

**Town of Garner
Town Council Minutes
June 16, 2009**

The Garner Town Council met in regular session at 7:00 P.M. on Tuesday,
June 16, 2009 in the Town Council Meeting Room

COUNCIL MEMBERS PRESENT: Mayor Williams, Council Members Behringer, Johns, Marshburn and Singleton; Mayor ProTem Kennedy had an excused absence.

STAFF MEMBERS PRESENT: Hardin Watkins, Town Manager; Rodney Dickerson, Assistant Town Manager; Bill Anderson, Town Attorney; Brad Bass, Planning Director, Lin Jones, Finance Director; Paul Cox, Public Works Director; Tony Beasley, Economic Development Director and Michelle Howell, Public Information Officer

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE: Council Member Marshburn

INVOCATION: Rev. Brooks, Poplar Springs Christian Church

PETITIONS AND COMMENTS:

David Dicken, 137 Clayfield Drive presented information to the Council to support his request of \$500.00 for the Raleigh-Wake Community Emergency Response Teams (CERT). The organization will use this money toward printing costs and purchasing of binders and materials associated the education of the program to citizens of Garner and immediate area. CERT is an entirely civilian and volunteer force which provides Wake County residents and businesses with skills to become self-reliant and to assist others during disasters. Trained by professional fire fighters, EMS personnel and other emergency responders, CERT educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills.

Council Members Johns asked how long the organization has been in existence. Mr. Dicken said the organization began in 2005 with a \$30,000 FEMA grant. Since that time they have been relying on corporate sponsors. Mr. Johns asked if any more grant money from FEMA is expected and asked if he has approached other communities with a funding request. Mr. Dicken said no more money from FEMA will be granted.

Council Member Marshburn asked where the training occurs and if there is any commitment expectation for those people enrolled in the training. Mr. Dicken said that the training is held at the Keeter Fire Training on Wilmington Street. There is no expectation of commitment to disaster relief; only if desired. Mr. Marshburn asked if there are other organizations in North Carolina. Mr. Dicken said Cary, Raleigh and Chatham County have programs.

Mayor Williams said the Council will need time to read the materials and will get back with him with a response.

ADOPTION OF AGENDA: As Presented

Council Member Singleton asked to add an item to the Old/New Business to get clarification on the City of Raleigh water line proposed through downtown Garner.

Motion: Marshburn
Second: Singleton
Vote: Unanimous

CONSENT

Minutes from the June 1, 2009 Meeting

Action: Minutes Approved

Wake County Tax Report, May, 2009

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$5,319.68 for taxes from 2004 to 2008. These actions occurred in the period from April 1, 2009 to April 31, 2009 and are presented for approval.

Action: Tax Releases Approved

Ordinance Amending Town of Garner Fees and Charges

This Ordinance will carry out contractually obligated adjustments directly requested by the City of Raleigh Utilities based upon the Engineering News Record figures. Additionally, this Ordinance will enact a second trip re-inspection fee as discussed in the Town's FY-09-10 budget recommendation and fees associated with the Town of Garner Special Events Policy to become effective on July 1, 2009.

Action: Adoption of Ordinance No. (2009) 3555

Ordinance Amending 2008 - 2009 Operating Budget

This budget amendment recognizes end of the year revenues, budget transfers and earned interest as follows: Fee in Lieu of Parkland, Sewer and Water Capacity Replacement Fees non-debt and transfer fees; grant funds from Crime Control and Public Safety and budget for transfer of proceeds to About Face II, Inc.; provide additional funds to Public Works for expenses associated with water and sewer street cut repairs; Federal Asset Forfeiture Funds revenue to fund cost of vehicles in excess of amounts budgeted, K-9 and pen, purchase surveillance equipment; Retention Pond Fees and offset transfer from Regional Retention Capital Reserve by the amount of fees collected in the current fiscal year. In the Capital Reserve funds, this ordinance sets forth Street Improvement and Sidewalk Capital Reserve, recognize interest earned and transfer to General Fund for sidewalk projects; Park Development Capital Reserve recognize interest earned and transfer from General Fund; Regional Retention Capital Reserve recognize interest earned, increase transfer to General Fund and budget for transfer to General Fund for retention pond repairs; Storm Water Infrastructure Capital Reserve recognize interest earned; Lake Benson Park Capital Reserve recognize interest earned; Park Equipment Capital Reserve recognize interest earned; Public Safety Equipment Capital Reserve Recognize interest earned; Community Center Capital Reserve Recognize interest earned; Water and Sewer Improvements Capital Reserve - non debt recognize interest earned and transfer to General Fund for difference in debt service cost and actual fees collected during the current fiscal year; Timber Drive Extension Capital Reserve recognize interest earned and Water and Sewer Improvements - non-debt Capital Reserve recognize transfer from General Fund for fees collected during current fiscal year.

Action: Adoption of Ordinance No. (2009) 3556

Resolution Authorizing a Temporary Loan from the General Fund to the White Deer Park Capital Project

Expenditures for White Deer Park Capital Project are currently being funded by advances from the General Fund. This Resolution requests authorization from the Council for a temporary loan from the General Fund to the White Deer Park Capital Project. This money will be repaid from debt proceeds when permanent financing is complete. The amount advanced through June 30, 2009 will be approximately \$2,000,000.

Action: Adoption of Resolution (2009) 2014

Motion: Johns

Second: Singleton

Vote: Unanimous

END OF CONSENT

Ordinance Adopting Operating Budget for 2009-2010

Presenter: Hardin Watkins, Town Manager

This Ordinance establishes anticipated fund revenues and departmental expenditures appropriated for the operation of the Town Government and its activities for the Fiscal Year beginning July 1, 2009 and ending June 30, 2010. Mr. Watkins said this Ordinance includes all revisions discussed during Council budget reviews. He said this year's budget proposal is a bridge to July 2010 when an economic recovery is anticipated. There are no dramatic changes and the level of service provided to the citizens will not change. This budget is \$3.4 million or 12.8% less than last year's budget. Most all revenues have decreased from last year; however no tax increase is included. Employee compensation has been trimmed by approximately \$300,000.

He thanked Lin Jones, Finance Director and Rodney Dickerson, Assistant Town Manager for their key roles in the budget preparation.

Action: Adoption of Ordinance (2009) 3557

Motion: Singleton

Second: Behringer

Vote: unanimous

Council Member Singleton thanked the Staff and Council, noting the Council met for about 20 hours reviewing the proposal. Mr. Singleton said that North Carolina Legislation requires local governments to adopt a budget in public by no later than June 30, noting they should adhere to their own rules. He also said he hopes the Legislators will not balance its budget at the expense of local governments by withholding funds.

Council Member Marshburn thanked the Manager and Budget Team for putting together a reality budget with no job cuts and the ability to complete projects such as sidewalk construction and White Deer Park.

Council Member Behringer said when you ride through Garner seeing improvements being made it speaks of the Council's intentions.

Council Member Johns thanked staff for working to get budget through and shared other Council Member's hopes that no revenues will be withheld. Mr. Johns said this is his 27th budget and the easiest, adding he is glad no tax increase we needed.

Mayor Williams supported all Council Members statements.

Contract for Strategic Plan and Market Analysis for the Core Area of the Original North Garner Plan

Presenter: John Hodges, Executive Director, Garner Revitalization Association

Following the approval by the Town Council earlier this year, an RFQ for the North Garner Market Analysis and Strategic Revitalization Plan was issued and twelve responses were received. A project team was assembled to review the proposals. This team includes the following members:

- Elmo Vance - Board Chairman, GRA
- Jeff Denny - Board Chair Elect, GRA
- Douglas Ball - Past Board Chair, GRA
- Buck Kennedy - Town Council
- Gra Singleton - Town Council
- Brad Bass - Planning Director, Town of Garner
- Tony Beasley - Economic Development Director, Town of Garner
- John Hodges - Executive Director, GRA

This team devoted many hours to reviewing, evaluating and discussing the proposals. Four finalists were selected to make presentations to the team. From those finalists, a team led by Urban Collage was selected unanimously as the most qualified and best prepared to work with the Garner community.

The project team has negotiated a Contract and Scope of Services with Urban Collage and presents the attached for approval and execution by the Town Council. The fees for the negotiated services and deliverables are \$68,000, approximately 10% below the original amount approved for the project.

Council Member Marshburn asked if they are ready to begin the project and if there will be public involvement. Mr. Hodges said they are ready to begin and will move forward in three phases. The first phase is information gathering, the second phase will include charettes which will bring in community involvement and the third phase is the final plan of action to be implemented as funds become available.

Council Member Behringer said it is noteworthy that the project cost is ten percent less than anticipated.

Council Member Singleton said this was a good process and a learning experience. The project is more than a market analysis and involves core areas. It is difficult to encompass the entire area. He said he looks forward to the process.

Action: Authorize Execution of Contract

Motion: Marshburn

Second: Behringer

Vote: unanimous

Discussion of Solid Waster Options

Presenter: Rodney Dickerson, Assistant Town Manager

The current solid waste contract is scheduled to end on September 30, 2009. On March 31, 2009 the Town of Garner opened bids for contracted solid waste services. Staff received bids from All Star Waste Services, Republic Waste Services, Shaw Sanitation and Waste Industries. The Town of Garner Public Works Department also submitted a bid for yard waste collection and disposal.

Mr. Dickerson said staff is working on information and looking at bids; however due to involvement in the ConAgra incident, staff has been unable to compile the necessary informant. Mr. Dickerson respectfully requested this matter be placed for action consideration on the June work session agenda.

Action: Tabled to the June Work session

Motion: Marshburn

Second: Johns

Vote: Unanimous

AT&T Cable Easement, Garner Road

Presenter: Bill Anderson, Town Attorney

This easement document requested by AT&T arises out of a class action lawsuit against AT&T by property owners nationwide. The Town was brought in as a member of the class (related to the Senior Citizens Center site). AT&T obtained an easement from the Railroad to install a cable in the 1990's that ran outside of the railroad right-of-way in some areas. This lawsuit is an opportunity for the property owners who are potentially entitled to some nominal consideration to obtain it. The amount in question is \$190.00, based on \$2.50 per foot for an easement, just in case they installed the cable on Town property outside of the Railroad Right-of-Way. The cable was installed approximately 15 years ago, and in fact it was actually installed on the Main Street side of the Railroad. The current document adds a feature to the basic question of reaching a resolution of all claims that anyone might have against AT&T. This document is not only a release of such claims, but is an affirmative easement giving AT&T rights to repair, prevent other lines too close, and grants a temporary construction easement 10 feet either side, subject to "just compensation" to be paid to the Town for damages caused. Since the cable is not on Town property, and is not even on the same side of the railroad corridor, this requested easement is not likely to be of any practical effect but establishes the right to obtain "just compensation" from AT&T for any damages which might occur at the time of any work in the easement.

Action: Accept easement and Compensation

Motion: Singleton
Second: Johns
Vote: Unanimous

City of Raleigh Raw Water Line Location

Council Member Singleton wanted to clarify the route of the water as it goes through downtown Garner. He said this project was originally planned to go on north side of Main Street, but was forced to relocate to the south side by N.C. Railroad. A complaint has been received by a resident on Main Street regarding removal of four trees. Those trees are located in the railroad company's property.

Change Date of the June Work Session

Due to a number of scheduling conflicts, the Council Member Marshburn suggested the June Work Session be moved from Tuesday June 30 to Monday June 29.

Action: Work session to be held on June 29, 2009 at 6:00 P.M.

Motion: Marshburn
Second: Singleton
Vote: Unanimous

Committee Reports

Council Member Singleton said he and Council Member Johns will get together to discuss appointments to vacancies on the various advisory boards/commissions.

Council Member Behringer said she attended the Garner Educational Foundation. The scholarships have been named for the Mayor and Town Council. The two recipients had a grade point average of 4.7 and 5.2.

Council Member Marshburn said he would like to present the report from the Wake County Growth Task Force to the Council at the June Work Session.

Manager Reports

1. Star Tracker
2. Building Permit Activity
3. Personnel Report
4. Inspections and Enforcement Report
5. Investment Funds Report
6. Planning Commission Summary 6-8-2009

Attorney Reports

None

Council Reports

Council Member Singleton

- He reported on Sycamore Drive between 1307 and 1309, at the storm drain between the two houses the cement is cracked and collects trash and stops the water flow.
- He thanked staff and rescue employees for their diligence last week in dealing with the ConAgra tragedy. Everyone adapted to each situation; you can't plan for something like that. He also gave a salute to people throughout Wake County. He especially thanked Mayor Williams for his leadership in representing the Town and the Town Council.

Council Member Marshburn

- He echoed thanksgivings shared here tonight noting it was impressive to see coordination of a variety of agencies. He sent his prayers to the ConAgra employees and their families.
- He thanked the Council for the flowers sent to the funeral of his wife's mother.
- He noted receipt of phone calls from scout regarding earning of merit badges and asked how this should be handled. He asked if there will be opportunities after the opening of White Deer Park. Mr. Watkins said the Town as part of the Park Enhancement Initiative the staff has identified a list of smaller projects. He advised Mr. Marshburn to refer these calls to Sonya Shaw, the Parks and Recreation Director.

Council Member Behringer

- She shared a conversation with ConAgra's Plant Manager commended the Town and Community for the strong support. He said he is not from around here and has never seen anything like this. She also commended Mayor Williams for representing the Town and Council
- There is a "No Parking" sign down on Garner Road near the Oddity Shop.
- She reported a junked car on at the apartment on the corner of Penny Street and Garner Road.
- The staging area for the water line installation on Garner Road has become overgrown.
- She asked if staff has had an opportunity to respond to Sec. Conti's letter. Mr. Watkins said staff was sidetracked this week and will get to this soon.

Council Member Johns

- He reported a pile of trash in the ditch at the east side of the 200 block of Montague. On the west side of the 300 block of Montague Street, there is a 4 foot pipe that is clogged; since the pipe serves no purpose, he suggested it be removed.
- He said he shared Council Member Singleton's comments regarding the Town's handling of the ConAgra tragedy and thanked Mayor Williams for his leadership.

Mayor Williams

- He said he is appreciative of the Council's comments. He said he loves his job and considered it a privilege to represent the Town and Town Council. He said he would like to have a dinner for all involved including Town employees and other agencies.
- Mayor William announced that ConAGra has set up an Advisory Board for the United Way funding raising effort; he was asked to be a member.
- The U.S. Chemical Safety Board will meet tomorrow with Emergency Departments and Staff to wrap up their findings.
- He asked for a representative to attend the CAMPO meeting on Wednesday. Council Member Marshburn agreed to attend.

Adjournment: 8:15

Motion: Johns
Second: Marshburn
Vote: Unanimous