

TOWN OF GARNER



TOWN COUNCIL WORK SESSION

April 26, 2016
6:00 p.m.

Garner Police Department
Training Room

**Town of Garner
Work Session Agenda
April 26, 2016**

Dinner will be served for town officials in the Conference Room at 5:15 p.m.

The Council will meet in a Work Session at 6:00 p.m. on Tuesday, April 26, 2016 in the Garner Police Department Training Room located at 912 7th Avenue.

- A. CALL MEETING TO ORDER/ROLL CALL
- B. ADOPTION OF AGENDA
- C. DISCUSSION

- 1. Utility Bill Assistance Program..... Page 3
Presenter: Kenny Waldroup and Ed Buchan, City of Raleigh

The City of Raleigh is asking utility merger municipalities if there is interest in being a part of a proposed utility billing assistance program. The program would provide monetary assistance to customers that are struggling to maintain water service. Eligibility screening would be performed by Wake County Human Services staff in conjunction with existing social assistance programs and based on the established eligibility criteria for these programs. The total amount of assistance provided in a given fiscal year to an eligible customer would be limited to \$240/year/customer.

- 2. Multi-Vista Construction Management Tool..... Page 8
Presenter: Tony Chalk, Town Engineer

MultiVista is a construction documentation tool that will be useful in documenting details of the construction process and storing the photographs in a method that is extremely useful to maintenance personnel.

- 3. For Profit Use of Parks..... Page 14
Presenter: Sonya Shaw, PRCR Director

The PRCR Department was asked to research for-profit use of parks throughout the Wake County area, in response to recent requests from commercial fitness groups. These groups are a growing trend in the fitness arena and oftentimes request use of public parks and recreation spaces to conduct outdoor fitness activities. The Parks and Recreation Advisory committee formed a subcommittee of Town staff and advisory committee members to research rules and regulations of commercial fitness rentals from surrounding communities, in order to determine whether this request could be accommodated.

4. Health Care Renewal..... Page 19
Presenter: Rodney Dickerson, Town Manager and BD Sechler, Human Resources Director

Review with Council the options available and recommendation from staff for the FY16/17 health care renewal.

5. Body Camera Overview..... Page 23
Presenter: Chief Zuidema, Captain Binns, Captain Hagwood, Lt. McIver

Update on Police Department policy development toward implementation of a body-worn camera program at some point in the future (if approved for funding).

6. Appointments to the Comprehensive Plan & Transportation Steering Committee..... Page 28
Presenter: Brad Bass, Planning Director

A steering committee needs to be appointed by Council to assist the Town with the development of a new Comprehensive Plan and the update to the 2010 Transportation Plan. A revised list of candidates for appointment consideration is attached.

Action: Appoint individuals to the Committee

7. Extraterritorial Jurisdiction (ETJ) Extension Request..... Page 31
Presenter: Jeff Triezenberg, Assistant Planning Director

This report outlines staff's recommendation concerning a request to the Wake County Board of Commissioners for permission to extend Garner's ETJ (zoning and subdivision authority) to a net additional 6,711 acres of land in the Town's current County-designated short-range and long-range urban services area. The report represents the Town's justification for said request according to the County-established review criteria for granting permission to extend a municipality's ETJ. Town staff are also prepared to describe the overall process to the Town Council and provide insights based on previous experience.

8. Town Council Retreat Follow-Up..... Page 63
Presenter: Rodney Dickerson, Town Manager

D. COUNCIL REPORTS

E. MANAGER REPORTS

F. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 26, 2016		
Subject: Utility Bill Assistance Program		
Location on Agenda: Reports		
Department: Administration		
Contact: Rodney Dickerson		
Presenter: Kenny Waldroup and Ed Buchan, City of Raleigh		
Brief Summary: <p>The City of Raleigh is asking utility merger municipalities if there is interest in being a part of a proposed utility billing assistance program. The program would provide monetary assistance to customers that are struggling to maintain water service. Eligibility screening would be performed by Wake County Human Services staff in conjunction with existing social assistance programs and based on the established eligibility criteria for these programs. The total amount of assistance provided in a given fiscal year to an eligible customer would be limited to \$240/year/customer.</p>		
Recommended Motion and/or Requested Action: Information only.		
Detailed Notes: <p>Participation in the program is voluntary and in no way effects the utility merger agreement. If Garner chooses not to participate, Garner customers will not be eligible for assistance.</p>		
Funding Source: General fund		
Cost: 14000	One Time: <input type="radio"/>	Annual: <input checked="" type="radio"/> No Cost:
Manager's Comments and Recommendations: <p>This program resembles an agency funding request, so I recommend we discuss with the FY2016-17 budget if Council decides to consider it.</p>		
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:		

Proposed City of Raleigh Utility Bill Assistance Program

Background:

Following the adoption of tiered residential water rates in November of 2010 and a series of utility rate increases during the subsequent fiscal years, anecdotal feedback from stakeholders and elected leaders suggested the combined utility bill may present an affordability issue for some economically distressed customers. This led the City of Raleigh Public Utilities Department to undertake an affordability analysis in 2015, which indicated approximately 10% of the City's utility customers could fall outside of the Environmental Protection Agency's (EPA) recommended affordability standard based on their estimated annual income (see "Responses to Possible Questions" section for information on EPA's affordability criteria).

City staff reviewed various utility bill assistance programs provided by peer communities, met with local assistance program managers and explored in detail the limitations of such programs imposed by State law. Local program examples include donation based systems such as the "Oasis" program in the Town of Cary and the "Care to Share" program developed by the Orange Water and Sewer Authority. Funding for these programs relies on donations through bill "round ups" or specified donation options, although customer participation rates appear to be very low (ranging between 2% to 5%), therefore generating limited amounts of available funding.

Another common funding mechanism for utility bill assistance programs is through the General Fund, which often provides an annual sum that is administered by either County social service staff or a 3rd party non-profit organization. Examples include the City of Charlotte and the City of Durham which provide approximate annual amounts of \$180,000 and \$150,000 respectively for water and sewer utility bill assistance.

Recommendation:

City staff proposes the City of Raleigh and the six merger communities allocate resources from their respective General Funds in a prorated share based on the number of active utility accounts in each community to fund a *Utility Bill Assistance Program*. Program eligibility would be based on demonstrated economic need and assistance funds disbursed through a "first come, first serve basis". If a merger community opted not to participate, the customers in that jurisdiction would not be eligible for assistance from the program. Eligibility screening would be performed by Wake County Human Services staff in conjunction with existing social assistance programs and based on the established eligibility criteria for these programs. The total amount of assistance provided in a given fiscal year to an eligible customer would be limited to \$240/year/customer. Bill adjustments would be made by City of Raleigh Customer Care and Billing staff. City staff would provide a program summary report annually to the Raleigh City Council and the Boards and Councils of each participating merger community.

Funding Formula:

Based on a contribution of \$200,000 from the City of Raleigh, total program funding would be \$254,000, assuming all six merger communities participate. Each entity's prorated share is shown below:

Raleigh	78.74%	\$200,000
Wake Forest	8.27%	\$21,006
Garner	5.58%	\$14,173
Knightdale	3.20%	\$8,128
Wendell	1.63%	\$4,115
Zebulon	1.38%	\$3,505
Rolesville	1.21%	\$3,073

Program Details:

Potential program eligibility criteria could include Choice in Housing voucher recipient, housing authority residence, Supplemental Nutrition Assistance Program (SNAP) participant, Temporary Assistance for Needy Families (TANF) recipient, Women, Infants and Children (WIC) recipient or Federal Communications Commission (FCC) Universal Access Initiative participant, and/or other Wake County assistance programs.

The total amount of assistance provided in a given fiscal year to a customer would be limited to \$240/year/customer and recipients may elect to receive that amount to pay a single bill, multiple bills, or be spread evenly to each monthly bill.

The funds would remain with the City of Raleigh with no actual transfers between Wake County and the City of Raleigh. Initial transfers of funds from the merger communities to Raleigh would occur at the beginning of each Fiscal Year. Wake County would send a voucher verifying a customer’s eligibility via email to Raleigh Customer Care and Billing staff. Raleigh would transfer the funds for qualified customers via journal vouchers between the reserve fund and the Customer Care and Billing unit, which will apply the funds to the eligible account. This is essentially the same program accounting system utilized by the City of Durham and Durham County.

Because the funding source is the General Fund of each participating community, non-metered charges will also be eligible for assistance and service payment prioritization would remain unchanged.

Participation in the existing Leak Adjustment Policy or Payment Plan Program would not impact eligibility for the Bill Assistant Program; water customers may receive assistance or participate in all three options at the same time.

Responses to Possible Questions:

- Why can’t utility enterprise revenues be used to fund a bill assistance program?

General Statutes G.S. 160A-314 and G.S. 153A-277 prohibit utilities from charging different rates for customers within the same service class (e.g. residential, commercial). Therefore, no customer in a given service class could receive a reduced or otherwise subsidized rate through utility enterprise fund support. Noted utility legal advisor Kara Millonzi with the UNC School of Government provides further clarification on the issues of utility rate making and the ability of customers to pay: “The same rationale also prohibits municipalities from charging utility rates according to income levels or ability to pay. Redistribution of income is not a valid utility rate-making function...Similarly, courts have held that underbilling utility customers (even inadvertently) – amounts to prohibited discrimination”ⁱ. Additionally, bill assistance program

administration appears to be limited to non-enterprise entities based on information from the UNC Environmental Finance Center Blog: “In North Carolina, water utility revenues are not to be used to even administer these programs”ⁱⁱ. The Raleigh City Attorney’s Office has reviewed the relevant statutes and concurs with these conclusions. It should also be noted that City staff are not aware of any public water and sewer utility in North Carolina which uses enterprise funds to support a utility bill assistance program.

- Should available assistance funds be prorated between communities?

Customer eligibility in any of the municipalities should NOT be based on the prorated contribution of the municipality; the existing Merger Agreements stipulate that customers in the partner communities would be treated the same, without distinction.

- How is utility bill “affordability” defined?

The affordability criterion is defined by the EPA under the Clean Water Act (CWA) and Safe Drinking Water Act (SDWA) programs. Under this affordability guidance, annual water and sewer bills should be less than 4.5% of Median Household Income (MHI), (2.0% for water under the CWA and 2.5% for wastewater under the SDWA). However, utility industry associations such as the American Water Works Association have developed additional guidance documents which recommend evaluating other economic indicators to help refine the service area income dataset. Using these recommendations, Public Utilities staff were able to provide a more complete understanding of the potential assistance needs beyond the EPA suggested MHI based method.

- Why is the total amount of assistance provided in a given fiscal year to a customer limited to \$240/year/customer?

Public Utilities staff reviewed the average monthly bill for a 5 CCF customer and the difference in that bill resulting from rate increases since Fiscal Year 2011. The total annual increase is approximately \$240 over the 6-year period if the proposed rate increase for FY17 is included in the calculation. Under the proposed utility rate increase for FY17, the average customer will pay approximately \$653 annually for water/sewer services, and the recommended \$240/year/customer could subsidize an eligible customer’s annual total bill by approximately 37%.

Rate Implemented	5 CCF Customer	Difference
Nov-10	\$34.42	
Jul-11	\$37.76	\$3.34
Jul-12	\$41.66	\$3.90
Jul-13	\$44.93	\$3.27
Jul-14	\$49.03	\$4.10
Jul-15	\$52.46	\$3.43
Jul-16	\$54.45	\$1.99

Highlights from the Affordability Assessment Report:

- Actual average water and wastewater bill of overall service area = \$51 per month (inside city limits), \$103 per month (outside city limits) [pg. 6]
- The Median Household Income (MHI) of overall service area = \$56,317/year [pg. 8]
- Average water and wastewater bill as percentage of service area MHI = 1.10% [pg. 9]
- Raleigh's average water and wastewater bill as percentage of MHI = 1.10%, Raleigh's average total bill (inc. all services) as percentage of MHI = 1.5% [pgs. 9 & 11]
- Throughout the service area, 10% of households (20,246) could be paying more than EPA's suggested 4.5% of income on water and wastewater bills [pg. 9]
- Late fees were charged to 25% of accounts (47,000) on average per month in FY14 [pg. 12]
- 2,711 payment plans were initiated at the beginning of FY15, (representing 1.4% of accounts) totaling \$800,107 [pg. 13]
- 20,972 residential accounts (13%) had their service disconnected at least 1 time over a 2-year period, 2,618 accounts (1.57% of residential accounts) averaged 2 or more severances per year [pgs. 15-16]

ⁱ See Kara A. Millonzi, *A Guide to Billing and Collecting Public Enterprise Utility Fees for Water, Wastewater, and Solid Waste Services and Lawful Discrimination in Utility Ratemaking, Part 1:Classifying Customers within Territorial Boundaries*, LOCAL FINANCE BULLITEN 33, (Oct 2006).

ⁱⁱ See UNC Environmental Finance Center Blog – Stacey Berahzer, *The Increasing Need to Address Customer Affordability*, (May 29, 2012).

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 26, 2016		
Subject: Multivista Construction Documentation		
Location on Agenda: Discussion		
Department: Engineering		
Contact: Tony Chalk, Town Engineer		
Presenter: Tony Chalk and representative from Multivista		
<p>Brief Summary:</p> <p>Multivista is a construction documentation tool that will be useful in documenting details of the construction process and storing the photographs in a method that is extremely useful to maintenance personnel.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Approve finalizing an agreement with Multivista for approval at the May 2nd Town Council meeting.</p>		
<p>Detailed Notes:</p> <p>Representative from Multivista will be presenting a 15 minute overview of their services.</p>		
<p>Funding Source:</p> <p>Bond</p>		
Cost: \$12,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p>Manager's Comments and Recommendations:</p> <p>Tool would be beneficial as the Town moves forward with the two largest building projects in its history.</p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



MULTIVISTA

CONSTRUCTION DOCUMENTATION

Constructview LLC dba Multivista

8414 Falls of Neuse Rd., Ste 202, Raleigh, NC, 27615

(919) 802-0254

m.dorman@multivista.com, www.multivista.com

PROJECT QUOTE & AGREEMENT

CLIENT

PROJECT

Name: Town of Garner
Address: 900 7th Ave
Garner, NC 27529
T: 919-773-4420 F: _____
E: tchalk@garnernc.gov

Name: Town of Garner Town Hall
Description/Type: City/State/Local Government
Location: 900 7th Ave
Garner, NC 27529
Size (SQFT): 26,500
Start Date: 05/01/2016

Constructview LLC dba Multivista ("MULTIVISTA") is pleased to provide Town of Garner ("CLIENT") with Multivista documentation services for the Town of Garner Town Hall Project in accordance with the Scope and Terms listed in this document and in the accompanying RIDER: Multivista Project Quote Terms and Conditions.

BILLING / INVOICING CONTACT

SITE / FIELD CONTACT

Name/Title: Tony Chalk
Company: Town of Garner
Address: 900 7th Ave
Garner, NC 27529
T: 919-773-4420 F: _____
E: tchalk@garnernc.gov

Name/Title: Tony Chalk
Company: Town of Garner
Address: 900 7th Ave
Garner, NC 27529
T: 919-773-4420 F: _____
E: tchalk@garnernc.gov

PHOTOGRAPHIC DOCUMENTATION

For complete definitions of all shoot types and scope, please see attached Rider.

PROGRESSIONS

Progressions shoots occur at regular intervals, following the same shoot path each time, to capture the progress of your project over time.

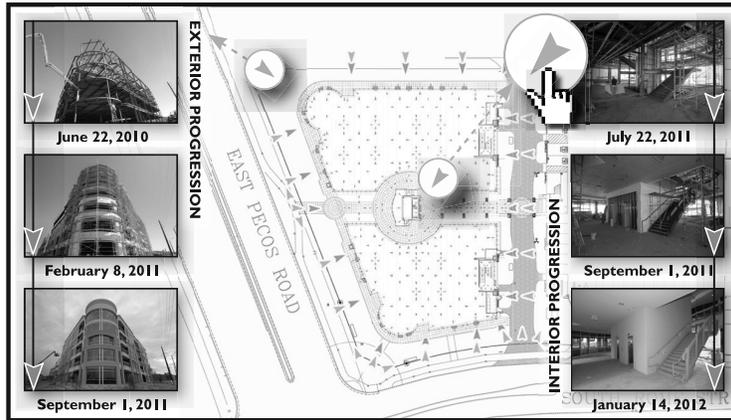
Exterior

Exterior Progressions capture the exterior progress of your building, beginning at substantial structural framing.

Max # of Shoots: 12

Frequency: monthly

See Exhibit A for Notes



Interior

Interior Progressions capture the interior progress of your project. Shoots begin at substantial interior framing for each building, floor, section or area.

Max # of Shoots: 6

Frequency: stages

See Exhibit A for Notes

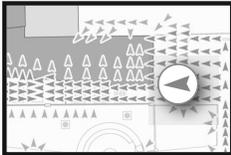
EXACT-BUILT® SHOOTS

Exact-Built® shoots are designed to capture specific milestones of your projects in great detail.

Site-Survey

Comprehensive documentation of all surrounding streets, curbs, sidewalks, landscaping, parking areas, existing structures and neighboring facilities.

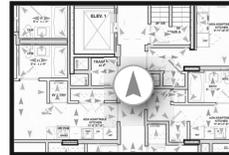
See Exhibit A for Notes



MEP

Mechanical, electrical, plumbing (MEP) and all other systems in walls and ceilings are documented post-inspection and pre-insulation, sheet rock or dry wall installation.

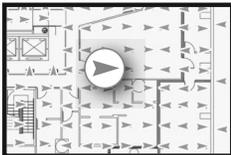
See Exhibit A for Notes



Pre-Slab

Capture the pre-slab rough-ins prior to pouring.

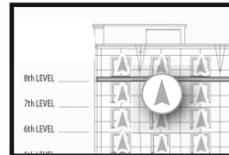
See Exhibit A for Notes



Elevation

Door, window and waterproofing conditions of the exterior skin are captured at agreed upon milestone(s).

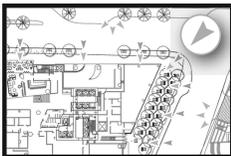
See Exhibit A for Notes



Existing Condition

Takes place at any point in time that you specify to capture the project, or a component thereof, in its exact current condition.

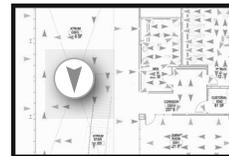
See Exhibit A for Notes



Finished Interior

At Certificate of Occupancy or other "finished" milestone, all walls, ceilings and floors in their post-inspection, completed condition are documented in exceptional detail.

See Exhibit A for Notes



"You Name It"

Custom Exact-Built® that you design to meet your project's specific needs.

1. Roof Progression

2. Underground EB

3.

4.

See Exhibit A for Notes

SLIDESHOWS

Slideshows are an included service for all project scopes that include Photographic Documentation. They provide an "executive summary" or overview of your project that is useful for marketing as well as allowing lenders, consultants, committees and executives to quickly review the overall construction. Slideshows can also house photographs taken by the client's project team.



MULTIVISTA VIDEO

MULTIVISTA VIDEO SHOOTS

Hours scheduled on-site: _____

1. _____

2. _____

3. _____

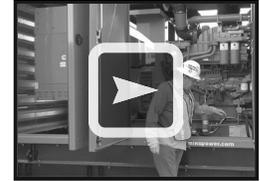
Number of videographers: _____

4. _____

@ \$/Hour: \$ 175.00

Applications & Examples:

- Facility Management: Operations & Maintenance
- Training: Safety
- Construction: Wall Tilt-Up
- Inspections: HVAC / MEP / Inspection
- Events: Groundbreaking



MULTIVISTA WEBCAM

Camera 1. Fixed PoE Cellular Solar

Camera 2. Select PoE Cellular Solar

Duration: 12.00 Months

Duration: Months

Camera 3. Select PoE Cellular Solar

Camera 4. Select PoE Cellular Solar

Duration: Months

Duration: Months

Connections to be arranged by: MULTIVISTA CLIENT

MULTIVISTA'S COMPLETE WEBCAM SOLUTION INCLUDES:



➤ Access 24/7/365



➤ Mobile Access



➤ Live Streaming



➤ HI-DEF Imagery



➤ Time Lapse Photo & Video Generator



➤ Hosting for Unlimited Users

- 2 Types of Web Cameras.
- Slideshow & Video of Jobsite Progress*.
- Automated Static Image Archive.
- On-Demand Snapshot Tool.
- View Project Feed Via Your Own Website.

- Easy Access.
- Intuitive Control.
- Onsite Camera Setup & Integration.
- Camera System Monitoring.
- Secure Hosting of Webcam Footage.

*Live stream not archived, only static captures.

Fixed Dome Cameras:



PTZ Dome Cameras:



PRICING

Pricing below is inclusive of all services comprising the scope of this Project Quote.

DOCUMENTATION PRICE	TOTAL PRICE	ADJUSTED TOTAL PRICE
Photographic: \$ 12,000.00	Documentation Price: \$ 12,000.00	Total Price: \$ 12,000.00
Video:	Sales Tax:	Add/Alternate(s):
Webcam:	Travel:	
Documentation Price: \$ 12,000.00	Reimbursable Expenses: \$ 0.00	
	Total Price: \$ 12,000.00	Adjusted Total Price: \$ 12,000.00

The Price will be invoiced as follows:

Setup Fee \$ 4,800.00 + (Monthly Invoice \$ 600.00 x 12 Months)

ADD/ALTS

	INITIALS
1. Webcam - \$525/month includes installation Description: 12 month total = \$6300.00	Visits / Hours: _____ Price: \$ 6,300.00
2. _____ Description: _____	Visits / Hours: _____ Price: _____
3. _____ Description: _____	Visits / Hours: _____ Price: _____
4. _____ Description: _____	Visits / Hours: _____ Price: _____
5. _____ Description: _____	Visits / Hours: _____ Price: _____

REIMBURSABLE EXPENSES

Multivista will be reimbursed for actual expenses incurred plus 0.00 percent (0.0%) for those expenses that are directly related to the Project. Validation of all such expenses will be provided with invoicing. Expenses that are reimbursable include, but are not limited to, reproductions, printing costs, deliverables/parcels and project-specific insurance where the insurance needs exceed Multivista's standard liability policy limits.

For this Project, reimbursable expenses are estimated to be: \$ 0.00 See Exhibit A for details

ACCEPTANCE

Multivista will perform all work per the agreed upon scope of services and their Terms and Conditions, contained herein and in the accompanying RIDER to this Project Quote and Agreement. Upon acceptance of this Project Quote and the accompanying RIDER, Multivista will diligently pursue its work until the completion of this project, consistent with the above-referenced scope of services. Your acceptance of this Project Quote constitutes your authorization and direction to Multivista to proceed with this project. Multivista reserves the right to revoke or modify this Project Quote at any time before acceptance of the Project Quote and all terms and conditions contained herein and in the accompanying RIDER or if work has not commenced within ninety (90) days of acceptance.

The foregoing Project Quote is accepted by:

Constructview LLC dba Multivista

Town of Garner

Sign:

Sign:

Print:

Print:

Date:

Date:

EXHIBIT A

Exterior Progressions

Maximum 11 Visits

Site-Survey

Not included

Pre-Slab

All structural slabs included, not including hard-scape or stairwells.

Existing Condition

Covered in Site Survey

"You Name It"

Roof Progression photos are included to cover maximum 3 stages of roof application, as directed by client.

Underground Utility EB (Exact Built) - to capture major tie ins and crossovers of underground utilities. Must be scheduled by client and includes a maximum 8 visits.

Interior Progressions

Inclusion of up to 6 interior progressions to include the finished condition progression as the last/final progression, directed by client.

MEP

Included as described.

Elevation

3-4 Stages of Elevation application.

Finished Interior

Covered in Interior Progression to gain efficiency.

Additional Notes

Web camera services are not included in project budget, however is listed as a total, all inclusive fee in the ADD/ALT section.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 26, 2016		
Subject: For-Profit Use of Parks		
Location on Agenda: Discussion		
Department: Parks, Recreation & Cultural Resources		
Contact: Sonya Shaw, Parks, Recreation & Cultural Resources Director		
Presenter: Sonya Shaw, Parks, Recreation & Cultural Resources Director		
Brief Summary: <p>The PRCR Department was asked to research for-profit use of parks throughout the Wake County area, in response to recent requests from commercial fitness groups. These groups are a growing trend in the fitness arena and oftentimes request use of public parks and recreation spaces to conduct outdoor fitness activities. The Parks and Recreation Advisory committee formed a subcommittee of Town staff and advisory committee members to research rules and regulations of commercial fitness rentals from surrounding communities, in order to determine whether this request could be accommodated.</p>		
Recommended Motion and/or Requested Action: <p>Council approves the rules and regulations associated with commercial fitness groups, classes and camps.</p>		
Detailed Notes: <p>Town staff and the Parks and Recreation Advisory Committee fully support the implementation of rules and regulations for commercial fitness, athletic instruction classes and camps to be conducted at Lake Benson, Garner Recreation and White Deer Parks, and request Council approval to begin offering this service to the general public.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: <p>Manager in support with parameters and regulations in place.</p>		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



To: Rodney Dickerson, Town Manager
 From: Sonya Shaw, Parks, Recreation & Cultural Resources Director
 Date: 4/18/2016
 Re: For-Profit Use of Parks

Background

The PRCR Department was asked to research for-profit use of parks throughout the Wake County area, in response to recent requests from commercial fitness groups. These groups are a growing trend in the fitness arena and oftentimes request use of public parks and recreation spaces to conduct outdoor fitness activities. The Parks and Recreation Advisory Committee was approached by a representative of Camp Gladiator to pursue a partnership in providing classes to the community. The Advisory committee recommended forming a subcommittee of town staff and advisory committee members to research rules and regulations of commercial fitness rentals from surrounding communities, in order to determine whether or not this request could be accommodated. The committee met over the course of three months and presented findings to the Parks and Recreation Advisory Committee, who fully support commercial fitness, athletic instruction classes and camps guidelines established by the subcommittee.

Fees

Staff recommends the following fee structure to cover administration and maintenance costs associated with commercial fitness, athletic instruction classes and camps rentals. The average rental rates in Wake County range \$20-\$30 per hour. A cost differential of 30% is included for non-residents.

1 Month Agreement:	1- 50 participants	\$25/hr. Residents	\$33/hr. Non-Residents
1 Month Agreement:	Over 50 participants	\$35/hr. Residents	\$46/hr. Non-Residents
3 Month Agreement:	1- 50 participants	\$20/hr. Residents	\$26/hr. Non-Residents
3 Month Agreement:	Over 50 participants	\$30/hr. Residents	\$39/hr. Non-Residents

Recommendations

Town staff and the Parks and Recreation Advisory Committee fully support the implementation of rules and regulations for commercial fitness, athletic instruction classes and camps to be conducted at Lake Benson, Garner Recreation and White Deer Parks and request Council approval to begin offering this service to the general public.



Town of Garner

Parks, Recreation and Cultural Resources

Commercial Fitness, Athletic Instruction Classes or Camps Rental Rules and Regulations

For the health, safety and welfare of Town of Garner residents and to effectively manage the use of Town of Garner parks, the Town implements these rules and regulations, to guide for-profit use of parks, whereby all persons who wish to use Garner’s parks to conduct fitness classes/training are required to register with the Garner Parks, Recreation and Cultural Resources Department, meet specific requirements, follow rental rules and complete a rental agreement.

1. General

- a. The Town of Garner has priority in scheduling the parks for programs and events.
- b. All rentals shall only occur during regular park hours of operation, dawn to dusk.
- c. A 30-minute time break will be allotted between rentals. Ample time should be allowed for setup and clean up in order for the space to be vacated at the designated time as stated in the rental agreement.
- d. The Town of Garner reserves the right to cancel any rental agreement and shall not be responsible for any associated costs or damages; yet, the Town will endeavor to provide adequate notice and provide alternate locations. Rental fees will be refunded for time cancelled by the Town.
- e. Any rental agreement may be revoked for misrepresentation in the application or violation of terms and conditions of the Rental Application & Contract or any Town or Department rules, policies and ordinances. The Department reserves the right to terminate any rental in progress without refund due to violations or questionable situations arising during the rental.
- f. Failure to adhere to the rental agreement may result in termination of current or future rentals.

2. Approved Uses

- a. Fitness Groups
- b. Yoga Instruction
- c. Other professional fitness services as approved by the Director of the Parks, Recreation and Cultural Resources Department or Designee.

3. Approved Locations

The Parks, Recreation and Cultural Resources Department staff will review the addition and/or deletion of approved locations during each Fiscal Year.

Lake Benson Park
Amphitheater
Earth Stage
Large Field

Garner Recreational Park
Front Lawn Area

White Deer Park
Front Lawn Adjacent to Aversboro Road
Nature Center Lawn
Meadow Lawn

4. Excluded Areas

- a. Any area specifically dedicated to a use that could reasonably conflict with any approved use is excluded. For example, holding fitness classes in an area dedicated as children's play area or the Veteran's Memorial is not allowed. Sidewalks, trails, picnic areas, parking areas and landscaped areas are excluded from such activity.
- b. Parking lots may not be used for any fitness, training or professional service or purpose at any time.
- c. Park equipment and installations, including but not limited to light poles, drinking fountains, public art, bleachers, pergolas, benches, railing, fencing, signs, bike racks and barbeque grills shall not be used for exercise activity.

5. Approved Equipment

Trainers are allowed to bring yoga mats, water bottles, medicine balls, exercise tubing and/or bands. Other items require re-approval from PRCR Director or designee.

6. Prohibited Equipment

- a. Trainers may not bring equipment to parks that could damage the parkland, facility or pose a hazard to the general public.
- b. These items include, but are not limited to, tractor tires, cables, railroad ties, vehicles driving on the lawns, or vehicles parking anywhere but designated parking spaces. Attaching equipment to trees, buildings, park structures, hand rails or any other fixed items is not allowed.
- c. Flags or banners can only be posted near the class, camp or event registration table. Any flyers or signs must be removed immediately following the class, camp or event.
- d. No permanent structures of any kind may be erected.
- e. For safety reasons, no glass containers are permitted for beverages.
- f. No person shall place any equipment or object used for fitness or athletic activity weighing more than twenty-five pounds, without prior authorization by the Director or designee.

7. Impact on public use and priority of the permit

Renters shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited. All Town sponsored or contracted programs, camps, special events and athletics will have priority and are not to be impacted by renters.

8. Prohibited

- a. Alcoholic beverages are prohibited at all times within any town owned facility and/or park grounds.
- b. Smoking is prohibited inside facilities owned by the Town of Garner. Smoking is not allowed in the Nature Center, on the Learning Deck or within 50 feet of the Nature Center.
- c. Renters may not drive on sidewalks to load or unload.
- d. Any activities or conduct which results in the destruction of, damage to or removal of any park amenities (e.g. park benches, trees) is strictly prohibited.
- e. Erection of structures, fences, poles, stages, bleachers, portable toilets or fireworks is prohibited.
- f. Staking (ground penetration) is NOT permitted.
- g. No person shall store athletic, sports or other equipment within any park.
- h. Food service is not permitted.
- i. The sale of goods or the operation of a concession is prohibited.
- j. The operation of public address system or amplified music is only permitted through a small sound system comparable to class size.

9. Renters Responsibilities

- a. It is the renter's responsibility to return the park to the condition it was in prior to the permitted activity or pay additional fees related to returning the property to condition prior to the activity. Renters are responsible for ALL clean up after each activity.
- b. The renter is responsible for the conduct of spectators, participants and all parties associated with its use of park space. Misconduct while on Town property and damage to Town space or facilities will result in the user's privileges being revoked.
- c. Renter is responsible for ensuring that class is operated only in a designated park, area in the park, time and date on rental agreement.
- d. Activity must be conducted in a safe, orderly manner and must not interfere with other park users.
- e. Any property damage which occurs during the permitted activity or during set-up or take-down is the responsibility of the renter. Damage to park property should be reported immediately. It will be assessed and repair costs billed to the renter. Renter is responsible for leaving areas clean and litter-free and may be billed for any cost incurred for clean-up.
- f. Destruction, removal or injury to any park facility or park foliage may require restitution in an amount necessary to reimburse the Department for investigative costs and for the values of the item or material destroyed, defaced or removed. Additional fees will be charged for all damages, as well as labor, required to replant or restore the area, item or material affected.
- g. Once approved for use, renters must carry their rental agreement and receipt and present them upon request. Rentals will be revoked without payment or any compensation, for breach of any laws or conditions established herein. Non-compliance may also result in additional charges.

10. Required Documents

- Liability Insurance (\$1 Million identifying/listing Town of Garner as additional insured)
- Current Certifications
- Current CPR Certification
- Current First Aid Certification
- Copy of the Liability Waiver that you will be using
- Business License
- Workmen's Compensation Coverage (needed if more than one instructor involved)
- Application Fee: \$25 Residents, \$35 Non-Residents

Rental Fees

1 Month Agreement:	1- 50 participants	\$25/hr. Residents	\$33/hr. Non-Residents
1 Month Agreement:	Over 50 participants	\$35/hr. Residents	\$46/hr. Non-Residents
3 Month Agreement:	1- 50 participants	\$20/hr. Residents	\$26/hr. Non-Residents
3 Month Agreement:	Over 50 participants	\$30/hr. Residents	\$39/hr. Non-Residents

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 26, 2016		
Subject: Health Care Renewal		
Location on Agenda: Discussion		
Department: Human Resources		
Contact: BD Sechler		
Presenter: Rodney Dickerson, Town Manager and BD Sechler, Human Resources Director		
Brief Summary: Review with Council the options available and recommendation from staff for the FY16/17 health care renewal		
Recommended Motion and/or Requested Action: Approval of recommendation		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost:
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BDS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

FY 16/17 Health Care Renewal Executive Summary

Since receiving our initial BCBSNC renewal of 49% on February 29, 2016, staff has been working to provide an appropriate solution and recommendation to Council on our health care renewal for FY 16/17.

Eight separate options were evaluated based on impacts to Town costs, staff cost, medical benefits provided, comparability to current plan, hospital and provider network and risk. As a result of this analysis, three options have been identified for further consideration.

BCBSNC with separate HRA

	<u>FY 16/17 Cost</u>
Regular Employees	\$1,564,605
Retirees	\$292,189
HRA Cost	\$100,000
Total	\$1,956,794
Difference from FY 2015-16	\$574,310
% Increase (Decrease)	41.54%

AETNA with separate HRA plan

	<u>FY 16/17 Cost</u>
Regular Employees	\$1,438,995
Retirees	\$268,656
HRA Cost	\$100,000
Total	\$1,807,651
Difference from FY 2015-16	\$425,167
% Increase (Decrease)	30.75%

AETNA with no HRA plan

	<u>FY 16/17 Cost</u>
Regular Employees	\$1,486,988
Retirees	\$277,803
HRA Cost	\$0
Total	\$1,764,791
Difference from FY 2015-16	\$382,307
% Increase (Decrease)	27.65%

The Town of Garner has utilized a Health Reimbursement Account (HRA) since 2009 to provide lower deductible and co-insurance rates, thus reducing the amount of staff out of pocket expenses.

Recommendation:

Based on a thorough review and in-depth analysis of each different option, our recommendation is to select the AETNA option with no HRA.

This option provides the closest match to the level of benefits currently being provided by BCBSNC. In a comparison of the BCBSNC regional network versus the AETNA regional network, all hospitals are the same and over 96% of the doctors are the same. This option also allows us to discontinue the use of a separate HRA, thus avoiding additional claims costs, which in FY 15/16 will exceed \$100,000. The elimination of the HRA while not exactly comparable, allows staff to realize similar deductibles and copayments.

Additional Recommendation:

In addition to the renewal impacts on the Town's budget, we must also consider the impacts of increased costs to staff for dependent coverage. Monthly premium costs for each tier of coverage (employee, employee and spouse etc.) under this recommendation will increase by approximately 30%. Employee only premiums will continue to be covered in full by the Town. The Town currently contributes 25% towards dependent premium costs. Increases for dependent coverage premiums above the Town's contribution will be charged directly to the staff member.

To offset a portion of these additional cost impacts to staff for dependent coverage, the Town may choose to use a portion of the cost avoidance from the elimination of the HRA to increase the percentage the Town contributes for dependent costs.

Increasing the Town's contribution percentage to 33.7% would off-set, by half, the increase in health care premium costs for our staff's dependent coverage in FY 16/17. This additional contribution would cost the Town approximately \$40,000.

FY 16/17 Increase to Annual Employee Contribution for Dependents

	<u>Employee & Spouse</u>	<u>Employee & Children</u>	<u>Family</u>
25% Coverage	\$1,910	\$1,037	\$2,985
33.7% Coverage	\$951	\$516	\$1,487
Difference	\$959	\$521	\$1,498

Staff requests the following action:

- 1) Approval of AETNA with no HRA as our health care provider for FY 16/17.**
- 2) Approval to use HRA cost avoidance dollars to off-set half the increase in staff costs for dependent coverage.**

Next Steps:

- 4/27-5/1: Develop the materials and presentations for open enrollment
- 4/27 -5/1: Communicate open enrollment process and meetings to staff and retirees
- 5/2-5/22: Conduct open enrollment during the period May 2 through 22.
- 5/23-6/30: Complete all necessary administrative steps based on staff and retiree elections
- 5/23-6/30: Coordinate and communicate with required vendors
- 7/1: Implement all elections for FY 16/17

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 26, 2016		
Subject: Police Body Worn Cameras		
Location on Agenda: Discussion		
Department: Police		
Contact: Chief Zuidema		
Presenter: Chief Zuidema, Captain Binns, Captain Hagwood, Lt. McIver		
Brief Summary: Update on Police Department policy development toward implementation of a body-worn camera program at some point in the future (if approved for funding).		
Recommended Motion and/or Requested Action: None - discussion only.		
Detailed Notes: We will provide an overview of where we are in terms of policy development, the current and proposed NC statutes impacting this issue, and areas of potential interest to Council in terms of a body-worn camera program.		
Funding Source: N/A		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Intended to provide info to the Town Council prior to you seeing in budget request.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BVZ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Garner Police Department Body Worn Cameras




INFORMATIONAL OVERVIEW AND COUNCIL DISCUSSION
APRIL 2016

Where We Are Today

- Conducted limited testing in 2015
- Researched various camera options:
 - Taser Axon
 - Vie-Vu
 - Digital Ally
 - WatchGuard Vista
- Researched laws, policies, storage issues

Where We Are Today

- Proposed funding in the FY'17 TOG Budget
- Applied for grant funding from NC Governor's Crime Commission (via DOJ)
- Working on a draft policy – not complete
 - Officer input
 - Council input
 - Community input

Potential Benefits of BWC

- Transparency / accountability to the public
- Positive change in behavior – citizens & officers
- Reduction in complaints
- Greater likelihood of resolving complaints (less “he said / she said”)
- Training opportunities
- Evidence collection / criminal prosecution
- Shows some of the officer's perspective

Areas of Concern with BWC

- Not the “cure all” that some anticipate / expect
- BWC show a limited perspective – not necessarily everything the officer sees / acts on
- Raises questions for any non-recorded incident
- Costs (start-up and ongoing)
- Increase in public records requests for footage; potential for staff time needed

Costs of a BWC Program

- Per unit cost for cameras (3-5 year life span)
- Ongoing storage / storage expansion costs
- Training costs
- Staff time to manage recordings
- Grant funding is continuing to be made available as of right now
- Some question of “perceived value” in the community

Data Retention

- Data must be recorded, transferred, and stored in a secure manner (encryption should be utilized).
- Need to establish guidelines for evidentiary vs. non-evidentiary recordings; this is the most significant factor in retention schedule. Legislation may impact this.
- Want to also “keep it simple” – the more complicated, the more frustrating for officers.

NC General Statute

- There is no NCGS that is specific to BWC as of today
- NCGS that does apply was not necessarily intended for BWC recordings
- There are various interpretations of current NCGS and how they apply to BWC
- There is work being done on a bill we expect will be introduced in the short session

NC General Statute

- Public Records Law
- NCGS 132.1.4 – “Criminal Investigations; Intelligence Information Records”
- 132-1.4(a) – “Records of criminal investigations conducted by public law enforcement agencies, records of criminal intelligence information compiled by public law enforcement agencies, and records of investigations conducted by the North Carolina Innocence Inquiry Commission, are not public records as defined by G.S. 132-1.”

NC General Statute

- Public Records Law
- NCGS 132.1.4 – “Criminal Investigations; Intelligence Information Records”
- 132-1.4(b)(1) – ““Records of criminal investigations” means all records or any information that pertains to a person or group of persons that is compiled by public law enforcement agencies for the purpose of attempting to prevent or solve violations of the law, including information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs, and measurements. The term also includes any records, worksheets, reports, or analyses prepared or conducted by the North Carolina State Crime Laboratory at the request of any public law enforcement agency in connection with a criminal investigation.”

NC General Statute

- Personnel Privacy Law
- NCGS 160A-168 – “Privacy of Employee Personnel Records”
- 160A-168(a) – “Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a city are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee’s personnel file consists of any information in any form gathered by the city with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, “employee” includes former employees of the city.”

NC General Statute

- Personnel Privacy Law
- NCGS 160A-168 – “Privacy of Employee Personnel Records”
- 160A-168(e) – “A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00).”

NC General Statute

- Proposed **DRAFT** Legislation (as of 4/15/16)
 - Defines BWC / In-Car Camera (ICC) recordings as not being public records
 - Defines BWC / ICC recordings as not being personnel records unless specifically determined by Chief of Police
 - Disclosure of BWC / ICC recordings determined by the Chief of Police on a case-by-case basis; some factors to consider included
 - Chief must give written statement explaining any denial
 - Appeal of denial would go to Superior Court
 - Addresses minimum retention in accordance with NCGS
 - Directs a study to be completed to develop "best practices"
 - Requires agencies to give SBI / State Crime Lab software necessary to view recordings

Privacy Concerns

- Must balance the anticipated value of BWC with legitimate privacy concerns of citizens and others
- How do we handle individuals who will only talk to us if we do not record them?
- Do we encourage or require officers to announce that they are in fact recording via BWC?

Privacy Concerns

- Specific issues / areas of concern to address:
 - Do we record in areas where citizens have an expectation of privacy?
 - Do we record victims of "sensitive" crimes? (Ex. sexual assault, child, elderly, or spouse abuse)
 - Do we record if someone is naked?
 - Any limitations on recording juveniles?
- One standard being considered is whether or not we have the legal right to be where we are and use that as the general basis for recording / not recording

Possible Exceptions to Recording

- Healthcare facilities
- Informants
- "Post-incident" crime scene / search warrant service
- "Private parts"
- Reasonable expectation of privacy (restroom, locker room, etc.)
- Traffic Control / Traffic Checkpoints

De-Activation of the BWC

- We need to address what, if any, circumstances would justify de-activating an "in progress" recording that otherwise meets the requirement to record
- Policy needs to ensure documentation of any de-activation (if allowed at all)
- Difference between recording and releasing
(discussed further in a future slide)

Officer Safety

- We must give consideration first & foremost to the safety of our officers.
- Any policy must be written so as to not endanger officers.
- Do we require officers announce the use of the BWC?
- Want to avoid a delay in response or reaction based on deciding whether or not to record.

Inspection vs Release



- Most discussion is focused on “release” of BWC footage.
- Some circumstances will not be appropriate for public release.
- There is merit in allowing parties with interest in the recording to view it, but not necessarily receive a copy of it.
(Clarifying who has legitimate interest is also a work in progress)

Sample Policy Guidelines (aka “Questions to be Answered”)



- Approved BWC model(s)
- Who will wear / when
- Where to be worn on officer
- Training
- Activation guidelines
- De-Activation guidelines
- Prohibited recording
- Supervisory inspection
- Daily download / storage
- Purpose / use of BWC
- Limits on use of BWC footage related to investigations
- Inspection and/or release of BWC footage
- Retention schedule

Where do we go from here?



- “Wait and see” with the legislature
- Grant funding decisions made later this year
- Community meetings on BWC policy and use
- Completion of the GPD policy
- Sharing of the GPD policy
- Development of an implementation plan
- Implementation
- Review and revise as we move forward

Questions / Discussion



???

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 26, 2016		
Subject: Appointments to the Comprehensive Plan & Transportation Steering Committee		
Location on Agenda: Discussion		
Department: Planning Department		
Contact: Brad Bass, Planning Director		
Presenter: Brad Bass		
Brief Summary: <p>A steering committee needs to be appointed by Council to assist the Town with the development of a new Comprehensive Plan and the update to the 2010 Transportation Plan. A revised list of candidates for appointment consideration is attached.</p>		
Recommended Motion and/or Requested Action: <p>Appoint individuals to the Comprehensive Plan & Transportation Steering Committee as deemed appropriate.</p>		
Detailed Notes: <p>See attached memo.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: <p>None</p>		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MBB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

MEMORANDUM

TO: Rodney Dickerson
Town Manager

FROM: Brad Bass, AICP
Director of Planning

DATE: April 20, 2016

SUBJECT: Appointment of Steering Committee Members
Comprehensive Growth Plan & Transportation Plan Update

Background

On April 19th Council approved the contract with Stantec Consulting Services to assist the Town with the development of a new Comprehensive Plan and the update to the 2010 Transportation Plan. Also at this meeting staff presented a list of individuals to Council regarding appointment to a **Steering Committee** that will assist staff and the consultant with the project. At the meeting Council also added a couple of individuals for appointment consideration. After some discussion, Council decided to discuss this matter more at the April 26th work session.

Recommendation

Staff recommends Council appoint ten (10) to fifteen (15) individuals to the Steering Committee. It is anticipated that the committee will meet up to 8 times over a 12 to 14 month period. In the past these meetings have started at 6 pm with a light meal served. Meetings normally start promptly at 6.30 pm with the goal of finishing no later than by 8.30 pm.

The following is a revised list of potential candidates for appointment to the Comprehensive Plan & Transportation Steering Committee.

Staff recommends that 10 to 15 people be appointed to serve (revised 4-20).

1. Gra Singleton (Town Council)
2. Buck Kennedy (Town Council)
3. Jeff Swain (Planning Commission)
4. Dean Fox (Planning Commission)
5. Elmo Vance (Transportation and GEDC)
6. Shirley Gray (Senior Citizens Advisory)
7. Aketa Emptage (Parks & Rec Advisory)
8. Jason Waters (GRA, Raleigh Utilities)
9. Beverly Adams (Chamber)
10. Vic Bell (Land Developer)
11. Tina Johnson (Garner 101, Hunter's Mark resident)
12. Jon Blasco (Garner 101, Intern Raleigh Urban Design Center)
13. Carol Schreiber
14. Jeff Denny
15. Leigh Hudson
16. Barbara Barat

Staff views the above noted list as a starting point for Council to use regarding the appointment of individuals to serve on the committee. Staff suggests Council complete the appointment process at the work session on **April 26th** if possible.

Should you have questions, please advise.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 26, 2016		
Subject: Extraterritorial Jurisdiction (ETJ) Extension Request		
Location on Agenda: Reports		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Assistant Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Assistant Planning Director		
Brief Summary: This report outlines staff's recommendation concerning a request to the Wake County Board of Commissioners for permission to extend Garner's ETJ (zoning and subdivision authority) to a net additional 6,711 acres of land in the Town's current County-designated short-range and long-range urban services area. The report represents the Town's justification for said request according to the County-established review criteria for granting permission to extend a municipality's ETJ. Town staff are also prepared to describe the overall process to the Town Council and provide insights based on previous experience.		
Recommended Motion and/or Requested Action: Place item on May 2, 2016 Council Agenda for action on Resolution Requesting Extension of ETJ		
Detailed Notes: See attached draft extension request report.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: ETJ expansion will be critical to the Town of Garner's future growth potential.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BB/jt	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner

900 7th Avenue · Garner, North Carolina 27529
Phone (919) 772-4688 · Fax (919) 662-8874 · www.GarnerNC.gov

May 3, 2016

Mr. James West, Chair
Wake County Board of Commissioners
Post Office Box 550
Raleigh, North Carolina 27602

Dear Mr. West:

The Town of Garner requests approval from the Wake County Board of Commissioners for an extension of the Town's extraterritorial planning jurisdiction (ETJ). The Town of Garner has not requested an extension of its ETJ since 1988, shortly before Wake County adopted its first extension criteria. Since that time, Garner has undergone a considerable amount of growth, nearly doubling its 1990 population of 14,967. Today, the Town has seen its publicly managed water and sewer infrastructure gradually expand beyond the core area roughly bounded by Timber Drive and the City of Raleigh corporate limits, and within the next 10 years, highway 540 will push from Holly Springs through the southern fringe of Garner to Interstate 40. With these critical infrastructure improvements coming on the near horizon, we believe that these targeted future growth areas need to be within our ETJ so that we can administer the Town's land use regulations as well as adequately plan infrastructure improvements to accommodate the anticipated urban growth in this area.

Attached for your use are a Resolution, adopted by the Town Council on May 2, 2016, formally requesting an extension of our ETJ, and a report documenting and illustrating compliance with Wake County's criteria for reviewing requests for ETJ extensions and including a general location map identifying the requested ETJ extension areas. Should the Board of Commissioners or the county staff have questions concerning our request, please contact Jeff Triezenberg, Assistant Planning Director for the Town of Garner at 919-773-4445.

We look forward to working with Wake County on this important planning endeavor. Thank you for your consideration and cooperation.

Sincerely,

Ronnie L. Williams
Mayor

Enclosure

**RESOLUTION OF THE GARNER TOWN COUNCIL REQUESTING
EXTENSION OF THE TOWN'S EXTRATERRITORIAL JURISDICTION**

WHEREAS, the area requested for extraterritorial jurisdiction (ETJ) extension is designated by the Wake County Land Use Plan as lying in both the Town of Garner's short-range urban service area and long-range urban service area;

WHEREAS, the Town of Garner has annexation agreements in effect with the neighboring municipalities of Fuquay-Varina and Raleigh;

WHEREAS, the Town of Garner has demonstrated a commitment to comprehensive planning through its past planning efforts and present process to re-write the Garner Comprehensive Growth Plan and update to the 2010 Garner Transportation Plan; and

WHEREAS, the Town of Garner through the City of Raleigh Public Utilities Department is developing plans to serve this area with public water and sewer; and

WHEREAS, future development within this area will be at urban and suburban densities and voluntarily annexed into the Town of Garner's corporate limits; and

WHEREAS, the Town of Garner has continued to make steady progress over the last five years in annexing and supplying municipal services throughout its existing ETJ; and

WHEREAS, the area designated for ETJ extension is within three (3) miles of Garner's corporate limits; and

WHEREAS, the Town's official certified population estimate from the North Carolina Office of State Budget and Management stands at 27,289 for July 1, 2014; and

WHEREAS, the Town of Garner anticipates holding a public hearing on the question of adopting an ordinance extending its ETJ and the setting of zoning districts in the area upon County approval of this request;

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

Section 1. That the Garner Town Council requests that Wake County designate as Garner ETJ the area shown in the attached "Figure 7" from the Town of Garner ETJ Expansion proposal dated May 2, 2016 and that is part of Garner's short-range urban service area and long-range urban service area so designated in the Wake County Land Use Plan; and

Section 2. That the Garner Town Council requests that the Wake County Board of Commissioners consider imposing a moratorium on any new subdivisions utilizing well and septic systems in the proposed ETJ expansion area while the Town of Garner is in the process of receiving ETJ expansion approval from Wake County.

Duly adopted this 2nd day of May, 2016.

MAYOR

ATTEST: _____
TOWN CLERK

DRAFT

**REPORT TO THE MAYOR AND TOWN COUNCIL
COUNCIL WORK SESSION – April 26, 2016**



EXTRATERRITORIAL JURISDICTION (ETJ) EXTENSION REQUEST

prepared by: Jeff Triezenberg, AICP, GISP; Assistant Planning Director

REQUESTED ACTION:

Receive information and place item on May 2, 2016 Town Council Agenda.

I. REQUEST & JUSTIFICATION

The Town of Garner is requesting permission from Wake County to amend its extraterritorial jurisdiction (ETJ) as follows:

+	7,165 acres (11.2 sq. mi.)
-	<u>454 acres (0.7 sq. mi.)</u>
NET	6,711 acres (10.5 sq. mi.)

This request in its entirety is depicted geographically in Figure 7. Throughout the Town's request drafting process, efforts were made to avoid existing county subdivisions which have been constructed largely on private well and septic systems and are generally not in need of municipal services. However, in some cases, including such subdivisions has been necessary to maintain a cohesive jurisdictional boundary. Other "barriers to urban growth" as referred to in NCGS §160A-360(b) such as the large tracts belonging to the transmitter stations along US 70 have also been left out of this request. In all cases, the boundaries of the extension areas do not split individual parcels (except where the parcel is already split by an intervening roadway) or subdivisions (as defined by the NCGS). Furthermore, all of the extension areas are either located within the Town's Short Range or Long Range Urban Service areas.

The largest area of request (Area A) is along the southeastern edges of Garner into most of the remaining undeveloped areas left in Wake County between the Town of Garner and the Town of Clayton. This area extends from Rock Quarry Road and the North Carolina Railroad (NCRR) corridor in the north to Swift Creek in the south and encompasses 4,020 acres (6.3 sq. mi.). The northern and central portions lie entirely within the White Oak Creek drainage basin and has seen considerable

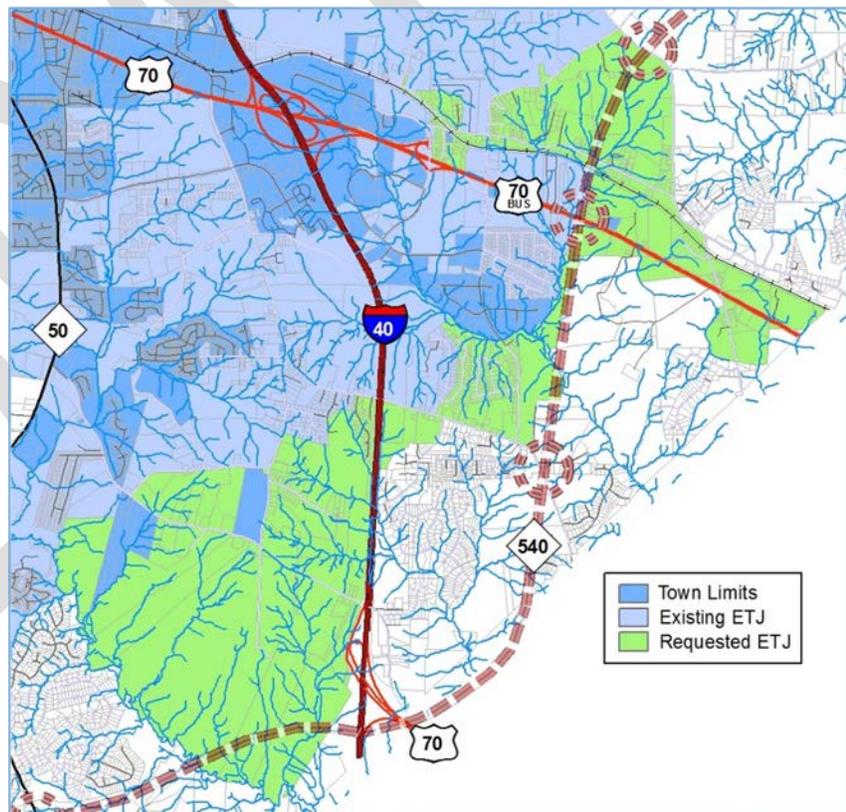


Figure 1: Area A

commercial, industrial and multi-family development over the past decade. Meanwhile, the southern portion lies within the Swift Creek drainage basin, is adjacent to the site of the new South Garner High School and

has seen considerable residential growth pressures in just the past year, including current plans for a 212-unit single family subdivision.

The second largest area of request (Area B) is centered on McCuller's Crossroads north of Ten Ten Road. It stretches from Lake Wheeler Road in the west to Old Stage Road in the east, and encompasses 1,390 acres (2.2 sq. mi.). This area is largely served by municipal utilities due to the annexation and development of nearly two (2) square miles of land in this area that lies outside of the Town's current ETJ. The Town has recently approved plans for 412 multifamily units and up to 187 single family units signaling continued growth in this area.

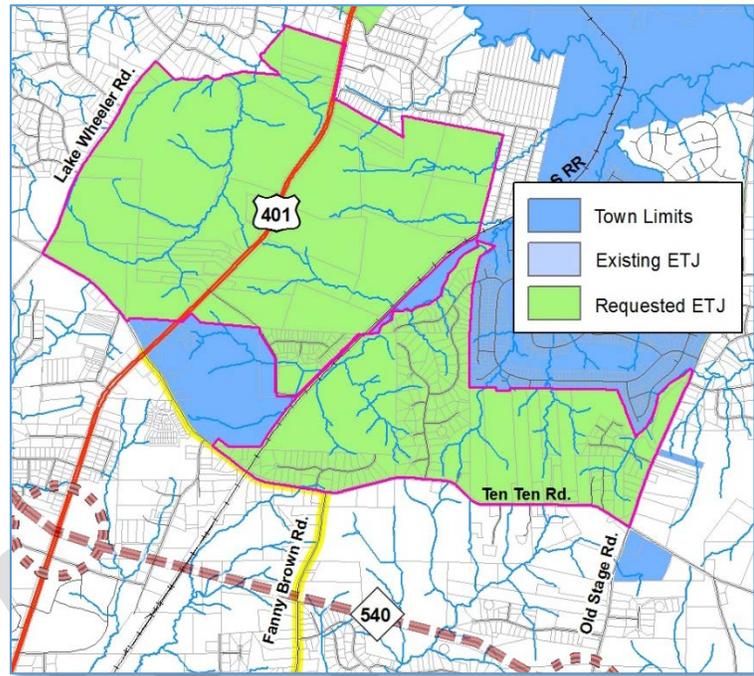


Figure 2: Area B

The third largest area of request

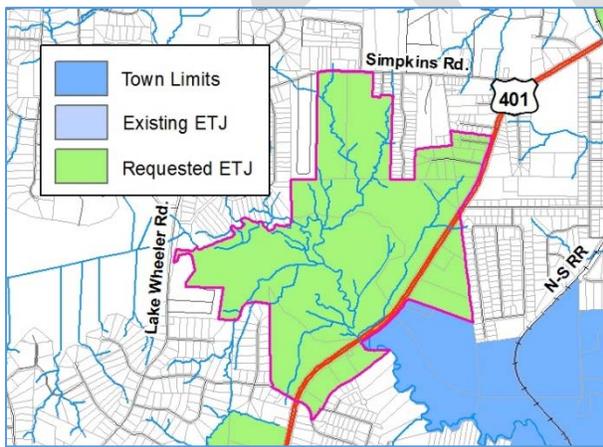


Figure 3: Area C

(Area C) is adjacent to Swift Creek along US 401/ Fayetteville Road comprising 465 acres (0.7 sq. mi.). Plans have recently been approved for the mixed use Swift Creek Station development which has already been annexed into the Town's corporate limits. Swift Creek Station has been designed to accommodate 600 single family residential units as well as 100,000 square feet of commercial space. The commercial space may alternatively be used for multifamily residential units depending on future demand studies. Development of this

approved project will extend water and sewer into this general area of request. It should be noted that 37% of this request area is floodplain and adjacent lands owned by the City of Raleigh, thus limiting the development potential of the request area to just 291 acres (0.5 sq. mi.).

The last significant area of request (Area D) is situated between Old Stage Road and the Norfolk-Southern railroad line running south to Fuquay-Varina, and it comprises 345 acres (0.5 sq. mi.). This area is likely to experience redevelopment pressures in the coming years as roads are improved, traffic volumes increase and access is consolidated. Some non-residential growth is also expected along portions of US 401/Fayetteville Road. The

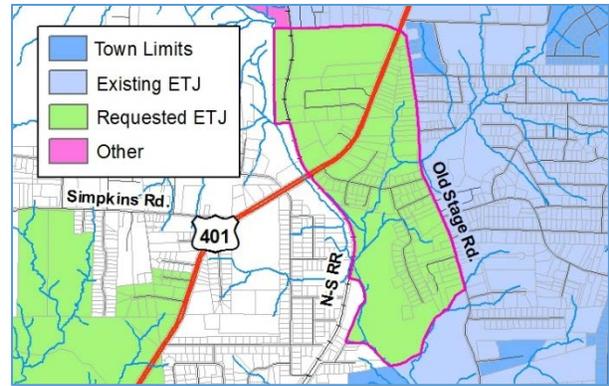


Figure 4: Area D

railroad tracks and the paralleling course of Steep Hill Creek provide a readily identifiable boundary for this request area.

The remaining request areas (Area E1 – E6) are a series of small areas along the perimeter of the County’s watershed area for Lake Benson. Altogether, these areas comprise 132 acres (0.2 sq. mi.). In general, these areas are located in close proximity to past annexations and focus on bringing in those surrounding parcels large enough to accommodate future development.

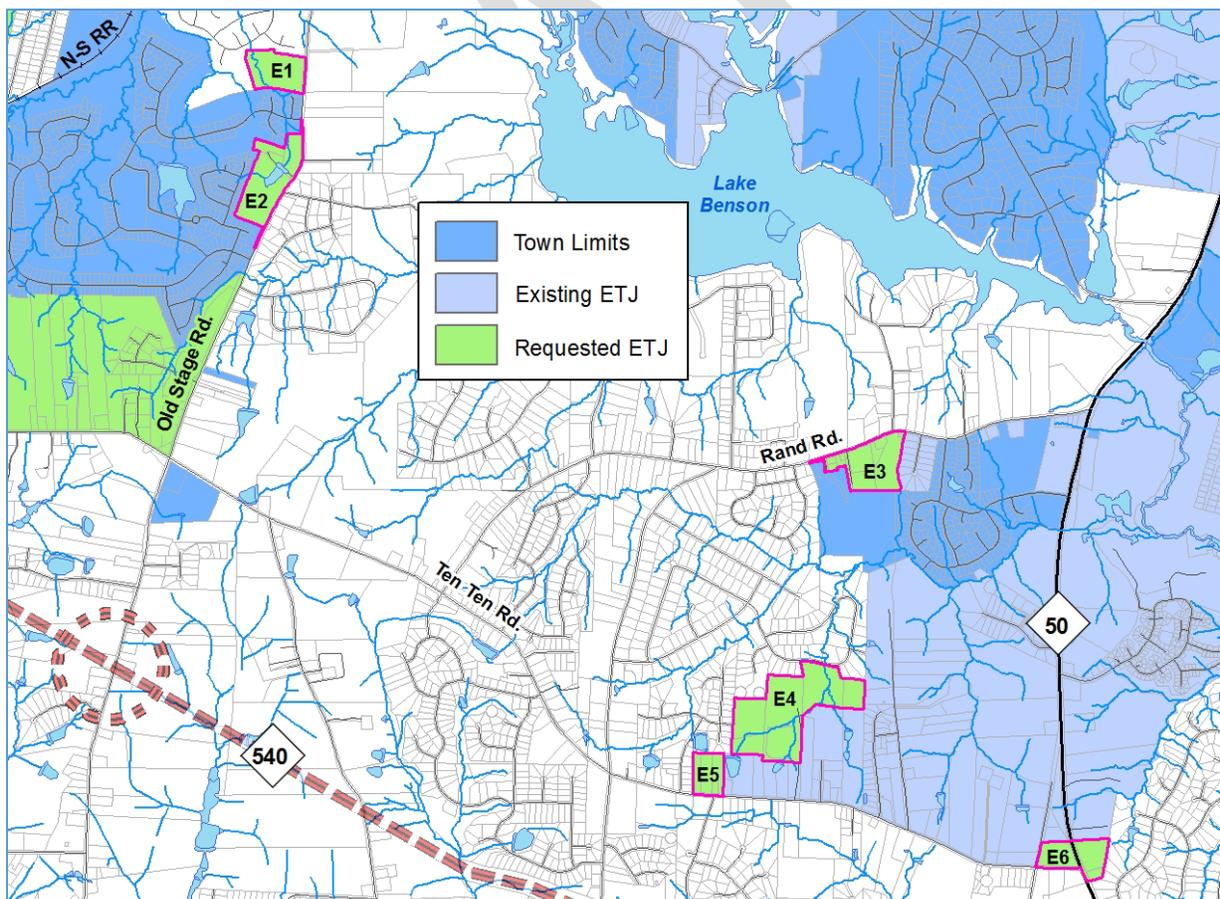


Figure 5: Areas E1-E6

Finally, this request also includes a desire to relinquish of ETJ back to Wake County in an area along Inwood Road between Lake Wheeler Road (west) and the Norfolk-Southern Railroad line (east), comprising 454 acres (0.7 sq. mi.). As mentioned previously, the Norfolk-Southern Railroad line forms a readily identifiable boundary. For areas north of US 401/Fayetteville Road and west of the Norfolk-Southern tracks, the tracks present a significant barrier to future water and sewer service. Furthermore, most of this land is either owned by the State of North Carolina or has been developed for residential purposes with no direct road connections to the Town of Garner. The Town does not foresee this area ever being annexed and thus requests that Wake County resume planning and zoning controls over this acreage.

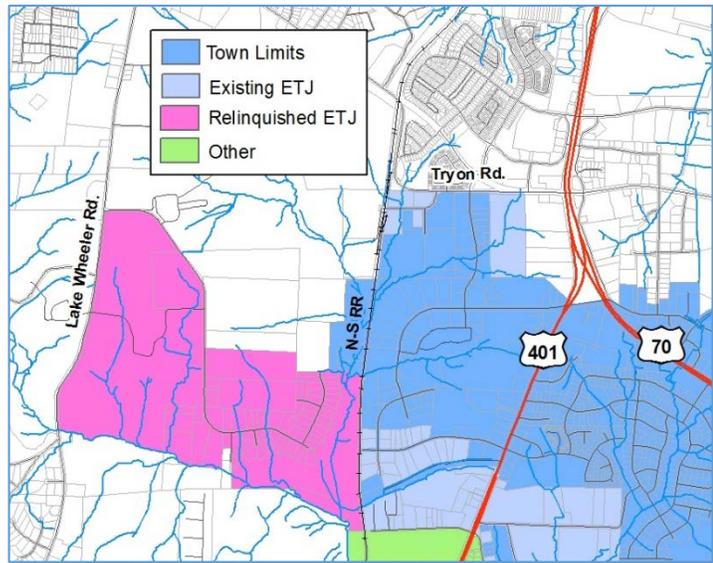
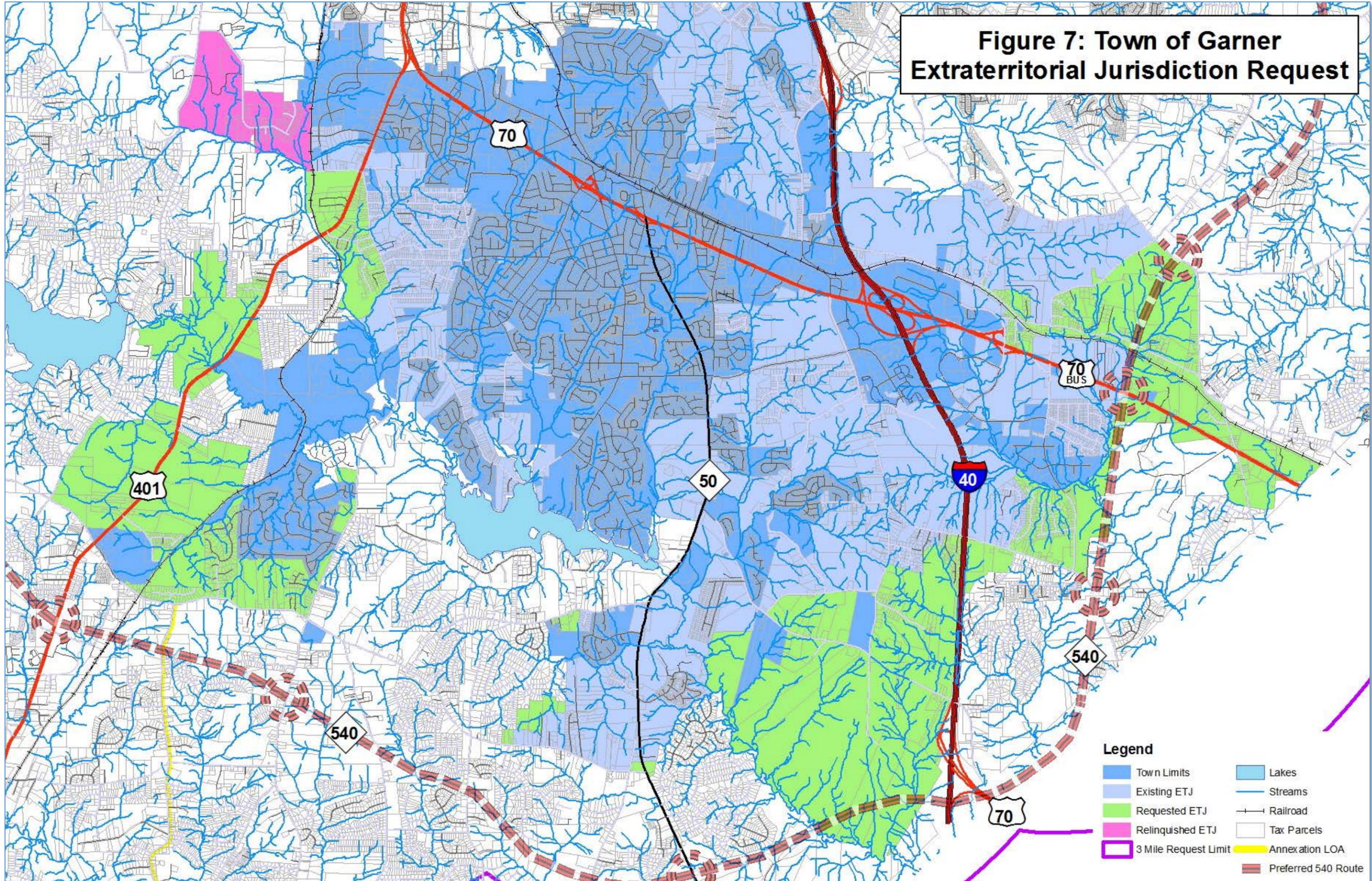


Figure 6: Area F

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Figure 7: Town of Garner Extraterritorial Jurisdiction Request



- Legend**
- Town Limits
 - Existing ETJ
 - Requested ETJ
 - Relinquished ETJ
 - 3 Mile Request Limit
 - Lakes
 - Streams
 - Railroad
 - Tax Parcels
 - Annexation LOA
 - Preferred 540 Route

Figure 7: All Areas

II. Conformance with Wake County ETJ Extension Review Criteria

- A. Classification as Urban Services Area:** *The area proposed for ETJ expansion should be classified as Urban Services Area associated with the municipality.*

Figures 8 and 9 show that all of the request areas (represented by the green diagonal striping) are located either in the Town of Garner's Short Range Urban Service Area (SRUSA in dark orange) or the Town of Garner's Long Range Urban Service Area (LRUSA in light orange). Gray colors represent other jurisdictions. Of the 7,165 acres requested, 1,513 acres (21%) are located in the Town's SRUSA while the remaining 5,652 acres (79%) are located in the Town's LRUSA.

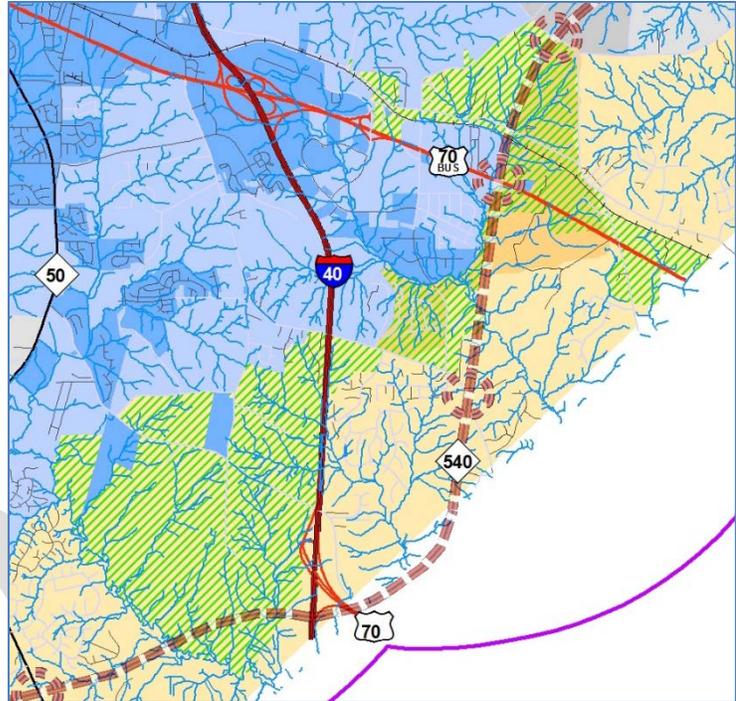


Figure 8: Garner USA Overlapped by Area A

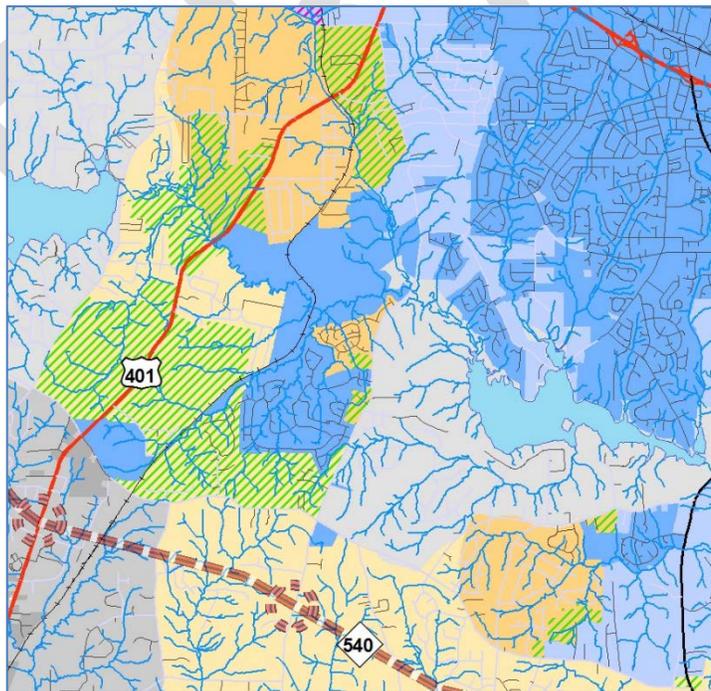


Figure 9: Garner USA Overlapped by Areas B - E

At first glance, it might seem that the percentage of the request area comprised of the Town's SRUSA should be higher; however, Garner Planning would note that currently there are only 3,651 acres in the Town's SRUSA while there is 24,900 acres in the Town's LRUSA. Therefore, the request actually accounts for 41% of the Town's existing SRUSA and just 23% of the Town's existing LRUSA.

- B. Commitment to Comprehensive Planning:** *The municipality should demonstrate a commitment to comprehensive planning, preferably including adopted land use, public facilities and transportation plans, engineering studies, and a capital improvements program (CIP) including funding to implement the CIP. This commitment must be demonstrated through official actions by the governing body.*

1. Land Use Planning

The Town of Garner adopted its current “*Comprehensive Growth Plan*” in September 2006. Prior to that, the Town had adopted the “*Centennial Long Range Plan – 2025*” in 1989. The Town is continuing in its commitment to comprehensive land use planning by undertaking the drafting of a new plan between April 2016 and the summer of 2017. A contract with the consulting team was approved by the Garner Town Council on April 19, 2016.

2. Transportation Planning

The Town of Garner adopted its current “*Garner Transportation Plan – 2010*” in October 2010. Prior to that, the Town had adopted the “*Garner Transportation Plan – A Blueprint for Future Travel*” in November 1999. The Town is continuing in its commitment to transportation planning by undertaking the drafting of an updated plan between April 2016 and the summer of 2017. A contract with the consulting team was approved by the Garner Town Council on April 19, 2016. It should be noted that all roads in the Town’s existing ETJ and proposed ETJ extension areas are either state maintained or privately maintained. Upon annexation, some roads may become Town roads and are then maintained with funds from the Town of Garner Public Works Department’s annual operating budget.

3. Capital Improvements Program

In FY ’90, the Town of Garner produced its first attempt at a unified Capital Improvements Program (CIP) by including in the adopted annual budget document a 4-year projection of capital needs both within the Town’s General Fund and its Utility Fund. These 4-year projections would continue on in subsequent years as an appendix to the adopted annual budget document. In FY ’91, the Town would set up a separate Capital Projects Fund, an Enterprise Capital Projects Fund and an Enterprise Capital Reserve Fund. The two project funds would identify capital projects for the current fiscal year associated with General Fund Revenues and Enterprise Fund Revenues respectively. Meanwhile, the reserve fund was initiated to set aside money for future water and wastewater upgrades.

In FY ’94, the Town had developed written policies related to budgetary and fiscal matters. Related to capital improvements, the first policy was to “Develop CIP”. Specifically, the policy stated that “The Town of Garner will plan for capital improvements over a multi-year period of time. The Capital Improvements Program will directly relate to the long-range plans and policies of the Town of Garner”.

By FY '02, the various enterprise funds had been closed as the Town's water and wastewater systems were transferred to the City of Raleigh. A Capital Project Fund continues to be operated for capital projects financed out of General Fund revenues. In the appendix of each annual budget document, a four to six-year projection of capital needs (the Capital Improvement Program) is included. The annual budget document also identifies the funding source for each authorized project, whether it be General Fund revenues, bond proceeds, grants or others.

The following table shows the Town's overall financial picture with the Capital Project Fund balance included. Due to the variability of funding sources, including the sale of bonds, the balance within the Capital Project Fund can vary widely from year to year.

Fiscal Year	General Fund	Capital Project Fund	Overall Fund Balance
FY '11	\$20,631,168	\$6,857,936	\$27,489,104
FY '12	\$23,418,824	\$2,156,493	\$25,575,317
FY '13	\$23,764,906	\$823,760	\$24,588,666
FY '14	\$21,219,874	\$13,919,259	\$35,139,133
FY '15	\$23,732,949	\$23,964,606	\$47,697,555

A copy of the Town's current adopted Capital Improvements Program is appended to this report as "Appendix A", and a copy of the Town's current adopted Capital Project Fund is appended to this report as "Attachment B".

C. Adoption of Special Regulations: *NOTE - For evaluating an ETJ expansion request, the municipality's application of such special regulations to its existing ETJ should be considered as evidence of its willingness to apply these special regulations.*

1. Transportation Corridors: *Where the municipality proposed ETJ expansions along major transportation corridors designated by the County as Special Transportation Corridors, the municipality should have adopted and be willing to apply regulations comparable to those for Special Transportation Corridors.*

Wake County has designated Interstate 40 (I-40) in Garner's Urban Service Area as a special transportation corridor that is regulated by the county's Special Highway Overlay District (SHOD). The Town of Garner has long maintained a similar overlay district for I-40, officially titled the "I-40 Overlay District". This overlay district is applied to both sides of the interstate out to a distance of 1,250 feet from the right-of-way. If any portion of a building or parking area falls within this boundary, the overlay regulations are applied to the entire building or parking area. It is furthermore "the intent of this section that as great a part of the tracts within the corridor as possible be left in an undisturbed or enhanced state of vegetation, and that sufficient areas of natural transitional buffer between uses remain so that the proposed use will be visually in harmony with the natural wooded character of the area". The overlay regulations may be found in their entirety within [Section 4.12](#) of the Town of Garner UDO.

With the extension of NC 540 from Holly Springs, it is anticipated that the I-40 Overlay District would serve as a model for an overlay district for that controlled access freeway corridor. Certainly, the Town of Garner has exhibited a commitment to addressing similar planning concerns as evidenced by the adoption of several overlay districts along other prominent corridors such as US 70/401 Thoroughfare Overlay District, the Timber Drive Overlay District, the Timber Drive East Overlay District and the Garner Road Overlay District.

2. Water Supply Protections: *Where the municipality proposed ETJ expansions within a water supply watershed, the municipality should have adopted, and be willing to apply, water supply protection policies and provisions that meet or exceed the applicable State water supply watershed regulations or an adopted Plan for the water supply watershed.*

Lands downstream of the Dempsey Benton Water Treatment Plant and Lake Benson along Swift Creek are currently regulated by the Swift Creek Conservation District rules found within [Section 4.13](#) of the Town of Garner UDO. The stated purpose of these regulations is to "protect and preserve the water quality of the Swift Creek Watershed below Lake Benson while allowing the orderly development of land in this environmentally sensitive area" because both federal and state agencies have determined "that this watershed area provides significant wildlife, aquatic, or plant life habitats that possess characteristics unique to the Town of Garner".

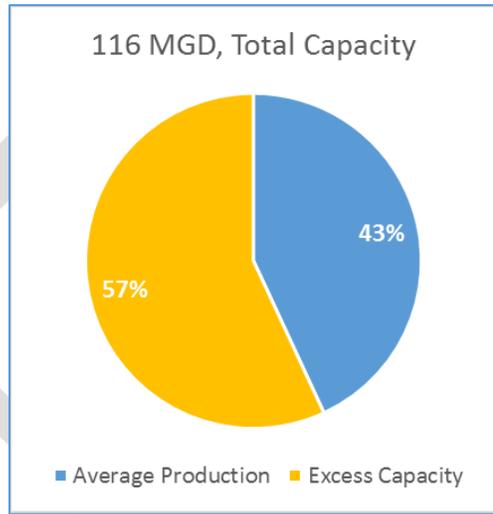
Although none of the extension areas are located within the Lake Benson water supply watershed, the Town continues to apply and maintain the regulations for existing ETJ areas via the Lake Benson Conservation District. The regulations of this district may be found in their entirety within [Section 4.9](#) of the Town of Garner UDO and further exemplify the Town's commitment to meeting this criterion.

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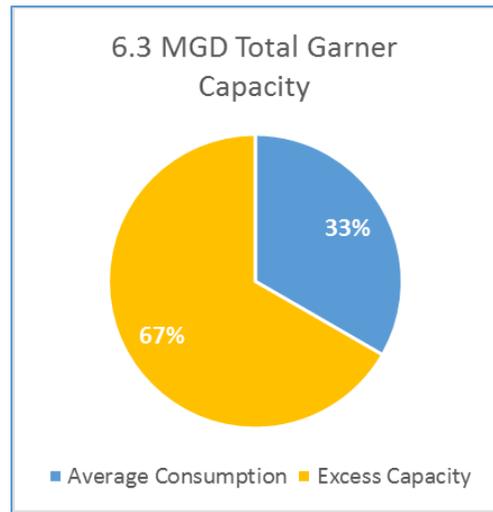
D. Municipal Water and Sewer Service. *The municipality should show how the area proposed For ETJ expansion will be served by water and sewer service within five (5) years of the effective date of ETJ extension. The systems should be designed with adequate treatment capacity and adequately sized major trunk line extensions to service the area proposed for ETJ expansion. The municipality should include needed improvements in its capital improvements program (CIP).*

1. Water Treatment

The Town of Garner’s water is supplied by the City of Raleigh through its two (2) treatment facilities at Falls Lake and Lake Benson - the E.M. Johnson Water Treatment Plant (EMJWTP) and Dempsey E. Benton Water Treatment Plant (DEBWTP) respectively. The EMJWTP can supply up to 86 million gallons of potable water per day (MGD), and the DEBWTP can currently supply up to 20 MGD – for a combined total of 116 MGD. On average, these two plants combined are producing 50 MGD to meet current consumption levels, leaving an excess in current capacity averaging 66 MGD.



In 2015, the Town of Garner was allocated 6.3 MGD of the total 116 MGD, and this allocation increases by 3% each year through 2025 according to current agreements. Of those 6.3 MGD, the Town only used 2.1 MGD or 33% of its allocated capacity. This percentage of capacity used has decreased from a high of 48% in 2010, thereby indicating that for the past five (5) years, capacity has outpaced consumption in the Town of Garner. Therefore, it is reasonable to state that Garner has considerable room to take on more growth in terms of potable water capacity.

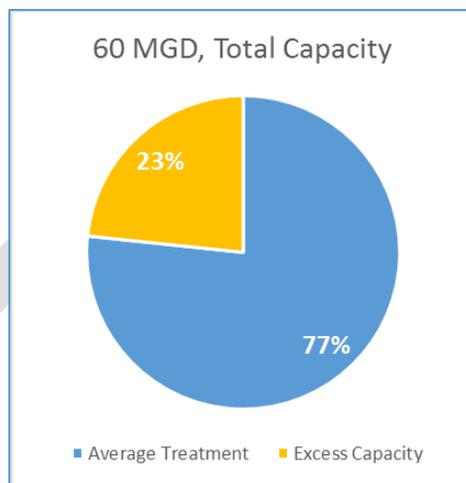


Capacity Upgrade Projects: The City of Raleigh is currently waiting on a decision from the United States Army Corps of Engineers (USACE) concerning a pending request for a reallocation of the storage in Falls Lake. This request could

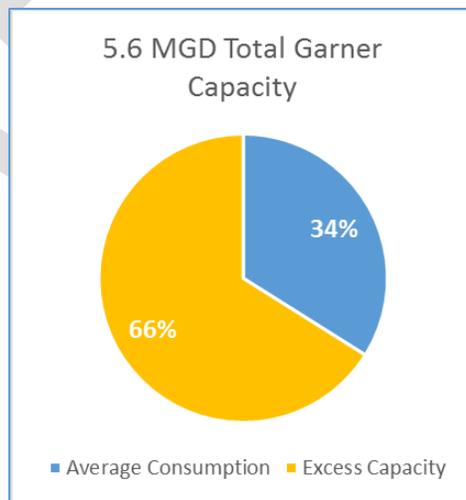
potentially increase the available water supply to Raleigh utility customers. A decision is expected on or before June 2017.

2. **Wastewater Treatment**

The Town of Garner's wastewater is treated by the City of Raleigh at its Neuse River Resource Recovery Facility (N3RF). The N3RF has the capacity to treat a maximum of 60 million gallons of wastewater per day, and in 2015, it treated an overall average of 46 MGD (77% capacity). It should be noted that the City of Raleigh operates two other treatment plants that handle much of the wastewater from the communities of Wake Forest and Zebulon, as well as portions of Rolesville.



In 2015, the Town of Garner was allocated 5.6 MGD of the total 60 MGD of treatment capacity, and this allocation increases by 3% each year through 2025 according to current agreements. Of those 5.6 MGD, the Town only used 1.9 MGD or 34% of its allocated capacity. This percentage of capacity used has decreased from a high of 51% in 2010, thereby indicating that for the past five (5) years, capacity has outpaced treatment need in the Town of Garner. Therefore, it is reasonable to state that Garner has considerable room to take on more growth in terms of wastewater treatment capacity.



Capacity Upgrade Projects: The City of Raleigh is currently engaged in a project to upgrade the N3RF to an overall treatment capacity of 75 MGD – a gross percentage total treatment capacity increase of 25%. Originally set out in four (4) phases of work, phases 1 and 2 are already completed. Phase 3 is about 85% complete as of March 2016, and phase 4 will take approximately 2.5 years to complete after that. By January 2020, assuming 3% annual growth in MGD treated, the excess treatment capacity of the N3RF will stand at approximately 23 MGD or 31%, a net gain of 8% or an additional 9 MGD over today's figures.

3. Water Transmission Mains

Northeast Area: A major water line along US 70 already services the northern parts of Area A; however, the completion of a 16-inch section further west along Garner Road will improve the circulation in the vicinity of the future 540. Similarly, a new above ground storage tank in the White Oak vicinity will improve water pressure, and a major upgrade of existing mains along Jones Sausage Road will boost overall capacities as well.

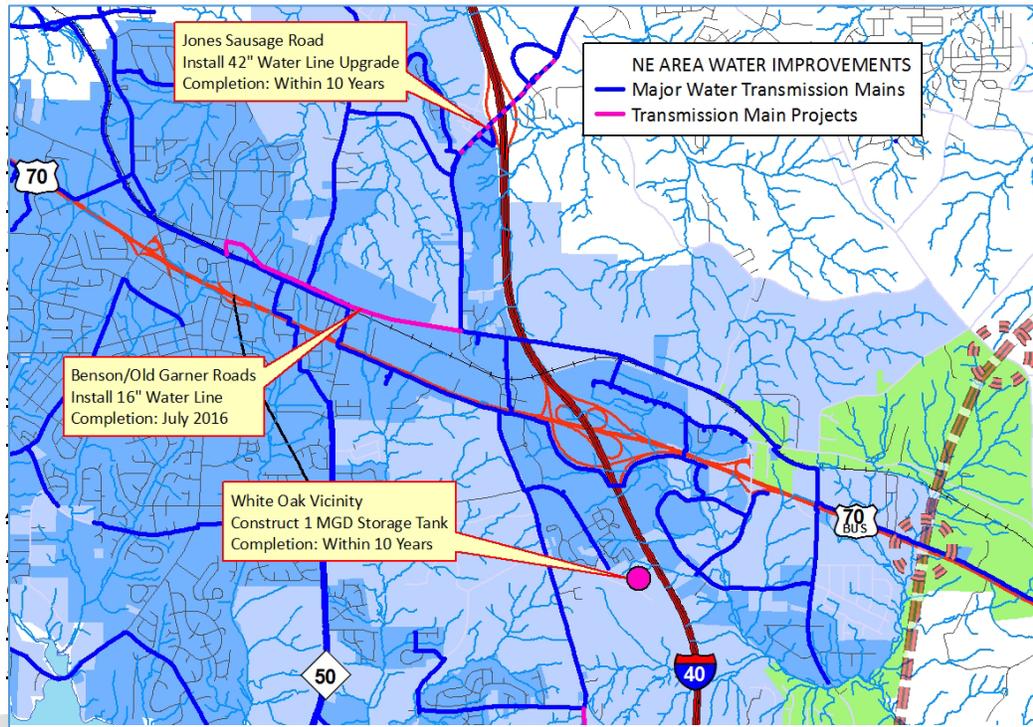


Figure 10: City of Raleigh 10-Year CIP Utility Projects in Northeast Garner

Meanwhile, several looping projects will expand water service in the southern portions of Area A. The installation of a 24-inch line from the Dempsey Benton Water Treatment Plant to the east along Oregon Trail will improve water capacities around the new South Garner High School. Additional projects along New Bethel Church Road and Hebron Church Road will ensure good circulation connecting to White Oak Road and Clifford Road.

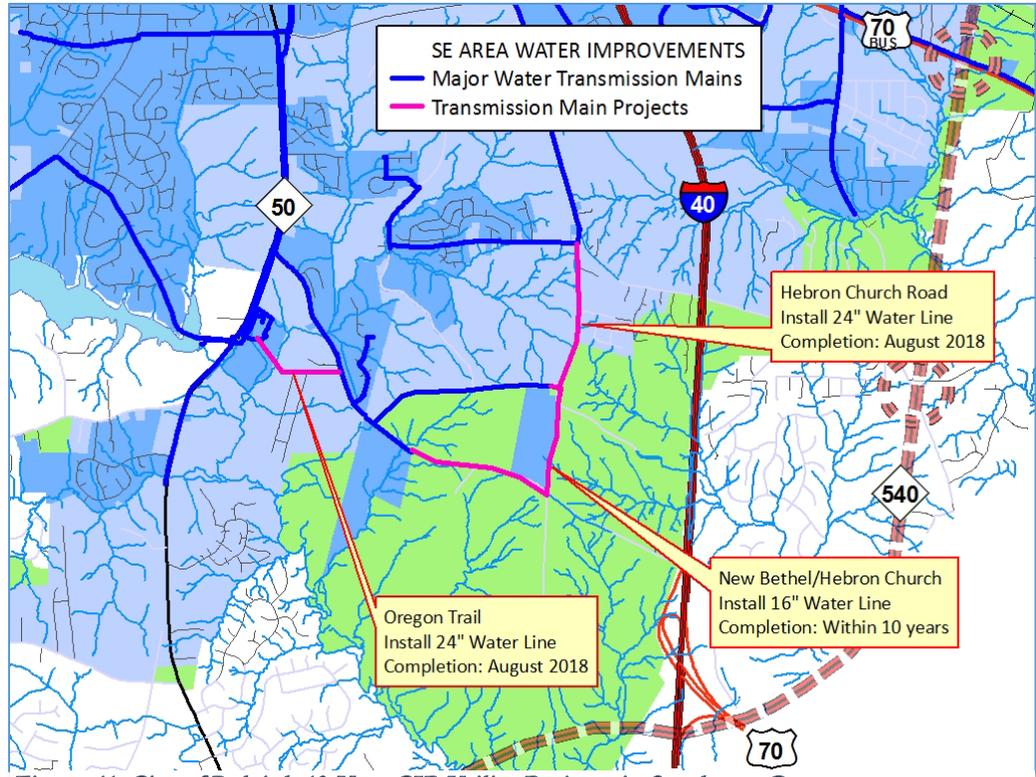


Figure 11: City of Raleigh 10-Year CIP Utility Projects in Southeast Garner

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4. Sewer Outfalls and Pump Stations

Aversboro Road: As of the writing of this report, work is underway on significant improvements serving the western portions of the Town of Garner's Urban Service Area. The pumping capacity of the Aversboro Pump Station just north of Lake Benson is being upgraded from 1.7 MGD to 4.7 MGD – an increase of 176%. At the same time, a parallel force main is being constructed to the east of the station along Buffalo Road to empty into the outfall running to the NC 50 Pump Station. The existing line is 14 inches in diameter, while the new parallel line will be 24 inches in diameter. According to the current 10-year plan, upgrades will also be made to the White Deer Outfall in the near future, replacing the existing 18-inch outfall with a 30-inch outfall. All of these projects (shown below) primarily aim to improve service in central Garner and the McCullers Crossroads area. Secondly, they enable the Town to expand gravity service in to additional sub-basins further up Swift and Steep Hill creeks.

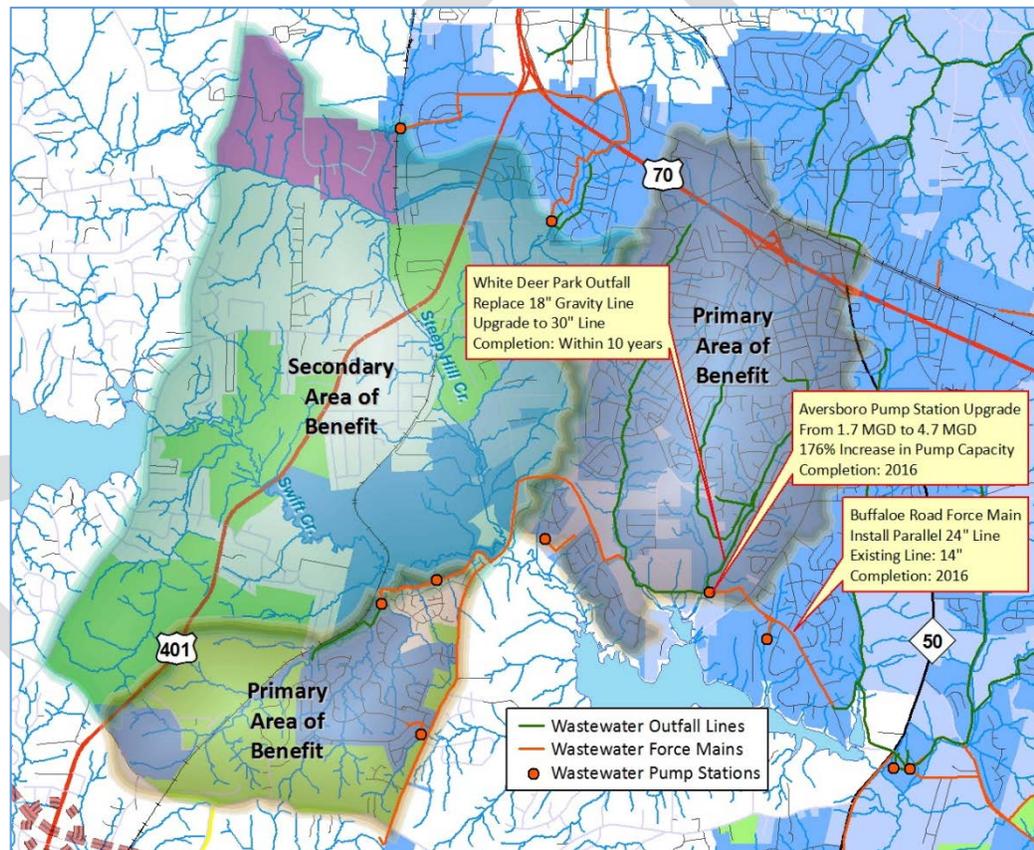


Figure 12: Aversboro Road Pump Station Area Wastewater Improvements

Big Branch: Work will soon be underway on a significant improvement serving the northern portions of the Town of Garner. The pumping capacity of the Big Branch South Pump Station near the corner of Rock Quarry and South New Hope roads in Raleigh will be upgraded from 5.7 MGD to 9.5 MGD – an increase of 67%. This project (shown below) will have an immediate benefit to North Garner

west of Interstate 40 via the existing Mill Branch Outfall. With a few minor extensions of gravity outfalls further south along Big Branch, this project will also benefit areas north of the North Carolina Railroad line and east of Interstate 40,

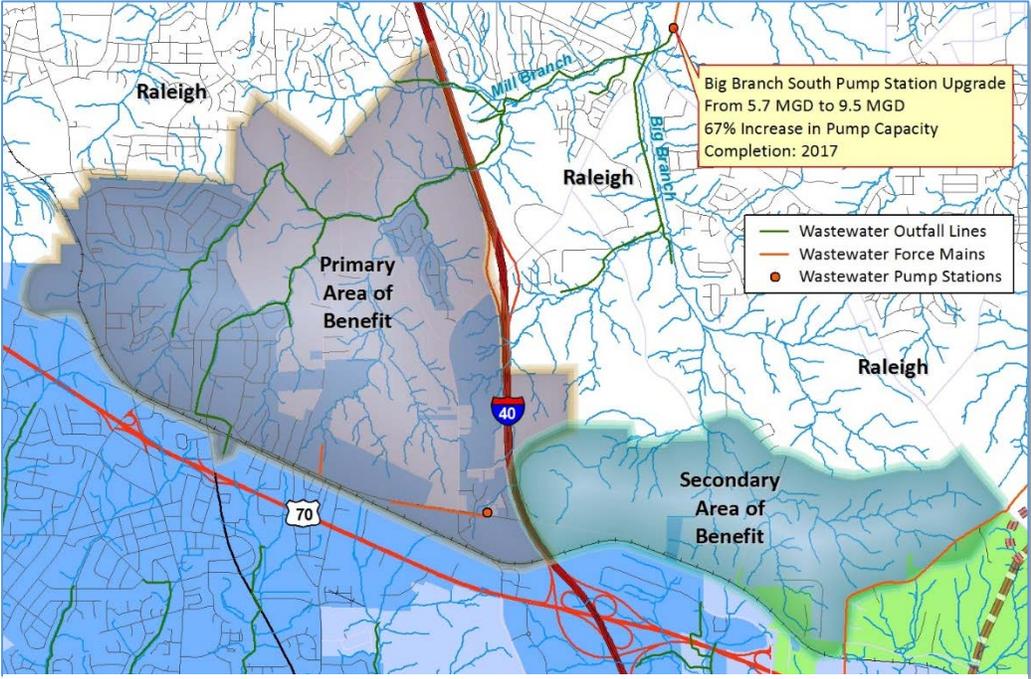


Figure 13: Big Branch South Pump Station Area Wastewater Improvements

including parts of the historic Auburn community.

E. Evidence of Feasibility for Urban Density Development. *Areas proposed for ETJ extension by a municipality should be capable of being developed to an average density feasible for municipal annexation. This criterion is closely related to the ability of a municipality to serve the area with water and sewer service in accordance with its plan for development.*

The Town of Garner is uniquely situated at this time to prepare itself for urban growth due to the following important factors:

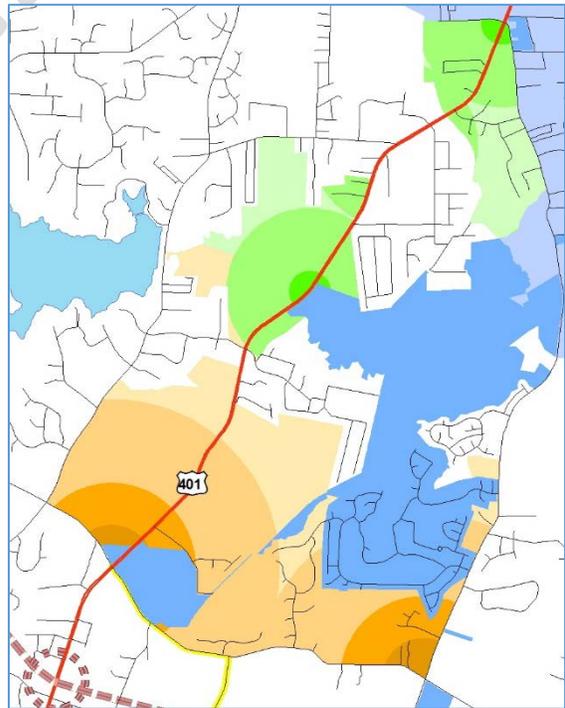
- Completion of NC 540 from Holly Springs first to US 401 (by 2020, STIP# R-2721) and to I-40 (by 2024, STIP# R-2828);
- Continued county-wide population growth;
- Completion by 2020 of \$35,000,000 in local public projects financed by voter-approved bonds;
- Availability of larger undeveloped parcels between the current Town of Garner corporate limits and the NC 540 corridor; and
- Planned upgrade of US 401 to a superstreet cross-section beginning in 2020 (STIP# U-5302).

According to state statutes, the urban density threshold necessary for annexation is set at 2.3 persons per acre. According to the Town of Garner’s Comprehensive Growth Plan, only three (3) of the 11 land use designations may fall under this threshold:

Land Use	Residential Density
Neighborhood Secondary Residential	1-3 dwelling units/acre
Community Secondary Residential	1-2.5 dwelling units/acre
Conservation Area	Up to 1 dwelling unit/acre

It should also be noted that even development as low as 0.9 dwelling units per acre will yield a population of 2.3 persons per acre since the average household size in Garner is 2.59 people per dwelling unit. Nonetheless, a more detailed analysis of future development according to the Garner Comprehensive Growth Plan follows.

Setting the “special land use designations” aside (Conservation Area, Special Transportation Corridor, Employment Center and Regional Center), and focusing on the seven (7) node-based land use



designations, we find that the request areas would be mapped as seen in the figures to the right and below.



Figure 14: Areas B – E2 by Comprehensive Growth Plan

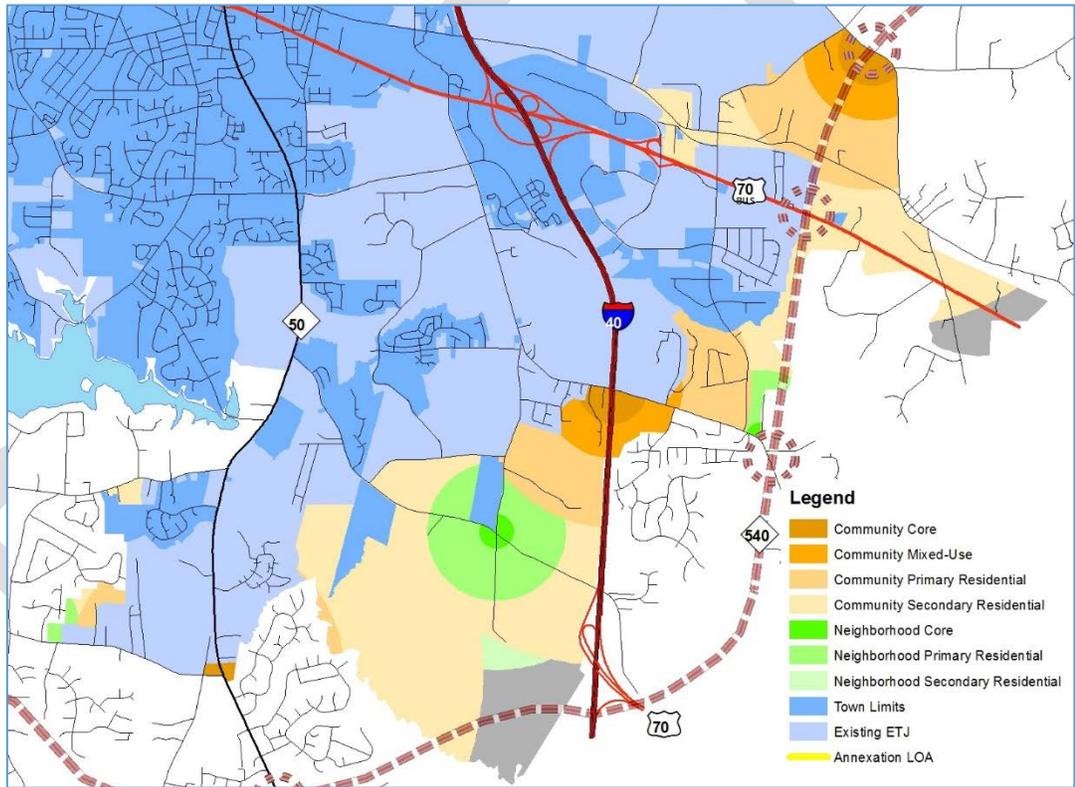


Figure 15: Area A and Areas E3 - E6 by Comprehensive Growth Plan

Areas of each land use designation were then calculated and the lowest number of units per acre applied. The total number of dwelling units for each land use designation was then multiplied by the Town of Garner’s average household size to determine an expected number of total residents. Where two or more designations overlapped, the higher numbered designation as reflected in the table below was used. In the end, the grand total number of residents was divided by the total

number of acres in the request area to determine the expected density of people per acre once the entire area is developed.

Land Use	Acres	Units/ Acre	Dwelling Units	Average HH Size	Total Residents
1) Community Core	179	10.0	1,790	2.59	4,636
2) Neighborhood Core	62	3.0	186	2.59	481
3) Community Mixed-Use	481	6.0	2,886	2.59	7,474
4) Community Primary Residential	1,654	2.5	4,135	2.59	10,709
5) Neighborhood Primary Residential	887	3.0	2,661	2.59	6,891
6) Community Secondary Residential	2,380	1.0	2,380	2.59	6,164
7) Neighborhood Secondary Residential	314	1.0	314	2.59	813
Undesignated Areas	1,210				
GRAND TOTALS	7,168				37,168
OVERALL PEOPLE/ACRE	5.19 (exceeds 2.3)				

- F. Annexation within Ten (10) Years.** *ETJ extensions should only be granted for areas anticipated to be substantially developed and annexed within ten (10) years. The ten year period projection should be used as a guideline, and is adopted with the understanding that actual progress in development and annexation of a given ETJ area may vary from that originally projected at the time of ETJ extension. To determine the potential for annexation with ten (10) years the following should be considered: relevant County and Municipal plans and policies, past development experiences and previous projections.*

Local Policy: The Town of Garner's annexation policy has long been to require voluntary annexation as a condition of the provision of municipal water and/or sewer service. This policy has been waived four (4) times due to extenuating circumstances – in the cases of the Gatewood Subdivision, the Gipson Pond Subdivision, the Indian Creek Overlook Subdivision and the Green Spring Valley Mobile Estates.



Figure 16: Sewer Lines (green) in Green Spring Valley Mobile Estates (ETJ) and adjacent Eagle Ridge (Town)

State Statutes: Changes to state law in 2011 concerning annexations initiated by municipalities have all but ensured that large investments in water and sewer infrastructure will no longer be made to service existing subdivisions and parcels with functioning well and septic service due to the high costs of installation and extension, and the reduced means of recouping even the costs of individual service lines. Furthermore, there are unanswered legal questions regarding the ability of municipalities to construct improvements on private property. Consequently, the Town of Garner is unlikely to change its local policy of conducting a voluntary annexation program only.

Within the Town's existing ETJ, approximately 1,321 acres of land (2.06 sq. mi.) are in existing subdivisions; and another 730 acres of land (1.14 sq. mi.) within request areas are in existing subdivisions. These figures highlight the fact that some subdivided areas of both the Town of Garner's existing ETJ and some of the request area will likely never be annexed into the Town of Garner's corporate limits. These areas are shown in yellow in Figure 14.

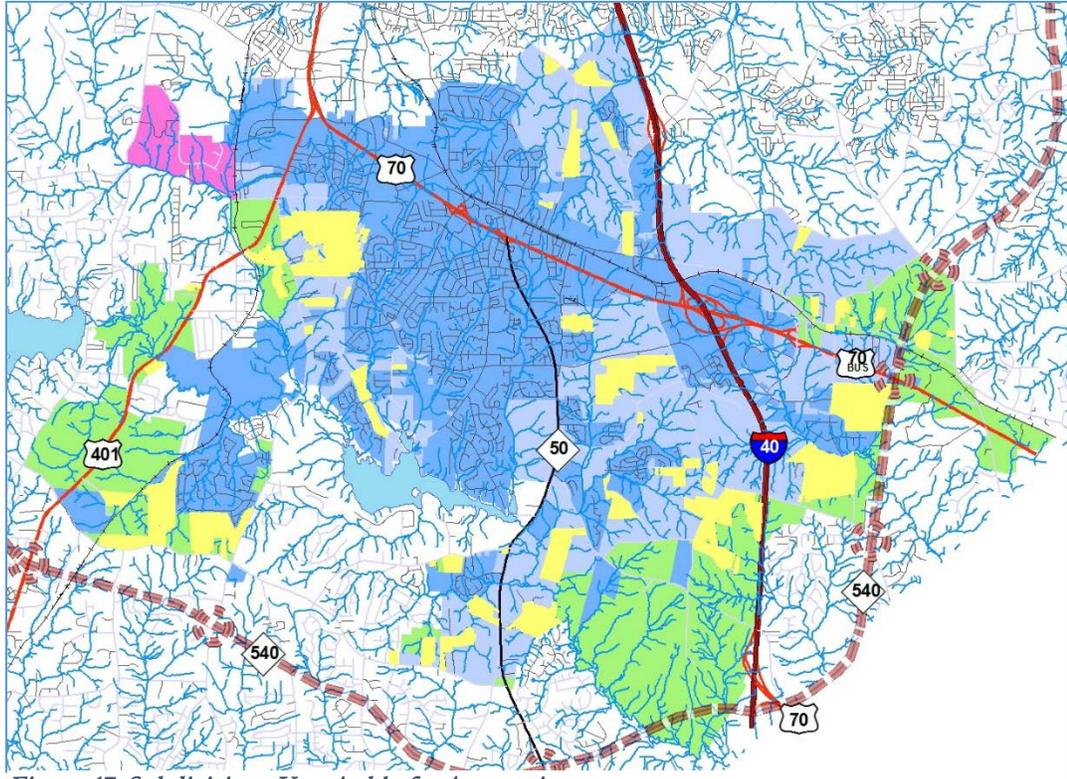


Figure 17: Subdivisions Unsuitable for Annexation

Since annexation of these pockets of pre-existing development is unlikely, it further highlights the need for ETJ as a tool that can help accomplish the purpose of “carrying out plans in a coordinated and efficient manner” (NCGS 160A-361.a.4). Without it, Wake County would be divided haphazardly into areas with different zoning and development rules.

Population Growth: After a period of slow population growth in the 1990’s of approximately 1.8% per year, Garner’s growth surged to approximately 4.5% per year between 2000 and 2010. Since then, the Town estimates its population growth to be back between 1% and 2%, although several approved apartment projects, townhomes and single-family subdivisions in calendar years 2015 and 2016 are likely to push that figure closer to between 3% and 4% in the near future.

Year	Census Bureau Population	Increase	% Increase
1980	10,073	-	-
1990	14,967	4,894	48.6%
2000	17,757	2,790	18.6%
2010	25,745	7,988	45.0%
2014	27,814 (estimate)	2,069	8.0%

Building Permit Data: Building permit data for new residential buildings (4 dwelling units or less) and new non-residential buildings also exhibits Garner’s growth and urbanization over the past 10 years. It is doubtful that these figures would ever return to the pre-recession levels of 2006 and 2007; however, it is encouraging to note that current overall new permit values are on average twice what they were during the recession.

Year	Residential #	Residential \$	Non-Residential #	Non-Residential \$
2006	469	\$80,361,988	28	\$36,714,073
2007	272	\$49,484,475	49	\$135,331,334
2008	76	\$17,628,415	20	\$19,645,471
2009	46	\$7,836,990	21	\$18,056,559
2010	56	\$8,929,843	7	\$4,268,773
2011	50	\$9,860,697	12	\$10,805,700
2012	86	\$14,977,488	6	\$10,599,594
2013	55	\$11,511,669	28	\$24,927,436
2014	94	\$16,313,720	12	\$27,295,593
2015	58	\$8,503,147	23	\$30,317,025

Annexation Outside ETJ: It should also be noted here, as in Section G, that the Town of Garner has already annexed approximately 1,419 acres (2.22 sq. mi.) beyond the Town’s current ETJ boundary. This signifies that there is substantial pressure for development nearby.

Although the Town notes it is unrealistic to expect **all** ETJ areas to be annexed within 10 years due to the presence of existing subdivisions and quarries, as well as fluctuations in the economy, Town staff believe the preceding evidence indicates that a significant portion will be developed and annexed while providing consistent land development regulations across the requested geographic area.

G. Existing ETJ. *An ETJ expansion may be granted to a municipality only when it demonstrates substantial progress in meeting this criterion.*

1. Analysis of Entire ETJ Area. *When a municipality requests additional ETJ, the municipality must demonstrate its progress in annexing and supplying municipal services, especially water and sewer, through the entirety of its existing ETJ.*

On May 2, 1988, Wake County approved the criteria found in this report for the review of ETJ expansion proposals. At this time, the Town of Garner contained approximately 4,202 acres (6.57 sq. mi.) of land within its corporate limits. In the 28 years since then, the Town has added approximately 5,693 acres (8.90 sq. mi.) of land to its corporate limits as shown in the map below. A minor land transfer also occurred during this time in which approximately 2.34 acres of Garner's corporate limits near Mechanical Boulevard and Hammond Road was transferred to the City of Raleigh.

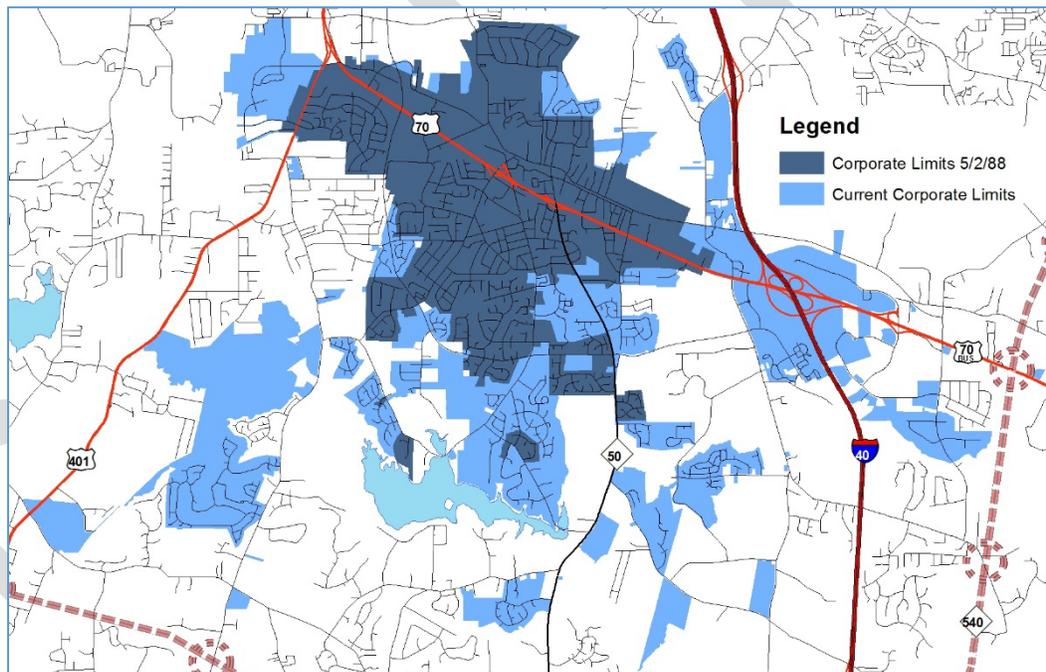


Figure 18: All Annexation Since May 2, 1988

Of that annexed area, approximately 1,419 acres (2.22 sq. mi.) or 25 percent (25%) was located beyond the Town’s ETJ boundary. These areas are shown in blue in the figure below.

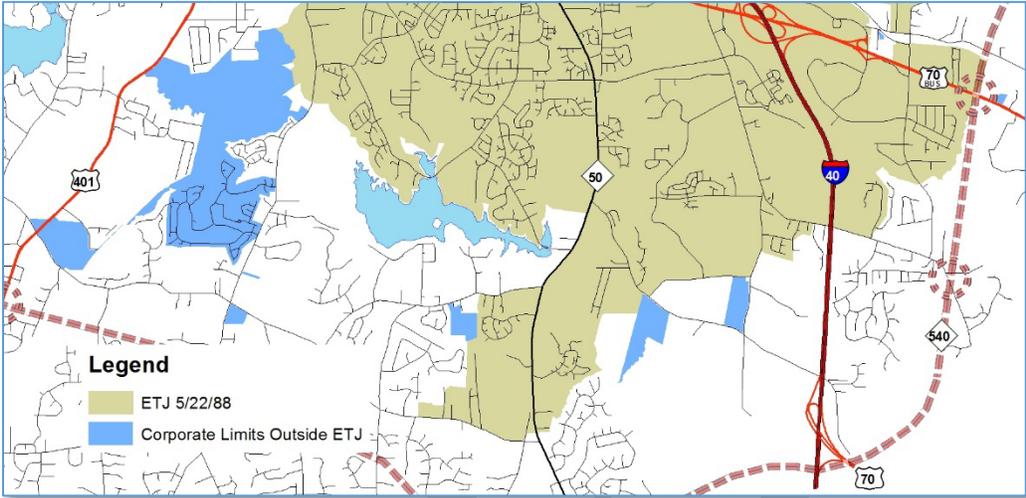
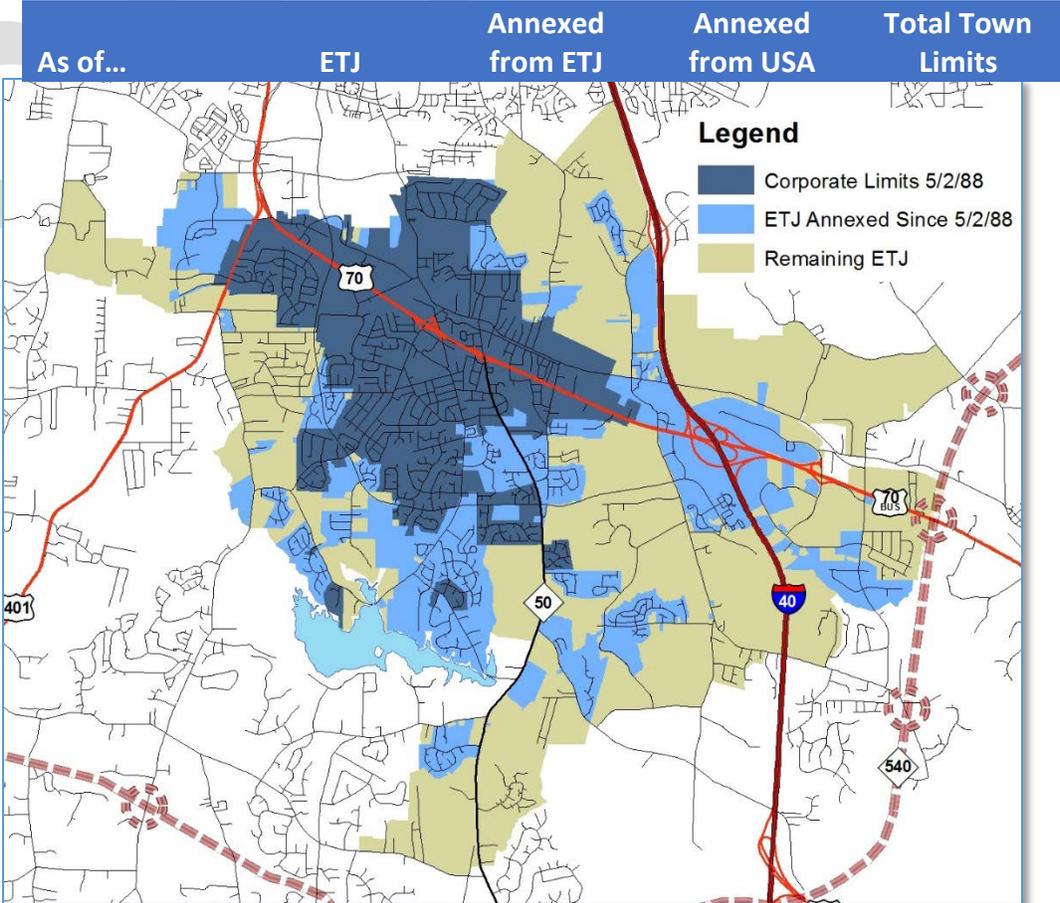


Figure 19: Areas Annexed Outside Existing ETJ Boundary

On May 2, 1988, the size of Garner’s ETJ – exclusive of the existing corporate limits – was approximately 13,405 acres (20.95 sq. mi.). Given the previous figures, it means that the Town of Garner has annexed approximately 4,274 acres (6.68 sq. mi.) or 32 percent (32%) of that ETJ since May 2, 1988.

The Town of Garner’s annexation progress may also be summarized in the following table. All figures are in square miles.



May 2, 1988	20.95	6.57	0.00	~6.57
April 5, 2016	14.27	13.25	2.22	~15.47

When factoring in “un-annexable” portions of the existing ETJ, the preceding

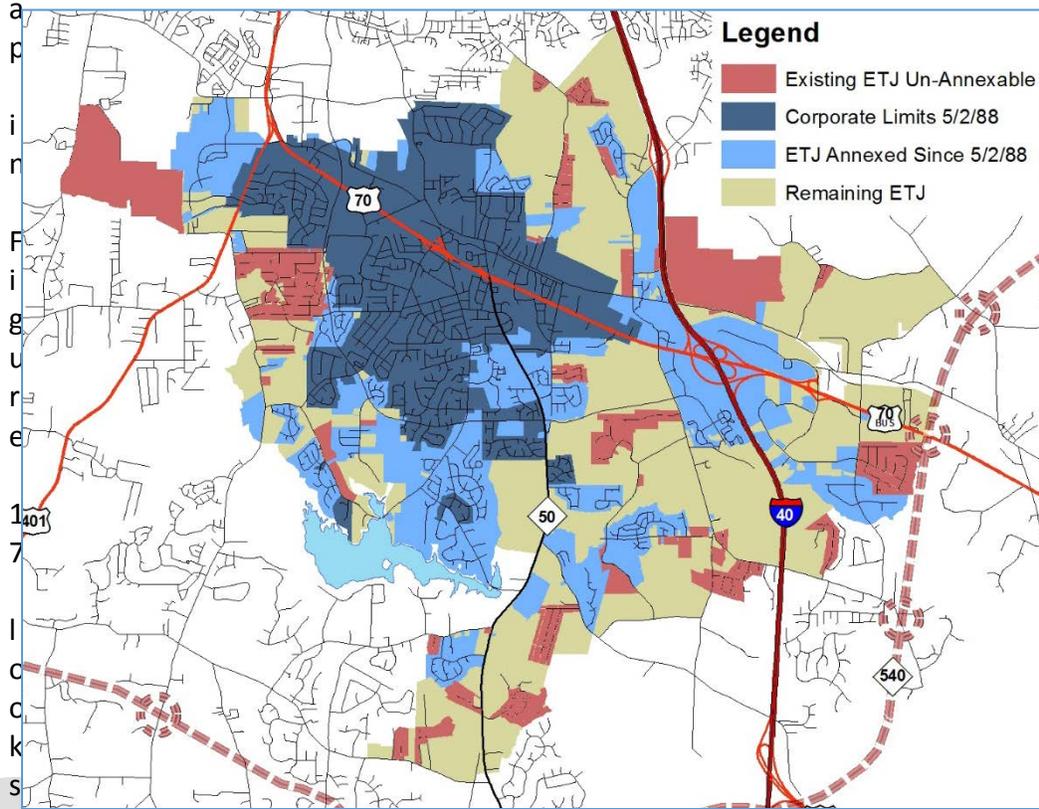


Figure 21: Annexed Since May 2, 1988 with Un-Annexable Areas

s follows:

If the Town’s ETJ was approximately 13,405 acres (20.95 sq. mi.) on May 2, 1988, and the Town of Garner has annexed approximately 4,274 acres (6.68 sq. mi.) or 32 percent (32%) of that ETJ since then, and another 2,132 acres (3.33 sq. mi.) will likely never be annexed; then approximately 10.94 square miles is a more realistic figure of ETJ remaining.

The following figures also demonstrate the water and sewer coverage in relation to the existing ETJ. A 2,500-foot buffer of existing lines is shown due to that being the Wake County requirement for connection to municipal services. It should be noted that there are many areas already outside the existing ETJ with access to both water and sewer services. The largest area lacking coverage is the area between Auburn-Knightdale Road and Wall Store Road. However, it should

be noted that sewer service is gradually being extended from the north due to continued development in Southeast Raleigh while water is approaching from both the south (US 70) and the north. Furthermore, the pending upgrades in 2017 at the Big Branch Pump Station shows the City of Raleigh's commitment to serve that basin.

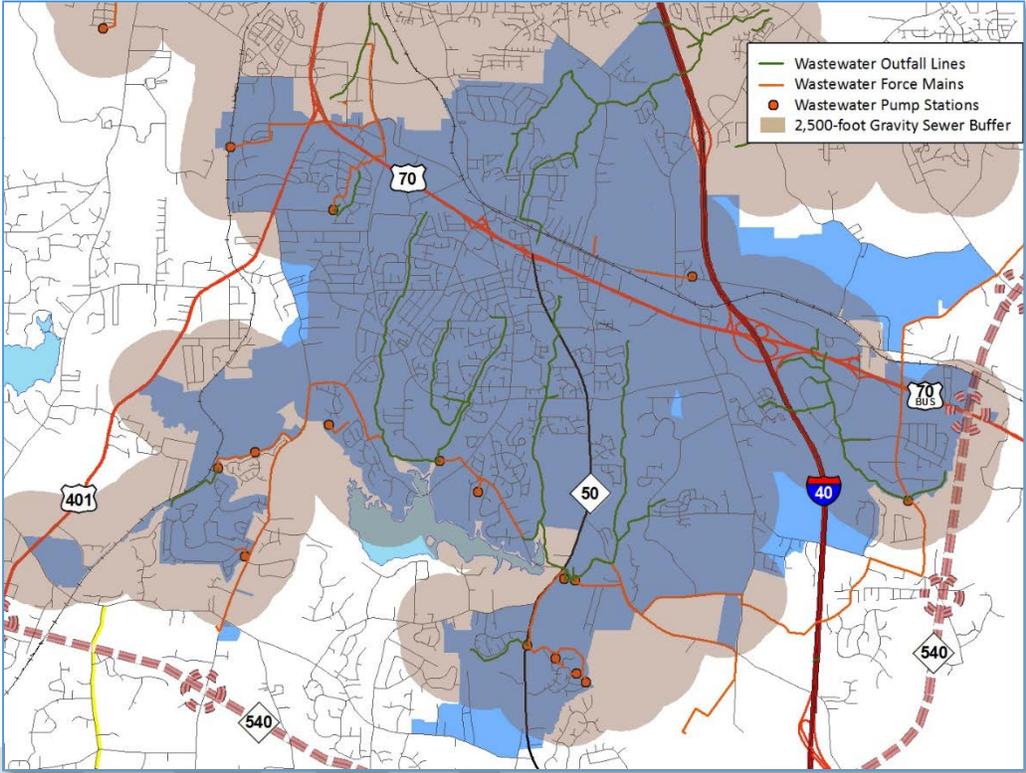


Figure 22: Existing Sewer Coverage

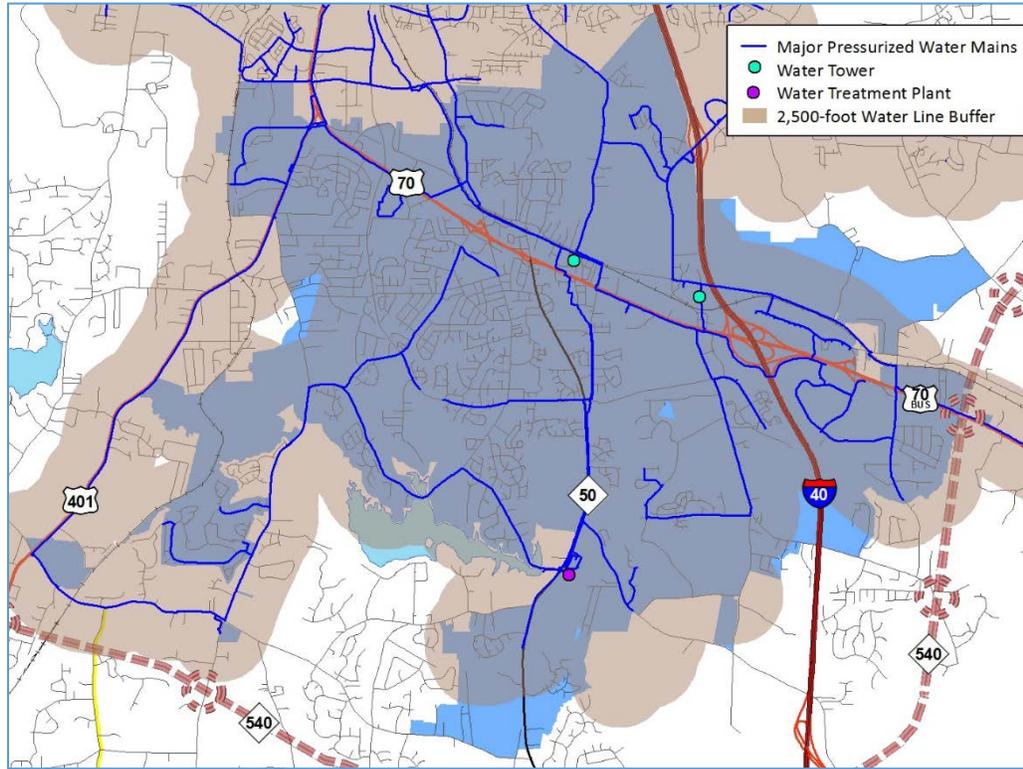


Figure 23: Existing Water Coverage

- 2. Analysis of ETJ Areas Granted Post 5/2/88.** For all areas of ETJ granted after May 2, 1988, the municipality must specifically address its progress in complying with the criteria under which that ETJ was originally granted.

The Town of Garner has not requested, nor has it received, any additional ETJ areas since May 2, 1988; therefore this part of the criterion is not applicable.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 26, 2016		
Subject: Council Retreat Followup		
Location on Agenda: Reports		
Department: Administration		
Contact: Rodney Dickerson		
Presenter: Rodney Dickerson		
Brief Summary: Council Retreat minutes and facilitator summary will be distributed at meeting.		
Recommended Motion and/or Requested Action: For information only at this point.		
Detailed Notes: Staff will bring back recommendations for Strategic Action Plan at a subsequent meeting.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Minutes and summary will be distributed at the meeting. I will give a brief overview but item is not intended for discussion or action at this meeting.		
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:		