

October 24, 2011

Board of Commissioner's Work Session Minutes

The Wendell Town Board of Commissioners held a Work Session following the Regularly Scheduled meeting on Monday, October 24, 2011, at 7:45 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 Gary; Town Manager Teresa Piner, Finance Director Butch Kay, Public Works Director Alton Bryant, Chief Vance Johnson, Lieutenant Bobby Langston, Planner David Bergmark, and Town Clerk Jonnie Driver.

Item 1 – Discussion and review on the proposed amendment to Section 4.5 of the Code of Ordinances to allow for keeping of chickens within the corporate limits.

Manager Piner stated a public hearing was held on August 22, 2011. She said we have attempted to address some of the concerns that came up since that time such as the location of chicken coups and the covering of the coup. She said the keeping of chickens has been broken out from the keeping of livestock and demonstrative calls have been broken out from the slaughter of chickens. She said the distance from the coup to a residence has been changed to distance to a property line and the requirement of a lid has been added.

Commissioner Hinnant stated she thought there should be some wording in the ordinance that reads 100 feet from any and all neighboring residences.

Manager Piner said most lots in town are between 80-100 feet in width and it would be difficult for most properties in the downtown core to meet that requirement.

Commissioner Adams said that would deter people from having chickens if they could not meet the 100 feet requirement and that she did not agree with adding 100 feet. She said this is a complaint oriented ordinance, so a neighbor would have to call and complain in order for staff to be aware that there is an issue with chickens.

Commissioner Hinnant said we have people in town with chickens already and they have completely disregarded the town's rules, so we need to keep that in mind. Commissioner Adams said I look at the changing of the ordinance as a way to reward people who follow the process. She said what has happened is that we have not punished people who are violating the process.

Commissioner Gray said we need to keep this simple, because we need to be able to enforce the stipulations set forth in the ordinance and I don't believe we will be able to enforce the 100 foot issue. She said I have to assume that the Planning Department would have enforced the code if they knew the chickens were in town, but by not getting any complaints you don't even know that they are in violation. She said if you can't see them, smell them or hear them why do we care if there are chickens out there. She said we have talked about this for a long time and we need to move forward with it. She stated she did think that the lid on the coup should stay in the ordinance. Commissioner Baynes stated he agreed.

Commissioner Fuller asked Manager Piner to place the Chicken Ordinance on the agenda for November 14, 2011, for action. Everyone was in agreement.

Item 2 – Discussion regarding the development infrastructure improvements and acceptance by the town.

Manager Teresa Piner stated Chapter 17 of the Wendell Unified Development Ordinance provides requirements for infrastructure improvements, bonds for required improvements and warranties against defects in those improvements.

Mrs. Piner said no residential subdivisions have been developed under the current guidelines in the UDO.

Mrs. Piner said under the current UDO a financial guarantee must be presented in the amount of 10 percent of the installed infrastructure for the subdivision and it must be renewable in one year terms until 50 percent of the building permits have been issued within the applicable phase. Once this has occurred the developer may petition the town to take over ownership and maintenance of the street and infrastructure within the phase. She said the previous zoning code gave no regard to the amount of building permits that were issued in a phase before the bond could be returned.

Mrs. Piner stated currently the UDO states that the developers will install underground wiring for street lights, the street lights themselves and their costs. She said it also stated that the developer will pay all costs associated with the use of custom or decorative materials.

Mrs. Piner said in the past it was Progress Energy's policy to install all the street lights at the time the underground wiring was installed. She said on final walk through of the subdivision prior to the final plat being brought to the Board for approval, staff checked to make sure all street lights were installed.

Mrs. Piner stated since the economic downturn staff had worked with Progress Energy on this procedure. She said staff now has to request for specific street lights to be installed and turned on.

Commissioner Fuller said we have talked about failed and stalled developments and how the town could be better protected. I think these changes would do that and we need to get them in place while development is not taking place. When the economy does take a turn for the better, the process will be in place.

Commissioner Hinnant said she agreed. She asked what could be done about the street lights in existing developments that do not have any houses? She asked if the town could have those lights turned off. Mrs. Piner said we have a call into Progress Energy as to whether or not we can go back and cut those lights off.

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Commissioner Baynes said I think this is an improvement, but that he still had some concerns. He said he did not think the town should accept the infrastructure until the tax base is built and the development can pay for itself. He said in developments where nothing is being built and we have accepted the streets, we may find ourselves having to repave those streets. I do not think that 10 percent will cover the cost. He said I think the town should have a policy that states we will not accept infrastructure until the tax base is there to pay for the infrastructure, or we might just say we are not going to accept the infrastructure until it is 80 or 90 percent built out.

Mrs. Piner said under warranties against defects it states once 50% of the building permits have been issued within that phase that the developer may petition the town to take over ownership. She said we can change 50 percent to 75 percent or change building permits to actual certificates of occupancy.

Commissioner Hinnant said if you are looking at tax base to pay to for it you may be looking at tax dollars to pay for it. She said I think we would be better served to go on certificates of occupancy and that way when they are ready to put the last layer of asphalt down those heavy trucks will not be in there to damage the roads.

Commissioner Fuller said if we don't get something in place better than what we have right now, we are going to be in a bad position when the economy does take a turn. He said the final acceptance is up to the Board of Commissioners as to whether or not to accept the improvements. The board does not have to accept them.

Commissioner's asked staff to take this back and work on the things that had been talked about and bring back to the board at a later time.

Adjournment

The Work Session was adjourned at 8:20 p.m.

J. Harold Broadwell, II, Mayor

Attest:

Jonnie S. Driver, Town Clerk