

**Town of Garner
Town Council Meeting Minutes
August 7, 2017**

The Council met in regular session at 7:00 p.m. in the Council Chambers located at 900 7th Avenue.

CALL MEETING TO ORDER/ROLL CALL:

Mayor Ronnie Williams, Mayor Pro Tem Kathy Behringer, Council Member Buck Kennedy, Council Member Ken Marshburn, Council Member Gra Singleton, and Council Member Jackie Johns.

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Royslance-Asst. Town Manager-Operations, Pam Wortham-Finance Director, Rick Mercier-Communications Manager, Joe Stallings- Economic Development Director, Jeff Triezenberg- Planning Director, David Bamford-Senior Planner, Jenny Saldi-Senior Planner, Forrest Jones-Public Works Director, Tyson Langdon-Assistant Public Works Director, William E. Anderson-Town Attorney, Paul Caldwell-Sergeant and Rebecca Schlichter-Deputy Town Clerk.

PLEDGE OF ALLEGIANCE: Council Member Buck Kennedy

INVOCATION: Council Member Buck Kennedy

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Motion: Johns
Second: Marshburn
Vote: Unanimous

PRESENTATIONS

CONSENT

Agency Funding Approved in the FY 2017/2018 Budget

Presenter: Michael Gammon, Budget and Special Projects Manager

Following the adoption of the budget, agreements were prepared and forwarded to each of the agencies receiving appropriations this year. Once signed, returned, and approved the Town will make the payments to the organizations in accordance with the schedule set out in the agreement. The following agencies have returned fully executed agreements: PAAL, Garner Baseball, Inc., and Community of Hope.

Action: Authorize Execution of Agreements

Ordinance Amending FY2017/2018 Operating Budget

Presenter: Pam Wortham, Finance Director

Budget amendment to rollover purchase orders still open on June 30, 2017. These are items or services ordered prior to June 30 but not received or delivered before this date. This is standard procedure to

officially recognize these items as part of the next year's budget, and are accounted for through the assigned fund balance category that sets money aside for these planned expenditures.

Action: Adopt Ordinance (2017) 3866

New Bethel Church Road Speed Limit Ordinance

Presenter: Tony Chalk, Town Engineer

Per recent conversations with the Division Traffic Engineers office, NCDOT is proposing to lower the speed limit on New Bethel Church Road from Clifford Road to NC Highway 50 to 45 mph. NCDOT requires a concurring ordinance reflecting the proposed 45 mph speed limit from the Town for the parts of New Bethel Church Road that are in the Town limits.

Action: Adopt Ordinance (2017) 3867

Resolution to Surplus Service Weapon and Badge of Officer Barbara Caquias

Presenter: Brandon Zuidema, Police Chief

Recognize service weapon and badge of Officer Barbara Caquias as disposable property so that it can be awarded to her in recognition of her retirement from the Town after 8 years and 7 months of service.

Action: Adopt Resolution (2017) 2327

Underground Utilities at Town Hall

Presenter: Tony Chalk, Town Engineer

Authorize Engineering and Manager's offices to execute contracts for underground utility work by AT&T and Duke Energy on Aversboro Road as part of the Town Hall Project.

Action: Authorize Execution of Agreements

Annexation Petitions ANX-17-04, 902 Purser Drive

Presenter: David Bamford, Planning Services Manager

Resolution to set public hearing for contiguous annexation of 1.399 acres located at 902 Purser Drive. The site is vacant/undeveloped. Council recently approved the right-of-way closing along this property.

Action: Adopt Resolution (2017) 2328

Annexation Petitions ANX-17-05, Evolve Timber Creek

Presenter: David Bamford, Planning Services Manager

Resolution to set public hearing for contiguous annexation of 21.399 acres for Evolve Timber Creek located on Benson Road. This is an apartment development that was approved by Council on October 3, 2016.

Action: Adopt Resolution (2017) 2329

Motion: Singleton
Second: Behringer
Vote: Unanimous

PUBLIC HEARINGS

Special Use Permit SUP-SP-17-04, Best Western

Presenter: Jenny Saldi, Senior Planner

Mayor Williams stated this request was a quasi-judicial hearing to consider a special use permit and asked the Town Attorney to explain the procedures to be followed during the hearing. The Clerk administered the Affirmation of Oath to the following: Jenny Saldi and Jim Clark.

Mayor Williams asked the Council to disclose any ex parte communications regarding this project. Hearing none, he opened the public hearing and asked Ms. Saldi to provide the staff report.

SAI Developers Inc requested a Special Use Permit for the addition of more rooms at the Best Western Plus hotel located at 1595 Mechanical Boulevard. The Planning Commission reviewed this request at their July 10, 2017 meeting and recommended approval.

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

Action: Approve Special Use Permit SUP-SP-17-04 with 2 site specific conditions;

- 1) A reduction in the southwest buffer from 15 feet to 5 feet has been granted in accordance with Section 7.1P.2.
- 2) An alternative design of parking spaces reducing the stall width from 9 feet to 8.5 feet has been granted based on the recommended stall widths in the ITE (Institute of Transportation Engineers) manual in accordance with Section 7.4D.3.

Motion: Kennedy
Second: Singleton
Vote: Unanimous

Comprehensive Growth Plan Amendments Case Numbers: CGP-17-01 and CGP-17-02

Presenter: David Bamford, Senior Planner

Mr. Bamford reported that the property owners wish to change the long-range plan's future land use designation from "2-Mile Community Secondary Residential" to "Employment Center." The properties are located at 525 & 545 US Highway 70 E. Both properties are zoned commercial. The owners wish to file these plan amendment applications in advance of a forthcoming development plan so that the future proposal will be in compliance with the Town's long-range plan. While the new Plan update (Garner Forward) is underway, the owners wish to proceed now and not wait for the adoption of the new plan. The Planning Commission reviewed these applications at their July 10, 2017 meeting and recommended approval.

Action: Approve Comprehensive Growth Plan Amendment Case Numbers CGP-17-01 and CGP-17-02

Motion: Singleton
Second: Marshburn

Vote: Unanimous

NEW/OLD BUSINESS

Recreation Center Construction Update

Presenter: Tony Chalk, Town Engineer

Mr. Don Lee and Mr. Michael Splawn of Clark Patterson Lee architects updated the Recreation Center construction progress. Mr. Lee reported several delays once mobilization started including weather and which pond to build first (decided to build both ponds). An undocumented gas line was discovered and two junction boxes. Mr. Lee said it is the worst beginning of a project he has ever been involved in. Since April 3rd momentum is building and 85% of the submittals have been approved. Mr. Lee believes we are on track for an April 5, 2018 projected completion and the contractor is doing a good job.

Council expressed concern with the lack of personnel on the job site and the weeks at a time where no work was being completed.

Action: Presentation Only

Custodial Contract

Presenter: Forrest Jones, Public Works Director

Mr. Jones reported bids were received and opened for the Town of Garner's custodial service for all Town facilities. A total of 5 bids were received. Each were evaluated and staff determined the second lowest bidder, Environmental Control Triangle had the most responsible bid and met bid specifications. This contract is valid for 3 years with options to renew for an additional 2-year period.

Action: Authorize Execution of Contract to Environmental Control Triangle for \$122,190/yr.

Motion: Marshburn
Second: Johns
Vote: Unanimous

Brunch Bill – Modifying Sale of Alcohol on Sunday

Presenter: Bill Anderson, Town Attorney

The North Carolina General Assembly has recently amended various laws relating to sale of beers, wines and spirituous liquors, in Session Law 2017-87, Senate Bill 155, amending Chapter 18B, Chapter 153A, and Chapter 160A of the General Statutes, including Section 160A-205.3, known as the "Brunch Bill," which reads as follows: "In accordance with GS 18B-1004 (c), a city may adopt an ordinance for the sale of malt beverages, unfortified wine, fortified wine and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G. S. 18B-1001."

Council discussed the benefits and negatives of adopting the Brunch Bill.

Action: Adopt Ordinance 2017(3868)

Motion: Singleton
Second: Behringer
Vote: Unanimous

Public Works Re-Organization

Presenter: Forrest Jones, Public Works Director

Mr. Jones reviewed the request to hire a Facilities Supervisor, Fleet Supervisor, and a Supplemental Administrative Support Specialist. This will be done through eliminating the Services Superintendent position and converting one of the full-time Administrative Support Specialists to supplemental.

Action: Authorize Re-Organization and Staffing Changes

Motion: Singleton
Second: Behringer
Vote: Unanimous

COMMITTEE REPORTS

MANAGER REPORTS

1. Garner info
2. Town Hall Updates
-Council approved cost estimate of wood panels to be added on wall behind dais.

ATTORNEY REPORTS

Mr. Anderson requested to add the following items to the closed session agenda.

- N.C. General Statutes 143-318-11(a)(3) "to discuss litigation and specifically the case of CDI v. Town of Garner and ADW Architects. 16.CVS.15666"
- N.C. General Statutes 143-318.11(a)(3) "to discuss litigation and specifically the civil action captioned Town of Garner v Jones Mitchell and Natalie Mitchell, 16-CVS-014235"
- N.C. General Statutes 143-318.11(a)(3) "to discuss litigation and specifically the civil action captioned Town of Garner v Jones Mitchell and Natalie Mitchell, 17-CR-203239"

COUNCIL REPORTS

Marshburn

- Reported the utility pole lights on Aversboro road still aren't working.
- Requested information on the retention pond being built at Lake Benson Park. Mr. Chalk reported the parking is in, landscaping will be done shortly and the pond will be 6 inches deep.
- Thanked the citizens of Garner for the new building.

Behringer

- Requested an update on the house on the corner of Yeargan Road. Mr. Hodges reported that staff has begun action and a hearing is set for August 25th.

Johns

- Thanked the Board Members and staff for support while he was out.
- Was thankful as this is the 2nd new building in Garner he has been able to be a part of.

Singleton

- Reported the Town Flag looks nice in front of building.
- Wood paneling will be added in Council Chambers and a few areas in the Town Hall entrance area.

Kennedy

- Requested a Thompson Road sidewalk update. Mr. Chalk reported pipe insulation underground has been installed.
- Reported elected officials can take a lot of pride in the new facility as it is very elegant and an excellent design.
- Quoted Winston Churchill that we shape our buildings and then our buildings shape us.

CLOSED SESSION

Pursuant to N.C. General Statutes 143-318.11(a)(3) “to discuss litigation and specifically the civil action captioned Tart Custom Homes, Inc. v Town of Garner, 17-CVS-07886”, N.C. General Statutes 143-318-11)(a)(3) “to discuss litigation and specifically the case of CDI v. Town of Garner and ADW Architects. 16.CVS.15666”, N.C. General Statutes 143-318.11(a)(3) “to discuss litigation and specifically the civil action captioned Town of Garner v Jones Mitchell and Natalie Mitchell, 16-CVS-014235”, N.C. General Statutes 143-318.11(a)(3) “to discuss litigation and specifically the civil action captioned Town of Garner v Jones Mitchell and Natalie Mitchell, 17-CR-203239” and N.C. General Statutes 143-318.11(a)(5) “to discuss possible real estate acquisition and the Town’s negotiating position regarding such real estate.”

RETURN TO REGULAR SESSION AND ADJOURNMENT: 9:53 p.m.

Motion: Kennedy
Second: Behringer
Vote: Unanimous