

**Town of Garner
Town Council Meeting Minutes
August 20, 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, Rick Mercier-Communications Manager, Jeff Triezenberg-Planning Director, Sonya Shaw-PRCR Director, Forrest Jones-Public Works Director, Rob Smith-Asst. PRCR Director, Brandon Zuidema-Police Chief, Thad Anderson-Associate Attorney, William E. Anderson-Town Attorney, and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Buck Kennedy

INVOCATION: Council Member Buck Kennedy invited Dr. Jeffrey Sholar, Lead Pastor of Aversboro Road Baptist Church, to deliver the invocation.

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Request to hear UDO-19-02, Fee-in-Lieu of UDO Requirements Update under New/Old Business before PD-Z-19-03 & PD-MP-19-03, Oak Park West.

Motion: Marshburn
Second: Behringer
Vote: 5:0

PRESENTATIONS

Mr. Dickerson recognized Pam Wortham for her dedicated service to the Town.

Neal Padgett, of the Garner Chamber of Commerce, presented the 2019 James R. Stevens Service to Garner award to Council Member Buck Kennedy.

CONSENT

Nuisance Abatements

Presenter: David Beck, Finance Director

Resolution declaring certain delinquent nuisance abatements as a lien on property. This resolution authorizes Wake County to add these abatement costs to Wake County property tax bills.

Action: Approve Resolution (2019) 2384

Town of Garner Police Department Attorney Services Contract

Presenter: Brandon Zuidema, Police Chief

The current contract for Police Attorney John Maxfield needs to be updated as he is no longer an employee of the Wake County Sheriff's office, which is indicated in the current contract.

Action: Approve contract and authorize the Town Manager to execute

Standard Contract Services Templates - Engineering Department

Presenter: Chris Johnson, Town Engineer

Provide new standard contract and scope of services templates for use on professional engineering projects, as previously presented at the July 30 Council Work Session.

Action: Approve contract and scope of services templates for use on future engineering projects

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Council meeting minutes from July 1, July 16, July 30, 2019 and August 5, 2019 and special meeting minutes from June 18 and July 15, 2019.

Action: Adopt minutes

Trade Street Paving - Public Private Partnership Agreement

Presenter: Chris Johnson, Town Engineer

Approve draft public/private partnership agreement between the Town of Garner and JB Auto Upholstery, LLC for paving of Trade Street.

Action: Approve agreement

Resolution Declaring Surplus Property

Presenter: David Beck, Finance Director

Resolution allowing the Public Works department to dispose of Police department vehicles that are no longer in use.

Action: Adopt Resolution (2019) 2386

Motion: Marshburn
Second: Singleton
Vote: 5:0

UDO-19-02, Fee-in-Lieu of UDO Requirements Update

Presenter: Jeff Triezenberg, Planning Director

Mr. Triezenberg stated the text amendment submitted by the Planning Department and Town Attorney's office requesting an amendment to the text of the Unified Development Ordinance is to update conditions under which the Town may accept a fee-in-lieu of certain requirements, including the construction of street infrastructure and the dedication of land for the development of public parks.

Action: Refer to Planning Commission for recommendation

PUBLIC HEARINGS

Mr. Anderson explained the procedures to be followed during this hearing 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, David Bamford, Chris Johnson, Keith Roberts, Beth Blackmon, Rob Bailey, and Bruce Herbert.

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

PD-Z-19-03 & PD-MP-19-03, Oak Park West

Presenter: Jeff Triezenberg, Planning Director

Planned Residential Development conditional use rezoning (PD-Z-19-03) with associated master plan (PD-MP-19-03) request submitted by Royal Oaks to rezone 189 +/- acres from Single-Family Residential (R-40) and Single-Family Residential (R-20) to Planned Residential District conditional use (PRD C8) for 600 units (210 townhomes and 390 single-family) of household living space. The site is located on the southwest side of New Bethel Church Road and may be further identified as Wake County PINs# 1619-84-7756, 1619-84-9320, 1619-93-4708, 1619-93-8515, and 1619-81-5817.

The following opposed the project and expressed concerns relating to:

Traffic, density, size of development, traffic infrastructure and hazards, road capacity, lot sizes, housing values, quality of homes, neighborhood safety, need for additional access in/out of neighborhood, units

being converted to rentals causing increased crime rates , the effect on schools, and the project not fitting the community.

Paul Alexander Lee, Jr., 8345 Hebron Church Road
Will Cummings, 126 Painted Rock Court
Michael Collins, 270 Pecan Harvest Drive
Kelly Kennard, 100 Sutton Springs Drive
Randy Bryan, 8540 Magnolia Lane
Natalie Iscoe, 101 Pecan Harvest Drive
Ed and Pam McCallum, 231 Sutton Springs Drive
LaShawn and Gabart Piquant, 245 Pecan Harvest Drive
Gary Butler, 100 Painted Rock Court
Daniel McNichol, 262 Pecan Harvest Drive
Derek McCord, 283 Pecan Harvest Drive
Denise Thompson, 126 Elk Stone Trail
Ray W. Ragin, Sr., 216 Pecan Harvest Drive
Maggie Hayes, 116 Treybridge Road

John Pickel, Douglas Ball, and Matt Gilliam spoke in favor of the project.

NC DOT is responsible for improvements to Hwy 50. If the Town were to step in and make any improvements, the Town would be responsible for the cost of those improvements.

Mayor Williams left the meeting at 9:15 p.m. Mayor ProTem Marshburn conducted the remainder of the meeting.

Mr. Roberts explained with this development being closer to the school and with the higher density it would actually improve traffic. Mr. Bailey added this is a mixed use development and would provide a benefit to residents due to its' proximity to downtown Raleigh.

The proposed zoning district provided an option to work with staff regarding the ability to go up to 675 units in the future. Mr. Bailey proposed adding three additional conditions: contributing to the cost of improving Hwy 50, putting a cap on the total number of mixed units at 580 units with 180 of those being townhomes, and adding a 7" berm along the frontage of New Bethel Road. They will work with staff regarding landscaping from neighbors.

Mayor ProTem Marshburn closed the hearing.

Council Member Kennedy made a motion to table action until September 3; motion seconded by Council Member Behringer (no vote taken).

Council Member Singleton stated he would not support the project as he does not like PRD projects and will be opposed to others in the area.

Council Member Kennedy made a motion to rescind the action of closing the hearing (hearing to remain open); Motion seconded by Council Member Singleton. Vote 5:0.

Council Member Kennedy made a motion to withdraw the earlier motion until September 3 and take action at that time; Motion seconded by Council Member Singleton. Vote: 5:0

NEW/OLD BUSINESS

Bond Issuance Resolution

Presenter: David Beck, Finance Director

Mr. Beck stated the Town will be selling the final installment of the bonds as approved by referendum in 2013. The total amount for this sale is \$7,190,000 (Streets and Sidewalks-\$6,591,000, Parks and Recreation \$599,000).

Action: Adopt Resolution (2019) 2385

Motion: Kennedy
Second: Singleton
Vote: 5:0

PRCR Comprehensive Plan Update

Presenter: Sonya Shaw, PRCR Director

Ms. Shaw provided an update on the progress with the PRCR Comprehensive Plan, and Meadowbrook and Yeargan Properties. Remaining tasks will be reviewed in August-December 2019.

Action: No action required

Contract for Master Planning of Yeargan Property - First Phase

Presenter: Sonya Shaw, PRCR Director

Ms. Shaw stated as part of the conceptual planning process for the Yeargan Property, McAdams will conduct a Due Diligence Study in the initial planning Phase A of this project. Fees for these services total \$12,705.00.

Action: Authorize the Town Manager to execute agreement

Motion: Singleton
Second: Behringer
Vote: 5:0

Mowing Contract for Yeargan Property

Presenter: Forrest Jones, Public Works Director

Mr. Jones stated the Public Works department contacted three vendors regarding mowing the Yeargan property on an on-call basis. Two responses were received: Barefoot & Associates Inc. at \$2,850.00 per

mow; the low bidder was Carolina Curb Appeal at \$1,105.00 per mow. Davis Landscape declined to submit a quote. Currently there is no budgeted funds for this contract. A budget amendment will be required at a later date.

Action: Approve contract with Carolina Curb Appeal for on-call mowing of the Yeargan property not to exceed \$6,630.00.

Motion: Kennedy
Second: Singleton
Vote: 5:0

Agreement and Contract - Garner Transit Planning Study

Presenter: Jeff Triezenberg, Planning Director

Town staff requested Kimley-Horn, a Town approved on-call transportation and design service consultant, to complete a transit study for the Town to investigate circulator route options and potential connections to activity centers including the Amazon Fulfilment Center. The project will also include a study of connections to Wake Transit planned improvements for Bus Rapid Transit (BRT) and Commuter Rail Transit (CRT).

Action: Authorize the Town Manager to execute contract and CAMPO agreement for the Garner Transit Planning Study

Motion: Singleton
Second: Vance
Vote: 5:0

COMMITTEE REPORTS

MANAGER REPORTS

- garner info
- Finance Report
- Available Housing Stock Report
- Bond Ratings: S&P-AAA, Moody's-AA1

ATTORNEY REPORTS

COUNCIL REPORTS

Singleton

- Requested staff continue to mow the property at the Rec Center site (on Montague)

Behringer

- Reported mowing started on Hwy 70 yesterday

Kennedy

- Expressed appreciation to the Town and staff for the James R. Stevens Service to Garner award reception.

Mayor ProTem Marshburn and Council Member Vance had nothing to report.

Council unanimously congratulated Council Member Kennedy on receiving the James R. Stevens Service to Garner Award.

ADJOURNMENT: 12:01 a.m.

Motion: Kennedy
Second: Singleton
Vote: 5:0