

Town of Garner
Law & Finance Committee Meeting Agenda
May 2, 2019

The Law & Finance Committee will meet on Thursday, May 2, 2019 at 9:30 a.m. in the Town Hall Training Room located at 900 7th Avenue, Garner, NC.

- A. Call Meeting to Order

- B. Adoption of Agenda

- C. Adoption of Meeting Minutes from April 9, 2018, April 17, 2018 and February 26, 2019.

- D. Discussion
 - 1. Discussion of the Garner Volunteer Fire Rescue FY2019/2020 budget request.
 - 2. Discussion of establishing a naming policy for Town facilities.

- E. Adjourn

**Law and Finance Committee Meeting
Town Hall Training Room
April 9, 2018**

The Garner Law and Finance Committee met at 8:00 a.m. on Thursday, April 9, 2018 in the Town Hall Training Room located at 912 7th Avenue, Garner.

Council Present: Mayor Pro Tem Ken Marshburn and Council Member Kathy Behringer

Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, Pam Wortham-Finance Director, Mike Franks-Budget & Special Projects Manager, Matthew Poole-Fire Chief and Stella Gibson-Town Clerk

Also Present: Ariel Smith-Executive Assistant and Board Members Nancy Anderson and Jeanette Stevens

Council Member Marshburn called the meeting to order at 8:06 a.m.

Adoption of Agenda

Motion: Behringer
Second: Marshburn
Vote: 2:0

Review of Garner Volunteer Fire Rescue FY 2018/2019 Budget Request

Presenter: Mike Franks–Budget & Special Projects Manager

Mr. Franks provided an overview of the Town’s budgeting process and key dates.

The FY2018/2019 Wake County cost share is 48.04%.

Chief Poole provided:

- Updated list of the Garner Volunteer Fire Rescue, Inc. Board Members and their contact information
- Summary of Personnel and Pay Structure (does not include the approved Wake County 3% merit) and does not fund 9 employees which are entry level)
- List of FY2018/2019 Debt Service Costs
- List of requested operating costs

Requested operating expenses:

Wake County agreed to cost share following increased operational requests:

- Winter Coats - \$6,000
- Command staff additional training (including travel) required for accreditation - \$12,000
- Vehicle maintenance and repair – \$177,000 (based on actual expenses)
- Fire prevention educational supplies for schools - \$2,000
- Total of increased operational requests - \$55,880

The Town is 100% responsible for full payment of the computer aided dispatch (911) system (\$15,333) and for 9 firefighters positions.

Expansion Requests:

- Active Shooter Bags (\$2,410.09)
- Administrative Battalion Chief (\$76,259) – no county
- Part-Time Administrative Assistant (\$15,767) – no county
- Firefighter 1st Class Promotions (\$9,900) no county
- Replacement of GVFR Breathing Equipment (\$423,730.25)
- Fire Station 1 Ventilation System (\$25,166)

The Town would be responsible for 100% of the expansion requests.

Total amount Wake County will cost share is \$451,306.34; Wake County cost share on this amount is \$216,807.56/the Town's cost share amount is \$101,926).

Base budget request that Wake County will not cost share is \$740,371 (this is the amount the Town will be responsible for).

On County's replacement schedule:

- Maintenance of existing equipment
- Turn-out gear; purchased a few each year - 12 sets this year (Wake County will cost share)
- Defibrillators (Existing 7 will be replaced) Chief Poole will investigate and if this number is correct, they will need to be replaced at \$19,000.
- Thermal imaging camera \$8,000 (Wake County will cost share)

Wake County will cost share everything except capital purchases, facility maintenance and increased personnel costs.

Mr. Dickerson asked if any of the expenses related to GVFR moving into the 914 building would be budgeted as recurring expenses. Mr. Poole responded Wake County will pay \$200 toward recurring expenses, the Town would be responsible for the remainder. GVFR would like to move into the building in July. The Council would need to formalize this request and cost estimates for upfit will need to be firmed up.

Committee consensus to hold another meeting to review the GVFR budget before making a recommendation to Council.

Committee consensus to adjourn at 9:49 a.m.

**Law and Finance Committee Meeting
Town Hall Training Room
April 17, 2018**

The Garner Law and Finance Committee met at 6:00 p.m. on Tuesday, April 17, 2018 in the Town Hall Training Room located at 912 7th Avenue, Garner.

Council Present: Mayor Pro Tem Ken Marshburn and Council Member Kathy Behringer

Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, Pam Wortham-Finance Director, Mike Franks-Budget & Special Projects Manager, Matthew Poole-Fire Chief and Stella Gibson-Town Clerk

Council Member Marshburn called the meeting to order at 6:16 p.m.

Adoption of Agenda

Motion: Marshburn
Second: Behringer
Vote: 2:0

Review of Garner Volunteer Fire Rescue FY 2018/2019 Budget Request

Presenter: Mike Franks–Budget & Special Projects Manager

Mr. Franks provided a summary of the proposed funding requests from GVFR totaling \$5,993,338. Of this total, \$5,514,745 is for recurring expenses and \$478,592 is for one-time expenses. The only item not funded is the request for an Administration Battalion Chief position.

GVFR would receive funding of \$5,917,079
Wake County would pay - \$2,507,946
Town would pay - \$3,409,133

Committee consensus to present this recommendation to the Council at the budget work session on May 23, 2018.

Committee consensus to adjourn at 6:35 p.m.

**Town of Garner
Law & Finance Committee Minutes
February 26, 2019**

The Law & Finance Committee met on February 26, 2019 at 4:30 p.m. in the Town Hall Training Room located at 900 7th Avenue, Garner, NC.

Committee Members Present: Mayor ProTem Ken Marshburn, and Council Member Kathy Behringer

Also Present: William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

Committee consensus to adopt agenda and postpone approval of minutes from April 9, 2018 and April 17, 2018 to allow time for review.

Discussion of the Attorney's contract for service.

Mr. Anderson presented the following:

The monthly retainer payment is \$7,000. The last increase in the monthly payment was in 2012. The last time the basis for the compensation was discussed, it was describe as based on an hourly rate of \$150 per hour. (Actually, that is not a precise calculation, since at that rate, \$7,000 pays for only 46.67 hours.)

At that time, and for a number of years since then, the average hours of time and effort on Town matter were around 50-55 hours per month. When that increase went into effect, it was discussed that the increased monthly payment would cover an occasional spike up to 65 hours, to avoid nickel and dime billing a few months a year for services in excess of the 50-55 hour range.

With the significant "overtime" hours in 2016 and 2017 specifically related to the Calvin Davenport Incorporated lawsuit, that time was compensated separately.

The average monthly hours reported for the period January 1, 2018 through June 30, 2018 was 63.33 hours. A lot of that was attributable to the Avery Street sidewalk easements project. If the 63-plus hours during that period are recognized as the "new normal," the retainer Agreement was becoming inadequate already by last spring, since \$7,000 pays only \$107.76 per hour as compared with the \$150 per hour goal.

Unfortunately, he did not see the shortfall as so significant a problem at budget time last year. There were several reasons. It was expected the monthly hours to drop back to earlier levels. The Spring Drive-Vandora Springs and New Rand Road project legal assignments were not on the active "To Do" list by then. Also, he knew he was going to be out of the office on several trips during the period June through September 2018, and expected the hours worked for the Town to drop off substantially during that period. They did not drop off. Thad Anderson, Associate Attorney, performed a lot of work last summer, and both Anderson's were in

telephone or Ipad contact at least roughly every other business day or so while he was out-of-town.

In the early fall of 2018 when the totaled hours for the period July through October, not only the hours had not dropped off, but they had increased. The average monthly hours for the period July 1, 2018 through January 31, 2019 has been 93.50 hours per month. During that time, we have occasionally deferred some work "to next month" to see if the monthly time demands would level out. They have not. February 2019 is on target to be around that figure - 93.33 hours per month comes to \$14,000. That is double the present monthly payment of \$7,000.

A retroactive adjustment as reimbursement for extra work between July 1, 2018 and February 2019 would mean a lump sum payment of \$56,000. If the concept behind those figures is carried forward in the monthly billing for March through June, 2019, it would mean an increase in the monthly retainer to \$14,000.

We have done some research into what some other local towns are paying for legal services. It is not always easy to find the legal expenses in the budgets of some towns. So these figures are not 100% guaranteed, without further digging into post-budget audit reports, some of which are not as transparent as one would like. But these figures are certainly in the ballpark.

We calculated a "per population" legal expense for area municipalities. The other area towns and cities are on average paying a little over \$8.00 a year per resident, with Clayton at \$12.24, compared to Garner at \$2.91.

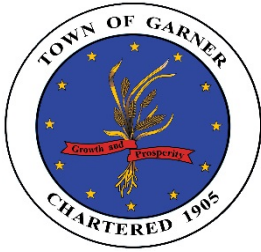
Whatever recommendation is made by this Committee and subsequent action by the Council will apply only to the period between now and June 30, 2019.

Going forward into the next budget cycle, we will try to make an estimate of services likely to be required after July 1 and discuss that with the Council at a budget work session. There may be a range of options to be considered, including split billing, where there is a retainer amount and then itemized billing on a monthly or quarterly basis. Some comparable towns have moved to having in-house legal services.

Committee consensus to recommend lump payment of \$49,000 (funding options to be determined at a later time). Increase monthly contract to add additional \$3,000/month until the end of July and re-evaluate at that time. Amount needed to get through end of the fiscal year is \$64,000.

Place on the March work session agenda for approval at the first meeting in April.

Committee consensus to adjourn at 5:18 p.m.



Town of Garner Policy Manual

Policy #XXXX - Facility Naming Policy

Effective Date: To Be Determined

XXXX.1 – Purpose

The purpose of the policy is to establish a consistent approach for naming Town of Garner facilities.

XXXX.2 – Definition of Facilities

- A. Facilities include all Town-owned assets, including buildings, structures, parks, open spaces, and natural areas.
- B. Features and spaces within a facility may be named separate from the facility itself.

XXXX.3 – Naming Objectives

When considering a proposal to name or rename a Town facility, the proposed name should accomplish one or more of the following objectives:

- A. Describe the function of the facility and/or assist the public in identifying the facility's intended use.
- B. Recognize a distinct geographic location, natural or geographic features, or local points of reference.
- C. Recognize outstanding accomplishments by an individual for the good of the community. The quality of the contribution should be considered along with the individual's length of service to the community.
- D. Recognize an individual, group, or organization that contributed significantly to the acquisition, development, or operation of the facility and/or the features within the facility.
- E. Commemorate places, people, or events that are of lasting importance to the town, region, state or nation.

XXXX.4 – Naming Criteria

In addition to meeting at least one of the objectives listed above, the proposed name should meet all of the following criteria:

- A. Have a strong positive image and stand the test of time.
- B. Have broad public support.
- C. Not result in the undue commercialization of the facility if it accompanies a corporate gift or sponsorship.
- D. Avoid recognizing an individual, group, or organization that has already been appropriately recognized in other Town facilities.
- E. Avoid names that are similar to other named facilities in the community to reduce confusion.

XXXX.5 – Duration and Modification of Naming

- A. The duration of a facility's name ordinarily continues for the life of the facility. Upon demolition, replacement, substantial renovation, repurposing, or similar modification, the Town may deem that the naming period has concluded.

- B. While renaming an existing facility is discouraged, there are times when renaming may be necessary or desired. Critical examination should be conducted to ensure that renaming the facility will not diminish the original justification for the name or the prior contributors. Renaming may follow the same procedures and criteria as naming the facility.
- C. In appropriate instances, most often involving a corporate sponsor, a naming may be granted for a pre-determined fixed term. At the end of the term, the name of the facility or program shall expire but may be renewed with the same or a new name.
- D. If the reputation or character of an individual, group, or organization changes substantially so that it is no longer consistent with this policy, or not in the best interest of the Town, the naming may be revoked.

XXXX.6 – Procedure

A request to name or rename a Town facility shall be submitted in writing to the Town Manger. The request should include:

- A. The facility or feature to be named.
- B. The proposed name.
- C. Reasons for the proposed name and how the proposed name is consistent with this policy.
- D. Evidence of community support for the proposed name.
- E. Evidence of support from the individual, group, or organization being honored, if applicable. If the individual is deceased, evidence of support from family members is acceptable.

Once received, Town staff will evaluate the request and forward to the Town Council, or Council committee, for consideration.

XXXX.7 – Effective Date

These policies shall become effective on XXX, 2019.