

**Town of Garner
Work Session Minutes
June 25, 2019**

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

CALL MEETING TO ORDER/ROLL CALL

Present: Mayor Ronnie Williams, Mayor ProTem Ken Marshburn, Council Member Buck Kennedy, Council Member Gra Singleton, Council Member Kathy Behringer and Council Member Elmo Vance

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager- Development Services, Brandon Zuidema-Police Chief, Lori Smith-Police Captain, Pam Wortham-Finance Director, BD Sechler-HR Director, Jeff Triezenberg-Planning Director, Rick Mercier-Communications Manager, William E. Anderson- Town Attorney, and Rebecca Schlichter-Deputy Town Clerk

ADOPTION OF AGENDA

Mr. Dickerson requested to add a closed session for property acquisition and Mr. Anderson requested a closed session for litigation.

Motion: Marshburn
Second: Singleton
Vote: 5:0

REPORTS/DISCUSSION

Human Resources Committee Nomination to Various Town Board and Commissions

Presenter: Ken Marshburn, Mayor ProTem

The Town Council Human Resources Committee held meetings to discuss and conduct interviews and recommend appointments to the Planning Commission, Parks Recreation and Cultural Resources Advisory Committee, Senior Citizens Advisory Committee and the Veterans Advisory Committee.

Action: The Committee nominated the following to the Boards and Commissions: Planning Commission – re-appoint John Blasco, J. Dean Fox, Vira Hogan and Vang Moua to expire June 30, 2021; Board of Adjustment – re-appoint John Milner and Joseph Keller and appoint Judith Radcliffe, Willie DuPree (alt) and Ellis Williams (alt) to expire June 30, 2022; PRCR - re-appoint Chris O’Connor and appoint Cassandra Liles and Hope Weber to expire June 30, 2022; Senior Citizens Advisory - re-appoint Charlie Pearce and appoint Tony Derico to expire June 30, 2022; Garner Veterans Advisory- re-appoint Jeffrey Hicks and appoint Matthew Pedone to expire June 30, 2022.

Motion: Marshburn
Second: Vance
Vote: 5:0

HR Policy Manual Update Review

Presenter: BD Sechler, HR Director

Mr. Sechler reviewed proposed updates to the current policy manual.

Policy Review Goals

- To ensure TOG HR policies are up to date, clear, consistent, reflect our culture and meet legal requirements
- To ensure policy manual is user friendly, formatted properly, searchable and properly laid out
- To ensure policy reviews are completed on an on-going basis

Team Effort

- A cross functional team of staff met to review manual and recommend modifications
Team members included Kim Storey, JoAnne Crabtree, Morgan King, Jason Pierce, Brandon Zuidema, Forrest Jones, Jack Baldwin and BD Sechler

Steps Taken & Timeline

- March 2018 – August 2018 – Team Review
- September 2018 – November 2018 – Manager’s Office Review
- January 2019 – March 2019 – Updates and Edits
- April 2019 – May 2019 – DH Review and Updates
- June 2019 – Presentation to Council

Project Outcomes

- Recommendation to shift Town Policy responsibility from Town Council to Town Manager
- Thorough review of all HR policies. Assurance policies are accurate, legal and reflect practice
- New format and numbering system which is easier to identify and update
- Process and timeline for prescribed policy reviews to ensure compliance

Green, Yellow, Red Change Tracking Methodology

- Green, Same content was moved to new section or different policy
- Yellow, Updated policy to match current agreed upon town practice
- Red, Recommended change to current policy

Examples of Green

- Consolidation of examples or definitions
- Moves I-9 language from conditions of employment to new recruitment section
- Re-order of policy to place greater emphasis on ethical conduct at beginning of policy
- Moves driving language to separate policy

Examples of Yellow

- Clarifies HR involvement and responsibility for recruiting
- Clarifies the need to call 911 in the event of an imminent act or threat of violence
- Clarifies the process for non-disciplinary suspensions
- Corrects the EEO language for consistency with current law

In-Depth Review of Red

- General Administration
Shift approval from Council to Manager
Ongoing updates to manual
Scheduled review process
- Conditions of Employment
Adds reference to ICMA code of ethics

- Adds ability for Town Manager to grant exception to nepotism policy
- Adds clarifying language to tattoo policy
- Harassment & Sexual Harassment
 - Adds determination as to whether a criminal violation occurred
 - Updates process for taking witness statements
 - Removes “under oath” requirement
 - Clarifies sharing of policy and timing of training
- Drug & Alcohol
 - Definitions updated and broken into specific categories
 - Lowers acceptable BAC
 - Updates references to disciplinary action
 - Removes requirement for mandatory disciplinary action
- Work Eligibility
 - Clarifies the guidelines for temporary duty eligibility
- Employee Benefits
 - Add reference to optional 457 retirement program
- Employee Leave
 - Removes restriction for probationary employees to use vacation
- Separation & Reinstatement
 - Adds language regarding Town recognition for retirees
- Disciplinary Investigations & Actions
 - Adds employee responsibility language
 - Adds supervisory responsibility language
 - Definitions revised
 - Clarifies investigation process
- Separation & Reinstatement
 - Adds language regarding Town recognition for retirees
- Disciplinary Investigations & Actions
 - Adds employee responsibility language
 - Adds supervisory responsibility language
 - Definitions revised
 - Clarifies investigation process
- Driving Policy
 - Significant "clean-up" of policy, to include the removal of reference to a "Review Panel" of employees relating to driving offenses.

Council consensus to make the policy available for review and bring back at the July work session

UDO-19-02, Fee-in-Lieu of Roadway Improvements

Presenter: Jeff Triezenberg; Planning Director

Mr. Triezenberg presented an application from the Planning Department staff to optionally allow - due to specific circumstances which are to be defined - and authorize the necessary mechanisms for collecting a fee-in-lieu of roadway improvements required by the Unified Development Ordinance, including any off-site roadway improvements resulting from Traffic Impact Analysis discussions not otherwise required by NCDOT.

I. INTRODUCTION

The Garner Unified Development Ordinance (UDO) does not currently allow for the option of a developer to submit a fee-in-lieu of street construction under any circumstance. Consequently, when a developer encounters a topographical challenge near the edge of their property that does not allow them to complete a street section to the actual property line, the Town has only been able to ask the developer to dedicate right-of-way for the future improvements. Unfortunately, this puts the Town in the future position of needing to find funds to complete the connecting street improvements once the adjacent property develops. A recent example was the extension of Ackerman Road through the Rhora Subdivision.

Upon review by the Town Attorney, it has been determined that the Town does have the authority to establish and collect a fee-in-lieu of road improvements. Town staff does not recommend a carte blanche fee-in-lieu program; rather, we envision select circumstances where the Town would offer the option via codified language within the Garner UDO.

II. FEE-IN-LIEU ALLOWANCES FROM OTHER WAKE JURISDICTIONS

TOWN of APEX: Street stubbing requirements

- When environmental constraints prevent a stub from being built to a distance of 10 feet or less from the adjacent property line.
- In the event of stream crossings requiring a bridge or other improvement that straddles the property line, the appropriate share must be determined by engineers.
- Engineer's estimates include clearing, grubbing, grading, drainage structures, utility lines, curb and gutter, sidewalk, paving and permitting fees.
- Fees collected go to the eventual developer on the adjacent tract or to the Town should the Town elect to finish the stub/crossing.

TOWN of WAKE FOREST: Street stubbing requirements

- In the event of stream crossings requiring a bridge or other improvement that straddles the property line, half of the cost of the construction is collected based on a certified engineer's estimate.

TOWN of KNIGHTDALE: Street stubbing requirements; Frontage requirements

- When the need for a culvert, bridge or other structure prevents a stub from being extended to the adjacent property line.
- When a temporary turnaround is required in place of final stub improvements.
- When a town project includes the same improvements identified and that town project already has a commitment of funding – this includes projects in the Town's CIP or through any Federal/State program such as LAPP.
- Fees collected are authorized for any street construction in the Town.

TOWN OF FUQUAY-VARINA: Street stubbing requirements; Frontage requirements

- When a stream crossing subject to Federal, State or local regulatory requirements and permitting prevents a roadway from being stubbed to the property line. NOTE: *Does not apply to widening of existing roads identified in the Town's transportation plan.*
- When a stub would normally be required but for an identified reason is likely not to be connected in the future.
- Along US 401, NC 55 and NC 42 when an NCDOT project appears in the current STIP.
- Fee includes total estimate cost plus 25% of all surveying, engineering designs and plans, regulatory permitting, regulatory mitigation cost, administration / mobilization, testing

and inspection of construction work, utility relocations and all construction improvements based on plans prepared by a registered engineer and agreed to by the Town Engineer.

III. GENERAL PROPOSAL

Staff have identified the following allowances recommended for inclusion in the proposed amendment to be presented at the public hearing:

- When a stream crossing subject to Federal, State or local regulatory requirements and permitting prevents a roadway from being stubbed or the frontage of an existing roadway from being widened to the property line.
- When any other environmental or topographical constraint prevents a stub from being built to a distance of 10 feet or less from the adjacent property line.
- When a public project includes the same improvements identified and that public project already has a commitment of funding – this may be through the Town’s CIP, CAMPO-administered Federal/State programs such as LAPP, and the NCDOT’s STIP.
- Following a TIA, when the Town and developer agree to off-site capacity improvements on roadways serving multiple developments but also benefit the residents/users of the proposed development, and these improvements are not advised by the maintaining authority to be constructed on their own due to operational concerns.
- Fee estimates to include clearing, grubbing, grading, drainage structures, utility lines, curb and gutter, sidewalk, paving and permitting fees. Estimates prepared by a registered engineer and agreed to by the Town Engineer.

Council consensus to refer to the Public Works Committee

MANAGER REPORTS

COUNCIL REPORTS

Vance

- Requested status update on the New Bethel Church bridge.
- Asked if the contract has been executed on the study of Jones Sausage Road. Mr. Triezenberg reported the contract is being circulated for signature.
- In reference to an issue with rain runoff on New Rand Road, there was a problem with grass growing up to the storm drain. Requested NCDOT schedule for this repair.

Behringer

- As you are approaching Hwy 70 from the north on New Rand Road, there is a sharp drop off that needs to be filled in.
- Reported that a developer commented on how easy to work with Jeff Triezenberg.

Marshburn

- Commended efforts in preparing the Personnel Manual.
- Commended Mr. Triezenberg for working so well with developers.
- Reminded everyone of the annual July 3rd event.

Singleton

- Thanked everyone for the hard work and expressed his concern over using the Police Chief to format the Personnel Manual instead of HR staff.

Kennedy

- Requested a basic inventory of residential property and apartments in Garner (homes under 100k, 100-200k, number of apartments, etc.). How do you respond to requests without knowing the information?

CLOSED SESSION

Pursuant to 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.”

Pursuant to N.C. General Statutes Section 143-318.11(a)(3) “to consult with the Town Attorney regarding litigation.”

Motion: Kennedy
Second: Marshburn
Vote: 5:0

RETURN TO REGULAR SESSION AND ADJOURNMENT: 8:14 p.m.

Council reported no action taken during the closed sessions.

ADJOURNMENT: 8:15 p.m.

Motion: Behringer
Second: Marshburn
Vote: 5:0