

**Town of Garner
Town Council Regular Meeting Minutes
July 16, 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, Paul Padgett-Inspections Director, Ginny Jones-Interim Human Resources Director, Jeff Triezenberg-Planning Director, Leah Harrison-Planning Director, Nate Groover-Economic Development Director, Alison Jones-Development Review Manager, Erin Joseph-Assistant Planning Director, Stella Gibson- Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton

PLEDGE OF ALLEGIANCE: Council Member Kathy Behringer

INVOCATION: Council Member Kathy Behringer

Mayor Gupton shared a few thoughts regarding recent National events. Garner's greatest strength is our strength as a village, a village where we know our neighbors and help each other. He called for unity and to move beyond divisiveness, hate and violence. We have to focus on the things that bring us together.

PETITIONS AND COMMENTS

None

ADOPTION OF AGENDA

Motion: Matthews
Second: Vance
Vote: 5:0

PRESENTATIONS

None

CONSENT

Council Member Singleton requested that discussion of the No Parking Zone on Bellarose Way item be removed from the consent agenda for further discussion.

Kroger Opioid Settlement

Presenter: Terri Jones, Town Attorney

The Attorney General requested that each NC municipality adopt a new Resolution authorizing designated local officials to sign onto the Kroger Opioid Settlement and the Second Supplemental

Agreement for Additional Funds Part 2 (SAAF-2) so that the State and Wake County will receive its full share of the settlement payments.

Action: Adopt Resolution (2024) 2591.

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from the May 21, May 28, June 4, June 18 and June 25, 2024 Council meetings.

Action: Approve minutes.

Surplus Property Donation to Garner Fire-Rescue

Presenter: David Beck, Finance Director

Resolution to declare a 2008 Chevrolet Impala surplus property and authorize donation of the vehicle to Garner Volunteer Fire & Rescue, Inc. for use in their operations.

Action: Approve Resolution (2024) 2592.

Voluntary Contiguous Annexation Petition # ANX-24-002, 2311 Parkway Drive

Presenter: Jeff Triezenberg, Planning Director

Voluntary contiguous annexation petition (ANX-24-002) submitted by Beth Blackmon to bring 0.28 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 2311 Parkway Dr and may be otherwise identified as Wake County PIN 0790516878.

Action: Approve Resolution (2024) 2593 to set public hearing for August 6, 2024.

Adoption of a Supplemental/Seasonal Part-time Classification and Pay Plan

Presenter: Virginia Jones, Interim Human Resources Director

An ordinance providing for the adoption of a Classification and Pay Plan for the Supplemental and Seasonal Part-time employees of the Town of Garner.

Action: Approve the Classification and Pay Plan for Supplemental and Seasonal Part-time Employees, Ordinance (2024) 5282

Action: Approve Consent Agenda

Motion: Singleton

Second: Matthews

Vote: 5:0

Council Member Singleton asked Mr. Hodges to provide clarification regarding the No Parking Zone on Bellarose Way.

No Parking Zone - Bellarose Lake Way

Presenter: Leah Harrison, Town Engineer

Request to obtain Council approval of one new No Parking Fire Lane Zone (Bellarose Lake Way).

Action: Authorize modification of Ordinance 10-84 to include a new no-parking zone; adopt Ordinance (2024) 5281.

Action: Approve No Parking Fire Lane Zone.

Motion: Singleton
Second: Matthews
Vote: 5:0

PUBLIC HEARINGS

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.

There were no public comments.

Mayor Gupton closed the hearing.

Action: Adopt Ordinance (2024) 5283.

Motion: Vance
Second: Behringer
Vote: 5:0

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

Presenter: Jeff Triezenberg, Planning Director

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.

There were no public comments.

Mayor Gupton closed the hearing.

Action: Adopt Ordinance (2024) 5284.

Motion: Singleton
Second: Vance
Vote: 5:0

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

Presenter: Jeff Triezenberg, Planning Director

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.

Beth Blackmon with the Timmons Group was present on behalf of the applicant. Council Member Dellinger asked what steps would be taken to avoid burning and dumping at this site and Ms. Blackmon asked Rob Rudloff to speak on this subject. Mr. Rudloff with Pulte shared that they have ceased burning and will not be doing that going forward. In regard to the dumping, this was being done without the owner's knowledge and has since been addressed with the contractor.

There were no public comments.

Mayor Gupton closed the hearing.

Action: Adopt Ordinance (2024) 5285.

Motion: Vance
Second: Matthews
Vote: 5:0

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 a collective maximum of 265 dwelling units (note: down from 291 in the original application) including individual maximums of 107 townhouse units and 167 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).

Attorney Collier Marsh with Parker Poe, highlighted changes made to their project based on Council's comments at the previous meeting.

There were no public comments.

Mayor Gupton closed the hearing.

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

Motion: Vance
Second: Behringer
Vote: 4:1

Council Member Dellinger voted nay.

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 Beth Blackmon, Jeff Hochanadel, Nil Ghosh, Knox Jolly, Danny Copeland, Jeff Triezenberg, Alison Jones, and Leah Harrison.

Continued 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 to 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, attorney for the applicant, highlighted changes made to their project based on Council's comments at the previous meeting.

There were no public comments.

Action: Approve Special Use Permit with conditions.

Motion: Matthews
Second: Vance
Vote: 5:0

NEW/OLD BUSINESS

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

Presenter: Jeff Triezenberg, Planning Director

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, perimeter buffers on small lots, administrative modifications, MF-B district uses and standards, and building heights.

Following the staff presentation by Mr. Triezenberg, several Council Members expressed concerns about some of the proposed amendments and others were postponed for further discussion at the July 30 Work Session. Non-controversial amendments could be adopted now.

Action: Approve Ordinance (2024) 5286 with the exceptions of Sections 2, 3, 6-8 and 17.

COMMITTEE REPORTS

MANAGER REPORTS

- Quarterly Capital Project Report
- Quarterly Financial Report
- Talk of the Town

ATTORNEY REPORTS

Ms. Jones reminded Council that the Code of Conduct & Ethics was presented at the June Work Session and Council Members committed to providing comments to the Legal Department by the end of July. Once these are received, they will be compiled and a revised draft will be presented to Council for consideration.

COUNCIL REPORTS

Matthews

- Thanked those involved in making the July 3rd celebration such a great event.
- Shared that there is a Farmers Market across from Lake Benson Park that is open Friday, Saturday, and Sunday.

Singleton

- Agreed with Council Member Matthews that the July 3rd celebration was a great event.
- Reported receiving an email from a gentleman regarding traffic control measures in his area and Ms. Miller responded that staff would reach out and provide this information.
- Reported being contacted by a citizen who expressed his appreciation to staff for always responding to his concerns so promptly.

Mayor Gupton, Mayor ProTem Vance, Council Member Behringer and Dellinger had nothing to report.

CLOSED SESSION

NCGS 143-318.11(a)(3) and (5) to consult with attorney regarding condemnation litigation and to discuss the acquisition of property.

Ms. Jones reported that after discussion regarding the acquisition of easements needed for the Aversboro Road and Garner Road sidewalk projects by negotiated purchase or eminent domain, Council adopted Resolution (2024) 2589 to authorize the acquisition for the Garner Road easements and Resolution (2024) 2590 to approve acquisition of easements needed for the Aversboro Road project.

ADJOURN: 9:27 p.m.