

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

February 20, 2007

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 Deputy Town Manager O'Donnell, Town Clerk Wilson, Public Works Director Barton, Planning Director Russell, Planner Sary, Planner Summers, Planner Ayers, Planner Potts, Planner Wanman, Engineering Director Kerauvari, Human Resources Director Moody, Parks & Recreation Director Simpson, and Town Attorney Vernon. Town Manager Williams was absent.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Mayor Jones reported that a Proclamation for Arbor Day needed to be added to the agenda, which would be under Presentation as Item 3.B.

Town Attorney reported that another item for Closed Session should be added for distribution of evaluation forms to the Town Manager/Town Attorney per N.C.G.S. 143-318.11(a)(6) - Personnel.

Commissioner Barrington requested that Item 9.D. Consideration of award of a Contract to Modular Technologies, Inc. for the Provision of a Modular Building and Outbuilding for the American Legion to be located on Holding Avenue be moved to the Consent Agenda in conjunction with Item 9.C. Approval of American Legion Development Plan.

ACTION: Commissioner Boyd-Lawson 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 January 2, 2007 (Work Session and Joint Public Hearings) and January 16, 2007 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Drake made a motion to approve the minutes of meetings held January 2, 2007 (Work Session and Joint Public Hearings) and January 16, 2007 (Regular Board of Commissioners Meeting). Commissioner Camacho seconded the motion, which carried unanimously (5-0).

3. Presentations.

A. Presentation by Kathryn Drake in regard to the Capital Area Preservation's determination of the Freeman House located on Rogers Road.

Mayor Jones recognized Ms. Kathryn Drake, Capital Area Preservation, who reported on the status of the Freeman House located on Rogers Road. She thanked the Board of Commissioners for listening to her concerns about the Freeman House. She reported that Capital Area Preservation did its assessment and has determined that the structural damage caused by termites has made it not feasible to preserve the house. She reported that the conditions placed on the initial rezoning are no longer in effect.

B. Arbor Day Proclamation - March 22, 2007.

Mayor Jones read proclamation into the record and presented it to Planner Lisa Potts. Planner Potts reported that the Arbor Day Celebration would be held on March 22, 2007. Mayor Jones invited those in attendance to come as well as the citizens of Wake Forest.

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day has been observed for 133 years throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our Town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the Town of Wake Forest has been recognized as a Tree City USA for 28 years by the National Arbor Day Foundation and desires to continue its tree-planting tradition.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby proclaim Thursday, March 22, 2007 as ARBOR DAY in the Town of Wake Forest, and I urge all citizens to support efforts to protect our trees and woodlands and to support our Town's urban forestry program.

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

4. Public hearings / Public Comment.

A. Public hearing and approval of an ordinance for the contiguous annexation submitted by Mountaineer Group I for the property located off Galaxy Drive, comprising 8.30 acres.

At 7:06 p.m., Mayor Jones opened the public hearing on the contiguous annexation submitted by Mountaineer Group I for the property located off Galaxy Drive, comprising 8.30 acres.

At 7:07 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

B. Public hearing to consider transportation projects for the FY 2009-2015 Metropolitan Transportation Improvement Program (MTIP).

At 7:08 p.m., Mayor Jones opened the public hearing to consider transportation projects for the FY 2009-2015 Metropolitan Transportation Improvement Program (MTIP) (copy on file in Town Clerk's Office).

Mayor Jones recognized Planning Director Russell, who gave a brief report concerning the projects to be included in the FY 2009-2015 Metropolitan Transportation Improvement Plan (MTIP). Based on population, Wake Forest may submit five (5) projects in each travel mode category which are advance planning, bicycle/pedestrian, enhancements, public transportation, and roadway. He stated that the items should be submitted no later than May 1, 2007.

At 7:14 p.m., there being no one else present to speak to this item, Mayor Jones closed the public hearing.

C. Public hearing to consider the closing of West Avenue and Rankin Court.

At 7: 15 p.m., Mayor Jones opened the public hearing to consider the closing of West Avenue and Rankin Court.

Mayor Jones recognized Planner Summers who reported that Southeastern Baptist Theological Seminary is requesting that both roads be closed. As per N.C.G.S. 160A-299, the street closing was advertised for four (4) consecutive weeks in The Wake Weekly. A certified/return receipt letter was also mailed to the adjoining property owner which was Southeastern Baptist Theological Seminary. Staff is requesting Board approval of the street closings.

D. Public Comment.

No one spoke.

- E. **ACTION:**
 - 4.A. Approve ordinance to the contiguous annexation submitted by Mountaineer Group I for the property located off Galaxy Drive, comprising 8.30 acres.
 - 4.B. Approve FY 2009-2015 MTIP Project Priority List.
 - 4.C. Approve resolution closing West Avenue and Rankin Court.

Item 4.A. Commissioner Drake made a motion to approve the contiguous annexation submitted by Mountaineer Group I for the property located off Galaxy Drive, comprising 8.30 acres. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-06

ORDINANCE EXTENDING THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 20)

Item 4.B. Commissioner Boyd-Lawson made a motion to approve the FY 2009-2015 MTIP Project Priority List. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

Item 4.C. Commissioner Boyd-Lawson made a motion to approve the request of closing West Avenue and Rankin Court. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2007-06

RESOLUTION CLOSING
WEST AVENUE AND RANKIN COURT
(Body of resolution contained in Resolution Book 24)

5. Consent Agenda

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

- A. Approval of tax releases (copy on file in Town Clerk’s Office).**
- B. Approval of petition requesting non-contiguous annexation submitted by William and Lisa Ann Way for property located in the 10300 block of Star Road, comprising 7.90 acres resulting in the following resolutions:**

RESOLUTION 2007-07

RESOLUTION DIRECTING CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1
(Body of resolution contained in Resolution Book 24)

RESOLUTION 2007-08

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 24)

- C. Approval of Development Plan Review: American Legion.**
- D. Approval of award of a contract to Modular Technologies, Inc. for the Provision of a Modular Building and Outbuilding for the American Legion to be located on Holding Avenue in the amount of \$141,772 for a 240 square foot building on the site (copy of bid tabulations on file in Town Clerk’s Office).**
- E. Approval of resolution declaring certain property surplus and authorizing its disposal by the Town Manager resulting in the following resolution:**

RESOLUTION 2007-09

RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS
AND AUTHORIZING ITS DISPOSAL BY THE TOWN MANAGER
(Body of resolution contained in Resolution Book 24)

Electric Department:

1990 Ford F800 Bucket Truck Serial # 1FDPK74P8LVA12439

6. Legislative Items.

A. Consideration of approval of appointments to Historic Preservation Commission.

ACTION: Commissioner Camacho made a motion to appoint Tom Neal to the Historic Preservation Commission with term to expire 12/31/2007. Commissioner seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2007-10

RESOLUTION APPOINTING MEMBER TO THE
HISTORIC PRESERVATION COMMISSION

(Body of resolution contained in Resolution Book 24)

B. Consideration of approval of request received from Pregnancy Support Services concerning its annual Walk for Life at the Wake Forest College Birthplace on April 21, 2007.

ACTION: Commissioner Barrington made a motion to approve the request from Pregnancy Support Services concerning its annual Walk for Life at the Wake Forest College Birthplace on April 21, 2007. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

7. Planning Items.

Commissioner Stinnett reported that she was absent at the February 6, 2007 Joint Public Hearings/Planing Board meeting; however, she had reviewed the tape prior to the meeting.

A. Consideration of approval of Case SU-07-01: Consideration of a request filed by Bass, Nixon & Kennedy for a special use permit to approve master plan for the Southeastern Baptist Theological Seminary Campus, being Tax PINs 1841-42-3360, 1841-32-7758, 1841-32-7329.

ACTION: Commissioner Barrington made a motion to approve Case SU-07-01: A request filed by Bass, Nixon & Kennedy for a special use permit to approve master plan for the Southeastern Baptist Theological Seminary Campus based on the findings of fact with the elimination of Condition #3. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Barrington Commissioner Drake
Commissioner Boyd-Lawson Commissioner Stinnett
Commissioner Camacho

- 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 proposed buildings are designed to fit into the existing campus and provide an axial terminus for a planned campus quad.
- Finding 2: The proposed facility is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, in that the proposed buildings have access to South Wingate Street, a local major thoroughfare; and have been designed to utilize existing public utilities, and are located within the town limits. Municipal services will be provided: the local fire department is equipped with an aerial apparatus capable of extending to 95 feet to service these buildings.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the master planning activities are directed toward preserving and enhancing the historic character of the campus, while meeting the physical and organizational needs of a modern educational facility. The proposed buildings will replace a gravel parking lot and several dilapidated apartment structures.
- Finding 4: The proposed use will not cause undue traffic congestion or create a traffic hazard, in that access is provided from two locations along Wingate Street and total parking count does not represent an increase in this area.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that the proposed buildings are not immediately adjacent to residential use, except for student housing, and will not generate undue noise or pollution.
- 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 proposed buildings are within the seminary campus and surrounded by existing campus buildings of similar size and architectural character.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed buildings are an addition to the seminary campus within the Institutional Campus Development (ICD) district. The plan fits with the current Land Development Plan.
- Finding 8: The proposed use or development meets all other rules and regulations within the zoning ordinance and all existing Town polices, in that the proposed buildings have been designed within the regulations and guidelines of all the Town of Wake Forest plans and ordinances; in that the proposed buildings comply with the setback requirements for buildings

in excess of 35 feet in height as specified in the Institutional Campus Development District (ICD).

Conditions:

1. Trees proposed for removal shall not be removed until development of each phase occurs.
2. Parking spaces shall be eliminated along West Avenue. This area is required for fire truck access.
3. ~~Replace landmark trees with a 3" caliper trees of like species with a number equal to the caliper size of the trees removed divided by 3" i.e., a 30" caliper tree would be replaced by ten (10) 3" caliper trees of like species and any changes to the master plan come back to the Board for approval and if possible, save the trees outside of the building footprint.~~

Commissioner Drake asked if he could supplement/reconsider the motion to include a 3-to-1 tree replacement. Town Attorney Vernon said he would have to look at the procedures.

At 8:03 p.m., Mayor Jones requested a five-minute break.

At 8:08 p.m., Mayor Jones reconvened the meeting.

Town Attorney Vernon reported that Commissioner Drake could supplement/reconsider the previous motion.

Commissioner Boyd-Lawson made a motion to reconsider the motion. Commissioner Stinnett seconded the motion, and the vote was as follows:

Aye

Nay

Commissioner Boyd-Lawson
Commissioner Barrington
Commissioner Drake
Commissioner Stinnett

Commissioner Camacho

Commissioner Drake made a motion that within a year of the loss of any of the 23 landmark trees, the applicant would replant any species on a 3-to-1 ratio being 3" caliper trees at the choice of the applicant new or old in mitigation. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Boyd-Lawson
Commissioner Barrington
Commissioner Drake

Commissioner Camacho
Commissioner Stinnett

- B. Consideration of approval of Case RZ-07-02: Consideration of a request filed by Sherrill Brinkley to rezone approximately 6 acres from R-40 W, Residential-40 Watershed to Conditional Use NB, Neighborhood Business District & FLWPD, Falls Lake Watershed Protection Overlay District for property located at 13371 Wake Union Church Road, being Tax PIN 1842-00-8163.**

ACTION: Commissioner Drake made a motion to approve Case RZ-07-02: A request filed by Sherrill Brinkley to rezone approximately 6 acres from R-40 W, Residential-40 Watershed to Conditional Use NB, Neighborhood Business District & FLWPD, Falls Lake Watershed Protection Overlay District for property located at 13371 Wake Union Church Road. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-07

ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 20)

- C. Consideration of approval of ordinance adopting an interim application process for wireless telecommunications facilities.**

ACTION: Commissioner Stinnett made a motion to approve an ordinance adopting an interim application process for wireless telecommunications facilities. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-08

ORDINANCE APPROVING AN INTERIM
APPLICATION PROCESS FOR WIRELESS
TELECOMMUNICATIONS FACILITIES
(Body of ordinance contained in Ordinance Book 20)

- D. Consideration of discussion concerning Municipal Service Tax District.**

Consensus of the Board of Commissioners was to delay this item to the March meeting.

E. Consideration of discussion of the proposed amendment to the annexation agreement with the Town of Rolesville.

Consensus of the Board of Commissioners was to call for a public hearing at the March 20, 2007 meeting.

F. Consideration of request received from Villas of Wake Forest concerning electric substation site plan.

Mayor Jones recognized Mr. Jamie Cox, spoke saying he was representing Cornerstone Homes, Inc., the developer of the Villas of Wake Forest. The Town of Wake Forest is planning the construction of an electrical substation on property located on the NC-98 By-pass, which is adjacent to his client's property. He said that he had been in contact with staff in the Planning Department as well the Public Works Department and understands that the Town anticipates only an administrative review of the site plan for the project. Mr. Cox further reported that the construction of the substation, while a permitted use in the current zoning district, is an industrial use of land in close proximity to his client's residential site, and further that grading/construction activities may cause significant impact to stream buffers as well as to the buffering of adjoining properties. He said his client is respectfully requesting that the Town's site plan be reviewed by the Planning Board and approved by the Board of Commissioners prior to the start of any grading or construction activity on the site.

Consensus of the Board of Commissioners was not to take action on this item.

8. Administration and Financial Items.

A. Consideration of approval of ordinance amending the Pay and Classification Plan - Reclassification of Meter Reader positions.

ACTION: Commissioner Stinnett made a motion to approve amending the Pay and Classification Plan - Reclassification of Meter Reader positions. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-09

ORDINANCE AMENDING THE PAY AND CLASSIFICATION PLAN OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 20)

Utility Billing Assistant

Grade 9

Customer Service (Field) Technician (2 positions) Grade 9
Inventory Clerk Grade 9

9. Public Services Items.

A. Consideration of approval of amendments to the Chapter 32. Utilities of Wake Forest Code of Ordinances.

ACTION: Commissioner Boyd-Lawson made a motion to approve the amendments to Chapter 32. Utilities of the Wake Forest Code of Ordinances. Commissioner Camacho seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-10

ORDINANCE AMENDING CHAPTER 32. UTILITIES
OF THE CODE OF ORDINANCES OF THE TOWN
OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 20)

The following sections will be amended:

Article I. In General

Section 32.1 Control Systems (Electric)
Section 32-2. Application for connection
Section 32-3 Refusing service
Section 32-4 Rate schedules on file
Section 32-5 Tampering with or obstructing system paraphernalia
Section 32-6 Separate meters required; exception
Section 32-7 Deposits
Section 32-8 Termination of service

Article II. Water Service

Section 32-53 Service outside town.
Section 32-57 Regulation of private water supply.

Article III. Sewer Service

Section 32-161 (a & b) Connection.

The following will remain with no changes.

Article V. Electric

Article VI. Illicit Stormwater Discharge

The following articles/sections will be deleted in its entirety:

Article II. Water Service

Division 1. Generally

Section 32-41 through Section 32-52

Section 32-54 through Section 32-56
Section 32-58 - 32-90 - Reserved

Division 2 Fire Hydrants

Section 32-91 through Section 32-95
Section 32-96 - 32-115 Reserved

Division 3. Cross-Connection Control

Section 32-116 through Section 131
Section 32-132 - 32-160 Reserved

Article III. Sewer Service

Section 32-161 (c,d. 1-6) through Section 32-171
Section 32-172 - 32-200 Reserved

Article IV. Wastewater Pretreatment

Section 32-201 through 32-216
Section 32-217 - 32-240 Reserved

B. Consideration of approval of fee increase for sale of cemetery plots.

ACTION: Commissioner Barrington made a motion to approve the Cemetery Advisory Board recommendation for the fee increase for the sale of cemetery plots by \$100.00 for all classifications. Commissioner Stinnett seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-11

ORDINANCE AMENDING THE FEES FOR THE SALE OF
CEMETERY PLOTS IN THE TOWN OF WAKE FOREST,
NORTH CAROLINA CEMETERY

(Body of ordinance contained in Ordinance Book 20)

At-Need Lots: Purchased at the time of need.

	<u>Current</u>	<u>Proposed</u>
In-Town At Need	\$400.00 per plot	\$500.00 per plot
Out-of-Town At Need	\$550.00 per plot	\$650.00 per plot

Pre-Need Lots: Purchased in advance.

In-Town Pre-Need	\$350.00 per lot	\$450.00 per plot
Out-of-Town Pre-Need	\$500.00 per lot	\$600.00 per plot

C. Consideration of a Contract Between the Town of Wake Forest and Appian Consulting Engineers for the Provision of Engineering Design Services Relative to the Construction of Sidewalk and Drainage on North White Street (copy on file in Town Clerk’s Office).

ACTION: Commissioner Barrington made a motion to approve a Contract Between the Town of Wake Forest and Appian Consulting

Engineers for the Provision of Engineering Design Services Relative to the Construction of Sidewalk and Drainage on North White Street in the amount of \$39,850. Commissioner Stinnett seconded the motion, which carried unanimously (5-0).

D. Discussion concerning South Main Street 3-lane project.

Commissioner Drake made a motion to instruct staff to begin the 3-lane project on South Main Street (two travel lane and a turn lane) from Forbes Road to Forestville Road on South Main Street. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

10. Parks and Recreation Items.

A. Consideration of approval of conceptual plan for the new Town Hall.

Commissioner Camacho made a motion to approve the conceptual plan for the new Town Hall. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

11. Public Safety Items.

None.

12. Closed Session: N.C.G.S. 143-318.11(a)(5) Land Acquisition - Easement Acquisitions for the South Franklin Street rehab project and N.C.G.S. 143-318.11(a)(6) Personnel: Evaluations - Town Manager/Town Attorney

ACTION: At 9:30 p.m., Commissioner Camacho made a motion to go into Closed Session: N.C.G.S. 143-318.11(a)(5) Land Acquisition - Easement Acquisitions for the South Franklin Street rehab project and N.C.G.S. 143-318.11(a)(6) Personnel: Evaluations - Town Manager/Town Attorney. Commissioner Drake seconded the motion, which carried unanimously (5-0).

At 9:50 p.m., Commissioner Drake made a motion to return to the regular meeting. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

13. Adjournment.

ACTION: At 9:51 p.m., Commissioner Drake made a motion to adjourn the meeting, Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).