

**Town of Montreat
Board of Commissioners Meeting – Public Forum
October 12, 2023 – 6:30 p.m.
Town Hall**

I. Call to Order

- Welcome
- Moment of Silence

II. Agenda Adoption

III. Public Comments

IV. Adjournment

**Town of Montreat
Board of Commissioners
Town Council Meeting
October 12, 2023 – 7:00 p.m.
Town Hall**

I. Call to Order

- Pledge of Allegiance
- Moment of Silence

II. Agenda Adoption

III. Mayor's Communications

IV. Consent Agenda

A. Meeting Minutes Adoption

- September 14th Public Forum Meeting Minutes
- September 14th Town Council Meeting Minutes

All items on the Consent Agenda are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.

VI. Town Manager's Communications

- Consent Agenda Review
- Other Items

VII. Administrative Reports

- Administration
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets
- Finance
- Additional Planning & Zoning Information

VIII. Public Comment

Public comments will be heard during this period for any and all items.

IX. Old Business

X. New Business

A. Nominations and Appointment of Town Commissioner

- **Presenter:** Savannah Parrish and Mayor Tim Helms
- **See Agenda Materials on pages 26**
- **Suggested Motion:** Move to nominate _____ to fill the recently vacated Town Commissioner seat
- **Suggested Motion:** Move to appoint _____ to fill the recently vacated Town Commissioner seat

B. Oath of Office

- **Administered by Mayor Tim Helms**
- **See Agenda Materials on page 27-28**

C. Consideration of Personnel Policy Updates

- **Presenter:** Savannah Parrish
- **See Agenda Materials on pages 29-89**
- **Suggested Motion:** Move to accept the personnel policy as updated/or as amended

D. Consideration of Resolution #23-10-0001 Adopting Personnel Policy Updates

- **Presenter:** Savannah Parrish
- **See Agenda Material on page 90-91**
- **Suggested Motion:** Move to adopt/deny Resolution #23-10-0001

E. Consideration of Proclamation #23-10-0001 Domestic Violence Awareness Month

- **Presenter:** Angie Murphy
- **See Agenda Material on pages 93-94**
- **Suggested Motion:** Move to adopt/deny Proclamation #23-10-0001

F. Consideration of Resolution #23-10-0002 Disposal of Surplus Property

- **Presenter:** Angie Murphy and/or Barry Creasman
- **See Agenda Materials on pages 95-96**
- **Suggested Motion:** Move to adopt/deny Resolution #23-10-0002

G. Montreat Memorial Gardens

- **Presenter:** Kayla DiCristina, Lynn Gilliland and other MRA Reps (if needed)
- **See Agenda Materials on pages 97-105**
- **Suggested Motion:** Permit/permit with conditions/not permit the Montreat Conference Center's Memorial Garden Committee to upgrade and expand the existing pathway in the Montreat Memorial Garden

XI. Public Comment

Public comments will be heard during this period for any and all items.

XII. Commissioner Communications

XIII. Dates to Remember

- **PZC Regular Scheduled Monthly Meeting, Thursday October 19th at 10:30 a.m. in Town Hall with Zoom options**
- **2023 Community State Legislative Update, Thursday October 19th at 4:30p.m. in Town Hall**
- **Tree Board, Tuesday October 24th at 9:30 a.m. in Town Hall with Zoom options**
- **Board of Adjustment Meeting (tentative), Thursday October 26th at 5:00 p.m. in Town Hall with Zoom options**
- **Landcare, Wednesday November 1st at 9:00 a.m. in Town Hall with Zoom options**
- **November Board of Commissioners Meeting, Thursday November 9th at 7:00 p.m. Public Forum to begin at 6:30 p.m. in Town Hall with Zoom options**
- **Open Spaces Conservation Committee Meeting, Tuesday November 14th at 3:30 p.m. in Town Hall**
- **Town Hall Closed for Thanksgiving Holiday, Thursday and Friday November 23rd and 24th**
- **Tree Board, Tuesday November 28th at 9:30 a.m. in Town Hall with Zoom options**
- **Planning & Zoning Commission, Thursday October 19th at 10:30 a.m. in Town Hall with Zoom options**

XV. Adjournment

**Town of Montreat
Board of Commissioners
Public Forum Meeting Minutes
September 14, 2023 – 6:30 p.m.
Town Hall**

Board members present: Mayor Tim Helms
Mayor Pro Tem Mason Blake
Commissioner Kitty Fouche
Commissioner Kent Otto
Commissioner Tom Widmer

Board members absent: Commissioner Jane Alexander

Town staff present: Savannah Parrish, Town Manager
Angie Murphy, Town Clerk

Approximately ten members of the public were present. Mayor Tim Helms called the meeting to order at 6:30 p.m., and led the group in a moment of silence. Mayor Helms advised that during this meeting back and forth interaction was welcome between the public and the Commission.

Agenda Approval

Commissioner Tom Widmer moved to adopt the agenda as presented. Commissioner Kitty Fouche seconded and the motion carried 4/0.

Public Forum

Mr. Peter Williams of 226 North Carolina Terrace stated that he has either written or spoken to several Commissioners over the past few months. Mr. Williams has noticed a rather dramatic increase in traffic on North Carolina Terrace specifically around Wynne-Lithia Spring. Mr. Williams stated that a lot of people outside of Montreat have heard about the Spring and now make regular trips to this area. Mr. Williams recently met with the Black Mountain Fire Marshal and the Montreat Police Chief to discuss illegal parking near the Spring. This meeting was necessitated by a box truck parked illegally in the road while the driver filled up 15-20 five gallon water bottles. Gravel pullouts have been added to this area within the past two years and Mr. Williams feels this encourages illegal parking near the Spring. Both the Fire Marshal and the Police Chief felt they could not recommend the elimination of parking in that area because the gravel pullouts allow for emergency access nearby. Mr. Williams admits he does not know what the solution would be to this problem but he does feel like it could become a safety issue one day. Mr. Williams made the suggestion of adding landscape rocks near the vicinity of the Spring to ward off illegal parking. Ms. Parrish suggested that if anyone sees an illegally parked car, especially in the interest of public

safety, to call the Montreat Police Department. Ms. Parrish will also talk to Public Works Director Barry Creasman to see if he can offer any suggestions.

Adjournment

Commissioner Kitty Fouche moved to adjourn the meeting. Commissioner Kent Otto seconded and the motion carried 4/0. The meeting was adjourned at 6:45 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Meeting Minutes
September 14, 2023 – 7:00 p.m.
Town Hall**

Board members present: Mayor Tim Helms
Mayor Pro Tem Mason Blake
Commissioner Kitty Fouche
Commissioner Kent Otto
Commissioner Tom Widmer

Board members absent: Commissioner Jane Alexander

Town staff present: Savannah Parrish, Town Manager
Angie Murphy, Town Clerk
David Arrant, Chief of Police
Barry Creasman, Public Works Director
Rachel Eddings, Finance Officer

Approximately twelve members of the public were present at Town Hall and several more were watching via Zoom. Mayor Tim Helms called the meeting to order at 7:00 p.m., and led the group in the pledge of allegiance and a moment of silence.

Agenda Approval

Commissioner Kitty Fouche moved to approve the agenda as presented. Commissioner Tom Widmer seconded and the motion carried 4/0.

Mayor's Communications

Mayor Tim Helms announced that he was recently named the Interim Director of the Black Mountain Chamber of Commerce. Mayor Helms will remain in this position until the first of the year. Mayor Helms mentioned that he thought he was the first director but looking at scrapbooks earlier in the day he saw that Andy Andrews was the Executive Secretary for a number of years and was as well thought of in Black Mountain as he was in Montreat. Mayor Helms also mentioned that long time Montreat residents, John and Joanne Ellington, are leaving Montreat for Johnson City, Tennessee to be closer to their son. Mrs. Ellington is not in the best of health but they have promised they will visit often. Mr. Ellington had almost 20 years with Montreat College as a professor and was a huge Montreat Volleyball fan. Mr. Ellington also served as a missionary and was quite a fixture around the Montreat community.

Meeting Minutes Adoption

- August 10th Public Forum Meeting Minutes
- August 10th Town Council Meeting Minutes

Town Manager's Communications

Town Manager Savannah Parrish took a few moments to thank the Commissioners, Town Staff and the Community for being so welcoming to her. Ms. Parrish also advised that the auditors had been at Town Hall for the past few days doing their fieldwork and the audit is scheduled to be finished on time. Ms. Parrish also announced that a Board of Commissioners Planning Retreat is scheduled for October 24th with location and exact time to be announced at a later date.

Commissioner Tom Widmer asked for clarification of something that was mentioned at the August Town Council meeting. A resident stated that her son's car was towed by Hall's Towing and the gentleman towing the car told him the tow bill was so high because they give half to the Town of Montreat. Commissioner Widmer stated that there was no such arrangement between the Town and Hall's Towing but he requested for someone to make this clear to Hall's or look for a new tow company. Police Chief David Arrant advised that when a tow truck is needed the officer on duty calls dispatch and asks for "next rotation" which avoids any issues of impropriety.

Administrative Reports

- Administration – This report was given in written format.
- Finance – This report was given in written format.
- Planning & Zoning – This report was given in written format.
- Police – This report was given in written format.
- Public Works and Water – This report was given in written format.
- Sanitation – This report was given in written format.
- Streets – This report was given in written format.
- Additional Planning & Zoning Information – This report was given in written format.

Public Comment

Ms. Jean Norris of 192 Mississippi Road advised that she and her husband, Brad Hestir, had an encounter with eight guineas as they were driving up Virginia Road and it was a wonderful thing to see. Ms. Norris is personally in favor of the guinea being named the Town bird.

Mr. Richard DuBose (President of the MRA) of 160 Woodland Road expressed appreciation for whomever was responsible for revising the draft of the Comprehensive Plan which will be discussed this evening. Mr. DuBose had communicated his thanks privately by email with Commissioner Widmer but felt that it would be appropriate to share his thanks with everyone.

Old Business

There was no Old Business to discuss.

New Business

- A. Public Hearing regarding Montreat Tomorrow Comprehensive Plan: Mayor Pro Tem Mason Blake moved to open the Public Hearing. Commissioner Kent Otto seconded and the motion carried 4/0.

There were no comments at this time.

Commissioner Tom Widmer moved to close the Public Hearing. Commissioner Kent Otto seconded and the motion carried 4/0.

- B. Discussion of Montreat Tomorrow Comprehensive Plan by Board of Commissioners: Commissioner Fouche moved to revise the Montreat Tomorrow Comprehensive Plan. Mayor Pro Tem Mason Blake seconded and the discussion ensued. Commissioner Widmer read aloud the proposed changes and they can be heard at the following link: <https://www.youtube.com/watch?v=TbFC0kLNef0>. Mayor Tim Helms called for the vote and the motion passed 4/0.
- C. Adoption of Montreat Tomorrow Comprehensive Plan via Ordinance 23-09-001: Commissioner Kent Otto moved to adopt the Montreat Tomorrow Comprehensive Plan via Ordinance 23-09-001. Commissioner Kitty Fouche seconded and the motion carried 4/0. Mayor Tim Helms thanked the members of the Montreat Tomorrow Steering Committee and asked those in attendance to stand and be recognized.
- D. Oath of Office for Town Manager Savannah Parrish: Mayor Tim Helms administered the Oath of Office to Town Manager Savannah Parrish.
- E. Update of Bank Signature Cards: Town Clerk Angie Murphy advised Council that this item was a merely maintenance work to remove Interim Town Manager Ben Blackburn from the Town bank accounts while adding Town Manager Savannah Parrish as a signer. Commissioner Tom Widmer moved to add Savannah Parrish, Tim Helms, Katheryn "Kitty" Fouche, David Arrant and Angela Murphy to the Town of Montreat's banking signature cards at First Bank. Commissioner Kent Otto seconded and the motion carried 4/0.
- F. Greybeard Mountain Trailhead Parking Signs: Zoning Administrator Kayla DiCristina advised Town Council that Tanner Pickett with the MRA was present to seek permission from the Board of Commissioners to place new parking signs in front of the existing parking spots at the Greybeard Mountain Trailhead. The new parking signs would be mounted on existing trees or placed on new freestanding poles. The purpose of the signs is to create more order in the parking area and alert

those parking in the area of towing. The signs would also provide a platform for permitting these parking spaces in the future if needed, which some residents of the Town have expressed some interest. Ms. DiCristina advised that if the Board of Commissioners chooses to approve the location of the proposed signs, the Board should consider applying the following conditions:

- Include language on the sign clearly indicating that the parking rules and towing are being enforced by Mountain Retreat Association and not the Town of Montreat.
- No additional parking is approved with this request.
- The proposed signs must conform to all pertinent sections of the Montreat Zoning Ordinance.

Mayor Pro Tem Mason Blake moved to permit with conditions as outlined by Kayla DiCristina the Mountain Retreat Association to install parking signs in front of the existing parking spaces at the Greybeard Mountain Trailhead. Commissioner Tom Widmer seconded and the motion carried 4/0.

- G. Florida Terrace Right-of-Way Closure Request: Ms. Kayla DiCristina advised Council that the request this evening was not for action but merely for direction at this point. The applicant, Attorney Mike Begley, on behalf of the property owners Charlotte Riddle Sebesta and Michael Gerard Sebesta, Catherine Riddle McIntosh, Jefferson Eugene Riddle, Charlotte Riddle Sebesta, Co-Trustees of the Westburne Trust and Dan M. Boyd III and Diane Hunter Boyd was here tonight for the following request. The request is for the Board of Commissioners to consider the closure of an unnamed right-of-way located south of Appalachian Way and a portion of the right-of-way on Florida Terrace. The purpose of this request is to accommodate the construction of a new home for the Sebesta family on the property with PIN#0720152779. The Sebesta's purchased the property in 2021 no regulatory stream was present on the site. In 2023 the Sebesta's approached Ms. DiCristina about beginning to build on their property. During Ms. DiCristina's review a stream appeared on the topographic map prepared by the United States Geological Survey. Due to the presence of the stream on this map, a 30-foot buffer required by Section 305(1) of the Montreat General Ordinance, Chapter K, Article III would be enforced. The Zoning Administrator advised the Sebesta's to obtain a formal stream determination from the NC Division of Water Quality. The stream determination determined that an intermittent stream now ran through the property and the buffer requirement would be in effect. The Sebesta's were advised by the Zoning Administrator to pursue several different routes which she outlined to the Commission. Commissioner Widmer asked why the Sebesta's were choosing to close the entire right-of-way and how would it be distributed. Ms. DiCristina advised that the property would be vested down the property line with the other parties to the petition. Ms. DiCristina also advised that either the Sebesta's or Mike Begley would have to answer why they were choosing to close the entire right-of-way. Mike Begley advised that it just made sense to close the entire right-of-way otherwise both ends would be closed on the unnamed right-of-way. Charlotte and Mike Sebesta reviewed the process that they went through to obtain the property. Charlotte Sebesta advised that she and her husband want to respect the 30 foot buffer and preserve the area around the stream but

they also want to build a home to meet their needs so that is why they have decided to pursue this option. Mike Sebesta advised that if the right-of-way closure is granted it would give them 15 feet from the front setback. Mr. Sebesta also advised that they do not plan to build any structure on the right-of-way but do plan to use it for parking only. Mr. Sebesta and his wife feel that closing the right-of-way is the most efficient way to accomplish what they need to build their home. Mr. Sebesta advised that all the owners of the closed right-of-way would have an access agreement to perpetuity. Mr. Sebesta also pointed out to the Commission that all of the owners would be paying taxes on the portions of the rights-of-way that they would own. Ms. DiCristina advised Council that if this right-of-way closure goes through she would advise them to secure a 10 foot public utility easement to preserve the right for future installment of Town utilities. Commissioner Kitty Fouche moved to direct the Zoning Administrator to prepare a resolution of intent for the requested closure areas, as defined in the North Carolina General Statute 160A-299, for the Board of Commissioners to review at a future Board of Commissioner's meeting. Commissioner Kent Otto seconded. After some discussion the motion failed. Commissioner Tom Widmer moved to table this discussion till October. Mayor Pro Tem Mason Blake seconded and the motion carried 4/0.

- H. Discussion regarding Texas Road Bridge: Town Manager Savannah Parrish advised that a communication had been received from Gabriel Johnson of the NCDOT to let us know that the total estimated cost of the Texas Road Bridge Project has increased to \$900,000 with the Town's portion of that being \$180,000. Ms. Parrish stated that her recommendation would be to release ourselves from the grant and look at other options. Commissioner Tom Widmer advised that prior to approaching the Land-of-Sky MPO for the grant opportunity the proposed estimate of the structural work of the bridge was \$191,000. Commissioner Widmer stated that since then the \$191,000 has grown to \$900,000 and that is only for a bridge with no aesthetic improvements. Commissioner Widmer stated that in his opinion it was time to decline the grant and pursue other avenues to raise money for bridge repairs. Commissioner Tom Widmer moved to not proceed in accepting the Land-of-Sky MPO LAPP grant for the replacement of the Texas Road Bridge. Mayor Pro Tem Mason Blake seconded and the motion carried 4/0.

Public Comment

Ms. Kayla DiCristina approached the Council for some clarification on the Florida Terrace Right-of-Way Closure Request. Ms. DiCristina asked what information would be helpful for her to provide the Council in helping them make a decision. Mayor Helms suggested a "field trip" to the property in question. Ms. Parrish stated she would gather information from the Council via email and share the findings with Ms. DiCristina.

Commissioner Communications

Mayor Pro Tem Mason Blake advised the Commission that he will be out of the country for the October Town Council Meeting. Mayor Pro Tem Blake addressed the citizens of Montreat with

comments about the MRA Lodge appeal. The Town has received heard the decision but as yet have not received the final written order. Mayor Pro Tem Blake stated that Town of Montreat's legal counsel in this case had asked permission to withdraw herself from representing the Town of Montreat and the Town of Montreat objected. A hearing occurred and was attended but the Court gave her permission to withdraw from representation; therefore, Town Staff and members of the Council are having to interview new attorneys to represent the Town in this matter. Mayor Pro Tem Mason Blake announced that NC State Representative Eric Ager will be in Montreat on October 19th from 4:30 - 6:30 p.m. to discuss this year's legislative session and to answer questions.

Commissioner Kitty Fouché mentioned that several Montreat neighbors had issues with bears attacking yellow jacket nests to get to the larvae. In her neighborhood alone bears tore down a rock retaining wall at one residence and ripped the house siding and insulation off another home to get to the larvae.

Commissioner Kent Otto stated that he would be resigning as a Montreat Commissioner effective September 15, 2023. Commissioner Otto and his wife Nickie will be moving to Black Mountain in the near future. Commissioner Otto stated that it had been an honor to serve the neighbors of Montreat and he thanked everyone for entrusting him with this position. Commissioner Otto expressed his thanks to the Mayor, Commissioners and the Montreat Staff. Mayor Helms stated that Commissioner Otto's "common sense" approach to problems will be missed in Montreat.

Dates to Remember

- Tree Board, Tuesday September 26th at 9:30 a.m. in Town Hall with Zoom options
- Board of Adjustment Meeting, Thursday September 28th at 5:00 p.m. in Town Hall with Zoom options
- Landcare, Wednesday October 4th at 9:00 a.m. in Town Hall with Zoom Options
- October Town Council Meeting, Thursday October 12th at 7:00 p.m. in Town Hall with Zoom Options. Public Forum to begin at 6:30 p.m.
- Planning & Zoning Commission, Thursday October 19th at 10:30 a.m. in Town Hall with Zoom options
- Tree Board, Tuesday October 24th at 9:30 a.m. in Town Hall with Zoom Options
- Board of Adjustment (Tentative), Thursday October 26th at 5:00 p.m. in Town Hall with Zoom options

Adjournment

**Board of Commissioners
Meeting Minutes
September 14, 2023**

Commissioner Tom Widmer moved to adjourn the meeting. Commissioner Kent Otto seconded and the motion carried 4/0. The meeting was adjourned at 8:30 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk



TOWN OF MONTREAT

P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of September 2023

| Monthly Statistics | 2022 | 2023 |
|--|------|------|
| Public Meetings | 4 | 5 |
| Inter-Organizational /Intergovernmental Meetings | 2 | 0 |
| Agendas Prepared | 2 | 3 |
| Minutes Transcribed | 5 | 4 |
| Resolutions Drafted | 0 | 0 |
| Public Records Requests Processed | 3 | 5 |
| Water Bills Processed | 675 | 686 |
| Leak Adjustments | 1 | 9 |
| New Water Accounts Established | 1 | 0 |
| Purchase Orders | 73 | 74 |
| Professional Development Hours | 0 | 30 |
| Sunshine List Messages | | 13 |
| Website Posts | 22 | 13 |
| Social Media Posts | 0 | 13 |
| Code Red Alerts | 0 | 0 |
| Workers Compensation Claims | 0 | 0 |

Upcoming Events and Schedule Changes

Comments

N/A

Staff Communications

N/A



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ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of September 2023

| Monthly Statistics | 2022 | 2023 |
|--------------------------------|------|------|
| Building Permits Issued | 7 | 10 |
| Pending Building Permits | 2 | 0 |
| Building Inspections Performed | 8 | 35 |
| Stop Work Orders Issued | 0 | 0 |
| Defective Building Posted | 0 | 0 |
| Denied Building Permits | 0 | 0 |
| Fire Inspections Performed | 0 | 0 |
| Fire Re-Inspections Performed | 0 | 0 |
| Fire Permits Issued | 0 | 0 |

Comments

Staff Communications



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ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of September , 2023

| Monthly Statistics | 2022 | 2023 |
|------------------------------------|--------|----------|
| Miles of Road Maintained | 15.46 | 17.12 |
| Miles of New Road Constructed | 0 | 0 |
| Public Trees Removed | 0 | 0 |
| Sand Applied to Roads (tons) | 0 | 0 |
| Ice Melt Applied to Roads (pounds) | 0 | 0 |
| Monthly Fuel Costs | 364.23 | \$355.81 |
| Contracted Employee Staff Hours | 0 | 0 |
| Road Closures | 0 | 0 |

Comments

We are going to be removing dead or dying trees from the towns rights of way this month. We will be sending out notifications of the areas affected.



TOWN OF MONTREAT

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ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of September , 2023

| Monthly Statistics | 2022 | 2023 |
|---|-------|--------|
| Mileage | 2,722 | 2,352 |
| Dispatched Calls | 21 | 21 |
| Officer-Initiated Calls | 622 | 639 |
| Fire Assistance Calls | 6 | 2 |
| EMS Assistance Calls | 3 | 0 |
| Motorist/Other Assistance Calls | 13 | 12 |
| Traffic Stops | 36 | 6 |
| Parking Issues | 6 | 0 |
| Burglar Alarm Responses | 0 | 0 |
| Fire Alarm Responses | 3 | 2 |
| Residential/Building Checks | 497 | 595 |
| Ordinance Violations | 1 | 5 |
| Law Enforcement Agency Assistance Calls | 12 | 6 |
| Animal Control Calls | 2 | 1 |
| Larcenies | 0 | 1 |
| Breaking & Entering Calls | 0 | 0 |
| Suspicious Person Investigations | 7 | 4 |
| Suspicious Vehicle Investigations | 5 | 2 |
| Disturbance Calls | 8 | 5 |
| Accident Responses | 1 | 0 |
| Auxiliary Hours Worked (Regular) | 16 | 8 |
| Auxiliary Hours Worked (Addittional) | 12 | 0 |
| Truck Turns at Gate | 4 | 5 |
| MPD Fuel Cost | \$ - | \$0.00 |
| Professional Development Hours | 80 | 0 |
| Town Service | 619 | 569 |
| MRA Service | 236 | 208 |
| College Service | 8 | 7 |

Comments

A reminder, our non-emergency number has changed. You can reach the MPD Officer on duty through Buncombe County Dispatch. 828-250-6670.



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ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the month of September , 2023

| Monthly Statistics | 2022 | 2023 |
|----------------------------------|---------|-----------|
| Calls for Service | 42 | 27 |
| Water Leaks Repaired | 3 | 2 |
| New Water Lines Installed | 0 | 0 |
| Water Meters Read | 674 | 674 |
| Water Meter Replacements | 0 | 15 |
| Gallons of Water Produced | 4547305 | 3,132,292 |
| Monthly Fuel Cost | 681.65 | \$ 374.87 |
| Hours Pumped (11 wells combined) | 2347 | 1,623 |

Comments

0



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ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of September , 2023

| Monthly Statistics | 2022 | 2023 |
|---|----------|------------|
| Tons of Curbside Trash Collected | 18.69 | 17.81 |
| Pay-As-You-Throw Trash Bags Collected | N/A | N/A |
| Tons of Curbside Recycling Collected | 2.11 | 5.37 |
| Pay-As-You-Throw Recycling Bags Collected | N/A | N/A |
| Cardboard Recycling Collected | 1.05 | N/A |
| Unique Curbside Sanitation Stops | 1845 | 1,720 |
| Bagged Leaf Pickup | 57 | 71.00 |
| Brush Pickup (cubic yards) | \$ Loads | 4 Loads |
| Hauling Fees | 2598.7 | \$4,177.10 |
| Tipping Fees | 1144.42 | \$1,270.92 |
| Dumpster Rental Fees | 214.63 | \$394.31 |
| Sanitation Fuel | 455.03 | \$ 253.59 |

Comments:

We had seven call on cans that were broken into by the bears or crows. No citations were issued. We would like to remind folks to secure their cans and to also tie bags and to break down cardboard. Thank you for your support.



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ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zonning Administration report for the month of September 2023

| Monthly Statistics | 2022 | 2023 |
|---------------------------------|------|------|
| Approved Zoning Permits | 2 | 1 |
| Denied Zoning Permits | 0 | 0 |
| Pending Zoning Permits | 3 | 1 |
| Variance/Interpretation Granted | 0 | 1 |
| Conditional Use Permits Granted | 1 | 0 |
| Permit Extensions Granted | 0 | 0 |
| Sign Permits Issued | 0 | 0 |
| Notices of Violation | 1 | 0 |

Comments

0



September 2023 - MONTH 3 OF FISCAL YEAR 2023-2024

REVENUES

| Fund | Fund # | Budget | YTD Budget | YTD Projected Budget Percentage | YTD Collected | YTD Actual Percentage | Difference |
|--------------------------------------|--------|--------------|------------|---------------------------------|---------------|-----------------------|--------------|
| GENERAL FUND | 10 | 2,030,592.00 | 507,648.00 | 25.00% | 235,617.08 | 11.60% | (272,030.92) |
| WATER FUND | 30 | 399,844.00 | 99,961.00 | 25.00% | 100,952.25 | 25.25% | 991.25 |
| TOTAL REVENUES GENERAL & WATER FUNDS | | 2,430,436.00 | 607,609.00 | 25.00% | 336,569.33 | 13.85% | (271,039.67) |

EXPENSES

| Dept Name | Fund # | Budget | YTD Budget | YTD Projected Budget Percentage | YTD Exp | YTD Actual Percentage | Difference |
|-----------------------------|--------|--------------|------------|---------------------------------|------------|-----------------------|-------------|
| GOVERNING BODY | 10 | 50,903.00 | 12,725.75 | 25.00% | 17,517.09 | 34.41% | (4,791.34) |
| ADMINISTRATION | 10 | 533,616.00 | 133,404.00 | 25.00% | 151,320.94 | 28.36% | (17,916.94) |
| PUBLIC BUILDINGS | 10 | 120,116.00 | 30,029.00 | 25.00% | 27,343.66 | 22.76% | 2,685.34 |
| POLICE | 10 | 494,744.00 | 123,686.00 | 25.00% | 109,634.27 | 22.16% | 14,051.73 |
| BUILDING AND ZONING | 10 | 91,400.00 | 22,850.00 | 25.00% | 19,738.44 | 21.60% | 3,111.56 |
| PUBLIC WORKS | 10 | 133,205.00 | 33,301.25 | 25.00% | 33,061.52 | 24.82% | 239.73 |
| STREET | 10 | 391,358.00 | 97,839.50 | 25.00% | 72,650.42 | 18.56% | 25,189.08 |
| SANITATION | 10 | 192,200.00 | 48,050.00 | 25.00% | 70,983.47 | 36.93% | (22,933.47) |
| ENVIRON,CONS,REC | 10 | 23,050.00 | 5,762.50 | 25.00% | 927.98 | 4.03% | 4,834.52 |
| TOTAL EXPENSES GENERAL FUND | | 2,030,592.00 | 507,648.00 | 25.00% | 503,177.79 | 24.78% | 4,470.21 |

| Dept Name | Fund # | Budget | YTD Budget | YTD Projected Budget Percentage | YTD Exp | YTD Actual Percentage | Difference |
|--------------------------------------|--------|----------------|--------------|---------------------------------|--------------|-----------------------|-------------|
| WATER | 30 | 399,844.00 | 66,640.67 | 16.67% | 59,284.27 | 14.83% | 7,356.40 |
| TOTAL EXPENSES WATER FUND | | 399,844.00 | 66,640.67 | 16.67% | 59,284.27 | 14.83% | 7,356.40 |
| TOTAL EXPENSES GENERAL & WATER FUNDS | | \$2,430,436.00 | \$574,288.67 | 23.63% | \$562,462.06 | 23.14% | \$11,826.61 |

GENERAL FUND INCOME/LOSS - YTD (\$267,560.71)
WATER FUND INCOME/LOSS - YTD \$41,667.98
NET INCOME - YTD 2024 (\$225,892.73)

| SPECIAL PROJECTS | | | | | | | |
|--------------------------|--------|---------------|-------------------|----------------------|-------------------|--|---------|
| Project | Fund # | Budget | This Month Actual | Amount Spent To Date | Balance Remaining | | % Spent |
| FEMA-MISC | 25 | 214,747.00 | 0.00 | 67,010.03 | 147,736.97 | | 68.80% |
| LANDCARE | 26 | 24,037.05 | 301.17 | 6,565.00 | 17,472.05 | | 72.69% |
| AMERICAN RESCUE PLAN ACT | 28 | 277,266.78 | 0.00 | 204,124.37 | 73,142.41 | | 26.38% |
| TOTAL SPECIAL PROJECTS | | \$ 516,050.83 | \$ 301.17 | \$ 277,699.40 | \$ 238,351.43 | | 46.19% |

REVENUES

| Fund | Fund # | Budget | YTD Budget | YTD Collected | Difference |
|---|--------|---------------------|-------------------|-------------------|---------------------|
| GENERAL FUND | 10 | 2,074,556.00 | 518,639.00 | 215,604.75 | (303,034.25) |
| WATER FUND | 30 | 359,734.00 | 89,933.50 | 92,849.80 | 2,916.30 |
| TOTAL REVENUES GENERAL & WATER FUNDS | | 2,434,290.00 | 608,572.50 | 308,454.55 | (300,117.95) |

EXPENSES

| Dept Name | Fund # | Budget | YTD Budget | YTD Exp | Difference |
|------------------------------------|--------|---------------------|-------------------|-------------------|------------------|
| GOVERNING BODY | 10 | 45,572.00 | 11,393.00 | 14,402.88 | (3,009.88) |
| ADMINISTRATION | 10 | 471,922.00 | 117,980.50 | 144,013.22 | (26,032.72) |
| PUBLIC BUILDINGS | 10 | 120,862.00 | 30,215.50 | 25,664.54 | 4,550.96 |
| POLICE | 10 | 439,974.00 | 109,993.50 | 107,613.73 | 2,379.77 |
| BUILDING AND ZONING | 10 | 94,600.00 | 23,650.00 | 30,705.00 | (7,055.00) |
| PUBLIC WORKS | 10 | 117,593.00 | 29,398.25 | 37,197.26 | (7,799.01) |
| STREET | 10 | 624,083.00 | 156,020.75 | 64,474.92 | 91,545.83 |
| SANITATION | 10 | 136,900.00 | 34,225.00 | 34,897.29 | (672.29) |
| ENVIRON,CONS,REC | 10 | 23,050.00 | 5,762.50 | 1,169.27 | 4,593.23 |
| TOTAL EXPENSES GENERAL FUND | | 2,074,556.00 | 518,639.00 | 460,138.11 | 58,500.89 |

| Dept Name | Fund # | Budget | YTD Budget | YTD Exp | Difference |
|----------------------------------|--------|-------------------|------------------|------------------|------------------|
| WATER | 30 | 359,734.00 | 89,933.50 | 47,481.04 | 42,452.46 |
| TOTAL EXPENSES WATER FUND | | 359,734.00 | 89,933.50 | 47,481.04 | 42,452.46 |

| | | | | |
|---|-----------------------|---------------------|---------------------|---------------------|
| TOTAL EXPENSES GENERAL & WATER FUNDS | \$2,434,290.00 | \$608,572.50 | \$507,619.15 | \$100,953.35 |
|---|-----------------------|---------------------|---------------------|---------------------|

GENERAL FUND INCOME/LOSS - YTD **(\$244,533.36)**

WATER FUND INCOME/LOSS - YTD **\$45,368.76**

NET INCOME - YTD 2022 **(\$199,164.60)**

| SPECIAL PROJECTS | | | | | |
|-------------------------------|--------|------------------------|----------------------|----------------------------|---------------|
| Project | Fund # | Budget | This Month Actual | Amount Spent To Date | % Spent |
| TOWN HALL | 13 | 2,389,579.77 | 0.00 | 2,389,579.77 | 100.00% |
| PUBLIC WORKS BLDG | 14 | 403,888.86 | 0.00 | 398,393.11 | 98.64% |
| FEMA-GREYBEARD | 15 | 242,760.00 | 0.00 | 238,360.30 | 98.19% |
| FEMA-TEXAS ROAD | 16 | 38,272.00 | 0.00 | 38,272.00 | 100.00% |
| FEMA-PROVIDENCE TERR | 17 | 15,883.00 | 0.00 | 15,883.00 | 100.00% |
| FEMA-CALVIN TRAIL | 20 | 13,691.00 | 0.00 | 13,691.00 | 100.00% |
| FEMA-CULVERT PROJECT | 21 | 47,491.00 | 0.00 | 46,966.00 | 98.89% |
| FEMA-URBAN FORESTRY 2018 | 23 | 10,000.00 | 0.00 | 5,841.28 | 58.41% |
| FEMA-URBAN FORESTRY 2019 | 24 | 10,114.00 | 0.00 | 2,352.41 | 23.26% |
| FEMA-MISC | 25 | 214,747.00 | 0.00 | 44,770.03 | 20.85% |
| LANDCARE | 26 | 1,560.00 | 0.00 | 306.00 | 19.62% |
| CARES ACT GRANT | 27 | 9,697.06 | 0.00 | 7,981.06 | 82.30% |
| AMERICAN RESCUE PLAN ACT | 28 | 138,633.39 | 0.00 | 55,405.23 | 39.97% |
| TOTAL SPECIAL PROJECTS | | \$ 3,536,317.08 | \$ - | \$ 3,257,801.19 | 92.12% |

| Date of Deposit | Jul-22 | Jul-23 | % +/- | Aug-22 | Aug-23 | % +/- | Sep-22 | Sep-23 | % +/- |
|--|-----------|-----------|-------|-----------|-----------|-------|------------|-----------|-------|
| AdVal/RMV (Includes Sp Assess&Ded Fees) | 2,467.17 | 2,021.44 | -22% | 8,783.55 | 9,164.35 | 4% | 115,574.01 | 69,593.42 | -66% |
| Sales | 48,247.41 | 47,103.37 | -2% | 50,254.48 | 51,442.97 | 2% | 52,432.25 | 55,100.98 | 5% |
| Solid Waste (Quarterly) | | | | 157.37 | 198.73 | 21% | | | |
| Utility Fran (Quarterly) | | | | | | | 19,305.00 | 20,713.30 | 7% |
| Wine/Beer (Annual-May) | | | | | | | QE 6/30/23 | | |

NOTES:

AdVal Tax is received the month after the tax is collected
 RMV Tax is received two months after the tax is collected
 Sales Tax is received three months after the tax is collected

September Permit Information

| | | | | | | | | | | |
|------|-----------|--------------------------|--------------------|------------|-----------------------------------|-----|------------|--|--------------------------|----------|
| 5942 | 9/5/2023 | Ted Wardlaw & Kay Bryant | 145 Virginia Rd | bldg | residential addition | yes | \$ 367,527 | | Tim Smith | \$2,855 |
| 5943 | 9/7/2023 | Emory Underwood | 120 John Knox Rd | elect/mec | heat pump change out | no | | | Gentry Service | \$ 100 |
| 5944 | 9/8/2023 | Dylan Kehoe | 137 Kanawha Dr | elect/mec | heat pump change out | no | | | All Ways Heat & Cool | \$ 100 |
| 5945 | 9/11/2023 | Gilmour Lake | 427 Kentucky Road | elect/mec | hwh repl | no | | | White & Williams Co, Inc | \$ 100 |
| 5946 | 9/13/2023 | Amy Matheny | 162 Oak Lane | bldg | residential remodel | no | \$ 175,000 | | Wgrant/Swift water | \$ 1,520 |
| 5947 | 9/14/2023 | Everett Culpepper | 202 Harmony Lane | elect/mec | hpc | no | | | Gentry Service | \$ 100 |
| 5948 | 9/19/2023 | Letta Jean Taylor | 386 Oklahoma Road | bldg | residential remodel | no | \$ 90,369 | | Semper Fi Custom Remo | \$ 552 |
| 5949 | 9/21/2023 | Carlton Wilde | 419 WV Terrace | bldg | retaining wall | yes | \$ 10,000 | | Ewing Construction | \$ 100 |
| 5950 | 9/21/2023 | Montreat College | 310 Gaither Circle | elect/mech | supply fan/electrical connections | no | | | Climate Systmes LLC | \$ 100 |
| 5951 | 9/21/2023 | Ashley Marrat | 132 Virginia Rd | bldg | resid remodel/repairs | no | \$ 300,000 | | Mountain Rest Services | \$ 2,470 |

Rule 30. Appointments

- A. The Board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Board may not consider or fill a vacancy among its own membership except in open session.
- B. Rather than proceeding by motion, the Board shall use the following procedure to make appointments to various other boards and offices:
- The Mayor shall open the floor for nominations, whereupon the names of possible appointees may be put forward by Board members.
 - The names submitted shall be debated.
 - When the debate ends, the Mayor shall call the roll of the Board members, and each member shall cast his or her vote.

If more than one appointee is to be selected, then each Board member shall have as many votes as there are slots to be filled. The votes from a majority of the Board members voting shall be required for appointment. A Board member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.



Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002

www.townofmontreat.org

COMMISSIONER OATH OF OFFICE

"I, _____, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of North Carolina, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of Commissioner of the Town of Montreat according to the best of my knowledge and ability; so help me God."

Effective this 12th day of October, 2023.

Commissioner

Angela M. Murphy
Town Clerk

Witness: _____

Witness: _____

| | |
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PREFACE

This policy represents the general personnel program for the Town of Montreat relative to various procedures and regulations duly adopted by the Town Council. This policy replaces and supersedes all previously issued personnel-related directives and memoranda and with the adoption of this policy, all conflicting rules and regulations are rescinded.

If any part of this policy is found to be in conflict with federal and State law, or is otherwise held to be invalid, the remainder of this policy shall continue in full force and shall not be affected.

These provisions for personnel administration remain subject to review and change whenever necessary.

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy.

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Council. This policy is established under authority of ~~Chapter 160A, Article 7,~~ of the General Statutes of North Carolina.

Section 2. At Will Employment.

The Town of Montreat is an “at will” employer. Nothing in this policy creates an employment contract or term between the Town and its employees. No course of conduct or action by any person or group of persons, and nothing in these policies modifies the at-will nature of an employee’s employment with the Town. Employees are not granted a property interest in Town employment.

All Town positions are subject to budget review and approval each year, and salary advancement is subject to annual funding and approval by the Council.

Section 3. Merit Principle.

The Town of Montreat endorses the following merit system principles in administering its personnel program

- a) Applicants and employees shall not be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual’s race, color, religion, sex (including pregnancy, gender identity, and sexual orientation, parental status, national origin, political affiliation, disability, age, military status, or other non-merit based factors.

- b) ~~All appointments and promotions shall be made solely on the basis of merit.~~ Employees shall be recruited, selected, trained, and advanced on the basis of their ability, knowledge, skill, and performance.
- c) Employees may receive equitable pay and benefits and eligible employees may receive merit pay increases based on their performance, subject to the availability of funds.
- d) Employees shall be protected against coercion for partisan political purposes.
- e) All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range.

Section 4. Responsibilities in the Administration of the Personnel Program.

Responsibilities of the Town Council: ~~The Town Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. The Council shall establish rules and procedures as necessary to effectively accomplish the mission of the Town which are not inconsistent with the Town's Charter of Ordinances or with Federal and State laws. They also shall make appointments.~~ The Town Council will adopt or provide for rules and regulations, resolutions or ordinances concerning personnel policies and other measures that promote the hiring and retention of capable, diligent, and honest employees under the authority of the North Carolina General Statutes, to be administered by the Town Manager.

Responsibilities of the Town Manager Manager: The Town ManagerManager shall be responsible to the Mayor and Town Council for the day-to-day administration and technical direction of the personnel program.

The Town Manager Manager shall recommend policies and revisions to the personnel system to the Town Council for consideration, and shall:

- a) maintain a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful; and recommend changes to the classification and pay plan;
- b) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- c) administer the benefits programs of the Town; investigate periodically the operation and effect of the personnel provisions of this policy and of the pay plan and recommend changes;
- d) recommend changes to the personnel policies and practices; and

- e) perform such other duties as may be assigned by the Town Manager ~~Council~~ not inconsistent with this policy.

Responsibilities of Department Heads: A Department Head shall meet his/her responsibilities as directed by the Council, being guided by this policy and Town ordinances. The Town will require all Department Heads to meet their responsibilities by:

- a) dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunities;
- b) developing and motivating employees to reach their fullest potential through continued education and training.
- c) making objective evaluations of individual work performance and discussing these evaluations with each employee so as to bring about needed improvements;
- d) keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work;
- e) making every effort to resolve employee problems and grievances and advising employees of their rights and privileges;
- f) cooperating and coordinating with other staff members in workflow and distributing information;
- g) making proper documentation and maintaining current files.

Responsibilities of the Employee: An employee of the Town of Montreat shall be expected to:

- a) report to work on time and remain on the job until the end of the scheduled workday;
- b) perform duties to the best of his/her ability and contribute a full day's work for a full day's pay;
- c) work well with citizens and with other employees and accept additional assignments during peak workloads and emergency situations;
- d) e request prior approval for leaves of absences, when possible, and before leaving the worksite during the course of a normally scheduled workday. In emergency situations, notify Department Head/Town Manager as soon as possible.;
- e) refrain from engaging in activities which may be deemed as defamatory, hurtful, cause a hostile work environment, try to negatively affect morale, and productivity.

Section 5. Application of Policies, Plan, Rules, and Regulations.

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Attorney, members of the Town Council and advisory boards and

commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 6. Departmental Rules and Regulations.

Given the variation of duties and operational requirements for each department of the Town, Department Heads are authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the final approval of the Council and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy.

Section 7. Conflicts of Interest.

No employee shall derive any personal profit or gain, directly or indirectly, by reason of his or her employment with the Town in violation of North Carolina General Statutes. Employees shall refrain from using any confidential information for personal gain or aiding another's personal gain.

No employee shall accept, or agree to accept, directly or indirectly, any favor, gift, loan, money, fee, service or other item of value in any form whatsoever from any entity, organization or individual if it is intended to reward or influence or give the appearance of rewarding or influencing the employee with respect to his or her employment. This policy is not intended to prevent an employee from accepting an award or recognition for meritorious or outstanding achievement for community or government service. Employees must avoid any relationship or activity that might impair, or appear to impair, their ability to make objective and fair decision when performing their jobs.

No employee may accept outside employment or engage in any private business if the outside employment or private business interferes with the normal conduct of the employee's position. Employees may not perform any services for members of the public on nonworking time that are normally performed by the Town. Should an employee consider securing outside employment, the employee shall submit a formal written request to their Department Head or Town Manager for approval. Such request must include the potential employer's name, address, and describe the duties and hours of employment.

No employee shall furnish any information that was obtained as a result of employment with the Town to gain personal advantage for himself or herself or another. This must not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but will prohibit the use of or provision of information that would place the employee or the recipient in a vantage position over the general public, thereby constituting a violation of public trust. Employees shall, during both working and nonworking hours, act in a manner which will inspire trust in their integrity, impartiality and devotion to the best interests of the Town, their fellow employees, members of the public, vendors and contractors.

No person, firm or corporation, having or proposing to have any contractual relationship with, or rendering or proposing to render any services to the Town or any department, board, or agency thereof, may employ or have as an interested party, directly or indirectly, any employee of the Town, a Town Commissioner, or employee of any board, commission, or agency of the Town, when the approval, concurrence, decision, recommendation or advice of such employee or Town Commissioner may be sought, obtained, or required in connection with such contract or service. Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees should consult the Town Manager. The violation of any provision of this procedure by an employee is sufficient cause for immediate termination of employment.

Section 8. Definitions.

For the purposes of this Policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- a) **Full-time employee.** An employee who is in a budgeted position for which an average work week equals at least 40 hours, and continuous employment of at least 12 months, are required by the Town. All Town positions are subject to budget review and approval each year by the Town Council and all employees' work and conduct must meet Town standards.
- b) **Part-time employee.** An employee who is in a budgeted position for which an average work week of at least 20 hours and less than 40 hours and continuous employment of at least 12 months are required by the Town. Part-time employees working 1000 hours or more participate in the NC Local Government Employees' Retirement System and may earn pro-rated benefits.
- c) **Regular employee.** An employee hired to a full or part-time position who has successfully completed the designated probationary period.
- d) **Department Head.** Department Head shall mean the officially appointed head of any department, responsible for the administration of the department and supervision of employees within the department. May sometimes be referred to as Department Head.
- e) **Probationary employee.** An employee hired to a full or part-time position who has not yet successfully completed the designated probationary period.
- f) **Temporary employee.** An employee hired to a position for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months. Temporary employees may be hired and paid, subject to the availability of funds at a rate that is competitive with the local labor market upon approval of the Town Council.
- g) **Trainee.** Employee status of an applicant hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee employment the employee is on probationary status.
 - 1. not be construed as a contract or right to perpetual funding or employment.
- h) **Volunteer employee.** An employee who is in an unpaid position.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

The position classification plan provides a complete inventory of all authorized positions in the Town service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 2. Composition of the Position Classification Plan.

The classification plan shall consist of:

- a) a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) class titles descriptive of the work of the class;
- c) written specifications for each class of positions; and
- d) an allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan.

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) in determining salary to be paid for various types of work;
- d) in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

Section 4. Administration of the Position Classification Plan.

~~The Town Council shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Council or Manager~~ Town Manager may periodically review portions of the classification plan and recommend appropriate changes to the Town Council. The Town Manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the Town Manager (1) the need for new positions, and (2) material

changes in the nature of duties, responsibilities, working conditions or other factors which may affect the classification of any existing position.

When the Town Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the existing class specification shall be revised or reallocated to the appropriate class within the existing classification plan, or the position classification plan shall be amended establishing a new class to which the position may be allocated.

ection 5. Adoption of the Position Classification Plan.

The position classification plan shall be adopted by the Town Council and shall be on file with the Town Clerk. Copies will be available to all Town employees for review upon request. New positions shall be established upon approval of the Town Council, after which the Town Manager ~~Council~~ shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated.

Section 6. Request for Reclassification.

Department Head

When an employee and/or Department Head believes there have been significant changes in the job duties and responsibilities being performed on a regular basis and outside of the position's current classification, the Department Head may submit a written request to the Town Manager. The Town Manager will review the job duties and responsibilities, scope, complexity, independence, decision-making, general role, and impact of the position to determine if a different classification is appropriate.

Classification decisions are based solely on the position and not the incumbent in the position. However, should the position be assessed at a different classification, the incumbent must meet the minimum qualifications of that job classification before their position can be reclassified. The employee will be informed in writing on the Town Manager's decision. If the position reclassification request cannot be supported, the employee will remain in their current classification.

ARTICLE III. THE PAY PLAN

Section 1. Definition.

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades and Ranges" adopted by the Town Council. The salary schedule consists of rates of pay for minimum or beginning, maximum, and may include intervening rates of pay. The pay plan establishes a salary range for all classes of positions, and includes a designation of the standard hours in the work week for each position.

Section 2. Administration and Maintenance.

The Town Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the rates of pay for comparable positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town and other factors. To this end, the Town Manager shall from time to time make comparative studies of all factors affecting the levels of pay ranges and shall recommend to the Town Council such changes in pay ranges as appear to be warranted.

Periodically, the Town Manager shall recommend that individual salary ranges be reviewed and may recommend adjustment in salary as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the Town Council. Normally this review shall occur as a part of the budget process.

Any salary advancement of employees is subject to annual funding and approval by the Town Manager increases may be limited by budget or by policy.

Section 3. Starting Salaries.

All persons employed in positions approved in the position classification plan shall be employed at the minimum salary for the classification in which they are employed. However, well-qualified applicants may be employed above the minimum of the established salary range upon recommendation of the

Department Head and with approval of the Town Manager. In addition, an applicant may be hired at a rate other than the minimum when there has been a demonstrated inability to recruit at the minimum rate.

Section 4. Trainee Designation and Provisions.

Applicants being considered for employment or Town employees who do not meet all the requirements for the position for which they are being considered may be hired, promoted,

demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head. "Trainee" salaries may be no more than two grades below the hiring rate salary established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee.

If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases.

Upon successful completion of the probationary period, full-time and part-time employees hired, promoted, or reclassified into the hiring rate of the pay range shall normally receive a salary increase within the pay range of 5%. Employees hired or promoted 5% above the minimum of the pay range for their classification are not normally eligible for a probationary increase.

The Department Head shall conduct performance evaluation conferences with employees prior to the completion of the probationary period and at least once each year thereafter. Employees reporting to the Council shall be evaluated at least once a year in a performance evaluation conference with the Council.

The performance evaluation conferences shall consist of two-way discussions between employee and Department Head(s). The discussions should cover areas of accomplishment and performance strengths, areas for improvement, training needs, and goals for the upcoming year. The overall purpose of performance evaluation will be to improve the employee's performance. A summary of these performance evaluation conferences shall be documented in writing.

Section 7. Merit Pay and Merit Bonus.

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria concerning the quality of performance of the employee and is subject to the availability of funds. Pay increases may be percentages or flat dollar amounts within the range, and may vary from employee to employee based on the variations in performance.

Employees may be considered for advancement within the established salary range or at the beginning of the new fiscal year based on the quality of their overall work. When an employee's work needs improvement, the Department Head is expected to refrain from recommending a merit increase.

Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications.

Promotions. When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of at least 5% over the employee's salary before the promotion, provided, however, that the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

Demotions. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least approximately 5%, and may be no greater than the maximum of the new range.

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall normally receive a pay increase of approximately 5%. The employee shall receive a greater increase if necessary to advance the employee to the hiring step of the new range if probation has not been completed or to the probation completion step of the new pay range if probation has been completed. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

Section 9. Salary Effect of Salary Range Revisions.

When a class of positions is assigned to a higher salary range, employees in that class shall normally receive a pay increase of at least approximately 5%. The employee shall receive a greater increase if necessary to advance the employee to the hiring step of the new range if probation has not been completed or to the probation completion step of the new pay range if probation has been completed. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum step established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 10. Transition to a New Salary Plan.

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised to the new minimum for their classes.
- 3) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employees' salary range is increased above the employees' current salary.

Section 11. Pay Day and Effective Date of Changes.

The Town's office hours are Monday through Friday from 8:00 a.m. to 5 p.m. The weekly work hours may vary for each department.

However, many services performed by Town employees are essential and some must be provided 24 hours each day, every day of the year. Therefore, Town employees may be required to work changing shifts and the number of hours per day may differ.

Employees will be paid on a biweekly basis, with work weeks established by the Town Manager.

If a regular pay day falls on a holiday, checks will be issued on the workday that precedes the holiday.

Employees are encouraged to examine paychecks for correctness and payroll deductions will be explained if requested.

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided by procedures approved by the Council.

Section 12. Hours of Work.

The Town Manager shall determine the standard workweek for employees. The length of the workweek is subject to change as dictated by necessity.

| <u>Employee Group</u> | <u>Payment Basis</u> | <u>Standard Work Week</u> | <u>Usual Work Period</u> |
|-----------------------|----------------------|----------------------------|--------------------------|
| Non-Exempt | Hourly | 40 Hours in a 7-day Period | 4-5 Days Per Week |
| Law Enforcement | Hourly | 42-Hour Average | Rotating Shifts |
| Exempt | Salaried | 40 Hours, More as Required | 5 Days Per Week |

Section 13. Rest Periods/Breaks.

Due to the variation in work schedules and needs among departments, the Town makes no attempt to define a uniform policy for rest periods or breaks. Department Heads may establish appropriate rest period practices which best serve the Town's interest within the work units under their supervision. Such practices shall be subject to review of the Council, and shall be limited to one rest period or break in the morning and in the afternoon no longer than 15 minutes each.

All employees are allowed thirty (30) minutes or one hour for one (1) meal break during any normal working day. Breaks of at least 30 minutes taken for mealtime will not be counted as part of any employee's normal work hours.

Section 14. Overtime Pay Provisions.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA).

The Town Manager, following FLSA regulations, shall determine which jobs are "non-exempt" and are, therefore, subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees in the general work force will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a 7-day period). The Town may elect to pay employees overtime pay at one and one-half their regular rate of pay or award one and one half hours of compensatory time for each hour worked over the established limit for their positions in lieu of cash payments, in accordance with the provisions of the Fair Labor Standards Act

In determining eligibility for overtime in a work period, only hours actually worked shall be considered. Pay for time not worked on sick leave, annual leave, and compensatory leave will not be counted when determining these threshold hours for overtime eligibility. Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees. When time off within the work period cannot be granted, overtime worked will be accrued as compensatory time at a time-and-one-half rate, in accordance with FLSA regulations.

Non-exempt employees in the general work force may not accrue more than 240 hours of compensation time. Should an employee earn more than 240 hours of compensation time for circumstances outside of their control, the Department Head will work with the employee to schedule time off as soon as reasonably practicable. Employees of the Montreat Police Department may accrue up to 480 hours.

Overtime work must be of an unusual, unscheduled, or emergency nature and must be approved by the employee's Department Head. Failure to obtain Department Head approval

in advance for overtime may result in disciplinary action. Additional work time must be recorded on an employee's time sheet in order to accrue overtime/compensatory time. The Department Head is responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with established policy. Hours are only accumulated after an employee works the maximum designated number of hours as established by the FLSA and set forth hereinabove.

The Town reserves the right to make cash payments for any overtime worked in situations that it deems appropriate. Examples of these situations include but are not limited to:

1. Employee staffing levels demonstrably below that required to perform what is determined to be an essential task;
2. Emergency situations;
3. Call-back situations as approved by the appropriate Department Headly personnel;
4. The availability of sufficient funds to pay financial responsibilities incurred by the town; and
5. Other situations that may be authorized by the Town Manager.

Cash payments at a rate of one and one-half the affected employee's regular rate of pay for overtime work shall be made only when authorized, in advance, by the Town Manager.

Employees in positions determined to be "exempt" from FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional compensatory leave by their Department Heads or the Town Manager where the convenience of the department allows.

Non-Exempt and Exempt Employees under FLSA:

Exempt Employees. Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) are paid on a salaried basis, and will not receive compensation – pay or time off -- for hours worked in excess of their normal work periods. In rare cases, such as under conditions designated by the Town Council as “Declared Emergency”, exempt employees may be eligible for additional pay or time off for extra hours worked, as approved by the Town Council.

The Town intends to make deductions from the pay of exempt employees for authorized reasons and prohibits improper pay deductions. Exempt employees who wish to question deductions they believe to be improper may use the Town’s Grievance procedure, as explained in this policy. If the deduction is found to be improper the Town will reimburse the employee for lost pay.

Non-exempt (Non-Law enforcement Officers): Employees will be compensated at a straight time rate for hours up to the FLSA established limit for their position—currently 40 hours in a 7 day period.

Hours worked beyond 40 in a 7 day period will be compensated by pay or compensatory time off at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA overtime purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the same applicable 7 day work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid or time off granted in accordance with the FLSA at a time-and-a-half rate.

Compensatory leave requires approval by the Town Manager when creating a future balance that exceeds 120 hours. In no case should an employee's compensatory balance exceed the FLSA limit (240 hours for non-law enforcement employees). Employees terminating employment with the Town will be paid for all accrued FLSA compensatory time hours not taken.

Non-Exempt Law Enforcement Officers: Employees will be compensated at a straight time rate for hours worked up to the FLSA established limit for their position – currently 171 hours in the designated 28 day cycle.

Hours worked beyond 171 in a 28 day period will be compensated by time-and-a-half pay. In determining eligibility for overtime in a work period, only hours worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA overtime purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the same applicable 28-day work period for non-exempt employees, instead of paying overtime.

Section 15. Use of Compensatory Time

It is the responsibility of the Department Head to administer the compensatory time policy to ensure that employees do not accrue excessive levels of compensatory time. When possible, Department Heads shall provide time off, on an hour-for-hour basis, within the same pay period as the additional time expected to be worked.

Employees should be allowed to use part or all of the accrued time within a reasonable period, unless doing so would unduly disrupt the department's operations.

Use of compensatory leave should be approved and taken in the same manner as annual leave. Compensatory leave must be exhausted before annual leave can be taken.

Any unused accrued compensatory time balance will be paid out at termination of employment for non-exempt employees.

Section 16. Call-back.

The Town provides a continuous twenty-four hour a day, seven day a week service to its residents. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal.

Non-Exempt employees will be guaranteed a minimum compensation of two hours (pay or compensatory time) for being called back to work outside of normal working hours or for responding from home to a known emergency. "Call-back" provisions do not apply to previously scheduled overtime work.

Section 17. Payroll Deduction.

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager as to capability of payroll equipment and appropriateness of the deduction.

Section 18. Hourly Rate of Pay.

The hourly rate for employees will be determined by dividing the average number of hours worked scheduled per year into the annual salary for the position.

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees. The Town Manager will recommend hourly rates of pay for other part-time or temporary employees.

Section 19. Payment of Travel Expenses.

All participation in workshops, schools and meetings of more than a day must have prior approval of the Town Manager if any of the time and expense is to be paid by the Town.

Expenses incurred as a part of the job for the Town will be reimbursed at the rate set by the IRS, and meals and lodging reimbursed at actual reasonable costs, or an established per diem. When anticipated that the per diem will be exceeded, the Council may elect to increase the rate before the travel is incurred.

All travel claims must be supported by detailed documentation, usually in the form of receipts or similar vouchers.

The Town Manager may deny reimbursement of any questionable, unsupported or excessive expense claim submitted by the employee.

Section 19. Reimbursement of Training Expenses.

An employee who enters a job-related training program or educational course, with the prior approval of the Department Head and Council, shall be reimbursed for expenses such as tuition and books upon successful completion of the program. The Council may set annual limits for the amount of reimbursement. If the employee leaves employment with the Town within twenty-four months thereafter, the employee shall reimburse the Town for such expenses.

Section 20. Payment for Certifications.

Employees may be rewarded for new certifications of job related education, as approved by the Town Manager. The range for compensation will be minimum of \$50.00 and maximum of \$250.00. The amount of the increase will be added into the employee's annual base salary.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy.

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex (including pregnancy, gender identity, and sexual orientation, race, color, religion, national origin, disability, political affiliation, parental status, genetic information, or other nonmerit based factors. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties with or without reasonable accommodation.

Section 2. Implementation of Equal Employment Opportunity Policy.

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex (including pregnancy, gender identity, and sexual orientation, race, color, religion, disability, national origin, political affiliation, parental status, genetic information, or other non-merit based

factors. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 4. Recruitment, Selection and Appointment.

Recruitment Sources. When position vacancies occur and are not filled from within, the Town shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants, in order to establish a diverse and qualified applicant pool. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments.

Job Advertisements. Jobs will be posted including position title, brief description of duties, minimum qualification requirements, salary range, instructions for applying, and the deadline, if any, for accepting applications. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are vacant, and may request to be notified of future vacancies that occur.

Application File. Applications and materials for applicants not selected shall be kept in an inactive file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

Residency. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for Town service. Appointments shall not necessarily be limited to residents of Montreat; however, in cases where residents and non-residents are equally qualified, the local resident may receive additional consideration.

Residency in the Town limits is not required; however, employees may be required to live within reasonable commuting and emergency response distance.

Selection. The Department Head shall screen all applications and identify a group of the best qualified candidates. The Town Manager or designee shall check references and make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related. All selection devices administered by the Town shall be valid measures of job performance.

Section 5. Probationary Period.

An employee newly hired or a promoted employee shall serve a six-month probationary period. During the probationary period, Department Heads shall monitor an employee's performance and communicate with the employee concerning performance progress. Probationary employees shall have a probationary review at the end of six months as well as before the end of twelve months.

An important purpose of the probationary period is to provide an opportunity for the appointee to adjust to the new job. Likewise, it serves as a trial period during which the employee demonstrates his or her ability to perform the work, to accept additional responsibility, to demonstrate good work habits and to work well with the public and fellow employees. Before the end of the probationary period, the Department Head shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion should be documented in the employee's personnel file. The Department Head shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed.

In unusual cases, for specific reasons approved by the Town Manager, the introductory period may be extended for a maximum of an additional six (6) months. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension. However, sick and vacation leave may be used by the employee in this extended introductory period with prior approval of the Department Head. Disciplinary action, including demotion and dismissal without right of appeal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted and demoted employees who are on probation retain all other rights and benefits such as the right to use the grievance procedures.

Upon successful completion of the probationary period, a full-time employee is eligible to be considered for a probationary pay increase as outlined in Article III, and to use annual leave as outlined in Article VII.

Section 6. Promotion.

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range.. Therefore, when a current employee applying for a vacant position is best suited, that applicant shall be considered for that position. The Town will balance three goals in the employment process:

- 1) the benefits to employees and the organization of promotion from within;

- 2) providing equal employment opportunity and a diversified workforce to the community; and
- 3) obtaining the best possible employee who will provide the most productivity in that position.

Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates. The Town reserves the right to publicly advertise any vacant position and to fill a position from outside the Town's workforce whenever the Town Manager determines it is in its best interests to do so.

Section 7. Demotion.

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request voluntary demotion. A voluntary demotion is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

Section 8. Transfer.

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the Town Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedules and Employee Attendance.

Department Heads shall establish work schedules, with the approval of the Town Manager, which meet the operational needs of the department in the most cost effective manner possible.

Because Town services are essential and continuous, an employee shall avoid unnecessary absences and tardiness. Attendance and punctuality are important responsibilities of the employee which may influence his/her future eligibility for a merit pay increase for promotion.

The employee shall be required to call his Department Head in advance to advise him/her when illness prevents reporting to work, or when the employee expects to be late for work because of unusual and unavoidable circumstances.

If an employee is away from the job for 3 consecutive work days without notice, it may be presumed that the employee has resigned and forfeited any claim to terminal pay for accumulated vacation.

Section 2. Political Activity.

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

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e) Use Town-owned supplies, equipment or facilities to display political slogans, posters or stickers or for other political purposes.
- f) No full or part-time employee shall be a candidate for nomination or election to office under the Town Charter. Temporary and volunteer employees (see definition in Article I, Section 8) are not covered under this exclusion and are eligible for nomination or election to such office.

Any violation of this section shall subject the employee to disciplinary action including dismissal.

Section 3. Outside Employment and Voluntary Service.

The work of the Town shall have precedence over other occupational interests of employees. Employees are cautioned not to engage in outside activities that are so exhaustive that the employee's physical and mental ability are consistently impaired to the extent that the employee's Town service is adversely affected.

Conflicting outside employment is grounds for disciplinary action up to and including dismissal. Examples of conflicts of interest in outside employment *include but are not limited to*:

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; or
- b) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's Town duties (such as working for a company where significant Town purchases are made by the employee).

The Town may require that employees report outside employment including salaries, wages, or commissions and all self-employment in advance to the employee's Department Head. The Department Head would review such employment for possible conflict of interest and then submit a record of the employment and review to the personnel file. Documentation of the approval of outside employment would be placed in the employee's personnel file.

This section does not apply to volunteers employees performing work for the Town.

Off the Job Injuries: An employee who sustains an injury or illness in connection with outside employment and is receiving Workers' Compensation benefits from that employer shall not be entitled to receive Town workers compensation benefits or accrued Town sick leave.

In cases where an off the job employment-related injury or illness results in temporary disability, an employee must either

- a) request and obtain a leave of absence without pay;
- b) request and use accrued vacation leave; or
- c) be subject to termination by the Town due to lack of availability for work, following a three month absence.

Volunteer Emergency Service: The Town encourages and shall permit employees to participate as members of a volunteer emergency service to the extent that the volunteer activities do not interfere with the employee's responsibilities in the Town service.

Section 4. Dual Employment.

A full or part-time employee of the Town may simultaneously hold another position with the Town if the temporary position is in a different department and clearly different program area from that of the full or part-time position. The work of the temporary position must also be performed on an occasional or sporadic basis as identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position, and such work will not count toward the calculation of overtime for pay or time off.

Section 5. Employment of Relatives.

The Town prohibits the hiring and employment of immediate family in regular or temporary positions within the same work unit. "Immediate Family" is defined in Article VII, Section 12. The Town also prohibits the employment of any person into a regular or temporary position who is an immediate family member of individuals holding the following positions: Mayor, Town Council Member, Town Manager or Town Attorney. Otherwise, the Town may consider employing family members or related persons in the service of the Town, provided that such employment does not:

- a) result in a relative supervising relative, or Council Members providing oversight to departments where relatives work;
- b) result in a relative auditing the work of a relative;
- c) create a conflict of interest with either relative and the Town; or
- d) create the potential or perception of favoritism.

This provision shall not apply retroactively to anyone employed when the provision is adopted by the Town.

Section 6. Harassment Prohibited.

It is the Town's policy that all employees have a right to work in an environment free of harassment, verbal and physical, including sexual harassment.

Sexual harassment includes, but is not limited to:

- 1) Unwelcome sexual advances, requests for sexual acts or favors, or other verbal or physical conduct of a sexual nature;
- 2) Any statement or implication that an individual's submission to or rejection of such sexual conduct could be used as a condition of employment, or as the basis for any employment decision affecting such individual; and
- 3) Any conduct, whether physical or verbal, which has the purpose or effect of substantially interfering with an individual's work performance, creating an intimidating, hostile or

offensive work environment or adversely affecting an individual's employment opportunities.

Sexual harassment includes, but is not limited to: slurs, jokes or degrading comments of a sexual nature; offensive sexual flirtation, unwanted sexual advances or propositions; abuse of a sexual nature; graphic verbal comments about an individual's body; sexual innuendo or suggestive comments, gestures, or leering; sexually oriented "kidding" or "teasing"; unwanted physical touching, such as patting or pinching another person's body; and the display in the workplace of sexually suggestive printed or visual materials, clothing, objects, cartoons, signs, calendars or pictures; demands for favors in exchange for favorable treatment or continued employment.

Reporting Procedures

All employees are responsible for helping to ensure that we prevent harassment, as well as take steps to stop harassment if it occurs. If you feel you have experienced, witnessed or become aware of sexual harassment, you should immediately report the incident(s) to your Department Head or to the Town Manager. Every complaint will be promptly and thoroughly investigated, including interviewing witnesses and participants. All efforts will be made to ensure the confidentiality of the complaint to the extent possible; however, information, including the identity of the individual lodging the complaint, may be divulged where necessary to fully investigate the matter or comply with applicable law. If an investigation leads the Town to conclude that sexual harassment or other inappropriate behavior has occurred, the Town will take steps to remedy the situation and make sure it does not continue. Such steps may include disciplinary action, up to and including termination, as the Town determines is appropriate.

Prohibition on Retaliation

There will be no retaliation against any employee who submits a good faith complaint, reports an incident witnessed, or participates in any way with the investigation of sexual harassment claim in compliance. Department Heads are prohibited from making any personnel decision or taking any adverse action against any employee because the employee submits a complaint or cooperates in good faith with an investigation of alleged conduct prohibited by this policy. If an employee believes he/she has been retaliated against for resisting or reporting sexual harassment or other prohibited harassment, he/she should report such retaliation in the same manner as set forth above. Any acts of retaliation will be considered a violation of this policy and corrective action will be taken, up to and including termination.

Section 7. Solicitation and Acceptance of Gifts and Favors.

No official or employee of the Town shall solicit or accept any gift, favor, or thing of value (as defined by State law, usually more than \$50) that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value. Violation of this section shall subject the employee to dismissal or other disciplinary action.

Except as specifically approved by the Council, no employee shall solicit pledges or contributions for any cause during work hours.

Section 8. Performance Evaluation.

Department Heads shall evaluate performance beginning with the employee's first day on the job. Through open communications with his or her Department Head, the employee should obtain a clear understanding of what is expected related to job performance and a periodic assessment of his or her job strengths and weaknesses.

A formal evaluation shall be completed for an employee prior to the completion of his or her introductory period and at least once each year thereafter. The Town's performance evaluation program provides a system for appraising the employee's work. These performance evaluations shall be documented in writing and placed in the employee's personnel file.

Section 9. Safety.

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment and a safety program for employees.

The Town Manager and Department Heads share the responsibility for:

- a) Providing safe work procedures and environments;
- b) Informing and training employees in safe work habits and methods;
- c) Insuring safe work procedures and detecting and correcting unsafe practices and conditions;
- d) Investigating accidents and preparing accident reports.

Employees are responsible for:

- a) developing and maintaining safe work habits and attend safety training;
- b) promptly reporting all accidents and injuries;
- c) pointing out what are believed to be dangerous practices and working conditions;
- d) assisting with investigations or accidents;
- e) wearing and using required protective equipment and taking proper care of safety equipment;
- f) wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery;

- g) knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 10. Substance Abuse Policy.

The Town upholds the obligation to its employees, citizens, affiliates, stakeholders and the public, to reasonably ensure safety in the workplace, comply with federal and state health and safety regulations for a Drug-Free Workplace, and prevent accidents.

Accordingly, the use, possession, sale, transfer, manufacture, purchase or being under the influence of illegal drugs or other intoxicants by employees at any time on the Town's premises or while involved in any business relating to the Town is prohibited. Employees must not report for duty or be on our property while under the influence of, or in the possession of, any intoxicating liquor, marijuana, narcotic or other illegal or illegally obtained substance.

Prescription drugs are allowed provided they are in the possession of and used only by the individual for whom they are prescribed, under the conditions prescribed by a treating physician, and they do not impair an employee's performance or endanger the employee and other individuals in the workplace. Town employees who are required to drive while performing their job must not operate a vehicle while taking a prescription that could in any way impair their ability to do so. Any medication brought onto the Town's property, whether prescription or over-the-counter, must be stored properly in a secured locker, drawer or cabinet.

If the Town, as part of a social function or authorized entertaining, provides alcoholic beverages, or if attending a function in your capacity as a Town representative at which alcohol is served, employees choosing to consume such beverages must do so responsibly.

Arrests/Convictions

The Town does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and/or alcohol may have an impact on the workplace. Therefore, the Town reserves the right to take appropriate disciplinary action if employees are arrested for or convicted of any crime involving illegal drug use, sale or distribution while on or off the Town's premises. The Town further reserves the right to take appropriate disciplinary action against any employee arrested for or convicted of driving under the influence or driving while impaired.

All employees who are arrested for, convicted of, plead guilty to or are sentenced for a crime involving drugs or alcohol are required to report the arrest, conviction, plea or sentence to the Town Manager within five (5) days. Failure to comply will result in automatic discharge.

Searches

When necessary, the Town may inspect and/or search all Town property, as well as any employee's personal property on the Town's premises for alcohol, controlled or illegal substances, or any other substances which impair job performance, with or without notice to the employee, and/or in the employee's absence. Refusal to submit to any such inspection or refusal to cooperate in any investigation may result in disciplinary action, up to and including termination. Any illegal or controlled substances discovered on Town premises will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

Testing Program

Employees may be subjected to off-site, third party testing for drugs or alcohol under the following circumstances:

- 1) **PRE-EMPLOYMENT.** Applicants being considered for hire must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
- 2) **ACCIDENT OR INCIDENT.** An employee may be tested if he/she is involved in an accident or incident which:
 - a. Caused or could have caused personal injury to that employee, or any other person;
 - b. Caused property damage; or
 - c. The action or inaction by the employee contributed to an accident, with or without injury to any person, or property damage.
- 3) **TESTING UPON REASONABLE SUSPICION.** The Town has a reasonable suspicion that the employee is or has been under the influence of drugs or alcohol while on the job.

Employees who, as a result of being tested under this program, are identified as being substance abusers are subject to discharge. However, the Town will support employees with substance problems who voluntarily seek help prior to being tested and prior to being notified that testing may occur. Employees who voluntarily seek help may be referred to appropriate counseling and rehabilitation for their first occurrence only.

Employee compliance with this drug and alcohol-testing program is a condition of employment. Failure or refusal of any employee to fully cooperate and participate in the program, sign any required document, or submit to a drug and alcohol-screening test will be grounds for termination of employment unless a compelling, satisfactory reason is provided.

Section 11. Use of Town Property and Equipment.

Town equipment, materials, tools and supplies shall not be available for personal use and are not to be removed from Town property except in the conduct of official Town business, unless approved by the Council. No employee shall purchase for personal use any equipment or supplies through Town purchase accounts.

Vehicles: An employee shall care for vehicles and equipment owned by the Town in a responsible manner. Vehicles are to be used for official Town business and personal use of Town vehicles and use of Town gasoline in privately owned vehicles is strictly prohibited. Employees on call may be authorized to take a vehicle to his/her residence, after approval has been granted by the Council.

Telephones, e-mail and Internet: Usage of Town telephones and computers for personal communications and Internet connections or e-mail for personal reasons should be brief. Employees should not access pornographic sites, or conduct nefarious activities while using Town equipment or use Town phones for personal long-distance calls.

Under North Carolina law e-mail sent or received by the Town is considered a public record and is subject to public inspection upon request.

Surrender of property: An employee who is terminated shall be required to return all items of equipment, including uniforms, owned by the Town. Return of such equipment in good condition may precede the issuance of an employee's final paycheck.

Section 12. Inclement Weather

The Town Manager may be called to determine if the offices will be open or closed. An employee unable to work due to inclement weather may use vacation or compensatory time. In emergency situations, designated Department Heads or employees may be required to report to work.

Section 13. General Service Regulations

The following provisions shall be known as general service regulations and shall apply to all employees:

- a) Behavior and Common Courtesy: When contacting the public in any manner, especially on public business, Town employees shall do so in a courteous manner. Every employee shall at all times endeavor to conduct himself or herself in a manner that reflects credit upon his or her department and the Town of Montreat.
- b) Disclosure of Confidential Information: No official or employee shall, without the approval of the Council, disclose confidential information concerning the property, government or affairs of the Town. Nor shall he or she under any circumstances use

such information to advance the personal, financial or other private interests, for themselves or others.

- c) Use of Intoxicants: No employee shall use intoxicating beverages or drugs of any kind while on duty, nor shall an employee report for duty while under the influence of an intoxicant or drug, unless such drug has been certified by a licensed physician as a drug that will not impair the work of the employee. Medications prescribed by a physician and certified by the physician not to impair the employee's ability to work may be taken during working hours as prescribed.
- d) Off-duty conduct: Generally, the Town regards the off-duty activities of employees to be their own personal matter rather than that of the Town. However, certain types of off-duty activities represent potential concern and liability to the Town. For that reason, employees who engage in or are associated with illegal or immoral conduct, the nature of which adversely affects the public trust and confidence in the Town of Montreat, may be subject to dismissal or other disciplinary action.

Section 14. Media Contact

Montreat personnel shall make every effort to maintain good working relationships with the media. All requests for information shall be handled with respect and referred to Department Head. The Town Manager shall determine if the Mayor or Department Head will be contacted. ~~The Mayor, Manager, Town Manager or Department Head shall be notified, as soon as practical, as to the nature of the request and the organization making the request.~~ Any reply shall come from the Mayor, Town Manager or Department Head. Employees should ascertain that the requesting person is in fact representing a media organization. Employees should also be mindful of their personal liability for providing information on employees, former employees, Town policy, projects or events.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility.

All full-time employees of the Town are eligible for employee benefits as provided for in this Article which are subject to change at the Town's discretion. Additional benefits may be approved by Council for specific employees as a condition of employment.

Section 2. Group Health and Hospitalization Insurance.

The Town provides group health and hospitalization insurance programs for full-time employees and may pay the cost of individual coverage. Part-time employees who are scheduled to work 20 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health through the Town for themselves or for themselves and qualified dependents. A pro-rated amount of the cost of coverage paid for a full-time employee

shall be paid by the Town with the remainder of the cost being paid by the employee. This pro-rated amount shall be based on regularly scheduled hours.

Employees may cover their qualifying family members by paying the full cost of that dependent coverage.

Section 3. Group Life Insurance.

The Town may elect to provide group life insurance for each employee subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage and/or to insure other family members under this plan at their expense subject to the stipulations of the insurance contract.

Section 4. Retirement System.

Each employee in a regular position who is expected to work for the Town more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System as a condition of employment. The Town and the employee both contribute to the cost of retirement, as required by state law.

Section 5. Supplemental Retirement Benefits.

The Town provides contributions to the 401(k) plan administered by the State of North Carolina equal to 5% of each active employee's gross pay. Employees may also contribute up to the limit prescribed by law.

Section 6. Retiree Health Insurance.

An employee who retires before age 65 under the provisions set forth under the NC Local Governmental Employees' Retirement System and has completed at least 15 years of continuous service with the Town of Montreat (or who retires under the LGERS on disability regardless of length of Town service) may continue the group health insurance plan coverage until age 65, or the age of Medicare coverage, whichever comes first, at the retiree rate as established annually by the Town Council. Dependent coverage would be paid for in full by the retiree. The employee must elect to continue the insurance at the time of retirement to receive the benefit.

Retired employees and their dependents are no longer eligible to receive this benefit or remain covered by the Town's group medical insurance coverage

- 1) upon reaching 65 years of age, or

- 2) upon becoming fully covered by Medicare, or
- 3) upon the discontinuance of the benefit by the Town and/or the insurance carrier.

Premium payments for said coverage will be paid directly to the Town for the insurance carrier. A retired employee is required to pay his or her portion of the monthly premium no later than the 10th day of the month for the following monthly coverage. Failure to pay the premium within the prescribed time period could result in the discontinuance of the benefit provided by the Town.

Section 7. Social Security.

The Town, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees. Social Security payments are deducted from paychecks and are matched by the Town.

Section 8. Workers' Compensation.

All employees of the Town (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate Department Heads at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers' Compensation Act lies with the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Town Manager will assist the employee in filing the claim.

This provision also applies to reactions to small pox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation.

Article VII covers the use of leave to supplement pay during periods of absence due to injury.

Section 9. Unemployment Compensation.

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Section 10. Uniforms and Clothing Allowance.

The Town shall provide uniforms for law enforcement personnel. Clothing or clothing allowances shall be provided to other employees as authorized by the Council. Upon separation from employment the employee will return uniforms to the Town.

Section 11. Longevity Pay.

Eligible employees will receive monetary awards based on the following schedule: years of service (beginning with the anniversary date of full-time employment) times \$100.00 per year with a capped dollar amount of \$1,500. (Example: 5 years x \$100 = \$500).

Longevity will be awarded to employees per employee evaluation approval. The benefit is to be awarded in November of each calendar year.

Section 12. Separation Allowance.

The Town provides a monthly separation allowance to retired law enforcement officers as required in the NC General Statutes.

Non-law enforcement employees employed prior to July 1, 1998:

Employees of the Town of Montreat who meet the following requirements shall receive, beginning on the last day of the month in which he or she retires, an annual separation allowance equal to eighty five hundredths percent (0.85%) of the average final compensation as determined by the LGERS multiplied by the creditable years of services as determined by the LGERS. The resulting product equals the annual payment of the separation allowance. This amount divided by 12 is the amount that will be paid on the last day of each month. The requirements for this separation allowance are as follows:

1. The employee must have;
 - a) Completed thirty (30) or more years of creditable service as an employee of the Town of Montreat eligible to participate in LGERS at the time of retirement; or
 - b) Attained the age of fifty-five (55) and completed fifteen (15) or more years of creditable service as an employee of the Town of Montreat eligible to participate in LGERS at the time of retirement.
2. The employee must be employed prior to July 1, 1998.
3. The employee must not have attained sixty-two (62) years of age.
4. At least 50% of the employee creditable service must be as a non-law enforcement employee. Employment in a law enforcement position with the Town of Montreat shall be included in determining the length of service for purposes of this policy, but no

employee shall receive the Separation Allowance if he/she qualifies for the Special Separation Allowance for law enforcement officers, or retires on disability.

5. Payment of this Separation Allowance shall cease at the death of the employee or on the last day of the month in which he/she attains sixty two (62) years of age, or on the last day of the month in which he/she receives social security, or upon the first day of employment of the employee by any governmental body. Should the special separation allowance for law enforcement officers, now required by law, be rescinded, this separation allowance shall be rescinded all at the same time.
6. The Separation Allowance does not replace any benefits to which a retired employee may be entitled from state, federal, or private retirement systems. It shall not be paid concurrently with or in addition to any compensation provided by the Special Separation Allowance for Law enforcement officers from any employer.

Section 13. ADA/Reasonable Accommodations.

It is the Town's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. A "disability" is defined as a physical or mental impairment (active, episodic or in remission) that substantially limits one or more of the individual's major life activities when present. The Town will make reasonable accommodations for known disabilities of an applicant or employee, consistent with its legal obligations to do so, so long as such accommodations do not constitute an undue hardship to the Town. An employee with a disability who feels he or she needs an accommodation in order to continue performing the essential job function of his or her position should contact the Town Manager. As part of the Town's commitment to make reasonable accommodations, the Town will then engage in a timely, good faith, interactive process with the disabled applicant or employee to determine effective reasonable accommodations (if any), which can be made in response to a request for accommodations.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy.

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately on a monthly basis.

Section 2. Holidays.

The following holidays have been designated for observance. The schedule of actual dates is issued on a calendar year basis. Written notice of the holiday schedule shall be provided annually.

| Holiday | Number of Days |
|--|-----------------------|
| New Year's Day | 1 |
| Martin Luther King, Jr.'s Birthday | 1 |
| Good Friday | 1 |
| Memorial Day | 1 |
| Juneteenth | 1 |
| Independence Day | 1 |
| Labor Day | 1 |
| Veterans Day | 1 |
| Thanksgiving | 2 |
| Christmas | 3 |
| Note: Employee who works a schedule that is less than 12 months shall be eligible for the holidays that occur during the months scheduled to work. | |

Religious Observances

The Town shall make efforts to accommodate an employee's request to be away from work for certain religious holiday observances; however, nothing shall obligate the Town to make accommodation if, in accommodating the request, it would result in undue hardship on the Town or its employees.

When a holiday falls on a weekend, the Town Manager will determine when such day(s) will be taken. Normally, if the holiday falls on Saturday, the preceding Friday shall be observed as the holiday; if the holiday falls on a Sunday, the following Monday will be observed. In order to be eligible for holiday pay, an employee must have been in pay status before and after the holiday.

In addition to the specified holidays above, each employee may take one of the following as a holiday. Before such day is taken, the employee must obtain approval to be off on the day of their choosing. One of the following days may be used in this manner:

Easter Monday
Veteran's Day

Another Religious Holiday
President's Day

Floating Holiday
Employee Birthday=

Section 3. Holidays: Effect on Other Types of Leave.

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

Section 4. Holidays: Compensation When Work is Required (or Regularly Scheduled Off for Shift Personnel)

Employees required to perform work on regularly scheduled holidays shall receive an equal number of hours off on a subsequent day as compensation for the holiday worked. If a holiday falls on a scheduled day off, the employee shall receive a day off based on their average work day at a later time.

Section 5. Vacation Leave.

Vacation leave is intended to be used for rest and relaxation, but may be used as the employee desires, and may be used for medical appointments and for absences due to adverse weather. Employees must request vacation leave from their respective Department Head. Unless the requested leave would create an undue hardship for the Town, the Department Head shall attempt to arrange the work schedule to accommodate the employee's request for vacation leave, but the final decision shall be that of the Department Head.

Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Section 6. Vacation Leave: Use by Probationary Employees.

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first 6 months of the probationary period unless approved in a pre-employment agreement. Employees shall be allowed to take accumulated vacation leave after six months of service.

Section 7. Vacation Leave: Accrual Rate.

Each full-time employee of the Town shall earn vacation leave each payroll period at the rate shown in the schedule below:

| <u>Years of Service</u> | <u>Amount of Leave Earned</u> |
|-------------------------|-------------------------------|
| 0- 2.99 years | 11 days (88 hours)* |

| | |
|------------------|---------------------|
| 3 – 4.99 years | 13 days (104 hours) |
| 5 – 9.99 years | 15 days (120 hours) |
| 10 – 14.99 years | 18 days (144 hours) |
| 15 - 19.99 years | 23 days (184 hours) |
| 20 -24.99 years | 23 days (184 hours) |
| 25+ years | 25 days (200 hours) |

* hours of vacation earned annually based on an 8 hour work day

The formula for calculating vacation leave for part-time employees is found in Section 15 of this article.

Employees will be credited vacation leave for each full calendar month of work. For pay purposes, a vacation day is equal to a regular work day.

Persons who are hired on or before the 15th of the month earn vacation time for that month; those hired after the 15th of the month begin earning vacation on the first of the following month.

Employees on probation earn vacation but may not use it until 6 months of the probation period is completed.

An employee continues to accumulate vacation while on vacation and sick leave. Employees must be on pay status for more than 15 days of the month in order to earn vacation for that month.

Section 8. Vacation Leave: Maximum Accumulation.

Vacation leave may be accumulated without any applicable maximum until June 30th of each year. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 30 days. Effective the last payroll in the fiscal year, any employee with more than 30 days of accumulated leave shall have the excess accumulation removed so that only 30 days are carried forward to July 1 of the next calendar year. The excess amount removed shall be converted to sick leave and added to the employee's sick leave balance. Employees are not eligible to receive pay for excess vacation time not taken.

Section 9. Vacation Leave: Manner of Taking.

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the Town. Employees will normally be required to request earned vacation at least 1 week in advance of such leave; exceptions shall be authorized by the Department Head on an individually requested basis.

Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one hour (1 hour) increments.

All employees who earn at least 120 hours of vacation per year must take at least five consecutive workdays of accrued vacation per calendar year.

Section 10. Vacation Leave: Payment upon Separation.

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, not to exceed 240 hours / 30 days (see Section 15 for pro-rating for employees working other than 40 hours per week), provided notice is given to the Department Head at least two weeks in advance of the effective date of resignation / four weeks' notice for Department Heads.

Any employee failing to give the notice required by this section shall forfeit payment for accumulated vacation leave. The notice requirement may be waived by the Council when deemed to be in the best interest of the Town. Employees who are involuntarily separated shall receive payment for accumulated vacation leave subject to the 240 hour maximum, except in cases of dismissal for detrimental personal conduct.

At the time of an employee's separation, any vacation leave owed the Town shall be deducted from the employee's final paycheck.

Section 11. Vacation Leave: Payment upon Death.

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 8 of this Article.

Section 12. Sick Leave.

Sick leave may be used by employees (probationary or regular employees) absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Employees serving their probationary period may be required to submit a doctor's certification in order to use accrued sick leave during the probationary period.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill. "Immediate family" shall be defined as spouse, child, or parent. Upon request of the employee, the Town Manager may determine if sick leave may be used for the care of other family members on a case by case basis.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision.

Notification: Notification of the desire to take sick leave should be submitted to the employee's Department Head prior to the leave or not later than 30 minutes after the beginning of the scheduled workday. Sick leave is not to be abused and will be granted with pay only when the employee provides advance notice required by the department, tells the Department Head the expected duration of the leave, and keeps the Department Head informed, daily if required, off his/her work status.

Section 13. Sick Leave: Accrual Rate and Accumulation.

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Employees will be credited sick leave for each full calendar month of work. For pay purposes, a sick day is equal to a regular work day.

Persons who are hired on or before the 15th of the month earn sick time for that month; those hired after the 15th of the month begin earning sick leave on the first of the following month.

An employee continues to accumulate sick leave while on vacation and sick leave. Employees must be on pay status for than 15 days of the month in order to earn sick leave for that month.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force.

Reinstatement of Leave: Employees who resign in good standing or are dismissed from employment because of reduction in force and are reinstated within 3 years shall be credited with their previously accumulated sick leave. Employees who are dismissed from employment for reasons other than reduction in force or who are not reinstated within 3 years shall lose all sick leave credits.

Section 14. Medical Certification.

Prospective or current employees may be required to submit to a medical and/or psychological fitness for duty examination to determine if they are able to perform the duties and responsibilities of the job, especially essential tasks, if the Town deems desirable. The Town Manager may require certification stating the nature of the employee's illness, injury or disability and the employee's physical or emotional capacity to perform the duties for the job.

The employee's Department Head may require a physician's certificate stating the nature of the employee's or family member's illness and the employee's capacity to resume duties for each occasion on which an employee uses sick leave or whenever the Department Head observes a "pattern of absenteeism." The Town Manager shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 15. Leave Pro-Rated.

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, or divided by 26 shall be the number of hours of leave earned bi-weekly.

Section 16. Family and Medical Leave.

The Town provides Family and Medical Leave to its eligible employees in compliance with federal law, as stated in the Family & Medical Leave Act ("FMLA"). FMLA leave is unpaid, job-protected leave for certain qualifying events described below.

For the purpose of this FMLA policy, the following definitions are used:

- **Child.** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of mental or physical disability."
- **Next of Kin.** Nearest blood relative of the covered service member.
- **Parent.** A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child.

- **Serious health condition.** A condition, illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.
- **Spouse.** A husband or wife as defined or recognized under State law for purposes of marriage

Eligibility for FMLA

To qualify for FMLA leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the Town for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement stating the Town's intention to rehire the employee after the service break.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave.

Qualification for FMLA

Under the FMLA, an eligible employee is entitled to up to 12 weeks of unpaid, job-secured leave for a qualifying reasons. The Town will measure the leave on a rolling forward 12 month basis beginning on the first day an employee uses any FMLA leave. To qualify as FMLA leave under this policy, the leave must be for one of the reasons listed below:

- 1) The birth of a child and to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition of the employee that makes the employee unable to perform the functions of his or her position.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the Town may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

For regular leave an employee is required to certify that the medical leave of absence is for a serious health condition for the employee or a family member. A written certification by a

Physician or Practitioner must be provided. This information should be submitted at the time the leave is requested or within 15 calendar days. Failure to provide necessary certification may result in denial of the leave requested.

When the leave is foreseeable, the employee must submit written notice at least 30 calendar days prior to the requested leave to the Town Manager. When leave is unforeseeable, the employee must give notice as soon as practicable (within one or two working days of learning of the need for leave, except in extraordinary circumstances).

For birth, adoption or foster care, the employee must substitute available paid leave, excluding sick, for the unpaid FMLA. When the paid leave is exhausted, the remainder of the 12 weeks of leave, if any, will be unpaid FMLA. For serious illnesses, the employee must substitute all available sick leave for the unpaid FMLA. When the sick leave is exhausted, the remainder of the 12 weeks of leave, if any, will be unpaid FMLA.

Military Leave

Under the FMLA, eligible employees who are the spouse, child, parent or next of kin of a covered service member of the U.S. armed forces (including the National Guard and Reserves) are entitled to a total of up to 26 weeks of unpaid, job-protected leave during a twelve (12) month period to care for a service member who is receiving medical treatment, is recuperating or is undergoing therapy for a serious injury or illness suffered while on active duty, that has rendered the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

For military caregiver leave under FMLA, an employee is required to provide certification of the serious health condition and need for Military Caregiver Leave, setting forth, at a minimum: a statement of medical facts regarding the servicemember's health condition; information sufficient to establish that the servicemember is in need of care; a description of the care to be provided to the servicemember and an estimate of the leave needed to provide the care; and the relationship of the employee to the servicemember. This information should be submitted at the time the leave is requested or within 15 calendar days. Failure to provide necessary certification may result in denial of the leave requested.

Military caregiver leave may be taken only once and does not again become available with the start of a new FMLA year. An employee may not take more than a combined total of twenty-six work weeks of leave in any twelve (12) month period in which he or she chooses to use Military Caregiver Leave and other leave under FMLA.

Qualifying Exigency Leave

Under the FMLA, an employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of unpaid, job protected leave for reasons related to or affected by the family member's call-up or service. The "qualifying exigency" must be one of the following:

- 1) Due to short-notice deployments (seven or fewer days' notice);
- 2) To attend certain military events such as family support or assistance programs, or official military ceremonies;

- 3) To arrange for alternative childcare, provide childcare on an emergency, but not on a regular basis, or to attend meetings at a school or daycare concerning the servicemember's child;
- 4) To address certain financial and legal arrangements;
- 5) To attend counseling sessions from the call-up to active duty;
- 6) To spend time with service member who is on short-term rest and recuperation leave during a period of deployment (limited to five days for each instance); and
- 7) To attend post-deployment activities, such as arrival ceremonies and reintegration briefings, within 90 days of the end of the deployment.

For qualifying exigency leave, an employee is required to provide a copy of the service member's active-duty orders or other documentation supporting that the service member has been called to active duty in support of a contingency operation and the related dates of such duty. An employee will also be required to provide certification setting forth, at a minimum: the facts supporting the need for the leave; the approximate start date for the qualifying exigency; and the start and end dates for the leave. This information should be submitted at the time the leave is requested or within 15 calendar days. Failure to provide necessary certification may result in denial of the leave requested.

Requests for qualifying exigency leave should be submitted using the same procedures as a request for other leave under FMLA but should be submitted as soon as practically possible.

Qualifying exigency leave, like leave for a serious health condition, is a FMLA-qualifying reason for which an eligible employee may use his or her entitlement for up to 12 weeks of FMLA leave each year. An eligible employee may take all 12 weeks of his or her FMLA leave entitlement as Qualifying Exigency Leave or the Employee may take a combination of 12 weeks of leave for both Qualifying Exigency Leave and regular FMLA Leave for a serious health condition.

Intermittent Leave

Under some circumstances, employees may take FMLA leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. FMLA leave may be taken intermittently whenever medically necessary with the Town's consent. When intermittent leave is needed, the employee must try to schedule leave so as not to unduly disrupt the Town's operations.

Employee Benefits During FMLA Leave

During FMLA leave, group health benefits will continue at the same level and under the same conditions that will exist for covered employees actively working. The employee will be required to make the necessary premium payments for any required employee contribution. Payment is not received within 30 days of the date due, dependent insurance coverage will be terminated. Once terminated, the employee may elect to reinstate his or her dependent insurance coverage under COBRA. COBRA provisions require the employee to pay the entire cost for coverage.

While on FMLA leave, an employee is not entitled to accrue any additional leave time.

Upon Return from FMLA Leave

Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of

employment. Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee will be required to submit to the Town Manager, certification from the employee's health care provider stating that the employee is able to return to work.

Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Town Manager. Within five business days after the employee has provided this notice, the Town Manager will complete and provide the employee with the DOL Notice of **Eligibility and Rights**.

Within five business days after the employee has submitted the appropriate certification form, the Town Manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

Section 17. Leave Without Pay.

A full or part-time employee may be granted a leave of absence without pay for a period of up to 12 months by the Town Manager. The leave shall be used for reasons of personal disability after both sick leave, compensatory time, and vacation leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager.

The employee shall apply in writing to the Town Manager for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

Section 18. Leave Without Pay: Retention and Continuation of Benefits.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Council and the regulations of the insurance carrier.

Insurance and payroll deductions are the responsibility of the employee and he/she must make those payments for continued coverage of that benefit, notwithstanding the Leave Without Pay status.

Section 19. Workers' Compensation Leave.

An employee absent from duty because of sickness or disability will be covered by the North Carolina Workers' Compensation Act. The employee is entitled to no compensation for the first seven days of disability unless the disability continues for more than 21 days, but may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. After the disability has continued for more than 21 days, the employee is entitled to receive compensation for the first seven days.

If the disability continues beyond seven days, full-time and part-time employees may also elect to supplement workers' compensation payments after benefits begin with sick leave, vacation, or compensatory time. However, the combination of leave supplement and workers' compensation payments may not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans.

When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee may be required to return the reimbursement check to the Town and have leave hours re-instated for all time covered by paid leave. In such cases, the Town will pay the employee for any unpaid time that is owed the employee. The Town may also decide to allow the employee to retain the reimbursement check, but not have leave time reinstated.

Section 20. Military Leave.

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted 10 workdays (2 calendar weeks) per year of military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional 10 days of military leave during the same calendar year.

If such duty is required beyond these ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply.

Employees may use annual leave in hourly increments to supplement the military pay, but may be required to provide documentation of military pay, so that compensation from the Town and military sources does not exceed the amount normally paid by the Town.

While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

Section 21. Reinstatement Following Military Service.

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- 1) Applies for reinstatement within ninety days after the release from military service; and
- 2) Is able to perform the duties of the former position or similar position; or
- 3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the Town. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available

Section 22. Civil Leave.

A Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. While on civil leave, benefits and leave shall accrue as though on regular duty.

The employee shall be compensated for his/her scheduled hours of work for each day on which the employee receives jury pay in the amount of the difference between the jury pay the regular straight-time hourly rate for the scheduled hours of work on such day, not exceeding 8 hours a day, for a maximum of 15 days.

The employee must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties.

Employees in court for their own case or appearing voluntarily as a witness in another person's case must use annual leave or leave without pay for their time in court.

Section 23. Funeral Leave.

Employees who have completed probation will be granted 3 days /24 hours of funeral leave (not charged to other leave balances) for the purpose of preparing for and attending the funeral or memorial service and for bereavement. Additional time off will be charged to leave-without-pay or, with the approval of the Department Head, to vacation time. Leave does not accumulate year to year.

No funeral leave will be credited unless the employee provides reasonable prior notice of the day(s) of intended absence and the time and date of intent to return to work.

Section 24. School Involvement Leave.

Full-time regular employees who are parents, guardians, or persons “standing in loco parentis” of a school-aged child shall be granted four hours per year of unpaid leave to attend or otherwise be involved at their child’s school. However, the leave is subject to the following conditions:

- a. The leave shall be at a mutually agreed upon time between the Department Head and the employee; and
- b. A written request must be submitted to the Department Head for the leave at least 48 hours before the time desired for the leave.

For the purposes of this section, “school” means any public school, charter school, private school, preschool and child daycare facilities

Employees may be allowed to use accumulated vacation or compensatory time with approval of the Department Head

Section 25. Education Leave.

An employee of the Town of Montreat may be granted leave of absence for job training, certification, or other job-related training or education. Arrangements for expenses and compensation shall be made prior to the leave of absence on a case-by-case basis, Department Head, as approved by the Town Manager.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations.

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

Section 2. Resignation.

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate Department Head as far in advance as possible. In all instances, the minimum notice requirement is two weeks for employees / four weeks for Department Heads. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation

leave unless the notice is waived by the Council. When appropriate, the Town Manager shall conduct an exit interview.

Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Three consecutive days of absence without contacting the immediate Department Head may be considered ~~to be~~ a voluntary resignation.

Section 3. Reduction in Force.

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability.

An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

Section 5. Voluntary Retirement.

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death.

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 7. Dismissal.

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8. Reinstatement.

An employee who is separated because of reduction in force may be reinstated with the approval of the Town Manager. An employee who is reinstated within 3 years of separation shall be re-credited with his or her previously accrued sick leave.

An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

Section 9. Rehiring.

An employee who resigns while in good standing may be rehired with the approval of the Council, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance.

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or termination shall be conducted by the primary Department Head with the approval of the Town Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined.

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Town. Examples of unsatisfactory job performance include, *but are not limited to*, the following:

- a) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- b) Careless, negligent or improper use of Town property or equipment;
- c) Physical or mental incapacitation to perform duties;
- d) Discourteous treatment of the public or other employees;
- e) Absence without approved leave;
- f) Improper use of leave privileges;
- g) Failure to report for duty at the assigned time and place;
- h) Failure to complete work within time frames established in work plan or work standards;
- i) Failure to meet work standards over a period of time; or
- j) Failure to follow the chain of command to address work-related issues.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance.

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the Department Head shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's file by the Department Head.

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the Department Head before disciplinary action resulting in suspension, demotion, or dismissal is implemented. Where warnings are given, the

Department Head should record the date of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set for corrective action. The warnings given should include notice to the employee that failure to make timely corrections may result in disciplinary action, including suspension, demotion, or dismissal from employment.

If the employee's performance continues to be unsatisfactory, then the Department Head should make a written recommendation to the Town Manager for disciplinary action such as suspension, demotion or dismissal. (See Section 6 of this chapter concerning pre-disciplinary conferences prior to disciplinary actions.)

Section 4. Disciplinary Action for Detrimental Personal Conduct.

An employee may be placed on disciplinary suspension by the Manager, or, with the approval of the Council, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to

- a) avoid undue disruption of work;
- b) protect the safety of persons or property; or
- c) for other serious reasons.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that undue or serious disruption of work of the Town has or may occur; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. Examples of detrimental personal conduct include, *but are not limited to*, the following:

- a) Fraud;
- b) Theft;
- c) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- d) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- e) Willful misuse of gross negligence in the handling of Town funds or personal use of equipment or supplies;
- f) Willful or wanton damage or destruction to property;
- g) Willful or wanton acts that endanger the lives and property of others;
- h) Possession of unauthorized firearms or other lethal weapons on the job;

- i) Brutality in the performance of duties;
- j) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- k) Engaging in incompatible employment or serving a conflicting interest;
- l) Request or acceptance of gifts in exchange for favors or influence;
- m) Engaging in political activity prohibited by this policy;
- n) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status;
- o) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work responsibilities; or
- p) Personal behavior which so severely damages an employee's credibility with staff and/or citizens as to render the employee ineffective in his or her assigned duties.

Section 6. Types of Disciplinary Actions and Pre-disciplinary Conference.

Employees may be disciplined for unsatisfactory job performance or detrimental personal conduct. The decision on the recommended appropriate discipline is made by the Department Head, with approval of the Manager

Suspension: Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and shall be without pay.

Non-exempt employees: May be for short periods and should not generally exceed three days (24 hours) for nonexempt employees.

Exempt employees: In accordance with FLSA requirements to maintain exempt status, suspensions for exempt employees shall normally be for one full work week, especially if the suspension is for unsatisfactory job performance issues. Under FLSA suspensions of less than a week are authorized for major safety violations or infractions of workplace conduct rules (detrimental personal conduct).

Demotions: Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job.

Dismissal: Terminations are appropriate when the employee has shown he/she is unwilling or unable to perform work in a manner that meets the work and conduct standards of the Town.

Pre-disciplinary Conference: Before suspensions of 3 days or more, demotion, or dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Manager or Department Head will conduct a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action. The Manager or Department Head will consider the employee's response, if any, to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action shall contain a statement of the reasons for the action and the employee's appeal rights.

Section 7. Non-Disciplinary Suspension.

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension, in the opinion of the Manager, would be in the best interest of the Town, the Manager may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases the Town may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid leave for the duration of the suspension; or
- 2) Temporarily relieve the employee of all duties and responsibilities and place the employee on unpaid leave for the duration of the suspension; or
- 3) Temporarily assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension such employee shall not lose any benefits to which otherwise the employee would have been entitled had the suspension not occurred. The employee shall also receive any back pay withheld while on unpaid leave.

If the employee is terminated following suspension without pay, the employee shall not be eligible for any pay from the date of suspension; however, all other benefits with the exception of accrued vacation leave and sick leave shall be maintained during the period of suspension.

The Town has a strong commitment to ensuring that our workplace remains safe. All employees, members of the public, vendors, and business associates must be treated with courtesy and respect at all times, and are expected to refrain from conduct that may be dangerous to others. Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees determined to have committed such acts will be reported to the proper authorities and fully prosecuted.

Section 7. Workplace Violence.

To help employees understand and report behavior that could lead to violence, a list of prohibited conduct is provided below. However, this list of behaviors should not be considered all-inclusive, but merely a list of examples of conduct that is prohibited:

1. Intentionally causing physical injury to another person.
2. Making verbal or written threats of violence or intimidation.
3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
4. Disruptive behaviors such as yelling, using profanity, waving of arms and fists, verbally abusing others and refusing reasonable requests for identification.
5. Threatening behavior includes physical actions short of actual contact or injury (moving aggressively into another's personal space), general oral or written threats to people or property ("You better watch your back." "I'll get you."), and implied threats ("You'll be sorry." "This isn't over.")
6. Violent behavior includes any physical assault, with or without weapons; behavior that a reasonable person would interpret as being potentially violent (throwing things, pounding one's fist on a desk or door, or destroying property), or specific threats to inflict physical harm.
7. Possession of a weapon while on Town property or while conducting Town business, with the exception of sworn law enforcement officers, when engaged in their official duties.
8. Intentionally damaging Town property or the property of a Town employee.
9. Committing acts motivated by, or related to, sexual harassment or domestic violence.
10. Workplace bullying.
11. Retaliatory actions against an individual who reported a workplace violence or bullying incident.

Any concerns about safety or potentially dangerous situations must be reported immediately to an employee's Department Head or to the Town Manager. All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy.

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from Department Heads or employees for exercising their rights under this policy. Department Heads or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from Town service.

Section 2. Grievance Defined.

A grievance is a claim or complaint by a current or a former employee based upon an event or condition, under the control of the Town, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Section 3. Purposes of the Grievance Procedure.

- 1) The purposes of the grievance procedure include, but are not limited to:
- 2) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 3) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 4) Promoting better understanding of policies, practices, and procedures which affect employees;
- 5) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 6) Increasing the sense of responsibility exercised by Department Heads in dealing with their employees; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Procedure.

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent.

The last step initiated by an employee shall be considered to be the step at which the grievance is resolved.

Representation: An employee may be accompanied and assisted by a representative of his or her choosing in attempting to resolve the grievance.

Informal Resolution. Prior to the submission of a formal grievance, the employee and Department Head should meet to discuss the problem and seek to resolve it informally. In addition, the employee or Department Head may request mediation from local mediation services or other qualified parties to resolve the conflict. Mediation may be used at any step in the process when mutually agreed upon by the employee and relevant Town Department Head. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate Department Head in writing. The grievance must be presented within ten calendar days of the event or within ten calendar days of learning of the event or condition. The Department Head shall respond to the grievance within ten calendar days after receipt of the grievance. The Department Head should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the Department Head is required to cooperate to the fullest extent possible.

The response from the Department Head for each step in the formal grievance process shall be in writing and signed by the Department Head. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Town Manager.

Step 2. If the grievance is not resolved to the satisfaction of the employee at the end of Step 1, the employee may appeal, in writing, to the Manager within ten calendar days after receipt of the response from Step 1. The Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the full Town Council within ten calendar days after receipt of the response from Step 1. The Council shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Council's decision shall be the final decision.

Employees, Department Heads, or the Town Manager may use trained human resource, mediation, or facilitation professionals at any step in the process to help improve communication and understanding or to help resolve the conflict.

Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination.

When an employee, former employee, or applicant, believes that any employment action discriminates illegally -- i.e. is based on age, sex(including pregnancy, gender identity, and sexual orientation), race, color, national origin, religion, political affiliation, parental status,

genetic information, or other non-merit based factor -- he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the full Town Council.

Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information.

In compliance with GS 160A-168, the following information with respect to each Town employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned.

Any person may have access to this information 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 may adopt.

Section 2. Access to Confidential Records.

All information contained in a Town employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- a) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- c) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- e) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is

deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- f) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- g) The Town Council may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Council shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

All matters dealing with personnel shall be routed to the Town Manager, who shall maintain a complete system of personnel files and records.

Section 3. Personnel Actions.

The Town Manager will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system.

Section 4. Records of Former Employees.

The provisions for access to records apply to former employees as they apply to present employees.

Section 5. Remedies of Employees Objecting to Material in File.

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

Section 6. Penalties for Permitting Access to Confidential Records.

Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated

custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes

Section 7. Examining and/or Copying Confidential Material without Authorization .

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 8. Destruction of Records Regulated.

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.3 of the General Statutes.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. No policy can address every situation that might arise, and this Personnel Policy contains only general statements of the Town's personnel policies. The Town explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees. Notwithstanding any of the provisions within these policies, employment may be terminated .at any time, either by the employee or by the Town, with or without cause and with or without advance notice.

RESOLUTION 23-10-0001

WHEREAS, the Mayor and the Board of Commissioners (sometimes referred to as the Town Council) of the Town of Montreat recognizes the importance of its municipal employees; and

WHEREAS, it is the desire of the Mayor and Town Council to maintain a work force composed of qualified, competent, dedicated employees; and

WHEREAS, the Mayor and Town Council recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force; and

WHEREAS, it is the desire of the Mayor and Town Council to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment consistent with the needs of the Town and the circumstances of the situation which may be faced from time to time;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MONTREAT that the following rules and replacing, where appropriate, the existing articles and sections of the Personnel Policy on personnel, pay plans, class specifications, and benefits.

BE IT RESOLVED by the Town Council of the Town of Montreat that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town.

READ, APPROVED, AND ADOPTED THIS THE 12TH OF OCTOBER, 2023

Tim Helms, Mayor

Savannah Parrish, Town Manager

Attest

I, hereby certify this is a true and correct copy of this Resolution, duly adopted by the Town of Montreat on the 12th day of October, 2023, as it appears of record in official minutes.

Angie Murphy, Town Clerk



Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002

www.townofmontreat.org

Proclamation 23-10-0001

Proclamation of Domestic Violence Awareness Month

Whereas: Domestic violence is a serious crime that violates an individual's security and humanity due to the systematic use of emotional, psychological, physical, sexual, and economic control;

Whereas: An average of 24 people per minute experience rape, physical violence, and/or stalking by an intimate partner in the United States, more than 12 million people over the course of a single year;

Whereas: The problems of domestic violence are not confined to any specific groups of people, but can happen to anyone regardless of racial or ethnic identity, sexual orientation, education level, socio-economic status, gender identity, or religious beliefs, and these problems are sustained by societal indifference;

Whereas: Intersecting layers of vulnerability due to race, ethnicity, gender identity, sexual orientation, age, ability, religion/spirituality, citizenship status, and spoken language, in the context of American society, make it easier for abusers to isolate, control, and create and sustain power over survivors with marginalized identities;

Whereas: Children who grow up witnessing domestic violence in their homes are deeply impacted and are more likely to have trouble in school, more likely to perpetuate and be victimized by violence themselves, and more likely to experience long-term mental and physical health challenges;

Whereas: Survivors should have help to find the compassion, comfort, and healing they need, and abusers should be held accountable for their violent behavior;

Whereas: Powerful partnerships exist locally between many non-profit and governmental organizations that are committed to supporting survivors in their journey toward safety and healing;

Whereas: It is survivors of abuse who have been at the forefront of efforts to bring peace and equality to the home;

Whereas: Domestic Violence Awareness Month is an opportunity to stand with survivors, to celebrate the progress we have made in combating these crimes, and to recommit to preventing domestic violence in our community;

NOW THEREFORE, be it proclaimed on behalf of all of the members of Montreat Town Council and residents of the Town of Montreat, that the month of October 2023 be proclaimed Domestic Violence Awareness Month, and we urge our residents to make the commitment to stop domestic violence by speaking out against it and learning more about the resources available to survivors and their families.

READ, APPROVED AND ADOPTED, this the 12th day of October, 2023.

[SEAL]

Tim Helms, Mayor

ATTEST:

I hereby certify that this is a true and correct copy of this Resolution, duly adopted by the Town of Montreat on the 12th day of October, 2023 as it appears of record in the official minutes.

Angie Murphy
Town Clerk



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

RESOLUTION #23-10-002 DECLARING CERTAIN ITEMS SURPLUS AND AUTHORIZING DISPOSAL BY PRIVATE NEGOTIATION AND SALE

WHEREAS, North Carolina General Statute 160A-266 and 160A-267 allows for a city to dispose of personal property belonging to the city by private negotiation and sale valued at less than thirty thousand dollars (\$30,000) for any one item or group of similar items; and

WHEREAS, the Town of Montreat Board of Commissioners have determined that the following property is surplus property and desire to sell or dispose of same:

- 2010 Ford Escape 1FMCU9C70AKC96816
- 2007 Vermeer BC1000XL Wood Chipper
- Miscellaneous Small Engine Equipment

NOW, THEREFORE, BE IT RESOLVED by the Town of Montreat Board of Commissioners the following:

- (1) That the items listed above are declared surplus property; and
- (2) That the Board of Commissioners wishes to dispose of the property by private negotiation and sale; and
- (3) That the Town Clerk is authorized to dispose of the property by private negotiation and sale; and
- (4) That a report detailing the final negotiated price for the property be presented to the Board of Commissioners upon final sale; and
- (5) The clerk to the Board of Commissioners shall publish a notice summarizing this resolution, and no sale may be executed pursuant to this resolution until at least 10 days after the day the notice is published.

READ, APPROVED, AND ADOPTED, this the 12th day of October, 2023.

Tim Helms, Mayor

Savannah Parrish, Town Manager

ATTEST:

I, hereby certify this is a true and correct copy of this Resolution, duly adopted by the Town of Montreat on the 12th day of October, 2023, as it appears of record in the official minutes.

Angie Murphy, Town Clerk

MEMORANDUM

TO: The Town of Montreat Board of Commissioners

CC: Savannah Parrish (Town Manager), Angela Murphy (Town Clerk), Lynn Gilliland (Applicant, on behalf of the Montreat Conference Center, Memorial Garden Committee)

FROM: Kayla DiCristina (Zoning Administrator)

SUBJECT: Montreat Memorial Garden Path Upgrades

DATE: October 12, 2023

ATTACHMENTS: Applicant Letter and Site Plan, Staff Presentation

This request submitted by the Applicant, Lynn Gillilan (on behalf of the Montreat Conference Center, Montreat Memorial Garden Committee), is for permission from the Board of Commissioners to upgrade and expand the existing pathway in the Montreat Memorial Garden. The Montreat Memorial Garden Committee intends to install a new handicap-accessible path connecting to the existing path and to upgrade the existing path to make it handicap-accessible. No structural elements are proposed as part of this project. Few trees are intended to be displaced with this project and enhancements to existing plantings and vegetation are proposed.

The location of this request is in the Conservation Overlay District on the south side of Assembly Drive north of the Town's gate and west of Flat Creek. The project boundary contains existing vegetation and is within the 100-year floodplain of Flat Creek. The area of land subject to this request is land dedicated to the Town of Montreat via the Mountain Retreat Association's Greenspace Agreement ("Agreement") and classified as hatched green. The Agreement is dated 1983 and was recorded among the Land Records of Buncombe County in Deed Book 1443 pages 145 through 148 for the purpose of dedicating to the Town of Montreat from the Mountain Retreat Association (MRA) road rights-of-way and additional areas. The Agreement identified rights-of-way and other areas via a color system of solid green, red, and blue, and hatched green and yellow where solid green, red, and blue either contain or are reserved for utilities and/or roads and hatched yellow areas remain in ownership by the MRA. As a note, the Agreement was amended in

2012 (via Deed Book 4969 pages 1380 through 1386 recorded among the Land Records of Buncombe County) to clarify provisions related to rights-of-way identified as hatched yellow designated areas. Hatched green areas are described via the excerpt below from the Agreement:

“...(are) designated areas to be used only for recreation, fishing, greenspaces, and beautification, and for such street, bridge, and utility rights of way as the Town shall deem reasonable necessary for its use or shall grant to others for such purposes and further provided that any changes in the present character and natural condition of said hatched green-designated areas (other than for streets, bridges, and utility rights-of-way) shall be determined by mutual agreement between the Town and the Association from time to time.”

Given the project’s location on land within the Agreement, the Applicant’s request requires the Board of Commissioner’s approval before proceeding. This approval may also be conditioned by the Board. Following approval by the Board of Commissioners, the Applicant must obtain development approvals through the Planning and Zoning Department and any other town Department as applicable.



MONTREAT[®]

CONFERENCE CENTER

Office of Development

PO Box 969
Montreat, NC 28757

October 4, 2023

Dear Commissioners,

The Montreat Conference Center is seeking Montreat Town Council approval to expand and upgrade the path in the existing Montreat Memorial Garden. There is a need to provide more scattering space as all the niches in the Garden's wall have been committed. In addition, the entire garden path and gathering area will be upgraded to make it handicap accessible, as the current path and gathering spot are loose stone.

The plan calls for digging a new path connected to the existing path, with little displacement of trees. In fact, the planting to shield the garden from the roadside will be enhanced as part of this project to give more privacy. There will be five stone columns along the path but no other structural elements. The plans were drawn by Mary Weber, Landscape Architect, PLLC who drew the original Montreat Memorial Garden Plans.

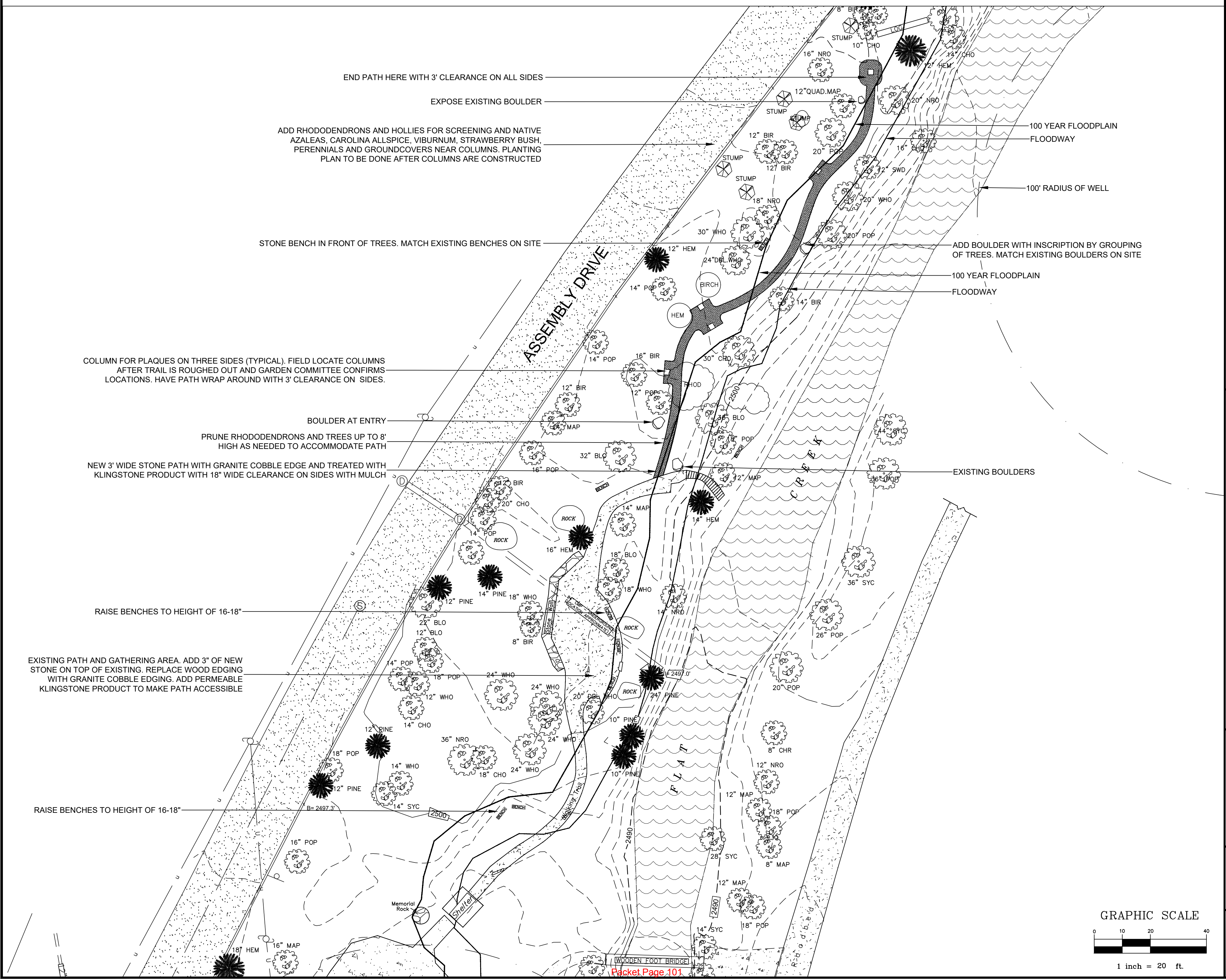
If possible, we would like to be included on the Town Council agenda for Thursday, October 12. Martha Sloan from our staff will be there to represent Montreat. Lynn Gilliland, the volunteer Chair of the Memorial Garden Committee will be there to answer questions.

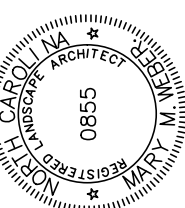
Thank you so much for your consideration. The Memorial Garden is a special place in our Montreat community and is particularly important to many of our residents.

With gratitude,

Seth Hagler
Vice President for Development
Montreat Conference Center







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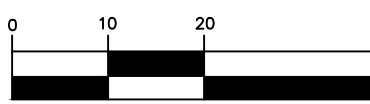
MONTREAT MEMORIAL GARDEN
SCATTER GARDEN EXPANSION

SITE PLAN

DATE:
10/5/23

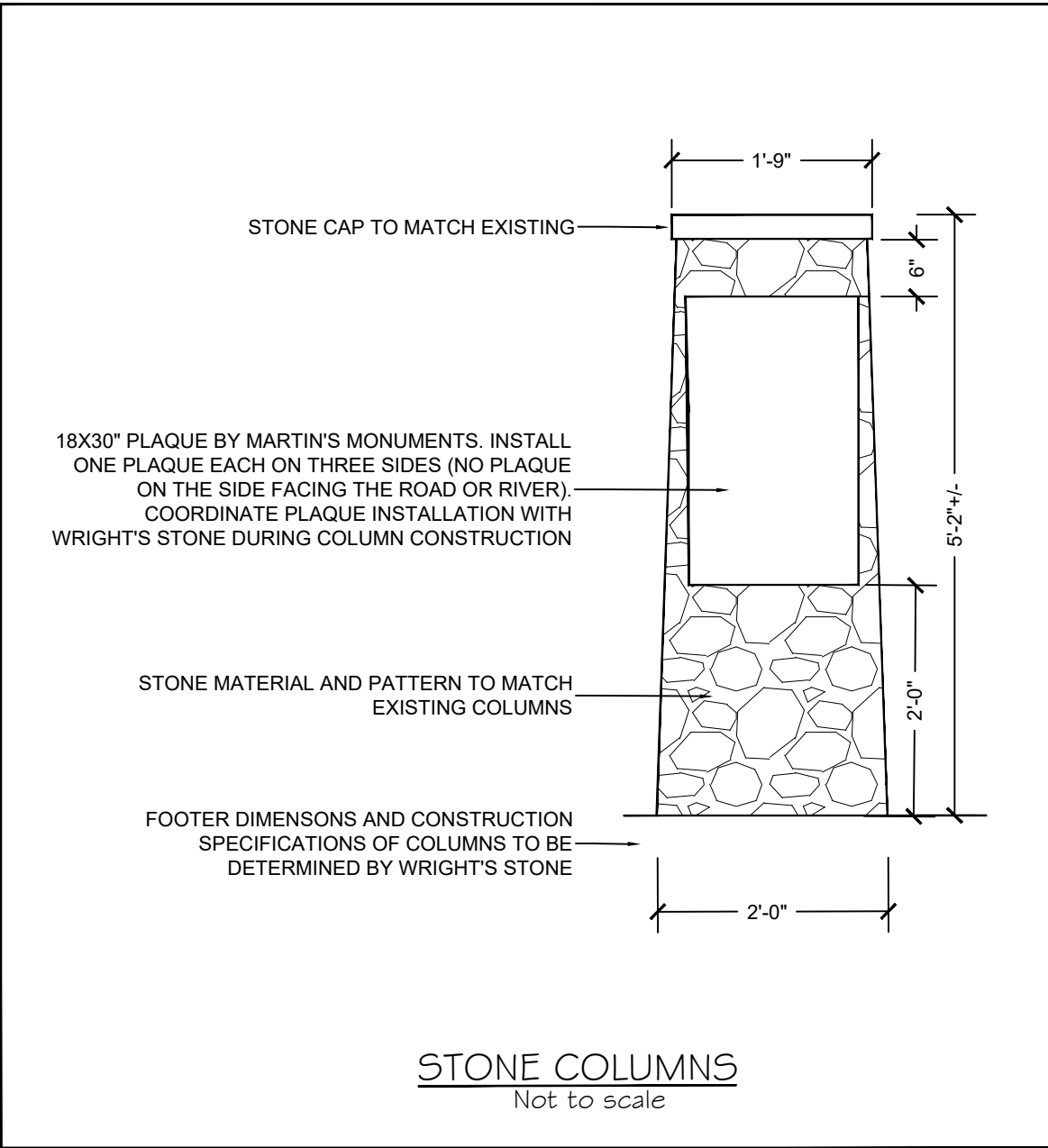
SHEET:
L-1

GRAPHIC SCALE

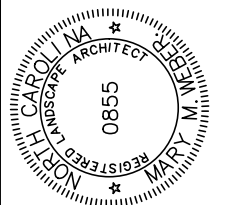
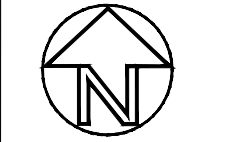
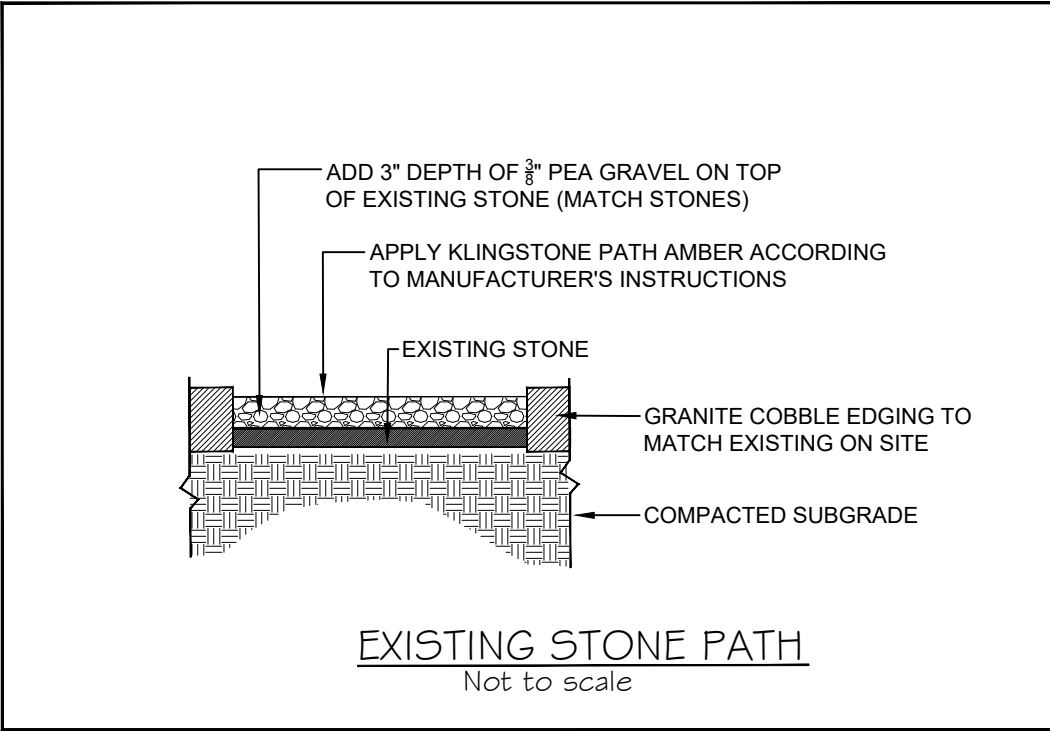
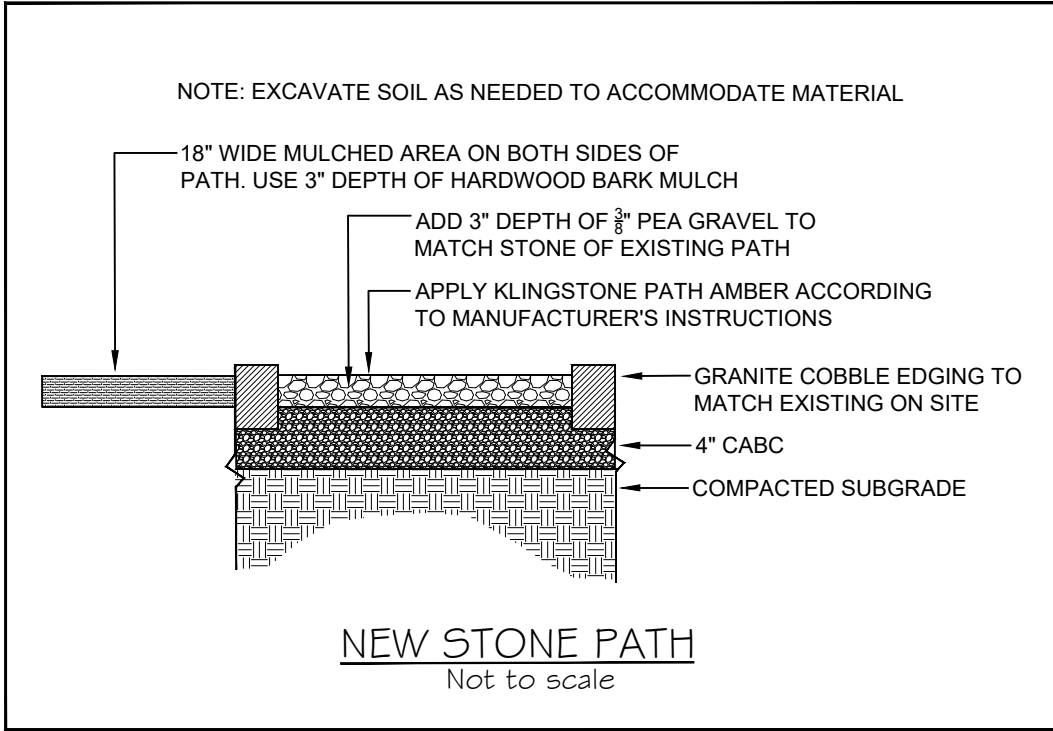


1 inch = 20 ft.

Packet Page 101



| ABBREV | BOTANICAL NAME | COMMON NAME |
|------------------------------------|--|---------------------|
| <i>TREES: SMALL (10-30 ft)</i> | | |
| APAV | Aesculus pavia | Red Buckeye |
| HTET | Halesia tetraptera | Carolina Silverbell |
| IOPA | Ilex opaca 'Greenleaf' | American Holly |
| MGRA | Magnolia grandiflora 'Little Gem' | Dwarf Magnolia |
| <i>SHRUBS</i> | | |
| CFLO | Calycanthus floridus | Sweetshrub |
| HARB | Hydrangea arborescens 'Annabelle' | Wild Hydrangea |
| IGLA | Ilex glabra 'Compacta' or 'Shamrock' | Inkberry |
| LFON | Leucothoe fontansiana | Doghobble |
| RARB | Rhododendron arborescens | Sweet Azalea |
| RCAL | Rhododendron calendulaceum | Flame Azalea |
| RHOD -ER | Rhododendron 'English Roseum' | Rhododendron |
| RPER | Rhododendron periclymenoides | Pinxter Azalea |
| VNUD | Viburnum nudum 'Brandywine' | Viburnum |
| <i>GROUNDCOVERS AND PERENNIALS</i> | | |
| APED | Adiantum pedatum | Maidenhair fern |
| DMAR | Dryopteris marginalis | Wood Fern |
| OCIN | Osmunda cinnamomea | Cinnamon Fern |
| PACR | Polystichum acrostichoides | Christman Fern |
| ACAN | Aquilegia canadensis | Columbine |
| ASCA | Asarum canadensis | Wild Ginger |
| ATRI | Arisaema triphyllum | Jack-in-the-pulpit |
| CRAC | Cimicifuga racemosa | Bugbane |
| GMAC | Geranium maculatum | Wild Geranium |
| GMAC | Geranium macrorrhizum 'Bevan's Variety' | Bigroot Geranium |
| GSAN | Geranium sanguineum 'Johnson's Blue' 'Rozanne' | Geranium |
| HVIL | Heuchera villosa 'Autumn Bride' | Coral Bells |
| ICRI | Iris cristata | Crested dwarf iris |
| PODO | Polygonatum odoratum | Soloman's Seal |
| PSTO | Phlox stolonifera | Creeping Phlox |
| TGRA | Trillium grandiflorum | Wake robin |



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MONTREAT MEMORIAL GARDEN
SCATTER GARDEN EXPANSION
CONSTRUCTION DETAILS

DATE:
10/5/23

SHEET:
L-2

Memorial Garden Path Request

Montreat Board of Commissioners

October 12, 2023



1

1

REQUEST OVERVIEW

Applicant: Lynn Gilliland (Montreat Memorial Garden Committee)

Request Summary: The Montreat Memorial Garden Committee seeks approval from the Board of Commissioners to upgrade and expand the existing path in the Montreat Memorial Garden to make the path handicap-accessible.

2

2

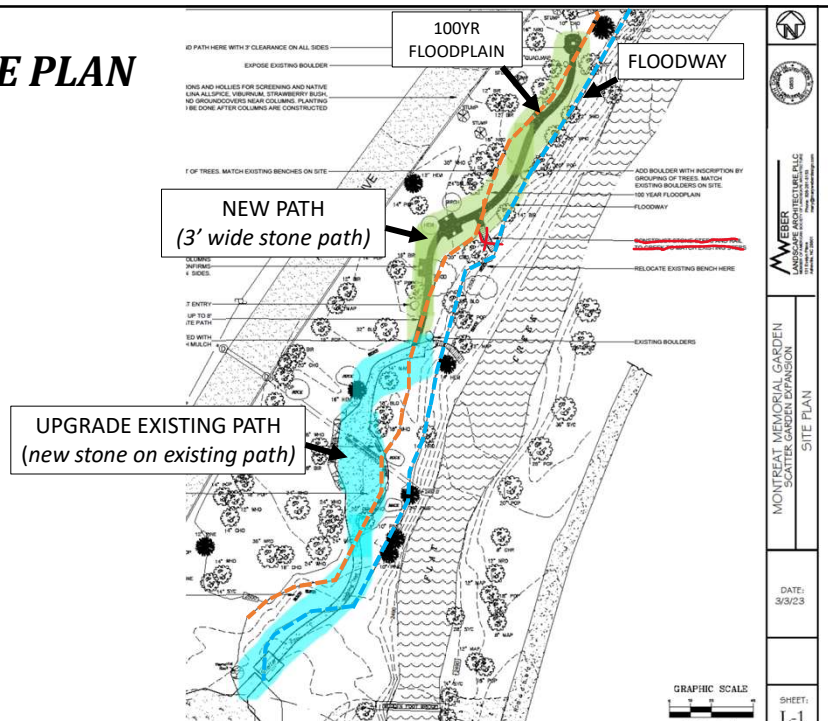
LOCATION



3

3

SITE PLAN



4

RECOMMENDATION

For the applicant to conduct the proposed site work, the Board of Commissioners must give their permission.

5

5

Memorial Garden Path Request

Montreat Board of Commissioners

October 12, 2023



6

6