

September 26, 2011

## **Board of Commissioner's Meeting**

The Wendell Town Board of Commissioners held its regularly scheduled meeting on Monday, September 26, 2011, at 7:00 p.m. in the Wendell Commissioner's Meeting Room with Mayor J. Harold Broadwell, II, presiding. Also present were Commissioners Carol Hinnant, Sid Baynes, Christie Adams, Ira Fuller and Virginia Gray Town Manager Teresa Piner, Police Chief Vance Johnson, Lieutenant Bobby Langston, Attorney Jim Cauley, Town Clerk Jonnie Driver, Planner Stacy Griffin, Parks and Recreation Director Brinkley Wagstaff and Public Works Director Alton Bryant.

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

The Pledge of Allegiance was led by Chief Vance Johnson and the invocation was given by Commissioner Ira Fuller.

### **Adjustment and approval of the agenda.**

Commissioner Fuller made a motion to transfer Item #2 under the Work Session Agenda to Item #7A on the action agenda. Everyone voted in favor of the motion.

Commissioner Hinnant made a motion to approve the agenda as adjusted. The vote was unanimous.

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

No one wished to be heard.

### **Item 2 – Consent Agenda**

- a. Approval of the minutes from the September 12, 2011 Board of Commissioners meeting
- b. Approval of the Wake County Tax Report for July 2011

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

### **Item 3 – Recognition of Officer Jermaine Thomas in receipt of his Advanced Law Enforcement Certification**

Chief Vance Johnson said the highest achievement recognized through the N.C. Criminal Justice Standards Division is that of an Advanced Law Enforcement certification. He said it is obtained by meeting various education, training and experience standards as set forth in the Professional Certification Program. He said this milestone in an officer's career is one that helps establish them as a professional law enforcement officer amongst their peers and the people who they serve.

Chief Johnson, Mayor Broadwell and all the commissioners congratulated Officer Thomas on his achievement.

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Officer Thomas stated when he first came to Wendell six years ago he was looking for a job and did not realize that law enforcement would be his career, but that he had received good leadership and that he enjoyed working with the citizens.

**Item 4 - Public Hearing on the proposed amendment to Section 4.5 of the Code of Ordinances to allow for keeping of chickens within the corporate limits**

Manager Teresa Piner stated currently the Code of Ordinances did not allow for the keeping of chickens within the corporate limits, but citizens had requested that this ordinance be amended as the popularity of keeping “backyard chickens” had increased.

Mrs. Piner stated on August 22, 2011 the Board of Commissioners held a public meeting and several members of the community spoke in favor of chickens being allowed in town.

Mayor Broadwell opened the public hearing for public comments.

Ray Hinnant - 205 Dogwood Trail. spoke against the ordinance. He said his mother had lived on Mattox Street and had a neighbor that had chickens and they would fly over the fence and scratch in her yard. He said they also left feces in her yard and that chickens had mites and lice. He said if he wanted to live with farm animals he would have moved in the country but he chose to live in town to be away from such things. He said the ordinance had no resolution of problems. He asked what the penalty was for a neighbor that has a chicken pen that put off an odor or the penalty if the chickens come into his yard and scratched and left waste. He asked if the police were equipped to handle chicken problems. He said the answer to all of these concerns was not to allow chickens in town.

Laura Evans – 219 N. Hollybrook Road, stated she was in favor of the chicken ordinance. She said the concerns that Mr. Hinnant had stated could pertain to dogs and cats. She said she agreed there was a need for a resolution to the problem if one developed.

Anne Stewart – Hollybrook Road, said she felt that since she had a fear of chickens that the ordinance needed to have a clause which required the owner to put a mesh/wire covering on the top of the coop to keep the chickens in the pen.

Jenny Melton – 2911 Wendell Boulevard, stated every animal could carry diseases, but properly constrained, she did not feel that chickens would be a problem.

Catherine Evans – 110 S. Selma Road, stated she was in favor of the chicken ordinance. She said if people would clip the wing on one side of their bodies they could not fly and that the fence should be 6½ feet in height. She said you can feed the chickens a product that controls the mites and lice, similar to that same thing is used to control fleas on cats and dogs.

No one else wished to speak on the issue and Mayor Broadwell closed the public hearing.

Commissioner Hinnant said one of the major concerns she had with the ordinance is that you could have chicken buildings within 25 feet of any adjacent residence. She said she was concerned that 25 feet was too close to an adjacent home. Also, she had a concern about the PUDS that have been approved to be built in the future of Wendell because they very small lots, but most of them met the 7,000 square foot requirement. She said if the chicken trend went viral we could have chicken coops just about every 50 feet or less and that she was concerned about

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that. She asked if Wake County Animal Control would come and pickup a chicken in someone's yard. Mrs. Piner said most of that would be controlled by the town Planning staff and that she had not checked with animal control. Commissioner Hinnant said there are a lot of unknown issues that had come up tonight at this hearing and she thought the distance to adjacent properties, penalties and remedies needed to be looked at in more detail. Mrs. Piner said she anticipated the penalty would be \$50 per day per violation based upon the town fee schedule.

Commissioner Adams said one thing she liked about the sample ordinances that other towns had was that the chicken coop had to be behind the principle structure. She said that in some ways insures they will be closer to the owner than the neighbor.

Commissioner Gray said she felt the town definitely needed to address the issues that had been stated tonight, and that she felt with some reinforcement of the issues it could be worked out and that maybe everyone would follow the rules in the spirit of what the town was trying to accomplish.

Mayor Broadwell reopened the hearing with the permission of the Town Attorney and Commissioners to allow Mrs. Anne Stewart to make an additional statement. The board was in agreement. Mrs. Stewart said she had a problem with the enforcement issue. She said animal control picked her cat up and it would seem to her that they would also pick up chickens. The hearing was closed at this point.

Commissioner Hinnant made a motion to table the Chicken Ordinance Amendment until the October 24, 2011 meeting, the second meeting in October. Commissioner Fuller said there was a penalty included in the ordinance, it might not be sufficient but the ordinance was not without a penalty. Everyone voted in favor of the motion to table the amendment to the ordinance.

#### **Item 5 – Public Hearing on the proposed amendments to the Unified Development Ordinance**

Planner Stacy Griffin - stated the UDO was enacted July 26, 2010 which combined the town's Zoning Ordinance, Subdivision Ordinance, Flood Damage Prevention Ordinance, and Stormwater Ordinance into one updated and comprehensive document. She said since the passage of the UDO staff had been compiling a list of possible issues as well as a log of interpretations.

Ms. Griffin stated at the July 25, 2011 Board meeting, the Board asked staff to bring possible amendments for review by the Board prior to the items being considered by the Planning Board. She said the Planning Board reviewed the suggested language and made recommendations. Ms. Griffin went through the recommended changes.

Mayor Broadwell opened public hearing for public comment, but no one wished to speak on the issue. Mayor Broadwell closed the public hearing.

Commissioner Fuller made a motion to approve the amendments to the UDO as recommended by the Planning Board. The vote was unanimous. (A copy of the Planning Board's recommended changes are attached and made a part of these minutes).

**Item 6 – Discussion and setting of a Public Hearing for October 10, 2011 to establish the Hales-Tunnell-Bunn House located at 102 S. Main Street as a historic landmark**

Manager Piner said Wake County Historic Preservation had made an investigation of 102 South Main Street and determined that it was eligible to be designated as a historic landmark. She said on October 10, representatives from Capital Area Preservation would be available to make a formal presentation.

Commissioner Hinnant made a motion to set the Public Hearing on the establishment of the Hales-Tunnell-Bunn House as a historic landmark for October 10, 2011. The vote was unanimous.

**Item 7 – Review and approval by the Board of Commissioners authorizing the replacement of lights at Wendell Park**

Parks and Recreation Director Brinkley Wagstaff stated that \$110,000 was added to the 2011-2012 Budget for the replacement of lights on the Wendell Park Large Field. He said 13 bid packages were distributed and a total of three bids were received. The three bids for the replacement of the lights were as follows:

Tommy Lawrence Electrical Co.	\$ 79,614.00
Wise Hundley Electrical Co.	\$ 89,022.00
Albritton Construction Co.	\$122,524.00

Mr. Wagstaff said we would like for the Board to authorize the replacement of lights for the Wendell Park Large Field, direct staff to execute an agreement with Tommy Lawrence Electrical Company of Roxboro, N.C., and allow staff to issue a Notice to Proceed.

Commissioner Fuller made a motion to award the contract to replace the lights on the Wendell Park Large Field to Tommy Lawrence Electrical Company in the amount of \$79,614.00. The vote was unanimous.

**Item 7A – Update on shared car needs for Administration and Planning Departments.**

Manager Piner stated currently the Administration and Planning Departments shared a 1998 Lumina sedan for business which was no longer running. She said staff was asking to replace the vehicle. She said the proceeds from the sale of the 1998 Lumina, and the 2004 and 2005 Crown Victoria police vehicles would be used toward the replacement vehicle. Mrs. Piner stated the Jeep was a four-wheel drive vehicle which all departments would have access to in the event of inclement weather. She said there were three options that had been researched and they were as follows:

- A. Purchase vehicle from a local vendor Leith Ford – 2012 Ford Escape \$21,000 (after all rebates)

- Jeep Dealer – 2011 Jeep Liberty \$23,605 (after all rebates)

- B. Lease a vehicle from a local vendor
  - Leith Ford – 2012 Ford Escape \$358/month for 36 months with \$893 due at signing

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(total of \$13,781 for the duration of the lease or a total of \$15,929 for 42 months

C. Purchase a vehicle from State contract

Idleton Dodge – 2012 Jeep Liberty \$18,846 (this price is the 2011 price and can be Used for a 2012 vehicle if purchased by October 13<sup>th</sup>)

Commissioner Fuller made a motion to authorize administration to purchase the Jeep Liberty on state contract for \$18,846. The vote was unanimous.

Item 8 – Closed Session pursuant to General Statutes 143-318.11(a)(3) Attorney/Client Privilege and 143-318.11(a)(6) Personnel. Commissioner Hinnant made a motion to go into a Closed Session to discuss Attorney/Client Privileges and a personnel issue pursuant to 143-318.11(a)(3) (a)(6). The vote was unanimous.

Commissioner Hinnant made a motion to return to the Regular Session. The vote was unanimous.

Commissioner Fuller made a motion to set the salary of Acting Town Manager Teresa Piner at \$83,000 annually with a \$500 a month travel allowance and make it retroactive to September 13, 2011 when she was appointed as manager. The vote was unanimous.

**Item 9 - Commissioners' report** – No reports were given.

**Item 10 - Mayor's report / comments** – No report was given

**Adjournment** – The meeting was adjourned at 8:40 p.m.

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J. Harold Broadwell, II, Mayor

Attest:

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Jonnie S. Driver, Clerk