



**Wake Forest Board of Commissioners
Meeting Agenda**

May 18, 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. This meeting was open to the public and not offered via zoom. The meeting was made available for the public to view on Channel 10 television and live stream. Anyone wishing to provide public comment in-person was asked to sign up ahead of the meeting using a Cognito form found on the public portal of the website.

Council Members Present

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

Council Members Absent

Commissioner Liz Simperts

Staff Present

Kip Padgett, Town Manager
Eric Vernon, Town Attorney
Deeda Harris, Town Clerk
Ben Blevins, Senior Budget Analyst
Magda Holloway, Public Works Director
Courtney Tanner, Planning Director
Jennifer Currin, Assistant Planning Director
Brad Ward, Long Range Planning Manager
Kari Grace, Senior Planner
Dylan Bruchaus, Planner II
Michelle Michael, Senior Planner
Jonathan Jacobs, Transportation Engineer

1. Approval of Agenda

Mayor Jones shared Commissioner Simperts was not in attendance. She also mentioned there were a couple changes to the agenda:

- Item 6.D. - removed from the agenda.
- Item 5.G. -Commissioner and Planning Board Calendar dates for January through June were removed from the Commissioner and Planning Board Calendar amendment.
- Item 5.F. – there was a wording change in the Title VI document changing from DBE Consultants to DBE Firms.

ACTION: Commissioner Wall-Lennon made a motion to approve the agenda.
Commissioner Wright seconded the motion, which carried (4,0).

2. Approval of Minutes

- 2.A. Approval of Minutes for Meeting held April 6, 2021 (Joint Public Hearing) and meeting held April 20, 2021 (Regular Board of Commissioners Meeting)

Mayor Jones stated Commissioner Wall-Lennon noticed a duplicate sentence in the April 20th meeting. The Clerk made the change to eliminate the duplicate sentence.

ACTION: Commissioner Wright made a motion to approve the Minutes for Meetings held April 6, 2021 (Joint Public Hearing) and meeting held April 20, 2021 (Regular Board of Commissioners Meeting) with the changes to the April 20, 2021 meeting.
Commissioner Wall-Lennon seconded the motion, which carried (4,0).

3. Presentations

- 3.A. Proclamation to recognize May as "National Historic Preservation Month" in the Town of Wake Forest

Mayor Jones presented the proclamation to Senior Planner Michelle Michael.

- 3.B. Proclamation Recognizing May 26, 2021 as "National Senior Health and Fitness Day"

Mayor Jones presented the proclamation to Jennie Griggs, Program Director of the Northern Wake Senior Center. Mayor Jones invited all to come out and enjoy the festivities planned for the day and thanked her for her leadership at the Senior Center.

Mayor Jones said the remaining proclamations would be sent to the requestor.

- 3.C. Proclamation Recognizing June 2021 as "Men's Health Month"

- 3.D. Proclamation Recognizing June 2021 as "LGBTQ Pride Month"

4. Public hearings / Public Comment

- 4.A. Public hearing on and consideration of a petition requesting contiguous annexation submitted by Legacy Center Church, Inc for property located at 7102 Rabbit Run, being Wake County Tax PIN 1831-31-2312 and adjacent right-of-way totaling approximately 10.391 acres

There was no one to speak.

ACTION: Commissioner Sary made a motion to approve the petition requesting contiguous annexation submitted by Legacy Center Church, Inc for property located at 7102 Rabbit Run, being Wake County Tax PIN 1831-31-2312 and adjacent right-of-way totaling approximately 10.391 acres. Commissioner Dyer seconded the motion, which carried (4,0).

4.B. Public Hearing to receive public comment on the proposed FY 2021 -2022 Budget

There was no one to speak.

4.C. Public Comment: None

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. Consideration of a Resolution of Appreciation for the Service of William "Sandy" Smart on the Historic Preservation Commission
- 5.B. Approval of a resolution to schedule the public hearing and certify the sufficiency for a petition requesting contiguous annexation submitted by HR Northlake, LLC for property located at 0 South Franklin Street, being Wake County Tax PIN 1840-53-5723 and adjacent right-of-way
- 5.C. Approval of a resolution to schedule the public hearing and certify the sufficiency for a petition requesting contiguous annexation submitted by Radstar, LLC for property located at 0 Wait Avenue and 1464 Wait Avenue being Wake County Tax PINs 1850-36-9661, 1850-37-9469, and 1850-47-1404 and adjacent right-of-way, which is approximately 48.4647 acres
- 5.D. Approval of Budget Ordinance Amendment #5 - FY 2020 - 2021
- 5.E. Approval of resolution authorizing installment purchase agreement with Truist Bank
- 5.F. Consideration of RESOLUTION to Adopt Town of Wake Forest Title VI Program Plan

5.G. Consideration of a Resolution Amending the 2021 Board of Commissioner and Planning Board Calendar

Item 5A was moved to Item 8B

ACTION: Commissioner Wright made a motion to approve the items above on the Consent Agenda.
Commissioner Wall-Lennon seconded the motion, which carried (4,0).

6. Legislative Items

6.A. Consideration of approval of an ordinance at the request of NCDOT, to post the speed limit on US 1 (Capital Boulevard) at 55 mph from the Neuse River Crossing located approximately 0.803 miles south of SR 2045 (Burlington Mills Road) and the Franklin County Line located approximately 0.497 miles north of SR 1931 (Harris Road)

Mayor Jones stated, North Carolina Department of Transportation (NCDOT) determined during a routine record audit a Town speed limit ordinance concurrence was never adopted by the Town of Wake Forest when the US 1 (Capital Boulevard) corridor was annexed several years ago. This ordinance would concur with NCDOT's request to keep US 1 (Capital Boulevard) posted at 55 mph from the Neuse River to the Franklin County Line.

ACTION: Commissioner Wright made a motion to approve an ordinance at the request of NCDOT, to post the speed limit on US 1 (Capital Boulevard) at 55 mph from the Neuse River Crossing located approximately 0.803 miles south of SR 2045 (Burlington Mills Road) and the Franklin County Line located approximately 0.497 miles north of SR 1931 (Harris Road).
Commissioner Wall-Lennon seconded the motion, which carried (4,0).

6.B. Consideration of Renaissance Area Temporary Noise Ordinance Waiver: Code of Ordinances, Ordinance No. 2005-53 Noise

Strategic Performance Manager Hayes stated this waiver was being presented based on requests from businesses located in the Renaissance Area that wished to expand their outdoor programming of musical entertainment during the summer and fall seasons. Currently, the ordinance allowed for permitted events on Fridays and Saturdays; however,

it was just one event every three-month period. The request was supported by Wake Forest Downtown, Inc. as well as the Downtown Business Alliance. Staff was requesting a temporary ordinance for the Renaissance Area to allow 40 hours of events (about 2 events per month per business). Staff would track this over the next five-six months. Events would be limited and held on private property to offer arts and entertainment.

The request was temporary in nature to allow staff time to monitor the results, impacts of the waiver, review potential land use area changes as a result of updates to the Town's Comprehensive Plan, and evaluate other areas of town where the noise ordinance modifications might be feasible.

Commissioner Wright said it sounded like a good idea and could potentially do more during the nicer months. He lived in the area and liked to walk downtown. This had the potential to draw customers downtown.

Commissioner Wall-Lennon asked if they could potentially get multiple permits for the same time in the same proximity and how that would be handled. Strategic Performance Manager Hayes said they did speak with the owners and recommended they communicate between themselves so that there would not be any issues but if a conflict arose, staff would then step in to make recommendations. Mayor Jones added she thought it was a good idea.

ACTION: Commissioner Wright made a motion to approve Renaissance Area Temporary Noise Ordinance Waiver: Code of Ordinances, Ordinance No. 2005-53 Noise. Commissioner Sary seconded the motion, which carried (4,0).

6.C. Consideration of an Ordinance Amending the Code of Ordinances Chapter 30 - Traffic and Vehicles; Article VI. - Traffic Schedules; Sec. 30-263. - Schedule XVII, Speed Limits (sections along Averette Road)

Mayor Jones said in an effort to increase safety in an existing blind reverse curve, a reduction of speed limit on Averette Road (SR 1945) from 55 mph (unposted) to 50 mph was requested of NCDOT. The town had asked a lower reduction but NCDOT did not approve that. It would be 50 miles per hour instead.

ACTION: Commissioner Wall-Lennon made a motion to approve an Ordinance Amending the Code of Ordinances Chapter 30 - Traffic And Vehicles; Article VI. - Traffic Schedules; Sec. 30-263. - Schedule XVII, Speed Limits (sections along Averette Road) to 50 mph.

Commissioner Sary seconded the motion, which carried (4,0).

6.D. Consideration of Appointment of District Member to Historic Preservation Commission

[Note: Removed from the agenda at the start of the meeting.]

6.E. Consideration of a Resolution Opposing the Passage of Legislation in the General Assembly of North Carolina

Mayor Jones stated the Board at their May Work Session mentioned sending a letter to the representative opposing some of the legislation being considered by the General Assembly.

Commissioner Sary said he was glad the board was doing this. The local authority knew their citizens better.

ACTION: Commissioner Wright made a motion to approve a Resolution Opposing the Passage of Legislation in the General Assembly of North Carolina.
Commissioner Sary seconded the motion, which carried (4,0).

7. Planning Items

7.A. Consideration of QUASIJUDICIAL CASE SD-20-05 for a Major Master Subdivision for Traditions Townhomes filed by FLM Engineering Inc, on behalf of the property owner, to subdivide ±4.76 acres located at 0 Traditions Grande Boulevard, being Wake County Tax PIN 1851-12-8142

Commissioner Wall Lennon stated she listened to the meetings held May 4, 2021 but could not fully listen to Item 7.A. She did not feel she was informed enough to vote on this item. She was able to listen to the legislative items Item 7.B. and 7.C. from the Joint Public Hearing but asked to be rescued from voting on this item.

ACTION: Commissioner Sary made a motion to recuse Commissioner Wall-Lennon from voting on this item.
Commissioner Wright seconded the motion, which carried (3,0).

Senior Planner Reidy presented updates to the Board. At the May 4, 2021 meeting, the Planning Board voted 5,3 to recommend approval with one condition that the applicant and neighbors discuss and determine fencing options prior to the Board of Commissioners meeting. There was back and forth discussion as to whether the fencing would be inside or outside the buffer, so the Planning Board felt the applicant and neighbors should have that discussion and come to an agreement. The attorney for the residents provided information the morning of May 18, 2021 with several different requests. Staff told the attorney because of the quasi-Judicial hearing process, the only information that could be presented by staff to the Board was the information related to the Planning Board condition.

The requests from the neighbors were the aesthetics, signage and entry façade meeting the Traditions standards. The appearance must clearly delineate and distinguish the subject property and resulting development from other parts of Traditions. (i.e., Bridgewater portion of Traditions). They also requested fencing for the buffer. Due to security and privacy concerns they requested the fencing be a tall, solid wall, 10+ feet fence, opaque but not white (standard Traditions brownish color was acceptable). They shared more desirable would be a mixed stone and timber fence with the walls/barriers similar to what Heritage had done.

As for the location of the fence, majority the of homeowners whose properties adjoined the townhome property stated that this was clearly what they wanted, and that they would maintain those plantings, if necessary. They also requested the fence, wall or barrier be constructed before commencement of development of the townhomes themselves.

Senior Planner Reidy showed a graphic of the fence location and grading on either side. If the fence was provided on the single-family side of the buffer instead of the townhome side, the elevation difference would be about 3' higher. Based on grading plan, in some places, this would result in a difference of 6' in elevation.

Staff recommendation of conditions were:

- A 6' tall opaque fence in the same material/color as the fencing along Traditions Grande Boulevard shall be provided.
- The proposed fence along the eastern property line shall be installed prior to the final plat being recorded.
- The Type B buffer along the eastern property line shall be installed prior to the issuance of the 1st Certification of Occupancy.

ACTION: Commissioner Sary made a motion to approve of LEGISLATIVE ITEM TA-21-05 Text Amendment to the Unified Development Ordinance.
Commissioner Wright seconded the motion, which carried (4,0).

7.C. Consideration of Action of LEGISLATIVE ITEM TA-21-06 Text Amendment to the Unified Development Ordinance for the purpose of amending Chapters 1-6, 8, 13-15, and 17 pertaining to NCGS 160D Legislative Changes, Approval Processes, Development Standards, Allowable Uses and Use Standard

Planner Grace said she shared the proposed text amendments regarding Chapter 5 at the Design Review Board Meeting. The Advisory Board members approved the overall changes and commented on the industrial standards.

Mayor Jones stated the Planning Board voted 6-2 at their meeting on May 4, 2021 to recommend approval of the proposed text amendment

ACTION: Commissioner Wright made a motion to approve of LEGISLATIVE ITEM TA-21-05 Text Amendment to the Unified Development Ordinance.
Commissioner Dyer seconded the motion, which carried (4,0).

7.D. Approval of a Contract to HR&A Advisors for the Affordable Housing Plan

Town Manager Padgett introduced Long Range Planning Manager West. He had been with the town about a month. Long Range Planning Manager West said there had been lots of discussion about affordable housing. They needed to adopt an affordable housing plan. It would set the course on how the town would be involved in expanding housing opportunities. The Plan would provide an existing condition assessment, find the housing needs and make recommendations on how to meet those needs. In March staff sent a request for qualifications. Nine submissions were received. They formed a review committee of staff from planning, administration and Wake Co. Housing. After holding interviews, they decided on HH&R. They provided the plan for Wake Co. Long Range Planning Manager West stated the consultants projected eight months when asked by Mayor Jones how long the process would be.

Commissioner Wall-Lennon said she was excited about this as it had been a priority of hers since becoming a commissioner. She asked how travel would be budgeted was it going to

- The Board of Commissioners to decide if the fence should be located on the single-family side or the townhome side of the buffer since there was conflict between the applicant and neighbors.

Staff confirmed the applicant was agreeable to the conditions. The Board members discussed the fence. Senior Planner Reidy said the majority of owners adjoining the proposed property said they would maintain the plantings if on the town homes side if necessary; however, staff did not have anything in writing from the adjoining homeowners. Privacy was a concern of Commissioner Wright, so he proposed the fence be on the single-family side.

Commissioner Sary commented laws were changing to remove the quasi-judicial process except for special uses. They listened and understood how difficult it was for the citizens. The difference between the land-use decision and plan and compliance decision was what they had before them. The land use was decided when the property was zoned NMX years ago. The public hearing was the plan and compliance which had to meet the Findings of Fact. The board had to decide if that evidence was presented, and findings met. Commissioner Wright said decisions with the quasi-judicial process were the hardest to make. You had to make sure the Findings of Facts were made; he did not see that the findings were not met. Commissioner Dyer commented in these cases, personal opinions could not be considered.

ACTION: Commissioner Dyer made a motion to approve QUASIJUDICIAL CASE SD-20-05 for a Major Master Subdivision for Traditions Townhomes filed by FLM Engineering Inc, on behalf of the property owner, to subdivide ±4.76 acres located at 0 Traditions Grande Boulevard, being Wake County Tax PIN 1851-12-8142 based on the Findings of Fact and staff recommendation of conditions for the fencing and it be located on the side of the single-family homes. Commissioner Wright seconded the motion, which carried (3,0).

7.B. Consideration of Action of LEGISLATIVE ITEM TA-21-05 Text Amendment to the Unified Development Ordinance

Mayor Jones said this amendment pertained to street stubs. The Board had provided planning staff guidance at their retreat in February to remove local roads from the Comprehensive Transportation Plan. They followed up and removed proposed local road from the future roadway network and ensures local roads were built in a way that reinforced roadway connectivity to adjacent properties by providing objective standards when and where street stubs are required.

be a not-to-exceed amount. She was also concerned of how they would handle outreach and engagement.

Long Range Planning Manager West said travel was built in. Staff had asked them to give them ala cart items, as well. There was a do-not-exceed if the Board wished to have more outreach, engagement type meeting. They would be hybrid and virtual meetings, online polls, virtual and in-person board meetings so travel was included. If more meetings needed, they would include. Commissioner Wall-Lennon was concerned with virtual environments as they were speaking of affordability. Long Range Planning Manager West said staff could supplement and also provide hard copies of surveys or polls and outreach via phoning residents. He said the cost of \$105,000. If they wanted to change from the not-to-exceed the \$105,000 they would come back with an amendment.

ACTION: Commissioner Dyer made a motion to approve a Contract to HR&A Advisors for the Affordable Housing Plan.
Commissioner Wall-Lennon seconded the motion, which carried (4,0).

8. Administration and Financial Items

8.A. Authorization to Acquire Property Located at 0 North White Street

Mayor Jones said this was the property next to Ailey Young House which was designated as a Historic Property. The town had been looking to purchase this for some time. The town was working on rehabbing the house so asking approval to purchase for the amount of \$170,960 plus associated closing cost.

ACTION: Commissioner Wall-Lennon made a motion to approve the Authorization to Acquire Property Located at 0 North White Street.
Commissioner Dyer seconded the motion, which carried (4,0).

8.B. Consideration of a Resolution of Appreciation for the Service of William "Sandy" Smart on the Historic Preservation Commission [This item was moved from the Consent Agenda Item 5A.]

Commissioner Wall-Lennon, who previously served as ex-officio on the Historic Preservation Commission, wanted to verbally express appreciation to Mr. William Sandy Smart for his service of 11 years on the advisory board. That was quite a time to provide service and knowledge on the board. He was to be commended.

ACTION: Commissioner Wall-Lennon made a motion to approve the Resolution of Appreciation for the Service of William "Sandy" Smart on the Historic Preservation Commission.
Commissioner Wright seconded the motion, which carried (4,0).

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 Sary said as this was Public Works Week, he thanked the Public Works employees for all they did to keep the town running.

Commissioner Wright said his advisory board would meet next week so nothing to report. He also recognized the good job of the Public Works employees.

Commissioner Dyer recognized the military and Armed Forces Day. He said the VFW had been distributing poppies to honor veterans. He shared the Historic Preservation Commission met on Wednesday. He thanked Senior Planner Michaels for the seminars planned during Preservation Month. The next seminar would be May 25, 2021. He mentioned Wegmans would open tomorrow.

Commissioner Wall-Lennon would meet with the Urban Forestry Board next week. She enjoyed the tour of Wegmans.

Mayor Jones reported she participated in a number of online meetings, attended ribbon cuttings (Raleigh Radiology and RE/MAX anniversary). It was good to get out again. The Chamber Youth Leadership Group had their graduation. It was another great group of youth. There were some that would be going off to college but planned to come back to the Wake Forest area. That was one of the purposes of Youth Leadership to learn about the community and come back to continue to help it be a great place to live and work.

Town Manager Padgett said Governor Cooper had released some restrictions. The town was planning to have the July 3rd fireworks. The Communications Department would be sending out a press release announcing it. There were also conversations of Movie Night at Joyner and a fall series of music since they could not have the Six Sundays in Spring and several other events.

He mentioned starting June 1, 2021 hours for Town Hall would be moved to 8 a.m. – 4 p.m. They would close to visitors at 4 p.m. to allow front end staff time to close out the day. He also mentioned the mask requirement would be removed unless a person had not been vaccinated. If vaccinated the person could wear a face covering if he/she wanted to.

12.D. Closed Session: N.C.G.S. 143-318.11 (3) Consultation with the Town Attorney

ACTION: Commissioner Wright made a motion to approve to go into Closed Session at 7:55 p.m.
Commissioner Sary seconded the motion, which carried (4,0).

ACTION: Commissioner Wall-Lennon made a motion to come out of Closed Session at 8:51 p.m.
Commissioner Wright seconded the motion, which carried (4,0).

13. Adjournment

ACTION: Commissioner Wall-Lennon made a motion to adjourn at 8:53 p.m.
Commissioner Wright seconded the motion, which carried (4,0).

Respectfully Submitted,



Town Clerk



Mayor