



**Wake Forest Board of Commissioners  
Minutes from March 16, 2010  
7:00 p.m.**

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m.

**Council Members Present**

Mayor Vivian Jones  
Commissioner Frank Drake  
Commissioner Anne Hines  
Commissioner Chris Kaeberlein, Mayor Pro Tem  
Commissioner Margaret Stinnett  
Commissioner Pete Thibodeau (arrived @7:10 p.m.)

**Staff Present**

Mark Williams, Town Manager  
Roe O'Donnell, Deputy Town Manager  
Eric Keravuori, Director of Engineering  
Jeff Leonard, Interim Police Chief  
Chip Russell, Planning Director  
Chad Sary, Assistant Planning Director  
Agnes Wanman, Planner  
Charlie Yokley, Planner  
Mike Barton, Public Works Director  
Ann Ayers, Assistant Planning Director  
Aileen Staples, Finance Director  
Eric Vernon, Town Attorney  
James Furr, IV, Town Attorney  
Deeda Harris, Town Clerk

**Council Members Absent:** None

Andrew, a local Boy Scout in attendance led everyone in the Pledge of Allegiance.

**1. Approval of Agenda.**

Mayor Jones asked that items discussed at the Mayor's Association Meeting for the upcoming Legislative Agenda be added under Legislative Items.

**ACTION:** Commissioner Kaeberlein made a motion to approve the amended agenda. Commissioner Drake seconded the motion, which carried (4,0).

**2. Approval of minutes.**

- A. Meeting held February 16, 2010 (Regular Board of Commissioners Meeting), meetings held February 2, 2010 (Board of Commissioners Work Session and Joint Public Hearing).

**ACTION:** Commissioner Hines made a motion to approve the minutes.  
Commissioner Kaerberlein seconded the motion, which carried (4,0).

**3. Presentations.**

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

- A. Public Hearing and consideration of adoption of the Hazard Mitigation Plan Update.

Town Planner Wanman made a presentation to the Board of Commissioners regarding the document and stated that it was time for its 5-year update. Mayor Jones had questions and corrections for some areas of the document. Town Planner Wanman addressed those and was to make the necessary edits or additions to the document.

Commissioner Drake asked if the Board needed to see a revised document before passing the resolution. Town Planner Wanman stated that an itemized list would be submitted to FEMA.

No additional staff or citizen was there to speak on the Hazard Mitigation Plan. Mayor Jones closed the Public Hearing.

**ACTION:** Commissioner Drake made a motion to approve the resolution in support of the Hazard Mitigation Plan with the changes as discussed.  
Commissioner Kaerberlein seconded the motion, which carried (5,0).

**RESOLUTION 2010-05**

**ADOPTION OF THE HAZARD MITIGATION PLAN UPDATE  
FOR THE TOWN OF WAKE FOREST, NC**

WHEREAS, the citizens and property within Town of Wake Forest are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damages to property, and with the knowledge and experience that certain areas, i.e., flood hazard areas, are particularly susceptible to flood hazard events; and

WHEREAS, the Town desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214—Senate Bill 300 effective July 1, 2001), states in Item (a) (2) "For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after November 1, 2004, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local government must develop an All-Hazards Mitigation Plan in order to receive future Hazard Mitigation Grant Program Funds, and

WHEREAS, Federal Emergency Management (FEMA) requires that approved Hazard Mitigation Plans be updated every five years, and

WHEREAS, FEMA has approved the draft updated plan prepared by the Town of Wake Forest, contingent upon adoption, and

WHEREAS, it is the intent of the Board of Commissioners of Town of Wake Forest to fulfill this obligation in order that the Town stay eligible for state and federal assistance in the event that a state of disaster is declared for a hazard event affecting the Town;

NOW, therefore, be it resolved that the Board of Commissioners of the Town of Wake Forest hereby:

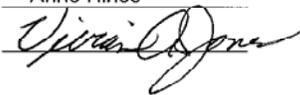
1. Adopts the Town of Wake Forest Hazard Mitigation Plan Update; and
2. Vests the Town Manager with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
  - (c) Adjust the boundaries of the Town and the municipal planning jurisdiction whenever a municipal annexation or extraterritorial jurisdiction revision results in a change whereby the municipality assumes or relinquishes the authority to adopt and enforce floodplain management regulations for a particular area in order that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent current planning jurisdiction boundaries. Provide notification of boundary revisions along with a map suitable for reproduction, clearly delineating municipal corporate limits and extraterritorial jurisdiction boundaries to all concerned parties.

3. Appoints the Town Manager to assure that the updated Hazard Mitigation Plan is reviewed every two to three years and in greater detail at least once every five years to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Town of Wake Forest Board of Commissioners for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

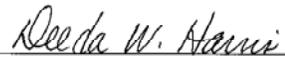
Adopted on March 16, 2010.

Motion by: Chris Kaeberlein

Second by: Anne Hines

Mayor: 

ATTEST:

  
Deeda W. Harris, Town Clerk

B. Public Hearing to Receive Public Comment on the Proposed 5-year Capital Improvements Plan (CIP) Update for FY 2010-2015.

Advisory Board member Jan Ammons spoke on behalf of the Greenway Advisory Board. They were requesting that the Board continue their support of town greenways. She cited there were plenty of examples of support of the current greenway initiatives such as the Community Plan, the past recreation bond, the number of applicants for the Greenway Advisory Board etc. The biggest indicator was the amount of users at E. Carroll Joyner Park. That was impressive, but it was a long way from their goal of having the town connected on a larger scale. She appreciated the Board of Commissioners support thus far – connection to the Neuse River Trail, the Dunn Creek section, support of the underpass at Jones Dairy and the 98 Bypass to connect to the reservoir, the connectivity with the Town of Rolesville’s Greenway and the approval of the Open Space and Greenway Plan, a Pedestrian Plan and E. Carroll Joyner Greenway Trail etc. She shared the Town was well on its way to make it a “walkable” place, but that there were challenges. Some of those concerns were the corridors of Dunn Creek, Smith Creek, Richland Creek and Sanford Creek. There were several miles that were incomplete at this time. They were requesting the board keep funding the Greenways in the CIP and to leave the top 10 sidewalk construction as a high priority. Goals for 2010 were to identify the top 3 sections that could be opened as a Type 1 or 2 greenway trail and get those opened, acquire easements that would connect Dunn Creek to Downtown, to design a trail to the mountains to the sea and identify the easements that were promised in the Clean Water Management Trust Fund Obligations and design bridges at the reservoir. She also mentioned that the Greenway Advisory Board would be taking a hike on Friday, March 26. She invited the Board of Commissioners to join them.

There being no one else to speak, Mayor Jones closed the public hearing.

C. Public Hearing to Receive Public Input for the FY 2010-2011 Budget

No citizen was there to speak on the FY 2010-2011 Budget.

- D. 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.

No citizen had requested to speak during the Public Comment section.

5. **Consent Agenda.**

*(A Consent Agenda is a group of items passed with a single motion and vote. These matters are of a generally routine nature. No debate is allowable on any item included on the Consent Agenda. If a Commissioner or any citizen of Wake Forest or its ETJ wants separate consideration of any item, it may be removed from the Consent Agenda by request.)*

- A. Approval of tax releases.
- B. Approval of Budget Amendment #4.
- C. Final approval of the text amendments of Chapter 14, Article III (Noise Ordinance) of the Code of Ordinances of Wake Forest, NC.
- D. Final approval of the text amendments of the text amendments for Article V, Section 23, NB, Neighborhood Business District; Article VII, Section (1)(I). Minimum Parking Requirements, and Article VIII, Section 12.4(B)(8) Shopping Centers of the Wake Forest Zoning Ordinance.
- E. Approval of purchase of Bucket Truck for the Electric Department.
- F. Consideration of Appointment of Ms. Jackie Reville to the Cemetery Advisory Board and Mr. Edwin Gary and Ms. Sarah Hutchins to the Urban Forestry Advisory Board.

**ACTION:** Commissioner Stinnett made a motion to approve the items on the consent agenda. Commissioner Drake seconded the motion, which carried (5,0).

**ORDINANCE 2010 - 04**

**BUDGET ORDINANCE AMENDMENT NO. 4 OF THE TOWN OF WAKE  
FOREST,  
NORTH CAROLINA FOR THE FISCAL YEAR ENDING JUNE 30, 2010.**

The full body of the ordinance can be found in Ordinance Book No. 23.

**ORDINANCE 2010 – 03**

**Amendment to Article III, Chapter 14: Noise Ordinance  
For the Town of Wake Forest, North Carolina**

**ARTICLE III. NOISE\***

The full body of the ordinance can be found in Ordinance Book No. 23.

**ORDINANCE 2010-05**

**AMENDMENT TO ARTICLE V, SECTION 23 NB, NEIGHBORHOOD  
BUSINESS DISTRICT OF THE CODE OF ORDINANCES OF  
THE TOWN OF WAKE FOREST, NORTH CAROLINA**

The full body of the ordinance can be found in Ordinance Book No. 23.

RESOLUTION 2010 - 06

RESOLUTION APPOINTING MEMBERS TO  
THE CEMETERY ADVISORY BOARD AND  
URBAN FORESTRY BOARD  
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Wake Forest, North Carolina, that the following persons be appointed to the following advisory boards:

**Cemetery Advisory Board:** Jackie Revill - term will expire 12/31/2012  
**Urban Forestry Board:** Edwin Gary - term will expire 12/31/2012  
Sarah Hutchins – term will expire 12/31/2010

This the 16th day of March 2010.

Motion by: Margaret Stinnett

Second by: Frank Drake

Mayor: 

ATTEST:

  
Town Clerk

**6. Legislative Items.**

At a previous meeting, the Board of Commissioners had discussed the towns coming together to support the legislative agenda of other municipalities. She had attended the Mayor's Association Meeting on March 15<sup>th</sup> and had the list of what initiatives other municipalities had provided. She asked that the Board review and include any that they were interested in. She mentioned that they discussed the issue of email addresses being public record with Marilyn Avila and Senator Neal Hunt. They have shared that they do plan to support that. The list from the Mayor's Association is attached and thereby made part of these minutes.

These agenda items would be granted to each of the municipalities, but it would be up to the individual governing boards to adopt in their respective municipalities.

**ACTION:** Commissioner Stinnett made a motion to approve to support the Legislative Agenda items approved at the March 15, 2010 Mayor's Association Meeting. Commissioner Kaerberlein seconded the motion, which carried (5,0).

**7. Planning Items.**

- A. Consideration of Approval of Case: ZA-10-02: Amendment to Article III, Section 2. Definitions of Specific Words and Terms; and Article V, Section 3.E. Historic

Landmarks Overlay District of the Wake Forest Zoning Ordinance of the Wake Forest Zoning Ordinance.

Mayor Jones stated the Planning Board at their meeting on February 2, 2010 voted unanimously to recommend approval. This is regarding the portable storage containers.

**ACTION:** Commissioner Drake made a motion to approve the first reading of Case: ZA-10-02: Amendment to Article III, Section 2. Definitions of Specific Words and Terms; and Article V, Section 3.E. Historic Landmarks Overlay District of the Wake Forest Zoning Ordinance of the Wake Forest Zoning Ordinance. Commissioner Kaerberlein seconded the motion, which carried (5,0).

- B. Consideration of Approval of Case: ZA-10-03: Amendment to Article IV, Section 2.E, Repairs and Alterations; and Article IV, Section 2.F. Damage or Destruction of the Wake Forest Zoning Ordinance

The planning Board at their meeting on February recommended approval. This is the first reading.

**ACTION:** Commissioner Stinnett made a motion to approve the first reading of Case: ZA-10-03: Amendment to Article IV, Section 2.E, Repairs and Alterations; and Article IV, Section 2.F. Damage or Destruction of the Wake Forest Zoning Ordinance. Commissioner Drake seconded the motion, which carried (5,0).

- C. Consideration of a Resolution in support of the Wake Forest Downtown Revitalization Corporation's (DRC) application for the Main Street Solution's Grant Program.

Ms. Maggie O'Neil spoke on this item. This was a budgeted item in the Governor's Office that was approved to give mainstreet programs an opportunity to create an economic development program for small businesses in the downtown area. The DRC would like to submit a grant to create a loan fund for businesses downtown. The state required that the town apply and administer the program. The DRC would help out as much as possible and take part in the partnership with the Town and small businesses.

Commissioner Kaerberlein asked who applications would go to for approval once there was a fund in place. Ms. O'Neil replied that the DRC would create some guidelines and have a subcommittee to review the applications. It would be similar to how the committee had recommended the Town handle the IDC funds. The town would give them money and state would reimburse the funds. Town Manager stated the DRC or appointed committee would make a recommendation and then bring it to the Board of Commissioners for approval since the Town was technically administering the money.

Commissioner Drake asked for clarification of was it a grant program or revolving loan. Ms. O'Neil stated it was a grant the DCR was applying for in which they would disperse funds by a loan program. Funding would come from the state and there was not a match from the Town. Six grants were to be awarded. The Wake Forest DRC was hoping to be able to receive one of those. Mayor Jones stated she was glad DRC was doing it and hoped they got some good projects.

**ACTION:** Commissioner Drake made a motion to approve the resolution in support of the Wake Forest Downtown Revitalization Corporation's application for the Main Street Solution's Grant Program.  
Commissioner Hines seconded the motion, which carried (5,0).

**RESOLUTION 2010-04  
RESOLUTION BY THE BOARD OF COMMISSIONERS  
OF THE TOWN OF WAKE FOREST  
FOR THE SUPPORT AND ADMINISTRATION OF THE  
NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF COMMUNITY  
ASSISTANCE PROGRAM'S  
Main Street Solutions Grant Program**

**WHEREAS**, the North Carolina Department of Commerce Division of Community Assistance has created the Main Street Solutions Fund; and

**WHEREAS**, the Main Street Solutions Fund is a state program that funds innovative projects for Main Street communities and Metropolitans that assists small businesses and development in Downtown areas; and

**WHEREAS**, the Division of Community Assistance and the North Carolina Main Street Program administers the solutions grant program; and

**WHEREAS**, the Town of Wake Forest's, partnered with the Wake Forest Downtown Revitalization Corporation, candidate project proposal meets the requirements of the Main Street Solution Program and guidelines established by the Division of Community Assistance to administer the program; and

**WHEREAS**, the Town of Wake Forest has the legal authority to apply for, receive, and administer federal, state and other monies regarding the expenditure of aid for downtown development projects and program to recruit and retain small businesses; and

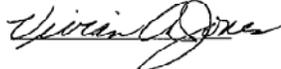
**WHEREAS**, the Town of Wake Forest commits to adhere to the Main Street Solutions Grant Program requirements to leverage private investment by creating and maintaining a revolving loan fund that will result in loans for infill development and historic renovation and smaller small business loans and grants in the Renaissance Area; and

**NOW THEREFORE**, be it resolved by the Board of Commissioners of the Town of Wake Forest, North Carolina that the town of Wake Forest supports the application for Main Street Solution funding.

This the 16 day of March 2010

Motion by: Frank Drake

Second by: Anne Hines

Mayor: 

ATTEST:  
  
Deeda W. Harris, Town Clerk

**8. Administration and Financial Items.**

**9. Public Services Items.**

- A.** Consideration of approval of Change Order # 1 of the Taylor Street Extension Project.

The change order was the result of the removal of contaminated soil, the water line and additional fencing. Commissioner Thibodeau questioned the amount for the fencing. Assistant Engineer Director stated the fencing was commercial grade and included a gate and the relocation of a driveway.

**ACTION:** Commissioner Drake made a motion to approve Change Order # 1 of the Taylor Street Extension Project.  
Commissioner Kaerberlein seconded the motion, which carried (5,0).

- B.** Consideration of accepting contract for the Chalks Road Construction Project.  
(Note: Bid Open on March 9, 2010).

Town Staff received and opened proposals on March 9. Triangle Paving was the lowest bidding and was less than the engineers estimate.

Commissioner Kaerberlein asked how it was budgeted. It was budgeted for this year and next year. Money was put in for property acquisitions and seven properties were acquired. There were two that are still in the discussion with the attorneys. They can award project and wait a little longer to begin. The difference between the estimate and the bid was because of the economy.

**ACTION:** Commissioner Thibodeau made a motion to approve the contract from Triangle Paving and Graving for the Chalks Road Construction Project.  
Commissioner Stinnett seconded the motion, which carried (5,0).

**10. Parks and Recreation Items.**

**11. Public Safety Items.**

**12. Other Business.**

- 13. Closed Session:** N.C.G.S. 143-318.11.(5) – Discussion of land acquisition with the  
Town Attorney.  
N.C.G.S. 143-318.11.(3) – Discussion of current litigation  
with the Town Attorney.

**ACTION:** Commissioner Thibodeau made a motion to go into closed session at 8:12 p.m.  
Commissioner Kaerberlein seconded the motion, which carried (5,0).

**ACTION:** Commissioner Thibodeau made a motion to come out of closed session at 8:43 p.m.  
Commissioner Kaerberlein seconded the motion, which carried (5,0).

**14. Adjournment.**

**ACTION:** Commissioner Thibodeau made a motion to adjourn at 8:44 p.m.  
Commissioner Kaerberlein seconded the motion, which carried (5,0).

Mayor Jones adjourned the meeting at 8:44 p.m.

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Town Clerk

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Mayor