

**Town of Garner  
Town Council Minutes  
August 18, 2009**

The Garner Town Council met in regular session at 7:00 P.M. on Tuesday, August 18, 2009 in the Town Council Meeting Room

**COUNCIL MEMBERS PRESENT:** Mayor Williams, Mayor ProTem Kennedy, Council Members Behringer, Johns, Marshburn and Singleton

**STAFF MEMBERS PRESENT:** Hardin Watkins, Town Manager; Rodney Dickerson, Assistant Town Manager; Bill Anderson, Town Attorney; Frank Powell, Town Engineer; Lin Jones, Finance Director; Tony Beasley, Economic Development Director and Michelle Howell, Public Information Officer

**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** - Troop 392 First Presbyterian Church Scout Leader Keith Comstock along with Lynn Comstock, Daryl Flynn, Melissa Miley and three scouts.

**INVOCATION** - Council Member Johns

**PETITIONS AND COMMENTS**

Ms. Wanda Nicholson, 516 Winterlochen Road in Greenbrier Subdivision. Ms. Nicholson formally thanked the Council for the newly paved roads in Greenbrier. She said we are very excited on how smooth the roads are to ride and to walk on. It is a real blessing to us. She also mentioned the installation of the speed humps, which cut down on the speeding. She said there still are a few minor issues of pavement failure and the Town is working with the contractor to take care of it, hopefully before the cold season comes in. She mentioned a couple of things she saw recently that could have been handled differently, but not from the Town perspective. On three different occasions she saw a quote from the (new owners or their representatives with the new cinema) stating (News & Observer) "Garner is a Blue Collar kind of Town so every dollar counts". She feels this quote is very condescending and wrote a letter to the News & Observer saying so. She hopes new businesses will see that Garner offers a lot and has many professionals located here. She feels the Town of Garner needs to reach out to the real estate agents to take a new look at how they could be a part of the solution with the housing market.

**ADOPTION OF AGENDA**

Addition to agenda per Bill Anderson, Town Attorney

Agenda Item G-2 OLD/NEW BUSINESS  
Additional Timber Drive Extension Driveway Changes

Action: Adoption of Agenda with changes

Motion: Behringer  
Second: Johns  
Vote: Unanimous

**CONSENT**

**Minutes from June 29, July 21, July 28, 2009**

Action: Minutes Approved

**Wake County Tax Report, July, 2009**

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$5,935.05 for taxes from 2004 to 2008. These actions occurred in the period from June 1, 2009 to June 30, 2009 and are presented for approval.

Action: Tax Releases Approved

**Resolution to Investigate Annexation for 700 Waterfield Ridge Place**

The United Methodist Conference has submitted a petition for annexation. The property consists of 14.59 acres and is located at 700 Waterfield Ridge Road. This Resolution authorizes investigation of the sufficiency of this petition.

Action: Adoption of Resolution No. (2009) 2022

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

**END OF CONSENT**

**OLD/NEW BUSINESS**

**Resolution of Intent to Extend the Sewer System to NC 50 and New Rand Road Adopting the NC 50 Sewer Assessment Project**

This is a Resolution of Intent directing a project that extends sewer services to residents on NC 50 and New Rand Road and sets a public hearing for September 22. The project consists of the installation of approximately 970 linear feet of wastewater collection pipe and associated appurtenances. Staff proposes 100% of the cost of this project be assessed to property owners for a cost of approximately \$6,300 per lot.

Action: Adoption of Resolution No. (2009) 2023

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

Council Member Marshburn asked what the time frame is for payment. Is it after the project has been built?

Attorney Anderson replied the people are told the payment is due in 60 days with the optional payments paid out in 8 equal installments. The town has 10 year timetable to pay it accord to the North Carolina Statue of Limitation.

Lin Jones said the Finance Department can go beyond what the law requires. The Finance Department can do a monthly payment plan for the residents.

**Additional Timber Drive Extension Driveway Changes**

A request for Town funding of \$144,000 to be paid to NCDOT for additional driveway turnouts along Timber Drive as requested by Core Properties and Sherman

Yeargan. The total amount is to be repaid by the developer at completion of construction.

Action: Approval of payment in the amount of \$144,000 to North Carolina Department of Transportation.

Mr. Watkins recapped by stating Staff recommends the Town to pay the amount of \$144,000. Action for further progress with the Town's primary goal is the completion of Timber Drive Extension and a critical path to stay on this current schedule with NCDOT. A request was made by Sherman Yeargan and Core Properties they will repay the \$144,000 upon issuance of occupancy for the property along Timber Drive or in ten (10) years, whichever comes first. Sherman Yeargan and Core Properties have indicated they presently do not have adequate funds at this time to pay for the improvements. The danger of not paying for the improvements at this time is the driveway turnouts will not be built or it will be more expense at the time of development.

Council Member Johns asked what happens if we turn this down for payment.

Mr. Watkins replied the driveway turn outs will not be constructed by North Carolina Department of Transportation.

Council Member Marshburn asked if this is an interest free loan.

Mr. Watkins replied yes, no interest will be incurred.

ProTem Kennedy asked about the repayment plan if someone else buys the property, then what happens.

Mr. Watkins replied the agreement is not in a final document as yet, so we can put this as part of the agreement.

Council Member Singleton asked if we accept the contract in May, when will the Town receive the invoice.

Council Member Behringer asked if Council votes no, whose responsibility is it to develop?

Mr. Watkins replied whoever buys the property.

Action: Town Council agrees to use Town funding for this request for the amount of \$144,000 cost estimate provided by NCDOT staff.

Motion: Singleton  
Second: Marshburn  
Vote: Unanimous

**Committee Reports**

None

**Council Reports**

**Council Member Marshburn**

- The next ConAgra meeting will be held on August 21, 2009 to discuss distribution of funds.
- He thanked Tony Beasley, Economic Development Director; for the White Deer Park tour. He is very excited every time he sees the park.

- He thanked The Garner News on the publicity that has been given to the park.
- He attended the Police Achievement Academy graduation and was very pleased to be a part of it.
- He commended the Police Department on all the time and energy that was spent on this wonderful program.

#### **Council Member Behringer**

- She also attended the Police Achievement Academy graduation. She stated that this program began in 1994. She said the program is a two week course. The participants get a chance to turn their lives around. She commended the Police Department on a great job
- She attended a meeting for the Garner Educational Foundation. The Foundation reported they are short of funding, but plan on continuing their activities they have planned for the next year.
- She reported a property on West Garner Road that is close to the road has grass 18" in height and needs attention.

#### **Council Member Johns**

- He had a concern on Montague Street regarding digging in the yard and asked for Paul Ray to give him a call so he can explain the situation.
- He reported that the bridge on Vandora Springs Road is in need of repair.
- He reported on Main Street there is loose gravel that needs to be picked up before it causes any windshield damages.

#### **Council Member Singleton**

- He stated regarding the dip in the road at the bridge on Vandora Springs Road, NCDOT was contacted and responded they cannot fix it right now due to limited funds.
- He reported on Mechanical Blvd in front of the News & Observer in the north lane there are 3 to 4 pot holes to be fixed.
- He missed the tour of the White Deer Park because he was out of town.

#### **Council Member Kennedy**

- He mentioned that The Civitan Club requested Chief Moss to speak at their group meeting and he did a wonderful job.
- He reported grass needs mowing where the new sidewalk installation took place on Vandora Springs Road to the end.

#### **Mayor Williams**

- He said that there are two families from the ConAgra explosion that are truly in immediate need of help with funding.
- He announced on August 21<sup>st</sup> there will be a ribbon cutting at Smith Elementary School for their 50 year anniversary.

#### **Manager Reports**

##### **Star Tracker**

2009.064 Traffic Calming, this item has been completed

2008.014 Monitoring traffic Calming, this item has been completed

Council Member Behringer asked about Eagle Ridge's parking concerns.

Rodney Dickerson replied this has been dealt with in the past. The HOA cannot enforce "no parking" on public streets.

Attorney Anderson stated this matter has been discussed to the end. Every couple years, after the HOA election of new members is finished, this same issue comes back to the Town again. Attorney Anderson said he answered this issue and said the HOA needed to ask their own attorney's advice and not the Town's attorney. The HOA attorney needs to handle this issue.

Mayor Williams addressed the public street parking issue saying the HOA cannot enforce "no parking" on public street in restricted covenants.

**Building Permit Activity**

As Presented

**Personnel Report for July**

As Presented

**Attorney Reports**

Request for a Close Session N.C.G.S. 143-318.11(a)(3) to discuss litigation on the following: Edge of Auburn v. Town of Garner and Shaw v. Town of Garner

Motion: Marshburn  
Second: Behringer  
Vote: Unanimous

**Closed Session pursuant to NC.G.S. 143-318.11(a)(6) regarding Town Personnel**

Respectfully Submitted,

Catherine Reynolds  
Deputy Town Clerk