

**TOWN OF SILER CITY**

The Siler City Board of Commissioners met in Special Session on **Thursday, June 26, 2014** at 6:30pm in the City Hall Courtroom with Mayor John Grimes presiding.

**COMMISSIONERS PRESENT:** Larry Cheek, Michael Constantino, Lewis Fadely, John Grimes, Thomas Price and Tony Siler

**STAFF PRESENT:** Town Manager Bryan Thompson, Finance Officer Tammy Speicher, Building Inspector Charlie McLaurin, Parks and Director Jessica Puckett, Town Clerk Jenifer Everage

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA**

Mayor Grimes requested the following items be moved to the beginning of the agenda: Siler City Municipal Pool Update, 2014/2015 Fee Schedule, Boling Lane Neighborhood Water Line Project, Boling Lane Park ADA Access Project, Personnel Policy Amendments.

***A motion was made to approve the changes to the agenda by Commissioner Fadely, seconded by Mayor Pro Tem Cheek and unanimously approved.***

***A motion was made to approve the agenda with changes by Commissioner Fadely, seconded by Mayor Pro Tem Cheek and unanimously approved.***

**NEW BUSINESS**

**Siler City Municipal Pool Update**

Manager Thompson stated since the last meeting of the Siler City Board of Commissioners, Staff has engaged a structural engineer in order to accomplish two tasks: 1) to offer a preliminary overview of deficiencies of note and a general recommendation on the feasibility of opening the subject facility for the summer of 2014; 2) to provide a scope of work document to be considered that identifies what tests and other studies are necessary to fully identify such deficiencies and prospective remedial action for the same.

The structural engineer made an on-site visit to the subject facility last week. The preliminary overview is found following this memorandum. Cognizant of the necessity of information as soon as possible, Staff requested the preliminary overview to be offered in advance of the Board meeting of the 26<sup>th</sup> of June. The overview is not comprehensive, but offers the perspective of the engineer gleaned from surface observation of the facility. Staff anticipates receiving a more detailed scope of work in the near future. The scope of work is intended to identify what analysis is required to fully explore the facility in an effort to ascertain remedial actions needed to bring the facility to a safe repaired state.

Brian Taylor, General Manager of Atlantic Solutions, is planned to be on hand to offer a presentation and answer questions about the current state of the subject facility and what prospective timeframes and options may be associated with the repair of the pool.

In addition to the letter from Atlantic Solutions and the structural engineer, following this memorandum includes a repair quote offered by another vendor to address those issues that are of immediate concern. This quote provides a general idea of what the potential repair costs might look like.

The Board of Commissioners discussed the report and the swimming pool.

***A motion that based on the report from David Miller, PE concerning the Siler City Municipal Pool with the current safety concerns that the pool not open this year and that staff research both repairing and/or new construction for a swimming pool was made by Commissioner Fadely, seconded by Commissioner Constantino and unanimously approved.***

2014/2015 Fee Schedule

Manager Thompson presented the proposed fee schedule for the coming fiscal year. The proposed schedule is prepared based on budget discussions and the latest direction offered by the Board. Thompson stated that there is just one change to the proposed schedule the out of town fee for youth soccer should be \$30.00 not \$20.00. Thompson also presented an informational insert to be placed in the next utility bills to all utility customers of the Town. The Board of Commissioners discussed the Fee Schedule.

***A motion to approve the 2014/2015 Fee Schedule as presented was made by Commissioner Price, seconded by Commissioner Siler and unanimously approved.***

Boling Lane Neighborhood Water Line Project

Manager Thompson stated staff engaged with McGill Associates, PE to assist the Town with preparing and submitting a grant application to the Department of Commerce for a Community Block Development Grant (CDBG). The Town's application for this grant was not awarded. The report from CDBG indicated that the application was not selected on account of its low score as compared to other applications that were awarded. Thompson introduced Mike Apke to offer an overview of the project and the subject program and answer questions.

Apke stated to advance the Town's efforts in securing funding to assist with the subject project, Staff has worked with McGill Associates to identify alternative sources. Resulting from these discussions is the option of seeking funding from USDA Rural Development. Earlier this week Staff and McGill Associates met with USDA RD Staff to explore the feasibility/eligibility to secure assistance through the Water and Waste Disposal Direct Loans and Grants program under administration of USDA.

Upon initial exploration, the subject project is eligible to apply to this program. Apke offered some basic information about the program:

- The subject program is a partial grant / partial loan, where the potential max grant amount is 45% of project cost (including planning and construction)
- The remaining funding would be secured through a 55% loan through USDA
- In order to be eligible to receive the grant dollars, the Town is required to utilize the USDA loan
- The preliminary steps required to move forward, if the Board chooses to do so, are:
  - Select and engineering firm by way of Board action
  - Provide a preliminary engineering report that
    - Defines the problem
    - Offers a recommended solution
    - Provides costs associated with recommended solution
    - Conduct financial modeling (i.e. how is the Town planning to pay for the project loan)
    - Conduct environmental report (this project will likely receive a categorical exclusion)
- The loan portion of the project will be secured with a revenue bond (this would require engaging bond counsel)
- Upfront costs for all of the above will be the responsibility of the Town; however, all costs are reimbursable through USDA dollars if awarded
- A public meeting will be held on the project, which will include a comment period

Apke has inquired of the possibility of reapplying for CDBG funding while also pursuing the USDA option. Furthermore, he has inquired if CDBG is awarded, would the Town be able to pull out of its efforts of pursuing USDA funding. The application deadline for both funding sources is in September. If USDA application is not completed by the noted deadline, the Town would have to wait until next year to make application.

#### Water and Waste Disposal Direct Loans and Grants

**Purposes:** To develop water and waste disposal systems in rural areas and towns with a population not in excess of 10,000. The funds are available to public bodies, non-profit corporations and Indian tribes.

**Eligibility:** To qualify, applicants must be unable to obtain the financing from other sources at rates and terms they can afford and/or their own resources. Funds can be used for construction, land acquisition, legal fees, engineering fees, capitalized interest, equipment, initial operation and maintenance costs, project contingencies, and any other cost that is determined by the Rural Development to be necessary for the completion of the project. Projects must be primarily for the benefit of rural users.

**Terms:** The rates that are used to calculate these loans are subject to change quarterly. Loans are made based on the applicant's authority and the life expectancy of the system's project, which may be up to the maximum of 40 years.

The Board of Commissioners discussed the program. The Board of Commissioners requested Manager Thompson to bring them more information on Tuesday, July 1, 2014. Apke requested that the Board of Commissioners give him permission to start the Request for Environment Scope. Apke stated this part of the application process will take a month.

***A motion to start the Request for Environment Scope application process, which is the first part of the USDA Rural Development Grant/Loan for the Boling Lane Park Neighborhood and call a meeting on Tuesday, July 1, 2014 was made by Commissioner Fadely, seconded by Commissioner Constantino.***

#### Boling Lane Park Americans with Disabilities Act (ADA) Access Project

Thompson shared a memorandum with two documents attached including a scope/cost proposal for the subject project and a conceptual illustration of the same. The departments of Public Works, Building Inspections, and Parks and Recreation have met on site on a number of occasions to identify the most available and practical access point to establish ADA access to the pavilion at Boling Lane Park.

The proposed scope will discontinue an existing handicap parking space and establish a new space that will have direct access to the handicap ramp leading to the pavilion. Staff met on site with Goldston Concrete Inc in order to further define the project design and secure a quote for the completion of the project.

Thompson stated this agenda item is for informational purposes at this time in order to gain input and direction from the Board with the status of this project. If the Board would like for this project to move forward, Staff will prepare a budget amendment to be presented to the Board for approval at the next meeting of the Board.

#### Personnel Policy Amendments

Thompson stated over the past two budget processes, the Board and Staff have explored a variety of personnel policy and practices to be considered for amendment. The following includes six (6) such policies and practices – several of which Staff recommends consideration of approval by the Board prior

to the beginning of the fiscal year, while others are planned to be further defined and presented to the Board for consideration at a future date.

**1. Additional Vacation Accrual to Town Employees**

During the budget process for the coming fiscal year, the Board entertained a number of measures to enrich the employee benefits package as an alternative to providing additional monetary compensation in the form of raises, bonuses, etc. Among these alternatives discussed by the Board is increasing the accrual rate of vacation for employees. Attached to this memorandum is a survey spreadsheet that identifies the vacation accrual for other communities as compared to the Town of Siler City. In review of this study, Staff finds that the accrual rate of Siler City employees is similar to other jurisdictions; however, in some areas the accrual falls short in this comparison.

In light of the subject findings and as requested by the Board for Staff to provide alternative benefits measures, the following language seeks to increase the current accrual rate for vacation, as provided by the Town's Personnel Policy, by 1 day. Following is the current rate of accrual and the proposed amendment to the same.

	<u>Current</u>	<u>Proposed</u>
Years of Service	Days Accrued Per Year	Days Accrued Per Year
0-5	10	11
5-10	12	13
10-15	15	16
15-20	18	19
20 plus	20	21

***A motion to approve the proposed additional vacation accrual for Town Employees was made by Mayor Pro Tem Cheek, seconded by Commissioner Siler and unanimously approved.***

**2. Floating Holidays**

In addition to additional vacation days, the Board suggested exploring the possibility of instituting "floating holidays" that could be utilized by employees as an alternative to the use of vacation or compensatory time off. In light of this suggestion, Staff proposes the following language to be added to Section 2. Holidays of Article VII of the Personnel Policy.

All full-time, regular employees receive two floating holidays per year in addition to regularly scheduled holidays and vacation and sick leave. These two floating holidays allow employees to have additional paid leave to cover absences for personal reasons, such as religious observances or parent-teacher conferences, or to supplement vacation, sick and holiday leave.

Floating holidays are available at the beginning of each calendar year. Any employee hired before the end of the first half of the calendar year receives two days; an employee hired during the second half of the calendar year receives one floating holiday.

Floating holidays may be used to cover full or partial-day absences. They must be taken in the calendar year in which given. Under no circumstances will these days be carried over to the next calendar year, nor may they be cashed out if not taken or paid upon termination of employment.

A floating holiday must be scheduled and approved in advance by the employee's immediate supervisor.

***A motion to approve the proposed floating holiday policy was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.***

3. Double-time Pay vs. Time and a Half

Currently, a limited number of employees have historically been compensated at "double-time" rather than the standard time and a half for any hours worked over the normal work period. During the 2013-2014 budget processes this issue was discussed with the general agreement by the Board that this practice should come in line with the standards established by the federally mandated FLSA. Though efforts have been made to reduce the total number of overtime hours worked by employees, the wholesale change in this regard has not yet taken place. As noted previous in budget messages for the recently adopted budget, the FY 2015 Budget is predicated on effectuating this adjustment.

It should be noted, however, that the Board expressed the desire to enable the allowance of double-time pay in the event of emergencies where employees are called-back for duty under extreme circumstances. In order to accomplish this goal, the following language is proposed to be added/amended to the current language of the Town's Personnel Policy. The underlined language is the proposed language to add to the existing provision within the subject policy.

ARTICLE III. THE PAY PLAN

Section 12. Overtime Pay Provisions

In emergency situations, where employees are required to work long and continuous hours, or when employees are required to report to work during unscheduled and irregular hours of the day or weekend, the Town Manager may approve compensation at ~~time and one-half~~ double-time for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

***A motion to approve an overtime pay provisions in emergency situations, where employees are required to work long and continuous hours outside standard working hours, or when employees are required to report to work during unscheduled and irregular hours of the day or weekend, the Town Manager may approve compensation at double-time for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.***

4. Overtime Pay vs. Compensatory Time Off

Similar to that of double-time, overtime practices have been handled inconsistently between various departments. In an effort align practices with greater consistence, the 2014/2015 FY is slated to exercise compensatory time provisions alternative to overtime pay. However, it should be noted that during certain times of the year among the varying departments of the Town, overtime pay will serve a greater benefit from a fiscal liability perspective than the application of compensatory time accumulation. In light of this recognition, department heads will work in coordination with Administration to ensure that the most appropriate application is utilized and sound planning for the same can be accomplished.

Thompson stated no Board action was required as the necessary provisions currently exist within the Town's Personnel Policy.

5. Exempt vs. Non-Exempt Employee Status

Thompson stated during a recent workshop, the Board and Staff discussed provisions concerning exempt and non-exempt employees relating to the subject personnel policy. The Board questioned if all employees that would otherwise be classified as "exempt" by FLSA standards were appropriately classified and being treated as exempt employees by the Town. After finding that not all exempt employees were actually classified as such, the Board directed Administration to take the necessary action to ensure that the Town's classification of employees is consistent with the standards established by FLSA. Administration's efforts in accomplishing this request are underway and Administration will be meeting with individual department heads to apply FLSA standards to identify which employees are exempt vs. those that are non-exempt.

Exempt Employees – Use of Accumulated Compensatory Time

Thompson stated during the same workshop of the Board of Commissioners in which the prior issue was initially discussed, the issue of the accumulation and use of compensatory time by exempt employees was discussed. Resulting from this discussion it was identified that limitations on the use of such time should be instituted in order to ensure that abuses of this practice are mitigated and the application of vacation leave (which carries a financial liability to the Town) is appropriately administered.

Thompson stated in order to accomplish this objective, the following is proposed language to be added to existing language addressing compensatory time relating to exempt employees. The proposed language would limit the amount of compensatory time an exempt employee can use at one time. This will ensure that the employee will also utilize earned vacation leave in addition to compensatory leave when making leave requests.

ARTICLE III. THE PAY PLAN

Section 12. Overtime Pay Provisions

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor on an hour for hour basis where the convenience of the department allows and in accordance with procedures established by the Town Manager. Exempt employees may not utilize more than twenty four (24) hours during a single leave request. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

The Board of Commissioners discussed the number of hours in a single leave request. The Board discussed changing the proposed language from 24 hours to 16 hours.

***A motion that employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor on an hour for hour basis where the convenience of the department allows and in accordance with procedures established by the Town Manager. Exempt employees may not utilize more than sixteen (16) hours during a single leave request. Such compensatory time is not guaranteed to be taken and ends***

*without compensation upon separation from the organization was made by Commissioner Fadely, seconded by Commissioner Constantino and unanimously approved*

6. Additional Personnel Policy Review

Thompson stated as discussed with the Board, Staff plans to conduct a more rigorous review of historic practices as well as current personnel policy language to identify what policy amendment are prudent in light of historic practice and what practices should be altered in light of the Town's Personnel Policy. Furthermore, the review also seeks to identify areas of the personnel policy that are obsolete, omitted, impractical, ill-formed, or contrary to prevailing state and federal standards and laws.

Among such issues include (but are not limited to)

- Establishing a travel policy
- Establish a take home vehicle policy
- Revisit vacation provisions respective of transfer rate to sick leave
- Leave accrual timeframes

Appearance Committee Information/Update

Thompson stated during the June 2, 2014 Board of Commissioners meeting, the Town Board requested Town Staff to conduct review of practices exercised by other municipalities within the State respective of actively enhancing general appearances of public and private spaces within the jurisdiction. As part of this discussion, the concept of an "appearance commission" was entertained. In addition to an appearance commission that may be a more permanent fixture, the Board also introduced the possibility of commissioning an ad hoc committee that would be charged with making study and recommendation on measures that can/should be taken to advance the overall esthetic of the community.

In addition to the two basic forms by which such a committee/commission may take shape (either ad hoc or permanent), there are other considerations respective of these options, most especially relating to a standing commission as authorized through General Statute. Both of the identified approaches are explored further in the following as well as various implications of the same.

Thompson stated the Siler City Board of Commissioners has recent experience in commissioning an ad hoc committee to accomplish defined goals to advance the appeal of the Siler City Community. This was done with the appointment of resident citizens and members of the business community to a committee to review and make recommendations on how the Town's ordinances, practices and policies might be altered to engender a more "business-friendly" environment. The term of service for the subject committee was narrowly defined, while keeping the committee largely free to chart its collective mission. The resulting recommendations, in the form of a document complete with minutes, appear to be comprehensive and reflect the thorough and thoughtful diligence applied by the committee and its members.

As an alternative to a standing appearance commission, the Board recognized the possibility of applying a similar approach to the goal of advancing the esthetic appeal of the Siler City Community. Such a committee would be a temporarily formed body that would be charged with making recommendations on what actions can and should be taken, what partnerships can and should be formed, and what further studies or regulations may be appropriate to further this generally stated goal. As such a committee would be a recommending body only and would not be vested with legislative or judicial

authority, the Town Board's authority to establish such a committee is largely unencumbered as the same was true for the UDO Committee.

Thompson Summarized the Recommendations:

In contemplation of which of the two identified methods would be best suited for accomplishing the generally stated goal of improving the overall appearance of the community, the Board would be best served by more clearly identifying the immediacy and scope of its objectives. The permanent commission method would introduce a more rigorous and systematic approach for addressing appearance issues. However, it is foreseeable that establishing the standards and procedures governing such a commission will take considerable time when considering the cautionary recommendations of the School of Government. Furthermore, the definition of the commission's authority will strongly dictate to what extent the body serves in a regulatory function or that of an advisory function. If the commission were empowered to serve a regulatory function, the development approval process would be introduced with an additional layer that would tend to extend the development approval timeframe.

In contrast, the ad hoc alternative would not serve as a long-term systematic function imbedded in the approval process for prospective developments; but rather would serve as a scoping mechanism to survey the existing condition of the community and make recommendations to the Governing Body of what can and should be done to improve the appearance of the community. The likely timeframe for establishing such a committee and for the committee to begin working toward the goals as identified by the Board would be relatively short as compared to what might otherwise be involved with the establishment of an appearance commission. Additionally, it is possible that such an ad hoc committee would make recommendation to the Town Board to establish appearance standards and an appearance commission. If made by the committee, then such recommendation may serve as a limited indicator to the Town Board that the community is in support of the establishment of the same (the indicator would be limited to the extent that the Board believes the committee represents the interest of the community at large). Furthermore, if such a recommendation were made, and if the Board were interested in pursuing the establishment of an appearance commission, the committee could be charged with assisting in the establishment of the appearance standards and procedures.

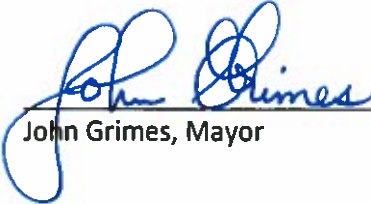
In summation, if the Town Board desires timely recommendations that can be translated into action where the appearance of the community may be improved in the more immediate future, Staff recommends the Board establish an ad hoc committee. If the Board is primarily interested in establishing a mechanism that will serve a more long-term interest in a regulatory/advisory function, Staff recommends the Board establish appearance standards and appoint an appearance commission.

The Board of Commissioners discussed the proposed Appearance Committee.



**ADJOURMENT**

With no further business, the Board of Commissioners adjourned.

  
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John Grimes, Mayor

**ATTEST:**

  
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Jenifer J Everage, Town Clerk

