



Wake Forest Board of Commissioners Work Session Meeting Minutes

The Wake Forest Board of Commissioners met on **Tuesday, May 2, 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.

Commissioners Present: Mayor Vivian A. Jones, Commissioner Jim Dyer, Commissioner Chad Sary, Commissioner Keith Shackleford, Commissioner Nick Sliwinski, and Commissioner Adam Wright

Commissioners 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
Chief Financial Officer Aileen Staples
Assistant Finance Director Samantha Sanchez
Senior Budget Analyst Benjamin Blevins
Planning Director Courtney Tanner
Assistant Planning Director Jennifer Currin
Electric Utility Director Chris Terrell
Parks, Recreation & Cultural Resources Director Ruben Wall
Strategic Performance Manager Lisa Hayes

Brad West Long Range Planning Manager
Planner 1 Long Range Planning Antione Jordan
Public Facilities Manager Mickey Rochelle
Senior Public Facilities Specialist Joe Pennington
Public Facilities Specialist Steven Carpenter
Public Facilities Specialist Pedro Ducos
Public Facilities Specialist Nicholas Parrish
Fire Chief Ron Early
Fire Chief Jeff Leonard
Police Captain Julius Jefferson
Police Captain Brandon High

1. Presentations

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

Assistant Planning Director Jennifer Currin provided a presentation on Case RZ-22-06, Harris Road Subdivision. The applicant is Church Street Company, and the owner of the property is Jane Harris Pate. The property is located on the Southeast corner of US-1 and Harris Road and north of Joyner Park. The total acreage is approximately 68.28+ acres. The proposed zoning is Highway Business Conditional District (HBCD), Neighborhood Mixed Use Conditional District (NMXCD), and General Residential 10 Conditional District (GR10CD). The applicant's request is to act on plan consistency; Review a Conditional Rezoning request with the associated Subdivision Master Plan.

Ms. Currin pointed out some of the conditions for Case RZ-22-06 (*see attachment B*).

Planning Board Recommendation:

- Public comment session at December 13, 2022 meeting
- Recommended denial 6-0
- Found request inconsistent with Community Plan

Ms. Currin stated staff recommends denial of the rezoning as proposed and finds it to be inconsistent with the Comprehensive Plan and not in the public interest for the following reasons:

1. The proposed zoning is inconsistent with the Community Plan.
2. The proposed zoning does not incorporate a mix of housing types that are not already provided in the Neighborhood Planning Area.
3. With the majority of U-5307 funded, the Town needs to continue to anticipate and plan for US-1 to be converted to a limited access freeway. As part of those planning efforts, the Town needs to anticipate concerns that could arise from single family residential development being located directly adjacent to a service road and within ¼ mile to 1 mile of an interchange.

4. The Town's ability to recruit new and expanding industries and business could be reduced if the amount of land the Town has planned for nonresidential uses is diminished for residential purposes.

Commissioner Sary asked if it's common for plans not to be 100 percent compliant with the Comprehensive Plan. Ms. Currin responded yes; plans are generally not 100 percent. She said staff looks for general compliance.

Commissioner Sary said the Future Land Use Map is essentially saying they want to see higher density than what's provided. Ms. Currin replied, correct. Commissioner Sary said if this proposal had been apartments versus townhomes and single-family dwellings it would have been more in compliance with the Community Plan. Ms. Currin replied correct, as well as allowing for a larger amount of non-residential development.

Commissioner Sary said it seems the Community Plan is wanting to designate this area as apartments where the applicant has provided townhomes and single-family lots. Ms. Currin replied, yes. She said from the onset staff asked if there could be other potential residential development scenarios.

Commissioner Sliwinski asked if the bus loop would run towards Joyner Park. Ms. Currin replied, without the multi-family it may not. Commissioner Sliwinski asked if the only way to have transit toward Joyner Park is to approve more houses in the area. Ms. Currin replied, correct.

Michael Birch with Longleaf Law Partners stated the plan calls for higher density, but a lot of community concerns pushed toward a lower density. Mr. Birch said they're looking for a high-quality neighborhood with multiple housing opportunities that are walkable, in proximity to schools, goods, services, and parks, and at the same time protect environmental features.

Mr. Birch spoke about the Planning Board recommendation and emphasized that the two issues the Planning Board relied on for their recommendation were the lack of commercial and the traffic being routed through the neighborhood. Mr. Birch said they spent a number of months reworking the plan to address those two items.

Mr. Birch spoke about the Traffic Impact Analysis (TIA). They're committed to the same improvements that were recommended by the TIA. They didn't include the NCDOT

project in the analysis because the construction is not funded, yet. The analysis relies on current conditions plus the improvements being made by Devon Square.

Mr. Birch noted they doubled the buffer along Harris Rd., and the single-family neighborhoods to the north. They're also separated from the neighborhoods to the north by a buffer stream.

Mr. Birch shared that the amount of useable commercial area is approximately 8.5 acres. He said that could accommodate approximately 32,000 to 35,000 square feet of commercial. Multi-story buildings are allowed, it would also accommodate office use and residential over ground-floor retail.

Mr. Birch emphasized that the neighborhood would include two types of single-family detached products with different lot sizes as well as two types of townhome products. It would allow starter and move-up housing options within the neighborhood.

Mr. Birch said they want to offer an additional condition addressing the housing affordability concern. They want to offer 7.5 percent of the units within the GR-10 area as affordable to those earning between 80 and 110 percent of the Area Median Income (AMI). Additionally, they will offer another 2.5 percent of the units affordable to those earning between 80 and 100 percent AMI.

Mr. Birch emphasized the walkability of the neighborhood stating they're proposing 10-foot multi-use paths (MUP) along the entire frontage of the property along Harris Rd. He said they're also including a 10-foot MUP internal to the development and are providing a pedestrian connection across Harris Rd. to Joyner Park.

Commissioner Sary asked if Mr. Birch would be willing to accept or propose a condition dedicating an easement for a bus stop in the future along Harris Rd. Mr. Birch replied, absolutely.

Commissioner Sary asked if there were any thoughts on a pedestrian connection to Wall Rd. Mr. Birch replied they don't have frontage on Wall Rd.

Commissioner Dyer asked if the \$30,000 update on Harris Rd. and Wall Rd. is for a traffic signal. Mr. Birch replied yes, that's a contribution towards the installation of the signal.

Commissioner Sliwinski asked with the proposed condition what does that AMI number stand out as far as income today. Mr. Birch replied the AMI is currently at \$110,000 for a family of four.

The following citizens provided comments:

- Margaret Watkins, 407 Belmellen Ct., Wake Forest, NC 27587 recommended taking the item back to the Planning Board for review.
- Debora Perlini, 1019 Oxwich Ct., Wake Forest, NC 27587 spoke in opposition to the proposed project. She stated the town must recognize the value of open space and outdoor areas as vital to the mental and physical health of its residents.
- Tim Shail, 932 Barnford Mill Rd., Wake Forest, NC 27587 spoke in opposition to the proposed project. He spoke about the vulnerability of Joyner Park to surrounding development as well as safety concerns.
- Gary Skinner, 933 Barnford Mill Rd., Wake Forest, NC 27587 spoke in opposition to the proposed project. He suggested saving this property and using the property as an extension to Joyner Park.
- Martha Gruber, 1133 Shadow Shade Dr., Wake Forest, NC 27587 spoke in opposition to the proposed project. She stated the parcel north of Joyner Park is exceptional and the streams are in pristine condition.
- Angela DiPaolo, 929 Barnford Mill Rd., Wake Forest NC 27587 spoke in opposition to the proposed project. She stated if the town would consider conserving the parcel it would be a valuable resource for teaching.
- Mary Kircher, 1217 Chilmark Ave., Wake Forest, NC 27587 spoke in opposition to the proposed project. She would like to see more emphasis on the idea of conservation cluster development.
- Karl Warkowski, 385 Fleming Rd., Wake Forest, NC 27587 spoke in opposition to the proposed project. He stated places like Joyner Park are not indicative to parks in this region.
- Jennifer Amyx, 9908 Calvados Dr., Wake Forest, NC 27587 spoke in opposition to the proposed project. She said the connection between green spaces and mental health is something that needs to be acknowledged. She spoke about the importance of green spaces and nature.
- Patricia Amyx, 2216 River Park Dr., Wake Forest, NC 27587 spoke in opposition to the proposed project. She asked the Board to preserve this property.
- Evie Huntley, 309 Angel Star Ln., Wake Forest, NC 27587 spoke in opposition to the proposed project. She would like to protect the beauty of the town by preserving the open spaces or use for educational opportunities.
- Jim Vasilko, 758 Wallridge Dr., Wake Forest, NC 27587 spoke in opposition to the proposed project. He spoke about the traffic congestion.

- Wanda Mukherjee, 1208 Chilmark Ave., Wake Forest, NC 27587 spoke on behalf of the concerned citizens of the Preservation of Wake Forest Open Space. She recommended that the Board deny this tonight but with a caveat. She asked that the town work with the neighbors and environmental groups. She asked, let's work together and create something beautiful for the Town of Wake Forest.
- Peter Schmutz, 507 Shropshire Ct., Wake Forest, NC 27587 spoke in opposition to the proposed project. He said it's a great place to live but in the last few years he's seen clearcut developments in Wake Forest. He asked for the Board to embrace the vision.
- Madison Moore, 621 Ridgetop Way, Wake Forest, NC 27587 spoke in opposition to the proposed project. She said what makes Wake Forest special and makes it unique is to preserve.

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

Mayor Jones declared the public hearing closed.

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

ACTION:

Mover: Commissioner Sliwinski moved to deny Case RZ-22-06, Harris Road Subdivision with the inconsistency statement.

Seconder: Commissioner Wright

Vote: Motion carried 5-0

Commissioner Sliwinski expressed concern with the traffic that is generated from the school and people going to work. He has serious concerns about Devon Square not being fully built out, yet. He said with the addition of this proposed development it will only get worse if approved.

Mayor Jones asked if there were any further comments. No further comments were heard.

1.3. Proclamation Recognizing May 2023 as "Mental Health Month"

Mayor Jones read the proclamation into the record.

PROCLAMATION

RECOGNIZING MAY 2023 AS "MENTAL HEALTH MONTH"

WHEREAS, there is a proven connection between good mental health and overall personal health, and mental illnesses affect almost every family in America; and

WHEREAS, people with mental illnesses recover if given the necessary services and supports in their communities, and people with mental illnesses make important contributions to our families and our communities; and

WHEREAS, millions of adults and children are disabled by mental illnesses every year only one out of two people with a serious form of mental illness seeks treatment for his or her mental illness; and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help, research shows that the most effective way to reduce stigma is through personal contact with someone with a mental illness; and

WHEREAS, good mental health is critical to the well-being of our families, communities, schools, and businesses, ~~greater public awareness~~ about mental illnesses can change negative attitudes and behaviors toward people with mental illnesses;

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest on behalf of the Board of Commissioners do hereby proclaim the month of May 2023 as MENTAL HEALTH MONTH. As the Mayor of the Town of Wake Forest I also call upon all Town of Wake Forest citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma and discrimination, and promoting appropriate and accessible services for all people with mental illnesses.

1.4. Proclamation Recognizing May 4, 2023 as "National Day of Prayer"

Mayor Jones stated that Commissioner Dyer would read the proclamation at the National Day of Prayer Event.

PROCLAMATION

NATIONAL DAY OF PRAYER

May 4, 2023

WHEREAS, civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of

national purpose and identity, made the Laws of Nature and Nature's God the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U. S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday of May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in the Town of Wake Forest when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation; and

WHEREAS, we pray for those who are affected by the Coronavirus and for our community as we recover from this and begin to move forward.

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest on behalf of the Board of Commissioners do hereby proclaim Thursday, May 4, 2023, as "A DAY OF PRAYER IN WAKE FOREST" and urge all citizens of Wake Forest to observe the day in ways appropriate to its importance and significance.

1.5. Presentation of amendments to Chapter 32 "Utilities", Article I "In General" & Article V, "Electric Service".

Electric Utility Director Chris Terrell provided a presentation on the amendments to Chapter 32 "Utilities", Article I "In General" & Article V, "Electric Service". Mr. Terrell provided a brief presentation on the amendments to Chapter 32 explaining that the current code is outdated.

1.6. Presentation by Town Manager - Proposed FY 2023-2024 Annual Operating Budget

Town Manager Kip Padgett presented the proposed FY 2023-2024 Annual Operating Budget and spoke about the budget highlights, tax rates and user fees, personnel, and major and future impacts

The FY 2023 proposed budget will come before the Board on the following dates:

- Public Hearing – Tuesday, May 16
- Work Session - Tuesday, June 6
- Approve Budget – Tuesday, June 20

1.7. Update on Town Tree Property Improvements

Strategic Performance Manager Lisa Hayes provided information on the health and wellbeing of the tree as outlined below:

- Not native to area and not in optimal condition
- Tree is under a tremendous amount of stress due to all the impervious surface, lack of water, soil volume, emission pressure, etc.
- “For the health and longevity of the town tree, (I) have advised no changes whatsoever to that island. No mulch, no planting, absolute minimum pruning, no changes to the turf, no shovels in the critical root zone, which is the entirety of the island.”

Staff recommendations are outlined below:

- No changes to tree “island” area other than routine mowing maintenance.
- Budget request included in upcoming year for sidewalk and sidewalk ramps, decorative planters along sidewalk, 2-3 “story” signs along walkway.
- Wayfinding sign updates in process.

1.8. Amendment of Ordinance Sec. 20-2. (a) - Public consumption, possession, etc., of alcohol. (FUNGO - Flaherty Park Field #2)

Parks, Recreation & Cultural Resources Director Ruben Wall shared that the town’s partners with Fungo approached town staff about the possibility of allowing the sale and consumption of alcohol at Flaherty Park.

Julie Kruse-John co-owner of Wake Forest’s Fungo Baseball Team said she was happy to answer any questions.

Commissioner Sary asked if it would be self-contained during certain hours and if they’d be providing security. Ms. John stated they would be working with the Police Department and will have off-duty police officers in attendance. She said if there’s a

recommendation that they need to hire anyone else they would do that. She said the safety of their fans and players is high on their priority list.

ACTION:

Mover: Commissioner Adam Wright made a motion to approve the Amendment of Ordinance Sec. 20-2. (a) - Public consumption, possession, etc., of alcohol. (FUNGO - Flaherty Park Field #2) as presented.

Second: Commissioner Nick Sliwinski.

Vote: Motion carried 5-0.

This item will come before the Board of Commissioners for a second reading at its May 16, 2023, meeting.

- 1.9. Presentation of LEGISLATIVE CASE CPA-23-01, 0 Heritage Lake Road, a Comprehensive Plan Amendment filed by the Town of Wake Forest to amend 2.64± acres located at 0 Heritage Lake Road, being Wake County Tax PIN 1850066925 from unclassified to Neighborhood Commercial.

Planner I Antione Jordan provided a presentation on Case CPA-23-01, 0 Heritage Lake Road Comprehensive Plan Map Amendment. Mr. Jordan stated the applicant is the Town of Wake Forest and the owner of the property is Franklin Village, LLC.

Mr. Jordan provided the following outline for Case CPA-23-01:

1. The town recently adopted the Community Plan in 2022, including the Land Use Plan found therein. During the development of the Land Use Plan, a parcel was unintentionally left without a future land use designation. The proposed amendment updates the Community Plan's Land Use Plan Map by assigning this parcel a future land use designation.
2. The subject parcel is situated along a busy thoroughfare and seamlessly connected to the adjacent Gateway Commons commercial district. To better ensure compatibility with surrounding land uses, the proposed future land use designation is Neighborhood Commercial.

Mr. Jordan stated the requested action is to amend 2.64± acres located at 0 Heritage Lake Road from unclassified to Neighborhood Commercial within the Community Plan's Land Use Plan Map.

Mr. Jordan stated the Planning Board recommended approval by a vote of 6-0 on April 11, 2023 at their Planning Board meeting.

Mr. Jordan stated staff recommends approval of the proposed Comprehensive Plan Amendment to the Community Plan's Land Use Plan for the following reasons:

1. The amendment aligns with the 2022 Community Plan's description of Neighborhood Commercial in providing compact, pedestrian-oriented, mixed-use environments along major roadways with building scales compatible with adjacent residential areas.
2. The amendment will provide a transition in development intensity between the nearby residential neighborhood and shopping center, consistent with the 2022 Community Plan's description of Neighborhood Commercial.
3. The amendment is consistent with the 2022 Wake Forest Strategic Plan's Goal 5: Advancing Community & Economic Prosperity. Specifically, Priority 2, Encourage and protect small and entrepreneurial businesses.

Commissioner Sary assumed the property owner was contacted and agreed with this. Mr. Jordan replied, yes.

The public hearing and consideration for this item will be held at the May 16, 2023 Board of Commissioners meeting

2. Discussion of Monthly Financial Report

2.1. Monthly Financial Report

Received.

3. Review of Draft Agenda for Upcoming Regular Meeting

3.1. Review of Draft Agenda for Upcoming Regular Meeting

The draft agenda was reviewed.

4. Other Business

No Other Business was presented.

5. Commissioner Reports

Commissioner Sary had no report.

Commissioner Shackleford had no report.

Commissioner Sliwinski shared that “Happy Dan the Magic Man” will be at the Renaissance Centre on Friday, May 5, 2023, at 6:30 p.m., Wake Forest Area Chamber will be hosting Meet in the Streets on Saturday, May 6, 2023, from 10:00 a.m. until 4:00 p.m., the pickleball tournament is coming up on May 12-14, 2023. He gave a shout-out to Urban Forester Luke Devores who drove to Pennsylvania to pick up tree seedlings for the Forest Fest Event when it became apparent, the seedlings wouldn’t arrive in time, he thanked Mayor Jones for recognizing Mental Health Awareness Month.

Commissioner Wright said he and Commissioner Sliwinski hosted a webinar last year on Mental Health Awareness and would like to see if they can have that replayed a couple of times this month to be able to help people, he said the STEM Event went well last weekend with approximately 800 people attending throughout the day, he attended the Inspections Department Building Safety Event at Town & Country at Gateway Commons, attended Wake County Teacher of the Year Event.

Commissioner Dyer reported there is a crisis in mental health issues among the veterans, he attended the Memorial Flag Raising.

Mayor Jones attended the STEM Event, attended the Inspections Department Building Safety Event, Saturday was Independent Book Store Day, she attended the Trentini Banquet, attended the Sound of Music performance at Wake Forest High School, she attended the student art show at the Renaissance Centre, she attended the NC League of Municipalities City Vision Conference, she went to the Alston-Massenburg Center where NC State students provided a presentation on their research in the Northeast Community.

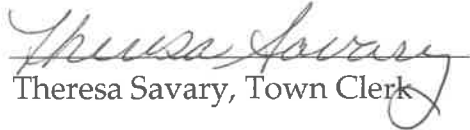
Town Manager Kip Padgett had no report.


6. Adjournment

The Board of Commissioners adjourned the meeting at 8:26 p.m.

Duly approved in open session this 20th day of June 2023.

(ATTEST)


Theresa Savary, Town Clerk


Vivian A. Jones, Mayor

