



## **Town of Beaufort, NC**

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516  
252-728-2141 - 252-728-3982 fax - [www.beaufortnc.org](http://www.beaufortnc.org)

### **Town of Beaufort Board of Commissioners Regular Meeting 6:00 PM Monday, August 10, 2020 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting**

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#### **Call to Order**

#### **Roll Call**

#### **Agenda Approval**

#### **Calendar**

- [1.](#) August 2020 and September 2020 Calendar

#### **Public Comment**

#### **Manager Report**

#### **Items of Consent**

- [1.](#) Draft Minutes for June 8, 2020 Regular Meeting, June 15, 2020 Budget Work Session, June 22, 2020 Work Session/Budget Work Session
- [2.](#) FY 21 Budget Amendment #1
- [3.](#) Order for Carteret County to Collect Taxes for 2020

#### **Items for Discussion and Consideration**

- [1.](#) Cedar Street Park
- [2.](#) Amendments to the Personnel Policy

#### **Mayor/Commission Comments**

#### **Adjourn**



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**Town of Beaufort Board of Commissioners Regular Meeting  
6:00 PM Monday, August 10, 2020 – Held Electronically Due to COVID-19 Pandemic**

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**AGENDA CATEGORY:** Calendar  
**SUBJECT:** August 2020 and September 2020 Calendar

**BRIEF SUMMARY:**

Other than the regularly scheduled meetings and the Farmer’s Market on Saturdays no other events are scheduled. All regularly scheduled meetings will be held electronically due to the COVID-19 pandemic.

**REQUESTED ACTION:**

Receive Information

**EXPECTED LENGTH OF PRESENTATION:**

2 minutes

**SUBMITTED BY:**

Michele Davis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

No



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**Town of Beaufort Board of Commissioners Regular Meeting  
6:00 PM Monday, August 10, 2020 – Held Electronically Due to COVID19 Pandemic**

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**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** Draft Minutes for June 8, 2020 Regular Meeting, June 15, 2020 Budget Work Session, June 22, 2020 Work Session/Budget Work Session

**BRIEF SUMMARY:**

Draft Minutes

**REQUESTED ACTION:**

Approve as presented or as amended.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Michele Davis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

No



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**Town of Beaufort Board of Commissioners Regular Meeting Held Electronically  
Due to COVID-19  
6:00 PM Monday, June 08, 2020 - Minutes**

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**Call to Order**

Mayor Newton called the meeting to order. The meeting was held electronically through Zoom due to the COVID-19 pandemic.

**Roll Call**

Mayor Newton called order and declared a quorum present.

**PRESENT**

- Mayor Everette Newton
- Commissioner Sharon Harker
- Commissioner Charles McDonald
- Commissioner Ann Carter
- Commissioner Marianna Hollinshed
- Commissioner John Hagle

**Agenda Approval**

The agenda was amended to remove the Voluntary Annexation Request for 165 Lena Perry Lane and two move Item 2 Final Plat Gallants Point Subdivision to number 1 and put 511/513 Turner Street as item number 2.

A motion was made to amend the agenda as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

**Calendar**

Town Clerk Davis reviewed the events taking place. She noted the Farmer's Market was open each Saturday morning. Additionally, she noted the Big Rock Blue Marlin Fishing Tournament will be held June 5, 2020 through June 12, 2020.

1. June 2020 and July 2020 Calendar

Town Clerk Davis reviewed the calendars for June 2020 and July 2020. She noted the Big Rock Tournament would be taking place June 5th through June 12th. Additionally, the Farmers Market is open on Saturday mornings. She announced all meetings schedule for the boards will be held electronically,

**Public Comment**

Healthier Walker, 1013 Cedar Street, expressed concern over the Cedar Street and Live Oak District Overlay and whether or not it will put small businesses out of business. She also suggested forming a citizen review committee to discuss the overlay district. Ms. Walker also indicated she felt more waterfront community recreation access was needed.

Paula Gillikin spoke against the proposed structure at 511/513 Tuner Street. She indicated she was a member of the Planning Board but she was speaking this evening as a citizen. She asked for the board to review the proposal and consider other issues such as does the town want multiple residences at this location, the risk of environmental impact and the aesthetics of the gateway into the town.

Larry Baldwin, the River Keeper, indicated he believed the development was wrong for Beaufort and the river. He too believes the environmental impacts are too big for the harbor. He asked for the board to please deny the request.

Rebecca Drohan of the Coastal Carolina Water Watch indicated the request was for placement of housing on what has been largely wetlands. She indicated that Town Creek was currently experiencing water quality issues. She asked the board to please deny.

Wendy Merrill, 311 Fairview Drive, indicated she felt the plan was unacceptable due to the it not being environmentally sensitive and what was being considered for storm water drainage was not enough. Ms. Merrill read the following email.

"Officially, the Planning Board case was for 511 & 513 Turner Street, Site Plan/Preliminary Plat, 3 Unit Townhome.

Staff stated the plan meets the requirements of the Land Development Ordinance (LDO). The problem is no information was presented regarding the CAMA impact for a 11,806 Square Foot (SF) lot of which 70% of its area is in an Area of Environmental Concern (AEC). The planned impervious area is 7291 SF resulting in an impervious surface ratio of 61.75%.

The lot is in an AE6 flood zone and with the free board requirement of 1 foot results in a minimum floor elevation of 7 feet. The lot's existing elevation within the building's footprint is 4 feet. The plans show that fill will be added to raise lot's elevation by about 5 feet.

This project appears to be such a gross environmental violation that it should not be approved until evidence is presented that proves otherwise. The LDO does not address environmental impacts of waterfront development and the planning department staff offered no information or insight addressing how the environmental compliance is satisfied other than vague statements about CAMA permits.

511 and 513 Turner Street are within the Entry Corridor (EC) Overlay District as defined in Section 10 of the LDO. Will this project enhance this entryway into Beaufort and help maintain the historical context and aesthetics of the community?"

**Project Updates**

Town Engineer, Greg Meshaw provided a power point presentation for discussion of the project updates. The power point presentation is attached to the end of the minutes.

Mr. Meshaw reported there are 14 active projects with three of them being Parks and Recreation projects, four of them are street and pedestrian improvement projects, six of them are utility projects and then one storm water project.

The colored squares in the power point presentation are representative of the stage of the project. Green means on schedule or ahead of schedule and yellow means we are a bit behind schedule.

Randolph Johnson Park is scheduled to be completed toward the end of July or first of August; this is slightly behind the time anticipated for completion.

The street rehabilitation project was awarded to a local construction firm and were given a notice to proceed date as of June 1, 2020. Currently they are anticipating beginning the street work and utility work concurrently.

The Tiller School crosswalk is behind where anticipated earlier in the year. We are awaiting comments from the NCDOT and whether an encroachment agreement was needed. An encroachment agreement will be needed before moving forward with the project. We hope for the project to be completed before the start of school.

The red block indicates the project is temporarily suspended, recently cancelled or behind schedule. The gray block indicates the project is just beginning with no time table established as of yet.

Topsail Park has been suspended since the Spouter Inn fire. The parcel is a bit reconfigured. The project will need to be worked. There has also been a request concerning allowing an adjacent property owner to procure a little bit of right of way in return for some consideration.

Cedar Street Park is further behind than has been anticipated. There is a consultant working on the project. The design proposal got lost in translation for a couple of weeks, but the work has started again.

The High Rate Infiltration System field work has been commissioned for test wells. The filed work will tell us how well infiltration will occur. The information should help with the decision regarding the mining of the basin while at the same time setting it up and configuration that will look much like the infiltration basin itself. We should be able to make decisions based on the information in four to five weeks.

The Meeting Street Drainage improvements are to alleviate the flooding of Meeting Street. The action plan essentially involves an immediate action plan and a long term action plan. The immediate action plan involves performing maintenance of the drainage ways downstream of the subdivision. A tour of Offsite Area 1 shows evidence of blockage along the ditch, accumulation of some sediment and some branches causing issues. The proposal is to trim the vegetation which does not harm the root system or the banks. Trimming the vegetation will help reveal further blockages in the streams. Additionally, there is a need to clear pipes of any sediment. All drainage of Meeting Street flows to the stream other than that which occurs from heavy rains that drains into the pond behind the subdivision. The pond has heavy vegetation but does not seem to block the drainage. The proposal is to trim the vegetation to help improve drainage. Concurrently, the proposal is to continue in-subdivision spot maintenance which is also overgrown and causing issues. Additionally, we would like to cooperate with NCDOT to clean out the pipes under the bypass. The proposal is to use town staff with the work being completed in 30 to 45 days with a cost between \$12k to \$18K. Rental equipment will need to be used for this project. Once all of this is completed, the next step will be to observe what then happens on Meeting Street during some significant rain falls regarding the drainage and flooding. The town does not have control over to which some of the storm water flows which has a pump. The pond takes up some of the water headed down stream. The management of the pond will also be observed before, during and after rain events. If the performed work does not help create an improvement, then some structural recommendations may need to be completed. Annual clearing needs to occur in order keep the areas clear of blockages. The property owners seem amenable to allowing the town to clean the offsite ditches, but if the land is sold there is not a guarantee future land owners will feel the same. So, easement will need to be obtained.

Commissioner Hollinshed thanked Mr. Meshaw for all of the work that has been done on the projects. She did ask if any of the flooding on Meeting Street is tidal. Mr. Meshaw indicated the down stream pipes do handle some tidal waters during storms.

Commissioner McDonald commented since the onset of the development the board has received complaints about the drainage in the area especially Meeting Street. He asked what obligations does the developer have to help with the costs of the project to alleviate the project. Mr. Meshaw indicated the developer was currently taking responsibility of the maintenance of the pond. In the past some maintenance has been done on the streams. Some would argue the developer is responsible and some would argue the town is responsible. Mr. Meshaw indicated the town needed a definitive drainage policy. Commissioner McDonald indicated he believed the town was obligated to the citizens to ask the developer to pay a portion of the costs.

Commissioner Carter indicated there was a legal agreement with the developer to maintain the pond, ditches and swales in the area which may not have been followed through. She indicated she felt this maintenance was beyond the normal town responsibility and asked if there was any recourse with the developer or the area because of the problems created there. Mr. Meshaw indicated Commissioner McDonald's comments were applicable and we could share in the cost with the developer. Mr. Meshaw also commented with drainage issues it becomes a civil matter.

Town Manager Day indicated one of the complications was that the problems were not on site but on offsite properties which is hard for the town to maintain. Town Manager Day indicated he would have town staff to look for the agreement and forward to the Town Attorney. Town Manager Day also reported there is some difficulty determining if the developer had paid the funds to the town as outlined in the agreement for the purpose of downstream work.

Commissioner Harker asked about the three step plan. She asked about the clearing of vegetation as Step 1 which would take approximately 30 to 40 days? Mr. Meshaw confirmed this for Commissioner Harker. She asked for a confirmation of the cost being \$12K to \$18K and when was the anticipated time of the work to be completed or started. Mr. Meshaw indicated the anticipated starting time is as soon as possible within a week. She asked if notification will be given of sufficient funding prior to the beginning of the project. Town Manager Day reported the Finance Director was currently reviewing the funding and would have an answer shortly. Commissioner Harker also asked how the town would grade if the improvements are working.

Commissioner Hagle thanked Mr. Meshaw for the hard work on putting this information together. He indicated there were a lot of parts to this complex storm water system. He indicated what he had seen was things had not been maintained as they should have been. Commissioner Hagle also stated he believed there had always been a question on to whom the responsibility belonged. He continued by saying he felt the town owed it to the citizens to clarify the agreement mentioned. He also suggested working on an agreement to help cover the costs and get it back to where it should have been all along. Further, Commissioner Hagle indicated this offsite issues makes this an even more complex issue. He continued by saying this was a tough issue to deal with and this would be a long term project. He closed by saying this is just one of the many storm water drainage issues all through the town.

Mayor Newton thanked Mr. Meshaw for providing the information on the current projects.

**Manager Report**

In the aftermath of the killing of George Floyd there have been huge gatherings of people across the world demanding change. And not just change in policing techniques and violence against civilians, but change to bring about social justice and racial equity. In America we have a 400 year history of oppression and a

long history of falling short in our efforts to end that oppression.

I believe the convergence of events in the world has made this a pivotal time to make lasting and meaningful change. And that changes starts for us right here in Beaufort.

Last week in Beaufort there were two peaceful protests and I'm proud to say that both town staff members and elected officials participated. And now is the beginning of change.

The organizers of last week's protests are also organizing a virtual town hall meeting on the topic of "Building a Bridge Over the Racial Divide". It will be held June 23rd from 6pm to 8pm. Commissioner Harker and Chief Burdette are among the panelist for this event. We'll put out information later about how our residents can participate.

At the same time, town leadership is embarking on an effort to become educated and build readiness for the kind of change that lies ahead.

As we prepare for this change we must first stop and be aware of and present in the events unfolding around us. Then, we must listen to and learn from those who have been marginalized and haven't been heard. Next, we must engage with those folks and make sure we understand what they're saying and what they've experienced. Then, we must plan how we can all move forward together and determine what we can do as town leadership to affect the changes that are needed. Finally, we must act.

Now Chief Burdette is going to speak about the Beaufort Police Department in the context of current events.

Chief Paul Burdette reported the department has seen demonstrations all over the nation and the message that is resonating, we echo that message and we all want the same thing. What was seen on Tuesday and Thursday on Turner Street is what happens with the community and police department along with town leaders have a consistent and open dialogue. The dialogue has to be on going and relationships in place when times get hard. He indicated he could not be more proud of his staff and the community in recognizing the message.

Commissioner McDonald indicated he supported what is being in the Police Department and further stated the town leaders would need to be involved. He stated we need to go beyond reading a proclamation during Black History Month. He indicated we are in the position now to take what we say in the proclamation and do it now. Commissioner McDonald indicated we could be the beginning of bringing the small town together.

Commissioner Carter thanked those in town for the positive approach to the issue.

Commissioner Harker thanked Town Manager Day for what he stated. She thanked Chief Burdette for his leadership, support, and respect for members of the community and protestors.. She stated she was proud of the men and women of the department for their work. She stated this was the time for change and having a open dialogue and a difficult dialogue with listening and acting.

Commissioner Hagle indicated he agreed with Commissioner Harker. He commented the key words for him were listen and engage. He expressed to Commissioner McDonald he could hear his comments coming directly from his heart. He also stated everyone needed to talk with everyone and work hard to understand everyone.

**Items of Consent**

A motion was made to approve the Items of Consent as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner

1. Asset Inventory Assessment Wastewater
2. Repetitive Loss Area Analysis – 2020 Update

### Public Hearing

1. Voluntary Annexation Request for Old Seaport Development, LLC (153 Aqua 10 Road and 103 Aqua 10 Road) Doug Brady

Town Clerk Michele Davis gave the report for the annexation. She reported a request had been made for a voluntary annexation for 10.87 acres located at 153 Aqua 10 Road (PIN 130601053225000) and .585 acres located at 103 Aqua 10 Road (PIN 730601058167000). This is a satellite annexation request and both properties are currently zoned R8. The adjoining property owners are State of North Carolina (Maritime Museum Property) and the Michael J. Smith Airport. The anticipated impact to town services will be 6400 GPD for Water and 7770 GPD for Sewer. Currently Police and Fire serve the area. During the April 13, 2020 meeting the Board of Commissioners approved a Resolution Directing the Clerk to Investigate the Petition for Voluntary Annexation. During the May 11, 2020 meeting the clerk presented the Certificate of Sufficiency to the Board of Commissioners and recommended a Public Hearing be set for the June 8, 2020 meeting.

Town Clerk Davis reported this annexation was also related to the Final Plat for Gallants Point Subdivision which will be presented by Town Planning and Inspections Director.

Commissioner McDonald commented he could not think of a reason it should not be annexed.

Commissioner Hagle made a motion to open the Public Hearing. The vote was unanimous.

Ron Cullipher, Engineer for the Old Seaport Development, indicated he was requesting for annexation to be approved.

Heather Walker, 1013 Cedar Street, she indicated she was concerned about the severing of the oil and minerals rights for the property. Additionally, she asked about the storm water plan and could a situation like that on Meeting Street also occur.

Being no further comments, Commissioner Hagle made a motion to close the Public Hearing. The vote was unanimous.

The decision was made for final consideration to be done during the June 22, 2020 work session.

### Items for Discussion and Consideration

1. Final Plat – Gallants Point Subdivision (Aqua 10)

Town Planning and Inspections Director, Kyle Garner provided the background information for consideration of the Final Plat for Gallants Point Subdivision. Mr. Garner reported the plat is an 11 acre tract with 16 single family lots with 4.94 acres of open space. Infrastructure and improvements are progressing on the property. There is a requirement of a \$1800 recreational fees. The streets are private and will be maintained by the developer.

Commissioner Cater asked about grinder pumps for the sewer. Mr. Garner confirmed the system being put in does require grinder pumps. Also the developer will be required to give to the town two additional pumps and maintenance parts.

Commissioner Hagle asked about the storm water flow. Mr. Garner indicated this is a low impact development as recognized by the State of NC and does not require any storm waters ponds by taking advantage of the wetlands. Mr. Cullipher, Engineer for the developer, indicated the flow

was runoff from the curb and gutter outlets as well as drainage easements. The front yards drain to the streets and the backyards sheet flow to Gallants Channel/Town Creek.

1.

Commissioner Harker asked about the clearing of the ditches. Mr. Cullipher indicated the roads were private so once it is completed it is the responsibility of the Homeowners' Association (HOA).

A motion was made to approve the final plat for the Gallants Point Subdivision as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

## 2. 511 & 513 Turner Street - Site Plan/Preliminary Plat

Town Planning Director, Kyle Garner gave the background information for the preliminary plat and site plan for 511/513 Turner Street. The request is to subdivide a .27 acre tract into three multi-family residential lots. If approved Recreational Fees in the amount of \$868.32 will be paid.

Commissioner Hollinshed commented about the storm water boxes and indicated she would like for the Town Engineer to please provide comments.

Commissioner McDonald indicated he noticed there is quite a bit of flooding of high tides or storms. He continued by asking if this structure would have any impact on those issues or would something be built to relieve those issues.

Town Engineer Greg Meshaw gave an overview of the storm water plan for the project. Mr. Meshaw indicated he questioned whether or not if this was part of the adjacent development. If it were, this development would have triggered the town's storm water ordinance where the post development runoff would need to equal the pre-development runoff. It involves less than a quarter acre of land disturbance so consequently it triggers nothing when it comes to the town. There are these storage devices being proposed to be put under the ground. Mr. Meshaw continued to say that since this is a CAMA project he knew they were over the impervious amount that a CAMA allows without having to do any storm water management. He indicated CAMA would allow in some instances the developer to put in storm water features that will allow to go over the impervious amount. In this particular case they are over by about 30%. This type of system has been permitted by CAMA time and time again. Mr. Meshaw indicated the roof leaders that drain the runoff from the roof are directly connected to these storage bins. The water is supposed to drain out slowly into the surrounding ground. When the units are full the water bypasses and it runs out of a separately outlet down onto the ground and it sheets off of the property. Mr. Meshaw indicated the project engineer, Ron Cullipher, provide soils information from the adjacent property. The soil scientist concluded the pervious pavement on the adjacent site would indeed infiltrate. The assumption was that if the band was continued across to the new site, then by and large the project development would have the same conditions. The system is permitted by the Division of Coastal Management and none of the town ordinances apply when it comes to storm water.

Commissioner Hollinshed indicated Mr. Meshaw had explained the information very good.

Commissioner McDonald asked about building on the property and whether or not that helped increase or decrease the drainage in the area. He continued by saying currently water stands in the area if there is a significant amount of rain and even a high tide. Mr. Meshaw indicated he believed there would be some increase in the runoff of the property. Mr. Meshaw also stated the developer was filling the property a foot to a foot and a half. Mayor Newton asked Commissioner McDonald if he was referring to the west end of Pine Street. Commissioner McDonald confirmed that for Mayor Newton. Mr. Meshaw indicated the west end of Pine Street was quite a bit lower than this property with it being much like a valley which was unfortunate.

Commissioner Carter asked about the retaining wall and if the opening for the dock would allow for storm water to runoff. Mr. Meshaw indicated he was not sure whether the retaining wall was

completely all the way across the site. He continued by saying if there was not a retaining wall there and it was graded down to the water's edge then he would guess the water would ingress on to the property. Engineer Ron Cullipher indicated the retaining wall was built by the Wesley's family some time ago. He indicated the water would sheet flow across the grass to the wall. The normal high water is farther out than the retaining wall with marsh grasses along the other side of the wall. He continued by saying the NCDOT owns the big drain on the adjoining piece Mr. Smith owns also that will be part of this drainage system.

Commissioner Harker asked if the storage boxes would take up the 30% of the impervious surface on just a normal rain and what happens if it goes over. Mr. Meshaw indicated once the boxes are full it the runoff will sheetflow out to the creek. Commissioner Carter asked if there was any debris that could possibly clog and cause a back flow. Mr. Meshaw indicated not typically from a roof.

Commissioner Hagle asked about the soils and the information from the adjacent lot. He asked if this was the lot to the south. Mr. Meshaw confirmed this for Commissioner Hagle. Mr. Hagle continued by saying he understood this lot to be fill and would it be an assumption this lot would be filled with the same kind of soils. Mr. Meshaw stated the report from the other lot noted that particular lot was also filled and noted it had toward the front good fills soils over some not so great soils. The report also provided toward the back of the lot were poorer fill soils with low filtration capacity over not good soils. Mr. Meshaw indicated he understood the soils sort of banded and considered it would continue to band all across the property. Mr. Meshaw indicated since there was not a particular policy addressing storm water then he felt he did not have the right to require any further actions. Commissioner Hagle also asked about the chambers for the long term and whether or not maintenance required. Mr. Meshaw indicated these were a maintenance column with a hose being insert from a jet truck and pump water into the tank to remove the solids and then reverse flow and suck the solids and sediments out. Mr. Meshaw indicated remember this is drainage from a roof. In response to a question from Commissioner Hagle, Engineer Ron Cullipher indicated he the first time he saw these type of cistern was for the Walgreens in Morehead City at the Atlantic Beach Bridge. Mr. Cullipher continued by saying he has been using these for the last five to seven years for residential projects. Mr. Cullipher indicated for this project they were placed in grass areas and they were shallow. Commissioner Hagle also commented the parking area was tight and concerned about the traffic flow.

Mayor Newton asked about the storm water plan already on Turner Street and if the water drained into the marsh grass and oyster beds in the creek. Mr. Cullipher confirmed this for Mayor Newton.

Commissioner Hollinshed indicated she would like to have this postponed until the work session so she would be able to get the Planning Board minutes and read them as well as the recording.

Commissioner McDonald was in agreement because he also wanted to talk with concerned citizens.

Commissioner Cater stated she had spoken with Ms. Merrill and indicated she had told Ms. Merrill the Planning Director had to follow the ordinances.

Commissioner Harker agreed with the postponement. She further stated the board was hearing alot about the environmental impact of this project and she would like some of the questions and concerns to answered and addressed.

Commissioner Hagle indicated he would like to see more information about the CAMA report and asked if a rough environmental impact report could be received. He continued by saying this information was critical since this property had not been developed before. He also stated he would like to ask the developer to reduce the size of the unit from three to two and reduce the amount of impervious surface.

Mayor Newton indicated the decision will be made during the work session.

### 3. Adoption of Pamlico Sound Regional Hazard Mitigation Plan

Town Planner, Kate Allen indicated the plan was required in order to receive FEMA public assistance. She indicated the current plan expired on June 3, 2020.

Commissioner Hollinshed indicated she would like to see it adopted if it helped with insurance ratings.

A motion was made to approve the Pamlico Sound Regional Hazard Mitigation Plan as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

4. FY 20 Budget Amendment #13

Finance Director Christi Wood reported the Budget Amendment #13 covered the General Fund and Utility Fund as listed below.

General Fund

Property Tax Revenue--Tax collections are higher than budgeted; therefore, tax collection expense is more than budgeted. An additional appropriation of \$15,000 is requested.

Decrease the appropriation in Public Works for a debt service interest payment that was budgeted for FY20 before the schedule was finalized for the street project. These funds are being transferred to the Capital Reserve Fund for Street Projects \$68,566. The first payment is due May 2021.

Decrease the appropriation in Public Works/Storm water and transfer the funds to the Capital Project Fund Utilities, Storm water, and Streets Improvements to include storm water line repair and replacement in the USDA application process \$45,000.

Utility Fund

This amendment requests a new appropriation in the amount of \$10,000 for engineer work to reapply for the HRIB permit.

Additionally, this amendment reverses prior amendments appropriating funds in the Utility Fund that were transferred in from the Capital Reserve Fund or appropriated fund balance. Capital Project Funds have now been created for Cedar Street Rehab/Replacement and Utilities, Storm water, and Streets Improvements. Budget for these projects will be in the Capital Project Fund:

- 1. Reverse part of Budget Amendment #1, appropriating Fund Balance for Cedar Street Rehab/Replacement Engineer/Design work \$62,000.
- 2. Reverse Budget Amendment #7, appropriating Capital Reserve funds for the USDA application \$87,000.
- 3. Reduce Budget Amendment #5, appropriating Capital Reserve funds for the sewer main repair to the actual cost. The appropriation was for \$30,000 but the actual cost was \$22,504. The decrease amount of the appropriation is \$7496.00.

Commissioner McDonald asked about the additional amount of taxes than what had been budgeted and what is the amount for the 2% paid to the county. The amounts paid to the county for collection to date is \$78,000 through March. We pay the county monthly by deducting the fee from the collection amounts and send to us a check. Within a year, what do they collect roughly in taxes for the town. Ms. Wood reported there was \$3.7M collected as of the March financial statement.

Commissioner Carter asked if it would be more cost effective for the town to resume the responsibility of tax collection. Ms. Wood indicated there should be a lot of things to consider to make that decision.

A motion was made to approve the amendment as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

5. Capital Project Ordinances

Finance Director Wood reported on the three Capital Projects.

Capital Project Funds are created for projects that are going to take more than one fiscal year to complete. Staff request that you adopt the ordinance to establish the project. Once the ordinance is adopted amendments can be made to the project as needed. Capital Project Funds last for the life of the project and do not terminate at the end of each fiscal year.

The three Capital Project Ordinances are:

- 1. Cedar Street Utility Rehab/Replacement
- 2. Utilities, Storm Water and Streets Improvements
- 3. Street Rehabilitation and Pedestrian Improvements

A motion was made to approve the Capital Project Ordinances as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

6. Capital Reserve Fund #3

Finance Director Wood gave the following report for amendment #3.

This amendment reverses prior amendments. Transfers were made between the Capital Reserve Fund and the Utility Fund for projects that are now part of a Capital Project Fund. Capital Project Funds have been created for Cedar Street Rehab/Replacement and Utilities, Storm water and Streets Improvements. Budgets for these projects will be in the Capital Project Fund.

- 1. Reverse Capital Reserve Fund (CRF) Amendment #2, appropriating \$87,000 of for the USDA application work.
- 2. Transfer funds from the General Fund to the Capital Project Fund (CPF) for a debt service interest payment that was budgeted in FY20, prior to the final schedule \$68,566 with the first payment being due in May 2021.
- 3. Fund Balance transfer in the amount of \$98,864 for the Cedar Street Rehab/Replacement for the engineer design work.
- 4. Reduce CRF Amendment #1, for Capital Reserve Funds for the sewer main repair to the actual cost of \$22,504 which was \$7,496 less than appropriated.
- 5. Receive funds budgeted in FY20 General Fund Budget Transfer to Capital Reserve in the amount of \$460,433.
- 6. Receive funds budgeted in the FY20 Utility Fund Budget Transfer to Capital Reserve in the amount of \$333,930.

A motion was made to approve the Capital Reserve Fund Amendment #3 as presented.

Motion made by Commissioner Harker.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

7. Voluntary Annexation Request for 165 Lena Perry Lane

This item was removed from the agenda permanently.

8. Presentation of FY 2021 Budget

Town Manager Day summarized the budget by stating the General Fund is approaching \$9.2M and the Utility Fund is approaching \$4.7M. A copy of Town Manager Day's presentation is included in these minutes. The starting point for each budget year is based on what is projected for each year in the five year plan.

All of the commissioners indicated they had questions regarding the budget presentation but all of them indicated they would send a listing for Town Manager Day to review.

**Mayor/Commission Comments**

Commissioner Hollinshed joined the fellow commissioners when thanks were given to LEOs and citizens for the peaceful and passionate protest on Turner Street. She indicated there would be uncertainty as we move forward with the COVID19 pandemic. She noted the comment made by a citizen during the Public Comment period of not understanding some of the terminology. She stated most documents have a glossary for terms and explanations. Commissioner Hollinshed urged citizens to tune into the meetings.

Commissioner Carter thanked the staff for the hard work on the budget. She also thanked the staff for helping with the peaceful protests.

Commissioner Harker also thanked the staff for the excellent budget document. She indicated the hard decisions made in the past few years have helped the town to move forward with getting projects started. She stated she felt the budget was informative and also transparent. She thanked the Fire Department for giving her an up close and personal explanation of the new ladder truck. She indicated she was thrilled with how Randolph Johnson Park is coming. Commissioner Harker stated she like many other Americans were horrified on how George Floyd died. She continued by saying her heart was broken over the situation. Continuing she stated she was hopeful and concerned about the movement coming about. She indicated she was excited about the coalition that is coming together to bring about change and saying no more, no more injustice. She also stated she is concerned about the senseless actions that are occurring and highjacking the righteous moments of this movement. She encouraged everyone in the community to help come up with a solution acknowledging this does exist since this is the only way to make a change. She thanked the Police Department and Fire Department for being at the peaceful protests. She thanked everyone for wearing their masks since the COVID 19 pandemic is still occurring.

Commissioner Hagle expressed thanks to John and Christi who helped prepare the budget. The five year plan is key to our continuous improvement. He thanked the Public Services/Engineering Department for all of the work being done to tackle the issues and work that needs to be done in the town as well as the everyday tasks. There is change occurring in the country and it is amazing what has happened in the last four to five months. He commended the gatherings that took place on Turner Street. It was people expressing their concerns from the heart is what needs to happen. He encouraged all citizens to get to know each other and work to understand other's issues and how it impacts the community. He closed by saying he was looking forward to working with the board to makes changes that will be everlasting.

Mayor Newton stated the town is still moving forward despite the pandemic. He indicated social distancing still needed to be followed with all of the visitors in town. He asked the board members to please think about environmental considerations when preparing the Unified Development Ordinance (UDO) and the historical nature of Beaufort. He thanked the staff for the work completed on the budget. The five year plan provides stability for the town and movement forward.

Commissioner McDonald stated everyone has praised the employees and to please keep in mind they need to be compensated.

**Adjourn**

A motion was made to adjourn the meeting. The meeting adjourned at 8:51 pm.

Motion made by Commissioner Harker.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

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Mayor Everette S. (Rett) Newton

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Michele Davis, Town Clerk



**Town of Beaufort, NC**

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516  
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Town of Beaufort Board of Commissioners Work Session Meeting Budget FY21  
4:00 PM Monday, June 15, 2020 – Held Electronically Due to COVID19 Pandemic  
Minutes**

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**Call To Order**

Mayor Newton called the meeting to order.

**Roll Call**

Mayor Newton called roll and declared a quorum present for the meeting.

**PRESENT**

- Mayor Everette Newton
- Commissioner Sharon Harker
- Commissioner Charles McDonald
- Commissioner Ann Carter
- Commissioner Marianna Hollinshed
- Commissioner John Hagle

**Agenda Approval**

A motion was made to approve the agenda as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

**Items for Discussion and Consideration**

1. Proposed FY21 Budget

Town Manager Day discussed the overall annual budget and how it is developed based on the Five Year Plan established by the board members. The five year plan forecasts revenues and expenditures for each budget over the five year period. Using a five year plan helps ensure that commitments, obligations and anticipated needs are met in a fiscally sound manner.

Through a five year plan, the FY21 budget serves as the starting point for all subsequent years since forecasts are made. Budgeting through the five year plan forecasts overall budgets, General Fund revenues and expenses and Utility Fund revenues and expenses.

Mr. Day reported the proposed tax rate was established by using the increase approved in the previous financial plan and an increase of .756 cents for the purchase of the ladder truck for the Fire Department bringing the proposed tax rate down from 46 cents to 43.68 cents.

The proposed FY21 General Fund Five Year Plan required an appropriation of Unassigned Fund Balance for FY 21, FY22, FY23 and FY24 thus causing a reduction in the Fund Balance to a level of 20% of estimated expenditures. The board has set a threshold of unassigned balance at 20%.

The proposed FY21 Utility Fund Five Year Plan only requires an appropriation of Unassigned Fund Balance in FY22 while increasing the Unassigned Fund Balance as a percentage of expenditures up towards 44%. The board has set a threshold of unassigned balance for the Utility Fund at 50%.

During discussions, Town Manager Day reported to the board members the anticipated submittal for the USSI funding will be by the end of June. He also indicated the storm water portion of the application should be submitted by August.

Commissioner Carter indicated she was concerned over the level of the General Fund Unassigned Fund Balance since it would be getting close to the level of 20% for expenditures. She commented one bad storm could possibly cause a major expense of funds. Town Manager Day indicated he felt it would be sufficient. Commissioner Hagle was in agreement; he indicated the citizens expect to have what is needed and not a great overage. Commissioner Carter also expressed concern over raising taxes again since taxes were recently raised 2 cents and 3 cents in the past two years. She also commented it was not actually a reduction in taxes to 43.68 since there was an increase in the tax evaluation numbers.

Commissioner Harker expressed concern over lowering the tax rate for FY21 and then in just a couple of years raising the tax rate again. She asked for consideration to be given to a stable tax rate. Town Manager Day indicated a stable tax rate would reduce the amount of Fund Balance appropriations in future years.

Commissioner Hagle commented he liked the five year plan as it was presented and that it made good sense. He did ask for consideration to be given to the storm water fees. Commissioner Carter commented she was also in agreement.

Town Manager Day indicated he would have staff look at the options with the possibility of storm water becoming a utility or enterprise fund.

Commissioner Hollinshed asked for the fees to be set in the UDO when it is redone so the developers will know what is required when the projects are being developed. She also asked about the National Park Service agreement and whether or not the town will continue the agreement and tie up parking spaces. Additionally, she asked about the development and work needed on the boardwalk. Commissioner Hollinshed also asked for additional information about the park funding gift and the status of the expenditures.

Town Manager Day reported the Harbor Master plan for the docks and the National Park Service should all be completed around the same time frame. Mr. Day also reported the \$2 million for the parks (Randolph Johnson and Cedar Street) were kept together and not separated. He reported the amount spent for Randolph Johnson Park was \$1.5 million and staff was searching for additional grant funds for the Cedar Street Park.

Commissioner Carter asked about revenues from rental property since the dock lease expires in 2024 and would the revenues not reduce drastically. Town Manager Day indicated he left that in the budget as status quo.

Commissioner Harker expressed concerns over the critical shortfalls and the much needed vehicle replacements. Town Manager Day indicated the current situation was much improved over where the town had actually been. He continued by saying the town is making progress but slowly.

Commissioner Harker also asked about the opening of the Randolph Johnson Park and the position needed to facilitate taking care of the park and splash pad. Mr. Day reported the Public

Works employees did a good job of keeping things clean but there may be some instances where other issues may suffer.

Commissioners Hollinshed, Hagle and Harker all asked through different variations about the labor needed, whether the position would be full-time and if it the position would be in-house or outsourced. Town Manager Day indicated he did not anticipate if being a full-time position. He did commented the position would cover Randolph Johnson Park and Cedar Street Park maintenance of equipment and general maintenance and landscaping, as well as being able to operate the splash pad basically like a pool. Commissioner Hollinshed indicated she felt there were two different levels of expertise needed for the position.

Commissioner McDonald asked Town Manager Day to please clarify what the tax rate is currently, the amount of the increase and the purpose of reduction. He also asked why not maintain the current rate and be able to better serve the citizens of Beaufort.

Town Manager Day stated the revenue neutral rate for taxes results in the same production of revenue during a property re-eval. Since the re-eval was higher than anticipated the rate did not need to remain the same but to be lowered to the 40.68 for FY21 and then raise the rate 3 cents in FY23.

Commissioner Harker recommended the rate being set at 43.68 for FY21 and it remaining the same for all five years. Commissioner McDonald indicated he felt the rate should be left at 46 cent and be able to get additional projects completed.

Town Manager Day indicated the advantage of the rate being 43.68 in FY21 is additional revenue will be produced allowing some much needed expenditures to be considered.

Commissioner Hagle indicated he felt the five year plan was solid since there was some uncertainty about revenues from sales tax this year and next year. He also commented the state required the revenue neutral rate to be recalculated and having an increase on that rate is concerning due to property values increasing. Commissioner Hagle stated he supported Town Manager Day's current proposal and make needed adjustments in the future years.

Mayor Newton thanked Town Manager Day, Christi Wood and Christy Shi-Day for their work on the proposed FY21 budget. He asked about the expense of \$6300 per month since there will be no paid parking during this summer season. Town Manager Day indicated he would look at that after the budget had been adopted.

**Mayor/Commission Comments**

All commissioners indicated they had already made all of their comments.

**Adjourn**

Being no further discussions, a motion was made to adjourn the meeting. The meeting adjourned at 5:30 pm.

Motion made by Commissioner Harker.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

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Mayor Everette S. (Rett) Newton

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Michele Davis, Town Clerk



**Town of Beaufort, NC**

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252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Town of Beaufort Board of Commissioners Work Session Meeting/FY21 Proposed Budget  
Public Hearing  
4:00 PM Monday, June 22, 2020 - Held Electronically Due to COVID-19 Pandemic  
Minutes**

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**Call To Order**

Mayor Newton called the meeting to order.

**Roll Call**

**PRESENT**

- Mayor Everette Newton
- Commissioner Sharon Harker
- Commissioner Charles McDonald
- Commissioner Ann Carter
- Commissioner Marianna Hollinshed
- Commissioner John Hagle

**Agenda Approval**

A motion was made to approve the agenda as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

**Public Comment**

No public comments were made.

**FY21 Budget Public Hearing**

Town Manager Day stated there were three possible scenarios for consideration as a result of comments and questions from commissioners. Mr. Day reported two of the plans held the tax rate at 43.68 cents and one of them maintained the current tax rate of 46 cents.

Commissioner Hagle made a motion to open the public hearing. The vote was unanimous.

No comments were made.

Commissioner Hagle made a motion to close the public hearing. The vote was unanimous.

Mayor Newton indicated since this was a public hearing the final decision will not be made until the June 25, 2020 budget meeting.

**Items for Discussion and Consideration**

- 1. Cape Lookout National Park International Dark Sky Designation

Mayor Newton asked the board to please consider approving the Cape Lookout National Park Service Dark Skies at Night resolution. He reported Jeff West, Superintendent asked for the town to support the resolution.

This item was placed on the agenda under Items of Consent.

- 2. 511 & 513 Turner Street - Site Plan/Preliminary Plat

Town Planner Garner reported this item had been tabled from the June regular meeting so additional information could be received regarding the project. Mr. Garner reported the project engineer, Ron Cullipher provided the requested information.

Mr. Cullipher reported the project meets the rules and regulations as set out in the town's ordinances. He reported the project had been granted a CAMA permit. He indicated the permeability of the soil was tested and found to be pretty rapid. Additionally, Mr. Cullipher reported during the investigation of the project he found out there was a house located on this property at one time until fairly recently. Mr. Cullipher commented the water quality impairments of the creek would hopefully be helped since the new bridge has been completed. He indicated the portion of storm water drainage from the project is minimal compared to what it has been in the past.

Commissioner Cater indicated she remembered the house that was once located on the property. Additionally, she stated the creek will always be SE waters since there are marinas in the area.

Commissioner Harker thanked Mr. Cullipher for providing the requested information.

Commissioner Hagle thanked Mr. Cullipher for the information. He asked if the culverts in front of the project went directly into Town Creek. Mr. Cullipher confirmed this for Commissioner Hagle. Commissioner Hagle indicated he was concerned about the size of the project and was concerned about the traffic pattern and flow.

A motion was made to approve the site plan as presented.

Motion made by Commissioner Carter.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

- 3. Modify/Revise the Existing Planned Unit Development (PUD) for Beau Coast Subdivision

Town Planning Director Garner reported this request was to modify the Panned Unit Standards for Beau Coast. He reported there would be some replacement of townhouse lots with single family homes and adding an additional street type design allowing for a larger street tree planting area. Mr. Garner reported the request was to set a public hearing for the July 13, 2020 meeting.

Mayor Newton expressed concern over water coming out of Davis Bay in a hurricane type situation and flooding the northwest corner of the project.

This item was placed on the agenda under Public Hearing for July 13, 2020.

4. Final Plat - Beau Coast Phase 2B

Town Planning Director Garner reported this item was for the final plat for Phase 2B. He indicated the Planning Board had recommended approval.

Commissioner Hagle asked for an explanation of the storm water plan. Mr. Garner indicated that discussion could be had during the Public Hearing item for the PUD Zoning Amendment.

This item was placed on the agenda under Items of Discussion and Consideration.

5. Preliminary Plat for Beau Coast Subdivision Phase V

Planning Director Garner indicated this item correlated with the PUD Zoning Amendment regarding some of the street types and the structure types. Mr. Garner indicated at the Planning Board meeting there was a request from some of the adjacent property owners to increase the buffer area from 20 feet to 25 feet and retain it as natural. Mr. Garner indicated updated plans with those requests will be in the July 13, 2020 packet. Mr. Garner reported the Planning Board recommended approval.

Commissioner Hagle asked for the developers to be prepared to talk about erosion control during construction and the storm water control since it is adjacent to two neighborhoods on Charles Street and Jefferson Street. He also asked about the overflow of the retention pond in regards to where does it go and how does it get to its destination.

This item was placed on the agenda under Items for Discussion and Consideration.

6. Case #20-08 513 Front Street - Micro Distillery/Restaurant

Planning Director Garner indicated this was a request for a Special Use Permit. He indicated this would be a quasi-judicial proceeding. Mr. Garner indicated this was for a Micro Distillery with an outside restaurant and potentially an outside tavern or bar type area. Mr. Garner indicated property owners within 200 feet of the property will be notified.

Commissioner Hagle also request additional information regarding the storm water plan.

This item was placed on the agenda under Public Hearing.

7. Right-of-Way Acquisition Request

Orange Street (Topsail Park)

Town Engineer Greg Meshaw indicated this request from J218 LLC who owns the adjacent parcel on the west side of the right of way of Topsail Park which until recently was the location of a portion of the Spouter Inn. Mr. Meshaw continued by saying the request was for approximately 596 square feet which is roughly a six to seven foot of right of way that will run parallel to their property. The stated purpose of the request was to take in the turn in the seawall so the turn could be part of a repair or replacement for the property. This request also will square up their parcel in the process. The owners have offered to donate in return for this portion of the land \$29,000 to be used for the Topsail Park redesign. The \$29,000 represents the estimate of funding needed to complete the project along with the grant monies.

Commissioner Carter asked if it was to be used as a right of way if the property would be usable as part of the park. Mr. Meshaw reported they are not asking for a right of way but for the land to be recombined and become part of their parcel. Mr. Meshaw indicated the area being requested was all originally covered by building and concrete.

Commissioner Harker asked if there was any reason the town could allow for the repair to be made without selling the parcel. Mr. Mewshaw indicated he had not spoken with the property owners along those lines. Commissioner Harker indicated it would be nice to recapture that land for the park area. Mr. Meshaw indicated he would talk with the property owners.

Commissioner Hollinshed thanked Mr. Meshaw for information provided regarding the town finishing the portion of the bulkhead.

Commissioner Hagle indicated he would like to see if it was possible for the repair of the bulkhead without losing the land for the park area.

Commissioner Carter asked if the repair could be made without obtaining the property. Mr. Meshaw stated it could probably be completed in that manner although it may not be as easy for the property owner.

This item was placed on the agenda under Items for Discussion and Consideration.

- 8. Voluntary Annexation Request for Old Seaport Development, LLC (153 Aqua 10 Road and 103 Aqua 10 Road) Doug Brady

Town Clerk Michele Davis reported the Public Hearing for this item was held during the June 8, 2020 meeting. She reported the final decision needed to be decided on whether or not to annex and the effective date of the annex.

A motion was made to approve the annexation with the date of annexation being July 1, 2020.

Motion made by Commissioner Carter.  
Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

- 9. May Financial Report

Finance Director Christi Wood provided a brief report on the May Financial Report. She stated the tax information collection percentage was not available to the time of agenda submission which is why on the April information is available. She reminded the board members the revenue from Local Option Sales Tax shows eight months of collections with four more months to be received. Additionally, she indicated there were two additional months remaining to collect the Utility Franchise Tax.

Ms. Wood indicated the FEMA reimbursements for Hurricanes Florence and Dorian have been submitted. The state and FEMA will be finalizing the projects.

**Mayor/Commission Comments**

Commissioner Carter indicated she had received a call from Dock Master Haywood Weeks and he was pleased with the interim dredging that had been completed.

Commissioner Harker had no comments.

Commissioner McDonald had no comments.

Commissioner Hollinshed had not comments.

Commissioner Hagle thanked the staff for the work done on the budget.

**Closed Session**

- 10. Closed Session for Personnel

A motion was made to enter into Closed Session for the Permitted Purpose of Personnel.

Motion made by Commissioner Harker.  
Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

Being no further business to discuss, a motion was made to return to Open Session.

Motion made by Commissioner Harker.  
Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter,  
Commissioner Hollinshed, Commissioner Hagle

**Budget Work Session**

The board members decided through consensus to add a Budget Work Session to the agenda.

Town Manager Day reviewed the changes reflected in each of the scenarios as requested by the board members.

Scenario 1--has a tax rate of 43.68 cents resulting no fund balance appropriation in FY21; reduces fund balance appropriation in FY22 by \$384,039; provides a new appropriation of \$100,398 in FY21 for vehicle replacement plan and reduces the 5-year shortfall to \$295,000; increases contingency in FY21 by \$10,697; moves remainder of funding for UDO in FY22 (\$82,500) to FY21 so UDO can be completed in FY21; increases fund balance as a percentage of General Fund expenditures each year; leaves about \$252,000 available in FY25, which is sufficient to service debt of #3.1 million for delayed capital projects.

Scenario 2--has a tax rate of 43.68 cents resulting in no fund balance appropriation in FY21; reduces fund balance appropriation in FY22 by \$356,539; provides new appropriation of \$100,398 in FY21 for vehicle replacement and reduces the 5-year shortfall to \$295,000; increasees contingency in FY21 by \$10,967; moves remainder of funding for UDO in FY22 to FY21 so UDO can be completed in FY21; adds debt service for # million in additional road resurfacing in USSI Project beginning in FY22; increases fund balance as a percentage of General Fund expenditures for FY21, FY22 and FY23.

Scenario 3--has a tax rate of 46 cents resulting in no fund balance appropriations in FY21 and FY22; provides new appropriation of \$336.572 in FY21 for vehicle replacement and additional increase of \$58,961 in FY22 eliminates projected \$395,533 shortfall over 5-year planning period; moves remainder of funding for UDO in FY22 to FY21; adds \$19,448 to contingency in FY21; adds debt service for \$4.4 million in additional road resurfacing in USSI Project beginning in FY22 to complete project; increases fund balance as a percentage of General Fund expenditures for FY22, FY23, FY24 and FY25; leaves about \$160,000 available in FY25 which is sufficient to service debt of \$2 million for delayed capital projects.

**Adjourn**

Being no further discussions, a motion was made to adjourn the meeting.

Motion made by Commissioner Harker.  
Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

\_\_\_\_\_  
Mayor Everette S. (Rett) Newton

\_\_\_\_\_  
Michele Davis, Town Clerk



**Town of Beaufort, NC**

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252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Town of Beaufort Board of Commissioners Regular Meeting  
6:00 PM Monday, August 10, 2020 – Held Electronically Due to COVID19 Pandemci**

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**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** FY 21 Budget Amendment #1

**BRIEF SUMMARY:**

**General Fund**

This amendment requests the appropriation of fund balance for projects and professional services budgeted in FY20 but not completed prior to June 30, 2020. Projects and services include:

- Public Works- Survey of 100 block of Turner and road improvements, mulcher rental for ditch clean up, Town Hall lintel repair and ADA sidewalks, stucco on PD Annex
- Planning – Design Guidelines
- Fire – Safety equipment, PPE for Covid-19 response, building maintenance
- Non- Departmental – ADA plan

**Utility Fund**

This amendment requests the appropriation of fund balance for services that were budgeted in FY20 but not completed prior to June 30, 2020. These include:

- Repermitting Wastewater High Rate Infiltration System
- Campen Road Sidewalk Water Main

**REQUESTED ACTION:**

Approve Budget Amendment #1

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:**

Yes





**TOWN OF BEAUFORT  
FY 2021 BUDGET AMENDMENT #1**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2021 Budget through Ordinance on June 25, 2020, and

WHEREAS, the Board of Commissioners recognizes that periodic modifications to the estimated revenues and expenditures for the fiscal year may be necessary for fiscal management purposes and to implement decisions of the Board of Commissioners;

BE IT THEREFORE ORDAINED that the Board of Commissioners amends the Fiscal Year 2021 Budget as follows:

**SECTION I: GENERAL FUND**

This amendment requests the appropriation of fund balance for projects and professional services budgeted in FY20 but not completed prior to June 30, 2020. Projects and services include:

- Public Works- Survey of 100 block of Turner and road improvements, mulcher rental for ditch clean up, Town Hall lintel repair and ADA sidewalks, stucco on PD Annex
- Planning – Design Guidelines
- Fire – Safety equipment, PPE for Covid-19 response, building maintenance
- Non- Departmental – ADA plan

**A. REVENUE**

**INCREASE**

APPROPRIATED FUND BALANCE .....	\$ 114,286
<b>TOTAL INCREASE</b> .....	<b>\$ 114,286</b>

**B. EXPENDITURES AUTHORIZED BY DEPARTMENT**

**INCREASE**

PUBLIC WORKS .....	\$ 80,675
PLANNING DEPARTMENT.....	\$ 22,500
FIRE DEPARTMENT.....	\$ 8,577
NON-DEPARTMENTAL .....	\$ 2,534
<b>TOTAL INCREASE</b> .....	<b>\$ 114,286</b>

**SECTION III: UTILITY FUND**

This amendment requests the appropriation of fund balance for services that were budgeted in FY20 but not completed prior to June 30, 2020. These include:

- Repermitting Wastewater High Rate Infiltration System
- Campen Road Sidewalk Water Main

**A. REVENUE**

**INCREASE**

APPROPRIATED UNRESTRICTED FUND BALANCE.....\$ 12,500  
**TOTAL INCREASE.....\$ 12,500**

**B. EXPENDITURES AUTHORIZED BY DEPARTMENT**

**INCREASE**

SEWER DIVISION.....\$ 10,000  
WATER DIVISION.....\$ 2,500  
**TOTAL INCREASE.....\$ 12,500**

**SECTION VI: DISTRIBUTION**

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer to be kept on file for their direction in the disbursement of funds.

Adopted this 10th day of August, 2020

ATTEST:

\_\_\_\_\_  
Michele Davis  
Town Clerk

\_\_\_\_\_  
Everette S. Newton  
Mayor

Vendor	Descr	Amount to roll forward	Acct Code
NAFECO	turnout gear	\$ 5,310.00	10-531-1421
MechWorks Mechanical	training rm AC repair	\$ 1,857.00	10-531-1510
ACE Marine	masks covid-19	\$ 1,410.00	10-531-9000
Thomason and Associates	grant for guidelines	\$ 22,500.00	10-540-4510
James Phillips Land Survey	Turner St 100 block	\$ 1,500.00	10-560-3814
Bell & Phillips Parker & Assoc Surveying	Ph I Road Improvements	\$ 7,675.00	10-560-4550
MayRHI	mulcher rental	\$ 10,000.00	10-580-1710
Collins Masonry	replace brick and lintels Town Hall	\$ 26,800.00	10-620-1510
Collins Masonry	ADA Ramp Sidewalk Handrails	\$ 23,500.00	10-620-1510
superior plastering & stucco	PD Annex exterior stucco	\$ 11,200.00	10-620-1530
Stewart Engineering	ADA plan	\$ 2,534.00	10-700-4510
McKim & Creed	Repermitting	\$ 10,000.00	40-810-4510
Cullipher Group PA	Campen Rd Sidewalk Water Main	\$ 2,500.00	40-812-4550



**Town of Beaufort, NC**

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**Town of Beaufort Board of Commissioners Regular Meeting  
6:00 PM Monday, August 10, 2020 – Held Electronically Due to COVID 19 Pandemic**

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**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** Order for Carteret County to Collect Taxes for 2020

**BRIEF SUMMARY:**

Each year the Town must authorize the County Tax Collector to collect taxes for the Town of Beaufort.

**REQUESTED ACTION:**

Approve the order for Carteret County to collect taxes for the Town of Beaufort for 2020

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:**

No



Town of Beaufort  
701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516  
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[www.beaufortnc.org](http://www.beaufortnc.org)

ORDER OF THE BOARD OF COMMISSIONERS  
FOR THE TOWN OF BEAUFORT  
IN ACCORDANCE WITH N.C.G.S. 105-321  
FOR THE COLLECTION OF  
2020 TAXES

To: Sarah Davis  
Tax Collector of Carteret County and the Town of Beaufort

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Collector for the Town of Beaufort and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Beaufort, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property for such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_(SEAL)  
Everette S. Newton, Mayor

Attest:

\_\_\_\_\_  
Michele Davis, Town Clerk



**Town of Beaufort, NC**

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**Town of Beaufort Board of Commissioners Regular Meeting  
6:00 PM, Monday, August 10, 2020 – Held Electronically Due to COVID19 Pandemic**

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**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** Cedar Street Park

**BRIEF SUMMARY:**

Two adjoining property owners to the site of the future Cedar Street Park have requested the Town to support the abandoning of NCDOT right-of-way (ROW) in front of their properties. The owner of Homer Smith Seafood has requested that the town support NCDOT abandoning 19,409 square feet of ROW, which will be used for parking for an expansion of the marina. In exchange, the owner has offered to contribute \$75,000 toward the construction of the restroom/kiosk at the new Cedar Street Park. A concept plan for the park showing the parking lot design at Homer Smith Seafood and the marina expansion is attached. Also attached is correspondence from Ron Cullipher on behalf of Tony Frost, the owner of Homer Smith Seafood.

The other adjoining property owner would like the portion of the ROW abandoned as outlined in red on the attached survey labeled “100 Cedar Survey”. Note, however, that the Carteret County Property Tax Maps show that same portion of property as being owned by Irma Wiggins (see attachment, “Wiggins Parcel”). Staff has not researched this conflict.

NCDOT has agreed to give the Town the Cedar Street ROW, beginning at the intersection of Moore Street and extending west to Gallants Channel. NCDOT has also agreed to resurface Cedar Street from the intersection of Moore Street to its western terminus prior to turning over the ROW. Due to current budgetary constraints, however, funding for resurfacing is not currently available. The cost of simply resurfacing that portion of Cedar Street is approximately \$60,000. If NCDOT is willing to add a cul-de-sac and entryway, that would cost an additional \$38,000; and **if** NCDOT was **instead** willing to complete the road and parking as designed, then the total cost would be about \$87,000.

**REQUESTED ACTION:**

Consider requests.

**EXPECTED LENGTH OF PRESENTATION:**

15 minutes

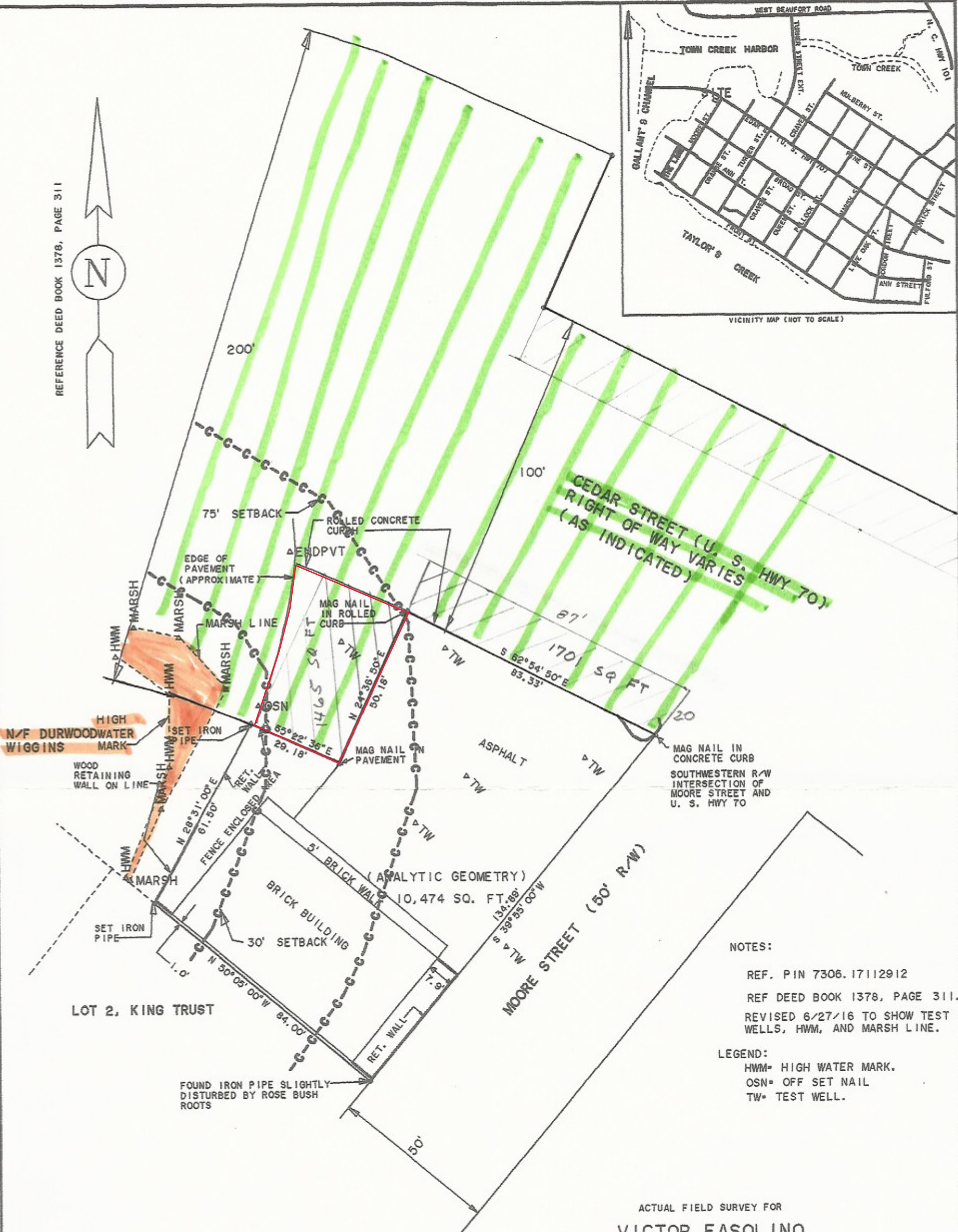
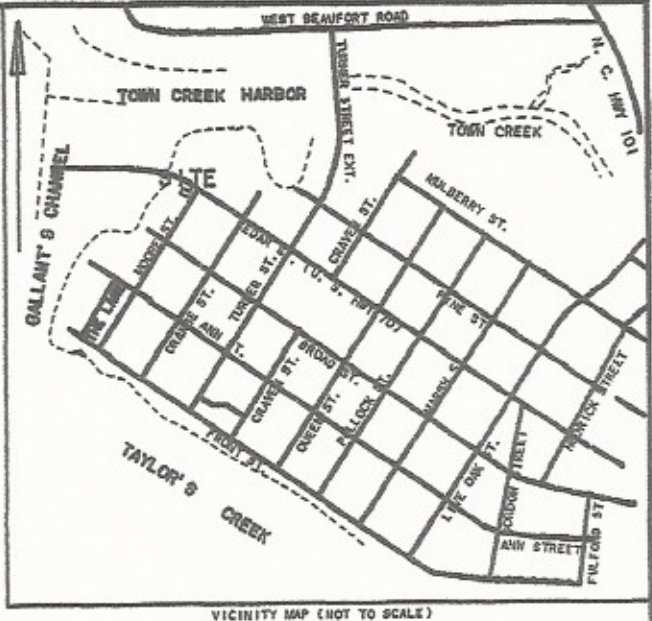
**SUBMITTED BY:**

John Day, Town Manager

**BUDGET AMENDMENT REQUIRED:**

No

REFERENCE DEED BOOK 1378, PAGE 311



NOTES:  
 REF. PIN 7306.17112912  
 REF DEED BOOK 1378, PAGE 311.  
 REVISED 6/27/16 TO SHOW TEST WELLS, HWM, AND MARSH LINE.

LEGEND:  
 HWM= HIGH WATER MARK.  
 OSN= OFF SET NAIL  
 TW= TEST WELL.

I, JAMES L. POWELL, PLS L1531, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL CLOSED FILED SURVEY MADE BY ME, AND THAT IT IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

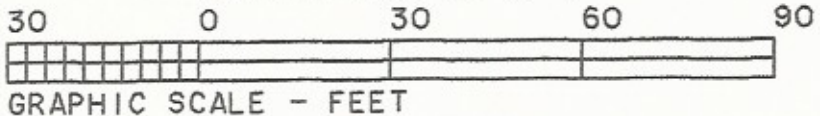
JAMES L. POWELL PLS L1531      DATE 6/28/16



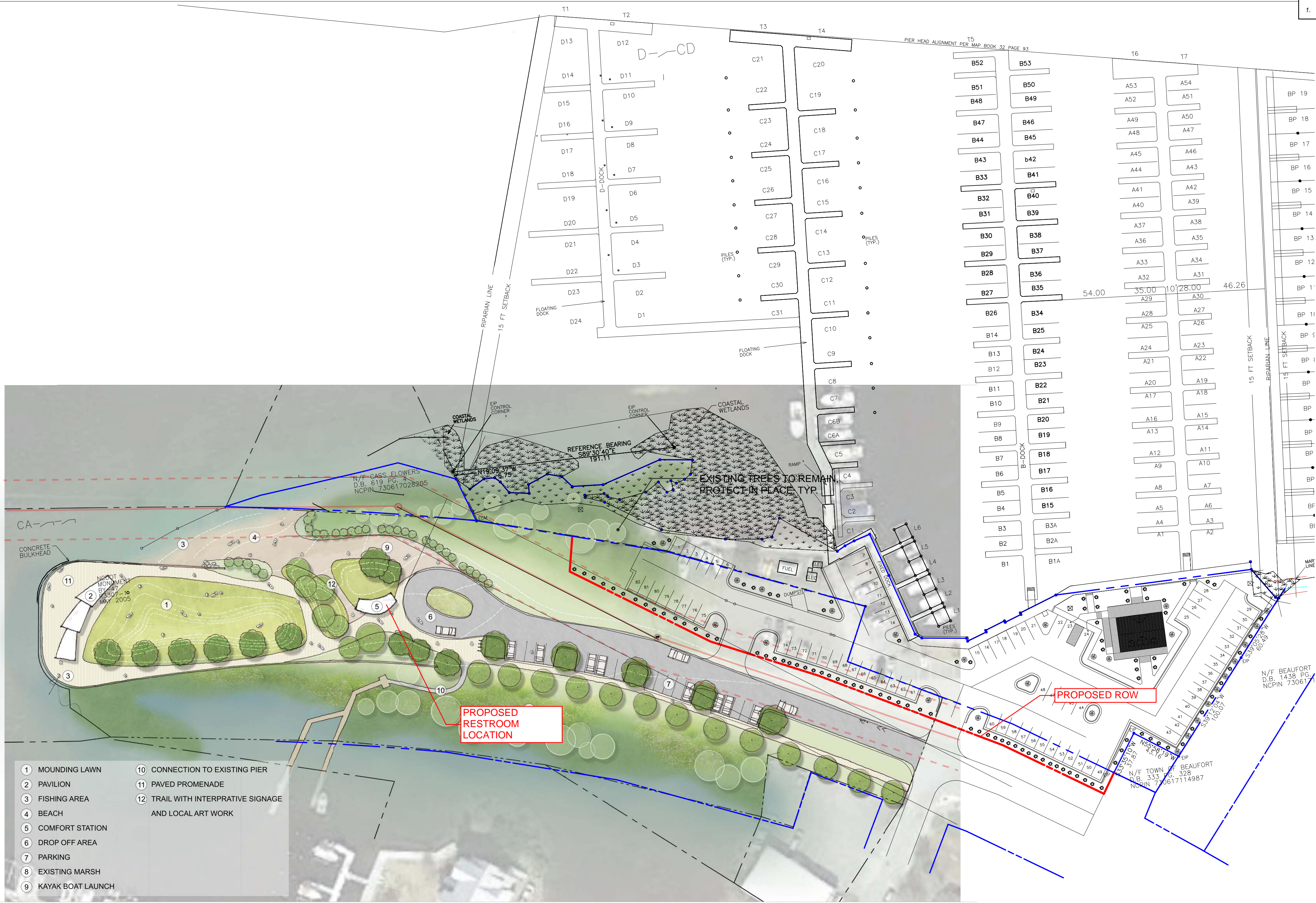
ACTUAL FIELD SURVEY FOR  
**VICTOR FASOLINO**

LOCATED AT 100 CEDAR STREET  
 TOWN OF BEAUFORT  
 BEAUFORT TOWNSHIP  
 CARTERET COUNTY, N. C.  
 SEPT. 23, 2015      SCALE 1"=30'

REVISED JUNE 27, 2016



SURVEYED BY  
**POWELL SURVEYING COMPANY, P.A.**  
 P. O. BOX 816      BEAUFORT, N. C. 28516  
 PLS L1531      TEL: (252) 728-4222      GPS-QUALITY NO. C-0282



Date: 11.07.2019



**CEDAR STREET PARK**  
- SITE PLAN -



**2020.07.01 - TCGPA SITE PLAN OVERLAY**  
**1" = 50'-0"**

**Tax Parcel Information:**

**Owner:** WIGGINS,IRMA BEST  
**Current PIN:** 730617111912000  
**Site Address:**  
0

**Mailing Address:**  
1677 WEST NEW HOPE ROAD  
GOLDSBORO NC 27534

**Legal Description:**  
PART L112 OLD TOWN BEAUFORT

**Prior PIN:** 11007K0226

**City Limits:** BEAUFORT

**Rescue District:** BEAUFORT RESCUE

**Fire District:**

**Tax District:** 1159

**Township:** BEAUFORT

**Use:** COMMERCIAL

**Land Value:** \$6,408

**Bldg Value:** \$0

**Other Value:** \$0

**Total Value:** \$6,408

**Sale Price:** \$0

**Deeded Acres:** 0.021

**Plat Ref:** /

**Deed Ref:** 657 / 215

**Bedrooms:**

**NBHD:** 590018

**Bldg Htd Sq Ft:**

**Bldg Tot Sq Ft:** 0

**Year Built:**

**Noise Level:**

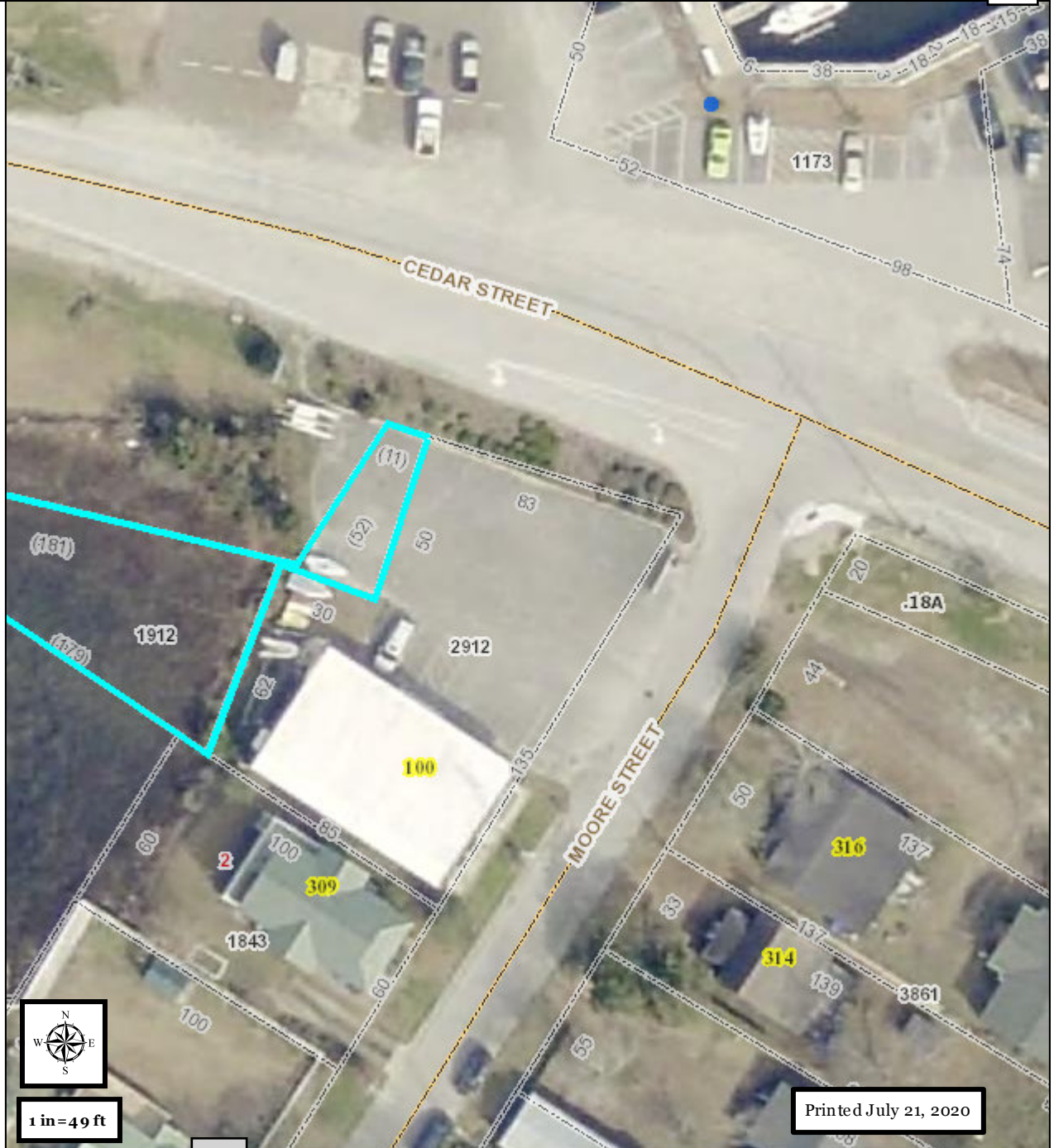
**AICUZ Zone:**

**GIS Acres:** 0.152

**Roll Type:** R

**Deed Date:** 0

**Bathrooms:**





**THE CULLIPHER GROUP, P.A.**  
**ENGINEERING & SURVEYING SERVICES**

August 3, 2020

Honorable Mayor Rhett Newton  
Commissioner Carter  
Commissioner Hagle  
Commissioner Harker  
Commissioner Hollinshed  
Commissioner McDonald

Re: Proposed Right of Way Acquisition of a portion of Cedar Street for Homer Smith Docks and Marina Club/Homer Smith LLC

Dear Town of Beaufort Mayor and Board,

We would like to thank the Town staff and their consultants for assisting us in getting this right of way acquisition request on your agenda for review and discussion. During the work session last week several comments were made that we would like to expand on as you look to pick up this discussion at your regular monthly meeting on August 10.

As I understand it from Mr. Frost, initial contact was made by town staff under the previous administration to explore the potential for Mr. Frost providing restroom facilities on his property for the proposed Cedar Street Park once the drawbridge was removed. Mr. Frost anticipated that a portion of the right of way would be made available to him and his project.

Cedar Street Park has been promoted as a low-key public park with few, if any, organized activities. Minimal infrastructure needs have been discussed except for sanitary restroom facilities. This structure concept has changed throughout time from just a restroom facility, to a restroom and storage facility to a restroom and kiosk facility. The location has changed from being on Mr. Frost's property to the main park location currently shown. Masterplans develop over time and Mr. Frost wants to support the town as the plan develops. The last concept provided by Mr. Day showed a contemporary structure where materials and style were beyond what Mr. Frost envisioned he might construct. It was with that style of structure that I suggested, and Mr. Day agreed it may be better for Mr. Frost to propose a donation instead of construction of a restroom/kiosk concept provided. Mr. Frost offered a contribution of \$75,000.00 to this endeavor.

We provided a simple concept sketch to Mr. Day that expanded the restroom/storage facility and provided space for informational kiosks that Mr. Frost is willing to construct at his expense on Town property. His offer excludes normal fees that the Town would normally charge for permit fees and water/sewer fees since this would be after completion a Town facility.

Mr. Day reported during the work session that the proposed facility costs could be a significant number. If I recall correctly somewhere around \$150,000.00. He obtained these preliminary swag numbers from the town's consultant, Stewart Inc. Please see the corresponding emails attached.

Mr. Day provided information of potential value of the proposed property acquisition saying

**HESTRON PLAZA TWO**  
**151-A NC HWY 24**  
**MOREHEAD CITY, NC 28557**  
**(252) 773-0090**

that one way was to use the tax value of the Smith property per square foot and extrapolate that to the acquired property. The proposed acquisition property is 19409 sf. As stated by Mr. Day, this value would be \$526,000.00. While that is one way to look at this, there are others.

Beaufort Partners, acquired 20' of right of way on their north and south parcels totaling approximately 13760 square feet. Utilizing the same tax value scenario that value is \$169029.00 +/- Significantly, less per square feet since the south parcel is valued at \$250,000.00 per acre.

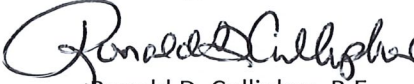
If the Town allowed Mr. Frost to acquire the equivalent 20' strip on his parcel at no cost as they did for others, that would be 12,780 sf of acquisition, less that the 13,760 sf granted to Beaufort Partners. We have no objection to Beaufort Partners acquiring their portion of the right of way but bring it up as comparison.

The additional acquisition above and beyond the 20 foot strip would be 6629 square feet. Mr. Frost would use that additional area to expand the marina. The marina expansion is a plus to the Town of Beaufort as it generates additional tax revenue, additional clientele coming to the Town through both transient and non-transient boaters.

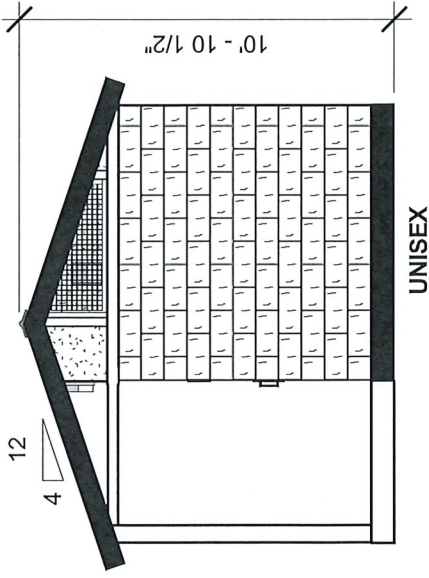
Mr. Frost's offer of \$75000.00 contribution to the town still stands. If the town prefers to counteroffer, he is willing to take it under consideration. Mr. Frost is also willing to construct the concept restroom/kiosk facility shown in our sketch. It would still be my suggestion that the Town and Mr. Frost agree to a dollar amount for the contribution so the Town could control the process better with materials and finishes.

I hope this provides a small amount of additional background as you continue your discussion. We appreciate your time on this matter.

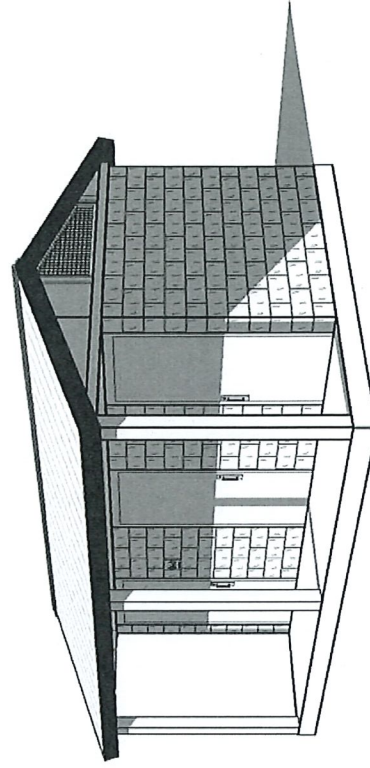
Sincerely,

  
Ronald D. Cullipher, P.E.

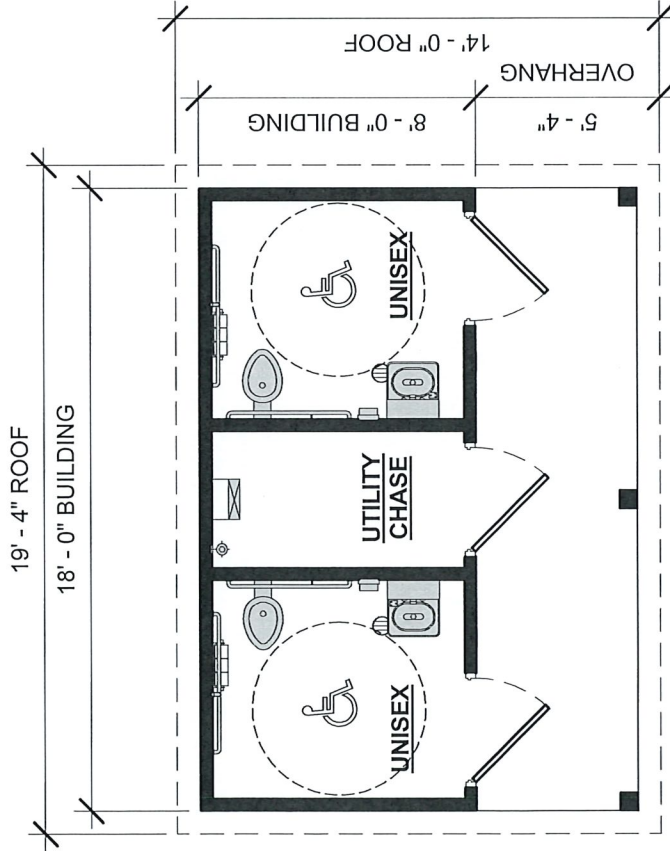
Cc: w/enclosures  
John Day, Town Manager  
Kyle Garner, Town Planner  
Greg Meshaw, Town Engineer



2 RIGHT ELEVATION  
3/16" = 1'-0"



3 PERSPECTIVE



1 FLOOR PLAN  
3/16" = 1'-0"

MAXIMUM PERSON AN HOUR:  
**90 S**

**PLAYGROUND SERIES**  
**PS-022 CE**

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**PUBLIC RESTROOM COMPANY**  
Building Better Places To Go.<sup>SM</sup>

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PH: 888-888-2060 | FAX: 888-888-1448


## Ron Cullipher

---

**From:** John Day <j.day@beaufortnc.org>  
**Sent:** Friday, July 17, 2020 9:10 PM  
**To:** Ron Cullipher  
**Cc:** Greg Meshaw  
**Subject:** Fwd: Help

Ron,  
Below is a SWAG on the RR/kiosk. I'd say round up to \$175k to be safe.

John

John Day  
Beaufort Town Manager  
252-728-2141, office  
252-528-5623, mobile  
.Beaufortnc.org

Begin forwarded message:

**From:** John Day <j.day@beaufortnc.org>  
**Date:** July 17, 2020 at 9:04:51 PM EDT  
**To:** George Stanziale <GStanziale@stewartinc.com>  
**Cc:** Brian O'Haver <bohaver@stewartinc.com>, Joe Pung <jpung@stewartinc.com>, "Christopher J. Miller" <cmiller@stewartinc.com>, Michael Batts <MBatts@stewartinc.com>  
**Subject:** Re: Help

Thank you, George! I'll pass this along to Ron.

John Day  
Beaufort Town Manager  
252-728-2141, office  
252-528-5623, mobile  
www.Beaufortnc.org

On Jul 17, 2020, at 8:17 PM, George Stanziale <GStanziale@stewartinc.com> wrote:

John,

See below for the restrooms that Greg found. Finishes are everything. I would think you would want to keep it very maintenance free and vandal proof on the interior. Utilities shouldn't be a big issue but I don't know where they exist and how far they need to run.

Hope this helps.  
Regards,  
George

[Get Outlook for iOS](#)

George Stanziale Jr., FASLA  
President  
Chief Business Development Officer  
Direct 919.866.4797  
Mobile 919.949.7482  
STEWART  
STRONGER BY DESIGN

---

**From:** George Stanziale <GStanziale@stewartinc.com>  
**Sent:** Friday, July 17, 2020 8:12 PM  
**To:** Brian DiDiano  
**Subject:** Re: Help

Awesome. Thanks so much B.  
Have a great weekend  
G

[Get Outlook for iOS](#)

---

**From:** Brian DiDiano <brian.didiano@barringerconstruction.com>  
**Sent:** Friday, July 17, 2020 2:10:34 PM  
**To:** George Stanziale <GStanziale@stewartinc.com>  
**Subject:** Re: Help

George,

Those are beautiful! As you know – a lot goes into a swag number range and for something like this but for this one the biggest range in pricing for this project is interior finishes and location of utilities.

The building cost for this alone ranges from \$50K to \$75K but the site utilities may easily add \$40K to \$60K to the total Project.

Add those two up and you come up \$90K to \$135K being conservative with concrete floors/no drywall walls to \$125K to \$150K with beautiful tile/lighting etc.

I hope this helps!

Brian

**BRIAN DIDIANO, LEED AP**

**BARRINGER**  
CONSTRUCTION

417 S Dawson Street | Raleigh, NC 27601

**T** 919.648.2881

**M** 919.368.5824

website | [twitter](#) | [facebook](#) | [linkedin](#) | [vCard](#) | [map](#) | [email](#)

Confidentiality Notice: This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

---

**From:** George Stanziale <GStanziale@stewartinc.com>

**Date:** Friday, July 17, 2020 at 12:22 PM

**To:** Brian DiDiano <brian.didiano@barringerconstruction.com>

**Subject:** Help

Hey Brian,

I hope all is going well for you and your family. I surely miss seeing folks.

Brain, we are doing a new park project for the Town of Beaufort and it will include a restroom and information kiosk. The attached are a couple of examples they are thinking about in terms of style and size. Would you be able to provide me with a swag number for what one like this could cost? I

don't need a detailed cost, just a ballpark number or range that they can use to negotiate with an adjacent land owner who would be paying for it. I would need this by next Tuesday morning.

Let me know. I would greatly appreciate it.

Have a great weekend,  
Best,  
Gio

George Stanziale Jr., FASLA  
President  
Chief Business Development Officer  
STEWART  
STRONGER BY DESIGN

Direct 919.866.4797  
Office 919.380.8750  
Mobile 919.949.7482

223 S. West Street, Suite 1100, Raleigh, NC 27603

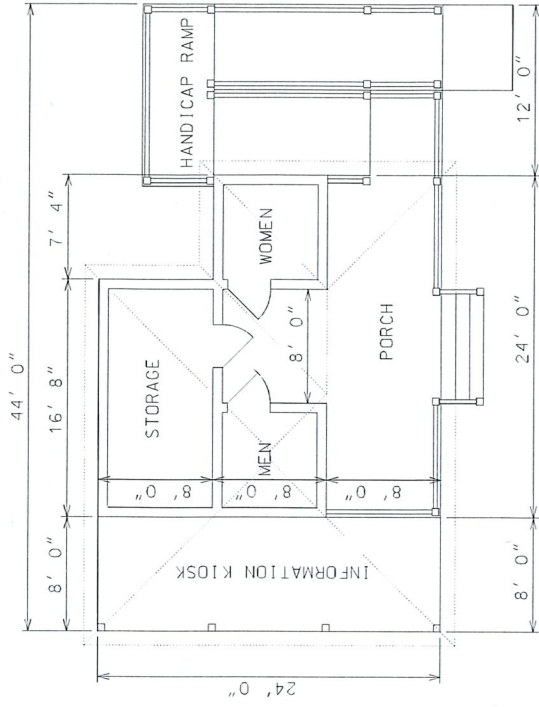
Visit us at [www.stewartinc.com](http://www.stewartinc.com)

<[image001.jpg](#)>

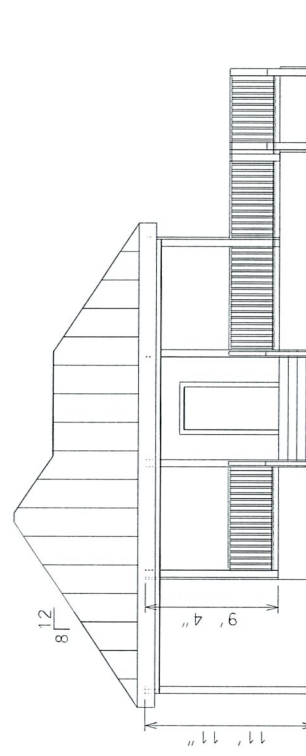
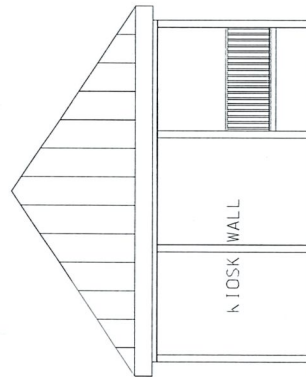
### Bathroom-Information Kiosk Ideas

July 9, 2009





CEDAR STREET RESTROOM/INFORMATION KIOSK





**Town of Beaufort, NC**

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516  
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Town of Beaufort Board of Commissioners Regular Meeting  
6:00 PM Monday, August 10, 2020 – Held Electronically Due to COVID19 Pandemic**

---

**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** Amendments to the Personnel Policy

**BRIEF SUMMARY:**

During the July 27, 2020 monthly work session, the Board of Commissioners asked for a process outlined in the Personnel Policy to address any allegations that may be brought against the Town Manager position. Jill Quattlebaum, Town Attorney, has outlined the step by step process as well as the time frame for the reporting and decision rendering. The process is redlined in the attached policy.

**REQUESTED ACTION:**

Approval of the changes in the Personnel Policy as presented during this meeting.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Michele Davis, Town Clerk/HR Officer and Mayor Rett Newton

**BUDGET AMENDMENT REQUIRED:**

No

# 2013

2.

Town of Beaufort

EFFECTIVE DATE: JANUARY  
1, 2013

**Updated 2015**

**Updated 2017**

**Updated 2018**

**Updated 2019**

**Updated 2020**

# [PERSONNEL POLICY MANUAL]

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## 1. GENERAL PROVISIONS

### A. POLICY OVERVIEW

It is the policy of the Town to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The Personnel Policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Manager, Town Attorney, members of the Town Board of Commissioners and advisory boards and committees will be exempted except in sections where specifically included.

The Town Manager and all managerial/supervisory personnel are responsible for administration of these personnel policies and procedures. Employees, volunteers and independent contractors are to report anything perceived to be improper to their supervisor, or the Town Manager. The Town believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, or the Town Manager concerning any problem. This Policy contains many, but not necessarily all of the rules, regulations, and conditions of employment for Town personnel. 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. This Personnel Policy is also intended to provide guidelines covering public service by Town employees and is not a contract.

The provisions of this handbook may be amended and supplemented from time to time without notice and at the discretion of the Town Manager and the Board of Commissioners.

### B. AT WILL EMPLOYMENT

To the maximum extent permitted by law, the employment practices of the Town shall operate under the legal doctrine known as "employment at will." Within Federal and State law, all employees serve at the pleasure of the Town of Beaufort. This policy does not create an employment contract or term between the Town and its employees, nor does this policy vest the employee with property or liberty interest in their positions and does not grant any continuing expectation of future employment.

### C. RESPONSIBILITIES OF THE TOWN BOARD OF COMMISSIONERS

The Town Board of Commissioners shall be responsible for establishing and approving personnel policies and may change the policies and benefits as necessary. They also shall make and confirms appointments when so specified by the General Statutes of North Carolina.

### D. RESPONSIBILITIES OF THE TOWN MANAGER

The Town Manager shall be responsible to the Town Board of Commissioners for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town employees except those whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals, and suspensions in accordance with the Town charter and other policies and procedures as defined by this Policy.

### E. DEPARTMENTAL RULES & REGULATIONS

Because of the particular personnel and operational requirements of the various departments of the Town, each department is 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 approval of the

Town Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Chapter.

## 2. RECRUITMENT & HIRING

### A. RECRUITMENT

#### 1. RECRUITMENT SOURCES

When position vacancies occur, the Town Manager or his/her designee 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 addition, notice of vacancies shall be posted at designated conspicuous sites within Town buildings in order that qualified employees and other interested candidates may apply for vacant positions. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for Town service. Equally qualified internal applicants may be given first priority for the position.

#### 2. JOB ADVERTISEMENTS

When a vacancy occurs, the job(s) will be posted internally as well as externally in local newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

#### 3. 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.

#### 4. APPLICATION RESERVE FILE

Applications shall be kept in an inactive reserve file for a period of two (2) years, in accordance with Equal Employment Opportunity Commission guidelines.

### B. SELECTION & APPOINTMENT

Department Heads shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. Prior to appointment, in addition to completing the required use of E-verify to check an employee's documentation, the Town may require additional screening information including but not limited to criminal background checks and credit reports. All selection devices administered by the Town shall be valid measures of job performance.

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, race, color, religion, national origin, disability, political affiliation, or marital status. 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.

Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Town Manager on the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Town Manager shall approve appointments and the starting salary for all applicants.

**C. PROBATIONARY PERIOD**

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six (6) month probationary period, with the exception of sworn police personnel and Department Heads who shall serve a twelve (12) month probationary period. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving a twelve (12) month probationary period shall have a performance review at the end of six (6) months as well as before the end of twelve (12) months.

Employees serving a probationary period are not eligible to apply for other positions within the Town until they have successfully completed the probationary period evaluation and six (6) months as a full time employee. If it is in the best interest of the Town, this time period may be waived or extended upon approval of the Town Manager.

Before the end of the probationary period, the supervisor 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 supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six (6) additional months.

Disciplinary action, including demotion and dismissal, 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.

**D. EMPLOYMENT OF RELATIVES**

The Town prohibits the hiring and employment of immediate family in positions within the same work unit. "Immediate Family" is defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, parent-in-law, brother-in-law, sister-in-law, aunt, or uncle of the employee or spouse of the employee. The Town also prohibits the employment of any person into permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, member of the Board of Commissioners, Town Manager, Town Clerk, Finance Officer, or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

1. Result in a relative supervising relatives
2. Result in a relative auditing the work of a relative;
3. Create a conflict of interest with either relative and the Town; or
4. Create the potential or perception of favoritism.

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

### 3. EMPLOYEE RIGHTS & OBLIGATIONS

#### A. OPEN DOOR POLICY

The Town encourages employees who feel they have been treated unfairly or contrary to the Town’s policies to discuss their concerns with their supervisor, or if they prefer with their Department Head, or the Town Manager. This includes work related problems or those of harassment or discrimination. The Town encourages employees to express their concerns about their employment with the Town. Please refer to the following policies – *Non-Discrimination and Equal Employment Opportunity Policy, Policy Against Harassment and Complaint Reporting*- below as to complaint procedures.

#### B. NON-DISCRIMINATION & EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Town of Beaufort that there shall be equal employment opportunity for all municipal employees and applicants without regard to race, creed, color, religion, sex, sexual orientation, age, national origin, marital or political status, veteran status, disability or handicap, genetic information or any other classification protected by federal, state or local law or regulation.

1. This policy applies to all areas of employment and includes recruitment, selection, promotion, demotion or transfer, layoff, recall, termination, rates of pay and other forms of compensation, selection for training and special assignments.
2. All levels of management through day--to--day actions, shall ensure the full integration of all employees into the work force in all occupations and at all levels regardless of the marital status, veteran status, disability or handicap or any other classification protected by federal, state or local law or regulation.
3. Employees are encouraged to report any instance of alleged discrimination or harassment by members of the public, vendors or employees of the Town workforce.

All inquiries and reports of discrimination should be directed to the Town Manager.

The Town of Beaufort is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the Town of Beaufort expects that all relationships among persons in the workplace will be business--like and free of bias, prejudice and harassment. The Town will not tolerate discrimination or harassment of or by Town employees towards anyone, including any supervisor, co--worker, vendor, or citizen.

Violations of this policy will result in disciplinary action up to and including discharge or, in the event non-employees are found to be at fault, other appropriate action. Employees who feel they have been subject to discrimination, harassment or disrespect as prohibited above, are directed to the *Harassment Complaint Reporting*, noted below.

#### C. ANTI-HARASSMENT

##### 1. POLICY AGAINST HARASSMENT

The Town is committed to maintaining a workplace free from harassment or intimidation of any employee or job applicant, male or female. The Town does not accept, condone or tolerate actions of harassment by any employee, vendor, member of the public or any other person associated with the Town on the basis of any personal characteristic, including, but not limited to race, creed, color, religion, sex, sexual orientation,

national origin, age, marital or political status, veteran status, disability or handicap genetic information, or any other classification protected by federal, state or local law.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as race, creed, color, religion, sex, sexual orientation, civil union status, gender identity or expression age, national origin, marital or political status, veteran status, disability or handicap which can be reasonably accommodated without undue hardship genetic information, or any other classification protected by federal, state or local law or regulation. Harassment involves behavior that is personally offensive, fails to respect the rights of others, lowers morale and interferes with work effectiveness. Harassment may take different forms. Whatever form it takes, harassment is insulting and demeaning to the recipient and will not be tolerated in the workplace. The Town will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

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## 2. APPLICABILITY

Town officials, appointees, managers, supervisors, employees, volunteers and outside contractors alike must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Independent contractors, vendors and all other parties, engaged in a professional business relationship with the Town of Beaufort are also expected to abide by the policy.

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## 3. SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome, unsolicited conduct of a sexual nature or because of one's sex, which an employee reasonably regards as undesirable or offensive. It includes unwelcome sexual advances, requests for sexual favors and any other conduct of a physical, verbal or nonverbal nature where:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

Sexual harassment of non-employees by a Town employee is also prohibited. Unwelcome sexual advances toward non-employees such as, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

1. Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
2. Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual or creating an intimidating, hostile or offensive environment.

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## 4. COMPLAINT REPORTING

Employees and non--employees who believe that they have been subject to harassment should report the incident directly to their supervisor or the Town Manager who will ask the employee to complete a Harassment Complaint Form (Appendix 1). The complaining party should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Completion of the written Complaint form is preferred but not required. Harassment does not occur on Town property during regular work hours to file a complaint under this policy. Under n 57 mstances shall an employee be required to make a

report of harassment to the person he/she is accusing of harassment. Any employee who receives a complaint of harassment or of conduct which would violate this policy from a non--employee or has knowledge of harassment or conduct which would violate this policy, by any Town employee, agent, volunteer or representative, must report the matter to the Town Manager immediately. Any complaint alleging harassment or discrimination against the Town Manager shall be reported in writing to the Mayor, who in turn shall report the complaint to the Town Board of Commissioners in accordance with the procedures outlined in the Investigation Procedures: Board of Commissioners policy herein. The failure to make such a report may subject the employee to discipline.

It is recommended, but not required, that an individual who believes that he/she has been subjected to harassment from either a co--worker or a supervisor should confront his/her harasser and make clear that such behavior is not welcome. Thereafter, the individual should immediately bring the matter to the attention of his/her immediate supervisor or Department Head. If this is not practical, or if the employee does not feel comfortable with this avenue of redress, the employee may bring the complaint directly to the Town Manager or other Town representative as set forth above.

The Town encourages employees who witness conduct which they believe violates the Town's *Policy Against Harassment* to report the violation pursuant to this complaint procedure. All supervisory personnel are required to ensure adherence to and compliance with this policy. Upon being informed of and/or witnessing possible harassment, supervisory employees are required to inform the Town Manager and take appropriate remedial action to stop the harassment.

The Town encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within 120 days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

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## 5. INVESTIGATION PROCEDURES

The Town shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Town Manager shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Town Manager or any third party deemed appropriate. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

1. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused. If the Town determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective negotiations agreements and applicable due process safeguards.
2. All employees have a responsibility to cooperate fully with the investigation of harassment. Although the extent of each investigation will vary, discretion and cooperation are crucial at all levels.
3. In the event that the Town determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who filed the complaint.

5A. INVESTIGATION PROCEDURES: BOARD OF COMMISSIONERS

Any complaints of retaliation or discrimination involving decisions made by or conduct of the Town Manager shall be reported in writing to the Mayor within 30 days of the subject conduct, and shall be handled by the Board of Commissioners (“BOC”) in accordance with the provisions outlined in this section. Such complaints include, but are not limited to, complaints made under the Non-Discrimination & Equal Employment Opportunity Policy, Anti-Harassment Policy, or Sexual Harassment Policy herein. This policy shall not apply to grievances regarding work conditions, job performance, or disciplinary matters, for which employees must exclusively use the Grievance Procedure and Adverse Action Appeal Policy herein, and from which there is no right of appeal.

Complaints of retaliation or discrimination involving decisions made by or conduct of the Town Manager will be subject to the following reporting and investigation procedures:

1. The Mayor will present the complaint to the BOC at the next scheduled meeting of the BOC. If the Mayor determines the complaint to be of a time-sensitive nature, he or she may opt to call a special meeting of the BOC to address the complaint.
2. Complaints shall be presented by the Mayor to the BOC in closed session. The BOC will review the complaint initially to determine whether it is eligible for review under this policy. For any complaints determined to be exclusively based on work conditions, job performance, or disciplinary matters, the BOC shall instruct the Mayor to advise the complaining party in writing that the matter is not appropriate for BOC review and of his or her right to utilize the Grievance Policy (in cases in which the employee has previously exercised his or her rights under the Grievance Policy, the Mayor shall reiterate that the decision of the Town Manager on such a grievance is final).
3. For complaints eligible for review, the BOC will consider the complaint and may opt to make a decision regarding resolution of the complaint considering only the written documentation provided. However, if the BOC determines that further investigation is needed, the BOC may appoint an individual delegate or a committee to investigate (hereafter referred to as “investigating party”). The investigating party shall review the complaint and all written documentation provided by the complaining party and may gather additional documentation as needed. The investigating party may opt to interview the complaining party, the Town Manager, or any other individual identified as a witness: interviews shall be conducted at the discretion of the investigating party. In any event, the complaining party shall have no right to be heard by the BOC in closed session or in any other manner except those also available to the general public (i.e., public comment).
4. The investigating party shall conclude the investigation within 10 calendar days, or as promptly thereafter as possible, and report its findings and proposed recommendations for resolution to the BOC in closed session at the next scheduled meeting following the conclusion of the investigation. The BOC shall make findings regarding the investigation and either accept the resolution proposed by the investigating party or agree upon a different resolution.
5. For complaints reported by an individual other than the person who has allegedly been subjected to harassment or discrimination (“subject individual”), the Mayor will communicate with the subject individual and advise them of their rights to utilize this procedure. If the subject individual does not wish to do so, the Mayor will still report the complaint to the BOC for a determination as to whether further investigation is necessary, and report any determination made by the BOC to the reporting party. If the subject individual wishes to make a complaint, it shall be investigated in accordance with the provisions of this policy, and upon conclusion of the investigation, The Mayor shall also give notice to the reporting party that the matter was investigated and used by the BOC.

- 6. If extensions to any of the timelines outlined herein are necessary for any reason, the Mayor will advise the complaining party (or reporting party) in writing within 30 calendar days that the investigation is ongoing and will identify an anticipated date on which a response will be provided. Otherwise, the Mayor will communicate the BOC’s decision to the complaining party (or reporting party) in writing within 30 calendar days of receipt of the complaint. The decision of the BOC is final, and the complaining or reporting party has no right of appeal from same.
- 7. Upon conclusion of the investigation, the Mayor will forward the investigation file to the Town’s Human Resources Officer for safekeeping. The Mayor will communicate to the Town’s Human Resources Officer any instructions given by the BOC, including but not limited to, policy, procedure, or scheduling changes, and will report disciplinary action taken, if any.

6.PRIVACY

To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Town will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

7. RESPONSIBILITY OF SUPERVISORY PERSONNEL

Supervisors are to monitor the work environment to ensure that all subordinates comply with this *Policy Against Harassment*. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the supervisor shall report the matter to the Town Manager. Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Town Manager (or Mayor, for allegations involving conduct of the Town Manager) for resolution.

8. RETALIATION PROHIBITED

The Town encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. It is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment. Any retaliatory conduct or recurrence of the offensive behavior should be reported immediately to the Town Manager, or to the Mayor, in cases involving allegations concerning the Town Manager.

Any employee with questions regarding the Town’s *Policy Against Harassment* may contact the Town Manager.

D. VIOLENCE IN THE WORKPLACE

The Town of Beaufort maintains the policy that any act or threats of the same, made by an employee against another person’s life, health, well-being, and family or property or for the purpose of

intimidation, are entirely unacceptable and cause for disciplinary action up to and including immediate dismissal. This policy applies to any threats made on Town property, at Town events, or under other circumstances that may negatively affect the Town’s ability to conduct business. Such acts or threats of violence whether made directly or indirectly, by words, gestures or symbols, infringe upon the Town’s right or obligation to provide a safe workplace for its employees.

An employee who believes that he or she has been the target of violence or threats of violence or intimidation, or has witnessed or otherwise learned of violent conduct by another employee in the capacity described above, should contact the Town Manager and his or her immediate supervisor immediately.

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### 1. PROHIBITED CONDUCT

The Town will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

1. Causing physical injury to another person;
2. Making threatening remarks;
3. Aggressive, hostile or intimidating behavior that creates a reasonable fear of injury or loss to another person or to personal property or subjects another individual to emotional distress;
4. Intentionally damaging employer property or property of another employee;
5. Possession of a weapon while on company property or while on company business;
6. Committing acts motivated by, or related to, harassment or domestic violence.

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### 2. REPORTING PROCEDURES

Any potentially dangerous situations must be reported immediately to a supervisor or 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. The Town will actively intervene at any indication of a possibly hostile or violent situation.

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### 3. ENFORCEMENT

Threats, threatening or intimidating 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 engaged in violent acts on the employer’s premises will be reported to the proper authorities and fully prosecuted.

## E. AMERICANS WITH DISABILITIES ACT

### 1. ADA POLICY STATEMENT

The Town is committed to complying with all applicable provisions of the Americans With Disabilities Act ("ADA") and the North Carolina Law Against Discrimination. It is the Town’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability or handicap so long as the employee can perform the essential functions of the job with or without accommodation. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability to allow them to perform their job. Accommodations will be made to employees who have made the Town aware of his or her disability or handicap, provided that such accommodation is reasonable and does not constitute an undue hardship on the Town.

Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. Accommodations shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. ADA does not require the Town to offer permanent “light duty”, relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. To be eligible for accommodations, individuals must:

1. Be able to perform the essential function of the position,
2. Not create a real safety hazard to themselves, co-employees or the public, and
3. Be otherwise qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements.

All decisions with respect to accommodations shall be made by the Town Manager.

Employees who believe they need a reasonable accommodation to perform the essential functions of their job should contact their immediate supervisor.

### 2. PROCEDURE FOR REQUESTING AN ACCOMMODATION

On receipt of an accommodation request, the employee’s supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the Town might make to help overcome those limitations.

The supervisor will make recommendations to the Town Manager to determine the feasibility of the requested accommodation considering various factors including, but not limited to, the nature and cost of the accommodation, and the accommodation's impact on the operation of the Town, including its impact on the ability of other employees to perform their duties and on the Town’s ability to conduct business.

The supervisor will inform the employee of the decision on their accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request to the Town Manager. If the request on appeal is denied, that decision is final.

The ADA does not require the Town to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Town Manager. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

F. ALCOHOL-FREE AND DRUG-FREE WORKPLACE

1. POLICY

The Town has a vital interest in maintaining a safe, healthy and efficient working environment. Being under the influence of drugs or alcohol on the job poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the use, sale, purchase, transfer, possession or being under the influence of illegal drugs or alcohol in the workplace poses unacceptable risks for safe, healthy and efficient operations and will be grounds for immediate discipline up to and including termination of employment.

The Town further expresses its intent, through this policy, to comply with federal, state and local rules, regulations and/or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.

As a condition of employment, all employees are required to abide by the terms of this Policy and to notify the Town of any criminal drug statute conviction for a violation no later than five (5) days after such conviction.

2. SCOPE

This Policy applies to all departments, all employees (including all contracted employees) and all job applicants. Employees who are required to maintain a CDL license as an essential function of their job, fire, police, and emergency services personnel will also be subject to additional procedures (including random testing) pursuant to federal law and regulations.

3. DEFINITIONS

**ALCOHOL:** Any beverage that contains ethyl alcohol (ethanol), including, but not limited to, beer, wine and distilled spirits.

**TOWN PREMISES/FACILITIES:** All property of the Town, including, but not limited to, the offices, facilities and surrounding areas of Town-owned or leased property, parking lots and storage areas. The term also includes all Town owned or leased vehicles and equipment wherever located, and includes all other premises or facilities visited by employees in the course of their employment.

**ILLEGAL DRUG:** Any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; any prescribed drug not legally obtained, not being used for the prescribed purpose or by the prescribed person or not being used in the prescribed dosage or manner; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples include, but are not limited to, marijuana, hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), barbiturates and so-called designer or look-alike drugs. (Refer to Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and North Carolina General Statute 90-87(5)).

**REASONABLE SUSPICION:** A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is under the influence of alcohol or drugs. Reasonable suspicion must be directed at a specific person and must be based on specific and articulable facts and the logical inferences and deductions that can be drawn from those facts. Reasonable suspicion may be based upon

things such as: observable phenomena – such as the direct observation of the possession or use of a drug or alcohol or the direct observation of physical symptoms of being under the influence of a drug or alcohol such as slurred speech, unsteady gait; a pattern of unusual or abnormal conduct or erratic behavior; information provided by a reliable and credible source; work-related accidents and deviations from safe working practices.

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#### 4.EMPLOYEE RESPONSIBILITIES

Each employee has the responsibility to:

1. Report to work at all times free of alcohol or illegal drugs and their effects;
2. Be aware of the Town’s Alcohol-Free and Drug-Free Workplace Policy;
3. Seek assistance for alcohol and other drug abuse or related problems through an approved program before job performance is impacted;
4. Support the Town’s efforts to eliminate alcohol and other drug abuse among employees.
5. Supervisors and other management personnel will be trained in detecting the signs and behavior of employees who may be using illegal drugs or alcohol at work.

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#### 5.AUTHORIZED USE OF PRESCRIBED MEDICATION

An employee undergoing prescribed medical treatment with any drug that may impair his/her ability to perform his/her job without posing a safety risk to himself/herself or others must report this treatment to the Town Manager who is required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act. . An employee may continue to work under the influence of a prescribed drug only if, after consultation with medical professionals, it is determined that such use does not pose a safety risk and the employee’s job performance is not negatively impacted and/or cannot be reasonably accommodated.

If justified by medical information and the employee’s work performance, the Town may restrict an employee’s work activity, place the employee on a leave of absence, or take other appropriate action in compliance with law.

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#### 6.REASONABLE SUSPICION TESTING

Whenever the Town has reasonable individualized suspicion that an employee is under the influence of alcohol or illegal drugs, the following procedures shall be applied:

1. An employee reasonably believed to be under the influence of alcohol or illegal drugs shall be immediately prevented from engaging in further work by his/her supervisor and department head and shall be prohibited from returning to work until negative test results are received. Any employee removed from a job for suspected drug or alcohol use will suffer no loss in pay provided the test result is negative.
2. The decision to test an employee shall be made by the Town Manager after consultation with legal counsel.
3. If the Town decides to test an employee, the employee will be given a direct order to submit to the test. Refusal on the part of the employee to submit to a test shall be considered misconduct and shall subject the individual to discharge.
4. The employee shall be transported in a reasonable amount of time to a qualified testing facility where a drug and/or alcohol screening will be administered. The employee will be required to sign a consent form prior to the test. Refusal to

the effective operation of the test shall be considered misconduct and shall be grounds for discharge.

- 5. The Town will afford the employee subject to testing the opportunity to list all prescription and non-prescription drugs they have used or recently used and the circumstances surrounding the use of such drugs and controlled substances.
- 6. The Town will allow a split sample to be taken so the employee may independently test the specimen at his/her own expense.
- 7. All alcohol and drug testing reports shall be treated in a confidential fashion and will only be revealed to those with a business need to know.

7.RANDOM TESTING

Employees who are required to hold a Commercial Driver’s license for the purpose of performing their duties or as a condition of employment are subject to random drug testing as are

all safety sensitive positions including fire, EMS and police.

8.POST-ACCIDENT TESTING

A post-accident test for drugs and/or alcohol shall be administered within 2 hours following the accident.

9.DISCIPLINARY ACTION

Any person violating any of the provisions of this policy, including testing positive for illegal drugs and/or alcohol, will be subject to discipline up to and including termination of employment. Disciplinary action taken may be appealed to the Town Manager, subject to applicable statutory appeal procedures. The determination of the Town Manager will be final and binding unless appealed pursuant to the “Disciplinary/Corrective Action Procedures” as stated in this policy.

At its discretion based on the individualized circumstances of the case, the Town may provide a one-time opportunity to the employee to enter and successfully complete a rehabilitation program that has been approved by the Town at the employee’s own expense. Costs not covered under the employee’s health insurance plan shall be paid for by the employee. During rehabilitation, the employee will be prohibited from working and will be required to submit periodic updates to the Town. Upon successful completion of rehabilitation, the employee will be subject to unannounced drug and/or alcohol testing for a period of 36 months. In the event the employee fails to successfully complete the rehabilitation program or tests positive in a test conducted after rehabilitation, the employee will be terminated.

10. VOLUNTARY IDENTIFICATION

Employees who come forward and identify themselves as having a drug and/or alcohol abuse problem prior to being requested to take a test by the Town based on reasonable suspicion, will be provided the opportunity to successfully complete a rehabilitation program at his/her own expense.

G. ETHICS POLICY

1. OVERVIEW

The Town of Beaufort is committed to conducting i 65 nness with integrity underlying all relationships, including those with citizens, customers, suppliers, unities, and among employees. The highest

standards of ethical business conduct are required of Town employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the Town’s honesty, impartiality or reputation or otherwise cause embarrassment to the Town. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

1. Using public office or public position for private gain;
2. Giving preferential treatment to any person or entity;
3. Losing impartiality;
4. Adversely affecting the confidence of the public in the integrity of the Town of Beaufort

Every employee has the responsibility to ask questions, seek guidance, report suspected violations and express concerns regarding compliance with this policy.

Employees with specific guidelines through licensing, certification etc., i.e. construction or code official or inspector, must also comply with such guidelines as required.

Employee concerns should be directed to the Town Manager for review and investigation. Retaliation against employees who use this reporting mechanism to raise genuine concerns will not be tolerated.

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## 2.SOLICITATION & ACCEPTANCE OF GIFTS & FAVORS

The conduct of an employee in Town service shall be free from influence arising from gifts, favors, or special privileges in situations where it is reasonable to believe that such may be offered so as to affect the giver’s interest or otherwise exert influence on the actions of the employee.

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## 3.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:

1. Engage in any political or partisan activity while on duty;
2. Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
3. 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;
4. Coerce or compel contributions from another employee of the Town for political or partisan purposes;
5. Use any supplies or equipment of the Town for political or partisan purposes; or
6. Be a candidate for nomination or election to office under the Town Charter;

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

## H. CONFLICT OF INTEREST

It is the policy of the Town of Beaufort that no officer or employee of the Town receive any personal or private benefit resulting from the activities of the Town or from the receipt of the Town of funds, from the State of North Carolina, or from any other source, and from reasonable compensation for services rendered and reimbursement for reasonable expenses incurred in the conduct of the business of the Town.

Further, officer or employee of the Town shall obtain any direct or indirect economic stake in any entity participating in the programs of the Town, and the Town shall not employ any individual who owns a stake in such entity.

**I. OUTSIDE EMPLOYMENT**

The Town has no intention of attempting to regulate what an employee does during his/her own time away from the job as long as off-duty activities do not represent a conflict of interest or reflect discredit to the Town. To avoid possible conflict of interest, the employee’s outside employment shall be reported in writing to and approved by the Town Manager, through the Department Head. An employee is cautioned not to engage in outside activities that are so exhausting that one’s physical or mental abilities are consistently impaired to the extent that his or her own Town service is adversely affected.

Examples of conflicts of interest in outside employment *include but are not limited to:*

1. Employment with organizations or in capacities that are regulated by the employee or employee’s department; or
2. 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.

**J. SAFETY POLICY**

The Town will provide a safe and healthy work environment and shall comply with the Occupational Safety and Health Act of North Carolina. The Town is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Town facilities, equipment or motor vehicles must also be immediately reported.

**K. WORK PRODUCT OWNERSHIP**

The Town retains legal ownership of the work product of all employees. Work product includes: written and electronic documents, audio and video recordings, system code, and any concepts, ideas or other intellectual property developed for the Town regardless of whether the intellectual property is actually used by the Town. No work product created while an individual is employed by the Town can be claimed, construed or presented as their property, even after their commission with the Town is terminated or the relevant project completed. If any individual requests use of a document created by them, the release of said document shall be with the written authorization of the Town Manager.

## 4. EMPLOYMENT

### A. DEFINITIONS

**EMPLOYEE** An “employee” of the Town of Beaufort is a person who regularly works for the Town on a wage or salary basis. “Employees” may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed by the Town who are subject to the control and direction of the Town in the performance of their duties.

**EXEMPT** Employees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Employees in positions classified as Exempt shall be required to work a 40-hour workweek and any additional hours needed to fulfill the responsibilities of the position. The weekly salary established for such employees shall be their total compensation for all the time worked. Overtime pay shall only be granted to these employees in unusual circumstances and with the approval of the Town Manager.

**NON-EXEMPT** Employees whose positions do not meet FLSA criteria and who are eligible for overtime compensation.

**REGULAR FULL-TIME** Employees who have completed their respective probationary period and who are regularly scheduled to work 35 or more hours per week. They are eligible for the Town’s benefit package, subject to the terms, conditions, and limitations of each benefit program.

**REGULAR PART-TIME** Employees who have completed their respective probationary period and who are regularly scheduled to work less than 35 hours per week. Regular part-time employees may be eligible for some benefits sponsored by the Town, subject to the terms, conditions, and limitations of each benefit program.

**TEMPORARY (FULL-TIME OR PART-TIME)** Those whose performance is being evaluated to determine whether further employment in a specific position or with the Town is appropriate or individuals who are hired as interim replacements to assist in the completion of a specific project or for vacation relief. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until they are notified of a change. They are not eligible for any of the Town’s benefit programs.

## B. COMPENSATION

### 1. THE PAY PLAN

The pay plan includes the Basic Salary Schedule and the Assignment of Grades and Ranges (Appendix II).

### 2. ADMINISTRATION AND MAINTENANCE

The Town Manager shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for 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, each budget year, the Town Manager shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Board of Commissioners such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the hiring rate, all intervening rates and the maximum change according to the market.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted 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 Board of Commissioners.

### 3. STARTING SALARIES

All persons employed in positions approved in the position classification plan shall be employed within the hiring salary range for the classification in which they are employed; exceptionally well qualified applicants may be employed at a starting salary of mid-range of the established salary range upon approval by the Town Manager.

### 4. TRAINEE DESIGNATION AND PROVISIONS

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

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## 5. MERIT PAY

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager. An employee is eligible for a performance evaluation with merit pay, subject to the quality of work performed, at the one year anniversary of the hire date and every year thereafter on that anniversary date. Merit Pay shall be based upon available funds and by approval of the Board of Commissioners.

**MERIT PAY - BONUS FOR TOP OF SALARY RANGE EMPLOYEES** Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Merit Bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay. Merit Bonus Pay shall be based upon available funds and by approval of the Board of Commissioners.

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## 6. SALARY CHANGES

### PROMOTIONS

The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which provides an increase of 10%, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Town Manager, with approval of the Board of Commissioners, may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employees qualifications for the job and relative worth to the Town. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town shall consider internal comparisons with other employees in the same or similar jobs. Promoted employees will be required to complete a six-month probationary period. Annual evaluation date will not be changed due to promotion.

### 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 and consistent with the placement of other employees within the same classification in that salary range 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 5%. Salaries of demoted employees may be no greater than the maximum of the new range.

### TRANSFERS

The salary of an employee who is reassigned to a position in the same grade shall not have his/her annual salary or evaluation date changed by the reassignment.

GRADE CHANGES

An employee whose position is given a new a grade having a higher salary range shall receive a pay increase of approximately 5% or an increase to the hiring rate of the new pay range, whichever is higher. If the employee has completed probation, the employee’s salary shall be advanced to at least the probation completion amount (minimum) in the new range. If the position is changed 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.

8. TRANSITION TO A NEW SALARY PLAN

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

1. No employee shall receive a salary reduction as a result of a transition to a new salary plan.
2. All employees being paid at a rate lower than the hiring 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 below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule if a step plan is in use; all employees not at a listed rate shall have their salaries raised to a listed rate.
4. 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 employee’s salary range is increased above the employee’s current salary.

9. EFFECTIVE DATE OF SALARY CHANGES

All salary changes, excluding merit pay 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 Town Manager.

10. OVERTIME PAY

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head or Town Manager.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Manager 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 will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period; 171 hours for police and 212 hour for fire personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay 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 purposes. Compensatory leave requires approval by the Town Manager when creating a balance that exceeds 40 hours. Department Heads will report all overtime hours to the payroll administrator. Employees who are non-exempt will be paid for the compensatory leave balance at the end of the fiscal year.

Whenever practicable, Department Heads will schedule time off on an hour-for-hour basis within the applicable 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 in accordance with the FLSA.

Employees who hold a full-time position within any Town department and works part-time with another department within the Town will be compensated for any total worked hours over their normal scheduled hours. The department where the part-time duties are performed will be responsible for compensation to the employee.

Employees receive one hour for meal periods. Any employee whose meal period is less than 30 minutes shall be compensated for the full 30 minutes.

The FLSA regulations allows exempt employees additional compensation for hours worked beyond what is expected without jeopardizing exemption. Exempt employees of the town may be offered an additional benefit of paid time-off which will be identified as Bonus Time-Off. Bonus Time-Off may be granted when exempt employees have worked in excess of 40 hours or in excess of their scheduled hours. Additional leave will be granted on an hour for hour basis. Bonus Time-Off is not allowed to carry over from year to year and will not be paid out when an employee separates from service. Once Bonus Time-Off is recorded the employee must exhaust it before using Vacation Leave or Sick Leave. As a means of recording the Bonus Time-Off, exempt employees will need to complete a time sheet each week showing the hours worked. Employees should not work over intentionally as a means of increasing their Bonus Time-Off. An agreement/acceptance form will be completed for each exempt employee and kept on file in their personnel folder.

Exempt positions include (but are not limited to):

1. Town Manager
2. Finance Director
3. Assistant Town Manager
4. Fire Chief/Director of Emergency Services
5. Planning Director
6. Police Chief
7. Public Works Director
8. Town Clerk

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## 11. CALL-BACK

### CALL-BACK

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“On call” employees will be paid a daily rate of \$20 per day. The “On Call” week will run from Monday through Sunday. Town vehicles may be driven from work to home while the employee is “On Call”. An employee who is “Called In” will be paid a minimum of two (2) hours wages for being called back to work outside of normal business hours. This replaces previous Stand-by time.

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## 12. COMPENSATION FOR TRAVEL

Travel time is compensable to all employees provided that the time occurs during the course of the regular work day. However, if two or more employees commute together to any Town required classes, meetings, or conferences before the beginning of the work day, travel time for both the driver and passenger(s) will be compensable.

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### 13. LONGEVITY PAY

Full-time employees of the Town are compensated for consecutive years of service with the Town by payment of an annual longevity supplement based on the following table. Employees hired after June 30, 2013 are not eligible for Longevity Pay.

Years of Service Longevity Amount

0 – 1	\$ 125
2 - 4	\$ 250
5 - 9	\$ 350
10 - 14	\$ 500
15 - 19	\$ 600
20 plus	\$ 750

14. PAYROLL

DEDUCTIONS

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.

PAYDAY

Employees are paid on a bi-weekly basis.

DIRECT DEPOSIT

Employees are required to submit direct deposit information to the Human Resource Officer upon hire. The Town does not remit salary payments via check.

**15. Compensation During State of Emergency**

For the period of time from when regular town services are suspended to when regular work schedules resume, non-exempt employees will be paid at the overtime rate for their class and departments, and exempt employees will receive compensation equal to their hourly rate for hours worked beyond their regular work period schedules.

**C. WORK SCHEDULE**

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.

1. CALL-BACK & STAND-BY

The Town provides a continuous twenty-four (24) hour a day, seven (7) day a week service to its customers. 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 by the Town Manager.

2. INCLEMENT WEATHER

Town departments will remain open during periods of inclement weather unless otherwise authorized by the Town Manager or his/her designee for delayed opening, early closing, or other deviation. The Town Manager or his/her designee will implement policies and procedures for delayed opening, early closing, or other deviations from normal operations.

It shall be at the discretion of the Department Head to determine what positions within his/her department are considered essential. Essential personnel shall be defined as those employees who are required to carry on the operations of the department during a disaster in inclement weather.

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### 3. COMMERCIAL DRIVER LICENSE REQUIREMENTS

Many positions within the Town of Beaufort require employees to obtain a Commercial Driver License (CDL). If an applicant does not have a CDL, a requirement of employment will be to obtain a CDL within a six month probationary period for continued employment. Any employee already in town service must maintain their CDL while employed. A revocation of a CDL will result in the dismissal of an employee.

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### 4. INMATE CUSTODIAL AGENT

The Town of Beaufort participated in the employment of NC Department of corrections inmates. Town personnel in the Public Works department are required as part of employment to attend the Department of Correction Inmate Orientation Training. Successful completion of the training will result with employees being designated as Custodial Agents. Employees will be required to maintain their Custodial Agent designation in order to remain employed with the town. Actions resulting in the revocation of the Custodial Agent designation may result in dismissal from employment.

## D. PERFORMANCE EVALUATION

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program are included as Appendix III.

Members of the Board of Commissioners will do an annual evaluation of the Town Manager in written form and will discuss the findings of the reports with the Town Manager in closed session at the close of a regular Board of Commissioners meeting. The evaluations will be done by all Commissioners on a standard form and the review will be done as close to the employment anniversary date of the Town Manager as possible. Original copies of the evaluations are to be placed in the Town Manager's personnel file following the evaluation.

### 1. PROMOTION

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. 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. Therefore, except in rare situations where previous Town experience is essential or exceptional qualifications of an internal candidate so indicate, the Town will consider external and internal candidates for selection rather than automatically promoting from within. 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.

### 2. DEMOTION

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary grade. 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 chapter.

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

### 3. TRANSFER

Transfer is the movement of an employee from one position to a position in a grade 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 grade level 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 the following chapter. An employee who has successfully completed a probationary period may be transferred into the same grade level without serving another probationary period.

E. SEPARATION & REINSTATEMENT

SEPARATION FROM EMPLOYMENT

Separation occurs when an employee leaves the payroll for reasons indicated below. Employees who have acquired regular employment status will not be subject to involuntary separation or suspension except for cause or reduction-in-force.

1. **Resignation or Retirement.** An employee may terminate his or her services with the Town by submitting a written resignation or request for retirement to the department head (or in the case of department heads to the Town Manager). It is expected that an employee will give at least two weeks (four weeks for department heads) notice prior to the separation date for resignation, for retirement the Town requests additional notice to allow time for position posting and knowledge transfer.
2. **Dismissal.** Dismissal is involuntary separation for cause, and shall be made in accordance with the provisions of Section F of this Policy. Dismissal may be due to unsatisfactory job performance, grossly inefficient job performance and/or unacceptable personal conduct.
3. **Separation During Probation.** An employee may be dismissed at any time during the probationary period for failure in performance of duties or failure in personal conduct. Separation during the probationary period creates no right of grievance or appeal pursuant to Section G of this Policy.
4. **Reduction in Force.** For reasons of curtailment of work, reorganization, or lack of funds the appointing authority may separate employees. Retention of employees in classes affected shall be based on systematic consideration of position, employment status, length of service, and job performance. No regular employee shall be separated while there are emergency, intermittent, temporary, probationary, or trainee employees in their first six months of the trainee progression serving in the same or related class, unless the regular employee is not willing to transfer to the position held by the non-regular employee, or the regular employee does not have the knowledge and skills required to perform the work of the alternate position within a reasonable period of orientation and training given any new employee. Employees laid off because of a reduction in force shall be given at least 30 calendar days' notice.
5. **Voluntary Resignation Without Notice.** An employee voluntarily terminates employment by failing to report to work without giving written or verbal notice to the employing department and is absent without approved leave one scheduled workday. Separation pursuant to this policy should not occur until the employing department has undertaken reasonable efforts to indicate that the employee was able to give or have someone else give notice during the period absent. This provision also applies when the employee is absent for one scheduled workday, has been verbally or in writing instructed of a specific manner of reporting an absence by management, and does not report to the appropriate supervisory personnel on a regular basis satisfactory to the employing department.

Such terminations are voluntary resignations from employment and create no right of grievance or appeal pursuant to Section G of this Policy.

- 6. **Separation Due to Unavailability When Leave is Exhausted.** An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after applicable leave has been exhausted and leave without pay has not been granted for reasons deemed sufficient by the employing department. Such reasons include but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation, not a disciplinary dismissal, and may be grieved or appealed.
- 7. **Unable to Perform the Essential Functions of the Position.** An employee may be separated for inability to perform the essential functions of his or her position because of physical or mental impairment. Action may be initiated by the employee or the Town, and supported by medical evidence certified by a licensed medical physician. The Town may require an examination at its expense and performed by a licensed medical physician of its choice. Before an employee is separated for inability to perform the essential functions of his or her position, a reasonable effort shall be made to accommodate the employee in his or her current position or locate an alternate position within the Town for which the employee may be suited.
- 8. **Death.** The date of death shall be recorded as the employment separation date for the deceased employee. All compensation due in accordance with this Policy will be paid to the estate of the deceased employee. This includes earned but unpaid salary and payment for accumulated vacation leave up to the designated maximum.
- 1. **Discipline.** While it is desirable that all employees strive to achieve the highest level of success in their jobs, it is the responsibility of each employee to maintain at least an acceptable level of job performance and conduct.

When employee performance and/or conduct falls below acceptable standards supervisors should address deficiencies at the time they are observed.

Disciplinary action may occur when the unacceptable performance/conduct is at a level of severity or frequency to be deemed inappropriate to the best interests of the Town. While progressive discipline should be used in most situations with the employee given warning with time to correct the unacceptable behavior prior to disciplinary action, the severity of an individual situation may preclude such a warning.

Discipline may include official reprimand, written warning, disciplinary suspension without pay, reassignment, demotion, or dismissal.

- 2. **Disciplinary Procedures.** The disciplinary process includes written warnings, disciplinary suspension (Section 3), nondisciplinary suspension for investigative purposes (Section 4), reassignment, demotion, and dismissal.

While the disciplinary procedures outlined are to be followed whenever possible, they are not to be construed as a limitation on the Town's right to take any form of disciplinary action, including dismissal, when deemed appropriate.

- (a) **First written warning.** Such action shall commence from the immediate supervisor, intermediate supervisor or department head and should include:
  - (1) That it is a part of the Town disciplinary process;
  - (2) A detailed list of deficiencies/issues including specific examples which constitute evidence of same;

- (3) A review of the impact of the employee's failure;
- (4) Corrective action expected with time frames (if applicable);
- (5) Consequences of failure to take corrective action;
- (6) Reference to other disciplinary actions (if applicable); and
- (7) Employee's grievance rights.

A copy of the warning and any subsequent warnings are forwarded to the Human Resources Officer for inclusion in the employee's personnel file. All disciplinary warnings become inactive after 18 months unless extended in writing or if a following warning or disciplinary action takes place during the 18-month period. Disciplinary warnings remain in the employee's personnel file.

- (b) Second written warning. This action is the same as above but with a statement that any additional unacceptable behavior may subject the employee to disciplinary action up to and including dismissal from employment with the Town.
- (c) Pre-discipline conference. If unacceptable behavior continues after the two written warnings, the employee should be given written notice of a pre-discipline conference. The conference should take place as outlined in Section 5 of this Article.
- (d) Action resulting from the pre-discipline conference with the appropriate documentation. This may include a final written warning, suspension without pay, demotion, or dismissal or lesser action as appropriate.

### 3. DISCIPLINARY SUSPENSION

A regular employee who is suspended for disciplinary reasons shall be temporarily relieved of all duties and responsibilities and shall receive no compensation, including pay for accumulated vacation leave, for the period of suspension. Such disciplinary suspension shall be for no less than two work days or shifts, but no more than four full work weeks. The supervisor or department head taking such action must furnish the employee a written statement stating the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights; one copy shall be given to the employee, and one copy shall be placed in the employee's personnel file.

Such a suspension by the department head may occur immediately and without notice in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee, he or she shall tell the employee to leave Town property at once and remain away for the specified time. The department head shall immediately notify the Human Resources Officer. Additional disciplinary action may be taken in such cases if deemed appropriate.

### 4. NONDISCIPLINARY SUSPENSION FOR INVESTIGATORY PURPOSES

Investigatory suspension may be used to provide time to investigate, establish facts and reach a decision concerning a regular employee's status in those cases in which it is determined the employee should not continue to work during the investigation or pending a decision. Investigatory suspension may be appropriately used to provide time to schedule and hold a pre-discipline conference. Also, management may elect to use an investigatory suspension in order to avoid undue disruption of work or to protect the safety of persons or property. An employee suspended for nondisciplinary or investigatory reasons shall be notified in writing of the reasons

for the suspension: one copy shall be given to the employee, and one copy shall be placed in the employee's personnel file.

An investigatory suspension usually should not exceed 45 calendar days. However, a department head may, with Town Manager approval, extend the period of investigatory suspension without pay beyond the 45-day limit. The employee must be informed in writing of the extension, the length of the extension and the specific reasons for the extension. A copy of the above communication shall be sent to the Human Resources Officer. If no action has been taken by management by the end of 45 calendar days, and no extension has been made, one of the following must occur: return the employee to active work status with full back pay and benefits or take appropriate disciplinary or other action based on the results of the investigation and/or a pre-discipline conference. If investigatory suspension is used for resolution of a civil or criminal court matter involving the employee this is not a guarantee that the position will be held.

An investigatory suspension will be without pay, but the employee may use accumulated compensatory time and/or vacation leave to receive compensation during this period. If no disciplinary or other action is taken based on the results of the investigation, the employee will be returned to active work status with full back pay and benefits. An employee placed on disciplinary suspension for investigatory purposes has no appeal rights regarding this suspension under Section 4.F.6. herein: Employee Grievance or Appeal.

#### 5. PRE-DISCIPLINE CONFERENCE

- (a) Before a regular employee may be subjected to any adverse action (disciplinary suspension without pay, reassignment, demotion or dismissal), other than as noted in (5) below, the following shall occur:
  - (1) The supervisor recommending disciplinary action should discuss the recommendation with and receive the approval of the department head, with notice to the Human Resources Officer, to schedule a conference.
  - (2) A pre-discipline conference shall be held between management representatives and the employee. No attorneys or other such representatives for either party will be present at this conference; a witness or security personnel may be present if management deems necessary. The Human Resources Officer shall attend to monitor the pre-discipline conference process. A management representative (usually the employee's supervisor or Department Head) shall present the employee and with written and specific reasons for the proposed disciplinary action and a brief summary of the information that supports it. The employee shall have a right to respond to the written notice of proposed action in the conference.
  - (3) After the end of the conference, the ranking management representative should review and reflect upon the information provided in the conference, and render a recommendation on appropriate action to the Town Manager no sooner than the next day and no later than five working days. If the management representative determines that a disciplinary action is justified, and the Town Manager concurs, the management representative shall present the employee with a letter notifying the employee of the action. However, the management representative or Town Manager may elect to defer the action, reconsider the entire issue, or initiate a disciplinary action less severe than recommended. If, following deferral or reconsideration, the decision is to take the proposed action, then no further conference is required.
  - (4) The employee must be given written notice of any disciplinary action. The ranking management representative at the disciplinary conference shall issue the written

notice to include the specific acts or omissions that are the basis of the action and the employee's right of appeal.

(5) A pre-discipline conference shall not be held under the following circumstances:

1. When having a conference would be inconsistent with Section 3 (Disciplinary Suspension) of this Article F where there is immediate suspension for cause related to personal conduct in order to avoid undue disruption at work, to protect the safety of persons or property, or for other serious reasons.
2. When the employee is physically unable to attend a conference.
3. When the employee waives the conference either through expressed intent or implied actions.
4. When to conduct a conference would otherwise not be practical.

(6) When a conference is not held as set forth under (5) above, the Department Head should review and reflect on all information available, and render a recommendation on appropriate action to the Town Manager no sooner than the day following the decision not to conduct the conference and no later than five working days from the decision not to conduct the conference is made. If the Town Manager determines that a disciplinary action is justified, The Department Head shall present the employee with a letter notifying the employee of the action to include the specific acts or omissions that are the basis of the action and the employee's right of appeal.

## 6. EMPLOYEE GRIEVANCE OR APPEAL

Any employee wishing to grieve or appeal a disciplinary action may present the matter in accordance with the provisions of the grievance procedure or adverse action appeal prescribed in Article G of this policy.

Grievance Procedure, Discrimination, and Adverse Action Appeal

### 1. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL POLICY

In order to maintain a harmonious and cooperative relationship between the Town and its employees, it is the policy of the Town to provide for the settlement of problems and differences through an orderly grievance procedure. Every regular employee shall have the right to present his or her problem, grievance or adverse action appeal in accordance with established policy free from interference, coercion, restraint, discrimination, or reprisal.

It is the responsibility of supervisors at all levels, consistent with the authority delegated to them, to consider and take appropriate action promptly and fairly on a grievance or adverse action appeal of any employee.

In adopting this policy, the Town sets forth the following objectives to be attained in this program:

- Assure employees of a way in which they can get their problems or complaints considered rapidly, fairly, and without fear of reprisal.
- Encourage the employee to express how the conditions of work affect him or her as an employee.
- Have better employee understanding of policies, practices, and procedures which affect them.

- Provide employees with assurance that actions are taken in accordance with policies.
- Provide a check on how policies are carried out by supervisors.
- Give supervisors a greater sense of responsibility in their dealings with employees.

**2. GRIEVANCE AND ADVERSE ACTION - DEFINITIONS**

**Grievance.** A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment.

**Adverse Action.** A disciplinary suspension, demotion, dismissal, reduction in pay, involuntary transfer or lay off. An adverse action does not include a non-disciplinary suspension for investigatory purposes.

**3. GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE - NON-DISCRIMINATION**

A regular Town employee having a problem or grievance arising out of or due to his or her employment and who does not allege discrimination because of his or her age, color, disability, genetic information, national origin, political affiliation, race, religion, or sex shall first discuss the problem or grievance with his or her supervisor. If the issue is not resolved, the employee should then follow the grievance and adverse action appeal procedure established by the Town. The number of steps in this procedure will vary from a minimum of one to a maximum of three, depending upon:

1. The number of supervisory levels in the department.  
*Example:* In a department in which the only supervisor is the department head, the procedure would start at Step Two.
2. At what supervisory level was the decision made/action taken that the employee is grieving.  
*Example:* If the department head has made the decision that is being grieved, then the procedure should be initiated at Step Two and move upward.
3. Where the employee is a supervisor.

*Examples:*

- a. If the employee reports directly to the department head, the procedure would begin at Step Two.
- b. If the department head is the grieving party, the process would start (and end) at Step Three.

If an employee has any question as to which step of the procedure he or she should initiate his or her grievance or adverse action appeal, he or she should contact the Human Resources Officer for direction.

**Step One:** The employee with a grievance or adverse action appeal shall present the matter in writing to his or her immediate supervisor within 15 calendar days of its occurrence or within 15 calendar days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. In the case of an unlawful workplace harassment grievance involving the employee's supervisor, the employee may skip step one of grievance procedure. If the supervisor presented the discipline in question this step may also be skipped. The supervisor should be and is encouraged to consult with any employee or officer deemed necessary to

reach a correct, impartial, and equitable determination and shall give the employee an answer in writing as soon as possible, but within 10 calendar days.

**Step Two:** If the decision in Step One is not satisfactory to the employee, or if he or she fails to receive an answer within the designated period provided in Step One, the employee may file the grievance or adverse action appeal in writing within 10 calendar days with the department head, who shall hear the grievance or adverse action appeal and then render a decision in writing within a maximum of 10 calendar days of the meeting.

**Step Three:** If the decision is not satisfactory to a general Town employee in Step Two, or if he or she fails to receive an answer within the designated period provided in Step Two, the employee may file the grievance or adverse action appeal with the Town Manager. The appeal must be made in writing within 10 calendar days following the decision reached in Step Two. The Town Manager or his designee shall hear the grievance or adverse action appeal and then render a decision in writing within 10 calendar days of the meeting. The Manager's decision shall be final regarding the grievance or adverse action appeal, and there is no further right of appeal.

4. GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE - DISCRIMINATION

Any applicant for Town employment, Town employee or former Town employee who believes that employment, promotion, training or transfer was denied him or her or that demotion, lay off, or termination of employment was forced upon him or her because of his or her age, color, disability, genetic information, national origin, political affiliation, race, religion, or sex, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient administration, shall have the right to appeal directly to the Human Resources Officer or Town Manager. An employee also has the right to appeal using the grievance procedure outlined in Section 3 of this Article. An employee or applicant must appeal an alleged act of discrimination within 30 calendar days after becoming aware of the alleged act or the date he or she should have become aware of it. Any such complaint alleging discrimination based on the conduct or decisions of the Town Manager shall be made to the Mayor, and will be handled in accordance with the provisions of Investigation Procedures: Board of Commissioners herein.

5. PROTECTION OF COMPLAINANTS, EMPLOYEES, WITNESSES, AND REPRESENTATIVES FROM INTERFERENCE, HARASSMENT, INTIMIDATION, AND REPRISAL

Each employee shall be free from any and all restraint, interference, coercion, or reprisal on the part of Town employees and/or other persons when making any complaint or appeal, in serving as representative of an appellant, in appearing as a witness, or in seeking information in accordance with these procedures. The above principles apply with equal force after a complaint has been resolved. Should these principles be violated, the facts shall be brought to the attention of the Human Resources Manager or Town Manager (or Mayor, in cases involving allegations against the Town Manager) by the appellant, the appellant's representative or the person affected so that the appropriate remedial action may be taken.

## 6. BACK PAY AWARDS

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, dismissal, and discrimination cases.

## 5.EMPLOYEE BENEFITS

### A. ELIGIBILITY

All full-time and part-time employees of the Town are eligible for employee benefits as provided for below. Benefits are subject to change at the Town’s discretion. Temporary employees are eligible only for Workers’ Compensation and FICA.

### B. 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 supervisors 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 is on the injured employee. Such claims must be filed by the employee with the North Carolina Industrial Commission within thirty (30) days from date of injury unless reasonable excuse is made to the satisfaction of the Industrial Commission for not giving such notice and the Commission is satisfied that the employer has not been prejudiced thereby. The Human Resources Officer will assist the employee in filing the claim. (Also see Worker’s Compensation Leave)

### C. SOCIAL SECURITY

Social Security is federal government insurance to provide an employee with income in his/her senior years. Disability and death benefits are also provided by Social Security.

The cost for Social Security is paid through an automatic payroll tax. The Town matches the amount that is deducted from the employee’s payroll check for payment into the Social Security Trust Fund.

### D. UNEMPLOYMENT COMPENSATION

In accordance with the Federal Unemployment Tax Act, under 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.

### E. GROUP HEALTH INSURANCE

The Town provides group health and hospitalization insurance programs for full-time employees and their families. Full-time employees may, if they so desire, purchase available group health through the Town for themselves or for themselves and qualified dependents. The Town may contribute an amount of the cost of coverage for a full-time employee, with the remainder of the cost payable by the employee.

Employees who retire may remain on the Town group health plan to age 65. Retirees are eligible for premium supplements based on criteria established by the Town Board of Commissioners.

Information concerning cost and benefits shall be available to all full-time employees.

**F. 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 insure other family members under this plan at their expense subject to the stipulations of the insurance contract.

**G. RETIREMENT**

Each full-time employee shall enroll in the North Carolina Local Governmental Employees' Retirement System when eligible as a condition of employment. New hires who are current members of the North Carolina Local or State Government Employees' Retirement Systems shall be covered under the retirement system by the Town on their first day of employment.

The Town may provide supplemental retirement benefits for its full-time employees. Each law enforcement officer shall receive 401-K benefits as prescribed by North Carolina State Law. Each general employee may receive supplemental benefits as approved by the Town Board of Commissioners.

**H. TUITION ASSISTANCE PROGRAM**

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town service. Employees may be reimbursed for tuition up to five hundred dollars (\$500) per fiscal year. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review and approval of Town Manager, subject to availability of funds.

## I. HOLIDAYS AND LEAVES OF ABSENCE

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

### 1. HOLIDAYS

The Town shall observe the following holidays and others as observed by the State of North Carolina, and as may be amended by the State. Town staff will be notified of the holiday schedule at the beginning of each calendar year. When a holiday, other than Christmas, falls on Saturday or Sunday, the preceding Friday shall be observed for a Saturday holiday and the following Monday shall be observed for a Sunday holiday:

- New Year’s Day
- Martin Luther King’s Birthday
- Friday before Easter
- Memorial Day
- Independence Day
- Labor Day
- Veteran’s Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas - 3 days designated as follows:  
 When Christmas falls on: Workdays Off  
 Sunday: Friday, Monday, Tuesday  
 Monday: Monday, Tuesday, Wednesday  
 Tuesday: Monday, Tuesday, Wednesday  
 Wednesday: Tuesday, Wednesday, Thursday  
 Thursday: Wednesday, Thursday, Friday  
 Friday: Thursday, Friday, Monday  
 Saturday: Friday, Monday, Tuesday

**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.

**Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel :** As a benefit, all Town employees receive (13) paid holidays per year. When a holiday occurs, each employee receives payment for that day without having to actually come to work.

- A “work” day is defined per department, as follows:
  - Administration, Planning, Public Works, Public Utilities: **8 hours**
  - Fire Department: **10.6 hours**
  - Police Department: **8.4 hours**
- Holiday hours are defined as beginning at Midnight and ending at 11:59 pm on the calendar day of the holiday.

1. VACATION LEAVE

DESCRIPTION

Vacation leave is intended to be used for rest and relaxation, and may be used for medical appointments. 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.

ACCRUAL RATE

Each full employee of the Town shall earn vacation leave at the following schedule. Vacation leave shall be computed by multiplying an employee’s total annualized regular work hours (as specified by the employee’s approved departmental work schedule) by the employee’s corresponding leave percentage determined by the employee’s years of service. The result equals annual vacation leave hours. These hours shall be accrued at a rate of 1/12 monthly. A regular full-time employee shall earn paid vacation according to his or her length of service with the Town of Beaufort as follows:

**Years of Service**

- 0 – 2: 10 days per year
- 3 – 9: 12 days per year
- 10- 19: 15 days per year
- 20-24: 18 days per year
- 25+ : 20 days per year

MAXIMUM ACCUMULATION

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Employees are not eligible to receive pay for vacation time not taken. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 30 days. On the last payroll of the calendar year, any employee with more than 30 days may have the excess accumulation over 30 days converted to sick leave so that only 30 days are carried forward to January 1 of the next calendar year.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation. This provision may be waived in case of natural disasters, upon approval of the Town Manager.

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

PAYMENT UPON SEPARATION

An employee who has successfully completed six (6) months of the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 30 days, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager 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 30 day maximum. Employees dismissed for criminal conduct may be determined ineligible to receive vacation pay.

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 this Policy.

USE BY PROBATIONARY EMPLOYEES

Employees serving a probationary period following initial employment may accumulate vacation leave but shall be permitted to use earned vacation leave during the probationary period. Vacation leave will not be advanced to an employee serving a probationary period unless the request was made and approval given in a pre-employment agreement.

### 3. SICK LEAVE

#### DESCRIPTION

Sick leave may be granted to a probationary or regular employee 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.

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, parent, brother, sister. This also includes various combinations of "step", "half", and adopted relationships.

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 the employee may not exceed the regular salary amount using this provision.

#### MANNER OF TAKING

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave, or not later than one (1) hour after the beginning of a scheduled workday. Such notice shall include the nature of the absence and the expected duration. All efforts should be made to speak directly to one's supervisor; any voicemail messages should be followed by additional attempts to make personal contact. Sick leave may be taken in one (1) hour increments.

#### ACCRUAL RATE AND ACCUMULATION

Sick leave for regular full-time employees shall accrue at a rate of one day per month of service or twelve (12) days per year. Monthly accrued sick leave for full-time employees working other than the basic work schedule shall be pro-rated via the following formula:

Monthly accrued sick leave (in hours) = The number of hours worked per week divided by 40, then multiplied by 96 (12 days x 8 hrs/day), then divided by 12

In the event an employee has five (5) consecutive years (60 months) of continuous employment, and terminates employment in good standing, he/she shall be compensated at a rate of fifty dollars (\$50) per day of accumulated sick leave for a maximum of sixty (60) days. For employees with less than five (5) years of continuous service, all sick leave shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees terminated due to reduction in force.

Upon retirement, consistent with the provisions of the North Carolina Local Government Employee's Retirement System, one (1) month of credit is allowed for each twenty (20) days, or any portion thereof, of sick leave to an employee's creditable service. In lieu of this provision, employees may elect the aforementioned payout option of fifty (\$50) per day for a maximum of sixty (60) days.

TRANSFER FROM PREVIOUS EMPLOYER

The Town may accept the transfer of all sick leave hours for employees from other employers who are participants of the Local or State Employees Retirement System. The sick leave amount must be certified by the previous employer and transfer eligibility is determined by the Town Manager at the time of hire.

ABUSE AND REQUIREMENT OF MEDICAL CERTIFICATION

Abuse of sick time shall not be tolerated and shall subject the employee to disciplinary action. Examples of abuse of sick leave shall include but are not be limited to: taking unapproved leave; failure to notify a supervisor in advance of the need to take a personal day; use of all sick time accrued; taking leave as soon as it is earned; or falsifying the reason for the use of sick time.

The employee's supervisor or 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 supervisor observes a "pattern of absenteeism."; however, a physician's certificate does not excuse the abuse of leave privileges.

The employee shall be required to present a certified doctor's note of illness if the employee has been absent for more than three (3) consecutive days and also may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- a. Employees shall not be on duty when they might endanger their health or the health of other employees; and
- b. 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.

4. FAMILY & MEDICAL LEAVE

DESCRIPTION

The Town will grant up to 12 weeks of family and medical leave per calendar year to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the Town's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12 week period may be approved in accordance with the Town's Leave without Pay policy.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve (12) month period immediately before the date when the FMLA time begins.

Family and medical leave can be used for the following reasons:

- a. the birth of a child and in order to care for that child;
- b. the placement of a child for adoption or foster care;
- c. to care for a spouse, child, or parent with a serious health condition; or
- d. the serious health condition of the employee.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity or more than three days would be considered a serious health condition.

If a husband and wife both work for the Town and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation for the remainder of the 12 week period.

The request for the use of leave must be made in writing by the employee and approved by the Department Head and Town Manager.

CERTIFICATION

In order to qualify for leave under FMLA, the Town requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the Department Head and filed with the Town Manager.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Town's Leave Without Pay policy.

RETENTION AND CONTINUATION OF BENEFITS

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the

employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

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.

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5. BEREAVEMENT LEAVE

Bereavement leave may be used for death in the employee's immediate family. "Immediate family shall be defined as spouse, child, parent, brother, sister." Full-time employees are granted three (3) days for any single occurrence. Additional leave time required for such occurrence may be charged to vacation or other approved leave when approved by the Department Head and/or Town Manager. Bereavement Leave is for use if you need to help make arrangements or your emotional lee is so you will not be able to complete work assignments.

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6. WORKERS' COMPENSATION LEAVE

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee shall supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does 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 shall 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 to the employee.

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7. MILITARY LEAVE

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year for 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 ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond this 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. 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.

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:

- a. Applies for reinstatement within ninety (90) days after the release from military service; and
- b. Is able to perform the duties of the former position or similar position; or
- c. 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.

8. 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. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

9. PARENTAL SCHOOL LEAVE

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- a. The leave must be taken at a time mutually agreed upon by the employee and the Town;
- b. The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- c. The Town may require written verification from the child’s school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by an employee to attend to school activities of his or her child shall count towards the fulfillment of this provision by the Town.

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10. LEAVE WITHOUT PAY

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve (12) months by the Town Manager. The leave shall be used for reasons of personal disability after both sick leave and vacation 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 supervisor 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 supervisor 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.

## 6.EMPLOYEE CODE OF CONDUCT

### A. ATTENDANCE, PUNCTUALITY & DEPENDABILITY

Attendance, punctuality, and dependability are essential at all times. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time. When an employee is going to be late or absent, he/she should speak directly to his/her supervisor or department head at least one hour prior to his/her scheduled starting time. If it is necessary for the employee to leave a message, and his/her supervisor returns the call, the employee is responsible for following up with his/her supervisor prior to the close of business on the day in question.

An employee who fails to contact his/her immediate supervisor or his/her designated representative may be considered as having voluntarily resigned. A careful record of absenteeism and lateness is kept by the employee's supervisor and becomes part of the employee's personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in corrective disciplinary action up to and including dismissal.

### B. APPEARANCE

It is expected that each employee will dress appropriately, maintaining a neat, well-groomed appearance at all times. Work assignments determine which type of clothing is appropriate and supervisors will advise employees of what is acceptable attire. If an employee is unsure if something is appropriate to wear to work, he/she will check with his/her supervisor. Foot apparel is mandatory.

Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. Uniforms are the property of the Town and must be returned to the Town upon termination of employment, or the employee will be financially responsible for replacing the uniform.

If provided with identification (i.e. T-shirt or ID badge) employees are required to wear it while representing the Town. The identification card is the property of the Town and must be returned to the Town when upon termination of employment.

Employees are responsible for observing safety rules and wearing any personal protective equipment as required.

### C. TOBACCO USE/SMOKING POLICY

The Town has adopted a tobacco-free, smoke-free policy for all buildings AND vehicles. Town facilities shall be tobacco-free, smoke-free and no employee or visitor will be permitted to use tobacco or smoke anywhere in Town buildings or vehicles. Employees of legal age are permitted to smoke only outside Town buildings in designated areas. Excessive breaks are not acceptable and employees should plan their time accordingly.

Tobacco Use/Smoking encompasses chewing tobacco, cigarettes as well as electronic smoking devices.

Any violation of this policy may result in appropriate corrective disciplinary action, up to and including dismissal.

## D. USE OF TOWN SUPPLIES & EQUIPMENT

Town equipment, materials, tools and supplies shall not be available for personal use or be removed from Town property except in the conduct of official Town business. Town employees are not to use Town equipment or vehicles for private purposes.

Vehicles owned by the Town shall be cared for by an employee in the same responsible way that he would care for his own. Such vehicles are to be used exclusively for official Town business, except that by special approval by the Town Manager. An employee may be directed to take the vehicle home when doing so shall serve the best interest of the Town. Use of Town vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call-back work.

Equipment, materials, tools and supplies that are used for public training or educational purposes must have prior approval of the Town Manager.

## E. E-MAIL AND INTERNET CODE OF CONDUCT

Access to the Internet has been provided to public employees for the benefit of Beaufort and its residents. It allows employees to connect to information resources around the state, the country and the world. Every employee has a responsibility to maintain and enhance the Town's public image and to use the Internet in service of the Town of Beaufort. Personal internet use must be kept to an absolute minimum and must not interfere with employee productivity. To ensure that all employees are responsible, productive Internet users and are protecting the Town's public image, the following guidelines have been established for using the Internet.

### 1. CONFIDENTIALITY, PRIVACY AND MONITORING

All Town computer systems, including e-mail and Internet connections, are the property of the Town. All documents, information and data created, stored and/or copied to the Town's computer system are the property of the Town and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the Town. Employees using the Town's computer systems are cautioned that e-mail and Internet systems do not provide complete confidentiality and Town employees have no right to privacy when they use Town systems. The Town has the right to access, monitor and disclose the contents of any file or electronic message composed, sent received or viewed on Town computer systems for any business purpose, including but not limited to breaches of security, violations of Town policy or other computer system or e-mail misuse.

All business communication is to be done through the beaufortnc.org email account. Employees should be aware and understand that the use of personal e-mail accounts to engage in Town business may result in those personal accounts being subject to the provisions of the Open Public Records Act (OPRA) and/or other statutes pertaining to access to government records.

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## 2.ACCEPTABLE USES OF THE INTERNET

Employees accessing the Internet are representing the Town. All communications should be for professional reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Databases may be accessed for information as needed for Town business. E-mail may be used for business contacts.

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## 3.UNACCEPTABLE USES OF THE INTERNET

The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-Town business or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the Town network or the networks of other users.

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## 4.SOFTWARE

To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done through the Town's authorized Information Technology Contractor.

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## 5.COPYRIGHT ISSUES

Copyrighted materials belonging to third parties may not be transmitted by Town Employees on the Internet. One copy of the copyrighted material may be downloaded for your own personal use in research. Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

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## 6. E-MAIL COMMUNICATIONS & INSTANT MESSAGING

All employees are responsible for the content of all text, audio or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet should have the sender's name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. A generic signature of name, title, and contact number should be included in your e-mail communications. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language may be transmitted through the system. Employees are prohibited from expressing personal opinions through the use of the Town's Internet names and connections.

Notwithstanding the Town's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Town Manager. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords and login names must be submitted to the Information Technology Contractor. No codes may be used that are unknown to the Information Technology Contractor.

## F. PERSONAL WEBSITE & SOCIAL MEDIA POLICY

Social networking, both professional and personal, is a popular way to connect with friends, foster relationships and create a complex group of online networks and online communities. However, these new communication and networking opportunities also create new responsibilities for those who engage in social networking. Employees who choose to use or contribute to online media are not only impacting their personal image, but may be potentially impacting the image of the Town. The purpose of this policy is to provide reasonable guidelines for online behavior for employees of the Town.

### 1. GENERAL RULE

When communicating in social media, you ACT AT YOUR OWN RISK. Employees must never engage in communication which injures the reputation of the Town or its clients or which discloses confidential information. Employees should remain mindful that what one says or does, even if not otherwise connected to the Town, may be seen by others who will make judgments based upon what one places online. An employee’s position with the Town could thus be impacted by personal Internet activities.

### 2. SCOPE

This Internet Postings Policy applies, but is not limited, to use of the following multimedia and social networking websites:

- Facebook, Twitter, Google+, LinkedIn, You-Tube, etc.
- Websites and Blog Site(s) including Personal Blog(s)
- Wikis such as Wikipedia and any other site(s) where text can be edited or posted
- Social bookmarks such as Digg and Delicious

All activities—postings, comments, videos, and images--on these sites are referred to as "Internet postings" in this Policy. Please be aware that a violation of this policy may result in disciplinary action up to and including termination of employment by the Town.

### 3. CONTENT

If an employee posts information that is in any way related to the Town, its residents, or his/her employment, they are urged to use common sense. If an employee is unsure about information disclosed in any particular posting, he or she should contact his/her immediate supervisor. Internet posting(s) should reflect personal points of view, not the point of view of the Town. Employees are personally responsible for all online activity conducted on Town equipment, with a Town email address, and/or communications traceable back to the Town’s domain name. This includes activity conducted on personal social networks that reference his/her affiliation with the Town or one’s status as an employee of the Town. When posting, an employee should neither claim nor imply he/she is speaking on behalf of the Town unless authorized by the Town Manager to do so. If an employee identifies his/herself as a Town employee in any manner on any internet posting, comment on any aspect of the Town’s business, or post a link to the Town, the following disclaimer must be included in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of Town or anyone associated/affiliated with the Town."

Also, please be respectful when responding to negative posts. Your Internet postings should not violate any other applicable Town policy, including, but not limited to, the following: Anti--Harassment Policy, Non--Discrimination and Equal Employment Opportunity Policy, and E--Mail and Internet Code of Conduct Policy. Notwithstanding the above, no employee shall be disciplined for using social media to engage in protected concerted activity under the Employer-Employee Relations Act. Employees must agree that the Town shall not be liable, under any circumstances, for any errors, omissions, loss or damages claimed or incurred due to any of your Internet postings. The Town may request, in its sole and absolute discretion, that an employee temporarily or permanently confine his/her website, web log or other commentary to topics unrelated to the Town if it believes this is necessary or advisable to ensure compliance with laws or regulations.

4.USE OF TOWN COMPUTER EQUIPMENT

Town equipment and resources shall not be used for personal internet and social media use. Violation of this rule may lead to disciplinary action up to and including dismissal.

G. CELL PHONE POLICY

This policy outlines the use of personal cell phones at work, the personal use of business cell phones, and the safe use of cell phones by employees while driving.

1.PERSONAL CELLULAR PHONES

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of the Town phone system. Personal calls or text-messaging during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make the vast majority of personal calls and texts on non-work time and to ensure that friends and family members are aware of the Town's policy. Flexibility will be provided in circumstances demanding immediate attention. Abuse of this policy may result in disciplinary action including removal of the cell phone during work hours. The Town will not be liable for the loss of personal cellular phones brought into the workplace.

2.TOWN-PROVIDED CELLULAR PHONES

Where job or business needs demand immediate access to an employee the Town may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Each employee will be provided with a plan that allows a specific number of minutes on a monthly basis. If an employee exceeds the allowable monthly minutes, and the overage is due to business, use the employee should notify the Town so alternative plans may be reviewed. In the event the overage is due to personal use, the employee will be responsible for reimbursing the Town for the overage charge and may be subject to disciplinary action up to and including dismissal.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone

in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

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3.SAFETY ISSUES FOR CELLULAR PHONE USE

Employees using a Town vehicle MUST use a hands free device. Further, employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business must use a hands free device. Safety comes before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. Text messaging while operating a Town vehicle is strictly prohibited.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result, and may be subject to disciplinary action.

APPENDIX I: HARRASSMENT COMPLAINT FORM

**APPENDIX II: SALARY SCHEDULE AND ASSIGNMENTS OF GRADES/RANGES**

**APPENDIX III: PERFORMANCE EVALUATION FORM**

**ADDENDUM 1: POLICE DEPARTMENT- STANDARD WORK PERIOD & OVERTIME PAY**