



Wake Forest Board of Commissioners Meeting Minutes

The Wake Forest Board of Commissioners met on **Tuesday, January 17, 2023**, at **6:00 p.m.** in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

Mayor Jones called the meeting to order at 6:00 p.m.

Mayor Jones led everyone in the Pledge of Allegiance.

Council Members Present: Mayor Vivian A. Jones, Commissioner Jim Dyer, Commissioner Chad Sary, Commissioner Keith Shackelford, Commissioner Adam Wright, and Commissioner Nick Sliwinski

Commissioner Members Absent: None.

Staff Members Present:

Town Manager Kip Padgett
Town Attorney Hassan Kingsberry
Assistant Town Manager Candace Davis
Assistant Town Manager Allison Snyder
Town Clerk Theresa Savary
Assistant Planning Director Jennifer Currin
Senior Planner Patrick Reidy
Senior Planner Kari Grace
Planner II Emma Linn
Chief Financial Officer Aileen Staples

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Assistant Finance Director Samantha Sanchez
Senior Budget Analyst Benjamin Blevins
Parks, Recreation & Cultural Resources
Director Ruben Wall
Police Captain Brian Mote
Police Captain Brandon High
Police Captain Julius Jefferson
Police Lt. Jason Graham

1. Approval of Agenda

1.A. Approval of Agenda

ACTION:

Mover: Commissioner Dyer moved to approve the agenda as presented.

Seconder: Commissioner Sary.

Vote: Motion carried 5-0.

2. Approval of Minutes

2.A. Approval of Minutes:

- December 6, 2022 Work Session
- December 20, 2022 Regular Meeting

ACTION:

Mover: Commissioner Dyer moved to approve the minutes as presented.

Seconder: Commissioner Wright.

Vote: Motion carried 5-0.

3. Presentations

3.A. Proclamation Recognizing the Month of February as Children's Dental Health Month.

Mayor Jones recognized the month of February as Children's Dental Health Month stating it's very important that children have good dental health:

**PROCLAMATION
RECOGNIZING FEBRUARY 2023 AS
CHILDREN'S DENTAL HEALTH MONTH**

*WHEREAS, the future is, to a large measure, dependent on the good health of our families;
WHEREAS, good health can be achieved in part through good dental habits learned early and reinforced throughout life;*

BE IT RESOLVED, that I Mayor Vivian Jones of Wake Forest, North Carolina recognize February 2023 as Children's Dental Health Month in Wake Forest and urge all residents and community organizations join in this observance.

3.B. Resolution Recognizing Lt. Jason Christopher Graham on his Retirement.

Mayor Jones presented a Resolution of Appreciation for the Services of Captain Brian Lamar Mote.

RESOLUTION 2023-02

**RESOLUTION OF APPRECIATION
FOR THE SERVICES OF**

Brian Lamar Mote

WHEREAS, Brian Lamar Mote was hired as a Police Officer I in August of 1994 and has served as a sworn member of the Wake Forest Police Department for over 28 years with a retirement date of February 1, 2023; and

WHEREAS, Mote achieved Master Officer in January of 1998; and

WHEREAS, Mote was promoted to Police Sergeant in August of 1998; and

WHEREAS, Mote was promoted to Police Lieutenant in August of 2003; and

WHEREAS, Mote was promoted to Police Captain in January of 2019; and

WHEREAS, Mote served in a variety of specialized positions including Field Training Officer, Accreditation Manager, two terms as President of the North Carolina Internal Affairs Investigators Association; and is a graduate of the 252nd Session of the FBI National Academy; and

WHEREAS, Mote served unselfishly as a law enforcement officer for the good of the Town of Wake Forest, making sacrifices in personal and family ties;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Wake Forest, North Carolina, that Brian Lamar Mote is hereby officially commended by this Board on behalf of the citizens of Wake Forest for valuable and outstanding service rendered to the Town of Wake Forest Police Department in his official capacity as a Police Captain.

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the Town of Wake Forest and that a copy of this resolution is presented to Brian Lamar Mote.

3.C. Resolution Recognizing Lt. Jason Christopher Graham on his Retirement.

Mayor Jones presented a Resolution of Appreciation for the Services of Captain Brian Lamar Mote.

**RESOLUTION 2023-03
RESOLUTION OF APPRECIATION FOR
THE SERVICES OF**

Jason Christopher Graham

WHEREAS, Jason Christopher Graham was hired as a Police Officer I in April of 2005 and has served as a sworn member of the Wake Forest Police Department for over 17 years with a retirement date of February 1, 2023; and

WHEREAS, Graham was promoted to Police Sergeant in February of 2007; and

WHEREAS, Graham was promoted to Police Lieutenant in June of 2009; and

WHEREAS, Graham received many hours of training and served in a variety of specialized

positions within the Wake Forest Police Department including Field Training Officer, Specialized and General Instructor, Department Training Coordinator, Traffic Enforcement Unit, member of the Tactical Service Unit, and is a graduate of the 273rd Session of the FBI National Academy; and

WHEREAS, Graham served unselfishly as a law enforcement officer for the good of the Town of Wake Forest, making sacrifices in personal and family ties;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Wake Forest, North Carolina, that Jason Christopher Graham is hereby officially commended by this Board on behalf of the citizens of Wake Forest for valuable and outstanding service rendered to the Town of Wake Forest Police Department in his official capacity as a Police Lieutenant.

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the Town of Wake Forest and that a copy of this resolution is presented to Jason Christopher Graham.

4. Public hearings / Public Comment

4.A. Public Hearing to receive public comment on the five (5) year Capital Improvements Plan (CIP) for FY 2023-2028.

Mayor Jones asked if anyone wished to speak. No one came forward to speak. Mayor Jones closed the public hearing.

4.B. Public Hearing on LEGISLATIVE CASE RZ-21-12 Averette Woods Subdivision; rezoning filed by Gail Moody and PNB Homes LLC to rezone 30.97± acres located at 2228, 2300, 2312 Averette Road; 0, 1900, 1905, 1908, 1909 Capricorn Drive; and 1909 Moody Drive, being Wake County Tax PINs 1861-02-0421, 1851-93-9056, 1861-02-6148, 1861-02-2044, 1861-02-6046, 1861-01-4639, 1861-01-0635, 1861-01-4836, 1861-01-0709, & 1851-91-9904, from Wake County R-30 to General Residential 5 Conditional District (GR5 CD).

Mayor Jones stated a public comment session was held at the December 13, 2022, Planning Board meeting in which the Planning Board voted 6-0 to find the request consistent with the Community Plan and recommended approval of the zoning map amendment request with the proposed conditions and consideration of incorporating memorialization of the Moody Family.

The following citizen provided public comments:

- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC, spoke in support of the development.

Reid Hollander with Nelson Mullins Law Firm, 301 Hillsborough St., Raleigh, NC. Mr. Hollander stated they've been working closely with Planning Staff for a year on this project and believe the request is reasonable and, in the public's interest. He stated it's a 66-lot master plan with significant open space as part of the plan. Mr. Hollander stated 13.5 acres will be preserved as open space. Mr. Hollander stated they've included a number of conditions recommended by the Planning Staff.

Mayor Jones asked if anyone else wished to speak on this item. No one spoke. Mayor Jones closed the public hearing.

4.C. Public Hearing on LEGISLATIVE CASE RZ-22-05; Reserve at Dunn Creek; Consideration of a rezoning filed by Abode Communities, LLC to rezone 67.42± acres located at 0 Friendship Chapel Road and 0 NC 98 Bypass, being Wake County Tax PINs 1840660542, 1840761824, 1840657710, and 1840676254 from Residential Mixed-Use, Conditional Use (RMX CU), Residential Mixed-Use (RMX), General Residential 3, Conditional Use (GR3 CU), Highway Business, Conditional Use (HBCU), Traditional Neighborhood Development Overlay (TND), and Special Highway 2 Overlay (SH2-O) to Residential Mixed-Use Conditional District (RMX-CD), Urban Residential Conditional District (UR-CD), Open Space Conditional District (OS-CD) and Special Highway 2 Overlay (SH2-O).

The following citizens provided public comments:

- Richard Swatt, 1029 Prairie Aster Ct., Wake Forest, NC, spoke in support of the development.
- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC, spoke in support of the development.

Mayor Jones addressed a written letter submitted by Bob Hill regarding Case RZ-22-05; Reserve at Dunn Creek (attached letter submitted by Bob Hill).

Senior Planner Patrick Reidy stated Lots 25 through 27 are fronting the open space and staff are requesting they be removed from the open space piece because they block the visibility and don't make a desirable configuration.

Michael Birch with Longleaf Law Partners spoke on behalf of the applicant. Mr. Birch spoke about the current zoning and the New Community Plan and the Future Land Use Map.

John Myers with JPM South Development spoke about the challenges of the property, environmental constraints, and the limited access down Highway 98.

Mayor Jones asked if anyone else wished to speak on this item. No one spoke. Mayor Jones closed the public hearing.

4.D. Public Hearing on LEGISLATIVE CASE RZ-22-06, Harris Road Subdivision; rezoning filed by Church Street Company to rezone 68.28± acres located at 0 Harris Road, being Wake County Tax PIN 1841392412, from Rural Holding District (RD) to Highway Business Conditional District (HB CD), Neighborhood Business Conditional District (NB CD), and General Residential 10 Conditional District (GR10 CD).

Mayor Jones explained the applicant had submitted a request to defer the public hearing until March and the discussion to March 21, 2023. The request for deferral is to address comments made by the Planning Board and the Board of Commissioners.

Mayor Jones asked the Board if there are any objections to deferring the public hearing and discussion to March 21, 2023. No objections from the Board were heard.

Mayor Jones stated since the public hearing was advertised, anyone wishing to speak now may do so or they can wait until the March 21, 2023, public hearing to speak.

The following citizens provided public comments:

- Angela DiPaolo, 929 Barnford Mill Rd., Wake Forest, NC, stated she represents a petition at change.org signed by 3000 people opposing the conventional development of the property.
- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC, spoke in opposition to the development.
- Ms. Huntley, 729 Wallridge Dr., Wake Forest, NC, spoke in opposition to the development.

Mayor Jones asked if anyone else wished to speak on this item. No one spoke. Mayor Jones stated Case RZ-22-06: Harris Road Subdivision will be continued at the March 21, 2023, Board of Commissioners meeting.

4.E. Public Hearing on and Consideration of a petition requesting non-contiguous annexation submitted by PNB Homes, LLC and Gail B Moody for properties located on Averette Road, being Wake County Tax PINs 1851-93-9056, 1861-02-0421, 1861-02-6148, 1851-91-9904, 1861-02-2044, 1861-02-6046, 1861-01-0709, 1861-01-4836, 1861-01-0635, and 1861-01-4639.

Reid Hollander with Nelson Mullins Law Firm, 301 Hillsborough St., Raleigh, NC. stated the property is already in the plan to become part of the Town of Wake Forest and is within the town's long-range urban service area. Mr. Hollander mentioned property owner, Ms. Moody was in attendance in support of the project.

Planner II Emma Linn stated the legal description attached to the agenda packet was inadvertently not updated. Ms. Linn stated after tonight's meeting the legal description would be appropriately replaced so that it reflects the annexation accordingly.

Mayor Jones asked if anyone else wished to speak on this item. No one spoke. Mayor Jones closed the public.

ACTION:

Mover: Commissioner Wright moved to approve a petition requesting non-contiguous annexation submitted by PNB Homes, LLC and Gail B Moody for properties located on Averette Road as presented.

Seconder: Commissioner Sary.

Vote: Motion carried 5-0.

4.F. Public Comment: If anyone would like to address the Board of Commissioners on an item other than a public hearing item 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.

The following citizens provided public comments:

- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC, provided comment on the voting of Planning Board candidates in the fall of 2022.
- Joe John, 5604 Chimney Swift Dr. Wake Forest, NC spoke about amending applicable statutes to allow alcohol sales at the Wake Forest Fungo baseball games located at Flaherty Park. Mr. John provided copies of the Town of Holly Springs, NC statutes regarding the consumption and sale of alcohol to the Town Clerk. Mayor Jones stated they'll refer to the appropriate staff to bring it back to the Board at their next meeting to discuss.

5. Consent Agenda

5.A. Approval of resolution authorizing installment purchase agreement (FY 23 Police Vehicles).

5.B. Approval of Appointment to Citizen Advisory Board.

5.C. Approval of a Resolution to surplus the badge and service weapon carried by Captain Brian Lamar Mote.

5.D. Approval of a Resolution to surplus the badge and service weapon carried by Lt. Jason Christopher Graham.

5.E. Consideration of Approval of On-Call Engineering Services Contracts.

ACTION:

Mover: Commissioner Dyer moved to approve the consent agenda as presented.

Seconder: Commissioner Wright.

Vote: Motion carried 5-0.

6. Legislative Items

No Legislative Items presented.

7. Planning Items

7.A. Consideration of LEGISLATIVE CASE RZ-21-12 Averette Woods Subdivision; rezoning filed by Gail Moody and PNB Homes LLC to rezone 30.97± acres located at 0, 2228, 2300, 2312 Averette Road; 0, 1900, 1905, 1908, 1909 Capricorn Drive; and 1909 Moody Drive, being Wake County Tax PINs 1861-02-0421, 1851-93-9056, 1861-02-6148, 1861-02-2044, 1861-02-6046, 1861-01-4639, 1861-01-0635, 1861-01-4836, 1861-01-0709, & 1851-91-9904, from Wake County Residential-30 (WC R-30) to General Residential 5 Conditional District (GR5 CD).

Commissioner Wright does not like the destruction of the pond and asked if there was any way to preserve it. Reid Hollander said the road must be widened as part of the plan and in order to widen the road the pond needs to be breached. Mr. Hollander stated once the pond is breached the Federal Wetlands Regulations require that it lay undisturbed for at least a year to see if wetlands develop.

Sean Hines with Timmons Group stated the pond needs to be drained to do the work. Mr. Hines said once the pond is drained it must sit for nine months to a year and they can decide at that point what they can do with the pond.

ACTION:

Mover: Commissioner Sary moved to approve Case RZ-21-12; Averette Woods Subdivision with the conditions and consistency statement with the comprehensive plan (see attached conditions).

Seconder: Commissioner Dyer.

Vote: Motion carried 3-2.

Yay

Chad Sary

Jim Dyer

Keith Shackelford

Nay

Nick Sliwinski

Adam Wright

7.B. Consideration of LEGISLATIVE CASE RZ-22-05; Reserve at Dunn Creek; Consideration of a rezoning filed by Abode Communities, LLC to rezone 67.42± acres located at 0 Friendship Chapel Road and 0 NC 98 Bypass, being Wake County Tax PINs 1840660542, 1840761824, 1840657710, and 1840676254 from Residential Mixed-Use, Conditional Use (RMX CU), Residential Mixed-Use (RMX), General Residential 3, Conditional Use (GR3 CU), Highway Business, Conditional Use (HBCU), Traditional

Neighborhood Development Overlay (TND), and Special Highway 2 Overlay (SH2-O) to Residential Mixed-Use Conditional District (RMX-CD), Urban Residential Conditional District (UR-CD), Open Space Conditional District (OS-CD) and Special Highway 2 Overlay (SH2-O).

Commissioner Sary said the connection of Friendship Chapel Rd. is important and will give another avenue to Highway 98 and Calvin Jones Hwy. He asked if the zoning condition would be part of the site and if the timing would be financially guaranteed by the developer. Senior Planner Patrick Reidy stated it would be a rezoning condition and they don't have a bond being put up beforehand. He said they do have the development agreement that covers the cost of what Holding Village has already contributed plus the shared cost between the town and this property. Mr. Reidy stated it could be part of the development agreement that Engineering Staff will bring to the Board at a later date.

Commissioner Sliwinski asked how much of an impact will the traffic generated from the development cause on the streets that connect to Highway 98. Mr. Reidy stated there aren't too many driveways on either side of Friendship Chapel Rd. and there are a few that are rear loaded that would have direct access to Franklin St. and Heritage Lake Rd. Rynal Stephenson with Ramey Kemp and Associates stated they'll need an improvement there to add a turn lane at the intersection of Friendship Chapel Rd. and Heritage Lake Dr. and will be looking at signal improvements with NCDOT.

Commissioner Sary asked if the owner were to come in with a plan under this zoning and met the zoning requirements, would they have to come before the Board. Mr. Reidy replied, no. Commissioner Sary remarked that going through this process we're getting some things that are going to help the area that we may not get otherwise.

ACTION:

Mover: Commissioner Sary moved to approve Case RZ-22-05: Reserve at Dunn Creek as presented with the consistency statement and conditions (see attached conditions).

Seconder: Commissioner Dyer.

Vote: Motion carried 5-0.

8. Administration and Financial Items

No Administration and Financial Items presented.

9. Public Services Items

No Public Service Items presented.

10. Parks and Recreation Items

No Public Service Items presented.

11. Public Safety Items

No Public Safety Items presented.

12. Other Business

12.A. Department Monthly Report

Received.

12.B. CIP Project Tracker

Received.

12.C. Strategic Plan

Received.

12.D. Wake County Tax Release

Received.

12.E. Commissioner Reports

Commissioner Dyer attended the Historical Preservation Commission meeting.

Commissioner Wright attended State Senator Mary Bode's inauguration with Commissioner Sliwinski.

Commissioner Sliwinski had no report.

Commissioner Shackelford attended the Wake Forest Downtown Business meeting.

Commissioner Sary had no report.

Mayor Jones congratulated the Finance Department for getting the Citizens Financial Report out, Mayor Jones attended the Women's Networking Group at the Chamber of Commerce, visited with a Girl Scout Group, Town Manager Padgett and Mayor Jones met with the Government Relations Committee of the Homebuilders Association and shared what was going on in Wake Forest.

Town Manager Padgett shared that the town has the opportunity of a partnership with the North Carolina Football Club. He asked Parks Recreation & Cultural Resources Director Ruben Wall to come up to speak about the opportunity for a partnership.

Parks, Recreation & Cultural Resources Director Ruben Wall said back in 2001, Riverplace III, LLC donated land off Capital Blvd. Ruben stated the land is about 40+ acres and is located in a floodplain. The North Carolina Football Club reached out to Ruben about possibly building a new athletic complex. Ruben believes there's an opportunity to do that on the land and would like to partner with the North Carolina Football Club and lease the space to them to build the facilities. Ruben said staff reached out to the donors of the property and let them know what they'd like to do. Staff has received an affidavit from the donors stating they accept the town repurposing the land. Ruben said it's something they are looking into to offer more athletic fields in Wake Forest.


Mayor Jones reminded the Board of the upcoming Mayor and Board of Commissioners Retreat on Friday, January 20, 2023, at 9:00 a.m. at the Wake Forest Renaissance Centre.

13. Adjournment

With no further business to discuss, the meeting was adjourned at 7:04 p.m.
Duly approved in open session this 21st day of February 2023.


Vivian A. Jones, Mayor

(ATTEST)


Theresa Savary, Town Clerk



