

**Town of Garner
Town Council Meeting Minutes
January 7, 2019**

The Council met in regular session at 7:00 p.m. in the Garner Town Hall located at 900 7th Avenue.

The Council called for a moment of silence in recognition of Council Member Jackie Johns who passed away on January 6, 2019.

CALL MEETING TO ORDER/ROLL CALL: Mayor ProTem Ken Marshburn

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roynance-Asst. Town Manager-Operations, David Bamford-Planning Services Manager, Het Patel-Senior Planner, Rick Mercier-Communications Manager, Pam Wortham-Finance Director, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Mayor ProTem Ken Marshburn

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Remove discussion of revisions to the Council Meeting Rules and Procedures from agenda.

Motion: Kennedy
Second: Singleton
Vote: 4:0

PRESENTATIONS

CONSENT

PUBLIC HEARINGS

Mr. Anderson explained the procedures to be followed during the hearings and asked Council to disclose any ex parte communication. Hearing none, the Town Clerk administered the Affirmation of Oath to the following: Het Patel, David Bamford, Stacy Harper, Patty Harrell-Hilburn, Bruce Derbent, and Marty Bizzell.

Conditional Use Rezoning CUD-Z-18-09 and Conditional Use Subdivision CUP-SB-18-05, Minglewood Townhomes

Presenter: Het Patel, Senior Planner and Stacy Harper, Principal Planner

Mayor Williams opened the public hearing and asked Mr. Patel and Ms. Harper to present the staff reports.

This request for rezoning (CUD-Z-18-09) and associated subdivision plan (CUP-SB-18-05) were submitted to develop the site into a townhome subdivision (Minglewood Townhomes) of 96 units. The applicant is requesting to rezone the site from Community Retail (CR) and Office & Institutional (O&I) to Multi-Family 1 with conditions (MF-1 C208). Use restrictions and subdivision characteristic features are proposed as conditions. Staff recommends approval of CUD-Z-18-09 with plan amendment and finds CUP-SB-18-05 in conformity with UDO.

Sara Spayed who lives in the Summers Walk subdivision expressed concern regarding traffic, trash and speed on Minglewood Drive.

John Pickle stated the Village of Aversboro had no objections regarding this project.

Council Member Kennedy asked staff to provide additional information regarding traffic impacts. Mr. Patel stated the proposed lot size in this development would not trigger a traffic impact analysis in the UDO and explained the procedure to calculate volume capacity on roads.

Mark Yurk who lives in the Heather Woods subdivision expressed concern regarding the traffic congestion on Timber Drive.

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

Mayor ProTem Marshburn stated he felt this project is the best use of the property; however, road improvements are partly contingent on funding from NCDOT.

Action: Move the Council find that although the rezoning request is inconsistent with the Comprehensive Growth Plan it is reasonable and in the public interest because it will likely allow the development of an appropriate density of housing in the area in which it is located and therefore, move further that the Council adopt Ordinance (2019) 3943 approving rezoning request number CUD-Z-18-09, and in doing so, also amend the Town's Comprehensive Growth Plan from designating the subject property as Office Center to Multi-Family Residential Conditional Use (MF-1 C208).

Motion: Singleton
Second: Kennedy
Vote: 4:0

Action: Move the Council accept the staff statements regarding plan consistency in Section VI of the report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SB-18-05, Minglewood Townhomes, with the three standard conditions and three site specific conditions: 1) Prior to recordation of the first final plat, documents establishing a Homeowner's Association and restrictive covenants shall be submitted to the Garner Planning Director for review; 2) Prior to issuance of each building permit, a fee in lieu of park land dedication shall be paid to the Town of Garner; 3) The developer shall be responsible for all roadway improvements required by NCDOT.

Motion: Kennedy
Second Behringer
Vote: 4:0

Conditional Use Rezoning CUD-Z-18-11 and Conditional Use Subdivision CUP-SB-18-08– Rhora Subdivision

Presenter: Het Patel, Senior Planner and Stacy Harper, Principal Planner

Mayor Williams opened the public hearing and asked Mr. Patel and Ms. Harper to present the staff reports.

This request for rezoning (CUD-Z-18-11) and associated subdivision plan (CUP-SB-18-08) were submitted to develop the site into a single-family subdivision (Rhora Subdivision) of 106 units. The applicant is requesting to rezone the site from Single-Family (R-40) and Planned Residential Development (PRD C1) to Single-Family with conditions (R-9 C210). Use restrictions and subdivision characteristic features are proposed as conditions. Staff recommends approval of CUD-Z-18-11 and finds CUP-SB-18-08 in conformity with UDO.

Mr. Bizzell, representing MI Homes, stated the applicant was in agreement with the permit conditions. Mr. Bizzell added that as part of the project, many of the 40" to 50" Red Oak trees will be preserved. The applicant will also be constructing a greenway as an added amenity to the project.

Brett Mozino who lives in the Sutton Springs subdivision expressed concern regarding the affect this project will have on property values as well as the amount of additional traffic in the area.

Council Member Singleton stated a round-about was being developed for the Ackerman, Hebron Church, and White Oak area to help move traffic along.

Demian Dellinger who lives on Sycamore Drive asked about the plan for aggregating traffic streams. Mr. Patel responded, when a traffic impact analysis is required, staff begins by looking at other planned developments in the area and when they will come online. Composite data goes into each traffic impact analysis leading up to the other and 3.5% is added.

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

Action: Move the Council accept staff's statements regarding zoning consistency with the Comprehensive Growth Plan, detailed in Section IV of this report, as our own; and therefore move further that the Council accept the recommendation of the Planning Commission and adopt Ordinance (2019) 3944 approving rezoning request number CUD-Z-18-11 as it is reasonable and in the public interest because it will likely 1) it will allow the development of an appropriate density of housing in the area in which it is located and 2) replace septic systems and wells for public water and sewer and therefore, move further that the Town adopt Ordinance (2019) 3944.

Motion: Singleton
Second: Kennedy
Vote: 4:0

Action: Move the Council accept staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SB-18-08, Rhora Subdivision, with the three standard conditions and four site specific conditions: 1) Prior to recordation of the first final plat, documents establishing a Homeowner's Association and restrictive covenants shall be submitted to the Garner Planning Director for a courtesy review, 2) Prior to the issuance of each building permit, a fee in lieu of parkland dedication shall be paid to the Town of Garner, 3) The developer shall be responsible for all roadway improvements required by NCDOT, 4) A petition for annexation must be filed prior to final plat approval.

Motion: Kennedy
Second: Marshburn
Vote: 4:0

NEW/OLD BUSINESS

COMMITTEE REPORTS

MANAGER REPORTS

garner info

Building & Permit Report

ATTORNEY REPORTS

COUNCIL REPORTS

Marshburn

- Invited all to attend the MLK celebration on January 20 at 4:00 p.m. at the Garner Performing Arts Center.

Behringer

- Asked if there was a start date for the townhome project on the East Garner Road. Mr. Triezenberg advised construction document approval is needed before they can move forward.

Singleton

- Asked for a status on the pavement condition survey. Mr. Roylance advised a meeting is scheduled with the consultant on January 14.
- Suggestion for motion forms- clean it up

Kennedy

- Reported Council received emails and notices, and invitations to public meetings all related to the general discussion of affordable housing and asked for a discussion at the Work Session.
- Confirmed Council will need to complete the Incident Command Training.

Williams

- Reminded everyone the Mayor's Annual Prayer Breakfast is scheduled for Thursday, January 10th.

Each of Council expressed their sympathy for the death of Council Member Johns and shared some special memories.

Council requested a refresher on the procedures when considering CUP/SUP projects.

ADJOURNMENT: 8:49 p.m.