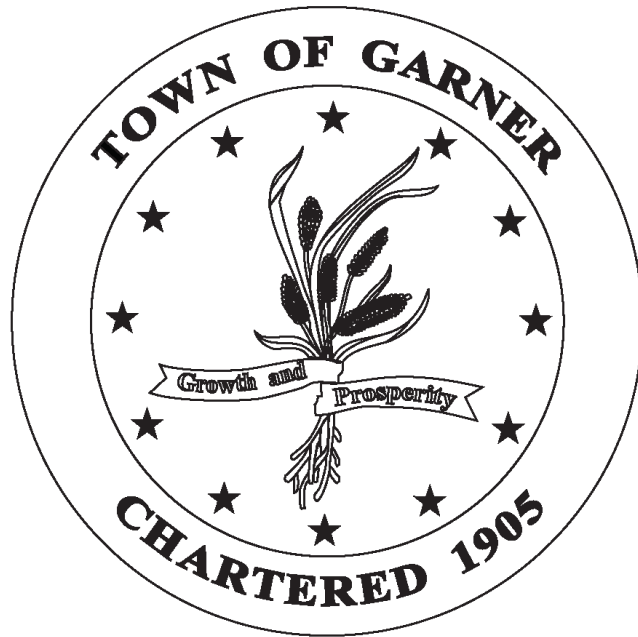


Town of Garner



Town Council Meeting
November 19, 2024

Garner Town Hall
900 7th Avenue
Garner, NC 27529

Town of Garner
Town Council Regular Meeting Agenda
November 19, 2024

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

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton
- B. PLEDGE OF ALLEGIANCE: Mayor Buddy Gupton
- C. INVOCATION: Mayor Buddy Gupton
- D. PETITIONS AND COMMENTS
- E. ADOPTION OF AGENDA
- F. PRESENTATIONS
 - 1. Introduction of Karen Harris, Human Resources Director
Presenter: Jodi Miller, Town Manager
 - 2. Proclamation for GIS Day
Presenter: Jeff Triezenberg, Planning Director
 - 3. Affordable Housing Task Force Progress Update
Presenter: Jodi Miller, Town Manager
- G. CONSENT
 - 1. Budget Amendment for NC Contribution-Based Benefit Cap Employer..... Page 16
Contribution Invoice
Presenter: Jodi Miller, Town Manager

Staff requests a budget amendment of \$199,749 for the payment of a liability owed to the North Carolina Department of State Treasurer Retirement Systems Division to meet the requirements of the Contribution-Based Benefit Cap (CBBC) contribution.

Action: Consider approving Ordinance (2024) 5300.
 - 2. Council Meeting Minutes..... Page 18
Presenter: Stella Gibson, Town Clerk

Minutes from September 17, October 1, October 8 and September 26, 2024 regular, work session, special and closed session minutes.

Action: Consider approving minutes.
- H. PUBLIC HEARINGS

1. Tier 1 Conditional Rezoning Request # CZ-24-004, Yeargan Park..... Page 36
Presenter: Thomas Waltersdorf, Planner

Tier 1 conditional district rezoning request submitted by The McAdams Company on behalf of the Town of Garner to rezone approximately 72 +/- acres from Residential 4 (R4) and Rural Agricultural (RA) to Commercial Mixed Use (CMX C316) Conditional. The site is located along East Garner Road and may be further identified as Wake County PIN(s) 1721033394, 1721021090, and 1721027050. Staff requests that this hearing be continued to allow the necessary time for ensuring all required notices are provided.

Action: Consider continuation of case to the regular meeting of Tuesday, December 3, 2024 at 6:00 p.m.

2. Wake County Multi-Jurisdictional Hazard Mitigation Plan..... Page 38
Presenter: Jeff Triezenberg, Planning Director

The Wake County Hazard Mitigation Plan comprises a Multi-Jurisdictional Hazard Mitigation Plan that includes all of Wake County's incorporated municipalities and unincorporated areas. This plan is required to be updated every 5 years. Wake County staff lead this process each cycle, and all jurisdictions participate. The current plan will expire in December 2024, so it is important to have this new plan approved by all member jurisdictions before the end of the year. The full draft plan may be viewed at: [Draft Hazard Mitigation Plan](#)

Action: Consider referring to Planning Commission for recommendation.

I. NEW/OLD BUSINESS

1. PRCR Policy 115 (Gifts & Donations) Policy 120 (Sponsorship)
& Policy 110 (Revenue) Updates..... Page 39
Presenter: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources

Proposed changes to update Parks, Recreation & Cultural Resources Policy 115 (Gifts & Donations), Policy 120 (Sponsorships), and Policy 110 (Revenue).

Action: Consider approving the recommended changes to Policy 115, Policy 120, and Policy 110.

2. Economic Development Quarterly Update..... Page 64
Presenter: Nate Groover, Economic Development Director

Staff will present a quarterly update on economic development activity and the Downtown Garner Annual Impact Report. This report is attached.

Action: Receive as information.

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- Talk of the Town

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. CLOSED SESSION

Pursuant to N.C. General Statutes Section 143-318.11(a)(4) to discuss matters relating to the location or expansion of businesses and economic development incentives and (a)(6) to consider the performance goals of an individual employee.

O. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024		
Subject: Introduction of New Human Resources Director Karen Harris		
Location on Agenda: Presentations <input type="button" value="v"/>		
Department: Human Resources		
Contact: Karen Harris, Human Resources Director		
Presenter: Jodi Miller, Town Manager		
Brief Summary: An introduction and welcome for new Human Resources Director Karen Harris.		
Recommended Motion and/or Requested Action: No action requested.		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024		
Subject: GIS Day Proclamation		
Location on Agenda: Presentations <input type="button" value="v"/>		
Department: Planning Department		
Contact: Alex Bone, GIS Analyst		
Presenter: Jeff Triezenberg, AICP, GISP, Planning Director		
Brief Summary: Geographic Information Systems (GIS) Day aims to raise awareness of geospatial technologies for the benefit of the public in promoting economic growth, transparency, and sustainable development. We celebrate the role GIS technologies play every November. This year, we celebrate GIS Day in conjunction with the City of Raleigh on November 21st.		
Recommended Motion and/or Requested Action: Presentation Only		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



GIS DAY PROCLAMATION

WHEREAS, the Town of Garner recognizes that an understanding, use and application of geospatial technology is crucial to operating our infrastructure, sustaining our natural resources, and stimulating economic growth, thus, benefitting the welfare of the general public throughout Garner; and

WHEREAS, geographic information systems (GIS) technology allows us to see and model complex relationships and patterns to more intelligently respond; and

WHEREAS, there is a need to promote GIS awareness, education and technical training to use this rapidly developing technology to its full potential; and

WHEREAS, the Town of Garner acknowledges those that have chosen GIS as their profession or as part of their discipline to improve the lives of our citizens; and


WHEREAS, to recognize and support the efforts of nonprofits who work on activities to improve conservation, human services, and various humanitarian efforts to better our world; and

WHEREAS, the Town of Garner is committed to utilizing GIS to inform decision making and better serve its residents and make useful geographic information open and easily available to the public, as a platform for innovation.

NOW, THEREFORE, I Buddy Gupton, Mayor of the Town of Garner, do hereby proclaim November 21, 2024, as GIS Day in the Town of Garner in conjunction with the celebration of National GIS Day and Raleigh GIS Day.



In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Garner, North Carolina to be affixed this the 19th day of November 2024.



Mayor Buddy Gupton

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024		
Subject: Affordable Housing Task Force Progress Update		
Location on Agenda: Presentations <input type="checkbox"/>		
Department: Town Manager's Office		
Contact: Elmo Vance, AHTF Chair and Jodi Miller, Town Manager		
Presenter: Jodi Miller, Town Manager		
Brief Summary: An update on the task force's efforts and process to date will be provided.		
Recommended Motion and/or Requested Action: Provided for information.		
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:		
Finance Director:		
Town Attorney:		
Town Manager:		
Town Clerk:		



Garner Affordable Housing Task Force

Update to Town Council
November 19, 2024



Affordable Housing Task Force

- Appointed in June 2024
- Members include
 - Residents
 - Town staff
 - Housing stakeholders & advocates
- Launched housing pages on Town website

Task Force's Charge:

To create a road map for expanding and maintaining affordable housing opportunities based on data analysis, current economic conditions, and community feedback



Affordable Housing Goals Framework

August - September
2024

October - December
2024

January 2025 and
beyond

Immediate Goals

- Establish Common Definitions
- Establish Priorities and Deliverables
- Evaluate peer communities' plans and identify best practices

Short Term Goals

- Recommend affordable housing goals and metrics for the Town
- Recommend the role the Town should play in housing affordability locally and regionally
- Recommend policies to Inform Development
- Evaluate funding strategies and partnerships

Long Term Goals

- Refine and implement metrics
- Maintain and preserve existing affordable housing
- Implement funding strategies and partnerships



Partner Presentations

Wake County

Town of Apex

Rebuilding Together of the Triangle

Habitat for Humanity





Task Force January Deliverables

In January, the Task Force will deliver recommendations to help Council:



Agree upon terminology and definitions



Provide clear guidance and expectations to the development community



Identify affordable housing best practices



Recommend target goals and measures

Completion Targets

September 2024



Recommendation on definitions related to affordable housing

– Information provided by subcommittee

October 2024



Sharing best practices information with Council

– Information provided by subcommittee



Recommendation on affordable housing goals and metrics

– Information provided by subcommittee



Completion Targets

November 2024



Recommendation on guidance for developers of new residential units

- Discuss and reach consensus of taskforce

December 2024



Recommendation on next steps

- Discuss and reach consensus of taskforce

January 2024 Work Session



Present Findings & Recommendations to Council



Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024		
Subject: Budget Amendment for NC Contribution-Based Benefit Cap Employer Contribution Invoice		
Location on Agenda: Consent		
Department: Town Manager's Office		
Contact: Jodi Miller, Town Manager		
Presenter: Jodi Miller, Town Manager		
<p>Brief Summary:</p> <p>Staff requests a budget amendment of \$199,749 for the payment of a liability owed to the North Carolina Department of State Treasurer Retirement Systems Division to meet the requirements of the Contribution-Based Benefit Cap (CBBC) contribution.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider approving Ordinance (2024) 5300</p>		
<p>Detailed Notes:</p> <p>On October 15, 2024, the Town of Garner received an invoice from the North Carolina Department of State Treasurer regarding a Contribution-Based Benefit Cap (CBBC) Contribution Invoice for member ID 505280. Pursuant to the legislation the Town is required to make an additional contribution to fund the increased cost to the Retirement Systems Division (RDS) to pay for the member's retirement benefit as it exceeded the cap. Staff has identified prior year salary savings to make the one-time payment to the RDS.</p>		
<p>Funding Source:</p> <p>General Fund</p>		
Cost: \$199,749	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" 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:	SAW	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

ORDINANCE NO. (2024) 5300

ORDINANCE AMENDING ORDINANCE NO. (2024) 5274 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496900	Appropriation from Prior Year		\$ 2,065,380	\$ 199,749	\$ 2,265,129

TOTAL REVENUE INCREASE (DECREASE) \$ 199,749.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10421000-510700	Town Manager Retirement		\$ 141,505	\$ 199,749	\$ 341,254

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 199,749.00

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

Duly adopted this 19th day of November 2024.

Buddy Gupton, Mayor

ATTEST:

Stella Gibson, Town Clerk

Approve as to form

Terri Jones, Town Attorney

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Minutes from September 17, September 26, October 1, October 8 and October 15, 2024 regular, work session, special and closed session minutes.		
Recommended Motion and/or Requested Action: Consider approving minutes		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:		
Town Clerk:		

**Town of Garner
Town Council Regular Meeting Minutes
September 17, 2024**

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 Buddy Gupton

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

Staff Present: Jodi Miller-Town Manager, John Hodges-Assistant Town Manager, Terri Jones-Town Attorney, Erin Gibbs-Assistant Town Attorney, Jeff Triezenberg-Planning Director, Erin Joseph-Assistant Planning Director, Leah Harrison-Engineering Director, Nate Groover-Economic Development Director, David Beck-Finance Director, Paul Padgett-Inspections Director, Thomas Waltersdorf-Planner, Ashley Harris-Planner, Sara Warren-Budget Director, and Stella Gibson-Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton

PLEDGE OF ALLEGIANCE: Council Member Gra Singleton

INVOCATION: Council Member Gra Singleton

PETITIONS AND COMMENTS

Sarah Kramer, a resident of Wake County, requested more affordable housing for Wake County workers and other public servants.

ADOPTION OF AGENDA

Motion: Matthews
Second: Singleton
Vote: 5:0

PRESENTATIONS

Inspections Director Paul Padgett recognized Laura Gray and Jacob Parente for receiving their 5th Level 3 trade certificate from the NC Code Officials Qualification Board and Laura Gray for receiving the NC Building Inspector Association Area 5 Inspector of the Year.

CONSENT

Acceptance of Sponsorships and Grants and FY25 Budget Amendment

Presenter: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources

The Parks, Recreation & Cultural Resources Department received nine sponsorships totaling \$8,750 and one grant totaling \$5,000 to support FY25 programs. A budget amendment is required to appropriate the funds to cover program expenditures.

Action: Accept sponsorships and grant and approve the FY25 Budget Amendment Ordinance (2024) 5274A.

Resolution Requesting Exemption from Informal Bids for use of Sole Source Vendor (JAMAR Technologies)

Presenter: Leah Harrison, Engineering Director

The Inspections Department requested an exemption for the informal bid process for the use of a sole source vendor under NCGS 143-129(e)(6).

Action: Adopt Resolution (2024) 2601.

Resolution Requesting Exemption from Informal Bids for use of Sole Source Vendor (ACTA Solutions)

Presenter: Paul Padgett, Inspections Director

The Inspections Department requested an exemption for the informal bid process for the use of a sole source vendor under NCGS 143-129(e)(6).

Action: Adopt Resolution (2024) 2606.

Voluntary Satellite Annexation Petition # ANX-24-014, Timber Drive Professional Park

Presenter: Jeff Triezenberg, Planning Director

Voluntary satellite annexation petition (ANX-24-014) submitted by Joe Faulkner to bring 5.97 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 630 Timber Drive East and may be otherwise identified as Wake County PIN # 1720157471.

Action: Approve Resolution (2024) 2607 setting the public hearing for October 8, 2024.

Fee Schedule Amendment

Presenter: Sara Warren, Budget Director

Council adopted the FY2025 Fee Schedule on June 18, 2024. After the adoption, staff uncovered two previously adopted fees there were inadvertently excluded from the FY25 schedule. These fees remain unchanged from FY24 to FY25 and are requested to be included in the FY2025 Fee Schedule.

Action: Amend the FY2025 Fee Schedule.

Recognition of Disposable Property – Police Department

Presenter: Lorie Smith, Police Chief

Recognize the service weapon and badge of Senior Officer Elbert Walker as disposable property, so they can be awarded to him in recognition of his retirement from the Town.

Action: Adopt Resolution (2024) 2602.

Budget Amendment - PD Replacement Vehicles

Presenter: David Beck, Finance Director

Two police vehicles were totaled by the Town's insurance provider this fiscal year. The Town driver was not at fault in either accident. Insurance proceeds should cover the costs to replace the vehicles.

Action: Approve Ordinance (2024) 5274B.

Request of Wake County to Appoint Plat Review Officer

Presenter: Jeff Triezenberg, Planning Director

The Wake County Board of Commissioners has the authority to appoint plat review officers to fulfill the review requirements of state statute. Wake County and the Town of Garner have had a long history of appointing local staff to assist in creating a one-stop shop for the preparation of plats for recording. Currently, the Town's list includes only Jeff Triezenberg, Planning Director, and Leah Harrison, Engineering Director. A Resolution will be forwarded to Wake County Planning for inclusion on the Board of Commissioners' next available agenda to replace the previous list of appointed officers with the revised list included in said Resolution.

Action: Adopt Resolution No. (2024) 2603.

Budget Amendment – PO Rollovers

Presenter: David Beck, Finance Director

Budget amendment to carry forward purchase orders from the prior fiscal year to the current year.

Action: Approve Ordinance (2024) 5274C.

Surplus Property

Presenter: David Beck, Finance Director

Two police vehicles were totaled by the Town's insurance provider this fiscal year. A request is being made to surplus these vehicles so they can be turned over to the insurance company. The proceeds from the insurance claim settlement will be received after the vehicles are released to the insurance company.

Action: Approve Resolution (2024) 2604.

Council Meeting Minutes

Presenter: Stella Gibson

Minutes from August 20, August 27 and September 3, 2024 Regular, Work Session and Closed Session meetings.

Action: Approve minutes.

Action: Approve Consent Agenda.

Motion: Vance

Second: Matthews

Vote: 5:0

PUBLIC HEARINGS

GZ-24-001, 2311 Parkway Drive

Presenter: Thomas Waltersdorf, Planner

General rezoning request submitted by the Town of Garner to rezone 0.28 +/- acres from Residential-40 Watershed (R-40W, Wake County) to Rural Agricultural (RA, Town of Garner). The property is located at 2311 Parkway Drive and is otherwise identified as Wake County PIN 0790516878.

Staff provided an overview of the project.

There were no public comments.

Action: Close the public hearing and refer the case to the Planning Commission for consistency review and recommendation.

Motion: Matthews
Second: Singleton
Vote: 5:0

Tier 2 Conditional Rezoning Request # CZ-MP-23-07, Bethel Green

Presenter: Ashley Harris, Senior Planner

Tier 2 conditional rezoning request submitted by Foxfield Land Partners to rezone 138.52 +/- acres from Residential 2 (R2) to Residential 8 (R8 C313) Conditional for the development of up to 328 single-family detached units. The site is generally located on the south side of New Bethel Church Road, between the existing Glen Creek and Oak Manor subdivisions and may be further identified as Wake County PIN 1629203686 (portion of).

Staff provided an overview of the project.

Jason Barron with Morningstar Law Group presented highlights of the project.

Council Member Dellinger expressed his concerns regarding the actual zoning of this project. He believes that this project is a misuse of the R8 zoning.

Council Member Singleton voiced his concerns regarding road capacity in the current zoning based on the projects coming before Council.

Mike Prieskorn shared concerns regarding the need for proper infrastructure for the added traffic.

Chris Driver stated he also had concerns regarding traffic, infrastructure, and possibly losing tree coverage.

Pat Dunigan agreed with his neighbors' concerns as well as the capacity issues at Bryan Road Elementary School and that there is no middle school in the area for the children to go.

Kay Jensen of Glen Creek and treasurer of the HOA reiterated the comments of her fellow neighbors.

There were no other public comments.

Mayor Gupton encouraged developers to consider the aging population and putting primary bedrooms on ground floors. He mentioned that it would be nice to consider adding some workforce housing into this neighborhood for teachers, firemen and police.

Action: Close the public hearing and refer the case to Planning Commission for consistency review and recommendation.

Motion: Vance
Second: Matthews
Vote: 4:1

Council Member Dellinger voted nay.

Tier 2 Conditional Rezoning Request # CZ-MP-23-06, Poole Drive Commercial and Fuel Sales

Presenter: Erin Joseph, Assistant Planning Director

Tier 2 conditional rezoning request submitted by Rakesh Kumar, to rezone 1.88 +/- acres from Neighborhood Mixed Use (NMX) to Commercial Mixed Use (CMX C312) Conditional and Neighborhood Mixed Use (NMX C312) Conditional for the development of a convenience store with fuel sales and a commercial retail center. The site is located at 900 and 910 Poole Drive and may be further identified as Wake County PIN(s) 1710387331 and 1710385227.

Staff provided an overview of the project.

Sam Nye, Civil Engineer, gave a presentation regarding the plans proposed for this property.

Mayor ProTem Vance asked if the two existing fuel pumps on the site were currently working. Mr. Nye confirmed that the pumps were not working and were outdated and would need to be replaced if the project was approved.

Council Member Dellinger asked for clarification on the land uses, as he noticed that excluding a vape shop was written down for one address, but not the other. The applicant assured him that this was an error on his part, and he will update it to include no vape shops for both addresses. He also asked what documentation has been prepared from the state regarding the leak, the fix, the remediation and the current soil conditions. Ms. Joseph responded staff is still waiting on a report to confirm that the soil has been remediated. There was also a question about the project's impact on the watershed, drinking water and environmental elements.

Council Member Singleton asked that if this rezoning was not passed, would the owners still be permitted to repair the current fuel pumps and use. Ms. Joseph responded that they would still be able to continue with the two existing pumps as a nonconforming use, but would not be able to expand that use.

Leigh West spoke in opposition of the project because of congestion, heightened traffic risks, parking challenges, pedestrian safety and property maintenance.

Debra Johnson spoke in opposition of this project due to traffic concerns.

Katie Cardenas spoke in opposition of the project due to the added congestion and traffic issues this project will bring to the neighborhood.

Andrew Futrell raised concerns regarding the crosswalk in the area with the risk of pedestrians being hurt in such a high traffic area and what safety additions would be made.

Valerie Harris spoke in favor of this expansion and believes that it will actually cure some of the problems that people are complaining about. She sees it as an added benefit to the Town's revenue.

Council Member Dellinger stated the conditions need to be clearly delineated on what is being proposed before being referred to the Planning Commission.

There were no other public comments.

Mayor Gupton closed the hearing.

Action: Close public hearing and refer to the Planning Commission for consistency and review and recommendation to be accompanied by the additional information requested Council Member Dellinger.

Motion: Vance
Second: Behringer
Vote: 5:0

Tier 1 Conditional Rezoning Request # CZ-24-002, Gateway 540

Presenter: Erin Joseph, Assistant Planning Director

Tier 1 conditional district rezoning request submitted by Beth Blackmon of Timmons Group, to rezone 97.15 +/- acres from Highway District (HD) and Residential-30 (R-30) (Wake County) to Light Industrial (LI C311) Conditional and the Limited Access Highway (LHO) and Lower Swift Creek Conservation (LSC) overlay districts. The site is located at 3530, 3540, 3544, and 3550 Parrish Farm Road; 3933 and 4009 Benson Road; 7001 and 7013 Cleveland School Road; and 5600 Painters Road; which may be further identified by Wake County PIN #'s 1618802326, 1618803562, 1618714274, 1618801117, 1618804161, 1618804796, 1618809958, 1618816547 and 1618917330. This public hearing is continued from the Sept. 3 Council meeting.

Staff provided an overview of the project.

Jason Barron with Morningstar Law Group gave a brief overview of the project.

Council Member Dellinger what was expected to go along the frontage of the property. Mr. Barron responded that there currently no specific uses but a list of uses that would not be permitted was created. Council Member Dellinger voiced his frustrations over the lack of clarity on the flex space usage.

Council Member Singleton requested clarification of the commercial pod being 200 ft. or 300 ft.

Council Member Matthews expressed his enthusiasm for this project and the benefits it will bring to our community.

Claudia Hepburn, owner of neighboring property, voiced her concerns about the negative impacts this project would bring to the community.

Mayor Gupton closed the hearing.

Gordon Poulsen agreed to cap the extension at 300 ft.

An agreement was made to make changes to the proposal. This public hearing will come back to Council on Thursday, September 26, 2024 to review the discussed changes before referring the case to Planning Commission for consistency review and recommendation.

Action: Continue public hearing to Thursday, September 26, 2024.

Motion: Singleton
Second: Matthews
Vote: 5:0

NEW/OLD BUSINESS

Council Code of Conduct and Ethics

Presenter: Terri Jones, Town Attorney

A proposed Code of Conduct and Ethics was presented to Town Council at the June 25, 2024 and the August 27, 2024 Work Sessions. The Legal Department drafted a more streamlined version to address interactions between and among Council members and interactions with the public, including use of personal and Town social media accounts and interactions with Town staff. This version avoids duplication of the Garner Town Council Rules of Procedure.

Action: Adopt the original version of the Code of Conduct and Ethics by Resolution (2024) 2605.

Motion: Behringer

Second: Matthews

Vote: 5:0

COMMITTEE REPORTS

Council Member Matthews reported that the Veterans Committee met Monday, September 9th and are planning for upcoming events.

MANAGER REPORTS

- Talk of the Town.
- September Work Session will be on Thursday, September 26th.
- Council and the GEDC will meet in a Special Meeting on October 1st to receive quasi-judicial training.
- Go Raleigh Bus 20 is now providing weekend service to the Town.
- Big Sweep Litter Sweep will be on September 21st
- Flu Shot Clinic will be on September 25th from 2:00 p.m. to 5:00 p.m.
- The Affordable Housing Task Force will meet on September 30th at 3:00 p.m.
- The Fireman's Day Festival will be on Saturday, October 5th from 11:00 a.m. to 6:00 p.m. at Garner Fire Station One on Main Street.
- The Garner Night Out/Trick or Eat Food Truck Rodeo will be on Saturday, October 12th from 6:00 p.m. to 10:00 p.m. on Main Street.

ATTORNEY REPORTS

None

COUNCIL REPORTS

Vance

- Thanked the Parks and Recreation Department on their hard work with Festival Latino.

Dellinger

- Reported the Optimist Big Band Bash in the Park had a great turnout and are hoping to continue yearly.
- Asked the status of the Homestead at Bryan Road project. Staff responded that this project will be back before Council on October 8th.

Behringer

- Reported that the work on Garner Road to replace water lines is complete.

Singleton

- Asked if the fee-in-lieu fee had changed. Ms. Jones responded that it had not and Ms. Miller added that staff is in the process of re-evaluating.

Council Member Matthews had nothing to report.

ADJOURN: 10:10 p.m.

DRAFT

**Town of Garner
Town Council Work Session Meeting Minutes
September 26, 2024**

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:

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

Staff Present: Jodi Miller-Town Manager, John Hodges-Assistant Town Manager, Terri Jones-Town Attorney, Erin Gibbs-Assistant Town Attorney, Nate Groover-Economic Development Director, Leah Harrison-Engineering Director and Rebecca Murray-Deputy Town Clerk.

ADOPTION OF AGENDA

Motion: Matthews
Second: Behringer
Vote: 5:0

PUBLIC HEARINGS

Tier 1 Conditional Rezoning Request CZ-24-002, Gateway 540

Presenter: John Hodges, Assistant Town Manager

Tier 1 conditional district rezoning request submitted by Beth Blackmon of Timmons Group, to rezone 97.15 +/- acres from Highway District (HD) and Residential-30 (R-30) (Wake County) to Light Industrial (LI C311) Conditional and the Limited Access Highway (LHO) and Lower Swift Creek Conservation (LSC) overlay districts. The site is located at 3530, 3540, 3544, and 3550 Parrish Farm Road; 3933 and 4009 Benson Road; 7001 and 7013 Cleveland School Road; and 5600 Painters Road; which may be further identified by Wake County PIN #'s 1618802326, 1618803562, 1618714274, 1618801117, 1618804161, 1618804796, 1618809958, 1618816547 and 1618917330. This public hearing is continued from the Sept. 17 Council meeting.

Kurt Burger with Foxfield Land Partners provided a brief overview of the changes made to the plans in accordance with Council's previous requests and concerns.

Mayor ProTem Vance and Council Members Dellinger, Behringer, Singleton and Matthews all thanked the developers and the development team.

Action: Close public hearing to refer case to Planning Commission for consistency review and recommendation.

Motion: Vance
Second: Matthews
Vote: 5:0

Members of the GEDC Board joined Council at the dais. In attendance were Jeff Swain, Buck Kennedy, Megan Pumarejo, Bill Moyer and Kevin Payne.

DISCUSSION/REPORTS

Northeast Gateway Small Area Study Final Report

Presenter: Nate Groover, Economic Development Director and Consultants

The Garner Economic Development Corporation contracted with Inspire Placemaking Consultants to perform a small area study of the Northeast Gateway area. The Inspire team presented their findings and recommendations for next steps.

Sarah Sinatra with Inspire Placemaking presented the final report.

Council Member Singleton expressed his concerns with the busy looking nature of the project. Council Members Matthews and Behringer echoed the sentiments of Council Member Singleton.

Mr. Swain and Ms. Pumarejo shared that GEDC will be presenting a third hybrid option soon.

Council Member Singleton suggested removing the assisted living housing from this project as he has a concern about the increased EMS calls to this area.

Town Manager Miller summarized the comments and concerns brought by Council and the GEDC. She recommended that the GEDC work with staff to plan out a general direction as a third hybrid option, finalize the report and bring it before Council. She encouraged continued conversations with the NC DOT to collaborate on a solution for traffic impacts.

Action: Received as information

MANAGER REPORTS

- Pending Agenda

ATTORNEY REPORTS

- The Board of Adjustment members will be joining Council in their quasi-judicial training scheduled for October 1, 2024.

COUNCIL REPORTS

Vance

- The Affordable Housing Taskforce will meet on September 30, 2024 from 3:00 p.m. to 5:00 p.m.

Behringer

- The Public Art Committee has begun the process of creating the art wrap for the utility cabinets at the fire station. There is tentative approval for painting a few fire hydrants around Town and recommendations for mural on the Gear Works building.

Singleton

- Thanks to Ms. Harrison for quick responses to his concerns regarding road striping and to Inspections for responses to tall grass violations.

Matthews

- The ribbon cutting at 540 was a success.
- Requested a "Welcome to Garner" sign with Purple Heart and All America City signs where Fuquay ends.

Council Member Dellinger had nothing to report.

ADJOURN: 7:40 p.m.

**Town of Garner
Town Council Special Meeting Minutes
October 1, 2024**

The Council held a joint special meeting with the Garner Board of Adjustment 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 Buddy Gupton

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

Staff Present: Jodi Miller-Town Manager, John Hodges-Assistant Town Manager, Terri Jones-Town Attorney, Erin Gibbs-Assistant Town Attorney, Paul Padgett-Inspections Director, Leo Cuello-Chief Code Compliance Officer, Jeff Triezenberg-Planning Director, Erin Joseph-Assistant Planning Director, Joe Linsky-Planner, Rick Mercier-Communications Director

Also Present: Board of Adjustment Members Joe Gupton, Judith Ratcliffe, and Ellis Williams.

Town Manager Miller provided a brief update on Town staff participating in Hurricane Helene mutual aid relief and recovery efforts.

There was a brief welcome and overview of the training by Attorney Jones.

Attorney Gibbs presented the training on Quasi-Judicial Hearings. The presentation slides and other handouts were provided to the participants.

There will be a UNC School of Government Training on Quasi-Judicial Decisions in May of 2025.

ADJOURN: 8:37 p.m.

**Town of Garner
Town Council Regular Meeting Minutes
October 8, 2024**

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 Buddy Gupton

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

Staff Present: Jodi Miller-Town Manager, John Hodges-Assistant Town Manager, Terri Jones-Town Attorney, Erin Gibbs-Assistant Town Attorney, Jeff Triezenberg-Planning Director, Erin Joseph-Assistant Planning Director and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Mayor ProTem Vance introduced the Boy Scout Troop 392. Scout Troop Leader Christopher Remally led the pledge.

INVOCATION: Mayor ProTem Vance invited Police Chaplain Louis Long to lead the invocation.

PETITIONS AND COMMENTS

Pastor Wolfgang Herz-Lane of Lord of Life Church spoke regarding affordable housing and expressed appreciation to Council for forming the Affordable Housing Taskforce.

ADOPTION OF AGENDA

Motion: Matthews
Second: Behringer
Vote: 5:0

PRESENTATIONS

Mayor Gupton read a Proclamation recognizing October as Breast Cancer Awareness Month

Council Member Matthews read a Proclamation recognizing October as National Community Planning Month

CONSENT

Surplus Property

Presenter: David Beck, Finance Director

Several assets are being replaced as part of the VERT program and are ready to be cycled out of service. Approval is sought to surplus this equipment and allow it to be sold at public auction. The proceeds of the sale will supplement the VERT budget to purchase replacement vehicles and equipment.

Action: Approve Resolution (2024) 2608.

Pearl & Parker Dedication of ROW and Easements Authorization Resolution

Presenter: Terri Jones, Town Attorney

The Town Manager and Town Attorney request formal written authorization to dedicate right-of-way and easements from Town owned properties needed for the Pearl and Parker Street Improvements project. This project will bring these streets up to current Town standards and provide sidewalks and additional parking in downtown Garner.

Action: Approve Resolution (2024) 2609.

Property Acquisition Authorization

Presenter: Terri Jones, Town Attorney

The Town Manager and Town Attorney request formal written authorization to negotiate and sign any necessary closing documents to complete the acquisition of specified properties.

Action: Approve Resolution (2024) 2610.

Voluntary Satellite Annexation Petition # ANX-24-017, Auburn Station

Presenter: Jeff Triezenberg, Planning Director

Voluntary satellite annexation petition (ANX-24-017) submitted by McAdams to bring 66.05 +/- acres into the corporate limits of the Town of Garner. The property is generally located at the northwest corner of East Garner and Auburn-Knightdale roads and may be otherwise identified as the attached list of PIN #'s.

Action: Approve Resolution (2024) 2611 setting the public hearing for October 22, 2024.

2024 Resurfacing Contract - Bid Award (Daniels, Inc. of Garner)

Presenter: Leah Harrison, Engineering Director

In September, staff received a total of 4 bids for the 2024 Resurfacing Contract. The low bidder is Daniels, Inc. of Garner with a bid of \$825,154.60. Daniels, Inc. MWBE percentage is 10.1%.

Action: Award project to Daniels, Inc. of Garner and authorize the Town Manager to execute the contract with a 2% project contingency.

Action: Approve Consent Agenda

Motion: Behringer

Second: Matthews

Vote: 5:0

PUBLIC HEARINGS

Voluntary Satellite Annexation Petition # ANX-24-014, Timber Drive East Professional Park

Presenter: Jeff Triezenberg, Planning Director

Voluntary satellite annexation petition (ANX-24-014) submitted by Joe Faulkner to bring 5.97 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 630 Timber Drive East and may be otherwise identified as Wake County PIN # 1720157471.

There were no public comments.

Mayor Gupton closed the hearing.

Action: Approve Ordinance (2024) 5292.

Motion: Matthews
Second: Vance
Vote: 5:0

The following two cases were held together.

The Voluntary Satellite Annexation Petition # ANX-24-007, 3412 & 3508 Benson Road and the Tier 1 Conditional Rezoning # CZ-23-02, 3412 & 3508 Benson Road.

Voluntary satellite annexation petition (ANX-24-007) submitted by Collier Marsh to bring 46.42 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 3412 and 3508 Benson Rd and may be otherwise identified as Wake County PIN(s) 1618455504 and 1618553160.

Tier 1 Conditional Rezoning # CZ-23-02, 3412 & 3508 Benson Road

Presenter: Erin Joseph, Assistant Planning Director

Tier 1 conditional district rezoning request submitted by Collier Marsh with Parker, Poe, Adams & Berstein LLP, to rezone 48.51 +/- acres from Highway District (HD) and Residential-30 (R-30) (Wake County) to Commercial Mixed Use (CMX C310) Conditional. The site is located at 3412 and 3508 Benson Road. and may be further identified as Wake County PIN(s) 1618455504 and 1618553160.

Presenters: Jeff Triezenberg, Planning Director and Erin Joseph, Assistant Planning Director

Staff presented the staff reports for each application.

Attorney Collier Marsh of Parker Poe spoke on behalf of the applicant and made a presentation regarding the annexation and rezoning requests.

Council Member Singleton inquired about the percentage of commitment to affordable housing adding that a percentage of less than 100% should be considered. Council Member Dellinger agreed that more discussion was needed regarding the AMI.

Council Member Behringer stated there was a need for a traffic light at this location and asked if the traffic light could be installed before build-out. Mr. Collier responded that if it was in their control, they would be willing to do so.

Council Member Dellinger expressed his appreciation for the proactive efforts being made regarding affordable housing, and encouraged further discussion.

Council continued their discussion about the amount of affordable housing units that should be included in the project. Mr. Collier offered to change the amount of the affordable housing from five to eight percent of the units.

Mayor ProTem Vance thanked Mr. Marsh for working with Council to reach the desired outcomes for this project.

Upon further concerns raised regarding the increased traffic and the need for a traffic light, Jodi Lewis with BFB Engineering strove to answer questions regarding potential cut through traffic.

Mayor Gupton closed the hearing.

There was no public comment.

Action: Approve Ordinance (2024) 5291 to annex.

Motion: Vance
Second: Matthews
Vote: 3:2 (motion carries)

Council Members Dellinger and Singleton voted nay.

Action: I move that the Town Council accept the Planning Commissions written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section III of the staff report, as our own; and I further move that the Town Council adopt Ordinance (2024) 5290, as the request is reasonable and in the public interest because the subject property would be more suitable for the uses permitted by the proposed district within the Town of Garner versus the current district(s) within Wake County.

Motion: Vance
Second: Behringer

Council Member Dellinger called for further discussion.

He feels that it is problematic to set the affordable housing restriction at 8%. Council Member Singleton concurred.

Mayor ProTem Vance provided his perspective that finding what works for our community is difficult. We are in a stage to begin to understand affordable housing better. He does not see this as a bad precedence. He sees it as a point of starting to incorporate affordable housing into the early planning process.

Vote: 3:2 (motion carries)

Council Members Dellinger and Singleton voted nay.

NEW/OLD BUSINESS

Tier 2 Conditional Rezoning # CZ-MP-23-04, Homestead at Bryan Farm

Presenter: Erin Joseph, Assistant Planning Director

Tier 2 conditional rezoning request submitted by the Lennar Corporation to rezone 99.17+/- acres from Rural Agricultural (RA) to Residential 8 (R8 C306) Conditional for the development of up to 256 dwelling units, including a maximum of 98 townhouse units and 158 single-family detached units. The site is generally located on the northwestern corner of Hebron Church and Clifford roads and may be further identified as Wake County PIN(s) 1629568117 and 162958117 (portion of).

Staff presented the staff report.

Attorney Collier Marsh introduced the development teams and submitted revised conditions.

There was some confusion regarding language changes on the conditions presented to Council. Town Manager Miller suggested continuing this item to another date so that staff can ensure everything is accurate before Council makes their decision.

Council Member Dellinger inquired what the average tax value will be for these proposed homes. Attorney Marsh suggested that based upon history, it would depend on the sale price.

Council Member Vance made a motion to continue this item to a date certain of October 22, 2024.

Motion: Vance
Second: Matthews
Vote: 5:0

Lake Benson Master Plan Update

Presenter: Maria Munoz-Blanco, PRCR Director

The Consultant team for WithersRavenel, Kaley Gill and John Blasco presented three concepts for an update to the Lake Benson Park Master Plan.

Council Member Singleton asked that no changes be made to the park. He stated he did not prefer option three.

Council Member Behringer questioned whether the Sanchez Memorial would move to the Veterans Park.

Council Member Dellinger expressed concerns over removing trees. He thinks that the third option is the best option for the plans outlined.

Mayor ProTem Vance asked when this roll out to the public would happen. Ms. Munoz-Blanco responded that further refinement is needed before that happens.

Council Member Matthews suggested that a lot of parking needs to be added to the boathouse relocation, as this is a very used area of the park. He said he appreciated the respect and attention given to the Veterans Memorial in the design.

Action: Receive presentation and provide feedback.

COMMITTEE REPORTS

Matthews

- Suggested holding a one-day commercial seminar and inviting commercial developers to share what they've encountered working with other municipalities.

Behringer

- The Garner Educational Foundation is sponsoring Stars on Stage on November 12th at 6:30 p.m. at Garner Magnet High School.

Vance

- Stated the Affordable Housing Taskforce is doing a tremendous job and he appreciates all the hard work the taskforce is doing. The taskforce will be coming before Council with an update on their progress soon.

MANAGER REPORTS

- Trick or Eat Food Truck Rodeo/Garner Night Out will be on October 12th from 6:00 p.m. to 10 p.m. on East Main Street.
- Topper signs for the State Softball Team have been installed.

- The renovation of the basketball courts at the Jackie Johns Park are complete and now open to the public.
- The Town will host an early voting site at Avery Street Recreation Center from October 17th through November 2nd.

COUNCIL REPORTS

None

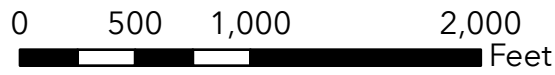
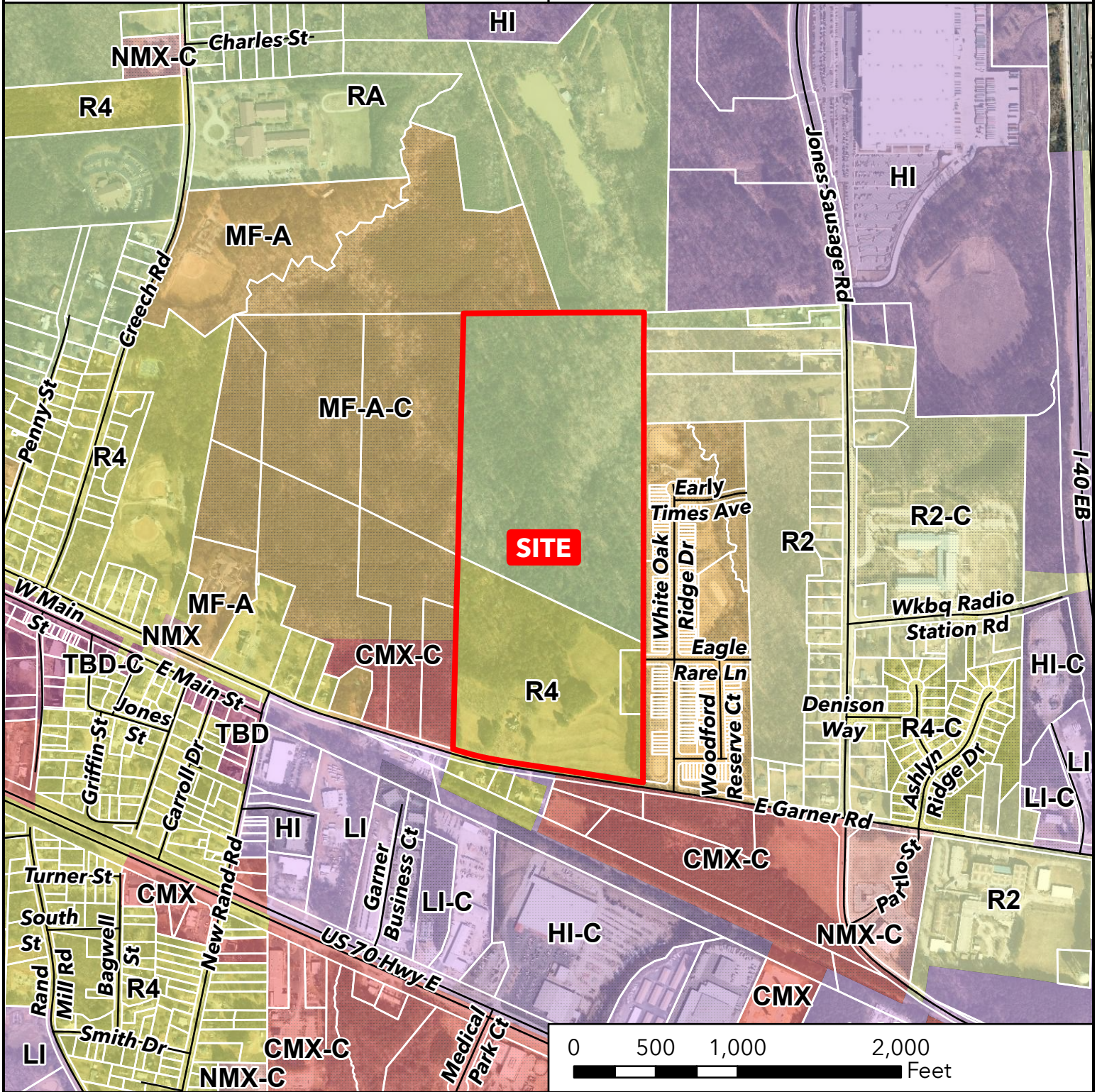
ATTORNEY REPORTS

Stated that she has some ideas as to how to handle project conditions that are brought up at the last minute.

ADJOURN: 9:52 p.m.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024		
Subject: Tier 1 Conditional Rezoning Request # CZ-24-004, Yeargan Park		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Thomas Waltersdorf, Planner I		
Presenter: Thomas Waltersdorf, Planner I		
Brief Summary: Tier 1 conditional district rezoning request submitted by The McAdams Company on behalf of the Town of Garner to rezone approximately 72 +/- acres from Residential 4 (R4) and Rural Agricultural (RA) to Commercial Mixed Use (CMX C316) Conditional. The site is located along East Garner Road and may be further identified as Wake County PIN(s) 1721033394, 1721021090, and 1721027050. Staff requests that this hearing be continued to allow the necessary time for ensuring all required notices are provided.		
Recommended Motion and/or Requested Action: Consider continuation of case to the regular meeting of Tuesday, December 3, 2024 at 6:00 p.m.		
Detailed Notes: Zoning conditions are proposed that restrict the range of CMX uses to a list of 17 out of a possible 62. Additionally, conditions are proposed regarding future use of the existing historic homestead to provide for local economic development opportunities. The primary use of the property is to be a public park, and one condition details specific outdoor athletic lighting.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



Project: Yeargan Park
 Owners: Town of Garner
 Location: 0, 607, & 619 E Garner Rd
 PID #: 1721-02-1090, 1721-03-3394,
 1721-02-7050

Proposed Use: Public Park
 Proposed Zoning: CMX - Conditional
 Current Zoning: RA, R4
 Acreage: 72.49 +/-
 Overlay: Commercial Highway Overlay

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024		
Subject: Wake County Multi-Jurisdictional Hazard Mitigation Plan		
Location on Agenda: Public Hearings <input type="checkbox"/>		
Department: Planning		
Contact: Reginald Buie, CZO; Zoning Administrator		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
<p>Brief Summary: The Wake County Hazard Mitigation Plan comprises a Multi-Jurisdictional Hazard Mitigation Plan that includes all of Wake County's incorporated municipalities and unincorporated areas. This plan is required to be updated every 5 years. Wake County staff lead this process each cycle, and all jurisdictions participate. The current plan will expire in December 2024, so it is important to have this new plan approved by all member jurisdictions before the end of the year. The full draft plan may be viewed at: https://s3.us-west-1.amazonaws.com/wakegov.com.if-us-west-1/s3fs-public/documents/2024-08/DRAFT-Wake_County_Hazard_Mitigation_Plan_Update-2024.pdf</p>		
<p>Recommended Motion and/or Requested Action: Consider referral to Planning Commission for recommendation.</p>		
<p>Detailed Notes: This plan is required to be updated every 5 years. Wake County staff graciously lead this process each cycle, and all jurisdictions participate. The update process includes a thorough community-level review of natural hazard risks and potential impacts, capabilities, and a review and updating of mitigation goals and actions established in previous plan editions. The current plan will expire in December 2024, so it is important to have this new plan approved by all member jurisdictions before the end of the year. The full draft plan may be viewed at: https://s3.us-west-1.amazonaws.com/wakegov.com.if-us-west-1/s3fs-public/documents/2024-08/DRAFT-Wake_County_Hazard_Mitigation_Plan_Update-2024.pdf</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024 <input type="button" value="v"/>		
Subject: PRCR Policy 115 (Gifts & Donations), Policy 120 (Sponsorship) & Policy 110 (Revenue) Updates		
Location on Agenda: Old/New Business		
Department: Parks, Recreation & Cultural Resources		
Contact: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources		
Presenter: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources		
Brief Summary: Proposed changes to update Parks, Recreation & Cultural Resources Policy 115 (Gifts & Donations), Policy 120 (Sponsorships), and Policy 110 (Revenue).		
Recommended Motion and/or Requested Action: That Town Council approve recommended changes to Policy 115, Policy 120, and Policy 110		
Detailed Notes: These policies were last approved by Town Council in March 2015. As the department has increased its efforts to obtain donations and sponsorships for programs, a review of the policies was conducted to ensure that they are current. Recommended changes were presented to the PRCR Advisory Committee at their September 16, 2024 meeting and the committee voted to recommend the changes to Policy 115 (Gifts and Donations) and Policy 120 (Sponsorship) and at the October 21, 2024 meeting voted to recommend the changes to Policy 110 (Revenue).		
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:	MMB	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



Garner Parks, Recreation and Cultural Resources

900 7th Avenue • Garner, NC 27529

Phone: 919-773-4442 • Email: garnerprcr@garnernc.gov

October 28, 2024

To: Jodi Miller, Town Manager

From: María Muñoz-Blanco, Director of Parks, Recreation & Cultural Resources

Re: PRCR Policy Updates (Policy 115 - Gifts & Donations, Policy 120 - Sponsorships, and Policy 110 - Revenue)

The Parks, Recreation & Cultural Resources Department recommends updates to the following Town of Garner Policies:

- Policy 115 - Gifts and Donations
- Policy 120 - Sponsorship
- Policy 110 - Revenue

These policies were last approved by the Town Council on March 2015.

As PRCR staff has increased efforts to secure sponsorships or donations for programs, we have reviewed Policies 115 (Gifts and Donations) and 120 (Sponsorship) to ensure they are current and consulted with the Legal Department on proposed updates. For both policies, sections on communications (government speech) and an appeals process have been added at the recommendation of the Legal Department using the same text as in the Town's Special Event Policy (adopted in 2019). PRCR staff presented the recommended updates to the Parks, Recreation & Cultural Resources Advisory Committee for their review at their June 17, 2024 meeting. After incorporating the Committee's comments, revised Policies 115 (Gifts and Donations) and 120 (Sponsorship) were presented to the Committee at their September 16, 2024 meeting, where members voted to recommend the changes to Town Council.

Policy 110 (Revenue) recommended changes are to align the policy to the Town's Fee Schedule. The change sets the cost recovery for all youth at 60%, rather than have different cost recovery percentages for youth under 12 and youth 13-18, and sets the non-resident differential at 40%. Updates to Policy 110 were presented to the PRCR Advisory Committee at their October 21, 2024 meeting, where members voted to recommend the changes to Town Council.

Attached please find the marked-up policies with the proposed changes in red (strike-out for deletions, underline for additions).

Staff Recommendation:

That Town Council approve the recommended changes to the Town's Policy 115 (Gifts and Donations), Policy 120 (Sponsorship), and Policy 110 (Revenue).



Policy Number	115
Department	Parks, Recreation & Cultural Resources
Subject	Gifts and Donations Policy
Approved By	Town Council
Effective Date	March 31, 2015 <u>Revised Date</u>

Town of Garner Policy and Procedure Statement

115.1 Purpose

The purpose of this policy is to establish guidelines, standards and procedures for the review, acceptance, installation and care of donated park improvements, which include, but are not limited to, park amenities, and memorials, and land or real estate property, as well as gifts and conations to support programs and services.

~~These i~~Improvements to park amenities may be the result of monetary or physical property donations based on the current needs of the Parks, Recreation and Cultural Resources Department (“PRCR”). ~~These d~~Donations towards park improvements may include but are not limited to: park benches, bicycle racks, picnic tables, information kiosks, trees and ornamental plants, drinking fountains, artwork, and other park accessories. Memorials to honor or celebrate an individual’s life, achievement, or significant event. Gifts and donations to support programs and services may be the result of monetary or in-kind contributions based on PRCR’s programmatic needs.

Acceptable donations are always dependent on the specific needs of the Town of Garner’s ~~PRCR Parks and Recreation~~ Department.

While the Town encourages donations, it also recognizes the need to manage aesthetic impacts on its property, ~~and~~ mitigate on-going maintenance costs, and ensure a safe and welcoming environment for visitors to parks and recreation facilities. Therefore, donors are asked to discuss opportunities for park enhancement donations with the ~~Parks, Recreation and Cultural Resources~~ PRCR Department.

Guidelines established by this policy shall apply to all donations to the Town of Garner ~~Parks, Recreations and Cultural Resources~~ PRCR Department. Standards established in this document will apply to all donations made after the adoption of this policy.

This policy ~~does not apply~~ provides general guidance to donations of to buildings, lands or other real estate property, including buildings or trails. This type of donation will be considered on a case-by-case basis and Those interested in this type of donation should contact the ~~Parks and Recreation~~ PRCR Director.

115.2 Guidelines for Donations of Park Amenities

A. Appearance and Aesthetics:

- Park elements and/or their donation acknowledgements shall reflect the character of the park or facility. All park elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.
- Items must be commercial grade and suitable for public use and must be compatible with the standard equipment or furnishings used by the Town. PRCR standard equipment includes recycled and environmentally sustainable furnishings.
- Some donated elements can interfere with routine maintenance and appearance. For this reason, nothing shall be affixed to trees or other living materials within the park property.
- All donations must be items which are needed and/or requested to enhance parks and facilities.
- All items must be approved for longevity and maintenance.

B. Maintenance:

- The requesting party shall pay for all costs associated with construction, installation and landscaping as needed. These costs shall be included in the approved price list for donations and memorials.
- All donations become the property of the Town of Garner and will be maintained during their salvageable life cycles. It is understood that donated items will have a limited life cycle and are not installed in perpetuity.
- The Town, at its sole discretion, may choose to replace or remove the donated element.
- The Town shall not be responsible for acts of nature, vandalism or theft.
- The Town has the duty to maintain the donation only for its expected life cycle as listed in the approved price list or donation agreement. If current information is on file, the donor will be informed and given the opportunity to take further action at the expiration of the original life cycle

C. Repair:

- The Town has an interest in ensuring that all park elements are in good repair. In addition, the community has an interest in ensuring that all short and /or long-term repair costs are reasonable.
- Donated park elements must be of high quality to ensure sustainability. Specific materials and sources shall be identified- by the PRCR Department, on the attached list of donations and prices.
- The Town cannot guarantee the longevity of any donation.

D. Cost:

- The Town has an interest in ensuring that the donor covers the full cost for the purchase, installation and routine maintenance during the expected life cycle of the donated park elements and, if necessary, for its removal.

- The cost of each donated item may be adjusted to cover regular costs for maintenance and upkeep in addition to the cost of the item itself.
- If a memorial or donation plaque will be placed with the donation, the cost shall also include this amount. Plaque inscription must be approved by the PRCR Director.

115.3. Guidelines for Donations of Memorials

Donors interested in honoring, commemorating, or acknowledging an individual’s life, a specific achievement, or life event may do so by dedicating a bench or other park amenity, or planting of a new tree.

Monuments, and other objects of remembrance as defined in N.C.G.S. § 100-2.1(b), require review by the Town’s Legal Department and acceptance by Town Council in accordance with a resolution and donor agreement.

Memorial donations of a larger scale will not be considered. From time to time, when projects of this nature are consistent with park planning processes, they may be considered on a case-by-case basis.

115.43 Procedure for Making a Donation

The Town of Garner will manage all donations located within Town property. All donations are subject to Town ordinance and policies.

A. Application:

- The donor should first contact the ~~Parks, Recreation and Cultural Resources~~ PRCR Department to identify current needs and acceptable donations as per this policy.
- If the donation is deemed appropriate and viable, the donor should fill out the ~~attached donation sheet~~ donation form to identify the specific item(s) he or she wishes to donate.
- Requests will be submitted to the ~~Outdoor Education and Parks Manager~~ Parks & Recreation Superintendent and forwarded to the ~~Parks and Recreation~~ PRCR Director for review and approval.

B. Approval:

- ~~The Parks and Recreation~~ PRCR Director, upon determining the request meets criteria in this policy, may grant permission for the donation.
- Consistent with the provisions of Town of Garner Code Section 12-27, the Parks, Recreation & Cultural Resources Advisory Committee (“PRCRAC”) will review and recommend to the Town Council the acceptance of any gift, grant, lease, loan, bequest or devise of property for recreation purposes in accordance with the terms or conditions under which such gift, grant, lease, loan, bequest or devise is made an accepted. The Director ~~may also will~~ forward the request to the ~~PRCRAC Parks and Recreation Advisory Committee,~~ and/or the Town of Garner Council. ~~If the request is forwarded, Gifts, grants, lease, loans, bequests or devise of property proposed it~~ will be addressed at the next regularly scheduled meeting.

- The donor will be notified if the request is being forwarded to the ~~PARAC-PRCRAC~~ or the Town Council and will be updated after said meetings as to the status of the request.

C. Donors should consult their tax advisor to determine the tax benefit of a donation to a governmental entity. For donations of more than \$250 and at the request of the donor, the PRCR Department will send a receipt documenting the value of the donation to include the following language:

The Town of Garner is a duly incorporated municipality in the State of North Carolina exempt from federal taxation pursuant to 26 USC 115(2). Charitable contributions to the Town of Garner are tax-deductible pursuant to 23 USC 170(c)(1) if made for exclusively public purposes. The Town of Garner, North Carolina federal tax identification number is 56-6010720.

115.45 Criteria for Acceptance

A. Park Site Review:

The Town will ~~judge-review~~ the appropriate nature of each donation on an individual basis. The criteria used may be in conjunction with the Town’s Parks, Recreation and Cultural Resources Comprehensive Master Plan. Specifically, the donation must:

- Meet the need of the facility;
- Not interfere with the current or future intended use of the facility;
- Not, as a general rule, require other equipment or infrastructure to be relocated.

B. Donation Acknowledgement/Memorial Plaques:

- Donation acknowledgements and memorial plaques, as approved by the Town of Garner, will be placed on or near the donated element at the sole discretion of the Town. Plaque inscriptions must be approved by the PRCR Director.
- The cost for plaques and markers is included in the donation cost. At the end of the Town’s contracted maintenance schedule or the end of the item’s salvageable life cycle, the plaque or marker will be returned to the donor if possible. The donor may also discuss replacement of original donated item if desired.
- The Town shall not be responsible for damages to any markers or plaques including acts of God, vandalism, theft or natural deterioration.

115.56 Other Donations/~~Unsolicited Memorial Requests~~

Donations other than those specifically listed in this document may be permissible if the donation meets all applicable criteria. Donors should contact the ~~Parks, Recreation and Cultural Resources-PRCR~~ Department with donation proposals. The acceptance of unsolicited donations and memorials shall be based on the following guidelines:

- Purpose of the ~~memorial~~/donation;
- Need for the donation;

- Compatibility of donation with current parks, recreational facilities, or departmental programming;
- Timeliness of donation as it relates to implementation/installation;
- Benefit and financial impact to the Town.

115.76 Conditions

A. Location:

Although suggestions will be considered, the final placement of all donated park elements shall be at the discretion of the ~~Parks and Recreation~~ PRCR Department.

B. Installation:

- Installation of all donations will be completed by the Town of Garner or a third party selected by the Town.
- Installation shall take place at a time that does not interfere with programming or routine maintenance.
- Trees will only be planted between October 15 and March 15 annually. It shall be at the discretion of the Town to approve the installation.

C. Removal or Relocation:

- The Town of Garner reserves the right to remove and/or relocate donated park elements and any associated plaque or acknowledgement should it be necessary due to safety, maintenance, or construction or if it is damaged beyond repair.
- Efforts will be made to contact the original donor should the donation be moved or removed at the end of its cycle.
- In an emergency situation, the donation may be moved without prior notice to the donor.
- The Town will seek alternative locations for any donation which must be moved.
- If the donation cannot be moved, any associated plaque or marker, at the donor's request, will be returned to the donor.

115.8 Gifts and Donations of Land and Other Real Estate Property

Gifts of land or other real estate property will be reviewed on a case-by-case basis. Acceptance of gifts of land or other real property require approval of Town Council. Criteria for consideration of gifts of land and other real estate property include, but are not limited to the following:

- Consideration of estimated long-term maintenance costs, development costs, and overall benefits to the Town;
- Property is within the municipal limits of the Town of Garner or its Extra Territorial Jurisdiction (“ETJ”);
- Property adjoins existing parks or protected natural areas;

- Property is in an area identified for parkland acquisition in the Town’s Parks, Recreation & Cultural Resources Comprehensive Master Plan or other Town Council approved plan;
- Property contains old-growth forests, native prairies, trout streams, undisturbed lake shore or stream banks;
- Property contains habitat for endangered or threatened plants or animals or unique scenic, historic, geographic, or archaeological features.

In some instances, lands are offered that the Town cannot accept because of geographic location, lack of public access, or restrictions on uses. In such cases, the Town may refer the Donor to an appropriate private, nonprofit conservation organization, or local unit of government that may be able to accept the gift.

Individuals or organizations interested in donating land or real estate property should contact the PRCR Director to discuss.

115.9 Communication Inconsistent with the Town’s Vision Statement or Town-Parks, Recreation & Cultural Resources Theme

The Town is endowed with final approval authority over the communication expressed, whether by speech or Symbols, at the Town Parks, Recreation & Cultural Resources facilities, it being the case that a principal purpose of the Town Parks, Recreation & Cultural Resources facilities is to project the intended image of the Town through communications intentionally selected by the Town. Without limiting the generality of the Town’s authority to select or reject communications expressed at Town Parks, Recreation & Cultural Resources facilities, the Town believes the following types of speech or Symbols are inconsistent with the Town’s Vision Statement and/or its Parks, Recreation & Cultural Resources facilities theme, and a Donor or Sponsor’s intent to express the following is a sufficient basis for denying an Application: (a) those speech or Symbols which are historically associated with discrimination and oppression and (b) speech or Symbols which may lead to a threat of public safety at the Town Parks, Recreation & Cultural Resources facility in question, in each case, as determined by the Town in its discretion.

115.10 – Town Review of Donation and Sponsorship Applications; Denial and Appeal

The Responsible Department shall strive to electronically notify the Donor or Sponsor using the email address supplied in the Donation / Sponsorship Form (such notice, the “Notice of Decision”) seeking to make a donation to the Town’s PRCR Department at least sixty (60) days after receipt of the Application as to whether the Application for Donation/Sponsorship has been accepted or denied.

If an Application is denied, a request for appeal (each, an “Appeal”) must (a) be made in writing, (b) state with particularity the grounds of the appeal and (c) be filed with the clerk of the Town by 5:00pm (ET) no later than the date that is three (3) business days after the transmission of the Notice of Decision (the “Appeal Deadline”).

For the avoidance of doubt, the Appeal Deadline is determined solely by the Responsible Department’s (or its designee’s) transmission of the Notice of Decision to the email address

supplied in the Application. It is the Applicant's responsibility alone to monitor his, her or its email account, including the "spam" or "junk" folders.

Such appeal shall be made to the Town's three-member appeals board (the "Appeals Board"), which shall consist of at least two (2) employees of the Town and may include one (1) citizen of the Town who is not a current Town employee. The members of the Appeals Board will be appointed by the manager of the Town (the "Town Manager"), or the Town Manager's designee, from time to time, each to serve until such member's removal and/or replacement by the Town Manager (or the Town Manager's designee), as determined by the Town Manager (or the Town Manager's designee) in his or her sole and absolute discretion.

The Appeals Board shall conduct a hearing of the Appeal and give notice of the date, time and place of the hearing to the appealing Applicant, with such notice and hearing to be given and scheduled, respectively, within reasonable time periods. The Appeals Board shall render a decision by 5:00pm (ET) on the date that is thirty (30) business days after the hearing of the Appeal and shall notify the Applicant by electronic means of its decision within said time.

Town of Garner Policy and Procedure Statement



Policy Number	120
Department	Parks, Recreation & Cultural Resources
Subject	Sponsorship Policy
Approved By	Town Council
Effective Date	March 31, 2015

120.1 Purpose

Sponsorship is the right of an external entity (for-profit or not-for-profit) to associate its name, products, or services with the Town of Garner’s programs, services, or name. Sponsorship is a business relationship in which the Town of Garner and the external entity exchange goods, services, and donations for the public display of a message on Town property acknowledging private support. The Town of Garner may seek sponsors that further its mission by providing monetary or in-kind support for Town programs, events, facilities and equipment. The Town of Garner permits private sponsorship of government programs or services in limited circumstances as a means to generate funds for improving or expanding those programs and services. The Town of Garner maintains its sponsorship program as a nonpublic forum and exercises sole discretion over who is eligible to become a sponsor according to the terms of this policy.

Sponsorships shall be linked to specific activities, events, programs, or publications. The Town of Garner will neither seek nor accept sponsors that manufacture products or take positions inconsistent with local, state, or federal law or with Town policies, positions, or resolutions. The establishment of a sponsorship agreement does not constitute an endorsement by the Town of Garner of the sponsor’s organization, products, or services.

120.2 Authority Level to Solicit Sponsorships

The Parks, Recreation & Cultural Resources (PRCR) Department is responsible for the solicitation and management of sponsorships related to the activities of the Department. The PRCR Director will work with the program divisions to determine what programs or services are suitable for sponsorship, determine the value of the sponsorship, and the appropriate level of benefits associated with the sponsorship.

The PRCR Department will periodically publish a Sponsorship Guide to ensure transparency in the sponsorship process, identifying opportunities for sponsorships and associated benefits. The Sponsorship Guide will allow the PRCR Department to market available sponsorships in an open, consistent, and efficient manner.

120.23 Authority Structure for Review and Approval of Sponsorships

The Town of Garner possesses sole and final decision-making authority for determining the appropriateness of a sponsorship relationship. Sponsorship agreement proposals will be reviewed according to the following procedures and guidelines:

- Sponsorships may be reviewed in consultation with the Town Attorney.
- Sponsorship agreements projected to generate \$10,000 or more shall require the written approval of the Town Manager, who shall inform the Town Council.
- Sponsorship agreements projected to generate between \$2,500 and \$10,000 shall require the written approval of the Town Manager.
- The Parks, Recreation & Cultural Resources Director may approve sponsorship agreements of less than \$2,500 in consultation with the Town Manager.

In the discretion of the Town Manager, any proposed sponsorship agreement may be referred to the Town Council for approval.

120.34 Criteria for Proposal Review

Proposals for sponsorship of Town of Garner programs or services shall be reviewed on the basis of ~~a draft memorandum of understanding~~ a Sponsorship Form that clearly outlines the forms of support offered by the sponsor and the recognition to be given by the Town of Garner. A ~~memorandum of understanding~~ Sponsorship Agreement shall be created for each sponsorship relationship. It shall detail the following information, at a minimum:

- Activities, products, and services of the private entity and its subsidiaries.
- Benefits to be given to the proposed sponsor by the Town of Garner, and the estimated monetary value of those benefits.
- Benefits to be given to the Town of Garner by the proposed sponsor and the estimated monetary value of those benefits.
- Prominence of the proposed public recognition of support.
- Content of the proposed public recognition of support.
- Duration of the proposed public recognition of support.
- Conditions under which the sponsorship agreement will be terminated.

The Town of Garner recognizes that entering into a sponsorship agreement with an external entity does not constitute an endorsement of the entity or its services and products but does imply an affiliation. Such affiliation may affect the reputation of the Town of Garner among its citizens and its ability to govern effectively.

The Town of Garner shall consider the following criteria before entering into a sponsorship agreement:

- Importance of the sponsorship to the mission of the Town of Garner.
- Extent and prominence of the public display of sponsorship.
- Aesthetic characteristics of the public display of sponsorship.

- Level of support provided by the sponsor.
- Cooperation necessary from other Town of Garner units to implement the sponsorship.
- Inconsistencies between Town of Garner policies and the known policies or practices of the potential sponsor.
- Other factors that might undermine public confidence in the Town's impartiality or interfere with the efficient delivery of Town services or operations, including, but not limited to, current or potential conflicts of interest between the sponsor and Town of Garner employees, officials, or affiliates; and the potential for the sponsorship to tarnish the Town's standing among its citizens or otherwise impair the ability of the Town of Garner's mission.

120.54 Permissible Sponsors and Message Content

Sponsorships on Town of Garner property are maintained as a nonpublic forum. The Town of Garner intends to preserve its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship affiliations and messages. The Town of Garner may make distinctions on the appropriateness of sponsors on the basis of subject matter of a potential sponsorship recognition message.

Sponsorship from an organization that is engaged in any of the following activities, that has a mission supporting any of the following subject matters, or that, in the sole discretion and judgment of the authorized representative of the Town, is deemed to be unsuitable for and contrary to community standards of appropriateness for government publications, shall be prohibited on any Town of Garner property:

- Promotion of the sale or consumption of alcoholic beverages, or promotion of establishments that are licensed to sell and primarily do sell alcoholic beverages, without also selling food or lodging.
- Promotion of the sale or consumption of tobacco products and vaping products.
- Commentary, advocacy, or promotion of political issues, candidates, and campaigns pertaining to political elections.
- Depiction in any form of profanity or obscenity, or promotion of sexually oriented products, activities, or materials.
- Promotion of the sale or use of firearms, explosives, or other weapons, or glorification of violent acts.
- Promotion of the sale or use of hemp or CBD products.
- Promotion of the sale or use of gambling products or activities.
- Promotion or depiction of illegal products, or glorification of illegal products, activities, or materials.
- Sponsorships that would violate federal, state, or local laws and policies.
- Any message that may adversely impact the mission, image, values and goals of the Town of Garner.

120.65 Permissible Recognition Messages

Sponsorship recognition messages may identify the sponsor but should not promote or endorse the organization or its products or services. Statements that advocate, contain price information or an indication of associated savings or value, or contain comparative descriptions of products or services will not be accepted. Only the following content will be deemed appropriate:

- The legally recognized or assumed business name of the ~~advertising-sponsoring~~ organization, logo or brand and ~~The advertiser's~~ organizational slogan if it identifies rather than promotes the organization or its products or services.
- The ~~advertiser's-sponsor's~~ product or service line, described in brief, generic, objective terms.
- Brief contact information for the ~~advertiser's-sponsor's~~ organization, such as phone number, address, e mail or Internet or website. Contact information must be stated in a manner that avoids an implication of urging the reader to action.

The Town of Garner will not make any statements that directly or indirectly advocate or endorse a sponsor's organization, products, or services.

No materials or communications, including, but not limited to, print, video, Internet, broadcast, or display items developed to promote or communicate the sponsorship using the Town of Garner's name, marks, or logo, may be issued without written approval from the Town Manager.

120.7 Acceptable Recognition Message Formats

Generally used forms of branding and advertising including, but not limited to, the following are generally consistent with this policy:

- Public announcement recognition at PRCR special events
- Inclusion on PRCR printed and digital materials associated with the sponsored program or activity
- Inclusion on selected Town-maintained PRCR web, e-newsletters, and social media pages
- Inclusion on PRCR bulletin boards and information kiosks
- Inclusion on PRCR marketing materials such as banners or other promotional materials for the sponsored program or activity
- Interactive opportunities such as PRCR event booth space, giveaway items, coupons, or other sponsor related marketing materials.

120.86 Policy Authority

Questions or comments regarding this policy should be referred to the PRCR Director or

Town Manager.

120.9 Communication Inconsistent with the Town's Vision Statement or Town-Parks, Recreation & Cultural Resources Theme

The Town is endowed with final approval authority over the communication expressed, whether by speech or Symbols, at the Town Parks, Recreation & Cultural Resources facilities, it being the case that a principal purpose of the Town Parks, Recreation & Cultural Resources facilities is to project the intended image of the Town through communications intentionally selected by the Town. Without limiting the generality of the Town's authority to select or reject communications expressed at Town Parks, Recreation & Cultural Resources facilities, the Town believes the following types of speech or Symbols are inconsistent with the Town's Vision Statement and/or its Parks, Recreation & Cultural Resources facilities theme, and a Donor or Sponsor's intent to express the following is a sufficient basis for denying an Application: (a) those speech or Symbols which are historically associated with discrimination and oppression and (b) speech or Symbols which may lead to a threat of public safety at the Town Parks, Recreation & Cultural Resources facility in question, in each case, as determined by the Town in its discretion.

120.10 Town Review of Donation and Sponsorship Applications; Denial and Appeal

The Responsible Department shall strive to electronically notify the Donor or Sponsor using the email address supplied in the Donation / Sponsorship Form (such notice, the "Notice of Decision") seeking to make a donation to the Town's Parks, Recreation & Cultural Resources Department at least sixty (60) days after receipt of the Application as to whether the Application for Donation/Sponsorship has been accepted or denied.

If an Application is denied, a request for appeal (each, an "Appeal") must (a) be made in writing, (b) state with particularity the grounds of the appeal and (c) be filed with the clerk of the Town by 5:00pm (ET) no later than the date that is three (3) business days after the transmission of the Notice of Decision (the "Appeal Deadline").

For the avoidance of doubt, the Appeal Deadline is determined solely by the Responsible Department's (or its designee's) transmission of the Notice of Decision to the email address supplied in the Application. It is the Applicant's responsibility alone to monitor his, her or its email account, including the "spam" or "junk" folders.

Such appeal shall be made to the Town's three-member appeals board (the "Appeals Board"), which shall consist of at least two (2) employees of the Town and may include one (1) citizen of the Town who is not a current Town employee. The members of the Appeals Board will be appointed by the manager of the Town (the "Town Manager"), or the Town Manager's designee, from time to time, each to serve until such member's removal and/or replacement by the Town Manager (or the Town Manager's designee), as determined by the Town Manager (or the Town Manager's designee) in his or her sole and absolute discretion.

The Appeals Board shall conduct a hearing of the Appeal and give notice of the date, time and

place of the hearing to the appealing Applicant, with such notice and hearing to be given and scheduled, respectively, within reasonable time periods. The Appeals Board shall render a decision by 5:00pm (ET) on the date that is thirty (30) business days after the hearing of the Appeal and shall notify the Applicant by electronic means of its decision within said time.

Town of Garner Policy and Procedure Statement

Policy Number	110
Department	Parks, Recreation & Cultural Resources
Subject	Revenue Policy
Approved By	Town Council
Effective Date	March 31, <u>2015 Revised Date</u>



110.1 Purpose

The purpose of this policy is to establish guidelines for setting fees, cost recovery expectations and need based financial assistance for all Garner Parks, Recreation and Cultural Resources programs and services.

110.2 Policy

Garner Parks, Recreation and Cultural Resources offers a diverse range of facilities and services for the residents of Garner and the surrounding area. To support these facilities and services, the department generates funding for its operations by charging fees that supplement the appropriation from the Town of Garner General Fund. The department will also seek grants, sponsorships and partnership opportunities as appropriate to provide additional financial resources to support facilities and services.

110.3 Philosophy

A sound revenue policy provides the guiding principles for managing fees and charges while maintaining flexibility to accommodate new programs, changing demographics and circumstances. The following guiding principles provide the foundation for the Parks, Recreation and Cultural Resources to charge fees.

- A. To efficiently manage operations in order to provide affordable and diversified services to ensure all Town of Garner residents equal opportunities.
- B. To improve the quality of life for each citizen through recreation opportunities.
- C. To provide and maintain facilities for use by the general public.
- D. To establish revenue recovery rates that consider market conditions and the cost of providing programs and services.
- E. To supplement fees and charges with tax dollars, grants and sponsorships.
- F. To provide trained and qualified personnel for supervision and instruction of programs and activities.
- G. To ensure that Town of Garner residents receive the benefit of lower fees than those of non-residents.

110.4 Classification of Services

Garner Parks, Recreation and Cultural Resources has identified three levels of service: Fundamental, Enhanced and Specialized. The classifications are based on the level of benefit to the community when compared to the benefit level to the individual.

- A. Fundamental Services provide the maximum benefit to the community as a whole. They typically promote mental and physical well-being of residents, provide general access to facilities and services, preserve open space and natural areas and maintain the cultural identity of Garner. They are usually provided at no or minimal cost to the individual.

Examples of Fundamental Services include but are not limited to:

- a. General use of outdoor park facilities such as playgrounds, picnic areas, greenways, trails and open play space.
- b. General use of indoor recreational facilities such as community centers, senior centers, nature centers or art centers.
- c. Town-wide special events and celebrations, program and facility information, community assistance, program planning and administrative support.

Criteria for establishing fees and charges for Fundamental Services:

- a. Fundamental services are offered to support the community in recreational pursuits at no or minimal cost.
- b. Charging a fee aids in the provision of special interest activities that extend beyond the normal operation.
- c. When Fundamental services are used, any fees charged for the use of the public recreation facility shall be viewed as a method to continue providing Fundamental services.
- d. Charging an entry or admission fee to a program or activity allows for revenues collected to be used in expanding or enhancing the program or activity.

- B. Enhanced Services provide traditional parks and recreation activities that benefit the individual and the community as a whole. Enhanced services are available to Town of Garner residents on an equitable basis; however, participation is limited based on program and space availability. These services typically provide an extended level of benefit for the individual, involve facility and equipment needs, require additional supervision, considerable staff planning and use of consumable supplies and materials.

Examples of Enhanced Services include but are not limited to:

- a. Summer day camp, senior programs, instructional classes, concerts, performances and youth/adult athletic programs.

Criteria for establishing fees and charges for Enhanced Services:

- a. The cost per user hour of the service is higher than a Fundamental service.
 - b. There are direct expenses associated with use such as supplies, staff supervision and planning, additional facility preparation and cleaning, contracted services or instruction.
 - c. A fee is charged to recover direct costs related to the Enhanced services.
- C. Specialized Services mainly benefit the user and provide minimal benefit to the whole community. They are typically beyond the scope of traditional leisure services and may involve limiting the public's access to recreational facilities for a period of time.

Examples of Specialized Services include but are not limited to:

- a. Private group programs, trips, and individual lessons.
- b. Facility rentals such as lighted ball fields, picnic shelters, classrooms, gymnasiums and performing art space.

Criteria for establishing fees and charges for Specialized Services:

- a. Fees should be consistent with market rates and based on user demand.
- b. Specialized services typically recover the direct costs and in some cases will generate revenue beyond direct program costs.
- c. Rental rates should reflect local market value and include consideration for limiting public access.

110.5 Fees and Charges

As part of the Town of Garner Fee Schedule, Parks, Recreation and Cultural Resources fees and charges are set. This schedule is reviewed annually as part of the budget process.

- A. Activities whose costs increase or decrease due to participation levels shall be reviewed by Town staff on a biannual basis. This review shall consist of a comparison of current Town fees with current market rates and a review of the Town's anticipated expenses for the activities.
- B. Activities whose costs are fixed regardless of participation levels shall have fees set according to the following guidelines.
 - a. Preschool activities shall recover 75% of direct costs
 - b. Youth activities (~~K-12 and under~~) shall recover 60% of direct costs
 - ~~c. Youth activities (13-18) shall recover 85% of direct costs~~
 - ~~d.c.~~ Adult activities shall recover 1040% of direct costs
- C. There shall be a 5% administrative fee included in all program registrations to help recover the costs associated with credit card transactions and administrative personnel salaries.
- D. The Town Manager may waive the cost recovery guidelines for first-time programs and fundamental services when special circumstances exist.

110.6 Non-Resident Fee

The Parks, Recreation and Cultural Resources receives municipal tax revenue paid by residents living inside the corporate limits of the Town. Others who live outside the corporate limits are charged a higher rate for participation in programs because they do not pay Town taxes.

- A. The non-resident fee shall be ~~34~~40% more than the resident fee ~~with a maximum differential of \$25.00.~~
- B. In order to qualify for the resident rate, the participant must reside inside the corporate limits of Garner at the time of registration. All others will be charged the non-resident rate.

110.7 Financial Assistance

In order to assist the children of families with limited financial resources, the Town of Garner has a financial assistance program. Children of Town residents who are under the age of 18 may qualify for a 50% fee reduction of the program registration fee for programs with a fee of \$20 or more.

- A. Town of Garner residents may request a reduction in program fees for their dependent child or children when a financial need exists. Only town residents are eligible for the financial assistance program. These requests must be made in writing on the official Financial Assistance Program Application.
- B. All financial assistance applications are public documents that must be made available to any person upon request. However, in the absence of a request to provide this information, Town of Garner Parks, Recreation and Cultural Resources staff will keep all information strictly confidential.
- C. All registration including Financial Assistance registration will be on a first come first served basis. No more than 10% of participants in any program will be allowed financial assistance. Individuals who qualify for a fee reduction will be required to pay 50% of the total program fee provided that the program fee is \$20 or more. A program is defined as an individual registered activity offered by the Parks, Recreation and Cultural Resources Department. Some programs have more than one session. Each session would be eligible for financial assistance until the yearly assistance maximum is met. Each financial assistance participant will be eligible for a yearly assistance maximum benefit of \$300. The maximum benefit is not guaranteed.
- D. Household income is defined as the sum, on an annual basis, of all pay, allowances, financial aid, child support, social services allowances and other income for the household.
- E. Household Members will be verified using the Federal Income Tax Return (dependents).
- F. Participants applying for the Financial Assistance Program must provide confirmation of their financial status by providing the Town of Garner Parks, Recreation and Cultural Resources Department with a

copy of the last year's federal income tax return and current pay stub(s), along with a completed Financial Assistance Program application, two weeks before the program's registration deadline.

- G. The appropriate program manager will review information submitted, verify applicant is a resident of the Town, and compare household size and income to the guidelines established by Wake County Health and Human Services for childcare subsidy to determine eligibility.

110.8 Refunds

Refunds of registration and rental fees will be provided under the following circumstances.

- A. For all programs, classes and athletic leagues, a 100% refund will be issued if a program is cancelled by the department.
- B. A refund fee of \$5 will be charged for all other approved refunds.
- C. For classes and programs, all refund requests received at least 7 days prior to the beginning date are entitled to a full refund issued by credit card or check minus a \$5 refund fee.
- D. For adult and youth athletic leagues all refund requests received prior to the player evaluations or team meetings are entitled to a full refund issued by credit card or check minus a \$5 refund fee .
- E. No refund will be issued for requests received after the registration deadline.
- F. Request for medical hardship based refunds will be evaluated on a case by case basis by the Garner Parks, Recreation, and Cultural Resources Department staff.



Parks, Recreation & Cultural Resources Policies Update

Presentation to Town Council
November 19, 2024



Overview

- Recommendations for updates to three policies:
 - Policy 115 – Gifts and Donations Policy
 - Policy 120 – Sponsorships Policy
 - Policy 110 – Revenue Policy
- Marked up copies provided with the agenda
- Last approved by Town Council in 2015
- Parks, Recreation & Cultural Resources Advisory Committee has reviewed and voted to recommend the updates to Town Council



Policy 115 - Gifts and Donations

- Clarify purpose to include park amenities as well as programs
- Specify that park amenities to be donated need to be commercial grade and compatible with standard equipment
- Clarify monuments and objects of remembrance require review by Town's Legal Department, acceptance by Council, and a donor agreement
- Add the Parks, Recreation & Cultural Resources Committee to the review process for prospective donations
- Add section for gifts and donations of land or real estate property
- Add section for communication (government speech)
- Add section for an appeals process for denial of acceptance



Policy 120 - Sponsorship Policy

- Add section to authorize the department to seek sponsorships, including the periodic publication of a sponsorship guide
- Add three items to the list of unsuitable sponsorships
- Add section for the types of branding recognition provided for a sponsorship
- Add section for communication (government speech)
- Add section for an appeals process for denial of acceptance



Policy 110 - Revenue

- Updated the fees to match the Town's Fee Schedule
 - Youth activities cost recovery of 60% expanded to K-12 rather than just 12 and under
 - Non-resident fee differential at 40%

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 19, 2024		
Subject: Economic Development Quarterly Update		
Location on Agenda: Old/New Business <input type="checkbox"/> <input checked="" type="checkbox"/>		
Department: Economic Development		
Contact: Nate Groover, Economic Development Director		
Presenter: Nate Groover, Economic Development Director		
Brief Summary: Staff will present a quarterly update on economic development activity and the Downtown Garner Annual Impact Report. This report is attached.		
Recommended Motion and/or Requested Action: Receive as information.		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	NG	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



DOWNTOWN GARNER
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VISION/MISSION/GOALS

DOWNTOWN GARNER
IMPACT REPORT

VISION & MISSION

Vision: Downtown Garner Connects Our Small Town Roots With Our Future As A Growing Crossroads Of Cultural Arts, Recreation, And Creative Entrepreneurship In The Community.

Mission: To lead development of Historic Downtown Garner as a vibrant business, entertainment and cultural center through public-private partnerships.

ECONOMIC STRATEGY & GOAL

Downtown Garner aims to be a vibrant hub that attracts visitors and residents through diverse retail, dining, and entertainment while preserving its historical charm, stimulating economic growth, and strengthening community ties.

ECONOMIC STRATEGY & GOAL

The goal for Downtown Garner is to support a diverse economy that empowers small businesses and fosters innovation through resources, infrastructure improvements, and enhanced access to funding.

blocks	2
community events	10
peak business hours	4-9PM
public parking spots	298
1st floor storefronts	17
residential units	4
lodging units	1
business expansions	2
social district drinks sold	2K
annual visitors	117K
average stay	128



INVESTMENT STATS

2023-2024

PUBLIC

\$177,342

PRIVATE

\$843,000

1 FACADE IMPROVEMENTS

2 BUILDING IMPROVEMENTS

1 NET NEW BUSINESSES

2 NET GAIN JOBS

VOLUNTEER SPOTLIGHT

\$8K VOLUNTEER VALUE

265 VOLUNTEER HOURS

“As a member of the Garner Community, I serve with purpose. I am a firm believer that volunteerism is the cornerstone of any successful organization and it brings the community together.” - **Joyce Stephens, DGA Board Chair**

Downtown Incentive Grant

The Downtown Incentive Grant Program offers eligible businesses in Garner's historic downtown grants of up to \$2,000 for beautification, construction, and repairs to enhance the area's appeal, fostering a vibrant environment for both residents and visitors.



Downtown Garner Brochure

The Downtown Garner Brochure offers a comprehensive map and listings of each business, helping you easily explore and navigate the heart of downtown while discovering local gems. This is another marketing tool to increase foot traffic in Downtown Garner.



Food Truck Fridays

With a variety of food trucks offering diverse culinary options, the event creates a lively atmosphere that boosts foot traffic. As a result, local businesses benefit from increased exposure and sales.



COMMUNITY

PROFILE - 2024

POPULATION
40,082

HOUSEHOLDS
12,360

MEDIAN HH INCOME
77,171

MEDIAN AGE
37 YEARS

Over the past year, Downtown Garner has experienced remarkable growth, with a new Downtown business, increased foot traffic, and a revitalized community atmosphere.

- **Shayla Douglas, DGA Director**

DOWNTOWN DRIVE TIME MARKETS

	5 MIN	10 MIN	20 MIN
POPULATION	8,624	64,519	481,386
HOUSEHOLDS	2,692	10,070	36,398
MEDIAN INCOME	\$63,838	\$65,405	\$78,953



HELPING BUSINESSES THRIVE

- grant assistance
- marketing
- design services
- events

Downtown Garner is fostering business growth by implementing supportive programs, promoting local initiatives, and encouraging community engagement to create a vibrant environment where businesses can thrive and flourish.

REDEVELOPMENT PROJECTS UNDERWAY!

The Metro 201 project, set to begin construction in early 2025, will bring an exciting addition to Downtown Garner by providing up to 10,000 square feet of new commercial space and 24 residential units. This development is part of the broader revitalization efforts in the area, aiming to enhance both living and business opportunities.

Additionally, the Rand Mill parking lot, slated for completion in 2025, will support this growth by improving parking availability for residents, businesses, and visitors.

PROMOTIONAL ACTIVITIES



Downtown Garner promotes local businesses and builds community pride.

- Food Truck Fridays
- April Food's Day Rodeo
- Markets on Main
- Got to Be Garner Markets
- Summer Food Truck Rodeo
- Trick or Eat Rodeo
- Downtown Brochure
- Small Business Saturday
- Downtown Newsletter
- Business Owner Meetings

Historic Downtown Garner harbors one of the most diverse business and residential neighborhoods in the Town of Garner. Utilizing the essence of that dynamic as the structural blueprint for a stronger Downtown Garner community will inevitably set the tone for a better Town of Garner.

- Bahr Jervay, DGA Co-Chair



DESIGNATIONS

- National Historic District
- All American City



NC Main Street is a Main Street America™ Coordinating Program. As a Main Street America™ Coordinating Program, NC Main Street helps to lead a powerful, grassroots network consisting of over 40 Coordinating Programs and over 1,200 neighborhoods and communities across the country committed to creating high-quality places and to building stronger communities through preservation-based economic development.

THE IMPACT OF MAIN STREET

2023-24

IN OUR COMMUNITIES

THE RESULTS ARE IN...

Each year in July, North Carolina Main Street communities report the impact of their work to the North Carolina Department of Commerce. Main Street is the most impactful downtown economic development program in the state of North Carolina.

PUBLIC/PRIVATE INVESTMENT

\$5.5B 1980-2024
\$377.5M 2023-2024

NET NEW BUSINESSES

8,230 1980-2024
375 2023-2024

NET NEW JOBS

37,605 1980-2024
2,461 2023-2024

BUILDING IMPROVEMENTS

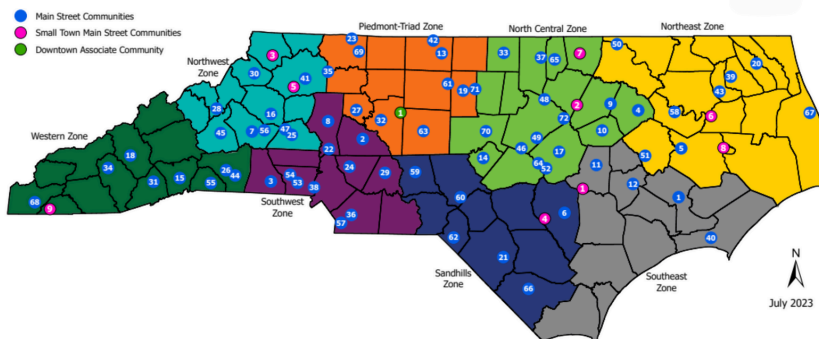
8,126 1980-2024
293 2023-2024

FACADE IMPROVEMENTS

9,076 1980-2024
360 2023-2024

VOLUNTEER HOURS

131,986 2023-2024
\$4.2M Time Value



LEARN ABOUT NC MAIN STREET

CLICK LOGO TO VIEW WEBSITE



LEARN ABOUT OUR MAIN-TO-MAIN TRAIL

CLICK LOGO TO VIEW WEBSITE



Reports



Talk of the TOWN

Council Requests & Updates

November 19, 2024

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

ETJ Expansion Update

ALL - Garner's ETJ Expansion Request was on the Wake County Planning Board Land Use Committee's November 6, 2024, meeting agenda. At this meeting, additional information was requested. Jeff Triezenberg, Planning Director, will present an overview of the Garner Forward Comprehensive Plan and additional information at the Land Use Committee's December 4, 2024, meeting. Next steps in the process include a recommendation from the Land Use Committee to the full Planning Board, evaluation by the full Planning Board, recommendation from the Planning Board to the County Commissioners and a decision by the County Commissioners. Details regarding the Town's request can be found at [Garner ETJ Request | Wake County Government](#).

Thanksgiving Holiday Schedule

ALL - Town Hall and facilities will be closed on Thursday, November 28 and Friday, November 29 in observance of the Thanksgiving holiday.

Downtown Holiday Events

ALL - Downtown Garner will host a variety of holiday events beginning with the Holiday Block Party on Saturday, December 7, 2024, from 2:00-4:00pm at the Garner Recreation Center. The Garner Optimist Christmas Parade will follow at 4:30pm and the Town's Tree Lighting will take place immediately following the parade. For more details visit [Holiday Block Party | Town of Garner, NC](#).

Downtown Garner will also host the inaugural Garner Holiday Village presented by the Garner Chamber of Commerce and Community of Hope Ministries. The Holiday Village will feature holiday displays by community organizations and businesses around the Garner Recreation Center walking trail. The Holiday Village will be free for the public to enjoy from December 10th through December 31. A ribbon cutting will be held on December 13 at 5:00pm. For more information visit [Holiday Village Information](#).

GPAC Award

ALL - The Garner Performing Arts Center was recently awarded a Garner Chamber of Commerce Summit Award for Creativity and Innovation in recognition of the GPAC team's efforts to make the arts more accessible to people with disabilities. GPAC is hosting a sensory-friendly production of "Frosty: A Musical Adventure" on Nov. 16. Learn more and purchase tickets to this and other upcoming GPAC shows by visiting [GarnerPerformingArtsCenter.com](#).

Loose Leaf Collection

ALL – The Town has started loose leaf collection for residents. Loose leaves are collected biweekly through the end of February following the recycling schedule for your area. Residents are asked to rake leaves to the edge of the street, behind the curb, and way from mailboxes and storm drains. Leaf piles should be free of stones, bricks, branches and other objects. Heavy volume may cause delays.

FY26 Budget Kickoff

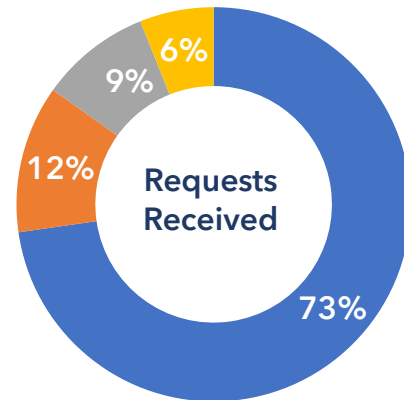
ALL – The FY26 budget development process will begin on December 2, 2024.

Garner Info Monthly Analytics

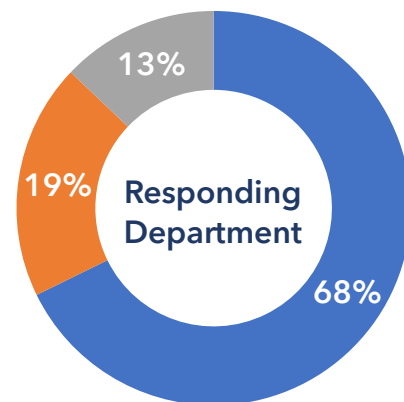
October 15 – November 12, 2024 – 33 Total Requests

Request by Type

Rollout Container	4	12.1%
Ditch/ Surface Drainage Problem	3	9.1%
Anonymous Tip	3	9.1%
Junk Vehicle (Private Property)	3	9.1%
Dead Animal Pickup	3	9.1%
Misc. - Streets	2	6.1%
Yard Waste/ Loose Leaves	2	6.1%
Tall Grass/Weeds (Private Property)	2	6.1%
Trash/Solid Waste (Private Property)	2	6.1%
Sight Distance	2	6.1%
Litter Pickup	2	6.1%
Roadway Obstruction	2	6.1%
Garbage	1	3.0%
Grounds/ Trail Maintenance	1	3.0%
Pipe and Storm Drain Maintenance	1	3.0%
Rollout Container	4	12.1%



■ Completed ■ In Progress ■ Received ■ Submitted



■ Public Works ■ Inspections ■ Police