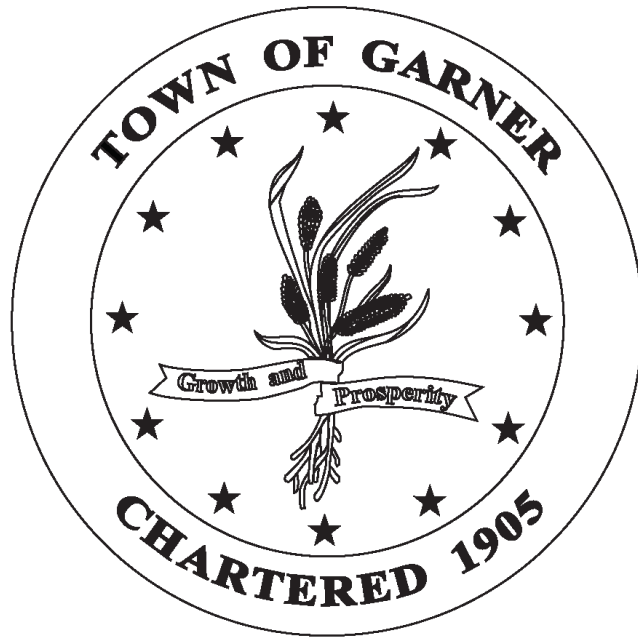


# Town of Garner



## Town Council Meeting March 6, 2023

Garner Town Hall  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

**Town of Garner**  
**Town Council Regular Meeting Agenda**  
**March 6, 2023**

This regular meeting of the Council will be conducted at 6:00 p.m. in the Garner Town Hall located at 900 7<sup>th</sup> Avenue, Garner.

**Mask Policy:** All staff and visitors, including people who are fully vaccinated, have the option to wear face coverings while inside Town facilities and during Town Council meetings. All persons should practice social distancing, when possible, in Council Chambers.

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

*The Council will call for a brief recess at 8:00 p.m.*

- B. PLEDGE OF ALLEGIANCE: Council Member Demian Dellinger

- C. INVOCATION: Council Member Demian Dellinger

- 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 Council is interested in hearing your concerns but may not take action or deliberate on subject matter brought up during the Petitions and Comments segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.*

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

- G. CONSENT

- 1. Opioid Settlement Resolution 2023 ..... Page 5  
Presenter: Terri Jones, Town Attorney

The Attorney General has requested that each NC municipality opt into the Wave Two Settlements with CVS, Walgreens, Allergan, and Teva so that the State will receive its full share of the settlement payments. The proposed resolution would authorize the Town Manager to register with the national settlement administrator Rubris and to sign the Supplemental Agreement for Additional Funds.

Action: Consider adopting Resolution (2023) 2526

- 2. Acceptance of Grant Funds ..... Page 8  
Presenter: Maria Munoz-Blanco, PRCR Director

Parks, Recreation & Cultural Resources has been selected by the National Recreation & Park Association (NRPA) to receive two grants: a \$1,000 Supporting Healthy Aging

through Parks & Recreation grant and a \$20,000 NRPA Youth Sports Equity Grant Program. No matching funds are required.

Action: Consider approval to accept \$21,000 grant funds and adopt Ordinance (2023) 5184

- 3. Expanding Garner Social District Boundary ..... Page 11  
Presenter: Shayla Douglas, Downtown Development and Small Business Manager

The property owner and lessee at 122 E Main Street have asked the social district boundary to be extended to include the property. This will extend the district to Griffin St, which will serve as more natural barrier to end district. Any changes to social district boundaries require council approval, as well as resubmitting the map to the ABC commission.

Action: Consider motion to amend Ordinance (2023) 5185

- 4. Council Meeting Minutes ..... Page 14  
Presenter: Stella Gibson, Town Clerk

Minutes from the January 31, 2023 and February 6, 2023 Council meetings.

Action: Consider approving minutes.

- 5. Voluntary Annexation Petitions # ANX-22-16, Wilmington Rd Townhomes & # ANX-23-03, Gatsby Station ..... Page 23  
Presenter: Reginald Buie, Senior Planner

Voluntary annexation petitions (ANX-22-16 and ANX-23-03) submitted by Wilmington Town LLC; and Donald & Deborah Bailey, Patrick Roberts, and Donald Burgess respectively, to annex 11.95 +/- acres and 60.93 +/- acres, respectively, into the Town of Garner corporate limits. The properties are located along Wilmington Rd. (Wilmington Road Townhomes) and Rock Quarry Rd. (Gatsby Station), respectively, and may otherwise be identified as Wake County PIN #'s 1721085631, 1721087219, and 1721078952; and PIN # 1740058673 with a portion of 1740165280, respectively.

Action: Consider motion to adopt Resolution (2023) 2527 to set public hearings for April 4, 2023.

- 6. Amendment to contract for Bryan Road Sidewalk Project with RK&K ..... Page 29  
Presenter: Leah Harrison, Town Engineer

Amendment to the contract for the design of the Bryan Road Sidewalk Project with RK&K. Contract Amendment #1 includes additional work associated with extending the project limits to include construction to a three lane road section.

Action: Consider approving amendment to contract with RK&K and authorize the Town Manager to execute.

H. PUBLIC HEARINGS

1. Voluntary Annexation Petition # ANX-22-19, 1102 and 1104 Creech Rd ..... Page 35  
Presenter: Reginald Buie, Senior Planner

0.93 +/- acres located at 1102 and 1104 Creech Rd; Wake County PINS # 1711886316 and 1711886436 or Real Estate IDS 0013102 and 0082791; also shown as "Lots 100-103" and "Lots 104 -107" in Book of Maps 1959 and Page 121.

Action: Consider adoption of annexation Ordinance (2023) 5186

2. Voluntary Annexation Petition # ANX-22-20, 2195 Clifford Road ..... Page 40  
Presenter: Reginald Buie, Senior Planner

Voluntary annexation petition (ANX-22-20) submitted by Paul Blackwell to annex 0.97 +/- acres into the Town of Garner corporate limits. The property is located at 2195 Clifford Rd and may otherwise be identified as Wake County PIN# 1629454194.

Action: Consider adoption of annexation ordinance (2023) 5187

I. NEW/OLD BUSINESS

1. Zoning Text Amendment Request # ZTA-22-02, Public Notice Requirements ..... Page 45  
Presenter: Jeff Triezenberg, Planning Director

In accordance with the Town Council's direction provided at their regular work session on September 27, 2022, (and revised at work session on January 31, 2023) the Garner Planning Department has requested to amend Section 4.4.6. "Public Notice Requirements" of the Garner Unified Development Ordinance to reduce the mailed notification area from 1,000 feet from the affected parcel(s) to 800 feet, and require the applicant to provide the Planning Director with first class stamped envelopes addressed to all persons subject to the mailed public notice requirements.

Action: Consider motion to approve ZTA-22-02 by adopting Ordinance (2023) 5188

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. An open-house style public workshop on the Town's draft Pedestrian Plan will be held on Thursday, March 9 from 4:30 p.m. to 6:30 p.m. in the White Deer Park Nature Center.

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURN



Town of Garner  
Town Council Meeting  
Agenda Form

|  |                                 |   |
|--|---------------------------------|---|
| Meeting Date: March 6, 2023 <span style="float: right;">▼</span>   |                                 |   |
| Subject: Opioid Settlement Resolution 2023   |                                 |   |
| Location on Agenda: Consent <span style="float: right;">▼</span>   |                                 |   |
| Department: Administration   |                                 |   |
| Contact: Terri Jones, Town Attorney  |                                 |   |
| Presenter: Terri Jones, Town Attorney  |                                 |   |
| <b>Brief Summary:</b><br>The Attorney General has requested that each NC municipality opt into the Wave Two Settlements with CVS, Walgreens, Allergan, and Teva so that the State will receive its full share of the settlement payments. The proposed resolution would authorize the Town Manager to register with the national settlement administrator Rubris and to sign the Supplemental Agreement for Additional Funds.  |                                 |   |
| <b>Recommended Motion and/or Requested Action:</b><br>Adopt Resolution (2023) 2526   |                                 |   |
| <b>Detailed Notes:</b><br>As with the Wave One Settlements with Johnson & Johnson and the three biggest opioid distributors, the Town will not receive a direct payment. Wake County will use the opioid settlement payments to fund addiction treatment, recovery support services, naloxone distribution (Narcan), and other services to assist Wake County residents impacted by the opioid epidemic. The Wave Two Settlement will provide an additional \$600 million to the State of North Carolina if all NC jurisdictions with a population of more than 30,000 to sign to the Supplemental Agreement for Additional Funds.<br>Additional information is available at <a href="https://www.morepowerfulnc.org/opioid-settlements/wave-two-settlements/">https://www.morepowerfulnc.org/opioid-settlements/wave-two-settlements/</a> |                                 |   |
| <b>Funding Source:</b><br>n/a  |                                 |   |
| Cost:  | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <b>Manager's Comments and Recommendations:</b><br><br><br><br><br><br><br><br><br><br>   |                                 |   |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>  |                                 |   |
| Agenda Form Reviewed by:   | Initials:                       | Comments:   |
| Department Head:   |                                 |   |
| Finance Director:  |                                 |   |
| Town Attorney:   | TJ                              |   |
| Town Manager:  | RD                              |   |
| Town Clerk:  |                                 |   |

## **RESOLUTION (2023) 2526**

### **RESOLUTION AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION**

**WHEREAS**, the opioid overdose epidemic had taken the lives of more than 32,000 North Carolinians (2000-2021);

**WHEREAS**, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

**WHEREAS**, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

**WHEREAS**, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

**WHEREAS**, settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in these Settlements; and

**WHEREAS**, representatives of local North Carolina governments and the North Carolina Department of Justice have negotiated and prepared a Supplemental Agreement for Additional Funds (SAAF) to provide for the equitable distribution of the proceeds of these settlements; and

**WHEREAS**, by joining the settlements and approving the SAAF, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

**WHEREAS**, it is advantageous to all North Carolinians for local governments, including the Town of Garner and its residents, to sign onto the settlements and SAAF and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds flowing to North Carolina to help abate the harm; and

**WHEREAS**, the SAAF directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of Garner hereby authorizes the Town Manager to execute all documents necessary to enter into opioid settlement agreements with Walmart, Walgreens, CVS, Allergan, and Teva, to execute the SAAF, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the 6<sup>th</sup> day of March, 2023.

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Ken Marshburn, Mayor

ATTEST:

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Stella Gibson, Town Clerk

[SEAL]

Town of Garner  
Town Council Meeting  
Agenda Form

|  |                                 |   |
|--|---------------------------------|---|
| Meeting Date: March 6, 2023 <span style="float: right;">▼</span>   |                                 |   |
| Subject: Acceptance of Grant Funds   |                                 |   |
| Location on Agenda: Consent <span style="float: right;">▼</span>   |                                 |   |
| Department: Parks, Recreation & Cultural Resources   |                                 |   |
| Contact: Maria Munoz-Blanco, PRCR Director   |                                 |   |
| Presenter: Maria Munoz-Blanco, PRCR Director   |                                 |   |
| <b>Brief Summary:</b><br>Parks, Recreation & Cultural Resources has been selected by the National Recreation & Park Association (NRPA) to receive two grants: a \$1,000 Supporting Healthy Aging through Parks & Recreation grant and a \$20,000 NRPA Youth Sports Equity Grant Program. No matching funds are required.   |                                 |   |
| <b>Recommended Motion and/or Requested Action:</b><br>Consider approval to accept \$21,000 grant funds and adopt Ordinance (2023) 5184   |                                 |   |
| <b>Detailed Notes:</b><br>The National Recreation & Park Association (NRPA) is a nonprofit organization dedicated to advancing parks and recreation opportunities across the nation. The \$1,000 Supporting Healthy Aging through Parks & Recreation grant will be used to implement the "Active Living Every Day" fitness and wellness program. The \$20,000 Youth Sports Equity Grant Program will be used to support inclusive youth sports programs at the Garner Recreation Center. An amendment is included to incorporate the grant funds into the FY23 budget. |                                 |   |
| <b>Funding Source:</b><br>n/a  |                                 |   |
| Cost:  | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <b>Manager's Comments and Recommendations:</b><br><br><br><br><br><br><br><br><br><br>   |                                 |   |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>  |                                 |   |
| Agenda Form Reviewed by:   | Initials:                       | Comments:   |
| Department Head:   | MMB                             |   |
| Finance Director:  |                                 |   |
| Town Attorney:   |                                 |   |
| Town Manager:  | RD                              |   |
| Town Clerk:  |                                 |   |

February 27, 2023

To: Jodi Miller, Assistant Town Manager

From: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources (PRCR)

Re: National Recreation & Park Association Grant Awards

The National Recreation & Park Association has awarded two grants to the Parks, Recreation and Cultural Resources Department:

Supporting Healthy Aging through Parks & Recreation Grant: This grant provides training for staff to implement a new program, “Active Living Every Day” (ALED) and \$1,000 for class materials. ALED is an evidence-based program developed by Human Kinetics and promoted by the Arthritis Foundation and the Center for Disease Control as a program designed to help participants overcome barriers to physical activity. This program is aligned with PRCR’s ongoing efforts to provide health and wellness opportunities to older adults.

Youth Sports Equity Grant: This grant provides funding to support recreation programs to increase participation in youth sports and play to underserved youth audiences, such as youth with disabilities. PRCR identified youth with disabilities as an underserved population in our various recreation and athletic programs, launching the partnership with Spirit League this year to begin to address this gap in service. This \$20,000 grant will enable PRCR to purchase adaptive sports equipment and strengthen our efforts to provide quality recreational sports activities to youth with disabilities in our community.

No matching funds are required for these two grants.

The programs supported by these grants are aligned with the Parks, Recreation & Cultural Resources Comprehensive Master Plan Programming Goal 2: Develop a program mix that is balanced in the lifecycle stages with new creative programming that serves diverse community interests.

PRCR was invited to apply to the Youth Sports Equity grant based on the success of the NRPA grant awarded previously for the Rec&Roll mobile recreational vehicle. We are excited to continue to receive recognition for our programming by the national organization of parks and recreation professionals.

### **Staff Recommendation**

That the Town Council approve the acceptance of the grants and budget amendment.

ORDINANCE NO. (2023) 5184

ORDINANCE AMENDING ORDINANCE NO. (2022) 5130 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 |
|-----------------|-------------|---------|----------------|----------------|----------------|
| 10303500-411034 | NRPA Grt    | 57213   | \$ -           | \$ 21,000      | \$ 21,000      |
|                 |             |         |                |                |                |
|                 |             |         |                |                |                |

TOTAL REVENUE INCREASE (DECREASE) \$ 21,000.00

**Expenditure Amendment Request**

| ACCOUNT NUMBER   | DESCRIPTION       | PROJECT | CURRENT BUDGET | EXPENDITURE CHANGE | REVISED BUDGET |
|------------------|-------------------|---------|----------------|--------------------|----------------|
| 10574000-5243000 | Contract Services | 57213   | \$ -           | \$ 21,000          | \$ 21,000      |
|                  |                   |         |                |                    |                |
|                  |                   |         |                |                    |                |
|                  |                   |         |                |                    |                |
|                  |                   |         |                |                    |                |

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 21,000.00

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 6th day of March 2023.

\_\_\_\_\_  
Ken Marshburn, Mayor

ATTEST:

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

Town of Garner  
Town Council Meeting  
Agenda Form

|   |                                 |   |
|---|---------------------------------|---|
| Meeting Date: March 6, 2023 <span style="float: right;"><input type="text"/></span>   |                                 |   |
| Subject: Expanding Garner Social District Boundary  |                                 |   |
| Location on Agenda: Consent <span style="float: right;"><input type="text"/></span>   |                                 |   |
| Department: Economic Development  |                                 |   |
| Contact: Shayla Douglas, Downtown Development and Small Business Manager  |                                 |   |
| Presenter: Shayla Douglas, Downtown Development and Small Business Manager  |                                 |   |
| <b>Brief Summary:</b><br><br>The property owner and lessee at 122 E Main Street have asked the social district boundary to be extended to include the property. This will extend the district to Griffin St, which will serve as more natural barrier to end district. Any changes to social district boundaries require council approval, as well as resubmitting the map to the ABC commission. |                                 |   |
| <b>Recommended Motion and/or Requested Action:</b><br>Motion to amend Ordinance (2023) 5185   |                                 |   |
| Detailed Notes:   |                                 |   |
| <b>Funding Source:</b><br>n/a   |                                 |   |
| Cost:   | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <b>Manager's Comments and Recommendations:</b><br><br><br><br><br><br><br><br><br><br>  |                                 |   |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>   |                                 |   |
| Agenda Form Reviewed by:  | Initials:                       | Comments:   |
| Department Head:  | SD                              |   |
| Finance Director:   |                                 |   |
| Town Attorney:  |                                 |   |
| Town Manager:   | RD                              |   |
| Town Clerk:   |                                 |   |



# Garner Social District

Effective Date:  
March 1, 2023  
Boundary Revised:  
March 6, 2023



**Legend**

- Social District Boundaries
- Wayfinding Signs





ORDINANCE NO. (2023) 5185

AN ORDINANCE AMENDING THE TOWN CODE OF ORDINANCE  
TO EXPAND THE GARNER SOCIAL DISTRICT

WHEREAS, on December 5, 2022, the Garner Town Council adopted Ordinance (2022) 5162 designating the Downtown Social District pursuant to Sections 18B-300.1 and 160A-205.4 of the North Carolina General Statutes;

WHEREAS, on February 6, 2023, the Garner Town Council adopted Ordinance (2023) 5181 which changed the name to Garner Social District.

WHEREAS, the property owner and tenant of 122 East Main Street has requested expansion of the Garner Social District to include this property.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner as follows:

*Section One.* That Section 11-17, Consumption of Alcoholic Beverages; Social District, of the Town Code of Ordinances shall be amended by deleting the language set forth in strike-outs and by adding the language set forth in underlined text below:

(d) Social District.

(1) Pursuant to the provisions of G.S 160A-205.4 and 18B-300.1, and as otherwise allowed by State law, the Garner Social District is hereby created and designated as shown on the Map of Garner Social District ~~effective~~ Effective Date: March 1, 2023, as expanded and amended by the Map of Garner Social District Boundary Revised: March 6, 2023, and delineated by signage posted on public or private property or other markings to clearly delineate the boundaries of the social district.

*Section Two.* This Ordinance is effective upon adoption.

Adopted this the 6<sup>th</sup> day of March, 2023.

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Ken Marshburn, Mayor

ATTEST:

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Stella Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

|  |                                 |   |
|--|---------------------------------|---|
| Meeting Date: March 6, 2023  |                                 |   |
| Subject: Council Meeting Minutes   |                                 |   |
| Location on Agenda: Consent  |                                 |   |
| Department: Administration   |                                 |   |
| Contact: Stella Gibson, Town Clerk   |                                 |   |
| Presenter: Stella Gibson, Town Clerk   |                                 |   |
| Brief Summary:<br>Minutes from the January 31, 2023 and February 6, 2023 Council meetings. |                                 |   |
| Recommended Motion and/or Requested Action:<br>Consider approving minutes.                 |                                 |   |
| Detailed Notes:  |                                 |   |
| Funding Source:<br>n/a   |                                 |   |
| Cost:  | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations:  |                                 |   |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>                |                                 |   |
| Agenda Form Reviewed by:   | Initials:                       | Comments:   |
| Department Head:   | SG                              |   |
| Finance Director:  |                                 |   |
| Town Attorney:   |                                 |   |
| Town Manager:  | RD                              |   |
| Town Clerk:  |                                 |   |

**Town of Garner  
Work Session Meeting Minutes  
January 31, 2023**

The Council met in a Work Session at 6:00 p.m. in the Ronnie S. Williams Council Chambers located at 900 7<sup>th</sup> Avenue, Garner, NC.

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ken Marshburn

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Asst. Town Manager, Lorie Smith-Police Chief, Leah Harrison-Town Engineer, Rick Mercer-Communications Manager, David Beck-Finance Director Jeff Triezenberg-Planning Director, Terri Jones-Town Attorney, and Ashley Knotts-Deputy Town Clerk

Tony Beasley attended via Teams.

**ADOPTION OF AGENDA**

Motion:           Matthews  
Second:          Behringer  
Vote:             5:0

**PRESENTATIONS**

**Tony Beasley Retirement Recognition**

Presenter: Rodney Dickerson, Town Manager

Mr. Dickerson and Council recognized Tony Beasley for his dedication and service to the Town for the past 16 years.

**Proclamation of NC Year of the Trail**

Presenters: Maria Munoz-Blanco and Katie Lockhart, Parks and Nature Superintendent

Mayor ProTem Vance read the NC Year of the Trail Proclamation and presented it to Ms. Munoz-Blanco. Ms. Lockhart provided information on various upcoming planned PRCR events.

**DISCUSSION/REPORTS**

**Yeargan Park Phase 1 Picnic Shelter Concept**

Presenter: Maria Munoz-Blanco, PRCR Director

The Yeargan Park design team developed design concepts for the large picnic shelter, the only vertical structure planned for Phase 1. of the project. This approach is consistent with the "Peaks of Preservation" theme of the Park's Master Plan and will carry forward to other vertical structures in future phases of the Yeargan Park project. Two concepts were presented for Town Council review: The Fan and The Branch. Council was not in favor of the type of shelters presented and asked staff to work

with the consultant to provide options for a shelter that preserves the historical nature of the park, adding more picnic tables, small shelters on the property across the road and near the playground and more options on orientation of restrooms.

Action: Mr. Dickerson stated staff will take Council's guidance and go back to the architect. Ms. Munoz-Blanco noted that the architect will take approximately six weeks to complete.

### **Zoning Text Amendment Request # ZTA-22-02, Public Notice Requirements**

Presenter: Jeff Triezenberg, Planning Director

In accordance with the Town Council's direction provided at their regular work session on September 27, 2022, the Garner Planning Department has requested to amend Section 4.4.6. "Public Notice Requirements" of the Garner Unified Development Ordinance to reduce the mailed notification area from 1,000 feet from the affected parcel(s) to 500 feet, change the required notice recipients from all property owners and tenants to all property owners as well as any parcel's primary physical address that is different from the mailing address of record, and require the applicant to provide the Planning Director with first class stamped envelopes addressed to all persons subject to the mailed public notice requirements.

Katie Cardenas made mention of how other municipalities provide notice to residents, live updates on websites, etc. She added that notification used to be 300 feet in the Town and in Wake County it was 1000 feet. If that property were to be incorporated into the Town, the residents would lose the 1000 feet notification privilege. In addition, the costs for notifying residents is a burden and should be passed along to the developers. Ms. Cardenas also read two quotes from the Town's old UDO.

After general discussion, Council consensus to change the notification distance to 800 feet, changing 'tenant' to 'occupant' and cost shifting. Mr. Triezenberg will work with the Town Attorney to prepare the appropriate amendments to the UDO.

### **Traffic Calming – Main Street and Poole Drive**

Presenter: Leah Harrison, Town Engineer

Council discussed the proposed installation of traffic calming on Main Street and Poole Drive. Neither of these streets qualify for the Town's traffic calming program, which is intended for neighborhood streets. However, staff proposed some potential locations and the associated costs for installation of speed tables for traffic calming on these streets. This could be included as part of the 2023 resurfacing contract. Discussion included the possibility of lowering the speed to 25 mph and notifying the public.

Council Member Singleton suggested that a letter should be sent to the residents to let them know which intersections will be affected by the speed limit change.

Mona Parks, who lives on Poole Drive, was in support of changing the speed limit to 25 mph.

Action: Council consensus to approve the installation of speed tables on Main Street and Poole Drive.

### **Agenda Schedule**

Presenter: Rodney Dickerson, Town Manager

Council members expressed concern and requested further discussion about the agenda schedule and how it factors into the time that Council has to review the information before the meeting.

After general discussion and guidance from Council, staff will review the current process and determine what steps may improve the timeline of when the agenda is published. Mr. Dickerson also suggested moving the Council meetings to Tuesdays and start at 6:00 p.m.

Action: Council consensus to move Council meetings to Tuesdays and start at 6:00 p.m.

### **MANAGER REPORTS**

- Pending Agenda Report – February
- Proposed cancelling the February 28<sup>th</sup> Work Session because Council will be holding their annual Retreat on February 23<sup>rd</sup> and 24<sup>th</sup>. Council consensus to cancel Work Session.
- Mr. Dickerson presented the final Retreat agenda and asked Council if there were any changes they wished to make. Mr. Steve Rao of the Smart Cities Initiative will make a presentation on Friday, the 24<sup>th</sup> during lunch.
- The Greater Triangle Commuter Rail Open House is on February 16<sup>th</sup> at the Garner Senior Center.
- The Garner Senior Center was named State Senior Center of the year. The Senior Center offers opportunities to learn about wellness and fitness, take a variety of classes, participate in local trips and leisure activities, address health and nutrition needs and come together in fellowship.
- The Garner Area Historical Society is putting together a display for Black History Month and will be focusing on Meadowbrook.

### **COUNCIL REPORTS**

#### Singleton

- Noted that the Meals on Wheels program has been operating out of the Senior Center for many years. In addition, many seniors eat in the congregate dining area which gives them a chance to get their meals and socialize with one another.
- Reported a pothole on Fifth Avenue almost in front of the Diamond Cuts Barber Shop.

#### Marshburn

- Noted that when Congresswoman Ross was in Town, she told us that we serve more meals out of our Senior Center than any other location in Wake County.
- Thanked Rick Mercier and Kyle Kettler for their work on the State of the Town video.
- Reported that on Aversboro Road, across from the YMCA, there is a large pothole and asked if it could be patched.
- Congressman Wiley Nickel will have a ribbon cutting at his new Garner office on Friday.
- Ground Hog Day is on February 2<sup>nd</sup>.
- Asked if Council would be interested in reorganizing seating at the dais back to the original set-up.

#### Vance

- Also congratulated the Senior Center receiving the award and for the opportunities and services provided to seniors.
- Stated the Senior Center had once been used as a staging and outreach area during the ConAgra disaster.
- Asked if the timing of the traffic light at the intersection of US 70 and Rand Road could be looked at because the timing for the new Rand Road portion seems longer.

#### Behringer

- Asked if anything could be done about the appearance of the property at 1410 Vandora Springs Road. It is looking similar to issues at 1412.
- The property at 1201 Lakeside Drive is empty and there is overgrowth and also a lot of debris under

the carport.

- Reported there is a car parked in the yard at 206 West Garner Road that hasn't moved in years and asks if it could be hauled away.
- Attended funeral of Dr. George Debnam.

Vance

- Also congratulated the Senior Center for their contributions to seniors.
- Stated the Senior Center had once been used as a staging and outreach area during the ConAgra disaster.
- Timing off on light at New Rand & US 70.

Council Members Matthews and Dellinger had nothing to report.

**ADJOURN:** 9:32 p.m.

**Town of Garner  
Town Council Regular Meeting Minutes  
February 6, 2023**

The Council met at 7:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7<sup>th</sup> Avenue, Garner.

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ken Marshburn

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Asst. Town Manager, David Beck-Finance Director, Leah Harrison-Town Engineer, Jeff Triezenberg-Planning Director, Ashley Harris-Planner, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ken Marshburn

**PLEDGE OF ALLEGIANCE:** Mayor ProTem Elmo Vance

**INVOCATION:** Mayor ProTem Elmo Vance asked Rev. Carlton McDaniels of Able to Serve to deliver the invocation.

**PETITIONS AND COMMENTS**

Sarah Van Every introduced the Planning Departments newest employee, Burnette Brown.

Council Member Behringer read a Proclamation recognizing Black History month.

**ADOPTION OF AGENDA**

|         |          |
|---------|----------|
| Motion: | Vance    |
| Second  | Matthews |
| Vote    | 5:0      |

**PRESENTATIONS**

**CONSENT**

**Voluntary Annexation Petitions # ANX-22-19 and ANX-22-20**

Presenter: David Bamford, Assistant Planning Director

Voluntary annexation petitions (ANX-22-19 and ANX-22-20) submitted by Harold Thomas and Paul Blackwell, respectively, to annex 0.93 +/- acres and 0.97 +/- acres, respectively, into the Town of Garner corporate limits. The properties are located at 1102/1104 Creech Road and 2195 Clifford Rd, respectively, and may otherwise be identified as Wake County PIN# 1711886316 / 1711886436 and 1629454194, respectively.

Action: Adopt resolution (2023) 2523 to set public hearing for March 6, 2023.

**Budget Amendment - Replacement Vehicle**

Presenter: Sara Warren, Budget Manager

The Police Department would like to purchase a new vehicle to replace a vehicle that was recently totaled in an accident. This amendment would allocate funds to purchase a Toyota Camry. Funding for the purchase would come from insurance proceeds received.

Action: Approve Ordinance (2023) 5180

**Minutes**

Presenter: Stella Gibson

Minutes from the December 20, 2022 and January 17, 2023 Council meetings.

Action: Consider approving minutes

Action: Approve Consent Agenda

Motion: Singleton

Second: Vance

Vote: 5:0

**PUBLIC HEARINGS**

**NEW/OLD BUSINESS**

**Tier 2 Conditional Planned District Rezoning #CZ-PD-22-01, Golden Trace**

Presenter: Ashley Harris, Planner

Conditional Planned District rezoning request (CZ-PD-22-01) submitted by Lennar Corporation to conditionally rezone approximately 47.6 +/- acres from Single-Family Residential (R-20) to Planned Residential Development (PRD C13) Conditional for a residential development consisting of up to 130 single-family detached dwelling units. The site is located along the north side of New Bethel Church Road between Clifford Road and Magnolia Lane and may be further identified as Wake County PIN # 1629237034, 1629239795, 1629233112, and portions of 1629231442 and 1629138501.

Council Member Dellinger stated he was concerned about the small setbacks because they were a safety issue.

Collier presented overview of the project and highlighted changes made to the plan since the project was first heard by Council and responded to questions.

Action: I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance (2023) 5182 approving rezoning CZ-PD-22-01, as the request is reasonable and in the public interest because it will likely have overall design that keeps it in the Town's character, improves property values, invests significantly in outdoor space, and promote natural features such as major trees streams, hills and Woodlands.

Motion: Matthews



Second: Vance

Council Member Dellinger asked to amend the motion for Condition 5 of the Ordinance to state that the side yard be maintained for the R12 at the 6' minimum, 15' combined and strike the 5' minimum, 10' combined. Council Member Singleton seconded the revised motion.

As a comprise the applicant proposed adding Condition #20: fifty percent of all single-family lots in the development shall have a minimum interior side setback(s) of 6', 15' combined.

Council Member Matthews agreed to amending his original motion. Mayor ProTem seconded the requested amendment.

Vote: 4:1

Council Member Dellinger voted nay.

### **Renaming Downtown Social District**

Presenters: Shayla Douglas, Downtown Development and Small Business Manager and Terri Jones, Town Attorney

Downtown Garner Association is asking to change social district name from "Downtown Social District" to "Garner Social District". The board will need to approve this change in order to correct the social district ordinance, so social district application can be submitted to ALE for approval.

Action: Amend Ordinance (2022) 5162 to include name change of Social District; Adopt Ordinance (2023) 5181

Motion: Singleton  
Second: Phil  
Vote: 5:0

## **COMMITTEE REPORTS**

### **MANAGER REPORTS**

- GoTriangle is having an open-house style community informational event about commuter rail on February 16 from 5:30 p.m. to 8 p.m. at the Garner Senior Center. Residents can drop in anytime, learn more and offer feedback.
- Public Works is holding an electronics recycling event on Saturday, Feb. 18, from 8 a.m. to 1 p.m. at the Public Works Complex, located at 610 Rand Mill Road. More information on that is at GarnerNC.gov.
- The Character and Land Use Elements--or CLUE--community workshop is Wednesday, February 22, from noon to 6 p.m. at the Garner Recreation Center. Residents can drop in anytime and offer their input on the proposed updates to the Garner Forward Comprehensive Plan. Folks can learn more about the CLUE update by going to GarnerForward.com.
- Fire Station 5 on Caddy Road was designed and is going through the approval process. The area in the rear of the building was too expensive to include in the original plan. Wake County is working with the contractor and received approval to complete this space at \$210K. The Town of Garner will be responsible for the entire cost of the addition. Council consensus to approve the additional cost.

## ATTORNEY REPORTS

With respect to the approval of the project on Garner Road (Buffaloe Townhomes) and the connection to Curtis Drive, the completion of street stubs policy is not listed in the UDO as the approval process. So based on how the condition was written, the applicant would need to make a written request for an exemption to the connection and provide justification.

Action: Bring to Council for review if the Planning Staff receives an application.

Motion: Singleton  
Second: Matthews  
Vote: 5:0

## COUNCIL REPORTS

Behringer

- Stated she had previously mentioned that there was trash along the exit ramp from Aversboro Road onto Highway 70 and it is still there and asked what needed to be done to get it picked up.
- Stated there was also trash at the off-ramp from I-40 onto Jones Sausage Road South.
- At the last meeting, she reported that the condition of 1412 Vandora Springs Road has spread to 1410 with junk cars, trash in the yards and carports and asked for an update on getting that cleared up. Mr. Hodges responded that staff went out and investigated and there's nothing about the situation that rises to our ability to take any formal action. A letter was sent to encourage the owners to clean up but there's no violation.
- The vehicle at 206 West Garner Road has been sitting there for years and does not appear operable. Mr. Hodges responded that the owner said they would be removing the vehicle. Staff advised the owner that if the vehicle was not removed within 10 days, it would be tagged for towing.

Dellinger

- Asked for an update on the south Garner Greenway extension, and the feasibility of changing the three-lane road to two travel lanes. The third lane could be a bike and pedestrian path.

Marshburn

- Advised the Groundhog Day at the Nature Center was well attended and that the prediction was 6 more weeks of winter.
- Reported that US Congressman Wiley Nickel opened a District Office here in Garner.

Matthews

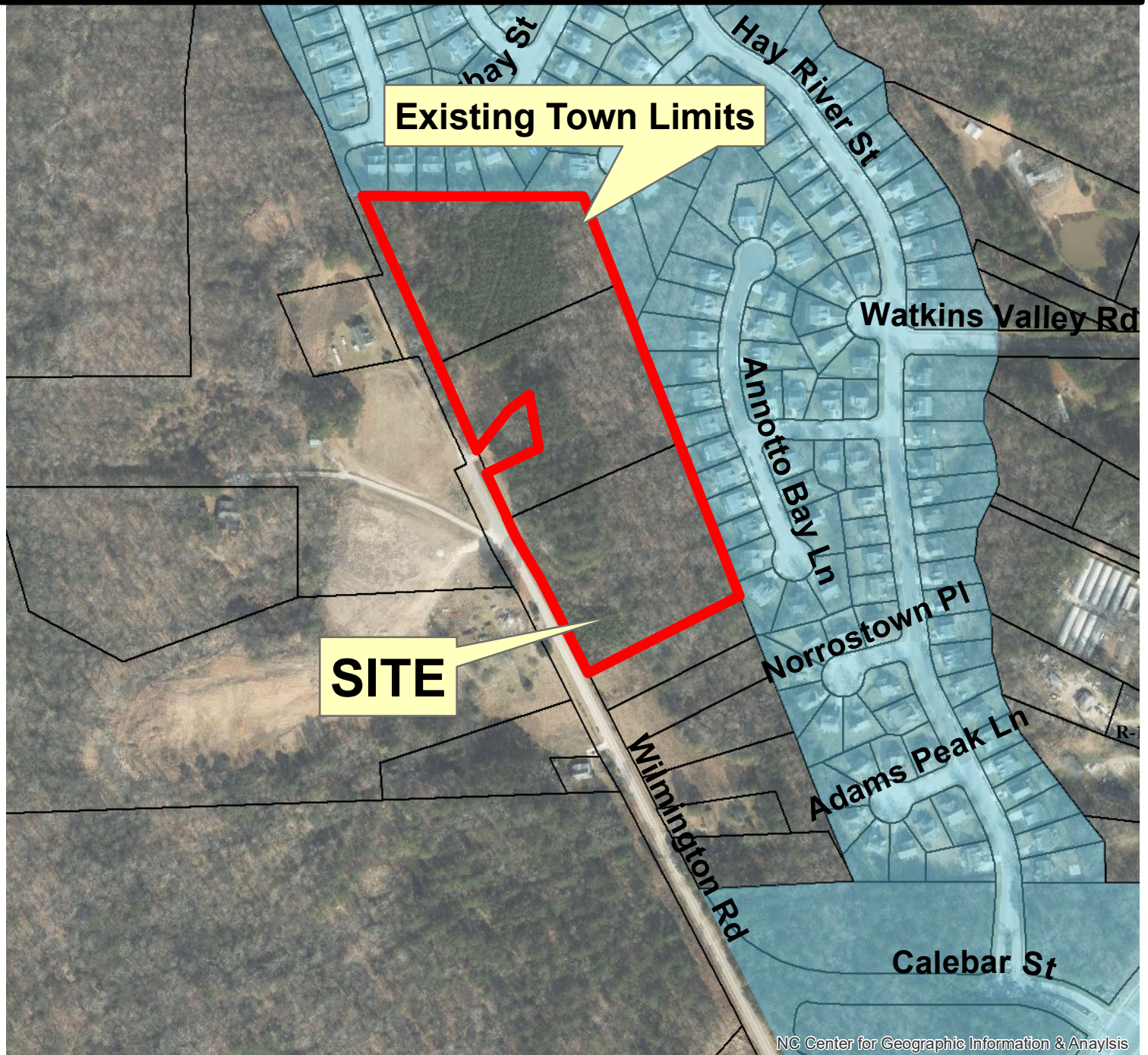
- Recognized the Scout Troop in attendance.

Mayor Pro Tem Vance and Council Member Singleton had nothing to report.

**ADJOURN:** 8:33 p.m.

Town of Garner  
Town Council Meeting  
Agenda Form

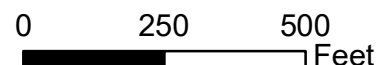
|  |                                 |   |
|--|---------------------------------|---|
| Meeting Date: March 6, 2023  |                                 |   |
| Subject: Voluntary Annexation Petitions # ANX-22-16, Wilmington Rd Townhomes & # ANX-23-03, Gatsby Station   |                                 |   |
| Location on Agenda: Consent  |                                 |   |
| Department: Planning   |                                 |   |
| Contact: David Bamford, AICP; Assistant Planning Director  |                                 |   |
| Presenter: Reginald Buie, CZO; Senior Planner  |                                 |   |
| <b>Brief Summary:</b><br>Voluntary annexation petitions (ANX-22-16 and ANX-23-03) submitted by Wilmington Town LLC; and Donald & Deborah Bailey, Patrick Roberts, and Donald Burgess respectively, to annex 11.95 +/- acres and 60.93 +/- acres, respectively, into the Town of Garner corporate limits. The properties are located along Wilmington Rd. (Wilmington Road Townhomes) and Rock Quarry Rd. (Gatsby Station), respectively, and may otherwise be identified as Wake County PIN #'s 1721085631, 1721087219, and 1721078952; and PIN # 1740058673 with a portion of 1740165280, respectively. |                                 |   |
| <b>Recommended Motion and/or Requested Action:</b><br>Consider motion to adopt Resolution (2023) 2527 to set public hearings for April 4, 2023.  |                                 |   |
| <b>Detailed Notes:</b><br>These petitions follow requests for public water and sewer. Per the Raleigh-Garner Merger Agreement, annexation is required for the extension of service.<br><br>The petitioned area associated with case ANX-23-03 is currently located outside of the Town's extraterritorial zoning jurisdiction. A vote on annexation will need to precede (sequentially) a final vote on the zoning request for Gatsby Station - currently, also anticipated for April 4, 2023.   |                                 |   |
| <b>Funding Source:</b><br>n/a  |                                 |   |
| Cost:  | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <b>Manager's Comments and Recommendations:</b><br><br><br><br><br><br><br><br><br><br>   |                                 |   |
| 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:  |                                 |   |



Owners: WILMINGTON TOWN LLC  
Location: Wilmington Rd  
Area: 11 acres +/-  
Pin: 1721085631, 1721087219, 1721078952



NOT TO SCALE



## Planning Department Staff Report

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**TO:** Honorable Mayor Marshburn and Town Council Members

**FROM:** David Bamford, AICP; Assistant Planning Director

**SUBJECT:** ***Voluntary Annexation Petition # ANX-22-16, Wilmington Road Townhomes***

**DATE:** March 6, 2023

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**ANNEXATION APPLICATION:** ANX-22-16

**OWNERS:** Wilmington Town LLC

**CONTIGUOUS / SATELLITE:** Contiguous

**LOCATION OF PROPERTY:** Wilmington Road

**WAKE COUNTY PIN #:** 1721085631, 1721087219, 1721078952

**REAL ESTATE ID #:** 0186520, 0405118, 0405117

**AREA:** 11.95 +/- acres

**ZONING:** MF-A C250

**ASSOCIATED DEVELOPMENT PLAN:** This petition follows a request for public water and sewer for Wilmington Townhomes (CZ-MP-21-08); approved April 4, 2022, for up to 7.5 units per acre; Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

**RECOMMENDATION:** Set Public Hearing for April 4, 2023



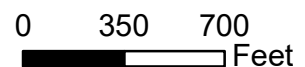


NC Center for Geographic Information & Analysis

Owners: Bailey, Roberts, Burgess  
Location: Rock Quarry Rd  
Area: 60.9 acres +/-  
Pin: Portion of 1740165280 and 1740058673



NOT TO SCALE



## Planning Department Staff Report

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**TO:** Honorable Mayor Marshburn and Town Council Members

**FROM:** David Bamford, AICP; Assistant Planning Director

**SUBJECT:** ***Voluntary Annexation Petition # ANX-23-03, Gatsby Station***

**DATE:** March 6, 2023

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**ANNEXATION APPLICATION:** ANX-23-03

**OWNERS:** Bailey, Roberts, Burgess

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** Rock Quarry Rd

**WAKE COUNTY PIN #:** 1740058673 and portion of 1740165280

**REAL ESTATE ID #:** 0060338 and portion of 0060257

**AREA:** 60.93 +/- acres

**ZONING:** Wake County R-30; requested MF-A C250

**ASSOCIATED DEVELOPMENT PLAN:** This petition follows a request for public water and sewer for Gatsby Station (CZ-MP-22-08); currently in review but tentatively tracking for a Council decision on April 4, 2023, for up to 2.8 units per acre of a mix of townhomes and single-family cluster; Because the project is outside Garner's ETJ, the annexation must track with the project at the tentative Council decision meeting date; Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

**RECOMMENDATION:** Set Public Hearing for April 4, 2023.

RESOLUTION NO. (2023) 2527

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

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

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

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

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

**Section 1.** That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 6:00 p.m. on the 4<sup>th</sup> day of April 2023.

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

- ANX-22-16, Wilmington Rd Townhomes: 11.95 +/- acres (contiguous)
- ANX-23-03, Gatsby Station: 60.93 +/- acres (satellite)

**Section 3.** Notice of said public hearings shall be published at least ten (10) days prior to the date of said public hearing.

Duly adopted this 6<sup>th</sup> day of March 2023.

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Ken Marshburn, Mayor

ATTEST:

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Stella L. Gibson, Town Clerk



Town of Garner  
Town Council Meeting  
Agenda Form

|  |  |  |
|--|--|--|
| Meeting Date: March 6, 2023  |  |  |
| Subject: Amendment to contract for Bryan Road Sidewalk Project with RK&K   |  |  |
| Location on Agenda: Consent  |  |  |
| Department: Engineering  |  |  |
| Contact: Leah Harrison, Town Engineer  |  |  |
| Presenter: Leah Harrison, Town Engineer  |  |  |
| <b>Brief Summary:</b><br><br>Amendment to the contract for the design of the Bryan Road Sidewalk Project with RK&K. Contract Amendment #1 includes additional work associated with extending the project limits to include construction to a three lane road section.  |  |  |
| <b>Recommended Motion and/or Requested Action:</b><br>Consider approving amendment to contract with RK&K and authorize the Town Manager to execute.  |  |  |
| <b>Detailed Notes:</b><br>A contract for the design of the Bryan Road Sidewalk Project was executed with RK&K in 2022. The project originally extended from Elk Stone Trail to Ackerman Road but is being extended to the south approximately 250' to tie into the existing three lane section along Bryan Road. Approximately 250' of the design completed to date will also need to be revised to tie into the three-lane section without widening to the west. This supplemental agreement provides for the re-design and extension of the project. |  |  |
| <b>Funding Source:</b><br>2021 Bonds   |  |  |
| Cost: \$28,454.40  | One Time: <input checked="" type="radio"/> | Annual: <input type="radio"/> No Cost: <input type="radio"/> |
| <b>Manager's Comments and Recommendations:</b><br><br><br><br><br><br><br><br><br><br>   |  |  |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>  |  |  |
| Agenda Form Reviewed by:   | Initials:                                  | Comments:  |
| Department Head:   | LH   |  |
| Finance Director:  |  |  |
| Town Attorney:   |  |  |
| Town Manager:  | RD   |  |
| Town Clerk:  |  |  |

### CONTRACT AMENDMENT No. 1

This Contract Amendment (the "Amendment") dated the 24<sup>th</sup> day of February, 2023 by and between Rummel Klepper & Kahl (RK&K) (the "Company"), and the Town of Garner (the "Owner"), collectively the "Parties".

WHEREAS, the Parties entered into a contract dated March 11<sup>th</sup> 2022; and

WHEREAS, the Parties wish to amend the original contract;

Now, therefore, it is agreed by and between the parties for this Contract Amendment No. to be implemented as set forth below and attached exhibits.

#### 1. SCOPE OF WORK

Refer to Attachment – Exhibit A

#### 2. TIME OF PERFORMANCE

All services will be completed by December 31, 2024 as described in the original contract.

#### 3. COST OF WORK

Compensation to the Engineer for the work described in Exhibit A shall not exceed \$28,454.40

All terms and conditions of the original contract remain in full force except for those changes specifically outlined in this contract amendment.

In Witness hereof, the Parties have executed this Agreement as of the date set forth above.

#### COMPANY

Signed: B. Keith Skinner

Name: B. Keith Skinner, PE

Title: Partner

Witness: Jeffrey Meador

Name: Jeffrey Meador, PE

Title: Sr. Project Delivery Leader

#### TOWN OF GARNER

Signed: \_\_\_\_\_

Rodney Dickerson

Town Manager

Witness: \_\_\_\_\_

Stella Gibson

Town Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

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David Beck  
Finance Director

THIS INSTRUMENT APPROVED AS TO FORM

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Terri Jones  
Town Attorney

(Affix Town Seal)

## **ARTICLE I – Scope of Services**

### **I.1 Description of the Project Amendment**

The Bryan Road Sidewalk Project originally extended from Elk Stone Trail to Ackerman Road but is being extended to the south approximately 250' to tie into the existing three lane section along Bryan Road. Approximately 250' of the design completed to date will also need to be revised to tie into the three-lane section without widening to the west. This supplemental agreement provides for the re-design and extension of the project.

### **I.2 Description of Services**

The Engineer shall provide the engineering services required to design and prepare construction plans, specifications and bid documents for the proposed project in accordance with the following:

#### **I.2.1 Additional Surveys**

The Engineer will provide additional surveys and level B SUE utility investigation to extend the project. Revised survey and SUE limits are shown in Attachment A.

#### **I.2.2 Roadway Design**

The Engineer will revise the roadway design to incorporate the approximately 250' of additional design and 250' of re-design and resubmit roadway plans.

#### **I.2.3 Water Resources Design**

RK&K will revise the drainage and No-Rise-No Impact document to accommodate the project extension/re-design which includes both a vertical and horizontal realignment.

#### **I.2.4 Natural Resources**

RK&K will conduct Natural Resources investigations on the expanded study areas and update the existing documentation to include any new features.

| Base Services - Supplemental Agreement 1   |             |                |             |             |             |              |           |              |
|--|-------------|----------------|-------------|-------------|-------------|--------------|-----------|--------------|
|  | Project Mgr | Discipline Mgr | Sr Proj Eng | Proj Eng    | Assoc Eng   | Sr. CAD Tech | CAD Tech  | Totals       |
| <b>Coordination/Management</b>   |             |                |             |             |             |              |           |              |
| Additional Monthly Progress Meetings (2 meetings, virtual)   | 2.00        | 2.00           |             |             |             |              |           | 4.0          |
| Project Kickoff Meeting (In person)  |             |                |             |             |             |              |           | 0.0          |
| Attend Public Meetings (In person, 2 meetings)   |             |                |             |             |             |              |           | 0.0          |
| Town Council Presentation (In Person, 1 meeting)   |             |                |             |             |             |              |           | 0.0          |
| Council Committee Meetings (In person, 2 meetings)   |             |                |             |             |             |              |           | 0.0          |
| Pre-Bid Meeting (In person, 1 meeting)   |             |                |             |             |             |              |           | 0.0          |
| Pre-Construction Meeting (In person, 1 meeting)  |             |                |             |             |             |              |           | 0.0          |
| Agency Meetings NCDOT (In person, 1 meeting)   |             |                |             |             |             |              |           | 0.0          |
| Progress Reports/Invoices  | 2.00        |                |             |             |             |              |           | 2.0          |
|  |             |                |             |             |             |              |           | 0.0          |
| <b>Subtotal Hours</b>  | 4.0         | 2.0            | 0.0         | 0.0         | 0.0         | 0.0          | 0.0       | 6.0          |
| Hourly Rate  | \$ 246.00   | \$ 190.00      | \$ 163.00   | \$ 136.00   | \$ 106.00   | \$ 88.00     | \$ 69.00  |              |
| <b>Subtotal Roadway/Sidewalk 25% Design</b>  | \$ 984.00   | \$ 380.00      | \$ -        | \$ -        | \$ -        | \$ -         | \$ -      | \$ 1,364.00  |
| <b>Roadway/Sidewalk Design</b>   |             |                |             |             |             |              |           |              |
| Revise 25% plans in accordance with comments   |             |                |             | 4.00        |             |              | 4.00      | 8.0          |
| Plan setup (title sheet, layout of plan, profile, and cross sections)  |             |                |             | 2.00        |             |              | 3.00      | 5.0          |
| Prepare Typical Section  |             |                |             | 1.00        |             |              | 1.00      | 2.0          |
| Set Horizontal Alignment for -L-, alignment line work, labeling, setting ROW and easements, profile, and cross sections) |             |                |             | 2.00        | 6.00        |              | 2.00      | 10.0         |
| Review & Finalize plans  |             |                |             | 3.00        |             |              | 1.00      | 4.0          |
| 25% Construction Estimate  |             |                |             | 3.00        | 6.00        |              |           | 9.0          |
| Draft Final Right of Way and Easements on Plans  |             |                |             | 2.00        | 4.00        |              |           | 6.0          |
| Coordination with Drainage, Traffic Control, Surveyor  | 3.00        |                |             |             |             |              |           | 3.0          |
| Coordination with Town   | 3.00        |                |             |             |             |              |           | 3.0          |
| <b>Subtotal Hours</b>  | 6.0         | 0.0            | 0.0         | 17.0        | 16.0        | 0.0          | 11.0      | 50.0         |
| Hourly Rate  | \$ 246.00   | \$ 190.00      | \$ 163.00   | \$ 136.00   | \$ 106.00   | \$ 88.00     | \$ 69.00  |              |
| <b>Subtotal Roadway/Sidewalk 25% Design</b>  | \$ 1,476.00 | \$ -           | \$ -        | \$ 2,312.00 | \$ 1,696.00 | \$ -         | \$ 759.00 | \$ 6,243.00  |
| <b>Water Resources Design</b>  |             |                |             |             |             |              |           |              |
| Field work and reconnaissance  |             |                |             | 2.0         |             | 2.0          |           | 4.0          |
| Storm drainage design  |             |                | 2.0         | 4.0         | 8.0         | 8.0          |           | 22.0         |
| Erosion control design (does not include NCDEQ approval)   |             |                |             |             |             |              |           | 0.0          |
| Permit impact drawings   |             |                |             |             |             |              |           | 0.0          |
| FEMA Modeling (Exist, Corr Effective, Revised Model)   | 2.0         | 4.0            | 8.0         | 16.0        | 16.0        |              |           | 46.0         |
| No-rise/no-impact certification and documentation  |             | 2.0            | 8.0         | 8.0         | 4.0         | 4.0          |           | 26.0         |
|  |             |                |             |             |             |              |           | 0.0          |
|  |             |                |             |             |             |              |           | 0.0          |
| <b>Subtotal Hours</b>  | 2.0         | 6.0            | 18.0        | 30.0        | 28.0        | 14.0         | 0.0       | 98.0         |
| Hourly Rate  | \$ 246.00   | \$ 190.00      | \$ 163.00   | \$ 136.00   | \$ 106.00   | \$ 88.00     | \$ 69.00  |              |
| <b>Subtotal Water Resources Design</b>   | \$ 492.00   | \$ 1,140.00    | \$ 2,934.00 | \$ 4,080.00 | \$ 2,968.00 | \$ 1,232.00  | \$ -      | \$ 12,846.00 |
| <b>Natural Resources Investigation/Permitting</b>  |             |                |             |             |             |              |           |              |
| Pre-field work   |             |                |             | 3.0         |             |              |           | 3.0          |
| Wetland/Stream/Buffer delineation and assessment   |             |                |             | 8.0         | 8.0         |              |           | 16.0         |
| Natural Resources Letter Style Report  |             | 1.0            |             | 3.0         | 6.0         |              |           | 10.0         |
| 404/401/Buffer Permit and Agency JD and Coordination   |             | 2.0            |             | 4.0         |             |              |           | 6.0          |
| Protected Species Habit/Survey   |             |                |             | 4.0         | 4.0         |              |           | 8.0          |
| <b>Subtotal Hours</b>  | 0.0         | 3.0            | 0.0         | 22.0        | 18.0        | 0.0          | 0.0       | 43.0         |
| Hourly Rate  | \$ 246.00   | \$ 190.00      | \$ 163.00   | \$ 136.00   | \$ 106.00   | \$ 88.00     | \$ 69.00  |              |
| <b>Subtotal Natural Resources Investigation/Permitting</b>   | \$ -        | \$ 570.00      | \$ -        | \$ 2,992.00 | \$ 1,908.00 | \$ -         | \$ -      | \$ 5,470.00  |
| <b>Project Totals</b>  |             |                |             |             |             |              |           |              |
|  |             |                |             |             |             |              |           | \$ 25,923.00 |
| <b>Subtotal RK&amp;K Base Services</b>   |             |                |             |             |             |              |           |              |
|  |             |                |             |             |             |              |           | \$ 25,923.00 |
| <b>*Surveys (Wetherill Engineering)</b>  |             |                |             |             |             |              |           |              |
|  |             |                |             |             |             |              |           | \$ 2,531.40  |
| <b>*SUE (Wetherill Engineering) - Original SUE Budget will Cover Project Extension</b>                                   |             |                |             |             |             |              |           |              |
| <b>*SUE Level A Test Holes up to 6' (3@1,053.04)</b>   |             |                |             |             |             |              |           |              |
| <b>*SUE Level A Test Holes Greater Than 6' (10lf@70.79/lf)</b>   |             |                |             |             |             |              |           |              |
| <b>*SUE Traffic Control (1 day@\$1400.00/day)</b>  |             |                |             |             |             |              |           |              |
| <b>Permit Fees (401/408, Erosion Control) To Be Reimbursed at Cost</b>   |             |                |             |             |             |              |           |              |
| <b>Project Total</b>   |             |                |             |             |             |              |           |              |
|  |             |                |             |             |             |              |           | \$ 28,454.40 |



Attachment A

Revised Survey Limits

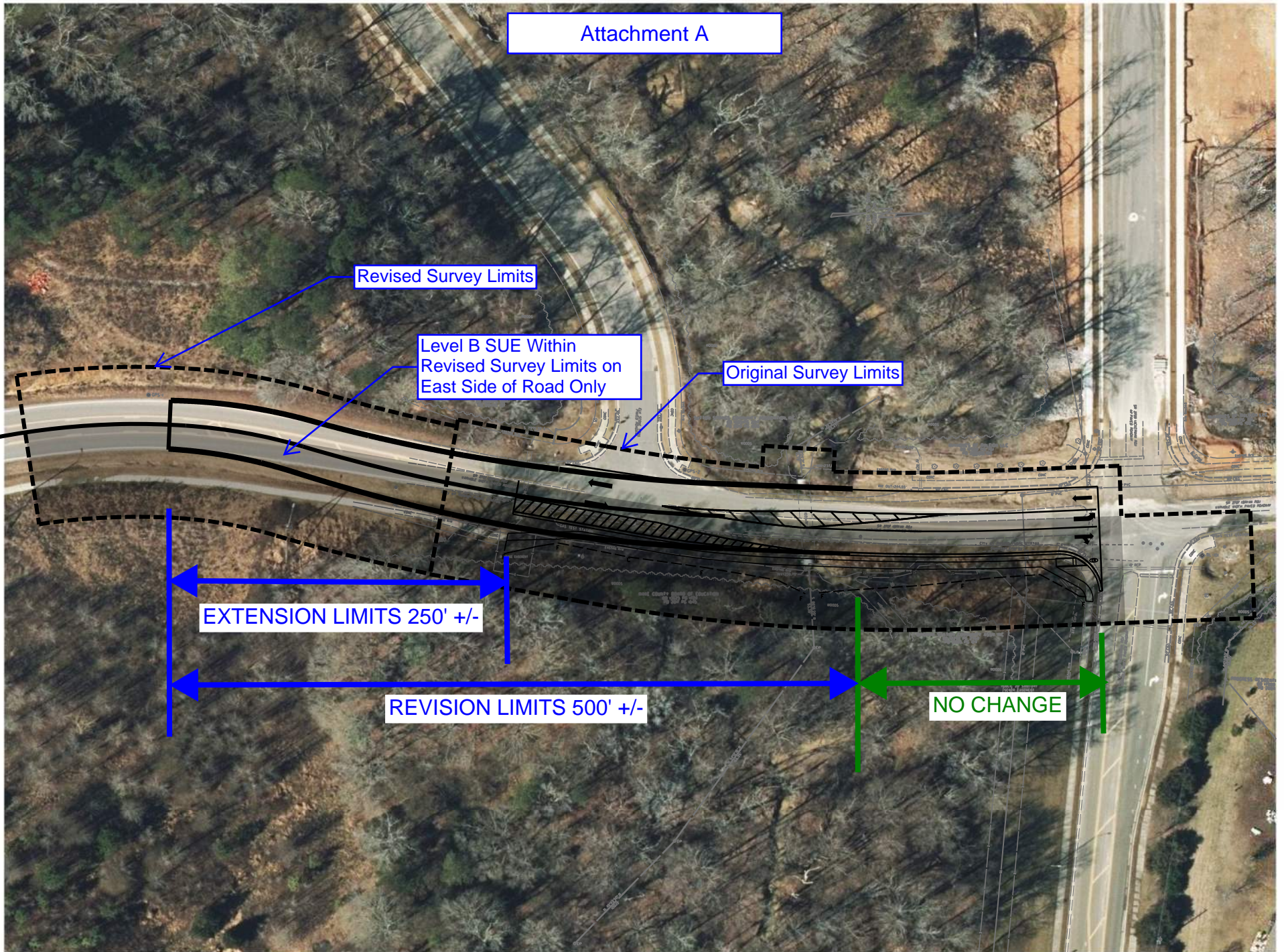
Level B SUE Within Revised Survey Limits on East Side of Road Only

Original Survey Limits

EXTENSION LIMITS 250' +/-

REVISION LIMITS 500' +/-

NO CHANGE



Town of Garner  
Town Council Meeting  
Agenda Form

|  |                                 |   |
|--|---------------------------------|---|
| Meeting Date: March 6, 2023  |                                 |   |
| Subject: Voluntary Annexation Petition # ANX-22-19, 1102 and 1104 Creech Rd  |                                 |   |
| Location on Agenda: Public Hearings <input type="checkbox"/>   |                                 |   |
| Department: Planning   |                                 |   |
| Contact: David Bamford, AICP; Assistant Planning Director  |                                 |   |
| Presenter: Reginald Buie, CZO; Senior Planner  |                                 |   |
| <b>Brief Summary:</b><br>Voluntary annexation petition (ANX-22-19) submitted by Harold Thomas to annex 0.93 +/- acres into the Town of Garner corporate limits. The property is located at 1102 and 1104 Creech Road and may otherwise be identified as Wake County PIN #'s 1711886316 and 1711886436. |                                 |   |
| <b>Recommended Motion and/or Requested Action:</b><br>Consider adoption of annexation Ordinance (2023) 5186  |                                 |   |
| <b>Detailed Notes:</b><br>This petition follows a request for public water.  |                                 |   |
| <b>Funding Source:</b><br>n/a  |                                 |   |
| Cost:  | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <b>Manager's Comments and Recommendations:</b><br><br><br><br><br><br><br><br><br><br>   |                                 |   |
| 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:  |                                 |   |



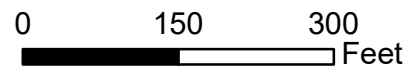


NC Center for Geographic Information & Analysis

Owner: Harold Thomas  
Location: 1102 and 1104 Creech Rd  
Acres: 0.93  
Pins: 1711886316 and 1711886436



NOT TO SCALE



Page 36



## Planning Department Staff Report

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**TO:** Honorable Mayor Marshburn and Town Council Members

**FROM:** David Bamford, AICP; Assistant Planning Director

**SUBJECT:** *Voluntary Annexation Petition # ANX-22-19, 1102 and 1104 Creech Rd*

**DATE:** February 6, 2023

---

**ANNEXATION APPLICATION:** ANX-22-19

**OWNERS:** Harold Thomas

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** 1102 and 1104 Creech Rd

**WAKE COUNTY PIN #:** 1711886316 and 1711886436

**REAL ESTATE ID #:** 0013102 and 0082791

**AREA:** 0.93 +/- acres

**ZONING:** Rural Agriculture (RA)

**ASSOCIATED DEVELOPMENT PLAN:** This petition follows a request for public water at 1102 and 1104 Creech Rd; (Single-Family); 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: February 6, 2022

PUBLIC HEARING: March 6, 2023

ANNEXATION EFFECTIVE: March 6, 2023

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

ORDINANCE NO. (2023) 5186

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 6:00 PM on March 6, 2023, after due notice was published electronically on the Town's website on February 24, 2023; 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. Where annexation agreements with neighboring municipalities are absent, no point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of 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. 160D-802, 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 March 6, 2023:

**(ANX-22-19) 1102 & 1104 Creech Road** – satellite annexation  
0.93 +/- acres located at 1102 and 1104 Creech Rd; Wake County PIN #'s 1711886316 and 1711886436 or Real Estate IDS 0013102 and 0082791; also shown as “Lots 100-103” and “Lots 104 -107” in Book of Maps 1959 and Page 121.

**Section 2.** Upon and after March 6, 2023, 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 6th day of March 2023.

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Ken Marshburn, Mayor

ATTEST:

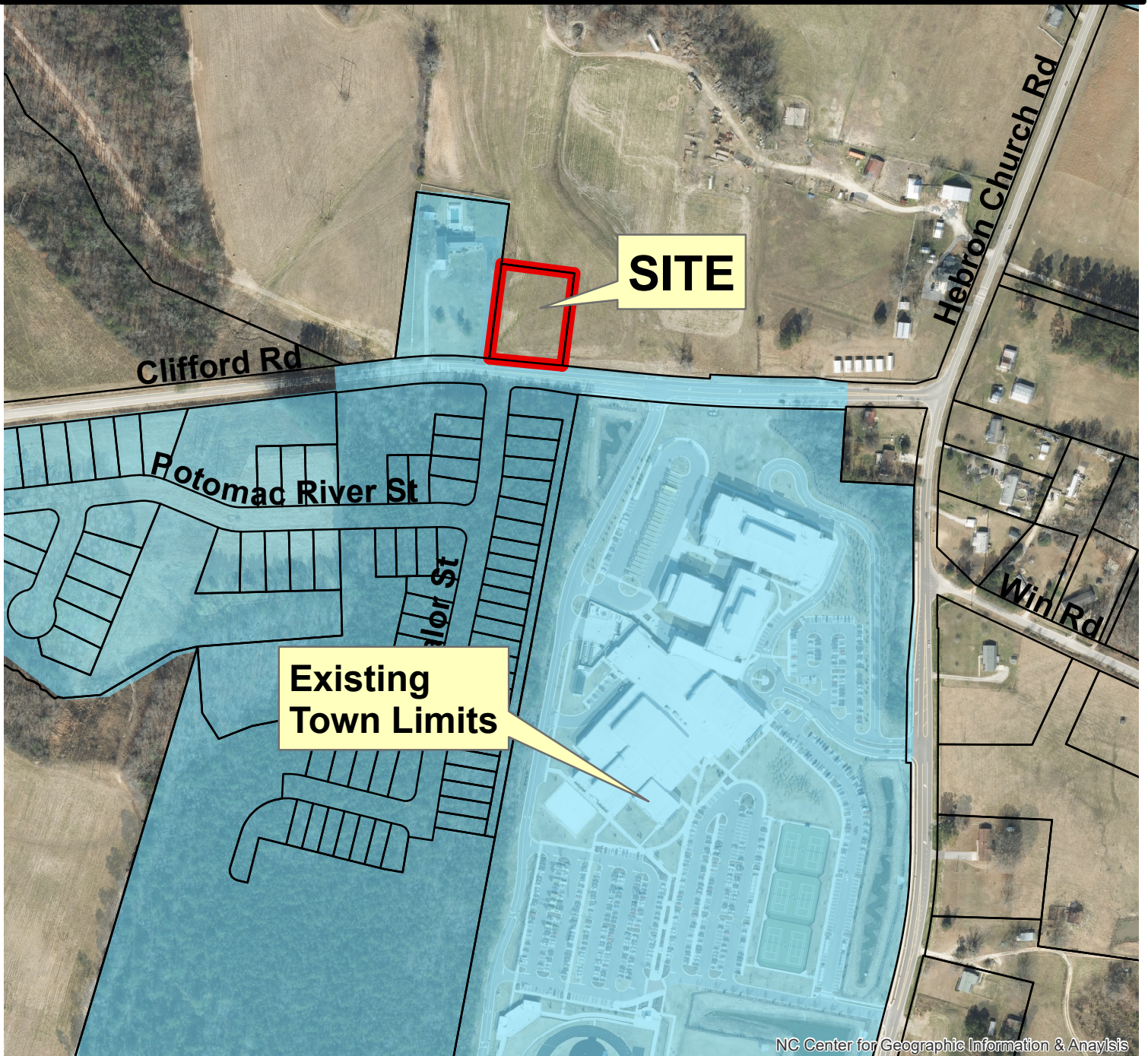
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Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

|  |                                 |   |
|--|---------------------------------|---|
| Meeting Date: March 6, 2023  |                                 |   |
| Subject: Voluntary Annexation Petition # ANX-22-20, 2195 Clifford Road   |                                 |   |
| Location on Agenda: Public Hearings  |                                 |   |
| Department: Planning   |                                 |   |
| Contact: David Bamford, AICP; Assistant Planning Director  |                                 |   |
| Presenter: Reginald Buie, CZO; Senior Planner  |                                 |   |
| <p><b>Brief Summary:</b><br/>Voluntary annexation petition (ANX-22-20) submitted by Paul Blackwell to annex 0.97 +/- acres into the Town of Garner corporate limits. The property is located at 2195 Clifford Rd and may otherwise be identified as Wake County PIN# 1629454194.</p> |                                 |   |
| <p><b>Recommended Motion and/or Requested Action:</b><br/>Consider adoption of annexation Ordinance (2023) 5187</p>  |                                 |   |
| <p><b>Detailed Notes:</b><br/>This petition follows requests for public water and sewer at 2195 Clifford Road. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.</p>   |                                 |   |
| <p><b>Funding Source:</b><br/>n/a</p>  |                                 |   |
| Cost:  | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <p><b>Manager's Comments and Recommendations:</b></p>  |                                 |   |
| <p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>   |                                 |   |
| Agenda Form Reviewed by:   | Initials:                       | Comments:   |
| Department Head:   | JST                             |   |
| Finance Director:  |                                 |   |
| Town Attorney:   |                                 |   |
| Town Manager:  | RD                              |   |
| Town Clerk:  |                                 |   |

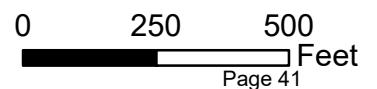




Owner: Paul Blackwell  
Location: 12195 Clifford Rd  
Acres 0.97  
Pin: 2195 CLIFFORD RD



NOT TO SCALE



## Planning Department Staff Report

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**TO:** Honorable Mayor Marshburn and Town Council Members

**FROM:** David Bamford, AICP; Assistant Planning Director

**SUBJECT:** ***Voluntary Annexation Petition # ANX-22-20, 2195 Clifford Road***

**DATE:** February 6, 2023

---

ANNEXATION APPLICATION: ANX-22-20

OWNERS: Paul Blackwell

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 2195 Clifford Rd

WAKE COUNTY PIN #: 1629454194

REAL ESTATE ID #: 0492164

AREA: 0.97 +/- acres

ZONING: Residential Agriculture (RA)

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and sewer at 2195 Clifford Rd (Single-Family); Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Set Public Hearing for March 6, 2023

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

ORDINANCE NO. (2023) 5187

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 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 6:00 PM on March 6, 2023, after due notice was published electronically on the Town's website on February 24, 2023; 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 March 6, 2023.

**(ANX-22-20) 2195 Clifford Road** – contiguous annexation:  
0.97 +/- acres located at 2195 Clifford Rd; Wake County PIN # 1629454194 or

Real Estate ID 0492164; also shown as "Tract 2" in Book of Maps 2019 and Page 2059.

**Section 2.** Upon and after March 6, 2023, 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 6th day of March 2023.

---

Ken Marshburn, Mayor

ATTEST:

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Stella L. Gibson, Town Clerk



Town of Garner  
Town Council Meeting  
Agenda Form

|   |                                 |   |
|---|---------------------------------|---|
| Meeting Date: March 6, 2023 <span style="float: right;">▼</span>  |                                 |   |
| Subject: Zoning Text Amendment Request # ZTA-22-02, Public Notice Requirements  |                                 |   |
| Location on Agenda: Old/New Business <span style="float: right;">▼</span>   |                                 |   |
| Department: Planning  |                                 |   |
| Contact: Jeff Triezenberg, AICP, GISP; Planning Director  |                                 |   |
| Presenter: Jeff Triezenberg, AICP, GISP; Planning Director  |                                 |   |
| <b>Brief Summary:</b><br>In accordance with the Town Council's direction provided at their regular work session on September 27, 2022, (and revised at work session on January 31, 2023) the Garner Planning Department has requested to amend Section 4.4.6. "Public Notice Requirements" of the Garner Unified Development Ordinance to reduce the mailed notification area from 1,000 feet from the affected parcel(s) to 800 feet, and require the applicant to provide the Planning Director with first class stamped envelopes addressed to all persons subject to the mailed public notice requirements.                             |                                 |   |
| <b>Recommended Motion and/or Requested Action:</b><br>Consider motion to approve ZTA-22-02 by adopting Ordinance (2023) 5188  |                                 |   |
| <b>Detailed Notes:</b><br>Steering Committee - no consensus reached - placeholder was 300 feet plus every parcel in a "subdivision" touched.<br>Final Draft - 1,000' presented at final joint meeting and all steps of public hearing adoption process.<br>September 27, 2022 - 500' majority direction received from Council by staff.<br>December 20, 2022 - public hearing.<br>January 9, 2022 - PC meeting.<br>January 31, 2023 - Council work session - additional discussion - majority agreement on 800-foot notification radius, both owners and all occupants notified, and applicant paid and posted envelopes for mailed notice. |                                 |   |
| <b>Funding Source:</b><br>n/a   |                                 |   |
| Cost:   | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <b>Manager's Comments and Recommendations:</b><br><br><br><br><br><br><br><br><br><br>  |                                 |   |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>   |                                 |   |
| Agenda Form Reviewed by:  | Initials:                       | Comments:   |
| Department Head:  | JST                             |   |
| Finance Director:   |                                 |   |
| Town Attorney:  |                                 |   |
| Town Manager:   | RD                              |   |
| Town Clerk:   |                                 |   |



## Planning Department Memorandum

**TO:** Honorable Mayor Marshburn and Town Council Members

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

**SUBJECT:** *Zoning Text Amendment # ZTA-22-02, Public Notice Requirements*

**DATE:** February 6, 2023

### I. BACKGROUND

At the Town Council Work Session of September 27, 2022, the Council found it desirable to move ahead with amendments to the mailed public noticing requirements of the Garner Unified Development Ordinance. It was generally agreed to propose amendments reflecting the typical regulations found in surrounding communities at that time. These included:

- A first-class mailing radius of 500 feet;
- That notification shall also be mailed to the address of the property itself in addition to the property owner address (*no one is notifying individual units in buildings with more than one dwelling unit*); and
- That the applicant supply postage paid addressed envelopes to staff for mailing.

The survey of surrounding jurisdictions found the following results:

#### LEGISLATIVE PUBLIC HEARING NOTIFICATION\*

| Jurisdiction               | Notification Area | Notice to Owners? | Notice to Renters? | Who Supplies Postage? | Who Deposits in the Mail? |
|----------------------------|-------------------|-------------------|--------------------|-----------------------|---------------------------|
| Apex <sup>V</sup>          | 300 feet          | Required          | Yes**              | Applicant             | Town                      |
| Cary <sup>V</sup>          | 800 feet***       | Required          | No                 | Town                  | Town                      |
| Holly Springs <sup>V</sup> | 500 feet          | Required          | No                 | Town                  | Town                      |
| Morrisville <sup>V</sup>   | 500 feet          | Required          | No                 | Applicant             | Town                      |
| Fuquay-Varina              | 200 feet          | Required          | No                 | Town                  | Town                      |
| Raleigh <sup>V</sup>       | 500 feet          | Required          | Yes**              | Applicant             | City                      |
| Knightdale <sup>V</sup>    | 200 feet          | Required          | No                 | Town                  | Town                      |
| Wendell <sup>V</sup>       | NCGS/Abutting     | Required          | No                 | Town                  | Town                      |
| Zebulon                    | NCGS/Abutting     | Required          | No                 | Town                  | Town                      |
| Rolesville <sup>V</sup>    | 200 feet          | Required          | No                 | Applicant             | App or Town               |
| Wake Forest <sup>V</sup>   | 500 feet          | Required          | No                 | Applicant             | Town                      |

| Jurisdiction             | Notification Area | Notice to Owners? | Notice to Renters? | Who Supplies Postage? | Who Deposits in the Mail? |
|--------------------------|-------------------|-------------------|--------------------|-----------------------|---------------------------|
| Wake County <sup>v</sup> | 1,000 feet        | Required          | No                 | County                | County                    |
| Clayton <sup>v</sup>     | 100 feet          | Required          | No                 | Applicant             | Town                      |
| Johnston Co.             | NCGS/Abutting     | Required          | No                 | County                | County                    |
| Durham <sup>v</sup>      | 600 feet          | Required          | Yes**              | City                  | City                      |

**NOTES:**

\* This is generally for zoning hearings, but some do separate for legislative vs. quasi-judicial. Those that do separate, usually only notify abutting for QJ but use the buffer for legislative hearings.

\*\* Where the tax records reflect a different mailing address for an owner of the property and the actual property address, then notification shall also be mailed to the address of the property itself in addition to the property owner address. Does not include apartment dwellings.

\*\*\* Requirement is 100' by LDO, but in practice, they notify 800'.

<sup>v</sup> Data verified by jurisdiction staff.

Staff would also noted that first-class mailed letters are just one of three required methods of notifying residents about zoning-related changes. Signs must also be posted at the property subject to a rezoning, and the item must be posted clearly on the Town’s website. To fulfill these requirements, the Town has designed high visibility signs on “school-bus” yellow backgrounds and maintains a link at the top of the Town’s webpage titled “Legal Ads” to which anyone with an email address and internet connection may subscribe for updates.

**Notes on UDO Steering Committee Discussions and Joint Work Sessions**

- The article of the UDO including these notification provisions were discussed early on as part of the 160D compliance effort; however, there was no move to amend these requirements at that time since they did not represent a matter that was out of compliance. Discussions at those committee meetings did not yield a consensus.
- The consulting team simply updated the working draft to keep the radius at 300 feet but change the old language of – if only one parcel falls within that 300-foot radius in any direction, all parcels adjoining that one parcel must be added – to – if any portion of a subdivision is included in the 300-foot radius, then the entire subdivision must be added.
- When revisiting this matter prior to the final work session, staff asked the consulting team to eliminate any portion of the provision requiring time-consuming manual interpretation/ parcel selection. Staff noted that the committee had discussed a radius of anywhere up to ¼ mile (1,320 feet).
- A 1,000-foot radius was presented at the final joint work session with no comment.

In most cases, a 500-foot radius would still be greater notification area than the previous 300-foot rule with the addition that if only one parcel falls within that 300-foot radius in any direction, all parcels adjoining that one parcel must be added.

## **II. CURRENT TEXT**

The following is the current text that constitutes subsection C. under Section 4.4.6. “Public Notice Requirements”:

### **C. Mailed**

1. Mailed notice shall be provided to all property owners and tenants within 1,000 feet of the affected parcel as reflected in the Wake County tax records at the time of submittal.
2. Where the tax records reflect a mailing address for an owner of property to be different than the address of the property owned, then notification shall also be mailed to the address of the property itself so that the tenant may be notified.
3. For zoning map amendments, properties shall be considered abutting even if separated by a street, railroad, or other transportation corridor or right-of-way. Mailed notices shall contain the same content as published notices outlined in subsection 4.4.6.A.
4. Pursuant to G.S. § 160D-602(b), if a mailed notice for a zoning map amendment hearing includes more than 50 individual owners of more than 50 individual properties, the Town may instead elect to publish notice of the hearing as specified in G.S. § 160D-602(a).
5. If a notice contains errors regarding the time, date, or location of the hearing or the location of the subject property, the notice shall be rendered inadequate. However, if any other minor or clerical defects are present, but time, date, and location of hearing and subject property are correct in the notice, the notice shall remain valid. If questions of validity arise, the decision-making body shall make a formal finding of substantial compliance or lack thereof. If the decision-making body finds there is substantial compliance, it may then begin the proceedings for the case.

## **III. PROPOSED TEXT CHANGES**

**2<sup>nd</sup> Work Session Summary:** The Town Council continued review of the proposed amendment at their regular work session of January 31, 2023, to revisit the original proposal, review discussions at the meeting of the Planning Commission, and debate possible revisions – with the majority noting support for an amendment as reflected in the proposed final draft revisions that follow.

A complete recording of the work session on Zoning Text Amendment # ZTA-22-02, Public Notice Requirements may be viewed at <https://www.youtube.com/watch?v=EqLttSu3VKU>. Case begins at the 1:19:53 time stamp.

**Final Draft Revisions:**

C. Mailed

1. Mailed notice shall be provided to all property owners and ~~tenants~~ **occupants of properties abutting or** within ~~1,000~~ **800** feet of the affected parcel as reflected in the Wake County tax records at the time of submittal. **When less than an entire parcel of land is subject to the application, the entire parcel shall be used to determine abutting properties and those within 800 feet.**
2. **Occupants of Properties**
  - a. Where the tax records reflect a mailing address for an owner of property to be different than the **property location** address ~~of the property owned~~, then notification shall also be mailed to the **property location** address ~~of the property itself~~ so that the ~~tenant~~ **occupant** may be notified.
  - b. **Where the tax records reflect multiple “residential structure” addresses on a property, then notification shall also be mailed to each said address so that the occupant of individual dwelling units may be notified.**
3. For zoning map amendments, properties shall be considered abutting even if separated by a street, railroad, or other transportation corridor or right-of-way. Mailed notices shall contain the same content as published notices outlined in subsection 4.4.6.A.
4. Pursuant to G.S. § 160D-602(b), if a mailed notice for a zoning map amendment hearing includes more than 50 individual owners of more than 50 individual properties, the Town may instead elect to publish notice of the hearing as specified in G.S. § 160D-602(a).
5. If a notice contains errors regarding the time, date, or location of the hearing or the location of the subject property, the notice shall be rendered inadequate. However, if any other minor or clerical defects are present, but time, date, and location of hearing and subject property are correct in the notice, the notice shall remain valid. If questions of validity arise, the decision-making body shall make a formal finding of substantial compliance or lack thereof. If the decision-making body finds there is substantial compliance, it may then begin the proceedings for the case.
6. **The applicant shall be responsible for providing the Planning Director with first class stamped envelopes (postage metering is not acceptable) addressed to all mailed notice recipients required by this subsection.**

**Public Hearing Summary:** The Town Council conducted a public hearing on December 20, 2022, to hear comments from the public and ask questions on this proposed amendment.

There was extensive discussion on whether notifying the owner of the apartment complex or multi-dwelling property was sufficient and whether individual notices should be sent to all occupants of multi-dwelling properties within the notification radius.

Council decided to send the matter to the Planning Commission for their opinion.

A complete recording of the hearing on Zoning Text Amendment # ZTA-22-02, Public Notice Requirements may be viewed at <https://www.youtube.com/watch?v=Tnc2qTi0ses>. Case begins at the 1:44:00 time stamp.

#### **IV. PLAN CONSISTENCY**

**Statutory Directive:** When considering a text amendment request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the proposal with the Town's current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive plan is only advisory in nature and has no independent regulatory effect; nor does it expand, diminish or alter the scope of the Town of Garner UDO. A determination of inconsistency with the Plan does not preclude a request from being found to be reasonable. In those cases where the request is deemed inconsistent yet reasonable, an amendment to the Comprehensive Plan is automatically made upon approval of the request.

**Meeting Summary:** The Planning Commission conducted a public hearing on January 9, 2023, to hear comments from the public and ask questions on this proposed amendment.

- Staff presented the case to the Planning Commission.
- The Commission had the following general discussion:
  - Distance: discussion regarding 300', 500', and 1,000' notification boundaries. Discussion centered around historical context, density, resource impacts, and transparency. Most members were in favor of the 1,000' notification boundary. The non-binding poll/tally resulted in these preferences:
    - 300' – (0);                      500' – II (2)                      1,000' – IIIII (5)
  - Occupants: discussion regarding occupant population, impacts to residents, enforceability, and participation.
    - Option A – IIII (4)      Option B – I (2)                      No Pref – I (1)
  - Initial motion: Accept consistency statement for Option A and 500' (consistent with packet).
    - Alternate motion: Option A with amendment to 1,000' notification.
    - Motion, as amended, passed 4-3.

On a vote of 4-3 the Planning Commission voted for **Option A** with the stipulation of a 1000-foot radius.

A complete recording of the Planning Commission's discussion on Zoning Text Amendment # ZTA-22-02, Public Notice Requirements may be viewed at <https://www.facebook.com/TownofGarner/videos/1853737521649670>, beginning at the 59:06 time stamp.



## Relevant Land Use Plan Analysis:

### **2018 Garner Forward Comprehensive Plan: CONSISTENT**

Although primarily mentioned in the context of promoting commercial development, the plan discusses the guiding principle of “aligning the development code with our desired ends”. Desired ends that have been mentioned thus far include: ease and consistency of application (automated parcel selection of a discrete buffer); notification of occupants of single-family structures; notification of occupants of multi-dwelling properties; shifting some of the administrative burden (time and effort) onto the applicant. Option A address all except for multi-dwelling properties. Option B addresses all, although it is unclear whether all multi-dwelling properties are up to date with addresses for all dwelling units on a property as this has not been a historical output of the county’s revenue files.

**Consistency Statement:** The Planning Commission finds that although primarily mentioned in the context of promoting commercial development, the plan discusses the guiding principle of “aligning the development code with our desired ends”. Whether through consensus or a majority opinion, the successful adoption of a revised regulation may be understood to represent the fulfillment of that principle.

## **V. REASONABLENESS**

**Statutory Directive:** In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness may include other sections of the 2018 *Garner Forward Comprehensive Plan* providing guidance on keeping the Town’s character, living spaces, working places, recreation opportunities and transportation. Other adopted Town plans and policies providing guidance on parks, greenways, cultural resources and more may serve as sources as well. The Town Council may find that a particular request furthers the efforts to achieve specific goals and objectives stated within these plans and policies; and thereby render said request a reasonable one. The converse may also apply.

## **VI. RECOMMENDATION**

**Staff Recommendation:** Staff has no objection to the final revised proposal as detailed in Section III of this report, and recommends Town Council approval of the Planning Commission’s statement of consistency presented in Section IV of this report.

**Recommended Motion:** See following worksheet. Staff has highlighted the most likely motion for both approving (in green – staff recommendation) and denying (in red) the applicant’s request.

## ZTA-22-02, Public Notice Requirements

### *Zoning Amendment Motion Worksheet*

Choose one of the following motions (*staff recommendation highlighted in green*):

|  |  |
|--|--|
| <p><b>1. CONSISTENT AND REASONABLE</b></p>     | <p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section IV of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2023) 5188 approving rezoning <b>ZTA-22-02</b>, as the request is reasonable and in the public interest because it will likely (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u> ).”</p>  |
| <p><b>2. CONSISTENT BUT NOT REASONABLE</b></p> | <p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section IV of the staff report, as our own; however, I also move that the Town Council deny rezoning <b>ZTA-22-02</b>, as the request is not reasonable nor in the public interest because it will likely not (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u> ).”</p>   |
| <p><b>3. INCONSISTENT YET REASONABLE</b></p>   | <p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section IV of the staff report, and find the request inconsistent due to (<u>cite and insert land use plan evidence</u> ); yet, I also move that the Town Council adopt Ordinance No. (2022) 5188 approving rezoning <b>ZTA-22-02</b>, as the request is still reasonable and in the public interest because it will likely (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u> ).”</p> |
| <p><b>4. INCONSISTENT NOR REASONABLE</b></p>   | <p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section IV of the staff report, and find the request inconsistent due to (<u>cite and insert land use plan evidence</u> ); and I further move that the Town Council deny rezoning <b>ZTA-22-02</b>, as the request is not reasonable nor in the public interest because it will likely not (<u>select all applicable reasonableness options next page and/or provide your own reasoning</u> ).”</p>                                     |

*See next page for staff-identified possible reasonableness options...*

| Select all applicable reasonableness options to be included in a motion: |   |
|--|---|
|  | Promote multi-family housing in select areas.   |
|  | Be of an overall design that keeps within the Town's character and improves property values.  |
|  | Encourage redevelopment and reuse of existing sites and building that are complimentary to the surrounding area.  |
|  | Invest significantly in outdoor spaces and/or promote natural features such as major trees, streams, hills and woodlands.   |
|  | Provide attractive and pedestrian-friendly streetscapes that communicate small-town feel and a human-scaled environment.  |
|  | Create attractive and unique gateways to Garner; thereby attracting new visitors and encouraging people to return.  |
|  | Attract both younger and older populations.   |
|  | Be located and designed to create good multi-family places with quality exterior materials, open spaces and facades.  |
|  | Refocus development on our centers – including Downtown and North Garner.   |
|  | Allow/encourage shared-use and mixed-use developments.  |
|  | Support more 55+ housing opportunities.   |
|  | Emphasize new housing styles in walkable, mixed-use locations identified for growth.  |
|  | Mix housing types in infill areas in harmony with adjoining, older neighborhoods.   |
|  | Create better neighborhood appearance by rear-loading driveways and using alleys, promoting walking in front of homes and allowing trash removal to be kept out of sight.   |
|  | Cluster townhomes, ancillary units, single-family attached and detached homes with similar design characteristics where they can live compatibly.                           |
| ✓  | Align the development code with the Town's desired ends.  |
|  | Support work-in-place trends.   |
|  | Require all or a high percentage of parking to be at the side or rear of buildings and allow for the creation of enclosed pedestrian spaces.                                |
|  | Allow a mix of smaller, leaner and cleaner manufacturing and industry with office and/or ground-floor retail; even housing.   |
|  | Connect the community internally with open spaces.  |
|  | Enhance the surrounding transportation network by providing interconnectivity, constructing proposed greenway trails, improving intersections and/or filling sidewalk gaps. |
|  | Improve Garner's position as a community that is a successful candidate for more fixed route transit services.  |
|  | Reflect a significant change in conditions or support a public policy established by the Town since the adoption of applicable land use plans.                              |
|  | Achieve substantial improvement in the quality of life for Town residents.  |
|  | Increase the ability to achieve other goals of the Comprehensive Plan or improve Town operations.   |
| ✓  | Other: _____  |
|  | Other: _____  |

Green = supporting elements, Yellow = perhaps/partial, Red = no overtly supporting elements, Gray = likely n/a

**ORDINANCE NO. (2023) 5188**

**AN ORDINANCE TO AMEND ORDINANCE NO. (2022) 5132 ENTITLED  
“THE ‘GARNER FORWARD’ TOWN OF GARNER UNIFIED DEVELOPMENT ORDINANCE  
FOR THE TOWN OF GARNER AND ITS EXTRATERRITORIAL JURISDICTION”  
REGARDING REGULATIONS RELATED TO PUBLIC NOTICE REQUIREMENTS**

WHEREAS, the Town Council has conducted a public hearing and received a written recommendation from the Planning Commission regarding zoning text amendment case # ZTA-22-02 in keeping with the requirements of Section 4.6.3 of the Town of Garner Unified Development Ordinance; and

WHEREAS, the Town Council finds that although primarily mentioned in the context of promoting commercial development, the Garner Forward Comprehensive Plan discusses the guiding principle of “aligning the development code with our desired ends”, and that whether through consensus or a majority opinion, the successful adoption of a revised regulation may be understood to represent the fulfillment of that principle; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it promotes multi-family housing in select areas; is of an overall design that keeps within the Town’s character and improves property values; is located and designed to create good multi-family places with quality exterior materials, open spaces and facades; and clusters townhomes, ancillary units, single-family attached and detached homes with similar design characteristics where they can live compatibly.

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

**Section One.** That subsection C. under Section 4.4.6. “Public Notice Requirements” be amended to read as follows:

C. Mailed

1. Mailed notice shall be provided to all property owners and occupants of properties abutting or within 800 feet of the affected parcel as reflected in the Wake County tax records at the time of submittal. When less than an entire parcel of land is subject to the application, the entire parcel shall be used to determine abutting properties and those within 800 feet.
2. Occupants of Properties
  - a. Where the tax records reflect a mailing address for an owner of property to be different than the property location address, then notification shall also be mailed to the property location address so that the occupant may be notified.

- b. Where the tax records reflect multiple “residential structure” addresses on a property, then notification shall also be mailed to each said address so that the occupant of individual dwelling units may be notified.
- 3. For zoning map amendments, properties shall be considered abutting even if separated by a street, railroad, or other transportation corridor or right-of-way. Mailed notices shall contain the same content as published notices outlined in subsection 4.4.6.A.
- 4. Pursuant to G.S. § 160D-602(b), if a mailed notice for a zoning map amendment hearing includes more than 50 individual owners of more than 50 individual properties, the Town may instead elect to publish notice of the hearing as specified in G.S. § 160D-602(a).
- 5. If a notice contains errors regarding the time, date, or location of the hearing or the location of the subject property, the notice shall be rendered inadequate. However, if any other minor or clerical defects are present, but time, date, and location of hearing and subject property are correct in the notice, the notice shall remain valid. If questions of validity arise, the decision-making body shall make a formal finding of substantial compliance or lack thereof. If the decision-making body finds there is substantial compliance, it may then begin the proceedings for the case.
- 6. The applicant shall be responsible for providing the Planning Director with first class stamped envelopes (postage metering is not acceptable) addressed to all mailed notice recipients required by this subsection.

**Section Two.** That all ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this 6<sup>th</sup> day of March 2023.

\_\_\_\_\_

MAYOR

ATTEST: \_\_\_\_\_

TOWN CLERK

APPROVED AS TO FORM: \_\_\_\_\_

TOWN ATTORNEY