

June 27, 2011

Board of Commissioners Meeting

The Wendell Board of Commissioners held its regularly scheduled meeting on Monday, June 27, 2011 in the Courtroom of the Wendell Town Hall with Mayor J. Harold Broadwell presiding. Also in attendance at the meeting were Commissioners Carol Hinnant, Sid Baynes, Christie Adams, Ira Fuller and Virginia Gray, Town Manager Hugh Montgomery, Chief of Police Vance Johnson, Lieutenant Bobby Langston, Planning Director Teresa Piner, Parks and Recreation Director Brinkley Wagstaff, Economic Development Coordinator Maggie O'Neill, Planner David Bergmark, Attorney Jim Cauley and Brian Slattery Editor for the Eastern Wake News.

Mayor Broadwell called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was led by Chief Vance Johnson and the invocation was given by Reverend Smith from New Hope Missionary Church.

Adjustment and Approval of the agenda

Commissioner Fuller made a motion to approve the agenda as written. The motion passed unanimously.

Item 1 - Public Comment Period

No public comments.

Item 2 - Consent Agenda

- a. Approval of the Minutes from the June 13, 2011 Board of Commissioners meeting
- b. Approval of the Wake County Tax Report for May 2011

Commissioner Baynes made a motion to make the following corrections to the minutes on page 45. Paragraph three: "Lacy Reeves, attorney for Redus, LLC, [added words: agreed and] said paragraph six addresses the schedule of purchases. It said within the development document that the additional purchases of water and waste water ~~were only if the Town has the capacity~~ shall be available for purchases." And continued in paragraph seven: "Mr. Montgomery said that he had a very productive meeting with the engineers from Raleigh and that they have a program that would show the flow of water and wastewater. The changes in the development documents reflect ~~the~~ changes [add: required by] the City of Raleigh. ~~Recommended.~~ [add: In order to serve Wendell Falls in addition to other planned developments] the City of Raleigh recommended [add: will require that] the Town keep ~~an extra~~ 550,000 gallons of water and 17[add: 5],000 [add: gallons] of wastewater from the amount that the Town was going to give back. The Town water and wastewater will grow at 4 percent from 1.5 million gallons instead of 1 million gallons."

The changes to the minutes passed unanimously.

Commissioner Adams made a motion to approve the consent agenda. The motion passed unanimously.

Item 3 – Public Hearing – FY 2011-2012 Budget

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Mayor Broadwell opened the public hearing at 7:06 pm.

Mr. Montgomery presented the fee schedule to the Board of Commissioners with modifications. He said that there are fees for a potential applicant not agreeing with the zoning administrator. The new procedure would include appealing the decision to the town manager and if there is still a disagreement, paying \$250 fee for a Board of Adjustment decision. He said that other fees were lowered in Planning and Development, while there were additional costs for subdivisions. The subdivision fees are now based on size and square feet rather than lump sums. The fees will allow the town to hire an engineer to review the plats.

Mr. Montgomery also introduced additional utility fees relating to new development projects. The Water and Wastewater Availability Fee is to be paid to the Town within thirty days of preliminary plat or site plan approval. The difference between the charges from the Town of Wendell shall be no less than the City of Raleigh charges its customers. The difference between the Availability Fee and the current rates the City of Raleigh charges for water and wastewater allocations at the time building permits are obtained will become the Capacity Charge and remit to the Town at the time building permits are obtained. He added that fees charged for acreage, front frontage and other are consistent with the City of Raleigh.

Commissioner Hinnant asked if the only changes were to planning, development and utility fees. Mr. Montgomery said yes. She also asked who the zoning administrator was according to the Unified Development Ordinance. Mrs. Piner said the administrator is the town manager. Commissioner Hinnant said there should be a dollar amount associated with all appeals because the staff's time is precious resource.

Commissioner Baynes asked if the Town purchased water and wastewater for a set amount, could it be sold at market rate and the difference be applied the town's merger debt? Mr. Montgomery said yes the difference will be applied to the pro forma debt.

Mayor Broadwell recessed the public hearing until 8:14 pm.

Mr. Montgomery distributed copies of last year's planning and development fees. Commissioner Hinnant asked if staff had surveyed other towns to compare fees. Mr. Montgomery said the staff had done surveys in previous years. He said Wendell is within ten percent of other towns.

Commissioner Adams asked about when the capital reserve funds will be addressed. Mr. Montgomery said they were addressed in the Budget Ordinance.

Commissioner Fuller made a motion to close the public hearing and it passed unanimously.

Item 4 – Annual Budget for Fiscal Year 2011-2012

Commissioner Baynes made a motion to table this item until later in the meeting until such time as the Manager returned with copies of the Planning and Development Fees. The motion passed unanimously.

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Commissioner Baynes said he is in favor of public transportation but he does not think the needs are being met. He said there is a need for mid-day service. He said the tax payers are paying \$1.60 per ride and the Town needs to know who is riding the bus and what the need is for the citizens. Mr. Montgomery said staff should clearly identify the citizens who need public transportation. He said Mrs. Piner is creating a survey.

Commissioner Baynes also said he thinks the town will need more money for economic development.

Commissioner Fuller made a motion to approve the proposed annual budget for fiscal year 2011-2012 as presented and establish the property tax rate at \$0.49 per \$100 of valuation.

Commissioner Fuller's motion passed unanimously.

Item 5 – Presentation by Dr. Robert Wendling, Ph. D., of the Recreation and Park Management Program, Department of Recreation and Leisure Studies, College of Health and Human Performance, East Carolina University. “2011 Comprehensive System Wide Recreation, Park and Open Space Plan for Wendell, North Carolina.”

Dr. Wendling thanked the partners, citizens, and parks and recreation staff for their participation in the planning process. He explained that in the planning process, the comprehensive plan is at the top with an overview of plan for program. Next in the process is a master plan, then a site plan and architectural plan. He said planning is a staff function to provide the Commissioners with information to make the best decision. He said the goals are to provide a comprehensive evaluation of Wendell and the extraterritorial jurisdiction and make recommendations.

Dr. Wendling collected information on 16 different topics and summarized in nine different categories.

Dr. Wendling briefly described the organizational history of the Parks and Recreation Department. The department was established in 1975 and in 1998 it received a \$250,000 North Carolina Parks and Recreation Trust Fund Grant for development of the Wendell Community Center. He said both the operations of the department and the participation has increase, but the staff has remained the same.

He said the there are several cultural resources of state, regional and national significance within the community. He said that there are six schools serving Wendell, manufacturing is the main industry and 12.8 percent of the population is below the poverty line. He continued to report that Wendell has a large youth population and female population, some of the population has higher education and a low household income. He said the population is projected to increase 123 percent over the next ten years with the largest growth in Wendell Falls.

Dr. Wendling said there are six different soil types in Wendell which hinders development. He said there are several waterways for recreation. There are 23 endangered fauna and flora in Wake County and a natural heritage site bordering Wendell in the Marks Creek Basin.

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He said that there is a problem with overweight and obesity in the United States because of lack of recreation and poor eating habits. He said one in three children have diabetes. Parks and recreation provide a key role in reducing obesity. He said recreation also reduces gang activity with partners.

Dr. Wendling said in 2010 the Wendell staff managed three parks and six other fields at schools. The staff offered 12 programs and partnered with others to offer more. He said the town compares favorably to other towns in relation to facilities except for softball fields. He said there are no primitive recreation sites for activities such as hiking and camping. He also said that the accessibility for ball fields is poor in relation to the Americans with Disability Act. He said there are a large number of special events.

He said there are repairs needed to Wendell Park. Additionally, the parks are not distributed evenly throughout the town. Wake County is developing a 280-acre park near Lake Myra. He said that currently there is one greenway and new greenways will be added as a part of the Mountains to Sea trail.

He said last year there were 6,000 visitors to Wendell for cultural opportunities, special events and sports tournaments.

He said well-kept parks will add 15 percent to the adjacent property values.

Dr. Wendling said the study includes public input from the Parks and Recreation Commission, a random phone survey, two public hearings and a school survey. He said the most frequently visited facility was the Community Center. He said of those who participated 88 percent said their health was improved because of Wendell Parks and Recreation. He also said that over 50 percent of those surveyed participated in programs.

He said that people leave Wendell to participate in swimming, golf, baseball and hiking. He said that people wanted football, golf, Frisbee golf, and hiking. Those surveyed also wanted aquatics, yoga, weight room, game room, indoor track and a dog park. Overall, all surveyed were satisfied with current facilities.

He said of those not participating, barriers were: lack of facilities, time and lack of parking. He said people would be willing to pay new user fees but not new taxes for program and facility improvements.

Dr. Wendling recommended the following: expand Wendell Park to include a multi-purpose field, a track, volleyball court, Splash Park, and Frisbee golf course, a total of 24 acres; expand Wendell Community Center to include more rooms, a track, and more inclusion to those with disabilities, free weights, and senior programs. He also recommended to distribute parks evenly throughout the corporate limits, more open space including blue ways and greenways, increased disability access and renovation of fields, cooperative endeavor with Wake County Schools, resource based activities, plans for juvenile delinquency prevention, and a public swimming pool or splash pad. He recommended addressing barriers to time by scheduling activities earlier or

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later, having more programming for different ages, additional marketing and lowering prices for low income participants.

Dr. Wendling recommended the following in administration: increase operating budget and capital projects, expand cooperative relations, increases marketing to include radio, TV, website, print, and Facebook, apply for state and federal grants, and look at partnerships for funding. He said the department is doing a great job of partnering with other organizations.

Commissioner Baynes asked what needed to be included in the Unified Development Ordinance. Dr. Wendling said pages 75-76 of the complete report include the land use needs. Commissioner Baynes asked if specific properties were addressed. Dr. Wendling said that the plan takes a look at specific properties.

Commissioner Gray asked Dr. Wendling what should be done first. He said expansion of Wendell Park would be a priority. He said because the park is already developed, there are financial limitations and because the center is already a spot for recreation activities, it would be good to build on to the current park. Commissioner Baynes asked what type of expansion. Dr. Wendling said program expansion with a splash pad, youth activities, updates to playgrounds and indoor programs for seniors and those with disabilities.

Commissioner Adams said the total cost for the plan was \$28,000 but \$50,000 was budgeted. Commission Hinnant said the total cost was broken down over two years and there are no other additional fees. The plan was less than expected.

Commissioner Hinnant made a motion to table the adoption of the plan. Mr. Montgomery asked that the Planning Department and the Parks and Recreation Department will meet to merge the UDO and the Parks and Recreation Master Plan. Commissioner Hinnant said that to her a Master Plan is what should be done to the land in a much more specific manner. Mr. Montgomery asked if the Commissioner would like a program of work to evolve from the P & R Master Plan. Commissioner Gray said that a program of work would give them guidance on how to look at developments and where the town's recreation will grow. Mr. Wagstaff said the next step is a more specific and comprehensive planning effort with would merge the requirements of the UDO. When asked by the Board, Mr. Montgomery indicated that a copy of the contract was in the agenda information and that he believed that the terms had been fulfilled and he recommends approving the work they did.

Item 6 – Resolution to amend the Agreement merging the Water and Sewer Utility Systems of the Town of Wendell and the City of Raleigh.”

Mr. Montgomery said the modifications are at the Board's table and the resolution reflects the extra water and wastewater that we would retain and the removal of upcoming projects so the costs are not incurred right now.

Commissioner Fuller made a motion to approve the resolution to amend the water and sewer merger agreement.

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Commissioner Baynes asked about project WA-24 and recalled that the response from the City of Raleigh was that the town could not return that project. Mr. Montgomery explained that in the original Wendell Falls DA access to the Lake Myra wastewater pump station was proprietary or exclusive to the Wendell Falls development. Mr. Montgomery said that the Amended Development Agreement with Raleigh Redus Housing LLC, removes the proprietary nature of the pump station and would then afforded the City of Raleigh to build a regional level pump station as they would in other parts of their system. Commissioner Baynes asked if there is assurance that all of the Wendell Falls development will be able to tie into the station. Mr. Montgomery said there is no protection for Wendell Falls in the sense that the capacity at the Lake Myra pump station would be available on a first come first serve basis. He said there have been discussions with Knightdale to create a special district to begin to develop capital to build the regional pump station but they are not interested at this time.

Commissioner Hinnant asked if Wendell Falls went directly to the City of Raleigh to negotiate terms and conditions related to the Amendment to the Developers Agreement and said that area where this regional pump station is to be located is supposed to be a park.

Commissioner Fuller's motion passed unanimously.

Mayor Broadwell thanked Mr. Montgomery for his insights into issues relating to public utilities water and bringing the light to the City of Raleigh.

Mr. Cauley said that at some point the Board will have an official utility agreement to amend the Merger Agreement between the Town of Wendell and the City of Raleigh. This will be more formal than the resolution.

Item 7 – Consideration of establishing procedures for archiving and make electronic mail available to requesting entities as required by Public Records Laws as found in but not limited to NCGS 132.

Mr. Montgomery presented the current email procedure to the Board of Commissioners. He said this policy has already been implemented and is the current procedure.

Commissioner Adams said she is in favor of having a procedure, but is concerned about forwarding all the emails because there are hundreds of emails. She said the Town currently has an IT infrastructure to access the emails that are sent to and from @townofwendell.com email addresses. She said the Board could use their townofwendell.com so no forwarding is needed. She also suggested, the manager could create a new email address to receive forwarded messages from the Board so his email doesn't get overwhelmed.

Commissioner Hinnant said she does not use the townofwendell.com email address and already copies the town manager on all email she sends to other Elected Officials, town staff and to Citizens of Wendell. Commissioner Baynes said someone just needs to copy the manager on all emails and indicated that the manager can set up the email as he wishes.

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Commissioner Gray asked if the Town of Zebulon and the Town of Knightdale have received the same requests. Mr. Montgomery said he did not know. Commissioner Gray said she gave back her townofwendell.com email because of issues with the number of accounts the town has.

Mayor Broadwell said Mayor Meeker has a standing email request from the Raleigh News and Observer.

Commissioner Hinnant made a motion to approve the procedure for archiving and for the provision to make electronic mail available to requesting entities. The motion passed unanimously.

Item 8 – Zoning Text Amendment for Section 1.5 and 19.3 of the Unified Development Ordinance as they relate to farmland operations.

Mr. Montgomery said the public hearing for the UDO modification has been set for July 11th. Mayor Broadwell said the State Legislature just passed new legislation for farmers and that given his cursory reading of the Legislation it could have an impact on our ordinance

Commissioner Hinnant asked Mr. Cauley if the new legislation is in line with our proposed amendment to the UDO.

Mr. Cauley indicated that he had not seen the legislation and would do review prior to the next meeting.

Item 9 – Amend budget for fiscal year 2010-2011 which will true up line items prior to the end of the fiscal year and in preparation for the auditors visit. No Department exceeded their approved budgets in the fiscal year.

Mr. Montgomery said that at the end of each fiscal year, the finance director asks the Board to make amendments to the budget to match actuals. He said the unaudited accounts for fiscal year 2010-11 imply that revenues will exceed expenditures by \$15,000 and stated no department exceeded their annual budget allocation.

Commissioner Hinnant asked about the fund balance appropriation that the proposed amendment contained. Mr. Montgomery said the moneys appropriated from unencumbered General Fund dollars were transferred into the Capital Reserve Fund.

Commissioner Baynes asked if any money was allocated from fund balance to operating funds. Mr. Montgomery said no and restated that it is anticipated that revenues will exceed expenses.

Commissioner Fuller made a motion to amend the FY 2010-2011 budget. The motion passed unanimously.

Item 10 – Proposed Text changes to the approved Amended Development Agreement between the Town of Wendell and RALEIGH REDUS, LLC

Commissioner Adams made a previous motion to move this item to number 6 on the agenda so as not to unduly detain those in attendance for this matter. The motion passed unanimously.

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Mr. Montgomery presented the most recent version of the Amendment to the Development Agreement between the Town of Wendell and Raleigh Redus Housing, LLC and provided the Board with copies of the forward email Mr. Cauley which indicated that the requested changes made by the City of Raleigh are not substantial and would not require additional Public Hearings. Mr. Montgomery indicated that the changed language is highlighted in yellow.

Commissioner Baynes took exception to the town manager's use of the word incumbent regarding the annual purchase of water and wastewater treatment capacity and said he does not see any incumbency for the Wendell Falls because they do not have to do anything.

Commissioner Baynes asked about the City of Raleigh's involvement. Mr. Montgomery responded by saying that the allocation of water and wastewater treatment capacity is between the Town of Wendell and Redus and not the City of Raleigh.

Commissioner Baynes made a motion to approve the proposed text changes to the amended Development Agreement between the Town of Wendell and Raleigh Redus, LLC.

Item 11 - Commissioner's reports

Commissioner Gray had no report.

Commissioner Fuller had no report.

Commissioner Adams thanked staff for placing the agenda at a more accessible place of the website. She said the website now has a site search feature; connection for Facebook and added RSS feed options. She said the Community Advisory Council is reviewing action steps for the Community Health Assessment. She said Wake County is giving out a grant to put up-to 50 people back to work. This is a partner program between the County and the employer. She said the Community Advisory Council is working through all the details. The next regional CAC is September 15, 2011 and the next CAC meeting is August 15th.

Commissioner Baynes complimented staff on the agenda preparation. He suggested the Extraterritorial Jurisdiction presentation include more visuals, additional information about the shovel ready sites and the comprehensive approach to planning on satellite annexations. Mrs. Piner said the information is sent to the Wake County Board of Commissioners a week prior to the meeting. She said that citizens should attend the meeting on July 5 at 2 pm.

Commissioner Hinnant had no report.

Item 12 - Mayor's report / comments

Mayor Broadwell said he attended a CAMPO meeting followed by a bus planning meeting in Zebulon. The bus meeting was to look at specific needs for our citizens as it relates to bus transportation. He said there are some possibilities of more express or circulated service. The group is also looking at TRAC service.

Item 13 – Closed Session as allowed under the North Carolina General Statutes Article 143-318.11 (6) to discuss the performance and conditions of employment of a public employee.

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Commissioner Hinnant made a motion to go into closed session allowed under NCGS 143-318.11 (6) to discuss the performance and conditions of employment of a public employee.

Adjournment.

Following return from Closed Session Commissioner Gray made a motion to adjourn. The vote was unanimous.

J. Harold Broadwell, Mayor

Attest:

Jim Cauley, Town Attorney