

Town of Garner  
Town Council  
Work Session Minutes  
March 30, 2010 - 6:00 P.M.

The Garner Town Council met in a Work Session at 6:00 p.m. on Tuesday, March 30, 2010 in the Town Hall Council Meeting Room to discuss the following:

**CALL MEETING TO ORDER**

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

**STAFF MEMBERS PRESENT:** Hardin Watkins, Town Manager; Rodney Dickerson, Assistant Town Manager; Sheila Cain, HR Director; Phil Faucette, IT Director; Bill Anderson, Town Attorney and Tony Beasley, Economic Development Director

**DISCUSSION**

**Presentation of Services offered by Independent Benefit Advisors (IBA)**

Presented by: Sheila Cain, HR Director & John Gasiorowski, Account Executive-IBA

Mr. Gasiorowski said the company has been in existence for five years and he has been a broker for 21 years. He offered the opportunity to look at successes and best practices of local government. Their specialty is large group marketing; they like to work as an extension of the Human Resources Department. Local government is classified as a high risk group, due to council members coming in and out and changing things. Mr. Gasiorowski said his job is to communicate no change. If change occurs every two years, insurance companies will not even want to go after your business. Their goal is to be heavily involved with Human Resources and to look at all underwriting to have best benefit package with competitive pricing, including opportunities for life insurance plans. They research the most competitive package for the most competitive prices. He said this is a challenging time going forward with new health care mandates. They are involved and assist organizations with the three major services, all new Federal Regulations and flexible spending accounts.

Council Member Marshburn asked about wellness initiatives. Mr. Gasiorowski said insurance companies look at that; it is important to encourage employees to follow healthy eating habits, quit smoking, exercise, and take prescription medications. He asked Ms. Cain if this company is different from the previous company. Ms. Cain said yes, they provide constant updates and lots of information.

Directive: Update Received

**New Town Web Site and Parks & Recreation Registration Program Updates**

Presenter: Phil Faucette, IT Director

Mr. Faucette presented the new website to the Council members, highlighting the Parks and Recreation activities and park shelter rental on-line programs. He presented the Council with planned enhancements as follows:

Community calendar, content management for jobs, tombstone events (automatic removal once passed), content management for community calendar, activate a site map for search potential, content management for photos, convert Economic Development Website, convert Police web site, Google directions for all mapping, alternating opening banner, online building permit applications, online viewing of completed Inspections, enhanced auditorium section of the

website, allow rental dwellings to register and pay online, online bill pay for business license, pet tags, etc., allow real estate agents to post commercial property, photos, videos, tours of available properties and buildings, link to Garner's established Social Networking sites and link Town videos from website.

Council Member Singleton said he would like to see more pictures rather than a few pictures being shown over and over.

Council Member Singleton visited a number of auditorium sites and provided those for Mr. Faucette to show the other Council Members. The website of the Paramount Theater in Goldsboro features highlights of the facility, top photos continuously changing, facility specifications, an "about us" section, history and constant reminders to purchase tickets. Some facilities have sponsors, but we have not sought those. Others have colorful and festive websites. He said he feels we need to promote shows and we are missing opportunities. Our website doesn't say anything about a performing arts program in town, which we have. Although it may cost money, we need to look at maximizing our opportunities.

Fuquay-Varina has a Parks and Recreation video which talks about their Independence Day Celebration. The latest brochure is hard to find, some sites have it come up automatically. He noted that on the Town's Parks and Recreation website, we show a table listing 16 amenities; if we provide that amenity it is checked with a yes. In most cases, there are more "no's" than "yes's". For example, the Auditorium contains 2 yes's and 14 no's. We need to accentuate positive attributes and not the negative; it needs to look more inviting.

Mr. Faucette said he can change that. Council Member Singleton said it is important that the picture on the front page be changed. It doesn't have to be people; it can be facilities such as Butterball and/or other locations.

Directive: Update Received

#### **2010 Legislative Agenda for Town of Garner and Wake County Mayors' Association**

Presenter: Mayor Williams

#### **A) Keep all local revenues intact through the upcoming budget session as well as anything from the Tax Modernization Committee**

Sound municipal government requires preservation and enhancement of the existing tax and revenue structure. The property tax, state-collected local taxes and revenues, and various local option revenue sources are all integral components of a stable, reliable and balanced revenue stream for municipalities. State-collected revenues should be distributed reasonably and equitably, providing local elected officials autonomy to best determine their use. New revenues, including those that may be obtained through local option revenue sources, are essential to meet the future needs of municipal citizens, to provide the infrastructure necessary for vital public services, and to fairly apportion the costs of growth. It is also imperative that any lost or repealed revenues be replaced, retroactively if necessary. (NCLM Core Municipal Principals)

#### **B) Allow municipalities to keep listserv email addresses private (Town of Garner also request the addition of Parks and Recreation participant registration information)**

When residents sign up to be included on listservs (i.e. electronic newsletter recipients) they include relevant information like names and email addresses. These residents do not intend for their information to be given

out to telemarketers or others seeking mass records of personal contact information. This request is similar to the law passed concerning Parks and Recreation minor participant information. Request that the law be expanded to cover listservs and adult recreation participants.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007  
SESSION LAW 2008-126

SENATE BILL 212  
AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PARKS AND RECREATION PROGRAMS OF LOCAL GOVERNMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 132 of the General Statutes is amended by adding a new section to read:

"§ 132-1.12. Limited access to identifying information of minors participating in local government parks and recreation programs.

(a) A public record, as defined by G.S. 132-1, does not include, as to any minor participating in a park or recreation program sponsored by a local government or combination of local governments, any of the following information as to that minor participant: (i) name, (ii) address, (iii) age, (iv) date of birth, (v) telephone number, (vi) the name or address of that minor participant's parent or legal guardian, or (vii) any other identifying information on an application to participate in such program or other records related to that program.

(b) The county, municipality, and zip code of residence of each participating minor covered by subsection (a) of this section is a public record, with the information listed in subsection (a) of this section redacted.

(c) Nothing in this section makes the information listed in subsection (a) of this section confidential information."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of July, 2008.

Approved 5:55 p.m. this 28th day of July, 2008

**C) Retain municipal authority for annexation by supporting the NC League of Municipalities position**

The League continues to support careful change to the long-standing municipal annexation laws in a way that provides for fair and equitable consideration of all citizens' needs and concerns and allows cities and towns to grow in an orderly manner.

The bills, HB 727/SB 472 - Annexation Changes, address concerns of citizens regarding the annexation process. The bills are based on a 20-point proposal offered by N.C. municipal officials. The bills make substantial changes to North Carolina's annexation statutes in several areas: process and communication with citizens; extension of water and sewer services; annexation standards and requirements for cities; and methods to address the needs of low wealth areas that need municipal services, and a simplified process for addressing the issue of "doughnut holes," where the area doesn't currently qualify but the city completely surrounds it. (NCLM website)

**D) Allow municipalities to reduce time frame from 1 year to 6 months to order dwellings determined unfit for human habitation to be repaired or demolished**

Amends General Statute 160A-443 that permits the governing body under certain conditions to order the repair or demolition of dwellings that have been boarded up for at least a year. Boarding up is currently allowed as a remedy for securing structures that are in need of repair. The intent was for the boarding up to be a temporary measure until the structure could be repaired or demolished in a reasonable time. All too often, homes remain boarded up for an extended amount of time and erode surrounding property values and the character of neighborhoods. Boarded up structures also attract crime, graffiti, vagrants and other undesirable elements.

**E) Provide authority to Wake County municipalities to use debt to pay down past retirement obligations**

The Town of Garner is not directly affected by this proposal but has no issues with other Wake County local governments seeking this legislation. This would broaden the options for relieving retirement obligations for local governments that have not been members of the system from the beginning.

**F) Provide the same authority to all Wake County municipalities to advertise public hearings electronically**

The Town of Garner and several other Wake County municipalities currently have this legislation. The Town of Garner supports other Wake County local governments that are seeking to be added to this legislation.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007  
SESSION LAW 2007-86  
SENATE BILL 350

AN ACT AUTHORIZING THE TOWNS OF APEX, GARNER, AND KNIGHTDALE TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

The General Assembly of North Carolina enacts:

SECTION 1. The governing body of a city or town may adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the Town's Internet site. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property and shall not alter the publication schedule for any public notice.

SECTION 2. This act applies only to the Towns of Apex, Garner, and Knightdale.

SECTION 3. This act is effective when it becomes law. In the General Assembly read three times and ratified this the 18th day of June, 2007.

**G) Allow municipalities to use design-build concept for public capital projects.**

The Town of Garner supports this legislation as an additional option for bidding and constructing municipal projects.

Example from Town of Huntersville charter:

"ARTICLE VI. PUBLIC CONTRACTS."Sec. 6.1. Design-Build. The Town of Huntersville may contract for the design, construction, and operation of

buildings, parking decks or facilities, roads and streets, bridges, sidewalks and other transportation-related facilities, and other public projects, notwithstanding any provisions and requirements of Chapter 143 of the General Statutes. The authorization includes, if deemed appropriate by the Board, the use of the single-prime contractor method of design and construction, the design-build or the design-build-operate method of construction, or a request for proposals and negotiation as an alternative design and construction method. The Town shall request proposals from and interview at least three design-build teams, or design-build-operate teams as appropriate, that have submitted proposals for the project. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, then the Town may proceed with the proposals received. The Town shall award the contract to the best qualified contractor, taking into account the time of completion of the project, the capital and operation and maintenance costs of the project, the technical merits of the proposal including, but not limited to, reliability and protection of the environment, and such other factors and information set forth in the request for proposals that the Town determines to have a material bearing on the ability to evaluate any proposal.  
(Page 4 Session Law 2009-298 SL2009-0298)

After discussion, the Council directed staff to move forward. Regarding item G., the Council would like to hear more discussion. There was no consensus to move forward. Regarding item H., the Council agreed to seek authorization, but may not take any action.

Mr. Dickerson said he will prepare a letter and forward to the Legislature.

Directive: Directed Staff to Move Forward

#### **Thoughts & Ideas to Build Financial Capacity**

Presenter: Hardin Watkins, Town Manager

Mr. Watkins presented a draft document called Building Financial Capacity which contains ideas for budgeting, Capital Improvement Financing and Improved Stewardship of Town Resources. This document contains ideas for short term internal budget and management initiatives, longer term and external initiatives and external partnering initiatives.

Council Member Kennedy said we need to be practical; this is a living document. If there is an item on the list the Council wants done, we will direct the Manager, we don't expect him to do something without our permission. If we consider an item, we will need time frame for implementation and determine priority. This document lists ways we can find dollars to build some things we want to build.

Mayor Williams said we are too low on development fees. Council Member Kennedy said there are people using facilities and have unidentified fees. Mayor Williams said we may need to adjust non-resident recreation fees.

Council Member Marshburn said this document is a road map to the future. This is a good basis for starting discussion and giving the Manager guidance.

Council Member Kennedy asked the other members to look at items, pick priorities and give the Manager feed back on things in which we would like more investigation and to prioritize the top five to give feedback on Monday.

Directive: Update Received

**N.C. Department of Commerce Main Street Solutions Grant Opportunity for  
Historic Downtown Garner Plan Implementation**

Presenter: John Hodges, GRA Executive Director

The NC Department of Commerce has established the Main Street Solutions Fund to support small businesses in Main Street communities in Tier 2 and Tier 3 counties in North Carolina. The initial fund will award approximately \$2,000,000 to between seven and twelve project ranging in amounts from \$20,000 to \$300,000.

Two types of projects are eligible - private investment projects and public improvement projects. Public improvement projects must be matched on a 1:1 ratio by the town. GRA has evaluated several private project ideas, but has not been able to secure investment and timeline commitments required by the grant. The improvements of Montague Street proposed in the Historic Downtown Garner Plan have been identified as a public improvement project that best meets the guidelines of the grant, addressing the following:

- The North Garner Plan and the Historic Downtown Garner Plan have identified lack of visibility and accessibility from Highway 70 as barriers to revitalization of the Downtown area
- Businesses have closed, relocated or chosen not to locate in the Downtown area due to this lack of visibility, accessibility and connectivity from other parts of the town
- The Montague Street Enhancement Project has been identified in the Historic Downtown Garner Plan as a high priority public infrastructure project
- Completion of this project will encourage private investment, business development and job creation in the Downtown area

In addition to the potential funding, submission of this project for the Main Street Solutions Fund provides Garner an opportunity to introduce the Historic Downtown Garner Plan to the Department of Commerce, the Local Government Commission and the League of Municipalities whose representatives will evaluate the proposals.

In order to submit this project in application for the grant, the Council will need to adopt a resolution of support for the project and commit matching funds. Cost estimates for the project are being completed this week, and are estimated to slightly exceed the \$600,000 that the grant and matching funds would provide. The resolution will also authorize the Garner Revitalization Association to apply for the grant on behalf of the Town of Garner.

Mayor Pro Tem Behringer asked when the grant will be awarded. Mr. Hodges said it will be announced the 1<sup>st</sup> week in May. Eligible projects are given three years, but higher ranking top projects are ones that can be completed within a year.

Council Member Johns asked if there is additional money needed for right-of-way acquisition for the Montague Street improvements. Mr. Hodges said the construction costs are estimated at \$600,000 which does not include right-of-way. Mr. Jones, Finance Director, said we would do a "reimbursement resolution" allowing us to borrow from reserves and pay back when we have a bond referendum.

Council Member Marshburn asked if there are any eligible projects of lesser expense. Mr. Watkins said staff looked at the whole mirage of projects. Many of the plan elements we can pull out from a public improvements project will not have the impact of Montague Street. We want to see job creation as a result of this investment; jobs can be created if the road is built.

Council Member Johns asked if there is an estimate on cost of the easements. Mr. Hodges said we don't have that figure yet, but will have it available at the April meeting.

Council Member Kennedy suggested we be liberal on our estimates; we have the makings of a good project here. The marketing study justifies the need; we have a lot going for us, but not a slam dunk.

Directive: Resolution to be presented on April 5 Agenda

**Update on Garner Emergency Medical Services (EMS)**

Presenter: Rodney Dickerson, Assistant Town Manager

Mr. Dickerson said EMS is having financial difficulties. Emergency medical services are a Wake County function and they have been working with the County to try and resolve some issues. The organization has unpaid bills in the \$90,000 range. EMS is totally dependent on billing. Clerical errors in the computer caused delay in funds to EMS and a glitch by a billing company who sent a batch of payments to Medicare that did not transfer electronically, so those revenues did not come in as expected. In November, there were some unpaid bills, at that time in the \$75,000 range and they thought funds would come in to pay those bills. Changes are being made that will bring more revenue and decrease expenditures; a position has been eliminated in administration. Also changes have been made to health care and 401k costs. Some of these changes in an amount up to \$160,000, are still not enough to pay the unpaid bills. Revenue is trickling in. Wake County's data states revenue must be equal to project expenditures. In February, they were down 27% from the normal. Wake County says if they can operate any EMS contracted agencies cheaper, they will look at functioning as a Wake County operation. These current financial troubles opened the door for the County to look at Garner's situation. The Wake County Manager asked to look at numbers to see if this operation can be done cheaper by Wake County; results were that Wake County can operate for \$384,000. Mr. Dickerson said there is no indication of any misappropriation of money. The revenue was not there, bills were not being paid and the Board was not being notified. The EMS staff feels they can work their way out of this problem. They will ask the County for a subsidy to keep them solvent. The Wake County Manager will propose their request for a subsidy to the Wake County Commissioners, but it is not his recommendation.

Mr. Watkins said a decision was made to purchase an ambulance. Mr. Dickerson added that EMS had a chance to purchase one at a good cost, but at the time the Board was not made aware of any financial problems.

Council Member Marshburn asked what if the County chooses not to absorb the operations. Mr. Dickerson said maybe they can help with a subsidy; EMS would have to depend on the billings and cut back expenses. No matter what the resolution, the level of service will not be compromised.

Mr. Dickerson said the County has three options: 1) Approve a \$200,000 subsidy, 2) Wake County will absorb the unit into their regular operations and 3) merge with Eastern Wake operations; however, Eastern Wake is not in position to offer all employees a position.

Directive: Update Only

**REPORTS**

**Economic Downturn Update**

Presenter: Lin Jones, Finance Director

Mr. Jones presented the monthly Economic Update.

Directive: Update Only

**Attorney Reports**

Closed Session to discuss negotiation parameters for acquisition of interests in real property pursuant to N.C.G.S. 143-318-11(a)(3) and (5). And closed session to discuss potential litigation pursuant to N.C.G.S. 143-318-11(a)(3).

Motion: Kennedy  
Second: Behringer  
Vote: Unanimous

Council returned to regular session. There being no further business the meeting was adjourned.

**Adjournment: 9:00 PM**

Motion: Kennedy  
Vote: Unanimous

Respectfully Submitted,

Judy Bass, Town Clerk