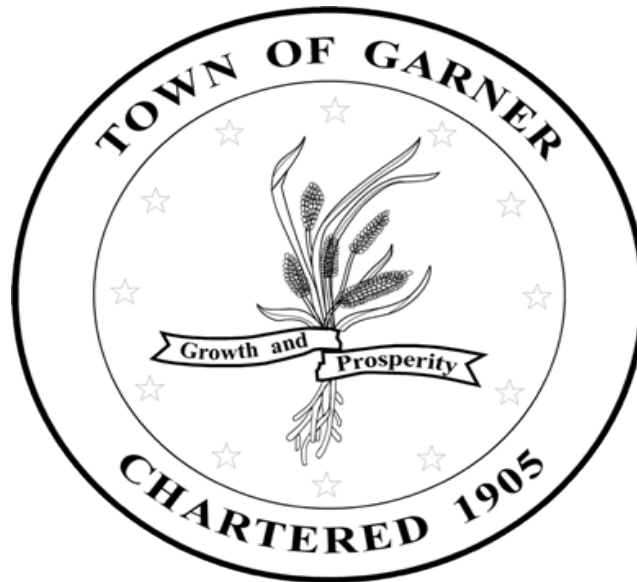


TOWN OF GARNER



TOWN COUNCIL WORK SESSION

July 31, 2018
6:00 P.M.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Work Session Agenda
July 31, 2018**

Dinner will be served for town officials in the Conference Room at 5:15 p.m.

The Council will meet in a Work Session at 6:00 p.m. in the Council Chambers located at 900 7th Avenue.

A. CALL MEETING TO ORDER/ROLL CALL

B. ADOPTION OF AGENDA

C. REPORTS/DISCUSSION

1. Update on Reuse of 120 East Main Street Page 3
Presenter: Joe Stallings, Economic Development Director & Mari Howe, Downtown Development Manager

Staff will give an update on plans for and status of the reuse of the 120 East Main Street Building.

2. Update of Fire Station 5 Discussions Page 4
Presenter: Rodney Dickerson, Town Manager

The Town of Garner and Garner Fire Rescue Dept. have discussed the need for another fire station in the Town limits of Garner as part of our long-range planning. With the recent growth throughout town, specifically in the 401/Ten-Ten corridor, the Town and Fire Department have recently discussed the potential for Fire Station 5. The siting of that station could have implications on the Wake County Fire Service District and collaboration with adjoining local governments. Staff will update you on discussions and meetings from the various stakeholders.

3. Conflict of Interest Policy Page 5
Presenter: Thad Anderson, Interim Town Attorney

Conflict of interest policies are often used in the corporate world. They particularly relate to contracting, purchasing, and self-dealing. The Town of Garner will be required to have one to enter into a local funding agreement with NCDOT.

D. MANAGER REPORTS

1. Bond Upgrade
2. Connect Conference

E. COUNCIL REPORTS

F. CLOSED SESSION

Pursuant to N.C. General Statutes 143-318.11(a)(5) "to discuss possible real estate acquisition and the Town's negotiating position regarding such real estate."

G. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 31, 2018		
Subject: Update on Reuse of 120 East Main Street Building		
Location on Agenda: Reports		
Department: Economic Development		
Contact: Joe Stallings, Economic Development Director and Mari Howe, Downtown Development Manager		
Presenter: Joe Stallings, Economic Development Director and Mari Howe, Downtown Development Manager		
Brief Summary: Staff will give an update on plans for and status of the reuse of the 120 East Main Street Building.		
Recommended Motion and/or Requested Action: Receive report.		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: N/A		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JMH/JS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 31, 2018		
Subject: Fire Station 5 Planning Update		
Location on Agenda: Discussion		
Department: Administration		
Contact: Rodney Dickerson, Town Manager		
Presenter: Rodney Dickerson, Town Manager		
Brief Summary: The Town of Garner and Garner Fire Rescue Dept. have discussed the need for another fire station in the Town limits of Garner as part of our long range planning. With the recent growth throughout town, specifically in the 401/Ten-Ten corridor, the Town, Fire Department and Wake County have recently discussed the potential for Fire Station 5. The siting of that station could have implications on the Wake County Fire Service District and collaboration with adjoining local governments. Staff will update you on discussions and meetings from the various stakeholders.		
Recommended Motion and/or Requested Action: No Action. Information only.		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 31, 2018		
Subject: Conflict of Interest Policy		
Location on Agenda: Discussion		
Department: Legislative		
Contact: William E. Anderson, Town Attorney		
Presenter: Thad Anderson		
Brief Summary: Conflict of interest policies are often used in the corporate world. They particularly relate to contracting, purchasing, and self dealing . The Town of Garner will be required to have one to enter into a local funding agreement with NCDOT.		
Recommended Motion and/or Requested Action: Discussion		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: N/A		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	WEA	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

TOWN OF GARNER

Conflict of Interest Statement

I. Conflict Resulting in Financial Gain

A. **Definitions.** For purposes of this section, the following definitions shall apply:

1. **Business Entity** means any business, proprietorship, firm, partnership, persons in representative or fiduciary capacity, association, venture, trust or corporation which is organized for financial gain or for profit.
2. **Town Official** means the Town Manager, Town Council, Town Attorney and Department Heads.
3. **Immediate Household** means the Town Official, his/her spouse, and all dependent children of the Town Official.
4. **Interest** means direct or indirect pecuniary or material benefit accruing to a Town Official as a result of a contract or transaction that is or may be subject of an official act or action by or with the Town. For purposes of this article, a Town Official shall be deemed to have an interest in the: (1) affairs of any person in his/her immediate household as such term is defined in this section, (2) any business entity in which the Town Official is an officer or director, (3) any business entity in which an excess of five percent (5%) of the stock of or legal beneficial ownership of is controlled or owned directly or indirectly by the Town Official, (4) any non-profit organization on which the Town Manager or any member of the Town Council currently serves as an officer, director, or board member.
5. **Official act or action** means any legislative, administrative, appointive, or discretionary act of any Town Official.

B. Standards of Conduct

1. **Scope.** All Town Officials as defined in this article shall be subject to and abide by the following standards of conduct.
2. **Interest in Contract or Agreement.** No Town Official herein defined shall have or thereafter acquire an interest in any contract or agreement with the Town. This section does not prevent employment contracts between the Town Official and the Town.
3. **Use of Official Position.** No Town Official shall use his or her official position or the Town's facilities for his or her private gain. In addition, Town Officials shall not misuse their status in such a way as to require, expect, or accept favors from subordinate employees.
4. **Disclosure of Information.** No Town Official shall use or disclose confidential information gained in the course of or by reason of his official position for purposes of advancing (1) his or her financial or personal interest, (2) a business entity in which he or she is an owner in part or in whole, an officer or director, (3) the financial or personal interest of a member of his or her immediate household or that of any other person.

5. **Incompatible Service.** No Town Official shall engage in or accept private employment or render service to private or public interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties unless otherwise permitted by law and unless disclosure is made as provided in this article. Before accepting private employment, the Town Official should consider whether such employment should not represent himself or herself as an employee or agent of the Town of Garner.
6. **Gifts.** No Town Official shall directly or indirectly solicit any gift or accept or receive any gift having a value of Fifty Dollars (\$50.00) or more whether in the form of money, services loaned, travel, entertainment, hospitality, thing or promise or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of official duties or is intended as a reward for any official action on his or her part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph.
7. **Special Treatment.** No Town Official shall grant any special consideration, treatment or advantage to any citizen or public or private entity beyond that which is available to every other citizen or entity.

C. Disclosure of Interest in Legislative Action

The Town Manager or any member of the Town Council who has an interest in the official act or action before the Board shall publicly disclose on the record of the Board the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Town Council pursuant to the adopted Rules & Procedures of the Town Council.

D. General Disclosure – Town Clerk to Prescribe Form and Fees

1. All Town Officials as herein defined shall file with the Town Clerk on the 1st day of July, a statement containing the following information:
 - (1) The identity by name and address of any business entity of which he or she, or any members of his or her immediate household, is an owner, officer or director and percentage of interest or ownership, if applicable. Additionally, the Town Official and spouse shall give the name of their employer, or if self-employed, state the nature of their work.
 - (2) The identity by location and address of all real property located in Garner owned by the Town Official or any member of his or her immediate household, including an option to purchase or lease for ten years or more other than personal residence.
 - (3) The identity by name and address of any non-profit organization which was the subject of some official act or action of the Town within the past year and on which the Town Official or spouse serves as an officer, director or board member. In addition, the Town Official should provide names of other board members of any entity on which the Town Official serves.

2. The statements required by this section shall be filed on a form prescribed by the Town Clerk and are public records available for inspection and copying by any person during normal business hours. The Town Clerk shall charge the Town's prescribed fee for the copying of statements. Town Officials are responsible for updating this disclosure statement any time there is any change in the Town Official's ownership or status as defined by this section.

E. Investigations Instigated by the Town Council, Town Manager or Any Other Person

1. The Town Council may direct the Town Attorney to investigate any apparent violation of this article as it applies to any member of the Town Council, or Town Manager, and to report the findings of the investigation to the Town Council.
2. The Town Manager may direct the Town Attorney to investigate any apparent violation of this article as it applies to Department Heads and to report the findings of the investigation to the Town Manager.
3. The Town Council may direct the Town Manager to investigate any apparent violation of this article by the Town Attorney and to report the findings of the investigation to the Town Council.
4. Any person who believes that a violation of this article has occurred may file a complaint in writing with the Town Council when the Town Council, Town Manager, or Town Attorney are the subjects of the complaint, or with the Town Manager when the Department Heads are the subjects of the complaint and may thereafter proceed as provided in paragraph 1 through 3 of this section.

F. Sanctions by Town Manager and Town Council, Rights of the Accused at Hearings

1. If the Town Manager, after receipt of an investigation, has cause to believe a violation has occurred, a hearing shall be scheduled on the matter. The hearing shall be conducted in accordance with Personnel provisions of the North Carolina General Statutes and Town personnel ordinance. The Town Official who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainants(s), and be represented by counsel at the hearing. If after such hearing and review of all the evidence the Town Manager finds that a violation of this article has occurred, he or she shall take whatever lawful disciplinary action he deems appropriate, including but not limited to reprimand, suspension, demotion, or termination.
2. If the Town Council, after receipt of an investigation, has cause to believe a violation has occurred, the Council shall schedule a hearing on the matter, said hearing may be held as an Executive Session. The Town Official who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainants(s), and be represented by counsel at the hearing. If upon the conclusion of the hearing, the majority of the vote of the Council finds a violation has occurred, the Council may adopt a resolution of censure that shall be placed as a matter of record in the minutes of an official Town Council meeting.

G. Advisory Opinions

When a Town Official has doubt as to the applicability of any provision of this article to a particular situation or to the definition of terms used in this article, he/she may apply to the Town Attorney for an advisory opinion and he or she shall issue an opinion in writing and file same with either the Town Council or Town Manager. The Town Official shall have the opportunity to present his or her interpretation of the facts at issue and of the application of provisions of this article before such advisory opinion is made. In addition, the Town Official shall publicly disclose to the Town Council or Town Manager the facts of issue in a particular situation and shall rely upon any resolution adopted by the Town Council or Town Manager regarding that particular situation.

DISCLOSURE OF INTERESTS STATEMENT

(To be filled with the Town Clerk on or before July 1st)

Name: _____

Address: _____

Employer: _____

Nature of Work: _____

Names of other adult persons in your immediate household and their employer(s). If self-employed, state nature of work.

Name	Employer	Nature of Work

List the name and address of any business entity in which you or any member of your immediate household is an owner, officer or director and state the percentage of interest or ownership, if applicable.

Entity	Address	%Interest/Ownership	Person w/Interest

State the names and addresses of any non-profit organizations in which you or your spouse is an officer, director or board member.

Organization	Address	Position	By Whom

Identify by location and address all real property located in Garner owned by you or any member of your immediate household, including any options to purchase or lease for 10 or more years.

Property	Location	Owner

(Use an additional sheet if needed for any answers to above questions.)

CERTIFICATION

The above information is an inclusive account of the business, organizational, and real estate interest by me (the employee) or any member of my immediate household. I understand that this statement must be filed in the Office of the Town Clerk, 900 7th Avenue, Garner, NC 27529, on or before July 1st of each year. I further understand that this statement constitutes a public record and is available for public inspection.

_____ Date _____ Signature _____

State of North Carolina
Wake County

I, _____, a Notary Public for Wake County

and the State of North Carolina do hereby certify that _____

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the _____ day of _____, 20____.

Notary Public

SEAL

Printed Name of Notary Public

My commission expires:

_____, 20____.