

**Town of Garner  
Town Council Meeting Minutes  
September 17, 2019**

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ronnie Williams

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Present: Mayor Ronnie Williams, Council Member Kathy Behringer, Mayor ProTem Ken Marshburn, Council Member Buck Kennedy, Council Member Gra Singleton, and Council Member Elmo Vance

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Royslance-Asst. Town Manager-Operations, David Beck-Finance Director, Chris Johnson-Town Engineer, Brandon Zuidema-Police Chief, Mari Howe-Downtown Development Manager, Rick Mercier-Communications Manager, Brandon Zuidema-Police Chief, Thad Anderson-Associate Attorney, and Stella Gibson-Town Clerk

**PLEDGE OF ALLEGIANCE:** Council Member Gra Singleton

**INVOCATION:** Council Member Gra Singleton

**PETITIONS AND COMMENTS**

**ADOPTION OF AGENDA**

Council Member Kennedy requested to add a closed session to discuss potential litigation.

Motion: Marshburn  
Second: Vance  
Vote: 5:0

**PRESENTATIONS**

Police Athletic/Activities League Appreciation  
Presenter: Brandon Zuidema, Police Chief and Mike McIver, Lieutenant

Chief Zuidema, Lieutenant McIver and Kathy Taylor recognized the Town of Garner for its support of the Police Athletic/Activities League PAAL program and their mission.

**CONSENT**

**Budget amendment to carry forward purchase orders from FY 2018-19**

Presenter: David Beck, Finance Director

Budget amendment to bring forward purchase orders still open on June 30, 2019. These are items or services ordered prior to June 30 but not received or delivered before this date. This is standard procedure to officially recognize these as part of the FY 2019-20 budget. The funding for these expenditures will come out of assigned fund balance.

Action: Adopt Ordinance (2019) 3996

### **Revision of Fire Hydrant Ordinance**

Presenter: Brandon Zuidema, Police Chief

Proposed addition to fire hydrant parking ordinance to clarify that it is not a violation to stop or park within 15 feet of a fire hydrant when done in obedience to a stop sign and when done by police and emergency services.

Action: Adopt Ordinance (2019) 3997

### **Nuisance Abatements**

Presenter: David Beck, Finance Director

Resolution declaring certain delinquent nuisance abatements as a lien on property. This resolution authorizes Wake County to add these abatement costs to Wake County property tax bills.

Action: Adopt Resolution (2019) 2389

### **Revision of Right-of-Way Ordinance and Nuisance Ordinance**

Presenter: William E. Anderson, Town Attorney

Discussion of proposed addition to the Town's right-of-way ordinance and nuisance ordinance to clarify that the owner of abutting property who uses a portion of a right-of-way as his or her front or side yard, is exempt from the requirement that a contractor must follow to file an application for a permit to make use of a town right-of-way, and to establish the responsibility of the abutting owner to maintain the right-of-way and median strip, also called a "boulevard strip," in a safe and clean manner, just as that owner is responsible for maintaining the sidewalk in a safe and clean condition.

Action: Adopt Ordinance (2019) 4000

### **Budget ordinance to establish project budget for Depot relocation**

Presenter: David C. Beck, Finance Director

Ordinance to establish the capital budget for the Depot relocation project which was authorized by Council at the September 3, 2019 meeting.

Action: Adopt Ordinance (2019) 3998

Action: Marshburn  
Second: Behringer  
Vote: 5:0

## **PUBLIC HEARINGS**

## **NEW/OLD BUSINESS**

### **New Rand Road and Garner Road Sidewalks - Bid Award**

Presenter: Chris Johnson, Town Engineer

This project consists of approximately 3000 LF of road widening and 1550 LF of sidewalk installation along New Rand Road and East Garner Road. This project included a bid alternate related to the construction of two retaining walls (104 and 106 New Rand Road). The base bid consisted of segmental block retaining walls, while the bid alternate consisted of concrete retaining walls with a brick veneer. The final engineer's estimate was \$2,480,797.89 (Base bid) and \$2,497,397.89 (Alternate bid). The different finishes were provided due to existing retaining wall features located on each property so the new retaining walls could be closely matched for aesthetic purposes along this block. This project is estimated to be complete one year after a notice to proceed is issued.

Action: Award construction bid for the New Rand Road and Garner Road Sidewalks project to Moffat Pipe for \$2,703,697

Motion: Marshburn  
Second: Behringer  
Vote: 5:0

### **UDO-19-03, Bar, Nightclub, Tavern in the CBD - Rand Mill Rd.**

Presenter: John Hodges, Asst. Town Manager-Development Services

This Unified Development Ordinance (UDO) text amendment request sponsored by the Downtown Garner Association to amend the use table and specific use standards to allow bar, nightclub, tavern uses in the Central Business District subject to additional standards and an order from the Town Council granting a special use permit. This amendment would extend the previous amendment to CBD properties along Rand Mill Road.

Action: Adopt Ordinance (2019) 3999 amending the text of the UDO

Motion: Behringer  
Second: Marshburn  
Vote: 5:0

## **COMMITTEE REPORTS**

### **MANAGER REPORTS**

- garner info
- Finance Report
- Building & Permit Report
- WRAL marketing campaign kick-off tomorrow
- Public meeting for White Oak/Ackerman/Hebron Church roundabout tomorrow at 6:00 p.m. in the Training Room
- Barber Shop rap session @ Diamond Cutz on Wednesday at 6:30 p.m.
- Pop-Up Market September 29 @ Noon
- Fireman's Day Festival is October 5 at 11:00 a.m.
- Proposed date for day 1 of Council's Retreat is November 26 and anticipated to be part of an extended work session.
- Provided an update on the Rec Center; substantial completion is November 19

### **ATTORNEY REPORTS**

Pursuant to N.C. General Statutes Section 143-318.11(a)(3)) "to consult with the Town Attorney regarding litigation."

### **COUNCIL REPORTS**

Council Members Behringer and Singleton had nothing to report.

- Mayor ProTem Marshburn and Council Member Vance reported attending the park re-naming ceremony for Jackie Johns, Sr.

Ms. Howe stated discussions with the consulting firm regarding development of the pad downtown continues. The consultant is in the process of doing background research and a community walkthrough is scheduled for October.

**RETURN TO REGULAR SESSION AND ADJOURNMENT: 8:38 p.m.**

Motion: Kennedy  
Second: Marshburn  
Vote 5:0