

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

September 16, 2008

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners Frank Drake, Anne Hines, Chris Kaeberlein, Margaret Jones Stinnett and Pete Thibodeau (arrived at 7:15 p.m.) as were Town Manager Williams, Town Clerk Wilson, Deputy Town Manager O'Donnell, Planning Director Russell, Assistant Planning Director Sary, Planner Yokley, Planner Summers, Planner Wanman, Police Chief Harrington, Engineering Director Keravuori, and Town Attorney Vernon.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

ACTION: Commissioner Hines made a motion to approve the agenda as amended. Commissioner Kaeberlein seconded the motion, which carried unanimously (4-0).

2. Approval of minutes.

A. Meetings held August 5, 2008 (Continued Board Meeting, Work Session and Joint Public Hearings), and August 19, 2008 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Stinnett made a motion to approve the minutes of meetings held August 5, 2008 (Continued Board Meeting, Work Session and Joint Public Hearings), and August 19, 2008 (Regular Board of Commissioners Meeting). Commissioner Hines seconded the motion, which carried unanimously (4-0).

3. Presentations.

A. Presentation by Kevin Buckheit - Triangle J Council of Governments and the Capital Trees Program.

Mayor Jones recognized Ms. Lois Nixon, Chairman of the Capital Trees Program, which began in the City of Raleigh, then expanded to Wake County, but is now administered through the Triangle J Regional Appearance Committee, with staff support from Renee Boyette, who is here tonight.

Since moving the Capital Trees Program to Triangle J, we have been asked to help replicate this program in surrounding counties. This will help the environment for all of us in the Triangle J Region. The new program which will form a “canopy” over all the individual county programs is called Tremendous Trees. We recently completed two (2) workshops to train sixty (60) people in the other TJCOG counties to start their own Tremendous Trees program. This work was partially funded by an Urban & Community Forestry Grant.

The Capital Trees Program was established in 1993 to promote the significance of trees in Wake County. Its overall goal is to draw attention to the most noteworthy trees in the county and implement an educational program for people of all ages about the tree canopy and even the roots. The Capital Trees Program has two parts--the first is the Educational Program, which informs and involves residents to sustain and protect the urban and community forests throughout Wake County. This education has included more than 350 tree planting presentations since the program began, and planting up to 2000 seedling trees per year in partnership with the Triangle J Regional Appearance Committee. We are also growing seedlings from some of our previous award winners--we call them our Honor Roll Trees.

As students learn in school when they study photosynthesis, trees offer air quality benefits as they take in carbon dioxide from the air, sequester the carbon in their wood, and give off oxygen through transpiration. I describe this to students as a “partnership” between trees and people. Trees are our life support, and we must take responsibility for their life support. However, according to research in several states, these carbon reduction benefits are minimal until the tree is at least 15 years old, so in addition to planting new trees, we must preserve mature trees to maintain and improve our air quality. Urban forests have a very definite role to play in helping to reduce global warming.

We are here today for the second purpose of the program, the Capital Trees Awards Program, which identifies and presents awards to celebrate special trees within Wake County. Over 200 trees have received recognition in the past five biennial award cycles, and 23 more trees have been selected for awards this year from throughout Wake County. In this award cycle, there were 19 different species of trees nominated. All of these award winners will be added to the Capital Trees Honor Roll on the Triangle J Tremendous Trees web site.

The members of the Capital Trees Program committee are volunteers. A special thank you goes to the volunteer awards jury and its foreman, Dr. Benson Kirkman. The awards jury is the key to this program, as they evaluate and measure every tree that is nominated. The jury is made up of professional arborists and foresters.

Nominations are now being taken through December 2008 for the next award presentations. She left several brochures on the table in the lobby after her presentation. Nomination forms can be printed from the Triangle J Tremendous Trees web site—just Google Capital Trees Program: <http://www.tjcog.dst.nc.us/members/captrees.shtml?4&sc1>

Awards are made in four (4) categories:

- Champion: Awards are based on size. Using the measurement and point system established for state and national champion trees, a nominated tree's point total must equal or exceed 75% of the current state champion tree's total.
- Historical: Nominees must be at least 50 years old to qualify. The trees must be specifically associated with some significant historical event or place.
- Landmark: Emphasis is on natural groupings or communities rather than individual trees.
- Meritorious: Trees in this category could be potential future winners in the other three categories; or developer-saved trees of exemplary quality; outstanding trees with exceptional color or form; or even a special "climbing tree" with significance to children!

Seven (7) of the trees to receive awards live in Wake Forest!

Presentation of CTP Awards at Wake Forest Board of Commissioners meeting on August 19, 2008.

1. Two Eastern Red Cedar trees were nominated by owners Arleen and Joseph Sellek. The trees are on Capital Boulevard, just north of North Main Street in Wake Forest, on the Purefoy-Dunn Plantation, which is on the National Register of Historic Places. Both trees received a Historical Award, due to their age and location on this historic site, but the largest tree also received a Champion Award, as it is 90% of the size of the current State Champion Eastern Red Cedar. The home on the Purefoy-Dunn Plantation was built in 1814, and is surrounded by development, but there is a preservation easement on the home, which we hope will also help protect these very healthy old trees.
2. The other five trees to receive awards tonight can all be found on the B. W. Wells Rock Cliff Farm west of Wake Forest on the shore of Falls Lake. Rock Cliff Farm is probably best known for Zeagle's Rock, but it also has a healthy group of very old and large native trees. You may know that Rock Cliff Farm was the retirement retreat of noted NC Ecologist, B. W. Wells, who was head of the NCSU Botany Department before his retirement. He

is revered here and in other states as a pioneer ecologist who believed that “Man lives in harmony with nature”—or at least that should be our goal!

The awards are being accepted by Brian Bockhahn, NC State Parks Ranger, who has been instrumental in promoting the history and conservation of Rock Cliff Farm. He is also my favorite naturalist and tour leader in Wake County, so take advantage of his expertise when you have a chance to attend one of the B. W. Wells Association events.

The Mockernut Hickory tree receives a Champion-Historical Award. It will also be nominated as a state champion, because there is no Mockernut Hickory listed in the NC Champion Trees list.

The huge Scarlet Oak will also be nominated as a State Champion as it has a much larger point total than the current State Champion Scarlet Oak.

These next two trees: American Elm and White Oak will receive Historical Awards because of their proximity to the historic home site.

And finally, this group of American Holly trees between the B. W. Wells home and studio receive a Champion-Landmark designation. The largest holly received a previous CTP award, but this group of hollies gave the farm its original name of “Holly Hill Farm”, so they deserve this Landmark award as well.

Once again, if you haven’t visited the B. W. Wells site, take a look at their web site www.bwwells.org and visit during the next open house on September 21, 2008, during their Annual Meeting, when you can join the Association and help with the preservation of the site.

4. Public hearings / Public Comment.

A. Public hearing concerning amendment to Section 6 of the Wake Forest Code of Ordinances to allow citizens to have five (5) hens within the corporate limits.

At 7:12 p.m., Mayor Jones opened the public hearing on the amendment to Section 6 of the Wake Forest Code of Ordinances to allow citizens to have five (5) hens within the corporate limits.

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

Ms. Emily Cole - 107 Pine Ridge Court - She requested that the Board of Commissioners consider allowing 10-12 hens rather than the 5 hens that were recommended by Planning Staff.

Mr. Joel Pottern - 104 West Chestnut Avenue - He spoke in support of allowing hens in the corporate limits of the Town of Wake Forest. He reported that in the 1940's topsoil was carted into Town so people could grow fruit. He said that urban chickens were growing in popularity across the country. Mr. Parker said that he agreed with Ms. Cole's comments that 5 hens were too small.

Mr. Jeff Boldizar- 3673 Bench Creek Drive - spoke saying that he recently moved to Wake Forest from Fair Oaks, California, which not only allows urban chickens, but encourages them as a way for Americans to get back to our roots. He said that Fair Oaks has its own chicken festival, which is about celebrating our fowl feathered friends. He said that he likes the hometown atmosphere.

Mr. Dave Bissette - 230 South Main Street - He said that he has 9 birds (small flock). He said that 5 hens are limited in scope. Twelve (12) would be the maximum. He suggested that the Board of Commissioners increase the number to 10-12 hens per household.

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

ACTION: Commissioner Kaeberlein made a motion to establish Article IV. Section 6.51a of the Code of Ordinance to allow ten (10) hens (chickens) within the corporate limits of the Town of Wake Forest. Commissioner Drake seconded the motion and the vote was as follows resulting in the following ordinance:

ORDINANCE 2008-35

ORDINANCE ESTABLISHING ARTICLE IV. SECTION 6.51A
EXEMPTION FOR HENS OF THE CODE OF ORDINANCES
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 21)

A permit shall not be required for any person wanting to keep no more than ten (10) hens.

Aye

Nay

Commissioner Drake
Commissioner Hines
Commissioner Kaeberlein
Commissioner Stinnett

Commissioner Thibodeau

B. Public hearing for designating the home of Speed and Barbara Massenburg - Oakforest - as a local historic designation.

At 7:26 p.m., Mayor Jones opened the public hearing for designating the home of Speed and Barbara Massenburg - Oakforest - as a local historic designation.

Mayor Jones recognized Planner Wanman, who spoke saying that the paperwork was not ready and continue the public hearing to October 21, 2008.

At 7:30 p.m., Mayor Jones continued the public hearing to October 21, 2008.

C. Public Comment.

Mayor Jones recognized Mr. Jeff Savary - Flaherty Farms - spoke saying that plans are underway to construct the Franklin Academy in the Flaherty Farms Subdivision. He said at the present time, there is only one access road into the subdivision. There will be increased traffic. Approximately 500 students with 200 students driving. An additional sidewalk is needed. There is not adequate parking.

Mayor Jones referred Mr. Savary to the Planner Yokley in the Planning Department.

5. Consent Agenda.

ACTION: Commissioner Kaerberlein made a motion to approve the Consent Agenda as submitted. 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 petition requesting contiguous annexation submitted by Wake Forest Retail Investors, LLC for property located at the intersection of Jones Dairy Road and NC-98 By-pass comprising 13.268 acres resulting in the following resolutions:

RESOLUTION 2008- 41

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1
(Body of resolution contained in Resolution Book 25)

RESOLUTION 2008-42

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 25)

- C. **Approval of request received from the Downtown Revitalization Corporation (DRC) to amend their August 5 request for the closing times for East Owen Avenue for the 5th Annual Arts Festival on Friday, October 10, 2008 from 6:00 p.m. (copy of letter on file in Town Clerk's Office).**
- D. **Approval of Budget Ordinance Amendment No. 1 for FY 2008-2009 resulting in the following ordinance:**

ORDINANCE 2008-36

BUDGET ORDINANCE AMENDMENT NO. 1 OF
THE TOWN OF WAKE FOREST, NORTH CAROLINA
FOR THE FISCAL YEAR 2008-2009
(Body of ordinance contained in Ordinance Book 21)

6. Legislative Items.

- A. **Consideration of approval of voting delegate for the North Carolina League of Municipalities Annual Meeting.**

ACTION: Commissioner Drake made a motion to appoint Mayor Jones as the voting delegate and Commissioner Hines as the alternate delegate. Commissioner Stinnett seconded the motion, which carried unanimously (5-0).

7. Planning Items.

- A. **Consideration of approval of Site Plan Review: Wake County Public Library Expansion.**

ACTION: Commissioner Stinnett made a motion to approve the Wake County Public Library Expansion Site Plan. Commissioner Hines seconded the motion, which carried unanimously (5-0).

- B. **Consideration of approval of Site Plan Review: Wake Forest Fire Department.**

ACTION: Commissioner Stinnett made a motion to approve the Wake Forest Fire Department Site Plan. Commissioner Drake seconded the motion, which carried unanimously (5-0).

- C. **Review and approval of project priority list for FY 2011-2017 TIP (copy of list on following page).**

ACTION: Commissioner Hines made a motion to approve the project priority list for FY 2011-2017 TIP to include the projects listed below. Commissioner Drake seconded the motion, which carried unanimously (5-0).

- * Bridge replacement, Ligon Mill Road at Smith Creek, 3-lanes.
- * Bridge replacement, Forestville Road at Sanford Creek, multi-lanes.
- * Interchange and roadway improvements to US-1, from Gresham Lake Road to Burlington Mill Road (joint request of US-1 Council of Planning Members).

D. Consideration of approval of Case ZA-08-02: An amendment to Article IV Section 13. Site Plan Requirements of the Wake Forest Zoning Ordinance.

ACTION: Commissioner Stinnett made a motion to approve Case ZA-08-02: An amendment to Article IV Section 13. Site Plan Requirements of the Wake Forest Zoning Ordinance. Commissioner Hines seconded the motion and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Drake	Commissioner Thibodeau
Commissioner Hines	
Commissioner Kaerberlein	
Commissioner Stinnett	

ORDINANCE 2008-37

ORDINANCE AMENDING THE ZONING ORDINANCE
ARTICLE IV. SECTION 13. SITE PLAN REQUIREMENTS
(Body of ordinance contained in Ordinance Book 21)

E. Consideration of approval of Case SU-08-06: A request filed by Bass, Nixon and Kennedy, Inc. for a special use permit for a planned unit development on 74.05 acres of land located at 1520 Oak Grove Church Road, 5200 Jeanne Street, and 5208 Jeanne Street, being Tax PIN(s) 1851-514561, 1851-61-2216 & 1851-61-5330.

ACTION: Commissioner Kaerberlein made a motion to approve Case SU-08-06: A request filed by Bass, Nixon and Kennedy, Inc. for a special use permit for a planned unit development on 74.05 acres of land located at 1520 Oak Grove Church Road, 5200 Jeanne Street, and 5208 Jeanne Street based on the findings of fact and conditions as

recommended by Planning Staff. Commissioner Drake seconded the motion and the vote was as follows:

Aye

Nay

Commissioner Drake

Commissioner Thibodeau

Commissioner Kaeberlein

Commissioner Hines

Commissioner Stinnett

- 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 a 37-lot single-family conservation style development designed to have minimal impacts on the environmentally sensitive area to which it is located; and is to be located in an area appropriately zoned (R-80W, Residential-80 Watershed Protection District) for low intensity residential uses.
- 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 use will have access through the Bishop's Grant Subdivision and stub roads have been provided to allow for future interconnection opportunities with adjacent properties. Municipal water, sewer, and waste disposal 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 is a residential use, similar in nature to those in the vicinity of the site; and will be constructed to minimize impervious surface areas as well as general land disturbance and vegetation removal so that the impact on the adjoining property owners are minimal.
- Finding 4: The proposed use will not create undue traffic congestion or create a traffic hazard, in that the proposed development is restricted to 37 lots creating minimal traffic (approximately 370 average daily trips) and the adjacent roads have and will be designed to accommodate the proposed use as well as the associated traffic produced by the surrounding developments.
- 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 the development will be constructed to minimize impervious surface areas as well as general land disturbance and vegetation removal.
- 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

uses with proposed lots ranging in size from 30,000 square feet to 2 acres meeting the provision for cluster developments as listed in the Planned Unit Development section of the Wake Forest Zoning Ordinance.

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 through special use in the R-80W, Residential-80 Watershed Protection District and has been designed to be consistent with the provisions for cluster developments and the watershed protection guidelines per the Wake Forest Zoning Ordinance.

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 master plan complies with the requirements of the R-80, Residential-80 Watershed Protection District as well as other applicable regulations found in the Wake Forest Zoning Ordinance and Subdivision Regulations.

- Conditions:
1. All open space retained by HOA shall be recorded as a conservation easement with the exception of the area needed in northwestern portion of site for the future Wake Forest Reservoir greenway trail. Easement for future greenway trail shall be provided upon plat recordation and shall remain out of planned lots.
 2. Heavy construction traffic which shall classify as vehicles having 3 axles or having a vehicle weight of 10,000 pounds or greater shall be prohibited through the Bishop's Grant S/D.
 3. Provide fee-simple dedication of 23.61 acres of land adjacent to reservoir to the Town of Wake Forest for open space purposes. The value of the dedication shall be credited against recreation facility fees.
 4. File a maintenance plan with town staff for the construction traffic through Jeanne Street & Copper Beach Lane which includes erosion control and tree preservation measures. Retain a Geotechnical engineer to certify the condition of Jeanne Street & Copper Beach Lane at the beginning of construction, at 75% completion of the project, and at 100% completion of the project. At project completion, roads shall return to their original condition or better.

8. Administration and Financial Items.

None.

9. Public Services Items.

None.

10. Parks and Recreation Items.

None.

11. Public Safety Items.

None.

- 12. Closed Session:** **Closed Session: N.C.G.S. 143-318(a)(3):** Consultation with Town Attorney: Case SU-07-07: A request filed by Thomas Ryan Preddy and Russell Scott Riggs for a special use permit for a car wash in the Neighborhood Business District for property located at the junction of Forestville Road and Rogers Road.

ACTION: At 8:57 p.m., Commissioner Thibodeau made a motion to go into Closed Session: N.C.G.S. 143-318(a)(3): Consultation with Town Attorney: Case SU-07-07: A request filed by Thomas Ryan Preddy and Russell Scott Riggs for a special use permit for a car wash in the Neighborhood Business District for property located at the junction of Forestville Road and Rogers Road. Commissioner Hines seconded the motion, which carried unanimously (5-0).

At 9:45 p.m., Commissioner Kaerberlein made a motion to return to the regular meeting. Commissioner Stinnett seconded the motion, which carried unanimously (5-0).

13. Adjournment.

At 9:46 p.m., Commissioner Stinnett made a motion to adjourn the meeting. Commissioner Thibodeau seconded the motion, which carried unanimously (5-0).