

**REGULAR BOARD OF COMMISSIONERS MEETING  
TOWN OF WAKE FOREST, NORTH CAROLINA  
October 17, 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 Sary, Planner Summers, Deputy Town Manager O'Donnell, Engineering Director Keravouri, Town Engineer Miles, 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 there was an additional item for consideration and possible approval.

**6. Legislative Items**

Consideration of approval of taxi service franchise transfer.

Town Manager Williams reported that Town Attorney Vernon would like to request a Closed Session (NCGS 143-318.11(a)(3) for Consultation with Attorney in the matter of the City of Raleigh vs. NCEMC.

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

**2. Approval of minutes.**

**A. Meetings held September 5, 2006 (Continued Board Meeting, Work Session and Joint Public Hearings) and September 19, 2006 (Regular Board of Commissioners Meeting).**

**ACTION:** Commissioner Drake made a motion to approve the minutes of meetings held September 5, 2006 (Continued Board Meeting, Work Session and Joint Public Hearings) and September 19, 2006 (Regular Board of Commissioners Meeting) as submitted by Town Clerk Wilson. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

**3. Presentations.**

None.

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

##### **A. Public hearing and approval of ordinance for contiguous annexation submitted by Willfair Properties, LLC for property located off Rogers Road comprising 18.76 acres.**

At 7:05 p.m., Mayor Jones opened the public hearing on the contiguous annexation submitted by Willfair Properties, LLC for property located off Rogers Road comprising 18.76 acres.

Mayor Jones recognized Ms. Kathryn Drake, 614 North Main Street, (Capital Area Preservation), who reported that the house is in extremely bad condition and may not be salvageable. However, she asked the Board of Commissioners to give Capital Area Preservation until December to make a final decision and that she would report back at the December meeting.

Mayor Jones recognized Mr. Jay Hoy, Clear Springs Subdivision, who spoke saying he that a lot of the neighbor's concerns were somewhat submerged during the public hearing process because of interest in the Freeman House. He also stated that he has some concerns that if the house cannot be saved, what happens with the property where the house is located.

Planning Director Russell reported that the site plan has already been approved with 59 lots and staff is moving forward. The only way to change the site plan would be if the developers request changes.

Mr. Mike Crowley, the engineer for the development, said there are two (2) lots where the house sits and the developers have agreed not to do anything with them until the questions about the house are settled. If the house can be saved, the two (2) lots will be one (1) big lot. The question is whether there are two (2) lots to sell at the front or one (1) big lot, which contains the house.

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

##### **B. Public hearing to receive public comment on capital needs for inclusion in the 5-year Capital Improvements Plan (CIP) Update for FY 2007-2012.**

At 7:23 p.m., Mayor Jones opened the public hearing to receive public comment on capital needs for inclusion in the 5-year Capital Improvements Plan (CIP) for FY 2007-2012.

Mayor Jones recognized Mr. Edwin Gary, 1132 Clatter Avenue, who spoke saying that he is serving on the Greenway Advisory Board. He asked the Board of Commissioners for its continued support of the greenway plan.

At 7:24 p.m., there being no one else present to speak to this item, Mayor Jones closed the public hearing.

**C. Approval of the above public hearing for annexation.**

**ACTION:** Commissioner Barrington made a motion to approve the contiguous annexation of Willfair Properties, LLC for property located off Rogers Road, comprising 18.76 acres. Commissioner Boyd-Lawson seconded the motion and the vote was as follows resulting in the following ordinance:

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

ORDINANCE 2006-36

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.**

Mayor Jones recognized Mr. Jim Ellis, 511 Elm Avenue, who spoke saying that he has two (2) sons who attend Wake Forest-Rolesville High School. He said that their sons have had problems getting parking permits and are forced to park on nearby streets where there are 2-hour parking limits. Mr. Ellis said that the situation is causing a hardship for students who are not able to acquire a parking permit to park on school property. He called it an immediate need. He asked the Board of Commissioners to suspend the 2-hour parking limit.

Commissioner Camacho said he recalled that the property owners near the school had complained. He said he feels that the Town is doing the right thing at this point.

Town Manager Williams said he disagreed that the Town should provide parking for students. Broughton has always had a parking problem and somehow they have dealt with it. He said that Principal Andre Smith had talked to Broughton and developed a priority system for the parking permits. The other issue is that the

school system continues to dump additional students on that campus beyond the parking space requirements. He said he doesn't think that there is another solution out there.

Mayor Jones suggested that this item be placed on the work session for discussion at the November 7, 2006 meeting.

**5. Consent Agenda.**

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

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

**B. Approval of Budget Ordinance Amendment # 1 for Fiscal Year FY 2006-2007 resulting in the following ordinance:**

ORDINANCE 2006-37

BUDGET ORDINANCE AMENDMENT NO. 1  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINE  
FOR FISCAL YEAR ENDING 2006-2007  
(Body of ordinance contained in Ordinance Book 19)

**C. Approval of Subdivision Review: Heritage Reserve Subdivision.**

**D. Approval of Power Secure Development Plan Amendment.**

**6. Legislative Items.**

**A. Consideration of approval of transfer of taxi service franchise.**

**Mayor Jones reported that a request has been received from Mr. Mario Hartsfield for the transfer of the taxi service franchise.**

**ACTION:** Commissioner Barrington made a motion to approve the transfer of the taxi service franchise to Mr. Mario Hartsfield. Commissioner Drake seconded the motion, which carried unanimously (5-0).

**7. Planning Items.**

**A. Consideration of approval of Case RZ-06-07: Consideration of a rezoning request filed by Bass, Nixon & Kennedy, Inc. to rezone 23.20 acres from RD, Rural Holding District to C.U. I, Industrial District for property located in**

**the northwestern portion of the intersection of Unicon Drive and One World Way, being Tax PIN 1739.04-60-0970.**

**ACTION:** Commissioner Barrington made a motion to approve Case RZ-06-07: Consideration of a rezoning request filed by Bass, Nixon & Kennedy, Inc. to rezone 23.20 acres from RD, Rural Holding District to C.U. I, Industrial District for property located in the northwestern portion of the intersection of Unicon Drive and One World Way with conditions listed below. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-38

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

- Conditions:
1. Uses shall be limited to office, warehouse, manufacturing, and retail sales. Retail sales shall be limited to 20% of the total building area on a lot by lot basis.
  2. Concrete and asphalt facilities shall not be permitted.
  3. Outdoor storage shall be located in areas designated for such uses.
  4. Interconnect vehicle access areas of lots and provide cross-access easements where practical.
  5. Provide 5' sidewalks on both sides of proposed streets.
  6. Provide 50' of storage to the eastbound left turn lane on Burlington Mills Road in addition to the 100' of storage to be constructed as part of NC-DOT Transportation Improvement Project B-3705.
  7. A 100' type "A" buffer shall be recorded as a landscape easement. Supplemental plantings shall be required in open areas where existing vegetation does not meet the requirements of the zoning ordinance.

**B. Update on status of the Unsafe Structure at 326 North Allen Road.**

Mayor Jones recognized Planner Bill Summers, who gave a brief update saying the applicant, Dianne L. Jackson, appeared before the Board of Commissioners in February 2006. At that time, a request was made to extend the time for possible restoration of the structure. He reported that Ms. Jackson has been unable to obtain the community assistance she needs, which is not a lack of effort on her part. Planner Summers reported that after a meeting with him and Planning Director Russell, Ms. Jackson has agreed to allow the demolition to go forward while the

planning staff tries to find a way to get a new house built there. He reported that the cost to demolish the structure is \$8,000. The property comprises 0.22 acres and it may be possible to sell the land after the demolition because land prices are rising in the area. People are interested in putting up houses.

Mayor Jones recognized Mr. Marshall Harvey, Vice President of the W. E. DuBois Community Development Corporation, who spoke saying that he has been working with Ms. Jackson. He thanked everyone for the cooperation shown to Ms. Jackson. He said that they had been unable to raise the funding for the restoration effort at 326 North Allen Road. He stated the applicant is financially unable at this time to restore the home. Mr. Harvey reported that Ms. Jackson has two (2) requests. One (1) was to be allowed into the house to retrieve some family belongings. The second was to ask the Town to forgive the \$8,000 cost of the demolition. Planner Summers said that he would have an inspector on site to make sure that nothing happens due to the deterioration of the structure.

**ACTION:** Commissioner Barrington made a motion to authorize staff to demolish the structure (house) and forgive the \$8,000 debt. Commissioner Drake seconded the motion, which carried unanimously (5-0).

**C. Consideration of approval of the Louis Berger Group, Inc. to prepare the Wake Forest Bicycle Plan.**

**ACTION:** Commissioner Drake made a motion to approve the Louis Berger Group, Inc. to prepare the Wake Forest Bicycle Plan with funding of a matching grant of \$50,000 from NC-DOT (70% per NC-DOT and 30% from the Town of Wake Forest). Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

**D. Consideration of approval of water allocation for the proposed Holding Village Development.**

Mayor Jones recognized Mr. Bill Andrews, who spoke saying that his family and selected partner, East West Partners, have put considerable time and resources into the feasibility and early planning phases of the exciting vision that they call Holding Village.

You all have received results of these efforts and the subsequent highlights of our research. As we have expressed to each of you, we feel Holding Village provides an opportunity to bring new and higher community standards and public benefits to Wake Forest.

Allow me to touch on a few of the numerous public benefits:

- \* \$3M completion of South Franklin Street, at no cost to citizens of Wake Forest, will provide improved emergency response times to certain key areas of our town as well as provide a new north/south connector to downtown and the NC-98 By-pass.
- \* Public access to new open spaces, greenways, walking trails and parks.
- \* The New Urbanism/Smart Growth concept of Holding Village is universally recognized as the preferred way for towns to grow. This in-fill/in-town location provides an estimated new tax revenue of \$1.3M inside the town's existing service footprint and does so with a compact, service efficient design method.
- \* 179,000 gallons per day less residential water usage compared to customary allocation allowances. Two factors contribute to this savings: first the use of water conservation construction methods for in-home water use efficiencies and second the installation of a private irrigation system without use of the town's water supply. Therefore, Holding Village will not contribute to town water use spikes due to drought irrigation practices.

Also, allow me to confirm our understanding – this is a new time – we are not asking for a water capacity guarantee, common place in the past to help the developer offset risks of infrastructure up front costs. We are coming to you with the entire concept, not wanting to build another suburban neighborhood of 40 to 60 units per section contributing to new suburban inefficiencies.

We also understand the town's water policy. Water allocation is NOT a water guarantee, but a right to purchase water connections IF they are available.

Phase 1 of Holding Village, which is a multi-year phase, includes 300 units of 11 different product types. It is essential for the success of this type of New Urbanism neighborhood design to offer diverse housing opportunities and the village center practically simultaneously. Therefore, our water variance request amounts are necessary in order to create a real sense of place that is the Holding Village concept.

Thank you and we would appreciate your support of our variance request for Holding Village.

**ACTION:** Commissioner Barrington made a motion to approve the concept of Holding Village for 100 permits in 2007, 200 permits in 2008 and every year until completion and 260 units for an apartment complex in one of the years after 2007. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

Aye  
Commissioner Barrington  
Commissioner Boyd-Lawson  
Commissioner Camacho  
Commissioner Stinnett

Nay  
Commissioner Drake

**8. Administration and Financial Items.**

None.

**9. Public Services Items.**

**A. Consideration of approval of request received from Waste Industries to extend its contract for three (3) years.**

**ACTION:** Commissioner Barrington made a motion to approve a 3-year extension of the current service contract with Waste Industries until January 2009. Commissioner Stinnett seconded the motion, which carried unanimously (5-0).

**10. Parks and Recreation Items.**

None.

**11. Public Safety Items.**

None.

**12. Closed Session:** N.C.G.S. 143-318.11(a)(3) - Consultation with Town Attorney: City of Raleigh vs. NCEMC (04 CVS 16925).

**ACTION:** At 9:15 p.m., Commissioner Drake made a motion to go into Closed Session: for the purpose of N.C.G.S. 143-318.11(a)(3) - Consultation Town Attorney City of Raleigh vs. NCEMC (04 CVS 16925). Commissioner Barrington seconded the motion, which carried unanimously (5-0).

**ACTION:** At 10:14 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 10:15 p.m., Commissioner Barrington made a motion to adjourn the meeting. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).