

**Town of Garner
Town Council Meeting Minutes
March 21, 2017**

The Council met in regular session at 7:00 p.m. in the Garner Police Department Training Room located at 912 7th Avenue.

CALL MEETING TO ORDER/ROLL CALL

Present: Mayor Ronnie Williams, Mayor Pro Tem Kathy Behringer, Council Member Jackie Johns, Council Member Buck Kennedy, Council Member Ken Marshburn, Council Member Gra Singleton

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roynance-Asst. Town Manager-Operations, Pam Wortham-Finance Director, Rick Mercier-Communications Manager, Forrest Jones-Public Works Director, David Bamford-Senior Planner, Jonathan Ham-Asst. Town Engineer, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk.

PLEDGE OF ALLEGIANCE: Mayor Williams

INVOCATION: Mayor Williams invited Reverend Allen Hicks to deliver the invocation.

PETITIONS AND COMMENTS

Octavia Rainey asked Council to intervene on behalf of the residents of Forest Hills Apartments who were advised the complex had been sold and residents were being asked to find alternate subsidized housing or pay market rent. Also speaking on behalf of this issue was Cecelia Ebron, Shalarnda Gardner, Yolanda Smith, Keon Edwards, Wilma Griffin, and Halsy Scott. Residents had concerns regarding the availability of subsidized/HUD housing, the limited amount of time given to relocate, and access to transportation, schools and shopping. Ms. Rainey asked Council to attend a meeting on March 29 at 6:00 p.m. at Wake Grove Baptist Church to discuss options.

ADOPTION OF AGENDA

Motion: Johns
Second: Marshburn
Vote: Unanimous

PRESENTATIONS

Introduction of New Employees

Presenter: Forrest Jones-Public Works Director, David Bamford-Senior Planner, and Pam Wortham-Finance Director

Mr. Jones introduced Dell Adams-Street Supervisor and Mr. Bamford introduced Alison Jones-Planner II. Ms. Garrett was not present; however, Ms. Wortham provided a brief summary of Ms. Garrett's qualifications and asked Council to stop by and meet her.

CONSENT

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Adopt Council Meeting Minutes from Council's Retreat on February 8-9, 2017, Regular Meeting Minutes from February 6, 2017, February 21, 2017, and March 6, 2017 and Closed Session Minutes from February 21, 2017.

Action: Adopt Minutes

Resolution Declaring Unpaid Nuisance Abatements as Liens

Presenter: Pam Wortham, Finance Director

This Resolution authorizes unpaid nuisance abatement fees to be filed with Wake County Revenue as liens to real property and added to the property owner's tax bill. The property listed has an unpaid abatement more than 30 days old.

Action: Adopt Resolution (2017) 2317

Motion: Singleton
Second: Johns
Vote: Unanimous

PUBLIC HEARINGS

General Zoning Map Amendment Z-17-01, Expanded ETJ Areas

Presenter: David Bamford, Senior Planner

Mayor Williams opened the public hearing and asked David Bamford to provide the staff report.

It is the intended purpose of this case to establish zoning as opposed to significantly changing the zoning as in a typical re-zoning case. This means that the Town is attempting to keep the zoning status as similar as is possible to the status properties are presently enjoying under the County at the time of this zoning transfer. The existing zones for the expanded ETJ areas are administered by Wake County for a period of 60 days following the acceptance of ETJ or until the Town of Garner establishes new zoning, whichever occurs first. Staff emphasized this process was not to annex property into the Town of Garner; annexations are done on a voluntary basis initiated by the homeowner or their representative. Residents in the ETJ area would not be responsible for paying Town of Garner taxes. Citizens were advised staff would be available to answer questions one-on-one in the front lobby during the meeting or they could contact the Planning Department with their concerns.

Barney Britt stated he has an open permit at Wake County and asked if the County would be completing that process. Mr. Hodges advised any open permits from Wake County would be completed by them. Effective March 16, Wake County ceased issuing permits in the proposed ETJ area and directed those individuals to the Town of Garner for permits.

John Feore stated he has property located between Highway 40, Guy Road, and Highway 70 on the north side and being proposed is R-40 zoning. His concern is the area should be more commercially zoned. Due to the location of the property, it is likely residential housing will not be built in the area and a zoning with an "R" in the front of it could deter possible buyers or developers. Mr. Hodges stated the HD zoning from Wake County allows some industrial uses with a variances granted by the County. If a parcel within the HD zoning had not received a variance from Wake County it was assigned residential zoning. Those that did receive a variance were zoned industrial. Mr. Hodges also stated additional research would be needed before a determination could be made in this case.

Juaquin Cannals stated he was working with Mr. Feore to sell his property and if the property was designed R40 it be difficult to sell to someone out of the area; they would see the residential zoning as a deterrent.

Shirley Stephenson stated she had concerns regarding the projects approved on Caddy Road, the number of accidents in the area, water issues, and who would represent her now that her property was located in the ETJ. Council Member Singleton stated any issues regarding water/sewer utilities should be addressed to the City of Raleigh as they own the system. Council Member Marshburn added that Ms. Stephenson could vote for Council when/if her property was annexed into the Town of Garner.

Action: Continue to April 3, 2017

NEW/OLD BUSINESS

Solid Waste Contract Renewal

Presenters: Matt Roylance, Asst. Town Manager-Operations and Forrest Jones-Public Works Director

All Star Waste Services currently provides solid waste collection and disposal services for the Town. Town staff has been happy with the level of service provided by All Star and recommends extending the contract for an additional five years.

Tommy Sims advised Council the Town currently generates on a monthly basis 130 tons of recycling, 530 tons of garbage, and 130 tons of yard waste. Council thanked Mr. Sims for his hard work and diligence as missed pick-ups and other issues have drastically declined in the years since the contract was originally awarded.

Action: Award 5-Year Contract Extension to All Star Waste Services

Motion: Kennedy
Second: Marshburn
Vote: Unanimous

2017 Street Resurfacing Project

Presenter: Jonathan Ham, Asst. Town Engineer

Bids were received for resurfacing approximately two miles of Town streets and the parking lot at Garner Rec Park. The Engineering Department is seeking approval of the lowest bidder, Gelder & Associates, Inc. for the 2017 Street Resurfacing Project.

Action: Award Contract to Gelder & Associates Inc. for \$335,589.47

Motion: Marshburn
Second: Johns
Vote: Unanimous

COMMITTEE REPORTS

The Public Works Committee is scheduled to meet on March 28 at 8:30 a.m. in the Police Department Training Room.

MANAGER REPORTS

garner info

Finance Report

Community meetings to discuss body worn cameras are scheduled for March 22 at noon and 6:00 p.m. in the Police Department Training Room and on April 7 at 7:00 p.m. at Shalom Christian Community Church.

Requested Council set a date for a Law & Finance Committee Meeting to discuss the GVFR budget; April 20 was suggested.

ATTORNEY REPORTS

COUNCIL REPORTS

Kennedy

- Commended staff on the quality of the new Parks & Recreation brochure as it was organized, readable, informative and pleasing. The quality spoke well for Garner.
- Stated he enjoyed reading the summary report submitted by the Town's lobbyist.
- Asked if the sidewalk project on Thompson Road was advertised. Mr. Ham responded the pre-bid meeting will be held tomorrow at 11:00 a.m.
- Asked what was being constructed adjacent to Lorraine's Coffee House and staff responded no permits had been issued, but maybe additional parking was being added.
- Stated he was approached by individuals complaining about yard appearance (including tall grass and junk vehicles or trash) and asked what the Town's jurisdiction was in these matters. Suggested improvements may be needed to the Town's ordinances and urged Council to be mindful of these areas and take pictures to forward to staff. Mr. Hodges stated staff will review the Ordinances relating to this issue and encouraged citizens to use the app Garner Info to report any issues they see.
- Stated he would be forwarding a list of sidewalks that need to be evaluated for repair.

- Asked for an update on the Highway 50 lawsuit. Mr. Anderson advised the process was moving forward according to regulations and a hearing was anticipated for March 31.

Singleton

- Reported a pothole at the intersection of Coldwater Drive and Spring Drive in the middle of the intersection.
- Stated signage indicating whether the soccer fields are open or closed should be accurate; when the fields are closed, the signs should indicate they are closed.
- Asked about the leases of the Forest Hills residents. Mr. Anderson stated the Town could make some phone calls to the appropriate people. However, if the leases were not renewed and residents are now on a month-to-month basis, without a legal date set for the right to live there, the leases can be terminated with reasonable notice. The problem is that many residents have lived there for a long time with no written lease. Mr. Dickerson added that he spoke with the operations manager of the apartment complex and they hired an attorney to ensure they were following the law. If residents had a lease, they could stay until the lease ended. Those with expired leases were given 45 days to relocate. The plan is to renovate the apartments and lease them at market value. Council Member Marshburn offered to serve on a committee to determine options for the residents.

Johns

- Asked about the schedule to remodel/replace the Highway 50 bridge. Mr. Hodges stated the Town was working with NCDOT and designers and should be able to provide options within the next few months. Staff is also working with emergency services to determine impacts during construction.
- Stated seams at the Highway 50 bridge need to be sealed.

Behringer

- Advised resolution to the flooding issue previously reported at Tryon Road has occurred. The property owner has some specific responsibilities to take care of as well as the City of Raleigh; who's improvement costs were capped at \$100K.
- Commended staff on their diligent work on Garner Info.
- Reminded Council of the closed session scheduled for next week regarding personnel.

Marshburn

- Congratulated John Hodges on his 2016 Champion for Downtown Garner award.
- Enjoyed attending the Marvin Gay Experience performance at GPAC. Announced the high school drama department will be performing their version of Hairspray and during the spring, the choir will be performing a concert. Stated this was a nice reminder of the enthusiasm of young people and their talent.
- Asked for a refresher course on the rules of engagement for public communication.
- Expressed thanks to Mayor Pro Tem Behringer on her work for in preparation of the closed session on March 28.

ADJOURNMENT: 9:37 p.m.

Respectfully submitted,
Stella Gibson