

**Town of Garner
Town Council Meeting Minutes
June 6, 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

PLEDGE OF ALLEGIANCE: Council Member Gra Singleton

INVOCATION: Council Member Gra Singleton

PETITIONS AND COMMENTS

Jim Kelly and Rick Harris, representing the Garner Magnet High School Trojan Club, asked for Council support regarding planned interior renovations to the gym. They would like Garner Magnet High School to be of the same quality as the new school being built, South Garner High School. They feel that interior renovations will not address the problems with the gym.

ADOPTION OF AGENDA

Motion: Kennedy
Second: Marshburn
Vote: Unanimous

PRESENTATIONS

Recognition of Retirement of Audrey Harty

Presenter: Pam Wortham, Finance Director

Council recognized the retirement of Audrey Harty for 32 years of dedicated service to the Town.

Garner Education Foundation

Presenter: Cathy Williams, Chair

Ms. Williams presented the Garner Education Foundation's program of work, the 2015-2016 accomplishments and plans for future additional programs. She also thanked the Town for its support.

CONSENT

Minutes from October 20, 2015 Council Meeting, February 10-11, 2016 Council Retreat and March 29, 2016 Work Session.

Action: Adopt Minutes

Camping World Annexation ANX-16-01 – Resolution to Investigate

Presenter: Brad Bass, Planning Director

A satellite annexation petition was submitted by Camping World in association with their conditional use rezoning and site plan request regarding property located at 2300 US 70, East. The property is currently located outside of the Town's ETJ and will require annexation in order for the Town to act on the rezoning and site plan applications.

Action: Adopt Resolution (2016) 2290

Resolution Declaring Unpaid Nuisance Abatements as Tax Liens

Presenter: Pam Wortham, Finance Director

This Resolution authorizes unpaid nuisance abatement fees to be filed with Wake County Revenue as liens to real property and added to the property owner's tax bill. The two properties listed have unpaid abatements that are more than 30-days old.

Action: Adopt Resolution (2016) 2291

Montague Street Right-of-Way Dedication

Presenter, Bill Anderson, Town Attorney

As discussed briefly at the May 31, 2016 Work Session, the Town purchased a strip of land outside the existing Montague Street right of way in 1984. This Resolution dedicates this strip as public right of way.

Action: Adopt Resolution (2016) 2292

Regulation of Launch and/or Recovery of Unmanned Aircraft on Town Property

Presenter: Rick Mercier, Communications Manager

This Ordinance amends Section 11-18 of the Town Code to allow launch and/or recovery of unmanned aircraft on Town property with written permission from the Town.

Action: Adopt Ordinance (2016) 3816

Motion: Singleton
Second: Johns
Vote: Unanimous

PUBLIC HEARINGS

General Use Rezoning Z-16-02, 160 Mechanical Blvd.

Presenter: David Bamford, Senior Planner

Mayor Williams opened the Public Hearing and asked David Bamford to provide the staff report.

Amerco Real Estate Company to rezone a .328 acre tract of land located at 1650 Mechanical Boulevard from Community Retail (CR) to Service Business (SB). The Commercial Retail zoning classification allows commercial, office, retail sales and indoor operations. The proposed Service Business zoning classification allows commercial, office, retail sales, light industrial, vehicle sales and service, and indoor and outdoor operations. The property is currently vacant and undeveloped and no site plans have been submitted.

Mr. Steve Janowski, engineer on the project, stated U-Haul owns two tracts of property. One site is used as a mini-storage facility and the other is vacant. They would like to have both tracts zoned the same. This would also allow for secondary access for conditioned storage.

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

Action: Close Public Hearing; Refer to Planning Commission

Mayor Williams announced the next two public hearings were quasi-judicial hearings and asked Town Attorney William Anderson to explain the procedures to be followed in these hearings. The Clerk administered an Affirmation of Oath to: Brad Bass, Matt Klem, Tony Chalk, Jenny Saldi, Chris Benson, Eric Rifkin, and Laura Holloman.

Mayor Williams asked Council to disclose any ex parte communications. Hearing none, Mayor Williams opened the public hearing and asked Matt Klem to provide the staff report.

Conditional Use Permit CUP-SP-16-11, Brice's Brewing

Presenter: Matt Klem, Planner

This request is to establish a brewery (retail sales) and tap room (bar) at 1822 Garner Station Boulevard in a 2,100 square foot tenant space. Parking requirements are met by an existing on-site shared parking agreement. The proposed hours of operation extend beyond 5:00 p.m. resulting in a reduced demand for shared parking spaces. Storm water, street access/sidewalks, and landscaping were all approved with the original building. The application is consistent with Town plans/policies. The Planning Commission reviewed this permit at their meeting on April 11, 2016 and unanimously voted to recommend approval of CUP-SP-16-11 with one site specific condition as listed on the permit.

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

Action: Find application complete and in compliance; approve CUP-SP-16-11 subject to one site specific condition, 1) Prior to issuance of a Certificate of Occupancy, documentation of an approved ABC license shall be submitted to the Planning Department.

Motion: Marshburn
Second: Singleton
Vote Unanimous

Special Use Permit SUP-SP-16-02, McCullers Walk Apartments

Presenter: Jenny Saldi, Senior Planner

Mayor Williams opened the public hearing and asked Jenny Saldi to provide the staff report.

This application proposes a multi-family development on a 44.13 acre site on Ten Ten Road and Fayetteville Road adjacent to McCuller's Crossing Shopping Center. Twenty-one 3-story buildings are proposed consisting of 412 dwelling units. The six building types will be constructed of a combination of brick and hardi-plank. The project will include a clubhouse, two pools, two playgrounds, a volleyball court, a tennis court, greenway trail and three dog parks.

The plan as proposed meets the requirements of the Landscape Ordinance and tree cover requirements are met with existing vegetation. Buffers required include a 15' perimeter buffer adjacent to the shopping center to the

west, the undeveloped residential to the north, and a 20' street buffer along Ten Ten. The Neuse River buffer is shown on the north and west side of the project and will remain undisturbed.

Parking requirements are based on the number of bedrooms per unit and the total number of units. This project is required to have 842 spaces but are proposing a 9% reduction of that amount to 768 spaces.

This project is subject to nitrogen and water quantity requirements along with watershed water supply protection requirements (85% TSS removal) and water quantity requirements. The developer is proposing utilizing a combination of wet detention ponds along with dry detention ponds to reduce nitrogen and reduce the peak runoff. The post development runoff quantities will be reduced to predevelopment levels. Payment to a private mitigation bank will be required to comply with nitrogen removal requirements in the Neuse Rules.

The Fire Inspector reviewed the plans and is requiring a new fire flow test prior to issuance of a building permit.

The project is proposing to extend public water and sewer to serve the development as a whole (apartments, single-family homes, and townhomes). All water and sewer internal to the apartment complex will be private. The City of Raleigh has emphasized the requirement for the downstream sewer pump station upgrades to be approved before the construction drawings, needed for the public and private water and sewer extensions, are approved.

Street access and sidewalk requirements are met with a new public street off Ten Ten Road allowing three points of access. The existing street off Fayetteville Road will be dedicated to insure public access to the apartments and the landscape median will be maintained by the owner of the apartment development. Fayetteville Road will be modified to allow a left turn into the shopping center; right in, right out only. The median on Fayetteville at Caddy Road will be modified to allow left only off Fayetteville and right in, right out for Caddy Road.

The project is required to have 4.4 acres of parks and open space, however, 17.68 acres will be provided. The Parks, Recreation and Cultural Resources Department has determined a fee-in-lieu of parkland dedication will also be required.

The Planning Commission reviewed the plans at their May 9, 2016 meeting and unanimously recommended approval of SUP-Sp-16-02 with seven site specific conditions. However, following the Planning Commission meeting, the applicant has satisfied one of the site specific conditions.

Council Member Kennedy asked what the average rental rates will be and Mr. Rifkin advised a range of \$800 to \$1,550 monthly.

Mike Tilco, 49845 Trotter Drive, expressed his frustration regarding the traffic delays at Ten Ten Road and US 401.

Laura Holloman, applicant representative, stated the apartments were the first phase of their master plan, the single family homes is the second phase, and the last phase is the town homes. She believes the plan is cohesive and provides connectivity through the site.

Larry Richardson, Manager of 24 homes in the Lakeside Estates Homeowner's Association, asked Council for their assistance regarding the community's failing water system. The above ground storage tank failed and NCDENR has provided an extension to get the tank repaired. Mr. Hodges advised this area was not in the Town's limits and due to the cost of installing water lines, the neighborhood can't bear the cost of annexation. However, Mr. Hodges has been in discussions with Wake County on how best to address this issue. He also recently attended a grant workshop and learned of a grant that might be able to help the community.

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

Action: Find the application complete; approve SUP-SP-16-02 with six site specific conditions, 1) A 9% reduction in parking requirements is granted by the Town Council as recommended by the Planning Commission and staff, 2) Prior to review to building permit issuance, a new fire flow test shall be submitted to the Fire Inspector which takes into account the proposed utility plan, 3) Prior to construction drawing approval, the downstream sewer pump station upgrades shall be approved by the City of Raleigh, 4) The developer shall be responsible for any additional road improvements required by NCDOT, 5) The Developer is required to dedicate the street between Fayetteville Road (401) and the proposed apartments to the Town of Garner; as such, the Developer shall be responsible for improvements as required by the Engineering Department to accept it as a public street, and 6) The owner of the apartment complex shall be responsible for the maintenance of the landscape median within the public street off Fayetteville Road (401) leading to the apartments.

Motion: Kennedy
Second: Marshburn
Vote: Unanimous

Street Closing SC-16-02

Presenter: Brad Bass, Planning Director

Mayor Williams opened the public hearing and asked Brad Bass to provide the staff report.

A street closing petition has been filed by the Town of Garner to close the unimproved portion of a public street right-of-way located on the Garner Recreation Center site east of Montague Street. This area is located on Town property and has no utilities.

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

Action: Adopt Order to Close a Portion of Unimproved Public Street Right-of-Way

Motion: Kennedy
Second: Singleton
Vote: Unanimous

FY 2016-17 Economic Development Budget Hearing

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

Mayor Williams opened the public hearing and asked John Hodges to provide the staff report.

This Public Hearing is being held for the purpose of complying with the requirements of North Carolina General Statute 158-7.1 which requires a public hearing for all economic development expenditures.

Hearing no further comments, Mayor Williams closed the public.

Action: Receive Public Comment

FY 2016-17 Recommended Budget Hearing

Presenter: Michael Gammon, Budget & Special Projects Manager

Mayor Williams opened the public hearing and asked Michael Gammon to provide the staff report.

As a follow-up from the Council's Work Session on May 31, 2016, the FY 2016-17 recommended budget has been adjusted to include:

- A 1.5 cent property tax increase to fund the Fire and Police positions
- The addition of six months of funding for nine Garner Volunteer Fire-Rescue, Inc. Firefighters
- The addition of six months of funding for two Garner Police Officers
- The addition of funding for the City of Raleigh's Utility Bill Assistance Program
- The removal of funding for the Town's Capital City Club Membership

These net changes brings the total recommended budget to \$30,709,289. This recommended budget will be placed on the June 21 Council Meeting for approval.

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

Action: Receive Public Comment

NEW/OLD BUSINESS

COMMITTEE REPORTS

Council Member Marshburn reported he and Council Member Johns as the Human Resources Committee members are in the process of interviewing candidates to fill Committee/Board vacancies and should have a recommendation by the June 21 Council Meeting.

MANAGER REPORTS

- garner info
- Building Permit & Activity Report
- Mr. Dickerson reminded Council that Town Hall Day is on Wednesday, June 8th. The Legislative Briefing is at 10:00 a.m. and lunch is scheduled with the Town's legislative delegation.
- Mr. Hodges reported that he and Mayor Williams had attended the Wake County Commissioners meeting where the Wake County Transit Plan was adopted. A ½ cent sales tax referendum will be on the fall election ballot.
- Mr. Hodges also advised Council that Golden State Foods has a new CEO.

ATTORNEY REPORTS

Requested to add an additional Closed Sessions 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" and N.C.G.S. 143-318.11(a)(3) "to consult with the Town Attorney regarding litigation".

COUNCIL REPORTS

Singleton

- Enjoyed attending the Downtown Sounds event yesterday. The event drew a large crowd, who enjoyed good food and music. Complimented staff for organizing event.

Johns

- Asked the Police Department to monitor speeding on Bayleigh Court.

Behringer

- Reported vandalism and theft activities on Penny Street and Main Street and asked for a plan to try and prevent these activities.
- Asked if the speed limit could be lowered on Mechanical Blvd.
- Stated she was disappointed that NCDOT looks at an intersection such as 401 South and Ten Ten Road and is not concerned with the amount of traffic additional residential homes add to the road.
- Asked for an update on when the work in front of the Fire Station on Hwy. 50 would be complete. Mr. Chalk advised the contractors should be back to work the middle of June and only have about two weeks of work left.

Marshburn

- Expressed surprise at how fast the old Town Hall facility is being demolished and how exciting it was to be part of the Town's history.
- Asked for an update on the Buffalo Road Sidewalk Project. Mr. Chalk advised there was some difficulty getting the storm drain installed due to the original contractor leaving. A meeting is scheduled with the new contractor tomorrow and updated information will be provided.

Kennedy

- Asked if the low bidder of the Indoor Recreation Project had provided a breakdown of costs and Mr. Chalk stated that they had and all seem to be under budget.
- Expressed appreciation for the clear and easy to understand presentation of the recommended budget.

CLOSED SESSIONS

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."

Per N.C.G.S. 143-318.11(a)(3) "to consult with the Town Attorney regarding litigation".

Motion: Marshburn

Second: Johns

Vote: Unanimous

RETURN TO REGULAR SESSION AND ADJOURNMENT: 10:39 p.m.

Motion: Singleton

Second: Marshburn

Vote: Unanimous

Respectfully Submitted,
Stella Gibson