

**Town of Garner
Town Council Regular Meeting Minutes
May 7, 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

Council Member Gra Singleton had an excused absence.

Staff Present: Jodi Miller-Interim Town Manager, John Hodges-Assistant Town Manager, David Beck-Finance Director, Jeff Triezenberg-Planning Director, Terri Jones-Town Attorney, Joe Linsky-Planner, Forrest Jones-Public Works Director, Lorie Smith-Police Chief, Paul Padgett-Inspections Director, Nate Groover-Economic Development Director, and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Mayor Buddy Gupton

INVOCATION: Pastor Wolfgang D. Herz-Lane of Lord of Life Lutheran Church provided the invocation.

PETITIONS AND COMMENTS

Alex Lee, Hebron Church Road, expressed his concerns regarding debris being hauled to the Walters-Buffaloe Cambria project site from the SPCA property on Pet Finders Way and from a project on Highway 50 and 42 where a grinding machine is being used which is creating mulch. The debris is being burned and creating a large amount of smoke in proximity to South Garner High School.

ADOPTION OF AGENDA

Motion: Vance
Second: Matthews
Vote: 4:0

PRESENTATIONS

Mayor Gupton presented Police Chief Lorie Smith with a Proclamation recognizing May 12-18, 2024 as National Police Week.

Mayor Gupton presented Public Works Director Forrest Jones with a Proclamation recognizing May 19-25, 2024 as National Public Works Week.

During Police Week, Town Hall will be lit with blue lights and during Public Works Week, Town Hall will be lit with orange lights.

Resolution Proposing Unification of Garner Fire-Rescue, Inc. with the Town of Garner

Presenter: Jodi Miller, Interim Town Manager

Ms. Miller reviewed the proposed Resolution which directs Town staff to work with Garner Fire Rescue and the NC Fire Chief Consulting Group on an organizational and financial analysis as the next steps moving forward with a Fire Department merger. The Resolution includes authorization to proceed, projected date of the merger, service area, ISO rating and accreditation, employee transfer, benefits, longevity, FY24 commitments, capital improvements planning, and relocation, and Emergency Operations Center (EOC). Members of the appointed MOU Committee have reviewed and support approval of the Resolution.

Action: Approve Resolution (2024) 2576 Proposing Unification of Garner Fire-Rescue, Inc. with the Town.

Motion: Matthews
Second: Behringer
Vote: 4:0

Southeast Area Study Presentation

Presenter: Gaby Lontos-Lawlor, Senior Transportation Planner (CAMPO)

Ms. Lontos-Lawlor provided an update to the original 2017 Southeast Area Study that looked at land use and multimodal transportation needs of the study area. The study covered parts of Wake and Johnston Counties, including the Town of Garner and was conducted in coordination with NCDOT and the Upper Coastal Plain RPO. This update has expanded the boundary (including the addition of Pine Level) and produced recommendations across all modes.

Action: Adopt Resolution of Support, (2024) 2578.

Motion: Vance
Second: Behringer
Vote: 4:0

FY25 Recommended Budget Presentation

Presenter: Jodi Miller, Interim Town Manager

Ms. Miller presented the proposed FY 2024-2025 Recommended Budget.

Action: This presentation was provided as information and background for Council's future budget deliberations.

CONSENT

FY23-24 Audit Contract

Presenter: David Beck, Finance Director

The FY 2023-2024 audit contract proposal was received from Mauldin & Jenkins. This is the fourth year of a five year agreement with Mauldin & Jenkins to provide these services. The proposal included the basic audit fee, a required federal single audit, and financial statement preparation services.

Action: Approve contract with Mauldin & Jenkins to perform the FY24 audit.

Garner Former Police Building Demo - Bid Award

Presenter: Leah Harrison, Engineering Director

Demolition of the building located at 400 Aversboro to Webb-Harrell for \$37,500.

Action: Approve bid and authorize the Town Manager to execute the contract with Webb-Harrell for \$37,500.

Stop Conditions - Georgia's Landing Phase 2

Presenter: Leah Harrison, Engineering Director

The Engineering Department requested approval of twelve stop conditions in Georgia's Landing Phase 2 at the intersections of Golden Isles Ave and Botanical Bend, Golden Isles Ave (Eastbound) and Georgia's Landing Parkway, Golden Isles Ave (Westbound) and Georgia's Landing Parkway, Golden Isles Ave and Red Myrtle Court, Botanical Bend (Southbound) and Rock Maple Lane, Botanical Bend (Northbound) and Rock Maple Lane, Rock Maple Lane (Eastbound) and Georgia's Landing Parkway, Rock Maple Lane (Westbound) and Georgia's Landing Parkway, Red Myrtle Court (Southbound) and Rock Maple Lane, Botanical Bend and Savannah Moss Way, Savannah Moss Way (Eastbound) and Georgia's Landing Parkway with basic traffic control measures.

Action: Approve recommended stop conditions, Ordinance (2024) 5265.

Stop Conditions - Renaissance at White Oak Phase 1-Phase 3

Presenter: Leah Harrison, Engineering Director

The Engineering Department requested approval of eleven stop conditions in Renaissance at White Oak Phase 1-3 at the intersections of Wolf Willow Way and Raynor Road, Wolf Willow Way and White Oak Garden Way, Beebrush Way and White Oak Garden Way, Beebrush Way (West) and Beebrush Way (North), Chesapeake Commons Street and White Oak Garden Way, Meadowbark Bend and Chesapeake Commons Street, Frosted Iris Lane (West) and Chesapeake Commons Street, Frosted Iris Lane (East) and Chesapeake Commons Street, Frosted Iris Lane (West) and Frosted Iris Lane (North), Frosted Iris Lane (East) and Frosted Iris Lane (North), White Oak Garden Way and Meadowbark Bend with basic traffic control measures.

Action: Approve recommended stop conditions, Ordinance (2024) 5266.

- Action: Approve Consent Agenda
- Motion: Matthews
- Second: Behringer
- Vote: 4:0

PUBLIC HEARINGS

Tier 2 Conditional Rezoning # CZ-MP-23-04, Homestead at Bryan Farm

Presenter: Jeff Triezenberg, Planning Director

Tier 2 conditional rezoning request submitted by the Lennar Corporation to rezone 99 +/- acres from Rural Agricultural (RA) to Residential 8 (R8 C306) Conditional for the development of approximately 291

townhouse and single-family detached units. The site is generally located on the northwestern corner of Hebron Church and Clifford roads and may be further identified as Wake County PIN 1629568117 and 162958117 (portion of).

Mr. Triezenberg presented the project.

Attorney Collier Marsh spoke on behalf of the applicant regarding the project, which proposed to restrict the range of R8 permissible uses to a list of two and provide architectural commitments that addressed appearance, quality of materials and construction. Mr. Marsh added that this was an opportunity to provide a preview of the project, highlight specific areas, and receive Council comments.

Council felt this project was too dense and had concerns regarding the lack of commercial space.

Action: Continue hearing to the June 18, 2024 Council meeting.

Motion: Vance
Second: Behringer
Vote: 4:0

Special Use Permit # SUP-SP-23-01, Burnette Farms Apartments

Presenter: Joe Linsky, Planner

Mayor Gupton explained the procedures to be followed during this hearing and asked Council to disclose any bias, ex parte communications, any close familial, business or other associational relationships with an affected person, or have a financial interest in the outcome. Hearing none, the Clerk administered the Oath to Joe Linsky, Jeff Triezenberg, Margaret Class, Beth Blackmon, Steven Peden, Chad Essick, and Jeff Hochanadel.

Special Use Permit application requested by Madison Holding LLC for the approval of a maximum of 348 multifamily (triplex and higher, including apartment) household living units on an 18.60 +/- acre tract located at 4100 Auburn Knightdale Road and can be further identified as Wake County PIN 1731607909 (portion of).

Mr. Linsky presented the project.

Chad Essick, attorney for the applicant, provided an overview of the project.

Beth Blackman, Lead Engineer, provided details pertaining to the design and layout of the site.

Council Member Dellinger stated that he felt the lack of elevators in apartments under 3-stories would inherently reduce housing options for individuals with mobility challenges. Ms. Blackman responded that the NC Housing Code did not require elevators unless the buildings were taller.

Jeff Hochanadel, traffic engineer, and Stephen Pedon, real estate broker, provided information relating to their expertise as it applies to this project.

Margaret Class, who lives at a neighboring property, spoke in opposition of this project due to the density, lack of open space, and increased traffic.

Attorney Essick stated that he wanted to make an objection for the record to any testimony that was provided related to traffic or property values as he did not hear any testimony about it being from an expert or anyone qualified to make opinions.

Mr. Essick summarized the project and provided information as to how the project met each of the Special Use Standards.

Action: I find that application # SUP-SP-23-01 meets the Town's eight (8) criteria for special use permits as identified in Article 4.7.4.D.; therefore, I move that the Town Council approve SUP-SP-23-01, Burnette Farms Apartments with the six (6) site-specific conditions recommended by the Technical Review Committee to be listed on the permit that will be prepared by staff.

Motion: Vance
Second: Matthews
Vote: 3:1

Council Member Dellinger voted nay.

Zoning Text Amendment # ZTA-23-02, Garner Forward Implementation

Presenter: Jeff Triezenberg, Planning Director

Mr. Triezenberg presented the request.

Zoning text amendment request (ZTA-23-02) submitted by the Town of Garner Planning Department to add and/or revise regulations aimed at implementing the 2023 Garner Forward Comprehensive Plan. General topics include, but are not limited to regulatory adjustments to nonconforming site elements, special use permits, transportation overlay zones, table of permitted uses, townhouse and two- to four-family dwelling unit definitions, research and development uses, open space, block faces, building materials, shared parking, and perimeter buffers on small lots.

Mayor Gupton closed the public hearing.

Action: Refer to the Planning Commission for consistency review and recommendation.

Motion: Vance
Second: Matthews
Vote: 4:0

NEW/OLD BUSINESS

Tier 1 Conditional Rezoning # CZ-24-001, 312 US 70 Highway East

Presenter: Jeff Triezenberg, Planning Director

Tier 1 conditional district rezoning request submitted by Traci Dusenbury Tate of Halcon Companies, LLC, to rezone approximately 5.04 +/- acres from Commercial Mixed Use (CMX) and Light Industrial (LI) to Commercial Mixed Use (CMX C300) Conditional. The site is located at 312 US 70 Highway East and may be further identified as Wake County PIN 1710991886.

Mr. Triezenberg presented this project and advised Council that this project was reviewed by the Planning Commission and unanimously approved.

Action: I move 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 III of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2024) 5267 approving rezoning CZ-24-001, as the request is reasonable and in the public interest because the proposed district is compatible with the present zoning and confirming uses on nearby property and with the character of the neighborhood.

Motion: Matthews
Second: Behringer
Vote: 4:0

Extraterritorial Jurisdiction (ETJ) Extension Request

Presenter: Jeff Triezenberg, Planning Director

The Town of Garner requests permission from Wake County to extend its extraterritorial jurisdiction (ETJ) primarily, albeit not exclusively, along the new North Carolina Highway 540 Corridor which will open in phases beginning this summer (2024) through 2028.

This request consists of a 3-mile radius which totals 8,856 acres, and divided into three sub areas. An extension request report was prepared illustrating compliance with Wake County's criteria for reviewing requests for ETJ extensions including general location maps and identification of the specific areas.

Action: Adopt Resolution (2016) 2577 authorizing staff to move forward with the request.

Motion: Vance
Second: Behringer
Vote: 4:0

COMMITTEE REPORTS

The Human Resources Committee recommended appointing Shane Banks and Mariah Bishop to serve two-year terms on the Planning Commission and Joan Newman Jackson to serve a three-year term on the Senior Citizens Advisory Committee.

Motion: Dellinger
Second: Vance
Vote: 4:0

MANAGER REPORTS

- The City of Raleigh's sewer Improvement project on the section of Garner Road between Coffield Alley and New Rand Road is underway and will be under construction for about the next 3 months.

Eastbound traffic will detour onto Benson Road then to US70 turning left onto New Rand to get back to Garner Road. Westbound traffic will not be detoured.

- The National Community Survey is still open and available for anyone to participate. The survey will be closed as of May 10th.

ATTORNEY REPORTS

- The Regional Board Workshop on Legislative Zoning Actions will be on May 30, 2024 from 1:00 p.m. to 4:30 p.m.

COUNCIL REPORTS

Behringer

- Stated she attended the Capital Area Preservation Group event which designated four buildings as historic landmarks, one of which was the Garner Women's Club.

Vance

- Encouraged citizens to visit the Banks House to see a great piece of history.

Matthews

- Stated work continues on the Memorial Day Celebration.

Mayor Gupton and Council Member Dellinger had nothing to report.

CLOSED SESSION

None

ADJOURN: 10:02 p.m.