

**Town of Garner
Board of Aldermen
October 6, 2008**

The Garner Board of Aldermen met in regular session at 7:30 PM on Monday, October 6, 2008 in the Town Hall Board Room.

CALL MEETING TO ORDER

ATTENDING: Mayor Williams, Mayor ProTem Kennedy, Alderman Singleton, Alderman Johns, Alderman Behringer and Alderman Marshburn

Staff Attending: Brad Bass, Planning Director; Rodney Dickerson, Assistant Town Manager; Jenny Saldi, Senior Planner; Jennifer Collins, Urban Design Specialist; Lin Jones, Finance Director

PLEDGE OF ALLEGIANCE: Matthew Stepps and Taylor Blanton, Troop 392, Garner Presbyterian Church

INVOCATION: Gary Allred, Holland Methodist Church. After the invocation, Rev. Allred invited everyone to attend on November 7.

ANNOUNCEMENTS: Mayor Williams welcomed Scout Troop 331, who is present and working on badges. Alderman Johns welcomed Rev. Charles Brooks and his son who are here to observe the meeting.

PETITIONS AND COMMENTS

Edward Hunt, 1624 Hall Boulevard, asked the Board to consider allowing golf carts for use within the Town. He reported that the Town of Cary and the Town of Benson allow the carts with certain regulations. He said the carts can be made safe with flashing lights and color. With the gas crises and high prices, it would be in the Town's best interest to give this consideration.

ADOPTION OF AGENDA

Motion: Johns
Second: Marshburn
Vote: Unanimous

REQUEST BY MR. SCOTT HONEYCUTT, TOWNE PLAYERS OF GARNER

Mr. Honeycutt said he is here in the capacity of a member of Towne Players of Garner who is celebrating its 10th anniversary. The seasonal members and public are invited to attend the anniversary event. The Towne Players requests permission to serve champagne at the back stage gala. Only patrons of legal drinking age will be served by trained legal server.

Action: Waive ordinance to allow champagne to be served from 6:00 PM until the event concludes

Motion: Singleton
Second: Behringer
Vote: 4-1

Mr. Honeycutt added that the first year of season tickets sales was 32, most recently we have sold 1,000. Performances start this Friday night.

CONSENT

Minutes from September 2 and September 16, 2008 Meetings

Action: Approve Minutes

Resolution to Set Public Hearing on Annexation Petitions, Quest Fellowship Church, Breezeway South Phase I, Charles and Joyce Caudle,

The petitions from Quest Fellowship Church, 5120 Raynor Road, Breezeway South, Phase I, and Charles and Joyce Caudle, 7895 White Oak Road are sufficient under state law to proceed with the annexation process. Resolution No. (2008) 1991 sets November 3, 2008 as the public hearing date on the annexations.

Action: Adopt Resolution No. (2008) 1991

Amendment to the Town of Garner Floodplain Map

The Timber Drive East Project will cross the designated FEMA floodplain associated with Mahlers Creek. No manmade obstruction is allowed within a FEMA designated floodway without a floodway map revision. The proposed structures crossing Mahlers Creek are dual concrete bridges each 368 feet in length. Authorization from the Board of Aldermen attesting support of the Timber Drive East Project is needed to forward to NCDOT in order to formally start this process. In addition, the Town will notify affected property owners advising them of this matter. At the September Worksession, the Board directed staff to move forward with this request.

Action: Submit Forms to Attest Garner's Support for Floodplain Map Revision Associated with the Timber Drive East Project U-4703

Motion: Kennedy
Second: Singleton
Vote: Unanimous

Public Hearing on the Garner Road Overlay District Amendment

The purpose of this hearing is to formally consider amending the UDO text and the Official Zoning Map to create a zoning overlay district for Garner Road. This district is being established to help improve

conditions related to signage, landscaping, parking areas and limit outside storage in order to support opportunities for new business locations and promote a commitment to quality community appearance.

Mr. Bass reported the residents within 150 feet of the boundary line have been notified.

Mayor Williams opened the public hearing.

Charles Evans, 1113 Northview Street said he owns property at 2032 Garner Road. The first letter he received stated landscaping timbers could be used, now you are requiring curb and gutter. He said he can not afford to do curb and gutter. Also, he has a tractor trailer that will not be able to get through the required dumpster screen.

Mr. Bass said initially landscape timbers were proposed to act as a perimeter. During review, it was felt the addition of curb and gutter would be a more appropriate treatment. We will meet with each individual property owner to find a way to continue use of their property and find a way to meet the standards. Mr. Evans said he has been through this before with his property on Rush Street which cost him \$7,000.

Mayor Williams asked about grants that will assist the property owner. Mr. Bass said the dumpster screening is voluntary. Any required curb and gutter and landscaping can qualify for a grant.

Alderman Singleton said the Town will pay 75% of the cost if done by December 2009, noting the Board is trying to assist property owners. Mr. Evans said he has many medical problems and cannot afford to do this.

Mr. John Hodges, representing Garner Revitalization Association (GRA) reiterated the Board's support of an overlay district. He said this is a very important development tool for the North Garner area. He said if there is any way GRA can help, they are prepared to do that.

Hearing no additional comments, Mayor Williams closed the hearing.

Action: Refer to the Planning Commission

Resolution Regarding Transfer of Garner Franchise

On June 12, 2008, Time Warner, Inc. and Time Warner Cable submitted a request to the Town of Garner for approval of a transfer of the local cable franchise. A Resolution recommending approval or denial will be presented at the meeting.

Catharine Rice, representing Action Audits, said they have reached an agreement with Time Warner who is going through change of control and ownership, referred to as a spin-off. The Town has a responsibility to make sure transaction is in order. Ms. Rice said they have been working with Time Warner to set up a PEG channel (11). The Town does not have fiber optic cable; therefore Time Warner has agreed to provide that and to keep channel 11 on the basic service tier. Ms. Rice noted there has been a lot of good faith effort from Time Warner.

Alderman Marshburn asked if there is a way in the future to avoid forcing an issue to get what reasonably should be done.

Ms. Andi Curtis, representing Time Warner said this is not standard operating procedure. Time Warner prefers to sit down with the Town to work these things out. She said she wished the question of the access channel and cable could have happened before the spin-off came up.

Action: Adopt of Resolution (2008) 1990 Approving Spin-Off

Motion: Marshburn

Second: Kennedy

Vote: Unanimous

Alderman Singleton thanked Ms. Curtis and Action Audits for their work on this matter.

Request for Support from Novant Healthcare

Novant Health is proposing to build a new 46 bed community hospital with inpatient and ICU beds, operating rooms, an emergency department and diagnostic services in Holly Springs to provide easier and more convenient access to healthcare for southern Wake County communities. Novant is requesting support from other municipalities in Wake County for this facility.

Jody Morris, said he lives in Raleigh and represents Novant Healthcare as the Vice President for Market Growth and Development. He explained that Novant Health is a not for profit healthcare system serving North and South Carolina with several outpatient care centers. The vision is to provide remarkable patient experiences in every situation, every time. This hospital proposes to change the future of healthcare in southern Wake County with this 24 hour emergency department with surgical, maternity, imaging, CT, mobile MRI, mammography, lab pharmacy outpatient services and respiratory therapy. He said he does not feel people should have to travel far for healthcare needs. He said this facility will have an economic development impact in southern Wake County. Mr. Morris said he considers Garner to be an important part of this success and needs Garner's support to compel the State to put beds in Wake County. He said this is the only system committed to bring comprehensive solution to southern Wake County.

Alderman Johns asked why not locate in Garner. Mr. Morris said representatives from Holly Springs approached Novant to put a facility there.

Alderman Marshburn said obviously there are several players. He said Garner is interested in healthcare facility and asked how this will benefit us if there are other healthcare facilities interested in coming to Garner. He said he does not want to support this if it will be detrimental to Garner getting a facility.

Mr. Morris said this is an opportunity for 300 jobs in the area. He said the State issues a Certificate of Need for 46 beds. Other systems are applying for those beds; Rex Healthcare is applying for beds at the north Raleigh campus. The State will likely choose one applicant which is why it is important to have support of municipalities.

Alderman Kennedy said this is for 2008 and said others could be approved in 2009. Mr. Morris said there is no guarantee, this information will be released at the beginning of each year.

Alderman Marshburn said he prefers not to vote on this resolution this evening; however does not want to suggest he is opposed to what Holly Springs wants to do.

Alderman Kennedy said he did not feel a decision supporting this request is in the Town's best interest at this time.

Mr. Morris said October 20, a public hearing on this matter will be held at the Lighthouse Convention Center. A decision on this matter will be made in 90 days.

Action: No Action Taken

Ordinance Amending the Timber Drive Overlay District

A request asking the Board consider an amendment to the Timber Drive Overlay District sign requirements was received from Mr. Jim Bell of ARCADIS representing Kotis Properties. This amendment will allow signage for a site located on the southwest quadrant of the intersection of US 70 and Timber Drive to be governed by the US 70/401 Overlay sign requirements instead of the Timber Drive standards. The impact of the change would be to allow those properties that qualify to have larger freestanding signs.

Action: Adopt Ordinance No. (2008) 3529

Motion: Singleton
Second: Behringer
Vote: Unanimous

Contract between the Town of Garner and the Louis Berger Group for the Town's Transportation Plan Update

This contract is for consulting services with the Louis Berger Group to assist the Town with the update to the Garner Transportation Plan. The project has two components; one is an update of the 1999 Transportation Plan and the second is the development of a Master Streetscape Plan for Garner Road and Main Street. At the September Worksession, the Board directed staff to move forward with this project

Action: Authorize Execution of Contract

Motion: Johns

Second: Kennedy
Vote: Unanimous

Extension of the Town's Solid Waste Contract and Fee Increase

The Town of Garner solid waste contract with Republic Waste Services ended on September 30, 2008. Republic is proposing a one year extension that would include a \$0.50 increase in the household rate for garbage collection only to cover increased fuel costs in addition to the normal Consumer Price Index increase effective October 1 for all solid waste services. Staff recommends that we extend the contract with Republic Waste Services under the current specifications until September 30, 2009.

Joe Dehner introduced Tracey Nester who has been with Republic three months. Mr. Dehner thanked the Board for the opportunity to speak regarding leaf collection and he admitted they were not prepared last year. This year they have doubled the equipment and understand better the organizational needs. He looks forward to the challenge of making it work. Ms. Nester said she is not new to working with municipalities. She also served on the City of Hickory Downtown Development Association. She offered her services on the RFP process when the Town goes out for bids.

Alderman Singleton said leaf season is very important and last year was dreadful. Leaf collection is only a six week process. He asked them to remember this is a year long contract of recycling and solid waste, adding that the Town has discussed increasing the recycling program.

Action: Authorize Execution of the Contract

Motion: Kennedy
Second: Johns
Vote: Unanimous

Ordinance Amending Town of Garner 2008 - 2009 Operating Budget for Solid Waste Fees

This Ordinance amendment provides the additional funding needed for solid waste collection based on negotiated contract effective October 1, 2008 (\$32,000)

Action: Adopt Ordinance No. (2008) 3530

Motion: Kennedy
Second: Singleton
Vote: Unanimous

Interlocal Agreement between Wake County and the Town of Garner for Fire/EMS Station #4

The Town of Garner and Wake County have been in discussions concerning the addition of a new Fire/EMS station to be located in southeastern Wake County. The proposed Fire/EMS station would be located within the Town of Garner on Spaceway Court off Raynor Road. This location will provide improved service in the Garner town limits; especially in the high growth and industrial areas. The Town and the County have agreed to a cost sharing model and financing plan for the construction of the station.

This was approved unanimously by the Wake County Commissioners and the Fire Commission. Mr. Dickerson presented an illustration of the site plan. Mr. Dickerson said a rezoning will be required to allow this use and at some point in time, a joint use agreement will be required.

Mr. Watkins said this facility is scheduled to open in 2010. There will be time to engage some conversation with a facilitator, the Fire Department, EMS, Wake County and the Town. This will take a while and involve lots of people; a true community issue.

Action: Authorize Execution of Agreement

Motion: Marshburn

Second: Kennedy

Vote: Unanimous

COMMITTEE REPORTS

Alderman Behringer said the Wake Education Partnership meeting was enlightening. Hopefully, a positive item, Horace Tart and Ann McLaurin were also in attendance. They listened and participated in discussion. One of the issues discussed was to apply more resources in Garner in addition to looking at school assignment.

Alderman Singleton said he is hearing from parents that the need is for a new high school; he understands that due to crowding situations, some students begin lunch at 10:15.

Mr. Watkins said he heard that the WCPSS has flipped their plan and plans to construct a middle school first. The Planning Director expects they may present a site plan in November, adding there has been no pre-application or concept plan.

Alderman Kennedy said it would be worthwhile to send a signal, that we don't feel it necessary right now for a new middle school in Garner.

Discussion of golf carts under petitions and comments.

The Board agreed to refer this matter to Committee and involve the Police Chief. Mr. Watkins said this can be sent to Committee in 60 to 90 days.

MANAGER REPORTS

1. Star Tracker. Mr. Watkins reported that the Greenbrier Traffic Calming report will be given at the October 21, 2008 meeting.
2. Planning Commission Summary.
3. Personnel Report.
4. Mr. Watkins reported the Town will receive a plaque in recognition of the Green Challenge from the NC League of Municipalities at the conference next week.
5. Mr. Watkins said he reported receiving 96 applications for the Parks and Recreation Manager position. He has narrowed it down to eleven applicants. Those eleven applications will be narrowed down to eight which will be participating in an assessment. The assessment center will be at the Historic Auditorium with twelve assessors. He said we should have someone on board by mid December.

BOARD REPORTS

- Alderman Behringer

Asked the status of Digszit, the junk yard on Garner Road. Mr. Anderson said the matter will come up for court hearing on October 16. He will know something a few days after that.

- Mayor ProTem Kennedy

He reported a recent inspection of one of the buildings on Raynor Road that had recently been inspected by the Town's Fire Marshal. He was told that he must bring his storage material down to a height of twelve feet. His concern was regarding what was originally approved. Mr. Watkins explained that Melvin Whitehead is the fire marshal and his role is to inspect each business every three years. Mr. Dickerson said based on his knowledge of the code this is a legitimate matter, but he will check into it.

Regarding the Garner Road Overlay District, he suggested staff look at placing a cap on the costs to the property improvements before we consider adoption of an incentive plan.

Adjournment: 10:45

Motion: Kennedy
Second: Johns
Vote: Unanimous