

**REGULAR BOARD OF COMMISSIONERS MEETING
TOWN OF WAKE FOREST, NORTH CAROLINA
September 19, 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, Public Works Director Barton, Planning Director Russell, Planner Ayers, Planner Potts, Deputy Town Manager O'Donnell, Town Engineer Spring, Finance Director Staples, Parks and Recreation Director Simpson, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

Mayor Jones recognized Ms. Cristiana Walkley, Chair of the Downtown Revitalization Corporation (DRC) and announced that the Town of Wake Forest has been accepted into the Main Street Program. She reported that this is an honor. The other towns who were accepted were Fuquay Varina, Hickory, and Clayton. She thanked the DRC for its hard work and said that the committee would be rather busy for the next few years.

1. Approval of agenda.

Mayor Jones reported that staff had requested to move Public Service Items 9.D. under 3. Presentations.

Commissioner Drake requested that Consent Agenda Item 5.B. Willfair Annexation Petition be removed for separate consideration and placed under Planning Items 7.C.

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

Mayor Jones reported that Moody's, a nationally recognized credit rating agency, has released its draft credit rating on the Town of Wake Forest's \$9,200,000 General Obligation Bonds. The current rating from Moody's was A2. Moody's has given the Town of Wake Forest a two-step increase to Aa3 which is a very rare occurrence. A one-step increase is common; however, they expressed confidence in certain areas resulting in a two-step increase. Davenport & Associates, the financial advisors retained by the Town of Wake Forest to assist in the process called this afternoon with the good news. Moody's shared with the following reasons for the Town's favorable upgrade:

- * Phenomenal growth in the past and they gave the Town the benefit of future growth.
- * Expressed comfort in two (2) primary areas:
 - o Historically strong financial performance
 - o Very strong management coupled with longevity

Mayor Jones reported that in today's market, the update equates to approximately \$10,000 to \$15,000 per year in interest savings on \$9.2 million over the 20-year pay back. This is truly wonderful news for the Town of Wake Forest.

2. Approval of minutes.

A. Meetings held August 1, 2006 (Work Session and Joint Public Hearings) and August 15, 2006 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Drake made a motion to approve the minutes of meetings held August 1, 2006 (Work Session and Joint Public Hearings) and August 15, 2006 (Regular Board of Commissioners Meeting) as submitted by Town Clerk Wilson. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

3. Presentations.

A. Proclamation recognizing "Walk to School Day".

Walk Our Children to School Day and Week
Proclamation

October 4, 2006
October 2-6, 2006

WHEREAS, hundreds of children could be saved each year if every community takes steps to make pedestrian safety a priority; and

WHEREAS, a lack of physical activity plays a leading role in rising rates of obesity, diabetes and other health problems among children and being able to walk or bicycle to school offers an opportunity to build activity into daily routine; and

WHEREAS, driving students to school by private vehicle contributes to traffic congestion and air pollution; and

WHEREAS, an important role for parents and care givers is to teach children about pedestrian safety and become aware of the difficulties and dangers that children face on their trip to school each day and the health and environmental risks related to physical inactivity and air pollution; and

WHEREAS, community leaders and parents can determine the "walkability" of their community by using a walkability checklist; and

WHEREAS, community members and leaders should make a plan to make immediate changes to enable children to safely walk and bicycle in our communities and develop a list of suggestions for improvements that can be done over time; and

WHEREAS, children parents, and community leaders around the world are joining together to walk to school and evaluate walking and bicycling conditions in their communities.

NOW, THEREFORE, I, Vivian A. Jones, shall, by virtue of the authority vested in me as Mayor of the Town of Wake Forest, North Carolina do hereby proclaim October 4, 2006 as Walk to School Day and October 1-6, 2006 as “International Walk Our Children To School Week” in Wake Forest and encourage everyone to consider the safety of pedestrians today and everyday.

B. Proclamation for Public Power Week - October 1-7, 2006.

PROCLAMATION

PUBLIC POWER WEEK
OCTOBER 1-7, 2006 AND HOW THE
TOWN OF WAKE FOREST ELECTRIC DEPARTMENT
IS GOOD FOR CONSUMERS, BUSINESS,
OUR COMMUNITY, AND THE NATION

WHEREAS, we, the citizens of Wake Forest, place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the Town of Wake Forest electric department provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the Town of Wake Forest electric department is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the Town of Wake Forest electric department is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to live and work;

WHEREAS, the Town of Wake Forest electric department will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1909, the year when the utility was created to serve all the citizens of Wake Forest.

NOW, THEREFORE BE IT RESOLVED, that I, Vivian A. Jones, Mayor of the Town of Wake Forest, North Carolina proclaim that October 1-7, 2006 be designated the 20th Annual Public Power Week in order to honor the Town of Wake Forest Electric Department for its contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its contributions to their well-being and how it makes their lives powerful; and

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and recognition that the Town of Wake Forest electric department is good for consumers, business, the community, and the nation.

C. Discussion concerning tree trimming policy as requested by Commissioner Stinnett.

Public Works Director Barton introduced Mr. Mike Byrd, Safety/Training Division with Electricities and a certified tree arborist who made a brief presentation concerning the safety of trimming trees (copy on file in Town Clerk's Office).

4. Public hearings / Public Comment.

A. Public hearing and approval of ordinance for non-contiguous annexation submitted by Waters Edge Environmental for property located on Shearon Farms Avenue comprising 4.6407 acres.

At 7:48 p.m., Mayor Jones opened the public hearing on the non-contiguous annexation submitted by Waters Edge Environmental for property located on Shearon Farms Avenue comprising 4.6407 acres.

At 7:49 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

ACTION: Commissioner Drake made a motion to approve the non-contiguous annexation submitted by Waters Edge Environmental for property located on Shearon Farms Avenue comprising 4.6407 acres. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-33

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

B. Public Comment.

No one spoke.

5. Consent Agenda.

ACTION: Commissioner Camacho made a motion to approve the Consent Agenda as amended. 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 conservation easement upon the recently acquired Walker Tract property in conformance with the provisions of a grant from the Clean Water Management Trust Fund (copy on file in Town Clerk's Office).

C. Approval of approval of Site Plan Review: North Park Phase 2 with the following condition:

- o Dedicate greenway easements along the western and southern portion of the property.

6. Legislative Items.

A. Consideration of approval of voting delegate for the North Carolina League of Municipalities Annual Meeting.

ACTION: Commissioner Barrington made a motion to approve Mayor Vivian Jones as the voting delegate for the North Carolina League of Municipalities Annual Meeting to be held in Greensboro, NC on October 17, 2006 and Commissioner Velma Boyd-Lawson as the alternate voting delegate. Commissioner Drake seconded the motion, which carried unanimously (5-0).

7. Planning Items.

A. Consideration of approval of Heritage Professional Park Development Plan Amendment.

ACTION: Commissioner Barrington made a motion to accept the Planning Board recommendation to allow the removal of the 30" Oak Tree to be replaced with a minimum of ten (10) 3" caliper trees or more so that they will survive in Zone 2 of the Neuse River Riparian Buffer in the common area with the area to be designated as a conservation area prior to occupancy of the building and that the applicant has agreed to plant an additional fourteen (14) trees. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Barrington
Commissioner Boyd-Lawson
Commissioner Camacho

Commissioner Drake
Commissioner Stinnett

B. Consideration of approval of contract with Glenn Harbeck for new Comprehensive Plan (copy on file in Town Clerks' Office).

ACTION: Commissioner Boyd-Lawson made a motion to approve the contract with Glenn Harbeck for the new Comprehensive Plan in the amount of \$150,000. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of petition requesting contiguous annexation submitted by Willfair Properties, LLC for property located off Rogers Road, comprising 18.76 acres.

ACTION: Commissioner Drake made a motion to approve the petition requesting contiguous annexation submitted by Willfair Properties, LLC for property located off Rogers Road, comprising 18.76 acres. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following resolutions:

RESOLUTION 2006-41

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE

A PETITION RECEIVED UNDER G.S.160A-58.1

(Body of resolution contained in Resolution Book 24)

RESOLUTION 2006-42

RESOLUTION FIXING DATE OF PUBLIC HEARING
OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED

(Body of resolution contained in Resolution Book 24)

8. Administration and Financial Items.

A. Consideration of approval of resolution providing for the issuance of \$9,200,000 General Obligation Public Improvement Bonds, Series 2006.

ACTION: Commissioner Drake made a motion to approve a resolution providing for the issuance of \$9,200,000 General Obligation Public Improvement Bonds, Series 2006. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2006-43

RESOLUTION PROVIDING FOR THE ISSUANCE
OF \$9,200,000 GENERAL OBLIGATION PUBLIC
IMPROVEMENTS BONDS, SERIES 2006
(Body of resolution contained in Resolution Book 24)

9. Public Services Items.

A. Consideration of approval of no parking zone on South Franklin Street, west side, heading north 256 feet from junction with East Holding Avenue to first driveway and no parking zone on east side going south 300 feet East Holding Avenue.

ACTION: Commissioner Drake made a motion to establish a NO PARKING ZONE on South Franklin Street, west side, north 256 feet from junction with East Holding Avenue and South Franklin Street, east side, south 300 feet from junction with East Holding Avenue. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-34

ORDINANCE AMENDING CHAPTER 30.
TRAFFIC AND 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)

B. Consideration of approval of request for rate increase in trash collection from Waste Industries.

ACTION: Commissioner Barrington made a motion to approve the rate increase request from Waste Industries. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-35

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

<u>Commercial Dumpster Service</u>	<u>Rate</u>	<u>W/cardboard service</u>
Add/Delete/Change (twice/week)		(c/b once/week)
Four (4) cubic yard	\$ 80.74	\$139.75
Six (6) cubic yard	\$113.23	\$172.24
Eight (8) cubic yard	\$136.93	\$195.94
<u>Cardboard Dumpster Service</u>		
Eight (8) cubic yard, once/week pick-up	\$ 59.01	
<u>Combination Service</u> (once/week each)		
1 (4) cubic yard trash & 1 (8) cubic yard cardboard		\$125.73
1 (6) cubic yard trash & 1 (8) cubic yard cardboard		\$135.41
1 (8) cubic yard trash & 1 (8) cubic yard cardboard		\$147.55
<u>Deduction for Customer Owned Containers</u>		
4 cubic yard	\$ 14.00	
6 cubic yard	\$ 16.00	
8 cubic yard	\$ 18.00	

C. Consideration of approval of APPA Safety Manual, 13th Edition.

ACTION: Commissioner Stinnett made a motion to approve the APPA Safety Manual, 13th Edition as the official manual for the Town of Wake Forest and any subsequent editions for which changes or amendments may be made to the manual. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

D. Discussion concerning tree trimming policy as requested by Commissioner Stinnett.

Commissioner Stinnett spoke saying she had learned a lot tonight about the tree trimming policy for the Town of Wake Forest. She suggested that Public Works Director Barton and Planner Potts work together to implement the program and to make sure that Town residents and Town employees understand why trees must be trimmed sometimes to keep electric lines free of dangerous limbs. She said that when she first started looking at the situation, she was pretty worked up but when she toured around a little bit, she realized that it's really a safety issue. Commissioner Stinnett said that she wants staff to educate the residents especially when staff is about to undertake severe maintenance jobs. People just don't like it when someone comes onto their property/yard and starts cutting on their tree or takes a tree down.

10. Parks and Recreation Items.

A. Consideration of approval of plan to end utility bill support to outside agencies.

ACTION: Commissioner Drake made a motion to approve the plan to end utility bill support to DuBois Center and Wake Forest College Birthplace with a lump sum to be paid to the DuBois Center in the amount of \$14,600 and the Wake Forest College Birthplace in the amount of \$2,130 for the fiscal year ending June 30, 2006. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

11. Public Safety Items.

None.

12. Closed Session: N.C.G.S. 143-318.11(a)(5) - Land Acquisition - South Main Street Easements.

ACTION: At 9:10 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 - South Main Street Easements. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

ACTION: At 9:41 p.m., Commissioner Drake made a motion to return to the regular meeting. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

14. Adjournment.

ACTION: At 9:42 p.m., Commissioner Drake made a motion to adjourn the meeting. Commissioner Barrington seconded the motion, which carried unanimously (5-0).