

# **TOWN OF GARNER**



## **TOWN COUNCIL MEETING**

July 17, 2018  
7:00 P.M.

Garner Town Hall  
900 7th Avenue  
Garner, NC 27529

**Town of Garner  
Town Council Agenda  
July 17, 2018**

*Dinner will be served for town officials in the Conference Room at 6:15 p.m.*

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

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

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

- B. PLEDGE OF ALLEGIANCE: Council Member Kathy Behringer

- C. INVOCATION: Council Member Kathy Behringer

- D. PETITIONS AND COMMENTS

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

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

- G. CONSENT

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

- 1. Annexation Petition ANX-18-04, 7400 Bryan Road and ANX-18-05, 907 Withers Road ..... Page 4  
Presenter: David Bamford, Planning Services Manager

Resolution to set public hearings for satellite annexation of .925 acres on Bryan Road and contiguous annexation of 1.607 acres on Withers Road.

Action: Adopt Resolution (2018) 2353

2. 2019 Holiday Schedule ..... Page 11  
Presenter: Stella Gibson, Town Clerk

Resolution setting the 2019 Town of Garner Holiday schedule.

Action: Adopt Resolution (2018) 2354

3. Triangle J Charter Amendments ..... Page 13  
Presenter: Rodney Dickerson, Town Manager

Request to adopt amendments to the Triangle J Charter Resolution to reflect current practices and regional boundaries. This document must be endorsed by each member's governing board before it can be finalized.

Action: Adopt Amendments

#### H. PUBLIC HEARINGS

1. General Use Rezoning Z 18-03 Rezoning, 3008 US 70 Hwy E ..... Page 37  
Presenter: Het Patel, Senior Planner

Request to rezone approximately 1.09 acres from Wake County Highway District (HD) to Town of Garner Service Business (SB).

Action: Close Public Hearing; Refer to Planning Commission

2. UDO-18-01, Central Business District Amendments ..... Page 48  
Presenter: Jeff Triezenberg, Planning Director

Request to add two additional uses to the permitted uses in the Central Business District: Outdoor Athletic and Entertainment Facility - Outdoor; and Indoor Only - Manufacturing and Production.

Action: Close Public Hearing; Refer to Planning Commission

#### I. NEW/OLD BUSINESS

1. Sale and Issuance of General Obligation Bonds ..... Page 53  
Presenter: Pam Wortham, Finance Director

The Town will be selling the third installment of the bonds as approved by referendum in 2013. The total amount being sold at this time is \$4,050,000.

Action: Adopt Resolution (2018) 2355

- 2. Wake County Voluntary Agriculture District Program ..... Page 71  
Presenter: David Bamford, Planning Services Manager

The Wake County Soil and Water Conservation Department is requesting consideration by all Wake municipalities to enter into a memorandum of understanding with the Wake Soil & Water Conservation District to have their staff administer the Voluntary Agricultural District Program within the municipal corporate limits. This program already applies to the Garner ETJ areas.

Action: Authorize Execution of Memorandum of Understanding

- 3. White Oak, Hebron Church, Ackerman – Phase II Contract Scope of Work and Fee.....Page 77  
Presenter: Het Patel, Senior Planner

Arcadis has prepared a scope of services and budget for Phase II of the intersection improvements project at White Oak Road, Hebron Church Road, and Ackerman Road. Staff requests authorization of the contract.

Action: Authorize Contract Execution

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- 1. garner info
- 2. Finance Report
- 3. Building & Permitting Report
- 4. Rec Center Tour
- 5. Update on Hwy 50 Bridge Selection
- 6. Update on Hammond/Timber/Hwy 70 Improvements

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURNMENT

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: July 17, 2018		
Subject: Annexation Petition ANX-18-04, 7400 Bryan Road and ANX-18-05, 907 Withers Road		
Location on Agenda: Consent		
Department: Planning		
Contact: David Bamford, Planning Services Manager		
Presenter: David Bamford, Planning Services Manager		
<p><b>Brief Summary:</b></p> <p>Bryan and Camille Bagwell are requesting public water connection at 7400 Bryan Road (single-family house); annexation petition is required.</p> <p>Ford's Produce at 907 Withers Road is requesting public water connection (commercial business); annexation petition is required.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Adopt Resolution (2018) 2353</p>		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></p> <p>N/A</p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Design. Connect. Sustain.



## Planning Department Memorandum

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**TO:** Mayor and Town Council

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

**SUBJECT:** **ANX-18-04:** Town of Garner

**DATE:** July 17, 2018

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**ANNEXATION APPLICATION:** ANX 18-04

**OWNERS:** Bryan and Camille Bagwell

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** 7400 Bryan Road

**WAKE COUNTY PIN #:** 1720446107

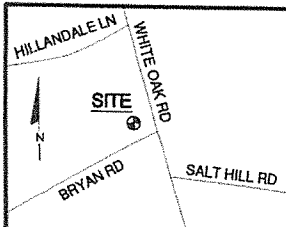
**REAL ESTATE ID #:** 0003029

**AREA:** 0.925 acres

**ZONING:** R-40

**ASSOCIATED DEVELOPMENT PLAN:** The Bagwell's are requesting public water connection

**RECOMMENDATION:** Set Public Hearing for August 6, 2018



**NOTES**

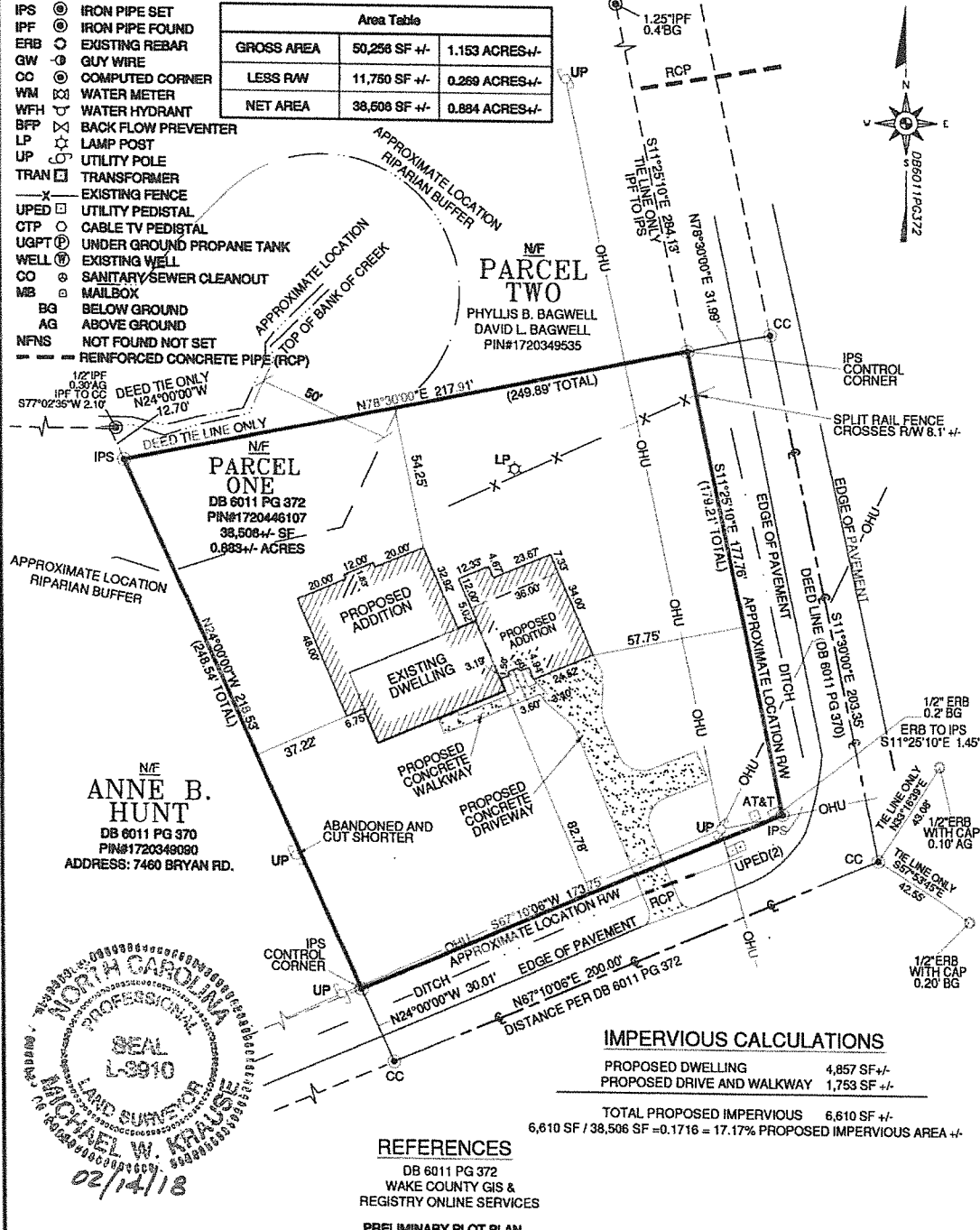
1. LOT IS SUBJECT TO WAKE COUNTY AND TOWN OF GARNER ZONING REQUIREMENTS.
2. LOT IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
3. LOT IS INDEXED WAKE COUNTY PIN# 1720446107.
4. LOT IS ADDRESSED AS 7400 BRYAN RD, GARNER, NC.
5. NO TITLE SEARCH RECEIVED AT TIME OF SURVEY. CONTACT AN ATTORNEY FOR ISSUES OF TITLE AND OWNERSHIP.
6. INFORMATION SHOWN BASED ON FIELD LOCATED ABOVE GROUND STRUCTURES AND REFERENCES LISTED.
7. PRIOR TO LAND DISTURBING ACTIVITIES HAVE UNDERGROUND LINES DETERMINED BY PROFESSIONALS.
8. AREA COMPUTED BY COORDINATE METHOD. NO MONUMENT REPORTED WITHIN 2000' OF SITE.
9. DISTANCES SHOWN ARE HORIZONTAL GROUND MEASURED IN FEET UNLESS OTHERWISE NOTED.
10. THE SOLE PURPOSE OF THIS DRAWING IS TO DEPICT THE EXISTING ABOVE GROUND FEATURES AS FIELD LOCATED AND THE PROPOSED HOUSE ADDITIONS ONLY. BUILDING SETBACKS ARE TO FOUNDATION. FIELD VERIFY ALL DIMENSIONS PRIOR TO LAND DISTURBING ACTIVITIES.
11. CONTACT KRAUSE SURVEYING ASSOCIATES FOR ANY DESIRED ON OR OFFSITE LOCATIONS, REVISIONS OR COPIES IN THE FUTURE.
12. IRONS PIPES FOUND OR SET AT OR NEAR GROUND SURFACE UNLESS OTHERWISE NOTED.

VICINITY MAP (NOT TO SCALE)

**LEGEND**

- IPS IRON PIPE SET
- IPF IRON PIPE FOUND
- ERB EXISTING REBAR
- GW GUY WIRE
- CC COMPUTED CORNER
- WM WATER METER
- WFH WATER HYDRANT
- BFP BACK FLOW PREVENTER
- LP LAMP POST
- UP UTILITY POLE
- TRAN TRANSFORMER
- X EXISTING FENCE
- UPED UTILITY PEDISTAL
- CTP CABLE TV PEDISTAL
- UGPT UNDER GROUND PROPANE TANK
- WELL EXISTING WELL
- CO SANITARY SEWER CLEANOUT
- MB MAILBOX
- BG BELOW GROUND
- AG ABOVE GROUND
- NFNS NOT FOUND NOT SET
- REINFORCED CONCRETE PIPE (RCP)

Area Table		
GROSS AREA	50,256 SF +/-	1.153 ACRES +/-
LESS RAW	11,750 SF +/-	0.269 ACRES +/-
NET AREA	38,506 SF +/-	0.884 ACRES +/-



**PROFESSIONAL LAND SURVEYOR**  
 SEAL L-3910  
 MICHAEL W. KRAUSE  
 02/14/18

**REFERENCES**

DB 6011 PG 372  
 WAKE COUNTY GIS &  
 REGISTRY ONLINE SERVICES

**PRELIMINARY PLOT PLAN**

I, MICHAEL W. KRAUSE CERTIFY THAT THIS PLAN AND THE FIELD SURVEY ON WHICH IT IS BASED WERE PERFORMED UNDER MY DIRECT SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED BY DASHED LINES DRAWN FROM INFORMATION RECORDED AT REFERENCES SHOWN. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:15,000. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 14TH DAY OF FEBRUARY A.D. 2018.

**KSA**  
 Krause Surveying Associates, Inc.  
 5533 HWY 42 WEST  
 SUITE A-4 UNIT 6  
 Garner, N.C. 27529  
 (919)-661-4090 LICENSE # C-2086

DRAWN BY: MWK CHECKED BY: MWK  
 REVISED: 2/14/18 PLOT PLAN FOR PERMIT

**GRAPHIC SCALE**

1 inch = 50 ft.

**PROPERTY OF:**  
**BRYAN & CAMILLE BAGWELL**  
 PARCEL ONE : DEED BOOK 6011 PAGE 372  
 ADDRESS: 7400 BRYAN ROAD

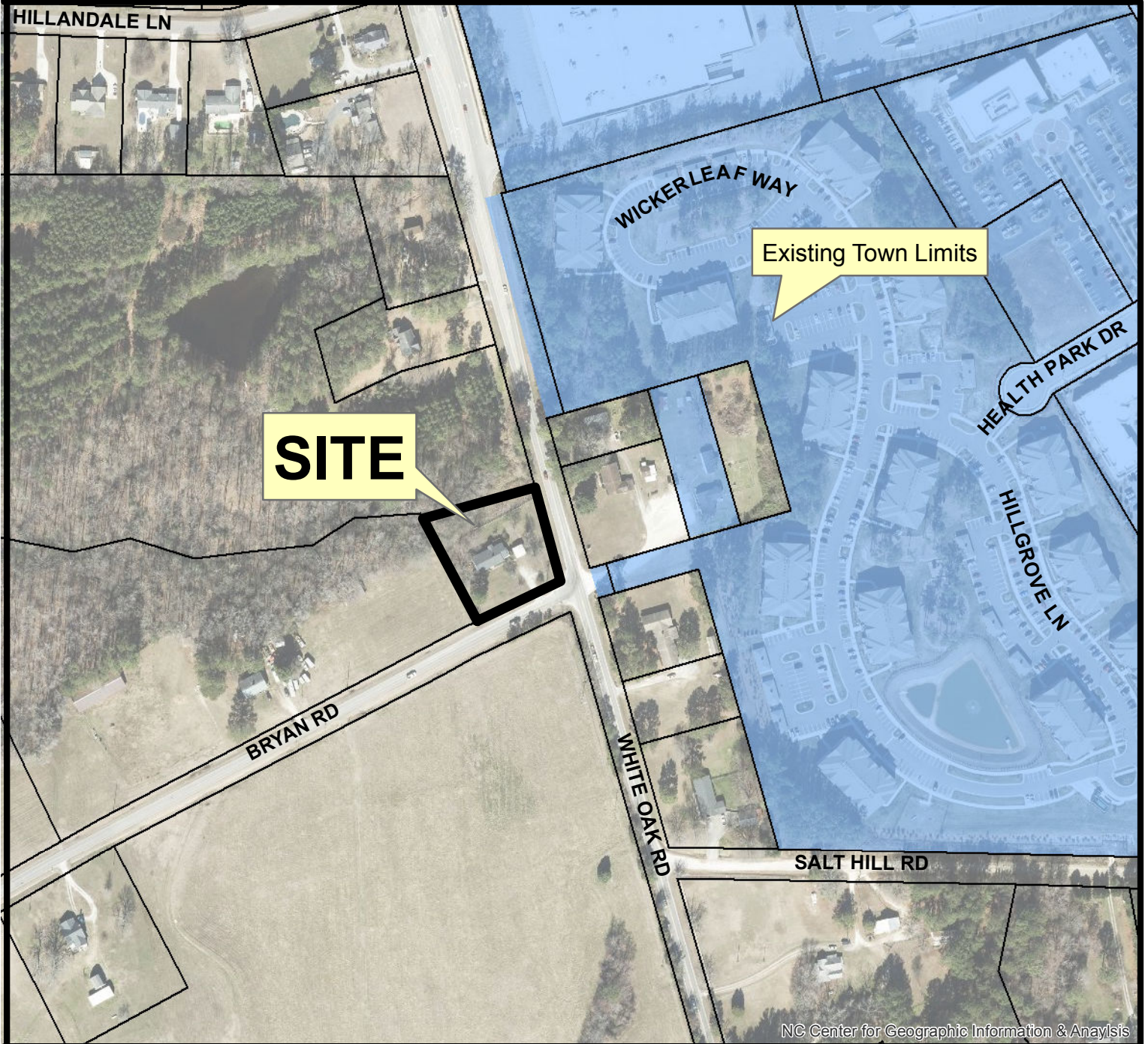
ST. MARY'S TWP WAKE COUNTY NORTH CAROLINA  
 DATE: FEBRUARY 14, 2018 SCALE: 1"=50'



**Town of Garner  
Planning Department**

**Annexation  
ANX 18-04**

0 200 400  
Feet



NC Center for Geographic Information & Analysis

Property: 7400 Bryan Road  
Owner: Bryan and Camille Bagwell  
Area: 0.92 acres  
Pin: 1720446107



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## Planning Department Memorandum

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**TO:** Mayor and Town Council

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

**SUBJECT:** **ANX-18-05:** Town of Garner

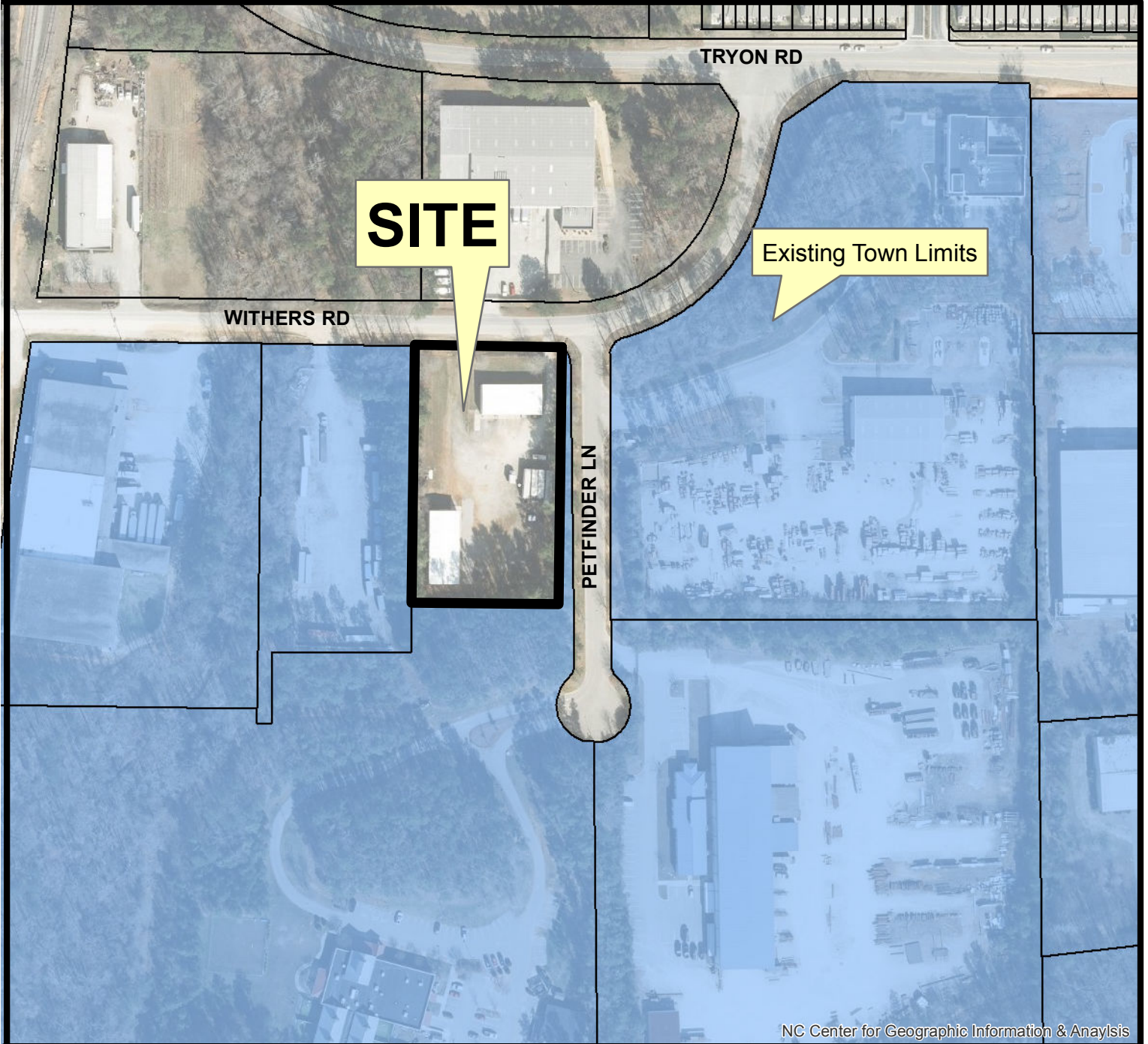
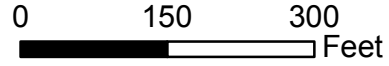
**DATE:** July 17, 2018

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ANNEXATION APPLICATION:	ANX 18-05
OWNERS:	Ford's Produce Co, Inc
CONTIGUOUS / SATELLITE:	Contiguous
LOCATION OF PROPERTY:	907 Withers Road
WAKE COUNTY PIN #:	1702004784
REAL ESTATE ID #:	0087331
AREA:	1.607 acres
ZONING:	SB
ASSOCIATED DEVELOPMENT PLAN:	Ford's Produce is requesting public water connection
RECOMMENDATION:	Set Public Hearing for August 6, 2018

**Town of Garner  
Planning Department**

**Annexation  
ANX 18-05**



NC Center for Geographic Information & Analysis

Project: Ford's Produce  
Property: 907 Withers Road  
Owner: Ford's Produce Co, Inc  
Area: 1.6 acres  
Pin: 1702004784

RESOLUTION NO. (2018) 2353

RESOLUTION FIXING DATE OF PUBLIC HEARINGS ON QUESTION OF ANNEXATIONS PURSUANT TO G.S. 160A-31 and 160A-58.1, AS AMENDED,

WHEREAS, 2 petitions requesting annexation of the areas described herein have been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of said petitions have been made;

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

Section 1. That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 7:00 p.m. on the 6<sup>th</sup> day of August, 2018.

Section 2. The areas proposed for annexation are described as follows:

(ANX 18-04) 7400 Bryan Road – Satellite annexation  
(ANX 18-05) 907 Withers Road – Contiguous annexation

Section 3. Notice of said public hearings shall be published in the *News & Observer*, a newspaper having general circulation in the Town of Garner, at least ten (10) days prior to the date of said public hearings.

Duly adopted this 17<sup>th</sup> day of July, 2018.

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

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: July 17, 2018		
Subject: 2019 Holiday Schedule		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Resolution setting the 2019 Town of Garner Holiday schedule.		
Recommended Motion and/or Requested Action: Adopt Resolution (2018) 2354		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Typically, some holidays may require a shift in standard Town Council meeting days.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2018) 2354  
 A RESOLUTION OF THE TOWN OF GARNER TOWN COUNCIL  
 ADOPTING THE 2019 HOLIDAY SCHEDULE

WHEREAS, the Town of Garner offers employee holidays on the same schedule as the State of North Carolina; and

WHEREAS, the North Carolina State Employee Holiday Schedule is as follows:

HOLIDAY	OBSERVANCE DATE	DAY OF WEEK
New Year's Day	January 1, 2019	Tuesday
Martin Luther King Jr.'s Birthday	January 21, 2019	Monday
Good Friday	April 19, 2019	Friday
Memorial Day	May 27, 2019	Monday
Independence Day	July 4, 2019	Thursday
Labor Day	September 2, 2019	Monday
Veteran's Day	November 11, 2019	Monday
Thanksgiving	November 28 & 29, 2019	Thursday & Friday
Christmas	December 24, 25 & 26, 2019	Tuesday, Wednesday, Thursday

BE IT FURTHER RESOLVED that the Town of Garner Town Council adopts the above referenced holiday schedule for 2019.

THIS RESOLUTION passed and adopted this 17<sup>th</sup> day of July 2018.

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

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: July 17, 2018		
Subject: Triangle J Charter Amendments		
Location on Agenda: Consent		
Department: Council		
Contact: Stella Gibson, Town Clerk		
Presenter: Rodney Dickerson, Town Manager		
Brief Summary:  Resolution to reflect current practices and regional boundaries. In order to finalize the adoption process each of the member organizations government boards must adopt the updated resolution.		
Recommended Motion and/or Requested Action: Approve Amendments		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Triangle J Council of Governments is a local government partner that provides guidance and leadership on various regional issues.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	Council	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



# TRIANGLE J COUNCIL OF GOVERNMENTS

*World Class Region*

May 2018

Dear Mayor Williams,

Recently, Triangle J Council of Government leadership and legal counsel reviewed the organization's Charter Resolution and recommended updates to reflect current practice and the revised boundaries of our region. The document was last updated in 1996.

The Charter Resolution is the organization's governing document and must be endorsed by each member government. Your governing board approved the Charter Resolution when your local government joined Triangle J Council of Governments as a member.

On March 28, 2018, the Triangle J Board of Delegates reviewed and endorsed these updates. Now, your governing board must review and adopt the updated Charter Resolution. This adoption process is critical as it ensures that each member government recognize Triangle J's role in the success of the region.

At your upcoming June meeting, I ask that you include the attached, updated resolution on your consent agenda. You have also received a "red-line" version of the Charter Resolution, so that you can review the proposed edits. TJCOG staff are available if you have any questions about the document or process.

Thank you for your continued involvement and support of TJCOG- it is critical to ensure the organization is representative of our regional needs and challenges.

Sincerely,

*Ronnie Currin*

**Ronnie Currin**

Chair, Triangle J Council of Governments Board of Delegates  
Mayor Pro Tempore, Town of Rolesville



# Triangle J Council of Governments Charter Resolution

WHEREAS, together with the other county and municipal governmental units adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves and to act in concert with reference to regional matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or planning development; now, therefore, be it

RESOLVED, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Part 2, the following Resolution is adopted for the establishment of a regional council of governments.

## ARTICLE I

Short Title - Binding Effect. This Resolution is the "Charter" of this Regional Council; and said Charter, together with all amendments thereto, is binding upon and shall ensure the benefit of all governmental units adopting it.

## ARTICLE II

Name. The name of the regional council of governments hereby established is the Triangle J Council of Governments.

## ARTICLE III

Purpose. The purposes of the Council are:

- 1) To serve as a forum for discussion of governmental problems of mutual interest and concern;
- 2) To develop and formalize policy recommendations concerning specific matters having an areawide significance which may include but are not limited to the following:
  - a) human resource development and human relations.
  - b) housing, public and private.

- c) health care and hospital services.
  - d) recreation.
  - e) sanitation and refuse disposal.
  - f) communications.
  - g) transportation.
  - h) water, sanitary sewer, electric power and other utility services.
  - i) air, water and other environmental development.
  - j) commercial and industrial development.
  - k) law enforcement.
  - l) welfare.
  - m) fire protection and prevention.
  - n) regional land use planning.
  - o) workforce development and training, and
  - p) conservation and development of natural resources.
- 3) To promote inter-governmental cooperation;
  - 4) To provide organizational machinery to insure effective communication and coordination among the participating governmental units and other governmental units.
  - 5) To serve as a vehicle for the collection and distribution of information concerning matters of areawide interest;
  - 6) To review, upon request of any governmental unit within the Triangle J Region, applications of that unit for any grant in aid, federal, state or private; and
  - 7) To provide services to local governments and residents in the area known as the Triangle J Region where appropriate and authorized.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a manner that is mutually satisfactory and shall respect the autonomy of all local governments within the Triangle J Region.

#### **ARTICLE IV**

##### Membership

- 1) The initial membership of the Council of Governments shall consist of the general purpose governmental units of and in the counties of Chatham, Durham, Johnston,

Lee, Orange, and Wake, known as the Triangle J Region, which adopted a resolution pursuant to N.C.G.S. 160A-470 on or before June 30, 1972.

- 2) Any municipality or county in the Triangle J Region that is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon a majority vote of approval by the Board of Delegates. Notice of such application for admission shall be given to existing members of the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken.
- 3) All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council.
- 4) Any special purpose governmental agency in the Triangle J region involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of the Board of Delegates. The affiliate member shall pay no assessment, but the Council may charge each affiliate member a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations of the Council.

## **ARTICLE V**

Withdrawal. Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least sixty (60) days prior to the end of the fiscal year.

## **ARTICLE VI**

### Governing Board.

- 1) The governing board of the Council of Governments shall be known as the Board of Delegates, which shall be constituted as described below.
- 2) The Board of Delegates shall consist of one delegate from each member governmental unit. Each governmental unit may designate any number of alternate delegates. All

delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governing bodies in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner described by the Bylaws of the Council.

- 3) The term of office of each delegate shall commence upon the date of his/her appointment and certification to the Council by the governing body of the member governmental unit he or she represents; and such terms shall expire when the appointing body has appointed his or her successor and certified such successor to the Council, unless he or she shall sooner resign, or cease to be an elected member of said governing body, in which case his or her term shall expire on the effective date of such event. Each member shall certify to the Council the name of its delegate and any alternate(s) prior to the first Board of Delegates meeting of the calendar year. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may serve as a voting member of the Board of Delegates.
- 4) The delegates shall be compensated, upon submittal of proper receipts, for direct expenses incurred in connection with discharging their duties as delegates to the Triangle J Council of Governments.
- 5) It is the intent of this Charter that all delegates to the Council shall have demonstrated an interest in the sound development of Region J.

## **ARTICLE VII**

Meeting. Regular meetings of the Board of Delegates shall be held, as provided in the Bylaws to receive reports from its standing committees and to conduct necessary business. The Chair may cancel the regular meeting if he or she determines that there is no need for the meeting. Special meetings of the Board of Delegates may be called by the Chair, or by any three members thereof. All meetings shall be open to the public.

At least 48 hours written notice of any meeting shall be given to all delegates of the Board of Delegates. It shall state the time, place, and purpose of the meeting, and may be sent by electronic means. At least twenty-four (24) hours written notice shall be given of any committee meeting to all committee members. Any member may waive notice of this requirement for himself/herself.

## **ARTICLE VIII**

### Quorum and Voting Requirements.

- 1) Except as provided in Paragraph 4 of this Article, each member governmental unit shall be entitled to one vote on all matters coming before the Board of Delegates or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegate, or in his or her absence, by an alternate delegate of the member government.
- 2) The quorum shall be established in the Bylaws. The affirmative vote of a simple majority of members present at any meeting at which a quorum is present shall be required for any action or recommendation of the Board or any Committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters.
- 3) Voting shall be by voice, by show of hands, or, upon the request of any three delegates, by a poll of the delegates.
- 4) At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 units within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.
- 5) Proxy voting is not allowed.
- 6) The provisions in this Article VIII apply to all committees and boards of the Council except to the extent such committee or board has adopted different measures.

## **ARTICLE IX**

### Board of Delegates

- 1) At the first regular meeting of the Board of Delegates, and annually thereafter as provided by the Bylaws, the Board of Delegates shall elect a Chair, a First Vice Chair, a Second Vice Chair and a Secretary-Treasurer to serve as officers for one year or until their successors have been duly elected. The Board of Delegates may also elect such

additional officers as the Board of Delegates finds to be necessary in the proper performance of its duties.

- 2) The Chair shall preside at all meetings of the Board of Delegates and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Board of Delegates. The Chair shall have the same voting rights as other members.
- 3) The Chair may appoint such advisory committees as he or she finds necessary or desirable.
- 4) The First Vice Chair shall perform all of the duties of the Chair in the absence of the Chair, or in the event of the inability of the Chair to act, and shall perform such other duties as the Board of Delegates may delegate to him or her. The Second Vice Chair shall perform all of the duties of the First Vice Chair in the absence of the First Vice Chair or in the event of the inability of the First Vice Chair to act.
- 5) All other officers elected by the Board of Delegates shall perform such duties as may be prescribed by the Board of Delegates.

## **ARTICLE X**

### Finance Matters:

- 1) On or before the 15th day of April each year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year.
- 2) The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit by a method established in the By-laws and reviewed periodically by the Board of Delegates.
- 3) A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.
- 4) Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budget, and after adoption of its own budget, shall forward to the budget officer its share of the budget.

- 5) All local appropriations to the Council shall be made in accordance with the Local Government Budget and Fiscal Control Act, as may be appropriate.
- 6) The finance officer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever, and also perform other duties as prescribed by G.S. 159-25. Finance officers shall be bonded as required by G.S. 159.29. All monies received for the Council shall be deposited into an official depository of the Council for the exclusive use of the Council, and shall be paid out only by check signed by the finance officer and countersigned by the Executive Director or another official designated by the Council. Funds shall be disbursed only when they are within the amount of appropriations made according to the budget of the Council.
- 7) The Board of Delegates may designate a Council employee or, with the agreement of the governing body involved, designate one of the city or county accountants as the finance officer to perform the duties as described in the Local Government Budget and Fiscal Control Act insofar as post-budget approval of expenditures is concerned.
- 8) It shall be the duty of the Board of Delegates to require that all financial records and accounts of the Council be audited annually by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local governmental accounts. A copy of the annual audit shall be forwarded to each member county and municipality and to the secretary of the Local Government Commission.

## **ARTICLE XI**

### Committee Structure.

- 1) The Board of Delegates may establish an Executive Committee, other committees of the Board itself, and technical and advisory committees.
- 2) Executive Committee. The Executive Committee shall consist of two delegates from each county in the Region. The officers of the Council and the immediate past Chair shall automatically be members, and will thereby occupy that number of the two seats allotted to their county. Each county government will occupy one seat on the committee. The other seat from each county will be occupied by a municipal delegate from that county. The municipal delegate will be chosen by a vote of all the municipal delegates from that county unless that seat is automatically assigned as provided above. If there are more eligible delegates than available seats for those delegates to serve on the Executive Committee due to the automatic assignments provided above,



then the number of Executive Committee members shall be temporarily increased to allow all eligible delegates to serve on the Executive Committee. .

- 3) Technical and Advisory Committees. The Chair may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process.

## **ARTICLE XII**

Annual Report. The Council shall prepare and submit an annual written report of its activities, including a financial statement, to the participating governmental units.

## **ARTICLE XIII**

Powers, Duties and Functions of the Council. Within the limits of funds and personnel available, the Council:

- 1) Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize, this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerated in Section 160A-475 (any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference.
- 2) Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:
  - (a) To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning

member shall be entitled to be represented on said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member of representation on any particular committee granted herein above is asserted, the Chair of the Council shall designate the membership of all committees.

- (b) To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in the Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other municipality or county or other governmental or quasi-governmental unit or agency, (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants or services, received from any source, to or from any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to funds budgeted or appropriated for their use by the Council.
- (c) To meet with, consult with, and act in concert with any county or municipality, any agency of the State or Federal government, any civic organization, or any private organization in the furtherance of the purposes and objects within its jurisdiction.
- (d) To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with the provisions of Chapter 160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto).
- (e) To contract with any person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds.
- (f) To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter of the laws of North Carolina.
- (g) To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health,

safety, welfare, housing, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions establishing such agencies, consistent with powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with the Charter.

- (h) To contract with and provide services to local governmental units within Region J.
- (i) To serve as an informational clearinghouse and, as a reviewing agency with respect to Federal, State and local services or resources available to assist in the solution of problems.
- (j) To request and receive contributions of research assistance from its own agencies, private research organizations, civil foundations, institutions of higher learning, and other organizations.
- (k) To purchase, lease, rent or otherwise acquire real and personal property to the extent necessary to discharge the other powers, duties and functions set forth herein and to the extent such purchases are authorized by general or special budgets and are within the limits of funds appropriated for or provided to the Council by the participating governmental units and others for such purposes.
- (l) To act as the official reviewing agency of the participating governmental units for all programs, Federal, State, or private, requiring regional review.

It is the desire of the membership of this Council to avoid duplication of governmental functions, particularly in the planning and development of future programs in areas of governmental responsibility, and to that end this Council is created, should function, and these powers are given.

#### **ARTICLE XIV**

Amendments. Amendments to this Charter shall become effective when adopted by resolution of two-thirds (2/3rds) of the participating governmental units in the Council of Governments.

## ARTICLE XV

Dissolution. The Council may be dissolved at the end of any fiscal year only (1) upon the adoption of a dissolution resolution by the governing bodies of all member governmental units, or (2) the withdrawal from the Council of all but one (1) of the member governmental units. If such dissolution is affected by resolution of all member governments, such resolutions shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

Amended: July 1, 1975  
February 18, 1976  
April 28, 1982  
February 14, 1985  
March 27, 1996  
April 25, 2018

# Triangle J Council of Governments Charter Resolution

WHEREAS, together with the other county and municipal governmental units adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves and to act in concert with reference to regional matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or planning development; now, therefore, be it

RESOLVED, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Part 2, the following Resolution is adopted for the establishment of a regional council of governments.

## ARTICLE I

Short Title - Binding Effect. This Resolution is the "Charter" of this Regional Council; and said Charter, together with all amendments thereto, is binding upon and shall ensure the benefit of all governmental units adopting it.

## ARTICLE II

Name. The name of the regional council of governments hereby established is the Triangle J Council of Governments.

## ARTICLE III

Purpose. The purposes of the Council are:

- 1) To serve as a forum for discussion of governmental problems of mutual interest and concern;
- 2) To develop and formalize policy recommendations concerning specific matters having an areawide significance which may include but are not limited to the following:
  - a) human resource development and human relations.
  - b) housing, public and private.

- c) health care and hospital services.
  - d) ~~R~~recreation.
  - e) sanitation and refuse disposal.
  - f) ~~C~~ommunications.
  - g) ~~T~~ransportation.
  - h) water, sanitary sewer, electric power and other utility services.
  - i) air, water and other environmental development.
  - j) commercial and industrial development.
  - k) law enforcement.
  - l) ~~W~~welfare.
  - m) fire protection and prevention.
  - n) regional land use planning.
  - o) ~~manpower-workforce~~ development and training, and
  - p) conservation and development of natural resources.
- 3) To promote inter-governmental cooperation;
  - 4) To provide organizational machinery to insure effective communication and coordination among the participating governmental units and other governmental units.
  - 5) To serve as a vehicle for the collection and distribution of information concerning matters of areawide interests;
  - 6) To review, upon request of any governmental unit within the Triangle J Region, applications of that unit for any grant in aide, federal, state or private; and
  - 7) To provide services to local governments and residents in the area known as the Triangle J Region where appropriate and authorized.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a ~~manner which~~manner that is mutually satisfactory and shall respect the autonomy of all local governments within the Triangle J Region.

## ARTICLE IV

### Membership

- 1) The initial membership of the Council of Governments shall consist of the general purpose governmental units of and in the counties of Chatham, Durham, Johnston,

Lee, Orange, and Wake, known as the Triangle J Region, which adopted a resolution pursuant to N.C.G.S. 160A-470 on or before June 30, 1972.

- 2) Any municipality or county in the Triangle J Region ~~which-that~~ is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon a majority vote of approval by ~~the existing member~~ the Board of Delegates. Notice of such application for admission shall be given ~~to existing~~ a members ~~of by~~ the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken.
- 3) All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council.
- 4) Any special purpose governmental agency in the Triangle J region involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of the Board of Delegates. ~~a majority of the membership attending at any meeting~~ The affiliate member shall pay no assessment, but the Council may charge each affiliate members a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations of the Council.

## ARTICLE V

Withdrawal. Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least sixty (60) days prior to the end of the fiscal year.

## ARTICLE VI

### Governing Board.

- 1) The governing board of the Council of Governments shall be known as the Board of Delegates, which shall be constituted as described below.



- 2) The Board of Delegates shall consist of one delegate from each member governmental unit. Each governmental unit may designate any number of alternate~~ive~~ delegates. All delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governing bodies in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner described by the Bylaws of the Council.
- 3) The term of office of each delegate shall commence upon the date of his/her appointment and certification to the Council by the governing body of the member governmental unit he or she represents; and such terms shall expire when the appointing body has appointed his or her successor and certified such successor to the Council, unless he or she shall sooner resign, or cease to be an elected member of said governing body, in which case his or her term shall expire on the effective date of such event. Each member shall certify to the Council the names~~s~~ of its delegates~~s~~ and any alternate(s) prior to the first Board of Delegates meeting of the calendar year. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may serve as a voting member of the Board of Delegates.
- 4) The delegates shall be compensated, upon submittal of proper receipts, for direct expenses incurred in connection with discharging their duties as delegates to the Triangle J Council of Governments.
- 5) It is the intent of this Charter that all delegates to the Council shall have demonstrated an interest in the sound development of Region J.

## ARTICLE VII

Meeting. Regular meetings of the Board of Delegates shall be held, monthly as provided in the Bylaws to receive reports from its standing committees and to conduct necessary business. The Chair~~man~~ may cancel the regular meeting if he or she determines that there is no need for the meeting. Special meetings of the Board of Delegates may be called by the Chair~~man~~, or by any three members thereof. All meetings shall be open to the public.

At least 48 hours written notice of any meeting shall be given to all delegates of the Board of Delegates. It shall state the time, place, and purpose of the meeting, and may be sent by electronic means telegram. At least twenty-four (24) hours oral written notice shall be given of any committee meeting to all committee members. Any member may waive notice of this requirement for as to himself/herself.

## ARTICLE VIII

### Quorum and Voting Requirements.

- 1) Except as provided in Paragraph 4 of this Article, each member governmental unit shall be entitled to one vote on all matters coming before the Board of Delegates or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegates, or in his or her absence, by an alternate delegate of the member government.
  - 2) The quorum shall be established in the Bylaws. The affirmative vote of a simple majority of ~~representatives~~ members present at any meeting at which a quorum is present shall be required for any action or recommendation of the Board ~~or~~ any Committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters.
  - 3) Voting shall be by voice, by show of hands, or, upon the request of any three delegates, by a poll of the delegates.
  - 4) At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 units within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.
  - 5) Proxy voting is not allowed.
- ~~5)6)~~ The provisions in this Article VIII apply to all committees and boards of the Council except to the extent such committee or board has adopted different measures.

## ARTICLE IX

### Officers of the Board of Delegates

- 1) At the first regular meeting of the Board of Delegates, and annually thereafter as provided by the Bylaws, the Board of Delegates shall elect a ~~e~~Chairman, a ~~f~~First ~~v~~Vice

~~eChairman, a sSecond vVice eChair and a sSecretary-tTreasurer, and a treasurer~~ to serve as officers for one year or until their successors have been duly elected. The Board of Delegates may also elect such additional officers as the Board of Delegates finds to be necessary in the proper performance of its duties.

- 2) The ~~eChairman~~ shall preside at all meetings of the Board of Delegates and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Board of Delegates. The ~~eChairman~~ shall have the same voting rights as other members.
- 3) The ~~eChairman~~ may appoint such advisory committees as he or she finds ~~to be~~ necessary or desirable.
- 4) The ~~fFirst vVice eChairman~~ shall perform all of the duties of the ~~eChairman~~ in the absence of the ~~eChairman~~, or in the event of the inability of the ~~eChairman~~ to act, and shall perform such other duties as the Board of Delegates may delegate to him or her. The Second Vice Chair shall perform all of the duties of the First Vice Chair in the absence of the First Vice Chair or in the event of the inability of the First Vice Chair to act.
- 5) All other officers elected by the Board of Delegates shall perform such duties as may be prescribed by the Board of Delegates.

## ARTICLE X

### Finance Matters:

- 1) On or before the 15th day of April each year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year.
- 2) The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit by a method ~~as~~ established in the By-laws and reviewed periodically by the Board of Delegates.
- 3) A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.

- 4) Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budget, and after adoption of its own budget, shall forward to the budget officer ~~his~~its share of the budget.
- 5) All local appropriations to the Council shall be made in accordance with the Local Government Budget and Fiscal Control Act, as may be appropriate.
- 6) The finance officer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever, and also perform other duties as prescribed by G.-S. 159-25. Finance officers shall be bonded as required by G.-S. 159.29. All monies received for the Council shall be deposited into an official depository of the Council for the exclusive use of the Council, and shall be paid out only by check signed by the finance officer and countersigned by the Executive Director or another official designated ~~for this product~~ by the Council. ~~The countersigning officer shall countersign checks~~Funds shall be disbursed only when they are within the amount of appropriations made according to the budget of the Council.
- 7) The Board of Delegates may designate a Council employee or, with the agreement of the governing body involved, designate one of the city or county accountants as the finance officer to perform the duties as described in the Local Government Budget and Fiscal Control Act insofar as post-budget approval of expenditures is concerned.
- 8) It shall be the duty of the Board of Delegates to require that all financial records and accounts of the Council be audited annually by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local governmental accounts. A copy of the annual audit shall be forwarded to each member county and municipality and to the secretary of the Local Government Commission.

## ARTICLE XI

### Committee Structure.

- 1) The Board of Delegates may establish an Executive Committee, other committees of the Board itself, and technical and advisory committees.
- 2) Executive Committee. The Executive Committee shall consist of ~~twelve~~two delegates, ~~two~~ from each county in the Region. The officers of the Council and the immediate past eChair shall automatically be members, and will thereby occupy that number of the two seats allotted to their county. Each county government will occupy one seat

on the committee. The other seat from each county, will be occupied by a municipal delegate from that county. The municipal delegate will be chosen by a vote of all the municipal delegates from that county unless that seat is allotted automatically assigned as provided above. If delegates from two municipalities within the same county serve as an officer and/or immediate past chair, \_\_\_\_\_ If there are more eligible delegates than available seats for those delegates to serve on the Executive Committee due to the automatic assignments provided above, then the number of Executive Committee members shall be temporarily increased to allow all eligible delegates to serve on the Executive Committee. such delegates shall decide amongst themselves who shall serve on the Executive Committee. In the event of disagreement, the remaining members of the Executive Committee shall make the selection.

- 3) Technical and Advisory Committees. The Chairman may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process.

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- 1) Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize, this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerated in Section 160A-475 (any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference.
- 2) Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:

- (a) To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning member shall be entitled to be represented on said committee. The subject matter over which ~~may any~~ committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member of representation on any particular committee granted herein above is asserted, the Chair~~man~~ of the Council shall designate the membership of all committees.
- (b) To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in the Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other municipality or county or other governmental or quasi-governmental unit or agency, (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants or services, received from any source, to or from any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to ~~to~~ funds budgeted or appropriated for their use by the Council.
- (c) To meet with, consult with, and act in concert with any county or municipality, ~~or~~ any agency of the State, ~~or~~ Federal government, any civic organization, ~~or~~ any private organization ~~any other~~ in the furtherance of the purposes and objects within its jurisdiction.
- (d) To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with the ~~pursuant to the~~ provisions of Chapter 160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto).

- (e) To contract with any person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds.
- (f) To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter of the laws of North Carolina.
- (g) To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health, safety, welfare, housing, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions ~~pursuant to this establishing~~ such agencies ~~is established~~, consistent with powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with the Charter.
- (h) To contract with and provide services to local governmental units within Region J.
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- (j) To request and receive contributions of research assistance from its own agencies, private research organizations, civil foundations, institutions of higher learning, and other organizations.
- (k) To purchase, lease, rent or otherwise acquire real and personal property to the extent necessary to discharge the other powers, duties and functions set forth herein and to the extent such purchases are authorized by general or special budgets and are within the limits of funds appropriated for or provided to the Council by the participating governmental units and others for such purposes.
- (l) To act as the official reviewing agency of the participating governmental units for all programs, Federal, State, or private, requiring regional review.



It is the desire of the membership of this Council to avoid duplication of governmental functions, particularly in the planning and development of future programs in areas of governmental responsibility, and to that end this Council is created, should function, and these powers are given.

#### ARTICLE XIV

Amendments. Amendments to this Charter shall become effective when adopted by resolution of two-thirds (2/3rds) of the participating governmental units in the Council of Governments.

#### ARTICLE XV

Dissolution. The Council may be dissolved at the end of any fiscal year only (1) upon the adoption of a dissolution resolution by the governing bodies of all member governmental units, or (2) the withdrawal from the Council of all but one (1) of the member governmental units. If such dissolution is affected by resolution of all member governments, such resolutions shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportions. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

Amended: July 1, 1975  
February 18, 1976  
April 28, 1982  
February 14, 1985  
March 27, 1996  
Insert Date

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: July 17, 2018		
Subject: General Use Rezoning Z-18-03, 3008 US Highway 70 E		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, Planning Services Manager		
Presenter: Het Patel, Senior Planner		
<b>Brief Summary:</b>  Public hearing for general use rezoning application Z 18-03; the request is from Wake County Highway District (HD) to Town of Garner Service Business (SB).		
<b>Recommended Motion and/or Requested Action:</b> Refer Z-18-03 to the Planning Commission for review at their August 13, 2018 Meeting.		
<b>Detailed Notes:</b> The Planning Department is the sponsor / applicant for this general use rezoning case to correct an oversight. This property was brought into the Town's ETJ last year. This property was mistakenly missed during the ETJ rezoning process as it was at the edge of the jurisdiction boundary near the Johnston County line. Staff discovered this error recently. The request is to rezone from Wake County Highway District (HD) to Town of Garner Service Business (SB) which fits the heavy commercial character of the area and is compatible with the SB zoning to the west which was zoned last year with the ETJ expansion. No conditions or development plans are proposed as part of this request.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b> N/A		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



## Planning Department Staff Report

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**TO:** Mayor and Town Council Members

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

**SUBJECT:** General Use Rezoning – Z-18-03, 3008 US Highway 70 E

**DATE:** July 17, 2018

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### I. PROJECT AT A GLANCE

<b>Rezoning Application:</b>	Z-18-03 General Use Rezoning
<b>Applicant:</b>	Town of Garner
<b>Owner:</b>	Harvey & Mildred Gordon Heirs
<b>Property Location:</b>	3008 US Highway 70 E
<b>Wake Count PIN(s):</b>	1721-26-5080
<b>Area:</b>	1.09 +/- acres
<b>Town Limits:</b>	No
<b>Present Zoning:</b>	Wake Highway District
<b>Overlay:</b>	US 70/401 Thoroughfare Overlay District
<b>Requested Zoning:</b>	Service Business (SB) Note: This is a general use request. No conditions are proposed.
<b>Key Meeting Dates:</b>	
<b>Town Council Public Hearing:</b>	July 17, 2018
<b>Planning Commission:</b>	August 13, 2018
<b>Town Council Action Hearing:</b>	September 3, 2018

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

Last year, the Town expanded the ETJ area involving several thousand properties. This required a 2-step process: an ETJ extension and a rezoning. The 2<sup>nd</sup> step involved rezoning the new properties from Wake County to a comparable Town of Garner zoning district.

The property at 3008 US 70 HWY E was brought into the Town's ETJ last year as part of "Step 1" but was never rezoned to a Town of Garner district. During the ETJ rezoning process, this property was mistakenly missed as it was at the edge of the jurisdiction boundary near the Johnston County line. Staff discovered this error a few months back when the property went up for sale, and there were inquiries about zoning and potential uses for the site.

The Planning Department is the sponsor / applicant for this general use rezoning case to correct this oversight. The request is to rezone from Wake County Highway District (HD) to Town of Garner Service Business (SB) which fits the heavy commercial character of the area and is compatible with the SB zoning to the west which was zoned last year with the ETJ expansion. No conditions are proposed as part of this request. No development plan is proposed at this time.

## **III. ZONING ANALYSIS**

**Existing:** The existing zoning of the 1.09-acre site is **Wake Highway District**. The Highway District is basically a low-density residential district comparable to the R-30 District – but one that allows a wide range of nonresidential uses with a Special Use Permit. It allows low-density residential development as either single-family attached or detached dwellings on separate lots. Most divisions of parcels into separate building lots must be approved by the Planning Board as part of either a lot-by-lot subdivision – where each lot contains at least 30,000 square feet of land area – or a cluster subdivision – where lots may be reduced to as small as 12,000 square feet in area if at least 10% of the subdivision site is set aside as permanent open space, but the number of lots may not exceed the site acreage times 1.45 lots per acre.

A wide range of nonresidential uses is permitted in this District, but only if the Board of Adjustment first reviews and approves a site plan and Special Use Permit. Most such nonresidential development is allowed only at "activity center" locations designated or defined in the County's Land Use Plan, and only for those uses and at those levels of development intensity appropriate for the particular type of activity center.

***The following is a list of permitted non-residential uses in the Wake County HD district:***

- |                                       |   |
|---------------------------------------|---|
| 1. Churches,                          | 7. Recreational facilities,                           |
| 2. Schools, colleges,                 | 8. Offices, clinics, medical and dental laboratories, |
| 3. Libraries, museums, art galleries, | 9. Hotels and motels,                                 |
| 4. Day care centers,                  | 10. Retail stores and establishments,                 |
| 5. Group homes,                       | 11. Automobile sales,                                 |
| 6. Government buildings,              |   |

- |                               |   |
|-------------------------------|---|
| 12. Shopping centers,         | 19. Cleaning and dyeing establishments, |
| 13. Wholesale establishments, | 20. Industrial uses,                    |
| 14. Warehousing,              | 21. Cemeteries,                         |
| 15. Airfields,                | 22. Mining,                             |
| 16. Bakeries,                 | 23. Landfills.                          |
| 17. Bottling plants,          |   |
| 18. Printers,                 |   |

**Proposed:** The proposed zoning of the 1.09-acre site is **Service Business (SB)**. The **SB** zoning district has been established to accommodate commercial activities that are more intense in nature than those permitted in the Neighborhood Commercial (NC) or Community Retail (CR) districts. The SB general use district also allows for the storage of merchandise or equipment and allows operations to be conducted outside of a building.

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

- |   |   |
|---|---|
| 1. Security or caretaker's quarters                       | 25. Bars and nightclubs (prohibited within 500 feet of residential use/zoning)          |
| 2. Community Center                                       | 26. Private golf or country club  |
| 3. Library, museum, art center                            | 27. Private gym, spa, indoor tennis, pool   |
| 4. Other Community service                                | 28. Indoor entertainment facility   |
| 5. Civil, service fraternal club, lodges and similar uses | 29. Electronic gaming center  |
| 6. Adult Day Care   | 30. Outdoor entertainment facility, private athletic                                    |
| 7. Day Care Center  | 31. Sexually oriented business (prohibited within 1,000 feet of residential use/zoning) |
| 8. Business School, college or university satellite       | 32. Movie Theater   |
| 9. College / university                                   | 33. Drive-in Theaters   |
| 10. Trade / vocational schools                            | 34. Water-slides, golf driving ranges, miniature golf, batting cages or similar uses    |
| 11. Music / dance / art instruction                       | 35. Bank, financial institution   |
| 12. Ambulance, rescue squad, police, fire station         | 36. Medical office, individual  |
| 13. Government, utility with outdoor storage              | 37. General office use  |
| 14. Government office                                     | 38. Bed and breakfast   |
| 15. Medical Clinic  | 39. Extended stay facility (prohibited within 500 feet of residential use/zoning)       |
| 16. Cemetery  | 40. Hotel and motels  |
| 17. Funeral home / crematorium                            | 41. Commercial Parking  |
| 18. Parks, swimming pools, tennis courts, golf courses    | 42. Restaurant, curb or drive-in service  |
| 19. Bus passenger terminals                               | 43. Restaurant, indoor with seating only  |
| 20. Taxi or limo operations/facility                      |   |
| 21. Religious institutions                                |   |
| 22. Minor utility, elevated water tank                    |   |
| 23. Telecommunication facility                            |   |
| 24. Other major utility                                   |   |

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>44. Restaurant, indoor with drive-through window</li> <li>45. Restaurant, take out only, drive-through or walk up</li> <li>46. Convenience store without fuel sales</li> <li>47. Convenience store with fuel sales</li> <li>48. Open air market</li> <li>49. Repair oriented use (indoor only)</li> <li>50. Personal service use (indoor operations)</li> <li>51. Barber shops / salons</li> <li>52. Sales oriented use (indoor operations only)</li> <li>53. Sales oriented use (outdoor operations)</li> <li>54. Veterinarian/kennel indoor</li> <li>55. Veterinarian/kennel outdoor (prohibited within 500 feet of residential use/zoning)</li> <li>56. Self-service storage</li> <li>57. Car wash (prohibited within 500 feet of residential use/zoning)</li> </ul> | <ul style="list-style-type: none"> <li>58. Vehicle repair (storage restricted to rear of building, 30-day storage limit)</li> <li>59. Vehicle sales and rental (storage restricted to rear of building)</li> <li>60. Vehicle service-limited</li> <li>61. Vehicle towing, storage (prohibited within 500 feet of residential use/zoning)</li> <li>62. Flex space</li> <li>63. Light Industrial use indoor</li> <li>64. Light Industrial use with outdoor storage of tenant supplies</li> <li>65. Light Industrial use with outdoor operations</li> <li>66. Warehouse and freight movement with indoor storage</li> <li>67. Warehouse and freight movement with outdoor storage</li> <li>68. Recyclable materials collection center</li> <li>69. Wholesale sales</li> <li>70. Manufacturing indoor operations</li> </ul> |
|--|---|

**Overlay Districts:** This property falls within the **US 70/401 Thoroughfare Overlay District**. This overlay district has additional development standards and use restrictions for properties with frontage along these 2 corridors. The overlay is explained in Article 4.11 of the *Unified Development Ordinance*. There are several uses that are prohibited or restricted within the overlay district.

**Prohibited uses:** None of the prohibited overlay district uses are included in the proposed use list provided above.

**Prohibited uses adjacent to or within 150 feet of existing residential uses:** The following may be expressly included in whole or in part in the proposed use list provided above and are prohibited as noted unless more stringently prohibited by the base zone.

- a. Hotel/motels
- b. Pool halls/bowling alleys only
- c. Bars/night clubs/ABC-permitted private clubs

**Restricted uses with additional standards (site layout, screening):** The following may be expressly included in whole or in part in the proposed use list provided above and are restricted by additional standards unless more stringent standards are already required by the base zone or they are not permitted by the proposed use list provided above.

- a. Uses with outdoor storage, display, or goods for sale

- b. Manufactured home sales lots
- c. Motor vehicle sales lots
- d. Automobile service centers
- e. Automobile repair and body shops
- f. Veterinarians or kennels
- g. Truck terminals
- h. Car washes

**Zoning History:** The Planning Department’s rezoning database contains the following rezoning cases in this area.

Case	Applicant	Location	Zoning Change
CUD-Z-14-01	William Sparkman	2217 US Highway 70 E	I-1 C172
CUD-Z-16-05	Freedom Roads LLC	2300 US Highway 70 E	Wake County Highway District (HD) to SB C185
CUD-Z-16-10	William Sparkman	4812 Green Garden Road	Wake County Highway District (HD) to I-2 C190
Z 17-01	Town of Garner	ETJ Expansion	Wake County Highway District to SB (adjoining lots to the west)

**Adjacent Zoning and Land Uses:**

- North:** Single-Family Residential (R-40)                      Single-Family Residential/Vacant
- South:** Wake County Highway District (HD)                      Agriculture (NC State property)
- East:** Single-Family Residential (R-40)                      Single-Family Residential/Vacant
- West:** Service Business (SB)                                      Auto Parts Self-Service





**Overall Neighborhood Character:** This area along US Highway 70 is located between Guy Road and Randalwood Drive near the Johnston County line. This area contains a mix of single-family residential, heavy commercial, service and industrial uses. NC State University also owns large tracts in this area to the east, and these are used for agricultural research purposes. The predominant zoning in this area is Service Business (SB) along the south side of US Highway 70 corridor and Single-Family Residential 40 (R-40) along the north side of US Highway 70 corridor.

**Infrastructure:** **Water/Sewer** – The property is on the edge of the Town’s ETJ. There is a 16” Water main running along the north side of US HWY 70 E on the opposite side of the road as the rezoning site. The site does not have access to sewer. No connections are proposed at this time. If the site were developed, a private septic system would be needed.



**Transportation** – The site has approximately 475 feet of road frontage on US Highway 70. US Highway 70 is a NCDOT-maintained facility within a 200-foot right of way. The NCDOT traffic counts for this area of US Highway 70 indicate the average daily traffic is approximately 29,000 vehicles per day. We also do not anticipate additional traffic impacts as a result of this rezoning. Road improvements would be evaluated at the time of a development plan.

**Environment** – This site is not located within the 100-year flood plain as delineated by the FEMA Flood Insurance Rate Maps.

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

**2018 Garner Forward Comprehensive Plan (adopted June 19, 2018):** According to the Town of Garner 2018 Garner Forward Comprehensive Plan and the Future Land map, the rezoning site is entirely within the boundary of the **Corridor Commercial** category which extends from Guy Road east along the south side of US Highway 70.

A **Corridor Commercial** category is located along highways and major arterials, it emphasizes commercial centers that have individual driveways and separated parking lots, unique signage, and differentiated building materials and styles along a major arterial roadway. These centers are less likely to have any foot traffic, and oriented towards the roadway with little accessibility from the rear or sides of the properties. Permitted uses may include operations with outdoor storage and outdoor sales display areas. For these uses, special emphasis should be placed on landscaping and screening. Uses along these corridors should be attractively landscaped and screened as these corridors are gateways into the community for the traveling public.

The requested zoning change from Wake County Highway District (HD) to Service Business (SB) is consistent with the recommendations of the *Garner Forward Comprehensive Plan* and with the prevailing zoning and land use pattern in this area along US Highway 70.

Since this is a general use rezoning, all allowable Service Business uses must be considered when evaluating this rezoning request.



## **V. STAFF RECOMMENDATION**

**Staff Recommendation:** Staff will provide a recommendation at the August 13, 2018 Planning Commission meeting.

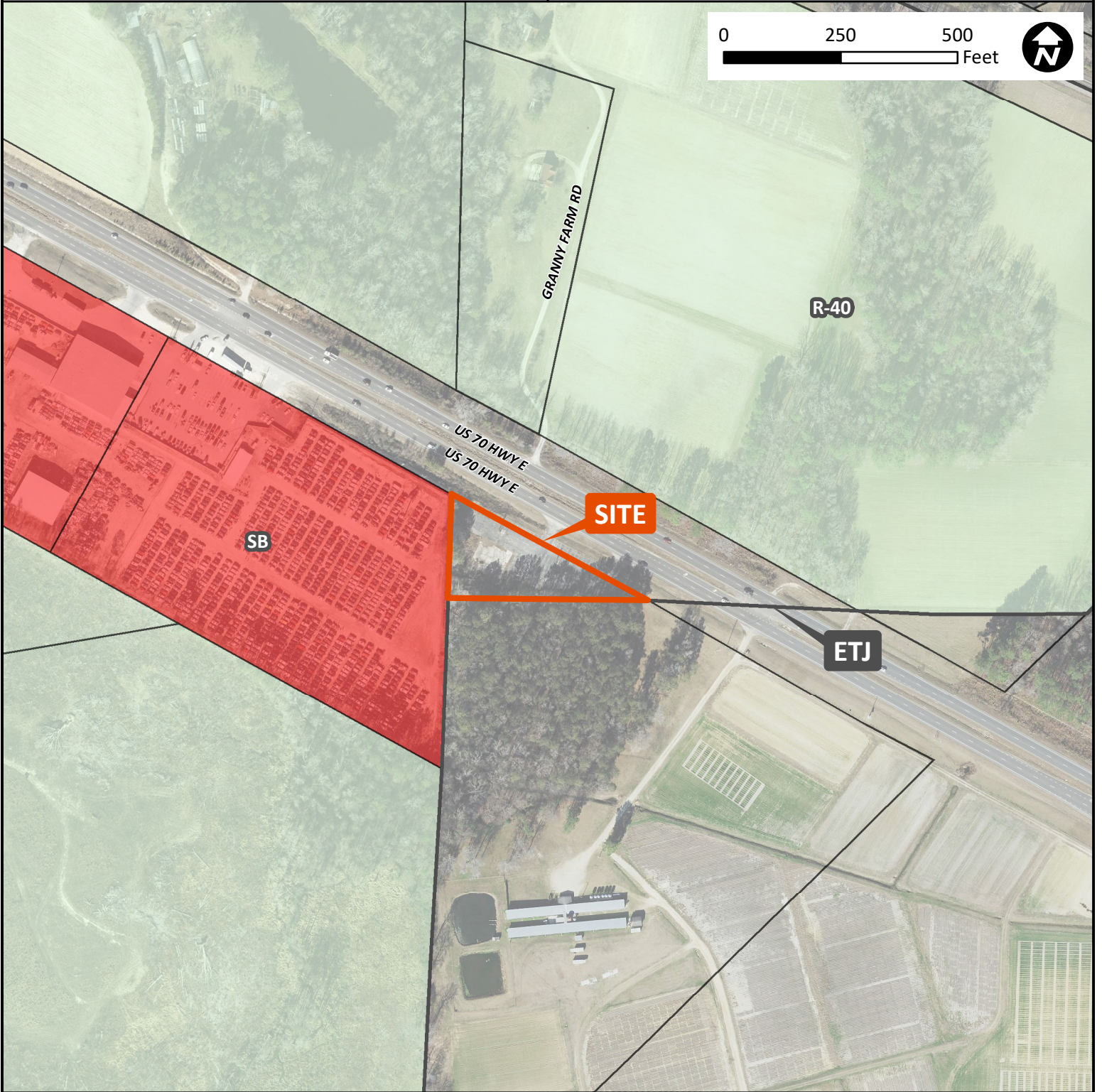
**Town Council Action:** After conducting the public hearing, staff recommends referring the rezoning application Z-18-03 to the Planning Commission for review at their August 13, 2018 meeting.





# Town of Garner Planning Department

# General Use Applications Z-18-03



**Applicant:** *Town of Garner*  
**Owner:** *Harvey & Mildred Gordon Heirs*  
**Location:** *3008 US 70 Highway E*  
**Pin #:** *1721-26-5080*

**Current Zoning:** *Wake Highway District (HD)*  
**Proposed Zoning:** *Service Business (SB)*  
**Acreage:** *1.09 +/-*  
**Overlay:** *US-70/US-401 Thoroughfare*

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: July 17, 2018		
Subject: UDO-18-01, Central Business District Amendments		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jeff Triezenberg, Planning Director		
Presenter: Jeff Triezenberg, Planning Director		
Brief Summary:  The Downtown Development Manager's Office has applied to have two uses added to the list of permitted uses in the Central Business District: Outdoor Athletic and Entertainment Facility - Outdoor; and Indoor Only - Manufacturing and Production.		
Recommended Motion and/or Requested Action: Refer to Planning Commission for review and recommendation.		
Detailed Notes: See attached staff report.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: N/A		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



**TO:** Mayor and Town Council

**FROM:** Jeff Triezenberg, AICP, GISP; Planning Director

**SUBJECT:** *UDO-18-01, Central Business District Amendments*

**DATE:** July 17, 2018

### I. BACKGROUND

The Planning Department is actively engaged with the Downtown Garner Association, the association’s manager and various association subcommittees. Over the past year or so, the Department has been examining the Unified Development Ordinance closely in how it applies to the Central Business District. More often than not, anticipated barriers to desired redevelopment have been found not to be present; however, there are a couple of roadblocks that have been identified and are introduced now for consideration at the request of the Downtown Development Manager’s office.



The first proposed change would add “Outdoor Athletic or Entertainment Facility, Private” to the list of permitted uses in the CBD, but only upon the issuance of a Special Use Permit (SUP) from the Garner Town Council. If the CBD is to grow as a “crossroads of cultural arts” as stated in [Garner Forward](#), the ability to promote outdoor entertainment in smaller, quaint outdoor spaces is desirable. Given the wide variety of uses both within and adjacent to the CBD, the Town Council will have the ability to determine the appropriateness of the specific context of any proposed site as part of the SUP proceedings and to impose any site-specific conditions that may be appropriate.

The second change would add “Indoor Only” manufacturing and production to the list of permitted uses in the CBD with the standard that the use may not be located along the primary business sections of the Main Street corridor. As entrepreneurs begin and grow in the downtown area, it is likely that some professionals will need nearby outlets for small production spaces. The [Garner Forward](#) plan envisions select areas off the main corridor that may be suitable for such activities, so long as they are limited to indoor operations without any adverse effects on properties outside the CBD.

Staff considers these items as positive in nature and in support of [Garner Forward](#) promoting downtown as a “*growing crossroads of cultural arts, recreation and creative entrepreneurship in the community*”. Preliminary draft language changes are shown in the following section of this report.

## II. PROPOSED TEXT CHANGES

USE		RESIDENTIAL DISTRICTS							NONRESIDENTIAL DISTRICTS									
P = Permitted by right		P* = Permitted subject to standards							S = Special use permit required									
Use Category	Specific Use	R-40	R-20	R-15	R-12	R-9	R-MH	MF-1	MF-2	NO	NC	CBD	OI	CR	SB	I-1	I-2	Notes
<b>COMMERCIAL, OFFICE, RETAIL</b>																		
Entertainment (see 5.2F.1)	Outdoor Athletic or Entertainment Facility, Private											S			S	S		
<b>INDUSTRIAL AND MANUFACTURING</b>																		
Manufacturing and Production (see 5.2G.3)	Indoor or Outdoor																P*	5.3D.3
	Indoor Only											P*			P*	P*	P*	5.3D.3

### 5.3. Specific use standards

#### D. Industrial and manufacturing uses.

- 3. Manufacturing and production.** Manufacturing and production facilities are permitted in accordance with the use table in Section 5.32 and the following standards:
- a. No vibration shall be produced which is transmitted through the ground (and is discernable without the aid of instruments) at or at any point beyond the lot line.
  - b. All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness.
  - c. Visible emissions of air pollutants of any kind at ground level, past the lot line of the lot on which the source of emissions is located, are prohibited.
  - d. No person shall cause or permit any materials to be handled, transported or stored in such a manner which allows or may allow particulate matter to become airborne.
  - e. No direct glare from high temperature processes such as combustion or welding, which is visible at the lot line, shall be permitted.
  - f. There shall be no emission or transmission of heat or heated air so as to be discernable from the lot line.
  - g. Any condition or operation which results in the creation of odors of such intensity or character as to unreasonably interfere with the comfort of the public shall be removed, stopped or modified so as to remove the odor.
  - h. Manufacturing and production uses shall not be a permissible use within existing commercial buildings in downtown Garner located along Main Street between Montague Street and Griffin Street, and zoned CBD.**

### **III. RECOMMENDATION**

Planning staff recommends that upon conducting the public hearing and receiving public comment, the Council close the hearing and refer the matter to the Planning Commission which will meet on August 13<sup>th</sup> to review the request and make a recommendation. Barring any delay, the matter is scheduled to come back to Council on September 4<sup>th</sup> for consideration of final action.



### **III. RECOMMENDATION**

Planning staff recommends that the Town Council set a public hearing for July 24, 2018, to consider this matter, hear any comments from the general public and potentially forward the item to the Planning Commission for further discussion and a recommendation.

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: July 17, 2018		
Subject: Resolution for Bond Issuance		
Location on Agenda: Old/New Business		
Department: Finance		
Contact: Pam Wortham, Finance Director		
Presenter: Pam Wortham, Finance Director		
<b>Brief Summary:</b>  We will be selling the third installments of the bonds as approved by referendum in 2013. The total amount being sold at this time is \$4,050,000. The amounts are broken down as follows:		
1. Parks and Recreation           \$992,000 2. Downtown Redevelopment   \$753,000 (this completes this question) 3. Streets and Sidewalks       \$2,305,000		
<b>Recommended Motion and/or Requested Action:</b> Adopt Resolution (2018) 2355		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b> Preliminary step toward third bond sale to allow Town to complete several more projects on the bond project list.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	PW	
Finance Director:	PW	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

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**FINANCE DEPARTMENT MEMORANDUM**

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**TO:** RODNEY DICKERSON, TOWN MANAGER  
**FROM:** PAM WORTHAM, FINANCE DIRECTOR  
**SUBJECT:** RESOLUTION FOR BOND ISSUANCE  
**DATE:** JULY 10, 2018

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**GENERAL FUND**

We have begun the process to sell the third set of bonds associated with the 2013 bond referendum. This sale is for \$4,050,000 and is broken down as follows: 1) \$992,000 for Parks and Recreation bonds to begin work on greenways; 2) \$2,305,000 for Streets and Sidewalks to enhance sidewalk connectivity in existing neighborhoods and improve key intersections; and 3) \$753,000 for Downtown Redevelopment to purchase land to enhance the downtown historic area.

I have included a Resolution that is required to be adopted by the Town Council in order to proceed. The sale is scheduled for August 14, 2018, and should be final by August 30<sup>th</sup>.

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

**RESOLUTION NO. (2018) 2355**

The Town Council of the Town of Garner, North Carolina met in a regular meeting in the Council Chambers at the Town Hall located at 900 Seventh Avenue in Garner, North Carolina, the regular place of meeting, at 7:00 p.m. on July 17, 2018.

Present: Mayor Ronnie S. Williams, presiding, and Council Members

Absent: Council Member

Also present:

\* \* \* \* \*

\_\_\_\_\_ introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Council Member:

**RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF NOT TO EXCEED \$4,050,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2018**

BE IT RESOLVED by the Town Council (the “Town Council”) of the Town of Garner, North Carolina (the “Town”):

Section 1. The Town Council has determined and does hereby find and declare as follows:

(a) An order authorizing \$14,566,000 Street and Sidewalk Improvement Bonds (the “Street and Sidewalk Improvement Bonds”) was adopted by the Town Council of the Town on January 7, 2013, which order was approved by the vote of a majority of the qualified voters of the Town who voted thereon at a referendum duly called and held on March 12, 2013. \$5,669,000 of the Street and Sidewalk Improvement Bonds have heretofore been issued by the Town.

(b) An order authorizing \$7,150,000 Parks and Recreational Bonds (the “Parks and Recreational Bonds”) was adopted by the Town Council of the Town on January 7, 2013, which order was approved by the vote of a majority of the qualified voters of the Town who voted thereon at a referendum duly called and held on March 12, 2013. \$5,559,000 of Parks and Recreational Bonds have heretofore been issued by the Town.

(c) An order authorizing \$2,000,000 Redevelopment Bonds (the “Redevelopment Bonds”) was adopted by the Town Council of the Town on January 7, 2013, which order was

approved by the vote of a majority of the qualified voters of the Town who voted thereon at a referendum duly called and held on March 12, 2013. \$1,247,000 of the Redevelopment Bonds have heretofore been issued by the Town.

(d) No notes have been issued in anticipation of the receipt of the proceeds of the sale of said bonds, and it is necessary to issue \$2,305,000 of the Street and Sidewalk Improvement Bonds, \$992,000 of the Parks and Recreational Bonds and \$753,000 of the Redevelopment Bonds at this time.

(e) (i) The maximum period of usefulness of the public improvements to be provided with the proceeds of said bonds for street and sidewalk improvements is estimated as a period of twenty (20) years from August 30, 2018, the date of the bonds for street and sidewalk improvements authorized hereby, and that such period expires on August 30, 2038; (ii) the maximum period of usefulness of the public improvements to be provided with the proceeds of said bonds for parks and recreation facilities improvements is estimated as a period of forty (40) years from August 30, 2018, the date of the bonds for parks and recreational facilities improvements authorized hereby, and that such period expires on August 30, 2058; and (iii) the maximum period of usefulness of the public improvements to be provided with the proceeds of said bonds for community development improvements is estimated as a period of forty (40) years from August 30, 2018, the date of the bonds for community development improvements authorized hereby, and that such period expires on August 30, 2058.

(f) It is in the best interest of the Town to consolidate said bonds for the purposes of sale into a single issue of bonds designated "General Obligation Public Improvement Bonds, Series 2018."

Section 2. Pursuant to said orders, there shall be issued bonds of the Town in the aggregate principal amount of \$4,050,000 (subject to adjustment pursuant to the provisions set forth below) designated "General Obligation Public Improvement Bonds, Series 2018" and dated the date of delivery thereof (the "Bonds"). The Bonds shall be stated to mature annually (subject to adjustment pursuant to the provisions set forth below), August 1, \$120,000 2019 and 2020, \$125,000 2021 to 2026, inclusive, \$180,000 2027 to 2035, inclusive, and \$480,000 2036 to 2038, inclusive, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable semiannually on each August 1 and February 1, beginning February 1, 2019, until payment of such principal sum.

The Town reserves the right to adjust the principal amount of each maturity of the Bonds set forth above (including eliminating or adding maturities), subject to the limitations set forth in Section 159-65 of the General Statutes of North Carolina, as amended, and provided that the aggregate principal amount of the Bonds shall not exceed \$4,050,000. The final principal amount of each maturity of the Bonds and the allocation between the three purposes described in Section 1(d) shall be as set forth in the Final Official Statement (hereinafter defined).

In the event that the Finance Director of the Town determines, in consultation with the Local Government Commission, that it is in the best interests of the Town to do so, the Finance Director may direct, prior to or on the date of sale of the Bonds as hereinafter provided, that any

consecutive maturities of the Bonds may be combined into a term bond maturing on one date, subject to mandatory sinking fund redemption on the August 1 otherwise specified above as a maturity date. If the Finance Director so determines, the Finance Director shall file a certificate among the official records of the Town specifying the revised maturity schedule for the Bonds and setting forth the mandatory redemption provisions for the Bonds that are subject to mandatory sinking fund redemption.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless it is (a) authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds shall be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of The Depository Trust Company ("DTC"), shall be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the Town hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at such office of the Bond Registrar mentioned hereinafter or such other place as the Town may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by said Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books; provided, however, that for so long as the Bonds are deposited with DTC, the payment of the principal of and interest on the Bonds shall be made to DTC in same-day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Town shall not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Director of the Town determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Town will discontinue the book-entry system with DTC. If the Town identifies another qualified securities depository to replace DTC, the Town will make arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the Town fails to identify another qualified securities depository to replace DTC, the Town shall deliver replacement Bonds in the form of fully-registered certificates in denominations of \$5,000 or any whole multiple thereof (“Certificated Bonds”) in exchange for the outstanding Bonds as required by DTC and others. Upon the request of DTC, the Town may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Mayor and the Town Clerk of the Town and the corporate seal or a facsimile of the corporate seal of the Town shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary or the Deputy Secretary of said Commission and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Town or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds to be registered in the name of Cede & Co. and the endorsements thereon shall be in substantially the following form:

Unless this bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Town of Garner, North Carolina or its agent for registration or transfer, exchange, or payment, and any bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-\_\_\_\_ \$\_\_\_\_\_

United States of America  
State of North Carolina  
County of Wake

TOWN OF GARNER  
GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2018

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
August 1, 20__	_____%	_____

The Town of Garner, a municipal corporation in the State of North Carolina, is justly indebted and for value received hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Finance Director of said Town (the "Bond Registrar"), in Garner, North Carolina, the principal sum of

\_\_\_\_\_ DOLLARS

and to pay interest on such principal sum from the date hereof or from August 1 or February 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is August 1 or February 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable semiannually on each August 1 and February 1, beginning February 1, 2019, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of said Town; provided, however, that for so long as the Bonds (hereinafter defined) are deposited with The Depository Trust Company ("DTC"), the payment of the principal of and interest on the Bonds shall be made to DTC in same day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the



respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said Town are hereby irrevocably pledged.

This bond is one of an issue of bonds designated “General Obligation Public Improvement Bonds, Series 2018” (the “Bonds”) and issued by said Town for the purpose of providing funds, with any other available funds, for street and sidewalk improvements, parks and recreational facilities improvements and community development improvements, and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, orders adopted by the Town Council of said Town, which orders were approved by the vote of a majority of qualified voters who voted thereon at a referendum duly called and held, and a resolution duly adopted by said Town Council (the “Resolution”).

The Bonds maturing on or prior to August 1, 2028 are not subject to redemption prior to maturity. The Bonds maturing on August 1, 2029 and thereafter may be redeemed, at the option of said Town, from any moneys that may be made available for such purpose, in whole or in part on any date not earlier than August 1, 2028, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

[Insert any mandatory sinking fund redemption provisions if any Bonds are designated as term bonds.]

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot of said Town in such manner as said Town in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system with The Depository Trust Company (“DTC”), is used for determining beneficial ownership of Bonds, if less than all of the Bonds within the maturity are to be redeemed, DTC and its participants shall determine which of the Bonds within a maturity are to be redeemed by lot. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in such manner as the Town may determine.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, said Town shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part to his address appearing upon the registration books of said Town, provided that such notice to Cede & Co. shall be given by certified or registered mail. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such Bonds or portions thereof on such date and, if moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for

redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to Cede & Co. or its legal representative upon the surrender hereof.

Any notice of redemption [other than a notice of mandatory sinking fund redemption] may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed and that if such moneys are not so received such notice shall be of no force or effect and such Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the principal of and premium, if any, and interest are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of DTC, is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. Said Town will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, said Town will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any whole multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his office the books of said Town for the registration of transfer of Bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said Town sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said Town, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Town of Garner, North Carolina, by resolution duly adopted by its Town Council, has caused this bond to be manually signed by the Mayor of said Town and the Town Clerk and its official seal to be impressed hereon, all as of the \_\_\_\_ day of August, 2018

[Do not sign] \_\_\_\_\_  
Mayor

[SEAL]

[Do not sign] \_\_\_\_\_  
Town Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

[Do not sign] \_\_\_\_\_  
[Deputy] Secretary, Local Government  
Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

[Do not sign] \_\_\_\_\_  
Finance Director, as Bond Registrar

Date of authentication: \_\_\_\_\_

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_

\_\_\_\_\_

attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

In the presence of:

\_\_\_\_\_  
NOTICE: The signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

\_\_\_\_\_  
The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration of enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds maturing on or prior to August 1, 2028 are not subject to redemption prior to maturity. The Bonds maturing on August 1, 2029 and thereafter may be redeemed, at the option of said Town, from any moneys that may be made available for such purpose, in whole or in part on any date not earlier than August 1, 2028, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If, on or before the date of sale of the Bonds, the Finance Director shall determine that it is in the best economic interests of the Town to modify the redemption provisions set forth herein, the Finance Director is hereby authorized to take all necessary action to achieve such modification, including, but not limited to the modification of the form of the Bonds included herein. Such modification of the redemption provisions will be evidenced by the Town's execution and delivery of the Bonds.

If the Finance Director determines that it is in the best interests of the Town that any of the Bonds be designated as a term bond subject to mandatory sinking fund redemption as provided in Section 2, the Bonds so designated shall be subject to mandatory sinking fund redemption on each August 1 as designated by the Finance Director. Upon such an occurrence, the mandatory redemption provisions for the Bonds that are subject to mandatory sinking fund redemption shall be set forth in the certificate of the Finance Director filed among the official records of the Town pursuant to Section 2.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot of the Town in such manner as the Town may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system with DTC is used for determining beneficial ownership of Bonds, if less than all of the Bonds within the maturity are to be redeemed, DTC and its participants shall determine which of the Bonds within a maturity are to be redeemed by lot. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in such manner as the Town may determine.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Town shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part to his address appearing upon the registration books of the Town, provided that such notice to Cede & Co. shall be given by certified or registered mail. Failure to mail such notice or any defect therein shall not affect the validity of the redemption as regards registered owners to whom such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

Any notice of redemption, other than any notice of a mandatory sinking fund redemption, may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed and that if such moneys are not so received such notice shall be of no force or effect and such Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the principal of and premium, if any, and interest are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Town upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory

to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar. The Town or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Town or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the date of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to Section 4 of this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

The Town shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the Bonds. The Finance Director of the Town, or any person at any time acting in such capacity, is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively the "Bond Registrar"), subject to the right of the Town Council of the Town to appoint another Bond Registrar, and as such shall keep at his office in the Town, the books of the Town for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The Town covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986 (the "Code"), as amended or as may be amended from time to time, and any Treasury regulations now or hereafter promulgated thereunder, to the extent necessary so that interest on the bond will not be included in gross income of the owners of the bonds for purposes of federal income tax.

Section 7. The action of the Mayor, the Town Manager, the Finance Director and the Town Clerk of the Town in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds is hereby approved, ratified and confirmed, and the Local

Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and printing and distributing a Preliminary Official Statement relating to the sale of the Bonds. Such Preliminary Official Statement, to be dated the date of delivery thereof, in substantially the form presented at this meeting, is hereby authorized and approved. The delivery of such Preliminary Official Statement by the Mayor, the Town Manager and the Finance Director is hereby approved, ratified and confirmed.

The preparation of a final Official Statement (the “Final Official Statement”), which will be in the form of the Preliminary Official Statement, but will include certain pricing and other information to be made available to the successful bidder for the Bonds by the Local Government Commission of North Carolina, is hereby approved, and the Mayor, the Town Manager and the Finance Director of the Town are hereby authorized to execute and deliver the Final Official Statement for and on the behalf of the Town, and such execution shall be conclusive evidence of the approval of the Town Council of the Final Official Statement.

Section 8. The Town hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide to the Municipal Securities Rulemaking Board (the “MSRB”):

(a) by not later than seven months from the end of each fiscal year of the Town, beginning with the fiscal year ended June 30, 2018, audited financial statements of the Town for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Town are not available by seven months from the end of such fiscal year, unaudited financial statements of the Town for such fiscal year to be replaced subsequently by audited financial statements of the Town to be delivered within fifteen (15) days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Town, beginning with the fiscal year ended June 30, 2018, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the headings “THE TOWN - Debt Information and - Tax Information” (excluding any information on underlying units) in the Final Official Statement and (ii) the combined budget of the Town for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above.

(c) in a timely manner not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;



(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds or other material events affecting the tax status of the Bonds;

(7) modification to the rights of the beneficial owners of the Bonds, if material;

(8) bond calls, except for a mandatory sinking fund redemption, if material, and tender offers;

(9) defeasances;

(10) release, substitution or sale of any property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar event of the Town;

(13) the consummation of a merger, consolidation or acquisition involving the Town or the sale of all or substantially all of the assets of the Town, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(14) appointment of a trustee or a successor or additional trustee or the change of name of a trustee, if material; and

(d) in a timely manner, notice of a failure of the Town to provide required annual financial information described in (a) or (b) above on or before the date specified.

All information provided to the MSRB as described in this Section shall be provided in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The Town may meet the continuing disclosure filing requirement described above by complying with any other procedure that may be authorized or required by the United States Securities and Exchange Commission.

If the Town fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Town reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Town, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the Town;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Final Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners of the Bonds, as determined either by parties unaffiliated with the Town (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this resolution, as this resolution may be amended from time to time, at the time of such amendment.

In the event that the Town makes such a modification, the annual financial information containing the modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 9. The Mayor, the Town Manager, the Finance Director and the Town Clerk of the Town are hereby authorized and directed to execute and delivery such closing and other documents and take such other actions as may be necessary or appropriate for the purpose of facilitating the sale and issuance of the Bonds in a manner consistent with the terms of this resolution.

Section 10. The Town hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Town will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds (as defined by the Code) and not counting certain current refunding obligations as provided in Section 265(b)(3)(C)(ii)(III) of the Code) during calendar year 2018. In addition, the Town hereby designates the bond to be a “qualified tax-exempt obligation” for the purposes of the Code.

Section 11. This resolution shall take effect upon its passage.

Upon motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing resolution entitled “RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF NOT TO EXCEED \$4,050,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2018” was adopted by the following vote:

Ayes: \_\_\_\_\_

---

Noes: \_\_\_\_\_

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\* \* \* \* \*

I, Stella Gibson, Town Clerk of the Town of Garner, North Carolina, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Town Council of said Town at a regular meeting held on July 17, 2018, as relates in any way to the passage of the foregoing resolution providing for the issuance of general obligation public improvement bonds of said Town.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said Town this 17<sup>th</sup> day of July, 2018.

---

Town Clerk

[SEAL]

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: July 17, 2018		
Subject: Memorandum of Understanding – Wake County Voluntary Agriculture District		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
<p><b>Brief Summary:</b></p> <p>The Wake County Soil and Water Conservation Department is requesting consideration by all Wake municipalities to enter into a memorandum of understanding with the Wake Soil &amp; Water Conservation District to have their staff administer the Voluntary Agricultural District Program within the municipal corporate limits. This program already applies to the Garner ETJ areas.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Recommends that the Town enter into a MOU with Wake County regarding Voluntary Agriculture Districts</p>		
<p><b>Detailed Notes:</b></p> <p>State law authorizes counties and municipalities to undertake programs to encourage the preservation of family farms. Wake Co. adopted a Voluntary Farmland Preservation Program Ordinance in 2002 and updated it in 2016. The County's program applies to the unincorporated areas of Wake County, including the municipal ETJ areas but does not apply to the municipal corporate limits. The County is requesting consideration by all Wake municipalities to enter into a MOU with the Wake Soil &amp; Water Conservation Depart. for their staff administer the program within the municipal corporate limits. This would allow farms inside Garner Town limits to participate in the program.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></p> <p>N/A</p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**TO:** The Honorable Mayor & Town Council

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

**SUBJECT:** *Memorandum of Understanding – Wake County Voluntary Agriculture District*

**DATE:** July 17, 2018

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### **BACKGROUND**

In 1986 the General Assembly passed “The Agricultural Development and Farmland Preservation Enabling Act” authorizing counties and municipalities to undertake programs to encourage the preservation of family farms (NCGS §106-735). Wake County adopted a Voluntary Farmland Preservation Program Ordinance in 2002 and later updated it in 2016. This program is administered by the Wake Soil and Water Conservation District which is under the Wake County Environmental Services Department.

### **COUNTY PROGRAM**

According to Wake County’s web-site, there are 35 Voluntary Agriculture Districts, made up of 51 different landowners and 128 parcels totaling about 6,000 acres. For farm land to be designated as a Wake County Voluntary Agriculture District, it must be engaged in one of the following activities: at least 5 acres of horticulture; at least 10 acres agriculture; or at least 20 acres of forestry. To participate in the program, property owners may complete an application. Once the application is approved, the site will be identified on the county’s Agriculture District map. Recognition includes a free sign to be posted on the property to proudly display the owner is committed to the preservation of an agriculture way of life. Since the program is voluntary, property owners may withdraw from the District at any time for any reason.



Source: <http://www.wakegov.com/swcd/agriculture/Pages/voluntary.aspx>

## **MOU REQUEST**

Per General Statutes, the County District program has responsibilities in the unincorporated areas of Wake County, including the municipal ETJ areas. The County program does not apply to farm properties in municipal corporate limits unless there is a Memorandum of Understanding (MOU) between the county and the town. Instead of municipalities having their own Voluntary Agriculture District programs, state law allows a MOU between the county and the towns, so that there would be one program in the county instead of 15 separate ones.

The Wake County Soil and Water Conservation Department is requesting consideration by Wake municipalities to enter into a MOU with the Wake Soil & Water Conservation District to have their staff administer the Voluntary Agricultural District Program within the municipal corporate limits.

## **STAFF ANALYSIS**

According to Wake County's Voluntary Agriculture District map, there are several designated districts located in Garner's ETJ. These are all administered by the County.

- 10729 Ten Ten Road; Callie Sauls; 20.51 acres
- New Bethel Church Road (near High School); Robert Bryan; Timothy Bryan; 16.33 acres
- 8140 Hebron Church Road; Robert and Jean Bryan; 99.36 acres

The amount of available land within Garner's corporate limits that would qualify for a Voluntary Agriculture District designation is limited. There are very few large undeveloped tracts remaining. With development pressures, undeveloped tracts will continue to dwindle. However, there are a few remaining areas that contain five (5) or more vacant acres. These areas are along W Garner Road, south of Cloverdale Subdivision; Old Stage Road, north of Eagle Ridge Subdivision; and E Garner Road, between Creech Road and Jones Sausage Road. There are also a few large tracts remaining on Timber Drive between Aversboro Road and NC 50 (southside).

While Staff believes development pressures will prevail, a site could be designated as Voluntary Agriculture District until such time it develops. In no way would this program hurt or discourage development as the program is voluntary. If a development plan is proposed on one of these sites, the owner would simply withdraw from the program. The program is simply to show pride and support for agriculture. There are no other benefits. Bonafide farms that have special tax exemption status are not automatically enrolled in the program. These would also have to apply and be accepted to be able to display the sign on the property.

## **STAFF RECOMMENDATION**

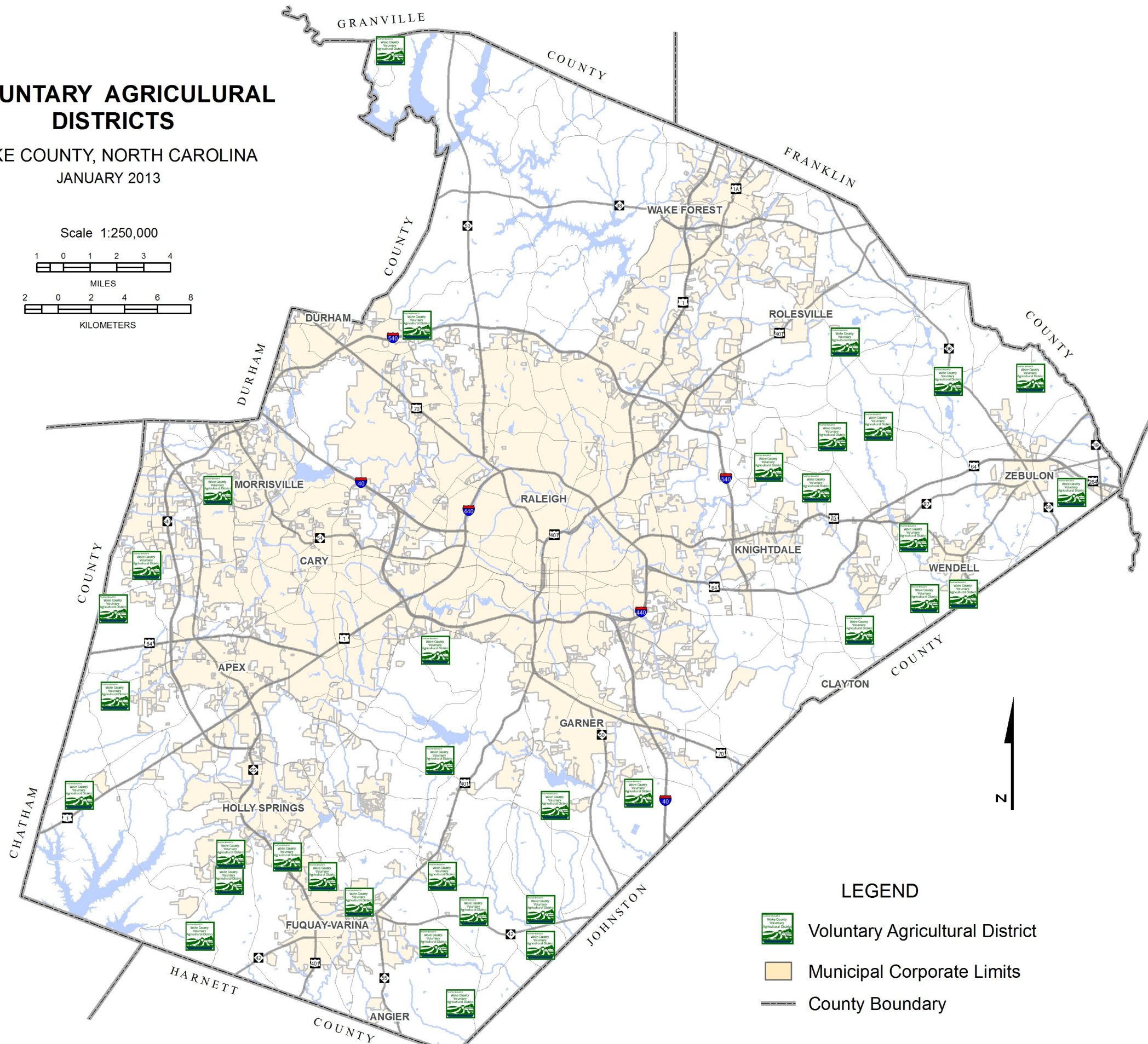
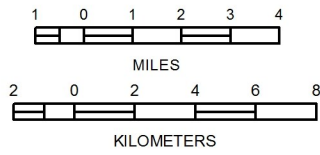
Staff has reviewed this request and has no objections. Staff recommends that the Town enter into a MOU with Wake County so that the county District staff will administer the Wake County Voluntary Agriculture District within Garner's corporate limits.




# VOLUNTARY AGRICULTURAL DISTRICTS

WAKE COUNTY, NORTH CAROLINA  
JANUARY 2013

Scale 1:250,000



**LEGEND**

-  Voluntary Agricultural District
-  Municipal Corporate Limits
-  County Boundary

## Another Beautiful Wake County Voluntary Agricultural District



- ★ Wake County has **35** Voluntary Agricultural Districts, comprised of **51** different landowners and **128** parcels.
- ★ Nearly **6,000** acres of farmland has been preserved and protected through the Voluntary Agricultural District Program in Wake County

### Voluntary Agricultural District Program Summary

- The purpose of the Voluntary Agricultural District program is to:
  - Preserve and protect farmland from non-agricultural development
  - Encourage the economic and financial health of agricultural areas
  - Increase the identity and pride in the agricultural community and its way of life
- Voluntary Agricultural Districts are comprised of single farms with at least 100 contiguous acres of farmland or two or more farms, within one mile of each other, that have a combined total of at least 100 acres of farmland.
- To qualify for County certification as a Voluntary Agricultural District the farmland in the VAD must have a history of agricultural use and be actively managed as a farm and the landowners must agree to sustain, encourage and promote agriculture.

Information depicted hereon is for reference purposes only and is derived from best available sources. Wake County assumes no responsibility for errors arising from misuse of this map.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
COUNTY OF WAKE  
AND  
TOWN OF GARNER, NORTH CAROLINA**

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between the County of **Wake**, hereinafter referred to as the County, and the Town of **Garner**, hereinafter referred to as the Municipality.

**A. PURPOSE:**

The purpose of this memorandum is to continue to develop and expand a framework of cooperation between the County and the Municipality, as authorized by N.C. Gen. Stat. §§ 160A-460 through 160A-466 and N.C. Gen. Stat. § 153A-11 to allow for the creation and administration of a mutually beneficial Voluntary Agricultural District Program.

**B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

The inhabitants of both the County and the Municipality have recognized the need to promote agricultural values and the general welfare of their communities and, specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; and increase protection from non-farm development and other negative impacts on properly managed farms; and have therefore agreed that the County shall operate, through a delegation of the Municipality's authority, a voluntary agricultural district program within the boundaries of the Municipality, according to the terms set forth in the Wake County Voluntary Agricultural District Ordinance, without regard to any provision of that Ordinance to the contrary.

**C. RESPONSIBILITIES**

**THE COUNTY AND MUNICIPALITY SHALL:**

1. **Benefits:** Ensure that farmland, horticultural land, and forestland either now within municipal limits of the Municipality, or within such limits as the result of annexation, shall be able to participate in the Wake County Voluntary Agricultural District program with the full benefits accorded to other participants; and
2. **Appointment:** Permit appointment of an *ex officio* member, selected by the Municipality, to the Wake County Agricultural Advisory Board.



**D. CONTACTS AND ACKNOWLEDGEMENT**

1. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

County Contact:

Name Dale Threatt-Taylor

Phone 919-250-1068

County Department Soil and Water Conservation Department

E-mail dthreattaylor@wakegov.com

Municipality Contact:

Name David Bamford

Phone 919-773-4443

Municipal Department Planning

E-mail dbamford@garnernc.gov

2. NON-FUND OBLIGATING DOCUMENT. This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

3. COMMENCEMENT/EXPIRATION DATE. This instrument is executed as of the date of last signature and is effective in perpetuity.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

County Representative:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality Representative:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: July 17, 2018		
Subject: White Oak, Hebron Church, Ackerman Intersection Improvements Project - Phase II		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Het Patel, Senior Planner - Transportation and Land Use		
Presenter: Het Patel, Senior Planner - Transportation and Land Use		
<b>Brief Summary:</b>  Presenting the scope of services and budget for Phase II of intersection improvements project at White Oak Road, Hebron Church Road, and Ackerman Road. Phase II includes preliminary design plans, right-of-way design plans, construction plans, utility relocation coordination, NCDOT/CAMPO coordination and LAPP funding application.		
<b>Recommended Motion and/or Requested Action:</b> Request authorization for Town Manager to move forward with contract execution for Phase II.		
<b>Detailed Notes:</b> Detailed scope of services are attached, which include description of activities and work to be performed under each of the following key elements of the scope of services: preliminary design plans, right-of-way design plans, construction plans, utility relocation coordination and NCDOT/CAMPO coordination.		
<b>Funding Source:</b> General Fund		
Cost: \$220,740-Phase II	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b> N/A		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**TO:** Mayor and Town Council Members

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

**SUBJECT:** *White Oak, Hebron Church, Ackerman Intersection Improvements – Phase II*

**DATE:** July 17, 2018

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**Introduction:**

At the June 19, 2018, Town Council unanimously selected to move forward with Alternative 3 – Partial Dual-Lane Roundabout as the preferred alternative for intersection improvements at White Oak Road, Hebron Church Road, and Ackerman Road. This memo provides the scope of services for Phase II of the project.

**Scope of Services:**

The scope of services for Phase II are provided as an attachment to this memorandum and they include activities to be performed for the following design services:

- A. NCDOT/CAMPO Coordination – this includes support for LAPP funding application
- B. Preliminary Plans – for selected roundabout alternative
- C. Right-of-Way Plans
- D. Construction Plans
- E. Utility Relocation Coordination Services

The detailed activities within each design service are highlighted in the attached memorandum. At this time, all parties are in agreement on budget as well as the scope of work.

**Budget:**

The total project budget for Phase II is **\$220,740** and will be spread out over the duration of the project, payable in monthly invoices according to the percentage of each work task completed.

**Next Steps:**

Seeking Council’s agreement and authorization to move forward with contract execution for Phase II. Once this is complete, the consultant will finalize the environmental documentation, and begin preliminary plans design for Alternative 3 – Partial Dual-Lane Roundabout in preparation for LAPP funding application (call for projects: August 15, 2018 Board Meeting).

**Scope of Work for Proposed  
White Oak, Ackerman and Hebron Church Roads Intersection Improvements  
Town of Garner, North Carolina**

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**LOCATION & DESCRIPTION**

The area of improvement is the intersection of White Oak Road and Hebron Church Road, and includes the intersection of Hebron Church Road and Ackerman Road in the town of Garner, North Carolina. The proposed improvements, based on the planning and alternative selection phase of the project, is a dual lane roundabout with median divided slip lane for northbound White Oak Road.

All plans will be in accordance with North Carolina Department of Transportation (NCDOT) standards and subject to their review and approval.

**DESIGN SERVICES**

**A. NCDOT /CAMPO Coordination**

The roadway improvements involve state-maintained roads. This scope includes coordinating required roadway plan submittals through the District 5 Office (serving Wake County). We will also assist the town in preparing and submitting a LAPP funding request package to CAMPO in October, 2018.

**B. Preliminary Plans**

- Develop design criteria and typical sections.
- Design preliminary alignments and intersection in accordance with the concept plan.
- Prepare cross sections at 50 foot intervals.
- Plot preliminary slope stake lines and determine affected land parcels and utilities.
- Layout pedestrian crossing locations in splitter islands.
- Develop preliminary hydraulic analysis and drainage design.
- Prepare plan sheets in accordance with NCDOT design manual.
- Notify utility owners of the proposed project and potential impacts.
- Develop traffic management strategy and key components.
- Coordinate with NCDOT for removal of existing traffic signal.
- Preliminary construction cost estimate.
- Complete NCDOT Review List for Preliminary Plans.
- Submit plans to Town/NCDOT for review and comment.
- Meet with the Town to discuss review comments.
- Revise plans to address comments and submit for approval.

**C. Right-of-Way Plans**

- Finalize road alignments and intersection details.
- Design detours and/or temporary pavement sections.
- Update cross sections and add drainage ditches, etc. to plotted cross sections.
- Plot final slope stake lines on plan sheets.
- Finalize hydraulic design and roadway drainage plans.
- Prepare erosion control plan.

- Update and refine traffic management strategy including coordination for signal modifications and removal.
- Coordinate with Utility owners impacted by the proposed design. Relocation plans to be developed by the impacted utility owner.
- Plot and label proposed right-of-way and easements, both temporary and permanent, on plan sheets.
- ROW construction cost estimate.
- Complete NCDOT Review List for Right-of-Way Plans.
- Submit plans to Town and NCDOT for review and comment.
- Revise plans to address comments and resubmit for approval.
- Set proposed right-of-way and prepare property acquisition descriptions and exhibits.
- Coordinate with the Town for right-of-way acquisition.

#### **D. Construction Plans**

We will prepare a complete set of plans that will include all design elements necessary to bid and construct the proposed roadway improvements. The plan set will be in accordance with NCDOT requirements and will include:

- Title sheet with owner and engineer contact information and certifications.
- General notes sheets including indexes, project notes and standard details.
- Typical sections and special details sheets.
- Estimated quantities and other tables and summaries.
- Proposed plan sheets.
- Profile sheets.
- Cross section sheets.
- Erosion control plans.
- Traffic control plans.
- Signing and striping layout sheets.
- Utility relocations plans (to be performed by Others).

The following tasks are included in the preparation of the construction plans:

- Perform in house QA/QC.
- Final Construction cost estimate.
- Coordinate with NCDNR for land disturbance permit.
- Complete NCDOT Review List for Final Construction Plans.
- Submit to Town for review and comment.
- Submit to NCDOT for review and comment.
- Revise plans to address comments and resubmit for approval.
- Prepare and submit final plans for construction.

## **E. Utility Relocation Coordination Services**

We will assist the Town in coordinating with utility owners for their relocation plans in accordance with the NCDOT Utility Design and Coordination Process. The following tasks will be completed.

- Submit plans to utility owners during Preliminary Design.
- Assist Town in writing letter to accompany plans.
- Assist Town in reviewing and summarizing responses from the utility companies.
- Hold a meeting to discuss utility relocations with utility companies and the Town/NCDOT.
- Assist the Town in compiling a utility assessment and preliminary routing report to submit for NCDOT for approval.

### **DESIGN FEE:**

The above scope of services will be performed for a lump sum fee of \$220,740.

### **SPECIFIC SERVICES NOT INCLUDED IN THE SCOPE**

It is our understanding that the following items are not needed or will be performed by others and are hereby specifically excluded from the scope. Should any of these items become necessary, we will be available to perform these services for an additional fee.

- Surveying (except as provided in Phase I)
- SUE, Level B will be provided with survey, need for Level A to be determined in Preliminary Design.
- Geotechnical investigations or design, pavement design to be coordinated with NCDOT.
- Landscape design for roundabout.
- Floodway/floodplain map revisions or CLOMR submittal to FEMA.
- Permit fees, any application fees or mitigation plans.
- Right-of-way acquisition services, descriptions, plats or exhibits.
- Construction observation services.
- As-Built Plans or record drawings.
- Retaining Wall or other major structure design.
- Utility relocation plans on behalf of utilities.
- Bid phase services.

# Reports

## Memorandum

**To:** Rodney Dickerson, Town Manager  
**From:** Pam Wortham, Finance Director  
**Date:** July 10, 2018  
**Subject:** Financial Reports for June 2018  
**CC:** Town Council

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Attached is the statement of revenues and expenditures for FY 2018 through June 30, 2018. This represents the end of the fiscal year.

The report shows that the Town collected approximately 85.9% of estimated revenues. We have not made any entries into the financial statements to reflect our estimates for the year end audit, such as the final three months of sales tax distributions.

- All property taxes for the year have been received, except for the tax payments made to DMV during the month of June (those are received by the Town mid-to-late July).
- We have received nine sales tax distributions and are 3.26% ahead of this time last year. While we have not reached our budgeted total for FY 2018, once we have the data to estimate the final quarter, it is anticipated that we will exceed the budget for sales tax.
- Building permit fees are 13.78% higher than compared to the same period last year, and we have collected \$175,317 more than the original budget for this item.
- Although we budgeted for water and sewer capacity fees this year, this revenue source was stopped after the first quarter.

Please review the attached Analysis of Revenues for additional information.

Overall, the report shows that the Town has expended approximately 90% of its budget. Please note, however, invoices for FY 17-18 expenses are still coming in to be paid (through mid-July), so the amount of actual expenditures that will be reflected in the CAFR will differ. The expenditure portion of the report also does not include the final “true up” of revenues that will be set aside for some sort of reserve (such as the Revenue Savings Plan and Fee in Lieu of Parkland). These adjustments will be made as part of the annual audit.

The balance sheet report provides selected accounts for your review. We currently have \$27.9 million invested through both the NC Capital Management Trust and PFM. As a reminder, this reports only on General Fund accounts and does not include any taxes or assessment receivable accounts. Taxes Receivable are reported on the Analysis of Revenue report.

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



Town of Garner  
Statement of Revenues and Expenditures  
For the Period July 1, 2017 to June 30, 2018

**FOR INTERNAL USE ONLY**

	Budget	Actual	Over (Under) Budget	Percentage of Budget	Actual Prior Year
<b>REVENUES</b>					
Ad valorem taxes	\$ 17,714,800	\$ 17,862,062	\$ 147,262	100.8%	\$ 17,363,161
Other taxes and licenses	6,366,000	4,730,336	(1,635,664)	74.3%	4,604,307
Intergovernmental revenues	3,338,507	2,685,626	(652,881)	80.4%	2,741,056
Permits and fees	2,400,573	2,519,419	118,846	105.0%	3,046,027
Sales and services	543,898	548,299	4,401	100.8%	536,883
Investment earnings	220,000	367,573	147,573	167.1%	242,109
Other revenues	193,143	272,503	79,360	141.1%	311,499
Other Financing Sources	3,108,870	48,515	(3,060,355)	1.6%	101,066
Proceeds from issuance of debt	672,000	660,000	(12,000)	0.0%	6,229,000
Transfers in	-	-	-	0.0%	-
Appropriated fund balance	-	-	-	0.0%	-
<b>Total Revenues</b>	<b>\$ 34,557,791</b>	<b>\$ 29,694,334</b>	<b>\$ (4,863,457)</b>	<b>85.9%</b>	<b>\$ 35,175,108</b>
<b>EXPENDITURES</b>					
Governing body	\$ 431,145	\$ 388,913	(42,232)	90.2%	\$ 307,603
Administration	1,453,078	1,325,119	(127,959)	91.2%	1,210,101
Finance	850,427	771,298	(79,129)	90.7%	684,219
Economic development	424,106	362,058	(62,048)	85.4%	267,430
Economic incentives	70,000	-	(70,000)	0.0%	-
Planning	805,694	651,597	(154,097)	80.9%	764,141
Inspections	1,034,847	950,375	(84,472)	91.8%	934,210
Engineering	624,908	597,977	(26,931)	95.7%	612,283
Information technology	594,305	534,704	(59,601)	90.0%	552,486
Police	8,520,250	8,374,535	(145,715)	98.3%	7,660,942
Fire services	3,285,869	3,282,609	(3,260)	99.9%	2,912,321
Public works	7,864,283	6,955,700	(908,583)	88.4%	6,525,870
Parks and recreation	2,081,854	1,884,313	(197,541)	90.5%	5,106,900
Debt service	3,924,469	3,748,005	(176,464)	95.5%	5,727,392
Special appropriations	1,346,037	1,295,122	(50,915)	96.2%	1,168,915
Transfers out	1,246,519	-	(1,246,519)	0.0%	-
Contingency	-	-	-	0.0%	1,500
<b>Total expenditures</b>	<b>\$ 34,557,791</b>	<b>\$ 31,122,324</b>	<b>\$ (3,435,467)</b>	<b>90.1%</b>	<b>\$ 34,436,313</b>
<b>Revenues over Expenditures</b>	<b>\$ -</b>	<b>\$ (1,427,990)</b>	<b>\$ (1,427,990)</b>		<b>\$ 738,795</b>

Town of Garner  
 Analysis of Major Revenues  
 For the Period July 1, 2017 Through June 30, 2018

**Property Tax Collections**

*(collections compared to budget)*

	Through Month Ending	
	6/30/2018	6/30/2017
Collections--Current Year	\$ 17,786,232	\$ 17,238,245

*Note: Does not include DMV taxes collected in June -- will not be received until mid-to-late July.*

Collection % Budget	101.13%	101.28%
Collection % Value/Levy (both DMV & Wake County)	99.57%	99.28%

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

	Through Month Ending		
	6/30/2018	6/30/2017	
Real Property Value	\$2,777,319,789	\$2,732,009,205	
Personal Property Value	203,660,399	179,065,109	
Public Service Property Value	132,723,662	118,064,138	
Vehicle Value	238,073,243	233,486,205	
Total	\$3,351,777,093	\$3,262,624,657	Percent Change 2.73%

**Sales Tax Distributions**

	Through Month Ending		
	6/30/2018	6/30/2017	
Sales Taxes	\$4,609,593	\$4,463,935	3.26%

*Sales taxes distributed through 6/30 represent sales tax paid by consumers in July 2017-March 2018*

**Building Permit Fees**

	Through Month Ending		
	6/30/2018	6/30/2017	
Fees Collected	\$1,025,317	\$901,156	13.78%

**PRCR Fees**

	Through Month Ending		
	6/30/2018	6/30/2017	
Recreation Fees	\$238,543	\$215,155	10.87%
Facility Rentals	\$221,453	\$236,595	-6.40%

Town of Garner  
 Selected Balance Sheet accounts  
 As of June 30, 2018

**FOR INTERNAL USE ONLY**

		General
<b>ASSETS</b>		
Cash in Bank	\$	1,147,547
Petty cash and change funds		2,185
NC Capital Management Trust investments		17,944,260
PFM Investments		9,924,835
Police Asset Forfeiture account		39,854
Receivables & Inventory (excluding Taxes & Assessments)		349,651
	\$	29,408,331
<b>LIABILITIES</b>		
Accounts Payable	\$	676,448
Bonds on deposit for Planning/Engineering		145,615
Rental Deposits		11,633
Deferred Revenue		55,446
	\$	889,142
Current Year Revenues to date	\$	29,694,334
Current Year Expenditures to date		(31,122,324)
Restricted Fund Balance July 1		916,441
Committed Fund Balance July 1		7,270,556
Unrestricted Fund Balance		21,760,182
	\$	28,519,189

<b>Permit #:</b>	2180244	<b>Inside Town Limits</b> Yes	
<b>Issue date:</b>	6/29/2018	<b>Census tract:</b>	<b>PIN#:</b> 1619-23-6900
<b>Lot#:</b>	165	<b>Subdivision:</b> ARBOR GREENE	<b>Total cost:</b> \$136,913.00
<b>PropAddress:</b>	101 VERDE GLEN DRIVE		
<b>Owner's</b>	RMS INVESTMENTS LLC	<b>Owner's Phone:</b>	919-813-0123
<b>Contractor</b>	ONE27 HOMES	<b>Contractor's Phone:</b>	919-813-0123
<b>Type of Improvement:</b>	New Building	<b>Proposed Use</b>	SINGLE FAMILY DWELLIN
<b>Permit #:</b>	2180245	<b>Inside Town Limits</b> Yes	
<b>Issue date:</b>	6/29/2018	<b>Census tract:</b>	<b>PIN#:</b> 1619-23-6709
<b>Lot#:</b>	166	<b>Subdivision:</b> ARBOR GREENE	<b>Total cost:</b> \$119,428.00
<b>PropAddress:</b>	103 VERDE GLEN DRIVE		
<b>Owner's</b>	RMS INVESTMENTS LLC	<b>Owner's Phone:</b>	919-813-0123
<b>Contractor</b>	ONE27 HOMES	<b>Contractor's Phone:</b>	919-813-0123
<b>Type of Improvement:</b>	New Building	<b>Proposed Use</b>	SINGLE FAMILY DWELLIN
<b>Permit #:</b>	2180413	<b>Inside Town Limits</b> Yes	
<b>Issue date:</b>	6/28/2018	<b>Census tract:</b>	<b>PIN#:</b> 1720-37-8276
<b>Lot#:</b>		<b>Subdivision:</b> N/A	<b>Total cost:</b> \$795,820.00
<b>PropAddress:</b>	110 CARILLON DRIVE		
<b>Owner's</b>	IA GARNER WHITE OAK	<b>Owner's Phone:</b>	919-627-5890
<b>Contractor</b>	HOLT BROTHERS CONSTRUCTION, LLC	<b>Contractor's Phone:</b>	919-787-1981
<b>Type of Improvement:</b>	Alteration	<b>Proposed Use</b>	RESTAURANT
<b>Permit #:</b>	2180605	<b>Inside Town Limits</b> Yes	
<b>Issue date:</b>	6/26/2018	<b>Census tract:</b>	<b>PIN#:</b>
<b>Lot#:</b>		<b>Subdivision:</b> N/A	<b>Total cost:</b> \$128,275.00
<b>PropAddress:</b>	1040 TIMBER DRIVE EAST		
<b>Owner's</b>	TARGET CORPORATION	<b>Owner's Phone:</b>	
<b>Contractor</b>	GROOM CONSTRUCTION CO, INC	<b>Contractor's Phone:</b>	781-592-3135
<b>Type of Improvement:</b>	Alteration	<b>Proposed Use</b>	MERCANTILE/RETAIL
<b>Permit #:</b>	2180675	<b>Inside Town Limits</b> Yes	
<b>Issue date:</b>	6/4/2018	<b>Census tract:</b>	<b>PIN#:</b> 1710-36-9925
<b>Lot#:</b>		<b>Subdivision:</b> N/A	<b>Total cost:</b> \$229,000.00
<b>PropAddress:</b>	950 HEATHER PARK DRIVE		
<b>Owner's</b>	INDUSTRIAL AUTOMATED SYSTEMS	<b>Owner's Phone:</b>	919-810-4432
<b>Contractor</b>	JCI BUILDERS, INC	<b>Contractor's Phone:</b>	919-809-6699
<b>Type of Improvement:</b>	Alteration	<b>Proposed Use</b>	BUSINESS/OFFICE

<b>Permit #:</b>	2180700	<b>Inside Town Limits</b>		Yes
<b>Issue date:</b>	6/5/2018	<b>Census tract:</b>	<b>PIN#:</b>	1711-70-7720
<b>Lot#:</b>		<b>Subdivision:</b>	N/A	<b>Total cost:</b> \$107,900.00
<b>PropAddress:</b>	128 US HWY 70 EAST			
<b>Owner's</b>	AWS INVESTMENT GROUP LLC	<b>Owner's Phone:</b>	919-815-0380	
<b>Contractor</b>	SPARKMAN CONSTRUCTION	<b>Contractor's Phone:</b>	919-369-8310	
<b>Type of Improvement:</b>	Alteration	<b>Proposed Use</b>	MERCANTILE/RETAIL	

<b>Permit #:</b>	2180731	<b>Inside Town Limits</b>		Yes
<b>Issue date:</b>	6/8/2018	<b>Census tract:</b>	<b>PIN#:</b>	
<b>Lot#:</b>		<b>Subdivision:</b>	N/A	<b>Total cost:</b> \$165,000.00
<b>PropAddress:</b>	1437 AVERSBORO ROAD			
<b>Owner's</b>	FOUNDATION GROUP I LLC	<b>Owner's Phone:</b>	919-850-3053	
<b>Contractor</b>	ENVIRONMENTAL HOLDING GROUP LLC	<b>Contractor's Phone:</b>	919-524-5216	
<b>Type of Improvement:</b>	Demolition	<b>Proposed Use</b>	ASSISTED LIVING	

<b>Permit #:</b>	2180737	<b>Inside Town Limits</b>		Yes
<b>Issue date:</b>	6/11/2018	<b>Census tract:</b>	<b>PIN#:</b>	1711256471
<b>Lot#:</b>	9	<b>Subdivision:</b>	VANDORA WEST	<b>Total cost:</b> \$144,081.00
<b>PropAddress:</b>	141 VANDORA HILLS PLACE			
<b>Owner's</b>	KELLYS CROSSING DEVELOPER, LLC	<b>Owner's Phone:</b>	919-800-9169	
<b>Contractor</b>	SMITH DOUGLAS HOMES	<b>Contractor's Phone:</b>	919-812-0350	
<b>Type of Improvement:</b>	New Building	<b>Proposed Use</b>	SINGLE FAMILY DWELLIN	

<b>Permit #:</b>	2180750	<b>Inside Town Limits</b>		Yes
<b>Issue date:</b>	6/18/2018	<b>Census tract:</b>	<b>PIN#:</b>	1711341959
<b>Lot#:</b>	27	<b>Subdivision:</b>	VANDORA WEST	<b>Total cost:</b> \$134,826.00
<b>PropAddress:</b>	116 BENNING HILLS PLACE			
<b>Owner's</b>	KELLYS CROSSING DEVELOPERS	<b>Owner's Phone:</b>	919-800-9169	
<b>Contractor</b>	SMITH DOUGLAS HOMES	<b>Contractor's Phone:</b>	919-812-0350	
<b>Type of Improvement:</b>	New Building	<b>Proposed Use</b>	SINGLE FAMILY DWELLIN	

<b>Permit #:</b>	2180771	<b>Inside Town Limits</b>		Yes
<b>Issue date:</b>	6/22/2018	<b>Census tract:</b>	<b>PIN#:</b>	1710-47-8234
<b>Lot#:</b>	25	<b>Subdivision:</b>	LANDING AT HEATHER PARK	<b>Total cost:</b> \$119,505.00
<b>PropAddress:</b>	165 WELLONS CREEK DRIVE			
<b>Owner's</b>	ROYAL OAKS BUILDING GROUP LLC	<b>Owner's Phone:</b>	919-233-3886	
<b>Contractor</b>	ROYAL OAKS BUILDING GROUP, LLC	<b>Contractor's Phone:</b>	919-233-3886	
<b>Type of Improvement:</b>	New Building	<b>Proposed Use</b>	TOWNHOME	

<b>Permit #:</b>	2180772	<b>Inside Town Limits</b> Yes	
<b>Issue date:</b>	6/22/2018	<b>Census tract:</b>	<b>PIN#:</b> 1710-47-8221
<b>Lot#:</b>	26	<b>Subdivision:</b> LANDING AT HEATHER PARK	<b>Total cost:</b> \$124,636.00
<b>PropAddress:</b>	173 WELLONS CREEK DRIVE		
<b>Owner's</b>	ROYAL OAKS BUILDING GROUP LLC	<b>Owner's Phone:</b>	919-233-3886
<b>Contractor</b>	ROYAL OAKS BUILDING GROUP, LLC	<b>Contractor's Phone:</b>	919-233-3886
<b>Type of Improvement:</b>	New Building	<b>Proposed Use</b>	TOWNHOME
<b>Permit #:</b>	2180775	<b>Inside Town Limits</b> Yes	
<b>Issue date:</b>	6/22/2018	<b>Census tract:</b>	<b>PIN#:</b> 1710-47-8107
<b>Lot#:</b>	28	<b>Subdivision:</b> LANDING AT HEATHER PARK	<b>Total cost:</b> \$124,636.00
<b>PropAddress:</b>	189 WELLONS CREEK DRIVE		
<b>Owner's</b>	ROYAL OAKS BUILDING GROUP LLC	<b>Owner's Phone:</b>	919-233-3886
<b>Contractor</b>	ROYAL OAKS BUILDING GROUP, LLC	<b>Contractor's Phone:</b>	919-233-3886
<b>Type of Improvement:</b>	New Building	<b>Proposed Use</b>	TOWNHOME
<b>Permit #:</b>	2180787	<b>Inside Town Limits</b> Yes	
<b>Issue date:</b>	6/22/2018	<b>Census tract:</b>	<b>PIN#:</b> 1711-34-0997
<b>Lot#:</b>	28	<b>Subdivision:</b> VANDORA WEST	<b>Total cost:</b> \$134,990.00
<b>PropAddress:</b>	112 BENNING HILLS PLACE		
<b>Owner's</b>	KELLYS CROSSING DEVELOPER LLC	<b>Owner's Phone:</b>	919-800-9169
<b>Contractor</b>	SMITH DOUGLAS HOMES	<b>Contractor's Phone:</b>	919-812-0350
<b>Type of Improvement:</b>	New Building	<b>Proposed Use</b>	SINGLE FAMILY DWELLIN

**Building Activity by Type and Proposed Use for  
Report Beginning: 06/01/2018 to Report Ending: 06/30/2018**

**Addition**

<b>Proposed Use</b>	<b>Number of Units</b>	<b>Construction Value</b>	<b>Intown Value</b>
BUSINESS/OFFICE	1	\$20,000.00	\$0.00
DECK	4	\$18,261.85	\$18,261.85
PORCH	1	\$20,000.00	\$0.00
SCREENED PORCH	1	\$15,700.00	\$15,700.00
SINGLE FAMILY DWELLIN	2	\$10,500.00	\$10,500.00
SUNROOM	3	\$42,470.00	\$42,470.00
<b>Total</b>	<b>12</b>	<b>\$126,931.85</b>	<b>\$86,931.85</b>

**Alteration**

<b>Proposed Use</b>	<b>Number of Units</b>	<b>Construction Value</b>	<b>Intown Value</b>
BUSINESS/OFFICE	6	\$440,720.00	\$440,720.00
COLLOCATION TOWER	1	\$15,000.00	\$0.00
DECK	1	\$8,400.00	\$8,400.00
MERCANTILE/RETAIL	3	\$238,175.00	\$238,175.00
RESTAURANT	2	\$819,820.00	\$819,820.00
SINGLE FAMILY DWELLIN	5	\$88,379.00	\$88,379.00
SOLAR SYSTEM (RES)	3	\$99,271.00	\$99,271.00
<b>Total</b>	<b>21</b>	<b>\$1,709,765.00</b>	<b>\$1,694,765.00</b>

**Demolition**

<b>Proposed Use</b>	<b>Number of Units</b>	<b>Construction Value</b>	<b>Intown Value</b>
ASSISTED LIVING	1	\$165,000.00	\$165,000.00
<b>Total</b>	<b>1</b>	<b>\$165,000.00</b>	<b>\$165,000.00</b>

**Electrical**

<b>Proposed Use</b>	<b>Number of Units</b>	<b>Construction Value</b>	<b>Intown Value</b>
ASSEMBLY/AMUSEMENT	1	\$100.00	\$100.00
CHANGE OF SERVICE	1	\$800.00	\$800.00
CHURCH/RELIGIOUS	1	\$2,650.00	\$2,650.00

COMMERCIAL SIGN	3	\$1,000.00	\$1,000.00
ELECTRICAL SERVICE REC	1	\$5,000.00	\$5,000.00
GENERATOR	1	\$4,529.00	\$0.00
MANUFACTURED HOME	1	\$850.00	\$0.00
OTHER	1	\$1,000.00	\$1,000.00
SINGLE FAMILY DWELLIN	2	\$1,640.00	\$1,140.00
<b>Total</b>	12	\$17,569.00	\$11,690.00

### Mechanical

Proposed Use	Number of Units	Construction Value	Intown Value
GAS FUEL LINE	1	\$870.00	\$870.00
MECHANICAL REPLACEME	57	\$415,858.24	\$381,128.24
TANKLESS HOT WATER HE	1	\$8,500.00	\$8,500.00
<b>Total</b>	59	\$425,228.24	\$390,498.24

### New Building

Proposed Use	Number of Units	Construction Value	Intown Value
RESIDENTIAL STORAGE	1	\$500.00	\$500.00
SINGLE FAMILY DWELLIN	5	\$670,238.00	\$670,238.00
TOWNHOME	4	\$465,552.00	\$465,552.00
<b>Total</b>	10	\$1,136,290.00	\$1,136,290.00

### New Structure

Proposed Use	Number of Units	Construction Value	Intown Value
ASSEMBLY/AMUSEMENT	1	\$16,680.00	\$16,680.00
COMMERCIAL SIGN	1	\$1,500.00	\$1,500.00
RESIDENTIAL STORAGE	1	\$52,689.00	\$52,689.00
RETAINING WALL	1	\$8,275.00	\$8,275.00
SWIMMING POOL	1	\$30,500.00	\$30,500.00
<b>Total</b>	5	\$109,644.00	\$109,644.00

### Plumbing

Proposed Use	Number of Units	Construction Value	Intown Value
ASSEMBLY/AMUSEMENT	1	\$2,000.00	\$2,000.00



CHURCH/RELIGIOUS	1	\$750.00	\$750.00
GAS HOT WATER HEATER	1	\$1,820.00	\$1,820.00
IRRIGATION	1	\$2,000.00	\$2,000.00
PLUMBING	3	\$9,200.00	\$4,200.00
WATER SERVICE	1	\$1,200.00	\$1,200.00
<b>Total</b>	8	\$16,970.00	\$11,970.00

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<b>Sum</b>	<b>Total Number of Permits</b>	<b>128</b>
	<b>Total Construction Value</b>	<b>\$3,707,398.09</b>
	<b>Total Intown Value</b>	<b>\$3,606,789.09</b>