

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

November 15, 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 Potts, Engineering Director Keravuori, Town Engineer Spring, Public Works Director Barton, Police Chief Harrington, Finance Director Staples, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Commissioner Barrington made a request that Public Service Items 9.B. and 9.C. be placed under the Consent Agenda for approval.

- B. Consideration of approval of a proposal from Power Secure for the provision of an electric generating set and paralleling switch gear for the new Golden Corral. (Attachment 9.B.)
- C. Consideration of approval of a proposal from Power Secure to provide maintenance services for an electric generating set which is to be installed at the new Golden Corral. (Attachment 9.C.)

ACTION: Commissioner Barrington 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 October 4, 2005 (Work Session and Joint Public Hearings) and October 18, 2005 (Regular Board of Commissioners Meeting).**

ACTION: Commissioner Bridges made a motion to approve the meetings held October 4, 2005 (Work Session and Joint Public Hearings) and October 18, 2005 (Regular Board of Commissioners Meeting). Commissioner Camacho seconded the motion, which carried unanimously (5-0).

3. Presentations.

None.

4. Public hearings / Public Comment.

A. Public hearing to receive public input on the proposed amendments to Chapter 14. Environment Article III. Noise Ordinance of the Code of Ordinances of the Town of Wake Forest, North Carolina.

At 7:07 p.m., Mayor Jones opened the public hearing to receive public input on the proposed amendments to Chapter 14. Environment Article III. Noise Ordinance of the Code of Ordinances of the Town of Wake Forest, North Carolina.

Town Engineer Spring gave a brief update saying that the noise ordinance was presented to the Board of Commissioners approximately a month ago and a public hearing was requested at that time.

At 7:08 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

B. Public hearing to receive public input on the proposed amendment to the Town Charter concerning Article XIII. Eminent Domain of the Code of Ordinances of the Town of Wake Forest, North Carolina.

At 7:09 p.m., Mayor Jones opened the public hearing to receive public input on the proposed amendment to the Town Charter concerning Article XIII. Eminent Domain of the Code of Ordinances of the Town of Wake Forest, North Carolina.

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

C. Public hearing concerning the demolition of “unsafe structures” located at 530 North Allen Road and 716 East Nelson Avenue.

At 7:10 p.m., Mayor Jones opened the public hearing concerning the demolition of “unsafe structures” located at 530 North Allen Road and 716 East Nelson Avenue.

Planner Summers reported that staff has tried on several occasions to contact the property owner at 530 North Allen Road without success. However, for the property located at 716 East Nelson Avenue, Triangle Properties purchased the property on November 2, 2005. Staff is in negotiations to resolve the situation concerning the demolition of the property.

Mr. Jim McClure spoke saying that he is the President of Triangle Properties and that he had purchased the property through the foreclosure process. He said that he is willing to take responsibility of the property located at 716 East Nelson Avenue. He asked the Board of Commissioners to give him sixty (60) days to do the renovations or demolish the structure.

At 7:16 p.m., there being no one else present to speak to this item, Mayor Jones closed the public hearing.

D. Public hearing to receive public input concerning the closing of the unpaved section of East Walnut Avenue between Sixth Street and Seventh Street.

At 7:17 p.m., Mayor Jones opened the public hearing to receive public input concerning the closing of the unpaved section of East Walnut Avenue between Sixth Street and Seventh Street.

Mr. Leroy Daye - 608 East Nelson Avenue - spoke saying he thought there was a road there. He also wanted to know what will happen to the property once the road is closed. Mayor Jones explained that the property would revert back to the adjoining property owners on each side.

At 7:19 p.m., there being no one else present to speak to this item, Mayor Jones closed the public hearing.

E. Action on the above public hearings:

A. Approve ordinance amending Chapter 14. Environment Article III. Noise Ordinance of the Code of Ordinances of the Town of Wake Forest, North Carolina.

ACTION: Commissioner Boyd-Lawson made a motion to approve an ordinance amending Chapter 14. Environment Article III. Noise Ordinance of the Code of Ordinances of the Town of Wake Forest, North Carolina. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-53

ORDINANCE AMENDING CHAPTER 14. ENVIRONMENT
ARTICLE III. NOISE ORDINANCE OF THE CODE OF ORDINANCES
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 19)

- B. Approve ordinance amending the Town Charter concerning Article XIII. Eminent Domain of the Code of Ordinances of the Town of Wake Forest, North Carolina.**

ACTION: Commissioner Malone made a motion to amend the Town Charter concerning Article XIII. Eminent Domain of the Code of Ordinances of the Town of Wake Forest, North Carolina. Commissioner Bridges seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-55

ORDINANCE AMENDING THE TOWN OF WAKE FOREST
CHARTER - ARTICLE XII. EMINENT DOMAIN OF THE
CODE OF ORDINANCES OF THE TOWN OF
WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 19)

- C. Approve the demolition of “unsafe structures” located at 530 North Allen Road and 716 East Nelson Avenue.**

ACTION: Commissioner Camacho made a motion authorizing staff to demolish the unsafe structures located at 530 North Allen Road and 716 East Nelson Avenue. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

- D. Approve the closing of unpaved section of East Walnut Avenue between Sixth Street and Seventh Street.**

ACTION: Commissioner Boyd-Lawson made a motion to approve a resolution closing the unpaved section of East Walnut Avenue between Sixth Street and Seventh Street. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-85

RESOLUTION CLOSING THE UNPAVED SECTION
OF EAST WALNUT AVENUE BETWEEN
SIXTH STREET AND SEVENTH STREET

Body of resolution contained in Resolution Book 23)

F. Public Comment.

Mayor Jones recognized Ms. Wanda Murkherjee, who thanked her for affording her the opportunity to speak. She said that she knew there have been times we have disagreed but we have always come away friends. She said that she would like to give a heart-felt thanks to Rob Bridges and Chris Malone for stepping up to the plate and doing a thankless job. She said she had come to know both Rob and Chris as good and gracious men who love their families and their community. We've come a long way since that endless summer of 2002 when me and my fellow domestic terrorists held you all hostage through phone calls and letter writing campaigns and protest to keep you from putting a strip mall in the watershed. Ultimately, we got a rather beautiful bank in a bucolic setting fit for a quaint town like Wake Forest. That's the political process at work. The way it's supposed to work - just like last Tuesday.

I've been known to wax poet, brazenly politic, but tonight I've come to preach a cautionary tale - one that involves the shortsightedness of making growth an either or issue. Mr. Drake and Ms. Stinnett were backed by a lot of different folks - many who just got sick and tired of having one commissioner or another have to excuse themselves from voting because they had a monetary interest in the proposal at hand, some who lives daily in the ugliness that is now South Main Street and maybe a few who want to shut down the Planning Department altogether. Ship them out to sea on a raft made out of all the trees cut down in our beautiful forests. Our newly elected commissioners will be under a lot of pressure from all sides.

But I'm here to talk to all of our commissioners about another alternative. A kind of measured growth in which every quadrant of this town benefits. A kind of growth where the people who have lived here amicably among themselves for a hundred years even with low water pressure and poor trash pickup are not made to pay for the new sewers and gleaming sidewalks of those of us who are here today - gone tomorrow.

I'm here tonight to speak for the invisible, voiceless people who live in the northeastern quadrant. The disenfranchised folk who can't get to the grocery store because it's now sitting on a four-lane highway too dangerous to cross even in a car. Those folk who have to choose between paying their water bill or paying for the taxi to get them to the drugstore. I've come to know these people well.

In 2003, I was awed as little old ladies in their good shoes and fine hats and older gentlemen - some in overalls and others in suits came out of the shadows to cast their votes for you Mr. Barrington, and here you sit one of the highest vote getters ever in a hotly contested election in Wake Forest. Their added votes brought Mr. Traveis within six (6) votes of ousting the only bonafide developer that sits on this commission.

Now, I see things a little differently. The truth is most people who walked out of the mist to vote in 2003 and 2005 have been residents of Wake Forest longer than God - or at least longer than me and three-quarters of the population of Wake Forest.

We had a turnout this year. Me and Ms. Alice were aiming for 200 voters but we got 187. Not bad. But also something kinda sad happened. Some of the people who voted in 2003 waived me off. "Not gonna do it." "Don't matter" "Every two (2) years they come here and ask us to vote and we never see them again." "Next thing we know the basketball court is gone and our water bill is three (3) times higher than it ever has been." "Still no street lamps and our yard trash is the last to get picked up."

My hope is that Mr. Barrington, Mr. Drake and Ms. Stinnett will not forget about the people who helped widen their majority. Who gave them a mandate for change because folks like me led them to believe that they too could also benefit from measured growth - equitable growth - a you fix my street and I'll fix yours kind of growth.

My hope is that before another sidewalk is approved for Mr. Ammons, or a permit is given to Mr. Gould, or a plot is rezoned for Mr. Adams that we will begin real work to revitalize the northeastern quadrant. That Mr. Adams and Mr. Gould and Mr. Ammons and other developers can do good things when they are prodded - given a roadmap provided by good leadership. My son directly benefitted from developers support at the high school - particularly football and he's a better kid for it. He's a freshman at Western Carolina pursuing his pre-law degree.

Development is not good versus evil. Us versus them. Let us walk hand in hand together for the good of the town - measured but assuredly.

Right now, Ms. Alice isn't worrying about her water bill cause she knows, just like all of us, she's gotta brush and flush. She just wants a grocery store.

In her words, "Our money is as good as any."

5. Consent Agenda.

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

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

B. Approval of Budget Ordinance Amendment No. 2 of the Town of Wake Forest for Fiscal Year 2005-2006 resulting in the following ordinance:

ORDINANCE 2005-55

BUDGET ORDINANCE AMENDMENT NO. 2 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 Rock Resources, LLC for property located at 5043 Unicon Drive comprising 16.355 acres resulting in the following resolutions:**

RESOLUTION 2005-86

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

RESOLUTION 2005-87

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 bids received for one (1) Underground Boring Machine - contract awarded to Ditch Witch of NC in the amount of \$134,555 (copy of bid tabulation on following page).**
- E. Approval of contract with Bartlett Tree Experts to provide tree pruning services for the Town of Wake Forest in the amount of \$64,000 (documentation on file in Town Clerk's Office).**
- F. Approval of resolution authorizing the acquisition of property located at 419 North Allen Road by condemnation proceedings (North Allen Road Sidewalk Project) resulting in the following resolution:**

RESOLUTION 2005-88

RESOLUTION OF THE BOARD OF COMMISSIONERS
AUTHORIZING THE ACQUISITION OF PROPERTY BY
CONDEMNATION PROCEEDINGS CONTAINING
1,132 SQUARE FEET AND AN EASEMENT CONTAINING
437 SQUARE FEET LOCATED AT 419 NORTH ALLEN ROAD
(Body of resolution contained in Resolution Book 23)

- G. Approval of resolution authorizing the acquisition of property located at junction of East Nelson Avenue and North Allen Road, being Lot 19 by condemnation proceedings (North Allen Road Sidewalk Project) resulting in the following resolution:**

RESOLUTION 2005-89

RESOLUTION OF THE BOARD OF COMMISSIONERS
AUTHORIZING THE ACQUISITION OF PROPERTY BY
CONDEMNATION PROCEEDINGS CONTAINING
1,039 SQUARE FEET AND AN EASEMENT CONTAINING
664 SQUARE FEET LOCATED AT THE INTERSECTION OF
EAST NELSON AVENUE AND NORTH ALLEN ROAD
(Body of resolution contained in Resolution Book 23)

- H. Approval of Resolution to Establish Certain Procurement and Disposal of Surplus Property Procedures resulting in the following resolution:**

RESOLUTION 2005-90

RESOLUTION TO ESTABLISH CERTAIN PROCUREMENT
AND DISPOSAL OF SURPLUS PROPERTY PROCEDURES
(Body of resolution contained in Resolution Book 23)

- I. Approval of revision to Interlocal Agreement on Solid Waste (documentation on file in Town Clerk's Office).**

- J. Approval of resolution declaring certain property surplus and authorizing its disposal by the Town Manager resulting in the following resolution:**

RESOLUTION 2005-91

RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND
AUTHORIZING ITS DISPOSAL BY THE TOWN MANAGER
(Body of resolution contained in Resolution Book 23)

- K. Approval of a proposal from Power Secure for the provision of an electric generating set and paralleling switch gear for the new Golden Corral (documentation on file in Town Clerk's Office).**

- L. Approval of a proposal from Power Secure to provide maintenance services for an electric generating set which is to be installed at the new Golden Corral (documentation on file in Town Clerk's Office).**

6. Legislative Items.

None.

7. Planning Items.

- A. 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).**

ACTION: Commissioner Barrington made a motion to deny 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, which died due to lack of a second.

Commissioner Bridges made a motion to refer 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 back to the Planning Board. Commissioner Malone seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Bridges
 Commissioner Boyd-Lawson
 Commissioner Camacho
 Commissioner Malone

Commissioner Barrington

- B. Consideration of approval of request from Centex Homes for additional water allocation for the Dansforth Subdivision.**

ACTION: Commissioner Malone made a motion to approve the request from Centex Homes for additional water allocation for the Dansforth Subdivision. Commissioner Camacho seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Malone
 Commissioner Camacho

Commissioner Boyd-Lawson
 Commissioner Bridges
 Commissioner Barrington

Commissioner Barrington made a motion to deny the request from Centex Homes for additional water allocation for the Dansforth Subdivision. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Boyd-Lawson
Commissioner Bridges
Commissioner Barrington

Commissioner Malone
Commissioner Camacho

8. Administration and Financial Items.

None.

9. Public Services Items.

A. Consideration of approval of 4-way stops in Crenshaw Hall Plantation Subdivision.

ACTION: Commissioner Barrington made a motion to approve the request from the residents in Crenshaw Hall Plantation Subdivision. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-56

ORDINANCE AMENDING CHAPTER 30
ARTICLE VI. TRAFFIC SCHEDULES
SECTION 30-256. SCHEDULE X.
STOP INTERSECTIONS OF THE
CODE OF ORDINANCES OF THE
TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 19)

4-way stop at Fleming House and Federal House
4-way stop at Clatter and Loghouse
4-way stop at Warmoven and Federal House
3-way stop at Loghouse and Federal House

B. Consideration of approval of request received from Waste Industries to apply an energy surcharge to monthly fees as specified in the service contract.

ACTION: Commissioner Bridges made a motion to approve the request received from Waste Industries to apply an energy surcharge to monthly fees as specified in the service contract. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of Ordinance to establish Stage I Mandatory Water Conservation Rules and the Penalties for Violation of the Rules.

ACTION: Commissioner Boyd-Lawson made a motion to approve Stage 1 Mandatory Water Conservation Rules and the Penalties for Violation of the Rules. Commissioner Barrington seconded the motion, which carried unanimously resulting in the following ordinance:

ORDINANCE 2005-57

ORDINANCE TO ESTABLISH STAGE 1 MANDATORY
WATER CONSERVATION RULES AND THE PENALTIES
FOR VIOLATION OF THE RULES

(Body of ordinance contained in Ordinance Book 19)

Commissioner Bridges made a motion to approve Stage 2 Mandatory Water Conservation Rules and the Penalties for Violation of the Rules. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-58

ORDINANCE TO ESTABLISH STAGE 2 MANDATORY
WATER CONSERVATION RULES AND THE PENALTIES
FOR VIOLATION OF THE RULES

(Body of ordinance contained in Ordinance Book 19)

10. Parks and Recreation Items.

None.

11. Public Safety Items.

None.

12. Installation of Mayor-elect and Commissioners-elect.

A. Resolutions of Appreciation:

ACTION: Commissioner Barrington made a motion to approve a resolution for the services of Rob Bridges. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-92

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
ROB BRIDGES

(Body of resolution contained in Resolution Book 23)

ACTION: Commissioner Barrington made a motion to approve a resolution for the services of Chris Malone. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2005-93

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
CHRIS MALONE

(Body of resolution contained in Resolution Book 23)

B. Oaths of Office:

The Honorable Joyce W. Wilson, MMC, Town Clerk for the Town of Wake Forest, North Carolina administered the oath of office to Commissioner-elect Margaret Stinnett (documentation on file in Town Clerk's Office).

Ms. Kathryn Drake, Notary Public, administered the oath of office to Commissioner-elect Franklin Drake (documentation on file in Town Clerk's Office).

The Honorable Joe Bryan, Chairman of the Wake County Board of Commissioners administered the oath of office to Mayor-elect Vivian Jones (documentation on file in Town Clerk's Office).

Mayor Jones reported that everyone was invited to a small reception being held in the lobby at Town Hall.

13. Adjournment.

ACTION: At 8:30 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