

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

April 15, 2008

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners Anne Hines, Frank Drake, Chris Kaeberlein, Margaret Jones Stinnett and Pete Thibodeau as were Town Manager Williams, Town Clerk Wilson, Deputy Town Manager O'Donnell, Planning Director Russell, Public Works Director Barton, Assistant Planning Director Sary, Planner Summers, Assistant Planning Director Ayers, Engineering Director Keravuori, Parks and Recreation Director Simpson, Finance Director Staples, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

ACTION: Commissioner Kaeberlein made a motion to approve the agenda as presented. Commissioner Hines seconded the motion, which carried unanimously (5-0).

2. Approval of minutes.

A. Meetings held March 4, 2008 (Work Session), March 6, 2008 (CIP Work Session), and March 18, 2008 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Thibodeau made a motion to approve the minutes of meetings held March 4, 2008 (Work Session), March 6, 2008 (CIP Work Session), and March 18, 2008 (Regular Board of Commissioners Meeting). Commissioner Drake seconded the motion, which carried unanimously (5-0).

3. Presentations.

A. Consideration of approval of request received from Wake Forest College Birthplace Society, Inc.

Mayor Jones recognized Mr. Ed Morris, Executive Director of the Wake Forest College Birthplace Society, Inc., who gave an accounting of the fund-raising efforts in 2007 which totaled \$237,940 in the Capital Campaign as well as pledges and gifts totaling \$1,570,608 (an amount which includes the \$550,000 from the town). He stated that he was also happy to publicly announce the \$100,000 grant the museum has received from the Golden Leaf Foundation to be used for the exhibit gallery. Mr.

Morris reported that there have been a number of hold-ups in building the annex, including a suit filed by some North Main Street neighbors that blocked construction until 2005. The Wake Forest-Raleigh utility merger was another problem because Raleigh required a different water-sewer service than Wake Forest had approved. In the last few months staff at the museum has had to negotiate with the Town Planning Department about the outdoor lighting and plan a sprinkler system for the building that was not originally required. He stated that they are ready to go to bid and expect construction to start this summer with an opening sometime in the centennial year.

Commissioner Kaeberlein asked about the money raised and the \$15,000 the Town gave in 2002 to build public bathrooms. He wanted to know where the funding for the bathrooms were being held. Mr. Morris replied that they are being held in a Certificate of Deposit at the bank. Commissioner Kaeberlein said that he understands that the previous board made this commitment. However, he said that in his opinion, he doesn't think this is a wise use of the taxpayers' money.

B. National Day of Prayer - May 1, 2008.

WHEREAS, civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws of Nature and Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U. S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday of May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in the Town of Wake Forest when all may acknowledge our

blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby proclaim Thursday, May 1, 2008, as "**A DAY OF PRAYER IN WAKE FOREST**" and urge all citizens of Wake Forest to observe the day in ways appropriate to its importance and significance.

C. Proclamation - Youth Gang Awareness and Prevention Month.

WHEREAS, there are estimated to be over one million gang members in the USA, representing thousands of gangs; and

WHEREAS, gang violence and associated gun violence, illegal drug activity and other criminal actions are a growing concern that pose a threat to public safety, health and our quality of life in North Carolina; and

WHEREAS, the State Legislature of North Carolina has for more than three years been crafting and debating proposed legislation to curtail the increase of illegal gang activity; and

WHEREAS, gang violence should be understood as a complex socioeconomic phenomena that requires a combination of approaches including family and community awareness, appropriate childhood intervention, political, and educational steps together with parents, community leaders, educators, elected officials, gang specialists and law enforcement joining forces and combining strategies; and

WHEREAS, the Wake County Gang Prevention Partnership was established more than three years ago and has pulled together the efforts of more than seventy (70) organizations, both for public and private sectors, to work on an intelligent comprehensive approach of prevention.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby proclaim May 2008 as "YOUTH GANG AWARENESS AND PREVENTION MONTH" in Wake Forest and extend best wishes and support to the participants for their commitment and dedication to working towards the goal of a gang free community.

D. Action on 3.A. and 3.B.

3.A. Consideration of approval of request received from Wake Forest College Birthplace Society, Inc.

ACTION: Commissioner Drake made a motion to release the funds (\$110,000) to the Wake Forest Birthplace Society. Commissioner Stinnett seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Drake

Commissioner
Kaeberlein

Commissioner Hines
Commissioner Stinnett
Commissioner Thibodeau

3.B. Officer Graham is requesting that Parking Lot #1 (Gazebo) be closed on Thursday, May 1, 2008 from 11:30 a.m. to 1:00 p.m. for the National Day of Prayer Ceremony.

ACTION: Commissioner Hines made a motion to close Parking Lot #1 (Gazebo) on Thursday, May 1, 2008 from 11:30 a.m. to 1:00 p.m. for the National Day of Prayer Ceremony. Commissioner Drake seconded the motion, which carried unanimously (5-0).

4. Public hearings / Public Comment.

A. Public hearing and approval of ordinance for contiguous annexation submitted by Teresa Baker Madden and James C. Madden for property located off North Main Street (US-1A) comprising 38.49 acres.

At 7:16 p.m., Mayor Jones opened the public hearing on the contiguous annexation submitted by Teresa Baker Madden and James C. Madden for property located off North Main Street (US-1A) comprising 38.49 acres.

At 7:17 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

ACTION: Commissioner Drake made a motion to approve the contiguous annexation submitted by Teresa Baker Madden and James C. Madden for property located off North Main Street (US-1A) comprising 38.49 acres. Commissioner Stinnett seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2008-07

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 21)

B. Public Comment.

No one spoke.

5. Consent Agenda.

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

- A. Approval of tax releases (copy on file in Town Clerk's Office).**
- B. Approval of request to close 300 and 400 blocks of South Brooks Street (from Owen Avenue to end) from 6 a.m. to 6 p.m. on Saturday, May 17, 2008 for the 13th Annual Hoops for Wake Forest 3-On-3 Basketball Tournament resulting in the following resolution:**

RESOLUTION 2008- 16

RESOLUTION IN SUPPORT OF HOOPS FOR WAKE FOREST

(Body of resolution contained in Resolution Book 25)

- C. Approval of ordinance establishing a Special Revenue Fund for the Centennial Celebration Fund resulting in the following ordinance:**

ORDINANCE 2008-08

ORDINANCE ESTABLISHING
SPECIAL REVENUE FUND FOR THE
CENTENNIAL CELEBRATION FUND

(Body of ordinance contained in Ordinance Book 21)

- D. Approval of Budget Ordinance Amendment #3 for FY 2007-2008 resulting in the following ordinance:**

ORDINANCE 2008-09

BUDGET ORDINANCE AMENDMENT NO. 3 OF
THE TOWN OF WAKE FOREST, NORTH CAROLINA
FOR THE FISCAL YEAR 2007-2008

(Body of ordinance contained in Ordinance Book 21)

- E. Approval of request received from Wake Forest Chamber of Commerce to close East Owen Avenue until 4 p.m. on Saturday, May 3, 2008 during the Meet-in-the-Street.**

6. Legislative Items.

None.

7. Planning Items.

A. Consideration of approval of Stephenson Center, Phase I Development Plan.

ACTION: Commissioner Drake made a motion to approve the Stephenson Center, Phase I Development Plan with conditions as listed below. Commissioner Hines seconded the motion, which carried unanimously (5-0).

- Conditions:
1. Preserve the 30” poplar located in the area shown as park, natural area, fire pit and amphitheater and the 24” poplar located in the vicinity of the temporary catch basin, unless the health of the trees is poor; adjust the proposed grading as necessary to preserve the critical root zone.
 2. Provide the 25 foot buffers along the unclassified drainageway feature to the point at which less than five (5) acres drain to the upper watershed drainageway in accordance with the Richland Creek Watershed Protection Overlay District regulations.

8. Administration and Financial Items.

A. Consideration of approval of resolution authorizing the filing of an application for approval of a financing agreement authorized by N. C. G. S. 160A-20 for new Town Hall.

ACTION: Commissioner Kaerberlein made a motion to approve a resolution authorizing the filing of an application for approval of a financing agreement authorized by N. C. G. S. 160A-20 for new Town Hall. Commissioner Stinnett seconded the motion, which carried unanimously (5-0) resulting in the following resolution:

RESOLUTION 2008-17

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY
NORTH CAROLINA GENERAL STATUTE 160A-20
(Body of Resolution contained in Resolution Book 25)

9. Public Services Items.

A. Consideration of approval of two (2) handicap parking spaces on East Holding Avenue for the new American Legion Building.

ACTION: Commissioner Drake made a motion to approve two (2) handicapped parking spaces on East Holding Avenue for the new American Legion Building. Commissioner Thibodeau seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2008-10

ORDINANCE AMENDING CHAPTER 30 - TRAFFIC AND VEHICLES
SECTION 30-252. SCHEDULE VII. LOADING ZONES, HANDICAPPED
PARKING SPACES, ETC. OF THE CODE OF ORDINANCES
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 21)

B. Update on local transit initiatives requested by Mayor Jones.

Mayor Jones recognized Mr. Erik Landfield, Triangle Transit (formerly Triangle Transit Authority), who spoke saying that the plan for Wake Forest includes Triangle Transit, Raleigh's Capital Area Transit (CAT) and Wake County's TRACS transportation service for rural residents is still being refined but the core services have been determined. There will be three (3) express 35-passenger buses leaving from a central park and ride location in town every morning, running 30 minutes apart. The buses will stop at Triangle Town Center, at the State government complex around East Jones Street and at Moore Square. The same buses will run the same route in reverse in the evening. During mid-day in-town route will fund the circulator bus, which is one of the more exciting parts of this.

Meanwhile, there will be a circulator bus which holds 19 passengers, which are similar to shuttle buses, that will begin running a route through town 30 minutes before the first express bus leaves. He reported that there are federal grants that will pay for most of the cost. The City of Raleigh is paying \$100,000 for the express buses and Triangle Transit is paying a like amount. Grants can be applied for in the second year.

The CAT system is dedicating two (2) of its brand new buses to the express route. There will be very few breakdowns. He also reported that the fares will be affordable. The plan is for the circulator bus fare to be \$1.00 for a single ride, \$2.00 for all-day fare. He reported that the express bus ride will cost \$2.50.

Mayor Jones spoke saying that within the next few months Wake Forest commuters will be able to ride an express bus to downtown Raleigh then ride another bus home at the end of the day. It will give the people access to things within the town such as people who can not drive, people who can not afford to drive or people who choose not to drive, and it will tie in with the express route. At the same time, Wake Forest people who just want a ride to the grocery store, the senior center or a drug store in town will be able to hop on a bus to get there and get back home.

Town Manager Williams reported that there will also be a regular bus run during mid-day hours from Wake Forest to Triangle Town Center where people will be able to catch a Raleigh CAT bus to reach further destinations. The hope is to get the bus service on the road around the first of August.

Mayor Vivian Jones was beaming with happiness and excitement as she described how her goal of buses and transit for the town is reaching fruition two years after she began talking with what was then Triangle Transit Authority (now Triangle Transit). At the end of 2007, she said she decided that it is doable and the town needed to have something like this going on in the Triangle. Citizens will be able to catch a bus and get off at the park-and-ride site and take a bus to Raleigh. The circulator bus will run through town all day. Town staff members such as Engineer Director Keravuori have planned the route that is subject to revisions after public input. After a couple of months there will be another bus that will go through Wakefield and a bus that will run the first route in reverse.

People in town are going to have a big say in determining the routes at the beginning and as the new transit system develops. There will be a public meeting at town hall from 6 p.m. to 8 p.m. Tuesday, May 13, 2008 where area citizens can look at the routes that have been tentatively identified and voice their approval or need for a change. After hearing from everyone, the final route will be determined.

Mayor Jones reported that the town will not provide bus shelters at first because the routes may need to be changed. For instance, she said, people can now phone TRACS and request the van take them to a bus stop. We may want to change the route to go by a person's house. There will be a shelter at the park-and-ride site – which is still being negotiated and there may be benches at the more popular stops.

Mayor Jones stated that the new bus system is going to be a boom to Wake Forest residents as well as to others. She stated that she is sure people from Franklin County will drive to Wake Forest to park and ride the bus to work in Raleigh. People in Raleigh who have jobs in Wake Forest will be able to ride the bus to get to them. She said she was going

to ride it when she goes to meetings at the League of Municipalities and other Raleigh locations because it will give her a chance to read or study during the ride. It's thirty-five (35) miles from my house to downtown Raleigh round trip, a distance which can burn three (3) gallons of gas or – as gas edges toward \$4 a gallon -- \$12. The best part of all, it's only going to cost Wake Forest \$89,000 the first year.

Consensus of the Board of Commissioners was to include the cost in the FY 2008-2009 budget.

10. Parks and Recreation Items.

A. Consideration of approval of bids received for the new Town Hall (copy of bid tabulations on file in Town Clerk's Office).

Mayor Jones recognized Mr. Steve Hawley, Project Manager with Little Diversified, who spoke saying that on April 14, 2008, ten (10) single prime bids were submitted by general contractors and their base bids read aloud as well as eight (8) alternate bids. He reported that he then read aloud the subcontractors names and their bids from the two (2) lowest bidders:

Heaton Construction	\$11,178,000
D.A. Thomas	\$11,750,000

Mr. Hawley reported that he had concerns with the low bid from Heaton Construction concerning the bidding of \$10,000 for the two (2) art elements – Alt No. 5-1: a time line in a floor and Alt No. 5-2 : a chandelier – when other firms bid up to \$80,000. Heaton explained most of the cost was in their base bid. All the base bids were close together with Heaton being the lowest bidder at \$11,178,000.

ACTION: Commissioner Stinnett made a motion to award the bid to Heaton Construction in the amount of \$11,178,000 to include the following:

Alt No. 1	Up-fitting fourth floor “future” area
Alt No. 2	Fiber to workstations
Alt. No 4	Peak Load Generator
Alt No. 5-1	Public Art - Timeline in lobby floor and lobby column finishes as well as
Alt No. 5-2	Public Art - Town Board Room Chandelier

Commissioner Kaerberlein seconded the motion, which carried unanimously (5-0).

Mr. Hawley told the Board of Commissioners that Heaton would be paid monthly based on work done that inspectors had certified was done correctly. He also told the Board of Commissioners that there will be change orders.

Commissioner Drake asked several questions about Heaton's credentials. Mr. Hawley replied that he had called the references Heaton provided and each gave the firm high marks. Commissioner Drake also has concerns that the contract included some hidden clause which would allow for much higher final costs. Mr. Hawley and Town Attorney Vernon assured him the contracts were the standard form in the industry with safeguards for the town.

Town Manager Williams told the Board of Commissioners that staff had recommended hiring Hawley's firm, Little Diversified, in part because of its reputation for careful oversight of projects. He also told the Board of Commissioners that he would be notifying them soon of the date for the groundbreaking.

11. Public Safety Items.

None.

12. Other Business.

- 13. Closed Session:** N.C.G.S. 143-318.11(a)(6) Personnel - Annual Evaluation of Town Manager and Town Attorney

ACTION: At 8:18 p.m., Commissioner Kaeberlein made a motion to go into Closed Session for the purpose of N.C.G.S. 143-318.11(a)(6) Personnel - Annual Evaluation of Town Manager and Town Attorney. Commissioner Thibodeau seconded the motion, which carried unanimously (5-0).

At 9:52 p.m., Commissioner Kaeberlein made a motion to return to the regular meeting. Commissioner Hines seconded the motion, which carried unanimously (5-0).

Commissioner Hines made a motion to give Town Manager Williams a 2.5% increase in salary effective July 1, 2008. Commissioner Drake seconded the motion, which carried unanimously (5-0).

14. Adjournment.

ACTION: At 9:53 p.m., Commissioner Drake made a motion to adjourn the meeting. Commissioner Kaeberlein seconded the motion, which carried unanimously (5-0).

Town Clerk

Mayor