

**Town of Garner
Town Council Summary
October 5, 2009**

The Garner Town Council met in regular session at 7:00 P.M. on Tuesday, October 5, 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; 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 Singleton

INVOCATION - Council Member Singleton

PETITIONS AND COMMENTS: NONE

ADOPTION OF AGENDA - As Amended

Mayor ProTem requested to add a closed session item pursuant to N.C.G.S. 143 318 (a) (4) on a matter regarding economic development.

CONSENT

Council Member Johns requested to remove item #3, an agreement between the Town of Garner and property owner at 4977 Auburn Church Road

Minutes from September 22, 2009

Action: Minutes Approved

Agreement between the Town of Garner and Elite Waste Services for Removal of a Structure at 4877 Auburn Church Road

This is an agreement between the Town of Garner and Elite Waste Services for removal of a fire damaged double wide manufactured home located at 4877 Auburn Church Road. The cost of \$3,600 will be paid by the Town and reimbursed by the property owner as set forth in an agreement with the property owner. (Item follows immediately after the adoption of the consent agenda).

Action: Execution of Agreement

Ordinance Amending Operating Budget for 2009-2010

This Ordinance provides funding for landscaping to screen retention ponds, removal of double wide trailer at 4877 Auburn Church Road, recognizes grant received from Target to purchase books for White Deer Park, provides payment of excess fire tax collections in fiscal year

ending June 30, 2009 and transfers excess to Garner Volunteer Fire-Rescue, Inc.

Action: Adoption of Ordinance No. (2009) 3567

Resolution Supporting Nomination of Mayor Williams to the NC League of Municipalities Board of Directors

This Resolution declares the Town Council's support for the nomination of Mayor Williams as an at large member on the N.C. League of Municipalities Board of Directors.

Action: Adoption of Resolution No. (2009) 2031

END OF CONSENT

Agreement between the Town of Garner and Property Owner at 4877 Auburn Church Road for Structure Removal

This agreement is between the Town of Garner and Russell P. Gibson and Cora Gibson to allow removal of the structure located at 4877 Auburn Church Road. The Town will assess the property owner for the cost of removal.

Action: Execution of Agreement

Public Hearing on Special Use Permit CUP-SP-09-03, Raleigh Pediatric Group, White Oak Crossing

Mayor Williams asked the Council members to disclose any ex parte communications regarding this project. Hearing none, he asked staff to come forward and present the staff report.

Presenter: Jenny Saldi

Piedmont Land Design, LLP is requesting Special Use Permit approval for a medical office to be located on a 2.20 acre tract at the southeast corner of the Timber Drive East and Abberly Crest intersection. The applicant proposes a 14,235 building constructed of primarily of light red brick. Access to the site is from Abberly Crest Drive and Timber Drive East. The building will be constructed primarily with a light red brick. The front elevation, which faces Timber Drive East, is mostly glass and prefinished metal walls in bronze, beige and white. A white metal canopy covers the sidewalk in front of the building for the length of the building. Water and sewer connections are proposed to existing public mains. The site will have access from Abberly Crest Drive and Timber Drive East. Road widening of Timber Drive East, along property frontage, creating two north bound lanes is part of this development. The design of the storm water system has two pipes day-lighting onto beds of rip rap. In an attempt to screen the rip-rap, staff recommends the shrub layer be positioned in such a manner as to provide that screening. Staff recommends a condition that rip-rap screening be addressed prior to installation of the shrub layer.

This project is subject to nitrogen water quality requirements as well as water quantity requirements. This site is part of the White Oak Crossing Retail Project - Phase II. Storm water quality requirements were handled for the overall development by installing several retention ponds. However an offset payment to the North Carolina Ecosystem Program will be required to reduce the nitrogen export to below the baseline target of 3.6 lbs/ac/yr.

The retention ponds also provide for detention of the 1, 10, and 25 year storms. This lot is still part of a larger parcel and must be formally subdivided prior to receiving a building permit. A condition has been recommended to address this issue.

This site falls within the Regional Center at US 70 and White Oak Road; the project is consistent with the Comprehensive Growth Plan. This project, as proposed, is consistent with the Thoroughfare Plan, the Parks and Greenway Plan and the Unified Development Ordinance.

Mayor Williams opened the public hearing.

Council Member Marshburn, noting this building is adjacent to the Raleigh Orthopedic Building and asked if there is access between the two buildings. Ms. Saldi explained that both buildings have access to Abberly Crest Drive and the driveways are across from each other.

Mr. David Laslee, Piedmont Land Design, said he represents Raleigh Pediatrics. He said he worked diligently with staff, N.C. Department of Transportation and the City of Raleigh. He said he feels this is a nice asset to the community; this area of White Oak is becoming a medical community. He said he is in agreement with all conditions and asked the Council for approval of project.

Mayor ProTem Kennedy said it looks different than the designs we have seen in the past and said he feels it will add character to the neighborhood.

Hearing no additional comments, Mayor Williams closed the public hearing.

Carol Hutchison, Planning Commission Chair, reported the Planning Commission reviewed this plan at their meeting on September 14, 2009. The Commission voted unanimously to recommend approval of SUP-SP-09-08, Raleigh Pediatrics, with the following site specific conditions:

1. Prior to issuance of a building permit, submittal of a petition for annexation shall be required.
2. Prior to issuance of a building permit, a subdivision plat shall be recorded to create the lot for this site.
3. Prior to installation of plant material near the proposed rip-rap, the Planning Department shall be contacted to assist in determining location to provide screening of the rip-rap area.

Action: Find Application Complete; Grant Approval with Conditions

Motion: Behringer

Second: Marshburn

Vote: Unanimous

Public Hearing on Ordinance Adopting Annexation Petition for N.C. United Methodist Conference, ANX-09-03

N.C. United Methodist Conference has petitioned to annex a 14.5 acre site located at 700 Waterfield Ridge Place. The legal requirements to proceed with this annexation have been met. If adopted, the Ordinance authorizes the annexation to be effective October 31, 2009.

Mayor Williams opened the public hearing and asked for questions or comments. Hearing none, he closed the hearing.

Action: Adoption of Ordinance No. (2009) 3566

Motion: Singleton

Second: Kennedy

Vote: Unanimous

Resolution Supporting the Wake County Mayors Association for Submittal of Legislative Agendas by all Municipalities

Presenter: Mayor Ronnie Williams

One of the items discussed as part of the Wake County Growth Issues Task Force last year was how municipalities and Wake County can cooperate. It was suggested that if one legislative agenda is submitted by all twelve municipalities, the legislators may look more favorably on them. This idea was shared with the Wake County Mayors Association. The Mayors present decided they would take this to their respective Boards/Councils. If everyone agrees, then the Association will establish a schedule for review and submittal. Some Mayors felt it might be difficult to get the municipalities to agree on all proposals. It was emphasized one voice may have more of an impact on the legislators; however, municipalities would not necessarily have to act on the authority.

Council Member Marshburn asked where, when and how collaboration will take place. Mayor Williams said they will try to arrange a meeting when it gets to that point in time.

Council Member Behringer noted this was introduced by Mayor Jones. Council Member Behringer said there is a lot of frustration with not getting anywhere with legislature.

Council Member Kennedy said we can certainly try it and see if we like it and is in favor of the Resolution.

Action: Adoption of Resolution No. (2009) 2030

Motion: Johns

Second: Singleton

Vote: Unanimous

Committee Reports

Council Member Marshburn reported attending a ConAgra United Way meeting. The primary function is to distribute money raised at the ConAgra event. As petitions are received, the committee tries to make objective and reasonable findings on an individual basis. The event raised \$250,000 and \$30,000 has been disseminated. The Committee members feel there may be medical bills to come in at a later time. Anticipation is that they will meet every two weeks until all funds are disseminated.

Manager Reports

1. Star Tracker: Mr. Watkins said there are 21 open items. Some issues on Bayberry Lane are not included in Star Tracker, but have been turned over to the Police Department. The Police did a self initiated patrol over the weekend.
2. Planning Commission Summary, September 2009
3. Enforcement Report
4. Sign Enforcement Report
5. The Town has received the Green Challenge Award from the N.C. League of Municipalities. The Town received an award last year, but this year we will be recognized as an advanced municipality. Mr. Bass said some of the regulations in the UDO helped with this recognition as well as White Deer Park being LEED certified. The award will be presented at the League Conference in Greenville.
6. Early voting dates: October 26 through October 30 from 3-7 pm and October 31 from 9-1 pm.
7. Mr. Dickerson reported the new solid waste contractor, All Star Waste Services, began on October 1. They rolled out two garbage trucks, one recycling truck and one yard waste truck. As of Thursday there was a 60% recycling set out rate, an increase from 40% last week. The Friday routes had a 68% set out rate; and Monday was 52%, an increase from 27%. It is noticed the contractor is doing good job, very conscientious, i.e. placing carts in the proper location and picking up any loose trash that falls.

Mayor Williams asked for a report on sign enforcement. Mr. Bass said after notifying candidates twice, there has been close to 300 non-conforming signs removed; this included a weekend sign "sweep".

Council Member Marshburn said despite the allegations at the last meeting, the Town is enforcing the sign ordinance.

Attorney Reports - None

Council Reports

Mayor ProTem Kennedy

- He said a date needs to be set for the Public Works Committee regarding the NC 50 Sewer.
- He reported Wake County Environmental Services is establishing priorities for next fiscal year. If you have any environmental issues that come to mind, let him know.
- He reported at Bonica Court in Rosemoor, just past 120, there is an access into Lake Benson. He has received concerns from neighbors that people are accessing the park and using the street for benefit of exercising and walking dogs before the park opens. He asked if we can restrict parking there. Mr. Watkins said staff recently discussed early access to the park and it seems we are working on opening the park early. The Police staff opens the park before the Park Ranger comes on duty. Mr. Watkins said he will monitor that situation.

Council Member Marshburn agreed opening the park is a major issue, but he feels it may be as much of a convenience factor rather than that park not being opened.

Council Member Singleton

- He reported the Law and Finance Committee will wait for staff to gather information regarding the request to allow hens and regulated bow hunting in the Town limits.
- He commented on the house in Rosemoor in the Parade of Homes tour. It is the tenth most expensive home in the tour and is quite impressive.
- He asked if staff has talked to the City of Raleigh about whether or not they will pave all of Montague Street after the water line installation. He said we need to follow up and make sure all roads are left in a good state.

Council Member Johns

- He reported a street light out at the corner of Methodist in front of Papa Johns.
- He asked if the City of Raleigh contacts residents before turning water off before making repairs.
- He asked if there has been any response from the letter staff sent to ConAgra encouraging them not to relocate some of their operations. Mr. Beasley said he sent the request, but has not received a response.

Council Member Behringer

- Ms. Behringer said she previously reported an odor coming from a garbage can on Garner Road. Public Works staff said the can needs cleaning.

Council Member Marshburn

- He commended Town staff's involvement with White Deer Dash; the event was very well run. He noted an increase in participants and said he hopes it continues to grow.
- He noted that the Legislature adopted a requirement of Ethics Training for elected officials. He asked the Clerk to provide information to Council regarding upcoming training.

Mayor Williams

- He reported the opening of White Deer Park on November 1 and the dedication of the Veteran's Memorial site on November 11, Veterans Day.
- He suggested there not be work sessions in November and December. The Council agreed. Items that must be taken to a work session will be added on the regular meeting agenda.

Closed Session pursuant to N.C.G.S. 143 318 (a) (4) on a matter regarding economic development.

Motion: Kennedy
 Second: Singleton
 Vote: Unanimous

The Council returned to the regular meeting and then adjourned at 8:30.

Motion: Kennedy
Second: Marshburn
Vote: Unanimous