

**REGULAR BOARD OF COMMISSIONERS MEETING**

**TOWN OF WAKE FOREST, NORTH CAROLINA**

**November 20, 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, Planner Ayers, Assistant Planning Director Sary, IT Director LaBarge, Planner Summers, Finance Director Staples, Human Resources Director Moody, and Town Attorney Vernon.

Mayor Jones spoke saying that Thanksgiving is a time to give thanks for all our blessings. She then read George Washington's 1789 Thanksgiving Proclamation.

WHEREAS, it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and

WHEREAS, both Houses of Congress have, by their joint committee, requested me to "recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness.

NOW, THEREFORE, I do recommend an assign Thursday, the 26<sup>th</sup> day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquility, union and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been able to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

Given under my hand, at the city of New York, the 3<sup>rd</sup> day of October, A.D. 1789.  
Mayor Jones led everyone in the Pledge of Allegiance.

**1. Approval of agenda.**

Mayor Jones reported that Item 12. Other Business would be added to the agenda prior to the oath of office for the incoming Commissioners-elect.

Commissioner Drake requested that Item 5.D. Town Hall Development Review Plan be removed from the Consent Agenda. Mayor Jones reported that this item would be considered as Planning Item 7.F.

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

**2. Approval of minutes.**

**A. Meetings held October 2, 2007 (Work Session) and October 16, 2007 (Regular Board of Commissioners Meeting).**

**ACTION:** Commissioner Barrington made a motion to approve the minutes of meetings held October 2, 2007 (Work Session) and October 16, 2007 (Regular Board of Commissioners Meeting). Commissioner Drake seconded the motion, which carried unanimously (5-0).

**3. Presentations.**

None.

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

None

**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 of petition for contiguous annexation submitted by Lou and Joy Moshakos for property located off North Park Drive comprising 8.21 acres resulting in the following resolutions:**

RESOLUTION 2007-54

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-58.1  
(Body of resolution contained in Resolution Book 24)

RESOLUTION 2007-55

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED  
(Body of resolution contained in Resolution Book 24)

- C. Approval of requests received from the Downtown Revitalization Corporation (DRC) (copy of letters on following page).**

1. Closure of Parking Lot for use by the DRC Farmer's Market (extension).
2. Closure of Parking Lot for the Lighting of Wake Forest.

- D. Approval of Development Plan Review: LaScala Phase I subject to the following condition:**

- \* Stormwater management plans shall be required to meet Town of Wake Forest regulations.

- E. Approval of Development Plan Review: Wake Forest College Birthplace Museum subject to the following conditions:**

1. Development shall be consistent with all approved Certificates of Appropriateness issued by the Wake Forest Historic Preservation Commission, including COA-07-12 and any approved subsequent to the conditions of the certificate.
2. Protective fencing shall be installed during construction around the larger trees, located within 50 feet of new construction, according to town standards and inspected by the appropriate town staff.
3. Retain trees at the rear of the back parking area, to the degree possible, leaving appropriate trees and replacing missing trees to screen North White Street and eventually to grow to replace the missing canopy behind the museum.

**F. Approval of Budget Ordinance Amendment No. 1 for FY 2007-2008 resulting in the following ordinance:**

ORDINANCE 2007-46

BUDGET ORDINANCE AMENDMENT NO. 1 OF THE  
TOWN OF WAKE FOREST NORTH CAROLINA  
FOR THE FISCAL YEAR 2007-2008  
(Body of ordinance contained in Ordinance Book 20)

**6. Legislative Items.**

None.

**7. Planning Items.**

**A. Consideration of approval of Case SU-07-07: A request filed by Thomas Ryan Preddy and Russell Scott Riggs for a special use permit for a car wash in the NB, Neighborhood Business District for property located at Forestville Road and Rogers Road, being Tax PINs 1840-41-1437 and 1840-41-2363.**

**ACTION:** Commissioner Barrington made a motion to accept the Planning Board recommendation to approve of SU-07-07: A request filed by Thomas Ryan Preddy and Russell Scott Riggs for a special use permit for a car wash in the NB, Neighborhood Business District for property located at Forestville Road and Rogers Road based on the findings of fact and conditions as recommended by Planning Staff, which died due to lack of a second.

Commissioner Stinnett made a motion to table Case SU-07-07: A request filed by Thomas Ryan Preddy and Russell Scott Riggs for a special use permit for a car wash in the NB, Neighborhood Business District for property located at Forestville Road and Rogers Road due to the drought. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Stinnett  
Commissioner Drake  
Commissioner Boyd-Lawson

Commissioner Barrington  
Commissioner Camacho

**B. Consideration of approval of Case SU-07-08: A request filed by Orleans Homebuilders, Inc. for a special use permit for a private amenities center to be located in the Reynolds Mills Subdivision (intersection of Forbes Road and Grace Church Street), being Tax PIN 1830-85-7081.**

**ACTION:** Commissioner Barrington made a motion to accept the Planning Board recommendation to approve Case SU-07-08: A request filed by Orleans Homebuilders, Inc. for a special use permit for a private amenities center to be located in the Reynolds Mills Subdivision (intersection of Forbes Road and Grace Church Street) based on the findings of fact. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Barrington Commissioner Drake Commissioner Camacho Commissioner Boyd-Lawson	Commissioner Stinnett
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Finding 1: The proposed use or development is located, designed, and proposed to be operated so as not to be detrimental to the public health, safety, and general welfare, in that the proposed use is an amenities center that includes a swimming pool, playground, and pool house and is to be located in an area appropriately zoned (C.U. R-10, Residential-10 District); and will conform to all the state and local safety laws involved with such uses. The use is customary for residential developments and is proposed to be located in an area with adequate road and pedestrian access and in the central portion of the development.

Finding 2: The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, in that the proposed facility will be located in a central portion of the Reynolds Mill Community and has frontage on a collector and local street. Municipal water, sewer, and waste disposal services are available to the site; and, the site is located within the Town's corporate limits and municipal protection services will be provided.

Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the proposed development will provide buffering, screening, and landscaping as required by the Town ordinances. Amenities centers are a compatible use to the surrounding single-family residential land use.

- Finding 4: The proposed use will not create undue traffic congestion or create a traffic hazard, in that the adjacent roads have been designed and are built to accommodate the proposed use as well as the associated traffic produced by the surrounding Reynolds Mill community. The amenities center is proposed to be centrally located with sidewalk connections, therefore promoting short walking distances for residents.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that dust and gases are not normally associated with the proposed use and vehicle access and parking areas will be paved, alleviating potential dust problems. Buffers and fencing will be proposed around the pool area as well as the property line that directly abuts single-family lots.
- Finding 6: The proposed use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is located, in that the proposed use is compatible with the surrounding residential properties and will serve the residents of the Reynolds Mill community.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed use is allowed in the R-10, Residential-10 District through a special-use permit.
- Finding 8: The proposed use or development meets all other rules and regulations within the zoning ordinance and all existing town polices, in that the submitted special-use application and development plan complies with the requirements of the R-10, Residential-10 District as well as other applicable regulations found in the Wake Forest Zoning Ordinance.

**C. Consideration of approval of Case ZA-07-05: An amendment to Article VI. Supplementary District Regulations Section II. Wireless Telecommunications Facilities.**

**ACTION:** Commissioner Drake made a motion to accept the Planning Board recommendation to approve Case ZA-07-05: An amendment to Article VI. Supplementary District Regulations Section II. Wireless Telecommunications Facilities. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-47

ORDINANCE AMENDING ARTICLE VI.  
SUPPLEMENTARY DISTRICT REGULATIONS

SECTION II. WIRELESS TELECOMMUNICATIONS  
FACILITIES OF THE ZONING ORDINANCE FOR  
THE TOWN OF WAKE FOREST NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 20)

Commissioner Stinnett made a motion to amend the Fee Schedule (Fees related to Planning and Zoning) as follows:

- \* Wireless Telecommunications Facility Applications Fee: \$5,000.
- \* Supplemental Wireless Telecommunications Facility Application Fee: \$2,500.

Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-48  
ORDINANCE AMENDING THE PLANNING AND  
ZONING FEES OF THE FEE SCHEDULE FOR THE  
TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 20)

**D. Consideration of approval of Interlocal Agreement for protecting water quality in the Little River Water Supply Watershed.**

**ACTION:** Commissioner Camacho made a motion to approve the Interlocal Agreement for protecting water quality in the Little River Water Supply Watershed. Commissioner Barrington seconded the motion and the vote was as follows:

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

**E. Consideration of approval of termination of a portion of sanitary sewer easement at the Wake Forest Rolesville High School (copy on following page).**

**ACTION:** Commissioner Drake made a motion to approve termination of a portion of sanitary sewer easement at the Wake Forest Rolesville High School. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2007-49

RESOLUTION REGARDING TERMINATION OF A  
PORTION OF SANITARY SEWER EASEMENT AT  
WAKE FOREST ROLESVILLE HIGH SCHOOL  
(Body of resolution contained in Resolution Book 24)

**F. Consideration of approval of Town Hall Development Plan.**

**ACTION:** Commissioner Drake made a motion to approve the Town Hall Development Plan. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

**8. Administration and Financial Items.**

**A. Consideration of calling for public hearing concerning fire impact fees in December.**

**ACTION:** Commissioner Drake made a motion to hold a public hearing in December. Commissioner Stinnett seconded the motion, which carried unanimously (5-0).

**9. Public Services Items.**

**A. Consideration of approval of a municipal agreement between the Town of Wake Forest and NC-DOT for the replacement of the Burlington Mills Road bridge over Smith Creek (copy on following page).**

**ACTION:** Commissioner Barrington made a motion to approve the municipal agreement between the Town of Wake Forest and NC-DOT for the replacement of the Burlington Mills Road bridge over Smith Creek. Commissioner Boyd-Lawson seconded the motion, which carried unanimously resulting in the following resolution:

RESOLUTION 2007-50

RESOLUTION APPROVING A MUNICIPAL AGREEMENT  
BETWEEN THE TOWN OF WAKE FOREST AND THE  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
FOR THE REPLACEMENT OF THE BURLINGTON MILLS  
ROAD BRIDGE OVER SMITH CREEK  
(PROJECT: B-3705 - WBS: 33245.3.1)  
(Body of resolution contained in Resolution Book 24)

**B. Consideration of approval of request received from Republic Services for a rate increase.**

Mr. Morgan Blanton with Republic Services, spoke saying that the number of units in Wake Forest has increased significantly. He said that the request is being made per the current Contract Agreement (Page 9) Town Payment for Services which states ... The Town of Wake Forest will pay the contractor for Schedule I and II services, based on the number of accounts established on the Town's computerized utility billing systems and the Rate Schedule. Mr. Blanton also reported that the Wake County Landfill is expected to reach maximum capacity no later than January 1, 2008. He said that he would like to discuss this development with the Town per the current Contract Agreement, Amendment No. 2 which states ... "The Towns of Wake Forest and Rolesville will allow market rate adjustments in prices to reflect fuel and landfill fee increases. The increases must be presented and approved by the Towns prior to being billed. He reported that due to the increase in the amount of units the amount due Republic Services as of November 1, 2007 is \$4,576.25

**10. Parks and Recreation Items.**

None.

**11. Public Safety Items.**

**A. Discussion concerning firing range (Police Department) located on North White Street at the request of Commissioner Stinnett.**

Commissioner Stinnett reported that the citizen that she has talked to about the firing range was unable to attend tonight's meeting. She reported that she would like to hold a community meeting sometime in December and bring this item back in January 2008.

**12. Installation of Commissioners-elect.**

**A. Resolutions of Appreciation:**

**ACTION:** Commissioner Drake made a motion to approve a resolution for the services of out-going Commissioners Velma Boyd-Lawson, David Camacho and Stephen Barrington. Commissioner Stinnett seconded the motion, which carried unanimously (5-0) resulting in the following resolutions:

RESOLUTION 2007-57

RESOLUTION OF APPRECIATION  
FOR THE SERVICES OF  
VELMA BOYD-LAWSON

(Body of resolution contained in Resolution Book 24)

RESOLUTION 2007-58

RESOLUTION OF APPRECIATION  
FOR THE SERVICES OF  
DAVID CAMACHO

(Body of resolution contained in Resolution Book 24)

RESOLUTION 2007-59

RESOLUTION OF APPRECIATION  
FOR THE SERVICES OF  
STEPHEN BARRINGTON

(Body of resolution contained in Resolution Book 24)

**B. Oaths of Office:**

The Honorable Joyce W. Wilson, MMC, Town Clerk for the Town of Wake Forest, North Carolina administered the oath of office to Commissioner-elect Anne Hines (copy of oath on following page).

The Honorable Joyce W. Wilson, MMC, Town Clerk for the Town of Wake Forest, North Carolina administered the oath of office to Commissioner-elect Chris Kaerberlein (copy of oath on following page).

The Honorable Joyce W. Wilson, MMC, Town Clerk for the Town of Wake Forest, North Carolina administered the oath of office to Commissioner-elect Pete Thibodeau (copy of oath on following page).

Mayor Jones reported that everyone was invited to a small reception being held in the lobby at Town Hall.

**13. Adjournment.**

**ACTION:** At 8:55 p.m., Commissioner Drake made a motion to adjourn the meeting. Commissioner Hines seconded the motion, which carried unanimously (5-0).

Town Clerk

Mayor