

October 24, 2011

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

The Wendell Town Board of Commissioners held its regularly scheduled meeting on Monday, October 10, 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; Chief Vance Johnson; Lieutenant Bobby Langston; Town Clerk Jonnie Driver; Planner David Bergmark; Public Works Director Alton Bryant and Finance Director Butch Kay.

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 Mr. Bill Alden of Covenant Presbyterian Church.

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

Commissioner Fuller made a motion approving the agenda as written. The vote was unanimous.

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

Mr. George Thornton 217 S. Cypress Street – stated that he was in support of the chicken ordinance. He stated he did not see where chickens would be a nuisance especially since there would be an ordinance in place to control the issue.

### **Item 2 – Consent Agenda**

- a. Approval of the minutes from the October 10, 2011 Board of Commissioners meeting

Commissioner Fuller asked for a change in the last paragraph of Item #7 to read Commissioner Fuller rather than Mayor Fuller.

Commissioner Hinnant made a motion to approve the consent agenda with the correction requested to Item #7. The vote was unanimous.

### **Item 3 – Review and consideration of amendments to the FY 2011-2012 Fee Schedule**

Manager Teresa Piner stated when the board adopted the FY 2011-12 budget; a schedule of fees was adopted by reference in the budget. She said the zoning violations were set at \$25 for the first violation and \$100 for further violations. She stated the change in the fees schedule is in conflict with the zoning penalty of \$100 per violation per day as stated in the Unified Development Ordinance.

Mrs. Piner stated staff brought the issue of a possible text amendment to the Board of Commissioners for review at the October 10, 2011 meeting. She said the amendment would have made the text of the UDO agree with the fee schedule however, the Board asked staff to look at changes to the Fee Schedule rather than to the text of the UDO.

Mrs. Piner stated staff would propose making the following changes to the Fee Schedule:

Zoning Text Amendment-The required submittal fee is \$750 but there is a note below the fee that a refund would be issued if the amendment was approved by the Board of Commissioners. Staff would propose deleting the note since staff time and expenses increase slightly, not decrease, if a text amendment is approved as amendments have to be logged, printed and distributed to all Town Board, Planning Board and staff members.

Preliminary Plat Minor Subdivision – The current required submittal fee is \$150 per lot involved. Generally minor subdivision requests are either subdivisions of a lot and/or recombination with another lot. Often times this action is taken for family members to deed land to other family members. There are generally at least two lots involved which would make the fee at least \$300. Minor subdivision plats are generally not difficult or time consuming to review. Staff would propose deleting the words “per lot” and having a flat fee of \$150. Prior to this fiscal year, the fee was set at \$50.

Zoning Violations – The current fee schedule states the first notice of violation is \$25 and the second notice of violation is \$100. Staff would propose changing the fee schedule to \$100 per day per violation to correspond to the violation penalty stated in the UDO.

Commissioner Hinnant made a motion to accept staffs proposals to amend the fee schedule as written. The vote was unanimous.

**Item 4 – Review and approval of contract between the Town and McKim and Creed Engineers.**

Manager Teresa Piner stated the contract between the Town of Wendell and McKim and Creed Engineers expired on June 30, 2011. She said since that time, the town had not been under contract with any engineering firm. She said the proposed rate was on an as needed basis and unlike the previous contract with McKim and Creed; no minimum monthly retainer fee would be paid by the town unless services were rendered.

Mrs. Piner said the contract that was presented at the October 10, 2011 meeting was amended to incorporate the changes recommended by the town attorney.

Commissioner Fuller made a motion to approve the contract as reviewed and amended by the attorney. The vote was unanimous.

**Item 5 – Review and consideration of a NCDOT Bicycle and Pedestrian Grant Application**

Planner David Bergmark stated the town applied for a Pedestrian Grant in 2005 and 2010 with NCDOT through CAMPO, but it was never funded.

Mr. Bergmark said the application deadline was December 2, 2011 with NCDOT. He said municipalities would be notified in June of 2012, if the grant had been awarded and matching funds could be budgeted for the 2012-2013 FY. He said the town would be responsible for a 20% match or up to \$6200 based on the estimate of the plan, if awarded the grant.

Mr. Bergmark said Resolution R-14-11 was included in the agenda packet and if approved by the board would be submitted as a part of the grant application.

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Commissioner Hinnant asked if there were any hidden cost in the grants. Manager Piner said the only cost to the town would be the 20% match or the \$6200 and the in-kind staff time.

Commissioner Fuller made a motion to adopt resolution R-14-11 relative to the NCDOT Bicycle and Pedestrian Grant. The vote was unanimous.

**Item 6 – Discussion and direction to submit the Extraterritorial Planning Jurisdiction request to the Wendell Planning Board for review.**

Planner David Bergmark stated on July 5, 2011, the Wake County Board of Commissioners voted to approve a portion of the Town of Wendell’s ETJ extension request. He said the amended extension areas included 2179 acres between the town’s current ETJ and Wendell Falls.

Mr. Bergmark said in order to move forward with the ETJ the town would need to designate Wendell zoning categories to those properties within the extension area. He said with the exception of two commercial properties, all properties within the ETJ extension area are currently zoned R-30 or R-40 by Wake County.

Mr. Bergmark stated similar to the map that the town did with the UDO zoning designation, staff is recommending the closest equivalent Wendell zoning designation be given to most of the properties within the extension area. He said this would be the smoothest transition for property owners, because their zoning setbacks and lot standards would see little or no change.

Mr. Bergmark said in June of 2011 Governor Purdue signed House bill 168, which clarified the definition of “bona fide farm purposes” and exempted bona fide farms from the exercise of a municipality’s extraterritorial jurisdiction. He said as a result of this bill a significant portion of the ETJ extension area will be exempt from the town’s zoning authority due to its farm status.

Mr. Bergmark said he did not know how House Bill 168 would affect the completion of the town’s ETJ extension process. He said Wake County planning staff’s position is that the act of applying a Wendell zoning district to bona fide farms within the new extension area in itself would be an exercise of municipal zoning authority and thereby prohibited.

Mr. Bergmark stated if permitted to do so, staff would prefer to give a Wendell zoning designation to every property within the ETJ extension area. He said the zoning designation would have no affect on bona fide farms until such a time as they lose their farm status. He said this approach would negate the need to individually rezone farm properties when they stopped farming unless the owner wanted to develop the property in a manner not permitted by the district originally applied by the town.

Commissioner Baynes said he was concerned about the R2 zoning because it was making the lot sizes smaller and he did not believe that was a good idea. Commissioner Hinnant said she was also concerned about the R2 zoning and the lot sizes.

Manager Piner said we can look at these lots and make sure that they would be conforming within the R2 zoning, but I believe that the reason for the R2 zoning is the width of the lot; some

of those lots are deep, but not so wide. She said we will take a look at it and bring something back to the board later.

Commissioner Fuller made a motion to table the ETJ Extension Area until staff could gather more information. Commissioner Hinnant said can we move along with the schedule as set forth and allow staff to gather the information and bring it back to us, so that we don't slow down the process. Commissioner Fuller restated his motion to table board action on the ETJ Extension until the November 14, 2011 meeting, but to allow staff to continue moving forward with the public information meetings. The vote was unanimous.

**Item 7 –Review and consideration of an amendment to the FY 2011-2012 Budget.**

Manager Teresa Piner stated on March 14, 2011, the board approved to establish a Capital Reserve Fund. She said the intent of the board was to transfer and restrict cash to a separate money market account for large expenditures. She said as part of the audit review it was brought to our attention that the Capital Reserve Fund was not formally established per NC General Statutes. She said the auditor and Local Government Commission advised to track expenditures within the capital outlay line items within each department as part of the General Fund. She said the cash would remain in the money market account until purchases are approved by the board.

Mrs. Piner stated staff recommended the adoption of the amended 2011-2012 budget ordinance to properly account for the expenditures in the General Fund.

Commissioner Fuller made a motion to adopt the amendment to the FY 2011-2012 Budget. The vote was unanimous.

**Item 8 – Commissioners' Report**

Commissioner Adams stated the last Advisory Council meeting was canceled and the next meeting would be on November 17, 2011. No further reports were given.

**Item 9 – Mayor's report / comments**

Mayor Broadwell stated he had been attending the Downtown Merchants meetings and that a lot of preparation was going into Christmas decorations for downtown.

Mayor Broadwell stated he attended the bus transit meeting and if Wake County were to have a referendum and it was successful on the one-half cent additional sales tax it appears that Wendell would continue with its express bus service to downtown Raleigh and it would make available to us a circular route between Wendell, Zebulon and Knightdale. He said while the town is currently paying match money for the express service we get, under the current proposal we would no longer pay the match money.

Mayor Broadwell said he was attending the N.C. League of Municipalities annual conference in Raleigh.

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**Adjournment**

Commissioner Hinnant made a motion to adjourn. The vote was unanimous. The meeting was adjourned at 7:45 p.m.

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J. Harold Broadwell, II, Mayor

Attest:

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Jonnie S. Driver, Town Manager