

**Town of Garner
Town Council Meeting Minutes
July 1, 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, Chris Johnson-Town Engineer, Rick Mercier-Communications Manager, Jeff Triezenberg-Planning Director, Allison Jones-Planner, Mike Franks-Budget & Special Projects Manager, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

PLEDGE OF ALLEGIANCE: Mayor Ronnie Williams

INVOCATION: Mayor Ronnie Williams

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Request to add a presentation and an item under new/old business.

Motion: Marshburn
Second: Vance
Vote: 5:0

PRESENTATIONS

Council Member Vance was recognized for his work on the GEDC.

CONSENT

ANX-19-05, Winston Property

Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition submitted by Melody Winston for 4.15 +/- acres located at 704 Maxwell Drive, also identified as Wake County PIN# 1701-44-1775.

Action: Set public hearing for August 5, 2019

ANX-19-06, Blackwell Property

Presenter: David Bamford, Planning Services Manager

Satellite annexation petition submitted by Patricia Blackwell for 2.15 +/- acres located at 2117 Clifford Road, also identified as Wake County PIN# 1629-45-3205.

Action: Set public hearing for August 5, 2019

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Council Meeting Minutes from April 1, April 16 and April 30, 2019 and special meeting minutes from March 20, 2019.

Action: Approve minutes

Final New Rand Road Easement Resolution

Presenter: William E. Anderson, Town Attorney

There have been a handful of situations in which the Town's initial estimate of reasonable compensation has been modified through appraisal and/or negotiation. Attached is a final Resolution which will document the final prices paid for certain easements and/or moneys deposited with the Court for property owners in eminent domain cases.

Action: Adopt Resolution (2019) 2380

Yeargan Property, Garner Road

Presenter: William E. Anderson, Town Attorney

The deed from the Yeargan entities to the Town for the Garner Road Park property included an erroneous description which conveyed a small sliver of land south of Garner Road. That was not the intent. The attached quitclaim Deed releases any claim by the Town to that sliver, and thereby conveys the land back to the Yeargan entities.

Action: Execute quitclaim deed

Development Finance Initiative - Pre-Development Services Contract

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

The School of Government's Development Finance Initiative presented a proposal for pre-development services for the pad located between the new Rec Center and Full Bloom Cafe at the May 28 work session. The contract for services is attached. Staff has answered the questions posed by council members at the work session and feels that we're ready to move forward with engaging DFI. The

Downtown Development Manager requests that the council review and approve the contract and funding so we may begin working with DFI in mid-July.

Action: Approve contract funding to engage DFI to provide pre-development services

Reorganization of Neighborhood Improvement

Presenter: Mike Franks, Budget and Special Projects Manager

Approval of changes required to move the Neighborhood Improvement function to the Planning Department.

Action: Approve position change

Motion: Singleton
Second: Marshburn
Vote: 5:0

PUBLIC HEARINGS

Mr. Anderson explained the procedures to be followed during the hearings and asked Council if there were any reasons that would prevent them from making an impartial decision and to disclose any ex parte communications. Hearing none, the Town Clerk administered the Affirmation of Oath to the following: Rick Baker, Bobby Allison, Tony Tate, David Bamford, Jeff Triezenberg, and Allison Jones.

CUD-Z 19-04 / CUP-SP-19-04 Pullen Construction

Presenter: David Bamford, Planning Services Manager

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

Conditional rezoning (CUD-Z-19-04) with associated site plan (CUP-SP-19-04) request submitted by Tony Tate Landscape Architecture Associates to rezone 3.63 +/- acres from Mixed Use District 1 Conditional Use (MXD-1 C25) and Heavy Industrial Conditional Use (I-2 C157) to Heavy Industrial Conditional Use (I-2 C217) for Other Office and Storage (including outdoor) use. The site is located at 255 Bricksteel Lane in White Oak Business Park East and may be further identified as Wake County PIN# 1730-31-9072.

Council confirmed the location where outdoor storage is permissible in the vicinity of the site and as well as the location of buffers along the boundary of Camelot. Tony Tate advised additional screening measures are proposed on parcels that abut Camelot.

Mayor Williams closed the public hearing.

Action: Move the Town Council accept staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report as our own and therefore move

further the Council adopt Ordinance (2019) 3983 approving rezoning request CUD-Z-19-04 as it is reasonable and in the public interest because it will likely be compatible with the surrounding zoning, provide adequate buffering to adjoining residential uses per the conditions, and allow development that is compatible with the existing uses in White Oak Business Park East.

Motion: Singleton
Second: Marshburn
Vote: 5:0

Action: Move the Town Council accept the staff statements regarding plan consistency in Section VII 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-19-04, Pullen Construction, with the three standard conditions and three site specific conditions to be listed on the permit that will be prepared by staff.

Motion: Singleton
Second: Marshburn
Vote: 5:0

SUP-SP 19-02, CCAC Building Solutions

Presenter: Alison Jones, Planner II

Mayor Williams opened the public hearing and asked Ms. Jones to present the staff report.

Special use permit application submitted by Timmons Group on behalf of CCAC Investment Properties LLC to develop a 5.78 +/- acre tract for Light Industrial Service - Flex Space use. The site is located at 2000 Waterfield Drive in Greenfield Business Park and may be further identified as Wake County PIN# 1730-12-8487.

Mayor Williams closed the public hearing.

Action: Move the Town Council accept the staff statements regarding plan consistency in Section IV of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve SUP-SP-19-02, CCAC Building Solutions, with the three standard conditions and the four site specific conditions to be listed on the permit that will be prepared by staff.

Motion: Marshburn
Second: Singleton
Vote: 5:0

NEW/OLD BUSINESS

Z-19-03, General Use Rezoning - E. Garner Road

Presenter: David Bamford, Planning Services Manager

General rezoning application submitted by Tommy Kilgore to rezone 4.50 +/- acres from Single-Family Residential (R-40) and Single-Family Residential (R-20) to Manufactured Home Park/Subdivision (RMH) general use. The site is located at 2548 and 2609 E. Garner Road and may be further identified as Wake County PIN(s) 1730-66-8593 and 1730-76-1396.

Rezoning this property to Single-Family Residential (R-40) and Single-Family Residential (R-20) would allow a mobile home park or subdivision. Mr. Kilgore would like to relocate a single-wide manufactured home on the site; it is not his intent to develop a mobile home park or subdivision.

The Council expressed concerns regarding the impacts of future developments allowed in the RMH general use district.

Linda Powell, 2507 E. Garner Road, spoke against the rezoning and voiced concerns that property tax values will drop if the rezoning is allowed. She further noted her opposition to Class C manufactured homes (single-wides) as suitable to the neighborhood. Ms. Powell identified language within the UDO that corresponded to her concern.

Mr. Kilgore stated he has a potential buyer who wants to put a single-wide mobile home on the site. He clarified that he is not asking for a mobile home park and pointed out that there are already several mobile homes in this area. He feels that he is not asking for something that doesn't already exist along Garner Road. There have been mobile homes on the property before when it was zoned in Wake County; and that he wants to be treated the same as neighboring properties. Mr. Kilgore added there are several commercial businesses operating near his property.

Mr. Triezenberg stated there is no current tools in the existing UDO which would allow for a single-wide mobile home in any district per the UDO.

Action: Table this request to allow time for further discussion and consideration of alternate courses of action.

Motion: Singleton
Second: Kennedy
Vote: 5:0

Garner Recreation Center - GPAC Paving Change Order

Presenter: Chris Johnson, Town Engineer

Authorize the Town Manager to execute change order with Pro Construction in an amount not to exceed \$40,000 for 1.5" pavement milling and repaving of the primary travel lanes at the Garner Performing Arts Center due to cracking of the existing pavement.

Council Member Singleton asked why a cap was placed on the change order as costs may rise and this project needed to be done right. Although asphalt in the travel lanes have reached their life expectancy the parking spaces appear to be in good condition.

Action: Council consensus to execute the change order in an amount to be determined by the Town Engineer.

Motion: Marshburn
Second: Singleton
Vote: 5:0

NEW/OLD BUSINESS

Timber Drive Sidewalks - Project Update and SEPI Supplemental #2

Presenter: Chris Johnson, Town Engineer

Mr. Johnson provided a brief project update, as well as a request to obtain authorization for a supplemental agreement with SEPI for environmental work and right of way/easement staking.

The Timber Drive Sidewalks project design is approximately 70% complete and the Town is currently in land acquisition for the necessary construction easements to complete the work. This is a federal LAPP project that has stringent deadlines and special requirements to obtain federal funding. Some additional work related to the environmental documentation is required to address minor riparian buffer encroachments at Mahler's Creek and a tributary of Reedy Branch. The cost for this additional work is \$9,705.

Action: Authorize the Town Manager to execute the supplemental agreement

Motion: Kennedy
Second: Vance
Vote: 5:0

Rec Center Landscape Changes

Presenter: Chris Johnson, Town Engineer

Mr. Johnson presented information regarding the need for additional landscaping work at the Rec Center. The additional work consists of landscaping the steep hill in lieu of sod, installing compost around the playfield, installing bermuda sprigs and 60 days turf maintenance.

Action: Authorize Town Manager to execute change order

Motion: Kennedy
Second: Singleton
Vote: 5:0

COMMITTEE REPORTS

MANAGER REPORTS

- garner info

- Gates open at 5 p.m. for the July 3 celebration
- John Hodges provided an update on the closed sidewalk and power outages that occurred last week at the Aversboro Road and Minglewood project. The sidewalk is temporarily closed due to the construction entrance that allows for heavy equipment access and site development. Closing of the sidewalk was authorized when the project was approved. Site work should be complete in November/December of this year. The power outages experienced last week were due to work being done on the site.
- Candidate filing starts at noon on Friday, July 5 and ends at noon on Friday, July 19.

ATTORNEY REPORTS

COUNCIL REPORTS

Kennedy

- Asked what could be done to keep trucks from parking on the Drury Motel site. The Inspections Department will investigate and reach out to the property owners to see if they could place no trespassing signs on the property.
- The pavement cuts on Aversboro and Vandora needs attention.
- Reported first responders are finding it difficult to locate the entrance to the Bellarose Nursing and Rehab Center because there is no sign. Staff has discussed alternatives for placement of a sign at the road.

Marshburn

- Thanked Mr. Hodges for the quick response re: outage.

Behringer

- Attended the DGA's monthly meeting where they reported that for the first time, all of the available downtown storefronts were filled.
- Confirmed an additional home would be removed as part of the Hwy 50 bridge project.

Vance

- Stated work continues on the bridge project on Hwy 70. Asked if plans for the Jones Sausage Road were being signed/contracts executed. Mr. Hodges responded the notice to proceed was issued and work has begun.

Williams

- Advised the Town had received a request to bring the Vietnam Wall to Garner.

Council Member Singleton had nothing to report.

ADJOURNMENT: 9:54 p.m.