

**Town of Garner
Town Council Regular Meeting Minutes
June 18, 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, Demian Dellinger, Phil Matthews, and Gra Singleton

Staff Present: Jodi Miller-Town Manager, John Hodges-Assistant Town Manager, Terri Jones-Town Attorney, David Beck-Finance Director, Erin Joseph-Assistant Planning Director, Sara Warren-Budget Director, Ian Johnson- Budget Analyst, Jeff Triezenberg- Planning Director, Maria Munoz-Blanco-PRCR Director, Forrest Jones-Public Works Director, Chris Adams-Deputy Police Chief, Stella Gibson- Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton

PLEDGE OF ALLEGIANCE: Mayor ProTem Elmo Vance

INVOCATION: Mayor ProTem Vance asked Reverend Pastor Carlton McDaniel, Sr. to provide the invocation.

PRESENTATIONS

Deputy Chief Mike McIver was recognized for his 25 years of dedicated service to the Town of Garner.

Action: Adopt Resolution (2024) 2582.

Motion: Matthews
Second: Singleton
Vote: 5:0

The Garner Magnet High School softball team was recognized for winning the 2024 Girls Softball Championship game.

PETITIONS AND COMMENTS

Reverend Ben Acton of the First Presbyterian Church of Garner spoke regarding the need for affordable housing in Garner.

Marcia Timmel shared her concerns about the number of older homeless people and their needs.

Katie de Cardenas shared her concerns regarding affordable housing.

ADOPTION OF AGENDA

Motion: Vance
Second: Behringer
Vote: 5:0

CONSENT

Budget Amendment - Fiscal Year End

Presenter: David Beck, Finance Director

Budget Amendment to align revenues and expenditures to approximated actuals as part of the fiscal year close out. Some expenditure lines are being increased to ensure departments have adequate funding to finish out the year. Funding is from revenues that have exceeded estimates as well as anticipated surpluses in some expenditure lines.

Action: Approve Ordinance (2024) 5270.

Cleanup of Town Property at 0 Stonecutter Ct.

Presenter: Forrest Jones, Public Works Director

This Budget Amendment will support the cleanup of the Town Property at 0 Stonecutter Court from the recent tornado in December 2023. Town staff consulted with the NC Forestry Service to ensure this approach is following best practices and have received confirmation from NCDEQ that the Town is complying with all regulatory requirements. The current timeline is to start work in June 2024, and anticipated completion date is August 2024.

Action: Approve Ordinance (2024) 5271.

White Oak Roundabout Bid Award

Presenter: Leah Harrison, Town Engineer

Award construction contract for White Oak Roundabout to Fred Smith, Inc., the lowest responsible, responsive bidder.

Action: Approve Resolution (2024) 2588 and award bid, and authorize Town Manager to execute contract with Fred Smith, Inc. contingent concurrence of NCDOT.

Renewal of Governmental Services Relations Agreement

Presenter: Jodi Miller, Town Manager

Request to approve updated Governmental Services Relations agreement with Samuel L. Bridges for FY24-25.

Action: Approve the agreement and authorize the Town Manager to execute.

Downtown Development Project with LMG Garner LLC

Presenter: Terri Jones, Town Attorney

The Amended and Restated Memorandum of Understanding for the downtown development project adjacent to the Garner Recreation Center requires that a Master Development Agreement will be finalized within 120 days after the developer, LMG Garner LLC, delivers the development plan. Town Council is asked to formally acknowledge the presentation of the development plan.

Action: Authorize the Town Manager to execute the Acknowledgement of Development Plan Delivery.

Annexation Ordinance Correction for #ANX-23-10, Golden Trace

Presenter: Alex Bone, GIS Analyst

Correction to annexation Ordinance (2024) 5240, addressing errors in the original legal description which do not impact the validity of the public notice, public hearing or request of the applicant. The original Ordinance partially used a previous legal description which is no longer valid. A newer and more accurate description is included instead.

Action: Adopt Ordinance (2024) 5278.

Annexation Ordinance Correction for #ANX-23-15, Dougher Light Industrial

Presenter: Alex Bone, GIS Analyst

Correction to annexation Ordinance (2024) 5255, addressing errors in the original legal description which do not impact the validity of the public notice, public hearing or request of the applicant. The legal description in the original Ordinance omitted a part of the necessary legal description.

Action: Adopt Ordinance (2024) 5279.

Annexation Ordinance Correction for #ANX-23-08, Timber Drive Associates LP

Presenter: Alex Bone, GIS Analyst

Correction to annexation Ordinance (2024) 5243, addressing errors in the original legal description which do not impact the validity of the public notice, public hearing or request of the applicant. One of the legal descriptions for a portion of PIN # 1720738299 was omitted originally and is now included.

Action: Adopt Ordinance (2024) 5280.

Garner - Raleigh Annexation Agreement

Presenter: Jeff Triezenberg, Planning Director

The Town of Garner last adopted an annexation agreement with the City of Raleigh in August of 1996. Although this agreement technically expired on August 5, 2016, both municipalities have been informally conducting their annexation programs as if the original agreement were still in effect. Since its expiration in 2016, there have not been any annexations that would have conflicted with the previous agreement. Minor adjustments are now proposed; however, the line of agreement remains largely the same.

Action: Approve Resolution (2024) 2583, setting a date of public hearing for July 16, 2024.

Voluntary Contiguous Annexation Petition # ANX-24-005, Spring Drive Townhomes

Presenter: Alex Bone, GIS Analyst

Voluntary contiguous annexation petition (ANX-24-005) submitted by Rehab Hamad to bring 2.23 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 0 Spring Drive and may be otherwise identified as Wake County PIN # 1701625974.

Action: Approve Resolution (2024) 2584 to set public hearing for July 16, 2024.

Voluntary Contiguous Annexation Petition # ANX-24-004, Cambria

Presenter: Alex Bone, GIS Analyst

Voluntary contiguous annexation petition (ANX-24-004) submitted by Beth Blackmon to bring 128.02 +/- acres (plus 7.09 +/- acres in adjacent right-of-way for 135.11 acres total) into the corporate limits of the Town of Garner. The property is generally located at 0, 2121, 2437, 2425 New Bethel Church Road and may be otherwise identified as Wake County PIN(s) 1629805447, 1629803590, 1629806354, 1629827686, 1629518996, 1629716106 and 1629807955.

Action: Approve Resolution (2024) 2585 to set public hearing for July 16, 2024.

Caddy Road Public Safety Station

Presenter: Terri Jones, Town Attorney

Wake County has requested that the Town execute a Utilization Agreement regarding the Caddy Road Public Safety Facility which houses Garner Fire-Rescue and the Police Department.

Action: Approve Resolution (2024) 2586 authorizing the Town Manager to execute the Utilization Agreement.

Town Hall Annex Financing

Presenter: David Beck, Finance Director

Council was requested to consider adopting a final findings Resolution which authorizes the Town Hall Annex capital project financing to move forward.

Action: Approve Resolution (2024) 2581.

Authorization for Wake County to Levy and Collect Town of Garner

Presenter: David Beck, Finance Director

Resolution authorizing the Wake County Tax Administrator to levy and collect property taxes for the Town of Garner during the 2024-2025 fiscal year.

Action: Approve Resolution (2024) 2587.

Oak Manor Phase 3 Stop Conditions

Presenter: Leah Harrison, Town Engineer

The Engineering Department is seeking approval of fourteen stop conditions in Oak Manor Subdivision Phase 3.

Action: Approve recommended stop conditions, Ordinance (2024) 5272.

Georgia's Landing Ph 4 & 5 Stop Conditions

Presenter: Leah Harrison, Town Engineer

The Engineering Department is seeking approval of five stop conditions in Georgia's Landing Subdivision Phase 4 & 5.

Action: Approve recommended stop conditions, Ordinance (2024) 5273.

No Parking Zone - Amber Acorn Avenue

Presenter: Leah Harrison, Town Engineer

To obtain Council approval of one new No Parking Zone (Amber Acorn Avenue between Ten Ten Road and Misty Pike Drive).

Action: Authorize modification of Ordinance 10-84 to include a new no-parking zone; adopt Ordinance (2024) 5277.

Action: Approve Consent Agenda

Motion: Singleton

Second: Vance

Vote: 5:0

PUBLIC HEARINGS

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

Presenter: Erin Joseph, Assistant 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 - now reduced to 247 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).

Action: Continue public hearing to July 16, 2024.

Motion: Singleton

Second: Behringer

Vote: 5:0

Special Use Permit # SUP-SP-22-10, Bennett Assemblage Apartments North

Presenter: Alison Jones, Development Review Manager

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 Tim Hess, Rich Kirkland, Nil Ghosh, Brenda Compton, Cliff Lawson, Scott Copeland, Alison Jones and Jeff Triezenberg.

Special use permit request submitted by RST Development LLC. to establish the development of a multifamily (triplex and higher, including apartment) residential community of 177 dwelling units on a 9.86 +/- acre portion of a larger 64.92 +/- acre site where the overall density shall not exceed 9.8 dwelling units/acre. The site is located at 7100 Fayetteville Road and may be further identified as Wake County PIN # 0790118607.

Nil Ghosh from Morningstar Law Group presented the project on behalf of the applicant.

Tim Hess, landscape architect, Cliff Lawson, Transportation Engineer, and Rich Kirkland, Appraiser shared expertise in their respective areas and how the project as presented met the Town's guidelines.

Council was particularly concerned about the aesthetics of project and the lack of elevators and workforce housing. Mr. Ghosh responded that 3-story buildings did not require installation of elevators,

however, the developer would agree to install them. Council asked the developer to meet with staff to improve the aesthetics of the project.

There were no public comments.

Action: Continue hearing to July 16, 2024 to allow for further discussion after staff has provided guidance to the applicant on aesthetics, elevators and long term financial sustainability.

Motion: Dellinger
Second: Singleton
Vote: 5:0

Town Attorney Jones advised Council that they would need to disclose ex parte communications when the public hearing resumes.

Tier 1 Conditional Rezoning # CZ-23-02, 3412 & 3508 Benson Road

Presenter: Erin Joseph, Assistant Planning Director

Tier 1 conditional district rezoning request submitted by Collier Marsh with Parker, Poe, Adams & Bernstein LLP, to rezone 48.51 +/- acres from Highway District (HD) and Residential-30 (R-30) (Wake County) to Commercial Mixed Use (CMX C310) Conditional. The site is located at 3412 Benson Rd. and may be further identified as Wake County PIN 1618455504 and 1618553160. Use conditions are proposed.

Mark Frederick spoke on behalf of the applicants and shared a presentation regarding their proposed project. Jim Schaafsma, Developer of the project, clarified several areas of the project.

Tammy Germiller spoke in opposition of this project due to density and congestion issues, environmental impacts and safety. She also mentioned that she and her neighbors were not invited to the neighborhood meetings.

Edward Purdle spoke in opposition of this project due to the impacts it will have on the ecological area and asked about an environmental impact study.

Tom Rains stated that he was concerned about the businesses across the street from his subdivision near Hwy 50 (Southern Trace and Turner Farms).

John Cavallaro and Amy Hartsell spoke in opposition to this project due to increased traffic.

Jody Lewis answered questions regarding the traffic signal being proposed for this site.

Action: Close public hearing to refer case to Planning Commission for consistency review and recommendation.

Motion: Matthews

Council Member Singleton asked to amend the motion to require that an additional neighborhood meeting be held before coming back to Council. Council Member Matthews agreed.

Council Member Dellinger asked to amend the motion to include the developer meeting with staff to discuss workforce housing and options for improving the aesthetics of the project. Council Member Matthews agreed.

Motion: Matthews
Second: Singleton
Vote: 4:0

Council Member Vance was recused from this vote.

NEW/OLD BUSINESS

FY24-25 Budget Adoption

Presenter: Sara Warren, Budget Director

Adoption of the FY2024-2025 Operating Budget Ordinance, Capital Projects Ordinance and Fee Schedule. The Budget Ordinance has been prepared based on the approval Council provided during the June 4th, 2024 Council Meeting.

Mayor ProTem Vance requested recusal on voting on appropriations to the Community of Hope Ministries and the MLK Celebration Committee.

Motion: Matthews
Second: Behringer
Vote: 5:0

Action: Adopt Budget Ordinance (2024) 5274 including all anticipated expenditures, except for the portion of Special Appropriations allocated to Community of Hope Ministries and the MLK Celebration Committee.

Motion: Matthews
Second: Behringer
Vote: 3:2 (motion passes)

Council Members Singleton and Dellinger voted nay.

Action: Move to approve the anticipated expenditures to Community of Hope Ministries, a local nonprofit organization that Mayor ProTem Vance is affiliated with as a board member and the MLK Celebration Committee for which Mayor ProTem Vance is affiliated with as a member.

Motion: Matthews
Second: Behringer
Vote: 4:0

Council Member Vance was recused from this vote.

Action: Adopt Project Ordinance (2024) 5275.

Motion: Matthews
Second: Behringer
Vote: 3:2 (motion passes)

Council Members Singleton and Dellinger voted nay.

Action: Adopt the FY24-25 Fee Schedule with the exception of maintaining the current fee structure and amounts for boat rentals.

Motion: Dellinger
Second: Vance
Vote: 5:0

Tier 2 Conditional Rezoning # CZ-MP-22-14, Vintage Garner

Presenter: Jeff Triezenberg, AICP, GISP; Planning Director

Tier 2 conditional rezoning request (CZ-MP-22-14) submitted by Thomas H. Johnson, Jr. (Williams Mullen) to rezone approximately 43.26 +/- acres from Light Industrial (LI) and Rural Agricultural (RA) to Commercial Mixed Use (CMX C274) Conditional for a mixed-use development of a maximum of 654 multi-family units and 40,000 square feet of commercial space. The site is located on the west side of US Highway 401 (Fayetteville Road) between Farm Road and Transport Drive and may further be identified as Wake County PIN #'s 1701046088 and 0791932831.

Tom Johnson, Attorney for the developer, presented the project.

Council Member Dellinger stated he felt this project was out of place sitting in the middle of light industrial zoning. He also had questions regarding stormwater retention and workforce housing.

Action: Move that the Town 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 No. (2024) 5276 approving rezoning CZ-MP-22-14, as the request is reasonable and in the public interest because it will likely promote multi-family housing in select areas.

Motion: Matthews
Second: Vance

Council continued to debate the areas mentioned above.

Action: Call the question to end debate.

Motion: Matthews
Second: Behringer
Vote: 3:2 (motion passes)

Council Members Singleton and Dellinger voted nay.

Action: Vote on original motion made by Council Member Matthews.

Motion: Matthews
Second: Vance
Vote: 3:2 (motion passes)

Council Members Singleton and Dellinger voted nay.

COMMITTEE REPORTS

Council Member Dellinger thanked everyone who participated in the Juneteenth Celebration. The first ever Garner Cultural Heritage Award was presented to Ms. Lena Perry. Mayor Gupton, Mayor ProTem Vance, and Council Member Singleton agreed that it was a wonderful program.

Council Member Matthews reported that the Veterans Committee met last week and there are great events coming up. The Wall that Heals will be in Asheboro June 20-23.

MANAGER REPORTS

- Talk of the Town
- Reported that Town Hall and the Town's other public facilities will be closed on Wednesday, June 19th in recognition of the Juneteenth holiday.

ATTORNEY REPORTS

- NCLM Commitment to Civility Training is scheduled for Thursday, June 20th from 1:00 p.m. to 3:30 p.m.
- The Legal Team will be providing a presentation at the Work Session on Tuesday, June 25th regarding the Code of Conduct and Ethics.

COUNCIL REPORTS

Vance

- Shared that the Juneteenth Celebration was well done. He also thanked everyone for their hard work in preparing the budget and meeting with citizens.

Singleton

- Shared that the Town needs to update our signs to reflect the 2024 Girls Softball Championships. He recommended the boys basketball signs that are currently up be distributed to the high school, GPAC and Rec Center.

Matthews

- Commended the great reception for Town Manager Miller.

Mayor Gupton and Council Members Behringer and Dellinger had nothing to report.

CLOSED SESSION

None.

ADJOURN: 10:39 p.m.