



Wake Forest Board of Commissioners Meeting Minutes

The Wake Forest Board of Commissioners met on **Tuesday, November 15, 2022** 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
Planning Director Courtney Tanner
Assistant Planning Director Jennifer Currin
Senior Planner Patrick Reidy
Downtown Development Manager
Jennifer Herbert

Downtown Development Specialist
Camryn Gutierrez
Parks, Recreation & Cultural Resources
Director Ruben Wall
Human Resources Consultant Allison Luvisi
Tree Trimming Supervisor Jimmie Kearney

1. Approval of Agenda

1.A. Approval of Agenda

ACTION:

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

Seconder: Commissioner Sliwinski.

Vote: Motion carried 5-0.

2. Approval of Minutes

2.A. Approval of Minutes:

- October 4, 2022 Work Session
- October 4, 2022 Joint Public Hearing
- October 18, 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 November 25, 2022 as "Plaid Friday" and November 26, 2022 as "Small Business Saturday"

Proclaiming Friday, November 25, 2022, as Plaid Friday

And Saturday, November 26, 2022, as Small Business Saturday

WHEREAS, purchasing holiday gifts and shopping year-round with locally owned and independent businesses supports the economic health and resilience of the community; and
WHEREAS, shopping locally supports our neighbors, friends, and family members employed by local businesses; and

WHEREAS, when we support small business, jobs are created, and local communities preserve their unique culture; and

WHEREAS, just like the individual, the individual threads are weak on their own but are strong together, so is our community. Together supporting one another while celebrating our uniqueness we are interwoven and strong; and

WHEREAS, Plaid Friday is a fun and enjoyable alternative to the big box store "Black Friday" consumer frenzy where everyone is encouraged to wear plaid and shop local and independent; and

WHEREAS, Small Business Saturday is a nationwide campaign to cultivate business for small merchants on the Saturday after Thanksgiving; and

WHEREAS, Plaid Friday and Small Business Saturday celebrate and support small businesses and all they do for Wake Forest.

WHEREAS, we encourage citizens to consider shopping our small merchants on Plaid Friday and Small Business Saturday as a way to boost the local economy and strengthen our small business community.

WHEREAS, the Town of Wake Forest, North Carolina supports and joins in this national effort to help America's small businesses do what they do best – grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today.

NOW THEREFORE, I, Vivian Jones, Mayor of the Town of Wake Forest, in the State of North Carolina, do hereby proclaim

November 25, 2022, as Plaid Friday and November 26, 2022, as Small Business Saturday and encourage our residents to recognize and support small businesses within our community by shopping these establishments on the Friday and Saturday following Thanksgiving.

Mayor Jones recognized Family Court Awareness Month.

Mayor Jones presented the proclamation to Dolores Riggins with Southern Suds & Gifts.

3.B. Proclamation Recognizing Jimmie A. Kearney, Jr. on his Retirement

**RESOLUTION OF APPRECIATION FOR
THE SERVICES OF
Jimmie A. Kearney, Jr.**

WHEREAS, Jimmie A. Kearney, Jr was hired as a Tree Trimming Technician II for the Town of Wake Forest Power effective April 19, 2011; and

WHEREAS, Jimmie A. Kearney, Jr was promoted to the position of Tree Trimming Supervisor effective August 21, 2012; and

WHEREAS, Jimmie A. Kearney, Jr exemplified excellent performance in tree removal, line and right of way clearance and is one of the reasons Wake Forest Power maintains a Diamond level in reliable public power rating and a 99.9 % reliability average; and

WHEREAS, with over 11 years of service to the Town, Jimmie served unselfishly in his capacity for the good of the Town of Wake Forest, making sacrifices in personal and family ties; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Wake Forest, North Carolina, that Jimmie A. Kearney, Jr 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 in his official capacity as a Tree Trimming Supervisor.

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 Jimmie A. Kearney, Jr

Mayor Jones presented the resolution to Jimmie A. Kearney, Jr.

3.C. Joyner Park Community Center (AIA) Merit Award Presentation

Jennifer Heintz with Clark Nelsen presented the Town of Wake Forest with two merit awards for the Joyner Park Community Center. The merit awards presented were received from the Triangle Chapter of the American Institution of Architects and the North Carolina Chapter of American Institution of Architects.

4. Public hearings / Public Comment

4.A. Public Hearing on LEGISLATIVE CASE RZ-22-02; Morris Subdivision; Consideration of a rezoning filed by FLM Engineering to rezone 22.95± acres located at 0 (portion), 1159, 1161, 1163, and 1164 (portion) N. Main Street, being Wake County Tax PINs 1841984646 (portion), 1851084059 (portion), 1841886835, 1841883996, 1841890142, and 1841987225 (portion) from Rural Holding District (RD) and General Residential 3 (GR3) to General Residential 10 Conditional District (GR10-CD).

Senior Planner Patrick Reidy stated that staff doesn't have any changes since last time they were before the Board.

Jon Frazier with FLM Engineering was in attendance representing Blue Heel Development who is the developer of the Morris Subdivision project. Mr. Frazier provided a high-level overview of the project. He stated it's an age targeted community for 55 years of age and older. Mr. Frazier briefly went over the Subdivision Master Plan and said there are 72 detached units, they're providing more than the required park space, it's walkable to Joyner Park and Flaherty Park. He said they worked closely with Planning Staff through the process and addressed their comments and concerns. They worked closely with neighbors from the neighborhood meeting and neighbors who attended the Planning Board meeting on October 11, 2022; specifically, Cyndi Flores and Frank Bowman. Mr. Frazier stated they've added a fence as it relates to Mr. Bowman and an option of a fence or vegetative screening as it relates to Ms. Flores. Mr. Frazier said they've added conditions to the project addressing both of those concerns. Mr. Frazier stated they're also proposing a perimeter fence for several adjacent property owners who have requested the perimeter fence. The fence along the perimeter will be maintained by the Homeowners Association as part of their exterior maintenance of the community. At the Planning Board meeting there was discussion about connectivity between the two sides, across N. Main St., so folks living on both sides could enjoy

those park space amenities. Mr. Frazier stated they worked with Mr. Morris to facilitate a pedestrian connection.

Mr. Frazier spoke about the following community amenities: fire pits, dog parks, community garden, active park space, bocce ball court, cornhole courts, and gaming tables.

Julie Gavaghan with Blue Heel Development provided a presentation on the Corbinton Brand and provided images of the exterior community and the interior of the homes.

Public Comment

Cyndi Flores, 1188 N. Main St., Wake Forest, NC, would like the following amenities considered: food trucks, farmers markets, and artisan markets. She expressed concern about animal habitat, lack of lighting or better lighting that does not deter animals from being out at night, and greenways as an alternative to vehicles. Ms. Flores asked Planning Staff if they could direct her to the North Carolina law prohibiting communities from clearcutting.

Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC, spoke in support of the project and stated it's well thought out.

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

4.B. 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 comment:

- Ira Richman, 1320 Reservoir View Ln., Wake Forest, NC, spoke about recommendations on building sustainable and connected infrastructure.
- Ron Rufner, 1421 Reservoir View Ln., spoke about residents of Traditions Subdivision being unaware of a blasting phase associated with the project. The

residents were only made aware this week via a letter from GeoSonics, Inc. Mr. Rufner said they're in close proximity of the proposed blasting and are concerned about the safety of residents and the potential impact of structural damage to their properties.

- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC, asked that the doors at Town Hall remain unlocked throughout the duration of town meetings, or have someone at the doors allowing citizens to enter the building.

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

5. Consent Agenda

No consent agenda to be heard.

6. Legislative Items

6.A. Criminal Justice Reform Ordinance Amendments (2nd Reading)

ACTION:

Mover: Commissioner Wright moved to approve the Criminal Justice Reform Ordinance Amendments (2nd Reading) as presented.

Second: Commissioner Shackelford.

Vote: Motion carried 5-0.

7. Planning Items

7.A. Consideration of LEGISLATIVE CASE RZ-22-02; Morris Subdivision; Consideration of a rezoning filed by FLM Engineering to rezone 22.95± acres located at 0 (portion), 1159, 1161, 1163, and 1164 (portion) N. Main Street, being Wake County Tax PINs 1841984646 (portion), 1851084059 (portion), 1841886835, 1841883996, 1841890142, and 1841987225 (portion) from Rural Holding District (RD) and General Residential 3 (GR3) to General Residential 10 Conditional District (GR10-CD).

ACTION:

Mover: Commissioner Sary moved to approve Case RZ-22-02; Morris Subdivision with conditions (shown below) and consistency statement as presented:

1. *The subdivision master plan is a condition of the rezoning request. Amendments of the master plan shall require a rezoning amendment unless the administrator finds the modification to be minor and in keeping with the spirit and intent of the approved subdivision master plan.*
2. *The following setbacks shall apply:*
 - *Minimum principal front setback: 10' (18' garage setback)*
 - *Minimum street side/secondary front setback: 10'*
 - *Minimum side setback: 3'*
 - *Minimum rear setback: 15'*
3. *Road 1 shall have a maximum block length of 1,200'.*
4. *All lots shall be planted with a minimum of one (1) canopy tree and one (1) understory tree within an 8' HOA landscaping easement. Each lot must have trees planted prior to the Certificate of Occupancy being released.*
5. *The subdivision covenants shall prohibit the removal of required trees on individual property unless the Town finds that there is a risk to property damage, or the health of the tree is in decline and the tree must be replaced.*
6. *Active recreation uses shall include, but shall not be limited to, two (2) gaming tables, two (2) permanent sets of cornhole courts, and a bocce ball court. Other similar active recreation alternatives could be provided as approved by the Administrator. Active recreation components shall be installed prior to the 50th percentile building permit.*
7. *Prior to the issuance of the first building permit, a 6' tan or brown wood or composite material opaque fence shall be placed on/or near the property boundary, as specified by each property owner, along the following adjacent properties: Bakker (PIN 1841985060), Bowman (1841882891), Firment (PIN 1841978941), and Snyder (PIN 1851070539).*
8. *Prior to the issuance of the first building permit, the Developer shall provide a 6' tan or brown wood or composite material opaque fence and/or screening vegetation along the Flores (PIN 1841994194) property boundary in areas not occupied by public right-of-way, stream buffer, or easements.*
9. *Prior to the issuance of the first building permit, the Developer shall assess the feasibility of keeping the 30+/- Leland Cypress Trees along the Firment (PIN 1841978941) boundary. If the trees cannot be kept, developer shall replace them with similar vegetation on the Firment property.*
10. *Water and sewer connections and road access shall be provided to the Firment (PIN 1841978941) property.*
11. *Work with Duke Power and Pike to relocate the existing overhead power lines and the power pole and transformer on the edge the Firment (PIN 1841978941) driveway. Any pad mounted transformer shall not hinder use of the driveway or future access to the*

subdivision road and water and sewer. The developer shall be responsible for any costs associated with the relocation of power for the Flores (PIN 1841994194) property.

12. *A minimum 5'-wide public sidewalk connection shall be made from Road 1 through the proposed sewer easement to N Main Street to facilitate pedestrian connectivity from the west side to the east side of the subdivision.*
13. *Garages shall not protrude further than two (2) feet from the front porch or front wall of the house, whichever is closest to the front property line.*
14. *Section 5.5.2.A, B, and C shall be applicable to the site.*
15. *Section 5.5.3.A shall be applicable to the site.*
16. *Section 5.5.5 shall be applicable to the site.*
17. *Section 5.5.4.D shall be applicable to the site.*
18. *An exterior wall that fronts on a right-of-way including a secondary street side shall contain at least three decorative elements such as, but not limited to, the following elements:*
 - *Bay window*
 - *Recessed window*
 - *Decorative window*
 - *Wrap around porch or side porch*
 - *Two or more building materials*
 - *Decorative brick or stone*
 - *Decorative trim (not otherwise included around windows per condition #20 below)*
 - *Decorative shake*
 - *Decorative air vents on gable*
 - *Decorative gable*
 - *Decorative cornice*
 - *Column*
 - *Portico*
 - *Balcony*
 - *Dormer*
19. *A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color. Where varied siding and trim, shutter, and accent colors are not provided on an individual dwelling, a minimum of three varied materials shall be provided.*
20. *All elevations of the units that that front on a right-of-way including a secondary street side shall have trim around the windows.*

21. *The Architectural and Review Guidelines for the community shall include the following language regarding parking:*

- *Homeowners are expected to park vehicles in their garage or driveway, not on the street.*
- *Street parking is only for short-term situations (e.g. guest parking overflow or maintenance vehicles), should allow for safe and efficient movement of traffic, and not block or hinder a neighbor's access to their driveway.*
- *Street parking within 25' of a stop sign or within 15' of a fire hydrant is prohibited.*
- *Parking of commercial vehicles or vehicles in disrepair is not permitted except within an enclosed garage.*
- *Parking is prohibited on the grass or the medians.*
- *Garage doors should be kept in the closed position unless they are in use.*

22. *Prior to the approval of Construction Drawings, the applicant shall receive written permission from the Kinsley property owner that the current stub connection of Road 2 is acceptable as depicted in the Morris Subdivision Master Plan. If permission is not granted, the Morris Subdivision Master Plan shall be revised to realign the road connection so that it does not require any additional right-of-way dedication by the Kinsley development.*

Second: Commissioner Dyer.

- Commissioner Sary shared his reasons in supporting the request, as follows:
 - Meets most of the recommendations of the Community Plan,
 - It's an active adult community; and
 - Is continuing and allowing another connection point within an existing approved subdivision.
- Commissioner Sliwinski added the willingness to work with the residents and listening to their feedback.
- Commissioner Wright stated he'll support this as long as every effort is made in preserving the trees that don't need to be cut down.

Vote: Motion carried 5-0.

7.B. Consideration of QUASIJUDICIAL CASE SD-21-06 for a Major Subdivision and Site Master Plan for South White Street Townhomes filed by The Nau Company on behalf of the property owner, to subdivide ±7.98 acres located at 136 E. Holding Avenue and 720 E. Holding Avenue, being Wake County Tax PINs 1840388718 and 1840386367

Mayor Jones stated the applicant has asked to delay Case SD-21-06 to the December 6, 2022 Board of Commissioners Work Session.

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 will attend The Joel Fund, a non-profit for Veterans on Wednesday, December 16, 2022, attending the December 5, 2022 Annual Community Dinner, will attend

the VFW Christmas function on December 3, 2022, he reminded everyone about the Historic Home Tour in December on December 3, 2022.

Commissioner Wright said he and Commissioner Sliwinski are hosting a "Question and Answer" session at Wake Forest Coffee Company on Saturday, November 19, 2022 at 10:00 a.m., Wake Forest Cares Holiday Kickoff is on Saturday, November 19, 2022 in Downtown Wake Forest.

Commissioner Sliwinski said the Turkey Drive Drop-Off is at the Police Department on Saturday, November 20, 2022 from 9:00am to 12:00pm., the Turkey Giveaway is on Monday, November 21, 2022. Commissioner Sliwinski and Mayor Jones spoke to the 3rd grade class at Richland Creek Elementary School. Commissioner Sliwinski said it was a wonderful experience.

Commissioner Shackelford volunteered with one of the local civic groups to help clean up Dr. Calvin Jones Highway.

Commissioner Sary said the TJCOG Board Delegates meeting has been canceled for the month of November, The Public Arts Commission will have a potluck dinner at their next meeting on Thursday, December 1, 2022.

Mayor Jones attended the TJCOG Regional Summit, attended The Northeast Coalition Fall Festival, attended the Veterans Day Celebration at the Renaissance Centre, attended the Tour in Motion, attended the Core Values Celebration to honor and recognize Town of Wake Forest employees for the Town's Core Value of caring.

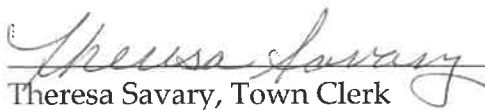
Town Manager Padgett had no updates.


13. Adjournment

With no further business to discuss, the meeting was adjourned at 6:53 p.m.

Duly approved in open session this 20th day of December 2022.

(ATTEST)


Theresa Savary, Town Clerk


Vivian A. Jones, Mayor

