

**Planning Board Meeting
October 19, 2020
Minutes**

Members Present: Chairman Swaim, Levin Jones, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Ryan Zakany, & Deans Eatman.

Members Absent: Cande Killian Wood

Staff Present: Niki Jones, Planning Director, Bryan Coates, Jeannine Ngwira & Linda Barbour

1. Meeting Called to Order

Chairman Olson called the meeting to order at 7:00 pm and recognized that a quorum (minimum of 5 members) was present.

Pledge of Allegiance was recited.

2. Adjustment and Approval of Agenda

Chairman Olson asked for a motion to approve the Agenda. Ryan Zakany made the motion and Deans Eatman seconded the motion. The Agenda was approved unanimously.

3. Approval of the Minutes

3a. Chairman Olson asked the Board if they had a chance to review the minutes from the September 21st Planning Board meeting. Ryan Zakany made a motion to approve the minutes and Brett Hennington Seconded the motion. The minutes were approved unanimously.

4. Administrative Reports

4a. Planning Board Training Session

5. New Business

None

6. Old Business

6a. Blueprint Wendell 2030 update.

4 a. Planning Board Training Session

Niki introduced the item and went over the NC General Statues.

NC General Statutes:

- A planning board must have at least three members, but otherwise, the size, composition, and organization are open to the local governing board's discretion (GS 160A-361 & GS 153A-321).
- For municipalities that have extraterritorial planning jurisdiction, the planning board must include proportional representation for the extraterritorial area (GS 160A-362).
- Unless prohibited by charter or ordinance, a governing board may appoint nonresidents to serve on the planning board (GS 160A-60 & 153A-25).
- There are no specific qualification requirements for planning board members, except in cases where the planning board acts as a historic preservation commission (described below).
- Terms for planning board members may be set by local ordinance, or members may serve for indefinite periods at the pleasure of the governing board.

Roles and Responsibilities

The General Statutes grant planning boards fairly broad authority for comprehensive planning and implementation of that comprehensive plan (GS 160A-361 & GS 153A-321). The Towns Unified Development Ordinance notes that the Planning Board may do the following:

1. To review and make a recommendation on Text Amendments and Rezoning (including Conditional Districts).

2. To render opinions and make recommendations on all issues and petitions related to the Ordinance and other land use plans which may be adopted from time to time which require approval by the Board of Commissioners.

Membership and Terms of Office

1. The Planning Board shall consist of a total of 9 members.
2. Representatives from within the corporate limits shall be appointed by the Wendell Board of Commissioners. Representatives from the ETJ area shall be recommended by the Wendell Board of Commissioners to the Wake County Board of Commissioners for appointment.
3. In-town members shall be appointed for 3-year staggered terms. ETJ representatives shall be appointed for a 2-year term.
4. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term. If the unexpired portion of a vacated position is equal to or less than one year, the applicant filling that term may be re-appointed for two additional 3-year terms. Otherwise, the applicant filling the position is only eligible for one additional 3-year term.
5. The Planning Board shall elect a Chairperson and Vice-Chairperson who shall serve 1-year terms (July through June or until their replacement is appointed) and may be elected to serve additional 1-year terms.

Attendance Policy

Any member of a Board or Commission who misses three meetings held by the board during any 12-month period may be removed from the board by the Board of Commissioners. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided. The Chairman of the board or commission shall notify the proper appointing authority after a member misses three meetings in any 12-month period or fails to meet their expected contribution, and a new appointment may be made by the Board of Commissioners to fill that vacancy.

- Chairman Olson asked about a Non-Resident serving on the Planning Board.
- Bryan replied if there was not enough interest in serving on the board from the ETJ or a shortage of interested in town citizens.

Niki proceeded to go over the following items:

Roberts Rules of Order

BENEFITS:

- Enhanced leadership credibility
- Faster and more efficient meetings
- Prevention of illegal actions
- Improved communication skills

BASIC PRINCIPLES:

- Courtesy and justice for all
- Consideration of only one subject at a time
- Rights of absent members must be protected
- The minority must be heard
- The will of the majority must prevail

Steps In Processing a Motion

Step 1: Member rises and addresses the chair when nothing else is pending Say: “Mr. / Madam Speaker”

Step 2: Chair recognizes member by nodding at the member or stating his/her name Chair replies: “Mr. Smith”

Step 3: Member states his/her motion

Say: “I move that...”

Step 4: Another member seconds the motion by raising a hand and calling out “Second” or “I second”.

Step 5: Chair states the motion and places it before the assembly for discussion.

“It is/has been moved and seconded that...”

“Is there any discussion?”

Step 6: Members have the right to get recognition and debate the motion. During debate, subsidiary motions (i.e. amend, refer) may be introduced to help the assembly make a final decision

Step 7: Next, the chair puts the question to a vote

“Are you ready for the question?”

“The question is on the adoption of the motion that...”

“Those in favor, say Aye or Yea.” “Those opposed, say Nay.”
that...”

“Is there any discussion?”

Step 8: Chair announces the results of the vote.

“The Aye’s [or Nay’s] has it; the motion is adopted/carried [not adopted/failed]; we will [will not] ...”

“The next order of business is...”

- Chairman Olson wanted to know why the Board of Commissioners never seconds a motion.
- Niki said he cannot speak to that.
- Mr. Swaim offered to share Roberts Rules literature with the Board.

Niki continued his presentation

Abstention vs. Recusal

Abstention is “the withholding of a vote”

Recusal is the “removal of oneself as a policy-maker in a particular matter, especially because of a conflict of interest.”

- City & County Board members have a statutory duty to vote. No statutory authority to recuse oneself from voting. Can only be excused from voting for conflicts of interest defined by statute. Must be voted upon by other board members.
- A Conflict of Interest is any situation in which financial or other personal considerations may unduly influence a decision.
- May be Excused If: Matter before board involves your own financial interest. Matter before board involves your official conduct.
- Prohibited When: Legislative zoning decisions in which you

have a financial interest. Quasi-judicial decisions in which you have a fixed opinion, bias, financial interest, or close personal relationship. Public contracts from which you derive a direct financial benefit.

- Chairman Olson asked about Ryan Zakany recusing himself during the last meeting.
- Niki said as a resident and owner they don't have a financial stake, so he probably shouldn't have asked to be excused.

Bryan spoke about what Jurisdictions are and what they mean:

Municipalities grow by annexations, they used to be forced but are not voluntary.

Properties to be annexed have to be 3 miles from our core. Outlined what does Zoning mean and how the Comp Plan will work with Zoning

Bryan referenced a Comp. plan map and a zoning map

He explained what a TIA is and when and why they are required. He said we are working with other towns to determine when we need one.

What is a Traffic Impact Analysis (TIA)?

A Traffic Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and government agencies in making land use decisions involving annexations,

subdivisions, rezonings, special land uses, and other development reviews. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

- A TIA is required for a rezoning, conditional district, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments and/or their subsequent phases with an estimated trip generation of 100 peak hour trips per day or greater during an average weekday based on a five-day national average as defined in the ITE Trip Generation Manual. At the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.

Zoning Map Amendments: Conventional Rezoning vs. Conditional Rezoning

- Conventional Rezonings (no conditions) may be initiated by the Board of Commissioners, the Planning Board under the direction of the Town Board, or any other person regardless of if they have any ownership interest in the property.
- Planning Board should render its decision based on the applicability of the land use plan. If the requested zoning meets the land use plan and is reasonable in nature, the rezoning should be granted without regard to potential use of the land, the applicant/developer/builder or other such items.
- If a piece of property is rezoned with no conditions, the Planning Board should assume that any permitted use could be built upon the land.
- Testimony of the applicant regarding a potential use, without conditions attached, should be disregarded.
- Conditional District Rezonings (with special conditions attached) may be initiated only by the owners of the property to be conditionally rezoned.
- Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning.
- The Planning Board may however voice concerns and see if the applicant will voluntarily create a condition to address the concern.

- The Board of Commissioners may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of conditional districts, and to preserve public welfare, and justice. Conditions may be suggested and, if acceptable to the applicant, can be attached to the property.
 - Conditions limited to those needed for ordinance/plan compliance and impacts reasonably expected to be generated by project. Requires reasonableness analysis and statement by governing board.
 - Conditional districts must be accompanied by a development plan.
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- Chairman Olson asked what would prompt Wake County land to become part of our ETJ.
 - Chairman asked can we annex from other counties.
 - Bryan replied yes you can. Some counties will give us ETJ and others will not.
 - Ryan asked about the 3-mile radius.
 - Bryan said the nearest part of the core to property that wants to be annexed.
 - Deans asked about the urban service area or Johnson County.
 - Bryan replied yes as long as it meets the 3-mile radius from the core.
 - Chairman Olson asked does local ordinance govern what type of rezoning?
 - Bryan said applicants meet with the town to help decide what type of zoning will work best for their project.
 - Ryan asked if they want an R7 because they want Town Homes and Single-Family Homes.
 - Bryan said if it is a conditional district, they can but if they have a straight rezoning, they will have more flexibility.
 - Niki said not all zoning districts are available for a conditional district.
 - Bryan said that multi-family & special use go directly to the Town Board and TRC, not the Planning Board.
 - Deans asked about Planned Unit Development.
 - Bryan said it is still available.
 - Chairman Olson asked if they wanted to change PUD would they come back to the Board and what would constitute this?
 - Bryan said the unit type.
 - At 7:41 PM, Terry Allen Swaim asked if he could be excused from the remainder of the meeting

- Chairman Olson thanked him for coming and granted his request to be excused.

Jeannine presented the Ethics portion of the Training

Ethics

Your conduct involves both legal requirements and ethical considerations.

The law places limits on: Voting, Contracting, Gifts & Favors, Misuse of Confidential Information, Misuse of Public Property and Other offenses related to misuse of public office.

Ethical Obligations:

- Obeying all applicable laws.
- Upholding integrity and independence of office.
- Avoiding impropriety in exercise of official duties.
- Faithfully performing duties of office.
- Conducting board business in open and public manner.

Is it legal + is it ethical? Deciding how to act with civility.

- Treating other board members and the public with respect.
- Honoring the opinions of others even when board members disagree with those opinions.
- Recognizing that they are part of a larger group and

acting accordingly.

Code of Ethics

The Board of Commissioners adopted a Code of Ethics in 2008 that applies to the Town Board and all citizen boards and commissions. The purpose of the document was “to assure public confidence in the integrity of local government and its effective and fair operation.”

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

Town of Wendell Code of Ethics Policy for Elected and Appointed Officials (Printed at the dais)

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| 1. Act in the Public Interest | 10. Confidential Information |
| 2. Comply with the Law | 11. Use of Public Resources |
| 3. Conduct of Members | 12. Representation of Private Interests |
| 4. Respect for Process | 13. Advocacy |
| 5. Conduct of Public Meetings | 14. Policy Role of Members |
| 6. Decisions Based on Merit | 15. Independence |
| 7. Communication | 16. Positive Workplace |
| 8. Conflict of Interest | 17. Implementation |
| 9. Gifts & Favors | 18. Compliance/Enforcement |

Jeannine asked if there were any questions

- Jon asked if the Board had any items they wanted to ask about.
- Brett realized that there are things that should not have been brought up during meetings.
- Jeannine said that board members should be familiar with the ethics and legal ramifications.
- Bryan said TIA & Fair housing will get more information and come back.
 - Deans said having a better understanding of what zoning is in NC
 - Bryan said there could be a list of what we are not allowed to do
 - Chairman Olson asked what the planning staff had in mind for the Blueprint.
 - Niki said UDO amendments will be introduced soon.
 - Bryan said our general Framework now gives lots of options with current comp plan. We might want to amend this.

- Niki said the comp plan is old and we need to decide what we want to look at and what we want to be as a town.
- Chairman Olson said he challenges all the Board members to talk to friends and family about completing the survey, he also asked can a board member put something on the agenda.
- Nike replied that they can ask the chairman at the meeting.

Bryan gave the update on the Blueprint.

He said that we had received 600 completed surveys so far. He also told the board about meeting in a box where families are given a box to use and then return the survey.

- Chairman Olson talked about the consultant the town engaged for the new town hall and he said he was impressed. He asked when the projected completion date is.
- Bryan said June of 2021.
- Jon said he was excited to see where we are going as a town.
- Niki told everyone about Bryan Coates being named the employee of the Month and went over his accomplishments including the Campen Street project, and the work he did while serving as Interim Planning Director.

Deans made a motion to adjourn and Jimmena seconded the motion.
The meeting adjourned at 8PM