TOWN OF GARNER

TOWN COUNCIL
WORK SESSION

August 30, 2016
6:00 p.m.

Garner Police Department
Training Room
912 7th Avenue, Garner

Town of Garner
Work Session Agenda
August 30, 2016

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

The Council will meet in a Work Session at 6:00 p.m. on Tuesday, August 30, 2016 in the Garner Police Department Training Room located at 912 7th Avenue.

A. CALL MEETING TO ORDER/ROLL CALL

B. ADOPTION OF AGENDA

C. DISCUSSION

1. Bond Projects ……Page 2
   Presenter: John Hodges, Assistant Town Manager-Development Services

   In preparation for the third sale of bonds from the 2013 program, staff has prepared a summary on the Street and Sidewalk Bond Projects to use as a discussion guide.

2. Strategic Plan Final Review …… Page 9
   Presenter: Rodney Dickerson, Town Manager

   At the June work session, staff presented a draft version of the proposed Town of Garner Strategic Plan document. A final version of the plan document is enclosed for your review, including a draft Vision Statement that Council tasked staff with developing.

3. Council Policies & Procedures …….. Page 18
   Presenter: Kathy Behringer, Mayor Pro Tem

   As indicated in the Council's Meeting Rules and Procedures, this document is required to be reviewed after each election to address any possible changes.

D. COUNCIL REPORTS

E. MANAGER REPORTS

F. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: August 30, 2016			
Subject: Street & Sidewalk Bond Projects Update			
Location on Agenda: Discussion			
Department: Town Manager's Office			
Contact: John Hodges, Assistant Town Manager-Development Services			
Presenter: John Hodges, Assistant Town Manager-Development Services			
Brief Summary: In preparation for the third sale of bonds from the 2013 program, staff has prepared a summary on the Street and Sidewalk Bond Projects to use as a discussion guide. Included is an update on current bond projects, changes that have occurred since the original bond projects list and timeline was developed, and new opportunities that have arisen that could be considered for funding.			
Recommended Motion and/or Requested Action: Direction from Council on project prioritization and consensus on next steps needed to prepare for bond sale 3.			
Detailed Notes:			
Funding Source:			
Cost:	One Time: ○	Annual: ○	No Cost: ◉
Manager's Comments and Recommendations: This is the time to assess where we are and for Town Council to provide direction to me and staff on bond timing and funding going forward.			
Attachments Yes: ◉ No: ○			
Agenda Form Reviewed by:	Initials:	Comments:	
Department Head:	JMH		
Finance Director:			
Town Attorney:			
Town Manager:	RD		
Town Clerk:			

Town Manager's Office Memorandum

TO: Mayor and Town Council

FROM: John Hodges
Assistant Town Manager – Development Services

DATE: August 24, 2016

SUBJECT: Street and Sidewalk Bond Projects Update

In preparation for the third sale of bonds from the 2013 program, staff has prepared the following summary on the Street and Sidewalk Bond Projects to use as a discussion guide for the August 30 Work Session.

Included is an update on current bond projects, changes that have occurred since the original bond projects list and timeline was developed, and new opportunities that have arisen that could be considered for funding. Staff will seek direction from Council on project prioritization and consensus on next steps needed to continue this portion of the bond program.

Overview

The Street and Sidewalk Bond Program totaled $14,566,000 and originally included the following projects:

PROJECT	ESTIMATE	STATUS
Sidewalks (per prioritized list)	$2,700,000	Committed
Jessup Drive	$375,000	Complete
Main Street/Benson Rd Sidewalk	$500,000	Complete
Underground Power	$400,000	Underway
Neighborhood Improvements	$750,000	Underway
Montague Street Improvements	$1,900,000	Underway
Land Acquisition (Mont, Purvis New Rand)	$1,116,000	Underway
Improvements to Purvis, New Rand	$1,900,000	Not Started
Hwy 70 Widening	$3,200,000	Not Started
Hwy 70 Lighting & Landscaping	$900,000	Not Started
Benson/Garner Rd Intersection	$500,000	Not Started
Main Street Streetscape	$325,000	Not Started

Street and Sidewalk bond proceeds from the first two sales totaled $5,670,000 ($4,395,000 and $1,275,000). Proposed sale 3 includes $2,728,000 and sale 4 includes $8,896,000.

Current Project Updates

Sidewalks **$2,700,000**

Projects have been identified by Council that will exhaust the funding for sidewalks. The final three projects still need to be designed. These are:

- Vandora Springs from Timber to Tiffany Circle
- North Garner Middle School – Avery Street to Curtiss Drive
- Spring Drive from Vandora Springs to Buckhorn Road

Staff request prioritization of these three projects by Council before design begins.

Underground Power **$400,000**

Design estimates have been received for AT&T's portion of the project around the Recreation Center. We are awaiting pricing from Duke Energy. It is expected that the total project in that area will not require the full funding allocated.

Excess funding may be used for underground power along the Town Hall project site.

Neighborhood Improvements **$750,000**

Approximately $82,000 has been expended for approved Neighborhood Improvement projects including lighting for Woodland North, Van Story Hills, Malibu Valley and a planned project in Cloverdale. In addition, Council approved $15,000 to be used for Rand Mill Road Park improvements in partnership with Rebuilding Together. Staff has proposed funding the addition of drainage pipe along the Benson Road sidewalk project and sidewalks connecting Purdue Street with the planned Kelly Crossing subdivision.

Staff will update Council when cost estimates for these two projects are available.

Montague Street Improvements **$1,900,000**

This project originally included improvements to Montague Street and its improved intersection with Hwy 70. As the scope of the Purvis Street project was reduced to improvements along the Recreation Center property (eliminating the connection to Hwy 70), this project title now includes all roadwork being done in conjunction with the Recreation Center project.

The bid for roadwork came in at $1,045,914 leaving an unallocated balance of $854,086. Staff recommends reserving a portion of this balance until the project is significantly complete.

Land Acquisition (Montague, Purvis, New Rand) **$1,116,000**

Land acquisition for the Montague/Purvis/Hwy 70 project has been completed at a cost of $292,376. This leaves an unallocated balance of $823,624.

Staff recommends reserving this balance until better cost estimates are available for the New Rand Road project.

Improvements to Purvis, New Rand Road $1,900,000

This project originally included significant improvements to Purvis Street, including a connection to Hwy 70. The reduced scope of Purvis Street improvements are now being included in the Montague Street Improvements as noted above. To that end, this project will be labeled as only New Rand Road Improvements.

Staff recommends keeping the full amount assigned to the project until design and an updated estimate can be completed. Design and construction of this project must be coordinated with proposed improvements to Hwy 70. Also, NC DOT has recently mentioned this intersection and congestion during peak hours on Hwy 70. Staff will meet with NC DOT to discuss this issue in the next few weeks.

Hwy 70 Widening $3,200,000

The original scope of this project included widening from White Oak Road to Hwy 50. Several important developments should be considered before moving forward with the original plan.

NC DOT proposes widening of Hwy 70 from the 401 split through Garner and beyond in the 2018-2027 State Transportation Improvement Plan (STIP) that is currently being developed. The proposed projects are currently being scored and the results should be available in January, 2017.

Another related project that should be considered is the **Hwy 50 Bridge Replacement**. Council has expressed support for enhancing the replacement bridge, which is funded in the 2016-2025 STIP and currently scheduled to be constructed in FY 2020.

Staff recommends deferring action on the widening project until the results of the STIP scoring are known. Staff observes that a portion of this funding may be considered for the Town's contribution toward enhancements to the Hwy 50 Bridge.

Hwy 70 Lighting and Landscaping $900,000

The original scope of this project included lighting and landscape enhancements along the same section of Hwy 70 mentioned above. Depending on the decision regarding widening, these funds could be repurposed.

Staff recommends deferring action on the widening project until the results of the STIP scoring are known.

Benson/Garner Road Intersection Improvements $500,000

The original scope of this project included elimination of the free-flow right on east-bound Garner Road, replacement of signal poles with decorative arms, signalized crosswalk and other features to enhance the gateway.

Sidewalks have been completed along Benson Road and a signalized crossing across Garner Road has been installed (with funding from the John Rex Endowment). The needs and objectives for this gateway intersection could be revisited, including potential safety improvements at the Avery Street intersection and aesthetic improvements along Garner Road from Vandora Springs to New Rand Road.

Staff recommends revisiting the scope of this project in mid-2017.

Main Street Streetscape **$325,000**

The original scope of this project included a number of enhancements recommended in the 2010 Downtown Streetscape Plan. Some of these enhancements are still needed or desired, and some may be replaced by more functional improvements needed to handle the increased traffic and support business investment. Additionally, streetscape enhancements along Main Street from Purvis to Montague were dropped from the Recreation Center plans due to budget constraints.

Staff recommends using these funds for sidewalk enhancements, lighting and furnishings along the Recreation Center frontage to continue the Central Business District improvements made previously. Improvements are also needed at the intersection of Main Street and Rand Mill Road that will improve access and aesthetics.

New Street and Sidewalk Projects

Ackerman – Hebron Church – White Oak Roads Intersection
Council identified this intersection as an emerging need and approved funding from the 2015-2016 budget to begin analysis and design of alternatives. Meanwhile, Wake County Public Schools (WCPSS) began making improvements to this intersection, including a realignment and traffic signal, as a part of the roadway improvements to support the South Garner High School. Those improvements have recently been completed and school traffic will begin August 29, giving an indication of how the improved intersection will perform. Staff plans to meet with NC DOT after the improvements are complete and school begins to discuss additional improvements to the intersection.

CAMPO is currently completing a "Hot Spot Analysis" of this intersection as a part of their Southeast Area Study (SEAS). Staff expects to receive information from CAMPO in the October timeframe.

Staff suggests that the entire White Oak Corridor, from Timber Drive East to this intersection, be considered for analysis and future improvements. Staff further suggests that this project may be a candidate to submit for CAMPO Locally Administered Project Program (LAPP) funding. The application period for FY2018 projects is now open and closes in October.

Staff recommends holding a joint meeting with CAMPO and NC DOT staff to discuss both the intersection and corridor improvements to gain consensus on the best approach to take for design and construction. Staff will report findings from this meeting and make a recommendation for an October LAPP funding application. Please note that the application would require matching funds from the Town.

Jones Sausage Road Corridor
Over the past several years, there has been discussion regarding improvements to the Jones Sausage Road corridor, including intersection improvements with I-40, widening and realignment of the road between Garner Road and Hwy 70. Recently, several projects being considered for the Garner Technology Center site (former ConAgra site) have caused staff to realize that some of these improvements may have to be made to accommodate redevelopment of the site. Also, proposed development of the White Oak Southwest Quadrant provides another timeframe to consider for timing of improvements to this corridor.

CAMPO is currently completing a "Hot Spot Analysis" of this corridor as a part of their Southeast Area Study (SEAS). Staff expects to receive information from CAMPO in the October timeframe. Also, the Comprehensive and Transportation Plans currently underway may further analyze the corridor to provide additional insight to the potential impacts of making improvements and a timeline to avoid loss of economic investment.

Staff recommends an in-depth discussion regarding this project in early 2017. This would allow time to receive information from CAMPO and preliminary information from the Comprehensive and Transportation Plans and know the outcome of the Hwy 70 widening project in the STIP before making a decision regarding project funding.

Bond Sale Timing

The next bond sale is proposed for January, 2017 in the amount of $4,047,500. Of this, $2,728,500 is allocated to Street and Sidewalk projects. Staff is currently evaluating how much of this amount is needed to reimburse ourselves for projects that are underway or that will be completed before bond sale 4. Once Council gives input on the projects to move forward with, staff can finalize a proposed sale amount.

Staff discussed the proposed bond sale with Davenport and they suggest that we will need approximately 45-60 days to complete all the necessary steps leading to a sale. They offered to request a placeholder date from the Local Government Commission (LGC) to ensure we can get one within the time window we desire. (LGC sells bonds weekly, but will only hold one sale each week).

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: August 30, 2016			
Subject: Strategic Plan Final Review			
Location on Agenda: Reports			
Department: Town Manager's Office			
Contact: Rodney Dickerson, Town Manager			
Presenter: Rodney Dickerson, Town Manager			
Brief Summary: At the June work session, staff presented a draft version of the proposed Town of Garner Strategic Plan document. A final version of the plan document is enclosed for your review, including a draft Vision Statement that Council tasked staff with developing.			
Recommended Motion and/or Requested Action: Approve Vision Statement, with edits as needed and approve final document for printing.			
Detailed Notes:			
Funding Source:			
Cost:	One Time: ○	Annual: ○	No Cost: ◉
Manager's Comments and Recommendations: The Strategic Plan will be the guiding document for what we do as a Town. Staff will generate tasks and funding strategies to achieve these goals.			
Attachments Yes: ◉ No: ○			
Agenda Form Reviewed by:	Initials:	Comments:	
Department Head:	JMH		
Finance Director:			
Town Attorney:			
Town Manager:	RD		
Town Clerk:			

GARNER
A Great Place to Be®

Town of Garner Strategic Plan

Adopted by the Town Council
August 2016

DRAFT

garnernc.gov

Town of Garner Strategic Plan

Introduction to the Town's New Strategic Plan

THE TOWN OF GARNER Strategic Plan is designed to be a multiyear representation of the Town's mission. It aims to serve as a roadmap for staff and Council over the next three to five years.

This new plan—an outgrowth of Council and staff input from earlier this year as well as several pre-existing documents—further defines the Town's strategic priorities. The structure better links and Council and staff plans and employs a format that should be more useable for elected officials, staff, partners and citizens.

The plan includes these components:

- **Goal statements** that will be the foundation of the Town mission statement;
- Long-range **objectives** that further define the goals;
- Multiyear (three- to five-year) **initiatives** that will be executed to achieve the objectives; and
- Annual **tasks** captured in a separate working document and reporting structure that will be updated regularly to track progress.

DRAFT

The Town's Vision Statement

THE TOWN OF GARNER nurtures an ideal hometown environment for residents and businesses while encouraging new economic, recreational and cultural opportunities through wise planning and investment.

Town of Garner Strategic Plan

The Town's Strategic Plan is organized around four goal statements, which make up its mission:

Fiscal Responsibility (FR)

Ensure fiscal stability and efficient use of resources

Efficient and Timely Service Delivery (SD)

Provide efficient and effective services that match community needs and expectations

Orderly Growth (OG)

Grow and maintain a robust, diversified economy

Quality of Life (QL)

Foster a safe and welcoming community with access to a wide range of opportunities and amenities

DRAFT

Fiscal Responsibility (FR)

GOAL STATEMENT: *Ensure fiscal stability and efficient use of resources*

OBJECTIVE 1: Maintain an appropriate/stable tax rate

- **Initiative 1:** Manage 2013 Bond Program
- **Initiative 2:** Maintain public understanding and trust
- **Initiative 3:** Retain flexibility to respond to new opportunities and challenges

OBJECTIVE 2: Invest in maintenance of infrastructure and facilities

- **Initiative 1:** Continue proactive pavement maintenance
- **Initiative 2:** Implement planned facilities maintenance
- **Initiative 3:** Maintain Town-owned storm water infrastructure

OBJECTIVE 3: Enhance Town's existing Capital Improvement Program (CIP) process

- **Initiative 1:** Develop process to identify and manage future long-term capital initiatives
- **Initiative 2:** Develop funding strategy for future needs
- **Initiative 3:** Continue Vehicle and Equipment Replacement Team (VERT) program with focus on sustainable replacement schedule

DRAFT

Efficient and Timely Service Delivery (SD)

GOAL STATEMENT: *Provide efficient and effective services that match community needs and expectations*

OBJECTIVE 1: Build and maintain strong relationships with regional and community partners

- **Initiative 1:** Enhance program partnerships with recreation and cultural resources partners, economic development partners and other partner agencies
- **Initiative 2:** Reinforce planning partnerships with regional partners
- **Initiative 3:** Strengthen delivery partnerships with Garner Volunteer Fire-Rescue, Inc., and other services partners

OBJECTIVE 2: Provide quality services at a reasonable cost to residents and businesses

- **Initiative 1:** Ensure fee structure is balanced between cost recovery and value to end user
- **Initiative 2:** Privatize or use contract services when appropriate
- **Initiative 3:** Continue efficient use of resources

OBJECTIVE 3: Foster attractive workplace culture to recruit and retain outstanding personnel

- **Initiative 1:** Bolster recruitment of diverse, highly qualified pools of applicants
- **Initiative 2:** Focus on retention of high-performing personnel
- **Initiative 3:** Provide staffing tools, support and training to aid in retention, staff development and outstanding customer service

OBJECTIVE 4: Nurture a culture of excellent customer service

- **Initiative 1:** Maintain adequate staffing levels
- **Initiative 2:** Enhance access to government and relevant information
- **Initiative 3:** Inspire a shared vision among staff

DRAFT

Orderly Growth (OG)

GOAL STATEMENT: *Grow and maintain a robust, diversified economy*

OBJECTIVE 1: Plan for orderly and stable development with a balance of residential and commercial growth

- **Initiative 1:** Proactively update long-range land-use and transportation plans to prepare for growth
- **Initiative 2:** Build and maintain strategic utility infrastructure to support and enable growth
- **Initiative 3:** Plan for appropriate use of open space and environmental resources

OBJECTIVE 2: Support top-quality infrastructure, utilities and transportation

- **Initiative 1:** Actively participate in City of Raleigh Water System partnership and planning
- **Initiative 2:** Implement strategies to maximize local opportunities and impact from the Wake County Transit Plan
- **Initiative 3:** Leverage NCDOT to plan and implement key transportation projects

OBJECTIVE 3: Implement comprehensive economic development plan

- **Initiative 1:** Follow a balanced approach to economic development activities and resources
- **Initiative 2:** Bolster the Town's competitiveness for regional economic activity
- **Initiative 3:** Develop and market product inventory to compete for regional projects

DRAFT

Quality of Life (QL)

GOAL STATEMENT: *Foster a safe and welcoming community with access to a wide range of opportunities and amenities*

OBJECTIVE 1: Provide a safe and inviting community

- **Initiative 1:** Continue and expand public safety initiatives beyond traditional law enforcement, including service programs, safety initiatives and citizens academies
- **Initiative 2:** Promote and expand beautification programs in key corridors
- **Initiative 3:** Work collaboratively with property owners to maintain or revitalize properties

OBJECTIVE 2: Support and encourage an active and engaged citizenry

- **Initiative 1:** Offer opportunities for citizens to be better educated about and participate in local government
- **Initiative 2:** Promote opportunities to participate on boards and commissions.
- **Initiative 3:** Continue and enhance marketing and promotions to engage citizens

OBJECTIVE 3: Embrace diversity and be responsive to the changing demographics of the community

- **Initiative 1:** Engage immigrant communities and entrepreneurs
- **Initiative 2:** Support and enhance services for aging population
- **Initiative 3:** Encourage broad-based participation in educational, civic and leadership opportunities

OBJECTIVE 4: Provide a broad mix of arts, leisure and recreation opportunities

- **Initiative 1:** Explore options for open space and facilities in growth areas
- **Initiative 2:** Update the Parks, Recreation and Cultural Resources (PRCR) Master Plan to meet the needs of an active, growing and diverse community
- **Initiative 3:** Maintain Garner Performing Arts Center as a regional arts and cultural hub

DRAFT

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garnernc.gov

Mailing address:
900 7th Ave.
Garner, NC 27529

919.772.4688

Garner
All-America City
2013

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: August 30, 2016			
Subject: Review of Council Meeting Procedures			
Location on Agenda: Discussion			
Department: Legislative			
Contact: Stella Gibson, Town Clerk			
Presenter: Kathy Behringer, Mayor Pro Tem			
Brief Summary: As indicated in the Council's Meeting Rules and Procedures, this document is required to be reviewed after each election to address any possible changes.			
Recommended Motion and/or Requested Action: Council Review and Consideration			
Detailed Notes:			
Funding Source:			
Cost:	One Time: ○	Annual: ○	No Cost: ◉
Manager's Comments and Recommendations: None			
Attachments Yes: ◉ No: ○			
Agenda Form Reviewed by:	Initials:	Comments:	
Department Head:	SG		
Finance Director:			
Town Attorney:			
Town Manager:	RD		
Town Clerk:			

Town of Garner
Meeting Rules and Procedures

The Garner Town Council hereby designates and adopts “Suggested Rules of Procedure for Small Local Government Boards”; third edition by A. Fleming Bell, II as the official Rules of Procedure for Garner Town Council. The following Rules are taken in part and some parts are in addition to the Official Book in order to outline, clarify and condense the most common Board actions and practices. Council may at its discretion, mandate that its subordinate boards, committees, and commissions adopt the following as their official Rules of Procedure and will be reviewed after each election.

These Rules of Procedure may be amended from time to time by majority vote by Town Council and will be reviewed after each election.

During the course of public meetings, Elected Officials should conduct themselves with professionalism and show courtesy to fellow Elected Officials and staff, other Town representatives and the public. At meetings, Elected Officials should approach disagreements in a positive fashion. Once a decision is reached by a majority of the Town Council, the minority should respect and honor the decision. Outside of public meetings, Elected Officials should avoid public acts or comments that criticize the Town, the Town staff or its processes.

1. Regular Meetings

The Council shall hold regular meetings on the first Monday and on the third Tuesday following the first Monday of each month at 7:00 p.m. at the Town Hall Building B in the Town Council Meeting Room, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day.

A copy of the Council’s current meeting schedule shall be filed with the Town Clerk. Notice of meeting location changes shall be posted on the Town’s website and on the main entrance to Building B at Town Hall.

2. Special, Emergency, and Recessed Meetings

(a) Special Meetings. The Mayor, the Mayor Pro Tem, or any two members of the Council may at any time call a special Council meeting. At least 48 hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the Mayor and each Council member or left at his or her usual dwelling place; (2) posted on the Council’s principal bulletin board, or if none, at the door of the Council’s usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least 48 hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the Council’s principal bulletin board, or if none, at the door of the Council’s usual meeting room; and (2) mailed or delivered to each

newspaper, wire service, radio station, television station, and person who has failed a written request for notice with the Town Clerk. Such notice shall also be mailed or delivered at least 48 hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled and to the Mayor if he or she was not present at that meeting.

(b) Emergency Meetings. The Mayor, the Mayor Pro Tem, or any two members of the Council may at anytime call an emergency Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Council member or left at his or her usual dwelling place at least six hours before the meeting. Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the Mayor and the Council members, and shall be given at the expense of the party notified.

Emergency meetings shall only be called because of generally unexpected circumstances that require immediate consideration by the Council. Only business connected with the emergency may be considered at an emergency meeting.

(c) Recessed Meetings. A properly called regular, special, or emergency meeting may be recessed by a procedural motion made and adopted as provided in Rule 17 in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed session of a properly called regular, special, or emergency meeting.

3. Organizational Meeting

On the date and at the time of the first regular meeting in December following a general election in which the Mayor and Council members are elected, or at an earlier date, if any, set by the incumbent Council, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Council shall elect a Mayor Pro Tem. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

4. Agenda

Proposed Agenda. The Town Clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received a minimum of seven days prior to the meeting in which the matter is to appear. Any Council member or staff member may, by a timely request, have an item placed on the proposed agenda. In the event of emergency or unexpected matters, the Mayor, or Council Members or staff members should strive to get the proposed agenda item to the Town Clerk with sufficient time to notify other Council Members via e-mail or telephone in advance of the meeting. The goal is to avoid last minute items that may require Town staff to gather details or information that bears on the decision to be made. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business

placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. The Mayor and each Council member shall receive a copy of the proposed agenda and the agenda package. Once the Council has received the agenda, it shall be available for public inspection and distribution.

Staff will provide written reports to be included in the agenda. The Staff presentation at the meeting should consist of highlights and not exceed 15 to 20 minutes.

The Council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Council to understand what is being deliberated, voted, or acted on. The Council may, however, deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on are available for public inspection at the meeting.

Order of Business

Items shall be placed on the agenda according to the Order of Business. The Order of Business for each regular meeting is as follows: By general consent of the Council, items may be considered out of the order.

Call to Order and Roll Call: The person who presides will always begin the meeting at the appointed time with a quorum present.

Invocation & Pledge: Each meeting will be opened with an Invocation and Pledge of Allegiance. Council Members will rotate in offering the Invocation and Pledge of Allegiance.

Adoption of Agenda: As its first order of business at each regular meeting, the Council shall discuss any proposed revisions to the agenda and adopt an agenda for the meeting. The Council may by majority vote add emergency items that have come up since the agenda was posted to the Web site, delete items from the agenda for which action is no longer required, or postpone items to a future meeting.

Special Recognitions: Recognitions shall include recognition of staff or the public for special accomplishments or achievements and presentations of proclamations/resolutions that are requested to be presented at a Council meeting and will be limited to three per meeting. The meeting when the James R. Stevens Award is presented will have no other recognitions on that agenda.

Petitions and Comments: The Council hears petitions, either written or oral, at the beginning of each regular meeting and has agreed that:

Citizens may petition the Council regarding matters germane to Town policies or business but not appearing on the agenda at petition time. Citizens desiring to present such petitions are strongly encouraged to contact the Town Clerk’s office seven days preceding the meeting to indicate their desire to petition the Council so that the agenda distributed to Council members will reflect their written request under the "petition" heading of the agenda.

An individual wishing to address the Council during the Public Comment period should register with the Town Clerk prior to the opening of the meeting by providing their name, address, phone number and a short description of their topic.

In lieu of publicly addressing the Council during the Public Comment item, an individual or group may submit comments by completing the “Citizen Comment form”. The Council will address information on the “Citizen Comment” form in the same manner as someone speaking from the floor as long as the document is submitted prior to the beginning of the meeting. “Citizen Comment” forms are available to the public at any time by contacting the Town Clerk’s office or accessing the Town of Garner website.

If time allows, those who fail to register before the meeting may speak during the Petitions and Comments period. These individuals will speak following those who registered in advance. At this time in the agenda, an individual should raise their hand and ask to be recognized by the Mayor; and then come to the podium, state their name, address and introduce their topic.

Generally, petitions will be limited to three to five minutes per speaker. The Council may, by a majority vote of those present, extend the time for petitions on any subject.

The Council strongly discourages petitions regarding a matter which recently has been, or which soon will be, before the Council as a public hearing item. Petition time is not intended to substitute for public hearings.

Petitions shall not be acted upon at the time they are presented. After hearing a petition, the Council shall, by simple motion, receive it and dispose of it as follows (receiving does not imply approval, agreement, or consent):

(1) Consideration at a future regular meeting of the Council; or

(2) Referral to another board or committee for study and report; or

(3) Referral to the Town Manager for investigation and report.

(4) To provide satisfaction to the Petitioner, Council may place a time deadline on response from Committee or Town Manager.

It shall take a unanimous vote of the Council members present for a petition to be acted upon immediately upon its presentation. Unless all members of Council are present, only petitions which have been distributed with the Agenda materials in advance may be considered for action upon their presentation.

Consent Agenda. The Council may designate a part of the agenda as the “consent agenda”. Items shall be placed on the consent agenda by those preparing the proposed agenda if the items are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. A Council Member who wishes to remove an item from the consent agenda should so inform the manager no later than 3:00 on the day of the Council meeting so that the Manager will be able to arrange attendance of staff as he determines necessary. The consent agenda shall be adopted by unanimous vote of those council members present.

Public Hearings

Public hearings required by law or deemed advisable by the Council shall be authorized by the Council. The Council shall set forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

The Supreme Court of North Carolina has held that the Council in conducting hearings as a quasi-judicial body must find facts based upon evidence presented to it. Witnesses desiring to give evidence must give testimony under oath which is to be administered by the Town Clerk. In the event there are opposing views, both sides must be given a reasonable opportunity to examine or cross-examine witnesses. The Council may consider, in making its final decision, only evidence submitted to it under oath at the public hearing which has been subject to the appropriate rules of procedure. The Council may not consider information provided to individual members outside the realm of the public hearing. Council members should abstain from discussing the topic of a hearing to be presented to the Council in its quasi-judicial role outside of the scheduled hearing.

All notice and other requirements of the Open Meetings Law applicable to Council meetings shall also apply to public hearings at which a majority of the Council is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements shall be followed in continuing a hearing at which a majority of the Council is present.

At the time appointed for the hearing, the Mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

The Council shall follow all N.C. laws and local ordinances with regard to legally required public hearings. The Council may also call for public hearings on issues that do not require a legal public hearing. The Council agrees that the purpose of public hearings is to receive public input. The council shall not engage in debate with speakers during public hearings. The council will hold all questions and comments until after the public hearing is closed.

The Council establishes the following rules for public hearing:

1. Speakers should provide contact information to the clerk prior to speaking;
2. Speakers must come to the podium to make their remarks; special accommodations will be made for persons with disabilities with appropriate advance notice to the town clerk;
3. Speakers should clearly state their name and address;

4. Speakers should be concise and avoid repetition;
5. Speakers should adhere to the three to five minute time limit;
6. Speakers may only speak once per public hearing;
7. Individuals should designate a spokesperson for large groups;
8. Speakers should provide the Town Clerk with 8 copies of any document or material~~s~~ to be presented to the council;
9. Speakers should direct comments to the entire council and not to individual council members or members of the audience.
10. Members of the audience should listen respectfully and refrain from interruptions.

Old/New Business

In addition to old and new business items on the regular meeting agenda, any item pulled from the regular consent agenda will be discussed during this part of the meeting.

Committee Reports: Reports will include reports from Committee meetings and Council Liaisons.

Manager's Report: Reports and updates from the Town Manager.

Attorney Report: Reports and updates from the Town Attorney.

Council Reports: Reports and updates from the Mayor and Council.

Adjournment

7. Office of Mayor

The Mayor shall preside at all meetings of the Council but shall have the right to vote only when there is a tie. In order to address the Council, a member must be recognized by the Mayor.

The Mayor shall have the following powers:

(a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

(b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;

(c) To entertain and answer questions of parliamentary law or procedure;

(d) To call a brief recess at any time and/or as close to two hours as possible after the meeting commences.

(e) To adjourn in an emergency.

8. Office of Mayor Pro Tempore

At the organizational meeting, the Council shall elect from its members a Mayor Pro Tempore to serve at the Council's pleasure. A Council member who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the

determination of whether a quorum is present. In the Mayor's absence, the Council may confer on the Mayor Pro Tempore any of the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the Council may by unanimous vote declare that the Mayor is incapacitated and confer any of the Mayor's powers and duties on the Mayor Pro Tempore. When a Mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and the Mayor Pro Tempore are absent from a meeting, the Council may elect from among its members a temporary chairman to preside at the meeting.

9. Presiding Officer When the Mayor is in Active Debate

The Mayor shall preside at meetings of the Council unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she shall designate another Council member to preside over the debate. The Mayor shall resume presiding as soon as action on the matter is concluded.

10. Duty to Vote

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct, <u>or where the member is unable to be fair and impartial in a rezoning or a quasi-judicial matter.</u> In all other cases, a failure to vote by a member who is physically present in the Council meeting room, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

11. Introduction of Ordinances

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council.

12. Adoption of Ordinances and Approval of Contracts

An affirmative vote equal to a majority of all the members of the Council not excused from voting on the question in issue (including the Mayor's vote in case of a tie) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the Town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the Council, excluding vacant seats, and not including the Mayor. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

13. Adoption of the Budget Ordinance

Notwithstanding the provisions of the Town Charter, general law, or local act:

(a) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the

Council by a simple majority of those present and voting, a quorum being present;

(b) No action taken with respect to the adoption of amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council; and

(c) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of the Town Charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the Open Meetings Law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or closed sessions by the Council if it is otherwise prohibited by law from holding such a meeting or session.

14. Quorum

A majority of the actual membership of the Council plus the Mayor, excluding vacant seats, shall constitute a quorum. A member who is withdrawn from a meeting without being excused by majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

16. Quorum at Public Hearings

A quorum of the Council shall be required at all public hearings required by State law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Council meeting without further advertisement.

17. Time Limits.

Exclusive of matters to be discussed in Closed Session, the Council will not begin discussion of an agenda item after 10:15 p.m. without the affirmative vote of two-thirds of those members present.

18. Motion for the Previous Question (Call the Question).

If a Council Member wishes to end a debate, the Council Member must first be recognized to speak by the Mayor and must then move the “Previous Question.” Before this motion takes place, each Council Member should have had an opportunity to speak. Such a motion must be seconded, and then adopted by a two-thirds vote, or by unanimous consent.

19. Closed Session Procedures.

The Council may hold closed sessions as provided by law. The Council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the

purpose of the closed session as provided in the Open Meetings Law, and must be approved by the vote of a majority of those present and voting. The Council shall terminate the closed session by a majority vote.

No formal vote or formal action shall be taken in closed session except to return to open session. Only those actions specifically authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

It shall be unethical for a member of Council or person in attendance to disclose to another person or make public the substance of a matter discussed in closed session.

The reason for permitting Closed Sessions indicates that the details of the subject matter should not be revealed; otherwise the purpose of the session is defeated. It is the Council's policy that no Elected Official or other person present at a Closed Session may disclose details about discussions held in Closed Session until such time as the purpose for the Closed Session would no longer be frustrated by the disclosure of information. Council members acknowledge the importance of a relationship of mutual trust and respect for one another, particularly as such applies to the fulfillment of their roles.

20. Minutes

Full and accurate minutes of the Council proceedings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule. The results of each vote shall be recorded in the minutes and on the request of any member of the Council, the "aye" and "no" vote upon any question shall be taken.

Full and accurate minutes shall be kept of all actions taken during closed sessions as provided by the Open Meetings Law. Minutes and other records of a closed session may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

21. Appointments

The Council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Council may not consider or fill a vacancy among its own membership except in open session. The Mayor shall not have a right to vote on appointments that come before the Council except in the event of a tie on a motion to appoint.

The Council shall use the following procedure to make appointments to various other boards and offices: The Town Clerk shall cause a public advertisement of committee and board vacancies on an annual basis and shall at any time receive applications from individuals interested in serving. When positions are scheduled for appointment a nominations committee shall be formed of two members of the Council. The nominations committee may seek advice from staff in the appropriate department regarding qualifications of an applicant. The nominations committee of the Council shall review applications, seek interested and qualified candidates, make a report on nominations received and reviewed, and make its recommendations for appointment(s), if any. The nominating committee may submit a slate containing as many nominees as there are vacancies to be filled on a particular board. Each Council member then votes for or against the slate as presented.

22. Committees and Boards

The Council or the Mayor, as appropriate, may establish and appoint members for such temporary and standing committees and boards as are needed to help carry on the work of Town government. Any specific provisions of law relating to particular committees and board shall be followed.

The requirements of the Open Meetings Law shall apply to all committees and boards that either (a) are established by the Council, or (b) are comprised of Council members.

Amended this 22 day of September, 2015.