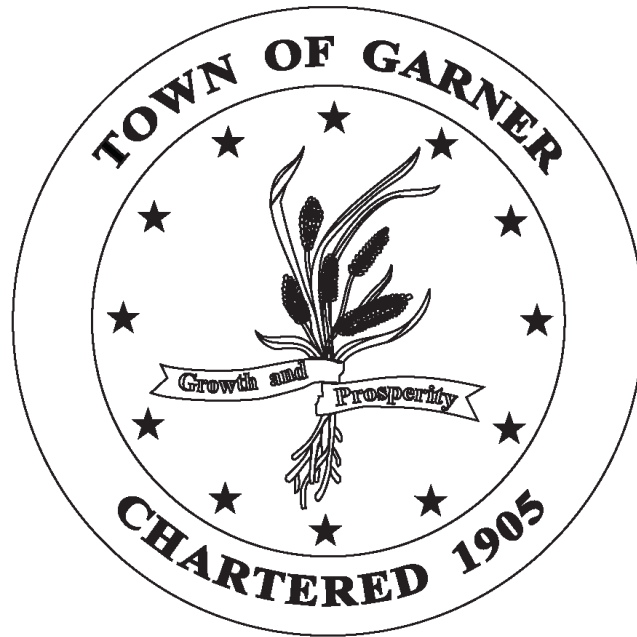


# Town of Garner



## Town Council Meeting March 21, 2023

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

**Town of Garner  
Town Council Regular Meeting Agenda  
March 21, 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.

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn
  
- B. PLEDGE OF ALLEGIANCE: Mayor Ken Marshburn
  
- C. INVOCATION: Mayor Ken Marshburn
  
- D. PETITIONS AND COMMENTS
  
- E. ADOPTION OF AGENDA
  
- F. PRESENTATIONS
  
- G. CONSENT
  - 1. SEPI/Transystems SOW#5 - Materials Testing for Junction Blvd Storm Pipe Lining Repairs ..... Page 5  
Presenter: Leah Harrison, Engineering  
  
Statement of Work #5 with SEPI/Transystems for materials testing on the Junction Blvd Storm Pipe Lining Repairs project.  
  
Action: Consider approving SOW #5 with SEPI/Transystems and authorize the Town Manager to execute.
  
  - 2. Council Meeting Minutes ..... Page 12  
Presenter: Stella Gibson  
  
Minutes from the February 21 and March 6, 2023 Council Meetings.  
  
Action: Consider approving minutes
  
  - 3. Budget Amendment for PARTF Grant of Yeargan Park ..... Page 22  
Presenter: Sara Warren  
  
On March 22, 2022 Council adopted a resolution for Parks, Recreation and Cultural Resources (PRCR) to apply for a NC Parks & Recreation Trust Fund (PARTF) through the NC Department of Natural and Cultural Resources. On October 11, 2022, the Town of

Garner was notified of receipt of the grant and a contract was signed and executed. This action is to appropriate PARTF grant funds for Yeargan Park.

Action: Consider amending Capital Ordinance to Appropriate \$400,000 in PARTF Grant Funds; Approve Ordinance (2023) 5189

- 4. Budget Amendment - ARP Funding for White Deer Park Improvement Design ... Page 24  
Presenter: Sara Warren, Budget Manager

On December 20, 2022, Council authorized the use of ARP funding for design for the White Deer Park Improvements. This budget amendment appropriates ARP dollars from the ARP fund to the White Deer Park Improvements project.

Action: Consider amending Capital Ordinance to Appropriate \$133,100 in ARP Grant Funds

#### H. PUBLIC HEARINGS

- 1. Voluntary Annexation Petition # ANX-23-01, 601 Tryon Road ..... Page 26  
Presenter: Reginald Buie, Senior Planner

Voluntary annexation petition (ANX-23-01) submitted by ZP 363 Garner Tryon QOZB, LLC to annex 27.42 +/- acres into the Town of Garner corporate limits. The property is located at 601 Tryon Rd and may otherwise be identified as Wake County PIN# 1702201920.

Action: Consider adopting annexation Ordinance (2023) 5191

- 2. Voluntary Annexation Petition # ANX-23-02, 70 East Mobile Home Park ..... Page 32  
Presenter: Reginald Buie, Senior Planner

Voluntary annexation petition (ANX 23-02) submitted by ACG Garner, LLC, to annex 26.48 +/- acres into the Town of Garner corporate limits. The property is located at 100 Buffaloe Acres Lane and may otherwise be identified as Wake County PIN# 1730559802.

Action: Consider adopting annexation Ordinance (2023) 5192

- 3. Special Use Permit # SUP-SP-22-04, Garner Station Lots 106 & 107 ..... Page 37  
Presenter: Alison Jones, Planner

Special use permit request (SUP-SP-22-04) submitted by BP Management NC to establish 139,500 square feet of office and warehouse space in a building on a 8.81 +/- acre site located 2400 and 2500 Garner Station that may be further identified as Wake County PIN # 0791988202 and 0791977940.

Action: Consider motion to find application in compliance with SUP criteria and approve with site-specific conditions.

I. NEW/OLD BUSINESS

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. Talk of the Town
2. The Spring Unprepared Yard Waste and Trash pickup has begun. Please visit [garnernc.gov](http://garnernc.gov) for information about the collection schedule. Residents are asked to have their waste items out to the curb by 7 a.m. on the Monday that their collection is scheduled to begin.
3. We continue to accept public comments on the draft Character and Land Use Elements, or CLUE, update to the Garner Forward comprehensive plan. Visit [garnerforward.com](http://garnerforward.com) to review the draft document and find out how to submit feedback. We're accepting input until Thursday (March 23).
4. The Spring Big Sweep and Litter Sweep is Saturday (March 25) starting at 8:45 a.m. at the Holly Shelter at White Deer Park. Volunteers should wear closed-toe shoes and bring drinking water and sun protection. Clean-up equipment will be provided. Pre-registration at the [garner.recdesk.com](http://garner.recdesk.com) is strongly encouraged.
5. The award-winning bluegrass band Balsam Range plays Garner Performing Arts Center on Saturday (March 25) at 7:30 p.m. Tickets are nearly sold out, so visit [garnerperformingartscenter.com](http://garnerperformingartscenter.com) as soon as you can if you are interested in trying to attend that show.
6. The April Foods Day food truck rodeo is back in Downtown Garner on Sunday (March 26) from noon to 5 p.m. Visit [downtowngarner.com](http://downtowngarner.com) for more details, including information about the food truck lineup.
7. The Spring Eggstravaganza is at Lake Benson Park on Saturday, April 1. It kicks off at 10 a.m., but visit [garnernc.gov](http://garnernc.gov) to learn more about the egg hunt schedule for the different age groups.

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURN

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: March 21, 2023 <span style="float: right;">▼</span>		
Subject: SEPI/Transystems SOW#5 - Materials Testing for Junction Blvd Storm Pipe Lining Repairs		
Location on Agenda: Consent		
Department: Engineering		
Contact: Leah Harrison, Engineering		
Presenter: Leah Harrison, Engineering		
Brief Summary:  Statement of Work #5 with SEPI/Transystems for materials testing on the Junction Blvd Storm Pipe Lining Repairs project.		
Recommended Motion and/or Requested Action: Approve SOW #5 with SEPI/Transystems and authorize the Town Manager to execute.		
Detailed Notes: An on-call contract was executed with SEPI/Transystems on January 12, 2022. In the fifth Statement of Work, the consultant will provide materials testing services during the construction of the Junction Blvd Storm Pipe Lining Repairs project.		
Funding Source: 2021 Stormwater Bond		
Cost:\$8,500	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	LH	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

NORTH CAROLINA  
WAKE COUNTY

## STATEMENT OF WORK #5

This Statement of Work is entered into among Transsystems Corporation (the “Engineer”) and the Town of Garner (the “Town”) under the terms and conditions of the Contract for the on-call professional engineering services between the Engineer and the Town dated January 12, 2022, which is hereby incorporated by reference. This SOW is part of the Contract and shall be governed by the terms and conditions stated herein and by the terms of the Contract. In the event of conflict between the terms of the SOW and the contract, the provisions of the Contract shall control.

### 1. Scope of Services

The Engineer will provide materials testing services for the construction of the Junction Blvd Storm Pipe Lining Repair project. Refer to attachment - Exhibit A

### 2. Compensation, Time of Payment

Compensation to the Engineer for the work described above shall not exceed \$8,500\_\_\_\_\_.

Payment shall be made to the Engineer for performance in association with this SOW. Standard Town of Garner payment term is NET 30 days from the date of the invoice.

### 3. Time of Performance

Engineer shall complete performance of the services described above by no later than \_\_\_\_\_.

(Notwithstanding the above, if the date provided in this section is beyond the time of performance or terms specified in the Contract, the term specified in the Contract shall control and all work under this SOW must be completed by that date.)

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

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

**ENGINEER:**

**TOWN OF GARNER**

By:

By:

\_\_\_\_\_

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

Printed Name/Title

(If corporate)

ATTEST:

ATTEST:

By: \_\_\_\_\_

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

Printed Name/Title

(Affix Seal)

(Affix Seal)

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

\_\_\_\_\_  
David Beck  
Finance Director

THIS INSTRUMENT APPROVED AS TO FORM

\_\_\_\_\_  
Terri Jones  
Town Attorney

(Affix Town Seal)



**TranSystems**

1 Glenwood Avenue, Suite 600  
Raleigh, NC 27603  
Tel 919-789-9977

www.transystems.com

March 09, 2023

Branyun Bullard  
Engineering Project Manager  
Town of Garner  
900 Seventh Avenue  
Garner, NC 27529

Subject: **Town of Garner – Junction Blvd. Project – Material and Testing Services**

Dear Mr. Bullard,

SEPI, Inc – A division of Transystems Corporation, is pleased to provide the **Town of Garner** with a scope and fee proposal for Professional Construction materials testing scope and estimate for **Junction Boulevard Storm Pipe Lining Repair (TOG-180303) Project**. This estimate is based upon our understanding of the project information and scope of work as provided by **Town of Garner Engineering Staff**.

SEPI – A Division of Transystems offers our clients a wide spectrum of services and we pride ourselves on being a full-service civil engineering and construction management firm with a 22-year history of providing professional engineering consulting services throughout North Carolina and the southeastern United States. Our services include site/civil engineering; land planning; surveying; environmental; planning; roadway design; traffic engineering; water resources; construction engineering and inspection; and operations and maintenance. Our multi-disciplined structure enables SEPI to provide full consulting services for every step of a project from inception to implementation. SEPI is a certified Women's Business Enterprise (WBE) in North Carolina, South Carolina, and Florida. Our corporate office is in Raleigh, with branch offices located in Wilmington, Charlotte, Asheville, Charleston SC, and Beaufort SC.

**Scope and Fee**

Our scope of services includes your potential desire to have construction materials testing with this project, performed to minimum **Town of Garner** and NCDOT specifications. The scope of this project would include the following:

- Perform testing on construction material testing to include: Compaction and Concrete testing
- Document work accomplished while on site performing material testing

SEPI's construction technicians will have all equipment necessary to conduct work in their possession at all times. All equipment will be well maintained, recently calibrated, and in good working order. SEPI will provide appropriate vehicle for requirements of project. SEPI will provide reliable computer with WIFI capability.

The Construction Technician has the ability to inspect construction phases for roadway/structure

[1]



construction projects under the supervision of the construction project manager, or other supervisory personnel. The work by the Construction Technician is predicated upon the requirement to act and make decisions independently for routine project issues and to foster partnering relationships with the **Town of Garner**, contractors, the general public, or other project stakeholders. The Construction Technician will monitor the work of contractors to ensure quality control and contractor compliance of moderate complexity. The inspector will be flexible in his responsibilities and will use the direction of the engineer to incorporate plan changes and/or non-conformance of the contractor. This technician also maintains diaries, verifies project quantities, confirms material received deliveries, and provides other project documentation.

The fees noted below include travel time and construction material testing and any direct expenses required beyond those considered customary will be reviewed with the **Town of Garner** for approval prior to expense.

**Introduction:**

SEPI Engineering & Construction (SEPI) will be assisting the **Town of Garner** on Construction material testing for the subject project. We will not staff a technician full time to this project, rather our technician will be present periodically during construction operations that require testing, and critical operations that the Town of Garner would direct.

**Description of Work Required:**

Based upon information provided by the **Town of Garner**, a construction technician is needed for material testing **of Junction Blvd Project**. Scope of work will include testing of subgrade density determinations; materials sampling and testing; testing of concrete material sampling & testing; as needed for this project in accordance to minimum **Town of Garner**, project plans, and NCDOT standards.

**Project Administration:**

- 1.1 Project construction administration will be directed by the **Town of Garner (TOG)**
- 1.2 SEPI will take direction from **TOG** on schedule
- 1.3 SEPI will coordinate all contractor communications with **TOG** Project Manager
- 1.4 SEPI will document and inspect project per project contract, plans, permits, **Town of Garner**, and where applicable NCDOT Standards and Specifications.

**General Design:**

- 2.1 Project Materials - SEPI will follow design plans (and any field plan revisions) to document material received in accordance with **Town of Garner and NCDOT** standard practices and will be based upon the latest version of the Project Special Provisions.

**Construction Engineering and Inspection Services:**

- 3.1 Subgrade Evaluation - SEPI will observe subgrade operations for areas that are being installed, repaired, including density tests.
- 3.2 Material Testing - where appropriate and identified by scope, SEPI will perform field testing per NCDOT standards and specifications and within frequencies specified in the NCDOT Minimum Sampling Guide. All testing technicians assigned to this project will be

certified by NCDOT.

**QA/QC:**

- 4.1 Coordination with job progress will be part of the QC process.
- 4.2 Monthly Progress Meetings will be held with **TOG**, contractor, and other stakeholders.

**Project Schedule:**

- 5.1 SEPI will coordinate the monitoring of work associated with this project when the scope and fee is approved by **TOG**.

**Exclusions:**

- 6.1 If additional services are needed, this will be further negotiated.

**Invoicing:**

- 7.1 SEPI will send invoices monthly.

**Estimate**

Scope of work has been described in prior paragraph.

**Construction Technician(s) – 70 hours;**

**Project Manager – 10 hours;**

**Total Cost with labor and directs - \$8,500**

**Construction technician time is based on material testing for 90 day contract**

**This estimate is valid for 60 days.**

**STATEMENT OF FIRM BEING ON REGISTER**

SEPI is properly registered with the North Carolina Board of Registration for Professional Engineers and Land Surveys and carries the requested professional liability insurance coverage.

We have the financial capacity to undertake this assignment and have the accounting system to identify project costs accurately.

**DATE OF MOST RECENT PRE-QUALIFICATION**

SEPI has obtained its NCDOT Prequalification through 7/31/2022. The SEPI Team will comply with all applicable federal, state, and local regulations regarding equal employment opportunity.

SEPI maintains Workers Compensation Insurance and General Liability Insurance coverage of \$2,000,000 for our Firm. Upon receipt of a Notice of Intent to Award (NIA) and/or Notice of

Award, our team can provide Certificates of Insurance.

**CONFIDENTIALITY**

This proposal was prepared by SEPI solely for your internal use in evaluating SEPI's services. SEPI considers the pricing technical and business information containing in this estimate to be proprietary and confidential. This proposal and the information contained herein shall not be used for any purpose other as specifically stated above and shall not be disclosed to any other party without SEPI's prior written consent.

Sincerely,

C. E. "Neil" Lassiter, PE  
Senior Vice-President – CEI Director

The return of this executed document will serve as the Notice to Proceed.

Accepted By:

Print: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: March 21, 2023		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Minutes from the February 21 and March 6, 2023 Council Meetings.		
Recommended Motion and/or Requested Action: Consider approving minutes		
Detailed Notes:		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner  
Town Council Regular Meeting Minutes  
February 21, 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, 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, Jaclyn Stannard-Stormwater Administrator, Ashley Harris-Planner, Paul Padgett-Interim Inspection Director, Jeff Triezenberg-Planning Director, Burnette Brown-Planning Technician, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

**PLEDGE OF ALLEGIANCE:** Council Member Kathy Behringer

**INVOCATION:** Council Member Kathy Behringer

**PETITIONS AND COMMENTS**

Jake Howland spoke to Council about railroad safety and the Town's ability to respond in emergency situations. Many trains are transporting hazardous chemicals through the Town that could be dangerous should the public be exposed. Mr. Dickerson responded that staff, along with partner agencies, participate in incident command training.

**ADOPTION OF AGENDA**

Motion: Vance  
Second: Behringer  
Vote: 5:0

**PRESENTATIONS**

Garner Public Works Earns Reaccreditation

Presenters: Forrest Jones & Jeffery Brown Director of Region III of APWA (American Public Works Association)

The Town of Garner Public Works Department has recently received full accreditation by the American Public Works Association (APWA) for the 3rd time. This accreditation formally verifies and recognizes that the agency is in full compliance with the recommended management practices set forth in APWA's Public Works Management Practices Manual.

Introduction of Miss Garner and Miss Outstanding Teen

Presenter: Harold Garner of the Miss Garner Association

Mr. Garner introduced the 2023 Miss Garner - Chandra Manivannan and the Miss Garner Outstanding Teen 2023 - Savanna Holland

## **CONSENT**

### **Council Meetings Amendment**

Presenter: Terri Jones, Town Attorney

Town staff have requested that Council change the days and times of its regular meetings which requires an amendment to Section 2-16 of the Town Code of Ordinances.

Action: Adopt Ordinance (2023) 5183

### **Revision to Council Meeting Schedule**

Presenter: Rodney Dickerson, Town Manager

At the January Work Session, staff proposed that the regular day for Town Council meetings and work sessions take place on Tuesdays and also start at 6:00 pm. This is a departure from the first meeting of the month that was on Mondays at 7:00 pm. There will be occasional exceptions that will be communicated to the public in advance.

Action: Approve Resolution (2023) 2525

### **Set Public Hearings for ANX-23-01, 601 Tryon Road and ANX-23-02, East Mobile Home Park**

Presenter: Reginald Buie, Senior Planner

Voluntary annexation petitions (ANX-23-01 and ANX 23-02) submitted by ZP 363 Garner Tryon QOZB, LLC and ACG Garner, LLC, respectively, to annex 27.4 +/- acres and 26.5 +/- acres, respectively, into the Town of Garner corporate limits. The properties are located at 601 Tryon Rd and 100 Buffaloe Acres Lane respectively, and may otherwise be identified as Wake County PIN# 1702201920 and 1730559802 respectively.

Action: Approve Resolution (2023) 2524

### **SEPI/Transystems SOW #4 - Town Hall Annex Survey and Geotech**

Presenter: Leah Harrison, Town Engineer

Statement of Work #4 with SEPI/Transystems for survey and geotechnical work related to the access road for the Town Hall Annex renovation.

Action: Approve SOW #4 with SEPI/Transystems and authorize the Town Manager to execute.

### **Vandora Springs Sidewalks - Change Orders 5, 6, 7**

Presenter: Leah Harrison, Town Engineer

Change orders 5, 6, and 7 with SA Hauling for Vandora Springs Sidewalks project to cover escalation in material cost, extended traffic control needs, and pavement patching.

Action: Approve Change Orders 5, 6, and 7 with SA Hauling and authorize Town Manager to execute.

Action: Council consensus to approve the Consent Agenda

## **PUBLIC HEARINGS**

### **Zoning Text Amendment # ZTA-23-01, New Stormwater Requirements for Nitrogen Control**

Presenter: Jaclyn Stannard, Stormwater Program Administrator

Zoning text amendment (ZTA-23-01) submitted by the Garner Engineering Department to amend Section 11.2, Stormwater Program for Nitrogen Control and Article 7, Enforcement, of the Town's Unified Development Ordinance (UDO) to bring the Town's UDO into compliance with updated rules promulgated by the North Carolina Department of Environmental Quality and the Environmental Management Commission.

Mayor Marshburn closed the hearing.

Action: Refer to Planning Commission for consistency review and recommendation.

Motion: Vance  
Second: Behringer  
Vote: 5:0

### **Tier 2 Conditional Rezoning # CZ-MP-22-08, Gatsby Station**

Presenter: Ashley Harris, Planner

Tier 2 conditional rezoning request (CZ-MP-22-08) submitted by Brendie Vega, WithersRavenel, to rezone 60.925 +/- acres from Wake County Residential 30 (R-30) to Multifamily (MF-1 C264) Conditional for the development of a residential community. The site is located on the east side of Rock Quarry Road and may be identified as Wake County PIN # 1740058673 and a portion of PIN # 1740165280. Zoning conditions are proposed that restrict the permissible uses to Residential Cluster and Townhomes and to provide architectural commitments for the residential structures that address appearance and the quality of materials and construction.

Mayor Marshburn closed the hearing.

Action: Refer to Planning Commission for plan consistency review and recommendation.

Motion: Vance  
Second: Behringer  
Vote: 5:0

### **SUP-SP-22-04 Garner Station Lots 106 & 107**

Presenter: Alison Jones, Planner

Special use permit request (SUP-SP-22-04) submitted by BP Management NC to establish 139,500 square feet of office and warehouse space in a building on an 8.81 +/- acre site located 2400 and 2500 Garner Station that may be further identified as Wake County PIN # 0791988202 and 0791977940.

Action: Continued to the March 21, 2023 Council Meeting.

## **NEW/OLD BUSINESS**

## **COMMITTEE REPORTS**

Mayor ProTem Vance advised the HR Committee was in the process of filling the various Committee vacancies.

### **MANAGER REPORTS**

- Talk of the Town
- CLUE Workshop will be held tomorrow from noon to 6 at the Rec Center to receive public input.
- Showcase of Talent will be held on Saturday at the GPAC at 3:00 p.m. and 7:00 p.m. The show is free and will feature local talent.
- An open public meeting regarding the draft Pedestrian Plan will be on March 9 from 4:30 p.m. to 6:30 p.m. at the Nature Center.
- Council Meeting changes will take effect on March 6 when the start time changes start at 6:00 p.m. Beginning April 4, meetings will be held on Tuesday's.
- Confirmed there is no Council Meeting work session in February.

### **ATTORNEY REPORTS**

Reported she prepared a legal opinion regarding the Copper Ridge project and the road connections of Hurst Drive and Kanaskis Road and asked if the opinion could be released. However, depending on what DEQ does the legal opinion may get revised in accordance with what the determination from the State is regarding stream crossings. Council consensus to release the document.

### **COUNCIL REPORTS**

Vance

- Reported that tractor trailers coming off of new Rand Road onto Smith Drive are cutting that intersection close causing damage to the drainage which is causing flooding and asked if that could be repaired.
- Asked for a status report on the repair of the restroom facilities at the Jackie Johns Park. Staff responded that the damage to the restroom building was evaluated and deemed to be unsafe for public use; therefore, it was closed, and the power disconnected. The park was left open so the community could enjoy the other amenities that were not damaged. A contract was submitted to the lowest bidder; however, during the review process the contractor elected to withdraw. Staff has begun working with the next lowest bidder to prepare a contract.
- Asked about the timing of the light at the US 70 and New Rand Road intersection. Ms. Harrison responded that she had spoken with the Division Traffic Engineer's Office and they were evaluating the situation.

Dellinger

- Council Member Dellinger referred to the comments made by Mr. Howland and his concerns regarding railroad safety. He said the Town needed to be more proactive about preventing something from happening by trying to facilitate more transparency on maintenance schedules and finding out what the freight trains are transporting through Town. Mayor Marshburn noted that the freight companies that use the railroad are not obligated to inform the Towns along their route as to what they are carrying. Council Member Singleton suggested contacting Representative Wiley Nichols and Congresswoman Debra Ross and discuss with them.

Behringer

- Regarding Council Member Dellinger's concerns, she added that maybe if Garner starts the conversation, we can work towards putting safety precautions in place.



- The business on Garner Road with the granite marble slabs are leaving pieces out in front of the building on nights and weekends.
- Reported a junk car at the property of 116 New Rand Road.
- Asked what could be done to improve the parking lot at Timber Drive since it's private property. Ms. Jones responded that to the extent that the parking lot is covered by the site plan, staff will need to do some research as to when it was approved and what the maintenance standards were. There might be some possibility of UDO enforcement if they fail to make repairs, because although it is private property, it is inviting the public.

#### Singleton

- Reported potholes on Garner Road heading east after you pass New Rand Road.

#### Matthews

- Stated a lot of yards have been torn up by the company laying fiber throughout Town and neglecting to clean up afterwards and asked what the Town could do to help. Ms. Harrison responded that in many cases the work is being done is in the right-of-way but appears to be in people's yards. However, the contractor should seed and straw the areas when they are finished installing. Staff has a meeting with Google Fiber and will discuss with them.

#### Marshburn

- Will be attending the Town and State Dinner sponsored by the NC League of Municipalities tomorrow night at 6:00 p.m. at the Convention Center.
- Stated he worked with Mr. Mercier on preparing the State of the Town address, which is now complete and will be shown as part of the Council's Retreat.

**ADJOURN:** 9:00 p.m.

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

The Council met at 6:00 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, 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, Maria Munoz-Blanco-PRCR Director, Reginald Buie-Senior Planner, Jeff Triezenberg-Planning Director, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

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

**PLEDGE OF ALLEGIANCE:** Council Member Demian Dellinger

**INVOCATION:** Council Member Demian Dellinger

**PETITIONS AND COMMENTS**

**ADOPTION OF AGENDA**

Motion: Matthews  
Second: Vance  
Vote: 5:0

**PRESENTATIONS**

**CONSENT**

**Opioid Settlement Resolution 2023**

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: Adopt Resolution (2023) 2526

**Acceptance of Grant Funds**

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: Accept \$21,000 grant funds and adopt Ordinance (2023) 5184

**Expanding Garner Social District Boundary**

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: Amend Ordinance (2023) 5185

**Council Meeting Minutes**

Presenter: Stella Gibson, Town Clerk

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

Action: Approve minutes

**Voluntary Annexation Petitions # ANX-22-16, Wilmington Rd Townhomes & # ANX-23-03, Gatsby Station**

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: Approve Resolution (2023) 2527 to set public hearings for April 4, 2023

**Amendment to contract for Bryan Road Sidewalk Project with RK&K**

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: Approve amendment to contract with RK&K and authorize the Town Manager to execute.

Action: Approve Consent Agenda

Motion: Vance

Second: Matthews

Vote: 5:0

**PUBLIC HEARINGS**

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

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: Adopt Annexation Ordinance (2023) 5186

Motion: Matthews  
Second: Vance  
Vote: 5:0

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

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: Adopt Annexation Ordinance (2023) 5187

Motion: Vance  
Second: Singleton  
Vote: 5:0

**NEW/OLD BUSINESS**

**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, (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: 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, detained in Section IV of the staff report, as our own; and I further move that the Town Council adopt Ordinance (2023) 5188 approving rezoning ZTA-22-02, as the request is reasonable and in the public interest because it will likely align the development code with the Town's desired ends.

Motion: Singleton  
Second: Vance  
Vote: 4:1

Council Member Dellinger voted nay.

**COMMITTEE REPORTS**

## **MANAGER REPORTS**

- 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.
- Special unprepared yard waste and trash collection starts in March beginning Monday, March 20.

## **ATTORNEY REPORTS**

## **COUNCIL REPORTS**

### Singleton

- Reported that Council Member Vance recently retired.

### Behringer

- Was appreciative of the broken tree limbs off of Aversboro near Town Hall being picked-up.
- The medians at Hwy 50 & West Garner Road and Hwy 50 and Garner Road have tall grass.

### Dellinger

- Expressed his thanks for those who worked to develop the downtown social district.
- BBQ drive-thru sponsored by the Optimist Club is on Friday.
- Reported receiving an email regarding loud vehicle exhaust and mufflers and asked what enforcement could be done. Ms. Jones responded that she will discuss with the Police Chief to see what could be done.

### Vance

- Congratulated Tim Stevens on receiving the Long Leaf Pine award.
- Stated it was a pleasure to be part of the Employee Appreciation gathering.

### Marshburn

- Also congratulated Mr. Stevens on receiving the award.
- Encouraged people to attend the live shows at GPAC.

### Matthews

- Advised there is an alpaca farm across from the entrance of Lake Benson Park.

**ADJOURN:** 6:28 p.m.

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: March 21, 2023 <span style="float: right;"><input type="text"/></span>		
Subject: Budget Amendment for PARTF Grant of Yeargan Park		
Location on Agenda: Consent		
Department: Administration		
Contact: Sara Warren, Budget Manager		
Presenter: Sara Warren, Budget Manager		
<b>Brief Summary:</b> <p>On March 22, 2022 Council adopted a resolution for Parks, Recreation and Cultural Resources (PRCR) to apply for a NC Parks &amp; Recreation Trust Fund (PARTF) through the NC Department of Natural and Cultural Resources. On October 11, 2022, the Town of Garner was notified of receipt of the grant and a contract was signed and executed. This action is to appropriate PARTF grant funds for Yeargan Park.</p>		
<b>Recommended Motion and/or Requested Action:</b> Amend Capital Ordinance to Appropriate \$400,000 in PARTF Grant Funds; Adopt Ordinance (2023) 5189		
Detailed Notes:		
<b>Funding Source:</b> NC Parks & Recreation Trust Fund Grant		
Cost:	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<b>Manager's Comments and Recommendations:</b>           		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SAW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2023) 5189

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
655710000-411095	Parks & Recreation Trust Fund	19008	\$ -	\$ 400,000	\$ 400,000

TOTAL REVENUE INCREASE (DECREASE) \$ 400,000.00

**Expenditure Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
655710000-537000	Prof. Services - Capital Proj	19008	\$ 699,740	\$ 400,000	\$ 1,099,740

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 400,000.00

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 21st day of March 2023.

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

ATTEST:

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: March 21, 2023		
Subject: Budget Amendment - ARP Funding for White Deer Park Improvement Design		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Administration		
Contact: Sara Warren, Budget Manager		
Presenter: Sara Warren, Budget Manager		
Brief Summary:  On December 20, 2022, Council authorized the use of ARP funding for design for the White Deer Park Improvements. This budget amendment appropriates ARP dollars from the ARP fund to the White Deer Park Improvements project.		
Recommended Motion and/or Requested Action: Amend Capital Ordinance to Appropriate \$133,100 in ARP Grant Funds; Approve Ordinance (2023) 5190		
Detailed Notes:		
Funding Source: ARP Dollars		
Cost: \$133,100	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SAW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



ORDINANCE NO. (2023) 5190

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
10309000-496900	Appropriation from Fund Balance		\$ 2,011,850	\$ 133,100	\$ 2,144,950
65571000-471000	Transfer from the General Fund	00025	\$ -	\$ 133,100	\$ 133,100
65571000-476020	Proceeds from the issuance of Debt	00025	\$ 1,500,000	\$ (133,100)	\$ 1,366,900
65571000-476020	Proceeds from the issuance of Debt		\$ 30,235,540	\$ 133,100	\$ 30,368,640

TOTAL REVENUE INCREASE (DECREASE) \$ 266,200.00

**Expenditure Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10590000-552065	Transfer to 2021 Park Bond		\$ -	\$ 133,100	\$ 133,100
65571000-537000	Professional Services - Capital Project	00025	\$ 300,000	\$ 133,100	\$ 433,100
65571000-524300	Contract Services		\$ 2,029,950	\$ 133,100	\$ 2,163,050
65571000-537000	Professional Services - Capital Project	00025	\$ 300,000	\$ (133,100)	\$ 166,900

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 266,200.00

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 17th day of January 2023.

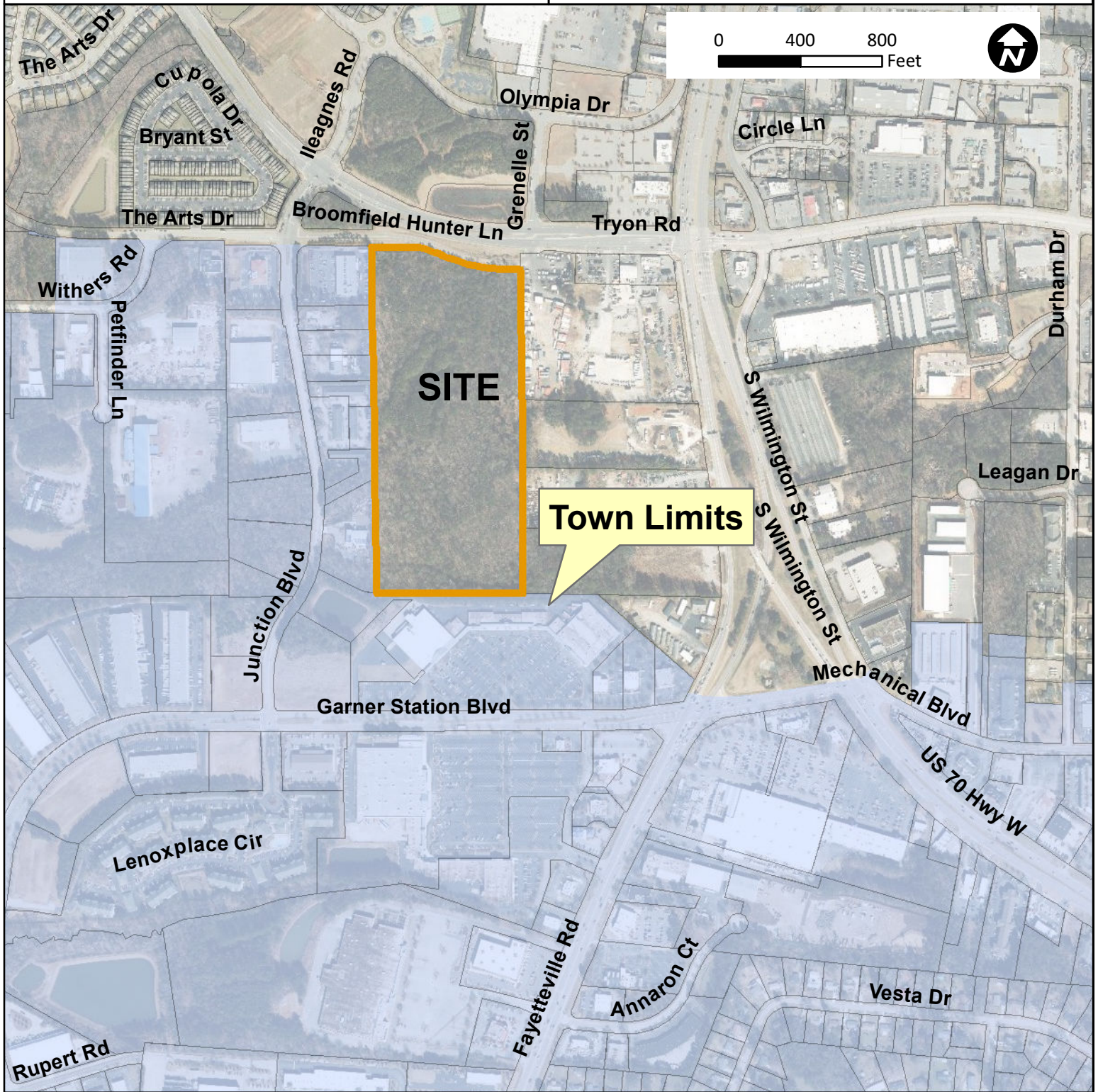
\_\_\_\_\_  
Ken Marshburn, Mayor

ATTEST:

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: March 21, 2023 <span style="float: right;">▼</span>		
Subject: Voluntary Annexation Petition # ANX-23-01, 601 Tryon Road		
Location on Agenda: Public Hearings <span style="float: right;">▼</span>		
Department: Planning		
Contact: David Bamford, AICP; Assistant Planning Director		
Presenter: Reginald Buie, MPA, CZO; Senior Planner		
<b>Brief Summary:</b> Voluntary annexation petition (ANX-23-01) submitted by ZP 363 Garner Tryon QOZB, LLC to annex 27.42 +/- acres into the Town of Garner corporate limits. The property is located at 601 Tryon Rd and may otherwise be identified as Wake County PIN# 1702201920.		
<b>Recommended Motion and/or Requested Action:</b> Consider adoption of annexation Ordinance (2023) 5191		
<b>Detailed Notes:</b> This site was approved for 339 apartment units, and the petition follows requests for public water and /or sewer. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.		
<b>Funding Source:</b> 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>          		
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:		



**Project:** *Tryon Rd Apartments*

**Owner:** *ZP 363 GARNER TRYON QOZB, LLC*

**Location:** *601 Tryon Rd*

**Pin #:** *1702201920*

**Proposed Use:** *Apartments*

**Current Zoning:** *MF-B C252*

**Acreage:** *27.4*

**Overlay:** *None*

## Planning Department Staff Report

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

**FROM:** Reginald Buie, MPA, CZO; Senior Planner – Zoning and Land Use

**SUBJECT:** ***Voluntary Annexation Petition # ANX-23-01, 601 Tryon Road***

**DATE:** March 21, 2023

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**ANNEXATION APPLICATION:** ANX-23-01

**OWNERS:** ZP 363 Garner Tryon OZB, LLC

**CONTIGUOUS / SATELLITE:** Contiguous

**LOCATION OF PROPERTY:** 601 Tryon Rd

**WAKE COUNTY PIN #:** 1702201920

**REAL ESTATE ID #:** 0031509

**AREA:** 27.42 +/- acres

**ZONING:** Multifamily B (MF-B C252) Conditional

**ASSOCIATED DEVELOPMENT PLAN:** This petition follows a request for public water at 601 Tryon Road; CZ-SP-21-01, 601 Tryon Multifamily (up to 339 units; approved January 3, 2022; 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 21, 2023

**PUBLIC HEARING:** March 21, 2023

**ANNEXATION EFFECTIVE:** March 21, 2023

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

ORDINANCE NO. (2023) 5191

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 6:00 p.m. on March 21, 2023, after due notice was published electronically on the Town's website on March 10, 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 21, 2023.

**ANX-23-01, 601 Tryon Road** - Contiguous annexation:  
27.42 +/- acres located at 601 Tryon Road; Wake County PIN # 1702201920 or Real Estate ID 0031509; Deed Book 18976 and Page 1124.

**Legal Description**

**BEING A 27.413 ACRE TRACT OF LAND LOCATED IN SWIFT CREEK TOWNSHIP, WAKE COUNTY, NC, BEING PART OF THE LAND DESCRIBED IN D.B. 8568 PG. 2153, (BROOMFIELD, LLC), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS BY BEARINGS (NC GRID BEARING) AND DISTANCES AND SHOWN ON A SURVEY BY KIM R. LILLY, PLS, L-3612, FOR REGIONAL LAND SURVEYORS DATED MARCH 28, 2022:**

**BEGINNING AT A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (N-721231.89, E-210952.43), ALSO BEING IN THE SOUTHERN RIGHT-OF-WAY OF BROOMFIELD HUNTER LANE;**

**THENCE WITH SAID RIGHT-OF-WAY, S 88°59'35" E A DISTANCE OF 235.68' TO A CONCRETE MONUMENT;**

**THENCE CONTINUING WITH SAID RIGHT-OF-WAY WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 121.58', WITH A RADIUS OF 770.00', WITH A CHORD BEARING OF S 71°04'10" E, WITH A CHORD LENGTH OF 121.45', TO A CONCRETE MONUMENT;**

**THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 342.03', WITH A RADIUS OF 830.00', WITH A CHORD BEARING OF S 78°19'58" E, WITH A CHORD LENGTH OF 339.62', TO A CONCRETE MONUMENT;**

**THENCE N 89°58'04" E A DISTANCE OF 43.19' TO A CONCRETE MONUMENT;**

**THENCE LEAVING SUBJECT RIGHT OF WAY ALONG THE EASTERN LINE OF THE SUBJECT PROPERTY, S 00°53'25" E A DISTANCE OF 1585.66' TO A CONCRETE MONUMENT, THE NORTH LINE OF 8401 MICHIGAN ROAD, LLC. (D.B. 16430 PG. 2575);**

**THENCE ALONG THE NORTHERN LINE OF 8401 MICHIGAN ROAD, LLC., N 85°54'57" W A DISTANCE OF 9.24' TO A 1/2" IRON PIPE;**

**THENCE CONTINUING ALONG SAID LINE, S 89°46'14" W A DISTANCE OF 716.70 'TO A 3/4" IRON PIPE;**

**THENCE LEAVING SAID LINE ALONG THE WESTERN LINE OF THE SUBJECT PROPERTY, N 00°50'39" W A DISTANCE OF 1700.06' TO THE POINT OF BEGINNING, HAVING AN AREA OF 1,194,125.0 SQUARE FEET, 27.413 ACRES.**

**Section 2.** Upon and after March 21, 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 March 21, 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 21, 2023 <span style="float: right;">▼</span>		
Subject: Voluntary Annexation Petition # ANX-23-02, 70 East Mobile Home Park		
Location on Agenda: Public Hearings <span style="float: right;">▼</span>		
Department: Planning		
Contact: David Bamford, AICP; Assistant Planning Director		
Presenter: Reginald Buie, MPA, CZO; Senior Planner		
<b>Brief Summary:</b> Voluntary annexation petition (ANX 23-02) submitted by ACG Garner, LLC, to annex 26.48 +/- acres into the Town of Garner corporate limits. The property is located at 100 Buffaloe Acres Lane and may otherwise be identified as Wake County PIN# 1730559802.		
<b>Recommended Motion and/or Requested Action:</b> Consider adoption of annexation Ordinance (2023) 5192		
<b>Detailed Notes:</b> These petitions follow requests for public water and/or sewer. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.		
<b>Funding Source:</b> 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>          		
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:		



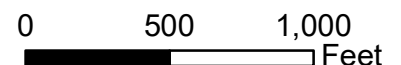


NC Center for Geographic Information & Analysis

Project: 70 East Mobile Park  
Owner: ACG GARNER, LLC  
Location: 100 BUFFALOE ACRES LN  
Acres 26.5  
Pin: 1730559802



NOT TO SCALE





## Planning Department Staff Report

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

**FROM:** Reginald Buie, MPA, CZO; Senior Planner – Zoning and Land Use

**SUBJECT:** ***Voluntary Annexation Petition # ANX-23-02, 70 East Mobile Home Park***

**DATE:** March 21, 2023

---

ANNEXATION APPLICATION: ANX-23-02

OWNERS: ACG GARNER, LLC

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 100 BUFFALOE ACRFES LN

WAKE COUNTY PIN #: 1730559802

REAL ESTATE ID #: 0118372

AREA: 26.48 +/- acres

ZONING: LIGHT INDUSTRIAL (LI)

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water at 70 East Mobile Home Park; public sewer is not available. Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Adopt annexation ordinance

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

ORDINANCE NO. (2023) 5192

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 said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 6:00 p.m. on March 21, 2023, after due notice was published electronically on the Town's website on March 10, 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 21, 2023.

**ANX-23-02, 70 East Mobile Home Park – Satellite annexation:**

26.48 +/- acres located at 70 East Mobile Home Park; Wake County PIN # 1730559802 or Real Estate ID 0118372; also shown as the recombined lot “Trs 1-2 Lane & Massey Land” in Book of Maps 1987, page 1210; and described in Deed Book 18846, page 2681, Wake County registry.

**Section 2.** Upon and after on March 21, 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 21<sup>st</sup> day of March 2023.

---

Ken Marshburn, Mayor

ATTEST:

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Stella L. Gibson, Town Clerk

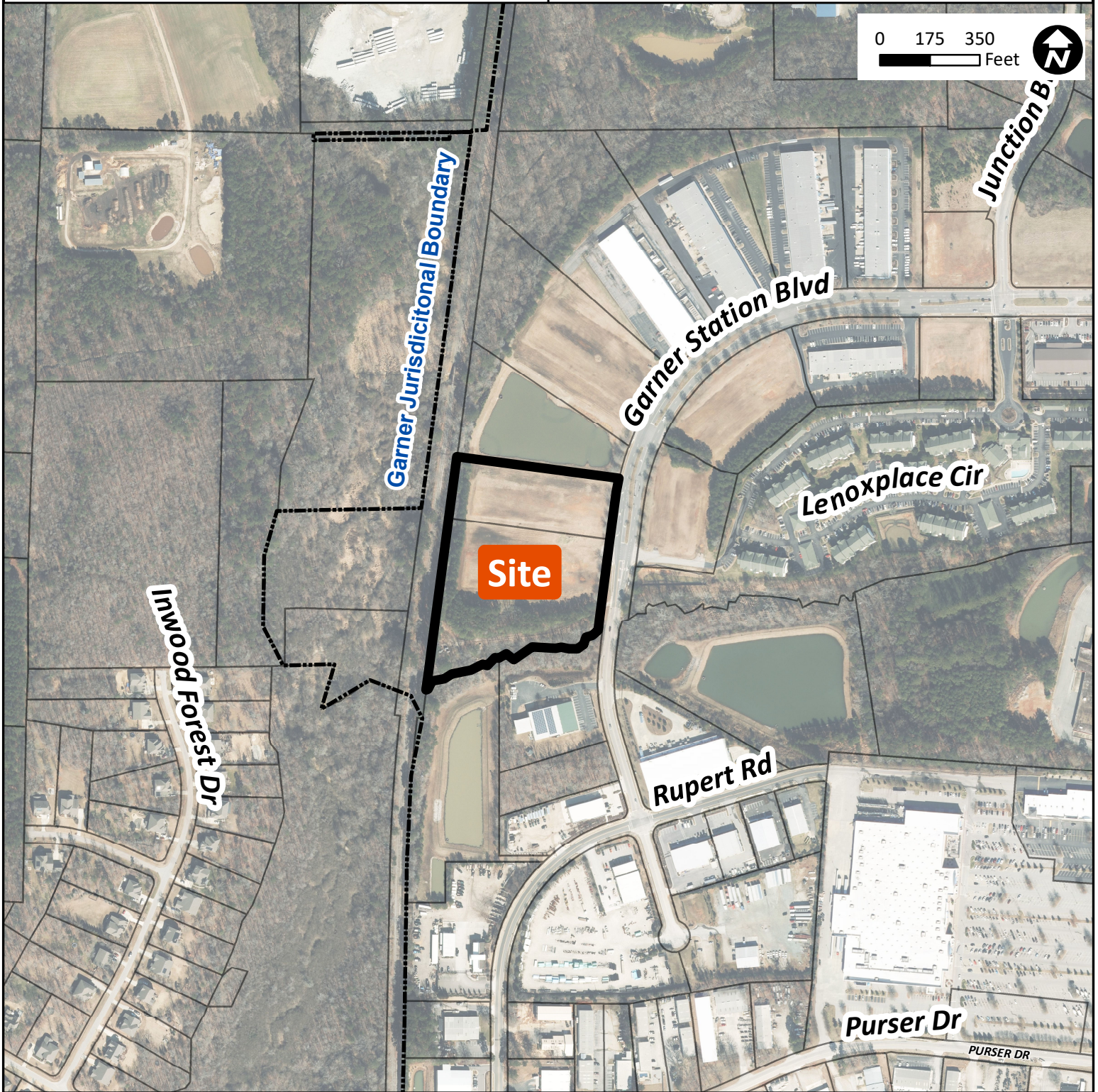
Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: March 21, 2023 <span style="float: right;">▼</span>		
Subject: Special Use Permit # SUP-SP-22-04, Garner Station Lots 106 & 107		
Location on Agenda: Public Hearings <span style="float: right;">▼</span>		
Department: Planning		
Contact: Alison Jones, CZO; Planner II		
Presenter: Alison Jones, CZO; Planner II		
<b>Brief Summary:</b> Special use permit request (SUP-SP-22-04) submitted by BP Management NC to establish 139,500 square feet of office and warehouse space in a building on a 8.81 +/- acre site located 2400 and 2500 Garner Station that may be further identified as Wake County PIN # 0791988202 and 0791977940.		
<b>Recommended Motion and/or Requested Action:</b> Consider motion to find application in compliance with SUP criteria and approve with site-specific conditions.		
<b>Detailed Notes:</b> This public hearing was continued to this date from the regular Council meeting of February 21, 2023. A complete application was made for the July 1, 2022 submittal deadline and is being reviewed against the previous UDO (prior to adoption of new UDO on July 5, 2022). The one required neighborhood meeting was held in person on June 29, 2022. One (1) person was in attendance. See staff report for additional information.		
<b>Funding Source:</b> 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>          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



**Town of Garner  
Planning Department**

**Special Use Permit Application  
SUP-SP-22-04**



**Project:** *Garner Station Lots 106 & 107*  
**Applicant:** *BPG Management NC, LLC*  
**Owner:** *RDU LAND PROPERTY OWNER LP*  
**Location:** *2400-2500 Garner Station Blvd*  
**Pin #:** *0791988202, 0791977940*

**Proposed Use:** *Office and Warehouse*  
**Current Zoning:** *LI C20*  
**Acreage:** *8.81*  
**Overlay:** *N/A*

## Planning Department Staff Report

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

**FROM:** Alison Jones, CZO, Planner II

**SUBJECT:** *Special Use Permit # SUP-SP-22-04, Garner Station Lots 106 & 107*

**DATE:** March 21, 2023

---

### I. PROJECT AT A GLANCE

**Project Number:** SUP-SP-22-04

**Applicant:** BPG Management NC, LLC.

**Initial Submittal Date:** March 1, 2022

**Owner:** RDU Land Property Owner, LP.

**Plan Prepared by:** Piedmont Land Design, LLP.

**General Description -**

**Proposed Use(s):** Office and Warehouse

**Project Location:** 2400 & 2500 Garner Station Boulevard

**Wake Count PIN(s):** 0791-98-8202 and 0791-97-7940

**Zoning Classification:** At time of application: Service Business (SB C20) Conditional  
As of 7-5-22: Light Industrial (LI C20) Conditional

**Overlay District:** None

**Key Meeting Dates –**

**Neighborhood Meeting:** June 29, 2022

**Public Hearing:** March 21, 2023  
Continued from February 21, 2023

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

**Request:** Special use permit request submitted by BPG Management NC, LLC. to establish 139,500 square feet of warehouse and office space on an 8.81 +/- acre site located 2400 & 2500 Garner Station Boulevard and may be further identified as Wake County PINs# 0791988202 and 0791977940.

As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. This tract was converted from Service Business (SB C20) Conditional to Light Industrial (LI C20) Conditional. However, due to permit choice rules, the request is to be considered according to the rules of the former UDO which was in effect at the time of application.



## **III. COMMUNITY INFORMATION**

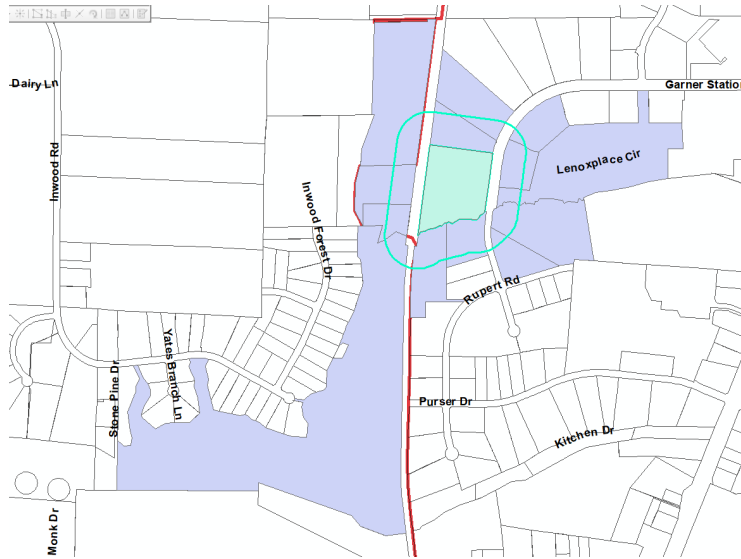
**Overall Neighborhood Character:** The predominant uses in this area are commercial and industrial flex. There is an apartment complex directly adjacent to the site, and limited residential on the opposite side of US 401.

**Traffic:** TIA traffic generation thresholds were not triggered by this development, nor were any specific concerns identified by the TRC.

**Neighborhood Meeting:** Staff identified approximately 15 properties within the notification radius as shown below and provided the list below to the applicant for first class mailed notices.

The neighborhood meeting was held at the Royal Blue Event Center person at 6:00PM on June 29, 2022; with Sarah Broyer, the Director of Real Estate with Monument Property, was the only party in attendance.



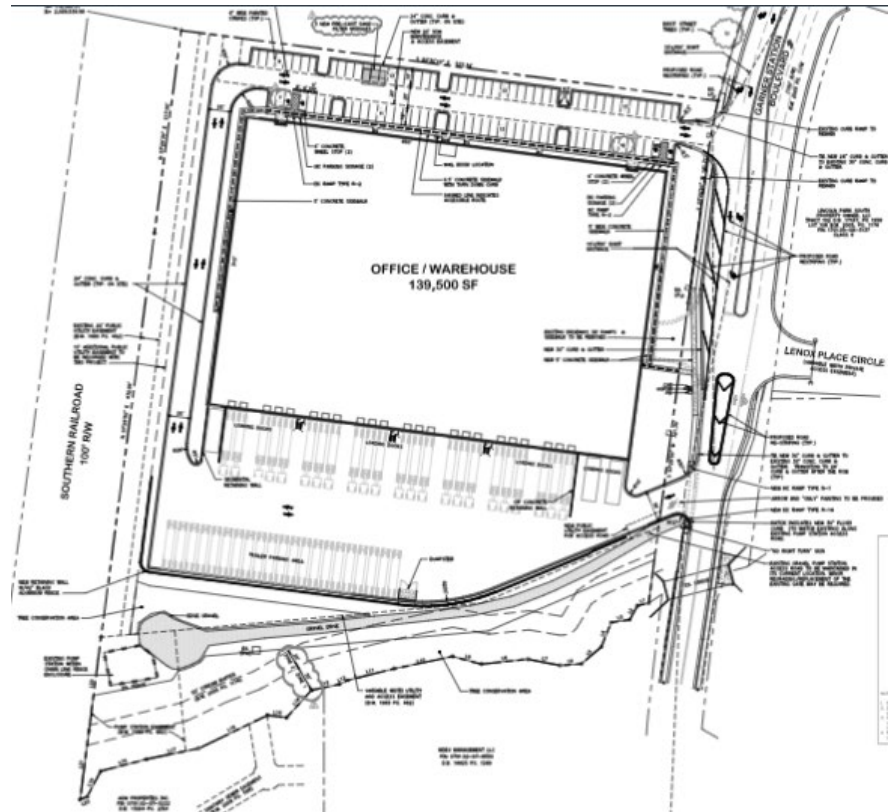


OWNER	ADDR1	ADDR2
RDU LAND PROPERTY OWNER LP	RALEIGH INDUSTRIAL JV LLC	3843 W CHESTER PIKE
GARNER POND OWNER'S ASSOCIATION #1 INC	JSSR INVESTMENTS LLC	1311 CHUCK DAWLEY BLVD STE 102
RDU LAND PROPERTY OWNER LP	RALEIGH INDUSTRIAL JV LLC	3843 W CHESTER PIKE
MONUMENT INDUSTRIAL RUPERT LLC	PO BOX 129	CARY NC 27512-0129
RDU LAND PROPERTY OWNER LP	RALEIGH INDUSTRIAL JV LLC	3843 W CHESTER PIKE
RDU LAND PROPERTY OWNER LP	RALEIGH INDUSTRIAL JV LLC	3843 W CHESTER PIKE
RDU LAND PROPERTY OWNER LP	RALEIGH INDUSTRIAL JV LLC	3843 W CHESTER PIKE
RDU LAND PROPERTY OWNER LP	RALEIGH INDUSTRIAL JV LLC	3843 W CHESTER PIKE
GARNER POND OWNERS ASSN #2 INC	A D M PROPERTIES INC	201 STANCIL RD
JACK PARKER PROPERTIES NC LLC	118 W 57TH ST	NEW YORK NY 10019-3318
MDEV MANAGEMENT LLC	1305 BREAKSPEAR CT	RALEIGH NC 27603-3900
NSS PARCELS LLC	28 LORIMER ST	BROOKLYN NY 11206-4878
NSS PARCELS LLC	28 LORIMER ST	BROOKLYN NY 11206-4878
IRT LENOXPLACE APARTMENTS OWNER LLC	IRT MANAGEMENT	PO BOX 530292
INWOOD FOREST ASSOCIATION INC	C/O KOHN-ELL ASSOCIATION MANGEMENT	205 W MILLBROOK RD STE 210

**Meeting Summary:** Ms. Broyer did not have any concerns about the proposed use.

#### IV. SITE PLAN PROJECT DATA

Acreage: 8.81 +/- acres



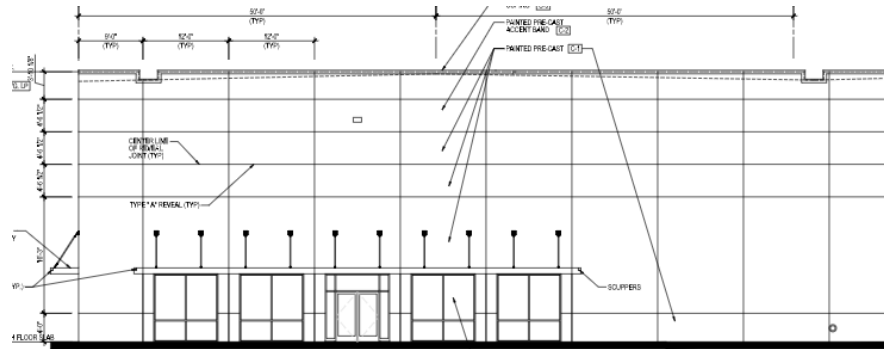
**Building Design:** Per the Lincoln Park South unity of development guidelines which were required and approved as a requirement of the UDO (per July 5, 2022), concrete panels will be used with aluminum store front windows and steel canopy.

Staff would note that at the time the guidelines were developed and approved, the plans for the park envisioned two lots and two buildings on this site, in keeping with the rest of the development of the park. Because of the request to combine the lots for this proposal, the resulting building is of a scale and dimension nearly 3 times that of what has been built to date. Staff expressed their opinion that this change in scale and dimension warranted further discussion about the length of uninterrupted façade and roof line along Garner Station Boulevard (monotony along the public street). There were no additional guidelines offered by the applicant, although suggested language was provided.

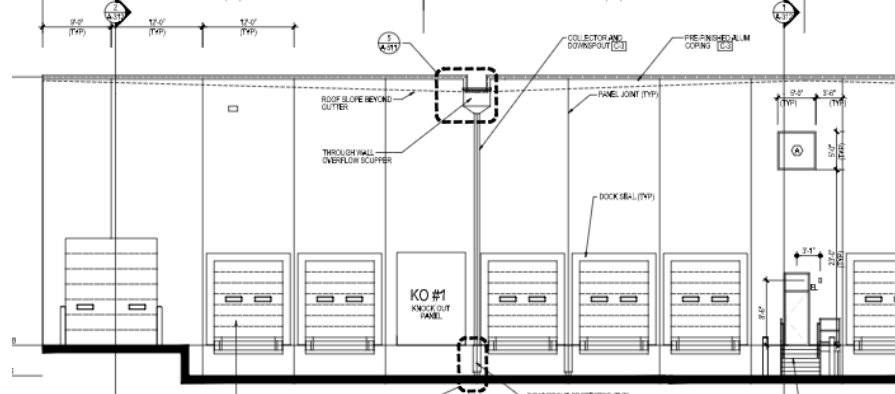
Town Council is required to make the finding of fact that the proposed use is compatible with adjacent uses and proximate neighborhood in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise,

odor, dust, and other external impacts), and any significant adverse impacts resulting from the use will be mitigated or offset, including impacts on the natural environment, or impose a reasonable condition as necessary to address the impacts of the proposed development on adjoining property and the existing natural and man-made features of the site.

*Partial Garner Station Boulevard façade:*



*Portion of southern facing façade:*



**Minimum Lot Size/Dimensions:** Min. Area = 6,000 square feet  
Min. Width = 60 feet

**Setbacks:** Front – 35’  
Rear – 0/25’  
Side – 0/25’  
Corner Side – 35’

**Landscape and Buffer Requirements:** Landscaping requirements will be met with existing vegetation and supplemented with new plant material.

***Tree Canopy Coverage:***

- Minimum coverage required: 12.5%
- Provided: 10.28% preservation with additional coverage (3.47%) provided by new plantings. (Total: 13.75%)

**Street Buffers:** A 15-foot street buffer along Garner Station Boulevard

**Street Trees:** Trees provided along public street frontage every 40 feet as required.

**Perimeter Buffers:** 15' southern, 25' western, and 7.5' northern

**Environmental Features:**

The site does not contain any FEMA designated floodplain. Neuse River Buffer areas do exist on the site in the northern margins. No development is proposed within these areas. If development does occur within environmentally sensitive areas, impact permits from appropriate state/federal agencies would be required.



**Parks and Open Space:**

Park land and open space are not required for non-residential development.

**Fire Protection:**

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

**Lighting:**

Site plan lighting meets both the requirements of the UDO and staff policy regarding LED fixtures.

**Parking:** Parking for warehouse is based on 1 space per 5,000 square feet of floor area. Parking for office is 1 space per 300 square feet.

- Required: 89
- Proposed: 90

**Infrastructure:** **Water/Sewer** - The parcels will be connected to the City of Raleigh public water and sewer.



**Stormwater Management:** Garner Station Lot 106 & 107 is a commercial development site that is located within the Watershed Protection Area. This site is subject to stormwater water quality requirements for nitrogen and 85% TSS removal as well as water quantity requirements for the 1, 10, and 25-year storm events. This development plan proposes to use an existing wet retention pond built for several lots on this street and proposes constructing a new sand filter, which will treat impervious surface from the development. These devices will satisfy all water quality and water quantity requirements at this site for nitrogen, 85% TSS removal and will detain the 1, 10, and 25-year storm events. A nitrogen offset payment for the subdivision will also be required as part of this development.

**Streets and Access and Frontage Improvements:** Curb, gutter, and sidewalk currently exist on Garner Station Boulevard; however, the curb cut for Lot 107 currently opposite Lennoxplace Circle, will be relocated further south as part of this proposal. Curb, gutter, and sidewalk will be removed and added as needed.

## **V. STAFF RECOMMENDATION**

Following technical review and plan revisions, staff finds this project, as now proposed, meets the regulations of the Unified Development Ordinance and may be approved so long as the following project-specific conditions are met:

1. Prior to issuance of building permit, Engineering Inspection Fees, shall be paid to the Town of Garner;
2. Prior to issuance of building permit, the Garner Engineering Department shall be in receipt of documentation that a nitrogen offset payment has been made to an approved mitigation bank; and
3. Prior to construction document approval, a Final Plat of Recombination shall be recorded with the Wake County Register of Deeds.

***Staff Commentary:*** In the event of any additional conditions requiring the need for site plans to be modified, staff would suggest the following project-specific condition:

4. Prior to issuance of building permit, revised plans meeting additional project-specific conditions shall be submitted and approved by the Technical Review Committee.

## SUP-SP-22-04, Garner Station Lots 106 & 107

### *Special Use Permit Motion Worksheet*

Choose one of the following motions based on your Council findings:

**1. MEETS THE  
SPECIAL USE  
CRITERIA  
AND  
APPROVE**

“I find that application # SUP-SP-22-04 meets the Town’s eight (8) criteria for special use permits as identified in Article 3.9.2.D.; therefore, I move that the Town Council approve SUP-SP-22-04, Garner Station Lots 106 & 107 with the three (3) [*or four (4)*] site-specific conditions to be listed on the permit that will be prepared by Staff.

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

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

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***Condition #1:***

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***Condition #2:***

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***Condition #3, etc.:***

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**2. DOES NOT MEET THE SPECIAL USE CRITERIA AND DENY**

"I find that application # SUP-SP-22-04 does not meet one or more of the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D:

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

1. The proposed use **will** endanger the public health or safety  
*because/as evidenced by \_\_\_\_\_;*
2. The proposed use **will** substantially injure the value of adjoining or abutting property  
*because/as evidenced by \_\_\_\_\_;*
3. If completed as proposed, the development will **not** comply with all the requirements of this Ordinance  
*because/as evidenced by \_\_\_\_\_;*
4. The proposed use is **not** consistent with the Town's adopted transportation plan(s), other relevant adopted plans and policies, and the stated purpose and intent of this UDO  
*because/as evidenced by \_\_\_\_\_;*
5. The proposed use is **not** compatible with adjacent uses and proximate neighborhood in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts)  
*because/as evidenced by \_\_\_\_\_;*
6. Any significant adverse impacts resulting from the use will **not** be mitigated or offset, including impacts on the natural environment.  
*because/as evidenced by \_\_\_\_\_;*
7. The public safety, transportation and utility facilities and services will **not** be available to serve the subject property while maintaining sufficient levels of service for existing development  
*because/as evidenced by \_\_\_\_\_;*
8. **Inadequate** assurances of continuing maintenance have been provided  
*because/as evidenced by \_\_\_\_\_;*

therefore, I move that the Town Council deny SUP-SP-22-04, Garner Station Lots 106 & 107.



# Reports



# Talk of the TOWN

## Council Requests & Updates

March 21, 2023

*This monthly report provides an update on Council requests and items submitted on the Garner Info app, a resident service and information request system for the Town of Garner.*

### **Flooding Issues at Smith Drive/New Rand Road (Vance)**

Utility location has been requested. Public Works will reshape the ditch to allow for adequate drainage after utilities are located. This work should be complete by early next week.

### **Pothole at Garner Road/New Rand Road (Singleton)**

Public Works submitted a request to NCDOT for the large pothole near the concrete plant as well as the damaged drainage box in front on TT&E on Garner Rd. NCDOT has placed cones at both locations and should be able to repair the shoulder near the concrete plant within a few weeks. The drainage box has been added to a current contract and could take several months to replace due to the amount of work required.

### **Code Compliance Updates (Behringer)**

4506 Jones Sausage Demolition – Asbestos abatement was completed on 3/9/2023. This allows the contractor to begin the demo permit process and post-abatement certification. Demolition will be scheduled as soon as possible following the permit being approved.

Hwy 50 and Garner Rd. Median – The grass has been cut by Public Works at the median and the tall grass at 801 W. Garner Rd. has been removed.

116 New Rand Rd. – The car has been covered by the owner which is allowable per code.

Slab of Granite on Garner Rd. – The item has been removed as requested by Inspections.

### **Noise Complaints (Dellinger)**

The police department is working with the town attorney and police attorney to determine enforcement options and strategies that are allowable by local ordinances and state law.

### **Timber Crossing Shopping Center Parking Lot (All)**

The town attorney and planning director are looking into possible options to address this issue with the property owner. They will provide their findings at a future meeting.

Rail Safety (All)

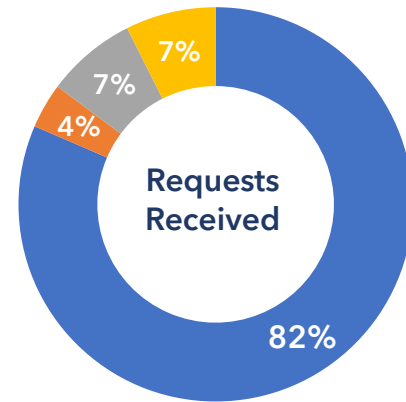
A law student is researching this issue and the town attorney will provide the research findings when available.

Garner Info Monthly Analytics

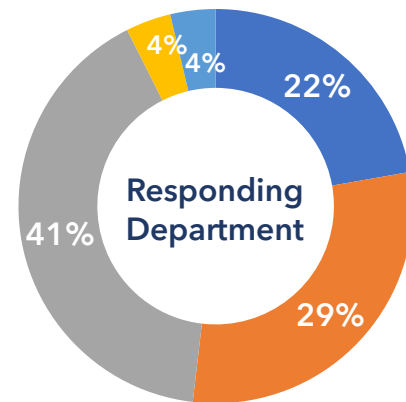
February 11 – March 13, 2023 – 27 Total Requests

Request by Type

Graffiti	4	14.8%
Temporary Sign Violation	3	11.1%
Neighborhood Speeding	2	7.4%
Construction Without Permit	2	7.4%
Sight Distance	2	7.4%
Pothole/ Pavement Repair	2	7.4%
Talk to an Officer Non Emergency	2	7.4%
Auto Repair in Residential District	1	3.7%
Yard Waste/ Loose Leaves	1	3.7%
Ditch/ Surface Drainage Problem	1	3.7%
Garbage	1	3.7%
Grounds/ Trail Maintenance	1	3.7%
Misc. - Streets	1	3.7%
Substandard Living Conditions	1	3.7%
Misc. - Parks / Town Property	1	3.7%
Sign Violation	1	3.7%
Animal Concern - Non Emergency	1	3.7%



Completed In Progress Received Submitted



Public Works Inspections Police Engineering Planning