

# **REGULAR BOARD OF COMMISSIONERS MEETING**

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

**December 20, 2005**

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, Deputy Town Manager O'Donnell, Planning Director Russell, Planner Sary, Engineering Director Keravuori, Public Works Director Barton, Finance Director Staples, Parks and Recreation Director Simpson, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

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

Mayor Jones reported the following amendments to the agenda:

#### **9. Public Service Items**

- B. Consideration of approval of resolution regarding acquisition of conservation easement through condemnation proceedings (George Walker Heirs - Richland Creek Conservation Easement). This item will be delayed to the January 17, 2005 meeting to gather additional information.

#### **6. Legislative Items**

- B.A. Consideration of approval of amendments to the Code of Ordinances concerning various advisory boards.
- A.B. Consideration of approval of appointment/reappointment of members to various advisory boards.

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

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

- A. **Meetings held November 1, 2005 (Work Session) and November 15, 2005 (Regular Board of Commissioners Meeting).**

**ACTION:** Commissioner Camacho made a motion to approve the minutes of meetings held November 1, 2005 (Work Session) and November 15, 2005 (Regular Board of Commissioners Meeting). Commissioner Barrington seconded the motion, which carried unanimously (5-0).

**3. Presentations.**

**A. Presentation of Annual Comprehensive Annual Financial Report for FYE June 30, 2005.**

Mayor Jones recognized Ms. Emily Mills with Mills, Rouse & Company who presented the annual financial report for the fiscal year ending June 30, 2005. She reported that the Town of Wake Forest implemented the new financial reporting model as required by GASB 34. Ms. Mills said that the Town had received the Certificate of Excellence which is the highest form of recognition awarded in the field of governmental financial reporting for the 15th consecutive year. She reported that the Town was in good financial shape and that their study and evaluation did disclose areas in which improvement is desired as outlined in the management letter (copy of documentation on file in Town Clerk's Office) and incorporated as part of the minutes.

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

**A. Public hearing and approval of ordinance for non-contiguous annexation submitted by Rock Resources, LLC for property located at 5043 Unicon Drive comprising 16.355 acres.**

At 7:37 p.m., Mayor Jones opened the public hearing on a request for non-contiguous annexation submitted by Rock Resources, LLC for property located at 5043 Unicon Drive comprising 16.355 acres.

At 7:38 p.m., there being no one present to speak, Mayor Jones closed the public hearing.

**ACTION:** Commissioner Drake made a motion to approve an ordinance for the non-contiguous annexation submitted by Rock Resources, LLC for property located at 5043 Unicon Drive comprising 16.355 acres. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting on the following ordinance:

ORDINANCE 2005-59

ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

**C. Public Comment.**

No one spoke.

**5. Consent Agenda.**

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

**A. Approval of tax releases (copy of documentation on file in Town Clerk's Office).**

**B. Approval of 2006 meeting schedule for Planning Board and Board of Commissioners meetings (copy of documentation on file in Town Clerk's Office).**

**C. Approval of resolution authorizing Installment Purchase Agreement for the purchase of vehicles and equipment resulting in the following resolution (copy of RFPs on file on Town Clerk's Office):**

RESOLUTION 2005-94

RESOLUTION APPROVING THE  
FINANCING TERMS WITH  
RBC CENTURA

(Body of resolution contained in Resolution Book 23)

**D. Approval of resolution of support for the NC-DOT Bike Planning Grant Application resulting in the following resolution:**

RESOLUTION 2005-95

RESOLUTION OF SUPPORT FOR THE 2006  
BICYCLE PLANNING GRANT APPLICATION  
BY THE BOARD OF COMMISSIONERS OF  
THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of resolution contained in Resolution Book 23)

**6. Legislative Items.**

**A. Consideration of approval of amendments to the Code of Ordinances concerning various advisory boards.**

**ACTION:** Commissioner Barrington made a motion to approve amendments to the Code of Ordinances concerning various advisory boards. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-60

ORDINANCE AMENDING CHAPTER 12. CEMETERIES  
ARTICLE II. CEMETERY ADVISORY BOARD  
SECTION 12.41. CREATED THRU SECTION 12-45. SECRETARY  
CHAPTER 18. HUMAN RELATIONS COUNCIL  
ARTICLE II. HUMAN RELATIONS COUNCIL;  
SECTION 18-31. ESTABLISHED THRU SECTION 18-36. REPORTS;  
CHAPTER 22. PARKS AND RECREATION - ARTICLE I. IN GENERAL  
SECTION 22-2. TOWN PARKS AND FACILITIES;  
ARTICLE II. PARKS AND RECREATION ADVISORY BOARD  
SECTION 22-31. CREATED THRU SECTION 22-36. OFFICERS;  
ARTICLE III. SENIOR CENTER ADVISORY BOARD  
SECTION 22-71. CREATED - SECTION 22-74. DUTIES  
ARTICLE IV. GREENWAYS ADVISORY BOARD  
SECTION 22-81. ESTABLISHED THRU SECTION 22-86. REPORTS  
ARTICLE V. WAKE FOREST LAKE (SECTION CHANGE ONLY)  
CHAPTER 24 PLANNING AND DEVELOPMENT  
ARTICLE II. PLANNING BOARD -  
SECTION 24-31. ESTABLISHED THRU SECTION 24-36. REPORTS  
CHAPTER 34. VEGETATION ARTICLE II. TREES DIVISION 2. TREE BOARD  
SECTION 34-66. CREATED; MEMBERSHIP THRU  
SECTION 34-70. OPERATION; QUORUM  
(Body of ordinance contained in Ordinance Book 19)

**B. Consideration of approval of appointment/reappointment of members to various advisory boards (copy of ballots on file in Town Clerk's Office).**

**ACTION:** Commissioner Barrington made a motion to appoint/reappoint members to the various advisory boards. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-96

RESOLUTION APPOINTING/REAPPOINTING MEMBERS  
TO THE BOARD OF ADJUSTMENT;  
CEMETERY ADVISORY BOARD;  
HISTORIC PRESERVATION COMMISSION;  
HUMAN RELATIONS COUNCIL;

PLANNING BOARD;  
RECREATION ADVISORY BOARD;  
SENIOR CENTER ADVISORY BOARD &  
URBAN FORESTRY BOARD

(Body of resolution contained in Resolution Book 23)

Board of Adjustment:

Inside: Kenille Bumgardner Term will expire December 31, 2008  
Inside Alternate: Jonathan Bivens Term will expire December 31, 2008

Cemetery Advisory Board:

Nancy Bates Term will expire December 31, 2008

Historic Preservation Commission:

Cristie Dowda Term will expire December 31, 2008  
Louise Howard Term will expire December 31, 2008  
Beverly Whisnant Term will expire December 31, 2008

Human Relations Council:

Richard Houghtaling Term will expire December 31, 2008  
Mitch Lawson Term will expire December 31, 2008  
Charles Martin Term will expire December 31, 2008  
Sarah Bridges Term will expire December 31, 2008

Planning Board:

Chris Kaeberlin Term will expire December 31, 2008  
Al Merritt Term will expire December 31, 2008  
Ward Mariotti Term will expire December 31, 2008  
Pete Thibodeau Term will expire December 31, 2007

Parks and Recreation Advisory Board:

Joe Reynolds Term will expire December 31, 2008  
Sharon Kucyk Term will expire December 31, 2008  
Sandy Thomason Term will expire December 31, 2008  
Lisa Curran Term will expire December 31, 2007

Senior Center Advisory Board:

Fred Schmidtke (non-senior) Term will expire December 31, 2008  
Thelma Wright (senior) Term will expire December 31, 2008  
Sarah Bridges (senior) Term will expire December 31, 2006  
Heather Brewer (non-senior) Term will expire December 31, 2007  
Bonita L. Sharpee (non-senior) Term will expire December 31, 2008

Urban Forestry Board:

John William Patterson	Term will expire December 31, 2008
John Pelosi	Term will expire December 31, 2008
John Rich	Term will expire December 31, 2008
Jennifer McGehean	Term will expire December 31, 2008

RESOLUTION 2005-97

RESOLUTION RECOMMENDING TO THE  
WAKE COUNTY BOARD OF COMMISSIONERS  
REAPPOINTMENT OF OUT-OF-TOWN MEMBER  
TO THE WAKE FOREST BOARD OF ADJUSTMENT  
AND WAKE FOREST PLANNING BOARD  
(Body of resolution contained in Resolution Book 23)

Board of Adjustment: Bob Bridges December 31, 2007  
Planning Board: Kim Parker December 31, 2007

- C. **Consideration of appointment/reappointment to various Board committees (this item is delayed to the January 17, 2006 Board of Commissioners Meeting).**

7. **Planning Items.**

- A. **Consideration of approval of Case RZ-05-20: Consideration of a request filed by Colson & Colson Construction Company to rezone 4.43 acres from Conditional Use NB, Neighborhood Business District to Conditional Use Office and Institution District for property located at 1151 South Main Street, being Tax PINs 1840-26-9308, 1840-26-7280 & 1840-26-8260).**

**ACTION:** Commissioner Barrington made a motion to approve the Planning Board recommendation of Case RZ-05-20: Consideration of a request filed by Colson & Colson Construction Company to rezone 4.43 acres from Conditional Use NB, Neighborhood Business District to Conditional Use Office and Institution District for property located at 1151 South Main Street subject to the following condition: Record a recombination plat. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-61

ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 19)

**B. Consideration of approval of Case RZ-05-21: A request filed by Bass, Nixon & Kennedy, Inc. to rezone 30.51 acres from RD, Rural Holding District & R-40 (Franklin County) to Conditional Use R-10, Residential-10 District for property located in the 1600 block of North White Street (east side), being Tax PINs 1851-28-8593 (Wake County) & 1851-29-5061 (Franklin County).**

**ACTION:** Commissioner Barrington made a motion to approve the Planning Board recommendation for Case RZ-05-21: A request filed by Bass, Nixon & Kennedy, Inc. to rezone 30.51 acres from RD, Rural Holding District & R-40 (Franklin County) to Conditional Use R-10, Residential-10 District for property located in the 1600 block of North White Street (east side) subject the recommended conditions as listed below. Commissioner Camacho seconded the motion and the vote was as listed below resulting in the following resolution:

Aye

Nay

Commissioner Barrington      Commissioner Drake  
Commissioner Boyd-Lawson  
Commissioner Camacho  
Commissioner Stinnett

ORDINANCE 2005-62

ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

1. Provide a ~~30'~~ 20' undisturbed landscape buffer with an eight (8) foot wooden privacy fence along the northern property line abutting the Young Forest Subdivision.
2. Conservation easements shall be recorded on all Neuse River Riparian Buffers.
3. All buffers shall remain natural and undisturbed where practical. Supplemental plantings shall be required in open areas where existing vegetation does not meet the requirements of the zoning ordinance.
4. Dedicate approximately 2.09 acres of open space along Dunn Creek (eastern side) in addition to recreation facility fees.
5. Homes constructed on lots that are split by the Franklin County/Wake County line must be constructed totally in either Franklin or Wake County.
6. No heavy construction traffic through the Hunters Crossing Subdivision.
7. Construction plans shall not be approved until the City of Raleigh has created a new high pressure water zone for the proposed area.

**C. Consideration of approval of Case RZ-05-18: A request filed by Stonegate Partners, LLC to rezone 30.19 acres from Conditional Use MF, Multi-family District to Conditional Use R-5, Residential-5 District for the properties located in the Stonegate @ St. Andrews Subdivision, being Tax PINs 1748-54-2975; 1748-56-4134 & 1748-45-8420.**

**ACTION:** Commissioner Boyd-Lawson made a motion to approve the Planning Board recommendation for Case RZ-05-18: A request filed by Stonegate Partners, LLC to rezone 30.19 acres from Conditional Use MF, Multi-family District to Conditional Use R-5, Residential-5 District for the properties located in the Stonegate @ St. Andrews Subdivision subject to the conditions as listed below. Commissioner Barrington seconded the motion and the vote was as follows resulting in the following resolution:

Aye

Nay

Commissioner Barrington	Commissioner Drake
Commissioner Boyd-Lawson	
Commissioner Camacho	
Commissioner Stinnett	

ORDINANCE 2005-63

ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

- ~~1. Greenville Loop Road shall be connected to Forestville Road prior to the development of Parcel "C." Appropriate road improvements shall be provided to the intersection at the time of connection.~~
1. All reasonable efforts to purchase right-of-way for Greenville Loop Road connection to Forestville Road shall be made by the developer prior to the 88<sup>th</sup> Certificate of Occupancy issued on parcels B & C. In the event the right-of-way could not be purchased, the developer shall provide proof of rejected offer to purchase the land at or above appraised value. Greenville Loop Road shall be built from Rainy Lake Street to the property line within this time frame.
2. Conservation easements shall be recorded on all Neuse River Riparian Buffers.
3. All buffers shall remain natural and undisturbed where practical. Supplemental plantings shall be required in open areas where existing vegetation does not meet the requirements of the zoning ordinance.

4. Water line shall be carried to the southern most edge of the property along Forestville Road.

5. A forty (40) foot buffer shall be provided adjacent to the property to the south (per CUP RZ-03-07).

**8. Administration and Financial Items.**

None.

**9. Public Services Items.**

- A. **Consideration of approval of request received from residents on Chilmark Avenue (Riverstone Subdivision) to reduce the speed limit from 25 mph to 20 mph (copy of petition on file in Town Clerks' Office).**

**ACTION:** Commissioner Drake made a motion to approve the request received from residents on Chilmark Avenue (Riverstone Subdivision) to reduce the speed limit from 25 mph to 20 mph. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-64

ORDINANCE AMENDING CHAPTER 30. TRAFFIC & VEHICLES  
SECTION 30-263 SCHEDULE XVII. SPEED LIMITS  
OF THE CODE OF ORDINANCES OF THE  
TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 19)

- B. **Consideration of approval of resolution regarding acquisition of conservation easement through condemnation proceedings (George Walker Heirs - Richland Creek Conservation Easement). (This item was delayed to the January 17, 2006 meeting to gather additional information).**

- C. **Consideration of approval of entering into a contract with John Bennett for the conveyance of property located off NC-98 By-pass near Capital Boulevard which property is to be used as a new electricity substation site.**

**ACTION:** Commissioner Camacho made a motion to approve entering into a contract with John Bennett for the conveyance of property located off NC-98 By-pass near Capital Boulevard (US-1) which property is to be used as a new electricity substation. Commissioner Drake seconded the motion, which carried unanimously (5-0).

**D. Consideration of approval of resolution to exempt a project (Electric Substation - NC-98 By-pass and Capital Boulevard) from the Model code for procurement of architectural and engineering services where estimated professional fees are in excess of \$30,000.**

**ACTION:** Commissioner Stinnett made a motion to approve a resolution to exempt a project (Electric Substation - NC-98 By-pass and Capital Boulevard) from the Model code for procurement of architectural and engineering services where estimated professional fees are in excess of \$30,000. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-98

(Electric Substation: NC-98 By-pass and Capital Boulevard)

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 23)

**10. Parks and Recreation Items.**

None.

**11. Public Safety Items.**

None.

**12. Other Business.**

Mayor Jones reported that a dinner for the advisory board members (new and old) will be held at the Forks Cafeteria on Monday, February 6, 2006 at 6:30 p.m.

Town Manager Williams reported that a public meeting regarding the new Town Hall will be held on Tuesday, January 24, 2006 from 6:30 p.m. - 8:30 p.m.

**13. Adjournment.**

**ACTION:** At 9:21 p.m., Commissioner Barrington made a motion to adjourn the meeting. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).