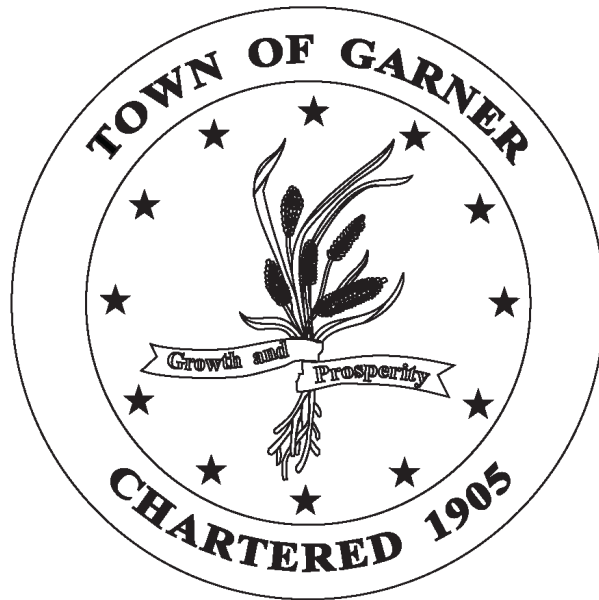


# TOWN OF GARNER



## TOWN COUNCIL MEETING

November 4, 2019  
7:00 p.m.

Garner Town Hall  
900 7th Avenue  
Garner, NC 27529

**Town of Garner  
Town Council Meeting Agenda  
November 4, 2019**

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

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

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

- B. PLEDGE OF ALLEGIANCE: Council Member Elmo Vance

- C. INVOCATION: Council Member Elmo Vance

- D. PETITIONS AND COMMENTS

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

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

- G. CONSENT

- 1. Re-appointment of Nancy Anderson to the Garner Volunteer Fire Rescue ..... Page 6  
Board of Directors  
Presenter: Ken Marshburn and Kathy Behringer, Human Resources Committee

The Human Resources Committee recommends re-appointing Nancy Anderson as the Town's appointee to the Garner Volunteer Fire Rescue Board of Directors for an additional two year term, expiring November 18, 2021.

Action : Consider re-appointing Nancy Anderson to the Garner Volunteer Fire Rescue Board of Directors

- 2. Council Meeting Minutes ..... Page 7  
Presenter: Stella Gibson, Town Clerk

Council meeting minutes from October 3 and October 7, 2019 and closed session minutes from October 7, 2019.

Action: Consider adopting minutes

3. Ordinance Amending the Operating Budget-Auto Maintenance Budget ..... Page 18  
Presenter: David C. Beck, Finance Director

The Police Department had 2 vehicles that were damaged by hail in FY 2018-19. The insurance claim proceeds were received in FY 2018-19 but the vehicle repairs were not completed until FY 2019-20, therefore the revenue rolled into fund balance at fiscal year-end. This amendment appropriates funds out of fund balance to cover the cost of the repairs.

Action: Consider adopting Ordinance (2019) 4015

4. Ordinance Amending the Operating Budget-Neighborhood Improvement ..... Page 20  
Presenter: David C. Beck, Finance Director

This amendment moves all budgeted funds from the Neighborhood Improvement department over to the Planning department. The reorganization of the Neighborhood Improvement department was approved by Council at their July 1, 2019 meeting

Action: Consider adopting ordinance (2019) 4016

5. Ordinance Amendment the Operating Budget-Paving Contract Changes ..... Page 24  
Presenter: David C. Beck, Finance Director

To budget funds for FY 2019-20 additional paving projects previously authorized by Council. The Trade Street project will be a partial cost share with a business owner. The net cost to the Town will be \$12,180. The Lakeside Drive striping and bicycle lanes work will be an additional cost of \$80,094. These projects will be paid for out of General fund balance since Powell Bill funds have been depleted.

Action: Consider adopting Ordinance (2019) 4017

6. Ordinance Amendment the Operating Budget-Yeargan Property ..... Page 26  
Presenter: David C. Beck, Finance Director

To appropriate funds in FY 2019-20 for contracted mowing of the Yeargan property. Council authorized the contract during their 8/20/2019 regular meeting. Also, appropriates funds to pay the 2019 property taxes per the purchase agreement.

Action: Consider adopting Ordinance (2019) 4018

7. Bee City USA Affiliation ..... Page 28  
Presenter: Katie Lockhart, Outdoor Education and Parks Manager

To designate the Town of Garner as a Bee City USA affiliate.

Action: Consider adopting Resolution (2019) 2396

- 8. Stop Conditions - Johnson Place Subdivision ..... Page 31  
Presenter: Chris Johnson, Town Engineer

The Engineering Department is seeking approval of a Stop Condition in Johnson Place Subdivision on Volunteer Street at the intersection with Johnson Street to serve as a basic traffic control measure.

Action: Consider adopting Ordinance (2019) 4024

- 9. Public Works Committee Recommendation – Changes to Adopted  
Fee Schedule ..... Page 35  
Presenter: John Hodges, Assistant Town Manager - Development Services

The Public Works Committee recommends adoption Construction Drawing Review Fees as proposed by the Town Engineer. The Committee also recommends increasing several subdivision Development Review Fees. The changes are proposed to take effect on January 1, 2020.

Action: Consider approving changes to the 2019-2020 Adopted Fee Schedule effective January 1, 2020

H. PUBLIC HEARINGS

- 1. ANX 19-07, Avenues at White Oak ..... Page 39  
Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition submitted by Garner Road Partnership, LLC for 27.3 +/- acres located on E Garner Road and may be further identified as Wake County PIN# 1721-13-1030.

Action: Consider adopting Ordinance (2019) 4019

- 2. ANX 19-09, Town of Garner ..... Page 44  
Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition submitted by Town of Garner Planning for 45.11 +/- acres located on E Garner Road and may be further identified as Wake County PIN# 1721-03-3394.

Action: Consider adopting Ordinance (2019) 4020

- 3. ANX 19-10, CCAC Building Solutions ..... Page 49  
Presenter: David Bamford, Planning Services Manager

Satellite annexation petition submitted by CCAC Investment Properties LLC for 5.78 +/- acres located at 2000 Waterfield Drive, and may be further identified as Wake County PIN# 1730-12-8487.

Action: Consider adopting Ordinance (2019) 4021

4. ANX-19-11, The Produce Box ..... Page 54  
Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition submitted by TPB Development LLC for 2.63 +/- acres located at 900 Withers Road, further identified as Wake County PIN# 1702-01-6102. The annexation also includes +/- 0.86 acres within the Withers Road right-of-way for a total of +/- 3.49 acres.

Action: Consider adopting Ordinance (2019) 4022

5. General Use Rezoning, Z-19-05 - 2201 E Garner Road ..... Page 59  
Presenter: David Bamford, Planning Services Manager

General Use Rezoning application submitted by Crystal Buehler to rezone 0.78 +/- acres from Single-Family Residential (R-20) to Neighborhood Office (NO). The property is located at the northeast corner of E Garner Road and Auburn-Knightdale Road and may be further identified as Wake County PIN(s)# 1730-37-7432 and 1730-37-6391.

Action: Consider forwarding to the Planning Commission at their November 18, 2019, meeting

6. CUD-Z-19-02 & CUP-SP-19-05 Centro Christiano Church ..... Page 68  
Presenter: David Bamford, Planning Services Manager

Conditional Use Rezoning (CUD-Z-19-02) with associated conditional use site plan (CUP-SP-19-05) request submitted by Centro Christiano Jesus Rey, Inc. to rezone 1.14 +/- acres from Single-Family Residential (R-12) to Neighborhood Office Conditional Use (NO C-215) for a religious institution. The site is located at 600, 602, & 604 St. Mary's St. and may be further identified as Wake County PIN(s)# 1711-41-4397, 1711-41-4289, and 1711-41-4252.

Action: Consider adopting Ordinance (2019) 4023

7. SUP-SP-19-16 R&S Mechanical ..... Page 88  
Presenter: Lauren Long, Planner I

Conditional Use Site Plan (CUP-SP-19-16) application submitted by Spaulding & Norris, PA on behalf of R&S Mechanical for light industrial/flex space The site is located at the southwest corner of Garner Station and Junction boulevards and may be further identified as Wake County PIN# 1701-18-2781.

Action: Consider approving with three standard conditions and three site specific conditions

I. NEW/OLD BUSINESS

1. Jones Sausage Road Widening Bid Award, NCDOT TIP#U-6099 (Amazon) ..... Page 101  
Presenter: Chris Johnson, Town Engineer

To authorize the bid award for Jones Sausage Road (TIP# U-6099) along the frontage of Amazon just south of the I-40 interchange.

Action: Consider authorizing bid to ST Wooten Company pending concurrency by the NC Department of Transportation

2. UDO Re-Write - Contract Authorization ..... Page 104  
Presenter: Jeff Triezenberg

Presentation of final draft contract with Stewart for a re-write of the Town's Unified Development Ordinance as recommended by the Garner Forward Comprehensive Plan.

Action: Authorize Town Manager to execute contract and approve budget amendment for \$25,000.00

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. garner info
2. Woodland Road Resurfacing Update
3. NCDOT Project Delay Letter

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. CLOSED SESSION

O. ADJOURNMENT

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: Re-appointment of Nancy Anderson to the Garner Volunteer Fire Rescue Board of Directors		
Location on Agenda: Consent		
Department: Council		
Contact: Stella Gibson, Town Clerk		
Presenter: Ken Marshburn and Kathy Behringer, Human Resources Committee		
Brief Summary:  The Human Resources Committee recommends re-appointing Nancy Anderson as the Town's appointee to the Garner Volunteer Fire Rescue Board of Directors for an additional two year term, expiring November 18, 2021.		
Recommended Motion and/or Requested Action: Consider re-appointing Nancy Anderson to the Garner Volunteer Fire Rescue Board of Directors		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input type="radio"/> No: <input checked="" 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  
Agenda Form

Meeting Date: November 4, 2019		
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 October 3 and October 7, 2019 and closed session minutes from October 7, 2019.		
Recommended Motion and/or Requested Action: Consider adopting minutes		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
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 Special Meeting Minutes  
October 3, 2019**

The Council met in a special meeting at 9:22 a.m. at the Garner Performing Arts Center located at 742 West Garner Road, Garner, NC. to discuss the Parks, Recreation, and Cultural Resources Comprehensive Plan.

**CALL MEETING TO ORDER/ROLL CALL**

Present: Mayor ProTem Ken Marshburn, Council Member Kathy Behringer, Council Member Elmo Vance

Mayor Ronnie Williams, Council Member Buck Kennedy, and Council Member Gra Singleton were present for a portion of the meeting

Staff Present: Rodney Dickerson, John Hodges, Matt Roylance, Sonya Shaw, Rob Smith, Rick Mercier, Mike Franks

Laura Stroud, from McAdams, reviewed the community engagement summary, the comprehensive plan elements (which included parks, programming, operations and maintenance, finances and budget, and arts and cultural resources) and identified the next steps in the process.

Matt Gross, from McAdams, conducted a preliminary review of the Meadowbrook and Yeargan properties and solicited feedback on how those properties should be developed. He also reviewed the master planning process and timeline for these projects.

**ADJOURNMENT:** 1:52 p.m.

**The Town of Garner  
Town Council Meeting Minutes  
October 7, 2019**

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

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

Present: Mayor Ronnie Williams, Mayor ProTem Ken Marshburn, Council Member Kathy Behringer, Council Member Gra Singleton, and Council Member Elmo Vance

Council Member Buck Kennedy was absent

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Royslance-Asst. Town Manager-Operations, David Beck-Finance Director, Chris Johnson-Town Engineer, David Bamford-Planning Services Manager, Rick Mercier-Communications Manager, Jeff Triezenberg-Planning Director, BD Sechler-Human Resources Director, Sonya Shaw-PRCR Director, Rob Smith-Asst. PRCR Director, Thad Anderson-Associate Attorney, Forrest Jones-Public Works Director, William E. Anderson-Town Attorney, and Stella Gibson-Town Clerk

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ronnie Williams

**PLEDGE OF ALLEGIANCE:** Mayor Ronnie Williams

**INVOCATION:** Mayor Ronnie Williams

**PETITIONS AND COMMENTS**

Johnny Blankenship, 2714 St. Mary's Street Raleigh, reported drainage problems at 109 Village Green Trail which backs up to Georgetown Manor and asked to partner with the town to fix the problem. Council consensus to forward the matter to the Public Works Committee for consideration.

**ADOPTION OF AGENDA**

Motion: Marshburn  
Second Behringer  
Vote: 4:0

**PRESENTATIONS**

Council Member Behringer read a Proclamation recognizing October as Breast Cancer Awareness Month.

## **CONSENT**

### **2020 Council Meeting Schedule**

Presenter: Rodney Dickerson, Town Manager

Resolution to set the 2020 Council Meeting Schedule

Action: Adopt Resolution (2019) 2390

### **ANX-19-07, Avenues at White Oak**

Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition submitted by Garner Road Partnership, LLC for 27.3 +/- acres located on East Garner Road and may be further identified as Wake County PIN# 1721-13-1030.

### **ANX 19-09, Town of Garner**

Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition submitted by the Town of Garner for 45.11 +/- acres located on East Garner Road, and may be further identified as Wake County PIN# 1721-03-339

### **ANX 19-10, CCAC Building Solutions**

Presenter: David Bamford, Planning Services Manager

Satellite annexation petition submitted by CCAC Investment Properties LLC for 5.78 +/- acres located at 2000 Waterfield Drive and may be further identified as Wake County PIN# 1730-12-8487.

### **ANX 19-11, ANX-19-11, The Produce Box**

Presenter: David Bamford, Planning Services Manager

Contiguous annexation petition submitted by TPB Development LLC for 2.63 +/- acres located at 900 Withers Road, further identified as Wake County PIN# 1702-01-6102.

Action for ANX-19-07, Avenues at White Oak, ANX 19-09, Town of Garner, ANX 19-10, CCAC Building Solutions, and ANX 19-11, The Produce Box: Adopt Resolution (2019) 2391 setting public hearings for November 4, 2019

**Budget Amendment-Town Attorney Contract**

Presenter: David Beck, Finance Director

Budget amendment for an increased monthly retainer amount for the Town Attorney. Additional compensation was approved by Council at their 7/30/2019 work session meeting due to the amount of detailed legal work related to ongoing Town projects and development.

Action: Adopt Ordinance (2019) 4001

**Budget Amendment-Audit Contract**

Presenter: David Beck, Finance Director

Budget amendment for additional CAFR preparation assistance from the Town's audit firm. An amended audit contract incorporating the additional work was approved by Council at their 9/3/2019 regular meeting.

Action: Adopt Ordinance (2019) 4002

**Budget Amendment - New Ladder Truck Debt Service**

Presenter: David Beck, Finance Director

Budget amendment for Town share of FY 2019-20 debt service payments due for a recently delivered ladder truck for GVFD. The cost was not included in the FY 2019-20 budget based on guidance from Wake County staff. There will be 10 monthly installment payments due during FY 2019-20. Annual Town cost going forward until debt maturity will be approximately \$62,888.

Action: Adopt Ordinance (2019) 4003

**Budget Amendment-Fund 61 Streets & Sidewalks**

Presenter: Presenter: David Beck, Finance Director

Budget amendment for outside funding sources related to Streets & Sidewalks projects. Revenue is for 50% cost share from Wake County related to Bryan Rd. Elementary project as well as NCDOT LAPP funding for the Timber Dr. sidewalk and Ackerman/Hebron/White Oak roundabout projects.

Action: Adopt Ordinance (2019) 4004

**Budget Amendment-Transit Study**

Presenter: Presenter: David Beck, Finance Director

Budget amendment for Garner Transit Planning Study performed by Kimley-Horn and Associates which was approved by Council at their 8/20/2019 regular meeting. The Town will be reimbursed for 50% of the study cost by GoTriangle.

Action: Adopt Ordinance (2019) 4005

### **Council Meeting Minutes**

Presenter: Stella Gibson, Town Clerk

Council meeting minutes from the August 20, September 3, September 17 and August 27, 2019. Closed session minutes from August 27, and September 17, 2019.

Action: Adopt minutes

### **New Rand Road Contract Amendment No. 8 - Construction Admin and Materials Testing**

Presenter: Chris Johnson, Town Engineer

Contract amendment with Kimley-Horn and subcontractor (Falcon Engineering) to provide construction administration and materials testing during construction phase of project.

Action: Approve Contract Amendment No. 8 and authorize the Town Manager to execute amendment

### **Spring Drive Sidewalks Contract Amendment - Materials Testing**

Presenter: Chris Johnson, Town Engineer

Contract Amendment to cover materials testing services on the Spring Drive Sidewalks construction project.

Action: Approve Contract Amendment and authorize the Town Manager to execute amendment

### **Stop Conditions - Oak Park Phase 3A**

Presenter: Chris Johnson, Town Engineer

The Engineering Department is seeking approval of a Stop Condition in Oak Park Subdivision Phase 3A on Edmer Lane at the intersection with Laporte Path to serve as a basic traffic control measure.

Action: Adopt Ordinance (2019) 4008

Motion: Singleton  
Second: Marshburn  
Vote: 4:0

## **PUBLIC HEARINGS**

Mr. Anderson explained the procedures to be followed during this hearing and asked Council if there were any reasons that would prevent them from making an impartial decision and to disclose any ex parte communications. Hearing none, the Town Clerk administered the Affirmation of Oath to the following: Keith Roberts, Pam Porter, John Bosch, and Jay Colvin.

Mayor Williams opened the hearing and asked Mr. Bamford to provide the staff report for the zoning portion of the request.

### **CUD-Z-19-05 & CUP-SB 19-02, Thompson Business Park**

Presenter: David Bamford, Planning Services Manager

Conditional use rezoning (CUD-Z-19-05) with associated subdivision plan (CUP-SB-19-02) request submitted by TMTLA Associates to rezone 33.7 +/- acres from Service Business (SB) and Single-Family Residential (R-20) to Service Business Conditional Use (SB C-218) and Single-Family Residential Conditional Use (R-9 C-218). The site is located at 1530, 1502, 1518, & 1506 W. Garner Road and can be further identified as Wake County PIN(s)# 1711-17-7822, 1711-27-1892, 1711-37-1783, & 1711-17-7351.

Mr. Triezenberg confirmed the higher density proposed would be consistent to the adjoining properties.

Mayor Williams asked Mr. Triezenberg to provide the staff report the conditional use portion of the request.

Mayor Williams closed the hearing.

Action: Move 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 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 and therefore, I move further the Town Council adopt Ordinance (2019) 4007 approving rezoning request number CUD-Z-19-05 and in doing so also amend the Town's Comprehensive Growth Plan from designating the western 24.51 +/- acres of the subject property identified previously as Medium Density Residential to Light Industrial.

Motion: Singleton  
Second: Marshburn  
Vote: 4:0

Action: Move the Council accept the staff statements regarding plan consistency in Section VII of the report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SB-19-02, Thompson Business Park, with the three standard conditions and nine site-specific conditions to be listed on the permit that will be prepared by staff.

Motion: Singleton  
Second: Vance  
Vote 4:0

## **NEW/OLD BUSINESS**

### **Meadowbrook Property Contract Update**

Presenter: Sonya Shaw, PRCR Director and Matt Gross, McAdams

Mr. Gross presented updates to the master planning contract for the Meadowbrook Property. Revised contract fees total \$74,430.

Action: Authorize Manager to sign updated contract

### **Yeargan Property Contract Update**

Presenter: Matt Gross, McAdams

Mr. Gross presented the master planning contract for the Yeargan property. Phase I of the contract (due diligence) was previously approved 8/20/2019. Fees for Phase II of the contract (master planning) are \$37,215.

Mr. Gross explained the cost savings that will be realized from combining portions of both projects.

Action: Authorize Town Manager to sign updated contract for the Meadowbrook and Yeargan properties.

Motion: Marshburn  
Second: Behringer  
Vote 4:0

### **Depot and Caboose Relocation**

Presenter: Forrest Jones, Public Works Director

Public Works received quotes to relocate the Depot and Caboose from their current locations to the vacant lot adjacent to 110 Pearl St. Devooght House Lifters submitted an estimate to relocate only the Depot at a cost of \$50,000.00. Wolfe House & Building Movers submitted quotes to relocate both the Depot (\$34,125.00) and the Caboose (\$32,550.00) for a total of \$66,675.00.

The railroad may contribute to the project and have asked the Town to submit a proposal for consideration during their budget process (which ends at the calendar year).

It is anticipated the project will be completed by end of 2019.

Action: Award contract to Wolfe House & Building Movers to relocate the Depot and Caboose in the amount of \$66,675.00

Motion: Marshburn  
Second: Behringer  
Vote: 4:0

### **Depot Renovation Contract**

Presenter: Forrest Jones, Public Works Director

Public Works received quotes to perform repairs to the exterior of the Depot, as well as digging the footings and installing the foundation. All exterior wood may need to be replaced, however, any wood in good condition will be recycled and used in the renovation process. Quality Design submitted a quote in the amount of \$90,266.57. Total Construction submitted a quote in the amount of \$83,433.28.

Action: Award a contract to Total Construction in the amount of \$83,433.28 to perform work outlined in quote 2624

Motion: Behringer  
Second: Marshburn  
Vote: 4:0

### **Kennedy Ridge Re-Submittal Time Lapse Waiver Request**

Presenter: Jeff Triezenberg, Planning Director

Request submitted by Dan Ryan Builders in accordance with Article 3.12.H.5. regarding Town Council consideration of waiving the one-year time-lapse requirement in Article 3.12.H.4. The request would allow an application similar to CUP-SB-19-01, Kennedy Ridge Subdivision, to be submitted to the Planning Department prior to August 4, 2020. If the time lapse waiver is approved, Kennedy Ridge



would be required to go through the Town's review process as a new project which would include notifying neighbors.

Action: Consideration of request

Motion: Behringer  
Second: Vance  
Vote: 3:1

Council Member Singleton voted nay as this project was previously denied.

### **Pay and Class Vendor Selection**

Presenter: BD Sechler, Human Resources Director

Human Resources completed an analysis for a new vendor to conduct the annual pay and class study and the one time compression analysis. The compression analysis will include all positions/departments including the Fire Department. This will not impact the Town's policy of reviewing 1/3 of the current positions every year.

Action: Approve Ordinance (2019) 4009

Motion: Singleton  
Second: Marshburn  
Vote: 4:0

### **COMMITTEE REPORTS**

#### **MANAGER REPORTS**

- garner info
- DOT Projects Update – several Town projects will be put on hold due to funding.
- Building & Permit Report
- Food Truck Rodeo – October 20
- Candidates Forum – October 8
- Little Mermaid playing at GPAC – October 18, 19, 25, 26
- Second meeting of October moved to Thursday, October 24
- Current GoTriangle route 102 being substituted for GoRaleigh route 20 beginning Monday, October 14<sup>th</sup>. This will create more of a commuter route and provide a more direct route to the downtown station as well as operating on an all-day cycle with hourly trips during peak times.

#### **ATTORNEY REPORTS**

#### **COUNCIL REPORTS**

Council expressed appreciation for the work performed by McAdams on the Yeargan and Meadowbrook master plans.

Behringer

- Reported DOT will be starting work tomorrow on the Don Robaugh bridge as well as making improvements to the railroad crossing at White Oak and Jones Sausage Roads.

Marshburn

- Recognized the GVFR for a successful Fireman’s Day event

Singleton

- Recognized the Public Works Department for the great condition of the South Garner park.

Motion: Marshburn  
Second: Singleton  
Vote: 4:0

**CLOSED SESSION**

Pursuant to N.C. General Statutes 143.318.11(a)(3) “to consult with the Town Attorney regarding litigation.

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

**ADJOURNMENT:** 9:40 p.m.

Motion: Singleton  
Second: Vance  
Vote 4:0

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: Ordinance Amending the Operating Budget-Auto Maintenance Budget		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
<p><b>Brief Summary:</b></p> <p>The Police Department had 2 vehicles that were damaged by hail in FY 2018-19. The insurance claim proceeds were received in FY 2018-19 but the vehicle repairs were not completed until FY 2019-20, therefore the revenue rolled into fund balance at fiscal year-end. This amendment appropriates funds out of fund balance to cover the cost of the repairs.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Consider adopting Ordinance (2019) 4015</p>		
Detailed Notes:		
Funding Source:		
Cost: \$35,132	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:		
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2019) 4015

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
10309000-496900	Appropriated Fund Balance		\$ 2,047,511	\$ 35,132	\$ 2,082,643

TOTAL REVENUE INCREASE (DECREASE) \$ 35,132.00

**Expenditure Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10604000-521700	Auto Maint. & Repair		\$ 184,501	\$ 35,132	\$ 219,633

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 35,132.00

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 4th day of November, 2019.

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

ATTEST:

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: Ordinance Amending the Operating Budget-Neighborhood Improvement		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary:  This amendment moves all budgeted funds from the Neighborhood Improvement department over to the Planning department. The reorganization of the Neighborhood Improvement department was approved by Council at their July 1, 2019 meeting.		
Recommended Motion and/or Requested Action: Consider adopting ordinance (2019) 4016		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2019) 4016

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:

**Increases:**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10461000-510200	Salaries		\$ 493,659	\$ 70,792	\$ 564,451
10461000-510236	Longevity		\$ 4,312	\$ 1,400	\$ 5,712
10461000-510500	FICA		\$ 37,492	\$ 5,536	\$ 43,028
10461000-510600	Group Insurance		\$ 86,448	\$ 14,438	\$ 100,886
10461000-510700	Retirement		\$ 68,565	\$ 10,072	\$ 78,637
10461000-521150	Telephone		\$ 2,940	\$ 636	\$ 3,576
10461000-521400	Travel & Training		\$ 15,143	\$ 2,495	\$ 17,638
10461000-524300	Contract Services		\$ 130,023	\$ 27,600	\$ 157,623
10461000-523100	Fuel		\$ 724	\$ 272	\$ 996
10461000-523300	Departmental Supplies		\$ 5,320	\$ 4,600	\$ 9,920

TOTAL INCREASES \$ 137,841.00

**Decreases:**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10426000-510200	Salaries		\$ 70,792	\$ (70,792)	\$ -
10426000-510236	Longevity		\$ 1,400	\$ (1,400)	\$ -
10426000-510500	FICA		\$ 5,536	\$ (5,536)	\$ -
10426000-510600	Group Insurance		\$ 14,438	\$ (14,438)	\$ -
10426000-510700	Retirement		\$ 10,072	\$ (10,072)	\$ -

10426000-521150	Telephone		\$ 636	\$ (636)	\$ -
10426000-521400	Travel & Training		\$ 2,495	\$ (2,495)	\$ -
10426000-521455	Development Assist.		\$ 27,600	\$ (27,600)	\$ -
10426000-523100	Fuel		\$ 272	\$ (272)	\$ -
10426000-523300	Departmental Supplies		\$ 4,600	\$ (4,600)	\$ -

TOTAL (DECREASES)

\$ (137,841.00)

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 4th day of November, 2019.

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Ronnie S. Williams, Mayor

ATTEST:

---

Stella L. Gibson , Town Clerk



Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: Ordinance Amending the Operating Budget-Paving Contract Changes		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
<p><b>Brief Summary:</b></p> <p>To budget funds for FY 2019-20 additional paving projects previously authorized by Council. The Trade Street project will be a partial cost share with a business owner. The net cost to the Town will be \$12,180. The Lakeside Drive striping and bicycle lanes work will be an additional cost of \$80,094. These projects will be paid for out of General fund balance since Powell Bill funds have been depleted.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Consider adopting Ordinance (2019) 4017</p>		
Detailed Notes:		
Funding Source:		
Cost: \$92,274	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:		
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2019) 4017

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
10309000-496900	Appropriated Fund Balance		\$ 2,082,643	\$ 92,274	\$ 2,174,917
10305000-465030	Misc. Revenue		\$ 15,000	\$ 7,428	\$ 22,428

TOTAL REVENUE INCREASE (DECREASE) \$ 99,702.00

**Expenditure Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10561000-524386	Street Resurfacing		\$ 813,111	\$ 80,094	\$ 893,205
10561000-524386	Street Resurfacing		\$ 893,205	\$ 19,608	\$ 912,813

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 99,702.00

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 4th day of November, 2019.

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

ATTEST:

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: Ordinance Amending the Operating Budget-Yeargan Property		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary:  To appropriate funds in FY 2019-20 for contracted mowing of the Yeargan property. Council authorized the contract during their 8/20/2019 regular meeting. Also, appropriates funds to pay the 2019 property taxes per the purchase agreement.		
Recommended Motion and/or Requested Action: Consider adopting Ordinance (2019) 4018		
Detailed Notes:		
Funding Source:		
Cost: \$6,630	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:		
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2019) 4018

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
10309000-496900	Appropriated Fund Balance		\$ 2,174,917	\$ 6,630	\$ 2,181,547
10309000-496901	Approp. FB - Restricted Funds		\$ 1,541,157	\$ 20,848	\$ 1,562,005

TOTAL REVENUE INCREASE (DECREASE) \$ 27,478.00

**Expenditure Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10562500-524300	Contract Services		\$ 83,500	\$ 6,630	\$ 90,130
10571000-537100-19008	Land Acquisition	Yeargan Prop.	\$ -	\$ 20,848	\$ 20,848

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 27,478.00

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 4th day of November, 2019.

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

ATTEST:

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: Bee City USA Affiliation		
Location on Agenda: Consent		
Department: Parks, Recreation and Cultural Resources		
Contact: Katie Lockhart, Outdoor Education and Parks Manager		
Presenter: Katie Lockhart, Outdoor Education and Parks Manager		
Brief Summary:  To designate the Town of Garner as a Bee City USA affiliate.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2019) 2396		
Detailed Notes: Bee City USA affiliates acknowledge the importance of pollinators through protection and preservation of habitat and by offering educational opportunities. Adoption of resolution is part of affiliation process.		
Funding Source: budgeted in PRCR Outdoor & Adventure dues & subscriptions line item		
Cost: \$300	One Time: <input type="radio"/>	Annual: <input checked="" type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: This designation is complementary to White Deer Park, the Nature Center and other Town parks as we promote environmental conservation and education.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

## RESOLUTION NO. (2019) 2396

### RESOLUTION DESIGNATING THE TOWN OF GARNER AS A BEE CITY USA® AFFILIATE

WHEREAS, the mission of BEE CITY USA is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants and free to nearly free of pesticides; and

WHEREAS, thanks to the more than 3,600 species of native bees in the United States, along with introduced honeybees, we have very diverse dietary choices rich in fruits, nuts, and vegetables; and

WHEREAS, bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change; and

WHEREAS, pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and

WHEREAS, ideal pollinator-friendly habitat:

- Provides diverse and abundant nectar and pollen from plants blooming in succession throughout the growing season;
- Provides undisturbed spaces (leaf and brush piles, unmown fields or field margins, fallen trees and other dead wood) for nesting and overwintering for wild pollinators;
- Provides water for drinking, nest-building, and butterfly puddling;
- Is free to nearly free of pesticides, as many pesticides can harm pollinators and/or their habitat;
- Is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees, since many wild pollinators prefer or depend on the native plants with which they co-adapted;
- Provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, Integrated Pest Management (IPM) is a long-term approach to maintaining healthy landscapes and facilities that minimizes risks to people and the environment by: identifying and removing the causes of pest problems rather than only attacking the symptoms (the pests); employing pests' natural enemies along with cultural, mechanical, and physical controls when prevention is not enough; and using pesticides only when no other method is feasible or effective; and

WHEREAS, supporting pollinators fosters broad-based community engagement in environmental awareness and sustainability; and

WHEREAS, the Town of Garner should be certified a *BEE CITY USA* community because:

- The Town recognizes the value of providing opportunities and amenities that improve the quality of life of its residents.
- The Town supports activities that encourage an active and engaged citizenry.
- The Town seeks to provide a broad mix of arts, leisure and recreation opportunities to meet the needs of an active, growing and diverse community.
- The Town proactively plans for appropriate use of open space and environmental resources.

**NOW, THEREFORE**, in order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, the Town of Garner chooses to support and encourage healthy pollinator habitat creation and enhancement.

ADOPTED by the Town Council of the Town of Garner, North Carolina, this 4<sup>th</sup> day of November, 2019.

ATTEST:

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

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: October 7, 2019		
Subject: Stop Conditions - Johnson Place Subdivision		
Location on Agenda: Consent		
Department: Engineering		
Contact: Chris Johnson, Town Engineer		
Presenter: Chris Johnson, Town Engineer		
<b>Brief Summary:</b> The Engineering Department is seeking approval of a Stop Condition in Johnson Place Subdivision on Volunteer Street at the intersection with Johnson Street to serve as a basic traffic control measure.		
<b>Recommended Motion and/or Requested Action:</b> Consider adopting Ordinance (2019) 4024		
<b>Detailed Notes:</b> See attached memo, map, and ordinance.		
<b>Funding Source:</b> N/A		
Cost: N/A	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b>          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	CJ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



TO: Rodney Dickerson, Town Manager  
FROM: Chris Johnson, PE - Town Engineer  
DATE: October 21, 2019  
SUBJECT: Stop Conditions within Johnson Place Subdivision

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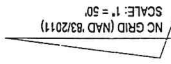
The Engineering Department is recommending the following street intersections for stop conditions:

	<u>Stop Condition</u>	<u>Through Street</u>
1	Volunteer Street	Johnson Street

These stop conditions will serve as basic traffic control measures. The Engineering Department recommends amending the Town Code of Ordinances to include these stop conditions. Please let me know if there are any questions.

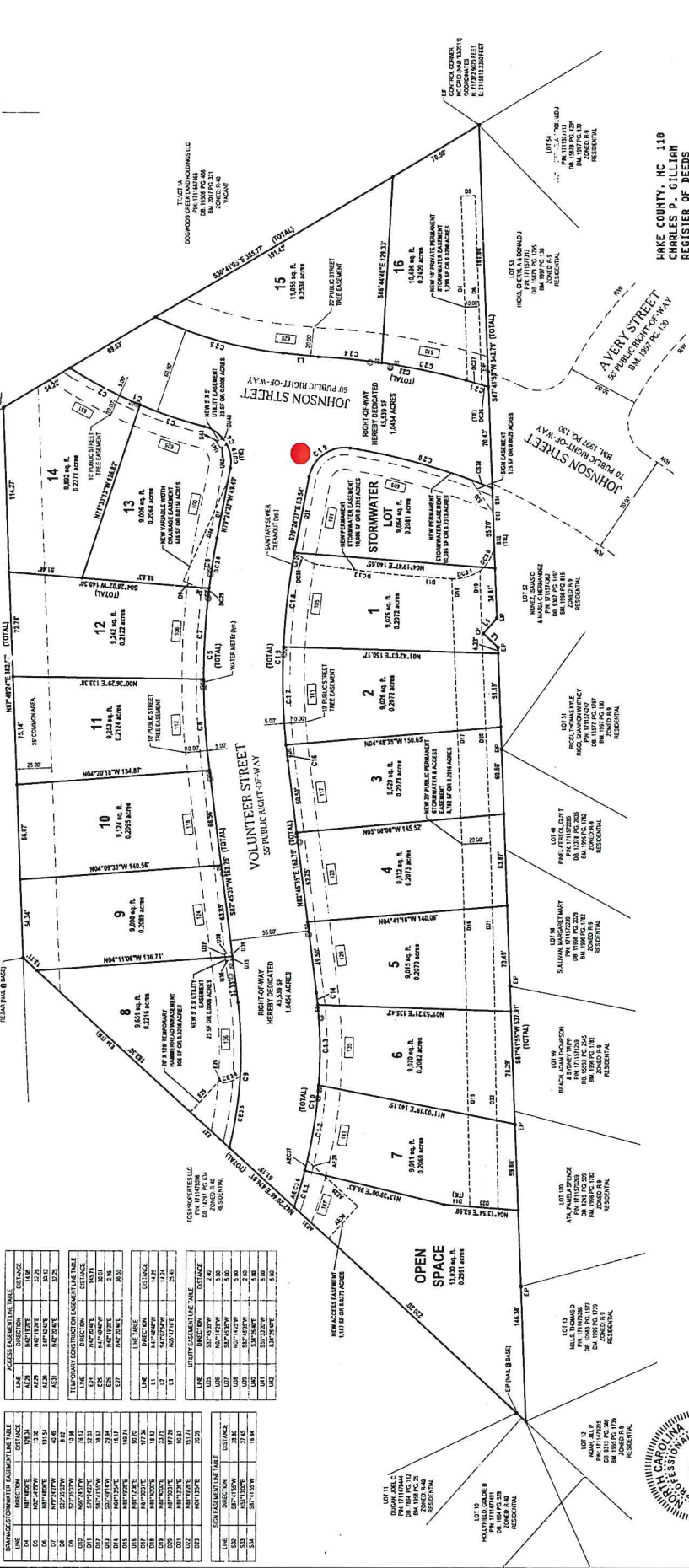
Attachment: Vicinity Map

STOP SIGN



SCALE: 1" = 50'

NO GRID (NAD 83/2011)



HRAKE COUNTY, NC 118  
CHARLES P. GILLIAR  
REGISTERED & RECORDED ON  
10/22/2019 15:07:48  
BOOK: BK2019 PAGE: 01693

MAJOR SUBDIVISION & EASEMENT PLAT  
FOR  
**JOHNSON PLACE SUBDIVISION**  
GARNER WAKE COUNTY NORTH CAROLINA

SUBMITTED BY: JMI  
DRAWN BY: ROB  
CHECKED BY: DG  
DATE: 05-25-19

BASS, NIXON & KENNEDY, INC.  
CONSULTING ENGINEERS  
6510 CHASE HILL ROAD, SUITE 250  
RALEIGH, NORTH CAROLINA 27609  
TELEPHONE: (919) 851-4422 OR (800) 354-1879  
FAX: (919) 851-8868  
CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0287)

REV.	DATE	DESCRIPTION	BY
1	09-09-19	REVIEW COMMENTS #1	ROB

RECORDED IN 1673  
BOOK OF MAPS 2019 PAGE 01693  
SCALE: 1" = 50'

CURVE DATA			
CURVE NO.	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	101.85	S 89° 57' 11" W	101.85
C2	101.85	S 89° 57' 11" W	101.85
C3	101.85	S 89° 57' 11" W	101.85
C4	101.85	S 89° 57' 11" W	101.85
C5	101.85	S 89° 57' 11" W	101.85
C6	101.85	S 89° 57' 11" W	101.85
C7	101.85	S 89° 57' 11" W	101.85
C8	101.85	S 89° 57' 11" W	101.85
C9	101.85	S 89° 57' 11" W	101.85
C10	101.85	S 89° 57' 11" W	101.85
C11	101.85	S 89° 57' 11" W	101.85
C12	101.85	S 89° 57' 11" W	101.85
C13	101.85	S 89° 57' 11" W	101.85
C14	101.85	S 89° 57' 11" W	101.85
C15	101.85	S 89° 57' 11" W	101.85
C16	101.85	S 89° 57' 11" W	101.85
C17	101.85	S 89° 57' 11" W	101.85
C18	101.85	S 89° 57' 11" W	101.85
C19	101.85	S 89° 57' 11" W	101.85
C20	101.85	S 89° 57' 11" W	101.85
C21	101.85	S 89° 57' 11" W	101.85
C22	101.85	S 89° 57' 11" W	101.85
C23	101.85	S 89° 57' 11" W	101.85
C24	101.85	S 89° 57' 11" W	101.85
C25	101.85	S 89° 57' 11" W	101.85

ACCESS EASEMENT DATA			
LINE NO.	LENGTH	CHORD BEARING	CHORD DISTANCE
A1	101.85	S 89° 57' 11" W	101.85
A2	101.85	S 89° 57' 11" W	101.85
A3	101.85	S 89° 57' 11" W	101.85
A4	101.85	S 89° 57' 11" W	101.85
A5	101.85	S 89° 57' 11" W	101.85
A6	101.85	S 89° 57' 11" W	101.85
A7	101.85	S 89° 57' 11" W	101.85
A8	101.85	S 89° 57' 11" W	101.85
A9	101.85	S 89° 57' 11" W	101.85
A10	101.85	S 89° 57' 11" W	101.85
A11	101.85	S 89° 57' 11" W	101.85
A12	101.85	S 89° 57' 11" W	101.85
A13	101.85	S 89° 57' 11" W	101.85
A14	101.85	S 89° 57' 11" W	101.85
A15	101.85	S 89° 57' 11" W	101.85
A16	101.85	S 89° 57' 11" W	101.85
A17	101.85	S 89° 57' 11" W	101.85
A18	101.85	S 89° 57' 11" W	101.85
A19	101.85	S 89° 57' 11" W	101.85
A20	101.85	S 89° 57' 11" W	101.85
A21	101.85	S 89° 57' 11" W	101.85
A22	101.85	S 89° 57' 11" W	101.85
A23	101.85	S 89° 57' 11" W	101.85
A24	101.85	S 89° 57' 11" W	101.85
A25	101.85	S 89° 57' 11" W	101.85

ORDINANCE NO. (2019) 4024

AN ORDINANCE AMENDING SECTION 10-42b OF THE  
CODE OF ORDINANCES REGARDING STOP CONDITIONS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARNER, NORTH  
CAROLINA:

Section One. That Section 10-42b be and is hereby amended by adding the following stop  
intersections:

STOP CONDITION

THROUGH CONDITION

Volunteer Street

Johnson Street

Section Two. That the above streets will be included alphabetically in the codification of  
this section.

Duly adopted this 4th day of November, 2019.

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Ronnie Williams, Mayor

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: Public Works Committee Recommendation – Changes to Adopted Fee Schedule		
Location on Agenda: Consent		
Department: Town Manager's Office		
Contact: John Hodges, Assistant Town Manager-Development Services		
Presenter: John Hodges, Assistant Town Manager-Development Services		
<p><b>Brief Summary:</b></p> <p>The Public Works Committee recommends adoption Construction Drawing Review Fees as proposed by the Town Engineer. The Committee also recommends increasing several subdivision Development Review Fees. The changes are proposed to take effect on January 1, 2020.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Approve changes to the 2019-2020 Adopted Fee Schedule effective January 1, 2020</p>		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JMH	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



## Town Manager's Office Memorandum

TO: Town Council

FROM: John Hodges, Assistant Town Manager - Development Services

DATE: October 30, 2019

SUBJECT: Public Works Committee Recommendation – Changes to Adopted Fee Schedule

At their October 29, 2019 meeting, the Public Works Committee discussed an addition to the Town's Adopted Fee Schedule proposed by the Town Engineer. The proposal adds fees for construction drawing review that will help offset the cost of services required to support development. This type fee is being charged by several neighboring municipalities. Additional information can be found in the attached memo.

*The Public Works Committee recommends adopting the following fees as proposed by staff:*

<b>Construction Drawing Review Fee</b>	<b>Proposed Fee</b>
<b>Initial Construction Drawing Fee</b> (includes 2 review and 1 signature submittal)	<b>\$500 + \$10 per lot</b>
<b>Subsequent Construction Drawing Fee</b> (per each additional review)	<b>\$300</b>

*The Public Works Committee also recommends increasing the following Development Review Fees:*

<b>Development Review Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<b>Major Subdivision, Preliminary Plat –CUP</b>	<b>\$500 + \$10 per lot</b>	<b>\$600 + \$10 per lot</b>
<b>Major Subdivision, Preliminary Plat – SUP</b>	<b>\$500 + \$10 per lot</b>	<b>\$600 + \$10 per lot</b>
<b>Major Subdivision, Preliminary Plat</b>	<b>\$250 + \$5 per lot</b>	<b>\$300 + \$5 per lot</b>

The Public Works Committee recommends these changes to the fee schedule take effect January 1, 2020.

TO: Public Works Committee  
 FROM: Chris Johnson, PE - Town Engineer  
 DATE: August 13, 2019  
 SUBJECT: **Engineering Construction Drawing Review Fee – FY2020**

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During the FY20 budget preparation, the Engineering Department reviewed its current fee schedule in relation to services provided by Departmental staff. Currently, the Engineering Department charges fees associated with inspections of streets, sidewalks, and stormwater control measures (SCM's) prior to construction. These fees are shown in **Figure 1** below for reference.

**Figure 1**

<b>Engineering Fees</b>	
Street Inspections	\$ 1.50 per linear foot
Sidewalk/Greenway Inspections	\$ .75 per linear foot
Water Supply / Watershed (BMP) Inspection	\$ 200.00
Weekend or After-Hours Inspections <i>(per hour)</i>	\$ 80.00 minimum, 3 hours

Although these fees recover costs associated with inspections staff, there are currently no fees associated with time related to construction drawing plan review. The Planning Department charges development review fees that cover the Preliminary Subdivision/Site Plans portion of projects (see **Figure 2** below).

**Figure 2**

<b>Development Review Fees</b>	
Major Subdivision, Preliminary Plat – Conditional Use Permit	\$ 500.00 + \$ 10.00 per lot
Major Subdivision, Preliminary Plat – Special Use Permit	\$ 500.00 + \$ 10.00 per lot
Major Subdivision, Preliminary Plat	\$ 250.00 + \$ 5.00 per lot
Site Plan – Conditional Use Permit	\$ 750.00
Site Plan – Special Use Permit	\$ 750.00
Site Plan – Administrative	\$ 300.00
Site Plan Modification – Administrative	\$ 150.00
Planned Development <i>(must file a Conditional Re-zoning application and the appropriate Site Plan/Major Subdivision CUP application – see appropriate lines for fees)</i>	
Temporary Use Permit	\$ 25.00
Plan Review Re-Submittal <i>(4<sup>th</sup> or more – each re-submittal)</i>	50% of Original Fee

These development review fees recover a portion of costs by staff for the review of preliminary subdivision/site plans as administered by Planning Department via the Technical Review Committee (TRC), which also includes Engineering staff time for the review of preliminary street, sidewalk, and stormwater design. However, following approval of preliminary design plans, construction drawings are required for all public infrastructure, including streets, sidewalks, stormwater, and water/sewer (as reviewed by City of Raleigh). Engineering staff administers the construction drawing review process, which typically includes a similar number of plan reviews (3 reviews and a final plans signature submittal). There are currently no fees collected by the Town of Garner for this portion of the plan review process. Contrarily, most towns in Wake County charge similar plan review fees for construction drawing review to recover the associated costs of staff time dedicated to these services. Based on our review, fees for construction drawing review in similar sized municipalities in Wake County are shown in **Figure 3** below.

**Figure 3**

Municipality	Preliminary Subdivision Plan Fee	Construction Plan Fee
Apex	\$700 + \$10/lot	\$500 + \$10/lot
Fuquay-Varina	\$600 + \$5/lot	\$500 + \$5/lot
Garner	\$500 + \$10/lot	No fee
Holly Springs	\$700 + \$5/lot	\$500 + \$50/lot
Knightdale	\$300 + \$50/acre	\$300 + \$100/hour (contracted engineer)
Morrisville	\$700 or \$800 + \$15/lot	\$750 + \$30/ac
Wake Forest	\$600 + \$10/lot	\$500 + \$10/lot
Wendell	\$400 + \$5/lot	\$1,000 (contracted engineer)
Zebulon	\$700 first review, \$200 each resubmittal (single process)	

In addition to the costs shown above, many towns also charge additional fees for subsequent plan review cycles. For example, the Town of Apex charges cover 2 plan reviews only, they charge another fee at half the cost of the original fee for the 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup> plan review cycles. Holly Springs charge \$450 per review after the 2<sup>nd</sup> plan review cycle. These additional fees are intended to cover additional staff time on those projects that require a higher degree of staff time associated with the project. Additional review cycles may be required due to significant plan changes, or due to comments not being properly addressed by the engineering consultant. The Town of Garner is currently the only Town shown that is not charging fees associated with construction drawing review. In addition, the absence of fees has led to many projects encountering a higher number of plan review cycles due to engineering consultants not adequately addressing plan review comments provided. In some cases, plans have been submitted two to three additional times without addressing comments from the first plan review cycle. Unfortunately, when plan reviews are provided at no charge, there is less incentive for a consultant to efficiently address comments, but rather rush a resubmittal back in to the Town for review as requested by their client. This leads to wasted time by Town staff to address the same comments repeatedly through each plan review cycle. With this said, staff believes that instituting a similar plan review fee for construction drawing review would not only recover a portion of staff time dedicated to this service, but would also decrease the number of plan review cycles on some projects as consultants will be more likely to be more efficient with their initial plan submittal and subsequent resubmittals.

**RECOMMENDATION**

Based on the information provided, staff recommends instituting fees for construction drawing plan review as shown in **Figure 4** below. Staff recommends Council consider making these fees effective in September 2019 for all new construction drawing submittals.

**Figure 4**

Initial Construction Drawing Fee	Subsequent Construction Drawing Fee
\$500 + \$10/lot (2 reviews and 1 signature submittal)	\$300 for each additional review

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: ANX-19-07, Avenues at White Oak		
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 petition submitted by Garner Road Partnership, LLC for 27.3 +/- acres located on E Garner Road and may be further identified as Wake County PIN# 1721-13-1030.		
Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2019) 4019		
Detailed Notes: Avenues at White Oak was approved on November 20, 2018 (CUP-SB 18-02).		
Funding Source:		
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

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**TO:** Mayor and Town Council

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

**SUBJECT:** ***ANX-19-07, Avenues at White Oak***

**DATE:** November 4, 2019

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**ANNEXATION APPLICATION:** ANX-19-07

**OWNERS:** Garner Road Partnership, LLC

**CONTIGUOUS / SATELLITE:** Contiguous

**LOCATION OF PROPERTY:** E Garner Road

**WAKE COUNTY PIN #:** 1721-13-1030

**REAL ESTATE ID #:** 0009701

**AREA:** 26.82 +/- acres

**ZONING:** MF-2 C203

**ASSOCIATED DEVELOPMENT PLAN:** CUP-SB-18-02, Avenues at White Oak was approved on November 20, 2018.

**RECOMMENDATION:** Adopt annexation ordinance

**KEY DATES:**

SET PUBLIC HEARING: October 7, 2019

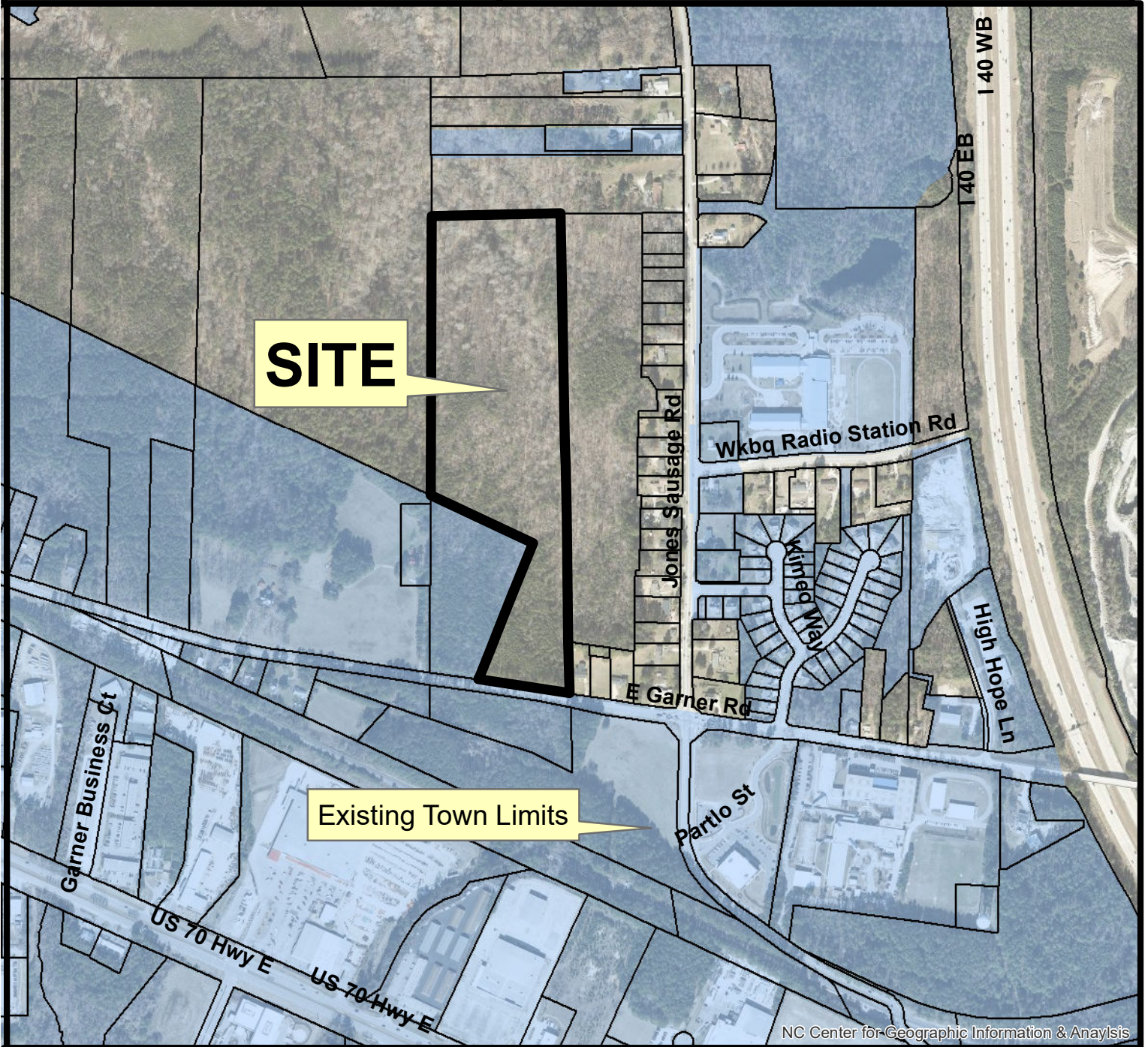
PUBLIC HEARING: November 4, 2019

ANNEXATION EFFECTIVE: November 4, 2019

**Town of Garner  
Planning Department**

**Annexation  
ANX 19-07**

0 500 1,000  
Feet



NC Center for Geographic Information & Analysis

Project: Avenue at White Oak  
Owner: Garner Road Partnership LLC  
Area: 26.82 acres  
Pin: 1721131030

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

ORDINANCE NO. (2019) 4019

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 7:00 p.m. on November 4, 2019, after due notice by publication in the *News & Observer* on October 18, 2019; 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 November 4, 2019.

**(ANX-19-07) Avenues at White Oak** - Contiguous annexation

Wake County PIN #: 1721-13-1030; Real Estate ID 0009701; a 26.82 +/- acre portion of a 33.54-acre tract recorded in Deed Book 017360 and Page 00675. The purpose of this annexation is to annex the remainder of the property outside of the original corporate limits.

**Section 2.** Upon and after the 4th day of November, 2019, 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 4th day of November, 2019.

---

Ronnie S. Williams, Mayor

ATTEST:

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Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: ANX-19-09: Town of Garner Property		
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 petition submitted by Town of Garner Planning for 45.11 +/- acres located on E Garner Road, and may be further identified as Wake County PIN# 1721-03-3394.		
Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2019) 4020		
Detailed Notes: The Town purchased 72.4-acres on April 16, 2019. The property currently has approx 27.29 acres in the Town limits and 45.11 acres outside the Town limits. The purpose is to annex the remainder of the property outside the corporate limits.		
Funding Source:		
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

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**TO:** Mayor and Town Council

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

**SUBJECT:** ***ANX-19-09, Town of Garner Property***

**DATE:** November 4, 2019

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**ANNEXATION APPLICATION:** ANX-19-09

**OWNERS:** Town of Garner

**CONTIGUOUS / SATELLITE:** Contiguous

**LOCATION OF PROPERTY:** E Garner Road

**WAKE COUNTY PIN #:** 1721-03-3394

**REAL ESTATE ID #:** 0080214

**AREA:** 45.11 +/- acres

**ZONING:** R-40

**ASSOCIATED DEVELOPMENT PLAN:** None. This is the Town property purchased on April 16, 2019 on E Garner Road.

**RECOMMENDATION:** Adopt annexation ordinance

**KEY DATES:**

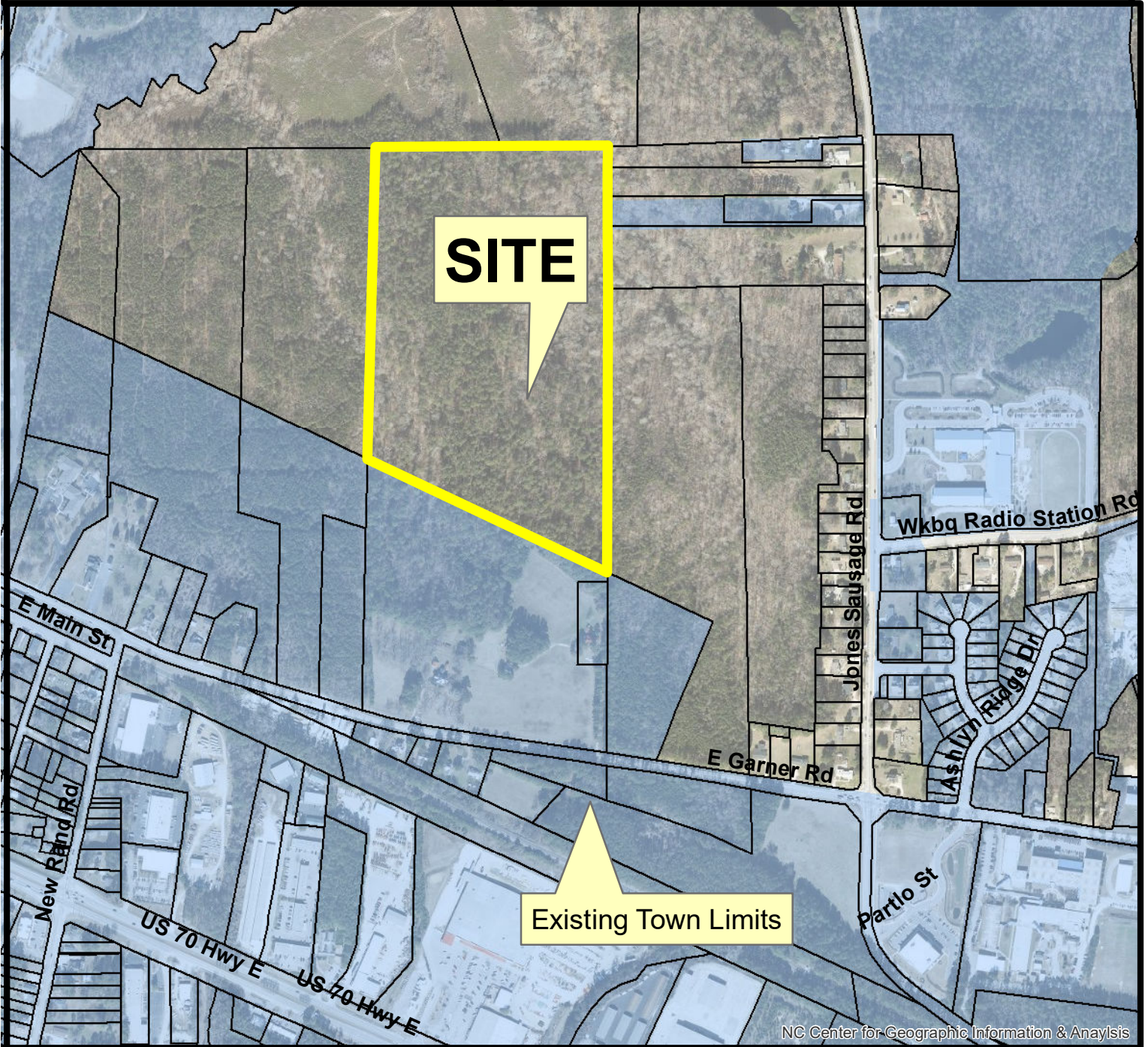
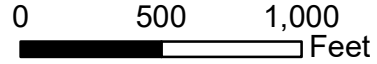
**SET PUBLIC HEARING:** October 7, 2019

**PUBLIC HEARING:** November 4, 2019

**ANNEXATION EFFECTIVE:** November 4, 2019

**Town of Garner  
Planning Department**

**Annexation  
ANX 19-09**



NC Center for Geographic Information & Analysis

Project: Town of Garner  
Owner: Town of Garner  
Area: 45.11 acres  
Pin: 1721033394

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

ORDINANCE NO. (2019) 4020

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 7:00 p.m. on November 4, 2019, after due notice by publication in the *News & Observer* on October 18, 2019; 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 November 4, 2019.

**(ANX 19-09) Town of Garner Property** – Contiguous annexation  
Wake County PIN # 1721-03-3394; Real Estate ID 0080214; a 45.11 +/- acre portion of a 71.15-acre tract recorded in Deed Book 017413 and Page 02464. The purpose of this annexation is to annex the outside of the original corporate limits.

**Section 2.** Upon and after the 4th day of November, 2019, 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 4th day of November, 2019.

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Ronnie S. Williams, Mayor

ATTEST:

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Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: ANX-19-10: CCAC Building Solutions		
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 petition submitted by CCAC Investment Properties LLC for 5.78 +/- acres located at 2000 Waterfield Drive, and may be further identified as Wake County PIN# 1730-12-8487.		
Recommended Motion and/or Requested Action: Adopt annexation Ordinance (2019) 4021		
Detailed Notes: Special Use Site Plan, SUP-SP-19-02, CCAC Building Solutions was approved on July 1, 2019.		
Funding Source:		
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

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**TO:** Mayor and Town Council

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

**SUBJECT:** ***ANX-19-10, CCAC Building Solutions***

**DATE:** November 4, 2019

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**ANNEXATION APPLICATION:** ANX-19-10

**OWNERS:** CCAC Investment Properties LLC

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** 2000 Waterfield Drive

**WAKE COUNTY PIN #:** 1730-12-8487

**REAL ESTATE ID #:** 0346857

**AREA:** 5.78 +/- acres

**ZONING:** MXD-1

**ASSOCIATED DEVELOPMENT PLAN:** SUP-SP-19-02, CCAC Building Solutions was approved on July 1, 2019.

**RECOMMENDATION:** Adopt annexation ordinance

**KEY DATES:**

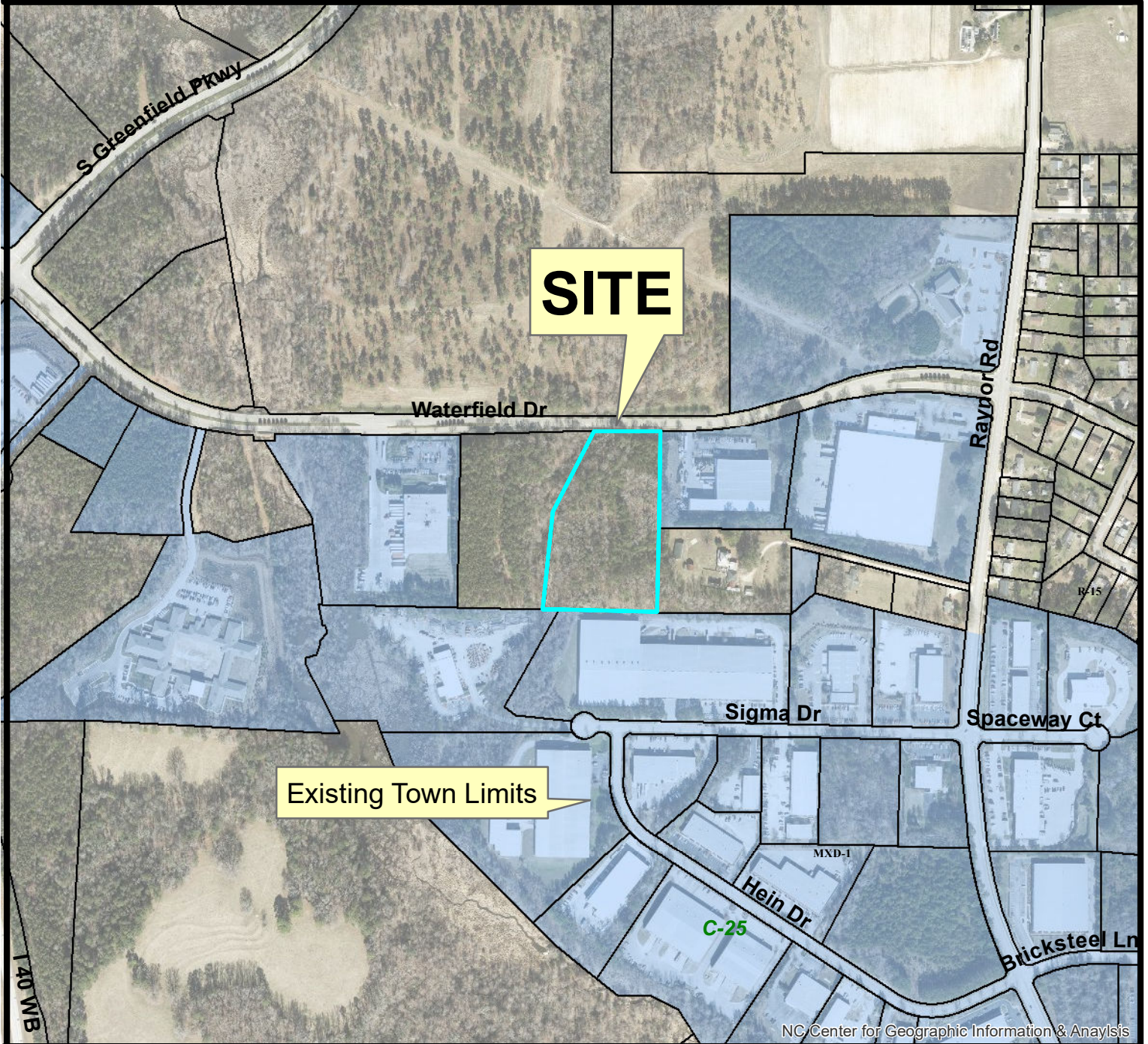
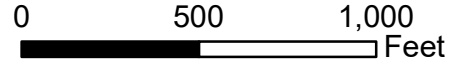
**SET PUBLIC HEARING:** October 7, 2019

**PUBLIC HEARING:** November 4, 2019

**ANNEXATION EFFECTIVE:** November 4, 2019

**Town of Garner  
Planning Department**

**Annexation  
ANX 19-10**



Project: CCAC Building Solutions  
Owner: CCAC Investment Properties LLC  
Area: 5.78  
Pin: 1730128487

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

ORDINANCE NO. (2019) 4021

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 7<sup>th</sup> Avenue in the Town of Garner Town Hall at 7:00 PM on November 4, 2019, after due notice by the *News & Observer* on October 18, 2019, 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 August 5, 2019.

**(ANX 19-10) CCAC Building Solutions – Satellite annexation**

Wake County PIN # 1730-12-8487; Real Estate ID 0346857; 5.78 +/- acres recorded in Deed Book 017209 and Page 00975 and also shown as Lot 2 in Book of Maps 2006 and Page 01121.

**Section 2.** Upon and after November 4, 2019, 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 4<sup>th</sup> day of November, 2019.

---

Ronnie S. Williams, Mayor

ATTEST:

---

Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: ANX-19-11, The Produce Box		
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 petition submitted by TPB Development LLC for 2.63 +/- acres located at 900 Withers Road, further identified as Wake County PIN# 1702-01-6102. The annexation also includes +/- 0.86 acres within the Withers Road right-of-way for a total of +/- 3.49 acres.		
Recommended Motion and/or Requested Action: Adopt annexation ordinance (2019) 4022		
Detailed Notes: The Produce Box is requesting connection to public water and sewer.		
Funding Source:		
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

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**TO:** Mayor and Town Council

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

**SUBJECT:** ***ANX-19-11, The Produce Box***

**DATE:** November 4, 2019

---

**ANNEXATION APPLICATION:** ANX 19-07

**OWNERS:** TPB Development LLC

**CONTIGUOUS / SATELLITE:** Contiguous

**LOCATION OF PROPERTY:** 900 Withers Road

**WAKE COUNTY PIN #:** 1702-01-6102

**REAL ESTATE ID #:** 0124884

**AREA:** 2.63 +/- acres plus +/- 0.86 acres within the Withers Road right-of-way (Total +/- 3.49 acres)

**ZONING:** SB

**ASSOCIATED DEVELOPMENT PLAN:** None. The Produce Box is requesting connection to public water and sewer. Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

**RECOMMENDATION:** Adopt annexation ordinance

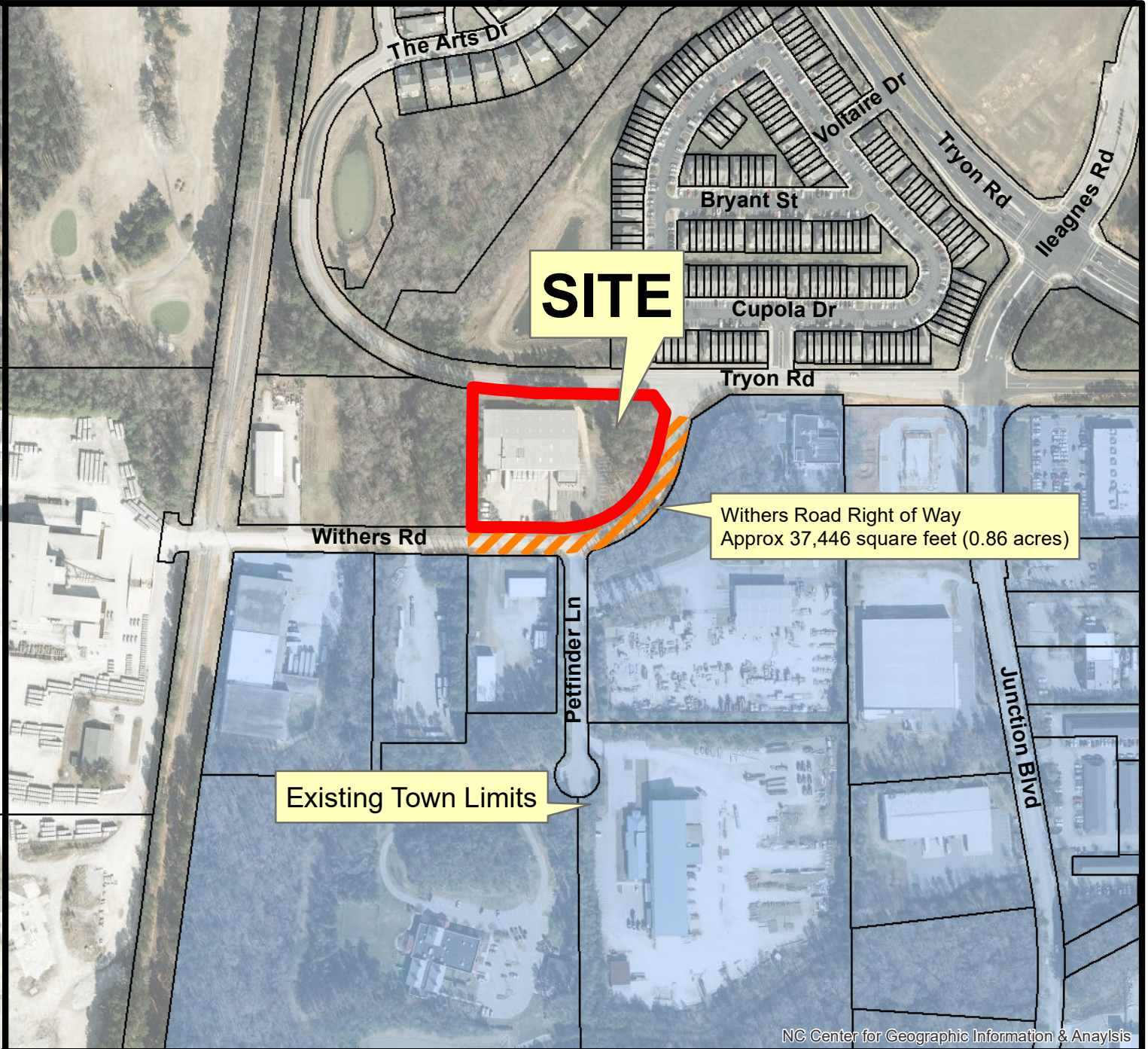
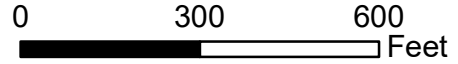
**KEY DATES:**

SET PUBLIC HEARING: October 7, 2019

PUBLIC HEARING: November 4, 2019

ANNEXATION EFFECTIVE: November 4, 2019





Project: The Produce Box  
Owner: TPB Development LLC  
Location: 900 Withers Road  
Area: 2.63 + 0.86 Acres Withers Road Right of Way (Total 3.49 Acres)  
Pin: 1702016102

Return to:  
Stella Gibson  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

ORDINANCE NO. (2019) 4022

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 7:00 p.m. on November 4, 2019, after due notice by publication in the *News & Observer* on October 18, 2019; 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 November 4, 2019.

**(ANX 19-11) The Produce Box** – Contiguous annexation  
Wake County PIN #: 1702-01-6102; Real Estate ID 0124884; 2.63 +/- acres  
recorded in Deed Book 015187 and Page 00709 and also shown as Lot 2 in Book

of Maps 1982 and Page 01099. The annexation also includes approximately 0.86 +/- acres of intervening public right-of-way (Withers Road), totaling 3.49 +/- acres in all.

**Section 2.** Upon and after the 4th day of November, 2019, 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 4<sup>th</sup> day of November, 2019.

---

Ronnie S. Williams, Mayor

ATTEST:

---

Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: General Use Rezoning, Z-19-05 - 2201 E Garner Road		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford AICP; Planning Services Manager		
Presenter: David Bamford AICP; Planning Services Manager		
<b>Brief Summary:</b>  General Use Rezoning application submitted by Crystal Buehler to rezone 0.78 +/- acres from Single-Family Residential (R-20) to Neighborhood Office (NO). The property is located at the northeast corner of E Garner Road and Auburn-Knightdale Road and may be further identified as Wake County PIN(s)# 1730-37-7432 and 1730-37-6391.		
<b>Recommended Motion and/or Requested Action:</b> Forward to the Planning Commission at their November 18, 2019, meeting.		
<b>Detailed Notes:</b> Map and staff report attached.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b>          		
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 Staff Report

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**TO:** Mayor and Town Council Members

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

**SUBJECT:** *General Use Rezoning Case# Z-19-05, 2201 E Garner Road*

**DATE:** November 4, 2019

---

### I. PROJECT AT A GLANCE

<b>Rezoning Application:</b>	Z-19-05 General Use Rezoning
<b>Applicant:</b>	Crystal Buehler
<b>Owner:</b>	Elizabeth Ashely
<b>Property Location:</b>	2201 E Garner Road
<b>Wake Count PIN(s):</b>	1730-37-7432 & 1730-37-6391
<b>Area:</b>	0.78 +/- acres
<b>Town Limits:</b>	No
<b>Present Zoning:</b>	Single-Family Residential (R-20)
<b>Requested Zoning:</b>	Neighborhood Office (NO) Note: This is a general use request; no conditions are proposed.
<b>Key Meeting Dates:</b>	
<b>Town Council Public Hearing:</b>	November 4, 2019
<b>Planning Commission:</b>	November 18, 2019
<b>Town Council Action Hearing:</b>	December 2, 2019

**II. BACKGROUND / REQUEST SUMMARY**

General Use Rezoning application submitted by Crystal Buehler to rezone 0.78 +/- acres from **Single-Family Residential (R-20)** to **Neighborhood Office (NO)**. The property is located at the northeast corner of E Garner Road and Auburn-Knightdale Road and may be further identified as Wake County PIN(s)# 1730-37-7432 and 1730-37-6391.

The applicant has communicated to staff the desire to conduct seasonal sales (flowers, pumpkins, Christmas trees as examples) on the property which is not currently allowed in the R-20 zoning but is allowed as a Temporary Use Permit (three) 3 times a year for 45 consecutive days each (135 days total per year) in the following zoning districts: Neighborhood Office (NO), Neighborhood Commercial (NC), Central Business District (CBD), Office & Institutional (OI), Community Retail (CR), Service Business (SB), Light Industrial (I-1) and Heavy Industrial (I-2).

Based on the range of zoning district options (from NO to I-2) allowing this temporary use, staff suggested to the applicant that NO would be most compatible with surrounding residential uses since the NO district allows single-family development to co-exist with low-intensity office uses often found in residential style buildings.

**III. ZONING ANALYSIS**

Below is a summary table for Single-Family residential dimensional standards in the Town’s Unified Development Ordinance (UDO Section 6.1.A.)

DESCRIPTION	EXISTING ZONING	PROPOSED ZONING
Zoning District:	R-20	NO
Minimum Lot Area:	20,000 sq. ft.	6,000 sq. ft.
Minimum Lot Width:	90 ft.	60 ft.
Gross Density (max):	2.17 units/acre	7.26 units/acre
Front Yard:	35 ft.	35 ft.
Rear Yard:	25 ft.	25 ft.
Side Yard:	10 ft.	15 ft.
Corner Lot Side Yard:	25 ft.	35 ft.
Maximum Height:	35 ft.	35 ft.

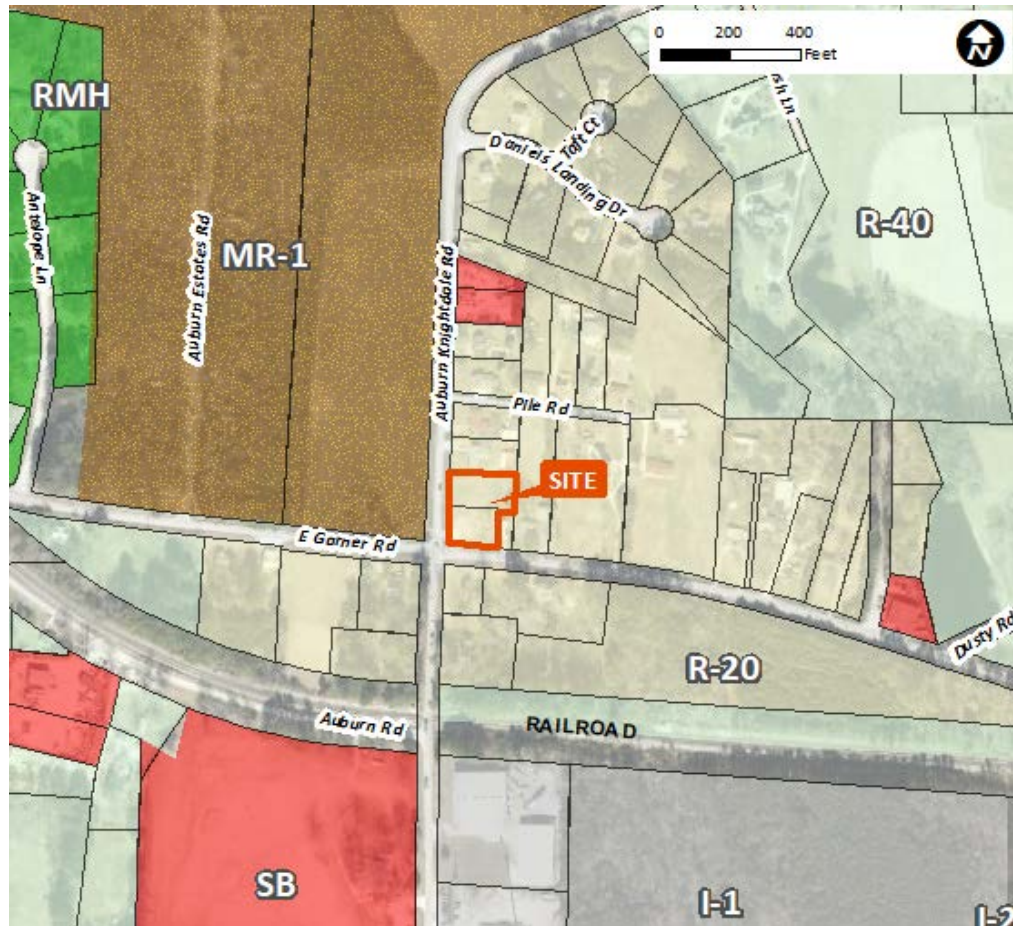
The following table provides a comparison for the list of permitted uses in each zoning district (*uses in red would be eliminated, uses in green would be added*):

USE	EXISTING ZONING	PROPOSED ZONING
<i>P* = Permitted subject to standards</i>		
<i>SUP = Special use permit required</i>	<b>R-20</b>	<b>NO</b>
Single-Family Detached	P*	P*
Upper Story Residential		P*

USE	EXISTING ZONING	PROPOSED ZONING
	R-20	NO
<i>P* = Permitted subject to standards</i>		
<i>SUP = Special use permit required</i>		
Residential Cluster	P*	
Single-Family Residential Subdivision	P*	
Modular Home	P*	P*
Family Care Home	P*	
Group Care Home	P*	
Intermediate Care Home	P*	
Community Center	SUP	
Adult Day Care		P*
Child Day Care (up to 3 as home occupation)	P*	P*
Family Child Day Care (up to 8 in-home)	P*	
Commercial Day Care Center		P*
School, Public or Private	SUP	
Funeral Home		P
Ambulance Service, Police or Fire Station	SUP	SUP
Cemetery	P*	P*
Public Park, Swimming Pool, Tennis Court, Golf Course	SUP	SUP
Religious Institution	P*	P*
Minor Utility, Elevated Water Storage Tank	P*	P*
Golf Course, or Country Club, Private	SUP	SUP
Gym, indoor spa, indoor pool, indoor tennis court		P*
Bed and Breakfast	SUP	SUP
Hair salons and beauty shops		SUP
Banks and Financial Institutions		P*
Veterinarian / kennel indoor only		P*

**Adjacent Zoning and Land Uses:**

- |               |                                  |                        |
|---------------|----------------------------------|------------------------|
| <b>North:</b> | Single-Family Residential (R-20) | Single-Family Detached |
| <b>South:</b> | Single-Family Residential (R-20) | Single-Family Detached |
| <b>East:</b>  | Single-Family Residential (R-20) | Single-Family Detached |
| <b>West:</b>  | Multi Residential (MR-1)         | Vacant / undeveloped   |



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

Case	Applicant	Location	Zoning Change
CUD-Z-93-02	Wilfred E. Buffaloe, Jr.	US Hwy 70	I-1 to I-2 C41
CUD-Z-96-01	Stephen Johnson	Auburn Church Road	CB to SB C63
CUD-Z-96-03	Wilfred E. Buffaloe, Jr.	US Hwy 70/Raynor Road	I-1 to I-2 C64
CUD-Z-14-01	William Sparkman	2217 US Hwy 70	Wake County Highway District to I-2 C172
CUD-Z-16-10	Sparkman Construction	4812 Green Garden Road	Wake County Highway District to I-2 C190
PD-Z-16-01	The Walston & Becky Frawley Family Trust	Auburn Village	R-20 to PRD C4
Z 17-01	Town of Garner	ETJ Expansion	R-40, R-20, and RMH
Z-19-03	Tommy Kilgore	2548 and 2609 E Garner Road	R-40 and R-20 to RMH (denied)



#### **IV. COMMUNITY INFORMATION**

**Overall Neighborhood Character:** This area in the vicinity of E Garner Road and Auburn-Knightdale Road contains mostly Single-Family Residential uses. There are a few commercial uses in the area including an auto repair business at 2325 E Garner Road. An auto sales business is also located nearby at 4609 Auburn Knightdale Road. Auburn Village with 379 lots proposed is under construction about ¼ mile north of this rezoning site. The 26-acre vacant tract at the northwest corner of this intersection has development potential into urban densities.



**Traffic:** The NCDOT historical average daily traffic counts along E. Garner Road and Auburn-Knightdale Road are as follows:

***E. Garner Road***

2007 – 4,600  
2009 – 3,500  
2011 – 3,500  
2013 – 3,600  
2015 – No Data  
2017 – 3,900

***Auburn-Knightdale Road***

2007 – 3,400  
2009 – 3,500  
2011 – 3,900  
2013 – 3,700  
2015 – No Data  
2017 – 4,400

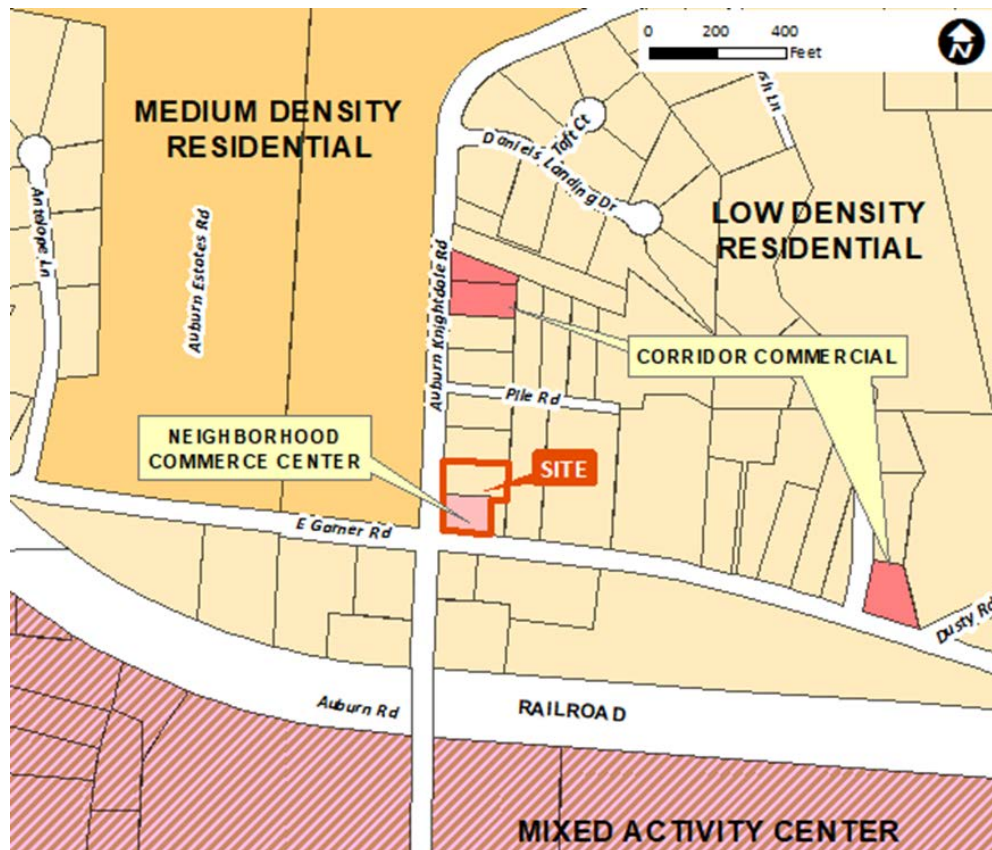
**Neighborhood Meeting:** Not required.

## V. ANALYSIS AND STATEMENT OF ZONING 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 following Future Land Use map, the rezoning site, consisting of the two tracts, falls within both the **Low-Density Residential (LDR)** and the **Neighborhood Commerce Center (NCC)** designations. The northern tract falls within **LDR** while the southern corner piece is **NCC**.



The **Low-Density Residential** land use category would be mostly traditional county-approved subdivisions – anything that could be sustained on individual well and septic – with less than 2.5 units per acre.

The **Neighborhood Commerce Center** land use category is generally located at the intersection of collectors, highways and arterials. It emphasizes smaller commercial centers that are within close walking proximity (1/4-mile to 1/2-mile) of residential uses. A typical mix of uses would include retail sales, service, convenience stores, restaurants, or office uses that share a common parking area and may have a small anchor such as a grocery store. Uses should be conducted within an enclosed building. Uses with outdoor storage and outdoor sales display areas should be discouraged. Of particular note in this case is that

some rare exceptions for outdoor operations that would be appropriate in this category may include neighborhood garden centers or agriculture sales stands that are small-scale and compatible with the surrounding land uses.

**Zoning Consistency Statement:** To be presented at the meeting of the Planning Commission.

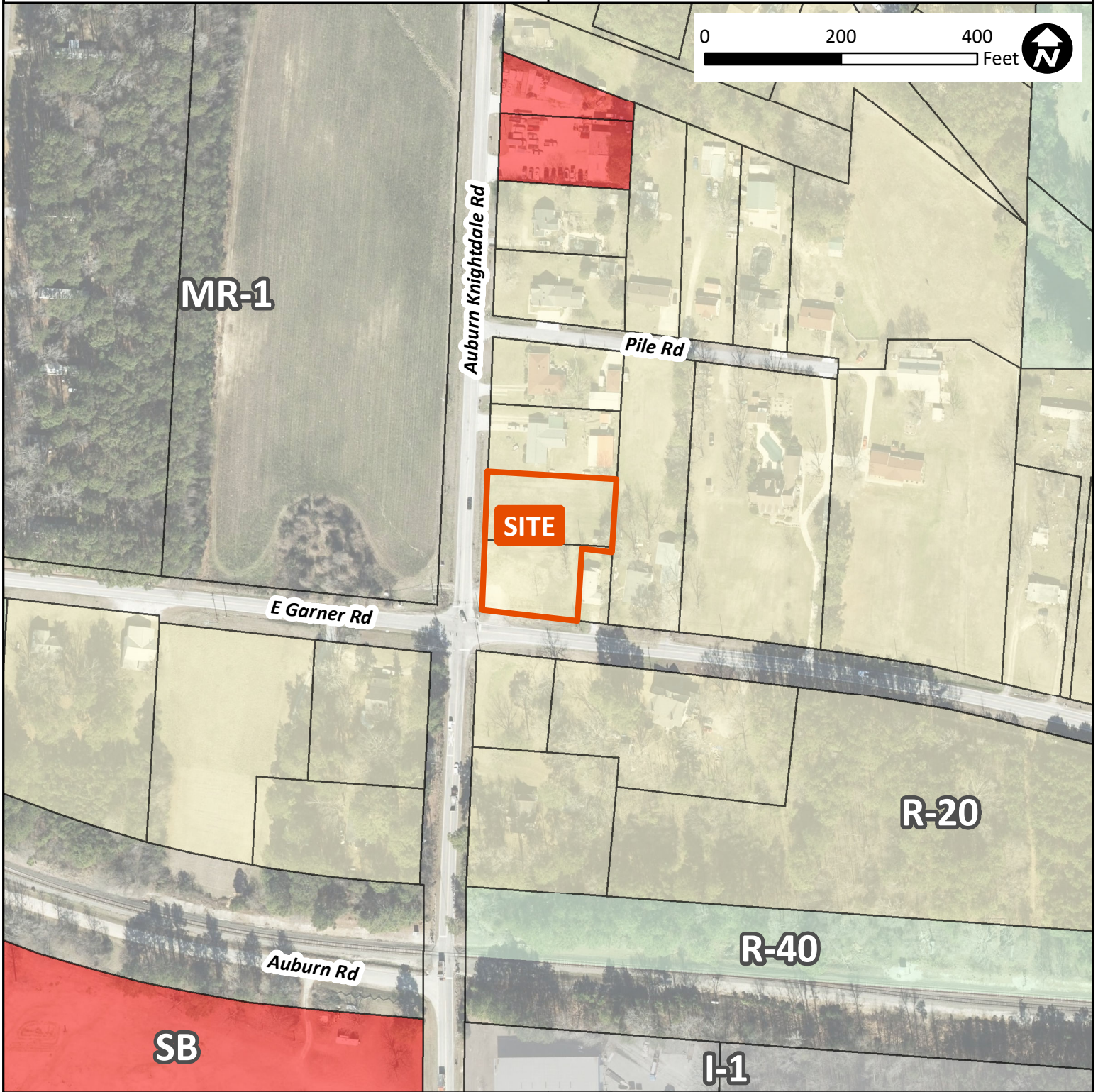
#### **VI. RECOMMENDATION**

After receiving public comments, staff recommends closing the public hearing and referring case Z-19-05, 2201 E. Garner Rd., to the Planning Commission for review at their November 18, 2019 meeting.



# Town of Garner Planning Department

# General Use Applications Z-19-05



**Applicant:** Crystal Buehler  
**Owner:** Elizabeth Ashley  
**Location:** 2201 E. Garner Rd.  
**Pin #:** 1730-37-7432 & 1730-37-6391

**Current Zoning:** Single Family Residential (R-20)  
**Proposed Zoning:** Neighborhood Office (NO)  
**Acreage:** 0.78  
**Overlay:** Garner Road Overlay

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: CUD-Z-19-02 & CUP-SP-19-05, Centro Cristiano Church		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford AICP; Planning Services Manager		
Presenter: David Bamford AICP; Planning Services Manager & Alison Jones, Planner II		
<b>Brief Summary:</b>  Conditional Use Rezoning (CUD-Z-19-02) with associated conditional use site plan (CUP-SP-19-05) request submitted by Centro Cristiano Jesus Rey, Inc. to rezone 1.14 +/- acres from Single-Family Residential (R-12) to Neighborhood Office Conditional Use (NO C-215) for a religious institution. The site is located at 600, 602, & 604 St. Mary's St. and may be further identified as Wake County PIN(s)# 1711-41-4397, 1711-41-4289, and 1711-41-4252.		
<b>Recommended Motion and/or Requested Action:</b> Consider adoption of Ordinance (2019) 4023		
<b>Detailed Notes:</b> See attached vicinity map and staff report. A neighborhood meeting was required by ordinance and was held on Thursday, September 26, 2019 at the Garner Senior Center. Use restrictions and characteristics are voluntarily offered as zoning conditions. Staff recommends approval of CUD-Z-19-02 & finds CUP-SP-19-05 in conformity with the UDO.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b>          		
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:		

**TO:** Mayor and Town Council

**FROM:** David Bamford, AICP; Planning Services Manager  
Alison Jones; Planner II

**SUBJECT:** *Conditional Use Rezoning # CUD-Z-19-02 and  
Conditional Use Site Plan # CUP-SP-19-05, Centro Christiano Church*

**DATE:** November 4, 2019

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### I. PROJECT AT A GLANCE

**Project Number(s):** CUD-Z-19-02, Conditional Use Rezoning  
CUP-SP-19-05, Conditional Use Site Plan

**Applicant:** Centro Christiano Jesus Rey, Inc.

**Owner:** Centro Christiano Jesus Rey, Inc.

**General Description -**

**Project Area & Location:** 1.15 +/- acres located at 600, 602, 604 St Marys Street

**Wake Count PIN(s):** 1711-41-4397, 1711-41-4289, 1711-41-4252

**Current Zoning:** Single-Family Residential (R-12)

**Requested Zoning:** Neighborhood Office Conditional Use (NO C215)

**Proposed Use(s):** Religious Institution

**Overlay:** None

**Key Meeting Dates:**

**Planning Commission:** October 21, 2019

**Public Hearing & Action:** November 4, 2019

## II. BACKGROUND / REQUEST SUMMARY

The rezoning (CUD-Z-19-02) and associated site plan (CUP-SP-19-05) have been submitted to allow use of the existing site improvements as a religious institution. This site (3 parcels shown below) had been previously used as a child daycare operation (Ridoutts Nursery/Kindergarten). 600 Saint Mary's Street was the location of the office and main daycare building, while the other lots, 602 and 604, were also part of the daycare campus. The site is currently zoned Single-Family Residential (R-12).

Although religious institutions are permitted in the existing R-12 district, Article 5.3.B.6.a *Religious Institutions in Residential Districts* requires 40-foot building setbacks from all exterior lot lines. Due to the size of these lots and the location of the existing building shown at right, it would not be possible to satisfy this additional standard without moving the permanent structure. Therefore, the applicants are requesting Neighborhood Office Conditional Use (NO C215) zoning which does not require the additional standard for 40-foot setbacks.



As noted previously, the site already contains a nonresidential building (old daycare), and the applicants are proposing a short range of Neighborhood Office uses to permit limited future reuse of the site.



**III. ZONING ANALYSIS**

**Existing:** The existing zoning of the 1.15-acre site is **Single-Family Residential (R-12)**.

Residential districts are designed to create and maintain residential neighborhoods composed primarily of single-family dwellings and, as special uses, such institutional, public, and other compatible uses that are designed, constructed and maintained so as not to detract from the quality of each district. The R-12 district allows single-family lots of at least 12,000 square feet (0.28 acres).

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

- |  |   |
|--|---|
| 1. Single-Family Detached                      | 11. School, Public or Private (SUP)                             |
| 2. Residential Cluster                         | 12. Ambulance Service, Police or Fire Station (SUP)             |
| 3. Single-Family Residential Subdivision       | 13. Cemetery  |
| 4. Modular Home                                | 14. Public Park, Swimming Pool, Tennis Court, Golf Course (SUP) |
| 5. Family Care Home                            | 15. Religious Institution                                       |
| 6. Group Care Home                             | 16. Minor Utility, Elevated Water Storage Tank                  |
| 7. Intermediate Care Home                      | 17. Golf Course or Country Club, Private (SUP)                  |
| 8. Community Center (SUP)                      | 18. Bed and Breakfast (SUP)                                     |
| 9. Child Day Care (up to 3 as home occupation) |   |
| 10. Family Child Day Care (up to 8 in-home)    |   |

**Proposed:** The proposed zoning of the 1.15-acre site is **Neighborhood Office Conditional Use (NO C215)**. The purpose of this district is to act as a transitional zone between residential and nonresidential uses. This district does not allow retail uses but it does allow single-family, daycares, offices, and other uses that would be compatible near residential neighborhoods.

*The following conditions are proposed for the NO C215 district (use restrictions):*

1. Permitted use table:

Use Category	Specific Use	NO C215
Household Living	Single-Family Detached	P*
Group Living	Day Care Center	P*
Religious Institutions	Churches	P*
Office	General office	P

2. Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.

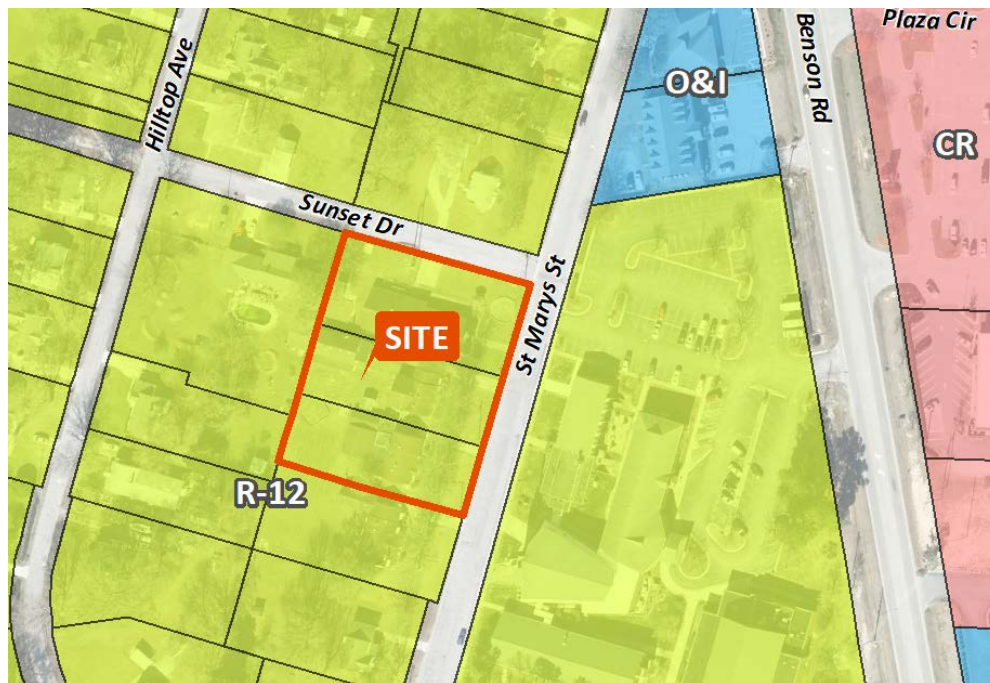


**Zoning History:** The Planning Department’s rezoning database contains the following rezoning cases in the vicinity of this site (listed from oldest to newest).

Case	Applicant	Location	Zoning Change
Z-70-114	A.P. Barefoot	Benson Rd & St Marys	O&I to GB (denied)
Z-71-122	William Hedrix	St Marys & Pearl St	R-9 to O&I
Z-76-4	James Farmer	500 Benson Rd	R-12 to O&I
Z-80-9	Charles Ridoutt	600, 602, & 604 St Marys Street ( <i>rezoning site</i> )	R-12 to O&I (denied)
CUD-Z 94-10	Hudson, Mitchiner, Town of Garner	Hudson’s Hardware	R-12 to SB C58
Z-04-06	R&D Properties	402 St Marys St	R-12 to NO

**Adjacent Zoning and Land Use:**

- North:** R-12                      Single-family
- South:** R-12                      Single-family
- East:** R-12                      Church (First Baptist Church of Garner)
- West:** R-12                      Single-family



#### IV. COMMUNITY INFORMATION

**Overall Neighborhood Character:** This area of Garner south of US 70 E contains a mix of uses. Higher intense retail uses are located along uses along the east side of Benson Road. Office uses and a church are located on the east side of St Mary's Street. The predominant land use west of St Mary's Street is single-family.

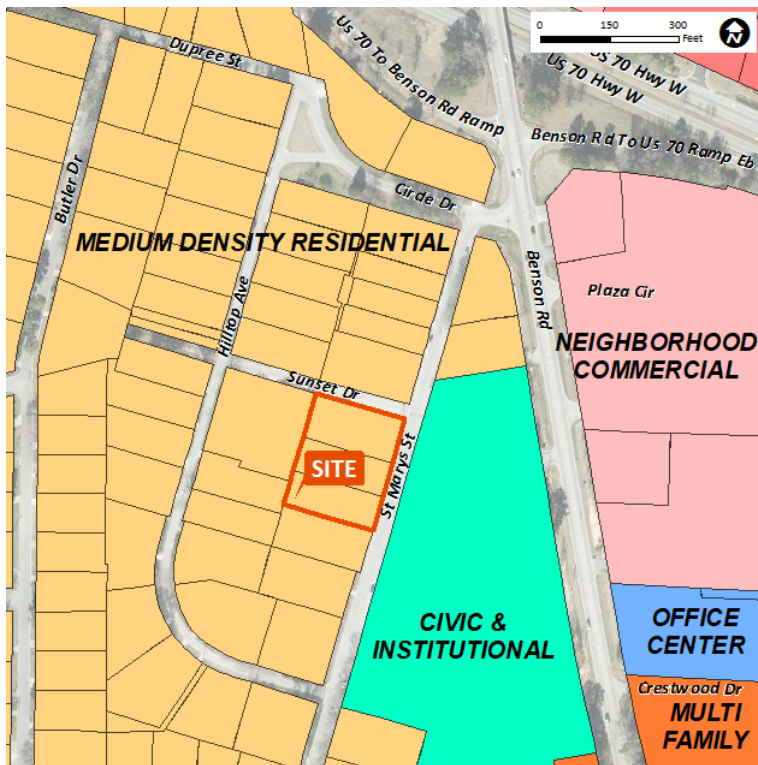
**Traffic:** There is no traffic count data available for St. Mary's Street, and the project does not require a TIA due to the limited forecasted impacts.

**Neighborhood Meeting:** Thirty-eight (38) property owners were invited to a neighborhood meeting held at the Garner Senior Center on Thursday, September 26, 2019 at 7 PM. Four (4) people attended the meeting. A summary of the meeting is included in the agenda packet for reference. Questions included the following topics: drainage impacts, zoning uses, and building permits.

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

**2018 Garner Forward Comprehensive 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:**



According to the 2018 Garner Forward Comprehensive Plan and the Future Land Use map, the rezoning site falls within the **Medium Density Residential** category. The **Medium-Density Residential** land use category includes single-family, duplex, triplex, quadplex, and townhome-style residences with no less than two and a half (2.5) nor more than five (5) units per acre. Medium-Density Residential structures may also include auxiliary units detached from the primary house. The Medium-Density Residential designation encourages context sensitive residential

uses that preserve and enhance the culture of adjacent residential communities.

**Keeping Our Character:**

The guiding principles and recommendations for “keeping our character” are found on pages 56 - 60. Staff finds this request in support of the following:

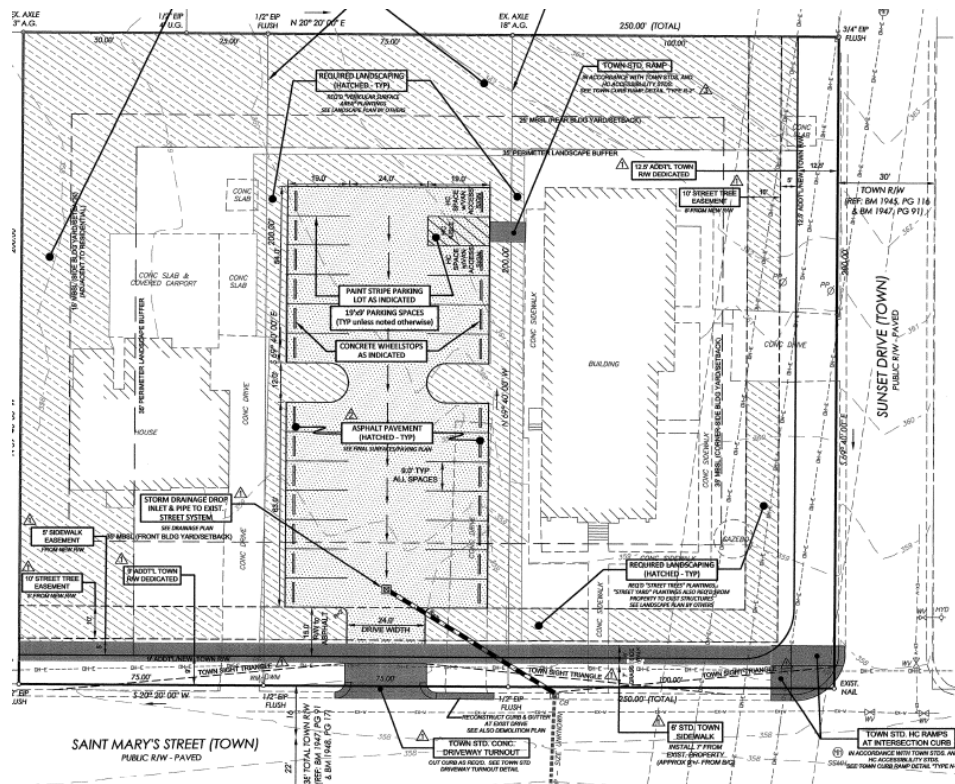
- 1. Encourage redevelopment and reuse of existing sites and buildings that are complimentary to the surrounding area (pg. 56 of Comp Plan).

**Zoning Consistency Statement:** Based on the preceding, Town staff offers that although the requested rezoning from Single-Family Residential (R-12) to Neighborhood Office (NO C215) conditional use is not consistent with the 2018 Garner Forward Comprehensive Plan’s future land use designation of Medium Density Residential (MDR); it may be found consistent with the Comprehensive Plan’s guiding principles and recommendations for building on and conserving the existing character. A recommendation for approval of this rezoning request would automatically include an amendment to the Future Land Use Map re-designating the site from Medium-Density Residential (MDR) to Civic & Institutional (CVI). The Civic and Institutional land use category includes government offices and schools, first responder structures, civic clubs, post offices, and faith-based organizations and uses.

**VI. SITE PLAN PROJECT DATA**

**Acres:** 1.15 +/- acres

**Building Size:** The existing church is 3,865 square feet. The existing house is that is going to be used as an office is 2,065 square feet.



**Building Materials:** The church is all brick and the house is brick with siding – no changes are proposed.

**Landscape and Buffer Requirements:** The plan as proposed meets the requirements of the Landscape Ordinance.

**Tree Cover:** 10% tree preservation requirements are being met with a combination of existing vegetation and replacement plantings.

**Street Buffers:** Buffers along St. Mary's Street and Sunset Drive are being met with new plant material.

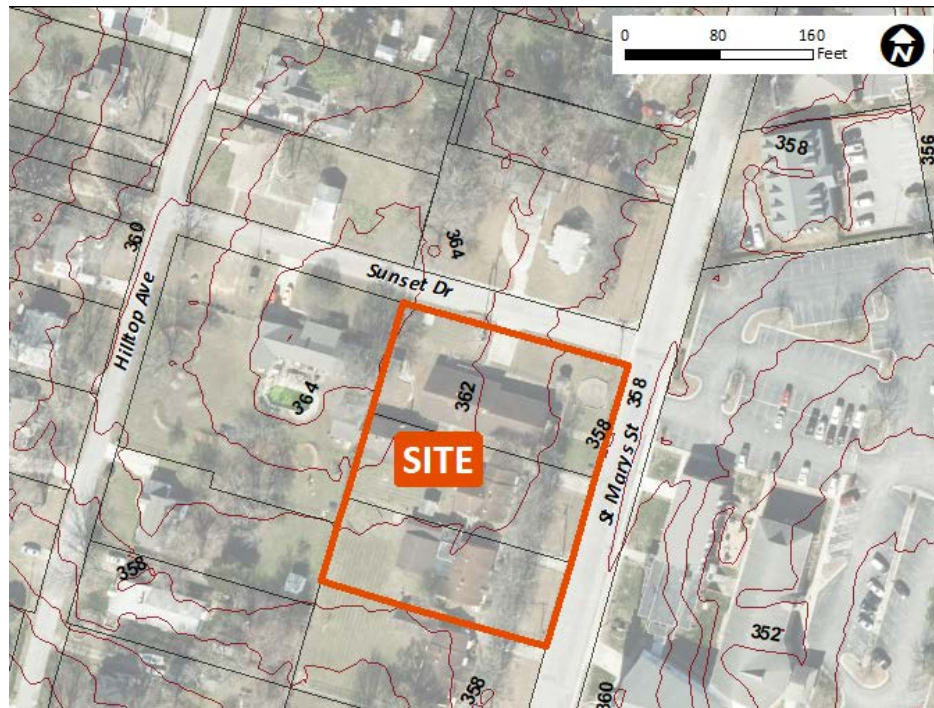
**Perimeter Buffers:** 35' rear perimeter buffer planting requirements will be met with new plant material.

**Street Trees:** Provided every 40' on average along St. Mary's Street and Sunset Drive.

**Parking Spaces:** Parking is based on 1 parking space for every 4 seats

- Required: 25 (1 accessible)
- Proposed: 25 (2 accessible)

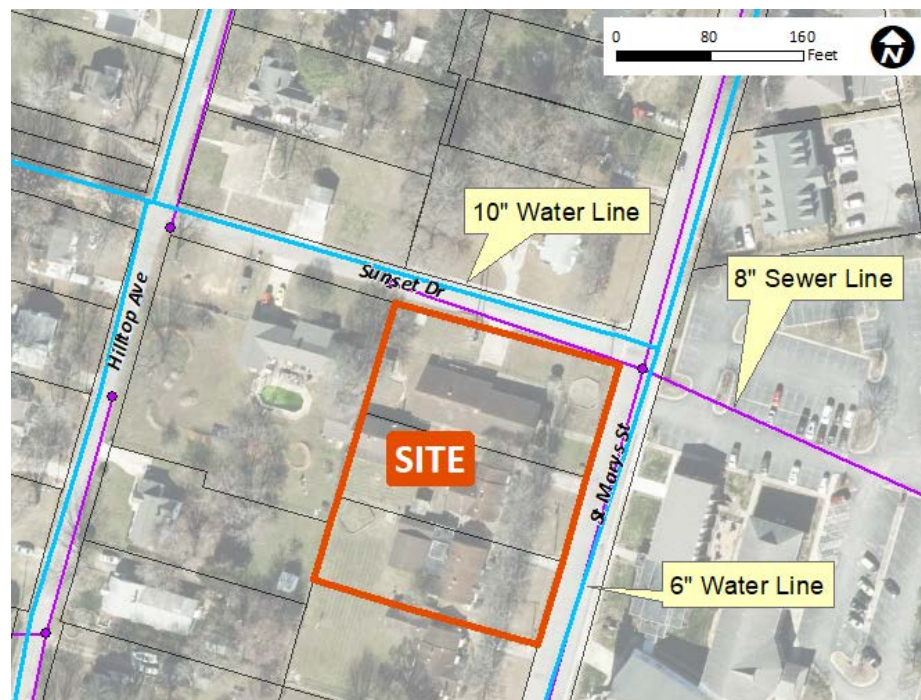
**Environmental Features:** This site does not contain a FEMA designated floodplain; the site is mostly flat.



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

**Infrastructure:** **Stormwater Management** – Centro Christiano Church is a redevelopment project within the watershed water supply protection area. This project proposed an amount of impervious surface under the allowable 12% impervious surface threshold and therefore do not need to implement a water quality stormwater control measure. Attenuation for stormwater quantity was not required for this project as runoff calculations for the 1, 10 and 25 year storm events showed no downstream impacts from the increased impervious surface that flow to the existing storm drain system. No nitrogen offset payment is required with this project.

**Water/Sewer** – Existing water and sewer connections are available along St Mary’s and Sunset Drive.



**Frontage Improvements** – The site has approximately 247 feet of road frontage on St Marys Street and approximately 200 feet of frontage along Sunset Street. Sunset Street is a Town-maintained 24-foot paved facility within a 30-foot right of way. St Marys Street is a Town-maintained 30-foot paved facility within a 38-foot right of way. St Marys Street currently has curb and gutter. Sidewalks will be added as part of the project.

**Site Access** – Multiple existing driveway access points will be consolidated into one access point off Saint Mary’s Street.

**Traffic Impact Analysis** – Not required.

## **VII. SITE PLAN CONFORMITY WITH ADOPTED TOWN PLANS AND POLICIES**

### **2018 Garner Forward Transportation Plan:**

The 2018 *Garner Forward Transportation Plan* does not provide any recommendations for St. Mary's Street beyond what the *Unified Development Ordinance* would require for town streets; therefore, this project, with the additions of sidewalks along St. Mary's Street (collector – both sides), may be found to be in conformity with 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, conforms to the regulations of the Unified Development Ordinance so long as the following project specific conditions are met:

1. Prior to receipt of approved plans, the Engineering Department inspections fees must be paid to the Town; and
2. Prior to the issuance of a building permit, a recombination plat creating a single lot shall be recorded with the Wake County Register of Deeds.

## **VIII. PLANNING COMMISSION NOTES AND RECOMMENDATION**

The Planning Commission reviewed this request at their October 21, 2019 meeting. With a unanimous vote, the Planning Commission confirmed staff's findings in Section VII that CUP-SP-19-05, Centro Christiano Church, is in conformity with adopted town plans and policies, and further 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-19-02 to the Town Council.

Staff recommendations for rezoning request (CUD-Z-19-02) and site plan (CUP-SP-19-05) conformity are highlighted in the motion worksheets on the following pages.

## CUD-Z-19-02 – Centro Christiano Church

### *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 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’s Guiding Principles 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 in so doing, also amend the Future Land Use Map from Medium-Density Residential to Civic & Institutional -; and I therefore move further that the Town Council adopt Ordinance No. (2019) 4023 approving rezoning request CUD-Z-19-02 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”

- Be compatible with the surrounding zoning;
- Provide adequate buffering to adjoining residential uses per the conditions;
- Encourage redevelopment and reuse of existing sites and buildings that are complementary to the surrounding area;
- 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-19-02.”

3. Find Inconsistent with the Comprehensive Plan and Approve:

"I move that the Town Council find that although the rezoning request is inconsistent with the Garner Forward Comprehensive Plan, 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 \_\_\_\_\_

- Be compatible with the surrounding zoning;
- Provide adequate buffering to adjoining residential uses per the conditions;
- Encourage redevelopment and reuse of existing sites and buildings that are complementary to the surrounding area;
- Provide your own reason: \_\_\_\_\_

and therefore, I move further that the Town Council adopt Ordinance No. (2019) 4023 approving rezoning request number CUD-Z-19-02, and in so doing, also amend the Town's Comprehensive Growth Plan from designating the subject property as Medium-Density Residential to Civic and Institutional."



**CUP-SP-19-05 – Centro Christiano Church**

*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-19-05, Centro Christiano Church with the Town’s standard conditions and two (2) site-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 Conditional Use Permit CUP-SP-19-05, Centro Christiano Church.



# Town of Garner Planning Department

# Conditional Use Rezoning CUD-Z-19-02 & CUP-SP-19-05



**Project:** *Centro Christiano Church*  
**Applicant:** *Centro Christiano Jesus Rey, Inc.*  
**Owner:** *Centro Christiano Jesus Rey, Inc.*  
**Location:** *600, 602 & 604 St. Mary's Street*  
**Pin #:** *1711414397, 1711414289, 1711414252*

**Proposed Use:** *Church*  
**Current Zoning:** *Residential (R-12)*  
**Proposed Zoning:** *Neighborhood Office (NO)*  
**Acreage:** *1.15*  
**Overlay:** *N/A*

**Neighborhood Meeting for Site in Town Of Garner  
Meeting Minutes  
Thursday, September 26, 2019**

A "Neighborhood Meeting" was held on Thursday, September 26, 2019 at 7:00pm at Garner Senior Center located at 205 East Garner Road, Garner, NC 27529. It was presided over by Brian Leonard. This meeting was required as part of the Conditional Use/Rezoning process through the Town of Garner.

Meeting was called to order by Brian Leonard, PE, PLS owner of BRL Engineering & Surveying.

- Brian Leonard opened meeting with welcoming remarks to everyone. And also let everyone know that meeting was being recorded due to his office assistant couldn't make it due to last minute emergency with her child.
- Project Introduction and Background was initiated by Brian Leonard to discuss the project of the Centro Cristiano Jesus Rey Hispanic Church. It was explained that the church owns 3 different tracts located on St. Marys Street in the Town of Garner and if approved by the Town of Garner they would recombination them onto one tract. And a parking lot would be put in between the house and church. A Rezoning has to be obtained and property has to be rezoned and requires a Conditional Use Permit as well from the Town of Garner.
- Brian Leonard asked if there were any questions and concerns and opened the floor for discussion.
- Peggy Julian asked the question why they are being required to be rezoned and have a Conditional Use Permit. Brian Leonard explained that current zoning was a older zoning and that the Town of Garner strongly recommended the new zoning because it would be more compatible for church use.
- Brian Leonard also explained from copy of plans that site is currently a R-12 zoning and it would go to a N-0 zoning. And he explained to difference between the two different zoning as well.
- Some questions and concerns also were address and answered by Luis Ceron. He stated that Building Plans & Permits were being worked on now. And the hours of church were discussed as well.

## BRL ENGINEERING & SURVEYING

112 East Johnston Street  
Smithfield, NC 27577  
(919) 989-9300

Surveying & Civil Engineering Services

Brian R. Leonard, PE, PLS

[brleengineering@earthlink.net](mailto:brleengineering@earthlink.net)

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- **A question and concern was asked about drainage. Brian Leonard answered and explained the plans and expressed that drainage from parking lot would be directed back to the street to a drainage inlet that would take runoff to the street drainage system.**
- **In closing remarks, It was said from one of guest that site looked better already, along with some positive comments.**
- **Brian Leonard proceeded to close by asking if anyone had any additional concerns that more information could also be found at Town of Garner for this project.**
- **Meeting was adjourned by Brian Leonard.**

**BRL ENGINEERING & SURVEYING**

112 East Johnston Street  
Smithfield, NC 27577  
(919) 989-9300

Surveying & Civil Engineering Services

Brian R. Leonard, PE, PLS

[brleengineering@earthlink.net](mailto:brleengineering@earthlink.net)

**SIGN-IN SHEET FOR NEIGHBORHOOD MEETING FOR SITE IN TOWN OF GARNER**

Centro Christiano Jesus Rey, Inc. Thursday, September 26th, 2019 7:00pm

Owner's Name      Property Address      Mailing Address      Signature

Julian Peaggy & Chris	509 Hilltop Ave	101 Winrow Dr. Jamestown, NC 27282 (Same as)	Peaggy & Julian
Chris	"	"	Chris
FBK Garner Tobin, Travis	601 St. Mary	601 St. Mary Garner, NC	Travis
*Project/Site Representatives Present That Did Not Sign In...			
Jesus Villatoro			
Fanny Villatoro			
Miguel Torres			
Nayely Lopez			
Denis Calix			
Luis Ceron			

Return to:  
Stella Gibson  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

**ORDINANCE NO. (2019) 4023**

**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 Centro Christiano Jesus Rey, Inc. in Rezoning Application CUD-Z-19-02.

**Section 2.** There is hereby created a new conditional use zoning district, to be known as the **Neighborhood Office Conditional Use District (NO C215)**; within this district, all of the regulations that apply to property within the **NO C215** 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 conditions are for the NO C215 district (use restrictions):***

1. Permitted use table:

<b>Use Category</b>	<b>Specific Use</b>	<b>NO C215</b>
Household Living	Single-Family Detached	P*
Group Living	Day Care Center	P*
Religious Institutions	Churches	P*
Office	General office	P

2. Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.

**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
Centro Christiano Jesus Rey, Inc.	1711-41-4397, 1711-41-4289, 1711-41-4252	Single-Family Residential (R-12)	Neighborhood Office Conditional Use 215 (NO C215)

**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 4th day of November, 2019.

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Ronnie S. Williams, Mayor

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



Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: CUP-SP-19-16, R&S Mechanical		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Lauren Long, Planner I		
Presenter: Lauren Long, Planner I		
<b>Brief Summary:</b>  Conditional Use Site Plan (CUP-SP-19-16) application submitted by Spaulding & Norris, PA on behalf of R&S Mechanical for light industrial/flex space The site is located at the southwest corner of Garner Station and Junction Boulevards and may be further identified as Wake County PIN# 1701-18-2781.		
<b>Recommended Motion and/or Requested Action:</b> Approve with three standard conditions and three site specific conditions		
<b>Detailed Notes:</b> See attached vicinity map and staff report. A neighborhood meeting was not required, but one was held on June 11, 2019.		
Funding Source:		
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 Applications  
CUP-SP-19-16**



**Project:** *R&S Mechanical Flex*  
**Applicant:** *Spaulding & Norris, PA*  
**Owner:** *RS Garner Holdings, LLC*  
**Location:** *0 Garner Station Blvd.*  
**Pin #:** *1701182781*

**Proposed Use:** *Industrial Flex Space*  
**Current Zoning:** *Service Business (SB)*  
**Acreage:** *1.72*  
**Overlay:** *N/A*

## Planning Department Staff Report

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**TO:** Mayor and Town Council

**FROM:** Lauren Long; Planner I

**SUBJECT:** *Conditional Use Permit # CUP-SP-19-16, R&S Mechanical*

**DATE:** Nov 4, 2019

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### I. PROJECT AT A GLANCE

**Project Number:** CUP-SP-19-16, R&S Mechanical

**Applicant:** Spaulding & Norris, PA/ Laura Holloman

**Owner:** RS Garner Holdings, LLC / Randy Lee

**Plan Prepared by:** Spaulding & Norris, PA/ Thomas Spaulding

**General Description -**

**Proposed Use:** Light Industrial/ Flex Space

**Project Location:** 0 Garner Station Blvd

**Wake Count PIN(s):** 1701-18-2781

**Zoning Classification:** Service Business Conditional Use (SB C20)

**Key Meeting Dates –**

**Neighborhood Meeting:** June 11, 2019

**Planning Commission:** October 21, 2019

**Town Council Public Hearing:** November 4, 2019

## II. BACKGROUND / REQUEST SUMMARY



The proposed use is Light Industrial/ Flex Space. This site is located on Garner Station Blvd West off Junction Blvd. The predominate zoning of this area is multi-family (MF-2) and Service Business (SB). This particular site is zoned SB C20. The proposed use is permissible in this district.

This request is for a 13,658 square foot industrial flex building. There will be six roll-up doors on the southern elevation of the building. The stormwater device and a storage area are also on the southern portion of the lot.

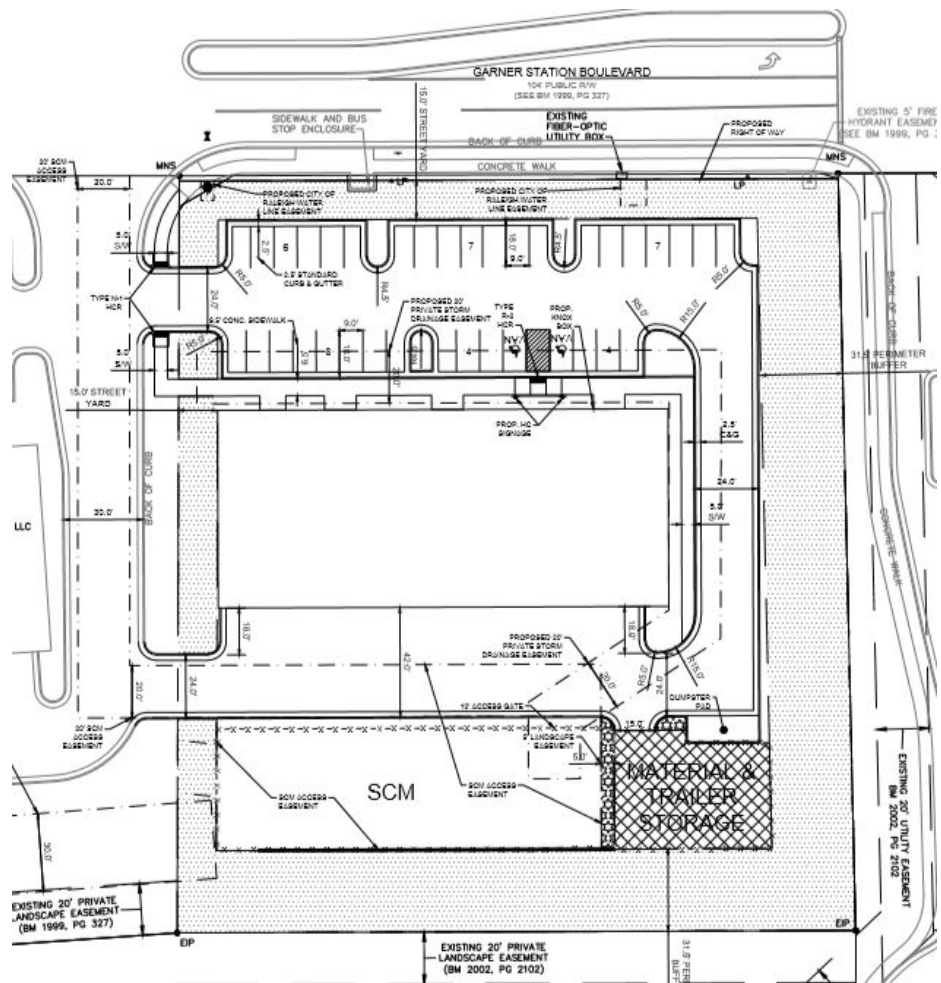
## III. COMMUNITY INFORMATION

**Overall Neighborhood Character:** The predominant uses in this area are industrial flex and office. There is an apartment complex, Lenoxplace, to the south of the subject property. The 'street' going into Lenoxplace is actually a private drive, therefore a perimeter buffer was required on the subject property. You can see from the above map that the immediate area is all Service Business zoning except for Lenoxplace which is zoned Multi-Family 2.

**Neighborhood Meeting:** Although a meeting was not required for this application, eleven (11) property owners were invited to a neighborhood meeting held at the Avery Street Recreation Center on Tuesday, June 11, 2019 at 6:30 PM. One person attended the meeting. A summary of the meeting is included in the agenda packet for reference. Questions included the following topics: elevations, landscaping, and future public meetings.

**IV. SITE PLAN PROJECT DATA**

- Acreage:** 1.72 acres
- Minimum Lot Size:** 6,000 square feet
- Setbacks:**
  - Front – 35'
  - Rear – 0'/25'
  - Side – 0'/25'
  - Corner Side – 35'
- Building Size:** 13,658 square feet



**Building Material and Color:**

The building will be constructed of a split-level elevation of brick veneer, pre-cast stone, and corrugated metal. There will also be six roll up doors on the southern elevation.



**Landscape and Buffer Requirements:**

**Tree Cover:** Requirements met with 4.2% preserved and 7.2% replacement for a total of 11.4% vegetation preserved on the site.

**Street Buffer:** There is a 15-foot buffer (horizontal distance separation only) adjacent to Garner Station Blvd, as well as along the shared access drive from Garner Station Blvd.

**Perimeter Buffers:** A 31.5-foot perimeter buffer is provided to the east and south of the site where the development abuts Lenoxplace Apartments. The eastern and southern buffers have been reduced to 31.5' under the condition that the site to the south maintain the evergreen buffer currently separating the uses in order to meet the intent of section 7.1(K)7a of the ordinance.

**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 any FEMA designated floodplain and there is no proposed land disturbance in any environmentally sensitive areas.



**Fire Protection:**

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

**Parking:**

Parking is based on the square footage of Light Industrial/Flex Space (1 space for every 500 square feet):

- Required: 27
- Proposed: 36

**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 municipal water system will occur through taps of the existing water line on Garner Station Blvd. Connection to the sanitary sewer system will occur through an extension of the existing sewer line at the rear of the adjacent parcel to the west.



**Stormwater Management:** R&S Mechanical is a commercial development on Garner Station Blvd that is not located within the watershed protection area. This site is subject to water quality requirements for nitrogen only.

This developed plan will result in a nitrogen export of 11.9 pounds per acre per year. A single wet detention stormwater control measure is proposed to bring the export under the 10 pounds per acre threshold for nitrogen loading rate. Additionally, a nitrogen offset buydown will be required with the development of this commercial site to accommodate the remaining increased loading.

**Frontage Improvements:** N/A - All required frontage improvements along Garner Station Blvd are already constructed.

**Site Access:** A single point of access from Garner Station Blvd. exists via a shared driveway / access easement on the adjacent parcel to the west.

**Traffic Impact Analysis:** Not required.



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

### **2018 Garner Forward Transportation Plan:**

A review of the Garner Forward Transportation Plan revealed a recommendation for sidewalks along the frontage of Garner Station Blvd. Since the recommended sidewalk already exists; this project, as proposed, may be considered consistent with the 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 to receipt of approved plans, Engineering Department inspection fees must be paid to the Town of Garner;
2. Prior to issuance of the first building permit, all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department; and
3. Prior to the issuance of the first building permit, the Stormwater Program Administrator shall be in receipt of proof of payment for the required nitrogen offset payment to an approved mitigation bank.
4. Prior to certificate of occupancy, a cross-access parking agreement with the adjacent parcel to the west shall be recorded.
5. Prior to certificate of occupancy, Recordation with Wake County Register of Deeds of Operations and Maintenance and Memorandum of Agreement for the Stormwater Control Measure.
6. Prior to certificate of occupancy, Stormwater Control Measure certification and as-built drawings shall be submitted to the Engineering Department.

## **VI. PLANNING COMMISSION NOTES AND RECOMMENDATION**

The Planning Commission reviewed this request at their October 21, 2019 meeting. By a unanimous vote, the Planning Commission confirmed staff's findings in Section V that CUP-SP-19-16, R&S Mechanical, is in conformity with adopted town plans and policies.

**CUP-SP-19-16 – R&S Mechanical**

*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:

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**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 CUP-SP-19-16, R&S Mechanical with the Town’s standard conditions and six (6) site-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 Conditional Use Permit for R&S Mechanical – CUP-SP-19-16.



## THE SPAULDING GROUP, PA

*planning • civil engineering*

May 30, 2019

Dear Property Owner,

On behalf of the owners of Wake County PIN: 1701182781, located at the intersection of Garner Station Boulevard and Lenoxplace Circle. I would like to invite you to attend a neighborhood information meeting concerning the development of said property. Specifically, RS Garner Holdings, LLC has requested a special use permit of said property to allow for the development of a one-story light industrial flex space building. The meeting details are as follows:

**June, 11, 2019**  
**6:30pm**  
**Avery Street Recreation Center**  
**125 Avery Street**  
**Garner, NC 27529**

Per Town of Garner ordinance requirements, we are notifying you of this meeting because your property is located within the written notification area for public hearings. While this meeting is not a public hearing, it is an opportunity for you to meet with the owners and/or applicants to hear about their attention to rezone and/or develop the land. You are encouraged to ask questions and express concerns so that we may help you to more fully understand the proposed project.

Town Planning staff will not be in attendance at this meeting, but if you have additional questions about the project you may contact the Town's case manager, Lauren Long at 919-773-4447 or by email [llong@garnernc.gov](mailto:llong@garnernc.gov) Property owners within the notification area will receive a separate notice from Town Planning staff when a public hearing is scheduled before the Garner Town Council.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-854-7990 or [laura@spauldingnorris.com](mailto:laura@spauldingnorris.com). We look forward to seeing you at the meeting.

Sincerely,

Laura Holloman, AICP

Principal Planner, The Spaulding Group, PA

[laura@spauldingnorris.com](mailto:laura@spauldingnorris.com)



# THE SPAULDING GROUP, PA

*planning • civil engineering*

June 13, 2019

Town of Garner  
Planning Department  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

**RE: Neighborhood Meeting Summary: 0 Garner Station Boulevard Special Use Permit Request**

To Whom it May Concern:

The Spaulding Group, acting as the consultant, has respectfully submitted a special use permit request for a parcel currently located in the town of Garner’s town limits; more particularly described as:

Address	PIN Number	Real ID	Acreage
<b>O Garner Station Boulevard</b>	1701182781	0289693	1.72

Presently vacant, the subject parcel is currently zoned SB: Service Business, but has been petitioned at present to have a special use permit as necessary to construct a light industrial flex space building. As part of the process a neighborhood meeting was held on Wednesday, June 11, 2019 at the Avery Street Community Center. (Please see attached adjacent property owner mailing list, and neighborhood meeting invite letter). The following is a summary of the meeting:

The applicant was present from 6:00pm to 7:30pm, however only one adjacent property owner was in attendance. This individual was the supervisor of the Lenoxplace Apartments and came to understand the nature and intent of the proposed use.

The applicant shared with this meeting attendant, the most current special use permit plans that had been submitted and reviewed by town staff. The attendant was impressed with the building elevations and stated that they would match the existing buildings along Garner Station Boulevard. The attendant also liked that the owner of the building would be on-site as one of the occupants of the building space.

It was also shared with the adjacent property owner representative that there would be public meetings in the future and that they would be getting additional information {in the form of a letter} from the town regarding these meetings. The attendant then took pictures of the site, landscape plans and elevations to share with the owner of the apartments and left.

If you have any questions or need additional information, please call myself at (919) 854-7990 or by email: [laura@spauldingnorris.com](mailto:laura@spauldingnorris.com) .

Sincerely,

Laura Holloman, AICP  
The Spaulding Group, PA

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: Jones Sausage Road Widening Bid Award, NCDOT TIP#U-6099 (Amazon)		
Location on Agenda: Old/New Business		
Department: Engineering		
Contact: Chris Johnson, Town Engineer		
Presenter: Chris Johnson, Town Engineer		
<b>Brief Summary:</b>  To authorize the bid award for Jones Sausage Road (TIP# U-6099) along the frontage of Amazon just south of the I-40 interchange.		
<b>Recommended Motion and/or Requested Action:</b> Authorize base bid award to ST Wooten Company pending concurrence by the NC Department of Transportation.		
<b>Detailed Notes:</b> A total of 3 bids were received. The engineer's base bid estimate was \$3,785,776. The apparent low bidder was ST Wooten Corporation with a bid of \$3,600,214, which was 4.9% lower than the estimate. ST Wooten's MWBE subcontractor participation is 10.7%. This contract will be covered by the NCDOT's \$4.5M funding contribution for roadway construction. The Town has a \$600,000 maximum contribution previously committed for roadway costs beyond the NCDOT's contribution and/or for utility relocation costs not covered by the NCDOT. Those utility relocation costs would be reimbursed later following completion of work by the respective utility companies.		
Funding Source:		
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:	CJ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

## ENGINEERING DEPARTMENT MEMORANDUM

DATE: October 24, 2019

TO: John Hodges - Assistant Town Manager

FROM: Chris Johnson, PE - Town Engineer

RE: **Bid Award of Jones Sausage Road – NCDOT TIP#U-6099 (ST Wooten)**

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The Jones Sausage Road Widening Project (NCDOT TIP#U-6099) is a joint public/private contract that consists of approximately 4150 LF of road widening along Jones Sausage Road within the limits of the new Amazon facility just south of the I-40 interchange. The Town has a development agreement with NCDOT that includes a \$4,500,000 state contribution towards the roadway construction costs only. As part of the same agreement, the Town has a maximum contribution of \$600,000 towards roadway and/or utility relocation costs not covered by the NCDOT funding. The developer (Hillwood Construction Services, L.P.) was responsible for funding the professional design services and land acquisition.

Hillwood advertised the project and held the bid opening on October 3, 2019 at the office of Withers & Ravenel, Inc. Town staff attended the bid opening, which consisted of 3 bids received from the following firms:

- Fred Smith Company
- Barnhill Contracting Company
- ST Wooten Corporation

Please note this project included a bid alternate related to intersection improvements at the Garner Road intersection, however, land acquisition has yet to be certified by NCDOT at this intersection, therefore, the bid award is for the base bid portion of work only. The remainder of intersection work will need to be awarded or rebid after completion of the right of way certification. The engineer's base bid estimate was \$3,785,776.00. The apparent low bidder was ST Wooten with a base bid of \$3,600,214.00, which was 4.90% lower than the engineer's estimate. ST Wooten's MWBE subcontractor participation is 10.7%.

Based on the developer agreement, it appears that NCDOT's \$4.5M maximum funding contribution will cover all the roadway construction costs, however, a portion of the Town's \$600,000 funding contribution could be used towards utility relocation costs that were not eligible for the NCDOT funding source. Those utility relocation costs will be determined and reimbursed following completion of the work by the respective utility companies.

### STAFF RECOMMENDATION

Authorize the base bid award for the Jones Sausage Road Widening Project (TIP #U-6099) to ST Wooten Corporation pending NCDOT's concurrence of the bid award.

## BID TABULATION

### JONES SAUSAGE ROAD WIDENING - PROJECT AXIS

TIP No: U-6099  
 County: Wake

Opening Date: Thursday, October 3, 2019

BID SUMMARY	Engineer's Estimate	S.T. Wooten Corporation	FSC II, LLC	Barnhill Contracting Company
BASE BID AMOUNT BID	\$3,785,776.00	\$3,600,214.00	\$4,487,545.00	\$4,591,929.82
ALTERNATE #1 AMOUNT BID	\$405,091.00	\$268,693.00	\$460,000.00	\$365,020.25
TOTAL AMOUNT BID	\$4,190,867.00	\$3,868,907.00	\$4,947,545.00	\$4,956,950.07



Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: November 4, 2019		
Subject: UDO Re-Write - Contract Authorization		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
<b>Brief Summary:</b>  Presentation of final draft contract with Stewart for a re-write of the Town's Unified Development Ordinance as recommended by the Garner Forward Comprehensive Plan.		
<b>Recommended Motion and/or Requested Action:</b> Authorize Town Manager to execute contract and approve budget amendment for \$25,000.00.		
<b>Detailed Notes:</b> The Planning Department received four (4) responses to its Request for Qualifications package. Responding firms included Clarion, CodeWright, Stewart and WithersRavenel. A review panel consisting of representatives from Inspections (1), Engineering (1), Planning (3) and Administration (1) scored the responses with Stewart ranking as the top choice with their team being led by Ms. Cindy Szwarcop, AICP. Planning met with the Stewart team on 10/22 to review and finalize the draft Scope of Work to be included in the contract.		
<b>Funding Source:</b> \$200,000 from project fund; \$25,000 for budget amendment		
Cost: \$225,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<b>Manager's Comments and Recommendations:</b>          		
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:		

ORDINANCE NO. (2019)

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 & MULTI-YEAR FUND 20 be amended as follows:

**Revenue Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496900	Appropriated Fund Balance		\$ 2,181,547	\$ 25,000	\$ 2,206,547
20309000-471000	Transfer from General Fund		\$ 157,565	\$ 25,000	\$ 182,565
20309000-496901	Approp. FB - Restricted Funds		\$ -	\$ 200,000	\$ 200,000

TOTAL REVENUE INCREASE (DECREASE) \$ 250,000.00

**Expenditure Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10590000-552020	Tsf to Cap Reserv Proj Fund 20		\$ 265,151	\$ 25,000	\$ 290,151
20461000-524379	Contract Svc - UDO Update		\$ -	\$ 225,000	\$ 225,000

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 250,000.00

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 4th day of November, 2019.

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

ATTEST:

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



October 24, 2019

Mr. Jeff Triezenberg, AICP, GISP  
Planning Director  
Town of Garner  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

Dear Jeff:

**STEWART** is very pleased to have been selected to work with the Town of Garner on the Unified Development Ordinance update project. The anticipated UDO and zoning map adoption date is October 19, 2021. The proposed work program is organized into the following five main tasks:

- Phase 1 - Project Initiation
- Phase 2 - Preparation & Composition
- Phase 3 - Remapping & Zoning Map Update
- Phase 4 - Adoption
- Phase 5 - Implementation & Training

The proposed scope of work includes:

- 4 Public Open House/Workshop Meetings
- 13 Steering Committee Meetings
- 5 Joint Planning Commission/Town Council Work Sessions
- 2 Days of Focus Group/Stakeholder Meetings
- 2 Planning Commission Meetings
- 2 Town Council Approval Meetings
- 34 Staff Check-In Meetings (2 per month for 17 months)
- 2 Half-Day UDO Training Sessions

This document may serve as a Client-Consulting Agreement. Included in the agreement are the standard Hourly Rate Schedule and Conditions of Agreement. If this proposal is acceptable, please execute and return a copy of the Agreement to this office.

Do not hesitate to contact us if you have any questions regarding our proposal. Please give us the opportunity to clarify any details or revise the proposal if it appears that we have misunderstood any element of the proposed project.



## UNIFIED DEVELOPMENT ORDINANCE UPDATE

### **Project Understanding**

Stewart understands that the Town of Garner is embarking on an important initiative to re-write the Town's Unified Development Ordinance (UDO). Stewart will assist the Town in providing a comprehensive re-write of the current UDO and revise the Town's Zoning Map.

We will work with the Town to update the Unified Development Ordinance in accordance with the published RFQ (dated 08/16/2019) in order to:

- Implement the applicable vision and goals of the Garner Forward Comprehensive & Transportation plans;
- Be reflective of the most current North Carolina State Statutes and case law, including any provisions mandated by Chapter 160D that must be adopted no later than January 1, 2021;
- Be user-friendly with a cohesive set of graphics, tables and illustrations used to supplement written regulations;
- Improve overall document formatting (using Article-Section-Subsection-List-Number format);
- Introduce form- or design-based code elements where applicable – including transit-oriented development requirements supportive of the *Wake Transit Plan*;
- Update sign standards – including conformity with Supreme Court ruling in *Reed v. Town of Gilbert*;
- Update street, access & connectivity standards;
- Provide a standardized use table (LBCS with local amendments) – including guidance for interpretation and clarification on allowances for accessory/secondary/multiple uses;
- Clearly define home occupation standards that are observable, enforceable and defensible;
- Modify existing zoning districts and introduce potential new base and/or overlay districts;
- Simplify the conditional district rezoning process;
- Be consistent with City of Raleigh Public Utility Standards;
- Ensure conformance with state and federal regulations;
- Update development standards (subdivisions, parking, landscaping, lighting, open space, etc.);
- Update applicable development review processes; and
- Remove outdated standards, definitions and terminology.

In addition, Stewart will also work with Staff and the Steering Committee to provide recommendations on the following:

- Workforce housing standards
- Nuisance regulation overlaps
- Subdivision approval process
- Fee-in-Lieu options
- Exempt & minor plat review processes
- Telecommunication facilities



- Change of use and expansion of use standards
- Appeal processes
- ADA compliance
- Temporary uses
- Bona-fide farms and agritourism uses

## **PHASE 1 | PROJECT INITIATION & ANALYSIS**

To facilitate discussion about updating the Town's Unified Development Ordinance, we will research and thoroughly review the Town's existing land development regulations and the Garner Forward Comprehensive & Transportation plans, conduct interview-style focus group/stakeholder meetings, and conduct a kick-off open-house engagement event. During this phase we will also participate in a community tour to see recent successes and opportunities for improvement.

### **Focus Group/Stakeholder Interviews**

The Stewart team will participate in two (2) days of Focus Group/Stakeholder interviews (45-minute sessions followed by 15 min. interlude, with up to 6 sessions per day). The purpose of these interviews is to introduce the project and gain initial input about existing regulations and issues that need to be addressed in the UDO update. We will work with Town staff to identify the appropriate categories of stakeholders (local experts on the development process, business interests, community and neighborhood groups, economic development officials, neighborhood leaders, representatives from the environmental community, etc.). The results of these meetings will be summarized in a memorandum to the Town.

### **Kick-Off Workshop, Public Open House, and Survey**

To facilitate education and discussion about the UDO re-write process, we will conduct a kickoff workshop with Town staff and the project Steering Committee. During this meeting we will begin discussions related to schedule, Steering Committee roles and responsibilities, document format (InDesign or Word), document template preferences, and document hosting options.

For the general public, we will facilitate a separate open-house style workshop spanning up to 3 hours with daytime and evening hours. We will also create both online and paper format public surveys to solicit public comment.

### **Existing Documents Review/Data Gathering**

Town staff will provide all relevant background documents for review (in electronic format), including but not limited to:

- Unified Development Ordinance
- Recently Adopted and Proposed Ordinance Amendments
- Garner Forward Comprehensive and Transportation Plans
- Garner Parks, Recreation, Greenways & Open Space Plan



- Garner Strategic Plan
- Town of Garner Code of Ordinances
- Existing Zoning Map GIS Files
- City of Raleigh Utility Manuals, Details and Policies
- Town of Garner Nitrogen Control Plan and NPDES Phase II Permit
- Town of Garner Development Applications
- Other relevant regulatory documents as needed (Improvement Guarantees, Town policy manual, etc.)

#### **Deliverables:**

- Meeting and Focus Group Interview Summaries
- Kick-Off Workshop Materials and Slide Decks
- Open House Materials
- On-Line and Paper Format Surveys
- Website Information
- Quarterly Progress Report to Staff

#### **Meetings:**

- Project Initiation Meeting with Staff
- Focus Group Interviews
- Community Tour
- Kick-Off Workshop/Steering Committee Meeting #1
- Public Open House/Workshop #1
- Check-in Meetings with Staff (Twice per Month)

#### **Staff Responsibilities:**

- Provide existing documents, plans, and GIS files in electronic format;
- Provide annotated version of the UDO (in MS Word) outlining known issues, successes, desired refinements, relevant background info, etc.
- Post Stewart supplied information to Town website;
- Coordinate meeting dates, attendees, and locations;
- Facilitate flow of information between Consultant and Garner staff, stakeholders, Steering Committee, Planning Commission, and Town Council;
- Identify and schedule key focus groups and individuals to represent each of the groups.

## **PHASE 2 | PREPARATION & COMPOSITION**

We will draw upon best practices from around the country in updating the UDO. The revisions will address items of interest noted by the Planning Commission, topics identified during the Town's independent code analysis, and implementation action steps as outlined in the newly adopted comprehensive plan.

We will prepare the UDO revisions under the guidance of staff and the project Steering Committee. As our team crafts the UDO language and



# STEWART

graphics, we will test the code sections to ensure that the UDO provides appropriate regulatory guidance.

Our team will prepare drafts of the updated UDO to be delivered via groupings of similar topics allowing staff and the Committee to more easily digest the information. Stewart will first meet with Staff to review each draft article, receive comments, and make one round of revisions prior to review by and meeting with the Steering Committee to discuss the article. Steering Committee comments will be compiled by staff and delivered to Stewart with applicable revisions outlined. It is anticipated that the Stewart team will attend ten (10) of the thirteen (13) projected Steering Committee meetings during the 17-month duration of Phase 2.

The following is expected to be completed with this phase:

- Prepare UDO page layout to serve as template for the preparation of all drafts;
- Prepare and receive approval of UDO framework;
- Research major topics of the ordinance and provide best practice options, as appropriate;
- Legal review of draft ordinances for compliance with applicable North Carolina General Statutes;
- Address regulatory issues regarding environmental provisions;
- Draft and revise articles in the following ten (10) groupings:
  - Administration, Non-Conformities, Nuisances
  - Development Application Procedures
  - Zoning Districts, Conditional Use Districts, Use Table
  - Overlay Districts, Urban Design and TOD Standards, Workforce Housing
  - Signs
  - Subdivision, Street Standards
  - Site Design, Development Standards
  - Environmental Regulations, Open Space Standards, Stormwater
  - Utilities & Infrastructure Details
  - Definitions & Interpretations
- Provide new and updated custom graphics, charts, and illustrations to visually demonstrate the applicable sections of the ordinance. These items will be created using design programs and inserted as .jpg images (minimum 300 dpi) and also supplied as scalable vector graphics (.svg) for use by staff in other media. The use of graphics to duplicate information conveyed in text will be streamlined to reduce redundancy and/or the potential for conflicting interpretations.
- Provide a final layout including all appropriate text, tables, and graphics.
- Ensure that all the language is clear and consistent and that there is a thorough definitions section. All defined words throughout the draft articles will be hyperlinked to said definition. All cross-references will also be hyperlinked.



# STEWART

- We will record all existing text and new text references so changes can be easily tracked.

### **Joint Planning Commission/Town Council Work Sessions**

During Phase 2, the Stewart team will make presentations at five (5) Joint Planning Commission/Town Council Work Sessions. The content of the sessions will be coordinated with Staff, but will generally cover two (2) draft article groupings at a time, and may be more of a high-level concept review rather than a detailed article by article review of the proposed language.

### **Public Information Meetings**

The Stewart team will facilitate three (3) Public Information meetings during Phase 2 to discuss the draft UDO and solicit public comment.

### **Deliverables:**

- Meeting Summaries, Slide Decks, and Printed Materials;
- UDO Framework
- Development of up to two new zoning districts or zoning overlays
- Draft UDO Articles & Recommendations deliverables:
  1. Review per RFQ and staff guidance
  2. Review and revision with Staff
  3. Review and revision with Steering Committee
  4. Revision following public workshop
  5. Revision following joint Planning Board / Town Council workshop
  6. Revision based on adoption hearings
- Draft Graphics
- Website Updates
- Joint Planning Commission/Town Council Session Presentations
- Public Open House materials
- Quarterly Progress Report to Staff

### **Meetings:**

- Steering Committee Meetings #2 through #11
- Joint Planning Commission/Town Council Work Sessions #1 through #5
- Public Open House/Workshops #2 through #4
- Check-In Meetings with Staff (Twice per Month)

### **Staff Responsibilities:**

- Post Stewart supplied information to Town website;
- Coordinate meeting dates and locations;
- Facilitate flow of information between Consultant and Garner staff, Steering Committee, Planning Commission, and Town Council;
- Provide consolidated list of comments/revisions from public, Staff, and Steering Committee.





## **PHASE 2A | UPDATE ENGINEERED SPECIFICATIONS AND DRAWINGS**

The Town's engineering specifications, cross-sections, and technical drawings may need to be revised if any UDO amendments alter their applicability. Since many of these revisions may emerge during the revision process out of necessity based on public or stakeholder input, it is important to set aside a contingency for updating these drawings. These updates might also include revisions to incorporate ADA-compliant details into Town drawings. Stewart will update Town-provided electronic CAD files to reflect any new changes to the UDO. This service will be ad-hoc and not to exceed a set amount, unless directed by the Town.

## **PHASE 3 | REMAPPING & ZONING MAP UPDATE**

Although listed as the third phase of this project, the remapping will have a soft start concurrent with review, interpretations and revisions to the existing zoning districts. This concurrent consideration will involve an interplay between the regulations in the districts and their associated geographic boundaries.

During the update process, it is likely that zoning districts will be deleted, consolidated, or created, including the potential for new or revised overlay districts that may be necessary in order to achieve the goals of the Garner Forward Plan. The process for remapping will be similar to the UDO text revisions as described in Phase 2. Stewart will review the existing zoning map and update it to match any newly created or revised zoning districts.

After initial consultation with staff, we will provide a conceptual decision tree and draft GIS zoning map for review by staff and Steering Committee. Stewart will make revisions as necessary and work with staff to provide materials to be used for mailed notice and public review process. The Zoning Map will be crafted to best achieve the goals of the UDO update while avoiding the creation of nonconformities to the greatest extent possible.

Stewart will work with Town staff to create a special mapping website (linked to the Town's webpage) to compare existing and proposed zoning by parcel. This will facilitate the public's review of the revised zoning districts and enable enhanced public outreach about any potential large-scale rezoning. See "Remapping webpage/webservice" in Expenses of the Compensation and Fee Schedule (below).

### **Deliverables:**

- Meeting Summaries, Slide Decks, and Printed Materials
- Draft Zoning Map – official print version created within an ArcGIS Desktop / ArcMap layout
- Draft Zoning feature classes organized in a personal geodatabase including attribute fields consistent with ESRI's most current data



model(s) and inclusive of field needed to manage the map amendment process

- Standardized Notification Postcard for parcels with a proposed change in zoning designation – Town to provide postage
- Website Updates + Mapping Website
- Quarterly Progress Report to Staff

#### **Meetings:**

- Steering Committee Meetings #12 and #13
- Check-In Meetings with Staff (Twice per Month)
- Public Open House/Workshop #3 and #4 (Combined Meetings with meetings listed in Phase 2)

#### **Staff Responsibilities:**

- Post Stewart supplied information to Town website
- Coordinate meeting dates and locations
- Facilitate flow of information between Consultant and Garner staff, Steering Committee, Planning Commission, and Town Council
- Public (legal) noticing and postage
- Provide consolidated list of comments/revisions from public, Staff, and Steering Committee

### **PHASE 3A | ZONING MAP UPDATE**

Stewart will also review and revise the zoning map to eliminate slivers, gaps, overlapping polygons, and otherwise update the map to be seamless and modern. Changes in technical mapping abilities have created irregularities in the zoning map that can be created, but requires intensive, technical work to accomplish and maintain the integrity of the zoning map.

### **PHASE 4 | ADOPTION**

Following the final Public Information Meeting, Stewart staff will make requested revisions and prepare the final consolidated UDO document. Stewart, in conjunction with Town staff, will present the UDO at two (2) Planning Commission meetings and two (2) Town Council meetings.

Once the UDO has been adopted, Stewart will make all final revisions/edits, provide the final electronic version of both the document and the map, and provide paper copies of the UDO.

#### **Deliverables:**

- Meeting Summaries, Slide Decks, and Printed Materials;
- Final UDO (in selected format – MS Word or InDesign - and PDF format with hyperlinks by/to Article as necessary and to definitions, and text-searchable functions)
- 24 Bound Print Color Copies of the Final Adopted UDO
- Website update materials



- Final Zoning Map and GIS files (electronic – see deliverables in Phase 3 for further guidance)

**Meetings:**

- Check-In Meetings with Staff (Twice per Month)
- Up to 4 Public Meetings/Hearing, including:
  - Up to 2 Planning Commission Meetings
  - Up to 2 Town Council Meetings

**Staff Responsibilities:**

- Post Stewart supplied information to Town website
- Coordinate meeting dates and locations
- Public noticing
- Facilitate flow of information between Consultant and Garner staff, Planning Commission, and Town Council
- Provide consolidated list of comments/revisions from public, Staff, Steering Committee, Planning Commission, and Town Council (as applicable)
- Attend Planning Commission and Town Council Meetings

**PHASE 5 | IMPLEMENTATION & TRAINING**

Following adoption of the new UDO and associated Zoning Map (during a “grandfather period” in which the existing land development regulations are still in effect), the Stewart team will facilitate a series of training sessions for staff, Planning Commission, and Town Council on the administration, implementation and procedures of the UDO.

Our team will work with staff to develop new or revised applications for any zoning amendments and various permit processes in conformance with the new UDO.

**Deliverables:**

- UDO Training/Orientation Presentation
- Permit applications in MS Word & fillable .pdf format

**Meetings:**

- Check-In Meetings with Staff (Twice per Month)
- Half-Day Training Session (Staff)
- Half-Day Training Session (Planning Commission and Town Council)

**Staff Responsibilities:**

- Post Stewart supplied information to Town website
- Coordinate meeting dates and locations
- Facilitate flow of information between Consultant and Garner staff, Planning Commission, and Town Council
- Attend Training Sessions



## **PHASE 5A | LAND DEVELOPMENT & LAND USE APPLICATION UPDATE**

Following finalization of the new zoning districts and associated standards in the UDO, Stewart will update the Town's land development and land use application forms and checklists.

### **Deliverables:**

- Applications in MS Word & fillable .pdf format for the following land use/development processes:
  - Rezoning (including Conditional Zoning)
  - Zoning permit
  - Special Use
  - Site Plan (i.e. – non-single family/duplex residential development preliminary plan)
  - Subdivision (up to two types: i.e. – Minor vs. Major)
  - Final Plat (including recombination and state-exempted subdivisions)
  - Variance
- Applications to include:
  - Shared identifier page – “Who, Where, What, and Why”, contact info, etc.
  - Application-specific info and required review materials – (site plans, plot plans, etc.); includes list of required review materials.

### **Meetings:**

- Up to three meetings with staff (including a kickoff mtg) to review edits.

### **Town provides:**

- Existing applications/checklists in MS Word format
- Initial guidance or concepts for graphical look and feel

### **SCHEDULE**

According to the project schedule, as proposed in the RFQ, the anticipated Notice to Proceed is November 5, 2019 with UDO/Zoning Map adoption on or before October 19, 2021. Please see the attached schedule for a more detailed summary of tasks and meetings.

### **ADDITIONAL SERVICES**

Any item not contained in this Scope of Services or approved as an ADD-ALTERNATE will be deemed an Additional Service. This includes additional services provided by sub-contractors to Stewart. Additional Services will be provided if requested in writing by the Client for a negotiated lump sum fee or at our Standard Hourly Billing Rates.

### **CLIENT RESPONSIBILITIES**

It shall be the responsibility of the Client to provide the following items:



- Provide notice of scheduled meetings (with reasonable advance notice).
- Provide decisions on critical issues as necessary in a timely manner.
- Payment of all invoices per Conditions of Agreement.

**COMPENSATION**

Stewart agrees to provide professional services as outlined above in the Scope of Services for a lump sum fee as detailed below in the Compensation and Fee Schedule. A breakdown of the estimated cost per phase is shown below.

<b>Compensation and Fee Schedule:</b>		
<b>Phase</b>	<b>Description</b>	<b>Fee</b>
Phase 1	Project Initiation	\$ 21,500
Phase 2	Preparation & Composition Graphics Allowance	\$ 96,200 \$ 14,680
Phase 2A	Update Engineering Specifications and Drawings (Hourly Not to Exceed)	\$ 10,000
Phase 3	Remapping	\$ 12,000
Phase 3A	Zoning Map Update (Hourly Not to Exceed)	\$ 8,000
Phase 4	Adoption	\$ 24,500
Phase 5	Implementation & Training	\$ 9,400
Phase 5A	Land development & land use application update	\$ 7,500
Phase Total		<b>\$ 203,780</b>
Expenses	Printing Meeting & Workshop Materials Remapping webpage / webservice Legal review (Hourly Not to Exceed)	\$ 5,000 \$ 1,000 \$ 5,000 \$ 10,000
Project Total		<b>\$ 224,780</b>
Additional Meetings	Preparation and attendance at additional meetings over the total included in this contract.	\$750 per meeting

Respectfully submitted:

**STEWART**

Cindy Szwarcop, AICP  
Associate Vice President  
Practice Leader, Municipal Planning & Mobility

Approved by:

**TOWN OF GARNER**

\_\_\_\_\_  
Signature/Date

**NORTH CAROLINA  
WAKE COUNTY**

**CONTRACT FOR PLANNING CONSULTING SERVICES**

THIS CONTRACT is entered into by and between Stewart, hereinafter referred to as the "Consultant" and the Town of Garner, a North Carolina municipal corporation, hereinafter referred to as the "Town".

WITNESSETH

WHEREAS, the Town desires to procure a Consultant to perform services to update their Unified Development Ordinance, and

WHEREAS, the Town has completed necessary steps for retention of professional services under applicable Town policies, and

WHEREAS, the Town has agreed to engage the Consultant and the Consultant has agreed to contract with the Town for performance of services as described herein, and according to the terms and conditions, set forth herein.

NOW THEREFORE, in consideration of sums to be paid to the Consultant, and other good and valuable consideration the Consultant and Town do contract and agree as follows:

1.0 Scope of Services/Description of Project

1.1 The Consultant will serve as the Town's professional representative in those tasks of the project to which this contract applies and will give consultation and advice to the Town during the performance of their services.

1.2 The Consultant will provide services as described below in Section 1.4.

1.3<sup>[UT1]</sup> The Consultant now has or will secure at their expense, including subconsultants, all personnel and facilities required to perform the services to be rendered under this Contract. Such personnel are not employees of, nor have they any direct contractual relationship with the Town. The Consultant is authorized to engage subconsultants to assist in the work included under this Contract to the extent such services are included herein. No subcontract work is authorized for which the Town will incur any costs beyond those agreed upon and set forth in Section 4.0.

1.4 The Scope of Services is as follows:

See attached Project Understanding Proposal dated October 24, 2019.

## 2.0 Services Provided by the Town

It is understood that certain services as required may be performed and/or furnished by the Town. These services may include the following:

- 2.1 Assist the Consultant by placing at their disposal all available information pertinent to the project, including previous reports and other relative data;
- 2.2 Assist in gaining access to and making all provisions for the Consultant to enter upon public and private property as required for performance of their services described herein;
- 2.3 Examine all studies, reports, sketches, drawings, specifications, proposals and other documents prepared by the Consultant, obtaining advice of legal counsel and/or such other consultants as the Town deems appropriate for such examination and rendering in writing decisions pertaining thereto within a reasonable time so as not to delay the service of the Consultant;
- 2.4 Giving prompt written notice to the Consultant whenever the Town observes or otherwise becomes aware of any problems or changed circumstances in the project;
- 2.5 Furnishing the Consultant in a timely manner with copies of pertinent correspondence relating to this project, which would not have otherwise been delivered to the Consultant;
- 2.6 Designate in writing a person to act as the Town's representative with respect to the work to be performed under this Contract, such person(s) shall have complete authority to transmit instructions, receive information, interpret and define Town's policies and decisions with respect to materials, equipment, elements and systems pertinent to the services covered by this Contract;
- 2.7 The Town shall provide to the Consultant such information as is available to the Town for rendering of services hereunder. The Consultant may rely on the sufficiency of such information;
- 2.8 Insofar as any of the above services are necessary for the Consultant's performance of their obligations under this Contract the Town shall be responsible for providing such services in a satisfactory and timely manner so as not to delay the Consultant in their performance thereof.
- 2.9 Post Consultant supplied information to Town website;
- 2.10 Coordinate meeting dates and locations;

- 2.11 Public noticing;
- 2.12 Facilitate flow of information between Consultant and Town staff, Steering Committee, Planning Commission, and Town Council;
- 2.13 Provide consolidated list of comments/revisions from public, Staff, Steering Committee, Planning Commission, and Town Council (as applicable);
- 2.14 Attend Planning Commission and Town Council Meetings.

### 3.0 Schedule/Time of Performance

- 3.1 The work to be performed and the services rendered under this Contract shall commence as directed by the Town.
- 3.2 According to the project schedule, as proposed in the RFQ, the anticipated completion & adoption date of the UDO/Zoning Map Revisions will be on or before October 19, 2021.
- 3.3 In performing the services described in this Contract, it is mutually agreed that time is of the essence. The Consultant shall commence work upon receipt of written notice to proceed from the Town.
- 3.4 Either party may terminate this contract upon 30-day notice.

### 4.0 Compensation/Time of Payment

- 4.1 For services to be performed hereunder the Town shall pay the Consultant a lump sum not to exceed \$176,000.
- 4.2 For all expenses rendered in Section 1.0 Scope of Services/Description of Project the Consultant shall be compensated at unit costs not to exceed \$203,780.
- 4.3 Invoices for Consultant's services shall be submitted, at the Consultant's option, either upon completion of any phase of service or on a monthly basis. Invoices shall be payable when rendered and shall be considered PAST DUE if not paid within 30 days after the invoice date.
- 4.4 Any inquiry or questions concerning the substance or content of an invoice shall be made to the Consultant in writing within 15 business days of receipt of the invoice. A failure to notify the Consultant within this period shall constitute an acknowledgment that the service has been provided and is correct.



- 4.5 In the event that any portion of an account remains unpaid 30 days after billing, the Consultant may, without waiving any claim or right against the Town, and without liability whatsoever to the Town, suspend or terminate the performance of all services.

#### 5.0 Standard of Care

The standard of care for all professional services performed or furnished by the Consultant under this Agreement will be the skill and care used by members of the Consultant's profession practicing under similar circumstances at the same time and in the same locality. The Consultant makes no warranties, express or implied, under this Agreement or otherwise, in connection with the Consultant's services.

#### 6.0 Notices

All notices, requests for payment or other communication arising hereunder shall be sent to the following:

Town of Garner  
Attn: Jeff Triezenberg, Planning Director  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

Stewart  
Attn: Cindy Szwarcop  
223 S. West Street, Suite 1100  
Raleigh, NC 27603

#### 7.0 Non-Discrimination

In consideration of the signing of this Contract, the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of race, color, creed, national origin, sex, age, handicap, or sexual orientation with reference to the subject matter of this Contract, no matter how remote.

#### 8.0 Applicable Law/Forum Mediation

- 8.1 All matters relating to this Contract shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Contract shall be Wake County Civil Superior Court. Participation in a non-binding mediation is a condition precedent to filing any lawsuit arising out of this Contract.
- 8.2 The Town and the Consultant may endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions currently in effect and administered by counsel for the parties.

## 9. Insurance & Risk Allocation

- 9.1 Consultant agrees to maintain, on a primary basis and at their sole expense, at all times during the life of this Contract the following coverages and limits. The requirements contained herein, as well as Town's review or acceptance of insurance maintained by Consultant is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Consultant under this Contract.
- 9.2 The Consultant shall obtain, at its sole expense, all insurance required in the following paragraphs, listed below as A, B, & C and shall not commence services until such insurance is in effect and certification thereof has been received by the Town.
- A. Workers' Compensation Insurance - Coverage for all paid and volunteer workers meeting the statutory requirements of The North Carolina Workers' Compensation Act, North Carolina General Statutes § 97.
  - B. Commercial Automobile Liability – Coverage with limits no less than \$1,000,000 per occurrence for bodily injury and property damage for any vehicle used during performance of contract services, including coverage for owned, hired, and non-owned vehicles. Evidence of commercial automobile coverage is only necessary if vehicles are used in the provision of services under this Agreement.
  - C. Commercial General Liability Insurance - Bodily injury and property damage liability as will protect the Consultant from claims of bodily injury or property damages which arise from operations of this Agreement. The amounts of such insurance coverage shall not be less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate coverage.
- 9.3 The Consultant agrees to furnish Town proof of compliance with the insurance coverage requirements of this contract upon request. The Town shall be named as an additional insured on all policies of insurance, except workers' compensation, specified above. The Consultant upon request by Town shall furnish a certificate of insurance from an insurance company, licensed to do business in the State of North Carolina and acceptable to the Town verifying the existence of any insurance coverage required by the Town. The certificate will provide for sixty (60) days advance notice in the event of termination or cancellation of coverage.
- 9.4 Consultant agrees to endorse the Town as an Additional Insured on the Commercial General Liability and any insurance coverage obtained in addition to those set forth herein. The Additional Insured shall read "Town of Garner as its interest may appear."

- 9.5 Consultant agrees to provide the Town a Certificate of Insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by the Consultant's insurer. If the Consultant receives a non-renewal or cancellation notice from an insurance earner affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, the Consultant agrees to notify the Town within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The Certificate Holder address should read:

Town of Garner  
Town Manager  
900 7th Avenue  
Garner, NC 27529

- 9.6 The Consultant may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability, however, the Annual Aggregate limits shall not be less than the highest 'Each Occurrence' limit for required policies the Consultant agrees to endorse Town of Garner as an 'Additional Insured' on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a 'Follow-Form' basis.
- 9.7 Professional Liability - Limits of no less than \$1,000,000 each claim.
- 9.8 All insurance companies must be admitted to do business in North Carolina and be acceptable to the Town of Garner. If the insurance company(s) is a permitted surplus lines insurer, the insurance company name, and NAIC number must be submitted to the Town for approval before commencing work. The Consultant shall be required to provide the Town no less than thirty (30) days' notice of cancellation, or any material change, to any insurance coverage required by this Contract.
- 9.9 A Certificate of Insurance (COI) must be issued by an authorized representative of the insurance carrier(s). Certificates of Insurance must have the Insurance Company name and NAIC number clearly identified. The acceptance of or the review of Certificates of Insurance by the Town of Garner does not relieve the Consultant of any requirements in the contract to provide specific insurance coverage required by the contract, nor does the acceptance of or review of Certificates of Insurance covenant all insurance requirements have been met.

## 10. Indemnity

- 10.1 The Consultant shall indemnify and hold harmless the Town and its personnel from and against any and all claims, damages, losses, and expenses (including reasonable attorney's fees) to the extent they are caused by the negligent act, error, or omissions by the Consultant's in performance of its services under this Agreement, subject to the provisions in the paragraph below on Risk Allocation.
- 10.2 Sub-Consultant(s) shall indemnify & hold harmless Consultant & Town from and against all claims, losses, damages, and expenses (including attorney's fees and defense costs) to the extent such claims, losses, damages, or expenses are caused by any negligent act, error, or omission of Sub-Consultant or any person or organization for whom the Sub-Consultant is legally liable.

## 11. Intellectual Property

- 11.1 Any information data, instruments, documents, studies, reports or deliverables given to, exposed to, or prepared or assembled by the Consultant under this Contract shall be kept as confidential proprietary information of the Town and not divulged or made available to any individual or organization without the prior written approval of the Town. Such information, data, instruments, documents, studies, reports or deliverables will be the sole property of the Town and not the Consultant.
- 11.2 The Consultant shall maintain the right of reuse to any drawings or specifications provided or furnished by the Consultant. The Town acknowledges that such drawings or specifications are not intended or represented to be suitable for reuse by the Town or others on extensions of the project or on any other project.
- 11.3 All intellectual property, including, but not limited to, patentable inventions, patentable plans, copyrightable works, mask works, trademarks, service marks, and trade secrets invented, developed, created, or discovered in performance of this Contract shall be the property of the Town.
- 11.4 Copyright in and to any copyrightable work, including, but not limited to, copy, art, negatives, photographic designs, text, software, or documentation created as part of the Consultant's performance of this project shall vest in the Town. Work of authorship and contributions to works of authorship created by the Consultant's performance of this project are hereby agreed to be 'works made for hire' within the meaning of 17 USC 201.

## 12. Advertising

The Consultant shall not use the existence of this Contract, or the name of the Town of Garner, as part of any advertising.

## 13. Cancellation

- 13.1 The Town may terminate this Contract at any time by providing thirty (30) days written notice to the Consultant. In addition, if Consultant shall fail to fulfill in timely and proper manner the obligations under this Contract for any reason, including the voluntary or involuntary declaration of bankruptcy, the Town shall have the right to terminate this Contract by giving written notice to the Consultant and termination will be effective upon receipt. Consultant shall cease performance immediately upon receipt of such notice.
- 13.2 In the event of early termination, Consultant shall be entitled to receive just and equitable compensation for costs incurred prior to receipt of notice of termination and for the satisfactory work completed as of the date of termination and delivered to the Town. Notwithstanding the foregoing, in no event will the total amount due to the Consultant under this section exceed the total amount due to the Consultant under this Contract. The Consultant shall not be relieved of liability to the Town for damages sustained by the Town by virtue of any breach of this Contract, and the Town may withhold any payment due to the Consultant for the purpose of setoff until such time as the Town can determine the exact amount of damages due the Town because of the breach.
- 13.3 Payment of compensation specified in this Contract, its continuation or any renewal thereof is dependent upon and subject to the allocation or appropriation of funds to the Town for the purpose set forth in this Contract.

## 14. Laws/Safety Standards

- 14.1 The Consultant shall comply with all laws ordinances codes, rules, regulations, safety standards and licensing requirements that are applicable to the conduct of its business including those of Federal, State and local agencies having Jurisdiction and/or authority.
- 14.2 The Consultant must comply with North Carolina Occupational Safety and Health Standards for General Industry, 29 CFR 1910. In addition, the Consultant shall comply with all applicable occupational health and safety and environmental rules and regulations. The Consultant shall effectively manage their safety and health responsibilities including:

- A. Accident Prevention: Prevent injuries and illnesses to their employees and others on or near their job site. The Consultant managers and supervisors shall ensure personnel safety by strict adherence to established safety rules and procedures.
- B. Environmental Protection: Protect the environment on, near, and around their work site by compliance with all applicable environmental regulations.
- C. Employee Education and Training: Provide education and training to all Consultants' employees before they are exposed to potential workplace or other hazards as required by specific OSHA Standards.

15. Applicability of North Carolina Public Records Law

Notwithstanding any other provisions of this Contract, this Contract and all materials submitted to the Town by the Consultant are subject to the public records laws of the State of North Carolina and it is the responsibility of the Consultant to properly designate materials that may be protected from disclosure as trade secrets under North Carolina law as such and in the form required by law prior to the submission of such materials to the Town. The Consultant understands and agrees that the Town may take any and all actions necessary to comply with federal, state, and local laws and/or Judicial orders and such actions will not constitute a breach of the terms of this Contract. To the extent that any other provisions of this Contract conflict with this paragraph, the provisions of this section shall control.

16. Miscellaneous

- 16.1 The Consultant shall be responsible for the proper custody and care of any property furnished or purchased by the Town for use in connection with the performance of this Contract and will reimburse the Town for the replacement value of its loss or damage.
- 16.2 The Consultant shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. Nothing herein is intended or will be construed to establish any agency, partnership, or joint venture. The Consultant represents that it has, or will secure at its own expense, all personnel required in performing the services under this Contract. Such employees shall not be employees of or have any individual contractual relationship with the Town.
- 16.3 This Contract may be amended only by written agreement of the parties executed by their authorized representatives.

17. Right of Audit and Examination of Records

- 17.1 The Town of Garner may conduct an audit of the Consultant's financial performance and compliance records maintained in connection with the operations and services performed under this Contract. In the event of such an audit, the Consultant agrees to provide the Town with reasonable access to the Consultant's employees and make all such financial performance and compliance records available to the Town. The Town agrees to provide the Consultant with an opportunity to discuss and respond to any findings before a final audit report is issued. Records shall be made available for three (3) years after the final payment.
- 17.2 The Town may conduct an audit of any services performed and fees paid subject to this Contract. The Town, or its designee, may perform such an audit throughout the contract period and for three (3) years after termination thereof or longer if otherwise required by law.
- 17.3 The Consultant and its agents shall maintain all books, documents, papers, accounting records, contract records and such other evidence as may be appropriate to substantiate costs incurred under this Contract. The Town, or its designee, shall have the right to, including but not limited to: review and copy records; interview current and former employees; conduct such other investigation to verify compliance with contract terms; and conduct such other investigation to substantiate costs incurred by this Contract.
- 17.4 "Records" shall be defined as data of every kind and character, including but not limited to books, documents, papers, accounting records, contract documents, information, and materials that, in the Town's sole discretion, relate to matters, rights, duties or obligations of this Contract.
- 17.5 Records and employees shall be available during normal business hours upon advanced written notice. Electronic mail shall constitute written notice for purposes of this section.
- 17.6 The Consultant shall provide the Town or its designee reasonable access to facilities and adequate and appropriate workspace for the conduct of audits.
- 17.7 The rights established under this section shall survive the termination of the Contract, and shall not be deleted, circumvented, limited, confined, or restricted by contract or any other section, clause, addendum, attachment, or the subsequent amendment of this Contract.
- 17.8 The Consultant shall reimburse the Town for any overcharges identified by the audit within ninety (90) days of written notice of the Town's findings.

18. E – Verify

The Consultant's understands that E-Verify is the federal program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with §64-25(5) of the North Carolina General Statutes. Provided that the Consultant's is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State, then the Consultant's understands and certifies that they shall verify the work authorization of the employee through E-Verify in accordance with §64-26(a) of the North Carolina General Statutes. The Consultant further certifies that their subcontractors comply with E-Verify pursuant to federal law, and the Consultant will ensure compliance with E-Verify by any subcontractors subsequently hired by the Consultant.

19. Iran Divestment Act Certification

The Consultant certifies that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, et seq. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, the Consultant shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

20. Companies Boycotting Israel Divestment Act Certification

The Consultant certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81.

21. Force Majeure

Except as otherwise provided in any environmental laws, rules, regulations or ordinances applicable to the parties and the services performed under this Contract, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God. Either party to the Contract must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this Contract by this provision.

22. Assignment

Neither the Town nor the Consultant will assign, sublet, or transfer their interest, duties, or obligations hereunder without the prior written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public



body which may be a party hereto, nor shall it create any rights or benefits to parties other than the Town and the Consultant, except such other rights as may be specifically called for herein.

23. Incorporation of Documents/Complete Agreement

This Contract, and any documents incorporated below, represent the entire Contract between the parties and suspend all prior oral or written statements, agreements or Contracts.

Specifically incorporated into this Contract are the following attachments, or if not physically attached, are incorporated fully herein by reference:

- Scope of Services
- Schedule of Fees
- Certificate of Insurance

In cases of conflict between this Contract and any of the above incorporated attachments or references, the terms of this Contract shall prevail.

THIS CONTRACT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

IN WITNESS WHEREOF, the Consultant has executed the foregoing with the signature(s) of its duly authorized officer(s). under seal, and the Town has executed with the signature of its Town Manager, attested by its (Assistant/Deputy) Clerk, with the official seal affixed, the day and year first above written.

**STEWART (“CONSULTANT”)**

By:

\_\_\_\_\_  
Name  
Title

(If corporate)

ATTEST:

By:

\_\_\_\_\_  
Name  
Title

(Affix Corporate Seal)

**TOWN (“TOWN OF GARNER”)**

By:

\_\_\_\_\_  
Rodney Dickerson  
Town Manager

ATTEST:

By:

\_\_\_\_\_  
Stella L. Gibson  
Town Clerk

THIS INSTRUMENT APPROVED  
AS TO FORM

\_\_\_\_\_  
William E. Anderson, Town Attorney

(Affix Town Seal)

# Reports

### Garner Info

Id	Title	Description	Current Status	Address	Date Created
5909573	Pipe and Storm Drain Maintenance	gutter drain is clogged with leaves	In Progress	Towne View Trail	4/18/2019
6401179	Streetlight Problem	Streetlight is turned into the tree and the tree has overgrown the light, making a dark spot in the street.	In Progress	253 Timber Dr	7/11/2019
6535279	Misc. - Streets	Abandoned Ram truck / Alabama plates right past grocery boy jr on Meadowbrook	Received	902 Meadowbrook Dr	8/3/2019
6606045	Playground Problem	Rope climbing structure is breaking and there's exposed metal	In Progress	Lake Benson Park, 921 Buffaloe Rd	8/15/2019
6697999	Trim Vegetation	The dead tree is adjacent/behind our townhomes subdivision and has started to drop large limbs. The tree is over 100 ft tall and with the upcoming hurricane winds, we are all anxious. The tree is on Town of Garner's property, not a resident's property so we can't remove it.	In Progress		9/1/2019
6700168	Playground Problem	When is this playground scheduled to be repaired?	In Progress	2458 Aversboro Rd	9/2/2019

6746552	Yard Waste/ Loose Leaves	<p>The owner has been piling limbs, branches and sticks up around the base of numerous trees in the yard for over a year (front and back yard). The piles are as high as 3 feet. It appears to be attracting unwanted &amp; dangerous wildlife, as well as being unsightly and unnecessary since the town picks up yard waste. I feel this is creating a dangerous situation. My yard has had repeated visits by a fox that when last seen was acting extremely strangely. Within the next 2 days a rabid fox was reportedly caught within about a mile of here. We never saw that fox again. Now we have had a coyote in the back yard (making the scariest noises I've ever heard). And most recently a very healthy groundhog is also making repeated appearances. Now, the people at the rental house at 508 St. Mary's St., has piled the same kind of debris along the fence they share with this house, at the back side of their lot. This pile was originally over 4 feet tall but has now compacted to about 3 feet. It has multiple holes made by animals that seem to be nesting or hiding in the pile. Please have them remove the yard waste from their</p>	In Progress	513 Hilltop Ave	9/10/2019
6746686	Yard Waste/ Loose Leaves	<p>CORRECTION: I just submitted a complaint about the piles of limbs at this address. I mentioned an adjacent yard and noted it's address incorrectly as 508. It is actually 608 St Marys St, Garner. Also, please link my contact information from this to my original complaint if you can. I would like to be able to follow the progress.</p>	In Progress	513 Hilltop Ave	9/10/2019

6746886	Yard Waste/ Loose Leaves	For months limbs have been piled 4 feet high at back side corner of property by the fence adjacent to 513 Hilltop Ave. As they have settled and animals have crawled and nested in them the limb pile is probably down to 3 plus feet. They piled these limbs here immediately prior to the Fall 2018 Unprepared Yard Waste Pick-up. They may think this is okay because they have seen the adjacent property at 513 Hilltop Ave. doing this. But we are having a problem with foxes, coyotes and now a groundhog. I would like the limbs to be disposed of as I feel they are a danger to the community by drawing dangerous animals here. I mentioned this property in prior complaints #6746552 and 6746686.	In Progress	608 Hilltop Ave	9/10/2019
6747008	Yard Waste/ Loose Leaves	Limbs piled 3-4 feet high around the base of a large pecan tree at the back of the property, close to the street (Circle Dr.) and near the adjacent property line of 405 Hilltop Ave. I am concerned that this is contributing to repeated sightings of foxes and coyotes in the neighborhood which is a dangerous situation.	In Progress	500 St Marys St	9/10/2019
6870898	Streetlight Problem	All the small black lamp lights are out, they may come on for a minute then stay out all night	SUBMITTED	208 E Main St	10/3/2019
6883226	Watershed Conservation Buffer		Submitted		10/5/2019

6901651	Neighborhood Speeding	There is a major problem with speeding on Vandora Avenue. I live on the side of Vandora Avenue closest to Vandora Springs Road. Vehicles come driving through there at speeds that are not safe for this area or any area for that matter. Everyone uses it as a quick cut through to the other side of Vandora Avenue or Lakeside Drive. It is scary and something needs to be done to stop it. Is there any way we can have more patrol in that area or set up a speed check to get people to slow down. I want it to stop and I know my neighbors do too. I appreciate your help and thank you to the Garner PD for all you do. Have a great afternoon. You all be safe out there. I will be happy to talk to anyone if you have any questions at any time. I work Monday through Friday during the day. I am home before 6pm and after. Kristin Jones Resident at 1306 Vandora Avenue Garner, NC 27529 (919) 818-0872	Submitted	1306 Vandora Ave	10/9/2019
6951385	Trash/Solid Waste (Private Property)	Tons of trash just dumped on the curb.	Submitted	3808 Cason St	10/19/2019
6952245	Trash/Solid Waste (Private Property)	Trash being dumped across from 141 quiet refuge lane Garner NC 27529	In Progress	141 Quiet Refuge Ln	10/19/2019
6969748	Dead Animal Pickup	squirrel in the middle of the street, on Aversboro Rd at Vandora Ave	Received	597 Aversboro Rd	10/23/2019
6972730	Misc. - Streets	Abandoned vehicle parked in roadway in excess of 2 months, tan Jeep cherokee	Received	121 Rolling Ridge Cir	10/23/2019
6979018	Roadway Obstruction	Street and fire hydrant block with vehicles and track	Received	1504 Pineview Dr	10/24/2019
6979033	Misc. - Streets	Two vehicles on roadway, truck not running Car tags expired many months	Received	1104 Flanders St	10/24/2019

6988397	Dead Animal Pickup	small dead animal in the street, between Woodland Rd and Vandora Springs Dr, going towards Vandora Springs Dr.	Submitted	Timber Dr, Garner	10/28/2019
6998800	Garbage	Tire has been left on the side of the road, also with plenty of trash/litter. Thank you	Submitted	1810 Spring Dr	10/29/2019