

Approved July 19, 2011



**Wake Forest Board of Commissioners
Meeting Agenda
June 21, 2011
7:00 pm**

Mayor Jones called the meeting to order at 7:00 p.m.

Council Members Present

Mayor Vivian Jones
Commissioner Frank Drake
Commissioner Anne Hines
Commissioner Chris Kaeberlein
Commissioner Margaret Stinnett
Commissioner Pete Thibodeau

Staff Present

Mark Williams, Town Manager
Roe O'Donnell, Deputy Town Manager
Eric Vernon, Town Attorney
Deeda Harris, Town Clerk
Eric Keravuori, Director of Engineering
Chip Russell, Planning Director
Charlie Yokley, Senior Planner
Chad Sary, Assistant Planning Director
Scott Miles, Town Engineer
Aileen Staples, Finance Director
Jeff Leonard, Police Chief
Mike Barton, Public Works Director

1. Approval of Agenda.

ACTION: Commissioner Hines made a motion to approve the agenda.
Commissioner Kaeberlein seconded the motion, which carried (5,0).

2. Approval of minutes.

- A. Meeting held May 4, 2011 (Work Session), meeting held May 17, 2011 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Kaeberlein made a motion to approve the minutes.
Commissioner Hines seconded the motion, which carried (5,0).

3. Presentations.

- A. Proclamations Honoring Austin Flowers, Lane Meyer and Matthew Speight.
Mayor Jones shared the proclamations were given to the families.

- B. Introduction of candidate for the Advisory Board.

Mr. Glen Wegel was interested in the Historic Preservation Commission. He could not make it to the June 7th Work Session to come to introduce himself to the board.

4. Public hearings / Public Comment.

- A. Public Hearing on Petition Requesting Contiguous Annexation Submitted by Hillyer Memorial Christian Church for the Property Located at 700 Forestville Road Comprising 3.8158 Acres (Pin No. 1840-411833).

There was no one to speak on this item, so Mayor Jones closed the public hearing.

ACTION: Commissioner Thibodeau made a motion to approve the request of annexation. Commissioner Drake seconded the motion, which carried (5,0).

- B. Public Hearing of petition requesting contiguous annexation submitted by Norman P. Beals for WH Capital LLC for property located at 1001 Durham Road comprising 0.764 acres. (Pin No.1831.03-40-0495).

There was no one to speak on this item, so Mayor Jones closed the public hearing.

ACTION: Commissioner Drake made a motion to approve the request of annexation. Commissioner Kaeberlein seconded the motion, which carried (5,0).

- C. Public Comment: If anyone would like to address the Board of Commissioners on an item other than a public hearing item or an item on the agenda during the time of public comment, please sign up with the Town Clerk prior to the meeting. Each speaker is asked to limit comments to 5 minutes. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate Town Staff and may be scheduled for a future agenda. Thank you for your consideration of the Board of Commissioners, staff and other speakers.

There was no one that signed up 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.)

- A. Approval of Tax Releases.
- B. Approval of Budget Amendment #6 for Fiscal Year 2010-2011.
- C. Appointment of Member to the Board of Directors for the Wake Forest Downtown Corporation.
- D. Approval of a petition requesting contiguous annexation submitted by St. Ives 220 Commercial, LLC & WRI-Wake Union LLC for properties located on Wake Union Church Rd. comprising 18.26 acres.
- E. Approval of Streets to be added to the Town's Street System for Maintenance.
- F. Consideration of Approval of Capital Projects Ordinance.
- G. Consideration of approval of Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20.
- H. Approval of Declaration of Intent to Reimburse.

Mayor Jones read through the items on the consent agenda. She asked if there was anyone who wanted to remove an item. There was not.

ACTION: Commissioner Hines made a motion to approve the items on the consent agenda. Commissioner Drake seconded the motion, which carried (5,0).

6. Legislative Items.

- A. Appointment of Members to the Historic Preservation Commission and the Recreation Advisory Board. (Attachment 6.A.)

The commissioners voted on the candidates. Top votes were given for Ruth Ann Dyer and Thomas Neal for the Historic Preservation Commissioner and Lucusia Green for the Recreation Advisory Board.

ACTION: Commissioner Stinnett made a motion to approve the appointments. Commissioner Thibodeau seconded the motion, which carried (5,0).

7. Planning Items.

- A. Consideration of a Variance Request from the Flood Damage Prevention Ordinance submitted by Kilpatrick Townsend & Stockton, LLP for the property located in the northeastern quadrant of Franklin Street & Rogers Road being Wake Co. Tax Pin No. 1840-51-8965.

Mayor Jones stated the Planning Board voted 8,0 to recommend approval of the request at their meeting on June 7, 2011. Commissioner Drake noted he was absent, but that he did listen to the entire tape of the meeting.

Commissioner Drake asked for Commissioner Thibodeau's guidance as it was his scope of his expertise. Commissioner Thibodeau shared had an opportunity to speak with Planning Director Russell to find out history to regulate the 500-year plan. The significance of this was once all the development had occurred, what changes to the stream would be expected to occur. He saw the rationale for doing so. He did not see the need to regulate the 500-yr plan. The engineer said they would not be packing it and sending it to downstream. As he understood it, the Board was not approving the site plan, just the variance which may or may not involve development. This was allowing the variance that would go to the land that goes to the development. There would be the potential of a parking lot and perhaps a retaining wall. The Board was not approving fill or grading. To allow this meant yes, the applicant could move forward; they could start the process to develop on the property.

Commissioner Drake asked how it would be regulated. If the town said one amount of fill and another was done, how would they know? Assistant Planning Director Sary said with the typography, there was little that could be done. In this case, when the area was developed, the fill was completed. The way the site was in now, it did not leave it to do more that they have planned to do. There would be review and final inspection.

ACTION: Commissioner Stinnett made a motion to approve the Variance Request from the Flood Damage Prevention Ordinance submitted by Kilpatrick Townsend & Stockton, LLP for the property located in the northeastern quadrant of Franklin Street & Rogers Road being Wake Co. Tax Pin No. 1840-51-8965.
Commissioner Kaeberlein seconded the motion, which carried (5,0).

- B. Consideration of approval of RZ-11-01: Burlington Mills Road and Ligon Mill Road, being Tax PIN 1748-19-1837 – request to amend existing Conditional Use Permit RZ-03-07. The applicant is requesting that convenience stores (with gasoline sales) and mini-storage facilities be added to list of uses allowed in the C.U. NB district with an approved Special Use Permit.

Mayor Jones stated the applicant asked that the request be withdrawn. The Planning Board at their meeting on June 7, 2011 recommended no action taken on it. Unless the town board disagreed, then they did not need to take any action.

They agreed to accept the withdrawal.

8. Administration and Financial Items.

- A. Consideration of Approval of FY 2011-2012 Budget Ordinance.

Commissioners Thibodeau, Hines and Drake could not attend the Budget Work Session held on June 8, but all stated they had listened to the audio recording and were prepared to vote.

Commissioner Kaeberlein commended Town Manager Williams and his staff to come up with a budget that accomplished goals and without increasing taxes and not cut staff. As a collected group, they were taking one for the town. He really appreciated it and hoped the citizens recognized this. He felt the only thing to ponder now was what to cut next year. Commissioner Hines stated things will be better.

Mayor Jones asked about the Comprehensive Fee schedule since she did not see beforehand. She questioned the increase for the fees for the Alston Massenburg Center and why it was not the same as the Community House. The proposed rate was from \$60 to \$400 for a full day. Staff had researched other municipalities. One of the reasons for the increase was to have staff supervision during events. They discussed whether to approve now or wait till the renovations were made. Town Manager Williams suggested they could approve the other fees and have Parks & Recreation Wall explain at a later meeting.

As a reply regarding the fee for Public Safety, Finance Director Staples stated the fee for Public Safety was for in part of the statutory requirement because of the precious metals. The Police Department had to do a background check. This was a mechanism to help recoup their cost.

ACTION: Commissioner Hines made a motion to approve the amended fee schedule extracting the fees for the Alston Massenburg Center, the 2011-2012 budget and the 2011-2012 Pay Classification.
Commissioner Thibodeau seconded the motion, which carried (5,0).

- B. Consideration of approval of request received from Wake Forest College Birthplace Society, Inc.

Town Manager Williams shared that when Board of Commissioners originally approved the donation to the birthplace museum, a requirement was that someone from the Birthplace come to make a presentation to request the funding and the Board would have a time to ask question.

Mr. Ed shared that he thought most all of the Commissioners had visited the museum since their Nov. 14th opening. The museum had a number of locals to use the facilities. They had over 5,000 visits which doubled what they normally had. They have had rave reviews.

As the FY end on Sept. 30, he noted they had the most successful year ever in regards to fundraising. Stipulations from the town and the university were that they have

matching donations. They had exceeded it. Wake Forest University had paid its remaining pledge up front. They have a 1 million dollar loan from WF Savings and Loan. Money from the town would go towards retiring that debt.

Last year they collected \$699,972 dollars excluding the town's donation for a total of \$809,972. That amount included a gift to the Birthplace Society from Mr. James and Claire McKee. They had done quite well. Pledges have come in on time and receiving donations. He was however disappointed in the daily contributions. They were in sound financial conditions. WFU had paid and had pledged to donate for another 5 years. He hoped the town would also help with the retirement of the debt.

ACTION: Commissioner Drake made a motion to approve the consent agenda. Commissioner Hines seconded the motion, which carried (4,1) with Commissioner Kaeberlein voting against it.

Aye

Frank Drake

Anne Hines

Margaret Stinnett

Pete Thibodeau

Nay

Chris Kaeberlein

9. Public Services Items.

A. Consideration of Closeout of Chalk Road Project. (Attachment 9.B.)

Town Engineer Keravuori briefly went over the close out. There was a net savings of \$13,604. There were two change orders related to the catch basin. They had spent more after that because they removed the trailer and some unsuitable soil that had to be removed.

Mayor Jones asked if they were doing berm, wall or plantings. He replied they planned to do that in the fall.

Commissioner Drake asked about the bridge at Jones Dairy. His reply was the Contractor was doing some correcting to the widening. DOT moved the completion date to end of June. It was projected to have been done on June 1st.

ACTION: Commissioner Kaeberlein made a motion to go into close out the project. Commissioner Hines seconded the motion, which carried (5,0).

10. Parks and Recreation Items.

11. Public Safety Items.

12. Other Business.

13. Closed Session: N.C.G.S 143-318.11(a)(6) Personnel - Annual Evaluation of Town Manager and Town Attorney

N.C.G.S 143-318.11(a)(4) – Discussion of Economic Development Opportunity

ACTION: Commissioner Drake made a motion to go into closed session to discuss personnel and economic development at 7:57 p.m.
Commissioner Kaeberlein seconded the motion, which carried (5,0).

ACTION: Commissioner Kaeberlein made a motion to come out of closed session at 9:40 p.m.
Commissioner Thibodeau seconded the motion, which carried (5,0).

ACTION: Commissioner Thibodeau made a motion at 9: 43 to continue the meeting to June 30, 2011 at 6:00 p.m.
Commissioner Kaeberlein seconded the motion, which carried (5,0).

Actions from continued meeting June 30, 2011.

Mayor Jones opened the meeting at 6:00 p.m.

Council Members Present

Mayor Vivian Jones
Commissioner Frank Drake
Commissioner Anne Hines
Commissioner Chris Kaeberlein
Commissioner Margaret Stinnett
Commissioner Pete Thibodeau

Staff Present

Mark Williams, Town Manager
Roe O'Donnell, Deputy Town Manager
Aileen Staples, Finance Director
Eric Vernon, Town Attorney

ACTION: Commissioner Stinnett made a motion to go into closed session at 6:01 p.m.
Commissioner Thibodeau seconded the motion, which carried (5,0).

ACTION: Commissioner Stinnett made a motion to come out of closed session at 7:54 p.m.
Commissioner Kaeberlein seconded the motion, which carried (5,0).

ACTION: Commissioner Kaerberlein made a motion to direct town staff and attorney to prepare a commitment letter to lend WCNC an additional \$750,000 for a total of \$850,000, conditioned upon the approval by the Golden Leaf Foundation of a grant in the amount of \$1,250,000 to purchase equipment. The loan shall be a line item of credit and shall be secured and subject to draw requests approved by the Finance Director of the Town of Wake Forest.
Commissioner Hines seconded the motion, which carried (3,2).

Aye

Anne Hines
Chris Kaerberlein
Pete Thibodeau

Nay

Frank Drake
Margaret Stinnett

ACTION: Commissioner Kaerberlein made a motion to adjourn at 8:03 p.m.
Commissioner Hines seconded the motion, which carried (5,0).

Town Clerk

Mayor