

Approved 7/20/2010.



## Wake Forest Board of Commissioners Agenda

June 15, 2010  
7:00 pm

### Council Members Present

Mayor Vivian Jones  
Commissioner Frank Drake  
Commissioner Anne Hines  
Commissioner Chris Kaerberlein  
Commissioner Margaret Stinnett  
Commissioner Pete Thibodeau

### Staff Present

Mark Williams, Town Manager  
Roe O'Donnell, Deputy Town Manager  
Chip Russell, Planning Director  
Aileen Staples, Finance Director  
Capt. Abbacchi, Public Safety  
Mike Barton, Director of Public Works  
Eric Vernon, Town Attorney  
Deeda Harris, Town Clerk

Mayor Jones called the meeting to order at 7:00 p.m.

### 1. Approval of Agenda.

A closed hearing to review closed-session minutes was added to the agenda.

**ACTION:** Commissioner Kaerberlein made a motion to approve the amended agenda.  
Commissioner Hines seconded the motion, which carried (5,0).

### 2. Approval of minutes.

#### A. Meetings held June 1, 2010 (Board of Commissioners Work Session and Joint Public Hearing), meeting held June 15, 2010 (Regular Board of Commissioners Meeting).

**ACTION:** Commissioner Drake made a motion to approve the minutes.  
Commissioner Thibodeau seconded the motion, which carried (5,0).

### 3. Presentations.

#### A. Introduction of candidate for the Historic Preservation Commission.

Mr. William Smart introduced himself to the Board of Commissioners and expressed his interest in being on the Historic Preservation Commission. He lives in the district in the home owned by the Huffman family.

**B. Proclamation recognizing June as National Homeownership Month.**

The Affordable Housing Group was sponsoring different workshops and activities during the month and requested municipality support because homeownership was still the American dream. Mayor Jones encouraged everyone to participate and continue to work towards home ownership.

**C. Proclamation to declare June as Lyme Disease Awareness Month.**

June was Lyme Disease awareness month. Lyme Disease is an important issue. It affects people in different ways. A local resident, Mrs. Patricia Lee Zieverink had contacted Mayor Jones regarding the recognition. On a personal note, Mayor Jones shared she had a niece and her 4 children that have Lyme Disease. Some effects she knew they experience were fatigue, fevers, having seizures sometimes for days. One has had brain surgery because of the disease. They had been suffering for years. She felt it was important to make people aware that it was a terrible thing. She urged people to please be aware of it and the indicators of the disease and to seek out a doctor if anyone experienced headaches, fatigue and swollen lymph nodes so they could get the necessary antibiotics.

**4. Public hearings / Public Comment.**

**A. Public Hearing on a Moratorium on the Electronic Gaming Ordinance. (Attachment 4.A.)**

Ms. Nancy Miller of 461 Durham Road spoke to support enactment.

There was discussion on how to move forward with the Town Attorney working towards a 12-month moratorium to give the Board of Commissioners time to consider the ordinance and to see if the NC Legislature would bring about some action on Electronic Gaming. Attorney Vernon would establish the dates in the Ordinance. Commissioner Stinnett asked what would happen with the businesses already established. Town Attorney Vernon said during this time, they would still be allowed to remain in business; they just could not add more machines.

**ACTION:** Commissioner Drake made a motion to advise the Town Attorney Vernon to proceed with enacting a 12-month moratorium on electronic gaming operations (“EGO”) within the zoning and planning limits of the Town of Wake Forest. Commissioner Thibodeau seconded the motion, which carried (4,1). Commissioner Stinnett voted nay.

**B. Public Comment: If anyone would like to address the Board of Commissioners on an item other than a public hearing item or an item on the agenda during the time of public comment, please sign up with the Town Clerk prior to the meeting. Each speaker is asked to limit comments to 5 minutes. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board**

action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate Town Staff and may be scheduled for a future agenda. Thank you for your consideration of the Board of Commissioners, staff and other speakers.

No one had signed up to speak.

**5. Consent Agenda.**

*(A Consent Agenda is a group of items passed with a single motion and vote. These matters are of a generally routine nature. No debate is allowable on any item included on the Consent Agenda. If a Commissioner or any citizen of Wake Forest or its ETJ wants separate consideration of any item, it may be removed from the Consent Agenda by request.)*

- A. **Approval of Tax Releases. (Attachment 5.A.)**
- B. **Approval of Installment Purchase Agreement. (Attachment 5.B.)**
- C. **Appointment of Mr. William Smart to the Historic Preservation Commission. (Attachment 5.C.)**

**ACTION:** Commissioner Kaerberlein made a motion to approve the consent agenda. Commissioner Stinnett seconded the motion, which carried (5,0).

## **RESOLUTION 2010-12**

### **Resolution Approving Financing Terms**

**WHEREAS:** The Town of Wake Forest (the "Town") has previously determined to undertake a project for various vehicles included in the FY 2009-2010 Budget for the general fund (the "Project"), and the Finance Officer has now presented a proposal for the financing of such vehicles.

**BE IT THEREFORE RESOLVED, as follows:**

1. The Town hereby determines to finance the Project through RBC Bank (USA) ("RBC Bank") by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, in accordance with the proposal provided by RBC Bank and dated June 3, 2010 (the "Financing"). The amount financed shall not exceed \$475,955.00, the annual interest rate (in the absence of default) shall not exceed 2.48%, and the financing term shall not exceed three (3) years from closing. The Town has chosen to designate the Financing as "qualified bonds" (known as Build America Bonds (Direct Payment)) under Section 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code"). The Town intends to file for a tax rebate of 35% of the interest due on the Financing with the Federal Government under the Build America Bonds Program. If the Town files for and receives the rebate, then the effective rate (in the absence of default) received by the Town on the Financing will be 1.612%.

2. All financing contracts and all related documents for the closing of the Financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and an Escrow Agreement.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Code as required so that the Town's obligations under the Financing Documents will meet the requirements to be "qualified bonds" as described under Section 54AA(g) of the Code.

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the Project that is to be financed from the proceeds described above. The Town intends that the funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the Project for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 15th day of June 2010.

Motion by: Chris Kaerberlein

Second by: Margaret Stinnett

Mayor: *William D. Jones*

ATTEST:

*Deeda W. Harris*  
Town Clerk



**RESOLUTION 2010 - 13**  
**RESOLUTION APPOINTING MEMBER TO**  
**THE HISTORIC PRESERVATION COMMISSION**  
**OF THE TOWN OF WAKE FOREST, NORTH CAROLINA**

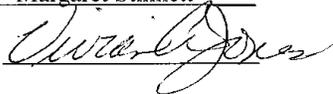
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Wake Forest, North Carolina, that the following persons be appointed to the following advisory boards:

Mr. William Smart - term will expire 12/31/2012

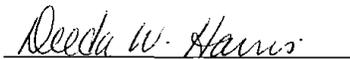
This the 15th day of June 2010.

Motion by: Chris Kaeberlein

Second by: Margaret Stinnett

Mayor: 

ATTEST:

  
Town Clerk

6. **Legislative Items.**

7. **Planning Items.**

- A. **Consideration of request by Andrew Ammons (Heritage Wake Forest) to dedicate 12.07 acres of land along Smith Creek to the Town of Wake Forest in lieu of the remaining recreation impact fees for the remaining lots in the Heritage North Subdivision.**

Attorney Vernon had received a copy of the contract to purchase land offered by Mr. Ammons. The Town had accepted 6.8 acres of land for the initial 220 homes. Mr. Ammons was seeking to dedicate 12.07 acres for the remaining recreation impact fees remaining 167 lots.

Commissioner Drake stated technically the delivery of this property was in exchange for the waiver of the recreation fee otherwise required to pay. Money would not exchange land. They already gave some land for the fees; the remaining was for the remaining \$181,362 for the fee. Town Attorney Vernon shared it was important to make sure and note the land being exchanged had been appraised for more than the amount for the fee. The value for the land was at least what the recreation fee was. There was an excess.

Commissioner Drake said according to the map the build of the acreage was within the flood plain. Under current flood plain ordinances there was an impediment to develop it. He also noted there did not seem to be an access other than through what the town already owned. Unless the Board of Commissioners granted a waiver or variance, then the property could not be developed. It was asked and Town Planner Sary stated that about 80% of it was in the flood plan.

Town Manager Williams expressed the board needed to consider that this was in the Smith Creek Corridor which was the main greenway corridor to Wake Forest. The Board needed to consider if they were satisfied with the water and sewer easement going to the reservoir. The Smith Creek Corridor went up to the reservoir and the main greenway corridor. The town has an easement. He asked the Board if they feel that satisfied enough protection. He asked was that the 30 foot public sanitary sewer and greenway easement for the greenway enough which was the main corridor for our greenway. He said that greenway was not just paved trail. They could preserve the space. The question was if they were comfortable enough with that area or did they need to protect more of the area around it.

Mayor Jones stated the area was not in the Wake Forest city limits currently and would have to be annexed to be developed and tie into the town services.

**ACTION:** Commissioner Thibodeau made a motion to deny the request.  
Commissioner Stinnett seconded the motion, which carried (5,0).

**8. Administration and Financial Items.**

**A. Approval of Budget Amendment #6. (Attachment 8.A.)**

**ACTION:** Commissioner Drake made a motion to approve the budget amendment.  
Commissioner Kaerberlein seconded the motion, which carried (5,0).

**ORDINANCE 2010 - 12**

**BUDGET ORDINANCE AMENDMENT NO. 6 OF THE TOWN OF WAKE FOREST,  
NORTH CAROLINA FOR THE FISCAL YEAR ENDING JUNE 30, 2010.**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Wake Forest, North Carolina the attached Budget Amendment #6:

*The full body of the ordinance can be found in Ordinance Book #23*

**B. Consideration of Approval of FY 2010-2011 Budget Ordinance. (Attachment 8.B.)**

The Board of Commissioners had received a letter from the 4<sup>th</sup> of July Committee requesting an additional \$2,000 based on the increase of invoice to utilize the stadium at Heritage High School. They discussed the issues in granting the request. The Board did not budget any funds for 1<sup>st</sup> Light Wake Forest. The Commissioners all felt they would like to fund, but could only take it from the Fund Balance and felt it would set a precedent with other agencies.

**ACTION:** Commissioner Stinnett made a motion to approve the budget as presented. Commissioner Hines seconded the motion, which carried (4,1). Commissioner Thibodeau voted nay.

**Consideration of Approval of the Pay & Classification Plan for FY 2010-2011.  
(Attachment 8.B.)**

A few of the position changed. In the past the Pay & Classification Plan was voted on as part of the budget, but this year the Commissioners decided to vote on each separately. Every year, Human Resources along with our consultant go through and compare the positions to the market and make adjustment. There were a few adjustments made in the Town Clerk position and with the Public Information Officer.

**ACTION:** Commissioner Hines made a motion to approve the Pay & Classification Plan for FY 2010-2011. Commissioner Thibodeau seconded the motion, which carried (5,0).

**ORDINANCE 2010-11**

**ORDINANCE TO AMEND THE PAY AND CLASSIFICATION PLAN  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA**

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Wake Forest, North Carolina that the Town's Pay and Classification Plan is hereby amended by the attached assignment of classes and salary grades.

This the 15<sup>th</sup> day of June 2010.

Motioned by: Anne Hines

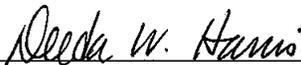
Second by: Pete Thibodeau

Mayor 

Approved as to form:

Eric Vernon  
Town Attorney

ATTEST:

  
Town Clerk

**Consideration of Approval of the ordinance to amend fees for water and sewer rates of the fee schedule of the Town of Wake Forest, North Carolina for FY 2010-2011 (Effective July 1, 2010).**

Commissioner Kaerberlein asked if the Board was increasing the water rate in the fee schedule, would that leave a gap between what City of Raleigh and would more water sold mean the faster the town would pay the cost of the merger quicker. If so, then the Town Board needed to reconsider the ban on the irrigation. Commissioner Thibodeau stated there were people that wanted to use automatic sprinklers and if they could afford it, then why not let them help the Town of Wake Forest pay on it sooner. If they Town of Raleigh already had conservation measures in force, why did

the Town need to limit it. Commissioner Drake felt that the citizen could do so by having a well on their property instead of sprinkler. They decided to discuss further at the July Work Session.

**ACTION:** Commissioner Drake made a motion to approve the ordinance to amend fees for water and sewer rates of the fee schedule of the Town of Wake Forest, North Carolina for FY 2010-2011. Commissioner Thibodeau seconded the motion, which carried (4,1). Commissioner Stinnett voted nay.

**ORDINANCE 2010-09**

**ORDINANCE TO AMEND FEES FOR WATER AND SEWER RATES  
OF THE FEE SCHEDULE OF THE  
TOWN OF WAKE FOREST, NORTH CAROLINA  
For FY 2010-2011 (Effective July 1, 2010)**

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Wake Forest, North Carolina that the Fee Schedule be amended as follows effective July 1, 2010:

Consumption charge (\$/kgal.)	Water \$3.40
	Sewer 5.10
Base Service Charges	Water 4.83
	Sewer 9.72

This the 15<sup>th</sup> day of June 2010.

Motioned by: Frank Drake

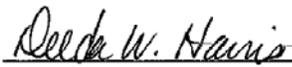
Second by: Pete Thibodeau

Mayor: 

Approved as to form:

Eric Vernon  
Town Attorney

ATTEST:

  
Deeda W. Harris  
Town Clerk

9. **Public Services Items.**

A. **Consideration of Acceptance of Streets for Maintenance. (Attachment 9.A.)**

**ACTION:** Commissioner Kaerberlein made a motion to approve the resolution to accept streets. Commissioner Thibodeau seconded the motion, which carried (5,0).

**RESOLUTION 2010-14**

**A RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION TO RELEASE STATE SYSTEM STREETS  
FOR INCLUSION IN THE TOWN'S STREET SYSTEM**

**WHEREAS**, the Town of Wake Forest has looked at State system streets which may be better maintained by the Town's Public Works Department; and

**WHEREAS**, the Town of Wake Forest is willing to accept this transfer of responsibility;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Wake Forest that it requests the North Carolina Department of Transportation release the entire length of the following streets from the State street system for inclusion in the Town's street system unless otherwise noted:

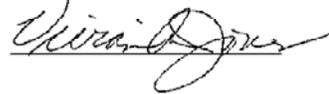
Everstone Road (Stonegate 3A)

Adopted this 15<sup>th</sup> day of June, 2010.

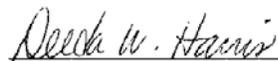
Moved by: Commissioner Kaerberlein

Seconded by: Commissioner Thibodeau

Mayor:



ATTEST:



Town Clerk

10. **Parks and Recreation Items.**

11. **Public Safety Items.**

**12. Other Business.**

**13. Adjournment.**

**ACTION:** Commissioner Kaerberlein made a motion to go into closed session at 8:17 p.m. to approve closed session minutes.  
Commissioner Hines seconded the motion, which carried (5,0).

**ACTION:** Commissioner Stinnett made a motion come out of closed session at 8:19.  
Commissioner Thibodeau seconded the motion, which carried (5,0).

The meeting was adjourned at 8:20 p.m.

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Town Clerk

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Mayor