

Garner Town Council
Council Meeting Minutes
February 1, 2016

The Garner Town Council met in regular session at 7:00 p.m. in the Police Department Training Room.

CALL MEETING TO ORDER: Mayor Ronnie Williams called the meeting to order at 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Buck Kennedy

INVOCATION: Council Member Buck Kennedy

PETITIONS AND COMMENTS

Mr. Elmo Vance introduced Ms. Marsha A. Timmell, the recipient of the 2016 Martin Luther King, Jr. Dream in Action Award. Ms. Timmell teaches 7th grade at North Garner Middle School and has worked to support education and human and civil rights.

ADOPTION OF AGENDA

Mayor Williams requested to add a closed session to the agenda per N.C.G.S. 143-318-11(a)(6) "to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

Town Attorney Bill Anderson requested to add a closed session to the agenda per N.C.G.S. 143-318.11(a)(5) "to discuss possible real estate acquisition and the Town's negotiating position regarding such real estate".

Action: Agenda revised to include these items.

Motion: Marshburn
Second: Behringer
Vote: Unanimous

Action: Agenda approved.

PRESENTATIONS

Introduction of Miss Garner Grace Ann Carroll and Miss Garner Outstanding Teen Carlli McIntyre
Presenter: Harold Garner, Executive Director, Miss Garner Pageant Association

Mr. Garner advised Council that Miss Garner Outstanding Teen, Carlli McIntyre was not able to attend the meeting due to an illness and introduced Miss Garner Grace Ann Carroll. Miss Carroll is a graduate of NC State currently pursuing a Master's Degree in Nutrition from Meredith College. As Miss Garner, her platform is Healthy Me Healthy NC.

Recognize Retirement of Deputy Chief Eric Copeland for his retirement from the Town
Presenter: Brandon Zuidema, Police Chief

Chief Zuidema recognized the many contributions of Deputy Chief Copeland during his 25 years of service at the Town of Garner and presented his service weapon. Council expressed their appreciation for his service and Interim Town Manager Rodney Dickerson presented a retirement gift from the Town.

Investment Update from PFM Asset Management
Presenter: Pam Wortham, Interim Finance Director

Ms. Wortham introduced Craig Robinson of PFM Asset Management who provided an update of the Town's investment portfolio. Mr. Robinson is scheduled to provide more comprehensive data in the next quarterly update (May 2016).

CONSENT

Termination of Temporary Construction Easement
Presenter: William E. Anderson, Attorney

Prior to the U S 70 roadway improvements project, the Drury Development Corp. and the Yeargan family granted certain temporary construction easements to the Town. The construction work has been completed and Core Properties has requested that documents be filed memorializing the termination of the temporary easements. That is an acceptable procedure. The form of the proposed documents as prepared by Core's attorney have been approved.

Action: Authorize Execution and Recordation of Notices of Termination

Lake Benson Dog Park
Presenter: Sonya Shaw, Parks, Recreation & Cultural Resources Director

Town staff is requesting Council approve the proposed dog park plan for Lake Benson Park in order for staff to begin the Planning Department's review process.

Action: Approve Lake Benson Dog Park Plan

Authorization to Investigate Two Voluntary Annexation Petitions
Presenter: Brad Bass, Planning Director

The Town of Garner has received two petitions for annexation:
ANX-15-03: 49 acres on Bryan Road, single parcel for future elementary and middle schools.
ANX-15-06: 97 acres on New Bethel Church Road, seven parcels associated with future site of Oak Park Subdivision.

Action: Adopt Resolution No. (2016) 2280

Motion: Johns
Second: Singleton
Vote: Unanimous

PUBLIC HEARINGS

Conditional Use Permit CUP-SP-15-15, Zaxby’s
Presenter: Jenny Saldi, Senior Planner

Providence Group Sports and Entertainment is requesting conditional use site plan approval for the construction of a new restaurant, Zaxby’s. The property is located in the northwest portion of U.S. Highway 70 and Jones Sausage Road.

Ms. Saldi gave the following staff report.

This application proposes the construction of a 3,847 square foot building on a 1.097 acre lot. The proposed building will be constructed of red brick, off-white EIFS and gray cultured stone. The current zoning on the site is Service Business Conditional Use (SB C62) in the US 70/401 Overlay District. The plan as proposed meets the requirements of the Landscape Ordinance and the fire code requirements. Parking requirements for restaurants are based on seating; 30 (2 accessible) plus room for 5 cars at the drive-thru window are required, however, 42 spaces (2 accessible) plus stacking for 5 cars at the drive-thru window is proposed. This site does not contain a FEMA designated floodplain. Connections for public water and sewer service are proposed. This site is part of the White Oak Northwest project and is subject to both storm water quality and quantity requirements. The developer is installing an offsite storm water BMP designed to handle detention of the 1, 10 and 25 year storms and provide some nitrogen removal. An offset payment to a private mitigation bank was also required. Entrance into the site is from the northern most drive off the access easement shared with the adjacent restaurant. Except for the area north of the building, there is a one way traffic pattern around the building with two points of exit onto the access easement.

The Planning Commission, at their meeting on January 11, 2016, unanimously voted to recommend approval of CUP-SP-15-15 – Zaxby’s with no site specific conditions.

Mayor Williams asked Council to disclose any ex parte communications. Hearing none, he opened the public hearing.

Hearing no comments, Mayor Williams closed the public hearing and called for a motion.

Action: Approved, with no site specific conditions.

Motion: Kennedy
Second: Singleton
Vote: Unanimous

NEW/OLD BUSINESS – None

COMMITTEE REPORTS – None

MANAGER REPORTS

- garner info
- Buffaloe Road Sidewalk Project
Mr. Dickerson advised Council that as this project only received two bids when advertised, it will be rebid on February 9. Typically, the Town would like to receive at least three bids. If less than three bids are received during the re-bid process, staff may decide to proceed with the bids received.
- FY16-17 Budget Hearing

Mr. Dickerson advised Council that a budget hearing for FY-16/17 will be held at the February 16 meeting.

- Logistics for Retreat

Mr. Dickerson advised Council that this year's Retreat will be held at the Quorum Center in downtown Raleigh and facilitated by Peg Carlson. Materials for the Retreat should be ready by Wednesday.

- Resurfacing Program

Mr. Dickerson advised Council that the scheduled resurfacing for this fiscal year was completed today.

ATTORNEY REPORTS - None

COUNCIL REPORTS

Council Member Marshburn

- Expressed appreciation for the "safe exchange zone" at the Police Department and felt this was a great service to Garner's citizens.
- Thanked the Interim Manager for arranging the special pickup for unprepared yard waste on February 8 and for the continued Town updates.
- Attended the Broadway Series concert last Saturday and felt it was well attended and very enjoyable.

Mayor Pro Tem Behringer

- Also attended the Broadway Series concert and expressed appreciation of the artist's amazing talent.
- Reported several streetlights along Timber drive not working properly.
- Reported a wire or cable across Penny Street.

Council Member Johns

- Reported a clogged ditch and pipe on the east side of Carroll Street.

Council Member Singleton

- Expressed appreciation for setting up the special pick-up for unprepared yard waste.
- Encouraged everyone to go online and read the article in the Garner Cleveland Record relating to Wake County Commissioners and bond referendums for school construction. He also stated that just because schools are designed, they are not necessarily in the loop to be built.

Council Member Kennedy

- Stated the article mentioned by Council Member Singleton emphasized the age of the Apex High School, however Vandora Springs Elementary School is more than 55 years old. He said he hopes there is no slippage as to the scheduled renovations of Vandora Springs Elementary.
- Expressed concern regarding the advertising signs near Forest Hills Shopping Center.
- Asked when striping would be complete for the resurfacing program.
- Wanted to clarify the debris from the tree trimming operation would be picked up on a different schedule than the February 8 unprepared yard waste pick-up and the regularly scheduled yard waste pick-up.
- Reported the YMCA fundraising campaign was approximately \$440,000 from their goal of raising \$7M.

CLOSED SESSION

Motion: Marshburn
Second: Singleton

Vote: Unanimous

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RETURN TO REGULAR SESSION AND ADJOURN – 9:30 p.m.

Respectfully Submitted,
Stella Gibson