

**Town of Garner
Town Council Regular Meeting Minutes
August 6, 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, Jeff Triezenberg-Planning Director, Leah Harrison-Planning Director, Max Harris-Legal Intern, Erin Joseph-Assistant Planning Director, David Beck-Finance Director and Stella Gibson- Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton

PLEDGE OF ALLEGIANCE: Council Member Demian Dellinger

INVOCATION: Council Member Demian Dellinger

PETITIONS AND COMMENTS

None

ADOPTION OF AGENDA

Motion: Matthews
Second: Behringer
Vote: 5:0

PRESENTATIONS

None

CONSENT

Resolution appointing Assistant Finance Office

Presenter: David Beck, Finance Director

North Carolina General Statute chapter 159 requires each local government to designate a finance officer, lays out the duties of the position, and allows for deputy finance officers to be appointed as needed. A duly appointed deputy finance officer has the authority to carry out all the required duties of the finance officer in their absence. Having a deputy finance officer provides financial safeguards and ensures all duties of the finance officer position are adequately and effectively covered.

Action: Approve Resolution (2024) 2595.

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

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 included, but are not limited to: special use permits, table of permitted uses, research and development uses.

Action: Approve Ordinance (2024) 5286a.

Nuisance Abatements

Presenter: David Beck, Finance Director

Resolution declaring certain delinquent nuisance abatements as a lien on property. This resolution authorizes Wake County to add these abatement costs to Wake County property tax bills

Action: Approve Resolution (2024) 2596.

Surplus Property

Presenter: David Beck, Finance Director

Several assets being replaced as part of the VERT program are ready to be cycled out of service and sold at public auction. The proceeds of the sale will supplement the VERT budget to purchase replace vehicles and equipment.

Action: Approve Resolution (2024) 2597.

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from July 16, 2024 Regular and Closed Session Council meetings.

Action: Approve minutes.

Downtown Development Project

Presenter: John Hodges, Assistant Town Manager

At the July 30, 2024 Work Session, Council gave direction to staff to finalize a Master Development Agreement (MDA) for adoption.

Action: Approve Resolution (2024) 2594 to authorize execution of the MDA.

Action: Approve Consent Agenda

Motion: Vance

Second: Singleton

Vote: 5:0

PUBLIC HEARINGS

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 Drive and may be otherwise identified as Wake County PIN 0790516878.

Beth Blackmon, on behalf of the owners, requested a continuance to September 3, 2024.

Action: Approve continuance to the September 3rd regular Council Meeting.

Motion: Singleton
Second: Matthews
Vote: 5:0

NEW/OLD BUSINESS

Conditional Zoning Map Amendment w/ Subdivision Plan # CZ-SB-20-09, Wilmington Place

Presenter: Jeff Triezenberg, Planning Director

Conditional rezoning request submitted by Site Investments, LLC, to rezone 39.54 +/- acres from Single-Family Residential (R-9) and Multi-Residential (MR-1) to Multifamily 1 (MF-1 C236) Conditional for the construction of up to 55 zero-lot-line single-family detached homes and 61 townhouses. The 39.54-acre site is located off of Creech Road, south of Gatewood Subdivision and may be further identified as Wake County PIN(s) 1712900580 and 1722001533. Zoning conditions restricting range of permitted uses and adding commitments beyond the requirements of the UDO are included.

Mr. Triezenberg provided an update of the project focusing primarily on items that were changed since this project was previously heard by Council.

Charles Walker, representative for the applicant, shared information regarding the traffic impacts of this development and the plans they have for affordable, smaller homes.

Council Member Dellinger asked about negotiations with the Porter family regarding the purchase of their property so it could be included as part of this project and Mr. Walker responded that the Porter's land was never part of their project.

Mayor Gupton shared his thoughts concerning the fact that even if the Town does not build another building in Garner, we will still have traffic issues. He wanted to set a precedent that we will do better and set the bar high towards transportation needs of the Town.

Council Member Singleton stated that this project will not improve Creech Road, no matter what is done, it will add too many cars. The number one priority should be improving the entrance way to Creech Road Elementary School and making it safer for carpoolers and buses. He does not feel that we should put another self-contained neighborhood in this area. Council Member Singleton also stated that there are no plans for the realignment, no funding available and no plans to proceed with a bond referendum. Noting that there are other areas throughout Town that need attention much more than this.

Council Member Dellinger stated the \$200K being offered by the applicant for future road improvements on Creech Road is going to cost more than \$200K and will be hard to justify the return on the investment in how this is being presented. Adding that he felt a developer's agreement was needed.

Council Member Behringer recommended applying for grants to make the road improvements.

Council Member Vance gave a reminder that this is the oldest project in the pipeline. Transportation is a concern all through our area. He believes that this project sets a higher bar for others who would like

to come in and do future improvements, if this project is approved. There are a number of benefits here for consideration. Growth is coming and will happen. It is a matter of how we grow and how we try to work through the problems that we currently have in regard to transportation and the product we'd like to see in the future.

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 III of the staff report, as our own; and I further move that the Town Council adopt Ordinance (2024) 5288 approving rezoning CZ-SB-20-09, as the request is reasonable and in the public interest because the proposed district is compatible with present zoning and conforming uses on nearby property and with the character of the neighborhood.

Motion: Matthews

Second: Behringer

Council Member Dellinger requested to open debate.

Council Member Singleton repeated his concerns regarding the transportation impact that will arise from this project and Council Member Dellinger repeated the need to have a developer's agreement in place to address the transportation concerns on Creech Road.

Action: Call for the question and end debate

Motion: Matthews

Second: Behringer

Vote: 3:2 (motion carries)

Council Members Singleton and Dellinger voted nay.

Vote on original motion - 3:2 (motion carries)

Council Members Singleton and Dellinger voted nay.

COMMITTEE REPORTS

Council Member Vance reported that the Affordable Housing Taskforce had their initial meeting on Thursday, August 1, 2024. Another meeting will be held on a date to be determined.

MANAGER REPORTS

- We had a very successful Leadership Retreat with our department heads last Friday at White Deer Nature Center learning more about ourselves, getting to know each other better, and talking about how we show up for work and how we communicate and work collaboratively.
- Tropical Storm Debby is headed in our direction. The Emergency Operations Center has met and discussed ways to prepare and will continue to monitor the storm.

ATTORNEY REPORTS

- Ms. Jones reported that she and Assistant Town Attorney Erin Gibbs attended the North Carolina Association of Municipal Attorneys Summer Conference. She will provide information on timely issues such as dealing with monuments, social media, and legislation from this past short session.
- Legal Intern Max Harris's internship is coming to a close this week. Ms. Jones thanked him for his helpfulness over the summer.

COUNCIL REPORTS

Matthews

- Reported he received a phone call regarding the Veterans Monument at Lake Benson Park. One of the stones in the monument had been vandalized. He thanked Town Staff and Public Works for cleaning up the vandalism so quickly.

Singleton

- Thanked Town Manager Miller and the Public Works crew for improving the appearance of the entrance at Town Hall.
- The Back to School Bash at Garner Methodist Church is on Saturday, August 10, 2024 and has over 1,000 children and their parents registered to attend.

Behringer

- Excited to see plants and color being recognized and brought into the entrance of Town Hall.

Gupton

- Stated he was happy with the great features of the Garner Info app and encouraged citizens to use the app to report issues within the Town.
- On Thursday, August 1st a Beach Music Festival Downtown event was held downtown and had a fantastic turnout, bringing new attention to the downtown area.

Council Members Dellinger and Mayor ProTem Vance had nothing to report.

CLOSED SESSION

Action: Pursuant to N.C. General Statutes Section 143.318.11(a)(5) to discuss the possible real estate acquisition and the Town's negotiating position regarding such real estate and (a)(3) to discuss pending litigation.

Motion: Singleton
Second: Matthews
Vote: 5:0

Council gave instructions to the Attorney regarding the handling of pending litigation and also gave instructions to staff regarding acquisition of property.

ADJOURN: 8:25 p.m.