

**Town of Garner  
Town Council Regular Meeting Minutes  
June 4, 2024**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7<sup>th</sup> 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 Gra Singleton

Dellinger was absent. A motion was made to excuse his absence.

Motion: Vance  
Second: Behringer  
Vote: 4:0

Staff Present: Jodi Miller-Town Manager, John Hodges-Assistant Town Manager, Terri Jones-Town Attorney, David Beck-Finance Director, Sara Warren-Budget Director, Ian Johnson- Budget Analyst, Paul Padgett- Inspections Director, Jeff Triezenberg- Planning Director, Stella Gibson- Town Clerk.

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Buddy Gupton

**PLEDGE OF ALLEGIANCE:** Council Member Gra Singleton

**INVOCATION:** During the invocation, Council Member Singleton shared some reflections of events that occurred over the last days, some happy and some sad, and offered a message of hope.

**PETITIONS AND COMMENTS**

Grace Izzard shared that her home was destroyed in the tornado on December 10<sup>th</sup>. The lot behind her home has quite a bit of debris and she inquired as to would be cleaning up that debris. Town Manager Miller shared that the clean would begin at the end of the month.

Carol Holloway asked how Citizens could find out when new businesses are coming into the Town. She also asked for more children’s activities in the Town. Mr. Hodges provided her information on how to sign up for the Town’s e-newsletter and the garnerinfo app as well as encouraging her to get involved with the Garner Chamber of Commerce.

**ADOPTION OF AGENDA**

Motion: Matthews  
Second: Singleton  
Vote: 4:0

**PRESENTATIONS**

Mayor Gupton read the Proclamation recognizing June 19, 2024 as Juneteenth Freedom Day.

## **CONSENT**

### **Recognition of Disposable Property**

Presenter: Lorie Smith, Police Chief

Recognize the service weapon and badge of Deputy Chief Mike McIver as disposable property, so they can be awarded to him in recognition of his retirement from the Town after 30 years of creditable service.

Action: Approve Resolution (2024) 2579.

### **Surplus Property**

Presenter: David Beck, Finance Director

The Public Works Department has equipment and vehicles including a dump truck, mower, and tractor that have been replaced as part of the VERT program. Approval is sought to surplus the old items and allow them to be sold. The proceeds will supplement the VERT budget to purchase replacement equipment.

Action: Approve Resolution (2024) 2580.

### **CAMPO Memorandum of Understanding**

Presenter: John Hodges, Assistant Town Manager

The Executive Board of the Capital Area Metropolitan Planning Organization (CAMPO) has approved a new Memorandum of Understanding (MOU) to be adopted by member organizations. The MOU changes include the addition of the newest members (Lillington, Coats and Chatham County) as well as administrative updates to reflect current codes and practices.

Action: Adopt CAMPO Memorandum of Understanding.

### **Town Hall Annex Bid Award**

Presenter: Leah Harrison, Engineering Director

Award construction contract for renovation of Town Hall Annex to the lowest responsive, responsible bidder, CMC Building, Inc.

Action: Authorize bid award to CMC Building, Inc in the amount of \$3,185,055 contingent upon approval by the LGC.

Action: Approve Consent Agenda

Motion: Vance

Second: Matthews

Vote: 4:0

## **PUBLIC HEARINGS**

### **Town Hall Annex Financing**

Presenter: David Beck, Finance Director

Public hearing regarding a proposed financing transaction of \$6.2 million to fund the Town Hall Annex project was held, with no public comments. Council was requested to adopt a preliminary findings Resolution which includes selection of the winning bidder for the financing transaction.

Action: Adopt Resolution (2024) 2581.

Motion: Vance  
Second: Singleton  
Vote: 4:0

### **Special Use Permit # SUP-SP-23-02, Swift Creek Apartments**

Presenter: Alison Jones, Development Review Manager

Special use permit request submitted by Bass, Nixon and Kennedy, LLC to construct a mixed use multifamily and retail development consisting of a maximum of 613 apartment units and 23,245 square feet of commercial space on a 40.91 +/- acre site located at 6201, 6301 and 6355 Fayetteville Road which may be further identified as Wake County PINs 0790654255, 0790559818 and 0790559977.

Mayor Gupton explained the procedures to be followed during this quasi-judicial 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 Worth Mills, Rich Kirkland, Garry Walston, Marty Bizzell, Kenyan Burnham, Rynal Stephenson, James Anthony, Jeff Triezenberg, and Alison Jones.

Worth Mills, with Longleaf Law Partners, gave a presentation on behalf of the applicant.

Rynal Stephenson, Professional Engineer, shared a presentation on the traffic and transportation conditions tied to the property.

Marty Bizzell, Professional Engineer, shared a presentation regarding the stormwater and environmental protection.

Rich Kirkland shared a presentation on impact analysis of the site.

Garry Walston, Professional Landscape Architect, responded to Council Member Singleton's concerns regarding the limited play area for children. Kenyan Burnham reminded Council that the greenway would connect to this property, for more outdoor open space.

James Anthony, an adjoining landowner, spoke in support of the project but commented that the site plan does not show the correct location of the access easement.

There were no other public comments.

Attorney Mills noted an objection to testimony as to the transportation network and extension of Vandora Springs Road because no evidence was presented by a transportation expert. The staff report was accepted into the record.

Action: I find that application # SUP-SP-23-02 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-23-03, Swift

Creek Apartments with the nine (9) site-specific conditions recommended by the TRC to be listed on the permit that will be prepared by staff.

Motion: Vance  
Second: Matthews  
Vote: 3:1

Council Member Singleton voted nay.

## **NEW/OLD BUSINESS**

### **Tier 2 Conditional Rezoning # CZ-MP-23-02, Wall Store Road**

Presenter: Erin Joseph, Assistant Planning Director

Tier 2 conditional rezoning request submitted by Capital Partners of NC, LLC to rezone 8.95 +/- acres from Rural Agricultural (RA) and Multifamily B (MF-B C258) to Multifamily B (MF-B C277) Conditional for the development of a maximum of 60 townhouses. The site is generally located on the south side of Wall Store Road, west of Rock Quarry Road, and may be further identified as Wake County PIN(s) 1731610922, 1731518872 and a part of 1731607909.

Beth Blackmon spoke on behalf of the applicant regarding the changes made to the plans.

Action: Approve Ordinance (2024) 5269.

Motion: Matthews  
Second: Behringer  
Vote: 3:1

Mr. Singleton voted nay.

### **FY25 Budget Continued Discussion**

Presenter: Sara Warren, Budget Director

Ms. Warren provided Council with updated information related to the FY25 Recommended Budget after the May 23, 2024 Budget Work Session.

Action: Adopt a tax rate of 5-cents to be included for the FY25 Adopted Budget.

Motion: Vance  
Second: Behringer  
Vote: 3:1

Mr. Singleton voted nay.

## **COMMITTEE REPORTS**

Mr. Matthews shared that the Veterans Committee is meeting on Monday, June 10<sup>th</sup> at 9:00 a.m. at White Deer Nature Center.

## **MANAGER REPORTS**

Mr. Hodges shared an update on the Pulte project at Cambria with respect to monitoring open burning and the blasting permit being approved.

## **ATTORNEY REPORTS**

- Ms. Jones shared that she will be following-up with Council regarding affiliations with nonprofits in order to ensure everyone is in compliance with the Transparency Act during the budget adoption process.
- Commitment to Civility virtual training is on June 20<sup>th</sup> from 1:00 p.m. to 3:00 p.m.

## **COUNCIL REPORTS**

Singleton

- Reiterated the losses that our Town has suffered in the last few weeks of former Mayor Joe Creech, Grayson Murray, Tyler, Susan and Miles Campbell.

Gupton

- Thanked Rick Mercier for the great work he did in sharing about Joe Creech and his many accomplishments.

Mayor ProTem Vance, Council Members Delling, Behringer, and Matthews had nothing to report.

## **CLOSED SESSION**

None.

**ADJOURN:** 9:00 p.m.