

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, MAY 8, 2012, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Diane Barrett

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Bob Keith called the meeting to order at 7:00 p.m.

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Council members led the pledge of allegiance.

PRESENT AWARD OF APPRECIATION TO NANCY MCNARY

Mayor Keith presented an award of appreciation on behalf of Town Council to Nancy McNary for notable contribution to the Town of Lake Lure Board of Adjustment/Lake Structure Appeals Board from July, 2004 until April, 2012.

APPROVE THE AGENDA

Commissioner Mary Ann Silvey made a motion to approve the agenda as amended adding an item as 10e under New Business to discuss a request from the Chamber of Commerce regarding volunteers and an item as 8d under the consent agenda directing the Zoning and Planning Board to study duplexes in the R-2 general residential zoning district.

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Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak on any non-agenda items and/or consent agenda topics.

Margot Harrison of 185 Knight Hollow Way presented a request asking council to waive the fee for use of the Community Hall for a free yoga class that she would like to start teaching.

Town council directed town manager Chris Braund to work with Ms. Harrison to get the yoga classes scheduled in the Community Hall.

Art Killian of 485 Winesap Road spoke regarding an existing duplex that he is considering purchasing in the R-2 zoning district. Since duplexes are no longer allowed in R-2, the structure is considered nonconforming. Mr. Killian requested that council review this matter.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated May 8, 2012. (Copy of the town manager's report is attached)

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Diane Barrett reported on the activities of the Parks and Recreation Board. Commissioner Barrett also presented a recommendation on behalf of the Parks and Recreation Board requesting that dog owners be required to keep their dogs leashed and under control while on town property. Council agreed to consider a potential dog leash ordinance at a later meeting. Commissioner Barrett also announced that Parks and Recreation Board meeting will now begin at 3:00 p.m. instead of 1:30 p.m.

Commissioner John Moore stated that the Zoning/Planning Board did not meet last month so he did not have a report.

Commissioner Mary Ann Silvey reported on the activities of the Lake Advisory Board and the activities of the Lake Lure ABC Board.

Commissioner Bob Cameron reported on the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board.

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| CONSENT AGENDA |
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Mayor Bob Keith presented the consent agenda and asked if any items should be removed before calling for action.

Commissioner Bob Cameron moved, seconded by Commission Mary Ann Silvey, to approve the consent agenda items as amended. Therefore, the consent agenda incorporating the following items was unanimously approved:

- a. minutes of the April 10, 2012 (Regular Meeting);
- b. the following budget amendment regarding a fire department rescue equipment grant from the North Carolina Department of Insurance as presented by Finance Director Sam Karr

| | <u>Revenue</u> | <u>Expense</u> |
|--|----------------|----------------|
| <u>General Fund</u> | | |
| 10-332943 Fire Dept – NC Dept of Ins Grant | \$4,524 | |
| 10-434000-218 Fire Dept – Supplies Equipment | | \$4,524 |

- c. a request submitted by Tom McKay on behalf of the board of directors of the Lake Lure Dragon Boat Race to use town property on June 9, 2012 for the 5th Annual Dragon Boat Race and Festival. Also, suspend the town's peddling ordinance for the event; and
- d. direct the Zoning and Planning Board to study duplexes in the R-2 general residential zoning district as outlined in memo dated May 8, 2012 from Zoning Administrator Sheila Spice (Copy of memo is attached).

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| UNFINISHED BUSINESS: |
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| a. OTHER UNFINISHED BUSINESS |
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Commissioner Diane Barrett asked about the status of the legislation regarding property for Lake Lure Classical Academy. Town Manager Chris Braund stated the town's resolution has gone to State Representative Mike Hager.

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Commissioner Diane Barrett asked for an update regarding a sentence that she requested be revised in the contract with Byers Environment that was approved at the April town council meeting. Town Manager Chris Braund informed council that the sentence in question was stricken from the contract.

NEW BUSINESS:

a. CONSIDER APPROVAL OF A BUDGET AMENDMENT REGARDING THE WASHBURN MARINA PROJECT

Town Manager Chris Braund and Parks and Recreation Board Chairman Ed Dittmer gave an overview of proposed amendments to the Washburn Marina Project Ordinance.

Commissioner Diane Barrett made a motion to approve the following budget amendment:

Washburn Marina Project

| | <u>Current</u> | <u>Requested Amendment</u> | <u>Amended</u> |
|---|-------------------|--------------------------------|-------------------|
| Debt Issuance Costs | \$ 4,725 | \$ | \$ 4,725 |
| Permits and Engineering | 14,425 | 2,000 ¹ | 16,425 |
| Demolition | 26,015 | | 26,015 |
| Dredging, Shoreline Stabilization & Walkway | 55,092 | 4,200 ² | 59,292 |
| Construction – Seawall, Docks & Fuel Tank | 434,334 | 834 ³ | 435,168 |
| Landscaping | 10,000 | 17,700 ⁴ | 27,700 |
| Equipment/Fixtures | 18,000 | 1,643 ⁵ | 19,643 |
| Lake Lure Tours Office | 49,020 | 800 ³ | 49,820 |
| Contingency | 38,389 | (27,177) | 11,212 |
| Total | \$ 650,000 | \$ - | \$ 650,000 |

¹Amendment to Permits and Engineering due to flood plain certifications \$2,000

²Amendment to Dredging, Shoreline Stabilization & Walkway:

WALKWAY

- Change Order Edwards 2b – Adjustments to the cost of removing asphalt in parking lot, grading, sawing of lot and repaving the parking lot to join the new sidewalk (the Council previously approved changes to the paving strategy to include concrete rather than asphalt and to add some parking lot repaving in the amount of \$30,000. Due to additional work needed, an additional cost of \$4,200 over the \$30,000 was incurred).

\$ 4,200

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³The amendment to Construction – Seawall, Docks & Fuel Tank:

FUEL TANK

- Change Order CS&DB 5 – elevation shot for relocation of the fuel tank and roping \$ 834

The amendment to Lake Lure Tours Office

- Change Order CS&DB 5 – Gutters and downspouts \$ 800

⁴Amendment to Landscaping:

PERGOLA

Construction Contract (Vendor – Round Table) \$14,789

Quote from Round Table is attached

Plantings 700

Contingency on Contract 1,011

Total Pergola \$16,500

2 6X6 Pilings, 1 round \$ 1,050

Total Landscaping \$17,700

⁵ Amendment to Equipment:

Lake Level Gauge \$318

Electrician for Dock Lights 250

Pressure Tank 75

Memorial Plaque 1,000

Total Equipment \$1,643

TOTAL TO TRANSFER FROM CONTINGENCY \$27,177

Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. CONSIDER A REQUEST SUBMITTED BY CUSTOMER SERVICE SUPERVISOR LINDA WARD REGARDING RENTAL FEES FOR THE MORSE PARK MEADOWS

Commissioner John Moore requested that council consider this request at a later meeting to allow council members more time to review the rate schedule.

Council took no action regarding this item.

NEW BUSINESS:

c. CONSIDER ADOPTION OF RESOLUTION NO. 12-05-08 AMENDING THE PERSONNEL POLICY OF THE TOWN OF LAKE LURE ARTICLE X, SECTION 7 SEPERATION ALLOWANCE/LAW ENFORCEMENT 401K AND ARTICLE VI, SECTION 18 WORK CONDITIONS AND EXPECTATIONS

Town Manager Chris Braund gave a brief overview of proposed Resolution no. 12-05-08.

After discussion Commissioner Diane Barrett made a motion to adopt Resolution No. 12-05-08 Amending the Personnel Policy of the Town of Lake Lure Article X, Section 7 Separation Allowance/Law Enforcement 401K and Article VI, Section 18 Work Conditions and Expectations. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 12-05-08

**AMENDING THE PERSONNEL POLICY OF THE
TOWN OF LAKE LURE ARTICLE X, SECTION 7
SEPARATION ALLOWANCE/LAW ENFORCEMENT 401K
AND ARTICLE VI, SECTION 18, WORK CONDITIONS
AND EXPECTATIONS**

WHEREAS, the Mayor and Council Members of the Town of Lake Lure recognize the importance of their municipal employees and have adopted a personnel policy manual establishing the rules and regulations governing employment by the town; and

WHEREAS, it is recommended by the Personnel Director that Article X, Section 7, Separation Allowance/Law Enforcement 401k be updated to keep our policy consistent with current changes in the General Statutes 143-166.42; and

WHEREAS, it is recommended by the Personnel Director that Article VI be amended to follow employment best practices by adding Work Conditions and Expectations Section 18 Electronic Communications.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LAKE LURE NORTH CAROLINA:

Article X, Section 7. § 143-166.42 Special separation allowances for local officers.

(a) On and after January 1, 1987, every sworn law enforcement officer as defined by G.S. 128-21(11b) or G.S. 143-166.50(a)(3) employed by a local government employer who qualifies under this section shall receive, beginning in the month in which the officer retires on a basic service retirement under the provisions of G.S. 128-27(a), an annual separation allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service. The

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allowance shall be paid in equal installments on the payroll frequency used by the employer. To qualify for the allowance, the officer shall:

(1) Have (i) completed 30 or more years of creditable service or (ii) have attained 55 years of age and completed five or more years of creditable service; and

(2) Not have attained 62 years of age; and

(3) Have completed at least five years of continuous service as a law enforcement officer as herein defined immediately preceding a service retirement. Any break in the continuous service required by this subsection because of disability retirement or disability salary continuation benefits shall not adversely affect an officer's qualification to receive the allowance, provided the officer returns to service within 45 days after the disability benefits cease and is otherwise qualified to receive the allowance.

(b) As used in this section, "creditable service" means the service for which credit is allowed under the retirement system of which the officer is a member, provided that at least fifty percent (50%) of the service is as a law enforcement officer as herein defined.

(c) Payment to a retired officer under the provisions of this section shall cease at the first of:

(1) The death of the officer;

(2) The last day of the month in which the officer attains 62 years of age; or

(3) The first day of reemployment by a local government employer in any capacity.

Notwithstanding the provisions of subdivision (3) of this subsection, a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so shall not cause payment to cease to those officers under the provisions of this section.

(d) This section does not affect the benefits to which an individual may be entitled from State, local, federal, or private retirement systems. The benefits payable under this section shall not be subject to any increases in salary or retirement allowances that may be authorized by local government employers or for retired employees of local governments.

(e) The governing body of each local employer shall determine the eligibility of employees for the benefits provided herein.

(f) The governing body of each local employer shall make the payments set forth in subsection (a) of this section to those persons certified under subsection (e) of this section from funds available. (1985 (Reg. Sess., 1986), c. 1019, s. 2; 2009-396, s. 1.)

Article VI, Section 18. Electronic Communications: It is strictly prohibited for an employee to use any kind of device, including but not limited to tape recorders and video recorders, to record conversations or activities of other employees without the prior written approval of the Town Manager. It is also strictly prohibited and in some cases illegal for any authorized or unauthorized recordings or images of Town employees to be disseminated outside of the Town or for any use besides the exact authorized use.

Appropriate Use:

Employees and officials are expected to use Town technology resources responsibly and professionally and with respect to others. Unless otherwise authorized in the performance of a particular job duty, Town technology resource prohibited uses include, but are not limited to:

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Uses that infringe on the rights of others, including the right to privacy and uses that defame others;

Visiting internet sites and sending or storing records, images and data that compromise the integrity of the Town and its business or reflects negatively on the town in any way. This prohibition includes visiting sites or sending or storing records, images, and data that contain material inappropriate for a workplace. Material that is inappropriate for the workplace includes, but is not limited to, material that is abusive of another, obscene, pornographic, or that offensively addresses another's age, gender, race, ethnicity, sexual orientation, religious beliefs, national origin, or disability;

Uses that violate Town policy or procedures, including the Town's harassment policies; and uses that constitute illegal activities or encourage illegal activities.

Each internet capable workstation will be configured to allow the screening and review of sites visited on the internet.

If an employee uses Town technology resources in a manner that violates this Policy or other Town Policies, then appropriate disciplinary action up to and including dismissal may be taken.

Personal Use of Town Technology Resources:

Limited personal use of Town technology resources is allowed with the following restrictions and is subject to all the rules in this Policy, including access and monitoring.

There must be no cost to the town.

Town technology resources may not be used to operate a personal business, for political activity or for solicitation of any kind.

No unauthorized individual is allowed to use Town technology resources at any time (including family members and friends).

Employees and officials should ensure that personal use of Town technology resources does not express or imply sponsorship or endorsement by the Town.

Employees and officials should not use Town employee address lists for personal purposes.

Employees may use personally owned technology equipment, such as cell phones or smart phones, etc., while on the job provided such use is limited and does not distract from or interfere with an employee's obligation to carry out Town duties in a timely and effective manner, does not interfere with other employees or officials performing their duties, does not undermine the use of any Town technology resources, and provided that such use does not otherwise violate Town Policies and procedures.

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Any technology resources and/or equipment that is issued to any employee or officials remains the property of the Town of Lake Lure. In the event an employee is terminated or resigns, or is no longer working for the town in any capacity or an elected official resigns, is not reelected, or is no longer serving on the town board in any capacity, the Town issued technology resources/equipment is to be returned to the appropriate Town representative immediately or the employee and/or official will compensate the Town the current market value of the technology resources/equipment, in order to replace said technology resources/equipment.

Disclosure: Any communication received by a council member or employee of the Town, including e-mail and text messages on personal and Town technology resources in connection with the transaction of public business is a public record and subject to disclosure, unless the communication is deemed confidential by law.

This addition shall apply to all current as well as future employees.

Adopted this 8th day of May, 2012.

NEW BUSINESS:

d. BOARD APPOINTMENT – LAKE ADVISORY BOARD

Town Council members voted by written ballot. Since there was not a majority vote for a any candidate, council voted by written ballot again.

Since there still was not a majority of votes cast for a single candidate, Commissioner John Moore made a motion to appoint Gary Johnson, the applicant with the highest number of votes in the second vote, to serve on the Lake Advisory Board. Commissioner Bob Cameron seconded the motion. Commissioner John Moore, Commissioner Bob Cameron and Commissioner Mary Ann Silvey voted in favor of the motion. Commissioner Diane Barrett opposed.

The mayor announced the following results: appointed Gary Johnson to fill Tom McKay's regular position on the Lake Advisory Board with a term expiring December 31, 2013.

NEW BUSINESS:

e. REQUEST FOR VOLUNTEERS FOR THE VISITOR'S CENTER

Commissioner Diane Barret stated that she received an email from the TDA on behalf of themselves and the Hickory Nut Gorge Chamber stating that there is a 4-8 week period in May and June where they need volunteers in order to keep the Visitor Center open. Commissioner Barrett encouraged interested citizens to contact the TDA.

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| ADJOURN THE MEETING |
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Mayor Bob Keith announced that on June 12, 2012 the town will dedicate the new Washburn Marina.

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn this meeting. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ATTEST:

Andrea H. Calvert
Town Clerk

Mayor Bob Keith