

Approved at the June 15, 2010 meeting.



Wake Forest Board of Commissioners Minutes

May 18, 2010
7:00 pm

Council Members Present

Mayor Vivian Jones
Commissioner Frank Drake
Commissioner Anne Hines
Commissioner Chris Kaerberlein
Commissioner Margaret Stinnett
Commissioner Pete Thibodeau

Staff Present

Mark Williams, Town Manager
Roe O'Donnell, Deputy Town Manager
Chip Russell, Planning Director
Chad Sary, Asst. Planning Director
Charlie Yokley, Planner
Deeda Harris, Town Clerk
Aileen Staples, Finance Director
Eric Vernon, Town Attorney
Jim Furr, Town Attorney

Mayor Jones called the meeting to order at 7:00 p.m.

1. Approval of Agenda.

A closed session regarding the Wake Forest Country Club was added to the agenda.

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

2. Approval of minutes.

A. Meeting held April 20, 2010 (Regular Board of Commissioners Meeting), meetings held April 6, 2010 (Board of Commissioners Work Session and Joint Public Hearing).

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

3. Presentations.

A. Resolution recognizing May as Youth Gang Awareness and Prevention Month.

Ms. Shenekia Weeks Wake County Gang Prevention Partnership Coordinator attended to accept the resolution. She shared she has worked along with the Boys and Girls Club in Wake Forest with activities and programs.

ACTION: Commissioner Kaerberlein made a motion to approve the resolution recognizing May as Youth Gang Awareness and Prevention Month. Commissioner Stinnett seconded the motion, which carried (5,0).

RESOLUTION 2010 --10

**RESOLUTION BY THE BOARD OF COMMISSIONERS
OF THE TOWN OF WAKE FOREST
RECOGNIZING MAY AS,
"YOUTH GANG AWARENESS AND PREVENTION MONTH"**

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

4. Public hearings / Public Comment.

A. Public Hearing on Proposed FY 2010-2011 Annual Operating Budget.

Mr. Al Hinton spoke on the behalf of the Fireworks Committee. He has attended the July 4th Celebration as a spectator and/or participated as Uncle Sam since 1983. He requested the Board continue and hopefully increase the funding for the July 4th Celebration. The 4th of July Committee had consistently made their own way. Expenses each year had increased, but they had not changed their ticket sales prices. Their income was raised from the gate receipts. He felt the celebration was a good draw for the town.

Ms. Jessica Bullock, Club Director of the Boys and Girls Club thanked the board for their continued support. Budget is 3% of their operating budge. They serve over 1100 WF kids each year. She stated the graduation rate for NC was 82%; the rate was 100 % for those that participated in the Boys and Girls Club. Kids participate in programs geared to avoiding risky behavior, gang affiliations and have the opportunity to have Power Hour which was their homework program. She thanked the board on the behalf of the kids and appreciated the town's support.

Ms. Marla Akridge spoke on behalf of the Wake Forest Chamber of Commerce. Economic Development was the plan for the upcoming year. Their major focus was to be on project development and marketing. She thanked the board for their support.

Maggie O'Neal spoke on the behalf of the DRC. Highlights from the DRC were \$600,000 in investments were made from July '09 to April '10. Funds were used for property acquisitions, upgrades, new businesses, renovations and 6 new residential units in Avondale. The WF DRC won two Main Street Awards (Best Graphics for the dining rack cards and Best Innovation for the S. White Street Streetscapes. They utilized the NC Mainstreet Center to design the facade for the business owned by Mr. Lyon. They created it for free. He was using the improvement funds to cover some of the cost. They also used them as facilitators for their meeting and composing the DCR Mission Statement.

The DRC was working on two grants. One was the Main Street Solutions Fund, for the revolving loan fund. Gov. Perdue was expected to announce the recipients within the next couple of weeks. They were also looking to apply for an energy grant.

They had started having a monthly merchants meeting to share ideas and discuss challenges. A result of meetings were the smaller events such as Fall in Love with Downtown, giving out five facade improvement grants, and setting the example of way-finding signs. They were the first main street community to put up the signs. She thanked the Board for their continued support.

Mr. Joe Seigler spoke on behalf of the Greenway Advisory Board. He thanked the board and asked for the support of building trails. He noted the Dunn Creek Greenway was under construction. It was a reality because of the staff, because when stimulus money was ready, they had the plans already shovel ready. Thanks for supporting the staff ideas.

He share there was not a connection of Dunn Creek to Ledge Rock Rd. and Deacons' Run Subdivision nor sidewalks. The Advisory Board felt that connection needed to be considered. The connection was only 750 linear feet. It was important because it would connect those living south of the Calvin Jones Bypass to downtown and downtown to Heritage and vice-versa. This connector would also utilize the pedestrian culverts that have already been built.

There being no one else to speak, Mayor Jones declared the Public Hearing closed.

- B. 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.

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. (Attachment 5.A.)
- B. Appointment of Board Members to the Wake Forest Downtown Revitalization Corporation (DRC). (Attachment 5.B.)

ACTION: Commissioner Hines made a motion to approve the tax releases and the board members to the Wake Forest Downtown Revitalization Corporation. Commissioner Thibodeau seconded the motion, which carried (5,0).

RESOLUTION 2010-11

**RESOLUTION APPOINTING MEMBERS
TO THE WAKE FOREST DOWNTOWN REVITALIZATION
BOARD OF DIRECTORS FOR 2010 – 2011**

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

6. Legislative Items.

7. Planning Items.

- A. Consideration of approval of Case ZA-10-04: An amendment to Article III, Section 2 Definitions of Specific Words and Terms; and Article V, Section 25 HB, Highway Business District of the Wake Forest Zoning Ordinance. (Attachment 7A)

The Planning Board voted 5-3 to recommend approval at this case. Town Attorney Furr had provided some information re: imposing a moratorium and other avenues to address the case.

The first option discussed at the Planning Board was the Temporary Moratorium. It had procedural requirements that had to be met. It needed to be well thought out. The board would have to specify the time and what they planned to do during the timeframe of the moratorium.

The second option was to address through zoning control. That was what staff was proposing. The establishment would be in an area staff felt were most appropriate.

The third option was what some municipalities had pursued which was the privilege license/taxing approach. There was some sort of disincentive and would be a revenue generator. The tax could not be so high that it put the business out of businesses. The municipality set the amount to charge by fee and/or per terminal. But towns had the leeway of what mechanism they would apply. Some of those have been challenged and had gone to the federal courts.

Last option was to not do anything, continue to process request as they came in. It did not have to be permanent, but nothing to say that they had to make a change at this time.

Mayor Jones asked was 6 months the limit on the moratorium. Town Attorney Furr said there was not, but had to explain what they would do during that time.

Attorney Furr did not know how long litigation would last, but it could not be included in the various factors for the need for the moratorium. He was not in favor of outright banning them. Mayor Jones stated that at the League meeting she got the impression that they felt the legislature would address it during this session.

The question about the ½ mile distance had come up in the Planning Board meeting. Staff's purpose was to make sure it was separated from places they would have an impact – and to prevent high density set up of adult uses that they thought could cause a negative impact on a street or community.

Town Attorney Vernon stated there were several things that had to be in the notice. The Board needed to give staff a date and what they planned to do. If

they were talking about integrating it in the UDO, there had to be some type of connection and amount of time to gather information – that they wanted to observe any negative effects and that would happen within the next few months. It was his understanding that the board did not have to have all of the criteria at this meeting. Commissioner Thibodeau felt the Board did not think there was enough information to decide on the criteria for the moratorium right now.

ACTION: Commissioner Drake made a motion to instruct staff to commence the process on devising a reasonable moratorium according to the parameters staff would provide and regarding time period and extent for the Board and call for a Public Hearing for the Regular Board Meeting on June 16, 2010. Commissioner Thibodeau seconded the motion, which carried (4,1) with Commissioner Stinnett voting nay.

8. Administration and Financial Items.

A. Further Discussion of IDC Funds Task Force Proposal. (Attachment 8A)

The Mayor stated previously the Board had a question before in regards to if money was loaned how the money was loaned would be repaid and how that would work. Finance Director Staples had some information for the Board.

Finance Director Staples had spoken with the Wake County Revenue Director to get an idea of the time frame of when the project started and how soon the new value would take effect. The property values were reviewed on January 1st, with bills going out on June 1st. It could be 6-months to a year. It was based on when the permit was issued; technically it could be the next year. She and the Revenue Director would work hand and hand and both would be responsible for tracking it.

Commissioner Drake stated he understood the property would be revalued and greater tax amount would be paid, that it would be easy to track and they could not bind future boards to anything. What he still questioned was how the money would come back to the town. He wanted to know what confidence we could have that the fund would not be replenished. Staple said once the Board decided they wanted to do that, the town would break the money out of fund balance and create the futures fund. There would be a separate accounting fund. She would work with the revenue department as to when the additional value was billed. Those funds would then be put into a separate fund. It would be an accounting process. Those details would be worked out. Commissioner Drake said he did not have a problem with principle or the

purpose; he wanted to make sure the fund would replenish itself so that it would be there indefinitely.

Finance Director Staples wanted to speak with those that had done true tax-increment financing and do it the best way. Town Manager Williams further explained how the revenues would come in would be the staff would move the funds from general to the special fund. The board would have to make the decision on perpetuity or just to the point when loan was paid back. They also needed to know if any more money would be added. The contract would specify, but it was up to town to move it. Each project would stand on its own. A future board could not change what the board had already done. The future board could change the way the money came back in. If current board said "Project A" would be given "x" amount, the future board could not change it and could not say they were not going to fund it. This board and future board would have to decide about replenishing the fund. The revenue would go in the fund then -- just until loan was paid back. The budget amendments would have to be voted upon by whatever board. The whole idea was the town would get an increase. The long range plan generated jobs and sales tax. We cannot bind future boards. If board wanted to keep a legacy, then it would be in the board's hand. There was no way to do that. Commissioner Kaerberlein asked how the IDC worked. Town Manager Williams stated they were not given money from town. They sold industrial bonds. The reason the town received those funds was because it was in the articles of incorporation that any assets would revert back to the town. In order to put it beyond reach of board, would be to create a trust fund to give it to someone to oversee it; set up the independent board and then parameters. It denies future board what happens to it and denies other board the decision making also. It could ultimately be changed by a future board or the next month. Commissioner Drake commented that he hoped the current board makes a rational decision and that the future board would do the same. There were some citizens that would like the board to take the money and buy the golf course and make it open space.

The committee that was formed was to adopt it technically. They would not have to do anything. It was a policy not a law. If the board did not like a particular request that came before them, the board would have the authority to decide in favor or deny it. The committee did recommend the future fund perpetuity, they recommend ordinance that 1% go into the futures fund to grow it and keep it going. It was what other municipalities had done. The board could also set the percentage rate. That was a separate budget amendment ordinance which would have to be approved annually.

Actions the board needed to take were to adopt the policy. Then if project came up, the board would decide or adopt the recommend policy and/or that gave the economic development at the WF Chamber the power when business come to have that as an incentive.

ACTION: Commissioner Stinnett made a motion to adopt the policy the IDC Task Force had presented without the last sentence. .
Commissioner Hines seconded the motion, which carried (4,1) with Commissioner Kaerberlein voting nay.

9. Public Services Items.

10. Parks and Recreation Items.

11. Public Safety Items.

12. Other Business.

Commissioner Hines shared the Cemetery Walking Tour was a success with attendance about doubled from last year. She thanked town staff, Public Works Director Barton and employees Betty, Jason and Jimmy for their efforts in preparation before the tour.

13. Closed Session: N.C.G.S 143-318.11(a)(6) Personnel - Annual Evaluation of Town Manager and Town Attorney

14. Adjournment.

ACTION: Commissioner Thibodeau made a motion to go into closed session to discuss the evaluation of Town Manager Williams and Town Attorney Vernon and to discuss the litigation of the Wake Forest Country Club at 8:32 p.m.
Commissioner Kaerberlein seconded the motion, which carried (5,0).

ACTION: Commissioner Thibodeau made a motion to come out of closed session at 10:16 p.m..
Commissioner Stinnett seconded the motion, which carried (5,0).

ACTION: Commissioner Drake made a motion to extend the contract with Town Manager Williams for another year and provide a 5% merit increase effective July 1, 2010.
Commissioner Stinnett seconded the motion, which carried (5,0).

ACTION: Commissioner Thibodeau made a motion to adjourn at 10:17 p.m.
Commissioner Hines seconded the motion, which carried (5,0).

The meeting was adjourned at 10:17 p.m.

Town Clerk

Mayor