

## **REGULAR BOARD OF COMMISSIONERS MEETING**

### **TOWN OF WAKE FOREST, NORTH CAROLINA**

**October 16, 2007**

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners Stephen Barrington, Velma Boyd-Lawson, David Camacho, Frank Drake, and Margaret Jones Stinnett as were Town Manager Williams, Town Clerk Wilson, Planning Director Russell, Public Works Director Barton, Engineering Director Keravuori, Town Engineer Miles, Parks and Recreation Director Simpson, and Town Attorney Knight.

Mayor Jones led everyone in the Pledge of Allegiance.

#### **1. Approval of agenda.**

**ACTION:** Commissioner Barrington made a motion to approve the agenda as submitted. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

#### **2. Approval of minutes.**

##### **A. Meetings held September 4, 2007 (Work Session) and September 18, 2007 (Regular Board of Commissioners Meeting).**

**ACTION:** Commissioner Camacho made a motion to approve the minutes of meetings held September 4, 2007 (Work Session) and September 18, 2007 (Regular Board of Commissioners Meeting). Commissioner Barrington seconded the motion, which carried unanimously (5-0).

#### **3. Presentations.**

##### **A. Presentation by Heather Lee, PhD and Korrel Kanoy, PhD with Developmental Associates concerning information on conducting a community survey (copy of documentation on following page).**

Mayor Jones recognized Dr. Lee, who spoke saying that the surveys in the past were a result of the Results Based Management and Strategic Planning Measures. She suggested a citizen survey either by web-base or mailing in the sanitation/electric bills. She also suggested that surveys be mailed to 650 people with a possible return of 365 surveys. She reported that web-based survey would be password protected link on the Town's website. The survey would be bilingual (english/spanish). Dr. Lee also suggested a departmental survey with random sampling with a web-link with twelve (12) questions. The survey would be monitored. She also suggested a bilingual survey (english/spanish) for Town employees.

Dr. Lee reported that the results of the survey would be presented at the Board of Commissioners Retreat in January 2008.

**ACTION:** Commissioner Boyd-Lawson made a motion to do the citizen survey. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

#### **4. Public hearings / Public Comment.**

##### **A. Public hearing for the consideration of an amendment to the Phase II Stormwater Model Ordinance of the Town of Wake Forest Manual of Specifications and Design (copy of model ordinance on following page).**

At 7:31 p.m., Mayor Jones opened the public hearing for the amendment to the Phase II Stormwater Model Ordinance of the Town of Wake Forest Manual of Specifications and Design.

Mayor Jones recognized the following persons who spoke:

Mr. Ward Marotti - 143 East Cedar Avenue (restoration ecologist and Planning Board Member) spoke saying the public hearing should have come before the Planning Board. He said he has concerns with definitions of perennial and intermittent streams and use of the State Division of Water Quality's on-site examination process to verify the status of streams. He stated that the regulations refer to the Wake County Soil Survey and USGS topographic maps which do not depict all the streams in Wake County. He said he feels using the old maps is inappropriate. Mr. Marotti also stated that an on-site evaluation for wetlands should include isolated areas that do not fall under the jurisdiction of the US Army Corps of Engineers. He said those wetlands also need adequate buffers, more than 10 feet prescribed.

Mr. Harry Mitchell - engineer with Bass, Nixon & Kennedy, who spoke saying that he has concerns with the escrow accounts/securities being maintained properly. He also asked that the master plan be the point at which the new regulations take effect.

Mr. Arthur O'Connor - 1140 Chilmark (Riverstone) - spoke saying that he wanted to further emphasize Mr. Marotti's remarks about wetlands and buffers. He said his children are driving now and his driveway is 10 feet wide. They routinely miss it. He said that thinking of a bulldozers and backhoes - we might be digging and disturbing soil within a wetland with a buffer that narrow.

Mr. Joe Siegler - Chairman of the Greenway Advisory Board - spoke saying he would like to thank the Board of Commissioners for the hearing and urged them to put the regulations on a high standard, not a minimal standard.

Ms. Jennifer Burch - PPM (a management firm) - spoke saying she had concerns about the regulations' impact on homeowner associations. She asked why can't the community hold the escrow account? Another suggestion was to lower the amount in escrow from 100 percent of replacement to 25 percent.

Ms. Tina Shopper - Charleston Management Group - spoke saying she had concerns with homeowner fees. She said that homeowner associations fund the bulk of the costs into escrow. She said that would affect first-time home buyers.

**ACTION:** Commissioner Drake made a motion to:

\* Approve Phase II Draft with recommended six (6) amendments that he had submitted earlier as listed below:

1. Page 9. 1-106(c) obliges the Stormwater Administrator to respond to all requests of interpretation of the ordinance "in writing within 30 days". Recommendation is the text be amended to read "within 30 days of receipt" to make explicit the relevant deadline.
2. Page 16. 203(a) merely permits the 3 items in subpara (1) through(3), but does not require them. The Town would be better served to amend "should" to read "shall" in the last sentence.
3. Page 18. 1-205(a) affords a 30-day appeal time, but does not expressly designate from what point that time begins to run. Recommend sentence be amended to read "within 30 days following such decision or order".
4. Page 32. 1-306(3) obliges applicants seeking a variance to demonstrate an undue hardship they would suffer from strict application of the ordinance did not result from their own actions. It is possible to suffer hardships caused by one's own omissions as well as by actions. Recommend the sentence be expanded to read "or from his own omissions."
5. Page 27. 1-404(c)(4) seems ambiguous. It should read "within 60 days following approval..." since the word "of" in this context could be 60 days before or after.
6. Page 27. 1-405(b) uses the passive voice, which makes ambiguous the duty to maintain the required signage. Recommend the addition of "by the owner" as follows: "The sign shall be maintained by the owner so as to remain visible and legible.

\* Follow specific substantive changes:

1. Page 12 Section 1-110 (b) Change wording to read "All developments and redevelopment projects for which complete and full master plans were submitted..."
2. Page 19 Section 1-302 (b) Add the highlighted text to the paragraph "A perennial or intermittent surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the

United States Geologic Survey (USGS) and/or the North Carolina Division of Water Quality (NCDWQ) identification methodology for determination of perennial and intermittent streams.”

3. Upon adoption, staff will bring the body of the ordinance back for interim review at the January 2008 work session.

Commissioner Boyd-Lawson seconded the motion and the vote was as follows resulting in the following ordinance:

<u>Aye</u>	<u>Nay</u>
Commissioner Barrington	Commissioner Stinnett
Commissioner Boyd-Lawson	
Commissioner Camacho	
Commissioner Drake	

ORDINANCE 2007-44

ORDINANCE AMENDING PHASE II STORMWATER ORDINANCE  
OF THE MANUAL OF SPECIFICATIONS AND DESIGN FOR THE  
TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 20)

**B. Public Comment.**

No one spoke.

**5. Consent Agenda.**

**ACTION:** Commissioner Camacho made a motion to approve the Consent Agenda as submitted. Commissioner Drake seconded the motion, which carried unanimously (5-0).

**A. Approval of tax releases (copy on following page).**

**B. Approval of request received from the Downtown Revitalization Corporation (DRC) to extend the closure of the downtown parking lot (Gazebo) until November 17, 2007 for the Farmer's Market.**

**6. Legislative Items.**

None.

**7. Planning Items.**

None.

**8. Administration and Financial Items.**

None.

**9. Public Services Items.**

- A. Consideration of approval of establishment of a “School Zone” at 520 West Holding Avenue at St. Catherine’s of Siena as well as a crosswalk (copy of letter on following page).**

**ACTION:** Commissioner Barrington made a motion to approve the establishment of a “School Zone” at 520 West holding Avenue at St. Catherine’s of Siena as well as a crosswalk . Commissioner Stinnett seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-45

ORDINANCE AMENDING CHAPTER 30. TRAFFIC AND VEHICLES SECTION 30-262. SCHEDULE XVI. SCHOOL ZONES OF THE CODE OF ORDINANCES OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 20)

- B. Consideration of approval of resolution to exempt a project from the model code for procurement of architectural and engineering services where estimated professional fees are in excess of \$30,000 and approval of a contract for professional services with Wetherill Engineering for the preliminary design and surveying for the realignment of Chalks Road (copy of documentation on following page).**

**ACTION:** Commissioner Barrington made a motion to approve a resolution to exempt a project from the model code for procurement of architectural and engineering services where estimated professional fees are in excess of \$30,000 for the realignment of Chalks Road. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2007-53

(Chalks Road Realignment)

RESOLUTION TO EXEMPT A PROJECT FROM THE  
MODEL CODE FOR PROCUREMENT OF ARCHITECTURAL  
AND ENGINEERING SERVICES WHERE ESTIMATED  
PROFESSIONAL FEES ARE IN EXCESS OF  
THIRTY THOUSAND DOLLARS (\$30,000)  
(Body of resolution contained in Resolution Book 24)

Commissioner Stinnett made a motion to approve the contract with Wetherill Engineering for the preliminary design and surveying for the realignment of Chalks Road in an amount not to exceed \$141,212.15. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

**10. Parks and Recreation Items.**

- A. Consideration of approval of High Performance Design (LEED) for additional design services for Little Diversified (copy of documentation on following page).**

**ACTION:** Commissioner Barrington made a motion to approve the additional High Performance Design (LEED) for additional design services for Little Diversified in the amount of \$55,700. Commissioner Drake seconded the motion, which carried unanimously (5-0).

**11. Public Safety Items.**

None.

**12. Adjournment.**

**ACTION:** At 9:56 p.m., Commissioner Barrington made a motion to adjourn the meeting, Commissioner Camacho seconded the motion, which carried unanimously (5-0).

Town Clerk

Mayor