

**Town of Garner  
Town Council Minutes  
July 20, 2010**

The Garner Town Council met in regular session at 7:00 P.M. on Tuesday, July 20, 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:** Rodney Dickerson, Assistant Town Manager; Bill Anderson, Town Attorney; Brad Bass, Planning Director; Reginald Buie, Neighborhood Improvement Manager; John Hodges, Garner Revitalization Association Executive Director; Christopher Clayton, Administrative Sergeant/PIO and Eric Copeland, Deputy Chief

**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Council Member Singleton

**INVOCATION** – Council Member Singleton

**RESIDENTIAL AND COMMERCIAL YARDS OF THE MONTH**

Jonathan Adams  
John D. Adams & Company, CPA's, PLLC  
1266 Benson Road

Mr. & Mrs. William Sharpless  
217 Creekchannel Court

**PETITIONS AND COMMENTS - NONE**

**ADOPTION OF AGENDA**

Mayor Pro-Tem Behringer added an item to Old/New Business to discuss West Garner Road trash and debris.

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

**CONSENT**

**Minutes from June 28 and July 6, 2010**

Action: Minutes Approved

**Wake County Tax Report, May 2010**

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$1,359.99 for taxes from 2004 to 2008. These actions occurred in the period from May 1, 2010 to May 30, 2010 and are presented for approval.

Action: Tax Releases Approved

**Resolution to Establish 2011 Employee Holiday Schedule**

This Resolution sets forth Town of Garner Employee holidays for 2011.

Action: Adoption of Resolution No. (2010) 2059

Motion: Singleton  
Second: Johns  
Vote: Unanimous

**Ordinance to Prohibit Combustible Landscaping Materials**

Presenter: Rodney Dickerson, Assistant Town Manager

This Ordinance amends Section 6-17 of the Town Code related to Health and Sanitation Generally by prohibiting pine straw or certain other combustible landscaping materials to be placed, kept, or stored within ten feet of buildings with combustible exterior construction. At the Town Council meeting on July 6, the decision was tabled until clarification could be presented on a possible grace period.

Mr. George Rucker, Dixie Construction said he was satisfied with the Ordinance with the addition of the grace period.

Cheryl Houseman representing Triangle Apartment Association thanked Council for listening to her concerns about timing in crafting an Ordinance to prohibit Combustible Landscaping Materials.

Action: Adoption of Ordinance No. (2010) 3589

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

**END OF CONSENT**

**PUBLIC HEARINGS**

**Ordinance Ordering Demolition of an Unsafe Structure Located at 901 Timber Drive**

Presenter: Bill Anderson, Town Attorney

The duplex residence located at 901 Timber Drive, was substantially damaged by fire in February, 2009 and has not been repaired or secured by the owner. The Town of Garner Building Inspector has followed all statutory requirements in order to have the building demolished.

Mayor Williams opened the public hearing and asked for questions or comments. Hearing none, Mayor Williams closed the public hearing.

Action: Adoption of Ordinance No. (2010) 3588

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

**Ordinance to Extend Corporate Limits by Annexation of 405 Penny Street**

Presenter: Brad Bass, Planning Director

Curtis and Meredith Tant, 405 Penny Street, ANX-10-04 has submitted a petition for annexation. The legal requirements to proceed with this annexation have been met. If adopted, the Ordinance authorizes the annexation to be effective July 31, 2010.

Mayor Williams opened the public hearing and asked for questions or comments. Hearing none, Mayor Williams closed the public hearing.

Action: Adoption of Ordinance No. (2010) 3590

Motion: Behringer

Second: Singleton

Vote: Unanimous

**Ordinance to Extend Corporate Limits by Annexation of 505 Woodland Road**

Presenter: Brad Bass, Planning Director

Keith and Nancy Lada, 505 Woodland Road, ANX-10-05 has submitted a petition for annexation. The legal requirements to proceed with this annexation have been met. If adopted, the Ordinance authorizes the annexation to be effective July 31, 2010.

Mayor Williams opened the public hearing and asked for questions or comments. Hearing none, Mayor Williams closed the public hearing.

Action: Adoption of Ordinance No. (2010) 3591

Motion: Singleton

Second: Kennedy

Vote: Unanimous

**Old/New Business**

**Discussion Regarding Tethering of Animals**

Presenter: Christopher Clayton, Administrative Sergeant/PIO

A request was presented to the Town to adopt an ordinance prohibiting tethering of animals. This matter was referred to the Law and Finance Committee where discussions were held on whether or not to prohibit tethering of animals, specifically dogs. The members of the Law and Finance Committee felt this subject matter should be presented to the entire Council for evaluation.

However, Chris Clayton stated that the Police Department believes the existing ordinance is adequate to address the issues associated with tethering. Chris Clayton said he believes Council should consider minimum pen sizes for animals if incorporating an anti-tethering ordinance.

Mayor Williams asked if there was anyone that would like to speak on this item.

Diane Frieda, 111 Sleeper Car Lane, Garner – Concerned citizen request

Ms. Frieda said the ban on tethering animals would help decrease the calls to the Animal Control Officer. It takes someone to notice the problem and report it.

With the assistance of her husband, they would volunteer to help the Animal Control Officer on those reports. Dogs cannot reach their food and water if they are wrapped around a tree. If the animals were not tethered in the first place this would not happen.

Jay Shapiro, 1301 Cane Creek Drive, Garner - Volunteer for Coalition to Unchain Dogs Program

Mr. Shapiro helps the Coalition build the pens and fences. It is gratifying to release a dog from a tether. People are thankful for this service because they are unable to afford the pen or fence on their own. It will be positive for Garner's appearance not having to see the tethering of animals.

Hailey Queen, 400 Hillstone Drive, Raleigh - Coalition to Unchain Dogs Program

She feels there is no downside to the tethering law. The restriction or ban on tethering is so very helpful to an animal. The Coalition controls the fences and the fences can be relocated. The requirement for assistance from the Coalition is the dog has to be spayed or neutered. The average cost to build a pen 10x10 is \$250. The cost to build a bigger pen 25x25 is \$300-\$400.

Mayor Pro Tem Behringer and Council Member Singleton said they would like to see the anti-tethering Ordinance move forward. Once staff has drafted the Ordinance it will then go back to Law & Finance committee for review.

Council Member Marshburn said once the Ordinance is passed, there should be a timeframe for the owners on when the Ordinance takes effect. He suggested a one year timeframe with a six month warning period.

Council Member Kennedy said the Ordinance needs to be easy to understand.

Action: Staff to draft Ordinance for the Law & Finance Committee to review in August  
Once Law & Finance has reviewed, recommendation will be made to Council to set  
Public Hearing

### **Discussion on Federal Tiger II Discretionary Grant Pursuant to American Recovery Act of 2009 for Highway Projects**

Presenters: Brad Bass, Planning Director and John Hodges, Executive Director Garner Revitalization Association (GRA)

Brad Bass, Planning Director presented a memo to Council on the Federal Tiger II Discretionary Grants. Mr. Bass gave details on the transportation planning grant candidate. The project to be submitted is for US70/White Oak/Jones Sausage Road Improvements. Pre-application deadline is July 26, 2010 and the grant application deadline is August 23, 2010.

John Hodges, Executive Director Garner Revitalization Association spoke about the grant for designing improvements recommended in Historic Downtown Garner Plan. Mr. Hodges stated that under the Tiger II Planning Grant a request for funding to support the preparation and design of construction documents for the following areas is suggested:

- Montague Street to Main Street (US70 intersection and road widening)
- Purvis Street to Main Street (US70 intersection and road widening)
- Connector Street between Montague and Purvis Streets
- New Rand Road (US70 to Garner Road)
- Improvements to the Benson/Road Intersection

- Sidewalks along Main Street connecting to Benson Road
- Street Lighting along the US70 corridor (NC50 to I-40)
- Streetscape improvements along the 2 block commercial district to Main Street

Mr. Bass asked Council what direction they want to take.

Action: Apply for pre-application; back to Council in August with grant contract details

### **Discussion on West Garner Road with Continuing Trash & Debris Problems**

Presenter: Mayor Pro-Tem Behringer

Mayor Pro-Tem Behringer discussed a list of continuing trash and debris problems occurring on Garner Road.

1. 202 W. Garner Road, tall grass
2. 300 W. Garner Road, dead tree stumps with portions on the ground
3. Two vacant lots beside Cofield Alley with trash
4. 310 W. Garner Road, trash, tall grass
5. Lot adjacent to 310 W. Garner Rd, trash
6. 316 W. Garner Road, bottles, trash, cardboard
7. Lot adjacent to 316 W. Garner Road, trash, tire, for sale signs
8. Lot at east Corner of Center Street/W. Garner Road, trash, tall grass
9. Center Street/W. Garner Road, trash at stop sign
10. 400 W. Garner Road/Cedar Street
11. Town property, Avery Street/W. Garner Road, broken glass on sidewalk, trash, beer bottles
12. Trash/cans next to the curb in 400 block of W. Garner Road

Ms. Behringer asked for ideas on how the Town can manage these issues and keep the area clean. She said maybe the Neighborhood Improvement Manager could speak with the owners about the constant trash and debris.

Action: Mr. Dickerson and Mr. Ray to follow up on these issues  
Council suggested this area be added to the South of Main Initiative

### **Manager Reports**

1. Star Tracker
2. Building Permit Activity
3. Personnel Report for June
4. Planning Commission Summary

Mr. Dickerson said the draft Transportation Plan and the Downtown Streetscape Master Plan was reviewed and recommended for approval by the Planning Commission. At the July 27, 2010 work session the draft Transportation Plan and the Downtown Streetscape Master Plan will be presented to Council for their review.

### **Committee Reports**

Council Member Singleton and Mayor Pro-Tem Behringer will schedule a Law & Finance meeting in August to discuss the tethering Ordinance draft.

## Attorney Reports

Attorney Anderson asked for a closed session 143-138.11 (a)(3) pending litigation, named Angela Horton, et al v. Jacobs Engineering Group, Inc. et al.

## Council Reports

Mayor Pro-Tem Behringer

- She attended the Garner Educational Foundation Funding meeting. At the meeting there was a discussion on having some fund raisers to increase their money situation. One of the suggestions for the fund raiser was a possible Garner Idol competition.
- She attended a Triangle Community Coalition Luncheon and Learn Program on July 15, 2010 and the discussion was about transportation issues.
- She attended a TTA meeting with Brad Bass, Planning Director on Thursday night. At the meeting there was a discussion on bringing a light rail leg to Garner and also push the commuter rail.
- She was very glad to see the Vandora Springs Road bridge is being worked on.

Council Member Singleton

- He talked about the School Acres sidewalk regarding the water meter issues. Mr. Bass said the Town still does not have an explanation on this issue yet and we are concerned. Mr. Bass said a final punch list still needs to be done and then he will report back to Council.

Council Member Kennedy

- He asked Ms. Behringer about the evaluation forms for the Town Manager. Ms. Behringer asked the Council Members to forward comments to her and she will compile prior to the evaluation in August.
- He said the Tiger Grants need a well crafted letter to be done and sent to Congressman Etheridge and both of our Senators as well.
- He asked what happened to the other grant that the Town applied for in the amount of 1.2 million dollars. Mr. Hodges replied we were not selected for that one. Mr. Hodges said he will forward the email message to Council with regard to why we did not obtain the grant.
- He asked who was responsible for the notification signs for share the road application from Garner. Mr. Bass said Jim Bell organized this. Mr. Kennedy said we should acknowledge him for all his work.

Council Member Marshburn

- He said there is a kick-off at the Chamber for Meals on Wheels one day project on this Thursday at 8:30 am.

Mayor asked for a ten minute recess

**Closed session 143-138.11 (a)(3) pending litigation, named Angela Horton, et al v. Jacobs Engineering Group, Inc. et al.**

- 901 Timber Drive demolition of an unsafe structure
- Bainbridge Assessments Update
- Sandler at Olde Stage, LLC (Eagle Ridge) Unpaid nuisance abatement mowing bill

Motion: Kennedy  
Second: Johns  
Vote: Unanimous

The Council returned to Regular Session

**Adjournment: 9:26 PM**

Motion: Kennedy  
Second: Singleton  
Vote: Unanimous

Respectfully Submitted

Catherine Reynolds, Deputy Town Clerk