

# REGULAR BOARD OF COMMISSIONERS MEETING

## TOWN OF WAKE FOREST, NORTH CAROLINA

June 19, 2007

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners 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, Planner Ayers, Planner Potts, Engineering Director Keravuori, Town Engineer Miles, Finance Director Staples, and Town Attorney Vernon. Commissioner Stephen Barrington was absent. Guest: Jonathan Decker - Summer Intern.

Mayor Jones led everyone in the Pledge of Allegiance.

### 1. **Approval of agenda.**

Mayor Jones reported that a Closed Session: N.C.G.S. 143-318.11(a)(3) Litigation was needed.

She also reported that Frank and Carol Smith were present to make a presentation concerning the Centennial Committee. Debra Ludas was also present for an interview for possible appointment to the Historic Preservation Commission.

**ACTION:** Commissioner Boyd-Lawson made a motion to approve the agenda as amended. Commissioner Drake seconded the motion, which carried unanimously (4-0).

### 2. **Approval of minutes.**

#### A. **Meetings held May 1, 2007 (Work Session and Joint Public Hearings) and May 15, 2007 (Regular Board of Commissioners Meeting).**

Mayor Jones reported that in the May 15, 2007 Minutes under the Parks and Recreation Items that the motion should read as follows:

Commissioner Boyd-Lawson made a motion to approve the request from the GWFABC concerning the construction of a press box/concession/field house at the Flaherty Community Park in an amount up to \$20,000. Commissioner Camacho seconded the motion, which carried unanimously (5-0). Town Clerk noted the amendment.

**ACTION:** Commissioner Drake made a motion to approve the minutes of meetings held May 1, 2007 (Work Session and Joint Public

Hearings) and May 15, 2007 (Regular Board of Commissioners Meeting) as submitted by Town Clerk Wilson. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

### **3. Presentations.**

Mayor Jones recognized Mr. Frank Smith, who spoke saying that he and his wife, Carol, are co-chairs of the Centennial Committee. He said he was present to request funding in the FY 2007-2008 Budget. He said that they had met with Town Manager Williams and asked if \$10,000 could be put into the budget. The committee is in the early planning stages for the celebration. The committee is now requesting a total of \$40,000 to fund several items.

The first major expenditures would be to publish a coffee-table type book celebrating Wake Forest's centennial. He passed around a sample book from the publisher, Donning Company (a copy of which is on file in the Town Clerk's Office). Mr. Smith reported that the committee is anticipating ordering 1,500 books to be delivered in early November 2008. The committee is asking that a contract be signed with the publisher, which at that time, a deposit of \$7,500 would be due with the balance of approximately \$22,230 due upon delivery of the book for a total cost of \$9,640 plus shipping costs. Any profit would be used by the Town to help offset the expenses of the Centennial Celebration.

The committee would also like to request the hiring of a part-time coordinator for the Centennial Celebration.. Although the volunteer committee members are willing to work hard to make the celebration an exciting time for Wake Forest, the committee feels that a coordinator could help secure the success of the 2009 Centennial year. The committee has started event planning. At this time, we anticipate a kick-off to the centennial by having a family-type New Year's Eve Celebration on December 31, 2008, called First Night or First Light to salute the incorporation of the Town of Wake Forest, which is the idea from Town Clerk Joyce Wilson. Other events being planned are a February birthday celebration, a 1909-era music concert at one of the Six Sundays in Spring events, activities during the Fourth of July celebration and a Christmas Gala at the new Town Hall. The committee feels a Centennial Coordinator would be invaluable with the planning, budgeting, and implementation of these events, the marketing of the history book, and coordinating with community organizations, such as churches, schools, civic clubs, the Community Council, etc. During this budget year, the committee anticipates such a coordinator would work approximately 10 hours a week and then would add hours as events drew nearer. Mr. Smith presented a preliminary job description (copy on following page) for the position and are asking that the Town fund the position, set the salary, advertise the position, interview and hire the best candidate. Although the person would work with the members of the committee, we anticipate that the person would be supervised by a Town staff person, perhaps the Town's Public Information Officer.

Although for the upcoming budget year, the major expenses for the Celebration would be the history book and the Centennial Coordinator, there are other items, such as budgeting for a centennial celebration logo prepared by a graphic designer. Mr. and Ms. Smith thanked the Board of Commissioners for their time and said if they had any questions, he and Carol would be glad to help.

Mayor Jones recognized Ms. Debra Ludas, who spoke saying that she and her husband had purchased The Corner Ice Cream Shop. They are trying to restore the building to its natural state. She said that her hobby is architecture and landscape architecture. She said she has attended various architectural tours and classes. She said that she is very interested in serving on the Historic Preservation Commission.

**4. Public hearings / Public Comment.**

**A. Public hearing and approval of ordinance for contiguous annexation submitted by The Wright People, LLC for property located in the 13700 block of Capital Boulevard comprising 28.69 acres.**

At 7: 20 p.m., Mayor Jones opened the public hearing for the contiguous annexation submitted by The Wright People, LLC for property located in the 13700 block of Capital Boulevard comprising 28.69 acres.

At 7:21 p.m., there being no one else present to speak to this item, Mayor Jones closed the public hearing.

**B. Public hearing and approval of ordinance for contiguous annexation submitted by ECI Custom Homes for property located at 3600 Copper Beach Lane comprising 34.283 acres.**

At 7:22 p.m., Mayor Jones opened the public hearing for the contiguous annexation submitted by ECI Custom Homes for property located at 3600 Copper Beach Lane comprising 34.283 acres.

Planner Sary spoke saying that the public hearing should be continued to the July Board meeting in order for the annexation/rezoning/site plan will be considered at the same time.

At 7:23 p.m., there being no one else present to speak to this item, Mayor Jones continued the public hearing until July 17, 2007.

**C. ACTION: Approve the following:**

**4.A. Approval of ordinance for contiguous annexation submitted by The Wright People, LLC for property located in the 13700 block of Capital Boulevard comprising 28.69 acres.**

**ACTION:** Commissioner Drake made a motion to approve the contiguous annexation submitted by The Wright People, LLC for property located in the 13700 block of Capital Boulevard comprising 28.69 acres. Commissioner Camacho seconded the motion the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2007-29

ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 27)

**D. Public Comment.**

No one spoke.

**5. Consent Agenda.**

Commissioner Drake requested that Item 5.F. Approval of Master Plan Amendment for Wake Forest Business Park be removed from the Consent Agenda. Mayor Jones reported that this item would be considered as Planning Item 7.F.

Commissioner Stinnett requested that the following items be removed from the Consent Agenda:

5.C. Approval of petition requesting contiguous annexation submitted by Mr. Harold G. Moore for property located at 159 Forbes Road.

5.D. Approval of resolution accepting/abandoning certain streets to the Town Street System for maintenance.

Mayor Jones reported that these two (2) items would be considered as Planning Item 7.G and Public Service Item 9.E.

**ACTION:** Commissioner Camacho made a motion to approve the remaining Consent Agenda items. Commissioner Drake seconded the motion, which carried unanimously (4-0).

**A. Approval of tax releases (copy on following page).**

**B. Approval of request received from New Bethel Baptist Church to block off North Allen Road on Saturday, July 21, 2007 from 6:00 p.m. to 9:00 p.m. to host an evangelist community church service (copy of letter on following page).**

**C. Approval of Development Plan Amendment: Wakefield Ford with the following condition:**

1. Provide twelve (12) additional evergreen trees between Capital Boulevard (US-1) and parking area to screen service bays from right-of-way. Minimum height and caliper standards shall apply.

**D. Approval of Subdivision Review: The Registry at Bennett Park with the following conditions:**

1. Approximately 2.03 acres located along Richland Creek be dedicated to the town for future open space and greenway opportunities.
2. The Home Owners Association documents shall prohibit the connection of in-ground automatic lawn sprinkler systems to the municipal water system.
3. Grading of property shall be limited to areas for roads, utilities, and building areas. Mass grading of site shall be prohibited.
4. Preserve identified landmark trees located on the property where practical.
5. Design stream crossing and construct West Holding Avenue to western property line at an acceptable elevation per the crossing design.

**E. Approval of Budget Ordinance Amendment No. 6 for FY 2006-2007 resulting in the following ordinance:**

ORDINANCE 2007-30

BUDGET ORDINANCE AMENDMENT NO. 6 FOR FY 2006-2007  
FOR THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 29)

**6. Legislative Items.**

**A. Consideration of appointment of members to the Downtown Revitalization Corporation (DRC) Board of Directors.**

**ACTION:** Commissioner Stinnett made a motion to approve the appointment of members for the Downtown Revitalization Corporation (DRC) Board of Directors. Commissioner Drake seconded the motion, which carried unanimously (4-0) resulting in the following resolution:

RESOLUTION 2007-34

RESOLUTION APPOINTING MEMBERS TO THE  
BOARD OF DIRECTORS OF THE DOWNTOWN

REVITALIZATION CORPORATION (DRC)  
(Body of resolution contained in Resolution Book 24)

Jeff Adolphsen  
Cristiana Walkley  
Ryan Hutchinson  
Mike Berry  
Jonnie Anderson

Terms will expire July 1, 2008.

**B. Consideration of appointment of member to the Historic Preservation Commission (copy of applications and ballots on following page).**

**ACTION:** Commissioner Drake made a motion to appoint Debra Ludas to the Historic Preservation Commission with term to expire 12/31/2009. Commissioner Boyd-Lawson seconded the motion and the vote was as follows resulting in the following resolution:

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

RESOLUTION 2007-35

RESOLUTION APPOINTING MEMBERS TO THE  
HISTORIC PRESERVATION COMMISSION  
(Body of resolution contained in Resolution Book 24)

**C. Consideration of approval of establishment of Youth Advisory Board.**

**ACTION:** Commissioner Boyd-Lawson made a motion to approve the establishment of a Youth Advisory Board. Commissioner Camacho seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2007- 31

ORDINANCE AMENDING CHAPTER 18.  
HUMAN RELATIONS COUNCIL ESTABLISHING  
SECTION 18-51 YOUTH ADVISORY BOARD  
OF THE CODE OF ORDINANCES OF THE  
TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 27)

**7. Planning Items.**

**A. Consideration of approval of Case SU-07-05: A request filed by MacLeod Construction, Inc. for a special use permit to locate a concrete plant at South Forest Business Park, Phase II, Lot 25, being Tax PIN 1739-62-5159.**

**ACTION:** Commissioner Stinnett made a motion to deny Case SU-07-05: A request filed by MacLeod Construction, Inc. for a special use permit to locate a concrete plant at South Forest Business Park, Phase II, Lot 25 based on Finding No. 5. Commissioner Drake seconded the motion, which carried unanimously (4-0).

Finding 5: The proposed use will not create undue noise, dust, and gasses, in that the proposed plant will not employ undue noise or gasses, where EPA guidelines will be in place and where perimeter landscape buffers and additional landscaping will be provided, and the proposed plant shall obtain all local, state and federal operational permits and continually adhere to these requirements.

**B. Consideration of approval of Case RZ-07-06: A request filed by 1<sup>st</sup> American Land, LLC to rezone 38.58 acres from RD, Rural Holding District to C.U. R-10, Residential-10 District and C.U. R-8, Residential-8 District for the property located in the 1000 block of North Main Street (west side), being Tax PIN(s) 1841-79-1596 & 1841-78-3884.**

**ACTION:** Commissioner Camacho made a motion to approve Case RZ-07-06: A request filed by 1<sup>st</sup> American Land, LLC to rezone 38.58 acres from RD, Rural Holding District to C.U. R-10, Residential-10 District and C.U. R-8, Residential-8 District for the property located in the 1000 block of North Main Street (west side) subject to the conditions as listed below. Commissioner Stinnett seconded the motion and the vote was as follows resulting in the following ordinance:

Aye

Nay

Commissioner Boyd-Lawson  
Commissioner Camacho  
Commissioner Stinnett

Commissioner Drake

Conditions: 1. Grading of property shall be limited to areas for roads, utilities, and building areas. Mass grading of site shall be prohibited.

2. Heavy construction traffic shall use North Main Street for access to the site.
3. Preserve identified landmark trees located on the property as shown on master plan.
4. All buffers shall remain natural and undisturbed. Supplemental plantings shall be required in open areas where existing vegetation does not meet the requirements of the zoning ordinance.
5. Provide right-of-way dedication along North Main Street and construct roadway improvements per the Wake Forest Transportation Plan.
6. Construct road improvements as recommended in the Transportation Impact Analysis.
7. Dedicate right-of-way, construct road and utility improvements and provide stream crossing to the property to the north as shown on the master plan and per the agreement with the developer and adjoining property owner.

ORDINANCE 2007-32

ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 27)

- C. Consideration of approval of Case RZ-07-07: A request filed by Reservoir Development Group, Inc. to rezone 86.83 acres located off Wait Avenue, Oak Grove Church Road, and Gilcrest Farm Road being Tax PIN(s) 1851-44-1044 as listed below.**

**ACTION:** Commissioner Camacho made a motion to approve Case RZ-07-07: A request filed by Reservoir Development Group, Inc. to rezone 86.83 acres located off Wait Avenue, Oak Grove Church Road, and Gilcrest Farm Road subject to the conditions as recommended by the Planning Staff, which died due to lack of a second.

Commissioner Boyd-Lawson made a motion to approve Case RZ-07-07: A request filed by Reservoir Development Group, Inc. to rezone 86.83 acres located off Wait Avenue, Oak Grove Church Road, and Gilcrest Farm Road. Commissioner Camacho seconded the motion and the vote was as follows resulting in the following ordinance:

Aye

Nay

Commissioner Boyd-Lawson  
Commissioner Camacho  
Mayor Jones

Commissioner Drake  
Commissioner Stinnett

ORDINANCE 2007-33

ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 27)

R-5, Residential-5 District to O-I District – 2.68 acres;  
NB, Neighborhood Business District to O-I, Office & Institutional District  
– 6.63 acres;  
C.U. O-I, Office & Institutional District to R-5, Residential District – 56.65 acres;  
R-10, Residential-10 District to O-I, Office & Institutional District – 5.12 acres;  
R-10, Residential-10 District to R-5, Residential-5 District – 15.55 acres.

**D. Consideration of approval of Case ZA-07-02: An amendment to the Wake Forest Zoning Ordinance Amending Article VIII. Section 3.**

**ACTION:** Commissioner Drake made a motion to approve Case ZA-07-02: An amendment to the Wake Forest Zoning Ordinance amending Article VIII. Section 3. to provide notice by first class mail rather than by certified mail. Commissioner Camacho seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2007-34

ORDINANCE AMENDING ARTICLE VIII. SECTION 3.  
PROCEDURE FOR APPROVAL OF SPECIAL USE PERMITS  
OF THE ZONING ORDINANCE OF THE  
TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body ordinance contained in Ordinance Book 27)

All property owners abutting or within 100 feet of the property on which the proposed use will be developed shall be notified by ~~certified mail~~ first class mail of the date and place of the forthcoming hearing.

**E. Consideration of approval of Case ZA-07-03: An amendment to the Wake Forest Zoning Ordinance to address wireless telecommunication facilities.**

**ACTION:** Commissioner Drake made a motion to approve Case ZA-07-03: An amendment to the Wake Forest Zoning Ordinance to address wireless telecommunication facilities (copy on following page).

Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2007-35

ORDINANCE AMENDING ARTICLE VI. SECTION 11.  
WIRELESS TELECOMMUNICATIONS FACILITIES  
OF THE ZONING ORDINANCE OF THE  
TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 27)

**F. Approval of Master Plan Amendment for Wake Forest Business Park.**

**ACTION:** Commissioner Drake made a motion to approve the Master Plan Amendment for Wake Forest Business Park subject to the conditions recommended by Planning Staff. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Camacho  
Commissioner Drake  
Commissioner Boyd-Lawson

Commissioner Stinnett

- Conditions:
1. Provide a 10' buffer along south property line (area adjacent to new construction). Where existing vegetation is insufficient, new plantings shall be used to supplement any existing vegetation in order to meet the minimum screening requirements (Type B Buffer).
  2. The 20' buffer yard behind building J shall remain undisturbed.
  3. The 20' buffer yard along the east property line shall remain undisturbed.
  4. The area of new construction shall meet current landscape requirements.
  5. Record a cross access easement from east parking lot to south property line.

**G. Consideration of approval of petition requesting contiguous annexation submitted by Mr. Harold G. Moore for property located at 159 Forbes Road.**

**ACTION:** Commissioner Stinnett made a motion to approve the petition requesting contiguous annexation submitted by Mr. Harold G. Moore for property located at 159 Forbes Road. Commissioner Drake seconded the motion, which carried unanimously (4-0) resulting in the following resolutions:

RESOLUTION 2007-36

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

RESOLUTION 2007-37

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.A. 160A-31, AS AMENDED  
(Body of resolution contained in Resolution Book 24)

**8. Administration and Financial Items.**

**A. Consideration of approval of FY 2007-2008 Budget Ordinance.**

**ACTION:** Commissioner Drake made a motion to approve the FY 2007-2008 Budget Ordinance with the amendments as listed below. Commissioner Stinnett seconded the motion and the vote was as follows resulting in the following ordinances/resolution:

Aye

Nay

Commissioner Boyd-Lawson  
Commissioner Drake  
Commissioner Stinnett

Commissioner Camacho

1. Amend the verbage in the Municipal Service District Resolution to reflect Renaissance Plan by deleting Redevelopment Plan.
2. Add \$30,000 for the Centennial Committee.
3. Increase the Fee Schedule - Meter Tampering (2<sup>nd</sup> offense) to \$600.00
4. Increase tax rate from \$.54 to \$.55 with the additional \$.01 to be designated for fire services.

ORDINANCE 2007-36

BUDGET ORDINANCE OF THE TOWN OF WAKE FOREST,  
NORTH CAROLINA FOR THE FISCAL YEAR 2007-2008  
(Body of ordinance contained in Ordinance Book 27)

ORDINANCE 2007-37

ORDINANCE TO AMEND THE PAY AND CLASSIFICATION PLAN  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 27)

RESOLUTION 2007-38

RESOLUTION AMENDING RESOLUTION 88-48  
RESOLUTION DEFINING A SERVICE DISTRICT  
WITHIN THE EXISTING DOWNTOWN WAKE FOREST  
NON-RESIDENTIAL REDEVELOPMENT AREA  
(Body of resolution contained in Resolution Book 24)

ORDINANCE 2007-38

ORDINANCE AMENDING THE FEE SCHEDULE OF  
THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 27)

**9. Public Services Items.**

**A. Consideration of approval of adoption of a Water and Sewer Conservation Policy for the Town of Wake Forest, North Carolina (copy on following page).**

**ACTION:** Commissioner Camacho made a motion to approve the Water and Sewer Conservation Policy for the Town of Wake Forest. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0).

**B. Consideration of amendment to real property purchase and sale agreement (American Legion Building) (copy on following page).**

**ACTION:** Commissioner Boyd-Lawson made a motion to amend the real property purchase and sale agreement for the American Legion Building. Commissioner Drake seconded the motion, which carried unanimously (4-0).

**C. Consideration of approval of request to establish a 2-hour parking limit in the 300 and 400 block of West Cedar Avenue.**

**ACTION:** Commissioner Drake made a motion to approve a request received to establish a 2-hour parking limits in the 300 and 400 blocks of West Cedar Avenue. Commissioner Boyd-Lawson seconded the

motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2007-39

ORDINANCE AMENDING CHAPTER 30 TRAFFIC  
SECTION 30-243 SCHEDULE II. PARKING PROHIBITED  
BETWEEN CERTAIN HOURS OF THE CODE OF ORDINANCES  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of ordinance contained in Ordinance Book 27)

**D. Consideration of approval of resolution establishing Green Power Program (copy of documentation on following page).**

**ACTION:** Commissioner Drake made a motion to approve a resolution establishing a Green Power Program for the Town of Wake Forest. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0) resulting in the following resolution:

RESOLUTION 2007-39

RESOLUTION ESTABLISHING A  
GREEN POWER PROGRAM FOR THE  
TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of resolution contained in Resolution Book 24)

**E. Consideration of approval of resolution accepting/abandoning certain streets to the Town Street System for maintenance.**

**ACTION:** Commissioner Stinnett made a motion to approve a resolution accepting/abandoning certain streets to the Town Street System for maintenance. Commissioner Drake seconded the motion, which resulted in the following resolution:

RESOLUTION 2007-40

RESOLUTION ACCEPTING/ABANDONING  
CERTAIN STREETS TO THE TOWN STREET SYSTEM  
FOR THE TOWN OF WAKE FOREST, NORTH CAROLINA  
(Body of resolution contained in Resolution Book 24)

**10. Parks and Recreation Items.**

None.

**11. Public Safety Items.**

None.

Town Manager Williams reported that two (2) Board of Commissioners are needed for appointment to a committee for the Fire Department. Consensus was that Commissioners Drake and Boyd-Lawson be appointed to serve.

Town Manager Williams also reported that an item concerning teleconferencing for meetings would be placed on the work session on July 10, 2007 for discussion.

Town Manager Williams suggested several possible dates for the mid-year retreat. Consensus of the Board of Commissioners was Friday, August 17, 2007.

**12. Closed Session:** N.C.G.S. 143-318.11(a)(3) Litigation: concerning PCB spills even though Wake Forest was not mentioned.

**ACTION:** At 9:24 p.m., Commissioner Drake made a motion to go into Closed Session for the purpose of N.C.G.S. 143-318.11(a)(3) Litigation: concerning PCB spills. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0).

At 9:39 p.m., Commissioner Camacho made a motion to return to the regular meeting. Commissioner Drake seconded the motion, which carried unanimously (4-0).

**13. Adjournment.**

**ACTION:** At 9:40 p.m., Commissioner Drake made a motion to adjourn the meeting, Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0).