

August 22, 2011

The Wendell Town Board of Commissioners held its Regular scheduled meeting on Monday, August 22, 2011 at 7:00 p.m. in the Wendell Town Hall Courtroom with Mayor J. Harold Broadwell, II, presiding. Also present were Commissioners Carol Hinnant, Sid Baynes, Christie Adams, Ira Fuller and Virginia Gray, Town Manager Hugh Montgomery, Police Chief Vance Johnson and Lieutenant Bobby Langston and Town Attorney Jim Cauley.

Mayor Broadwell called the meeting to order and welcomed the guest.

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

**Adjustment and approval of the agenda.**

Commissioner Fuller requested that Item 7 be removed from the agenda. The vote was unanimous. Commissioner Baynes made a motion to add a closed session pursuant to General Statute 143-348.11 (6) and 143.318.11 (3). The vote was unanimous.

**Item 1 - Public Comment Period**

Ms. Lee Batson -10 Parrish Court, Wendell - said she had attended a meeting last year along with Commissioner Gray and they had talked about getting a new motto for the town rather than Experience Wendell. She said her daughter had a suggestion of Wendell Small Town, Big Heart and she just wanted to share that with the board.

**Item 2 - Consent Agenda**

- a. Approval of the Minutes from the August 8, 2011 Board of Commissioners meeting.
- b. Consideration of requests for tax relief as recommended by Wake County Tax Committee.

Commissioner Adams made a motion to approve the consent agenda. The vote was unanimous.

**Item 3 – Public Meeting**

(a) Acknowledge Andrew Layton – Eagle Scout Candidate, Troop 515 for his efforts to rehabilitate the Town Square Band Stand and install an ADA compliant ramp. Manager Montgomery introduced Mr. Layton and Mayor Broadwell read and presented Mr. Layton with a Proclamation.

(b) Introduction of a proposal regarding the potential of moving “Lake Myra Christmas” to the Wendell Park. Commissioner Adams stated currently this event takes place on Lake Myra Road and is the largest synchronized light show in the South east. She said the owner Mr. Williams had contacted her about bringing the light show inside the town limits. She said they had looked at the field that was sod as you enter the Park on the left. She said Parks and Recreation staff had concerns about the site on the sod field. She said she suggested the area behind the tennis courts. She said thousands of people come to this light show and she does not see them coming into Wendell where it was located on Lake Myra Road, but if it were moved to the park it would bring people into the downtown area with some marketing. She said this could bring economic growth that the board had talked about in the past. She said staff would need to work with the owner to see what it would take to make this work as far as location, money needed and problems that might take place.

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Mr. Don Williams - 6605 Lake Myra Road, Wendell - stated in 2002 he introduced the first computer light show in North Carolina and later his neighbors begin to want to participate which brought more traffic to the area and it has continued to grow. He said he would work with the merchant's downtown which would allow them to participate in the lights also.

Mr. Bob Wagner – Owner of Collector's Corner – said when he first heard of this he was excited about it. He said he knew it would take some time and effort to get it ready, but he felt like it would be beneficial to the businesses in the downtown area.

Commissioner Hinnant said this is a good idea, but we need the manager to work with Mr. Williams on some cost estimates, how the traffic would be handled and other things and bring it back to the board for discussion.

(c) To review and consider amending the Town Code of Ordinances Section 4.5 – “Keeping of Livestock within the town corporate limits”.

Ms. Lee Batson – 10 Parish Court, Wendell – said she was for allowing chickens in town, for fresh eggs, insect control, economic impact, and community education and awareness. She said she understood that there was a fee imposed for this and she did not believe that a fee should be imposed, maybe a fee for the owner that does not keep their area clean, but not just to have chickens.

Ms. Laura Evans – 219 N. Hollybrook Road – stated said some of the problems might be the odor, but the feces can be used as fertilizer and when that is done it does not have odor. She said noise is not a problem because hens do not make noise, they occasionally cluck but that is short lived. She said chickens do not attract insects, but eat them. She urged the board to support the chicken ordinance. She said she would also like to state that she supported area parks in Wendell.

Mr. Vardy a third grade student at Wendell Elementary said having chickens was fun and interesting and he thought that the board should allow them in town.

Ms. Jenny Melton – 3911 Wendell Boulevard – said she was in support of chicken coops as long as they were controlled. She said she was not in favor of charging a fee. She said with guidelines she thought it would be fine.

Ms. Ann Stewart – 505 Hollybrook Road – said she was in favor of people having chicken, but the chicken coops needed to have covers so that the chickens could not get out. She said she also felt they should be a certain distance from a property line. She said she was also against a fee.

Ms. Gail Hoover – 82 Liles Dean Road - said she thought it would be a good thing to have chickens in town.

There were no further comments and the public meeting was adjourned.

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**Item 4 – Dependent upon determination from the Board of Commissioners could set a public hearing for September 26, 2011 to consider an amendment to the Town Code of Ordinances, Section 4.5 to add a Section 4.5(a) (4) to allow for the keeping of chickens within the town corporate limits.**

Commissioner Baynes made a motion to set a public hearing for September 26, 2011 to consider an amendment to the Town Code of Ordinances adding a section 4.5(a) (4) to allow for the keeping of chickens within the town corporate limits. The vote was unanimous.

Manager Montgomery asked the board to let him know of any changes in the wordage in the proposed amendment so that it would be complete on the date of the public hearing as to what it should say.

Commissioner Hinnant said the fee that was mentioned need to be spelled out better, because I don't think that was our intention. Manager Montgomery said the purpose of the proposed language was to allow flexibility for the Board to approve a fee should enforcement to become onerous for example if pens were not kept clean or the chickens enclosed. He said he could remove it if the board wanted it removed. Everyone was in agreement to have the language which would consider a fee to be removed.

Manager Montgomery stated that people who currently have chickens in town are in violation of the town ordinance, and asked for a motion instructing the manager to stay Code Enforcement and issuance of notices of violation should citizens currently have backyard chickens until such time as the Board of Commissioners reviews this issue. Commissioner Fuller made a motion to declare a moratorium on the enforcement of the current ordinance until it is acted upon. The vote was unanimous. Commissioner Hinnant asked what the board wanted to do if there was a complaint about chickens from a neighbor. Manager Montgomery said he would investigate any complaint that might come in. Commissioner Fuller amended his motion for the town manager to respond to any complaint involving violations of chickens, but not to initiate action of enforcement until the board has acted on this matter. The vote was unanimous.

**Item 5 – Request by the Wendell Chamber of Commerce to waive rental and associated fees for various events to be held at Town Square and Town Square Annex parking lot.**

Manager Montgomery the chamber was requesting that the rental fee of \$75.00 be waived for the following events. (A copy of the dates are attached and made a part of the minutes).

Commissioner Baynes said he felt that we should work with the Chamber because these are town events and benefits the town as a whole. Commissioner Gray said this is an effort by the Chamber to partner with the town and it has an economic development tool. Commissioner Hinnant said one thing we need to capture is some of the cost incurred so that next year you can look at the actual cost.

Commissioner Fuller made a motion to approve the request by the Chamber of Commerce to waive the rental fees and associated fees for various events held at the Town Square and to partner with the Chamber. The vote was unanimous.

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**Item 6 – Consideration of adopting the 2010 Comprehensive Systemwide Recreation, Park and Open Space Plan for Wendell, by resolution.**

Manager Montgomery said this was discussed at the Board Retreat held earlier today. He said we have reviewed, considered and now we need to adopt. He said the resolution would be used to attach to future applications for grants.

Commissioner Fuller asked when the deadline was for applying for the PARTF Grant. Manager Montgomery said January 2012 and the next cycle would be May 2012. Commissioner Fuller made a motion to table this item for 30 days or until the September 26<sup>th</sup> meeting to give the board time to study over it and come to a decision of whether or not they were going to apply for the PARTIF Grant. Mayor Broadwell said the September 26<sup>th</sup> Agenda is beginning to fill up and asked if Commissioner Fuller would be willing to amend his motion for the October 10<sup>th</sup> meeting. Commissioner Fuller amended his motion to delay action on this item until the October 10<sup>th</sup> meeting. The vote was unanimous.

**Item 7 – Review Planning Board recommended changes to the Unified Development Ordinance.**

Manager Montgomery said the Planning Board reviewed the recommendations that the board had made and had included their comments to the board for review. He said if the board was ok with the changes to be accepted the board would need to set a public hearing for September 26, 2011.

Commissioner Hinnant made a motion to set a Public Hearing to hear the Planning Board and the Board of Commissioners recommendations on September 26, 2011. The vote was unanimous.

**Item 8 – Closed Session pursuant to General Statute 143-318.11(6) to discuss a personnel matter and 143-318.11(3) for consultation with the town attorney.**

Commissioner Baynes made a motion to go into closed session pursuant to GS 143-318.11(3) and (6). The vote was unanimous.

Commissioner Fuller made a motion to end the Closed Session and resume the regular meeting.

Commissioner Fuller made a motion instructing the town manager to contact DOT about the traffic lights at Main and Third Streets concerning the timing on the lights. He said DOT had been out and said that the timing was ok, but that he sat through the light tonight and it was not properly timed. The vote was unanimous.

Commissioner Hinnant made a motion to adjourn. The vote was unanimous.

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J. Harold Broadwell, II, Mayor

Attest:

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Jonnie S. Driver, Town Clerk