

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

February 21, 2006

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners Stephen Barrington, 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 Ayers, Engineering Director Keravuori, Town Engineer Spring, Public Works Director Barton, Finance Director Staples, and Town Attorney Vernon. Commissioner Boyd-Lawson was absent.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Mayor Jones reported that the Town Attorney needed to go into Closed Session for the purpose of releasing minutes of prior closed sessions (G.S. 143-318.11(a) (1).

ACTION: Commissioner Barrington made a motion to approve the agenda as amended. Commissioner Drake seconded the motion, which carried unanimously (4-0).

2. Approval of minutes.

A. Meetings held January 3, 2006 (Work Session and Joint Public Hearings), and January 17, 2006 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Barrington made a motion to approve the minutes of the meetings held January 3, 2006 (Work Session and Joint Public Hearings), and January 17, 2006 (Regular Board of Commissioners Meeting) as submitted by Town Clerk Wilson. Commissioner Drake seconded the motion, which carried unanimously (4-0).

3. Presentations.

A. Presentation of Arbor Day Proclamation.

Mayor Jones proclaim March 16, 2006 as Arbor Day in Wake Forest and presented the proclamation to Planner Lisa Potts. She reported that the activities would be held at the Community House and that everyone was invited to attend.

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 132 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 27 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 16, 2006 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.

4. Public hearings / Public Comment.

A. Public hearing to receive public input concerning the new Town Hall Site.

At 7:09 p.m., Mayor Jones opened the public hearing to receive public input concerning the new Town Hall Site.

Mayor Jones recognized the following persons who spoke :

Tom Iverson, Chair of the Downtown Revitalization Corporation (DRC) stated that the new Town Hall should be consistent with the Renaissance Plan. It will be the first impression visitors will have of Wake Forest. The building should be in a conspicuous location with the opportunity to revitalize the downtown area.

Hopefully, it will also spur development along South White Street as well. The new Town Hall will be a rare opportunity to create a building that has style and will show the heritage of Wake Forest. The best location for the new Town Hall will be at the corner of Elm Avenue and South White Street, south side of Elm Avenue and west side of South White Street.

Craig Briner, owner of the former Winn Dixie site, said that he also owns an additional twelve (12) acres adjacent to the shopping center. He stated that he agreed with Tom Iverson on the location of the new Town Hall site.

Jerry Doliner, owner of the laundromat located on South Brooks Street, spoke saying that he had not been contacted about the new Town Hall site. He said he is willing to sell his property at fair market value. He stated that with the surrounding properties that anyone could walk downtown within three (3) minutes.

Rob Bridges, 728 Wall Road, reported that Little Diversified provided a charette which showed two (2) good sites with the better of the two (2) being the DAB site. The new building will serve the Town for the next thirty (30) years. He said he is expecting the Town to grow south and east. He advised the Board of Commissioners not to pick a site that will not be feasible.

Dick Monteith, representing Craig Briner, said that a cost comparison should be done before making a decision on the location of the new Town Hall. He said he feels that the Elm Avenue/South White Street site would be more feasible. He advised the Board of Commissioners to invest in the long-term.

Jeff Adolphsen, with the State Historic Preservation Office and a member of the Downtown Revitalization Corporation Board of Directors, spoke saying he felt the South White Street/Elm Avenue location would be the best site for the new Town Hall. The building will help anchor development further south. He also suggested that the Board of Commissioners consider the content of the Renaissance Plan.

Matt Hale, downtown developer, said he endorsed the Renaissance Plan for location of the new Town Hall. He said he recommended the DAB site for the best interest of the Town.

At 7:28 p.m, there being no one else present to speak to this item, Mayor Jones closed the public hearing.

B. Public Comment.

No one spoke.

5. Consent Agenda.

ACTION: Commissioner Drake made a motion to approve the Consent Agenda as presented. Commissioner Camacho seconded the motion, which carried unanimously (4-0).

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

B. Approval of Budget Ordinance Amendment #3 for FY 2005-2006 resulting in the following ordinance:

ORDINANCE 2006-03

BUDGET ORDINANCE AMENDMENT NO. 3
OF THE TOWN OF WAKE FORES, NORTH CAROLINA
FOR THE FISCAL YEAR 2005-2006

Body of ordinance contained in Ordinance Book 19)

C. Approval of resolution authorizing the Landscape Agreement with NC-DOT and the Town of Wake Forest for plantings along the NC-98 By-pass from South Main Street (US-1A) to Jones Dairy Road resulting in the following resolution (documentation on file in Town Clerk's Office):

RESOLUTION 2006-11

RESOLUTION APPROVING NC-DOT LANDSCAPE
AGREEMENT PROJECT (2809C) FOR THE NC-98 BY-PASS
FROM SOUTH MAIN STREET (US-1A) TO JONES DAIRY ROAD

(WBS Element: 34503.3.5)

(Body of resolution contained in Resolution Book 23)

D. Approval of ordinance establishing a Capital Projects Fund for the design and construction of an electrical substation resulting in the following ordinance:

ORDINANCE 2006-04

ORDINANCE ESTABLISHING
CAPITAL PROJECTS FUND
ELECTRICITY SUBSTATION

(Body of ordinance contained in Ordinance Book 19)

E. Approval of ordinance establishing a Special Revenue Fund - Police Department Special Funds resulting in the following ordinance:

ORDINANCE 2006-05

ORDINANCE ESTABLISHING
SPECIAL REVENUE FUND
POLICE DEPARTMENT SPECIAL FUNDS
(Body of ordinance contained in Ordinance Book 19)

- F. **Approval of piggyback with the City of High Point, NC to purchase a 25 cubic yard rear loading refuse collection truck at the cost of \$108,212 (\$145,000 was included in the FY 2005-2006 Budget; vendor: Piedmont Truck Center).**
- G. **Approval of administration fee for credit card transactions by telephone resulting in the following ordinance:**

ORDINANCE 2006-06

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

Credit Card Transaction Administration Fee \$5.00
(Paying via telephone)

- H. **Approval of Police Officer positions (2) in the Police Department.**
6. **Legislative Items.**
- A. **Consideration of discussion concerning appointment of Mayor Pro-tem.**

Consensus of the Board of Commissioners was to continue this item to the January 2007 meeting.
7. **Planning Items.**
- Commissioner Barrington reported that he was absent at the February 7, 2006 Joint Public Hearings/Planning Board meeting. He stated that he had reviewed the tape prior to the meeting.
- A. **Consideration of approval of Case SU-06-01: A request filed by Crossroads Holdings, LLC for a special use permit for automobile sales and service in an industrial district for property located at 11120 Capital Boulevard, being Tax PIN 1830-70-0765.**

ACTION: Commissioner Barrington made a motion to approve the Planning Board recommendation of Case SU-06-01: A request filed by Crossroads Holdings, LLC for a special use permit for automobile sales and service in an industrial district for property located at 11120 Capital Boulevard based on the findings of fact and conditions as recommended by the Planning staff. Commissioner Camacho seconded the motion, which carried unanimously (4-0).

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, a new facility will be constructed to replace the vacant textile (Weavexx) building. The automobile sales and service uses is consistent with the commercial nature of the surrounding area. Development of the site will be in accordance with applicable plans, ordinances and regulations so as not to be detrimental to the public health, safety, and general welfare.

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 development is in the Town's corporate limits, adjacent to Capital Boulevard and South Main Street where public facilities and services are available. Water and wastewater systems have already been extended to the property.

Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the proposed development is compatible with the surrounding non-residential land uses and will meet all applicable buffer and setback requirements.

Finding 4: The proposed use will not cause undue traffic congestion or create a traffic hazard, in that the proposed development is planned in a manner that improves connectivity between the site and adjacent properties and gains adequate access without adding driveway connections on South Main Street or Capital Boulevard.

Finding 5: The proposed use will not create undue noise, dust, and gasses, in that the proposed development is not associated with undue noise, dust, and gasses with automobile sales and services being conducted inside the building.

Finding 6: The proposed use, if developed accordingly to the plan submitted and approved, will be in harmony with the area in which it is located, in that the proposed development will replace an existing vacant industrial building with additional landscaping and exterior architectural improvements enhancing the aesthetics of the area.

Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed development conforms to the plans and ordinances of the Town, including the US-1 Corridor Plan and Land Use Management Plan.

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 proposed development will comply with the applicable rules, standards and policies of the Town.

Conditions:

1. Record shared access easements on interconnected drives.
2. Screen mechanical and service areas from view from public rights-of-way.
3. Park service vehicles so as to minimize view from public rights-of-way.
4. Match Wake Pointe Shopping Center parking lot lighting.
5. Provide textured and colored asphalt crosswalks to match Wake Pointe Shopping Center.

B. Consideration of approval of Case RZ-06-01: Consideration of a rezoning request filed by Viking III Associates to rezone 2.75 acres from R-8, Residential-8 District to Conditional Use NB, Neighborhood Business District for property located south of Lakeview Avenue at Sienna Drive, being Tax PIN 1840-07-0859.

ACTION: Commissioner Barrington made a motion to approve the Planning Board recommendation for Case RZ-06-01: Consideration of a rezoning request filed by Viking III Associates to rezone 2.75 acres from R-8, Residential-8 District to Conditional Use NB, Neighborhood Business District for property located south of Lakeview Avenue at Sienna Drive subject to the conditions as recommended by the Planning Staff. Commissioner Camacho seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

Conditions:

1. Permits to begin construction on the property shall not be issued until completion of the NC-98 By-pass to Capital Boulevard (US-1) (Section B).
2. Individual buildings shall be limited to a maximum of 60,000 square feet gross floor area.
3. Unified development and interconnection of the site with the property to the south.
4. Recombine the site with the parcel to the south.
5. The Neuse River Riparian Buffers shall be maintained as conservation areas.
- ~~6. All permitted uses in the NB, Neighborhood District are allowed except for fish markets, miniature golf courses and taxicab stands. Special uses shall require the issuance of a special use permit.~~
- ~~7. Conservation easement in perpetuity on the 100 foot Richland Creek Watershed Protection Overlay District Drainageway Buffer.~~

6. Provide a 100 foot drainageway buffer and conservation easement in perpetuity except as necessary for the construction and maintenance of the stormwater management system according to best management practices.
7. Uses shall be limited to retail, office, eating places, and food sales.
8. Developer shall conduct a meeting with neighborhood adjoining property owners prior to submitting a Site Plan for Board of Commissioners review.

ORDINANCE 2006-07

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

C. Consideration of approval of demolition of two (2) unsafe buildings located at 508 East Nelson Avenue and 326 North Allen Road.

ACTION: Commissioner Barrington made a motion to approve the demolition of the unsafe building located at 508 East Nelson Avenue. Commissioner Drake seconded the motion, which carried unanimously (4-0).

Commissioner Drake made a motion to defer action on the unsafe building located at 326 North Allen Road until all efforts have been exhausted for restoration of the property. Commissioner Barrington seconded the motion and the vote was as follows:

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

Note: Consensus of the Board of Commissioners was to give the applicant a ninety (90) day extension in order to restore the structure. This item will be brought back to the Board of Commissioners at the May 17, 2006 meeting.

8. Administration and Financial Items.

None.

9. Public Services Items.

A. Consideration of approval of resolution regarding acquisition of property through condemnation proceedings (George Walker Heirs - Richland Creek Conservation Easement).

ACTION: Commissioner Camacho made a motion to approve the resolution regarding acquisition of property through condemnation proceedings (George Walker Heirs - Richland Creek Conservation Easement) for the appraised value of \$392,000, which died due to lack of a second.

Town Manager Williams reported that the heirs of George D. Walker, Sr. are the owners of a tract of land containing 22.314 acres, more or less, which is located at 451 West Oak Avenue. The Town Attorney's office has attempted to acquire a donation of the property from the Walker Heirs but has been unable to reach an agreement concerning the purchase of the property. The Town is developing a park in the vicinity of Richland Creek known as the Joyner Park. The Town desires to acquire the property through fee simple title. The property consists of 12.829 acres adjacent to Richland Creek for inclusion in the Joyner Park and the placement of an conservation easement on a portion of the property.

Commissioner Camacho made a motion to approve the resolution regarding acquisition of property through condemnation proceedings (George Walker Heirs - Richland Creek Conservation Easement) for the appraised value of \$392,000. Commissioner Drake seconded the motion and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Camacho	Commissioner Barrington
Commissioner Drake	Commissioner Stinnett
Mayor Jones	

RESOLUTION 2006-12

RESOLUTION OF THE BOARD OF COMMISSIONERS
REGARDING ACQUISITION OF CONSERVATION EASEMENT
CONTAINING 12.829 ACRES LOCATED AT 451 WEST OAK AVENUE

(Body of resolution contained in Resolution Book 23)

B. Consideration of approval of revised Erosion and Sediment Control Ordinance.

ACTION: Commissioner Camacho made a motion to approve the revised Erosion and Sediment Control Ordinance as presented. Commissioner Barrington seconded the motion and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Camacho	Commissioner Drake
Commissioner Barrington	Commissioner Stinnett
	Mayor Jones

Commissioner Stinnett requested that this item be brought back to the Board of Commissioners within six (6) months for review.

Consensus of the Board of Commissioners was to delay this item to the March 21, 2006 meeting.

C. Consideration of approval of “No Parking Anytime” on the north side of Carter Street.

ACTION: Commissioner Stinnett made a motion to approve the “No Parking Anytime” on the north and south sides of Carter Street. Commissioner Drake seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2006-08

ORDINANCE AMENDING CHAPTER 30 TRAFFIC & VEHICLES
SECTION 30-241 SCHEDULE I. PARKING PROHIBITED AT ALL
TIMES OF THE CODE OF ORDINANCES OF THE TOWN OF
WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

D. Consideration of approval of changes to the Manual of Specifications (documentation on file in Town Clerk’s Office).

ACTION: Commissioner Drake made a motion to approve the changes for the Manual of Specifications: Chapter 2 Detail 21.6 Modern Round-about and Details 2.13, 2.13-A (1&2) and 2.26. Commissioner Camacho seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2006-09

ORDINANCE AMENDING ORDINANCE 2000-43;
ORDINANCE 2002-39 - MANUAL OF
SPECIFICATIONS, STANDARDS AND DESIGN:
CHAPTER 2 DETAIL 21.6 MODERN ROUND-ABOUT;
DETAILS 2.13, 2.13-A (1&2) AND 2.26 OF THE
TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 19)

10. Parks and Recreation Items.

A. Consideration of approval of bid for the Smith Creek Greenway Extension.

ACTION: Commissioner Stinnett made a motion to authorize the award of the contract to Narron Construction, Inc. for the Smith Creek Greenway Extension in the amount of \$214,000 with the balance of \$14,000 coming from Recreation Impact Fees. Commissioner Drake seconded the motion, which carried unanimously (4-0).

11. Public Safety Items.

None.

12. Closed Session: N.C.G.S. 143-318.11(a)(1): Release of minutes of prior closed sessions.

At 9:26 p.m., Commissioner Drake made a motion to go into Closed Session per N.C.G.S. 143-318.11(a)(1) - release of prior Closed Session Minutes. Commissioner Camacho seconded the motion, which carried unanimously (4-0).

At 9:31 p.m., Commissioner Barrington made a motion to return to the regular meeting. Commissioner Drake seconded the motion, which carried unanimously (4-0).

13. Adjournment.

ACTION: At 9:32 p.m., Commissioner Barrington made a motion to adjourn the meeting. Commissioner Drake seconded the motion, which carried unanimously (4-0).