

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

October 18, 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, Town Engineer Spring, Public Works Director Barton, Major Leonard, Finance Director Staples, 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 the following items:

7. Planning Items

- C. Consideration of approval of Case RZ-05-18: A request filed by Stonegate Partners, LLC to rezone 30.19 acres from C.U. MF, Multi-family District to C.U. R-5, Residential-5 District for the properties located in the Stonegate @ St. Andrews Subdivision, being Tax PINs 1748-54-2975; 1748-56-4134; & 1748-45-8420) (Copy of letter on following page).
- F. Consideration of approval of authorization to demolish two (2) unsafe structures in accordance with Chapter 8 Article III. Dangerous and Hazardous Buildings in the Wake Forest Code of Ordinances. (This item was not published a second time in order to appear before the Board of Commissioners as a public hearing; therefore, it will be on the November meeting agenda.)

The following items need to be added to the agenda:

9. Public Service Items.

- C. Consideration of approval of request has been received from James L. Johnson, Jr. for water due to problems with well. A request for annexation has also been received; however, in the past the request for annexation has been waived (copy of application/petition for annexation on following page).

13. **Closed Session: N.C.G.S. 143-318-(a)(5) Land Acquisition - Property located in the 200 block of South Brooks Street owned by Mavis Dew.**

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 September 6, 2005 (Work Session and Joint Public Hearings) and September 20, 2005 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Barrington made a motion to approve the minutes of meetings held September 6, 2005 (Work Session and Joint Public Hearings) and September 20, 2005 (Regular Board of Commissioners Meeting). Commissioner Bridges seconded the motion, which carried unanimously (5-0).

3. Presentations.

A. Resolution of Support of the Wake Forest Community Response Team.

Mayor Jones read the Resolution of Support of the Wake Forest Community Response Team as follows:

WHEREAS, the effects of Hurricane Katrina have been felt across the nation, forever changing the way Americans look at natural disasters; and

WHEREAS, the Wake Forest Community Response Team has been established and is working to ensure that the Town of Wake Forest is prepared to help not only those affected by the massive storm, but anyone else in need; and

WHEREAS, the purpose of the organization is to be ready, willing and able to respond quickly and efficiently to emergency situations in the Wake Forest community as well as elsewhere.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Wake Forest, North Carolina supports the concept of the Wake Forest Community Response Team.

ACTION: Commissioner Boyd-Lawson made a motion to approve the Resolution of Support of the Wake Forest Community Response Team. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-82

RESOLUTION IN SUPPORT OF THE
WAKE FOREST COMMUNITY RESPONSE TEAM
(Body of resolution contained in Resolution Book 23)

4. Public hearings/Public Comment.

A. Public hearing and approval of ordinance for non-contiguous annexation submitted by James D. & Louise F. Goldston comprising 30.51 acres located on North White Street (east wide).

At 7:08 p.m., Mayor Jones opened the public hearing for non-contiguous annexation submitted by James D. & Louise F. Goldston comprising 30.51 acres located on North White Street (east wide).

At 7:09 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

B. Public hearing and approval of ordinance for 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.

At 7:09 p.m., Mayor Jones opened the public hearing for 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.

At 7:10 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

C. Public hearing and approval of ordinance for contiguous annexation submitted by Chalks Road Development, LLC for property located at 1120 Chalk Road, west side, comprising 13.11 acres.

At 7:11 p.m., Mayor Jones opened the public hearing on contiguous annexation submitted by Chalks Road Development, LLC for property located at 1120 Chalk Road, west side, comprising 13.11 acres.

At 7:12 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

D. Public hearing and approval of ordinance for contiguous annexation submitted by MD-98 & Retail, LLC for property located at 941 Durham Road comprising 1.78 acres.

At 7:12 p.m., Mayor Jones opened the public hearing on contiguous annexation submitted by MD-98 & Retail, LLC for property located at 941 Durham Road comprising 1.78 acres.

At 7:13 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

E. Public hearing to receive public comment concerning Erosion & Sedimentation Control Ordinance Draft (documentation on file in Town Clerk's Office).

At 7:14 p.m., Mayor Jones opened the public hearing to receive public comment on the draft ordinance concerning Erosion & Sedimentation Control.

Mayor Jones recognized Town Engineer Spring, who spoke saying that the Board of Commissioners requested that a public hearing be held to receive public comment on the proposed amendments to the Erosion & Sedimentation Control Ordinance for the Town of Wake Forest. She reported that discussion workshops were held for input from local designers, developers, and builders. There was a review of Erosion & Sedimentation Ordinance with reference to fees, fines, and basic language. Those comments/suggestions have been incorporated into the ordinance. After the Board of Commissioners approves the draft ordinance, the document will be submitted to North Carolina Sediment Control Commission (NCSCC) for approval and staff will apply for a grant to help fund the start-up program. The ordinance will not be effective until Spring 2006.

Mayor Jones recognized the following person(s) who spoke:

Mr. Harry Mitchell with Bass, Nixon & Kennedy, who spoke saying that he would like to complement Town Staff on their efforts in developing the Erosion & Sedimentation Ordinance. He said that most significant pollutant is erosion. This ordinance will benefit residential/commercial development. The ordinance will continue to be a work in progress. Mr. Mitchell said he has a concern on page 15 #11 - which reads:

The financially responsible person of any project or designated party, zoned shopping center or residential project of 10,000 square feet (R-10 or equivalent) or higher density, shall submit a monthly maintenance report to the Town of Wake Forest Engineering Department detailing the status of all active erosion control devices. These reports shall be submitted between the

issuance of the Certificate of Compliance and the Certificate of Completion.

He said that there seems to be a duplicate statement since the NPDES requires inspection of erosion on-site. Give consideration, the paragraph creates a redundancy (overlapping) to what is already being done.

Mr. Rob Weintraub with the Ammons Development Group, thanked the Board of Commissioners for allowing him to be a part of the process. He said the Erosion & Sedimentation Ordinance is a good one and that he feels comfortable with the verbage that has been presented in the ordinance. He questioned the effective date: October 18, 2005 or Spring 2006.

Town Engineer Spring reported that the effective date would not be until Spring 2006. The draft ordinance will be submitted to the North Carolina Sedimentation Control Commission (NCSCC) for approval. Once approved, the document will be presented to the Board of Commissioners for approval.

Planning Director Russell requested that on page 13 Section 5 Permits - paragraph #2 that the language be changed from two calendar years to one calendar year:

- (2) The plan approval shall be valid for ~~two (2) calendar~~ one (1) calendar year. If the land-disturbing permit has not been obtained within the two (2) year period, the approval becomes null and void.

At 7:32 p.m., there being no one else present to speak, Mayor Jones closed the public hearing.

F. Approval of the above public hearings for annexation (these annexations can be approved with one motion/second):

ACTION: Commissioner Barrington made a motion to approve the following annexations. Commissioner Malone seconded the motion, which carried unanimously (5-0) resulting in the following ordinances:

ORDINANCE 2005-46

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

James D. & Louise F. Goldston comprising 30.51 acres
located on North White Street (east wide) (non-contiguous)

ORDINANCE 2005-47

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 23)

(Wakeville, Inc. for property located in the southeast corner of the intersection of Burlington Mill Road and Ligon Mill Road comprising 3.39 acres (non-contiguous))

ORDINANCE 2005-48

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 23)

(Chalks Road Development, LLC for property located at 1120 Chalk Road, west side, comprising 13.11 acres (contiguous))

ORDINANCE 2005-49

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 23)

(MD-98 & Retail, LLC for property located at 941 Durham Road comprising 1.78 acres (contiguous))

4.E. Approve Erosion & Sedimentation Control Draft Ordinance.

ACTION: Commissioner Malone made a motion to approve the Erosion & Sedimentation Control Draft Ordinance as to form. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

G. Public Comment.

No one spoke.

5. Consent Agenda.

ACTION: Commissioner Bridges made a motion to approve the Consent Agenda Items as presented. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

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

B. Approval of contract between the Town of Wake Forest and the City of Raleigh for the provision of Construction Inspection Services (documentation on file in Town Clerk's Office).

C. Approval of request received from the Downtown Revitalization Corporation to close Wait Avenue and South Brooks Street on Saturday, December 10, 2005 from 10:00 a.m. until 3:15 p.m. for the annual Christmas Parade.

- D. Approval of Resolution of Intent of the Board of Commissioners to consider the closing of the unpaved section of East Walnut Avenue between Sixth Street and Seventh Street resulting in the following resolution:**

RESOLUTION 2005-83

RESOLUTION DECLARING THE INTENTION OF THE
BOARD OF COMMISSIONERS TO CONSIDER THE
CLOSING THE UNPAVED SECTION OF EAST WALNUT
AVENUE BETWEEN SIXTH STREET & SEVENTH STREET

(Body of resolution contained in Resolution Book 23)

- E. Approval of amending Chapter 18. Human Relations Council Section 18-32. Membership of the Code of Ordinances resulting in the following ordinance:**

ORDINANCE 2005-50

ORDINANCE AMENDING CHAPTER 18. HUMAN RELATIONS COUNCIL
SECTION 18-32 MEMBERSHIP OF THE CODE OF ORDINANCES OF THE
TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

(Reduce membership from 11 members to 9 members)

- F. Approval of approval of Site Plan Review: NC-98 By-pass Mini Storage.**

- G. Approval of request of extension of SU-04-03 through October 19, 2006.**

6. Legislative Items.

None.

7. Planning Items.

- A. Consideration of approval of Case SU-05-06: Consideration of a request filed by Alpha Development Group for a special use permit for modifications to a shopping center development permitted by Special Exception 85-3-1 for property located in the 100 block of North White Street and Roosevelt Avenue, being Tax PINs 1841-51-3716, 5045, 4850, 3823, 2992 & 2889).**

ACTION: Commissioner Bridges made a motion to accept the Planning Board recommendation to approve Case SU-05-06: Consideration of a request filed by Alpha Development Group for a special use permit for modifications to a shopping center development permitted by Special Exception 85-3-1 for property located in the

100 block of North White Street and Roosevelt Avenue based on the findings of

fact and staff recommended conditions. Commissioner Malone seconded the motion, which carried unanimously (5-0).

- Finding 1: The proposed use or development is located, designed, and proposed to be operated so as not to be detrimental to the public health, safety, and general welfare, in that the general retail use proposed in this case does not include activities adverse to the public health, safety and general welfare, the proposed use will not create a traffic hazard and remediation reduces site contamination over time.
- Finding 2: The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, in that the use proposed in this case is located at the intersection of N. White Street, a minor thoroughfare and Roosevelt Avenue, a local-major thoroughfare in the Renaissance Area with all municipal utilities and services available.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the site is being developed with a use that is harmonious with surrounding uses in a manner that is in the spirit of the Renaissance Plan and Urban Code.
- Finding 4: The proposed use will not cause undue traffic congestion or create a traffic hazard, in that the submitted development plan provides for internal traffic circulation throughout the site with rights-of-way dedication and roadway improvements to provide for safe and convenient ingress and egress.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that the general retail use contemplated by this case does not involve extraordinary noise, dust or gasses.
- Finding 6: The proposed use, if developed accordingly to the plan submitted and approved, will be in harmony with the area in which it is located, in that the plan submitted provides for development of uses that are similar and harmonious with other uses in the Renaissance Area, the site layout meets the dimensional requirements of the Town's regulations, improves pedestrian accessibility and provides improved stormwater management.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the site layout is in the spirit of the Renaissance Plan and implementing regulations within site specific limitations.
- Finding 8: The proposed use or development meets all other rules and regulations within the zoning ordinance and all existing Town policies, in that the recombination of the site and redevelopment proposed meets the Town's regulations.

- Conditions:
1. Redevelopment of the shopping center portion of the site shall implement the Renaissance Area Plan for the Heart of Wake Forest.
 2. The existing stormwater deficiencies in the area of the Western Auto shall be remediated.
 3. Provide an opening in the seat wall at the corner.
 4. Delete two (2) parking spaces at the corner.

B. Consideration of approval of Case RZ-05-17: A request filed by Stephen C. Gould to rezone 11,727 square feet from R-15, Residential-15 District to C.U. R-10, Residential-10 District for property located at 421 North Main Street, being Tax PIN 1841-53-4804.

ACTION: Commissioner Barrington made a motion to accept the Planning Board recommendation to approve Case RZ-05-17: A request filed by Stephen C. Gould to rezone 11,727 square feet from R-15, Residential-15 District to C.U. R-10, Residential-10 District for property located at 421 North Main Street with staff recommended conditions. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

- Conditions:
1. Back portion of property be recombined with the adjoining property, whereby no additional lots are created (This is the leased portion of the property that will not be included in the rezoning).
 2. Uses shall be limited to those uses allowed in the R-15, Residential-15 District.

ORDINANCE 2005-51

**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 an amendment to the Transportation Plan for the Town of Wake Forest, North Carolina.

ACTION: Commissioner Boyd-Lawson made a motion to approve an amendment to the Transportation Plan for the Town of Wake Forest, North Carolina to realign Chalk Road to intersect with Jones Dairy Road approximately 450 linear feet to the east from its current location and the proposed new location will align with the west entrance (Green Mountain Drive) to the Bowling Green Subdivision. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

- D. Consideration of approval of authorization to negotiate and enter into a contract with Clarion Associates as the consultant to prepare the plan for the northeast quadrant plan (east of the railroad and north of Roosevelt Avenue).**

ACTION: Commissioner Boyd-Lawson made a motion authorizing staff to negotiate and enter into a contract with Clarion Associates as the consultant to prepare the plan for the northeast quadrant (east of railroad and north of Roosevelt Avenue). Commissioner Bridges seconded the motion, which carried unanimously (5-0).

8. Administration and Financial Items.

- A. Consideration of approval of Customer Service Policy for the Town of Wake Forest (copy on following page)**

ACTION: Commissioner Malone made a motion to approve a Customer Service Policy for the Town of Wake Forest, North Carolina. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-84

RESOLUTION ESTABLISHING A CUSTOMER SERVICE POLICY
FOR THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of resolution contained in Resolution Book 23)

9. Public Services Items.

- A. Consideration of approval of amendments to Chapter 26. Solid Waste Article II. Collection and Disposal - Section 26-67 Garbage Collection and Section 26.69 Yard Waste Collection of the Code of Ordinances of the Town of Wake Forest, North Carolina.**

ACTION: Commissioner Boyd-Lawson made a motion to approve the amendments to Chapter 26 Solid Waste Article II. Collection and Disposal - Section 26-67 Garbage Collection and Section 26.69 Yard Waste Collection of the Code of Ordinances for the Town of Wake Forest, North Carolina. Commissioner Bridges seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-52

ORDINANCE AMENDING CHAPTER 26. SOLID WASTE
ARTICLE II. COLLECTION AND DISPOSAL
SECTION 26.67 GARBAGE COLLECTION AND
SECTION 26.69 YARD WASTE COLLECTION AND
ARTICLE III. RECYCLABLES SECTION 26.126
RESIDENTIAL COLLECTION OF THE CODE
OF ORDINANCES OF THE TOWN OF
WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

Article II. Collection and Disposal

Section 26.67 Garbage Collection

Add: (f) Hours of Service:

Containers shall be placed at point of service by 7:00 a.m. on the scheduled day of service and be removed from point of service after being serviced. Hours of service will be between 7:00 a.m. to 5:00 p.m., Monday through Friday. No containers shall be left at point of service overnight after being serviced.

Section 26.69 Yard Waste Collection

Delete (c): Tree stumps shall not exceed 75 pounds in weight.

Change (d): Point of service: Yard Waste shall be placed on the premises at the curb but not blocking the street or sidewalk and shall not be placed in the vicinity of solid waste or recycle containers.

Add: (f) Hours of Service

Yard Waste shall be placed at the point of service by 7:00 a.m. on the scheduled day of service for pickup. Hours of service are 7:00 a.m. - 3:30 p.m., Monday through Friday. Yard Waste not at point of service by specified time may result in being left until the following weeks service depending on work load of Town Crews.

Article III. Recyclables

Section 26-126. Residential Collection

Change (a) to: Frequency of Service. Subject to the limitations of this section as to the quantities of recyclable materials handled and the types of service, and subject to the availability of resources, recyclables material shall be collected weekly.

Add: (f) Hours of Service

Containers shall be placed at point of service by 7:00 a.m. on the scheduled day of service and be removed from point of service after being serviced. Hours of service will be between 7:00 a.m. to

5:00 p.m., Monday through Friday. No containers shall be left at point of service overnight after being serviced.

B. Consideration of approval of Change Order No. 5 (Final) for the South Franklin Street Extension from NC-98 By-pass to East Holding Avenue (documentation on file in Town Clerk's Office).

ACTION: Commissioner Barrington made a motion to approve Change Order No., 5 (Final) for the South Franklin Street Extension from NC-98 By-pass to East Holding Avenue, the effect of which is to increase the contract by \$22,033.50 for a total of \$292,515.60. Commissioner Malone seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of request received from James Johnson, Jr. for water service due to a failing well.

ACTION: Commissioner Camacho made a motion to approve the request from James Johnson, Jr. for water service due to a failing well and waive the petition for annexation. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

10. Parks and Recreation Items.

None.

11. Public Safety Items.

None.

12. Other Business.

Town Manager Williams reported that Little Diversified will be holding a charrette for the new Town Hall site on Friday, October 21, 2005. He asked the Board members to let him know if they will be attending so arrangements can be made for lunch and carpooling.

13. Closed Session: N.C.G.S. 143-318.11(a)(5) Land Acquisition - Property located in the 200 block of South Brooks Street owned by Mavis Dew.

ACTION: At 8:09 p.m., Commissioner Bridges made a motion to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(5) Land Acquisition - property located in the 200 block of South Brooks Street owned by Mavis Dew. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

At 8:15 p.m., Commissioner Barrington made a motion to return to the regular meeting. Commissioner Bridges seconded the motion, which carried unanimously (5-0).

Commissioner Camacho made a motion to approve the purchase of the Dew property. Commissioner Bridges seconded the motion, which carried unanimously (5-0).

14. Adjournment.

ACTION: At 8:16 p.m., Commissioner Boyd-Lawson made a motion to adjourn the meeting. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

Town Clerk

Mayor