

**Town of Garner
Town Council Minutes
April 4, 2016**

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: Mayor Ronnie Williams

Mayor Ronnie Williams, Mayor Pro Tem Kathy Behringer, Council Member Jackie Johns, Council member Buck Kennedy, Council Ken Marshburn, Council member Gra Singleton (arrived at 9:17 p.m.)

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Behringer

INVOCATION: Mayor Pro Tem Behringer

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Council Member Marshburn requested to revise the agenda to add and approve Resolution (2016) 2287, Authorizing Disposition of Personal Property.

Motion: Kennedy
Second: Marshburn
Vote: Unanimous

PRESENTATIONS

Recognize Retirement of Veronica Weaver for her retirement from the Town
Presenter: Brandon Zuidema, Police Chief, and Rodney Dickerson, Town Manager

CONSENT

Adoption of Minutes from December 7, 2015, February 1, 2016 and February 16, 2016 Council Meetings and January 26, 2016 Work Session

Action: Adopt Minutes

Ordinance Amending FY 2015-2016 Operating Budget

Budget amendment related to additional costs for GVFR, Inc., associated with the move to 120 E. Main St.

Action: Adopt Ordinance (2016) 3808

Motion: Johns
Second: Marshburn
Vote: Unanimous

PUBLIC HEARINGS

Annexation Petition ANX-15-06, Oak Park
Presenter: David Bamford, Senior Planner

Annexation petition associated with the proposed Oak Park development (rezoning and subdivision) located on New Bethel Church Road. The site is currently located in Wake County's jurisdiction. In order for Council to take action on rezoning and CUP applications the site must be annexed first.

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: Adopt Ordinance (2016) 3809

Motion: Kennedy
Second: Behringer
Vote: Unanimous

Mayor Williams announced the next two public hearings are to consider conditional use rezoning applications and quasi-judicial hearings for conditional use permit applications and asked the Town Attorney to explain the procedures to be followed in these hearings. The Clerk administered the Affirmation of Oath to the following: David Bamford, Jenny Saldi, Brad Bass and Keith Roberts.

Mayor Williams asked the Council to disclose any ex parte communications regarding these projects. Hearing none, he moved forward with the applications.

Conditional Use Rezoning, CUD-Z-15-06 and Conditional Use Permit, CUP-SB-15-06 – New Bethel Church Road

Presenter: David Bamford, Senior Planner

This request is to rezone a 97 acre tract of land on New Bethel Church Road from Wake County R-30/Water Supply Watershed Overlay to Town of Garner R-9 C180/Swift Creek Overlay District and request for conditional use permit approval for a 212 lot residential subdivision. The Town Attorney explained the procedures to be followed in this type of hearing. The Clerk administered the Affirmation of Oath to Brad Bass, Jenny Saldi and Keith Roberts.

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

The R-9 designation requires a minimum lot size of 9,000 square feet (0.21 acres) and would prohibit the following uses: modular homes, family care homes, group care homes, child day care up to 3 as home occupations, family child day care up to 8 in homes, public safety facilities (fire, police, rescue, ambulance), cemeteries, private parks, golf courses, or country clubs.

This site has 1,677 feet of frontage along New Bethel Church Road (SR 2703), a 2-lane facility with a 60' right-of-way classified as a Minor Thoroughfare by the Garner Transportation Plan. The Average Daily Traffic (ADT) volume is approximately 3,700 vehicles per day (according to 2011 NCDOT counts). The applicant would be responsible for all proposed road improvements. The Planning Commission heard the item at their regularly scheduled meeting on March 14, 2016 and unanimously recommended approval of the request, subject to the conditions listed on the permit.

Council member Johns asked the distance to the closest water and sewer connection. Mr. Bamford advised approximately 500 – 600 feet to connect to sewer. The site has direct access to Town of Garner water.

Council Member Marshburn stated he was glad to see this area developing.

Ms. Saldi provided the following staff report.

This application proposes the construction of a 212 lot single family subdivision on a 97.95 acre site. Open space requirements have been met. This open space will be owned and maintained by the homeowner's association for the subdivision. The Parks, Recreation and Cultural Resources Department recommended a fee-in-lieu of parkland dedication, which is currently \$1,147.00 per dwelling unit. A Greenway Easement has been proposed, which runs along the creek, from the southern property line to the north at New Bethel Church Road. The plan as proposed meets the requirements of the Landscape Ordinance. This site does contain a FEMA designated floodplain at the southern tip of the property; no development is proposed within the floodplain. The Fire Inspector has reviewed the plans and reports fire protection requirements have been met. Extension of public water and sewer lines are proposed. A pump station is required and is shown on the plans; details will be worked out during construction drawing review.

Construction drawing approval from the City of Raleigh is required prior to final plat recordation.

Two entrances are proposed off New Bethel Church Road. Stub outs to the east, west and south are proposed allowing connection in the event these properties are developed.

Road widening with curb/gutter and sidewalk construction along the majority of the project's frontage on New Bethel Church Road is proposed. Road improvements stop before the Neuse River Buffer due to an existing culvert and the expense to modify the culvert design to accommodate the road improvements.

This project is subject to nitrogen and water quantity requirements and water quantity requirements. Several dry detention ponds are being shown to control the 1, 10 and 25 year storm events. Nitrogen loading rates do not require that treatment devices have to be constructed; however, payment to a private mitigation bank will be required.

New residential subdivisions are no longer provided door to door mail delivery. The post office is requiring subdivisions to provide centralized kiosks for mail delivery and pick up. The location and design of proposed kiosk was approved by the Town of Garner Postmaster.

Mr. Keith Roberts stated he was the site civil engineer representing the owner/developer and available to answer any questions.

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

Action: Find rezoning application CUD-Z-15-06 reasonably complies with the Town's Comprehensive Growth Plan, the zoning application is reasonable and in the public interest because it will likely allow appropriate types of business at the described location which will provide opportunities for access to goods and/or services useful to surrounding area; Adopt Ordinance (2016) 3810

Motion: Singleton
Second: Kennedy
Vote: Unanimous

Action: Find application complete and in compliance; approve permit application subject to six site specific conditions.

Motion: Singleton
Second: Marshburn
Vote: Unanimous

Conditional Use Rezoning, CUD-Z-16-02 and Conditional Use Permit, CUP-SP-16-03, Scattered Wrenches

Presenter: Jeff Triezenberg, Assistant Planning Director

The Clerk administered the Affirmation of Oath to the following: Brad Bass, Jenny Saldi, Jeff Triezenberg, and Matt Simmons.

Mayor Williams opened the public hearing and asked Mr. Triezenberg to provide the staff report.

This request to rezone a .46 acre tract located at 130 Annaron Court from CR to SB CUD C-182 and request for conditional use permit approval of an automotive repair and maintenance business.

Matt's Auto Shop is an existing business that is requesting rezoning in order to store vehicles in the process of being repaired overnight. The current zoning does not permit overnight storage. No increase in traffic is expected and currently has connections to water and sewer service.

Ms. Saldi provided the following site report:

The existing building is 2,785 square foot with no proposed changes to the current façade. The building houses 6 service bays and provides parking for 34 vehicles. A black vinyl coated chain link fence with black vinyl slats are proposed on the front and sides of the site. Repairs will be made to the existing rear privacy fence. The site meets the landscaping plan, there is no increase proposed to the impervious surface area and no storm water requirements.

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

Action: Find rezoning application CUD-Z-16-02 reasonably complies with the Town's Comprehensive Growth Plan, the zoning application is reasonable and in the public interest because it will likely allow appropriate types of business at the described location which will provide opportunities for access to goods and/or services useful to surrounding area; Adopt Ordinance (2016) 3811

Motion: Marshburn
Second: Behringer
Vote: Unanimous

Action: Find application complete and in compliance; approve permit application with no site specific conditions.

Motion: Marshburn
Second: Behringer
Vote: Unanimous

Order to Close a Portion of Wade Avenue

Presenter: David Bamford, Senior Planner

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

A street closing petition has been filed by Danny Shields to close the unimproved portion of Wade Avenue. This site consists 0.16 acres, 150 ft. long and 50 ft. wide. There is no development plan associated with the request. This site is an unimproved right-of-way for Wade Avenue that was never built. It was original set-up for connectivity and platted in Book of Maps 1959, Page 148. The issue of connectivity was settled in 2008 when 7 lots behind Park Avenue were developed into a cul-de-sac. The applicant wishes to close this right-of-way in

order to build an accessory structure and to correct some encroachment issues. Applicant would be responsible for having the plat re-drawn with corrected lot lines and recording at the Register of Deeds office.

Mr. Shields asked Council to close the road.

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

Action: Adopt Order to Close a Portion of Wade Avenue

Motion: Kennedy
Second: Singleton
Vote: Unanimous

Unified Development Ordinance Text Amendment (UDO-16-01)

Presenter: Brad Bass, Planning Director

A proposed text amendment to the Unified Development Ordinance (UDO) to modify setback requirements in several single-family zoning districts and revise the corner side setback requirement in the CBD zoning district.

Action: Close Public Hearing; Refer to Planning Commission

General Use Rezoning Z-16-01, Buffaloe Road

Presenter: David Bamford, Senior Planner

Request by Christian and Jennifer Olmstead to rezone a 4.72 acre tract of land located at 610 Buffaloe Road from R-40 to R-20. Mr. Olmstead stated they had purchased the property in October and began renovations to the home. The northwest portion of the lot is mostly unusable for their purposes.

Dr. Bob Chandler stated he has owned 609 & 611 Buffaloe Road for 38 years. He stated there is no precedent to allow residential density of greater than 1 single family residence per acre (40,000 sq ft) as most of the adjacent properties are much greater. He felt it was a misnomer to characterize adjacent property as R-11; when he purchased his property it was represented as R-40. He stated he represented all the neighbors; all are opposed to this rezoning request. He said he is vehemently opposed to this request.

Ms. Gilda Zimmern who lives at 612 Buffaloe Road asked Council how much more would be allowed on Buffaloe Road without some road improvements. That is why she is opposed to anymore improvements. She stated she is not opposed to the rezoning request.

Council Member Singleton pointed out the covenants of the Dunhaven Subdivision state no dwelling shall be erected or placed on any lot having an area of less than 40,000 square feet.

Mr. John Hosteler who lives at 615 Buffaloe Road stated that no one who lives near them cares if the applicant sells a 1 acre tract and 1 house is built. They are concerned about what happens when the applicant is no longer there.

Action: Close Public Hearing; Refer to Planning Commission

NEW/OLD BUSINESS

Bryan Road Funding Resolution from Wake County Board of Education

Presenter: Betty Parker, WCPSS

Wake County Board of Education has applied for statewide funding to assist with the cost of paving Bryan Rd. from Ackerman Rd. to Clifford Rd. intersections. Wake County Public School System is in the process of building an elementary school and a future middle school on the currently unpaved Bryan Rd. which is a NCDOT state-maintained road. The gravel road needs paving for safe public and school bus travel.

Ms. Parker stated the School Board has been working with legislators in both the House and the Senate seeking assistance for the gap in costs budgeted for offsite road costs and the estimate they received from NCDOT.

NCDOT is suggesting a one-third share between the House, the Senate, and NCDOT (as this would be an appropriate use of contingency funds). One of the requirements is a resolution from the School Board and the Town of Garner supporting the request.

Action: Adopt Resolution (2016) 2286

Motion: Marshburn
Second: Johns
Vote: Unanimous

Proposed Changes to Public Utility Fee Schedule

Presenter: John Hodges, Assistant Town Manager-Development Services

The Public Works Committee has recommended changes to the Public Utility Fee Schedule in follow up to a discussion at the Council Retreat in February. Council reviewed the proposed changes at the March 29, 2016 Work Session.

Action: Adopt recommended changes effective immediately

Motion: Kennedy
Second: Singleton
Vote: Unanimous

Award of Town Hall Construction Contract

Presenter: Tony Chalk, Town Engineer

Mr. Chalk advised Council bids were opened on Wednesday, March 30th for the construction of the new Garner Town Hall and roadway improvements associated with the project. The apparent low bidder was Resolute Building Corporation in the amount of \$6,555,300 for the base bid; the building and site work bid totaled \$6,235,300 and the offsite improvements totaled \$320,000. There were also 3 alternates which the contractor priced.

Alternate 1 - construction of the parking lot for additional library parking (\$129,308)

Alternate 2 – installation of a new generator in lieu of reinstalling the previous generator that was at Town Hall(\$70,000)

Alternate 3 - upgrade of some finishes in the building (\$13,300)

Mr. Hodges reported the following additional expenses that the Town anticipates to incur as part of the Town Hall project:

- New telephone system for Town Hall and Police Station (\$110,000)
- Construction management hours for Town Hall project plus management tool (\$40,000)
- Town Hall move costs - roadway and building signage, AV move to temporary location (15,000)

The addition of these costs reduces the savings realized between the Town Hall construction estimate and bid cost from \$802,345 to \$637,345. The revenue sources identified in October 2015 utilized a portion of the Reserve Funds to make up the funding shortage. This amount can now be reduced by the new project savings so the amount from the Reserve Fund will be \$35,049. A budget amendment will be presented at a future Council meeting to allocate Bond Proceeds and Bond Premiums to establish the project budget.

Council Member Singleton confirmed funding for the offsite improvements would come from the Timber Drive Project.

Council Member Kennedy asked for a detailed list of all project costs and funding sources.

Action: Award Contract to Resolute Building in the amount of \$6,235,300; Award offsite road improvements in the amount of \$320,000; Award Alternates 1, 2, and 3 subject to funding confirmation from Wake County.

Motion: Kennedy
Second: Singleton
Vote: Unanimous

COMMITTEE REPORTS

MANAGER REPORTS

1. garner info
2. Mr. Dickerson advised Council of the 'State of the Triangle Region' event scheduled for May 19, 2016 at the Sheraton Imperial Hotel in Durham.
3. Asked if Council would like to invite City of Raleigh utility staff to speak at a Council Meeting regarding the utility bill assistance program.

ATTORNEY REPORTS

COUNCIL REPORTS

Council Member Johns

- Advised the ditches along Montague Street that need to be cleaned are at Montague Street and Carroll Street (not Bagwell Street).

Mayor Pro Tem Behringer

- Reported the Town lot at the corner of Pearl Street and Main Street near the baseball fields needs to be mowed.
- Reported a duplex 106/108 W. Garner Road where the porch is in disrepair and requested staff to investigate to ensure building code standards are met.

Council Member Marshburn

- Expressed appreciation to Tim Stevens and Show & Tell Ministries for their performance at the GPAC.

Mayor Williams

- Asked for a status of a Town flag. Mr. Dickerson advised this will be done as part of a comprehensive marketing plan.

ADJOURNMENT: 9:47 p.m.

Respectfully Submitted,
Stella Gibson