

**Town of Garner
Town Council Meeting Minutes
August 6, 2018**

CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

Present: Mayor Ronnie Williams, Mayor ProTem Ken Marshburn, Council Member Kathy Behringer, Council Member Jackie Johns, Council Member Buck Kennedy, and Council Member Gra Singleton

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Matt Roylance-Asst. Town Manager-Operations, Jeff Triezenberg-Planning Director, David Bamford-Planning Services Manager, Joseph Stallings-Economic Development Director, Tony Chalk-Town Engineer, Stacy Harper-Principal Planner, Pam Wortham-Finance Director, Rick Mercier-Communications Manager, Thad Anderson-Interim Attorney, Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Mayor Ronnie Williams

INVOCATION: Council Member Jackie Johns

ADOPTION OF AGENDA

Motion: Marshburn
Second: Behringer
Vote: 5:0

PRESENTATIONS

CONSENT

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Adopt minutes from the May 23 special meeting, June 19, June 26 and July 2 regular meetings and closed session minutes from June 19, 2018.

Action: Adopt Minutes

Resolution Declaring Unpaid Nuisance Abatements as Liens

Presenter: Pam Wortham, Finance Director

Resolution declaring certain delinquent nuisance abatements as a lien on property. This resolution authorizes Wake County to add these abatement costs to Wake County property tax bills.

Action: Adopt Resolution (2018) 2356

Conflict of Interest Policy

Presenter: William E. Anderson, Town Attorney

Conflict of interest policies are often used in the corporate world. They particularly relate to contracting, purchasing, and self-dealing. The Town of Garner will be required to have one to enter into a local funding agreement with NCDOT.

Action: Adopt Policy

Resolution to Acquire Interest in Real Property - New Rand Road

Presenter: William E. Anderson, Town Attorney

Proposed roadway improvements on New Rand Road will require some additional right-of-way, drainage easements and temporary construction easements.

Action: Adopt Resolution (2018) 2357

Town of Garner v Christopher McGinnis

Presenter: William E. Anderson, Town Attorney

Suit has been filed to enforce the UDO with reference to retail sales and inventory storage at 4408 Jessup Drive, Garner, NC.

Action: Ratify Filing of Lawsuit

Property Purchase, 1316 Buffaloe Road

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

The owners of the property at 1316 Buffaloe Road have agreed to sell a one-acre portion of their lot to be used for a possible greenway connection. The purchase price is \$50,000.

Action: Authorize Purchase of Property

Motion: Kennedy

Second: Johns

Vote: 5:0

PUBLIC HEARINGS

Conditional Use Permit CUP-SB-16-08, Jameson

Presenter: Jeff Triezenberg, Planning Director

Mr. Anderson explained the procedures to be followed during the hearings.

The Town Clerk administered the Affirmation of Oath to the following: Michael Crowley, Matthew Moyer, Jennifer McLaughlin, Terry Boylan, Stacy Harper, Jeff Triezenberg, Stacy Harper, and David Bamford.

Mr. Anderson then asked the Council to disclose any exparte communications regarding these projects.

Hearing none, Mayor Williams opened the public hearing and asked Mr. Triezenberg to provide the staff report.

Mr. Triezenberg stated this request is for conditional use subdivision approval of a 39-lot residential subdivision located at 1001 Maxwell Drive. This request meets all ten SUP criteria established by Council.

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

Action: Approve CUP-SB-16-08 with four site specific conditions: (1) Prior to the issuance of any Certificate of Occupancy, the developer shall be responsible for any road improvements as required by NCDOT and agreed to by the Town of Garner, (2) Prior to first final plat recordation, documentation establishing a Homeowner's Association and Restrictive Covenants shall be submitted to the Town of Garner Planning Department, (3) Prior to construction drawing approval, a petition for voluntary satellite annexation shall be submitted to the Town of Garner Planning Department, (4) Prior to issuance of each building permit, a fee-in-lieu of parkland dedication shall be paid to the Town of Garner.

Motion: Marshburn
Second: Kennedy
Vote: 5:0

Special Use Permit SUP-18-03, Kaze

Presenter: Stacy Harper, Principal Planner

Mayor Williams opened the public hearing and asked Ms. Harper to provide the staff report.

Ms. Harper stated this request is for special use site plan approval for a restaurant located at 1251 Timber Drive East. This request meets all ten SUP criteria established by Council.

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

Action: Approve SUP-18-03 with 2 site specific conditions: (1) Western street buffer-add street trees prior to Council, (2) Southern perimeter buffer-upgrade to requirements for 7.5' perimeter buffer.

Motion: Kennedy
Second: Singleton
Vote: 5:0

Annexation Petition ANX-18-04, Bryan Road

Presenter: David Bamford, Planning Services Manager

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

Mr. Bamford stated this request is for satellite annexation of .925 acres located at 7400 Bryan Road. This request was made in order to obtain connection to public water .

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

Motion: Kennedy
Second: Singleton
Vote: 5:0

Action: Adopt Ordinance (2018) 3924

Annexation Petition ANX-18-05, Withers Road

Presenter: David Bamford, Planning Services Manager

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

Mr. Bamford stated this request is for contiguous annexation of 1.607 acres located at 907 Withers Road. This request was made in order to obtain connection to public water.

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

Motion: Singleton
Second: Johns
Vote: 5:0

Action: Adopt Ordinance (2018) 3923

NEW/OLD BUSINESS

NC DEQ Grant Application

Presenter: Tony Chalk, Town Engineer

Mr. Chalk stated this request is to authorize the Town to apply for a CDBG grant to help mitigate the public health risk created by contaminated wells in the Auburn community. Mr. Dickerson added some of the properties also had high levels of iron in the water. Council asked staff to investigate whether the use of these CDBG funds will impact the amount the Town normally receives.

This process will require assistance from several agencies and the Town will be a pass-through for the grant funds as well as manage the project. At least nine properties are affected.

The question of whether or not to annex the property was discussed. Mr. Chalk will research and provide options. If Council chooses not to annex the properties, residents would be subject to double water rates.

If the grant is received, it is anticipated to cover the cost of running the transmission lines, however residents would be responsible for the cost of running the line to their homes. There may be options of assisting with this cost. Mr. Chalk will obtain a cost estimate for the project. If the grant is approved, it is anticipated the project will be complete in approximately 3 years.

Action: Authorize Staff to Apply for Grant

COMMITTEE REPORTS

MANAGER REPORTS

- garner info
- Building & Permitting Report
- Transportation project update document
- Mr. Hodges provided an update on the indirect connectivity of Curtiss Drive. He also stated staff investigated the drainage problem under Garner Road near the railroad tracks west of Vandora Springs Road. Mr. Chalk responded that staff reached out to the railroad and NCDOT to report the problem. High water warning signs were placed in the area.

ATTORNEY REPORTS

COUNCIL REPORTS

Singleton

- Commended the Chamber of Commerce and those participating in the Connect Conference for a successful event.

Kennedy

- Suggested holding an informal gathering with the newly formed Historical Society to discuss the best way to move forward and preserve Garner's history. Mr. Dickerson will follow-up.
- Received a request to ask NCDOT to check into the conduit under the exit of Winterlocken

Behringer

- Reported the median at Benson Road and Garner Road needs to be mowed and cleaned up.
- Reported she was pleased by the recent reports received from Moodys.

Marshburn

- Referring to the article printed in the N&O relating to the low employment rate in municipal government; it stated the Town may need additional benefits in order to be competitive.

ADJOURNMENT: 8:24 p.m.

Motion: Kennedy
Second: Marshburn
Vote: 5:0