

**Town of Garner
Town Council Minutes
May 3, 2010**

The Garner Town Council met in regular session at 7:00 P.M. on Monday, May 3, 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 - Mayor Pro Tem Behringer

INVOCATION - Mayor Pro Tem Behringer (Gordon Duncan) Sovorqn King Church. Looking to move to: work with police, EMS and Hayes Place

PRESENTATION OF PROCLAMATIONS

- **YOUTH GANG AWARENESS AND PREVENTION MONTH**
Presented to Wake County Gang Prevention Partnership Coordinator,
Read by Council Member Kennedy

Deputy Chief Copeland said the Garner Police staff work with Wake County Partnership and are always looking for new and innovative ideas for gang prevention

- **NATIONAL PHYSICAL ACTIVITY PLAN LAUNCH**
Presented to Laura Aiken Director, Advocates for Health in Action Community Outreach, Wake Med Health & Hospitals, Read by Council Member Singleton

Ms. Aiken said on May 5 at NCSU, the Wake County Mayors will officially launch this plan with media event

- **BIKE TO WORK MONTH**

Presented to Kenneth Withrow, Capital Area Metropolitan Planning Organization, Read by Mayor Pro Tem Behringer

Mr. Withrow announced that on May 14 at Marbles Museum, a series of events are planned such as helmet fitting and a forum involving elected officials talking about bicycle a policy

RECOGNITION OF HOMEOWNERS ASSOCIATION

South Creek - Grant Davis, HOA President

PETITIONS AND COMMENTS

None

ADOPTION OF AGENDA: 1) Mr. Watkins added a request to adopt a resolution setting a public hearing on the annexation for Project F, 2) Council Member Singleton added a discussion regarding the Historic Garner Plan's recommendation for proposed Montague Street Improvements.

Motion: Marshburn
Second: Kennedy
Vote: Unanimous

CONSENT

Minutes from Closed Session on January 4, January 19, February 1, February 16 and March 3, 2010

Action: Minutes Approved

Resolution to Set Hearing on Annexations, ANX-10-02 and ANX-10-03

Sydney Collins, 5011 Old Stage Road, ANX-10-02 and George Jones, 5400 Jones Sausage Road have submitted annexation petitions related to the previous requests for utility connections. The petitions are sufficient under state law to proceed with the annexation process. This Resolution sets June 7, 2010 as the public hearing date on the annexation.

Action: Adoption of Resolution No. (2010) 2048

Ordinance Amending 2009 - 2010 Operating Budget

This Ordinance amends the budget by recognizing revenue received from Triangle J Council of Government to be used for the Garner Senior Center programming.

Action: Adoption of Ordinance No. (2010) 3581

Council Member Marshburn asked to remove item #2, Update to the Town of Garner Personnel Policy

Mayor Williams asked for a motion to approve the remaining consent items.

Motion: Johns
Second: Singleton
Vote: Unanimous

END OF CONSENT

Update to the Town of Garner Personnel Policy

This Reduction in Force (RIF) policy was discussed by the Council at their April 27 work session. The policy outlines the procedures for determining reductions, severance pay, transition assistance, reinstatement, RIF appeal and a severance pay agreement form. Council Member Marshburn asked a question referring to page 2, #2. Under this circumstance, an employee could be offered a reduced number of items, but less than 20. Mr. Watkins said at 19 hours or less, no benefits are offered.

Action: Policy Approved

Motion: Marshburn
Second: Johns
Vote: Unanimous

Installation of Roundabout at the Intersection of Buffaloe Road and Vandora Springs Road

Presenter: Brad Bass, Planning Director

This is an Agreement between the NC Department of Transportation and the Town of Garner regarding a cost share plan to construct a roundabout at the intersection of Vandora Springs and Buffaloe Roads. Under the Agreement the Town is responsible for posting its funding share of \$360,000 which includes cost and 20% contingency and is due to NCDOT in late 2010. Construction would be tentatively scheduled for the spring of 2011.

Action: Authorize Execution of Agreement

Motion: Kennedy
Second: Singleton
Vote: Unanimous

Unified Development Ordinance Amendment, UDO-10-02

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. The Planning Commission recommends approval.

Action: Adoption of Ordinance No. (2010) 3579

Motion: Marshburn
Second: Singleton
Vote: Unanimous

Ordinance Amending the Town Code Regarding Nuisance Abatement

Presenter: William Anderson, Town Attorney

This Ordinance amends Sec. 6-21 of the Town Code that will limit the duty of the Town to undertake grass cutting in certain defined circumstances which includes having no obligation to undertake nuisance abatement on vacant lots which are more than 200 feet from an existing house or business. The proposed ordinance also limits grass cutting to make it clear that it will not be undertaken in areas which are inaccessible (for example, a steep embankment) or for the cutting of living trees.

Action: Adoption of Ordinance NO. (2010) 3580

Motion: Marshburn
Second: Singleton
Vote: Unanimous

Resolution to Set Hearing on Annexation, ANX-10-01

Red Rock Greenfield, LLC has submitted an annexation petition for a tract of land at Greenfield Business Park. The petition is sufficient under state law to proceed with the annexation process. This Resolution sets May 25, 2010 as the public hearing date on the annexation.

Action: Adoption of Resolution No. (2010) 2049

Motion: Singleton
Second: Behringer
Vote: Unanimous

Discussion of Improvements to Montague Street as recommended by the Historic Downtown Garner Plan

The Plan proposes Montague Street to be 80 feet wide. Compared to the current width of 20 to 25 feet it appears this will cause serious encroachments into a number of yards. Council Member Singleton suggested when the time comes the Council carefully examine this matter.

Action: Council Will Revisit the Project Prior to Design

Committee Reports

Manager Reports

1. Star Tracker
2. Sign Enforcement November 2008-April 2010
3. Planning Enforcement April 2010
4. Safety Day will be held at Lake Benson on May 15.
5. He announced the next property of the month as follows:
Residential - 110 Johnson Street and Commercial - Hayes Chapel Christian Church has been awarded property of the month.
6. He read the following message from the City of Raleigh:

"On April 29th, 2010 at 9:30 am the City of Raleigh Public Utilities staff turned the valves, started the pumps and began to provide drinking water from the new D.E. Benton Water Treatment Plant to 450,000 utility customers. In this gradual start up to full production, over 2,950,000 gallons of drinking water flowed from this newest Public Utilities facility to the Town of Garner service area and beyond. This represents the culmination of over 10-years of planning, evaluation, permitting, design and construction to ultimately provide a second potable water treatment facility with a capability to producing up to 20 million gallons per day of safe, clean, drinking water for our customer base. The source of water for this treatment facility is the Swift Creek Lake system of Lakes Benson and Wheeler. First constructed in the 1950's to supply water for the City and used until 1987 as a water source for the now closed E.B. Bain Water Treatment Plant, this lake system has a water supply storage capacity of 2.1 billion gallons and can reliably supply 11.2 million gallons per day over a 50-year reoccurrence interval.

Constructed at a cost of \$97.5 million, the plant can supply the Town of Garner Service through a separate 24-inch water line and provide water directly to the City of Raleigh through a 48-inch, 8-mile waterline that itself involved the efforts of three separate construction contractors at a cost of \$23 million.

The plant is staffed by 18-full time Public Utilities employees and at the peak of construction engaged 250 skilled craftsmen and professionals through 1,209 days of construction. Named for long-time City Manager Dempsey Benton, an official grand opening and dedication will occur on May 12th, 2010 at 11:00 AM."

Attorney Reports: None

Council Reports: None

Council Member Kennedy

- He requested the Town explore the feasibility of installing signage on Timber Drive and US 70 announcing approaching streets. This request is for signage only; no flashing lights.
- He reported some unsightly conditions at 1205 Stapleton Drive and 801 New Rand Road.
- He asked the Engineering staff to look at the patching on New Rand Road to make sure repairs are being done properly by the contractors. Council Member Johns asked if the patching will be done on all places where lines were installed.

Council Member Johns

- He said at the last meeting he reported that at the house located on New Rand Road going south, the first house on the left just passed Sheldon Place voiced a complaint that a rocks are being thrown in his yard and driveway with equipment used by the construction company working in the area; this makes it difficult for him to cut his grass.

Mayor Pro Tem Behringer

- She reported attending a session at the School of Government on Manager Evaluations and Board Assessment, stating this was an excellent workshop with excellent materials. She requested the Manager's evaluation be delayed until after the budget adoption, maybe in July.

Council Member Marshburn

- He asked Mr. Bass if the current enforcement of signs has resulted in reduction of violations. Mr. Bass said he has not analyzed any statistics, but the Planning Staff is working on a brochure and other ways of outreach to the general public.
- He asked the status of the Farmers Market proposed in Downtown Garner. Ms. Howell reported that Mr. Hodges said this may not happen until 2011.
- He asked that a copy of the retreat report be made final and adopted by the Council.
- He commended Mr. Buie for the Community Newsletter on the School Acres Initiative.

Budget Work Session

Town staff presented the first draft of the proposed FY 10-11 Budget. This is the first of three scheduled work sessions on the Town's FY 2010-2011 Budget which is scheduled for adoption on June 22, 2010.

Adjournment: 10:15

Motion: Kennedy
Vote: Unanimous