



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, MAY 16, 2017, 6:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Pro Tem John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Stephen M. Webber
Ron Nalley, Town Manager

ABSENT: Mayor Bob Keith
William Morgan, Jr., Town Attorney

CALL TO ORDER

Mayor Pro Tem John Moore called the meeting to order at 6:00 p.m. and gave the invocation. Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Stephen Webber suggested that approval of suspension of the peddling ordinance for the Hickory Nut Outreach 2017 Spring Arts and Crafts Festival being held on Memorial Day Weekend, May 27-29 2017, be added as item E on the Consent Agenda. Commissioner Bob Cameron made a motion to approve the Agenda as amended. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

TOWN MANAGER COMMUNICATIONS

- Community Development Director Shannon Baldwin gave an update on a dilapidated structure located at 177 Tryon Bay Circle.
- Dam Operator Donnie McCraw gave an update on the small generator repairs at the dam.
- Larry Czajkoski, member of the Parks and Recreation Board, gave an update on the Weed Patch Mountain Trail and other Parks and Recreation projects.
- Town Manager Ron Nalley stated that representatives from various Town advisory boards have been brought together to form an ad hoc committee to

Page 2- Minutes of the May 16, 2017 Regular Council Meeting

review the Requests for Information (RFIs) for the Beach, Marina and Tour Boat Operations Concession Agreement.

PUBLIC HEARING:

A. LAKE LURE COMPREHENSIVE PLAN PROJECT CALENDAR FOR 2017-2027

Mayor Pro Tem John Moore opened the public hearing concerning the proposed Comprehensive Plan Project Calendar for 2017-2017.

Community Development Director Shannon Baldwin stated that a steering committee including the Mayor, Mayor-Pro Tem, Planning Board Chair, Planning Board Vice-Chair, Town Manager and Community Development Director was formed to develop a process to oversee the Comprehensive Plan Update process in July 2015. Vital Clarity, a consulting firm, was engaged to help design a streamlined process, complete with public input, to revise the Comprehensive Plan Implementation Matrix (Project Calendar). The 41 projects in the Calendar represent priorities identified by elected and appointed officials, citizens, stakeholders and staff taken from the original 2007 Implementation Matrix

Commissioner Stephen Webber made a motion to approve the “Comprehensive Plan Project Calendar for 2017-2027” which will serve as an update to the 2007-2027 Comprehensive Plan. Commissioner Bob Cameron seconded and the motion carried 4-0.

COUNCIL LIAISON REPORTS & COMMENTS

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

Mayor Pro Tem John Moore reported the activities of the Zoning and Planning Board.

Commissioner Stephen Webber reported the activities of the Board of Adjustment and the Parks and Recreation Board.

PUBLIC FORUM

Mayor Pro Tem John Moore invited the audience to speak during public forum.

Veryle Lynn Cox of 324 Snug Harbor Circle expressed concerns about an airplane that has been observed flying very low over the Lake on various occasions. Commissioner Bob Cameron explained that there is no minimum height requirement when flying over bodies of

Page 3- Minutes of the May 16, 2017 Regular Council Meeting

water and suggested that the Federal Aviation Association office in Asheville may be able to provide assistance with her concern. Council directed Town Staff to research this matter and determine if there is an option for the Town to recommend establishment of a minimum height of 1000 feet when flying over the waters of Lake Lure.

CONSENT AGENDA

Mayor Pro Tem John Moore presented the Consent Agenda and asked if any items should be removed before calling for action.

Commissioner Stephen Webber made a motion to approve the Consent Agenda as amended. Commissioner Bob Cameron seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Adopt the March 29, 2017 Special Meeting Minutes and the April 11, 2017 Regular Meeting Minutes.
- B. Declare the 2001 Chevrolet 4x4 pickup truck surplus and no longer necessary for conducting public business and to authorize the Town Manager to dispose of the surplus property in accordance with NCGS 160A-266.
- C. Approve the entrance sign to Pool Creek Picnic Park as presented.
- D. Adopt Budget Amendments 198 and 199.
- E. Suspend Chapter 61 of the Lake Lure Code of Ordinances for the Hickory Nut Outreach 2017 Spring Arts and Crafts Festival to be held on Memorial Day Weekend, May 27-29, 2017.

UNFINISHED BUSINESS:

A. 2017-2022 CAPITAL IMPROVEMENTS PLAN ADOPTION

Commissioner Bob Cameron made a motion to adopt the 2017-2022 Capital Improvements Plan as presented. Commissioner Mary Ann Silvey seconded. Commissioner John Moore stated that the public safety building included in the proposed plan has not been discussed in depth by Council and suggested that it be removed from the CIP. Commissioner Bob Cameron suggested that \$50,000 be placed in the CIP for the project instead of the proposed \$165,000.

Page 4- Minutes of the May 16, 2017 Regular Council Meeting

Following discussion, Commissioner John Moore made a motion to amend Commissioner Bob Cameron's original motion to adopt the 2017-2022 Capital Improvements Plan as presented by changing the year one amount for a public safety facility to \$50,000 while leaving the total cost for the project blank in the CIP and listing Public Safety/Police/Public Works as the department for the public safety facility. Commissioner Bob Cameron seconded the motion to amend, Commissioner Bob Cameron and Commissioner John Moore voted in favor of the amendment. Commissioner Mary Ann Silvey and Commissioner Stephen Webber opposed. With a vote of 2-2, the motion to amended did not carry

Commissioner Mary Ann Silvey and Commissioner Stephen Webber voted in favor of the original motion to adopt the 2017-2022 Capital Improvements Plan as presented. Commissioner John Moore and Commissioner Bob Cameron opposed. With a vote of 2-2, the motion did not carry.

Following discussion, Commissioner John Moore made a motion to adopt the 2017-2022 Capital Improvements Plan as amended moving item number 12, a public safety facility, to the bottom of the list of projects and renumber it as number 23. Commissioner Stephen Webber seconded the motion. Commissioner Mary Ann Silvey did not vote. The motion carried 4-0.

NEW BUSINESS:

A. 2017-2018 ANNUAL BUDGET PRESENTATION AND CALL FOR PUBLIC HEARING

Commissioner Stephen Webber made a motion to call for a Public Hearing on June 13, 2017 at 6:00 p.m. or as soon thereafter as possible to discuss the proposed 2017-2018 Annual Budget. Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner Stephen Webber made a motion to call a Special Town Council meeting on May 24, 2017 at 9:30am. To discuss the proposed 2017-2018 Budget. Commissioner Bob Cameron seconded and the motion carried 4-0.

NEW BUSINESS:

B. LAKE LURE COMPREHENSIVE PLAN PROJECT CALENDAR FOR 2017-2027

This item was adopted following the public hearing for the Lake Lure Comprehensive Plan Project Calendar for 2017-2027. (Copy of the Lake Lure Comprehensive Plan Project Calendar for 2017-2027 attached and made part of the record.)

NEW BUSINESS:

**C. RESOLUTION NO. 17-05-16 OPPOSING PROPOSED CHANGES TO
MUNICIPAL ELECTIONS**

Commissioner Bob Cameron made a motion to adopt Resolution No. 17-05-16 Opposing Proposed Changes to Municipal Elections as presented. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

**RESOLUTION 17-05-16
OPPOSING PROPOSED CHANGES TO MUNICIPAL ELECTIONS**

WHEREAS, municipalities in North Carolina have a reputation of being among the highest professionally run local governments in the country; and

WHEREAS, we believe local officials and residents are best suited to determine how municipalities are operated; and

WHEREAS, we as local officials, strongly affirm that as a non-partisan body we are better able to serve our residents and make decisions based on the best interest of the municipality independent of partisan ideologies; and

WHEREAS, we believe the cost for our residents to run in a partisan election will be higher than running in a non-partisan election while limiting the voter choice of candidates; and

WHEREAS, the founding individuals of the Town of Lake Lure strongly believed in a form of government that as closely as possible resembles the town hall forum providing ample opportunity for independent views to be expressed and considered as well as provide a conduit for meaningful resident participation in the formation and implementation of public policy regardless of their political affiliation; and

WHEREAS, since its incorporation the Town of Lake Lure has demonstrated the effectiveness and collegiality of a non-partisan governing body; and

WHEREAS, several bills introduced in the North Carolina legislature will impose a state mandate on our municipality denying the town's residents their legitimate right to determine their preferred form of government.

NOW, THEREFORE BE IT RESOLVED, that the Town of Lake Lure Board of Commissioners, in order to protect the rights of local municipalities to choose their own forms of government, urges all members of the state legislature to oppose to any legislation with the intent of mandating partisan elections.

NEW BUSINESS:

D. RESOLUTION NO. 17-05-16A AMENDING TOWN OF LAKE LURE PERSONNEL MANUAL, ARTICLE XV, SECTION 3 - VEHICLE USES AND ARTICLE XV, SECTION 8 - POST-ACCIDENT SUBSTANCE ABUSE TESTING

Personnel Director Anita Taylor gave a brief overview of proposed Resolution 17-05-16A. Commissioner Bob Cameron made a motion to adopt Resolution 17-05-16A amending the Town of Lake Lure Personnel Manual, Article XV, Section 3 - Vehicle Uses and Article XV, Section 8 - Post-Accident Substance Abuse Testing as presented. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

RESOLUTION 17-05-16A

A RESOLUTION TO AMMEND EXISTING PERSONNEL MANUAL ADOPTED NOVEMBER, 2001, AND UPDATED MAY 2007 AND AUGUST 2014

WHEREAS, the Town of Lake Lure has a Personnel Manual adopted November, 2001, amended May, 2007 and August, 2014; and

WHEREAS, the Personnel Manual shall apply to conditions of employment of the employees of the Town of Lake Lure; and

WHEREAS, updates have been recommended to the Manual in order to remain consistent with changes to reflect best personnel practices in NC local governments and state agencies; and

NOW, THEREFORE BE IT RESOLVED, the Town of Lake Lure Personnel Manual be amended to add additional content to Article XV., Vehicle Use Policy, Section 3, Vehicle Uses Paragraph 1 and Section 8, Post-Accident Substance Abuse Testing, Paragraph 2 as follows:

Article XV. Vehicle Use Policy
Section 3. Vehicle Uses

- 1) Only Town of Lake Lure employees or drivers on bonafide Town business and authorized by the Department Head, **with approval by town manager**, may drive or operate Town vehicles or equipment.

Page 7- Minutes of the May 16, 2017 Regular Council Meeting

Article XV. Vehicle Use Policy

Section 8. Post-Accident Substance Abuse Testing

- 2) An employee doing CDL duties at time of accident will be drug tested per OSHA Requirements.**

READ, APPROVED AND ADOPTED, this the 16th day of May, 2017.

NEW BUSINESS:

A. RESOLUTION 17-05-16B AMENDING TOWN OF LAKE LURE PERSONNEL MANUAL TO ADD ARTICLE VI, SECTION 18 – CELL PHONE POLICY

Personnel Director Anita Taylor gave a brief overview of proposed Resolution 17-05-16A.

Commissioner Stephen Webber suggested that the word “should” be changed to “shall” in the lists of bulleted items concerning rules for Town issued phones. Commissioner Webber also asked that the final bulleted item under “Phone Safety” in the proposed Resolution be rewritten to eliminate repetitive information.

Commissioner Stephen Webber made a motion to adopt Resolution 17-05-16B Amending Article VI - Work Conditions and Expectations by adding Section 18 - Cell Phone Policy. as amended. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

RESOLUTION 17-05-16B

A RESOLUTION TO AMEND EXISTING PERSONNEL MANUAL ADOPTED NOVEMBER, 2001, AND UPDATED MAY 2007 AND AUGUST 2014

WHEREAS, the Town of Lake Lure has a Personnel Manual adopted November, 2001, amended May, 2007 and August, 2014; and

WHEREAS, the Personnel Manual shall apply to conditions of employment of the employees of the Town of Lake Lure; and

WHEREAS, updates have been recommended to the Manual in order to remain consistent with changes to reflect best personnel practices in NC local governments and state agencies; and

Page 8- Minutes of the May 16, 2017 Regular Council Meeting

NOW, THEREFORE BE IT RESOLVED, the Town of Lake Lure Personnel Manual be amended to add the following:

1. Article VI. Work Conditions and Expectations

Section 18. Cell Phone Policy

Purpose

The purpose of this policy is to establish a set of procedures concerning the use of Town-issued cell phones, and the issuance and consistent application of a cell phone stipend in order to comply with federal, state and local laws. This policy ensures compliance with IRS regulations and minimizes the administrative costs of compliance with the IRS tax rules. This policy also establishes guidelines for monitoring and controlling cell phone costs, cell phone use, and other administrative issues related to cell phones.

Overview

Changes in technology, employee demographics, services provided by the Town, and laws related to cell phones necessitate providing options to employees for Town-related cellular and data services. This includes providing Town-issued phones or various tiers of stipends based on the employee's job requirements.

This policy does not guarantee any position the right to a Town-issued phone or stipend.

In keeping with public records requirements, all records, messages, emails, texts, etc. on Town-issued phones or personal phones that are directly related to Town business are considered public record, except in instances where protected by law, and should be kept in accordance with the Public Record's Retention Laws.

Policy

Cell Phone Stipend:

Department heads may request a cell phone stipend for positions within their department, based on the qualifications below, and with approval by the Town Manager. Employees in positions that are approved will receive a stipend to compensate for business use of a personal cell phone.

One or more of the following qualifications must be met:

- The job responsibilities are such that it is important that the employee be accessible at all times. These would include department heads and high-level supervisory positions.

Page 9- Minutes of the May 16, 2017 Regular Council Meeting

- The job requires the employee to be mobile more than 50% of the employee's normal work time, and consistent alternative communication is required.
- The job requires the employee to be accessible for on-call or emergency work. Please note that communication convenience for employees who are not normally on call is not a satisfactory qualification.
- The job requires the need of a cellular device for the safety of the public and/or employee.

Rules for receiving a cell phone stipend are as follows:

- Communication devices, such as cellular phones and personal digital assistants (PDA's), are considered a taxable fringe benefit by the IRS.
- The stipend rates will be included with the policy as Attachment A and will be updated as of July 1 of each year, depending on a review of carrier rates.
- The stipend will be included in the employee's bi-weekly pay beginning in the month the stipend is approved and the cell phone stipend request form which is included with the policy as Attachment B is submitted to human resources director. In instances where a stipend is approved at a time other than the beginning of the month, the first stipend payment will be prorated.
- In no event will the stipend be greater than the employee's monthly plan cost. For employees that incorporate more than one phone on their personal plan, the cost of the first phone listed on the plan will be one that determines the stipend amount.
- Employees are responsible for purchasing a phone, accessories and a plan of their choice. There will be no additional initial stipend for the purchase of phones or other equipment. However, during the initial implementation of this policy, employees who choose a personal plan with the Town's current provider may retain ownership of their current Town-issued phone and accessories.
- Employees agree to allow the Town to publish their number internally and to accept business calls on their phones at all times. In addition, employees who receive stipends agree to respond to Town text messages and/or emails via their cellular device.
- The Finance officer may request verification of an active plan and plan rates at any time.
- Employees do not have to substantiate business use of the phone. The stipend is not an increase in base pay.

Page 10- Minutes of the May 16, 2017 Regular Council Meeting

- The Town is not liable for additional stipends due to separation of employment, whether voluntary or involuntary.
- Employees shall notify their employer immediately if their phone is not in service due to loss or damage of the phone.

Standard Town-Issued Phone:

Department heads may request that a Town-issued phone be provided to certain classes of employees. This request is subject to review and approval by the Town Manager.

Rules for Town-issued phones are as follows:

- This is an accountable (non-taxable) plan.
- If the employee is assigned a phone for take-home purposes, the employee must accept business calls and/or messages on the phone at all times.
- The Town is responsible for the purchase of a non-data phone and required accessories from its preferred carrier.
- Special features will not be included unless approved for business purposes only.
- Personal cell phone calls are discouraged while on Town business, except in the event of an emergency.
- The Finance Department will review the phone bills at the end of the month.
- Phone numbers that exceed the plan limit during the month will be reviewed further to determine if personal calls caused the plan to exceed its limits. An employee may be responsible for reimbursing the Town at the per-minute rate included in the policy attachment for extra phone calls.
- Phone numbers will be reviewed to determine if personal calls exceed plan limits. An employee may be responsible for reimbursing the Town at the per-minute rate in place at the time if overage occurs.
- For other personal service charges incurred, the reimbursement rate will be the rate charged by the carrier.

Page 11- Minutes of the May 16, 2017 Regular Council Meeting

- Any reimbursements are due to the Town within 10 days from the notice from the Finance Department.
- Employees shall notify their supervisor immediately of a lost or damaged phone.
- Employees may be responsible for reimbursing the Town for costs incurred as a result of loss or damage of a Town phone and/or accessories due to employee negligence.
- Upon separation of employment, employees will return cell phone and all accessories prior to receiving final pay check.

Negligence:

Employees who make excessive personal calls on a Town-issued phone, utilize a cell phone in such a way that interferes or prevents them from accomplishing their job responsibilities, or otherwise violate this policy may have use of a Town-issued phone or their stipend suspended, and/or be subject to other disciplinary action.

If an employee is out of work more than 30 days, they may be required to turn in their Town-issued phone or have their stipend suspended until returning to work.

Phone Safety:

Employees should use proper safety procedures at all times when using a cell phone, especially while performing job duties.

- Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving either a town-owned vehicle or non-town-owned vehicle. Accordingly, employees must not use a cell phone if such conduct is prohibited by law, regulation or other ordinance. **Currently, in North Carolina, it is against the law to text while behind the wheel.** It is the responsibility of the employee to comply with all laws and regulations regarding this matter.
- Employee drivers **must not use hand held cell phones (i.e. emailing, voice calling, message texting, internet surfing)** while driving any town owned vehicle or town rented vehicle. Should an employee need to make or receive a call or use a cell phone, he or she must locate a lawfully designated area to park or use a hands free device.
- Employees in possession of a Town phone should keep the phone secure and well-maintained at all times to prevent damage.

READ, APPROVED AND ADOPTED, this the 16th day of May, 2017.

**ATTACHMENT A
Cell Phone Rates
Effective July 1, 2017**

Stipend Rates

Please note that the rates indicated below are monthly rates that will be pro-rated for bi-weekly payroll purposes (26 times per year). It is also advised that you check with your cell phone provider regarding any employee discounts they may be offering.

Tier 1 Limited Usage

- The dollar amount of the monthly allowance is less than the amounts listed below because the employee's monthly service charges are less than the amounts below. The department head sets the allowance based on the percentage of the employee's monthly service charges anticipated to be used for Town of Lake Lure business.

Tier 2 Basic Usage

- \$9.23 per bi-weekly pay period allowance (\$20 per month). Employees in this tier are considered to require basic usage of a cell phone in that the cellular phone is used primarily to contact the employee when out of the office, in an on-call situation, in an emergency, or attending to Town business at locations other than their primary place of work.

Tier 3 High Usage

- \$16.15 per bi-weekly pay period allowance (\$35 per month). Employees in this tier generally would spend a great deal of work time out of the office and in the field and do not have easy access to a land-line phone in order to remain in contact with their place of business or with the clients, customers, or constituents they serve.

Tier 4 Extensive Usage

- \$23.08 per bi-weekly pay period allowance (\$50 per month). Employees in this tier, by the nature of their job responsibilities, are required to extensively use cellular communications in the course of their duties.

Tier 5 Special Approval

Page 13- Minutes of the May 16, 2017 Regular Council Meeting

- The dollar amount of the monthly allowance is different than the amounts listed above. Employees in this tier must receive approval of the allowance amount from both their Department Head and the Town Manager or their designee. Data services will fall in this category, as will special equipment such as PDA phones that the employee needs for business but would not purchase for personal use.

The cellular allowance will continue until the department head discontinues the allowance, the employee decides to discontinue receiving the allowance, the employee transfers to another department, or the employee terminates employment with the Town.

ATTACHMENT B
Cell Phone/Phone Stipend Request Form

Name_____

Department_____

Position _____

Justification_____

Requested:

_____Town-issued cell phone

_____Cell Phone Stipend

____Tier 1 Limited Usage

____Tier 2 Basic Usage

____Tier 3 High Usage

____Tier 4 Extensive Usage

____Tier 5 Special Approval

For Town-issued phones: Time used for personal calls exceeding the monthly plan minutes may be required to be reimbursed to the Town. Any charges from the use of other non-approved features or services will be reimbursed to the Town.

I certify that I have received a copy of and understand the Town of Lake Lure's Cell Phone Policy.

Page 14- Minutes of the May 16, 2017 Regular Council Meeting

Employee Printed Name/Signature

Date

Department Head Printed Name/Signature

Date

Town Manager Printed Name/Signature

Date

ADJOURN THE MEETING

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 7:22 p.m. Commissioner May Ann Silvey seconded and the motion carried 4-0.

ATTEST:

Andrea H. Calvert,
Town Clerk

Mayor Bob Keith