

**The Town of Garner  
Town Council Meeting Minutes  
September 3, 2019**

The Council met in regular session at 7:00 p.m. in the Garner Town Hall located at 900 7<sup>th</sup> 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, Joe Stallings-Economic Development Director, Mike McIver-Police Lieutenant, Brandon Zuidema-Police Chief, William E. Anderson-Town Attorney, and Stella Gibson-Town Clerk

**PLEDGE OF ALLEGIANCE:** Mayor ProTem Ken Marshburn

**INVOCATION:** Mayor ProTem Ken Marshburn

**PETITIONS AND COMMENTS**

Mr. Steve Munie, 2527 Win Road expressed concern regarding additional housing on New Bethel Road and access in/out of the project. Council advised that since this project is currently under staff review, the appropriate time to express his concerns would be when the project comes before Council.

**ADOPTION OF AGENDA**

Motion: Marshburn  
Second: Behringer  
Vote: 5:0

**PRESENTATIONS**

Council Member Kennedy presented Kaye Whaley with a Proclamation recognizing the week of September 17-23, 2019 as Constitution Week.

**CONSENT AGENDA**

Motion: Marshburn  
Second: Singleton  
Vote: 5:0

## **PUBLIC HEARINGS**

Mr. Anderson explained the procedures to be followed during these 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, David Bamford, Chris Johnson, Scott Ragan, and William E. Anderson.

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

### **CUD-Z-19-07 & CUP-SP-19-22, 200 Britt Valley Road**

Presenter: David Bamford, Planning Services Manager

Mr. Bamford stated this request is for conditional use zoning (CUD-Z-19-07) and associated conditional use site plan (CUP-SP-19-22) request submitted by Scott Ragan to rezone 5.50 +/- acres from Single-Family Residential (R-20) to Single-Family Residential conditional use (R-40 C-220), allowing for an accessory structure greater than 50% the size of the home. The site is located at 200 Britt Valley Road and can be further identified as Wake County PIN# 1618-08-5863.

Mayor Williams closed the hearing and called for a motion.

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 that the Town Council adopt Ordinance (2019) 3992 approving rezoning request CUD-Z-19-07 as it is reasonable and in the public interest because it will likely be compatible with the surrounding zoning and allow development that is compatible with the existing uses in the area.

Motion: Kennedy  
Second: Marshburn  
Vote: 5:0

Action: Move the Council accept the staff statements regarding plan consistency in Section VII 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-19-22, Britt Valley Road with the three standard conditions to be listed on the permit that will be prepared by staff.

Motion: Kennedy  
Second: Singleton  
Vote: 5:0

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

Presenter: Jeff Triezenberg, Planning Director

Planned Residential 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 580 units (180 townhomes and 400 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.

Mr. Anderson reminded Council this hearing was recessed at the August 20, 2019 meeting and is a continuation of that meeting. He further asked Council to disclose any ex parte communications they may have received since the last meeting. Council responded they had received emails from individuals living in the area expressing their concerns regarding the project.

Mr. Triezenberg responded to questions from Council regarding road improvements occurring on Hwy 540, the impact that will have on Hwy 50 and White Oak Road. He also explained the Town's internal CIP and what that has to do with transportation improvements in that area. . The Town's fee-in-lieu policy is intended to capture the impact of each individual development to the capacity of road in general area. Instead of developers constructing road improvements, a benefit area would be set up. The Town can use those funds towards another improvement such as Ackerman Road which could benefit the entire area.

Rob Bailey, 410 Wayne Drive, Raleigh, stated they are willing to prohibit the number investor sales in the neighborhood covenants; however, if a unit is sold down the road, there are limitations as to what the law will allow.

In addition to those who expressed their concerns at the August 20 meeting, the following also expressed their concerns regarding traffic, density, size of development, traffic infrastructure and hazards, road capacity, lot sizes, housing values, quality of homes, neighborhood safety, more 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.

Alex Lee, 8317 Hebron Church Road  
Tim Holton, 411 Longview Street  
Joseph Hayes, 116 Treybridge Lane  
Charlotte Davis, 230 Pecan Harvest Drive  
Kelly Kennard, 100 Sutton Springs Drive

Mayor Williams closed the hearing and called for a motion.

Action: Move the 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 that the Town Council adopt Ordinance (2019) 3991 approving rezoning request PD-Z-19-03 as it is reasonable and in the public interest because it will likely allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock, allow the development of an appropriate density of housing in the area in which it is located, and allow for the conservation and preservation of natural features and green space to promote recreation opportunities.

Motion: Marshburn  
Second: Vance  
Vote: 4:0

Council Member Singleton voted nay as he feels the density is too high.

Action: Move the Council accept 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 PD-MP-19-03, Oak Park West, with three standard conditions and nine (9) site-specific conditions to be listed on the permit that will be prepared by staff.

Motion: Kennedy  
Second: Vance  
Vote: 4:0

Council Member Singleton voted nay as he feels the density is too high.

**UDO-19-03, Bar, Nightclub, Tavern in the CBD - Rand Mill Road**

Jeff Triezenberg, Planning Director

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

Mr. Triezenberg stated this Unified Development Ordinance (UDO) text amendment request is sponsored by the Downtown Garner Association to amend the use table and specific use standards to allow bar, nightclub, tavern uses in the Central Business District subject to additional standards and an order from the Town Council granting a special use permit. This amendment would extend the previous amendment to CBD properties along Rand Mill Road.

Mayor Williams closed the hearing and called for a motion.

Action: Refer to Planning Commission

Motion: Kennedy  
Second: Marshburn  
Vote: 5:0

Mr. Anderson asked if Council had any preconceived bias or ex parte communications regarding the project. Hearing none, Mayor Williams opened the hearing and asked Jeff Triezenberg to provide the staff report.

**CUD Z-19-08 & CUP-SP-19-15 Garner Depot**

Presenter: Jeff Triezenberg, Planning Director

Mr. Triezenberg stated this is a conditional use rezoning (CUD-Z-19-08) with associated conditional use site plan (CUP-SP-19-15) request submitted by the Town of Garner on behalf of the Garner Area Historical Society to rezone 1.24 +/- acres from Single-family Residential (R-12) to Central Business District (CBD C221) conditional use for a museum. The site is located at the southwest corner of W. Main and Pearl streets and may be further identified as Wake County PIN #(s): 1711-52-8860, 1711-52-8993 and 1711-52-7855.

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 in doing so, also amend/correct the Future Land Use Map from High-Density Residential to Town Center and I therefore move that the Town Council adopt Ordinance (2019) 3994 approving rezoning request CUD-Z-19-08 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 the downtown area.

Motion: Behringer  
Second: Marshburn  
Vote: 5:0

Action: Move the Council accept the staff statements regarding plan consistency in Section VII 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-19-15, Garner Depot with the three standard conditions and three site specific conditions to be listed on the permit that will be prepared by staff.

Motion: Kennedy  
Second: Vance  
Vote: 5:0

## **NEW/OLD BUSINESS**

### **Historic Depot Relocation Costs**

Presenter: Rodney Dickerson, Town Manager

Mr. Dickerson presented two options and their associated cost estimates for relocating the Depot. The first option is the base plan, which includes relocating the Depot and the caboose along with necessary repairs, site prep, adding a loading dock and ramp, and other miscellaneous items that may occur. The second option is an expanded scope which includes the addition of curb and gutter, sidewalk, and parking.

The NC Railroad is amenable to contributing to the project and have asked the Town to submit a comprehensive list of improvements being considered for this project.

Mr. Dickerson stated it is anticipated the Depot will be moved before the end of the year with project completion by Spring.

Action: Approve project cost estimate and budget for option 1; Approve Resolution (2019) 2388

**Amendment to Contract for Audit Accounts for CAFR**

Presenter: David Beck, Finance Director

The Town's audit firm, Mauldin & Jenkins, has agreed to provide additional assistance with preparation of the Town's CAFR for the 2018-19 fiscal year. The assistance is needed in light of the current vacancies within the Finance Department and the recent turnover in the Director's position. The cost to provide the additional services is \$4,000 which takes the total audit price to \$33,500.

Action: Approve amending audit contract

Motion: Singleton

Second: Kennedy

Vote: 5:0

**Update of the the Town's Parade, Picket Line and Demonstrations Ordinance**

Presenter: William E. Anderson, Town Attorney and Brandon Zuidema, Police Chief

Proposed modifications to the Parade, Picket Line and Demonstrations Ordinance providing for a small group exemption.

Action: Consider adopting modifications to Ordinance (2019) 3995

Motion: Singleton

Second: Marshburn

Vote: 5:0

**COMMITTEE REPORTS**

**MANAGER REPORTS**

- garner info
- Wake County continues to monitor storm; not ready to open EOC
- Latin Fest is Sunday at Lake Benson Park at 1:00 p.m.
- Re-naming of Rand Mill Park ceremony is Saturday at 2:00 p.m.
- Bryan Owens performing at GPAC on September 12
- Town Hall pop-up session is on September 10 at 6:00 p.m. at the Bearded Lady
- Barber Shop Rap Session @ Diamond Cutz on Wednesday at 6:30 p.m.

**TTORNEY REPORTS**

**COUNCIL REPORTS**

Behringer

- NC Women Breaking Barriers conference on Saturday at 10:00 a.m.
- Encouraged the public to review the Garner Forward Plan

Marshburn

- Triangle J sponsoring an elected officials' breakfast on October 10 at the Chatham Agriculture and Conference Center; cost is \$10 per person.

Council Members Singleton and Vance had nothing to report

**ADJOURNMENT:** 10:41 p.m.

Motion: Kennedy  
Second: Marshburn  
Vote: 5:0