

TOWN OF GARNER



TOWN COUNCIL MEETING

NOVEMBER 7, 2016
7:00 P.M.

Garner Police Department
Training Room
912 7th Avenue, Garner

**Town of Garner
Town Council Agenda
November 7, 2016**

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 Police Department Training Room located at 912 7th 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 Buck Kennedy

C. INVOCATION: Council Member Buck Kennedy

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

1. Proclamation Recognizing World Pancreatic Cancer Day Page 4
Presenter: Ronnie Williams, Mayor

Presentation of Proclamation to Rhonda Wilkie recognizing November 17, 2016 as World Pancreatic Cancer Day.

2. Recognize Retirements of Earman Adams and Paul Cox Page 6
Presenter: Rodney Dickerson, Town Manager

Recognize retirement of Earman Adams, Public Works Supervisor, for 8 ½ years of dedicated service to the Town and Paul Cox, Public Works Director for 24 years of dedicated service to the Town.

3. Garner Fire Rescue ISO Inspection Rating Report Page 8
Presenter: Matthew R. Poole, Fire Chief

Mr. Poole will present the results of the recent ISO inspection.

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. Minutes from September 27, October 3 and October 18, 2016 Council Page 13
Meeting and Closed Session Minutes from July 19, August 16 and September 6, 2016.

Action: Adopt Minutes

2. Resolution Authorizing Investigation of Annexations Petitions, ANX-16-06 Page 31
(Timber Drive Office Park Tract) and ANX-16-07 (Cermin Tract)

This Resolution authorizes the Town Clerk to investigate the sufficiency of Annexation Petitions ANX-16-06 (Timber Drive Office Park tract, located on Timber Drive East) and ANX-16-07 (Cermin Tract, located on US 70).

Action: Adopt Resolution (2016) 2306

H. PUBLIC HEARINGS

1. Annexation Petitions ANX-16-03 (Country Club Drive), ANX-16-04 Page 37
(Bryan Nature Park) and ANX-16-05 (711 Maxwell Drive)

Presenter: David Bamford, Senior Planner

Satellite annexation for a 115.47 acre tract located at 8025 Country Club Drive (Meadowbrook Country Club tract), satellite annexation for a 2.8 acre tract located at 711 Maxwell Drive and contiguous annexation for a 20.1 acre tract located at the end of Forest Landing Drive (Bryan Nature Park tract).

Action: Adopt Ordinance (2016) 3830, Country Club Drive (ANX-16-03)
Adopt Ordinance (2016) 3831, Bryan Nature Park (ANX-16-04)
Adopt Ordinance (2016) 3832, 711 Maxwell Drive (ANX-16-05)

2. General Use Rezoning Z-16-03 Page 50
Presenter: David Bamford, Senior Planner

Request by the Town of Garner to rezone a 115 acre tract of land located at 8025 Country Club Drive from Wake County R-30 and Watershed Overlay to Town of Garner R-40 and Swift Creek Overlay District. Annexation Petition ANX-16-03 is related to this item.

Close Public Hearing; Refer to Planning Commission.

- 3. Installment Financing Page 59
Presenter: Mitch Brigulio, Davenport & Company

Davenport & Company prepared an RFP requesting banks to provide financing options for the purchase of vehicles and other equipment as approved in the FY 2016-17 budget, costs associated with the purchase of the Meadowbrook property, and refinancing of the 2011 Installment Purchase Contract. The proposals received will be presented to Council for discussion.

Action: Adopt Resolution (2016) 2307

I. NEW/OLD BUSINESS

- 1. Ordinance to Amend Chapter 3 of the Town’s Code of Ordinances Page 76
(Animals and Fowl)
Presenter: Mike McIver, Lieutenant

As discussed at the Council Work Session on September 27, 2016, the proposed amendments are specific to Sections 3-1 (Definitions), 3-17 (Confinement of Dangerous Animals), and 3-25 (Imposition of Penalties for Violations of Chapter).

Action: Adopt Ordinance (2016) 3833

- 2. Design Services Contract for Avery Street/Curtis Drive Sidewalk ProjectPage 84
Presenter: Tony Chalk, Town Engineer

Municipal Engineering has submitted a proposal to design the sidewalk improvements along Avery Street from Powell Drive to Creekbrook Court and along Curtis Drive from Avery Street to Bryan Street at a cost of \$19,500.

Action: Authorize Execution of Contract with Municipal Engineering for \$19,500

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- 1. garner info
- 2. Finance & Permit Report
- 3. Solid Waste CPI

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. CLOSED SESSION

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

O. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Proclamation Recognizing World Pancreatic Cancer Day		
Location on Agenda: Presentations		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Ronnie Williams, Mayor		
Brief Summary: Presentation of Proclamation to Rhonda Wilkie recognizing November 17, 2016 as World Pancreatic Cancer Day.		
Recommended Motion and/or Requested Action: Presentation only; no action		
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: None		
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:		

Proclamation

WHEREAS, in 2016, an estimated 53,070 people in the United States will be diagnosed with pancreatic cancer, one of the deadliest cancers, and 41,780 will die from the disease; and

WHEREAS, pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States, and it is projected to become the second leading cause by 2020; and

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally in later stages, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and

WHEREAS, approximately 1240 deaths will occur in North Carolina in 2016; and

WHEREAS, pancreatic cancer is the seventh most common cause of cancer related death in men and women across the world; and

WHEREAS, there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020; and

WHEREAS, the good health and well-being of the residents of Garner are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments; and

NOW THEREFORE, I, Mayor Ronnie S. Williams, on behalf of the Town Council, do hereby proclaim November 17, 2016 as "World Pancreatic Cancer Day" in the Town of Garner.



In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Garner, North Carolina to be affixed the 22nd day of November, 2016.

Ronnie S. Williams

Mayor Ronnie S. Williams

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Recognize Retirement of Earman Adams		
Location on Agenda: Presentations		
Department: Public Works		
Contact: BD Sechler, Human Resources Director		
Presenter: Paul Cox, Public Works Director		
Brief Summary: Recognize the retirement of PW Streets Supervisor Earman Adams for 8 1/2 years of dedicated service to the Town of Garner.		
Recommended Motion and/or Requested Action: Presentation only; no action		
Detailed Notes: None		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Thanks to Earman for his leadership in the daily operations of the Streets Division.		
Attachments Yes: <input checked="" type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BDS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Recognize Retirement of Paul Cox		
Location on Agenda: Presentations		
Department: Public Works		
Contact: BD Sechler, Human Resources Director		
Presenter: Rodney Dickerson, Town Manager		
Brief Summary: Recognize retirement of Public Works Director Paul Cox for his 24 years of dedicated service to the Town of Garner.		
Recommended Motion and/or Requested Action: Presentation only; no action.		
Detailed Notes: None		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Thanks to Paul for his leadership in making Public Works a model for municipal service and being the first nationally accredited department in North Carolina.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BDS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Garner Fire Rescue ISO Inspection Rating Report		
Location on Agenda: Presentations		
Department: Garner Fire-Rescue		
Contact: Matthew R. Poole, Fire Chief		
Presenter: Matthew R. Poole, Fire Chief		
Brief Summary: GFR will present the results of the recent ISO inspection.		
Recommended Motion and/or Requested Action:		
Detailed Notes: The GFR has obtained an improved ISO insurance rating for the Town of Garner from a previous Class 4 to a Class 2. The report will detail what ISO is, Garner ISO history, and a summary of the report.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: The Town congratulates Chief Poole and the entire Fire Department and Board for this achievement; knowing that it could impact insurance rates for a segment of the Garner community.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MP	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Building Our Future On The Foundation Of Our Past

Contact Matthew Poole
Telephone 919-772-1550 Ext.4
Email admin@garnerfire.com
Website www.garnerfire.com

FOR IMMEDIATE RELEASE
November 1, 2016

STATE OFFICIALS AWARD GARNER FIRE NEW DISTRICT RATING

Garner Fire-Rescue Receives Improved Insurance Rating For Both Its Fire Districts

Garner, NC, November 1, 2016 - The Garner Fire-Rescue has improved its current insurance (ISO) ratings from a class 4 in the Town of Garner to a class 2 and its Wake County area from a class 6 to a class 4.

"I'd like to congratulate Chief Poole for the department's performance and for the hard work of all the department members. The citizens of these districts should rest easy knowing they have a fine group of firefighters protecting them and their property in case of an emergency."

Wayne Goodwin- Insurance Commissioner, State Fire Marshal

The NCRRS rating system ranges from 1 - 10. Most rural departments falling into a 9s category across the state. The lower the numerical number the better equipped, trained, and prepared the department has been evaluated which significantly lowers property owner's insurance ratings.

The successful inspection evaluated Garner Fire-Rescue's proper staffing levels, equipment inventory, proper maintenance of resources, communication capabilities and water supply system.

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If you would like more information about this topic, please contact Matthew Poole at 919-772-1550 Ext.4 or email at admin@garnerfire.com.

ISO RATING

- NORTH CAROLINA OFFICE OF STATE FIRE MARSHALL COLLECTS AND EVALUATES INFORMATION FROM COMMUNITIES IN NORTH CAROLINA ON THEIR STRUCTURE FIRE SUPPRESSION CAPABILITIES. THE DATA IS ANALYZED USING A FIRE SUPPRESSION RATING SCHEDULE AND THEN A PUBLIC PROTECTION CLASSIFICATION NUMBER IS ASSIGNED TO THE COMMUNITY. THE SURVEYS ARE CONDUCTED WHENEVER IT APPEARS THAT THERE IS A POSSIBILITY OF A CLASSIFICATION CHANGE. AS SUCH, THE PPC PROGRAM PROVIDES IMPORTANT, UP-TO DATE INFORMATION ABOUT FIRE PROTECTION SERVICES THROUGHOUT NORTH CAROLINA.

GFR ISO History

- We had been a class 4 TOG & class 9 Wake County until 2010
- We are currently a class 4 TOG & class 6 Wake County
- My goal was to obtain a class 3 TOG & class 5 Wake County
- We were awarded on 9/27/16 a class 2 TOG & class 4 Wake County

Countrywide distribution of communities by class



Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Approval of Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Adopt Minutes from September 27, October 3 and October 18, 2016 Council Meetings and Closed Session Minutes from July 19, August 16 and September 6, 2016.		
Recommended Motion and/or Requested Action: Adopt Minutes		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Council Work Session Minutes
September 27, 2016

The Council met in a Work Session at 6:00 p.m. on Tuesday, September 27, 2016 in the Garner Police Department Training Room located at 912 7th Avenue.

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

Staff Present: Brad Bass-Planning Director, Capt. Joe Binns-Police Department, Lt. Mike McIver-Police Department, Rick Mercier-Communications Manager, Reginald Buie-Neighborhood Improvement Manager, William E. Anderson-Town Attorney, and Rebecca Schlichter –Deputy Town Clerk.

CALL MEETING TO ORDER

Mayor Williams called the meeting to order at 6:00 p.m.

ADOPTION OF AGENDA

Motion: Kennedy
Second: Behringer
Vote: Unanimous

REPORTS/DISCUSSION

US 401 Synchronized Street Project – U-5302

Presenter: Brad Bass, Planning Director

Mr. Bass and NCDOT staff presented a proposal of a synchronized street design for the segment of US 401 from Legend Road to Purser Drive. Currently the project is listed in the approved 2016-25 State Transportation Improvement Program (STIP) with an estimated cost of \$3 million.

The presentation included:

Proposed Improvement in building a Synchronized Street

- Ease congestion
- Reduce the number of crashes – 366 crashes in the past 5 years
- Provide safer pedestrian crossings

Projected Timeline and Costs

- Summer 2019 ROW acquisition begins with \$850,000 in acquisition costs
- Summer 2020 Construction begins with \$2.1 Million for construction

Project Area

- 1.4 miles of US 401 (Fayetteville Road)
- From Legend Road to Purser Drive in Garner
- Proposed: Synchronized Street intersection improvements for three or more intersections

Functional Design

- Additional Consideration: Pedestrian Traffic
- Cross connections will be provided where pedestrian facilities currently exist
- Any existing sidewalk impacted by the project will be replaced

Public Involvement Plan

- Purpose of Outreach
- Public Materials
 - (1) US 401 Fast Fact Sheet
 - (2) Synchronized Streets
- Public Outreach
 - (1) Briefing for Property Owners and Commercial Tenants (hand-delivered letters)
 - (2) Public Information Session (public notice, NCDOT website)
 - (3) NCDOT Hotline
 - (4) Periodic updates for Council, chamber, and email list

Council Member Kennedy questioned if there will be improved lighting and it was explained that lighting is a stand-alone issue for funding.

Action: Presentation only; no action

Animal Control Ordinance Update

Presenter: Michael Mclver, Lieutenant

Lt. Mclver reviewed the Town of Garner Animal Control Ordinance relating to dangerous animals and discussed possible changes.

The following highlights were discussed and these changes are being recommended:

Sec. 3-1 - Definitions

- **At large dangerous animal**- New definition to include “at large dangerous animals.”
- **Dangerous Animal** – Updated to add a fourth element to declaring an animal dangerous.
- **Secure Enclosure** – Includes new language that sets a minimum standard for the secure enclosure of a dangerous animal.
- **Owner** – Added language that better defines who is an owner and who will be treated as an owner.

Sec. 3-17 – Confinement and Control of Dangerous Animals

This section addresses the confinement and control of dangerous animals. There are currently four subsections in this section. The new ordinance will contain nine (9) subsections that address signage, leashing, muzzling, microchipping, time frames, at large dangerous animals, removal of dangerous animals from the owner’s property, and inspection of confinement areas.

(a) It is unlawful for any owner to maintain or harbor unconfined or unrestrained any animal which (1) bites, attacks or otherwise inflicts serious injury on a person without provocation on public or private property, (2) kills or injures a pet or domestic animal without provocation, (3) is owned, trained or harbored primarily or in part for the purpose of dog fighting and/or (4) approaches a person not on the owner’s property in a vicious or terrorizing manner in an apparent attitude of attack.

(b) The owner of a dangerous animal will be notified in writing to confine the animal in a humane, secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous animal is on the premises. Said sign shall be one (1) foot by two (2) feet or two (2) square feet in area. The lettering on the sign shall be proportionate with the sign and must be approved by the animal control officer.

(c) The owner of a dangerous animal will be notified in writing that the dangerous animal must be leashed and muzzled at all times when the animal is not inside the owner’s residence or in the secure enclosure.

(d) The owner of a dangerous animal will be notified in writing that the dangerous animal shall be permanently identified as a dangerous animal by a microchip implanted under the animal's skin within sixty (60) days from the date of notification at the owner's expense.

(e) The owner of a dangerous animal shall have sixty (60) days from the date of notification to provide a humane, secure enclosure. The animal deemed "dangerous" shall be kept at the animal shelter at the owner's expense during this period.

(f) If the owner of a dangerous animal constructs a secure enclosure which is approved by the animal control officer within the sixty (60) days, the animal can be released from confiscation so long as all fees owing to the Town of Garner Animal Control Program and the animal shelter for harboring, caring for and maintaining the animal are paid. If any dangerous animal is confiscated under this provision, the owner of the dangerous animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of sixty (60) days from the confiscation the animal will become property of the town and will be turned over to the animal shelter for disposition.

(g) It shall be unlawful for any owner of a dangerous animal to permit it to be at large.

(h) Only a competent person who is at least eighteen (18) years of age may remove a dangerous animal from the owner's property.

(i) The owner of a dangerous animal shall permit the animal control officer access to inspect the owner's premises as necessary to ensure compliance with state law and local ordinance.

(j) Once the owner of a dangerous animal has met all criteria for harboring a dangerous animal and approved by the animal control officer, the animal may be released to the owner from the animal shelter.

Sec 3-25 – Imposition of Penalties

(g) If a dangerous animal is found to be at large in violation of Sec. 3-17 (g) the owner shall be assessed a five hundred dollar (\$500.00) civil penalty and the animal shall be seized by the animal control officer or a Garner Police Officer. After a five (5) business day waiting period, the seized animal shall be destroyed by the animal control program if no appeal has been filed.

Action: Presentation only; no action

Neighborhood Improvement Updates

Presenter: Reginald Buie, Neighborhood Improvement Manager

Mr. Buie provided an update of the Cloverdale street lighting project which included 49 new lights at a cost of \$15,260 and a status of work being done by Rebuilding Together which included eight homes receiving improvements such as: siding, handrail, platform addition, addition of storm doors, front doors, carpet and gutter replacement. Rand Mill Park improvements include repairs to the roof, lighting, the addition of picnic tables to the picnic shelter and resurfacing basketball court, adding drainage away from playground and bathroom area. He also provided information from a summit workshop he attended regarding workforce housing hosted by the Triangle Community Coalition.

Action: Presentation only; no action

COMMITTEE REPORTS

COUNCIL REPORTS

Council Member Marshburn

- Fireman's Day – Saturday, October 1, 2016

Mayor Pro Tem Behringer

- Reported tall grass at an empty house across the street from Angies Restaurant on W. Garner Road.
- Reported 402 W. Garner Road needs mowed.

ADJOURNMENT: 8:00 p.m.

Motion: Kennedy
Second: Behringer
Vote: Unanimous

Respectfully Submitted,
Rebecca Schlichter

DRAFT

**Town of Garner
Town Council Meeting Minutes
October 3, 2016**

The Council met in regular session at 7:00 p.m. in the Garner Police Department Training Room located at 912 7th Avenue.

CALL MEETING TO ORDER/ROLL CALL:

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Assistant Town Manager-Development Services, Pam Wortham-Finance Director, Brad Bass-Planning Director, Jeff Triezenberg-Assistant Planning Director, Jenny Saldi-Senior Planner, David Bamford-Senior Planner, Tony Chalk-Town Engineer, Rick Mercier-Communications Manager, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Behringer

INVOCATION: Mayor Pro Tem Behringer invited Capital Church Youth Pastor Emanuel Robinson to provide the invocation.

PETITIONS AND COMMENTS

Peter Hochstaetter, candidate for Wake County School Board, introduced himself and asked for consideration during the election.

Asa Fleming asked for support of the Wake County Transit Plan referendum.

ADOPTION OF AGENDA

Mr. Dickerson asked for a closed session pursuant to N.C. General Statutes 143-318.11(a)(5)) "to discuss possible real estate acquisition and the Town's negotiating position regarding such real estate."

Motion: Johns
Second: Singleton
Vote: Unanimous

PRESENTATIONS

Mayor Pro Tem Behringer read a Proclamation recognizing the month of October 2016 as Breast Cancer Awareness Month.

CONSENT

Minutes from August 16, August 30, and September 20, 2016

Action: Adopt Minutes

Ordinance Amending FY 2016/17 Operating Budget

Presenter: Pam Wortham, Finance Director

The Garner Volunteer Fire-Rescue Department has requested funding for mandatory training required to pursue accreditation. The total amount of \$12,620 will be shared equally with Wake County. The Town’s cost shared amount of \$6,506 will be funded through fund balance.

Action: Adopt Ordinance (2016) 3827

Strategic Plan Authorization

Presenter: Rodney Dickerson, Town Manager

The draft version of the Strategic Plan was presented at the August 30, 2016 Work Session. Feedback from Council Members has been incorporated into this final version.

Action: Adopt Strategic Plan

Resolutions Authorizing Town Clerk to Investigate the Sufficiency of Annexations, ANX-16-03 (Meadowbrook Country Club Tract), ANX-16-04 (Bryan Nature Park) and ANX-16-05 (711 Maxwell Drive)

Action: Adopt Resolution (2016) 2302

Motion: Kennedy
Second: Singleton
Vote: Unanimous

PUBLIC HEARINGS

Conditional Use Rezoning CUD-Z-16-04 and Conditional Use Permit CUP-SP-16-10, Evolve at Timber Creek, 1623 Benson Road

Presenter: David Bamford and Jenny Saldi, Senior Planners

This request is to rezone 21.95 acres along Benson Road from Community Retail Conditional Use (CR C152) and Office & Institutional Conditional Use (O&I C152) to Multi-Family 2 Conditional Use (MF-2 C184) and request for conditional use approval for a 304-unit apartment development.

The Town Attorney explained the procedures to be followed in this type of hearing and the Clerk administered the Affirmation of Oath to Brad Bass, Jenny Saldi, Teresa Morris, Tom Johnson, Jeff Hochanadel, and Barrett Hagen. Mayor Williams asked the Council to disclose any ex parte communications regarding this project. Hearing none, Mayor Williams opened the public hearing and asked David Bamford and Jenny Saldi to provide the staff report.

Council Member Singleton stated when this area was developed, it was done so under different development standards and he did not support placing this type of project adjacent to an established neighborhood.

Council Member Marshburn expressed concern regarding the increased traffic on Highway 50.

Mr. Johnson explained the proposed zoning is actually being down-sized from what the site is currently zoned for. The project is more consistent with the comp plan and the NCDOT Congestion Management Division approved the project as proposed. The property in front of this project will be developed as two separate outparcels and if needed, additional road improvements could be made at that time.

Mr. Johnson further explained that two community meetings were held with surrounding residents to introduce the project and to address their concerns. Ms. Morris stated she lives in property that backs-up to this project and has seen increased traffic in the area over the past several years, but all of her questions were answered and she was fairly satisfied. She stated she would prefer some type of barrier to keep people from walking into the back of her neighborhood.

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

Action: Adopt Ordinance (2016) 3828

Motion: Marshburn
Second: Kennedy
Vote: 4:1, Singleton voted in opposition as this project is zoned for a more intensive use than the adjacent established neighborhoods.

Action: Approve CUP-SP-16-04

Motion: Kennedy
Second: Marshburn
Vote: 4:1, Singleton voted in opposition as this project is zoned for a more intensive use than the adjacent established neighborhoods.

NEW/OLD BUSINESS

Ordinance Establishing Town Hall and Police Department Capital Projects
Presenter: Pam Wortham, Finance Director

Ms. Wortham explained this Ordinance captures the cost components associated with the Town Hall Construction Project. Previously, the Town Hall and Police Department projects were combined. This Amendment separates the two for easier tracking.

Action: Adopt Ordinance (2016) 3829

Motion: Kennedy
Second: Singleton
Vote: Unanimous

Lobbyist Services

Presenter: Rodney Dickerson, Town Manager

Mr. Dickerson stated two proposals were received from individuals wishing to provide lobbyist services to the Town. The Lobbyist would research, guide, represent, and advocate for the Town on municipal and legislative matters on the local, state, and federal levels. A sample contract was drawn up with Samuel Bridges. In addition to Mr. Bridges registering as the Town's lobbyist, the Town is also required to register as a Lobbyist

Principal with the Secretary of State's office. Mr. Dickerson reviewed some of the highlights of Chapter 120C of the NC General Statutes relating to Lobbying. He also explained the contract included language for an automatic extension.

Council requested Mr. Bridges provide reports on a quarterly basis with the possibility of more frequent reports based on activities.

Action: Authorize Execution of Contract with Samuel L. Bridges in the amount not to exceed \$28,000

Motion: Behringer
Second: Kennedy
Vote: Unanimous

COMMITTEE REPORTS

MANAGER REPORTS

- garner info
- Important dates to remember:
 - October 19, 9:00 a.m. - Recreation Center ground breaking and recognition of sidewalk completion
 - October 4, 7:00 a.m. - Community and Police discussion at the First Baptist Church
 - October 7, 8:30 - United Way Campaign Kick-Off, 11:30 a.m. – Raleigh Utilities Tour, 3:30 p.m. - Garner High School Homecoming Parade, 6:30 p.m. – Advisory Board Appreciation Dinner
 - October 11, 6:30 p.m. – GPAC Volunteer Appreciation Dinner
 - October 13, 7:30 p.m. – USAF Heritage Band Playing at GPAC
 - October 14, "Bodyology" playing at GPAC

ATTORNEY REPORTS

COUNCIL REPORTS

Council Member Singleton

- Asked to speak with staff regarding back-lit signage for the new Town Hall and Recreation Center.

Council Member Johns

- Reported the traffic speed sensor on Main Street was not working.

Council Member Marshburn

- Reported the Chamber Summit Awards event was successful and congratulated the Chamber of Commerce on a job well done.
- Asked for clarification regarding candidates running for office speaking during a Council meeting.

CLOSED SESSION:

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

Motion: Marshburn
Second: Behringer
Vote: Unanimous

RETURN TO REGULAR SESSION AND ADJOURNMENT: 9:47 p.m.

Respectfully Submitted,
Stella Gibson

DRAFT

**Town of Garner
Town Council Meeting Minutes
October 18, 2016**

The Council met in regular session at 7:00 p.m. in the Garner Police Department Training Room located at 912 7th Avenue.

CALL MEETING TO ORDER/ROLL CALL

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Assistant Town Manger-Development Services, Brad Bass-Planning Director, Tony Chalk-Town Engineer, Pam Wortham-Finance Director, Michael Gammon-Budget & Special Projects Manager, Sonya Shaw-PRCR Director, Chris Hagwood-Captain, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Jackie Johns

INVOCATION: Council Member Jackie Johns

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Motion: Kennedy
Second: Johns
Vote: Unanimous

PRESENTATIONS

WakeMed Health & Hospitals

Presenter: Donald Gintzig, President & CEO

Mr. Gintzig reported that WakeMed was the largest private employer in Wake County with 8,600 employees, 1,200 physicians and 1,500 volunteers. Services available at the WakeMed Garner Healthplex include an Emergency Department, Lab, Imaging, and physician offices (primary care, orthopaedics, urology and cardiology). From July 2015 to June 2016, the emergency room experienced 32,000 visits; most with wait time of less than 2 hours. Wake County is growing and additional services and specialties will be added as necessary. Council expressed their appreciation to Mr. Gintzig for his presentation and for the work being done by WakeMed in our community.

CONSENT

Minutes from Closed Sessions held on December 15, 2015, January 19 & 26, February 1 & 16, March 7 & 22, April 19, May 2, 17, & 31, June 6, 21 & 28, and July 5, 2016

Action: Adopt Minutes

Agency Funding/Programming Partners Agreements Approved in the FY 2016–17 Budget

Presenter: Michael Gammon, Budget & Special Projects Manager

Following budget adoption, agreements were prepared and forwarded to each of the agencies receiving appropriations this year. Once approved, the Town will make payment to the organizations in accordance with the schedule set out in each agreement. Agreements have been executed and returned by: Community of Hope Ministries, Towne Players of Garner, Inc., Garner Area Ministries, and American Legion Post 232.

Action: Authorize Execution of Agreements

Resolution Declaring Trash Collection Projects for 2017

Presenter: Paul Cox, Public Works Director

This Resolution declares the Town’s unprepared trash pick-up special projects for 2017 as provided by the Solid Waste Ordinance. Pickup dates for the spring unprepared waste cleanup will begin the weeks of March 27, April 3, and April 10, 2017. The fall unprepared cleanup will begin the weeks of October 30, November 6, and November 13, 2017. These projects will be based on the normal garbage collection routes.

Action: Adopt Resolution No. (2015) 2303

Resolution Setting Public Hearing for Annexation Petitions ANX-16-03, ANX-16-04, and ANX-16-05

This Resolution sets a Public Hearing on November 7, 2016 for a 115.47 acre tract located at 8025 Country Club Drive (Meadowbrook Country Club tract), a satellite annexation for a 2.8 acre tract located at 711 Maxwell Drive and a contiguous annexation for a 20.1 acre tract located at the end of Forest Landing Drive (Bryan Nature Park tract).

Action: Adopt Resolution (2016) 2304

Motion: Johns
Second: Marshburn
Vote: Unanimous

PUBLIC HEARINGS

NEW/OLD BUSINESS

Offer to Purchase of Real Property at 8101 Hebron Church Road

Presenter: William E. Anderson, Town Attorney

The owners of a 6.07 acre parcel at 8101 Hebron Church Road have accepted an offer to purchase in the amount of \$275,000. This parcel is located between Hebron Church Road and the Meadowbrook Country Club and is needed for a park entrance because the existing entrance roadway and the land

area around it are inadequate to handle park ingress and egress. The parcel is appropriately located for such a purpose.

Mr. Anderson stated the owners would like to make a small change to the contract that they would like to move the existing trailers off the property. They also requested time to give the tenants notice. A closing could be scheduled in early December.

Action: Authorize purchase of property in the amount of \$275,000

Motion: Behringer
Second: Johns
Vote: Unanimous

Resolution Setting Public Hearing for Financing of Real Property and Rolling Stock

Presenter: Pam Wortham, Finance Director

This Resolution sets a Public Hearing on November 7, 2016 in connection with the financing costs associated with the Meadowbrook project, financing the purchase cost of vehicles as authorized in the FY 17 budget, and refinancing of the BB&T bonds that are collateralized by the Public Works facility. The total amount of borrowing would not exceed \$7,250,000.

Action: Adopt Resolution (2016) 2305

Motion: Marshburn
Second: Johns
Vote: Unanimous

Spring Drive and Vandora Springs Road Sidewalk Design

Presenter: Tony Chalk, Town Engineer

Mr. Chalk stated the Engineering Department staff requested design service agreements with Ramey Kemp & Associates to design the sidewalk improvements proposed as part of the Town's bond projects along Spring Drive and Vandora Springs Road.

The Spring Drive project would consist of adding curb and gutter and sidewalk along the west side of Vandora Springs Road from the existing sidewalk near St. Mary's Church to Spring Drive, adding sidewalk on approximately 2300 feet of Spring Drive between Vandora Springs Road and Buckhorn Road, and adding approximately 350 linear feet of curb and gutter and sidewalk on the west side of Spring Drive from the 90 degree turn in Spring Drive to the new Garner High School driveway.

The Vandora Springs Road Sidewalk project would consist of widening Vandora Springs Road between Timber Drive and Miriam Avenue, approximately 1,400 linear feet to include curb and gutter along both sides and a sidewalk on one side (most likely the south side). This project includes an additional 6-months in the timeline to accommodate a map amendment required to cross Buck Branch. After permits for this project are received and bids received, estimated construction time is approximately 6 months.

Action: Authorize Execution of Contract with Ramey Kemp & Associates in the amount of \$140,300 subject to contract revisions relating to clause of prepayment and liability limitation and approval of the Town Attorney.

Motion: Marsburn
Second: Behringer
Vote: Unanimous

Bond Project Update

Presenter: Michael Gammon, Budget & Special Projects Manager

A brief overview was provided regarding the status of the bond program, specifically changes and updates from the last report.

There has been an additional \$1,148,628 in recorded spending across all bond programs since the last Bond Project Tracking Update in August.

Updates include:

Parks and Recreational:

Grading activity has started at the Garner Recreation Center Site and the groundbreaking ceremony is scheduled for October 19.

Garner's Lake Benson Dog Park is now open for the public.

South Garner Greenway has been submitted for a Wake County Open Space Program grant.

Construction bid of new resurfacing of existing front area parking has been awarded.

Public Safety and Services Facilities:

The new Town Hall's perimeter walls are currently under construction. Vertical steel construction should also commence soon.

Redevelopment:

The Recreation Center project's construction improvements to storm water, US Hwy 70, and Montague Street are under construction.

Underground power and utility lines in downtown Garner will be relocated as part of the Recreation Center construction.

Street and Sidewalk:

The Benson/Main street sidewalk project is substantially complete.

Right-of-way acquisition for the Thompson Road sidewalk project is underway.

Buffaloe Road sidewalk project construction is progressing; road widening with curb and gutter installation to begin soon.

Cloverdale street lighting project is in the planning phases.

Final plans of Rand Mill Park neighborhood improvements are being evaluated.

Action: No Action Required

Bond Projects Detailed Discussion – Parks & Rec Bonds

Presenter: John Hodges, Assistant Town Manager-Development Services

In preparation for the third sale of bonds from the 2013 program, staff has prepared a summary of the Parks and Recreational Bond Projects to use as a discussion guide.

The Parks and Recreational Bond Program totaled \$7,150,000 and originally included the following projects:

Project	Estimate	Status
Greenways	\$750,000	On Hold
Park Enhancements	\$1,000,000	Substantially Complete
GPAC Parking Lot	\$250,000	Underway
GPAC Lighted/Covered Sidewalk	\$500,000	Underway (scope changed)
Land Acquisition – GPAC	\$750,000	Underway (scope changed)
Recreation Center	\$3,900,000	Underway

Parks and Recreational bond proceeds from the first two sales totaled \$5,559,000 (\$100,000 and \$5,459,000). Proposed sale 3 includes \$842,000 and sale 4 includes \$749,000.

Project Updates:

Greenways - \$750,000

Funds added from FY 14-15 Operating Budget (Fuel) - \$80,700

Total Allocated Project Budget - \$830,700

Preliminary designs for the South Garner Greenway have been developed and reviewed by Council. In November 2015, Council identified their preferred option which had a cost estimate of just over \$1.3 million, making the project approximately \$500,000 over allocated funding. Staff has submitted this project to Wake County to be considered for undesignated open space funds from their current funding round. County staff will present their recommendations to Commissioners in November, after which we will know the outcome. Additional bond funding will be available from projects that have changed in scope. Council may consider use of these funds to complete the project budget. Staff also had a discussion with CAMPO regarding this project and possible application for LAPP funding in October 2017. Under this scenario, bond and other funds currently allocated to the project would be used for design and an application submitted for construction funding.

Park Enhancements - \$1,000,000

Projects designated for these funds are complete or substantially underway. They include the North Garner Dog Park, Lake Benson Dog Park, dugout covers and new concessions buildings at South Garner and Garner Recreational parks, fencing around soccer fields at South Garner Park and a new mobile stage for special events.

GPAC Parking Lot - \$250,000

This project was merged with the GPAC Lighted/Covered Sidewalk project and a revised scope developed into one project – GPAC Parking Lot Improvements and Sidewalk Connection. The revised project was bid with the Recreation Center project and the cost came in at \$402,138. Funding was added to the original budget from the GPAC Lighted/Covered Sidewalk budget in the amount of \$82,888, from the Redevelopment Bond in the amount of \$50,000 (for the storm water BMP) and from the GPAC Land Acquisition budget in the amount of \$19,250. The project was awarded to Pro Construction as a part of the Recreation Center bid process.

GPAC Lighted/Covered Sidewalk - \$500,000

This project was merged with the GPAC Parking Lot project and a revised scope developed into one project – GPAC Parking Lot Improvements and Sidewalk Connection, detailed above. Funds in the amount of \$82,888 have been allocated to the GPAC Parking Lot Improvements and Sidewalk Connection project, leaving an unallocated balance of \$417,112. Staff observes that the unallocated funds from this project could be used to fund a significant portion of the deficit for the Greenway project.

Land Acquisition – GPAC - \$750,000

The original scope of this project focused on land contiguous to the GPAC campus. Efforts to acquire this property were unsuccessful. Council approved allocation of \$337,200 from this budget to fund the expanded Recreation Center plan. In July, Council approved allocation of \$185,000 to fund Council Priorities and Emerging Needs including GRP Parking Lot Resurfacing, GRP Shelter and a portion of the parking added at Lake Benson for the Dog Park. Staff observes that the unallocated funds from this project could be used to fund the remaining portion of the deficit for the Greenway project.

Recreation Center - \$3,900,000

This project has been bid and awarded to Pro Construction. The project came in under budget, so no additional funding sources beyond those already approved by Council are needed at this time. A budget amendment will be presented in November to formalize the project budget and prior allocations made to the project.

Other Parks and Recreational Projects

Centennial Parking

Council gave staff approval to move ahead with design of parking spaces at Centennial Park near the shelter to be funded using bond proceeds. A design cost estimate will be developed once the private project providing access to the site is complete. Funds for the estimated cost of this project should be reserved when reallocating available bond proceeds.

Bryan Road Joint Use

The greenway and site amenities added by the Town to the Bryan Road Elementary School project total \$176,164 (including design costs). Wake County will reimburse us for half of this cost from their Community Use of Schools fund. Council gave verbal approval for the Town's portion to be paid from the Park Development Reserve Fund.

Meadowbrook

The Town purchased the Meadowbrook Country Club property for \$2.9 million. Fund balance was used for the purchase with a Reimbursement Resolution to return those funds once debt is issued to finance the purchase. Staff has worked with Davenport & Company to develop an installment financing plan for this purchase and the refinancing of some existing debt. This financing will also include reimbursement of costs associated with evaluating the Meadowbrook property and other costs associated with the project. The process for the installment financing will begin with action by Council at the October 18, 2016 meeting and should close around mid-December.

Parking Lot at Main and Pearl Street

Staff has previously presented a cost estimate of \$175,000 to pave the parking lot at Main and Pearl Streets and add a required stormwater BMP. Council expressed concern regarding the cost and directed staff to defer this project. It is being included in this memo to provide a comprehensive list of projects and initiatives to consider when making funding decisions.

Senior Center Restroom Repair/Remodel

Parks, Recreation and Cultural Resources staff proposed this item, estimated to cost \$40,000, in the 2016-2017 budget, but it was not funded. The project was included on the Capital Priority and Emerging Needs list presented to Council at their planning retreat. No further direction has been given by Council. It is being included in this memo to provide a comprehensive list of projects and initiatives to consider when making funding decisions.

Bond Sale Timing

The next bond sale was originally proposed for January, 2017 in the amount of \$4,047,500. Of this, \$842,000 is allocated to Park and Recreational projects. Staff is currently evaluating how much of this amount is needed to reimburse ourselves for projects that are underway or that will be completed before bond sale 4. Once Council gives input on the projects to move forward with, staff can finalize a proposed sale amount and sale date.

Action: No Action Required

COMMITTEE REPORTS

MANAGER REPORTS

- garner info
- Building & Permit Report
- Finance Report
- ETJ Expansion informational drop-in sessions scheduled for October 19 at the Garner Senior Center, October 20 at St. Andrews United Methodist Church, and October 26 at Highland Baptist Church.
- The Garner Recreation Center ground-breaking will be held tomorrow at 9:00 a.m. at the corner of Montague and Purvis Streets.
- An announcement will be made on October 31st at 1:00 p.m. in the Cabela's conference room regarding the fiber-ready status of the Garner Technology Site.
- The developers of the Auburn Village project, a 55+ community of approximately 400 homes, have requested an expedited processing of their special use permit. They have requested Planning Commission review on November 14 and Council review on November 22.
- The Wake County Mayor's Association Holiday Dinner is scheduled for December 19th at the City Club Raleigh.
- A mid-year funding request was received from the Garner G-Squad for \$1,000 to assist with costs associated with the group traveling to Taiwan to perform. This group is not a 501(c)3 organization, however they are representing Garner on a global level. Council consensus to authorize funding of \$1,000.

ATTORNEY REPORTS

COUNCIL REPORTS

Council Member Singleton

- Asked about the work being done at the lot on Highway 50 near the Masonic Lodge. Mr. Hodges stated staff is aware of this issue. Additional information will be forwarded to Council.
- Asked why there were no streetlights on New Bethel Church Road near the high school or at the intersection of Hebron Church Road and New Bethel Church Road. Mr. Chalk stated he will get information regarding these individual locations, but typically street light installation is the last item to be installed on a project.
- Stated the importance of increasing the Town's multi-purpose fields and encouraged Council to go to Centennial Park and see how many people are using the fields. The purchase of the Meadowbrook property and the 6-acre access parcel is the first property the Town has purchased for this purpose in the last 15 years.

Council Member Johns

- The sign at the corner of Main and Pearl Streets is down.
- The sign at Main Street and Highway 50 which provides directions to downtown is pointed in the wrong direction.
- The light in the Police Department parking lot is not working properly.

Mayor Pro Tem Behringer

- Stated the walkability signs are nice.
- Reported Rebuilding Together has begun work in North Garner and off of New Rand Road. She also stated they were a great community partner.

Council Member Marshburn

- Recognized the great programs that come to GPAC and stated the recent performance by the United States Air Force Heritage Band was outstanding.
- Asked about when the areas affected by the recent storm in Lake Benson and White Deer Park would be repaired.
- Asked when the tour of Raleigh Utilities would be re-scheduled. Mr. Dickerson advised staff will work on an alternate date.
- Mentioned the recent article regarding rebuilding trust in Southern City magazine highlighting Chief Brandon Zuidema.
- Invited participation in the Rotary Clubs annual Oyster Fest scheduled for October 20 at Fidelity Business Park.

CLOSED SESSION

Pursuant to N.C. General Statutes Section 143-318.11(a1)) and 143-318.11(a)(3)) to discuss possible prospective litigation.

Motion: Johns
Second: Singleton
Vote: Unanimous

RETURN TO REGULAR SESSION AND ADJOURNMENT: 9:34 p.m.

Respectfully Submitted,
Stella Gibson

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Annexation Petitions ANX-16-06 and ANX-16-07		
Location on Agenda: Consent		
Department: Planning		
Contact: David Bamford, Senior Planner		
Presenter: David Bamford, Senior Planner		
Brief Summary: Two satellite annexations have been filed with the Town: 1) Cermin Tract (Seeding Technology Center) located on US 70 ; and 2) Timber Drive Office Park tract located on Timber Drive East.		
Recommended Motion and/or Requested Action: Adopt Resolution (2016) 2306		
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: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MBB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Annexation Staff Report

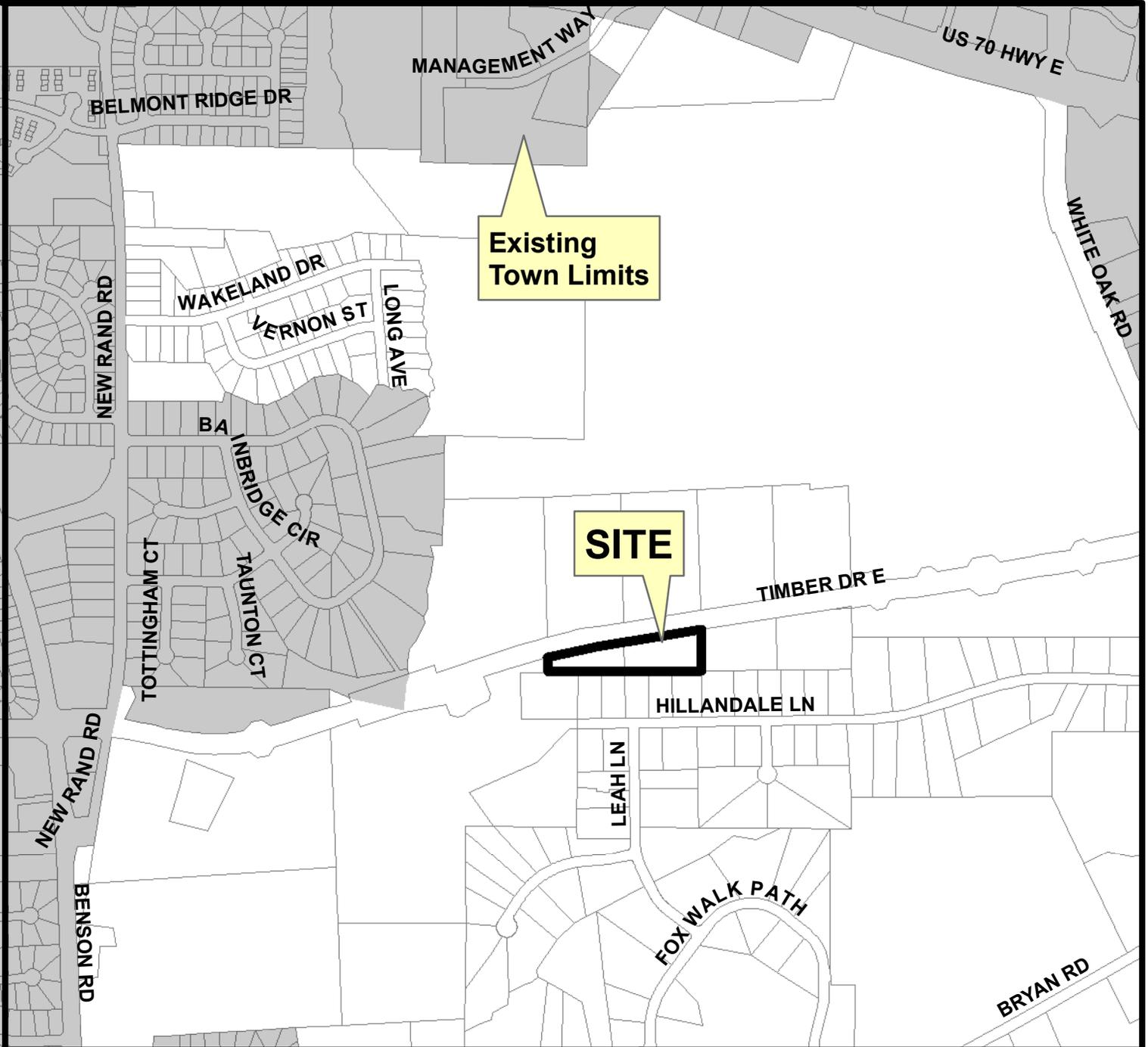
Garner Town Council
November 7, 2016

ANNEXATION APPLICATION:	ANX 16-06
OWNER:	Timber Drive Owners, LLC
CONTIGUOUS / SATELLITE:	Satellite
LOCATION OF PROPERTY:	Timber Drive East
WAKE COUNTY PIN #:	1720056371, 1720151305
REAL ESTATE ID #:	0439197, 0439198
AREA:	3.489 acres
ZONING:	Neighborhood Office Conditional Use (NO C187)
ASSOCIATED DEVELOPMENT PLAN:	CUP-SP-16-16 – Timber Drive Office Park site plan approved on July 5, 2016
EXISTING USE:	Undeveloped
RECOMMENDATION:	Authorize Resolution to Investigate (see attached)

**Town of Garner
Planning Department**

**Annexation
ANX 16-06**

0 500 1,000
Feet



Property Location: Timber Drive East
Property Owner: Timber Drive Owners LLC
PIN: 1720056371, 1720151305
Acreage: 3.4

GARNER POLICE ZONE: 8428



Town of Garner Annexation Staff Report

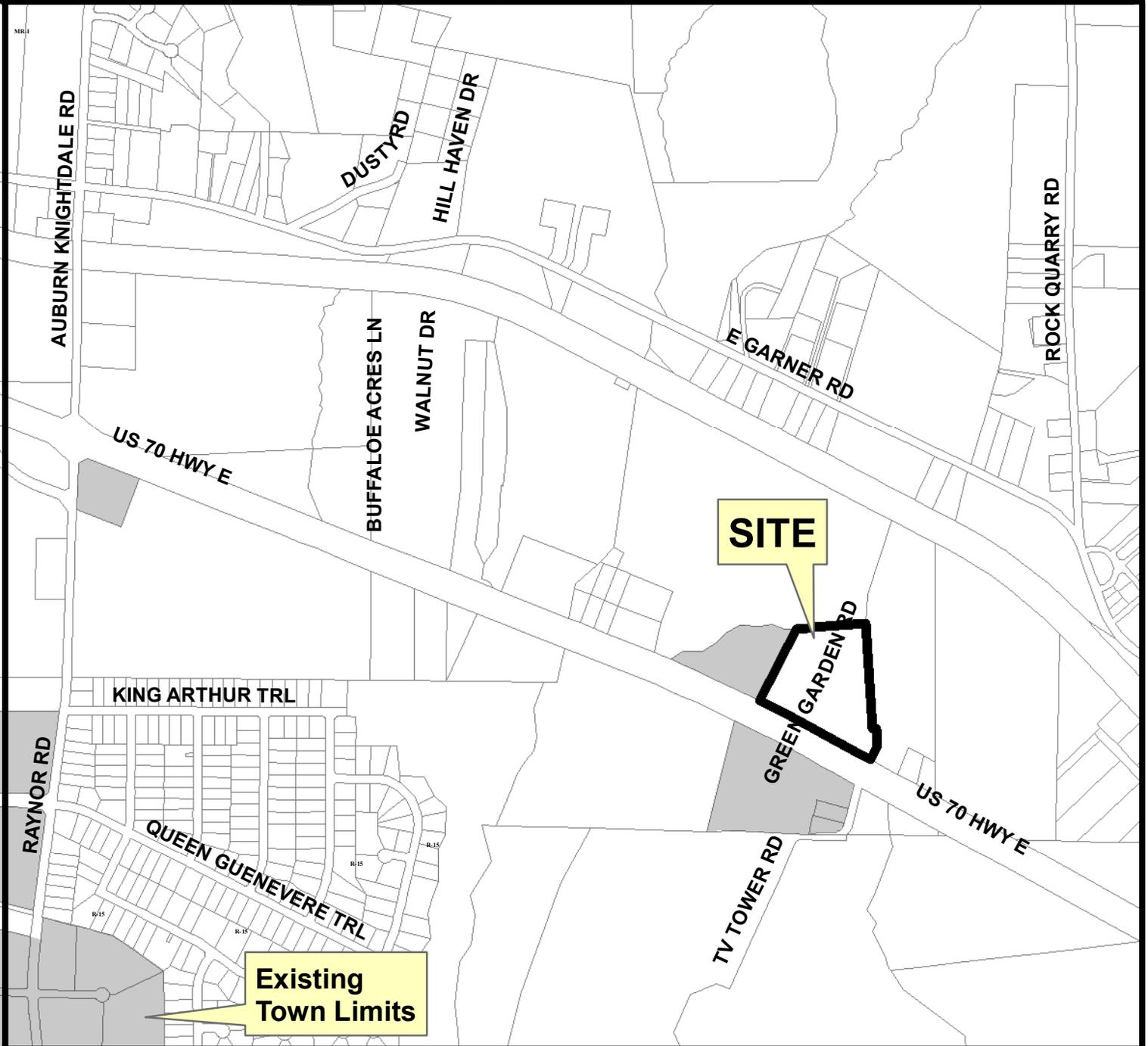
Garner Town Council
November 7, 2016

ANNEXATION APPLICATION:	ANX 16-07
OWNER:	Josip Cermin (Seedling Technology Center)
CONTIGUOUS / SATELLITE:	Satellite
LOCATION OF PROPERTY:	4812 Green Garden Road
WAKE COUNTY PIN #:	11730837850
REAL ESTATE ID #:	0043725
AREA:	11.08 acres
ZONING:	Wake County Highway District (HD) Rezoning to Town of Garner I-2 C190 proposed
ASSOCIATED DEVELOPMENT PLAN:	CUP-SP-16-31 – add temporary parking to business at 2217 US 70 HWY E
EXISTING USE:	Undeveloped
RECOMMENDATION:	Authorize Resolution to Investigate (see attached)

**Town of Garner
Planning Department**

**Annexation
ANX 16-07**

0 500 1,000
Feet



Property Location: US 70 HWY E
Property Owner: Seedling Technology Center LLC
PIN: 1730837850
Acreage: 11.09

GARNER POLICE ZONE: 8409

RESOLUTION NO. (2016) 2306

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
PETITIONS RECEIVED UNDER G.S. 160A-58

(ANX 16-06) Timber Drive Office Park - Satellite annexation
(ANX 16-07) Seedling Technology Center - Satellite annexation

WHEREAS, two petitions requesting annexation were received by the Town Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of these petitions be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Garner Town Council, deems it advisable to proceed in response to these requests for annexation;

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

That the Town Clerk is hereby directed to investigate the sufficiency of the above described petitions and to certify as soon as possible to the Town Council the result of her investigations.

Duly adopted this 7th day of November, 2016.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Annexation Petitions ANX-16-03, ANX-16-04 and ANX-16-05		
Location on Agenda: Consent		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: David Bamford, Senior Planner		
Brief Summary: Satellite annexation for a 115.47 acre tract located at 8025 Country Club Drive (Meadowbrook Country Club tract), satellite annexation for a 2.8 acre tract located at 711 Maxwell Drive and contiguous annexation for a 20.1 acre tract located at the end of Forest Landing Drive (Bryan Nature Park tract).		
Recommended Motion and/or Requested Action: Adopt Ordinance (2016) 3830, Country Club Drive, (2016) 3831, Bryan Nature Park, & (2016) 3832, 711 Maxwell Dr.		
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: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MBB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Annexation Staff Report

Garner Town Council
November 7, 2016

ANNEXATION APPLICATION: ANX 16-03

OWNER: Town of Garner

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 8025 Country Club Drive

WAKE COUNTY PIN #: 1629850981

REAL ESTATE ID #: 0046557

AREA: 115.47 acres

ZONING: Wake County R-30
(Town of Garner Rezoning Pending)

ASSOCIATED DEVELOPMENT PLAN: None (Future Park)

EXISTING USE: Abandoned golf course

RECOMMENDATION: Adopt annexation ordinance

KEY DATES:

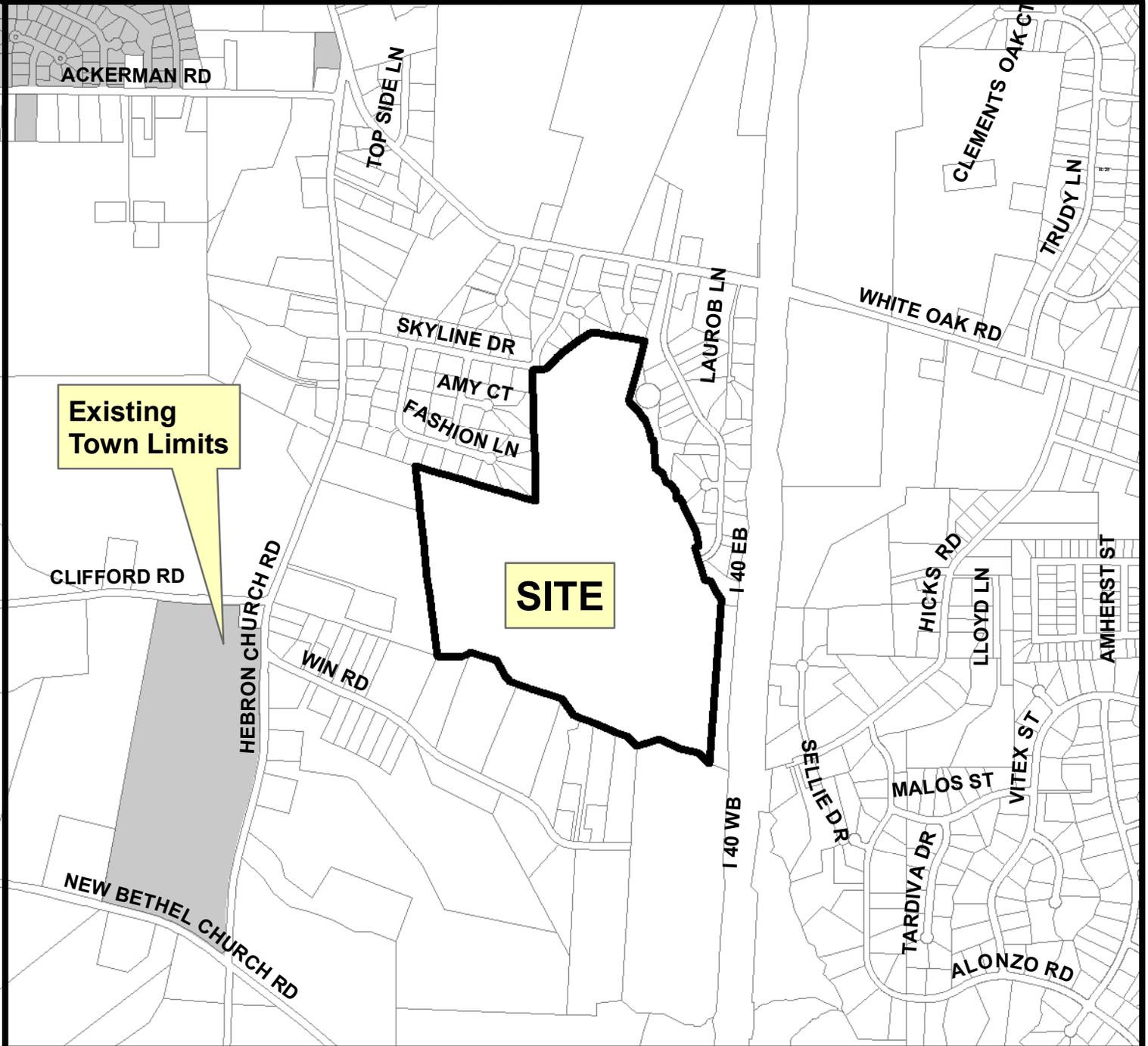
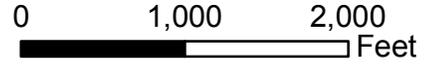
RESOLUTION TO INVESTIGATE: October 3, 2016

PUBLIC HEARING: November 7, 2016

ANNEXATION EFFECTIVE: November 7, 2016

**Town of Garner
Planning Department**

**Annexation
ANX 16-03**



Property Location: Country Club Drive
Property Owner: Town of Garner
PIN: 1629850981
Acreage: 115

GARNER POLICE ZONE: 8427

Return to:
Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27529

ORDINANCE NO. (2016) 3830
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF GARNER, NORTH CAROLINA

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 912 7th Avenue in the Town of Garner Police Department Training Room at 7:00 PM on November 7, 2016, after due notice by the *Garner Cleveland Record* on October 26, 2016, and

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

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

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

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

served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of November 7, 2016.

(ANX 16-03) Country Club Drive

A 115-acre tract located on Country Club Drive; formerly known as Meadowbrook Country Club; the site can be identified as Wake County PIN 1629850981; the property is recorded in Deed Book 016478 Page 00993

Section 2. Upon and after November 7, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this 7th day of November, 2016.

Ronnie S. Williams, Mayor

ATTEST:

Stella L. Gibson, Town Clerk



Town of Garner Annexation Staff Report

Garner Town Council
November 7, 2016

ANNEXATION APPLICATION: ANX 16-04

OWNER: Town of Garner

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: Forest Landing Drive (end)

WAKE COUNTY PIN #: 1710924101

REAL ESTATE ID #: 0009408

AREA: 20.1 acres

ZONING: R-40

ASSOCIATED DEVELOPMENT PLAN: None

EXISTING USE: Passive Open Space

RECOMMENDATION: Adopt annexation ordinance

KEY DATES:

RESOLUTION TO INVESTIGATE: October 3, 2016

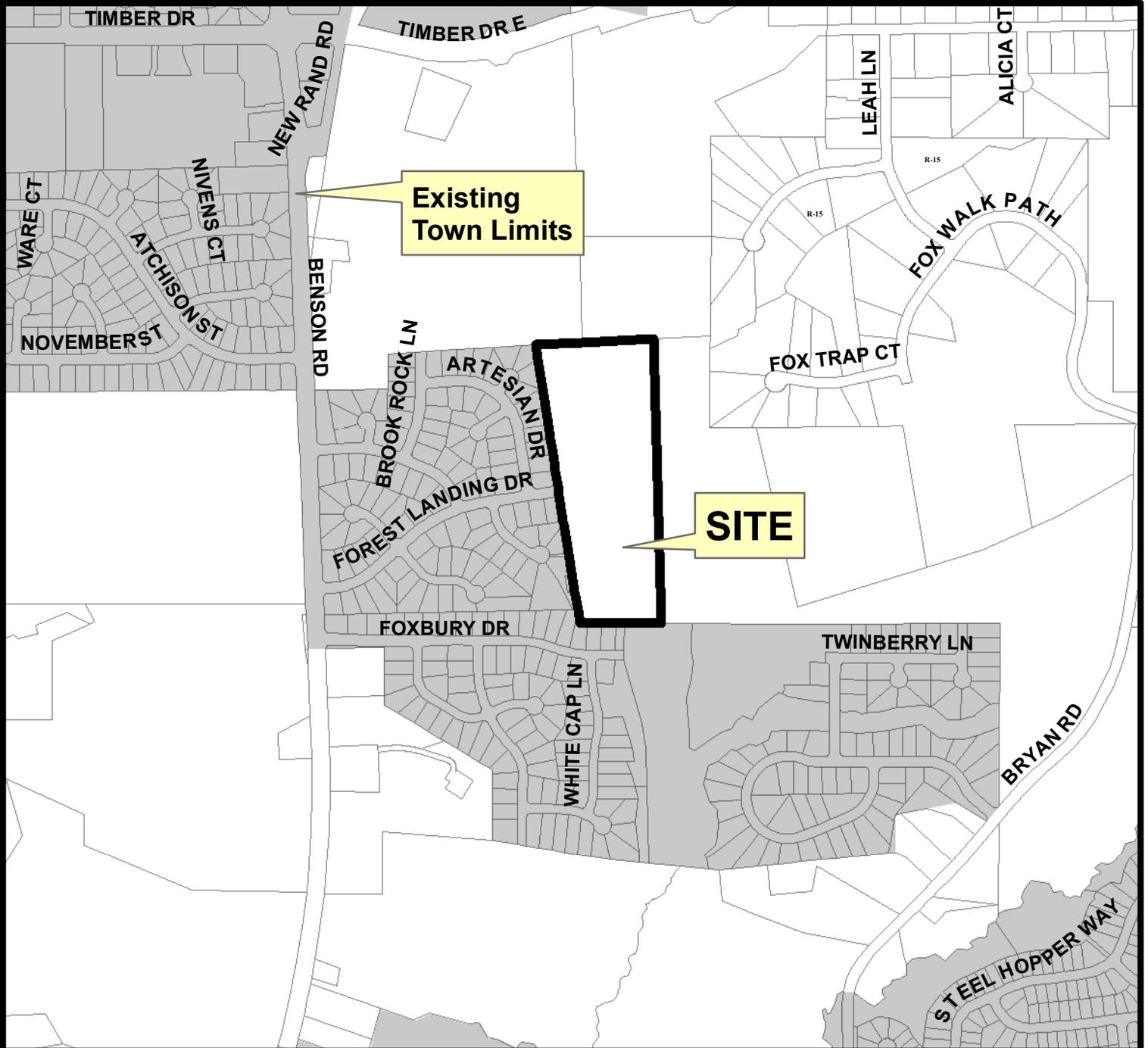
PUBLIC HEARING: November 7, 2016

ANNEXATION EFFECTIVE: November 7, 2016

**Town of Garner
Planning Department**

**Annexation
ANX 16-04**

0 500 1,000
Feet



Property Location: Forest Landing Drive
Property Owner: Town of Garner
PIN: 1710924101
Acreage: 20.18

GARNER POLICE ZONE: 8361

Return to:
Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27529

ORDINANCE NO. (2016) 3831

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GARNER,
NORTH CAROLINA

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 7:00 p.m. on November 7, 2016, after due notice by publication in the *Garner-Cleveland Record* on October 26, 2016; and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Garner as of the 7th day of November, 2016.

(ANX 16-04) Forest Landing Drive

A 20.18-acre tract located on Forest Landing Drive; the site can be identified as Wake County PIN 1710924101; the property is recorded in Deed Book 004420 Page 00242

Section 2. Upon and after the 7th day of November, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Garner shall cause to be recorded in the office of the Register of Deeds of Wake County, and in

the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1

Adopted this 7th day of November, 2016.

Ronnie S. Williams, Mayor

ATTEST:

Stella L. Gibson, Town Clerk



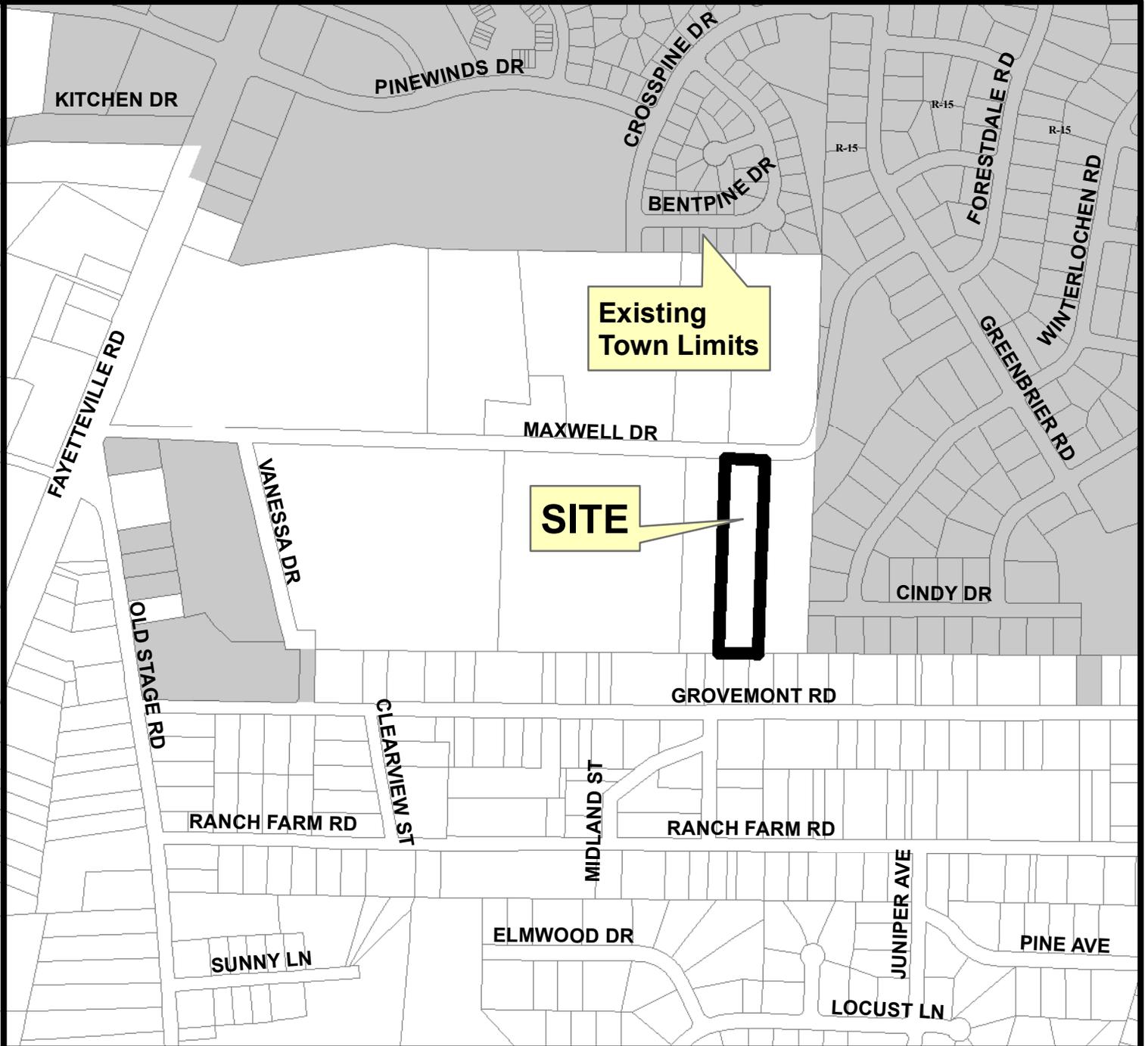
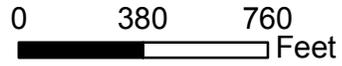
Town of Garner Annexation Staff Report

Garner Town Council
November 7, 2016

ANNEXATION APPLICATION:	ANX 16-05
OWNER:	Robert & Susan Jones
CONTIGUOUS / SATELLITE:	Satellite
LOCATION OF PROPERTY:	711 Maxwell Drive
WAKE COUNTY PIN #:	1701443013
REAL ESTATE ID #:	0432285
AREA:	2.8 acres
ZONING:	R-40
ASSOCIATED DEVELOPMENT PLAN:	Building permit for single-family home that will connect to Town water & sewer
EXISTING USE:	Vacant
RECOMMENDATION:	Adopt annexation ordinance
<u>KEY DATES:</u>	
RESOLUTION TO INVESTIGATE:	October 3, 2016
PUBLIC HEARING:	November 7, 2016
ANNEXATION EFFECTIVE:	November 7, 2016

**Town of Garner
Planning Department**

**Annexation
ANX 16-05**



Property Location: 711 Maxwell Drive
Property Owner: Robert & Susan Jones
PIN: 1701443013
Acreage: 2.8

GARNER POLICE ZONE: 8308

Return to:
Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 25729

ORDINANCE NO. (2016) 3832
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF GARNER, NORTH CAROLINA

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 912 7th Avenue in the Town of Garner Police Department Training Room at 7:00 PM on November 7, 2016, after due notice by the *Garner Cleveland Record* on October 26, 2016, and

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of November 7, 2016.

(ANX 16-05) 711 Maxwell Drive

A 2.8-acre tract located at 711 Maxwell Drive; the site can be identified as Wake County PIN 1701443013; the property is recorded in Deed Book 016174 Page 01721

Section 2. Upon and after November 7, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this 7th day of November, 2016.

Ronnie S. Williams, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: General Use Rezoning Z-16-03		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: David Bamford, Senior Planner		
Brief Summary: Request by the Town of Garner to rezone a 115 acre tract of land located at 8025 Country Club Drive from Wake County R-30 and Watershed Overlay to Town of Garner R-40 and Swift Creek Overlay District. Annexation Petition ANX-16-03 is related to this item.		
Recommended Motion and/or Requested Action: Close Public Hearing; Refer to Planning Commission.		
Detailed Notes: See attached report.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MBB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

REZONING REPORT

EXISTING ZONING

The 115-acre site is currently outside Garner's jurisdiction and zoned **Wake County Residential 30 (R-30)**. This district allows residential single-family uses on 30,000 s.f. lots. This district also allows nonresidential uses, and some require Board of Adjustment approval (special use permit). Approximately 120 homes could be built on this property under the current zoning.

The following is a list of permitted uses for Wake County's R-30 District. A few uses require a general permit while a majority of those listed below require a special use permit by the Board of Adjustment. Most nonresidential development is allowed only at "activity center" locations designated in the County's Land Use Plan, and only for those uses appropriate for that particular type of activity center.

Uses requiring a special use permit are marked with * below.

1. Detached single-family
2. Attached dwellings
3. Cluster development
4. Schools
5. Libraries
6. Museums
7. Art galleries
8. Churches
9. Daycares *
10. Community centers *
11. Government buildings *
12. Outdoor recreation facilities *
13. Convenience stores *
14. Automotive service and repair *
15. Banks *
16. Drug stores *
17. Book stores *
18. Antique shops*
19. Hardware stores *
20. Indoor retail *
21. Barbershops *
22. Beauty salons *
23. Shoe repair *
24. Laundries self-service *
25. Cemeteries *
26. Mining *
27. Landfills *

This site is located within Wake County's **Water Supply Watershed (Non Critical Area) Overlay District (WSO-3NC)**. The Water Supply Watershed Non Critical Area Overlay District applies only to land within the watershed of an existing or planned source of public drinking water that is classified as WS-III by the State (e.g., the Swift Creek water supply watershed), and only to that part of the watershed beyond its critical area (as delineated on the Swift Creek Land Management Plan), and only to land whose underlying zoning is not R-80W or R-40W.

The District's regulations are intended to ensure that residential and/or nonresidential development allowed by the underlying zoning district occurs at intensities low enough to minimize pollution of the water supply source from storm water runoff. The District limits impervious surface coverage from new development to 24% of a site's area, although impervious surface coverage from existing development is not counted when applying the limit, and residential developments are exempt from the limit where lot size is 20,000 square feet or more (2 dwelling units per acre or less).

As in other zoning districts intended to protect water supply watersheds, all development must provide and maintain between a 30 to a 100-foot-wide buffer of land along water bodies and drainage-ways. Development must also set buildings back at least 20 feet from these buffers.

PROPOSED ZONING

The proposed zoning of the 115-acre site is **Residential 40 (R-40)**. This district allows single-family lots of at least 40,000 square feet (0.91 acres). Under this zoning, the site could accommodate approximately 90 single-family lots.

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. Lodges and fraternal clubs
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. Telecommunications facility
19. Other major utility
20. Private golf course or country club
21. Horse stables
22. Bed and breakfast
23. Agriculture or silvi-culture

This property falls within the **I-40 Overlay District**. This overlay district has additional development standards and use restrictions for properties with frontage along this freeway. The overlay is explained in Article 4.12 of the *Unified Development Ordinance*. There are several uses that are prohibited or restricted within the overlay district.

Overlay prohibited uses

- a. Truck terminals
- b. Mobile home parks and subdivision
- c. Mobile home sales lot
- d. Scrap material salvage yards, junkyards, automobile graveyard
- e. Sanitary landfill
- f. Body shops
- g. Storage of radioactive or hazardous wastes
- h. Outside kennels
- i. Drive-in theaters
- j. Golf driving range
- k. Water slides
- l. Self-serve car washes
- m. Other uses that fail to meet test for a conditional use permit

The site will also be located within the **Town of Garner Swift Creek Conservation Overlay District**. The overlay district provides regulations to protect water quality in this watershed by requiring limits on the amount of impervious surface areas permissible for new residential and non-residential development.

- 1. New single family detached residential subdivision development projects shall be limited to a maximum of 30% total impervious surface area.
- 2. New multi-family residential development projects defined to include townhomes, condominiums, apartments, or other attached multi-family housing units as determined by the Planning Director, shall be limited to a maximum of 50% total impervious surface area.
- 3. New non-residential development projects shall be limited to a maximum of 70% of total of impervious surface area.

SUMMARY OF ZONING REQUEST

The Town recently acquired this 115-acre tract which is located in Wake County's jurisdiction and zoned Wake County R-30.

An annexation petition (ANX 16-03) has also been filed since the site is outside of Garner's corporate limits.

Because the site will be brought into Garner's corporate limits, it will need to be rezoned to a Town of Garner district. R-40 is the requested zone.

SURROUNDING ZONING & LAND USE

North:	R-20 (Town of Garner), Meadowbrook Park Subdivision
South:	R-30 (Wake County), Farming, low density residential
East:	R-30 (Wake County), low density residential
West:	R-30 (Wake County), Farming, low density residential R-20 (Town of Garner), Village of White Oak Subdivision

NEIGHBORHOOD CHARACTER

This area of the community is mainly low density residential with scattered farms. Public water & sewer is not available in this area so development and residential density has been limited.

ZONING HISTORY

The following is a list of rezoning cases in this area of Garner.

Case	Applicant	Location	Zoning Change
Z-88-25	Town of Garner	ETJ Expansion along White Oak Road	R-30 Wake County to Town of Garner MF-1
Z-05-02	Troy Hall	8090 White Oak Road	R-40 & RMH to R-20
CUD-Z-06-01	Glennjan LLC	Ackerman Road	R-40 to R-12 C135
CUD-Z-13-06	Wake County	South Garner High School	Wake County R-30 to Town of Garner R-9 C171
Z-15-03	Clements	White Oak Road / Trudy Lane	MF-1 to R-20

INFRASTRUCTURE

Water & Sewer Service

Public water and sewer is not available to the site at this time. The closest public utility lines are located to the west near South Garner High School at the intersection of Hebron Church Road and Clifford Road, a distance of approximately 1,500 feet.

TRANSPORTATION

The 115-acre rezoning site does not have any frontage along a public road. The site has access to Country Club Drive, a private road. And Country Club Road connects to White Oak Road.

White Oak Road (SR 2700) is a 2-lane facility with a 60' right-of-way. It is maintained by NC DOT. White Oak Road is classified as a **major thoroughfare** on the *Garner Transportation Plan*. There are no traffic counts available for White Oak Road in this area.

The Town is working to acquire an additional 5.8-acre tract of land that will provide the main 115-acre site direct frontage and access to Hebron Church Road (SR 2547). Hebron Church Road is a 2-lane facility with a 60' right-of-way. It is maintained by NC DOT. It is classified as a **minor thoroughfare** on the *Garner Transportation Plan*. Average daily traffic counts are around 2,400 trips per day (NCDOT 2015 Traffic Counts). This 5.8-acre tract is not part of this application, and a separate rezoning and annexation petition will be processed at a later date.

The proposed zoning change from Wake County R-30 to Town of Garner R-40 would not result in increasing the traffic potential to the site. The existing Wake County R-30 district allows more intense uses (by Special Use Permit) than the proposed Town of Garner R-40.

ENVIRONMENT

The rezoning site is not within the 100 and 500-year FEMA flood plains.

Topographic data shows that the area drains to the south east towards Swift Creek. There are a few drainage areas on the site where a 50-foot riparian buffer may apply.

CONFORMITY TO LONG-RANGE PLAN

According to the *Town of Garner Comprehensive Growth Plan*, approximately half of the rezoning site is designated as **Community Mixed Use** located around the Community Core at I-40 and White Oak Road. The remaining half of the property is designated as a **Primary Residential**.

The Community Core Area is designed to accommodate community-scale retail services needed less frequently than on a daily basis. It is generally characterized as being suitable to act as a hub for a large service area of the community and is typically developed at the intersection of major thoroughfares.

The recommended zoning districts for a **Community Mixed Use** area include: NC, O&I, NO, MXD, MF 1, MF2, PUD, and TND. Recommended density is 6 to 10 units per acre.

The recommended zoning districts for a **Primary Residential** area include: MF 1, MF2, R-9, R-12, R-15, TND, and PUD. Recommended density is 2.5 to 6 units per acre.

The requested zoning change from Wake County R-30 to Town of Garner R-40 would allow a density less than what is recommended by the **Comprehensive Growth Plan**. While the R-40 district is not suggested by the plan, the potential future use of the property would be in harmony with the plan. The Plan recommends parks and open space for both the **Community Mixed Use** and the **Primary Residential**. While no specific plan is proposed at this time, the site has the potential for use for parks and open space.

STAFF RECOMMENDATION

Planning staff is reviewing this application and will present a recommendation to the Planning Commission on November 14, 2016.

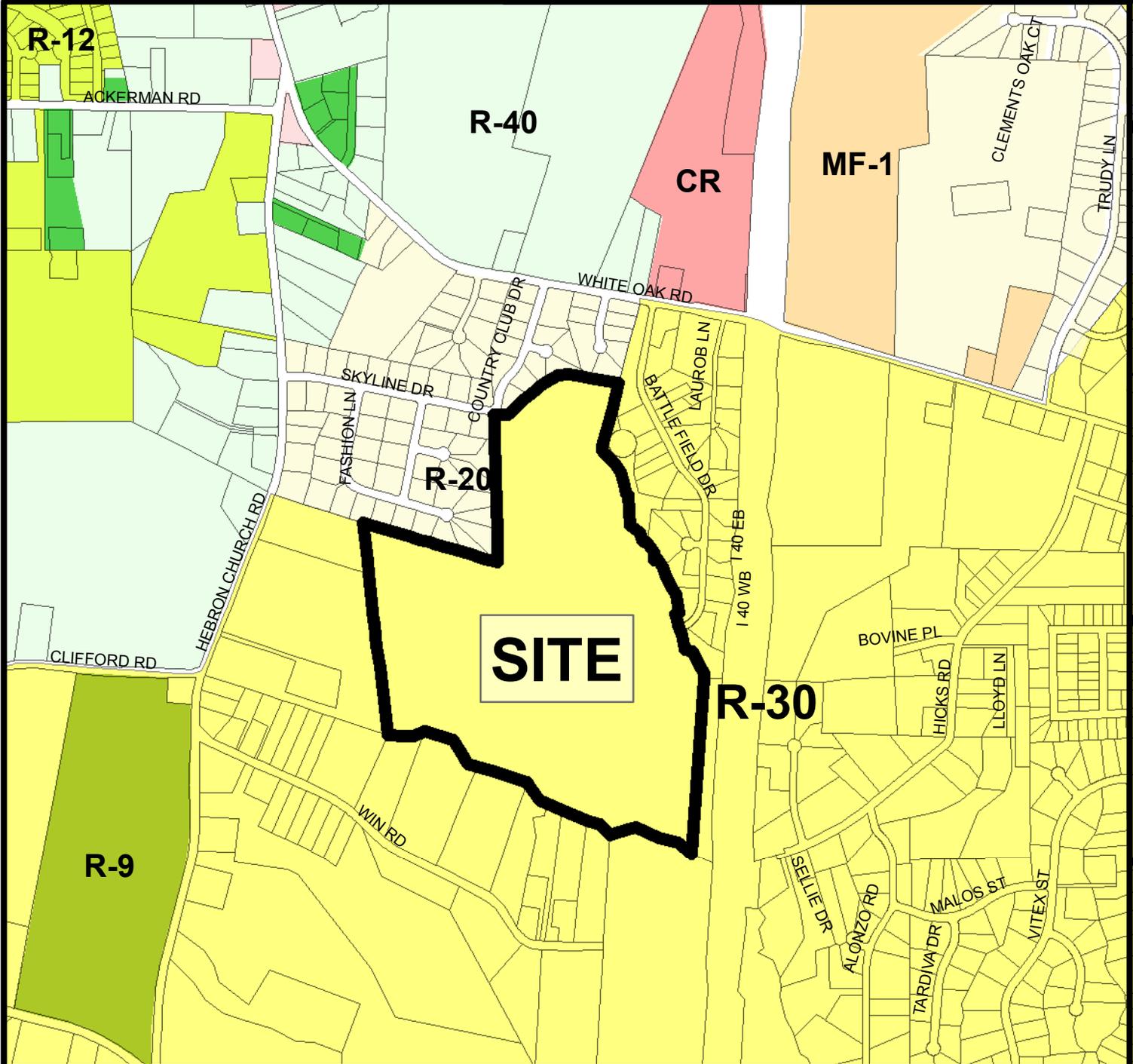


**Town of Garner
Planning Department**

General Use Rezoning

Z-16-03

0 500 1,000
Feet



OWNER: Town of Garner
LOCATION: Country Club Drive
PARCEL PIN: 1629850981

CURRENT USE: Vacant / abandoned golf course
CURRENT ZONING: Wake County R-30
PROPOSED ZONING: Town of Garner R-40
OVERLAY: Swift Creek
ACREAGE: 115

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Installment Financing		
Location on Agenda: Public Hearings		
Department: Finance		
Contact: Pam Wortham		
Presenter: Mitch Brigulio, Davenport & Company		
Brief Summary: Davenport & Company prepared an RFP requesting banks to provide financing options for the following: <ol style="list-style-type: none"> 1. Purchase of vehicles and other equipment as approved in the FY 2016-17 budget 2. Costs associated with the purchase of the Meadowbrook property 3. Refinancing of the 2011 Installment Purchase Contract The proposals received will be presented to Council for discussion and decision		
Recommended Motion and/or Requested Action: Adopt Resolution (2016) 2307		
Detailed Notes: Action requested is that after the Public Hearing on this item at the November 7, 2016, Council meeting, Town Council select BB&T as the provider of this financing, and approve the preliminary Resolution to allow Town Staff to move forward with the LGC debt application.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Staff met with financial advisors and bond council and feel comfortable with the financing options and the Town's ability to assume this debt.		
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:		

FINANCE DEPARTMENT MEMORANDUM

TO: RODNEY DICKERSON
FROM: PAM WORTHAM
SUBJECT: INSTALLMENT FINANCING
DATE: NOVEMBER 3, 2016
CC: GARNER TOWN COUNCIL

As discussed at the October 18, 2016, meeting of the Garner Town Council, Davenport & Company prepared an RFP requesting banks to provide financing options for the following:

1. Purchase of vehicles and other equipment as approved in the FY 2016-17 budget
2. Costs associated with the purchase of the Meadowbrook property
3. Refinancing of the 2011 Installment Purchase Contract

Based on the review of the proposals from Davenport, along with the in-depth analysis of all of the bids received, and discussions with them and Bond Counsel, my recommendation is that the Town elect to move forward with the BB&T Bank Qualified Tax Exempt rate for the Short-Term IPC and Long-Term IPC for 10 years.

The 10-year loan provides a better interest rate, 1.84%, than the 15-year option of 2.1%, which provides a savings in interest on the Meadowbrook property of over \$200K. Refinancing the loan from the 2011 Installment Financing currently held by BB&T provides a savings of nearly \$160K at the 1.84% rate. This part of the loan will be financed for 10 years which is the current term of that loan. If we go to the 15-year loan on Meadowbrook, the interest rate for the refinancing would increase to 2.1% and would decrease the savings to approximately \$128K.

The BB&T proposal provides the lowest interest rate for the long-term financing, flexibility to prepay the loan on any payment date, and the ability to achieve a Tax Exempt financing for the Long-Term IPC. While the BB&T proposal for the vehicle financing was not the lowest, it increases our interest payments over four years by \$145, and provides benefits in terms of administrative items, such as, elimination of naming the bank as lien holder on titles and not having to do UCC filings.

Actions requested:

1. Conduct Public Hearing November 7, 2016
2. Select BB&T as the provider of this financing
3. Approve the preliminary Resolution to allow Town Staff to move forward with the LGC debt application.

Please let me know if you have any questions. Thank you.

To Town of Garner, NC
From Davenport & Company LLC
Date November 7, 2016
Subject 2016 Installment Purchase Contract

Background

Davenport & Company LLC (“Davenport”), on behalf of the Town of Garner (the “Town”), distributed a Request for Proposals (“RFP”) to secure a commitment for the purchase of an Installment Purchase Contract (“IPC”) to finance the purchase of vehicles, the purchase of property for future parks and recreation use by the Town (“the Meadowbrook Property”), refinance the Town’s 2011 IPC which was originally issued to fund the purchase of Water and Sewer capacity in the City of Raleigh’s Combined Enterprise System and was secured by the Town’s Public Works Facility, and fund the associated Costs of Issuance.

The RFP was distributed to over 50 National, Regional, and Local Banks/Lending Institutions. After the initial distribution, Davenport contacted each of the potential bidders to assess their interest in the financing and address any questions they had.

As part of the RFP process, responding institutions were asked to provide proposals for the following:

- A.) Short-Term IPC to finance the purchase of vehicles. Both Bank Qualified and Non-Bank Qualified Tax Exempt interest rates for a 4 year final maturity were requested.
- B.) Long-Term IPC to finance the purchase of the Meadowbrook Property and/or refinance the 2011 IPC currently held by BB&T.
 - Option 1: Finance the purchase the Meadowbrook Property only. Taxable interest rates for both 10 and 15 year final maturities were requested.
 - Option 2: Finance the purchase of the Meadowbrook Property and refinance the 2011 IPC currently held by BB&T. Tax Exempt interest rates for both 10 and 15 year final maturities were requested.

RFP Responses

Through this process, the Town was able to secure ten responses to the Short-Term IPC, including:

1. Baystone Government Finance (“Baystone”);
2. BB&T Governmental Finance (“BB&T”);
3. First Bank (“First Bank”);
4. First Citizens Bank (“First Citizens”);
5. Key Government Finance (“Key”);
6. KS Bank (“KS Bank”);
7. PNC Equipment Finance (“PNC”);
8. Signature Public Funding (“Signature”);
9. SunTrust (“SunTrust”); and
10. US Bank (“US Bank”).

The Town was also able to secure four responses for both Long-Term IPC options, including:

1. BB&T Governmental Finance (“BB&T”);
2. First Bank (“First Bank”);
3. PNC Public Finance (“PNC”); and
4. Signature Public Funding (“Signature”).

A summary of the bids received, including interest rates, prepayment provisions, acceptance deadlines, and banks/lending institutions fees, is included in this memo.

Key Discussion Points

1. Interest Rate

While all of the banks/lending institutions submitted proposals consistent with the RFP specifications, US Bank and BB&T offered the lowest Bank Qualified interest rates for the Short-Term IPC, as shown in Table 1 below. Additionally, BB&T offered the lowest Bank Qualified interest rates for the Long-Term IPC, as shown in Table 2 below.

Table 1: Summary of Interest Rates (Short-Term)

	Lender	Short-Term IPC		Rate Expiration
		BQ	NBQ	
1	US Bank	1.411% ¹	1.411% ¹	December 25th
2	BB&T	1.420%	N/A	December 18th
3	KS Bank	1.460%	1.460%	December 14th ²
4	First Citizens Bank	1.560%	1.820%	Approx. December 26th
5	Signature Public Funding	1.610%	1.610%	December 20th
6	SunTrust	1.630%	1.630%	December 14th
7	Key Government Finance	1.715%	1.715%	December 14th
8	PNC Equipment Finance	2.100%	2.160%	December 14th
9	First Bank	2.150%	2.400%	December 14th
10	Baystone Government Finance	2.210%	2.410%	November 27th

¹Interest is compounded monthly.

²if not closed by December 14th, KS Bank will extend the rate for an additional 60 days.

Table 2: Summary of Interest Rates (Long-Term)

Bank	Option 1 (Taxable)		Option 2 (10 Years - Tax Exempt)		Option 2 (15 Years - Tax Exempt)		Rate Expiration
	10 Year	15 Year	BQ Rate	NBQ Rate	BQ Rate	NBQ Rate	
1 BB&T ¹	2.81%	3.20%	1.84%	N/A	2.10%	N/A	December 18th
2 PNC	3.18%	N/A	2.11%	2.29%	N/A	N/A	December 14th
3 First Bank	3.50%	3.50% ²	2.33%	2.58%	2.33% ³	2.58% ⁴	December 14th
4 Signature Public Funding	N/A	N/A	1.93%	1.93%	N/A	N/A	December 20th

¹Prepayment penalty on the 2011 IPC to be refunded will be waived if the Installment is refunded by BB&T.

²On 10th anniversary, rate will convert to a 5 Year Treasury Bill for the remaining 5 years.

³New money - On 10th anniversary, rate will convert to a 5 Year Treasury Bill for remaining 5 years less 0.65% for Tax Exempt status.

⁴New money - On 10th anniversary, rate will convert to a 5 Year Treasury Bill for remaining 5 years less 0.65% for Tax Exempt status plus 0.25% for NBQ (total discount of 0.40% from 5 Year Treasury).

2. Prepayment Provisions

Prepayment provisions offered by all of the banks/lending institutions are shown in Table 3 & 4 below.

Table 3: Summary of Prepayment Provisions (Short-Term)

Lender	Prepayment Language
1 US Bank	In whole on any payment date at the lesser of a standard make whole provision or at 103%
2 BB&T	In whole on any payment date at par
3 KS Bank	In whole or in part at anytime at par
4 First Citizens Bank	In whole at anytime at par
5 Signature Public Funding	In whole on any payment date at 101%
6 SunTrust	In whole on any payment date at 103%
7 Key Government Finance	In whole on any date at: Year 1: 101% Year 2: 100.75%, Thereafter: 100%
8 PNC Equipment Finance	In whole on any payment date at 103% after 9/1/18
9 First Bank	In whole or in part at anytime at par
10 Baystone Government Finance	Not specified

Table 4: Summary of Prepayment Provisions (Long-Term)

Bank	Prepayment Language
1 BB&T¹	In whole at any time at 101%
2 PNC	Make-whole call
3 First Bank	In whole or in part at anytime at par
4 Signature Public Funding	In whole on any payment date at 101%

3. Taxability & Bank Qualified Designation

After discussions with Town Staff and Bond Counsel, it has been determined that the Long-Term IPC would not qualify for Tax Exempt financing if the Meadowbrook Property were to be used as collateral to secure the loan. This determination is a result of the current use and nature of the Meadowbrook Property. It has also been determined that including the refinancing of the 2011 IPC, currently secured by the Public Works Facility, along with the purchase of the Meadowbrook Property would allow the Town to secure the Long-Term IPC with the Public Works Facility as collateral. Under this scenario it has been determined that the Long-Term IPC secured by the Public Works Facility will be eligible for Tax Exempt financing.

If the financing is done in a manner which qualifies it as Tax Exempt, under section 265(b) of the Internal Revenue Code of 1986, as amended, issuers have the opportunity to issue loans with a Bank Qualification designation. This designation is advantageous for some lenders and can result in a lower interest rate, depending upon factors specific to each lender. In order to meet the designation, the Town cannot issue tax-exempt debt in excess of \$10 million in a given calendar year. Based on discussions with County Staff and Bond Counsel, it has been determined that this transaction will be eligible for Tax Exempt Bank Qualified designation (if secured by the Public Works Facility as previously mentioned).

6. Estimated Debt Service

Preliminary estimated debt service for the Short-Term IPC for both the US Bank and BB&T Bank Qualified proposals is shown below in Table 6. These figures include estimated costs of issuance.

Table 6: Short-Term IPC

	A	B	C
Lender	US Bank	BB&T	
1			
2	Sources		
3	Par Amount*	\$ 725,000	\$ 725,000
4	Total	\$ 725,000	\$ 725,000
5			
6	Uses		
7	Project Fund*	\$ 700,000	\$ 700,000
8	Cost of Issuance / Bank Fees*	25,000	25,000
9	Additional Proceeds*	-	-
10	Total	\$ 725,000	\$ 725,000
11			
12	Interest Rate	1.411%	1.420%
13	All-In TIC	3.031%	3.040%
14			
15	Debt Service*		
16	Fiscal Year		
17	2018	\$ 187,303	\$ 187,349
18	2019	186,690	186,739
19	2020	187,164	187,197
20	2021	186,596	186,613
21	Total	\$ 747,753	\$ 747,898
22			
23	Difference vs. US Bank	n/a	\$ 145

* Preliminary and subject to change

Preliminary estimated debt service for the Long-Term IPC is shown below in Table 7 based on BB&T's 10 year and 15 year Tax Exempt Bank Qualified proposals. These figures include estimated costs of issuance.

Table 7: Long-Term IPC (Option 2)

Lender	BB&T Bid - 10 Year New Money			BB&T Bid - 15 Year New Money		
	New Money	Refunding	Total	New Money	Refunding	Total
1 Sources						
2 Par Amount*	\$ 3,276,000	\$ 2,320,000	\$ 5,596,000	\$ 3,276,000	\$ 2,320,000	\$ 5,596,000
3 Equity Contribution*	-	42,953	42,953	-	42,953	42,953
4 Total	\$ 3,276,000	\$ 2,362,953	\$ 5,638,953	\$ 3,276,000	\$ 2,362,953	\$ 5,638,953
6 Uses						
7 Project Fund*	\$ 3,200,000	\$ -	\$ 3,200,000	\$ 3,200,000	\$ -	\$ 3,200,000
8 Refunding Deposit*	-	2,309,620	2,309,620	-	2,309,620	2,309,620
9 Cost of Issuance / Bank Fees*	75,460	53,440	128,900	75,460	53,440	128,900
10 Additional Proceeds*	540	(106)	433	540	(106)	433
11 Total	\$ 3,276,000	\$ 2,362,953	\$ 5,638,953	\$ 3,276,000	\$ 2,362,953	\$ 5,638,953
13 Interest Rate*	1.840%	1.840%	1.840%	2.100%	2.100%	2.100%
14 All-In TIC*	2.319%	2.332%	2.324%	2.438%	2.594%	2.489%
16 Debt Service*	New Money	Refunding	Total	New Money	Refunding	Total
17 2018	\$ 398,154	\$ 292,583	\$ 690,737	\$ 300,211	\$ 295,631	\$ 595,842
18 2019	379,226	283,935	663,161	280,898	287,118	568,016
19 2020	373,190	275,409	648,599	276,299	277,994	554,293
20 2021	367,155	265,965	633,120	271,700	269,944	541,643
21 2022	361,120	257,604	618,724	267,101	260,967	528,067
22 2023	355,085	249,317	604,402	262,502	252,074	514,575
23 2024	348,059	241,104	589,162	256,913	244,254	501,167
24 2025	342,042	231,973	574,015	252,335	235,508	487,843
25 2026	336,025	223,925	559,950	247,757	226,846	474,603
26 2027	330,008	214,960	544,968	243,179	218,268	461,447
27 2028	-	-	-	238,601	-	238,601
28 2029	-	-	-	234,023	-	234,023
29 2030	-	-	-	229,445	-	229,445
30 2031	-	-	-	224,867	-	224,867
31 2032	-	-	-	220,289	-	220,289
32 Total	\$ 3,590,064	\$ 2,536,774	\$ 6,126,839	\$ 3,806,118	\$ 2,568,603	\$ 6,374,720
33 Difference vs. BB&T (10 Year)	n/a	n/a	n/a	\$ 216,054	\$ 31,828	\$ 247,882

*Preliminary and subject to change.

Recommendation

Based upon our review of the proposals, related analyses, and discussions with Town Staff and Bond Counsel, Davenport recommends that the Town elect to move forward with the BB&T Bank Qualified Tax Exempt rate for the Short-Term IPC and Long-Term IPC for either a 10 or 15 year interest rate. The BB&T proposal provides the lowest interest rate for the long-term financing, flexibility to prepay the loan on any payment date, and the ability to achieve a Tax Exempt financing for the Long-Term IPC.

Next Steps

Week of October 31 st	LGC Applications Due
November 7 th	Town Council Meeting <ul style="list-style-type: none">– Town Council considers selecting winning bank– Town Council holds Public Hearing– Town Council considers adopting a Preliminary Resolution
By November 18 th	Deadline for FY 2016 Audit
November 22 nd	Town Council Meeting <ul style="list-style-type: none">– Town Council adopts Final Approving Resolution
By December 16 th	Close on Financing

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When acting as a registered municipal advisor Davenport is a fiduciary required by federal law to act in the best interest of a municipal entity without regard to its own financial or other interests. Davenport is not a fiduciary when it acts as a registered investment advisor, when advising an obligated person, or when acting as an underwriter, though it is required to deal fairly with such persons.

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Resolution No. (2016) 2307

The Town Council of the Town of Garner, North Carolina met in a regular meeting in the Training Room of the Town’s Police Station located at 912 Seventh Avenue in Garner, North Carolina, the regular place of meeting, at 7:00 p.m. on November 7, 2016.

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

Absent: Council Members

Also present: _____

* * * * *

The Mayor announced that this was the hour and day of the public hearing on one or more proposed installment financing agreements (collectively, the “Agreement”) to be entered into by the Town of Garner, North Carolina (the “Town”) pursuant to Section 160A-20 of the General Statutes of North Carolina in a principal amount not to exceed \$7,250,000 plus interest thereon for the purpose of (a) financing the acquisition of certain real property for future use by the Town as parks and recreation facilities (the “Project”), (b) financing certain vehicles and rolling stock for the Town (the “Rolling Stock”) and (c) refinancing an outstanding installment financing agreement with Branch Banking and Trust Company, the proceeds of which were used to finance certain public works improvements, including improvements to the Town’s public works facility (the “Prior Project”) and the acquisition of water and sewer capacity from the City of Raleigh, North Carolina. If the Town enters into the Agreement, it will secure its obligations thereunder by granting a lien on all or a portion of the Rolling Stock and the sites of the Project and the Prior Project, together with all improvements and fixtures located or to be located thereon.

Section 160A-20(g) of the General Statutes of North Carolina requires that the Town hold a public hearing prior to entering into the Agreement. The Mayor acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in the Town and directed the Town Clerk to attach the affidavit showing publication in said newspaper on a date at least ten (10) days prior to the date hereof as Exhibit A.

The Mayor then announced that the Town Council would immediately hear anyone who might wish to be heard on the advisability of the proposed financing, refinancing and the Agreement.

A list of all persons making comments and a summary of such comments are attached as Exhibit B.

The public hearing was closed.

All statements and comments by participants of the public hearing were duly considered by the Town Council.

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

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF THE ACQUISITION COST OF CERTAIN REAL PROPERTY AND ROLLING STOCK AND THE REFINANCING OF IMPROVEMENTS TO THE TOWN'S PUBLIC WORKS FACILITIES AND THE ACQUISITION OF WATER AND SEWER CAPACITY PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT

BE IT RESOLVED by the Town Council of the Town of Garner, North Carolina (the "Town") as follows:

Section 1. The Town Council does hereby find and determine as follows:

(a) The Town has determined to acquire (a) certain real property for future use as parks and recreation facilities (the "Meadowbrook Project") and (b) certain vehicles and rolling stock for the Town (the "Rolling Stock Equipment" and, together with the Meadowbrook Project, the "Project").

(b) The Town has also determined to refinance the outstanding principal balance of an installment purchase contract (the "Prior Contract"), between the Town and Branch Banking and Trust Company, for the purpose of achieving debt service savings. The Prior Contract financed certain public works improvements, including improvements to the Town's public works facility (the "Prior Project") and the acquisition of water and sewer capacity from the City of Raleigh, North Carolina.

(c) After a public hearing and due consideration, the Town has determined to enter into one or more installment financing agreements (collectively, the "Agreement") in an aggregate principal amount not to exceed \$7,250,000 to provide funds, together with other available funds, to (a) pay the costs of the Project and (b) refinance the Prior Contract.

(d) The Town will enter into the Agreement with Branch Banking and Trust Company (the "Lender"), pursuant to which the Lender will advance to the Town amounts sufficient, together with any other available funds of the Town, to pay the costs of financing the Project and refinancing the Prior Contract, together with associated financing costs, and the Town will repay the advancement in installments, with interest (the "Installment Payments").

(e) In order to secure its obligations under the Agreement, the Town will execute and deliver a deed of trust and/or security agreement (collectively, the “Security Instrument”), granting a lien on and/or a security interest in all or a portion of the Rolling Stock Equipment and the sites of the Project and the Prior Project.

(f) It is in the best interest of the Town to enter into the Agreement and the Security Instrument in that such transaction will result in the financing of the Project and the refinancing of the Prior Contract in an efficient and cost effective manner.

(g) Entering into the Agreement is preferable to a general obligation bond and revenue bond issue in that (i) the Town does not have sufficient constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the Town has not retired a sufficient amount of debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the financing of the Project and the refinancing of the Prior Contract; (ii) the nature of the financing does not allow for the issuance of revenue bonds to finance the Project or refinance the Prior Contract; (iii) the cost of financing the Project and refinancing the Prior Contract exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to finance the Project and refinance the Prior Contract as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the financing of the Project and the refinancing of the Prior Contract by several months; and (v) there can be no assurances that the issuance of general obligation bonds to finance the Project and refinance the Prior Contract would be approved by the voters, and the necessity of the Project dictates that the Project be financed by a method that assures that the Project will be acquired in a timely and expedient manner and the current interest rate environment dictates that the refinancing of the Prior Contract be accomplished in a timely and expedient manner.

(h) It has been determined by the Town Council that the financing of the Project and the refinancing of the Prior Contract through the Agreement is reasonably comparable to the costs of issuing general obligation bonds or notes or other available methods of financing and is acceptable to the Town Council.

(i) Counsel to the Town will render an opinion to the effect that the proposed Agreement is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(j) The debt management policies of the Town have been carried out in strict compliance with law, and the Town is not in default under any obligation for repayment of borrowed money.

(k) No tax rate increase is expected to be necessary to pay the Installment Payments to come due under the Agreement.

Section 2. The Town Council hereby authorizes, approves and ratifies the filing of an application with the Local Government Commission for approval of the Agreement and requests the Local Government Commission to approve the Agreement and the proposed financing and

refinancing in connection therewith. The Town Council hereby accepts the proposal of the Lender, subject to further approval of the particular documentation related thereto by the Town Council.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was adopted by the following vote:

Ayes: _____

Noes: _____

Ronnie S. Williams, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

* * * * *

I, Stella Gibson, Town Clerk of the Town of Garner, 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 November 7, 2016, as it relates in any way to the holding of a public hearing and the passage of the foregoing resolution and that said proceedings are recorded in the minutes of said Town Council.

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

WITNESS my hand and official seal of said Town this 7th day of November, 2016.

Town Clerk

[SEAL]

EXHIBIT A

[Attach publisher's affidavit evidencing publication of Notice of Public Hearing]

EXHIBIT B

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert “None”.]

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Amendments to Chapter 3 of the Code of Ordinances - Animals and Fowl		
Location on Agenda: Old/New Business		
Department: Police		
Contact: Michael McIver, Lieutenant		
Presenter: Michael McIver, Lieutenant		
Brief Summary: This Ordinance details the proposed changes to Chapter 3 of the Town's Code of Ordinances realting to animals and fowl.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2016) 3833		
Detailed Notes: As discussed with Council at a Work Session on September 27, 2016, these ordinance changes updates Sections 3-1 (Definitions), 3-17 (Confinement of Dangerous Animals), and 3-25 (Imposition of Penalties for Violations of Chapter) of the Code of the Town of Garner, North Carolina.		
Funding Source: N/A		
Cost: \$0	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BVZ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Garner Police Department Memorandum

To: Chief Brandon Zuidema
From: Lieutenant Mike McIver
CC: Captain Joe Binns
Date: November 1, 2016
Re: Dangerous Animal Ordinance

The purpose of this memorandum is to recommend adopting changes to the Code of the Town of Garner, North Carolina. This document is divided into three sections: Definitions, Confinement and Control of Dangerous Animals, and Imposition of Penalties.

The following highlights are changes that are being recommended for adoption:

Sec. 3-1 - Definitions

- **At large dangerous animal**- New definition to include at large dangerous animals.
- **Dangerous Animal** – Updated to add a fourth element to declaring an animal dangerous.
- **Secure Enclosure** – includes new language that sets a minimum standard for the secure enclosure of a dangerous animal.
- **Owner** – added language that better defines who is an owner and who will be treated as an owner.

Sec. 3-17 – Confinement and Control of Dangerous Animals

This section addresses the confinement and control of dangerous animals. There are currently four subsections in this section. The new ordinance contains ten (10) subsections that address signage, leashing, muzzling, microchipping, time frames, at large dangerous animals, removal of dangerous animals from the owner's property, and inspection of confinement areas.

- (a) It is unlawful for any owner to maintain or harbor unconfined or unrestrained any animal which (1) bites, attacks or otherwise inflicts serious injury on a person without provocation on public or private property, (2) kills or injures a

pet or domestic animal without provocation, (3) is owned, trained or harbored primarily or in part for the purpose of dog fighting and/or (4) approaches a person not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

- (b) The owner of a dangerous animal will be notified in writing to confine the animal in a humane, secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous animal is on the premises. Said sign shall be one (1) foot by two (2) feet or two (2) square feet in area. The lettering on the sign shall be proportionate with the sign and must be approved by the animal control officer.
- (c) The owner of a dangerous animal will be notified in writing that the dangerous animal must be leashed and muzzled at all times when the animal is not inside the owner's residence or in the secure enclosure.
- (d) The owner of a dangerous animal will be notified in writing that the dangerous animal shall be permanently identified as a dangerous animal by a microchip implanted under the animal's skin within sixty (60) days from the date of notification at the owner's expense.
- (e) The owner of a dangerous animal shall have sixty (60) days from the date of notification to provide a humane, secure enclosure. The animal deemed "dangerous" shall be kept at the animal shelter at the owner's expense during this period.
- (f) If the owner of a dangerous animal constructs a secure enclosure which is approved by the animal control officer within the sixty (60) days, the animal can be released from confiscation so long as all fees owing to the Town of Garner Animal Control Program and the animal shelter for harboring, caring for and maintaining the animal are paid. If any dangerous animal is confiscated under this provision, the owner of the dangerous animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of sixty (60) days from the confiscation the animal will become property of the town and will be turned over to the animal shelter for disposition.
- (g) It shall be unlawful for any owner of a dangerous animal to permit it to be at large.
- (h) Only a competent person who is at least eighteen (18) years of age may remove a dangerous animal from the owner's property.
- (i) The owner of a dangerous animal shall permit the animal control officer access to inspect the owner's premises as necessary to ensure compliance with state law and local ordinance.
- (j) Once the owner of a dangerous animal has met all criteria for harboring a dangerous animal and approved by the animal control officer, the animal may be released to the owner from the animal shelter.

Sec 3-25 – Imposition of Penalties

- (g) Violations of sections 3-17 (Confinement and control of dangerous animals) and 3-20 (Required notification to the animal control program by owners of dangerous animals or dangerous dogs) shall be assessed a five hundred dollar (\$500.00) civil penalty and the animal shall be seized by the animal control officer or a Garner Police Officer.
- (k) A request for appeal regarding a violation of this section must be made in writing and filed with the town clerk within five (5) business days of the action or decision complained of and must state with particularity the grounds of the appeal. The appeal shall be heard by the appeals board constituted to hear appeals under section 3-43.

Sec 3-43 – Appeals

Appeal of section 3-25 and dangerous animal determination

- (a) A request for appeal must be made in writing and filed with the town clerk within five (5) business days of the action or decision complained of and must state with particularity the grounds of the appeal. The appeals board shall consist of the assistant town manager and two (2) employees of departments other than the police department in the Town of Garner to hear appeals of actions taken pursuant to this chapter or G.S. 67-4.1. This appeals board will be appointed by the town manager with appointees serving at the town manager's discretion until they are removed or ask to be replaced.
- (b) The assistant town manager shall render a decision within three (3) business days of the hearing.
- (c) If the decision is in favor of the owner, efforts to implement the sanction(s) shall cease.
- (d) Decisions rendered by the appeals board apply only to the violation(s) and sanction(s) appealed and do not prevent the animal control program from enforcing subsequent violations of the same provision or any other provision.
- (e) The decision of the appeals board is subject to appeal to Superior Court in the nature of certiorari.
- (f) The owner of the animal shall be responsible for all impoundment fees accrued during any and all appeals.
- (g) If the owner fails to pay all such impoundment fees, and the town is required to pay the same, the town shall have the right to seek recovery of the same in a civil action.

ORDINANCE NO. (2016) 3833

AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE TOWN OF GARNER REGARDING ANIMALS AND FOWL

WHEREAS, the Town Council of the Town of Garner finds and determines that it is in the public interest, for the health, safety and welfare of the citizens of the Town, to amend the Chapter 3 as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARNER as follows:

Item One: That a revised definition of dangerous animal in Sec. 3-1 of the Town Code of the Town of Garner consistent with State law be enacted to read as follows:

Dangerous animal means any animal that has demonstrated a propensity or tendency to behave in a manner which may endanger persons or property and/or any non-domesticated animal indigenous to the State of North Carolina, including hybrid animals that are part-wild. This definition includes but is not limited to any dog which (1) bites, attacks or otherwise inflicts serious injury on a person without provocation on public or private property, (2) kills or injures a pet or domestic animal without provocation, (3) is owned, trained or harbored primarily or in part for the purpose of dog fighting and/or (4) approaches a person not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Item Two: That Sec. 3-17 of the Town Code of the Town of Garner, captioned "Confinement and control of dangerous animals," be amended to read as follows:

- (a) It is unlawful for any owner to maintain or harbor unconfined or unrestrained any animal which (1) bites, attacks or otherwise inflicts serious injury on a person without provocation on public or private property, (2) kills or injures a pet or domestic animal without provocation, (3) is owned, trained or harbored primarily or in part for the purpose of dog fighting and/or (4) approaches a person not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- (b) The owner of a dangerous animal will be notified in writing to confine the animal in a humane, secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous animal is on the premises. Said sign shall be one (1) foot by two (2) feet or two (2) square feet in area. The lettering on the sign shall be proportionate with the sign and must be approved by the animal control officer.
- (c) The owner of a dangerous animal will be notified in writing that the dangerous animal must be leashed and muzzled at all times when the animal is not inside the owner's residence or in the secure enclosure.
- (d) The owner of a dangerous animal will be notified in writing that the dangerous animal shall be permanently identified as a dangerous animal by a microchip implanted under the animal's skin within sixty (60) days from the date of notification at the owner's expense.
- (e) The owner of a dangerous animal shall have sixty (60) days from the date of notification to provide a humane, secure enclosure. The animal deemed "dangerous" shall be kept at the animal shelter at the owner's expense during this period.

- (f) If the owner of a dangerous animal constructs a secure enclosure which is approved by the animal control officer within the sixty (60) days, the animal can be released from confiscation so long as all fees owing to the Town of Garner Animal Control Program and the animal shelter for harboring, caring for and maintaining the animal are paid. If any dangerous animal is confiscated under this provision, the owner of the dangerous animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of sixty (60) days from the confiscation the animal will become property of the town and will be turned over to the animal shelter for disposition.
- (g) It shall be unlawful for any owner of a dangerous animal to permit it to be at large.
- (h) Only a competent person who is at least eighteen (18) years of age may remove a dangerous animal from the owner's property.
- (i) The owner of a dangerous animal shall permit the animal control officer access to inspect the owner's premises as necessary to ensure compliance with state law and local ordinance.
- (j) Once the owner of a dangerous animal has met all criteria for harboring a dangerous animal and approved by the animal control officer, the animal may be released to the owner from the animal shelter.

Item Three: That Sec. 3-25 of the Town Code of the Town of Garner, captioned "Imposition of penalties for violations of chapter," be amended to read as follows:

- (a) Except as otherwise provided, any person who violates any provision of this chapter shall be assessed a civil penalty of one hundred dollars (\$100.00). If the violation continues, each day's violation shall constitute a separate offense. Any penalty not paid within thirty (30) days from the date of issuance will double. Civil penalties may be assessed by citation and recovered by the town in a civil action in the nature of a debt.
- (b) Any person who violates subsection 3-5(d) regarding a noxious odor shall be provided written notice of the violation and an explanation of how to come into compliance with the ordinance violated. If the violation is not corrected within fifteen (15) days, the owner shall be assessed a civil penalty of one hundred dollars (\$100.00) and the animal(s) responsible for the odor will be seized for up to five (5) business days. If the odor is corrected within five (5) business days, the animal(s) may be released from custody so long as all fees owing to the animal control program and/or the animal shelter for harboring, caring for, and maintaining the animal(s) is paid. All impoundment fees will be the responsibility of the owner. If the violation is not corrected after five (5) days, the animal(s) will become property of the town and will be turned over to the animal shelter or other appropriate entity for disposition.
- (c) Any person who violates section 3-5 or 3-13 regarding the number of animals allowed shall be provided written notice of the violation and an explanation of how to come into compliance with the ordinance violated. If the violation is not corrected within fifteen (15) days, the owner shall be assessed a civil penalty of one hundred dollars (\$100.00) and the animal(s) most recently acquired that caused the violation will be seized for up to five (5) business days. If an arrangement to reduce the number of animals is provided within five (5) business days, the animal(s) may be released from custody so long as all fees owing to the animal control program and/or the animal shelter for harboring, caring for, and maintaining the animal(s) is paid. All impoundment fees will be the responsibility of the owner. If the violation is not corrected after five (5) days, unless an appeal to the animal review board is

filed, the animal(s) will become property of the town and will be turned over to the animal shelter or other appropriate entity for disposition.

- (d) Violations of subsection 3-12(a) (Licensing—dogs and cats):
 - (1) Any violation of this subsection shall incur a one hundred dollar (\$100.00) civil penalty.
 - (2) Any violation of this subsection that is remedied by the dog or cat in question being licensed within thirty (30) days of the issuance of the civil citation shall be dismissed.
 - (3) Any violation of this subsection that is not paid within sixty (60) days of the issuance of the civil citation shall have the fine doubled to two hundred dollars (\$200.00).
- (e) Violations of subsection 3-13(a) (number to be kept on premises) incur the following civil penalties:
 - (1) One hundred dollar (\$100.00) fine for each dog over the limit.
 - (2) Subsequent violations are accrued every seven (7) days so long as the dogs remain on the property.
- (f) Violations of section 3-14 (Animals at large) incur the following civil penalties:
 - (1) First violation—Fifty dollars (\$50.00) plus shelter reclaim fee.
 - (2) Second violation—One hundred dollars (\$100.00) plus shelter reclaim fee.
 - (3) Succeeding violations—One hundred fifty dollars (\$150.00) plus shelter reclaim fee.
- (g) Violations of sections 3-17 (Confinement and control of dangerous animals) and 3-20 (Required notification to the animal control program by owners of dangerous animals or dangerous dogs) shall be assessed a five hundred dollar (\$500.00) civil penalty and the animal shall be seized by the animal control officer or a Garner Police Officer.
- (h) If any dangerous animal shall, when unprovoked, attack, wound or otherwise injure or kill a human being, the owner shall be assessed a five hundred dollar (\$500.00) civil penalty and the animal shall be seized by the animal control officer or a Garner Police Officer.
- (i) If any dangerous animal shall, when unprovoked, kill or wound or assist in killing or wounding any domestic animal or pet, the owner of said animal shall be assessed a two hundred fifty dollar (\$250.00) civil penalty and the animal shall be seized by the animal control officer or a Garner Police Officer.
- (j) Violations of section 3-24 shall constitute a Class 2 misdemeanor.
- (k) A request for appeal regarding a violation of this section must be made in writing and filed with the town clerk within five (5) business days of the action or decision complained of and must state with particularity the grounds of the appeal. The appeal shall be heard by the appeals board constituted to hear appeals under section 3-43.
- (l) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

Item Four: Sec. 3-43 of the Town Code of the Town of Garner, captioned “Appeals,” be amended to read as follows:

Sec/ 3-43 Appeal of section 3-25 and dangerous animal determination

- (a) A request for appeal must be made in writing and filed with the town clerk within five (5) business days of the action or decision complained of and must state with particularity the grounds of the appeal. The appeals board shall consist of the assistant town manager and two (2) employees of departments other than the police department in the Town of Garner to hear appeals of actions taken pursuant to this chapter or G.S. 67-4.1. This appeals board will be appointed by the town manager with appointees serving at the town manager's discretion until they are removed or ask to be replaced.
- (b) The assistant town manager shall render a decision within three (3) business days of the hearing.
- (c) If the decision is in favor of the owner, efforts to implement the sanction(s) shall cease.
- (d) Decisions rendered by the appeals board apply only to the violation(s) and sanction(s) appealed and do not prevent the animal control program from enforcing subsequent violations of the same provision or any other provision.
- (e) The decision of the appeals board is subject to appeal to Superior Court in the nature of certiorari.
- (f) The owner of the animal shall be responsible for all impoundment fees accrued during any and all appeals.
- (g) If the owner fails to pay all such impoundment fees, and the town is required to pay the same, the town shall have the right to seek recovery of the same in a civil action.

Item Five: All provisions of Article 3 inconsistent with this Ordinance are hereby repealed.

Item Six: This ordinance shall be effective upon adoption.

Item Seven: This Ordinance shall be recodified consistent with the above.

This the 7th day of November, 2016.

TOWN OF GARNER

 Ronnie S. Williams, Mayor

ATTEST:

 Stella L. Gibson, Town Clerk

APPROVED AS TO FORM:

 William E. Anderson, Town Attorney

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2016		
Subject: Design Services for Avery Street/ Curtis Drive Sidewalk Project		
Location on Agenda: Old/New Business		
Department: Engineering		
Contact: Tony Chalk, Town Engineer		
Presenter: Tony Chalk, Town Engineer		
Brief Summary: Municipal Engineering was asked for a proposal to design the sidewalk improvements along Avery Street from Powell Drive to Creekbrook Court and along Curtis Drive from Avery Street to Bryan.		
Recommended Motion and/or Requested Action: Authorize Execution of Contract with Municipal Engineering for \$19,500		
Detailed Notes: The fees for this project could be higher if survey plats are needed.		
Funding Source: Bond project funding		
Cost: 19,500	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

SHORT FORM OF AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of NOVEMBER 1, 2016 ("Effective Date") between the Town of Garner, North Carolina ("Owner") and Municipal Engineering Services Company, PA (MESCO) ("Engineer").

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

Avery Street Sidewalk Improvements ("Project").

Engineer's Services under this Agreement are generally identified as follows:

Scope of Services.

Municipal Engineering Services Company, PA (ENGINEER) proposes to provide the services described below for construction of sidewalks along Avery Street and Curtis Street. This project begins at the intersection of Avery and Powell Street and runs north along Avery Street to Curtis Street and continues north to Creekbrook Court. The Project also runs along Curtis Street between Avery Street and Bryan Street (see Exhibit 1).

ENGINEER will provide design survey and base mapping services and prepare design plans and technical specifications for the OWNER.

The ENGINEER proposes to provide the following Tasks:

1. Project Management

Project management is estimated to span three (3) months tasks to be completed by the ENGINEER as follows:

- A. Project scoping and Basis of Design.
- B. Prepare monthly invoices for engineering services.
- C. Maintain project costs accounting system

2. Field Survey and Base Mapping

- A. Establish and maintain horizontal and vertical control for the duration of the project with NAD 83 (horizontal) and NAVD 88 (vertical) datum.
- B. Conduct a topographic corridor survey, from right-of-way to right-of-way, along the Project Area streets, field locate and map planimetric features (i.e. fences, landscaping, trees, poles, water meters, valves, hydrants, manholes, sewer cleanouts, drainage features, driveways, sidewalks, roadways, etc.).

- C. The topographic survey will be accurate to a 1-foot contour interval.
- D. Utilities to be located above ground and NC811 survey locate tickets.
- E. Utilize county GIS data and locate property corners along project area streets sufficient to establish street rights-of-way.
- F. Establish two (2) temporary bench marks.
- G. Complete necessary office computations and mapping to construct baseline drawings of survey field data along the project area corridors including existing property lines, rights-of-way, easements, etc.
- H. Provide a digital survey file in AutoCAD Civil 3D format.
- I. If the Engineer determines the need for temporary or permanent easements, property research, property survey and the preparation of easement plats and easement acquisition assistance will be considered "Additional Services".

OWNER will contact property owners and/or provide any public notification as required to access property to complete survey.

3. Engineering Design

The Engineer will provide engineering design services to prepare final design drawings and specifications suitable for bidding. The Engineer's design will be consistent with the Town of Garner's standards. The design will include the follow services:

- A. Ground Truth Review ahead of surveying and base mapping.
- B. Prepare plans and profiles for the sidewalk improvements using final mapping of the field survey and ENGINEER's standard Plan and Profile sheets [Scale: 1" = 40' (H), 1" = 4' (V)]. Plans shall indicate construction limits.
- C. Prepare preliminary quantity estimates.
- D. Forward one (1) set of plans for review to Owner and conduct one (1) Preliminary Review Meeting with Owner.
- E. Incorporate Owner comments from review of preliminary design into final design.
- F. Finalize horizontal and vertical alignment for the sidewalk improvements.
- G. Finalize typical sections, details and profiles.
- H. Prepare final quantity and construction cost estimates.
- I. Prepare technical specifications utilizing ENGINEER's Specifications along with the special contract details/provisions from the Owner.
- J. Conduct one (1) Final Design Meeting with Owner's staff to respond to all questions and comments and review plans.
- K. Prepare a Final Opinion of Construction Cost for Project.
- L. Make one (1) round of revisions to the construction documents based on Owner's comments.
- M. Prepare final plans and specifications for bidding by OWNER.

The ENGINEER has not budgeted for permitting services given the strong likelihood that any permits will required.

Additional Services: Engineering services described in this Scope of Services do not include certain categories of work, which are usually referred to as "Additional Services." The ENGINEER will provide Additional Services only upon receipt of written authorization from the Owner. To the extent possible, the

ENGINEER will notify the Owner in advance if the need for Additional Services is anticipated. Additional Services include:

1. Subsurface Utility Exploration (SUE) Services.
2. Serving as an ENGINEER or witness for any legal proceeding.
3. Wetlands, stream and protected species mitigation services.
4. Archeological services.
5. Work associated with bidding assistance if the Owner elects not to bid the project in-house.
6. Other professional services related to the Project, but not specifically described in this Amendment, which are identified and authorized in writing by the Owner's authorized representative.
7. Bid Phase Services
8. Construction Phase services (Construction Administration, Construction Observation)
9. Easement acquisition research, surveys and plats (see Note 1, below)
10. Easement acquisition services.

Note 1: Should easement plats be required, the Engineer will prepare easement plats for an Hourly Not to Exceed (HNTE) price of \$3,200 per plat upon written authorization from the Owner.

Owner and Engineer further agree as follows:

1.01 *Basic Agreement and Period of Service*

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within a reasonable time, or within the following specific time period: Final construction plans and technical specifications shall be delivered to the Owner within 60 calendar days of the Notice to Proceed.

2.01 *Payment Procedures*

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

3.01 *Termination*

- A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,
 - a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.
 - b. By Engineer:
 - 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

- c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

- B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.
- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. Engineer shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a contractor to comply with laws and regulations applicable to such contractor's furnishing and performing of its work.
- C. This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located.
- D. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor. Engineer is not responsible for variations between actual construction bids or costs and Engineer's opinions or estimates regarding construction costs.
- E. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Engineer.

- F. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the Engineers Joint Contract Documents Committee (EJCDC C-700, 2007 Edition) unless the parties agree otherwise.
- G. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.
- ~~H. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.~~
- I. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.
- J. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Basis of Payment—Lump Sum*

- A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:
 - 1. A Lump Sum amount of \$ **19,500.00**.
- B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

7.02 *Additional Services:* For additional services of Engineer's employees engaged directly on the Project, Owner shall pay Engineer an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any. Engineer's standard hourly rates are attached as Appendix 1.

Attachments: Appendix 1, Engineer's Standard Hourly Rates

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:

Town of Garner

By: _____

Name: _____

Title: _____

Date Signed: _____

Address for giving notices:

ENGINEER:

Municipal Engineering Services Co., PA

By: *Jimmy D. Woodie*

Name: Jimmy D. Woodie

Title: President

Date Signed: 11.1.16

Engineer License or Firm's Certificate

Number: C-0281

State of: North Carolina

Address for giving notices:

Gary M. Flowers, PE

PO Box 97

68 Shipwash Drive

Garner, NC 27529

EJCDC 
ENGINEERS JOINT CONTRACT
DOCUMENTS COMMITTEE

This is **Appendix 1, Engineer's Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated 11/1, 2016

Engineer's Standard Hourly Rates

A. *Standard Hourly Rates:*

1. Standard Hourly Rates are set forth in this Appendix 1 and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Paragraphs 7.01 and 7.02, and are subject to annual review and adjustment.

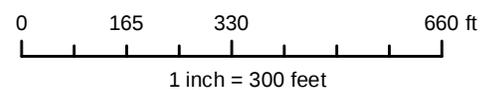
B. *Schedule of Hourly Rates:*

Hourly rates for services performed on or after the Effective Date are:

Sr. Principal Engineer	\$185.00/hour
Principal Engineer	150.00/ hour
Principal Project Manager	150.00/ hour
Sr. Project Manager	125.00/ hour
Project Manager	115.00/ hour
Senior Engineer	125.00/ hour
Environmental Scientist	80.00/ hour
Lead Senior Designer	85.00/ hour
Senior Designer	80.00/ hour
Design Technician	75.00/ hour
Professional Land Surveyor	150.00/ hour
Survey - Robotics	120.00/ hour
GPS + Survey Crew	150.00/ hour
Survey Technician	77.00/ hour
Sr. Construction Observer	77.00/ hour
QA/QC Field Supervisor	80.00/ hour
Secretary	55.00/ hour
Consultants	Cost plus 15%
Direct Costs	Cost plus 15%



Exhibit 1 - Avery Street Sidewalk Improvements



Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.
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Permits Issued From 10/01/2016 To 10/31/2016

Commercial	Total Permits 15	Total Cost \$634,410.00
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Permit #:	2160616	Inside Town Limits	Yes
Issue date:	10/3/2016	Census tract:	PIN#: 1721-27-9460
Lot#:	Subdivision: N/A	Total cost:	\$150,000.00
PropAddress:	4541 JONES SAUSAGE ROAD		
Owner's	SPEEDWAY LLC	Owner's Phone:	330-286-3902
Contractor	SUMMIT PROPERTIES	Contractor's Phone:	248-625-4711
Type of Improvement:	Alteration	Proposed Use	MERCANTILE/RETAIL

Permit #:	2160792	Inside Town Limits	Yes
Issue date:	10/7/2016	Census tract:	PIN#: 1701-39-1009
Lot#:	Subdivision: N/A	Total cost:	\$40,000.00
PropAddress:	1432 - 1440 GARNER STATION BLVD		
Owner's	R & T PROPERTIES OF NC LLC	Owner's Phone:	336-272-9355
Contractor	AMERICAN ENTERPRISES LLC	Contractor's Phone:	919-422-3367
Type of Improvement:	Alteration	Proposed Use	MERCANTILE/RETAIL

Permit #:	2160884	Inside Town Limits	Yes
Issue date:	10/6/2016	Census tract:	PIN#: 1721-30-6674
Lot#:	Subdivision: N/A	Total cost:	\$12,500.00
PropAddress:	751 EAST GARNER ROAD		
Owner's	T-MOBILE	Owner's Phone:	704-576-6393
Contractor	ERIC W. RAPP	Contractor's Phone:	919-819-6760
Type of Improvement:	Alteration	Proposed Use	COLLOCATION TOWER

Permit #:	2160893	Inside Town Limits	No
Issue date:	10/14/2016	Census tract:	PIN#:
Lot#:	Subdivision: N/A	Total cost:	\$14,140.00
PropAddress:	2075 BENSON ROAD		
Owner's	HORACE TART	Owner's Phone:	
Contractor	BLACKLEAF INC	Contractor's Phone:	919-625-7293
Type of Improvement:	New Structure	Proposed Use	RETAINING WALL

Permit #:	2160903	Inside Town Limits	Yes
Issue date:	10/6/2016	Census tract:	PIN#:
Lot#:	Subdivision: DEER HARBOR APARTMENTS	Total cost:	\$10,250.00
PropAddress:	301 NORTH GREENFIELD PARKWAY		
Owner's	GREENFIELD MULTIFAMILY INVESTORS	Owner's Phone:	919-602-7202
Contractor	WYNN SITE DEVELOPMENT	Contractor's Phone:	919-651-0008
Type of Improvement:	Plumbing	Proposed Use	IRRIGATION

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160905	Inside Town Limits	Yes
Issue date:	10/7/2016	Census tract:	PIN#: 1720-39-1223
Lot#:		Subdivision: N/A	Total cost: \$6,500.00
PropAddress:	40 CABELA DRIVE		
Owner's	SHEETZ INC	Owner's Phone:	919-437-9859
Contractor	WIMCO CORP	Contractor's Phone:	252-946-5175
Type of Improvement:	New Structure	Proposed Use	COMMERCIAL SIGN

Permit #:	2160922	Inside Town Limits	Yes
Issue date:	10/13/2016	Census tract:	PIN#:
Lot#:		Subdivision: N/A	Total cost: \$500.00
PropAddress:	20 EAGLE WING WAY		
Owner's	ZAXBYS	Owner's Phone:	919-390-7533
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	COMMERCIAL SIGN

Permit #:	2160924	Inside Town Limits	Yes
Issue date:	10/13/2016	Census tract:	PIN#:
Lot#:		Subdivision: N/A	Total cost: \$200.00
PropAddress:	1511 & 1515 BENSON ROAD		
Owner's	MISTLETOE MEADOWS	Owner's Phone:	919-219-1674
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	TEMP POLE

Permit #:	2160926	Inside Town Limits	Yes
Issue date:	10/14/2016	Census tract:	PIN#: 1730-07-5460
Lot#:		Subdivision: N/A	Total cost: \$19,900.00
PropAddress:	301 NORTH GREENFIELD PKWY		
Owner's	GREENFIELD MULTIFAMILY INVESTORS	Owner's Phone:	919-881-0029
Contractor	SOUTH ATLANTIC CONSTRUCTION COM	Contractor's Phone:	919-881-0029
Type of Improvement:	New Structure	Proposed Use	OTHER

Permit #:	2160937	Inside Town Limits	Yes
Issue date:	10/18/2016	Census tract:	PIN#:
Lot#:		Subdivision: N/A	Total cost: \$800.00
PropAddress:	1100 LENOXPLACE CIRCLE APT 428		
Owner's	LENOXPLACE APTS	Owner's Phone:	
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	MULTI-FAMILY 5 UNITS &

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160946	Inside Town Limits Yes	
Issue date:	10/21/2016	Census tract:	PIN#: 1710-79-1173
Lot#:		Subdivision: N/A	Total cost: \$1,200.00
PropAddress:	610 RAND MILL ROAD		
Owner's	TOWN OF GARNER	Owner's Phone:	919-772-7600
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	BUSINESS/OFFICE

Permit #:	2160948	Inside Town Limits Yes	
Issue date:	10/21/2016	Census tract:	PIN#:
Lot#:		Subdivision: N/A	Total cost: \$600.00
PropAddress:	875 US HIGHWAY 70 WEST		
Owner's	GARNER APPLIANCE	Owner's Phone:	919-772-3757
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	BUSINESS/OFFICE

Permit #:	2160951	Inside Town Limits Yes	
Issue date:	10/21/2016	Census tract:	PIN#: 1701-75-9533
Lot#:		Subdivision: N/A	Total cost: \$300.00
PropAddress:	2634 TIMBER DRIVE		
Owner's	SAKURA 8	Owner's Phone:	
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	RESTAURANT

Permit #:	2160954	Inside Town Limits Yes	
Issue date:	10/28/2016	Census tract:	PIN#: 1711-24-7127
Lot#:		Subdivision: N/A	Total cost: \$370,000.00
PropAddress:	101 VANDORA SPRINGS ROAD		
Owner's	IMPROVED NATURE LLC	Owner's Phone:	919-588-2299
Contractor	MARYKATE CONSTRUCTION LLC	Contractor's Phone:	919-740-6072
Type of Improvement:	Alteration	Proposed Use	FACTORY INDUSTRIAL

Permit #:	2160962	Inside Town Limits Yes	
Issue date:	10/25/2016	Census tract:	PIN#: 1701-49-7135
Lot#:		Subdivision: N/A	Total cost: \$7,520.00
PropAddress:	1702 MECHANICAL BLVD		
Owner's	AREC 10 LLC	Owner's Phone:	
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	BUSINESS/OFFICE

Permits Issued From 10/01/2016 To 10/31/2016

Residential	Total Permits 67	Total Cost \$2,452,288.00
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Permit #:	2160780	Inside Town Limits	No
Issue date:	10/4/2016	Census tract:	PIN#: 1700-85-1454
Lot#:		Subdivision: N/A	Total cost: \$658,900.00
PropAddress:	803 THOMPSON ROAD		
Owner's	ADRIAN JOHNSON	Owner's Phone:	919-649-5543
Contractor	WOODARD BUILDERS INC	Contractor's Phone:	919-847-1048
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160852	Inside Town Limits	Yes
Issue date:	10/5/2016	Census tract:	PIN#:
Lot#:		Subdivision: EAGLE RIDGE	Total cost: \$6,245.00
PropAddress:	431 WATERVILLE ST		
Owner's	JOHN MORT	Owner's Phone:	919-803-8846
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160862	Inside Town Limits	No
Issue date:	10/24/2016	Census tract:	PIN#:
Lot#:		Subdivision: INWOOD FOREST	Total cost: \$3,000.00
PropAddress:	212 INWOOD FOREST DR		
Owner's	ERICK MICHEAL & ASHLEY KEENER	Owner's Phone:	502-718-3668
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160892	Inside Town Limits	Yes
Issue date:	10/3/2016	Census tract:	PIN#: 1710-18-4455
Lot#:		Subdivision: HEATHERBROOK	Total cost: \$8,000.00
PropAddress:	1492 SOUTH WADE AVENUE		
Owner's	CAROL GOODING	Owner's Phone:	408-590-1455
Contractor	CITY OF RALEIGH	Contractor's Phone:	919-857-4540
Type of Improvement:	Plumbing	Proposed Use	IRRIGATION

Permit #:	2160894	Inside Town Limits	Yes
Issue date:	10/3/2016	Census tract:	PIN#: 1710-20-3809
Lot#:	29	Subdivision: AUTUMN OAKS	Total cost: \$2,000.00
PropAddress:	102 WHITE DEER TRAIL		
Owner's	MIKE BAKER	Owner's Phone:	919-868-6697
Contractor	TOTAL CONSTRUCTION BY DALE LAND	Contractor's Phone:	919-625-7115
Type of Improvement:	Alteration	Proposed Use	SINGLE FAMILY DWELLIN

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160895	Inside Town Limits	No
Issue date:	10/5/2016	Census tract:	PIN#: 1701-53-1208
Lot#:		Subdivision: N/A	Total cost: \$159,000.00
PropAddress:	405 GROVEMONT ROAD		
Owner's	PARADISE HOMES OF JOHNSTON COUN	Owner's Phone:	919-284-5206
Contractor	PARADISE HOMES OF JOHNSTON COUN	Contractor's Phone:	919-284-5206
Type of Improvement:	New Building	Proposed Use	MODULAR HOME/UNIT

Permit #:	2160896	Inside Town Limits	Yes
Issue date:	10/5/2016	Census tract:	PIN#:
Lot#:		Subdivision: GREENBRIER	Total cost: \$3,235.00
PropAddress:	4912 COMELIA DRIVE		
Owner's	ECJ MAGNOLIA INNVESTMENTS INC	Owner's Phone:	919-772-1713
Contractor		Contractor's Phone:	
Type of Improvement:	Plumbing	Proposed Use	PLUMBING

Permit #:	2160897	Inside Town Limits	Yes
Issue date:	10/6/2016	Census tract:	PIN#:
Lot#:		Subdivision: INDIAN CREEK	Total cost: \$5,433.00
PropAddress:	1229 INDIAN CREEK TRAIL		
Owner's	BRIAN PERKINS	Owner's Phone:	984-289-2509
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160898	Inside Town Limits	Yes
Issue date:	10/4/2016	Census tract:	PIN#:
Lot#:		Subdivision: N/A	Total cost: \$29,000.00
PropAddress:	108 PERDUE STREET		
Owner's	EMMA & WALTER MOORHEAD	Owner's Phone:	919-801-0446
Contractor	HOLLEMAN HOMES	Contractor's Phone:	919-610-1467
Type of Improvement:	Repair	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160900	Inside Town Limits	Yes
Issue date:	10/5/2016	Census tract:	PIN#: 1700-87-2879
Lot#:		Subdivision: N/A	Total cost: \$1,500.00
PropAddress:	248 GRAND POINTE DR		
Owner's	NICHOLAS McLAMB	Owner's Phone:	910-990-0375
Contractor	OWNER	Contractor's Phone:	
Type of Improvement:	Addition	Proposed Use	DECK

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160901	Inside Town Limits	Yes
Issue date:	10/10/2016	Census tract:	PIN#:
Lot#:		Subdivision:	SOUTHVIEW
PropAddress:	701 CHAPWITH ROAD	Total cost:	\$1,500.00
Owner's	JAMES TURNER	Owner's Phone:	919-612-5802
Contractor	OWNER	Contractor's Phone:	
Type of Improvement:	Addition	Proposed Use	DECK

Permit #:	2160902	Inside Town Limits	No
Issue date:	10/5/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	800 SPRINGVIEW TRAIL	Total cost:	\$2,550.00
Owner's	HELEN CHAVIS	Owner's Phone:	919-772-7704
Contractor		Contractor's Phone:	
Type of Improvement:	Plumbing	Proposed Use	PLUMBING

Permit #:	2160906	Inside Town Limits	No
Issue date:	10/7/2016	Census tract:	PIN#:
Lot#:		Subdivision:	GIPSON POND
PropAddress:	203 GIPSON DRIVE	Total cost:	\$1,200.00
Owner's	BARBARA PULLEN	Owner's Phone:	919-821-5860
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	GAS GRILL

Permit #:	2160907	Inside Town Limits	Yes
Issue date:	10/7/2016	Census tract:	PIN#:
Lot#:		Subdivision:	ASHLYN
PropAddress:	163 ASHLYN RIDGE DRIVE	Total cost:	\$15,800.00
Owner's	VERA BRAXTON	Owner's Phone:	919-669-8826
Contractor	ANTHONY & CO. CONSTRUCTION	Contractor's Phone:	919-570-9446
Type of Improvement:	Addition	Proposed Use	SCREENED PORCH

Permit #:	2160908	Inside Town Limits	Yes
Issue date:	10/12/2016	Census tract:	PIN#:
Lot#:		Subdivision:	WESTON RIDGE
PropAddress:	1224 CURTISS DRIVE	Total cost:	\$12,800.00
Owner's	SHANNON BINKOWSKI	Owner's Phone:	919-771-8290
Contractor	GARUDA DECKS	Contractor's Phone:	919-244-8300
Type of Improvement:	Addition	Proposed Use	SCREENED PORCH

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160910	Inside Town Limits Yes	
Issue date:	10/12/2016	Census tract:	PIN#: 1710-66-2387
Lot#:		Subdivision: SOUTHVIEW	Total cost: \$15,800.00
PropAddress:	205 CHAPWITH ROAD		
Owner's	ASHLEIGH SEIBER	Owner's Phone:	919-345-1029
Contractor	GARUDA DECKS	Contractor's Phone:	919-244-8300
Type of Improvement:	Addition	Proposed Use	SCREENED PORCH

Permit #:	2160911	Inside Town Limits Yes	
Issue date:	10/11/2016	Census tract:	PIN#: 1619-02-4458
Lot#:	14	Subdivision: CREEKSIDE	Total cost: \$189,300.00
PropAddress:	184 ROARING CREEK DRIVE		
Owner's	D.R. HORTON - WPH LLC	Owner's Phone:	919-407-2037
Contractor	D.R. HORTON, INC.	Contractor's Phone:	704-345-1019
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160912	Inside Town Limits Yes	
Issue date:	10/10/2016	Census tract:	PIN#:
Lot#:		Subdivision: EAGLE RIDGE	Total cost: \$4,100.00
PropAddress:	226 SEASTONE ST		
Owner's	SAM CHERRY	Owner's Phone:	919-427-9494
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160913	Inside Town Limits Yes	
Issue date:	10/12/2016	Census tract:	PIN#: 1700-74-8382
Lot#:		Subdivision: BREEZEWAY WEST	Total cost: \$23,603.00
PropAddress:	119 BRIAR ROSE LANE		
Owner's	MARSHALL & DONNA JACKSON	Owner's Phone:	919-376-0560
Contractor	PATIO ENCLOSURES	Contractor's Phone:	467-2846
Type of Improvement:	Addition	Proposed Use	SUNROOM

Permit #:	2160914	Inside Town Limits Yes	
Issue date:	10/10/2016	Census tract:	PIN#: 1711-28-1933
Lot#:		Subdivision: CLOVERDALE	Total cost: \$11,220.00
PropAddress:	1010 MEADOWBROOK DRIVE		
Owner's	DAVID JOHNSON	Owner's Phone:	919-780-4011
Contractor	NC SOLAR NOW INC	Contractor's Phone:	919-833-9096
Type of Improvement:	Alteration	Proposed Use	SINGLE FAMILY DWELLIN

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160915	Inside Town Limits Yes	
Issue date:	10/10/2016	Census tract:	PIN#: 1712-20-3675
Lot#:		Subdivision: CLOVERDALE	Total cost: \$5,000.00
PropAddress:	1108 NORTHVIEW ST		
Owner's	DANIEL KOBLITZ	Owner's Phone:	919-272-4288
Contractor	OWNER	Contractor's Phone:	
Type of Improvement:	New Structure	Proposed Use	RESIDENTIAL STORAGE

Permit #:	2160916	Inside Town Limits Yes	
Issue date:	10/11/2016	Census tract:	PIN#: 1710-31-2242
Lot#:		Subdivision: HEATHER WOODS	Total cost: \$6,161.00
PropAddress:	212 MCNAUGHTON COURT		
Owner's	JOAN DAVIS	Owner's Phone:	919-896-6963
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160917	Inside Town Limits Yes	
Issue date:	10/14/2016	Census tract:	PIN#: 1629-07-2483
Lot#:	87	Subdivision: SUTTON SPRINGS	Total cost: \$133,000.00
PropAddress:	149 ELK STONE TRAIL		
Owner's	CALATLANTIC GROUP	Owner's Phone:	919-465-5904
Contractor	CALATLANTIC GROUP INC	Contractor's Phone:	704-759-6042
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160918	Inside Town Limits Yes	
Issue date:	10/11/2016	Census tract:	PIN#: 1619-02-4653
Lot#:	12	Subdivision: CREEKSIDE	Total cost: \$125,000.00
PropAddress:	172 ROARING CREEK DRIVE		
Owner's	D.R. HORTON - WPH LLC	Owner's Phone:	919-407-2037
Contractor	D.R. HORTON, INC.	Contractor's Phone:	704-345-1019
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160919	Inside Town Limits Yes	
Issue date:	10/12/2016	Census tract:	PIN#: 1710-36-2063
Lot#:		Subdivision: HEATHER HILLS	Total cost: \$1,000.00
PropAddress:	102 MCNAIR GLENN COURT		
Owner's	DWIGHT & LENA PEARSON	Owner's Phone:	919-779-1169
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL INSTALLATI

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160920	Inside Town Limits	Yes
Issue date:	10/10/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	5109 OLD STAGE ROAD	Total cost:	\$1,300.00
Owner's	KENNY MERCER	Owner's Phone:	919-623-0367
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160921	Inside Town Limits	Yes
Issue date:	10/14/2016	Census tract:	PIN#:
Lot#:	15	Subdivision:	BREEZEWAY
PropAddress:	153 LUXORWIND DRIVE	Total cost:	\$450,000.00
Owner's	BUDDY GUPTON	Owner's Phone:	919-819-7464
Contractor	OWNER	Contractor's Phone:	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160925	Inside Town Limits	Yes
Issue date:	10/14/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	518 KENWAY STREET	Total cost:	\$8,800.00
Owner's	ANDREW BROWN	Owner's Phone:	704-305-1928
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160927	Inside Town Limits	Yes
Issue date:	10/17/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	1207 PARK AVE	Total cost:	\$5,000.00
Owner's	BRENDA JONES	Owner's Phone:	919-389-9367
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160928	Inside Town Limits	Yes
Issue date:	10/17/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	103 TARTAN COURT	Total cost:	\$5,000.00
Owner's	PHILLIP WILLIAMS	Owner's Phone:	919-772-6243
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160929	Inside Town Limits	Yes
Issue date:	10/18/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	1612 WOODLAND ROAD	Total cost:	\$4,750.00
Owner's	POLLY CHATHAM	Owner's Phone:	919-772-7592
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160930	Inside Town Limits	Yes
Issue date:	10/19/2016	Census tract:	PIN#:
Lot#:	79	Subdivision:	SUTTON SPRINGS
PropAddress:	156 ELK STONE TRAIL	Total cost:	\$115,000.00
Owner's	CALATLANTIC GROUP INC	Owner's Phone:	919-465-5904
Contractor	CALATLANTIC GROUP INC	Contractor's Phone:	704-759-6042
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160932	Inside Town Limits	Yes
Issue date:	10/18/2016	Census tract:	PIN#:
Lot#:		Subdivision:	FOREST HILLS
PropAddress:	1208 WADE AVE	Total cost:	\$10,000.00
Owner's	CAREY GIBBS	Owner's Phone:	252-717-3069
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160933	Inside Town Limits	Yes
Issue date:	10/18/2016	Census tract:	PIN#:
Lot#:		Subdivision:	CLOVERDALE
PropAddress:	1000 MEADOWBROOK DRIVE	Total cost:	\$5,000.00
Owner's	FREDDIE McALLISTER	Owner's Phone:	
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160934	Inside Town Limits	Yes
Issue date:	10/20/2016	Census tract:	PIN#:
Lot#:	472	Subdivision:	EAGLE RIDGE
PropAddress:	106 ACENTALA COURT	Total cost:	\$6,000.00
Owner's	RICK HEATH	Owner's Phone:	919-760-5382
Contractor	SOLAR TYME	Contractor's Phone:	804-271-2500
Type of Improvement:	Alteration	Proposed Use	SINGLE FAMILY DWELLIN

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160935	Inside Town Limits	Yes
Issue date:	10/20/2016	Census tract:	PIN#: 1710-53-7805
Lot#:	157	Subdivision:	VAN STORY HILLS Total cost: \$13,500.00
PropAddress:	611 ATCHISON STREET		
Owner's	LLOYD JAMES	Owner's Phone:	919-977-5660
Contractor	OWNER	Contractor's Phone:	
Type of Improvement:	Alteration	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160936	Inside Town Limits	No
Issue date:	10/28/2016	Census tract:	PIN#: 1700-63-8167
Lot#:		Subdivision:	N/A Total cost: \$20,000.00
PropAddress:	5 LILES WOODS ROAD		
Owner's	CASSONDRA LILES	Owner's Phone:	919-523-5065
Contractor	ROBBIE LILES	Contractor's Phone:	919-210-1589
Type of Improvement:	New Structure	Proposed Use	NEW STRUCTURE

Permit #:	2160938	Inside Town Limits	Yes
Issue date:	10/21/2016	Census tract:	PIN#: 1629-07-2483
Lot#:	75	Subdivision:	SUTTON SPRINGS Total cost: \$142,000.00
PropAddress:	126 ELK STONE TRAIL		
Owner's	CALATLANTIC GROUP, INC.	Owner's Phone:	919-465-5904
Contractor	CALATLANTIC GROUP INC	Contractor's Phone:	704-759-6042
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160939	Inside Town Limits	Yes
Issue date:	10/19/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A Total cost: \$5,889.00
PropAddress:	5122 OVERHILL ST		
Owner's	JAMIE JONES	Owner's Phone:	919-772-8087
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160940	Inside Town Limits	Yes
Issue date:	10/20/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A Total cost: \$5,161.00
PropAddress:	1002 LONG AVE		
Owner's	BETTY BURNS	Owner's Phone:	919-771-1014
Contractor		Contractor's Phone:	
Type of Improvement:	Plumbing	Proposed Use	PLUMBING

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160941	Inside Town Limits	No
Issue date:	10/20/2016	Census tract:	PIN#: 1712-91-0394
Lot#:	89	Subdivision:	GATEWOOD Total cost: \$1,200.00
PropAddress:	105 PLAZA DRIVE		
Owner's	ROSA BAKER	Owner's Phone:	919-755-0741
Contractor	Contractor's Phone:		
Type of Improvement:	Electrical	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160942	Inside Town Limits	No
Issue date:	10/20/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A Total cost: \$1,200.00
PropAddress:	1401 VALLEY ROAD		
Owner's	BRIAN NARRON	Owner's Phone:	919-417-7778
Contractor	Contractor's Phone:		
Type of Improvement:	Electrical	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160943	Inside Town Limits	Yes
Issue date:	10/20/2016	Census tract:	PIN#: 1701-47-6650
Lot#:	24	Subdivision:	GREENBRIER Total cost: \$8,400.00
PropAddress:	3906 VESTA DRIVE		
Owner's	JERRY ELLISBERG	Owner's Phone:	919-845-8544
Contractor	Contractor's Phone:		
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160944	Inside Town Limits	No
Issue date:	10/24/2016	Census tract:	PIN#: 1710-84-4504
Lot#:		Subdivision:	N/A Total cost: \$600.00
PropAddress:	1011 NEW RAND ROAD		
Owner's	BOBBY FOWLER	Owner's Phone:	
Contractor	Contractor's Phone:		
Type of Improvement:	Mechanical	Proposed Use	LP TO NATURAL GAS CON

Permit #:	2160945	Inside Town Limits	No
Issue date:	10/24/2016	Census tract:	PIN#: 1710-84-8455
Lot#:		Subdivision:	N/A Total cost: \$600.00
PropAddress:	1601 BENSON ROAD		
Owner's	BOB FOWLER, JR.	Owner's Phone:	
Contractor	Contractor's Phone:		
Type of Improvement:	Mechanical	Proposed Use	LP TO NATURAL GAS CON

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160949	Inside Town Limits	Yes
Issue date:	10/21/2016	Census tract:	PIN#:
Lot#:		Subdivision:	FOLEY STATION
PropAddress:	112 FOLEY DRIVE	Total cost:	\$5,800.00
Owner's	TERESA PEARL	Owner's Phone:	919-329-9811
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160950	Inside Town Limits	Yes
Issue date:	10/21/2016	Census tract:	PIN#:
Lot#:		Subdivision:	HEATHER WOODS
PropAddress:	500 HADRIAN DRIVE	Total cost:	\$7,998.00
Owner's	SCOTT & DONNA POWELL	Owner's Phone:	919-971-9748
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160952	Inside Town Limits	Yes
Issue date:	10/24/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	514 LAWDALE AVE	Total cost:	\$4,200.00
Owner's	DAVID SETZER	Owner's Phone:	919-795-1585
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160953	Inside Town Limits	Yes
Issue date:	10/24/2016	Census tract:	PIN#:
Lot#:		Subdivision:	GREENBRIER
PropAddress:	5021 WINTERLOCHEN ROAD	Total cost:	\$1,400.00
Owner's	WILLIAM R. NEWSOME	Owner's Phone:	919-772-3535
Contractor		Contractor's Phone:	
Type of Improvement:	Plumbing	Proposed Use	SEWER SERVICE

Permit #:	2160955	Inside Town Limits	Yes
Issue date:	10/26/2016	Census tract:	PIN#:
Lot#:	149	Subdivision:	HEATHER WOODS
PropAddress:	110 HAWKSBILL PLACE	Total cost:	\$17,000.00
Owner's	JOHN GOOCH	Owner's Phone:	
Contractor	MICHAEL LEE JOHNSON	Contractor's Phone:	919-894-6040
Type of Improvement:	Alteration	Proposed Use	SINGLE FAMILY DWELLIN

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160956	Inside Town Limits	No
Issue date:	10/28/2016	Census tract:	PIN#: 1720-14-9045
Lot#:	3	Subdivision:	FOX HAVEN Total cost: \$9,100.00
PropAddress:	226 FOX WALK PATH		
Owner's	DON MCMILLAN	Owner's Phone:	
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160957	Inside Town Limits	Yes
Issue date:	10/24/2016	Census tract:	PIN#:
Lot#:		Subdivision:	GREENBRIER Total cost: \$8,500.00
PropAddress:	700 WINTERLOCHEN ROAD		
Owner's	WILLIAM RECTOR	Owner's Phone:	919-772-9341
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160958	Inside Town Limits	Yes
Issue date:	10/24/2016	Census tract:	PIN#:
Lot#:		Subdivision:	LAKEMOOR Total cost: \$5,350.00
PropAddress:	2216 CUSHENDUN LANE		
Owner's	GEORGE LEMONS	Owner's Phone:	919-662-7260
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160959	Inside Town Limits	Yes
Issue date:	10/27/2016	Census tract:	PIN#: 1700-83-0524
Lot#:		Subdivision:	BREEZEWAY Total cost: \$26,255.00
PropAddress:	105 LUXORWIND DRIVE		
Owner's	CARL PIGFORD	Owner's Phone:	919-818-5210
Contractor	PORCH CONVERSION	Contractor's Phone:	910-777-3363
Type of Improvement:	Addition	Proposed Use	SCREENED PORCH

Permit #:	2160960	Inside Town Limits	Yes
Issue date:	10/27/2016	Census tract:	PIN#: 1710-44-8176
Lot#:	24	Subdivision:	MALIBU VALLEY Total cost: \$60,800.00
PropAddress:	1506 HARTH DRIVE		
Owner's	DERRICK ANDREWS	Owner's Phone:	919-264-9659
Contractor	EMERGENCY RECONSTRUCTION	Contractor's Phone:	919-713-0751
Type of Improvement:	Repair	Proposed Use	SINGLE FAMILY DWELLIN

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160961	Inside Town Limits	No
Issue date:	10/25/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	7521 BRYAN ROAD	Total cost:	\$5,500.00
Owner's	JERRY SNEAD	Owner's Phone:	919-522-1978
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160963	Inside Town Limits	No
Issue date:	10/26/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	905 VERNON STREET	Total cost:	\$11,229.00
Owner's	BETTY BURNS	Owner's Phone:	919-771-1014
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	CHANGE OF SERVICE

Permit #:	2160964	Inside Town Limits	Yes
Issue date:	10/26/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	1217 CURTISS DRIVE	Total cost:	\$3,500.00
Owner's	RICHARD RIANO	Owner's Phone:	919-219-3886
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	CHANGE OF SERVICE

Permit #:	2160965	Inside Town Limits	No
Issue date:	10/26/2016	Census tract:	PIN#:
Lot#:		Subdivision:	CAMELOT
PropAddress:	222 LANE OF SIR GAWAINE	Total cost:	\$7,494.00
Owner's	KATHEY HAIR	Owner's Phone:	919-662-7260
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160966	Inside Town Limits	Yes
Issue date:	10/27/2016	Census tract:	PIN#:
Lot#:		Subdivision:	BREEZEWAY
PropAddress:	120 LUXORWIND DRIVE	Total cost:	\$8,500.00
Owner's	DEBORAH KING HARRIS	Owner's Phone:	919-302-5747
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160967	Inside Town Limits	Yes
Issue date:	10/28/2016	Census tract:	PIN#:
Lot#:		Subdivision:	EAGLE RIDGE
PropAddress:	612 SEASTONE STREET	Total cost:	\$10,120.00
Owner's	MICHAEL DETURO	Owner's Phone:	919-342-7395
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permit #:	2160968	Inside Town Limits	Yes
Issue date:	10/27/2016	Census tract:	PIN#:
Lot#:		Subdivision:	HEATHER HILLS
PropAddress:	1304 CLAYMORE DRIVE	Total cost:	\$100.00
Owner's	GARY WELLS	Owner's Phone:	919-272-1974
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	SINGLE FAMILY DWELLIN

Permit #:	2160969	Inside Town Limits	Yes
Issue date:	10/27/2016	Census tract:	PIN#:
Lot#:		Subdivision:	VAN STORY HILLS
PropAddress:	102 BELCROSS COURT	Total cost:	\$6,895.00
Owner's	RONALD YOUNG	Owner's Phone:	919-412-2317
Contractor		Contractor's Phone:	
Type of Improvement:	Plumbing	Proposed Use	PLUMBING

Permit #:	2160970	Inside Town Limits	No
Issue date:	10/28/2016	Census tract:	PIN#:
Lot#:		Subdivision:	CAMELOT
PropAddress:	206 LANE OF SIR GALLAHAD	Total cost:	\$1,000.00
Owner's	LOLITA BROWN	Owner's Phone:	919-630-2749
Contractor		Contractor's Phone:	
Type of Improvement:	Electrical	Proposed Use	CHANGE OF SERVICE

Permit #:	2160971	Inside Town Limits	Yes
Issue date:	10/28/2016	Census tract:	PIN#:
Lot#:		Subdivision:	EAGLE RIDGE
PropAddress:	173 ST. MELLION ST	Total cost:	\$10,000.00
Owner's	PATRICIA SOBERO	Owner's Phone:	919-803-8271
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM

Permits Issued From 10/01/2016 To 10/31/2016

Permit #:	2160976	Inside Town Limits	Yes
Issue date:	10/28/2016	Census tract:	PIN#:
Lot#:		Subdivision:	N/A
PropAddress:	300 HAYWOOD STREET		
Owner's	RALEIGH CARRIE	Owner's Phone:	919-661-4798
Contractor		Contractor's Phone:	
Type of Improvement:	Mechanical	Proposed Use	MECHANICAL REPLACEM
		Total cost:	\$6,200.00

Permit #:	2160978	Inside Town Limits	Yes
Issue date:	10/31/2016	Census tract:	PIN#: 1710-85-1508
Lot#:	48	Subdivision:	BAINBRIDGE
PropAddress:	102 TOTTINGHAM COURT		
Owner's	BRIDGET & CLAVIN HURDLE	Owner's Phone:	252-395-0781
Contractor	CHARLES GIGLIO	Contractor's Phone:	919-438-7017
Type of Improvement:	Alteration	Proposed Use	SINGLE FAMILY DWELLIN
		Total cost:	\$1,600.00

Total Number of Permits on Repor 82
Total Construction Value \$3,086,698.00