



**Wake Forest Board of Commissioners
Meeting Minutes
January 19, 2021 at 7:00 PM**

Mayor Jones called the meeting to order at 7:00 p.m. She led everyone in the Pledge of Allegiance. Town Hall was open to anyone; however, due to COVID-19 restrictions, the meeting was also made available for the public to view on Channel 10 television and live stream. Anyone wishing to provide public comment virtually were provided instructions and access using Zoom, an electronic meeting platform.

Council Members Present

Mayor Vivian A. Jones
Commissioner Jim Dyer
Commissioner Chad Sary
Commissioner Liz Simperts
Commissioner Bridget Wall-Lennon
Commissioner Adam Wright

Staff Present

Kip Padgett, Town Manager
Eric Vernon, Town Attorney
Deeda Harris, Town Clerk
Aileen Staples, Chief Financial Officer
Ben Blevins, Senior Budget Analyst
Adam Oates, Chief Information Officer
Courtney Tanner, Planning Director
Jennifer Currin, Assistant Planning Director
Patrick Reidy, Senior Planner
Kari Grace, Planner
Magda Holloway, Public Works Director

Due to the meeting being offered virtually, there was a roll call vote taken with each item.

1. Approval of Agenda

ACTION: Commissioner Dyer made a motion to approve the agenda. Commissioner Simperts seconded the motion, which carried (5,0). A roll call vote was taken with Commissioner Simperts, Sary, Wright and Dyer and Wall-Lennon voting yes.

2. Approval of Minutes

2.A. Approval of Minutes for Meetings held December 1, 2020 (Work Session & Joint Public Hearing), and meeting held December 15, 2020 (Regular Board of Commissioners Meeting)

ACTION: Commissioner Wall-Lennon made a motion to approve the Minutes for Meetings held December 1, 2020 (Work Session & Joint Public Hearing), and meeting held December 15, 2020 (Regular Board of Commissioners Meeting).

Commissioner Dyer seconded the motion, which carried (5,0).
A roll call vote was taken with Commissioner Simperts, Sary, Wright and Dyer
and Wall-Lennon voting yes.

3. Presentations

3.A. Proclamations honoring Ms. Evelyn Jones, Ms. Dianne Laws, and Mr. Roger Shackelford

Mayor Jones said the proclamations were honoring three wonderful residents. Senior Planner Michael had the privilege of working with these individuals who were born and raised in the North East Community. Rather than have them attend the meeting to have these presented, Mayor Jones presented the proclamations outside of their residence and staff videoed which played at the meeting. She wanted to thank them for all they had done for the Town of Wake Forest - always contributed and had been there when needed. Commissioner Wall-Lennon thanked Senior Planner Michael for recognizing the individuals. She suggested to place the videos on the town website and also asked if they had been nominated for the town's black history honor roll. Mayor Jones and others thought that was a great idea.

4. Public hearings / Public Comment

4.A. Continue public hearing on petition requesting contiguous annexation submitted by Calvin Ray Jr & Mary Ann Hughes and Site Investments, LLC for property located at 27 Spring Lane, 1167 N. Main Street, 0 Stephen Taylor Road, 1248 N. Main Street, and 0 Youngsville Boulevard being Wake County Tax PINs 1842-80-3120, 1842-70-5407, 1842-71-9092, 1842-81-0062, 1851-09-4149, and Franklin County PIN 1852-10-3498, and adjacent right-of-way containing 203.08 acres

Mayor Jones said a public hearing was held December 15, 2020 and continued to the meeting tonight. At the December 15th meeting, the applicant spoke in support of the annexation. No others had signed up to speak prior. No one was in attendance to speak. Because the meeting was being held virtually, written comments would be accepted for another 24 hours. The board would act upon the item at the February 2, 2021 meeting.

4.B. Public Hearing to receive public comment on the five-year Capital Improvement Plan (CIP) for FY 2021 - 2026

No one signed up or was in attendance to speak. Mayor Jones closed the hearing

4.C. Public Comment

No one signed up nor was in attendance to speak.

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.)

- 5.A. Resolution approving the Wegmans/Forbes Reimbursement Agreement and authorization for the Town Manager to enter into a contract with Wegmans Food Markets Inc.**
- 5.B. Approval of a resolution to schedule the public hearing and certify the sufficiency for a petition requesting satellite annexation submitted by Thales Academy for property located at 2129 Wait Avenue, being Wake County Tax PIN 1860-16-1023**
- 5.C. Approval of resolution authorizing installment purchase agreement (tractor drawn aerial truck) - Fire Department**
- 5.D. Resolution Approving the Draft Stormwater Management Program Developed for the Upcoming NPDES MS4 Stormwater Permit Renewal**
- 5.E. Approval of a Resolution authorizing the Town Manager to execute the Municipal Agreement between the Town and NCDOT for installation of a traffic signal at Heritage Lake Road and Friendship Chapel Road**

ACTION: Commissioner Wall-Lennon made a motion to approve the items above on the consent agenda.

Commissioner Simperts seconded the motion, which carried (5,0).

A roll call vote was taken with Commissioner Simperts, Sary, Wright and Dyer and Wall-Lennon voting yes.

6. Legislative Items

7. Planning Items

- 7.A. Consideration of Action on LEGISLATIVE ITEM to AMEND ORDINANCE 2020-37 to correct Exhibit that was previously adopted on September 15, 2020 and related to ITEM TA-20-03 Text amendment to the Unified Development Ordinance for the purpose of amending Chapter 12 and Chapter 17 to reflect State Regulations as related to stormwater, floodplain and erosion and sediment control**

Mayor Jones said this was correct the ordinance adopted on September 2020 to reflect state regulations and erosion sediment control.

ACTION: Commissioner Wright made a motion to approve LEGISLATIVE ITEM to AMEND ORDINANCE 2020-37 to correct Exhibit that was previously adopted on September 15, 2020 and related to ITEM TA-20-03 Text amendment to the Unified Development Ordinance for the purpose of amending Chapter 12 and Chapter 17 to reflect State Regulations as related to stormwater, floodplain and erosion and sediment control with the Consistency Statement. Commissioner Sary seconded the motion, which carried (5,0).

**CONSISTENCY STATEMENT OF THE WAKE FOREST BOARD OF COMMISSIONERS PURSUANT TO
G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO)
AMENDMENT TA-20-08**

The Wake Forest Board of Commissioners find that UDO Chapter 12 & 17 Text Amendment TA-20-03 is consistent with the Wake Forest Community Plan. The Wake Forest Board of Commissioners finds that the approval of the UDO amendment(s) is reasonable and in the public interest for the following reason(s):

1. The text amendments meet the goal to match and incorporate existing state regulations.
2. Consistent with the community plan policy CC-5 that the amendments emphasize saving large trees, ponds, creeks, or other natural features of the landscape through protected vegetative setbacks and buffers in proposed development.
3. Stormwater runoff routed into proposed drainage systems from development shall be of a quality and quantity as near to natural conditions as possible (Policy HSE-5).
4. Updated policy on vegetated riparian buffers (natural or planted) shall be required along all creeks, rivers, lakes and other water bodies in Wake Forest (Policy HSE-6).
5. Supports that development activities in the Special Flood Hazard Area shall be carefully controlled. If development must occur, very low intensity uses such as open space and recreation shall be preferred (Policy HSE-9).

They took a roll call vote with Commissioner Wall-Lennon, Simperts, Sary, Wright and Dyer voting yes.

7.B. Consideration of Action on LEGISLATIVE CASE RZ-20-09, Stonegate, Phase 7: Request filed by GHD-Stonegate LLC to rezone 0.16 acres located at 0 Slate Rock Road from Conditional Use General Residential 10 District (CU GR10) to General Residential 10 Conditional District (GR10-CD) being Wake County Tax PIN 1748-65-3002

Mayor Jones commented the Planning Board, at their January 5, 2021 meeting, voted 9-0 to find the request consistent with the Community Plan and recommend approval of the zoning map amendment (rezoning) request with the following conditions:

1. A plat shall be recorded to remove the Variable Width Public Access Easement for the Private Open Space 4 parcel as shown on the Recorded Plat BM2017 Page 1488.

ACTION: Commissioner Wall-Lennon made a motion to approve LEGISLATIVE CASE RZ-20-09, Stonegate, Phase 7: Request filed by GHD-Stonegate LLC to rezone 0.16 acres located at 0 Slate Rock Road from Conditional Use General Residential 10 District (CU GR10) to General Residential 10 Conditional District (GR10-CD) being Wake County Tax PIN 1748-65-3002 with the consistency statement.
Commissioner Wright seconded the motion, which carried (5,0).

RZ-20-09: Stonegate Phase 7

Consistency Statement

The rezoning request is reasonable in the public interest and consistent with the Community Plan in that:

1. The development connects the streets of new developments.
2. Streets are as wide as necessary to serve their intended purpose and anticipated traffic volumes.

A roll call vote was taken with Commissioner Simperts, Sary, Wall-Lennon Wright and Dyer voting yes.

- 7.C. Discussion of LEGISLATIVE CASE RZ-19-02, Kinsley: Request filed by Entitlement Preservation Group to Rezone 203.08± acres located at 27 Spring Lane, 1167 N. Main Street, 0 Stephen Taylor Road, 1248 N. Main Street, and 0 Youngsville Boulevard from Rural Holding District (RD), General Residential 3 (GR3) and Franklin County's Residential-30 District (R-30) to Planned Unit Development District (PUD) being Wake County Tax PINs 1842-80-3120, 1842-70-5407, 1842-71-9092, 1842-81-0062, 1851-09-4149 and Franklin County Tax PIN 1852-10-3498**

Mayor Jones stated there was a Joint Public Hearing on December 1, 2020. The Planning Board, at their January 5, 2021 meeting, recommended denial of the proposed PUD. The board would discuss tonight; however, they would take action at their next meeting on February 2, 2021. The associated annexation case public hearing was continued to January 19, 2021; therefore, action on this item will be taken at the February 2, 2021 meeting.

Mayor Jones said they had spoken with the developer. At the request of some of the commissioners, they were looking at making some changes. She asked Mr. Craven to explain those changes.

Mr. Craven started with items discussed at the Joint Public Hearing and Planning Board meetings. There were two new conditions added during the planning board meeting that same night – 1. An affordability commitment of 25 percent of the homes and annual report presented to the board until the condition was met and 2. A 30-ft buffer would be provided at the northern property line adjacent to proposed industrial park. The Town of Youngsville required a 40-ft buffer on their side. The two buffers would be 70-ft width.

Other things discussed was the mail kiosks and access at Lake Forest Dr. Mail kiosks were updated on the plans. There had been an agreement with NC Dept of Transportation (NCDOT) that Lake Forest Dr. would be a full-movement intersection. NC DOT planned to widen that area at some point and then a median would be installed later. He also had a memo from NCDOT discussing the pedestrian crossing which they preferred on the north side. Mr. Craven said they may be a need for add right-of-way and easement.

He talked about other topics discussed and shown in the updated plans (addressed the corridor preservation (right-of-way for high-speed rail). He discussed the comments from the planning board members. Information was in a memo addressed to the board as well.

There were also additional conditions they were working on. They expected to decrease the number of town homes and increase the single-family homes in areas of the project and rearranged the layout of the open and park space.

Additional conditions would be presented to the board next week and have in place before February meeting. The board discussed whether it needed to go back to staff or the planning board whether the vote it would need to be approved. Town Manager Padgett said once they received the comments, corrections could move forward or remand it back to the planning board and staff to evaluation and provide analysis to the planning board.

Commissioner Simperts said she was not against the density. She wanted staff or the planning board to review as well. The board wanted staff review and say if it met the requirements of the UDO. Town Attorney Vernon said staff could review and it would not have to go back to the Planning Board or board could remand it back to the planning board.

Planning Director Tanner said she had not had time to review, but since it was not necessarily a new plan, the board could keep the action on the February 2, 2021

agenda if the developer could get information in time for her to review. Then the board could vote on the project, or remand back to the planning board for review. If they remanded it back, it could take some time to get it back on the agenda. There was also a cost associated because the hearing would have to be noticed in the paper. It would come back with perhaps an April timeline if that route then legal for noticing. If they denied it then there would be the waiting period.

Commissioner Sary said they need a mixture of products/options. He thought the way currently it is presented options were limited. There needed to be more of a mixture of product. To achieve would have to lose some units and taking away the affordability. Commissioner Wright said he wanted a way to make guaranteed affordability.

There was more discussion of the affordability. Mayor Jones commented she appreciated their cooperation. The developer had volunteered to do this. Town Manager Padgett confirmed with everyone the applicant would deliver finalized conditions within 2 business days to the Planning Director. Staff would provide if complying with the UDO. Board would decide at the February 2, 2021 meeting to approve, deny or send back to the Planning Board. All of the commissioners and the applicant were in agreement.

7.D. Consideration of LEGISLATIVE ITEM TA-21-01 Text Amendment to the Unified Development Ordinance for the purpose of amending Chapters 1, 2, 3, 4, 16 and 17 to incorporate NCGS 160D Legislative Changes and other Minor Changes

Commissioner Sary made a motion to approve except for the adult establishment. He did not want that use in the permitted use statement. Commissioner Simperts made the second to the motion. Commissioner Wall-Lennon thought staff said they had to provide some place to have the establishment somewhere in town. Mayor Jones said the board could decide to eliminate if they wanted to.

ACTION: **Commissioner Sary** made a motion to approve LEGISLATIVE ITEM TA-21-01 Text Amendment to the Unified Development Ordinance for the purpose of amending Chapters 1, 2, 3, 4, 16 and 17 to incorporate NCGS 160D Legislative Changes and other Minor Changes with the exception the adult establishment not be allowed in the light industrial district and with the consistency statement. **Commissioner Simperts** seconded the motion, which carried (5,0).

Consistency Statement of the Wake Forest Board of Commissioners Pursuant to G.S. 160A-383 Addressing Action on UDO Text Amendment TA-21-01: 160D

The Wake Forest Board of Commissioners finds that TA-21-01 is consistent with the Wake Forest Community Plan. The Wake Forest Board of Commissioners finds that the approval of the text amendment is reasonable and in the public interest for the following reasons:

1. The text amendment addresses ordinance changes required by state legislation needed to have the authority to enforce the Town's regulations.
2. The text amendment promotes protection of existing residential development through added buffering requirements.
3. The text amendment adds clarity and consistency, which promotes improved and more efficient administration and implementation of processes and services.

They took a roll call vote with Commissioner Wall-Lennon, Simperts, Sary, Wright and Dyer voting yes.

7.E. Consideration of Action on QUASIJUDICIAL ITEM SP-20-47 Grove 98 Southeast Major Site Master Plan filed by McAdams for Multifamily Development on approximately 20.7 acres located at 11051 Ligon Mill Road, being a portion of Wake County tax PIN 1830865681

Mayor Jones said the Planning Board at their January 5, 2021 meeting, voted 9-0 to recommend approval of the Major Subdivision.

ACTION: **Commissioner Simperts** made a motion to approve QUASIJUDICIAL ITEM SP-20-47 Grove 98 Southeast Major Site Master Plan filed by McAdams for Multifamily Development on approximately 20.7 acres located at 11051 Ligon Mill Road, being a portion of Wake County tax PIN 1830865681 with the Findings of Fact.

Commissioner Wright seconded the motion, which carried (5,0).

In order to approve a Major Subdivision, required findings of fact contained in Section 15.9.2 of the Wake Forest Unified Development Ordinance are required to be met. Those findings of fact are:

- Finding 1: The plan is consistent with the adopted plans and policies of the Town.
See Wake Forest Community Plan and 2019 Comprehensive Transportation Plan Summary
- Finding 2: The plan complies with all applicable requirements of the Wake Forest Unified Development Ordinance.
See Special Information
- Finding 3: There exists adequate infrastructure (transportation & utilities) to support the plans as proposed.
See Special Information
- Finding 4: The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
See Special Information regarding landscape buffers and traffic impact analysis

A roll call vote was taken with Commissioner Wall-Lennon, Simperts, Sary, Wright and Dyer voting yes.

7.F. Consideration of Action on QUASIJUDICIAL ITEM SD-20-03 Major Master Subdivision for Grove 98 Southeast filed by McAdams for Multifamily and Townhome Development on approximately 20.7 acres located at 11051 Ligon Mill Road, being a portion of Wake County tax PIN 1830865681

Mayor Jones stated the Planning Board, at their January 5, 2021 meeting, voted 9-0 to recommend approval of the Major Subdivision. get from slide 5,0 on both of those items. get from slide 5,0 on both of those items.

ACTION: **Commissioner Wright** made a motion to approve QUASIJUDICIAL ITEM SD-20-03 Major Master Subdivision for Grove 98 Southeast filed by McAdams for Multifamily and Townhome Development on approximately 20.7 acres located at 11051 Ligon Mill Road, being a portion of Wake County tax PIN 1830865681 based on the Findings of Fact.
Commissioner Sary seconded the motion, which carried (5,0).

Per UDO Section, 15.9.2 (Subdivision Master Plan, Major), the Board of Commissioners must find that the request complies with the following Findings of Fact in order to approve or approve with conditions:

Finding 1: The plan is consistent with the adopted plans and policies of the Town.

Finding 2: The plan complies with all applicable requirements of the Wake Forest Unified Development Ordinance.

Finding 3: There exists adequate infrastructure (transportation & utilities) to supports the plans as proposed.

Finding 4: The application will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

A roll call vote was taken with Commissioner Wall-Lennon, Simperts, Sary, Wright and Dyer voting yes.

7.G. Consideration of an Amendment to the approved Brewer Circle Development Agreement with DRCW Investments, LLC.

Senior Planner Reidy stated this was an amendment of the agreement originally approved September 2019 and a reimbursement of up to \$300,000 for road improvements for the unpaved portion in exchange for setting a target price range for nine affordable single-family dwellings. Staff were recommending updating the target price range of the homes to the industry standard 95% of Home and Housing Trust Fund Homeowner Sales Price Limits for Wake County so for the current year \$243,000 would be the cap. The commissioners did not have any questions regarding the home prices.

Chief Financial Officer Staples discussed the financials of where they were. She shared this conversation was started in 2018-19 with then Planning Director Russell, Town Attorney, and others. When the conversation started, the initial reimbursement estimate was \$300,000 to do the road improvements. A lot happened since then and the reimbursement amount had increased. Staff identified bond proceeds in the CIP to pay the town's portion as everyone was on board for affordable housing and to do the improvements. When Mr. Williams went out to bid in 2019, the cost started escalating to about \$329,000 for the site work. When he went to bid out the actual project, the bids were between \$400,000 and \$500,000. There were several conversations between town staff, Mr. Williams and his team. Chief Financial Officer Staples looked for resources to make up the different. They ran into issues with rock and sewer and stormwater issues. Staff wanted to wait to ask for the amendment. The have

found they could use funds from the bond proceeds and general fund to make up the difference.

Mr. Williams explained the issues they ran into with the rock and the existing water and sewer line not being in the right elevation. He discussed with staff and he agreed to fund half for the change orders which was based on the low bid from April 2020. Transportation Engineer Jacobs explained the pipe and the drainage problem and pipe did not meet the town's MSSD requirements.

ACTION: **Commissioner Dyer** made a motion to Amendment to the approved Brewer Circle Development Agreement with DRCW Investments, LLC in the amount presented of \$496,785.00.

Commissioner Sary seconded the motion, which carried (5,0).

A roll call vote was taken with Commissioner Wall-Lennon, Simperts, Sary, Wright and Dyer voting yes.

7.H. Resolution of Support with Recommended Changes to the Wake County Comprehensive Plan (PLANWake)

Planning Director Tanner followed up on the presentation made by Wake County. She drafted a resolution which captured all of the area identified as rural that could be potential areas of growth for Wake Forest..

After approval Town Manager Padgett commented it would be helpful if the town elected official would mention to the Wake County officials if the opportunity was presented.

ACTION: **Commissioner Sary** made a motion to approve a Resolution of Support with Recommended Changes to the Wake County Comprehensive Plan (PLANWake)

Commissioner Simperts seconded the motion, which carried (5,0).

A roll call vote was taken with Commissioner Wall-Lennon, Simperts, Sary, Wright and Dyer voting yes.

8. Administration and Financial Items

9. Public Services Items

10. Parks and Recreation Items

11. Public Safety Items

12. Other Business

12.A. Wake County Tax Releases

12.B. Monthly Report

12.C. Commissioner Reports

Commissioner Wall-Lennon mentioned the groundbreaking for the homes on Pine St. It was a great show of support from the town and the Wake County elected officials. She visited the Wake Forest Community Garden. Northeast volunteers, representatives of Habitat for Humanities and AmeriCare were staking the property and putting in raised beds.

Commissioner Dyer attended the Historic Preservation Commission meeting orientation for new members. The Human Relations Council was planning for Black History Month. He reminded everyone that nominations were open until January 23, 2021.

Commissioner Wright would not have meeting until the first of the month.

Commissioner Sary attended the Pine St. Groundbreaking as well. He was participating in the stormwater program mock audit Thurs. Staff were prepping for full audit in February. He would also be attending the TJCOG and Public Art Commission upcoming meetings.

Commissioner Simperts had nothing to report.

Mayor Jones also commented on the groundbreaking. Mayor Jones had participated in meeting with the Wake County Mayors Association and the General Assembly Delegation to discuss items they wanted them to focus on (COVID issues, work with the NCLM on their advocacy items, broadband support and transportation funding. She specifically mentioned funding for Capital Blvd and to find a better way to fund transportation as the gas tax would be going away, to support and advocate for the S-Line acquisition, affordable housing and suggested change rules about what towns had to do to sell property and how to do and allow require affordability in developments which they could not do now).

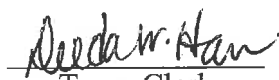
She listed to the Triangle MLK breakfast and enjoyed Bishop Michael Curry as the speaker. She participated in Launch2021 with the Raleigh Chamber of Commerce. Mr. Ted Abernathy talked about how population increased in the midst of the pandemic.


Town Manager Padgett mention the Cost-saving Circle that was in place years ago was revived where employee submitted cost-saving ideas. It was a good way to get employees involved and engaged in the budgeting.

13. Adjournment

With nothing further to discuss, Mayor Jones adjourned the meeting at 8:43 p.m.

Respectfully submitted:


Town Clerk


Mayor

