

**Town of Garner
Town Council Meeting Minutes
July 16, 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, Leah Harrison-Asst. Town Engineer, David Beck-Finance Director, Mike McIver-Police Lieutenant, Mari Howe-Downtown Development Manager, Rick Mercier-Communications Manager, Jeff Triezenberg-Planning Director, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

PLEDGE OF ALLEGIANCE: Council Member Elmo Vance

INVOCATION: Council Member Vance

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Mr. Dickerson requested to add a presentation to the agenda and Mr. Anderson requested to add a closed session to discuss litigation and real estate acquisition.

Motion: Marshburn
Second: Singleton
Vote: 5:0

PRESENTATIONS

Mr. Dickerson introduced Leah Harrison, Asst. Town Engineer and David Beck, Finance Director.

CONSENT

2019 Holiday Schedule

Presenter: Rodney Dickerson, Town Manager

The Town offers employee holidays on the same schedule as the State of North Carolina and this Resolution sets those dates.

Action: Adopt Resolution (2019) 2382

Governor's Highway Safety Program (GHSP) Traffic Safety Officer

Presenter: Mike McIver, Police Lieutenant

Resolution to accept GHSP Grant for the first year of a Traffic Safety Officer. This GHSP grant covers first year funding for a Traffic Safety Officer position which is through 85% federal share and 15% local match. Federal funding will be \$113,537 and \$20,036 from our General Fund. The local match was funded in the FY20 budget.

Action: Adopt Resolution (2019) 2383

Town Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from 5/6, 5/21, 5/28, 6/3, special meeting minutes from 5/7, 5/21, and closed session minutes from 4/1, 5/6, 5/21, and 6/3

Action: Adopt Minutes

Garner Recreation Center - Landscaping Amendment

Presenter: Chris Johnson, Town Engineer

At the July 1 Council Meeting, staff presented an amendment with Norris Landscaping Services for additional work at the Recreation Center. The presentation mistakenly omitted one of the three quotes provided to the Town (composting the playfield), which was a cost of \$16,800. The total amount of work to be added to the landscape contract includes a) landscaping the steep hill in lieu of sod (\$2,422), b) installing compost around the playfield (\$16,800), and c) installing bermuda sprigs and 60 days turf maintenance (\$16,500) for a combined total of \$35,722.

Action: Authorize the Town Manager to execute Contract Amendment No. 1 with Norris Landscaping Services for \$35,722

Timber Drive Sidewalk Connectors Project

Presenter: William E. Anderson, Town Attorney

This updated Resolution reflects a change in ownership for 100 Stowe Place (from Mr. and Ms. Myers to an LLC they created), and changes to the construction plans for 1401 Harth Drive.

Action: Approve Resolution (2019) 2379A

Action: Remove the Garner Recreation Center - Landscaping Amendment item for further discussion.

Motion: Kennedy

Second: Marshburn
Vote: 5:0

Garner Recreation Center - Landscaping Amendment

Council discussed the additional costs of the contract.

Motion: Kennedy
Second: Marshburn
Vote: 5:0

PUBLIC HEARINGS

Z-19-04, Britt Valley Road

Presenter: David Bamford, Planning Services Manager

Scott Ragan is requesting a change in zoning for 5.50 +/- acres from Single-Family Residential (R-20) to Single-Family Residential (R-40) general use. The site is located at 200 Britt Valley Road and can be further identified as Wake County PIN# 1618-08-5863.

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

This rezoning request is to allow the property owner to build a home and a large accessory structure on the property; the accessory structure would exceed 50% of the size of the home.

Council expressed concern that mobile homes would be permissible in the R-40 zoning and asked Mr. Ragan if he would consider changing his request to a conditional use application. This would remove mobile homes from that category and allow Mr. Ragan to build the accessory structure.

Juli Buker expressed concern regarding who would be responsible for paying for repairs on the private road. Ms. Buker was referred to staff for clarification.

Mayor Williams closed the public hearing.

Action: Mr. Ragan to change his request to a conditional use application; forward to the Planning Commission for their August 19, 2019 meeting

NEW/OLD BUSINESS

Z-19-03, General Use Rezoning - 2548 East Garner Road

Presenter: David Bamford, Planning Services Manager

This request is continued from the July 1 meeting in order to allow the applicant sufficient time for further discussion and consideration of alternate courses of action. The applicant has modified this rezoning request from 4.55 acres down to 0.813 acres. Although technically inconsistent with the Garner

Forward Comprehensive Plan, the application may be found consistent with surrounding land uses and existing zoning in the general vicinity.

Linda Powell, 2507 E. Garner Road, stated she was concerned about the possibility of a decrease in property values as well as the impact this would cause to the neighborhood. Brian Grady, who lives adjacent to the property, expressed the same concerns as Ms. Powell.

Mr. Kilgore stated he is only seeking approval for 1 lot and did not intend to place a mobile home park on the property.

Action: Move the Town Council find the rezoning request inconsistent with the Comprehensive Growth Plan due to the perception mobile homes would cause in Garner and the need to protect Garner's reputation and the on-going efforts to protect the tax base of the Town for current and future citizens and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number Z-19-03.

Motion: Kennedy
Second: Marshburn
Vote: 4:1

Council Member Gra Singleton supported Mr. Kilgore's rezoning request for the rezoning.

Historic Depot Relocation

Presenter: Rodney Dickerson, Town Manager

Town staff has been meeting with the Garner Area Historical Society in order to plan for the relocation of the Historic Depot to the vacant lot on Pearl Street. A cost estimate, site plan, and sample MOU were drafted for Council review. It is anticipated this project will be done in multiple phases.

Total costs for this phase of the project:

Depot Relocation: \$42,750
Restoration: \$173,500
Site Costs:- \$20,000
Caboose Relocation: \$45,000
Contingency: \$18,750
Total: \$300,000

Garner Area Historical Society will be responsible for:
Interior janitorial services
Exhibit construction and maintenance
Flower beds and plant box plantings and maintenance

The Town will be responsible for:
Maintenance of electrical, water and sewer utility facilities
Fire alarm and suppression system annual inspections
Snow removal from the parking lot and pedestrian walkways, lawn mowing and general landscaping

Maintenance or replacement of sidewalk and parking lot pavement
Structural building maintenance or replacements when funds are available
Disposal of trash from receptacle outside of the building
Replacement of out of reach light bulbs and receptacles, as needed

Council discussed installing curb and gutter and the need for sidewalks in Phase 1 of the project, as this is required of other developers. Council discussed installing a stone or asphalt walkway to keep people out of mud and asked staff to obtain a cost estimate

There is a small strip of property adjacent to Pearl Street owned by the Lions Club that the Town may wish to purchase.

Move the depot and caboose at the same time to avoid moving utilities on different days. The first phase includes small amount of track. The caboose will not be an accessible amenity at this time, more of an eye catcher.

The Town only owns the parking lot in front of the Pearl Street building; Garner Baseball Association owns the rest. The society believes an agreement can be made with them for additional parking.

It is anticipated the NCRR will contribute to the project.

The society would like to see the depot moved by end of year and move into a completed building by the spring of next year.

Minor changes are needed to the agreement and a conditional use rezoning is required.

Amy Griggs and Judy Bass spoke on behalf of the Garner Area Historical Society. Kaye Whaley expressed desire for GAHS to use entire parcel.

Action: Council consensus to obtain updated estimate on current site plan and a cost estimate for on-street parking, curb, gutter and sidewalk along Pearl Street and a revised site plan clearly showing Phase 1 improvements with modifications as discussed.

Lakeside Drive - Traffic Calming and Bicycle Lanes

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

Mr. Hodges provided a report relating to the speeding issues along Lakeside Drive and a proposed solution from the Engineering Department to install pavement striping to provide traffic calming and adding 1.2 miles of bicycle infrastructure on Lakeside Drive. Proposed cost of the project is \$80,110.20.

Action: Approve recommendation and authorize the Town Manager to execute a change order to add striping to the resurfacing contract

Motion: Singleton
Second: Marshburn
Vote: 5:0

COMMITTEE REPORTS

MANAGER REPORTS

- garner info
- Building & Permitting Report
- Capital Project Update
- Mr. Hodges provided an update on the New Bethel bridge. Staff checked with NC DOT and found they awarded the project in 2018 but did not start work due to utility relocation challenges. The contractor for Duke Energy was on-site last week doing preliminary work. The project is moving forward, and an updated construction date will be provided once utility conflicts are worked out.
- Connect Conference – August 15
- Downtown Pop-Up Market – July 28

ATTORNEY REPORTS

COUNCIL REPORTS

Vance

- Asked for a status of the facility naming policy. Mr. Dickerson advised staff is working with the resident who initiated the process of naming a park in remembrance of Council Member Jackie Johns, Sr. This matter will be brought to Council at the August 5 meeting.
- Stated he would like staff to look at the plan for Jones Sausage Road utilities early.

Behringer

- Asked if the Town has a regular schedule for trash pick-up along Garner Road. If not, could we get one. Mr. Dickerson will follow-up.

Singleton

- Thanked staff for successful July 3 event.
- Appreciated the project update report

Kennedy

- Asked who is responsible for repairing the pavement cut on Aversboro Road by the Heather Hills clubhouse (near the pool). Mr. Hodges will follow-up.

Mayor Williams and Mayor ProTem Marshburn had nothing to report.

CLOSED SESSION

Pursuant to N.C. General Statutes 143-318.11(a)(3) “to consult with the Town Attorney regarding litigation.”

Pursuant to 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.”

Motion: Singleton
Second: Marshburn
Vote: 5:0

RETURN TO REGULAR SESSION AND ADJOURNMENT: 10:25 p.m.