

Town Council  
June 29, 2009 – 6:00 P.M.  
Work Session Minutes

The Garner Town Council met in Work Session at 6:00 P.M. on Monday, June 29, 2009 in the Town Council Meeting Room.

**CALL MEETING TO ORDER**

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

**STAFF MEMBERS PRESENT:** Hardin Watkins, Town Manager; Rodney Dickerson, Assistant Town Manager; Bill Anderson, Town Attorney; Brad Bass, Planning Director; Frank Powell, Town Engineer; Paul Cox, Public Works Director; Lin Jones, Finance Director; Tony Beasley, Economic Development Director

**DISCUSSION**

**Wake County Public Schools Request for 2 Modular Units**

Presenter: Brad Bass, Planning Director

Attending: Cathy Williams, Principal at East Garner Magnet Middle School  
Chuck Dulaney, Wake County Public School System (WCPSS)

Background

Staff advised the Town Council at its May 19<sup>th</sup> meeting that staff received zoning compliance permits to place modular units at the East Garner Magnet Middle School and Garner Magnet High School. Staff suggested the permit request for East Garner Magnet Middle School be reviewed with Council at the June work session, since it involves the addition of two modular classroom buildings. The second zoning permit is for the placement of a modular cafeteria unit at Garner Magnet High School.

Summary/East Garner Magnet Middle School

The Wake County Public School System (WCPSS) submitted a zoning compliance permit for staff approval to place 2 modular classroom buildings at East Garner Magnet Middle that the additional modular classroom units will result in an increase in the student population.

Staff understands that 8 of the new classrooms will be used to assist in making additional capacity available to increase enrollment in the magnet program. The modular units are not expected to house magnet program students.

Staff was advised the other 8 modular classrooms are needed to serve the existing student population. According to WCPSS officials East Garner Magnet Middle School currently serves 1,116 students in a facility equipped to serve 945 students.

Staff has completed a preliminary assessment of this permit application. Staff has requested information to clarify the parking situation on campus and the submission of a watershed permit. Additionally, with the increase in student population associated with the request, staff has requested WCPSS to review traffic impacts on Jones Sausage Road with North Carolina Department of Transportation in terms of whether or not any road improvements are needed. Staff conducted an informal traffic survey during the school p.m. peak hour and observed some vehicles queuing in the left and right turning lanes on Jones Sausage Road at the school driveway. Queuing in the left and right turning lanes on Jones Sausage Road started at about 3 p.m. and cleared around 3:15 p.m. Staff did not observe any issues with through lane traffic movements on Jones Sausage Road during this time. Staff advised WCPSS that NCDOT review is required prior to Town permit approval. WCPSS representatives note they have a tight schedule to place the modular units at East Garner Magnet Middle School.

### Summary/Garner Magnet High School

According to WCPSS representatives proposed modular cafeteria unit will serve the 9<sup>th</sup> grade student population and thereby relieve capacity issues at the main cafeteria facility. According to WCPSS representatives all food will be prepared in the main cafeteria facility and then served in the modular cafeteria unit (no food prep in the modular unit). Staff has also been advised the modular cafeteria will accommodate the existing student population with no increase in staff or students.

#### Mr. Bass stated the following:

- Parking design for on campus parking is needed
- Watershed permit is needed
- More students will create an impact for more traffic on Jones Sausage Road
- Traffic survey was done in mid May by NCDOT with a possibility for more road improvements and NCDOT is reviewing results of the survey before staff can make a decision
- Once everything has been completed this will go to a staff level approval

Council Member Kennedy asked whether or not the cafeteria is suitable to handle the students.

Ms. Williams replied the modular will be used as a cafeteria only and it will serve the 9<sup>th</sup> grade student population only at the count of 100-150 students. They will be serving ½ of the grade level while the other ½ is at recreation time.

Council Member Singleton asked if there are bathrooms in this modular.

Ms. Williams stated that there are bathrooms in the modular.

Council Member Marshburn asked will NCDOT review the traffic survey quickly.

Mr. Bass replied that he hoped they would. He also said he would talk with the District Engineer regarding the traffic circulation programs.

Council Member Marshburn asked if this kind of modular at a high school is unique.

Mr. Bradley replied no, the modular will be moved from Wendell Middle School to the high school.

Ms. Williams spoke about the Magnet Program at East Garner Magnet Middle School. She stated that there are about 700 middle schools worldwide that are authorized to offer the IB middle school program. The goal of an IB school is to provide a relevant, rigorous and challenging academic curriculum based on the North Carolina Standard Course of Study intertwined with an educational philosophy that incorporates interdisciplinary instruction awareness, responsible global citizenship, effective communication, critical thinking skills and community service.

Council Member Kennedy asked what the test scores are like.

Ms. Williams replied the end of grade test scores continue to rise each year. This year they were an average gain of 13%.

Council Member Marshburn asked if any grants or awards have been presented to the school. Also, will this modular provide the teachers who travel inside the school to multiple classrooms help them have a home base?

Ms. Williams replied the school was the recipient of a Department of Education Magnet Grant which enabled them to purchase new technology, musical instruments and other classroom materials. The

school received the Magnet School of Excellence Award from Magnet Schools of America. Last year 14 of the teachers traveled which means they were in multiple classes throughout the day and did not have a base classroom of their own. Traveling for the teachers depends on the student growth, but the modular may give some teachers a home base.

Council Member Johns asked if there will be a third language offered at the school.

Ms. Williams replied it may be possible for a third language being Mandarin Chinese. She already has students that would like to sign up for this language. Spanish is clearly the second language that is asked for the most.

Council Member Behringer said that it would be great if the Mandarin Chinese is offered to the students.

Mayor Williams thanked Cathy Williams for all she does for the school and students especially in this time of economic downturn.

In summary, Chuck Dulaney of Wake County Public School System (WCPSS) stated they need approximately 8 additional classrooms to expand the ability to serve magnet applications. A strong magnet program at East Garner Magnet Middle School is a critical component of the long-term healthy utilization of the school.

Council Member Singleton asked if Bryan Road School will be a year round school.

Mr. Dulaney replied Bryan Road School will be determined on the growth patterns that predict whether the school will be year round or traditional.

Council Member Singleton stated that Rand Road is overcrowded at the main building and was turned into a year round school; now one track has been eliminated. There is caution on continuing the year round tracks, due to the possibility of redrawing the boundaries.

Council Member Kennedy asked about whether reassignment will happen with the increase at East Garner Magnet Middle School of 1300 students.

Mr. Dulaney replied East Garner will probably stay as is with the student population, and Bryan Road School will help decrease the student population.

Council Member Kennedy asked where the students have their athletic programs.

Ms. Williams replied the athletic programs are handled off campus at a variety of community parks.

Action: Council gave direction to move forward at a staff level approval.

### **Resolution Authorizing Short-Term Rental Lease of Town Property**

Presenter: Rodney Dickerson, Assistant Town Manager

#### History

ConAgra is currently using the Senior Center as a temporary base. ConAgra is meeting in the craft room of the Senior Center and also in the auditorium. Their HR Department is being run at these facilities as well as their businesses, with corporate offices in the interim.

Resolution (2009) 2015 authorizes a short-term lease of Town property. The resolution allows the Town Council to authorize the Town Manager or some other Town official to lease Town real property which the Town does not need for current purposes for a period not to exceed one year. This short-term basis is to assist in an emergency, for a period not to exceed 180 days. This resolution is also to encourage ConAgra to stay in Garner.

Mr. Watkins explained the status of the building. The north side seems to be okay and the plant manager has moved his office there. The north side plans are in place to get production started by August 1, 2009 with the making of Slim Jim sticks. The south side is the packaging side and is in really bad shape. The roof is hanging over in some spots. ConAgra wants to start production here and then ship the product to a few other locations for packaging. We want them to rebuild the plant and stay in Garner. It will cost them anywhere from \$55 to \$75 million dollars to rebuild. We want to be good neighbors and help where we can.

Council Member Marshburn asked if ConAgra uses the Pearl Street facility will they vacate the other facilities.

Mr. Watkins replied yes and ConAgra will use the auditorium only when they have a full staff meeting and on an as needed basis.

Mr. Dickerson stated that ConAgra moved out of the Senior Center building last week.

Council Member Kennedy stated that we should show them strength and grow our relationship with ConAgra. We can take care of the paperwork after the fact, priorities first!!

Council Member Johns said we are one big family here.

ACTION: Adoption of Resolution (2009) 2015 with the following changes:  
Second paragraph to read as follows: for a period not to exceed 180 days.

Motion: Singleton  
Second: Kathy  
Vote: Unanimous

### **Solid Waste Options**

Presenter: Rodney Dickerson, Assistant Town Manager

Mr. Dickerson presented information on All Star, Republic and Shaw for semi-automated garbage, recycling and yard waste collection and disposal. The information included responses to various questions pertaining to proposed service delivery in Garner. A spreadsheet contrasting bid prices and anticipated resources (labor and equipment) was also presented. The presentation concluded with a rating matrix completed by staff showing Shaw with the highest score.

Mr. Dickerson stated that the staff recommendation is Shaw Sanitation based on several factors including price.

The following is the criteria topics that were used for the Solid Waste Bid

- (A) PRICE
- (B) EXPERIENCE OF FIRM
- (C) RESOURCES
- (D) QUALIFICATIONS & EXPERIENCE OF STAFF

- (E) SAFETY COMPLIANCE
- (F) QUALITY & COMPLETENESS OF DESIRED SERVICE RESPONSE

The Town's Solid Waste Services Contract runs from October 1, 2009 until September 30, 2012.

Shaw Sanitation has been with the City of Raleigh for 12 years and received excellent reviews. Shaw is a family business and a lot of the customer base has come by word of mouth. Shaw has long term employees. Shaw offers semi-automatic style of garbage pick-ups which the Town Council prefers.

Council Member Marshburn thanked Mr. Dickerson. He asked if the decision matrix chart showed the high number being the best score. Mr. Dickerson answered in the affirmative.

Mr. Dickerson explained the categories per each company. He felt that all the companies could provide the services very well, but Shaw has the highest score in the decision matrix.

Mr. Watkins stated that it was truly difficult for staff to choose because there were 3 solid firms to pick from.

Council Member Kennedy commented that the companies must adjust to Garner's needs not Garner to adjust to their needs. There are 3 good firms, but the question is who will provide the best service for Garner and put Garner as their top priority.

Council Member Singleton mentioned that he talked with staff and the other Council Members regarding the information from all of the companies.

Council Member Marshburn stated that going by the decision matrix chart is very good. He liked the idea about going with a new company.

Council Member Singleton stated with All Star being a local company and a family run business, they already have three trucks in Town. The tangibles with All Star are that they live here and they work for the company.

Council Member Behringer said she is not convinced that we would get the best service from Shaw.

Council Member Johns stated the Town needs to think about the cost of the plan and try to save money with the service now. Shaw was the lowest bidder verses All Star, who was in the middle. He said the Town should consider the low bidder Shaw Sanitation.

- ACTION: Select All Star as Solid Waste Vendor
- Motion: Singleton
- Second: Kennedy
- Vote: 4 to 1 with Council Member Johns opposing

**Highway NC 50 Sewer Service**

Presenter: Frank Powell, Town Engineer

Memo written by Frank Powell

There has been some concern from several residents along NC 50 that the construction of Timber Drive may have an undesirable impact on their properties. The proposed construction of Timber Drive will involve some modifications to NC 50 in front of these properties which would involve some construction encroachments into the properties. The concern is that these construction encroachments may interfere

with the existing sewage drain fields on these properties. With the exception of the McLamb property these properties are not currently served by public sewer and there are no plans to install sewer in this area.

A detailed review of the proposed construction plans indicates that these construction encroachments should not affect the existing septic drain fields, assuming that the drain fields were properly installed when the houses were built in the late '60s. This information was shared with some of the residents along NC 50 at a Public Works Committee meeting in April of this year. During that meeting it was also stated that if the Town were to install sewer service to the area then the project would be done as an assessable project and the property owners would be responsible for paying for the construction. The property owners were advised to consider these issues and to respond back to the Town if they wanted to further explore the possibility of providing sewer service to this area. The residents were also advised to discuss this issue with their neighbors on New Rand Road as a potential project might also involve those residences.

The residents (including those on New Rand Road) have apparently considered these issues and still have an interest in pursuing sewer service to their area as evidenced by an email received from Mr. Glenn Barefoot, an area resident. Accordingly the Town may wish to consider undertaking an assessable project to provide sewer service to this area. It is noted that sewer service to the area has been discussed, by staff, with different area residents on several occasions in the past. However, this appears to be the first time that a majority of the group wishes to examine this issue in further detail.

In order to provide these residences with sewer the town would have to install a sewer system to serve these properties. There are two options to accomplish this.

**Option 1:** Bore a line under NC 50 from an existing manhole on the west side of NC 50 located between the Staunton Meadows Subdivision and the Garner Church of Christ. The line would then be run up NC 50 in front of these residences. This would provide sewer service for four lots (Mr. McLamb already has sewer and is not included in this number). A preliminary estimate indicates that this would cost in the neighborhood of around \$65,000

Based upon our current assessment policy, for Option 1 we could assess approximately \$31,000 of the project cost to the residents with the town paying the remaining \$34,000. This would result in an assessment cost of around \$7,700 per property owner, recognizing that the town would pick up the cost for Mr. McLamb's assessment since he already has sewer service.

**Option 2:** Make this same bore and then extend the sewer up to a location along the common back property lines of the lots facing NC 50 and the lots facing New Rand Road and then extending the line down those common back property lines. This scenario would provide sewer service to ten lots (deducting Mr. McLamb again). A preliminary estimate indicates that Option 2 could be accomplished for around \$75,000. It should be noted that during the Public Work Committee meeting it was mentioned by the area residents that there could possibly be a water well or two that was still in use that would be affected by the sewer construction as proposed by Option 2 (regulations require that water supply wells be located at least fifty feet from a sewer line). This possibility would not be verified or eliminated until design surveys were accomplished. If this is the case then there would be some added expense to connect those residences onto the existing waterline at NC 50.

If Option 2 is selected then we could possibly assess the entire project (except for Mr. McLamb's share). As such the assessment to each property owner (including the property owners on New Rand Road) would be about \$6,300. Once again, in this analysis Option 2 would appear to be the preferred option. Not only would Option 2 cost the Town less money in the long run, the cost to each property owner would be less (although more property owners would be affected).

The figures listed above provide for the assessment only and do not address tap-on fees. Based upon current rates (effective July 1, 2009), fees to connect to the system would be as follows:

Acreage fee	\$316
Nutrient fee	\$593
Plumbing permit	\$78 +/-

In addition each property owner would have to hire and pay for a plumber to physically connect the house to the sewer clean-out that would be installed as part of the project.

If the Town wishes to proceed with this project there will be certain formal steps that will have to be followed prior to beginning design and construction of the project.

Council Member Marshburn asked if we run a line down Hwy NC 50, is there any segment without sewer.

Mr. Powell replied no not in this area, but there are some on Hwy 70.

Council Member Kennedy stated that the Town is pushing for road work improvements on New Rand & Hwy NC 50, so by putting in the sewer system could this be a disadvantage. If we proceed with this strategy for the Town to ensure the Town makes the Raleigh water service connection and the Town should provide sewer system. Now is the time to do the construction for the sewer line and the time is right.

Council Member Kennedy requested to hear how the resident's will be affected by this.

Council Member Johns asked how many residents are in favor of this.

Mr. Powell stated that there are eleven properties but ten property owners. We received positive responses and no negative responses.

Council Member Johns stated that he agreed with Council Member Kennedy that now is the time for the sewer construction, because people are looking for work and there are some good deals at hand.

Mr. Barefoot at 1401 Benson Road explained that he sent out letters to all the residents involved and received eight responses out of ten. The residents that responded all said yes and would like the opportunity to hook onto sewer service.

Council Member Marshburn stated the addition of sewer service over time would possibly make these properties more valuable.

Council Member Singleton asked Mr. Barefoot if option 2 was chosen, would this be accepted by all of the properties.

Mr. Barefoot replied that option 2 would work.

Action: Update received and put on Consent Agenda for July 21, 2009

Motion: Kennedy

Second:S Singleton

Vote: Unanimous

## **Street Light Policy Update**

Presenter: Frank Powell, Town Engineer

The following memo from Frank Powell provides a background and staff report.

The policy covers several areas of consideration. It spells out our current design guidelines for a standard street lighting system in the Town of Garner. It then provides some design standards for alternate street lighting systems which try to ensure that the lighting levels of the alternate systems are relatively equal to our standard system. These design standards also incorporate recommendations from Progress Energy personnel based upon issues/problems that they have encountered in their past experiences with other street lighting systems.

The draft policy incorporates requirements to provide street lighting on existing NCDOT streets which abut a development project. Although this has somewhat been the practice on most recent projects, this will make that requirement official and will provide for consistency. It should be noted that NCDOT has their own street lighting standards that they require on their streets. These standards usually exceed the town standards.

The policy also establishes time frame benchmarks for when the street lighting system design should be established and when the system should be placed in operation. These time frames are consistent with past operating procedures but the policy officially spells out those time frames.

Lastly the policy addresses the cost sharing issues associated with alternate street lighting systems. Our current standard street lighting system provides for a good level of lighting at a comparatively reasonable cost. It is anticipated that any alternate system that meets our standard lighting levels will probably be more expensive, both to install and to operate. This draft policy requires the developer/Home Owners Association (HOA) to pay for the cost increases beyond our standard street lighting system. Currently the developer pays for the initial installation of the lighting system and this will not change. Through entering into an agreement between the developer/HOA and Progress Energy the developer/HOA will agree to pay all the monthly operating/rental costs charged by Progress Energy for a non-standard system. At the end of the year the developer/HOA can request that the Town reimburse the developer/HOA for the equivalent yearly operating/rental costs that our standard street lighting system would have been for that project. This arrangement ensures that the Town only pays for our standard street lighting system costs and also places the burden of monitoring the cost sharing aspect of alternate street lighting systems on the developer/HOA and not the Town.

This policy also requires the developer to escrow sufficient funds with the Town up front to cover the cost of converting the alternate street light system to the Town's standard system. There have been reports of several cases in other towns that allow for alternate systems where a developer installed an alternate street lighting system that had higher monthly operating/rental costs than that town's standard system. At some point after the developer had turned the HOA over to the homeowners the residents decided that they did not want to pay for the increased monthly costs and requested that the associated town pay for all the monthly operating/rental costs. If this were to happen then, with escrowed funds, the lights in the system could be removed/alterd/replaced to the Town's standard street lighting system without the Town incurring any expenses above and beyond what we pay for our typical street lighting systems throughout Town. The primary focus with this whole cost issue is to ensure that the Town does not incur any extra expenses as a result of allowing alternate street lighting systems in the Town of Garner.

I have forwarded this draft policy to several area developers to seek their input. As of the date of this memorandum I have heard back from only one developer. He was glad that the Town is considering allowing the flexibility of alternate street lighting systems but he felt that doing so should not place any

additional financial burden on the developer/HOA. His premise was that in most cases alternate street lighting systems would normally only be installed in higher end subdivisions/projects and the increased tax base from the more expensive houses/buildings should offset the additional monthly costs of the alternate system.

I have stated that the HOA will keep up with the paperwork for payments and then will notify the Town on cost due to pay for the Town's share. Put the burden on the HOA regarding special packages, etc. Allow alternate packages but the Town will not be responsible to pay for all the frills or difference. Ten years contract you can change out the system with no additional charge. Developer to escrow funds if the alternate package gets taken out. No cost to the Town.

1. Current designs were researched from the towns of Cary, Holly Springs and Morrisville
2. Standards (pole height, lighting levels) Town of Garner every 200 feet lighting levels are higher
3. NCDOT streets has a greater monthly rentals of costs (site plan approval process)
4. Timelines (design style, when will they go on...)
5. Alternate street light packages (more expenses, pole rental cost more)

Council Member Marshburn stated that this Street Lighting Policy looks good for residents and for the developers as well.

Action: Adoption of Street Light Policy  
Put to a vote on July 21<sup>st</sup> agenda

#### **Wake County Growth Task Force Report Update**

Presenter: Council Members Marshburn and Behringer

Council Member Behringer stated that local governments work together to maintain our relationships with other municipalities.

Council Member Marshburn stated the three points discussed at the meeting.

- (1) High quality educational system, living in a global society takes time and money
- (2) Mass Transit
- (3) Regional approach to things under (planning and outline areas)

Council Member Kennedy said he was glad that Council Members Behringer and Marshburn were able to attend these sessions.

Action: Update Received

#### **White Deer Park Project Construction Update**

Presenter: Tony Beasley, Economic Development Director

##### Construction Progress

- o East parking lot proof rolled and ready to start paving on 6/29/09
- o Wildflower garden installation underway as well as landscaping an east side
- o All site amenities have been constructed and are ready for installation
- o Selective clearing for trails on eastside underway
- o Sheetrock complete in restroom building
- o Site lighting complete on east side
- o All greenway trails prepped for paving to the west parking lot

- o Nature Center security system rough in complete
- o Wall framing at Nature Center complete

Current Issues:

- o FEMA Certification of Greenway Bridge
- o Greenway design complete and being priced
- o Aversboro Road widening issues have now been resolved and should begin
- o Greenway Flood Study Complete and will be completed as a separate project from the park

Council Member Singleton asked about the construction of the greenway.

Mr. Beasley replied the design for the greenway has been done, but the floodway has to go across a rise in the elevation. A FEMA flood study has to be done which will take 8 to 10 weeks. If the greenway cannot meet a no rise, a redesign is needed and a free standing bridge or at grade bridge might have to be done. FEMA has to approve all of the certifications which state there will not be flooding anywhere other than on our own property. FEMA processing cost is \$9600. An alternate design is being looked at as well as a suspension bridge. There is approximately 220 feet in length for the bridge.

Mr. Watkins stated that the span for the bridge needs support columns in the middle of the floodway before it causes water to back up. A restriction in the floodway will cause a rise in the water.

Mr. Beasley stated that no other property will be affected with flooding only the park. All of the permits, approvals and finish designs shall be ready soon. He also said that Tony Chalk Assistant Town Engineer has been invaluable with this project.

Mr. Watkins stated the trail on Aversboro Road goes down along Summers Walk, into the woods and back through the trail at edge of woods outer most loops. There is a small delay or snag right now.

Mr. Beasley stated that the design change might work within the already approved budget.

Council Member Kennedy asked if there is any isolated issue and if we can take separate bids, if we do not like what we get from the former design company.

Mr. Watkins replied that he was disappointed with OBS performance.

Council Member Singleton asked on Lake Benson Park to Buffaloe Road will there be any signs or markings for the crosswalks.

Mr. Beasley stated an approval from NCDOT is needed to add striping if necessary.

Council Member Singleton asked if there should be warning signs along the crosswalk. He suggested investigating this option.

Mr. Beasley replied in about four to six weeks from June 29<sup>th</sup> for Council to decide on another tour date. A possible date can be discussed at the July 21 meeting.

Action: Update received

**Economic Downturn Update**

Presenter: Hardin Watkins, Town Manager

Wachovia Economics Group Outlook: The June 10, 2009 issue of Wachovia's periodic outlook report predicts that the recession will end this summer. This view is in concurrence with a belief shared by the Credit Union National Association's economist.

Wachovia believes that 3<sup>rd</sup> Quarter GDP will be positive due largely to the inventory cycle. This inventory effect will overstate the extent of the improvement in the broader economy.

However, nonfarm employment is expected to continue declining into 2010 and the overall unemployment rate will not top out until mid-2010.

Improvements in car sales and general spending will likely be short-lived. Wachovia does not believe there is any proof of pent-up demand for consumer goods.

Viewpoints from Bill Hamel, Chief Economist, and Credit Union National Association: On June 15, 2009, Finance Director Lin Jones attended a seminar led by Mr. Hampel. Here are some of his more interesting points:

- Recession has worsened (since summer 2008)
- Remainder of world also involved
- Consumer confidence is as low as it has been since 1980 (improving in last month?)
- 6 million US jobs lost since December 2007 (4.4 million in last 7 months)
- Unemployment highest it has been since 1983 (9.4% in May, 10% by year-end)
- Frozen credit markets are thawing somewhat
- Wholesale changes are visible with financial institutions
- US Treasury and the Federal Government have utilized unprecedented interventions (Obama has proposed a consumer protection division)
- Real economy is in much better shape than the financial sector

NC Unemployment according to a WRAL news story, the state's unemployment rate peaked at 11.1% in May 2009. This is the highest rate in the past 30 years since this data has been collected.

Over 500,000 are unemployed in NC. Comparatively, only 5.9% were unemployed in May 2008.

4,000 public sector employees were cut during May 2009. Manufacturing sliced 3,800 persons in this same time period.

Sales Tax Report: Our latest monthly sales tax receipts total \$238,785 for April 2009. This is 43% less than the amount received for the same period of April 2008.

One of the primary reasons the April collections are lower involves the state's stopgap case flow measure employed earlier this year that involved delaying business and individual income tax refunds and sales tax refunds to governmental units and not for profit organizations. The after-effects of that policy decision have caused a ripple effect that negatively affected all municipalities in April 2009.

The year-to-date amount received is 6.9% or \$300,000 LESS than our FY 08-09 Budgeted amount.

The Town has projected a 10% decline in our projected sales tax revenues for the FY 09-10 Budget. This equates to a projected total of \$335,000 per month in collections. That is roughly \$53,000 less monthly when compared to the Town's revenue forecast for the current fiscal year (\$388,000).

Wake County Tax Bill Information: Wake County has been provided with the following that will appear on the next round of tax bills prepared by the County on our behalf:

Tax rate will be \$.49 and vehicle rate will be \$15.00. (Unchanged from FY 08-09)

Expenditure Breakdown is as follows:

Public Safety	39.95%
-Includes 5.5 cents for fire protection	
Public Works	25.07%
General Government	18.12%
Community Services	13.49%
Parks and Recreation	7.37%
Action: Update received	

Closed Session pursuant to NC.G.S. 143-318.11 (a) (3) to consult with Council on matters pending litigation: Oxford House v. Town of Garner

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

Town Council returned to open session

Motion: Johns  
Second: Marshburn  
Vote: Unanimous

Council Member Singleton asked about the update on ConAgra position.

Mr. Watkins replied their plan is in place to get the north side ready to make meat sticks. They have five different locations to send the meat sticks for packaging. ConAgra has set up contracts with small meat producers in order to get the packaging started. The FDA states that ConAgra has only five days after the meat sticks are out of the smoker to be packaged. There is only a 39 day supply of Slim Jims left when the explosion occurred. One of the problems is losing shelf space in the stores. Once you lose shelf space it is very difficult to get it back unless someone else pulls out.

One of the Town's worries is that ConAgra might take this plant off site, thinking it might not be so bad somewhere else. We want them to stay in Garner and not consider rebuilding the plant at another location.

Mayor Williams stated that the Town's emergency plan was in tack, in place and ran smoothly.

Mr. Watkins stated that in an emergency situation like this, the Town would do differently is to park vehicles on one side of the road instead of both sides.

Council Member Kennedy asked when doing the inspections at the buildings; the Town should always do the inspections to the letter of law and intent. The Town has spoken to the staff regarding who was writing the tickets at the time of the inspections. We need to keep everything intact.

Mr. Beasley replied the Town of Garner's Planning Department and Inspections Department worked with ConAgra, Raleigh Utilities and Progress Energy who all stepped up to the plate.

Mayor Williams stated collectively the Town wants ConAgra to rebuild and put people back to work. The question is can we help ConAgra to rebuild. Senator Richard Burr, Senator Kay Hagen and Congressman Bob Etheridge are helping to make sure they rebuild.

Mr. Watkins asked Town Council for some other ideas to try to win them over to stay and rebuild.

Council Member Kennedy requested staff to draft a letter to send from the Mayor to the top executives and their board members that we are here to help them.

Mr. Beasley stated that staff will continue to encourage ConAgra and help with inspections, plan review, permitting and any other items that might be needed.

ConAgra is already in Garner and we have reacted positively to their needs so they would want to stay here.

Mr. Watkins stated that we are not selling our citizens short, there is money to be paid by ConAgra with costs to Police Department, permit costs, etc.

Mayor Williams stated four hours after the explosion Governor Perdue called him and the CEO of ConAgra.

### **Board Reports**

Council Member Marshburn stated that Friday, 3<sup>rd</sup> of July for the celebration the Council Members need to be on the stage at 8:10 pm. It appears that we can get people in and out of there without problems.

Council Member Singleton read out loud the instructions about the 3<sup>rd</sup> of July for clarification.

Mr. Watkins said there will be a bus turn around and drop off at Buffalo Road and traffic will not be backed up. We have to remember that this is a public street.

Council Member Kennedy asked to have the procedure for the evaluation of the Town manager ready for the July 21, 2009 meeting.

Mayor Williams requested Sheila Cain to send all of the evaluation forms to Town Council before the July 7, 2009 meeting. Town Council will get together with the forms and pick one to use. When one form has been selected, Council Members will evaluate and come back with the results at the July 21, 2009 meeting.

Council Member Behringer said she received a call from a resident living at Eagle Ridge regarding parking violations.

Attorney Anderson stated that he has already talked with this resident early last week. Her complaint is with elected members of the Homeowners Association. She was concerned about restricted covenants and wants to tow cars that are illegally parked. The HOA Attorneys told her they cannot tow cars.

Council Member Johns stated that the bull dogs are loose again and asked if there is anything we can do. Staff said they will call Judi Lowry.

Council Member Kennedy said to call 856-7400 and report dangerous dog situations in Wake County.

Attorney Anderson stated that Raleigh has passed a law prohibiting dogs to be tethered for no more than 3 hours, adding that the City of Raleigh would rather dogs be keep inside fences.

**Adjournment: 11:08 pm**

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

Respectfully Submitted,

Catherine Reynolds  
Deputy Town Clerk