

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

August 19, 2008

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners Frank Drake, Anne Hines, Chris Kaeberlein, Margaret Jones Stinnett and Pete Thibodeau as were Town Manager Williams, Town Clerk Wilson, Deputy Town Manager O'Donnell, Planning Director Russell, Assistant Planning Director Sary, Public Works Director Barton, Planner Yokley, Planner Summers, Planner Wanman, IT Director LaBarge, Assistant Planning Director Ayers, Engineering Director Keravuori, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Mayor Jones reported that Item 3.A. - Presentation by Kevin Buckheit of Capital Trees Program would be delayed until the September meeting.

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

2. Approval of minutes.

A. Meetings held July 1, 2008 (Continued Board Meeting, Work Session and Joint Public Hearings), and July 15, 2009 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Drake made a motion to approve the minutes of meetings held July 1, 2008 (Continued Board Meeting, Work Session and Joint Public Hearings), and July 15, 2009 (Regular Board of Commissioners Meeting). Commissioner Thibodeau seconded the motion, which carried unanimously (5-0).

B. Consideration of approval of IDC Agreement.

Mayor Jones recognized Mr. John Rich, who spoke saying that the two remaining Industrial Development Commission board members – John Wooten Jr. and John Rich are prepared to give the town a check for \$2.2 million for a special purpose that will be determined later. Town Attorney Vernon spoke saying that this is an extraordinary contribution to the Town of Wake Forest. It is the result of over

forty (40) years of dedication and service to the Town of Wake Forest (He handed the Board of Commissioners and Mayor the articles of dissolution for the IDC).

Mr. Rich began by saying he and Wooten would have another presentation later as the Board of Commissioners decide how to use the money. He recalled the many people involved in the search for industry in the late 1950s and early 1960s, one of them was Commissioner Stinnett's father, Leland Jones.

He said that Leland was right in the middle of it. The college had left (1956) and there were no jobs. Mayor Wait Brewer along with community leaders such as Paul Brixhoff, Ellis Nassif, Bob Snow, John Sanderford, Jones and Wooten were looking for a good, well-paying industry. When Schrader Brothers, a division of Scovill, agreed to move here, they brought about three hundred and fifty jobs and paid wages that meant somebody could buy a house and a car. There's been a huge contribution to the community.

Everyone stood and applauded as Mr. John Wooten, the only original IDC board member still living, went to the podium. He reported that they had turned down about six or seven industries. He wanted some solid industry here that would put some money in the pockets of employees. He said they found it when Mr. Hunter Poole with the State called to ask if the Town of Wake Forest wanted a blue chip industry that wanted to locate on US-1. He said they promised them the moon to bring them down here and they carried through. He worked for over a year as the overseer for the construction and finance without pay.

Mr. Wooten said he and Rich have discussed using the \$2.2 million "to enhance the lives of the people of Wake Forest.

Mayor Vivian Jones called the money "a special sum" that will be set aside and its use decided in the next few months.

ACTION: Commissioner Drake made a motion to approve the Dissolution and Assignment Agreement with the Industrial Development Corporation (IDC). Commissioner Kaerberlein seconded the motion, which carried unanimously (5-0) (copy on file in Town Clerk's Office).

3. Presentations.

A. Proclamation - Good Neighbor Day.

GOOD NEIGHBOR DAY

WHEREAS, the Human Relations Council was established to encourage understanding and good will between all citizens regardless of race, sex, religion, creed, family status, disability, nationally or economic status and thus promote the general welfare of the Town of Wake Forest; and

WHEREAS, the Human Relations Council hold its meetings at various locations to promote good relations in all areas and to afford as many citizens as possible the opportunity to attend such meetings; and

WHEREAS, the Human Relation Council wishes to sponsor meetings and forums intended to lead all citizens to a clearer understanding of the true meaning of responsible citizenship in the Town of Wake Forest, of the obligation inherent in being a good citizens and of the need for mutual understanding and respect by all citizens for each other.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby proclaim September 21, 2008 as Good Neighbor Day in Wake Forest and urge all citizens of Wake Forest to actively support and take pride in the worthwhile efforts of this organization and in the work of the Human Relations Council.

C. Presentation of Certificate of Achievement for Excellence in Financial Reporting.

Mr. Jeff McCauley, Deputy Finance Officer with the City of Raleigh, spoke that this is the 18th year that the Town of Wake Forest has received this award. The Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting. He then presented the Certificate of Achievement in Financial Reporting to Finance Director Staples.

4. Public hearings / Public Comment.

A. Public hearing and approval of ordinance for non-contiguous annexation submitted by Haddock Properties, III, LLC located approximately 1200 feet north of Burlington Mills Road comprising 2.99 acres.

At 7:22 p.m., Mayor Jones opened the public hearing on the non-contiguous annexation submitted by Haddock Properties, III, LLC located approximately 1200 feet north of Burlington Mills Road comprising 2.99 acres.

At 7:23 p.m., there being no one else present to speak to this item, Mayor Jones closed the public hearing.

ACTION: Commissioner Stinnett made a motion to approve the ordinance for non-contiguous annexation submitted by Haddock Properties, III, LLC located approximately 1200 feet north of Burlington Mills Road comprising 2.99 acres. Commissioner Drake seconded the

motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2008-32

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 21)

B. Public hearing regarding the financing of certain facilities for the Wake Forest Fire Department, Inc. with the proceeds of tax-exempt debt.

At 7:24 p.m., Mayor Jones opened the public hearing regarding the financing of certain facilities for the Wake Forest Fire Department, Inc., with the proceeds of tax-exempt debt.

At 7:25 p.m., there being no one else present to speak to this item, Mayor Jones closed the public hearing.

ACTION: Commissioner Drake made a motion to approve a resolution authorizing and approving the delivery of an installment financing agreement by the Wake Forest Fire Department, Inc. and the tax-exempt loan related thereto. Commissioner Kaeberlein seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2008-34

RESOLUTION AUTHORIZING AND APPROVING THE
DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT
BY THE WAKE FOREST FIRE DEPARTMENT, INC. AND
THE TAX EXEMPT LOAN RELATED THERETO
(Body of resolution contained in Resolution Book 25)

C. 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.

Mayor Jones recognized Mr. Don Winstead, co-owner of The Forks Cafeteria, who spoke saying Karen & I are very concerned about the decision by this Board to allow closing portions of South White Street, East Elm Avenue, South Brooks Street and Wait Avenue for the purpose of a bike racing event on Sunday, September 14, 2008, sponsored by the Raleigh All-Stars Cycling Team.

Months of planning has had to have gone on in selecting a route, times for the different events, and lining up the street vendors and volunteers to help with all of this. Not once were we ever contacted concerning possible street closures, parking problems or traffic direction for our huge Lunch Buffet that we have every Sunday. The only way we even found out about this event was when a flyer was dropped off at our place last Thursday night.

Many of you on this Board frequent The Forks Cafeteria during the week attending various business meetings, civic clubs, etc. Weekdays at The Forks are absolutely no comparison to our Sunday Lunch. On a typical Sunday, we will have 500-600 walk-in customers and sometimes private parties such as Family Reunions or Church Groups may easily add another 100 or so to that number. The revenue generated by our Sunday Lunch Buffet accounts for 40% of our walk-in traffic during our 6-day week. That means that just one Sunday Lunch equals 10% of the monthly dining that goes on inside our building. Having our huge crowds on Sunday is vital for our business. We both work long hours to insure that our business is successful. Taking one Sunday Lunch crowd away from us could keep us from showing a profit for an entire month of work. No business in Wake Forest or anywhere should be put in that position for the sake of an event of this type.

Many supporters and sponsors of this race will tell you “oh you should have a great day at The Forks with all the people that will be Downtown.” Well, we strongly disagree. The directions on the printed flyers send all race traffic down the NC-98 By-Pass from Capital Boulevard, left on South Franklin Street, left on East Elm Avenue with parking just ahead on your left. I can only imagine that this is the Wake Forest Plaza area and the street parking on East Elm Avenue adjacent to our building. There will be an Antique Car Show and a Bike Rodeo for kids going on at the Wake Forest Plaza so most of those spaces will not be available. What will our 500-600 loyal customers do when they finally arrive at The Forks after being re-routed all over town and then find that no access is available to the lots at SunTrust Bank, Warren & Perry, the NAPA Store, Wake Forest Federal or the street spaces on South Brooks Street and East Elm Avenue? How will the race volunteers helping with traffic sort out all of these cars down here with no place to park? Keep in mind many of our patrons on Sundays are Senior Citizens or families with small children. We certainly feel like most race watchers will arrive and park down in our area and then migrate up to South White St where all of the registration, start / finish line and other excitement is.

Between the numerous street vendors and no access to normally available parking lots that surround our business, we feel like our business will be hurt drastically.

Other businesses in the area may be impacted as well. SunTrust Bank 24 Hour Bank Customers will not be able to drive in to their location. The Laundromat will not be able to be accessed all day. There are 50-60 members of LifeStyle Ministries which rents space in the Chevrolet Building on South White Street will not be able to park and attend their services on Sunday morning. The Dollar Store at Wake Forest Plaza is open from 9:00 a.m. to 8:00 p.m. on Sundays and will have little or no access and parking available all day. It is our understanding that none of these businesses have even been contacted concerning this.

There is not another event that we know of in Wake Forest that has closed so many streets and blocked access to desperately needed parking for this length of time 7:30 a.m. to 7:00 p.m. The Christmas Parade and Meet-in-the-Street only last for a few hours, bring thousands to Downtown, but don't cause near the disruption in business, traffic and parking that this event will.

Karen and I would like to ask the following questions: Is it possible to cut the race route down East Owen Avenue leaving South Brooks Street, East Elm Avenue and surrounding parking lots open to traffic? Is it possible to not have racing going on during the 11:00 a.m. – 2:30 p.m. time period?

Karen and I have always tried our best to support efforts like this in Wake Forest, but in this case, if no compromise can be reached, we feel it will just be too costly for our business and not fair at all to our customers and or patrons of the other businesses I've mentioned.

Mayor Jones recognized Mr. Daryl Cady, Cady Construction, who spoke saying he is a member of the cycling club and had long wanted to move the race from Raleigh to Wake Forest. He said that he did not want to interfere with anybody's business. He said he wanted to work out the issues with the people from The Forks and work with anyone that they can. He said they knew there was an issue with The Forks and, in response, had created a detour around the block. Monitors at intersections will direct people to other parking locations. Mr. Cady stated that there will be traffic allowed to go through there.

Mayor Vivian Jones asked about the town-sponsored bike rodeo, and Assistant Planning Director Ann Ayers said they saw the race "as an opportunity to host a public workshop for the bike plan" and hold the rodeo where they plan to give away helmets and provide safety information.

In response to another question from Mayor Jones, Assistant Planning Director Ayers said they could move part of the bike event but would need the surface in the parking lot for the riding event.

Mr. Cady said there would be about 200 riders in 10 different races. Most of those would be from 10 to 12 minutes long but there is an hour event.

Commissioner Margaret Stinnett said all groups are remiss in not notifying businesses about events that might impact them. As for Meet in the Street and the Christmas Parade, she said her business (Jones Hardware) was affected by them, and the Saturday events decreased her sales by a quarter.

Commissioner Frank Drake suggested Mr. Cady and the race planners could direct the participants to park in the park-and-ride lot farther down South White Street.

In the end, it was agreed that Mr. Cady, the Winstead's and Assistant Planning Director Ayers would meet to work out a plan to lessen the impact on The Forks and the other businesses. Commissioner Stinnett stated that she thinks if this doesn't get resolved then we need to talk about it at our work session on September 2, 2008.

5. Consent Agenda.

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

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

B. Approval of bids received for six (6) 576 kva Substation Voltage Regulators (copy of bid tabulations on file in Town Clerk's Office).

6. Legislative Items.

A. Consideration of approval of appointment to Greenway Advisory Board

ACTION: Commissioner Thibodeau made a motion to appoint Mr. Jeff Poupart to the Greenway Advisory Board with term to expire December 21, 2010 (filling an unexpired term). Commissioner Hines seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2008-35

**RESOLUTION APPOINTING MEMBER TO THE
GREENWAY ADVISORY BOARD
(Body of resolution contained in Resolution Book 25)**

7. Planning Items.

- A. Consideration of approval of Case SU-08-06: A request filed by Bass, Nixon and Kennedy, Inc. for a special use permit for a planned unit development on 74.05 acres of land located at 1520 Oak Grove Church Road, 5200 Jeanne Street, and 5208 Jeanne Street, being Tax PIN(s) 1851-514561, 1851-61-2216 & 1851-61-5330.**

ACTION: Commissioner Drake made a motion to continue Case SU-08-06: A request filed by Bass, Nixon and Kennedy, Inc. for a special use permit for a planned unit development on 74.05 acres of land located at 1520 Oak Grove Church Road, 5200 Jeanne Street, and 5208 Jeanne Street. Commissioner Thibodeau seconded the motion, which carried unanimously (5-0).

- B. Consideration of approval of Case RZ-08-05: A request filed by Haddock Properties III, LLC to rezone .725 acres from C.U. I, Industrial District to HB, Highway Business District for a portion of the property located at 10112 Capital Boulevard , being Tax PIN 1739-50-1552.**

ACTION: Commissioner Kaerberlein made a motion to approve Case RZ-08-05: A request filed by Haddock Properties III, LLC to rezone .725 acres from C.U. I, Industrial District to HB, Highway Business District for a portion of the property located at 10112 Capital Boulevard. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2008-33

ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 21)

- C. Consideration of Case ZA-08-02: Amendment to Article IV Section 13 Site Plan Review Requirements of the Wake Forest Zoning Ordinance.**

ACTION: Commissioner Thibodeau made a motion to table this item. Commissioner Drake seconded the motion and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Thibodeau	Commissioner Stinnett
Commissioner Drake	Commissioner Hines
Commissioner Kaerberlein	

D. Consideration of approval of request received from Emily Cole to change the Code of Ordinances to allow for chickens (hens).

Consensus of the Board of Commissioners was that staff do research on this item and present it at the September Board meeting.

E. Consideration of approval of resolution to exempt a project from the Model Code for Procurement of Architectural and Engineering Services where estimated professional fees are in excess of thirty thousand dollars (\$30,000) and Consideration of approval of revised proposal of Update to Wake Forest Transportation Plan (copy on file in Town Clerk's Office).

ACTION: Commissioner Drake made a motion to approve a resolution to exempt a project from the Model Code for Procurement of Architectural and Engineering Services where estimated professional fees are in excess of thirty thousand dollars (\$30,000) and Consideration of approval of revised proposal of Update to Wake Forest Transportation Plan. Commissioner Hines seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2008-36

(Town of Wake Forest Transportation Plan Update)

RESOLUTION TO EXEMPT A PROJECT FROM THE MODEL CODE FOR
PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES
WHERE ESTIMATED PROFESSIONAL FEES ARE IN EXCESS
OF THIRTY THOUSAND DOLLARS (\$30,000

(Body of resolution contained in Resolution Book 25)

Commissioner Kaerberlein made motion to approve a contract in the amount of \$62,000 for services between the Town of Wake Forest and Kimley-Horn to prepare an update to the Transportation Plan according to the scope of services and any attendance at additional meetings requested by staff, beyond those described in Attachment A, will be billed by the Consultant at the rate of \$1,000 per meeting. Commissioner Hines seconded the motion, which carried unanimously (5-0).

F. Consideration of approval of South White Street Streetscape Improvements (copy on file in the Town Clerk's Office).

ACTION: Commissioner Thibodeau made a motion to award a contract in the amount of \$738,523 between the Town of Wake Forest and Econ, the low bidder, to construct Phase I of the South White Street Streetscape Improvements and approve a resolution authorizing the Mayor to execute on behalf of the Town of Wake Forest a contract and any change orders within the budgeted amount with Econ Construction for the project known as South White Street Streetscape Improvements, Phase I. Commissioner Drake seconded the motion, and the vote was as follows resulting in the following resolution:

<u>Aye</u>	<u>Nay</u>
Commissioner Drake	Commissioner Stinnett
Commissioner Hines	
Commissioner Kaeberlein	
Commissioner Thibodeau	

RESOLUTION 2008-37

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE TOWN OF WAKE FOREST A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH ECON CONSTRUCTION FOR THE PROJECT KNOWN AS SOUTH WHITE STREET IMPROVEMENTS, PHASE I
(Body of resolution contained in Resolution Book 25)

- G. Consideration of approval of petition requesting contiguous annexation submitted by ECI Custom Homes, Inc. for the property located at 3600 Copper Beech Lane comprising 34.283 acres.**

ACTION: Commissioner Stinnett made a motion to approve the petition requesting annexation submitted by ECI Custom Homes, Inc. For the property located at 3600 Copper Beech Lane, comprising 34.283 acres. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following resolutions:

RESOLUTION 2008-38

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-38.1
(Body of resolution contained in Resolution Book 25)

RESOLUTION 2008-39

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 25)

8. Administration and Financial Items.

None.

9. Public Services Items.

A. Consideration of approval to remove a portion of restricted parking (2 hour parking: 8 a.m. to 5 p.m.) on North College Street from West North Avenue to West Pine Avenue.

ACTION: Commissioner Drake made a motion to remove a portion of restricting parking (2 hour parking: 8 a.m. to 5 p.m.) on North College Street (both sides) from West North Avenue to West Pine Avenue. Commissioner Hines seconded the motion resulting in the following ordinance and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Drake	Commissioner Thibodeau
Commissioner Hines	
Commissioner Kaeberlein	
Commissioner Stinnett	

ORDINANCE 2008-33

ORDINANCE AMENDING CHAPTER 30 TRAFFIC AND VEHICLES
SECTION 30-243 SCHEDULE II. PARKING PROHIBITED BETWEEN
CERTAIN HOURS (8 A.M. - 5 P.M.) OF THE CODE OF ORDINANCES
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 21)

B. Consideration of approval of a proposal from Kimley-Horn and Associates for the provision of Professional Design and Bidding Services for the construction of sidewalk on East Juniper Avenue, south side, from a point approximately 400 feet west from South Allen Road to Ailey Young Park in an amount not to exceed \$66,993.00. (copy on file in the Town Clerk's Office).

ACTION: Commissioner Stinnett made a motion to approve a proposal from Kimley-Horn and Associates for the provision of Professional Design and Bidding Services for the construction of sidewalk on East Juniper Avenue, south side, from a point approximately 400 feet west from South Allen Road to Ailey Young Park in an amount not to exceed \$66,993.00. Commissioner Drake seconded the motion and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Drake	Commissioner Kaeberlein
Commissioner Hines	
Commissioner Stinnett	
Commissioner Thibodeau	

C. Consideration of approval of a proposal from Kimley Horn and Associates for the provision of professional design and bidding services for the extension of North Taylor Street from end of construction at Town Hall, northward to Wait Avenue in an amount not to exceed \$77,488.00. (copy on file in the Town Clerk’s Office).

ACTION: Commissioner Stinnett made a motion to approve a proposal from Kimley Horn and Associates for the provision of professional design and bidding services for the extension of North Taylor Street from end of construction at Town Hall, northward to Wait Avenue in an amount not to exceed \$77,488.00. Commissioner Hines seconded the motion and the vote was follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Drake	Commissioner Kaeberlein
Commissioner Hines	
Commissioner Stinnett	

(Note: Commissioner Thibodeau had left the room when the vote was taken.)

D. Consideration of approval of Resolution accepting the North Carolina League of Municipalities Green Challenge.

ACTION: Commissioner Kaeberlein made a motion to approve a resolution accepting the North Carolina League of Municipalities Green Challenge. Commissioner Thibodeau seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2008-38

RESOLUTION ACCEPTING THE NORTH CAROLINA
LEAGUE OF MUNICIPALITIES GREEN CHALLENGE

(Body of resolution contained in Resolution Book 25)

- E. Approval of request from Downtown Revitalization Corporation (DRC) to close East Owen Avenue from South White Street to South Brooks Street for the 5th Annual Autumn Arts Festival on Saturday, October 11, 2008 from 4:00 p.m. Friday until 6:00 p.m. on Saturday.**

Commissioner Drake spoke saying that he had requested that this item be removed from Consent Agenda. He said he wanted to know if there was any opposition to the street closing. There being none he then made a motion.

ACTION: Commissioner Drake made a motion to approve the request from Downtown Revitalization Corporation (DRC) to close East Owen Avenue from South White Street to South Brooks Street for the 5th Annual Autumn Arts Festival on Saturday, October 11, 2008 from 4:00 p.m. Friday until 6:00 p.m. on Saturday. Commissioner Kaerberlein seconded the motion, which carried unanimously (5-0).

10. Parks and Recreation Items.

None.

11. Public Safety Items.

None.

12. Adjournment.

At 9:35 p.m., Commissioner Thibodeau made a motion to adjourn the meeting. Commissioner Drake seconded the motion, which carried unanimously (5-0).