

**REGULAR BOARD OF COMMISSIONERS MEETING
TOWN OF WAKE FOREST, NORTH CAROLINA
April 18, 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, 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.

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

2. Approval of minutes.

A. Meetings held March 7, 2006 (Work Session and Joint Public Hearings), March 9, 2006 (Work Session Water Allocation), and March 21, 2006 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Boyd-Lawson made a motion to approve the minutes of meetings held March 7, 2006 (Work Session and Joint Public Hearings), March 9, 2006 (Work Session Water Allocation), and March 21, 2006 (Regular Board of Commissioners Meeting). Commissioner Camacho seconded the motion, which carried unanimously (5-0).

3. Presentations.

A. National Day of Prayer - May 4, 2006.

PROCLAMATION

NATIONAL DAY OF PRAYER

WHEREAS, civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U. S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday of May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in the Town of Wake Forest when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby proclaim Thursday, May 4, 2006, as "**A DAY OF PRAYER IN WAKE FOREST**" and urge all citizens of Wake Forest to observe the day in ways appropriate to its importance and significance.

Mayor Jones invited everyone to attend the National Day of Prayer to be held at the Gazebo in the South White Street Parking Lot beginning at 11:30 a.m.

4. Public hearings / Public Comment.

A. Public hearing to receive public input for FY 2006-2007 Annual Budget.

At 7:07 p.m., Mayor Jones opened the public hearing to receive public input for the FY 2006-2007 Annual Budget.

Mayor Jones recognized the following person(s) who spoke:

Ms. Kathryn Spiegel, Acting Secretary for the Board of Wake Forest Cultural Arts Association, who spoke saying the Cultural Arts Association is requesting support in the form of funds to pay for the services of a part-time Director in the budget year 2006-2007. The Cultural Arts Association’s service to the

community has grown to the point where a paid, part-time director is needed to support the work of an all volunteer board. The Association is requesting that the Board of Commissioners approve the amount of \$7,392 for this part-time position. For the record, Ms. Spiegel distributed documentation to the Board of Commissioners for their review (copy on following page).

Ms. Mary Hayes, 216 Brick Street, spoke concerning the construction of the Northern Outer Loop. She reported that traffic is increasing on Brick Street between the morning and evening rush hour. She said it seems that the traffic in between the rush hour has become a raceway between Brick Street, Brewer Avenue, and East Chestnut Avenue. Currently, there are two (2) speed bumps located on Brick Street that the residents paid for. She said she feels that the speed bumps have just aggravated the drivers by the sound of crash/bangs as they hit the speed bumps. Ms. Hayes reported further that there are people doing cut-throughs (NC-98 East to North Taylor Street to Perry Avenue to Brick Street so they can bypass the underpass located at Roosevelt Avenue heading west at the seminary and vice versa if the drivers are traveling east - not to mention all the traffic coming from Youngsville. The Mill Village is over a 100 years old and has been put on the National Register of Historic Places. The Village was designed for residential traffic or at least a minimal amount of other traffic. There are no sidewalks. This is a residential area and the streets are narrow.

Now comes the issue at hand -- Ms. Hayes said that she understands that there is a Northern Outer Loop planned for Wake Forest and when this is completed/installed, the Brick Street railroad crossing will be closed at North White Street. The residents in the vicinity of Brick Street and the eastern most side of Chestnut Avenue would like to request that the Northern Outer Loop be moved up in the budget. Please help the residents protect the Glen Royal Mill Village. She added a note that because of the speed bumps on Brick Street, some drivers have resorted to using the section of East Chestnut Street (200 block) which is a dead end into a dirt road that feeds two (2) driveways and ends at Brick Street at the railroad crossing. (Attached for the record is a list of the residents along Brick Street and a portion of East Chestnut Avenue).

At 7:20 p.m., there being no one else to speak to this item, Mayor Jones closed the public hearing.

B. Public hearing and approval of ordinance for contiguous annexation submitted by Doris C. Forbes Family Limited Partnership for property located on Forbes Road comprising 72.26 acres.

At 7:21 p.m., Mayor Jones opened the public hearing on the contiguous annexation submitted by Doris C. Forbes Family Limited Partnership for property located on Forbes Road comprising 72.26 acres.

At 7:22 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

C. Action on Item 4.B. Approval of ordinance for contiguous annexation submitted by Doris C. Forbes Family Limited Partnership for property located on Forbes Road comprising 72.26 acres.

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

ORDINANCE 2006-13

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 19)

D. Public Comment.

No one spoke.

5. Consent Agenda.

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

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

B. Approval of request to close 300 and 400 blocks of South Brooks Street (from Owen Avenue to end) from 6 a.m. to 6 p.m. on Saturday, May 20, 2006 for the 11th Annual Hoops for Wake Forest 3-On-3 Basketball Tournament.

C. Approval of amendment to interlocal agreement with Wake County for computer-assisted dispatch (CAD) services (copy of interlocal agreement on file in Town Clerk's Office).

D. Approval of request received from the Downtown Revitalization Corporation and the Wake Forest Cultural Arts Association for the 2006 Autumn Arts Festival to close East Owen Avenue between South White Street and South

Brooks Street, the South White Street Parking Lot (Gazebo) from 8:00 a.m. - 6:00 p.m. on Saturday, October 14, 2006.

- E. Approval of request received from Wake Forest Chamber of Commerce to close East Owen Avenue from South White Street to South Brooks Street for Meet in the Street on Saturday, May 6, 2006 from 6:00 a.m. until 5:00 p.m.**

6. Legislative Items.

- A. Consideration of approval of resolution concerning the Parker Hannifin property.**

ACTION: Commissioner Barrington made a motion to approve a resolution concerning the Parker Hannifin property as submitted by Town Attorney Vernon and to give Town Attorney Vernon permission to revise/amend the resolution for the title insurance company. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2006-18

RESOLUTION CONCERNING THE
INDUSTRIAL DEVELOPMENT CORPORATION'S
CONVEYANCE OF PROPERTY

(Body of resolution contained in Resolution Book 23)
(Text of resolution contained below)

WHEREAS, the Industrial Development Corporation of the Town of Wake Forest (the "IDC") was created for the purpose of purchasing certain real property, constructing a manufacturing plant thereon, and leasing it to an operator; and

WHEREAS, in accordance with the IDC's Articles of Incorporation, in 1984 the IDC tendered a deed to the Town of Wake Forest conveying the IDC's real property to the Town of Wake Forest, subject to Scoville Manufacturing Company's existing lease; and

WHEREAS, through its adoption of Resolution 84-22, the Board of Commissioners of the Town of Wake Forest declined the IDC's deed tender; and

WHEREAS, the IDC thereafter continued to lease its real property to Scoville Manufacturing Company and its successor by merger, Parker-Hannifin Corporation; and

WHEREAS, the IDC and Parker-Hannifin Corporation have entered into a contract to sell the IDC's property to St. Ives 220 Commercial, LLC, free and clear of Parker-Hannifin Corporation's lease; and

WHEREAS, in Resolution 84-22, the Board of Commissioners of the Town of Wake Forest reserved the right to receive a future transfer of the property; and

WHEREAS, the contract purchaser, St. Ives 220 Commercial, LLC, has requested that the Board of Commissioners of the Town of Wake Forest acknowledge that upon St. Ives 220 Commercial, LLC's purchase of the property, the Town of Wake Forest shall not attempt to exercise any right it may have to acquire a transfer of the property or otherwise set aside the purchase; and

WHEREAS, except for the recital, acknowledgment and waiver by the Town of Wake Forest set out herein, all other terms, conditions, rights, title and interests of the Town of Wake Forest as set out in the Articles of Incorporation and Bylaws of the IDC remain in full force and effect.

NOW, THEREFORE, the Town of Wake Forest, acting through its Board of Commissioners in a meeting duly assembled, does hereby acknowledge that upon the IDC's sale of the real property in fee simple to St. Ives 220 Commercial, LLC, the Town of Wake Forest shall have no right to: (i) acquire fee simple title or any other interest to the real property or; (ii) otherwise set aside the conveyance to St. Ives 220 Commercial, LLC; or (iii) approve subsequent conveyances of the real property.

7. Planning Items.

A. Consideration of approval of Case RZ-06-04: Consideration of a request filed by Millridge Companies to rezone .939 acres from NB, Neighborhood Business District to R-8, Residential-8 District for property located at 851 South Main Street, being Tax PIN 1840-38-1093.

ACTION: Commissioner Stinnett made a motion to approve Case RZ-06-04: A request filed by Millridge Companies to rezone .939 acres from NB, Neighborhood Business District to R-8, Residential-8 District for property located at 851 South Main Street. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-14

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 ZA-06-02: Consideration of an amendment to the Wake Forest Zoning Ordinance amending Article V. District Regulations Section 3.B. Historic Preservation Commission.

ACTION: Commissioner Drake made a motion to approve Case ZA-06-02: An amendment to the Wake Forest Zoning Ordinance amending Article V. District Regulations Section 3.B. Historic Preservation Commission. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-15

ORDINANCE AMENDING ARTICLE V. DISTRICT REGULATIONS SECTION 3.B. HISTORIC PRESERVATION COMMISSION OF THE ZONING ORDINANCE OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 19)

C. Consideration of approval of Master Plan Review for South Forest Business Park, Phase 2 (Lot 25).

ACTION: Commissioner Boyd-Lawson made a motion to approve the South Forest Business Park, Phase 2 (Lot 25) Master Plan. Commissioner Camacho seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Boyd-Lawson
Commissioner Barrington
Commissioner Camacho

Commissioner Drake
Commissioner Stinnett

D. Consideration of approval of request from Lennar Communities of Carolina, Inc. to waive the six (6) month reapplication period requirement for a special use permit for the private amenities center on Lot 111 in the Thornrose Subdivision.

ACTION: Commissioner Camacho made a motion to waive the six (6) month reapplication period requirement for a special use permit for the private amenities center on Lot 111 in the Thornrose Subdivision.

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

E. Consideration of approval of Master Plan for Heritage Overlook Subdivision.

ACTION: Commissioner Barrington made a motion to approve the Heritage Overlook Subdivision Master Plan with the condition that a 50 foot undisturbed watercourse buffer as required in Article VI. Section 6. (I) of the Wake Forest Zoning Ordinance be provided along the rear of lots adjacent to the pond (Lots 23-29). This area as well as the area encumbered by the Neuse River Riparian Buffer shall be recorded as permanent conservation easements. Commissioner Camacho seconded the motion and the vote was as follows:

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

8. Administration and Financial Items.

None.

9. Public Services Items.

A. Consideration of approval of Hunt Technologies for Automatic Meter Reading System (copy of master agreement on file in Town Clerk's Office).

ACTION: Commissioner Camacho made a motion to approve Hunt Technologies for Automatic Meter Reading System at the cost of approximately \$680,000 which was allocated in FY 2005-2006 Budget. Commissioner Drake seconded the motion, which carried unanimously (5-0).

B. Consideration of approval of purchase of Solid State Electric Meters for Automatic Meter Reading Program (copy of bid tabulations on file in Town Clerk's Office).

ACTION: Commissioner Camacho made a motion to approve the purchase of Solid State Electric Meters for the Automatic Meter Reading Program based on the Formal Meter Bid #099-023 in the amount

of \$314,935. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

- C. **Consideration of approval of engineering services for new electric substation.**
ACTION: Commissioner Camacho made a motion to approve staff to enter into negotiations with Utility Engineering for engineering services for the new electric substation. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

- D. **Discussion on water as requested by Commissioner Stinnett.**

ACTION: Commissioner Margaret Stinnett 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.” Commissioner Drake offered a friendly amendment saying that if an applicant demonstrates to the Board of Commissioners and Town Staff that they have imposed standards for water conservation, then the Board of Commissioners will consider additional permits. Commissioner Boyd-Lawson spoke saying she would like to second Commissioner Stinnett’s motion if she would agree to remove Stage 2 water restrictions. Commissioner Stinnett Stinnett agreed and the vote was as follows:

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

10. Parks and Recreation Items.

- A. **Consideration of approval of lease/joint agreement between the Town of Wake Forest and Capital City Baseball, Inc (copy on file in Town Clerk’s Office).**

ACTION: Commissioner Boyd-Lawson made a motion to approve the lease/joint agreement between the Town of Wake Forest and Capital City Baseball, Inc. for the mutual use of ballfields in Wake Forest. Commissioner Drake seconded the motion, which carried unanimously (5-0).

11. Public Safety Items.

None.

12. Other Business.

Consensus of the Board of Commissioners was to set a date and time for the yearly evaluations of the Town Manager and Town Attorney, which will be a special called meeting held on May 3, 2005 at 7 p.m.

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

ACTION: At 9:35 p.m., Commissioner Camacho 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. Commissioner Drake seconded the motion, which carried unanimously (5-0).

ACTION: At 9:57 p.m., Commissioner Barrington made a motion to return to the regular meeting. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

14. Adjournment.

ACTION: At 9:58 p.m., Commissioner Boyd-Lawson made a motion to adjourn the meeting. Commissioner Camacho seconded the motion, which carried unanimously (5-0).