

**Town of Garner
Town Council Minutes
November 2, 2009**

The Garner Town Council met in regular session at 7:00 P.M. on Monday, November 2, 2009 in the Town Council Meeting Room

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE - Council Member Behringer
INVOCATION - Council Member Behringer

**Recognition of Mr. John Wall, North Garner Magnet Middle School
Wake County 2009 Principal of the Year**

Update Regarding Triangle Tomorrow and the Reality Action Committee

Presenter: Pam Wall and Smeades York

PETITIONS AND COMMENTS

Ewa Maletz, 621 Springview Trail, Garner. She thanked the Council for allowing her to speak. Ms. Maletz said she works as a psychologist and has lived in Garner Townes for ten years. She said she raised sons as a single parent. She said she decided to come speak about something that needs to be done for citizens in Garner. She said she feels neglected by the community. She said there has been a dog issue for ten years at 619 Springview Trail. She said they formerly had a husky that was abused, so she would call the Police for help. The dogs they have now are a nuisance night and day. Judi Lowery has brought them food. Ms. Maletz said there are rules to prevent abuse. She reported an incident that occurred two years ago where a car drove into the side of her home going 45 MPH. The police said it was only an accident; there were five people in the car under the age of 18. The police did not check anyone for drug use. She said the police received a statement from someone that saw the accident. She said the neighbor has two huge dogs that bark all day and all night. She calls the police because she can't function. She read the nuisance ordinance to the Council, emphasizing the part related to enjoyment of private property. Ms. Maletz said the two dogs are for breeding; they are only allowed to be outside.

Ms. Maletz said she cannot afford to move, she searched this area very carefully for a home until she found this one. It is in close proximity to where she works in Raleigh. She said she and her family are well educated. She said she has been called bad names. She asked the Council to consider asking what is going on with the nuisance dogs; this lady is allowed to have business in her townhouse. Second, this accident, was it an accident. Why did the driver not get punished? We ask police to help us all the time because they are living in fear.

Mayor ProTem Kennedy said if she is being threatened by the dogs, the Wake County Animal Shelter can help her with that. Ms. Maletz said they jump on the fence, they are mostly a nuisance.

Mayor ProTem Kennedy asked if there is any restrictive covenant for the townhomes.

Council Member Behringer asked what responsibility the land lord has if someone is making life difficult. Ms. Behringer referred to a similar incident that occurred where a pit bull was menacing the neighborhood. Maybe we have some precedent to look at this situation.

Mr. Watkins said she talked with the Clerk last week and the Assistant Manager today. The Animal Control Officer has been there and is familiar with the situation. He said he will talk to the Acting Police Chief and will report his findings to the Council next week.

Council Member Marshburn said when these needs arise, can we allow staff to handle such situations.

Ms. Maletz said people are parking in the townhomes parking lot and selling drugs; she does not think this is a good environment being located close to a school.

Tommy Simms, All Star Waste Services, said he wanted to give the Council a quick update. Mr. Sims said they began the Town's garbage and recycling pick up on October 1. This has been a smooth transition for them and he hopes it has been for the Town. There have been a couple of missed homes, partially due to varying the pickup times. He said they have developed a good relationship with Ms. Huff and Ms. Baker in the Public Works Department. They have been able to respond to problems immediately and document via an e-mail time stamp. He commended the Council on their decision to have larger containers. The recycling participation was 41%; from what he sees participation has increased to 80-90% every week. Currently, compared to 2008, recyclable materials have increased to 67% and garbage is down 15% per household. Mr. Sims said leaf season began today, noting that they have picked up leaves the past ten days for training. Hopefully, that will go well.

Council Member Behringer said she hears that people are pleased with increased items that can be recycled.

ADOPTION OF AGENDA: As Presented

CONSENT

1. Minutes from October 5 and October 22, 2009

Action: Minutes Approved

END OF CONSENT

PUBLIC HEARING

1. Conditional Use Permit, Auto Zone, CUP-SP-09-13

Matt Lowder, Triangle Site Design, PLLC is requesting conditional use site plan approval for the Auto Zone, to be located on a 1.5 acre site north of Management Way on US Highway 70 East. The applicant proposes a one story building constructed of red brick. The site can be accessed by an existing shared drive off US 70; no direct access is proposed. On October 12, 2009 the Planning Commission unanimously recommended approval subject to standard permit conditions; no site specific conditions are needed.

Action: Application Complete; Permit Approved with no conditions

Committee Reports

Council Member Marshburn said he is still meeting with the ConAgra United Way Committee. The Committee will meet again in December.

Council Member Johns asked Mr. Beasley if he has heard anything from the ConAgra Corporate office regarding possible relocation. Mr.

Beasley said that representatives may come to the November 17 Council meeting to discuss Economic Development.

Manager Reports

1. Star Tracker. Mr. Watkins said there are 15 items open; all but two items have had action or updates since 10/7. He thanked Cathy Reynolds and the Department Heads for their diligence in keeping this program updated.

He highlighted one item regarding the New Rand Road paving, stating that Mr. Bass and Mr. Powell met with Mr. Bowman with NCDOT on 10/16. The advertising for the resurfacing project will begin in January and work should start next spring or summer. The project will include overlay with patching and will slightly increase the road width.

2. Update on NC 50 Sewer Extension

We have received an email from NCDOT stating they are not going to be installing any sewer lines along NC 50 as a part of the upcoming Timber Drive Project. Mr. Powell has talked with Mr. Brady Wells, the attorney representing Mr. Barefoot noting his efforts are focused on the negotiations with NCDOT concerning the compensation Mr. Barefoot would receive as a result of NCDOT acquiring easements from Mr. Barefoot. In light of this information it would appear that the issue regarding NCDOT and Mr. Barefoot is separate and apart from the Town's decision of whether or not to proceed with the NC 50 Sewer Project. As such I am not aware of any new facts or findings that would come from a Public Works Committee meeting and it may be more appropriate to bring this back to the full Council for final action. The Council agreed and this matter will be placed on the November 17, 2009 agenda to continue the public hearing. The property owners affected by this decision will be notified.

3. Planning Commission Summary, October 12, 2009
4. Sign Enforcement Report
5. Mr. Watkins announced an informational meeting on November 16 from 5:30 to 7:30 PM regarding the CDGB sidewalk project in the Avery Street/Broughton Street area of North Garner. Presentations will be made at 6:00 and 7:00 P.M.

Attorney Reports - NONE

Council Reports

Council Member Marshburn

- He thanked the Town staff for all of the hard work related to the White Deer Park opening. He asked if both parks will officially open at 5:00 A.M. Mr. Watkins said they will both be open at that time.
- He said he enjoyed attending the League Conference and congratulated Mayor Williams on his appointment to an at-large seat on the League of Municipalities Board of Directors.
- He reported that Bonica Creek Drive in the Rosemoor subdivision has roads that are narrower than some; he understood that since it is narrow, no parking would be allowed on the street. Mr.

Powell said he did not get that impression during plan review. Mr. Bass said the streets are narrow because of their location in the Lake Benson Conservation District to provide water quality protection. Council Member Marshburn said we need to look at what we can do to discourage parking on street.

Council Member Behringer

- She also attended the White Deer Park Opening and said it was well attended considering the weather.
- She announced attending the Garner Educational Foundation fundraising breakfast at O'Charleys on Saturday. Over \$2600 was raised.
- She asked about the progress of Mr. Buie's work with the Forest Landing subdivision. Mr. Beasley said Mr. Buie will be at the November 17 meeting with a complete report.
- Regarding Ms. Maletz who spoke under Petitions and Comments tonight, Council Member Behringer she said she has witnessed situations where people in rental property can be intimidated and she would like to see what we can do to eliminate this problem. Ms. Behringer said Ms. Maletz has strong feelings about needing some protection. If people are being abusive and driving a car in her house, we need to protect her. Mr. Watkins said he will give a report on this matter at the next meeting.

Council Member Johns

- He commended staff on the White Deer Park Grand opening.
- He reported a pile of trash (yard waste) behind Ms. Stevens's house at Oak Circle.
- He reported a tree leaning over the power line on Poplar Avenue.

Council Member Singleton

- He also thanked staff for their hard work arranging the White Deer Park opening. It was a wonderful event and he hears all positive things; News 14 provided coverage. He said this is a good project and an investment in the community.

Mayor ProTem Kennedy

- He also said that the White Deer Park event went well. He commended the Council that had the foresight to make this investment.
- He reported seeing the designs for the Veterans Memorial competition. There was a lot of good thought that went into these designs. This will be good for economic development; a memorial in addition to all of the parks will look good.
- He wished Council Members Singleton and Behringer well at the election tomorrow; they have campaigned hard and consistent.

Mayor Williams

- He wished the candidates the best in tomorrow's election.
- He asked when the Law and Finance Committee will meet. He is getting calls about the number of rescue dogs allowed per household.

Adjournment 9:00