

# TOWN OF GARNER



## TOWN COUNCIL MEETING

AUGUST 1, 2016  
7:00 P.M.

Garner Town Hall  
Council Meeting Room

**Town of Garner  
Town Council Agenda  
August 1, 2016**

*Dinner will be served for town officials in the Conference Room at 6:15 p.m.*

The Council will meet in regular session at 7:00 p.m. in the Garner Police Department Training Room located at 912 7<sup>th</sup> Avenue.

A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

The Council will call for a brief recess at 9:00 p.m.

B. PLEDGE OF ALLEGIANCE: Council Member Buck Kennedy

C. INVOCATION: Council Member Buck Kennedy

D. PETITIONS AND COMMENTS

*This portion of the meeting is to receive comments from the public on items not included in this agenda. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. The Board is interested in hearing your concerns, but may not take action or deliberate on subject matter brought up during the Petitions and Comments segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.*

E. ADOPTION OF AGENDA

F. PRESENTATIONS

1. Recognize the 2016 Garner 8U All Star Baseball Team as the National PONY  
Baseball Championships .....Page 4

G. CONSENT

*All items on the Consent Agenda are considered routine, to be enacted by one motion and without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.*

1. Minutes from the January 19, May 2, May 17 Council Meetings and the May 18  
Budget Work Session .....Page 6

Action: Adopt Minutes

2. PRCR Position Reclassification .....Page 31  
Presenter: Sonya Shaw

PRCR is recommending an upgrade of Recreation Administration Specialist, Grade 20, to Athletics Program Supervisor, Grade 23. Associated fees total \$5,741, of which the PRCR department will assume and not request additional funding. The proposed job description is attached.

Action: Approve Position Reclassification

3. Employee Policy Manual Review ..... Page 34  
Presenter: BD Sechler, Human Resources Director

Annual review and update of current policies as well as implementation of several new policies.

Action: Approve Modified and New Policies

4. Stop Sign Installation ..... Page 49  
Presenter: Tony Chalk, Town Engineer

The Engineering Department is recommending approval to erect a stop sign as a traffic control measure at N. Greenfield Parkway and Green Trace Court.

Action: Approve Installation

#### H. PUBLIC HEARINGS

1. Special Use Site Plan SUP-SP-16-06, Carillon Assisted Living ..... Page 52  
Presenter: Jenny Saldi, Senior Planner

Tony M. Tate Landscape Architecture is requesting conditional use site plan approval for an assisted living facility located at 2015 Aversboro Road

Action: Approve SUP-SP-16-06

2. Authorization to Amend Fire Prevention and Protection Ordinance..... Page 60  
Presenter: Tony Beasley, Inspections Director

Amend Chapter 4- Fire Prevention and Protection Ordinance to add a section concerning Third Party Fire Protection and Control, Inspection, Testing and Maintenance Reporting and to clarify those authorized to bring enforcement action.

Action: Adopt Ordinance (2016) 3824

#### I. NEW/OLD BUSINESS

#### J. COMMITTEE REPORTS

#### K. MANAGER REPORTS

1. garner info
2. Connect Conference
3. Contract with CAYSL

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURNMENT

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 1, 2016		
Subject: Recognition of the 2016 Pinto Baseball 8U National Championship Winners		
Location on Agenda: Presentations		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary:  Recognize the 2016 Garner 8U All Star Baseball Team for their National PONY Baseball Championship in Mt. Vernon, Illinois on Saturday, July 23, 2016.		
Recommended Motion and/or Requested Action: Presentation Only; No Action Requested		
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: Congratulations on this incredible honor.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

# Garner 8U Pony All Stars – Garner, NC



*(photo courtesy of Ray Dunlap)*

Front Row (l to r) – Brady Suber, Seth Pennica, Joseph Speelman, Austin Clark, Ethan Gilchrist, Second Row – Hayden Buffaloe, Tripp Johnson, Jett Parsley, Karter Bossman, Bryan McDaniel, Hunter Graham, Jennings Dunlap, Third Row – Jason Dunlap, Ray Dunlap (Head Coach), Darrell Gilchrist, Rick Gilchrist, Justin Clark 6/24/16

**Town of Garner  
Town Council Minutes  
January 19, 2016**

The Council met in regular session at 7:00 P.M. in the Council Meeting Room.

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ronnie Williams

Mayor Williams, Mayor Pro Tem Behringer, Council Member Johns, Council Member Kennedy, Council Member Marshburn, Council Member Singleton

**PLEDGE OF ALLEGIANCE:** Council Member Johns

**INVOCATION:** Council Member Johns

**PETITIONS AND COMMENTS**

Mr. Bill Berry lives on Main Street and reported safety concerns in his neighborhood and surrounding neighborhoods. Most recently, there was an incident involving mailbox vandalism. The Police Chief will follow-up with Mr. Berry. Mr. Dickerson stated staff resources would be committed to help rectify the situation.

**ADOPTION OF AGENDA**

Motion: Johns  
Second: Marshburn  
Vote: Unanimous

**PRESENTATIONS**

Mayor's State of the Town Address

Presenter: Ronnie Williams, Mayor and Rick Mercier, Communications Manager

*Hello. I'm Mayor Ronnie Williams. I am grateful to have served as your mayor for the past 10 years and honored to present the annual State of the Town address. This annual address is an opportunity to recognize the past year's accomplishments, provide an update on the Town's essential services and highlight why Garner is a great place to live, work, raise a family and do business. This past year, Garner citizens have volunteered for boards, commissions and committees in an effort to serve their town. Many have participated in our Garner 101 citizens academy as well as the Police Department's citizens academy. We are fortunate to have so many engaged citizens who want to learn more about how their town functions. It is citizens such as these who are the reason we are an All-America City. The Town's partnerships in the community continue to make Garner strong. Our partnership with the Chamber of Commerce boosts our local economy and makes possible the award-winning Broadway Voices series. Our partnership with Garner Volunteer Fire and Rescue provides essential public safety services. And, our partnerships with Meals on Wheels, Resources for Seniors, the Police Athletics and Activities League—as well as numerous youth sports and civic organizations—enhance the quality of life for citizens of all ages. Garner continues to be blessed with outstanding elected leadership. It is a pleasure to be a part of such an extraordinary group of leaders. I am grateful that the citizens of Garner granted me another four-year term. Council Members Johns, Kennedy and Marshburn also won new terms in 2015. I look forward to continuing to work with them—and with Council Members Behringer and Singleton. Together, as a team, we vow to do our utmost to keep Garner moving in a positive direction in the next four years. It is easy to look around and see that Garner is a town on the move. Last year started with the announcement that Garner would join a select number*

of cities and towns across the country that are getting Google Fiber super high-speed internet service. Then in the spring, the YMCA unveiled plans to build a new facility in Garner on Aversboro Road. The campaign to finance the Garner “Y” is an example of how this community comes together to do great things. As we always like to say, great things grow in Garner. Last spring also saw the opening of the Garner Cabela’s—the first one in the state. Numerous new restaurants and other retail establishments also opened at White Oak, riding Cabela’s coattails. You will see more restaurants and businesses opening in that area in 2016. We also heard the rumblings of residential growth in 2015. A new 660-lot subdivision off of Fayetteville Road—Swift Creek Station—was approved in 2015. It’s the first new subdivision the Town has seen since the start of the Great Recession. Our town—whose population has grown by 57 percent since 2000—will continue to add many new citizens in the coming years, but I know that we will maintain the strong sense of community that makes Garner special. We have a talented and dedicated Town staff that is committed to maintaining Garner’s special character and to the strategic priorities defined by our Town Council—fiscal responsibility ... efficient and timely delivery of services ... orderly growth ... and a superior quality of life. The Town’s Parks, Recreation and Cultural Resources Department earned national accreditation in 2015—and that came on the heels of Public Works receiving national accreditation and the Police Department earning reaccreditation in 2014. Garner is now the only local jurisdiction in America to have accredited parks and recreation, public works and police departments—and to have earned All-America City status at least once since 2000. That is a testament to the outstanding quality of service that the Town government provides—and to a high level of support from the community. The Town and our community received other accolades in 2015. Our recreational programming and amenities earned Garner Playful City USA status for the second year in a row. The Town’s parks and recreation amenities were greatly enhanced last year with the opening of North Garner Dog Park on Garner Road ... new concessions buildings, dugout covers and fencing at Garner Recreational Park and South Garner Park ... and the installation of new sidewalks downtown. These projects were all made possible by the Garner Bond Program, which voters overwhelmingly approved in 2013. In 2016, the Town will start construction on its biggest recreational amenity ever—the recreation center at the corner of Main and Montague Streets in downtown. This, too, is a bond project. The Town’s finance and communications teams also earned statewide and national accolades for their work in 2015, and Garner’s Main Street Program earned reaccreditation as well. Meanwhile, thanks to the work of the Town’s economic development team, Garner was admitted into the Duke Site Readiness Program. That will make Garner better able to secure good jobs for our community and grow our tax base. The Town closed out 2015 with a ribbon cutting for the new police station at 912 7th Avenue. This state-of-the-art facility brings our Police Department under one roof. We are grateful to Garner voters for approving that project as part of the bond program. In 2016, construction of the new Town Hall—yet another major bond project—will get underway. That will mean Town Hall staff will relocate temporarily to 914 7th Avenue and 400 Aversboro Road. The good news is that there will be total continuity of services, and the quality of the service you have come to expect will not be diminished in the least. The Town has also worked with the library to enable continuation of limited services in the old police station at 900 7th Avenue. That temporary location should open later in January. We look forward to a newly renovated library opening in the spring. In 2016, you will see other major projects come to fruition—most notably, South Garner High, which will open in fall 2016 with Garner Magnet High students attending it so that renovation of Garner Magnet High can proceed. In addition, construction of an elementary school on Bryan Road is on the horizon. These projects are possible because of the Town’s productive collaboration with the school system. Garner is not growing in a haphazard fashion. We plan for our future. And in 2016, Town staff will start on an update of Garner’s comprehensive growth plan. Community input will be critical to the success of that project. Our highly professional staff also is going to work on updates to the Town’s transportation plan and parks and recreation master plan. All of this adds up to a town that’s on the move—to an All-America City that is planning wisely for its future as it continues to be a magnet for new businesses and residents. I am excited about what the future holds for Garner. I urge all of you to get involved in this community to make it all that it can be. God bless you, and God bless Garner. Thank you.

## **Town Hall Construction Estimate**

Presenter: Tony Chalk, Town Engineer

Ashley Love and Keith Carlyon from ADW Architects provided an overview of the design elements included in the new Town Hall. Included are many sustainable design features relating to site sustainability, water efficiency, energy conservation and performance, indoor environmental quality and materials and resources. Even with all the sustainable features, the project is still under budget. As alternates, the Council considered upgrading the wall base in the building, the purchase of a new generator versus the cost of retrofitting the existing generator, and adding approximately 40 additional parking spaces north of the Library. Mr. Chalk advised Council that as the additional parking spaces would be shared with the Library, Wake County would be responsible for 100% of the construction cost and a portion of the design costs. Mr. Carlyon advised Council that due to the size of the project, in addition to local plan review, NCDOT is required to review and at this time they are back-logged. It is estimated the project will be open for bids from prequalified general contractors between March 2 and March 30 with construction beginning May 2016.

## **Historic Downtown Garner Plan Accomplishments and GRA 2015-2017 Plan of Work**

Presenter: Mari Howe, Downtown Development Manager, John Hodges, Assistant Town Manager-Development Services and Patrick Byrd, GRA Board Chair

The GRA Board held a strategic planning session in October to develop their 2015-2017 Plan of Work. An overview of this plan and accomplishments from the 2010 Historic Downtown Garner Plan were presented.

Accomplishments included securing a location for the Indoor Recreation Center, Main Street streetscape improvements, downtown wayfinding signage. Ongoing projects include identifying retail/restaurant users for the downtown area and several other projects which will be completed as part of the Indoor Recreation Center project.

Goals for 2015-2017 include making the downtown area more esthetically pleasing and cohesive, promoting the downtown area as a epicenter of commercial business, culture arts, and recreation, and creating an environment to facilitate and support new economic growth that utilizes the economic drivers of sports and recreation, arts and culture, and history.

Council Member Singleton asked that the GRA work with the Town's Neighborhood Improvement Manager to address issues such as presented by Mr. Berry. Ms. Howe reminded Council that GRA did participate in the first community meeting and will continue to do so.

Council Member Kennedy asked that Ms. Howe report back in a few months to provide information the plan or proposal for the property east of the proposed Indoor Recreation Center

Council Member Marshburn was pleased to see the marketing strategy for retail/restaurant and commended Mr. Byrd for his service on the GRA board and for 'putting his money where his mouth is.'

Mr. Dickerson advised Council that staff would investigate the possibility of reinstating an initiative and increased enforcement in the area.

## **CONSENT**

### **Resolution Recognizing Police K-9 as Disposable Property**

The Police Department requests the Council recognize surplus of Bear and Bandit, Police K-9's as disposal property and authorize the sale of the dogs to their handlers David Taylor and Sonny Roberson, respectively, for

\$1.00. Bear is an 11 year old German Shepherd and Bandit is a 9 ½ year old German Shepherd. Both have reached the end of their useful purpose as K-9's.

Action: Adopt Resolution (2016) 2278

**Resolution to Surplus Service Weapon and Badge of Deputy Chief Copeland**

Recognize Service Weapon and Badge of Deputy Chief Copeland as disposable property so that it can be awarded to him in recognition of his retirement from the Town after 25 years of service.

Action: Adopt Resolution (2016) 2279

YMCA Capital Fund Pledge Increase

Presenter: Rodney Dickerson, Interim Town Manager

As the YMCA Capital Campaign for a YMCA facility in Garner gets closer to reaching its goal, a request has been made for the Town of Garner to increase its pledge from \$100,000 to \$120,000 over 6 years. The increased pledge of \$20,000 will allow the YMCA to take advantage of matching funds offered by a third party donor.

Action: Authorize Pledge Increase of \$20,000

Motion: Kennedy

Second: Johns

Vote: Unanimous

**PUBLIC HEARINGS**

The next item is a quasi-judicial hearing to consider a special use permit application. The Town Attorney explained the procedures to be followed in this type of hearing. The Clerk administered an Affirmation of the Oath to the following: Brad Bass, Jenny Saldi, Stephanie Norris.

Mayor Williams opened the public hearing and asked Council to disclose any ex parte communications regarding this project. Hearing none, he opened the public hearing.

Special Use Permit SUP-SP-15-12, Landings @ Heather Park

Presenter: Jenny Saldi, Senior Planner

Spaulding & Norris, PA is requesting special use permit approval for an 81 unit townhouse project located off Heather Park Drive. The property is zoned Multi-Family (MF-2).

Ms. Saldi gave the following staff report.

The application proposes the construction of an 81 unit townhome project on a 10.19 acre site located off Heather Park Drive. The proposed project will consist of two story units each with a garage, covered porch and patio. A mixture of stone veneer, vertical siding, horizontal siding and shakes proposed for front elevations to provide visual interest. The plan as proposed meets the requirements of the Landscape Ordinance. Each unit has two parking spaces, one in the garage and one in the driveway. Additional parking, as required, has been distributed through the site. This site does not contain a FEMA designated floodplain. The Fire Inspector has reviewed the site plan and fire flow test. The plan as proposed meets the requirements for fire protection. The Park, Recreation and Cultural Resource Department recommended a fee-in-lieu of parkland dedication and the required open space has been provided with a gathering place in the center of the site and a walking path along the west boundary of the property. Public water and sewer service are proposed for this development. The City

of Raleigh has given preliminary approval; however, construction drawing approval is required. One point of access for the public is proposed off Heather Park Drive. A second point of access for emergency vehicles only is shown just north of the bio-retention pond. Sidewalks are proposed along Heather Park Drive with connections to the interior sidewalk loop. This project is subject to nitrogen and water quantity requirements along with watershed water supply protection requirements (85% TSS removal) and water quantity requirements. A bio-retention pond will be installed that will control the 1, 10 and 25 year storms along with reducing nitrogen and meeting the 85% TSS removal requirement for this site. A payment to a private mitigation bank will be required. The SUP application is consistent with Town plans/policies.

The Planning Commission, at their meeting on January 11, 2016, unanimously voted to recommend approval of SUP-SP-15-12 – The Landing at Heather Park with no site specific conditions.

Council Member Kennedy asked if the project was targeted to any specific age group and Ms. Saldi advised it was open to all age groups.

Ms. Norris advised Council that construction drawings for the project should be submitted within the next 2 weeks to staff, Town, and Wake County for review. It is anticipated the project will begin construction in June.

Council Member expressed his appreciation to the applicant for their investment in Garner.

Hearing no additional comments, Mayor Williams closed the hearing and called for a motion.

Action: Find application complete and in compliance; approve permit subject to the following three conditions: 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Town Council, a copy of which is filed in the Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in the Unified Development Ordinance; 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect; 3) All applicable permit approvals shall be obtained by the applicant.

Motion: Marshburn  
Second: Johns  
Vote: Unanimous

## **NEW/OLD BUSINESS**

Neighborhood Improvement Matching Grant for Vandora Pines Subdivision  
Presenter: Reginald Buie, Neighborhood Improvement Manager

Vandora Pines Homeowners Association applied for Matching Grant Funds in support of a series of outdoor movies with the purpose and intent of fostering a sense of community and to encourage participation within the neighborhood. The request meets the requirement for recreational and social activities as outlined in the Policy on Matching Grant Program for Formally Recognized Neighborhoods.

Action: Authorize Matching Grant of \$700

Motion: Singleton  
Second: Behringer  
Vote: Unanimous

Council member Kennedy clarified that the request falls within the Town’s guidelines and funds were available. Mr. Buie confirmed this information and also stated the request was unanimously supported by the Neighborhood Improvement Committee. Mr. Dickerson asked Council if the request meets the criteria and has support of the Neighborhood Improvement Committee if they wanted this type of request to come before them. Mr. Kennedy felt this was a good opportunity for other communities to learn about so they could do something similar in their neighborhoods.

Lake Benson Park Storm Water Design  
Presenter: Tony Chalk, Town Engineer

With the construction of the dog park at Lake Benson additional parking is needed. There were existing impervious surfaces that needed to be treated, and the sizing of this BMP will account for that area as well. McKim and Creed has submitted a proposal for this design which included 45 parking spaces and 2 handicapped parking spaces. Council Member Marshburn asked what measures were planned to discourage parking along the roadway and Mr. Chalk responded that the Public Works would install bollards with rope as done in previous locations. Mr. Chalk also explained that the bio-retention area would consist of a 6” to 12” depressed.

Action: Authorize Design

Motion: Kennedy  
Second: Singleton  
Vote: Unanimous

## **COMMITTEE REPORTS**

### **MANAGER REPORTS**

- Mr. Dickerson reported that development in the White Oak area continues.
- Advised Council of an email received from NCDOT regarding the Highway 50 bridge by Highway 70; may want an additional lane along Hwy 70.
- Reported advertising for the Engineering Senior Administrative Assistant had closed and staff was in the process of reviewing.
- Advised Council of a discount retailer, Gabe’s, who is interested in 20,000 sq. ft. of space in the old Wal-Mart space in North South Station. Mr. Bass explained this area was developed prior to the U.S. 401 Overlay, and does not fit our current architectural or technical guidelines. The Planning Department will work with the retailer to replace trees in front of the building. Council Member Johns felt compromising was required because of the existing shopping center. Council was unanimous in their support of this project.
- Advised Council of the City of Raleigh draft comments from Council and staff with proclamation supporting the Eastern Wake Expressway’s Orange Route.
- Advised Council of the request of AARP Tax Aid to utilize space in Building A from February 1 through April 15 to perform tax service.
- Mr. Hodges reported all employees located in Building B have been moved to their new temporary work space. It is anticipated the employees in Building A will be moved this week. Mr. Mercier will communicate this information to the public and location maps will be placed on all Buildings A and B indicating the temporary locations. The audio/visual team will begin moving equipment tomorrow. Library temporary space opened today and the Town is assisting them with signage. The Library is scheduled to complete updates to their building by April. In their temporary location, citizens will have access to reduced book space and pick up/drop off services. Mr. Hodges expressed his appreciation for the way staff has worked over last few weeks to make move happen.
- garner info
- Finance Report

- Building Permit Activity Report
- Revised Draft Agenda for Retreat - Mr. Hodges presented Council with a draft Council Retreat agenda and requested additional feedback on topics the Council would like to consider. Council Member Kennedy felt it would be beneficial to Council to meet with Davenport after the Retreat to discuss Revenue Savings Plan and bond sales.

## **ATTORNEY REPORTS**

## **COUNCIL REPORTS**

### Council Member Marshburn

- Council Member Marshburn asked if the force main work in the park was complete and Mr. Chalk advised that during the recent walk-through with the City of Raleigh several items were identified as incomplete; one in particular being the scar marks on walking trail.
- Asked for the status of hiring the Deputy Town Clerk. Mr. Dickerson advised this process has not started yet, but expected to move forward within the next few weeks.
- Commended Mayor Williams for his on-going participation in annual Martin Luther King, Jr. celebration.

### Mayor Pro Tem Behringer

- Reported tall grass and trash at the intersection of Simpkins Road at 401 South.

### Council Member Singleton

- Council may want to consider remote cameras for use in specific areas such as Mr. Berry's.
- Would like Council to review policies relating to Police body cameras.
- Asked the status of hiring the Finance Director. Mr. Dickerson advised hopes to begin the process within the next 30 days.
- Attended the ribbon cutting for the new Police Station on Friday and also the grand opening on Saturday. Saturday's event was heavily attended.

### Council member Kennedy

- Asked for periodic reports over the next few months to shed light on progress being made regarding the downtown area vandalism.
- Reported the meeting with Wake County Commissioners went well and resulted in good information being exchanged specifically relating to the fire department.

## **CLOSED SESSION:**

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

**ADJOURNMENT:** 11:30 p.m.

**Town of Garner  
Town Council Meeting  
May 2, 2016**

The Council met in regular session at 7:00 p.m. in the Garner Police Department Training Room located at 912 7<sup>th</sup> Avenue.

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ronnie Williams

Present: Mayor Ronnie Williams, Mayor Pro Tem Kathy Behringer, Council Member Jackie Johns, Council Member Buck Kennedy, Council Member Ken Marshburn, Council Member Gra Singleton

**PLEDGE OF ALLEGIANCE:** Council Member Kennedy

**INVOCATION:** Council Member Kennedy

**PETITIONS AND COMMENTS:** None

**ADOPTION OF AGENDA**

Town Manager Rodney Dickerson requested to add a Closed Session to the agenda pursuant to N.C. General Statutes Section 143-318-11(a)(6) to discuss a personnel matter.

Motion: Marshburn  
Second: Johns  
Vote: Unanimous

**PRESENTATIONS**

**Economic Development Week**

Presenter: Joseph Stallings, Economic Development Director

Recognize the week of May 8-14, 2016 as Economic Development Week.

**National Public Works Week**

Presenter: Paul Cox, Public works Director

Recognize the week of May 15-21, 2016 as National Public Works Week.

**National Police Week**

Presenter: Captain Joe Binns

Recognize the week of May 15-21, 2016 as National Police Week.

**CONSENT**

**Multivista Construction Management Contract**

Presenter: Tony Chalk, Town Engineer

Contract with Multivista for construction management documentation service as presented to the Town Council at the April Work Session.

Action: Authorize Contract with Multivista for \$12,000

## **Street Closing SC-16-02**

Presenter: David Bamford, Senior Planner

A street closing petition has been filed by the Town of Garner to close the unimproved portion of a street located on the Garner Recreation Center site.

Action: Adopt Resolution (2106) 2288 to set Public Hearing for June 6, 2016

Motion: Johns  
Second: Singleton  
Vote: Unanimous

## **PUBLIC HEARINGS**

### **Conditional Use Permit CUP-SP-16-11, Brice's Brewing**

Presenter: Brad Bass, Planning Director

A CUP application to establish a brewery and tap room at 1822 Garner Station Boulevard was reviewed by the Planning Commission on April 11, 2016. After the Planning Commission meeting the applicant notified staff of the need to continue the hearing until June 6, 2016. This will allow additional time for the applicant and the property owner to work out minor issues regarding alterations to the building.

Action: Continue Public Hearing to June 6, 2016

Motion: Singleton  
Second: Johns  
Vote: Unanimous

### **Conditional Use Zoning CUD-Z-16-01 and Conditional Use Permit CUP-SB-16-02, W. Garner Road**

Presenter: David Bamford, Senior Planner

Mayor Williams asked David Bamford to provide the staff report.

This request is to rezone 2 parcels of land totaling 18 acres at 1300 West Garner Road R-20 to R-9 C181 and has approximately 686 feet of road frontage on West Garner Road.

A 15-foot undisturbed buffer will be maintained along the common property line with the Perdue Development. This buffer will begin 30-feet off of the existing W. Garner Road Right-of-way and will run 727-feet along the common property line from this point to the northern most property line of now or formerly Carolyn Hart as shown on Sheet 7 of 7 Buffer Yard Landscape Plan which is included with Preliminary Subdivision Plans. A continuous evergreen shrub/tree buffer shall be planted along the common open area in between the Purdue Development and Proposed Lots 27, 28, 37, and 38.

The Garner Transportation Plan designates West Garner Road (11,000 average trips per day) as an existing Major Thoroughfare. Required Improvements when developed include curb, gutter, sidewalks, road widening and turn lanes.

The Garner Police Department reports 45 accidents at the intersection of Vandora Springs Road and West Garner Road for the period of January 1, 2010 to December 31, 2014 (5 years).

The North Carolina Department of Transportation reports 72 accidents at the intersection of Vandora Springs Road and West Garner Road for the period of January 1, 2005 to December 31, 2014 (10 years).

Action: Find rezoning application CUD-Z-16-01 reasonably complies with the Town's Comprehensive Growth Plan because it will likely allow the development of an appropriate density of housing in the area in which it is located; Adopt Ordinance (2016) 3814.

Motion: Kennedy  
Second: Marshburn  
Vote: Unanimous

The Town Attorney provided an opportunity for those in the audience who wished to speak.

Mr. Howell of Harper Communities provided a brief history of the project. Mr. Falkner of CE Group stated he had met with adjacent property owners to discuss their concerns. Mr. Sarouskie of AMT reminded Council that a traffic analysis was included in their submittal.

Mr. Doug Kowalczyk of 111 Perdue Street stated he had lived at this location for 11 years and was very concerned about the traffic flow. He felt a more detailed analysis should be performed and wondered if this project was the right move for this property.

Ms. Paula Page of 122 Perdue Street stated she is a native of Garner and felt the north side of Garner was being asked to bear the burden of high density housing. She said the move to R-9 zoning would only favor the tax base of developers.

The Mayor stated the next item is a quasi-judicial hearing to consider a special use permit application. The Town Attorney explained the procedures to be followed in this type of hearing. The Clerk administered an Affirmation of the Oath to the following: Brad Bass, Jenny Saldi, Tony Chalk, Mike Sarowski, Joe Falkner, and Bill Harrell.

Mayor Williams opened the public hearing and asked Council to disclose any ex parte communications regarding this project. Hearing none, he opened the public hearing and asked Ms. Saldi to provide the staff report.

This project is a 41-acre parcel being proposed for a 41 lot subdivision. Lot size per home is a minimum of 9,000 square feet. Open Space required is 1.95 acres; provided is 4.53 acres. This space will be owned and maintained by the Homeowner's Association. A fee-in-lieu of parkland dedication will be required. This site does not contain a FEMA designated floodplain, but is subject to water quality and quantity requirements. An onsite wet pond designed for a 1, 10 and 25 year storm event and pond will provide treatment for nitrogen, off set payment to private mitigation bank. The Fire Inspector reviewed and approved plan as proposed.

Public water and sewer mains will be extended to provide service for individual residential parcels and a public sewer main will be extended to the west to make available when needed. The site has two points of access, one off West Garner Road and one off Curtiss Drive. Sidewalks are proposed for both sides of the main streets, on one side of cul-du-sac and along West Garner Road the length of property.

Road improvements include a decel lane into project and a left turn lane into project. Any additional road improvements as determined by NCDOT will be the responsibility of the developer. Mail kiosks are now required by the USPS and the location and design proposed have been approved by the Garner Post Master.

The Planning Commission reviewed these plans at their meeting on April 11, 2016 and unanimously voted to recommend approval of CUP-SB-16-02, Kelly's Crossing, with four site specific conditions, 1) Prior to approval of construction drawings, written documentation of approval from NCDEQ for road crossing Neuse River buffer shall be received, 2) Documentation establishing a Homeowner's Association and Restrictive Covenants shall be submitted to the Town of Garner Planning Department prior to first final plat recordation, 3) A fee-in-lieu of parkland dedication shall be paid to the Town of Garner prior to issuance of each building permit, 4) The

applicant shall be responsible for roadway and traffic signal improvements as required by the NC Department of Transportation.

Mr. Harrell stated he has been working with residents regarding their concerns for the property by limiting the number of homes and establishing property buffers. The main street was re-aligned to slow traffic and a stop/turn is proposed at the northwest corner of the project to slow traffic off of Curtis Drive. The retention pond was relocated to the back of the site to assist with storm water. Homes are required to have a minimum of 1700 square feet of heated floor space, a deck or patio, constructed of hardiplank, vinyl, or brick with a crawl space or stem wall construction of at least 12-inches. Selling price of homes is \$200,000+.

Mr. Falkner stated no additional permits would be required for relocation of the retention pond.

Mr. Sarowski highlighted the traffic improvements proposed.

Council Member Singleton expressed concern of traffic cutting through on Collector Street A and asked if traffic calming measures were considered. Mr. Harrell stated the S-curve was designed to provide traffic calming and a small center island may be considered.

Mr. Chalk recommended Council consider directing staff to work with the Town Attorney to formulate language for Condition No. 5 to clarify a plan of action where credit will be established making the developer responsible for installing traffic calming devices on Collector Road A when 50% of the lots are occupied.

Action: Find application complete and in compliance; approve permit application subject to five site specific conditions, 1) Prior to approval of construction drawings, written documentation of approval from NCDEQ for road crossing Neuse River buffer shall be received, 2) Documentation establishing a Homeowner's Association and Restrictive Covenants shall be submitted to the Town of Garner Planning Department prior to first final plat recordation, 3) A fee-in-lieu of parkland dedication shall be paid to the Town of Garner prior to issuance of each building permit, 4) The applicant shall be responsible for roadway and traffic signal improvements as required by the NC Department of Transportation.

Council directs the staff to work with the Town Attorney to formulate language for Condition No. 5 to clarify a plan of action where credit will be established making the developer responsible for installing traffic calming devices on Collector Road A when 50% of the lots are occupied.

Motion: Marshburn  
Second: Kennedy  
Vote: Unanimous

## **NEW/OLD BUSINESS**

### **Funding Agreement with Wake County**

Presenter: Tony Chalk, Town Engineer

Funding agreement with Wake County to reimburse costs associated with the Town Hall parking lot expansion. This agreement was approved by Wake County on April 18, 2016.

Action: Authorize Agreement

Motion: Kennedy  
Second: Singleton  
Vote: Unanimous

### **Health Care Renewal**

Presenter: BD Sechler, Human Resources Director

At the April 26 Work Session, Council approved staff's recommendation to switch healthcare providers from BCBSNC to Aetna for the FY 16/17 budget year. The Town currently contributes 25% towards dependent coverage. The proposal presented for consideration increases that amount to 33.7%. This increase would require additional funding of \$40,000.

Action: Authorize Aetna as healthcare provider; approve the Town's increased contribution toward dependent health care coverage

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

**COMMITTEE REPORTS:** None

### **MANAGER REPORTS**

- garner info
- Mr. Dickerson reminded Council of the graduation Ceremony for Garner 101 participants scheduled for May 5 at 6:30 p.m. at the Senior Center.
- Mr. Dickerson reminded Council of the Employee Pancake Breakfast scheduled for May 5 from 7:00 a.m. – 9:00 a.m. at the Senior Center.
- Mr. Dickerson asked Town Engineer, Tony Chalk to explain the impervious surface challenge at the Google Fiber Hut site. The site plan submitted for the Google Fiber Hut site indicates an impervious surface of 18%. In order for a project to be exempt from storm water regulations, the site must have less than 12% impervious surface. In order to avoid construction of a BMP, an acceptable solution would be to place an open space easement on a lot the Town owns just north of the site. Doing this would bring down the affected developed area to 12% for the lot the Google Hut will be constructed on. Council supported this option.
- Mr. Dickerson and Mr. Chalk discussed the Buffaloe Road sidewalk project as it relates to a potential bike lane and sidewalks in the area. Consensus of Council is to widen the sidewalk to 6'.
- Mr. Dickerson presented a letter from NC Department of Transportation relating to the development, environmental and engineering studies for the US 401/SR 1010 intersection improvements. For information only; no action necessary.

**ATTORNEY REPORTS:** None

### **COUNCIL REPORTS**

Council Member Singleton

- Asked for the weeds to be sprayed and maintenance performed at the two traffic islands at 7<sup>th</sup> Avenue and Aversboro Road. Possibly remove the evergreen shrub that is damaged.
- Would like to consider, at a later time, a sidewalk extension between the Kelly Crossing's subdivision and Garner Road.

Council Member Johns

- Reported tall grass at 404 Rand Road and trash on Oak Circle across from Hardees.

Mayor Pro Tem Behringer

- Reported properties in the 200 and 300 blocks on West Garner Road have tall grass as well as 402 West Garner Road.

Council Member Marshburn

- Reported a deep hole in the right-of-way on Highway 50 heading south.
- Congratulated Mr. Dickerson for being selected as the 2016 MPA Alumnus of the Year.

Council Member Kennedy

- Asked for an update on what to expect during the next few weeks at the old Town Hall site. Mr. Chalk advised an auction of surplus items to the Town's Program Partners is scheduled for tomorrow. Tree protection fences should be installed next week with demolition of the facility in early June.
- Reported the Southeast Regional Library has closed and will re-open its refurbished facility on Saturday, May 21<sup>st</sup> at 10:00 a.m.
- Reported he had spoken with members of the Law and Finance Committee to seek permission to work with staff on reviewing and revising the Revenue Savings Plan. Any recommendations would be presented to Council for approval.

**CLOSED SESSION:** Pursuant to N.C. General Statutes Section 143-318-11(a)(6) to discuss a personnel matter.

Motion: Behringer  
Second: Johns  
Vote: Unanimous

**RETURN TO REGULAR SESSION AND ADJOURNMENT:** 9:49 p.m.

Respectfully Submitted,  
Stella Gibson, Town Clerk

**Town of Garner  
Town Council Minutes  
May 17, 2016**

The Council met in regular session at 7:00 p.m. in the Garner Police Department Training Room located at 912 7<sup>th</sup> Avenue.

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ronnie Williams

**PLEDGE OF ALLEGIANCE:** Council Member Ken Marshburn

**INVOCATION:** Council Member Ken Marshburn invited Jim Ferry to perform the invocation.

**PETITIONS AND COMMENTS:** None

**ADOPTION OF AGENDA**

Motion: Marshburn  
Second: Johns  
Vote: Unanimous

**PRESENTATIONS**

Recognition of Residential Yard of the Month for March 2016  
Presenter: Reginald Buie, Neighborhood Improvement Manager

Recognition of Marilyn Wagner, 137 Saint Mellion Street, Eagle Ridge Subdivision for her contribution to the overall appearance of the Town of Garner.

Recognition of Residential Yard of the Month for May 2016  
Presenter: Reginald Buie, Neighborhood Improvement Manager

Recognition of Brooke Taylor, 133 Honorable Place, Brittmoore Subdivision for her contribution to the overall appearance of the Town of Garner.

Investment Report for Quarter Ended 3/31/2016  
Presenter: Pam Wortham, Finance Director

Craig Robinson from PFM Asset Management presented results of the Town's investment program for the quarter ending 3/31/2016.

**CONSENT**

Motion: Johns  
Second: Behringer  
Vote: Unanimous

**PUBLIC HEARINGS**

**Public Hearing on FY 2016-17 Recommended Budget**

Presenter: Rodney Dickerson, Town Manager

Mr. Dickerson provided an overview of the Town’s FY 2016-17 recommended budget. The recommended budget is currently available for review on the Town's website, at Town Hall, and will also be made available at the Southeast Regional Library once it restarts operations.

Action: Receive Public Comment

Mayor opened the public hearing for public comment; hearing none, he closed the hearing.

**NEW/OLD BUSINESS**

**For Profit Use of Parks**

Presenter: Sonya Shaw, Parks, Recreation and Cultural Resources Director

Ms. Shaw presented the proposed revisions to the Town Code following the recent discussion of allowing proprietary exercise and other outdoor classes to conduct classes in Town parks. The amendment allows such use of Town property.

Action: Adopt Ordinance (2016) 3815

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

**Interlocal Agreement for Bryan Road Elementary Joint Use**

Presenter: Rodney Dickerson, Town Manager

Mr. Dickerson explained that Town staff has been in discussions with Wake County Public Schools staff regarding the Town entering into a joint use agreement to use the multi-purpose field and to add a walking trail and parking lot at the Bryan Road Elementary School site. Other opportunities for joint use may be available when the proposed middle school is built. Total cost for the project is \$452,000. Mr. Dickerson also stated the Town could apply for a grant from Wake County of up to 50%. If the grant was not approved, the Town would be responsible for the entire project amount. Staff will look at alternate funding sources.

Action: Approve Agreement and Expenditure of Funds

Motion: Singleton  
Second: Johns  
Vote: Unanimous

**COMMITTEE REPORTS**

**MANAGER REPORTS**

- garner info
- Building/Permit Report
- April 2016 Financial Report
- Upcoming Events:
  - Memorial Day Ceremony on May 30 at 1:30 p.m. at the Lake Benson Park Veteran's Memorial
  - Salute the Troops Concert on May 22 at 6:00 p.m. at Aversboro Road Baptist Church
  - Reopening of the Southeast Regional Library on May 21 at 10:00 a.m.
  - Downtown Sounds Outdoor Concert on June 5 at from 4:00 p.m. to 8:00 p.m. at the Garner Performing Arts Center
  - Social Media Training Session on June 15; additional information will follow.
  - Budget Work Session tomorrow at 8:00 a.m. in the Police Department Training Room.
  - CAMPO and Go Triangle Open House on Transit Efforts on May 18 at the Raleigh Convention Center.
  - Ground Breaking for Garner Magnet High School on June 2 at 1:00 p.m. at 2101 Spring Drive.
  - Regional Transportation Alliance 2016 Leadership Briefing and Field Visit on June 28 in Arlington and Alexandria, Virginia.

## **ATTORNEY REPORTS**

## **COUNCIL REPORTS**

### Marshburn

- Reported he would be attending the CAMPO meeting.
- Commended Reginald Buie for his work with the Garner 101 Citizens Academy.

### Behringer

- Reported tall grass in the right-of-way and homes along Benson Road on the east side between Hudson's and Main Street.
- Requested an update on the ditch maintenance along Benson Road where the sidewalks were installed. Mr. Dickerson advised mowing has been scheduled on a rotating basis. Staff prepared a cost estimate for drainage pipe installation which is included in the CIP as an emerging trends item.
- Requested corrections to recently reported Garner Info items.

### Johns

- Asked if standing water had been reported in the ball parks. Ms. Shaw advised she visited the site and discussed this issue with program partners and standing water was not an issue with them at this time.
- Reported tall grass at 404 Rand Road.

### Singleton

- Requested an update on the status of the Town's new website. Mr. Mercier explained the migration of information has been accomplished and the individual departments were in the process of cleaning up interior pages. Training is in process for those who will be responsible for updating the website and the goal is launch in mid-June.

### Williams

- Reported the Town of Garner Mudcats game is scheduled for Sunday, June 12 where he will throw out the first pitch.

**CLOSED SESSION**

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

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

**RETURN TO REGULAR SESSION AND ADJOURNMENT: 9:43 p.m.**

Respectfully Submitted,  
Stella Gibson, Town Clerk

**Town Of Garner**  
Budget Work Session Minutes  
May 18, 2016

The Council met in a Work Session at 8:00 a.m. in the Garner Police Department Training Room located at 912 7<sup>th</sup> Avenue.

Present: Mayor Ronnie Williams, Mayor Pro Tem Kathy Behringer, Council Member Jackie Johns, Council Member Buck Kennedy, Council Member Ken Marshburn, Council Member Gra Singleton

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Assistant Town Manager Development Services, Brandon Zuidema-Police Chief, Pam Wortham-Interim Finance Director, Michael Gammon-Budget & Special Projects Manager, Rick Mercier-Communications Manager, Stella Gibson-Town Clerk.

Invocation was provided by Council Member Johns.

Mr. Dickerson presented an overview of the general fund and reviewed the budget message.

- Total Recommended Budget is \$30.19 million - \$1,721,890 increase over FY 2015-16 Budget (6.05%)
- Recommended Property Tax Rate of 51.75 cents per \$100 of assessed valuation (Revenue neutral rate is 51.39 cents per \$100 of assessed valuation)
- Revenue enhancements (new) total \$285,000
- Town Council reinstated Acreage Fees as a reserved source of revenue for Water and Sewer system infrastructure
- Vehicles & Equipment purchases valued at \$746,500
- 1 new full time position, 1 new supplemental position
- Allocation to GVFR, Inc. to support full implementation of compensation plan and expansion requests

Expenditure by Category

Category	Amount	Percentage
Personnel Services	\$15,068,382	49.9%
Operations & Maintenance	\$9,430,652	31.2%
Debt Service	\$3,599,422	11.9%
Capital Outlay	\$1,125,366	3.7%
Operating Capital	\$393,630	1.3%
Professional Services	\$287,038	1.0%
Transfers	\$285,000	0.9%

## **Budget Priorities**

1. Adequately Fund Bond Debt Commitments
2. Preserve Fund Balance
3. Continue the Revenue Savings Plan
4. Continue Funding Pay-for-Performance Philosophy
5. Annualizing Street Resurfacing and Vehicle & Equipment Replacement Programs
6. Support Council Strategic Priorities
7. Absorb New and Ongoing Operational Expenditures

## **Strategic Priorities & Emerging Needs**

### 2016-2017 Council Priority Projects

Storm Water Infrastructure Study  
Parking Lot – Main & Pearl  
401 Lighting  
Development Services Software  
Ackerman/Hebron/White Oak Preliminary Design  
Hwy 70/401 Beautification Expansion  
Shelter – Garner Rec Park

### 2016-2017 Emerging Needs

Bryan Road Elementary Joint Use  
Roof Coating – 912 & 914  
BMP at Lake Benson Dog Park  
Parking at Lane Benson Dog Park  
Rand Mill Road Park Improvements  
Benson Road Sidewalk Project Issues  
Senior Center Restroom Repair/Remodel  
Garner Road Sidewalks near Perdue Street  
Resurface Parking Lot at Garner Rec Park  
Parking Spaces at Centennial Park

### 2017-2018 and Beyond Projects

Hwy 50 Bridge Enhancements  
Ackerman/Hebron/White Oak Construction  
Hwy 70 Employment Center Sewer Expansion  
Fire Station 5  
Fiber Ring  
Bryan Road Middle School Joint Use  
Bryan Road Flood Study  
Park Land in White Oak Growth Area  
Sub-Regional Pump Station  
Land for Sports Complex  
Cloverdale Park  
Future Transit-Related Investments

**Revenue Update**

	FY 2015-16 Adopted*	FY 2016-17 Recommended*	Difference
Property Tax	\$16,186,000	\$16,751,900	\$565,900
Permits and Fees	\$1,596,310	\$1,709,760	\$113,450
Other Taxes and Licenses	\$5,741,960	\$5,880,800	\$138,840
Intergovernmental Revenue	\$3,004,999	\$3,343,598	\$338,599
Sales and Service	\$490,966	\$448,417	\$(42,549)
Interest Earnings	\$12,700	\$100,000	\$87,300
Other Revenue	\$197,841	\$290,800	\$95,959
Total	\$27,230,766*	\$28,525,275	\$1,294,499

\*does not include use of Fund Balance or Acreage Fees

**Other Revenues of Importance**

- Installment loan of \$700,000 to cover funding for portion of vehicles and equipment recommended by VERT
  - Projected installment loan of 4 years at 2.27% interest rate
- Utility sales tax revenues expected to grow by over 20% over FY 2015-16 budget amount.
  - Electricity has experienced strong growth well over last year’s estimate.
  - Revenue source has been volatile since inception, but starting to level out.
- Building permit fees are expected to grow by 26.5% as a high level of development in Town is expected to continue.
- Parks and Recreation revenues are reduced from where they were budgeted in FY 2015-16, however their performance YTD in FY 2015-16 has been nearly identical to FY 2014-15 less the Thompson Road Park revenues.

**Projected Fund Balance**

FY 2014-15 Total Fund Balance		\$23,732,949
Estimated increase in Fund Balance		\$952,260
FY 2015-16 Total fund Balance		
Less:		
Restricted Fund Balance	\$3,384,902	
Committed Fund Balance	\$3,861,923	
Assigned Fund Balance	\$921,215*	
Total Reductions		\$(8,168,040)
Undesignated Fund Balance		\$16,517.169

**Revenue Savings Plan**

- Third year of the program that dedicates a portion of revenue growth to meet annual debt service for capital projects.
- Savings plan revenues are projected to increase 4.8% over the FY 2015-16 budget, this is expected to generate \$258,301.
- Remember, the Revenue Savings Plan is cumulative in effect year-over-year. Thus, the total FY 2016-17 Revenue Savings Plan allocation is \$641,660.

**Fee Updates**

- Acreage Fees – Revenues appropriated to Capital Reserve Fund
- Utility Fee Adjustments
- City of Raleigh Utility Fee Changes

**Decision Packages**

<u>Decision Package</u>	<u>Division</u>	<u>Requested</u>	<u>Recommended</u>
Stormwater Infrastructure Assessment	Engineering	\$ 75,000	\$ -
Additional Police Laptops and Tablets	IT	10,200	-
Network Assessment	IT	10,000	10,000
Barracuda Cloud Backup for Disaster Recovery	IT	6,500	6,500
Supplemental Fire Inspector	Inspections	33,279	24,429
Supplemental Code Enforcement Officer	Inspections	17,719	-
Development Services Software Solution	Inspections	235,000	-
Garner Recreational Park Shelter	Parks	85,000	-
Comprehensive Parks, Recreation, and Cultural Resources Master Plan	Parks	55,000	10,000
Highway Beautification Program Expansion	Planning	28,500	28,500
Police Facility Parking Canopy	Police	75,000	-
Sr. Administrative Support Specialist	Police	50,910	44,335
Body Worn Cameras	Police	24,500	24,500
SceneDoc Evidence Capture System	Police	25,000	-
Four Police Officers	Police	362,088	-
Rifle Lighting System	Police	10,000	-
Fleet Administrative Support Specialist	Public Works	39,194	-
Public Works Asset Management and Work Order Software	Public Works	22,000	-
<b>Total Decision Package Summary</b>		<b>\$ 1,164,890</b>	<b>\$ 148,264</b>

**Annualized Street Resurfacing and Vehicle & Equipment Replacement Programs**

- FY 2016-17 marks the second year of the Annual Street Resurfacing Program.
  - \$400,000 is recommended to be used for the Town’s street maintenance requirements.
- FY 2016-17 is also the second year of the formalized Vehicle and Equipment Replacement Team (VERT) program.
  - VERT has recommended \$746,500 of vehicle and equipment replacements.
  - Installment financing of \$700,000 is recommended from both the General Fund and Powell Bill.
  - This recommendation represents only a portion of vehicle and equipment replacement recommendations made by VERT.

## FY 2016-17 Vehicles & Equipment Replacement Summary

Parks, Recreation, and Cultural Resources	
Mini-Bus Replacement	\$49,500
Police	
Seven Vehicle Replacements	\$263,000
Inspections	
Two Vehicle Replacements	\$46,000
Public Works	
Dump Truck Replacement	\$108,000
Four Vehicle Replacements	\$134,000
Tractor Replacement	\$55,000
Four Mower Replacements	\$42,000
Trailer Replacement	\$4,500
Salt Brine Machine and Application System	\$31,000
Ball Field Maintenance Machine Replacement	\$13,500
Total	\$746,500

### Economic Development Partners

- FY 2016-17 Budget marks change in where appropriations to the Garner Chamber of Commerce and Garner Revitalization Association are located.
- The Chamber of Commerce appropriation used to be located in Special Appropriations – Subsidized Programs.
- The Garner Revitalization Association used to be a stand alone division of the Economic Development Department.
- The two key partners have now had their annual appropriations merged into the new Economic Development Partners division of the Economic Development Department.
- Starting on Program Summaries – Page 58 of the budget document, the FY 2016-17 Garner Chamber of Commerce appropriation is \$33,000 (the same amount from FY 2015-16).
- The Garner Revitalization Associations appropriation is \$16,839, a \$1,689 increase from FY 2015-16.

### Personnel Costs

- Human resources are vital to the Town’s success in all areas. Approximately 47% of the FY 2016-17 budget is allocated for salaries and benefits.
- For the fourth straight year, the performance-based pay system is proposed to be fully funded in the FY 2016-17 budget. The cost of merit as *budgeted* is \$301,164 (or 3.25% of July 1st salaries). This total cost is flat compared to the FY 2015-16 budget.
- Total personnel costs are increasing 4.57%
  - Group Insurance\* – 33.35% increase (Health Insurance, Dental Insurance, Disability Insurance, and Life Insurance)
  - FICA – 1.37% increase
  - Longevity - (9.3%) decrease
  - Overtime - (3.16%) decrease
  - Temporary Salaries – 5.88% increase
  - Retirement Contribution– 6.15% increase

**External Agency Funding Partners**

Program Partners	FY 2015-16 Appropriation	FY 2016-17 Recommended
Garner Baseball, Inc.	\$64,900	\$64,900
Garner Civitan	\$21,344	\$21,344
Miss Garner Pageant	\$3,500	\$3,500
Garner Towne Players	\$23,650	\$23,650
Capital Area Soccer League	\$16,535	\$16,535
GAYSL	\$12,830	\$12,830
Optimist Basketball	\$22,500	\$22,500
American Legion	\$0	\$1,000

**External Agency Funding Partners**

Subsidized Programs	FY 2015-16 Appropriation	FY 2016-17 Recommended
Chamber of Commerce*	\$33,000	\$0*
Community of Hope	\$7,295	\$7,295
Garner Area Ministries	\$3,898	\$3,898
Garner Ed. Foundation	\$12,000	\$10,000**
GMHS Marching Band	\$1,699	\$1,699
Garner PAAL	\$3,000	\$3,000
Interact	\$3,000	\$3,000
Resources for Seniors	\$3,939	\$3,939
Wake County TRACS**	\$2,758	\$0**

\*Chamber of Commerce appropriation moved to Economic Development Partners.

\*\*Reductions in funding match request. Garner Ed. Foundation requested 42,000 less in funding for FY 2016-17; Wake County TRACS did not submit a request for funding.

**Garner Volunteer Fire-Rescue, Inc.**

Chief Poole stated he had worked closely with Town staff to develop the budget and feels it will meet the GFVR's needs. However, a question remains regarding funds to pursue accreditation. At this time, the City of Raleigh has notified the GVFR that they will no longer respond as part of the Garner Fire Department's planned response program starting July 1, 2016. Last year, the City of Raleigh responded to 960 overlapping calls. This means that in order to get 12 personnel on the scene, Garner Fire will have to send a crew from each of the 4 stations or wait for mutual aid from a county fire department. Chief Poole expressed concern about this practice because it could leave the Town vulnerable in some instances. The other option is to hire 9 firefighters to operate the rescue truck (or other apparatus) as the fourth engine response. There are currently no plans or funds designated to hire 9 firefighters. Chief Poole plans to attend the May Work Session to present his concerns and recommended course of action.

## **Budget Schedule**

- Additional discussion/public hearing scheduled on June 6, 2016 to receive public input.
- Special Economic Development public hearing also scheduled for June 6, 2016.
- Proposed FY 2016-17 Budget Adoption – June 21, 2016.

## **Council Comments**

### Marshburn

- Commended staff for bringing forth a balanced budget.
- Further discussion is needed regarding GVFR and how to move forward.

### Behringer

- Noticed reductions from last year; felt the budget was prepared with thoughtful consideration.
- Reiterated the need for a shelter at Garner Rec Park.
- Regarding the Fire Department issue, more in-depth research and documentation is needed - a comparison study to look at level of service to level of service and responsibility to responsibility. Need to know how GVFR relates to similar departments to see what can be changed while keeping the current level of service. Stated the level of service will go down if the Town does nothing.

### Johns

- Felt the budget was easy to read and understand.
- Expressed concern regarding GVFR funding.
- Did not support a tax increase this year.

### Singleton

- Expressed appreciation for preparation of budget.
- Regarding decision package submitted by the Police Department, suggested possibility of starting officers on a staggered basis.

### Kennedy

- Asked for a summary of what was spent on uniforms for Police Officers. Chief Zuidema responded approximately \$58,000, which includes uniforms, shoes, rain gear, hat, holster, badges, etc.
- Asked about the utility operational costs of the Police Department facility. Mr. Dickerson responded that these costs are included in the Public Works facilities budget.
- Stated the travel and training budget is the same as last year, \$200,000.
- Asked about possible funding sources for a shelter and paving at Garner Rec Park, paving the parking lot, and a small portion of the development services software.
- Suggested the possibility of staggering employees to assist with the Fire Department issue. Possibly need a tax increase. Felt growth will affect the number of fire fighters and police officers needed. Asked how the Town would absorb additional maintenance costs.

Williams

- Stated a 1 cent tax increase would help on the Fire Department issue and that eventually the Town will need to increase taxes to maintain level of service.

Mr. Hodges stated staff will provide a true-up of bond funds and funding mechanisms outside of the operational budget in June.

**Adjourn:**

Motion: Kennedy  
Second: Johns  
Vote: Unanimous

Respectfully Submitted,  
Stella Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 1, 2016		
Subject: Position Upgrade PRCR		
Location on Agenda: Consent		
Department: PRCR		
Contact: Sonya Shaw, PRCR Director		
Presenter: Sonya Shaw, PRCR Director		
<p><b>Brief Summary:</b></p> <p>PRCR is recommending a reclassification of the Recreation Administration Specialist, Grade 20, to Athletics Program Supervisor, Grade 23. Associated fees total \$5,741, of which the PRCR department will assume and not request additional funding. The proposed job description is attached.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Approve Position Reclassification</p>		
<p><b>Detailed Notes:</b></p> <p>Changes were discussed at the July 26, 2016 Work Session.</p>		
<p><b>Funding Source:</b></p> <p>PRCR budget</p>		
Cost: \$5,741	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></p> <p>I support the reclassification as a means to provide expanded Parks and Recreation programming.</p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

To: Rodney Dickerson, Town Manager  
From: Sonya Shaw, Parks, Recreation and Cultural Resources Director  
Date: 7/27/16  
Re: PRCR position upgrade

Over the past six months, the PRCR Administrative team has reviewed and discussed a proposed reorganization, to manage the growth and future development of youth and adult athletic programs. Marcelle Williams, currently serving as Recreation Administration Specialist, has been working with the Youth and Adults Athletics team to revamp the Adult Basketball league. In the first season, Mr. Williams' efforts resulted in the league doubling the number of teams from 5 to 11 and increasing revenues by an additional \$2,500. As a result, Administration explored the idea of transitioning Mr. Williams to the Youth and Adults Athletics team permanently, in order to continue his work in this area and expand into both youth and adult athletic programming. With over 15 years of experience in Athletic Programming and Supervision, Marcelle will be a huge asset to the team in current and future programming and facility operation needs.

During the July 26, 2017, Work Session, Council supported staff's recommendation to upgrade Marcelle Williams' current position as Recreation Administration Specialist, Grade 20, to Athletics Program Supervisor, Grade 23. Associated fees total \$5,741, of which the PRCR department will assume and not request additional funding. The proposed job description is attached.

The PRCR department is requesting Town Council approve the Athletics Program Supervisor position.

# **Athletics Program Supervisor (Draft)**

**Grade: 23**

## **General Description**

Position performs responsible professional work in planning, organizing, scheduling and supervising a variety of athletic leagues, programs and special events.

Work is performed under the general supervision of the Recreation Center and Programs Manager.

## **Typical Tasks**

- Plans, organizes, directs and promotes a variety of indoor and outdoor athletic programs and leagues for youth and adults, coordinates player evaluation, conducts preseason organization meetings, develops schedules, monitors league practices and games, coordinates game officials
- Supervises and schedules part-time/temporary staff
- Recruits, educates and supervises volunteers, oversees volunteer coaches certification program including scheduling clinics and processing paperwork
- Responsible for ordering uniforms, awards and equipment necessary for league and program operations
- Processes and settles disputes, handles coaching and citizen complaints, enforces rules and regulations, ensures compliance with established policies and procedures
- Plans, organizes and promotes athletic camps and programs
- Coordinates tennis lessons and supervises tennis instructors
- Oversees and maintains athletic program registration, standings, rules and correspondence
- Markets athletic leagues and programs to recruit new and retain current participants
- Assists with the preparation and maintenance of the athletic programming budget, makes recommendations for future programming, prepares reports
- Communicates facility scheduling needs with Center and Programs Manager
- Performs other tasks as required

## **Knowledge, Skills and Abilities**

Considerable knowledge of sports including rules and league administration, general knowledge of principles and practices of recreation planning, programming and operations, ability to plan and supervise the work of subordinates, the ability to establish and maintain effective working relationships with program participants, general public and fellow employees, ability to communicate effectively orally and in writing, ability to prepare and maintain records.

## **Education and Experience**

Possession of a bachelor's degree from an accredited college or university with major course work and 5-years of experience in recreation, physical education, sports management or related field and experience in community recreation and athletics. Possession of appropriate NC driver's license and ability to obtain first aid certification and earn Certified Parks and Recreation Professional designation.

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 1, 2016		
Subject: Employee Policy Manual Review		
Location on Agenda: Consent		
Department: Human Resources		
Contact: BD Sechler, Human Resources Director		
Presenter: BD Sechler, Human Resources Director		
Brief Summary: Annual review and update of current policies as well as implementation of several new policies.		
Recommended Motion and/or Requested Action: Approve modified and new policies.		
Detailed Notes: These changes were discussed during the July 26 Council Work Session.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: I concur with policy changes.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BDS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

# D R A F T

## Employee Identification & Access Badge Policy

### PURPOSE

As part of the Town's commitment to safety and security, the Town of Garner has developed an employee identification (ID) & access badge policy. The goal of this policy is to provide an extra level of safety and security by requiring employees to display their photo ID badges. These badges will allow staff, customers, and citizens to quickly identify individuals as Town of Garner employees as well as allowing employees access to secured Town facilities.

### POLICY GUIDELINES

All full time, part time, seasonal, supplemental employees, elected officials and volunteers will be issued a Town ID badge. The Town issued photo ID badge shall contain either the Town of Garner seal or the police badge, in the case of sworn and full time civilian police department employees, the employee's picture, name, department and employee ID number (if applicable.)

All full and part time employees and elected officials ID badges will also provide them with access to approved secure areas within Town facilities. Seasonal employees, supplemental employees and volunteers will be granted security access, by request, with Department Head approval to those areas relevant to their specific job assignment and the wellness facility.

All on-duty employees and volunteers will be required to have their Town issued photo ID badge in their possession. Each department head or his/her designee will be responsible for ensuring that badges are worn as required, per department safety policy. Employees and or volunteers not in an official town uniform must wear their badge displayed face forward and in full view. Badges must be on or over the outermost garment, at or above the waist, at all times.

Employees and or volunteers who are off-duty, but who are entering into an area within a Town building or facility in which the public doesn't normally have access must wear their Town issued photo ID badge in accordance with this policy.

The Human Resources department, working in partnership with the IT department, shall be responsible for administering the Town's ID & access badging policy.

ID badges will be issued to new full and part time employees during Deploy or normally upon the first day of employment for all others.

Lost or stolen badges should be reported immediately to the IT department.

The ID badge may be used only by the individual to whom it was issued. **Employees may not "loan" their ID badge to anyone for any reason.**

Upon separation, badges should be returned to HR during the exit conference or given to the Department Head prior to departure.

Failure to comply with this policy may result in disciplinary action, up to and including termination.

## Call-back and On-call Pay

The Town provides a continuous twenty-four hour a day, seven-day-a-week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service whether special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager.

**Call-back.** Persons classified as exempt from the provisions of the Fair Labor Standards Act are not eligible for call back pay. For non-exempt employees, compensable time in call back duty begins when the person leaves home and ends when the person returns home. If the employee does not go directly home after the call back, the normal travel time from the employee's residence to the applicable department building shall be added to the time when the employee left home originally plus the hours worked during the call back.

**On-Call.** Persons classified as exempt from the provisions of the Fair Labor Standards Act are not eligible for on-call pay. On-call duty refers to the time that an employee is required to be available and respond to emergencies that may occur from the end of his regular workday to the beginning of the next workday. Superintendents and/or supervisors make the assignments for on-call duty. The department head will approve the on-call list before it is placed into effect. Every employee on on-call duty shall remain in contact by use of a pager or his or her home telephone in accordance with the policy established by the applicable department head. The employee shall be ready to make immediate response to a call upon notification by whatever means.

**Non-Exempt** employees placed on on-call status will receive an additional lump sum payment for being on-call, the amount of which shall be established by the Town Council. On-call pay will be included in determining the regular rate of pay for overtime compensation. The Town Manager will be provided a copy of the on-call list prior to the list becoming effective.

## Educational Assistance Program

It is the policy of the Town of Garner to provide educational opportunities to employees who desire to further their education in a career field that would benefit the Town and to increase their ability and knowledge to pursue promotional opportunities. Educational Assistance in pursuit of a Master's degree will be considered for positions that require or prefer a Master's Degree in Public Administration or related field. The Town does not provide educational assistance for courses in pursuit of a doctorate degree. The amount of educational assistance provided per employee will be determined annually based on the approved budget.

Employees interested in pursuing a degree from an accredited university or college shall submit an Educational Assistance Application form annually for Town approval. Priority will be given to employees in a degree program for which approval has been given in the prior budget year (assuming the employee continues to meet all policy requirements). **Town of Garner will reimburse the costs of registration, tuition, student and lab fees, upon completion of the course and certification by the institution that final grades meet the standards of the Town of a "C" or better up to a maximum of \$1,100 for the fiscal year. The first and/or last day of the course must be within the fiscal year for which reimbursement is requested..** ~~The Town of Garner will reimburse employees who have completed an approved course with a grade of 'C' or better. Tuition, registration fees, laboratory fees, and student fees related to the coursework are eligible expenses.~~ Employees receiving additional reimbursements for coursework from sources outside the Town may not receive total reimbursements in excess of 100 percent of the total tuition cost.

All full-time regular employees who have been employed with the Town for a minimum of six months and have successfully completed the Town's probationary period are eligible to receive this benefit. Eligible employees must be employed continuously for the entire academic session in order to qualify for reimbursement. Employees are expected to continue Town employment for one year from the date of the education reimbursement. Employees separating from Town employment prior to one year from reimbursement must repay the Town the total amount of the reimbursement(s) received for the year calculated by counting backwards one year from the last day of work. Tuition reimbursement monies owed to the Town may be deducted from any compensation received upon the employee's separation from employment.

Employees are expected to pursue coursework outside regular work hours whenever possible; however, if a particular course is only available during scheduled work hours, a request for Educational Leave may be made to the Department Head prior to course registration and subject to approval of the Department Head, Human Resources, and the Town Manager. For more information on Educational Leave, see Part VII. Section 23.

Human Resources will notify employees of the application period for participation in the Educational Assistance Program and will provide the forms for both application and reimbursement.

# Fitness for Duty

The Town is committed to providing a safe workplace for employees. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner for the duration of their work schedule. Employees who are not fit for duty may present a safety hazard to themselves, their co-workers or the public.

## Purpose

The purpose of this policy is to establish procedures and criteria by which the Town can ensure that employees are fit for duty. In addition, this policy will provide guidelines for determining light duty assignments regarding employees that are unable to perform their regular assigned duties as a result of a non-work related injury/illness/psychological condition.

## Scope

This policy applies to all Town employees.

## Definitions

Fit for duty - means the employee is able to perform their regular assigned duties in a safe, secure, productive, and effective manner.

Light Duty - is a temporary, modified work assignment, different from an employee's regular assignment that may be offered to employees that are unable to perform their regular assigned duties as a result of a non-work related injury/illness/psychological condition.

## Roles & Responsibilities

### A. Employee Responsibilities

1. Employees must come to work fit for duty, and be able to perform their job responsibilities in a safe, secure, productive, and effective manner during the entire time they are working.
2. Employees are responsible for notifying their supervisors when they are not fit for duty.
3. Employees must immediately notify their supervisors of any non-work related illness/injury/condition that may affect their ability to perform their job duties and/or compromise their safety, the safety of their co-workers, or the public.
4. Employees must notify their supervisor of any medication they are taking (prescription or over-the-counter) that may affect their ability to perform their job duties.
5. Employees must keep their supervisor updated on any subsequent changes to the status of their injury/illness/psychological condition or use of medication.
6. While performing their light duty assignment, employees must comply with the temporary work restrictions and recommendations from their personal physician.
7. Employees are responsible for notifying their supervisor when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty.
8. The employee must comply with all aspects of the Fitness for Duty Policy. Failure to comply may be grounds for disciplinary action up to and including termination.

### B. Supervisors Responsibilities

1. Supervisors are responsible for observing the attendance, performance, and behavior of their employees.
2. Supervisors must maintain confidentiality of the employee's medical information and records.
3. Supervisors should contact Human Resources with any questions concerning the employee's work restrictions.
4. Supervisors are responsible for ensuring compliance with all aspects of the Fitness for Duty Policy. Failure to comply may be grounds for disciplinary action up to and including termination.

### **Light Duty Eligibility**

In order for employees to be eligible for a light duty assignment they must:

1. Provide documentation from a licensed medical provider authorizing the employee to return to work in a light duty capacity. The medical documentation must clearly define the following information:
  - a. Employee's work status
  - b. Specific work restrictions
  - c. Duration of restrictions
  - d. Medication regimen
  - e. Physical therapy schedule (if applicable)
  - f. Prognosis for recovery

Documentation shall be submitted to the immediate supervisor and forwarded through the chain of command to the department head. The department head will be responsible for providing Human Resources with a copy of the documentation. The Department Head will consult with Human Resources on the feasibility of light duty within their department or within another Town department.

### **Medical Clearance**

The employee's personal physician will make the initial medical determination whether to clear the employee back to work following a non-work related injury/illness/psychological condition, unless the conditions listed under "Fitness for Duty Examination Procedures" exist. If the conditions exist, the Town's authorized physician will make the medical determination by conducting a fitness for duty exam.

### **Fitness for Duty Examination Procedures**

A fitness for duty medical examination will be required by the Town's authorized physician for a non-work related injury/illness/psychological condition under the following conditions:

1. The employee's personal physician has cleared them to return to work but their supervisor or manager, based on direct observation, reasonably believes that the employee's injury/illness/psychological condition may interfere with their ability to perform their job duties safely, or could pose a direct threat to others.
2. The employee is taking medication (prescription or over-the-counter) that could interfere with their ability to perform their job duties safely, or could pose a direct threat to others.

### **Light Duty Criteria**

The Town does not guarantee light duty assignments for employees that have a non-work related injury/illness/psychological condition. Light duty assignments will generally consist of a 40 hour work week or the employee's normal work schedule. ~~No overtime is permitted.~~ Generally, overtime is not permitted. If overtime is being considered, Human Resources must be consulted and the Town Manager must approve. Accumulated leave may be used, in the event that the employee is not able to work their normal work schedule.

Employees must meet the following criteria:

1. Employee must be capable of doing productive work for their assigned department.
2. Light duty assignments shall not exceed 90 days. In certain circumstances this period may be extended based on the treating physician recommendations, the availability of qualifying light duty assignments, and the approval of the Town Manager.
3. Employee must attend regular follow-up medical appointments.

### **Light Duty Assignments**

If the employee qualifies for light duty, the Department Head will determine if a light duty assignment is available within their department and/or another Town department with a need for assistance.

Guidelines for determining appropriate light duty assignments:

1. Light duty assignments must comply with the employee's temporary work restrictions issued by the licensed, treating physician.
2. Assign tasks that are meaningful and valuable to the Town.
3. Light duty assignments will always have an ending date. This date may be extended as specified under "Light Duty Criteria" in this policy.

If a light duty assignment meeting the employee's work restrictions isn't available, the Department Head will contact Human Resources for assistance in securing a suitable assignment in another Town Department. The Department Head, in consultation with Human Resources, will make the final determination regarding the light duty assignment. If a light duty assignment meeting the employee's work restrictions isn't available in another department, the employee must use accrued sick, vacation, or compensatory time in order to be paid for time away from work. In such cases, the Human Resources Department should be notified so that FMLA eligibility can be assessed.

# DRAFT

## INCLEMENT WEATHER POLICY

### **Policy Purpose**

The Town of Garner recognizes that severe weather conditions and other rare emergency circumstances may make it difficult to provide a full range of Town services to our citizens. This policy clarifies the designation of essential/non-essential service positions and provides direction on how to account for work hours and pay when the Town's normal operations are modified.

### **Declaration of an Emergency**

The Town Manager will determine when emergency conditions exist that warrant the alteration of the Town's normal business operating hours of 8:00 am – 5:00 pm, Monday through Friday.

When the Town Manager alters the Town's normal work hours (late opening, early closing, or closed for the day) this decision will be communicated as soon as possible through the Weather Hotline (919-773-4455), the Town's email system, on the Town's web site, through social media and through local media outlets. Employees who are not deemed to be "essential" do not have to report to work during this time period and may qualify for inclement weather pay during this period.

### **Designation of Essential Service Positions**

The Town provides a range of essential services that require personnel to be physically present at work to respond to emergency situations regardless of the weather conditions. (Those services include, but are not limited to sworn Police staff and operational Public Works staff.) Department heads are responsible for designating employees as essential in the event of inclement weather or other emergency conditions. Essential staff is expected to report to work during emergency situations unless specifically directed not to report to work. Employees should be clear on their designation as "essential" in advance of an emergency event. Essential staff are expected to follow departmental leave request policies, and use accrued leave time (sick, vacation, comp) to cover missed work time during the emergency event.

When severe weather is predicted, the Town may make special arrangements for essential staff in order to ensure their availability to work. These provisions may include allowing personnel to drive Town vehicles home, arranging for hotel rooms and meals, or setting up sleeping quarters on-site. "Essential" must be noted on the employee's timesheet before submission to payroll after an emergency closing event.

### **Eligibility for Inclement Weather Pay**

When Town operations are closed for a full day (maximum of 8 hours), a fulltime employee whose job is not deemed to be essential is eligible to receive inclement weather pay only when the employee was scheduled for work and planning to attend work during the closing period. Employees who are out on sick leave immediately before and immediately following an inclement weather period, are assumed to be sick, and must use sick leave to account for the absence during the period of inclement weather closure. Likewise, employees who are scheduled to be on vacation during the inclement weather period must use vacation leave unless they notify their supervisor that the vacation plans are canceled due to the emergency conditions and they report to work immediately following the inclement weather period.

When the inclement weather period is granted for partial days, the following shall apply:

Delayed Opening – When the Town Manager sets a specific opening time, employees who work non-standard hours (i.e., 7:00–4:00 or 7:30–4:30) would apply the delay period to their normal work schedule. For example, if Town Hall is on a 2-hour delay, then employees who normally report at 7:30 am will report at 9:30 am unless other arrangements are made with their supervisor. Employees who are not scheduled to be at work during the delay period do not receive any inclement weather pay for this period.

Early Closing – If the Town Manager sets a specific closing time for Town offices (i.e., 2:00 p.m.) then employees receive inclement weather pay only from the time of closing. Employees are expected to work a normal schedule until the official closing time unless instructed otherwise. Employees who are not scheduled to be at work during the early closing period do not receive any inclement weather pay for this period. (i.e. – shift ends at 3:00 PM and early close is set for 4:00 PM)

Staff safety is our highest priority. In the event Town operations are NOT closed, but the employee determines it is best for him or her to leave or not report to work based upon weather related conditions that would impact their safe travel, the employee will be allowed to do so and must use accrued leave or comp time to be compensated for the time away from work. Staff should communicate directly with their immediate supervisor, as soon as they can to make their intentions known.

### **Compensation for Essential Staff during Inclement Weather Periods**

Non-exempt essential personnel are paid for all hours worked at straight time or over time per FLSA requirements. Those working during periods when Town Hall is officially closed are paid an additional straight time hour of pay for each hour Town Hall is closed, not to exceed 8 per day. This additional “premium pay” is not paid on weekends or Town holidays. (The maximum of 8 is due to the fact that normal operating hours for the Town are Monday through Friday, 8 AM to 5 PM, with one hour for lunch.)

Exempt essential personnel are paid for a normal day. Additional hours worked beyond 8 per day are credited to comp time. Those working during periods when Town Hall is officially closed are credited with an additional straight time hour of pay for each hour Town Hall is closed, not to exceed 8 per day. This additional “premium pay” is not given on weekends or Town holidays. (The maximum of 8 is due to the fact that normal operating hours for the Town are Monday through Friday, 8 AM to 5 PM, with one hour for lunch.). For purposes of this policy ONLY, exempt employees will be allowed to exceed the 40 hours of comp time maximum. Hours earned in excess of 40 during an inclement weather period must be used within 6 months of the inclement weather period.

## Overtime Pay and Comp-Time Provisions

Employees of the Town may be required to work overtime hours as needed by the Town and determined by the department head. The Town will comply with the Fair Labor Standards Act (FLSA) in compensating exempt and non-exempt employees.

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). Hours for sworn, non-exempt law enforcement personnel shall be based on a 28-day cycle with compensation at overtime rates beginning after 171 hours worked in the 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, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for overtime compensation.

Whenever practicable, departments will schedule time off at the rate of time-and-a-half for each hour of overtime for non-exempt employees, instead of paying overtime, however, non-exempt employees must agree to receive comp-time in lieu of overtime wages. Exempt and non-exempt employees should be permitted (by the department head) to use the time off within a reasonable period, if it does not "unduly disrupt" the operations of the department. Non-exempt employees may not exceed a balance of 40 comp-time hours.

Employees in positions determined to be "exempt" from the FLSA overtime provisions (such as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These exempt employees may be granted ~~comp-time~~ "extra hours worked" time off on an hour-for-hour basis as approved by the department head where the convenience of the department allows for any actual hours worked that exceed 40 in a workweek. Exempt employees may not exceed a balance of 40 ~~comp-time~~ "extra hours worked" hours. Exempt employees are not guaranteed such leave and will **not** be compensated for any remaining hours upon separation from the organization.

**Note:** In both cases, it is the responsibility of the employee and the department head to maintain records of the ~~comp-time~~ **accrued** hours and to record these hours on their departmental timesheets as they occur and forward them to Finance.

## Retiree Health Insurance

An employee who retires directly from the Town and meets the conditions set forth under the provision of the North Carolina Local Government Employees' Retirement System (NCLGERS) for an unreduced benefit may be eligible for retiree health insurance under the guidelines set forth below.

### Coverage Provisions:

#### **Employees hired prior to May 1, 2011**

Employees attaining 20 years of service with the Town at any age OR age 62 with 15 years of service with the Town may elect to continue on the Town's group health insurance plan until they ~~reach~~ **are eligible for Medicare coverage age (typically age 65)**, if requested within 30 days of the retirement date. The Town will cover 100% of the retiree-only monthly health insurance premium. Once the retiree **is eligible for** ~~has reached Medicare coverage age (typically age 65)~~, the retiree will no longer be eligible for coverage under the Town's group health plan, but the Town will provide a Medicare Supplement Plan and Prescription Plan **with at no monthly premium** cost to the retiree.

Health coverage will be extended to employees eligible to retire at age 62 after 5 years of service with the Town, ~~provided~~ **however**, the employee pays the **full** monthly premium.

#### **Employees hired on or after May 1, 2011**

Employees attaining 25 years of continuous full-time service with the Town may elect to continue on the Town's group health insurance plan until they reach Medicare coverage age (typically age 65), if requested within 30 days of the retirement date. The Town will contribute \$223.00 to the retiree-only monthly health insurance premium. Once the retiree ~~has reached~~ **is eligible for Medicare coverage age (typically age 65)**, the retiree will no longer be eligible for coverage under the Town's group health plan. At that time, the Town will contribute \$223.00 or 50% towards the retiree-only monthly premium of a Town approved Medicare supplement plan, whichever is less. The retiree is responsible for paying any balance of the premium after the Town's prorated portion has been applied.

A retiree that declines or cancels either the Pre-65 Retiree Health Insurance or Medicare Supplement and/or Prescription Plan will no longer be considered eligible for coverage for the declined/cancelled plan under this policy and therefore will not be eligible to attain coverage under that plan at later date.

**Retirees are required to report any other group medical coverage which they may have at the time of retirement or which they may obtain subsequent to retirement so that benefits can be coordinated with the other insurance carrier. Any group coverage will be considered primary and the Town of Garner coverage will be secondary. Failure to report other coverage will be considered justification for the Town to terminate retiree coverage. Coverage may be affected if the retiree moves out of the Group Health Plan service area (i.e., limited access to in-network providers, etc.).**

Dependents covered under the retiree's health plan at the time of the retiree's retirement are eligible to remain on the health plan at the retiree's expense. Dependent coverage is not available once the dependent becomes Medicare eligible or upon the retiree's death.

The retiree's portion of the premium is due to the Town of Garner by the first day of each month for that month's coverage. Failure to pay the Town for premiums within 30 days of the due date will result in termination of coverage. The Town reserves the right to discontinue or change the terms of this benefit at any time.

# Staff Appeals Procedure

## Policy

It is the policy of the town to provide a just procedure for the presentation, consideration and disposition of employee concerns and grievances. The purpose of this section is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

## Definition and limitations

A grievance is a claim or complaint by an employee based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Appeals involving a disciplinary suspension, involuntary demotion, **alleged discriminatory action**, dismissal or suspension of driving privileges by the town are initiated at Step 3 of the appeals procedure.

All **formal** appeals must be filed within twelve (12) scheduled working days of the date the final disciplinary decision is communicated to the employee. **Appeals filed beyond this deadline will not be considered, unless an exception is approved at the sole discretion of the Town Manager.**

Grievances concerning performance evaluations or performance awards may only be appealed up to Step 2 of the appeal procedure; however, department heads may appeal to the Town Manager.

## Purposes

The purposes of the appeals procedure include, but are not limited to, the following:

Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;

Encouraging employees to express themselves about the conditions of work which affect them as employees;

Promoting better understanding of policies, practices, and procedures which affect employees;

Increasing employees' confidence that human resource actions taken are in accordance with established, fair and uniform policies and procedures; and

Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

## Procedure

When an employee has a grievance, the following successive steps are to be taken unless otherwise noted. The number of days indicated for each step shall be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. The time limits at any step, however, may be extended by mutual consent or due to unusual circumstances beyond the reasonable control of either party. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. Mechanical recording of all or part of any meeting is prohibited without prior agreement of all parties subject to being recorded. While all parties are entitled to seek legal advice, attorneys may not be present at administrative or investigative meetings related to the grievance. At each step, the individual responding to the grievance is encouraged to consult with any employee of the town, or others as appropriate, in order to reach a fair, impartial, and equitable resolution. All employees consulted during the appeals process are required to cooperate to the fullest extent possible. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved in advance by the Town Manager.

- a. Informal grievance. The employee with a grievance is encouraged to resolve the grievance with the supervisor issuing the disciplinary action (or other decision being grieved) in an informal face-to-face meeting, before going on to the formality required in the following steps. Either the employee or the supervisor may involve the respective department head and/or Human Resources Director or **Analyst** as a resource to help resolve the grievance. Using the informal grievance does not change the appeals deadline unless both parties mutually agree to an extension. **The informal resolution step shall be initiated within 48 hours (or next regularly scheduled work day) of the employee being allegedly aggrieved and be completed within ten (10) working days from being notified of decision that led to the employee's concern.**
- b. Formal grievance. To be considered, an appeal must be filed in writing within the time limit described in this section and must include the full basis for the employee's complaints, all information which supports the employee's position, and a statement outlining what the employee wishes to have happen as a result of the appeal. **The employee will be notified in writing, within 48 hours of receipt (or next scheduled work day), if the written appeal is complete. If the written appeal is not complete, the employee will be told what is incomplete and have 48 hours (or next scheduled work day) to correct and re-submit. The employee will have one chance to correct and resubmit.**

Step 1: If no resolution to the grievance is reached informally, the employee who wishes to pursue an appeal shall present their appeal to the supervisor issuing the disciplinary action (or other decision being grieved) in writing. The appeal must be presented within ~~twelve (12) working days of the event or within twelve (12) working days of learning of the event or condition.~~ **seven (7) working days of being notified of the informal grievance not being resolved.** The supervisor shall have a response to the appeal delivered to the employee within twelve (12) working days after receipt of the **written** appeal. The response shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The supervisor shall send copies of the appeal and response to the **department head and** Human Resources department.

Step 2: If the appeal is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate department head, within twelve (12) working days after receipt of the response received in Step 1. The department head shall respond to the appeal, stating his or her decision within twelve (12) working days after receipt of the appeal. Such response shall be in writing and shall be signed by the employee to acknowledge receipt. The department head shall send copies of the appeal and the response to the **Town Manager and** Human Resources department.

Step 3: If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within twelve (12) ~~calendar~~ **working** days after receipt of the response from Step 2. The Town Manager shall respond to the appeal, stating the determination of decision within twelve (12) ~~calendar~~ **working** days after receipt of the appeal. **Based on the circumstances and any other extenuating factors, the Town Manager, at his or her sole discretion, may formally extend the time deadlines. The Town Manager will provide a written explanation for the extension and clearly communicate the new time deadlines to the employee. At the request of the employee or the Town and at the discretion of the Town Manager, a face-to-face or phone meeting may be requested. The request for consideration must be in writing and submitted to the Town Manager at the time of the appeal submission. A decision from the Town Manager to the face-to-face or phone meeting request will be provided within the twelve (12) working days after the appeals request is received. The Town Manager, at his or her sole discretion, will have the ability to determine the following:**

The granting of a face-to-face or phone meeting  
The granting of a face-to-face or phone meeting outside the timeframe for requesting period  
The participants of a face-to-face or phone meeting  
The scheduling of a face-to-face or phone meeting  
Whether any additional face-to-face or phone meetings will be required, if a first meeting is conducted

The Town Manager shall notify the department head of the final decision before submitting the decision to the employee. The Town Manager's decision shall be the final decision.

### **Grievance and adverse action appeal procedure; unlawful employment discrimination**

Any town employee, or former town employee, who has reason to believe that any employment action, including promotion, training, classification, pay, disciplinary warning, disciplinary suspension, transfer, demotion, layoff, or termination of employment was based on age, sex, race, color, national origin, religion, or disability, has the right to appeal such action using the appeals procedure outlined in this **policy**, if he or she so desires. While employees are encouraged to use the progressive steps outlined in the appeals procedure, employees claiming discrimination shall have the right to appeal directly to the Town Manager (refer to Step 3 above).

A failure to demonstrate that unlawful discrimination was the basis for the act shall render the balance of the appeal moot.

### **Back Pay Awards**

Back pay and benefits may be awarded to reinstated employees in disciplinary suspension, demotion, dismissal and discrimination cases.

### **Conflict with policies and regulations**

No decision or determination of any grievance shall in any way conflict with the town policies, resolutions, ordinances or statutes applicable thereto.

## Working A Second Job While on FMLA

### D R A F T

Current Town policy prohibits secondary employment while on FMLA. Employees who are out of work under the provisions of FMLA are prohibited from engaging in any outside employment during the period of leave. Employees who work elsewhere while on FMLA are considered to have voluntarily terminated their employment with the Town.

Town policy would be amended to read as follows:

Employees who are out of work under the provisions of FMLA are prohibited from engaging in any **secondary** employment during **what would be** their normal scheduled workday. **Employees on leave as a result of their own serious health condition are NEVER approved for secondary employment.** Employees who work secondary employment while on FMLA **during what would have been normal work hours** are considered to have voluntarily terminated their employment with the Town. **Police employees may work extra-duty assignments while on FMLA with prior approval from the Chief of Police, in consultation with HR. Each request will be reviewed on a case by case basis.**

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 1, 2016		
Subject: Stop Sign Approval		
Location on Agenda: Consent		
Department: Engineering		
Contact: Tony Chalk		
Presenter: Tony Chalk		
Brief Summary:  The Engineering Department is recommending approval to erect a stop sign as a traffic control measure at N. Greenfield Parkway and Green Trace Court.		
Recommended Motion and/or Requested Action: Approve stop sign placement at intersection of North Greenfield Pkwy and Green Trace Ct.		
Detailed Notes: See attached memo and map.		
Funding Source: N/A		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	TC	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner  
Engineering Department  
Memorandum**

**To:** Stella Gibson  
**From:** Tony Chalk PE PLS  
Town Engineer  
**Date:** July 27, 2016  
**Re:** Stop Condition on N. Greenfield Parkway

The following street intersection is recommended for a stop condition:

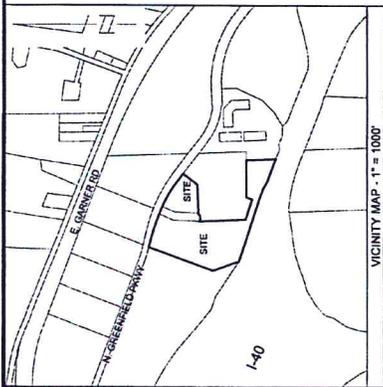
Stop Condition

Through Street

Green Trace Court

N. Greenfield Parkway

The stop condition will serve as a basic traffic control measure. Please let me know if there are any questions.



STATE OF NORTH CAROLINA WAKE COUNTY  
 I, ASHLEY L. PARKER, CERTIFY THAT THIS  
 PLAN WAS DRAWN UNDER MY SUPERVISION, FROM  
 A SURVEY MADE BY ME OR UNDER MY DIRECT  
 SUPERVISION AND CONTROL, AND THAT I AM A  
 LICENSED PROFESSIONAL LAND SURVEYOR IN  
 THE STATE OF NORTH CAROLINA. I HAVE  
 BEEN INFORMED THAT THE INFORMATION  
 FROM THIS SURVEY IS TO BE USED FOR THE  
 PURPOSES OF A SUBDIVISION OF LAND,  
 AS CALICATED IN THE INSTRUMENT THAT  
 IS REFERENCED IN THIS INSTRUMENT, AND  
 THAT I AM NOT PROVIDING ANY OTHER  
 INFORMATION TO ANY OTHER PARTY.  
 WITNESS MY ORIGINAL SIGNATURE, LICENSE  
 NUMBER AND SEAL, THIS 17th DAY  
 OF JULY, 2015.

ASHLEY L. PARKER - LICENSE # 4834  
 PROFESSIONAL LAND SURVEYOR

I, ASHLEY L. PARKER, PROFESSIONAL LAND SURVEYOR NO. L-4834  
 CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:  
 (A) THAT THE SURVEY IS A CORNER SURVEY OF AN INTEREST  
 IN LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT  
 IS SUBJECT TO A SUBDIVISION OF LAND.  
 (B) THAT THIS PLAN IS OF A SURVEY THAT IS LOCATED IN SUCH  
 PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNDEVELOPED  
 LAND.  
 (C) THAT THIS IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS  
 OF LAND.  
 (D) THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER  
 STRUCTURE.  
 (E) THAT THE SURVEY IS A CORNER SURVEY OF AN INTEREST  
 IN LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT  
 IS SUBJECT TO A SUBDIVISION OF LAND.  
 (F) THAT THE SURVEY IS OF A SURVEY OF AN INTEREST IN LAND  
 WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT IS  
 SUBJECT TO A SUBDIVISION OF LAND.  
 (G) THAT THE SURVEY IS OF A SURVEY OF AN INTEREST IN LAND  
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 (H) THAT THE SURVEY IS OF A SURVEY OF AN INTEREST IN LAND  
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 (I) THAT THE SURVEY IS OF A SURVEY OF AN INTEREST IN LAND  
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 (W) THAT THE SURVEY IS OF A SURVEY OF AN INTEREST IN LAND  
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 (X) THAT THE SURVEY IS OF A SURVEY OF AN INTEREST IN LAND  
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 (Y) THAT THE SURVEY IS OF A SURVEY OF AN INTEREST IN LAND  
 WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT IS  
 SUBJECT TO A SUBDIVISION OF LAND.  
 (Z) THAT THE SURVEY IS OF A SURVEY OF AN INTEREST IN LAND  
 WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT IS  
 SUBJECT TO A SUBDIVISION OF LAND.

ASHLEY L. PARKER P.L.S. NO. 4834

WAKE COUNTY, NC 6  
 LAURA H. REDDICK  
 REGISTER OF DEEDS  
 RECEIVED & RECORDED ON  
 07/17/2015 11:00 AM  
 BOOK: 182815 PAGE: 181870

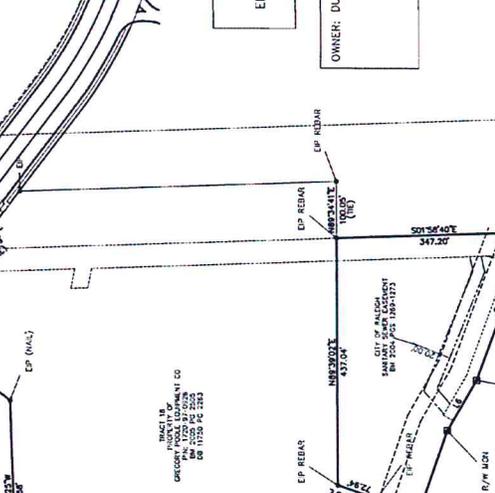
RECORDED IN  
 BOOK OF MAPS 2015 PAGE 181870

SCALE: 1" = 100'



CURVE	ANGLES	LENGTH	CHORD BEARING	CHORD
C1	45.00	45.00	N45.00W	44.32
C2	335.35	115.49	S11.47W	114.89
C3	335.35	115.49	S11.47W	114.89
C4	335.35	115.49	S11.47W	114.89
C5	335.35	115.49	S11.47W	114.89
C6	335.35	115.49	S11.47W	114.89
C7	335.35	115.49	S11.47W	114.89
C8	335.35	115.49	S11.47W	114.89
C9	335.35	115.49	S11.47W	114.89
C10	335.35	115.49	S11.47W	114.89
C11	335.35	115.49	S11.47W	114.89
C12	335.35	115.49	S11.47W	114.89
C13	335.35	115.49	S11.47W	114.89
C14	335.35	115.49	S11.47W	114.89
C15	335.35	115.49	S11.47W	114.89
C16	335.35	115.49	S11.47W	114.89
C17	335.35	115.49	S11.47W	114.89
C18	335.35	115.49	S11.47W	114.89
C19	335.35	115.49	S11.47W	114.89
C20	335.35	115.49	S11.47W	114.89
C21	335.35	115.49	S11.47W	114.89
C22	335.35	115.49	S11.47W	114.89
C23	335.35	115.49	S11.47W	114.89
C24	335.35	115.49	S11.47W	114.89
C25	335.35	115.49	S11.47W	114.89
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C27	335.35	115.49	S11.47W	114.89
C28	335.35	115.49	S11.47W	114.89
C29	335.35	115.49	S11.47W	114.89
C30	335.35	115.49	S11.47W	114.89
C31	335.35	115.49	S11.47W	114.89
C32	335.35	115.49	S11.47W	114.89
C33	335.35	115.49	S11.47W	114.89
C34	335.35	115.49	S11.47W	114.89
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C42	335.35	115.49	S11.47W	114.89
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C70	335.35	115.49	S11.47W	114.89
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C90	335.35	115.49	S11.47W	114.89
C91	335.35	115.49	S11.47W	114.89
C92	335.35	115.49	S11.47W	114.89
C93	335.35	115.49	S11.47W	114.89
C94	335.35	115.49	S11.47W	114.89
C95	335.35	115.49	S11.47W	114.89
C96	335.35	115.49	S11.47W	114.89
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C98	335.35	115.49	S11.47W	114.89
C99	335.35	115.49	S11.47W	114.89
C100	335.35	115.49	S11.47W	114.89

LINE	BEARING	LENGTH
L1	N45.00W	44.32
L2	S11.47W	114.89
L3	S11.47W	114.89
L4	S11.47W	114.89
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L99	S11.47W	114.89
L100	S11.47W	114.89



OWNER: DUKE CONSTRUCTION LIMITED PARTNERSHIP  
 600 L 96TH ST SUITE 100  
 INDIANAPOLIS, IN 46240  
 PARENT FIRM 720-88-5183  
 PHONE 720-88-5183  
 FAX 720-88-5183  
 BM 2007 PC 2437

LEGEND  
 EIP = EXISTING IRON PIPE  
 [XXX] = ADDRESS

DATE: 7-2-2015  
 DATE: 7-2-2015

PLANNING DIRECTOR (SIGNATURE)  
 PLANNING DIRECTOR (PRINT)

OWNER (SIGNATURE)  
 OWNER (PRINT)

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF PLANNING  
 I HEREBY CERTIFY THAT ALL STREETS SHOWN ON THIS PLAN ARE WITHIN  
 THE JURISDICTION OF THE TOWN OF GARDNER, NORTH CAROLINA, AND THAT I  
 HAVE REVIEWED THE PLAN AND AM SATISFIED THAT THE PROPOSED  
 IMPROVEMENTS COMPLY WITH THE SUBDIVISION REGULATION JURISDICTION OF THE  
 TOWN OF GARDNER, NORTH CAROLINA, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.  
 DATE: 7-2-2015  
 SIGNATURE: [Signature]

REVIEW OFFICER CERTIFICATE  
 WAKE COUNTY, NORTH CAROLINA  
 REVIEW OFFICER: [Signature]  
 DATE: 7-2-2015

CERTIFICATE OF OWNERSHIP  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON,  
 WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE  
 TOWN OF GARDNER, NORTH CAROLINA, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.  
 DATE: 7-2-2015  
 SIGNATURE: [Signature]

DESIGNED BY: JM  
 DRAWN BY: ALP  
 CHECKED BY: SW  
 DATE: 03-12-2015

ST. MARY'S TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

GREENFIELD NORTH SUBDIVISION  
 LOT 17

SUBDIVISION & R/W DEDICATION FINAL PLAT

BASS, NIXON & KENNEDY, INC.  
 CONSULTING ENGINEERS

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 1, 2016		
Subject: Special Use Site Plan-SUP-SP-16-06, Carillon Assisted Living		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jenny Saldi, Senior Planner		
Presenter: Jenny Saldi, Senior Planner		
Brief Summary:  Tony M. Tate Landscape Architecture is requesting conditional use site plan approval for an assisted living facility located at 2015 Aversboro Road. The site can be further identified as Wake County PIN 1710333684 (portion of)		
Recommended Motion and/or Requested Action: Approval with the six (6) site specific conditions listed on the attached permit.		
Detailed Notes: Please refer to attached Staff Report.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MBB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner  
Special Use Permit  
Staff Report  
Town Council  
August 1, 2016**

**PROJECT NUMBER:** SUP-SP-16-06, Carillon Garner

**APPLICANT:** Carillon Assisted Living

**OWNER:** Marjan, LTD

**PLAN PREPARED BY:** Tony M Tate Landscape Architecture

**KEY MEETING DATES:**

**Planning Commission:** July 11, 2016

**Town Council Public Hearing:** August 1, 2016

**GENERAL DESCRIPTION:**

**Proposed Use:** Assisted living facility

**Location:** East of the intersection of Aversboro Road and Minglewood Road; adjacent to the Village of Aversboro and Heather Woods Subdivision

**PIN#:** Portion of 1710-33-3684

**Town Limits:** Yes

**Zoning Classification of the Site:** Office and Institutional (O&I)

**Adjacent Zoning and Land Uses:**

**North:** CR, Undeveloped

**South:** R-15, Single-family homes in the Heather Woods Subdivision and an undeveloped lot

**East:** MF-2, Single-family homes in the Village of Aversboro

**West:** O&I, Undeveloped; Aversboro Road; CR, Undeveloped; MF-1, Future YMCA

**Neighborhood Character:** Residential

**PROJECT DATA:**

<b>Acreage:</b>	5.42
<b>Building Size:</b>	One story, 35,900 square feet
<b>Building Material and Color:</b>	Yellow fiber cement lap siding with a black asphalt shingle pitched roof. Detail with white trim, windows and gable end shingle siding.
<b>Landscape and Buffer Requirements:</b>	<p>The plan as proposed meets the requirements of the Landscape Ordinance.</p> <p>Tree cover requirements are met with a combination of proposed and existing vegetation.</p> <p>Buffers are shown as required. A 15 foot street buffer is required; however, 35 feet is provided. <b>Please refer to General Comments.</b></p> <p>A 25 foot undisturbed perimeter buffer is required adjacent to the residents to the south and east. There are two utility crossings requiring clearing within the south perimeter buffer. A 7.5 perimeter buffer is required along the undeveloped parcels to the west. Typical landscape sections are shown for the perimeter buffers, which will be used to supplement existing vegetation to meet landscape requirements. <b>Please refer to General Comments</b></p>
<b>Parking Spaces:</b>	<p>Parking is based on number of employees and number of beds.</p> <p>36 (2 accessible) required 48 (4 accessible) provided</p>
<b>Floodplain:</b>	This site does not contain a FEMA designated floodplain.
<b>Stormwater Management:</b>	<b>Please refer to General Comments.</b>
<b>Fire Protection:</b>	The plan, as proposed, meets fire code requirements.
Building Sprinklered:	Yes
Number of fire hydrants provided on-site:	3

Number of fire hydrants within 500 feet of the building: 3

**Water/ Sewer:**

Water service is proposed from the water main in Minglewood.

Sewer service is proposed from an extended sewer main south of the property. The sewer main extension first requires securing an off-site sanitary sewer easement and then construction drawing approval from the City of Raleigh.

**Street Access/ Sidewalks:**

One driveway off Minglewood provides access to the site. A second “emergency only” access is provided on the west side setting up access for emergency vehicles from the adjacent parcels once they are developed.

**Please refer to General Comments.**

**General Comments:**

Landscaping – A 15 foot **street buffer** is required along Minglewood. The ordinance restricts grading and clearing of trees with a DBH (diameter at breast height) of four (4) inches or greater within the street buffer. It has been Staff’s experience that the vegetation remaining within 15 feet is usually of poor quality; in these cases, clearing and grading has been permitted. Without a tree survey, it is difficult to determine exactly which trees, 4 inches or larger would remain within the street buffer for this project; however, Staff walked the buffer and believes the number and quality of what would remain did not warrant restricting grading of the 15 foot street buffer.

We understand the adjacent neighbors would like as much vegetation as possible to be retained along the street; therefore, we offer these observations for your consideration:

- If grading is prohibited within the street buffer, a retaining wall will be necessary. Grading up to the 15 foot buffer and construction of the retaining wall will damage the root systems of the existing trees. A retaining wall at the 15 foot mark would be approximately 5 feet at its highest point.
- The developer is providing a 35 foot buffer, although only 15 is required. If requested, because it cannot be required, to retain a greater width of existing vegetation, the height of the retaining wall will increase at an increased cost to the developer. At the 35 foot mark, which is directly behind the parking, we estimate the maximum height of the wall to be 9 -10 feet. Please note the retaining wall will vary in height going across the property line at any distance from the right-of-way.
- A tree survey is the only way to determine the number and type of trees within the required buffer. A site inspection is the only way to determine the quality of those trees.
- If grading is permitted within the street buffer, an additional layer of vegetation could be

requested; i.e. understory trees in addition to the shade trees and evergreen shrubs along the street.

These observations were shared with the adjacent neighbors and presented to the Planning Commission. The Developer and Landscape Architect met with the neighbors just prior to the Planning Commission meeting and agreed to increase the size of the street trees along Minglewood, which has been reflected on the landscape plan. There were no objections from the public at the meeting.

During the pre-Planning Commission meeting, the Developer also agreed to request a temporary driveway permit from NCDOT for a construction entrance off Aversboro Road for large construction equipment. A note was added to the plan stating such. The third, and last, agreement was to not clear cut the parcel along Aversboro Road. A note was added to the plan stating the Landscape Architect would field locate the significant and specimen trees to be saved. A condition has been recommended adding that the Landscape Architect and Town Staff will coordinate in identifying the trees to be saved. These trees will only be saved until development of this parcel, at which time tree save will be revisited.

In order to capture and direct water runoff from the undeveloped 2.95 acre outparcel to a proposed catch basin, a swale is needed within the first 10 feet of the 25 foot **perimeter buffer** adjacent to the Town of Garner property and Lot 97 of Heather Woods. As with the entire perimeter buffer, the remaining vegetation will be evaluated to determine if additional vegetation is needed to meet buffer requirements. Once the 2.95 parcel is developed, stormwater will be captured and directed to the stormwater pond on the Carillon site.

The **perimeter buffer** adjacent to Lot 95 and 96 will remain undisturbed; however, dead vegetation must be removed to allow the natural flow of any runoff.

The **median** within Minglewood is landscaped; should landscaping be damaged during construction, the Developer will be responsible for replacement.

Storm-water management – This project is subject to nitrogen and water quantity requirements along with watershed water supply protection requirements (85% TSS removal). The developer is proposing utilizing a wet pond to meet water quality and quantity requirements. The stormwater control measure will provide treatment for the proposed assisted living facility and also provide treatment for the 2.95 acre outparcel.

The wet pond is providing nitrogen reduction along with TSS removal; however, a payment will be required to a private mitigation bank to comply with nitrogen removal requirements in the Neuse Rules. The pond is also providing peak flow control by detaining the 1, 10, 25, and 100 year storm events.

Street access – Concern regarding the turning radius for solid waste trucks and emergency vehicles entering and exiting the site and its impact on the existing median within Minglewood, resulted in a six foot portion of the median being excavated and filled with concrete, a modified mountable curb.

Signage – The multi-tenant sign shown on the plans at the corner of Aversboro and Minglewood is not being approved with this plan. A multi-tenant sign requires a master sign plan which falls under a separate submittal, review and approval process.

Site Lighting – Staff received information on additional site lighting: low-wattage, ground-mounted bollards and spot lights, mounted on the buildings. Spot lights, which Staff considers a form of flood

lights, are not permitted adjacent to residential zoning or uses. A wall-mounted, cut-off fixture must replace the spotlight. Information on the new fixture must be submitted to the Planning Department for approval prior to issuance of a building permit.

**Consistency with Adopted Town Plans and Policies:**

**2006 Comprehensive Growth Plan:** This site falls within the Primary Residential designation for the Neighborhood Node at Timber Drive and Aversboro Road; the project is consistent with the Comprehensive Growth Plan.

**2010 Garner Thoroughfare Plan:** This project, as proposed, is consistent with the Thoroughfare Plan.

**Parks & Greenway Plan:** This project, as proposed, is consistent with the Parks and Greenway Plan.

**Unified Development Ordinance Regulations:** This project, as proposed, is consistent with the regulations of the Unified Development Ordinance.

**RECOMMENDATION:**

The Planning Commission reviewed this application at their July 11, 2016 meeting and voted unanimously to recommend approval of Carillon Assisted Living, SUP-SP-16-06, with the six (6) site specific conditions listed on the attached permit.



# Town of Garner Planning Department

## Special Use Permit SUP SP 16-06

0 300 600 Feet



Project: Carillon Assisted Living  
 Applicant: Tony Tate Landscape Architecture  
 Owner: Marjan LTD Cape Fear Properties of NC  
 Location: Aversboro Road  
 Pin: 1710333684

Proposed Use: Assisted Living Facility  
 Current Zoning: Office & Institutional  
 Overlay: Timber Drive  
 Acreage: 8.37

**TOWN OF GARNER  
SUP-SP-16-06  
SOCIAL USE PERMIT**

<b>APPLICANT</b>	Tony M. Tate Landscape Architecture 5011 Southpark Drive, Suite 200 Durham, NC 27713
<b>LOCATION</b>	East of the intersection of Aversboro Road and Minglewood Road; adjacent to the Village of Aversboro and Heather Woods Subdivision
<b>USE</b>	Assisted Living Facility
<b>DATE ISSUED</b>	August 1, 2016

**I. COMPLETENESS OF APPLICATION**

The application is complete.

**II. COMPLIANCE WITH ORDINANCE REQUIREMENTS**

The application complies with all applicable requirements of the Unified Development Ordinance.

**III. GRANTING THE APPLICATION**

The application is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Town Council, a copy of which is filed in the Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in the Unified Development Ordinance.
- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) All applicable permit approvals shall be obtained by the applicant.

**IV. SPECIFIC TO THE PROJECT**

1. Prior to issuance of a building permit, a cut-off light fixture, for mounting to the building, shall be submitted to Staff for approval.
2. Off-site sanitary sewer easement shall be acquired prior to submittal of Construction Drawings to the City of Raleigh.
3. Prior to issuance of a building permit, details of the required swale adjacent to the Town property and Lot 97 Heather Wood shall be approved by the Engineering Department.
4. Prior to issuance of a Certificate of Occupancy, any landscaping damaged within the Minglewood median, during construction of this project, shall be replaced by the Developer.
5. Prior to issuance of a Certificate of Occupancy, the 25 foot perimeter buffer adjacent to Lots 95 and 96 of Heather Woods shall be cleared of dead vegetation.
6. The project Landscape Architect and Town Staff shall work together to identify the trees to be saved within the undeveloped lot adjacent to Aversboro Road.

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 1, 2016		
Subject: Amend Fire Prevention and Protection Ordinance		
Location on Agenda: Public Hearings		
Department: Inspections		
Contact: Tony Beasley, Inspections Director		
Presenter: Tony Beasley, Inspections Director		
Brief Summary:  Amend Chapter 4 - Fire Prevention and Protection Ordinance to add a section concerning third party fire protection and control, inspection, testing and maintenance reporting and to clarify those authorized to bring enforcement action.		
Recommended Motion and/or Requested Action: Approve Ordinance (2016) 3824		
Detailed Notes: This change was reviewed by the Law and Finance Committee on June 29, 2016 and introduced to Council at the July 19, 2016 Council Meeting.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Changes will improve efficiency and compliance of fire code regulations.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	TEB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Request for Public Hearing to Amend Chapter 4 of the Town of Garner Code of Ordinances  
related to Fire Prevention and Protection**

July 11, 2016

**To: Garner Town Council**  
**From: Tony Beasley, Director of Inspections**  
**Jeff Fogle, Chief Fire Inspector**  
**Re: Ordinance and Agreement to use a third party vendor to fire  
protection reporting data**

**Background:**

The Town of Garner Inspection Department relies on third party monthly, quarterly, semi-annual, and annual inspection reporting from third party agencies to ensure all fire suppression, fire detection and other life safety systems installed in commercial establishments are up to date and functioning correctly.

The reliability of all systems proves essential for proper life safety needs and property conservation requirements, which in essence assists with maintaining and preserving our tax base. The proper operation of all fire related systems also helps cut down on false alarms and the need for a costly “fire watch” conditions in businesses.

Unfortunately, due to the state mandated inspection frequencies, the Fire Inspection division may only visit a facility once every three years (or at most, annually) to review and confirm requirements are being met. History proves that many businesses fail to comply with third party inspection mandates and only comply after a fire inspection notes the deficiency. When this happens, it then requires multiple inspections to gain compliance and in most cases results in re-inspection fees.

**Review:**

Brycer, LLC and their proprietary “Compliance Engine” software desires to provide a service to all commercial occupancies in the Town of Garner and to collect, organize and store all code-required third party inspection and testing records. Their automated service would give both the Town of Garner Inspections Department and the Garner Volunteer Fire and Rescue Department the ability to receive automatic notification when requirements are delinquent and need attention. This item and the attached amendment to the Town’s Ordinance are being proposed to authorize the use of a third party proprietary software in this process.

The system was evaluated as follows:

**Pros:**

- The Compliance Engine automates the delivery of third party inspection and testing reports for fire and life safety systems.
- The Town can access the database anytime to review and respond to inspection requirements and needs especially in an emergency situation.
- It provides the both the Town and GGVFR a more comprehensive and accurate reporting system for the Firehouse software system.
- This is a proprietary solution, similar to using the Knox Company for our premise key control system, provided at no cost to the city.
- The inspected premise will not be billed nor are they responsible for submitting the reports via the Compliance Engine; their inspecting contractors will submit documents and pay the fees to the vendor.
- Other municipalities in North Carolina are using the same system including the City of Raleigh.
- There is no negative budget impact to the Town.

**Cons:**

- There will be a charge from the vendor to the affected inspection service of \$10.00 annually per each fire system reported on; however, monthly, quarterly and semi-annual reporting within the same service year will not incur additional fees.

This item was presented to the Law and Finance Committee on June 29<sup>th</sup> and received a favorable recommendation to bring the item to Council for action.

**Recommendation:**

The Town Council calls for a public hearing for the August 1<sup>st</sup>, 2016 meeting for consideration of an ordinance which authorizes the Town Inspection department to utilize third party proprietary software to track and manage commercial fire system inspection, maintenance and testing requirements.

We further ask that Town Council adopt clarifying language to Section 4-37 (c) to include the Director of Inspections and/or Chief Fire Inspector to those authorized to take enforcement action.

Attachments: TCE Agreement and Ordinance

**ORDINANCE NO. (2016) 3824**

**ORDINANCE AMENDING CHAPTER 4 -FIRE PREVENTION AND PROTECTION-OF THE CODE OF ORDINANCES OF THE TOWN OF GARNER TO ADD A SECTION CONCERNING THIRD PARTY FIRE PROTECTION AND CONTROL, INSPECTION, TESTING AND MAINTENANCE REPORTING AND TO CLARIFY THOSE AUTHORIZED TO BRING ENFORCEMENT ACTION.**

**WHEREAS**, in order to preserve and protect the public health and safety, and to satisfy the requirements of N.C.G.S. §160A-424, the Town of Garner assumes inspection duties as provided in N.C.G.S. §160A-411, the Town is required to have periodic inspection schedules for the purpose of identifying activities and conditions in buildings and structures that pose dangers of fire, explosion or related hazards; and

**WHEREAS**, pursuant to Section 104.1 of the North Carolina Fire Prevention Code, the fire code official is authorized to enforce the provisions of said code; and

**WHEREAS**, pursuant to Section 106.2 of the North Carolina Fire Prevention Code, the fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provision of said code and to approve reports of inspection by approved agencies or individuals and the fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed, or complex technical issues and

**WHEREAS**, pursuant to Section 107.2.1 of the North Carolina Fire Prevention Code, the fire code official is authorized make all required tests and inspection records available at all times, and

**WHEREAS**, the Town of Garner has adopted the provisions of the North Carolina Fire Prevention Code, current edition, adopted by the North Carolina Building Code Council and made the same applicable as the Fire Prevention Ordinance of the Town in Section 4-15 of the Code of Ordinances and has made certain amendments to the Fire Prevention Ordinance in Section 4 of the Code of Ordinances; and

**WHEREAS**, pursuant to the Town’s authority under N.C.G.S. §§160A-4, 160A-20.1, 160A-174, 160A-175, and 160A-177, the Town Council of the Town of Garner desires to amend the Fire Prevention Ordinance to require all inspection reports to be provided through a third party inspection reporting system, Brycer LLC.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Garner, Wake County, North Carolina, as follows:

**SECTION 1:**

A) Revise Section 4-37 (c) of Chapter 4, Fire Prevention and Protection, this hereby created to read as follows:

(c) Enforcement actions may be initiated by the Wake County Fire Marshal, the Wake County Emergency Management Director, the chief of the Garner Fire Department, **Director of Inspections and or Chief Fire Inspector.**

**B)** A new Section 4-16 of Chapter 4, Fire Prevention and Protection, is hereby created to read as follows:

**Sec. 4-16 Third Party Inspection Reporting System.**

Records of all required monthly, quarterly, and annual system inspections, tests, and maintenance, as required by section 604.6, 901.6, 904.11, 909.20 and their respective referenced National Fire Protection Association standards shall be provided to the Town of Garner through an approved third party inspection reporting system and reporting parties shall pay any fees associated with that service to the Town’s third party service provider.

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

The Town Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. That this ordinance shall be enforced as provided in City Code Sec. 1.8.

Section 5. That this ordinance and rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on its final passage and adoption by the Garner Town Council.

Duly adopted this 1<sup>st</sup> day of August, 2016.

\_\_\_\_\_  
Ronnie S. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Stella Gibson, Town Clerk