or more of the area included in the proposed change or five percent of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine the owners of potentially qualifying areas. This section shall not be applicable to any amendment, which initially zones property added to the territorial coverage of this chapter as a result of annexation or otherwise.~~

~~(1)~~

~~No protest against any proposed change shall be valid or effective unless it is in the form of a written application actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the town clerk in sufficient time to allow the town at least two normal workdays excluding Saturdays, Sundays and legal holidays before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the application.~~

~~(2)~~

~~All protest petitions shall be on a form prescribed and furnished by the zoning administrator and such form may prescribe any reasonable information deemed necessary to permit the zoning administrator to determine the sufficiency and accuracy of the application.~~

(h) If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the Town Council. If the proposed

change is the subject of a quasi-judicial proceeding under G.S. § 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

- (i) After the public hearing has been conducted and officially closed, the town council shall render a decision concerning the proposal not later than the next regularly scheduled town council meeting. The decision shall be made in any one of the methods provided in subsections (e) or (f) of this section. A town council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member

TOWN OF WEDDINGTON

SCHEDULE OF TOWN COUNCIL MEETINGS - 2017 (2ND MONDAY OF EVERY MONTH)

| DATE | TIME | LOCATION |
|--------------------|-----------|----------------------------|
| January 9, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| February 13, 2017 | 7:00 p.m. | Town Hall Council Chambers |
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| March 13, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| April 10, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| May 8, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| June 12, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| July 10, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| August 14, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| September 11, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| October 9, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| November 13, 2017 | 7:00 p.m. | Town Hall Council Chambers |
| December 11, 2017 | 7:00 p.m. | Town Hall Council Chambers |
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**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, NOVEMBER 14, 2016 – 7:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Regular Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on November 14, 2016, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Michael Smith, Scott Buzzard, Janice Propst, Town Attorney Anthony Fox, Finance Officer Leslie Gaylor, Interim Planner Nadine Bennett, and Planning Board Chairman Dorine Sharp

Absent: Town Administrator/Clerk Peggy Piontek

Visitors: Bill Price, Walton Hogan, Barbara Harrison, Bob Davis, Pender McGroy, Steve Farmer, Mike Sealy, Bob Schlosser, Rob Dow, Mark Van Dine, Stephen Goodwin, Anna-Marie Smith, Liz Callis

Mayor Bill Deter offered the Invocation prior to the opening of the meeting.

Item No. 1. Open the Meeting Mayor Deter opened the November 14, 2016 Regular Town Council Meeting at 7:00 p.m.

Item No. 2. Pledge of Allegiance Mayor Deter led in the Pledge of Allegiance.

Item No. 3. Determination of Quorum There was a quorum.

Item No. 4. Public Comments

Barbara Harrison – My comments are addressed directly towards Councilmember Propst. You were quite passionate about awarding RCS the contract for the trash and I just wanted to clarify a couple of things that you may or may not have known. First of all, for five years God Bless the USA Trash Service has given this town monthly service for free along with every event they gave us additional trash and recycling. RCS was very kind and gave to us for Easter at no charge and half price for the Festival. When it came to the Tree Lighting we did not want them to give us anything free; we really appreciate it. Every event I made sure that I wrote a letter of appreciation to both of those vendors for the service and the cooperation and the partnership that they gave to this town. My next comments, though won't sway the way it was voted, but I do want to get it on record. Through the campaign last year you repeatedly said that you were going to run open, honest and transparent so I was just wondering why you did not tell the council that you went to school with Joe Hudson's daughter or why you didn't tell them that she works for her father or why you didn't tell them she helped with your campaign? Open,

honest, transparent. Additionally, you seem to be distancing yourself from the Deal farm and you are an heir to that. Open, honest and transparent should count for everybody.

Councilmember Propst thanked Mrs. Harrison for her comments.

Walton Hogan – What I was wanting to thank folks is for being fiscally conservative. I personally am always on my guard when a government official shows up that has some impact on my personal life and gives me a great way for me to help him solve his problem. “I’m here to help you” rings hollow with me. Generating requirements and needing more people to monitor meeting those requirements is a classic way for a bureaucrat to increase the number of people that work for him and therefore increase his stature and increase his pay grade. I did not hear and may have missed it at the last Town Council meeting any reference to solutions that the speaker had already investigated to solve his potential problem. Specifically the waste management folks. I did not hear they had looked at ways to solve their data collection problem, they’d investigated the personnel required, they’d asked for money from the county commissioners, they prepared a pushback position using the elected representatives or their internal Union County procedures to point out that an unfunded requirement from the legislature was not a requirement but another task. Such a requirement without the money to implement it is just a waste of the legislature’s time and paper and cannot be met. I also heard from an apparently knowledgeable individual that the solution to part of their problem was to use the information available to them that they had either not gathered or had gathered and set aside. Government does not know how to compete with private industry. They do not understand the profit motive. I also physically use the transfer station on the other side of the county and it’s always appeared to me there is a noticeable number of individuals who are on break. Perhaps there is plenty of unused manpower already available and just waiting to be tapped. I am always leery of words without dollars attached especially when arm-waving, etc. accompanies the words. So I hear a solution to a non-, for the Town of Weddington at least, a non-existent problem. Please carefully consider the decision to join in at the least on the surface. Thank you very much.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda

Mayor Pro Tem Don Titherington suggested Council Comments be moved to the end of meeting and after Closed Session. All were in favor.

Councilmember Mike Smith made a motion to accept the agenda as amended. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 6. Consent Agenda

- A. Review and Consideration of 2017 Holiday Schedule**
- B. Call for a Public Hearing for Review and Consideration of Text Amendment to Appendix I.
– List of Acceptable Plant Species of the Weddington Zoning Ordinance to add items to the list**

C. Call for Public Hearing for Review and Consideration of Text Amendment to Section 46-45(b) (1), Section 58-54 (3) i 3 iv. Section 58-58 (3) i 3 iv and Section 58-58 (4) i 3 iv of the Weddington Zoning Ordinance regarding maintenance bonds

Councilmember Scott Buzzard moved to adopt the Consent Agenda as written. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Item No. 7. Approval of Minutes

A. Approval of October 10, 2016 Regular Town Council Meeting Minutes

Councilmember Janice Propst moved to approve the October 10, 2016 Regular Town Council Meeting Minutes as written. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Item No. 8 Public Hearing and Consideration of Public Hearing

A. Review and Consideration of Text Amendment to Section 46-45 (f) Addresses and Cluster Mailboxes

Mayor Deter opened and closed the public hearing as no one signed up to speak.

Planning Board Chairman Dorine Sharp summarized that the text amendment is just changing that instead of addressing being down by the Town it will be assigned by the Union County tax administrator's office.

Councilmember Buzzard made a motion to adopt the text amendment to Section 46-45(f) Addresses and Cluster Mailboxes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Item No. 9. Old Business

A. Review and Consideration of Preliminary Plat for the Major Subdivision Weddington Pond (Previously Sugar Magnolia)

Planning Board Chairman Dorine Sharp stated that Council had sent this item back to the Planning Board last month and that Council will be seeing two changes that have been made. The total parcel size of the three lots they looked up on Union County GIS is 21.5 acres however what they did not know

was that part of the property is under Highway 84 asphalt and that apparently in the past Providence Road and Highway 84 had been given permanent easement. The developer did not use any of that property for his yield plan and that they are required by our statutes to dedicate that property to NCDOT. It is already being used for public use so the Planning Board felt that the gross acreage of developable property should be excluding that portion of Highway 84 that is in the right-of-way. The yield plan was prepared using 18.95 acres so the plat map now says 18.95 acres and is excluding the easement to DOT. The second change is related to a stub road to the east that was into property that is being developed as Phase 2 of The Woods. Since The Woods is a gated community they will not be connecting to the stub and the Planning Board felt the property is small enough that there is no reason to leave the stub there.

Chairman Sharp - We have also received the letter from DOT stating that they will accept the entrance road even though there are no driveway cuts on that road.

Mayor Pro Tem Titherington inquired about the common area around their signage and Chairman Sharp stated there was a condition of approval that addressed the issue. Mayor Pro Tem Titherington also inquired about clearance by UCPW if they are going to have septic versus sewer. Chairman Sharp confirmed that they will be going sewer and have not done any of the work required with septic.

Chairman Sharp indicated that condition 4 has been satisfied with receipt of the letter from NCDOT.

Councilmember Smith made a motion to accept the preliminary plat for Weddington Pond with the conditions stated for 1-3. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Mayor Pro Tem Titherington asked Planning Board Chairman Sharp if the Council should make a text amendment related to gross acreage and property already dedicated to DOT. Chairman Sharp stated that the Planning Board has already started discussing it and probably needs to define that gross acreage does not include property that has already been dedicated to NCDOT.

B. Review and Consideration of The Woods Final Plat Phase 1 Map 1

Planning Board Chairman Sharp – The concern from the Planning Board with The Woods was the fact that there was no second entrance provided for that size subdivision so a compromise of sorts has been proposed that would allow them to take Phase 1 and to construct it in two parts calling them Map 1 and Map 2. The map that you have shows the lots that are shaded in green are Phase 1 Map 1. You'll see a little circle at the end of two of the roads. One of the conditions is that a temporary turnaround shall be constructed at the end of those two roads large enough for a fire truck to turn around. The other conditions for The Woods Map 1 are identical to what you saw last month.

Mayor Deter – So there's two turnaround circles?

Chairman Sharp – There's two turnaround circles.

Mayor Pro Tem Titherington – Dorine, where is the second one? I saw the first one.

Chairman Sharp – There’s one on the left and one on the right. The other road coming down in the middle is close enough to the intersection that we didn’t feel a turnaround was necessary.

Mayor Pro Tem Titherington – I see that there’s a deceleration lane added to the page 4 area of the map.

Chairman Sharp – Right. They were not required to do that but they have added that.

Mayor Pro Tem Titherington – Thank you. Appreciate it.

Town Attorney Anthony Fox – If I might, just for Council’s edification, this approach was the result of working with the planning staff and the developer and realizing that the Rea Road Extension while not currently defined created problems about the second connection to a major thoroughfare and it recognizes under Map 2 conditional approval subject to the alignment of the Rea Road Extension being established and then allows for Map 2 to then move forward. I would ask the Council if there is a motion for plat approval that the final plat approval incorporate in it the conditions for approval and conditional approval that are part of your package material that contains the “whereas’s” and the three page documents that clearly identify the lots in question as to which are Map 1 and Map 2 and that the motion incorporate that into the approval.

Chairman Sharp – Did you want to talk about Map 2 now and then do both motions?

Attorney Fox – That’s right. This is Map 1.

Mayor Deter – You were referring to what’s on page 59 in the agenda packet?

Attorney Fox – Starting at page 59 but since we are dealing with Map 1 and Map 1 incorporates that into the motion and we will move to the next Map 2 I would ask a similar motion to incorporate that.

Mayor Pro Tem Titherington made a motion to approve The Woods Final Plat Phase 1 Map 1 with the conditions outlined for approval and conditional approval as identified by our attorney – currently page 59 and 60 in the packet and would be the entire document up to c - for Phase 1 Map 1. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

C. Review and Consideration of Conditional Approval of the Woods Phase 1 Map 2

Mayor Pro Tem Titherington made a motion to conditionally approve The Woods Final Plat Phase 1 Map 2 subject to the terms and conditions for approval and conditional approval for Map 1 and Map 2 as shown in pages 59-61 in the packet. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

D. Review and Consideration of additional repairs to Town Hall

Councilmember Smith – As you all know we have been undergoing some roof repairs and porch repairs and as expected with that and a house this old we ran into some unexpected problems that were not found until work was underway and they were able to start digging into things. What happened here is that on the porch when they were starting to repair the mortar they found that there were two sections of that wall that were loose and unstable and needing to be repaired. If it was not, we were under the risk of the porch collapsing under the weight. So that was kind of an emergency repair that had to be done. There was some additional work that was unexpected when they ripped up the back walkway. The area apparently when the drain was put in it was put back improperly and caused more damage than what was originally suspected. So that increased some costs. The major cause of a lot of this damage to the brick was from water damage which could be traced back to the downspouts overflowing and not being cleaned and just over a period of time resulting in some water damage. I was hoping to do the drainage around the Town Hall later but because it was such a major cause of the problem with the wall being unstable he says “I cannot warranty this if you don’t do this repair at that time.” So I spoke to everybody individually about doing all the drainage around the Town Hall so we can just alleviate this once and for all and everyone seemed to agree on that. A lot of the bulk of repair costs, which surprised me, I would figure would be brick but it wasn’t. It was actually the drainage because it is so labor intensive. So if you’re kind of wondering why the costs of that is a little bit higher than some of the other work it’s because of the labor. So all the work that’s being done it’s really not an option. It really needed to be done so there was an added cost to this that we were not expecting so what I’m asking the Council to do today is to approve payment to Chris Wendt, the brick contractor, for the additional \$12,125.

Mayor Deter – Were you able to get a cost for the railings?

Councilmember Smith – No, I haven’t gotten that from him at this particular time. That might be an additional expense later on but that’s not covered on here. He is not going to install that until we get that price. He said something ballpark. It could be anywhere from \$900 to \$1600.

Councilmember Buzzard asked if he is going to do work on the porch if we want to include a not-to-exceed figure so that we don’t have to come back for the railings and just have him do the railings in addition. There was discussion as to the material and look of the railings. Mayor Deter asked if we want to match the rails for all three entrances and Councilmember Propst agreed that they should.

Town Attorney Fox questioned the date of June 21, 2016 on the estimate. Councilmember Smith stated that this is an oversight and that this is just an addendum to the original estimate from that date.

Mayor Deter stated that he knows this is work that has to be done due to the age of the house but inquired if we needed to go out for bid. Attorney Fox stated that this is just an additional estimate to the original contract and the amount was only subject to informal bid. The Town would just be amending the original contract to add additional unforeseen work.

Councilmember Smith made a motion to authorize the amendment to the agreement between the Town and Chris Wendt so that the total contract price (original and amendment) is not to exceed \$25,000 including the railings. The \$12,125 will be paid when work is completed and the additional amount for the railings will be paid when the rails are completed. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 10. New Business - None

Item No. 11. Update from Planner

Interim Planner Nadine Bennett – There’s not really that much to update you on. A lot of what’s been happening has been existing projects that have just been plodding along. Dorine and I did do a site walk on the property that’s behind the fire department. That was at least a month ago now. They were at the point where they were going to be doing PIMs but they put it off now. I think they have a little bit more work to do on the property apparently so they’re looking at maybe December or January for that. And we’ve also had interest in the property right next door which is in the downtown overlay and it would be an MX conditional rezoning and also in the downtown overlay. They are at the very, very beginning stages of that right now and it looks like a daycare. So, that could possibly be starting doing just initial review on that right now and discussing with them.

Mayor Deter and Mayor Pro Tem Titherington questioned if this was a charter school and Planner Bennett stated that it was not.

Mayor Pro Tem Titherington inquired if there was any update about where Beulah Church and Twelve Mile Creek come together. He believed it may be in the sketch plan phase. Planner Bennett asked if this was a 7 lot property and Mayor Pro Tem Titherington confirmed that it was. She stated that they haven’t heard anything more about it and that they knew that they had some issues in terms of road frontage and nothing more has been brought before her at this point. Mayor Pro Tem Titherington expressed concern over the bad turn there and Planner Bennett said they had already talked about them having an internal access. Mayor Pro Tem Titherington was wondering if when they looked at working with DOT to see if they could actually straighten the curve out and that even 10’ could make a tremendous difference and for the Town Planner to seed the thought if they come forward.

Mayor Deter questioned with respect to the MX daycare lot that there are a lot of details to be looked at with respect to the temporary connector road and access from the back of the Harris Teeter. Planner Bennett stated that she had spoken with Chairman Sharp and that one of the requirements is that they actually have an entryway into the Harris Teeter shopping center which seems odd because that would be sending them into the back end of the Harris Teeter. She said that the way it is laid out now they are going to have to have some other entry somehow. Planner Bennett said she would be talking with Mayor Pro Tem Titherington about it in the near future. Mayor Pro Tem Titherington inquired about the 10 year lease for the road that the Town gave right-of-way for. Planner Bennett stated they had looked at the language regarding that and the lease will expire in approximately another four years or so but that is actually not that long in the scheme of things.

Item No. 12. Code Enforcement Report

Sam Leggett provided the update report as part of the packet and Interim Planner Bennett did not have anything to add to it.

Interim Planner Bennett did have a question about the Cottonfield lot because there had been no change for months and legal action was pending and now it appeared there was no longer any legal action pending and she wasn't sure what had happened. Town Attorney Fox stated that it is still pending. Mediation is scheduled for November 29th. Mayor Deter and Councilmember Smith will be attending.

Mayor Deter inquired about Eagle Pass Court and wondered if that is still being monitored and for how long. Councilmember Buzzard stated that there is still construction going on there and that is why it is still being monitored.

Mayor Deter inquired about the notice of violation and citations and fines issued for Highway 84 and Twelve Mile Creek effective November 14th. Interim Planner Bennett is aware that the notice was sent and will follow up.

Item No. 13. Update from Finance Officer and Tax Collector

Finance Officer Gaylord informed the Council that the monthly financial statements are in their packets. She will make a budget transfer to cover the additional building maintenance repairs that were approved earlier in the evening.

Item No. 14. Public Safety Report

Mayor Pro Tem Titherington inquired if there was any follow up with Representative Craig Horn about the traffic issues on Twelve Mile Creek by the elementary school. Councilmember Smith stated that a meeting with the school principal has not yet been set up by Public Safety Committee member Kimberly Crooks. He stated that Representative Horn had some innovative ideas but Councilmember Smith is not sure how far they will go. Councilmember Smith will reach out to the principal himself if he does not hear anything back from Ms. Crooks.

Mayor Deter inquired if we are still doing car counts. Councilmember Smith stated that he has not seen the counter recently and he thinks that Public Safety Committee member Gordon Wilson has it and is awaiting instruction on where to put it. Mayor Pro Tem Titherington asked if we should put it out on Twelve Mile Creek so Ms. Crooks has some data for when she meets with the principal. Councilmember Smith agreed that this would be a good idea and said they will not set up the meeting with the principal for at least a couple of weeks so that they can capture this data.

Item No. 15. Transportation Report

Councilmember Buzzard discussed the new proposed Rea Road Extension and that Wesley Chapel will be having a meeting with NCDOT and their council next month in regard to that. He stated that the CRTPO Comprehensive Transportation Plan is nearing its completion. There were 173 give or take

comments received in the two-month comment period and only two were from Weddington residents despite the Town's efforts to get the word out.

Mayor Pro Tem Titherington stated that we should post the Wesley Chapel transportation meeting to the Town's website, Facebook page and its sunshine list. Councilmember Propst said she would speak to Town staff to make sure this happens.

Mayor Pro Tem Titherington and Mayor Deter discussed streetlights coming into Town where it is so dark. Mayor Pro Tem Titherington discussed lights towards Atherton and the roundabout there. Mayor Deter discussed Weddington-Matthews Road and Tilley-Morris. Councilmember Smith said that we discussed Tilley-Morris several years ago and decided not to do it because it would lead to questions as to how far to go with it and what other intersections. He said the situation is the exact same thing with Beulah Church and Waxhaw-Indian Trail. He said if we are serious about it we should task the Public Safety Committee with it. Mayor Pro Tem Titherington indicated that we had hoped to get Shea Homes to participate but they did not seem willing to do it. Councilmember Smith agrees with Mayor Deter that Tilley-Morris should be done first. Mayor Deter says traffic gets worse and worse or at least more and more every day.

Item No. 16. Closed Session – *This item was moved to before Council Comments by a motion made by Councilmember Smith in Additions and Deletions*

Councilmember Buzzard made a motion to go into closed session pursuant to N.C.G.S. 143-318.11 (a)(6) and N.C.G.S. 143-318.11 (a)(3). All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Council adjourned to closed session at 7:52 p.m.

Item No. 17. Possible Action from Closed Session

Councilmember Buzzard made a motion to come back into open session at 10:07 p.m. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Item No. 18. Council Comments – *This item was moved to the end of the meeting by a motion made by Councilmember Smith in Additions and Deletions*

Councilmember Propst- I do want to have on record some comments about the comments that were made in Public Comments. I was accused of having someone that we do business with on my campaign. Barbara Hudson Courtney did not participate in my campaign whatsoever. She is a person that has lived in the Weddington community all my life and her family has lived in the Weddington community all my life. She did attend elementary school – I was accused of going to school with her – she did attend elementary school with me as a child. She is about two years younger than me. As far as going to

additional school with me that is incorrect. RCS is a company that has been around Union County for a significant amount of time. They are a family that has owned their company in Union County and are a family that has been in Weddington for forever. As far as me having a personal relationship or choosing them or asking you to consider them for a vendor, they don't need the Town's business. I just offered them up as an opportunity to be a vendor because they have done a lot of business with us with our events. If the Town would like to choose another vendor or go back to God Bless the USA maybe I misunderstood the conversation. I thought God Bless the USA was no longer wanting to do business with us and was charging us a different amount and you wanted choices of vendors. I knew them because of their relationship to me as far knowing them historically and also because I knew them to be a vendor provider to the Town, but as far as me having any personal relationship with them in my campaign that is totally incorrect. Her father did give me money in my campaign because he has known me all my life.

And there's an accusation about me distancing myself from my family's farm. The Deal family farm has been here for five generations. I did not know of one town council meeting in Weddington that we have involved the Deal farm historically in the last six or eight months and if there was a financial reason for me to recuse myself I've already offered that as an option if there is an issue with the Deal farm. Thank you.

There were no other council comments.

Item No. 19. Continue Meeting

Councilmember Buzzard moved to recess the Town Council meeting until Monday, November 21st at 6:00 p.m. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

The meeting ended at 10:10 p.m.

Bill Deter, Mayor

Attest:

Leslie Gaylord, Finance Officer

**TOWN OF WEDDINGTON
CONTINUED TOWN COUNCIL MEETING
MONDAY, NOVEMBER 21, 2016 – 6:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Continued Meeting at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on November 21, 2016, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Councilmembers Michael Smith, Scott Buzzard, Janice Propst, Town Attorney Nick Tosco and Finance Officer Leslie Gaylord

Absent: Mayor Pro Tem Don Titherington, Town Administrator/Clerk Peggy Piontek

Visitors: Ed Humphries

This meeting was continued from the November 14, 2016 Regular Town Council Meeting.

Item No. 1. Reopen the Meeting Mayor Bill Deter opened the November 21, 2016 Continued Town Council Meeting at 6:06 p.m.

Item No. 2. Additions/Deletions to the Agenda Councilmember Scott Buzzard moved to add an agenda item for discussion of N-Focus for the clerk and/or administrator position. All were in favor with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard and Propst

NAYS: None

Item No. 3. Closed Session

Councilwoman Janice Propst made a motion to go into closed session pursuant to N.C.G.S. 143-318.11 (a)(3) and N.C.G.S. 143-318.11 (a)(6). All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard and Propst

NAYS: None

Council adjourned to closed session at 6:10 p.m.

Item No. 4. Possible Action from Closed Session

Councilmember Michael Smith made a motion to come back into open session at 6:29 p.m. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard and Propst

NAYS: None

Mayor Deter – We have come to an agreement to accept the separation agreement of Peggy Piontek effective today, November 21st. I will be signing that agreement to make it official.

Item No. 5. Discussion of Use of N-Focus for Possible Clerk or Administrator Assistance

Councilmember Buzzard – N-Focus does provide clerk services. I think that as with the planner position it might be a good idea to allow N-Focus to come in for 3-6 months to give us an idea about what a clerk position might entail as far as our needs.

N-Focus doesn't have people sitting around so there is some logistics as far as that goes but they would be able to have somebody here. Obviously we have Ed Humphries for tonight and I believe next Monday also. Then they would be able to provide something a little more stable, as our needs might be, starting on December 5th if we wanted to go that route.

Mayor Deter – So is Ed here tonight as an administrator/clerk or as a planner?

Councilmember Buzzard – Ed is here tonight as a clerk.

Mayor Deter – I don't want to muddy this up here but do we have an agreement and do we know what we're paying Ed and that kind of stuff that's been reviewed by the Council?

Councilwoman Propst – That's the reason you're discussing it, isn't it?

Councilmember Buzzard – To me, it was kind of flying by the seat of our pants. Tonight we are paying \$88/hour. That would be a different agreement if we had something a little more stable. That's a la carte for the time and effort for tonight and month-end.

Councilwoman Propst – So for the meeting of next Monday night, the Planning Board, is that the same at \$88?

Councilmember Buzzard – That would be correct, yes.

Councilmember Smith – Leslie and I were talking about this earlier and we were talking about since Tonya has been doing it for several years now do we want to continue to keep her doing the Planning Board or do we want to turn it over to N-Focus? Because if not, then that really leaves the Council meetings and the Public Safety meetings that we will need a clerk.

Councilwoman Propst – Yes, because Tonya is doing the Planning Board meetings and she's okay doing that until we get that position filled, I think.

Councilmember Smith – Okay, so maybe we should just, what do you think, just keep it to Council and Public Safety meetings?

Councilmember Buzzard – I would be fine with that. I just wanted to make sure that we were covering as much as we need to cover, obviously.

Mayor Deter – Tonya’s been doing all of the Planning Board meetings.

Councilmember Buzzard – I know that our staff was stretched thin so while I had things in motion I figured I would have that available. It would be no problem rolling that back.

Councilmember Smith – And that’s a good thing to consider too, Scott. Now that you mention it since we are kind of in the transition stage do we want to relieve her of that responsibility until the transition fully takes place or do we want to just keep it as it’s going?

Councilwoman Propst – As a clerk you can transcribe minutes at the Planning Board meeting next Monday night, correct?

Ed Humphries – Sure.

Councilwoman Propst – Maybe we do because I think she’s already feeling a little bit stretched. So let’s just move forward with Ed for next week and then as of December 5th we would have someone available whether it’s Ed or someone else for however many hours would we plan - like 20 hours a week?

Councilmember Buzzard – That’s kind of where I was going. I think perhaps that we might, especially with Don not being here, we might want to have a discussion of a more solidified N-Focus contract and plan on the agenda for our December meeting. As I said we have an a la carte option for tonight and next Monday. I would imagine that we could also do that, or possibly even have Leslie if she wanted to do that, but we certainly would be able to have our December meeting covered and then at the December meeting we can lay out the plan as far as what we want to do because it’s rather short notice for all of the parties.

Councilwoman Propst – And as of December 5th they could do whatever hours we need during the week as well? Like 20 hours, 24 hours, whatever we would find that we need?

Councilmember Buzzard – Yes.

Councilwoman Propst – And that would include meetings so on the weeks with meetings we might want a few more hours in the week. We can discuss it at the Town Council meeting.

Councilmember Buzzard – Correct, and one of the options that they look at and which I said I thought might be all right with us is to have some offsite availability where they would be doing the minutes offsite and they wouldn’t necessarily have to be here at Town Hall.

Councilman Smith – Oh yeah, sure.

Councilwoman Propst – Because that’s the main job of the clerk anyway. It’s probably 80% minutes.

Mayor Deter – You keep saying clerk and I hear 20 hours. Are we talking about clerk functions only or are we talking about an interim replacement for Peggy as a clerk/administrator which was 40 hours a week at a minimum?

Councilwoman Propst – At this point I'm talking about clerk.

Mayor Deter – Is that what the Council is talking about?

Councilman Smith – Clerk.

Mayor Deter – Clerk only? And then what about next week? If we are saying December 5th, are there any plans for coverage next week?

Councilman Smith – For the clerk's position?

Mayor Deter – Yeah.

Councilman Buzzard – With N-Focus.

Mayor Deter – Okay, so are we talking 20 hours the week of the 28th?

The council indicated no.

Councilwoman Propst – We don't have the hours covered for that next week. He's saying next week we do not have the hours covered except for the meeting.

Councilmember Buzzard – We've got staff and staff is doing, I think, a very good job and I know that we're asking a lot of them.

Mayor Deter – We have one staff and Leslie for 6 hours. So, I just want to make sure I'm capturing here. We're saying for this week is the holiday week so we will plug on through. We're saying the week of the 28th we are talking about having Ed cover the Planning Board meeting and nothing else next week?

Councilmember Buzzard – Yes.

Councilwoman Propst – And that way Tonya can handle all the other things.

Mayor Deter – And nothing else next week. Ed's going to do the Planning Board meeting Monday night and nothing else?

Councilmember Buzzard – Correct. I think the anticipation is though that he would be able to handle them and that is one of the reasons why I was hoping and glad that he was able to come in tonight is that he can in addition to the minutes for tonight would also be able to do the minutes for last Monday so that we could have that function handled.

Councilwoman Propst – Offsite. We can go ahead and give him those and he can be doing those offsite.

Mayor Deter – He could take the tapes and do the minutes excluding ... you're saying last month?

Finance Officer Leslie Gaylord – I think we were debating whether it would be better just to leave those with staff currently since we are familiar with the formatting and how you guys like them but I will leave that up to you.

Ed Humphries – I can certainly review them and make sure they're like they need to be or make suggestions to her.

Mayor Deter – There is a section like today of closed session minutes. Anthony took closed session minutes last Monday so it's up to you three guys here. How do you want to do the regular council minutes?

Ed Humphries – If I may, Mr. Mayor, she's [Leslie Gaylord] familiar with it, she is doing it there just about done anyway or can be; I certainly will help her do that. I will be at the next meeting – the Planning Board meeting – and handle that myself and make sure that she gets them or whoever gets them. Theoretically in the contract you are contracting with N-Focus to provide a service. You're not really appointing a clerk yet because a clerk is a thing you appoint. I'm not a clerk but I'm acting as a clerk function – a scribe of minutes, helping them with whatever I can do to help until you do sign a contract that we do provide a clerk for you and then you will appoint that person the clerk.

Mayor Deter – So right now, tonight and Monday night is covered. I mean is it covered contractually? How are we doing this?

Town Attorney Tosco – It's interim clerk/administrator services with N-Focus and not with an individual or a clerk.

Mayor Deter – So we don't need a contract. We can just say “N-Focus, have Ed handle this?”

Town Attorney Tosco – I was under the impression it was going to be an agreement.

Mayor Deter – The original thought but things are moving quickly and so between Friday afternoon and today we were unable, it appears, to get some kind of interim or partial agreement.

Councilmember Smith – I don't think it was necessarily; we were trying to ascertain exactly what our needs were.

Councilmember Buzzard – That's one thing and if it's an a la carte agreement I wasn't exactly sure how that needed to be structured yet. Obviously this meeting might only last an hour or however long, the Planning Board is going to have some indeterminate amount of time so it's not like we could say we are going to contract out for 8 hours or 10 hours so I viewed it more as, at least in the short term, more as a service and less as a contract but I'm not sure...

Ed Humphries – Did N-Focus, excuse me for interrupting, did N-Focus discuss an hourly rate of \$88?

Councilmember Buzzard – Yes.

Ed Humphries – Well, what you could do is just go ahead and make a motion to approve a contract for \$88/hour of time used. Until she can get one; I can get you one tomorrow from her.

Attorney Tosco – That’s what I was going to recommend is that there be a motion and approval of entering into a contract for a certain amount for interim clerk/administrator services and then the actual execution of that can occur at a later date.

Ed Humphries – And we can certainly put it as not to exceed a certain amount if you want to so it won’t be open-ended.

Mayor Deter – I think what Nick is saying is we just need a motion to say we are going to get interim clerk/administrator but I think what these three people are saying is clerk only and I’ll use as an example \$88/hour not to exceed “x” number of hours and then that can be put in a contract and memorialized and I can sign it tomorrow. So we just need a determination from the three of you what that contract is going to say.

Ed Humphries – And then the other agreement can come on the 3rd for the detailed agreement.

Councilmember Buzzard moved that we contract with N-Focus for interim clerk services between now and through the week of December 5th for \$88/hour not to exceed twenty hours. All were in favor with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard and Propst

NAYS: None

Mayor Deter – I guess the next question and discussion is we’ve been focusing on clerk and we’ve got ourselves covered through the week of December 5th.

Councilmember Smith – So what’s going to happen on the meeting night?

Councilwoman Propst – We’re going to sign an N-Focus contract and we’ll have a copy of it so that we can review it.

Mayor Deter – We’re going to have this contract tomorrow.

Councilwoman Propst – No, I’m talking about a 3-month contract...

Councilmember Buzzard – Patty is actually putting together several options for us so we can kind of look and see how hours wise what we think we might want to go with, duration wise what we think we might want to go with.

Mayor Deter – On clerk or clerk/admin?

Councilmember Buzzard – Clerk.

Mayor Deter – Okay, so the Council’s direction, I want to make sure I’m clear on and capture it, is right now the Council is looking at pursuing an interim clerk function only without an administrator function. Is that correct?

Councilwoman Propst – Correct.

Mayor Deter – Okay. I think that has it. I don’t want to get us into the weeds. We can get into details later in terms of collecting and reviewing time sheets and approving vacation and sick days and stuff like that because I think that’s more administrator than clerk function. Correct? So if someone on the week of the 5th calls in sick or says I’d like to take a day’s vacation who will they contact?

Councilmembers Smith and Propst – Scott.

Mayor Deter – And then, Scott, will you communicate that to all of the council?

Councilmember Buzzard – If that’s what they want me to do, yes.

Mayor Deter inquired if there was any further discussion on this or other items. Attorney Tosco inquired about going into another closed session and Council indicated there would not be another closed session.

Councilwoman Propst - We don’t have another item on the agenda so can we discuss the Town Planner/Administrator? Can we discuss another item if not’s on the agenda?

Attorney Tosco – That’s why I thought we were going into closed session.

Council agreed that they had indeed intended to have another closed session.

Item No. 6. Closed Session

Councilwoman Janice Propst made a motion to go into closed session pursuant to N.C.G.S. 143-318.11 (a)(3) and N.C.G.S. 143-318.11 (a)(6). All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard and Propst

NAYS: None

Council adjourned to closed session at 6:51 p.m.

Item No. 7. Possible Action from Closed Session

Mayor Deter stated that the motion was made upstairs to come out of closed session and that we are now back in regular open session at 7:07 p.m.

Item No. 8. Adjournment

Councilman Smith moved to adjourn the November 21, 2014 Continued Town Council meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard and Propst

NAYS: None

The meeting ended at 7:07 p.m.

Bill Deter, Mayor

Attest:

Leslie Gaylord, Finance Officer

DRAFT

TOWN OF W E D D I N G T O N

MEMORANDUM

TO: Town Council

FROM: Nadine Bennett, Interim Zoning Administrator/Planner

DATE: December 5, 2016

SUBJECT: Update to List of Acceptable Plant Species

We received a landscape plan for the Atherton Phase 3 buffer. The plan listed a number of plant species that were not specifically listed in our ordinance. The landscape architect who submitted the plan noted that our current plant list is dated and could use a refresh. He advised that plant lists “can’t (and shouldn’t) be all inclusive, yet they should provide for variety and flexibility in plant selections, which in turn, adds to the variety and aesthetics of a locale.” He suggested the following language (to which I made minor revisions):

Alternate plant varieties, hybrids, cultivars, subspecies, etc. of those species (or varieties, hybrids, cultivars, etc.) listed may also be submitted for plan review and approved at the discretion of the Zoning Administrator.

This language makes sense to me and will solve the short term issue of the Atherton plan. However, I also believe that it might be best (in the future) to take the plant list out of the ordinance and make it a standalone document referenced in the ordinance instead. This way, the list could evolve and change without constant text amendments.

This change was recommended unanimously by the Planning Board at their October meeting.

APPENDIX I. - LIST OF ACCEPTABLE PLANT SPECIES

Alternate plant varieties, hybrids, cultivars, subspecies, etc. of those species (or varieties, hybrids, cultivars, etc.) listed may also be submitted for plan review and approved at the discretion of the Zoning Administrator.

| Botanical Name | Common Name |
|-------------------------------|----------------------|
| LARGE MATURING TREES | |
| <i>Abies firma</i> | Japanese fir |
| <i>Acer platanoides</i> | Norway Maple |
| <i>Acer rubrum</i> | Red Maple |
| <i>Acer saccharinum</i> | Silver Maple |
| <i>Saccharum</i> | Sugar Maple |
| <i>Altis laevigata</i> | Sugar hackberry |
| <i>Amelanchier Canadensis</i> | Serviceberry |
| <i>Betula negra</i> | River Birch |
| <i>Carya illinoensis</i> | Pecan |
| <i>Carya glabra</i> | Shagbark hickory |
| <i>Carya cordiformis</i> | Pignut hickory |
| <i>Cedrus deodara</i> | Deodar cedar |
| <i>Celtis occidentalis</i> | Hackberry |
| <i>Cryptoeria japonica</i> | Japanese cryptomeria |

TOWN OF WEDDINGTON

MEMORANDUM

TO: Town Council

FROM: Nadine Bennett, Interim Zoning Administrator/Planner

DATE: December 5, 2016

SUBJECT: Change in Language on Bond Amounts

This change is required to keep our language consistent with state statutes. The Planning Board unanimously recommended this language at their October meeting.

Sec. 46-45. - Final major subdivision plat submission and review.

(b)

Improvement and guarantee standards.

(1)

Optional agreement. In lieu of requiring the completion, installation and, if applicable, dedication of all improvements prior to final plat approval, the town may enter into an agreement with the subdivider whereby the subdivider shall guarantee completion of all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat within two years from the date of final plat approval, unless otherwise specified in the written agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the town council; provided, however, that all other requirements of this article are met. To secure this agreement, the subdivider shall provide either one or a combination of the following guarantees in an amount equal to ~~4.5~~ 1.25 times the costs, as estimated by the subdivider and approved by the town planner or engineer, of installing all required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. The amount shall be subject to the approval of the town council or the planning board; provided, however, that the planning board shall have no authority to approve bonds in excess of \$1,000,000.00.

Sec. 58-54. - R-40 single-family district.

(3)

Yard regulations

i.

Maintenance plans and maintenance agreement:

3.

The maintenance plan shall be submitted with an application for preliminary plat approval of the subdivision, and shall be in accordance with the following requirements:

- i. The maintenance plan shall specify ownership of required open space.
- ii. The maintenance plan shall establish a regular operation and maintenance program appropriate to the uses to be undertaken on the subject open space, pursuant to subsection [58-58\(4\)g.2](#).
- iii. The maintenance plan shall specify required insurance and all maintenance and operating costs, and shall define the means for funding the maintenance plan on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- iv. The property owner or other specified party as provided above, shall be required to escrow or bond sufficient funds for the maintenance and operation costs of the open space for two years. The amount of such escrow or bond shall be equal to ~~4.5~~ 1.25 of the biannual estimated maintenance and operational costs, and shall be in a form as provided in subsection [46-45\(b\)](#).

Sec. 58-58. - R-CD residential conservation district.

(3)

Standards for developments not located within a conservation subdivision.

- i. *Maintenance plans and maintenance agreement:*
 1. The cost and responsibility of maintaining required open space shall be borne by the fee simple owner of the required conservation lands, or by another party as specified in an executed, binding and enforceable maintenance agreement, who is a holder of the conservation easement.
 2. The applicant must submit, with an application for preliminary plat approval, a maintenance agreement that obligates either the property owner of the open space, or other specified party as provided above, to implement the maintenance plan.
 3. The maintenance plan shall be submitted with an application for preliminary plat approval of the subdivision, and shall be in accordance with the following requirements:
 - i. The maintenance plan shall specify ownership of required open space;
 - ii.

The maintenance plan shall establish a regular operation and maintenance program appropriate to the uses to be undertaken on the subject open space, pursuant to subsection (4)g.2. of this section;

iii.

The maintenance plan shall specify required insurance and all maintenance and operating costs, and shall define the means for funding the maintenance plan on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

iv.

The property owner or other specified party as provided above, shall be required to escrow or bond sufficient funds for the maintenance and operation costs of the open space for two years. The amount of such escrow or bond shall be equal to ~~4.5~~ 1.25 times the biannual estimated maintenance and operational costs, and shall be in a form as provided in subsection [46-45\(b\)](#);

(4)

Standards for developments located in conservation subdivisions.

i.

Maintenance plans and maintenance agreement.

1.

The cost and responsibility of maintaining the required conservation lands and associated common facilities shall be borne by the fee simple owner of the required conservation lands, or by another party as specified in an executed, binding and enforceable maintenance agreement, who is a holder of the conservation easement.

2.

The applicant must submit, with an application for preliminary plat approval, a maintenance agreement that obligates either the property owner of the conservation lands, or other specified party as provided above, to implement the maintenance plan.

3.

The maintenance plan shall be submitted with an application for preliminary plat approval of a conservation subdivision, and shall be in accordance with the following requirements:

i.

The maintenance plan shall specify ownership of required conservation lands.

ii.

The maintenance plan shall establish a regular operation and maintenance program appropriate to the uses to be undertaken on the subject conservation lands, pursuant to subsection (4)g.2. of this section.

iii.

The maintenance plan shall specify required insurance and all maintenance and operating costs, and shall define the means for funding the maintenance plan on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

iv.

The property owner or other specified party as provided above, shall be required to escrow or bond sufficient funds for the maintenance and operation costs of the conservation lands for two years. The amount of such escrow or bond shall be equal to ~~4.5~~ 1.25 times the biannual estimated maintenance and operational costs, and shall be in a form as provided in subsection 46-45(b).

TOWN OF WEDDINGTON

Employee Handbook

Adopted October 8, 2007

Amended and Adopted by Resolution January 14, 2008

Amended with the Adoption of The MAPS Group Recommendations on 7/13/09

Amended and Adopted by Resolution November 14, 2016

IMPORTANT NOTICE/EMPLOYEE ACKNOWLEDGMENT

I ACKNOWLEDGE THAT I HAVE RECEIVED AND REVIEWED A COPY OF THE TOWN OF WEDDINGTON'S ("THE TOWN") EMPLOYEE HANDBOOK. I UNDERSTAND THAT THE POLICIES CONTAINED IN THIS EMPLOYEE HANDBOOK SUPERSEDE AND REPLACE ANY AND ALL PRIOR POLICIES OR PRACTICES OF THE TOWN. I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO READ AND COMPLY WITH THE PROVISIONS OF THE EMPLOYEE HANDBOOK.

I ACKNOWLEDGE THAT I HAVE REVIEWED THE TOWN'S ANTI-HARASSMENT POLICY. I FURTHER ACKNOWLEDGE THAT THE POLICY HAS BEEN EXPLAINED TO ME, THAT I HAVE BEEN GIVEN AN OPPORTUNITY TO ASK ANY QUESTIONS I MAY HAVE, AND THAT I UNDERSTAND ITS TERMS AND PROVISIONS.

I ACKNOWLEDGE THAT THIS EMPLOYEE HANDBOOK IS MERELY A STATEMENT OF POLICIES AND DOES NOT CONSTITUTE A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED, BETWEEN ME AND THE TOWN. I UNDERSTAND THAT NOTHING CONTAINED IN THE HANDBOOK MAY BE CONSTRUED AS CREATING A PROMISE OF FUTURE BENEFITS OR A BINDING CONTRACT WITH THE TOWN FOR BENEFITS OR FOR ANY OTHER PURPOSE. I UNDERSTAND THAT THE TOWN IS AN "AT-WILL" EMPLOYER AND AS SUCH, EMPLOYMENT WITH THE TOWN IS NOT FOR A FIXED TERM OR DEFINITE PERIOD AND EITHER I OR THE TOWN CAN TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON NOT PROHIBITED BY LAW, WITH OR WITHOUT PRIOR NOTICE. NO SUPERVISOR OR OTHER REPRESENTATIVE OF THE TOWN HAS THE AUTHORITY TO ENTER INTO ANY AGREEMENT FOR EMPLOYMENT FOR ANY SPECIFIED PERIOD, OR TO MAKE ANY AGREEMENT CONTRARY TO THE ABOVE, UNLESS EXPRESSED IN WRITING, WITH THE UNDERSTANDING SPECIFICALLY SET FORTH AND SIGNED BY MYSELF AND THE TOWN COUNCIL.

I AGREE THAT IF THERE IS ANY POLICY OR PROVISION IN THE HANDBOOK THAT I DO NOT UNDERSTAND, I WILL SEEK CLARIFICATION FROM MY SUPERVISOR OR THE TOWN ADMINISTRATOR. I UNDERSTAND THAT THIS HANDBOOK IS A GENERAL GUIDE TO THE TOWN'S POLICIES AND PRACTICES. I ALSO UNDERSTAND THAT THESE POLICIES AND PROCEDURES MAY BE EVALUATED, AND THAT THE TOWN RESERVES THE RIGHT TO INTERPRET, AMEND, MODIFY OR TERMINATE THEM AT ANY TIME, WITH OR WITHOUT NOTICE.

DATE EMPLOYEE NAME (PRINTED)

EMPLOYEE SIGNATURE

TOWN OF WEDDINGTON

Employee Handbook

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Purpose

The purpose of this Handbook is to give each employee basic procedures and policies from which to meet the expectations of the Town, its vendors, residents, customers, co-workers, and guests. This Handbook contains the basic rules that the Town expects its employees to abide by in order to create a safe, productive work climate. Finally, this Handbook will define the standards each employee will be expected to demonstrate when representing the Town.

I. GENERAL POLICIES

A. Open Door Policy

Policies, rules and procedures are designed with the benefit of both the employee and the Town in mind. Employees who believe they have been treated unfairly or in a manner inconsistent with established policies are encouraged to communicate this to their supervisor, the Town Administrator, the Town Mayor or the Town Council.

Management will protect each employee's right to discuss a problem or concern without fear of reprisal on any issue related to pay, hours, working conditions, working relationships, and Town policy and procedure.

B. Supervision/Management

Each employee reports to a direct supervisor or his or her designee in the supervisor's absence.

As part of each employee's job duties, he or she is expected to carry out all directives set forth by his or her unless such directives would compromise the safety of the employee, representative, co-workers or others and/or may violate federal, state or local laws or regulations.

Failure to cooperate with or follow said directives will result in disciplinary action up to and including termination of employment.

C. Equal Employment Opportunity

The Town is committed to the principles and spirit of equal employment opportunity. Our employment policy and practice is to recruit and employ the most qualified applicants available and to give equal employment opportunity to all qualified persons without regard to race, color, religion, sex, national origin, age, disability, veteran status, or any other characteristic protected by law. The Town actively seeks and to employ qualified persons in all job classes and administers all personnel actions affecting employees without discrimination that is unlawful under applicable federal and state laws.

This policy of equal employment opportunity extends to all aspects of employment, including, but not limited to, recruitment, hiring, training, promotion, transfer, reassignment, demotion, discipline, discharge, performance evaluation, compensation and benefits. In addition, it is the policy of the Town to provide a work environment that is free from unlawful harassment and discrimination. Employees with questions or concerns regarding any type of discrimination or unfair treatment in the workplace have a responsibility to bring these issues to the attention of their supervisor, Town Administrator, Town Mayor or Town Council, regardless of whether the employee or someone else is the subject of the discrimination. Employees of the Town may raise concerns and make reports of discrimination without fear of reprisal. The Town Administrator will promptly investigate all claims of discrimination. The confidentiality of all such inquiries and reports will be respected to the fullest extent possible. No employee will be

penalized or otherwise disciplined for appropriately raising a claim of discrimination in the workplace. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment

D. Anti-Harassment

It is the Town's policy to provide an environment that is free from unlawful harassment.

Therefore, all forms of behavior that is harassing, intimidating, coercive or disruptive, demeaning or belittling related to an employee's race, color, religion, sex, national origin, age, disability, veteran status, or any other characteristic protected by law constitute violations of this policy. In furtherance of this policy, the Town will not tolerate the use of racial, religious, sexual, ethnic, gender-related, age-related, or disability-related epithets, innuendoes, slurs, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct within its facilities that promote unlawful harassment. In addition, all forms of verbal and physical harassment based on the above categories are prohibited and will not be tolerated.

With regard to sexual harassment in particular, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature are considered instances of sexual harassment when:

- Submission to and/or tolerance of the unwelcome conduct is explicitly or implicitly made a term or condition of a person's employment;
- An employee's submission to, tolerance of, and/or rejection of such unwelcome conduct is used as the basis of employment decisions that affect the employee; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive work environment.

It is important to remember that behavior which one individual considers innocent or harmless may be regarded as unlawful harassment by another person. Beyond being in violation of the Town's policy, harassment of a sexual nature or based on some other protected characteristic is against the law, and the Town will not tolerate such harassment of its employees by anyone, including officials of the Town, other employees or individuals conducting business with the Town. Any employee who violates this harassment policy or the Town's commitment to equal employment opportunity will be subject to disciplinary action, up to and including termination of employment.

It is the responsibility of every employee to report every instance of harassment, regardless of whether the employee or someone else is the subject of the harassment. The employee should write down what happened, including the date, time, location of the incident, names of persons involved, any witnesses, and what he or she did to discourage the harassing behavior. The employee can discuss the incident without fear of reprisal with his Supervisor, the Town Administrator, Town Mayor or Town Council. The confidentiality of all such inquiries and reports will be respected to the fullest extent possible. Retaliation against employees who make complaints under this policy is expressly prohibited. No employee will be penalized in any way for appropriately voicing a problem, concern, or complaint.

E. Immigration Law Compliance

The Town is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 or participate in the E-Verify program and present documentation establishing identify and employment eligibility.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Town Administrator. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

F. Employee Activities

Nothing in this Handbook, or in any of the Town's policies or protocols, is intended to preclude or dissuade employees from engaging in activities protected by state or federal law. Such protected activities include discussing wages, benefits or terms and conditions of employment; forming, joining or supporting labor unions; bargaining collectively through representatives of their choosing; raising complaints about working conditions for their and their fellow employees' mutual aid or protection; or other legally required activities. This statement applies to all of the

Town's policies and practices.

G. Employment Status

All employment with the Town is "at will." This means that either the employee or the Town can terminate the employment relationship at any time, with or without notice, and for any reasons not prohibited by law. The following employment status terms are defined for the purpose of benefits:

- Full-time* - at least 40 hours per week on a regular and consistent basis.
- Part-time* - less than 40 hours per week on a regular and consistent basis.
- Seasonal* - employed for a temporary, non-regular, limited period of time.

II. COMPENSATION AND PAYROLL PRACTICES

A. Work Hours and Overtime Pay

Work hours and break times will be scheduled based on the employee's assignment, and by the supervisor responsible for the schedule. Employees will be scheduled to work between 20 – 40 hours per week, more or less as needed. Due to changing business conditions, start times and days of the employee's normal work schedule must remain flexible.

When operating requirements or other business needs cannot be met during scheduled working hours, employees may be required to work overtime hours. When possible, advance notification of these mandatory assignments may be provided. All overtime work must receive the Town Administrator's prior authorization. Failure to receive prior authorization before working the overtime may result in disciplinary action, up to and including termination of employment. Overtime assignments will be distributed as equitably as practical to employees qualified to perform the work required. Non-exempt employees are eligible for overtime pay in accordance with applicable federal and state laws at a rate of one and one-half times their regular rate of pay

for all hours worked over 40 hours in any given workweek. Overtime pay is based on hours actually worked. Vacation, Sick Leave, funeral leave, military leave, and paid holidays are not considered "hours worked" in the computation of overtime.

Non-exempt employees must obtain approval from their supervisors in advance of working overtime. Failure to work scheduled overtime, or working over 40 hours a week without obtaining approval from their supervisor will be subject to disciplinary action, up to and including termination of employment. Other than meal breaks, which are unpaid, each employee may take two 15 minute paid breaks per day – one in the morning and one in the afternoon.

Employees will either be paid twice a month or once a month depending on their job classification. Employees will be informed of their specific pay date(s) when hired. The Town reserves the right to change specific pay dates with proper notice. At the employee's consent, pay checks may be distributed by direct deposit to the employee's chosen account, in which case paystubs will be available from the Town Administrator. Negotiable live checks will not be released to anyone other than the employee without the employee's written consent and proper identification presented by the authorized party.

If the employee requests to have his check mailed, it will be sent via U.S. Postal Service. A lost or stolen check will be investigated before a new check is authorized. If the check was lost or stolen after release to the employee, the employee may be responsible for any fees associated with replacing the check - i.e. stop payment fees.

Employees are classified and paid in accordance with the Fair Labor Standards Act ("FLSA").

The terms "exempt" and "non-exempt" identify whether or not jobs are subject to the FLSA's overtime and minimum wage requirements. The exempt or non-exempt status of a job is determined by the Town Council in accordance with FLSA regulations and standards. The Town Administrator will inform each employee of his or her exempt or non-exempt status at the time of their hire. The status is determined on the basis of legal criteria which include, for example, the employee's job duties and the level and form of compensation that the employee receives.

1. Exempt Employees

Exempt positions are not governed by the minimum wage and overtime requirements of the FLSA and, thus, are not entitled to overtime pay.

2. Non-Exempt Employees

Employees in non-exempt positions are subject to the minimum wage and overtime requirements of the FLSA, and will be paid one and one-half (1.5) times their normal rate of pay for any hours worked beyond forty (40) hours per week. All overtime work must receive the Town Administrator's prior authorization. Failure to receive prior authorization before working the overtime may result in disciplinary action, up to and including termination of employment. Non-exempt employees must record all of the hours they actually work, and may secure a time sheet for this purpose from the Town Administrator. Hours of work should be reported according to the procedures explained at the time of hire.

If the Town makes an improper deduction from an exempt employee's paycheck and such error is brought to the attention of the Town's Finance Officer or Town Administrator, the Town will immediately reimburse the employee for such improper deduction.

B. Time Keeping Procedures

The Town Administrator will validate each time record per pay period. It is each employee's responsibility to ensure that the employee's time records are reported accurately and completely and free of fraud and misrepresentation. Any misrepresentation of time records could result in disciplinary action up to and including termination of employment and/or criminal prosecution.

Should the employee feel there is an error in the employee's pay, the employee must report the discrepancy within five (5) business days. All discrepancies will be investigated and if necessary, changes will be reflected in the next scheduled pay check.

Accurately recording time worked is the responsibility of every employee. NO employee shall ever fill out another employee's time record. Failure to comply with this requirement may result in disciplinary action up to and including the termination of employment and/or criminal prosecution.

C. Change of Personal Data

Each employee is responsible for ensuring his personal information is current and correct. Employees who change their personal data, including but not limited to, address, phone number, marital status, dependents, etc., should notify the Town in writing within two (2) weeks of any such change.

Failure to notify the Town of any change in the employee's personal data may result in the employee's failure to receive information which may affect the employee's pay, benefits or employment status. It is always in the employee's best interest to keep the Town aware of all changes in status or to his personal data.

III. ON THE JOB

A. Performance Evaluations

Feedback and evaluations of performance, attendance, teamwork, and general attitude will be on-going throughout employment. A formal, written evaluation may be conducted following the completion of an initial 90-day period and the Town may consider an increase of up to 5% in the employee's pay. The Town will endeavor to conduct a formal, written annual evaluation of each employee's previous year's performance at or near the end of the 1st quarter of each calendar year.

Any changes in compensation, including both an increase or decrease in same, may be made when business conditions merit such a change, may not coincide with a formal, written evaluation.

B. Absences and Tardiness

Attendance should be dependable, reliable and in accordance with set schedules. Any non-compliance with an assigned work schedule disrupts the efficient operation of the Town, poses a hardship on coworkers, and could result in disciplinary action up to and including termination of employment.

Should an employee fail to report to a scheduled work assignment without prior notice to his supervisor ("no-call/no-show"), the employee may receive disciplinary action up to and including immediate termination of employment. Employees who are absent for three (3) consecutive scheduled work days and fail to notify their immediate supervisor or the Town Administrator will be terminated from employment and classified as having resigned without notice.

An employee who is sick is expected to contact his supervisor each morning and advise him of

the condition and status of returning to work. Doctor's statements may be required.

Rarely is tardiness excusable. If the employee will be late/tardy, they should make every effort to phone and advise their supervisor in advance of the shift. Repeated tardiness is grounds for disciplinary action up to and including termination of employment.

C. Rules of Conduct

All employees of the Town are expected to act with good common sense and in a completely professional manner. To ensure orderly operations and provide the safest possible work environment, the Town expects all employees to abide by certain rules of conduct.

While it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of conduct which may result in disciplinary action in the sole and exclusive discretion of the Town, up to and including termination of employment:

1. theft or concealment of Town property;
2. damage or abuse of Town property;
3. cash shortages or overages;
4. "no shows/no-calls";
5. insubordination;
6. fighting;
7. 'outrageous behavior';
8. violation of confidentiality;
9. violation of safety policies and procedures, which cause hazardous or dangerous situations, or failing to report, and where appropriate, correct such situations;
10. use of obscene language;
11. threatening a co-worker, supervisor, vendor, customer or guest;
12. harassment of any kind towards employees, vendors, visitors or anyone during the course of employment;
13. discrimination towards employees, vendors, visitors or anyone during the course of employment on the basis of race, color, religion, sex, national origin, age, disability, veteran status, or any other characteristic protected by law;
14. imposing deliberate stoppage or slowing of productivity or quality within the work place;
15. solicitation and/or distribution on work-site premises during any time without written authorization;
16. use, possession, or distribution of alcohol or illegal drugs while on duty or on Town property;
17. being intoxicated or under the influence of alcohol or illegal substances while on duty;
18. falsification of time on any Town records or recording the time of an employee other than yourself;
19. violation of the Town's Gifts and Favors policy;
20. violation of the Town's Conflict of Interest policy;
21. gambling or conducting illegal activities on Town property or using Town equipment

- to do so;
22. unauthorized use, damaging, tampering, or negligent use of Town equipment;
 23. smoking or using smokeless tobacco while operating any Town vehicle, or on any Town-owned or leased property;
 24. unauthorized carrying of concealed weapons or other violation of any criminal law;
 25. sleeping while on duty;
 26. conviction of a crime; and
 27. forced or unauthorized access into locked areas or restricted Town property or equipment.

These acts of misconduct are by no means complete, but are intended to serve as a general framework for employee conduct. The Town reserves the right, in its sole and absolute discretion, to add or delete offenses and to take such disciplinary actions, up to and including immediate termination of employment, as are necessitated by the particular circumstances of a given case.

D. Corrective Action Procedure

The Town may impose discipline up to and including termination of employment for various infractions of expected standards of behavior or performance at whatever level it deems appropriate, in its sole discretion. If management counsels with an employee regarding his attendance, performance or conduct, it may be documented on a Corrective Action form. The employee and the supervisor issuing the Corrective Action should sign the form. The signature of the employee does not indicate his or her agreement with the action, but merely acknowledges that the discussion took place. The employee may offer information to attach to the Corrective Action document. This document will become a part of the employee's personnel file.

E. Dress Policy

All employees are required to present themselves professionally at all times. Attention to neatness, cleanliness, and personal hygiene is encouraged in order to promote professionalism and ensure confidence in an employee's ability to perform the assignment.

Attire during Monday, Wednesday and Friday business hours at Town Hall shall be professional attire. Acceptable professional attire includes: slacks, dresses, skirts, suits, blouses, and sweaters, but does not include: short shorts, cut-off shorts/jeans, bicycling shorts, athletic attire, halter tops, tube tops, spandex, hip huggers, any suggestive or revealing attire, any clothing with offensive language or slogans.

Attire during Tuesday and Thursday business hours at Town Hall shall be casual. Acceptable casual attire does not include: short shorts, cut-off shorts/jeans, bicycling shorts, halter tops, tube tops, spandex, hip huggers, any suggestive or revealing attire, any clothing with offensive language or slogans.

F. Personnel Records

Personnel records will be maintained by the Town Administrator. The Town shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs or as otherwise required by law.

The following information on each employee is a matter of public record:

- name;
- age;
- date of original employment or appointment to service;
- current position title;
- current salary;
- date and amount of the most recent increase or decrease in salary;
- date of the most recent promotion, transfer, suspension, separation, or other change in position classification;
- office to which the employee is currently assigned.

As required by N.C.G.S. Section 160A-168, any person may have access to the information listed above for the purpose of inspection, examination and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town Council may have adopted.

All information contained in an employee's personnel file, other than the information listed above, will be maintained as confidential in accordance with the requirement of N.C.G.S. Section 160A-168 and shall be open to public inspection only in accordance with the exceptions provided in N.C.G.S. Section 160A-168(A) thru (F).

Even if considered part of an employee's personnel file, as provided by N.C.G.S. Section 160A-168, certain information may not be disclosed to an employee nor to any other person.

G. Destruction of Records

No employee may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with N.C.G.S. 121-5(b).

H. Town Property

Particular job responsibilities may require Town issued items such as keys, laptops, etc. Upon acceptance of these items, the employee will be personally responsible for them and are expected to return them within 24 hours if his employment with the Town is terminated, voluntarily or involuntarily.

All property, including but not limited to, desks, telephones, computers and other items issued to or used by employees shall remain the property of the Town and shall be subject to inspection at any time.

I. Gifts and Favors

No employee of the Town shall accept any gift or favor, whether in the form of service, loan, thing, or promise from any person who, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the Town. The following serve as exceptions, but employees should consult with the Town Administrator when in doubt as to the propriety:

- A. Advertising items or souvenirs of nominal value;
- B. Meals furnished at banquets;
- C. Honorariums for participating in meetings; and
- D. Consumable gifts offered to an entire work group where rejection would damage the spirit in which the gifts were offered.

No employee shall accept any gift, or thing of value worth more than fifty dollars (\$50.00). No employee shall grant in the discharge of their duties any improper favor, service, or thing of value.

Any violation of this section shall subject the employee to disciplinary action up to and including immediate termination of employment.

J. Conflict of Interest

Employees of the public are held to higher standards and their actions shall not impact the Town negatively. No employee shall use information, confidential or otherwise, acquired during their employment with the Town for their personal gain.

An employee cannot work in a job outside of his or her Town job if that job either (a) is in conflict with the Town job, or (b) appears to be in conflict with the Town job, or (c) has a negative effect on the Town job.

Violations of this policy may result in disciplinary action, up to and including immediate termination of employment.

K. Political Activity

Every employee of the Town has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the constitution and the laws of the State of North Carolina and the constitution and the laws of the United States of America. However, while on duty, no employee of the Town shall:

1. Engage in any political or partisan activity;
2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
3. Be required as a duty or a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
4. Coerce or compel contributions for political or partisan purposes by another employee of the Town; or
5. Use funds, supplies, or equipment of the Town for political or partisan purposes.

Violations of this policy may result in disciplinary action, up to and including immediate termination of employment.

III. EMPLOYEE BENEFITS

A. Vacations

Employee Eligibility

1. All active regular employees are eligible for paid vacations each year based on their length of service with the Town. The annual vacation period is between July 1 and June 30.

2. New employees may be eligible for Vacation during the fiscal year of their employment at the Council and Mayor's discretion. Any Vacation earned may be taken after the employee's first 90 days of employment. The length of Vacation will depend upon the month in which service commences, as follows:

| MONTH EMPLOYMENT STARTED | LENGTH OF VACATION |
|--------------------------|--------------------|
| July | 10 Days |
| August | 9 Days |
| September | 8 Days |
| October | 7 Days |
| November | 6 Days |
| December | 5 Days |
| January | 4 Days |
| February | 3 Days |
| March | 2 Days |
| April | 1 Day |
| May | 0 |
| June | 0 |

3. Regular employees who work at least twenty (20) hours per week are eligible for paid Vacation in direct proportion to the percentage of time normally worked. For purposes of this example there are 5 business days per week and a full work week is defined as 40 hours.

For example, an employee works Monday, Wednesday and Friday for six and two-third (6.66) hours a day (a total of 20 hours per week) is eligible for 10 Vacation days a year and will receive (4) hours pay for each day of Vacation .

Earned amount and proration

1. The length of Vacation to which an employee is entitled in any year shall be determined by the number of years of service which the employee will complete on the employment anniversary in that fiscal year, in accordance with the following schedule:

| YEARS OF SERVICE | LENGTH OF VACATION |
|--|--------------------|
| Those completing 10 or more years of service | 20 days |
| Those completing 5 or more but less than 10 years of service | 14 days |
| Those completing 3 or more but less than 5 years of service | 12 days |

| | |
|---|---------|
| Those completing 1 or more but less than 3 years of service | 10 days |
|---|---------|

2. In the event an employee voluntarily terminates their employment, their Vacation will be prorated from the schedule identified in paragraphs A.2. or A.4. As applicable. Vacation will be prorated through the end of the month in which the employee terminates and rounded up to the next whole day. Refer to paragraph D. – Termination Vacation Pay for further information.

3. Vacations are to be scheduled with the approval of an employee’s manager for one-half (1/2) day or any combination of consecutive working days up to the number of days for which an employee is eligible. Any request for more than ten (10) consecutive days requires the approval of Council and Mayor.

4. Eligible Vacation may be taken anytime beginning on or after July 1.

5. Any employee who is on inactive status on June 30 of any year as the result of an approved leave of absence will be eligible for Vacation in the following fiscal year upon return to active employment status before April 1 of that year.

Procedure

1. Payment in lieu of taking vacations will not be permitted.
2. Employee wellness is important to the Town and as such the employee must utilize their Vacation benefit in the year the benefit is earned. Vacation days cannot be carried over to the following year and any Vacation days not used will expire without compensation.
3. Town approved holidays that fall during an employee’s actual Vacation time will be recorded as holidays rather than Vacation .
4. Scheduled Vacation days are subject to prior Council and Mayor approval. The Town may request an employee reschedule a Vacation depending upon Town needs.
5. Managers are responsible for tracking their subordinates’ Vacation day balance.
6. Exempt Employees - Each employee will be paid regular salary for the full period of authorized Vacation .
7. Non-Exempt Salaried Employees - Each employee will be paid regular salary for the full period of authorized Vacation .
8. Any exceptions must be approved in writing by the Council and Mayor.
9. Under no circumstances should Vacation time or Sick Leave be used to bridge any gaps between hours actually worked and the amount of time an employee was scheduled to work.
10. Notwithstanding, the provisions of this policy, the Town, through the Council and Mayor, reserves the right to change, alter or amend the policy in whole or in part for good business reasons.

Termination Vacation Pay

1. Any employee whose employment terminates during the year shall receive, at the time of termination, the Vacation pay for that part not taken.
2. The amount of Vacation time to which the employee is entitled is determined by the number of years of service that the employee would have completed in the fiscal year in which employment terminated as described in paragraphs A.4.A through B.

3. Vacation will be prorated in the year of termination for reasons of voluntary termination. Full Vacation eligibility will be provided to employees who die, retire or are involuntarily terminated for reasons other than cause.

Examples of Termination Vacation Pay calculation are as follows:

Example 1 (Vacation taken is less than earned)

An employee on July 1 is entitled to 14 days of Vacation. One week (5 days) is taken in August. The employee subsequently terminates employment on November 5. Vacation pay is calculated as follows:

July 1 to November 5 involves five (5) full months. (The Council will count each month in which an employee partially worked as a full month.)

Pro-ration rate is 42% (5 months/12 months)

Full year's Vacation is 14 days

Prorated Vacation is 6 days (14 X .42 = 5.88 days, rounded up to 6 days)

Vacation taken is 5 days. Vacation still to be paid is 1 day.

B. Holidays

1. The paid holidays are determined based on Union County's Holiday Schedule. See the Town Administrator for a list of paid holidays.
2. Regular employees who work at least twenty (20) hours per week are eligible for paid Holiday Pay in direct proportion to the percentage of time normally worked. For purposes of this example, there are five business days per week and a full work week is defined as 40 hours.

C. Sick Leave

Employee Eligibility and Procedure

1. Regardless of the number of years of service to the Town, employees scheduled to work a minimum of 20 hours per week shall accrue up to 10 business days of Sick Leave per calendar year. Each employee's annual Sick Leave allotment will be available at the beginning of each calendar year.
2. Employees in their first year of employment are eligible for five (5) days of Sick Leave.
3. Regular employees who work at least twenty (20) hours per week are eligible for paid Sick Leave Pay in direct proportion to the percentage of time normally worked. For purposes of this example, there are five business days per week and a full work week is defined as 40 hours.

For example, an employee works Monday, Wednesday and Friday for six and two-third (6.66) hours a day (a total of 20 hours per week) is eligible for 5 Sick Leave days a year and will receive (4) hours pay for each day of Sick Leave.

1. Employees are expected to manage their Sick Leave allotment. Employees cannot carry a negative balance of Sick Leave. Employees may carry a maximum balance of 25 days of Sick Leave at any given time in a calendar year. Employees cannot accrue any additional Sick Leave time over 25 days.

2. A doctor's excuse will be required for employees missing 3 or more consecutive scheduled work days.
3. Sick Leave is provided to allow employees the opportunity to recover from illness, return to work and productively contribute to the work environment. However, Sick Leave shall not be abused, nor should it be used in lieu of or in the absence of accrued and available vacation leave.
4. Sick Leave will be cumulative and may be used towards retirement consistent with the provisions of the North Carolina Local Government Employees' Retirement System. Except when used to bridge retirement, all unused Sick Leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town. The Town may accept Sick Leave transfers when hiring employees directly from other North Carolina governmental entities.

D. Leaves of Absence

The Town recognizes the five (5) leaves of absence as defined below. All leaves of absences must be approved in advance. If the need for a leave of absence arises, the employee is expected to submit a written request for leave to his or her supervisor containing a specified start and projected end date for the leave prior to beginning the leave. While on a leave of absence, employees may continue to accrue Vacation time, Sick Leave and Holiday Time unless otherwise contrary to applicable law.

I. Leave for Jury Duty/Compliance with a Subpoena

. The Town recognizes the responsibility placed on citizens to serve in the judicial system. If an employee is summoned for jury duty or subpoenaed as a witness, the employee will be granted leave to attend. Upon receipt of jury notification or subpoena, the employee is required to advise his or her supervisor, in writing, with a copy of the summons or subpoena.

If released from Jury Duty before the end of the normal work day, the employee is expected to call his or her supervisor immediately. If the employee's supervisor informs him that he is needed to return to work, the employee will be expected to do so. The Town will pay employees up to 40 hours per week, but no more than their normally scheduled hours for the week, at their normal base rate of pay for the time the employee is absent from work due to jury duty or to comply with a subpoena. The Town will pay employees up to a maximum of 10 paid days for jury duty service or to comply with a Town-related subpoena each calendar year. Employees will not be paid for attendance at jury duty on regularly scheduled days off. An employee required to serve on jury duty when the Town is closed for a holiday will be paid his or her regular pay for the holiday (up to eight hours at base pay), but no alternate time off will be granted. Employees will not be paid for absences related to compliance with a non-Town related subpoena.

II. Bereavement/Funeral Leave

. The Town may grant employees up to three (3) days off with pay to attend a funeral, to arrange funeral services, or attend to family business as it relates to the loss of a member of an employee's immediate family. Immediate family is defined as the employee's spouse, child, step-child, parent, step-parent, parent-in-law, sibling, grandparent, or grandchild. Additional time may be granted without pay by an employee's supervisor upon request of the employee.

III. Military Leaves Of Absence

. Military leaves of absence are granted to eligible employees in accordance with applicable laws.

III. Parental Leave

. Under North Carolina law, an employee who is a parent, guardian, or person standing *in loco*

parentis of a school-aged child will be granted four (4) hours of unpaid leave per year to attend or otherwise be involved in that child's school. Leave is subject to the following conditions:

1. the Town and the employee must mutually agree upon the time for the leave;
2. the Town may require a written request for the leave at least 48 hours prior to the leave; and
3. the Town may require written verification from the school that the employee attended or was otherwise involved at that school during the time of the leave.

V. Leave for Birth of Child or Adoption/Foster Placement

. Employees are entitled to a leave of absence without pay, not to exceed 12 weeks, for the birth of a natural child or the adoption or placement of a foster child younger than 3 years old. This period begins with the date of birth or the first day the adoptive or foster child is formally placed in the home and expires 12 weeks later. The employee must submit proof of adoption or placement of a foster child. Employees must use any available accrued vacation leave as part of this leave. Employees requiring this leave who are also eligible for and have accrued Sick Leave must use any accrued Sick Leave as part of this leave. Employees working 30 hours or more per week who take leave for the birth of a child may be eligible for short term disability in accordance with applicable plan documents.

E. Health Insurance

Employees may be eligible for group health insurance in accordance with applicable plan documents. See the Town Administrator for more information.

F. Short Term Disability

Employees working 30 hours or more per week may be eligible for short term disability in accordance with applicable plan documents. See the Town Administrator for more information.

V. EMPLOYEE HEALTH, SAFETY AND SECURITY

A. Drug/Alcohol Policy

Our policy is zero tolerance.

A. Drug-Free Workplace

The town is committed to having a safe workplace. Substance abuse undermines that safety, causing health, morale and security problems of the most severe kind. The Town has developed this policy in order to establish and maintain a work environment that is free from the adverse effects of drug and alcohol abuse.

Employees who are under the influence of alcohol, illegal or illicit drugs, or controlled substances to the degree that his or her judgment, performance, or behavior is impaired while on Town premises or on Town time, shall be subject to disciplinary action, up to and including termination of employment. Employees in possession of or taking prescription over-the-counter

drugs in the workplace must be able to provide the appropriate documentation which identifies the drug, dosage, and in the case of prescription drugs, the prescription, its date, and authorizing physician. Employees must be fully aware of and comply with any work restrictions that should be observed while taking such a drug. If use of such a drug may affect an employee's ability to perform his or her job, the employee must notify his or her supervisor prior to reporting to work after using such drug. This information will be kept confidential. Any disclosure about the possible impact of prescribed medication on work performance will be handled with discretion.

Failure to report the use of such drugs, including use of prescribed medical marijuana, to the Town Administrator may result in disciplinary action, up to and including termination, if an employee is impaired while performing work for the Town.

Unlawful manufacturing, distribution, dispensation, possession, or use of alcohol, illegal or illicit drugs or controlled substances on Town time, on Town property, while operating a vehicle that is owned or leased by the Town, or while attending a Town function or event shall subject the employee to termination of employment. For purposes of this policy, a drug will be considered an "illicit or illegal drug" if its use or possession is prohibited by law and an employee uses or possesses the drug, regardless of whether the employee is criminally prosecuted and/or convicted for such conduct. Because federal law prohibits the use of marijuana, marijuana is included here as an illegal substance. even in those jurisdictions where recreational or medical use has been authorized under state law.

Employees found to be involved with alcohol, illegal or illicit drugs, or controlled substances on their own time may be subject to disciplinary action, up to and including termination of employment, depending on the circumstances, job relevance or other Town/business considerations.

B. Drug and Alcohol Testing

If a supervisor has reasonable suspicion to believe an employee is acting in an impaired or unsafe manner which may or may not result in an accident, the following actions may be taken:

1. The supervisor shall remove the individual promptly from work, regardless of whether the cause for the behavior is known to the supervisor.

2. The employee shall be referred and accompanied to a medical facility for examination and determination of the cause of the problem. This may include a mandatory drug or alcohol screen as determined by the proper authority.

3. The designated medical facility shall determine if the employee may return to work, be sent home, or submit to treatment. If substance abuse is identified, the employee may be referred for mandatory counseling and/or rehabilitation.

4. If the employee returns to work following a period of drug abuse rehabilitation, he/she shall be required to submit to mandatory, unannounced drug screens.

Employees will be required to sign a consent form authorizing drug and/or alcohol tests to be done and allowing the release of the tests to the Town.

Employees who refuse to sign the consent form or refuse to be tested shall be subject to immediate termination of employment.

Any employee whose test results are confirmed positive shall be subject to disciplinary action up to and including termination of employment.

The Town will follow the North Carolina Controlled Substance Examination Regulation Act with regard to all drug and alcohol testing.

All employees shall be subject to unannounced random drug and alcohol testing.

B. Smoking/Tobacco Policy

Smoking and the use of Tobacco Products are prohibited in any Town building, Town vehicle, and on Town property pursuant to Town Ordinance No. 34-1.

C. Weapon-Free Workplace Policy

To ensure that the Town maintains a workplace safe and free of violence for all employees, the Town prohibits the possession or use of weapons of any type on Town property. A license to carry the weapon on Town property does not supersede Town policy. Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including termination of employment. All Town employees are subject to this provision, including contract and temporary employees, visitors and customers on Town property (with the exception of law enforcement officers). Only the Town Mayor or Town Council can grant permission for an employee to have a weapon on Town property, and such permission must be in writing. Notwithstanding the above, nothing contained herein shall prohibit a law enforcement officer from carrying a weapon on Town property.

In addition, the Town will not tolerate violence or abuse by any employee or visitor which in any way suggests, threatens or creates harm to any employee or visitor. Any occurrence of violence perpetrated on an employee or member of the public by another employee or visitor may be considered grounds for immediate termination of employment in addition to appropriate legal action.

"Town property" is defined as all Town-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the Town's ownership or control. This policy applies to all Town-owned or leased vehicles and all vehicles that come onto Town property.

"Dangerous weapons" include, but are not limited to, firearms of any make or model (registered and illegal), explosives, knives with fixed positions or blades in excess of four (4) inches long, and other instrument that could be used or fighting or defense or weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item in their possession is not prohibited by this policy.

The Town reserves the right at any time and at its discretion to search all Town-owned or leased property, vehicles and all personal belongings, including vehicles, packages, containers, briefcases, purses, lockers, desks, enclosures, and persons entering its property, for the purpose of determining whether any weapon has been brought onto its property or premises in violation of this policy. Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline up to and including termination of employment.

The Town will take all reasonable steps to provide a safe working environment for its employees; however, as team members, employees are expected to take ownership of their own safety and are required to report immediately to their supervisor, the Town Administrator or Town Mayor any potential danger or violent situation an employee observes or suspects. Some recommendations for reasonable precautions that the employee may take include, but are not limited to, being aware and defensive of his surroundings in parking lots and unprotected areas, removing himself immediately from the presence of excessively explosive and volatile individuals, and not residing in an unlocked office suite alone. Call 911 immediately if a supervisory official is unavailable or if the employee at any time feels his safety is in immediate danger.

A. Safety Hazards and Other Workplace Dangers

Similarly, employees should report any condition perceived to be dangerous or potentially creating a safety hazard to their supervisor or the Town Manager as soon as possible.

B. Accidents or Injury

No matter how insignificant an accident or on-the-job injury may seem when it occurs, it is imperative that employees notify their supervisors and they Town Administrator immediately so that the appropriate documentation regarding each such accident or injury can be completed in a timely manner.

C. Fires, Bomb Threats, Earthquakes and Other Emergencies

Employees should follow the emergency procedures of the Town in the event of fires, bomb threats, natural disasters, or other emergencies. Employees should make themselves familiar with the location of exits, fire extinguishers, and first-aid kits in and near their offices. Exits and areas around the fire extinguishers must be kept clear of obstacles and hazards at all times.

In case of emergency, all employees are authorized to dial 911 or otherwise contact the local police department, fire department, or other local emergency personnel as appropriate.

Employees are expected to cooperate with fire drills and other exercises intended to ensure the effectiveness of emergency procedures.

D. Inclement Weather

It is the intent of the Town to remain open whenever possible. However, the Town does not encourage employees to travel to work when hazardous weather conditions exist. In the event of such conditions, employees will be notified by their supervisor of a cancellation or schedule change. The Town typically closes if Union County Government closes. If the Town closes, employees will be compensated for missed time. If the Town is not closed and an employee misses work, the employee will not be paid; however, employees may elect to use Vacation time for any missed work due to inclement weather. In this event, the employee must notify his or her supervisor immediately of his or her intent to use Vacation leave.

E. Travel Policy

Employees traveling on Town business will receive an allowance of up to \$50.00 per day for meals. Receipts for travel-related expenses are required for reimbursement. Mileage for travel will be reimbursed at the IRS rate. Where possible, employees are encouraged to stay at hotels allowing the use of government rates. Consult the Town Administrator for any questions to this policy.

F. Credit Card Policy

General

Town credit cards are intended to be used primarily for the purchase of general office supplies for the Town as well as to facilitate travel arrangements. Where possible, expenditures for office supplies should continue to be made under purchase order agreements which grant the Town discounts (i.e. Office Depot). Town credit cards are not intended to be used for the purchase of capital expenditures. Issuance of Town credit cards to employees shall require authorization by both the Finance Officer and either the Mayor or a Councilmember with check signing authority.

Physical custody of Town credit cards will be maintained by the Town Administrator and will be given to employees on a need-only basis. Town credit cards may be cancelled or revoked at any time. Lost or stolen credit cards should be reported immediately to the Town Administrator.

Employees receiving Town credit cards should sign a copy of the credit card policy to indicate their awareness and understanding of the policy.

Authorized Expenditures

Credit cards are to be used for Town business expenditures only. In addition, only expenditures approved in the Town's current year budget appropriations shall be placed on the Town credit card. No automated recurring payments should be made on the Town credit card. No personal

expenditures of any kind are authorized on the Town credit card. Single purchases greater than \$100 shall require advance approval from the Finance Officer. Total purchases which will exceed \$2500 also require advance approval from the Finance Officer and such approval shall be in the form of specific written authorization. Credit limits shall be set at the Finance Officer's discretion. The maximum credit limit to be placed on a Town credit card shall not exceed \$5000.

Payment

Credit card statements will be mailed directly to the Town of Weddington. Employees must submit in a timely manner all receipts for Town credit card purchases to the Town Administrator. These receipts will be matched to the monthly credit card statements to validate the expenditures incurred. The Finance Officer will review and approve the credit card statements and related receipts prior to payment. Employees may be required to reimburse the Town for any unauthorized expenditures or any expenditures incurred which do not have a receipt.

If an employee fails to provide timely receipts to facilitate the payment process or incurs unauthorized expenditures, the Town may revoke the employee's privilege to use a Town credit card. Use of the Town credit card for any personal expenditure will result in automatic removal of the employee as an authorized signer.

Violations of this policy may result in disciplinary action, up to and including immediate termination of employment.

VI. ELECTRONIC MAIL AND COMMUNICATIONS POLICIES

A. Telephone Policy

The Town recognizes that employees must occasionally place or receive personal calls on Town telephones. However, the telephone system is intended primarily to serve the needs of the business, and it is essential that personal use not interfere with that primary purpose. While at work, employees are expected to exercise the same discretion in using personal cell phones as is expected for the use of Town phones.

Excessive personal calls during the workday, regardless of whether the phone used is personal or Town property, can interfere with employee productivity and can be distracting to others. The Town encourages employees to limit personal calls to break times for non-emergency phone calls. Employees are therefore asked to make any non-emergency personal calls during non-work time and in non-work areas where possible, and to ensure that friends and family members are aware of the Town's policy. Flexibility may be provided in circumstances demanding immediate attention.

The Town reserves the right to restrict telephone (personal cell phone or Town phone) use that may interfere with its operations or an employee's job performance in any manner. Any violation of this policy may result in disciplinary action, up to and including termination of employment.

The Town will not be liable for the loss of personal cellular phones brought into the workplace.

B. E-mail, Internet, Computer, and Voice Mail Communications

The computer and other electronic communications and information systems of the Town, including voice mail, electronic mail and access to the Internet, are property of the Town and should be used for business purposes only. Although employees have passwords that restrict access to their voice mail and computers, the Town may access any files, voice mail, or e-mail messages stored on or deleted from the computer system or voice mail system. The Town reserves the right to access such information and to monitor on-line activities for business purposes and employees should have no expectation of privacy..

Employees are strictly prohibited from accessing another employee's personal voice mail or e-

mail messages. In addition, Internet, voice mail and e-mail systems are not to be used in a way that may be disruptive, offensive to others, or harmful to morale. For example, the Town prohibits the display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of voice mail, e-mail or Internet communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, color, religion, sex, national origin, age, disability, veteran status, or any other characteristic protected by law. Nor may employees use the Internet, voice mail or e-mail system to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

Employees are responsible for maintaining the confidentiality of material on the Town's systems.

Employees may not remove from the premises any hardware, software, files or data without written permission from their supervisor, the Mayor or Town Council. Copyrights and restrictions that pertain to outside materials and trade secrets shall be respected, and employees are prohibited from the unauthorized downloading of music, software or other copyright materials.

Employees are prohibited from installing any software, program, or other executable file not included in the Town approved software list. If any user has a need for a program not included in the approved software list, that employee is required to gain approval from the Town Administrator prior to installing the software, program, or other executable file. X-rated uses of any Town property, e-mail, internet, computer, and/or voice mail communications are strictly prohibited.

Failure to adhere to these rules may result in discipline, up to and including termination of employment.

C. Social Media/Networking Guidelines

The Town understands that social media is frequently used to share life events and opinions with friends, family, co-workers and the general public. However, use of social media presents certain risks and carries with it certain responsibilities. The Town values its established brand reputation and good will relationships. These are important assets. Most social media sites are public and anyone, including Town residents, customers, his supervisor and fellow employees, can read what the employee writes. Some readers may view the employee as a de facto spokesperson for the Town. Consequently, the employee should always use his best judgment and consider his audience before posting content.

To assist employees with making responsible decisions about the use of social media, the Town has established these guidelines. This policy applies to all Town employees and use of social media when on or off duty, or while using the Town's or personal electronic resources.

A. General Guidelines

- Make it clear to readers that the views expressed in any posting are yours alone and do not reflect the views of the Town. The employee should not speak on behalf of the Town without prior written authorization from the Town Administrator or Town Mayor. All media inquiries related to the Town should be directed to the Town Administrator.
- Do not post inappropriate comments or materials, including discriminatory or harassing remarks, bullying tactics, threats of violence, or similar abusive, malicious or unlawful conduct. Remember that any abusive or inappropriate communications that are prohibited by the Town's Equal Employment Opportunity and Anti-Harassment policies are equally prohibited in cyberspace.
- The Employee is legally responsible for his social media postings and can be held liable if his comments or actions violate applicable laws, such as anti-discrimination laws or laws governing defamation.

- The Employee may also reject, without fear of retaliation, any “friend”, “connection” or similar request from any Town resident, business-owner or other Town employee.
- The Employee is prohibited from disclosing any proprietary or confidential information about the Town. This includes but is not limited to information about Town residents or customers, or non-public financial information.
- All requests for references or recommendations from the prospective employer of a former employee received through social media activity must be forwarded to the Town Administrator for proper handling.
- It is critical that the employee show proper respect for the laws governing fair use of copyrighted material owned by others, trademarks and other intellectual property, including, the Town’s own copyrights, trademarks and brands. The employee must comply with the rules governing such use, including, not replicating such intellectual property without proper authorization.
- Social media should not be used to arrange business meetings, communicate with Town residents or customers, or to search for information about current or prospective employees without prior Town approval.
- The employee is prohibited from using social media during working time or while using Town-provided equipment unless it is work-related. Do not use Town email addresses to register on social networks, blogs or other online tools utilized for personal use.

B. Conflict Resolution

Employees are more likely to resolve complaints about work by speaking directly with their coworkers, managers/supervisors, or other management-level personnel than by posting complaints on the Internet. Employees should consider using available internal resources, rather than social media, to resolve these types of concerns.

C. Guidelines Applicable to Social Media Activity on Town-Sponsored Sites

The Town encourages employees to visit, and participate in, Town-sponsored social sites, such as the Town’s Facebook page or Twitter account, and to post on them. These sites provide a great opportunity to interact with our residents and customers and to provide useful information to them about the Town’s products and services.

The following guidelines, in addition to the guidelines stated above, apply to employee participation in any Town-sponsored site:

- *Employee’s Identity*: The employee is responsible for everything that he posts on Town-sponsored sites and should always identify himself when posting in those specific sites. Anonymous posting or use of pseudonyms are not allowed on Town-sponsored sites.
- *Be Respectful*: The words and images that employees post on Town-sponsored sites will be read and viewed by our residents and customers in the same way that residents and customers hear what employees say to them on the telephone and/or in other personal interactions. Please treat residents and business-owners that visit Town-sponsored sites with the same respect that the employee is provided on the phone and/or in person. Before completing a post, review it carefully, make sure it is grammatically correct and that the message cannot be misconstrued in a negative way.
- *Use Good Judgment*: The Town-sponsored sites provide an opportunity to tell our residents and customers about the Town’s products and services. The employee is reminded to

please keep this opportunity in mind when posting to any Town-sponsored site.

- *Add Value*: The Employee is encouraged to add value by posting on topics that he knows well. However, the employee is discouraged from speaking as a subject matter expert on our services or products. These tough questions and inquiries are to be handled by approved Town representatives.
- *No Solicitation*: The employee may not use Town-sponsored sites to solicit for or promote personal businesses or any organization, including but not limited to outside business ventures, charities, political campaigns, religious groups, or other membership organizations. Use of Town-sponsored sites to solicit for or promote Town-approved activities requires the prior approval of the Town Administrator.
- *On The Employee's Own Time*: Unless specifically authorized to engage in social media activity on the Town's behalf; visiting and participating in any Town-sponsored site is purely voluntary. While the employee is encouraged to enjoy Town-sponsored sites, the employee should only do so during non-working hours.
- *Monitoring Town-Sponsored Sites*: The Town monitors Town-sponsored sites as necessary to enforce Town policies. Town employees with appropriate authorization may remove or modify any posting that violates Town policies.
- *Complaints About Misuse*: The Employee is expected to notify management to the extent he believes anyone is misusing a Town-sponsored site. Concerns of this nature should be as specific as possible and submitted in writing to the Town Administrator.

Failure to abide by the above Social Media Networking guidelines could result in the following: disciplinary action up to and including termination; getting the Town in legal trouble with residents or customers; losing residents or customers; legal action and/or criminal prosecution. The Town reserves the right to report suspected unlawful conduct to appropriate law enforcement authorities. Nothing contained in this policy should be interpreted to prohibit or restrict the rights of employees to engage in protected, concerted activity as permitted by law.