

July 25, 2011

## **Board of Commissioners Meeting**

The Wendell Board of Commissioners held its regularly scheduled meeting on Monday, July 25, 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; Planner Stacy Griffin; Daryl Hales; Public Works Director Alton Bryant; Attorney Jim Cauley; and Brian Slattery, editor for the Eastern Wake News.

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

The Pledge of Allegiance was led by Chief Johnson and the invocation was given by Commissioner Baynes.

### **Adjustment and Approval of the agenda**

Mayor Broadwell introduced a proposed resolution for addition to the agenda and Commissioner Hinnant made the motion to amend the agenda to allow for consideration of Resolution, R-13-2011, "Resolution requesting that the Wake County Commissioners retain in some fashion the Recreation Land Dedication Ordinance to ensure that Open Spaces will be available to future generations, citizens and visitor to Wake County, now and forever." The vote was unanimous.

### **Item 1 - Public Comment Period**

Laura Evans of 231 N. Hollybrook Road and Mike Unruh of 3851 Wendell Boulevard requested that the commissioners consider revising the Town's Code of Ordinances to allow for back yard chickens within the town limits.

### **Item 2 - Consent Agenda**

- a. Approval of the Minutes from the July 11, 2011 Board of Commissioners meeting.

Commissioner Fuller made a motion to approve the Consent Agenda as stated. The motion passed unanimously.

### **Item 3 – Request permission from the Board of Commissioners to close a section of Main Street between the hours of 6:30 p.m. and 10 p.m. on August 5, 2011, should it be necessary to protect the health, safety and welfare of participants in a downtown event.**

Manager Montgomery introduced this subject and explained that our current Code of Ordinances provides for a required permit to have a "Sound Device" (Sec.10-80)(b)(3) and that the Town uses the "Parade Permit" (Sec. 24.124) to permit special events. He said permits had been applied for an event to be held on August 5, 2011 with a request to close a portion of Main Street between the railroad tracks and 3<sup>rd</sup> Street between 6:30 pm and 10 pm. Mr. Montgomery went on to explain that a downtown event held on July 9, 2011 had grown much larger than what had been allowed through the approved parade permit.

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Mayor Broadwell opened the floor for questions and discussion. Topics ranged from the need for a specific policy for special events, assurance that all residents and businesses in the affected area were in agreement to close the street, to encourage but at the same time acknowledge that events were important to the downtown and that an administrative policy was in existence dating back to the mid 1980s that gave authority to the Chief of Police to close town streets when special events were taking place.

A motion was made by Commissioner Hinnant to deny the town manager permission to close Main Street to facilitate a downtown event. The motion failed on a four to one vote with Commissioner Hinnant voting in the affirmative and all other others in the negative.

Following additional discussion Commissioner Fuller made a motion to allow for the closing of Main Street between the hours of 6:30 pm and 10 pm to facilitate a special downtown event provided the applicant obtain the signature of all merchants in the affected area and with the knowledge that should the event extend beyond the limits established by the permit that the Police Department take such measures to insure compliance. During discussion of the motion consideration was given to the permit application form, the fact that an existing administrative policy exists but has not been active for some time, the lack of insurance naming the Town of Wendell as additional insured, and the need to continue to nurture downtown events. After discussion Mayor Broadwell called for a vote on Commissioner Fuller's motion which passed with four commissioners voting in the affirmative and Commissioner Hinnant voting in the negative.

**Item 4 – Resolution, R-13-2011, requesting that the Wake County Commissioners retain in some fashion the Recreation land Dedication Ordinance to ensure that open space will be available to future generations, citizens and visitors to Wake County, now and forever.**

Mayor Broadwell introduced Resolution R-13-2011 and opened the floor for discussion. Commissioner Hinnant determined that the language contained in the Resolution was fine and said she was disappointed the county was considering changing something that was worked on for a long period of time and was important to the future of Wake County. Approval of Resolution R-13-2011 was unanimous.

**Commissioner Comments**

Commissioner Fuller asked that the Board consider amending the ordinance to reflect a Special Event permit and said he looked forward to receiving the criteria to hold a special event in Wendell as suggested by Town Attorney Cauley. Commissioner Adams told the Board that the Community Advisory Committee meeting for July was cancelled and that the scheduled meeting was on August 18 and that she planned to attend. There were no other commissioner comments.

**Mayor's Comments**

Mayor Broadwell told the Board of Commissioners that he attended a Wake County Mayor's Transportation Working Group and Wendell would potentially benefit from the proposed half cent sales tax for transportation in the form a circulator bus route between Zebulon, Knightdale and Wendell.

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**Adjournment.**

Having no further business, the Mayor adjourned the meeting and convened the work session.

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J. Harold Broadwell, II, Mayor

Attest:

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Jonnie S. Driver, Town Clerk

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## Board of Commissioner's Work Session

The Wendell Board of Commissioners held its regularly scheduled meeting on Monday, July 25, 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; Planner Stacy Griffin; Daryl Hales; Public Works Director Alton Bryant; Attorney Jim Cauley; and Brian Slattery, editor for the Eastern Wake News.

### **Work session Item #1**

Presentation by Mr. Alton Bryant – Director, Public Works and Mr. Darryl Hales – Administrative Assistant titled “2011 Pavement Management System Survey and proposed implementation strategies.” Mr. Montgomery introduced the presenters who proceeded to review the results of the Pavement analysis which was conducted by B & S Consulting Engineering in conjunction with the North Carolina Institute of Transportation Research & Education.

Mr. Bryant began by describing various terms that the Board would hear during the power point presentation which included the eight types of pavement stresses found in Wendell. Mr. Hales proceeded to explain the results of the analysis which provided information on all paved town streets and on a block by block basis. Maps were reviewed, level of traffic – Class A & B and types of repairs needed on a rating scale from high to low priority. Based repair cost estimates the town has street maintenance activities in excess of \$1. 3 million with high priority street comprising approximately 85% of the total. Mr. Hales also provided the Board with the names and lengths of streets in Wendell town limits that are not paved.

Following completion of the PowerPoint presentation the Board asked numerous questions and heartedly thanked Mr. Bryant and Mr. Hales and instructed the town manager to continue to develop implementation strategies to improve and protect the public's streets.

### **Work session Item #2**

Commissioner Adams had requested that Town of Wendell Code of Ordinances Section 4-5 “Keeping Livestock within the town corporate limits prohibited”, be reviewed. Commissioner Adams advocated for healthily home grown foods and the ability of young people to become better connected to where their food comes from. All Commissioners participated in the discussion. Mayor Pro Temp Hinnant, Commissioner Baynes and Commissioner Adams were concerned that the Board has now been told that there are chickens being kept in the town limits and that it seems that Code Enforcement should have known about these situations and enforce the Ordinances of the Town. The consensus of the Board was to have town staff develop a sample ordinance for consideration by the Board and the Public with a tentative date for readiness being August 22, 2011.

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**Work Session Item #3**

Update on issues relating to the Unified Development Ordinance. Planning Department Director Teresa Piner presented a listing of issues that have evolved from the administration of the Unified Development Ordinance from 2010-2011. Commissioner Baynes responded to Ms. Piner's suggestion that the Planning Board has new members and that the process of review of the issues would be a good learning opportunity for the Planning Board by indicating that suggested changes need to take place with the Board of Commissioners. Commissioners Gray and Adams spoke to problems with the sign ordinances and consistent enforcement. Mayor Pro Temp Hinnant and Commissioners Adams spoke to their respective concerns regarding Special Use Permits. Following additional discussion Mayor Pro Temp Hinnant charged the Town Board of Commissioners to review the list of UDO issues and to be prepared to give staff specific directions as to what items they would like for them to work no later than August 22, 2011 as she does not want to saddle the new Board of Commissioners with loose UDO ends.

**Work Session Item # 4**

Next steps toward implementation of the "2011 Comprehensive System wide Recreation, Park and Open Space Master Plan for Wendell, North Carolina and integration of the Unified Development Ordinance and Section 7 – "Open Space" into the Plan.

Mr. Montgomery introduced this item for review and discussion then asked for the Board to direct town staff to keep the momentum going and establish time frame for responses to address their concerns. Commissioner Baynes indicated his disappointment in the Plan as it was presented by East Carolina University and agreed that it is now time for the town staff to take things to the next level, to take the blinders off and look beyond round ball. Commissioner Gray recommendations contained in the Plan that called for expansion of recreational activities at our existing park specifically a multipurpose field, exercise trail and disc golf. She stated that the new programming activities recently sponsored by the Parks and Recreation Department indicate that we are meeting unmet needs and we should continue.

Upon the conclusion of discussion Mayor Broadwell adjourned the work session.

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J. Harold Broadwell, II, Mayor

Attest:

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Jonnie S. Driver, Town Clerk