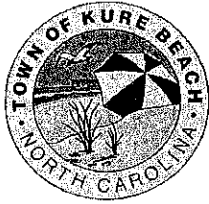


MINUTES

TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449



Dean Lambeth, Mayor
Chuck Keener, Mayor Pro Tem
Jim Dugan, Commissioner
Barry Nelder, Commissioner
Tim Fuller, Commissioner
Kaysie Pralle, Town Clerk

SPECIAL MEETING

MARCH 25, 2010 at 7:00 PM

PURPOSE

The purpose of this meeting is to discuss the current job descriptions and duties of the Town Clerk and Town Finance Officer. The Town Council will also discuss the finding of fact in the hearing pertaining to Nancy Hewitt.

COUNCIL MEMBERS PRESENT:

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Jim Dugan
Commissioner	Barry Nelder
Commissioner	Tim Fuller

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Clerk	Kaysie Pralle
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Town Attorney A. A. Canoutas was in attendance. There was a quorum of the Town Council present.

CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 7:00 pm.

TOWN CLERK AND FINANCE OFFICER JOB DESCRIPTIONS

Mayor Lambeth - His impression was that they would retain the jobs they have, continue doing their jobs. They thought they were made redundant. He certainly hopes they both submit their applications for the new positions.

Commissioner Dugan - He met with Attorney Canoutas and Mayor Pro Tem Keener. His interpretation was that when creating new jobs, there was nothing that stated anything about continuation. We made new positions and eliminated the old positions. There was nothing about transferring or reassigning. Based on that, it is my position that the two people currently in these positions have been eliminated.

Commissioner Nelder - I don't think that was our intention. If this is a technicality, we need to clarify it so there are no questions.

Commissioner Fuller – I don't think there was a technicality. He will list what the Council did and did not do on March 16th. The Council chose preferred job descriptions for the Town Clerk and Finance Officer from at least three job descriptions for each position. The Council chose the descriptions dated August 15, 2006. Recognizing each job description representing a significant increase in responsibility and compensation from the current job descriptions the Council voted to advertise these positions and accept applications for these positions in accordance with the personnel policy. Here's what Council didn't do. The Council did not discuss, nor did it act upon, the current status of any Town employee. The Council did not establish a procedure for reviewing applications or interviewing applicants. The Council did not establish a timeline for filling the new job descriptions. As for definitions, the biggest issue seems to be whether or not permitting a promotion only occurs when filling a vacancy. The Town's personnel policy references promotions in several sections, but it is important to know that our policy uses a position classification plan. The plan groups positions according to, and I am quoting from the policy, difficulty and responsibility, and for the purpose of determining salary. The position classification plan is also used when determining lines of promotion. The position classification for Town Clerk and Finance Officer, used under the Town Administrator, listed the Town Clerk as pay grade 14 and the Finance Officer as pay grade 16. The August 15, 2006 classification, list both the Clerk and Finance Officer, as pay grade 19. Under our personnel policy, this is a significant promotion. I am again quoting from the policy, the Town will consider other applicants rather than automatically promote from within. I think it is important to realize that there does not have to be a vacancy for a person in a position to be promoted. If we have a significant increase in duties and responsibilities, that constitutes a promotion. For example, when Michelle recommended back in November that we promote Jennifer to a Department Head we didn't eliminate the position, we didn't change the position, we were just moving her up to cover the absence. So the fact that we decided to redefine the position, without setting a date for that to take effect and without setting a timeline for any of that to change, did not abolish the old position, it simply changed the classification according to our personnel policy, the classification of the job. I understand there has been some anxiety created by this. The anxiety didn't start with this Council. The anxiety started back in November when the Town Administrator resigned and left a managerial vacuum in Town Hall. We are trying to fill that vacuum. The anxiety that we all feel about this will be relieved when we finish this process. And my suggestion to all of us is that we work together to resolve this process and get efficient administration in Town Hall for Kure Beach.

Commissioner Dugan – What can we do to clarify what to do, if anything, about these positions?

Commissioner Fuller – In my mind I don't think any clarification is needed. You are saying that we adopted these new job descriptions, but we did not say anything about the current people filling them. You conclude from that that we did away with them. My feeling is that in the absence of any positive action, we took no action at all. The status quo remains the status quo until we take any action.

Commissioner Nelder – I would agree with Tim. The intent was to change the job description and advertise for applicants and hope our current people filling this would fill in applications also. There was never any intention to absolve these positions.

Mayor Lambeth – We did say thirty days from the Council meeting.

Commissioner Nelder – We did not start advertising until today, so does the clock start ticking today?

Mayor Lambeth – In the minutes we voted on the date, so we can't change it unless we vote on it tonight. I don't see any reason to change anything tonight until we get a rough idea of what's available and who's applying.

Mayor Pro Tem Keener – We may have to extend it.

Mayor Lambeth – It was never my intention, nor anyone's up here, to put them in a vacuum situation.

EXECUTIVE SESSION

ACTION – Mayor Lambeth MADE THE MOTION to go into Closed Session in accordance with GS 143-318.11. Commissioner Fuller seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

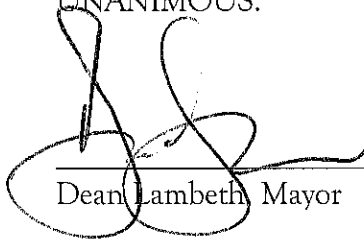
Mayor Lambeth – The Council went into Closed Session to discuss two personnel issue. The first issue was finalized. The second issue, it is the position of the Council, that it is not settled. With that being said, most of you were here tonight to hear the determination of Nancy Hewitt's hearing.

At this time I would like to read the final recommendation. The Council did not follow the rules and regulations set forth in the Town's personnel policy. The petitioner bears the burden of proof on the issue. The evidence shows the Town substantially prejudiced the petitioner's rights. The Town acted erroneously, or failed to act, as required by law. The Hearing Officer based this on the evidence presented. Under the Town's personnel policy manual the hearing officer is to determine if the petitioner has met her burden in showing the Town substantially prejudiced the petitioner's due process rights. The Town Administrator Michelle James acted outside her authority, acted erroneously, acted arbitrarily and failed to act as required by law. By terminating the employment of the petitioner as was done on August 24, 2009, Administrator James did not comply with due process requirements as set forth in the Town's Personnel Policy manual. The recommendation is that the Town Council reverse the August 24, 2009 decision of Administrator James terminating petitioner Hewitt and afford petitioner Hewitt the technical due process requirements set forth in the Town's Personnel Policy manual.

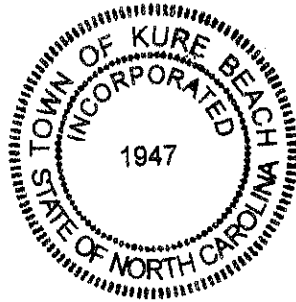
The Town Council will take the recommendation under advisement and no decision has been made at this time.

ADJOURNMENT

ACTION - Mayor Pro Tem Keener MADE THE MOTION to adjourn the meeting at 8:20 pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Dean Lambeth, Mayor





Kaysie Pralle, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.