



Wake Forest Board of Commissioners Meeting Minutes

The Wake Forest Board of Commissioners met on **Tuesday, November 21, 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 Sary, Commissioner Keith Shackelford, Commissioner Adam Wright, and Commissioner Nick Sliwinski.

Commissioner Members Absent: None.

Staff Members Present:

Town Manager Kip Padgett
Assistant Town Manager Candace Davis
Assistant Town Manager Allison Snyder
Assistant Town Manager/CFO Aileen Staples
Finance Director Samantha Sanchez
Town Attorney Hassan Kingsberry
Town Clerk Theresa Savary
Legal Services Intern Aaliyah Lecompte

Planning Director Courtney Tanner
Senior Planner Patrick Reidy
Senior Civil Engineer Chris Glass
Assistant Stormwater Engineer Nick Nolte
Police Chief Jeff Leonard
Police Captain Julius Jefferson
Police Captain Brandon High

1. Approval of Agenda

ACTION:

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

Seconder: Commissioner Dyer.

Vote: Motion carried 5-0.

2. Approval of Minutes

2.A. Approval of Minutes:

- October 3, 2023 Work Session
- October 17, 2023 Regular Meeting

ACTION:

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

Second: Commissioner Wright.

Vote: Motion carried 5-0.

3. Presentations

3.A. Presentation of fiscal year ended June 30, 2023 Annual Comprehensive Financial Report

Finance Director Samanta Sanchez shared that FY2023 was an excellent year, financially. She introduced April Adams with Cherry Bekaert, LLP.

April Adams spoke about the financial details of the Annual Comprehensive Financial Report (ACFR) including the external auditor's role and results, required communications, and financial performance highlights.

Ms. Sanchez wrapped it up with a few final items:

- Financial Performance Indicator of Concern (FPIC)
 - Electric fund cash
- Single Audit finding
 - Interest earned on Powell Bill funds
- Certificate of Achievement of Excellence in Financial Reporting from the GFOA
 - 33rd consecutive year
- Popular Annual Financial Report (PAFR)– Citizens Report
 - Questions/Discussion

Commissioner Dyer asked about the recent electrical rate increases. Ms. Sanchez explained that it would take several cycles to generate the revenue.

Mayor Jones asked if there were any other questions. No other questions were heard.

A hardcopy of the Annual Comprehensive Financial Report (ACFR) is filed and available in the Town Clerk's Office for review.

3.B. Resolution Recognizing Sergeant David Doherty on his Retirement

Mayor Jones recognized a Resolution of Appreciation for the Services of Sergeant David Doherty.

RESOLUTION 2023-64
RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
Sergeant David Doherty

WHEREAS, Sergeant David Doherty was hired as a Police Officer I in January of 2008 and served as a sworn member of the Wake Forest Police Department for over 15 years with a retirement date of September 11, 2023; and

WHEREAS, Doherty was promoted to Police Corporal in January of 2015; and

WHEREAS, Doherty was promoted to Police Sergeant in February of 2017; and

WHEREAS, Doherty received many hours of training and served in a variety of positions within the Wake Forest Police Department including Sergeant of the Criminal Investigation Division, Internal Affairs Investigator, an interview panelist on the oral review board for new hires; and
WHEREAS, Doherty 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 Sergeant David Doherty 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 Sergeant.

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 Sergeant Doherty.

This the 21st day of November 2023.

3.C. Introduction of Candidates for the Board of Adjustments and Planning Board

Mayor Jones recognized the following Board of Adjustment applicants:

- Matthew Burg
- Craig Chalkley
- Erlinda Laska
- Joseph Longoria
- Andrew Martino

Matthew Burg introduced himself to the Board of Commissioners and expressed his interest in service to the Board of Adjustment.

Craig Chalkley introduced himself to the Board of Commissioners and expressed his interest in service to the Board of Adjustment.

Andrew Martino introduced himself to the Board of Commissioners and expressed his interest in service to the Planning Board.

Matt Davis introduced himself to the Board of Commissioners and expressed his interest in service to the Board of Adjustment.

4. Public hearings / Public Comment

4.A. Public Hearing on LEGISLATIVE CASE RZ-23-02, Stadium Drive Mixed Use, a rezoning filed by Williams Mullen to rezone 19.30 acres located at 0 Stadium Dr, being Wake County Tax PIN 1831957846 from Rural Holding District (RD), Richland Creek Watershed Management Area District (RC-WMA), and Special Highway Overlay (SH1-O) to Neighborhood Mixed-Use Conditional District (NMX-CD), Richland Creek Watershed Management Area District (RC-WMA), and Special Highway Overlay (SH1-O).

The following citizen provided public comment:

Margaret Watkins, who resides at 407 Belmellen Ct. in Wake Forest, NC 27587, expressed her satisfaction with the developer's efforts in collaborating with the HOA and neighboring property owners. However, she emphasized that for her to fully support this development, she would like to see an improved intersection at the shopping center.

Applicant Tom Johnson with Williams Mullen provided an overview of the project, discussing the site plan, future road alignment, treatment of additional stormwater, additional environmental conservations, retail incubator space, and displaying renderings. Mr. Mullens also provided details on additional and modified conditions.

Mayor Jones asked if anyone else would like to speak. No one else came forward to speak.

Mayor Jones declared the public hearing closed.

4.B. Public Hearing on Stormwater Utility Fee

Assistant Stormwater Engineer Nick Nolte provided an overview of the Stormwater Utility Fee Advisory Group recommendations. He stated with the changes to the Code of Ordinances Town Staff has decided to consolidate all their stormwater regulations into Chapter 14 of the Code of Ordinances. This chapter includes a civil penalty section that requires two votes and two readings.

Mayor Jones inquired whether townhomes are considered residential or commercial. Mr. Nolte stated that non-residential would include multi-family with five or more residential units. Therefore, if it falls under that category, they will consider it multi-family.

The following citizen provided public comment:

- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC 27587 inquired about the calculation method used for driveways and walkways. She also expressed her concern about the Board voting on this item tonight. Ms. Watkins asked about the availability of credits for those who are financially struggling and believes it needs to be addressed before the Board makes a decision.

Mayor Jones asked if anyone else would like to speak. No one else came forward to speak.

Mayor Jones declared the public hearing closed.

4.C. Public Hearing on Community Plan Amendment related to the Wake Forest/Raleigh Utility Merger Agreement (CPA-23-03)

Planning Director Courtney Tanner stated the purpose of this amendment is to provide staff, the Planning Board, and the elected body guidance should anyone bring forward an annexation request as well as a rezoning request to receive water and/or sewer. She said staff are currently drafting UDO standards for conservation subdivisions. This is an interim measure to help protect and ensure compatibility until those are adopted.

Commissioner Wright asked if this is considered a rezoning. Ms. Tanner replied, no.

Commissioner Wright asked if there would ever be a lower zone than General Residential as far as density. Ms. Tanner explained, that in the new UDO, there are no density provisions. She said the goal is to focus on design, not density. It's too early to tell what all the zoning districts will be.

Commissioner Wright asked what would happen if they didn't do this. Ms. Tanner replied, worst case scenario is you'd end up with incompatible uses in this area.

Commissioner Wright asked what the steps would look like if they asked for a new zone in the UDO. Ms. Tanner replied that it could potentially cost more time and money, according to state statute their UDO needs to be developed by using the Community Plan as a guide, and there could potentially be inconsistencies.

Commissioner Wright asked if the current landowners Andy Ammons and Ms. Willis have any plans to do any type of building out there. Ms. Tanner stated she has spoken to both property owners and one property owner said she made a promise to her grandmother that the property would remain as is and she intends on keeping that promise. Ms. Tanner said she made it clear that if something were to happen and the land was given to her children, she couldn't guarantee what would occur. Ms. Tanner said Mr. Ammons develops land and that is what he does for a living so she can't guarantee he doesn't have some application in the future.

Commissioner Sliwinski asked if the amendment would change, remove, or amend a watershed overlay district. Ms. Tanner replied there are state and local requirements, and Wake Forest and Wake County have requirements. Those remain in place and don't change as a result of this.

Commissioner Wright asked if the main purpose besides guidance is to be able to help better conservation of the land. Ms. Tanner said if it were to be developed it should be developed under the conservation provisions that are being drafted in the UDO.

The following citizens provided public comment:

- Peter Pascucci, 1539 Monterey Bay Dr., Wake Forest, NC 27587 expressed his concerns regarding CPA-23-03
- Kate Olsen, 1108 Dunn Creek Crossing, Wake Forest, NC 27587 expressed her concerns regarding CPA-23-03
- Robb Olsen, 1108 Dunn Creek Crossing, Wake Forest, NC 27587 expressed his concerns regarding CPA-23-03

- Linda Puschauver, 1460 Santa Lucia St., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- Frank Walker, 1440 Santa Lucia St., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- Lori Walker, 1440 Santa Lucia St., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- Susan Pavlik, 1321 Monterey Bay Dr., Wake Forest, NC 27587 said in reference to the submitted staff report she requested clarification of the final statement made under staff recommendation
- Janice Davis, 1009 Lightfoot Ct., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- Randy Willis, 1113 Bilbury Ct., Raleigh, NC 27614 spoke in opposition to CPA-23-03
- Lynn Rannels, 7221 Rusted Oak Rd., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- Laura Bowen, 1550 Santa Lucia St., Wake Forest, NC 27587 expressed her concerns regarding CPA-23-03
- Don Bowen, 1550 Santa Lucia St., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- William Haldin, 1525 Ridgeway Bluff Ct., Wake Forest, NC spoke in opposition to CPA-23-03
- Debra Ludas, 5132 Mid Ridge Ct., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- Marty Ludas, 5132 Mid Ridge Ct., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC 27587 spoke in support to CPA-23-03
- Barbara Cather, 1510 Santa Lucia St., Wake Forest, NC 27587 spoke about the Community Plan and hopes the Town uses the guidance of the plan.
- Mark Opfell, 1021 Mendocino St., Wake Forest, NC 27587 spoke in opposition to CPA-23-03
- Ellen Fischbein, 1001 Mendocino Drive expressed her concerns regarding CPA-23-03

Mayor Jones asked if anyone else would like to speak. No one else came forward to speak.

4.D. 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 3 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 citizen provided public comment:

- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC 27587 believes that there may have been a misunderstanding when she stated that more transparency and answers from staff were needed before appearing before the Board. What she meant by "lack of transparency" was that individuals may not be well-informed. If her previous statement gave anyone the wrong impression, she apologizes for any confusion.

Mayor Jones asked if anyone else would like to speak. No one came forward 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. Approval of a Resolution to surplus the badge and service weapon carried by Sergeant David Doherty

[Filed in the Clerk's Office as Resolution 2023-63.]

- 5.B. Approval of Appointment to Citizen Advisory Boards

[Filed in the Clerk's Office as Resolution 2023-68 (HRC), 2023-69 (PAC), 2023-70 (PRCR), 2023-71 (TAB), 2023-72 (UFB)].

- 5.C. Approval of Smith Creek Reservoir Design

[Filed in the Clerk's Office as Resolution 2023-62.]

- 5.D. Approval of Supplemental Service Agreement with Mott MacDonald on Resurfacing Project FY 23-24

[Filed in the Clerk's Office as Resolution 2023-65.]

- 5.E. Approval of reimbursement agreement between the Town of Wake Forest and Taylor Morrison of Carolinas, Inc.

[Filed in the Clerk's Office as Resolution 2023-67.]

- 5.F. Approval of a resolution authorizing the execution and delivery of an installment financing agreement with JP Morgan Chase Bank to finance the resurfacing and rehabilitation of certain town streets

[Filed in the Clerk's Office as Resolution 2023-66.]

ACTION:

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

Second: Commissioner Wright.

Vote: Motion carried 5-0.

6. Legislative Items

- 6.A. Consideration of Stormwater Utility Fee

ACTION

Mover: Commissioner Sary moved to approve as read into the record.

Second: Commissioner Dyer.

Mayor Jones thanked the Advisory Board for their work on this item.

Commissioner Sary appreciates the fairness and diversity of the Board.

Vote: Motion carried 5-0.

- 6.B. Appointment of Candidates for the Board of Adjustment

ACTION

Mover: Commissioner Wright moved to approve as read into the record.

Seconder: Commissioner Dyer.

Vote: Motion carried 5-0.

7. Planning Items

7.A. Consideration of LEGISLATIVE CASE RZ-23-02, Stadium Drive Mixed Use, a rezoning filed by Williams Mullen to rezone 19.30 acres located at 0 Stadium Dr, being Wake County Tax PIN 1831957846 from Rural Holding District (RD), Richland Creek Watershed Management Area District (RC-WMA), and Special Highway Overlay (SH1-O) to Neighborhood Mixed-Use Conditional District (NMX-CD), Richland Creek Watershed Management Area District (RC-WMA), and Special Highway Overlay (SH1-O).

ACTION:

Mover: Commissioner Sary moved to approve Case RZ-23-02, Stadium Drive, with the consistency statement.

Seconder: Commissioner Shackleford.

Commissioner Sliwinski asked about the potential of a traffic light at the intersection. Mr. Reidy stated part of the issue is the realignment that must happen for both the current development under consideration and the shopping center. Mr. Reidy also said the Traffic Impact Analysis (TIA) didn't warrant it and NCDOT didn't make a request for the signal. Commissioner Sliwinski asked about a crosswalk. Mr. Reidy replied they have other locations and sometimes NCDOT approves it and may add additional signage, striping, pavement markings, or flashing beacons. He said that has a pretty good chance of being approved in some manner. Commissioner Sliwinski said he understands the developer worked with the neighbors and that's fantastic but he's having trouble getting past a potentially dangerous intersection. Commissioner Wright agreed but said when he looks at the development itself, he loves mixed-use.

Unfortunately, with the intersection and not knowing fully what they're doing on Capital Blvd. he's not comfortable doing anything with that right now.

Vote: motion carried 3-2.

Aye

Chad Sary

Jim Dyer

Keith Shackleford

Nay

Adam Wright

Nick Sliwinski

7.B. Consideration of Community Plan Amendment related to the Wake Forest/Raleigh Utility Merger Agreement (CPA-23-03)

Commissioner Wright asked, based on the feedback received at the public hearing by Mr. Olsen would it be possible to make those three changes and what would the process involve in doing so. Ms. Tanner explained the procedures and the limitations in terms of what could be modified.

ACTION:

Commissioner Wright recommended tabling the discussion until they can have further impact.

Seconder: Commissioner Dyer.

Commissioner Sliwinski expressed concern about tabling it and being left hanging out there without any protection.

Commissioner Sary expressed his concerns and believes it would be better protected if the Town were able to facilitate things that happen in the future. He doesn't think Wake County has their best interest in mind.

Commissioner Dyer withdrew his motion to second.

Commissioner Shackleford said at least there is one property owner who has no intention of coming before the Board asking for a rezoning request, which means to him that a large portion of that property would remain intact as a forest.

Commissioner Shackleford would like to see the expansion of the description of the whole area.

Commissioner Sliwinski commented that this does not expand the ETJ nor the Town's jurisdiction, and at this point, they're not rezoning and are not putting a zoning classification on it; additionally, if someone wanted to build under R 80W zoning within the county they could still do that.

The motion died due to a lack of second.

ACTION:

Commissioner Shackleford made a motion to approve with changes in the wording, strike exhibit #2, and update cover.

Seconder: Commissioner Sary.

Commissioner Shackleford commented that he's heard everything that's been said and if this was to come before the Board at a later date, he's in full support of the conservation of the property.

Vote: Motion carried 4-1.

Aye

Chad Sary

Jim Dyer

Keith Shackelford

Nick Sliwinski

Nay

Adam Wright

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 Parks and Recreation Items presented.

11. Public Safety Items

No Public Safety Items presented.

12. Other Business

1. Mayor Jones brought before the Board a resolution for Wake Forest to support a study to accelerate the upgrade of US-1 between I-540 and Franklin County to a multimodal freeway using toll revenue.

ACTION

Mover: Commissioner Sary moved to approve a resolution for Wake Forest to support a study to accelerate the upgrade of US-1 between I-540 and Franklin County to a multimodal freeway using toll revenue.

Seconder: Commissioner Sliwinski.

Vote: Motion carried 5-0.

Town Manager Padgett recognized Joe Milazzo, Executive Director of the Regional Transportation Alliance, in the audience. Mr. Padgett stated that the Alliance represents the business community in the triangle and has passed a similar resolution.

Mayor Jones attributed the idea to Mr. Milazzo, emphasizing his instrumental role in bringing it forward.

2. Town Manager Padgett brought before the Board Resolution 2023-73 to acquire property at 1621 and 1701 Wait Avenue for approval.

ACTION

Mover: Commissioner Dyer moved to approve Resolution 2023-73 authorizing to acquire property located at 1621 and 1701 Wait Avenue.

Seconder: Commissioner Sliwinski.

Vote: Motion carried 5-0.

12.A. Department Monthly Report

Received.

12.B. Wake County Tax Release

Received.

12.C. Commissioner Reports

Mayor Jones announced the sad news of the passing of County Commissioner James West. She expressed her condolences and shared that he was a kind and wonderful man who served his district with great dedication for many years. He was a remarkable commissioner and public servant. The Mayor expressed her regret at this news.

Commissioner Dyer attended the Wake Forest Cares Holiday Kick-off.

Commissioner Wright attended the 10th Anniversary Gala at the Renaissance Centre, and the ribbon cutting at Broadside and Brews.

Commissioner Sliwinski attended the 10th Anniversary Gala at the Renaissance Centre and praised Debbie Dunn and her team for organizing a phenomenal event. He attended

the Wake Forest Cares Holiday Kick-off and had the opportunity to meet and talk with second graders at Richland Creek Elementary School.

Commissioner Shackleford attended the 10th Anniversary Gala at the Renaissance Centre and complimented the staff for their great work in organizing the 10th Anniversary Gala. He also attended the Wake Forest Cares Holiday Kick-off.

Commissioner Sary met Joey Hopkins from NCDOT and attended the Central Pines Regional Council Board Delegates Meeting.

Mayor Jones attended the 2023 State of the County at PNC Arena, the North Carolina League of Municipalities Legislative Policy Committee Meeting, the Wake Forest Chamber of Commerce Entrepreneurs Academy, and the Wake Forest Cares Holiday Kick-off. The Senior Center sent a thank-you card signed by many people, expressing gratitude to the Town of Wake Forest for amending their budget to include a little more money for the Senior Center. She also attended the 10th Anniversary Gala at the Renaissance Centre, and she enjoyed meeting and talking to the second graders at Richland Creek Elementary School.

Town Manager Padgett recognized Parks, Recreation & Cultural Resources for receiving reaccreditation from the Commission for Accreditation of Park and Recreation Agencies (CAPRA).

12.D. Consultation with the Town Attorney, N.C.G.S. § 143.318.11(a)(3)".

ACTION:

Mover: Commissioner Wright moved to go into closed session at 8:30 p.m.

Seconder: Commissioner Sary.

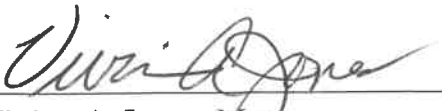
Vote: Motion carried 5-0.

The Board reconvened to open session at 9:10 p.m.

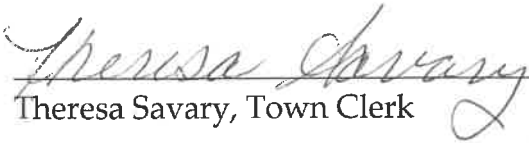
13. Adjournment

With no further business to discuss, the meeting was adjourned at 9:11 p.m.

Duly approved in open session this 19th day of December 2023.


Vivian A. Jones, Mayor

(ATTEST)


Theresa Savary, Town Clerk

