



KNIGHTDALE TOWN COUNCIL MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

December 7, 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 Chalk; Councilors Jeff Eddins, Terry Gleason, Tim Poirier, James Roberson.

ABSENT: No One.

Staff Members Present: Clyde Holt, Town Attorney; Seth Lawless, Assistant Town Manager; Fred Boone, Town Engineer; Chris Hills, Planning Director; Jeff Triezenberg, Planner II; 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 Mayor Killen.

ITEM I. ADOPTION OF AGENDA

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

MOVE:

**Item IV- A. S.T.A.G.E. Update
to
Item XII- Other Business**

Motion seconded by Councilor Gleason and carried unanimously.

ITEM II. ORGANIZATIONAL MEETING

A. Oaths of Office

Town Attorney Clyde Holt led the Oath of Office for the following appointed members:

Michael Chalk
Jeffery W. Eddins
Terrence J. Gleason

Mayor Killen extended gratitude toward inducted Council Members in appreciation for their hard work over the past several years.

B. Appointments

2010 Committee Assignments

Mayor Killen made the following committee appointments:

Budget:	Mayor Pro Tem Chalk Councilor Roberson
CAMPO:	Mayor Killen
Liaison:	Councilor Gleason
Nominating:	Mayor Pro Tem Chalk Councilor Roberson
Planning & Engineering:	Councilor Gleason Councilor Poirier
Public Safety:	Councilor Eddins Councilor Poirier
Sustainable Growth:	Councilor Roberson

ITEM III. APPROVAL OF MINUTES

November 18, 2009

...Motion by Councilor Gleason to approve the minutes of November 18, 2009. Motion seconded by Councilor Eddins and carried unanimously.

ITEM IV. PRESENTATIONS, RECOGNITIONS, AWARDS

ITEM V. 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

Leah Fleischhauer, a representative of World Karate Do, inquired about an update on a discussion in regards to blocked off and closed roads.

Mayor Killen responded that Staff is in process of researching the matter to implement something and will notify her as soon as documents are constructed.

Assistant Town Manager Seth Lawless added that they will have these items soon.

No one else approached.

B. Report on Citizen Inquiries

None at this time.

ITEM VI. CONSENT AGENDA

ITEM VII. 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. ZMA-2-09 Mobile Home District Amendment

Public Hearing opened at 7:11 p.m.

Planner II Jeff Triezenberg presented a zoning map amendment in response to a request to place the Manufactured Home Development designation over 27 parcels in the Town's jurisdiction.

He reported that he has entertained several calls from the citizens within the development areas. He reassured that the amendment is strictly changes to the map and no amendments have been made regarding the text.

Charles Livings, 2008 Hills Circle, Knightdale, requested further clarification of the amendment to ensure that living within the zone will stay the same.

Laura Livings, 2401 Field Crest, expressed concern about building on property zoned under a parcel within the Manufactured Home Development.

Norwood Hargrove, 7049 Knightdale Blvd, Knightdale, inquired about the changes that the amendment would result in.

Mayor Killen responded that the amendment is simply going back and labeling the area what it should be. He also stated that as long as applicants are in compliance with other regulations, building is permitted.

No one else approached.

Public Hearing Closed at 7:23 p.m.

...Motion by Councilor Roberson to close the public hearing and refer ZMA-2-09 to the December 14, 2009 Land Use Review Board meeting. Motion seconded by Mayor Pro Tem Chalk and carried unanimously.

B. ZTA-9-09 Permanent Make-Up Tattooing

Public Hearing Opened at 7:24 p.m.

Mr. Triezenberg presented a zoning text amendment to amend Chapter 19 of the Unified Development Ordinance to expand the definition of professional services to include permanent make-up tattooing.

Rodney Lovbaches, 7328 Plant Tree Drive, Raleigh, spoke on behalf of owner Lien Do of Embassy Nail & Spa. He requested that Council pass this amendment defining make-up tattooing as a professional cosmetic service.

Mayor Killen stated that he would like to submit this ordinance to LURB for Staff comments before passing to ensure appropriate draft language within the defined zoning areas.

No one else approached.

Public Hearing Closed at 7:34 p.m.

...Motion by Councilor Gleason to close the public hearing and refer ZTA-9-09 to the December 14, 2009 Land Use Review Board meeting. Motion seconded by Councilor Eddins and carried unanimously.

C. ZTA-10-09 Internet Sweepstakes Center

Public Hearing Opened at 7:35 p.m.

Mr. Triezenberg presented a zoning text amendment to amend Chapters 2, 3 & 19 of the Unified Development Ordinance to add a new use, permitted zoning districts, method of permitting, definition and additional standards for internet sweepstakes centers.

Councilor Poirier entered the meeting at 7:40 p.m.

Benjamin Kuhn, 127 W. Hargett Street, Raleigh, spoke on behalf of Proprietors Internet Café Sweepstakes Center stating that a miscommunication occurred between his clients and the Town of Knightdale in regards to the issuance of an operating permit. He requested for further discussion with Planning Staff members and Council to address this matter.

Nick Fritz, 1015 N Smithfield Rd, co-owner of Internet Café and Sweepstakes, described his point of view on the issue to Council and requested them to allow him to continue to operate within current highway district business zone for the remainder of the two-year lease.

Mayor Killen responded that he has received several inquiries about their business from citizens of Knightdale but also understands where Mr. Fritz is coming from. He stated that Council will work with LURB and Planning Staff to get a recommendation and proceed from there.

Planning Director Chris Hills reported to Council that Planning Staff has all of the documentation of this matter between the parties available for review upon any requests.

Neil Hoover, 3704 Heritage Glenn Court, Highpoint, NC, owner of H&L Inc., requested that his current business located at 3301 Widewaters Parkway be classified as an Internet Business Center. He briefly described the nature of the services provided by H&L Inc. stating that their core business is selling internet service; and sweepstakes are used to promote those services.

No one else approached.

Town Attorney Clyde Holt passed copies of a recent Campbell Law School article pertaining to information about the emerging Internet sweepstake industry.

Public Hearing Closed at 8:20 p.m.

...Motion by Councilor Eddins to close the public hearing and refer ZTA-10-09 to the December 14, 2009 Land Use Review Board meeting. Motion seconded by Councilor Gleason and carried unanimously.

D. ZTA-11-09 Monument Sign Structure Architectural Compatibility

Public Hearing Opened at 8:21 p.m.

Mr. Triezenberg presented a zoning text amendment to amend Section 12.7(D.) of the Unified Development Ordinance to add a requirement for monument signs to be architecturally compatible with the associated primary structure in terms of materials used.

No one else approached.

Public Hearing Closed at 8:25 p.m.

...Motion by Councilor Poirier to close the public hearing and refer ZTA-11-09 to the December 14, 2009 Land Use Review Board meeting. Motion seconded by Mayor Pro Tem Chalk and carried unanimously.

E. ZTA-12-09 Manufactured Housing Clarifications

Public Hearing Opened at 8:26 p.m.

Mr. Triezenberg requested that Council grant Planning Staff additional time to discuss and research specific items encompassed within the ZTA-12-09 Manufactured Housing Clarifications proposal by continuing the public hearing until the January 4, 2010 Town Council Meeting.

No one else approached.

...Motion by Councilor Poirier to table the public hearing until January 4, 2010. Motion seconded by Councilor Eddins and carried unanimously.

ITEM VIII. SET PUBLIC HEARINGS

None at this time.

ITEM IX. TOWN ATTORNEY

None at this time.

ITEM X. OLD BUSINESS

Endorsing the Reality Check Guiding Principles for Quality Growth
RES #09-12-07-001

Councilor Gleason presented a resolution to be adopted that entailed principles that are in alignment with current development procedures. He added that areas surrounding Knightdale have also adopted this resolution.

...Motion by Councilor Gleason to endorse Resolution #09-12-07-001 endorsing the reality check guiding principles for quality growth. Motion seconded by Mayor Pro Tem Chalk and carried unanimously.

ITEM XI. NEW BUSINESS

A. ARRA – Landscaping at I-540 and US 64 Interchange
RES #09-12-07-002

Town Engineer Fred Boone presented a resolution in reference to the construction of the landscaping at I-540 and US 64 Interchange. He recommended that Council accept the approved resolution as a time saving measure to meet obligations of executing the funds.

B. ARRA – Pedestrian Crosswalk at Widewaters Parkway
RES #09-12-07-003

Mr. Boone presented a resolution in reference to the construction of the pedestrian crosswalk at Widewaters Parkway. He recommended that Council accept the approved resolution as a time saving measure to meet obligations of executing the funds.

...Motion by Mayor Pro Tem Chalk to approve the resolution authorizing the Town Manager to enter into contract upon receipt of qualifying bids and concurrence with NCDOT for: 1) I-540 and US 64 Interchange and 2) Pedestrian Crosswalk at Widewaters Parkway. Motion seconded by Councilor Gleason and carried unanimously.

C. Right of Entry Agreement – Bobby L Murray Trust

Mr. Boone presented an agreement to removed the existing forcemain sewer easement across from Bobby Murray Heirs Tract and exchange it with the new temporary construction easement and permanent easement for the 3-Barrell Siphon.

D. Hodge Road Siphon Deed of Easement

Mr. Boone presented a deed of easement to removed the existing forcemain sewer easement across from Bobby Murray Heirs Tract and exchange it with the new temporary construction easement and permanent easement for the 3-Barrell Siphon.

E. Hodge Road Siphon Deed of Release

Mr. Boone presented a deed of release to removed the existing forcemain sewer easement across from Bobby Murray Heirs Tract and exchange it with the new temporary construction easement and permanent easement for the 3-Barrell Siphon.

Town attorney Clyde Holt explained to Council the three agreements of the Bobby Murray Trust in greater detail.

...Motion by Mayor Killen to Approve 1) Right of Entry Agreement to remove the existing forcemain sewer easement across the Bobby Murray Heirs Tract and exchange it with the new temporary construction easement and permanent easement for the 3-Barrell Siphon 2) Hodge Road Siphon Deed of Easement for that purpose, 3) Hodge Road Siphon Deed of Release for that same purpose. Motion seconded by Councilor Poirier and carried unanimously.

ITEM XII. OTHER BUSINESS

S.T.A.G.E. Update

Assistant Town Manager Seth Lawless presented a report that reflected the progress the Town has taken since the adoption of the S.T.A.G.E. acronym in early 2009. S.T.A.G.E. was adopted to serve the citizens of Knightdale by providing leadership to promote quality living, balanced growth and economic opportunity focusing on areas Safe,

Transparent, Active, Green, and Engaged. The report specifically outlined each area describing actions taken, departments responsible and status/explanations.

Mayor Killen requested that Council review these goals and use as a basis to formulate measurable goals at the next retreat.

He also requested that Council begin looking a tentative dates for the 2010 Council retreat that will take place sometime in January or February 2010.

Mr. Lawless reported that there have been several citizen complaints in regards to high school students parking at Beaver Dam. He stated that the Public Safety Department is aware of the issue and are working towards finding solutions to this matter.

ITEM XIII. COMMITTEE REPORTS

A. Planning and Engineering

Councilor Gleason reported that Planning and Engineering Committee met on Monday and are in the process of finishing the modifications of the water allocation and irrigation agreements. They also discussed the temporary signage issue.

B. Budget

C. Public Safety

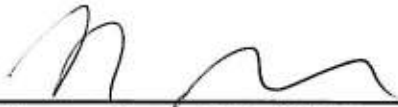
D. Nominating


E. Liaison Reports

ITEM XIV. CLOSED SESSION FOR LEGAL OR PERSONNEL MATTERS

ITEM XV. ADJOURNMENT

**...Motion by Mayor Pro Tem Chalk to adjourn at 8:59 p.m.
Motion seconded by Councilor Eddins and carried
unanimously.**



Mayor Russell B. Killen

Town Clerk Suzanne M. Yeatts