

**Town of Garner  
Town Council Minutes  
March 16, 2010**

The Garner Town Council met in regular session at 7:00 P.M. on Tuesday, March 16, 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:** Hardin Watkins, Town Manager; Rodney Dickerson, Assistant Town Manager; Bill Anderson, Town Attorney; Brad Bass, Planning Director; Jenny Saldi, Senior Planner; Lin Jones, Finance Director; Tony Beasley, Economic Development Director and Michelle Howell Public Information Officer

**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** - Council Member Kennedy

**INVOCATION** - Council Member Kennedy

**SPECIAL RECOGNITION**

Anna Hudson, Hudson's Hardware, The Seed Lady  
Richard Goodwin, Glam-O-Rama, 42 years in business

**PETITIONS AND COMMENTS**

Donna Frieda, 111 Sleeper Car Lane, said she recently sent an e-mail to the Town Council regarding chaining or tethering of dogs and hopes the Council will consider adopting an ordinance to regulate this practice. She introduced Hailey Queen, 400 Hillstone Drive in Raleigh, who is a member of the Raleigh Coalition of Unchained Dogs. The members of this organization volunteer to build fences for dogs that are continuously chained. Because of their efforts, 450 dogs were unchained in Durham and efforts began in Raleigh a year ago. She said this is a complex issue and a lot of communities struggle with this problem. The Coalition wants to have a positive impact on people and tries to work in areas that have adopted ordinances. She noted that animals they work with are required to be spayed or neutered.

Council Member Singleton said he read Ms. Frieda's e-mail and had plans to bring this matter forward to see if the Council wanted to refer this to the Law and Finance Committee.

Wanda Nicholson, 516 Winterlochen Road said at a recent homeowners association meeting a couple of issues were identified. One is the situation on Grovemont Road that it is becoming more of an eyesore. She asked the Council to work with a liaison at Wake County to have them look at it since she understands this area is not in the Town limits. In addition, there could be environmental impacts since a stream is located behind the property. If there is any flooding, it could have potential to continue being an impact. This problem is a poor representation of our community. The second problem is the "graveyard" located on Maxwell Drive across from Smith Elementary School where trailers are dumped. There is a rusted chain link fence and the gate is always open. She said she feels there is potential to attract vagrants. She asked the Council to consider natural fencing or a wooden fence to screen the area and to make sure it is monitored so it will not attract vagrants.

**ADOPTION OF AGENDA - As Presented**

Motion: Johns  
Second: Singleton  
Vote: Unanimous

**CONSENT**

**Minutes from February 16, February 23 and March 01, 2010**

Action: Minutes Approved

**Wake County Tax Report, December, 2009**

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$14,465.87 for taxes from 2004 to 2008. These actions occurred in the period from December 1, 2009 to December 30, 2009 and are presented for approval.

Action: Tax Releases Approved

**Wake County Tax Report, January, 2010**

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$2,397.43 for taxes from 2004 to 2008. These actions occurred in the period from January 1, 2009 to January 30, 2009 and are presented for approval.

Action: Tax Releases Approved

**Ordinance Amending 2009 - 2010 Operating Budget**

This Ordinance amends the operating budget by providing funding to remove a dead tree located on property at 320 West Garner Road (\$1,230) as directed by Ordinance No. (2010) 3573 adopted on March 1, 2010.

Action: Adoption of Ordinance No. (2010) 3577

**Additional Compensation for Sidewalk Easement, 702 Powell Drive**

The Town Attorney recommends additional \$200.00 compensation to the property owner for relocation of a large gardenia bush which the project engineer has concluded should be moved to avoid destruction.

Action: Approved to compensate additional \$200.00 to property owners

Motion: Kennedy  
Second: Johns  
Vote: Unanimous

**END OF CONSENT**

**Public Hearing on Special Use Permit, SUP-SP-10-01, Project F, Waterfield Drive**

Presenter: Jenny Saldi, Senior Planner

Mayor Williams announced the Special Use Permit hearing is a quasi judicial hearing. He asked Council Members to disclose any *ex parte* communications. Hearing none he asked Ms. Saldi to present the staff report.

Red Rock Greenfield, LLC, is requesting special use permit approval for a commercial office building to be located on a 14.2 acre tract in the

Greenfield Business Park on Waterfield Drive. The building will be constructed of gray precast concrete walls with a majority being screened from view through the use of existing and proposed vegetation. As required, a letter of approval from the Greenfield South Architectural Review Committee has been received for this project. The plan as proposed meets the requirements of the Landscape Ordinance. Tree cover requirements are met with existing vegetation. Buffers are shown as required; 15 foot street buffer along Waterfield Drive, 20 foot perimeter buffer along the north and south property line and a 50 foot buffer along I-40. A stream running along the north property line is subject to the Neuse River buffer requirements and as such has a 50 foot buffer shown from the banks of the stream. The plan proposes 25 parking spaces; of these, two are handicap accessible. There is no FEMA designated floodplain. The plan as proposed, meets fire code requirements. Water and sewer connections are proposed to existing public mains. The site will have access from Waterfield Drive. A one-way traffic pattern has been designed; one drive way is an entrance only and the second driveway an exit only. The retention pond that will be installed will also provide for water quantity control for the 1, 10, and 25 year storm events. It is noted that the retention pond is sized not only for the current proposed development but also for the proposed future expansion. The two driveways will be protected with barricades that are mechanically lowered to create a flush travel surface. The inbound drive has a call box linked to the security office inside the building for control of incoming traffic. The outbound drive will be automatically activated by sensors triggered by the outbound vehicle. This site falls within the Employment Center that falls north and south of US 70 and east of I-40. The project is consistent with the Comprehensive Growth Plan, the Thoroughfare Plan, the Parks and Greenway Plan and the Unified Development Ordinance.

Mr. Marshburn confirmed that the water capacity requested in the plan is approved in the permit. Mr. Watkins agreed and said staff feels the projected flow meets the Town's Economic Development Policy. Based upon the recent response from the developer to the last TRC comments for Project "F" the process water consumption for that project is higher than initially indicated. As written in a memo from the Town Engineer, "The developer has stated that the process water consumption will ramp up over a three year period with the initial usage being about 12,000 gpd average daily flow and the usage in year three being about 50,000 gpd average daily flow. It is noted that the domestic usage is very insignificant as there will be only 15 employees based at the facility.

The Town of Garner Sewer Allocation Policy limits process water/wastewater usage to 10,000 gpd but does allow the elected officials to consider projects with higher usage if the project has a tax base to total water/wastewater usage ratio of 1,100:1 or more, as defined by Garner's Economic Development Incentive Policy. Based upon that formula the initial usage of 12,000 gpd will require that the project have a tax base of \$13.2 million and a tax base of \$55.0 million in year three. In conversations with the Economic Director it is my understanding that the initial tax value for this project will be approximately \$50 million and the value, with expansion in three years, will be approximately \$78 million. Based upon those values the proposed water usage for this project is allowable under the Sewer Allocation Policy. It is noted however that, per that policy, the Town Council will have to make a conscious decision to allow this project since the total water usage will exceed 10,000 gpd. I recommend that the Council be informed of the proposed water usage when they deliberate on this project. I would suggest that if they are given this information and then approve the site plan then, by association, they have also approved the sewer/water allocation."

Douglas West, 325 King Street, Columbia, SC, said he is representing the applicant and will be happy to respond to any questions.

Carol Hutchinson, Chairman reported the Planning Commission recommends approval of the project subject to the submittal of an irrigation plan that will comply with the design guidelines for Greenfield South prior to issuance of building permits for the project.

Action: Find Application Complete; Grant Approval Subject to the submittal of an irrigation plan that will comply with the design guidelines for Greenfield South prior to issuance of building permits for the project.

Motion: Singleton  
Second: Marshburn  
Vote: Unanimous

#### **OLD/NEW BUSINESS**

#### **Request to Council to Consider Adoption of Ordinance regulating Tethering of Dogs**

Action: Refer to Law and Finance Committee

Motion: Marshburn  
Second: Johns  
Vote: Unanimous

#### **Committee Reports**

Council Member Kennedy attended the Wake County Environmental Services meeting and reported an update on the Wake County Animal Shelter. At the shelter, euthanasia is down and the adoption rate is up. They have a DVD that describes their operation. He suggested staff get a copy of the DVD and show on the PEG channel. In 2008, the County Commissioners approved two additional health inspectors, which resulted in the inspection rate increasing from 44% up to 75%. The City of Raleigh is testing new recycling carts similar to the ones used in Garner.

#### **Manager Reports**

1. Star Tracker. Council Member Johns said the item on page 30 about cleaning storm drains on Pearl Street should have been Purvis Street.
2. Personnel Report - February 2010
3. Invested Funds
4. Planning Commission Report
5. Growth and Development Report
6. He said he will send the Council a draft retreat report for their review and feedback; the final document will be placed on a future agenda for adoption.
7. He presented a School acres update from Reggie Buie, Neighborhood Improvement Manager. Staff is working with the principal of North Garner Middle School. The Parks and Recreation Department have started a mentoring program, running club and computer lab. They are also working with Public Works on improvement of the ball fields. Improving aesthetics and removing vegetation will make them a safer place.

Council Member Singleton said he has noticed improvements. He said the street light issue is important since there are many dark places in the area. The neighbors are pleased; the ball field improvements are especially appreciated.

## Attorney Reports

Mr. Anderson reported the status of easements for the sidewalk project in North Garner. Of the 28 required easements, he has received 24. Letters have been sent to the property owners affected by the NC 50 sewer line extension and he has received over half of those contracts.

## Council Reports

### Council Member Marshburn

- He thanked Mr. Bass and the Planning staff for the Annual Growth Report. He noted that 2000 - 2010 had the highest growth rate since 1940.
- He said the Save the Library effort continues to be strong and he thanked those citizens who support the cause.
- He said he is unable to attend the next Wake County Sustainability meeting and asked if someone could go in his place.
- He announced a blood drive at the First Baptist Church on March 30, beginning at 2:30.

### Mayor Pro Tem Behringer

- She announced that John Wall from North Garner Middle School was recently named Wake County Principal of the year and has now been nominated for North Carolina principal of the year.
- She encouraged everyone to attend Stars on Stage on May 4 at the Garner Senior High School. The Garner Educational Foundation sponsors this event.
- She attended a Fire Department meeting last week; the meeting went well.
- She attended the Wake County Commissioners' meeting along with Mayor Williams and Tony Beasley and spoke in opposition of closing the SER library. The public hearing on the budget is scheduled on May 4. She said we need to keep going until a final vote is made.
- She reported a complaint about streetlights on Hammond Road. There are no lights on Hammond from Tryon Road to Mechanical Boulevard. From Mechanical Boulevard to US 70 there are lights that are not working.
- The property on 316 W. Garner Road has trash in the front and back yard.
- She reported a dead tree at Center Street and West Garner Road.

### Council Member Johns

- He asked the status of the Bainbridge assessments. Mr. Anderson said the eight-year period ends in March 2011. To date, only 25 of 88 have a balance, half of those are under \$1,000. He is working with the four or five people that have higher balances.
- He reported that Garner Village has problems with vagrancy and a beautician was recent robbed. He asked the Police to patrol the area.
- He commended Town staff for keeping Garner clean.

Council Member Singleton

- He referred to the request presented under Petitions and Comments regarding tethering of dogs. He asked if the Council wished to refer this matter to the Law and Finance Committee. After a motion from Council Member Marshburn, seconded by Council Member Johns, this matter was referred to the Law and Finance Committee.
- He said the news from Conagra to move from Garner was very disappointing. He said he assumed the gift of money for a community center will not be presented until the facility is closed. He said he would like to discuss the donation of the site and the gift in the near future.
- He announced the Relay for Life barbeque chicken fundraiser at the Garner United Methodist Church on March 26. Last year this event raised \$32,000.

Council Member Kennedy

- He was contacted by the developer of Rosemoor about the crowd of people going through there from the July 3 Celebration at Lake Benson Park. The concern is that at midnight, people are still coming through.
- He had a discussion with the City of Raleigh's new Public Works Director. He announced that in March the water treatment changes from ammonia to chlorine; citizens may notice an odor. He said they expect the Dempsey Benton Water Treatment Plant to be on line mid-April.
- He reported driving through the Grovemont Road area where the chickens are being raised. He said he noticed the odor even with the car windows closed. He asked Mr. Anderson what can be done. Mr. Anderson said this is a Wake County issue, he has been talking with the County for more than five years, and they have no regulations against chickens. Council Member Kennedy said this could be pursued as an environmental matter. He said he would bring this up at the next Wake County Environmental meeting. Council Member Marshburn said we could also discuss this with Commissioner Brown.

Mayor Williams

- He thanked those that attended the NC League Meeting and Reception on Wednesday and thanked Mayor Pro Tem Behringer and Tony Beasley for attending the Wake County Commissioners' meeting regarding the library.
- He encouraged everyone to complete census forms.

**Adjournment 8:30 pm**

Motion: Kennedy  
Vote: Unanimous

Respectfully Submitted  
Judy Bass, Town Clerk