### **TOWN OF GARNER**



# TOWN COUNCIL MEETING

October 16, 2018 7:00 P.M.

> Garner Town Hall 900 7th Avenue Garner, NC 27529

#### Town of Garner Town Council Agenda October 16, 2018

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 act or deliberate on the subject matter brought up during the Petitions and Comments segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.

- E. ADOPTION OF AGENDA
- F. PRESENTATIONS

Recognize Departments for assisting local governments with storm-related duties.

#### 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.

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

Action: Consider Adoption of Minutes

2. Presenter: David Bamford, Planning Services Manager Resolution to set public hearing date for contiguous annexation of 35.29 +/- acres for the Martin Marietta property located on the south side of E Garner Road; CUP-SP 18-12; ST Wooten concrete plant site; approved September 4, 2018. Includes intervening NCRR and NCDOT rights-of-way. Action: Consider Adoption of Resolution (2018) 2360 to set Public Hearing for November 5, 2018 3. Presenter: Jonathan Ham, Asst. Town Engineer Wake County provides erosion control compliance services in Garner's jurisdiction. It has been requested that we pass an agreement reflecting and renewing our agreement with the County to perform these services. Action: Consider Approval of Agreement 4. Presenter: Tony Chalk, Town Engineer The Engineering Department is recommending approval of one (1) stop condition within Evolve Timber Creek Apartments to serve as a basic traffic control measure. Action: Consider Approval of Stop Condition Η. **PUBLIC HEARINGS** 1. Presenter: Het Patel, Senior Planner Request to change zoning for 2.77 +/- acres from Residential 9 Conditional Use (R-9 C153) to Residential 40 (R-40) General Use. The site is located at 800 and 1000 Maxwell Drive. Action: Consider Closing Public Hearing and Referring to Planning Commission **NEW/OLD BUSINESS** ١. 1. Preserving Garner's History ...... Page 36 Presenter: Garner Historical Society The newly formed Garner Historical Society will discuss its ideas on preserving Garner's

Action: Council Guidance

history and how the Historic Depot may fit into those plans.

Staff will review the community feedback regarding route options for the South Garner Greenway, as well as the local match options for the LAPP grant application and how the match affects project scoring.

Action: Consider Approving the Preferred Greenway Route and Matching Funds for LAPP Submittal

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

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

Review of Jones Sausage Road widening and realignment LAPP application details including overview of the LAPP schedule and scoring criteria and SPOT process applications for grade separation portion of the project. Additionally, staff will present estimates for design and ROW for entire project based on conversations with one of the on-call consultants.

Action: Consideration of Local Match for Design and ROW Phase for LAPP Submittal

This item provides an update on the pre-submittal meeting for LAPP project for Ackerman Road extension from Bryan Road to NC50. The discussion with CAMPO staff included reclassification of NCDOT functional classification of roadways within Garner.

Action: Consideration to Support Staff Analysis on NCDOT Functional Classification of Roadways in Garner

#### J. COMMITTEE REPORTS

#### K. MANAGER REPORTS

- 1.
- garner info Finance Report 2.
- Building & Permit Report 3.
- L. ATTORNEY REPORTS
- M. COUNCIL REPORTS
- N. ADJOURNMENT

## Town of Garner Town Council Meeting Agenda Form

Meeting Date: October 16, 2018				
Subject: Council Meeting Minutes				
Location on Agenda: Consent				
Department: Administration				
Contact: Stella Gibson, T	Town Clerk			
Presenter: Stella Gibson	, Town Clerk			
Brief Summary:				
Minutes from the Sep	tember 18 and October	1, 2018 Council Meetings.		
Recommended Motion	n and/or Requested Acti	ion:		
Consider Adoption of Mir				
	Tutes .			
Detailed Notes:				
- " -				
Funding Source:				
Cost:	One Time:	Annual: No Cost:		
Manager's Comments	and Recommendations:	:		
N/A				
,				
Attachments Yes:   No:   No:				
Agenda Form	Initials:	Comments:		
Reviewed by:				
Department Head:	SG			
Finance Director:				
Town Attorney:				
Town/Acomey.				
Town Manager:	DD			
	RD			
Town Clerk:				

### Town of Garner Town Council Meeting Minutes September 18, 2018

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

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

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, Rick Mercier-Communications Manager, Forrest Jones-Public Works Director, Pam Wortham-Finance Director, Tony Chalk-Town Engineer, Jonathan Ham-Asst. Town Engineer, Thad Anderson-Interim Town Manager, Stella Gibson, Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Gra Singleton

**INVOCATION:** Council Member Gra Singleton

#### PETITIONS AND COMMENTS

#### ADOPTION OF AGENDA

Motion: Kennedy Second: Singleton Vote: 5:0

#### **PRESENTATIONS**

Fire Chief Matt Poole stated Garner Volunteer Fire-Rescue (GVFR) was asked to participate in a benchmarking analysis of the Harrisburg Fire Department performed by the consulting firm of NC Fire Rescue Innovative Solutions. Fourteen other North Carolina departments were included in the comparison.

Highlights included GVFR as having:

- the highest in actual fires per 1,000 population
- fires as a percent of all responses
- square miles of service area (84 square miles) this is the largest district size of those compared
- square miles and population per fire station
- average number of incidents per fire station
- percent of population age 0-17

Chief Poole added that an area of improvement they are working on is to capture the percentage of fire loss damages.

#### **CONSENT**

#### Ordinance Amending FY2017/2018 Operating Budget

Presenter: Pam Wortham, Finance Director

Budget amendment to rollover purchase orders still open on June 30, 2018. These are items or services ordered prior to June 30 but not received or delivered before this date. This is standard procedure to officially recognize these items as part of the next year's budget and are accounted for through the assigned fund balance category that sets money aside for these planned expenditures.

Action: Consider Adoption of Ordinance (2018) 3931

Motion: Marshburn Second: Behringer

Vote: 5:0

#### **PUBLIC HEARINGS**

#### **NEW/OLD BUSINESS**

#### **Aversboro Road Line Striping**

Presenter: John Hodges, Asst. Town Manager

Mr. Hodges stated NC DOT will begin resurfacing Aversboro Road between Timber Drive and 7th Avenue in the next few weeks. Joey Hopkins, Division Engineer, asked if the Town would like to stripe this segment of Aversboro Road as three lanes - one lane in each direction with a turn lane in the center. There would be extra pavement on each side that would be delineated with a solid line, creating space that could be used as future bike bikes lanes. However, these lanes would not be marked as dedicated bike lanes until/if the Town should chose to. NC DOT noted that the markings could be done with paint instead of thermoplastic to allow for easier reconfiguration if desired.

Action: Council consensus not to stripe this segment of Aversboro Road as three lanes

#### 2018 Pavement Condition Assessment Project Award

Presenter: Jonathan Ham, Asst. Town Engineer

Mr. Ham stated the Engineering Department is seeking approval to award the 2018 Pavement Condition Assessment Project to The Kercher Group. Mr. Dickerson clarified funding for this project will be from the Powell Bill.

Council Member Singleton asked when The Kercher Group would be able to start on this project and Mr. Ham responded the Town would provide a Notice to Proceed that could be signed in the next week or two. The project is scheduled to be complete in 60 days.

Council Member Kennedy asked about the following three years of surveys included in the project costs and whether there was a need to sign Task 1 and then decide if we wanted to move forward when that portion was completed. Mr. Ham responded Task 1 could be completed now and a decision on Task 2 considered at a later time; the cost would remain the same.

Action: Award Project to The Kercher Group. After the study is completed, but before next step, staff to update Council on how the project went. At that time, any changes, reevaluation, or termination can be considered.

Motion: Kennedy Second: Singleton

Council Member Singleton stated taking aggressive approach to resurfacing is money well spent. Mayor ProTem Marshburn asked if there was a schedule of streets to be resurfaced in place already. Mr. Ham responded there was. At the top of the list are the streets that were scheduled to be resurfaced in this cycle, but funding was unavailable.

Motion: 5:0

#### **Timber Drive Sidewalk Connectors Contract Award**

Presenter: Jonathan Ham, Asst. Town Engineer

Mr. Ham stated the Engineering Department is seeking approval to award SEPI Engineering and Construction the engineering and design services contract for the Timber Drive Sidewalk Connectors Project. This area is between Blanton and Stowe Street and Harth Drive and the Post Office. LAPP funding is in place for an 80/20 match (the Town would be responsible for the 20% which is \$80,000).

Action: Award of Engineer/Design Services Contract to SEPI for Project

Motion: Kennedy Second: Behringer

Vote: 5:0

#### **COMMITTEE REPORTS**

#### MANAGER REPORTS

- garner info
- Finance Report
- Building & Permit Report
- Mr. Jones provided an update of the unprepared storm debris/yard waste removal resulting from Hurricane Florence. The annual fall cleanup and the storm debris pickup will be combined to make them into one event beginning October 8. Residents should expect the process to take a couple of weeks.
- Mr. Hodges provided the following:
  - New Rand Road home that burned staff is working to resolve the issue of overgrown grass and weeds. An agent for the property advised if the project pending for this site does not

- move forward soon, the house will be demolished.
- Lighting at North South Station Planning staff did an evaluation and found a large number of lights were not working or out. The management group was contacted, and they turned in work orders to get the lights fixed. Staff will re-visit the site when repairs are completed.
- Mr. Roylance advised the deadline to apply for LAPP funding for the South Garner Greenway is
  October 31 and we can move forward with multiple route options. The Town will be required to
  match 20% (which gives us more points). In order to improve our application status, community
  meetings will be held on October 11 to allow feedback from the community.
- Mr. Dickerson stated the annual manager's professional development conference (ICMA) is scheduled for the first part of next week. The Work Session was rescheduled to Thursday, September 27.

#### **ATTORNEY REPORTS**

#### **COUNCIL REPORTS**

#### Marshburn

- Thanked Town staff who assisted during Hurricane Florence.
- Expressed sympathy for the plight of those in the community labeled as homeless and noted a gentleman who uses Lake Benson as a place to stay. Council Member Behringer provided Mayor ProTem Marshburn with a contact name for those individuals to receive assistance.
- Tickets go on sale on October 18<sup>th</sup> for the morning Rotary Club's 14<sup>th</sup> Annual OysterFest.

#### Behringer

- Reported the repair of the flooding at the intersection of Garner Road west of Vandora Springs has been corrected.
- The railroad is installing new rails at New Rand Road and St. Mary's Street. The area where the
  trenches were installed has washed out causing impacts to vehicles. Currently, no signage is in
  place.

#### Singleton

- Expressed appreciation for scheduling the fall cleanup for debris.
- Noticed Turner Asphalt was performing some resurfacing last week and did fast, neat, and clean work.

#### Kennedy

Asked for an update of the Emergency Operations Center (EOC). Mr. Dickerson advised the EOC was
set up in the Police Department Training Room with staff and representatives from Public Safety
(Fire, Police), Public Works, Communications, and Administration. An EOC allows direct resources
and makes a bigger impact so emergencies can be responded to as soon as possible. Updates were
posted on social media and the Town's website.

#### Johns

Council Member Johns had nothing to report.

ADJOURNMENT: 8:43 p.m.

### Town of Garner Town Council Meeting Minutes October 1, 2018

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

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

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, Rick Mercier-Communications Manager, Pam Wortham-Finance Director, William E. Anderson-Town Manager, Stella Gibson, Town Clerk

PLEDGE OF ALLEGIANCE: Mayor Ronnie Williams

**INVOCATION:** Mayor Ronnie Williams

#### **PETITIONS AND COMMENTS**

#### **ADOPTION OF AGENDA**

Motion: Johns Second: Singleton Vote: 4:0

#### **PRESENTATIONS**

Council Member Behringer presented a Proclamation recognizing the month of October as Breast Cancer Awareness Month.

#### **CONSENT**

**Council Meeting Minutes** 

Presenter: Stella Gibson, Town Clerk

Minutes from the July 17, August 21, August 28, and September 4, 2018 Council Meetings and closed session minutes from August 21 and September 4, 2018.

Action: Consider Adoption of Minutes

#### **2019 Council Meeting Schedule**

Presenter: Rodney Dickerson, Town Manager

Consideration of the proposed 2019 Council Meeting Schedule.

Action: Consider Adoption of Resolution (2018) 2358

Resolution Declaring Unpaid Nuisance Abatements as Liens

Presenter: Pam Wortham, Finance Director

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

Action: Consider Adoption of Resolution (2018) 2359

Ordinance Amending FY2018/2019 Operating Budget (Parks Master Plan)

Presenter: Pam Wortham, Finance Director

At the August 21, 2018 Council meeting, the Town Council approved contracts for McAdams as the consultant to prepare the PRCR Comprehensive Plan, and the Meadowbrook master plan. A portion of the funds (\$37,000) for the Comp Plan was appropriated previously and is in the multi-year project fund recently established. The remainder of the funds (\$82,660) will come from Fund Balance. The full amount of the Meadowbrook contract (\$74,905) will come from Fund Balance.

Action: Consider Adoption of Ordinance (2018) 3932

Ordinance Amending FY2018/2019 Operating Budget (Bond Issuance Costs)

Presenter: Pam Wortham, Finance Director

On August 31, 2018, bond sale #3, as part of the 2013 bond referendum, settled with the LGC. We received a total premium of \$157,717.10, and had bond issuance costs of \$112,703.85. This budget amendment is to utilize a portion of the premium received to pay for the issue costs.

Action: Consider Adoption of Ordinance (2018) 3933

Motion: Kennedy Second: Behringer Vote: 4:0

#### **PUBLIC HEARINGS**

#### **NEW/OLD BUSINESS**

#### **COMMITTEE REPORTS**

Council Member Kennedy advised the Public Works Committee would be meeting tomorrow at 9:00 a.m. at 112 Rand Mill Road to conduct a site visit and discuss Main Street streetscape and parking improvements.

#### **MANAGER REPORTS**

garner info

#### Events:

- · October 6 Fireman's Festival @ 11:00 a.m.
- · October 6 Lorraine Jordan and Carolina Road playing @ GPAC @ 7:30 p.m.
- · October 8 Unprepared storm debris removal starts
- · October 9 USAF Rhythm in Blue Jazz Ensemble playing @ GPAC @ 7:00 p.m.
- · October 11 Proposed Greenway Extension Public Meeting @ White Deer Park Nature Center @ 5:30 p.m.
- Reminded Council to submit Conflict of Interest Statements

#### **ATTORNEY REPORTS**

#### **COUNCIL REPORTS**

**ADJOURNMENT:** 7:10 p.m.

## Town of Garner Town Council Meeting Agenda Form

Meeting Date: October 16, 2018				
Subject: Annexation Petition ANX-18-06, ST Wooten				
Location on Agenda: Consent				
Department: Planning				
Contact: David Bamford	l, Planning Services Manage	er		
Presenter: David Bamfo	ord, Planning Services Man	nager		
Brief Summary:				
		on the south side of E Garner Road; CUP-SP 18-12; ST Wooten Includes intervening NCRR and NCDOT rights-of-way.		
Recommended Motion	n and/or Requested Acti	ion:		
	•	t Public Hearing for November 5, 2018		
Detailed Notes:				
	a a la a d			
Map and staff report atta	acnea.			
Funding Source:				
	l o . =:			
Cost:	One Time:	Annual: No Cost:		
Manager's Comments	and Recommendations:	:		
N/A				
,				
Attachments Yes:   No:   No:				
Agenda Form	Initials:	Comments:		
Reviewed by:				
Department Head:	JT			
	-			
Finance Director:				
Town Attorney				
Town Attorney:				
Town Manager:				
	RD			
Town Clerk:				



#### **Planning Department Memorandum**

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

**SUBJECT: ANX-18-06:** Town of Garner

**DATE:** October 16, 2018

ANNEXATION APPLICATION: ANX 18-06

OWNERS: Martin Marietta

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: E Garner Road

WAKE COUNTY PIN #: 1721407293, 1721408632, 1721503460, 3.090

portion of 1721526431

(includes intervening NCRR and NCDOT rights-of-

way)

REAL ESTATE ID #: 0017545, 0133716, 0076865, portion of 0044439

(includes intervening NCRR and NCDOT rights-of-

way)

AREA: 35.29 +/- acres (includes 14.92 +/- acres of

intervening right-of-way

ZONING: I-2 C205

ASSOCIATED DEVELOPMENT PLAN: CUP-SP 18-12; ST Wooten; approved September 4,

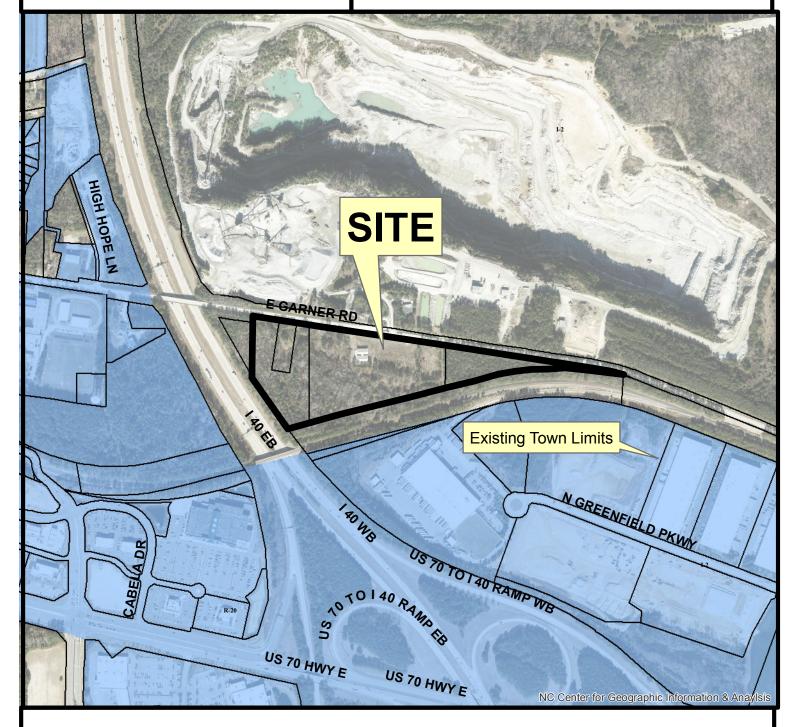
2018

RECOMMENDATION: Set Public Hearing for November 5, 2018

## **Town of Garner Planning Department**

# **Annexation ANX 18-06**0 400 800 Feet





Project: S.T. Wooten Property: E Garner Road Owner: Martin Marietta

Area: 20.37 acres

Pin: 1721407293, 1721408632, 1721503460,

3.090 portion of 1721526431

#### RESOLUTION NO. (2018) 2360

### RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has 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 petition has 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 area described herein will be held at the Town Hall at 7:00 p.m. on the 5<sup>th</sup> day of November, 2018.

Section 2. The area proposed for annexation is described as follows:

(ANX 18-06) Martin Marietta – Contiguous annexation – WAKE COUNTY PIN #'s: 1721407293, 1721408632, 1721503460, and 3.090 =/- acre portion of 1721526431 (includes intervening NCRR and NCDOT rights-of-way). Totals 35.92 +/- acres.

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 16<sup>th</sup> day of October, 2018.

	Ronnie S. Williams, Mayor
ATTEST:	
Stella L. Gibson, Town Clerk	

## Town of Garner Town Council Meeting Agenda Form

Meeting Date: October 16, 2018			
Subject: Wake County Sedimentation and Erosion Control Concurring Ordinance			
Location on Agenda: Consent			
Department: Engineering			
Contact: Jonathan Ham,	Asst. Town Engineer		
Presenter: Jonathan Har	m, Asst. Town Engineer		
Brief Summary:			
		e services in Garner's jurisdiction. It has been requested that we reement with the County to perform these services.	
Recommended Motion	n and/or Requested Actio	ion:	
Consider Approval of Agr	· ·		
Detailed Notes:			
Funding Source:			
Cost:	One Time:	Annual: No Cost:	
Manager's Comments	and Recommendations:	:	
I recommend that we continue our agreement with Wake County to provide erosion control compliance services within Garner's jurisdiction.			
Attachments Yes:   No:			
Agenda Form	Initials:	Comments:	
Reviewed by:			
Department Head:	TC		
Finance Director:			
Town Attorney:			
Town Manager:	RD		
Town Clerk:			

### STATE OF NORTH CAROLINA COUNTY OF WAKE

# INTERLOCAL AGREEMENT BETWEEN THE TOWN OF GARNER AND WAKE COUNTY REGARDING ADMINISTRATION OF EROSION AND SEDIMENTATION CONTROL ORDINANCE

This Interlocal Agreement (the "Agreement"), entered into this the \_\_\_\_\_day of \_\_\_\_\_\_, 2018, by and between the TOWN OF GARNER, NORTH CAROLINA, being a municipal corporation organized under the laws of North Carolina (hereinafter "Garner") and WAKE COUNTY, NORTH CAROLINA, a public body politic and corporate of the State of North Carolina (hereinafter "Wake"); collectively referred to herein as "the Parties", WITNESSETH:

WHEREAS, construction site runoff controls are a minimum measure required by Garner's National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Discharge Permit issued by the North Carolina Department of Environment and Natural Resources; and

**WHEREAS**, the Wake County Erosion and Sedimentation Control Program complies with the construction site runoff controls minimum measure; and

WHEREAS, Wake has long administered for Garner the provisions of Article 10, "Erosion and Sedimentation Control" of the Wake County Unified Development Ordinance ("E&S Ordinance" or "Ordinance") without benefit of a formal interlocal agreement; and

WHEREAS, Wake shall continue to administer in Garner's jurisdiction the E&S Ordinance; and

WHEREAS, the parties pursuant to the authority of Chapter 160A-461 et seq. of the North Carolina General Statutes and proper resolution by the governing body of Garner and the Wake County Board of Commissioners are authorized to enter into this Agreement in order to pursue the above stated goals.

**NOW THEREFORE**, for and in consideration of the premises and covenants contained in the Agreement and the mutual benefits derived therefrom, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

### ARTICLE I Purpose, Roles, & Responsibilities

- **1.01. Purpose:** This Agreement shall define the terms under which Wake shall administer and enforce in Garner's jurisdiction the E&S Ordinance, which is the same Ordinance that is administered and enforced in Wake's jurisdiction.
- **1.02. Roles and Responsibilities of the Parties:** From the "Effective Date" of this Agreement (See Section 3.08)
  - (A) Wake shall:
    - Provide personnel, equipment, space, and resources needed to administer the E&S Ordinance.
    - 2. Administer the E&S Ordinance, including establishing and assigning all duties of Wake employees necessary to administer the Ordinance, and do so in a way that assures a common level of service for Garner and Wake.
    - 3. Collect development and administrative fees from developers applying for erosion and sediment control approval within Garner's jurisdiction. Such fees shall be assessed in accordance with the then current fee schedule adopted by the Wake County Board of Commissioners and shall be retained by Wake to pay for the costs of personnel, equipment, space, and resources needed to administer the Ordinance within Garner's jurisdiction.
    - **4.** Assess and collect in its discretion any civil penalties authorized by the Ordinance. Any penalties collected shall be remitted to the N. C. Civil Penalty and Forfeiture Fund in accordance with state law.
    - **5.** Communicate regularly with Garner to foster efficient and effective administrative processes.
    - 6. Develop with Garner a Work Plan that details the standard operating procedures for communication, coordination, and implementation of the erosion and sedimentation control program. The Work Plan shall be reviewed and updated at least bi-annually.
    - 7. Determine if the Ordinance meets the requirements set forth in (B)1 hereunder for the purpose of Wake's continued administration and enforcement of the Ordinance under the terms of this Agreement.
  - (B) Garner shall:
    - So long as administration of this Ordinance by Wake is desired, enact and abide by the Ordinance in its current form, or adopt by reference the Ordinance in its current form and as it may be subsequently amended. Nothing herein shall be construed to divest Garner of the discretion and powers of its governing bodies; rather this provision defines the terms under which Wake's administration of the Ordinance shall be practical and efficient.
    - 2. Consider in accordance with legal process any future amendments necessary to keep the Ordinance up to date for the jurisdiction of Garner. Garner is required to notify Wake's Water Quality Division Director in

- writing of any proposed or approved amendments to the Ordinance specific to Garner as soon as practicable but in no event later than thirty (30) days before the date such item appears on the Garner Town Council's agenda.
- **3.** Communicate regularly with Wake to foster efficient and effective administrative processes.
- 4. Develop with Wake a Work Plan that details the standard operating procedures for communication, coordination, and implementation of the erosion and sedimentation control program. The Work Plan shall be reviewed and updated at least bi-annually.

#### ARTICLE II Term

- 2.01. The term of this Agreement shall be for a period of ten (10) fiscal years. The first year hereunder shall commence on the date of the last signature hereto and shall run through the end of the then current fiscal year, with successive years hereunder to begin July 1 and end June 30. The agreement will terminate on June 30, 2018 unless renewed by the parties as set forth herein.
- **2.02.** The parties may renew this Agreement for successive periods of ten (10) years by the written consent of both parties executed with the same formality herein.
- 2.03. Appropriations for the purposes established herein shall be established through the normal budget and appropriations processes of Wake. Failure of the governing body to adopt the budget ordinance or any capital project funding related to provision of services hereunder prior to the commencement of a new fiscal year shall result in termination of this Agreement effective for the next fiscal year with no requirement of compliance with the notice provisions of Section 2.04.
- 2.04. In the event that either party in its sole discretion determines that the Garner Ordinance no longer conforms with Section 1.02(B)1, herein, and either party determines that as a result, administration and enforcement of the Garner Ordinance is no longer feasible, then either party may terminate this Agreement within one hundred eighty (180) days by giving notice as prescribed by Section 2.05 hereunder, notwithstanding that the shorter time provision shall apply. At the execution of this Agreement, the parties agree that the Garner Ordinance as written conforms with Section 1.02(B)1. This section shall apply to changes or amendments to the ordinance(s) made after the execution of this Agreement which either party may deem non-conforming.
- **2.05.** Wake and Garner shall each have the right to withdraw from this Agreement in its entirety for any reason upon giving two hundred forty (240) days' notice to the other party in writing and delivered to the other party as follows:

For Wake:

Water Quality Division Director

PO Box 550

Raleigh, NC 27602

For Garner:

Town Engineer 900 7<sup>th</sup> Avenue

Garner, NC 27529-3796

The roles and responsibilities of each party shall terminate 240 days after notice is given by the withdrawing party in accordance with this Agreement unless otherwise agreed by the written consent of the parties executed with the same formality as the foregoing document.

### ARTICLE III Miscellaneous

- **3.01. Governing Law:** The Parties agree that North Carolina law shall govern this Agreement.
- **3.02. Severability:** If any provision of this Agreement shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this Agreement.
- 3.03. Entire Agreement, Amendments: This Agreement constitutes the entire Agreement between the Parties. This Agreement shall not be modified or amended except in a writing signed by all Parties and executed with the same formality as the foregoing document.
- 3.04. Liability of Officers and Agents: No officer, agent, or employee of any Party shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent, or employee from the performance of any official duty provided by law.
- **3.05. Counterparts:** This Agreement may be executed in several counterparts, each of which shall be an original. Alternatively, each Party may execute an original of this Agreement and all individually executed originals shall constitute a single Interlocal Agreement.
- **3.06. Assignment:** No Party shall sell, transfer, assign, or subcontract any interest in or obligation under this Agreement without the prior written consent of all of the Parties.

- **3.07. No Creation of Agency:** Wake and Garner agree that nothing herein shall be construed to create an agency relationship between Wake and Garner or to mandate purchase of insurance by Wake pursuant to N.C.G.S. 153A-435; or to waive Wake's defense of governmental immunity from any cause of action alleged or brought against Wake for any reason if otherwise available as a matter of law.
- **3.08. Effective Date of Agreement:** The effective date of this Agreement shall be the date upon which the Wake County Manager executes this agreement and the Wake County Clerk attests to such execution. This date shall be reflected in the first paragraph of this Interlocal Agreement.
- **IN WITNESS WHEREOF,** the parties have caused this Agreement to be executed in their corporate names by their duly authorized officers, all as of the date first above written.

By:	This instrument is approved as to form and legal sufficiency.
Ronnie Williams, Mayor	Town Attorney
ATTEST: [SEAL]	
By: Town Clerk	
WAKE COUNTY, NORTH CAROLINA	This instrument is approved as to form and legal sufficiency.
By: David Ellis, County Manager	County Attorney
ATTEST: [SEAL]	

7			 
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Ву:	3 <sup>K</sup> K 2	-	
County Clerk			
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## Town of Garner Town Council Meeting Agenda Form

Meeting Date: October 16, 2018			
Subject: Stop Condition Approval - Evolve Timber Creek Apartments			
Location on Agenda:	Consent		
Department: Engineering	ng		
Contact: Tony Chalk, To	wn Engineer		
Presenter: Tony Chalk, 7	Town Engineer		
Brief Summary:			
The Engineering Departr	ment is recommending and	proval of one (1) stop condition within Evolve Timber Creek	
	a basic traffic control meas		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
	n and/or Requested Acti		
Consider Approval of Sto	p Condition at Designated	Intersection	
Detailed Notes:			
See attached memo and	map.		
Funding Source:			
N/A			
Cost:	One Time:	Annual: No Cost:	
	and Recommendations:		
Ü			
N/A			
Attack was to Year	N. O		
Attachments Yes:			
Agenda Form	Initials:	Comments:	
Reviewed by:			
Department Head:	TC		
Fire Director			
Finance Director:			
Town Attornov			
Town Attorney:			
Town Manager:			
<b>3</b> -	RD		
Town Clerk:			

### TOWN OF GARNER ENGINEERING DEPARTMENT

#### **MEMORANDUM**

TO: Town Council

FROM: Tony Chalk, PE, PLS

**Town Engineer** 

DATE: October 16, 2018

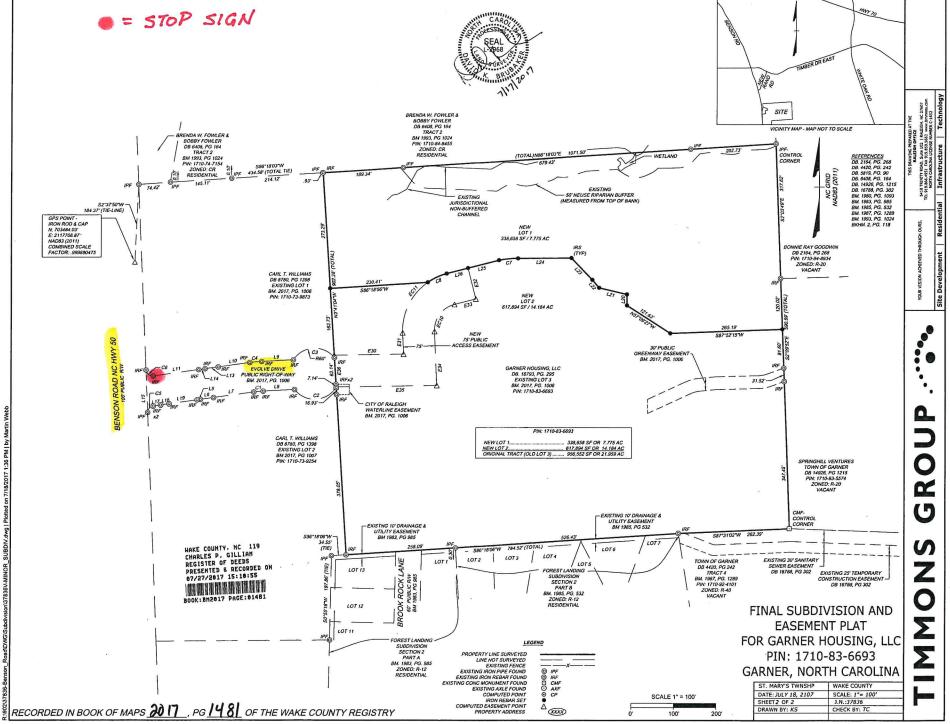
SUBJECT: Stop Condition within Evolve Timber Creek Apartments

The Engineering Department is recommending the following street intersection for a stop condition:

<u>Stop Condition</u> <u>Through Condition</u>

1 Evolve Drive Benson Road, NC HWY 50

The stop condition will serve as a basic traffic control measure. Please let me know if there are any questions.



## Town of Garner Town Council Meeting Agenda Form

Meeting Date: October 16, 2018				
Subject: General Use Rezoning Z -18-04, 800 & 1000 Maxwell Drive				
Location on Agenda: Public Hearings				
Department: Planning				
	or Planner - Transportation			
	nior Planner - Transportati	on and Land Use		
Brief Summary:  Roy Tripp is requesting a	change in zoning for 2.77	+/- acres from Residential 9 Conditional Use (R-9 C153 ) to		
Residential 40 (R-40) Ge		ed at 800 and 1000 Maxwell Drive and can be further identified		
	n and/or Requested Action			
Forward to the Planning	Commission at their Noven	1ber 13, 2018, meeting		
Detailed Notes:				
Map and staff report atta	iched.			
Funding Source:				
Cost:	One Time:	Annual: No Cost:		
	and Recommendations:			
N/A				
Attachments Yes:   No:				
Agenda Form	Initials:	Comments:		
Reviewed by:				
Department Head:				
•	JT			
Finance Director:				
Town Attorney:				
Town Manager:				
TOWNT INTALIABEL.	RD			
Town Clerk:				



### **Planning Department Staff Report**

**TO:** Mayor and Town Council Members

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

**SUBJECT:** General Use Rezoning – Z-18-04, 800 Maxwell Drive

**DATE:** October 16, 2018

#### I. PROJECT AT A GLANCE

**Rezoning Application:** Z-18-04 General Use Rezoning

**Applicant:** Roy Tripp

Owner: Twin Ship Development Company &

T.H. & L, Inc.

**Property Location:** 800 & 1000 Maxwell Drive

**Wake Count PIN(s):** Portions of 1701-34-8706 & 1701-34-4588

**Area:** 2.77 +/- acres

Town Limits: No

**Present Zoning:** Residential 9 Conditional Use (R-9 C153)

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

Note: This is a general use request.

No conditions are proposed.

**Key Meeting Dates:** 

**Town Council Public Hearing:** October 16, 2018

Planning Commission: November 13, 2018

**Town Council Action Hearing:** December 3, 2018

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

This request is similar to another recently approved case on July 2, 2018, (Z-18-02 Larry Mack 5200 Old Stage Rd) where the owner wanted to build a detached accessory building that exceeded 50% of the principal structure's (home) area. Article 5.4 (B) of the UDO sets an accessory building size limitation at 50% of the home in all residential zoning districts except R-40. In order for Mr. Mack to build a detached garage that was larger than 50% the size of his home, the only option available was to downzone from R-20 to R-40.

The applicant of this case, Z-18-04, is requesting to downzone from R-9 C153 to R-40 in order to build a detached accessory building that exceeds 50% the size of the home (principal structure). The existing residential use of the property will continue.

The applicant owns 2 contiguous properties here on Maxwell Drive. 1000 Maxwell Drive contains the residence, and 800 Maxwell Drive is vacant / undeveloped. The lot with the residence has split zoning. A portion of this property is already zoned R-40 but the other half is zoned R-9 C153. The applicant wants to rezone the 0.77-acre portion zoned R-9 C153 back to R-40. The zoning of the vacant tract is all R-9 C153. The applicant wants to rezone a 2-acre portion of this lot to R-40 and recombine this with the other lot that contains the house (2.77-acres total). The remaining area not rezoned to R-40 will stay R-9 C153.

This R-9 C153 district came about in 2008 when the Jameson Place Subdivision was approved but never built (CUP-SP 08-01 & CUD Z 08-02). The Jameson Place property on the northside of Maxwell Drive was sold but the R-9 C153 zoning stayed in place.

In summary, the reason for the zoning request is that an accessory building larger than 50% the heated square footage of the house would not be allowed in Single-Family Residential (R-9 C153). An accessory building over the 50% limit is however allowed in Single-Family Residential (R-40).

#### **III. ZONING ANALYSIS**

**Existing:** The existing zoning of the 2.77-acre site is **Residential 9 Conditional Use (R-9 C153).** Residential districts are designed to create and maintain residential neighborhoods composed primarily of single-family dwellings and, as special uses, such institutional, public, and other compatible uses that are designed, constructed and maintained so as not to detract from the quality of each district. The R-9 district allows single-family lots of at least 9,000 square feet (.20 acres). Properties zoned R-9 can be developed at a density of approximately 4.84 units per acre.

#### The following is a list of permitted uses in the R-9 C153 district:

- Single-family detached
- 2. Residential Cluster
- 3. Family care home
- 4. Group care home
- 5. Intermediate care home

- 6. Community center
- 7. Child day care up to 3 as home occupation
- 8. Family child day care up to 8 in home

- 9. School public or private
- 10. Public safety facilities (fire, police, rescue, ambulance)
- 11. Cemetery

- 12. Public parks, swimming pools, tennis and golf courses
- 13. Cemetery

Proposed housing conditions for the R-9 C153 district include the following:

- 1. Each dwelling unit will have at least 1,800 heated square feet.
- 2. Each dwelling unit will have a 2-car garage.
- 3. Each dwelling unit will have at least a 36 square foot covered front porch.
- 4. Each dwelling unit will have at least a 120 square foot patio or deck.
- 5. The exterior facade of each unit will be constructed of at least 80% brick or stone.
- 6. Each dwelling unit will have a masonry foundation with crawl space for at least 70% of the foundation area, not to include the garage.
- 7. At the option of the owner of the property, the requirements of 2 through 6 listed above may be altered, provided that the additional heated square footage requirements below are met.

<u>Amenity</u>	Additional heated area required
No covered front porch	100 square feet
No patio or deck	50 square feet
Only 1 car garage	100 square feet
Not at least 80% brick	400 square feet

**Proposed:** The proposed zoning of the 2.77-acre site is **Residential 40 (R-40).** Residential districts are designed to create and maintain residential neighborhoods composed primarily of single-family dwellings and, as special uses, such institutional, public, and other compatible uses that are designed, constructed and maintained so as not to detract from the quality of each district. R-40 district allows single-family lots of at least 40,000 square feet (.92 acres). Properties zoned R-40 can be developed at a density of approximately 1.089 units per acre.

#### The following is a list of permitted uses in the R-40 district.

- 1. Single-family site built and modular homes
- 2. Residential Cluster
- 3. Manufactured Home
- 4. Family Care home
- 5. Group care home
- 6. Intermediate care home
- 7. Community center
- 8. Civil, service fraternal clubs, lodges and similar uses
- 9. Child day care up to 3 as home occupation

- 10. Family child day care up to 8 in home
- 11. School public or private
- 12. Public safety facilities (fire, police, rescue, ambulance)
- 13. Cemetery
- 14. Public parks, swimming pools, tennis and golf courses
- 15. Religious institutions
- 16. Minor utility—elevated water tank
- 17. Solar farms

18. Telecommunication facility

19. Other major utility

20. Private golf course or country club

21. Horse stables and related facilities

22. Bed and breakfast

23. Agriculture or silviculture

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

Case	Applicant	Location	Zoning Change
CUD-Z-06-05	Maissaa Kaddoura	US 401	CR to SB C139
CUD-Z-08-02	Homestead Developer	Maxwell Drive	R40 to R9 C153
CUD-Z-15-04	Eric Williams	US 401	CR to SB C178
Z 16-04	Khalil Rahimi	1016 Maxwell Drive	R-40 to R-9

#### **Adjacent Zoning and Land Uses:**

**North:** Multi-Family 2 (MF-2) Pine Winds Apartments

**South:** Single-Family Residential (R-9 C153) Approved subdivision CUP-SB 16-08

East: Single-Family Residential (R-9) Single-family

West: Single-Family Residential (R-9) Single-Family

Single-Family Residential (R-40)



**Overall Neighborhood Character:** This area along Maxwell Drive is located between US 401 (Fayetteville Road) and Greenbrier Subdivision. This area contains a mix of zoning districts from SB, O&I, R-20, R-15, R-40, and R-9. Uses include single-family on large lots, Smith Magnet Elementary School, St. Andrews Methodist Church, and some commercial storage.

#### Infrastructure:

Water/Sewer – There is an 8" water main to the south of the property along Maxwell Drive and an 8" sewer main to the north and south of the property.



**Transportation** – The site has approximately 115 feet of road frontage on Maxwell Drive. Maxwell Drive (SR 2797) is a 22-foot wide NCDOT-maintained facility within a 60-foot right of way. This road lacks curb and gutter and sidewalks.

The site is already developed as 1 single-family home so road improvements will not be required as part of this rezoning. However, if this site is re-developed in the future, road improvements would apply (curb / gutter / sidewalks). We also do not anticipate additional traffic impacts as a result of this rezoning.

**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:** According to the *2018 Garner Forward Comprehensive Plan* and the Future Land Use map, the rezoning site falls within the **Medium-Density Residential** category, and the surrounding tracts in this area are also designated primarily as Medium-Density Residential. Corridor Commercial and Civic and Institutional designations are called for in the immediate vicinity along Maxwell Drive and at the intersection of US 401 (Fayetteville Road). Additionally, the *2018 Garner Forward Comprehensive Plan* identified future areas of re-development. As such, the property falls within a future area of mixed-use re-development designation.

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

**Garner Forward Plan Amendment:** This request, Z-18-04, seeks to downzone from R-9 (4.84 units per acre) to R-40 (1.08 units per acre). The requested R-40 zoning district's density is less than what is recommended by the Plan's "medium density residential" and is therefore not consistent.

Approval of this request will require a concurrent amendment to the Plan to re-designate the rezoning site from "medium density residential" at 2.5 to 5 units per acre to "low density residential" at less than 2.5 units per acre. This would lower the future development intensity on this site. The question before the community is whether or not this is appropriate.

There are several considerations that should be taken into account when evaluating this request. First, there are no plans to develop this site into a low density, large-lot residential subdivision. This request is solely related to the desire to build an accessory building that is larger than what is allowed in R-9. Next, there are 7 single-family residences along this area on both sides of Maxwell Drive, and all are on large-lots, so this area is currently operating at a "low density residential" intensity: 1016 Maxwell Drive (6.24 acres), 1000 Maxwell Drive (1.4 acres), 725 Maxwell Drive (2.8 acres); 711 Maxwell Drive (2.8 acres), 704 Maxwell Drive (3.9 acres), 701 Maxwell Drive (3.5 acres), and 700 Maxwell Drive (6.14 acres).



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

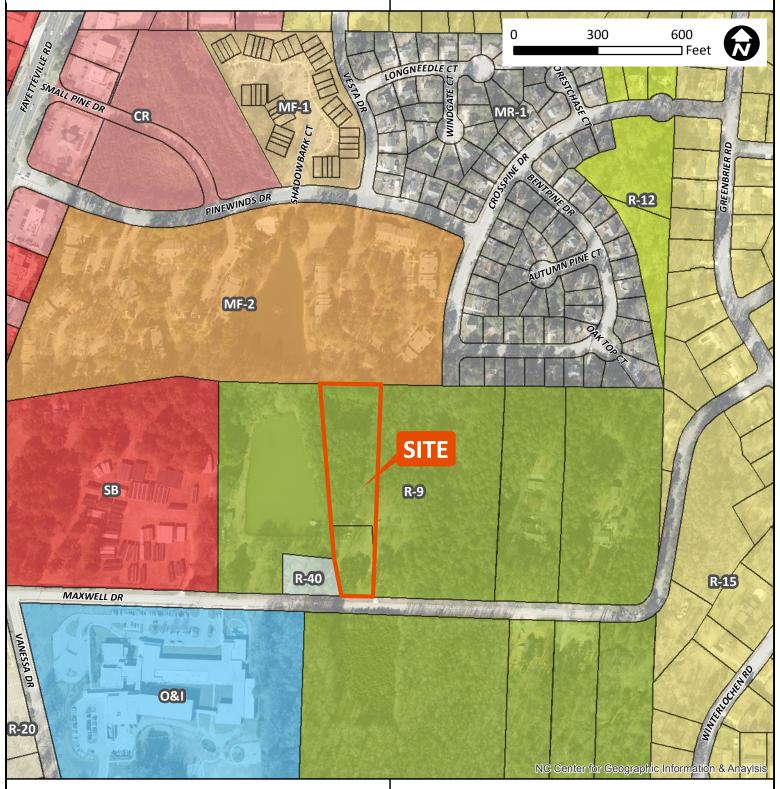
**Staff Recommendation:** Staff will provide a recommendation at the November 13, 2018 Planning Commission meeting.

**Town Council Action:** After conducting the public hearing, staff recommends referring the rezoning application Z-18-04 to the Planning Commission for review at their November 13, 2018 meeting.



## Town of Garner Planning Department

### General Use Applications Z-18-04



**Applicant:** Twinship Development Company

**Owner:** Twinship Development Company and

T.H. & L. Inc

**Location:** 800 & 1000 Maxwell Drive **Pin #:** 1701-34-8706 (portion of)

and 1701-34-4588 (portion of)

Current Zoning: Single-Family Residential (R-9 C153)

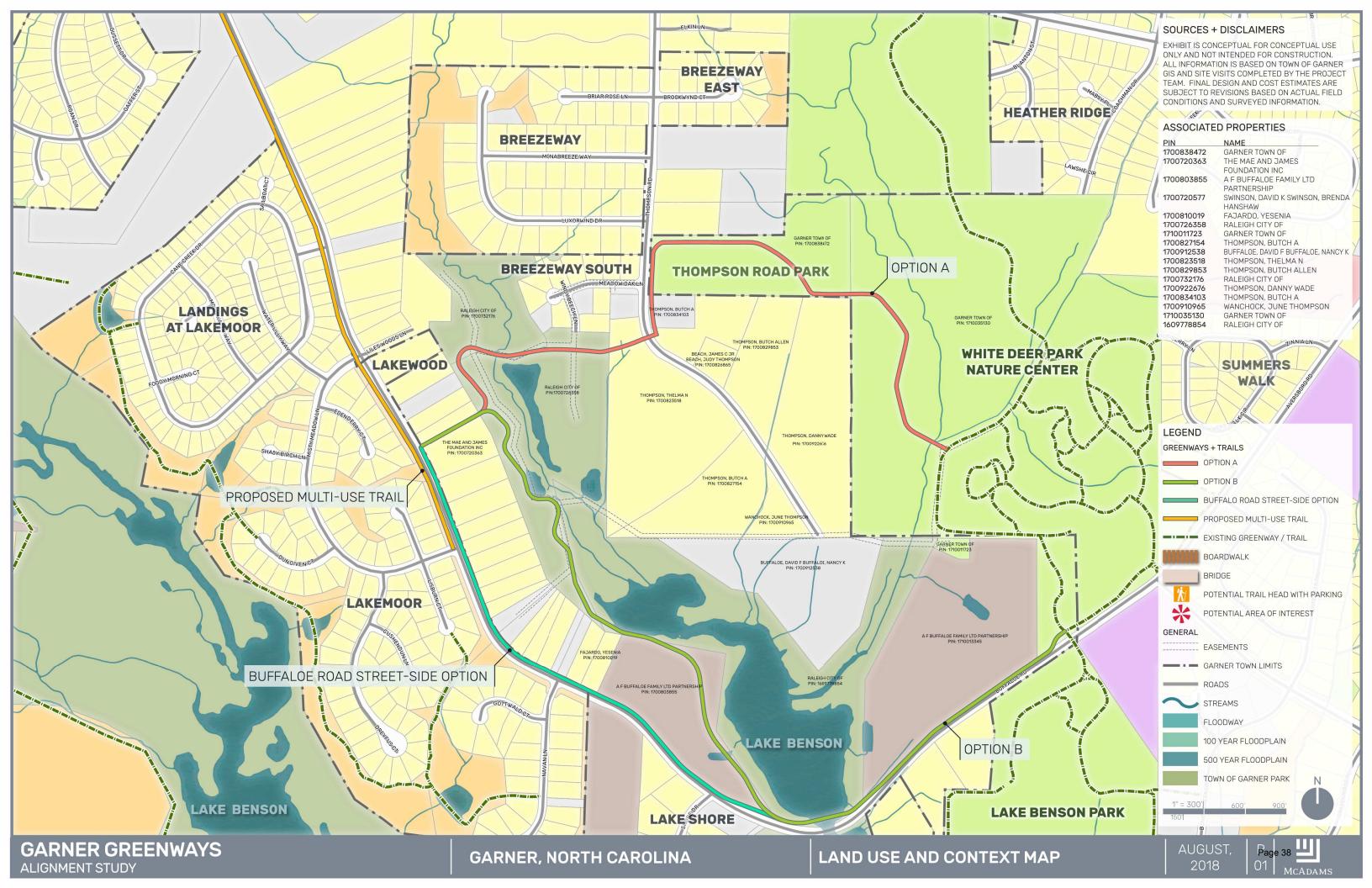
**Proposed Zoning:** Single-Family Residential (R-40)

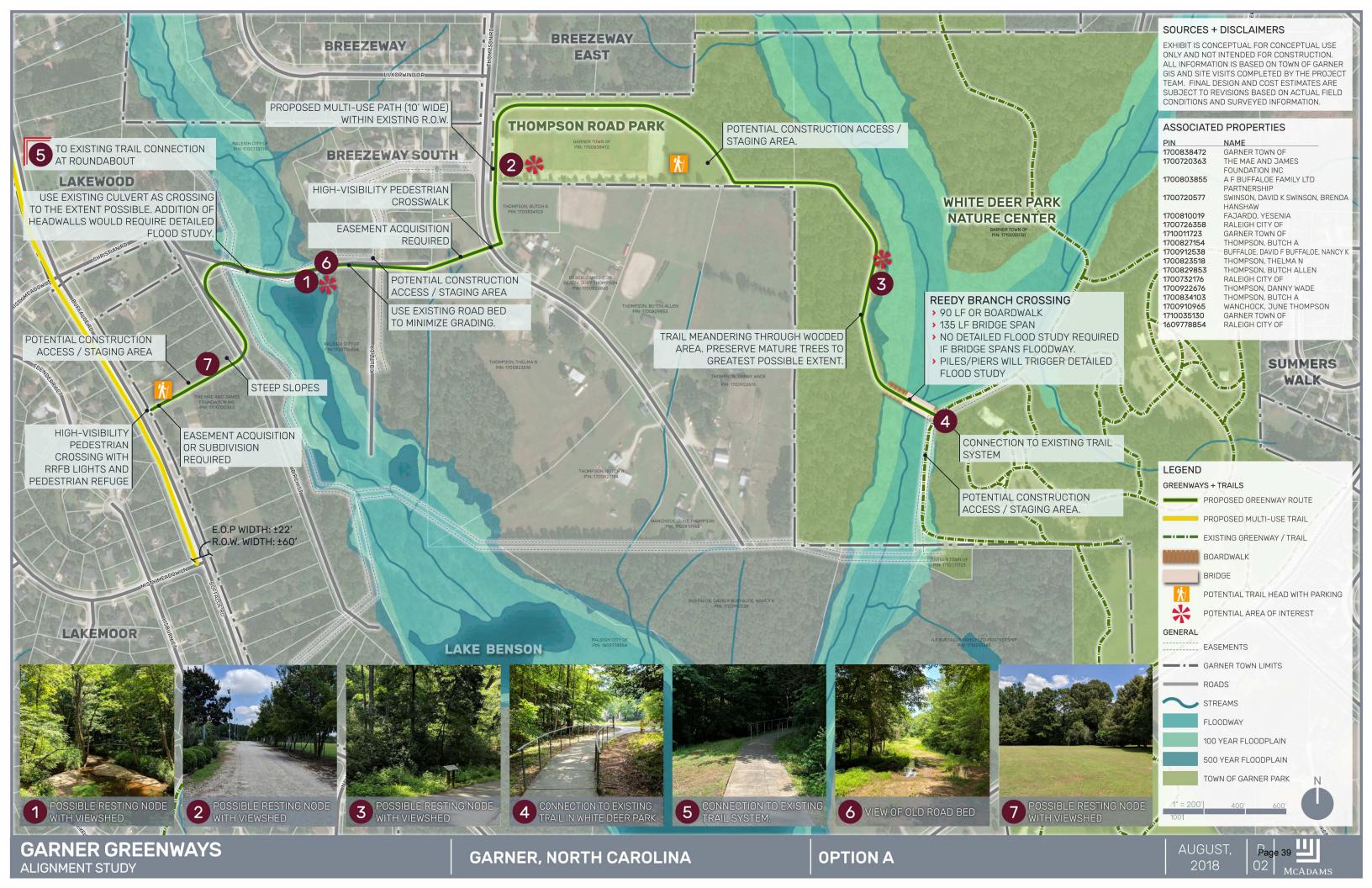
**Acreage:** 2.77 +/-**Overlay:** *N/A* 

Page 35

Subject:  Location on Agenda:  Department:  Contact:  Presenter:  Brief Summary:  Recommended Motion and/or Requested Action:  Detailed Notes:
Department:  Contact:  Presenter:  Brief Summary:  Recommended Motion and/or Requested Action:
Contact: Presenter: Brief Summary:  Recommended Motion and/or Requested Action:
Presenter: Brief Summary:  Recommended Motion and/or Requested Action:
Brief Summary:  Recommended Motion and/or Requested Action:
Recommended Motion and/or Requested Action:
Detailed Notes:
Detailed Notes:
Funding Source:
Cost: One Time: Annual: No Cost:
Manager's Comments and Recommendations:
Attachments Yes: No:
Agenda Form Initials: Comments:
Reviewed by:
Department Head:
Finance Director:
Town Attorney:
Town Manager:
Town Clerk:
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Meeting Date: October	· 16, 2018		
Subject: South Garner G	reenway LAPP Application		
Location on Agenda: (	Old/New Business		
Department: Administra	ation		
Contact: Matt Roylance,	Asst. Town Manager - Ope	erations	
Presenter: Matt Royland	ce, Asst. Town Manager - C	perations	
Brief Summary:			
	ate on the route options font application and how the		enway, as well as the local match coring.
	n and/or Requested Action		
Consider Approving a Gre	enway Route and Matchin	ng Funds for LAPP Subm	ittal.
Detailed Notes:			
Funding Source: Multiple			
Cost: TBD	One Time:   One Time:	Annual:	No Cost:
Manager's Comments	and Recommendations:		
was postponed due to in	•	ll update the PowerPoir	oursday October 11th, but the meeting at presentation for this item to reflect the
Attachments Yes:   O	No: O		
Agenda Form	Initials:		Comments:
Reviewed by:			
Department Head:	MR		
Finance Director:			
Town Attorney:			
Town Manager:	RD		
Town Clerk:			









Meeting Date: Octobe	r 16, 2018			
Subject: White Oak, Heb	oron Church, Ackerman - In	tersection Improvement	s LAPP Submittal	
Location on Agenda:	Old/New Business			
Department: Planning				
Contact: Het Patel, Seni	or Planner - Transportatior	n and Land Use		
Presenter: Het Patel, Se	nior Planner - Transportati	on and Land Use		
Brief Summary:	·			
Review of White Oak He	ahron Church Ackerman -	Intersection Improvemen	nts LAPP 2018 application details	
		· · · · · · · · · · · · · · · · · · ·	of local match options for the RO	)W/ and
Construction phases of t		is criteria and diseassion	or recar materi operaris for the ne	· · · · · · · · ·
,	, ,			
Recommended Motion	n and/or Requested Acti	on:		
Council agreement and co	onsensus on local match fo	or ROW and Construction	phase for LAPP submittal.	
Detailed Notes:				
See attached staff report				
·				
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### **Planning Department Memorandum**

**TO:** Mayor and Members of the Town Council

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

SUBJECT: White Oak, Hebron Church, Ackerman - LAPP Submittal

**DATE:** October 16, 2018

#### **INTRODUCTION**

The purpose of this memorandum is to review the Locally Administered Projects Program (LAPP) application for the White Oak, Hebron Church, Ackerman – Intersection Improvements project. On June 19, 2018 Council selected the partial dual-lane roundabout as preferred alternative. Since then, the consultant has been working on design plans for the preferred alternative and are nearing completion of 25% design plans.

#### **LAPP SCHEDULE**

Below is a summary of key dates in the LAPP process:

August 15, 2018 Call for projects opened
 September 10, 2018 Pre-submittal deadline
 October 31, 2018 Final submission deadline

On September 19, 2018, Town staff met with CAMPO staff for a pre-submittal meeting regarding this project. The meeting included discussion of project related work completed to date and to discuss phases for LAPP funding request for this project.

#### **LOCAL MATCH DISCUSSION**

Staff is seeking Council's consensus on decision regarding local match towards the right-of-way (ROW) and Construction phase of this project. Below is a summary of key information and budget/request analysis from projects submitted to help guide Council's discussion.

• 2018 LAPP Roadway Budget: \$17,000,000

Number of Projects Submitted: 13 projects (2 Garner projects)

Total LAPP Roadway Request: \$27,385,405
 Potential LAPP Funding Gap: \$10,385,405

The total estimated cost for ROW and Construction phase of the White Oak, Hebron Church, Ackerman – Intersection Improvements project is **\$1,495,000**. Below is a summary table for local match options and Town's funding commitment under each option.

**TABLE 1: LOCAL MATCH OPTION SUMMARY** 

Percent Match	Town Contribution	LAPP Request	Total Cost
20% (required)	\$299,000	\$1,196,000	\$1,495,000
25%	\$373,750	\$1,121,250	\$1,495,000
30%	\$448,500	\$1,046,500	\$1,495,000
35%	\$523,250	\$971,750	\$1,495,000

Based on staff's analysis of the scoring criteria outlined below, this project should score well on all categories and scoring criteria of the LAPP program and staff recommends submitting this project at a 25% local match.

#### LAPP SCORING CRITERIA

LAPP roadway projects are scored against other roadway projects and some criteria are scaled based on the projects received. The total possible score for a project is 80. The table below summarizes breakdown of roadway scores.

TABLE 2: ROADWAY SCORING CRITERIA BREAKDOWN

Category		Total Maximum Points (80 points)	Estimated Project Points
Highway I	Effectiveness (100% for CON)	50	Scaled score
	Volume-Capacity Ratio	10	6-8
	Benefit-Cost	20	Scaled score
	FHWA Crash Reduction Factor	10	10
	EDPO Score from TEAAS Report	10	Scaled score
Local Prio	rity	10	10
Planning (	Consistency Roadway	10	10
Prior Age	ncy Funding	10	8

The benefit-cost portion of the score within the "Highway Effectiveness" category factors in time saves of the proposed project along with LAPP cost-benefit based on local match for projects and the LAPP request for each project scaled among all submitted projects. This is where the Town's local match decision helps the project score. Additionally, the overall "Highway Effectiveness" category is scaled based on the phase of LAPP funding request. For the construction phase the effectiveness score is scaled to 100%.

#### **COUNCIL ACTION**

Staff is seeking Council's agreement on LAPP submittal of this project for ROW and Construction phases.

Meeting Date: Octobe	r 16, 2018	
Subject: Jones Sausage I	Road Widening and Realigr	nment - LAPP Submittal
Location on Agenda:	Old/New Business	
Department: Planning		
Contact: Het Patel, Seni	or Planner - Transportatior	n and Land Use
Presenter: Het Patel, Se	nior Planner - Transportati	on and Land Use
Brief Summary:		
Review of Jones Sausage	e Road widening and realig	nment LAPP application details including overview of the LAPP
		olications for grade separation portion of the project.
Additionally, staff will pr	esent estimates for design	and ROW for entire project based on conversations with one of
the on-call consultants.		
D	1/ 5	
	n and/or Requested Acti	
Council agreement and co	onsensus on local match fo	or design and ROW phase for LAPP submittal.
Detailed Notes:		
See attached staff report		
Funding Source:		
Cost:	One Time:	Annual: No Cost:
Manager's Comments	and Recommendations:	
N/A		
Attachments Yes:	) No: ()	
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### **Planning Department Memorandum**

**TO:** Mayor and Members of the Town Council

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

SUBJECT: Jones Sausage Road - LAPP Submittal

**DATE:** October 16, 2018

#### **INTRODUCTION**

The purpose of this memorandum is to review the Locally Administered Projects Program (LAPP) application for the Jones Sausage Road widening and realignment project. This project includes grade separation of Jones Sausage Road under the railroad. The project has been previously identified and has significant estimated design, right-of-way (ROW), and construction costs.

#### **LAPP SCHEDULE**

Below is a summary of key dates in the LAPP process:

August 15, 2018 Call for projects opened
 September 10, 2018 Pre-submittal deadline
 October 31, 2018 Final submission deadline

On September 19, 2018, Town staff met with CAMPO staff for a pre-submittal meeting regarding this project. The meeting included discussion of potential partner opportunities to advance this project through different stages of project development. At the pre-submittal meeting CAMPO and NCDOT staff advised the Town to reach out to Town of Cary and review the project development schedule for Carpenter Fire Station Road and the grade separation project entering construction bid phase this year.

#### **SPOT PROCESS**

The grade separation of Jones Sausage Road at the railroad was submitted to the SPOT 5.0 process. Although, it did not score as high as other projects in this SPOT cycle, CAMPO staff indicated that SPOT process remained as the best source for funding the grade separation of Jones Sausage Road at the railroad. The widening of Jones Sausage Road from Garner Technology Site south to E Garner Road intersection could be a future LAPP project. Both the SPOT 6.0 score for the grade separation project and the LAPP score for the widening project would benefit from completed design plans for the entire project.

#### **ESTIMATED DESIGN AND ROW COSTS**

Based on staff's review of the Town of Cary project, total estimated project cost was \$30 million including \$2.5 million in design. Additionally, the most recent SPOT grade separation project for Jones Sausage Road was submitted at \$17.5 million (this cost estimate may not have included assumption/understanding that Jones Sausage Road would have to go under the railroad, which would increase the project costs). Staff is working with one of the on-call consultants and will present an estimate on ROW and design costs for this project during the meeting.

#### **LAPP SCORING CRITERIA**

LAPP roadway projects are scored against other roadway projects and some criteria are scaled based on the projects received. The total possible score for a project is 80. The table below summarizes breakdown of roadway scores.

TABLE 2: ROADWAY SCORING CRITERIA BREAKDOWN

Category		Total Maximum Points (80 points)	Estimated Project Points
Highway I	Effectiveness (50% for ROW)	50	Scaled score
	Volume-Capacity Ratio	10	6-8
	Benefit-Cost	20	Scaled score
	FHWA Crash Reduction Factor	10	10
	EDPO Score from TEAAS Report	10	Scaled score
Local Prio	rity	10	10
Planning (	Consistency Roadway	10	10
Prior Age	ncy Funding	10	8

The benefit-cost portion of the score within the "Highway Effectiveness" category factors in time saves of the proposed project along with LAPP cost-benefit based on local match for projects and the LAPP request for each project scaled among all submitted projects. This is where the Town's local match decision helps the project score. Additionally, the overall "Highway Effectiveness" category is scaled based on the phase of LAPP funding request. For the ROW phase the effectiveness score is scaled to 50%.

#### **COUNCIL ACTION**

Staff is seeking Council's agreement on LAPP submittal of this project for design and ROW phases.

Meeting Date: October	r 16, 2018		
Subject: Ackerman Road	l Extension - LAPP Pre-Subr	omittal Update	
Location on Agenda:	Old/New Business		
Department: Planning			
Contact: Het Patel, Seni	or Planner - Transportation	n and Land Use	
Presenter: Het Patel, Se	nior Planner - Transportati	tion and Land Use	
Brief Summary:			
1	e discussion with CAMPO s	I meeting for LAPP project for Ackerman Road extension from staff included reclassification of NCDOT functional classification	l
Recommended Motion	n and/or Requested Action	ion:	
	· ·	n NCDOT functional classification of roadways within Garner.	
Detailed Notes:			
See attached staff report			
Funding Course			
Funding Source:			
Cost:	One Time: 💿	Annual: No Cost:	
Manager's Comments N/A	and Recommendations:	:	
Attachments Yes: •			
Agenda Form	Initials:	Comments:	
Reviewed by:			
Department Head:	JT		
Finance Director:			
Town Attorney:			
Town Manager:	RD		
Town Clerk:			



### **Planning Department Memorandum**

**TO:** Mayor and Members of the Town Council

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

SUBJECT: Ackerman Road Extension – LAPP Pre-Submittal Meeting Update

**DATE:** October 16, 2018

#### **INTRODUCTION**

The purpose of this memorandum is to provide an update on the Locally Administered Projects Program (LAPP) pre-submittal meeting for the Ackerman Road extension project. The project includes grade separation at Mahler's Creek.

#### **LAPP SCHEDULE**

Below is a summary of key dates in the LAPP process:

August 15, 2018 Call for projects opened
 September 10, 2018 Pre-submittal deadline
 October 31, 2018 Final submission deadline

On September 19, 2018, Town staff met with CAMPO staff for a pre-submittal meeting regarding this project. At the meeting Town staff was made aware that this project would not be eligible for LAPP funding because of Ackerman Road's NCDOT functional classification. For new alignment or extension projects the roadways must have a functional classification of major collector or minor arterial or higher. Ackerman Road has a classification of local roadway. Town staff was advised to consider re-classification of roadways within Garner.

#### NCDOT FUNCTIONAL CLASSIFICATION

Below is a figure from NCDOT GIS Online website showing functional classification of roadways within Garner. Major collectors and minor arterials within Garner include the following roadways:

- Garner Road
- Creech Road
- Jones Sausage Road
- Auburn Knightdale Road
- Rock Quarry Road

- Raynor Road
- White Oak Road
- Benson Road
- Grovemont Road
- Spring Drive

- Woodland Road
- Lakeside Drive
- Aversboro Road
- 7<sup>th</sup> Avenue
- Vandora Springs Road

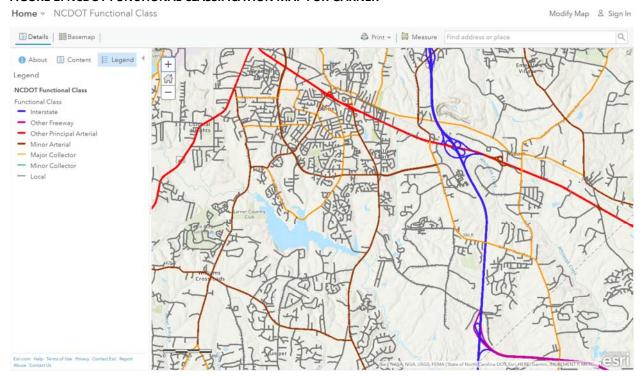
- Buffaloe Road
- Timber Drive
- Old Stage Road
- Ten-Ten Road

The following major local roads are not classified as major collectors or minor arterials:

- New Bethel Church Road
- Hebron Church Road

- Ackerman Road
- Guy Road

#### FIGURE 1: NCDOT FUNCTIONAL CLASSIFICATION MAP FOR GARNER



Town can complete an analysis on the entire NCDOT classification system and recommend updating classification of certain roadways including downgrading certain roadways to local roads and upgrading certain roadways to major collectors or minor arterials.

#### **COUNCIL ACTION**

Staff is seeking Council's agreement and support to undertake analysis of NCDOT functional classification of roadways within Garner to update classification recommendation for roadways that serve a higher function and downgrade roadways that function more as local roads within Garner.

# Reports

### Building Activity by Type and Proposed Use for Report Beginning: 09/01/2018 to Report Ending: 09/30/2018

Addition			
Proposed Use	<b>Number of Units</b>	<b>Construction Value</b>	Intown Value
DECK	3	\$27,900.00	\$11,900.00
FACTORY INDUSTRIAL	1	\$380,000.00	\$380,000.00
GENERATOR	1	\$13,000.00	\$0.00
SINGLE FAMILY DWELLIN	1	\$25,000.00	\$25,000.00
SUNROOM	2	\$53,750.00	\$53,750.00
Total	8	\$499,650.00	\$470,650.00
Alteration			
Proposed Use	<b>Number of Units</b>	<b>Construction Value</b>	Intown Value
BUSINESS/OFFICE	4	\$127,320.00	\$127,320.00
CHURCH/RELIGIOUS	1	\$62,250.00	\$62,250.00
COLLOCATION TOWER	1	\$22,300.00	\$22,300.00
FACTORY INDUSTRIAL	1	\$1,407,280.00	\$1,407,280.00
MERCANTILE/RETAIL	1	\$111,177.62	\$111,177.62
SINGLE FAMILY DWELLIN	7	\$137,281.00	\$116,026.00
SOLAR SYSTEM (RES)	1	\$19,532.00	\$19,532.00
Total	16	\$1,887,140.62	\$1,865,885.62
Electrical			
Proposed Use	Number of Units	<b>Construction Value</b>	Intown Value
CHANGE OF SERVICE	1	\$800.00	\$800.00
ELECTRICAL SERVICE REC	1	\$300.00	\$300.00
GARAGE ATTACHED	1	\$250.00	\$250.00
GENERATOR	1	\$1,400.00	\$1,400.00
SINGLE FAMILY DWELLIN	3	\$4,100.00	\$1,100.00
TANKLESS HOT WATER HE	1	\$20.00	\$20.00
Total	8	\$6,870.00	\$3,870.00

Tuesday, October 02, 2018 Page 1 of 2

Mechanical			
Proposed Use	<b>Number of Units</b>	<b>Construction Value</b>	Intown Value
MECHANICAL REPLACEME	43	\$335,462.00	\$281,568.00
MULTI-FAMILY 5 UNITS &	1	\$3,656.00	\$3,656.00
Total	44	\$339,118.00	\$285,224.00
New Building			
Proposed Use	<b>Number of Units</b>	<b>Construction Value</b>	Intown Value
BUSINESS/OFFICE	1	\$2,355,936.00	\$2,355,936.00
MULTI-FAMILY 5 UNITS &	2	\$1,063,938.00	\$1,063,938.00
SINGLE FAMILY DWELLIN	7	\$1,181,516.00	\$1,181,516.00
TOWNHOME	14	\$1,549,688.00	\$1,549,688.00
Total	24	\$6,151,078.00	\$6,151,078.00
Plumbing			
Proposed Use	<b>Number of Units</b>	<b>Construction Value</b>	Intown Value
ELECTRIC HOT WATER HE	1	\$5,948.00	\$5,948.00
IRRIGATION	3	\$15,500.00	\$15,500.00
OTHER	1	\$9,000.00	\$0.00
PLUMBING	4	\$36,196.20	\$36,196.20
Total	9	\$66,644.20	\$57,644.20
Sum	Total Number of P	ermits 109	
	<b>Total Construction</b>	Value \$8,950	),500.82
	<b>Total Intown Value</b>	e \$8,834	1,351.82

Tuesday, October 02, 2018 Page 2 of 2

Permit #: 2180733 Inside Town Linits Yes Issue date: 9/6/2018 PIN#: 1701-00-9230 Census tract: Lot#: Subdivision: N/A Total cost: \$380,000.00 PropAddress: 301 PETFINDER LANE Owner's Phone: 919-219-5064 Owner's RON CLEMMONS Contractor ACCU-STEEL INC. Contractor's Phone: 919-870-0452 FACTORY INDUSTRIAL Proposed Use **Type of Improvement:** Addition Permit #: 2181098 Inside Town Linits Yes 9/6/2018 PIN#: 1730-12-5497 Issue date: Census tract: Lot#: **Subdivision:** N/A Total cost: \$2,355,936.00 PropAddress: 2500 WATERFIELD DRIVE Owner's Phone: 919-783-4649 Owner's MARTIN MARIETTA Contractor ANNIS BUILDING CORPORATION Contractor's Phone: 919-816-9995 BUSINESS/OFFICE **Type of Improvement:** New Building **Proposed Use** Permit #: 2181100 Inside Town Linits Yes Issue date: 9/6/2018 Census tract: PIN#: 1710-47-8475 Lot#: **Subdivision:** LANDING AT HEATHER PARK Total cost: \$133,929.00 PropAddress: 109 WELLONS CREEK DRIVE Owner's Phone: 919-233-3886 Owner's ROYAL OAKS BUILDING GROUP, LLC ROYAL OAKS BUILDING GROUP, LLC 919-233-3886 Contractor **Contractor's Phone:** TOWNHOME **Type of Improvement:** New Building **Proposed Use** Permit #: 2181102 Inside Town Linits Yes 1710-47-8470 Issue date: 9/6/2018 Census tract: PIN#: **Subdivision:** LANDING AT HEATHER PARK \$133,929.00 Lot#: Total cost: 125 WELLONS CREEK DRIVE PropAddress: 919-233-3886 ROYAL OAKS BUILDING GROUP, LLC Owner's Phone: Owner's ROYAL OAKS BUILDING GROUP, LLC 919-233-3886 Contractor Contractor's Phone: TOWNHOME **Type of Improvement:** New Building **Proposed Use** Permit #: 2181103 Inside Town Linits Yes Issue date: 9/6/2018 Census tract: PIN#: 1710-47-4153 Lot#: **Subdivision:** LANDING AT HEATHER PARK \$133,929.00 Total cost: PropAddress: 274 MYATT FERN DRIVE ROYAL OAKS BUILDING GROUP, LLC Owner's Phone: 919-233-3886 Owner's ROYAL OAKS BUILDING GROUP, LLC 919-233-3886 Contractor **Contractor's Phone: TOWNHOME Type of Improvement:** New Building **Proposed Use** 

Permit #: 2181104 **Inside Town Linits** Yes Issue date: 9/6/2018 Census tract: 1710-47-4145 PIN#: Lot#: Subdivision: LANDING AT HEATHER PARK Total cost: \$112,054.00 PropAddress: 266 MYATT FERN DRIVE Owner's Phone: 919-233-3886 Owner's ROYAL OAKS BUILDING GROUP, LLC Contractor ROYAL OAKS BUILDING GROUP, LLC Contractor's Phone: 919-233-3886 TOWNHOME Proposed Use **Type of Improvement:** New Building Permit #: 2181105 Inside Town Linits Yes 9/6/2018 Census tract: PIN#: 1710-47-4137 Issue date: LANDING AT HEATHER PARK Lot#: 37 **Subdivision: Total cost:** \$124,636.00 PropAddress: 258 MYATT FERN DRIVE Owner's Phone: 919-233-3886 Owner's ROYAL OAKS BUILDING GROUP, LLC Contractor ROYAL OAKS BUILDING GROUP, LLC Contractor's Phone: 919-233-3886 TOWNHOME **Type of Improvement:** New Building **Proposed Use** Permit #: 2181107 Inside Town Linits Yes Issue date: 9/6/2018 Census tract: PIN#: 1710-47-4222 Lot#: **Subdivision:** LANDING AT HEATHER PARK Total cost: \$124,636.00 PropAddress: 242 MYATT FERN DRIVE Owner's Phone: 919-233-3886 Owner's ROYAL OAKS BUILDING GROUP, LLC ROYAL OAKS BUILDING GROUP, LLC 919-233-3886 Contractor **Contractor's Phone:** TOWNHOME **Type of Improvement:** New Building **Proposed Use** Permit #: 2181114 Inside Town Linits Yes 1701-97-7908 Issue date: 9/26/2018 Census tract: PIN#: **Subdivision:** N/A \$1,407,280.00 Lot#: Total cost: 1414 MECHANICAL BLVD PropAddress: Owner's Phone: 919-612-8188 Owner's DUKE ENERGY TECTA AMERICA CAROLINAS LLC 704-882-1200 Contractor **Contractor's Phone:** FACTORY INDUSTRIAL **Type of Improvement:** Alteration **Proposed Use** Permit #: 2181115 Inside Town Linits Yes Issue date: 9/10/2018 Census tract: PIN#: **Subdivision:** N/A \$531,969.00 Lot#: Total cost: PropAddress: 200 MITCHELL PARK COURT WAKE COUNTY HOUSING AUTHORITY Owner's Phone: 919-269-6404 Owner's G & G BUILDERS OF WENDELL 919-365-7488 Contractor **Contractor's Phone:** MULTI-FAMILY 5 UNITS & **Type of Improvement:** New Building **Proposed Use** 

Permit #: 2181116 Inside Town Linits Yes Issue date: 9/10/2018 Census tract: PIN#: Lot#: Subdivision: N/A Total cost: \$531,969.00 PropAddress: 100 MITCHELL PARK COURT WAKE COUNTY HOUSING AUTHORITY Owner's Phone: 919-269-6404 Owner's Contractor G & G BUILDERS OF WENDELL Contractor's Phone: 919-365-7488 MULTI-FAMILY 5 UNITS & Proposed Use **Type of Improvement:** New Building Permit #: 2181122 Inside Town Linits Yes 9/10/2018 Census tract: PIN#: 1711-25-9892 Issue date: VANDORA WEST Lot#: 18 **Subdivision:** Total cost: \$202,000.00 PropAddress: 1233 CURTISS DRIVE Owner's Phone: 919-810-2945 Owner's KELLYS CROSSING DEVELOPER, LLC Contractor SMITH DOUGLAS HOMES Contractor's Phone: 919-812-0350 SINGLE FAMILY DWELLIN **Type of Improvement:** New Building **Proposed Use** Permit #: 2181124 Inside Town Linits Yes Issue date: 9/18/2018 Census tract: PIN#: 1629-02-1851 Lot#: 115 **Subdivision:** OAK PARK Total cost: \$200,703.00 PropAddress: 119 LEMOYNE DOURT ROYAL OAKS BUILDING GROUP LLC Owner's Phone: 919-233-3886 Owner's ROYAL OAKS BUILDING GROUP, LLC 919-233-3886 Contractor **Contractor's Phone:** SINGLE FAMILY DWELLIN **Type of Improvement:** New Building **Proposed Use** Permit #: 2181125 Inside Town Linits Yes 1629-15-5915 Issue date: 9/6/2018 Census tract: PIN#: **Subdivision:** CLIFFORD GROVE \$170,922.00 Lot#: Total cost: 168 WHITETAIL DEER LANE PropAddress: Owner's Phone: 919-407-2037 Owner's D.R. HORTON INC D.R. HORTON, INC. Contractor's Phone: 919-407-2037 Contractor SINGLE FAMILY DWELLIN **Type of Improvement:** New Building **Proposed Use** Permit #: 2181135 Inside Town Linits Yes Issue date: 9/7/2018 Census tract: PIN#: 1701-38-7642 Lot#: **Subdivision:** N/A \$111,177.62 Total cost: PropAddress: 1575 US HWY 70 WEST LOWES HOME IMPROVEMENT Owner's Phone: 877-658-2181 Owner's Contractor **Contractor's Phone:** MERCANTILE/RETAIL **Type of Improvement:** Alteration Proposed Use

Permit #: 2181154 **Inside Town Linits** Yes Issue date: 9/18/2018 Census tract: PIN#: 1619-92-8696 Lot#: 121 Subdivision: OAK PARK Total cost: \$184,635.00 PropAddress: 100 LEMOYNE COURT ROYAL OAKS BUILDING GROUP Owner's Phone: 919-233-3886 Owner's Contractor ROYAL OAKS BUILDING GROUP, LLC Contractor's Phone: 919-233-3886 SINGLE FAMILY DWELLIN Proposed Use **Type of Improvement:** New Building Permit #: 2181178 Inside Town Linits Yes Issue date: 9/24/2018 Census tract: PIN#: 1609-19-3519 EAGLE RIDGE Lot#: 394 **Subdivision: Total cost:** \$114,414.00 PropAddress: 100 OWENSBORO COURT Owner's Phone: 919-747-4970 Owner's DAN RYAN BUILDERS Contractor DAN RYAN BUILDERS LLC Contractor's Phone: 919-747-4985 SINGLE FAMILY DWELLIN **Type of Improvement:** New Building **Proposed Use** Permit #: 2181180 Inside Town Linits Yes Issue date: 9/24/2018 Census tract: PIN#: 1629-15-5962 Lot#: **Subdivision:** CLIFFORD GROVE Total cost: \$169,088.00 PropAddress: 164 WHITETAIL DEER LANE Owner's Phone: 919-407-2037 Owner's D.R. HORTON, INC Contractor D.R. HORTON, INC. **Contractor's Phone:** 919-407-2037 SINGLE FAMILY DWELLIN **Type of Improvement:** New Building **Proposed Use** Permit #: 2181181 Inside Town Linits Yes PIN#: 1711-25-6188 Issue date: 9/25/2018 Census tract: Lot#: **Subdivision:** VANDORA WEST \$139,754.00 **Total cost:** PropAddress: 133 VANDORA HILLS PLACE Owner's Phone: 919-810-2945 Owner's KELLYS CROSSING DEVELOPER LLC SMITH DOUGLAS HOMES Contractor's Phone: 919-812-0350 Contractor SINGLE FAMILY DWELLIN **Type of Improvement:** New Building **Proposed Use**