

**Town of Garner  
Board of Aldermen  
January 5, 2009**

The Garner Board of Aldermen met in regular session at 7:00 PM on Monday, January 5, 2009 in the Town Hall Board Room.

**CALL MEETING TO ORDER**

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

Staff Attending:

**PLEDGE OF ALLEGIANCE** - J.R. Green, Troop 391, Garner United Methodist Church

**INVOCATION** - Joe Pritchett, Garner Advent Christian Church

**PETITIONS AND COMMENTS - NONE**

**ADOPTION OF AGENDA**

Motion: Marshburn  
Second: Singleton  
Vote: Unanimous

**CONSENT**

**Minutes from September 30, 2008 Work Session**

**Ordinance Authorizing Enforcement of Fire Lane Parking for the Shoppes at Garner, Wal-Mart #1372**

JSSR Investments, LLC has requested the Town of Garner enforce the fire lane parking at the Shoppes at Garner, Wal-Mart #1372. The Fire Marshall and the Police Department have reviewed this request and determined that signage marking the fire lanes is in conformance with the Town Code. If the ordinance is adopted, the Town will begin issuing parking tickets to violators immediately.

Action: Adopt Ordinance No. (2009) 3541

**Resolution Authorizing Transfer of Property to N.C. Department of Transportation**

This Resolution authorizes transfer of two small remnants of property located at the intersection of NC 50 and Timber Drive to N.C. Department of Transportation (NCDOT) to be used as right-of-way for Timber Drive East. A deed has been prepared by NCDOT.

Action: Adopt Ordinance No. (2009) 2005

**Resolution Providing the Town's Position on the 21<sup>st</sup> Century Transportation Initiatives**

The 21<sup>st</sup> Century Transportation Committee was tasked by the Legislature to report on several important topics related to addressing transportation challenges. The Town of Garner supports many of the priorities addressed by CAMPO. The enclosed resolution expresses the Board concerns regarding 1) modernizing the current highway

funding distribution "equity" formula, 2) unilateral transfer of all state secondary roads within municipalities from the state to local governments, and 3) the transfer of Highway Trust Fund monies to the General Fund.

Action: Adopt Resolution No. (2009) 2006

#### **Ordinance Amending 2008 - 2009 Operating Budget**

This Ordinance amendment provides additional funding of \$16,000 for feasibility analysis of the proposed Peacock Pond Stormwater Retrofit Project.

Action: Adopt Ordinance No. (2009) 3542

Motion: Singleton

Second: Johns

Vote: Unanimous

#### **End of Consent**

#### **Public Hearing on Z-08-01, Zoning Petition, Residential-20 to Service Business, Bobbitt Drive**

Roland and Louise Dutton have petitioned to rezone a .31 acre tract of land from Residential-20 (R-20) to Service Business (SB) located on Bobbitt Drive. The applicant requests general use zoning therefore no conditions are proposed.

After presentation of the staff report, Mayor Williams opened the public hearing. Hearing no comments, the hearing was closed and the application was referred to the Planning Commissions.

Action: Refer to Planning Commission

#### **Request to Serve Alcoholic Beverages at the Historic Auditorium**

The Garner Citizen News & Times will be the sponsor for The Towne Players of Garner opening nights in the 2009 season and will be hosting a reception for corporate sponsors. Barry Moore on behalf of the Garner Citizen News and Times requests permission to serve champagne, wine and beer to accompany the food just prior to the grand opening of each play on January 16, April 18, August 13, October 9, 2009 for those select patrons. A similar occasion was held at the 10th Anniversary celebration and approval was given for the limited serving of alcohol. The response was very favorable according to the staff of The Towne Players of Garner.

Action: Consideration of Request

Motion: Kennedy

Second: Singleton

Vote: Unanimous

#### **Manager Reports**

1. Star Tracker
2. Personnel Report
3. Presented Updated List of Potential Stimulus Projects that must be submitted to the State Government by January 14.

#### **Attorney Reports**

Requested Closed Session Pursuant to N.C.G.S. 143 318 11 (A) (3)

## Board Reports

Alderman Singleton

- He asked the status of the White Deer Park Construction. Mr. Watkins said construction is on schedule and Mr. Beasley is working with Attorney Anderson to get the Cope easement negotiated.

Alderman Johns

- He reported ten to fifteen Christmas trees left behind the former Winn Dixie Building near Oak Circle. Mr. Dickerson said he would get those removed.
- He reported some "not so pleasing" activity at 1501 Beichler Road.

Alderman Behringer

- She said there is an evergreen that is large and out of proportion with the area near the railroad track on Main Street. If the Town will remove the tree, the Woman's Club will replace it with crepe myrtles. The tree was once used by the Town for the Christmas Tree lighting.
- She reported trash on I-40 from US 70 to NC 42 and on the southside.
- She reported an addition to a house at 300 Penny Street and asked if there has been a building permit issued.

Alderman Marshburn

- He reported having a conversation with Joe Dehner, Republic Services, regarding recycling. Mr. Dehner invited Alderman Marshburn and other members of the Board to tour the recycling facility. He asked if anyone is interested to give him a call.

Mayor Williams

- The Mayor's Prayer breakfast is to be held on Thursday morning at Aversboro Road Baptist Church.
- A reception will be held at the Senior Center on Monday, January 12<sup>th</sup> at 5 p.m. to welcome Sonya Shaw, the new Parks and Recreation Director.
- He will be attending the Legislative meeting regarding Annexations on January 6.

**The Board entered into closed session under N.C.G.S. 143-318.11 (a)( ) to consult with counsel on two matter of pending litigation: Edge of Auburn and Nuisance enforcement action on Ken Mizelle**

Motion: Singleton  
Second: Kennedy  
Vote: Unanimous

After a motion and second, the meeting returned to regular session and adjourned.

**ADJOURNMENT: 9:30**

Motion: Kennedy  
Vote: Unanimous

Respectfully Submitted,

Judy Bass