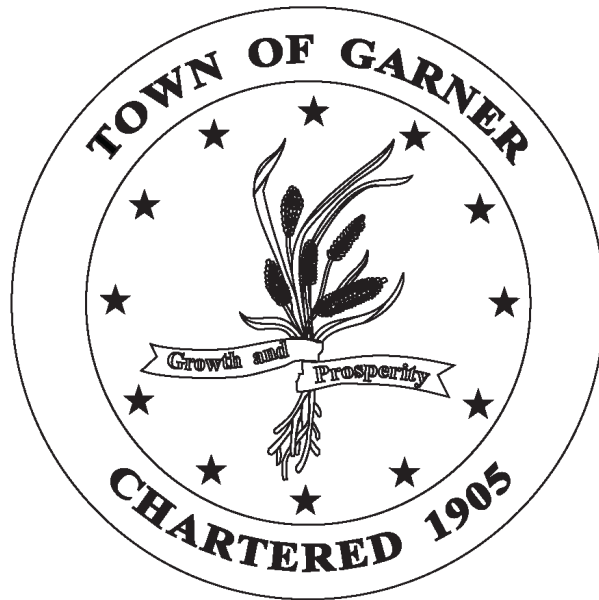


TOWN OF GARNER



TOWN COUNCIL MEETING

February 4, 2019
7:00 P.M.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Agenda
February 4, 2019**

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

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

The Council will call for a brief recess at 9:00 p.m.

- B. PLEDGE OF ALLEGIANCE: Mayor Ronnie Williams

- C. INVOCATION: Mayor Ronnie Williams

- D. PETITIONS AND COMMENTS

This portion of the meeting is to receive comments from the public on items not included in this agenda. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. The Board is interested in hearing your concerns but may not act or deliberate on the subject matter brought up during the Petitions and Comments segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

1. Presentation of the MLK Dream in Action Award Page 3

- G. CONSENT

1. Council Meeting Minutes Page 4
Presenter: Stella Gibson, Town Clerk

Minutes from the January 7, 2019 Council Meeting.

Recommended Action: Consider adopting minutes

2. Prudential 457 Retirement Savings Plan Page 9
Presentation: BD Sechler, Human Resources Director

Resolution recognizing the implementation of a 457 retirement plan through Prudential Retirement. This plan will complement our existing 401K retirement savings plan, also managed by Prudential Retirement. The resolution is required by Prudential.

Recommended Action: Consider adopting Resolution (2019) 2368

3. Approval of Administrative Services Intern Page 12
Mike Franks, Budget and Special Project Manager

The Town Manager's Office has identified a need for an Administrative Services Intern position to assist with various administrative tasks related to a future referendum.

Recommended Action: Consider approving position

H. PUBLIC HEARINGS

I. NEW/OLD BUSINESS

J. COMMITTEE REPORTS

K. MANAGER REPORTS

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

1. Council Vacancy Application

N. CLOSED SESSION

Pursuant to N.C. General Statutes Section 143-318.11(a)(5) "to discuss possible real estate acquisition and the Town's negotiating position regarding such real estate."

O. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 4, 2019		
Subject: MLK Dream in Action Award		
Location on Agenda: Presentations		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: MLK Celebration Committee		
Brief Summary: Presentation of the Dream in Action awarded by the MLK Celebration Committee.		
Recommended Motion and/or Requested Action:		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 4, 2019		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Minutes from the January 7, 2019 Council Meeting.		
Recommended Motion and/or Requested Action: Consider adopting minutes		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**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.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 4, 2019		
Subject: Prudential 457 Retirement Savings Plan		
Location on Agenda: Old/New Business		
Department: Human Resources		
Contact: BD Sechler, Human Resources Director		
Presenter: BD Sechler, Human Resources Director		
Brief Summary: Resolution recognizing the implementation of a 457 retirement plan through Prudential Retirement. This plan will complement our existing 401K retirement savings plan, also managed by Prudential Retirement. The resolution is required by Prudential.		
Recommended Motion and/or Requested Action: Adopt Resolution (2019) 2368		
Detailed Notes: See attached memo to Town Manager		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BDS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



MEMORANDUM

To: Rodney Dickerson
From: BD Sechler
Date: January 28, 2019
Re: Prudential 457 Retirement Savings Benefit Offering

In late 2017, we commissioned a study to determine the strength of our pay and benefit offerings. The goal of the review was to make certain we were doing all that we could to ensure our pay and benefits programs were competitive in the marketplace.

Among many recommendations that arose from the study, one recommendation outlined the use of a supplemental retirement savings plan, commonly know as a 457 plan. It was determined that our current 457 plan, offered through the International City/County Management Association (ICMA), was underutilized and not effective in driving staff to contribute to the plan.

Our pre-tax 401K plan is managed by Prudential on a contract awarded to them by the North Carolina Department of State Treasurer. In an effort to streamline our benefits offerings and to increase the understanding and utilization of 457 supplemental retirement savings plans, we have decided to implement a 457 plan managed through Prudential. There is no cost to the Town for adding this program.

Similar to our 401K plan administration, Prudential requires the approval of a resolution by the Town. Attached to this memo is that required resolution. Once executed, we can complete the administrative paperwork and begin to roll out the 457 plan to staff.

I thank you for your ongoing support and welcome any comments or questions you may have.

RESOLUTION (2019) 2368

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A DEFINED CONTRIBUTION PLAN (457 PLAN) THROUGH PRUDENTIAL RETIREMENT

WHEREAS, the Prudential Retirement Organization wishes to provide a qualified defined contribution plan to the employees of the Town of Garner

AND WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Code Section 457b for Public employees of North Carolina

THEREFORE, be it resolved that the Town of Garner has adopted the North Carolina Public Employee Deferred Compensation Plan also know as "NC Deferred Comp" under the terms of the Plan Document and the Third-Party Administrator Agreement. All employees shall become eligible to defer compensation immediately.

This the 4th day of February, 2019

Ronnie S. Williams, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 4, 2019		
Subject: Approval of Administrative Services Intern		
Location on Agenda: Consent		
Department: Town Manager		
Contact: Mike Franks, Budget and Special Projects Manager		
Presenter: Mike Franks, Budget and Special Projects Manager		
Brief Summary: The Town Manager's Office has identified a need for an Administrative Services Intern position to assist with various administration tasks related to a future referendum.		
Recommended Motion and/or Requested Action: Approval of the position		
Detailed Notes: This position is required based on the significant workload associated with preparing for an upcoming referendum. If approved, this position will be tasked with preparing materials to update council and the public, performing analysis, coordinating meetings, and providing general administrative support to staff. In addition to performing duties related to the referendum, this position will assist with other projects such as preparing a new council member education program and assisting staff with developing performance measures designed to evaluate and improve performance.		
Funding Source: The cost of this position would be approximately \$7,000 and would impact both FY 2019 and FY 2020. Staff believes FY 2019 existing appropriations and FY 2020 funding request sufficient funding exists in FY 2019 to absorb the cost and would recommend including funding in the FY 2020 budget to support the request.		
Cost: \$7,000	Cost Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: Recommend approval		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MR	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Reports



PUBLICSTUFF

garner info

BOARD REPORT

Id	Title	Description	Current Status	Address	Date Created
5372023	Construction Without Permit	There has been what looks like a 3-4" PVC pipe place in a shallow trench coming from what appears to be the rear of the property and dumps out in the ditch at the front of the property. Not sure as to what is going to be coming from the pipe but etherway it will be adding to the already "messed" up drainage on New Rand Rd. Places that should be going through a drainage pipe that is clogged and then the water is forced to then travel down the road and erode driveways etc..I looked for any permits pulled to do such work and was unable to locate any. Thank	Submitted	104 New Rand Rd, Garner, NC 27529, USA	12/27/2018
5385300	Misc. - Streets	This utility box was exposed by the builders while working on the sidewalks at Preakness Place Subdivision. The site manager is failing to correct the problem despite homeowner request. Located on Oakton Ridge Place, between Sheldon Place and Preakness Place.	In Progress		12/30/2018
5459649	Pothole/ Pavement Repair	The street gutter at the end of our driveway is cracking and coming up in peices. We will soon just have a big hole and non drivable driveway. Requesting for repair. Please contact Mike @ 602-295-7895. Thank you.	In Progress	1405 Buckingham Rd, Garner, NC 27529, USA	1/16/2019
5462061	Pothole/ Pavement Repair	Pothole at intersection	In Progress	1-101 Saint Marys St, Garner, NC 27529	1/16/2019
5475272	Pothole/ Pavement Repair	Pothole on side of road	In Progress	1010 Meadowbrook Dr, Garner, NC 27529	1/18/2019
5477183	Trash/Solid Waste (Private)	Avon dined shopping cart and a ton of litter behind grocery boy jr. and tree line	Submitted	1912 W Garner Rd, Garner, NC 27529	1/20/2019
5500034	Sight Distance	18 wheeler parked in res. neighborhood at corner of intersection. This is a separate case from the Amazon 18 wheeler already reported on. called 911 last night as Garner PD asked us to do in previous case but truck is still there more than 24 hrs later. Truck is unsightly and (in my opinion) wholly unacceptable for street parking in a residential area. when stopped at stop sign, cannot see if someone is coming to the right and because truck is so large, risk of collision from blindspot when turning either way and additionally from significantly narrowed street	Submitted	425 Johnson St, Garner, NC 27529, USA	1/24/2019

5500042	Animal Concern - Non Emergency	at least six feral cats running amok back and forth from houses behind me and houses across street from me. they are constantly fighting (occasionally bleeding on my back deck), urinating on (spraying) my car's wheels, and making all kinds of noises in the middle of the night just outside my window which disrupt my sleep and work my dogs into a frenzy. they also continue to mate just	In Progress	145 Parkhaven Ln, Garner, NC 27529, USA	1/24/2019
5514287	Misc. - Streets	Possible water leak along this part of Kenway St. hasn't rained lately, but water is running down side of street	Submitted	506 Kenway St, Garner, NC 27529	1/28/2019
5523244	Pothole/ Pavement Repair	It's a bit further 100ft up Jones sausage rd (going towards I-40), in the turn lane, right in front of someone driveway.	In Progress	5880 Jones Sausage Rd, Garner, NC 27529	1/30/2019
5523259	Pothole/ Pavement Repair	There are 2 right on that curve within a few 100ft if eachother.	In Progress	6097-6307 Jones Sausage Rd, Garner, NC 27529	1/30/2019