

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

WORK SESSION

FEBRUARY 24, 2010 at 7:00 PM

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:

Building Inspector	John Batson
Town Clerk	Kaysie Pralle
Finance Officer	Jennifer Watson
Accounts Rec. Specialist	Pat Fortier
Accounts Pay. Specialist	Mandy Cummings
Payroll & Benefits Specialist	Erin Dineen

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. Mayor Lambeth led in the Pledge of Allegiance.

Commissioner Dugan opened the meeting.

Town Records Access

Mayor Lambeth - Who has access to the records?

Attorney Canoutas - The Clerk is in charge of the documents. What record's she has is what we have to determine. How can we best facilitate reducing those for Council or staff members?

Commissioner Dugan - What records are of concern?

Commissioner Fuller - Erin having access to personnel records. Mandy having access to finance records.

Commissioner Dugan - Do we have separate records for public access, as opposed to staff or Council? For example, media wanting personnel information. Does that information need to be separate?

Mayor Lambeth - That makes perfect sense to me.

Attorney Canoutas - Who is going to be the personnel officer?

It is the consensus of Council that it is Chuck.

Attorney Canoutas - GSS 160A.162-169 states that Council must appoint a personnel officer. He is responsible for administering the pay plan, position classifications, policy, health insurance, retirement benefits, personnel records (what is available to the public request). There is certain information that is not public, such as investigations and medical information.

Mayor Pro Tem Keener - You cannot have any information released with the social security number. There is no way to divide the file without violating the law.

Commissioner Fuller - It seems like dividing the records would be taking an extra step.

Mayor Lambeth - If there is a question, the personnel officer could contact the Town Attorney. The Town Clerk's job description states she is the keeper of the records. Is there a clear definition of her duties?

Building Inspector Batson - The only information that I need from the vault is information for new subdivisions. My back room is fireproof as well.

Commissioner Dugan - Do we have the ability to delegate her duties to someone else.

Commissioner Fuller - Responsibility for the record is the clerk. He read from the Town of Cary policy. Judging from this policy, it states that the person that creates or receives a document is the custodian of that record. Therefore, if a payroll clerk creates a payroll record, they are the custodian of that record. The Clerk has the overall responsibility to make sure that we are following retention and we know where the records are. He never thought the law was in place so that the Clerk could keep everyone from doing their job.

Town Clerk - What does that mean for the records currently on file in the vault?

Mayor Lambeth - The department heads should have access to their records.

Town Clerk - So that means that I should be able to go through the Finance Officers and Public Works Directors file cabinets at my leisure if I am in need of a document? I have a spread sheet with the location of all my records. If someone takes a record and puts it back in the wrong place, I would have to go through all the files to locate that record.

Commissioner Fuller - There are three levels, the staff, the elected officials and the public.

Town Clerk - By law, you cannot require someone to fill out a form for a public record request, nor can you ask their reason for wanting the record.

Commissioner Fuller - It's funny that we cannot make the public do that, but we are asking the staff to fill out paperwork. Let's say that the Clerk is out on jury duty, who will access the files in her absence?

Town Clerk - If you refer back to the old job descriptions, the Finance Officer would access the records in her absence.

Mandy Cummings - There have been two instances where I have been unable to retrieve files due to the Clerk and Finance Officer being out of the office at the same time. She does not have a master key and this would have helped.

Town Clerk - This is something that I recently requested direction from Council on. While the Finance Officer was on maternity leave, Mandy was issued a master key on a temporary basis. If Council wishes to make that a permanent assignment, that is fine, but it was not the procedure in the past and there is no current policy regarding keys. There is a need for Council direction on this issue.

Mayor Lambeth - Would Council like to handle this issue as it has been done in the past, with the Finance Officer being the second in charge, or would we like to hand these duties to a deputy clerk?

Commissioner Fuller - What are the records you specifically keep in the vault?

Town Clerk - There are three file cabinets. One is specifically for minutes. The other two contain contracts, ordinance, resolutions, etc. The other file cabinet in my office contains records of a non-permanent nature, but they do have a retention value.

Commissioner Fuller - The personnel records are kept where.

Town Clerk - They are kept in the small cabinet in the vault.

Commissioner Fuller - So you think you should be the only one with a key to those records?

Town Clerk - I am not saying I need to be the only one with a key. I am saying that if a record goes missing I am held responsible.

Commissioner Fuller - The best solution would be to train everyone in your system.

Town Clerk - That is fine, but Council needs to state that in a policy.

Mayor Pro Tem Keener - How can we do that if the general statute says you are the custodian? He refers to a handout written by the School of Government. It says that they must protect the documents and maintain their integrity.

Commissioner Nelder - It also states that the custodian is under no obligation to allow access to their records. It also says that a local government may limit access to storage locations to its employees.

Mayor Pro Tem Keener - Can we legally take the responsibility off custodian off her so that she is not responsible if a record accidentally gets left on my desk and lost?

Commissioner Fuller - Yes, we can fire her and then she would no longer have the responsibility.

Mayor Pro Tem Keener - The next Town Clerk is going to be in the same position. So can we legally do that? Everything that I read says that if I, or anyone, lose a record she is still responsible for it. If we can take that responsibility from her and put it into policy, then everyone should be happy with that.

Commissioner Fuller - What does it mean for the Clerk to be responsible if a record is lost? It does not mean we take her outside and shoot her. It means she has the responsibility of making sure we have a system in place to protect the records. We can designate an employee to be second in command for this system.

Commissioner Dugan - We have her as the primary custodian, but could appoint a second and third in command. You would always start at the top.

Commissioner Fuller - We need to make sure there is a reasonable way for people to do their jobs.

Town Clerk - This was not an issue until recently. I only access the records maybe twice a month.

Commissioner Nelder - How hard would it be to make all the records into PDF files?

Town Clerk - Most of the files are on the computer, but that is a project on my to-do list. This will be a very time consuming issue. Council still needs to address the issue of who will get keys, such as the master key.

Commissioner Fuller - We did adopt a policy. I don't know if it has been changed, but the committee people were to have keys so that they could get in and have their meetings without having to call someone.

Town Clerk - The majority of the committees now meet during the day.

Commissioner Fuller - That does not matter. A policy was approved in 2005 or 2006. We re-keyed the building because we had lost track of who had keys to what doors. We gave keys to committee members, Council members and staff.

Town Clerk - There is still no policy that state's who gets what keys for staff. There is just precedence.

Commissioner Fuller - We can write one up. It should take no more than ten minutes.

Mayor Lambeth - Our attorney can do that while he is sitting here.

Town Clerk - That would be great.

Patricia Fortier - Why don't you finish the first item before moving on?

ACTION - Commissioner Dugan MADE THE MOTION that the access to records begins with the Town Clerk and then the Finance Officer. The third would be the person in finance picked by the Finance Officer. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Commissioner Fuller - That means that these three people will have master keys and will have access to the key box.

Town Clerk - I think that Mandy needs a master key. Jennifer will have access to the secondary keys to the file cabinet. In the event Jennifer and I are absent, Mandy will know where the file cabinet keys are located.

Erin Dineen - There have been several occasions where I have needed access to the personnel records and both the Town Clerk and the Personnel Officer (Mayor Pro Tem Keener) have been out of the office.

Mayor Lambeth - You feel that a third key should be placed in the key box.

Commissioner Fuller - The objection to that would be that anyone who has access to the key box would have access to the personnel records.

Town Clerk to Erin - Do you access the personnel records most, or do you access the payroll records most?

Erin - Payroll, but they are all together.

Town Clerk - I think that is something the Finance Officer wanted to address.

Commissioner Dugan - Then we go back to the topic of having two separate files.

Attorney Canoutas - That is what I suggested from the beginning.

Erin - It just depend on what comes up. I may need to access both files.

Commissioner Fuller - How do we address this issue?

Finance Officer Watson - I would like to look into having two separate files. What she can maintain in her office and what needs to be kept locked up.

Commissioner Fuller - Erin just said that she needs access to both in her office.

Mayor Pro Tem Keener - She cannot have the personnel files in her office. There is a part of the file that is open to the public. Social Security numbers are on just about everything she does.

Finance Officer Watson - There is a report that she does every month that has social security numbers for every employee on it.

Commissioner Fuller - If it is a report that is kept in her office, we need to limit that to the last four digits of the social security number.

Erin - That is the software that we use and it cannot be changed. We need to ask the software people if there is a way to obscure the number when you print it.

Finance Officer Watson - It is the system that the state has in place.
Commissioner Nelder - I believe there is new law that states you cannot put the entire social security number even on pay stubs.
Commissioner Fuller - What would be the problem with Erin having a key to the payroll records file cabinet?
Mayor Pro Tem Keener - Can everyone in this room gain access to the personnel records?
Town Clerk - No.
Mayor Lambeth - I could. It may take me awhile, but I probably could.
Town Clerk - The Personnel Officer can designate another person to have access to the personnel records.
Mandy - They could take the key from you and give it to Erin?
Town Clerk - Yes.
Attorney Canoutas - This is outlined in GS 160A.168(D)
Commissioner Fuller - The statute outlines the minimum requirements. We could grant Erin access to a key then no one would have to open the files for her.
Finance Officer Watson - Why does the Clerk need a key?
Commissioner Fuller - We started this conversation with the Clerk saying she had custody of "all" the records.
Mayor Lambeth - So we need to give personnel files keys to the Personnel Officer and Erin.
Commissioner Fuller - If we are going to go three deep, the Clerk would be the logical person to have the third key. We need to adopt a key policy and a more coherent records policy.

ACTION - Commissioner Fuller MADE THE MOTION to request the Personnel Officer designate Erin to have access to the personnel records for her job duties. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Town Hall Organizational Chart

Commissioner Dugan - Unless I am overlooking something, we remove the Town Administrator from the chart and bump up the finance, billings and HR personnel.
Commissioner Fuller - The duties laid out in the 2006 job description for the Town Clerk are not the same as those that are currently adopted.
Commissioner Fuller - It is not that simple. There were duties in this office that need to be reassigned.
Commissioner Dugan - If we have an elected official serving as personnel officer we may need to move things around. Based on this, regardless of the duties that we give to the Clerk and Finance Officer they will move up on the chart. We will need to determine where HR goes.
Commissioner Fuller - I would like to have someone go back and redraft the job descriptions. We need to do this before we work on the organizational chart.
Commissioner Nelder - What are the duties that Michelle had that are not being covered now?
Mayor Lambeth - We don't know who is supposed to be in charge of them.
Mayor Lambeth - Do you have a copy of the Administrator's duties?
Town Clerk - The duties in her job description are not the ones that were delegated.

Mayor Lambeth - Administrators job duties. Supports operations of all departments

Pat - Put a line through that one.

Mayor Lambeth - Consult with department heads, Council members and legal staff as required. That should be the Town Clerk. Put Kaysie beside that item.

Commissioner Fuller - No do not put a name to it. This morning Jennifer was consulting with state officials as required. That is not something that is limited to the Clerk.

Town Clerk - The majority of her duties have already been delegated between the Finance Officer and Town Clerks office.

Mayor Lambeth - Acts as an agent of the Town Board of Commissioners in developing, determining and implementing public policy.

Commissioner Nelder - That has been eliminated.

Commissioner Dugan - That is the Town Clerk.

Town Clerk - I can write up drafts, but that is the responsibility of the Town Attorney.

Commissioner Nelder - We have no one here that is educated to do this.

Commissioner Fuller - We have copies of the job descriptions that existed prior to the Town Administrator. We have copies of the current job descriptions. I suggest that we designate some small number of this group, and I would even volunteer, to take those documents, go through them and come up with a draft that we could circulate to everyone to review with the new job description that would include all of this stuff.

Mayor Lambeth - I nominate Tim and Jim.

Commissioner Nelder - I nominate Chuck and Tim since Chuck is the personnel officer.

Commissioner Fuller - I think we should also include Jennifer and Kaysie so that we can come up with something that represents a broader point of view. If we take the pre-town administrator job descriptions, what the administrator left us as her parting gift and what the current job descriptions are.

Mayor Lambeth - Who would like to serve on this committee?

Mayor Pro Tem Keener - Tim and Jim know what things were like before.

ACTION - Mayor Lambeth MADE THE MOTION to nominate Tim and Jim to serve on this committee. Mayor Pro Tem Keener seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Miscellaneous Town Hall Items

Dress Code

Mayor Pro Tem Keener - We need to correct what we did last month. There were two items in the policy that need to be addressed. There was discussion as to whether Capri style pants and shorts were acceptable. The staff has requested we consider these two items.

Mayor Lambeth - Would you like to put this on the March 16th meeting agenda?

Mayor Pro Tem Keener - I think we would have to.

Commissioner Nelder - I say we adopt a business casual policy.

Mayor Lambeth - I would not approve a business casual policy.

Mayor Pro Tem Keener - We adopted a business casual policy at the February meeting already.

Town Clerk - The majority of other beach communities did not have a policy, but allowed a dress style Capri pant and dress short.

Commissioner Fuller - I do not see where that is relevant in this discussion.

Town Clerk - I was asked to do this (query other beach communities) by Mayor Pro Tem Keener.

Commissioner Fuller - Do we ask other communities to approve our budget or zoning ordinance? What we are trying to do is come up with a standard for Kure Beach.

Mayor Lambeth - I do not care what other communities are doing.

Town Clerk - That is what the list serve is used for. There are list serves are for.

Finance Officer Watson - Why don't the Town Hall employees come up with a list of recommendations to submit to our personnel officer for Council consideration since you can't vote on it tonight?

Commissioner Fuller - We can, but we don't want to.

Mayor Pro Tem Keener - The staff are in favor of a policy. I support these two things because you can make them look nice.

Erin - You also need to consider that it gets really hot here during the summer.

Commissioner Nelder - I am in support of what Jennifer said, that we let them make their suggestions for us to consider.

Mayor Lambeth - How long have you been married Barry? If you are going to get five or six women to buy into the same thing, good luck.

Commissioner Fuller - If we are going to allow these things, how are we going to set a standard?

Mayor Pro Tem Keener - They will be held to the same standard of the dress code.

Commissioner Dugan - We can give feedback to the department heads to let them know if we are not happy with the way they look.

Commissioner Fuller - We want staff to look professional.

Mandy Cummings - I did research on polo shirts for the staff to wear. If everyone had four or five, it would come out to \$105.00 per person. They could be worn with khakis.

Erin - It would make it easier if we had a uniform then there would be no need for a dress code.

There was discussion about what was written in this week's Island Gazette about staff wearing Budweiser shirts and pajamas to work. The staff felt this was embarrassing and a huge misrepresentation of how we actually dress at work.

Finance Officer Watson - I think we should write up a recommendation for Council consideration at the March 16th meeting so that we can move on with the other agenda items.

Mayor Lambeth - I am not done with this one, so no. I am not done discussing.

Commissioner Fuller - What else do you want to discuss?

Mayor Lambeth - This thing with the dress code about the pants. It has evolved from there to buying blouses.

Commissioner Fuller - I think if you set these as a standard there would be no risk of a dress code violation.

Mayor Lambeth - Polo shirts are not business attire.

Mayor Pro Tem Keener - They are in the dress code that was recently approved by Council. You already voted for that.

Commissioner Fuller - You already voted for that as business casual.

Mandy Cummings - You often see polo's and khaki's at various local government functions where there is a logo on the polo.

Commissioner Dugan - I have a question. Item number three, managerial responsibilities at Town Hall...

Mayor Lambeth - I thought we reverted back to what we were discussing.

Commissioner Dugan - It gets us to move on.

Mayor Lambeth - I don't think it works that way, does it?

Attorney Canoutas - You are talking to a union rep.

Commissioner Dugan - It stops discussion.

Commissioner Nelder - Then a vote is able to be taken to stop the discussion.

ACTION - Commissioner Dugan **MADE THE MOTION** to put this off until the Council meeting. Mayor Pro Tem Keener seconded the motion. **THE VOTE PASSED FOUR TO ONE.** Commissioner Lambeth voted no.

Role of Personnel Officer

Commissioner Dugan - The personnel officer has typically been a part of the Clerk's duties. Finance Officer Watson - If you refer to the Council retreat on January 9th, it was discussed that you might appoint one of us as the personnel officer.

Commissioner Fuller - We still might.

Commissioner Dugan - Add to the list of job description, the description for personnel officer.

Replacing the Town Administrator Position

Commissioner Dugan - This leads us to the item of replacing the Town Administrator Position at Town Hall.

Commissioner Fuller - I think this will be included with the future discussion of job descriptions.

Commissioner Nelder - Once we have a better idea of what the duties are for the Town Clerk and Finance officer we can look at this further if necessary.

Town Council

Role of council as a whole

Commissioner Dugan - Council interaction with the staff.

Commissioner Fuller - There is a policy that covers how Council acts in regards to residents.

Commissioner Fuller - It will show how we as individual Councilmen and Council as a whole work with staff. One thing we need to discuss, perhaps not tonight, is Commissioner Nelder's role as liaison to the Board of Adjustments. It is different than other committees and we really do not need a liaison to this board. Sitting in on these meetings is not like other committees.

Commissioner Nelder - The liaison is supposed to be quiet during those meetings.

Commissioner Dugan - The other item is if I make a request to the Clerk for work to be done. And another request comes in from another Councilman. She had other work for the Town that needs to be done as a priority.

Commissioner Lambeth - She has also requested all requests be made to her in writing.

Commissioner Dugan - Part of that was because she was being accused of not fulfilling things that she had been given.

Town Clerk - That way I have a clear understanding of exactly what you are requesting. The majority of the time, you put it in writing anyway. It would be nice if I could prioritize and be able to say that I cannot fulfill a request until the next day if needed and it not be a poor reflection on my work. For example, I was recently serving jury duty for a week. When I returned I had major priorities that I needed to take care of, but I requests come in that did not appear to be of an urgent nature.

Mayor Lambeth - When going through the job descriptions, we need to take a serious look at what the Clerk's priorities are. We need to look at what her required duties are. If some of the small duties she performs can be taken off her she can focus on the important issues.

Finance Officer Watson - While we are on this subject, while the Clerk was out, the finance staff was asked to perform some of her duties. We do not mind helping but I don't think that the right person has been asked to do things. Erin and Mandy were asked to do things, but nothing was said to me about it. I went to them and asked why their work was not done and they said they were working on letters for the Street Festival.

Commissioner Fuller - I don't think any council member should request a duty to be performed by anyone other than the supervisor or department head. Another issue is a council member requesting the same task of several staff members at Town Hall. They do not realize the other staff person is working on the same thing. That is not very efficient.

Commissioner Dugan - We need to have someone that is ultimately responsible for the Council. That is the Town Clerk.

Finance Officer - So many hands are in the pot she cannot do her job.

Town Clerk - When I came back I had already prioritized what items needed to be addressed right away; however, I was told to address other issues immediately that, in my opinion, were not of a pressing nature. I utilized Customer Service Representative Doug Martin to help me with some minor tasks. He provided me with administrative support.

Commissioner Fuller - When you do that, have you gone through Pat?

Town Clerk - I can certainly go through Pat in the future. Since I have returned I have relied heavily on his help to complete the many additional tasks. I compiled a list of items that I have completed for the Street Festival because there have been so many. I even took items home to work on them. I had other priorities, but was told this was a priority.

Pat - When Nancy was up front she did the committees and handled the Street Festival.

Mayor Lambeth - When we look at the job descriptions that may need to be moved.

Town Clerk - I feel that I have tried to establish a good working relationship with all the committees. The Community Center Committee requested a meeting with me not too long ago. They voiced several concerns and we addressed those. Now there are no gaps in the rental process as there were before. My recommendation would be to sit down with this committee to resolve any confusion on the part of the committee or staff. I think there needs to be clarification and it will be settled.

Mayor Lambeth - If there are problems with you performing your duties as Clerk, the first thing that needs to be taken away are the committees. We had no problems before when Nancy was up there. I never had any feedback from any committee member saying that what they needed to get done didn't get done. My first suggestion when looking at job descriptions would be that the committees be reassigned to the front desk person.

Commissioner Dugan - We were supposed to be discussing Council interaction with staff.

Mayor Lambeth - That is what we were discussing.

Commissioner Fuller - Each of the committees has a commissioner liaison. If you are having an issue with one of the committees you should bring it to that commissioner.

Mayor Lambeth - The front desk position is not always busy. My suggestion would be that all committee work be taken away from the Clerk as soon as possible.

Commissioner Fuller - Dually noted.

Role of individual council members

Commissioner Dugan - We may not always agree on items, we work together for the betterment of the Town; although the majority of the time we are unanimous in our votes. The customer service rules that we implemented for staff, the Council should also be held to the same standard.

Finance Officer Watson - In other words, Council members should treat us just like any other person that comes into Town Hall. So no unnecessary, negative remark by any Council member is appropriate.

Commissioner Fuller - Necessary negative remarks are ok? Well you said no unnecessary are ok.

Commissioner Dugan - I can imagine negative remarks being necessary in an evaluation. That doesn't mean they should be in a raised voice.

Finance Officer Watson - As in Town Hall will no longer employ people with children.

Mayor Lambeth - You took that serious?

Finance Officer Watson - When it is continuous, and every day certain remarks are made it will get to the point where you get tired and start to feel that it is serious.

Commissioner Fuller - Let me ask you this. Are they allowed to decide what remarks to take serious and which ones they don't?

Mayor Lambeth - I don't know.

Commissioner Fuller - So you are saying that we don't have to take everything you say serious.

Mayor Lambeth - I didn't know that anyone took anything I said serious.

Finance Officer Watson - I know that it's not serious, but when it is continuous and every day, it gets to a point where you need to stop because it is unnecessary. I am not going to be talked to in a certain manner and neither is any other employee. We treat you with respect and we expect you to treat us with respect.

Mayor Lambeth - That is a two way street. I will hold you just as accountable as you are holding me.

Finance Officer Watson - Lets do it.

Commissioner Dugan - Does anyone have anything else to say?

Mayor Lambeth - I have a housekeeping item. We are paying to have Town Hall cleaned every Monday. I don't know why trash gets piled up in the kitchen.

Commissioner Dugan - We can put that in their job description.

Commissioner Fuller - Is there any reason why it keeps overflowing.

Pat - It is because the Mayor's coffee on Saturdays.

Mayor Lambeth - It is not right.

Building Inspector Batson - You have to remember that is our break room, not the citizens.

Finance Officer Watson - That is why there is a sign that says clean your dishes because there was an issue with ants.

Commissioner Fuller - Who will take responsibility for this? You talked earlier about respecting the workplace and part of that responsibility is keeping it clean.

There was a consensus that the staff will make a calendar of who is to clean the break room and when.

Commissioner Fuller - I know that things were discussed and it seemed messy, but I think it is helpful. This is a small town and the five of us are amateurs. We are trying the best we can. Having a discussion like this is helpful.

Commissioner Nelder - I agree, it is good to air things.

Town Clerk - I don't with this to be a retaliatory issue because of what might have been said. I feel a lot was accomplished but at the same time we need to be respectful of each other. If we didn't like something that was said we can't be retaliatory.


Commissioner Dugan - The best part is that there has not been anyone here that has been afraid to speak out and we don't have a staff that rolls over.

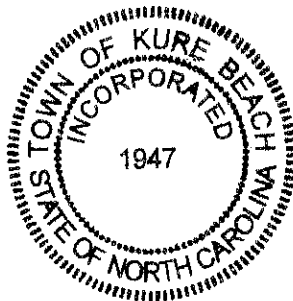
Commissioner Fuller - Lord knows as a board we are not angels.

ADJOURNMENT

ACTION - Commissioner Nelder MADE THE MOTION to adjourn the meeting at 8:30 pm. Commissioner Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.


Dean Lambeth, Mayor


Kaysie Bralle, 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.