

TOWN OF HUDSON REGULAR MEETING

July 18, 2017

In Attendance:

Members Present: Mayor Janet Winkler, Commissioners: Larry Chapman, David Irvin, Ann Smith, Carl Wagner and Bill Warren

Members Absent: Commissioner Tony Colvard

Others Present: Town Manager, Rebecca Bentley, Chief of Police, Andy Day, Town Clerk, Tammy Swanson, and Town Attorney, Carroll Tuttle

Call to Order:

Mayor Janet Winkler called the July meeting to order, and Commissioner Carl Wagner led the audience in the Pledge of Allegiance and opening prayer.

Discuss/Adjust Agenda:

Janet presented the July agenda, and requested the following additions:

Add: Item 7(a) – Report from HUB Committee

Add: Item 8(a) – Request to Surplus Property – Police Dept.

Motion: (Ann Smith/Larry Chapman) to approve the agenda as amended. Unanimously approved.

Approval of Minutes:

Janet stated that due to a busy time with billing the 2017 ad valorem taxes, minutes for the June meetings have not been prepared, and will be presented for approval at the August meeting.

Public Hearing – Town Code of Ordinances Text Amendments:

Open Floor for Public Hearing - Motion: (Larry Chapman/Bill Warren) to open the floor for public hearing. Unanimously approved.

Rebecca stated that in searching for an ordinance in the Code of Ordinances, she discovered that the Code needs to be updated, and she stated that we will be making these updates a few at a time.

She presented the following updates for approval.

Division I	The Charter
Section 11	Alcoholic control
	The manufacture or sale of spirituous, vinous or malt liquor is prohibited in the limits of said town and any person manufacturing or selling such liquors in said town shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. (Pr. Laws 1905, C.239, Sec. 5 – allowed as regulated by the North Carolina Alcoholic beverage control commission.

July 18, 2017 Regular Meeting

- Chapter 2 Administration
Article 1 Board of Commissioners
Section 2.3 Regular Meetings
The regular meetings of the Mayor and Board of the Town of Hudson shall be held on the first *third* Tuesday of each month, at ~~seven-thirty-six~~ o'clock p.m. at the Town Hall unless otherwise designated by the Board.
- Article 3 Officers and Employees
Section 2.1 Office of Clerk-Treasurer
(a) The Clerk-Treasurer (referred to in this Code as the "Clerk") shall be appointed annually by the Board of Commissioners. The Clerk shall:
(1) Give notice of meetings of the Board
(2) Attend all meetings of the Board and regularly and fairly record all of its proceedings as provided in section 2.6 hereof
(3) Keep an ordinance book as provided in section 2.16 hereof;
(4) ~~Keep true, accurate, and just books of accounts of the dealings and transactions of the Town, which books shall show at all times the true condition of the said Town, its resources and liabilities and the disposition and use of the monies coming under the control of the Town;~~
(5) ~~Keep or cause to be kept in a safe place all monies, records and accounts;~~
(6) ~~Disburse funds for the various purposes of the Town only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the Board of Commissioners; and~~
(7) Perform such other duties as the Board may from time to time require. (See G.S. 160A-171: G.S. 159)
- (b) *The Office of the Finance Officer shall*
(1) *Keep true, accurate, and just books of accounts of the dealings and transactions of the Town, which books shall show at all times the true condition of the said Town, its resources and liabilities and the disposition and use of the monies coming under the control of the Town;*
(2) *Keep or cause to be kept in a safe place all monies, records and accounts;*
(3) *Disburse funds for the various purposes of the Town only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the Board of Commissioners; and*
(4) *Perform such other duties as the Board may from time to time require. (See G.S. 160A-171: G.S. 159)*
- Chapter 9 Health and Sanitation
Article 3 Garbage, Refuse Collection and Disposal
Section 9.26 Responsibility for administration
The administration of the provisions of this article shall be the responsibility of the ~~Public Works Department and its director~~ **Town Code Enforcement Officer**. It shall be their duty to enforce all of the provisions of this article.
- Section 9.27 Function and power of the responsible department.
The ~~Public Works Department~~ **Town Code Enforcement Officer** shall:
a. Aid and assist the county and state in the application and enforcement of rules and regulations pertaining to solid waste management.
b. Enforce local rules and regulations pertaining to solid waste management.
c. Issue warning notices and initiate proceedings against violators of local regulations. (Ord. of 6/4/85) (Ord. of 7/18/2017).

Chapter 11 – Disorderly Conduct and Public Nuisances
Article I – Disorderly Conduct
Section 11.5 Public Drunkenness

It shall be unlawful to any intoxicated person to be on or upon any public street or other public place.

- ~~Section 11.6 Drinking in Public- Consumption or possession of alcohol on the public streets and sidewalks of the town or in public buildings or Town maintained and operated parks and recreational facilities.~~

~~No person shall consume, serve, or drink wine, beer, whiskey, or alcoholic beverages of any kind on the public streets, boulevards, alleys, in public buildings or Town maintained and operated parks and recreational facilities (Ord. of 9/7/96, as amended by Ordinance of 8/22/78).~~

- (a) *It shall be unlawful for a person to consume a malt beverage or unfortified wine on the public streets or sidewalks owned, occupied or controlled by the town.*
- (b) *It shall be unlawful for a person to possess an open container of malt beverage or unfortified wine on the public streets or sidewalks owned, occupied or controlled by the town.*
- (c) *It shall be unlawful for any person to possess or consume malt beverages or unfortified wine on public streets, sidewalks, alleys or parking lots which are closed to regular traffic for special events.*
- (d) *For the purpose of this section, the term "open container" means a container with a seal that has been broken or a container other than the manufacturer's unopened original container. The terms "malt beverages" and "unfortified wine" are defined in G.S. 18B-101.*
- (e) *For the purpose of this section, alcohol consumption is allowed at the Hudson Uptown Building (HUB) so long as proper ABC permits are obtained.*
- (f) *The board of Commissioners may adopt a resolution making other provisions for the possession and consumption of malt beverages and/or unfortified wine at special events of the town or at special community festivals. Any resolutions that may be adopted shall provide for the specific times, dates and geographical limitations of the special event or festival.*
- (g) *Violations of subsections (a), (b) and (c) of this section shall be misdemeanors, punishable upon conviction in accordance with Section 1.5*

Rebecca stated that Town Attorney, Carroll Tuttle, has reviewed the amendments and found that they were acceptable.

Bill asked if the changes concerning alcohol are consistent with the ordinances of neighboring towns.

Rebecca stated that she researched ordinances from other towns in the State, and these are very consistent with Waynesville.

Marlene Muko, a resident of Hudson, asked if there are ordinances addressing drugs on the streets.

Carroll stated that there are federal laws governing the use of illegal drugs.

Mary Lanaville asked how Chief Day felt about the changes.

Chief Day stated that in his opinion, the changes are appropriate.

Close Public Hearing – Motion: (Bill Warren/Larry Chapman) to close the public hearing. Unanimously approved.

Motion: (Larry Chapman/David Irvin) to approve the text amendments for the Code of Ordinances as presented. Unanimously approved.

Request from Hudson Fire Department:

Tommy Courtner, Hudson Fire Dept. Chief, stated that the Haire family, residents of the Town, are doing fundraisers to help the Fire Department purchase a Lucas Device. Tommy explained how the Lucas Device works, and stated that it basically takes the place of people doing CPR compressions in emergency situations. These devices cost between \$20,000 and \$15,900, and after one fundraiser, the Haire Family has raised \$4,700. Tommy stated that Caldwell County has three of these devices; however, the purchase of one of these devices is not in the Fire Department's budget.

Tommy stated that the rescue readiness tax was made a part of the fire tax, which increased the fire tax for Hudson from 11 cents to 12 cents. Tommy stated that a fire tax cannot exceed 15 cents, and he would like to hold the fire tax funds to fighting fires and fire protection rather than addressing the purchase of medical equipment. Tommy stated that the Fire Department's survival rate is up, and he asked the Board if the Town could make a donation toward funding this device.

Tommy briefly discussed some of the operations of the Fire Department concerning emergency calls. He stated that there is a requirement that all of their members be EMTs. If all of Caldwell County's ambulances were on calls, Hudson would be asked to stand backup, and the Fire Department was being paid to stand backup. Tommy stated that he made a proposal to the County for the Hudson Fire Dept. to be paid \$40,000 per year to stand backup for the ambulance service. This proposal was not accepted by the County, and the Fire Department no longer stands backup.

Janet stated that it is her understanding that there will be additional fundraisers to help purchase the device.

Tommy stated that the Fire Department is not actually doing any fundraising for the device.

Bill asked if the Fire Department will be chipping in on the purchase of the equipment.

Tommy stated that he does not have funds available in his budget to help purchase the equipment.

Ann stated that she supports anything that would help our citizens in emergency situations, and she supports giving a donation to this cause.

Motion: (Ann Smith/Larry Chapman) to donate \$1,000 toward the purchase of a Lucas Device for the Hudson Fire Department, with the funds being taken from fund balance. Unanimously approved.

Report from Personnel Committee:

David Irvin, Personnel Committee Chairman, stated that the Committee met at 5:30 pm today, and he asked Rebecca to review the proposed changes with the Board.

Rebecca stated that the Committee discussed the Town's overtime policy. Employees now have an option to take overtime in either compensatory (comp) time or paid overtime. Rebecca explained that until last year, some employees only had the option of taking comp time for overtime hours worked, and because of this, some employees have accumulated a lot of comp time. The number of comp hours that can be carried over with the current policy is 240 hours for regular employees and 480 for the police. Rebecca stated that because

comp time is considered a liability for the Town, she wanted to look at amending the Town's Policy to help employees use up of some of the comp hours they have accumulated.

Rebecca presented the following amendments:

(★ Sections Changed)

Article III – Pay Plan

Section 12. Fair Labor Standards Act and Overtime Pay Provisions

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the department head. Overtime work should normally be approved in advance by the department head, Town Manager or other designee.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Human Resources Officer shall determine and recommend to the Town Manager which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-Exempt Employees

Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled to work, unless they receive approval from their department head or supervisor, except in cases of emergency.

★ ***Department Directors have the authority to designate whether the department's non-exempt employees will receive overtime pay, compensatory time, or a combination of both, for overtime worked. The Department Director is the final authority for the compensation method and will take into account the department's overtime budget and operational demands.***

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for sworn police in a 28 day cycle or 43 hours in a 7- day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate.

In determining eligibility for overtime in a work period, normally only hours actually worked shall be considered and vacation, sick leave, or holidays will be excluded in the computation of hours worked for FLSA purposes.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be compensated in accordance with the FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

★ ***Accumulation – Non-exempt employees shall be allowed to accumulate no more than (forty-eight) 48 hours of compensatory time. Compensatory leave balances may not exceed 240 hours except for public safety employees (sworn police) who may not accrue more than 480 hours. Any overtime worked after such maximum balances must be compensated in pay. The Manager will be notified whenever a compensatory balance exceeds 400 hours—reaches 48 hours.***

★***Use of compensatory time - Employees may take compensatory time off within a reasonable period following their request. Compensatory time off must not unduly disrupt departmental operations and must have prior supervisory approval. In order to reduce the financial impact of compensatory time accruals, all available compensatory time must be taken before vacation or sick leave is used.***

Non-exempt employees shall be paid for accumulated, unused compensatory time upon leaving their employment with the town, regardless of the reason for leaving such employment.

Exempt Employees

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative or Professional staff) are paid on a salary basis and will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the Town Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

In declared disaster or emergency situations requiring long and continuous hours of work, exempt employees may be compensated at a rate of up to time and one half and/or be granted time off with pay for rest and recuperation to ensure safe working conditions for the duration of the emergency period, as authorized by the Town Manager.

Rebecca commented that the ideal use of comp time would be to use the time during the same pay period that it was earned. However, this option does not always work due to us having a small staff.

Motion: David Irvin stated that the Personnel Committee reviewed and approved the amendments, and he presented the recommendation to the Board as a motion. Ann Smith seconded the motion. Unanimously approved.

Report from HUB Committee:

Bill Warren stated that the HUB Committee met with members of the Arts Council on June 5th to discuss possible projects that could be held in the downtown area and at The HUB. Bill stated that the Arts Councils has been working to have more of a presence in Hudson, and since there is room at The HUB to accommodate a representative at the HUB, the Committee recommended/approved allowing the Arts Council space to have an office at The HUB. The office would not be occupied daily, but would be available for the Arts Council to use. Bill commented that the Town would continue to partner with the Arts Council for events, etc., which the HUB Committee feels is a win/win situation for the Town.

Budget Revisions:

Rebecca presented the following budget revisions.

July 18, 2017 Regular Meeting

Budget Revision #17-14
FY 2016-2017

		Budget 16-17	Budget Revision	Revised 16-17 Budget
EXPENDITURES				
ADMIN				
10-420-1090	Other Fringe Benefits	0	350	350
10-420-2130	Utilities	2,500	30	2,530
10-420-2150	Mice/Rep Bldg & Grounds	10,300	-480	9,820
10-420-2450	Contracted Services	6,000	100	6,100
	Total Administration	143,998	0	143,998
Finance				
10-440-2220	Equip Lease/purchase	3,000	-70	2,930
10-440-2330	Dept Supplies	1,500	10	1,510
101-440-2450	Contracted Services	8,850	60	8,910
	Total Finance	138,800	0	138,800
Law Enforcement				
10-510-1020	Salaries & Wages	438,962	-2,400	436,562
10-510-1030	401k Contr	20,554	775	21,329
10-510-1060	Group Insurance	79,643	-2,200	77,443
10-510-1070	Retirement	33,827	1,275	35,102
10-510-2100	Telephone	4,800	150	4,950
	Total Law Enforcement	607,930	-2,400	605,530
Public Works				
10-550-2130	Utilities	4,000	50	4,050
10-550-2140	Travel & Training	200	-100	100
10-550-2200	Batteries, Tire	900	50	950
	Total Public Works	83,155	0	83,155
Street Dept				
10-560-1020	Salaries	107,611	-460	107,151
10-560-1030	401k Contr	3,279	100	3,379
10-560-1070	NC Retirement	7,925	200	8,125
10-560-2100	Telephone	1,200	160	1,360
	Total Street Dept	257,629	0	257,629
Recreation				
10-620-1020	Salaries & Wages	85,175	-900	84,275
10-620-1021	Salaries & Wages, PT	72,000	3,500	75,500
10-620-1025	Salary OT	300	-300	
10-620-1050	FICA	10,285	150	10,435
10-620-1055	Medicare	2,415	25	
10-620-1060	Group Ins	14,497	-90	
10-620-1070	Retirement	6,420	-90	6,330
10-620-2100	Telephone	3,900	25	3,925
10-620-2130	Utilities	38,000	2,195	40,195
10-620-2150	Mice/Rep Bldg & Grounds	20,315	-600	19,715
10-620-2155	Landscaping	2,500	170	2,670
10-620-2160	Mice/Rep Equipment	1,700	-160	1,540
10-620-2220	Equip/Lease Purchase	1,000	-100	900
10-620-2270	Gasoline	2,000	160	2,160
10-620-2310	Auto Supplies	1,500	-250	1,250
10-620-2330	Dept Supplies	11,160	60	11,220
10-620-2331	Chemical Supplies	9,000	-650	8,350
10-620-2332	Prog Supplies Misc	200	-100	100
10-620-2349	Dept Supplies-Swimming	560	715	1,275
10-620-2370	Sales Tax	1,000	70	1,070
10-620-2450	Contracted Services - Rec	3,300	60	3,360
10-620-2454	Contracted Services-Softball	750	-300	450
10-620-2480	Purchases for Resale	3,500	-250	3,250
10-620-2550	Ins & Bonds	6,700	-90	6,610
10-620-2570	Miscellaneous	1,000	-375	625
10-620-3740	Cap Outlay, Equip	39,370	-475	38,895
	Total Recreation	265,922	2,400	268,322

July 18, 2017 Regular Meeting

		Budget 16-17	Budget Revision	Revised 16-17 Budget
HUB				
10-630-2100	Telephone	2,200	25	2,225
10-630-2130	Utilities	27,000	-50	26,950
10-630-2330	Supplies	7,730	25	7,755
	Total HUB	163,597	0	163,597
	TOTAL EXPENDITURE BUDGET	2,861,115	0	2,861,115

Rebecca reviewed some of the reasons for the revisions.

- Purchase of defibrillators
- Pool Pump hit by lightning
- Replacement of pool filters – hit by lightning
- Increase in Salary Line Item – error on budget for Recreation Dept.
- Increase in Cultural Line Item – WiFi Grant

Rebecca stated that there was enough money in the contingency fund to cover all of these items. And although it looks like we added a lot to the budget, we were reimbursed for most of the items.

Motion: (Larry Chapman/Carl Wagner) to approve the budget revisions as presented. Unanimously approved.

Request to Surplus Property – Police Dept.:

Chief Day stated that he would like to request that a service weapon be declared surplus. The weapon was used by former Police Officer, Josh Brewster, and Josh wants to purchase a new weapon to replace this weapon if we would allow him to purchase his old weapon.

Information for Weapon – 1 – Sig Sauer P227 Service Pistol (Serial #51C001758)

Motion: (Larry Chapman/Ann Smith) to approve the Police Chief's request to surplus the service weapon. Unanimously approved.

Public Comment & Informal Discussion:

- **Grant for Lucas Device?** – Mary Lanaville, a resident of Hudson, asked if there are grant funds available to purchase equipment. She commented that the Fire Department might want to check.

Bill Warren stated that he was a former member of the Fire Department's Board of Directors, and he would mention the idea of checking for grants to the Fire Chief and the Board.

- **Comments from Skip Downs** – Skip Downs, former Town Commissioner, addressed the Board to discuss some concerns he has about the budget. Skip stated that it had been his hope that when the debt for the Recreation Center was paid off, which happened earlier this year, taxes would not have to increase to cover the budget. He stated that he realizes this didn't turn out to be the case, and the Town had a tax increase. Skip stated that he knows the Board works hard to keep costs down, and he asked

July 18, 2017 Regular Meeting

that they continue to protect revenues. Skip thanked the Board for their hard work and love that is shown for the Town.

- **Report on WiFi Usage** – Bill Warren stated that he knows WiFi has been a hot items for Hudson, and he asked that Rebecca give a report on the usage.

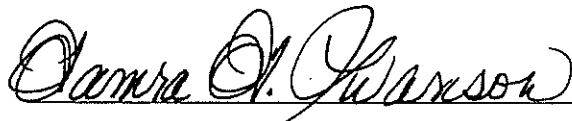
Rebecca stated that WiFi went live on May 3rd or 4th and 230 users were recorded during the Butterfly Festival on May 6th. For the Month of May, the average daily number of users was 68 users to 578 unique users, with 56% of this usage happening on Central Street. The HUB showed a 3% usage and the Recreation Center had a 5% usage.

For June – the numbers doubled - average daily users was 117 and unique users was 1,023.

Bill stated that one of the business users in Town asked why they were occasionally bumped off WiFi, and he explained that there is 2 hour time limit for a session; however, you can always sign back on. Bill commented that WiFi has been a great service for our citizens.

Adjournment:

Motion: (Larry Chapman/Bill Warren) to adjourn the meeting. Unanimously approved.



Tamra T. Swanson, Town Clerk

