

**Town of Garner
Town Council
May 4, 2009**

The Garner Town Council met in regular session at 7:00 P.M. on Monday, May 4, 2009 in the Town Council Meeting Room

COUNCIL MEMBERS PRESENT: 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; Lin Jones, Finance Director; Frank Powell, Town Engineer; Tony Beasley, Economic Development Director

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE: Council Member Behringer

INVOCATION: Rev. Randy Maynard, St. Andrews Methodist Church

Recognition of Garner Schools' Teachers of the Year, Assistant Teachers of the Year, First Year Teachers of the Year and National Board Certification Recipients

Presenting these certificates were: Mayor Williams, Neal Padgett and Amy White, Chamber of Commerce; Gail Hines and Marjorie Barefoot, Garner Education Foundation; Lloyd Gardner, Wake County Public Schools Area Superintendent; Horace Tart, Wake County Board of Education

Proclamations:

Gang Prevention: Youth Gang Awareness/Prevention Month
Read by Mayor ProTem Kennedy and presented to Sheneka Williams, Wake County Human Services

Ms. Williams thanked the Council for their support and said it is important to bring in as many partners as we can. She said that Wake County is partnering with schools and faith based organizations.
Mr. Tim Montgomery said he represents Wake County Chief Court counsel. Wake County is doing a lot of forward thinking toward gang prevention. Mr. Montgomery said there is not one simple solution, partnership is comprehensive and they are attacking in comprehensive way.

National Prayer Day: A Day of Prayer in Garner
Read by Council Member Marshburn and presented to Randy Maynard, St. Andrews Methodist Church

PETITIONS AND COMMENTS: None

ADOPTION OF AGENDA: As Presented

Motion: Johns
Second: Singleton
Vote: Unanimous

CONSENT

Minutes from the April 21, 2009 Meeting

Action: Approved Minutes

Set Public Hearing for Unified Development Ordinance Amendments

Staff is requesting a Public Hearing to be set for June 1, 2009 to receive questions and comments regarding the following amendments to the Unified Development Ordinance (UDO): 1) Amendment Regarding Permit Time Extension, 2) change the Board of Aldermen to the Town Council throughout the UDO and 3) an amendment that would formally require new landscape areas along Garner Road to use curb and gutter edging.

Action: Public Hearing set for June 1, 2009

Motion: Behringer

Second: Singleton

Vote: Unanimous

End of Consent

Public Hearing on General Use Rezoning Petition, Z-09-01, 1506 and 1508 Mechanical Boulevard

Jimmy Massengill, Sr. and Maryie Hayes and Vernell Boyd are petitioning to rezone a 1.029 acre tract of land from Residential-20 to Service Business (SB). The property is located at 1506 and 1508 Mechanical Boulevard.

Mayor Williams opened the public hearing and asked Mr. Bass to present the staff report.

Mr. Bass reported the existing zoning district is Residential 20 which allows single-family lots of at least 20,000 square feet (.45 acres). The rezoning site is developed at two single-family lots and no other lots could be subdivided. The proposed zoning district for the site is Service Business which was established to accommodate commercial activities that are more intense in nature than those permitted in the Neighborhood Commercial (NC) or Community Retail (CR) districts. The SB general use district also allows for the storage of merchandise or equipment and allows operations to be conducted outside of a building.

The property owners at both 1506 and 1508 Mechanical Boulevard are petitioning to change their zoning designation from R-20 to SB general use. The proposed use of the property is unknown. Staff is not aware of any specific plans to develop the site. This is not a conditional use application so no conditions are proposed and no site plan has been submitted. The SB district allows a wide-range of permissible uses. All allowable uses must be considered when evaluating this request. This area of the community is located in the vicinity of Mechanical Boulevard and Dynamic Drive with the dominate zoning in this area being SB, I-1, and I-2. This area is largely developed with heavy commercial and industrial warehouse uses in metal buildings. There are a few pockets of residential uses in this area zoned R-20 and R-15.

The site has approximately 170 feet of road frontage on Mechanical Boulevard. Mechanical Boulevard (SR 2538) is classified as a Minor Thoroughfare on the Town of Garner's Transportation Plan and is maintained by NC DOT.

Due to the size of the rezoning site, staff does not anticipate significant traffic generation as a result of this rezoning. Road improvements (left turn lane, road widening etc.) will be evaluated as part of the site plan review for any project proposed for the property. The requested zoning change from R-20 to SB is consistent with the recommendations of the *Comprehensive Growth Plan* and with the prevailing zoning and land use pattern of this area of the community.

Ms. Maryie Hayes, 1506 Mechanical Boulevard, said she and her sister have agreed to commercial zoning in the area.

Hearing no requests for additional comments, Mayor Williams closed the hearing.

Action: Refer to Planning Commission

Old/New Business

Resolution Supporting the Wake County Ten Year Solid Waste Plan, July 1, 2009 - June 30, 2019

N.C. General Statute 130A-309-A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a Ten Year Comprehensive Solid Waste Management Plan. The purpose of the plan is to protect public health, provide for improved solid waste management, better utilize natural resources, control the cost of solid waste management and make a good faith effort to achieve the State's 40% municipal waste reduction goal. In addition, each unit of local government shall develop its solid waste management plan with public participation. The Town of Garner was represented in the planning process to develop this plan through the Wake County Solid Waste Advisory Committee.

Mr. John Boyer gave a Power Point presentation highlighting the Purpose of the Plan, Planning Process, Plan Approval Process, Major Program Elements Addressed by the Plan and Accomplishments Since the Last Update. Mr. Boyers noted that Garner is making accomplishments toward the intent of the plan. Mr. Dickerson said Garner recently has re-bid the garbage and recyclable collection contract and is considering new and automated methods; proposing larger recycling containers; composting and mulching; evaluating the use of town crews to collect yard waste; providing more education to the public about waste reduction, illegal disposal and littering. He noted the Town has a bi-annual litter sweep.

Mayor Williams asked if the Town has begun an education program. Mr. Dickerson said once the Town determines how we will proceed with the new project, we can then begin a new education programs.

Action: Adopted Resolution No. (2009) 2012

Motion: Behringer

Second: Johns

Vote: Unanimous

Request for Street Closure for 2009 Main Street Music on Main Concerts

Garner Revitalization Association (GRA) requests the closing of the portion of Main Street from Purvis Street to Rand Mill Road for the Music on Main - Downtown Garner After Work Concert Series on Wednesday, May 13, 2009; Thursday, June 11, 2009; Thursday, July 9, 2009; Thursday, August 13, 2009; Thursday, September 10, 2009 from 5:00 PM to 9:30 PM. GRA requests alcohol consumption to be allowed within authorized area with sales conducted by GRA and/or approved non-profit partners. GRA also requests that parking be allowed in no-parking zones along Main Street and Garner Road. Notices of the street closures will be given to all Main Street businesses.

Council Member Singleton asked if the residents are being notified of all the dates at one time. Mr. Hodges said they are and added that he is also working with Garner Baseball.

Action: Approved Request as Presented

Motion: Marshburn

Second: Behringer

Vote: 4-1

Council Members Behringer, Kennedy, Marshburn and Singleton - Yes.
Council Member Johns - No. He said he does not oppose the concerts, but opposes alcohol on the street.

Committee Reports

Public Works Committee

Mayor ProTem Kennedy reported the Public Works Committee met on April 28 to discuss the following:

1. NC 50 Sewer Connection Request. NCDOT requested additional right-of-way from four property owners on NC 50. The Town Engineer did a thorough presentation of the options. The property owners appreciated the information session and wanted more time to consider options presented.

2. Stop Sign Lake Drive and Hilltop. A citizen requested additional stop signs which were approved and installed. A neighbor opposed the change. The Town Engineer felt that the additional signs made a safer intersection but offered another option with one stop sign and other preventative measures. The Committee requested the issue be presented to the Town Council.

Manager Reports

1. Star Tracker

Mayor ProTem Kennedy noted the recent update from Joey Hopkins, NCDOT on the traffic signal change requested for Vandora Springs Road and Timber Drive.

2. Presented FY 2009-2010 Proposed Budget Document was delivered to the Council on May 1, 2009.

Council Member Reports

Council Member Marshburn

- He said that Lake Benson Park is an excellent place for the Relay for Life Event.
- He said there is a nice diversity of programs at the Historic Auditorium. He attended the Raleigh Flute Concert which was a great program. He said there are some nice programs scheduled and we need to take advantage.
- He said he would like to see the newsletter available to more people, particular those without computers.

Mayor ProTem Kennedy: No Report

Council Member Behringer:

- She reported 104, 106 and 202 W. Garner Road has tall grass

- The manhole needs to be lowered near the driveway into the Garner Woman's Club on US 70.
- She said the Garber Chamber Expo was a successful event.
- She asked the status of the letter to Sec. Conti of the N.C. Department of Transportation regarding Timber Drive extension and other improvements.

Council Member Singleton:

- He reported potholes on 7th Avenue past Forest Hills Apartments
- He reported a nice article in the Triangle East magazine about Garner Area Ministries.

Council Member Johns:

- The railroad crossing signal at Vandora Springs Road and Garner Road continues to move up and down randomly.

Mayor Ronnie Williams:

- He reminded every one of Town Hall Day on May 6.
- He opened a discussion on how to have the teacher's reception in the future and suggested a separate event at the Historic Auditorium. Mayor ProTem Kennedy said the Garner High School may be an appropriate place. Council Member Singleton said having it at Town Hall during a meeting assures publicity as was seen tonight.

Attorney Reports

Closed Session Pursuant to N.C. General Statutes Section 143-318.11 (a)(3) to confer with counsel regarding a matter in litigation, Edge of Auburn v. Town of Garner, 07-CVS-02036.

Motion: Kennedy
 Second: Behringer
 Vote: Unanimous

Return to Regular Session

Adjournment: 9:30
 Motion: Kennedy
 Vote: Unanimous

Respectfully Submitted,

Judy Bass