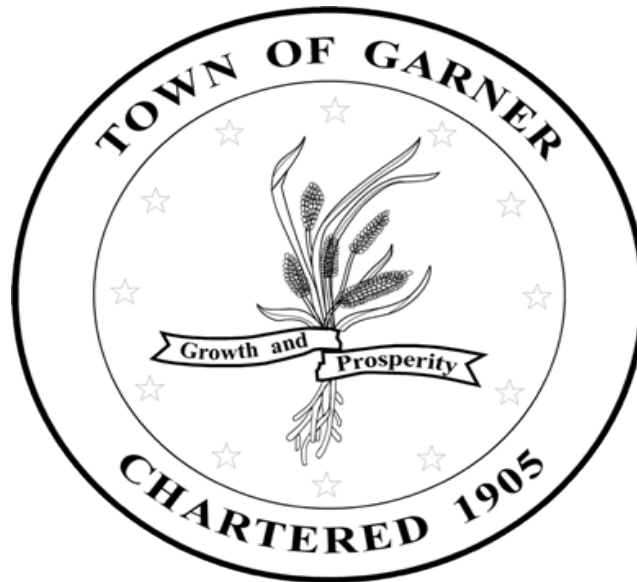


# **TOWN OF GARNER**



## **TOWN COUNCIL MEETING**

January 22, 2019  
7:00 P.M.

Garner Town Hall  
900 7th Avenue  
Garner, NC 27529

**Town of Garner  
Town Council Agenda  
January 22, 2019**

The Council will meet in regular session at 7:00 p.m. in the Garner Town Hall located at 900 7<sup>th</sup> Avenue.

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

*The Council will call for a brief recess at 9:00 p.m.*

- B. PLEDGE OF ALLEGIANCE: Mayor Ronnie Williams

- C. INVOCATION: Mayor Ronnie Williams

- D. PETITIONS AND COMMENTS

*This portion of the meeting is to receive comments from the public on items not included in this agenda. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. The Board is interested in hearing your concerns but may not act or deliberate on the subject matter brought up during the Petitions and Comments segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.*

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

- 1. Human Trafficking Awareness Week

- G. CONSENT

*All items on the Consent Agenda are considered routine, to be enacted by one motion and without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.*

- 1. Council Meeting Minutes ..... Page 6  
Presenter: Stella Gibson, Town Clerk

Minutes from the October 30 and December 18, 2018 Council Meetings. Closed Session  
Minutes from December 18, 2018.

Recommended Action: Consider adopting minutes

- 2. Resolution Declaring Unpaid Nuisance Abatements as Liens ..... Page 18  
Presenter: Pam Wortham, 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.

Recommended Action: Consider adopting Resolution (2019) 2367

3. Ordinance Amending FY2018/2019 Operating Budget (Recognize Revenue for.... Page 21  
Downtown Project)

Presenter: Pam Wortham, Finance Director

Together with United Arts, the Downtown Garner Association (DGA) contracted with Sean Kernick to paint a mural in downtown Garner. United Arts provided \$5,000 towards the project. The remaining \$5,000 was split equally between Full Bloom Coffee and DGA. United Arts provided their funding directly to the artist. DGA and Full Bloom gave the funds to the Town, and the Town will pay the remainder of the project. We are requesting to budget the \$5,000 in revenue and increase our expenditures.

Recommended Action: Consider adopting Ordinance (2019) 3950

4. Clifford Grove Stop Conditions ..... Page 23

Presenter: Chris Johnson, Town Engineer

The Engineering Department is seeking approval for three stop conditions within the Clifford Grove subdivision.

Recommended Action: Consider approving stop conditions within the Clifford Grove subdivision.

#### H. PUBLIC HEARINGS

1. Annexation Petition ANX-18-07, Auburn Village ..... Page 26  
Presenter: David Bamford, Planning Services Manager

Annexation petition submitted by CalAtlantic Group, Inc. to incorporate 120.01 +/- acres on the west side of Auburn-Knightdale Road.

Recommended Action: Consider adopting Ordinance (2019) 3945

2. Annexation Petition ANX 18-09, 5105 Fayetteville Road ..... Page 31  
Presenter: David Bamford, Planning Services Manager

Annexation petition submitted by Midtown Group, LLC to incorporate 0.433 +/- acres with an existing house on the east side of Fayetteville Road for which they are requesting connection to public water.

Recommended Action: Consider adopting Ordinance (2019) 3946

3. Annexation Petition ANX 18-10, Ashton Forest ..... Page 36  
Presenter: David Bamford, Planning Services Manager

Annexation petition submitted by Mohler Investments, LLC to incorporate 15.0 +/- acres on the west side of Creech Road.

Recommended Action: Consider adopting Ordinance (2019) 3947

4. Annexation Petition ANX 18-11, 1504 Creech Road .....Page 41  
Presenter: David Bamford, Planning Services Manager

Annexation petition submitted by Douglas Robertson to incorporate 0.8 +/- acres with an existing house located at 1504 Creech Road for which he is requesting connection to public water.

Recommended Action: Consider adopting Ordinance (2019) 3948

5. General Use Rezoning Z 18-06, Jordan Road ..... Page 46  
Presenter: Het Patel, Senior Planner

Harold Godwin is requesting a change in zoning for 18.59 +/- acres from Community Retail (CR) to Neighborhood Office (NO) General Use. The site is located at 0 Jordan Road (where Jordan Road ends before NC 50 north of Ten-Ten Road) and may be further identified as Wake County PIN# 1618-38-8558.

Recommended Action: Consider referring to Planning Commission

6. Conditional Use Rezoning CUD-Z-18-08 and Conditional Use Permit CUP-SB-04, Buffaloe Springs Rezoning and Subdivision Plan..... Page 54  
Presenters: Het Patel, Senior Planner and Stacy Harper, Principal Planner

Trilandco is requesting a change in zoning for 24.75 +/- acres from Single-Family Residential (R-40) to Multifamily Residential Conditional Use (MF-1 C-207). Trilandco is also requesting conditional use permit approval for a residential cluster use comprising 77 single-family lots. Use restrictions and subdivision characteristic features are proposed as conditions. The site is located on the east side of Buffaloe Road and may be further identified as Wake County PIN#'s 1700-65-4039, 1700-65-1054, and portions of 1700-64-3525, 1700-64-3392 and 1700-75-2389. Staff recommends approval of CUD-Z-18-08 & finds CUP-SB-18-04 in conformity with UDO.

Recommended Action: Consider approving of CUD-Z-18-08 & finds CUP-SB-18-04 in conformity with UDO and adopting Ordinance (2019) 3949

7. UDO-18-02, Neighborhood Meetings ..... Page 78  
Presenter: Jeff Triezenberg, Planning Director

UDO text amendment submitted by the Planning Department to require applicant-led neighborhood meetings for any development application including a Conditional Use District Zoning, Planned Development or Special Use Permit request.

Recommended Action: Consider referring to Planning Commission

I. NEW/OLD BUSINESS

1. Wake Transit Community Funding Area Program Application ..... Page 83  
Presenter: Het Patel, Senior Planner

An update to Wake Transit Community Funding Area Program application process and recommendations for completing application for FY 2020 planning study/technical assistance funds.

Recommended Action: Consider approving CFAP Application and authorization for Town Manager to provide Letter of Support.

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. Finance Report
2. garner info

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

1. Council Vacancy Selection Process

N. CLOSED SESSION

Pursuant to N.C. General Statutes Section 143-318.11(a)(5) "to discuss possible real estate acquisition and the Town's negotiating position regarding such real estate."

O. ADJOURNMENT

## PROCLAMATION

**WHEREAS**, human trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of forced labor or sexual servitude; and

**WHEREAS**, human trafficking is a 32-billion dollar a year global criminal enterprise and is a crime as well as a civil and human rights violation; and

**WHEREAS**, the United States government estimates that 600,000 to 800,000 individuals are trafficked across international borders each year and exploited through forced labor and forced commercial sexual activity; and

**WHEREAS**, the US is a major destination country for international trafficking victims as approximately 14,500-17,500 people are trafficked into the country each year. These numbers do not include domestically trafficked children and adults; and

**WHEREAS**, human trafficking is a crime that impacts North Carolina; and

**WHEREAS**, FBI analysts have stated that close to 25% of international trafficking victims end up in the southeast, including North Carolina; and

**WHEREAS**, the Trafficking Victims Protection Act of 2000 criminalized human trafficking at the federal level; and

**WHEREAS**, North Carolina passed anti-trafficking legislation in 2006 and 2007; and

**WHEREAS**, more awareness and education is crucial to eradicating human trafficking in our communities, state, and nation; and

**WHEREAS**, Human Trafficking Awareness Week is observed annually in municipalities across the country in order to educate the public and raise awareness about human trafficking; and

**WHEREAS**, the Town of Garner has a strong commitment to social justice; and

**WHEREAS**, multiple governments, nonprofit, and faith-based organizations as well as concerned individual citizens of Garner currently provide leadership, philanthropy, advocacy, and dedication to end human trafficking in the Town of Garner and North Carolina

**NOW, THEREFORE**, I, Ronnie S. Williams, Mayor of the Town of Garner, North Carolina, do hereby proclaim January 27<sup>th</sup> - February 2<sup>nd</sup> as Human Trafficking Awareness Week in the Town of Garner and urge the residents of Garner to support efforts and take action to end human trafficking.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Garner, North Carolina to be affixed this the 9<sup>th</sup> day of January 2019.

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Ronnie S. Williams, Mayor

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary:  Minutes from the October 16 and December 18, 2018 Council Meetings. Closed Session Minutes from December 18, 2018.		
Recommended Motion and/or Requested Action: Adopt Minutes		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner  
Town Council Meeting Minutes  
October 16, 2018**

The Council met in regular session at 7:00 p.m. in the Garner Town Hall located at 900 7<sup>th</sup> Avenue.

**CALL MEETING TO ORDER/ROLL CALL:**

Present: Mayor Ronnie Williams, Mayor ProTem Ken Marshburn Council Member Kathy Behringer, Council Member Jackie Johns, Council Member Buck Kennedy, and Council Member Gra Singleton

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roynance-Asst. Town Manager-Operations, Rick Mercier-Communications Manager, Pam Wortham-Finance Director, Forrest Jones-Public Works Director, Het Patel-Senior Planner, Brandon Zuidema-Police Chief, Jeff Triezenberg-Planning Director, Mike McIver-Police Lieutenant, Mari Howe-Downtown Development Manager, Jonathan Ham-Asst. Town Engineer, William E. Anderson-Town Manager, Stella Gibson, Town Clerk

**PLEDGE OF ALLEGIANCE:** Council Member Kathy Behringer

**INVOCATION:** Council Member Kathy Behringer

**PETITIONS AND COMMENTS**

**ADOPTION OF AGENDA**

Motion: Marshburn  
Second: Johns  
Vote: 5:0

**PRESENTATIONS**

Mr. Dickerson, Mr. Jones, and Chief Zuidema recognized the Public Works and Police Department for assisting other local governments with storm-related duties.

**CONSENT**

**Council Meeting Minutes**

Presenter: Stella Gibson, Town Clerk

Minutes from the September 18, 2018 and October 1, 2018 Council meetings.

Action: Consider Adoption of Minutes



**Annexation Petition ANX-18-06, ST Wooten**

Presenter: David Bamford, Planning Services Manager

Resolution to set public hearing date for contiguous annexation of 35.29 +/- acres for the Martin Marietta property located on the south side of E Garner Road; CUP-SP 18-12; ST Wooten concrete plant site; approved September 4, 2018. Includes intervening NCR and NC DOT rights-of-way.

Action: Adoption of Resolution (2018) 2360 to set Public Hearing for November 5, 2018

**Wake County Sedimentation and Erosion Control Concurring Ordinance**

Presenter: Jonathan Ham, Asst. Town Engineer

Wake County provides erosion control compliance services in Garner's jurisdiction. It has been requested that we pass an agreement reflecting and renewing our agreement with the County to perform these services.

Action: Approval of Agreement

**Stop Condition – Evolve Timber Creek Apartments**

Presenter: Tony Chalk, Town Engineer

The Engineering Department is recommending approval of one (1) stop condition within Evolve Timber Creek Apartments to serve as a basic traffic control measure.

Action: Approval of Stop Condition

**PUBLIC HEARINGS**

**General Use Rezoning Z-18-04, 800 & 1000 Maxwell Drive**

Presenter: Het Patel, Senior Planner

Mayor Williams opened the public hearing and asked Mr. Patel to provide the staff report.

Mr. Patel stated this request is to change zoning for 2.77 +/- acres from Residential 9 Conditional Use (R-9 C153 ) to Residential 40 (R-40) General Use. The site is located at 800 and 1000 Maxwell Drive.

Hearing no further comments, Mayor Williams closed the public hearing and called for a motion.

Action: Council consensus to refer to Planning Commission

**NEW/OLD BUSINESS**

**Preserving Garner's History**

Presenter: Garner Area Historical Society

Ms. Amy Griggs introduced the members of the Garner Area Historical Society and acknowledged Representative Rosa Gill and Representative Bobbie Richardson who were in the audience.

Ms. Griggs gave a brief overview of the Historical Society's purpose, mission, and objectives. Of particular interest was the relocation and use of the Historical Depot. The Historical Society proposed relocating the Depot to the corner of Pearl and Main Streets to be used as a museum curated and operated by volunteers. Exhibits would include agricultural roots, school histories, local sports heroes, Garner in wartime, church histories, diverse culture, cemetery documentation, genealogy, etc.

Council Member Singleton stated there are matters to consider before moving the Depot to Pearl and Main Streets such as parking, stormwater, paving, and curb and gutter costs. Also to be considered is whether the site needs water and sewer service? A site plan depicting how to layout the site needed. These costs and costs to make the existing repairs needed for the Depot should be considered.

Mayor ProTem Marshburn made a motion to recognize the Historical Society, move the Depot to Pearl and Main Street, and to partner with the Garner Area Historical Society. This motion was seconded by Council Member Behringer.

Council Member Singleton suggested amending the motion to work with staff to develop a site plan, to partner with the Historical Society and move forward with the process to determine the fit, layout, parking needs, and costs. There were too many unanswered questions.

Mayor ProTem Marshburn stated the motion stands as is.

Vote: 5:0

#### **South Garner Greenway LAPP Application**

Presenter: Matt Roylance, Asst. Town Manager-Operations

Mr. Roylance presented an update on the status of the project and information regarding options for the LAPP grant application. The project can be submitted with three route options using the cost estimates for most expensive route. The minimum required match is 20%; a higher match percentage would score better (competing projects range from 20% - 57%). The deadline for application submittal is October 31, 2018 with project completion in 2020. The potential amount of matching funds available is \$3,495,391. LAPP submittal would be for construction only. The next steps would be to complete a feasibility study with a rescheduled community meeting and provide the preferred route to CAMPO when the study is complete.

Action: Council consensus to proceed with community meeting and finish work with McAdams then make a decision. LAPP funding for this project would need to wait for another year.

#### **White Oak, Hebron Church, Ackerman Intersection Improvements LAPP Application**

Presenter: Het Patel, Senior Planner

Mr. Patel presented a review of White Oak, Hebron Church, Ackerman - Intersection Improvements LAPP 2018 application details including overview of the LAPP schedule and scoring criteria and discussion of local match options for the ROW and Construction phases of the project.

Action: Local Match of 25% for ROW and Construction Phase for LAPP Submittal

Motion: Singleton  
Second: Kennedy  
Vote: 5:0

### **Jones Sausage Road Widening and Realignment LAPP Submittal**

Presenter: Het Patel, Senior Planner

Mr. Patel presented a review of the Jones Sausage Road widening and realignment LAPP application details including overview of the LAPP schedule and scoring criteria and SPOT process applications for grade separation portion of the project. Mr. Patel also presented estimates for design and ROW for entire project based on conversations with one of the on-call consultants.

This project can be separated into two separate projects with the widening of Jones Sausage Road designated as Project "A". Mr. Hodges expressed the need to set the intersections on Garner Road and Hwy 70.

The grade separation of Jones Sausage Road was submitted to the SPOT process but did not meet a score as high as other rail projects.

Action: Council consensus to separate the project with further discussion of options at Council's Retreat

Motion: Singleton  
Second: Kennedy  
Vote: 5:0

### **Ackerman Road Extension LAPP Pre-Submittal Update**

Presenter: Het Patel, Senior Planner

Mr. Patel presented an update on the pre-submittal meeting for the LAPP project for Ackerman Road extension from Bryan Road to NC50. The discussion with CAMPO staff included reclassification of NC DOT functional classification of roadways within Garner.

Action: Council consensus to support staff analysis on NC DOT functional classification of roadways in Garner.

## **COMMITTEE REPORTS**

## **MANAGER REPORTS**

- garner info
- Finance Report
- Building & Permit Report
- Mr. Hodges presented an update on the Town Hall underground power project. Contracts have been received from Duke Energy with a final cost of the project of \$603,000. Mr. Hodges also presented funding options for Council's consideration. An update on the status of projects and related costs will be discussed at Council's Retreat.
- Mr. Ham reported staff met with the NC DOT signals department to discuss the left turn from Garner Road off of Creech and the location of the stop bar for traffic turning right off of Creech Road onto Garner Road crossing over the yellow light. Upon review it appears the stop bar should actually be about 20-25' further back from the intersection than it is today. This probably occurred the last time the road was resurfaced. NC DOT is going to relocate the current stop bar to its original location. Also discussed were concerns regarding traffic turning right off Garner Road onto Creech Road. NC DOT proposed to stripe an edge of lane across the intersection and install high visibility crossings. This would be at no cost to the Town.
- A report will be provided at Council's Retreat of the various stages of CIP projects and possible funding mechanisms.
- Incident Command Training scheduled for October 23-24
- Trick or Eat Rodeo scheduled for Sunday from 3-5 p.m.

## **COUNCIL REPORTS**

### Kennedy

- Reported the Public Works Committee met on-site at Rand Mill Road and Main Street to look at options for improving the parking lot behind the existing buildings that face Main Street. Committee consensus not to pursue the project at this time.
- Asked to reserve time on the Council's Retreat agenda to discuss health insurance.
- Stated the Wake County Community Report indicated an item the Wake County Commissioners are considering is to go to the legislature to request authorization be given to the Wake County Board of Education to assess taxes. Council needs to make a decision if they want to weigh in on.

### Singleton

- Asked the status of crosswalks at Buffaloe and Aversboro Roads and Timber Drive and the Greenway. Mr. Ham responded they should be complete by the end of the year.

### Johns

- Asked for an update on the Rec Center. Mr. Hodges responded a construction meeting is scheduled for tomorrow and an update will be provide after that meeting.

### Behringer

- Asked for a status of repairing the rough road patching at Mechanical Blvd. between 70 & 401. Mr. Dickerson advised this matter was forwarded to NC DOT. Mr. Jones added that ownership of the road needs to be determined before the repair can be made.

### Marshburn

- Asked if there were any regulations for flying objects/planes at Lake Benson Park. Mr. Dickerson responded the Town has an aircraft policy and Mr. Mercier added no one is supposed to be launching or retrieving drones on Town property without permission.
- Asked for information regarding prioritization of street repaving. Mr. Ham responded this information can be provided after the new paving assessment comes out.

#### **ATTORNEY REPORTS**

**ADJOURNMENT:** 10:30 p.m.

DRAFT

**Town of Garner  
Town Council Meeting Minutes  
December 18, 2018**

The Council met in regular session at 7:00 p.m. in the Garner Town Hall located at 900 7<sup>th</sup> Avenue.

**CALL MEETING TO ORDER/ROLL CALL:**

Present: Mayor Ronnie Williams, Mayor ProTem Ken Marshburn Council Member Kathy Behringer, Council Member Buck Kennedy, and Council Member Gra Singleton. Council Member Jackie Johns was absent.

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, David Bamford-Planning Services Manager, Het Patel-Senior Planner, Rick Mercier-Communications Manager, Pam Wortham-Finance Director, BD Sechler-Human Resources Director, Tony Chalk-Town Engineer, Thad Anderson-Associate Town Attorney, Stella Gibson-Town Clerk

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

**INVOCATION:** Council Member Gra Singleton

**PETITIONS AND COMMENTS**

**ADOPTION OF AGENDA**

Request to add Closed Sessions pursuant to N.C. General Statutes 143-318.11(a)(6)) "to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

Motion: Marshburn  
Second: Behringer  
Vote: 4:0

**PRESENTATIONS**

Tony Chalk, Town Engineer, was recognized for his retirement from the Town after 29 ½ years of dedicated service.

**CONSENT**

**Council Meeting Minutes**

Presenter: Stella Gibson, Town Clerk

Minutes from the October 16, October 30, November 5, November 20, 2018 and November 27, 2018 Council Meetings. Closed Session Minutes from October 30, November 5, and November 20, 2018.

Action: Pull minutes from October 16, 2018 meeting and place on a future agenda.

**Condemnation Resolution – 215 Purvis Street**

Presenter: William E. Anderson, Town Attorney

This is a resolution to acquire the parcel at 215 Purvis Street by eminent domain.

Action: Adopt Resolution (2018) 2365

**Ordinance Amending FY2018-2019 Operating Budget (Position Changes)**

Presenter: Pam Wortham, Finance Director

At the November 27, 2018 work session meeting, staff from the IT and Inspections departments presented staffing requests for Council consideration. After some questions and discussion, both requests received favorable feedback from Council and are now being presented for formal approval.

Action: Adopt Ordinance (2018) 3941

**Ordinance Amending FY2018-2019 Operating Budget (Town Hall Project)**

Pam Wortham, Finance Director

We are nearing completion of all of the various projects related to Town Hall construction, and this budget amendment is necessary to move identified funds to pay for the finalization. The addition of underground power and a change in scope to the roadway work necessitated this change.

Action: Adopt Ordinance (2018) 3942

**Annexation Petition ANX-18-07 , Auburn Village Subdivision**

Presenter: David Bamford, Planning Services Manager

Satellite annexation petition of 120.01 +/- acres for Calatlantic Group, Inc.; Auburn Village Subdivision (PD-MP-16-02).

Action: Set Public Hearing for January 22, 2019

**Annexation Petition ANX-18-09, 5105 Fayetteville Road**

Presenter: David Bamford, Planning Services Manager

Satellite annexation petition of 0.433 +/- acres for Midtown Group, LLC; 5105 Fayetteville Road.

Action: Set Public Hearing for January 22, 2019

**Annexation Petition ANX-18-10, Ashton Forest Subdivision**

Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition of 15 +/- acres for Mohler Investments LLC; Ashton Forest Subdivision (SB 17-03).

Action: Set Public Hearing for January 22, 2019

**Annexation Petition ANX-18-11, 1504 Creech Road**

Presenter: David Bamford, Planning Services Manager

Satellite annexation petition of 0.8 +/- acres for Douglas Robertson - 1504 Creech Road.

Action: Set Public Hearing for January 22, 2019

Motion: Singleton  
Second: Kennedy  
Vote: 4:0

**PUBLIC HEARINGS**

**General Use Rezoning Z-18-05 (109 & 111 Purvis Street)**

Presenter: Het Patel, Senior Planner

Mayor Williams opened the public hearing and asked Mr. Patel to provide the staff report.

Mr. Patel stated this request is for a change in zoning for 0.93 +/- acres from Single-Family Residential (R-9) to Central Business District (CBD) General Use. The site is located at 109 & 111 Purvis Street

Supporting the project: Mr. Lee Carroll

Public Comment: Roderick Hinton: Asked what type of business will be at these locations if the zoning is changed. Mr. Carroll explained he is moving his office from Main Street to Purvis Street and remodeling the property on Main Street.

Hearing no further comments, Mayor Williams closed the public hearing.

Action: Forward to the January 23, 2018 Planning Commission



## NEW/OLD BUSINESS

## COMMITTEE REPORTS

### MANAGER REPORTS

- garner info
- Finance Report
- Building & Permit Report
- Commended the Police Department on their annual Shop with a Cop event and thanked the community for their support.
- Mr. Mercier reported the Veteran's Association held an event over the weekend for the third annual wreath laying and gold star ceremony.
- A copy of the Town's audit report was distributed. Highlights included:
  - Opinions: This report was unmodified and considered to present fairly the financial position of the Town.
  - Government-Wide (full accrual) Financial Statements: Reported a net position (or equity) of approximately \$71,386,000. A substantial element of the net position is composed of a net investment in capital assets in the approximate amount of \$60,012,000.
  - Fund Balance: FY2018 total fund balance is 97%. The unassigned fund balance is \$63.3%.
  - Item Cited in the Town's Financial Statements as Material Weaknesses: The Town was not recording a liability for retainage, however an adjusting entry to record the retainage payable for FY2018. When complete, a full copy of the audit will be provided.
- Mr. Mercier reported the Town won three 2018 Excellence in Communications Awards in the broadcast/PSA programs category from the NC Association of Government Information Officers. The Town also won two second-place honors in the broadcast programs category.

### ATTORNEY REPORTS

### COUNCIL REPORTS

#### Kennedy

- Asked for a follow-up on the downtown overlay regarding building height.
- Reported a permit had been issued at the location of 229 Timber Drive for Big Ed's Restaurant.

#### Behringer

- Reported siding missing on the train depot. Mr. Dickerson advised this will be repaired this week.
- Asked about a loud noise occurring early in the morning. Staff had no information regarding the noise.

#### Marshburn

- Reported a store employee commented on the Shop with a Cop program and commended the Police Department for their good work.
- Asked to be excused from January 29-30. He will not be present at the January 29 Work Session.
- Reported the increasing potholes on Aversboro and asked staff to look into.
- Reported attending the Wake County Mayor's Association Dinner.

Council Member Singleton had nothing to report.

**CLOSED SESSION**

Pursuant to N.C. General Statutes Section 143.318.11(a)(5)) “to discuss possible real estate acquisition and the Town’s negotiating position regarding such real estate.”

Pursuant to N.C. General Statutes 143-318.11(a)(6)) “to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee.”

**RETURN TO REGULAR SESSION AND ADJOURNMENT:** 8:40 p.m.

DRAFT

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: Resolution Declaring Unpaid Nuisance Abatements as Liens		
Location on Agenda: Consent		
Department: Finance		
Contact: Pam Wortham, Finance Director		
Presenter: Pam Wortham, Finance Director		
Brief Summary:  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.		
Recommended Motion and/or Requested Action: Adopt Resolution (2019) 2367		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	PW	
Finance Director:	PW	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

**RESOLUTION NO. (2019) 2367**

**A RESOLUTION ASSESSING THE COST OF ABATEMENT AGAINST THE  
PROPERTY ON WHICH THE NUISANCE EXISTED**

WHEREAS, the Town Council of the Town of Garner, pursuant to Chapter 160A of the North Carolina General Statutes and Chapter 6, Section 23 of the Town Code of the Town of Garner Ordinances has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed, said liens to be collected in the nature of property taxes; and,

WHEREAS, the Town of Garner has abated nuisances on the below referenced properties in accordance with the Town Code referred to and has been unable to recover the abatement costs from the stated property owners; and,

WHEREAS, pursuant to North Carolina General Statutes 160A-193 the costs of the abatement involved with the abatement as well as the expenses of the action are a lien on the premises in the nature of a tax, which pursuant to North Carolina General Statutes 105-365.1 can be collected by a tax collector using the remedies provided by law;

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF GARNER hereby confirms the cost of the abatement of the nuisances set out herein, pursuant to the General Statutes above referenced, confirms the same as liens against the premises, and requests the Wake County Tax Collector to collect the same in the nature of unpaid taxes:

LOCATION	PROPERTY OWNER(S)	REAL ESTATE ID	COST
148 Bellfare Dr	American Homes 4 Rent	328392	\$400.00
1407 Harth Dr	Feng Wang	99166	228.51
111 Johnson St	Patsy Lowe	42846	228.51
113 Johnson St	Patsy Lowe	42847	228.51
1300 Meadowbrook	Dwight O. Chavis Annette Avery	17301	461.90
120 Monabreeze	John F. Bryan Linda W. Bryan	278262	121.35
1020 Northview St	Barbara Chappell	28410	295.48
1204 Northview St	Barbara Giarelli Patrick J. Giarelli	66816	80.90
105 Wallis Ct	Sam Delphonce Ruth Delphonce	85273	400.00

This resolution shall become effective upon adoption, recorded at the Wake County Registry and a copy thereof forwarded to the Tax Collector for Wake County.

Duly adopted this the 22<sup>nd</sup> day of January, 2019.

(Town Seal)

\_\_\_\_\_  
Ronnie S. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: Budget amendment-recognize revenue for downtown project		
Location on Agenda: Consent		
Department: Finance		
Contact: Pam Wortham, Finance Director		
Presenter: Pam Wortham, Finance Director		
Brief Summary:  Together with United Arts, the Downtown Garner Association (DGA) contracted with Sean Kernick to paint a mural in downtown Garner. United Arts provided \$5,000 towards the project. The remaining \$5,000 was split equally between Full Bloom Coffee and DGA. United Arts provided their funding directly to the artist. DGA and Full Bloom gave the funds to the Town, and the Town will pay the remainder of the project. We are requesting to budget the \$5,000 in revenue, and increase our expenditures.		
Recommended Motion and/or Requested Action: Approve Ordinance (2019) 3950		
Detailed Notes:		
Funding Source: Donated revenues		
Cost: \$5,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	PW	
Finance Director:	PW	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2019) 3950

ORDINANCE AMENDING ORDINANCE NO. (2018) 3916  
WHICH ESTABLISHED THE 2018 – 2019 OPERATING BUDGET

BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina:

Section One. That the GENERAL FUND be amended as follows:

**General Fund Budget Changes:**

<b>Department/ Category</b>	<b>Description</b>	<b>Current</b>	<b>Amended</b>	<b>Net Change</b>
<b><i>Revenues</i></b>				
10305000-465030	Miscellaneous Revenue	\$15,000	\$20,000	+\$5,000
<b><i>Expenditures</i></b>				
10450000-524300	Economic Dev-Contract Svcs	\$10,800	\$15,800	+\$5,000

Section Two. Copies of this ordinance shall be furnished to the Finance Director and the Town Clerk for their direction in the disbursement of the Town's funds and for public inspection.

Duly adopted this 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
Ronnie S. Williams, Mayor

ATTEST: \_\_\_\_\_  
Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: Clifford Grove Stop Conditions		
Location on Agenda: Consent		
Department: Engineering		
Contact: Chris Johnson, Town Engineer		
Presenter: Chris Johnson, Town Engineer		
Brief Summary: The Engineering Department is seeking approval for three stop conditions within the Clifford Grove subdivision.		
Recommended Motion and/or Requested Action: Approve stop conditions within the Clifford Grove subdivision.		
Detailed Notes: See attached memo and map.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



TOWN OF GARNER  
ENGINEERING DEPARTMENT  
**MEMORANDUM**

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TO: Town Council  
FROM: Chris Johnson  
DATE: January 22, 2019  
SUBJECT: Stop Conditions within Clifford Grove Subdivision

The Engineering Department is recommending the following street intersections for stop conditions:

	<u>Stop Condition</u>	<u>Through Street</u>
1	Sambar Deer Lane	Whitetail Deer Lane
2	Sika Deer Lane	Sambar Deer Lane
3	Sika Deer Lane	Clifford Road

These stop conditions will serve as basic traffic control measures. Please let me know if there are any questions.

Attachment: Clifford Grove Phase 2A Map

GENERAL NOTES

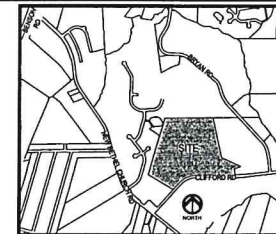
- 1) THE PURPOSE OF THIS PLAT IS TO PERFORM A SUBDIVISION OF LAND ON THE PROPERTY OF D. R. HORTON, INC. CREATING 44 LOTS WITH DEED REFERENCE DB 16675 PG 2443, PLAT REFERENCE BM 2018 PG 162, BEARING PIN 1629-15-1493.
- 2) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING THE SAME.
- 3) THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES THAT MAY OR MAY NOT EXIST WITHIN THE BOUNDARIES AS SHOWN HEREON.
- 4) UNIT OF MEASUREMENT IS U.S. SURVEY FEET (FT) UNLESS SPECIFICALLY NOTED AS METERS (M).
- 5) ALL DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED, GROUND INFORMATION, UNLESS SPECIFICALLY NOTED AS "GRID". SITE LOCALIZATION BY CE GROUP, INC ON 6/14/2018, NORTH: 695,253.6130 EAST: 2,121,965.3010 WITH A COMBINED SCALE FACTOR OF 0.99990429.
- 6) INTERIOR SIDE SETBACK DISTANCE LESS THAN 10 FEET REQUIRES A FIVE-FOOT PROPERTY MAINTENANCE EASEMENT BE PROVIDED ON THE ADJOINING LOTS. SEE SHEET 1 OF 4 FOR DETAIL.
- 7) SEE SHEET 4 OF 4 FOR LINE AND CURVE INFORMATION.

REVIEW OFFICER CERTIFICATE

WAKE COUNTY, NORTH CAROLINA

*David Bonford*  
REVIEW OFFICER FOR THE ABOVE COUNTY AND STATE. CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*David Bonford* 1-3-19  
REVIEW OFFICER



VICINITY MAP

ABBREVIATIONS

CMF	CONCRETE MONUMENT FOUND
DB	DEED BOOK
EX	EXISTING
IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
NF	NOW OR FORMERLY
PI	PLAT BOOK
PG	PAGE
PKS	PK NAIL SET
ROW	RIGHT OF WAY
C.O.R.	CITY OF RALEIGH
NC DOT	NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
SWW	STORMWATER EASEMENT
DE	DRAINAGE EASEMENT
SE	SEWER EASEMENT
SF	SQUARE FOOT
AC	ACRE

**CE GROUP**  
301 GLENWOOD AVE. 220  
RALEIGH, NC 27603  
PHONE: 919-967-8700  
FAX: 919-233-0032  
www.cegroupinc.com  
License # C-1739

**NORTH CAROLINA**  
SEAL  
L-4669  
DAVID BONFORD  
SURVEYOR

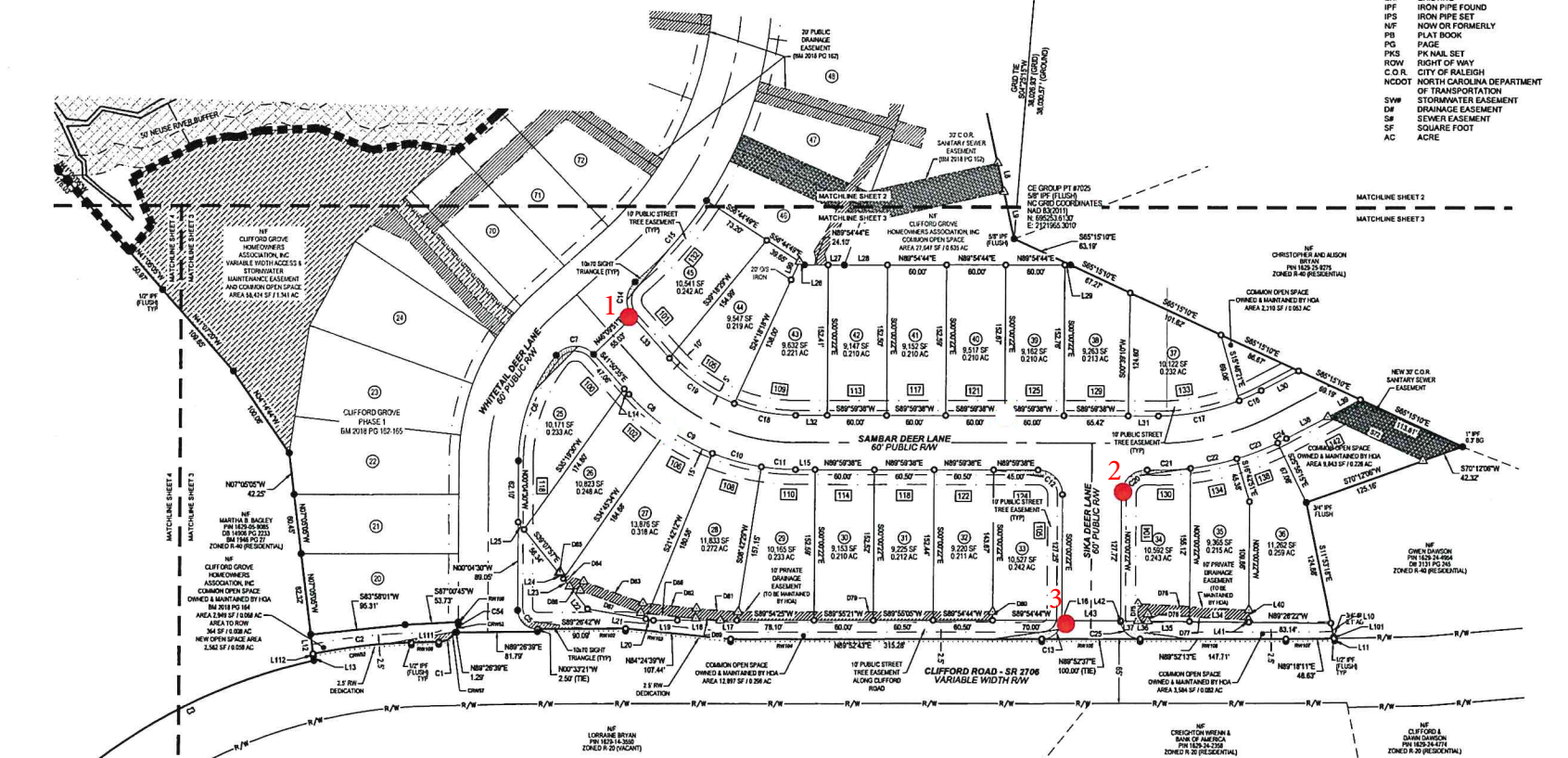
2 - 2ND REVIEW COMMENTS TOWN OF GARDE	2021/0	DATE
1 - 1ST REVIEW COMMENTS TOWN OF GARDE	1/10/21/0	REVISION

MAJOR SUBDIVISION PLAT  
**CLIFFORD GROVE PHASE 2A**  
FOR  
**D. R. HORTON, INC.**  
ST. MARY'S TOWNSHIP-WAKE COUNTY-NORTH CAROLINA

Date: 07/26/2018  
Scale: 1" = 60'  
Drawn: AJF  
Checked: JSS  
Project No: 139-02  
Computer Desig. Name: Phase2A.SubP1A.dwg  
Sheet No:

**2**  
Of 4

STOP



HATCH LEGEND

[Hatched]	DRAINAGE EASEMENT
[Dotted]	SEWER EASEMENT
[Cross-hatched]	ACCESS EASEMENT
[Diagonal lines]	STORMWATER MAINTENANCE EASEMENT
[Triangle]	10'X70' SIGHT TRIANGLE

LINE LEGEND

[Solid line]	PROPERTY LINE (P/L)
[Dashed line]	P/L NOT SURVEYED
[Wavy line]	WETLAND/STREAM BUFFER LINE
[Dotted line]	UNDISTURBED PERMANENT BUFFER LINE
[Hatched]	DRAINAGE EASEMENT LINE
[Dotted]	SEWER EASEMENT LINE
[Cross-hatched]	ACCESS EASEMENT LINE
[Diagonal lines]	STREET TREE EASEMENT LINE
[Wavy line]	STREAM BANK LINE
[Dotted]	R/W PER BM 2018 PG 162-165

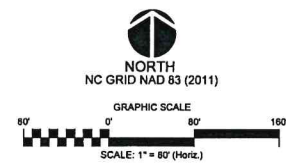
SETBACK TABLE

ZONING: R-9 C-188  
FRONT: -25'  
SIDE: 6' MINIMUM 15' COMBINED \*\*SEE NOTE #6\*\*  
CORNER SIDE: -20'  
REAR: -20'

PROPERTY DATA

CURRENT OWNER: D. R. HORTON  
OWNER ADDRESS: 2000 AERIAL CENTER PARKWAY, SUITE 110 MORRISVILLE, NC 27560  
PIN: 1629-15-1493  
DEED REFERENCE: DB 16675 PG 2443  
PLAT REFERENCES: BM 2018 PG 162  
ZONED: R-9 C-18

WAKE COUNTY, NC 118  
CHARLES P. GILLIAN  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
01/07/2019 11:34:45  
BOOK: B12619 PAGE: 00037



Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: ANX-18-07, Auburn Village		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, Planning Services Manager		
Presenter: David Bamford, Planning Services Manager		
Brief Summary:  Annexation petition submitted by CalAtlantic Group, Inc. to incorporate 120.01 +/- acres on the west side of Auburn-Knightdale Road.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2019) 3945		
Detailed Notes: This is a satellite annexation petition related to project PD-MP-16-02, Auburn Village Subdivision, approved November 6, 2017.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

## Planning Department Memorandum

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**TO:** Mayor and Town Council

**FROM:** David Bamford, AICP; Planning Services Manager

**SUBJECT:** ***ANX-18-07, Auburn Village***

**DATE:** January 22, 2019

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**ANNEXATION APPLICATION:** ANX 18-07

**OWNERS:** Calatlantic Group, Inc; William Frawley; and Rebecca Frawley

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** Auburn-Knightdale Road

**WAKE COUNTY PIN #:** 1731503951, 1731409034, and a 19.2-acre portion of 1730398152

**REAL ESTATE ID #:** 0040390, 0447848, and a 19.2-acre portion of 0447849

**AREA:** 120.01 acres

**ZONING:** PRD C5 (Planned Residential)

**ASSOCIATED DEVELOPMENT PLAN:** PD MP 16-02; Auburn Village; approved November 6, 2017

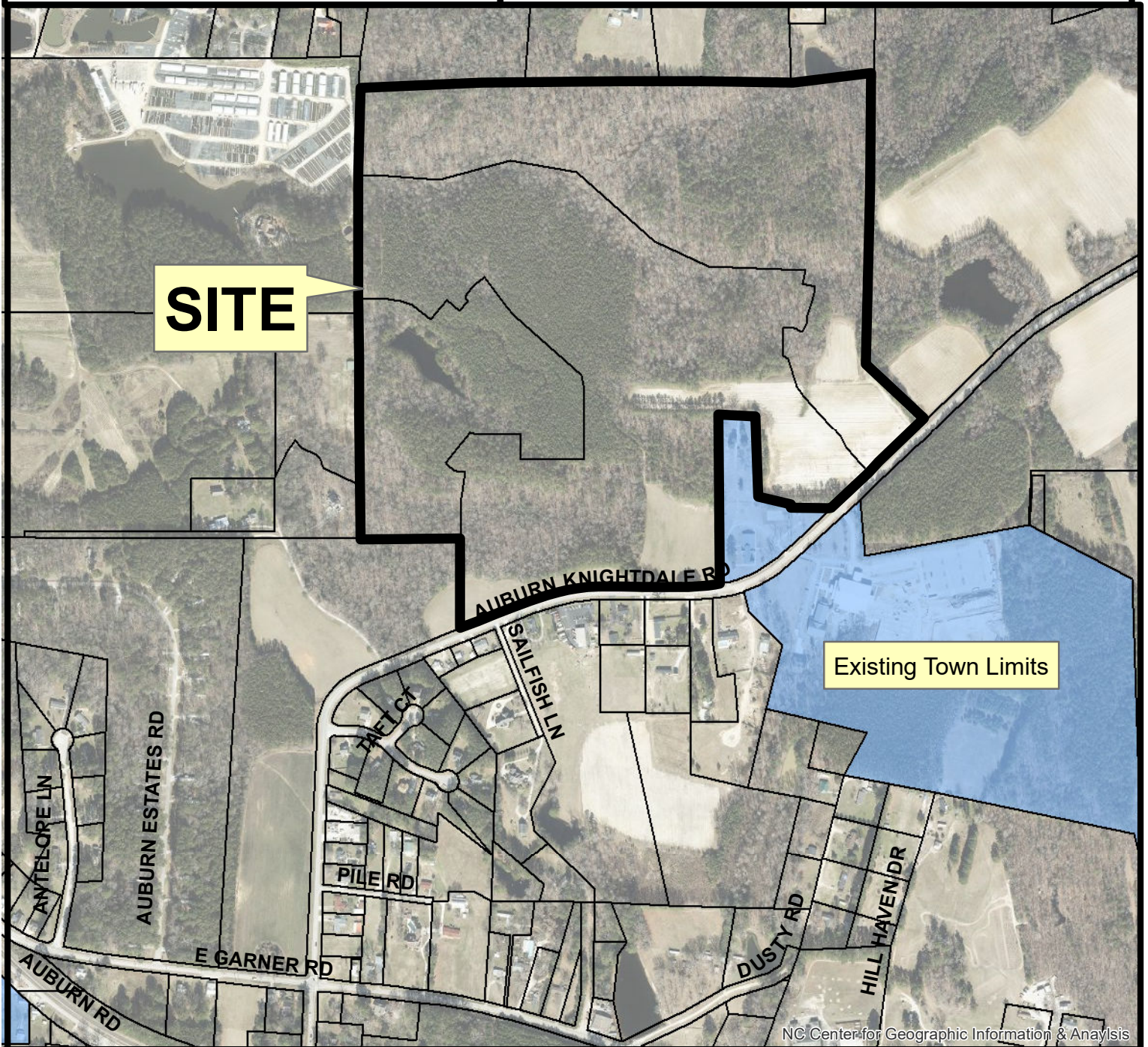
**RECOMMENDATION:** Adopt annexation ordinance

**KEY DATES:**

SET PUBLIC HEARING: December 18, 2018

PUBLIC HEARING: January 22, 2019

ANNEXATION EFFECTIVE: January 22, 2019



NC Center for Geographic Information & Analysis

Project: Auburn Village  
Location: Auburn-Knightdale Rd  
Owner: Calatlantic Group, Inc;  
William Frawley; and Rebecca Frawley  
Area: 120.01 acres  
Pin: 11731503951, 1731409034, and a 19.2-acre portion of 1730398152

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

ORDINANCE NO. (2019) 3945  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
TOWN OF GARNER, NORTH CAROLINA

WHEREAS, the Town Council of the Town of Garner has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7<sup>th</sup> Avenue in the Town of Garner Town Hall at 7:00 PM on January 22, 2019, after due notice by the *News & Observer* on January 11, 2019, and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Garner;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Garner;
- c. The area described is so situated that the Town of Garner will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that

the public health, safety and welfare of the Town of Garner and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of January 22, 2019.

**ANX 18-07 Auburn Village – Satellite annexation –**

The site is recorded in Book of Maps 2017, Page 1445, as all of Lot 1 (PIN 1731409034); Lot 2 (PIN 11731503951); and a 19.2-acre portion of Lot 3 (PIN 1730398152), totaling 120.01 +/- acres.

Section 2. Upon and after January 22, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Garner shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 22<sup>nd</sup> day of January, 2019.

---

Ronnie S. Williams, Mayor

ATTEST:

---

Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: Annexation Petition ANX-18-09, 5105 Fayetteville Road		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, Planning Services Manager		
Presenter: David Bamford, Planning Services Manager		
<b>Brief Summary:</b>  Annexation petition submitted by Midtown Group, LLC to incorporate 0.433 +/- acres with an existing house on the east side of Fayetteville Road for which they are requesting connection to public water.		
<b>Recommended Motion and/or Requested Action:</b> Adopt Ordinance (2019) 3946		
<b>Detailed Notes:</b> This is a satellite annexation petition.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b>          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



## Planning Department Memorandum

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**TO:** Mayor and Town Council

**FROM:** David Bamford, AICP; Planning Services Manager

**SUBJECT:** ***ANX-18-09, 5105 Fayetteville Rd.***

**DATE:** January 22, 2019

---

**ANNEXATION APPLICATION:** ANX 18-09

**OWNERS:** Midtown Group, LLC

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** 5105 Fayetteville Road

**WAKE COUNTY PIN #:** 1701135610

**REAL ESTATE ID #:** 0010647

**AREA:** 0.433 acres

**ZONING:** R-20 Residential

**ASSOCIATED DEVELOPMENT PLAN:** None. Requesting public water connection

**RECOMMENDATION:** Adopt annexation ordinance

**KEY DATES:**

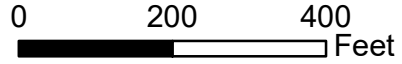
**SET PUBLIC HEARING:** December 18, 2018

**PUBLIC HEARING:** January 22, 2019

**ANNEXATION EFFECTIVE:** January 22, 2019

**Town of Garner  
Planning Department**

**Annexation  
ANX 18-09**



Project: Public water connection  
Location: 5105 Fayetteville Road  
Owner: Midtown Group, LLC  
Area: 0.433 acres  
Pin: 1701135610

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

ORDINANCE NO. (2019) 3946  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
TOWN OF GARNER, NORTH CAROLINA

WHEREAS, the Town Council of the Town of Garner has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7<sup>th</sup> Avenue in the Town of Garner Town Hall at 7:00 PM on January 22, 2019, after due notice by the *News & Observer* on January 11, 2019, and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Garner;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Garner;
- c. The area described is so situated that the Town of Garner will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Garner and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of January 22, 2019.

**ANX 18-09 5105 Fayetteville Road – Satellite annexation –**

The site is recorded in Deed Book 016794, Page 01253, and is also identified as PIN 1701135610, totaling 0.433 +/- acres.

Section 2. Upon and after January 22, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Garner shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 22<sup>nd</sup> day of January, 2019.

---

Ronnie S. Williams, Mayor

ATTEST:

---

Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: Annexation Petition ANX-18-10, Ashton Forest		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, Planning Services Manager		
Presenter: David Bamford, Planning Services Manager		
<b>Brief Summary:</b>  Annexation petition submitted by Mohler Investments, LLC to incorporate 15.0 +/- acres on the west side of Creech Road.		
<b>Recommended Motion and/or Requested Action:</b> Adopt Ordinance (2019) 3947		
<b>Detailed Notes:</b> This is a contiguous annexation petition related to project SB-17-03, Ashton Forest Subdivision, approved on July 9, 2018.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b>          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

## Planning Department Memorandum

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**TO:** Mayor and Town Council

**FROM:** David Bamford, AICP; Planning Services Manager

**SUBJECT:** ***ANX-18-10, Ashton Forest***

**DATE:** January 22, 2019

---

**ANNEXATION APPLICATION:** ANX 18-10

**OWNERS:** Mohler Investments LLC

**CONTIGUOUS / SATELLITE:** Contiguous

**LOCATION OF PROPERTY:** Creech Road

**WAKE COUNTY PIN #:** 1711764692

**REAL ESTATE ID #:** 0353100

**AREA:** 15 acres

**ZONING:** R-9 Residential

**ASSOCIATED DEVELOPMENT PLAN:** Ashton Forest Subdivision (SB 17-03); approved July 9, 2018

**RECOMMENDATION:** Adopt annexation ordinance

**KEY DATES:**

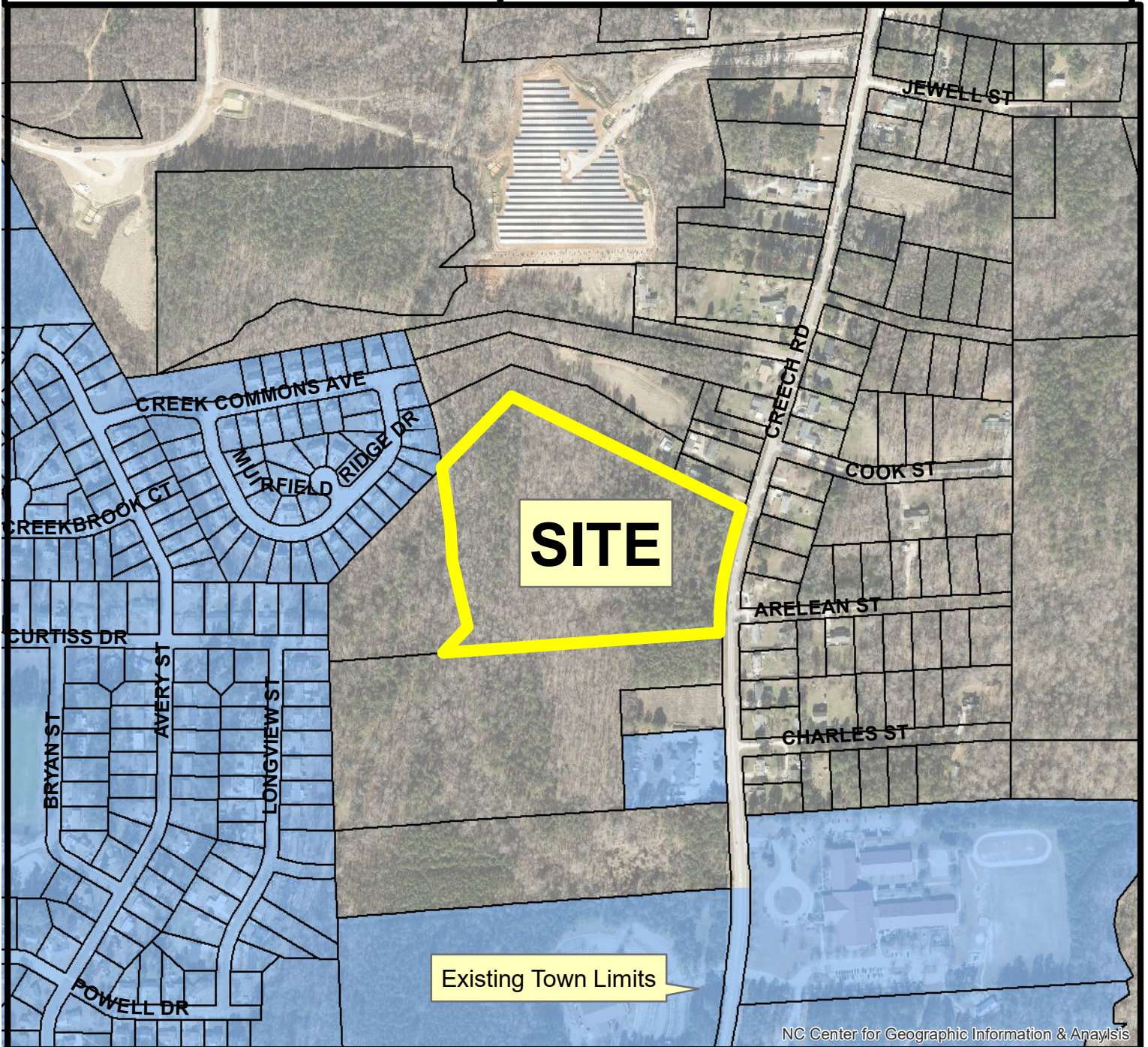
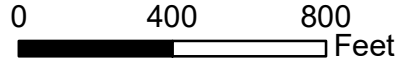
**SET PUBLIC HEARING:** December 18, 2018

**PUBLIC HEARING:** January 22, 2019

**ANNEXATION EFFECTIVE:** January 22, 2019

**Town of Garner  
Planning Department**

**Annexation  
ANX 18-10**



NC Center for Geographic Information & Analysis

Project: Ashton Forest (SB 17-03)  
Location: Creech Road  
Owner: Mohler Investments, LLC  
Area: 15 acres  
Pin: 1711764692

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

ORDINANCE NO. (2019) 3947  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GARNER,  
NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 7:00 p.m. on January 22, 2019, after due notice by publication in the *News & Observer* on January 11, 2019; and

WHEREAS, the Town Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina:

**Section 1.** By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Garner as of January 22, 2019.

**(ANX 18-10) Ashton Forest** – Contiguous annexation –  
WAKE COUNTY PIN: 1711764692, also recorded as Tract 2 in Book of Maps 2006  
and Page 786, totaling approximately 15 acres +/-.

**Section 2.** Upon and after the 22<sup>nd</sup> day of January, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.



**Section 3.** The Mayor of the Town of Garner shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 22<sup>nd</sup> day of January, 2019.

---

Ronnie S. Williams, Mayor

ATTEST:

---

Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: Annexation Petition ANX 18-11, 1504 Creech Road		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, Planning Services Manager		
Presenter: David Bamford, Planning Services Manager		
Brief Summary:  Annexation petition submitted by Douglas Robertson to incorporate 0.8 +/- acres with an existing house located at 1504 Creech Road for which he is requesting connection to public water.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2019) 3948		
Detailed Notes: This is a satellite annexation petition.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

## Planning Department Memorandum

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**TO:** Mayor and Town Council

**FROM:** David Bamford, AICP; Planning Services Manager

**SUBJECT:** ***ANX-18-11, 1504 Creech Road***

**DATE:** January 22, 2019

---

**ANNEXATION APPLICATION:** ANX 18-11

**OWNERS:** Douglas Robertson

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** 1504 Creech Road

**WAKE COUNTY PIN #:** 1712815774

**REAL ESTATE ID #:** 0060436

**AREA:** 0.8 acres

**ZONING:** R-9 Residential

**ASSOCIATED DEVELOPMENT PLAN:** None. Connection to public water request

**RECOMMENDATION:** Adopt annexation ordinance

**KEY DATES:**

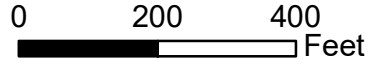
**SET PUBLIC HEARING:** December 18, 2018

**PUBLIC HEARING:** January 22, 2019

**ANNEXATION EFFECTIVE:** January 22, 2019

**Town of Garner  
Planning Department**

**Annexation  
ANX 18-11**



NC Center for Geographic Information & Analysis

Project: None. Public water requested  
Location: 1504 Creech Road  
Owner: Douglas Robertson  
Area: 0.8 acres  
Pin: 1712815774

Return to:  
Stella L. Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

ORDINANCE NO. (2019) 3948  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
TOWN OF GARNER, NORTH CAROLINA

WHEREAS, the Town Council of the Town of Garner has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7<sup>th</sup> Avenue in the Town of Garner Town Hall at 7:00 PM on January 22, 2019, after due notice by the *News & Observer* on January 11, 2019, and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Garner;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Garner;
- c. The area described is so situated that the Town of Garner will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Garner and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of January 22, 2019.

**ANX 18-11 1504 Creech Road – Satellite annexation –**

The site is recorded in Deed Book 008188, Page 02098, and is also identified as PIN 1712815774, totaling 0.8 +/- acres.

Section 2. Upon and after January 22, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Garner shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 22<sup>nd</sup> day of January, 2019.

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Ronnie S. Williams, Mayor

ATTEST:

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Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: General Use Rezoning Z-18-06, Godwin Property - Jordan Road		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Het Patel, Senior Planner		
Presenter: Het Patel, Senior Planner		
Brief Summary:  Harold Godwin is requesting a change in zoning for 18.59 +/- acres from Community Retail (CR) to Neighborhood Office (NO) General Use. The site is located at 0 Jordan Road (where Jordan Road ends before NC 50 north of Ten-Ten Road) and may be further identified as Wake County PIN# 1618-38-8558.		
Recommended Motion and/or Requested Action: Refer to Planning Commission for review and recommendation.		
Detailed Notes: Vicinity map and staff report attached.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

## Planning Department Staff Report

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**TO:** Mayor and Town Council Members

**FROM:** Het Patel, AICP; Senior Planner – Transportation and Land Use

**SUBJECT:** *General Use Rezoning – Z-18-06, Godwin Property – Jordan Road*

**DATE:** January 22, 2019

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### I. PROJECT AT A GLANCE

<b>Rezoning Application:</b>	Z-18-06 General Use Rezoning
<b>Applicant:</b>	Harold F. & Sue B. Godwin
<b>Owner:</b>	Harold F. & Sue B. Godwin
<b>Property Location:</b>	0 Jordan Road
<b>Wake Count PIN(s):</b>	1618-38-8558
<b>Area:</b>	18.59 +/- acres
<b>Town Limits:</b>	No
<b>Present Zoning:</b>	Community Retail (CR)
<b>Requested Zoning:</b>	Neighborhood Office (NO) Note: This is a general use request. No conditions are proposed.
<b>Key Meeting Dates:</b>	
<b>Town Council Public Hearing:</b>	January 22, 2019
<b>Planning Commission:</b>	February 18, 2019
<b>Town Council Action Hearing:</b>	March 4, 2019



## **II. BACKGROUND / REQUEST SUMMARY**

The applicant owns a 18.59-acre vacant tract at the end of Jordan Road north of Ten-Ten Road. They recently inquired about the desire to build a single-family home on the property. Unfortunately, the property is zoned Community Retail (CR), and single-family uses are not permitted. This area of Garner came into the ETJ around 1988, and the Town proactively rezoned this area around Ten Ten Road and NC 50 to both Office & Institutional and Community Retail in accordance with the 1989 Comprehensive Plan's activity center designation.

The applicant wants to rezone this tract from **Community Retail (CR)** to **Neighborhood Office (NO)**. The current use of the property includes farming and agricultural uses. The rezoning to **Neighborhood Office (NO)** would maintain the commercial designation on the property setup by the Town in 1988 but would allow to use of a single-family home which is not allowed under Community Retail (CR) zoning district. The rezoning from **CR to NO** would also take away some of the more intensive retails uses allowed, and the property owner has been made aware that there is no guarantee for returning to a general use **CR** zoning district.

## **III. ZONING ANALYSIS**

**Existing:** The existing zoning of the 18.59-acre site is **Community Retail (CR)**. This district is designed to accommodate commercial activities that serve the entire community, especially retail businesses conducted within a building.

***The following is a list of permitted uses in the CR district:***

1. Townhouse
2. Condominium
3. Upper-Story Residential
4. Community Center (SUP)
5. Library, Museum, Art Gallery, Art Center
6. Other Community Service (SUP)
7. Civil, Service Fraternal Clubs, Lodges and Similar Uses (SUP)
8. Adult Day Care
9. Day Care Center
10. Business School, College or University Satellite
11. College/University
12. Trade/Vocational (SUP)
13. Music, Dance, Art Instruction
14. Funeral Home and Crematorium
15. Ambulance Service, Police or Fire Station (SUP)
16. Government Office (SUP)
17. Hospice
18. Hospital (SUP)
19. Ambulatory Health & Emergency Care Facility (SUP)
20. Medical Clinic
21. Mental Health Facility
22. Group Care Facility
23. Handicapped Institution
24. Intermediate Care Institution
25. Nursing Care Institution
26. Cemetery
27. Public Park, Swimming Pool, Tennis Court, Golf Course (SUP)
28. Religious Institution
29. Minor Utility, Elevated Water Storage Tank

- |  |  |
|--|--|
| 30. Telecommunication Facility (SUP)               | Drive-Through Window   |
| 31. Bar, Nightclub, Tavern (SUP)                   | 44. Restaurant, Take-Out Only  |
| 32. Golf Course, or Country Club, Private (SUP)    | 45. Convenience Store without Fuel Sales   |
| 33. Gym, Spa, Indoor Tennis Court or Pool, Private | 46. Convenience Store with Fuel Sales  |
| 34. Indoor Entertainment Facility                  | 47. Personal Service-Oriented Use (excludes commercial greenhouses or any use with outdoor operations) |
| 35. Electronic Gaming Centers                      | 48. Hair Salons, Barbershops, Beauty Shops   |
| 36. Theater  | 49. Banks or Financial Institutions  |
| 37. Medical Office, Individual                     | 50. Repair Oriented Use (no outdoor operations)  |
| 38. Other Office                                   | 51. Sales Oriented Use (no outdoor operations)   |
| 39. Bed and Breakfast (SUP)                        | 52. Veterinarian/Kennel, Indoor  |
| 40. Hotel/Motel (SUP)                              |  |
| 41. Parking Commercial (SUP)                       |  |
| 42. Restaurant, Indoor with Seating Only           |  |
| 43. Restaurant with Seating and                    |  |

**Proposed:** The proposed zoning of the 18.59-acre site is **Neighborhood Office (NO)**. The purpose of this district is to accommodate modest-scale professional and service occupations, along with single-family residential units, to serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.

***The following is a list of permitted uses in the NO district.***

- |   |  |
|---|--|
| 1. <u>Single-Family Detached</u>                                | 14. Religious Institution                          |
| 2. Upper-Story Residential                                      | 15. Minor Utility, Elevated Water Storage Tank     |
| 3. Modular Home   | 16. Golf Course, or Country Club, Private (SUP)    |
| 4. Family Care Home   | 17. Gym, Spa, Indoor Tennis Court or Pool, Private |
| 5. Group Care Home  | 18. Medical Office, Individual                     |
| 6. Intermediate Care Home                                       | 19. Other Office                                   |
| 7. Adult Day Care   | 20. Bed and Breakfast (SUP)                        |
| 8. Child Day Care (up to 3 as home occupation)                  | 21. Hair Salons, Barbershops, Beauty Shops (SUP)   |
| 9. Day Care Center  | 22. Banks or Financial Institutions                |
| 10. Funeral Home and Crematorium                                | 23. Veterinarian/Kennel, Indoor                    |
| 11. Ambulance Service, Police or Fire Station (SUP)             |  |
| 12. Cemetery  |  |
| 13. Public Park, Swimming Pool, Tennis Court, Golf Course (SUP) |  |

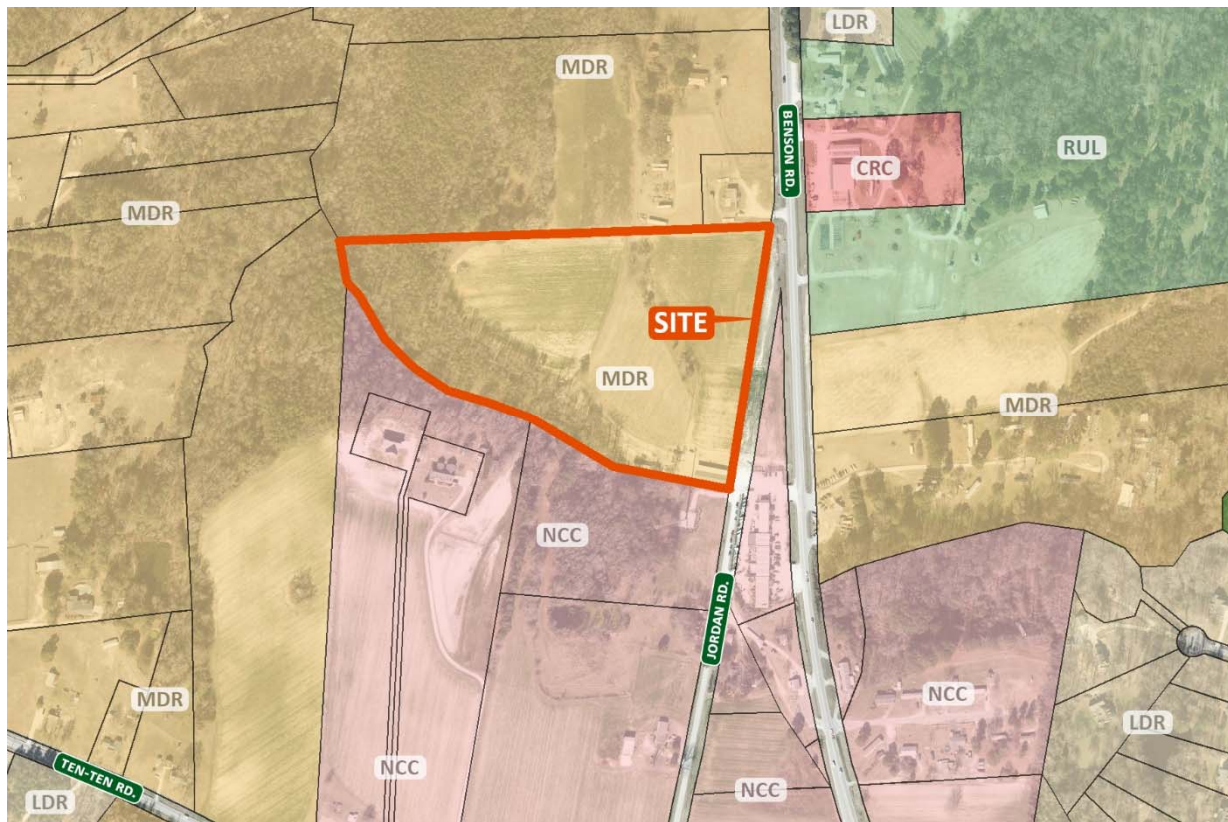


**Overall Neighborhood Character:** This area along Jordan Road is located north of Ten-Ten Road. This area contains a mix of zoning districts from CR, NO and O&I. Uses in this area include agricultural, commercial retail, and single-family detached. The predominant land use in this area along Jordan Road is agricultural. The surrounding NO zoning west of Jordan Road contain single-family detached land uses. Jordan Road dead ends at the subject property.

#### **IV. STATEMENTS OF ZONING CONSISTENCY WITH THE COMPREHENSIVE PLAN**

**2018 Garner Forward Comprehensive Plan:** According to the *2018 Garner Forward Comprehensive Plan* and the Future Land Use map, the rezoning site falls within the **Medium-Density Residential** category, and the surrounding tracts in this area are also designated as either Neighborhood Commerce Center or Medium-Density Residential. Commercial Retail Center and Rural Lands are across Benson Road (NC 50).

The **Medium-Density Residential** land use category includes single-family, duplex, triplex, quadplex, and townhome-style residences with no less than two and a half (2.5) nor more than five (5) units per acre. Medium-Density Residential structures may also include auxiliary units detached from the primary house. The MDR district encourages context sensitive residential uses that preserve and enhance the culture of adjacent residential communities. Additionally, the Future Land Use Map identified areas of future redevelopment, as such, this site falls within the mixed-use redevelopment designation.



*Zoning Consistency Statement:* This request, Z 18-06, seeks to rezone the property from CR to NO. The requested NO district is NOT consistent with the *2018 Garner Forward Comprehensive Plan's* future land use designation of Medium-Density Residential; however, the requested rezoning is consistent with the surrounding land uses and zoning along Jordan Road and Ten-Ten Road in this area and would allow the flexibility to develop the site as single-family detached residential at appropriate density or supporting neighborhood commercial uses for the area.

**Comprehensive Plan Amendment:** Approval of this request will require an amendment to the 2018 Garner Forward Comprehensive Plan to re-designate the rezoning site from “medium-density residential” to “neighborhood commercial center”. This would allow for the future development of single family detached at appropriate density or supporting neighborhood commercial uses.

#### **V. STAFF RECOMMENDATION**

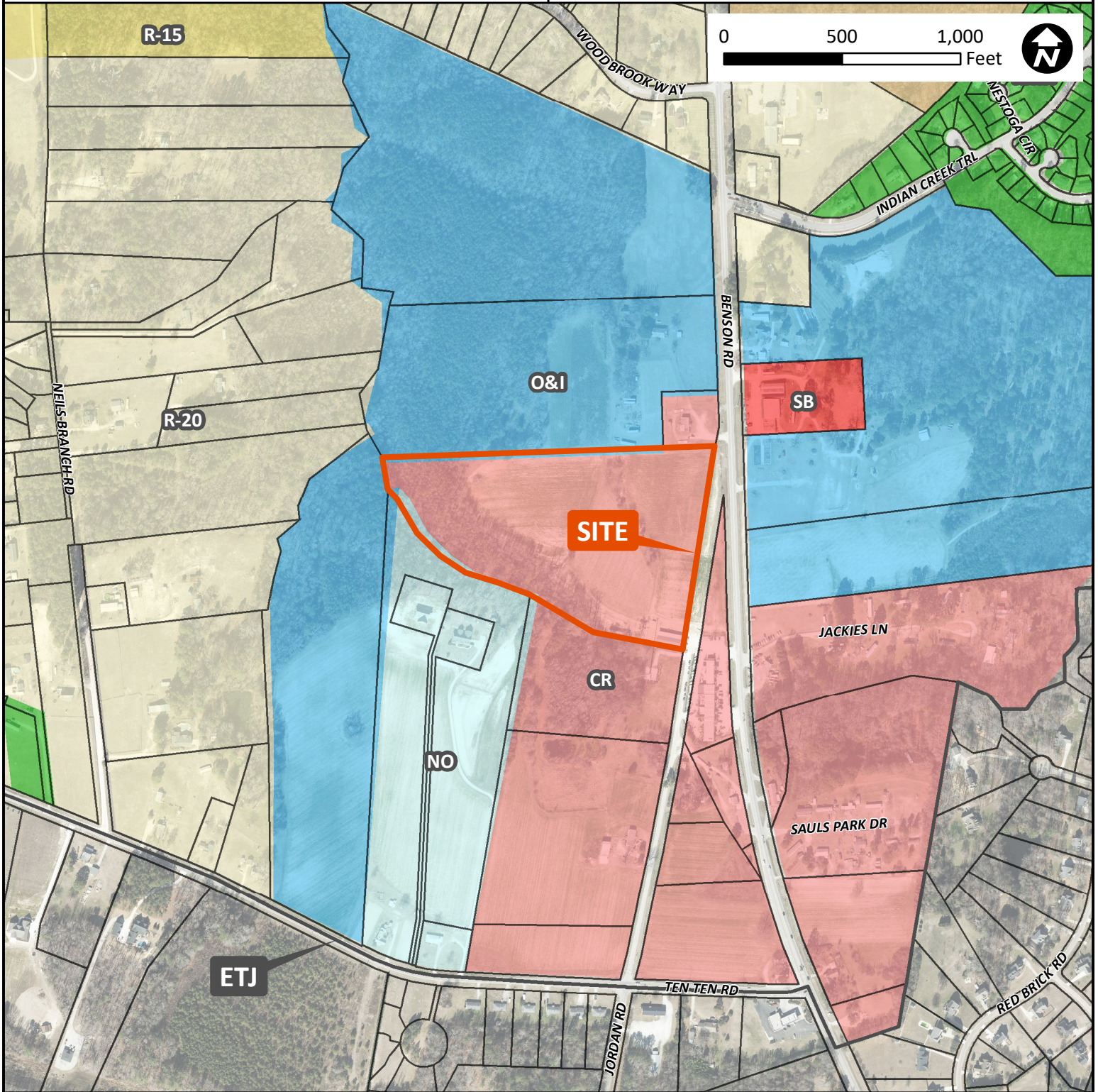
**Staff Recommendation:** Staff will provide a recommendation at the February 18, 2019 Planning Commission meeting.

**Town Council Action:** After conducting the public hearing, staff recommends referring the rezoning application Z-18-06 to the Planning Commission for review at their February 18, 2019 meeting.



# Town of Garner Planning Department

# General Use Applications Z-18-06



**Applicant:** Harold F. & Sue B. Godwin  
**Owner:** Harold F. & Sue B. Godwin  
**Location:** Jordan Road & Benson Road  
**Pin #:** 1618-38-8558

**Current Zoning:** Commercial Retail (CR)  
**Proposed Zoning:** Neighborhood Office (NO)  
**Acreage:** 18.59 +/-  
**Overlay:** n/a

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: CUD-Z-18-08 & CUP-SB-18-04, Buffaloe Springs Conditional Use Rezoning & Subdivision Plan		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Het Patel, Senior Planner		
Presenter: Het Patel, Senior Planner and Stacy Harper, Principal Planner		
<b>Brief Summary:</b> <p>Trilandco is requesting a change is zoning for 24.75 +/- acres from Single-Family Residential (R-40) to Multifamily Residential Conditional Use (MF-1 C-207). Trilandco is also requesting conditional use permit approval for a residential cluster use comprising 77 single-family lots. Use restrictions and subdivision characteristic features are proposed as conditions. The site is located on the east side of Buffaloe Road and may be further identified as Wake County PIN#'s 1700-65-4039, 1700-65-1054, and portions of 1700-64-3525, 1700-64-3392 and 1700-75-2389. Staff recommends approval of CUD-Z-18-08 &amp; finds CUP-SB-18-04 in conformity with UDO.</p>		
<b>Recommended Motion and/or Requested Action:</b> Adopt Ordinance (2019) 3949		
<b>Detailed Notes:</b> <p>Since the Planning Commission denied approval of the rezoning, the applicant has held additional neighborhood meetings with adjacent property owners to address their concerns by identifying additional zoning conditions (highlighted in Section II. Executive Summary of the attached staff report.</p> <p>Vicinity map and staff report are attached.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b>           		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

## Planning Department Staff Report

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**TO:** Mayor and Town Council Members

**FROM:** Het Patel, AICP; Senior Planner  
Stacy Harper, AICP; Principal Planner

**SUBJECT:** *CUD-Z-18-08, Conditional Use Rezoning*  
*CUP-SB-18-04, Conditional Use Subdivision – Buffalo Springs*

**DATE:** January 22, 2018

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### I. PROJECT AT A GLANCE

**Project Number(s):** CUD-Z-18-08 Conditional Use Rezoning  
CUP-SB-18-04 Conditional Use Subdivision

**Applicant:** Trilandco, LLC

**Owners:** William & Kaye Buffaloe, Cardiff Shea and William & Janet Spence

**General Description -**

**Project Area & Location:** 24.75 +/- acres located on the east side of Buffalo Rd. southeast of Vandora Springs Rd. roundabout

**Wake Count PIN(s):** 1700-65-4039, 1700-65-1054, and parts of 1700-64-3525, 1700-64-3392 and 1700-75-2389

**Current Zoning:** R-40 (Residential 40)

**Requested Zoning:** MF-1 Cluster C207 (Multi-Family 1 Conditional Use)

**Proposed Use(s):** Single-Family Subdivision (77 lots)

**Overlay:** n/a

**Key Meeting Dates:**

**Planning Commission:** November 13, 2018

**Public Hearing & Action:** January 22, 2019



## II. EXECUTIVE SUMMARY

The executive summary section has been added to the staff report to highlight changes to the staff report from Planning Commission to Town Council meeting. Since the Planning Commission denied approval of the rezoning, the applicant has held additional neighborhood meetings with adjacent property owners to address their concerns by identifying additional zoning conditions. These changes are broken down into two different tables:

- **Zoning Conditions** – Table highlighting changes in zoning conditions from Planning Commission (left column) to current conditions for Town Council (right column)
- **Site Plan** – Table highlighting changes to the site plan.

### Zoning Conditions

<b>Condition # at Planning Commission</b>	<b>Current Condition # at Town Council</b>
- Not a condition before	2. Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.
2. Maximum number of dwelling units shall be 81.	3. Maximum number of dwelling units shall be 77.
3. In addition to the required 30-foot landscaped perimeter buffer, an additional 20 feet of perimeter buffer will be provided (total 50 feet).	4. In addition to the required 30-foot landscaped perimeter buffer, an additional 20 feet of perimeter buffer will be provided (total 50 feet). All buffer areas to be dedicated & maintained by the HOA.
- Not a condition before	5. A 6-foot solid wood perimeter fence shall be provided along the following adjacent properties in Tiffany Woods subdivision (Pin#: 1700-65-2639, 1700-65-3656, 1700-65-5605, 1700-65-6664, 1700-65-7674, 1700-65-9615). And alongside the Eastern boundary of the development (Pin #: 1700-75-1181, 1700-74-1776 & 1700-64-9491). Fence shall be placed along the inside perimeter of the 30-foot landscaped buffer and shall be maintained by the HOA.
4. The development shall include a pocket park with benches & landscaping and will contain a minimum of 15,000 square feet.	6. The development shall include a pocket park with a minimum of 15,000 square feet and a minimum of 3 benches.

**Zoning Conditions**

<b>Condition # at Planning Commission</b>	<b>Current Condition # at Town Council</b>
5. Each house shall be constructed of hardiplank, masonry (brick or stone), or vinyl siding (min gauge .044).	7. Each house shall be constructed of hardiplank, masonry (brick or stone), or vinyl siding (min gauge .046).
6. Single family home types shall have a crawl space, basement, or turned-down slab foundation with a minimum of 12-inches from grade to front elevation finished floor. Front foundation walls shall be clad in brick and/or stone veneer. The side and rear of houses do not have to meet the 12-inch requirement.	8. Single family home types shall have a crawl space, basement, or turned-down slab foundation with a minimum of 12-inches from grade to front elevation finished floor. Foundation walls shall be clad in brick and/or stone veneer and shall cover all 4 sides of the foundation.
7. Ranch floorplans shall have a minimum of 1600 heated square feet.	10. Each house shall have a minimum of 1,800 heated square feet with a minimum of 50% of houses to be at or above 2,000 heated square feet.
8. Two-plus story floorplans shall have a minimum of 1800 heated square feet.	
9. Each house shall have a minimum of a 2-car garage with windows or carriage hardware.	11. Each house shall have a minimum of 2 car garage with windows AND carriage hardware.
10. Each house shall have either a minimum 100 square foot deck, covered porch, sunroom or patio.	12. Each house shall have either a deck, covered porch, sunroom or minimum of 100sf patio.
11. Each house shall have a minimum 10" overhang eave or rakes from all front facing facades.	9. Each house shall have at a minimum 10" overhang eave or rakes from all front facing facades.
- Not a condition before	13. Each house shall have architectural shingles & a minimum of one forward facing gable.
- Not a condition before	14. HOA covenants shall include the following language upon recording: Construction, installation, or placement of a storage shed, tree house, play house, detached garage, or a building separate from the main dwelling on the Lot is NOT permitted on any Lot.

**Zoning Conditions**

<b>Condition # at Planning Commission</b>	<b>Current Condition # at Town Council</b>
- Not a condition before	15. A min of a 20-foot Greenway dedication to be provided to give access from Buffaloe Road to the rear property line of the development.
- Not a condition before	16. Building heights in the development shall be a maximum of 35’ as in the R-9/R-12/R-15/R-20 district.

**Site Plan**

<b>Planning Commission</b>	<b>Town Council</b>
Number of lots: 81	Number of lots: 77
Density: 3.27	Density: 3.12
Open Space: 28.97%	Open Space: 26.9%
No fence shown in buffers	6-foot solid wood fence on northern and eastern property lines within open space

**III. BACKGROUND / REQUEST SUMMARY**

The rezoning (CUD-Z-18-08) and associated subdivision plan (CUP-SB-18-04) have been submitted to develop the site into a subdivision comprising 77 lots. The site and tracts along the east side of Buffaloe Road in the vicinity are “single-family detached” household living and “single-family subdivision” household living uses while other tracts are vacant/undeveloped. There are multiple “single-family subdivision” uses along the west side of Buffaloe Road in the vicinity of the site. The applicant is requesting to rezone the site from Residential 40 (R-40) to Multifamily 1 District with conditions (MF-1 C207) to allow a “residential cluster” use. Use restrictions and subdivision characteristic features are proposed as conditions. The applicants are requesting to rezone a total of 24.75 acres.

**IV. ZONING ANALYSIS**

**Existing:** The existing zoning of the 24.75-acre site is **Residential 40 (R-40)**. Residential districts are designed to create and maintain residential neighborhoods composed primarily of single-family dwellings and, as special uses, such institutional, public, and other compatible uses that are designed, constructed and maintained so as not to detract from the quality of each district. R-40 district allows single-family lots of at least 40,000 square feet (0.92 acres).

***The following is a list of permitted uses in the R-40 District:***

1. Single-family Detached
2. Residential Cluster
3. Manufactured Home – Class A
4. Single-family Subdivision

- |  |   |
|--|---|
| 5. Modular Home  | 15. Cemetery  |
| 6. Family Care home  | 16. Public parks, swimming pools, tennis and golf courses (SUP) |
| 7. Group care home   | 17. Religious institutions                                      |
| 8. Intermediate care home  | 18. Minor utility—elevated water tank                           |
| 9. Community center (SUP)  | 19. Solar farms (SUP)   |
| 10. Civil, service fraternal clubs, lodges and similar uses (SUP)    | 20. Telecommunication facility (SUP)                            |
| 11. Child day care up to 3 as home occupation                        | 21. Other major utility (SUP)                                   |
| 12. Family child day care up to 8 in home                            | 22. Private golf course or country club (SUP)                   |
| 13. School public or private (SUP)                                   | 23. Horse stables and related facilities (SUP)                  |
| 14. Public safety facilities (fire, police, rescue, ambulance) (SUP) | 24. Bed and breakfast (SUP)                                     |
|  | 25. Agriculture or silviculture                                 |

**Proposed:** The proposed zoning of the 24.75-acre site is **Multifamily 1 Conditional Use (MF-1 C207)**. The MF-1 zoning district is designed to create and maintain higher density residential neighborhoods composed primarily of multifamily dwellings. When evaluating MF-1 districts, emphasis is given to the location of the proposed district to adjoining developed property to ensure that such district is carefully located. Proposed density for this project stands at 3.12 dwelling units per acre.

***The following is a list of generally permitted uses in the MF-1 District, but will only be conditionally permitted as noted in the proposed conditions following this list:***

- |  |  |
|--|--|
| 1. Residential Cluster                                   | 13. Public safety facilities (fire, police, rescue, ambulance) (SUP) |
| 2. Two-Family Dwelling                                   | 14. Continuing Care, Retirement Facility (SUP)                       |
| 3. Townhouse   | 15. Hospice  |
| 4. Condominium   | 16. Cemetery   |
| 5. Mutlifamily (triplex and higher, including Apartment) | 17. Public parks, swimming pools, tennis and golf courses (SUP)      |
| 6. Family Care home                                      | 18. Religious institutions   |
| 7. Group care home                                       | 19. Minor utility—elevated water tank                                |
| 8. Intermediate care home                                | 20. Private golf course or country club (SUP)                        |
| 9. Community center (SUP)                                | 21. Bed and breakfast (SUP)  |
| 10. Other Community Service (SUP)                        |  |
| 11. Child day care up to 3 as home occupation            |  |
| 12. School public or private (SUP)                       |  |

***The following conditions are proposed for MF-1 C207 district:***

1. Permitted use table (selected from preceding generally permitted use list):

Use Category	Specific Use	MF-1 C207
Household Living	Residential Cluster	P*

2. Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.
3. Maximum number of dwelling units shall be 77.
4. In addition to the required 30-foot landscaped perimeter buffer, an additional 20 feet of perimeter buffer will be provided (total 50 feet). All buffer areas to be dedicated & maintained by the HOA.
5. A solid wood 6-foot perimeter fence shall be provided along the following adjacent properties in Tiffany Woods subdivision (Pin#:s: 1700-65-2639, 1700-65-3656, 1700-65-5605, 1700-65-6664, 1700-65-7674, 1700-65-9615). And alongside the Eastern boundary of the development (Pin #:s: 1700-75-1181, 1700-74-1776 & 1700-64-9491). Fence shall be placed along the inside perimeter of the 30-foot landscaped buffer and shall be maintained by the HOA.
6. The development shall include a pocket park with a minimum of 15,000 square feet and a minimum of 3 benches.
7. Each house shall be constructed of hardiplank, masonry (brick or stone), or vinyl siding (min gauge .046).
8. Single family home types shall have a crawl space, basement, or turned-down slab foundation with a minimum of 12-inches from grade to front elevation finished floor. Foundation walls shall be clad in brick and/or stone veneer and shall cover all 4 sides of the foundation.
9. Each house shall have at a minimum 10" overhang eave or rakes from all front facing facades.
10. Each house shall have a minimum of 1,800 heated square feet with a minimum of 50% of houses to be at or above 2,000 heated square feet.
11. Each house shall have a minimum of 2 car garage with windows AND carriage hardware.
12. Each house shall have either a deck, covered porch, sunroom or minimum of 100sf patio.
13. Each house shall have architectural shingles and a minimum of one forward facing gable.
14. HOA covenants shall include the following language upon recording: Construction, installation, or placement of a storage shed, tree house, play house, detached garage, or a building separate from the main dwelling on the Lot is NOT permitted on any Lot.
15. A min of a 20-foot Greenway dedication to be provided to give access from Buffaloe Road to the rear property line of the development.

16. Building heights in the development shall be a maximum of 35' as in the R-9/R-12/R-15/R-20 district.

**Adjacent Zoning and Land Use:**

<b>North:</b>	Single-Family Residential 15 (R-15) Single-Family Residential 40 (R-40)	Tiffany Woods Subdivision Single-family Detached
<b>South:</b>	Single-Family Residential 20 (R-20) Single-Family Residential 40 (R-40) Multi-Residential 1 (MR-1)	Single-family Detached Single-family Detached Landings at Lakemoor
<b>East:</b>	Single-Family Residential 15 (R-15) Single-Family Residential 20 (R-20) Single-Family Residential 40 (R-40)	Breezeway Subdivision (Phase 2) Single-family Detached Single-family Detached
<b>West:</b>	Single-Family Residential 40 (R-40) Single-Family Residential 12 (R-12)	Vacant/Undeveloped Vandora Pines (Phases 1 & 2A)



**Overall Neighborhood Character:**

The land along the east side of Buffalo Road contains tracts of single-family detached homes and a few undeveloped parcels. The area along the west side of Buffalo Road includes single-family subdivisions and a few larger undeveloped tracts. This area also backs up to single-family subdivisions along both Thompson and Vandora Springs roads. The predominant zoning in this area of Buffalo Road on the east side is Single-Family Residential (R-20 and R-40) and on the west side is Single-Family Residential (R-12, MR-1 and R-40).

A summary of the single-family subdivisions along Buffalo Road, Vandora Springs Road, and Thompson Road including development density, average heated square footage, and average total assessed value is provided below. The densities for single-family subdivisions in this area range from 1.19 units/acre to 3.21 units/acre. The average heated area ranges from 1,774 sq. ft. to 3,428 sq. ft, and the average total assessed value ranges from \$181,714 to \$425,993. The proposed development has a density of 3.12 dwelling units per acre, which is lower than the 3.21 dwelling units per acre found at Landings at Lakemoor. The minimum heated square footage for the proposed development ranges from 1,600 sq. ft. to 1,800 sq. ft., which is consistent with the minimums found in nearby subdivisions.

Subdivision	Density	Average Heated Sq .Ft.	Heated Square Foot Range	Ave. Total Assessed Value (\$)
Vandora Village	1.19	1,774	960 – 4,308	\$ 181,714
Vandora Pines	2.49	2,632	1,680 – 3,335	\$ 239,896
Landings at Lakemoor	3.21	1,850	1,400 – 2,495	\$ 186,257
Lakemoor	1.64	2,523	1,404 – 6,939	\$ 252,450
Breezeway (+South, East, Ph2)	1.23	3,428	2,299 – 5,822	\$ 425,993
Tiffany Woods	1.82	2,305	1,473 – 3,788	\$ 198,326



**Zoning History:** The Planning Department’s rezoning database contains the following rezoning cases in the vicinity of this property. More recent cases are listed below.

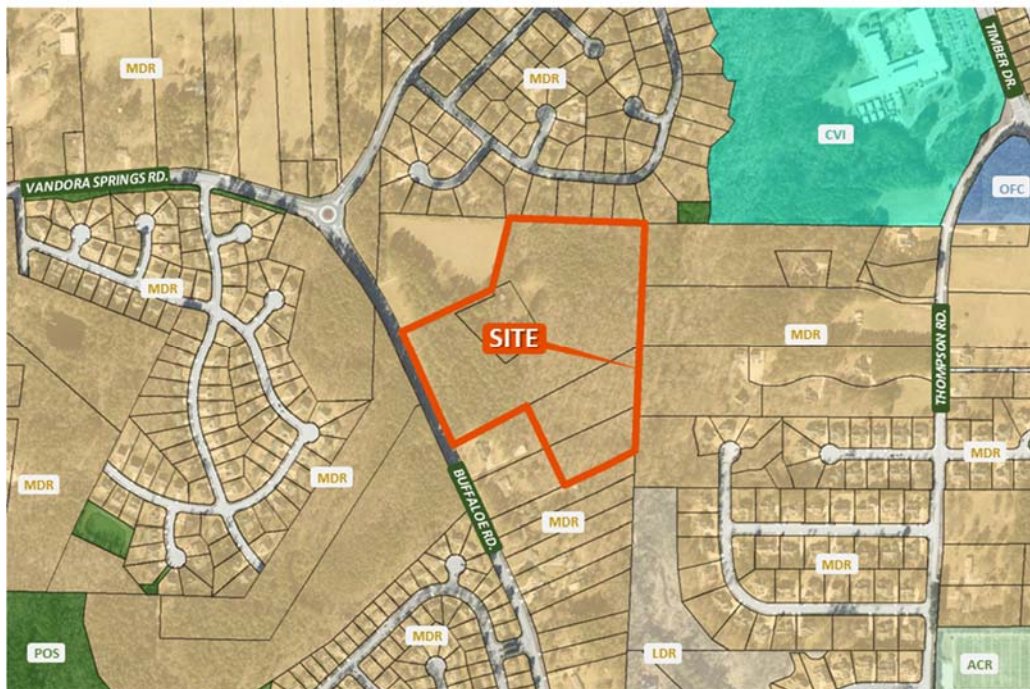
Case	Applicant	Location	Zoning Change
CUD-Z-88-06	William Tally & Vonnie Smith	Vandora Pines	R-40 to R-12 C18
CUD-Z-93-01	Charles Elam & Associates	Landings at Lakemoor	MF-1 to MR-1 C40
CUD-Z-98-06	Don C. Kennedy	Vandora Pines	R-40 to R-9 C80
CUD-Z-99-12	Maged and Magda Saad	Breezeway	R-40 to R-15 C89
CUD-Z-05-02	Paul Capps & Doby Blackmon	Breezeway West	R-40 & RMH C79 to R-15 C131
CUD-Z-06-04	Blackcap Properties LLC	Thompson Rd.	R-40 to R-15 C138
CUD-Z-07-02	Blackcap Properties LLC	Breezeway South	R-40 and R-20 to R-15 C148

**V. STATEMENTS OF ZONING CONSISTENCY WITH THE COMPREHENSIVE PLAN**

**2018 Garner Forward Plan:** In addition to land use, the 2018 *Garner Forward Comprehensive Plan* also provides guidance on keeping the Town’s character, living spaces, working places, recreation opportunities and transportation. Applicable sections are analyzed in the following paragraphs.

**Land Use:**

On the current Future Land Use map, the site along Buffalo Road is designated as **Medium-Density Residential** and the surrounding tracts in this area are also designated primarily as Medium-Density Residential.





The **Medium-Density Residential** land use category includes single-family, duplex, triplex, quadplex, and townhome-style residences with a recommended density of two and a half (2.5) to five (5) dwelling units per acre. Medium-Density Residential structures may also include auxiliary units detached from the primary house. The Medium-Density Residential designation encourages context sensitive residential uses that preserve and enhance the culture of adjacent residential communities.

**Living Spaces:**

The **Housing and Living Arrangements** guiding principles and recommendations are highlighted below. Staff has identified those principles and recommendations that the proposed development supports.

<b>Guiding Principles:</b>		<b>Plan Applicability</b>
	Attract young and old populations	Yes
	Use design and location to create good multi-family places	n/a
	Refocus on our centers, including downtown and North Garner	n/a
	Anticipate redevelopment surge	n/a
<b>Recommendations:</b>		<b>Plan Applicability</b>
	Improve design outcomes with form-based code	n/a
	Establish community forums	n/a
	Promote multi-family housing in select areas	n/a
	Preserve and protect Garner’s existing housing stock	Yes
	Affordable housing	n/a

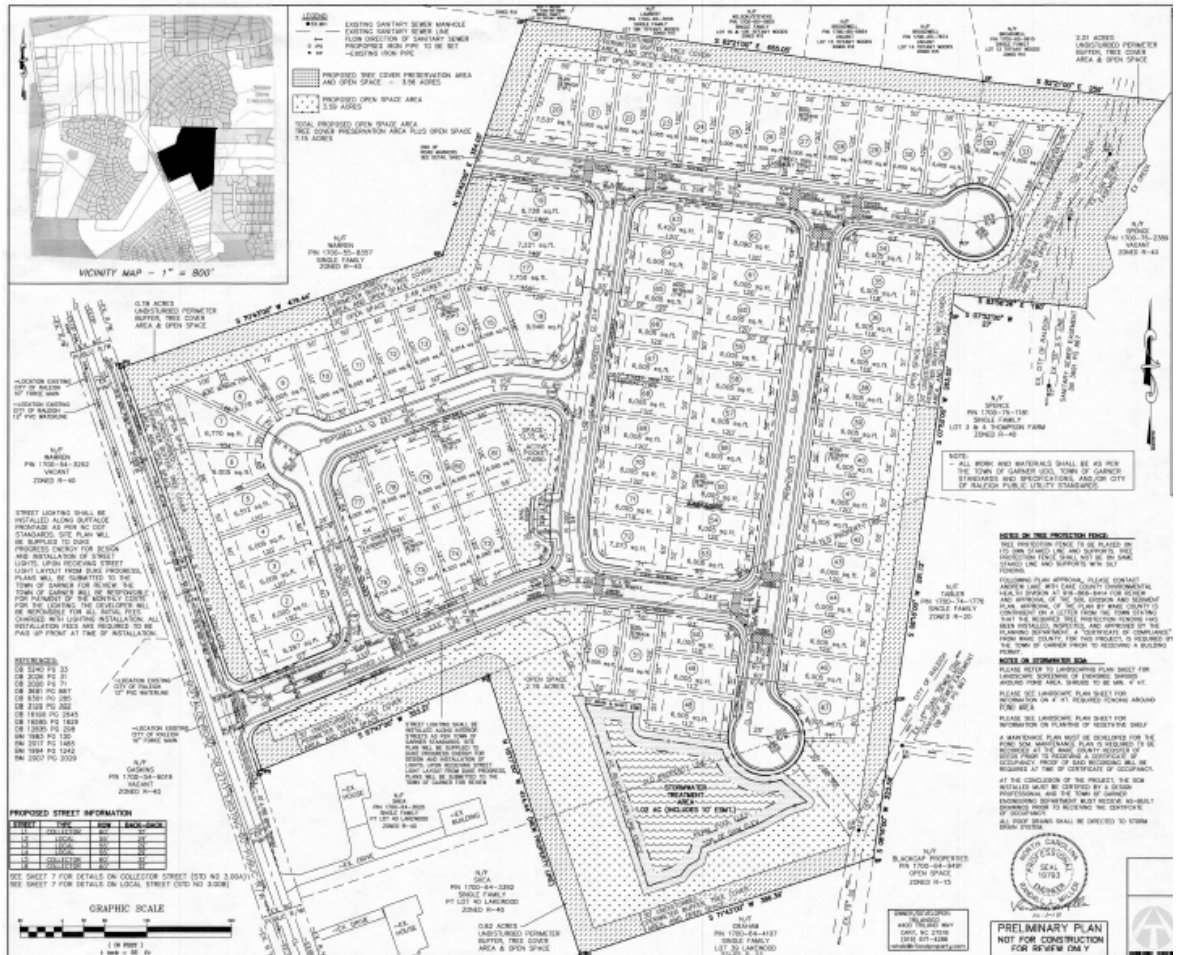
**Zoning Consistency Statement:** The requested zoning from Single-Family Residential (R-40) to Multi-Family Conditional Use (MF-1 C207) is consistent with the 2018 *Garner Forward Comprehensive Plan* as the proposed development has a density of 3.12 dwelling units per acre which is within the recommended density of the future land use map designation, and single-family residences, regardless of subdivision style, are identified as a compatible use within the Medium-Density Residential designation and the rezoning also supports the following principles and recommendations for living spaces:

- 1) The proposed district permits household living uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces;
- 2) The proposed district provides adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.

## VI. SUBDIVISION PROJECT DATA

**Acreage:** 24.75

**Number of Lots:** 77



**Dimensional Requirements:** 5,000 square feet.

Setbacks are shown in conformance on the plan. Setbacks are as follows – Front, 20 feet; Rear, 15 Feet; Corner Side, 10 feet (no garage access on the corner side); and Interior Side, 5 feet (property maintenance easement must be provided on adjoining property and recorded on the final plat).

**Lighting:** Lighting for the mail kiosk and parking area will be provided by street lights and will be approved by Engineering at the construction drawing phase.

**Landscape and Buffer Requirements:**

The plan as proposed meets the requirements of the Landscape Ordinance.

- **Tree Cover:** Requirement of 12% is met with both existing and proposed plant material. Plan shows 14.42% tree cover preservation area.
- **Perimeter Buffers:** The plan shows a 30-foot planted perimeter buffer around the entirety of the project, including Buffalo Road. There is an additional 20 feet of open space behind the buffer before individual lots are platted. Between the 20-foot and the 30-feet, the applicant has proposed a 6-foot tall solid wooden fence along portions of both the northern and eastern property line areas.

**Environmental Features:**

The southeast corner of the site falls within 100-Year and 500-Year FEMA designated floodzone. A FEMA designated floodway runs along the east side of the site.



**Parks and Open Space:**

**Open Space –**

- Required: 25% (6.17 acres)
- Proposed: 26.9% (6.64 acres)

Open space to be owned and maintained by the homeowner’s association for the subdivision.

**Parks –** Public greenway easements to facilitate future access to Town parks are being dedicated as required by the Garner Forward Transportation Plan and each lot will be required to pay a fee-in-lieu of park land dedication.

**Fire Protection:** The Inspections Department has reviewed the plan for fire protection and given their approval.

**Infrastructure:** **Stormwater Management** – Buffalo Springs is a residential subdivision that is located within the watershed protection area. This site is subject to stormwater quality regulations for nitrogen and 85% TSS removal as well as stormwater quantity regulations for detention of the 1, 10 and 25-year storms. This plan will develop a stormwater wet retention pond to treat both stormwater quality and quantity requirements at this site. The wet retention pond will reduce the nitrogen loading rate after development to below the allowable threshold (6 pounds per acre per year) for a residential site. A nitrogen offset buydown will be required with the development of this subdivision.

**Water/Sewer** – Site will be served by City of Raleigh water from Buffaloe Road (12" water main) and sewer infrastructure will be installed connecting to the sewer main (15" sewer main) along the east side of the site.



**Access** – The site has approximately 610 feet of road frontage on Buffaloe Road. In this area, Buffaloe Road is a 22-foot wide NCDOT-maintained facility within a 60-foot right of way. The site will have one access point along Buffaloe Road. For future connectivity, stubs are provided to the north. The plans would improve Buffaloe Road along the project's frontage with widened asphalt, curb, gutter and sidewalks.

## **VII. PLAN CONFORMITY WITH ADOPTED TOWN PLANS AND POLICIES**

### **2018 Garner Forward Transportation Plan:**

The 2018 Garner Forward Plan identifies Buffalo Road as a two-lane facility. It also identifies a greenway connection between Buffalo Road and White Deer Park in this general vicinity. With the proposed improvements along the frontage of Buffalo Road and the dedication of the public greenway easement, this project, as proposed, may be found to be in conformity with the 2018 Garner Forward Transportation Plan.

### **Parks & Recreation, Open Space & Greenways Master Plan:**

A review of the Parks and Recreation, Open Space and Greenways Master Plan revealed a plan recommendation in this general vicinity for a greenway connection between Buffalo Road and White Deer Park, but the land falls outside of any target for land acquisition. With the dedication of the public greenway easement, this project, as proposed, may be found to be in conformity with the Parks & Recreation, Open Space & Greenways Master Plan.

### **Swift Creek Land Management Plan:**

The site falls within the New Urban designation of the Swift Creek Land Management Plan which is a state law protecting Swift Creek and its associated lakes as a WS-II watershed whose goal is to protect the water quality within the watershed and prohibit industrial wastewater discharges. The New Urban designation allows for up to 6 dwelling units/acre. Furthermore, impervious surface limits are allowed to reach 70% so long as the first inch of rainfall can be retained on-site. The proposed development at 3.12 dwelling units/acre and the proposed stormwater infrastructure is in conformity with the Swift Creek Land Management Plan restrictions.



**Unified Development Ordinance:**

After sufficient review and plan revisions, staff finds that this project, as now proposed, conforms to the regulations of the Unified Development Ordinance, so long as the following conditions are met:

1. Prior to recordation of the first final plat, an annexation petition shall be submitted to the Garner Planning Department;
2. Prior to recordation of the first final plat, documents establishing a Homeowner's Association and restrictive covenants shall be submitted to the Garner Planning Director for a courtesy review;
3. Prior to building permit, a fee in lieu of park land dedication shall be paid to the Town of Garner;
4. The developer shall be responsible for all roadway improvements required by NCDOT.

**VIII. PLANNING COMMISSION NOTES AND RECOMMENDATION**

The Planning Commission reviewed this request at their November 13, 2018 meeting. The Planning Commission denied approval of rezoning request CUD-Z-18-08 based on a lack of compatibility of the proposed district with the present zoning, conforming uses on nearby property and the character of the neighborhood. Planning Commission did not provide a recommendation on Subdivision Plan Conformity under the requested zoning (CUP-SB-18-04); however, they indicated that they found the plan non-conforming as related to the current R-40 zoning district.

Staff recommendations for rezoning request CUD-Z-18-08 and subdivision plan conformity CUP-SB-18-04 are highlighted in the motion worksheet in the next section.

## CUD-Z-18-08 – Buffalo Springs

### *Rezoning Motion Worksheet*

**Choose one (1) of the following three (3) options:** *(staff recommendation is highlighted below)*  
*If not accepting staff recommendation, please select your own finding from below options.*

**1. Find Consistent with the Comprehensive Plan and Approve:**

2. Find Inconsistent with the Comprehensive Plan and Deny:
3. Find Inconsistent with the Comprehensive Plan and Approve:

---

**Please find the correlating motion option below to make your motion (number 1, 2 or 3):**

**1. Find Consistent with the Comprehensive Plan and Approve:**

“I move that the Town Council accept staff’s statements regarding zoning consistency with the Comprehensive Growth Plan, detailed in Section V of the staff report, as our own; and I therefore move further that the Town Council adopt Ordinance No. (2019) 3949 approving rezoning request CUD-Z-18-08 as it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning”

- Allow household living uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces.
- Allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.
- Allow the development of an appropriate density of housing in the area in which it is located.
- Provide your own reason: \_\_\_\_\_

**2. Find Inconsistent with the Comprehensive Plan and Deny:**

“I move that the Town Council find the rezoning request inconsistent with the Comprehensive Growth Plan for the following reason(s): provide your reasoning and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number CUD-Z-18-08.”

3. Find Inconsistent with the Comprehensive Plan and Approve:

"I move that the Town Council find that although the rezoning request is inconsistent with the Comprehensive Growth Plan, detailed in Section IV of the staff report, it is reasonable and in the public interest because it will likely \_\_\_\_\_ *select as many reasons as appropriate from below list or provide your own reasoning* \_\_\_\_\_

- Allow the development of an appropriate density of housing in the area in which it is located;
- Allow appropriate types of business at the described location which will provide opportunities for access to goods and/or services useful to the surrounding area;
- Allow appropriate types of business at the described location which will provide employment opportunities for citizens;
- Allow the types of businesses at the described location which will enhance the Town's economic development;
- Allow the types of businesses at the described location which will likely enhance the Town's tax base;

and therefore, I move further that the Town Council adopt Ordinance No. (2019) 3949 approving rezoning request number CUD-Z-18-08, and in so doing, also amend the Town's Comprehensive Growth Plan from designating the subject property as Medium-Density Residential to \_\_\_\_\_ *identify future land use map designation* \_\_\_\_\_."



**CUP-SB-18-04 – Buffalo Springs**

*Conditional Use Permit Motion Worksheet*

**Choose one (1) of the following two (2) options:** *(staff recommendation is highlighted below)*  
*If not accepting staff recommendation, please select your own finding from below options.*

**1. Find Consistent with the plans and Approve:**

2. Find Inconsistent with the plans and Deny:

---

**Please find the correlating motion option below to make your motion (number 1 or 2):**

**1. Find Consistent with the plans and Approve:**

“I move that the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SB-18-04, Buffalo Springs, with the three standard conditions and four site-specific conditions to be listed on the permit that will be prepared by Staff.”

**Optional (conditions – mark, fill in and read all that applies):** ...and including the following reasonable conditions necessary to address the impacts of the proposed development on:

- adjoining property,
- the existing natural and man-made features of the site,
- off-site and on-site traffic flow,
- public utilities,
- such other public services or goals of the Comprehensive Growth Plan or the Transportation Plan that may be negatively impacted by the proposed development *(enumerate plan services/goals):*

\_\_\_\_\_

**Condition #1:**

\_\_\_\_\_

**Condition #2:**

\_\_\_\_\_

**Condition #3, (etc.):**

\_\_\_\_\_

2. Find Inconsistent with the Comprehensive Plan and Deny:

"I move that the Council find the application does not meet one or more of the criteria in Section 3.14.D. for granting a special use permit,

***(Check and read all that apply – include stated reason/evidence)***

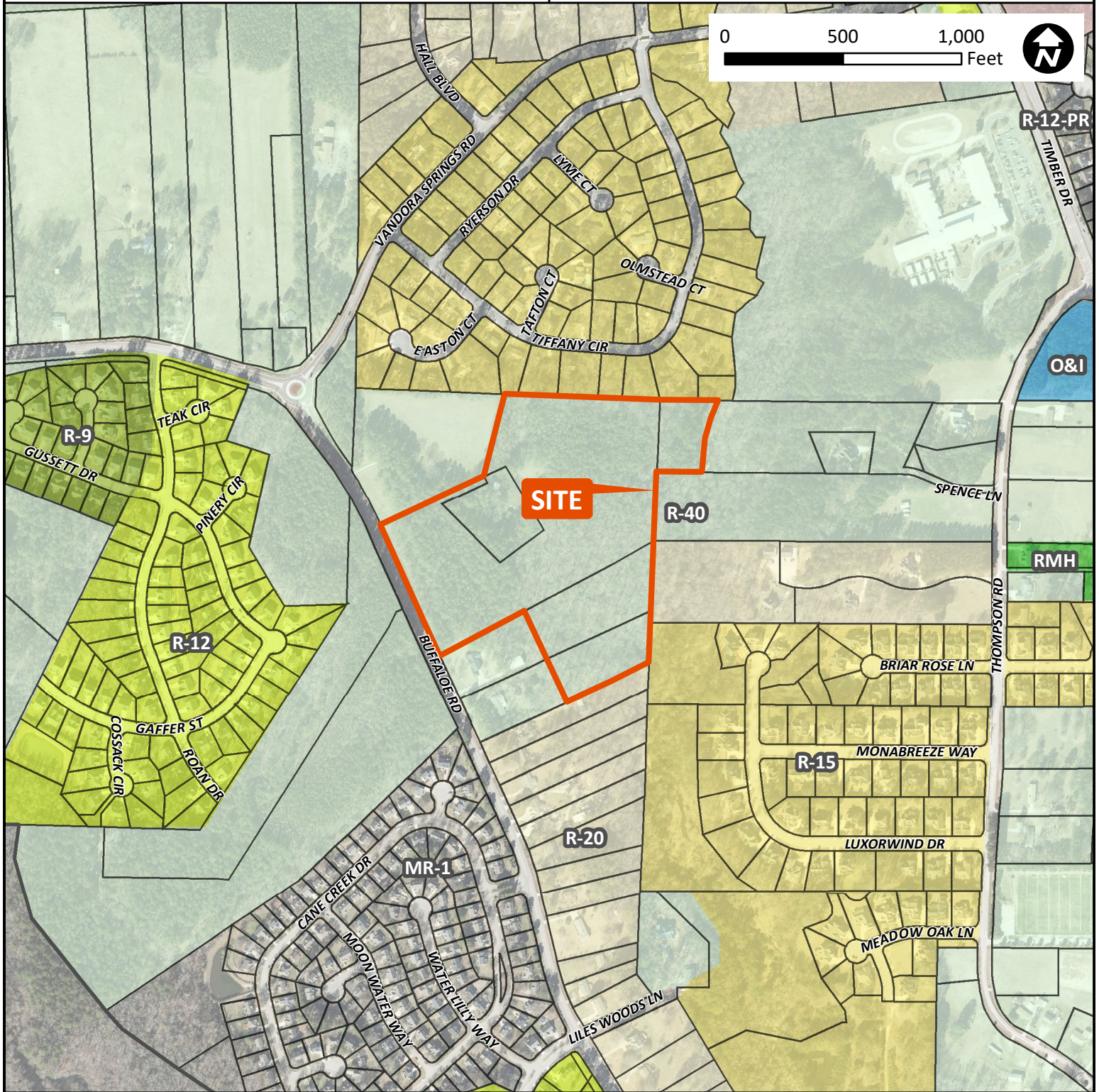
1. The proposed use will endanger the public health or safety  
*because/as evidenced by* \_\_\_\_\_;
2. The proposed use will substantially injure the value of adjoining or abutting property;  
*because/as evidenced by* \_\_\_\_\_;
3. The proposed use does not comply with all applicable provisions of this UDO;  
*because/as evidenced by* \_\_\_\_\_;
4. If completed as proposed, the development will not comply with all requirements of this section;  
*because/as evidenced by* \_\_\_\_\_;
5. The proposed use will not be compatible with the proximate area in which it is to be located;  
*because/as evidenced by* \_\_\_\_\_;
6. The proposed use is inconsistent with the Transportation Plan, other relevant adopted plans and policies, and the stated purpose and intent of this UDO (the fact that the use is permitted under certain circumstances in the zoning district creates a rebuttable presumption that the proposed use is in harmony with the intent of the UDO as relates to the general zoning plan);  
*because/as evidenced by* \_\_\_\_\_;
7. The proposed use is incompatible with adjacent uses in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);  
*because/as evidenced by* \_\_\_\_\_;
8. Any significant adverse impacts resulting from the use will not be mitigated or offset, including impacts on the natural environment;  
*because/as evidenced by* \_\_\_\_\_;
9. The public safety, transportation and utility facilities and services will not be available to serve the subject property while maintaining sufficient levels of service for existing development;  
*because/as evidenced by* \_\_\_\_\_;
10. Adequate assurances of continuing maintenance have not been provided;  
*because/as evidenced by* \_\_\_\_\_;

and therefore, deny Conditional Use Permit for Buffalo Springs – CUP-SB-18-04.



**Town of Garner  
Planning Department**

**Conditional Use Applications  
CUP-SB-18-04 & CUD-Z-18-08**



**Project:** Buffalo Springs  
**Applicant:** Trilandco/Rehab Hamad  
**Owner:** William & Kay Buffaloe, Cardiff Shea  
**Location:** Buffalo Road (2113 & 1608)  
**Pin #:** 1700-65-4039 & 1700-65-1045,  
 parts of 1700-64-3525, 1700-64-3392  
 & 1700-75-2389

**Proposed Use:** Single-Family Subdivision  
**Current Zoning:** Residential 40 (R-40)  
**Proposed Zoning:** Multi-Family 1 Cluster  
 Conditional Use (MF-1 C207)  
**Acreeage:** 24.75 +/-  
**Overlay:** n/a

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

**ORDINANCE NO. (2019) 3949**

**AN ORDINANCE AMENDING THE TEXT OF THE GARNER UNIFIED DEVELOPMENT ORDINANCE TO CREATE A NEW CONDITIONAL USE ZONING DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP TO APPLY THE NEW ZONING CLASSIFICATION**

WHEREAS, The Town Council has received a petition requesting that a new conditional use zoning district be established and that this new district classification be applied to the applicant's property.

WHEREAS, the Town Council is authorized by the Town Charter to establish conditional use zoning districts:

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER ORDAINS:

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by **Trilandco, LLC**. in Rezoning Application No. **CUD-Z-18-08 (MF-1 C207)**.

Section 2. There is hereby created a new conditional use zoning district, to be known as the **Multi-Family Residential Conditional Use (MF-1 C207)**; within this district, all of the regulations that apply to property within the **Multi-Family Residential Conditional Use (MF-1 C207)** zoning district shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

*The following is a list of conditions for the **Multi-Family Residential Conditional Use (MF-1 C207)** district.*

1. Permitted use table:

<b>Use Category</b>	<b>Specific Use</b>	<b>MF-1 C207</b>
Household Living	Residential Cluster	p*

2. Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.

3. Maximum number of dwelling units shall be 77.
4. In addition to the required 30-foot landscaped perimeter buffer, an additional 20 feet of perimeter buffer will be provided (total 50 feet). All buffer areas to be dedicated & maintained by the HOA.
5. A 6-foot solid wood perimeter fence shall be provided along the following adjacent properties in Tiffany Woods subdivision (Pin#s: 1700-65-2639, 1700-65-3656, 1700-65-5605, 1700-65-6664, 1700-65-7674, 1700-65-9615). And alongside the Eastern boundary of the development (Pin #s: 1700-75-1181, 1700-74-1776 & 1700-64-9491). Fence shall be placed along the inside perimeter of the 30-foot landscaped buffer and shall be maintained by the HOA.
6. The development shall include a pocket park with a minimum of 15,000 square feet and a minimum of 3 benches.
7. Each house shall be constructed of hardiplank, masonry (brick or stone), or vinyl siding (min gauge .046).
8. Single family home types shall have a crawl space, basement, or turned-down slab foundation with a minimum of 12-inches from grade to front elevation finished floor. Foundation walls shall be clad in brick and/or stone veneer and shall cover all 4 sides of the foundation.
9. Each house shall have at a minimum 10" overhang eave or rakes from all front facing facades.
10. Each house shall have a minimum of 1,800 heated square feet with a minimum of 50% of houses to be at or above 2,000 heated square feet.
11. Each house shall have a minimum of 2 car garage with windows AND carriage hardware.
12. Each house shall have either a deck, covered porch, sunroom or minimum of 100sf patio.
13. Each house shall have architectural shingles & a minimum of one forward facing gable.
14. HOA covenants shall include the following language upon recording: Construction, installation, or placement of a storage shed, tree house, play house, detached garage, or a building separate from the main dwelling on the Lot is NOT permitted on any Lot.
15. A min of a 20-foot Greenway dedication to be provided to give access from Buffaloe Road to the rear property line of the development.
16. Building heights in the development shall be a maximum of 35' as in the R-9/R-12/R-15/R-20 district.

Section 3. The official Zoning Map of the Town of Garner is amended by changing the zoning classification of the property identified below and as shown on a map in application file:

Owner(s)	Tract No.	Existing Zoning	New Zoning
William & Kaye Buffaloe, Cardiff Shea, and William & Janet Spence	1700-65-4039, 1700-65-1054 parts of: 1700-64-3525, 1700-64-3392, 1700-75-2389	Single-Family Residential (R-40),	Multi-Family Residential (MF-1 C207)

Section 4. The Planning Department shall change the Official Zoning Map displayed for the public to reflect this change immediately following adoption of this ordinance. In addition, a copy of this ordinance shall be filed in the Planning Department.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. That the Town Clerk shall cause a duly certified copy of this ordinance to be recorded in the office of the Wake County Register of Deeds.

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 22nd day of January, 2019.

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Ronnie S. Williams, Mayor

ATTEST:

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Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: UDO-18-02, Neighborhood Meetings		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jeff Triezenberg, Planning Director		
Presenter: Jeff Triezenberg, Planning Director		
<b>Brief Summary:</b>  UDO text amendment submitted by the Planning Department to require applicant-led neighborhood meetings for any development application including a Conditional Use District Zoning, Planned Development or Special Use Permit request.		
<b>Recommended Motion and/or Requested Action:</b> Refer to Planning Commission for review and recommendation.		
<b>Detailed Notes:</b> See attached staff report.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**TO:** The Honorable Mayor Williams and Town Council

**FROM:** Jeff Triezenberg, Planning Director

**SUBJECT:** ***UDO-18-02, Neighborhood Meetings***

**DATE:** January 22, 2019

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### **I. BACKGROUND**

For at least the past four (4) years, the Town of Garner Planning Department has been strongly advising applicants involved with projects that are in close proximity to existing residential development and required to be approved at a public hearing to hold a neighborhood meeting informing local residents of the proposed project's scope, listening to concerns expressed, and answering questions that may arise. To date, this has been accomplished with no language in the Unified Development Ordinance (UDO) to back up this recommendation. Having consulted with the Council's liaison to the Planning Commission and in an effort to better set expectations for developers regarding approval processes, staff proposes to amend the UDO and establish a minimum standard governing the expected conduct and reporting of applicant-organized neighborhood meetings.

Having scanned other local ordinances, staff located three (3) nearby municipalities with similar neighborhood meeting requirements.

#### **TOWN of WAKE FOREST**

*The Town of Wake Forest incorporates neighborhood meetings as part of a series of "Levels" of public involvement. The neighborhood meeting level applies to Major Site Plans, Major Design Reviews, Major Subdivisions/TNDs and Special Use Permits. The exact language follows:*

#### **LEVEL 5 – NEIGHBORHOOD MEETING**

The applicant shall conduct a neighborhood meeting where required prior to any public hearing or review by an approving board or commission. This meeting will allow the applicant to explain the proposed project and to be informed of the concerns of the neighborhood. A summary of the meeting in the form of meeting notes or minutes along with a list and contact information for all attendees shall be submitted to the approving board or commission for their review at all subsequent approval hearings. If no public



hearing is required as part of the application review, the meeting summary shall be submitted to the Administrator as part of their technical review.

## TOWN of APEX

### 2.2.7 Neighborhood Meeting

Neighborhood meetings are required for all applications for rezonings, major site plans, residential subdivisions, excluding minor or exempt subdivisions, and special use permits. Before a public hearing or meeting may be held on a rezoning petition, residential subdivision plan, major site plan, or special use permit, the petitioner must file in the office of the Planning Director a written report of at least one neighborhood meeting held by the petitioner. The neighborhood meeting shall comply with the following procedures.

#### A) General.

The purpose of the neighborhood meeting is to educate neighbors about the proposed development and application, to receive neighborhood comments, and to address concerns about the development proposal. At least one (1) neighborhood meeting shall be scheduled and held by the applicant or applicant's agent prior to submission of the initial application. The neighborhood meeting shall take place within six (6) months of submittal of the application; if more than six (6) months have passed at the time of application, the applicant shall hold a subsequent neighborhood meeting.

#### B) Time and Place.

The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.

#### C) Notification.

The applicant shall provide notification of the neighborhood meeting a minimum of 10 calendar days in advance of the meeting by mail, to all landowners within 300 feet of the land subject to the application, to any neighborhood association that represents citizens within that area and to the Town of Apex Planning and Community Development Department. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 300-foot notification area shall be measured from the property line of that entire parcel.

#### D) Conduct of Meetings.

At the neighborhood meeting, the applicant shall explain the development proposal and application, answer any questions, respond to concerns neighbors have about the application and proposed resolutions to these concerns.

#### E) Report.

The report shall include, among other things:

- 1) A listing of those persons and organizations contacted about the meeting and the manner and date of contact;
- 2) The date, time and location of the meeting;

- 3) An Apex Neighborhood Meeting Roster Form identifying the persons in attendance at the meeting;
- 4) A summary of issues discussed at the meeting; and,
- 5) A description of any changes made by the petitioner as a result of the meeting.

## TOWN of FUQUAY-VARINA

### E. Neighborhood Meeting.

At least one (1) neighborhood meeting is required for an application for rezoning, conditional zoning, planned unit development zoning, and form-based zoning. Before a public hearing or meeting may be held on a zoning matter the applicant shall file a written report to the Planning Director of at least one (1) neighborhood meeting held by the applicant. The neighborhood meeting shall comply with the following procedures:

#### i. General.

The purpose of the neighborhood meeting is to educate adjoining property owners and other interested persons about the proposed application, to receive neighborhood comments, and to address concerns about the proposed zoning. At the neighborhood meeting, the applicant shall explain the application, answer questions, respond to concerns neighbors have about the application and proposed solutions and/or unresolved concerns.

#### ii. Time & Place.

The neighborhood meeting shall be held at a place that is generally acceptable to neighbors that reside in close proximity to the land subject to the application.

#### iii. Notification.

The applicant shall provide notification of the neighborhood meeting a minimum of 10 calendar days in advance of the meeting by mail to all landowners within 200 feet of the land subject to the application, to the neighborhood association (if any) and to the Town of Fuquay-Varina Planning Department.

#### iv. Report.

A report shall be submitted to the Planning Department include, among other things:

1. List of Contacts: A list of persons and organizations contacted about the meeting and the manner and date of contact.
2. Meeting Schedule: The date, time and location of the meeting.
3. Attendees: A list of all neighbors/persons in attendance at the meeting.
4. Summary of Issues: A summary of issues discussed at the meeting.
5. Changes & Resolutions: A description of any changes and/or resolutions made by the petitioner as a result of the meeting.

## **II. PROPOSED TEXT CHANGES**

Planning staff propose to insert a new subsection “Q” under Section 3.1. General Approval Procedures. Existing subsections Q – U shall be re-codified as new subsections R – V respectively.

### **3.1. General approval procedures.**

#### **Q. Neighborhood meetings.**

1. **Purpose.** The purpose of the neighborhood meeting is to educate neighbors about the proposed development and application, to receive neighborhood comments and to address concerns about the development proposal.
2. **Applicability.** At least one (1) neighborhood meeting is required for an application for a Conditional Use District Zoning, Planned Development or Special Use Permit.
3. **Procedure.** The applicant shall conduct said neighborhood meeting(s) in a place generally accessible to neighbors living in close proximity to the land subject to the application, and prior to review by the Planning Commission and/or Town Council.
4. **Notification.** No later than 10 calendar days before the first meeting, a first class mailed notice shall be sent (postmarked) to those same persons who have listed for taxation real property subject to the mailed notice requirements of Subsection 3.1.R. Hearing procedures.
5. **Meeting Summary.** A summary of the meeting in the form of meeting notes or minutes along with a list of attendees and their contact information shall be submitted to the Planning Department no later than seven (7) calendar days prior to the Planning Commission meeting or Town Council hearing, whichever occurs first.

## **III. RECOMMENDATION**

Planning staff recommends that upon conducting the public hearing and receiving public comment, the Council close the hearing and refer the matter to the Planning Commission which will meet on January 23<sup>rd</sup> to review the request and make a recommendation. Barring any delay, the matter is scheduled to come back to Council on February 4<sup>th</sup> for consideration of final action.

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: January 22, 2019		
Subject: Wake Transit Community Funding Area Program Application		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Het Patel, Senior Planner		
Presenter: Het Patel, Senior Planner		
<b>Brief Summary:</b>  An update to Wake Transit Community Funding Area Program application process and recommendations for completing application for FY 2020 planning study/technical assistance funds.		
<b>Recommended Motion and/or Requested Action:</b> Approval of CFAP Application and authorization for Town Manager to provide Letter of Support.		
<b>Detailed Notes:</b> This item will provide an update on the Wake Transit Community Funding Area Program (CFAP) application process including highlights of applicant training and pre-submittal meetings with CAMPO staff. It also highlights staff recommendations for the CFAP application and includes draft scope of work and estimated fee for the Garner Transit Study developed by one of the on-call consultants.		
Funding Source:		
Cost:	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**TO:** Mayor and Town Council Members

**FROM:** Het Patel, AICP; Senior Planner

**SUBJECT:** ***Wake Transit – Community Funding Area Program Application***

**DATE:** January 22, 2019

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### **BACKGROUND/SUMMARY**

Staff presented an overview of the Wake Transit Community Funding Area Program (CFAP) including the Wake Transit consultant developed draft Program Management Plan (PMP), schedule and application process at the October 30, 2018 Town Council worksession meeting. Additionally, staff presented an update to the CFAP application process and timeframe to Town Council at their November 27, 2018 worksession meeting. The presentation slides from the previous worksession meetings are provided as attachment to this memorandum.

### **CFAP APPLICATION**

Staff has met with Capital Area MPO (CAMPO) staff multiple times regarding the Wake Transit CFAP application process. Based on the input from initial applicant training meeting and the most recent application pre-submittal meeting, staff has the following recommendation for CFAP application process:

- Apply for FY2020 Planning Study/Technical Assistance for Town of Garner Transit Study;
- Request the maximum funding of \$100,000 (\$50,000 local match);
- Complete budget amendment in upcoming Town Council meeting from fund balance to multi-year planning budget to set aside local match dollars; and,
- Town Manager to provide a letter of support for CFAP Planning Study application.

***FY2020 Planning Study/Technical Assistance*** – In the pre-submittal meeting we learned that there might only be three applications for FY 2020 for planning study/technical assistance. The budget identified in CFAP for FY 2020 should cover all three studies limiting competition for the funds. The FY 2020 funds would become available in July of 2019. This allows enough time for staff to work with one of the on-call consultants to finalize scope and budget for planning study.

**Request Maximum Funding** – During the pre-submittal meeting CAMPO staff indicated that the Town should go ahead and ask for the maximum of \$100,000 for the planning/technical assistance study. This number can be updated once the scope and fee for the planning study is finalized by the Town. The Town at a maximum would be responsible for \$50,000 local match towards the transit planning study. This number will be lower once the draft scope and fee are further refined and finalized.

**Budget Amendment** – At the pre-submittal meeting CAMPO staff indicated that it was not necessary to have the local matching funds identified at the time of the application and a letter of support from Town Manager’s office would suffice; however, staff recommends completing the budget amendment to move \$50,000 to the multi-year planning fund to set aside the local match dollars.

**Letter of Support** – One of the requirements of the CFAP application is to provide a letter of support to indicate understanding and obligation towards local match dollars towards CFAP funded projects. Therefore, it is recommended that a letter from the Town Manager indicating understanding of the project and CFAP program along with obligated local match dollars is submitted with the CFAP application.

### **GARNER TRANSIT STUDY SCOPE AND FEE**

Staff has worked with the next on-call consultant in the library of identified consultants to develop a draft scope of work and identified estimated fee for the Garner Transit Study. The Letter of Agreement and Scope of Work developed by the consultant are provided as an attachment to this memorandum. The Scope of Work includes the following tasks:

- Task 1 – Public Outreach and Stakeholder Coordination
- Task 2 – Analysis of Transit Needs and Demands
- Task 3 – Develop Implementation Plan and Service Model
- Task 4 – Evaluation of Transit Capital Investment Needs
- Task 5 – Funding Strategy and Opportunities
- Task 6 – Project and Quality Management

The schedule for the transit study will be further refined upon CFAP application selection; however, the study should be completed between 6-9 months after project initiation. The estimated fee identified by the consultant for the tasks identified above is \$98,347. As mentioned earlier, this is a draft scope and fee and will be further refined.

### **COUNCIL ACTION**

- Council approval on submitting Application for FY 2020 Planning Study/Technical Assistance CFAP Funds;
- Council direction to bring budget amendment for \$50,000 to set aside local match; and,
- Council authorization for Town Manager to provide Letter of Support for application.



January 8, 2019

Het Patel, AICP, Senior Planner  
Town of Garner  
900 Seventh Avenue  
Garner, NC 27529

RE: Professional Services Agreement – Town of Garner Transit Study

Dear Mr. Patel:

Kimley-Horn and Associates, Inc. (“KHA” or “Consultant”) is pleased to submit this letter agreement (the “Agreement”) to the Town of Garner (“Client”) for providing professional services for the Town of Garner Transit Study.

## **PROJECT UNDERSTANDING**

The Town of Garner intends to apply for Wake County Community Funding Areas Program (CFAP) funding for expanded transit service through the North Carolina Capital Area Metropolitan Planning Organization (CAMPO). The Wake County Transit Planning Advisory Committee (TPAC) has designated CAMPO as responsible for CFAP administration. The Community Funding Areas Program provides an opportunity for eligible towns and the Research Triangle Park in Wake County, that would otherwise have limited fixed-route transit services, to create or accelerate public transportation services and programs. The CFAP is a competitive program to encourage community-based transit projects that complement the Wake Transit Plan regional service development and/or meet local needs in areas not adequately served by transit. CFAP funds may be used for planning studies/technical assistance, operating projects, and capital projects consistent with the program funding requirements.

The Town of Garner is currently served by GoTriangle Route 102<sup>1</sup> (operated by GoRaleigh) that operates three trips in the AM peak and four trips in the PM peak between White Oak Shopping Center Park and Ride in Garner and the GoRaleigh Station in downtown Raleigh, including service to Forest Hills Shopping Center and Garner Town Hall. The Wake Bus Plan shows this route alignment will move from Hammond Road to Garner Road, and service that is now peak-only will become all day. The current route will be split into two routes with the same bus serving both parts of the route to minimize transfers:

- Route 20 a bi-directional route between the GoRaleigh Station and the Forest Hills Shopping Center Park and Ride

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<sup>1</sup> <https://gotriangle.org/maps-schedules/gotriangle/102>

- Route 20L an alternating direction loop between Forest Hills Shopping Center and White Oak Shopping Center Park and Ride. Alternating trips are anticipated to serve the loop alignment in opposite directions, one clockwise and one counter-clockwise.

The Wake Bus Plan shows 20 and 20L starting with hourly service in August 2019, and increasing to 30-minute service on weekdays (Route 20 only) with weekend service in August 2023

## PROJECT TEAM

The project team will include both local and national Kimley-Horn transportation and transit planning professionals. In addition, subconsultant support will be provided by Foursquare ITP, which specializes in service analysis, forecasting ridership, and financial modeling to develop transit service recommendations. Specifically, key project team members are anticipated as follows.

- Project Manager – Richard Adams, P.E.
- Public Engagement – Allison Fluitt, P.E., AICP
- Transit Planning – Mary Karlsson, P.E.
- Transit Planning – Jessica Alvarez (Foursquare ITP)
- Transit Planning – Andrew Zalewski (Foursquare ITP)

## SCOPE OF SERVICES

Kimley-Horn will provide the following scope of services for the Transit Study. The scope of work is based on our understanding of the transit funding requirements, Town of Garner community and transit characteristics, and the scope identified by the Town.

### Task 1 Public Outreach and Stakeholder Coordination

Kimley-Horn will support Town of Garner staff with public engagement and stakeholder coordination. We anticipate providing the following support to Town staff:

- Preparing materials for and staffing up to two (2) public meetings, focused on engaging transit-dependent populations (2 meetings)
- Developing, hosting, and summarizing results from an online survey to identify transit needs and demands
- Preparing materials for and staffing up to four (4) two-hour meetings with GoRaleigh, the likely operator for Town Services, CAMPO, and/or TPAC

### Task 1 Deliverables:

- Up to four (4) two-hour meetings with GoRaleigh, CAMPO, and/or TPAC
- Up to two public meetings, focused on transit-dependent population
- Online survey
- Public and stakeholder engagement chapter for the report



## Task 2 Analysis of Transit Needs and Demands

Kimley-Horn will analyze transit needs and demands in the Town of Garner. We anticipate the following analysis activities:

- *Existing Plan Review* - We will review existing plans, including the 2018 Garner Forward Transportation Plan transit section and the Wake Transit Bus Plan's Community Funding Area Market Analysis.
- *Transit Service Alternatives* - We will identify and analyze up to three transit service alternatives, which are anticipated to include potential fixed route, deviated fixed-route, and demand-response service. We will develop transit service alternatives based on transit propensity. This will include existing population density, employment density, density of people with low-incomes, density of households with no vehicles, density of population with disabilities, presence of activity centers (medical facilities, community centers, schools, government centers, social services), and connections to existing fixed-route transit.
- *Potential Ridership* - A transit propensity tool will be implemented to identify where in a service area there currently exists a high propensity for transit use. The tool will create four indexes of transit need that are constructed using a web-based tool and visualized in GIS maps:
  - Transit-Oriented Populations: to illustrate where high concentrations of likely transit-dependent people (e.g., youth, elderly, low-income, zero-car households, etc.) live;
  - Commuters: to illustrate where high concentrations of traditional "9 to 5" commuters and choice riders live;
  - Workplaces: to illustrate where high concentrations of jobs are located; and
  - Services: to illustrate where high concentrations of services such as shopping, medical, religious, and social services are located.

A key attribute of the transit propensity tool is its ability to be linked to origin-destination (OD) flows from a variety of available sources, including travel demand models, or Census LEHD Origin Destination Employment Statistics (LODES). For this project, we would also combine the transit-oriented population index, the services index, and non-work OD flows (or off-peak OD flows) to determine the market for transit to serve regional leisure and non-work trips. In a similar fashion, we would also combine the commuters index, the workplaces index, and home-based work OD flows (or peak period OD flows) to develop a set of major OD flows that would provide the highest potential peak bus ridership. Combined, the two sets of OD flows would represent the most successful potential market for bus service. The OD flows or ridership potential could then be scaled to assume the appropriate level of service for new services.

- *Transit fare evaluation* - The Town of Garner faces a decision of what fare, if any, to charge for its proposed transit services. The team will conduct an analysis to understand the impact of various fare levels. The analysis will commence with a review of fares among potential peer systems as well as existing research, notably TCRP reports on fare policy. This information will give the Town of Garner a better understanding of:
  - Expected fare elasticity;

- Typical average fare among group; and
- Negative consequences of eliminating fares.

The analysis will yield a “baseline” fare for the expected ridership and apply fare elasticities to understand how revenue and ridership respond to different fare levels. The results will quantify the financial impacts of various fare levels on operating the proposed transit services. Fare collection costs that would be incurred by the Town (as determined in Task 3) will be considered in this evaluation as well.

**Task 2 Deliverable:**

- Transit need and demand analysis chapter for the report

**Task 3 Develop Implementation Plan and Service Model**

Kimley-Horn will support the Town of Garner in identifying a preferred transit service model and developing an implementation plan. For the preferred transit service, we anticipate identifying days of the week for service, span of service, routing or coverage area, frequency, and stop locations as applicable. We also anticipate developing an annual operating cost estimate for 2020.

**Task 3 Deliverable:**

- Transit service model and implementation plan chapter for the report

**Task 4 Evaluation of Transit Capital Investment Needs**

Kimley-Horn will support the Town of Garner in identifying capital investment needs and cost estimates for the preferred transit service in year 2020. We anticipate potential capital investment needs to include transit vehicles or infrastructure such as bus stops. We do not anticipate identifying the need for nor developing cost estimates for operating facilities, such as bus operation and maintenance facilities.

**Task 4 Deliverable:**

- Transit service capital investment need chapter for the report

**Task 5 Funding Strategy and Opportunities**

Kimley-Horn will support the Town of Garner in identifying and quantifying potential funding sources for the preferred transit service for year 2020 through 2024, including any transit fares. This may include exploration of potential coordinated funding opportunities with GoRaleigh or other partner entities. We anticipate presenting this information as a financial plan for preferred transit service operations and capital that summarizes revenue sources and costs as detailed in the Community Funding Area Management Plan application requirements.

**Task 5 Deliverable:**

- Transit financial plan chapter for the report

## Task 6 Project and Quality Management

This task involves overall management of the task order, confirming that milestones are met and that communication, coordination, and work products are delivered on time and within budget. We believe the key to successful project management is communication. We will use the following tools to support Town of Garner staff and in successfully completing the Transit Study:

- **Define the Work:** At the beginning of the project, we will work with Town of Garner staff to finalize the work plan — scope, schedule, and budget — and will document this understanding back to the Town.
- **Monitor Work and Manage Change:** We will use our management information system (MIS) to monitor project progress against the project schedule. To help promote timely identification and adjustments for any issues, we will submit monthly progress reports and invoices.
- **Deliver Regular, Effective Communication:** we will provide regular updates to the Town's project manager. We anticipate up to monthly meetings or conference calls, with the option of using Skype for Business to share materials online. In progress updates, the project team will discuss project status, identify potential issues and approach to resolving them, and coordinate reviews of draft materials.

All document chapters will be combined into a comprehensive final document suitable for submittal. We have assumed that the Town will provide any hard-copy printing of the draft or final document.

### Task 6 Deliverables:

- Project management communication and coordination
- Monthly progress reports and invoices
- Draft, final draft, and final for all deliverables listed in Tasks 1, 2, 3, 4, and 5
- Electronic copies of deliverables in native file formats; we do not anticipate producing multiple paper copies of deliverables

## ADDITIONAL SERVICES

Any services requested but not specifically provided for in the above tasks will be billed as additional services and performed at our then current hourly rates. This budget will be authorized in writing by Town of Garner staff, including electronic mail, before additional services are conducted.

## INFORMATION PROVIDED BY CLIENT

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives. The Town shall provide all information requested by Kimley-Horn during the project.

## SCHEDULE

We assume a July 1, 2019 notice to proceed and a schedule as illustrated below. We will provide our services as expeditiously as practicable with the goal of meeting a mutually acceptable schedule. The table below outlines our general expectation for the project schedule, which will be further refined upon project initiation.

	Jul19	Aug19	Sept19	Oct19	Nov19	Dec19	Jan20
Task 1 Public Outreach and Stakeholder Coordination	A. Town review				A. Town review		
Task 2 Analysis of Transit Needs and Demands			B. Town review				
Task 3 Develop Implementation Plan and Service Model				C. Town review			
Task 4 Evaluation of Transit Capital Infrastructure Needs					D. Town review		
Task 5 Funding Strategy and Opportunities					E. Town review		
Task 6 Project and Quality Management						F. Draft Report	F. Final Report

### Deliverables:

- A. Public and stakeholder engagement chapter for the report
- B. Transit need and demand analysis chapter for the report
- C. Transit service model and implementation plan chapter for the report
- D. Transit service capital investment need chapter for the report
- E. Transit financial plan chapter for the report
- F. Compiled Town of Garner Public Transit Study

**ESTIMATED FEE**

Kimley-Horn will perform the services in Tasks 1, 2, 3, 4, 5, and 6, including expenses, for the total lump sum fee below. Individual task amounts are informational only.

Task 1	Public Outreach and Stakeholder Coordination	\$21,451
Task 2	Analysis of Transit Needs and Demands	\$38,065
Task 3	Develop Implementation Plan and Service Model	\$11,138
Task 4	Evaluation of Transit Capital Infrastructure Needs	\$5,892
Task 5	Funding Strategy and Opportunities	\$8,125
Task 6	Project and Quality Management	\$12,031
Expenses		\$1,645
Total Lump Sum Cost		\$98,347

Lump sum fees will be invoiced monthly based on the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

**CLOSURE**

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Consultant" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to the Town of Garner.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in an Adobe PDF format. We can also provide a paper copy via regular mail if requested. Please include the invoice number and Kimley-Horn project number with all payments. Please provide the following information:

Please email all invoices to \_\_\_\_\_

Please copy \_\_\_\_\_

If you concur in all the foregoing and wish to direct us to proceed with the services, please execute this Agreement in the space provided below, and return a copy to us. We will commence services after we have received a fully-executed agreement. Fees stated in this Agreement are valid for sixty (60) days after the date of this letter.

We appreciate the opportunity to provide these services to you. Please contact us if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Richard Adams, P.E.  
Project Manager

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2019

TOWN OF GARNER, NC  
A Municipality

Official Seal:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Email Address

\_\_\_\_\_, Witness

\_\_\_\_\_  
Print Name

Attachment – Standard Provisions

**KIMLEY-HORN AND ASSOCIATES, INC.**  
**STANDARD PROVISIONS**

(1) **Consultant's Scope of Services and Additional Services.** The Consultant will perform only the services specifically described in this Agreement. If requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services, which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for any Additional Services an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.

(2) **Client's Responsibilities.** In addition to other responsibilities herein or imposed by law, the Client shall:

- (a) Designate in writing a person to act as its representative, such person having complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.
- (b) Provide all information and criteria as to the Client's requirements, objectives, and expectations for the project and all standards of development, design, or construction.
- (c) Provide the Consultant all available studies, plans, or other documents pertaining to the project, such as surveys, engineering data, environmental information, etc., all of which the Consultant may rely upon.
- (d) Arrange for access to the site and other property as required for the Consultant to provide its services.
- (e) Review all documents or reports presented by the Consultant and communicate decisions pertaining thereto within a reasonable time so as not to delay the Consultant.
- (f) Furnish approvals and permits from governmental authorities having jurisdiction over the project and approvals and consents from other parties as may be necessary.
- (g) Obtain any independent accounting, legal, insurance, cost estimating and feasibility services required by Client.
- (h) Give prompt written notice to the Consultant whenever the Client becomes aware of any development that affects the Consultant's services or any defect or noncompliance in any aspect of the project.

(3) **Period of Services.** Unless otherwise stated herein, the Consultant will begin work after receipt of a properly executed copy of this Agreement. This Agreement assumes conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that the Consultant does not control. If such delay or suspension extends for more than six months, Consultant's compensation shall be renegotiated.

(4) **Method of Payment.** Client shall pay Consultant as follows:

- (a) Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 25 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held by the Consultant and applied against the final invoice. Interest will be added to accounts not paid within 25 days at the maximum rate allowed by law. If the Client fails to make any payment due under this or any other agreement within 30 days after the Consultant's transmittal of its invoice, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid.
- (b) If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant's invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.
- (c) If the Client objects to an invoice, it must advise the Consultant in writing giving its reasons within 14 days of receipt of the invoice or the Client's objections will be waived, and the invoice shall conclusively be deemed due and owing. If the Client objects to only a portion of the invoice, payment for all other portions remains due within 25 days of receipt.
- (d) If the Consultant initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys' fees, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Consultant's normal hourly billing rates, of the time devoted to such proceedings by its employees.
- (e) The Client agrees that the payment to the Consultant is not subject to any contingency or condition. The Consultant may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing any right of the Consultant to collect additional amounts from the Client.

(5) **Use of Documents.** All documents and data prepared by the Consultant are related exclusively to the services described in this Agreement, and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on extensions of this project or on any other project. Any modifications by the Client to any of the Consultant's documents, or any reuse of the documents without written authorization by the Consultant will be at the Client's sole risk and without liability to the Consultant, and the Client shall indemnify, defend and hold the Consultant harmless from all claims, damages, losses and expenses, including but not limited to attorneys' fees, resulting therefrom. The

Consultant's electronic files and source code remain the property of the Consultant and shall be provided to the Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the Client, and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern.

(6) **Opinions of Cost.** Because the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to the costs of construction and materials, are made solely based on its judgment as a professional familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Consultant's services required to bring costs within any limitation established by the Client will be paid for as Additional Services.

(7) **Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or upon thirty days' written notice for the convenience of the terminating party. The Consultant shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Consultant as a result of such termination.

(8) **Standard of Care.** The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client.

(9) **LIMITATION OF LIABILITY.** In recognition of the relative risks and benefits of the Project to the Client and the Consultant, the risks are allocated such that, to the fullest extent allowed by law, and notwithstanding any other provisions of this Agreement or the existence of applicable insurance coverage, that the total liability, in the aggregate, of the Consultant and the Consultant's officers, directors, employees, agents, and subconsultants to the Client or to anyone claiming by, through or under the Client, for any and all claims, losses, costs or damages whatsoever arising out of or in any way related to the services under this Agreement from any causes, including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of the Consultant or the Consultant's officers, directors, employees, agents, and subconsultants, shall not exceed twice the total compensation received by the Consultant under this Agreement or \$50,000, whichever is greater. Higher limits of liability may be negotiated for additional fee. This Section 9 is intended solely to limit the remedies available to the Client or those claiming by or through the Client, and nothing in this Section 9 shall require the Client to indemnify the Consultant.

(10) **Mutual Waiver of Consequential Damages.** In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.

(11) **Construction Costs.** Under no circumstances shall the Consultant be liable for extra costs or other consequences due to unknown conditions or related to the failure of contractors to perform work in accordance with the plans and specifications. Consultant shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before the Consultant has issued final, fully-approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained.

(12) **Certifications.** The Consultant shall not be required to execute certifications or third-party reliance letters that are inaccurate, that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

(13) **Dispute Resolution.** All claims by the Client arising out of this Agreement or its breach shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any mediation or civil action by Client must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.

(14) **Hazardous Substances and Conditions.** Consultant shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant's services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. The Consultant will notify the Client of unanticipated hazardous substances or conditions of which the Consultant actually becomes aware. The Consultant may stop affected portions of its services until the hazardous substance or condition is eliminated.



**(15) Construction Phase Services.**

(a) If the Consultant prepares construction documents and the Consultant is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against the Consultant in any way connected thereto.

(b) The Consultant shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall Consultant have any authority or responsibility to stop or direct the work of any contractor. The Consultant's visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the Consultant. Consultant neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.

(c) The Consultant is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and its means and methods; that the contractor shall indemnify the Client and the Consultant for all claims and liability arising out of job site accidents; and that the Client and the Consultant shall be made additional insureds under the contractor's general liability insurance policy.

**(16) No Third-Party Beneficiaries; Assignment and Subcontracting.** This Agreement gives no rights or benefits to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and the Consultant. The Client shall not assign or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Consultant, without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, the Consultant will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.

**(17) Confidentiality.** The Client consents to the use and dissemination by the Consultant of photographs of the project and to the use by the Consultant of facts, data and information obtained by the Consultant in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of that material.

**(18) Miscellaneous Provisions.** This Agreement is to be governed by the law of the State of North Carolina. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by the Consultant. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

# Wake Transit Community Funding Area Program

Town Council Worksession  
November 27, 2018

## Background/Summary

- Staff provided an overview of the Wake Transit Community Funding Area Program (CFAP) to Council at October 30, 2018 worksession.
- Staff participated in applicant training with CAMPO staff on November 6, 2018
- Key Upcoming Dates:
  - Call for Projects: November 29, 2018
  - Pre-submittal meeting: December 3, 2018 – December 14, 2018  
January 7, 2018 – January 11, 2018
  - Application deadline: January 25, 2018

## Applicant Training Meeting Takeaways

- Recommended that the Town complete a Short Range Transit Planning Study.
- Study would include:
  - Ridership validation (type of service)
  - Time stops and scheduling
  - Assets needed (capital improvements)
- FY 2020 CFAP funds would be available beginning July 2019.
- GoRaleigh would be likely operator for Town services.
- Include Amazon in the scope of the study to identify potential connections that can be made.
- Ask for the full \$50,000 – once budget is identified and submitted the match would be 50% of that amount.

## Application Process

- 6-page PDF Form
- Purpose and Need
  - Project Description
  - Project Benefits
  - Anticipated Outcome
- Project Timeline
  - Anticipated Start Date
  - Basic Description of Project Phases and Milestones
  - Anticipated Completion Date
- Public Engagement Plan
  - Outreach to Transit-Dependent Populations

## Application Process

- Financial Information
  - Total Project Cost
  - Draft Budget
  - Assumptions for Draft Budget
  - Requested CFA Funds
  - Committed Match Amount (including source type: local, state, federal, other)
  - Letter of Support from Leadership

## Schedule

- The CFAP schedule for this year is as-follows:

ACTION	DATE
Applicant Training	October 15 – November 9, 2018
Call for Projects (FYS 2019 and 2020)	November 29, 2018
Pre-Submittal Review Meetings	December 3 – December 14, 2018 January 7 – January 11, 2019
Applications Due	January 25, 2019
CAMPO Staff Scores Submissions*	January 28 – February 15, 2019
Selection Committee Review*	February 25 – March 22, 2019
TPAC Recommends Projects in FY 2020 Work Plan*	April 23, 2019

## Council Action

- Council agreement on staff moving forward with:
  - Completing sections of the application process;
  - Coordinating with on-call consultant to develop scope of work, draft budget and total project costs; and
  - Participating in CAMPO CFAP pre-submittal review meetings.
- Bringing application items back to Council including, scope of work, draft budget and total project costs for formal action towards CFAP application before January 25th application deadline.

*Wake Transit  
Community Funding Area Program*

# WAKE TRANSIT COMMUNITY FUNDING AREA PROGRAM (CFAP) UPDATE

PROGRAM MANAGEMENT PLAN AND APPLICATION PROCESS

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TOWN COUNCIL WORKSESSION  
OCTOBER 30, 2018

**GARNER PLANNING**  
*Design. Connect. Sustain.*




*Wake Transit  
Community Funding Area Program*

## Introduction

- Purpose is to provide an overview of Wake Transit Community Funding Area Program (CFAP).
- **DRAFT Program Management Plan** – (Approved by TPAC on October 10, 2018)
  - Identified funding recommendations and annual spending limits
  - Identified program eligibility criteria
  - Explains application process and guidelines
  - Presents proposed evaluation criteria and recommended scoring criteria including program management, oversight and monitoring procedures

**GARNER PLANNING**  
*Design. Connect. Sustain.*



## Program Overview

- The program would provide an opportunity for towns and the RTP in Wake County, that otherwise have limited fixed-route transit services, to create or accelerate public transportation services and programs within their jurisdiction.
- Eligible municipalities or organizations would function as project sponsors
- The program identified two sub-programs:
  1. Resources allocated towards funding planning/technical studies; and,
  2. Resources to fund capital and operating projects.



## Funding – Planning Studies

- The CFAP CTT recommended setting aside \$750,000 to fund planning and technical assistance projects.
- \$500,000 allocated for the first four years of the program (FY19-FY22) and \$50,000 for each year thereafter.
- Based on the DRAFT CFAP Management Plan, this funding schedule would support a minimum of 15 technical assistance grants.

Figure 3-2 CFAP Planning / Technical Assistance Funding Set Aside

FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
\$100k	\$150k	\$150k	\$100k	\$50k	\$50k	\$50k	\$50k	\$50k

Source: Wake Transit Community Funding Area Program, DRAFT Management Plan, October 2018



## Funding – Capital and Operating

- The CFAP CTT recommendations included a project budget of \$8.5 million over the 9-year period (FY19-FY27).
- The recommendation funding level and annual allocation for capital and operating project would begin to implement projects in FY20 for the communities that are ready to implement a project without planning/technical study and analysis.

Figure 3-3 CFAP Capital and Operating Funding

FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
\$-	\$160k	\$940k	\$1.2M	\$1.1M	\$1.2M	\$1.3M	\$1.3M	\$1.3M

Source: Wake Transit Community Funding Area Program, DRAFT Management Plan, October 2018

## Funding Requirements

- The CFAP program requires all projects provide a minimum match of 50% of the total project costs.
- There is no restriction on the funding source used to match CFAP resources.
- For planning studies, the funding is restricted to up to 50% of the study costs or \$50,000 per study, whichever is lower.
  - For example, CFAP would contribute up to \$25,000 towards a planning study/technical assistance effort that costs \$50,000 or up to \$50,000 for a planning study/technical assistance effort valued at \$100,000
  - More points are awarded for higher match (for example, if the planning study that the Town wanted to complete was valued at \$80,000 – Town could match with \$50,000 (62%) and receive more points towards the scoring).
- The funding matching requirements for operating and capital projects are also at 50%.



## Schedule

- The CFAP schedule for this year is as-follows:

ACTION	DATE
APPLICANT TRAINING	OCTOBER 15 – NOVEMBER 9, 2018
CALL FOR PROJECTS (FYS 2019 AND 2020)	NOVEMBER 29, 2018
PRE-SUBMITTAL REVIEW MEETINGS	DECEMBER 3 – DECEMBER 14, 2018 JANUARY 7 – JANUARY 11, 2019
APPLICATIONS DUE	JANUARY 25, 2019
CAMPO Staff Scores Submissions*	JANUARY 28 – FEBRUARY 15, 2019
Selection Committee Review*	FEBRUARY 25 – MARCH 22, 2019
TPAC Recommends Projects in FY 2020 Work Plan*	APRIL 23, 2019

## Application Process

- The application requirements for CFAP projects vary based on the type of funding grant request (planning, operating and capital).
- For planning studies, the following requirements apply:
  - Project overview
  - Purpose and need
  - Demonstrated support for committing to provide matching funds
  - Work plan (scope of work)

## Council Action

- Council agreement on staff moving forward with gathering documentation for planning study application and participating in CAMPO CFAP applicant training process.
- Bringing application item back to Council for formal action towards CFAP application before January 25<sup>th</sup> application deadline.

# Reports

## Memorandum

**To:** Rodney Dickerson, Town Manager  
**From:** Pam Wortham, Finance Director  
**Date:** January 14, 2019  
**Subject:** Financial Reports for December 2018  
**CC:** Town Council

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Attached is the statement of revenues and expenditures for FY 2019 through December 30, 2018. We are six months, or halfway in to the budget year.

The report shows that year-to-date, the Town has collected approximately 52.2% of estimated revenues. Some important analysis of the Town's revenues included:

- In November, we began receiving more significant amounts of property tax—we will continue to see heavy volume of tax revenue through mid-January. As of the end of December, we have collected 74.5% of the budgeted amount of property tax.
- Sales tax revenues for July and August are 8.1% higher compared to those months in FY 2017.
- The Town's total assessed value on our year-to-date property tax billings is 4.4% higher than this time last year.

Please review the attached Analysis of Revenues for additional information.

Overall, the report shows that the Town expended approximately 45.9% of its budget. At the same point in the previous fiscal year, the Town had spent 47.4% of its budget. Some of the major expenditures so far are:

- Annual dues and subscriptions and several annually contracted services usually are paid at the beginning of the year.
- The Town has made the annual payment for workers' compensation, property and liability insurance.
- The Town has experienced thirteen pay periods (50% of all pay periods) year to date and we have expended approximately 46.4% of the budget for personnel.

If you have any questions, please let me know. Thank you.

Town of Garner  
Statement of Revenues and Expenditures  
For the Period July 1, 2018 - December 31, 2018

**FOR INTERNAL USE ONLY**

	Budget	Actual	Over (Under) Budget	Percentage of Budget	Actual Prior Year
<b>REVENUES</b>					
Ad valorem taxes	\$ 18,569,806	\$ 13,773,805	\$ (4,796,001)	74.2%	\$ 11,056,691
Other taxes and licenses	6,846,875	1,725,759	(5,121,116)	25.2%	1,599,215
Intergovernmental revenues	3,334,967	1,486,071	(1,848,896)	44.6%	1,441,891
Permits and fees	2,278,716	1,468,720	(809,996)	64.5%	1,047,411
Sales and services	573,573	258,788	(314,785)	45.1%	217,071
Investment earnings	410,000	243,152	(166,848)	59.3%	133,752
Other revenues	164,590	81,206	(83,384)	49.3%	47,361
Other Financing Sources	4,353,534	18,483	(4,335,051)	0.4%	17,480
Proceeds from issuance of debt		-	-	0.0%	-
Transfers in		-	-	0.0%	-
Appropriated fund balance		-	-	0.0%	-
<b>Total Revenues</b>	<b>\$ 36,532,061</b>	<b>\$ 19,055,985</b>	<b>\$ (17,476,076)</b>	<b>52.2%</b>	<b>\$ 15,560,872</b>
<b>EXPENDITURES</b>					
Governing body	\$ 337,286	\$ 175,044	(162,242)	51.9%	\$ 192,158
Administration	1,568,382	742,087	(826,295)	47.3%	643,802
Finance	910,012	447,866	(462,146)	49.2%	409,565
Economic development	302,414	159,493	(142,921)	52.7%	146,207
Economic incentives	70,000	-	(70,000)	0.0%	-
Planning	789,190	351,105	(438,085)	44.5%	311,356
Inspections	1,126,151	465,301	(660,850)	41.3%	411,915
Engineering	610,780	303,227	(307,553)	49.6%	287,386
Information technology	586,697	400,330	(186,367)	68.2%	224,172
Police	7,933,622	3,767,798	(4,165,824)	47.5%	4,327,350
Fire services	3,408,021	1,813,529	(1,594,492)	53.2%	1,536,103
Public works	8,692,590	3,693,425	(4,999,165)	42.5%	3,500,573
Parks and recreation	2,255,050	1,016,152	(1,238,898)	45.1%	984,878
Debt service	3,717,729	2,312,120	(1,405,609)	62.2%	2,353,811
Special appropriations	1,358,208	925,015	(433,193)	68.1%	901,001
Capital Outlay - VERT	463,967	194,069	(269,898)	41.8%	-
Transfers out	2,401,962	-	(2,401,962)	0.0%	-
Contingency	-	-	-	0.0%	-
<b>Total expenditures</b>	<b>\$ 36,532,061</b>	<b>\$ 16,766,563</b>	<b>\$ (19,765,498)</b>	<b>45.9%</b>	<b>\$ 16,230,277</b>
<b>Revenues over Expenditures</b>	<b>\$ -</b>	<b>\$ 2,289,422</b>	<b>\$ 2,289,422</b>		<b>\$ (669,405)</b>

Town of Garner  
 Analysis of Major Revenues  
 For the Period July 1, 2018 Through December 31, 2018

**Property Tax Collections**

*(collections compared to budget)*

	Through Month Ending	
	12/31/2018	12/31/2017
Collections--Current Year	\$ 13,742,605	\$ 11,016,041
Collection % Budget	74.52%	62.64%
Collection % Value/Levy (both DMV & Wake County)	80.39%	50.18%

**Property Tax Billings (from Wake County & DMV)**

	Through Month Ending		
	12/31/2018	12/31/2017	
Real Property	\$2,896,345,048	\$2,777,319,789	
Personal Property	219,266,615	203,401,731	
Public Service Property	133,018,450	132,723,662	
Vehicles	115,979,363	109,287,126	
			<u>Percent Change</u>
Total	\$3,364,609,476	\$3,222,732,308	4.40%

**Sales Tax Distributions**

	Through Month Ending		
	12/31/2018	12/31/2017	
Sales Taxes	\$1,659,854	\$1,535,719	8.08%

*Sales taxes distributed through 12/31 represent sales tax paid by consumers in September 2018.*

**Building Permit Fees**

	Through Month Ending		
	12/31/2018	12/31/2017	
Fees Collected	\$901,819	\$417,001	116.26%

**PRCR Fees**

	Through Month Ending		
	12/31/2018	12/31/2017	
Recreation Fees	\$117,946	\$101,529	16.17%
Facility Rentals	\$107,589	\$94,265	14.13%

Town of Garner  
 Selected Balance Sheet accounts  
 As of December 31, 2018

**FOR INTERNAL USE ONLY**

		General
<b>ASSETS</b>		
Cash in Bank	\$	924,696
Petty cash and change funds		1,986
NC Cash Management Trust investments		18,633,677
PFM Investments		9,917,384
Police Asset Forfeiture account		44,519
Receivables & Inventory (excluding Taxes & Assessments)		304,885
	\$	29,827,148
 <b>LIABILITIES</b>		
Accounts Payable	\$	116,197
Bonds on deposit for Planning/Engineering		90,330
Rental Deposits		11,030
Deferred Revenue		59,446
	\$	277,003
 Current Year Revenues to date	 \$	 15,830,029
Current Year Expenditures to date		(16,766,563)
Restricted Fund Balance July 1		859,287
Committed Fund Balance July 1		8,147,054
Unrestricted Fund Balance		21,480,337
	\$	29,550,144



**PUBLICSTUFF**

**garner info**

**BOARD REPORT**



Id		Title	Description	Current Status	Address	Date Created
5216064	Misc. - Streets		The pavement is sinking in and needs to be patched.	In Progress	801-915 Olde Manor Ln, Garner	11/18/2018
5304598	Substandard Living Conditions		We reported to the apartment main office that the heat was out 4 weeks ago. We still have not been able to get heat in our place. It has consistently been below freezing temperatures in the time frame let alone the	In Progress	1936 Spring Dr, Garner	12/10/2018
5372023	Construction Without Permit		There has been what looks like a 3-4" PVC pipe place in a shallow trench coming from what appears to be the rear of the property and dumps out in the ditch at the front of the property. Not sure as to what is going to be coming from the pipe but etherway it will be adding to the already "messed" up drainage on New Rand Rd. Places that should be going through a drainage pipe that is clogged and then the water is forced to then travel down the road and erode driveways etc.. I looked	Submitted	104 New Rand Rd, Garner	12/27/2018
5385300	Misc. - Streets		This utility box was exposed by the builders while working on the sidewalks at Preakness Place Subdivision. The site manager is failing to correct the problem despite homeowner request. Located on Oakton Ridge Place, between Sheldon Place and	In Progress		12/30/2018
5403044	Litter Pickup		there is a couch someone dumped down in the ditch next to the Cloverdale park entrance plus there is litter from before Delta and past the park on both sides of	In Progress		1/3/2019
5406029	Roadway		Limbs in the road.	In Progress	137 Chillingham	1/4/2019
5413483	Litter Pickup		Litter along Meadowbrook Road	In Progress	917 Meadowbrook Dr, Garner	1/6/2019
5422467	Litter Pickup		Vandora Springs Rd and Spring Dr	In Progress	1100 Vandora Springs Rd, Garner	1/8/2019
5422496	Misc. - Streets		tire has been left in the street	In Progress	1529 W Garner Rd, Garner, NC	1/8/2019
5456085	Litter Pickup		Timber Dr could use a good cleaning up, it is full of trash/litter. Thank you	In Progress	Timber Dr, St Marys	1/15/2019

5459649	Pothole/ Pavement Repair	The street gutter at the end of our driveway is cracking and coming up in peices. We will soon just have a big hole and non drivable driveway. Requesting for repair. Please contact Mike @ 602-295-7895. Thank you.	In Progress	1405 Buckingham Rd, Garner	1/16/2019
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