

**Town of Garner
Town Council Meeting Minutes
September 4, 2018**

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

CALL MEETING TO ORDER/ROLL CALL:

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-Development Services, Matt Roynance-Asst. Town Manager-Operations, Adam Carroll-Communications Specialist, David Bamford-Planning Services Manager, Stacy Harper-Principal Planner, Alison Jones-Planner II, Jeff Triezenberg-Planning Director

PLEDGE OF ALLEGIANCE: Mayor ProTem Marshburn

INVOCATION: Mayor ProTem Marshburn invited Pastor Bill Acton of First Presbyterian Church of Garner to deliver the invocation.

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Motion: Johns
Second: Behringer
Vote: 5:0

PRESENTATIONS

Council Member Kennedy presented the Proclamation recognizing September 17-23, 2018 as Constitution Week.

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Adopt minutes from the July 31 regular and closed session meetings and the August 6 regular meeting.

Action: Adopt Minutes

Motion: Marshburn
Second: Johns
Vote: 5:0

PUBLIC HEARINGS

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Conditional Use Rezoning CUD-Z-18-03 and Conditional Use Permit CUP-SP-18-07, Bannister Professional Center

Presenter: David Bamford, Planning Services Manager & Stacy Harper, Principal Planner

The Town Clerk administered the Affirmation of Oath to the following: Pamela Porter, Danny Breed, Brian Gurganus, Cathy Deeley, Amy McDonald, Jason Bertoncino, Rynal Stephenson, Michael Moore, Toby Coleman, Keith Roberts, Beth Blackmon, Doug Schwartz, Sonny Bannister, and Joe Faulkner.

Mr. Anderson then asked the Council to disclose any exparte communications regarding these projects. Mr. Anderson then explained the procedures to be followed during the hearings. Hearing none, Mayor Williams opened the public hearing and asked Mr. Bamford and Ms. Harper to provide the staff reports.

This request is for change in zoning for approximately 5.97 +/- acres located on the south side of Timber Drive East from Single-Family Residential (R-20) to Neighborhood Commercial (NC C-202). A companion conditional use site plan for retail sales and service with office uses accompanies this conditional use zoning request

Joe Faulkner stated the intent of this rezoning is to allow additional flexibility for office space on the site.

Robert Gregory expressed concern regarding the lighting on adjacent properties and requested a fence for security. Mr. Faulkner responded the lights are for security protection and as indicated on their plans, shields will be installed. Mr. Gregory's wife expressed concern regarding the stormwater pond in the back of the properties causing standing water and mosquitos. She also expressed concern regarding the property drive-thru not facing Timber Drive, but facing the homes. Mr. Faulkner explained the stormwater pond is designed to drain into the existing drainage system. Mr. Faulkner added a 6' opaque wooden fence will be installed in certain areas and the retaining wall around the stormwater pond will range from 3' to 11'. Additional plants will be added to the 35' buffer area.

Sandy Hackney also expressed concern regarding the lights and the need for security fencing.

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

Action: Adopt Ordinance (2018) 3925

Motion: Marshburn

Second: Kennedy

Vote: 5:0

Action: Approve CUP-SP-18-07 with 2 site specific conditions:
 (1) a 6 foot wooden fence be placed along the entire length of the rear property line.
 (2) Prior to Certificate of Occupancy, shields must be installed on light pole fixtures as shown on the site plan.

Motion: Singleton

Second: Marshburn

Vote: 5:0

Conditional Use Rezoning CUD-Z-18-05 and Conditional Use Permit CUP-SB-18-03, Harpers Landing

Presenter: David Bamford, Planning Services Manager & Alison Jones, Planner II

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Mayor Williams opened the public hearing and asked Mr. Bamford and Ms. Jones to provide the staff reports.

This request is for a change in zoning for approximately 38.24 +/- acres located on the north side of Clifford Road from Single-Family Residential (R-20) to Single-Family Residential Conditional Use (R-9 C-204). A companion conditional use subdivision plan for an 87 lot single family residential development accompanies this conditional use rezoning request.

Doug Swartz clarified the size of the homes in this project will be a minimum of 1550 sq. ft. and Council discussed Type 1 and Type 2 sewer allocations.

Keith Roberts stated the site will be served by the City of Raleigh's water and sewer infrastructure.

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

Action: Adopt Ordinance (2018) 3926

Motion: Kennedy
Second: Singleton
Vote: 5:0

Action: Approve CUP-SB-18-03 with 5 site specific conditions:
(1) Prior to Construction Document approval, all off-site easements shall be acquired by the developer and shall be recorded by map and by deed of easement. The easements shall be dedicated to the City of Raleigh and entitled "City of Raleigh Sanitary Sewer Easement".
(2) Prior to Construction Document approval, a sewer capacity study shall be submitted to the City of Raleigh.
(3) Prior to final plat approval, construction documents must be approved by the City of Raleigh.
(4) Prior to the issuance of any Certificate of Occupancy, any required sewer pump station upgrades shall be completed and accepted by the City of Raleigh.
(5) Prior to the issuance of any Certificate of Occupancy, any offsite sewer lines within the Oak Park Subdivision necessary for tying to the system must be accepted by the City of Raleigh.

Motion: Marshburn
Second: Behringer
Vote: 5:0

Conditional Use Rezoning CUD-Z-18-06 and Conditional Use Permit CUP-SP-18-12, S.T. Wooten

Presenter: David Bamford, Planning Services Manager & Alison Jones, Planner II

Mayor Williams opened the public hearing and asked Mr. Bamford and Ms. Jones to provide the staff reports.

This request is for conditional use rezoning for approximately 20.37 +/- acres located on the south side of East Garner Road from Single-Family Residential (R-20) and Service Business (SB) to Heavy Industrial

Conditional Use (I-2 C-205). A companion conditional use site plan for manufacturing and production uses accompanies this conditional use rezoning request.

Council Member Marshburn expressed concern regarding the heavy concrete trucks traveling the 2-lane road. Mr. Stephenson stated the applicant met with NCDOT to coordinate driveways and looked at traffic impacts. Trucks are already using the roadway and if it was a problem, NCDOT would have made any concerns part of the driveway permit. Mr. Rynal also added most of the school traffic is heavy for approximately 30 minutes in both the morning and afternoon and should not be impacted by this project as there are multiple ways to get to and from the school.

Cathy Deeley of the NCRR Railroad stated she would like to request if the petitioner enters into the area of the rail corridor or overlap area for any purpose that they work directly toward an agreement to do so. Regarding stormwater to the south, she would like to see the details identifying where the water is ultimately flowing as the railroad does not want additional water to the rail corridor. She is also requesting to review and approve any hydrology questions and work directly with the applicant to review. Jason Bertinere stated the stormwater is a small portion of the site and agreed to discuss with the railroad.

John Richter asked if this project will be connected to the sewer service would that cause concrete residue to affect the system or stormwater runoff. Mr. Gurganous responded the plant will have a water retention system and excess material is crushed and recycled. Water will flow through a tiered retention system and water in the drainage system will comply with applicable standards.

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

Action: Adopt Ordinance (2018) 3927

Motion: Kennedy
Second: Behringer
Vote: 5:0

Action: Approve CUP-SP-18-12 with no site specific conditions.

Motion: Singleton
Second: Marshburn
Vote: 5:0

Conditional Use Rezoning CUD-Z-18-07 and Conditional Use Permit CUP-SP-18-13, Oak City Academy

Presenter: Presenter: David Bamford, Planning Services Manager & Stacy Harper, Principal Planner

Mayor Williams opened the public hearing and asked Mr. Bamford and Ms. Harper to provide the staff reports.

This request is for conditional use rezoning of 1.71 +/- acres located on the south side of Old Mechanical Court from Service Business (SB) to Office and Institutional Conditional Use (OI C-206). A companion conditional use site plan for a private school accompanies this conditional use rezoning request.

The school will host approximately 85 children.

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

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Action: Adopt Ordinance (2018) 3928

Motion: Marshburn
 Second: Johns
 Vote: 5:0

Action: Approve CUP-SP-18-03 with no site specific conditions.

Motion: Kennedy
 Second: Kennedy
 Vote: 5:0

NEW/OLD BUSINESS

UDO Text Amendment 18-01

Presenter: Jeff Triezenberg, Planning Director

The Downtown Garner Association requested a UDO Text amendment to the existing Central Business District (CBD) to be aligned with the Garner Forward Comprehensive Plan. This would allow the following uses in the CBD district: "Outdoor Athletic or Entertainment Facility, Private" and "Indoor Manufacturing and Production."

Action: Adopt Ordinance (2018) 3929

Motion: Kennedy
 Second: Behringer
 Vote: 5:0

General Use Rezoning Z-18-03, 3008 US 70 Hwy E

Presenter: David Bamford, Planning Services Manager

The Planning Department is the sponsor/applicant for this general use rezoning case to correct an oversight during last year's ETJ expansion. The request is to rezone from Wake County Highway District (HD) to Town of Garner Service Business (SB) which fits the heavy commercial character of the area and is compatible with the SB zoning to the west which was zoned last year with the ETJ expansion. No conditions are proposed as part of this request and no development plan is proposed at this time. The public hearing was held on July 17, 2018 and the Planning Commission meeting was held on August 13, 2018.

Action: Adopt Ordinance (2018) 3930

Motion: Kennedy
 Second: Singleton
 Vote: 5:0

COMMITTEE REPORTS

Council Member Kennedy reported the Public Works Committee Meeting met on August 29th to discuss stormwater needs and identified 3 specific areas that need improvements/upgrading as soon as

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possible. He added a request for authorization to issue an RFP to design these improvements will be forthcoming. Additional Public Works Committee meetings will be held to address the CIP and the water/sewer allocation policy.

The Town and Garner Volunteer Fire Rescue Department will meet later this month to continue discussions regarding the Memorandum of Understanding.

MANAGER REPORTS

- garner info
- Reported staff tagged a dozen trucks/trailers at the 9th Grade Center last week. Five more were tagged today. Wake County Schools will put up additional signs.
- Mr. Roylance advised Council of an opportunity to apply for LAPP funding for use on the greenway project. These types of projects fall under the category of bikes and pedestrian projects and will not compete with other funding the Town receives. The bike and pedestrian fund is \$6M. The deadline to submit a pre-submittal package letting them know a full submittal is coming later. The complete submission is due by the end of October and will come back to Council for approval. The Town would need to provide at least a 20% match, however a larger match may increase the Town's chances of approval.
- September 12 - South Garner High School Ribbon Cutting Ceremony
- September 14 – Garner Consolidated 50th Anniversary
- September 16 – Carnaval Latino @ GPAC

ATTORNEY REPORTS

COUNCIL REPORTS

Kennedy

- Expressed appreciation for the information provided Joey Hopkins at the last meeting.
- Regarding the development on Aversboro Road near Georgetowne Manor, the retention/detention pond in the back and the net result will overflow in the area that goes between a couple of units. He would like for someone to look at for potential impact for the low-lying condos.

Behringer

- Reported tractor-trailers parked in the Walmart parking lot on Hwy 401 and asked staff to look into.
- Stated the lighting at South Station is dimly lit and asked if the Town could require they be made brighter. Mr. Triezenberg responded there is no mechanism in the Ordinance to trigger this requirement unless they come in to upgrade. Lighting requirements were different when this area was developed. Mr. Triezenberg will reach out.

Marshburn

- Asked about the property on New Rand Road where the house burned and looks abandoned. Mr. Dickerson responded this property will eventually fall under minimum housing standards. Staff has contacted the owner to get resolution.

Council Members Johns and Singleton had nothing to report.

CLOSED SESSION

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Pursuant to N.C. General Statutes Section 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: 10:12 pm