

**Town of Garner
Town Council Regular Meeting Minutes
April 2, 2024**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th Avenue, Garner.

CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton

Present: Mayor Buddy Gupton, Mayor ProTem Elmo Vance, Council Members Kathy Behringer, Phil Matthews, and Demian Dellinger

Staff Present: Jodi Miller-Interim Town Manager, John Hodges-Assistant Town Manager, David Beck-Finance Director, Jeff Triezenberg-Planning Director, Terri Jones-Town Attorney, Erin Gibbs-Assistant Town Attorney, Erin Joseph-Assistant Planning Director, Leah Harrison-Town Engineer, Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Kathy Behringer

INVOCATION: Council Member Behringer invited Dr. Brad Harbaugh with Capitol Commission Ministries to give the invocation.

PETITIONS AND COMMENTS

None

ADOPTION OF AGENDA

Motion: Vance
Second: Behringer
Vote: 5:0

PRESENTATIONS

None

CONSENT

Budget Amendment for Software Implementation

Presenter: Sara Warren, Budget Director

On March 5, 2024 Council approved staff to begin negotiating for the acquisition of a Human Resources Information System and on March 19, 2024, Council approved the acquisition of a fleet management software. This action amends the budget in order to acquire both software systems.

Action: Approve Budget Amendment (2024) 5260 in the amount of \$213,541.

Forest Ridge Road Bid Award

Presenter: Leah Harrison, Engineering Director

Bids for the construction of the Forest Ridge Road Pipe Lining Repairs project were opened March 12, 2024. This item is to award the bid to Narron Contracting, Inc.

Action: Award bid to Narron Contracting, Inc. and authorize Town Manager to execute contract.

Garner's Independence Day Celebration Event Road Closures Ordinance

Presenter: Maria Munoz-Blanco, PRCR Director

The North Carolina Department of Transportation (NCDOT) Special Event Guidelines requires counties and municipalities to adopt an ordinance approving any special event where closures of NCDOT roads are required. The Parks, Recreation, and Cultural Resources Department is requesting an ordinance for this purpose be created for Garner's Independence Day Celebration on July 3rd.

Action: Approve the Garner's Independence Day Celebration Road Closures, Ordinance (2024) 5261.

Motion: Matthews
Second: Vance
Vote: 5:0

PUBLIC HEARINGS

Budget Public Hearing

Presenter: Sara Warren, Budget Director

This is the first of two public hearings for the proposed FY24-25 operating budget. This public hearing provides an opportunity for residents to provide feedback and ideas for the Town's FY24-25 budget. The Recommended FY24-25 Budget will be presented during the May 7, 2024 Council meeting. The second public hearing on the recommended budget is scheduled for May 21, 2024.

There were no public comments.

Mayor Gupton closed the hearing.

Action: Hold a public hearing and receive public comment on the proposed FY24-25 budget.

Received as information, no action taken.

NEW/OLD BUSINESS

Tier 1 Conditional Rezoning # CZ-23-03, 309 Holman Drive

Presenter: Jeff Triezenberg, Planning Director

Tier 1 conditional district rezoning request submitted by Shalom Christian Community Church to rezone approximately 1.55 +/- acres from Residential 4 (R4) to Neighborhood Mixed Use (NMX C284) Conditional. The site is located along Holman Drive and may be further identified as Wake County PIN(s) 1710893586.

Dr. Lola Fuller, the applicant, thanked Council and staff for their hard work and assistance with the planning of this project.

Action: Adopt Ordinance (2024) 5262.

Motion: Vance

Second: Matthews
Vote: 5:0

Tier 2 Conditional Rezoning # CZ-PD-22-04, E. Garner Rd. Assemblage (The Park at Garner Station)

Presenter: Jeff Triezenberg, Planning Director

Tier 2 Conditional Rezoning request (CZ-PD-22-04) submitted by McAdams to rezone 96.73 +/- acres from Multifamily 1 (MF-1), Single Family Residential (R-40) and Single Family Residential (R-12) to Planned Unit Development (PUD C281) Conditional for a mixed-use development consisting of a maximum of 350 Single Family units, 600 Multifamily units, and 35,000 square feet of commercial space. The site is located along the north side of E Garner Road between Creech Road and White Oak Ridge Drive and may be further identified as Wake County PIN(s) 1711833114, 1711827887, 1711923791, 1711925082, 1711933576, 1711838749, 1711833775, and a portion of 1711945676.

At the meeting of March 19, 2024, the Town Council voted to continue this case until April 2, 2024, to allow additional time to study the proposed affordable housing conditions and to discuss architectural conditions.

Collier Marsh reviewed the proposed conditions and presented the architectural designs. Several members of Council expressed concern regarding the lack of time they had to review the information as well as the extension of Creech Road. Also of concern was the volume and density of this project, increased traffic, the impacts to North Garner as well as what was included in the development agreement.

Council Member Singleton requested the name of the project be changed.

Action: I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning Amendment request with adopted land use plans detailed in Section VI of the staff report as our own, and I further move that the Town Council adopt Ordinance Number (2024) 5258 approving rezoning CZ-PD-22-04 as the request is reasonable in the public interest because it will most likely promote multiple family housing in select areas.

Motion: Matthews
Second: Behringer
Vote: 3:2

Council Members Singleton and Dellinger voted nay.

Park at Garner Station Development Agreement

Presenter: Terri Jones, Town Attorney

East Garner Holdings LLC and Gander Development LLC have proposed terms for a development agreement with the Town regarding public improvements and The Park at Garner Station master planned community CZ-PD-22-04.

Action: Adopt Resolution (2024) 2571 authorizing execution of the Development Agreement.

Motion: Matthews
Second: Vance
Vote: 3:2

Council Members Singleton and Dellinger voted nay.

COMMITTEE REPORTS

Mr. Dellinger reported that the HR Committee has several interviews scheduled in the coming weeks.

MANAGER REPORTS

- Ms. Miller reported the beginning of the National Community Survey, a Town-wide survey to learn how residents feel about Town services and programs. All returned information will be combined into a report in the May timeframe.
- The April Foods' Day Food Truck Rodeo is on Friday, April 5th from 6:00 p.m. to 10:00 p.m. in downtown.
- The Garner Town Employee Service Awards event is on Thursday, April 11th from 11:00 a.m. to 1:30 p.m. at the Garner Rec Center.

ATTORNEY REPORTS

- Ms. Jones provided a monthly report regarding the Walters Buffalo/White Oak/Bryan Road project. The right-of-way has not been acquired yet, so there may be a need for eminent domain action by the Town.
- There is a Special Council Meeting on April 3rd beginning at 2:00 p.m. in Council Chambers.

COUNCIL REPORTS

Behringer

- Asked when the damaged utility pole issue previously reported would be corrected. Ms. Miller responded that she would follow-up.
- Asked if any Council Members had attended the Lawndale Community Meeting regarding a rezoning. No Council Members attended and Planning staff were unaware of the results from that meeting.

Gupton

- Thanked Planning staff for ensuring Council Members were invited to attend community meetings.

Dellinger

- Requested community meetings not be held on Council Meeting nights.

Matthews

- Stated that he also appreciated the invitations to community meetings adding that it will be helpful for future planning endeavors.
- The open house at White Deer Park regarding the inclusive playground had a wonderful turnout and praised staff for the wonderful job they did.

Singleton

- Voiced concerns about the secondary entrance at The Avenue at White Oak. The road is dirt and is not maintained. He requested that this area be improved and maintained along with the rest of the project. Council Member voiced the same concerns. Mr. Triezenberg reported that this issue has been brought to the attention of the developer, the HOA and NC DOT. If not corrected, a citation will be issued for bare earth, as the UDO states that this is not permitted.

CLOSED SESSION

Mr. Vance made a motion to move into a closed session pursuant to N.C. General Statutes Section 143.318.11(a)(6) to hear or investigate a complaint, charge or grievance by or against an individual public officer.

Motion: Vance
Second: Matthews
Vote: 5:0

RETURN TO REGULAR SESSION

Ms. Jones reported that during the Closed Session, no official action was taken. Direction was given to the Town Attorney.

ADJOURN: 9:15 p.m.