

February 10, 2014

Wendell Town Board of Commissioners Meeting Minutes

The Wendell Town Board of Commissioners held their regularly scheduled board meeting on Monday, February 10, 2014 at 7:00 p.m. in the Town Boardroom with Mayor Timothy A. Hinnant presiding. Present at the meeting were Commissioners Sam Laughery, Jon Lutz; James Parham; John Boyette; Virginia Gray; Manager Teresa Piner; Town Clerk Jonnie Driver; IT Administrator Tamah Hughes; Finance Director Butch Kay; Police Chief Bill Carter; Public Works Director Alton Bryant, Attorney Jim Cauley; Interim Planning Director David Bergmark; and Planner Patrick Reidy.

Mayor Hinnant called the meeting to order at 7:00 p.m. and thanked everyone for attending.

Police Chief Bill Carter led the Pledge of Allegiance and Pastor Claude Wilson-Staton of Covenant Presbyterian Church gave the invocation.

Adjustment and approval of the agenda

No adjustments were made to the agenda and a motion to approve the agenda was made by Commissioner Parham with everyone voting in favor of the motion.

Item 1 – Public Comment Period

No one wished to speak.

Item 2 – Consent Agenda

- a. Approval of the Minutes from the Monday, January 27, 2014 Board of Commissioners' meeting.
- b. Resolution to remove Zunilda Rodriguez as Wake County Review Officer for the Town of Wendell.

Commissioner Parham made a motion to approve the consent agenda as stated. The vote was unanimous.

Item 3 – Introduction of IT Intern Gabby Batzel

IT Administrator Tamah Hughes introduced Gabriella Batzel and stated she holds a 4.3 GPA and is on the Principal's list in the School of the Arts at East Wake High School. She said Gabby plans to pursue a degree in printing graphics and pediatric nursing and is applying to several universities in our area. While dancing is her main passion, she also likes history and graphic designing.

Mayor Hinnant stated that the town appreciated her willingness to share her skills and abilities with the Town of Wendell.

Item 4 - Introduction of Wendell Parks and Recreation Intern Matthew Barbee

Kelley Connolly Programs Director with Parks and Recreation stated Matthew Barbee is a current resident of Zebulon and graduated from East Wake High School in 2009. After graduating Matthew attended college at East Carolina University and is completing his 12 week internship with Wendell Parks and Recreation. Once completed, Matthew will graduate with a Bachelor of Science degree in Recreation and Parks Management, with a Sports Leadership concentration. At the conclusion of his internship, he will be seeking employment in the field of Parks and Recreation.

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Mayor Hinnant thanked Matthew for sharing his skills with the town. Matthew thanked the town for giving him the opportunity to work in Wendell and learn from the best.

Item 5 – Proclamation honoring Kristin Hasbrouck’s selection as Middle School Athletics Director of the Year by the North Carolina Association of Athletic Director’s.

Mayor Hinnant presented and read a proclamation in honor of Ms. Hasbrouck’s selection as Middle School Athletics Director of the Year.

Item 6 – Proclamation honoring Melissa Bell’s selection as Female High School Coach of the Year

Mayor Hinnant read and presented a proclamation honoring Ms. Bell on the selection as Female High School Coach of the Year.

Item 7 – Public Hearing on a Zoning Text Amendment to Increase the Permitted Size of Accessory Structures in the Residential Agricultural (RA) Zoning District.

Planner David Bergmark stated Section 4.4.b of the Town of Wendell Unified Development Ordinance currently places the following limitations on the number and size of accessory structures. He stated accessory structures shall be limited to two per lot, except in the RA District and that the aggregate floor area of all accessory use structures shall not exceed 50 percent of the floor area of the house.

Mr. Bergmark stated under the current standards, a property owner with a 2000 square foot home in the Residential Agricultural district may have any number of accessory structures so long as their combined square footage does not surpass 50 percent of the square footage of the principal structure.

Mr. Bergmark said the square footage of the principal structure was calculated as the total square footage of any enclosed space. He said garages and screened porches would be included in the calculation, but decks and attached carports would not. Mr. Bergmark said for accessory structures, the square footage was calculated as all portions of the structure, whether they were enclosed or not. He said any square footage on additional floors of the building was included for both principal structures and accessory structures.

David stated the purpose of limiting the size of accessory structures was to support the prominence and value of the principal structure. He said the principal structure was intended to serve as the primary structure on the lot, both functionally and visually. He said it was staff’s experience that expansions of the principal structure typically add more value to the property and were better maintained than accessory structures. Mr. Bergmark said additionally, larger accessory structures were more prone to being used for business purposes, which were typically not permitted. He said there were a limited number of home occupations which could be permitted under certain circumstances for accessory structures.

David stated that bona fide farms were exempted from the town’s entire zoning ordinances. Thus, farm structures such as barns were not subject to the town’s accessory structure size limitations.

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Mr. Bergmark said prior to the adoption of the UDO, the Town's zoning ordinance stated that no accessory use building could exceed 50 percent of the floor space of the principal building, but limited the number of permitted accessory use buildings to one per lot.

Mr. Bergmark said at the December 16, 2013 Planning Board meeting, Planning Board members discussed the possibility of varying the size standard for accessory structures in the RA zoning district according to the size of the lot. He said planning staff was asked to investigate the current breakdown of lot sizes in the RA zoning district which was included in the Town Board's information.

David stated at the January 21, 2014 Planning Board meeting, members continued their discussion of alternative size standards for accessory structures, based upon the size of the lot. He said ultimately, the Planning Board decided to vote on the proposed text amendment language, rather than create their suggested amendment to the UDO.

Mr. Bergmark said the proposed text amendment was as follows:

"5. For all zoning districts except Residential Agricultural, the aggregate area of accessory use buildings shall not exceed 50 percent of the floor space of the principal use building. In the RA zoning district, the aggregate area of accessory use buildings shall not exceed 100 percent of the floor space of the principal use building."

Mr. Bergmark stated the Planning Board voted 5 to 1 to recommend denial of the proposed text amendment to amend the dimensional standards of accessory structures in the Residential Agricultural zoning district. He said as a result of the Planning Board's recommendation, a supermajority vote by the Town Board would be required in order to approve the text amendment request.

David said staff recommends denial of the proposed zoning text amendment. He said it was staff's opinion that the existing size regulations adequately accommodate the need for accessory structures. He said if the proposed text amendment was approved, it was staff's concern that the new standard could result in an increased use of accessory structures for prohibited commercial activity. He said the proposed language could also potentially allow significantly larger accessory structures on commercial lots in the Residential Agricultural zoning district.

Mayor Hinnant opened the Public Hearing for comments.

Mr. Andy Gay Attorney for Mr. Glenn Strickland said they filed a petition for a text amendment in the rural agricultural area. He said it was his belief that this amendment would allow a reduction in the number of dilapidated or unused farming buildings such as smoke houses and chicken coops, and would allow someone to make improvements to their property, but would also assist planning and zoning in reference to enforcement as the town grows.

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Mr. Gay said it was interesting to him when they started to work on the amendment he did a windshield analysis of what was in these areas and what he found was so many different types of accessory structures. He stated that his purposed was to determine what the UDO required and let it blend better with the rural agriculture zoning districts. He said this case was a corner lot that backs up to a pond with an already existing FHA homes that were smaller, well-built but not the type of development built today as part of a subdivision. He said the UDO addresses subdivision regulations that talk about what type of accessory buildings may be allowed.

Mr. Gay said we ask that the Town Board consider this request, which we believe reasonable, but will require anyone making improvements to their property follow the requirements.

Mayor Hinnant asked if anyone wished to speak for or against this amendment request. No one wished to be heard and the public hearing was closed.

Item 8 – Discussion and action on a Zoning Text Amendment to Increase the Permitted Size of Accessory Structures in the Residential Agricultural (RA) Zoning District.

Commissioner Parham made a motion to accept the proposed amendment to Section 4.4,b,5 of the UDO.

Commissioner Gray said staff gave three reasons for denials which included that existing regulations adequately accommodated the need for accessory structures. She said we had no way of knowing what someone's needs are. She said the second reason provided was that if approved, staff's concern was that the new standard could result in an increased use of accessory structures for prohibited commercial activity. She said she was not a big believer in creating regulations based on what might happen. She said we need to assume all citizens would do the right thing. She said the third reason was the proposed language could potentially allow significantly larger accessory structures on commercial lots in the Residential Agricultural (RA) zoning structure. She said what was wrong with a commercial lot having a larger building. She said she did not understand the problem. She said there might be some commercial entities that would enjoy a bit of extra space. She said she had thought about this a lot and while the ETJ was not within the City Limits, it was within the town's planning district. She said as we grow we encroach on residents in these areas and determine what they can do on their land. She said we need to plan for the future, but while we were doing that, the town cannot step on top of the people that live there now. She said that should be our primary concern.

Commissioner Boyette said he had a few questions. He said as the zoning rules stand now, if a person who lives there wanted to come and build a structure that was more than 50 percent, could they request a variance. Mr. Bergmark said they could request a variance, but state law regulates the variance criteria to be met and it would be hard to meet those standards. Mr. Bergmark said they could request it and it would be up to the Board of Adjustment to make that decision. Commissioner Boyette

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said a lot of these properties had buildings on them that had been grandfathered in. If there are other buildings on the property, do they already count toward the 50 or 100 percent? Mr. Bergmark said any existing buildings would count toward that 50 or 100 percent.

Commissioner Laughery said he agreed with Commissioner Gray and that he intended to vote in favor of the amendment. He said there were a number of things in the UDO that were too restrictive and this was one of them. He said he did have a couple of concerns with this request that we need to consider as a board, and it came up in the Planning Board meeting and that was the height of the accessory building. He said he thought the height should be restricted to no higher than the primary structure. He said he also thought we should put some kind of a minimum size; who would want to see a huge accessory building on and quarter or half acre lot. He thought a minimum lot size of an acre or two should be allowed to have an accessory structure equal to 100 percent of the size of the house, but he would vote for this as it was presented. Mr. Bergmark said any new lots that were created would have to be an acre or more, but there are existing lots in the RA that had less than an acre. Mayor Hinnant asked the attorney if the board could amend the proposed ordinance as they chose, or create language for it concerning the lot sizes; that would be within our power. Attorney Cauley stated this was not a quasi-judicial hearing and the board could make changes to the request. Mayor Hinnant said he agreed with Commissioner Laughery that we should make the lot size an acre or more and he agreed with the fact that we should modify the ordinance. He stated he was not compelled to have the accessory structure the same height of the original structure. He said he would like to see it changed to no higher than a two story.

Commissioner Parham said the purpose of limiting the size was to support the prominence and value of the principal structure and he would not think that anyone would increase the accessory building and let their property value go down. He said he thought they would probably keep both of them up. He said he agreed with Commissioner Gray that we were assuming things that may or may not happen and he did not base his decisions on what may happen. He said he thought aesthetics was what we were concerned with. He said he would like to see it changed as proposed.

Commissioner Gray said about the height of the accessory building being the same as the primary structure, she could see how one might be inclined to do that, but she thought we needed to talk about it before we made changes. She said we were trying to meet the needs of the landowner and she did not think we should tell them they could only have one story accessory structure if the primary structure is one story. She said she hoped we would leave that out and just let the square footage requirement take place.

Commissioner Lutz asked why the Planning Board opted out of do further investigating into the different size of lands and different percentage amounts. Mr. Bergmark said it was getting a little convoluted at that point and there was never a consensus to vote on anything different. Commissioner Lutz asked what other municipality's standards are. Mr. Bergmark said we are fairly standard, but he did not do any comparisons to other towns, but 50 percent is a common rule.

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Mayor Hinnant said he believed that the rule on 50 percent was to discourage people from having businesses in their homes and if they could control the accessory buildings outside they could control whether or not a neighbor could have an outside garage in their back yard. He said he did not think the intent was to restrict someone in a Residential Agricultural district from having a decent outside accessory building.

Commissioner Laughery said he brought up those two items for discussion, but he thought the minimum lot size was the one item we need to consider. He recommended leaving the 50 percent rule up to an acre. Over an acre, the accessory structure could be 100 percent of the primary structure.

Mayor Hinnant asked Commissioner Parham if he was ok with the amendment of permitting the total square footage of accessory structures to be 50% of the principal structure for lots up to an acre and allow lots over an acre to use 100 percent instead. Commissioner Parham said yes. The motion passed with a 5-0 vote.

Item 9 – Discussion and action of a Downtown Façade Grant Application for property located at 18 North Main Street.

Planner Patrick Reidy stated an application was submitted to the Town of Wendell Planning Department by Joey Pippin for the downtown façade grant program. The property is located at 18 North Main Street and is currently occupied by Wendell Barber Shop. The applicant applied for \$1,000 to replace the awning, power washing and painting which totals \$2,425.38.

Commissioner Parham made a motion to approve the Downtown Façade Grant Application from Joey Pippin for the Wendell Barber Shop. The vote was unanimous.

Item 10 – Discussion and review of Wendell Sign opportunities

Planner David Bergmark stated there were two types of signs that were talked about, one being an electronic message board sign and the other a welcome to Wendell sign. He said the Electronic Message Board sign was something the Economic Development Committee had considered for posting town events as well as provide the opportunity for private sponsorships that could help fund the expansion of the Wayfinding sign program. The property owner of 3040 Wendell Boulevard had been approached about the sign and was agreeable to a sign being placed here. The electronic message board sign was not meant to replace the “Welcome” sign closer to the interchange.

Mr. Bergmark said you were provided with the draft criteria for the sponsorship program and this program would be adopted as a town policy. The draft version had been reviewed, edited and recommended by the Economic Development Committee. It was staff’s recommendation that the town also add language specifying the range of hours that a sponsor’s advertisement could be posted, as well as the percentage of time the message board would be used strictly for public notices by the town.

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Mr. Bergmark said the property owners, EW&G Group, had stated that the town could erect a "Welcome" sign on their property, which was located on the south side of Wendell Boulevard approximately 1.5 miles east of the interchange. Mr. White indicated that the town could install a sign on this property and that he would assist in raising funds. However, Mr. White also stated that he would not be interested in a long term sign easement that could prevent him from selling or developing the property. Should this site be chose for placement of the 'Welcome' sign, the Town Board would need to be aware that the sign would need some type of guarantee of how long it could stay. Without a permanent sign easement, the Town Board would need to consider the cost of the sign's potential relocation if the property is developed.

Mr. Bergmark said other possible options include investigating whether the County would allow for a variance to install a sign in its jurisdiction or to have the town purchase a small piece of property near the interchange, which would cause the sign to be within the Town's jurisdiction.

Mayor Hinnant left the meeting due illness, Mayor Pro Tem Parham presided over the remainder of the board meeting.

Commissioner Lutz asked what the dimensions for the electronic message board would be. Mr. Bergmark said I think it was a 42".

Commissioner Laughery thanked David for getting all the information together and said he thought the board need to focus on one of the signs and it sounded like one might end up being free and that was the Welcome to Wendell sign so we need to focus on that.

Commissioner Laughery made a motion to direct staff to enter into discussions for an agreement with EW&G to use a portion of that property nearest to the 64 Interchange to locate a Welcome to Wendell Sign and to report to the board at the next meeting the results of their discussion and the rendering of the sign along with approximate cost. The motion passed with a 4-0 vote.

Item 11 – Commissioner's Comments

Commissioner Gray again welcomed Gabby and Matthew to Wendell and stated she looked forward to seeing them again. She said she would also like to congratulate Kristen Hasbrouk and Melissa Bell on their accomplishments. She said she attended the Wendell Chamber of Commerce monthly board meeting last week and they had divided their group up based on events, member services, future planning and other things and each group gave a report and there are a lot of positive things happening in Wendell.

Commissioner Boyette welcomed the interns and congratulated Ms. Hasbrouk and Ms. Bell for their achievements.

Commissioner Laughery said he was excited when he drove down Main Street today and saw signs about new businesses Wendell Tap Room and The Country Store and a new business Vintage Dreams. He hoped our citizens would understand that if we want to have new business and be successful we had to support our businesses.

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Commissioner Lutz stated he attended a class in Chapel Hill and one thing that they did was to layout our values and it was refreshing to do that as a group. He would encourage the board to establish its values to help us work better as a team.

Item 12 – Mayor’s Comments

Mayor Pro Tem Parham said he would like to welcome Gabby and Matthew and those Educators who were recognized for their accomplishments tonight as he had 47 years of Education service himself and it was hard to be recognized when that was what you were getting paid for. It was always a pleasure to recognize those that were doing a good job. He said at the next meeting Darryl Blevins and Jean Tetrow to explain some things you may be interested in.

Item 13 – Adjourn.

Commissioner Laughery made a motion to adjourn. The vote was unanimous. The meeting was adjourned at 8:00 p.m.

Timothy A. Hinnant, Mayor

Attest:

Jonnie S. Driver, Town Clerk