

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

March 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, 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, Planner Ayers, Planner Potts, Engineering Director Keravuori, Town Engineer Spring, Public Works Director Barton, Finance Director Staples, Communications Specialist Crabtree, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Mayor Jones reported that one (1) additional item needed to be added to the agenda:

8. Administrative and Financial Items

- C. Consideration of approval of resolution of the Board of Commissioners of the Town of Wake Forest declaring its intent to reimburse said Town from the proceeds of one or more tax-exempt financing for certain expenditures in connection with certain Capital Improvements.

Commissioner Stinnett reported that she would like to remove from the Consent Agenda: Item 5.C. - Approval of petition submitted by Doris C. Forbes Family Limited Partnership for contiguous annexation for property located on Forbes Road comprising 72.26 acres. This item would be placed under Planning Items as 7.E.

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

2. Approval of minutes.

- A. Meetings held February 7, 2006 (Work Session and Joint Public Hearings), and February 21, 2006 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Camacho made a motion to approve the minutes of meetings held February 7, 2006 (Work Session and Joint Public Hearings), and February 21, 2006 (Regular Board of Commissioners Meeting) as submitted by Town Clerk Wilson.

Commissioner Drake seconded the motion, which carried unanimously (5-0).

3. Presentations.

None.

4. Public hearings / Public Comment.

A. Public hearing to receive public input on the proposed FY 2006-2011 Capital Improvements Plan (CIP) (copy of Funding Level Summary on following page).

At 7:03 p.m., Mayor Jones opened the public hearing to receive public input on the proposed FY 2006-2011 Capital Improvements Plan (CIP).

At 7:04 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

B. Approval of FY 2006-2011 Capital Improvements Plan (CIP).

ACTION: Commissioner Drake made a motion to approve the FY 2006-2011 Capital Improvements Plan (CIP). Commissioner Camacho seconded the motion, which carried unanimously (5-0).

C. Public Comment.

No one spoke.

5. Consent Agenda.

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

A. Approval of tax releases (no releases received).

B. Approval of request received from the Downtown Revitalization Corporation (DRC) for closure of the South White Street Parking Lot (Gazebo) for the annual Herbfest on April 20, 21, 22 & 23 from 6 a.m. until 6 p.m. and for the annual Farmer's Market from 6 a.m. until 1 p.m. beginning Saturday, May 13, 2006 through Saturday, October 28, 2006 as well as Wait Avenue from South White Street to the railroad (copy of letter on file in Town Clerk's Office).

C. Approval of resolution to adopt a cooperation agreement to participate in the Community Development Block Grant and HOME programs for Federal fiscal years 2007, 2008, and 2009 resulting in the following resolution:

RESOLUTION 2006-13

RESOLUTION TO ADOPT A COOPERATION AGREEMENT
TO PARTICIPATE IN THE COMMUNITY DEVELOPMENT
BLOCK GRANT AND HOME PROGRAMS FOR
FEDERAL FISCAL YEARS 2007, 2008 & 2009
(Body of resolution contained in Resolution Book 23)

- D. Approval of bid submitted by Narron Construction, Inc. for the construction of Stadium Drive and Front Street sidewalks and approval of resolution executing a contract and any change orders within the budgeted amount between the Town of Wake Forest and Narron Construction, Inc. for the Sidewalk Improvements (NC-DOT Enhancement Project #E-4527) in the amount of \$87,900 (copy of documentation on file in Town Clerk's Office) resulting in the following resolution:**

RESOLUTION 2006-13A

RESOLUTION AUTHORIZING THE BOARD OF COMMISSIONERS
TO EXECUTE ON BEHALF OF THE TOWN OF WAKE FOREST,
NORTH CAROLINA A CONTRACT AND ANY CHANGE ORDERS
WITHIN THE BUDGETED AMOUNT WITH NARRON
CONSTRUCTION, INC. FOR THE PROJECT KNOWN AS
SIDEWALK IMPROVEMENTS
(PROJECT E-4527)

6. Legislative Items.

- A. Consideration of approval of appointment of member(s) to the Cemetery Advisory Board, Greenway Advisory Board, Historic Preservation Commission, and Human Relations Council (copy of ballots on file in the Town Clerk's Office).**

ACTION: Commissioner Drake made a motion to appoint member(s) to the Cemetery Advisory Board, Greenway Advisory Board, Historic Preservation Commission and Human Relations Council. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2006-14

RESOLUTION APPOINTING MEMBERS TO THE
CEMETERY ADVISORY BOARD
GREENWAY ADVISORY BOARD
HISTORIC PRESERVATION COMMISSION
AND HUMAN RELATIONS COUNCIL
(Body of resolution contained in Resolution Book 23)

Cemetery Advisory Board:

Frank Smith	Term will expire 12/31/2006
Myra Parker	Term will expire 12/31/2007
Cristie Dowda	Term will expire 12/31/2007
I. Beverly Lake, Jr.	Term will expire 12/31/2008

Greenway Advisory Board:

Joe Seiglar	Term will expire 12/31/2009
Bob Johnson	Term will expire 12/31/2009
Jan Ammons	Term will expire 12/31/2009
Greg Hoit	Term will expire 12/31/2008
Edwin Gary	Term will expire 12/31/2008
Deborah White	Term will expire 12/31/2008
Stephanie Jenny	Term will expire 12/31/2007
Jeff Poupart	Term will expire 12/31/2007
Andrea Purdy	Term will expire 12/31/2007

Historic Preservation Commission:

Leesa L. Finley	Term will expire 12/31/2007
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Human Relations Council:

Tim Roth	Term will expire 12/31/2006
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7. Planning Items.

A. Consideration of approval of Case SU-06-02: Consideration of a request filed by Taylor Blakely for a special use permit for a daycare center in a NB, Neighborhood Business District for property located at 3705 Rogers Road, being Tax PIN 1749-79-5136.

ACTION: Commissioner Barrington made a motion to approve Case SU-06-02: Consideration of a request filed by Taylor Blakely for a special use permit for a daycare center in a NB, Neighborhood Business District for property located at 3705 Rogers Road based on the findings of fact. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

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, in that this lot was approved as a neighborhood business lot in Heritage Square Subdivision with public street frontage on three sides.

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 internal traffic circulation was developed with the approved Heritage Square Subdivision,

- public water and sewer services are extended to the lot and public services are available.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the neighborhood businesses in Heritage Square are developing in a commercial subdivision and the day care center provides a transitional use and a needed service in proximity to nearby residential developments.
- 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 provides access to the site from the shared access points in accordance with the approved Heritage Square Subdivision master plan.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that the day care center use is not associated with undue noise, dust, and gasses.
- 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 development plan provides for adequate buffers and landscaping and a high quality building in keeping with the surrounding area and which provided a needed service to the residential community in which it is located.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the submitted development plan and elevations utilize site and architectural design to blend the non-residential use into the surrounding community in a manner that implements the Land Use Management Plan, and which provides access on internal subdivision streets, preserving the function of Rogers Road as Secondary-Major Thoroughfare consistent with the Transportation 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 use is permitted as a special use in the Neighborhood Business District and the submitted development plan provides for additional landscaping and high quality architectural design elements to meet the landscape and appearance requirements and all other applicable rules, standards and policies of the Town.

B. Consideration of approval of Case SU-06-03: Consideration of a rezoning request filed by Lennar Communications of Carolina, Inc. for a special use permit for a private amenities center to be located in the Thornrose Subdivision (1400 block of Forestville Road), being Tax PIN 1749-46-0300.

ACTION: Commissioner Barrington made a motion to approve Case SU-06-03: Consideration of a rezoning request filed by Lennar Communications of Carolina, Inc. for a special use permit for a private amenities center to be located in the Thornrose Subdivision (1400 block of Forestville Road based on the findings of fact. Commissioner Camacho seconded the motion and the vote was as follows:

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

Commissioner Stinnett spoke saying that the issue is not the pool but the fill-in the floodplain area. Commissioner Drake spoke concerning 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 and club/pool house is to be located in an area appropriately zoned (Conditional Use R-5, Residential-5 District); and will conform to all the state and local safety laws involved with such uses.

Commissioner Boyd-Lawson made a motion to deny Case SU-06-03: Consideration of a rezoning request filed by Lennar Communications of Carolina, Inc. for a special use permit for a private amenities center to be located in the Thornrose Subdivision (1400 block of Forestville Road based on Finding 1. Commissioner Drake seconded the motion and the vote was as follows:

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

C. Consideration of approval of Case RZ-06-02 (CUP): Consideration of a request filed by Scott Pittman for a Conditional Use Permit for a 24-lot single-family residential subdivision to be located on 6.706 acres in the 400 block of South Franklin Street (between South Franklin Street and South Allen Road), being Tax PIN 1840-69-4157.

ACTION: Commissioner Drake made a motion to approve Case RZ-06-02 (CUP): Consideration of a request filed by Scott Pittman for a Conditional Use Permit for a 24-lot single-family residential

subdivision to be located on 6.706 acres in the 400 block of South Franklin Street (between South Franklin Street and South Allen Road

with customary accessory uses subject to conditions as submitted by Planning Staff. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-10

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

(Body of ordinance contained Ordinance Book 19)

Conditions:

1. No heavy construction traffic through the Deacon's Ridge Subdivision.
2. Preserve identified landmark trees on property to the greatest extent possible.
3. Provide a 10' undisturbed buffer adjacent to the Deacon's Ridge Subdivision.
4. 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.
5. Dedicate approximately 0.981 acres of open space along creek area to the east to the Town of Wake Forest in addition to recreation facility fees.
6. Grading of property shall be limited to roads, utilities, and building areas. Mass grading of site shall be prohibited.

- D. Consideration of approval of Case RZ-06-03 (CUP): Consideration of a request filed by Ammons Development Group to rezone 73 acres from RD, Rural Holding District to O-I, Office and Institution District for property located at the current end of Heritage Branch Road, being Tax PIN 1749-29-5416.**

ACTION: Commissioner Barrington made a motion to approve Case RZ-06-03 (CUP): Consideration of a request filed by Ammons Development Group to rezone 73 acres from RD, Rural Holding District to O-I, Office and Institution District for property located at the current end of Heritage Branch Road subject to the conditions as submitted by Planning Staff. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-11

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

(Body of ordinance contained in Ordinance Book 19)

Conditions:

1. Future development of the site shall include a residential component on the west side of the future alignment of Heritage Branch Road.
2. Office and Institution uses shall be developed with site and architectural design to blend the non-residential developments with the residential component of the site.
3. Implementation of the Wake Forest Transportation Plan.

E. Consideration of approval of petition submitted by Doris C. Forbes Family Limited Partnership for contiguous annexation for property located on Forbes Road comprising 72.26 acres.

ACTION: Commissioner Stinnett made a motion to approve the petition submitted by Doris C. Forbes Family Limited Partnership for contiguous annexation for property located on Forbes Road comprising 72.26 acres. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following resolutions:

RESOLUTION 2006-15

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1
(Body of resolution contained in Resolution Book 23)

RESOLUTION 2006-16

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 23)

Closed Session: N.C.G.S. 143-318.11(a)(5) Land Acquisition - New Town Hall Site and N.C.G.S. 143-318.11(a)(6) Personnel

ACTION: At 7:46 p.m., Commissioner Drake made a motion to go into Closed Session for the purpose of N.C.G.S. 143-318.11(a)(5) Land Acquisition - New Town Hall Site and N.C.G.S. 143-318.11(a)(6) Personnel. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

At 8:50 p.m., Commissioner Drake made a motion to return to the regular meeting. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

8. Administration and Financial Items.

A. Discussion on new Town Hall Site.

Mayor Jones reported that consensus of the Board of Commissioners was to negotiate further for land acquisition and to move forward.

B. Consideration of approval of request received from Wake Forest Fire Department (copy of letter on file in Town Clerk's Office).

ACTION: Commissioner Boyd-Lawson made a motion to support the construction/operation of Station 3 at the appropriate time. Commissioner Drake seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of resolution of the Board of Commissioners of the Town of Wake Forest declaring its intent to reimburse said Town from the proceeds of one or more tax-exempt financing for certain expenditures in connection with certain Capital Improvements.

ACTION: Commissioner Camacho made a motion to approve a resolution of the Board of Commissioners of the Town of Wake Forest declaring its intent to reimburse said Town from the proceeds of one or more tax-exempt financing for certain expenditures in connection with certain Capital Improvements. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2006-17

RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE TOWN OF WAKE FOREST, NORTH CAROLINA
DECLARING ITS INTENT TO REIMBURSE SAID TOWN
FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT
FINANCING(S) FOR CERTAIN EXPENDITURES IN
CONNECTION WITH CERTAIN CAPITAL IMPROVEMENTS

(Body of resolution contained in Resolution Book 23)

9. Public Services Items.

A. Consideration of approval of revised Erosion and Sedimentation Control Ordinance.

ACTION: Commissioner Stinnett made a motion to approve the revised Erosion and Sedimentation Control Ordinance. Commissioner Drake seconded the motion and the vote was as follows resulting in the following ordinance:

Aye

Nay

Commissioner Drake
Commissioner Boyd-Lawson
Commissioner Stinnett

Commissioner Barrington
Commissioner Camacho

ORDINANCE 2006-12

ORDINANCE AMENDING THE EROSION &
SEDIMENTATION CONTROL ORDINANCE
OF THE MANUAL OF SPECIFICATIONS FOR THE
TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 19)

- B. Consideration of approval of Change Order No. 1 & 2 for the roundabout/US-1A (South Main Street/Front Street) and NC-98 (Roosevelt Avenue) repaving (copy of documentation on file in the Town Clerk's Office).**

ACTION: Commissioner Barrington made a motion to approve Change Order No. 1 & 2 for the roundabout/US-1A (South Main Street/Front Street) and NC-98 (Roosevelt Avenue) repaving. Commissioner Drake seconded the motion, which carried unanimously (5-0).

- C. Consideration of approval of Final Change Order for US-1A (South Main Street) widening (copy of documentation on file in Town Clerk's Office).**

ACTION: Commissioner Camacho made a motion to approve Final Change Order for US-1A (South Main Street) widening. Commissioner Barrington seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Barrington
Commissioner Boyd-Lawson
Commissioner Camacho
Commissioner Stinnett

Commissioner Drake

- D. Consideration of approval of a Letter of Agreement from Ralph Whitehead and Associates, Inc. for preliminary engineering and surveying services for the proposed north-side loop from North White Street to North Main Street (copy of documentation on file in Town Clerk's Office).**

ACTION: Commissioner Barrington made a motion to approve a Letter of Agreement from Ralph Whitehead and Associates, Inc. For preliminary engineering and surveying services for the proposed north-side loop from North White Street to North Main Street.

Commissioner Stinnett seconded the motion, which carried unanimously (5-0).

10. Parks and Recreation Items.

None.

11. Public Safety Items.

None.

12. Other Business.

ACTION: Commissioner Margaret Stinnett, spoke saying that something had to be done on reducing current water allocations; therefore, she made a motion to reduce the amount of building permits for each future subdivision by 20 percent “as long as Stage 2 water conservation is in effect and honor all previous agreements and contracts.” Moving to Stage 3 water conservation would trigger a re-examination of this policy. Commissioner Drake said he would second the motion for the purpose of discussion.

Town Attorney Vernon said the Board of Commissioners could not do so. I do not think these agreements are any less of a contract than the written ones with Ammons Development Group for the original Heritage Wake Forest plan and part of Robert Jones’ Jones Dairy Farm subdivision. He said that if he was asked to make a legal finding, “I believe I would find the Town of Wake Forest would be bound to honor those agreements.” There are forty-six (46) active subdivisions of various sizes in the town with water allocations – expressed in building permits – ranging from the standard 50 per year to 100 and even 200 per year. If every subdivision pulled all of its allowed building permits for this year, 1,396 single-family homes and townhouses would be built. Along with growth, the Town of Wake Forest now has a growing number of upscale homes with lawn irrigation systems. Town staff say the use of the sprinklers has skewed the historic pattern of water use, increasing it particularly during hot dry weather when the Town’s peak water use occurs. In the agreement by which Raleigh took ownership of the town’s water and sewer systems, Wake Forest has an allocation of 4.91 million gallons based on peak-day use. Last summer the peak use was 3.8 mgd, leaving only 1.1 mgd of capacity until April of 2010 when the allocation increases by 4 percent.

She stated that she would bring this item back at the April Board meeting.

Planning Director Chip Russell said that at the present rate of residential growth, about 1,000 dwelling units each of the last two (2) years, the 1.1 mgd would be used up in two (2) years. He suggested braking the building rate down to 800 per year.

The comprehensive planning committee responded in February by suggesting though not agreeing to a 20 percent reduction across the board.

Tuesday morning the comprehensive planning committee seemed to agree on the 20 percent cut along with a re-examination of the pace of building permits in September when they would know the peak use.

The water picture has been muddied by a discussion Town Manager Williams and Deputy Town Manager Roe O'Donnell had on March 14 with Dale Crisp, director of Raleigh's public utilities, and Ron Horton, who supervises the Wake Forest, Garner and Rolesville systems.

The Board of Commissioners had agreed they want an ordinance to enforce water conservation, but Dale Crisp said Raleigh would not be in favor of the Town of Wake Forest doing so. The City of Raleigh has a water conservation task force that may recommend the city council levy a progressive water rate, charging more for more use. Raleigh's Public Utilities Director Crisp said that surcharge, which would be in effect from May through October, could be applied to the Town of Wake Forest rates if both governing boards agree and the merger agreement is changed.

The Town of Wake Forest could probably purchase more water capacity from Raleigh. An additional half-a-million gallons per day would cost about \$2.3 million and that would be added to the \$19 million the merger agreement specifies. The \$19 million is being paid off – optimistically in six to seven years – by water and sewer availability fees assessed on new construction and by the difference between Wake Forest's rates and Raleigh's rates. Wake Forest's rates, which are frozen until the \$19 million is repaid, are higher than Raleigh's.

Mayor Jones called for the vote on Commissioner Stinnett's motion:

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

Commissioner Stinnett said that she would like to revisit this item at the April 18, 2006 Board of Commissioners meeting.

13. Adjournment.

ACTION: At 10:32 p.m., Commissioner Barrington made a motion to adjourn the meeting. Commissioner Drake seconded the motion, which carried unanimously (5-0).