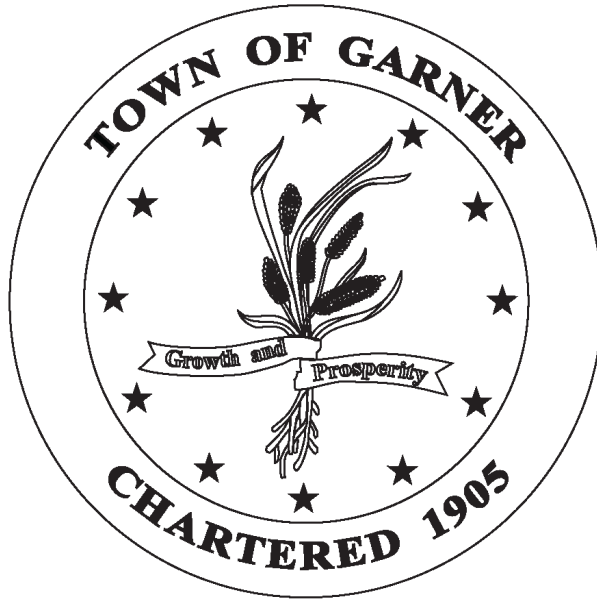


TOWN OF GARNER



Town Council Regular Meeting

June 16, 2020
7:00 p.m.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Agenda
June 16, 2020**

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

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

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

- B. PLEDGE OF ALLEGIANCE: Mayor ProTem Kathy Behringer

- C. INVOCATION: Mayor ProTem Kathy Behringer

- D. PETITIONS AND COMMENTS

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

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

1. Recognition of Helen Sturdivant Phillips.....Page 6

- G. CONSENT

1. Budget Amendment – Fiscal Year Closeout.....Page 7
Presenter: David Beck, Finance Director

As we prepare to close the books on fiscal year 2019-20, there are a number of revenue and expenditure line items that need to be amended to approximate actual levels for the year. Some expenditure lines are being increased to ensure that departments have adequate funding to finish out the year. Several of these line items are outside the control of the Town and we often need to update our initial budget estimates for these expenses. Examples of these line items include our contract with Wake County for tax collections, curbside recycling fees, landfill charges, and supplies/services related to the COVID-19 pandemic.

Action: Consider adopting Ordinance (2020) 4055

2. NC DOT Planning Grant Initiative.....Page 10
Presenter: Gaby Lontos-Lawler, Senior Planner-Transportation

An update to the NCDOT Planning Grant Initiative Program application process and recommendations for completing application for FY2020 Pedestrian Planning Grant technical assistance funds.

Action: Consider adopting Resolution (2020) 2414

3. Renewal of 120 E. Main Street Lease with DGA.....Page 14
Presenter: Mari Howe, Downtown Development Manager

The 2018 lease between the Town and the Downtown Garner Association for town-owned property at 120 E. Main St. will expire on June 30, 2020. Town Economic Development staff request that Town Council approve renewal of the lease for 5 years, to expire on June 30, 2025. No significant changes have been made to the original lease terms.

Action: Consider approving renewal of 120 E. Main St. Lease to DGA for 5 years

4. Corporal Job Title.....Page 20
Presenter: Joe Binns, Interim Police Chief

Addition of corporal job title to position classification system.

Action: Consider approving position title to job classification system

5. Council Meeting Minutes.....Page 21
Presenter: Stella Gibson, Town Clerk

Council meeting minutes from May 19 and May 26, special meeting minutes from May 20, and closed session meeting minutes from May 19, 2020.

Action: Consider approving minutes

H. PUBLIC HEARINGS

1. SUP-SP-19-19: Oak City Academy.....Page 32
Presenter: Alison Jones, Planner II

This request is for a private school at 1057 Benson Road consisting of five classroom buildings totaling 24,620 square feet. The site is currently zoned Residential-20 and Office & Institutional. Private schools are permitted in those districts with a Special Use Permit. The Planning Commission heard this item at its May 18 meeting and voted unanimously in favor of the project.

Action: Consider approving the Special Use Permit with conditions

2. CUD-Z-19-10 & CUP-SP-19-25, Hudson's Hardware.....Page 46
Presenter: David Bamford, Planning Services Manager & Stacy Harper, Principal Planner

Hudson's Hardware is requesting conditional use rezoning and site plan approval for the addition of a 5,000 sf storage building. The requested rezoning is Service Business Conditional Use District 223 (SB C223). The property is located at the northeast corner of US 70 HWY W and Benson Road - Wake County PINs 1711-42-9564 & the rear portion of 1711-52-2730.

Action: Consider adopting Ordinance (2020) 4056

3. (ANX 20-01) Capaforte, Sherman, and Starling Properties –
Satellite annexation.....Page 72
Presenter: David Bamford, Planning Services Manager

Satellite annexation: 125, 145, 165 Cedarcroft Drive, and 2306 Vandora Springs Rd; Wake County PINs #: 1700469863, 1700469467, 1700469168, and 1700459940; Real Estate IDs 0027663, 0471294, 0471293, and 0467264; 10.47 +/- acres recorded as Lots 1RA, 2R1, 3R, and 4R in Book of Maps 2020, Page 509, also including 0.38 +/- acres within the Vandora Springs Rd right-of-way, totaling 10.85 +/- acres.

Action: Consider adopting Ordinance (2020) 4057

4. (ANX 20-02) 110 Rupert Rd – Contiguous annexation.....Page 78
Presenter: David Bamford, Planning Services Manager

Contiguous annexation: 110 Rupert Rd; Wake County PIN #:0791955612; Real Estate ID 0156374; 2.19 +/- acres recorded as Lot 7 in Book of Maps 1986, Page 930.

Action: Consider adopting Ordinance (2020) 4058

5. (ANX 20-05) Del Toro – Satellite annexation.....Page 83
Presenter: David Bamford, Planning Services Manager

Satellite annexation: Creech Rd property; Wake County PIN #:1711890602; Real Estate ID 0013236; 14.82 +/- acres recorded as Lot 4 in Book of Maps 1967, Page 61.

Action: Consider adopting Ordinance (2020) 4059

6. (ANX 20-09) 8300 Bryan Rd – Satellite annexation.....Page 88
Presenter: David Bamford, Planning Services Manager

Satellite annexation: 8300 Bryan Rd; Wake County PIN #:1629166775; Real Estate ID 0406547; 3.01 +/- acres recorded as Lot 3 in Book of Maps 2011, Page 657.

Action: Consider adopting Ordinance (2020) 4060

7. (ANX 20-10) 2337 US HWY 70 E – Satellite annexation.....Page 94
Presenter: David Bamford, Planning Services Manager

Satellite annexation: 2337 US HWY 70 E; Wake County PIN #:1730939155; Real Estate ID 0108080; 12.8 +/- acres recorded as Lot 1 in Book of Maps 2019, Page 1273.

Action: Consider adopting Ordinance (2020) 4061

8. (ANX 20-11) 900 Maxwell Drive – Satellite annexation.....Page 100
Presenter: David Bamford, Planning Services Manager

Satellite annexation: 900 Maxwell Drive; Wake County PIN #:1701347632; Real Estate ID 0472652; 0.623 +/- acres recorded as Lot 1 in Book of Maps 2019, Page 2130.

Action: Consider adopting Ordinance (2020) 4062

9. (ANX 20-12) Long Avenue Vacant Parcels –
Contiguous and satellite annexation.....Page 106
Presenter: David Bamford, Planning Services Manager

Contiguous and satellite annexation: 901, 903, 907, 909, 911, and 913 Long Avenue; Wake County PINs #:1710976113, 1710975283, 1710966934, 1710975573, 1710976024, and 1710975481; Real Estate ID 0080229, 0080228, 0080230, 0080231, 0080232, and 0080233; 3.23 +/- acres recorded as Lots 52, 53, 55, 56, 57, and 58 in Book of Maps 1962, Page 148.

Action: Consider adopting annexation Ordinances (2 Ordinances attached - one satellite annexation and one contiguous) - Satellite Annexation – Ordinance (2020) 4063
Contiguous Annexation – Ordinance (2020) 4064

I. NEW/OLD BUSINESS

1. Adoption of the FY 2020-2021 Budget.....Page 114
Presenter: Mike Franks, Budget Manager

Ordinance adopting the FY2020-2021 budget and supporting documents.

Action: Consider adopting Ordinance (2020) 4065

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. Garner info
2. Building & Permit Report
3. Garner Police Conversation

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURNMENT

PROCLAMATION

WHEREAS, Helen Sturdivant Phillips moved to Garner in 1948 and during that time was known throughout the Garner community as an ambassador for social equality, the voice of the underserved, and was affectionately known as the Mayor of New Rand Road; and

WHEREAS, Helen was a wife and mother of eight who worked as a housekeeper in the Raleigh Public School system and at NC State University; and

WHEREAS, Helen proudly raised her children in Garner, and stressed the importance of education and participation in the political process; and

WHEREAS, Helen was recognized by the Garner community as a recipient of the James R. Stevens award winner in 2001, the first African-American woman to do so, for her substantial contributions to the Town; and was later featured on Mayor Ronnie Williams' show, "Great People in Garner" in 2015; and

WHEREAS, Helen volunteered on the MLK Committee to recognize individuals that exemplified the ideals of Martin Luther King, Jr., such as racial equality, righteousness and service to your neighbor---much of the same attributes that she possessed; and

WHEREAS, Helen served on the Garner Concerned Citizens United to promote fairness and social justice for all, she had a keen awareness of what was going on around her and was highly respected by people of all races as she sought to maintain good race relations; and

WHEREAS, Helen was an ambassador for New Rand Road and attended Town Council meetings to advocate for resurfacing, sidewalks, aesthetic improvements and development concerns related to the character of the community;

NOW, THEREFORE, I, Ken Marshburn, Mayor of the Town of Garner, do hereby proclaim, June 16, 2020 as

HELEN STURDIVANT PHILLIPS DAY

FURTHER, the Mayor and Town Council, do hereby recognize her service to the Garner community at large and honor her life as a faithful servant to God and her neighbors.



In Witness Whereof, I have hereunto set my hand and cause the Great Seal of the Town of Garner, North Carolina to be affixed the 16th day of June 2020.

Ken Marshburn
Ken Marshburn, Mayor

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|--|--|
| Meeting Date: June 16, 2020 | | |
| Subject: Budget Amendment - Fiscal Year Closeout | | |
| Location on Agenda: Consent | | |
| Department: Finance | | |
| Contact: David C. Beck, Finance Director | | |
| Presenter: David C. Beck, Finance Director | | |
| Brief Summary: As we prepare to close the books on fiscal year 2019-20, there are a number of revenue and expenditure line items that need to be amended to approximate actual levels for the year. Some expenditure lines are being increased to ensure that departments have adequate funding to finish out the year. Several of these line items are outside the control of the Town and we often need to update our initial budget estimates for these expenses. Examples of these line items include our contract with Wake County for tax collections, curbside recycling fees, landfill charges, and supplies/services related to the COVID-19 pandemic. | | |
| Recommended Motion and/or Requested Action: Consider adopting Ordinance (2020) 4055 | | |
| Detailed Notes: | | |
| Funding Source: Budget additional revenues and move expenditure budgets | | |
| Cost: \$161,780 | One Time: <input checked="" type="radio"/> | Annual: <input type="radio"/> No Cost: <input type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | DCB | |
| Finance Director: | DCB | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

ORDINANCE NO. (2020) 4055

ORDINANCE AMENDING ORDINANCE NO. (2019) 3982 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Revenue Amendment Request

| ACCOUNT NUMBER | DESCRIPTION | PROJECT | CURRENT BUDGET | REVENUE CHANGE | REVISED BUDGET |
|-----------------|------------------------------|---------|----------------|----------------|----------------|
| 10309000-496910 | Appropriated F/B Powell Bill | | \$ 278,497 | \$ (160,720) | \$ 117,777 |
| 10305000-465030 | Misc. Revenue | | \$ 34,856 | \$ 60,000 | \$ 94,856 |
| 10309000-476010 | Sale of Fixed Assets | | \$ 45,000 | \$ 50,000 | \$ 95,000 |
| 10309000-496900 | Appropriated Fund Balance | | \$ 2,475,817 | \$ 212,500 | \$ 2,688,317 |

TOTAL REVENUE INCREASE (DECREASE) \$ 161,780.00

Expenditure Amendment Request

| ACCOUNT NUMBER | DESCRIPTION | PROJECT | CURRENT BUDGET | EXPENDITURE CHANGE | REVISED BUDGET |
|-----------------|-------------------------------------|---------|----------------|--------------------|----------------|
| 10561500-537400 | Equipment | | \$ 392,162 | \$ (160,720) | \$ 231,442 |
| 10441000-510600 | Group Insurance | | \$ 59,389 | \$ 10,000 | \$ 69,389 |
| 10441000-521000 | Professional Services | | \$ 54,300 | \$ 20,000 | \$ 74,300 |
| 10441000-524310 | Contract Services - Tax Collections | | \$ 79,234 | \$ 20,000 | \$ 99,234 |
| 10444000-548020 | Auto Supplies - Purchases | | \$ - | \$ 20,000 | \$ 20,000 |
| 10444000-548030 | Gas - Purchases | | \$ - | \$ 5,000 | \$ 5,000 |
| 10470000-510220 | Salaries - Temp | | \$ 118,700 | \$ (30,000) | \$ 88,700 |
| 10470000-524300 | Contract Services | | \$ 7,323 | \$ 30,000 | \$ 37,323 |
| 10491000-510600 | Group Insurance | | \$ 41,115 | \$ 7,500 | \$ 48,615 |
| 10491000-521150 | Telephone | | \$ 92,544 | \$ 10,000 | \$ 102,544 |
| 10511000-510200 | Salaries - Temp | | \$ 4,522,132 | \$ 20,000 | \$ 4,542,132 |

| | | | | | |
|-----------------------|-----------------------|----------|------------|-------------|------------|
| 10511000-510210 | Salaries - Overtime | | \$ 62,428 | \$ 15,000 | \$ 77,428 |
| 10511000-510220 | Salaries - Temp | | \$ 90,000 | \$ (25,000) | \$ 65,000 |
| 10511000-510235 | Outside Employment | | \$ 225,000 | \$ (25,000) | \$ 200,000 |
| 10511000-510600 | Group Insurance | | \$ 888,310 | \$ (10,000) | \$ 878,310 |
| 10531000-524300 | Contract Services | | \$ 61,600 | \$ 40,000 | \$ 101,600 |
| 10563000-524430 | Curbside Recycling | | \$ 310,688 | \$ 25,000 | \$ 335,688 |
| 10563000-524700 | Landfill Charges | | \$ 26,000 | \$ 30,000 | \$ 56,000 |
| 10602000-525400 | Insurance & Bonds | | \$ 241,068 | \$ 45,000 | \$ 286,068 |
| 10602000-510601 | Dental Claims | | \$ - | \$ 100,000 | \$ 100,000 |
| 10604000-524356-15001 | Disaster Expenditures | COVID-19 | \$ - | \$ 15,000 | \$ 15,000 |
| | | | | | |

TOTAL EXPENDITURE INCREASE (DECREASE)

\$ 161,780.00

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

Duly adopted this 16th day of June 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: NCDOT Planning Grant Initiative | | |
| Location on Agenda: Consent | | |
| Department: Planning | | |
| Contact: Gaby Lontos-Lawler, Senior Planner-Transportation | | |
| Presenter: Gaby Lontos-Lawler, Senior Planner-Transportation | | |
| Brief Summary: An update to the NCDOT Planning Grant Initiative Program application process and recommendations for completing application for FY2020 Pedestrian Planning Grant technical assistance funds. | | |
| Recommended Motion and/or Requested Action: Consider adopting Resolution (2020) 2414 | | |
| Detailed Notes: At the May work session meeting, Town Council authorized Planning staff to prepare a Pedestrian Planning Grant application for the Town to submit to the NCDOT Planning Grant Initiative Program FY2020 cycle. This item will provide an update to the NCDOT Planning Grant Initiative Program application process, which includes Staff presented an overview of the Planning Grant Initiative program, schedule and application process at the April work session. Additionally, staff clarified the benefits in applying for the FY2020 Grant cycle, and addressed Town Council's questions at the May 26 work session. | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JST | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

Planning Department Memorandum

TO: Mayor and Town Council Members

FROM: Gaby Lontos-Lawlor; Senior Planner

SUBJECT: ***NCDOT Planning Grant Initiative Resolution***

DATE: June 10, 2020

BACKGROUND/SUMMARY

Staff presented an overview of the NCDOT Planning Grant Initiative program, schedule and application process at the April work session meeting. Additionally, staff clarified reasoning behind applying for the FY2020 Grant cycle and addressed Town Council's questions at the May 26 work session meeting. At the conclusion of staff's presentation at the May work session, Town Council indicated support of the initiative and authorized staff to prepare a Pedestrian Planning Grant application. The presentation slides from the previous work session meetings are provided as attachment to this memorandum.

PEDESTRIAN PLANNING GRANT APPLICATION

Estimated Costs

NCDOT provides cost estimates, based on average costs throughout the history of the program, that vary depending on the type of plan and a municipality's size. Based on this, staff anticipates the consultant cost to develop a comprehensive pedestrian plan will range between \$55,000 and \$70,000.

The Program has a matching grant formula determined by municipal population. For the Town of Garner, the cost split would be 70% NCDOT participation and 30% local participation. Based on the cost estimate and NCDOT's match, the Town should budget between \$16,500 and \$21,000.

Municipalities will be notified of award in the Fall (October/November 2020) and NCDOT will issue notice to proceed in February/April 2021; as such, these funds would not need to be budgeted until FY2022

Resolution

One of the application requirements is that candidates adopt resolutions in support of the municipalities' request for grant funding through the NCDOT Planning Grant Initiative Program. To that end, a resolution has been drafted and is included as an attachment to this memorandum.

COUNCIL ACTION

Council adoption of resolution supporting the Town's Pedestrian Planning Grant

RESOLUTION NO. (2020) 2414

RESOLUTION FOR SUPPORT OF THE NCDOT BICYCLE AND PEDESTRIAN PLANNING GRANT APPLICATION

WHEREAS, the North Carolina Department of Transportation's (NCDOT's) Division of Bicycle and Pedestrian Transportation and Transportation Planning Branch provides funding and technical assistance to develop bicycle and/or pedestrian plans; and

WHEREAS, the NCDOT may provide grant funding along with matching monies from the Town of Garner to develop a comprehensive pedestrian plan for the Town of Garner; and

WHEREAS, the Capital Area Metropolitan Planning Organization (CAMPO), which serves the Town of Garner, has provided endorsement of the Town of Garner's Pedestrian Planning Grant Application; and

WHEREAS, the Town of Garner is committed to improving pedestrian infrastructure, walkability, and connectivity within the Town; and

WHEREAS, the Town of Garner recognizes the need for a comprehensive pedestrian plan;

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF GARNER hereby adopts this resolution of support for the NCDOT Bicycle and Pedestrian Planning Grant Application.

Duly adopted this the 16th day of June 2020.

Ken Marshburn, Mayor

ATTEST:

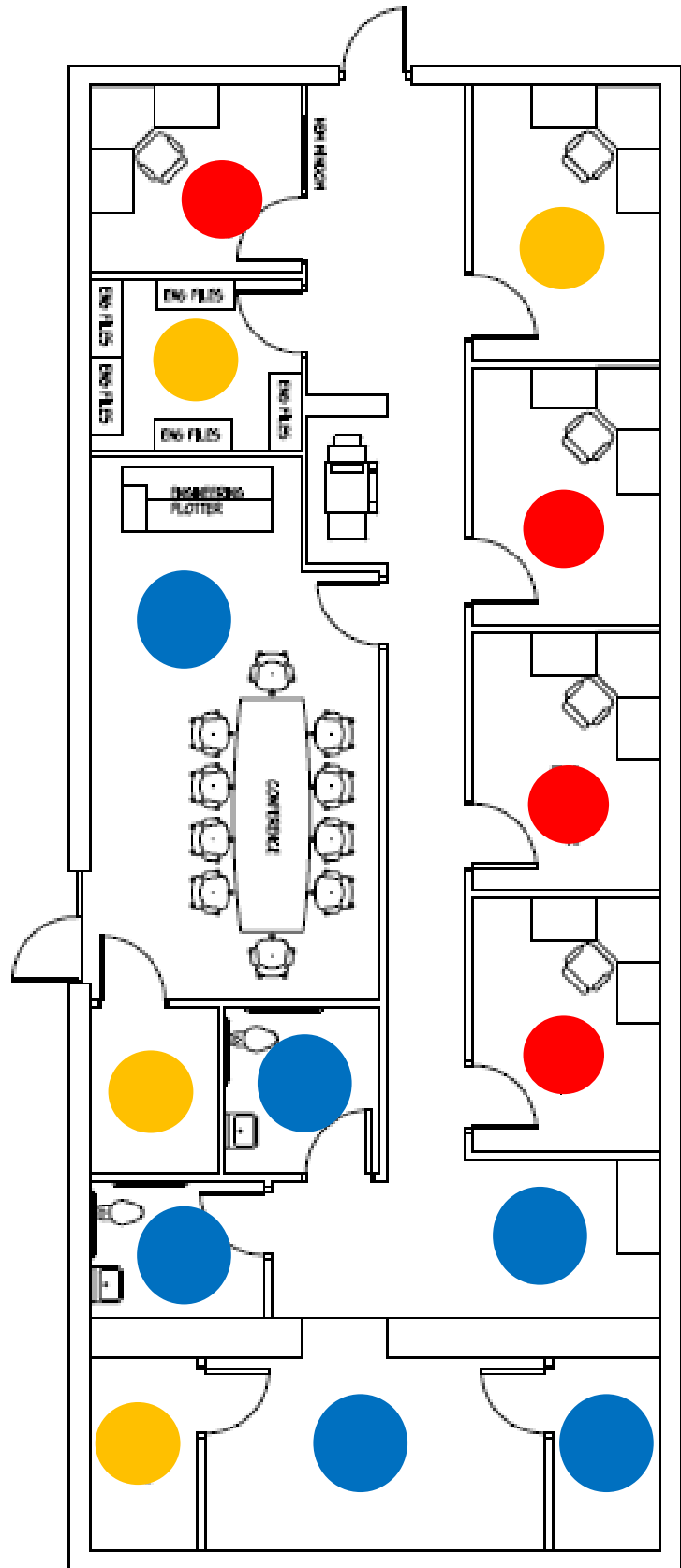
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: Renewal of 120 E. Main St. Lease with DGA | | |
| Location on Agenda: Consent | | |
| Department: Economic Development | | |
| Contact: Mari Howe, Downtown Development Manager | | |
| Presenter: Mari Howe, Downtown Development Manager | | |
| Brief Summary: The 2018 lease between the Town and the Downtown Garner Association for town-owned property at 120 E. Main St. will expire on June 30, 2020. Town Economic Development staff request that Town Council approve renewal of the lease for 5 years, to expire on June 30, 2025. No significant changes have been made to the original lease terms. | | |
| Recommended Motion and/or Requested Action: Approve renewal of 120 E. Main St. Lease to DGA for 5 years | | |
| Detailed Notes: | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | MH | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

Appendix A

- Shared Space
- Tenant Dedicated Leased Space
- Space Retained by Town of Garner/Designee



NORTH CAROLINA

WAKE COUNTY

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this _____ day of _____, 2020, by and between TOWN OF GARNER, Lessor, ("the Town") and GARNER REVITALIZATION ASSOCIATION, d/b/a/ DOWNTOWN GARNER ASSOCIATION ("DGA"), Lessee,

WITNESSETH

Whereas, the Town desires to enhance the Town's economic development efforts and downtown district by providing affordable workspace to encourage companies to locate and grow in the Garner community; and

Whereas, the Town owns improved real property located at 120 East Main Street Garner, NC 27529, previously utilized as a police substation and subsequently as administrative office space for Garner Volunteer Fire & Rescue;

Whereas, 120 East Main Street is located in the Garner Downtown District, a target investment area for the Town of Garner, and is an ideal location to nurture the growth of startup companies; and

Whereas, the Town proposes to utilize 120 East Main Street space for joint use, as office space for the Downtown Development Manager and for business development space to be managed by DGA, including either a business incubator developed and managed by DGA with the advice and approval of the Downtown Development Manager, or lease to a start-up company with potential for future Garner expansion, or co-working space, or a combination of the three;

Now, therefore, in consideration of the rent to be paid, community outreach to be performed by Lessee, the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged by the parties hereto, the Town hereby leases to DGA certain office space within 120 East Main Street Garner, NC 27529 (see Appendix A), pursuant to the terms and conditions hereinafter set forth:

1. TERM. The Lessee's lease of the described portion of the office space at 120 East Main Street shall extend from the date of this agreement to June 30, 2025.
2. PREMISES. The premises hereby leased include the following:
 - a. The office spaces highlighted in Appendix A;
 - b. The lobby, conference room, kitchenette, and restroom areas of the building are to be shared between the tenants of 120 East Main Street. Lessee shall adhere to all standards and rules established by the Downtown Development Manager for scheduling and upkeep of these common areas;
 - c. Certain furniture located in the office spaces made available to Lessee.
 - d. The Town reserves the exclusive right to undertake renovations and improvements within its sole judgment.

3. **USE BY LESSEE AND SUB-LESSEE.** DGA may develop provisions for use of the leased space consistent with the goals, purposes and terms of this lease, requiring entrepreneurial community service such as mentoring other entrepreneurs and participating in the Trojan Business Alliance, subject to approval by the Downtown Development Manager. DGA's sublease shall be consistent with and subject to this lease with respect to the rights and duties of the occupants of the building. It is understood that the Lessee shall have access to and the right to sublease the described portions of 120 East Main Street building including assigned office spaces, kitchenette, toilets, common area and walkways, within during normal working hours, and for such evening hours as may be approved by the Downtown Development Manager, and access to the conference room as scheduled by the Downtown Development Manager.
4. **LEASE RATE.** The rent payable to the Town by DGA shall be in the amount of \$1.00 per year for the lease term.
5. **MAINTENANCE.**
 - a. The Town shall be responsible for all maintenance of the building, including areas leased herein, except to the extent that the Lessee agrees to clean up after Lessee use and functions. Maintenance of the building to be performed by the Town includes all maintenance of structural, mechanical, electrical, plumbing, roof, exterior and interior finishes necessary to maintain the building in a habitable and useable condition for general office purposes, provide cleaning and janitorial services. The Town will provide utilities: water, sewer, electricity and gas.
 - b. The Lessee shall provide internet and telephone to be used by others than the Downtown Development Manager and/or any other staff or agents of the Town who might use the facility. The Lessee agrees to keep the building, including structural, mechanical, electrical, plumbing, roof, exterior and interior finishes and supports in good, habitable, marketable, and rentable condition, to be determined in the reasonable exercise of the discretion of the Downtown Development Manager, normal obsolescence, wear and tear excepted.
 - c. In the event that Lessee causes damage or fails to timely report maintenance issues, such that Town is required to undertake any expenses for maintenance or repairs or for payment of expenses in order to maintain the facility in a useable and open status, then the Town is entitled to render a bill to Lessee for said expenses paid by it, and to be reimbursed for the same within sixty (60) days of presentation of the same.
6. **EARLY TERMINATION.** Lessee and The Town shall have, at their sole discretion, the right to terminate this Agreement by providing a ninety (90) day written Termination Notice to the other party.

7. **DESTRUCTION OF BUILDING.** If the building is destroyed or damaged such that the building rendered commercially impractical, this Agreement shall thereupon terminate, and both the Lessee and Town shall be fully relieved of all obligations established by this Agreement.
8. **PERSONAL INJURY.** Lessee agrees to indemnify and hold harmless the Town as to all claims, causes of actions, costs, or damages asserted against it by its occupants, guests, employees and other users, occupants, permittees, licensees, or trespassers in connection with the functions of the building, save and except where there is adjudged to have been negligence on the part of the Town which caused or contributed to such injury or death.
9. **SEVERABILITY.** Each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. If any provision of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, then such provision shall be deemed to be replaced by the valid and enforceable provision most substantively similar to such invalid or unenforceable provision, and the remainder of this Agreement and the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby.
10. **GOVERNING LAW AND FORUM.** This Agreement shall be governed by the laws of the State of North Carolina. Any lawsuit arising out of this lease shall be filed in Wake County, North Carolina.
11. **COMPLETE AGREEMENT.** This written Agreement contains the complete agreement of the parties with reference to the leasing of 120 East Main Street. No waiver of any breach of covenant herein shall be construed as a waiver of the covenant itself or any subsequent breach thereof.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement by their duly authorized representatives as of the day and year first above written.

TOWN OF GARNER

BY:

Town Manager

ATTEST:

Town Clerk

GARNER REVITALIZATION ASSOCIATION,
D/B/A DOWNTOWN GARNER ASSOCIATION

By:

Title: _____

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: Corporal Job Title | | |
| Location on Agenda: Consent | | |
| Department: Human Resources | | |
| Contact: BD Sechler, Human Resources Director | | |
| Presenter: Joe Binns, Interim Police Chief | | |
| Brief Summary: The Police Department has submitted justification to eliminate the use of platoon leaders and replace those job responsibilities with the formal job title of corporal. Both human resources and the Town Manager have reviewed and are in support of this modification. New job titles being added to the position classification system require Council approval. | | |
| Recommended Motion and/or Requested Action: Consider approving position title to job classification system | | |
| Detailed Notes: | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input 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: June 16, 2020 | | |
| Subject: Council Meeting Minutes | | |
| Location on Agenda: Consent | | |
| Department: Administration | | |
| Contact: Stella Gibson, Town Clerk | | |
| Presenter: Stella Gibson, Town Clerk | | |
| Brief Summary: Council meeting minutes from May 19 and May 26, special meeting minutes from May 20, and closed session meeting minutes from May 19, 2020. | | |
| Recommended Motion and/or Requested Action: Consider approving minutes | | |
| Detailed Notes: | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | sg | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Town Council Meeting Minutes
June 1, 2020**

This regular meeting of the Town Council was conducted electronically.

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

Present: Mayor Ken Marshburn, Mayor ProTem Kathy Behringer, Council Members Demian Dellinger, Phil Matthews, Elmo Vance and Gra Singleton

Staff Present: Rodney Dickerson- Town Manager, Matt Roylance- Asst. Town Manager-Operations, John Hodges-Asst. Town Manager Development Services, Rick Mercier-Communications Manager, Mike Franks-Budget & Special Projects Manager, Joe Binns-Interim Police Chief, David Beck-Finance Director, Gaby Lontos-Lawler-Senior Planner-Transportation, David Bamford-Planning Services Manager, BD Sechler-Human Resources Director, Sonya Shaw-PRCR Director, Fred Baggett-Interim Town Attorney and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Gra Singleton

INVOCATION: Council Member Gra Singleton

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Motion: Matthews
Second: Behringer
Vote: 5:0

PRESENTATIONS

CONSENT

Authorization for Wake County to Levy and Collect Town of Garner Property Tax

Presenter: David C. Beck, Finance Director

This resolution authorized the Wake County Tax Administrator to levy and collect property taxes for the Town of Garner for the FY 2020-2021 budget year.

Action: Adopted Resolution (2020) 2410

Budget Amendments

Presenter: David Beck, Finance Director

The 2019-20 budget included an appropriation of \$163,500 for the purchase of various IT items out of the capital reserve set aside for this purpose. The items have been purchased and this transfer moves the funds into the IT departmental budget to cover the actual cost of the items.

Action: Adopted Ordinance (2020) 4051

Annexation Petitions

Presenter David Bamford, Planning Services Manager

- a. ANX 20-01- Annexation petition for 10.85-acres along Vandora Springs Rd (water / sewer connection)
- b. ANX 20-02- Annexation petition for 2.19-acres at 110 Rupert Road (water / sewer connection)
- c. ANX 20-05- Annexation petition for 14.82-acres along Creech Road (water / sewer connection)
- d. ANX 20-09- Annexation petition for 3-acres at 8300 Bryan Road (water / sewer connection)
- e. ANX 20-10- Annexation petition for 12.8-acres at 2337 US 70 E (water / sewer connection)
- f. ANX 20-11- Annexation petition for 0.623-acres at 900 Maxwell Drive (water / sewer connection)
- g. ANX 20-12- Annexation petition for 3.2-acres along Long Avenue (water / sewer connection)

Action: Adopted Resolution (2020) 2411 setting these public hearings for June 16, 2020

Resolution Supporting Addition of Timber Dr East for State Maintenance System

Presenter: Gaby Lontos-Lawlor, Senior Planner-Transportation

This Resolution authorized the North Carolina Department of Transportation to process the petition to add Timber Drive East to the State Maintained Secondary Road System.

Action: Adopted Resolution (2020) 2412

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from the May 4, 2020 regular meeting, and the May 11, 2020 special and closed session meetings.

Action: Adopted minutes

PUBLIC HEARINGS

FY 2020 - 2021 Recommended Budget

Presenter: Mike Franks, Budget & Special Projects Manager

Town Council and the general public were provided an opportunity for discussion and input related to the FY 2020-2021 Recommended Budget. The budget was posted on-line via the following link <https://www.garnernc.gov/home/showdocument?id=8297>.

Action: Received comments

NEW/OLD BUSINESS

Amazon Operations Schedule Update and Request

Presenter: John Hodges, Assistant Town Manager - Development Services

Speaking on behalf of Amazon and Hillwood was Scott Martin, Adam Comtois, and Jessica Breayx.

Hillwood, the developer of the Amazon project, along with Amazon, are requesting a Temporary Certificate of Occupancy to begin staffing and stocking the distribution facility on June 21, 2020. Outbound shipments would begin soon after. A condition of the approved site plan included completion of the roadwork prior to operational building occupancy. The Jones Sausage Road improvements were delayed by utility relocations and other scheduling conflicts and will not be completed by the requested occupancy date.

Council discussed the issue of the proposed revised condition being open ended. Staff explained that no Certificate of Occupancy, will not be issued until all items required by the Town of Garner Building Department, are satisfied.

Council Member Dellinger stated a date certain and performance expectations should be submitted in writing and there should be consequences if that date is not met.

AT&T expects to have their lines moved by July 1; Amazon expects to have the roadwork completed by the end of August. Temporary road improvements should be in place by early August.

AT&T has committed to providing additional crews to expedite relocation of the lines.

Council Member Singleton stated the project was approved with conditions and those should be adhered to.

Mr. Martin stated they will work with staff to determine a date certain that is reasonable for the Town, Hillwood and Amazon. Mr. Martin also stated that in the list of conditions which were provided, there are quite a few things that are not required by the Special Use Permit, such as installing temporary signals (where they weren't necessary) and changes on how Amazon will operate. Mr. Martin added they are not asking Council to break their word, but for leniency on how completion of project would occur.

Mr. Comtois stated that throughout the year during construction, they had over 600 people on-site. Since they are proposing to stagger the amount of people coming and going, on June 21 when they launch, there will not be much more impact than what's already being seen through the construction period.

Ms. Breayx stated they recognize the work to be done regarding the infrastructure along Jones Sausage road. Work was done to work internally with the operations team regarding staggered shifts and ramping up(10 weeks) to try to limit impacts to the road. By extending the ramp up structure at or below the levels they are now, traffic on Jones Sausage Road should not change over the ramp up of the facility because time frame has been extended. Ms. Breayx added that in terms of working with Council on Special Session, Amazon will need to start hiring associates in early June/late May.

Action: Postpone to future meeting

Motion: Singleton
Second: Matthews
Vote: 5:0

Pay & Class and Pay Compression/Equity

Presenter: BD Sechler, Human Resources Director and Neville Kenning, Kenning Consulting

In October of 2019, the Town engaged Kenning Consulting to complete the Town's pay and class analysis (Option A) and to also complete a compression/equity study (Option B). Mr. Kenning advised the annualized financial impact for implementation of Option A is \$290,389 and \$455,485 for Option B. Mr. Dickerson stated staff was asking for Option A to be included in the budget and to revisit Option B at a later time.

Action: Consider the findings and recommendations and provide feedback

Discussion of July 3

Presenter: Sonya Shaw, PRCR Director

Ms. Shaw stated many municipalities were cancelling their July 3 celebration due to challenges relating to traffic, social distancing, crowd control, and public safety. Ms. Shaw advised one option to celebrate the holiday could be a virtual Independence Day Celebration led by Tim Stevens. The celebration could be viewed on the Town's PEG channel and social media outlets and could feature greetings from the Town Council as well as performances from past Broadway Voices shows, the 82nd Airborne Band, Salute to the Troops, etc. In addition, PRCR staff identified an aircraft which could fly a banner in a loop stretching across the four ends of Garner. The fireworks could be held later in the fall.

Action: Council consensus to move forward with the virtual Independence Day Celebration and the aircraft banner

COMMITTEE REPORTS

Council Member Dellinger stated he was impressed by the Parks presentation by McAdams.

MANAGER REPORTS

Garner info

ATTORNEY REPORTS

COUNCIL REPORTS

Singleton

- Thanked the Public Works Department for their work on the unrestricted Spring clean-up.

Vance, Matthews, Behringer, Dellinger

- Thanked the public servants for keeping us normal through this period.

Behringer

- Reported the radar trailer placed on Garner Road was effective and asked for the trailer to be put on Creech Road on Saturdays from 11:00 a.m. to 4:00 p.m.

Marshburn

- Reported this week was National Public Works Week.

- Reported there will be a graduation parade on the first Saturday in June to honor high school graduates. The Town was asked to assist with traffic control.

CLOSED SESSION

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

Council met in closed session and took no action.

RETURN TO REGULAR SESSION AND ADJOURN: 9:58 p.m.

DRAFT

**Town of Garner
Town Council Special Meeting Minutes
May 20, 2020**

The Council met in a special session at 9:00 a.m. in the Council Chambers located at 900 7th Avenue.

The sole purpose of this meeting was to discuss the FY2020 recommended budget.

Mayor Marshburn opened the meeting.

Present: Present: Mayor Ken Marshburn, Mayor ProTem Kathy Behringer, Council Members Demian Dellinger, Phil Matthews , Elmo Vance and Gra Singleton

Staff Present: Rodney Dickerson- Town Manager, Matt Roylance- Asst. Town Manager-Operations, John Hodges-Asst. Town Manager Development Services, Rick Mercier-Communications Manager, Mike Franks-Budget & Special Projects Manager, Joe Binns-Interim Police Chief, David Beck-Finance Director, Gaby Lontos-Lawler-Senior Planner-Transportation, David Bamford-Planning Services Manager, Forrest Jones-Public Works Director, Tony Beasley-Inspections Director, Fred Baggett-Interim Town Attorney and Stella Gibson-Town Clerk

Mr. Dickerson explained the process the Budget Team underwent to prepare the recommended budget.

An overview of the budget made by Mr. Franks is provided below:

- The recommended budget includes a tax rate of 48.71 centers per \$100 of assessed valuation which is a decrease of 7.29 cents. This rate is 2.5 centers above the revenue-neutral rate of 46.21 cents. On average, this rate would result in a \$4.80 monthly increase per household.
- As presented, the budget includes reductions of \$497,702, a 33% cut in merit pay, a \$120,000 reduction in resurfacing funding and fund balance of \$1,477,634.
- Only one the 42 decision packages were funded (a School Resource Officer at South Garner High School). Unfunded decision packages totaled \$2,497,267.

Council requested staff add renewal of the Town's Lobbyist as a 20% reduced amount to the proposed budget and provide financial scenarios for tax increases of 1.5% and 2%.

A special meeting will be held on June 3 to discuss further.

ADJOURN: 2:30 p.m.

**Town of Garner
Work Session Agenda Minutes
May 26, 2020**

This work session meeting of the Town Council was conducted electronically.

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

Present: Present: Mayor Ken Marshburn, Mayor ProTem Kathy Behringer, Phil Matthews , Gra Singleton, and Elmo Vance

Council Members Demian Dellinger was excused from the meeting at 6:24 p.m.

Staff Present: Rodney Dickerson- Town Manager, Matt Roylance- Asst. Town Manager-Operations, John Hodges-Asst. Town Manager Development Services, Rick Mercier-Communications Manager, Mike Franks-Budget & Special Projects Manager, Jeff Triezenberg-Planning Director, Gaby Lontos-Lawler-Senior Planner-Transportation, Chris Johnson-Town Engineer, Mari Howe-Downtown Development Manager, David Beck-Finance Director, Fred Baggett-Interim Town Attorney and Stella Gibson-Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

ADOPTION OF AGENDA

Mayor Marshburn requested to hear the NCDOT Planning Grant Initiative as the first item on the agenda.

Motion: Matthews
Second: Behringer
Vote: 5:0

PRESENTATIONS

DISCUSSION/REPORTS

NCDOT Planning Grant Initiative

Presenter: Jeff Triezenberg, Planning Director

Planning staff initially presented an overview of the NC DOT Bicycle and Pedestrian Planning Grant Initiative matching grant program at the April 21st Town Council meeting.

The deadline to apply for this grant cycle is June 30, 2020.

Advantages to submitting application in 2020 Grant Cycle:

Plan would be used in preparation for proposed bond referendum

Help advance sidewalk re-prioritization

Only two candidate applicants in CAMPO this round

Could be budgeted across two of Garner's fiscal years to reduce financial impact

Council Member Dellinger stated the data collection piece was important, but the larger concern is the lack of an up-to-date transportation plan. This grant is only allowed to touch pedestrian or bike portions.

The Town would be required to send the RFQ to a pre-qualified list provided by NC DOT. Based on the responses received from the RFQ, the Town could decide which firm to use.

A funding commitment would be needed (70/30 split).

A Resolution or letter of endorsement will be placed on a Council Meeting Consent agenda in June.

Action: Staff to move forward with gathering documentation for planning grant application and bring back to Council for formal action before the June 30 application deadline.

Motion: Singleton
Second: Vance
Vote: 4:0

Development Finance Initiative - Financial Feasibility Report

Presenter: Mari Howe, Downtown Development Manager and Matt Crook and Rory Dowling, UNC School of Government's Development Finance Initiative

DFI presented their final program recommendations for the Downtown Opportunity Site based on financial feasibility and site analysis. DFI reviewed the project and timeline, site analysis highlights, potential program considerations, financial analysis overview, and recommended next steps.

Council Member Singleton expressed concern regarding the number of parking spaces. Council also discussed the possibility of increasing the number of floors from three to four.

Action: DFI will work with staff regarding the possibility and options of adding a fourth floor to the building. DFI will also begin developing an RFP for site development.

Wake BRT: Southern Corridor Project Status Update

Presenter: Jeff Triezenberg, Planning Director

The Wake BRT: Southern Corridor and Wake BRT: Western Corridor are advancing on parallel tracks with the route selection phase. This work will help identify a Locally Preferred Alternative (LPA) for each corridor. Staff is continuing to work with our municipal stakeholders in Garner and Cary to coordinate LPA decision timeline. At this time, LPAs for both corridors are anticipated by Summer/Fall 2020 immediately followed by a Project Development application through Federal Transit Administration's Small Starts program. Once Project Development has been initiated, Wake BRT: Southern Corridor and Wake BRT: Western Corridor will begin 0 to 30 percent design and environmental documentation. The choices Garner will need to make will be minimal, but some may need more investment or development opportunity.

Action: Receive as information

Jones Sausage Road Project Status

Presenter: Gaby Lontos-Lawlor, Senior Planner

Early in 2019 staff developed a schedule for the planned improvements on Jones Sausage Road to help coordinate a future LAPP application and a potential bond referendum that would help fund this work.

The improvements on Jones Sausage Road are broken into two “phases.” Phase 1 refers to the widening of the road from south of the Amazon Fulfillment Center to Garner Road. Phase 2 includes the Garner Road and Jones Sausage Road intersection, the grade separation of the railroad, and the continuation of Jones Sausage Road Extension to US 70.

The Feasibility Study was completed through the first task order, which included a conceptual design for Phase 1 and Phase 2. The second task order will include work to complete the construction design for Phase 1, as well as 15% design for Phase 2.

The design work included in the second task order will allow the Town to develop more accurate cost estimates for right-of-way acquisition and construction for Phase 1. Based on these estimates, a decision can be made as to whether the Town will seek LAPP funding for right-of-way, as well as construction.

Action: The Planning Department will bring the Scope and Fee for Task Order 2 to the June 1st Council Meeting requesting Council to consider authorizing the Town Manager to execute the agreement.

Garner Transit Study

Presenter: Gaby Lontos-Lawlor, Senior Planner

In 2016, Wake County voters approved a sales tax referendum, funding transit improvements through 2027. A portion of Wake County Transit funds are earmarked for the Community Funding Area Program. These funds may be used for planning studies, operating projects that implement new or expanded transit services on the road, and capital projects such as bus stops, benches, and other passenger amenities.

The purpose of the Garner Transit Study is to identify a community-based transit service that focuses on local needs while complementing regional transit service. The study will also identify an implementation plan.

The study team will refine/finalize the preferred service alternative in Garner (including route alignment, operating frequency, and span), operating and capital costs, and assist in developing the funding strategy for transit service. A final report documenting the planning process and phases of the study will be prepared. The Garner Transit Study is scheduled to be complete by mid-2020.

Option 1 – a portion overlaps with the existing Route 20 which is not available today and would most likely not get a lot of new service as more transfers would be required, making it inconvenient for riders.

Option 2 – provide more local service

Action: Council consensus for Option 2 - consultant to develop the final report.

YMCA Pedestrian Crossing (Aversboro Road/Old Scarborough Road)

Presenter: Chris Johnson, Town Engineer

Staff obtained NCDOT encroachment approval for the design to add a high visibility crosswalk across Aversboro Road at the Old Scarborough Road intersection. Work would include pavement markings and solar powered pedestrian signage with pushbutton. Staff obtained pricing from Daniels, Inc. which would allow the work to be added as a change order to the 2020 Annual Resurfacing Contract. The change order will add \$24,580 to the project. Work could be completed by July 2020 based on the current construction schedule.

Action: Council consensus to authorize the Town Manager to execute change order #2 to add work to the Annual Resurfacing Contract.

MANAGER COMMENTS

Memorial Day Program viewed 393 times on Youtube and GTV 11.

ADJOURN: 9:07 p.m.

DRAFT

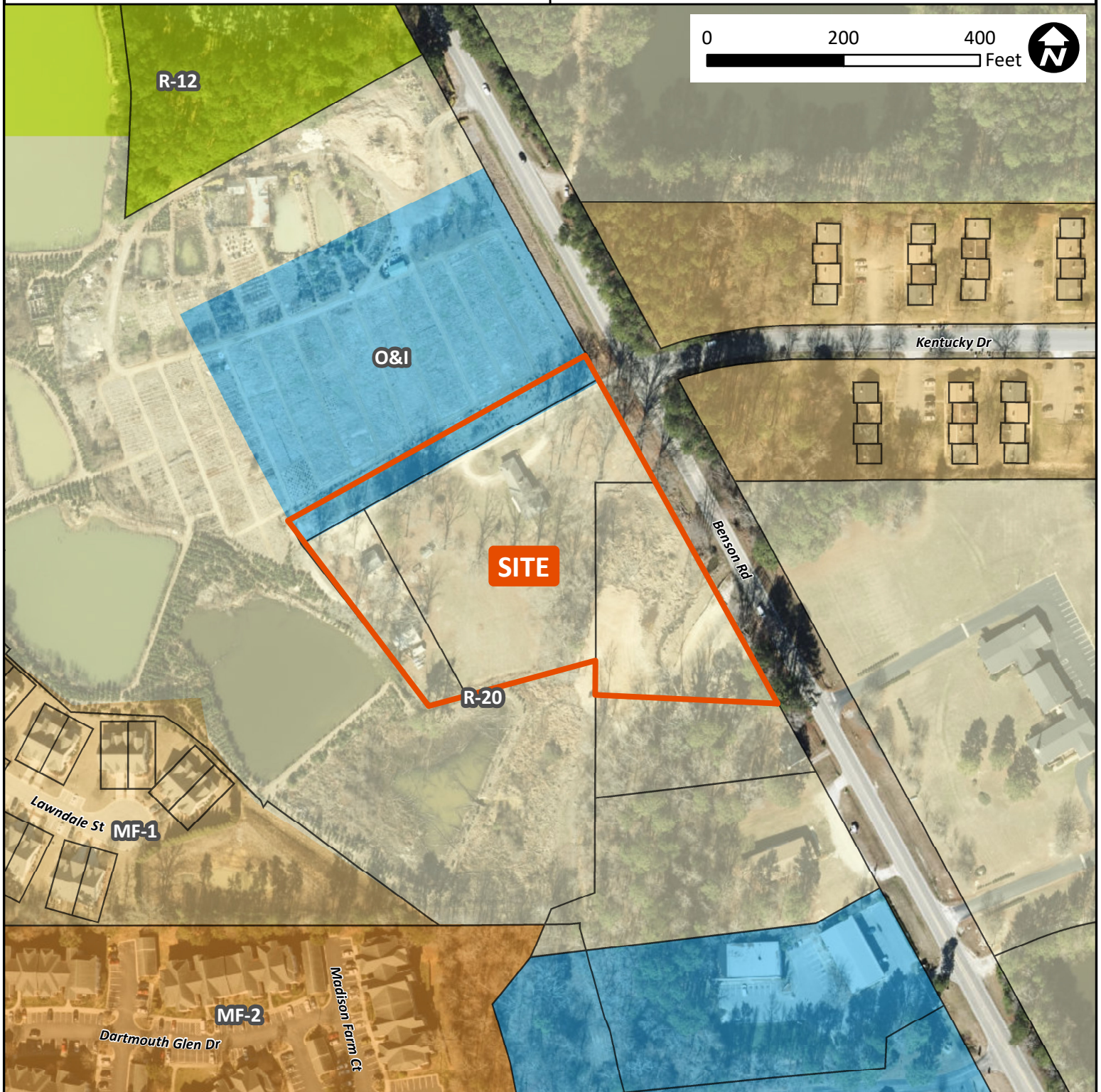
Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: SUP-SP-19-19 Oak City Academy | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: Alison Jones, Planner II | | |
| Presenter: Alison Jones, Planner II | | |
| Brief Summary: Oak City Academy is seeking Special Use Permit approval to build a private school at 1057 Benson Road. | | |
| Recommended Motion and/or Requested Action: Council is asked to approve the Special Use Permit with conditions | | |
| Detailed Notes: This request is for a private school consisting of five classroom buildings totaling 24,620 square feet. The site is currently zoned Residential-20 and Office & Institutional. Private schools are permitted in those districts with a Special Use Permit. The Planning Commission heard this item at its May 18 meeting and voted unanimously in favor of the project. | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |



Town of Garner Planning Department

Special Use Permit SUP-SP-19-19



Project: Oak City Academy
Applicant: River and Associates, Inc.
Owner: Oak City Academy
Location: 1057 Benson Rd.
Pin #: 1710-58-7293, 1710-58-6376, &
1710-68-0135

Proposed Use: School
Current Zoning: Office & Institutional (O&I) and
Single-Family Residential (R-20)
Acreage: 5.0
Overlay: N/A

Planning Department Staff Report

TO: Mayor and Town Council Members

FROM: Alison Jones, Planner II

SUBJECT: *Special Use Permit # SUP-SP-19-12, Oak City Academy*

DATE: June 16, 2020

I. PROJECT AT A GLANCE

Project Number: SUP-SP-19-12, Oak City Academy

Applicant: Rivers & Associates, Inc.

Owner: TEDES & CO, LLC and Joseph and Natalie Mitchell

Plan Prepared by: Rivers & Associates, Inc

General Description -

Proposed Use: Private School

Project Location: 1057 Benson Road

Wake Count PIN(s): 1710-58-7293, 1710-58-6376, 1710-58-6144,
1710-68-0135

Zoning Classification: Residential 20 (R-20) and Office & Institutional (O&I)

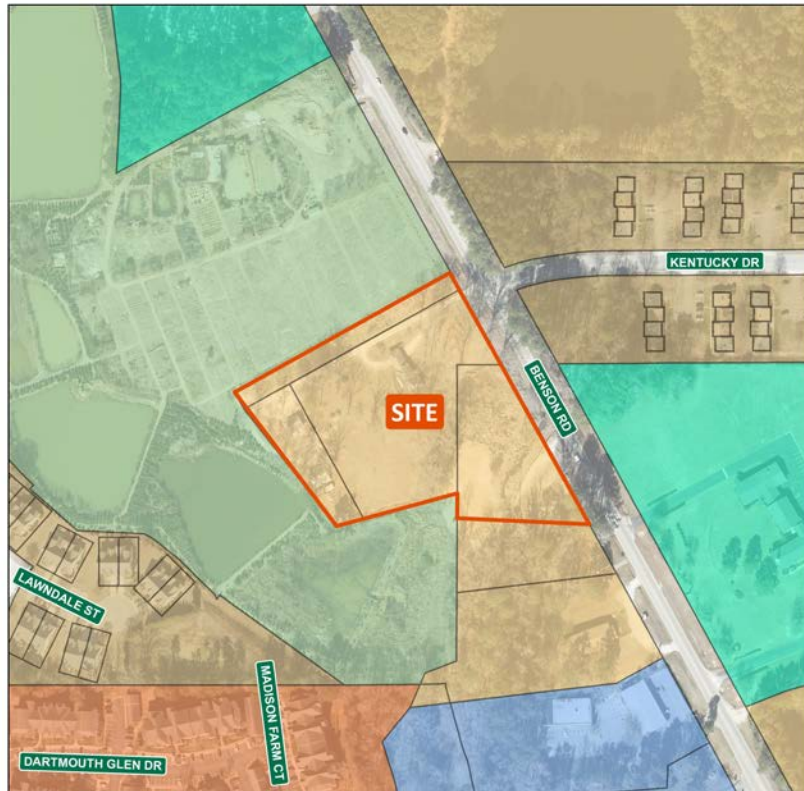
Key Meeting Dates –

Neighborhood Meeting: February 20, 2020

Planning Commission: May 18, 2020

Town Council Public Hearing: June 16, 2020

II. BACKGROUND / REQUEST SUMMARY



The proposed use of the property is a private school. The request will add five classroom buildings. High school students will not be enrolled.

The site currently has single-family homes on two of the lots. The other two lots are vacant.

The site is zoned Residential 20 (R-20) and Office & Institution (O&I). Private schools are permitted in the town's Unified Development Ordinance with a Special Use Permit

III. COMMUNITY INFORMATION

Overall Neighborhood Character: This project is located along Benson Road (NC-50). The predominant use in the area is residential.

Neighborhood Meeting: A neighborhood was held on February 20, 2020. The meeting was hosted as planned, but no one from the community showed up. Danny Breed, the headmaster, and Paul Meder, the landscape architect, were present from 6:15 to 7:15.

IV. SITE PLAN PROJECT DATA

Acreage: 4.74 +/- acres

Minimum Lot Size/Dimensions: 20,000 square feet
70 feet (width)

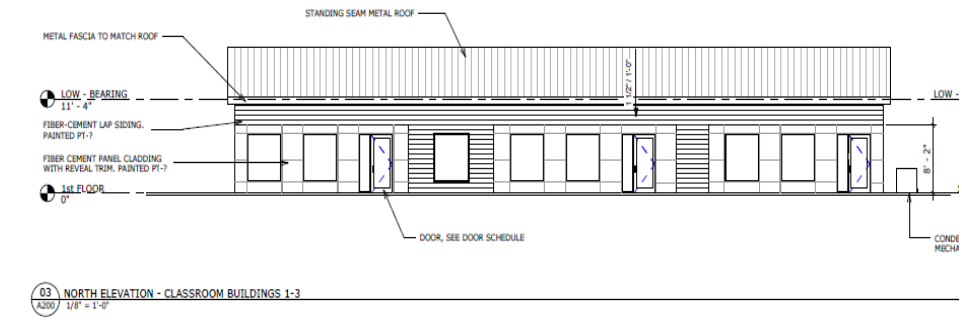
Setbacks: 40' setback from all exterior lot lines

Building Size: 24,620 sq ft total



Building Material and Color:

The building will be constructed of fiber cement siding and fiber cement panel cladding.



Landscape and Buffer Requirements:

Tree Cover: Due to the lack of suitable vegetation for tree cover preservation, a 12% covered area is required. This plan provides for a covered area of 12.0%.

Street Buffers:

- A 15-foot buffer (horizontal distance separation only) along Benson Road frontage.

Street Trees:

- Benson Road: 12 required; 12 provided
- Poole Drive Extension: 6 required; 6 provided

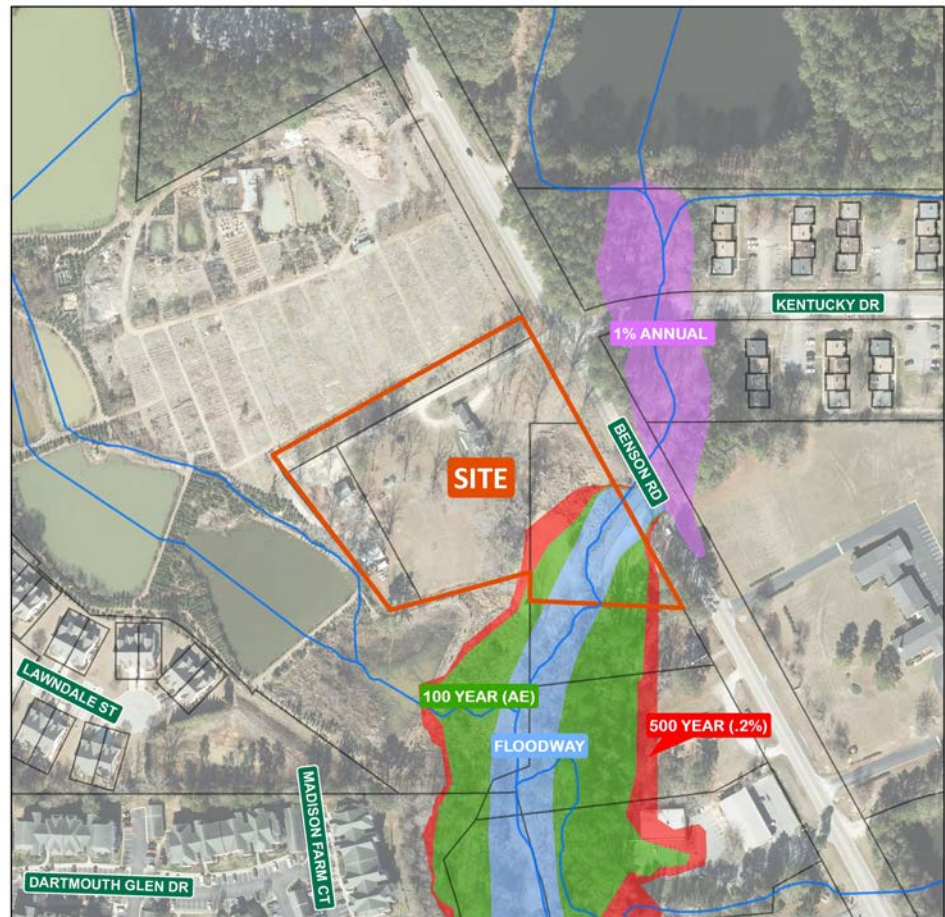
Perimeter Buffers: 15-foot perimeter buffer for eastern, and northern buffers of the project. 35-foot perimeter buffer adjacent to single family home to the South of the project.

Vehicular Service Area: VSA plantings are provided as screening in the form of shrubs as well as canopy trees in planted islands.

Building Perimeter: 10% of total plant points required, 10% provided.

Environmental Features:

This site does contain FEMA designated floodplain. No development will occur within environmentally sensitive areas.



Fire Protection:

The Inspections Department has reviewed the plan for fire protection and given their approval.

Parking:

Parking is based on 2 spaces per classroom or office for elementary school.

- Required: 42 (4 accessible)
- Proposed: 63 (4 accessible)

Lighting:

Proposed lighting meets the requirements of the Lighting Ordinance as well as meeting staff recommendations for LED fixtures. All fixtures have zero uplight, low glare and a warm white light exhibiting a color temperature of no more than 4,000 K (Kelvin).

Infrastructure: **Water/Sewer** - Connection to the City of Raleigh public sanitary sewer and water system will occur through existing infrastructure.



Stormwater Management: Oak City Academy is a school development site that is located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen and 85% TSS removal as well as water quantity requirements for the 1-, 10- and 25-year storm events. This development plan proposes a stormwater wetland to treat impervious surface for nitrogen, 85% TSS removal and all water quantity requirements to ensure stormwater requirement are met as part of this development. A nitrogen offset payment will also be required as part of this redevelopment.

Site Access: The driveway into the site is off Benson Road and it will be constructed at the future location of Poole Road roadway extension. The 20' driveway will be designed with an offset crown so that, in the

future, it can be widened to a full road section without modification to the existing asphalt.

Frontage Improvements: There will be curb, gutter and sidewalks along future Poole Drive extension.

V. SITE PLAN CONFORMITY WITH APPLICABLE ADOPTED TOWN PLANS AND POLICIES

2018 Garner Forward Transportation Plan:

The 2018 Garner Forward Transportation Plan recommends Benson Road as a two-lane divided thoroughfare, an extension of Poole Drive (a two-lane minor collector street) to Benson Road, and sidewalks along Benson Road.

General Statute 160A-307.1 places limitations on a city's requirements for street improvements related to schools and stipulates that the cost of required improvements to the State highway system provided by a school shall be reimbursed by the Department of Transportation (DOT). City requirements that go beyond DOT requirements shall be reimbursed by the city. As such, the Town will construct the ultimate section for Benson Road and sidewalks, along the applicants site frontage, at a later date. Sufficient right-of-way is available along this portion of Benson Road to complete the ultimate two-lane divided section, so the applicant has not been required to dedicate any right-of-way. The applicant will construct a driveway on Benson Road, future Poole Drive extension. With the 60 foot public right-of-way dedication, these plans may be considered consistent with the recommendations of the 2018 Garner Forward Transportation Plan.

Parks & Recreation, Open Space & Greenways Master Plan:

A review of the Parks and Recreation, Open Space and Greenways Master Plan revealed no plan recommendations in the project area; therefore, this project, as proposed, may be considered consistent with the Parks & Recreation, Open Space & Greenways Master Plan.

Unified Development Ordinance Regulations:

After sufficient review and plan revisions, staff finds that this project, as now proposed, may be considered consistent with the regulations of the Unified Development Ordinance so long as the following project specific conditions are met:

1. Prior issuance of building permit payment of Engineering Inspection Fees shall be paid to the Town of Garner.
2. Prior to issuance of a building permit, a minor subdivision plat shall be approved and recorded with the Wake County Register of Deeds.
3. Prior to issuance of a building permit, payment of Public Utilities Fees shall be paid to the City of Raleigh.

4. Prior to issuance of a building permit, a nitrogen offset payment is required.
5. Prior to issuance of a Certificate of Occupancy, the Stormwater Control Measures maintenance plan and associated Memorandum of Agreement shall be approved and recorded with the Wake County Register of Deeds.
6. Approval of Construction Drawings by the Engineering Department is required for this site. Detailed design of the future public street section, along with associated drainage infrastructure, will be required during this review.
7. City of Raleigh: Construction approval will be required, plans to be prepared by an NCPE, for any extensions of public water or public/private sewer mains (PU Handbook, pgs 10, 25).
8. City of Raleigh: Plat recordation required after construction approval prior to building permit (PU Handbook, pg 39).

VI. PLANNING COMMISSION NOTES AND RECOMMENDATION

The Planning Commission reviewed this request at their May 18, 2020 meeting. The Planning Commission unanimously confirmed staff's findings in Section V that SUP-SP-19-19, Oak City Academy, is in conformity with adopted town plans and policies.

SUP-SP-19-19 Oak City Academy

Special Use Permit Motion Worksheet

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

1. Find Consistent with Town plans and ordinances and Approve:

2. Find Inconsistent with Town plans and ordinances and Deny:

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

1. Find Consistent with Town plans and ordinances and Approve:

"I move that the Council accept the staff statements regarding plan consistency in Section V of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve SUP-SP-19-19, Oak City Academy, with eight (8) specific conditions to be listed on the permit that will be prepared by Staff."

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

____ adjoining property,

____ the existing natural and man-made features of the site,

____ off-site and on-site traffic flow,

____ public utilities,

____ such other public services or goals of the Comprehensive Growth Plan or the Transportation Plan that may be negatively impacted by the proposed development
(enumerate plan services/goals):

Condition #1:

Condition #2, etc.:

2. Find Inconsistent with Town plans and ordinances and Deny:

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

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

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

to serve the subject property while maintaining sufficient levels of service for existing development;

because/as evidenced by _____;

10. Adequate assurances of continuing maintenance have not been provided;
because/as evidenced by _____;

and therefore, deny site plan Oak City Academy – SUP-SP-19-19.

Oak City Academy

Community Meeting Agenda

Feb 20, 2020

6:30-8pm

The Capital Church (Fellowship Hall - 2nd building)
1308 US-70, Garner, NC 27529

Presenters: Danny Breed (Co-Founder, Headmaster of Oak City Academy)
Paul Meder (Landscape Architect, Rivers & Associates)

Introduction to Oak City Academy

MISSION:

- Cultivating joyful learners who bring heaven to earth

CORE VALUES:

- Courageous authenticity
- Passionate creatives who go the extra mile
- Community of honor and trust
- Flourishing environment
- God's heart
- Nature & beauty

What is Montessori?

- Video clip (<https://www.youtube.com/watch?v=GcgN0IEh5IA>)

History of OCA

- Founders: Danny & Kari Breed
- Growth from 2011 to 2019

Site Plan

- Construction project presentation

Q & A

-

MEETING SUMMARY

The meeting was hosted as planned, but no one from the community showed up. Danny Breed, the headmaster, and Paul Meder, the landscape architect, were present from 6:15 to 7:15.

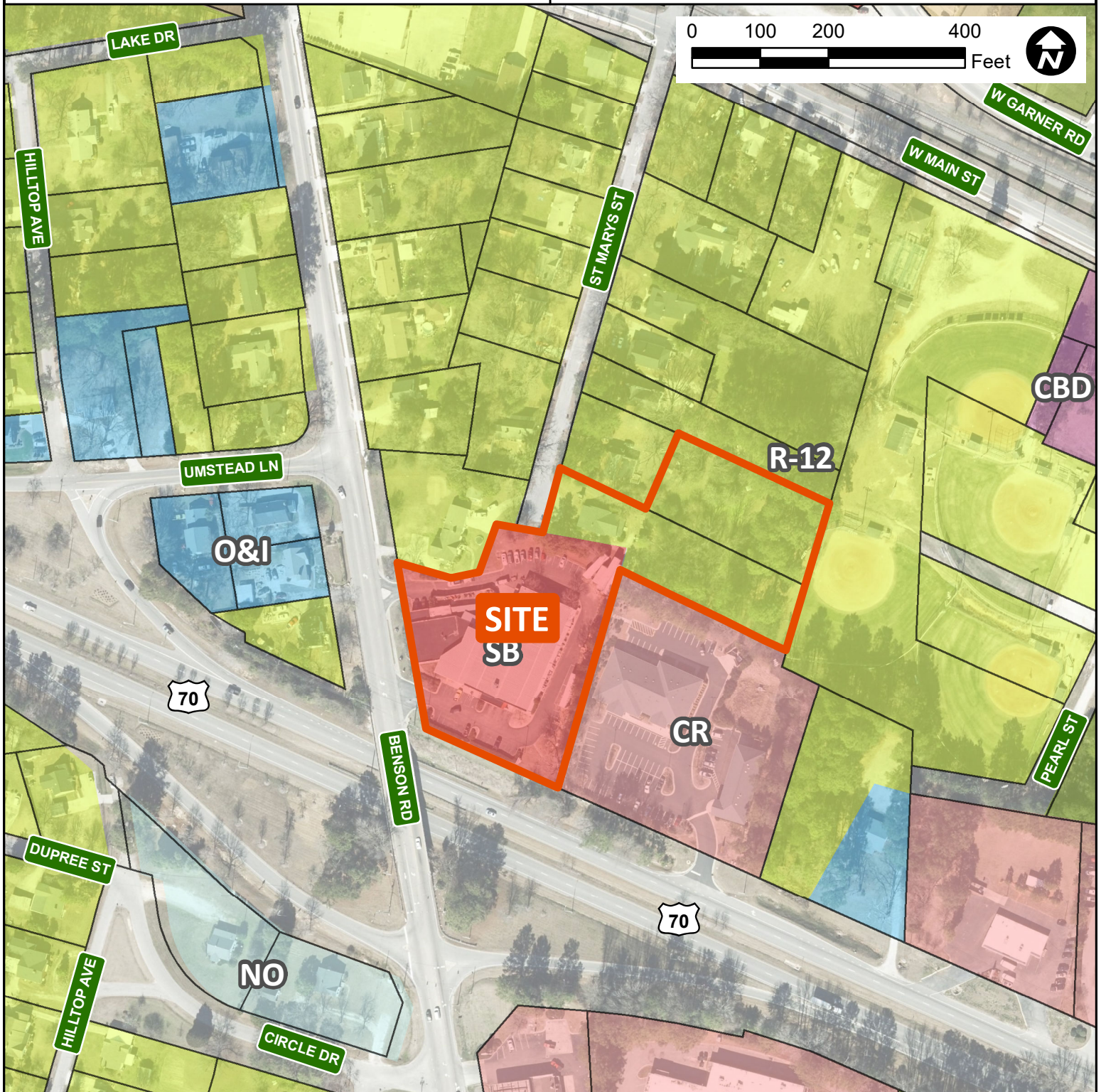
Town of Garner
Town Council Meeting
Agenda Form

| | | |
|--|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: CUD-Z-19-10 & CUP-SP-19-25, Hudson's Hardware | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager; Stacy Harper, AICP; Principal Planner | | |
| Brief Summary: Hudson's Hardware is requesting conditional use rezoning and site plan approval for the addition of a 5,000 s.f. storage building. The requested rezoning is Service Business Conditional Use District 223 (SB C223). The property is located at the northeast corner of US 70 HWY W and Benson Road - Wake County PINs 1711-42-9564 & the rear portion of 1711-52-2730 | | |
| Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2020) 4056 | | |
| Detailed Notes: See attached vicinity map and staff report. A neighborhood meeting was required by ordinance and was held on May 11, 2020. Use restrictions are voluntarily offered as zoning conditions. Staff recommends approval of CUD-Z-19-10 & finds CUP-SP-19-25 in conformity with the UDO. The re-zoning received a recommendation (vote 4-1) for approval by the Planning Commission on May 18, 2020, and they agreed unanimously that the site plan was in conformity with the UDO. | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JST | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |



Town of Garner Planning Department

Conditional Use Rezoning CUD-Z-19-10 & CUP-SP-19-25



Project: Hudson's Hardware
Applicant: Bass, Nixon & Kennedy, Inc.
Owner: L&H Rentals, LLC & S. Hudson
Location: 305 Benson Rd.
Pin #: 1711-42-9564 & 1711-52-2730

Proposed Use: Retail with Storage
Current Zoning: Service Business (SB) &
Single-Family Residential (R-12)
Proposed Zoning: Service Business Conditional Use (SB C223)
Acreage: 3.84
Overlay: US 70/US 401 Overlay

Planning Department Staff Report

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager
Stacy Harper, AICP; Principal Planner

SUBJECT: *Conditional Use Rezoning # CUD-Z-19-10 and
Conditional Use Subdivision # CUP-SP-19-25, Hudson's Hardware*

DATE: June 16, 2020

I. PROJECT AT A GLANCE

| | |
|-------------------------------------|---|
| Project Number(s): | CUD-Z-19-10 Conditional Use Rezoning CUP-SP-19-25 Conditional Use Site Plan |
| Applicant: | Bass, Nixon & Kennedy, Inc. |
| Owners: | L&H Rentals, LLC & S. Hudson |
| General Description - | |
| Project Area & Location: | 3.84 +/- acres located at the northeast corner of Benson Rd and US HWY 70 W |
| Wake Count PIN(s): | 1711-42-9564 & 1711-52-2730 |
| Current Zoning: | Single-Family Residential (R-12) and Service Business Conditional Use (SB C58) |
| Requested Zoning: | Service Business Conditional Use (SB C223) |
| Proposed Use(s): | Expansion of Hudson's Hardware (Retail Sales & Service) |
| Key Meeting Dates: | |
| Planning Commission: | May 18, 2020 |
| Public Hearing & Action: | June 16, 2020 |

II. BACKGROUND / REQUEST SUMMARY

The rezoning (CUD-Z-19-10) and associated site plan (CUP-SP-19-25) have been submitted to expand the existing Hudson's Hardware business with a 5,000 square foot storage building addition. The primary use would remain retail sales and service of lawn equipment. This expansion will include some adjoining parcels, about 1.95-acres, which are zoned Single-Family Residential (R-12). The existing business area, about 1.89-acres, is currently zoned Service Business Conditional Use (SB C58). The applicant is requesting to rezone all 3.84-acres to **Service Business Conditional Use (CR C223)** with use limitations.



III. ZONING ANALYSIS

Existing: Approximately 1.95-acres of the project site are zoned **Single-Family Residential (R-12)**. This district allows single-family lots of at least 12,000 square feet (0.28 acres) with a density of around 3.63 units per acre.

The following is a list of permitted uses in the R-12 District:

- | | |
|---|--|
| 1. Single-family site built and modular homes | 10. School public or private |
| 2. Residential Cluster | 11. Public safety facilities (fire, police, rescue, ambulance) |
| 3. Manufactured home | 12. Cemetery |
| 4. Family Care home | 13. Public parks, swimming pools, tennis and golf courses |
| 5. Group care home | 14. Religious institutions |
| 6. Intermediate care home | 15. Minor utility—elevated water tank |
| 7. Community center | 16. Private golf course or country club |
| 8. Child day care up to 3 as home occupation | 17. Bed and breakfast |
| 9. Family child day care up to 8 in home | |

Existing: Approximately 1.89-acres of the site are zoned **Service Business Conditional Use (SB C58)**. The SB zoning district has been established to accommodate commercial activities that are more intense in nature than those permitted in the Neighborhood Commercial (NC) or Community Retail (CR) districts. The SB general use district also allows for the storage of merchandise or equipment and allows operations to be conducted outside of a building. This SB C58 district was rezoned in 1995 under the previous Land Use Ordinance (LUO) that contained different permissible use descriptions.

The following is a list of permitted uses in the SB C58 District per the old LUO:

1. LUO use 2.000 – sales and rental of goods, merchandise and equipment
2. LUO use 2.200 –storage and display outside a fully enclosed building
3. LUO use 3.100 –Office, clerical, research and services not primarily related to goods or merchandise; all operations conducted entirely within a fully enclosed building
4. LUO use 4.110—Service, repair of goods, sold or rented on premises.

The following conditions also apply to the SB C58 District.

1. Garden center for the sale and rental of lawn and garden products and equipment, and yard accessories.
2. Outdoor storage area may not exceed 20% of enclosed floor area of the business and shall be either; positioned such that it is not visible from US 70 or Benson Road, or, is 100% screened to a height of 8 feet with vegetation, fences, walls, or a combination thereof.

Proposed: The proposed zoning of the entire 3.84-acre site is **Service Business Conditional Use (SB C223)**. The SB zoning district has been established to accommodate commercial activities that are more intense in nature than those permitted in the Neighborhood Commercial (NC) or Community Retail (CR) districts. The SB general use district also allows for the storage of merchandise or equipment and allows operations to be conducted outside of a building.

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

1. Security or caretaker's quarters
2. Community Center
3. Library, museum, art center
4. Other Community service
5. Civil, service fraternal club, lodges and similar uses
6. Adult Day Care
7. Day Care Center
8. Business School, college or university satellite
9. College / university
10. Trade / vocational schools
11. Music / dance / art instruction
12. Ambulance, rescue squad, police, fire station
13. Government, utility with outdoor storage
14. Government office
15. Medical Clinic
16. Cemetery
17. Funeral home / crematorium
18. Parks, swimming pools, tennis courts, golf courses
19. Bus passenger terminals
20. Taxi or limo operations/facility
21. Religious institutions
22. Minor utility, elevated water tank
23. Telecommunication facility
24. Other major utility
25. Bars and nightclubs (prohibited within 500 feet of residential use/zoning)
26. Private golf or country club
27. Private gym, spa, indoor tennis, pool
28. Indoor entertainment facility
29. Electronic gaming center
30. Outdoor entertainment facility, private athletic
31. Sexually oriented business (prohibited within 1,000 feet of residential use/zoning)
32. Movie Theater
33. Drive-in Theaters
34. Water-slides, golf driving ranges, miniature golf, batting cages or similar uses
35. Bank, financial institution
36. Medical office, individual
37. General office use
38. Bed and breakfast
39. Extended stay facility (prohibited within 500 feet of residential use/zoning)
40. Hotel and motels
41. Commercial Parking
42. Restaurant, curb or drive-in service
43. Restaurant, indoor with seating only
44. Restaurant, indoor with drive-through window
45. Restaurant, take out only, drive-through or walk up
46. Convenience store without fuel sales
47. Convenience store with fuel sales
48. Open air market
49. Repair oriented use (indoor only)
50. Personal service use (indoor operations)
51. Barber shops / salons
52. Sales oriented use (indoor operations only)
53. Sales oriented use (outdoor operations)
54. Veterinarian/kennel indoor
55. Veterinarian/kennel outdoor (prohibited within 500 feet of residential use/zoning)

- 56. Self-service storage
- 57. Car wash (prohibited within 500 feet of residential use/zoning)
- 58. Vehicle repair (storage restricted to rear of building, 30-day storage limit)

- 59. Vehicle sales and rental (storage restricted to rear of building)
- 60. Vehicle service-limited

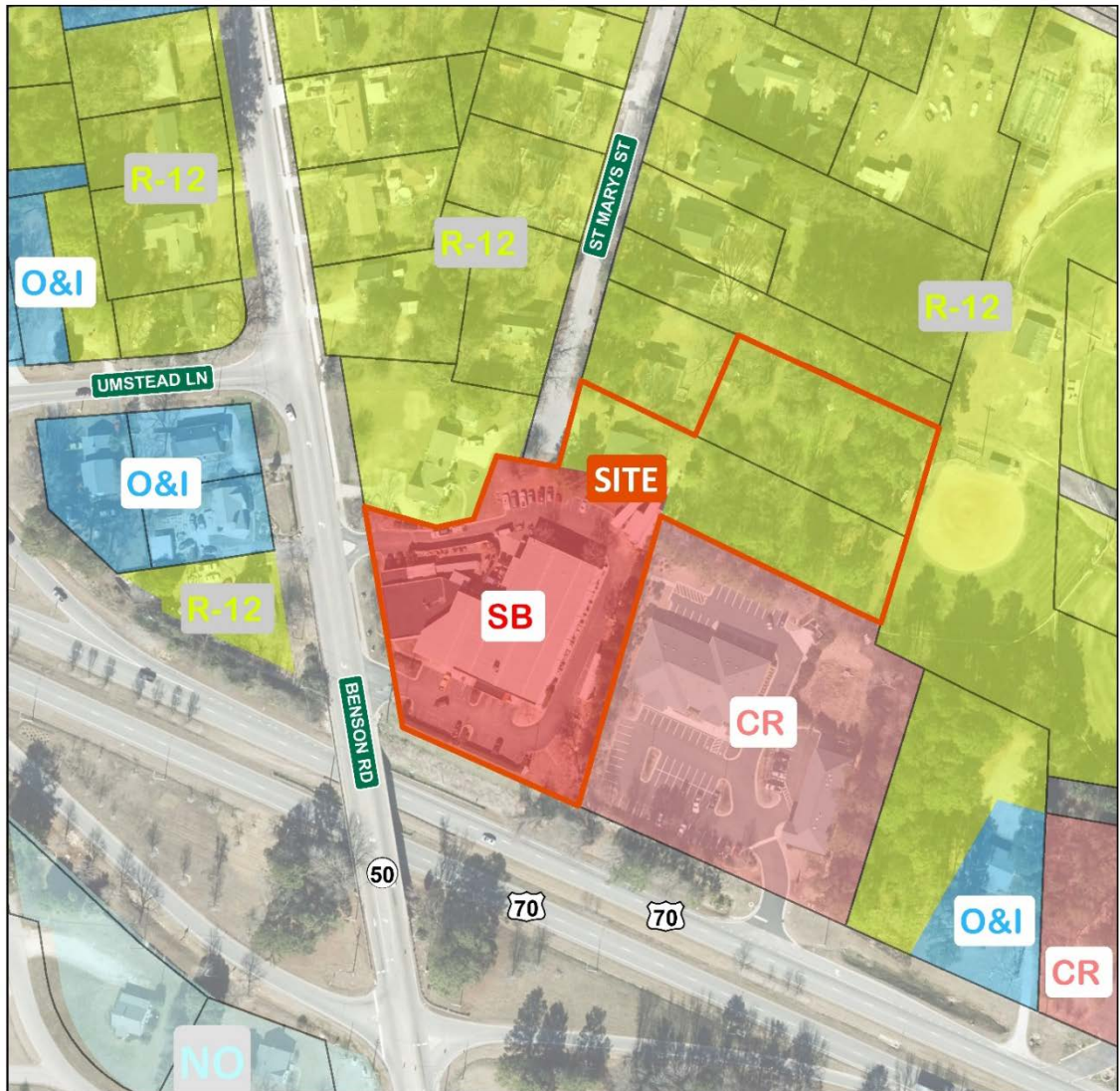
The applicant has proposed the following permissible uses for the proposed SB C223 district.

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

| Use Category | Specific Use | SB C223 |
|-------------------------------------|---|---------|
| Household Living | Security or caretaker's quarters | P* |
| Community Service | Community Center | SUP |
| | Other community service | SUP |
| | Library, art center, museum | P |
| | Civil, service, fraternal clubs, lodges, similar uses | SUP |
| Day Care | Adult day care | P* |
| | Day care center | P* |
| Educational Facilities and Services | Music, dance, art instruction | P |
| Health Care | Medical clinic | P |
| Religious Institutions | Religious Institutions | P* |
| Office | Medical office - individual | P |
| | Other office | P |
| Retail Sales and Service | Personal service-oriented uses | P* |
| | Repair oriented use (no outdoor operations) | P |
| | Sales oriented use (outdoor operations) | P |
| | Sales oriented use (indoor operations) | P |
| | Banks and financial institutions | P |
| | Convenience store without fuel sales | P |
| | Veterinarian / kennel indoor only | P |
| Commercial Parking | Commercial Parking | SUP |
| Restaurants | Restaurants, indoor seating only | P |
| | Restaurant, indoor seating with drive-thru | P |
| | Restaurant take out only, walk up or drive thru | P |
| Light Industrial | Flex Space | P* |
| | Industrial Use Indoor | P* |
| Manufacturing and Production | Indoor only | P* |
| Wholesale Sales | | P* |

Adjacent Zoning and Land Use:

| | | |
|---------------|-----------|--|
| North: | R-12 | Single-family |
| South: | NO & CR | US 70 HWY E and Commercial |
| East: | CR | Commercial |
| West: | O&I, R-12 | NCDOT future right of way for NC 50 Bridge project |



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

| Case | Applicant | Location | Zoning Change |
|-------------|------------------------|------------------|--------------------------------|
| CUD Z 90-02 | Thomas Johnson | 210 Benson Rd | R-12 to O&I C61 |
| CUD Z 97-01 | Gary and Martha Joyner | 708 Umstead Lane | R-12 to O&I C66 |
| CUDZ 98-10 | Joseph Godwin | 706 Umstead Lane | R-12 to O&I C84 |
| CUD-Z-97-05 | Town of Garner | E Main St | R-9 to O&I C70 |
| CUD-Z-16-03 | Town of Garner | W Main St | R-9, O&I C104, CBD to CBD C183 |
| Z-18-05 | Lee Carroll | Purvis St | R-9 to CBD |
| CUDZ 19-08 | Town of Garner | Depot site | R-12 to CBD C221 |

IV. COMMUNITY INFORMATION

Overall Neighborhood Character: The area around the interchange of Benson Road and US 70 HWY W has developed into a neighborhood activity center with mixed uses. There are several office uses around the interchange along Umstead Lane. Hudson’s Hardware (rezoning site) is also located in this vicinity. Single-family homes are located in this area as well.

Traffic: The project will have about 246 feet of frontage on **Benson Road**. The NCDOT average daily traffic count history in this area is as follows:

- Year 2007- 8,900
- Year 2009 -8,900
- Year 2011 -9,000
- Year 2013- 8,400
- Year 2015- 8,800
- Year 2017- 8,400

Neighborhood Meeting: A neighborhood meeting was held on Monday, May 11, 2020, at 6:30 PM via Zoom conferencing. There were 2 neighbors in attendance. Questions surrounded traffic and truck travel impacts on St Marys Street. The letter, summary, and sign-in sheet are attached. Those that did not attend were provided with contact information to ask questions and to view the plan. No other neighbors called.

V. CONSISTENCY WITH THE COMPREHENSIVE PLAN

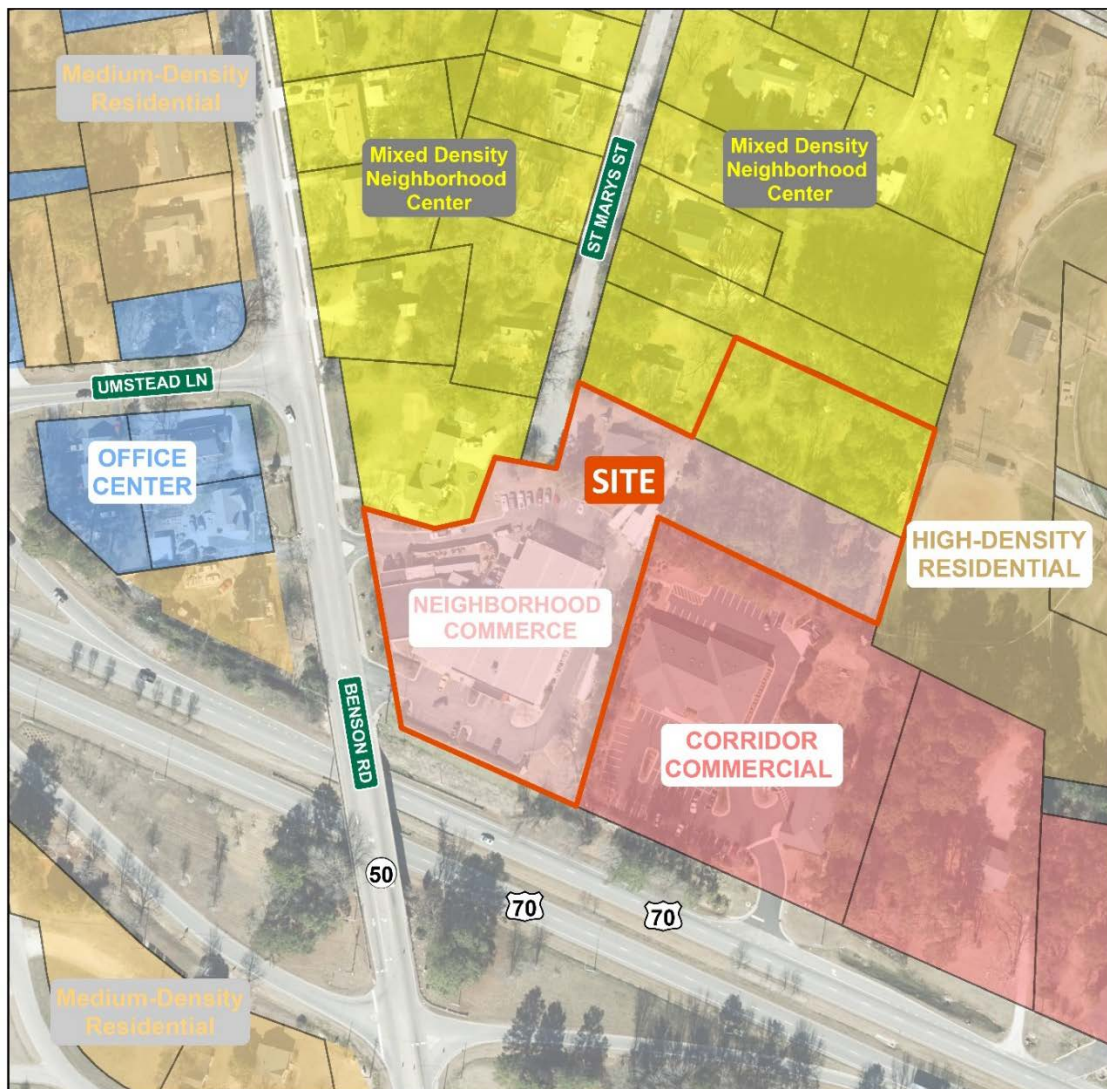
2018 Garner Forward Plan: In addition to land use, the 2018 *Garner Forward Comprehensive Plan* also provides guidance on keeping the Town’s character, living spaces, working places, recreation opportunities and transportation. Applicable sections are analyzed in the following paragraphs.

Land Use:

On the Future Land Use map (below), 3.15-acres of this rezoning site is designated as **Neighborhood Commerce Center (NCC)**. Generally located at the intersection of collectors,

highways, and arterials, the NCC category emphasizes smaller commercial centers that are within close walking proximity (1/4-mile to 1/2-mile) of residential uses. Typical mix of uses would include retail sales, service, convenience stores, restaurants, or office uses. Uses with outdoor storage and outdoor sales display areas should be discouraged. Some rare exceptions for outdoor operations that would be appropriate may include neighborhood garden centers or agriculture sales stands that are small-scale and compatible with the surrounding land uses.

Approximately 0.69-acres are designated as **Mixed Density Neighborhood Center (MDNC)**. The Mixed-Density Neighborhood Center may include a mix of residential densities (MDR, HDR, MFR) with incidental commercial uses integrated within a community and can be adjacent to the Town Center category (TNC).



Working Places:

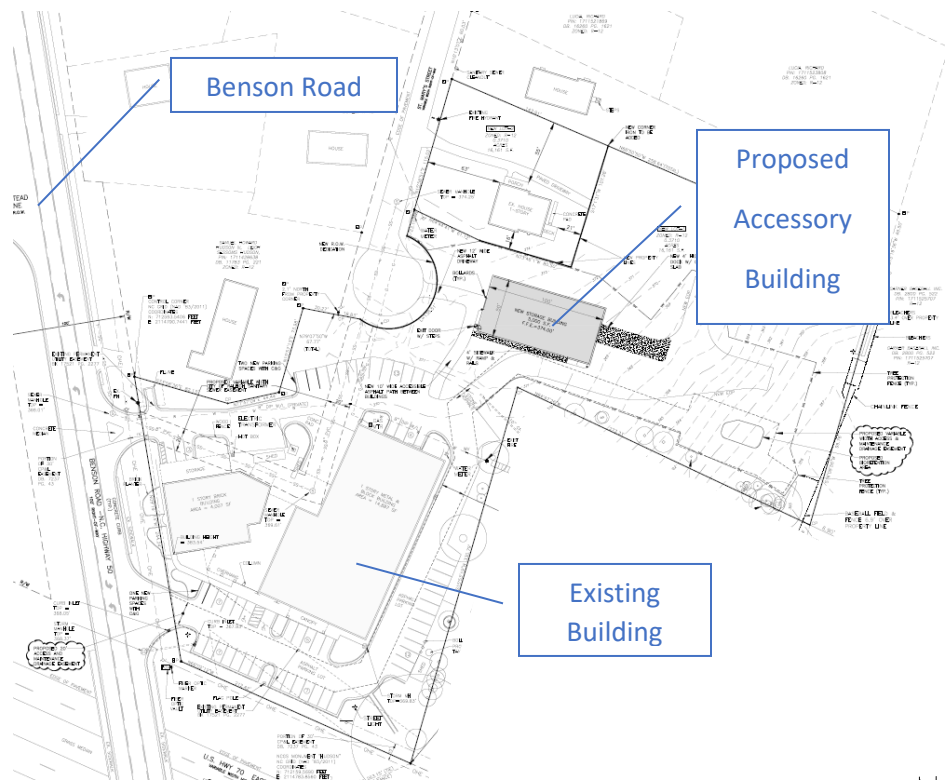
The guiding principles and recommendations for commercial development and working spaces are found on pages 69 – 74. Staff finds this request in support of the following:

1. Attract Unique Commercial Establishments (Page 68). This rezoning and proposed development would provide for an expansion of an existing established neighborhood hardware / lawn & garden center.
2. Develop the North - North Garner is undergoing and will continue to experience a major renaissance as development pressures from downtown Raleigh move south. Investing in streetscaping, maintenance and parks, and seeking opportunities for redevelopment of commercial and residential properties has happened and should continue to occur (Page 72). This rezoning and proposed development are located within the boundary of North Garner as defined in the 2004 North Garner Plan. In addition, this project will include the re-development of a residential property to commercial.

Zoning Consistency Statement: The requested zoning from **Single-Family Residential (R-12)** and **Service Business Conditional Use District 58 (SB C58)** to **Service Business Conditional Use (CR C223)** is partly inconsistent with the Garner Forward Plan. It is consistent with the 2018 *Garner Forward Comprehensive Plan's* guiding principles and recommendations of the Working Spaces section of the plan and with the surrounding zonings which include O&I, CR, and SB zoning districts; however the area where the expansion is proposed is NOT consistent with the Future Land Use Map designation of Mixed Density Neighborhood Center (MDNC). Therefore, this rezoning will require an **amendment** to the Future Land Use Map to designate the site from Mixed Density Neighborhood Center (MDNC) to Neighborhood Commerce Center (NCC).

VI. SITE PLAN PROJECT DATA

| | |
|--------------------------|--|
| Acreage: | 3.84 acres |
| Minimum Lot Size: | 6,000 square feet |
| Setbacks: | Front – 35' Rear – 0'/25' Side – 0'/25' Corner Side – 35' |
| Building Size: | 5,000 s.f. |



| | |
|-------------------------------------|--|
| Building Material and Color: | The building will be constructed primarily of split-faced block and metal. |
|-------------------------------------|--|



**Landscape and
Buffer
Requirements:**

Tree Cover: 10% requirement met with 10.17% provided.

Street Buffers: There is a 7.5-foot street buffer against Benson Road as well as street trees on the cul-de-sac of St. Mary's Street. Street trees are provided every 40 feet as required.

Perimeter Buffers: The lot is irregularly shaped so perimeter buffers were labeled 1-7 on the plan. Four of those buffers are 35-feet wide and the other three are 15-feet wide. Buffer 1, adjacent to the single-family house, will have a permanent landscape easement on the residential property. The property is also owned by the applicant in this case.

Vehicular Service Area: VSA plantings are provided as screening in the form of shrubs as well as canopy trees in planted islands.

Environmental Features:

This site does not contain FEMA designated floodplain.



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

Parking: Parking is based on the Warehouse and Freight Movement – Storage category which is 1 space for every 2 employees but not less than 1 space per 5,000 square feet.

- Required: 1 space
- Proposed: 2 spaces

Lighting: Proposed lighting meets the requirements of the Lighting Ordinance as well as meeting staff recommendations for LED fixtures. All fixtures have zero uplight, low glare and a warm white light exhibiting a color temperature of no more than 4,000 K (Kelvin).

Infrastructure: **Water/Sewer** – The existing use is currently connected to both public water and sewer. No additional connections are proposed.



Stormwater Management: Hudson's Hardware is a commercial redevelopment site that is located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen and 85% TSS removal as well as water quantity requirements for the 1-, 10- and 25-year storm events. This redevelopment plan proposes a bioretention area to treat impervious surface from the additional new impervious surface that exceeds the 85% TSS threshold. The bioretention area will also provide treatment for both nitrogen and all water quantity requirements for this portion of the site attributed to the increase of the impervious surface associated with this project. A nitrogen offset payment will also be required as part of this redevelopment.

Frontage Improvements: Hudson's Hardware is bounded by Benson Road to the west and US Highway 70 to the south. Existing access to the building is via two driveways on Benson Road. This current access will not be affected by the addition. The proposed addition will be accessed through the existing Hudson's Hardware parking lot, as well as by a driveway off the cul-de-sac on St. Mary's Street immediately north of the existing Hudson's Hardware building. This addition and driveway will be constructed approximately where an existing single-family home and driveway now exist. Additional right-of-

way will be dedicated along the St. Mary's frontage to include the cul-de-sac entirely within the public right-of-way.

Site Access: The site will continue to use existing access points on Benson Road. A cul-de-sac will be added St. Mary's Street and an access point to the new building will be added there.

VII. SITE PLAN CONFORMITY WITH APPLICABLE ADOPTED TOWN PLANS AND POLICIES

2018 Garner Forward Transportation Plan:

The 2018 *Garner Forward Transportation Plan* recommends sharrows (pavement markings indicating the area is to be shared by bicyclists) on Benson Road; however, since this project does not constitute a change of use, changes to NC50 are not required.

Parks & Recreation, Open Space & Greenways Master Plan:

A review of the Parks and Recreation, Open Space and Greenways Master Plan revealed no plan recommendations in the project area; therefore, this project, as proposed, may be considered consistent with the Parks & Recreation, Open Space & Greenways Master Plan.

Unified Development Ordinance Regulations:

After sufficient review and plan revisions, staff finds that this project, as now proposed, may be considered consistent with the regulations of the Unified Development Ordinance so long as the following project specific conditions are met:

1. Prior to receipt of approved plans, Engineering Department inspection fees must be paid to the Town of Garner;
2. Prior to the issuance of a building permit, a recombination plat must be filed and recorded with a permanent landscape easement on the adjacent single-family dwelling lot;
3. Prior to the issuance of a building permit, a nitrogen offset payment is required;
4. Prior to the issuance of a Certificate of Occupancy, a Stormwater Control Measure maintenance plan and associated Memorandum of Agreement shall be recorded with the Wake County Register of Deeds.

VIII. PLANNING COMMISSION NOTES AND RECOMMENDATION

The Planning Commission reviewed this request at their May 18, 2020 meeting. With a unanimous vote, the Planning Commission confirmed staff's findings in Section VII that CUP-SP-19-25, Hudson's Hardware, is in conformity with adopted town plans and policies. With a vote of 4-1, the Commission accepted the staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, and recommended approval of CUD-Z-19-10 to the Town Council.

Staff recommendations for rezoning request (CUD-Z-19-10) and site plan (CUP-SP-19-25) conformity are highlighted in the motion worksheets on the following pages.

CUD-Z-19-10 – Hudson’s Hardware

Rezoning Motion Worksheet

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

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

3. Find **Partly Inconsistent** with the Comprehensive Plan and **Approve**:

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

1. Find Consistent with the Comprehensive Plan and Approve:

“I move that the Town Council accept staff’s statements regarding zoning consistency with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report, as our own; and I therefore move further that the Town Council adopt Ordinance No. (2020) 4056 approving rezoning request CUD-Z-19-10 as it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning”

- ☐ Allow appropriate types of business and industry at the described location which will provide opportunities for access to goods and/or services useful to the surrounding area.
- ☐ Allow development of retail sales, service, convenience stores, restaurants, or office uses as desired ends identified in the Future Land Use.
- ☐ Allow and provide an opportunity to attract and develop unique non-residential establishments.
- ☐ Provide your own reason: _____

2. Find Inconsistent with the Comprehensive Plan and Deny:

"I move that the Town Council find the rezoning request inconsistent with the Garner Forward Comprehensive Plan for the following reason(s): provide your reasoning and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number CUD Z 19-10."

3. Find Partly Inconsistent with the Comprehensive Plan and Approve:

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

- ☐ Allow appropriate types of business and industry at the described location which will provide opportunities for access to goods and/or services useful to the surrounding area.
- ☐ Allow development of retail sales, service, convenience stores, restaurants, or office uses as desired ends identified in the Future Land Use.
- ☐ Allow and provide an opportunity to attract and develop unique non-residential establishments.
- ☐ Provide your own reason:

and therefore, I move further that the Town Council adopt Ordinance No. (2020) 4056 approving rezoning request number CUD-Z-19-10, and in so doing, also amend the Town's Comprehensive Growth Plan map to reclassify approximately 0.69-acres as **Mixed Density Neighborhood Center (MDNC)** to Neighborhood Commerce Center."

CUP-SP-19-25 – Hudson’s Hardware

Conditional Use Permit Motion Worksheet

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

1. Find Consistent with Town plans and ordinances and Approve:

2. Find Inconsistent with Town plans and ordinances and Deny:

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

1. Find Consistent with Town plans and ordinances and Approve:

“I move that the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SP-19-25, Hudson’s Hardware with the four conditions to be listed on the permit that will be prepared by Staff.”

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

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

2. Find Inconsistent with Town plans and ordinances and Deny:

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

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

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

and therefore, deny Conditional Use Permit for Hudson's Hardware– CUP-SP-19-25.



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 ■ FAX 919/851-8968 BNK@BNKinc.com

DATE: May 11, 2020

TO: Stacy Harper
Planner
Town of Garner Planning Department

FROM: Marty D. Bizzell, PE, CPESC

RE: Hudson's Hardware
Neighborhood Meeting Summary

A virtual neighborhood meeting was held tonight beginning at 6:30 p.m via Zoom for the Hudson's Hardware Rezoning request. The owners, Leigh and Howard Hudson were in attendance with myself. A total of two property owners joined via Zoom. The two property owners and their property addresses are as follows:

| | | |
|-----------------------|-------------------------|-------------------|
| Chang-Rueih Cliff Chu | 106 Saint Mary's Street | PIN: 1711-53-0140 |
| Robert Dean Grubbs | 108 Saint Mary's Street | PIN: 1711-43-9055 |

A presentation outlining the proposed rezoning and accompanying site plan was made by Marty Bizzell, engineer for the project. The site plans were presented visually via Zoom. Once the presentation concluded, the meeting was opened for questions.

Question: Will traffic be increased if this project is approved?

Response: No increase in traffic is anticipated as the proposed building will be used for storage, primarily for lawn mowers that are currently stored on the property.

Question: Will trucks travel down Saint Mary's Street?

Response: It is not anticipated that a large amount of truck traffic will use Saint Mary's Street. The loading dock for the proposed building cannot be accessed from Saint Mary's Street. Truck traffic will need to access the property from the Benson Road drive. There is a possibility that an occasional box truck may travel Saint Mary's Street to access the building. The property owners would like to request that "No Truck Traffic" signs be posted on Saint Mary's Street.

Property owners stated that overall they were pleased with the proposed project.

The meeting concluded at 7:15 p.m.

Hudson's Hardware
Neighborhood Meeting Summary
May 11, 2020

One property owner notice was returned. The notice was addressed to:

Pearl Street, LLC
P.O. Box 133
Clayton, NC 27528-0133

Two telephone numbers were provided to the property owners via the neighborhood notice as well as a link to access a pdf of the site plans. No property owners called in on the telephone.

Please let me know should you have any questions or need any additional information.

Sincerely,



Marty D. Bizzell, PE, CPESC
Principal Engineer - Vice President
Bass, Nixon and Kennedy, Inc.

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

ORDINANCE NO. (2020) 4056

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

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

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

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by L&H Rentals LLC, Leigh Hudson, and Samuel Hudson in Rezoning Application No. CUD Z 19-10 (C223).

Section 2. There is hereby created a new conditional use zoning district, to be known as the **Service Business Conditional Use District (SB C223)**; within this district, all of the regulations that apply to property within the **SB C223** shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

The following is a list of conditions for the SB Conditional Use (SB C223) district.

1. Permitted use table

| Use Category | Specific Use | SB C223 |
|-------------------------------------|---|---------|
| Household Living | Security or caretaker's quarters | P* |
| Community Service | Community Center | SUP |
| | Other community service | SUP |
| | Library, art center, museum | P |
| | Civil, service, fraternal clubs, lodges, similar uses | SUP |
| Day Care | Adult day care | P* |
| | Day care center | P* |
| Educational Facilities and Services | Music, dance, art instruction | P |
| Health Care | Medical clinic | P |
| Religious Institutions | Religious Institutions | P* |
| Office | Medical office - individual | P |
| | Other office | P |
| Retail Sales and Service | Personal service-oriented uses | P* |
| | Repair oriented use (no outdoor operations) | P |
| | Sales oriented use (outdoor operations) | P |
| | Sales oriented use (indoor operations) | P |
| | Banks and financial institutions | P |
| | Convenience store without fuel sales | P |
| | Veterinarian / kennel indoor only | P |
| Commercial Parking | Commercial Parking | SUP |
| Restaurants | Restaurants, indoor seating only | P |
| | Restaurant, indoor seating with drive-thru | P |
| | Restaurant take out only, walk up or drive thru | P |
| Light Industrial | Flex Space | P* |
| | Industrial Use Indoor | P* |
| Manufacturing and Production | Indoor only | P* |
| Wholesale Sales | | P* |

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

| Owner(s) | Tract No. | Existing Zoning | New Zoning |
|--|---|---|---|
| L&H Rentals LLC, Leigh Hudson, and Samuel Hudson | 1711-42-9564 & the rear portion of 1711-52-2730 | Single-Family Residential (R-12) and Service Business Conditional Use (SB C58) | Service Business Conditional Use (SB C223) |

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

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

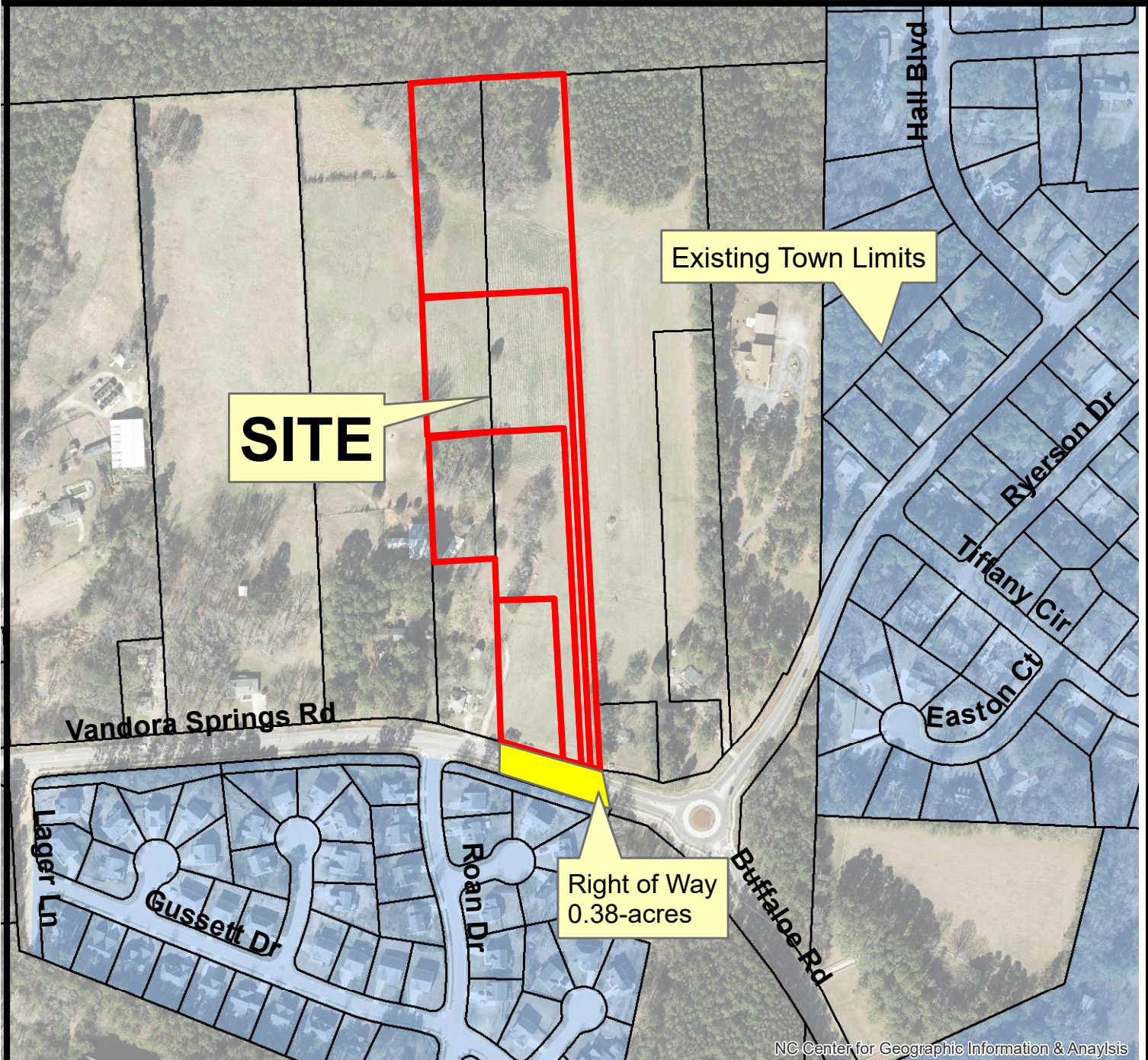
Town of Garner
Town Council Meeting
Agenda Form

| | | |
|--|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: (ANX 20-01) Annexation Petition | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: Satellite annexation: 125, 145, 165 Cedarcroft Drive, and 2306 Vandora Springs Rd; Wake County PINs #: 1700469863, 1700469467, 1700469168, and 1700459940; Real Estate IDs 0027663, 0471294, 0471293, and 0467264; 10.47 +/- acres recorded as Lots 1RA, 2R1, 3R, and 4R in Book of Maps 2020, Page 509, also including 0.38 +/- acres within the Vandora Springs Rd right-of-way, totaling 10.85 +/- acres. | | |
| Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2020) 4057 | | |
| Detailed Notes: Water & sewer request for the development of 4 single-family homes | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Planning Department**

**Annexation
ANX 20-01**

0 300 600
Feet



Owner: John Capaforte & Julie Starling & Brian and Kim Sherman
Location: 125, 145, 165 Cedarcroft Drive and
2306 Vandora Springs Rd
Area: 10.85 acres (10.47 + 0.38 right of way)
Pin: 1700469863, 1700469467, 1700469168,
and 1700459940

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: **ANX-20-01:** Town of Garner

DATE: June 16, 2020

| | |
|------------------------------|--|
| ANNEXATION APPLICATION: | ANX 20-01 |
| OWNERS: | John Capaforte & Julie Starling & Brian and Kim Sherman |
| CONTIGUOUS / SATELLITE: | Satellite |
| LOCATION OF PROPERTY: | 125, 145, and 165 Cedarcroft Drive, and 2306 Vandora Springs Rd |
| WAKE COUNTY PIN #: | 1700469863, 1700469467, 1700469168, and 1700459940 |
| REAL ESTATE ID #: | 0027663, 0471294, 0471293, and 0467264 |
| AREA: | 10.47 +/- acres + 0.38-acres of intervening Vandora Springs Rd Right-of-Way (10.85 total) |
| ZONING: | R-40 |
| ASSOCIATED DEVELOPMENT PLAN: | None. <u>Property owners are requesting to connect to both public water and sewer on Vandora Springs Rd for the construction of 4 new single-family homes; per the <i>Raleigh-Garner Merger Agreement</i>, an annexation petition is required for the extension of water and sewer service.</u> |
| RECOMMENDATION: | Adopt annexation ordinance |

KEY DATES:

| | |
|-----------------------|---------------|
| SET PUBLIC HEARING: | May 19, 2020 |
| PUBLIC HEARING: | June 16, 2020 |
| ANNEXATION EFFECTIVE: | June 16, 2020 |

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

ORDINANCE NO. (2020) 4057

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 7:00 PM on June 16, 2020, after due notice by the *News & Observer* on June 5, 2020, 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 June 16, 2020.

(ANX 20-01) 125, 145, 165 Cedarcroft Drive, and 2306 Vandora Springs Rd; Wake County PINs #: 1700469863, 1700469467, 1700469168, and 1700459940; Real Estate IDs 0027663, 0471294, 0471293, and 0467264; 10.47 +/- acres recorded as Lots 1RA, 2R1, 3R, and 4R in Book of Maps 2020, Page 509, also including 0.38 +/- acres within the Vandora Springs Rd right-of-way, totaling 10.85 +/- acres.

Section 2. Upon and after June 16, 2020, 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 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

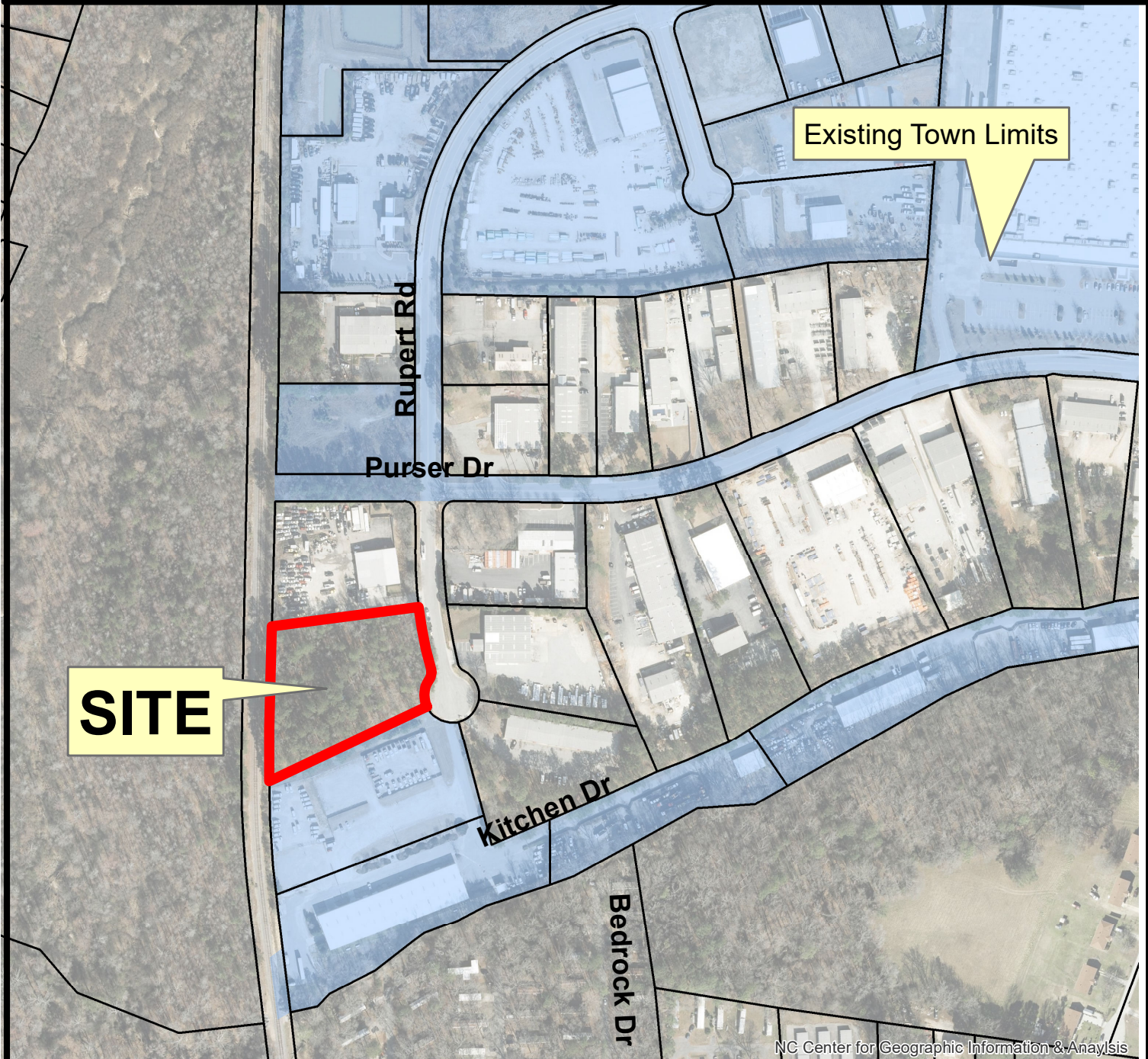
Town of Garner
Town Council Meeting
Agenda Form

| | | |
|--|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: (ANX 20-02) Annexation Petition | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: Contiguous annexation: 110 Rupert Rd; Wake County PIN #:0791955612; Real Estate ID 0156374; 2.19 +/- acres recorded as Lot 7 in Book of Maps 1986, Page 930. | | |
| Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2020) 4058 | | |
| Detailed Notes: Water & sewer request for the development of a commercial use at 110 Rupert Road | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Planning Department**

**Annexation
ANX 20-02**

0 300 600
Feet



Owner: The James Thurmond Revocable Living Trust Agreement
Location: 110 Rupert Road
Area: 2.19
Pin: 0791955612

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: **ANX-20-02:** Town of Garner

DATE: June 16, 2020

| | |
|------------------------------|--|
| ANNEXATION APPLICATION: | ANX 20-02 |
| OWNERS: | The James Thurmond Revocable Living Trust Agreement |
| CONTIGUOUS / SATELLITE: | Contiguous |
| LOCATION OF PROPERTY: | 110 Rupert Road |
| WAKE COUNTY PIN #: | 0791955612 |
| REAL ESTATE ID #: | 0156374 |
| AREA: | 2.19 +/- acres |
| ZONING: | SB |
| ASSOCIATED DEVELOPMENT PLAN: | SP-19-21- (Industrial Site Plan) - <u>Per the <i>Raleigh-Garner Merger Agreement</i>, an annexation petition is required for the extension of water and sewer service.</u> |
| RECOMMENDATION: | Adopt annexation ordinance |
| <u>KEY DATES:</u> | |
| SET PUBLIC HEARING: | May 19, 2020 |
| PUBLIC HEARING: | June 16, 2020 |
| ANNEXATION EFFECTIVE: | June 16, 2020 |

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

ORDINANCE NO. (2020) 4058

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 June 16, 2020, after due notice by publication in the *News & Observer* on June 5, 2020; 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 June 16, 2020.

(ANX 20-02) Contiguous annexation: 110 Rupert Rd; Wake County PIN #:0791955612; Real Estate ID 0156374; 2.19 +/- acres recorded as Lot 7 in Book of Maps 1986, Page 930.

Section 2. Upon and after the 16th day of June, 2020, 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 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|--|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: (ANX 20-05) Annexation Petition | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: Satellite annexation: Creech Rd property; Wake County PIN #:1711890602; Real Estate ID 0013236; 14.82 +/- acres recorded as Lot 4 in Book of Maps 1967, Page 61. | | |
| Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2020) 4059 | | |
| Detailed Notes: Water & sewer request for the development of 4 single-family homes | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Planning Department**

Annexation

ANX 20-05

0 300 600
Feet



Owner: Carlos Del Toro and Melissa Del Toro

Location: Creech Road

Area: 14.82 acres

Pin: 1711890602

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: ***ANX-20-05:*** Town of Garner

DATE: June 16, 2020

| | |
|------------------------------|--|
| ANNEXATION APPLICATION: | ANX 20-05 |
| OWNERS: | Carlos and Melissa Del Toro |
| CONTIGUOUS / SATELLITE: | Satellite |
| LOCATION OF PROPERTY: | Creech Road |
| WAKE COUNTY PIN #: | 1711890602 |
| REAL ESTATE ID #: | 0013236 |
| AREA: | 14.82 +/- acres |
| ZONING: | R-40 |
| ASSOCIATED DEVELOPMENT PLAN: | The property owner wishes to subdivide the property into 4 lots (MP-19-12) for single-family home development with utilities - <u>Per the <i>Raleigh-Garner Merger Agreement</i>, an annexation petition is required for the extension of water and sewer service.</u> |
| RECOMMENDATION: | Adopt annexation ordinance |
| <u>KEY DATES:</u> | |
| SET PUBLIC HEARING: | May 19, 2020 |
| PUBLIC HEARING: | June 16, 2020 |
| ANNEXATION EFFECTIVE: | June 16, 2020 |

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

ORDINANCE NO. (2020) 4059

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 7:00 PM on June 16, 2020, after due notice by the *News & Observer* on June 5, 2020, 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 June 16, 2020.

(ANX 20-05) Satellite annexation: Creech Rd property; Wake County PIN #:1711890602; Real Estate ID 0013236; 14.82 +/- acres recorded as Lot 4 in Book of Maps 1967, Page 61.

Section 2. Upon and after June 16, 2020, 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 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

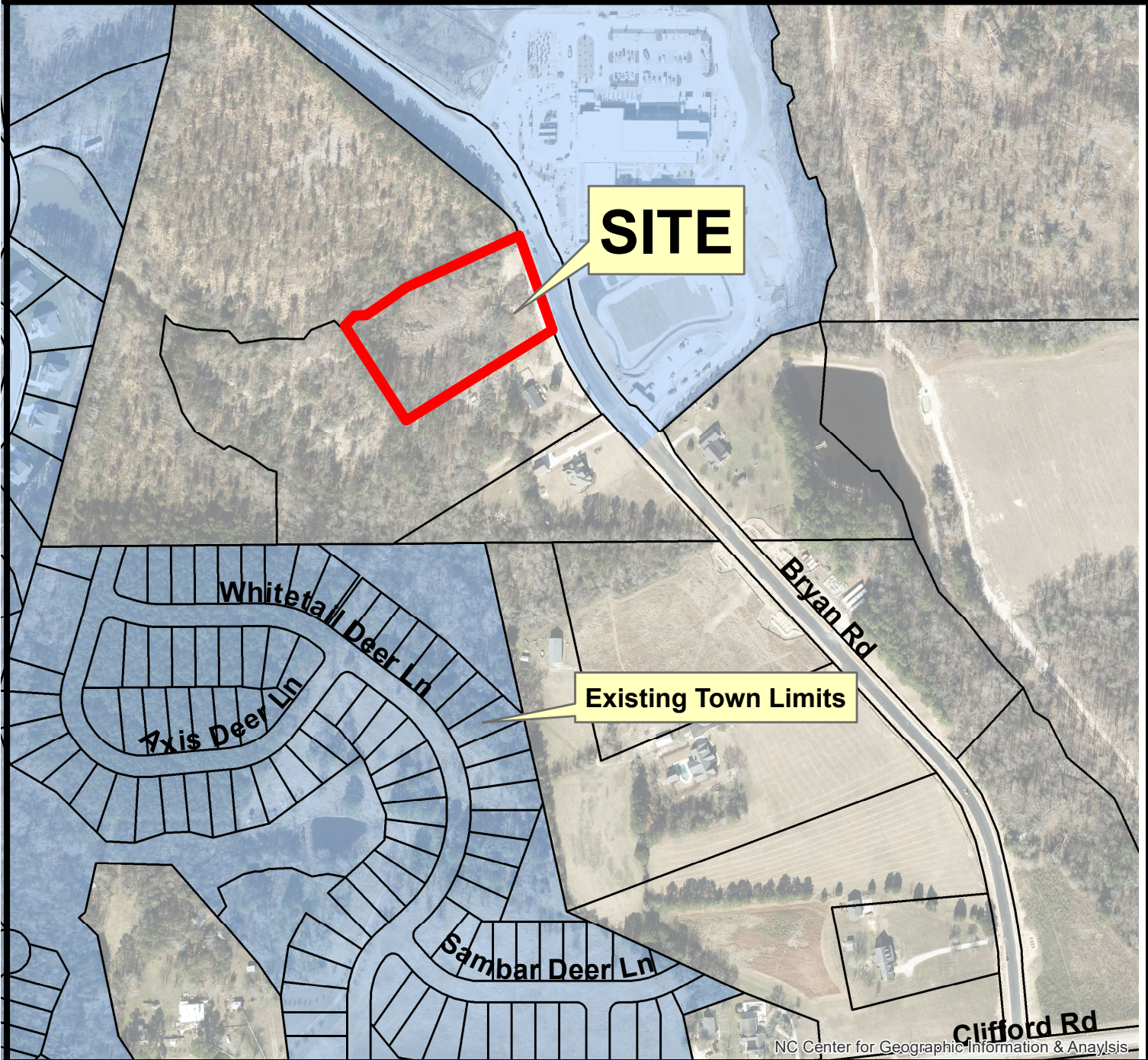
Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: (ANX 20-09) Annexation Petition | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: Satellite annexation: 8300 Bryan Rd; Wake County PIN #:1629166775; Real Estate ID 0406547; 3.01 +/- acres recorded as Lot 3 in Book of Maps 2011, Page 657. | | |
| Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2020) 4060 | | |
| Detailed Notes: Water request for the development of a single-family home | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Planning Department**

**Annexation
ANX 20-09**

0 300 600
Feet



Owner: Bryan and Lauren Morgan
Location: 8300 bryan Road
Area: 3 acres
Pin: 1629166775

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: **ANX-20-09:** Town of Garner

DATE: June 16, 2020

| | |
|------------------------------|---|
| ANNEXATION APPLICATION: | ANX 20-09 |
| OWNERS: | Bryan and Lauren Morgan |
| CONTIGUOUS / SATELLITE: | Satellite |
| LOCATION OF PROPERTY: | 8300 Bryan Road |
| WAKE COUNTY PIN #: | 1629166775 |
| REAL ESTATE ID #: | 0406547 |
| AREA: | 3.01 +/- acres |
| ZONING: | R-40 |
| ASSOCIATED DEVELOPMENT PLAN: | The property owner wishes to build a single-family home and connect to public water. - <u>Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of water and sewer service.</u> |
| RECOMMENDATION: | Adopt annexation ordinance |

KEY DATES:

| | |
|-----------------------|---------------|
| SET PUBLIC HEARING: | May 19, 2020 |
| PUBLIC HEARING: | June 16, 2020 |
| ANNEXATION EFFECTIVE: | June 16, 2020 |

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

ORDINANCE NO. (2020) 4060

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 7:00 PM on June 16, 2020, after due notice by the *News & Observer* on June 5, 2020, 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 June 16, 2020.

(ANX 20-09) Satellite annexation: 8300 Bryan Rd; Wake County PIN #:1629166775; Real Estate ID 0406547; 3.01 +/- acres recorded as Lot 3 in Book of Maps 2011, Page 657.

Section 2. Upon and after June 16, 2020, 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 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: (ANX 20-10) Annexation Petition | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: Satellite annexation: 2337 US HWY 70 E; Wake County PIN #:1730939155; Real Estate ID 0108080; 12.8 +/- acres recorded as Lot 1 in Book of Maps 2019, Page 1273. | | |
| Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2020) 4061 | | |
| Detailed Notes: Water / sewer request for the development of an industrial building at 2337 US HWY 70 E | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Planning Department**

**Annexation
ANX 20-10**

0 500 1,000
Feet



Owner: Garner Industrial I LLC
Location: 2337 US HWY 70 E
Area: 12.8 acres
Pin: 1730939155

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: **ANX-20-10:** Town of Garner

DATE: June 16, 2020

| | |
|------------------------------|---|
| ANNEXATION APPLICATION: | ANX 20-10 |
| OWNERS: | Garner Industrial I LLC |
| CONTIGUOUS / SATELLITE: | Satellite |
| LOCATION OF PROPERTY: | 2337 US HWY 70 E |
| WAKE COUNTY PIN #: | 1730939155 |
| REAL ESTATE ID #: | 0108080 |
| AREA: | 12.8 +/- acres |
| ZONING: | I-1 |
| ASSOCIATED DEVELOPMENT PLAN: | SP-18-15 US 70 Industrial, approved March 11, 2019; the project will connect to both public water and sewer - <u>Per the <i>Raleigh-Garner Merger Agreement</i>, an annexation petition is required for the extension of water and sewer service.</u> |
| RECOMMENDATION: | Adopt annexation ordinance |

KEY DATES:

| | |
|-----------------------|---------------|
| SET PUBLIC HEARING: | May 19, 2020 |
| PUBLIC HEARING: | June 16, 2020 |
| ANNEXATION EFFECTIVE: | June 16, 2020 |

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

ORDINANCE NO. (2020) 4061

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 7:00 PM on June 16, 2020, after due notice by the *News & Observer* on June 5, 2020, 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 June 16, 2020.

(ANX 20-10) Satellite annexation: 2337 US HWY 70 E; Wake County PIN #:1730939155; Real Estate ID 0108080; 12.8 +/- acres recorded as Lot 1 in Book of Maps 2019, Page 1273.

Section 2. Upon and after June 16, 2020, 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 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

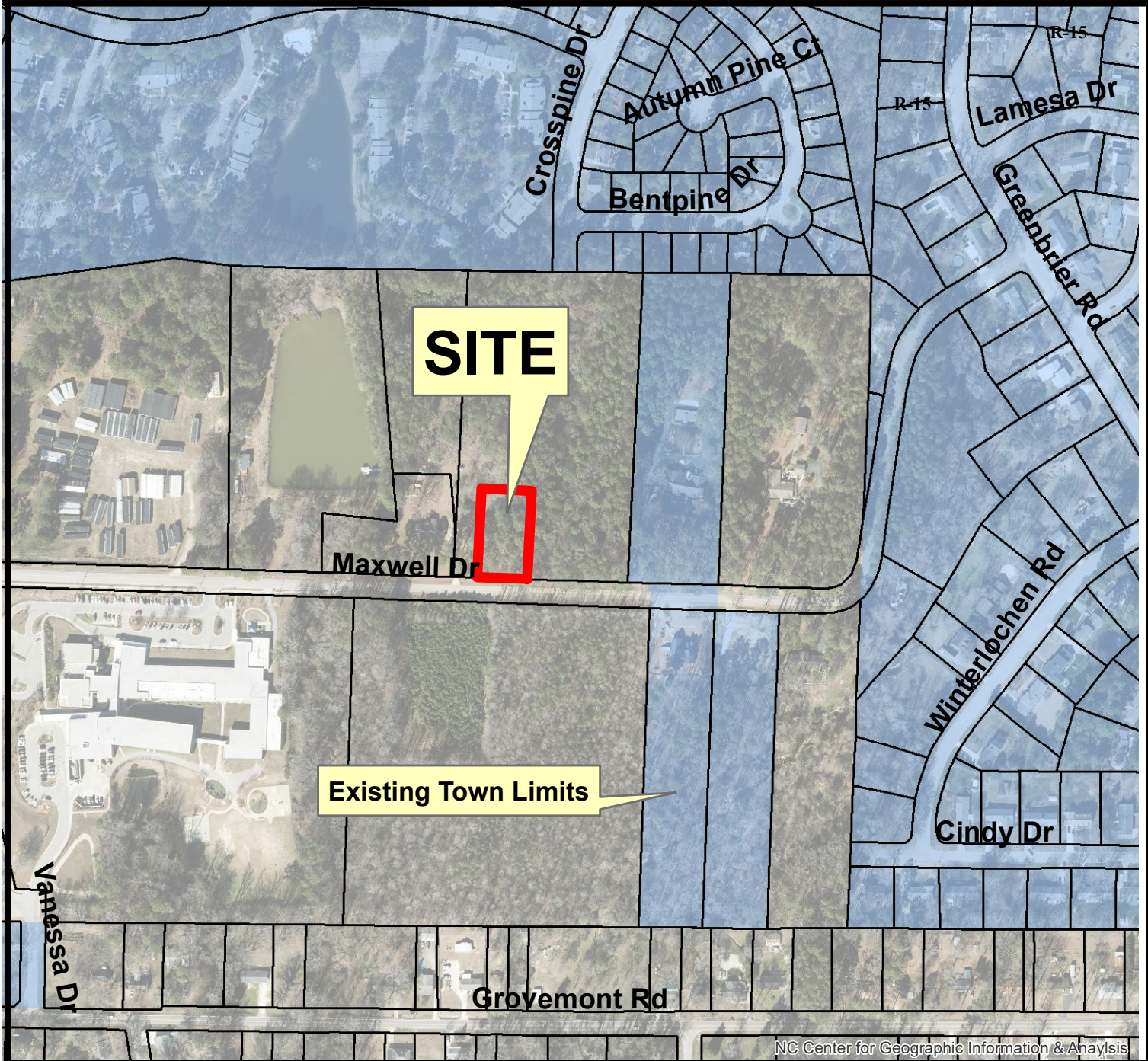
Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: (ANX 20-11) Annexation Petition | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: Satellite annexation: 900 Maxwell Drive; Wake County PIN #:1701347632; Real Estate ID 0472652; 0.623 +/- acres recorded as Lot 1 in Book of Maps 2019, Page 2130. | | |
| Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2020) 4062 | | |
| Detailed Notes: Water / sewer request for the development of a single-family home at 900 Maxwell Drive | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Planning Department**

**Annexation
ANX 20-11**

0 250 500
Feet



NC Center for Geographic Information & Analysis

Owner: Adam and Sydney Beach
Location: 900 Maxwell Drive
Area: 0.623 acres
Pin: 1701347632

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: **ANX-20-11:** Town of Garner

DATE: June 16, 2020

| | |
|------------------------------|--|
| ANNEXATION APPLICATION: | ANX 20-11 |
| OWNERS: | Adam and Sydney Beach |
| CONTIGUOUS / SATELLITE: | Satellite |
| LOCATION OF PROPERTY: | 900 Maxwell Drive |
| WAKE COUNTY PIN #: | 1701347632 |
| REAL ESTATE ID #: | 0472652 |
| AREA: | 0.623 +/- acres |
| ZONING: | R-9 C153 |
| ASSOCIATED DEVELOPMENT PLAN: | Building permit issued for a new single-family home that will connect to water and sewer - <u>Per the <i>Raleigh-Garner Merger Agreement</i>, an annexation petition is required for the extension of water and sewer service.</u> |

RECOMMENDATION: Adopt annexation ordinance

KEY DATES:

| | |
|-----------------------|---------------|
| SET PUBLIC HEARING: | May 19, 2020 |
| PUBLIC HEARING: | June 16, 2020 |
| ANNEXATION EFFECTIVE: | June 16, 2020 |

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

ORDINANCE NO. (2020) 4062

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 7:00 PM on June 16, 2020, after due notice by the *News & Observer* on June 5, 2020, 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 June 16, 2020.

(ANX 20-11) Satellite annexation: 900 Maxwell Drive; Wake County PIN #:1701347632; Real Estate ID 0472652; 0.623 +/- acres recorded as Lot 1 in Book of Maps 2019, Page 2130.

Section 2. Upon and after June 16, 2020, 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 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

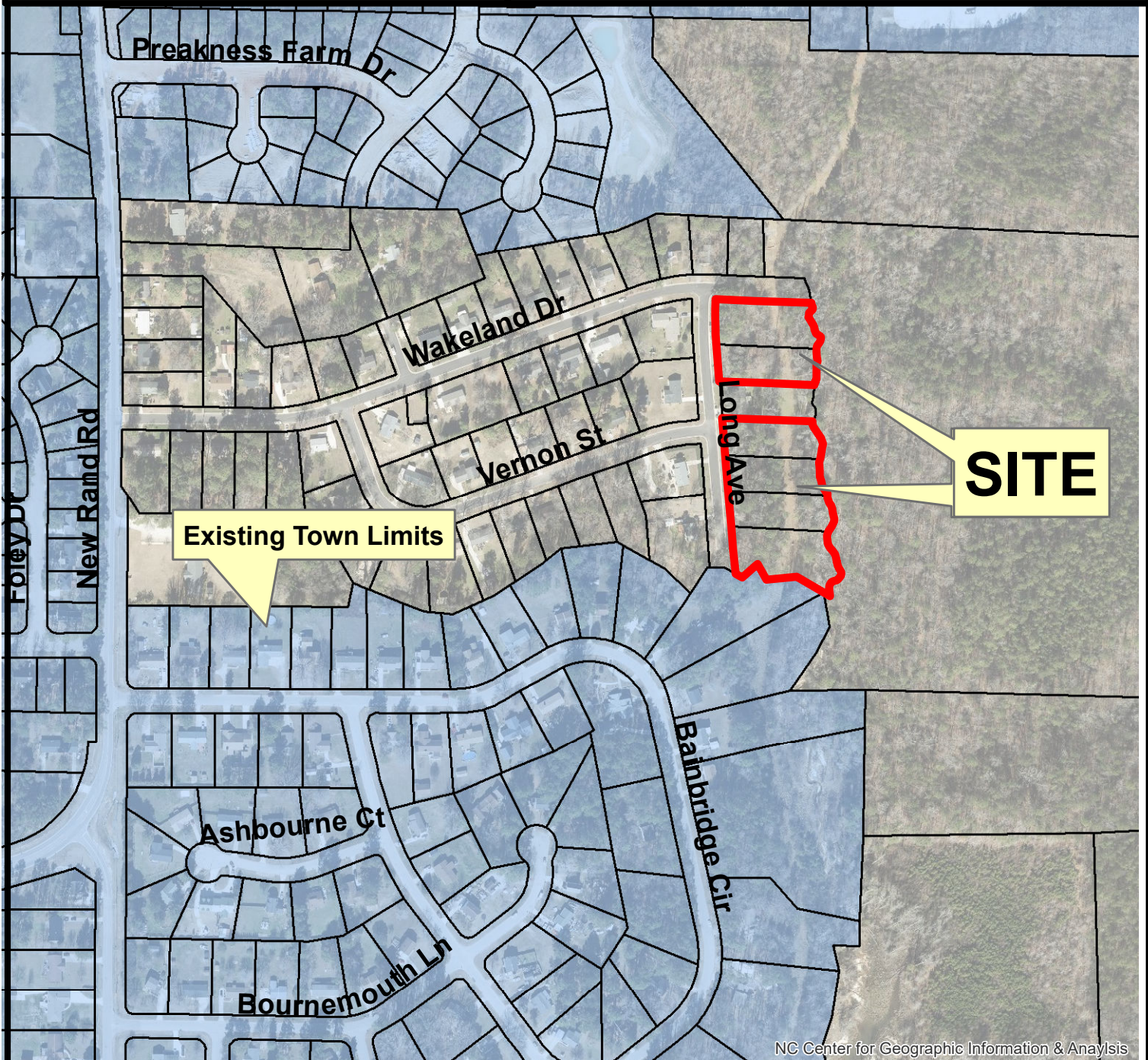
Town of Garner
Town Council Meeting
Agenda Form

| | | |
|--|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: (ANX 20-12) Annexation Petition | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: Contiguous and satellite annexation: 901, 903, 907, 909, 911, and 913 Long Avenue; Wake County PINs #:1710976113, 1710975283, 1710966934, 1710975573, 1710976024, and 1710975481; Real Estate ID 0080229, 0080228, 0080230, 0080231, 0080232, and 0080233; 3.23 +/- acres recorded as Lots 52, 53, 55, 56, 57, and 58 in Book of Maps 1962, Page 148. (2 ordinances attached - one satellite annexation and one contiguous) | | |
| Recommended Motion and/or Requested Action: Consider adopting Ordinance (2020) 4063-satellite and (2020) 4064-contiguous | | |
| Detailed Notes: Water / sewer request for the development of 5 single-family homes on Long Avenue | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Planning Department**

**Annexation
ANX 20-12**

0 250 500
Feet



Owner: Sherman Yeargan/ Walter Yeargan Trust
Location: 901, 903, 907, 909, 911, 913 Long Avenue
Area: 3.23 acres
Pin: 1710976113, 1710975283, 1710966934,
1710975573, 1710976024, 1710975481

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: **ANX-20-12:** Town of Garner

DATE: May 19, 2020

ANNEXATION APPLICATION: ANX 20-12

OWNERS: Sherman Yeargan/ Walter Yeargan Trust

CONTIGUOUS / SATELLITE: Contiguous and Satellite

LOCATION OF PROPERTY: 901 and 903 Long Avenue (Satellite portions)
907, 909, 911, and 913 Long Avenue
(Contiguous portions)

WAKE COUNTY PIN #: 1710976113, 1710975283, 1710966934,
1710975573, 1710976024, 1710975481

REAL ESTATE ID #: 0080229, 0080228, 0080230, 0080231,
0080232, 0080233

AREA: 3.23 +/- acres

ZONING: R-15

ASSOCIATED DEVELOPMENT PLAN: Plans to construct about 5 single-family homes
with water and sewer - Per the *Raleigh-Garner
Merger Agreement*, an annexation petition is
required for the extension of water and sewer
service.

RECOMMENDATION:

Adopt annexation ordinances (1 for contiguous area and 1 for the satellite area)

KEY DATES:

SET PUBLIC HEARING: May 19, 2020

PUBLIC HEARING: June 16, 2020

ANNEXATION EFFECTIVE: June 16, 2020

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

ORDINANCE NO. (2020) 4063

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 7:00 PM on June 16, 2020, after due notice by the *News & Observer* on June 5, 2020, 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 June 16, 2020.

(ANX 20-12 Portion 1) Satellite annexation: 901 and 903 Long Avenue; Wake County PINs: 1710975573 and 1710975481; Real Estate IDs: 0080229 and 0080228; 1.13 +/- acres recorded as Lots 52 and 53 in Book of Maps 1962, Page 148.

Section 2. Upon and after June 16, 2020, 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 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

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

ORDINANCE NO. (2020) 4064

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 June 16, 2020, after due notice by publication in the *News & Observer* on June 5, 2020; 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 June 16, 2020.

(ANX 20-12 Portion 2) Contiguous annexation: 907, 909, 911, and 913 Long Avenue; Wake County PINs: 1710976113, 1710975283, 1710966934, and 1710976024; Real Estate IDs: 0080230, 0080231, 0080232, and 0080233; 3.23 +/- acres recorded as Lots 55, 56, 57, and 58 in Book of Maps 1962, Page 148.

Section 2. Upon and after the 16th day of June, 2020, 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 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: June 16, 2020 | | |
| Subject: Adoption of the FY 2020-2021 Budget | | |
| Location on Agenda: Old/New Business | | |
| Department: Administration | | |
| Contact: Mike Franks, Budget Manager | | |
| Presenter: Mike Franks, Budget Manager | | |
| Brief Summary: Ordinance adopting the FY2020-2021 budget and supporting documents. | | |
| Recommended Motion and/or Requested Action: Consider adopting Ordinance (2020) 4065 | | |
| Detailed Notes: Staff will review proposed changes to the FY 2020 - 2021 Recommended Budget. | | |
| Funding Source: n/a | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input checked="" type="radio"/> No Cost: <input type="radio"/> |
| Manager's Comments and Recommendations: Recommend Approval | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | MR | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |



FY 2020 – 2021 BUDGET SUMMARY



Budget Schedule

- 5/19/20 - The Town of Garner hosted a public hearing to offer residents an opportunity to provide input on the budget.
- 5/20/20 – The Town of Garner hosted an all day long budget work session.
- 6/1/20 - The Town of Garner hosted a second public hearing to offer residents an opportunity to provide input on the budget.
- 6/2/20 – The Town of Garner hosted a virtual public hearing to offer residents an opportunity to provide input on the budget.
- 6/3/20 – The Town of Garner hosted a second day long budget work session. If this session occurs, residents are welcome to attend to get a better understanding on the details of the budget.
- 6/16/20 – Proposed budget adoption

Changes to Recommended Budget

Revenue Changes:

| | |
|---|--------------------|
| Tax Rate Change Above Recommended | \$461,460 |
| Fund Balance (Public Safety Equipment) | 20,840 |
| Finance Vehicles (F/B Covers Annual Pmts) | 972,692 |
| Net Impact of Revenue Changes | \$1,454,992 |

Expenditure Changes:

| | |
|---|--------------------|
| Pay Equity | \$455,485 |
| Reinstate Employee Merit | 99,942 |
| Lobbyist | 26,200 |
| Three Fire Fighters | 118,005 |
| PD Community Liaison Officer | 128,294 |
| PFRM | 310,000 |
| Bond Prep/One-time Projects | 200,000 |
| Engineering Plan Reviewer (Capital Project Mgr) | 75,496 |
| Conversion of P/T Street Maintenance Workers to F/T | 48,314 |
| One Time Capital - Rifle Rated Vests and Rifle Helmets/Plates | 20,840 |
| IT Cyber Security Training | 7,000 |
| Reinstate Downtown Garner Art Program | 10,000 |
| Savings from Workers Compensation Proposal | -35,000 |
| New Reductions | -9,584 |
| Net Impact of Expenditure Changes | \$1,454,992 |

Adopted Budget Summary

- Funds Critical Public Safety Personnel
 - The Community Liaison Officer significantly enhances the Police Department's ability to provide proactive community outreach at a time when strengthening community relationships and partnerships is critical.
 - The School Resource Officer ensures appropriate student to staff ratios at South Garner High School with the addition of 12th graders
 - Funds critical police safety equipment
 - The three fire fighter positions allow GVFR to complete the staffing model of having four full-time personnel on all staffed units, which is consistent with peer municipal departments in Wake County.
- Provides Pay Equity
 - Resolves pay equity issue which impact 57 out of 173 Town employees and 45 out of 65 Garner Volunteer Fire and Rescue employees

Adopted Budget Summary Cont.

- Positions the Town for Future Bond Referendum
 - Provides one-time funding to help the Town finish performing additional analysis of upcoming bond projects to determine feasibility and establish cost estimate
 - Allows the Town to establish a dedicated capital project manager in the Engineering Department
- Funds the Maintenance of Existing Assets
 - Funding will allow the Town to begin performing long delayed maintenance on existing assets
- Ensures Garner remains one of the most affordable localities in Wake County

| Annual property tax is based on a single family residential unit valued at the average home value according to GIS on 4/22. | | | | | | |
|---|--------------------------------|----------------------------------|-------------------------|------------------------------|-------------------------|----------------|
| Annual water/sewer charges based on usage of 3,740 gallons or 5 CCR per month. | | | | | | |
| Annual stormwater rates based on 2,000 square feet | | | | | | |
| Wake County Municipalities | Property Tax Rate ¹ | Annual Property Tax ² | Annual Solid Waste Fees | Annual Water & Sewer Charges | Annual Storm Water Fees | TOTAL |
| Garner | \$0.4971 | \$1,146 | \$0 | \$693 | \$0.00 | \$1,840 |
| Knightdale | \$0.4200 | \$1,033 | \$190 | \$693 | \$48.00 | \$1,965 |
| Fuquay-Varina | \$0.3950 | \$1,103 | \$171 | \$798 | \$0.00 | \$2,073 |
| Raleigh | \$0.3552 | \$1,122 | \$205 | \$693 | \$60.00 | \$2,080 |
| Morrisville | \$0.3650 | \$1,338 | \$0 | \$770 | \$24.96 | \$2,134 |
| Wake Forest | \$0.4950 | \$1,561 | \$0 | \$693 | \$0.00 | \$2,255 |
| Apex | \$0.3800 | \$1,423 | \$247 | \$671 | \$0.00 | \$2,343 |
| Cary | \$0.3500 | \$1,435 | \$234 | \$775 | \$0.00 | \$2,444 |
| Wendell | \$0.4700 | \$997 | \$264 | \$1,226 | \$0.00 | \$2,487 |
| Holly Springs | \$0.4216 | \$1,495 | \$217 | \$742 | \$36.00 | \$2,490 |
| Rolesville | \$0.4600 | \$1,601 | \$264 | \$693 | \$0.00 | \$2,559 |
| Zebulon | \$0.5500 | \$1,052 | \$296 | \$1,455 | \$0.00 | \$2,803 |
| Average | \$0.4238 | \$1,287 | \$190 | \$837 | \$15.36 | \$2,330 |

*Rates and fees based on FY 2019 - 2020 totals as prepared by the City of Raleigh

¹Property tax rates are based on Town's recommended budget proposals

²Average home value figures provided by Wake County Revenue Department

ORDINANCE NO. (2020) 4065

AN ORDINANCE TO APPROPRIATE FUNDS AND TO RAISE REVENUES FOR THE
FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina, in accordance with NC General Statutes 159-13, that the following anticipated fund revenues and departmental expenditures are hereby appropriated and approved for the operation of the Town government and its activities for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021.

Section I. GENERAL FUND

A. ANTICIPATED REVENUES

AD VALOREM TAXES

| | |
|--------------------------------|--------------|
| Ad Valorem Taxes-Current Year | \$22,947,923 |
| Ad Valorem Taxes-Prior Year | 60,500 |
| Ad Valorem Tax Rental Vehicles | 22,500 |
| Payment in Lieu of Taxes | 800 |
| Tax Penalty and Interest | 44,000 |

SALES TAX AND OTHER TAXES

| | |
|--------------------------------|-----------|
| ABC Net Revenue | \$150,000 |
| Local Government Sales Tax 1% | 2,602,865 |
| Local Government Sale Tax 1/2% | 3,061,473 |
| Solid Waste Disposal Tax | 20,000 |

INTERGOVERNMENTAL REVENUES

| | |
|---------------------------|-----------|
| Beer and Wine Tax | \$135,000 |
| Utility Franchise Tax | 1,925,000 |
| Video Programming Fees | 249,000 |
| PEG Channel Reimbursement | 53,000 |
| PEG Media Cost Share | 26,500 |
| Powell Bill Distribution | 773,682 |
| School Resource Officer | 126,136 |

PERMITS AND FEES

| | |
|----------------------------|----------|
| Sidewalk Fee | \$55,000 |
| Engineering Inspection Fee | 55,000 |
| Motor Vehicle Fee - Roads | 730,000 |
| Business Registration Fee | 30,000 |

| | |
|-------------------------------|-----------|
| Dog Tags | 800 |
| Subdivision Fees | 70,000 |
| Board of Adjustment Fees | 800 |
| Site Plan / Permit Fees | 40,000 |
| Rezoning Fees | 15,000 |
| Sign Permit Fees | 7,100 |
| Annexation and Street Closing | 1,200 |
| Special Event Permit | 700 |
| Building Permit Fees | 1,250,000 |
| Inspection Plan Review Fee | 55,000 |
| Fire Inspection Fee | 30,000 |
| Inspection Fees - After Hours | 1,480 |
| Police Outside Employment | 225,000 |
| False Alarm Charges | 20,000 |

FEES FOR SERVICE

| | |
|-----------------------------------|-----------|
| Recreation Fees | \$270,560 |
| Auditorium Concessions | 3,600 |
| Parks & Rec Facility Rental | 186,825 |
| Special Refuse Collection Fees | 3,775 |
| Refuse Cart Fees | 50,000 |
| City of Raleigh - Collection Fees | 4,000 |
| Wake County - Collection Fees | 950 |
| NCDOT Mowing Agreement | 30,000 |
| City of Raleigh - Street Repairs | 40,000 |

INVESTMENT REVENUES

| | |
|-----------------|-----------|
| Interest Earned | \$450,000 |
|-----------------|-----------|

OTHER REVENUES

| | |
|--------------------------------|-----------|
| Co Landfill Reimbursement | \$125,000 |
| Grounds Fee - School Commons | 7,500 |
| Miscellaneous Revenue | 15,000 |
| Code Enforcement Fines | 25,000 |
| Scrap Metal Sales | 2,000 |
| Sewer Assessments | 4,000 |
| Interest on Assessments | 700 |
| Miscellaneous Land Use Charges | 15,000 |
| Officer Fees | 7,500 |

| | |
|---|---------------------|
| Parking Violations | 800 |
| OTHER FUNDING SOURCES | |
| Transfer From – Stormwater Infrastructure Reserve | \$45,000 |
| Transfer From – Water/Sewer Debt Reserve | 399,524 |
| Transfer From - Capital Reserve | 158,994 |
| Sale of Fixed Assets | 45,000 |
| Proceeds from Debt Issuance | 972,692 |
| Appropriated Fund Balance - Bond Debt Capital Reserve | 1,548,181 |
| Appropriated Fund Balance - Unassigned | <u>1,498,474</u> |
| TOTAL | <u>\$40,695,534</u> |

B. ANTICIPATED EXPENDITURES

| | |
|---|-------------|
| GOVERNING BODY | \$446,020 |
| ADMINISTRATION | \$1,583,122 |
| FINANCE | \$942,292 |
| ECONOMIC DEVELOPMENT | \$382,378 |
| PLANNING | \$924,975 |
| INSPECTIONS | \$1,377,200 |
| ENGINEERING | \$826,759 |
| INFORMATION TECHNOLOGY | \$796,814 |
| POLICE | \$8,336,098 |
| FIRE AND RESCUE | \$4,265,938 |
| PUBLIC WORKS | \$9,366,534 |
| PARKS, RECREATION AND CULTURAL RESOURCES | \$2,436,915 |

| | |
|------------------------|---------------------|
| DEBT SERVICE | \$4,095,858 |
| SPECIAL APPROPRIATIONS | \$1,324,986 |
| OTHER FUNDS | \$1,746,086 |
| TRANSFERS | <u>\$1,843,559</u> |
| TOTAL | <u>\$40,695,534</u> |

Section II. LEVY OF TAXES

There is hereby levied, for Fiscal 2020-2021 Ad Valorem Tax Rate of \$0.4971 per one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2020, for the purpose of raising funds for the General Services under Current Year's Tax, as set forth in the forgoing estimates of revenues in order to finance the foregoing applicable appropriations. This rate of tax is based on an estimated assessed valuation of \$4,664,859,988 and an estimated rate of collection of 99.0 percent. Under authority of NC General Statute 20-97, an annual license tax of \$30.00 is levied on each vehicle in the Town of Garner.

Section III. AUTHORIZATIONS & RESTRICTIONS OF THE BUDGET OFFICER

The Budget Officer is hereby authorized to transfer amounts between line items within a department without limitation, provided that transfers to or from the personnel services category of expense from another category of expense shall be reported to the Board at the first regularly scheduled meeting of each month.

Transfers between departments, and revisions of the revenue or expenditure totals, or utilization of any fund balance not already authorized in this ordinance shall require Board approval by budget ordinance.

Funds from capital project budgets to be closed shall be transferred into the General Fund unless otherwise specified by Town Council or the funds are restricted in their use by an external source.

Section IV. PURCHASE ORDERS.

All purchase orders will be pre-audited in accordance with the Local Government Budget and Fiscal Control Act and issued on all purchases over \$1,000.00.

Section V. PAY AND CLASSIFICATION PLAN

The sums appropriated and set forth in the detailed schedule of personnel services shall be paid in accordance with the Pay Plan and Position Classification Plan adopted by Town Council. All positions, position titles, incorporated herein for personnel are authorized and approved. The Town Manager is authorized to change positions, position titles, classifications and reclassifications, and reassignments for personnel for all positions authorized in the budget, but

no new positions that are not captured within the budget or within the Position Classification Plan shall be added without the approval of the Town Council.

Section VI. UTILIZATION OF BUDGET ORDINANCE

This ordinance shall be the basis of the financial plan for the Town of Garner during the Fiscal Year 2020-2021. The Budget Officer shall administer the budget and shall insure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the budget. The Finance Department shall establish and maintain all records which are in consonance with this ordinance, and the appropriate statutes of the State of North Carolina. Copies of this ordinance shall be furnished to the Finance Director and the Town Clerk for their direction in the disbursement of the Town's funds and for public inspection.

Duly adopted the 16th day of June, 2020.

Ken Marshburn, Mayor

ATTEST: _

Stella L. Gibson, Town Clerk

REPORTS

| Garner Info | | | | | | |
|-------------|---------------------------------|--|----------------|-----------------------|--------------|---|
| | | | | | | |
| Id | Title | Description | Current Status | Address | Date Created | Status |
| 7420736 | Junk Vehicle (Private Property) | 2 vehicles that haven't moved for over a year. Trash everywhere. | In Progress | 930 Meadowbrook Dr | 2/1/2020 | First contact letter sent |
| 7456034 | Junk Vehicle (Private Property) | Three junk vehicles in front yard. The last time I reported them, I was told they were unlicensed, but operational - those vehicles haven't been moved in years so I know that they are not operational. A quick glance at them tells anyone with a shred of common sense that they aren't going anywhere without new batteries, air in the tires, and, more likely, a towtruck. Major eyesore!! | In Progress | 405 Avery St | 2/9/2020 | 2 vehicles have been shown to be operable extension granted for partial compliance to remove or cover remaining vehicle. |
| 7582231 | Commercial Vehicles | Two truck tractors parked on residential lot. | In Progress | 1704 Spring Drive | 3/6/2020 | Owner of vehicles asked for time to relocate commercial vehicles and were granted time to accomplish remediation of violation. Follow-up will begin on June 1, 2020. |
| 7914296 | Misc. - Parks / Town Property | Car parked in front of Jaycee Park for days | Submitted | 1301-1399 Sycamore Dr | 5/10/2020 | |
| 7986494 | Junk Vehicle (Private Property) | Two very large junk vehicles in front yard and tall uncut grass too. | Received | 603 Curtiss Dr | 5/21/2020 | |
| 7999267 | Animal Concern - Non Emergency | Dogs in backyard barking all night long. Cannot sleep as a result. This continues to be a problem... As I type this at 2:43 AM, it's incessant and a terrible nuisance. | In Progress | 230 Weston Rd | 5/25/2020 | We have spoke to the dog owner in the past regarding this issue. We have not been able to make contact with her. We will make another attempt this week in the evening with a services officer. |

| Id | Title | Description | Current Status | Address | Date Created | Status |
|---------|--------------------------------------|--|----------------|---------------------|--------------|--------|
| 8037685 | Animal Concern - Non Emergency | Dogs in backyard barking right now. Just as they've been barking all night long. Just as they've been barking all the time for weeks now. Same as the previous two times I've recently reported this yet nothing has been done. It's gotta stop | Submitted | 230 Weston Rd | 5/29/2020 | |
| 8046081 | Noise (Business) | Around 8:30am on 6/1 another explosion happened at TTE shaking the ground and causing extreme noise. | Submitted | Garner, NC 27529 | 6/1/2020 | |
| 8052456 | Junk Vehicle (Private Property) | Nissan Pathfinder suv. No tag, hasn't moved | Received | 1103 Southerlund Rd | 6/1/2020 | |
| 8077824 | Junk Vehicle (Private Property) | Badly damaged vehicle, parked in the empty lot across from Wiley Elementary School. | Submitted | 2600 Timber Dr | 6/4/2020 | |
| 8095228 | Junk Vehicle (Private Property) | 2 or 3 vehicles that have not moved in a while. Not sure they have tags | Submitted | 1206 Southerlund Rd | 6/8/2020 | |
| 8095268 | Junk Vehicle (Private Property) | several in back yard. | Submitted | 1401 Meadowbrook Dr | 6/8/2020 | |
| 8101007 | Yard Waste/ Loose Leaves | loose lems that need to be tagged for pick up. | Submitted | 1115 Southerlund Rd | 6/8/2020 | |
| 8102594 | Yard Waste/ Loose Leaves | limbs on Kenway side that need to be tagged for pickup please. Thank you! | Submitted | 1014 Southerlund Rd | 6/9/2020 | |
| 8104179 | Trash/Solid Waste (Private Property) | Broken concrete by drive way needs to be removed. | Submitted | 3707 Cason St | 6/9/2020 | |
| 8105894 | Trash/Solid Waste (Private Property) | With the different debris / junk in yard on a daily basis, it looks like a business is being operated from this home. ALWAYS very junkie and aesthetically undesirable appearance. | Submitted | 3919 Randell Rd | 6/9/2020 | |

Building Activity by Type and Proposed Use for
Report Beginning: 05/01/2020 to Report Ending: 05/31/2020

Addition

| Proposed Use | Number of Units | Construction Value | Intown Value |
|---------------------|------------------------|---------------------------|---------------------|
| DECK | 7 | \$42,267.00 | \$29,267.00 |
| SCREENED PORCH | 3 | \$82,850.00 | \$82,850.00 |
| Total | 10 | \$125,117.00 | \$112,117.00 |

Alteration

| Proposed Use | Number of Units | Construction Value | Intown Value |
|------------------------|------------------------|---------------------------|---------------------|
| BUSINESS/OFFICE | 2 | \$79,500.00 | \$79,500.00 |
| COLLOCATION TOWER | 1 | \$21,000.00 | \$21,000.00 |
| OTHER | 1 | \$317,760.00 | \$317,760.00 |
| SINGLE FAMILY DWELLING | 9 | \$140,407.00 | \$83,407.00 |
| SOLAR SYSTEM (RES) | 1 | \$26,640.80 | \$26,640.80 |
| STORAGE/WAREHOUSE | 3 | \$142,298.00 | \$142,298.00 |
| Total | 17 | \$727,605.80 | \$670,605.80 |

Electrical

| Proposed Use | Number of Units | Construction Value | Intown Value |
|------------------------|------------------------|---------------------------|---------------------|
| BUSINESS/OFFICE | 1 | \$1,250.00 | \$1,250.00 |
| COMMERCIAL SIGN | 1 | \$800.00 | \$800.00 |
| ELECTRICAL SERVICE REC | 1 | \$5,000.00 | \$5,000.00 |
| MANUFACTURED HOME | 1 | \$3,000.00 | \$0.00 |
| OTHER | 1 | \$2,500.00 | \$2,500.00 |
| RESIDENTIAL STORAGE | 2 | \$3,000.00 | \$3,000.00 |
| SINGLE FAMILY DWELLING | 4 | \$1,650.00 | \$1,525.00 |
| SWIMMING POOL | 1 | \$1,200.00 | \$1,200.00 |
| Total | 12 | \$18,400.00 | \$15,275.00 |

Mechanical

| Proposed Use | Number of Units | Construction Value | Intown Value |
|----------------------|------------------------|---------------------------|---------------------|
| MECHANICAL REPLACEME | 47 | \$339,137.00 | \$294,242.00 |

| | | | |
|-----------------------|----|--------------|--------------|
| NA | 1 | \$7,267.00 | \$0.00 |
| TANKLESS HOT WATER HE | 1 | \$4,500.00 | \$4,500.00 |
| Total | 49 | \$350,904.00 | \$298,742.00 |

New Building

| Proposed Use | Number of Units | Construction Value | Intown Value |
|------------------------|-----------------|--------------------|----------------|
| CONSTRUCTION TRAILER | 1 | \$10,000.00 | \$10,000.00 |
| SINGLE FAMILY DWELLING | 17 | \$3,662,184.00 | \$1,918,723.00 |
| SWIMMING POOL | 1 | \$53,539.00 | \$53,539.00 |
| Total | 19 | \$3,725,723.00 | \$1,982,262.00 |

New Structure

| Proposed Use | Number of Units | Construction Value | Intown Value |
|----------------------|-----------------|--------------------|--------------|
| COMMERCIAL SIGN | 1 | \$800.00 | \$800.00 |
| CONSTRUCTION TRAILER | 2 | \$5,750.00 | \$5,750.00 |
| RESIDENTIAL STORAGE | 2 | \$15,000.00 | \$15,000.00 |
| RETAINING WALL | 1 | \$23,744.00 | \$23,744.00 |
| Total | 6 | \$45,294.00 | \$45,294.00 |

Plumbing

| Proposed Use | Number of Units | Construction Value | Intown Value |
|------------------------|-----------------|--------------------|--------------|
| GAS FUEL LINE | 1 | \$565.00 | \$565.00 |
| IRRIGATION | 1 | \$5,000.00 | \$5,000.00 |
| PLUMBING | 3 | \$17,000.00 | \$15,000.00 |
| SEWER SERVICE | 1 | \$1,500.00 | \$1,500.00 |
| SINGLE FAMILY DWELLING | 1 | \$38,176.94 | \$38,176.94 |
| TANKLESS HOT WATER HE | 2 | \$7,500.00 | \$7,500.00 |
| Total | 9 | \$69,741.94 | \$67,741.94 |

Repair

| Proposed Use | Number of Units | Construction Value | Intown Value |
|------------------------|-----------------|--------------------|--------------|
| MERCANTILE/RETAIL | 1 | \$6,000.00 | \$6,000.00 |
| SINGLE FAMILY DWELLING | 1 | \$150.00 | \$150.00 |
| Total | 2 | \$6,150.00 | \$6,150.00 |

Sum

Total Number of Permits

124

Total Construction Value

\$5,068,935.74

Total Intown Value

\$3,198,187.74

| | | | | |
|-----------------------------|--------------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200334 | Inside Town Limits | No | |
| Issue date: | 5/6/2020 | Census tract: | | PIN#: 1720-14-9311 |
| Lot#: | 18 | Subdivision: | HILLANDALE | Total cost: \$250,000.00 |
| PropAddress: | 704 HILLANDALE LANE | | | |
| Owner's | STEVE DIXON | Owner's Phone: | 919-422-8217 | |
| Contractor | CIRCLE B BUILDING CO INC | Contractor's Phone: | 919-625-2222 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|-----------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200370 | Inside Town Limits | Yes | |
| Issue date: | 5/11/2020 | Census tract: | | PIN#: 1730-19-6811 |
| Lot#: | 52 | Subdivision: | AUBURN VILLAGE | Total cost: \$147,000.00 |
| PropAddress: | 113 IVORY LANE | | | |
| Owner's | CALATANTIC GROUP | Owner's Phone: | 919-465-5900 | |
| Contractor | LENNAR CAROLINAS, LLC | Contractor's Phone: | 919-466-3314 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|-----------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200372 | Inside Town Limits | Yes | |
| Issue date: | 5/11/2020 | Census tract: | | PIN#: 1731-30-9418 |
| Lot#: | 70 | Subdivision: | AUBURN VILLAGE | Total cost: \$166,935.00 |
| PropAddress: | 247 IVORY LANE | | | |
| Owner's | CALATLANTIC GROUP INC | Owner's Phone: | 919-465-5900 | |
| Contractor | LENNAR CAROLINAS, LLC | Contractor's Phone: | 919-466-3314 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|-----------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200510 | Inside Town Limits | Yes | |
| Issue date: | 5/11/2020 | Census tract: | | PIN#: 1730-49-7987 |
| Lot#: | 90 | Subdivision: | AUBURN VILLAGE | Total cost: \$147,000.00 |
| PropAddress: | 126 IVORY LANE | | | |
| Owner's | CALATLANTIC GROUP | Owner's Phone: | 919-465-5900 | |
| Contractor | LENNAR CAROLINAS, LLC | Contractor's Phone: | 919-466-3314 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|-----------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200511 | Inside Town Limits | Yes | |
| Issue date: | 5/11/2020 | Census tract: | | PIN#: 1731-50-4421 |
| Lot#: | 212 | Subdivision: | AUBURN VILLAGE | Total cost: \$147,000.00 |
| PropAddress: | 155 AZURE MIST DRIVE | | | |
| Owner's | CALATLANTIC GROUP INC | Owner's Phone: | 919-465-5900 | |
| Contractor | LENNAR CAROLINAS, LLC | Contractor's Phone: | 919-466-3314 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|-----------------------|---------------------------|----------------------------|---------------------------------|
| Permit #: | 2200531 | Inside Town Limits | Yes | |
| Issue date: | 5/4/2020 | Census tract: | | PIN#: 0699-15-1378 |
| Lot#: | 26 | Subdivision: | MCCULLERS WALK | Total cost: \$193,062.00 |
| PropAddress: | 158 TAWNY SLOPE COURT | | | |
| Owner's | HALLE | | Owner's Phone: | 919-387-1885 |
| Contractor | RYAN HOMES | | Contractor's Phone: | 703-956-4000 |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|-----------------------|---------------------------|----------------------------|---------------------------------|
| Permit #: | 2200532 | Inside Town Limits | Yes | |
| Issue date: | 5/4/2020 | Census tract: | | PIN#: 0699-15-0309 |
| Lot#: | 23 | Subdivision: | MCCULLERS WALK | Total cost: \$176,655.00 |
| PropAddress: | 146 TAWNY SLOPE COURT | | | |
| Owner's | HALLE | | Owner's Phone: | 919-387-1885 |
| Contractor | RYAN HOMES | | Contractor's Phone: | 703-956-4000 |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|----------------------------|---------------------------|----------------------------|---------------------------------|
| Permit #: | 2200533 | Inside Town Limits | Yes | |
| Issue date: | 5/4/2020 | Census tract: | | PIN#: 1720-79-1792 |
| Lot#: | | Subdivision: | N/A | Total cost: \$112,748.00 |
| PropAddress: | 1100 NORTH GREENFIELD PKWY | | | |
| Owner's | ERIC MAYER | | Owner's Phone: | 815-230-6750 |
| Contractor | AR INSTALLATIONS | | Contractor's Phone: | 317-431-1653 |
| Type of Improvement: | Alteration | Proposed Use | STORAGE/WAREHOUSE | |

| | | | | |
|-----------------------------|----------------------|---------------------------|----------------------------|---------------------------------|
| Permit #: | 2200534 | Inside Town Limits | Yes | |
| Issue date: | 5/5/2020 | Census tract: | | PIN#: 0699-05-3708 |
| Lot#: | 9 | Subdivision: | MCCULLERS WALK | Total cost: \$196,073.00 |
| PropAddress: | 117 MISTY PIKE DRIVE | | | |
| Owner's | HALLE BUILDING GROUP | | Owner's Phone: | 919-387-1885 |
| Contractor | RYAN HOMES | | Contractor's Phone: | 703-956-4000 |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|----------------------|---------------------------|----------------------------|---------------------------------|
| Permit #: | 2200535 | Inside Town Limits | Yes | |
| Issue date: | 5/5/2020 | Census tract: | | PIN#: 0699-05-3689 |
| Lot#: | 11 | Subdivision: | MCCULLERS WALK | Total cost: \$202,798.00 |
| PropAddress: | 109 MISTY PIKE DRIVE | | | |
| Owner's | HALLE BUILDING GROUP | | Owner's Phone: | 919-387-1885 |
| Contractor | RYAN HOMES | | Contractor's Phone: | 703-956-4000 |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|----------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200536 | Inside Town Limits | Yes | |
| Issue date: | 5/5/2020 | Census tract: | | PIN#: 0699-05-4636 |
| Lot#: | 12 | Subdivision: | MCCULLERS WALK | Total cost: \$192,600.00 |
| PropAddress: | 105 MISTY PIKE DRIVE | | | |
| Owner's | HALLE BUILDING GROUP | Owner's Phone: | 919-387-1885 | |
| Contractor | RYAN HOMES | Contractor's Phone: | 703-956-4000 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|------------------------|----------------------------|--------------|---------------------------------|
| Permit #: | 2200539 | Inside Town Limits | Yes | |
| Issue date: | 5/8/2020 | Census tract: | | PIN#: 1720-09-0412 |
| Lot#: | | Subdivision: | N/A | Total cost: \$317,760.00 |
| PropAddress: | 400 US 70 HIGHWAY EAST | | | |
| Owner's | WAKEMED HEALTH | Owner's Phone: | 919-662-5001 | |
| Contractor | DPR CONSTRUCTION | Contractor's Phone: | 650-474-1450 | |
| Type of Improvement: | Alteration | Proposed Use | OTHER | |

| | | | | |
|-----------------------------|----------------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200552 | Inside Town Limits | No | |
| Issue date: | 5/5/2020 | Census tract: | | PIN#: 1628-08-8027 |
| Lot#: | 87 | Subdivision: | GLEN CREEK | Total cost: \$288,610.00 |
| PropAddress: | 5004 ALTAMONT COURT | | | |
| Owner's | BUFFALOE RESERVE LLC | Owner's Phone: | 919-363-4111 | |
| Contractor | ROBUCK HOMES TRIANGLE, LLC | Contractor's Phone: | 919-876-9200 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|----------------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200606 | Inside Town Limits | No | |
| Issue date: | 5/15/2020 | Census tract: | | PIN#: 1628-07-4834 |
| Lot#: | 75 | Subdivision: | GLEN CREEK | Total cost: \$308,560.00 |
| PropAddress: | 5023 BLENDON TRAIL | | | |
| Owner's | ROBUCK HOMES TRIANGLE | Owner's Phone: | 919-710-4931 | |
| Contractor | ROBUCK HOMES TRIANGLE, LLC | Contractor's Phone: | 919-876-9200 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|----------------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200607 | Inside Town Limits | No | |
| Issue date: | 5/15/2020 | Census tract: | | PIN#: 1628-08-5376 |
| Lot#: | 82 | Subdivision: | GLEN CREEK | Total cost: \$318,500.00 |
| PropAddress: | 5007 ALTAMONT COURT | | | |
| Owner's | ROBUCK HOMES TRIANGLE LLC | Owner's Phone: | 919-363-4111 | |
| Contractor | ROBUCK HOMES TRIANGLE, LLC | Contractor's Phone: | 919-876-9200 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|----------------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200608 | Inside Town Limits | No | |
| Issue date: | 5/15/2020 | Census tract: | | PIN#: 1628-18-0401 |
| Lot#: | 85 | Subdivision: | GLEN CREEK | Total cost: \$278,320.00 |
| PropAddress: | 5012 ALTAMONT COURT | | | |
| Owner's | BUFFALOE PRESERVE LLC | Owner's Phone: | 919-363-4111 | |
| Contractor | ROBUCK HOMES TRIANGLE, LLC | Contractor's Phone: | 919-876-9200 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|----------------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200609 | Inside Town Limits | Yes | |
| Issue date: | 5/15/2020 | Census tract: | | PIN#: 1628-08-9210 |
| Lot#: | 86 | Subdivision: | GLEN CREEK | Total cost: \$264,600.00 |
| PropAddress: | 5008 ALTAMONT COURT | | | |
| Owner's | ROBUCK HOME TRIANGLE LLC | Owner's Phone: | 919-363-4111 | |
| Contractor | ROBUCK HOMES TRIANGLE, LLC | Contractor's Phone: | 919-876-9200 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |

| | | | | |
|-----------------------------|----------------------------|----------------------------|-----------------------|---------------------------------|
| Permit #: | 2200640 | Inside Town Limits | No | |
| Issue date: | 5/21/2020 | Census tract: | | PIN#: 1628-18-2020 |
| Lot#: | 88 | Subdivision: | GLEN CREEK | Total cost: \$299,471.00 |
| PropAddress: | 5000 ALTAMONT COURT | | | |
| Owner's | BUFFALO RESERVES LLC | Owner's Phone: | 919-363-4111 | |
| Contractor | ROBUCK HOMES TRIANGLE, LLC | Contractor's Phone: | 919-876-9200 | |
| Type of Improvement: | New Building | Proposed Use | SINGLE FAMILY DWELLIN | |