

August 8, 2011

Board of Commissioners Meeting

The Wendell Board of Commissioners held its regularly scheduled meeting on Monday, August 8, 2011 in the Courtroom of the Wendell Town Hall with Mayor J. Harold Broadwell, II, 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, Attorney Jim Cauley, Planner Stacy Griffin, Parks and Recreation Director Brinkley Wagstaff and Town Clerk Jonnie Driver.

Mayor Broadwell called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was led by Police Chief Vance Johnson and the invocation was given by Reverend James Lee of Wendell First Baptist Church.

Adjustment and approval of the agenda

A motion was made by Commissioner Fuller to approve the agenda as written. The vote was unanimous.

Item 1 – Public Comment Period

No one wished to be heard.

Item 2 – Consent Agenda

- a. Approval of the Minutes from the July 25, 2011 Board of Commissioners meeting

Commissioner Fuller made a motion to approve the consent agenda as written. The vote was unanimous.

Item 3 – Consideration of Resolution R-15-11, acknowledging and accepting the extension of the Town of Wendell Extraterritorial Jurisdiction as granted by the Wake County Board of Commissioners.

Commissioner Hinnant stated she did not see where this resolution was needed, because Wake County had already made their decision on the map that was prepared by staff without the board being informed. She said she believed the resolution should be not to accept what the county had approved. She said the board needed to go back and get the shovel ready sites approved and other property that we had included.

Commissioner Baynes asked how the town got to this point without the approval of the board. He said what Wake County adopted did not protect the gateway. He said it bothered him that staff prepared a map without knowledge of the Town Board. He said he did not feel what had happened was what the board had approved. Manager Montgomery said if the board does not want to accept what Wake County has approved then he would recommend that the board vote not to accept the resolution.

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Commissioner Hinnant said this resolution was not meant to accept what they had done. She said this board needs to move forward, but go back and submit the shovel ready sites that we recommended. Commissioner Hinnant made a motion to take no action on the resolution.

Commissioner Gray said she would like to know when staff knew what Wake County was approving, because she felt that the board was not informed and when she saw the map that was sent to her she could not believe that it had been acted on by Wake County.

Mayor Broadwell said not one of the Board members was at the meeting that Wake County had. He said he even spoke to the board about the need for compromise on the issue and the board was not willing to compromise. He said had the any of the board members been at the meeting they could have expressed their concerns, but no one attended the meeting and he made a decision that he felt was the best for the Town of Wendell.

Commissioner Gray said she felt that once staff found out that Wake County was not going to accept what we had been submitted by the board, staff should have notified the board as to that decision and we were not aware of that decision.

The board voted unanimously not to take action on the resolution.

Item 4 – Board review, discussion and direction on suggested UDO amendments.

Manager Montgomery stated at the last meeting a list was given to the board of challenges of the UDO and we are here to seek advice from you as to what you would like for staff to handle and what you like to refer to the Planning Board.

Commissioner Baynes said he thought most of the suggestions needed to be sent to the Planning Board for consideration. He suggested some changes that he would like to see made to the amendments.

Commissioner Adams said she agreed that the amendments were ready for the Planning Board, but asked why the Tree Board was eliminated from the Required Tree Save Areas 8.5A2a. Planning Director Teresa Piner said currently the Tree Board looked at public areas, but the formal involvement that the citizen board would have to be involved in since they do not meet on a regular basis they felt would be too involved. Commissioner Adams said she was fine with that.

Commissioner Hinnant said she would like to see the permanent makeup tattooing eliminated altogether. Commissioner Baynes said we dealt with that when we went through the process, and the tattooing that was being referred to was on eyebrows and not body parts. Commissioner Hinnant said you are getting into a very subjective area.

Commissioner Baynes said we had talked about the fact that the Technical Review Committee and staff made the decision about the water allocation that would be given. He asked if that had changed or did it need to be a part of the Unified Development Ordinance. Manager Montgomery said your current budget ordinance states that projects that would exceed 25,000

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gallons per day have to come to the board for approval. Commissioner Baynes said does it need to be a part of the UDO. Manager Montgomery said yes. Commissioner Baynes suggested that something be drafted and submitted with the other amendments.

Commissioner Hinnant said in looking at the Technical Review Committee I served on the committee and because it is so technical I was lost. She said I think we need to look at that makeup. She said those who have a technical interest such as the Fire, Police, Rescue and engineers are fine, but I think a lay person is just in the way. She said I think the Technical Review Committee should make a decision and it should come back to this board for approval.

Planning Director Teresa Piner said that would be fine for the board to approve the plats, but it would slow the process down and that was the original intent of the Technical Review Committee. Commissioner Hinnant said there should be a way we can streamline the process and not slow it down. Commissioner Baynes said I would ask that staff rework that and submit that to the Planning Board with the other amendments.

Mrs. Piner said I would like to have an opportunity to look at the complete process of the plat approvals if we are going to change the process from the TRC to board approval. Commissioner Hinnant said I am not advocating that we do away with the Technical Review Committee, just that the lay people serving on the committee be taken off.

Commissioner Baynes said I would very much like for the staff to review the approval process. He said we need to have assurances of failed development. He said we have streets in the town that we have accepted where there are only a couple of houses and may never be any more and we have street lights that we are paying for and not getting any income from then. He said we need to look at a process that we do not accept streets, street lights, or allocations until the development is a guarantee.

Commissioner Baynes made a motion to move forward with the amendments included in the agenda package along with the changes that have been recommended tonight, and that staff review the approval process in its entirety and come back to us in the future with recommendations for the board to consider. The motion passed unanimously.

Item 5 – Consideration of the role of an Economic Development Coordinator for the Town of Wendell.

Manager Montgomery stated the Economic Development Coordinator Ms. O'Neill had turned in her resignation about a month ago. He said he had been asked if the position would be filled. He said prior to advertising he wanted to make sure the role of the position was qualified. He said the money for the position was approved in the budget.

Commissioner Baynes said I asked that this be put on the agenda because it was a policy decision that needed discussion and resolution by the board. He said we have worked hard to try to develop an economic development capability in this town. He said no one knew she had resigned and the day after her resignation she made a presentation to this board about how the position was going to be used and we made some recommendation and asked her to incorporate

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them into her presentation and move on. He said this is a policy decision that was part of the budget process.

Commissioner Adams said this board has prioritized economic development and we need to make sure we are moving forward. She said I am not ready to vote yea or nay to fill this position. She said we need to know what will happen if we do not fill this position, is staff going to assume those duties, and can staff at current capacity move forward with economic development.

Manager Montgomery said this board approved a development agreement with Redus Housing LLC for 1400 acres and 4,000 houses along with retail and commercial space. He said they will bring marketing developments that this town has never seen. He said some of the things that Ms. O'Neill was doing had already been given to other staff and he felt they would do a good job.

Commissioner Hinnant said Wendell Falls will be a long time coming, but I think what we need from you and staff is to design a job description for this job that will meet the needs of a tax based Wendell. She said we need bigger things and different things that are not in our neighboring towns that will bring people to our area.

Manager Montgomery said once this board gives me direction as to what this position will be responsible for, I will establish the job description.

Commissioner Adams said we need recruitment and retention and we need someone who has experience in that area. She said she was looking for staff to be able to guide the board in the right direction. She said she would be inclined to hold off on filling the position until a date certain.

Commissioner Hinnant said we do not need to put it off to long, because in January we will be approaching the second year that we budgeted for the position. She said those things we believe we need to make us a destination is what we need for a job description.

Commissioner Hinnant made a motion for the manager to draft a job description that specifically list the task expected of this position and the education and experience necessary to fill those task and bring back to the board. She said in all fairness to the new board coming on in December, I would say that we have this available by the end of November. Manager Montgomery said he would have something to the board at the next meeting. The motion passed unanimously.

Item 6 – Update on the Traffic Impact Analysis – U 5323

Manager Montgomery said this is the traffic analysis for Rolesville Road, Eagle Rock Road and Wendell Boulevard. He said staff had reviewed the fourteen responses to the request, interviewed three firms and selected Ramey Kemp to perform the engineering and proceeded to begin negotiation for prices. He said we received estimated costs on July 22, 2011, and we were staggered at the cost. He said \$179,000 would provide 25% design on the project. He said there are three task on the proposal from Ramey Kemp and the first three are about conceptual design and the fourth task is where the heavy duty surveying must take place, and they cannot move forward with any road designs until they do the surveying and hydraulic studies. He said we

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worked with CAMPO and DOT to try to reduce our scope, so that we could bring a product forward that would add value to Wendell. He said what is the board's intent with this effort? He said the project will cost \$179,000 of which we have funding from CAMPO for \$96,000 and we have committed \$24,000 of your resources to this effort. He said for less than \$50,000 we could run through all three tasks which is the conceptual design, all the community work is done and there are presentations that say this is what the road will look like and avoid all the engineering cost. He said our concern is if we get stuck with 25% and there is no plan to make this intersection work, I guess we could be asked to pay the money back because we have not performed, but no one can tell us that we are off the hook if we do not complete the intersection.

Manager Montgomery said what does the board want from this study? Commissioner Hinnant said a safe intersection and an intersection that will allow us to access land that we cannot get to now. Manager Montgomery said to do that we would need millions of dollars. Commissioner Hinnant said we have always needed a plan. She said she did not understand how DOT could say the intersection will cost \$120,000 and then come back and say it will cost a million dollars. She said we keep running into this brick wall and all we want is that intersection straightened out.

Commissioner Baynes said this intersection was the problem when we were trying to get the certified site approved and DOT said the town could not do anything until the intersection was fixed. He said you have to have a plan so that we know exactly what it will cost.

Manager Montgomery said the town costs could increase an additional \$12,000 to \$16,000 to match additional funds from NCDOT. He said in order to continue to move toward a position, both from a project performance and a cost perspective we will need direction from the Board to determine if they would provide additional dollars to meet local match requirements.

Commissioner Hinnant made a motion to authorize the manager to enter into an agreement with NCDOT regarding STP-DA project U5323 and to fund that project in the amount of \$50,000 or less. The motion passed unanimously.

Item 7 – Commissioner's Report

Commissioner Hinnant said in the past there had been discussion about the grass that the town is cutting on right of ways. She said the manager had come up with a list of contractors that were cutting the grass on code enforcement issues and that it might be possible that they would cut those areas that are on private properties. She said she would like to bring this item back on the agenda for August 22, 2011 for discussion and review.

Commissioner's Gray, Fuller, Adams and Baynes had no reports.

Item 8 – Mayor's Report

Mayor Broadwell had no report for the board.

Mayor Broadwell said the Regular Board meeting would go into recess at 8:20 p.m. and resume after the Work Session discussions for a Closed Session discussion.

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The Regular Board meeting was resumed at 9:20.

Item 9 – Closed Session as permitted by NC GS 143-318-11 (5) to instruct town staff as to negotiations regarding the purchase of real property and (6) to consider the conditions of appointment of a public employee.

Commissioner Hinnant made a motion to go into a Closed Session pursuant to General Statute 143-318-11 (5) and (6). The vote was unanimous.

Commissioner Hinnant made a motion to come out of Closed Session and resume the Regular Board meeting. The vote was unanimous.

Adjourn.

Commissioner Fuller made a motion to adjourn the meeting at 11:00 p.m. The vote was unanimous.

J. Harold Broadwell, II, Mayor

Attest:

Jonnie S. Driver, Town Clerk