

The Town Council of the Town of Nashville held a Regular Meeting on Tuesday, May 5, 2020 at 7:00 PM in Town Council Chambers. Members Present: Mayor Brenda Brown, Mayor Pro Tem Kate Burns, Council Member Larry Taylor, Council Member Louise Hinton, and Council Member Lynne Hobbs. Absent: None. Staff Present: Randy Lansing–Town Manager, Tesa Silver –Town Clerk, Sam Sanchez–Finance Director, Chris Joyner –Fire Chief, and Anthony Puckett–Police Chief. Others Present: Pat Luce-Government Contracts Manager, Waste Industries, a GFL Company (Mr. Luce joined the meeting virtually via the Zoom platform), Brad Hufford-Carolina Gateway Partnership, and Joe Cascone-President Asterra Labs.

1. Mayor Brown called the meeting to order at 7:00 pm.
2. Mayor Brown led the Pledge of Allegiance and the prayer.
3. Mayor Brown called for the Approval of Meeting Minutes.

a. February 24, 2020-Called Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Hobbs made the motion to approve the minutes as written, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

b. February 26 , 2020-Agenda Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Taylor made the motion to approve the minutes as written, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

c. March 3, 2020-Regualr Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Taylor made the motion to approve the minutes as written, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

d. March 23, 2020-Called Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Hinton stated that on page 2 the issue of the fire station came up; at that time she questioned the August 28, 2019 minutes. The cost for fire station number two (2) was presented as \$1,000,000 but later was presented as having a cost of \$1,400,000 and none of this information was mentioned in the minutes. Council Member Hinton stated that it needed to be transparent and she would like that information in the minutes. Mayor Brown asked if there were any additional corrections. There being none, Mayor Brown called for a motion to approve the minutes as amended. Mayor Pro Tem Burns made the motion to approve the minutes as amended, seconded by Council Member Hobbs. There being no additional discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

e. March 30, 2020-Called Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Hinton made the motion to approve the minutes as written, seconded by Council Member Taylor. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

f. April 7, 2020-Called Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Hinton stated that on page 10 in the Budget Comparison chart in the difference column, column four (4), that the total should be \$1,935,439. Council Member Hinton stated that on page 21 the Proposed Capital Reserve Activity Chart the Projected Balance for June 20, 2021 isn't calculated correctly it should equal \$705,138 not \$728,804. Mayor Brown asked if there were any other corrections; there being none, Mayor Brown called for a motion to approve the minutes as amended. Council Member Taylor made the motion to approve the minutes as amended, Council Member Hinton seconded. There being no additional discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

4. Public Comments Period-There were no public comments.

5. Presentations

a. Mayor Brown called for the presentation of Waste Industries Curbside Recycling Collection and Disposals Fees by Pat Luce of Waste Industries, a GFL Company.

Mayor Brown thanked Mr. Luce for being with Council tonight. Mr. Luce provided Council with a summary of what is going on with recycling, the pricing, and how it will affect the Town. The recycling market is in a flux state; it started about three (3) years ago in China when they stopped taking recyclables. Since then, the price of the recycling processing has skyrocketed. When the Town initiated the contract with Waste Industries, there were no fees associated with Waste Industries handling and processing the recycling. At that time there was no cost between Waste Industries and Sunco (Waste Industries' outlet for recycling processing).

September 1, 2018 Sunco begin charging Waste Industries \$50.00 per ton for processing materials, at that time Waste Industries absorbed the cost. After six (6) months, Waste Industries implemented a price increase of \$0.60 per unit to the Town that went into effect March 1, 2019. By June of 2019 Sunco raised the rate charged to Waste Industries to \$75.00 per ton for processing. At that time no increase was given to the Town; when the initial increase was agreed upon Waste Industries agreed to absorb any additional cost for up to a year. Effective July 1, 2020, Sunco will charge Waste Industries \$100.00 per ton for processing materials; they are imposing a \$0.66 increase for processing per cart to the Town.

Mr. Luce stated that he has provided Council with figures that are associated with the cost of the contract as well. When the contract was initiated the cost to the Town per cart was \$3.43; by 2019 the cost had reached \$4.00. He stated that over a ten year period the Town saw a \$0.57 increase; the increases the Town has seen over a ten (10) year period have been based on the CPI that Waste Industries receives annually. In March of 2019 the price increased to \$4.60. Effective July 1, 2020 Waste Industries will be imposing an increase due to the Town because of the \$105.00 fee per ton for processing charge and a CPI of 2.3% that they will receive. There will be a \$0.32 from the CPI increasing; an additional \$0.56 will be added to \$4.92 increasing the total fee to \$5.58 that would be effective July 1, 2020. He pointed out that there is no mark up, this is a straight pass through; they are not looking to gain profit they only want to cover the cost of the expense.

Mayor Brown asked how much it would be per month. Mr. Luce stated that it would be \$5.58 as of July 1, 2020. Council Member Hinton stated that she thought the rate would increase to \$5.26 per month. Mrs. Sanchez asked if the 2.3% was charged to the \$4.00; Mr. Luce stated it was charged to the \$4.00. Mrs. Sanchez stated that she believed based on the percentage that the charge should be \$5.35. Mr. Lansing stated he forgot to put the increase in from the CPI. Mrs. Sanchez stated that it is an additional \$0.09 based on the CPI. Council Member Hinton stated that they need a specific number on what the increase will be.

Mr. Luce stated the CPI is applied to the \$4.00, we are currently at \$4.60 which includes the processing; after recalculating he confirmed the total increase will be \$5.35. Council Member Taylor asked if Sunco continues to raise the pricing, at what point will the relationship no longer be beneficial for both the Town and Waste Industries. Council Member Hinton stated that we are currently there. Mayor Pro Tem Burns stated that we have only seen a \$1.92 increase in a ten (10) year period; she does not believe that

we have reached that point. Mr. Luce stated he believes the contract has been very fair to both parties in terms of the pricing with minimal increasing over a ten (10) year period.

Mr. Luce stated he was unsure what will happen in the future; the hope is that with resources growing in the United States that the market will adjust for being able to use recyclables in the United States. At that point processing fees would reduce or either go away. Mr. Luce stated that the fees could be adjusted if and when they are reduced. Mr. Luce stated that he is not sure if that will happen and that he is not anticipating that to happen within the next two years. Mr. Luce stated that the answer really lies with Council; it is a matter of what makes the most sense to Council economically for the Town. There are places within the Country that have suspended recycling because of the cost. The recycling rates currently are higher than the rates to dispose of trash; they are hopeful this is temporary. Ultimately Council will have to make a decision between ideology and doing the right thing, and the Town's bottom line.

Council Member Hinton asked what percentage of the Town's recycling actually goes to the tipping station. Mr. Luce stated that generally there is always some level of contamination; he did not have exact figures but stated that it generally is around 18 to 20%. Council Member Hinton stated last year the fee increased by \$0.77 in recyclables, that was a 17% increase. If the fee increases to \$5.35 that's an additional 16% increase. Mr. Luce stated that the driver in that increase is the cost of the processing, in two years there has been \$1.26 in just the processing fees; the increase for Waste Industries picking up the recyclables has been minimal, over ten (10) years that has only increased \$0.57.

Council Member Hinton asked if there was a \$0.10 fuel surcharge. Mr. Luce stated that there is a fuel surcharge in the contract if the diesel rate is above \$3.00, he did not have the surcharge amount available. Mrs. Sanchez stated that there are some other flat administrative fees included in the contract which she believes equals \$75.00 a month. Council Member Hinton stated that their name has changed to GFL Environmental. Mr. Luce stated that the entity has remained the same, all of the old and current contracts still remain Waste Industries of NC, LLC; on all new documents their name will appear as Waste Industries LLC, DBA GFL Environmental. GFL is a Canadian company, whose only footprint in the United States was in Michigan; it has been a good blending with the only noticeable change being the branding. Council Member Hinton asked if they merged or if Waste Industries was bought out. He stated that Waste Industries merged with GFL; GFL went public a month ago; Waste Industries is now a publicly traded company.

Mayor Brown asked if Council had any additional questions for Mr. Luce; she thanked Mr. Luce for his time. Mr. Luce stated that if Council did have additional questions they could reach out to him at any time and he would be happy to assist. Mayo Brown asked if there was anything Council would like to discuss. Council Member Hinton asked for confirmation that the rate was changed from \$5.26 to \$5.35; Mrs. Sanchez confirmed that was correct.

## 6. Old Business

### a. Consideration of Leasing Building at 108 S. Boddie Street, Parcel #003576

Mayor Brown stated that Council is considering leasing 108 S. Boddie Street for the Nashville Parks, Recreation, and Cultural Resources Department. Adam Williams owns a commercial building that will work well for the Nashville Parks, Recreation, & Cultural Resources Department. The one story building is 2,410 square feet in size measuring 38' x 90'. It has a new roof, new HVAC system, new electrical, new plumbing, new ceilings, walls, and floor coverings. Mr. Williams is willing to up-fit the building to the Town's needs by installing a Men's and Women's ADA restroom, a drinking fountain, an office, a small work room, a storage room, and a large 36' x 58' open space for indoor programming. If the Town pays \$9,000 to up-fit the building, he will rent the building for \$1,500 a month with a one year lease, or \$1,200 a month for a two (2) year lease. If Mr. Williams pays the \$9,000 up-fit cost, the rent will be \$2,200 a month for a one (1) year lease, or \$2,000 a month for a two (2) year lease. \$9,000 is readily available in the FY 2019-2020 Parks, Recreation and Cultural Resources Budget as almost none of its remaining \$115,000 budget will be spent. Because the up-fit cost is greater than \$5,000 a budget amendment will be needed. The up fitting will take one month. The building will need to be reclassified by Nash County Building & Inspections from mercantile to assembly, and Mr. Williams will take care of

this. Because the capacity of the 35' x 58' open assembly room (2,088 square feet) it is less than 300 people (298 at 7 square feet per person) a fire sprinkler system and fire monitoring system is not required.

Mayor Brown asked Mr. Lansing if he had anything he would like to add; Mr. Lansing stated that he has spoken with Mr. Williams several times about the property. Mr. Williams would prefer to lease to the Town; he would not have to worry about receiving payments, or any damage to his property. Mr. Lansing stated that he realizes the building needs some work done to it and that Mr. Williams is willing to do that. Mayor Brown expressed concerned about the buildings located around the property; she was concerned that a child could potentially enter one of the adjacent buildings and be hurt. She wanted to be assured that it is safe.

Mayor Brown asked for discussion from Council. Council Member Hobbs stated that she would like to see the Town move forward on this; she believes that we need the space and as soon as we can we need to secure a new recreation director. This is a program that is going to be vital to the Town going forward in order to attract and keep people in Town limits. She stated that as far as the \$9,000 is concerned, we're going to either pay it up front or over the course of the lease, with the increased price Mr. Williams has quoted. She stated that it may be a lesser cost for the Town if the Town pays the \$9,000 for Mr. Williams to complete the up-fitting than to pay it built in over the course of the lease.

Council Member Hinton stated that she is concerned with the economy and the state it is in, she was not sure that the Town should move forward with this at this time. She felt the Town needed to see revenue coming in, with the economy and the way things are we have no idea what state things will be in. Mayor Pro Tem Burns stated that they know that they want to keep a Parks and Recreation Department and that the Town wants to attract and keep young families. She stated that we do have the money in the current budget, that it would not have to be taken from somewhere else to spend, and the cost is included in the proposed budget. Mayor Pro Tem Burns believe we need to get a director onboard; the Town needs to provide an office space and a programming space. She stated that she has looked at the two (2) buildings that surround this building and she is hopeful that it will bring life into the area; that it will be the start of something great in that area. Mayor Pro Tem Burns stated that the price is right, that it is located downtown, it is easily to walk to and she would like to see Council move forward with this.

Council Member Hinton stated that our current budget is \$2,000,000 over last year's budget and we have no ideas about revenues; tax revenues, sales tax, property tax, or any other tax. We know that it is going to be down; she is wondering if this is something that they can hold off until the Town sees "daylight" financially. Mayor Pro Tem Burns equated that not moving forward would be like not reopening the library. She stated that the Town needs a park and recreation department. Council Member Hinton stated she is not saying it is not needed however, it is something that doesn't have to be done right now, until the Town knows about its revenues.

Mayor Pro Tem Burns asked if she wanted to hold off hiring a director until they knew the projected revenues; Council Member Hinton stated yes. Mayor Pro Tem Burns asked how the Town would sustain a parks and recreation department without a director. Council Member Hinton stated that she is not saying that we wouldn't get one at some time, but for right now to wait. Mayor Pro Tem Burns asked when would be the right time. Council Member Hinton stated when we have a better idea about the revenues coming into the Town. Mayor Pro Tem Burns stated that the funds are available in the current year's budget and it is included in FY 2020-2021; she asked if we would be taking the unused funds and putting them back into Fund Balance. She wanted to know what the plan would be if they did not move forward with getting a director. Council Member Hinton stated that she did not know that six (6) months would make a big difference. Mayor Pro Tem Burns stated that it would make a huge difference; that it was six (6) months of things were not doing for the Town, that is six (6) months of not engaging with the Community, six (6) months of not having people come together, and that six (6) months is a long time.

Council Member Hinton stated that they do not want to make financial promises that they can't keep. Mayor Pro Tem Burns stated that was true for all the departments. Council Member Hinton agreed. Mayor Pro Tem Burns asked how this was any different; the Town would continue to run the remaining departments on a promise. Council Member Hinton stated that there are some things the Town has to

have; we have to have fire, police, and public works everything else is optional. She stated the Council needs to look at what is currently going on in the economy; we have no idea, that our current situation is unprecedented.

Council Member Hobbs stated that she is concerned that if we don't move forward we could lose the property; it was difficult to locate a property that was going to be the right size and this will be outfitted to suit the Town's needs. She does not think the Town will find other spaces that will meet our needs particularly at the price. Council Member Taylor stated that he wasn't whole heartedly invested in parting with part of the Parks, Recreation and Cultural Resources department, however, he said that if athletics were given to the County that he would support it 100%. He understood that if we don't have a place for a director it will be harder to recruit anyone to come. If we instruct Mr. Lansing to go ahead and advertise tomorrow for a director it will most likely be two(2) to three(3) months before they start, but if we wait what we would do, explain that we are going to try to get them a space. If we wait six (6) months down the road, then this building may not be available anymore. Based on his calculation we may save \$600 and it is already budgeted; he is in favor of this.

Mayor Brown asked if there was any other discussion. There being none, Mayor Brown called for a motion. Council Member Hobbs made the motion to approve a two (2) year lease at \$1,200 a month and to have the Town pay \$9,000 to up-fit the building, seconded by Mayor Pro Tem Burns. Council Member Hobbs stated that based on her calculations over two (2) years the town will pay \$37,800 versus \$48,000. Mayor Brown asked if the \$115,000 would cover all this; Council Member Hobbs stated that it would and that it was already in the budget. There being no additional discussion Mayor Brown called for a vote. The motion carried (3-1 with Council Member Hinton voting in opposition).

Mr. Lansing stated that there is a budget amendment for \$9,000 that coincides with the lease and he would like Council to take action. Mayor Brown called for a motion to approve Budget Amendment #27. Council Member Hobbs made the motion to approve Budget Amendment #27 for \$9,000 to up-fit 108 S. Boddie Street rental building for the Parks, Recreation and Cultural Resources department, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. Budget Amendment #27 passed (3-1, with Council Member Hinton voting in opposition). Council Member Taylor asked when Mr. Williams would start on this; Mr. Lansing stated that he believes some time next week. Mayor Pro Tem Burns asked if it would take thirty (30) days and Mr. Lansing stated that Mr. Williams provided a thirty (30) day time frame. Council Member Taylor wanted clarification on what would be done; Mr. Lansing stated the framing of the office, storage room, the small work room, and the second bathroom, one bathroom is already in the building. Council Member Hinton asked if anyone had been in the building, Mr. Lansing replied he did not believe so. Council Member Taylor stated he had not, Mayor Pro Tem stated she had seen pictures, Council Member Hobbs stated she has seen it, and Council Member Taylor stated the former director had been inside of it.

Budget Amendment #27 was approved as follows:

		BUDGET AMENDMENT FISCAL YEAR 2019-2020			Budget Amendment #	27
Account #	Account Description	Current Budget	INCREASE	DECREASE	Amended Budget	
Fund	10 - General Fund					
Department	VARIOUS					
<b>Expenditures:</b>						
10-620-0200	FULL TIME SALARIES	\$ 30,893.00		\$ 9,000.00	\$	21,893.00
10-500-1500	BUILDING MAINTENANCE	\$ 25,000.00	\$ 9,000.00		\$	34,000.00
<b>NET CHANGE IN EXPENDITURES</b>					<b>\$</b>	<b>-</b>
EXPLANATION: To upfit Boddie Street rental building for Recreation.						
Approved by Town Manager					5-1-20 Date	
Approved by Town Council		posted: _____			Item #: _____	
		Date _____				

- b. Resolution 2020-07: Resolution of Support & Application to the North Carolina Rural Infrastructure Authority's Building Reuse Program for Asterra Labs.

Mayor Brown stated that the next item of business is Resolution 2020-07; Resolution of Support & Application to the North Carolina Rural Infrastructure Authority' Building Reuse Program for Asterra Labs. The North Carolina Department of Commerce administers the North Carolina Rural Infrastructure Authority's Building Reuse Program to aid local units of government in economic development and the creation of jobs for their communities. Asterra Labs, LLC is a startup pharmaceutical company planning to be located in the shell building in the Nashville Commerce Park at 800 Cooke Road, where it will manufacture dietary supplements. Asterra will create 25 high paying jobs and invest \$1,819,185 in its startup. The company and the Carolina Gateway Partnership have asked the Town of Nashville to submit a \$250,000 Building Reuse grant application, prepared by the Partnership, to the North Carolina Rural Infrastructure Authority to help cover the costs of up fitting the building for Asterra Labs use. Carolina Gateway Partnership is covering the \$12,500 local match required by the program. Mayor Brown turned the meeting over to Brad Hufford of the Carolina Gateway Partnership.

Brad Hufford from the Carolina Gateways Partnership introduced himself and stated that he was excited to be present with Council to talk about this exciting economic development project for the Town of Nashville and the West Nashville Commerce Park. The Town Council, in previous years, made an investment to purchase the land and the infrastructure at West Nashville Commerce Park, to have the foresight to continue to grow the economy of the Town of Nashville and to grow the partnership with Leigh Ballance to get the Shell Building placed there that we have today. He thanked Council for their continue support of the Carolina Gateway Partnership.

In December of 2019, Joe Cascone and his partners were looking for a location for their next investment; they knew this area, they wanted to stay in the region, and utilize the resources and network they had in Eastern NC. They found a building on the Carolina Gateway Partnership's website that fit within their parameters, in a Town that appeared to be attractive to them, and in the location they were interested in. Mr. Cascone partnered with Mr. Ballance to look at the up-fit and renovation cost required for their company to move into that building. As you all know it was just a shell building with concrete walls and flooring with a roof and a plan was formulated. Once those costs were calculated Mr. Hufford began working on additional infrastructe that would be needed at the site.

Duke Progress provided three (3) phase power and extension to that park, and Suddenlink determined that there was not adequate fiber lines to serve the telecommunications needs of the company. We have partnered for cost sharing with the Town of Nashville, Nash County and the Carolina Gateway Partnership to shoulder some of the upfront construction cost. For the up-fit of the building, the Carolina Gateway Partnership applied to the NC Department of Commerce Rural Infrastructure Authority on behalf of the company, whenever they are creating jobs and investments, there is funding available to help support those efforts.

On April 16, 2020 the Rural Infrastructure Authority awarded the Town of Nashville \$250,000 to be used for up-fitting of the building; those funds are from the Building Reuse Program. There is a 5% local match which the Carolina Gateway Partnership will be providing in the amount of \$12,500. David Hardgian, Grant Management Consultant for the Partnership, will be working with the Town on the grant administration.

Mr. Hufford stated that tonight the Partnership is asking Council to consider approval of a local government resolution, signed by the chief elected official. Mr. Hufford introduced Mr. Joe Cascone of Asterra Labs; he is the Co-Founder and President of the company. Once again he thanked Council for their continued support and for their support of the resolution. Mr. Joe Cascone introduced himself and stated that it is a pleasure to be present with Council.

Mr. Cascone is very excited to be a part of the Town of Nashville and the community; he is looking forward to operations initiating within the July time frame. Asterra Labs was founded really late last year; the first six (6) months of this year have been very critical in getting established. They have been able to get a lot of the ground work done at the location and about 60% of the material in the inside of the building they are up-fitting out right. They are currently working on office space, and the next step is to work on a suite of rooms that would be GNP compliant, an environment with a lot of controls, but they will not being making pharmaceuticals at the building.

Mr. Cascone stated that he has a background in formulation, coming up with formulas for pharmaceutical deliveries; he is able to design a tablet or capsule so that it would release at a certain rate inside the human body. They see an opportunity at the intersection of pharmaceutical technology and applying that technology to dietary supplement and wellness type products. There are a lot of opportunities for intellectual properties and patents. They have currently assembled their leadership team, which includes quality assurance, sales, operations, and research and development. The next hires would be production workers and the quality assurance auditors; he is hoping to have all this accomplished by the summer time. Mr. Cascone stated they are also working on their website and marketing and sales for the commercial side of the business.

Council Member Taylor asked out of the twenty-five(25) jobs that they will hire for, how many of them would be secured by Nashville residents. Mr. Cascone hopes that he can hire twenty (20) out of twenty-five (25) from Nashville being a combination of production and production support. Council Member

Hinton asked what the average salary would be. Mr. Cascone stated that it varies but stated that an operator would be in the \$20.00 to \$25.00 range, but including mid range to senior executives the salary range goes up substantially. Mayor Pro Tem Burns stated that we were excited to have him here and welcomed him to Nashville. Mayor Brown stated that we are glad that they chose Nashville. Council Member Taylor asked when they intend to advertise for the position; Mr. Cascone stated June. They would like for production to begin in July. Mayor Brown thanked him again.

Mayor Brown called for a motion to approve the resolution. Mayor Pro Tem Burns made the motion to approve the Resolution of Support and Application to the North Carolina Department of Commerce Building Reuse Program, seconded by Council Member Taylor. There being no discussion, Mayor Brown called for a vote. The resolution was approved unanimously (4-0). The resolution was approved as follows:

**Resolution 2020-07**

**AUTHORIZING RESOLUTION BY THE TOWN OF NASHVILLE FOR THE  
NORTH CAROLINA DEPARTMENT OF COMMERCE BUILDING REUSE  
PROGRAM  
“ASTERRA LABS BUILDING RENOVATION PROJECT”**

**WHEREAS**, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects; and

**WHEREAS**, the Town of Nashville has need for and intends to assist in the renovation of a vacant building in the project described as the “Asterra Labs, LLC Building Renovation Project”; and

**WHEREAS**, the Town intends to request funding assistance from the North Carolina Department of Commerce from its Building Reuse Program for the project;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Nashville, North Carolina as follows:

**SECTION 1.** That the Town of Nashville is in full support of the application and the project, and if funding is received the Town and the Carolinas Gateway Partnership will arrange for a local cash match of at least 5% of the grant request amount.

**SECTION 2.** That the Town of Nashville has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto, and that Randy Lansing, Town Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Department of Commerce.

ADOPTED this the 5<sup>th</sup> day of May 2020 in Nashville, North Carolina.

  
Brenda Brown, Mayor

ATTEST:

  
Jontessa Silver  
  
(Seal)

- c. Resolution 2020-08: Resolution Authorizing a \$35,000 Contribution to Suddenlink/Alticeusa to Aid in Construction of a Fiber Optic Telecommunications Line to The West Nashville Commerce Park

Mayor Brown stated that Council will consider appropriating \$35,000 to Suddenlink to extend a fiber optic telecommunications line to West Nashville Commerce Park. The Town's West Nashville Commerce Park on Cooke road does not have high speed internet service. Asterra Labs, LLC is locating its startup pharmaceutical company in the shell building at the park, and high speed internet is needed right away. Carolina Gateway Partnership reached out to both Century Link and Suddenlink on behalf of the Town, and requested proposals to serve the park with high speed internet. After taking into consideration the monthly revenue from Asterra Labs, Suddenlink responded with a better proposal than CenturyLink. Suddenlink will extend a fiber optic line to the park for \$35,000 contribution to aid in construction. The Carolina Gateway Partnership will contribute \$10,000 to this cost. Andy Nagy, Nash County Economic Development Director, says Nash County will contribute \$10,000. The balance of \$15,000 will come from the Town's economic development contingency line item, 10-660-9900, which has \$20,000 in it. Nash County and Carolina Gateway Partnership will both send their \$10,000 contribution to the Town. If approved, the Town will put this \$20,000 contribution from the County and the Partnership with its \$15,000 and pay Suddenlink upon completion of the project and receipt of the bill. Mayor Brown asked Mr. Lansing if there was anything he would like to add.

Mr. Lansing stated that the agenda report summarizes the issue; the Town has been marketing the Park including the infrastructure and we discovered we didn't have the entire infrastructure. Mr. Lansing asked Council Member Hobbs if she had a question on the contingency. Council Member Hobbs stated that on the budget amendment, in practice when she was working with the County they didn't necessarily expend from contingency line items. She stated that she did not have a problem with the budget amendment but would like to have the line item be in an expenditure line rather than a contingency line. Mr. Lansing clarified that this was so we were transparent for the auditors; Council Member Hobbs stated that was correct. Council Member Hinton stated it looked funny to her as well. Mayor Brown asked Council Member Hobbs to repeat her statement.

Council Member Hobbs stated the contingency is sort like of a holding department or bucket for monies; it is not a specific expenditure. If you want to spend the funds for a specific expenditure, her suggestion would be to move it to a specific line item indicating what the money would be used for. Mayor Brown asked Mrs. Sanchez if she could do this and Mrs. Sanchez confirmed that she could. Mayor Brown read the resolution aloud. Council Member Hinton stated that Altice was misspelled in the resolution. Mayor Pro Tem Burns stated that in the sentence "Now, Therefore, Be It Resolved" instead of a contribution she would like it changed to the contribution.

Council Member Hinton stated she had a question about the budget amendment. She asked if we were taking \$5,000 out of the Fund Balance Appropriation. Mrs. Sanchez stated she did this to balance the budget, but that she can amend the budget amendment, in fact it is reducing the amount of Fund Balance. Council Member Hinton stated she thought that amount was already appropriated for something else. Mrs. Sanchez stated we do not have to appropriate the \$5,000. Council Member Hobbs stated the Fund Balance Appropriation line is what is used to balance the budget with the revenues and expenditures. She stated that because of the way the money is being distributed then there is \$5,000 less that will be needed for Fund Balance Appropriation; so she is going ahead and reducing it. Council Member Hinton confirmed that the \$588,699.00 was not used and Mrs. Sanchez stated that was correct. Council Member Hinton stated if she would have done it she would have stated that \$120,000 had not been used. Council Member Hobbs stated that when budgeting for local governments you always budget your revenues conservatively and then the expenditures, in this practice your revenues typically come in higher than you budgeted and the expenditures come in lower. The budget is balanced by using the Fund Balance Appropriation line item with the intent of not using it unless Council makes a decision to do so.

There being no additional discussion, Mayor Brown called for a motion to approve the resolution. Council Member Taylor made the motion to approve the amended resolution authorizing a \$35,000 contribution to Suddenlink/AlticeUSA to aid in construction of a fiber optic telecommunications line to the West Nashville Commerce Park and amended budget amendment #25, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. The motion was unanimously

approved (4-0). The resolution was approved as follows:

**Resolution 2020-08**

**RESOLUTION AUTHORIZING A \$35,000 CONTRIBUTION TO  
SUDDENLINK/ALTICEUSA TO AID IN CONSTRUCTION OF A FIBER OPTIC  
TELECOMMUNICATIONS LINE TO THE WEST NASHVILLE COMMERCE  
PARK**

**WHEREAS**, as the Town of Nashville has developed the West Nashville Commerce Park on Cooke Road in the Town of Nashville; and

**WHEREAS**, the lots in the Park have all of the necessary utilities and infrastructure to support commercial and light industrial businesses with the exception of telecommunications; and

**WHEREAS**, Suddenlink/AlticeUSA, a telecommunications company serving Nashville, has given the Town a proposal to extend and provide the Park with telecommunication services via a fiber optic line in exchange for an upfront \$35,000 contribution to aid in construction; and

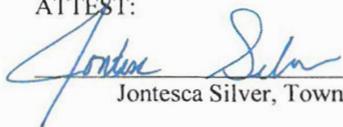
**WHEREAS**, the Nashville Town Council has determined that expending \$35,000 for a fiber optic telecommunication line to provide the West Nashville Commerce Park with telecommunication services is in the best interest of the Town of Nashville;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Nashville, North Carolina that \$35,000 is hereby authorized as the contribution to Suddenlink/ AlticeUSA to aid in construction of a fiber optic telecommunications line to the West Nashville Commerce Park on Cooke Road in the Town of Nashville.

PASSED and APPROVED this the 5<sup>th</sup> day of May 2020.

  
Brenda Brown, Mayor

ATTEST:

  
Jontesca Silver, Town Clerk



Budget Amendment #25 was approved as follows:

BUDGET AMENDMENT  
FISCAL YEAR 2019-2020

Budget Amendment # 25

Account #	Account Description	Current Budget	INCREASE	DECREASE	Amended Budget
<b>Fund</b>	<b>10 - General Fund</b>				
<b>Department</b>	<b>VARIOUS</b>				
<b>Revenues:</b>					
10-348-0100	COMMERCE PARK FIBER CONTRIBUTIONS	\$ -	\$ 20,000.00	\$	20,000.00
<b>NET CHANGE IN REVENUES</b>					<b>\$ 20,000.00</b>
<b>Expenditures:</b>					
10-660-9502	CONTRIBUTION - COMMERCE PARK	\$ -	\$ 35,000.00	\$	35,000.00
10-660-9900	CONTINGENCY	\$ 20,000.00		\$ 15,000.00	\$ 5,000.00
<b>NET CHANGE IN EXPENDITURES</b>					<b>\$ 20,000.00</b>

EXPLANATION:

To extend a Fiber Optic Telecommunications line to West Nashville Commerce Park for a total cost of \$35,000. We will receive a \$10,000 contribution from Nash County and a \$10,000 contribution from Carolina Gateways Partnership for this project.

Approved by Town Manager

posted:



Date

5-8-20

Approved by Town Council

Date

Item #:

7. New Business

- a. Resolution 2020-09: Resolution to Amend the Personnel Policy of the Town of Nashville Families First COVID-19 Coronavirus Response Act Section 29. Emergency Paid Sick Leave & Section 30. Family and Medical Leave Expansion Act (eFMLA)

Mayor Brown stated that this is a resolution to amend the Personnel Policy for the Families First Coronavirus Response Act provisions. On March 18, 2020 Congress passed and the President signed into law the Coronavirus Response Act also known as the Families First Coronavirus Response Act. This Act has two provisions: 1.) Paid Sick Leave for all employees for two weeks (up to 80 hours) for one of 6 designated COVID-19 related reasons relating to child care; and 2.) Paid Emergency Family and Medical Leave for all Employees for up to 12 weeks for designated COVID-19 related reasons relating to child care. Under the Act, Emergency Responders may be excluded from the provisions due to the nature of these types of jobs. Also under the Act, the Town may allow employees to supplement 2/3 of paid leave under reasons #4-6 of Paid Sick Leave and for the Emergency Family and Medical Leave with accrued

leave. These provisions are in effect from April 1, 2020 through December 31, 2020. The Town of Nashville's Personnel Policy must be amended to include the provisions of the act.

Council Member Hobbs stated that in her research through the UNC School of Government website and what was posted by Diane Juffras, that the eFMLA is only available as long as a Federal, State or Local COVID-19 State of Emergency is in effect, and only in effect through December 31, 2020. She questioned whether or not we needed the additional wording in there. Council was in agreement. Mayor Pro Tem Burns stated that the documents stated things like that but it did not make it clear. She stated with more research it seems that it is the earlier of the two (2) so when the State of Emergency is lifted or December 31, 2020. Mayor Pro Tem Burns asked Mr. Lansing had any insight on this; he did not but stated we could add the language. Council Member Taylor asked what would happen if this goes beyond December 31, 2020. Mr. Lansing explained that Congress would have to extend the Act, and then it would be applicable to employers such as the Town of Nashville. It is scheduled to reach its end on December 31<sup>st</sup> or when the order is lifted. Mayor Pro Tem Burns stated that it also says school has to be in session so it would no longer be applicable in August anyway.

Mayor Brown called for a motion to approve the resolution subject to the amendment. Council Member Hobbs made the motion to approve the amended resolution, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0). The resolution was approved as follows:

**RESOLUTION 2020-09  
RESOLUTION TO AMEND THE PERSONNEL POLICY  
OF THE TOWN OF NASHVILLE SECTION 29. FAMILIES FIRST COVID-19  
CORONAVIRUS RESPONSE ACT: EMERGENCY PAID SICK LEAVE & SECTION  
30. FAMILIES FIRST COVID-19 CORONAVIRUS RESPONSE ACT: FAMILY AND  
MEDICAL LEAVE EXPANSION ACT (eFLMA)**

WHEREAS, on March 18, 2020, Congress passed and the President signed into law the Coronavirus Response Act also known as the Families First Coronavirus Response Act; and

WHEREAS, the Town Council of the Town of Nashville desires to amend the Personnel Policy of the Town of Nashville to include the provisions of this Act.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Nashville that Article VII. Holidays and Leaves of Absence be amended as follows:

- 1) By adding:

**Section 29. Families First COVID-19 Coronavirus Response Act: Emergency Paid Sick Leave**

The Families First Coronavirus Response Act requires covered employers to provide employees with paid sick leave for specified reasons related to COVID-19. These provisions are time limited and will apply from April 1, 2020 through December 31, 2020 or the date upon which the State Emergency is lifted.

For purposes of this section, "Child Care Provider" is defined by the Act as one who provides childcare services on a regular basis and is unavailable regardless of whether that provider is paid or not to look after the child. Also for purposes of this section, the definition of "School" does not include home schooling. Additionally, for purposes of this section, the term "Emergency Responders" is defined as fire and police personnel.

All employees (full-time, part-time, and seasonal) are eligible for two weeks (up to 80 hours) of paid sick time at the employee's regular rate of pay where the employee is unable to work or telework because the employee:

- (1) is quarantined pursuant to a Federal, State, or local quarantine or isolation order related to COVID-19; or
- (2) has been advised by a health care provider to self-quarantine because of COVID-19; or
- (3) is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.

All employees (full-time, part-time, and seasonal), with the exception of emergency responders, are eligible for two weeks (up to 80 hours) of paid sick time at *two-thirds* the employee's regular rate of pay where the employee is unable to work or telework because of a bona fide need:

- (4) to care for an individual subject to quarantine pursuant to Federal, State, or local government order or advice of a health care professional; or
- (5) to care for a son or daughter (under 18 years of age) whose school or child care provider is unavailable due to COVID-19; or
- (6) where the employee is experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Part-time and seasonal employees will be paid for the number of hours the employee works, on average, over a two-week period. Paid leave under this policy is limited to \$511 per day (\$5,110 in total) where leave is taken for reasons 1, 2, or 3 described above; and is limited to \$200 per day (\$2,000 in total) where leave is taken for reasons 4, 5, or 6 as described above.

Employees will not be required to use any accrued leave if they are eligible for paid leave under the emergency paid sick leave provision; however an employee may elect to supplement the two-thirds of the regular rate of pay for emergency paid sick leave under options 4, 5, or 6 with accrued sick leave, vacation, or compensatory time, provided that the combination of leave supplemented and the emergency paid sick leave does not exceed normal compensation.

Emergency paid sick leave taken for reasons 1, 2, 3, 4 or 6 may not be taken on an intermittent basis and must be taken in full consecutive days of leave. Emergency paid sick leave taken under reason 5 for child care leave may be taken on an intermittent basis provided that the Town and the employee agree that the employee will take intermittent leave and agree on the increments of time in which it will be measured (i.e. half day, hours, etc.) Intermittent leave for child care reasons is available for employees who are still reporting to the workplace and to those who are working remotely. No leave provided by the Town before April 1, 2020 may be credited against an employee's emergency paid sick leave entitlement. In addition, emergency paid sick leave cannot be carried over after December 31, 2020.

The request for use of this leave must be made by the employee as soon as the need arises. The request shall be made to the Human Resources Director. The Town will not retaliate against employees who request or take leave in accordance with this policy.

2) By adding:

**Section 30. Families First COVID-19 Coronavirus Response Act: Family and Medical Leave Expansion Act (eFMLA)**

The Families First Coronavirus Response Act requires covered employers to provide employees with emergency paid Family and Medical Leave for specified reasons related to COVID-19. These provisions are time limited and will apply from April 1, 2020 through December 31, 2020 or the date upon which the State Emergency is lifted.

For purposes of this section, "Child Care Provider" is defined by the Act as one who provides childcare services on a regular basis and receives compensation for those services; it excludes the situation where a family member has been providing childcare and is no longer available. Also for purposes of this section, the definition of "School" does not include home schooling. Additionally, for purposes of this section, the term "Emergency Responders" is defined as fire and police personnel.

All employees (full-time, part-time, and seasonal), with the exception of emergency responders, who have worked for the Town of Nashville for at least 30 days prior to the designated leave are eligible for Emergency Family and Medical Leave when the employee is unable to work due to a bona fide need for leave to care for a son or daughter whose school or child care provider is closed or unavailable for reasons related to COVID-19. This Act does not change the eligibility requirements for regular FMLA leave as described in Article VII, Section 17.

Leave taken under the Emergency Family and Medical Leave Act is paid leave following a 10-day waiting period; an employee may choose to take unpaid leave, to use accrued leave, or to choose to use Emergency Paid Sick Leave as described in Article VII, Section 29 to satisfy this waiting period. After the 10-day waiting period and for up to an additional 10 weeks of Emergency Family and Medical Leave (for a total of 12 weeks), the Town will pay full-time employees no less than two-thirds the employee's regular rate of pay for the number of hours the employee would otherwise be normally scheduled. The Act limits this pay entitlement to \$200 per day and \$10,000 in the aggregate per employee. Employees who work a part-time or seasonal schedule will be paid no less than two-thirds of the employee's regular rate of pay for the average number of hours the employee worked for the six months prior to taking leave; employees who have worked for less than 6 months prior to leave are entitled to the employee's reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.

Employees will not be required to use any accrued leave if they are eligible under the Emergency Family and Medical Leave provision; however an employee may elect to supplement the two-thirds of the regular rate of pay for Emergency Family and Medical Leave pay with accrued sick leave, vacation, or compensatory time, provided that the combination of leave supplemented with Emergency Family and Medical Leave pay does not exceed normal compensation.

Leave taken under this reason may be taken on an intermittent basis provided that the Town and the employee agree that the employee will take intermittent leave and agree on the increments of time in which it will be measured. Intermittent leave for child care reasons is available for

employees who are still reporting to the employer's workplace and to those who are working remotely.

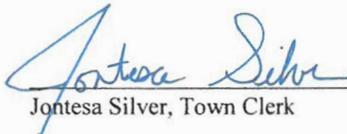
Employees are still limited to a total of twelve weeks of FMLA leave within a 12-month period for all reasons combined. Employees who have already used up their FMLA allotment for the year are not entitled to Emergency FMLA leave. The regular rules under the Family Medical Leave Act as described in Article VII, Section 21 will apply to job reinstatement.

Emergency FMLA leave is available effective April 1, 2020 and expires December 31, 2020 or the date upon which the State Emergency is lifted. The request for use of this leave must be made by the employee as soon as the need arises. The request shall be made to the Human Resources Director. The Town will not retaliate against employees who request or take leave in accordance with this policy.

Amended this the 5<sup>th</sup> day of May, 2020.

  
Brenda Brown, Mayor

ATTEST:

  
Jontesa Silver, Town Clerk



b. Resolution 2020-10: Resolution to Amend the Personnel Policy of the Town of Nashville Section 32. Paid Administrative Leave and Telework Policy

Mayor Brown stated that this resolution is to amend the Personnel Policy to add the Paid Administrative Leave and Telework Policy. On March 16, 2020, in response to the COVID-19 outbreak, the Town of Nashville in conjunction with Nash County, declared a State of Emergency for Nashville. In order to safely continue operations following CDC social distancing guidance, it became necessary to implement a Paid Administrative Leave and Telework Policy for Town Staff. This policy categorizes positions based on the current needs of the Town and allows management to determine if and when telework or paid administrative leave is available.

Council Member Hinton asked how long this would be in effect. Council Member Hobbs stated that this wasn't really discussed on the website as the Act was. Mayor Pro Tem Burns stated that it appears that this is at the Town Manager's discretion. Council Member Hobbs agreed and asked Mr. Lansing if they had been given an updated version. Mr. Lansing stated that a few changes were suggested prior to the meeting; he has passed around a revised one. The change reinforces the chain of command and he

mentioned that the changes have been highlighted for them. Mayor Pro Tem Burns stated she would like “a phone call” to be changed to communications so that it includes all forms of communication. She would also like “check their Town email at least once per day “to say periodically.

Mayor Brown asked if there were any other corrections, with there being none Mayor Brown called for a motion to approve the resolution as amended. Council Member Hinton made the motion to approve the amended resolution, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for vote. The motion was unanimously approved (4-0). The resolution was approved as follows:

**RESOLUTION 2020-10  
RESOLUTION TO AMEND THE PERSONNEL POLICY  
OF THE TOWN OF NASHVILLE SECTION 31. PAID ADMINISTRATIVE LEAVE  
AND TELEWORK POLICY**

**WHEREAS**, in response to the COVID-19 outbreak, the Town of Nashville in conjunction with Nash County declared a State of Emergency for Nashville on March 16, 2020; and

**WHEREAS**, the Town of Nashville has taken proactive measures to ensure the safety of Town staff while maintaining critical operations; and

**WHEREAS**, in order to safely continue operations, it became necessary to implement a Paid Administrative Leave and Telework Policy for Town Staff; and

**WHEREAS**, the Town Council of the Town of Nashville desires to amend the Personnel Policy of the Town of Nashville to include the provisions of this policy

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Nashville that Article VII, Holidays and Leaves of Absence be amended as follows:

By adding:

**Section 31. Paid Administrative Leave and Telework Policy**

During emergency situations, the Town Manager may determine the need to implement the following Paid Administrative Leave and Telework Policy. The Town Manager, in conjunction with the Human Resources Director and Department Heads, will determine the appropriate category for positions based on the current needs of the Town. Employees may be categorized as:

- a. Category 1 – Required: Employees in this category, regardless of the situation will be working, unless they are sick, quarantined, or isolated.
- b. Category 2 – Intermittently Required: Employees in this category most likely perform some task that is required. Most employees in this category could perform their work via telework; however, they could be required to report to the office depending on the needs of the Town.
- c. Category 3- On-Call: Employees in this category would be on-call for a situation that may arise that requires them to come in based on the needs of the Town.
- d. Category 4 – Not Required: Employees in this category would rarely be required to work on-site during an emergency situation; however, they could be recalled depending on the needs of the Town.

The Town Manager, in conjunction with the Human Resources Director and the Department Head, will determine if an employee can or cannot perform some or all of their essential job

functions via telework from home. Employees sent home under this policy will coordinate with their Department Head and the Town Manager which work assignments may require the employee to report to a work site, may be completed via telework, or may remain incomplete for the duration of an agreement. Employees may also be assigned new tasks by the Department Head or the Town Manager.

Under this policy, employees are eligible to receive Paid Administrative Leave for regular hours of work that cannot be completed either in-person or remotely via telework. Employees must complete their timesheet to accurately reflect separate entries for hours of work completed and for any Paid Administrative Leave hours. During the employees' regularly scheduled work hours, the employee is required to respond to communications from a supervisor, Department Head, Human Resources Director, or Town Manager within two (2) hours. This time is not eligible for "stand-by" pay, as defined in Article III, Section 14. Employees are required to check their Town email periodically each day to handle any time sensitive business and to check for updates from Town Administration, Human Resources, or the Department Head. The employee should record this time on the timesheet.

Employees may be required to report to work by their supervisor, Department Head, or Town Manager, regardless of the employee's job category. Employees may be asked to temporarily carry out job duties outside of their normal responsibilities to cover for other employees' absences; this could include assignments outside of the employee's department.

If an employee is required to report to work during normal work hours, they will be given as much notice as possible, but may need to report within two hours' time, depending on the circumstances. This time will be considered part of the employee's normal working hours and will not qualify for "stand-by" pay. If an employee is called out for an unscheduled assignment and is required to report to work outside of normal work hours, "stand-by" pay will apply to non-exempt employees. Employees will be given 24 hours-notice regarding the end of an agreement under this policy.

The Department Head, with approval from the Town Manager, may impose additional restrictions for their employees not inconsistent with this policy.

Ratified this 5<sup>th</sup> day of May, 2020.

  
Brenda Brown, Mayor

ATTEST:  
  
Jontesca Silver, Town Clerk



c. Consideration of the adoption of the Town of Nashville Electronic Devices and Services Acceptable Use Policy

Mayor Brown stated this item is for the consideration of the adoption of the Town of Nashville Electronic Devices and Services Acceptable Use Policy. The Town of Nashville Electronic Devices and Services Acceptable Use Policy establishes guidelines and procedures for Town employees who utilize Town devices and services. The policy also defines what is acceptable when employees access the Town's network, or the internet from a Town issued or personal device. The policy is intended to ensure safe practices and appropriate behaviors when using Town devices and services; doing so protects the Town's network, electronic devices, and services.

Mr. Lansing stated that we received some suggested changes prior to the meeting and Mrs. Silver has updated the policy and provided copies for you. Mayor Pro Tem Burns wanted to be assured that the policy would address when employees are working from home, that it appears to only address usage on at Town device at a Town facility. She expressed concern of employees accessing the network from home using personal computers and cell phones; it needs to include all Town issued devices. Mrs. Silver

stated she made the change and Mr. Lansing provided Mayor Pro Tem Burns with an updated copy. Mayor Brown stated it was very important to upkeep security. She also wanted to know if the policy stated that devices and accounts cannot be used by anyone other than the authorized employee. Mrs. Silver stated that this is item sixteen (16) of the policy.

Mayor Tem Burns asked about the violations section, she expressed concerned over a complaint being issued to a supervisor, she felt it should be reported to Human Resources or the Town Manager. Mrs. Silver stated she followed the chain of command that is used with all other Town policies, but that it could be changed to whatever they felt was best. Mayor Pro Tem Burns stated she is concerned that the report may be stopped and not get to where it needs to be. Council Member Hinton stated it should be the manager and Mayor Pro Tem stated to make the change. Council Member Hinton stated that the process could be stopped because of a friendship. Council Member Taylor stated what if a department head is the violater; it needs to be reported to the manager.

Mayor Brown called for a motion to adopt the policy as amended. Mayor Pro Tem Burns made the motion to adopt the amended policy, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0). The policy was adopted as follows:

## **Electronic Devices and Services Acceptable Use Policy**

### **Objective**

The purpose of this policy is to establish and promote the legal, secure and ethical use of all electronic devices and services by all Town of Nashville employees. This policy will also provide guidelines that will protect the town's electronic resources and establish what an inappropriate use is. The town recognizes that the use of electronic devices and services makes tasks and communication more efficient and effective; this policy will serve on how to use such resources in a responsible and acceptable manner. This policy should be followed in conjunction with all other Town of Nashville policies that govern workplace conduct. The town will comply with all Federal, State, and Local Laws as they relate to the town, and nothing contained within this policy should be misconstrued to violate any rights or responsibilities of the law.

### **Devices and Services**

Devices and services are all electronic devices and services that are accessed on or from any town facility or is town issued; they include communication methods, software and technology services that are paid for with town funding, or devices or services that are used in a manner which identifies the individual with the town.

All technology provided by the Town of Nashville including computer systems, communication networks, records, files, or other information shared electronically are the property of the town. The use of the town's technology and electronic resources should be job related and not for personal use and convenience. The town reserves the right to examine, monitor, and regulate all electronic resources, communications, files and all other content including internet usage and emails transmitted by or stored on its system, whether on or off-site.

Employees should be aware that all electronic records, files, information and communications are subject to the North Carolina Public Records Law; they may also be subject to discovery in litigation. Town employees are expected to use electronic resources responsibly and productively as necessary for all job functions or tasks.

### **Prohibited Use**

1. Electronic resources may not be used to transmit, retrieve, or to store any communication of a discriminatory, harassing or derogatory nature to any individual or group, which are obscene or pornographic, are of a defamatory or threatening nature, for "chain letters," for any purpose which is illegal, or against town policy or contrary to the town's interest.

2. Electronic resources may not be used to communicate disparaging, abusive, profane, or offensive language; nor may they be used for any illegal activities including piracy, hacking, extortion, blackmail, and copyright infringement. Copyrighted materials belonging to entities other than the town may not be transmitted by employees on the town's network without permission of the copyright holder.
3. Employees may not knowingly share passwords or IDs for others to use (A master list of all social media accounts user IDs and passwords will be kept by the Town Clerk; this will ensure that the Town has access to all of its social media accounts. Upon ending employment with the Town, an employee will immediately give all userID, passwords, and devices to the IT department or their direct supervisor to ensure access to all town files, documents, and resources is terminated.
4. Employees must respect the confidentiality of other people's electronic communications and may not attempt to read others emails and information. They may not crack passwords, hack into other systems, or breach computer or network security measures. Employees will not monitor electronic files or communications of other employees or of third parties except by explicit direction from town management.
5. Employees may not send communications or emails that disclose any confidential or proprietary information.
6. No email or communication may be sent which attempts to hide the identity of the sender or represent the sender as someone else from another town or company.
7. Employees may not use the town's devices or services in a way that disrupts its use by others. This includes sending or receiving excessive numbers of large files and spamming (the sending of unsolicited emails to thousands of users).
8. Employees may not use false or misleading information for the purpose of obtaining access to unauthorized resources.
9. Employees may not access, alter, copy, move, or remove information, proprietary software, or other data files without prior authorization.
10. Employees may not use town resources to obtain personal information about an individual without permission.
11. Employees may not use electronic resources to forge or falsify documents.
12. Employees are prohibited from downloading software, other program files, or online services without prior approval from the Town Manager and the IT department. All files or software should be passed through virus protection programs prior to use.
13. Every employee of the Town of Nashville is responsible for the content of all text, audio, video, or image files that he or she places on town devices or sends over the town's network.
14. Employees' personal devices should not be connected to the town's secured network; any wifi connection must be on the guest network.
15. Employees may stream music from personal devices on the guest network as long as it does not interfere with their job performance, the job performance of others, or the disruption of town goods and services to residents.
16. Devices, software, services, and accounts may not be shared with or accessed by anyone other than the authorized employee.

## **Violations**

Witnesses to or victims of a violation of this policy should notify or file a complaint with their direct supervisor. Investigations of violations will be conducted within each department by the department head and the IT department. If the investigation finds that the violation is valid, then the department head will confer with the Human Resources Director to ensure appropriate corrective measures will be taken. The Town Manager will immediately be notified of all reports of violations and findings of investigations.

Any employee abusing the privilege of town facilitated access to devices or services will be subject to:

- Corrective action (to improve the employee's performance);
- Removal of access;
- Disciplinary action;
- Termination.

Willful destruction or damage of electronic devices and/or services is grounds for immediate termination and the employee will be subject to prosecution by the town or third parties to the fullest extent of the law. In addition employees may be held monetarily responsible for any loss or damage cause by willful damage or destruction, or excessive negligence concerning assigned electronic devices.

Any employee who wishes to appeal an investigation's decision may do so by filing a grievance; following the policy set forth in the Town of Nashville Personnel Policy.

# Town of Nashville Electronic Devices and Services Acceptable Use Acknowledgement

By signing this form, I acknowledge that I understand that effective {insert date} the Town of Nashville has established an electronic Devices and Services Acceptable Use Policy. I have read and fully understand this policy. I understand that by my use of the town’s electronic devices and services, it constitutes full acceptance of the terms of this policy and consent to monitoring.

By signing this form, I acknowledge that I have been made aware of this policy and that I have been given a copy of it.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Department: \_\_\_\_\_

Council Member Hinton asked how many additional computers we purchased for home use, Mr. Lansing stated he thought five (5), and Mrs. Silver stated that was correct. Council Member Hinton asked how much did that cost, Mrs. Sanchez stated she believed that it was about \$8,000. Mrs. Sanchez explained that the computers we purchased will not be additional devices for those employees but their only device, the devices they currently have will be repurposed and given to other employees whose computers have reached end of life. Now those computers will not have to be bought out of next year’s budget. Council Member Hinton asked what kind of fund the money came from. Mrs. Sanchez stated it was taken from non-departmental. Council Member Hinton wanted more clarification on non-departmental and Mrs. Sanchez stated it was due to the State of Emergency. Council Member Hinton stated that was a new item, and Mrs. Sanchez stated that was correct.

d. Consideration of the adoption of the Town of Nashville Social Media Policy

Mayor Brown stated The Town of Nashville currently has eleven (11) social media accounts; the Town has no formal guidelines on how those accounts are used. The Town of Nashville Social Media Policy is designed to protect the Town and its reputation. The policy is a defense for mitigating risk for the Town and its employees. The policy clearly defines what is appropriate and what is not appropriate for employees to post in a professional capacity in regards to the Town and Town business as well as on their own personal social media accounts. This policy defines the proper ways in which employees should engage with the public online while creating transparency and boosting awareness about the Town.

Mr. Lansing stated that there were some suggestions provided before the meeting and they have been given an updated version of this policy as well. Mayor Pro Tem Burns suggested to remove “Written proposals for a request for official” and start the paragraph with creation; the statement is confusing, a person could say that they didn’t submit a proposal, therefore the criteria listed doesn’t apply and still create a social media account. She would like the sentence to read “Creation of a new social media account must be requested by written proposal and approved by the Town Manager.”

Mayor Brown asked if there were any other corrections to the policy. There being none Mayor Brown called for a motion to adopt the policy as amended. Council Member Hobbs made the motion to adopt

the amended policy, seconded by Council Member Hinton. The motion was unanimously approved (4-0). The policy was adopted as follows:

## **Town of Nashville Social Media Policy**

### **Objective**

The Town of Nashville has an overriding interest and expectation of what is spoken on its behalf on social media sites. This policy provides guidelines for social networking and social media; it also establishes appropriate practices for social media use. To address the fast changing landscape of the internet and the way residents communicate and obtain information online, the Town and each of its departments may consider using social media to provide an online forum to reach a broader audience.

The Town encourages the use of social media to further the goals of the Town, the mission of each department, and to provide information about the Town, from the Town to its residents when appropriate.

### **Organizational Guidelines and Acceptable Professional Use**

The Town of Nashville's primary website, Facebook page, and Twitter page will serve as the primary social networking presence for the Town. However, the Town maintains separate social media accounts to successfully target content for specific audiences. These messages achieve certain Town goals and may include time sensitive information during public emergencies, marketing and promoting Town services, and encouraging public input for Town projects, programs, and initiatives. When possible, content posted to these social media sites should also be on the Town's website or contain links directly to the Town's website.

Creation of a new town social media account must be requested by written proposal and approved by the Town Manager. The proposal must include:

- Why social media is appropriate for the intended target audience;
- Why the current social media accounts do not meet the department's needs;
- Examples of the type of information that will be included on the proposed social media site;
- The department must identify the staff member(s) who will be allowed to have access and provide content updates;
- Who will design the new account;
- The estimated number of hours that will be dedicated to maintenance and content management of the proposed social media account;
- How often post(s) will be made;
- How the account will link back to the Town's website;
- Any other information the department feels will be helpful in sharing the vision to help the Town Manager in making an informed decision regarding the request for approval of the use of the proposed account.

All social media sites must adhere to Town policies, procedures, and protocols including:

- Maintain the use of the Town logo;
- Adhere to laws and policies regarding copyrights, use of photographs, personal privacy, the First Amendment, the American with Disabilities Act, and HIPAA;
- Have a single login using a Town issued email address;
- Must adhere to website policies concerning linking to third party sites, privacy, and guidelines for accessibility for the disabled;
- Accounts will not contain any political information or be used for political activity;

- Accounts will comply with policies and procedures for information security and acceptable use;
- Master account information will be maintained by the Town Clerk.

The Town Manager (or their designee) will serve as the primary administrator of all Town social media accounts. The Town Manager will work with department heads to obtain which employees are permitted to manage and/or create content. Only authorized employees may publish content to the Town's website or social media accounts. Content will also focus on the Town's goals and interests.

Employees authorized to post content on the behalf of the Town must follow appropriate behavioral standards as set out as below. The same laws, professional expectations, and guidelines for interacting with residents online are those expected when interacting in person. Employees who terminate employment with the Town will be immediately removed from all accounts. Elected and appointed officials will not create or manage Town social media accounts.

Employees are prohibited from posting any form of material that:

- Is prohibited by Federal, State, or Local Law or prohibited by Town policies;
- Is threatening, obscene, vulgar, offensive, abusive, derogatory, discriminatory, disparaging, defamatory, harassing, or that constitutes personal attacks of any kind;
- Involves the sale or solicitation, or facilitates any for-profit non-Town business activity including the sale of personal goods and services, or any charitable fundraising campaigns that are not sanctioned by the Town;
- Is used for any political advocacy efforts or any non Town activity that would cause the Town to incur any liability.
- Uses pseudonyms or personal contact information;
- Shares usernames and passwords;
- May be considered objectionable or inflammatory (employees should avoid comments or topics that could result in arguments);
- Addresses personnel issues.

Employees posting on behalf of the Town should:

- Adhere to their area of expertise;
- Strive for transparency and openness;
- Be honest;
- Keep interactions and information factual and accurate;
- Take the proper tone to remain light and engaging but not so casual that you may offend, offer double entendres, or fail to accurately convey your intent of the information.
- Publicly correct any information communicated that is later found to be in error;
- Protect privacy and not share trade secrets, confidential, or nonpublic information;
- Provide links to credible sources of information when possible to support interactions;
- Respect the public's opinion whether positive or negative provided it is within the Town's jurisdiction and not prohibited by the comment policy provided in this policy;
- Only utilize the Town emails and phone numbers as contact information;
- Only tag individuals, organizations, and businesses with social media pages that are acting on behalf of the Town, however, post(s) will not promote, endorse, or criticize any vendor, contractor, or supplier (all content posted must be neutral in that regard);
- Consider consequences for posting inappropriate content.

If an employee publishes any information that has the potential effect of involving the employee, co-workers, or the Town in any kind of dispute or conflict then the employee responsible will be subject to coaching, counseling, or disciplinary action up to and potentially including termination

of employment depending on the severity and repeat nature of the offense. Examples of this include:

- Content that interferes with the work of any employee;
- Content that creates a harassing, demeaning, or hostile work environment;
- Content that disrupts the orderly workflow or the delivery of services to residents;
- Content that harms the good will and reputation of the Town for residents and the community at large;
- Content that erodes the public's confidence in the Town;
- Content that places doubt on the reliability, trustworthiness, or sound judgment of the person who is the originator or subject of the information.

All social media accounts (other than Twitter) should have the following language usable on each social media page or profile:

“The purpose of this site is to provide Town of Nashville residents and visitors with timely information about {insert brief summary here}. Because representatives of the Town of Nashville communicate through this site, any communications posted on this page including comments or questions posted by the public is subject to the North Carolina Public Records Laws. We value your comment and questions but the Town of Nashville may not be able to address them through this site. Please visit <http://www.Townofnashville.com> for contact information on specific issues. Any communication posted here by someone other than an official representative of the Town of Nashville is solely the view and the opinion of the author, not the Town of Nashville, any members of its staff, or any public official.”

All Twitter accounts should have a link to the departmental webpage or the Town's website where the following language may be seen:

“The purpose of this Twitter account is to provide Town of Nashville residents and visitors with timely information about {insert brief summary here}. Because representatives of the Town of Nashville government communicate through this site, any communications posted on this page is subject to the North Carolina Public Records law including direct messages to and from this account. We value your comment and questions but the Town of Nashville may not be able to address them all through this site. Please visit <http://www.Townofnashville.com> for contact information on specific issues. Any communication posted here by someone other than an official representative of the Town of Nashville is solely the view and opinion of the author, not the Town of Nashville, any members of its staff, or any public official.”

## **Comment Policy**

As a public entity the Town must abide by certain standards to serve all residents in a civil and unbiased manner. Comments or content containing any of the following inappropriate language will not be permitted and are subject to removal and/or restriction by the Town:

- Comments not related to or under the jurisdiction of the Town;
- Violent, profane, obscene, or pornographic content or language;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, or national origin;
- Content that threatens or defames any person or organization;
- Content that incites violence;
- Conduct in violation of any Federal, State, or Local Law;
- Encouragement of illegal activity;
- Information that may tend to compromise the safety of the public or the public systems; and
- When an employee responds to a comment in their official capacity the employee's name and title should be made available.

Comments posted by any member of the public are the opinion of the poster only, and publication of a comment does not imply endorsement of or agreement by the Town. Comments do not necessarily reflect the opinions or policies of the Town of Nashville. The Town reserves the right to deny access to any social media site of any person who violates the Town's social media policy at any time and without prior notice. Each department will monitor their social media sites for comments requesting responses from the Town and for comments in violation of this policy.

The Town Manager will be notified if there is any posted material that may be inappropriate that violates this policy, any other Town policy, is illegal, or infringes on copyrights or rights of any persons. The Town Manager's office will investigate and respond accordingly. If removed, the department's authorized user will notify the commenter that their response has been deemed inappropriate and removed due to inconsistencies with the Town's content requirements.

## **Terms of Service**

Each form of social media has its own Terms of Service that regulate how users interact using that particular site. Any employee using any form of social media on behalf of the Town should consult the site's most current Terms of Service in order to avoid violations. If the terms of service contradict department or Town policy then the Town Manager should be made aware and a decision should be made about whether use of social media is appropriate.

## **Records Retention**

Social Media Sites contain communication created by, sent to, or received by the Town and its employees for Town business; such communications are public records and subject to North Carolina General Statute Chapter 132. The Town must assume the responsibility for public records and comply with retention periods set forth in their approved retention and disposition schedule. The retention requirements apply regardless of the form of the record.

Each department with a social media site will preserve records pursuant to the adopted records retention schedule for the required retention period. The record should preserve the integrity of the original record and be easily accessible. All comments or posts made to the Town sites or pages are public not private. Any employee who receives a private message through a social media platform should direct the user to contact them through their Town email address or respond to the user using the Town issued email address.

## **Security**

The Town continues to research and implement strategies to best prevent fraud and/or unauthorized access to social media sites and the Town's network. It is important to understand that security related to social media is fundamentally a behavioral issue not a technology issue. In general employees unintentionally provide information to third parties who pose a risk to the Town network. Employees should be made aware of these types of threats and trained on how to avoid threats. Due to the vulnerability of social media sites to security exploits it is important to be courteous when using such sites. Employees should minimize the amount of information an attacker is likely to use to gain a successful attack.

In order to minimize risk with security the Town will ensure that:

- Employees are made aware of what information to share, with whom they can share it, and what not to share;
- Security awareness and training is provided to educate users about the risk of information disclosure when using social media and to make them aware of various attack mechanisms;
- Employees are aware of the Privacy Act requirements and restrictions. The Town will educate users about social networking usage policies and privacy controls to help them

better control their own privacy in any profile they use for the Town, and to protect against inadvertent disclosure of sensitive information;

- Users are educated on the types of social media threats before they are granted access to social media websites.

## **Personal Use of Social Media**

The Town of Nashville respects the rights of employees to use social media sites and blogs on their own time as a medium of self-expression and a form of public conversation. The Town does not discriminate against employees who use social media for personal interest and affiliations or for other lawful purposes. Employees are encouraged to exercise sound judgment when posting, as postings may not only be read by family and friends, but by coworkers, supervisors, Town residents and the media. These guidelines are encouraged to ensure a distinct separation between personal and organizational views. Inappropriate use of social media may be grounds for disciplinary action.

Employees will not use social media on work time or on any Town issued device unless it is work related and has been authorized by a department head or the Town Manager. Employees may use social media on their own personal time, including breaks, as long as it does not interfere with the work of others or the disruption of the delivery of Town services. Employees may not expressly or implicitly represent themselves as an employee or a representative of the Town when expressing his or her own beliefs, and/or opinions on any social media platform.

Photographs or other depictions of the Town buildings, vehicles, uniforms, emblems, logos, or the Town seal will not be used on any employee's personal social media accounts. Employees may be legally responsible for content they post and held personally liable for defaming others and/or revealing confidential information. The Town may require immediate removal of and impose discipline for material that is disruptive to the work place, distribution of Town services, or in any way impairs the mission of the Town. Misuse of social media whether on or off duty is grounds for disciplinary action up to and including termination. This policy extends to employees who choose to operate their personal accounts anonymously. This policy is in no way constructed to prohibit activities that are legally protected activities or constitutionally protected speech.

Employees are required to sign a written acknowledgement that they have received, read, understand and agree to comply with the Town of Nashville's Social Media Policy.

## **Personal use of Social Media by Elected and Appointed Officials**

Town of Nashville Elected and Appointed Officials may create and maintain personal and /or campaigning social networking and social media sites. These accounts should remain personal in nature and be used to share personal opinions or information not related to Town Business. This provides a true distinction and separation between the official's personal views and the views of the Town of Nashville.

Elected and appointed officials should not use Town email accounts for any personal social media or social networking site. All officials who choose to note their relationship with the Town on their personal pages should include the following disclaimer: "Postings on this site are my own and do not reflect or represent the opinions of the Town of Nashville."

Any personal social media account used by an elected or appointed official that contains posts relating to Town business are subject to the North Carolina Public Records Law. While all officials are free to express their own opinions on their personal social media accounts they should be aware that as Town officials, certain comments can rise to the level of unacceptable conduct thus creating just cause for potential political actions up to and including censure and/or removal.



**Town of Nashville**  
**Social Media Policy**  
**Acknowledgment**

By signing this form I acknowledge that effective {inset date} the Town of Nashville has established a Social Media Policy. The Town’s policy pertains to guidelines for organizational use, and both appropriate and inappropriate use for professional and personal use of social media.

By signing this form, I acknowledge that I have been made aware of this policy and that I have been give a copy of it.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

e. Advisory Board Appointment

Mayor Brown stated that the next item is the consideration of the appointment of an advisory board member to the Downtown Nashville Strong Advisory Board. Mayor Brown stated that she has several conversations with businesses and property owners that are within the district. Many of them feel like they were forced to be a part of this and so they have not bought in or committed to this. She stated that one person she spoke with equated it to when Rocky Mount attempted to annex property without permission. Mayor Pro Tem Burns asked if Mayor Brown was speaking specifically about when the district was first created. Mayor Brown stated that they are still talking about it and they are angry about it; we receive \$35,000 from the district and she wondered if it is worth the anger. She also stated there have been concerns that some areas were discriminated against because it included some areas and not others.

Mayor Pro Tem Burns asked Council Members Taylor and Hinton if they had any input; they both served on the board during the time the district was created. Council Member Hinton stated the idea originated with former Town Manager Hank Raper and former Planning and Development Director Brian Hassell. They came up with the MSD to gain additional revenue. it was just downtown it didn’t encompass the Piggly Wiggly area, Wal-Mart, or any of that. Council Member Hinton stated that we have a hard time getting people to serve on the advisory board; we then had the Christmas decoration debacle.

Mayor Pro Tem Burns asked if we held meetings when the Town was working on creating the MSD, any meetings where the businesses were able to express being for or against the taxes being imposed in the district. Council Member Hinton and Council Member Taylor stated that they couldn’t recall any. Mayor Brown stated the people she has spoken to stated they did not and that is why they are angry. Council Member Hinton stated it was a revenue generating deal and that the former staff thought the money would be used in the downtown area for beautification and other projects. She stated that trying to get people to serve on the board has not been easy and meetings were held and no one would come.

Council Member Hinton stated that no one bought into it, it was put upon them; it appears that most of them took the attitude of here take my money but leave me alone. Mayor Brown stated that the tax revenues have cost us more in anger and resentment.

Mayor Pro Tem Burns stated she would like to have a community forum where Council would have the opportunity to speak with the business owners; there are some business owners that are for this, that they think that this is a great thing, that we can do some wonderful things downtown. She stated she also understood how people felt that they were just told what was going to happen. She stated that they should revisit it but for now they should appoint the member to the board. Mayor Brown stated that once restrictions are lifted we could schedule a meeting with those business owners.

Luke Whitehead, who is with Nashville United Methodist Church, has submitted an application to be on the Downtown Nashville Strong Advisory Board. If appointed the term will expire June 30, 2022. Council Member Hinton stated she had a difficult time reading his explanation as to why he wanted to serve on the board. Mayor Pro Tem Burns read the statement aloud: "As a father to 3 children, happily married, and one who lives, works, and sends my children to school in the local downtown community. I feel my voice can assist in solid direction. Also as an avid traveler to other small town destinations I've seen what's good and what's not." Council Member Hinton asked if that was his signature, Council Member Hobbs read David L. Whitehead, and Council Member Hinton stated it looked like little.

There being no further discussion, Mayor Brown called for a motion to approve the appointment. Council Member Taylor made the motion to appoint Luke Whitehead to the Downtown Nashville Strong Advisory Board, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).

Council Member Hinton stated that if you look at the committee members very few of them are property owners. Mayor Pro Tem Burns stated we only had property owners and we had members who were not participating and not coming to meetings. With the help of Hillary and Bruce, we are now making it more a community effort; however money would still only be expended within the district.

f. Consideration of the Request for Written Quotation for Audit Services

Mayor Brown stated the next item for consideration is the award bid for Independent Audit Services. An annual independent audit of the Town's financial statements is required by Generally Accepted Accounting Principles (GAAP) and the Local Government Commission (LGC). The Finance Office conducted a Request for Qualifications (RFQ) for Independent Auditing Services. The RFQ process awards contracts based primarily on qualifications rather than cost. I am pleased to announce that the Town received four well-qualified bids, which are attached for Council's review. After a thorough review of all bids, Mrs. Sanchez recommends awarding the contract to Petway Mills & Pearson, PA, from Zebulon, NC. The firm was established in 2004, employs an experienced staff of 25, and has performed over 65 municipal audits. I believe that Petway Mills & Pearson, PA can make a significant contribution to the Town through their tailored approach to auditing.

Council Member Hinton asked if they were the firm that had a cost of \$25,000; Mrs. Sanchez stated that was correct. Council Member Taylor asked what we are paying our current auditor; Mrs. Sanchez stated that she believed we are paying the current auditor \$36,000. Mayor Pro Tem Burns stated she believes the prior year the Town paid \$30,000. Mrs. Sanchez stated the additional \$6,000 was for additional work the auditor had to complete. Council Member asked if Mrs. Sanchez had, had any interaction with this firm. Mrs. Sanchez was able reach out to the references they provided that are clients to be able to vet all the submissions, and this firm's clients are thoroughly pleased. Council Member Hinton pointed out that Tarboro, NC is one of their clients, it was one of the smaller cities, and that there were some larger ones as well. Mrs. Sanchez stated that they work with a lot of towns.

Mayor Pro Tem Burns stated that they were within the same price range; she wanted to know what in particular stood out to Mrs. Sanchez in comparison to the other firms. Mrs. Sanchez stated she liked the years of experience, the amount of experience, the large staff, and the fact that they have municipal audit experience (several of the other firms have audit experience but not necessarily municipal experience). The firm seems to have a very structured approach, which is one thing she was looking for

being a first year finance director. She wants to get things cleaned up and get the Town on the right track moving forward. Council Member Hinton asked if the NC League of Municipalities has a list of approved vendors and if they were on the list; Mrs. Sanchez replied that they are.

Council Member Hobbs pointed out that she liked the time frame that the firm provided on having the audit completed, she liked that the proposal was to have it to Council by the second or third week in October. The finalized audit has to be turned in to the LGC by October 31<sup>st</sup>, which is one of the things we were written up for. There being no further discussion, Mayor Brown called for a motion to award the bid for audit services to Petway, Mills & Pearson, P.A. Council Member Hinton made the motion to award the bid to Petway, Mills & Pearson, P.A., seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).

- g. Resolution 2020-11 Resolution of the Town Council of the Town of Nashville to Appoint  
a Deputy Tax Collector

Mayor Brown stated the next item of consideration is to appoint Tressa Rudd, Staff Accountant, as Deputy Tax Collector. To ensure continuity of vital processes within the Finance Office, Mrs. Sanchez is proposing to appoint Tressa Rudd as Deputy Tax Collector. She will serve alongside Yvette Hinton, Tax Collector. Ms. Rudd has been employed with the Town since 2017 and is skilled in many key finance roles. She has attended several courses through the UNC School of Government and is pursuing her Associate's in Accounting at Wake Technical Community College. Through her skills and education, Ms. Rudd will continue to be an asset to the Town as Deputy Tax Collector.

Council Member Hinton stated that the staff recommendation on the agenda report needed to be amended to say Deputy Tax Collector and not Tax Collector. She asked if there was a pay increase included with this recommendation. Mrs. Sanchez stated that there was not Ms. Rudd's salary would remain the same. There being no additional discussion, Mayor Brown called for a motion to appoint Tressa Rudd as Deputy Tax Collector. Council Member Taylor made the motion, seconded by Council Member Hinton. There being no discussion, Mayor Brown called for a vote. The motion was

unanimously approved (4-0). The resolution was approved as follows:

**RESOLUTION 2020-11**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NASHVILLE  
APPOINTING A DEPUTY TAX COLLECTOR**

**WHEREAS**, NCGS §105-349 authorizes each governing body of each municipality the ability to appoint a Deputy Tax Collector:

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Nashville, North Carolina, through the adoption of this resolution hereby authorizes that:

**Section 1.** Tressa Rudd is appointed as Deputy Tax Collector in accordance with NCGS §105-349. Her authority as Deputy Tax Collector is deemed properly designated for purposes of NCGS §105-350 without limitation.

PASSED and APPROVED this 5<sup>th</sup> day of May, 2020.

  
Brenda Brown, Mayor

ATTEST:  
  
Jontesca Silver, Town Clerk



Mayor Pro Tem Burns stated that she thinks it is wonderful that she is pursuing her degree. Mayor Brown agreed, she stated she likes to see when people continue to learn and move forward. Council Member Hinton asked Mrs. Sanchez if there was any way they could receive an update on property tax payments; Mrs. Sanchez stated there is a summary included in their monthly report. Council Member Hinton stated that it would be interesting to see; the back history information Mrs. Sanchez provided was interesting and they had never received it before. She really appreciated being given that information; it gave an indication as to who never pays.

- h. Resolution 2020-12 Resolution of the Town Council of the Town of Nashville to Engage in Electronic Payments

Mayor Brown stated that the next item for consideration is a resolution authorizing the Town of Nashville to Engage in Electronic Payments. Per the NC Administrative Code 20 NCAC 03.0409 any local government that engages in electronic payments must adopt a resolution authorizing the unit to do so. Electronic payments include transactions made by credit/purchase cards, fuel cards, ACH, automatic

drafts and online payments. The unit must also adopt a written policy that outlines electronic payment procedures and provide training to all personnel. The Finance Officer must also provide a quarterly Budget-to-Actual report to Town Council.

The Town has engaged in electronic payments for several years. Adoption of this resolution will bring the Town into compliance with the NC Administrative Code. Details of the Town's electronic payments policy can be found within the Town's Purchase Policy. Mrs. Sanchez is currently conducting a thorough review of the existing Purchase Policy and making revisions to ensure LGC and statutory compliance, and safeguard against potential fraud or misuse of Town funds. A draft of the new purchase policy will be provided to Town Council for review and approval.

Council Member Hinton asked Mrs. Sanchez if this is one of the issues that we were written up for by the LGC. Mrs. Sanchez stated that we were not; she was aware that we had to have a resolution in place. Council Member Hinton confirmed that this is so that we are in compliance; Mrs. Sanchez stated that was correct.

There being no further discussion Mayor Brown called for a motion to approve the resolution. Council Member Hobbs made the motion to approve a resolution authorizing the Town to engage in electronic payments, seconded by Council Member Hinton. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0). The resolution was adopted as follows:

**RESOLUTION 2020-12**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NASHVILLE TO ENGAGE IN ELECTRONIC PAYMENTS**

**WHEREAS**, it is the desire of the Town Council of the Town of Nashville to engage in electronic payments as defined by NCGS §159-28; and

**WHEREAS**, it is the responsibility of the Finance Director to provide a written policy outlining the procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03.0409; and

**WHEREAS**, it is the responsibility of the Finance Director to provide a written policy outlining the procedures for disbursing public funds by electronic transactions as required by NC Administrative Code 20 NCAC 03.0410;

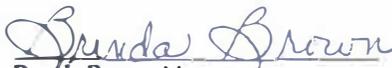
**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Nashville, North Carolina,

**Section 1.** Authorizes the Town of Nashville to engage in electronic payments as defined by NCGS §159-28; and

**Section 2.** Authorizes the Finance Director to provide a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03.0409; and

**Section 3.** Authorizes the Finance Director to provide a written policy outlining procedures for disbursing public funds by electronic transactions as required by NC Administrative Code 20 NCAC 03.0410.

PASSED and APPROVED this 5<sup>th</sup> day of May, 2020.

  
Brenda Brown, Mayor

ATTEST:  
  
Jontesca Silver, Town Clerk



**i. Adoption of Budget Amendments**

Mayor Brown stated that Budget Amendment #26 reallocates funds for repairs to the garbage truck and for the Town Ordinance Recodification Project. Mayor Brown stated that we need to hurry to get a new garbage truck; we are spending a lot continuing to repair it. Mayor Pro Tem Burns asked wouldn't it take approximately six (6) months to get a new truck. Mr. Lansing stated she is correct. We are currently in the process of selecting specifications for a new truck and that should be completed by next week. Once we have chosen all the specifications we would like, we can then send it to the three vendors we will be selecting from. The truck will have specifications similar to the one we currently have; we will also be asking for a price on an alternate truck that will have an extendable arm. The truck with the extendable arm grabs the trash can and dumps it in the truck and the driver never has to leave the truck. The truck with the extendable arm will be more money and according to the vendors they are also a little more expensive to maintain than what we have. We would only have to have one person allocated to the route.

Mayor Brown asked if it would require new trash cans. Mr. Lansing stated that all the short trash cans the Town has would have to be replaced with large stand up ones. He believes that about 45% of the cans in Town are the shorter styled cans. If we purchase the extended arm truck, we would have to replace more trash cans than we have typically replaced in the past. Council Member Hinton asked how much money is set aside to purchase a garbage truck. Mrs. Sanchez stated there is \$183,000 but we are expecting the cost of a new truck to be around \$360,000. Mayor Brown asked if that was the price for the truck with the extended arm. Mr. Lansing stated it was not, the price for the truck with the extended arm is much higher.

Mr. Lansing stated that they have made a lot of advances with this particular type of technology; if the trash can is not square with the truck the arm is still capable of grabbing the can, lifting it and dumping it. Mayor Brown asked what the bottom line is for the recodification process; Council Member Hinton stated she thought the cost was \$25,000, that she remembered Ms. Spriggs mentioning a figure of \$25,000. Mrs. Silver clarified that the cost is \$15,400. Council Member Hinton asked why they had the \$25,000 figure; Mayor Pro Tem Burns stated she believed that was the original figure, and then the figure came in lower. Mr. Lansing stated that we would like to start this process in this fiscal year and we will have some expense in next fiscal year.

Mayor Brown asked if we have received applications for the planning director position. Mr. Lansing clarified that Ms. Spriggs, the current Planning and Development Director, has resigned; her last day will be May 8<sup>th</sup>. The position has been advertised for approximately a week and a half and we have received two applications that he has reviewed thus far. Mayor Brown was happy to hear that we are receiving applications and that the person who is selected will do good things for the Town. Mayor Brown stated that she hopes Ms. Spriggs will be happy in her new role. Mayor Pro Tem Burns stated that she is going to Rolesville and she is sure that she will do great there.

There being no further discussion, Mayor Brown called for a motion to approve budget amendment #26. Council Member Taylor made the motion to approve budget amendment #26, seconded by Council Member Hobbs. There being no discussion Mayor Brown called for a vote. The motion was unanimously

approved (4-0). Budget Amendment #26 was approved as follows:

**BUDGET AMENDMENT  
FISCAL YEAR 2019-2020**

Budget Amendment # **26**

Account #	Account Description	Current Budget	INCREASE	DECREASE	Amended Budget
<b>Fund</b>	<b>10 - General Fund</b>				
<b>Department</b>	<b>VARIOUS</b>				
<b>Expenditures:</b>					
10-580-1600	VEHICLE MAINTENANCE	\$ 19,000.00	\$ 12,000.00		\$ 31,000.00
10-660-5401	WORKERS COMP	\$ 92,647.00		\$ 12,000.00	\$ 80,647.00
10-490-4500	PROFESSIONAL SERVICE	\$ -	\$ 5,300.00		\$ 5,300.00
10-490-4501	MINIMUM HOUSING	\$ 6,300.00		\$ 5,300.00	\$ 1,000.00
			<b>NET CHANGE IN EXPENDITURES</b>		<b>\$</b>

EXPLANATION:  
To cover brake repairs on garbage truck. To begin Codification Project.

Approved by Town Manager

posted:

Approved by Town Council

Date

Item #:

  
Date 5-1-20

Council Member Hinton wanted to be sure that we were taking \$5,300 out of minimum housing. Mrs. Sanchez stated that we have not used hardly any funds out of this line item this year; that we have only used approximately \$400. Council Member Hinton stated that there is quite a bit of minimum housing in Nashville. Council Member Hobbs asked if there was an application process and Council Member Taylor asked if the public realizes that the funding is there. Mr. Lansing stated that the \$400 expense was the advertisement to the public to notify them about the funds. Council Member Hobbs asked if there are criteria they have to abide by to qualify; that if so it may be part of the draw back.

8. Town Manager's Report

Mr. Lansing reminded Council of the upcoming Budget Worksession, the first one is next Tuesday, March 12<sup>th</sup> at 9:00 am; we will recess at noon for lunch, come back and finish at 3:00 pm. The second worksession is scheduled for May 19<sup>th</sup> and will follow the same schedule. The agenda meeting is scheduled for May 27, 2020. There are two public hearings tentatively on the agenda, one is for Woda

Cooper Companies Rezoning a property out on Eastern Ave. and the other one is a rezoning of a parcel of land behind Food Lion.

Thursday, we will have a final walk through on the Aviation Abandonment Lift Station Project with our engineer Kevin Varnell of Stocks Engineering and John Rich of Weaver's Asphalt and Paving. Mr. Lansing stated he has heard from the citizens who have lived around the lift station for years and they are very happy to be able to sleep peacefully without hearing the alarm of the lift station. Council Member asked how much the project came in at; if it was \$170,000 or \$180,000. Mr. Lansing stated that we paid a little extra; the soils were not conducive to do a straight up trench. They had to remove the gutter and curb from one side of Aviation. This also allowed more asphalt from the road to fall in, so there was approximately an additional \$7,000 for the additional curb and another \$9,300 for additional asphalt. Mr. Lansing stated he believe the final figure was around \$186,000. Council Member Hinton stated that was above and beyond the project. Mr. Lansing stated \$200,000 was budgeted for the project, the nearest cost estimate was \$190,000 and we still came in below that.

Mr. Lansing stated the contractor did an excellent job, that he has reached out to several of the property owners and they were pleased with the manner in which the contractor preformed the work especially within such a tight space. Council Member Hinton stated that the only problem was that they did not let the people of Davis Farm know that they were coming in and they didn't know what was happening. In the future we need to let people know, to give them a heads up. All this equipment came in and people were asking what was going on. Mr. Lansing stated that after Council Member Hinton pointed it out to him, he realized that should have happened.

9. Council Comments-There were no Council Comments.

10. Mayor's Comments

Mayor Brown stated that she missed seeing everyone during this time, a time that we never thought we would see or live through. She still believes good things are going to happen to our precious Town and our citizens. Nashville is going to be fine; they just have to work together as a team.

11. Closed Session

a. Closed Session: Pursuant NCGS §143-318.11(a)(5) Real Estate

Mayor Brown called for a motion to go into closed session pursuant to NCGS §143-318.11(a) (5) for the purpose of Real Estate. Council Member Hinton made the motion, seconded by Council Member Hobbs. There being no further discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0). The meeting was moved into closed session at 8: 52 p.m.

Mayor Brown called for motion to return to open session. Council Member Taylor made the motion, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved. The meeting returned to open session at 9:22 p.m.. No action was taken during the closed session.

12. Adjourn

There being no further business, Mayor Brown called for a motion to adjourn. Council Member Hobbs made the motion to adjourn, seconded by Council Member Hinton. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0). Mayor Brown declared the meeting adjourned at 9:23 pm.

  
Brenda Brown, Mayor

Attest:

  
Jontesca Silver, Town Clerk