

Approved Sept. 19, 2011



## Wake Forest Board of Commissioners Meeting Minutes August 16, 2011

Mayor Jones called the meeting to order at 7:00 p.m. and led everyone in the Pledge of Allegiance.

### Council Members Present

Mayor Vivian Jones  
Commissioner Frank Drake  
Commissioner Anne Hines  
Commissioner Chris Kaeberlein  
Commissioner Margaret Stinnett  
Commissioner Pete Thibodeau (7:04 p.m.)

### Staff Present

Mark Williams, Town Manager  
Roe O'Donnell, Deputy Town Manager  
Eric Vernon, Town Attorney  
Deeda Harris, Town Clerk  
Jeff Leonard, Police Chief  
Chad Sary, Assistant Planning Director  
Ruben Wall, Parks and Recreation Director  
Charlie Yokley, Senior Planner  
Mike Barton, Public Works Director  
Agnes Wanman, Planner

### 1. Approval of Agenda.

**ACTION:** Commissioner Kaeberlein made a motion to approve the Agenda.  
Commissioner Hines seconded the motion, which carried (4,0).

### 2. Approval of Minutes.

### 3. Presentations.

A. Presentation to Mr. Willie Hughes upon his retirement.

The Board recognized Mr. Willie Hughes on his retirement. They passed the resolution honoring him. Mayor Jones read it to him and presented him with a plaque of appreciation for his services.

Mr. Hughes accepted the resolution and on his behalf and the others, thanked the board and town for the opportunity to serve the citizens of Wake Forest.

**ACTION:** Commissioner Hines made a motion to approve the Resolution of Appreciation of Service upon the Retirement of Mr. Willie Hughes.  
Commissioner Kaeberlein seconded the motion, which carried (4,0).

B. Proclamation Recognizing Good Neighbor Day.

Mayor Jones shared Good Neighbor Day was going to be held on Sunday, September 18, 2011 from 1-4 p.m. at Holding Park. She hoped everyone would come out and be a part of it to enjoy the food, games and festivities. Commissioner Hines mentioned also all would be free.

C. Proclamation Recognizing Constitution Week.

Mayor Jones shared the Daughters of the American Revolution would be holding their annual celebration at the Boys and Girls Club. She would read the proclamation at the event. She commented this was a good time to read and think about constitution as American Citizens.

D. Proclamation Bringing Awareness of Lyme Disease.

Mayor Jones wanted the citizens to recognize and be aware of Lyme Disease and the symptoms. She had previously shared her niece and all 4 children had the disease. She wanted all to be aware and know that it was debilitating and that it occurred in NC.

**4. Public hearings / Public Comment.**

- A. 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.

No one had 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 2<sup>nd</sup> Reading of the Ban on Smoking in the Town's Parks/Trails Limited to Designated Areas.
- C. Approval of changes to Chapter 12 in the Code of Ordinances in the section dealing with the Town Cemetery.

Mayor Jones read the items on the agenda and asked if anyone wanted to remove an item. No one removed an item

**ACTION:** Commissioner Thibodeau made a motion to approve the following item listed above on the consent agenda.  
Commissioner Hines seconded the motion, which carried (5,0).

**6. Legislative Items.**

A. Appointment of Members to the Cemetery Advisory Board and Public Art Commission.

The Board of Commissioners voted on candidates for the Cemetery and Public Art Commission. They recommended Mr. Bradley Baker for the Cemetery Advisory Board and Elizabeth Hayes and Gail Joyner for the Public Art Commission.

**ACTION:** Commissioner Drake made a motion to approve the appointments of Mr. Baker on the Cemetery Advisory Board and Elizabeth Hayes and Gail Joyner to the Public Art Commission.  
Commissioner Kaeberlein seconded the motion, which carried (5,0).

**7. Planning Items.**

A. Consideration of Approval of Case ZA-11-02: Amendment to Article III, Section 2. Definitions of Specific Terms & Words and Article V. Section 19. Renaissance Area Districts of the Wake Forest Zoning Ordinance.

Mayor Jones stated the Planning Board at their meeting August 2, 2011 voted 7,0 to recommend approval of the definition of light industrial in the Renaissance Area District.

**ACTION:** **Commissioner Stinnett** made a motion to approve Case ZA-11-02: Amendment to Article III, Section 2. Definitions of Specific Terms & Words and Article V. Section 19. Renaissance Area Districts of the Wake Forest Zoning Ordinance.  
Commissioner Kaeberlein seconded the motion, which carried (5,0).

B. Consideration of approval of RZ-11-02: Gulley-Mackie House to rezone .473 acres located at 340 North Main Street from R-15 Residential to C.U.-O&I Office and Institution district being Tax PIN: 1841-53-4348.

Mayor Jones stated the Planning Board at their meeting August 2, 2011 voted 7,0 to recommend approval of RZ-11-02: Gulley-Mackie House to rezone .473 acres located at 340 North Main Street from R-15 Residential to C.U.-O&I Office and Institution district being Tax PIN: 1841-53-4348.

Commissioner Stinnett asked to be recused in voting because she was on the Board of the WF Birthplace.

Commissioner Drake shared that he was sensitive to the historic district being a resident there. He knew the applicant and commented he did a spectacular job and that he was sensitivity to historic renovations.

**ACTION:** Commissioner Drake made a motion to approve with Staff Recommendations RZ-11-02: Gully-Mackie House to rezone .473 acres located at 340 North Main Street from R-15 Residential to C.U.-O&I Office and Institution district being Tax PIN: 1841-53-4348. Commissioner Kaeberlein seconded the motion, which carried (4,0).

## 8. Administration and Financial Items.

- A. Consideration of Approval of a Lease Agreement with the State Employee's Credit Union for an ATM Machine.

The State Employees Credit Unit presented a contract to lease space on Taylor Street for an ATM machine. It stated in the lease agreement they would pay \$1 for 10 years. Town Manager Williams shared it would be located at the corner of the Police Station at the driveway that goes to the cell tower. It would be a walk up. There at the handicap spaces. The person would have to get out of car. State supported credit union was more appropriate than a private bank. Commissioner Drake stated the credit union was not for profit. He found it interesting it was a 10- year lease with renewal up to 90 days. They could change within 90 days. He did not have a problem with an ATM. He had a problem in being selective as to who could use the property. His suggestion was to have no ATM or "non brand". He also thought it should be more than a \$1. Town Manager Williams said this would be a big service to the employees.

Commissioner Drake stated he currently represented the State Employees Credit in other capacities and charged them for it. They were a present client. Town Attorney Vernon stated if he had a direct and ongoing business with their leasing operations and not just representing then it would. His question to Commissioner Drake, could the vote unbiased way and not be swayed. He put it back - not enough to qualify for being recused. Commissioner Drake stated he does not for this client. He felt he could set aside and asked Board if they objected. They did not. He was applying the biased.

**ACTION:** Commissioner Kaeberlein made a motion to approve Lease Agreement with the State Employee's Credit Union for an ATM Machine. Commissioner Hines seconded the motion, which carried (4,1) with Commissioner Stinnett voting Nay.

## 9. Public Services Items.

- A. Consideration of Request to Connect an In-Ground Irrigation System to Public Water Supply for Mr. Mike Esposito.

Commissioner Drake shared the applicant expressed diagnosis of disc problem; he had sympathy for that ailment. Certain physical activities are difficult. He has done best to minimize the stress on his back and employed others. A reasonable solution for him was to have someone else do it for him which is what he does and why he was voting against it.

**ACTION:** Commissioner Kaerberlein made a motion to approve the ordinance to be no smoking of any type in the Town Parks and Greenways.  
Commissioner Thibodeau seconded the motion, which carried (3,2) with Commissioners Drake and Stinnett voting nay.

**10. Parks and Recreation Items.**

**11. Public Safety Items.**

**12. Other Business.**

Mayor Jones wanted feedback on the items for the Transportation Study. She said they could discuss more at the retreat which would be at Friday, August 19<sup>th</sup> from 1-5 in Patterson Hall on the campus of the Southeastern Baptist Theological Seminary.

**13. Closed Session.**

**N.C.G.S 143-318.11(a)(4)** – Discussion of Economic Development Opportunity  
**N.C.G.S 143-318.11(a)(3)** – Discussion with the Attorney Regarding Litigation.

**ACTION:** Commissioner Drake made a motion at 7:43 p.m. to go into Closed Session  
Commissioner Hines seconded the motion, which carried (5,0).

**ACTION:** Commissioner Thibodeau made a motion at 8:56 p.m. to come out of Closed Session  
Commissioner Hines seconded the motion, which carried (5,0).

**ACTION:** Commissioner Kaerberlein made a move to authorize WCNC to draw down \$100,000 of the \$850,000 committed by the Board on July 19<sup>th</sup> 2011. All other terms and conditions of the loan commitment shall remain in full force and effect.  
Commissioner Hines seconded the motion, which carried (4,1) with Commissioner Stinnett voting nay.

**ACTION:** Commissioner Kaerberlein made a motion at to adjourn.  
Commissioner Thibodeau seconded the motion, which carried (5,0) at 8:58 p.m.

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Town Clerk

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Mayor