

**Town of Garner
Town Council Meeting Minutes
August 5, 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, David Beck-Finance Director, Chris Johnson-Town Engineer, David Bamford-Planning Services Manager, Lauren Long-Planner, Alison Jones-Planner, Rick Mercier-Communications Manager, Jeff Triezenberg-Planning Director, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Kathy Behringer

INVOCATION: Council Member Kathy Behringer invited Elat Rodriguez, Youth Pastor at The Capital Church, to deliver the invocation.

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Motion: Kennedy
Second: Behringer
Vote 5:0

PRESENTATIONS

CONSENT

Correction to 2020 Holiday Schedule

Presenter: Rodney Dickerson, Town Manager

The 2020 Holiday Schedule included Friday July 3, 2020 as a holiday, which conflicts with the Town's Independence Day Celebration on July 3rd. Staff recommends changing the holiday to Monday July 6, 2020.

Action: Amend the 2020 Holiday Schedule to recognize July 6th as a holiday instead of July 3rd

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Council meeting minutes and closed session minutes from June 18 and June 25, 2019.

Action: Approve minutes

Town Attorney Retainer Agreement

Presenter: William E. Anderson, Town Attorney

The proposed Town Retainer Agreement provides for ongoing legal services to the Town.

Action: Approve Town Attorney Retainer Agreement

Contract for Lobbying Services

Presenter: Rodney Dickerson, Town Manager

The purpose of this Agreement includes representation of the Town regarding issues important to the Town at the North Carolina General Assembly and at other State and local boards and agencies including the Wake County Public School System, NC DOT and the Wake County Commission, developing working relationships with individuals at the North Carolina General Assembly and at other state and local boards and agencies, monitoring the general activities of these agencies, developing a stronger understanding of the manner in which these entities are making decisions, and relaying such information to our Mayor, Town Council, and Town Manager.

Action: Authorize Execution of Contract

White Oak, Hebron Church, Ackerman Roundabout

Presenter: Chris Johnson, Town Engineer

Provided Town Council with a draft LAPP agreement from NCDOT for right of way and construction cost sharing.

Action: Authorize Town Manager to execute the LAPP agreement and submit back to NCDOT for execution.

Ordinance Amending FY2019/2020 Operating Budget

Presenter: David Beck, Finance Director

The Police department was awarded a grant through the Governor's Crime Commission. The grant will be used to purchase mobile field force equipment. The grant does not require a local match.

Action: Adopt Ordinance (2019) 3990

Motion: Singleton
Second: Marshburn

Vote: 5:0

PUBLIC HEARINGS

Annexation 19-05, Winston Property

Presenter: David Bamford, Planning Services Manager

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

This request is for a contiguous annexation petition submitted by Melody Winston for 3.9 +/- acres located at 704 Maxwell Drive, also identified as Wake County PIN# 1701-44-1775.

Mayor Williams closed the public hearing and called for a motion.

Action: Adopt Ordinance (2019) 3987

Motion: Singleton
Second: Marshburn
Vote: 5:0

Annexation 19-06, Blackwell Property

Presenter: David Bamford, Planning Services Manager

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

This request is for a satellite annexation petition submitted by Patricia Blackwell for 2.1 +/- acres located at 2117 Clifford Road, also identified as Wake County PIN# 1629-45-3205.

Action: Adopt Ordinance (2019) 3988

Motion: Marshburn
Second: Singleton
Vote: 5:0

Mr. Anderson explained the procedures to be followed during the following 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: Jeff Triezenberg, Chris Johnson, Alison Jones, Lauren Long, David Bamford, Patrick Barbeau, Pamela Porter, Tim Holton, Beth Blackmon, and Jay Colvin.

CUD-Z-19-03, Kennedy Ridge Subdivision/ CUP-SB-19-01 Kennedy Ridge Subdivision

Presenter: David Bamford, Planning Services Manager and Jeff Triezenberg, Planning Director

Mayor Williams opened the hearing and asked Mr. Bamford and Mr. Triezenberg to present the staff reports.

Conditional rezoning (CUD-Z-19-03) with associated site plan (CUP-SB-19-01) request submitted by Dan Ryan Builders to rezone 16.2 +/- acres from Single-Family Residential 40 (R-40) to Multi-Family Residential (MF-1 C216) conditional use and to develop 64 townhome units. The site is located on Creech Road and may be further identified as Wake County PINs# 1711-76-8003 & 1711-75-1835.

Council Member Behringer left the meeting. All votes from here forward will count as a 'yea' vote.

Jay Colvin, 4000 Periwinkle Blue Lane explained the particulars of the project.

These townhomes are owner/occupied and the number of units that can be purchased by investors is restricted. It is anticipated the townhomes will sell in the \$220K-\$240K range.

The following spoke in opposition of the zoning request and voiced concerns regarding traffic, density, buffers, creeks, access to sewer service, quality of materials proposed, and drainage.

Tim Holton, 411 Longview Street
David Watson, 102 Arlene Street
Ezekial Wilson, 808 Creech Road
Kay Woodall, 504 Longview Street
Pastor Luther Brooks, 401 Creech Road

Council also discussed connectivity through Curtiss Drive.

Council asked if the applicant would consider a minimum of hardiplank and masonry on the front facing exterior of the units and vinyl siding only on the end units. Mr.Colvin responded this would be cost prohibitive.

Mayor Williams closed the hearing and called for a motion.

Action: Move the Council find the rezoning request inconsistent with the Garner Forward Comprehensive Plan as it is inconsistent with density and not in the long-term interest for the Town and therefore, move the Town Council reject the recommendation of the Planning Commission and deny rezoning request number CUD-Z-19-03.

Motion: Kennedy
Second: Vance
Vote: 4:1

Due to the denial of zoning request CUD-Z-19-03, it was not necessary to consider CUP-SB-19-01.

SUP-18-05, Holiday Inn

Presenter: Alison Jones, Planner II

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

Special use site plan (SUP-SP-18-05) request submitted by Anh Hospitality, LLC to develop a 5.03 +/- acre tract for hotel/motel use. The site is located at 312 US Highway 70 East and may be further identified as Wake County PIN# 1710-99-1886.

Chandra Banner, 105 Oakton Ridge Place and Jessica Delaney, 135 Brockton Ridge Drive expressed concern regarding traffic, privacy, and property values. Mr. Anderson stated the information provided by Ms. Banner and Ms. Delaney was inadmissible as they were not expert witnesses.

Harold Yelle stated the hotel is 5-stories tall, but the property drops off quite a bit from Hwy 70. Most of the building will be hidden by the tree canopy which will provide privacy to the neighbors.

Mayor Williams closed the hearing and called for a motion.

Action: Move the Council accept the staff statements regarding plan consistency in Section IV of the report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve SUP-SP-18-05, Holiday Inn, with the three (3) standard conditions and four (4) site specific conditions to be listed on the permit that will be prepared by staff.

Motion: Marshburn
Second: Vance
Vote: 5:0

CUP-SP-19-03 Tarheel Paper

Presenter: Lauren Long, Planner I

Mayor Williams opened the hearing and asked Ms. Long to provide the staff report.

This conditional use site plan (CUP-SP-19-03) request submitted by Tony M. Tate Landscape Architecture, PA to develop a 4.93 +/- acre site for office / warehouse use. The site is located in White Oak Business Park East at 140 Spaceway Court and may be further identified as Wake County PIN# 1730-31-9476.

Mayor Williams closed the hearing and called for a motion.

Action: Move the Council accept staff statements regarding plan consistency in Section IV of the report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SP-19-03, Tarheel Paper, with the three (3) standard conditions and three (3) site-specific conditions to be listed on the permit that will be prepared by staff.

Motion Singleton
Second: Marshburn
Vote 5:0

NEW/OLD BUSINESS

Facility Naming Request – Rand Mill Park

Presenter: Matt Roylance, Assistant Town Manager – Operations

Mechele Collins submitted a request to rename Rand Mill Park to the Jackie Johns Community Park in honor of former Council Member Jackie Johns who passed away earlier this year. Ms. Collins circulated a petition and collected over 1,000 signatures in support of renaming the park. A cost estimate for the purchase of a new sign will be provided to Council.

Action: Approve renaming Rand Mill Park to the Jackie Johns Community Park

Motion: Singleton
Second: Vance
Vote: 5:0

COMMITTEE REPORTS

Mr. Johnson stated the property owners of 200 Trade Street (Jose and Lettie Banda) own/operate JB Auto Upholstery and are concerned with how dust from the existing street impacts their business and customers. The Banda's approached the Town to discuss the potential of getting Trade Street paved with asphalt. Mr. Banda noted he would be willing to share costs associated with getting Trade Street paved.

The Town is currently under contract with Gelder & Associates, Inc. to resurface 10 streets around Town and paving this street could be added to the current resurfacing scope of work.

This financial arrangement has been discussed with the Banda family and they agree with these terms but have requested the Town's consideration to provide them with 6 months to 1-year to reimburse the Town for their portion of the costs.

Mr. Johnson asked the Public Works Committee to consider adding the paving of Trade Street to the existing resurfacing contract and authorize the Manager to execute a municipal agreement with JB Auto Upholstery. The project will be broken into two sections: The eastern section (overlay existing gravel with 3" asphalt) – 350 LF - \$14,856 and the western section (Overlay 1.25" asphalt) – 275 LF - \$4,752. J&B Auto Upholstery would be responsible for cost sharing 50% of the eastern section cost (\$7,428).

Action: Authorize a change order to add the paving of Trade Street to the existing resurfacing agreement and authorize the Manager to execute a municipal agreement with JB Auto Upholstery.

Motion: Singleton
Second: Marshburn
Vote: 4:1

NC DOT presented the Town with preliminary plans to create a superstreet on Mechanical Blvd. south to

Old Stage Road and asked if the Town would like to consider changing the grass medians to concrete. Council discussed the advantages and disadvantages of changing the medians.

Motion: Staff to negotiate with NCDOT regarding a combination of areas of appropriate width to be grass and those too narrow to be concrete.

Vote: Kennedy
Second: Singleton
Vote: 4:1

MANAGER REPORTS

- garner info
- Building & Permit Report
- Honk, Jr. playing at GPAC on Thursday and Saturday

ATTORNEY REPORTS

COUNCIL REPORTS

Marshburn

- Received a citizen inquiry regarding the time the gates at Lake Benson Park and White Deer Lake were opened.
- Stated the grass at Rand Mill Road park was tall and the equipment needed some attention (refurbishment) as well.

Singleton

- Approved renaming park and asked staff to send out on social media format, paper, etc.
- Underground utilities, turf, and sprinkler system at Town Hall looks nice.
- The type of paint used for striping on the parking lots at Garner and South Garner High Schools needs to change.

Williams

- Congratulated Council Member Kennedy for being the recipient of the James R. Stevens Service to Garner award.

Kennedy

- Asked if there was any progress on the Parks & Rec consultant for the Yeargan property. Mr. Roylance responded staff is ready to come back to Council for a funding source.
- Stated the fencing, re-sodding, and reseeding at Thompson Road Park looks great and expressed appreciation to the Public Works staff.
- Reported the developer of the Hwy 70 industrial park has officially closed on the property with hopes to begin site work in the coming month. The estimated value is \$50 million at build-out and

will add up to 675,000 square feet of industrial space. Extending the sewer line made a significant difference for the project.

- Asked for the Engineering contract template be placed on the next agenda.

Council Members Vance and Singleton had nothing to report.

ADJOURNMENT: 10:11 p.m.

Motion: Kennedy
Second: Singleton
Vote: 5:0