

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

April 17, 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 Town Manager Williams, Town Clerk Wilson, Planning Director Russell, Planner Sary, Planner Summers, Public Works Director Barton, Town Engineer Miles, Parks & Recreation Director Simpson, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Mayor Jones reported that the Chamber of Commerce has made a request to close East Owen Avenue on Saturday, 5, 2007 from South White Street to South Brooks Street from 6 a.m. to 10 a.m. for the Meet-in-the-Street.

Commissioner Barrington reported that a request had been received to remove Planning Item 7.A. Case RZ-07-03: A request filed by Wakeville Inc. to rezone 3.39 acres from R-30 (Wake County) to C.U.NB, Conditional Use Neighborhood Business District for property located at the southeast corner of Burlington Mills Road and Ligon Mill Road, being Tax PIN 1748-19-1837 from the agenda for consideration/approval (copy of emails on following page).

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

2. Approval of minutes.

A. Meetings held March 6, 2007 (Work Session and Joint Public Hearings) and March 20, 2007 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Drake made a motion to approve the minutes of meetings held March 6, 2007 (Work Session and Joint Public Hearings) and March 20, 2007 (Regular Board of Commissioners Meeting). Commissioner Barrington seconded the motion, which carried unanimously (5-0).

3. Presentations.

A. Update by Mr. Damien Graham, TTA, on transportation issues.

Mayor Jones recognized Mr. Damien Graham, who spoke saying that the mission of the Triangle Transit Authority is to plan, facilitate and promote, for the Greater Triangle Community, an affordable, safe and secure public transportation network which provides mobility, promotes economic opportunities and protects the environment. He said that the TTA was established by the General Assembly in 1989 as unit of local government. TTA has a 13-member Board of Trustees. Funding sources are: \$5 vehicle registration fee, 5% rental car tax, State Grants, Federal Grants and fare. TTA provides regional transit and planning services such as bus, shuttle and paratransit service, vanpool, carpool and Transportation Demand Management (TDM). Mr. Graham reported that in a recent poll triangle residents rank traffic as the 2nd most important issue facing the region. Traffic ranks higher than education, jobs, crime, immigration and healthcare affordability. Only growth ranks higher. The majority polled rank commuter rail/trains as preferred transit option. The TTA is committed to finding a regional solution such as work with regional political, business and community leadership and area MPO's to determine the best transit solution to address the growing congestion issues. A draft regional transit plan is scheduled to be completed in Fall 2007.

4. Public hearings / Public Comment.

A. Public hearing and approval of an ordinance for the contiguous annexation submitted by Heritage Wake Forest, Inc. for property located in the northeastern corner of the intersection of Heritage Hills Way and Dimock Way in Heritage North Subdivision comprising 11.98 acres.

At 7: 27 p.m., Mayor Jones opened the public hearing on the contiguous annexation submitted by Heritage Wake Forest, Inc. for property located in the northeastern corner of the intersection of Heritage Hills Way and Dimock Way in Heritage North Subdivision comprising 11.98 acres.

At 7:28 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

B. Public hearing and approval of an ordinance for the non-contiguous annexation submitted by Star South, LLC for property located in the 10600 block of Star Road comprising 7.47 acres.

At 7:28 p.m., Mayor Jones opened the public hearing on non-contiguous annexation submitted by Star South, LLC for property located in the 10600 block of Star Road comprising 7.47 acres.

At 7:29 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

C. Public hearing and approval of an ordinance for the non-contiguous annexation submitted by FMD, Inc. for property located in the northwest portion of the intersection of Unicon Drive and One World Way comprising 23.199 acres.

At 7:29 p.m., Mayor Jones opened the public hearing on the non-contiguous annexation submitted by FMD, Inc. for property located in the northwest portion of the intersection of Unicon Drive and One World Way comprising 23.199 acres.

At 7:30 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

D. Public hearing and approval of an ordinance for the contiguous annexation submitted by Joel Lynn Keith for property located at 1412 Forestville Road comprising 3.999 acres.

At 7:30 p.m., Mayor Jones opened the public hearing on the contiguous annexation submitted by Joel Lynn Keith for property located at 1616 Forestville Road comprising 3.999 acres.

At 7:31 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

E. Public hearing and approval of an ordinance for the contiguous annexation submitted by Larry D. Seibel for property located on Taylor Road comprising 39.14 acres.

At 7:31 p.m., Mayor Jones opened the public hearing on the contiguous annexation submitted by Larry D. Seibel for property located on Taylor Road comprising 39.14 acres.

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

F. Public hearing to receive public comment on the proposed annexation agreement with the Town of Youngsville.

At 7:32 p.m., Mayor Jones opened the public hearing to receive public comment on the proposed amendment to the annexation agreement with the Town of Youngsville.

Mayor Jones recognized Planning Director Russell, who reported that there were a few minor amendments to be made. The Town of Youngsville has agreed to the annexation agreement with the amendments.

At 7:33 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

G. Public Comment.

No one spoke.

H. ACTION:

- A. Approve ordinance for the contiguous annexation submitted by Heritage Wake Forest, Inc. for property located in the northeastern corner of the intersection of Heritage Hills Way and Dimock Way in Heritage North Subdivision comprising 11.98 acres.**
- B. Approve ordinance for the non-contiguous annexation submitted by Star South, LLC for property located in the 10600 block of Star Road comprising 7.47 acres.**
- C. Approve ordinance for the non-contiguous annexation submitted by FMD, Inc. for property located in the northwest portion of the intersection of Unicon Drive and One World Way comprising 23.199 acres.**
- D. Approve ordinance for the contiguous annexation submitted by Joel Lynn Keith for property located at 1412 Forestville Road comprising 3.999 acres.**
- E. Approve ordinance for the non-contiguous annexation submitted by Larry D. Seibel for property located on Taylor Road comprising 39.14 acres.**

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

ORDINANCE 2007-15

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

(Body of ordinance contained in Ordinance Book 20)
(Heritage Wake Forest, Inc. for property located in the northeastern corner of the intersection of Heritage Hills Way and Dimock Way in Heritage North Subdivision comprising 11.98 acres)

ORDINANCE 2007-16

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

(Body of ordinance contained in Ordinance Book 20)

(Star South, LLC for property located in the 10600 block of
Star Road comprising 7.47 acres)

ORDINANCE 2007-17

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

(Body of ordinance contained in Ordinance Book 20)
(FMD, Inc. For property located in the northwest portion of
the intersection of Unicon Drive and One World Way
comprising 23.199 acres)

ORDINANCE 2007-18

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

(Body of ordinance contained in Ordinance Book 20)
(Joel Lynn Keith for property located at 1412 Forestville Road
comprising 3.999 acres)

ORDINANCE 2007-19

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

(Body of ordinance contained in Ordinance Book 20)
(Larry D. Seibel for property located on Taylor Road
comprising 39.14 acres)

**F. Approve annexation agreement with the Town of Youngsville
resulting in the following ordinance:**

ORDINANCE 2007-20

ORDINANCE ESTABLISHING AN ANNEXATION AGREEMENT
BETWEEN THE TOWN OF YOUNGSVILLE, NORTH CAROLINA
AND THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 20)

5. Consent Agenda.

Commissioner Barrington said that he had questions in regards to Item 5.B. Approval of elimination of administration fees for credit card transaction by phone and requested that it be removed from the Consent Agenda. The item was placed under 8. Administration and Financial Items and Item 8.B.

ACTION: Commissioner Drake made a motion to approve the Consent Agenda Items as amended. 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 request received from Jeannie M. Buchanan for authorization to hold a wedding at the Wake Forest Birthplace on North Main Street (copy of letter on file in Town Clerk's Office).**
- C. Approval of Budget Ordinance Amendment No. 4 for FY 2006-2007 resulting in the following ordinance:.**

ORDINANCE 2007-21

BUDGET ORDINANCE AMENDMENT NO. 4
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
FOR THE FISCAL YEAR 2006-2007
(Body of ordinance contained in Ordinance Book 20)

- D. Approval of request received from Wake Forest Chamber of Commerce to close East Owen Avenue from South White Street to South Brooks Street on Saturday, May 7, 2007 from 6 a.m. until 10:00 p.m. for annual Meet-in-the-Street (copy of letter on file in Town Clerk's Office).**

6. Legislative Items.

None.

7. Planning Items.

Commissioner Camacho reported that he was absent at the Joint Public Hearings held on April 3, 2007 but that he had listened to the audio cd recorded by Town Clerk Wilson (video portion was not working properly).

- A. Consideration of approval of Case SU-07-02: A request filed by William and Louise Howard for a special use permit for a bed and breakfast for property located at 238 North Main Street, being Tax PIN 1841-52-2843.**

ACTION: Commissioner Boyd-Lawson made a motion to approve Case SU-07-02: A request filed by William and Louise Howard for a special use permit for a bed and breakfast for property located at 238 North Main Street based on the findings of fact and conditions. Commissioner Drake seconded the motion, which carried unanimously (5-0).

- Finding 1: The proposed use or development is located, designed and proposed to be operated as not to be detrimental to the public health, safety and general welfare, in that the site is appropriately zoned (R-15, Residential-15 District) to allow bed and breakfasts; the site will encourage guests to consider downtown Wake Forest, the seminary campus, and the Birthplace museum to be walkable destinations; the bed and breakfast (the first for Wake Forest) will provide additional guest rooms for visitors; will serve to promote “historic Wake Forest” and the historic districts to tourists. The operation will in no way endanger the public health, safety, and general welfare. Privacy of neighbors will be maintained through meeting the separation requirement.
- 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 property is within the town limits and already provided with all town services; water and sewer are already provided on-site and are sufficient to serve a bed and breakfast; and, the lot has access to the corner of North Main Street and Pine Avenue, able to handle the anticipated traffic generated by a bed and breakfast.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the experience in many other areas is that bed and breakfasts have little, if any, negative impact on a residential historic district. Evidence indicates the likelihood of positive neighborhood and community impacts.
Use as a bed and breakfast, with appropriate controls, would be in keeping with a residential area, as indicated with its listing in the zoning ordinance, and with the historic character of the neighborhood, as supported by the Wake Forest Historic Preservation Commission.
- Finding 4: The proposed use will not cause undue traffic congestion or create a traffic hazard, in that the proposed use will not generate more traffic than private residence with guests which can be accommodated by local streets.
- Finding 5: The proposed use will not create undue noise, dust, and gases, in that the proposed use is a residential use to which noise, dust, and gases are not normally associated.
- Finding 6: The proposed use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is located, in that the proposed use is a category of use allowed by the zoning ordinance in the R-15 Residential-15 District and is often considered, both aesthetically and for zoning purposes, to be compatible with residential neighborhoods of historic homes.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed use fulfills broad goals and general policies as well as specific goals

and policies of the Land Development Plan and objectives of the Conceptual Objective Plan of the Land Use Management Plan, in areas of historic and aesthetic aspects, controlling the use of large old homes for any non-residential use, development in the town center area, and privacy of residents. This use will serve the goal of encouraging appreciation of the historic character of Wake Forest.

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 proposed plan submitted with the Special Use Permit application complies with the requirements of the R-15, Residential-15 District and other applicable parts of the Zoning Ordinance.

Conditions:

1. Limit operation to eight (8) individuals at a time.
2. The design and dimensions of any sign must receive a Certificate of Appropriateness from the Wake Forest Historic Preservation Commission, as well as meeting sign requirements of the Zoning Ordinance.

8. Administration and Financial Items.

A. Consideration of approval of Capital Improvements Plan (CIP) for FY 2007-2012 (copy on file in Town Clerk's Office).

ACTION: Commissioner Barrington made a motion to approve the Capital Improvements Plan (CIP) for FY 2007-2012. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

B. Approval of elimination of administration fees for credit card transaction by phone.

ACTION: Commissioner Boyd-Lawson made a motion to eliminate the administration fee of \$5.00 for credit card transactions by phone. Commissioner Barrington seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-22

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

9. Public Services Items.

A. Discussion regarding vehicular littering requested by Commissioner Drake.

ACTION: Commissioner Drake made a motion to amend Chapter 26 Sanitation of the Code of Ordinances. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-23

ORDINANCE AMENDING CHAPTER 26
SANITATION OF THE CODE OF ORDINANCE
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 20)

WHEREAS, the Town desires to reduce or eliminate the debris, including waste paper, construction-related items, packing materials, and other man-made materials, littering roadsides, and

WHEREAS, Section 160A-185 of the North Carolina General Statutes provides that municipalities may regulate illegal disposal of solid waste, including littering, on public and private property; and

WHEREAS, failure to properly secure such man-made materials in moving vehicles contributes significantly to the litter and trash along the Town's roads; and

WHEREAS, such regulation of the illegal disposal of solid waste shall be consistent with state and federal law,

NOW, THEREFORE, Chapter 26 of the Wake Forest Code of Ordinances shall be amended by adding Section 26-46 which will read as follows:

- (1) No vehicle shall be driven or moved on any street or road within the Town's jurisdiction unless the vehicle is constructed and/or loaded to prevent any of its load from falling, blowing, dropping, sifting, leaking or otherwise escaping therefrom.
- (2) The provisions of Section 26-46(1) shall apply to man-made materials, including but not limited to, paper, packing materials, construction and demolition related items and food and beverage containers.
- (3) Violation of this Section shall be subject to punishment under Section 1-12 of this Code. The operator of any vehicle found to have an unsecured load pursuant to Subsection (1), above, shall be presumed to have committed the offense.

B. Consideration of approval of request for 4-way stop at Lakeview Avenue and Siena Drive.

ACTION: Commissioner Stinnett made a motion to approve a request for a 4-way stop at the junction of Lakeview Avenue and Siena Drive. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2007-24

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 20)

10. Parks and Recreation Items.

A. Consideration of approval of the Interlocal and Joint Use Agreement.

ACTION: Commissioner Drake made a motion to approve the Interlocal and Joint Use Agreement for Heritage High School. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

11. Public Safety Items.

None.

12. Special Called Meeting.

Mayor Jones reported that the Board of Commissioners should set a date and time for the evaluation of the Town Manager and Town Attorney.

Consensus of the Board of Commissioners was to set a special called meeting for Monday, April 23, 2007 at 7:30 p.m.

13. Adjournment.

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