

**Town of Garner
Board of Aldermen
December 16, 2008**

The Garner Board of Aldermen met in regular session at 7:00 P.M. on Tuesday, December 16, 2008 in the Town Hall Board Room.

CALL MEETING TO ORDER

Attending: Mayor Williams, Alderman Kennedy, Alderman Singleton, Alderman Behringer, Alderman Johns, Alderman Marshburn

PLEDGE OF ALLEGIANCE - Alderman Singleton

INVOCATION - Alderman Singleton

PETITIONS AND COMMENTS

PRESENTATIONS

1. Update on Economic Conditions in North Carolina, Lin Jones, Finance Director
2. Mike Waters, on behalf of the North Carolina Recreation and Park Association presented the Arts and Humanities Award to the Town Parks and Recreation Department for the Independence Day Celebration. Mr. Waters said the association has 2500 members consisting of professionals and citizen board members. This award was originally presented at an annual conference. He commended the Town for this award since it is for a class three category, consisting of 25,000 to 75,000 in population competing with larger communities. He noted hard work goes into the project throughout the year by both the Town of Garner and Wake County attracting twelve to fifteen thousand people.
3. Wake County Commissioner Lindy Brown gave a presentation on Affordable/Workforce Housing

Commissioner Brown reported the purpose of this presentation is to ask the Town of Garner to continue partnering with Wake County for the Federal Community Development Block Grant and the HOME Grant and to carry forth the message that affordable housing is an integral part of Wake County's vitality. Commissioner Brown explained that reference to affordable housing in this presentation actually means workforce housing. Workforce housing is defined as people who earn less than 80% of the Area Median Income which in Wake County is \$74,900, so families at 80% of that would earn less than \$59,900.

Commissioner Brown commended the Town of Garner as one of the forefronts in low income housing its investment in the working class population.

Commissioner Brown's Presentation is attached to this document as Exhibit A.

Alderman Marshburn asked if this issue is intended to be a targeted goal over a period of time. Commissioner Brown said it will be addressed at the Commissioners' Retreat and will be a primary goal in 2009 - 2010. This will also be discussed at the Reality Check conference in February. Commissioner Brown said she would like to come back to the Board in six months and give the Board an update.

Alderman Behringer asked Mr. Bass what is the percentage of affordable housing in Garner. Mr. Bass said more research would be needed to be able to gather that information. Alderman Behringer said she would like to get that information.

Alderman Marshburn asked if there are plans to expand facilities for the homeless population. Commissioner Brown said the County is looking into the possibility of purchasing a hotel complex to house people, provide on site treatment and employment services which is an initiative the Commissioners have been working on for four years. What is needed now is to find a location and secure financing.

- 4) Mayor Williams presented a plaque from the Shriner's club recognizing the Town for sponsoring children to attend the circus.

ADOPTION OF AGENDA

Alderman Johns requested to add action item #4 to discuss bonuses for the employees.

Motion: Marshburn
Second: Johns
Vote: Unanimous

CONSENT

Minutes from September 5, 2008 Special Meeting and October 21 Special Meeting

Action: Adopted as Presented

White Deer Park Utility Easement for Progress Energy

The purpose of this ten foot utility easement is for underground power lines and associated equipment to supply power to White Deer Park. The easement will be located along a path that follows the roadway into the property as illustrated on the enclosed site plan.

Action: Authorize Execution of Easement

Wake County Tax Report, November and December 2008

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$20,703.77 for taxes from 2004 to 2008. These actions occurred in the period from September 1 through October 31, 2008 and are presented for approval.

Action: Approve Tax Releases

Ordinance Amending 2008 - 2009 Operating Budget

This amendment budgets funds for purchase orders which were issued but the items were not received by fiscal year end June 30, 2008.

Action: Adopt Ordinance No. (2008) 3540

Motion: Singleton
Second: Behringer
Vote: Unanimous

End of Consent

Public Hearing on Special Use Site Plan, SUP-SP-08-08, Bryan-Lee Funeral Home Crematorium

BRL Engineering is requesting conditional use site plan approval for an additional building on the Bryan-Lee Funeral Home property located at 1200 Benson Road. The Planning Commission unanimously recommended approval. At the December 1, 2008 meeting, the Board granted the applicant's request for continuance until December 16, 2008. The applicant is continuing discussions with the adjoining property owner regarding relocation of the crematorium and anticipates a resolution of the matter at the January 20, 2009 Board of Aldermen meeting.

Action: Continue Consideration of Application until January 20, 2009

Motion: Behringer
Second: Singleton
Vote: Unanimous

Resolution Changing Elected Officials' Title

This Resolution of Intent shows the Board's intention to change the governing body title from Board of Aldermen to Town Council and sets a public hearing on the matter for January 20. Following the Public Hearing, the Board may adopt an Ordinance within 60 days subject to certain provisions included in the attached memo from the Town Attorney.

Mr. Anderson said the question becomes what to name individual board members. The law deals with naming governing body, so the Board would need to decide how to refer to an individual. This matter can be resolved by describing the Board of Aldermen as Board members and not changing the Charter.

Alderman Johns said when the issue was raised during the last campaign, the Board felt it appropriate to be referred to as "council." The Board members agreed to a more recognizable term such as council.

Action: Adopt Resolution No. (2008) 2001

Motion: Johns

Second: Marshburn

Vote: Unanimous

Resolution Authorizing Condemnation to Acquire an Interest in Real Property for Improvements on Aversboro Road

This Resolution authorizes condemnation to acquire real property for road widening, water line and sidewalk improvements on Aversboro Road for the construction of White Deer Park.

Action: Adopt Resolution No. (2008) 2002

Motion: Marshburn

Second: Singleton

Vote: Unanimous

Resolution of Intent for Interest in Real Property needed for the Aversboro Road and Vandora Springs Road Sidewalk Project

This Resolution amends the Town's evaluation of various interests in real property needed for the construction of Aversboro Road and Vandora Springs Road Sidewalk Project. This Resolution modifies Resolution No. 1999 estimating values based on new tax appraisal values and deleted properties where purchase of easement is no longer needed.

Action: Adopt Ordinance No. (2008) 2003

Motion: Singleton

Second: Johns

Vote: Unanimous

Employee Bonuses for 2008

Mayor Williams said he asked Lin Jones, Finance Director, to prepare the amount it would cost to provide employees with a bonus of \$250.00, noting the Board has given bonuses for the last two years.

Alderman Johns said we have a good family here and feel staff needs to be compensated as we have done over the last two years. We have a lot of longevity and we need to take care of them.

Alderman Singleton said he has always supported bonuses for employees; however he is hesitant this year due to the current economic situation. Bonuses are not in the budget and he said he prefers to keep this matter in mind when working on the annual budget. He said he felt bonuses will be just as important in 2009. The Board should consider applying this amount to employees so that they don't take home less pay next year because of insurance increases.

Alderman Marshburn said he understands what Alderman Singleton is saying; however what he hears from the Finance Director is that we are in good shape now, this doesn't mean the situation won't get worse later on.

Alderman Behringer said she is hesitant as well since staff is trying to cut back in every department.

Alderman Kennedy asked if there is any other number that is satisfactory and said, he would support a lesser number.

A motion was made to give employees a \$200 bonus based on the \$36,000 figure discussed.

Action: Direct Staff to Process Employee Bonus Checks for \$200.00

Motion: Johns

Second: Kennedy

Vote: 3-2; Aldermen Kennedy, Johns and Marshburn - Yes. Aldermen Singleton and Behringer - No.

Acquisition of Permanent and Temporary Construction Easements

The Town Attorney has negotiated the acquisition of permanent and temporary construction easements, including compensation for removal of specified trees where required as follows: 1) B. C. Raynor, 702 Aversboro Road, \$ 555.74, 2) Linda Poole, 700 Aversboro Road, \$1,419.12 and 3) Barbara Byrd, 802 Aversboro Road, \$1,156.75.

Action: Authorize Easement Acquisitions; Final Increase Compensation for Linda Poole to \$1,919.12

Motion: Johns

Second: Singleton

Vote: Unanimous

Discussion of Options for Sidewalk Grant

Mr. Watkins reported two opportunities to apply for federal or state grants for the Aversboro Road/Vandora Springs Road sidewalk project. The North Carolina Department of Transportation has two grant programs for sidewalk construction through the North Carolina Safe Roads to School Program. One program offers grants up to \$100,000 administered through the

local NCDOT Division V; competition for those funds is limited to projects within the division. The other program grants from \$100,000 to \$300,000 and involves a statewide competition for the funds. While the larger program has more money available, the NCDOT Division V representative has indicated that, although there are no guarantees, there may be a better chance of getting money from the smaller Division V program. Both programs require a local resolution supporting the project and grant request. Mr. Powell said he plans to advertise the project on February 1 and construction may begin March 27 at the earliest. The Board expressed concerns regarding any project delays.

Action: Adopt Resolution No. (2008) 2004; Directed staff to apply for the Division V grant; the project will remain on schedule and not be delayed due to any grant restrictions.

Motion: Kennedy
Second: Singleton
Vote: Unanimous

COMMITTEE REPORTS

Law and Finance Committee met on December 4, 2008 to discuss regulating boom cars and golf carts. After a presentation and discussion, the Committee recommends no action be taken on either item. The presentation on golf carts raised concerns because of the lack of requirement for insurance presented a concern with liability.

MANAGER REPORTS

1. Star Tracker

Alderman Marshburn noted the request for a lead green from Aversboro turning left onto Timber Drive has been in Star Tracker since October 2007. This intersection presents a dangerous situation because vehicles are turning left in front of oncoming traffic. Mr. Powell said he feels there is a need; however, this request has been made to NCDOT three times. NCDOT does not feel the change is warranted. Mayor Pro Tem Kennedy said he also received this request from Marjorie Barefoot. Mr. Watkins said staff would send a letter to Ms. Barefoot to give her an update.

Mr. Watkins reported Randall Johnson's request for assistance in getting the Olde School Commons parking lot paved. Mr. Johnson contends that the property management company budgeted for this, but has delayed the project. Mr. Watkins said he asked Ed Johnson, Parks and Recreation Department, to check into this matter.

2. Building Permit Activity

3. Invested Funds Report

4. Mr. Watkins presented the Board with a list of preliminary project ideas for consideration as part of a possible economic stimulus package. The items will be discussed in more detail at the December 30 work session.
5. Mr. Watkins and Mr. Anderson closed on the Timber Drive parcel located across from Buckingham Road on December 15, 2008. The Deed has been recorded at the Register of Deed's office.
6. Progress is being made on the traffic signal located at NC 50 and New Bethel Church Road. NCDOT is waiting on Progress Energy to move some utility lines and expects the signal to be in blinking stage by February.

BOARD REPORTS

Mayor ProTem Kennedy

- He asked if Mr. Watkins had decided on any Retreat topics. Mr. Watkins said he will send a survey out in early February.
- He asked if there has been any feedback from NCDOT on the Timber Drive project. Mr. Watkins said he, Mr. Powell and Mr. Bass met with representatives in the Right-of-Way Acquisition Department and were encouraged to hear that contact has been made with all owners.

Alderman Singleton

- He asked if there has been any discussion about sending press releases to the media regarding the two Miss Garner pageant queens competing in the Miss America pageant. Mr. Beasley said he has contacted some public relation firms and has learned the Miss North Carolina Association must approve any press releases. Alderman Singleton requested staff market this news locally.
- He said pot holes at Main Street and NC 50 have recently been patched, but still need some work.
- He reported the South Garner parking lots also need some work. Noting that the Town no longer uses "hot tar" due to the appearance, he felt this practice would lengthen the life of the parking lots. He said the smaller parking lot on the right near Poole Drive is in bad shape and needs patching mostly due to tree roots causing ridges.

Alderman Johns

- He reported that at the intersection of Parker and Montague Street is vacant, but there is an empty trash can in the ditch and the recycle container is damaged.
- He reported that at the intersection of Garner Road and Vandora Springs Road, the gate at the railroad crossing moves up and down when there is no train coming resulting in traffic delays.

- He reported an odor near Montague and Main Street in the morning only.
- He reported standing water on Main Street near the Lion's Club Building due to a clogged pipe.

Alderman Behringer

- She reported beer bottles and trash on the vacant lot at Avery Street and Garner Road. She asked if the property owner is responsible and if the Town has authority to ask them to clean the property.

Alderman Marshburn

- He commended Parks and Recreation on the Inaugural White Deer Run and Events on Saturday. He hopes it will become an annual event.

Mayor Williams

- He reported a deer stand has been constructed on the Town's property at Thompson Road Park.

Adjournment: 10:00

Motion: Kennedy
Vote: Unanimous

Respectfully Submitted,

Judy Bass