

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

May 16, 2006

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, Deputy Town Manager O'Donnell, Planning Director Russell, Planner Sary, Planner Summers, Engineering Director Keravuori, Assistant Engineer Spring, Finance Director Staples, Parks and Recreation Director Simpson, and Town Attorney Knight.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Mayor Jones reported that approval of the Town Manager's contract needed to be added to the agenda under Administration Items as 8.A.

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 April 4, 2006 (Work Session and Joint Public Hearings), April 18, 2006 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Drake made a motion to approve the minutes of meetings held April 4, 2006 (Work Session and Joint Public Hearings), April 18, 2006 (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 for the proposed FY 2006-2007 Annual Budget.

At 7:04 p.m., Mayor Jones opened the public hearing to receive public input for the proposed FY 2006-2007 Annual Budget.

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

Mr. Jim Wallace, 8912 Brayer Hill Path, Raleigh, NC - spoke saying that the Wake Forest Cultural Arts Association (WFCAA) was formed in 1988. Its mission is to enhance the cultural life of the Town of Wake Forest in order to enrich the lives of its citizens and to reinforce the positive identity of the town as a distinct community in the context of rapidly changing North Wake County. The WFCAA Bylaws indicate that the organization came into being to develop, promote, and coordinate the arts, thereby preserving the cultural heritage of Wake Forest and its envisions and sustaining cultural life. The WFCAA is requesting support in the form of funds to pay for the services of a part-time Director in the budget year 2006-2007. WFCAA's service to the community has grown to the point where a paid, part-time Director is needed to support the work of an all volunteer board. A job description for this position has been included in the documentation presented for your information.

Kathryn Spiegel, acting secretary for the Wake Forest Cultural Arts Association, who spoke saying she agrees with Mr. Wallace's comments. She reported that WFCAA sponsors several events in Wake Forest: Six Sundays in Spring, DuBois Jazz Festival, Concert in the Park, and the Autumn Arts Festival just to name a few. The WFCAA is requesting support for the funding of part-time Director to assist the promotion of the various events/programs.

Mr. Franklin Ingram, Executive Director with Southlight, spoke that Southlight has requested funding for several years and appreciates the support. He introduced Ms. Deanna Brown, Program Coordinator of Prevention Services.

Ms. Brown presented a brief report saying that Southlight supports the drop-in after school program in Massey Apartments; new after-school program in conjunction with Friendship Chapel Baptist Church; a series of articles to inform and support parents and the community about preventing alcohol and drug use among teens. Ms. Brown reported that assessments show that youth at risk have many problems such as substance abuse, mental health needs, etc. Southlight prevention services offers comprehensive strategies; creative approaches; effective programs that promote child and family well-being and partnership with the community as well as provide information. Southlight also offers funding sources and community connections. She thanked the Board of Commissioners for its previous support and asked for continued support for the future.

Mr. Ed Norris, Executive Director of the Wake Forest Birthplace Society, Inc., 3509 Churchill Drive, Raleigh, NC, who spoke saying that the Town of Wake Forest should become a full partner with the Birthplace museum with monetary funding. The Dr. Calvin Jones house is located at 419 North Main Street. Preliminary plans are to downsize the museum from 10,000 square feet to 7,000 square feet. The museum is striving to collect, preserve and interpret the history of the first 122 years (1834-1956) of Wake Forest College (Wake Forest

University) and the Town of Wake Forest, its institutions and its citizens. The additional funds would be used in the construction of a museum annex in the rear of the historic house to allow adequate space to display the museum's collections of historical artifacts, increase its display of Town history and to provide a place for community related programming such as lectures, programs for schools and civic groups. It is envisioned that the museum will serve the citizens of Wake Forest as a cultural and educational center. Through the proposed expansion, the Wake Forest Birthplace Museum hopes to become a greater asset to the Town of Wake Forest and its citizens. To have a first class museum facility in a town the size of Wake Forest is a major selling point for business and industry. Heritage Tourism is the fastest growing industry in the United States. North Carolina ranks sixth behind only Florida, California, New York, Pennsylvania and Virginian tourism. Tourists spend nearly twice as much per capita than other travelers. The expanded facility will provide opportunities for local schools to benefit from increased programming especially for students. Evening programs and lecture series are planned for the new facility giving a unique opportunity for the enrichment of all Wake Forest citizens.

Mr. I. Beverly Lake, Jr., former chief justice of the Supreme Court, who spoke saying that the members of the Birthplace will begin an aggressive funding raising campaign. He recommended that the Town of Wake Forest partnership with the Birthplace Society through support in funding the request.

Mr. Hugh McLean, Boys and Girls Club, spoke saying that the club provides children of ages 6 to 18 a safe place to learn and grow. The Boys and Girls Club was started in 1986 with help from the United Way and Wake County Public Schools. Interaction with caring adult professionals and life enhancing programs and opportunities. Children are exposed to programs, activities and opportunities in five (5) areas: the arts, education and career development, health and life skills, sports, fitness, recreation, and character and leadership. Mr. McLean reported that the funds would be used to prove an additional staff person to run programs for youth. He thanked Mayor Jones and the Board of Commissioners for their consideration of funding to support the programs at the Boys and Girls Club.

Mr. George Mackie, Jr., 113 East Juniper Avenue, spoke saying that several years ago, the Birthplace Society came before the Board of Commissioners and requested funding for bathrooms at the Birthplace. The representative at that time said that the Birthplace Society would not request any further funding. The bathrooms have not been installed. Mr. Mackie said he feels that the Birthplace Society is capable of raising their own funds to support their efforts. He thanked Mayor Jones and the Board of Commissioners for letting him speak.

Mr. Tom Iverson, Chairman of Downtown Revitalization Corporation (DRC), spoke saying that a new Downtown Manager has been hired. An announcement will be made soon. The DRC was formed in 1984 by a group of citizens concerned by the increasing vacancies in downtown. The DRC works to foster the health and vitality

of downtown Wake Forest by directing focused growth and development through aiding in the implementation of the Renaissance Plan and by recruiting stable business and residential projects, developing and promoting events and functions that grow the visibility of the area, partnering with government and local organizations on issues impacting downtown Wake Forest, identifying and providing assistance to downtown stakeholders and maintaining and expanding a consistent and aesthetically appropriate image for downtown Wake Forest. The DRC is requesting a sustaining grant for support; a one-time grant for downtown signage (trailblazer signs/parking signs); facade improvement.

- * Primary/District Trailblazer Signs will be used to direct visitors to areas within and on the periphery of the downtown core. Examples of directions are: shopping/dining/Town Hall/Seminary/Miller Park, just to name a few.
- * Parking Signs would direct vehicular traffic to public parking areas.
- * Downtown District Banners will display the new brand identity for downtown. Corporate sponsorship could be offered in order to decrease the cost and provide business identification with the Downtown District.

Mr. Iverson reported that the DRC's Program of Work for 2006/07 will be weighted toward the marketing and promotion of Downtown as a place to shop, to visit and to live. After effectively communicating the wonderful attributes of Downtown to the masses, it is imperative that the trips made here are smooth and painless. He said that the state of Downtown is good. He thanked Mayor Jones and the Board of Commissioners for their support and asked for approval of the funding request for the coming year.

Ms. Christie Smith with Child Care Services Associates, Inc., spoke saying that the mission of Child Care Services is to ensure that affordable, accessible, high quality child care is available for all young children and their families. CCSA is celebrating 30 years of service in Durham, Orange and Wake counties. She reported that CCSA is also known throughout the state and nation for our efforts to improve child care through education and salary supplement supports for child care providers. CCSA prides itself in providing high quality child care resource and referral services to Wake County placing high value on customer service and up-to-date information. Ms. Smith reported that the parent services are free and many of their provider services are free as well. She thanked Mayor Jones and the Board of Commissioners for letting her make her presentation.

At 7:45 p.m., there being no one else present to speak to this item, Mayor Jones closed the public hearing.

B. Public Comment.

No one spoke.

5. Consent Agenda.

Commissioners Drake and Stinnett made a request to remove the following items from the Consent Agenda:

5.H. Approval of Master Plan for Bishop's Grant Townhomes.

5.E. Approval of petition requesting contiguous annexation submitted by Willfair Properties, LLC for property located off Rogers Road, comprising 18.90 acres.

Mayor Jones reported that the items would be placed under Planning Items as 7.C. and 7.D. respectively.

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

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

B. Approval of Budget Ordinance Amendment #4 for FY 2005-2006 resulting in the following ordinance:

ORDINANCE 2006-16

BUDGET ORDINANCE AMENDMENT NO. 4 OF
THE TOWN OF WAKE FOREST, NORTH CAROLINA
FOR THE FISCAL YEAR 2006-2007

(Copy of ordinance contained in Ordinance Book 19)

C. Approval of petition requesting contiguous annexation submitted by Nisa A. Chatha, Zaib-U-Nisa, Amjadi I. Saleem, and Zahra Amjad for property located at 604 Jones Dairy Road, comprising 1.749 acres resulting in the following resolutions:

RESOLUTION 2006-19

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1

(Body of resolution contained in Resolution Book 23)

RESOLUTION 2006-20

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 petition requesting contiguous annexation submitted by Christopher Dameron, T. Barker Dameron and Andrew Ammons for property located off Heritage Lake Road comprising 53.06 acres resulting in the following resolutions:**

RESOLUTION 2006-21

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1

(Body of resolution contained in Resolution Book 23)

RESOLUTION 2006-22

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)

- E. Approval of petition requesting non-contiguous annexation submitted by Janko Import Cars, Inc. for property located in the southeastern vicinity of the junction of Capital Boulevard (US-1) and Burlington Mills Road comprising 2.533 acres resulting in the following resolutions:**

RESOLUTION 2006-23

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1

(Body of resolution contained in Resolution Book 23)

RESOLUTION 2006-24

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)

- F. Approval of request to block off Spring Street on August 5, 2006 for a family reunion from 2 p.m. until 12 midnight (copy of letter on file in Town Clerk's Office).**

- G. **Approval of request received to block off Heritage Garden Street for a neighborhood picnic on Saturday, May 20, 2006 from 4:00 p.m. to 8:00 p.m. (Copy of letter on file in Town Clerk's Office).**
- H. **Approval of contract for Electricity Substation Engineering with Utility Engineering. (copy of contract on file in Town Clerk's Office).**

6. Legislative Items.

- A. **Consideration of approval of appointment of members to the Cemetery Advisory Board.**

Town Clerk Wilson distributed ballots for the Board of Commissioners to select the candidate of their choice (copy of ballots on file in Town Clerk's Office).

ACTION: Commissioner Drake made a motion to appoint Theresa Watkins to the Cemetery Advisory Board. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

RESOLUTION 2006-25

RESOLUTION APPOINTING MEMBER TO THE
CEMETERY ADVISORY BOARD OF THE TOWN
OF WAKE FOREST, NORTH CAROLINA
(Body of resolution contained in Resolution Book 23)

7. Planning Items.

Commissioner Boyd-Lawson spoke saying she was absent at the Joint Public Hearings/Planning Board meeting. However, she had obtained the tapes from Town Clerk Wilson for review prior to the meeting.

- A. **Consideration of approval of Case SU-06-04: A request filed by Lennar Communities of Carolina, Inc. for a special use permit for a private amenities center to be located in the Thornrose Subdivision (1400 block of Forestville Road), being Tax PIN 1749-46-0300.**

ACTION: Commissioner Barrington made a motion to approve Case SU-06-04: A request filed by Lennar Communities of Carolina, Inc. for a special use permit for a private amenities center to be located in the Thornrose Subdivision (1400 block of Forestville Road) based on the findings of fact as submitted by Planning Staff. Commissioner Camacho 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 proposed use is an amenities center that includes a swimming pool and pool/club house to be located in an area appropriately zoned (C.U. R-5, Residential-5 District); and will conform to all the state and local safety laws involved with such uses. In addition, the pool and club house will be located outside of the identified floodplain and the proposed parking area where the grading requires no additional fill. A flood analysis has been conducted that demonstrated that there will be no effect on the flood zone or flood elevation as a result of the proposed development.
- 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 proposed facility is centrally located within the Thornrose Community to encourage pedestrian access to the pool and clubhouse. Municipal water and sewer services are available to the site; and, the site is located within the Town's corporate limits and municipal protection services will be provided; and, the site will have frontage on to a public street (Song Sparrow Drive) which runs the entire length of the Thornrose Community from east to west and will connect with the Dansforth Subdivision and Forestville Road.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the proposed development will provide buffering, screening, and landscaping as required by the Town ordinances and an amenities center is a compatible use to the surrounding Thornrose Subdivision.
- Finding 4: The proposed use will not create undue traffic congestion or create a traffic hazard, in that the adjacent road has been designed and will be built to accommodate the proposed use as well as the associated traffic produced by the surrounding subdivision. Furthermore, the users will be residents of the surrounding subdivision where it's proposed central location will encourage pedestrian access, therefore, reducing the need to drive to the proposed use.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that dust and gases are not normally associated with the proposed use and vehicle access areas will be paved, alleviating potential dust problems. The positioning of the proposed facility provides for buffering along all sides of the site from future homes, therefore reducing the noise impacts on the adjacent homes.
- 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 compatible with the surrounding residential properties and will serve the surrounding

subdivision residents. It will be located in a centralized area of the subdivision, thus promoting pedestrian accessibility. The facility will be designed to be in architectural harmony with the homes in the community featuring a blend of several features common on homes within the community.

Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed use is allowed in the R-5, Residential-5 District through a special-use permit.

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 submitted special-use application and development plan complies with the requirements of the R-5, Residential-5 District in the Wake Forest Zoning Ordinance as well as recommendations of the applicable Land Use Plans.

B. Consideration of approval of Case ZA-06-03: Consideration of an amendment to the Wake Forest Zoning Ordinance amending Article XIII. Flood Damage Prevention Ordinance.

ACTION: Commissioner Drake made a motion to approve Case ZA-06-03: An amendment to the Wake Forest Zoning Ordinance amending Article XIII. Flood Damage Prevention Ordinance. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

ORDINANCE 2006-17

ORDINANCE AMENDING ARTICLE XIII. FLOOD DAMAGE PREVENTION ORDINANCE OF THE ZONING ORDINANCE OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 19)

C. Consideration of approval of petition requesting contiguous annexation submitted by Willfair Properties, LLC for property located off Rogers Road, comprising 18.90 acres.

ACTION: Commissioner Stinnett made a motion to approve the petition requesting contiguous annexation submitted by Willfair Properties, LLC for property located off Rogers Road, comprising 18.90 acres. Commissioner Drake seconded the motion, which carried unanimously (5-0) resulting in the following resolutions:

RESOLUTION 2006-26

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

RESOLUTION 2006-27

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. Consideration of approval of Master Plan for Bishop's Grant Townhomes.

ACTION: Commissioner Barrington made a motion to approve the Master Plan for Bishop's Grant Townhomes with condition that future platted townhouse lots shall not include any part of the required buffer areas. Commissioner Camacho seconded the motion and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Barrington	Commissioner Drake
Commissioner Boyd-Lawson	Commissioner Stinnett
Commissioner Camacho	

E. Consideration of approval of Case SU-06-05: A request filed by Contentnea Creek Development Company, Inc. for a special use permit for a private amenities center to be located in the Bishop's Grant Subdivision (1600 block of Wait Avenue).

ACTION: Commissioner Barrington made a motion to approve Case SU-06-05: A request filed by Contentnea Creek Development Company, Inc. for a special use permit for a private amenities center to be located in the Bishop's Grant Subdivision (1600 block of Wait Avenue) based on the findings of fact and condition as listed below. Commissioner Camacho 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 proposed use is an amenities center that includes a swimming pool and pool house to be located in an area appropriately zoned (C.U. R-5, Residential-5 District); and will conform to all the state and local safety laws involved with such uses. It is located along the main entrance road into Bishop's Grant

- Subdivision and will serve as an amenity to the residents of the subdivision.
- 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 proposed facility is located in an area within the Bishop's Grant Community that will be accessed by the main entrance road (Middlegame Way), which connects to Wait Avenue, a major thoroughfare. Municipal water and sewer services are available to the site; and, the site is located within the Town's corporate limits and municipal protection services will be provided.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the proposed development will provide buffering, screening, and landscaping as required by the Town ordinances and an amenities center is a compatible use to the surrounding Bishop's Grant Subdivision.
- Finding 4: The proposed use will not create undue traffic congestion or create a traffic hazard, in that the adjacent road has been designed and is built to accommodate the proposed use as well as the associated traffic produced by the surrounding Bishop's Grant community.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that dust and gases are not normally associated with the proposed use and vehicle access and parking areas will be paved, alleviating potential dust problems.
- 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 compatible with the surrounding proposed residential properties and will serve the surrounding subdivision residents.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed use is allowed in the R-5, Residential-5 District through a special-use permit.
- 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 submitted special-use application and development plan complies with the requirements of the R-5, Residential-5 District.
- Condition: Proposed parking spaces near the intersection located in the eastern portion of site shall be designed or relocated in such a way so that there is no conflict with the immediate traffic movement at the intersection.

8. Administration and Financial Items.

Mayor Jones reported that the Board of Commissioners held a special called meeting for the purpose of evaluating the Town Manager and the Town Attorney. Consensus of the Board of Commissioners was to give Town Manager Williams a 3.5% increase in salary effective July 1, 2006.

9. Public Services Items.

A. Consideration of approval of additional services provided by Kimley Horn and Associates for South Main Street widening and roundabout projects.

ACTION: Commissioner Barrington made a motion to approve additional services provided by Kimley Horn and Associates for South Main Street and Roundabout Projects. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

B. Consideration of approval of a request to allow connection to the municipal sewer system at 604 Jones Dairy Road (copy on file in Town Clerk's Office).

ACTION: Commissioner Drake made a motion to approve a request to allow connection to the municipal sewer system at 604 Jones Dairy Road. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of Erosion & Sedimentation Ordinance.

ACTION: Commissioner Barrington made a motion to approve the Erosion and Sedimentation Ordinance. Commissioner Stinnett seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2006-18

ORDINANCE AMENDING THE EROSION & SEDIMENTATION
ORDINANCE OF THE MANUAL OF SPECIFICATION AND DESIGN
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 19)

D. Discussion concerning unpaved roads in Wake Forest.

Discussion ensued concerning the unpaved roads in Wake Forest. Town Manager reported that there would be further discussion during the budget work sessions. A possible bond issue for paving streets may be in the future for the unpaved streets.

10. Parks and Recreation Items.

None.

11. Public Safety Items.

None.

12. Other Business.

Commissioner Frank Drake reported that he would like to have discussion concerning “No Thru Trucks” on the June agenda.

Discussion ensued concerning a public hearing at the June Board meeting for the barriers on Selsey Drive.

13. Closed Session: N.C.G.S. 143-318.11(a)(5) - Land Acquisition - New Town Hall Site.

ACTION: At 9:40 p.m., Commissioner Drake made a motion to go into Closed Session for the purpose of N.C.G.S. 143-318.11(a)(5) Land Acquisition - New Town Hall Site. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

ACTION: At 10:16 p.m., Commissioner Drake made a motion to return to the regular meeting. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

14. Adjournment.

ACTION: At 10:17 p.m., Commissioner Drake made a motion to adjourn the meeting. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).