

**Town of Garner
Town Council Meeting Minutes
May 6, 2019**

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, Council Member Kathy Behringer, Mayor ProTem Ken Marshburn, Council Member Buck Kennedy, Council Member Gra Singleton, and Council Member Elmo Vance

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, Pam Wortham-Finance Director, Rick Mercier-Communications Manager, Brandon Zuidema-Police Chief, Lori Smith-Police Captain, Chris Johnson-Town Engineer, Jeff Triezenberg-Planning Director, Stacy Harper-Senior Planner, David Bamford-Planning Services Manager, Mike Franks-Budget & Special Projects Manager, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Elmo Vance

INVOCATION: Council Member Elmo Vance

PETITIONS AND COMMENTS

Ralph Carson of Hay River Street expressed concern regarding road improvements related to the Amazon project. Specifically, delays in roadwork design, NC DOT encroachments on Jones Sausage Road, and signalization. Mr. Johnson advised the roadwork plans are under review at NC DOT. The road is going to be widened to support a 4-lane section with a median. Council advised Mr. Carson to meet with staff regarding this matter.

Mr. Carson also asked for additional speed limit enforcement in the area and speedbumps on Hay River Street (which the homeowners association is prepared to pay for).

ADOPTION OF AGENDA

Mr. Dickerson requested to move the FY2019/2020 Recommend Budget Public Hearing item to the end of the public hearings. Mr. Dickerson also made a correction to add the appropriate contractors name on the White Oak Sewer Bid.

Mayor ProTem Marshburn requested to add a closed session pursuant to N.C. General Statutes Section 143-318.11(a)(6)) "to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

PRESENTATIONS

Peace Officers' Memorial Day Police Week in Garner Proclamation

Presenter: Council Member Elmo Vance

Council Member Vance presented the Proclamation to Police Chief Brandon Zuidema.

CONSENT

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Council Meeting Minutes from March 4, March 19, and March 26, 2019 regular meetings. Special Meeting Minutes from March 26 and April 9, 2019 special meetings.

Action: Adopt Minutes

ANX 19-03, Buffalo Springs and ANX-19-04, Byrd Property (set public hearings for June 3)

Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition submitted by William & Kay Buffalo and Cardiff Shea for 23 +/- acres located on Buffalo Road and may be further identified as Wake County PINs# 1700-65-1045 (1.97 acres); 1700-65-4039 (15.8 acres); portion of 1700-64-3525 (rear 3.03 acres); and portion of 1700-64-3392 (rear 1.9 acres) and contiguous annexation petition submitted by Vic Byrd for 5.5 +/- acres located north of Mechanical Boulevard and east of Dynamic Drive and may be further identified as Wake County PIN# 1701-88-4197.

Action: Adopt Resolution (2019) 2374 setting public hearings for June 3, 2019

Ordinance Amending FY 2018/2019 Operating Budget (Purchase of Parkland Ordinance Correction)

Presenter: Pam Wortham, Finance Director

On April 1, Council approved Ordinance (2019) 3959 to budget for the purchase of the Yeargan property. However there were errors in the Ordinance. One was an error in the amount budgeted for the purchase, and one was an account error. This Ordinance is to make those corrections in the document. There are no additional costs associated with this correction.

Action: Adopt Ordinance (2019) 3959A

Motion: Kennedy
Second: Marshburn
Vote: 5:0

PUBLIC HEARINGS

Mr. Anderson explained the procedures to be followed during the hearings and asked Council to disclose any exparte communication. Hearing none, the Town Clerk administered the Affirmation of Oath to the following: Tina Turner, Wendy Morgan, Tim Morgan, Rick Baker, Stacy Harper, Jeff Triezenberg, David Bamford, and Chris Johnson.

CUD-Z-19-01 & CUP-SP-19-01, Pine Ridge Apartments

Presenter: David Bamford, Planning Services Manager

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

Conditional rezoning (CUD-Z-19-01) with associated site plan (CUP-SP-19-01) request submitted by Evergreen Construction Company to rezone 6.24 +/- acres from Community Retail (CR) to Multi-Family Residential (MF-2 C214) conditional use and to develop an apartment complex of 72 units (Pine Ridge Apartments). The site is located on the north and south side of Small Pine Drive and may be further identified as Wake County PIN# 1701-26-9118.

The following had concerns regarding additional traffic, trash, density, bio retention, buffers, and crime.

Jennifer McLaughlin

Wendy Morgan

Jane Watt

Charles Dingee

At this time, Mayor Williams closed the public hearing.

Action: Move the Town Council find that although the zoning request is inconsistent with the Garner Comprehensive Plan, detailed in Section IV of the staff report, it is reasonable and in the public interest because it will likely allow the development of an appropriate density of housing in the area in which it is located and allow household living and supporting day care uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces and therefore, move further that the Town Council adopt Ordinance (2019) 3969 approving rezoning request number CUD-Z-19-01, and in doing so, also amend the Town’s Comprehensive Growth Plan from designating the subject property as High-Density Residential to Multi-Family Residential.

Motion: Marshburn

Second: Kennedy

Vote: 4:1

Council Member Singleton voted nay.

Action: Move the Council accept the staff statements regarding plan consistency in Section VI of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore, approve CUP-SP-19-01, Pine Ridge Apartments, with the three standard conditions and two site-specific conditions to be listed on the permit that will be prepared by staff.

Motion: Kennedy

Second: Singleton

Vote: 5:0

ANX 19-02, 9013 Fanny Brown Road

Presenter: David Bamford, Planning Services Manager

Satellite annexation petition submitted by Church Alive of the Assemblies of God, Inc. for 21.0 +/- acres located at 9013 Fanny Brown Road, that may be further identified as Wake County PIN# 0699-33-6725.

Action: Adopt Ordinance (2019) 3973

Motion: Singleton
Second: Marshburn
Vote: 5:0

ANX 19-01, 699 New Rand Road

Presenter: David Bamford, Planning Services Manager

Mayor Williams opened the public hearing.

Contiguous annexation petition submitted by New Hope Life LLC for 0.81 +/- acres located at 699 New Rand Road and may be further identified by Wake County PIN# 1710-87-0971.

Mayor Williams closed the public hearing.

Action: Adopted Ordinance (2019) 3972

Motion: Singleton
Second: Kennedy
Vote: 5:0

Public Hearing for FY2019/2020 Recommended Budget

Presenter: Mike Franks, Budget & Special Projects Manager

Mr. Franks presented an overview of the major themes of the budget, highlights, structural deficits, budget drivers, and revenues. Mr. Franks also reviewed the decision packages that were funded.

As this is a public hearing, Mayor Williams invited public comments.

Charles Dingee of Pineview Drive was not in favor of a 3-cent tax rate increase.

Mayor Williams closed the public hearing.

NEW/OLD BUSINESS

Z-19-02, 9013 Fanny Brown Road

Presenter: David Bamford, Planning Services Manager

General rezoning request submitted by Bobbitt Design Build, Inc to rezone 21.00 +/- acres from Residential-30 Wake County (R-30 Wake) to Single-Family Residential (R-20). The site is located at 9013 Fanny Brown Road and may be further identified as Wake County PIN# 0699-33-6725.

Motion: Move the Town Council find that although the rezoning request is inconsistent with the Comprehensive Growth Plan, detailed in Section IV of the staff report, it is reasonable and in the public interest and therefore, move that the Town Council adopt Ordinance (2019) 3971 approving rezoning

request Z-19-02, and in doing so, also amend the Town's Comprehensive Growth Plan from designating the subject property as Medium-Density Residential to Low-Density Residential

Action: Adopt Ordinance (2019) 3971

Motion: Singleton
Second: Marshburn
Vote: 5:0

Z-19-01, 699 New Rand Road

Presenter: David Bamford, Planning Services Manager

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

General rezoning request submitted by New Hope Life, LLC to rezone 0.81 +/- acres from Single-Family Residential(R-20) to Single-Family Residential (R-15). The site is located at 699 New Rand Road and may be further identified as Wake County PIN# 1710-87-0971.

Grady Stevenson, 701 New Rand Road, expressed concern regarding relocation of the existing driveway. Staff advised this is probably a private matter between the parties and advised Mr. Stevenson to speak with the Town Engineer.

Motion: Move the Town Council accept staff's statements regarding zoning consistency with the Comprehensive Growth Plan, detailed in Section IV of the staff report, as our own; and therefore move further that the Town Council adopt Ordinance (2019) 3970 approving rezoning request Z-19-01 as it is reasonable and in the public interest because it will likely allow appropriate density of housing in the area in which it is located.

Mayor Williams closed the hearing.

Motion: Kennedy
Second: Marshburn
Vote: 5:0

White Oak Sewer Bid Award

Presenter: Chris Johnson

Mr. Johnson provided an overview of the project and the bid process followed. Project should be completed and operational mid-November.

Motion: Awarded project to North State Water & Sewer and authorized the Town Manager to execute the contract in the amount of \$597,536.

Motion: Marshburn
Second: Vance
Vote: 5:0

Depot Park Site Plan

Presenter: Rodney Dickerson, Town Manager

Staff identified the need to complete a site plan for the Depot Park proposed for the corner of Main and Pearl Streets as a part of finalizing plans to move the depot. The site plan would include all details needed for the project to be reviewed and approved through the Town's Development Services process as required for all development projects. Staff contacted Tony Tate, Landscape Architect, who has knowledge of the proposed project. Mr. Tate prepared the proposal to complete the required site plan.

Action: Approve contract subject to review by the Town Attorney and authorize Town Manager to execute contract.

Motion: Kennedy
Second Behringer
Vote: 5:0

COMMITTEE REPORTS

Mayor ProTem Marshburn reported the Law & Finance Committee met with the Garner Volunteer Fire Department to review their requested budget. A draft naming policy for Town facilities was also discussed. No action was taken.

MANAGER REPORTS

- garner info
- Benefits enrollment starts today
- Budget Work session starts at 8:00 a.m. tomorrow morning
- Public meeting for the PRCR master plan at GPAC on Thursday at 5:00 p.m.
- Sunday is Mother's Day
- Public meeting for the Timber Drive sidewalk connectors at Town Hall on Thursday at 6:00 p.m.
- May 15 is deadline for completion of the ICS training module
- Respect for Law Banquet – May 13 at 6:00 p.m. at the Optimist Club

ATTORNEY REPORTS

COUNCIL REPORTS

Kennedy

- Asked what plans were for maintaining the Yeargan property? Mr. Dickerson advised staff is in the process of developing a maintenance plan.

Marshburn

- Reported receiving an email regarding vehicle noise in Garner.

Behringer

- Reported receiving complaints regarding flooding at the southwest corner of Yeargan Road and US70 when it rains.

Vance

- Thanked the Police Department for service rendered.

Council Member Singleton had nothing to report.

CLOSED SESSION

Pursuant to N.C. General Statutes Section 143-318.11(a)(6) "to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

Motion: Singleton

Second: Kennedy

Vote: 5:0

RETURN TO REGULAR SESSION AND ADJOURNMENT: 10:26 p.m.