

**Town of Garner
Town Council Minutes
October 20, 2009**

The Garner Town Council met in regular session at 7:00 P.M. on Tuesday, October 20, 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; Lin Jones, Finance Director; Frank Powell, Town Engineer; Tony Beasley, Economic Development Director and Michelle Howell, Public Information Officer

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE: Matthew Stepps, Eagle Scout, Troop #392 of First Presbyterian Church

INVOCATION: Dr. Jim Ferry, First Presbyterian Church

Dr. Ferry reported attending a service today at Arlington National Cemetery. He said there are so many graves and so many crosses. He reminded everyone that Veteran's Day is coming up and that we can never say thank you enough. Before the invocation, Dr. Ferry asked for a moment of silence in honor of our military.

PRESENTATIONS

Proclamation for Pancreatic Cancer Awareness Month

Read and Presented by Council Member Behringer

Presented to: Lori Matteson, Affiliate Advocacy Coordinator
Pancreatic Cancer Action Network

Proclamation to Support the Wake County 2010 Census Complete Count Committee

Read by Council Member Singleton

Mayor Williams asked for the Council's support on this proclamation by a vote.

Motion: Marshburn
Second: Singleton
Vote: Unanimous

PETITIONS AND COMMENTS - None

ADOPTION OF AGENDA

Mayor ProTem Kennedy added a closed session pursuant to N.C.G.S. 143-318.11 (a) (4) on a matter regarding economic development.

Mayor Williams added discussion of a turkey shoot operation under new business.

Motion: Marshburn
Second: Johns
Vote: Unanimous

CONSENT

Minutes from September 29, 2009

Action: Minutes Approved

Wake County Tax Report, September, 2009

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$16,895.76 for taxes from 2004 to 2008. These actions occurred in the period from August 1, 2009 to August 31, 2009 and are presented for approval.

Action: Tax Releases Approved

Municipal Agreement with N.C. Department of Transportation of Bridge Reinspection

Presenter: Frank Powell

The Surface Transportation Act of 1978 provided funding for a Federal-Aid Highway Bridge Replacement and Rehabilitation Program and requires that all bridges located on public roads be inspected on a cycle, not to exceed two years in accordance with the National Bridge Inspection Standards. The Town recommends the Department of Transportation or its consultant inspect and analyze all public bridges located on the municipal street system in accordance with those standards. The cost of the inspection is shared on an 80/20 basis. Garner now has three municipal bridges and it is anticipated that the Town's share of the inspection cost for the three bridges will be approximately \$1,600.

Action: Adoption of Resolution No. (2009) 2032

Motion: Johns
Second: Singleton
Vote: Unanimous

END OF CONSENT

OLD/NEW BUSINESS

Authorize Bid Award for Garner Fire/EMS Station

Presenter: Mark Forestieri, AIA, Wake County Senior Facilities Project Manager, Facilities Design & Construction

In February 2008, the Wake County Fire Commission approved a Long Range Business Plan recommending a new fire station to be located in an area of southeast Garner. Around that same time the Wake County

EMS determined a need for a station in the same region of the County. Late last year a 4.1 acre site was purchased on Spaceway Court near the intersection of Raynor Road. On September 24, 2009, bid proposals were received from qualified general contractors for the construction of the facility. The total contract award recommendation is \$1,991,977 to Riggs-Harrod Builders of Durham, NC and is substantially below the construction budget of \$2.4 million for this project. Based on the funding formula previously agreed to in an Interlocal Agreement between the County and the Town of Garner, the Town's contribution towards construction will be 15.5% of the Fire station portion of the project or \$200,692. The Wake County Commissioners will consider award of this contract at its October 19 meeting, pending approval by the Garner Town Council at this meeting.

Mr. Forestieri said construction is scheduled to begin in November. He commended the Town for being good partners of the project, waiving impact fees and providing a smooth building permit review.

Mr. Dickerson reported to the Council that the Fire Commission asked for a flashing light at the intersection of Raynor Road and Spaceway Court. This will be added to the project and resubmitted to the N.C. Department of Transportation for approval.

Council Member Johns asked who will pay for the signal. Mr. Dickerson said if allowed, the cost will either be split between the Town and Wake County or paid in full by N.C. Department of Transportation.

Action: Construction Contract Approved to Riggs-Harrod Builders of Durham, NC in the amount of \$1,991,997

Motion: Kennedy
Second: Singleton
Vote: Unanimous

Request to allow a Turkey Shoot inside the Town Limits

Presenter Rodney Dickerson

Mr. Dickerson said it came to his attention on Friday, October 16 that a turkey shoot was being operated on a parcel of land off Old Stage Road and NC 1010 which is located inside the corporate limits. This parcel was annexed in 2004 during conditional use permit approval on the property. The Town Code currently prohibits the use of fire arms in the Town limits.

Based on the facts that this Turkey Shoot has historically been held at this location, the property is rural in nature since the proposed development did not go through, there are several hundred feet between any residential property, the setup complies with Wake County standards, low powered rounds are used. Mr. Dickerson presented a letter to the property owner allowing the operation over the weekend. Mr. Dickerson said he informed the property owner that it will be his responsibility to present a request to the Town Council if he wishes to continue the operation. The Police staff visited the site and deemed it safe due to the amount of clearance from any residential property and the use of low power rounds.

Council Member Marshburn asked if there have been any complaints. Mr. Dickerson said there was a complaint which prompted the visit from the Town staff. Deputy Chief Copeland said the complaint received was regarding safety.

Mayor ProTem Kennedy asked if there are future events. Mr. Dickerson said this has been planned to run through the holiday season.

Mr. Neil Overby, 1903 Englewood Drive, Apex, NC said his plans were to have the Turkey Shoot Friday and Saturday through Christmas. He said he has been operating this business for 20 years. In response to Council Member Marshburn's question about operating hours, Mr. Overby said they begin at 7:00 P.M. and end at 11:00 P.M., with last call being at 10:50 P.M..

Mayor ProTem Kennedy said he feels turkey shoots are very traditional and the guns used don't usually travel more than 150 yards. With that said he motioned to waive the applicable Ordinance restriction and to allow the operation through the end of the year; the hours of operation will be changed to 7:00 P.M. to 10:00 P.M. and a schedule of operating dates will be submitted and administered by the Manager's office.

Motion: Kennedy
Second: Singleton
Vote: Council Members Kennedy, Singleton, Behringer and Johns - Yes; Council Member Marshburn - No.

Mayor ProTem Kennedy amended his motion to change the operating hours from 6:00 P.M. to 10:00 P.M. thus allowing the same amount of time. Council Member Singleton seconded.

Amended Motion: Kennedy
Second: Singleton
Vote: Unanimous

Council Member Marshburn said he has concerns that this is the only turkey shoot in the town limits and the Council may be opening the door. He said he feels this should be referred to the Law and Finance Committee if there is a request to allow or waive the Ordinance in future years.

Committee Reports

Mayor ProTem Kennedy reported attending the Transportation Committee work session on October 13.

Council Member Singleton said he attended the Veteran's Memorial Committee meeting. He announced the Veterans Day Celebration and Site Dedication to be held on November 11 at 11:00 AM at Lake Benson Park.

Mayor ProTem Kennedy reported attending the North Garner Marketing Analysis sessions by Urban College, adding these meetings are well planned and carried out.

Manager Reports

1. Star Tracker
2. Building Activity Report, September 2009
3. Financial Report, September 30, 2009
4. A new Police Chief has been named. Chief Moss will retire on October 30 and Brandon Zuidema will begin as the new Police Chief on December 1.
5. He was encouraged by the meetings with the City of Raleigh regarding utilities and NCDOT regarding Timber Drive right-of-way and other matters. He will send correspondence to the Council Members summarizing these meetings in the next few days.

Attorney Reports

None

Council Reports

Mayor ProTem Kennedy

He announced the Rotary Club Oyster Fest on Thursday

Council Member Singleton

He referred to an e-mail he received last week regarding the surfacing of Montague Street and Pearl Street after the utility repairs are complete. The City of Raleigh will have this work done and invoice the Town for any of their share. He asked to add Parker Street to that list. Mayor ProTem Kennedy said that the City of Raleigh should absorb the cost of all of this work.

He asked if the Transportation Committee has discussed sidewalks on Spring Drive; kids are walking on the road near the High School. Mr. Bass said the Committee will evaluate that and come back to the Council with recommendations.

Council Member Johns

He reported a dip or crack in the bridge on Vandora Springs Road. He said this matter has been reported previously.

Council Member Behringer

John Wall, North Garner Middle School, has been named Wake County Principal of the Year for 2009. A reception will be held in his honor at the North Garner Media center on Wednesday.

She reported the Garner Woman's Club is hosting a Self-Defense Class on Thursday, October 22. The class is taught by Officer Troy Young, is free and open to the public.

Council Member Marshburn asked if we knew the completion date for the City of Raleigh water line installation. Mr. Powell said the Dempsey Benton Water Treatment Plan is scheduled to

open in February 2010. The pipe installation was scheduled to be complete by the end of this year; however they are behind schedule and the work may make take longer.

He commended the Town Manager on the hiring process for the Police Chief.

He noted that he is not opposed to the turkey shoot, but is concerned of setting precedence.

Mayor Williams invited Council Members to join him at Rand Road School on Friday morning at 8:00 for their annual walk.

Closed Session

Pursuant to N.C.G.S. 143-318.11(a) (3) for the Town Council to confer with the Town Attorney to discuss prospective litigation.

Pursuant to N.C.G.S. 143-318.11(a) (3) for the Council to confer with the Town Attorney to discuss the pending case of Edge of Auburn et al v. Town of Garner, case number 07-CVS-020636.

Pursuant to N.C.G.S. 143-318.11(a) (4) for the Town Council to discuss economic development.

Council returned to open session.

Adjournment: 10:30

Motion: Kennedy
Second Marshburn
Vote: Unanimous

Respectfully Submitted

Judy Bass, Town Clerk