



KNIGHTDALE TOWN COUNCIL MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

July 6, 2009

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 Terry Gleason, Tim Poirier, and James Roberson.

ABSENT: Councilor Jeff Eddins.

Staff Members Present: Clyde Holt, Town Attorney; Gary McConkey, Town Manager; Seth Lawless, Assistant Town Manager; Suzanne Yeatts, Town Clerk/HR Director; Chris Hills, Planning Director; Fred Boone, Town Engineer; Jeff Triezenberg, Planner II; Ren Wiles, Finance Director; Tracy Pedigo, Public Works Director; Shawn Brown, Public Safety Director; Anne Strickland, Legislative Intern.

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

WELCOME

Welcome by Mayor Killen.

INVOCATION

Invocation by Councilor Roberson.

ITEM I. ADOPTION OF AGENDA

...Motion by Councilor Roberson to adopt the agenda with the following amendment:

ADD: Design Services Contract for Crosswalk at Knightdale Boulevard and Widewaters Parkway under Item X. New Business

Motion seconded by Mayor Pro Tem Chalk and carried unanimously.

ITEM II. APPROVAL OF MINUTES

June 17, 2009

...Motion by Councilor Gleason to approve the minutes of June 17, 2009. Motion seconded by Councilor Poirier and carried unanimously.

ITEM III. PRESENTATIONS, RECOGNITIONS, AWARDS

None at this time.

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

Barbara Zopf, 523 Sternwheel Way, representing Widewaters Community Watch, expressed concern about leash laws in Town and proper signage.

Mayor Killen instructed staff to distribute information to citizens regarding current leash laws.

No one else approached.

B. Report on Citizen Inquiries

None at this time.

ITEM V. CONSENT AGENDA

A. Budget Amendment #1001 – Wellness Grant

Adopt Budget Amendment #1001 increasing revenue and expenditures by \$1,800.

B. FY2010 Fee Schedule Changes

Adopt two changes to the Fee Schedule for fiscal year 2010.

C. Fire Station Construction Grant

Approve submission of grant application.

- D. JDH Resolution Declaring Cost and Ordering Preparation of the Preliminary Fee Schedule for Sewer
RES #09-07-06-001
Adopt Resolution #09-07-06-001 declaring cost, setting forth a preliminary fee schedule and calling a public hearing for off-site sewer infrastructure project undertaken by JDH Riverview Commons Holdings, LLC.

- E. JDH Resolution Declaring Cost and Ordering Preparation of the Preliminary Fee Schedule for Water
RES #09-07-06-002
Adopt Resolution #09-07-06-002 declaring cost, setting forth a preliminary fee schedule and calling a public hearing for off-site water infrastructure project undertaken by JDH Riverview Commons Holdings, LLC.

- F. Support of Application for Funding under DWQ-Water Resources Development Project Grant
RES #09-07-06-003
Adopt Resolution #09-07-06-003 in support for Water Resources Development Grant application.

...Motion by Councilor Poirier 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-5-09 MI Zoning District Building Materials

Public hearing opened at 7:05 p.m.

Jeff Triezenberg, Planner II, presented a zoning text amendment related to clarifying the exterior construction materials expected of buildings in the Manufacturing and Industrial zoning district. Mr. Triezenberg recommended closing the public hearing after allowing for public comment and referring the item to the Land Use Review Board's July 13, 2009 meeting.

No one else approached.

...Motion by Councilor Roberson to close the public hearing at 7:10 p.m. and refer ZTA-5-09 to the July 13, 2009 Land Use Review Board meeting. Motion seconded by Mayor Pro Tem Chalk and carried unanimously.

B. ZTA-6-09 Family Care Homes and Related Facilities

Public hearing opened at 7:11 p.m.

Planner Jeff Triezenberg presented a zoning text amendment to clarify the separation requirement as it relates to family care homes and similar but different facilities.

Mr. Triezenberg answered questions from Council and recommended closing the public hearing after allowing for public comment and referring this item to the Land Use Review Board's July 13, 2009 meeting.

Gary Woodlief, 1208 Riverbirch Drive, asked about changes in the half mile radius requirement.

Mayor Killen confirmed there are no proposed changes in the half mile radius requirement.

Paula Gavasto, 418 Mingocrest Drive, inquired about notification of surrounding residents when at risk youth and adults are placed in their neighborhood.

Town Attorney Clyde Holt responded that the Town is not allowed to enact any law to treat family care homes differently than traditional residential homes. Mr. Holt added that the town can notify the public that the Town maintains a map regarding such locations.

Staff suggested educating the public on the map on the Town's website that notes current family care home locations.

No one else approached.

...Motion by Councilor Poirier to close the public hearing at 7:30 p.m. and refer ZTA-6-09 to the July 13, 2009 Land Use Review Board meeting. Motion seconded by Mayor Pro Tem Chalk and carried unanimously.

C. ZTA-7-09 Mobile Home Use Table/Additional Standards

Public hearing opened at 7:31 p.m.

Planner Jeff Triezenberg presented a zoning text amendment to clarify the permitted status of manufactured homes in designated zoning districts and the additional standards that accompany the installation of a manufactured home.

Council discussion regarding replacing single wide homes with similar structures.

No one approached.

...Motion by Councilor Gleason to close the public hearing at 7:42 p.m. and refer ZTA-7-09 to the July 13, 2009 Land Use Review Board meeting. Motion seconded by Councilor Roberson and carried unanimously.

D. Proposed Amendment to Nuisance Animal Ordinance
ORD #09-07-06-001

Public hearing opened at 7:43 p.m.

Assistant Manager Seth Lawless noted the Public Safety Committee's recommendation for amending the nuisance animal ordinance.

Public Safety Director Shawn Brown presented a proposed amendment to the current Nuisance Animal Ordinance.

Reba Pendleton, 114 Main Street, expressed concern over the proposed amendment and made suggestions including increasing the time a dog is allowed to bark, noting specific hours the ordinance would be applied, and applying the ordinance to all animals.

Daniel Robertson, 104 Main Street, agreed with Ms. Pendleton's concerns.

Gary Woodlief, 1208 Riverbirch Drive, suggested broadening the ordinance to address all types of animals, considering the time Public Safety Officers would spend on related calls, considering other noise ordinances, and inquired about a leash law for cats as well as whether there would be a warning prior to imposing a fine for violation of the ordinance.

Public Safety Director Shawn Brown explained the difference in the noise ordinance and how it applies to different types of noises.

Walter Clark, 1014 Riverway Lane, asked for clarification on when the ordinance would be effective.

Paula Gavasto, 418 Mingocrest Drive, expressed concern over the language in the proposed ordinance regarding how dogs are tethered or confined in a building. Ms. Gavasto also suggested hiring an officer to focus on animal issues.

Douglas Fishman, 202 Southampton Drive, spoke in favor of the proposed ordinance.

Randy Smith, 123 Stanway Drive, questioned what the Town would do if a local ordinance violation was unpaid.

Town Attorney Clyde Holt responded if civil citations are not remedied, court action could be taken and a criminal violation could be enforced.

No one else approached.

Mayor Killen suggested the Council meet as a whole for the next regularly scheduled Public Safety Committee meeting in August to continue discussion of the proposed ordinance taking comments from tonight's public hearing into consideration.

Mayor Pro Tem Chalk requested the new tethering ordinance recently enforced by the City of Raleigh be included in the amendment.

ITEM VII. SET PUBLIC HEARINGS

None at this time.

ITEM VIII. TOWN ATTORNEY

Nothing at this time.

ITEM IX. OLD BUSINESS

Riverview Commons Pump Station Update

Town Engineer Fred Boone reported the project has not been accepted by the City of Raleigh due to one remaining punch list item that the contractor anticipates completion within the next week.

Town Attorney Clyde Holt commented on the status of the easement and noted we are still waiting for a legal description.

ITEM X. NEW BUSINESS

Design Services Contract for Crosswalk
at Knightdale Boulevard and Widewaters Parkway

Town Engineer Fred Boone requested authorization to enter into a contractual agreement with Ramey Kemp & Associates for the design of a crosswalk at Knightdale Boulevard and Widewaters Parkway noting the cost of \$6,000.

...Motion by Mayor Pro Tem Chalk to authorize the Town Manager to enter into a contractual agreement with Ramey Kemp & Associates for the design of the crosswalk. Motion seconded by Councilor Gleason and carried unanimously.

ITEM XI. OTHER BUSINESS

None at this time.

ITEM XII. COMMITTEE REPORTS

- A. Planning and Engineering
Councilor Gleason noted the next meeting to be held July 13, 2009 at 6:00 p.m.
- B. Budget
- C. Public Safety
- D. Nominating
- E. Liaison Reports

Mayor Killen commented he would be on vacation during the next Town Council meeting.

ITEM XIII. CLOSED SESSION FOR LEGAL OR PERSONNEL MATTERS

...Motion by Mayor Pro Tem Chalk to enter closed session at 8:39 p.m. to approve second quarter 2009 closed session minutes. Motion seconded by Councilor Gleason and carried unanimously.

Approval of Closed Session Minutes – Second Quarter 2009

...Motion by Mayor Pro Tem Chalk to exit closed session at 8:42 p.m. Motion seconded by Councilor Poirier and carried unanimously.

ITEM XIV. ADJOURNMENT

...Motion by Councilor Poirier to adjourn at 8:43 p.m. Motion seconded by Councilor Gleason and carried unanimously.



Mayor Russell B. Killen



Town Clerk Suzanne M. Yeatts