

**Town of Garner  
Town Council Minutes  
March 1, 2010**

The Garner Town Council met in regular session at 7:00 P.M. on Monday, March 1, 2010 in the Town Council Meeting Room

**COUNCIL MEMBERS PRESENT:** Mayor Williams, Mayor Pro-Tem Behringer, Council Members Kennedy, Johns, Marshburn and Singleton

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

**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Council Member Johns

**INVOCATION** – Council Member Johns

**PETITIONS AND COMMENTS** - None

Council Member Kennedy voiced about the empty audience and no reporters to be found. At 7:10 pm Paul Tambasco of the Garner Citizen News & Times arrived.

**ADOPTION OF AGENDA** – As Presented

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

**CONSENT**

**Resolution of Intent to Acquire Easements for the Construction of Sidewalks on Avery Street, Broughton Street and Powell Drive by Negotiated Purchase**

This Resolution gives authority to execute contracts, issue checks and close on the easements which have been negotiated for this sidewalk project.

Action: Adoption of Resolution No. (2010) 2044

**Resolution of Intent to Acquire Easements for the Construction of Sidewalks on Avery Street, Broughton Street and Powell Drive by Eminent Domain**

This Resolution gives authority to acquire property for this sidewalk project by condemnation if necessary.

Action: Adoption of Resolution No. (2010) 2045

**Resolution of Intent to Acquire Easements for the Construction of a Sewer line Extension on NC 50**

This Resolution gives authority to acquire property for this sewer line extension project by authorizing acquisition of required easements through negotiated purchase or condemnation if necessary.

Action: Adoption of Resolution No. (2010) 2046

**Agreement between the Town of Garner and Mulkey Engineers and Consultants to obtain FEMA approval for a greenway extension at White Deer Park**

This agreement for engineering services from Mulkey Engineers & Consultants to obtain a Federal Emergency Management Agency Conditional Letter of Map Revision and final Letter of Map Revision is required for the bridge crossing associated with the proposed White Deer Park greenway extension.

Action: Execution of Agreement with Mulkey Engineers & Consultants

**Resolution of Support for Evaluating and Revising the NCDOT Equity Formula**

This Resolution recognizes the Garner Mayor and Town Council's support of developing a new objective multi-modal project prioritization process to maximize mobility, safety and a sound infrastructure.

Action: Adoption of Resolution No. (2010) 2047

Motion: Kennedy  
Second: Johns  
Vote: Unanimous

**END OF CONSENT**

**PUBLIC HEARINGS**

Public Hearing on Ordinance Declaring Nuisance at 320 W. Garner Road  
Presenter: Bill Anderson, Town Attorney

The owner of the premises at 320 W. Garner Road has been given notice of a hearing at which the Town Council will be asked to declare that the conditions existing constitute a danger to the general health and safety of the public. This Ordinance requires the condition be abated, and the actual costs incurred by the Town in removing the public nuisance shall be charged to the owner of the property.

Mr. Anderson presented a letter to Council from the North Carolina Service by Randolph C. Harrison, Assistant County Ranger written on December 23, 2009. Mr. Harrison stated in the letter that the oak tree in question is dead. Ivy and grapevines are growing up it sides, covering the tree base. All limbs are completely rotten and bark is falling off.

The tree base is over 60% rotted with evidence of wood boring insects. It is only a matter of time before the entire tree complete disintegrates and falls. Mr. Harrison wrote he cannot predict exactly where the tree is going to fall; it is a matter of when it is going to fall.

All trees pose a certain amount of risk, as all trees are susceptible to wind throw, lightning strikes or other unforeseen hazards. He observed the tree for external indicators of decay, disease, and hazardous lean including degree and direction. Any trees that is tall enough or close enough to reach valued property, public access or high traffic areas poses serious risk. Therefore, because this tree is a safety hazard and he recommends it be removed.

Council Member Singleton said this issue of the dead tree was on the December 17, 2009 Law and Finance Committee agenda.

Action: Adoption of Ordinance No. (2010) 3575

Motion: Marshburn

Second: Singleton

Vote: Unanimous

## **OLD/NEW BUSINESS**

### **Request for Text Amendment to the Unified Development Ordinance**

Presenter: Brad Bass, Planning Director

Glenda Peele is requesting an amendment to the Unified Development Ordinance (UDO) to reclassify a dance studio from a personal services use to educational facility which would allow for expansion of a dance studio. Garner School of Arts located at 411 Coldwater Drive, Garner.

Action: Authorization of Public Hearing on April 5, 2010

Motion: Singleton

Second: Behringer

Vote: Unanimous

### **Ordinance Amending the Unified Development Ordinance Regarding Sign Regulations**

Presenter: Brad Bass, Planning Director

This request to amend the Unified Development Ordinance was made from a group of in-tenants in the Gateway Plaza Shopping Center about an additional freestanding monument sign. The Council held a public hearing regarding this application on February 1, 2010 and the Planning Commission recommended approval at their February meeting.

Action: Adoption of Ordinance No. (2010) 3576

Motion: Kennedy  
Second: Kathy  
Vote: Unanimous

### **Recommendation of Appointment to the Senior Center Advisory Committee**

Presenter: Human Resources Committee

The Human Resources Committee met on February 6 to review the applications enclosed. The Committee recommends appointment of Nancy McGrew to fill a position on the Senior Citizens Advisory Committee with a term expiration of June 30, 2010.

Action: Motion to make this appointment  
Nancy McGrew appointed to Senior Citizens Advisory Committee

Motion: Singleton  
Second: Johns  
Vote: Unanimous

### **Committee Reports - None**

Council Member Marshburn reported on the Wake County Sustainability Task Force saying he will have a report at a later date. The next meeting is March 18<sup>th</sup> at 6:00 PM.

### **Manager Reports**

1. Star Tracker  
Mr. Watkins stated Item 2010.010 regarding the dead tree on 320 West Garner Road has been handled, as a result to this meeting.
2. Study of Triangle Expressway Southeast Connector  
Mr. Bass presented a letter from Steven D. DeWitt, Chief Engineer from the North Carolina Turnpike Authority regarding the Triangle Expressway Southeast Connector, project in Wake and Johnston Counties.

The letter states NCDOT is moving forward with planning, environmental and engineering studies for the proposed Triangle Expressway Southeast Connector, also known as the Southern and Eastern Wake Expressway, project in Wake and Johnston Counties.

Construction of the Southeast Connector is currently scheduled to be completed in phases. Phase I is between NC 55 in Apex and Interstate 40 near the Johnston County line. Phase II continues the project at I-40 and ends at US64/US264 Bypass in Knightdale. The entire project is nearly 30 miles long.

At the February 17, 2010 meeting, the Authority provided an overview of the project, the proposed project study area and preliminary purpose and need for the project.

The Turnpike Authority expects to release a Draft Environmental Impact Statement (EIS) for the project in 2012. The Draft EIS likely will include a Recommended Alternative for the project. Following publication of the Draft EIS, the remaining project milestones are tentatively scheduled as follows:

Final Environmental Impact Statement	2013
Record of Decision	2013
Phase I Construction Begins <i>(Contingent upon availability of funds)</i>	2014
Phase II Corridor Protection	2014
Phase I of Southeast Connector Open to Traffic	2019

Mr. Watkins said the study line that is drawn on the Draft Study Area Boundary Map is headed back to Knightdale along a creek. Mr. Bass said this environmental issue will be looked at and a close eye kept on it. Mr. Watkins said he would like to see the roadway stay within Wake County.

Mayor Williams asked if the road would be a toll road. Mr. Bass replied that NCDOT said the road will not become a toll road until 2025 to 2030.

3. CDBG Public Facilities Projects for Wake County Five Year Action Plan

Mr. Bass presented a memo to Council on said subject. He stated it is time for the Town to submit infrastructure projects to Wake County for consideration to be placed in the County's next Five-Year CDBG Action Plan. The County must receive proposals from the municipalities participating in the CDBG Program by March 1, 2010. County staff will then evaluate each jurisdiction's proposal and rank them according to need and benefit. All projects must meet HUD eligibility guidelines.

GARNER CDBG PROJECT LIST (for submission to Wake County)

SIDEWALKS \*\*

1. Main Street Sidewalk

Construct approximately 1530 linear feet of sidewalk along the south side of Main Street from Pearl Street to Benson Road at the Fire Station. This sidewalk link would complete sidewalk improvements along Main Street and would provide a pedestrian connection between New Rand Road and Benson Road.

Estimated Costs: \$135,000

Issues: The fence at Garner Baseball will need to be relocated 5 to 8 feet back into the property. Several trees may need to be removed (notably at the Fire Station, Poole property at St. Mary's & Main Street and perhaps on the Rose property at 419 W. Main Street).

\*\* *A meeting will be conducted with affected property owners for all Sidewalk Projects that received Wake County CDBG funding when a work schedule is identified.*

2. Benson Road Sidewalk

Construct approximately 400 linear feet of sidewalk along the east side of Benson from Main Street to Garner Road. This sidewalk would provide a pedestrian connection between Garner Road and the businesses on Main Street.

Estimated Costs: \$100,000

Issues: The sidewalk extension will require encroachment agreements with NCCR and NCDOT. The railroad has seen a preliminary view of the project include curb/gutter, minor road widening drainage improvements and lighting.

3. New Rand Road Improvement (North)

Install curb and gutter and widen New Rand Road from US 70 to Main Street, install sidewalk on the east side of New Rand Road and install drainage improvements. These improvements represent a portion of the recommended enhancements featured in the draft Streetscape Plan currently under review by the Town of Garner.

Estimated Costs: \$725,000

Issues: Limited right-of-way will require acquisition of additional right-of-way and easements. Encroachments from NCDOT will be required as well. There will be impacts to residential properties on the west side of New Rand Road.

4. Drainage

The project involves replacing a 24 inch drainage pipe at the intersection of Meadowbrook and Cason Streets in Cloverdale Subdivision. The length of the pipe is approximately 150 feet. This project is located in an older neighborhood located in North Garner. Project cost is estimated to be \$60,000 and is identified on the Engineering Department's drainage project list. Currently the existing pipe is almost completely blocked up with tree roots and debris.

Estimated Costs: \$60,000

Issues: Some minor disruption two residences on the south side of Meadowbrook Drive would be anticipated.

Council Member Johns asked about the construction for the Benson Road sidewalks and if curb and gutter will be installed.

Mr. Bass replied yes, the curb and gutter along with the retaining wall will be addressed in the streetscape plan.

Council Member Kennedy said the New Rand Road Improvement project is a very good project to get done.

Mr. Bass said staff will keep Council in the loop along with the progress on these items.

Council Member Marshburn asked if something is approved is there a matching fund. Mr. Bass replied it is an 80%/20% ratio. The Town of Garner will pay 20% of the project. Mr. Bass said the New Rand Road Improvement project will be quite a challenge.

Mr. Watkins said Wake County receives funding of federal dollars and the County does not match these monies. When submitting the project to Wake County, the County policy states communities must match 20%. Mr. Bass said the County makes the final decision on what projects go through and scrutinizes these requests. Mr. Watkins suggested to Council to speak with their County Commissioners about these projects.

Mayor Williams said if the Town can get one out of four it will be a great success.

Council Member Singleton said the Main Street sidewalks needs to be finished and asked why the Town has not already done so. Mr. Bass replied it will take a 30 to 60 day window from Wake County to make a decision and then staff we report back to Council.

4. Sign Enforcement
5. Zoning Enforcement
6. Planning Commission Report

#### **Attorney Reports - None**

#### **Committee Reports**

#### **Council Reports**

##### Council Member Kennedy

- He reported the Planning Retreat was packed with two full days. The first day was hands on. The second day was a harder day with real challenges. He thanked staff for putting everything together and he felt it was a very good retreat.

- He inquired about the burned out house/apartment located on Timber Drive near the Walgreens. He felt the owners needed to be encouraged to make the repairs and eliminate the eyesore. He asked Mr. Watkins to inform Paul Ray about this item.
- He asked if the house located at 1300 Timber Drive could support 7 or 8 vehicles. He asked in this case is the rental policy being carried out and is this a Code Enforcement issue.
- He thanked staff for putting together the emergency number pocket cards.
- He said he talked with Mr. Ralph Smith regarding his military son returning from Iraq. He feels it would be good to recognize his son as a returning veteran.
- He asked about the Metts property and the clear cutting that is going on the site. Mayor Williams replied they are just clearing the lot to build.
- He stated the Planning retreat brought up a long list of items to work on such as capital needs, North Garner Plan having more specifics and creating a financial capacity. He suggested to Council to be thinking of ways and means for financial capacity through business practices, grants, and other various ways to create available cash. He would like Council to create a list for creative available cash to Mr. Watkins. Mr. Watkins will come back to Council with recommendation options to pursue for the March work session.

#### Council Member Singleton

- He reminded Council of the upcoming meetings for the Transportation Plan on March 3<sup>rd</sup> and the Library meeting on March 4<sup>th</sup>.
- He said the Planning retreat was excellent. He felt there needed to be more time spent on the Capital Improvement Plan. He thanked Mr. Dickerson for a great presentation.
- He said Council should recognize more of its citizens in Garner. He had several suggestions which were Anna Hudson for “Tarheel Traveler”, Ralph Smith’s military son and Richard Goodwin for operating Forest Hills Glam-O-Rama Cleaners for over 40+ years.

#### Council Member Johns

- He reported trash and rubbish in the ditch on Pearl Street.

## Mayor Pro Tem Behringer

- She reported trash and rubbish on Jones Sausage Road past East Garner Middle School at the Town Limits.
- She reported trash and rubbish on 4 vacant lots on East Garner Road.

## Council Member Marshburn

- He said the Planning retreat was well done and thanked staff for a very good retreat.
- He felt a thank you letter should be written to the Clayton Center. Mayor Williams stated he has already done so.
- He asked if Old Garner Road coming into Raleigh will be widened by TT&E. According to the site plan Mr. Bass replied, TT&E will complete its expansion by May of this year. The old TT&E structures will be demolished and perhaps another building will be constructed on that site along with the road widening improvements.
- He asked about how the City of Raleigh is doing with the waterline installation and where they are in the process. Mr. Watkins replied they are making water in the new plant and the line installation should be completed in May. He also said the original target date of completion was February.

## Mayor Williams

- He said the first and third Monday of the month is the Wake County Commissioners meetings. He said he attended the last meeting. Tony Beasley will be a standby for the March 15<sup>th</sup> meeting to talk about Economic Development. He said he will plan further meetings after this next one takes place.
- He announced the upcoming events:
  - March 2, Read Across American at 11:00 Rand Road School
  - March 3, Transportation Plan Workshop
  - March 4, Library meeting
  - March 10, NCLM Grassroots Event
  - March 11, Rail & the New Economy
  - March 13, EMS Banquet
  - March 18, Business After Hours at the Rand-Bryan House
  - April 30, Pancake Breakfast
  - May 6, Board Appreciation Dinner

There being no further business the meeting was adjourned.

**Adjournment            8:15 PM**

Motion:        Behringer  
Second:       Kennedy  
Vote:            Unanimous

Respectfully Submitted

Catherine Reynolds,  
Deputy Town Clerk