

**Town of Garner  
Town Council Meeting Minutes  
January 2, 2018**

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

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ronnie Williams

Mayor Ronnie Williams, Mayor Pro Tem 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, Matt Royslance-Asst. Town Manager-Operations, John Hodges-Asst. Town Manager, Development Services, Rick Mercier-Communications Manager, Jeff Triezenberg-Planning Director, David Bamford-Planning Services Manager, Pam Wortham-Finance Director, William E. Anderson-Town Attorney, and Stella Gibson-Town Clerk

**PLEDGE OF ALLEGIANCE:** Council Member Kathy Behringer

**INVOCATION:** Council Member Kathy Behringer

**PETITIONS AND COMMENTS**

**ADOPTION OF AGENDA**

Motion: Marshburn  
Second: Johns  
Vote: Unanimous

**PRESENTATIONS**

**CONSENT**

**Ordinance Amending FY2017/2018 Operating Budget**

Presenter: Pam Wortham, Finance Director

Budget amendment to allow the purchase of a new vehicle for the Information Technology Department.

Action: Approve Ordinance (2018) 3897

**Ordinance Amending FY2017/2018 Operating Budget**

Presenter: Pam Wortham, Finance Director

This budget amendment is to recognize the revenue associated with East Wake Television sending 50% of the pass-through funds from the State back to us to support half of the cost of the Communications Specialist position. This amendment also adjusts the budget to reflect that this position is a full-time position with benefits, which is different from the supplemental position without benefits originally approved in the FY 2017-18 budget.

Action: Approve Ordinance (2018) 3898

**Stipulation of Dismissal – Calvin Davenport, Inc. v Town of Garner & ADW Architects, 16-CVS-15166**

Presenter: William E. Anderson, Town Attorney

This civil lawsuit against the Town for monies claimed by the contractor on the contract price and via proposed change orders has been resolved, without the payment of any funds to the contractor by the Town or the architect, by the filing of a Stipulation of Dismissal.

Action: Authorize Execution of Stipulation of Dismissal

Motion: Council Member Kennedy made a motion to approve item #1 and remove items #2 and #3 for further discussion.

Second: Johns

Vote: Unanimous

Item #2: Council Member Kennedy asked for clarification regarding the budget amendment relating to the Communications Specialist position. Mr. Dickerson explained this position resulted from the Town's need to produce additional videos and media. Staff asked to delay filling this position until the PEG Media Board had met to discuss. The PEG Media Partners would return ½ of the payments from the State to the Town. As this position was filled in October and this budget amendment will provide funding through the current fiscal year. This position will be fully funded in the FY18/19 budget. Council Member Kennedy also asked how the fund balance was used. Ms. Wortham responded in the annual budget appropriation, \$549K in fund balance was used. Of that \$362K (about 2/3 of the total) was used for radios for police and fire, \$940K for carryover purchases from last year, \$3,600 for the UCAP program, \$20,000 for copier overages, \$63,800 for legal services and a lift at the PW garage, and additional funding of \$2,267 to fund the Communication Specialist position. As of the last one, the Town has budgeted to use \$1,579,168 for FY 2018

Amend Item #2

Motion: Kennedy

Second: Marshburn

Vote: Unanimous

Item #3: Council Member Kennedy made the public aware that at times the Town is involved in lawsuits and in this instance, the result was favorable.

Amend Item #3

Motion: Kennedy

Second: Singleton

Vote: Unanimous

**PUBLIC HEARINGS**

Mayor Williams stated the following was a quasi-judicial hearing to consider a Special Use Permit and a public hearing to consider a Comprehensive Growth Amendment and asked the Town Attorney to explain the procedures to be followed during these hearings. The Clerk administered the Affirmation of Oath to the following: Graham Smith, Jeff Triezenberg, Isabel Mattox, and Robert Abramovich.

Mayor Williams asked the Council to disclose any ex parte communications regarding these projects. Hearing none, Mayor Williams opened the public hearing and asked Mr. Triezenberg to provide the staff report.

**Special Use Permit SUP-SP-17-05, TranSource Garner Facility**

Presenter: Jeff Triezenberg, Planning Director

Mr. Triezenberg stated this request was for special use site plan approval for a truck sales and service facility at 4200 Waterfield Drive.

Action: Approve Special Use Permit SUP-SP-17-05

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

Motion: Kennedy  
Second: Marshburn  
Vote: Unanimous

**Comprehensive Growth Plan Amendment GP 17-03, New Rand Road**

Presenter: David Bamford, Planning Services Manager

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

Mr. Triezenberg explained the area in question is the southeast corner of the intersection of US 70 E and New Rand Road. A group of 8 tracts have been assembled for possible development. The applicant, LRC Realty, has filed a long-range plan amendment to change the 2006 plan's future land use designation from "Neighborhood Secondary Residential" to "Neighborhood Activity Center." This would allow neighborhood-scale retail in this area. Due to timing issues for the applicant, they wish to proceed now and not wait for the adoption of the Garner Forward Plan.

Council discussed the impact this amendment would have on the amount of traffic in the area and the impact to long-term residents in the area.

Council questioned the need to approve the request now when the Garner Forward Plan will be completed soon.

Ms. Mattox explained this request was a result of a timing issue as the applicant has properties under contract and wanted to see if the Town would be interested in supporting development in this area.

Mr. Abramovich stated the developer was already in discussions with perspective clients.

Mayor Williams closed the public hearing and asked if those attending would like to speak.

Speaking on behalf of the property owners were Wilma Dunston, Lillie Sanders, James Andrews, Freddie Hinnett, and Mickey Hinnett. Concerns expressed related to destroying the integrity of the neighborhood, increases in traffic, possibility of higher property taxes and the overall impact to long-term residents.

Mr. Lithicum stated efforts were made to minimize the impact on residents and he was not forcing them to sell. A lot was set aside to serve as a buffer and he believes this development will improve the aesthetics of the area and improve property values.

Ms. Mattox stated this project would allow goods and services that will be walkable for neighborhoods. The northern portion of the neighborhood already has commercial use. Hearing negativity and concerns of the Council and residents, it may be better to wait for the Garner Forward plan to be adopted and the applicant is happy to defer the request until then.

Motion: Table until Garner Forward is adopted  
Second: Behringer  
Vote: Unanimous

## **NEW/OLD BUSINESS**

## **COMMITTEE REPORTS**

## **MANAGER REPORTS**

- garner info
- Mr. Hodges advised notification regarding correspondence from NCDOT regarding the environmental study for 540. Approval was received several months ahead of time. The next step is the comments period.
- TCC Coffee Chat – January 17 at Town Hall
- NAI Carolantic Real Estate Conference – January 17 at the PNC Arena
- Reported the Country Walk Subdivision met Condition #7 of Conditional Use Permit – PD-MP-17-01 approved at the November 6 meeting and asked that the applicant be released from any further conditions. Council consensus to release Condition #7.

## **ATTORNEY REPORTS**

## **COUNCIL REPORTS**

Marshburn

- Asked for a refresh on the use of iPads
- Encouraged Council to attend the MLK celebration on January 14 at 4:00 p.m. at the GPAC

Behringer

- Thanked the Public Works Department for trimming the overgrowth on Creech Road.
- Asked if it was possible to remove the turn lane on Creech Road. Mr. Chalk stated NCDOT would be hesitant to remove as it allows stacking for the school.

Johns

- Asked if improvements could be made to the Rand Road & Smith Street to minimize the risk of accidents/vehicle damage.

Singleton

- Expressed concern regarding students being dropped off late in the day in areas with no streetlights.

Kennedy

- Recognized the Public Works Department for repairs to Thompson Road sidewalks.

Marshburn

- Stated he appreciated staff hanging Christmas decorations.

**ADJOURNMENT:** 9:48 p.m.