

**Town of Garner
Town Council Minutes
June 21, 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: Mayor Ronnie Williams

INVOCATION: Mayor Ronnie Williams

PETITIONS AND COMMENTS

Mr. John Pickel, resident of the Village at Aversboro and speaking on behalf of the residents attending, stated the residents of the Village at Aversboro were unanimously opposed to the 204 unit apartment complex being proposed adjacent to their 55 and over complex. He said the residents felt the apartment complex would focus on young families and that would not be in harmony with the Comprehensive Growth Plan.

ADOPTION OF AGENDA

Motion: Kennedy
Second: Behringer
Vote: Unanimous

PRESENTATIONS

Recognition of Retirement of Betty Baker

Presenter: Pam Wortham, Finance Director

Recognize retirement of Betty Baker for 22 years of dedicated service to the Town.

Recognition of Public Works Employee of the Year

Presenter: Paul Cox, Public Works director

Recognize Kenneth Griffis, Lead Equipment Operator in the Public Works Streets Division on receiving the Public Works Employee of the Year Award. Mr. Griffis was also recognized for his 24 years of dedicated service to the Town and to the Public Works Department.

Safety Awards

Presenter: Paul Cox, Public Works Director

Due to "a substantial reduction of injuries and illnesses and the promotion of safer working conditions in 2015" the Town received 5 Safety Awards from the NC Department of Labor.

CONSENT

Minutes from April 4, 2016 and April 19, 2016 Council Meetings.

Action: Adopt Minutes

Ordinance Amending FY 2015-16 Operating Budget

Presenter: Pam Wortham, Finance Director

This budget amendment covers: use of fuel savings to pay for some one-time needs; use of appropriated fund balance to cover the funding to Rebuilding Together; and use of the Retirement Payout funds from Special Appropriations to cover the vacation, longevity and holiday payout cost of three police officers who retired during this fiscal year.

Action: Adopt Ordinance (2016) 3818

Contract Extension for Town Legal Services for FY 2016 - 2017

An extension of the contract for William E. Anderson to provide legal services to the Town is presented to the Council annually. Services to be rendered are based on a retainer of \$7,000 per month for an estimated average of sixty-three hours per month, unless other arrangements are required on a particular case or assignment.

Action: Authorize Execution of Contract Extension

Creekside Subdivision Stop Signs

Presenter: Tony Chalk, Town Engineer

The Engineering Department is recommending approval to erect stop signs as traffic control measures in the new Creekside Subdivision.

Action: Authorize Placement of Signs

Resolution of Intent to Acquire Easements

Presenter: Bill Anderson, Town Attorney

The proposed sidewalk project on Thompson Road requires that additional right of way and easements be obtained.

Action: Adopt Resolution (2016) 2293

Motion: Johns
Second: Singleton
Vote: Unanimous

PUBLIC HEARINGS

Conditional Use Permit CUP-SP-16-14, 101 Vandora Springs Road

Presenter: Jenny Saldi, Senior Planner

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

Mayor Williams announced this public hearing was a quasi-judicial hearing for a conditional use permit application and asked the Town Attorney to explain the procedures to be followed. The Clerk administered the Affirmation of Oath to Brad Bass.

Mayor Williams asked the Council to disclose any ex parte communications regarding this project. Council Member Marshburn reported speaking with the Town's Economic Director as it relates to a particular company but assured the Council this would not influence his decision.

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

This request is for conditional use permit approval to re-use the existing building located at 101 Vandora Springs Road as manufacturing/office space. The existing building on the I-2 portion of the site is 26,500 square feet which will be divided into 23,000 square feet for the manufacturing use and 3,500 square feet of flex space/office.

The 4-acre tract is zoned Community Retail (CR) and Industrial 2 Conditional Use District 177 (I-2 C177) and falls within the US 70/401 Overlay District. This site is a transition point between the non-residential uses to the west and south, and the residential uses to the east and north.

The west (facing Vandora Springs) and the south (facing US 70) elevations will undergo a renovation. The other two elevations will be painted to pick up on the colors used for the renovation. EIFS and horizontal cement board lap siding are used for the new look. Paint colors to be used are a lighter and darker shade of beige. An addition of a horizontal cement lap siding box on top of the building is proposed to screen new equipment.

Street access will be provided with the existing entrances off Vandora Springs, Oak Circle and Methodist Drive. No sidewalks are existing or proposed. The site requires 43 parking spaces of which 2 must be accessible; however 65 spaces will be provided with 6 accessible.

The plan, as proposed, meets fire code requirements and the sprinkler system will be reevaluated for new use through the building permit process. The City of Raleigh has requested information from the applicant confirming the make and model of the existing back flow preventer and the tag of a recent inspection.

The Unified Development Ordinance allows greater deviations in landscape requirements for situations where a site was developed prior to the adoption of the UDO and meeting the current landscaping standards would require removing significant portions of the existing building or significantly altering the property. In reviewing the site plan for the new use, staff found it would significantly alter the site if full compliance with buffer, street yard and tree cover standards were required. Requiring the parking area to meet shade tree standards to break up the large expanse of concrete seemed more reasonable; this would require the addition of two shade trees, for a total of four. The other standard which had to be met was to screen the loading area from adjacent right-of-ways. Landscaping has been proposed; it may be difficult to install considering the existing conditions; therefore a condition has been recommended to evaluate the screening, once installed, to determine if additional measures needed. If so, the developer will be responsible for installing additional measures as discussed with the Planning Department.

This project is a redevelopment of an existing parcel. The design does reflect an increase in impervious surface; as such, nothing is required for storm water management. Staff requested a lighting plan to insure the existing light fixtures would provide adequate lighting for the safety of evening/night shift employees.

The Planning Commission reviewed this request at their June 13, 2016 meeting and unanimously approved CUP-SP-16-14 with four (4) conditions specific to the site. However, since this meeting, the condition relating to shade trees has been met.

Nicole Locklear, representative for the applicant NCRE Group Inc., stated the building was currently vacant and assured Council the renovations to the façade of the building will make a great improvement in the area.

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

Action: Approve CUP-SP-16-14 with 3 site specific conditions; 1) Prior to Town Council, the plans shall be revised to provide the required shade trees in the parking areas needed to support the new use, 2) Prior to issuance of a building permit, a lighting plan shall be submitted for review and approval, 3) Prior to issuance of a building permit, confirmation of make and model of back flow preventer and tag of recent inspection shall be submitted to City of Raleigh Public Utilities, 4) Prior to issuance of a Certificate of Occupancy, Staff will evaluate the effectiveness of the landscaping installed for screening of the loading area to determine if additional measures are needed. If so, the developer shall be responsible for installation.

Motion: Marshburn
Second: Singleton
Vote: Unanimous

NEW/OLD BUSINESS

Neighborhood Improvement Grant

Presenter: Reginald Buie, Neighborhood Improvement Manager

Mr. Buie advised Council Sheldon Place Homeowner's Association is requesting matching grant funds in the amount of \$300.00 to spend on park rental fees for their annual homeowner's association meeting. This event included prizes, face painting, and catered food to encourage homeowners to become more involved in the community.

Action: Authorize Neighborhood Improvement Grant for \$300.00

Motion: Singleton
Second: Behringer
Vote: Unanimous

Ordinance Adopting the FY 2016-17 Operating Budget and Fee Schedule

Presenter: Michael Gammon, Budget & Special Projects Manager

Mr. Gammon explained this Ordinance reflects the recommended budget by the budget team along with changes made by Council at various budget meetings during May and early June. The budget reflects a 1.5 cent property tax increase to offset costs associated with an expansion of Public Safety services. The total estimated revenues and expenditures are balanced at \$30,709,289. The FY 2016-17 Fee Schedule was also included for adoption. The appropriations detailed in the budget include all of the Economic Development expenditures discussed during the Economic Development Public Hearing that took place on June 6, 2016.

Council thanked staff for preparing a complete and easy to understand budget document.

Action: Adopt Ordinance (2016) 3817

Motion: Kennedy
Second: Johns
Vote: Unanimous

Bond Update

Presenter: Michael Gammon, Budget & Special Projects Manager

Mr. Gammon provided a brief overview of the status of the bond program, specifically changes and updates from the last report. The Bond Project Tracking Report was included in the agenda package.

Action: No action; report only.

Nominations for Board and Commission Appointments

Presented by: Ken Marshburn, Council Member

The Human Resources Committee is making recommendations for nominations to the Planning Commission, Board of Adjustment, Parks, Recreation & Cultural Resources Advisory Board, Veteran's Advisory Board and the Senior Citizens Advisory Committee. The Committee's recommendations are as follows:

- Planning Commission – re-appoint Jeffrey Swain and appoint Charles Brignac to expire June 30, 2018
- Board of Adjustment – re-appoint Ryan Hambleton, Tom Hogg and Craig Lewis and appoint John Milner and Joseph Keller to expire June 30, 2019
- Parks, Recreation & Cultural Resources – re-appoint Lisa Sullivan, Beverly Adams and appoint Chris O'Connor to expire June 30, 2019
- Senior Citizen Advisory – re-appoint Darlene Duncan and Candace Smith and appoint Charlie Pearce to expire June 30, 2019
- Garner Veterans Advisory –re-appoint Jeffrey Hicks and appoint Keith Darlington to expire June 30, 2018

Action: Appointment of Committee Members

Motion: Marshburn
Second: Johns
Vote: Unanimous

Garner Recreation Center Contract

Presenter: Tony Chalk, Town Engineer

Mr. Chalk reported five bids were received and opened on May 26, 2016 for construction of the Garner Recreation Center. Pro Construction, Inc. was the apparent low bidder at \$8,782,100. This amount included roadway improvements, storm water, and the new parking lot at GPAC. A bid tab was provided. Mr. Hodges added a formal budget amendment will be placed on future agenda.

Action: Award Contract to Pro Construction, Inc. in the amount of \$8,782,100

Motion: Singleton
Second: Johns
Vote: Unanimous

COMMITTEE REPORTS

MANAGER REPORTS

- garner info
- Finance Report
- New Town website launched today.
- Notification of Current Year Budget Adjustments – will be discussed at June 28 Work Session.
- Request to amend contract to audit accounts with Martin Starnes & Associates, CPAs to include preparation of the Town's annual financial statements in the amount of \$5,000.

Motion: Singleton
Second: Marshburn
Vote: Unanimous

- Schedule and timing of July 3rd events.
- Response received from City of Raleigh regarding support in the form of deployment of a Rapid Intervention Team for structural fires for an additional six months.
- Ethics training due for newly elected officials.
- Dates requested for ground breaking of new Town Hall.

ATTORNEY REPORTS

COUNCIL REPORTS

Council Member Marshburn

- Reported he serves on a NCLM Committee that considers and compiles advocacy goal proposals. As the submission date for League Municipal Advocacy Goal Proposals is July 1, Council Member Marshburn asked Council to forward any proposed goals to him as soon as possible. Goals selected by the Legislative Action Committees and Regulatory Action Committee will be presented to the League for approval prior to a final presentation and vote on October 23, 2016.

Mayor Pro Tem Behringer

- Attended Garner Magnet High School Graduation Ceremony and remarked on the efficiency of the program and the individual recognition of the special needs students.

Council Member Johns

- Reported receiving a call from a senior citizen requesting additional reserved parking spaces at the Senior Center.
- Asked for additional information on the dog biting incident at 116 Turner Street. Chief Zuidema will follow-up.

Council Member Singleton

- Asked if the Public Works Department could mow the grass in the right-of-way along Buffalo Road where construction has ceased.
- Expressed appreciation for conduct of residents of The Village attending the meeting tonight.

Council Member Kennedy

- Noticed the dugouts being built at the new high school were not covered.
- Reported a section along New Bethel Church Road where foliage seems to meet over the road and emphasize the narrowness of the road. The Town needs to have input with NCDOT when the bridge is replaced to consider the height of the bridge along with site distance. In the long run, it might be beneficial if the bridge was raised. This would make it a better design and take the dip out of the road.

Mayor Williams

- Reported he is scheduled to meet with the School Board Chair next week and invited Council to attend.

CLOSED SESSION

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."

Motion: Marshburn
 Second: Singleton
 Vote: Unanimous

RETURN TO REGULAR SESSION AND ADJOURNMENT: 9:38 p.m.

Respectfully Submitted,
Stella Gibson, Town Clerk