

**REGULAR BOARD OF COMMISSIONERS MEETING
TOWN OF WAKE FOREST, NORTH CAROLINA**

January 19, 2010

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:01 p.m.

Present were Commissioners Frank Drake, Commissioner Anne Hines, Margaret Stinnett, Chris Kaeberlein, and Pete Thibodeau.

Staff present were Town Manager Williams, Deputy Town Manager O'Donnell, Town Clerk Harris, Town Attorney Vernon, Planning Director Russell, Engineer Springs, and Public Works Director Barton.

Boy Scouts that were in attendance led everyone in the Pledge of Allegiance.

1. Approval of agenda.

ACTION: Commissioner Drake made a motion to approve the amended agenda. Commissioner Hines seconded the motion, which carried (5,0).

2. Approval of Minutes.

- A. Meetings held December 15, 2009 (Regular Board of Commissioners Work), meetings held December 1, 2009 (Board of Commissioners Work Session).

Mayor Jones had a couple of questions regarding the minutes for December 1, 2010 and December 15, 2010. She asked that the Board not take any action at this time and consider them at the February 16, 2010 meeting.

3. Presentations.

- A. **Resolution to honor Greg Harrington upon his retirement.**

ACTION: Commissioner Drake made a motion to approve a Resolution to honor Greg Harrington upon his retirement. Commissioner Hines seconded the motion, which carried (5,0).

**RESOLUTION 2010-01
RESOLUTION OF APPRECIATION FOR
THE SERVICES OF**

Greg Harrington

The body of the full resolution can be found in Resolution Book # 26.

4. Public Hearing/Public Comment.

- A. Public Comment: If anyone would like to address the Board of Commissioners on an item other than a public hearing item or an item on the agenda during the time of public comment, please sign up with the Town Clerk prior to the meeting. Each speaker is asked to limit comments to 5 minutes. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate Town Staff and may be scheduled for a future agenda. Thank you for your consideration of the Board of Commissioners, staff and other speakers.**

Mr. Robert Davis of 1032 Federal House Avenue signed up to address the Board. He has lived in Crenshaw Hall Plantation Subdivision since 2001. He had concerns about Crenshaw Hall regarding the noise, the tent now being a permanent fixture, drainage onto his property and construction material being stored outside. He and others had called to complain about the noise. There had also been some discrepancy as to whether the Wake Forest Police or Wake County Deputies had jurisdiction in that area. He and other residents had tried to go through the right channels. He was asking for clarification on the jurisdiction. At first, he liked the idea of the home being restored; now it was a nuisance. He was looking to the Board for advice. He asked if a permit could be revoked or what could they do. And who they needed to contact if there was a violation of the Noise Ordinance? He had copies of records of police reports and affidavits from citizens.

It was recommended staff look at the permit to see what was allowed and number of times police were contacted and look into the water runoff and report at the next Work Session.

No one else had signed up so the Public Comment session was closed by Mayor Jones.

5. Consent Agenda.

- A. Approval of tax releases.
- B. Consideration of approval of Budget Amendment #3.
- C. Approval of Capital Projects Ordinance for Dunn Creek Greenway.

ACTION: Commissioner Hines made a motion to approve the Consent Agenda. Commissioner Thibodeau seconded the motion, which carried (5,0).

Ordinance 2010 - 01
BUDGET ORDINANCE AMENDMENT NO.3 OF THE TOWN OF WAKE FOREST,
NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Wake Forest, North Carolina the attached Budget Amendment #3:

Amendment No. 3

General Fund
Budget Amendment Worksheet
For the Fiscal Year ending June 30, 2010

The full body of the Ordinance is filed in Ordinance Book # 23.

ORDINANCE 2010-02

ORDINANCE ESTABLISHING
CAPITAL PROJECTS FUND
DUNN CREEK GREENWAY

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Wake Forest, that a Capital Projects Ordinance be established for the construction of the Dunn Creek Greenway as follows:

	<u>Debit</u>	<u>Credit</u>
<u>Expenditures:</u>		
Professional Services	\$ 100,000	
Capital Outlay - Construction	730,500	
Contingency	<u>19,500</u>	
	<u>\$850,000</u>	
 <u>Revenues:</u>		
Interest on Investments		\$ -0-
Sales Tax Refund		-0-
Grant Proceeds		450,000
Transfer from Park Development Cap Projects Fund (Bond Proceeds)		<u>400,000</u>
		<u>\$850,000</u>

The full body of the Ordinance is filed in Ordinance Book # 23.

6. Legislative Items.

7. Planning Items.

8. Administration and Financial Items.

9. Public Services Items.

- A. Discussion and consideration of the approval of an agreement between The Town of Wake Forest and Kimley Horn and Associates for the Provision of Construction Administration, Construction Observation and Testing Services relative to the Widening of South Main Street.

Jeff Moore, Vice-President and Project Manager with Kimley Horn presented a report of their proposal to the Board. A copy is following the minutes.

He explained how you calculate the hourly rate. It is the paid hourly rate multiplied by the overhead rate multiplied by the fee percentage. Salary information and educational background of normal duties and experience level was presented for a Civil Engineer and an Administrative Supervisor. Salary information was obtained from salary.com.

He shared that the overhead rate was the rate audited every year by KPMG according to the Uniformed Audit and Accounting Guide for Transportation Consultants. The rate was submitted to and accepted by NC Department of Transportation (NC DOT). NC DOT has approved the audited overhead rate or 185.25 used in their calculations. The fee percentage was the next component. NC DOT policy allowed 9 percent for their consultant fee, but they will allow up to 15 percent. He shared an example of a calculation. The multiplier was the 3.11 $(1.825+1) \times 1.09$. Page 5 of his presentation explain it all and brought it all together. It showed their paid hourly rate multiplied by the multiplier. The hourly rate was within the current standards for NC DOT and other municipalities. He felt Kimley Horn's numbers are justified and consistent with other municipality. The hourly rate falls between the range of what has been acceptable for other municipalities and NC DOT. The overall price falls within the NC DOT's budget of 10-15% range for the actual low bidder.

Mr. Moore also noted that their company offers value to the Town. They have knowledge of the site conditions, they oversee and have construction administration experience on other roadway projects in Wake Forest and other municipalities, they offered valuable engineering services and approaches to challenges as they come up in the field. One example cited was the contaminated material found on the Taylor Street Project. They saved in the construction costs on the White Street Project (\$52,300 in construction costs) and negotiated the fee for the landfill that would accept the soil (~\$102,000 in landfill fee).

Commissioner Thibodeau maintained that the Kimley Horn was a good firm, he was looking at it from a financial standpoint and how the Board was spending the money. He questioned if there was a need for someone with such a high rate. He felt the cost could have been negotiated lower than it was.

Commissioner Drake asked if staff needed a PE on the job. Deputy Manager O'Donnell stated that he would not be asking if they did not. He stated you could, but reiterated you would get what you pay for plus because by having a PE, it would avoid unnecessary costs. An example given was the contaminated soil that was found when doing the Taylor Street Project. The Architect gave them what he felt was a good price – which was \$75 a ton. It could have been \$100 - \$120. Kimley Horn employee knew where the landfills were that would accept the soil. He was able to get it for a lower rate because of his experience in the business.

ACTION: Commissioner Stinnett made a motion to approve an agreement between The Town of Wake Forest and Kimley Horn and Associates for the Provision of Construction Administration, Construction Observation and Testing Services relative to the Widening of South Main Street.
Commissioner Hines seconded the motion, which passed (3,2).

Yay: Commissioners Drake, Hines and Stinnett

Nay: Commissioners Kaerberlein and Thibodeau voted nay.

10. Parks and Recreation Items.

11. Public Safety Items. – n/a

12. Closed Session. Consultation with the Town Attorney.

N.C.G.S. 143-318.11 (a) (4) – Discussion of Economic Development and the possibility of industry with the Town Attorney.

ACTION: Commissioner Drake made a motion to go into closed session at 7:56 p.m.
Commissioner Thibodeau seconded the motion, which passed (5,0).

ACTION: Commissioner Thibodeau made a motion to come out of closed session at 8:37 p.m.
Commissioner Kaerberlein seconded the motion, which passed (5,0).

13. Adjournment.

ACTION: **Commissioner Hines made a motion to adjourn.**
Commissioner Thibodeau seconded the motion, which carried (5,0).

Mayor Jones adjourned the meeting at 8.38 p.m.

Town Clerk

Mayor