

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

February 19, 2008

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners Anne Hines, Frank Drake, Chris Kaeberlein, Margaret Jones Stinnett and Pete Thibodeau as were Town Manager Williams, Town Clerk Wilson, Deputy Town Manager O'Donnell, Planning Director Russell, Assistant Planning Director Sary, Planner Summers, Assistant Planning Director Ayers, Planner Wanman, Engineering Director Keravuori, Town Engineers Miles and Spring, 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 that she had received a phone call from Ms. Teresa Madden, who had requested that the following item be delayed until March:

Item 5.B. Approval of petition requesting non-contiguous annexation submitted by Teresa Baker Madden and James C. Madden for property located off North Main Street (US-1A) comprising 38.49 acres be delayed until the March meeting.

Add: 9. Public Service Items

9.D. Consideration of approval of the conveyance of a utility easement to Embarq to place underground communications cable on Town-owned property to facilitate construction of the new Town Hall.

Remove from Consent Agenda:

5.D. Consideration of approval of 900 Franklin Site Plan - Planning Item 7.C.

5.E. Consideration of approval of Olde Wake Forest Subdivision Site Plan - Planning Item 7.D.

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

2. Approval of minutes.

A. Meetings held January 3, 2008 (Work Session and Joint Public Hearings) and January 15, 2008 (Regular Board of Commissioners Meeting).

Mayor Jones recognized Town Clerk Wilson who reported the following amendments to the January 15, 2008:

January 15, 2008:

Page 2: **5. Consent Agenda (Action inadvertently omitted).**

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

Page 5: **7. Planning Items (amend motion):**

C. Consideration of approval of request from the Greenway Advisory Board to initiate the development of trails around the Wake Forest Reservoir.

ACTION: Commissioner Stinnett made a motion for the Greenway Advisory Board to ~~initiate the development of trails around the Wake Forest Reservoir~~ move forward with the planning process and come back with costs for the development of the trails around the Wake Forest Reservoir. Commission Drake seconded the motion, which carried unanimously (5-0) ~~resulting in the following resolution:~~

~~RESOLUTION 2008-07~~

~~RESOLUTION REQUESTING SOFT SURFACE
GREENWAY TRAIL AROUND THE
WAKE FOREST RESERVOIR
(Body of resolution contained in Resolution Book 24)~~

ACTION: Commissioner Drake made a motion to approve the minutes of the meetings held January 3, 2008 (Work Session and Joint Public Hearings) and amendments to the January 15, 2008 (Regular Board of Commissioners) as presented by Town Clerk Wilson with the amendments. Commissioner Hines seconded the motion, which carried unanimously (5-0).

3. Presentations.

A. Presentation of Arbor Day Proclamation.

Mayor Jones reported that Arbor Day will be held on Thursday, March 13, 2008 at the Community House at 10:00 a.m. She invited everyone to attend. She also reported that Tree Seedlings would be distributed on Saturday, February 23, 2008 at Town Hall.

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day has been observed for 134 years throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our Town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the Town of Wake Forest has been recognized as a Tree City USA for 29 years by the National Arbor Day Foundation and desires to continue its tree-planting tradition.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby proclaim Thursday, March 13, 2008 as **ARBOR DAY** in the Town of Wake Forest, and I urge all citizens to support efforts to protect our trees and woodlands and to support our Town's urban forestry program; and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

B. Presentation of Human Relations Proclamation.

Mayor Jones reported that February 2008 be proclaimed at Human Relations Month.

HUMAN RELATIONS PROCLAMATION

WHEREAS, the Town of Wake Forest believes in the dignity and worth of each individual, regardless of race, creed, gender, national origin, or handicapping condition; and

WHEREAS, the Town of Wake Forest promotes and maintains a spirit of goodwill, tolerance, and mutual respect among individuals, groups, races, and persons of differing social and economic status and religious beliefs; and

WHEREAS, the citizens of the Town of Wake Forest work daily to build strong communities through diversity; and

WHEREAS, the citizens of the Town of Wake Forest have made tremendous progress in human relations in the years since the establishment of the Good Neighbor Council and its successor, the Human Relations Commission, and look forward to continue progress against the serious challenges that still face us; and

WHEREAS, the Town of Wake Forest owes its appreciation to all the citizens who have contributed, and continue to contribute, to the advancement of mutual understanding, fairness, justice, and equal opportunity for all; and

WHEREAS, the citizens of the Town of Wake Forest embrace and celebrate change and diversity.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby proclaim February 2008 as **HUMAN RELATIONS MONTH** in the Town of Wake Forest, and I urge all citizens to commend this observance to our citizens.

C. Presentation of Black History Month Proclamation.

Mayor Jones reported that February 2008 be proclaimed at Black History Month and urged all citizens to give full regard to the past and continuing services of Black Africa Americans in Wake Forest, North Carolina and our nation.

BLACK HISTORY MONTH PROCLAMATION

WHEREAS, Black History Month is the observance of a special period to recognize the achievements and contributions of Black African Americans; and

WHEREAS, it was initiated in 1926 by Dr. Carter G. Woodson as Negro History Week and since 1976 it has been celebrated the entire month of February; and

WHEREAS, this observance affords special opportunity to become more knowledgeable about black heritage, and to honor the many black leaders who have contributed to the progress of our town, state and nation; and

WHEREAS, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continuing struggle against racial discrimination and poverty;

WHEREAS, Black African Americans have made significant contributions in science, medicine, theology, education, music, sports and public service.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest, North Carolina, do hereby proclaim the month of February as Black History Month and urge all citizens of our community to give full regard to the past and continuing service of Black African Americans in our town, our state and our nation.

D. Presentation of Multiple Sclerosis Proclamation.

Mayor Jones reported that Governor Mike Easley has issued a proclamation declaring March 10-17, 2008 as Multiple Sclerosis Awareness Week in North Carolina. An estimated 10,000 people with MS live in North Carolina. The National MS Society provides information, resources and support for people with MS and their families.

MULTIPLE SCLEROSIS PROCLAMATION

WHEREAS, MS is a chronic and disabling disease of the central nervous system in which the progression, severity and specific symptoms cannot be foreseen; and

WHEREAS, every hour of every day someone new is diagnosed with MS, a disease that can erode a person's abilities and hopes, halt a career and unravel the fabric of families; and

WHEREAS, the North Carolina Chapters of the National Multiple Sclerosis Society reports that in our state more than 10,000 people are affected by this devastating disease, and multiple sclerosis generally strikes young adults aged 20 through 40, attacking them in the prime of their lives; and

WHEREAS, the North Carolina Chapters of the National Multiple Sclerosis Society have been committed throughout the years to heightening public knowledge and insight about this devastating and disabling disease, and raising more than \$8 million to find the cure for MS and develop effective treatments for the disease, as well as provide a wide range of client programs; and

WHEREAS, research advances have brought us closer to finding the cure, much remains to be done, and services must continue to be provided to those who live with the disease; and

WHEREAS, finding the cause and developing a method of prevention for multiple sclerosis is an important task that all Americans and North Carolinians should support.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby proclaim March 10-17, 2008 as **MULTIPLE SCLEROSIS AWARENESS WEEK** in the Town of Wake Forest, and commend this observance to all our citizens.

4. Public hearings/Public Comment.

A. Public hearing and approval of an ordinance for the contiguous annexation submitted by The Mason Group for the property located on Harris Road (north side) comprising 1.31 acres.

At 7:09 p.m., Mayor Jones opened the public hearing on the contiguous annexation submitted by The Mason Group for the property located on Harris Road (north side) comprising 1.31 acres.

At 7:10 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

B. Public hearing on the closing of a portion of East Owen Avenue from South Brooks Street to its terminus with the Wake Forest Police Department.

At 7:10 p.m., Mayor Jones opened the public hearing on the closing of a portion of East Owen Avenue from South Brooks Street to its terminus with the Wake Forest Police Department.

At 7:11 p.m. there being no one present to speak to this item, Mayor Jones closed the public hearing.

C. Public Comment.

Mayor Jones recognized Mr. David Jerose - 617 Young Forest Drive - Wake Forest, NC, who spoke saying the long needed North White Street Sidewalk should become reality this spring. He said that as a bicycle enthusiast and a concerned citizen of the Northeast Wake Forest development plan, the sidewalk project should be constructed in accordance to the existing Town of Wake Forest Transportation Plan and should take into consideration the draft Bicycle Plan and Renaissance Plan, all of which call for curb and guttering and appropriate street lighting, and most of which mention a bicycle facility for connecting downtown to Flaherty Park. Instead of the idea of constructing something is better than nothing, the Town should delay construction of the sidewalks until the community has had a chance to comment and the proposed plans are made public. Mr. Jerose stated that his concern are the sidewalks being constructed today and would have to be reconstructed in the near future when the Town decides to follow its own plan for development.

D. ACTION: 4.A. Approve ordinance to the contiguous annexation submitted by The Mason Group for property located on Harris Road (north side) comprising 1.31 acres.

Commissioner Stinnett made a motion to approve the contiguous annexation submitted by The Mason Group for property located on Harris Road (north side) comprising 1.31 acres. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2008-03

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

(Body of ordinance contained in Ordinance Book 19)

4.B. Approve resolution closing a portion of East Owen Avenue from South Brooks Street to its terminus adjacent to the Wake Forest Police Department.

Commissioner Hines made a motion to close a portion of East Owen Avenue from South Brooks Street to its terminus adjacent to the Wake Forest Police Department. Commissioner Thibodeau seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2008-08

RESOLUTION CLOSING A PORTION OF
EAST OWEN AVENUE FROM SOUTH BROOKS
STREET TO ITS TERMINUS ADJACENT TO THE

WAKE FOREST POLICE DEPARTMENT
(Body of resolution contained in Resolution Book 24)

5. Consent Agenda.

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

- A. Approval of tax releases (copy on file in Town Clerk's Office).**
- B. Approval to rescind Ordinance 2007-49: Ordinance to extend the corporate limits of the Town of Wake Forest, North Carolina (Property of Lou and Joy Mashakos). (Note: This property was previously annexed in 2005 under Ordinance 2004-58: Highwoods Realty Limited Partnership (property located off North Park Drive, comprising 8.21 acres; therefore, Ordinance 2007-49 needs to be rescinded.)**

6. Legislative Items.

A. Consideration of approval of amendment to advisory board application.

ACTION: Commissioner Drake made a motion to approve the amendment(s) to the advisory board application. Commissioner Hines seconded the motion, which carried unanimously (5-0).

Do you reside within the corporate limits of the Town of Wake Forest:

Yes ____ No

How long have you lived in the Town of Wake Forest:

- 1. As a general rule, the Board of Commissioners try not to appoint person(s) to more than one (1) advisory board at a time.
- 2. If you are currently serving on an advisory board, would you be willing to resign that advisory board to serve on another advisory board?
Yes ____ No

B. Consideration of approval of resolution in support of Wake Forest College Birthplace Museum for grant application.

ACTION: Commissioner Stinnett made a motion to approve a resolution in support of Wake Forest College Birthplace Museum for a grant application. Commissioner Drake seconded the motion and the vote was as follows resulting in the following resolution:

Aye

Nay

Commissioner Drake
Commissioner Hines
Commissioner Stinnett
Commissioner Thibodeau

Commissioner Kaeberlein

RESOLUTION 2008-09

RESOLUTION IN SUPPORT OF THE
WAKE FOREST COLLEGE BIRTHPLACE MUSEUM

(Body of resolution contained in Resolution Book 24)

7. **Planning Items.**

- A. **Consideration of approval of Case RZ-08-03: Bark Development, LLC to rezone 4.12 acres from R-15, Residential-15 District to C.U. R-5, Residential-5 District for the property located in the 300 block of West Chestnut Avenue, being Tax PIN(s) 1841-56-3541 & 1841-56-3698.**

ACTION: Commissioner Kaeberlein made a motion to accept the Planning Board recommendation to approve Case RZ-08-03: Bark Development, LLC to rezone 4.12 acres from R-15, Residential-15 District to C.U. R-5, Residential-5 District for the property located in the 300 block of West Chestnut Avenue with stated conditions. Commissioner Thibodeau seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Drake
Commissioner Hines
Commissioner Kaeberlein
Commissioner Thibodeau

Commissioner Stinnett

ORDINANCE 2008-04

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

(Body of ordinance contained in Ordinance Book 19)

Conditions:

1. 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.

2. Grading of property shall be limited to areas for roads, utilities, and building areas. Mass grading of site shall be prohibited.
3. The Home Owners Association documents shall prohibit the connection of in-ground automatic lawn sprinkler systems to the municipal water system.
4. On-site storm water collection system will be used for on-site irrigation.
5. In addition to the required landscape buffer, a 6' tall wooden privacy fence be installed along the entire eastern property line.
6. On-site recycling container(s) shall be provided in addition to the trash dumpster.

B. Consideration of approval of South White Street Streetscape Plan (copy on file in Planning Office located at 221 South Brooks Street).

ACTION: Commissioner Stinnett made a motion to approve the South White Street Streetscape Plan as presented. Commissioner Hines seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of Olde Wake Forest Subdivision Site Plan.

ACTION: Commissioner Stinnett made a motion to accept the Planning Board recommendation to approve the Olde Wake Forest Subdivision Site Plan, which died due to lack of a second.

Commissioner Stinnett made a motion to approve the Olde Wake Forest Subdivision Site with the removal of Lot 2 from the master plan. Commissioner Kaeberlein seconded the motion and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Stinnett	Commissioner Drake Commissioner Hines Commissioner Kaeberlein Commissioner Thibodeau

D. Consideration of approval of 900 Franklin Site Plan.

ACTION: Commissioner Kaeberlein made a motion to accept the Planning Board recommendation to approve 900 Franklin Site Plan with stated conditions. Commissioner Hines seconded the motion which carried unanimously (5-0).

- Conditions:
1. The Franklin Street driveway shall be constructed as a right-in and right-out only driveway with a concrete median extended south towards the bypass.
 2. A full access median break shall be allowed at Sugar Maple Avenue and Franklin Street.
 3. Drought tolerant landscape material shall be required and irrigation from the potable water source shall be prohibited.

8. Administration and Financial Items.

None.

9. Public Services Items.

A. Consideration of approval of request received from North Carolina Department of Transportation to reduce the speed limit from 35 mph to 25 mph on South Allen Road (SR 2064).

ACTION: Commissioner Stinnett made a motion to approve the request received from NC-DOT to reduce the speed limit from 35 mph to 25 mph on South Allen Road (SR 2064). Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2008-10

RESOLUTION REQUESTING NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION TO
REDUCE THE SPEED LIMIT ON SOUTH
ALLEN ROAD FROM 35 MPH TO 25 MPH
(Body of resolution contained in Resolution Book 24)

ORDINANCE 2008-05

ORDINANCE AMENDING CHAPTER 30 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 request submitted by Republic Services of NC, LLC for a contract extension of three (3) years.

ACTION: Commissioner Hines made a motion to instruct staff to negotiate a new contract with Republic Services of NC up to 3 years. Commissioner Drake seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of reverse traffic pattern on East Jones Avenue and Wait Avenue.

ACTION: Commissioner Stinnett made a motion to reserve the traffic pattern on East Jones Avenue (currently traffic pattern is east to west) effective immediately and revisit the situation within six (6) months. Commissioner Kaerberlein seconded the motion, which carried unanimously (5-0).

D. Consideration of approval of conveyance of a Utility Easement to Embarq to place underground communications cable on Town-owned property to facilitate construction of the new Town Hall.

ACTION: Commissioner Stinnett made a motion to approve the conveyance of a Utility Easement to Embarq to place underground communications on Town-owned property to facilitate construction of the new Town Hall. Commissioner Kaerberlein seconded the motion, which carried unanimously (5-0).

10. Parks and Recreation Items.

A. Consideration of approval of re-allocation of remaining 1999 Parks and Recreation bond funds.

ACTION: Commissioner Drake made a motion to delay the re-allocation of remaining 1999 Parks and Recreation bond funds until March. Commissioner Kaerberlein seconded the motion, which carried unanimously (5-0).

B. Consideration of approval of resolution to exempt a project from the model code for procurement of architectural, engineering and surveying services where estimated professional fees are in excess of Thirty Thousand Dollars (\$30,000) per N.C.G.S. 143-3(d) for the Dunn Creek Greenway.

ACTION: Commissioner Drake made a motion to approve a resolution to exempt a project from the model code for procurement of architectural, engineering and surveying services where estimated professional fees are in excess of Thirty Thousand Dollars (\$30,000) per N.C.G.S. 143-3(d) for the Dunn Creek Greenway. Commissioner Thibodeau seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2008-11

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)

C. Consideration of approval of Level 4 Joint Use Agreement for Wake Forest Elementary School softball field.

ACTION: Commissioner Stinnett made a motion to approve the Level 4 Joint Use Agreement for Wake Forest Elementary School softball fields. Commissioner Kaeberlein seconded the motion, which carried unanimously (5-0).

11. Public Safety Items.

None.

- 12. Closed Session:**
- | | |
|---------------------------|---|
| N.C.G.S. 143-318.11(a)(1) | Consultation with Town Attorney -
Litigation - Wake Forest Golf Club. |
| N.C.G.S. 143-318.11(a)(5) | Consideration of acquisition of real
property - Wake Forest Golf Club. |
| N.C.G.S. 143-318.11(a)(6) | Personnel - Annual Evaluation of
Town Manager and Town Attorney. |

ACTION: At 9:28 p.m., Commissioner Kaeberlein made a motion to go into Closed Session for the following purposes:

- | | |
|---------------------------|---|
| N.C.G.S. 143-318.11(a)(1) | Consultation with Town Attorney -
Litigation - Wake Forest Golf Club. |
| N.C.G.S. 143-318.11(a)(5) | Consideration of acquisition of real property
- Wake Forest Golf Club. |
| N.C.G.S. 143-318.11(a)(6) | Personnel - Annual Evaluation of Town
Manager and Town Attorney. |

ACTION: At 11:12 p.m., Commissioner Thibodeau made a motion to return to the regular meeting. Commissioner Drake seconded the motion, which carried unanimously (5-0).

Mayor Jones reported that an offer had been received to purchase the Wake Forest Golf Club for \$2.9 million and that the offer had been declined.

13. Adjournment.

ACTION: At 11: 13 p.m., Commissioner Thibodeau made a motion to adjourn the meeting. Commissioner Drake seconded the motion, which carried unanimously (5-0).