

TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER



COUNCIL MEMBERS:
SHEILA FRANKLIN
JIM PLAYER
TREVOR C. LANCE
KEITH REED

Town Council Agenda Review Meeting February 5, 2024 at 6:00 PM

Call the meeting to order at: 6:00 PM

Moment of Silence:

Pledge of Allegiance:

Public Comments:

"We will strive to uphold each citizen's First Amendment right to free speech. We will ensure a level of civility and decorum. We ask that all speakers be respectful and adhere to the three-minute time limit. Council is not expected to debate/discuss issues during public comment."

Approval of minutes - corrections, additions or deletions

- 1) Agenda Review Minutes 1-2-24
- 2) Regular Meeting Minutes 1-8-24

Council Updates

Consent Agenda

- 3) Tax refunds/releases

Discussion Items

- 4) Presentation on support for reconnection of passenger rail service with Amtrack passing through sections of Western North Carolina - Martin Wheeler and Clifford Meek.
- 5) Presentation from Pisgah Legal Services - Daniel Carey
- 6) Presentation of mid-year tax collector's report and permission to advertise delinquent taxes per NCGS 105-369 - Candy Broome, Tax Collector.

- 7) Presentation on potential grants for extension of greenway trails - Rebekah Robinson, Conservering Carolina.
- 8) Report on established performance measures - Mark Biberdorf, Town Manager
- 9) Revisions to chapter 115 of the code of ordinances covering massage establishments - Mark Biberdorf, Town Manager
- 10) Status of proposed revisions to contract with Fletcher Fire & Rescue - Mark Biberdorf, Town Manager
- 11) Discussion of Town Center developer prospects - Mark Biberdorf, Town Manager

Town Manager Report

Department Reports

- 12) January 2024

Adjourn

Upcoming Events

Father-Daughter Dance February 10, 2024, at 3:00 pm

Regular Meeting February 12, 2024, at 6:00 pm

Agenda Review Meeting March 4, 2024, at 6:00 pm (elections?)

Regular Meeting March 11, 2024, at 6:00 pm

Budget Retreat Meeting March 19, 2024, at 8:30 am

Annual Shred/Pill Drop event on Saturday, April 20, 2024, from 9:00 am til noon.

"This Institution is an equal opportunity provider."

Town of Fletcher
Agenda Review Meeting
Minutes
January 2, 2024
"Tuesday"

Call the meeting to order at: 6:00 pm

Swearing in of Mayor Pro-Tem Sheila Franklin and new Councilman Jim Player by Town Clerk Christine Thompson

Those who were in attendance are as follows:

Mayor Preston Blakley
Mayor Pro-Tem Sheila Franklin
Councilman Keith Reed
Councilman Trevor Lance
Councilman Jim Player
Town Manager Mark Biberdorf

Moment of Silence:

Pledge of Allegiance:

*** Public Comment ***

No comments were made at this time.

Approval of minutes-corrections or deletions.
(12/4, 12/11)

No comments were made on the minutes at this time.

Council Updates

Mayor Blakely commented on the plaque council received from the Lions club (American Legion) for support of veterans in the community and thanked them for it.

Consent Agenda

Tax refunds/releases

Approval of audit contract for FY 23/24 with Lowdermilk Church & Co.

No comments were made on the consent agenda at this time.

Public hearing to consider rezoning request R-2023-01, a request to rezone 9 parcels on Cane Creek and Pressley Hill Road from R-2 to Neighborhood Business District – Eric Rufa, Planning & Zoning Director.

Town Manager Mark Biberdorf stated that you have all the information in your packet. This is rezoning of nine parcels fronting on Cane Creek Road and some on Pressley Hill. This would give it the opportunity to put it in a zoning designation that would allow commercial and residential as allowable uses. The commercial uses are allowed but in non-conforming uses. Planning Board approved this unanimously.

Discussion Followed:

Public hearing to consider an amendment to the Land Development Code regarding building allowances in the M-1 district – Eric Rufa, Planning & Zoning Director.

Town Manager Mark Biberdorf stated that basically what happened is that the Partnership for Economic Development had a client that was looking for 100 foot (height) need which is a little unusual. Ours right now allows 42 feet (3 stories) the county currently allows 72 feet (5 stories). Planning Board recommended to go to 4 stories which is 56 feet. The recommendation from planning board is a 4-story limit for the town.

Discussion Followed:

Update on the Town Center project – Mark Biberdorf, Town Manager

Town Manager Mark Biberdorf stated that last month you heard from Windsor Autry and Brad Goodson of Carland Company. The third entity that I had mentioned was Mark Morris of NIA Beverly Hanks and I reached back out and I have not heard back as I am guessing that they are not that far along.

We had the opportunity to hear from them and I am not sure where you would like to go from here. We could do a letter of Intent/agreement with one of these two to give them an exclusive right/window for due diligence on the property.

Discussion Followed:

Council has some questions/concerns for Mr. Goodson on a potential agreement and will submit them to the town manager who in turn will send them to Mr. Goodson

Consideration of amendments to Chapter 110 of the Code of Ordinances covering business licensing- Mark Biberdorf, Town Manager.

Town Manager Mark Biberdorf stated that this came about as we were reviewing our code dealing with registering businesses. Years ago, local governments had the authority to have a business privilege license tax. The General Assembly did not like this tax and they basically did away with it. However, they did say that you could do a Business Registration fee (\$25.00) so that you could keep up with the business activity that you have in town. So, we went back through the ordinance and removed all the reference to Business licenses in the code. A few things were added as well to clarify about Business Registration.

Town Manager Mark Biberdorf suggested moving this item to the consent agenda next week.

Council had no questions and is ok with moving this item to the consent agenda

Consideration of amendments to Chapter 111 of the Code of Ordinances covering itinerant merchants, salespersons, peddlers, solicitors and pawnbrokers – Mark Biberdorf.

Town Manager Mark Biberdorf stated that we do a permit for some of this activity particularly for solicitors. There is a small fee and a background check required as well. He then answered questions that council had for him on these amendments.

Discussion Followed:

Town Manager Mark Biberdorf suggested also moving this item to the consent agenda next week.

Council is ok with moving this item to the consent agenda.

Comments from the Town Manager Mark Biberdorf.

A reminder next week to be here at 4:00 and we will have department heads give a brief overview of this past budget year any upcoming items for the new budget year.

We have had a lot of discussion on grants for greenway projects. Rebekah Robinson with Conserving Carolina has identified one called Connecting Communities to state trails program. This is not a real big grant but it is \$250,000 grant with a \$250,000 match. Eric and I sat down with her and got Ben Cathey from McGill Associates and did a preliminary analysis to see if a trail could be built and how much of it from Hwy 25 there're going west along Cane Creek and you have a cost estimate in front of you.

Discussion Followed:

On our Town Center property surrounding town hall we have floated an idea as some type of workforce affordable housing on there. Do we approach a developer with a small number of multifamily units on the north side of the property. This is very preliminary/exploratory mixed-

use development. This would have something like commercial on the bottom with the housing above.

Discussion Followed:

Councilman Trevor Lance asked about the development (BSC holdings) that was supposed to go on the property near town hall and the continued delays on that development.

Town Manager Mark Biberdorf stated that they have started working on it and getting ready to submit a site plan.

Discussion Followed:

The only other thing that I have is that this is going to be a polling place again for the elections coming up. We will have 2 windows here where they will be taking up the council chambers for a brief period of time. In March they will have it from March 4th to March 6th and that is our agenda review meeting. So, we either hold agenda review up in the Multipurpose room or we cancel it. Then there is another block of time in October where it is a bit longer they set up in here on October 14 in here and it will be in here through November 6th. Then we would be displaced for the regular meeting in October and then the agenda review meeting in November.

Council will consider this issue closer to that time when it is known how many items will be on the agenda.

Mayor Blakely asked for a motion to adjourn.

Councilman Keith Reed made a motion to adjourn and it was seconded by Councilman Jim Player.

Motion carries all in favor.

Adjourned: 7:27 pm

Approved:

Date

Mayor Preston Blakely

Town of Fletcher
Town Council Meeting
January 8, 2024

Call the meeting to order at: 4:00 pm

Those who were in attendance are as follows:

Mayor Preston Blakley
Mayor Pro-Tem Sheila Franklin
Councilman Keith Reed
Councilman Trevor Lance
Councilman Jim Player
Town Manager Mark Biberdorf
Public Works Director Jabbo Pressley
Police Chief Dan Terry
Planning & Zoning Director Eric Rufa
Parks & Recreation Director Greg Walker
Assistant Town Manager Heather Taylor

**Budget Workshop on past year accomplishments and emerging issues for the FY 2024-2025
Budget**

IT Matthew Horton gave an overview of the current budget year and what he will be requesting for the upcoming budget year.

Potential items are as follows:

New phone system current one is 8 yrs. old and currently not working too well
Manage security service provider(s) for rapid response detection
Backup system upgrade
Windows 11 software for desktop machines.

Discussion Followed:

Assistant Town Manager Heather Taylor gave an overview of the current budget year (Administrative, Professional Services & Town Facilities) and she does not anticipate any major requests for the upcoming budget year.

Discussion Followed:

Parks & Recreation Director Greg Walker gave an overview of the current budget year and what he will be requesting for the upcoming budget year.

Potential items are as follows:

Wind screens for the courts

Repair/upgrade to sewer line in the park (restrooms) to create larger flow.

New staff person either 1 full time or 2 part time people

New tractor with a side arm boom for cutting underbrush in the park.

Discussion Followed:

Police Chief Dan Terry gave an overview of the current budget year and what he will be requesting for the upcoming budget year.

Potential items are as follows:

New yearly replacement vehicles (3) increased cost due to Dodge Charger no longer available will be looking at Dodge Durango's

License Plate readers to be placed at major roads/areas into/out of town.

Funds for sending a detective to Forensics school.

Purchase of 4 Tactical shields to have one available for each shift.

Discussion Followed:

Public Works Director Jabbo Pressley gave an overview of the current budget year and what he will be requesting for the upcoming budget year.

Potential items are as follows:

New/additional employee will be needed due to increased developments in town to help with trash pickup and other duties

Trash cans (increased developments)

Scag Mower to replace a 2008 model that is worn out.

Brush disposal and "fees" involved

Discussion Followed:

Planning & Zoning Director Eric Rufa gave an overview of the current budget year and what he will be requesting for the upcoming budget year.

Potential items are as follows:

Greenway grant match 50/50

Discussion Followed:

Town Manager Mark Biberdorf went over the Revenues, CIP and other projects for the past budget year.

Discussion Followed:

Mayor Blakely asked if it was ok to recess past 6:00 pm.

Town Manager Mark Biberdorf and Town Clerk Christine Thompson both stated that it is up to you.

Mayor Pro-Tem Sheila Franklin made a motion to recess until 6:10 pm and it was seconded by Councilman Trevor Lance.

Motion carries all in favor.

Break at: 5:43 pm

Call the meeting to order at: 6:09 pm

Moment of Silence: Mayor Blakely asked for a moment of silence.

Pledge of Allegiance: Mayor Blakely led the group in the Pledge of Allegiance.

Public Comments

Clifford Meek 805 Wilkins Street Hendersonville, spoke on asking support from council on the passenger railway between Asheville and Salisbury NC. Federal Funds are now available for projects such as these.

Brandon Olsen 33 Stoney Brook Court Fletcher, commented on the amendments to the ordinances and the issue of door to door sales in Livingston Farms.

Approval of minutes-corrections or deletions.
(12/4, 12/11)

Mayor Blakely asked if there were any corrections, additions or deletions to the minutes and if not do I have a motion to approve the minutes as presented.

Councilman Keith Reed stated I'll make a motion and it was seconded by Mayor Pro-Tem Sheila Franklin.

Motion carries all in favor.

Council Updates

None at this time.

Consent Agenda

Tax refunds/releases

Approval of audit contract for FY 23/24 with Lowdermilk Church & Co.

Approval of amendments to Chapter 110 of the Code of Ordinances covering business licensing.

Approval of amendments to Chapter 111 of the Code of Ordinances covering itinerant merchants, salespersons, peddlers, solicitors and pawnbrokers.

Mayor Blakely asked for any comments, questions or concerns on the consent agenda and if none do I have a motion to approve the consent agenda as presented?

Councilman Jim Player stated I'll make that motion and it was seconded by Councilman Trevor Lance.

Motion carries all in favor.

Public hearing to consider rezoning request R-2023-01, a request to rezone 9 parcels on Cane Creek and Pressley Hill Road from R-2 to Neighborhood Business District – Eric Rufa, Planning & Zoning Director.

Planning & Zoning Director Eric Rufa briefly went over the rezoning request for these 9 parcels to go from R-2 residential to NBD (Neighborhood Business District).

Mayor Blakely asked for a motion to go into public hearing for rezoning request R-2023-01.

Councilman Trevor Lance stated that he would make a motion and it was seconded by Councilman Jim Player.

Motion carries all in favor.

Attorney Bob Oast who is representing a group of property owners gave a PowerPoint presentation on the rezoning request and then he answered questions that council had for him.

Discussion Followed:

Mayor Blakely asked if anyone else would like to speak during the public hearing.

There were no other comments at this time.

Mayor Blakely asked for a motion to close public hearing.

Councilman Trevor Lance stated make a motion and it was seconded by Councilman Keith Reed.

Motion carries all in favor.

Planning & Zoning Director Eric Rufa made some additional comments concerning that when this was originally zoned the classification of Neighborhood Business District did not exist. It was either C-1 or Residential and I think they aired on the side of caution with R-2.

Mayor Blakely asked if there were any more comments or questions on this rezoning and if not, we would need a motion to either approve or deny the request.

Councilwoman Sheila Franklin stated that she would like to make a motion to approve the rezoning request R-2023-01 from R-2 to Neighborhood Business District and it was seconded by Councilman Keith Reed.

Motion carries all in favor.

Public hearing to consider an amendment to the Land Development Code regarding building allowances in the M-1 district – Eric Rufa, Planning & Zoning Director.

Planning & Zoning Director Eric Rufa gave an overview about this from last month concerning changing the building height in this district from 3 stories which is 42 feet (current) to 4 stories which is 56 feet. At the November Planning Board meeting this was unanimously approved.

Discussion Followed:

Mayor Blakely asked for any questions and if not do we have a motion to go into public hearing.

Councilman Trevor Lance stated I'll make a motion and it was seconded by Councilman Jim Player.

Motion carries all in favor.

Mayor Blakely asked if anyone wanted to speak during the public hearing.

No one wanted to speak at this time.

Mayor Blakely asked for a motion to come out of public hearing.

Mayor Pro-Tem Sheila Franklin she will make a motion and it was seconded by Councilman Keith Reed.

Motion carries all in favor.

Mayor Blakley asked for a motion to amend the Land Development Code to allow the building height of 56 ft (4 stories) in the M-1 district.

Councilman Trevor Lance stated make a motion and it was seconded by Councilman Jim Player.

Motion carries all in favor.

Update on Town Center project – Mark Biberdorf, Town Manager

Town Manager Mark Biberdorf stated that in follow up to last week that he got in touch with Brad Goodson and he did indicate that his intent is to buy the property and not lease. I think in getting to more discussion matters on this with a smaller one on one meeting with him. (two councilmembers at a time) Or him coming back to the next meeting and give a more detailed presentation on what his approach would be.

I also got a follow-up question from Jim on this and he wanted to get a more information on the construction financing and long-term sustainability.

Discussion Followed:

Council agrees to have informal meetings with Mr. Goodson to get more information and certain questions answered that they may have on this project. After these meetings then have him come back for a more formal presentation.

Discussion on council committee(s) seats and filling vacancies.

Mayor Blakely stated that that we have two vacancies one on the French Broad MPO and the other on the Henderson County Transportation Advisory Committee.

Is anybody interested in these vacancies?

Councilman Jim Player stated that he is interested.

Mayor Blakely asked if everyone was ok with Councilman Jim Player filling the vacant seats on these committees.

Council is mutually agreeable for Councilman Jim Player to replace former Councilman Bob Davy on both of these committees.

Comments from the Town Manager Mark Biberdorf.

Conserving Carolina is continuing to look at any grant opportunities for cane greenway extension over towards the Meritor property. In particular the Connecting Communities to state trails grant. This is a \$500,00.00 grant with a 50/50 match so our share would be \$250,000.00. Rebekah Robinson will be here to discuss this next month.

We are trying to facilitate a meeting with the Executive Director of Housing Assistance Corporation (HAC) just as a very high look at the property on our north side of town hall to see if there is use of a small scale of workforce housing in that area.

As you know we are a polling place and in this election year and the Board of Elections are going to have use of the chambers. For the March meeting they are going to have control of the chambers from March 4th to March 6th so this falls in on our Agenda Review meeting. In October and November Board of Elections will have the will the room from October 14 until November 6th. This will impact our Regular Meeting in October and our Agenda Review meeting in November. Keep this in mind as to would you prefer to cancel the meetings or hold them upstairs in the multipurpose room.

On the gentlemen (Buster Brown) who is interested in a partnership for additional tennis courts in the park. I think we need to set up some additional information and to set up a meeting with him for discussion.

Mayor Blakely asked is there anything else from council and if not do we have a motion to adjourn.

Councilman Keith Reed made a motion to adjourn and it was seconded by Mayor Pro-Tem Sheila Franklin.

Motion carries all in favor.

Adjourned: 6:58 pm

Approved:

Date

Mayor Preston Blakely

February 2024 Releases /Refunds

Release Year	Release#	Name	Reason	Amount	Real Value	Personal Value
2023	6	HAYNES, THOMAS E	AIRCRAFTES CRASHED JUST HAVE PARTS	\$315.16		102326
	7	THE VILLAGE OF WINDSTONE	EXEMPT PROPERTY OWED BY HOA	\$517.72	184900	
	8	THE VILLAGE OF WINDSTONE	EXEMPT PROPERTY OWED BY HOA	\$158.76	56,700	

Total to be released/refunded for February

\$991.64

Town Council meeting:

MEMORANDUM

TO: Mayor & Town Council
FROM: Martin Wheeler and Clifford Meek
COPY TO:
DATE: 2/5/2024



SUBJECT: Presentation on support for reconnection of passenger rail service with Amtrack passing through sections of Western North Carolina - Martin Wheeler and Clifford Meek.

Background:

Martin Wheeler, President of the Carolinas Association for Passenger Trains (CAPT), will speak on a new effort to garner support for a new long distance Amtrack train between the Midwest and the two Carolinas passing through sections of Western North Carolina. The Federal Railroad Administration is now mapping potential new restored long distance passenger train routes lost before or after the advent of Amtrack in 1971. The routes would probably begin to show up within 10–20 years. The effort is separate from the recent announcement of progress on a Asheville to Salisbury state route.

Recommendation:

Attachments:

None

MEMORANDUM

TO: Mayor & Council
FROM: Mark Biberdorf, Town Manager
COPY TO: Heather Taylor, Assistant Town Manager
DATE: 1/23/2024



SUBJECT: Report on established performance measures - Mark Biberdorf, Town Manager

Background:

Attached for Council's information is a report on progress with recently established performance measures. This shows progress over a six month period on the first established performance measures for departments.

Recommendation:

No action is needed by Council. This is for informational purposes.

Attachments:

1. MemoToCouncil - Update on progress toward performance management measures.1.22.2024
2. Standards for Rating Park Conditions

MEMORANDUM

TO: Mayor and Town Council

FROM: Mark E. Biberdorf, Town Manager

COPY TO: Heather Taylor, Assistant Town Manager

DATE: January 23, 2024

SUBJECT: Report on Progress with Performance Measures

Last year I worked with staff to establish a list of performance measures for services that are provided by the Town. I communicated this draft list to Council and asked staff to start tracking data toward meeting the target performance measures. This report will look at progress over a six-month period of tracking the measures.

Finance

Performance Measure: Bank reconciliation and trial balance report generated within 5 business days of close of month.

Performance Achieved: 100% compliance achieved for the six-month period of July through December of 2023.

Performance Measure: Maintain an unassigned fund balance reserve of at least 45% of general fund expenditures and report to Council when unassigned fund balance exceeds the 65% level.

Performance Achieved: In Fiscal Year 2022/2023 a fund balance of 75.11% was reported at the end of the auditing period. This was reported to Council with no action taken at that time.

Performance Measure: Finance complete draft of annual financial statements by early October of each year and auditing firm complete audit by October of each year. Financial statements to be submitted to the LGC no later than October 31 of each year.

Performance Achieved: The financial statements and audit were completed by October 2, 2023. The audit was submitted to the LGC on October 27, 2023. All three parts of this goal were met.

Town Clerk

Performance Measure: Have agenda packets complete and sent to Council at least 4 days prior to Council meeting.

Performance Achieved: Achieved a 100% compliance measure for this six-month reporting period.

Performance Measure: Minutes completed and a draft posted on the Town's website within 5 business days of the Council meeting being held.

Performance Achieved: Achieved an 84% compliance measure. The two meetings that were not posted within 5 business days were only one day later than the goal.

Public Works

Performance Measure: Percentage of municipal solid waste diverted from the landfill to recycling.

Performance Achieved: The percentage ranged from 17.79% to 20.05% that was diverted from the landfill.

Performance Measure: 95% of brush and leaf collection complaints resolved within 5 business days.

Performance Achieved: 100% of the reported complaints were resolved within 5 business days for this reporting period.

Performance Measure: Maintain an availability rate of 90% for all fleet serviced by the Department.

Performance Achieved: Maintained an availability rate of 96% of the fleet for this reporting period.

Performance Measure: 90% of fleet repairs completed within 3 days of work order submitted.

Performance Achieved: 92% of fleet repairs were completed within 3 business days for this reporting period.

Performance Measure: 100% of garbage routes completed on schedule.

Performance Achieved: 100% of the garbage routes were completed on schedule during this reporting period.

Public Works (contd.)

Performance Measure:	Missed collections per 10,000 scheduled stops (goal of no more than 2.5 or 0.03%).
Performance Achieved:	Had 1 valid missed collection or .01% during this reporting period.

Police Department

Goal #1: Engage the Community

Objective: Increase citizen satisfaction with the police department

- **Baseline:** % of citizens very satisfied with police service/department via biennial survey
- Introduce CID (Criminal Investigation Division) assignment letters**
 - *Beginning in July 2023 through the remainder of 2023, 58 assignment letters were sent to victims who reported crime. Prior to July 1st, no letters were sent. This was a new initiative.*
- Completion of annual department sponsored fundraiser
 - *For year 2022, the first Annual No Shave November fundraiser was held. Safelight was the beneficiary and received a \$5644 donation.*
 - *For year 2023, the second Annual No Shave November fundraiser was held. The Salvation Army was the beneficiary receiving a \$7387 donation.*
 - *Two other fundraisers were held in 2023. In collaboration with Sylvan Learning, Christmas in July was held where donations were accepted and given to the Safelight Domestic Violence Shelter. In collaboration with Dollar General toy donations were also collected and donated to the Henderson County Toy Run, toys to be given to foster children.*
- Increase # of community engagements
 - Crime prevention presentations
 - Church security/safety
 - Home/business security surveys
 - Coffee w/ a cop
 - HOA meetings
 - Presence, to include department booth at park events
- *The number of community engagement activities in 2022 were 22*
- *The number of community engagement activities in 2023 were 43*
- **Success Indicator:** Increase in citizens satisfaction of police service/department via biennial survey

Goal #2: Provide quality progressive/professional police services

Objective: Improve response to crime

- **Baseline:** Annual Index Crime and Annual Clearance Rate on investigative assignments
 - *Annual Index Crime is officially reported every July for the previous year. The index for 2022 was 1885.1 The previous year (2021) was 2074.5.*
 - *The clearance rate baseline from July through December 2023 is 55%*
- # of directed patrols
- # of checkpoints/saturation patrols
 - *100 directed patrols and/or saturation patrols have been conducted since July 1, 2023.*
 - *No checkpoints have been conducted*
- actual staffing vs. authorized staffing, # or % of 3-man shifts, average # of officers per shift.
 - *In 2023, 602 shifts out of the 730 per year (82%) were staffed by only two officers. The goal is to increase the amount of shifts with three or more officers working.*
 - *The average of patrol officers in 2023 was 10.41.*
- % of Felony Packets completed within 10 days
 - *The 2023 baseline is 12% of FP's completed within the department desired 10 days.*
 - *57% of FP's are completed within the District Attorney's request of 14 days.*
- **Success Indicator:** Decrease in Annual Index Crime and Increase in CID (Criminal Investigation Division) Clearance Rate

Goals #3: Empower the department's personnel to perform at their highest capacity

Objective: Increase officer training

- **Baseline:** Current levels of training
- # of in-house training hours
 - *In-house training hours for 2023 consisted of five days of training for a maximum of 40 hours. Some of these training days were not full 8 hour training days.*
- Average # of supplemental (non-in-house) training hours per officer
 - *The Patrol Division received 71 training days, for an average of 6.82 days of training per officer (54.5 hours of training) in 2023.*

- *The Criminal Investigation Division received 75 training days, for an average of 25 days of training per detective (200 hours of training) in 2023.*
- *The Command Team received 21 training days, for an average of 7 days per member (56 hours of training) in 2023.*
- % of officers CIT (Crisis Intervention Training) trained
 - *41% of department officers are CIT trained*
- # of training hours on tactical operations, active shooters, in progress crimes, etc.
 - *Since July 1, 2023 when data began to be gathered for a baseline, there has been zero hours devoted to tactical type training, outside of range qualifications.*
- **Success Indicator:** Increased hours in training

****CID** assignment letters are letters sent to victims of a reported crime, within a designated timeframe, informing victims, their case has been assigned to a detective and providing contact information for same.

After they create processes to monitor and report on the above, and operations related to these measures become the norm, they can look into adding new measures on an incremental basis at the appropriate time.

Planning & Zoning

Performance Measure: Percentage zoning, sign, and floodplain development permit applications reviewed within 10 business days of submittal.

Performance Achieved: 100% of permit applications received during this reporting period were approved within 10 business days of submittal.

Performance Measure: Percentage of subdivision reviews (minor or major) completed within 10 business days of staff *receipt* or Board approval as applicable.

Performance Achieved: 100% of the subdivision reviews that were submitted during this reporting period were completed by staff within 10 business days.

Performance Measure: Percentage of code violations brought into compliance within 6 months.

Performance Achieved: Five out the six code violations investigated during this reporting period were resolved in less than six months for an 84% clearance rate.

Parks & Recreation

Parks & Recreation is still working on developing a set of performance measures. I have reviewed a draft ratings form on the condition of parks facilities that the Director has submitted to me. The plan to is have the Parks & Recreation Advisory Board use the ratings form to assess the condition of the parks on a quarterly basis.

I will provide further background on this item at the Agenda Review meeting. If you should have any questions on this item prior to that time, please let me know.

MEB/meb

Attachment

PERFORMANCE MEASURE: STANDARDS FOR RATING PARK CONDITIONS

LAWN MAINTENANCE

Turf Mowing

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Line Trimming

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Edging

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Weed eating

☐ Excellent ☐ Good ☐ Fair ☐ Poor

BEAUTIFICATION

Flowers

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Shrubs

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Trees

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Color

☐ Excellent ☐ Good ☐ Fair ☐ Poor

PARK APPEARANCE

Liter

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Overall Cleanliness of Park

☐ Excellent ☐ Good ☐ Fair ☐ Poor

PARK FACILITIES

Structures

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Bathrooms

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Shelters

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Dugouts

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Dog Park

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Fencing

☐ Excellent ☐ Good ☐ Fair ☐ Poor

Trails

☐ Excellent ☐ Good ☐ Fair ☐ Poor

MEMORANDUM

TO: Mayor & Council

FROM: Mark Biberdorf, Town Manager

COPY TO: Heather Taylor, Assistant Town Manager

DATE: 1/24/2024

SUBJECT: Revisions to chapter 115 of the code of ordinances covering massage establishments - Mark Biberdorf, Town Manager



Background:

Attached for the Council's consideration are several revisions to Chapter 115 of the Code of Ordinances covering massage establishments. The primary reason for these revisions is to update the code sections referencing the issuance of business privilege licenses since this is no longer allowed by general statute. Staff will provide additional background on this item at the Agenda Review meeting.

Recommendation:

It is recommended that Council approve the revisions to this ordinance.

Attachments:

1. CHAPTER 115 MASSAGE ESTABLISHMENTS - Revised

CHAPTER 115: MASSAGE ESTABLISHMENTS

Section

- 115.01 Purpose and objective
- 115.02 Definitions
- 115.03 Exemptions
- 115.04 **Licensing Registration** of massage therapists
- 115.05 **Licensing Registration** of massage therapy establishments
- 115.06 Posting of **license registration**
- 115.07 Revocation
- 115.08 Employees
- 115.09 Fees
- 115.10 Grandfather clause
- 115.11 Reciprocity

- 115.99 Penalty

§ 115.01 PURPOSE AND OBJECTIVE.

The therapeutic application of massage is one of the oldest healing arts known to humankind, a practice which can provide many benefits to an individual's state of health and well-being. In the interest of public health, safety, welfare and morals, and to protect the public from unqualified practitioners and unethical businesses, **massage establishment registration and message therapist registration** provisions and regulations specified in this chapter are hereby adopted.

§ 115.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

BUSINESS OR PROFESSION OF MASSAGE THERAPY. Includes the massage or treatment of any person for a fee or for other good or valuable consideration from the person treated.

MASSAGE, THERAPEUTIC MASSAGE, BODYWORK. Synonymous with MASSAGE THERAPY.

MASSAGE THERAPIST. Any person, whether male or female, who is engaged in the practice of massage therapy, and who receives compensation for his or her services.

MASSAGE THERAPY. Any form of manipulation of the muscles, skin or other soft tissue of the body, by kneading, stroking, pressing, tapping or movement of extremities, whether applied by hand, arm or foot or aided by mechanical device.

MASSAGE THERAPY ESTABLISHMENT. Any business or establishment wherein massage therapy is practiced, including establishments commonly known as health clubs, physical culture studios, massage clinics or similar establishments by whatever name designated.

§ 115.03 EXEMPTIONS.

(A) The practice of massage therapy shall not include and is distinct from the practice of medicine, surgery, osteopathy, nursing, chiropractic, physical therapy or podiatry. Requirements of this chapter shall have no application to and effect upon:

(1) Physicians, surgeons, chiropractors, osteopaths, physical therapists or podiatrists duly licensed to practice in this state, and registered or licensed practical nurses governed by the state nursing practices act;

(2) Athletic directors or trainers who are affiliated with an approved educational institution or professional sports team and whose work is limited to athletic team members; or

(3) Licensed cosmetologists, barbers or beauty culturists who do not give or hold themselves out to give massage treatments other than are customarily given in the establishments, solely for the purpose of beautification.

(B) No other persons not duly qualified and licensed as a massage therapist under this chapter, whether employed by physicians, chiropractors, osteopaths, podiatrists, or not, may render massage therapy as a professional or business endeavor or for or in exchange of any type of valuable consideration or remuneration.

§ 115.04 ~~LICENSING~~ REGISTRATION OF MASSAGE THERAPISTS.

(A) No person shall engage in the business or profession of massage therapy unless the person shall have first applied for and received a ~~privilege-license~~ massage therapy registration as required by this section.

(B) Applicants must provide the Tax Collector with a copy of their North Carolina Board of Massage and Bodywork Therapy state license. This requirement shall apply to all applicants, and no individual seeking to practice massage therapy in the town shall be exempted therefrom except as expressly provided in § 115.03.

(C) The application for ~~the license a massage therapist registration~~ required by this section shall be upon a form approved by the town and shall be filed with the Tax Collector for the town. ~~If the therapist is also the business owner, two additional registration forms are required as explained in § 115.05.~~ The ~~message therapist registration~~ application shall be given under oath and shall contain the following information:

- (1) The name, age and residence address of the applicants;
- (2) The North Carolina Board of Massage and Bodywork Therapy state license number, effective and expiration date;
- (3) A complete statement of the previous businesses or occupations of the applicant for the 2 years immediately preceding the date of the application;
- (4) The date and place of the applicant's birth and the residence address or addresses of the applicant for the 3 years immediately preceding the date of application;
- (5) A complete statement of all convictions of the applicant for any felonies and any offense involving sexual misconduct, whether for this jurisdiction or any other, including G.S. §§ 14-177 through 14-199, and G.S. §§ 14-203 through 14-208, or any federal statute relating to prostitution, or of any governmental unit concerning or related to the business or profession of massage; and

Statutory reference:

G.S. §§ 14-204.1, 14-205, 14-207, and 14-208 have been repealed. New §§ 14-205.1 through 14-205.4 have been enacted.

(6) A complete statement of any revocation of any license ~~or registration~~ granted by any governmental unit to the applicant to engage in the business or profession of massage therapy.

(D) Upon payment of the ~~application registration~~ fee, as set out in § 115.09, and upon submission of all the information required by the application under this chapter, the Tax Collector shall transmit a copy of the application to the Police Department for an investigative report. The Police Department shall report the results of the investigation within a reasonable time, not to exceed 30 days. A ~~license massage therapist registration~~ shall be granted immediately if all requirements described in this chapter are met, unless it appears that any applicant is under the age of 18 years, has deliberately falsified the application, has had a previously issued license ~~or registration~~ to engage in the business or profession of massage revoked, or the record of the applicant reveals a conviction as set out in division (C)(5) of this section.

(E) It shall be unlawful for anyone to perform massage therapy upon a person under the age of 18 years unless consent therefor has been given by the person's parent, guardian or custodian.

Penalty, see § 115.99

§ 115.05 ~~LICENSING BUSINESS REGISTRATION~~ OF MASSAGE THERAPY ESTABLISHMENTS.

(A) No person shall operate a massage therapy establishment unless the person shall have first ~~applied for and received~~ obtained a ~~the privilege license business registration from the Town provided by this section and~~ applied for and received the ~~massage therapy establishment registration provided by this section.~~

(B) Every application for ~~the a massage therapy establishment registration privilege license~~ prescribed in this section shall ~~be upon a~~ include two forms approved by the town and supplied by and filed with the Tax Collector: ~~the business registration, which is required for any business operating within the Town limits, and a registration application for the massage therapy establishment. If the business owner is also working as a massage therapist, a massage therapist registration application is required. In addition, every massage therapist working at the business is required to have an individual massage therapist registration. Every message therapy business establishment registration and message therapist registration application shall be made under oath and shall contain the following information:~~

(1) If the applicant is a person, the name and residence address of the person; if the applicant is a partnership, corporation or association, the name and residence address of all principal officers of the partnership, corporation or association;

(2) The address of the premises where the massage therapy establishment shall be located;

(3) A complete statement of all convictions of any person whose name is required to be given in division (B)(1) above for any offense as previously set out herein;

(4) A complete statement of any revocation by any governmental unit of any license ~~or registration~~ to operate a massage therapy establishment or to engage in the business or profession of massage therapy held by any person whose name is required to be given in division (B)(1) of this section; and

(5) The name and address of any massage therapy establishment or other establishment owned or operated by any person whose name is required to be given in division (B)(1) of this section wherein the business or profession of massage is carried on.

(C) The Tax Collector shall transmit a copy of the application to the police for an investigative report ~~and to the inspections division~~ Planning and Zoning department of the town to determine if the proposed establishment is in compliance with all zoning ~~and building regulations and~~ ordinances. ~~and to the local Fire Marshal to determine compliance with any law relating to fire protection.~~ The police and ~~the Fire Marshal~~ Planning and Zoning department shall, within a reasonable time, not to exceed 30 days, report the results of their examinations to the Tax Collector.

(D) An application in proper form, accompanied by all reports required herein, shall be submitted to the Town Council, which shall approve the application if the Town Council determines that:

- (1) The application contains no misstatement of fact;
- (2) The applicant and any person having legal or beneficial ownership interest in the proposed establishment is over the age of 18 years and has not been convicted of any crime involving sexual misconduct, as set forth in this chapter;
- (3) The proposed establishment conforms to all requirements of applicable zoning ordinances, ~~building and fire prevention codes~~; and
- (4) The applicant or any person having a legal or beneficial ownership or interest in the proposed establishment has not, for the 3-year period preceding the application, had a previously issued license ~~or registration~~ for engaging in the business or profession of massage or a license ~~or registration~~ to operate a massage business revoked.

Penalty, see § 115.99

§ 115.06 POSTING OF ~~LICENSE REGISTRATION~~.

- (A) Every massage therapist shall post the ~~license~~ massage therapist registration required by this chapter in his or her work area at all times.
- (B) Every person ~~licensed~~ ~~registered~~ under § 115.05 as a massage therapy establishment shall display the ~~business registration and massage therapy establishment registration~~ in a prominent place at all times.

§ 115.07 REVOCATION.

- (A) No ~~license~~ ~~registration(s)~~ under this chapter shall be revoked until after due notice and a hearing shall have been held before the Town Council to determine just cause for revocation. The burden of proving just cause for revocation shall be on the town. Notice of the hearing shall be given in writing and served at least 10 days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the holder of the ~~license~~ ~~registration~~ and shall designate the time and place where the hearing will be held.
- (B) The notice shall be served by the Police Department upon the ~~license~~ ~~registration~~ holder by delivering the same personally or by leaving the notice at the place of business or residence of the ~~license~~ ~~registration~~ holder in the custody of a person of suitable age and discretion. In the event the ~~license~~ ~~registration~~ holder cannot be found, and the service of the notice cannot be otherwise made in the manner herein provided, a copy of the notice shall be mailed, registered, postage fully prepaid, addressed to the ~~license~~ ~~registration~~ holder at his or her place of business or residence at least 10 days prior to the date of the hearing.
- (C) The ~~license~~ ~~registration~~ of a massage therapist issued pursuant to this chapter may be revoked upon 1 or more of the following grounds:

- (1) The **licensee registrant** has violated any provision of this chapter;
- (2) The **licensee registrant** has been convicted of a crime involving sexual misconduct, including those set out in § 115.04(C)(5);
- (3) The **licensee registrant** is guilty of fraudulent, false, misleading or deceptive advertising, including the use of the term MASSAGE THERAPY or MASSAGE to describe, promote or advertise any type of business activity or service offered which is expressly not massage therapy, or has otherwise fraudulently engaged in practicing massage therapy;
- (4) The **licensee registrant** has fraudulently obtained a **license registration** pursuant to the provisions of this chapter;
- (5) The **licensee registrant** allows the use of his or her **license registration** by an **unlicensed unregistered** person; or
- (6) The **licensee registrant** is addicted to the habitual use of alcohol, narcotics or other drugs, to an extent as to incapacitate the person for the safe and normal performance of his or her professional duties.

(D) **A license The registration** of a massage therapy establishment issued pursuant to this chapter may be revoked upon 1 or more of the following grounds:

- (1) The **licensee registrant** has violated any provision of this chapter;
- (2) The **licensee registrant**, or any agent of the **licensee registrant**, employs and/or permits any individual to perform massage therapy on the premises of the **licensee's registrant's** massage therapy establishment when that individual has not been issued the **privilege-license registration** required by § 115.04;
- (3) The **licensee registrant**, or the legal or beneficial owner of any interest of the **licensee registrant**, is convicted of any crime involving sexual misconduct, including but not limited to those set out in § 115.04(C)(5);
- (4) Any employee of the **licensee registrant** is convicted of any crime involving sexual misconduct, including but not limited to those set out in § 115.04(C)(5);
- (5) The **licensee registrant** is guilty of fraudulent, false, misleading or deceptive advertising, including the use of the term MASSAGE THERAPY or MASSAGE to describe, promote or advertise any type of business activity or service offered which is expressly not massage therapy, or has otherwise fraudulently engaged in the business or profession of massage therapy; or
- (6) The **licensee registrant** violates any zoning, building or fire prevention ordinance.

Penalty, see § 115.99

§ 115.08 EMPLOYEES.

(A) No person ~~licensed~~ ~~registered~~ under § 115.05 as a massage therapy establishment shall allow or permit any person to massage or treat any person upon the premises operated by the ~~licensee~~ ~~registrant~~ or in any other location under his or her authority or at his or her direction unless the person giving the massage or treatment is ~~licensed~~ ~~registered~~ under this chapter pursuant to § 115.04.

(B) Violation of this section shall be grounds for revocation of the ~~license~~ ~~registration~~ issued to the violator.

§ 115.09 FEES.

(A) The application fee for a ~~privilege~~ ~~license~~ ~~registration~~ for a massage therapy establishment shall be an amount to be determined by Council from time to time.

(B) The application fee for a massage therapist shall be an amount to be determined by Council from time to time.

(C) Under this chapter, a massage therapist in business as a sole practitioner shall only be required to pay the application fee set out in division (A) above.

~~(D) The business registration fee for a massage therapy establishment shall be \$25 in accordance with Town Ordinance Section 110.~~

§ 115.10 GRANDFATHER CLAUSE.

(A) Any person who has been engaged in the business or profession of massage therapy in this town for 3 or more continuous years may be granted a ~~license~~ ~~registration~~ pursuant to the provisions of this chapter if:

(1) Proof of continuous service is provided to the Tax Collector for the town.

(2) Three letters of reference from massage therapists ~~licensed~~ ~~regulated~~ under this chapter or other licensed health care professionals, attesting to the sound moral character, professional qualifications and the competence of the person, are provided to the Tax Collector.

(3) An appropriate application is submitted under this chapter, and the individual pays the required ~~license~~ ~~registration~~ fee(s).

(B) In addition, any person previously ~~licensed~~ ~~registered~~ to engage in the business or profession of massage therapy in the town shall be exempt from the requirements of § 115.04(C), and shall be granted a ~~license~~ ~~registration~~ pursuant to the provisions of this chapter if:

(1) Proof of previous ~~licensing~~ ~~registration~~ is provided to the Tax Collector;

(2) The person pays the application fee(s); and

(3) The **license registration** is renewed as required in this chapter on the first anniversary of the original issuance of the **license registration and annually on July 1st for the business registration**.

§ 115.11 RECIPROCITY.

Any person who has been duly licensed in another state or municipality to practice massage therapy, which state or municipality has and maintains a standard of practice substantially the same or more stringent than that maintained under this chapter, and who has been lawfully and continuously engaged in the practice for 2 or more years immediately before filing his or her application to practice under this chapter, and who shall submit a duly attested license from the regulatory authority of the state or municipality in which he or she is registered, certifying to the fact of his or her registration, may be granted a massage therapist **license registration** to practice without otherwise being required to qualify.

§ 115.99 PENALTY.

(A) A notice of violation shall be issued to the individual or business notifying them that a violation of this section must be corrected within 30 days.

(B) If the violation is still not corrected within the prescribed time period, then a citation in the amount of \$50 shall be issued per violation.

(C) If the violation is still not corrected following issuance of the aforementioned citations, then the town may pursue an injunction in the appropriate court of law commanding the defendant to correct the violation.

(Am. Ord. passed - -)

MEMORANDUM

TO: Mayor & Council

FROM: Mark Biberdorf, Town Manager

COPY TO: Heather Taylor, Assistant Town Manager

DATE: 1/26/2024

SUBJECT: Status of proposed revisions to contract with Fletcher Fire & Rescue - Mark Biberdorf, Town Manager



Background:

A meeting was recently held with members of the Fletcher Fire & Rescue Board to discuss proposed revisions to their fire contract with the Town of Fletcher. The attached document highlights areas where revisions were proposed by the Town and the resulting response from the Fire Board is highlighted in blue. Council will need to discuss these responses and how they might want to proceed.

Recommendation:

Council review draft responses from the Fire Board for consideration of next steps.

Attachments:

1. Meeting Notes. FF&R Board Members on Contract Revisions

Meeting with Fletcher Fire & Rescue Board Members to Discuss Proposed Contract Revisions

January 25, 2024

Mayor Blakeley and Councilman Lance met this morning with three members of the Fletcher Fire & Rescue Board. The three members of the Fire Board were Hugh Clark, Mike Sorrel, and James Bruggeman. The purpose of this meeting was to discuss a list of proposed revisions to the contract that were previously submitted by Council to the Fire Board. The Fire Board wanted an opportunity to respond to the proposed revisions.

The following are notes highlighting the response or position of the Fire Board to the specific revisions that were recommended by Council. The revisions that were suggested by Council are highlighted in yellow. The response from the Fire Board is highlighted in blue.

AGREEMENT

THIS AGREEMENT, made and entered into this the 8TH day of January, 2024 by and between the TOWN OF FLETCHER, a municipal corporation created by enactment of the General Assembly of North Carolina in 1989, herein after referred to as the “Town” and FLETCHER FIRE AND RESCUE DEPARTMENT, INC. a non-profit corporation organized and existing under the laws of the State of North Carolina, hereinafter referred to as the “Fire Department”, (Fire Department wanted the date of agreement to match the budget year date, July 1, 2024)

WITNESSETH:

The Town agrees to pay for fire protection and emergency medical service at the basic EMT level to be provided by the Fire Department and the Fire Department agrees to furnish to the Town fire protection and EMT level service of all properties lying in the municipal fire district (hereinafter also referred to as “territory”), upon the following terms and conditions:

1. This Agreement shall be valid for a term of three (3) years, beginning the date of this agreement, and may be extended for an additional term of the same number of years upon written consent of both the Town and Fire Department. (FF&D ok with this.)

2. The Town shall pay to the Fire Department a contracted sum which shall be a portion of the Town’s ad valorem tax levy as determined annually by the Fletcher Town Council for property lying within the municipal fire district except for the area contracted to Mills River Fire & Rescue. In addition, the Town will pay the difference between the current approved tax levy for Mills River Fire & Rescue and the approved tax levy for the Fire Department for the land and area contracted to Mills River Fire & Rescue if that amount is less than what is budgeted for the Fire Department in any given year. This additional payment will become effective in the Fiscal Year beginning July 1, 2024. (Alright with this but want language stating that all value or revenues from area contracted

with Mills River Fire & Rescue be designated to FF&D once the Mills River contract expires in 2026.) The Fire Department may request additional funding beyond the contracted sum, however, such requests shall be negotiated at budget time from the Town. The Town shall pay on or before the fifteenth (15) day of each month for the proceeding month. The June payment shall include all monies due to June 30 of each contract year.

3. The Fire Department shall provide fire and emergency medical service at the basic EMT level annually. No other contracts shall hereafter be agreed upon for fire protection and basic EMT level of services within the municipal fire district excluding the Mills River Fire & Rescue agreement without notifying and negotiating with the Fletcher Fire and Rescue Department. Written notice of termination by either party shall not be less than one (1) year prior to the end of the current contract. The written notification shall show just cause for the termination. (Ok with this but want any notification of a termination of contract to coincide with the start of a fiscal year. Added FD Wording: *Provided required funding is provided the*) Fire Department will obtain and keep in proper repair all necessary equipment and the minimum number of trained and qualified firefighters as may be required to maintain the Fire Department's minimum staffing policy and current fire rating as of January 8, 2024 or better for the territory covered by the Fire Department.

4. The Town may inspect all books and accounts for the Fire Department at any time that it desires. It is further agreed that the Fire Department will present the Town with an annual audit and accompanying management letter prepared by a CPA which shall be in conformity with generally accepted accounting principles. (GAAP). Audit shall be turned into the Town Manager by December 31 of each year. (Ok with this being the Town Manager or designee being allowed to inspect their books during normal business hours of Monday through Friday, 8 a.m.- 5:00 p.m.)

In event that the audit or management letter reveals a reportable and/or material issue(s) with regard to compliance with generally accepted accounting principles, the Fire Department shall provide a written statement that contains an explanation of each such issue and an action plan (with implementation timetable) for resolving each issue and shall provide quarterly periodic reports to the Town on progress made in resolution of each issue.

Should the Fire Department fail to submit its audit report to the Town within the above time period, the Town may suspend all funds immediately until the audit is delivered as set forth above. The Fire Department may request, and the Town may approve, a reasonable submittal extension if the Fire Department is unable to deliver the audit for reasons beyond the control of the Fire Department or the Fire Department's auditor.

5. Because of the Fire Department's reliance on public funds for its operations, the public has a continuing interest in the Fire Department's decision-making processes and decisions regarding the spending of those funds. To ensure public trust, the Fire Department agrees that its Board of Directors' meetings will be open to the public.

To ensure the ability of the public to attend those meetings, the Fire Department agrees to provide public notice of such meetings. Public notice methods should include the Fire Department website.

The Fire Department and the Town agree that public notice of a Board of Directors meeting called in the midst of a declared disaster or emergency to make decisions required to respond to that disaster or emergency is not practical, and, therefore, not required. (Not comfortable with this entire section but will add a provision where the public is allowed to voice a complaint or concern to the Board.)

6. The Fire Department shall present to the Town during the month of March of each contract year a proposed budget for the provision of fire and EMT medical services in the Town of Fletcher. (Added FD Wording: *It is understood that the final adopted budget may not be adopted till the 3rd week of May annually.* Ok with this but their proposed budget is not fully known until early May.)

7. The Fire Department shall use the funds subject to this Agreement in accordance with the Annual Fire Department Budget. The parties further agree as follows:

a. The Fire Department agrees to utilize and follow their purchasing policy set by the Fire Department.

b. The Fire Department and the Town agree that, in the event of a bona fide emergency, the Fire Department may proceed with emergency purchases without seeking formal or informal bids as described herein. (Ok with this section.)

8. Because of the Fire Department's reliance on public funds for its operations, the public has a continuing interest in the Fire Department's current Fund Balance and reserves. The Fire Department will establish a formal Fund Balance Policy. The Fund Balance Policy will establish a minimum threshold for Fund Balance that is no lower than 8% as recommended by the North Carolina Local Government Commission. Additionally, the Fund Balance Policy should specify an upper threshold for fund balance and how funds are used that exceed the maximum threshold. The Town recommends a 25% upper threshold, but the Fire Department may adopt a varying threshold as necessary. If the Fire Department must go below 8% a plan should be established to get back to the minimum threshold and the plan should be provided to the Town. Additionally, the Fund Balance Policy will define the process for committing Fund Balance amounts towards reserve accounts. Reserve accounts may be used for one-time expenditure such as capital (e.g., fleet purchase and replacement, construction, maintenance) and must be tied to formal Capital Planning documentation (e.g., CIP). (Ok with this section.)

9. If the Town determines that the Fire Department has failed to render (i.e. emergency calls unanswered) the fire protection or other emergency services to the district as provided in this agreement, then the Town shall give the Fire Department ninety (90) days advance written notice that the funds allocated are subject to suspension. If during the said ninety (90) day period, the Fire Department makes improvements satisfactory to the Town, no suspension shall occur. During the ninety (90) day period, the Fire Department is not relieved of their responsibility to provide fire protection and other emergency services in a manner otherwise consistent with the terms of this agreement. (Ok with this section.)

10. In the event that the Fire Department's Board of Directors determines that the Fire Department is unable to reliably deliver the services described herein, for any reason or no reason, the Fire Department's Board of Directors shall immediately so notify the Town, at which time the

Town is authorized to use such Fire Department facility and equipment located at 49 East Fanning Bridge as are necessary to maintain the delivery of fire and other emergency services in the district.

In the event of a liquidation or dissolution of the Fire Department pursuant to cessation of services or action by the Fire Department's Board of Directors, all equipment, assets and real property owned by the Fire Department located at 49 East Fanning Bridge, acquired with tax funds collected by the Town and appropriated to the Fire Department shall be assigned to the Town in a proportion equivalent to the Town's tax fund contribution to the Fire Department's budget at the time the asset, equipment and/or real property was acquired. Such assets shall be assigned or distributed by the dissolving Fire Department to its successor in fire protection within the Fire Department's town district.

This section shall not apply if the dissolution is the result of a deliberate act on the part of Town to assume immediate and complete control of fire protection in the Fire Department's service area notwithstanding the Fire Department's willingness and ability to continue delivery of services in compliance with this agreement. (Their board wants to reword this section.)

11. The Fire Department shall continuously comply with its Corporation By-Laws set by their Board of Directors. The Fire Department shall comply with the requirements of the Office of State Fire Marshal as well as provisions of Department of Insurance, as some may be updated, amended, or replaced from time to time. Cases in which the Fire Department loses or receives a reduced rating will be examined by the Town and County Department of Emergency Services.

The Fire Department shall take all actions as required to maintain its present nonprofit corporation status pursuant to Chapter 55A of the North Carolina General Statutes. (Ok with this section.)

12. If for any reason the current insurance rating is revoked by the North Carolina Fire Insurance Rating Bureau, the Fletcher Town Council shall review the reasoning for such revocation. If it is found during the review to be due to the failure of the Town to keep the current rating, the Town council shall not terminate this contract and the Town will assist the Fire Department in securing the present rating.

If it is found during the review to be due to the failure of the Fire Department to keep the current rating, the Town Council shall give the Fire Department one (1) year to reinstate the current rating.

13. The Fire Department shall be an independent contractor in performing its functions under this contract.

14. The Fire Department shall obtain and keep in full force and effect at all times during which this contract or any extension hereof is in effect adequate liability insurance on all of its equipment and (Added FD Wording: Henderson County) shall adequately insure all of its active members against accidental injuries suffered in the performance of their duties as firefighters. (Want to add language specifying that Henderson County provides workers compensation coverage for employees.)

15. The Town shall be free from any and all liabilities incurred in connection with the functioning of the Fire Department in any manner. The Town shall be free from any and all claims and liabilities for any damages, injuries, or accidents resulting from the execution of the Fire Department of its duties.

16. It is understood and agreed by the parties hereto that in the event any provision of this contract is determined by a court of competent jurisdiction to be invalid, such jurisdiction shall not be deemed to render other provisions hereof invalid and this contract shall otherwise continue in full force and effect.

17. The Fire Department shall appoint the Fire Chief for the municipal fire district. Henderson County shall appoint a Fire Marshall who is responsible for all fire inspections within the municipal limits. If the Fire Chief is replaced during this contract, a new fire chief shall be appointed by the Fire Department. (Ok with this section).

18. The Town shall appoint a representative to serve as a liaison representative between the Town and the Fire Department. The Fletcher Fire and Rescue Board of Directors may appoint this liaison representative as a member of the Board of Directors.

19. The bylaws of the Fire Department's Board of Directors shall be modified to include language that specifies that the Fletcher Town Council shall appoint three of the nine members of the Board of Directors. The removal of these members will be made solely by Town Council. Recommendations for removal from the Fire Department's Board of Directors will be highly considered during review. (Not comfortable with allowing Council authority to appoint fire board members. Would instead consider revising their by-laws to allow Council to recommend fire board members for appointment through a Town application process (possibly up to four board members that are residents of the Town). The fire board would have the final say on the appointment(s).)

20. If for any reason there is an impasse in the interpretation of this contract between the Town and the Fire Department both parties agree to have a qualified impartial mediator to help solve the impasse.

21. This contract shall become null and void, if for any reason, Fletcher Fire & Rescue Station 1 located at 49 East Fanning Bridge is re-located outside the boundaries of the town.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, this the
day and year first above written.

Administration Monthly Report

Heather Taylor, Assistant Town Manager

January 2024

Assistant Town Manager:

- **Website/Facebook-**
 - Continuing to work on updating the Town's website with current Town information. Also trying to post to the Town's Facebook account a couple times a week.
- **Body Worn Camera Grant-**
 - Participated in a grant workshop with NC OSBM in regards to the Town's body worn camera directed grant.

Finance:

- **Taxes for 2023-** Candy and Susan have collected approximately 97.4% of taxes levied for 2024 as of January 31, 2024. Candy will present her tax collection report at the February meeting.
- **Business Registration Revenue-** Susan continues to work on collecting outstanding business registrations.
- **Budgets for 24/25-** Department Heads are currently working on preparing their budget submission for the upcoming FY 24/25. They also presented basic information at our pre-budget kickoff meeting on January 8. A budget folder will be prepared for everyone prior to the March pre-budget workshop.
- **Year-End-** Finished year end payroll procedures including quarterly reports as well as balanced and printed the W2's for employees. W2's were distributed the week of January 22. 1099s were also prepared and electronically filed as well.

Human Resource:

- **Employment-**
 - Police Officer Vacancies- Continue to advertise our vacant police officer positions.
- **Wellness-**
 - Employee Gym- over 37 hours were spent in the employee wellness gym during January.
 - Blood Pressure Screenings- Offered a blood pressure screening for employees on January 8 and we had six employees take advantage of this wellness activity. Next screening is Wednesday, February 7 at 8:30 am.
- **Pay and Classification Study**
 - Received a preliminary report on the study in late January, and final presentation will be made to Council at a later date.

Fletcher Parks & Recreation Department
January 2024 report

Winter yoga class started the new year on January 4th with 18 students enrolled in the program. The class will run until February 8th on Thursday evening 5:30pm-6:30pm. Spring Yoga will begin in March and run until April. We have collected \$1,140 in registration fees for the winter yoga program.

The Polar Bear 5k was held on Saturday, January 27th at 9am in the Park. We had 79 runners registered for the 5k run this year. Volunteers from First Citizens bank & Fern Leaf school came out to work the water station. Hunter Subaru, First Citizen Bank, Pepsi Cola were our 5k race sponsors. We collected \$2,485 in registration fees for the 5k race this year.

The Father/Daughter dance will be held on Saturday, February 10th from 3pm-5pm at the Prescott event center. We have sold 147 tickets as of 1/29/2024 and collected \$2,335.00 in registration fees. Optimum Cable & Marthaler Jewelry. are event sponsors this year. Registration is open until February 5th, 2024.

Our Park maintenance staff did a great good cleaning off the new multi-courts after the Park was flooded. The courts were coated in mud, Staff was able to remove all the debris in two days. They also resurfaced a 1 mile stretch of the greenway that had been washed out across the big bridge area. Public Works staff helped to remove a large tree stuck under the bridge and cleared off all the debris stuck up against the bridge last week. One section is the cane creek greenway was cracked and damaged, it will need to be reviewed for repair recommendation later this month.

Greg Walker, Director

Monthly Update— January, 2024

Planning & Zoning

Planning Board/ZBA – The Board did not meet in January. In February, the Board will hear a case involving an application for conditional zoning at 3122 Hendersonville Road. The applicant will be requesting conditional zoning from C-1 to C-2 in order to allow a collision center (classified as “Major Vehicle Repair” which is not permitted in C-1. Staff will update Council on this in March and potentially request that a public hearing be set for April on the matter. Also, we are waiting for information/drafts from McGill Associates regarding some possible amendments/procedures. Hopefully this will be before the Board in February as well for first discussion.

- Continued day to day issuance of permits, fielded inquiries about potential new developments, and responded to miscellaneous complaints (various complaints involving zoning, solid waste, and/or junked vehicles.
- Continued work on implementation of various minimum measures related to the Town’s MS4 Stormwater Permit. Continued discussions and work with Mary Roderick from LOS and Chris Brown from McGill on various aspects of the program. Currently working on the “self assessment” for 2023 that is due to the state in February.
- Participated in the January 11 meeting of the TCC (advisory committee to the MPO).
- Participated in a Jan. 19 webinar regarding the housing crisis as it relates to zoning.
- Met with interim HAC Director, Susan Frady, to discuss possible workforce housing ideas.
- Working with McGill Assoc. on identifying possible ordinance amendments and/or procedural changes involving development review for large residential developments. Planning Board will begin discussions in Feb. I am not sure how many months of discussion it will take but staff will keep Council posted, as public hearing would eventually be needed for LDC amendments.

**Public Works Department
Monthly Report
January 2024**

Brush Pick Up

Public Works picked up 85 brush orders for a weekly average of 21. This produced 130 Cyds of brush which is now being dumped at the Henderson County Landfill at a cost of \$48 per ton. Leaf collection is complete. We have collected 217 Cyds of leaves this season.

Vehicles

Service was performed on 7 police cars, 1 parks & Rec Vehicle and 11 Public Works vehicles. Our 2014 model garbage truck is currently at the cummings dealership for repairs.

Sanitation

Public Works collected 187.16 tons of garbage for a daily average of 9.85 tons. Our truck was overweight 7 days of 37% of the time. Public Works collected 12 white goods.

Equipment

Public Works is down one garbage truck due to an issue with the exhaust system.

Town Hall

Carolina Mtn. Lock and Key is in the process of changing the locking mechanisms on all the other doors per the Leagues' safety assessment. Britt and Tillson has measured and is in the process of providing drawings. They have ordered the glass. Once the materials come in, they will begin installing the safety glass in the Admin. Lobby. We are looking at around four months turnaround.

Bill Moore Community Park

Public Works removed another log jam for the walk bridge over Cane Creek. The debris has been hauled away.



FLETCHER POLICE DEPARTMENT

TEAMWORK - PROFESSIONALISM - DEDICATION

DANIEL D. TERRY
CHIEF

MEMORANDUM

To: Mark Biberdorf, Town Manager
From: Chief D. Terry
Date: February 1, 2024
Re: January 2024 Monthly Report

Training & Professional Development:

- Detective Gonzalez attended a four-day Reid Interview & Interrogation Course.
- Sergeant Beddingfield attended a one day intoxilyzer recertification class so he can perform the breath test on suspected DWI offenders.
- Sergeant Diaz continued his studies at NC State's Law Enforcement Executive Program. This training is taught on the campus of NC State, held one week a month for four months.
- Chief Terry along with the Director of Law Enforcement Training from Blue Ridge Community College attended, observed, and reviewed a 2-day course called Serving & Protecting in the 21st Century hosted in Wilson County. The purpose of attending the course was to decide if said class should be sponsored and hosted in WNC.

We had a total of 437 calls for service for the month of January. This does not include 1198 extra security checks. Fifty incident reports were filed. Seventeen of these incidents required some type of investigative follow-up to be conducted. Fifty-six citations were issued for a total of 68 charges. Twelve auto accidents were reported and 24 arrests made.

Activities of interest for the month of January include:

- Installation of the department's new Body Worn Cameras began. Complete installation and implementation should occur by the end of February.
- A senior from West Henderson High who is planning on obtaining a bachelor's degree in criminal justice before moving on to law school began an internship with the department this month. She must obtain 120 hours under the supervision and assignment of the department by the end of the spring school semester.
- The department had more DWI arrests (53) in 2023 than any year prior. We started 2024 with six DWI arrests in January.

300 OLD CANE CREEK ROAD, FLETCHER NC 28732
PHONE (828) 687-7922 – FAX (828) 654-8046
Email: d.terry@fletchernc.org

- The suspect that committed a robbery on Colken Way, reported in January 2023, was sentenced this month to approximately 13 years in prison. In that case the offender knocked on the door of a residence, confronted the homeowner and threatened to harm them if they did not hand over their car keys. The offender then stole their vehicle.
- An offender broke into Tan Epic on Hendersonville Road overnight. The front window was broken and cash box taken from inside. In addition, there were attempts to break into three other businesses on Hendersonville Road the same night. The offender was identified and is responsible for numerous other break-ins in Buncombe County. He was charged with multiple breaking and entering offenses and is presently in Buncombe County Jail.
- A traffic stop was conducted. After searching the vehicle based upon the odor of marijuana, Suboxone strips and related materials were located suggesting the items in possession of the offender were intended to be sold. The offender also had prior history for drug distribution. He was arrested and charged with Possession with Intent to Manufacture, Sell or Deliver a Schedule 3 Controlled Substance, among other charges.
- Officers investigated a Breaking and Entering to a Motor Vehicle where numerous tools were stolen from Rain Dance Roofing. A vehicle description of the offender was obtained. Two days later, a vehicle matching the description was located and stopped. The driver was identified as offender and arrested, charged with several felonies to include, Breaking and Entering, Larceny from Motor Vehicle, and Possession of Methamphetamine. Several tools were also recovered.
- An armed robbery occurred at the Cheap Chips-Citgo Station at 4091 Hendersonville Rd. A masked male offender, entered armed with a firearm, and demanded the clerk put cash inside a bag. This investigation is still ongoing.
- Officers observed a vehicle matching a vehicle stolen in an armed robbery in Henderson County the night before. Officers confirmed the vehicle was in fact the one reported stolen and conducted a traffic stop taking three people into custody. The offenders were turned over to Henderson County Sheriff's Office as they were they original investigating agency.

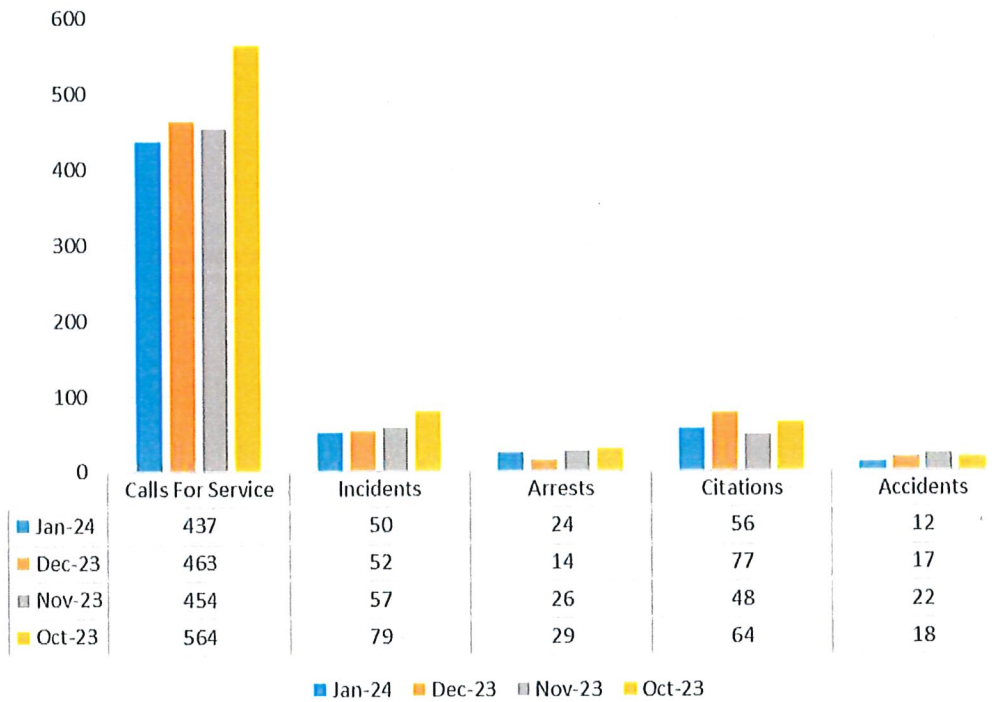
Respectfully Submitted,



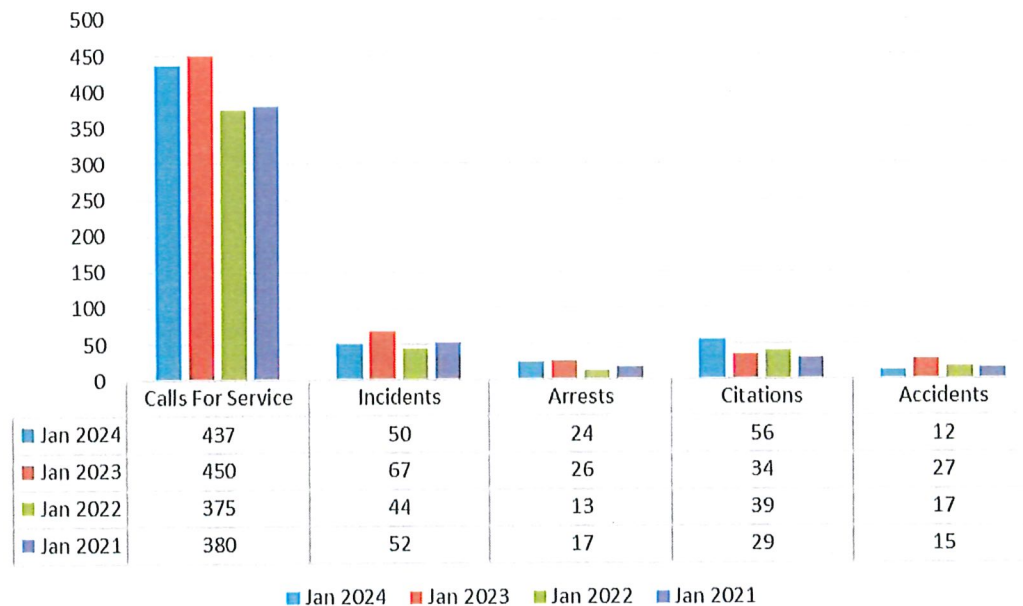
Chief Dan Terry

300 OLD CANE CREEK ROAD, FLETCHER NC 28732
 PHONE (828) 687-7922 – FAX (828) 654-8046
 Email: d.terry@fletchernc.org

Fletcher Police Department - January - 2024 Monthly Comparison



Fletcher Police Department - January - 2024 Yearly Comparison



300 OLD CANE CREEK ROAD, FLETCHER NC 28732
 PHONE (828) 687-7922 – FAX (828) 654-8046
 Email: d.terry@fletchernc.org



FLETCHER POLICE DEPARTMENT

TEAMWORK - PROFESSIONALISM - DEDICATION

DANIEL D. TERRY
CHIEF

January 31, 2024

To: Manager Biberdorf
From: Chief Terry
Subject: 2023 Statistics

Manager Biberdorf,

Attached you will find statistics related to department activity for 2023. Included is graphs demonstrating a comparison between 2023 and prior years. Overall, I believe the department, and hence the community is leaning in a positive direction as it relates to public safety. Some of the takeaways include the following:

- Traffic crashes are down slightly.
- Actual calls for service (911 calls) have increased. They are at their highest levels for the last nine years. This should be monitored as it may reflect a change in community expectations, a new problem or concern within the community, or the result of increased population.
- Self-initiated activity by the members of the department has increased, to include an increase in traffic citations and arrests.
- Crime has been decreasing the last few years.
- The department had more felony arrests, misdemeanor arrests, DWI arrests, and total arrests in 2023 compared to the last eleven years.
- There was a slight decrease in the amount of shifts were only two patrol officers were working. The goal is to have three officers per shift. There is still a strong need to improve in this area. Recruiting and hiring new officers will help.

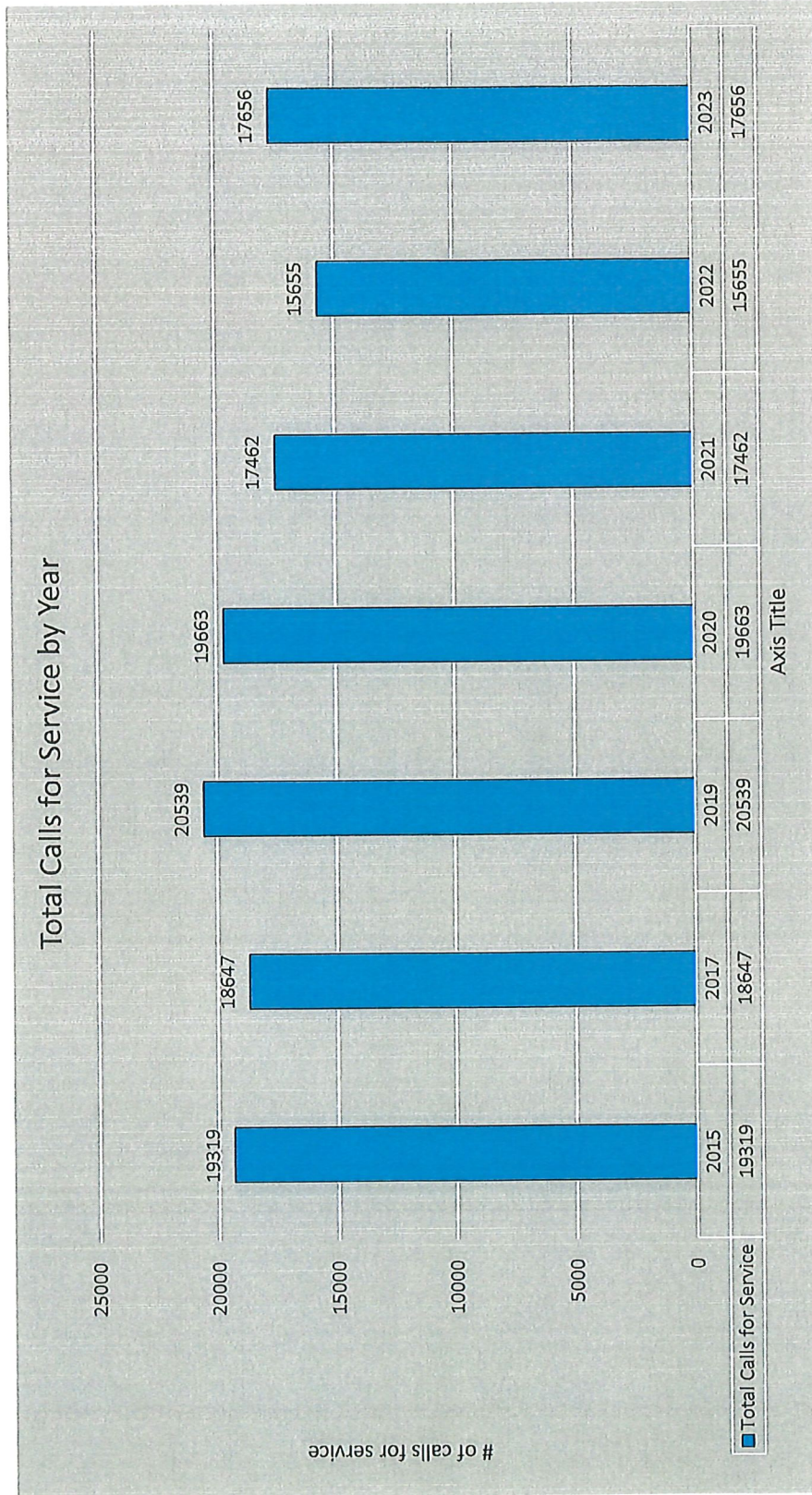
Please share the information with council as you deem appropriate.

Respectfully,

D. Terry

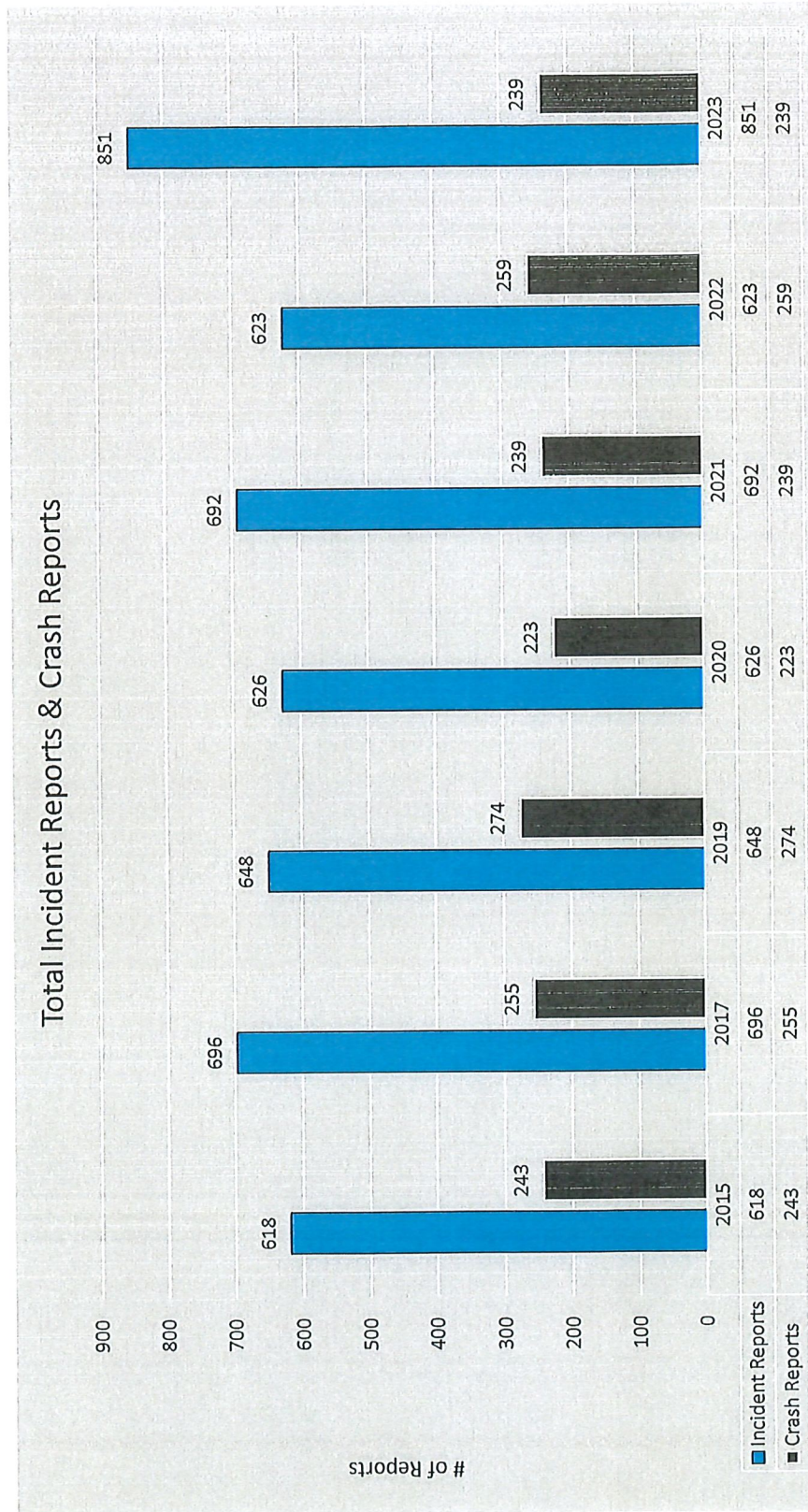
300 OLD CANE CREEK ROAD, FLETCHER NC 28732
PHONE (828) 687-7922 – FAX (828) 654-8046
Email: d.terry@fletchernc.org

Table #

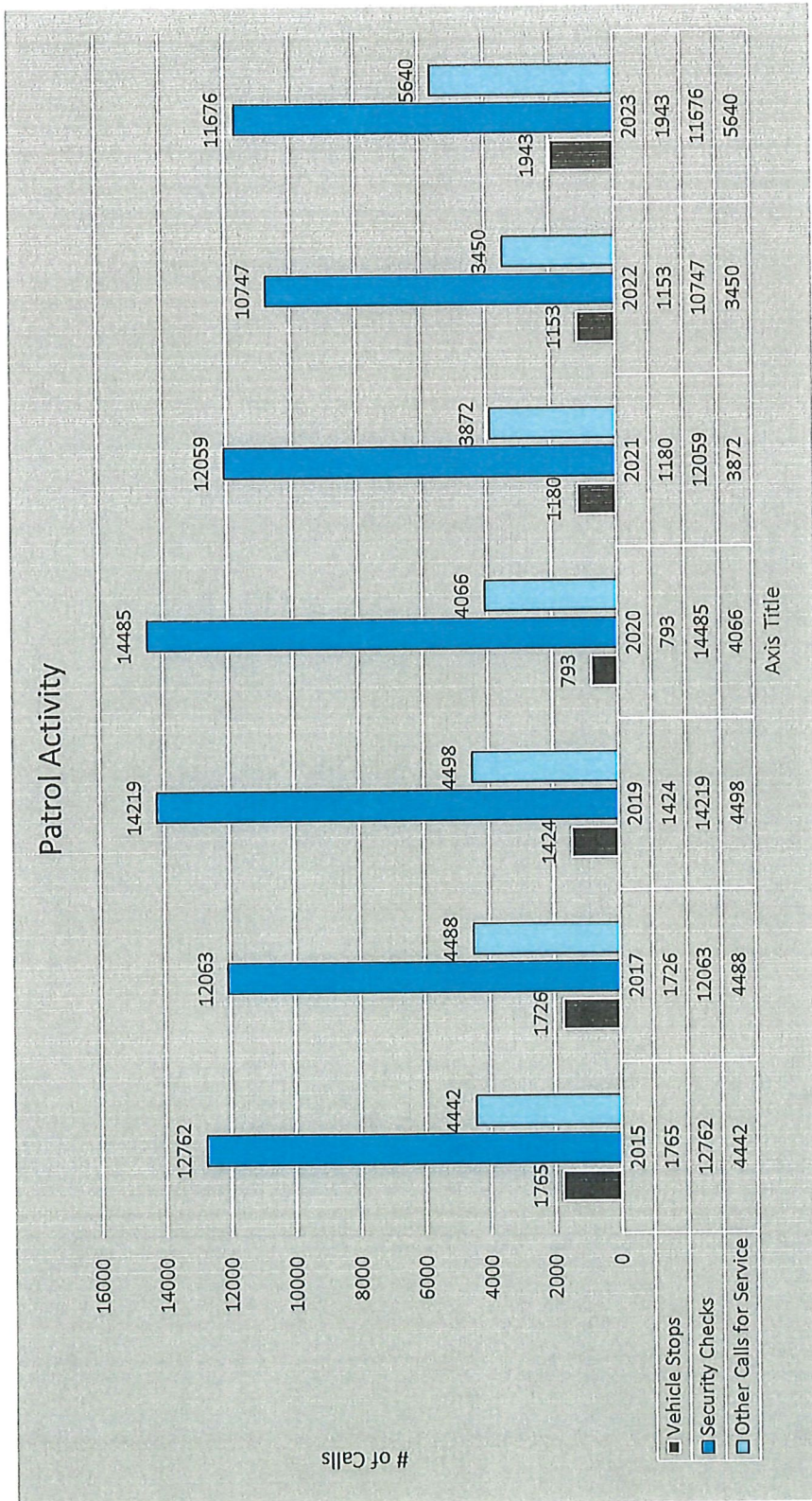


Comments: This table depicts the total number of calls for service from years 2015 through 2021 (9 years). The following table breaks down these calls for service between 911 calls and officer's self initiated activity.

Table #

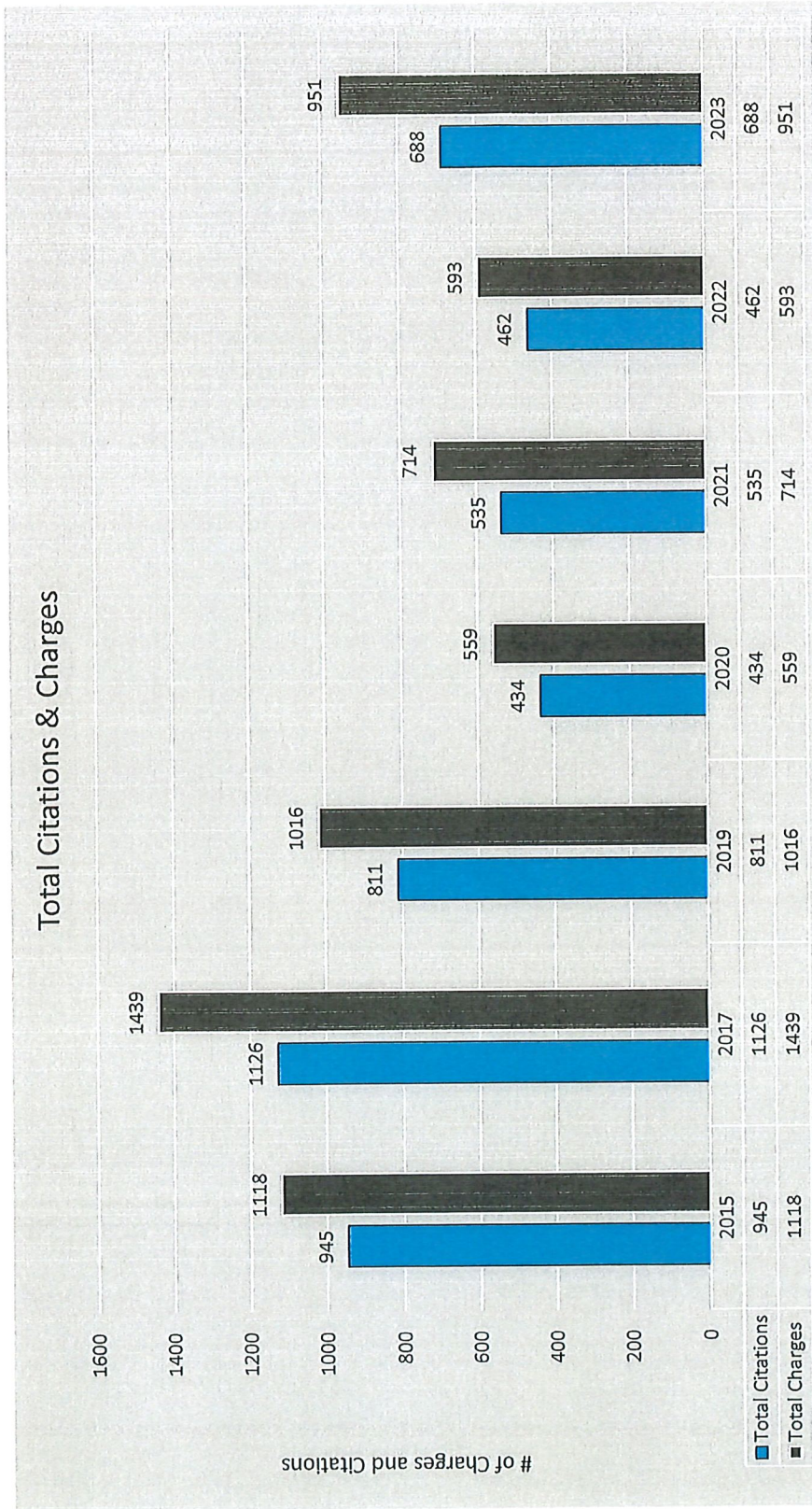


Comments: This table reflects the total number of written reports completed, including incident and accident reports. The number of reports have remained fairly consistent in previous years until 2023 where a significant increase was observed. The increase of incident reports in part is due to the increase in arrests, most of which were self-initiated versus officers responding to a 911 call. There was a slight decrease in accident reports.

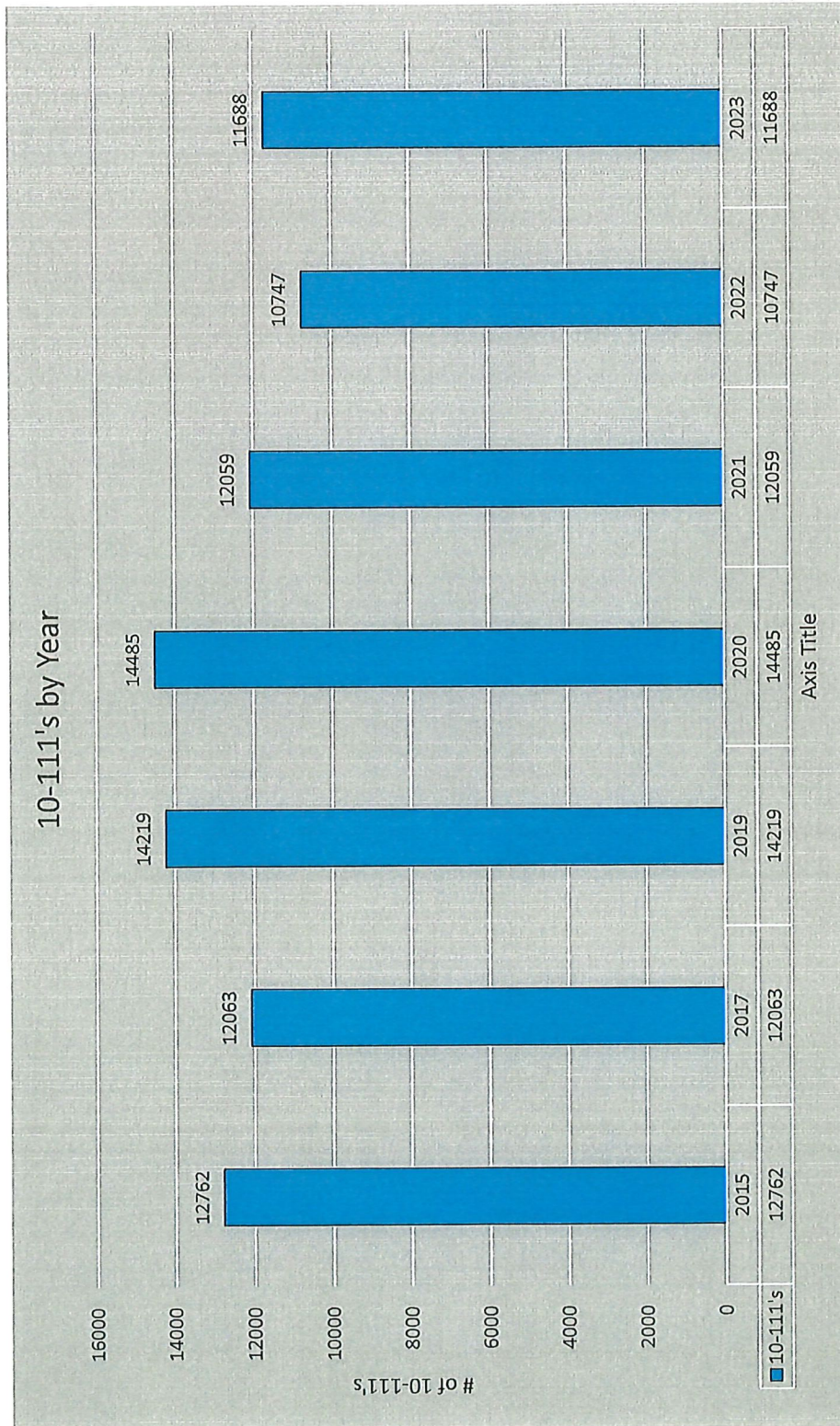


Comments: The light blue bar reflects actual 911 calls for service. Calls for service have remained fairly consistent until this year where an increase has been noted. With predicted population growth, housing construction, new businesses, and displacement of police-community problems from other areas, this increase in calls for service is expected. This should monitored moving forward as it may reflect changing attitudes and community expectations. The dark blue bar is self initiated neighborhood patrols and the black bar is self initiated vehicle stops. Self initiated activity directly relates to patrol staffing. When staffing is short there will be a decrease in this activity. When staffing is increased you can expect an increase in these numbers if "other calls for service" (911 calls) remain the same. **Note: The decrease in vehicle stops for 2020 are directly related to COVID as officers were instructed to minimize unnecessary contact with the public.**

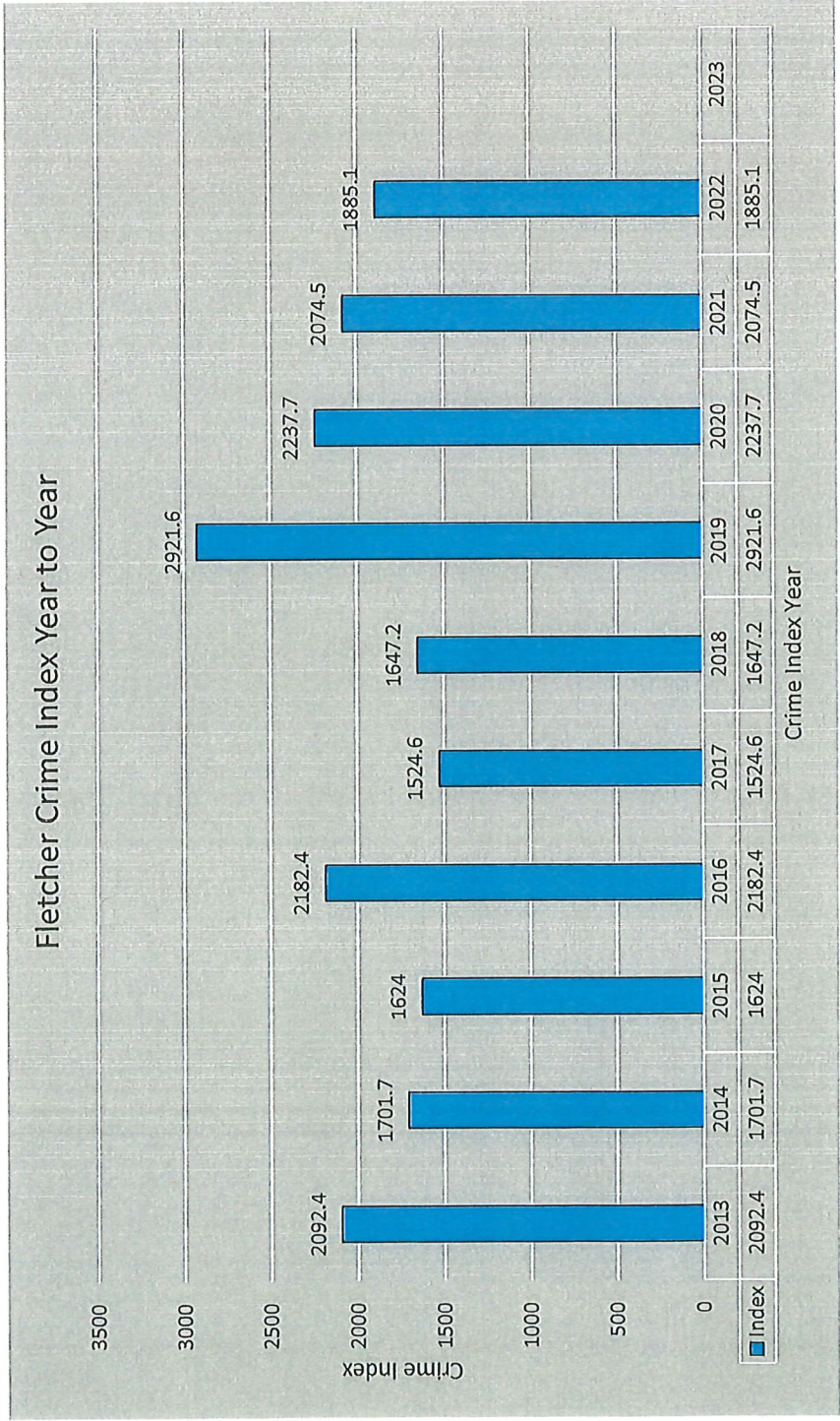
Table #



Comments: There was a modest increase in traffic citations this year after a significant decrease beginning in 2019.

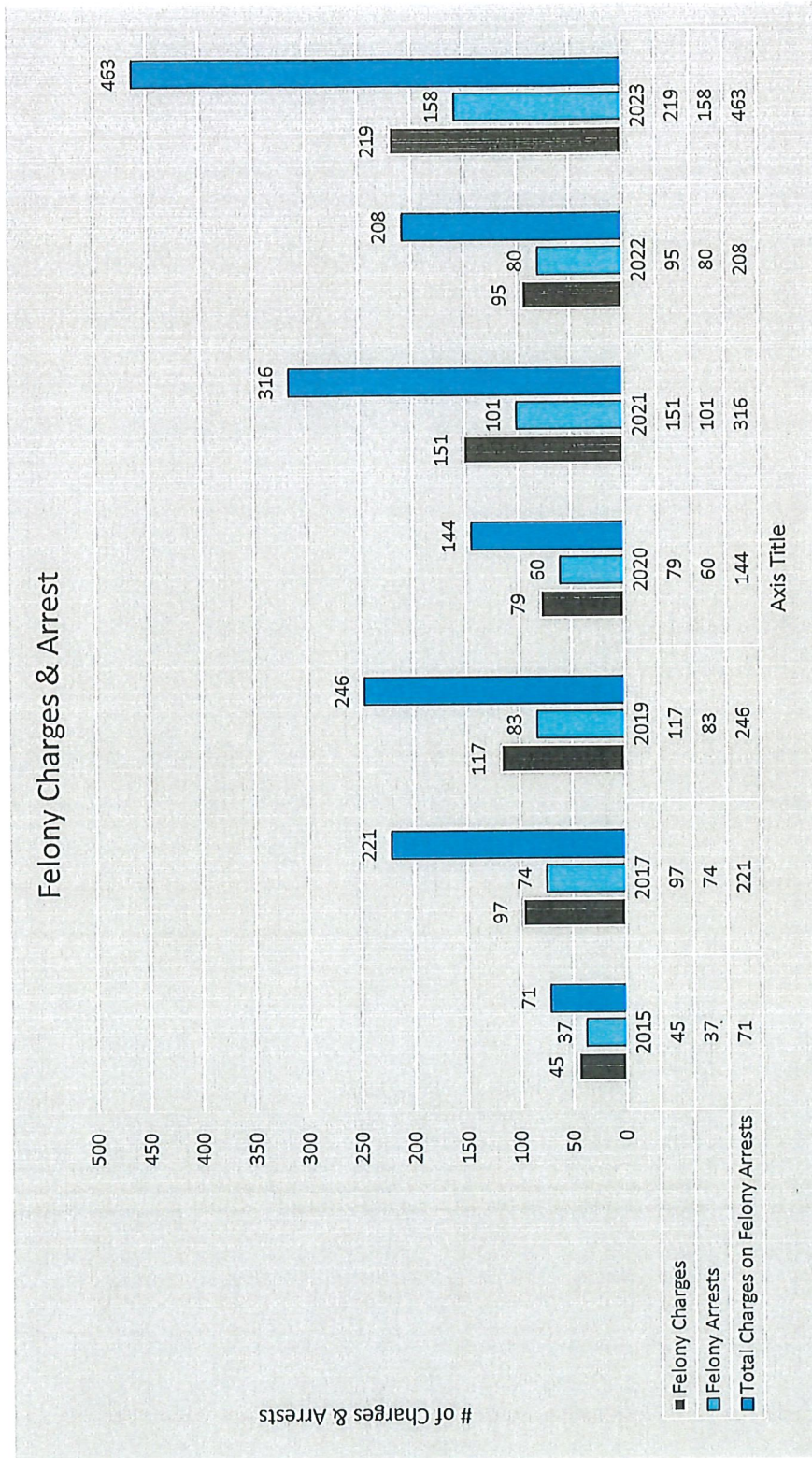


Comments: 10-111's are extra patrols. Officers typically log extra patrols when they self initiate a patrol of a specific location, such as a business or residential community, i.e. Livingston Farms, Industrial Park, Bill Moore Park.



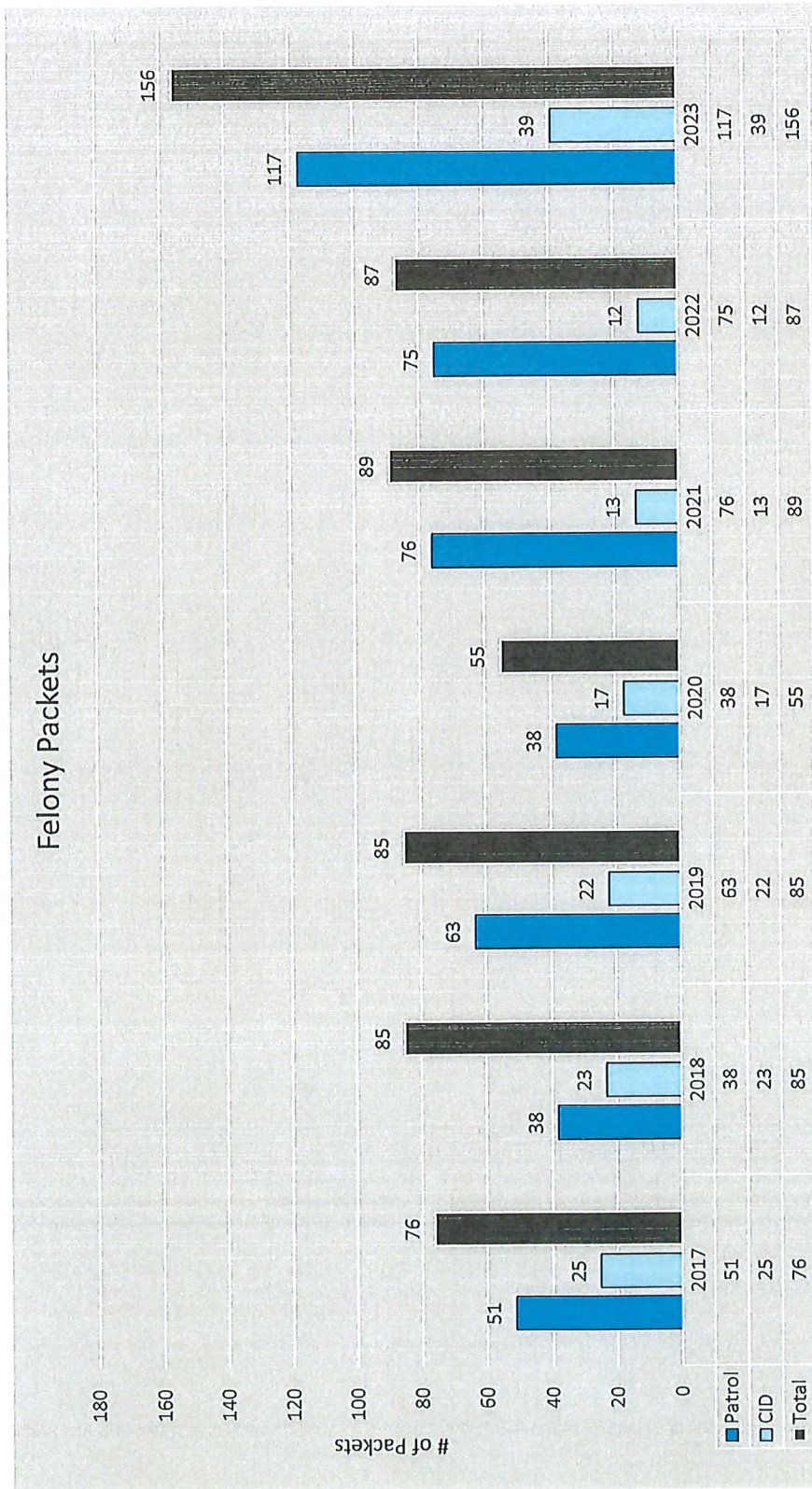
Comments: The Crime Index is based upon 100,000 residents. It would be expected if the Town of Fletcher had 100,000 residents, we could expect, in 2022, 1885 of them to have been victimized. This does not include all crime, but the top seven crimes as recorded by the FBI and SBI. The crime rate continues to trend downward. When the 2023 rates are released in July 2024, I expect to see an additional decline.

Table #



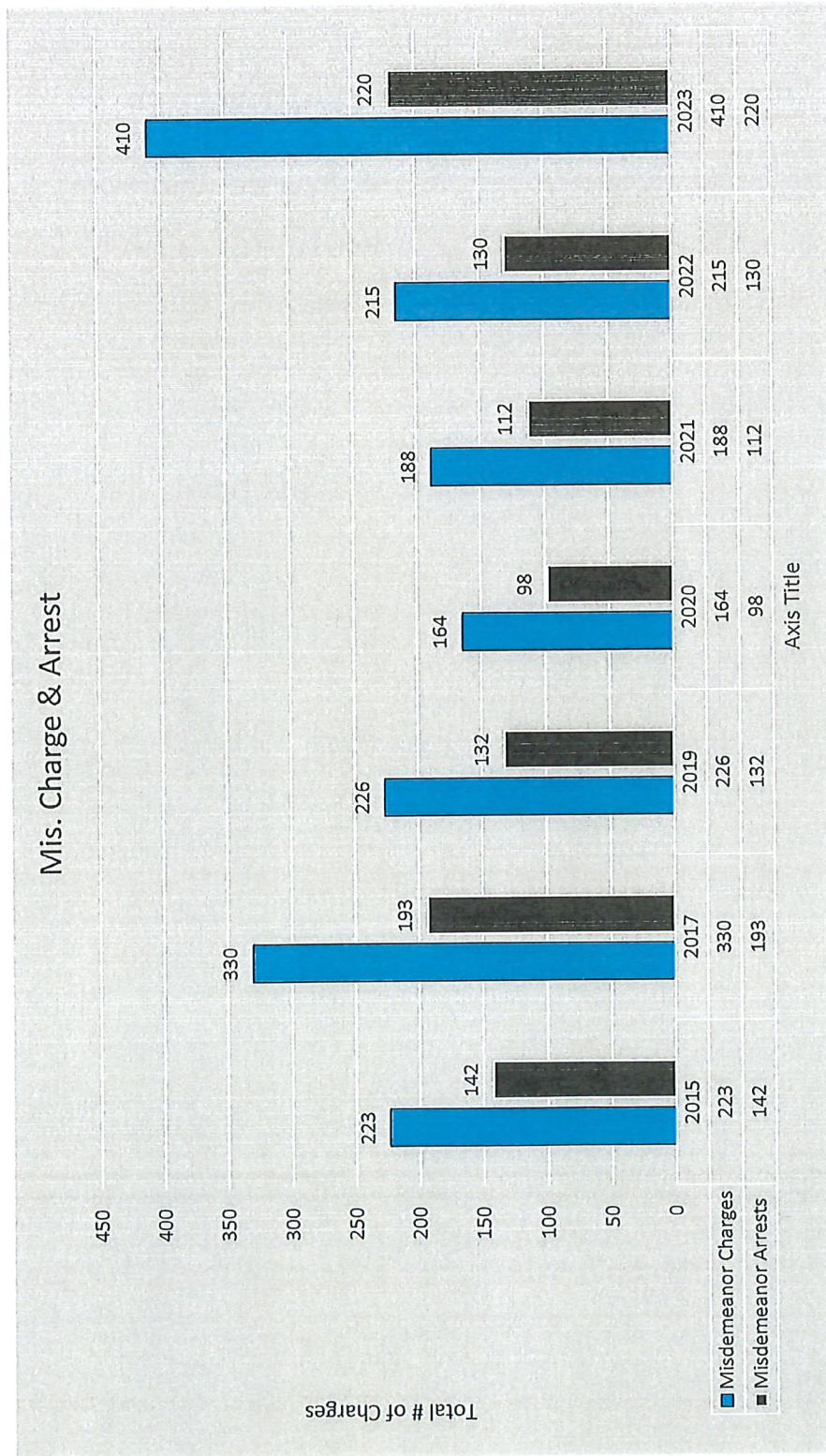
Comments: The light blue bar depicts the number of felony arrests made. The dark blue bar indicates the total amount of felony charges connected to those arrests. The black bar is the total amount of charges both felony and misdemeanor connected to the felony arrests. **Misdemeanor only** arrests are not included in this graph. In the last 9 years there has been a significant increase in the amount of felony arrests made, with this year (2023) being the highest ever. It is my opinion that the increase is not contributed to any significant increase in criminal behavior, but to the diligence of the officers committed to make a positive impact on public safety in the community.

Table #



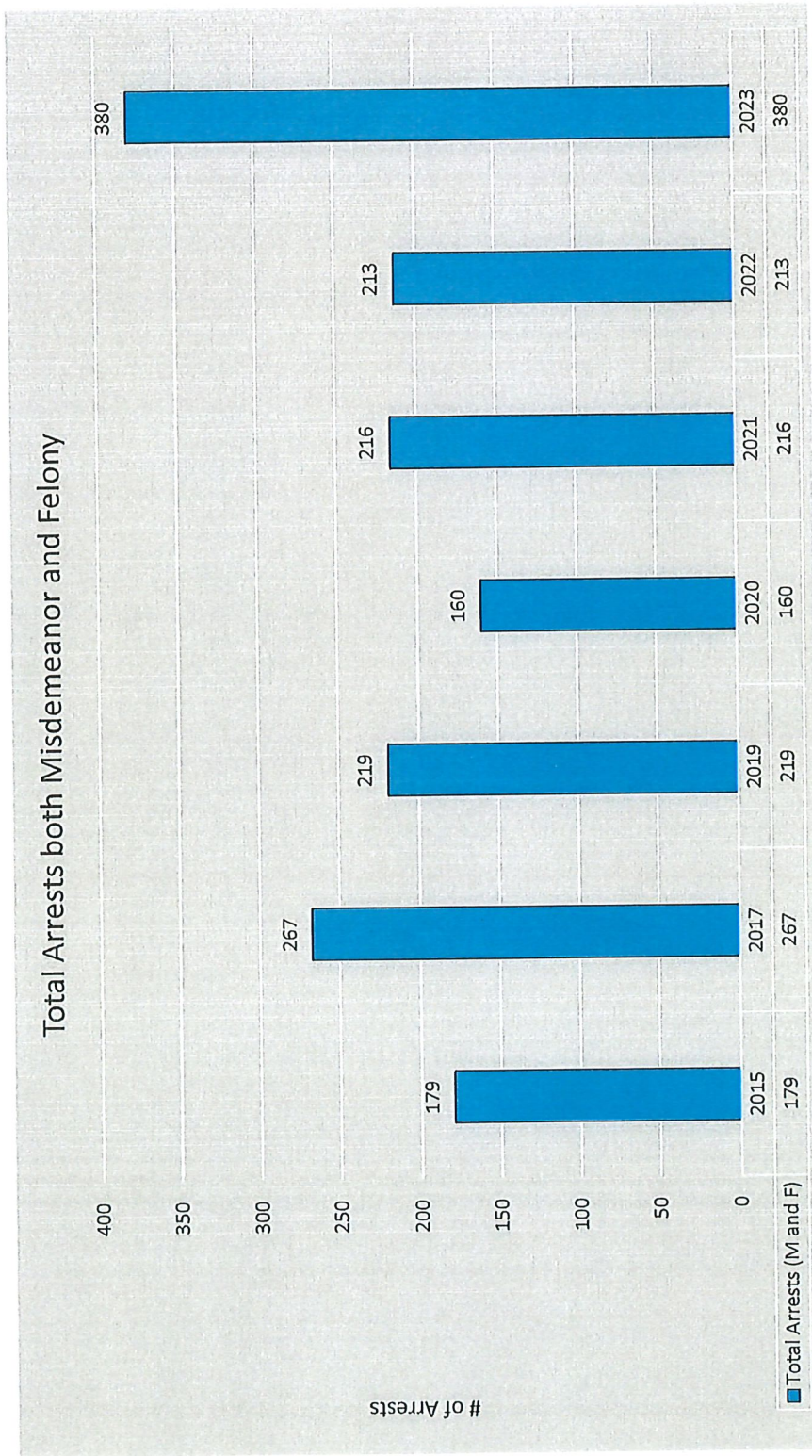
Comments: This graph depicts the number of felony packets completed by division (CID vs. Patrol). There continues to be an increase in the amount of felony packets being completed by both CID and Patrol. Felony arrests require more man hours to process than misdemeanor arrests. There is more investigative follow up, evidence processing, time in court, and the D.A.'s office requires a felony packet be completed. Each felony packet takes about 1.5 hours to complete.

Table #

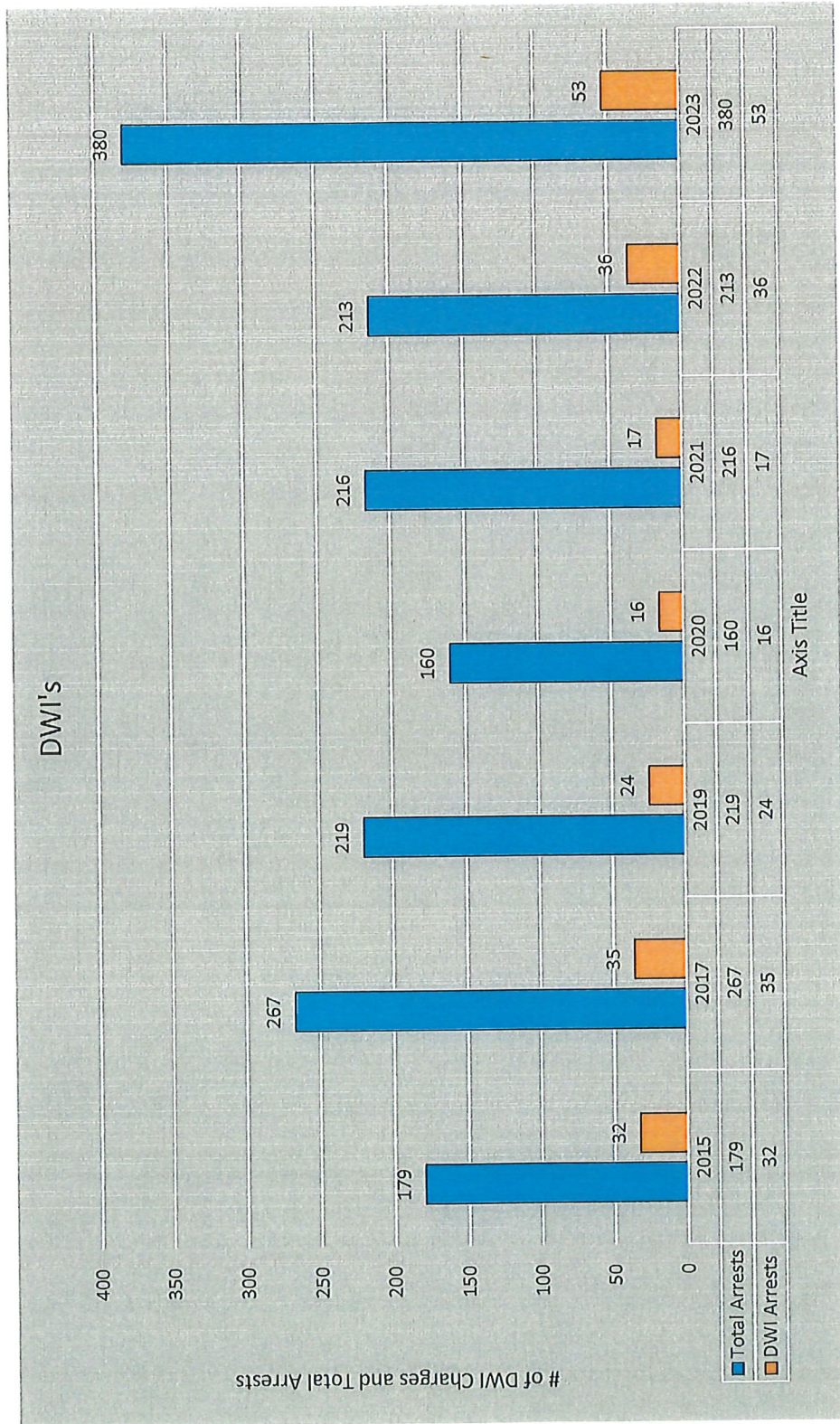


Comments: After a decrease following 2019, this year there was a significant increase with 220 misdemeanor arrests being made for a total of 410 charges. This is the highest amount of arrests in the last nine years.

Table #

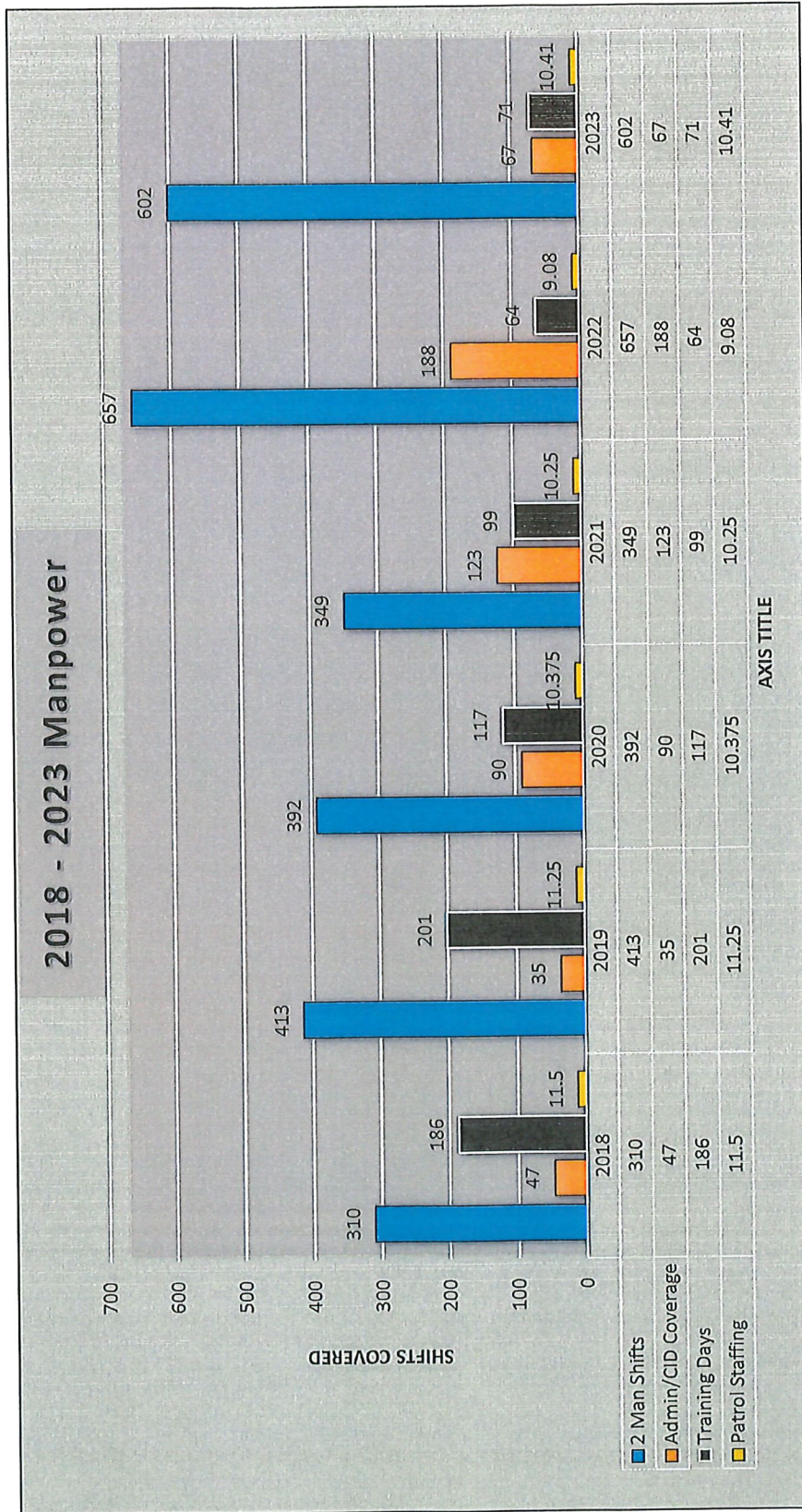


Comments: After remaining fairly stable over the past several years, 2023 brought about a significant increase in arrests.



Comments: This graph demonstrates the amount of DWI arrests made. 2023 has had more DWI arrests than any previous year recorded (last 11 years).

Table #



Comments: The department's goal is to maintain three officers working per shift. There are 730 shifts per year (365 x 2). The blue bar depicts how many of the 730 shifts there were only two officers working. The orange bar reflects the number of shifts where a member of the administration (captain or chief) or a detective had to fill in so two officers were working. Filling in on patrol takes members from their own duties. The black bar reflects the amount of training shifts per year. Typically, as the need for admin. or CID to fill in for patrol goes up, the amount of training available to officers goes down.