

**Town of Garner  
Board of Aldermen  
November 3, 2008**

The Garner Board of Aldermen met in regular session at 7:00PM on Monday, November 3, 2008 in the Town Hall Board Room.

**CALL MEETING TO ORDER**

Attending: Mayor Williams, Alderman Kennedy, Alderman Singleton, Alderman Behringer, Alderman Johns, Alderman Marshburn

**PLEDGE OF ALLEGIANCE** - Alderman Johns

**INVOCATION** - Alderman Johns

**PETITIONS AND COMMENTS**

**ADOPTION OF AGENDA**

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

**CONSENT**

**Resolution to Dispose of Investigator Don McDuffie's Badge and Firearm**

Pursuant to N.C.G.S. 20-187.2 the Police Department requests that the badge and Sigarms SP 2340 service sidearm carried by Investigator Don McDuffie be deemed as disposable property and awarded to him, at no cost, on the occasion of his retirement. Investigator McDuffie will be responsible for obtaining the necessary permits as required by law to possess and carry his gun.

Action: Adopt Resolution No. (2008) 1996

**Resolution to Accept N.C. Governor's Highway Safety Grant**

The Town of Garner Police Department requests to accept the N.C. Governor's Highway Safety Grant (GHSP) in the amount of \$15,000. The purpose of this grant is for funding of the Crash Reconstruction vehicle approved in FY 08-09 budget in the amount of \$20,000. GHSP is granting additional money towards the purchase.

ACTION: Adopt Resolution No. (2008) 1997

**Resolution Adopting a Policy for the Federal Trade Commission's Red Flags Rule Regarding Identify Theft**

This Resolution supports the attached policy recommended to address requirements pursuant to the Federal Trade Commission's Red Flags Rule which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. Every financial institution and creditor, including local government, is required to establish a

program to prevent identity theft. Enforcement of this policy has been delayed by the Federal Trade Commission until May 2009.

Action: Adopt Resolution No. (2008) 1998

Motion: Kennedy  
Second: Singleton  
Vote: Unanimous

#### **Ordinance Amending Unified Development Ordinance, UDO-08-02**

This Unified Development Ordinance (UDO) amendment relates to regulation of flag lots and was included in a public hearing held by the Board on July 7 along with other various amendments. The issue of the flag lots was continued by the Planning Commission in July in order to allow more time to evaluate the proposal. The matter was taken back to the Planning Commission for review at its October 13 meeting and approval was recommended as submitted.

Action: Adopt Ordinance No. (2008) 3532

Motion: Kennedy  
Second: Behringer  
Vote: Unanimous

#### **Modification to Conditional Use Permit, CUP-SB-06-10**

Sutton Springs, LLC requests to modify the Conditional Use Permit by adding one additional building lot and revising the plan by removing fencing around all ponds, which was a requirement on the original plan approval. Sutton Springs LLC proposes to maintain a liability insurance policy with the Town of Garner as insured with a minimum limit of \$1,000,000 in lieu of the fencing.

Action: Approved Permit Modification

Motion: Kennedy  
Second: Singleton  
Vote: Unanimous

#### **Consideration of Offer to Purchase Timber Drive Property**

Marjan LTD. has offered to sell to the Town a parcel of land adjacent to the Timber Drive park property, across from Buckingham Road and West of Blanton Street. The Town Manager has negotiated a favorable purchase price of \$53,000. The purchase would increase the park acreage and the park frontage on Timber Drive.

Mr. Watkins reported that this parcel is adjacent to property owned by the Town on Timber Drive. This property also gives frontage on Timber Drive thus allowing more options getting in and out of the property. The negotiated purchase price is much less than what two building lots would sell.

Action: Authorize Purchase of Property; Authorize Manager and Attorney to proceed with closing in 2008

Motion: Singleton  
Second: Behringer  
Vote: Unanimous

**Public Hearing on Conditional Use Rezoning and Conditional Use Subdivision, CUD-Z-08-05 and CUP-SB-08-04, New Rand Road Subdivision**

Mayor Williams asked if anyone wanted to provide testimony to come forward and receive the oath. Mayor Williams asked if any Board member had any ex parte communications regarding this application to disclose this information. Hearing none, he asked staff to present the report.

Mr. Bass reported that Bass, Nixon & Kennedy, Inc is requesting a change in zoning from Residential 20 to Residential 9 (C-156) and conditional use subdivision approval for a forty-three lot residential subdivision with a minimum lot size of 9,000. The 16.12 acre site is located in the 600 block of New Rand Road. The parcel has access to water and sewer and with frontage along New Rand Road. The homes will have 2-car garages and a minimum of 2400 heated square footage. All homes will have screened porches and brick front with hardiplank on remaining sides.

Alderman Johns said he is not opposed to the project, but is concerned that traffic is already heavy there now. Hopefully construction of Timber Drive will decrease traffic; however construction is several years away.

Marty Bizzell, Bass Nixon and Kennedy of Wake Forest, said he is representing the owner, Sherman Yeargan. Mr. Bizzell noted they have held meetings with the adjacent property owners. He is willing to answer any questions from the Board.

Martin Warf, 129 Rock Ridge Road in Shelton Place, said he is the President of the Home Owners' Association. He said his concerns regarding the size of the homes have been addressed. He asked if the subdivision will have its own Homeowner's Association or can there be consideration to combining the two. He asked if there would be a connection to other properties. He said the lot is currently tree lined and asked if there were plans to add a buffer on the property line at the top of the site along Belmont Ridge Drive.

Mr. John Smith, 101 White Stone Road in Raleigh, said he could answer Mr. Warf's questions. Regarding combining the two Home Owners' Associations, he did have conversations with Syntex Homes, who is the developer of Shelton Place. They wanted to keep the associations separate. This can be considered, but they will not be developing the property. The buffer meets all requirements and there are no plans to clear cut the property. There is no intention of trying to make connection with any other Yeargan property unless required by the State or the Town.

Norman Karr, Planning Commission Chairman reported the Commission recommended approval the rezoning and subdivision subject to conditions.

Hearing no additional comments, Mayor Williams closed the public hearing.

Action: Adopt Ordinance No. (2008) 3533; Find compliance with the Comprehensive Growth Plan and the request is reasonable and in the public interest because it will likely allow the development of an appropriate density of housing in the area in which it is located.

Motion: Singleton  
Second: Kennedy  
Vote: Unanimous

Action: Find Application complete and in compliance; Grant permit subject to the following:

Motion: Kennedy  
Second: Marshburn  
Vote: Unanimous

**Ordinance Adopting Annexation Petition, Quest Fellowship Church, ANX-08-03**

Quest Fellowship Church has petitioned to annex a 15 acre tract of land located at 5120 Raynor Road. The legal requirements to proceed with this annexation have been met. Annexation will be effective on November 30, 2008.

Mayor Williams opened the public hearing. Hearing no comments, the hearing was closed.

Action: Adopt Ordinance No. (2008) 3534

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

**Ordinance Adopting Annexation Petition, Breezeway South, Phase I, ANX-08-04**

Breezeway South has petitioned to annex a 14 acre tract of land located on Thompson Road. The legal requirements to proceed with this annexation have been met. Annexation will be effective on November 30, 2008.

Mayor Williams opened the public hearing. Hearing no comments, the hearing was closed.

Action: Adopt Ordinance No. (2008) 3535

Motion: Singleton  
Second: Behringer  
Vote: Unanimous

## **Ordinance Adopting Annexation Petition, 7985 White Oak Road, ANX-08-05**

Charles and Joyce Caudle have petitioned to annex a 1.1 acre tract of land located at 7895 White Oak Road. The legal requirements to proceed with this annexation have been met. Annexation will be effective on November 30, 2008.

Mayor Williams opened the public hearing. Hearing no comments, the hearing was closed.

Action: Adopt Ordinance No. (2008) 3536

Motion: Singleton

Second: Behringer

Vote: Unanimous

### **COMMITTEE REPORTS**

#### **Human Resource Committee Recommendations**

Alderman Singleton nominated Jessie Jones for an appointment to the Board of Adjustment as an inside regular member.

Motion: Kennedy

Second: Johns

Vote: Unanimous

### **MANAGER REPORTS**

#### 1. Star Tracker

Alderman Johns reported an item regarding a trash container being placed on the sidewalk at Pearl Street. The container is now being placed on the street, but is placed there on Sunday.

#### 2. Planning Commission Summary

#### 3. Report on Current Financial Trends

Mr. Watkins gave a follow-up to the economic condition update presented to the Town Board of Aldermen on October 21, 2008. This report provides information gathered from a number of sources around the State to get a sense of the current economic status of various governmental entities. The first area of focus was to get a clearer picture of the financial condition of the state government and how that may impact the Town and the second area of focus was to learn what other local governments are doing in response to the national economic downturn. Mr. Watkins reported steps that have already been implemented in Town of Garner and future short-term action steps to follow. At a future date the Manager will present some additional medium-term and long-term strategies.

Mr. Watkins presented options for the Board's consideration in filling the positions of the Economic Development Director and Public Information Officer. Mr. Watkins said the Economic Development position is a key role in turning negative economic development indicators in the Town's favor and noted it is important to get the Economic Development Director on Board prior to the Board's retreat. Since it traditionally takes at least ninety days to get someone on board, he proposed to begin recruitment either the beginning of November or December.

The Public Information Officer is a part-time position with no benefits. The Town is behind in proactive communication and this position will make progress there. As a low budget alternative, he said he can look to see if there is an interested and qualified staff member.

- Alderman Behringer

She reported what looks like a BB gun hole in the window at Karate studio downtown.

She reported a windshield shattered at a home on Penny Street on Halloween night.

She asked for an update on the Timber Drive construction schedule. Mr. Watkins said Mr. Bass is in discussions with NCDOT representatives and he will present an update to the Board.

- Mayor Williams

He presented a trophy given by the Miss America Association to the Miss Garner Association recognizing its 50<sup>th</sup> anniversary. He announced the 2009 Miss Garner is Chelsey Ingram.

- Alderman Singleton

He presented an article on Roslyn Sorrell in the Wake Living magazine that he encouraged everyone to read.

He asked the status of the Sewer Allocation Policy. Mr. Bass said this policy will be moved forward.

He asked for options of renovating the Police Station when they are available.

He asked the status of the playground equipment at Lake Benson and South Garner Park. Mr. Dickerson said the equipment at Lake Benson should be finished in a week and a half. At South Garner Park, they are waiting for equipment parts that should arrive soon.

He said he feels that if the Board wants to have dinner at each meeting then the Board needs to pay for the meals. The Board agreed and will begin alphabetically with the Board member's last name.

- Mayor Pro Tem Kennedy

He noted the junk yard on Garner Road has visible improvements.

He reported attending the Miss Garner Reunion on Friday at the Eagle Ridge Country Club.

- Alderman Marshburn

He commended the Town for the clean-up after the Friday night event at Lake Benson Park.

He received notification about the James Goodmon Award where we can consider a public official and he recommended the Board nominate Rodney Dickerson, Assistant Town Manager and requested assistance from the Town in submitting the nomination forms. The Board agreed to move forward with the nomination.

He encouraged anyone that can to join in the trip to Atlanta. There are ways to minimize expenses. This is an opportunity to see some things. Mr. Watkins said the visit will include visits to Smyrna, Duluth and Woodstock to visit mixed use developments with private public partnerships. Also, we will visit two new City Halls. On Thursday, 11/20 we will visit Atlanta Station which is a recovered old brown field site that has been developed into a down town mall with tax increment financing.

**Closed Session to pursuant to N.C.G.S. N.C. 143-318.11(a) (6) regarding matters related to Personnel.**

Motion: Singleton  
Second: Kennedy  
Vote: Unanimous

Aldermen Kennedy motioned to return to open session.

Mr. Watkins said staff will hold off on a job announcement of the Economic Development Director until December 7 or later. He will update the Board on December 8.

Motion: Kennedy  
Second: Behringer  
Vote: Unanimous  
Time:

Adjournment: 9:30