

**Town of Garner  
Town Council Regular Meeting Minutes  
August 20, 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, 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, Erin Gibbs-Assistant Town Attorney, Erin Joseph-Assistant Planning Director, David Beck-Finance Director, Lorie Smith-Police Chief, and Stella Gibson- Town Clerk

**PLEDGE OF ALLEGIANCE:** Mayor Buddy Gupton

**INVOCATION:** Mayor Buddy Gupton

**PETITIONS AND COMMENTS**

None

Mayor Gupton shared that when he became Mayor, he was surprised by the number of people that agree on so many things so much of the time. Adding that it was important to look for the positive while interacting with neighbors, family, friends and co-workers.

**ADOPTION OF AGENDA**

Motion: Vance  
Second: Matthews  
Vote: 5:0

**PRESENTATIONS**

David Beck, Finance Director, introduced the Town's new Assistant Finance Director, Tyler Harmon.

**CONSENT**

Action: Approve Consent Agenda with the exception of the South Garner Greenway LAPP Agreement.

Motion: Singleton  
Second: Matthews

Council Members Singleton and Matthews withdrew their motion.

PRCR Director Maria Munoz-Blanco presented an update on the South Garner Greenway LAPP Agreement including a timeline and anticipated challenges with right-of-way acquisition and utility relocations.

Ms. Munoz-Blanco shared a presentation regarding the development and plans for the South Garner Greenway.

Council Member Singleton expressed his concerns regarding the quick timeline attached to this project as well as the potential utility impacts.

Council thanked Ms. Munoz-Blanco for her hard work on this project.

Council Member Dellinger asked for the timeline of the intersection upgrades at Vandora Springs and Old Stage, as they will tie into this project. Mr. Hodges will obtain this information and share it with Council.

**BL-0129 South Garner Greenway LAPP Agreement**

Presenter: Maria Munoz Blanco, PRCR Director

The Town was awarded \$2,657,842 through NC Capital Area Metropolitan Planning Organization (CAMPO)'s Locally Administered Projects Program (LAPP). The program is used by the MPO to prioritize and program local transportation projects in the region that utilize federal funding and are the responsibility of the MPO (such as Surface Transportation Block Grant Program – Direct Allocation (STBGP-DA), Congestion Mitigation for Air Quality (CMAQ), etc.). This agenda item is to obtain approval for the Town Manager to sign the agreement between the Department (North Carolina Department of Transportation) and Town, naming the Town responsible for all aspects of the project and agreeing to accept the funds to utilize towards the South Garner Greenway project.

Action: Approve the South Garner Greenway LAPP Agreement.

**Supplemental/Seasonal Part-time Classification and Pay Plan Amendment**

Presenter: Virginia Jones, Human Resources Director

Amendment of the Classification and Pay Plan for the Supplemental and Seasonal Part-time employees to add two Police Supplemental positions.

Action: Approved amendment to the Classification and Pay Plan for supplemental and seasonal part-time employees.

**Voluntary Satellite Annexation Petition # ANX-24-006, 1951 US 70 Highway East**

Presenter: Jeff Triezenberg, Planning Director

Voluntary satellite annexation petition (ANX-24-006) submitted by Matt Marsh to bring 5.62 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 1951 US 70 Highway East and may be otherwise identified as Wake County PIN # 1730458256.

Action: Approved Resolution (2024) 2598 setting the public hearing for September 3, 2024.

**Voluntary Satellite Annexation Petition # ANX-24-007, 3412 and 3508 Benson Road**

Presenter: Jeff Triezenberg, Planning Director

Voluntary satellite annexation petition (ANX-24-007) submitted by Collier Marsh of Parker Poe Adams & Bernstein, LLP, to bring 46.42 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 3412 & 3408 Benson Road and may be otherwise identified as Wake County PIN(s) # 1618455504 and 1618553160.

Action: Approved Resolution (2024) 2599 setting the public hearing for September 3, 2024.

### **Resolution Authorizing Axon & Flock Contracts**

Presenter: Lorie A. Smith, Police Chief

Exemptions of additional contracts and purchases from Axon and FLOCK are requested where the Town Manager and Police Chief have determined that standardization or compatibility is the overriding consideration.

Action: Approved Resolution (2024) 2600.

### **Council Meeting Minutes**

Presenter: Stella Gibson, Town Clerk

Minutes from the July 30 and August 6 regular, work session, and closed session Council meetings.

Action: Approved meeting minutes.

Action: Approve Consent Agenda

Motion: Singleton  
Second: Matthews  
Vote: 5:0

### **PUBLIC HEARINGS**

This case involves an application for a special use permit which requires a quasi-judicial hearing. Council is re-opening the public hearing that was held on May 21, 2024, to reconsider the decision made that evening.

Each Council member is required to disclose whether he or she has:

- (i) a fixed opinion prior to the hearing that is not subject to change,
- (ii) had any "ex parte" communications,
- (iii) any close familial, business, or other associational relationship with an affected person, or
- (iv) a financial interest in the outcome of the case.

This is a fact-finding hearing and only competent, material, and substantial evidence that is not repetitive is allowed. Only expert witnesses based on training and experience may testify as to the impacts on property values, traffic safety, or noise levels.

Council members must disclose discussions pertaining to the case or any information received outside of the hearing. The property was considered at prior Council meetings in conjunction with the original special use permit approval on August 18, 2015, and the modification denial on May 21, 2024. Council members discussed the appeal that was filed with the Town Attorneys and Town Managers during closed sessions on July 30, 2024, and August 6, 2024. The staff report was accepted into the record.

Council was asked if they had any additional disclosures of ex parte communications. Hearing none, the Clerk administered the Oath to Joseph Linsky.

**Special Use Permit Modification # SUP-SP-15-05 M23-01, Creech Road Solar**

Presenter: Joseph Linsky, Planner

Dogwood Creek Land Holdings, LLC is requesting approval of a modification to their original special use permit approval for solar farm use located on a tract of land at 816 Delta Street which may be further identified as Wake County PIN 1711687465. The modification would reduce the area of the site to which the special use permit would apply. This request was originally heard on May 21, 2024, and was denied. The denial was subsequently appealed to Superior Court.

Joe Linsky presented the staff report. There was no public comment and the hearing was closed.

Action: Having received verification from the Technical Review Committee that the original eight (8) conditions of the Town Council approval of SUP-SP-15-05 continue to be met; I move that the Town Council approve SUP-SP-15-05 M23-01, Creech Road Solar with two (2) new site-specific conditions recommended by the TRC that will apply to the revised area and that will be listed on the amended permit that will be prepared by staff. This action reverses the decision made on May 21, 2024.

Motion: Vance  
Second: Behringer  
Vote: 5:0

**NEW/OLD BUSINESS**

None

**COMMITTEE REPORTS**

Vance

- The next Affordable Housing Taskforce Meeting will be held on Monday, August 26, 2024 in the Town Hall Training Room.

**MANAGER REPORTS**

- Talk of the Town

**ATTORNEY REPORTS**

Advised that the Council Code of Ethics will be presented at the next Work Session.

**COUNCIL REPORTS**

Singleton

- Shared that he noticed tall grass in two locations and that the issues were already in progress of being addressed. He and the Mayor encouraged citizens to utilize the Garner info app to report any issues.

Matthews

- Thanked Public Works for improvements made at the Veterans Memorial.

Behringer

- Encouraged everyone to attend the football game between Garner Magnet High School and South Garner High School on Thursday, September 20, 2024.

Mayor Gupton, Council Members Vance and Dellinger had nothing to report.

**CLOSED SESSION**

None

**ADJOURN:** 6:40 p.m.