

**Town of Garner  
Town Council Minutes  
January 19, 2010**

The Garner Town Council met in regular session at 7:00 P.M. on Tuesday, January 19, 2010 in the Town Council Meeting Room

**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** - Council Member Singleton

**INVOCATION** - Council Member Singleton

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

**INTRODUCTION OF 2010 MISS GARNER, Brianna Tracy**

Ms. Tracy was introduced by Mr. Harold Garner. Ms. Tracy said she is proud to represent Garner and is happy to have been given an opportunity and the chance to show God's love. She said she is on a mission to spread God's love in the Garner community.

Based on her love for people, Ms. Tracy said her platform is called "The Face in the Mirror - Love What you See." She will put together a female empowerment walk at White Deer Park to raise money for the House of Hope. The House of Hope is as a Christian therapeutic school, home, and counseling center for hurting and troubled girls, ages 12-17. They have an intensive program offering Christian education and counseling for girls and their families regardless of their financial situation.

**STATE OF THE TOWN ADDRESS 2010** - Mayor Williams

The following is Mayor Williams' Speech

"We started 2009 in the midst of a crisis unlike any we've seen in our lifetime. People out of work, manufacturing at an all time low, foreclosures, banks not able to loan money, and anxious Americans were uncertain of what the future will hold. Some of that uncertainty still prevails as lessons have been learned and plans undone. As we enter a new decade, the year 2010, we're going to be positive once again and spend time reflecting on our strengths...the same strengths that have made us a proud and a great town and community for 104 years. We will continue to depend on our many dedicated citizens who volunteer to serve on boards and commissions and these same volunteers organize and operate youth sports programs, hold fundraisers and community gatherings. Our strength is still with our people and we will work hard to partner with them and support them. On June 9<sup>th</sup> 2009, the day of the ConAgra explosion, I saw firsthand the value of being a community with caring and compassionate citizens. Our people volunteered their time, money and available resources to reach out to the victims of the explosion. I saw firsthand the importance of having a well planned emergency preparedness plan as 261 individuals and 51 different agencies responded. I saw ministers; religious agencies and civic clubs comfort the grieving families who lost loved ones. I saw Town employees virtually spending 24 hour shifts to make things a little better for the victims. As we enter 2010, we take this renewed faith in our people with us and with the assurance that we can conquer any obstacle. In doing so, we will continue to work with the Chamber of Commerce to promote our strengths and embrace the needs of our citizens and the business community.

The year is a census year. Since the last census in 2000, Garner has grown by nearly 10,000 people to the tune of 48%. I contend in doing so, we still maintained our "hometown" feel. We have managed to keep up with that growth by proper planning and frugal spending. Even with the demands of growth, we enter 2010 with a fiscal balance of 42%. Having served two years as Chair of the Wake County Mayors Association, I saw firsthand how Garner stacks up to our neighbors in the county. Ladies and gentlemen, I can tell you that we are doing very well. Even in a bad economy, here are a few examples of what was accomplished in 2009:

1) Completion and opening of White Deer Park

The park consists of a LEED (Leadership in Energy and Environmental Design) Nature Center, picnic shelters, two unique playgrounds and a series of paved greenways and walking trails. The popularity of the park has far exceeded expectations. On a clear day, the parking lot is full, the playgrounds are bustling with happy kids all around and the trails are "passing room only."

2) Completion of a 4.2 sidewalk loop on Aversboro/Vandora Springs Road

The completion of this loop has provided a major pedestrian amenity that will provide easier travel to points along the way or serve as a destination for leisure and exercise.

3) Lake Benson Park playground replacements and South Garner Park playground upgrade. As we develop new parks, we continue to enhance the existing ones. The improved play sets and sunshades are a statement of the care we have for the youth of this community.

4) On Dec. 22 we adopted the 5 year Capital Improvements Plan for the Town. The plan has several significant projects that will upgrade the service we provide the residents of Garner. In the coming months the Council will analyze and devise a method for funding some of the projects. The Capital Improvement Plan is an important step as we look to the future of our town.

5) Street resurfacing

The Council is committed to making sure our infrastructure is kept in a satisfactory condition. We continue to make sure the structural integrity of our streets is maintained in a manner that will provide safe travel for motorists.

6) Police in-car digital cameras

This investment in the latest technology will help to keep our neighborhoods safe and protect the responding officers while maintaining a high level of accountability for the Police Department.

While I am talking about police. The Town saw the leadership position of Police Chief change late last year due to our friend Tom Moss' retirement. We believe that our nationally accredited Police Department is in good hands with new Chief Brandon Zuidema and will continue on the outstanding course that has been chartered.

7) 2<sup>nd</sup> Annual White Deer Dash Road Race

For the second year in a row, the race held at Lake Benson Park was very successful, well attended and will hopefully become a regional draw as its popularity grows.

8) Largest ever Independence Day Celebration

Staff estimates based on the number of vehicles is approximately 20,000 spectators. The spectators come from all around the region and repeatedly tell us that our show is the best they have ever seen.

The Town received two prestigious honors this past year. First the Senior Center was certified as a "Center of Excellence" by the NC Division of Aging and Adult Services, recognizing it as a superior facility with outstanding programming to serve the senior community. Next the Downtown was selected to participate as a "Main Street" Community. This will aid downtown revitalization while preserving the historic fabric and promoting the use of local resources to create a vibrant business district. As we finish out 2009 and move into the next decade, we will begin to offer new programs at WDP. By midyear we will see construction begin on the Timber Drive extension. We will also see the resurfacing of New Rand Road. Other projects moving forward will be the North Garner Plan, Streetscape and Transportation Plan and the construction of the Fire/EMS Station 4 near Raynor Road. In the midst of this economy we saw private investment continue to choose Garner on a large scale and on a smaller scale. Golden State Foods had a ribbon cutting and subsequent grand opening this past year. When companies come, we often ask why they choose Garner. Time and time again we are told that it is our proximity to amenities, our location to major thoroughfares, the Town's willingness to work with businesses during the planning and development phases, and so on. So you can see that Garner is well positioned to be a shining star in this region. And just as important we saw locals making investments in the community they live in---the Rand-Bryan House, Anfesa's Ballroom, and TT&E for example. In the new decade, we will continue to make progress to do our part toward being a green community. Opportunities are galore and we will participate at every opportunity. The evidence of this can be seen in the development of White Deer Park, our water saving measures, and the initiative the Town took to increase residential recycling by replacing the small bins with larger tan rollouts. The steps we have taken thus far have garnered us the Green Challenge- Advanced Level recognition by the NC League of Municipalities. As a Town, we will continue to encourage and support our Town employees to be involved in our community as they participate in United Way fundraising, Relay for Life, Veteran's Memorial committee, the White Deer Dash, Litter Sweep, SCOR, Christmas functions and local Civic clubs. Likewise, the Council members, not only invest time on the Council, but also have made personal choices to get involved and play active roles in civic and community organizations. Councilmember Marshburn - Meals-on-Wheels, Rotary Club, and Guardian ad litem; Councilmember Johns - leader in his church; Councilmember Singleton - Meals-on-Wheels, church leadership; Councilmember Kennedy - Rotary Club and church Deacon & Mayor Pro-Tem; Councilmember Behringer - Garner Woman's Club. Over the past year we changed our official name from Aldermen to Council, but as stated---our commitment to making Garner a great place has not changed. I commend each of you for giving back to our community. I thank you for making tough decisions to keep us in good financial standing. It is also appropriate to applaud our staff as they have given good direction to the Council. As we give credit to our staff, I am reminded of a quote: "A good leader is not the person who does things right, but the person who finds the right things to do" Our staff gives direction for finding the right things to do. Working together, we will see the words on our Town seal continue to come true as we experience "Growth and Prosperity in 2010".

#### **PETITIONS AND COMMENTS**

Dennis Hazel, 3712 Vesta Drive, said he wanted to share his thoughts on the request to amend the Town's Ordinance regarding chickens. He said he feels that what we do in Garner gets twisted by the press outside of Garner. This chicken issue has the same affect and can work against us. He asked the Council if they would want their next door neighbor to have chickens.

**ADOPTION OF AGENDA - As Presented**

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

**CONSENT**

**Minutes from December 22, 2009 and January 4, 2010**

Action: Minutes Approved

**Wake County Tax Report, November, 2009**

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$31,361.07 for taxes from 2004 to 2008. These actions occurred in the period from November 1, 2009 to November 30, 2009 and are presented for approval.

Action: Tax Releases Approved

**Amendment to the Municipal Agreement between the Town of Garner and North Carolina Department of Transportation (NCDOT) for Fencing Upgrade on Timber Drive East**

The Town and NCDOT entered into a Municipal Agreement in June 2008 for financial obligations related to the Timber Drive Roadway Project (U-4703). Since that time the Town has recommended a clause be included that allows us to upgrade the basic NCDOT right-of-way fence to something more aesthetically pleasing. NCDOT has this fence type in its design specification manual and they can upgrade the fence for an estimated cost of \$97,089 which is within the original budget of \$100,000.

Action: Approved Amended Agreement

**Authorization to Amend the Audit Contract for Year Ending 2009**

The Local Government Commission requires that the original contract contain an audit submission date of October 31, 2009. Since the audit was not submitted by that date, an amended contract is required.

Action: Approved Amended Contract

Motion: Marshburn  
Second: Johns  
Vote: Unanimous

**END OF CONSENT**

**Public Hearing on Annexation Petition for Raleigh Pediatrics**

Presenter: Brad Bass

Raleigh Pediatrics, 1405 Timber Drive East has submitted a petition for annexation. The legal requirements to proceed with this annexation have been met. If adopted, the Ordinance authorizes the annexation to be effective January 31, 2010.

Mayor Williams opened the public hearing. Hearing no comments, the hearing was closed.

Action: Adoption of Ordinance No. (2010) 3571

Motion: Singleton

Second: Kennedy

Vote: Unanimous

### **Public Hearing on Annexation Petition for Herman Collins**

Presenter: Brad Bass

Mr. Herman Collins, 5015 Old Stage Road has submitted a petition for annexation. The legal requirements to proceed with this annexation have been met. If adopted, the Ordinance authorizes the annexation to be effective January 31, 2010.

Mayor Williams opened the public hearing. Hearing no comments, the hearing was closed.

Action: Adoption of Ordinance No. (2010) 3572

Motion: Marshburn

Second: Johns

Vote: Unanimous

### **Committee Reports**

Council Member Singleton reported that the Law and Finance Committee met on January 4, 2010 to discuss (1) Request for consideration to allow chickens inside Town limits, (2) Urban deer archery hunting season program, bow hunting for deer inside Town limits and (3) Foster care for animals/number of dogs allowed for rescue. No action was taken at the meeting and the Committee has no recommendation at this time.

### **Manager Reports**

1. Star Tracker
2. Investment Report

Council Member Marshburn asked about the state of disrepair of the pavement on New Rand Road. When the repairs are made, they end up not much better than when rutted. There is no roller used to smooth out the repairs. Mr. Watkins explained that New Rand is a state road. He has asked Mr. Paul Cox, Public Works Director, to communicate with NC Department of Transportation to find solutions and costs should the Town consider making their own repairs. Mr. Watkins said he has been in discussion with Council Member Singleton regarding this same matter in other areas. Council Member Singleton recently reported other areas: Chillingham and Buffaloe, Vandora Springs, Mechanical Drive, Spring Road (sharp 90 degree turn). He said these roads need to be repaired properly. Council Member Marshburn said he doesn't favor the Town taking over state roads except when they are in dire straits.

**Attorney Reports** - Mr. Anderson requested a closed session pursuant to N.C.G.S. 143-318-11(a)(3) regarding pending litigation in the matter of Edge of Auburn and potential litigation; N.C.G.S. 143-318-11(a)(5) regarding possible real estate acquisition and the Town's negotiation position regarding such real estate and 143-318-11(a)(7) regarding investigation of alleged misconduct.

## Council Reports

Council Member Kennedy

- He reported a light out in the parking lot near the Police Station.
- He asked if the Town would let citizens know about the closure of leaf season.

Council Member Singleton

- He reported a street light out at Spring Drive and Timber Drive

Council Member Johns

- He reported on the west side, in the 400 block of Montague Street, leaves have clogged the ditches causing water to run across the street.
- He asked if we could talk with the City of Raleigh's contractor about resurfacing Main Street after the installation of the water lines. There have already been three cuts in the pavement. Mr. Watkins said the Town is already working on getting this done.

Mayor Pro Tem Behringer

- She asked for a status of four items previously reported:
  - o Soft shoulder sign near the stop light on New Rand
  - o Truck in parking lot of the former Winn Dixie
  - o Graffiti
  - o Construction at house on the corner of New Rand and Bainbridge Roads.

## WORK SESSION ITEMS

### Davenport & Company Financial Review

Action: Place matter for consideration on the February 1, 2010 agenda

The Council went into closed session pursuant to N.C.G.S. 143-318-11(a)(3) regarding pending litigation in the matter of Edge of Auburn and potential litigation; N.C.G.S. 143-318-11(a)(5) regarding possible real estate acquisition and the Town's negotiation position regarding such real estate and 143-318-11(a)(7) regarding investigation of alleged misconduct.

Motion: Kennedy  
Second: Johns  
Vote: Unanimous

**ADJOURNMENT: 9:15 PM**

Motion: Kennedy  
Vote: Unanimous

Respectfully Submitted

Judy Bass,  
Town Clerk