



## KNIGHTDALE TOWN COUNCIL MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

**March 3, 2008**

The Knightdale Town Council met at 7:00 p.m. at Knightdale Town Hall, 950 Steeple Square Court, Knightdale, NC.

PRESENT: Mayor Russell Killen; Mayor Pro Tem Mike Chalk; Councilors Jeff Eddins, Terry Gleason, Tim Poirier, and James Roberson.

ABSENT: No one.

Staff Members Present: Clyde Holt, III, Town Attorney; Gary McConkey, Town Manager; Seth Lawless, Assistant Town Manager; Suzanne Yeatts, Town Clerk; Mike Frangos, Planning Director; Jeff Triezenberg, Planner II; Ren Wiles, Finance Director; Tracy Pedigo, Public Works Director; Ricky Pope, Police Chief; Keith Gifford, Town Engineer; Tim Guffey, Fire Chief.

Meeting called to order by Mayor Killen at 7:00 p.m.

WELCOME

Welcome by Mayor Killen.

INVOCATION

Invocation by Councilor Poirier.

ITEM I. ADOPTION OF AGENDA

**...Motion by Councilor Gleason to adopt the agenda.  
Motion seconded by Councilor Eddins and carried  
unanimously.**

ITEM II. APPROVAL OF MINUTES

February 20, 2008

**...Motion by Councilor Eddins to approve the minutes of February 20, 2008. Motion seconded by Councilor Poirier and carried unanimously.**

ITEM III. PRESENTATIONS, RECOGNITIONS & AWARDS

James Perry – Land Use Review Board

Mayor Killen recognized James Perry for his ten years of service as a member of the Land Use Review Board and the Board of Adjustment by presenting him with a plaque from the Town.

ITEM IV. PUBLIC

**Anyone may speak on an issue not included on tonight's agenda. Before speaking, please state your name and address.**

A. Open to the Public

Ernest Graham, 915 Clayhill Drive and Thomas Burt, 1303 Silvershire Way, asked for clarity concerning the greenway funding, location, and whether it has been approved.

Town Manager Gary McConkey responded explaining the original plan was completed over ten years ago and there were objections from some Planters Walk residents at that time. Mr. McConkey stated that NCDOT has recently funded a feasibility study for the greenway project and if they decide the project is feasible, it will be added to their transportation improvement plan and will be at least seven years before the project is completed. The Town's Parks and Recreation Director attended the Planters Walk homeowners association meeting last month and asked for input on the greenway project. Parks and Recreation Director Tina Cheek is working with NCSU to survey Planters Walk residents.

Councilor Roberson thanked the Town Manager for clarifying the status of the greenway project.

Mayor Pro Tem Chalk reiterated that the project has not been funded and assured citizens that their input would be considered before a decision is made.

Mr. Burt asked if the Town has a cost estimate for the greenway.

Mayor Killen responded that the Town does not have a total cost or the amount NCDOT would be willing to fund for the project.

Mr. Burt also urged Council to consider setting the Town's focus on other projects such as facilities for middle and high school students rather than funding a greenway.

Mayor Pro Tem Chalk mentioned the proposed YMCA that will be located near the Highway 64 bypass.

Mayor Killen noted Councilor Roberson's willingness to serve as the Town's liaison on a project focusing on youth or gang problems and thanked Mr. Burt for his comments.

John Allen, 805 Beddingfield Drive, brought up issues he raised at previous meetings related to the Village Park Commons development.

Mayor Killen announced that Wall-Mart and other potential anchor tenant have now announced that they do not intend to locate new stores at the proposed Village Park Commons retail center. Mayor Killen reported the negative effects of losing this project may include the loss of approximately \$1 million in fees and revenues over the next 5 years. As a result of the loss in revenue the Town will need to evaluate a number of options including, eliminating or delaying fire station 2, reducing or canceling the proposed bond referendum to fund various park and open space projects. Mayor Killen also mentioned other tenants lost by the elimination of this project as Borders Book Store, Ruby Tuesdays, and The Olive Garden Restaurant. The loss leaves the town with tough choices to make between eliminating programs, reducing the number of public safety officers to be hired or increasing taxes. Lastly, Mayor Killen stated that every court that considered the case found that the Town

actions were both proper and legal, but that because the CARE group was able to continually stall the project, financial conditions forced Wal-mart to pull out of the project.

Mr. Allen responded with a recommendation that the town establish a code of conduct or code of ethics for council and staff that may save hardship in such situations.

Councilor Poirier added that the current Wal-mart will be leaving so our residents will have to drive to Zebulon or Raleigh to shop at Wal-mart and noted the loss of that revenue as well as the empty big-box that will be created.

B. Report on Citizen Inquiries

Councilor Eddins reported receiving an e-mail from Jason Epstein and inquired about the gate at Wide Waters.

Mayor Killen instructed staff to send a letter to the developer with a deadline of March 19, 2008 on submitting the design.

ITEM V. CONSENT AGENDA

- A. Multiple Sclerosis Awareness Week Proclamation  
**Proclaim March 10 – 17, 2008 "Multiple Sclerosis Awareness Week".**
- B. ZTA-1-08 Off-Street Parking and Related Environmental Protection Regulation Amendments (2<sup>nd</sup> Reading)  
ORD #08-02-20-003  
**Adopt Ordinance #08-02-20-003 to amend the Unified Development Ordinance regarding amendments to off-street parking and loading requirements and related environmental protection regulations.**
- C. NCDOT Municipal Agreement  
**Approve Municipal Agreement with NCDOT for the replacement of bridge number 229 over Poplar Creek on SR 1007 (Poole Road).**
- D. Street Name Acceptance – Alta Legacy Oaks  
RES #08-03-03-001  
**Adopt Resolution #08-03-03-001 approving street names for Alta Legacy Oaks.**

- E. Street Name Acceptance – Poplar Creek Village  
RES #08-03-03-002  
**Adopt Resolution #08-03-03-002 approving street names for Poplar Creek Village.**

**...Motion by Mayor Pro Tem Chalk to adopt the Consent Agenda. Motion seconded by Councilor Gleason and carried unanimously.**

ITEM VI. ACTIONS REQUIRING PUBLIC HEARINGS

**When speaking during a public hearing, please state your name and address clearly before speaking. Please designate a spokesperson for large groups. If you anticipate speaking tonight, please print your name and address on the form located on the entry table. If the Mayor announces that the hearing is a quasi-judicial public hearing, all speakers must be administered an oath by the Town Attorney. Everyone must speak from the podium to assure an accurate record of testimony.**

A. ZTA-3-08 – Vinyl Siding

Public hearing opened at 7:25 p.m.

Jeff Triezenberg, Planner II, presented the zoning text amendment to amend the exterior building materials for apartment and townhouse style structures. Mr. Triezenberg identified the applicant as BRC Knightdale, LLC.

Mr. Triezenberg recommended referring this item to the Land Use Review Board's March 10, 2008 meeting after allowing an opportunity for public comment.

David Niblock, BRC Knightdale, LLC, 5826 Samet Drive, Suite 105, High Point, NC, expressed his appreciation of staff's willingness to work with him on a proposed development and respectfully asked for favorable consideration of the zoning text amendment.

No one else approached.

**...Motion by Councilor Eddins to close the public hearing at 7:30 p.m. and to refer ZTA-3-08 to the March 10, 2008 Land Use Review Board meeting. Motion seconded by Councilor Poirier and carried unanimously.**

B. ZTA-4-08 – Tree Protection

Public hearing opened at 7:30 p.m.

Planner II Jeff Triezenberg presented the zoning text amendment for tree protection and recommended referring the item to the Land Use Review Board's March 10, 2008 meeting after receiving public comments.

Mr. Triezenberg answered questions from Council.

No one approached.

**...Motion by Councilor Roberson to close the public hearing at 7:49 p.m. and to refer ZTA-4-08 to the Land Use Review Board's March 10, 2008 meeting. Motion seconded by Councilor Poirier and carried unanimously.**

C. Municipal Water Allocation Policy

Public hearing opened at 7:49 p.m.

Mayor Pro Tem Chalk exited at 7:50 p.m. and returned at 7:53 p.m.

Mike Frangos, Planning Director, presented the proposed Municipal Water Allocation Policy and answered questions. Mr. Frangos recommended referring the policy to the March 10, 2008 Land Use Review Board meeting for a recommendation.

Jason Barron, Kennedy Covington, 4350 Lassiter at North Hills, Suite 300, Raleigh, NC, spoke representing developers of a property off of Hodge Road and requested additional time to review the policy. Mr. Barron expressed concern over annexed parcels affected by the policy and noted his concern with regard to the discriminatory nature of how the policy is written.

Mayor Killen responded that the Town's target is a balanced diverse sustainable community and the proposed policy is not written to exclude anybody but to include everybody.

No one else approached.

**...Motion by Councilor Poirier to close the public hearing at 8:42 p.m. and to refer the proposed Municipal Water Allocation Policy to the Land Use Review Board's March 10, 2008 meeting. Motion seconded by Mayor Pro Tem Chalk and carried unanimously.**

ITEM VII SET PUBLIC HEARINGS

Fee in Lieu of Assessment – Crosstie Street  
RES #08-03-03-003

Planning Director Mike Frangos presented a resolution setting the public hearing on the Fee in Lieu of Assessment for Crosstie Street, a public right-of-way that connects Brookefield Station Subdivision to First Avenue.

**...Motion by Mayor Pro Tem Chalk to adopt Resolution #08-03-03-003 setting the date of a public hearing for the Fee in Lieu of Assessment for Crosstie Street as March 19, 2008. Motion seconded by Councilor Gleason and carried unanimously.**

Councilor Eddins exited at 8:44 p.m. and returned at 8:46 p.m.

ITEM VIII. TOWN ATTORNEY

Town Attorney Clyde Holt requested holding a closed session for direction regarding a real estate matter.

ITEM IX. OLD BUSINESS

Nothing at this time.

ITEM X. NEW BUSINESS

A. Public Works Department Status

Tracy Pedigo, Public Works Director, gave an overview of the Public Works Department operations and reviewed the pavement condition survey results.

Mayor Killen thanked Mr. Pedigo for the information and for everything he has done to improve the Public Works Department.

B. Nuisance Issues

Planning Director Mike Frangos described Ken Tyndall's role as the Town's Code Enforcement Officer and noted he will soon be able to enforce the minimum housing code upon passing the building inspector level one exam this week.

Police Chief Ricky Pope reported partnering with the planning staff to enforce ordinances and site civil penalties for nuisances. Chief Pope noted the department is taking a proactive approach.

C. Proposed Residential Rental Occupancy Permit  
ORD #08-03-03-001

Assistant Manager Seth Lawless presented the proposed residential rental occupancy permit ordinance which is similar to the program the City of Raleigh uses. Mr. Lawless commented that the purpose of this ordinance is to maintain the quality of life in the town's neighborhoods.

Mr. Lawless recommended setting a public hearing to receive input on the draft proposal for April 7, 2008.

Council agreed to hold a public hearing on April 7, 2008.

ITEM XI. OTHER BUSINESS

None at this time.

ITEM XII. COMMITTEE REPORTS

A. Planning and Engineering

Councilor Gleason reported the Planning and Engineering Committee will hold their first meeting on March 12, 2008 at 8 a.m.

- B. Budget
- C. Public Safety
- D. Nominating
- E. Liaison Reports

Mayor Killen reported a meeting to be held on March 5, 2008 to discuss bringing bus service to eastern Wake County.

Mayor Killen reported meeting last week with other local Mayors and School Board Chair Rosa Gill.

ITEM XIII. CLOSED SESSION FOR LEGAL OR PERSONNEL MATTERS

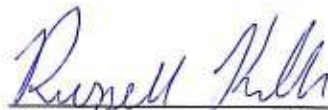
**...Motion by Councilor Gleason to enter closed session at 9:24 p.m. to discuss real estate matters. Motion seconded by Councilor Eddins and carried unanimously.**

Discussion of real estate matters.

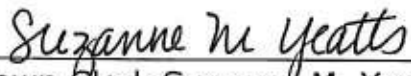
**...Motion by Councilor Poirier to exit closed session at 9:38 p.m. Motion seconded by Councilor Eddins and carried unanimously.**

ITEM XIV. ADJOURNMENT

**...Motion by Councilor Eddins to adjourn at 9:39 p.m. Motion seconded by Councilor Gleason and carried unanimously.**



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Mayor Russell B. Killen



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Town Clerk Suzanne M. Yeatts