

# REGULAR BOARD OF COMMISSIONERS MEETING

## TOWN OF WAKE FOREST, NORTH CAROLINA

September 20, 2005

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, Rob Bridges, David Camacho, and Chris Malone 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, Chief Harrington, Parks and Recreation Director Simpson, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

### 1. Approval of agenda.

Mayor Jones reported that a request has been received to withdraw Consent Agenda Item I. Approval of request received from the Carriage Run Homeowners Association for its annual pig picking to close Green Apple Court on Saturday, September 24, 2005 from 12:00 Noon to 10:00 p.m.

Mayor Jones reported that several items have been added to the agenda and requested approval of the amended agenda.

Town Manager Williams reported that Town Attorney Vernon has requested a Closed Session for the purpose of approving minutes of a prior closed session. N.C.G.S. 143-318.11(a)(1).

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

### 2. Approval of minutes.

**A. Meetings held August 2, 2005 (Work Session and Joint Public Hearings), August 16, 2005 (Regular Board of Commissioners Meeting), and September 6, 2005 (Special Called Meeting).**

**ACTION:** Commissioner Boyd-Lawson made a motion to approve the minutes of meetings held August 2, 2005 (Work Session and Joint Public Hearings), August 16, 2005 (Regular Board of Commissioners Meeting), and September 6, 2005 (Special Called Meeting). Commissioner Bridges seconded the motion, which carried unanimously (5-0).

### 3. Presentations.

- A. **Proclamation recognizing “Walk to School Day” (documentation on file in Town Clerk’s Office).**
- B. **Presentation by Lois Nixon of Wake County Keep America Beautiful - Capital Trees Program Chairman.**

Mayor Jones recognized Ms. Lois Nixon of Wake County Keep America Beautiful - Capital Trees Program Chairman, who spoke reported that forty-five (45) trees were nominated for awards from throughout Wake County for this year’s Capital Trees Program awards.

The Capital Trees Program was established in 1993 to promote the significance of trees in Wake County. Its overall goal is to draw attention to the most noteworthy trees throughout the county and implement an educational program for people of all ages about the tree canopy and even the roots.

The Capital Trees Program has two parts - the first is the Educational Program which informs and involves residents to sustain and protect the urban and community forests throughout Wake County. This education has included more than 300 tree planting presentations since the program began, annual partnerships for tree care and pruning seminars, and potting over 2000 seedling trees per year in partnership with the Triangle J Regional Appearance Committee. These seedlings are then planted the following year on public property - mainly school campuses. More than 12,000 trees have been planted since the program began. We are just beginning to make more use of GPS and GIS technology to document and assess the environmental value and economic benefits of trees.

In the Awards Program, over 160 trees have received recognition in the past four biennial award cycles, and 35 more trees have been selected for awards this year. All award winners will be added to the Capital Trees Honor Roll, and, as time permits, be added to the Wake County GIS system. We are pleased that seven municipalities have requested and received state enabling legislation to protect our “honor roll” trees on private property.

One (1) tree owner has been invited to the meeting and will come forward to receive the award plaque from the mayor and/or Council members. This South Magnolia Tree merits a historical award because it is on the historic Cannady-Brodgen Farm off Old Weaver Road. The award is being accepted by Deloris and Robert Harmon who now live in this Queen Anne homes. The tree is the focal point from the road as you approach the home. This historic farm is featured in the Historic Wake County book, and the home was completed in 1904, adding onto an older Sirathner Cannady family dwelling. The owners are to be

commended for keeping the historic property intact and we're glad that this beautiful tree is part of this special place.

- C. **Proclamation for Fall Litter Sweep 2005 (documentation on file in Town Clerk's Office).**
- D. **Proclamation for Public Power Week - October 2-8, 2005 (documentation on file in Town Clerk's Office).**

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

- A. **Public Comment.**

No one spoke.

**5. Consent Agenda.**

**ACTION:** Commissioner Bridges 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 (none).**
- B. **Approval of Budget Ordinance Amendment No. 1 for FY 2005-2006 resulting in the following ordinance:**

ORDINANCE 2005-43

BUDGET ORDINANCE AMENDMENT NO. 1  
 OF THE TOWN OF WAKE FOREST, NORTH  
CAROLINA FOR THE FISCAL YEAR 2005-2006  
 (Body of ordinance contained in Ordinance Book 19)

- C. **Approval of petition requesting non-contiguous annexation submitted by James D. & Louise F. Goldston comprising 30.51 acres located on North White Street (east wide) resulting in the following resolutions:**

RESOLUTION 2005-69

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

RESOLUTION BOOK 2005-70

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)



- D. Approval of petition requesting non-contiguous annexation submitted by Wakeville, Inc. for property located in the southeast corner of the intersection of Burlington Mill Road and Ligon Mill Road, comprising 3.39 acres resulting in the following resolutions:**

RESOLUTION 2005-71

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

RESOLUTION BOOK 2005-72

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)

- E. Approval of petition requesting contiguous annexation submitted by Chalks Road Development, LLC for property located at 1120 Chalk Road, west side, comprising 13.11 acres resulting in the following resolutions:**

RESOLUTION 2005-73

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

RESOLUTION BOOK 2005-74

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)

- F. Approval of petition requesting contiguous annexation submitted by MD-98 & Retail, LLC for property located at 941 Durham Road comprising 1.78 acres resulting in the following resolutions:**

RESOLUTION 2005-75

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

RESOLUTION BOOK 2005-76

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)

- G. Approval of resolution authorizing Installment Purchase Agreement resulting in the following resolution (copy on following page):**

RESOLUTION 2005-77

RESOLUTION APPROVING THE  
FINANCING TERMS WITH  
RBC CENTURA

(Body of resolution contained in Resolution Book 23)

- H. Approval of contract with On-Line Utility Exchange (documentation on file in Town Clerk's Office).**
- I. Approval of request received from Housing Authority of Wake County for its Annual Safety Day on Saturday, September 24, 2005 from 11:00 a.m. to 3:00 p.m. to close East Cedar Avenue, Lee Street and North Taylor Streets (copy of letter on following page).**

**6. Legislative Items.**

Commissioner Boyd-Lawson excused herself from voting due to her husband, Mitchell Lawson, applying for possible appointment to the Human Relations Council and the Recreation Advisory Board.

- A. Consideration of approval of appointing members to the Human Relations Council and Recreation Advisory Board (ballots on following page).**

Due to a tie being considered for the Parks and Recreation Advisory Board, Commissioner Boyd was allowed to vote. (Note: Mitch Lawson was appointed to the Human Relations Council.)

**ACTION:** Commissioner Stephen Barrington made a motion to appoint Charles Martin and Mitch Lawson to the Human Relations Council with terms to expire December 31, 2005 and David Jerose to the Recreation Advisory Board with term to expire December 31, 2007. Commissioner Bridges seconded the motion, which carried unanimously (4-0) resulting in the following resolution:

RESOLUTION 2005-78

RESOLUTION APPOINTING MEMBERS TO THE  
HUMAN RELATIONS COUNCIL AND THE  
RECREATION ADVISORY BOARD  
(Body of resolution contained in Resolution Book 23)

Human Relations Council:

Charles Martin      Term will expire 12/31/2005  
Mitch Lawson        Term will expire 12/31/2005

Recreation Advisory Board:

David Jerose        Term will expire 12/31/2007

Town Clerk Wilson reported that letters would be mailed to the candidates who were appointed as well as those candidates that were not chosen. She reported that the current applications will be retained for consideration of possible appointment in December/January.

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

**ACTION:** Commissioner Camacho made a motion to nominate Commissioner Boyd-Lawson as the voting delegate and Mayor Jones as the alternate voting delegate. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

**C. Consideration of appointment of members to the Wake County Stormwater Management Task Force.**

**ACTION:** Commissioner Boyd-Lawson made a motion to appoint Cindy McGuire as the member to the Wake County Stormwater Management Task Force and John McGarrigle as the alternate member. Commissioner Bridges seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-79

RESOLUTION APPOINTING MEMBER AND  
ALTERNATE MEMBER TO THE WAKE COUNTY  
STORMWATER MANAGEMENT TASK FORCE  
(Body of resolution contained in Resolution Book 23)

7. **Planning Items.**

- A. **Consideration of approval of Case ZA-05-05: Consideration of an amendment to the Wake Forest Zoning Ordinance amending Article V. District Regulations, inserting Renaissance Area District Regulations in lieu of Sections 19, 20, 21 & 22, adding Appearance Standards to Article VI. Section 9. and various other amendments for the purpose of implementing the Renaissance Plan for the Heart of Wake Forest.**

**ACTION:** Commissioner Malone made a motion to approve the Planning Board recommendation for Case ZA-05-05: Consideration of an amendment to the Wake Forest Zoning Ordinance amending Article V. District Regulations, inserting Renaissance Area District Regulations in lieu of Sections 19, 20, 21 & 22, adding Appearance Standards to Article VI. Section 9. and various other amendments for the purpose of implementing the Renaissance Plan for the Heart of Wake Forest with the deletion of LED and reduce the 5 minute to 2 minute. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-44

ORDINANCE AMENDING ARTICLE V. DISTRICT REGULATIONS  
ARTICLE VI. SECTION 9 AND VARIOUS OTHER AMENDMENTS  
FOR THE PURPOSE OF IMPLEMENTING THE RENAISSANCE PLAN  
FOR THE HEART OF WAKE FOREST OF THE ZONING ORDINANCE  
OF THE TOWN OF WAKE FOREST. NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

- B. **Consideration of approval of Case RZ-05-16: A request filed by the Town of Wake Forest to rezone property from CBD, Central Business District, HCBD, Historic Central Business District, RD, Rural Holding District, R-15, Residential-15 District & R-10, Residential-10 District to RA-H, RA-UC, & RA-C, Renaissance Area Historic Core, Urban Center & Campus Districts in the Renaissance Area and to rezone property from CBD, Central Business District to other Wake Forest Zoning Districts outside of the Renaissance Area.**

**ACTION:** Commissioner Barrington made a motion to approve the Planning Board recommendation for Case RZ-05-16: A request filed by the Town of Wake Forest to rezone property from CBD, Central Business District, HCBD, Historic Central Business District, RD, Rural Holding District, R-15, Residential-15 District & R-10, Residential-10 District to RA-H, RA-UC, & RA-C, Renaissance

Area Historic Core, Urban Center & Campus Districts in the Renaissance Area and to rezone property from CBD, Central Business District to

other Wake Forest Zoning Districts outside of the Renaissance Area. Commissioner Bridges seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-45

ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 19)

**C. Consideration of approval of Case RZ-98-11A: A request filed by Steven M. Rice, Rice and Associates, to amend the Conditional Use Permit and Master Plan for Shearon Farms located at the 2500 block of Burlington Mills Road, being Tax PIN 1738-58-2536.**

**ACTION:** Commissioner Barrington made a motion to approve the Planning Board recommendation of Case RZ-98-11A: A request filed by Steven M. Rice, Rice and Associates, to amend the Conditional Use Permit and Master Plan for Shearon Farms located at the 2500 block of Burlington Mills Road with conditions as listed below. Commissioner Malone seconded the motion, which carried unanimously (5-0).

- Conditions:
1. Provide lane widening to Burlington Mill Road along the frontage of the property.
  2. Provide all improvements recommended by the traffic impact analysis.
  3. Connect/physically link land use components by the use of sidewalks, driveways, streets and open space. Plan for the accommodation of alternate transportation modes.
  4. To the extent most possible, incorporate the cultural and natural resources present on the site into development plans.
  5. Develop a uniform “aesthetic” design which visually links the different land use components and also links the overall development with the Town of Wake Forest.
  6. Construct the connection to Burlington Mills Road with the development of the first of Tract 3 or Tract 4.

**D. Consideration of the proposed Parks and Recreation Master Plan for the Town of Wake Forest, North Carolina** (documentation on file in Town Clerk’s Office).

**ACTION:** Commissioner Barrington made a motion to approve the Planning Board recommendation for the Parks and Recreation Master Plan

for the Town of Wake Forest, North Carolina. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

**E. Consideration of approval of Eckerd Development Plan.**

**ACTION:** Commissioner Malone made a motion to approve the Planning Board recommendation for the Eckerd Development Plan with the deletion of Condition No. 6. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

Conditions of the development plan 6/2004:

1. Connect internal sidewalks to the public system and to future development areas.
2. The driveway shown on the master plan shall be a temporary full movement driveway on Jones Dairy Road. When the full movement driveway for the future development area is located in relation to the driveway for the Dameron tract, this driveway will be converted to a right-in/right-out only driveway.
3. Dedicate right-of-way along Jones Dairy Road in accordance with the Transportation Plan.
4. Construct pedestrian facilities in accordance with the NC-98 By-pass Corridor Plan.
5. Construct the greenway trail from the southern property line to the pedestrian culvert, phased to be completed with or before the future development area.
6. ~~Reduce the parking by ten (10) spaces. Plant those spaces so they are available in the future if needed.~~
7. There shall be no septic tank for sewer service. The developer shall extend sewer lines to connect to the public system.

**F. Consideration of approval of Richland Hills Office Site Plan.**

**Note:** Commissioner Camacho reported that he had a financial interest in the above named project; therefore, he recused himself from voting and left the room.

Mayor Jones recognized Planner Potts who reported that subsequent to the Planning Board's meeting, the applicant has proposed to provide a 12" projection at all store entrances and add a 12" projection at the end of Building 1 in lieu of providing awnings over the windows. This change meets the requirements of the zoning ordinance; therefore, staff is requesting that the condition to provide awnings over windows be removed.

**ACTION:** Commissioner Barrington made a motion to approve the Planning Board recommendation for the Richland Hills Office Site Plan with conditions as listed below with the removal of Condition No.

2. Commissioner Bridges seconded the motion, which carried unanimously (4-0).

- Conditions:
1. Engineering shall work with staff to revise site details such as accessible route location, crosswalks, dumpster and loading dock/berth locations.
  2. ~~Provide awnings over windows.~~
  3. Provide a 20 foot Type "A" landscape buffer along east property line.

**Note:** Commissioner Camacho returned to the meeting.

**G. Consideration of request of extension of SU-04-02E.**

**ACTION:** Commissioner Barrington made a motion to approve the Planning Board recommendation to approve the request for the extension of SU-04-02E. Commissioner Malone seconded the motion, which carried unanimously (5-0).

**8. Administration and Financial Items.**

None.

**9. Public Services Items.**

**A. Consideration of approval of a contract between Kimley-Horn and the Town of Wake Forest for professional services relative to the widening of South Main Street (documentation on file in Town Clerk's Office).**

**ACTION:** Commissioner Camacho made a motion to award a contract between Kimley-Horn and the Town of Wake Forest for professional services relative to the widening of South Main Street which covers design, survey and geotechnical services up to and including the bidding phase in an amount not to exceed \$97,445. Commissioner Bridges seconded the motion, which carried unanimously (5-0).

**B. Consideration of approval of a contract between Kimley-Horn and the Town of Wake Forest for professional services relative to upgrades to South Franklin Street in conformance with the preliminary engineering report for the Renaissance Plan (documentation on file in Town Clerk's Office).**

**ACTION:** Commissioner Malone made a motion to approve a contract between Kimley-Horn and the Town of Wake Forest for professional services relative to upgrades to South Franklin Street in conformance with the preliminary engineering report for the Renaissance Plan on a cost plus maximum amount basis not to

exceed \$400,000. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

- C. Consideration of approval of Interlocal Agreement for solid waste disposal** (documentation on file in Town Clerk's Office).

**ACTION:** Commissioner Bridges made a motion to approve the Interlocal Agreement for long-term solid waste disposal which includes Wake County and its municipalities. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

- D. Consideration of approval of resolution requesting the North Carolina Department of Transportation to commit funds to install a traffic signal at the Heritage Schools.**

**ACTION:** Commissioner Bridges made a motion to approve a resolution requesting NC-DOT to commit funds to install a traffic signal at the Heritage Schools on Rogers Road. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-80

RESOLUTION REQUESTING THE  
NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION TO COMMIT FUNDS  
TO INSTALL A TRAFFIC SIGNAL AT  
THE HERITAGE SCHOOLS

(Body of resolution contained in Resolution Book 23)

**10. Parks and Recreation Items.**

- A. Consideration of approval of purchase of 80.45 acre tract for future park and open space** (documentation on file in Town Clerk's Office).

**ACTION:** Commissioner Boyd-Lawson made a motion to approve the purchase of 80.45 acre tract for future park and open space contingent upon approval by the Wake County Board of Commissioners. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

**11. Public Safety Items.**

- A. Consideration of approval to apply for a grant application for traffic safety funding sponsored by the N.C. Governor's Highway Safety Program** (documentation on file in Town Clerk's Office).

**ACTION:** Commissioner Bridges made a motion to approve a resolution for a grant application for traffic safety funding sponsored by the N. C. Governor's Highway Safety Program. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-81

RESOLUTION APPROVING A GRANT APPLICATION  
FOR TRAFFIC SAFETY FUNDING SPONSORED BY  
THE NORTH CAROLINA GOVERNOR'S  
HIGHWAY SAFETY PROGRAM

(Body of resolution contained in Resolution Book 23)

**12. Other Business.**

Mayor Jones said that Wake Forest's Centennial Celebration (2009) is fast approaching. She reported that she would like to establish a Centennial Planning Committee with the following person(s) to serve:

Don and Mary Lawrence Stroud - Co-chairs  
Ms. Carol Smith  
Ms. Amy Dowdle  
Ms. Emma Watkins  
Ms. Evelyn Jones  
Mr. Mark Fleming  
Mr. David Williams, Sr.  
Wake Forest Garden Club Appointee (1)  
Wake Forest Woman's Club Appointee (1)  
Wake Forest Cultural Arts Association Appointee (1)  
Town of Wake Forest Staff Appointees (2)

**ACTION:** Commissioner Boyd-Lawson made a motion to establish the Centennial Planning Committee as requested by Mayor Jones. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

**13. Closed Session:** N.C.G.S. 143-318.11(a)(1) Approval of minutes of a previous closed session pertaining to Land Acquisition Property adjacent to Heritage High School Site.

**ACTION:** At 8:35 p.m., Commissioner Boyd-Lawson made a motion to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(1) Approval of minutes of previous closed session pertaining to Land Acquisition Property adjacent to Heritage High School Site. Commissioner Bridges seconded the motion, which carried unanimously (5-0).

At 8:40 p.m., Commissioner Barrington made a motion to return to the regular meeting. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

Commissioner Barrington made a motion to approve/release the minutes of the August 16, 2005 Closed Session pertaining to Land Acquisition Property adjacent to Heritage High School Site. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

**14. Adjournment.**

**ACTION:** At 8:41 p.m., Commissioner Barrington made a motion to adjourn the meeting. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

Town Clerk

Mayor