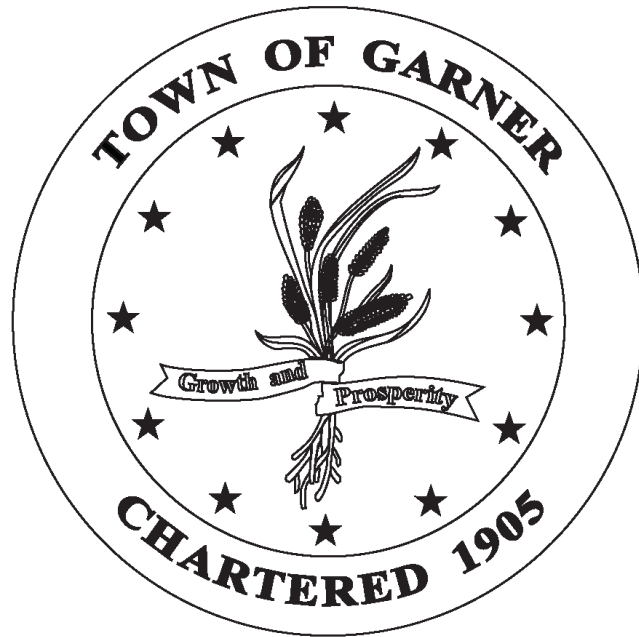


Town of Garner



Town Council Meeting June 6, 2023

Garner Town Hall
900 7th Avenue
Garner, NC 27529

Town of Garner
Town Council Regular Meeting Agenda
June 6, 2023

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

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn
- B. PLEDGE OF ALLEGIANCE: Council Member Demian Dellinger
- C. INVOCATION: Council Member Demian Dellinger
- D. PETITIONS AND COMMENTS
- E. ADOPTION OF AGENDA
- F. PRESENTATIONS
 - 1. PFM Investments Update
Presenter: Leslie Weaber, PFM Asset Management
- G. CONSENT
 - 1. Interdepartmental Transfer for Police Body Camera Upgrade Page 21
Presenter: Sara Warren, Budget Manager

Earlier in the Fiscal Year, Garner Police was notified that the current Watchguard body camera would no longer be supported by Motorola. As a result, a strategic decision was made to utilize General Fund operating savings for the purposes of upgrading Police body cameras, in-car cameras, and interview room cameras along with the software to the Axon platform.

Action: Consider authorizing a transfer of \$130,000 in General Fund savings to Garner Police, Approve Ordinance (2023) 5204.
 - 2. 4506 Jones Sausage Road Unsafe Building Demolition Lien Page 23
Presenter: Terri Jones, Town Attorney

A resolution assessing the costs of demolition of an unsafe building will be recorded with the Wake County Register of Deeds and forwarded to the Tax Collector for Wake County.

Action: Consider adopting Resolution (2023) 2537
 - 3. Surplus Property Page 26
Presenter: David Beck, Finance Director

Public Works would like to surplus and sell a tractor that was replaced as part of the VERT program.

Action: Consider adopting Resolution (2023) 2538

4. Minutes from the May 16 and May 30, 2023 Council meetings and the February 24-25, 2023 Council Retreat Page 28
Presenter: Stella Gibson, Town Clerk

Minutes from the May 16 and May 30, 2023 Council meetings.

Action: Consider approving minutes.

5. Notification of Reallocation of Salary and Benefits to Operating in FY23 Budget .. Page 39
Presenter: Sara Warren, Budget Manager

As part of the end of year clean up, departments asked to reallocate FY23 budget dollars from Salary and Benefits to fund critical items that could not be covered in the FY23 operating budget. Per current Town policy, staff is required to notify Council of these actions.

Action: Acknowledge reallocation of funds from salary and benefits to operating as required by the Town's financial policies.

H. PUBLIC HEARINGS

I. NEW/OLD BUSINESS

1. Tier 2 Conditional Rezoning #CZ-MP-22-09, US 70 Guy Road Commercial Page 40
Presenter: Ashley Harris, Planner I

Tier 2 conditional rezoning request (CZ-MP-22-09) submitted by Circle K Stores, Inc. to rezone 3.53 +/- acres from Single Family Residential (R-40) to Community Retail (CR C269) Conditional for the development of a convenience store with fuel sales. The site is located at the northwest corner of US 70 Hwy E and Guy Road and may be further identified as Wake County PIN(s) 1740116945, 1740128037, 1740118968, and 1740119930.

Action: Consider motion to approve and adopt Ordinance (2023) 5206.

2. FY24 Budget Update Page 60
Presenter: Sara Warren, Budget Manager

Provide Council with updated information related to the FY24 Recommended Budget after the May 16, 2023 Budget Hearing and public comments received through the Budget Portal. The FY24 Recommended Budget was presented during the May 2, 2023 Council meeting. In addition, Town Council held its budget work session on May 11, 2023 and a second budget hearing on May 16, 2023. An additional work Session was held on May 30, 2023. The FY24 Recommended Budget can be found at the Town's website at:

<https://www.garnernc.gov/departments/finance/fy-2023-24-budget-outreach>

Action: The Council is asked to direct staff on the tax rate to be included for the FY24 Adopted Budget

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. The second annual Juneteenth Celebration will be held at the Garner Performing Arts Center on Saturday, June 17 at 11 a.m.
2. The Friday Family Flicks movie (Strange World) will be on June 9 starting at 8:45 p.m. on the lawn of the Garner Recreation Center.

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. CLOSED SESSION

Pursuant to N.C. General Statutes Section 143-318.11(a)(4) to discuss economic development.

O. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 6, 2023		
Subject: PFM Investments Update		
Location on Agenda: Presentations		
Department: Finance		
Contact: David Beck, Finance Director		
Presenter: Leslie Weaber, PFM Asset Management		
Brief Summary: Leslie Weaber with PFM Asset Management will present a market and portfolio update on the Town's investments.		
Recommended Motion and/or Requested Action: Information only, no action required		
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:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner

Economic Market Update and Portfolio Update

June 6, 2023

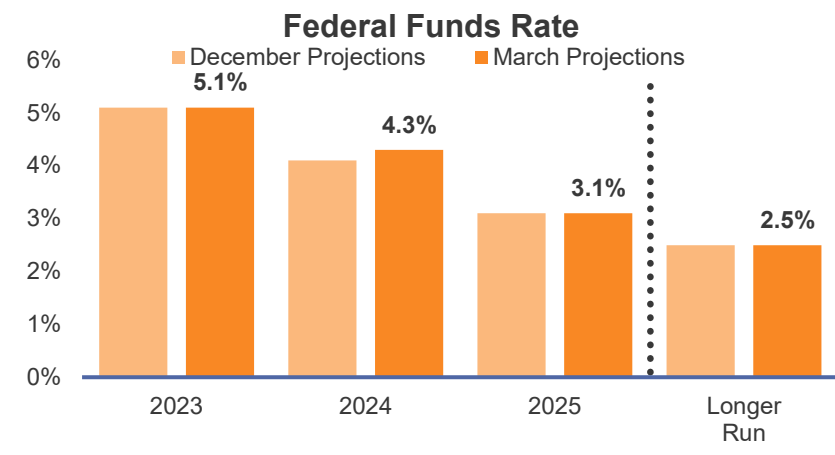
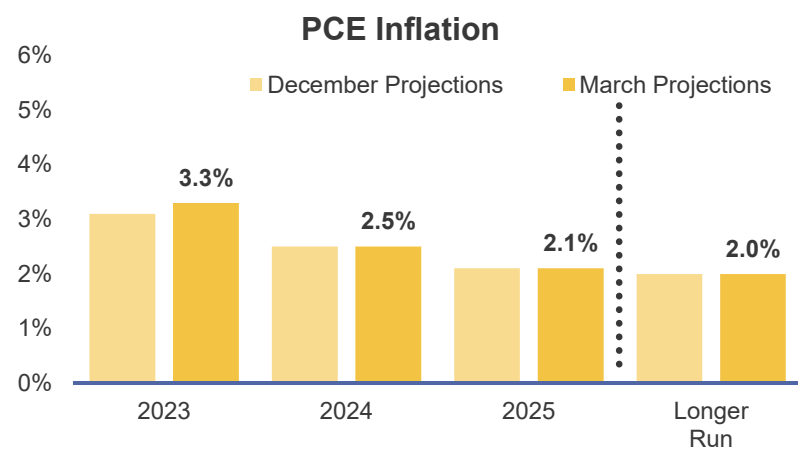
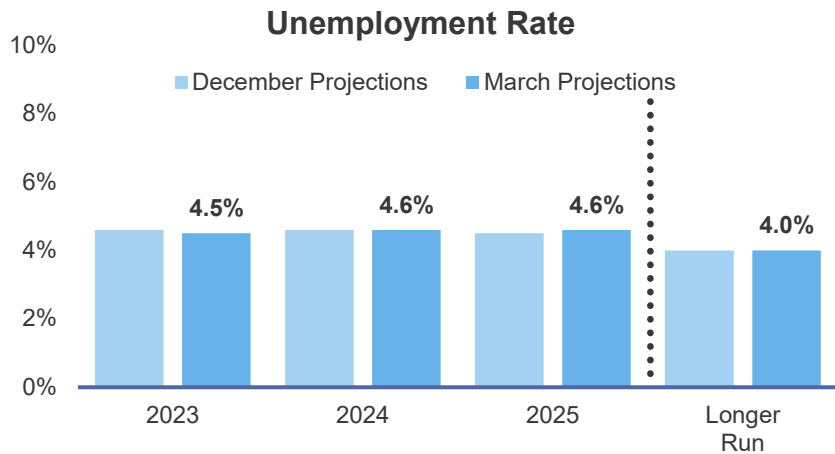
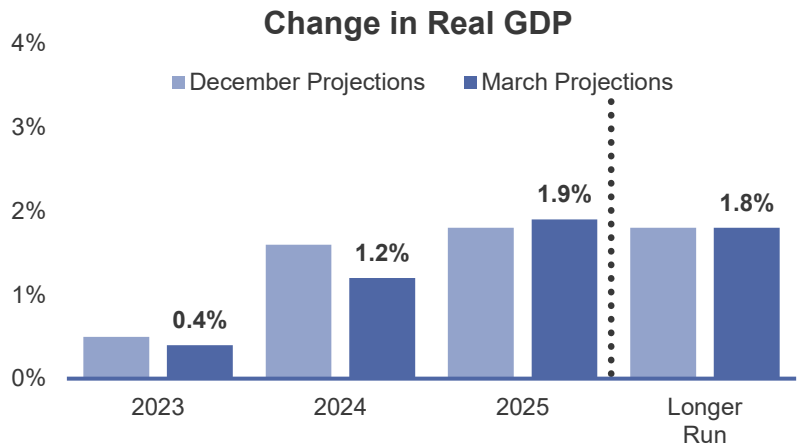
PFM Asset Management LLC

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Economic Market Update



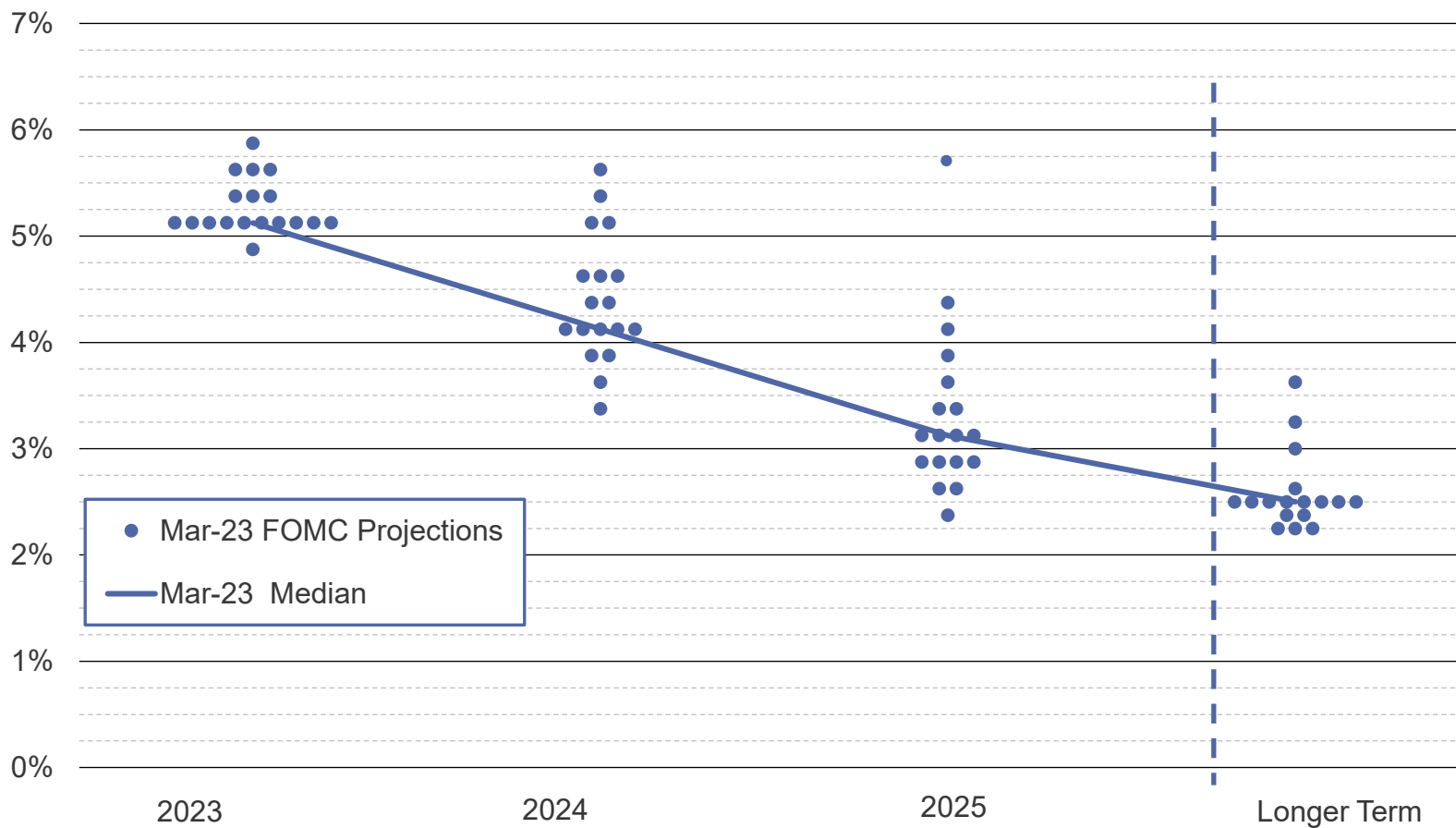
Federal Reserve's Summary of Economic Projections



Source: Federal Reserve, latest economic projections as of March 2023.

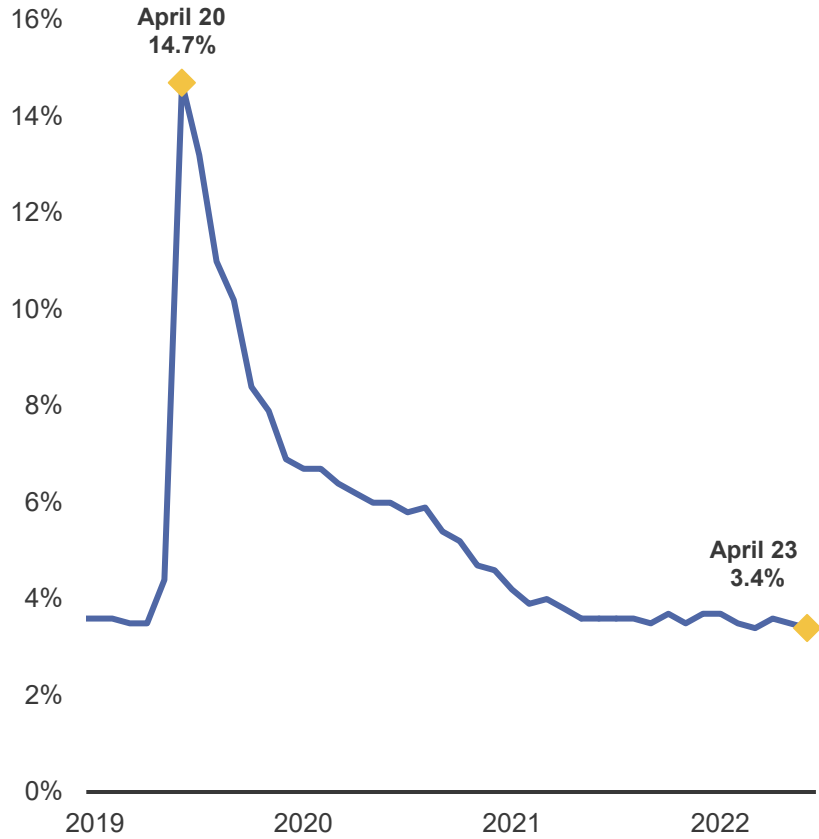
Fed's "Dot Plot"

Fed Participants' Assessments of 'Appropriate' Monetary Policy



Source: Federal Reserve and Bloomberg. Individual dots represent each Fed members' judgement of the midpoint of the appropriate target range for the federal funds rate at each year-end.

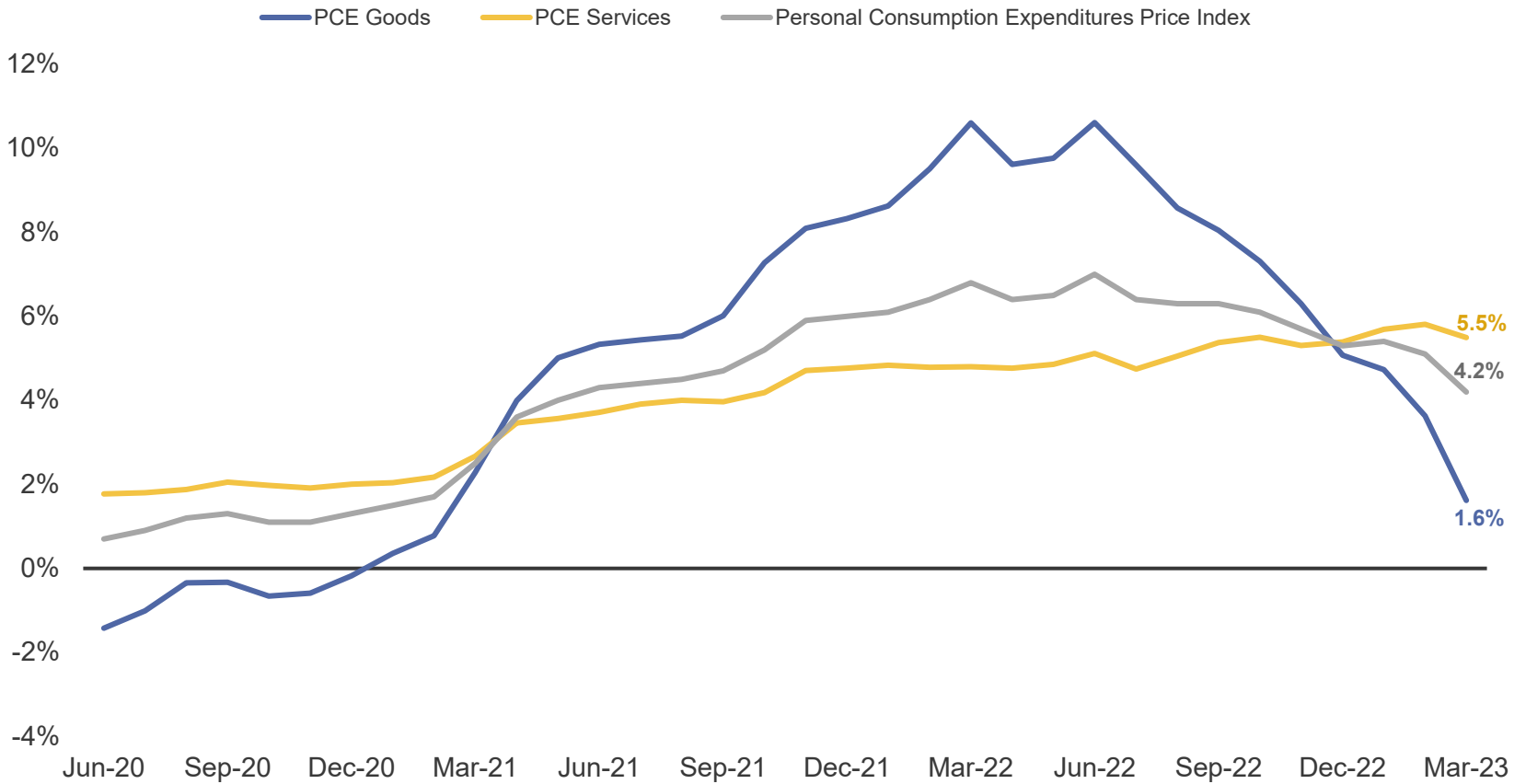
Unemployment Rate



Labor Force Participation Rate



Personal Consumption Expenditure Price Index Goods vs Services, YoY



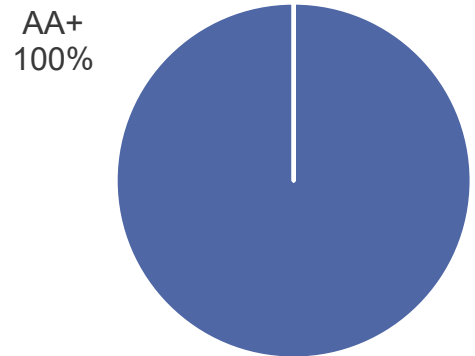
Portfolio Update



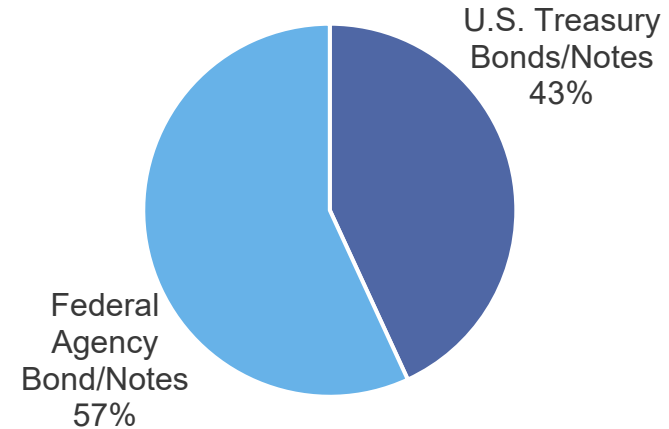
Portfolio Characteristics – Operating Fund

Portfolio Statistics (as of April 30, 2023)	
Market Value*:	\$9,900,847.56
Yield at Market:	1.91%
Yield at Cost:	4.85%
Weighted Average Maturity:	0.74 Years

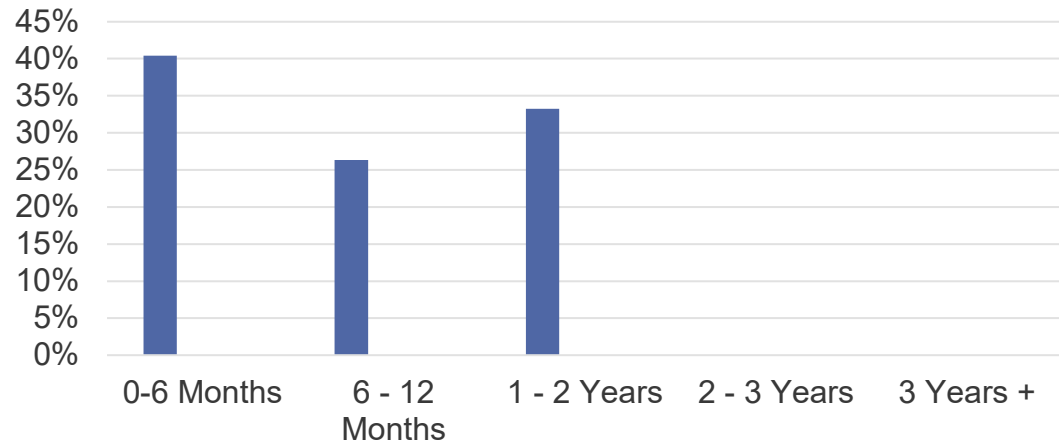
Credit Quality (S&P Ratings)



Sector Allocation



Maturity Distribution



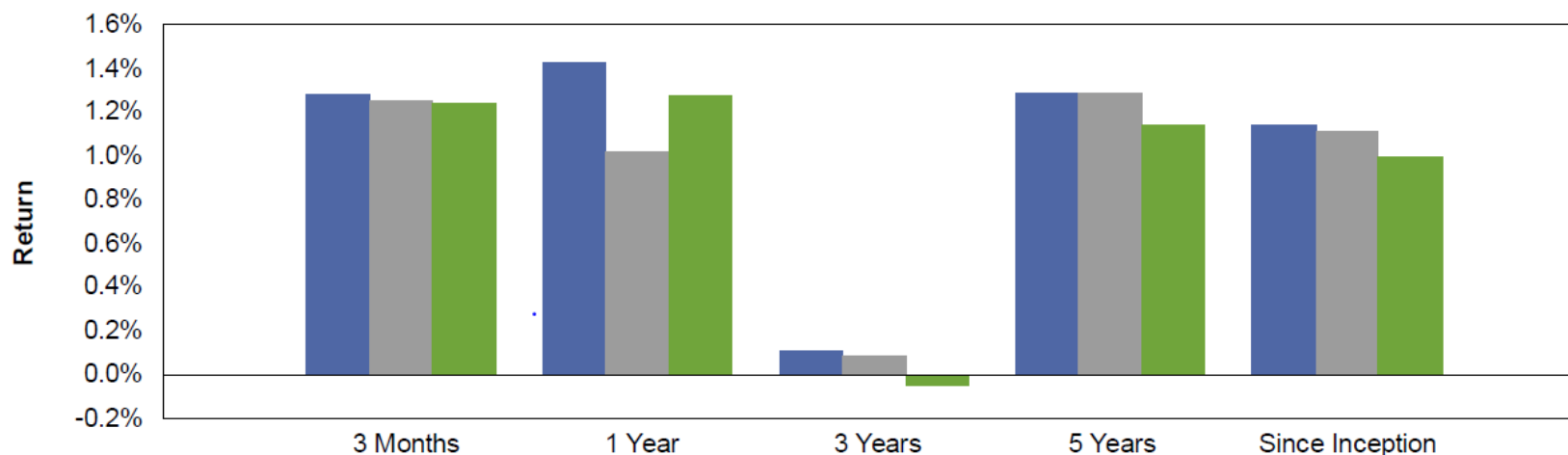
Sector Allocation Analytics

Permitted Investment	Current Policy		Operating Funds Portfolio Allocation*
	Sector Limit	Issuer Limit	
U.S. Treasury Obligations	100%	100%	39.05%
Federal Agency Obligations	100%	100%	51.49%
Municipal Obligations	15%	5%	-
Commercial Paper	15%	5%	-
Bankers' Acceptances	15%	5%	-
Certificates of Deposit and Bank Deposit Notes	25%	5%	-
Money Market Mutual Funds	100%	100%	-
Local Government Investment Pool (NCIP)	100%	100%	9.46%
Repurchase Agreements	50%	25%	-

Portfolio Performance Q1 2023

Portfolio Performance

Portfolio Benchmark Net of Fees



Market Value Basis Earnings	3 Months	1 Year	3 Years	5 Years	Since Inception ¹
Interest Earned ²	\$37,269	\$85,694	\$210,091	\$528,253	\$741,650
Change in Market Value	\$87,946	\$53,450	(\$179,379)	\$113,117	\$81,015
Total Dollar Return	\$125,215	\$139,144	\$30,712	\$641,370	\$822,665
Total Return³					
Portfolio	1.28%	1.43%	0.11%	1.29%	1.14%
Benchmark ⁴	1.25%	1.02%	0.08%	1.29%	1.11%
Basis Point Fee	0.04%	0.15%	0.15%	0.15%	0.15%
Net of Fee Return	1.24%	1.28%	-0.04%	1.14%	1.00%

Disclaimer

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Silicon Valley Bank Failure

No Holdings in PFM Asset Management (PFMAM) Fixed-Income Separate Accounts or Managed Local Government Investment Pools

On Friday, March 10, California-based Silicon Valley Bank (SVB) failed, and the Federal Deposit Insurance Corporation (FDIC) was named as receiver. Similarly, Signature Bank, New York, was closed by regulators on March 12. SVB had approximately \$175 billion in deposits and \$209 billion in total assets and was the sixteenth largest bank in the U.S. by assets. It was the first bank failure since 2008 and the second largest bank failure in U.S. history.

SVB, as well as Signature Bank, New York, were not on PFMAM's approved list of issuers, and there are no holdings or exposure to SVB or its parent company, SVB Financial Group (SIVB), or Signature Bank, New York in any PFMAM-managed fixed-income separate account or local government investment pool client portfolio.

Although SVB was considered to be "well capitalized" by regulatory standards, the bank had unique risks that included: (1) a very large growth rate over the past few years, (2) a client base concentrated in technology and venture capital, (3) a very large percentage of uninsured deposits, reportedly 93% at the end of 2022, and (4) a high percentage of assets in investment securities. It has been reported that as deposits grew, SVB purchased long duration investments which fell in value as interest rates rose. When their clients needed liquidity, the bank was forced to sell some of those assets at a loss, which put its credit rating in jeopardy and precipitated a classic "run on the bank."

While SVB had unique risks, the large bank failure caused significant turmoil in equity and fixed income markets, with the 2-year Treasury yield dropping nearly 100 basis points (1.00%) in three days, and the BKX Index (an index of national money center and leading regional bank stocks) falling by over 20%.

The concern now is whether the SVB failure triggers broader system-wide risks in the financial system. While other banks also carry unrealized losses on their securities portfolios, for most banks, and certainly for the larger national banks which are deemed systematically important, their more diversified funding sources and client base make them much less susceptible to a liquidity crisis. However, some smaller regional banks have already experienced outsized equity price declines. Market volatility is high, and the situation remains fluid.

Over the weekend, the FDIC, Treasury, and Federal Reserve announced plans to ease fears and avoid wider contagion in the banking sector. As announced, all depositors at SVB will be made whole and have access to all their money, including uninsured deposits over the FDIC \$250,000 insurance limit. A similar plan was announced for Signature Bank, New York. The Fed also announced a new "Bank Term Funding Program" offering additional funding to eligible depository institutions in the form of short-term loans to banks that pledge certain collateral to help ensure banks have the ability to meet the needs of all their depositors.

PFMAM continues to closely monitor this developing situation and its market impact. Should you have any questions, please reach out to your PFMAM client service professional.

The views expressed constitute the perspective of PFM Asset Management (PFMAM) at the time of distribution and are subject to change. The content is based on sources generally believed to be reliable and available to the public; however, PFMAM cannot guarantee its accuracy, completeness or suitability. This material is for general information purposes only and is not intended to provide specific advice or a specific recommendation.

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Update on the Debt Ceiling

Special Report | May 2023

pfm asset
management

On January 19, 2023, Treasury Secretary Janet Yellen informed Congress that the outstanding debt of the United States had reached its statutory limit and that the Treasury Department began implementing certain “extraordinary measures” to prevent the nation from defaulting on its obligations. Secretary Yellen also indicated that the period of time those measures may be deployed was subject to considerable uncertainty, but it was unlikely that cash and extraordinary measures would be exhausted before early June. Private forecasters put the so called “X-date” (the term used to reference the expected date that the U.S. Treasury would no longer be able to meet all its financial obligations) sometime in the third quarter. At that time, PFM Asset Management (PFMAM) provided [our thoughts on the debt ceiling issue](#)¹.

In a more recent [letter](#)² to Congressional leaders on May 1, Secretary Yellen provided updated information noting, “our best estimate is that we will be unable to continue to satisfy all of the government’s obligations by early June, and potentially as early as June 1, if Congress does not raise or suspend the debt limit before that time.” That pulled forward the potential X-date to a date much earlier than previously anticipated.



Secretary Yellen commented in her recent letter that “waiting until the last minute to suspend or increase the debt limit can cause serious harm to business and consumer confidence, raise short-term borrowing costs for taxpayers, and negatively impact the credit rating of the United States” and that failing to act “would cause severe hardship to American families, harm our global leadership position, and raise questions about our ability to defend our national security interests.” Other economists have noted that even talking about a possible default is something that great economic powers just don’t do.

The timing of when the Treasury could run out of money is a critical factor in understanding the urgency of political negotiations, the Treasury maturities most at risk to a potential default, even if only for a short period of time, and potential market volatility leading up to that date.

1 PFM Asset Management LLC. (2023, February 9). *Our Thoughts on the Debt Ceiling*. PFM Asset Management LLC. https://www.pfmam.com/docs/default-source/default-document-library/special-report---our-thoughts-on-the-debt-ceiling.pdf?sfvrsn=470e2f6_0

2 Yellen, J. L. (2023, May 1). *Secretary of the Treasury Janet L. Yellen Letter to Congressional Leadership on the Debt Limit*. https://home.treasury.gov/system/files/136/Debt_Limit_Letter_Congress_Members_05012023.pdf

The X-date estimate remains uncertain because of the significant daily flows into and out of the Treasury General Account (TGA). While the Federal government typically runs a surplus in April due to individual income tax receipts, the U.S. has run a deficit in May for 55 straight years. June is mixed bag but has been at a surplus 70% of the time, while July and August are uniformly at deficits. However, funding capacity must be met on a day-by-day basis³.

[Moody's recently noted](#)⁴ that April tax receipts were running 35% below last year's pace, which is meaningfully weaker than anticipated, in part because of weaker capital gains revenue because of last year's stock market declines. When Secretary Yellen wrote the original letter in January, the TGA balance was \$455 billion; it dropped to a low of \$86 billion just prior to the April 15 tax date; and was \$188 billion as of May 3⁵. In addition to other ongoing expenditures, there are large upcoming [Social Security benefits or supplemental security income payments](#)⁶ on May 10, 17 and 24, and June 1 and 14⁷. The Treasury would expect large inflows from corporate and individual tax payments on June 15. If the Treasury can cover funding needs to June 15, inflows at that time would likely take them to late July.

Because previous expectations were that the Treasury would not hit the X-date until late July or early August, the market reacted to Yellen's updated information by initially pushing up the yield on Treasury bills maturing in early to mid-June. For example, on May 4, the Treasury sold \$50 billion of 4-week Treasury bills maturing June 6, 2023, at a [rate of 5.84%](#)⁸—the highest yield for any Treasury bill auction since 2000. Yields on Treasuries with maturities in the June–August timeframe remain elevated. In contrast, yield on Treasury bills maturing in May yield 100 basis points (1.00%) less than those maturing in June⁹.

In addition to higher short-term yields, there are uncertain implications from a Treasury default, or even risk of cutting it too close.

³ Department of Treasury, Bureau of the Fiscal Service. (2023, April 30).

<https://fiscal.treasury.gov/files/reports-statements/mts/mts0423.pdf>

⁴ Zandi, M. Yaros, B. (2023, April). *The Debt Limit Drama Heats Up*. Moody's.

<https://www.moodyanalytics.com/-/media/article/2023/debt-limit-drama.pdf>

⁵ Bureau of the Fiscal Service. (2023). *Issues: Current and Archive*.

<https://fsapps.fiscal.treasury.gov/dts/issues/2023/2?sortOrder=desc#FY2023Q2>

⁶ Social Security Administration. (2022, January). *Schedule of Social Security Benefit Payments 2023*. Social Security Administration.

<https://www.ssa.gov/pubs/EN-05-10031-2023.pdf>

⁷ Fiscal Data. (2023, May 10). <https://fiscaldata.treasury.gov/datasets/daily-treasury-statement/operating-cash-balance>

⁸ Department of the Treasury, Bureau of the Fiscal Service. (2023, May 4). *Treasury Auction Results*.

https://www.treasurydirect.gov/instit/annceresult/press/preanre/2023/R_20230504_1.pdf

⁹ Treasury Direct. (2023, May). *Announcements and Results by Auction Year*.

<https://treasurydirect.gov/auctions/announcements-data-results/announcement-results-press-releases/previous-announcements-and-results/>

In addition to higher short-term yields, there are uncertain implications from a Treasury default, or even risk of cutting it too close. Economic risks and market volatility would likely spike well before the Treasury’s account balance is exhausted. In a [recent press conference](#)¹⁰, Fed Chair Jerome Powell stated: “It’s essential that the debt ceiling be raised in a timely way so that the U.S. government can pay all of its bills when they’re due. A failure to do that would be unprecedented. We’d be in uncharted territory, and the consequences to the U.S. economy would be highly uncertain and could be quite averse.”

President Biden and House Speaker McCarthy met at the White House on May 9 to attempt to resolve the potential crisis. Initial reports suggest that the parties remain at an impasse. Congressional Republicans want to tie any debt ceiling increase to significant spending cuts, while the Biden administration wants a clean debt ceiling increase with any spending cuts to take place through normal budget negotiations ahead of the October 1 start to the next U.S. government fiscal year. A temporary option used in the past has been a [short-term extension of the debt ceiling](#)¹¹. This could be used to get through the near-term June 1–15 critical period and provide more time for further discussion and negotiations.

Implications for State and Local Government Series (SLGS) Securities

Yellen’s May 1 letter also announced the suspension of the State and Local Government Series (SLGS) Treasury securities program. SLGS are commonly used in PFAM’s Structured Products business and are used in refunding escrow portfolios. Without access to SLGS, escrow portfolios must use cash or open market securities, as permitted by bond documents and tax regulations.

PFAM continues to closely monitor this developing situation and its market impact. Should you have any questions, please reach out to your PFAM client service professional.

¹⁰ Powell, J. H. (2023, May 3). Transcript of Chair Powell’s Press Conference. <https://www.federalreserve.gov/mediacenter/files/FOMCpresconf20230503.pdf>

¹¹ Gangitano, A. (2023, May 4). OMB director says short-term debt ceiling extension possible. The Hill. <https://thehill.com/homenews/administration/3988519-omb-director-says-short-term-debt-ceiling-extension-possible/>

**To learn more or discuss in greater detail,
please contact your PFAM relationship manager.**

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Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 6, 2023 ▼		
Subject: Interdepartmental Transfer for Police Body Camera Upgrade		
Location on Agenda: Consent ▼		
Department: Administration		
Contact: Sara Warren, Budget Manager		
Presenter: Sara Warren, Budget Manager		
<p>Brief Summary:</p> <p>Earlier in the Fiscal Year, Garner Police was notified that the current Watchguard body camera would no longer be supported by Motorola. As a result, a strategic decision was made to utilize General Fund operating savings for the purposes of upgrading Police body cameras, in-car cameras, and interview room cameras along with the software to the Axon platform.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Authorize a transfer of \$130,000 in General Fund savings to Garner Police, Approve Ordinance (2023) 5204.</p>		
<p>Detailed Notes:</p> 		
<p>Funding Source:</p> <p>General Fund Operating</p>		
Cost: \$130,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2023) 5204

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
			\$ -	\$ -	\$ -

TOTAL REVENUE INCREASE (DECREASE) \$ -

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10511000-524300	Contract Services		\$ 710,880	\$ 130,000	\$ 840,880
10531000-500000	Personnel Additions		\$ 620,280	\$ (100,000)	\$ 520,280
10491000-523399	Equipment - Non Capital		\$ 66,700	\$ (30,000)	\$ 36,700

TOTAL EXPENDITURE INCREASE (DECREASE) \$ -

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 June 2023.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 6, 2023 <input type="button" value="v"/>		
Subject: 4506 Jones Sausage Road Unsafe Building Demolition Lien		
Location on Agenda: Consent <input type="button" value="v"/>		
Department: Inspections and Legal		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: <p>A resolution assessing the costs of demolition of an unsafe building will be recorded with the Wake County Register of Deeds and forwarded to the Tax Collector for Wake County.</p>		
Recommended Motion and/or Requested Action: Adopt Resolution (2023) 2537		
Detailed Notes: Town Council adopted Ordinance (2023) 5170 on January 17, 2023, ordering the Town's building inspector to demolish the unsafe building located at 4506 Jones Sausage Road. The demolition was completed on April 11, 2023. Pursuant to NCGS 160D-1129, the costs of the demolition are a lien against the real property. The total costs of \$14,286.29 include the demolition contract amount of \$14,009.29, the publication costs for the public hearing of \$217.00, and the recording costs for the ordinance and resolution of \$60.00.		
Funding Source: Recording Fees 10412000-522520		
Cost: \$30.00	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

RESOLUTION (2023) 2537

A RESOLUTION ASSESSING THE COST OF ABATEMENT AS A LIEN
AGAINST THE PROPERTY FOR THE DEMOLITION OF AN UNSAFE STRUCTURE
LOCATED AT 4506 JONES SAUSAGE ROAD, GARNER NC 27529
AND OWNED BY THE HEIRS OF ROSE MARIE THOMPSON

WHEREAS, the Town Council of the Town of Garner, pursuant to North Carolina General Statutes Section 160D-1129, has the authority to adopt and enforce regulations to address conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of unsafe nonresidential buildings or structures;

WHEREAS, the Town Council of the Town of Garner, pursuant to the Town Code of Ordinances Chapter 19, Article II, Section 2, Unsafe Buildings, may cause the demolition and removal of any building or structure as may be necessary to abate a public nuisance and remove a safety hazard;

WHEREAS, the Town of Garner has demolished the unsafe structure located at 4506 Jones Sausage Road in Garner, North Carolina, following a public hearing and adoption of Ordinance (2023) 5170, recorded in the Wake County Register of Deeds at Book 19245 Page 1447; and

WHEREAS, pursuant to North Carolina General Statutes Section 160D-1129(i) and Town Code of Ordinances Section 19-42, the costs of removal or demolition as well as the expenses of the action are a lien against the real property which shall have the same priority and be collected in the same nature and to the same extent as the lien for county and city property taxes.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF GARNER hereby confirms the cost of the abatement of nuisance set out herein, pursuant to the laws and ordinances above referenced, confirms the same as liens against the real property, and requests the Wake County Tax Collector to collect the

same in the nature of unpaid taxes:

LOCATION: 4506 Jones Sausage Road
PROPERTY OWNERS: Heirs of Rose Marie Thompson
REAL ESTATE ID: 0029216
COST: \$14,286.29

This resolution shall become effective upon adoption, recorded at the Wake County Registry, and a copy thereof forwarded to the Tax Collector for Wake County.

Adopted this 6th day of June 2023.

Ken Marshburn, Mayor

ATTEST:

Stella Gibson, Town Clerk

CERTIFICATION OF TOWN CLERK

I, Stella Gibson, do hereby certify this is a true copy of Resolution (2023) 5205 adopted at the June 6, 2023 Garner Town Council Meeting. Said Resolution is recorded in the office of the Town Clerk, Garner Town Hall, 900 7th Avenue, Garner, North Carolina.

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 6, 2023		
Subject: Surplus Property		
Location on Agenda: Consent		
Department: Finance		
Contact: David Beck, Finance Director		
Presenter: David Beck, Finance Director		
Brief Summary: Public Works would like to surplus and sell a tractor that was replaced as part of the VERT program.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2023) 2538		
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:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2023) 2538

RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PERSONAL PROPERTY

WHEREAS, pursuant to N.C.G.S. 160A-265 municipalities are authorized to dispose of personal property.

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

That the Town Manager is hereby authorized to sell the following items as provided by G.S. 160A-266:

Asset Tag #	Year	Make/Model	Vin/Serial #
420	2007	John Deere 5225 Tractor	LV5225R323327

AND BE IT FURTHER RESOLVED by the Garner Town Council that the Town Manager is hereby authorized to sell these items by private sale at a negotiated price as provided for by G.S. 160A-267.

Duly adopted this the 6th day of June 2023.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 6, 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 May 16 and May 30, 2023 Council meetings and the February 24-25, 2023 Council Retreat.		
Recommended Motion and/or Requested Action: Consider approving minutes		
Detailed Notes:		
Funding Source:		
Cost: n/a	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:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Town Council Regular Meeting Minutes
May 16, 2023**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th 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, 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, Sara Warren-Budget Manager, Sabrina McDonald-HR Director, Paul Padgett-Inspections Director, Jeff Triezenberg-Planning Director, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Behringer

INVOCATION: Council Member Behringer invited Pastor Brian Crumpler of Hayes Chapel Christian Church to deliver the invocation.

PETITIONS AND COMMENTS

Martin Petherbridge invited Council to attend the grand opening of the Garner Grows Community Garden on June 3rd.

ADOPTION OF AGENDA

Motion: Vance
Second: Singleton
Vote: 5:0

PRESENTATIONS

Mayor Marshburn presented Terry Hennings with a Proclamation recognizing him as the 2023 Wake County Public School System's Teacher of the Year.

Council Member Singleton read a Proclamation recognizing the week of May 21-27, 2023 as Public Works Week.

Mayor ProTem Vance read a Proclamation recognizing the week of May 14-20, 2023 as National Police Week.

CONSENT

Noise Amendments

Terri Jones, Town Attorney

The Legal and Police Departments recommend amendments to the Town's Noise Ordinance, Section 11-15 of the Town Code, to provide a civil penalty and private enforcement option.

Action: Adopt Ordinance (2023) 5200

Meeting Rules and Procedures

Presenter: Terri Jones, Town Attorney

Revisions to the Town Code of Ordinances regarding meetings and the Garner Town Council Rules of Procedure as discussed at the March 28th, April 18th, and April 25th Council Meetings are recommended.

Action: Adopt Ordinance (2023) 5198 and Resolution (2023) 2528

PRCR Grant Acceptance and Budget Amendment for NEA/Big Read Grant

Presenter: Maria Munoz-Blanco, PRCR Director

The Garner Performing Arts Center has been awarded a \$9,300 grant for the National Endowment for the Arts (NEA) Big Read program. This program supports collaborative projects between arts organizations and libraries. GPAC will collaborate with the Southeast Regional Library on the grant.

Action: Approve grant, Budget Amendment Ordinance (2023) 5201, and authorize the Manager to execute the grant agreement.

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from the April 18, April 25, and May 2, 2023 Council Meetings

Action: Approve minutes

Notification of Reallocation of Salary and Benefits to Operating in FY23 Budget

Presenter: Sara Warren, Budget Manager

As part of the end of year clean up, departments asked to reallocate dollars from Salary and Benefits to cover expenses in the operating budget in order to fund critical items that could not be covered in the operating budget. Per current policy, staff is required to notify Council of these actions.

Action: Approve reallocation of funds from Salary and Benefits to Operating

FY 23 Micro-Surfacing & Crack Sealing Contract

Presenter: Forrest Jones, Public Works Director

The Town of Garner formally advertised this project and received two bids in response to our RFP for the Micro-Surfacing & Crack Sealing Project. Micro surfacing and Crack Sealing are two means that the Town uses to recondition and prolong the lifespan of asphalt. Last year the Town engaged a consultant to evaluate Town streets and provide us with a “toolkit” of preservation methods in lieu of resurfacing.

Action: Authorize the Manager to Execute the FY 23 Pavement Preservation Contract to Slurry Pavers.

Resolution and Agreement Authorizing Membership in the North Carolina Health Insurance Pool (NCHIP)

Presenter: Sabrina McDonald, HR Director

This item is a follow-up to the presentation provided to Council by NCHIP during the April 25, 2023 work session. Authorizing membership will allow the Town to join NCHIP in FY24. Open enrollment for employees is scheduled to start the week of May 17th.

Action: Approve membership resolution and authorize the Town Manager to execute all documents required to join NCHIP.

Surplus Property

Presenter: David C. Beck, Finance Director

A 2021 Dodge Durango used by the Police Department has been declared a total loss by our insurance company after being involved in an accident. The request is to surplus the vehicle to release it to the insurance company.

Action: Adopt Resolution (2023) 2534

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

Presenter: David Beck, Finance Director

This resolution authorizes the Wake County Tax Administrator to levy and collect property taxes for the Town of Garner during the 2023-2024 fiscal year.

Action: Adopt Resolution (2023) 2533

PRCR Sponsorships

Presenter: Sara Warren, Budget Manager

This item will appropriate \$6,809 for PRCR to support special events hosted by PRCR. This funding is available through various sponsorships and donations made to PRCR throughout the year.

Action: Authorize budget amendment Ordinance (2023) 5202 in the amount of \$6,809 to support PRCR special events

Action: Approve Consent Agenda

Motion: Vance
Second: Behringer
Vote: 5:0

Mayor Marshburn recognized the Boy Scouts from Troop 391 who were attending to earn a merit badge in citizenship and community.

PUBLIC HEARINGS

Mayor Marshburn opened the hearing.

FY24 Budget Public Hearing

Presenter: Sara Warren, Budget Manager

The second of two public hearings for the proposed FY24 recommended budget. This public hearing provided an opportunity for residents to provide feedback and ideas for the Town's recommended budget.

Rex Whaley, 102 Pineway Street, expressed his concerns on several areas of the recommended budget including the increased tax rate and the Revenue Savings Plan.

Mayor Marshburn closed the hearing.

Action: Hold a public hearing and receive public comment on the FY24 Recommended Budget.

Garner Forward Comprehensive Plan

Presenter: Matt Noonkester, CityExplained, Inc.

Mr. Noonkester gave a summary of the work performed on the proposed revisions to the Comprehensive Plan Amendment.

Action: Refer to Planning Commission for review and recommendation.

Motion: Singleton
Second: Matthews
Vote: 5:0

NEW/OLD BUSINESS

Issuance of Series 2023 General Obligation Bonds

Presenter: David Beck, Finance Director

This Resolution authorizes the issuance of \$21,620,000 general obligation bonds as part of the 2021 bond referendums approved by voters. This is the first of three planned bond sales. The bonds are slated to be sold on May 31, 2023 with a closing date of June 22, 2023.

Action: Adopt Resolution (2023) 2535

Motion: Singleton
Second: Matthews
Vote: 5:0

FY23 Audit Contract

Presenter: David Beck, Finance Director

The fiscal year 2022-23 audit will be the third year of a five-year extension with the Town's current firm of Mauldin & Jenkins. The contract for FY23 was presented for review and approval. The total price for the FY23 audit is \$40,500 which includes the basic audit fee as well as the cost for a single audit of ARP funds which is required.

Action: Approve contract with Mauldin & Jenkins to perform FY23 audit

Motion: Singleton
Second: Matthews
Vote: 5:0

COMMITTEE REPORTS

Mayor ProTem Vance advised the Human Resources Committee began conducting interviews to fill vacancies on the Town's boards and commissions. The following individuals were recommended to fill vacancies on the Veterans Committee: Tim Stevens, Robert Gregory, and Jeff Hicks.

Action: Approve Tim Stevens, Robert Gregory and Jeff Hicks to serve a 3-year term on the Veterans Committee.

Motion: Vance
Second: Behringer
Vote: 5:0

MANAGER REPORTS

- Talk of the Town
- The next Downtown Night Market is Thursday, May 18 from 5 to 9 p.m.
- The Lake Benson Boathouse opens for the season on Friday, May 19.
- Garner's Memorial Day Observance will be Monday, May 29, at 9:30 a.m. at the Garner Veterans Memorial at Lake Benson Park.
- WakeMed will be making an announcement at the end of the week.
- The Town received a Aa1 credit rating from Moody's and a rating of AAA from S&P.

ATTORNEY REPORTS

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

COUNCIL REPORTS

Singleton

- Asked that the letter received from Mr. Penny relating to stormwater be forwarded to Council.

Vance

- Advised May is Stroke Awareness Month and the importance of recognizing the indicators. A quick reminder is (BEFAST) B-Balance, E-Eyes, F-Face, A-Arms, S-Speech, T-Time to get help.

Mayor Marshburn and Council Members Matthews, Behringer, and Dellinger had nothing to report.

CLOSED SESSION

Council consulted with the Town Attorney regarding a litigation matter. Direction was provided to staff.

ADJOURN: 8:55 p.m.

**Town of Garner
Town Council Work Session Minutes
May 30, 2023**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th Avenue, Garner.

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

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

Council Member Kathy Behringer was absent.

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Asst. Town Manager, David Beck-Finance Director, Sara Warren-Budget Manager, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

ADOPTION OF AGENDA

Motion: Matthews
Second: Vance
Vote: 4:0

PRESENTATIONS

Stroke Awareness Month

Alisa Dunn from Wake Med gave a presentation of the importance of stroke awareness and the need to recognize the signs of someone experiencing a stroke. Ms. Dunn also provided information on the types of strokes and steps that could be taken to reduce the risks associated with strokes.

BRT South Project Update

Het Patel, Transit Planning Supervisor, City of Raleigh Transportation, provided an update on the status of the BRT South Project.

DISCUSSION/REPORTS

FY24 Recommended Budget

Presenter: Sara Warren, Budget Manager

Ms. Warren provided updated information related to the FY24 Recommended Budget after the May 16, 2023 Budget Hearing and public comments received through the Budget Portal. The FY24 Recommended Budget was presented during the May 2, 2023 Council meeting. In addition, Town Council held its budget work session on May 11, 2023 and a second budget hearing on May 16, 2023.

Council consensus to consider modifications to the proposed budget and place on the June 20th agenda for adoption.

MANAGER REPORTS

Pending Agenda Report

The Juneteenth Committee is preparing for the 2nd Annual event which will be held on June 17 at 11:00 a.m. at the GPAC.

The next Family Flicks movie will be held on June 9 at 8:45 p.m. on the Lawn of the Rec Center.

COUNCIL REPORTS

Council Member Matthews thanked Public Works for installing the Purple Heart community signs as well as removing the graffiti at the park. Concerns were expressed as to how to handle the graffiti in the future. Council also expressed their appreciation for everyone who was involved in making the Memorial Day event such a wonderful success.

ADJOURN: 7:09 p.m.

Town of Garner
Council Planning Retreat minutes
Feb. 23 and 24, 2023

The Council met at 9:00 a.m. in the Training Room at Town Hall, located at 900 7th Avenue, Garner.

Call Meeting to Order/Roll Call: Mayor Ken Marshburn. All Council members were present.

Day 1- February 23, 2023

Welcome and Call to Order

Mayor Ken Marshburn opened the meeting with a welcome and provided inspiration for the day.

Manager Dickerson provided an overview of the agenda.

Manager Dickerson presented a review of the past year and tied it back to the Strategic Plan.

CLUE – Draft Review & Takeaways

Assistant Manager John Hodges introduced Matt Noonkester, the facilitator for the CLUE (Character Land Use Elements) draft review. Mr. Noonkester discussed the main takeaways from the update to the Comprehensive Plan. He presented some key locations for small area plans primarily positioned near major roadways. He stated that Garner should begin the process to extend the ETJ out to I-540 soon. The CLUE initiative will help Council and Staff see better how mixed use/density fits into Garner.

Mr. Noonkester presented a draft of the Cost of Municipal Services study. The study suggests that there is a need to tie land use to revenue projections. The Town needs a plan to add more value to apartments since they cost more on the service side per resident.

CLUE draft would come back to Council at a Work Session, then go to the Planning Commission, and then back to Council for approval consideration in July 2023.

Noonkester cautioned the Council to be patient, spend other people's money, and acknowledged that going from urban to suburban is painful.

Economic Development Goals and Strategies for Success

Nate Groover, Economic Development Director, gave Council an update on new commercial development and product in the Garner market. He stated that a successful economic development program is dependent on having an ample supply of available product. The goal is to be proactive, identify commercial sites, and to make strategic investments. Mr. Groover highlighted potential areas for commercial growth and development, recognizing that land control, utility extensions and traffic could be challenging.

Mr. Groover identified permitting and entitlement processes that often come up as barriers to commercial growth. He stated that the Town Council will need to consider refinements in order to attract partners and investment in future commercial sites.

Council agreed for staff to move ahead with ideas for UDO amendments that may be needed to support growth objectives and to move ahead with allocating \$50,000 for the first of up to three small area studies.

Affordable Housing Update

Manager Dickerson provided a review of the Affordable Housing initiatives that the Council has undertaken over the past year. Manager Dickerson also re-introduced the idea of funding Rebuilding Together of the Triangle to rehab some houses in Garner and received consensus to do so. He also received consensus from the Town Council to engage DFI (Development Finance Institute) to do an affordable housing study. All agreed that the lack of workforce housing is a challenge.

Day 2- February 24, 2023

Jodi Miller, Assistant Town Manager, gave an overview of today's topics.

Financial Trends and Updates

Sara Warren, Budget Manager, and David Beck, Finance Director, provided an update on the FY24 fiscal picture. They shared the effects of inflation and slowing labor force growth trickles down to the local economy and rising interest rates slows the housing market and larger consumer purchases. They concluded that sales tax revenue has been strong but expect it to decline in the coming months.

FY24 Budget Guiding Principles were presented by Budget Manager Warren. The value of a penny is \$573,500 for FY24. Budget Manager Warren shared that a base-budget approach was used for the FY24 expenditure budget.. Known increases will be handled in base budget when possible and a limited number of expansion requests will be reviewed. Ms. Warren stated that the March 2023 Pay and Class Study by the MAPS Group is the top funding priority for FY24.

Revenue Projections. Ms. Warren provided an overview of the projected FY24 revenues. The FY24 base revenue is projected to be 54. 8 million with a 99% collection rate.

Budget Process. Ms. Warren reviewed the budget calendar with Council. Council Member Singleton requested that the recommended FY24 budget be provided to the Council on Thursday, April 27th, 2023.

Multi-Year Budget Model Updates. Ms. Warren explained that the model will realign assumptions to match current market conditions. In addition, future tax increases will be factored into support service delivery, workforce expansion and Town growth. Future pay and class studies and salary increases will be accounted for in the model Ms. Warren shared. Lastly, Ms. Warren explained that Town and financial consultants are conservative in estimating the percentage of expected growth and going forward, the CIP (Capital Improvement Program) will be closely aligned with the long-range model and be adopted alongside the operating budget.

Revenue Savings Plan Continued Discussion. Finance Director Beck explained that the RSP (Revenue Savings Plan) will remain intact to handle debt payments related to bond projects. Town did ask Davenport, Inc. to look at adjustments that could help support operations. Fund Balance remains strong but less than in previous years (mainly due to property acquisitions).

Garner Tax Revenue Projections and Trends

Marcus Kinrade, Wake County Tax Administrator, provided an overview of the Tax Office operations. He elaborated on the Garner tax base and his process for estimating annual property tax revenue. He discussed the projected effects of revaluation next fiscal year.

Smart Cities Initiative

Steve Rao, Morrisville Council Member, presented an overview of the Smart Cities program and how technology and data can lead to more efficient and effective service delivery. He stressed the importance of entrepreneurship and investment in small businesses. Council instructed Town of Garner staff to meet with Town of Morrisville staff to learn more about how it has assisted them and what could be implemented in Garner.

Pay & Class Study Update

Sabrina McDonald, Human Resources Director, provided an overview of the Pay & Class study conducted by The MAPS Group. The study produced a completely new pay schedule and classification list for all positions, including Garner Fire Rescue staff. It also analyzed and recommended market adjustments for each position. The study outlined four approaches to implementing the findings of the market study.. Council agreed with implementing approach #3 which most closely aligns with the implementation guiding principles.

Council Comments

Mayor Marshburn stated it is healthy to have retreats with staff and that it takes a lot of people to run a town.

Council Member Behringer commented that we came out of the retreat with a real plan but there is a lot of work ahead.

Council Member Singleton commented that Council and staff have a lot of things to make happen in a limited amount of time. Council Member Matthews stated that this was a good retreat work session. He wants to see the new pay plan implemented. He said the key to success is communication.

Mayor Pro-Tempore Vance stated that it is good to have quality staff. The retreat provided Council with an opportunity to bond. Doing nothing is not a choice.

Council Member Dellinger commented that the next six months will be a challenge to change the course of the Town. We have to turn down some immediate gratification in order to have better rewards in the long-term but it will be worth the effort. He provided The Marshmallow Test as an example.

Next Steps

Staff will prepare an implementation plan based on the information and comments provided over the two-day retreat.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 6, 2023		
Subject: Notification of Reallocation of Salary and Benefits to Operating in FY23 Budget		
Location on Agenda: Consent		
Department: Administration		
Contact: Sara Warren, Budget Manager		
Presenter: Sara Warren, Budget Manager		
<p>Brief Summary: As part of the end of year clean up, departments asked to reallocate FY23 budget dollars from Salary and Benefits to fund critical items that could not be covered in the FY23 operating budget. Per current Town policy, staff is required to notify Council of these actions.</p>		
<p>Recommended Motion and/or Requested Action: Acknowledge reallocation of funds from salary and benefits to operating as required by the Town's financial policies.</p>		
<p>Detailed Notes: As part of the end of year clean up, departments asked to reallocate dollars from Salary and Benefits to fund critical items that could not be covered in the operating budget. This includes: contract increase in solid waste services related to growth of \$214,000; upgrades to software and network infrastructure in IT of \$100,000; purchase of an electric vehicle for Public Works for \$53,000; contract services for HR and Budget software in Administration of \$35,000; and contract increase in Planning for final plat review services of \$27,000.</p>		
<p>Funding Source: Operating Budget</p>		
Cost: n/a	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p>Manager's Comments and Recommendations:</p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SA	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

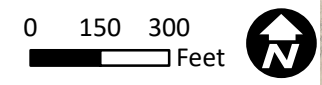
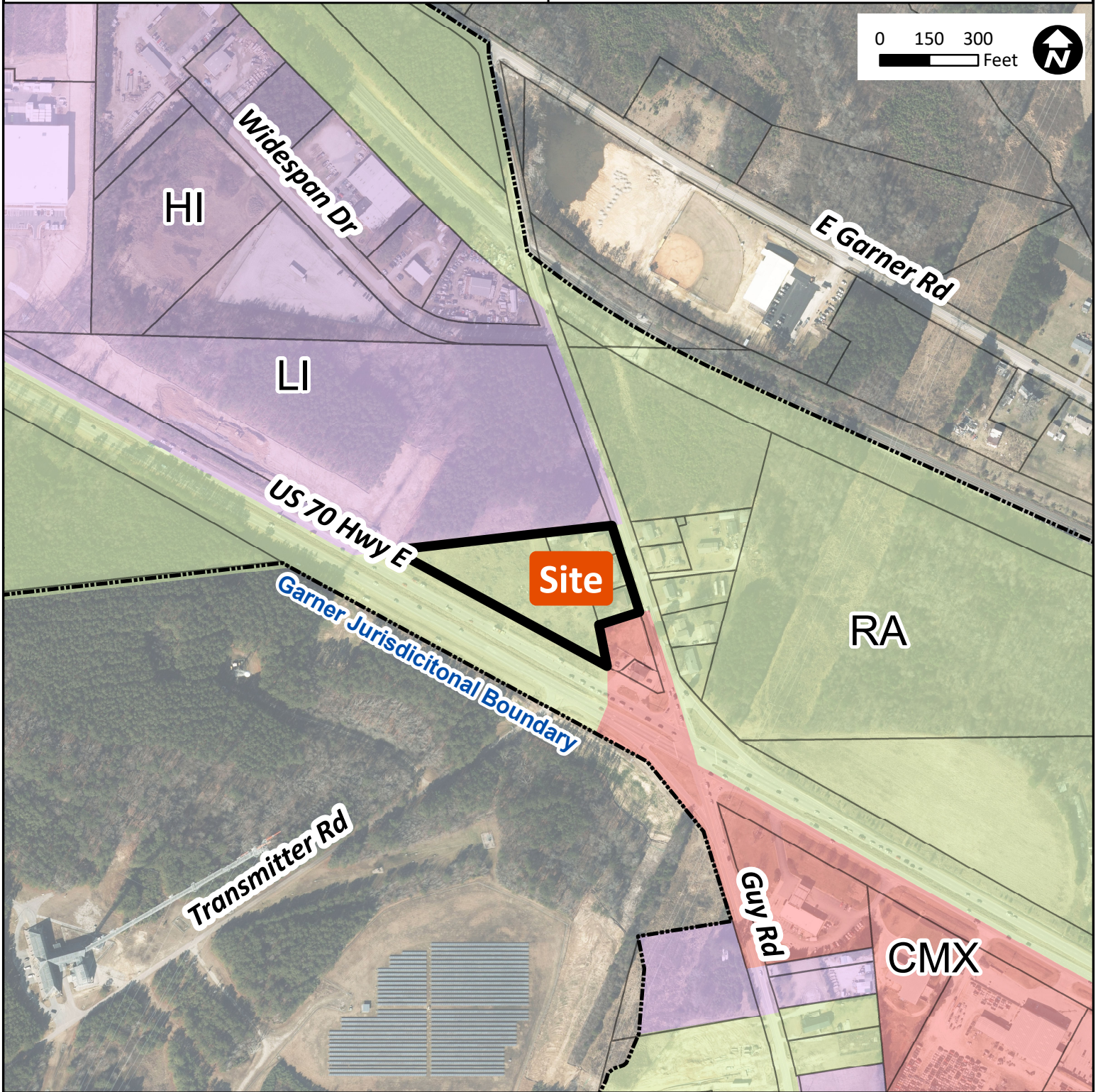
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 6, 2023		
Subject: Tier 2 Conditional Rezoning #CZ-MP-22-09, US 70 Guy Road Commercial		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Ashley Harris, Planner I		
Presenter: Ashley Harris, Planner I		
Brief Summary: Tier 2 conditional rezoning request (CZ-MP-22-09) submitted by Circle K Stores, Inc. to rezone 3.53 +/- acres from Single Family Residential (R-40) to Community Retail (CR C269) Conditional for the development of a convenience store with fuel sales. The site is located at the northwest corner of US 70 Hwy E and Guy Road and may be further identified as Wake County PIN(s) 1740116945, 1740128037, 1740118968, and 1740119930.		
Recommended Motion and/or Requested Action: Consider motion to approve and adopt Ordinance (2023) 5206.		
Detailed Notes: Zoning conditions are proposed that restrict the range of permissible CR uses to a list of eleven permissible uses and provide architectural commitments that address appearance and quality of materials and construction. Application is being reviewed against the previous UDO in effect at the time of initial submittal (prior to adoption of new UDO on July 5, 2022). The one required neighborhood meeting was held in person on December 12, 2022. Approximately 9 were in attendance. Approximately 20 owners were notified. See staff report for additional information.		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:		
Town Clerk:		



**Town of Garner
Planning Department**

**Conditional District Zoning Application
CZ-MP-22-09**



Project: US 70-Guy Road Commercial
Applicant: Circle K Stores, Inc.
Owner: Mutliple
Location: 2701 US 70 Hwy E, 4923-4931 Guy Road
Pin #: 1740116945, 1740128037, 1740118968, 1740119930

Proposed Use: Convenience Store with Fuel Sales
Current Zoning: RA
Proposed Zoning: CMX Conditional C269
Acreage: 3.5 +/-
Overlay: Commercial Highway Overlay District

Planning Department Staff Report

TO: The Honorable Mayor Marshburn and Town Council Members

FROM: Ashley Harris, Planner I

SUBJECT: *Tier 2 Conditional Rezoning # CZ-MP-22-09, US 70 Guy Road Commercial*

DATE: June 6, 2023

I. PROJECT AT A GLANCE

Project Number(s): CZ-MP-22-09, Tier 2 Conditional Rezoning

Applicant: Andy Priolo, Circle K Stores, Inc.

Owners: Amrut Parmar, Amrutlal Parmar, Talmadge W House Jr., Jan P House, J&M Smith Enterprises, LLC.

Designer: Timmons Group

General Description -

Project Area & Location: 3.53 +/- acres

Wake County PIN(s): 1740116945, 1740128037, 1740118968, 1740119930

Current Zoning: At time of application: Single Family Residential (R-40)
As of 7-5-22: Rural Agricultural (RA)

Requested Zoning: At time of application: Community Retail (CR C269)
Conditional
As of 7-5-22: Commercial Mixed Use (CMX C269)
Conditional

Overlay: At time of application: US 70/401 Thoroughfare Overlay
As of 7-5-22: Commercial Highway Overlay (CHO) District

Key Meeting Dates:

Public Hearing: April 18, 2023

Planning Commission: May 8, 2023

Action: June 6, 2023

II. BACKGROUND / REQUEST SUMMARY

Request: Tier 2 conditional rezoning request (CZ-MP-22-09) submitted by Circle K Stores, Inc. to rezone 3.53 +/- acres from **Single Family Residential (R-40)** to **Community Retail (CR C269) Conditional** for the development of a convenience store with fuel sales. The site is located at the northwest corner of US 70 Hwy E and Guy Road and may be further identified as Wake County PIN(s) 1740116945, 1740128037, 1740118968, and 1740119930.

Zoning conditions are proposed that restrict the range of CR permissible uses to a list of eleven permissible uses and provide architectural commitments that address appearance and quality of materials and construction.

Tier 2 requests are those where an illustrative master plan is included with the written conditions. The master plan is not intended to have the detail of a full site plan. However, it will show a layout of how streets, parking, buffers, stormwater, utilities, amenities, and lots or buildings will relate to each other as well as the surrounding properties. If the rezoning is approved, the applicant must submit a full site plan in keeping with the master plan to staff (and Town Council in the event a SUP is triggered) for review and approval.

Effective 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. The request is now amended to be from **Rural Agricultural (RA)** to **Commercial Mixed Use (CMX C269) Conditional**. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO in effect at the time of application (7/1/2022) governing the former Community Retail (CR) zoning district.



III. ZONING ANALYSIS

Existing: While the site is now zoned Rural Agricultural (RA), it was zoned Single-Family Residential (R-40) at the time of application. The R-40 district allowed residential dwelling units at one per 40,000 square foot minimum lot size, as well as other permitted uses common to rural settings.

The following is a list of permitted uses in the former R-40 district:

- | | |
|---|---|
| 1. Single Family Detached | 13. School, Public or Private (SUP) |
| 2. Residential Cluster | 14. Ambulance Service, Rescue Squad,
Police or Fire Station (SUP) |
| 3. Manufactured Home (Class A Unit) | 15. Cemetery |
| 4. Single-Family Residential
Subdivision | 16. Public Park, Swimming Pool, Tennis
Court, Or Golf Course (SUP) |
| 5. Modular Home | 17. Religious Institutions |
| 6. Family Care Home | 18. Minor Utility, Elevated Water
Storage Tank |
| 7. Group Care Home | 19. Solar Farms (SUP) |
| 8. Intermediate Care Home | 20. Telecommunications Facility (SUP) |
| 9. Community Center (SUP) | 21. Other Major Utility (SUP) |
| 10. Civil, Service, Fraternal Clubs,
Lodges and Similar Uses (SUP) | 22. Horse Stables and Related Facilities
(SUP) |
| 11. Child Day Care (Up To 3 As Home
Occupation) | 23. Bed And Breakfast (SUP) |
| 12. Family Child Day Care (Up To 8 In-
Home) | 24. Agriculture Or Silviculture |

Proposed: The proposed zoning of the site was Community Retail (CR C269) Conditional, which would be adopted as Commercial Mixed Use (CMX C269) Conditional. The CR district was designed to accommodate commercial activities that serve the entire community, especially retail businesses conducted within a building.

The following is a list of generally permitted uses in the former CR district:

- | | |
|--|--|
| 1. Townhouse | 11. College or University |
| 2. Condominium | 12. Trade/Vocational School (SUP) |
| 3. Upper-Story Residential | 13. Music/Dance/Art Instruction |
| 4. Community Center (SUP) | 14. Ambulance Service, Rescue Squad,
Police or Fire Station |
| 5. Library, Museum, Art Gallery, Art
Center | 15. Government Office (SUP) |
| 6. Other Community Service (SUP) | 16. Cemetery |
| 7. Civil, Service, Fraternal Clubs,
Lodges and Similar Uses (SUP) | 17. Public Park, Swimming Pool, Tennis
Court, Golf Course (SUP) |
| 8. Adult Day Care | 18. Religious Institution |
| 9. Day Care Center | 19. Minor Utility, Elevated Water Tower |
| 10. Business School, College or
University, Satellite in Single
Building | 20. Telecommunications Facility (SUP) |
| | 21. Bar, Nightclub, Tavern |

- 22. Golf Course or Country Club, Private (SUP)
- 23. Gym, Spa, Indoor Tennis Court or Pool, Private
- 24. Indoor Entertainment Facility
- 25. Electronic Gaming Centers
- 26. Theater
- 27. Medical Office, Individual
- 28. Other Office
- 29. Bed And Breakfast (SUP)
- 30. Hotel/Motel (SUP)
- 31. Parking Commercial (SUP)
- 32. Restaurant, Indoor with Seating Only
- 33. Restaurant With Seating and Drive-Through Window
- 34. Restaurant, Takeout Only (Drive-Through or Walk Up)
- 35. Convenience Store Without Fuel Sales
- 36. Convenience Store with Fuel Sales
- 37. Personal Service-Oriented Use (Excludes Commercial Greenhouses or Any Use with Outdoor Operations)
- 38. Hair Salons, Barbershops, Beauty Shops
- 39. Banks or Financial Institution
- 40. Repair-Oriented Use (No Outdoor Operations)
- 41. Sales-Oriented Use (No Outdoor Operations)
- 42. Veterinarian / Kennel, Indoor
- 43. Vehicle Service, Limited

The applicant has proposed the following zoning conditions for the CR C269 conditional district:

1. Permitted use table:

Use Category	Specific Use	
Office	Medical Office, Individual	P
	Other Office	P
Restaurants	Restaurant, Indoor with Seating	P
	Restaurant with Seating and Drive Through Window	P
	Restaurant, Take-Out Only (Drive Through or Walkup)	P
Retail Sales and Service	Convenience Store without Fuel Sales	P
	Convenience Store with Fuel Sales	P
	Personal Service-Oriented Use	P
	Hair Salons, Barbershops, Beauty Shops	P
	Veterinarian/Kennel, Indoor	P

2. Exterior building materials for principal buildings shall be limited to simulated brick with a minimum of two (2) color tones, simulated stone, fiber cement cap, ACM panels, aluminum awning, And an anodized aluminum storefront. Each building will contain at least three (3) of the aforementioned exterior materials. Corrugated metal panels and vinyl siding shall not be installed on any building exterior.

3. Each principal structure shall have a simulated stone water table along the base of the building at least (36") in height.
4. Architectural elements like towers, pilasters, and overhangs shall be provided for the occupied principal structures only to enhance vertical and horizontal building articulation. Each principal structure shall provide at least two (2) of the architectural elements listed above.
5. Principal and accessory building height shall not exceed twenty-five feet (25') or one story.
6. The exterior materials for the principal building described as "convenience store" shall be as described below:
 - Front façade (primary façade): 60% simulated brick (two tones), 20% simulated stone, 18% storefront, and two (2) entry doors.
 - Side facades: 70% simulated brick (two tones) and 25% simulated stone.
 - Rear façade: 70% simulated brick (two tones) and 20% simulated stone.
 - Front facade of the principal building described as a "convenience store" shall contain at least a tower element 16" above the 18'-6" roof line with a minimum of 8" wall offset in the plane at each building corner and an overhang architectural fixture 3' above the 18'-6" roof line with a minimum of 36" offset in plane that clearly demarcate the building primary access and proposed main signage.
 - Side and rear facades of the principal building described as "convenience store" shall contain architectural elements such as tower and pilasters 16" above the 18'-6" roof line with a minimum of 8" offset in wall plane and no more than 35' apart.
 - The proposed rear façade (northeast) contains two (2) tower elements on each corner and two (2) pilasters less than 35' apart, 8" offsets in a wall plane with a 36" stone water table base.
 - The proposed side façade (southeast) contains two (2) tower elements on each corner less than 35' apart, 8" offsets in wall plane with a 36" stone water table base, and a secondary anodized aluminum storefront pedestrian access with a metal canopy awning.
7. For secondary pedestrian access on any side facades, a metal awning shall be provided to clearly demarcate the access. Color and materials shall be compatible with the principal building's overall earth tone colors to unify building colors and maintain harmony and style.
8. Each column element of the "fuel" and "diesel canopies" structures shall contain a simulated stone base of eight feet (8') and simulated brick for remaining height. Color and materials shall be compatible with the principal building's overall earth tone colors to unify building colors and maintain harmony and style.

9. Accessory structure described as “trash enclosure” finishing material shall be 100% simulated brick consisting of one (1) tone on all facades with a pair of urethane gates with color to match #SW 6090 “Java”.
10. Fence around SCM shall be a commercial-grade, black aluminum picket fence.
11. Three (3) ornamental trees (above code minimum) shall be provided on the northeast side of the building.
12. Outdoor seating area amenity shall be provided with two (2) tables with seats.

Overlay Districts: This property falls within the Commercial Highway Overlay (CHO) District. At the time of the submittal the overlay was the U.S. 70/401 Thoroughfare (O-70) Overlay District. The O-70 overlay district had additional development standards applicable to non-residential development. None of the prohibited uses are proposed for conditional inclusion.

Overlay prohibited uses:

- a. Drive-in movie theaters
- b. Adult cabarets and establishments
- c. Outside storage of goods not related to sale or use on premises
- d. Scrap materials, salvage yards, junkyards, and automobile graveyards
- e. Mining or quarrying operations; including on-site sales of products; coal or aggregate sale and or storage; concrete mixing plant
- f. Reclamation landfill
- g. Commercial greenhouse operations
- h. Recyclable material collection centers

Overlay prohibited uses adjacent to or within 150 feet of existing residential uses:

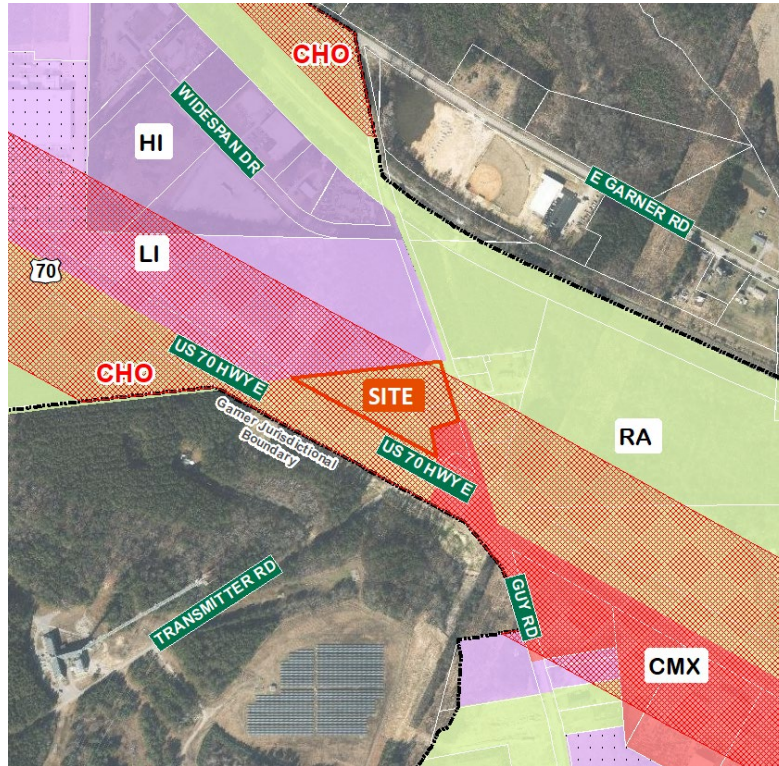
- a. Hotel/motels
- b. Pool halls/bowling alleys only
- c. Bars/night clubs/ABC-permitted private clubs

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

Case	Applicant	Location / Project	Zoning Change
CZ-SP-20-04	D & S Properties, LLC	Guy Road	R-40 to SB C233
CUD-Z-16-05	Freedom Roads LLC	US HWY 70 E/ Camping World	Wake County HD to SB C185
CUD-Z-20-05	Garner Industrial LLC	US HWY 70 E	I-1 to SB C230
CUD-Z-16-10	Joe Cermin (Seedling Technology)	US HWY 70 E	Wake County HD I-2 C190
CUD-Z-14-01	Joe Cermin (Seedling Technology)	US HWY 70 E	I-1 C172

Adjacent Zoning and Land Use:

North: LI	Warehouse- Garner Commerce Center
South: CMX, RA	Las Carolinas Grocery & Grill, US BUS 70, Vacant
East: CMX, RA	Las Carolinas Grocery & Grill, Single Family Residential
West: LI, RA	Warehouse- Garner Commerce Center, US BUS 70



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: The area is currently a mix of commercial, industrial, and rural residential. Industrial is the most prominent land use in the area, including the adjacent Garner Commerce Center and industrial uses along Widespan Drive. The residential is limited to single-family homes along Guy Road. The neighborhood is heavily influenced by US Hwy 70 E as the primary traffic conduit.

Traffic: The project will have approximately 2,000 feet of frontage along US Hwy 70 E and about half of that distance along Guy Road. As general background information only, the NCDOT average daily traffic count history on Guy Road and US 70 are as follows:

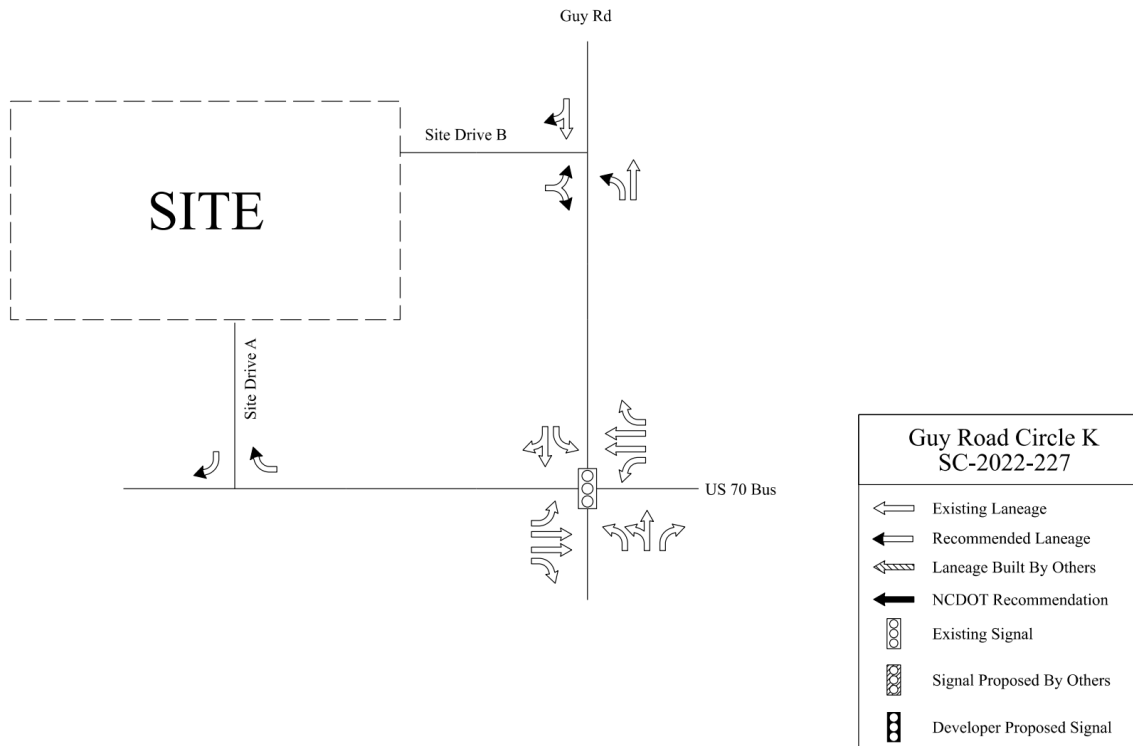
Guy Road

- Year 2011 – 3,600
- Year 2013 – 2,800
- Year 2015 – 4,000
- Year 2017 – N/A
- Year 2019 – N/A
- Year 2021 – N/A

US Highway 70

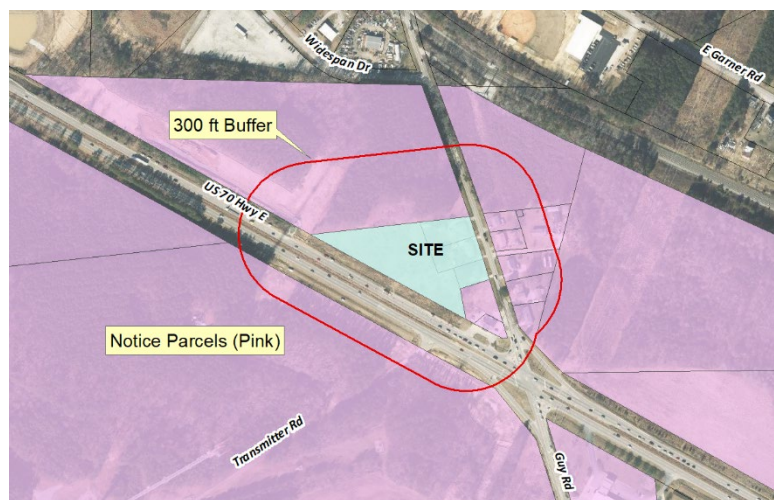
- Year 2011 – 35,000
- Year 2013 – 35,000
- Year 2015 – 36,000
- Year 2017 – 36,000
- Year 2019 – 46,000
- Year 2021 – 41,500

A traffic impact analysis (TIA) was required by both the Town and NCDOT. It was completed in June of 2022. NCDOT’s Congestion Management Unit recommended added laneage for a “right in right out” access off US 70 at Site Drive A and a full movement access off Guy Road at Site Drive B.



Neighborhood Meeting: A neighborhood meeting was held on December 12, 2022, at 6:00 PM in the Avery Street Recreation Center. There were 20 properties within the notification area (list/table follows), and there were approximately 9 people in attendance.

Neighborhood Meeting Summary: Questions discussed during the meeting included questions about road



improvements, impacts to the properties at the corner of Guy Road and US 70 E, sewer connections, and the existing homes located on the site. See full neighborhood meeting information attached at the end of this report for further detail.

OWNER	ADDR1	ADDR2
ALI 2 FARMS LLC	442 1/2 E MAIN ST	CLAYTON NC 27520-2500
RHODES, RAEFORD G RHODES, ELGIE T	4910 GUY RD	CLAYTON NC 27520-9313
BURLISON, CORY	4904 GUY RD	CLAYTON NC 27520-9313
RCJ AXE LLC	2133 US HIGHWAY 70 E	GARNER NC 27529-9422
MARCOM, BURNICE TODD	4920 GUY RD	CLAYTON NC 27520-9313
B-10 SOLUTIONS LLC	212 RIVER KNOLL DR	CLAYTON NC 27527-6041
NIERATKO, MARK	4924 GUY RD	CLAYTON NC 27520-9313
ALEXANDER, RANDY	2133 HWY 70 E	GARNER NC 27529
SPEEDWAY LLC	PROPERTY TAX DEPT	539 S MAIN ST
HOUSE, TALMADGE W JR HOUSE, JAN P	205 SIERRA RIDGE DR	ARCHER LODGE NC 27527-6253
PARMAR, AMRUT N	388 BROADMOOR WAY	CLAYTON NC 27520-4914
POWHATAN PROPERTIES LLC	305 DEERFIELD DR	CLAYTON NC 27527-9418
CBC REAL ESTATE CO INC	PO BOX 12000	RALEIGH NC 27605-2000
BEAMAN, LLEWELLYN WARREN	2975 US HIGHWAY 70 E	CLAYTON NC 27520-7303
PARMAR, AMRUTLAL	388 BROADMOOR WAY	CLAYTON NC 27520-4914
J & M SMITH ENTERPRISES LLC	151 TECHNOLOGY DR	GARNER NC 27529-7940
RCJ AXE LLC	2133 US HIGHWAY 70 E	GARNER NC 27529-9422
POWHATAN PROPERTIES LLC	305 DEERFIELD DR	CLAYTON NC 27527-9418
PITTMAN, PATRICIA S SMITH, PAMELA J	5105 CARTER ST	RALEIGH NC 27612-3467
FEORE, JOHN J FEORE, JOANN M	1925 PARTRIDGE BERRY DR	RALEIGH NC 27606-9695

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on Tuesday April 18, 2023. Please refer to [Town Council Meeting for 4/18/2023- YouTube video](https://www.youtube.com/watch?v=...) at the Town of Garner’s YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 1:15 mark of the video, and comments begin at 1 hour and 28 minutes. There were questions about the widening of Guy Road, the full width of which will front the entire property and taper out beyond the property line to the north.

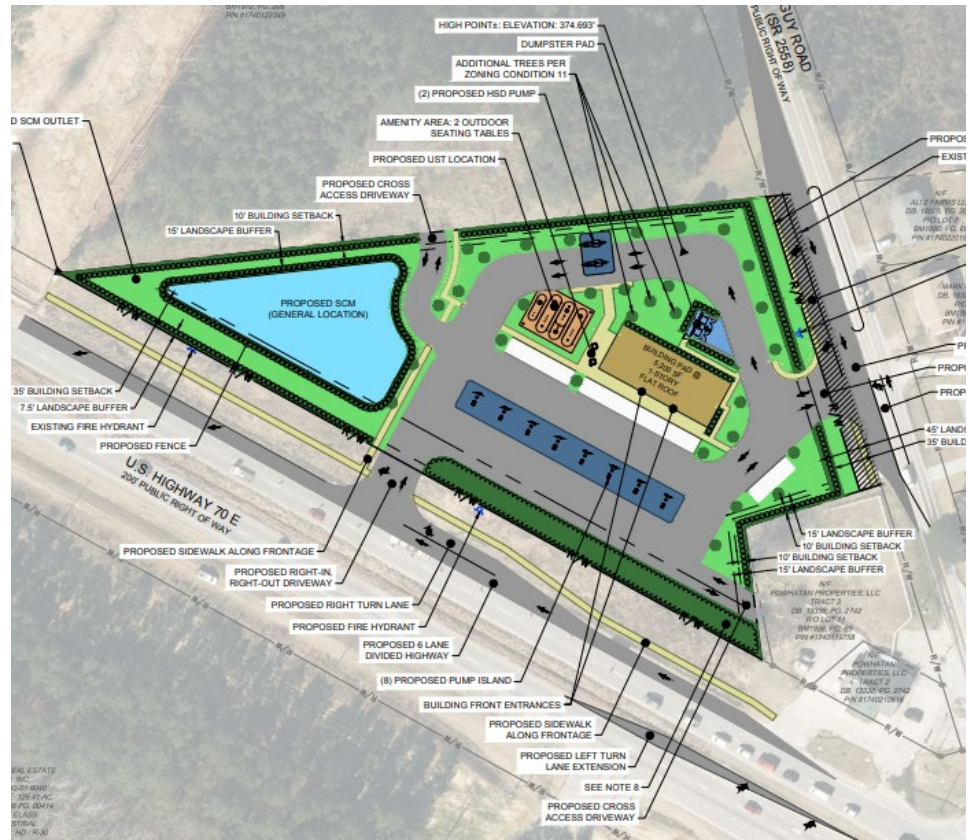
The Town Council closed the public hearing and voted unanimously (5-0 in favor) to refer the item to the Planning Commission for consistency review and recommendation.

V. PLANNED DEVELOPMENT PROJECT DATA

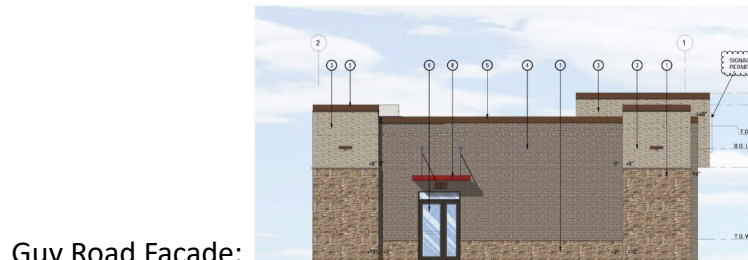
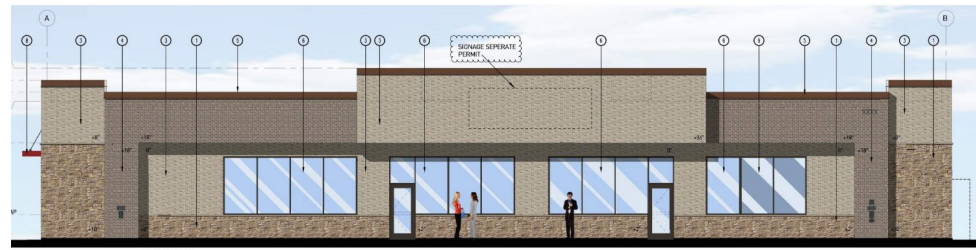
Acreeage: 3.53 +/- acres

Units/Bldg Size: 5,200 sq ft

Master Plan:



Buildings: US 70 Façade:



Guy Road Façade:

Lots and Setbacks:

Minimum lot width:	60 Feet
Minimum lot area:	6,000 sq ft
Front setback:	35 feet
Side setback:	10/15 feet
Rear setback:	0/25 feet
Corner side setback:	35 feet
Maximum height:	40 feet

Landscape and Buffer Requirements:

Tree Canopy Cover: Sliding scale from 12-14% (rule at time of submittal) to be met. Master plan envisions new canopy plantings for a total of 14% minimum.

Perimeter Buffers:

- Street yard buffer along US 70 Hwy E: 7.5'
- 45' buffer along Guy Road
- 15' perimeter buffer along the northern boundary
- 15' perimeter buffer along the southeast boundary
- Additional screening of outdoor operations (fuel sales) required in the US 70/401 Overlay

Street Trees: Must be provided approximately every 40 feet along all roadways).

Environmental Features:

There are no FEMA designated floodplains and no buffered streams within the project boundary.



Parks and Open Space: **Open Space –**

- None required for commercial development

Lighting: To meet UDO requirements and staff policies for LED fixtures.

Infrastructure: **Stormwater Management** – US 70 Guy Road Commercial is not located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen as well as water quantity requirements for the 1, 10, and 25 year storm events. This development master plan proposes one stormwater control measure (SCM). This SCM shall satisfy all water quality and water quantity requirements at this site for nitrogen and will be required to detain the 1, 10, and 25 year storm events.

Water/Sewer – The site will be served by City of Raleigh water and sewer infrastructure. Water will connect to existing service in US 70 HWY E and a new water main will be installed along the property frontage on Guy Road. Sewer service will tie into existing lines near Widespan Drive through an offsite sewer extension.



Transportation/Access – The project will have one point of access on US 70 HWY E and one point of access on Guy Road. Cross access has been coordinated with adjacent proposed development to the west and existing commercial site to the east. Additional pavement, curb, gutter, and sidewalks will also be required along the frontage.

VI. PLAN CONSISTENCY

Statutory Directive: When considering a rezoning request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the zoning 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 rezoning 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.

Staff offered that the Planning Commission shall review consistency with the following plans:

- 2018 Garner Forward Comprehensive Plan
- 2010/18 Garner Transportation Plan
- Parks, Recreation, Greenways and Cultural Resources Master Plan

Planning Commission Meeting Summary: The Planning Commission conducted their meeting on Monday, May 8, 2023.

Staff presented an overview of the request, and the applicant was available to answer questions.

Please refer to the [Planning Commission Meeting for 5/8/2023](https://www.youtube.com/@TownofGarner/streams) video at the Town of Garner’s YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 1:39:40 mark of the video, and comments begin at 1:55:20. Questions included those clarifying improvements and sidewalks along Guy Road and US 70, clarifying trash enclosure details, the cross-access being provided, the character of the proposed building elevations, possible plans for the corner parcel, and the level of detail for the façade facing Guy Road.

On a vote of 7-0, the Planning Commission moved to accept the staff’s proposed Consistency Statement as their own and recommended approval to the Town Council.

Relevant Land Use Plan Analysis:

2018 Garner Forward Plan – CONSISTENT:

The site of the request is designated as both **Corridor Commercial (CRC)** and **Light Industrial Center (LIC)**. Light Industrial Centers support small to medium-scale, on-site manufacturing and production uses including warehousing, light manufacturing, distribution, medical research/laboratory, and assembly operations. These areas are almost exclusively found near major transportation corridors (i.e., highway, airport, or rail) to support delivery to individual customers or other transport, distribution, or manufacturing/assembly centers. Noise attenuation is seldom required, and buffering is typically vegetated landscaping to shield loading and outdoor storage areas from nearby property owners.

Corridor Commercial is located along highways and major arterials, the Corridor Commercial land use category emphasizes commercial centers that have individual driveways and separated parking lots, unique signage, and differentiated building materials and styles along a major arterial roadway. These centers are less likely to have any foot traffic, and oriented towards the roadway with little accessibility from the rear or sides of the properties. Permitted uses may include operations with outdoor storage and outdoor sales display areas. For these uses, special emphasis should be placed on landscaping and screening. Uses along these corridors should be attractively landscaped and screened as these corridors are gateways into the community for the traveling public.

The proposed office, retail/service and restaurant uses are consistent with the intent of the Corridor Commercial land use and are also consistent with certain aspects of the Light Industrial Center in that they do not require noise attenuation and do include extra landscaping for outside storage and operations.



2010/18 Garner Transportation Plan - CONSISTENT:

The Town's transportation plan calls for sidewalks along US 70 HWY E and Guy Road as a pedestrian recommendation. This project will install curb, gutter, and sidewalks. Required widening of Guy Road along the frontage will also be done. With these improvements, this project can be considered consistent with the Transportation Plan.

Parks, Recreation, Greenways and Cultural Resources Master Plan – CONSISTENT:

The site is not designated as a park land search area. In addition, there is no proposed greenway corridor proposed for this location; therefore, this rezoning master plan can be considered consistent with the PRCR Master Plan.

Consistency Statement: This request to rezone approximately 3.53 +/- acres from Single-Family Residential (R-40) to Community Retail (CR C269) Conditional for the development of an office, retail/service or restaurant use – as enumerated in the applicant’s proffered conditions – is consistent with the Town of Garner’s adopted plans, including the Future Land Use Map’s partial designation of Corridor Commercial.

VII. 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 rezoning 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.

VIII. RECOMMENDATION

Staff Recommendation: In addition to findings of plan consistency, staff would also note the following in support of a motion to approve CZ-MP-22-09 as presented:

1. The permitted uses of Medical Office; Other Office; Restaurant; Convenience Store; Personal Service-Oriented Use; Hair Salons, Barbershops, Beauty Shops; and/or Veterinarian/Kennel; as outlined in the zoning conditions are generally appropriate in scale and intensity, given the site is located between thoroughfares and offers a transition between the residential uses along Guy Road and the industrial parks to the west.

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.

CZ-MP-22-09, US 70/Guy Road Commercial

Zoning Amendment Motion Worksheet

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

<p>1. CONSISTENT AND REASONABLE</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 VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2023) 5206 approving rezoning CZ-MP-22-09, 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>2. CONSISTENT BUT NOT REASONABLE</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 VI of the staff report, as our own; however, I also move that the Town Council deny rezoning CZ-MP-22-09 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>3. INCONSISTENT YET REASONABLE</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 VI 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. (2023) 5206 approving rezoning CZ-MP-22-09, 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>4. INCONSISTENT NOR REASONABLE</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 VI 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 CZ-MP-22-09, 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

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

ORDINANCE NO. (2023) 5206

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

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

WHEREAS, the Town Council finds this request to rezone 3.53 +/- acres from Single Family Residential (R-40) to Community Retail (CR C269) Conditional for the development of a convenience store with fuel sales is consistent with the Town of Garner's land use plans; and

WHEREAS, the Town Council also finds this request to also be consistent with the Garner *Transportation Plan* and the *Parks, Recreation, Greenways and Cultural Resources Master Plan*; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will encourage redevelopment and reuse of existing sites and building that are complimentary to the surrounding area; will enhance the surrounding transportation network by providing interconnectivity, constructing proposed greenway trails, improving intersections and/or filling sidewalk gaps; and reflects a significant change in conditions or support a public policy established by the Town since the adoption of applicable land use plans;

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial

Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by Andy Priolo, Circle K Stores, Inc in Zoning Map Amendment Application No. CZ-MP-22-09 (Rural Agricultural [RA] to Commercial Mixed Use [CMX C269] conditional).

Section 2. That there is hereby created a new conditional zoning district, to be known as Commercial Mixed Use (CMX C269); all of the regulations that apply to property within the CMX C269 district shall be applicable subject to the following conditions:

1. Permitted use table:

Use Category	Specific Use	
Office	Medical Office, Individual	P
	Other Office	P
Restaurants	Restaurant, Indoor with Seating	P
	Restaurant With Seating and Drive Through Window	P
	Restaurant, Take-Out Only (Drive Through or Walkup)	P
Retail Sales and Service	Convenience Store without Fuel Sales	P
	Convenience Store with Fuel Sales	P
	Personal Service-Oriented Use	P
	Hair Salons, Barbershops, Beauty Shops	P
	Veterinarian/Kennel, Indoor	P

2. Exterior building materials for principal buildings shall be limited to simulated brick with a minimum of two (2) color tones, simulated stone, fiber cement cap, ACM panels, aluminum awning, And an anodized aluminum storefront. Each building will contain at least three (3) of the aforementioned exterior materials. Corrugated metal panels and vinyl siding shall not be installed on any building exterior.
3. Each principal structure shall have a simulated stone water table along the base of the building at least (36”) in height.
4. Architectural elements like towers, pilasters, and overhangs shall be provided for the occupied principal structures only to enhance vertical and horizontal building articulation. Each principal structure shall provide at least two (2) of the architectural elements listed above.
5. Principal and accessory building height shall not exceed twenty-five feet (25’) or one story.
6. The exterior materials for the principal building described as “convenience store” shall be as described below:
 - Front façade (primary façade): 60% simulated brick (two tones), 20% simulated stone, 18% storefront, and two (2) entry doors.

- Side facades: 70% simulated brick (two tones) and 25% simulated stone.
 - Rear façade: 70% simulated brick (two tones) and 20% simulated stone.
 - Front facade of the principal building described as a “convenience store” shall contain at least a tower element 16” above the 18’-6” roof line with a minimum of 8” wall offset in the plane at each building corner and an overhang architectural fixture 3’ above the 18’-6” roof line with a minimum of 36” offset in plane that clearly demarcate the building primary access and proposed main signage.
 - Side and rear facades of the principal building described as “convenience store” shall contain architectural elements such as tower and pilasters 16” above the 18’-6” roof line with a minimum of 8” offset in wall plane and no more than 35’ apart.
 - The proposed rear façade (northeast) contains two (2) tower elements on each corner and two (2) pilasters less than 35’ apart, 8” offsets in a wall plane with a 36” stone water table base.
 - The proposed side façade (southeast) contains two (2) tower elements on each corner less than 35’ apart, 8” offsets in wall plane with a 36” stone water table base, and a secondary anodized aluminum storefront pedestrian access with a metal canopy awning.
7. For secondary pedestrian access on any side facades, a metal awning shall be provided to clearly demarcate the access. Color and materials shall be compatible with the principal building’s overall earth tone colors to unify building colors and maintain harmony and style.
 8. Each column element of the “fuel” and “diesel canopies” structures shall contain a simulated stone base of eight feet (8’) and simulated brick for remaining height. Color and materials shall be compatible with the principal building’s overall earth tone colors to unify building colors and maintain harmony and style.
 9. Accessory structure described as “trash enclosure” finishing material shall be 100% simulated brick consisting of one (1) tone on all facades with a pair of urethane gates with color to match #SW 6090 “Java”.
 10. Fence around SCM shall be a commercial-grade, black aluminum picket fence.
 11. Three (3) ornamental trees (above code minimum) shall be provided on the northeast side of the building.
 12. Outdoor seating area amenity shall be provided with two (2) tables with seats.

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

Owner(s)	Tract No.	Existing Zoning	New Zoning
Amrut Parmar, Amrutlal Parmar, Talmadge W House	1740116945, 1740128037,	RA	CMX C269

Jr., Jan P House, J&M Smith Enterprises, LLC.	1740118968, 1740119930		
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Section 4. The Planning Department shall change the Official Zoning Map displayed for the public to reflect this change immediately following adoption of this ordinance. In addition, a copy of this ordinance shall be filed in the Planning Department.

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 6th day of June.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 6, 2023		
Subject: FY24 Budget Update		
Location on Agenda: Old/New Business		
Department: Administration		
Contact: Sara Warren, Budget Manager		
Presenter: Sara Warren, Budget Manager		
Brief Summary: Provide Council with updated information related to the FY24 Recommended Budget after the May 16, 2023 Budget Hearing and public comments received through the Budget Portal. The FY24 Recommended Budget was presented during the May 2, 2023 Council meeting. In addition, Town Council held its budget work session on May 11, 2023 and a second budget hearing on May 16, 2023. An additional worksession was held on May 30, 2023. The FY24 Recommended Budget can be found at the Town's website at: https://www.garnernc.gov/departments/finance/fy-2023-24-budget-outreach		
Recommended Motion and/or Requested Action: The Council is asked to direct staff on the tax rate to be included for the FY24 Adopted Budget.		
Detailed Notes: 		
Funding Source: Operating Budget		
Cost: n/a	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:	SW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		