

October 4, 2016 (Special)

**MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING**

The Burke County Board of Commissioners held a special meeting on Tuesday, October 4, 2016 at 4:00 p.m. The meeting was held at George Hildebran Fire & Rescue, located at 7470 George Hildebran School Road, Connelly Springs, NC 28612. The purpose of the meeting was to: 1) Conduct a closed session in accordance with NCGA 143.318.11 (a)(5): to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Action is open session is needed, 2) Consider a request from the Board of Elections to pay out a non-exempt employee for 189.175 hours of compensatory time utilizing \$2,766.00 +/- of General Fund, Fund Balance and 3) Consider a request from the Board of Elections to authorize creation of a temporary time-limited Election Specialist position for 60 days, October 5 through December 1, 2016. The special meeting notice was executed by Chairman Abele and published on September 27, 2016. Those present were:

COMMISSIONERS: Wayne F. Abele, Sr., Chairman
Jeffrey C. Brittain, Vice Chairman
Jack Carroll
Johnnie W. Carswell
Maynard M. Taylor

STAFF PRESENT: Bryan Steen, County Manager
James R. Simpson, II., County & Tax Attorney
Paul Ijames, Deputy County Manager/Finance Director
Kay Honeycutt Draughn, Clerk to the Board

CALL TO ORDER

Chairman Abele called the meeting to order at 4:15 p.m. The Board's 3 o'clock pre-agenda meeting lasted longer than expected.

APPROVAL OF THE AGENDA

Motion: To approve the agenda.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeffrey C. Brittain, Vice Chairman
AYES:	Wayne F. Abele, Sr., Jeffrey C. Brittain, Jack Carroll, Johnnie W. Carswell, Maynard M. Taylor

CLOSED SESSION

BOC - CLOSED SESSION TO ESTABLISH, OR TO INSTRUCT THE PUBLIC BODY'S STAFF OR NEGOTIATING AGENTS CONCERNING THE POSITION TO BE TAKEN BY OR ON BEHALF OF THE

October 4, 2016 (Special)

PUBLIC BODY IN NEGOTIATING THE PRICE AND OTHER MATERIAL TERMS OF A CONTRACT OR PROPOSED CONTRACT FOR THE ACQUISITION OF REAL PROPERTY BY PURCHASE, OPTION, EXCHANGE, OR LEASE

A closed session is needed to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease as authorized by NCGS 143-318.11(a)(5).

Motion: To go into closed session.

<p>RESULT: APPROVED [UNANIMOUS] MOVER: Jack Carroll, Commissioner AYES: Wayne F. Abele, Sr., Jeffrey C. Brittain, Jack Carroll, Johnnie W. Carswell, and Maynard M. Taylor</p>

Motion: To come out of closed session.

<p>RESULT: APPROVED [UNANIMOUS] MOVER: Wayne F. Abele, Sr., Chairman AYES: Wayne F. Abele, Sr., Jeffrey C. Brittain, Jack Carroll, Johnnie W. Carswell, and Maynard M. Taylor</p>
--

RETURN TO OPEN SESSION

ACQUISITION OF REAL PROPERTY FOR EMS BASE STATION 6

Motion: To authorize the County Manager to execute a purchase agreement for approximately 0.5 acre of land on Miller Bridge Road that is currently owned by Four Way Farms, LLC for future placement of EMS Station 6 and funding up to a total of \$10,000 for the purchase of a property survey, Phase 1 testing and perk test from General Fund, Fund Balance.

<p>RESULT: APPROVED [UNANIMOUS] MOVER: Johnnie W. Carswell, Commissioner AYES: Wayne F. Abele, Sr., Jeffrey C. Brittain, Jack Carroll, Johnnie W. Carswell and Maynard M. Taylor</p>

ITEMS FOR DECISION

BOE - PAY OUT OF COMPENSATORY TIME FOR BOE NON-EXEMPT EMPLOYEE

Background: It has been discovered that a non-exempt employee in the Elections Department is carrying a comp balance of over 329 hours. According to USDOL (U.S. Dept. of Labor) requirements, only 240 hours may be accrued by local government employees. The Human Resources Director recommends the County pay out 189.175 hours of comp time to the employee which would bring the employee's balance down to 140 hours, below the 240-hour USDOL maximum. The cost of the payout equates to \$2,766.00+/-.

October 4, 2016 (Special)

Burke County Personnel Policy, Article III. Wage and Salary Administration, Section 3.08 Overtime Pay Provisions, Compensatory time, (b)Non-Exempt; states; "It is the policy of Burke County, in agreement with its employees, that non-exempt employees (except for employees in the Sheriff's Office and Emergency Management) may receive compensatory time off at a rate of not less than one and one-half (1 ½) hours for each hour of employment for which overtime compensation is required under the Fair Labor Standards Act. Non-exempt employees shall not be allowed to accrue more than 80 hours of compensatory time at any point, without prior approval from the County Manager. When a compensatory balance of 80 hours exists for a non-exempt employee, and that employee works additional overtime, that employee shall be paid overtime for hours worked that are over 40 hours per week, unless the County Manager approves the accrual of a higher compensatory balance. The County Manager may provide approval for a compensatory balance of greater than 80 hours (but less than 240) after consultation with the department head. Department Heads and supervisors have the right and obligation to manage compensatory time by scheduling employees to take accrued compensatory time in a timely manner so that compensatory hours will not accrue to excessive levels. Compensatory time must be used before sick and vacation."

The United States Department of Labor, Wage and Hour (Fact Sheet #7: State and Local Governments Under the Fair Labor Standards Act (FLSA) Revised March 2011 states, "Compensatory Time: Under certain prescribed conditions, employees of State of Local government agencies may receive compensatory time off, at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other state and local government employees may accrue up to 240 hours. An employee must be permitted to use compensatory time on the date requested unless doing so would "unduly disrupt" the operations of the agency. Budgetary Effect: \$2,766.00 +/- of General Fund, Fund Balance.

Debbie Mace, Election Director, reported that the part-time employee works a full time schedule in the three (3) months surrounding an election in order to handle the volume of work produced during that time, including an unscheduled election in 2016. She noted that the compensatory time balance included roll over time from the past 3-4 years and that Elections routinely asks for additional personnel during budget time. County Manager Steen stated that the County has a policy regarding comp time which authorizes him to allow an employee to accrue up to 240 hours and the Payroll staff discovered the employee's balance well above allowed levels. He continued, stating that the County needs to come into compliance and, with the upcoming election which will require additional comp time for this same employee, he recommended paying down her balance to 140 hours and addressing the staffing needs further during the budget workshop in February.

October 4, 2016 (Special)

A short discussion ensued and Vice Chairman Brittain suggested that in the future, closer attention be paid to the accrual amounts for employees that consistently accumulate comp time. Mrs. Mace stated that during the election months, it's not uncommon for them to work 22 hour days and she needs the employee working due to their current staffing levels. She also noted that as an employee appointed by the Board of Elections, she's not a County Dept. Head and has a wide variety of State-mandated rules and regulations she must follow in addition to any County policies. Commissioner Carswell responded that this isn't an indictment against the Department but it is a serious issue and in the future, this doesn't need to happen again. Mrs. Mace stated that Elections needs another staff person and she can't send her employee home if their workload requires her. Commissioner Carswell stated that Board handles staffing requests incrementally as funds are available and they are addressing the need.

Motion: To approve the payout of compensatory time (189.175 hours) for a non-exempt Board of Elections employee utilizing \$2,766.00 +/- of General Fund, Fund Balance as presented.

RESULT: APPROVED [UNANIMOUS]

MOVER: Maynard M. Taylor, Commissioner

AYES: Wayne F. Abele, Sr., Jeffrey C. Brittain, Jack Carroll, Johnnie W. Carswell and Maynard M. Taylor

BOE - REQUEST FOR TEMPORARY TIME-LIMITED ELECTION SPECIALIST POSITION

The creation of a temporary time-limited Election Specialist position is requested to fill a permanent position recently vacated in the Board of Elections office. If approved, the temporary position would be for two months: October 5 through November 30. After November 30, the permanent position will be filled as normal. Budgetary Effect: None. Existing salary funds for the permanent position would be utilized to cover the salary for the temporary time-limited position.

Debbie Mace, Elections Director, reported that with the recent resignation of one (1) of their staff members right before the election, this two-month, full-time position would be critical to properly handling the work volume surrounding an election. She already has an employee in mind who has experience in the election field and can provide the basic duties of the Election office. A short discussion ensued regarding a miscommunication on when the temporary employee could start and the continuing need for staff, with Commissioner Carroll encouraging the Board to address the issue that appears to come up routinely around election time. She also reported that a BOE Board member volunteered for two (2) days to help staff meet critical deadlines. Commissioner Taylor asked if the budget would be affected with the departure of one (1) staff member and the hiring of another, to which Mrs. Mace confirmed that no line item would be affected.

Motion: To approve the creation of a temporary time-limited Election Specialist position for two months; October 5 through November 30, 2016 as presented.

October 4, 2016 (Special)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Johnnie W. Carswell, Commissioner
AYES:	Wayne F. Abele, Sr., Jeffrey C. Brittain, Jack Carroll, Johnnie W. Carswell and Maynard M. Taylor

ADJOURN

Motion: To adjourn at 4:43 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Wayne F. Abele, Sr., Jeffrey C. Brittain, Jack Carroll, Johnnie W. Carswell and Maynard M. Taylor

Approved the 15th day of November, 2016.



Wayne F. Abele, Sr., Chairman
Burke Co. Board of Commissioners

Attest:



Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board