

July 14, 2014
Board of Commissioners Meeting Minutes

The Wendell Town Board of Commissioners held their regularly scheduled meeting Monday, July 14, 2014, at 7:00 p.m. in the Board of Commissioner's Meeting Room with Mayor Timothy A. Hinnant presiding. Present at the meeting were Commissioners Sam Laughery; Virginia Gray; John Boyette and James Parham; Manager Teresa Piner; Police Chief Bill Carter; Planning Director David Bergmark, Planner Patrick Reidy; and IT Administrator Tamah Hughes. Commissioner Jon Lutz and the Town Clerk were not in attendance.

Mayor Hinnant called the meeting to order at 7:00 p.m. and welcomed the guest.

Police Chief Bill Carter led the Pledge of Allegiance and Mike Harrison of Wendell Christian Church led the invocation.

Adjustment and approval of the agenda

Commissioner Laughery made a motion to remove Item 2b of the Consent Agenda to Item 11a-Resolution in support of the bridge replacement on Old Battle Bridge Road. He said he had additional information that he would like to share before approval of the resolution. The motion passed with a 4-0 vote.

Item 1 – Public Comment Period

Carol Hinnant as President of the Wendell Historical Society said she wanted to show their appreciation and thank the Town of Wendell for the assistance that was given to our recent July 4th celebration. She said Manager Piner, Police Chief and Captain Slaughter were all so very helpful during the parade. She said she would like to thank Commissioner Gary for her work and all the logistics that went into putting on the parade and Commissioner Boyette who drove the fire engine. She said this was a very important celebration to our country not only to Wendell. She said when we started in 2003 we had about 45 people present and we estimated that we had around 1,000 individuals this year. This is in part because we had an exhibit and involved our veterans. Mary Jo Cashion did a wonderful display and it is on display now at Universal Chevrolet. We are looking for a permanent location for the display. She said we served over 650 hot dogs. She said as this grows, the historic society may be looking to the Town for future assistance. She said it was an expensive proposition and we have fund raisers, but we need a new roof for the Old Post Office so we have to start saving for that.

Mr. Keith Acree - 102 S. Main Street, Wendell said he was in support of the Christmas light show being moved to the Town Square, but as a neighbor he did have some concerns. He said he would request that the sound for the display be directed north towards the business sector and not south towards the residential area. He said he would request that somewhere be designated for off-street parking to minimize on-street parking.

Regina Harmon said she agreed with Mr. Acree over the light show. She thought we needed to be considerate of the residents that live in that area, but it was a great spot. She said she wanted to thank Mrs. Piner, the Historical Society and everyone for the fantastic July 4th event. She said she was well pleased with the foot traffic that came into the General Store and the sales were great that day.

Mrs. Harmon said she came tonight to give you an update on the Movie Night on behalf of Total Connection. She said she talked with Mr. Tim Kay and the date of September 12th had been booked. The movie would start at 6:00 p.m. and the movie had also been picked. She said she also had some local acts that were ready to perform. 5 jumpies has been secured so kids could have something to play on. Over half the vendors that will participate are coming. She said she also had Chick-Fil-A who would be doing

July 14, 2014
Board of Commissioners Meeting Minutes

a nugget eating contest for the local elementary schools. She had already had people tell her me how excited they were to have the movie night coming back to Wendell.

Item 2 – Consent Agenda

- a. Approval of the Minutes from June 23, 2014 Board of Commissioners' meeting.
- b. Item moved to 11a
- c. Letters of thanks in support of the I-495 Corridor designation.

Commissioner Parham made a motion to approve the consent agenda with the removal of Item 2b. The motion passed unanimously with a 4-0 vote.

Item 3 – Review and action on citizen board applications

Mrs. Piner said the Board of Commissioners makes recommendations for the out-of-town members of the Planning Board and Board of Adjustment and the actual appointments were made by the Wake County Commissioners.

Mrs. Piner said the deadline for submitting applications had passed, however, we did not received enough applications and the Board asked that the deadline be extended. She said tonight we had two applications. One application was for an ETJ member and the other was a letter from the Wendell Chamber of Commerce in support for Ginny Porter to serve as the ex-officio member to the Economic Development Committee.

Commissioner Gray made a motion to appoint Ashley Anderson to the Planning Board ETJ position and Ginny Porter to the Economic Development Commission. The vote was unanimous with a 4-0 vote.

Item 4 – Chair and Vice-Chair appointments to the Wendell Planning Board

Mrs. Piner passed out the ballots for Chairman on the Planning Board. The ballots were counted and the results were three (3) votes for Harold Broadwell and one (1) vote for Ruth van der Grinten. Mayor Hinnant stated Mr. Harold Broadwell was the Chairman. Ballots were distributed for Vice-Chair of the Planning Board. Mrs. Piner stated there were three (3) votes for Ms. van der Grinten and one vote for Mr. Errol Briggerman. Mayor Hinnant said Ms. Ruth van der Grinten would serve as the Vice-Chair of the Planning Board.

Item 5 – Chair and Vice-Chair appointments to the Wendell Board of Adjustment.

Mrs. Piner passed out the ballots for the Chairman on the Board of Adjustment. The ballots were counted and the results were three (3) votes for Mike Harrison and one (1) vote for Gayenell Gull. Mayor Hinnant said the Chairman of the Board of Adjustment would be Mike Harrison.

Mrs. Piner passed out the ballots for the Vice-Chairman on the Board of Adjustment. The ballots were counted and the results were three (3) votes for Lucius Jones and one (1) vote for Art Whittington. Mayor Hinnant said the Vice-Chairman for the Board of Adjustment is Mr. Lucius Jones.

Commissioner Laughery stated that at the last meeting we talked about whether the board should select the Chairman and Vice Chairman or whether the Planning Board and Board of Adjustment should appoint their own Chair and Vice-Chair. He said he understood that this involved a public hearing and was not as mall process. He said he would like to get some information from the staff at the next meeting as to what the process was so if we decide to let each citizen board select the Chair and Vice-Chair we could get that process started.

July 14, 2014
Board of Commissioners Meeting Minutes

Item 6 - Discussion of community input regarding the Unified Development Ordinance.

Planning Director David Bergmark stated this was a continued discussion from a previous meeting on a proposed public comment period on the Town's Unified Development Ordinance. The board stated at the last meeting they would like to receive written comments so that staff could compile the comments rather than having a meeting where the same issue could be brought up multiple times.

David said staff has created a submission form and a contact list of builders, developers, and business owners that have had dealings with the UDO to send this form to and we will also put it on the website and Facebook. He said the forms would be sent out on July 16th and those wishing to participate would have until August 13th to return comments. He said the results would be shared with the Commissioners' at their August work session meeting.

Commissioner Gray asked if the list was the log that the Planning Department was keeping when people call in and complained. David said no, this list was a list of builders and contractors pulled from permits and different applications. Commissioner Gray asked if the Planning Department was keeping a log of things that might need to be looked at. David said there were two logs, one is an interpretation log which means that if a questions was asked and the UDO was not clear or had a gray area. The other log was a log of items that were mostly staff driven of things that might need correcting or errors that might have been made. Commissioner Gary said I would like a copy of that log. Commissioner Gray said she would also like to see every form that you get back because it was the board's responsibility and she wanted to read every single one of them.

Commissioner Laughery said he agreed with Commissioner Gray and hid concern was that we get the word out. He said this seems like a very small list to me to have over the past two to three years. David said unfortunately due to the decline in the economy we has not had that many single family dwellings built. Commissioner Laughery said he would like to see this list expanded. He asked what other ways were people to be notified. David said we would put it on the town website, Facebook, and advertise in the local newspaper.

Commissioner Parham said he thought that any person, builder, or developer that thought the UDO was impeding them needs to be contacted.

Commissioner Gray said she thought we needed to contact all the businesses in town. She hears a lot of little things on that end and this kind of leaves them out. David said we would add them.

Item 7 – Update on the PublicStuff App and the winner of the App naming contest.

IT Administrator Tamah Hughes said the Town Board voted to pursue and purchase PublicStuff / Town App. She said the primary objectives include; creating better reporting capabilities from the citizens to and from the town staff and allow better tracking of work resulting from these reports. Tamah said a naming contest was held and several great names were submitted and that she would like to thank the public and those involved. The names submitted were Tell Oliver, Tell Wendell, Wendell Works, Speak-up, Wendell Listens, Wendell Watching Together, Forward Thinking Citizens to name a few. One element for consideration was to keep the name short so the name would show up in the app store in its entirety, not just a part of the name. The names were narrowed down by staff and voted on by citizens at the Historic Society's July 4th event. There were 165 votes cast and 90 votes were for Tell Wendell and 75 votes for Wendell Listens. She said the citizen's reception of the coming App was positive.

July 14, 2014
Board of Commissioners Meeting Minutes

Item 8 – Approval of the use of the Town Square and Women’s Club lot by Lake Myra Lights for the 2014 holiday season.

Mrs. Piner stated following the June 23, 2014 meeting, letters were sent to property owners whose property joined the square and Women’s Club. She said contact had also been made directly with Strickland’s Funeral Home and the Wendell Woman’s Club. If approved an agreement would need to be prepared between the Town and Lake Myra Lights. She said if approved the set-up would begin right after the Harvest Festival. She said the property would be roped off similar to the one show on Fourth St. The Women Club’s main concern was parking if they had events and we wanted to coordinate their schedule to keep that parking lot open. She said Strickland Funeral Home did not have any objections. Residents seem to be concerned about whether or not their driveway would be blocked and the direction the sound would be projected. We had not received complaints with sound in the past so hopefully it would not be a problem downtown either. Teresa said we would look at the decimal system to see what it was registered in the past.

Commissioner Laughery said he understood there was not enough electricity for the lights. Manager Piner stated there was ample power to handle the light show. Commissioner Laughery asked if we had an estimate of what it would cost the town this year. Mrs. Piner said we estimate about \$3650 which was what it was last year.

Commissioner Gray said I have received a couple of phone calls from citizens who had questions and she wanted share those she had received. Was the show going to face Agave Restaurant? Mrs. Piner said we had not done the complete layout yet, but that was what we anticipate. Commissioner Gray asked was there going to be plan for the parking and traffic. Mrs. Piner said we would work with the Police Department to see what we could do to make the traffic flow as easily as possible. Commissioner Gray asked would any streets be blocked off. Mrs. Piner said no state roads would be closed.

Mayor Hinnant said this would be a tentative arrangement because it was a lot of residents that would be affected. We want to bring this back to the board one more time after all this had been discussed and a plan had been set to see if the board was comfortable with the layout.

Commissioner Laughery made a motion to approve the Light Show subject to final approval based on the layout and any other information that we may need. The vote was unanimous 4-0.

Item 9 – Discussion and approval of the revised memorandum of understanding between CAMPO and the Town of Wendell.

Teresa said due to last US Census taken, the membership of CAMPO was impacted. She said Archer Lodge had become a member and the Federal Transit Administration and Federal Rail Administration had also been invited as stakeholder agencies. She said because of this, the memorandum of understanding requires updating. All voting weights remain the same as in the previously approved MOU (one vote for every 10,000) population. The MOU has been approved by the MPO’s Technical Advisory and Coordinating Committees.

Commissioner Laughery made a motion to approve the revised memorandum of understanding between CAMPO and the Town of Wendell. The vote was unanimous 4-0.

Item 10 – Discussion and amendment to Chapter 14 Article II regarding the consumption of alcohol on public property and approval of a proposed policy for outdoor dining regulations.

Patrick Reidy stated at the June 23, 2014 Board of Commissioners meeting, staff introduced a proposed policy for outdoor dining regulations. He said during the presentation the board shared some revisions to the policy that they wanted incorporated.

July 14, 2014
Board of Commissioners Meeting Minutes

Patrick said the first concern regarded the \$1,000,000 minimum liability insurance policy naming the Town of Wendell as additionally insured. He said the board wanted to make sure adding the town to the policy was financially feasible for a business owner. Staff reached out to an insurance agent and was informed that a restaurant would most likely have a policy of \$1,000,000 in place for their own protection and that adding the Town as additionally insured could be at no cost or a small fee added to their insurance premium depending on the provider. He said this information was passed on to the board by the Town Manager and no issues were raised, so that requirement had remained in the policy.

Patrick stated the second concern brought up was the need to get approval from the Board of Commissioners to serve alcohol on the sidewalk since it is a public right-of-way. He said multiple commissioners expressed that they felt that a business shouldn't need additional approvals to serve alcohol with their food. That requirement has been removed from the policy. At the request of the board to allow approved restaurants to serve alcohol on the public right-of-way, Section 14-21 of the Code of Ordinances should be amended to read:

“It shall be unlawful for any person to consume, serve, or drink wine, beer, whiskey, or any other alcoholic beverage as defined by GS Ch. 18B on or within the rights-of-way of any municipal street, public vehicular area, alley, or any public property owned or occupied by the town, except as allowed under paragraph 16 of the Wendell Community Center Rental Policy”.

Commissioner Boyette said on the information that you had passed out to perspective business owners, it states an outdoor dining field inspection shall occur within 48 hours of receiving a submitted permit package. He said was that considered business days. Patrick said it was business days.

Commissioner Gray said she would like to emphasize again where it says “What do I need to submit to the Town”, there were various listings under that title and one of the things was photos; a brochure or an architectural drawing of proposed furniture and umbrella showing the style size, type, color, and material to please not let this become an issue. Mr. Reidy stated that we were looking not to allow plastic or upholstered furniture. She asked what was the problem with plastic. He said it can get dirty easily. She said would it be just as easy to say “as long as it stays clean and in good repair”. She said she felt like we may be micro managing this a little bit. Commissioner Parham said some plastics are not as durable as other and unless you specify a type of plastic that is durable people could go to Family Dollar and get that plastic and that plastic would not hold fifty pounds. He said it could turn out to be a safety issue. Commissioner Gray said as long as you say it was clean and in repair it would be ok. She thought we just needed to get out of everyone's business. Commissioner Gray asked if other towns had this requirement in place, where did this come from. Patrick said we looked at Raleigh and Alexandria Virginia and both did not allow plastic. When we met with the EDC they mentioned that it was an investment in the town as well and they wanted to see a nicer look. Commissioner Gary said she goes to those EDC meetings and she did not recall this being discussed or she would have said something at that time. She said she felt like we do not need to be telling people what they can and can't use. If they are clean and in good repair that was enough.

Mayor Hinnant asked if the board was ok with this. We could ask staff to bring this back at the next meeting and we could vote on it at that time. Commissioner Gray said she wanted to go ahead and vote. She did not want her concern to be a hold up.

Commissioner Gary made a motion instead of reading no plastic that it read that the furniture had to be clean and in good repair. The motion passed with a 4-0 vote.

July 14, 2014
Board of Commissioners Meeting Minutes

Patrick stated we also needed to amend the Code of Ordinances to allow the alcohol policy. Commissioner John Boyette made a motion to amend the Code of Ordinances to allow alcohol served on town property. The motion passed with a 4-0 vote.

Mayor Hinnant said the toughest thing about this was that the Chief was going to have to walk a thin line to educate the public as to where the boundaries were as to the violation of Chapter 18. He said that would be very difficult and delicate. If you need help from the board or manager just let us know.

Item 11 – Update on the downtown cardboard dumpsters.

Manager Piner said in April she updated the board that we were planning to remove five (5) cardboard recycling dumpsters in the downtown business district and there was no objection to the removal of the dumpsters due to the cost. Due to complaints received following the removal, Waste Industries was asked to reinstall two cardboard containers in the downtown area, on the north of the tracks behind Universal and the other one to the south of the tracks on Campen Street. The town containers are \$50.00 a month (each).

Manager Piner said once reinstalled, plans were to contact the local merchants and ask the chamber to assist in contacting the downtown businesses to let them know the locations and that their use is for all businesses in the area. This would give the Town the opportunity to see how much the dumpsters would be used.

Manager Piner said the dumpsters would be monitored and if more were needed we could add additional dumpsters. If they were not used, she would back before the board asking they be removed.

Commissioner Gray said it was my understanding that the proceeds received from the dumpsters paid for the dumpsters in the past. Teresa said that was a part of the contract that was in place about 10-15 years ago. Cardboard had gone done in price and the cardboard from the dumpsters would no longer pay for themselves. She said if they were left, we would have to pay the cost of about \$1200 per year. Commissioner Gray said she was contacted by three business owners that told her they had not been contacted by anyone and the dumpsters were gone. Commissioner Gary said remember when you contact the businesses downtown all businesses are not members of the Chamber so we need to go lots of directions to make sure that everyone is informed.

Mayor Hinnant said the only heartburn he had was that if the town was paying for the dumpsters, any citizen in town should be able to use those dumpsters for cardboard. Commissioner Gray said she did not have a problem with that. She just thought the businesses need a cardboard dumpster.

Item 11a – Resolution in support of the bridge replacement on Old Battle Bridge Road

Commissioner Laughery said we had a meeting with the CAMPO Director Chris Lukasina and this was an item that we talked about. This is important to a lot of people and the impression he had from a lot of people was that the Town Board had the power to do something about this when it was a DOT issue.

Teresa said she had spoken with DOT as well as CAMPO to look at what we could do to have the bridge replaced. The bridge was considered an operational and maintenance issue and those types of bridge replacements or maintenance does not go through CAMPO, it goes to the DOT Division Office. We met with Mr. Lukasina to see what our options might be. She said we were told about 5 years ago that a bridge replacement would cost about \$1 million. We learned that you have to go through an environmental process and see if the current location was the best place for the crossing. It could be that we could be asked to move the bridge which could result in a cost of approximately \$2 million. One

July 14, 2014
Board of Commissioners Meeting Minutes

option would be for the Town of Wendell to pay for the bridge in its entirety and we know that is not feasible. She said another option was to go through DOT to see if the Town could get state or federal funds for maintenance and repair of the bridge, however we were informed that it would probably not rank very well due to the traffic volumes before the bridge was removed and the length of the detour (short compared to other bridges closed in Division 5). We talked about LAPP funds which are an 80/20 match of funds. If you start at the \$2 million, that would be a lot of money for the Town of Wendell at a 20 percent match. To be competitive we would be talking about a 50/50 match and that was more than the Town could afford. She said we could look at a public private partnership and she thought it might be a possibility. We could talk with developers and landowners in that area to determine how important it was to them and could they assist with matching funds. The Town is limited on its options. She said there were discretionary funds at the legislative level and we could talk with the legislators and ask for their support. Mayor Hinnant said he had talked with our legislators and Lucius Jones had as well regarding the bridge's replacement. The resolution we were asking to send to DOT was to ask them to look at this in more depth.

Commissioner Laughery said Mr. Lukasina said there were thousands of bridges in North Carolina in need of replacement or major repair and the one on Battle Bridge Road was at the bottom of the list looking at the traffic count and the distance of the detour. Commissioner Laughery made a motion to approve the Resolution in support of the bridge replacement on Old Battle Bride Road. The motion passed with a 4-0 vote.

Item 12 – Commissioners' Comments

Commissioner Laughery said he had received a number of complaints from businesses about skateboarding on the sidewalks downtown. We had one merchant who had to remove a bench because the skateboarders were doing tricks on it and causing splinters. He said we do have an ordinance on skateboarding on the sidewalk and we need to enforce that. If we need additional signs let's get them up.

Commissioners Laughery said CAMPO and DOT priorities were something that we do not have. If someone came to us with \$10,000,000 and said you can spend this on any kind of transportation improvement that you want, we have no clue as to what that would be. We need to have a set of priorities on what we think needs to be done. We have some things that we have talked about but nothing in writing, we need to have a list of traffic priorities for the Town of Wendell that we all agree to. We have no DOT projects within the next five years on the list. He would like to ask staff to come back with a list of priorities to deal with transportation issues. Manager Piner said we had a list that we could bring back to the July work session.

Commissioner Laughery said the Fourth of July event was fantastic and thanks to the Historical Society. My question is, what is next, we talked about having events on a regular basis and how do we get those things started. He said we need to support our local businesses if we want to be a viable town we have to support our businesses.

Commissioner Boyette said welcome to Ms. Anderson and Ms. Porter and thanked them for volunteering their time to the Citizens Boards. He said he would also like to congratulate those that were voted on as Chair and Vice-Chair positions on those committees. He said thanks to Mrs. Hinnant for her comments and to Mr. Acree, your concerns are valid. Commissioner Boyette said he would have thought it would be more of a light issue than sound. It was nice to hear that there were not any complaints. He would like to thank Ms. Harmon for her work on the Movie Night and he was also looking forward to the App that was coming. He said when Commissioner Laughery spoke about the northern connector, he remembered that and he had that map in his hand earlier today. There were more people in this room than he had ever seen, standing room only. He thought a comprehensive transportation plan was important. He said when

July 14, 2014
Board of Commissioners Meeting Minutes

he goes to the TJCOG meetings, he hears people from Morrisville, Apex and other places get passed over for these things too. One of their big concerns was not how do we get more people to come to our town, but how do we get them in and out of town.

Commissioner Gray said she attended the combined meeting of the Economic Development groups and heard speaker Mr. Joe Milazzo, Executive Director of the Regional Transportation Alliance. He was there to speak with the group regarding the Highway 64 designation as the future I-495. This means that there would be a federally recognized interstate running right by Wendell and they anticipate this being a tremendous impact on local businesses and would certainly increase traffic. They had been working on this for 10 years and it was coming to fruition. He encouraged us to call the road I-495 rather than Highway 64. He encouraged us to contact various government agencies and thank them for what they had done towards making this happen. We have sent two letters of thanks to Mr. John Sullivan and Mr. Anthony Tata.

Commissioner Gray said she attended the July Board of Directors meeting for the Chamber and they were working really hard on the Harvest Festival this year and they were meeting on a regular basis planning this event. It would be a wonderful weekend so please plan to attend.

Commissioner Gray said the July 4th event was wonderful and she really enjoyed it and appreciated the veterans that came and all the help that everyone gave to make this happen.

Item 13 – Mayor’s Comments

Mayor Hinnant said the July 4th event was one of the best events that he had attended. It was a lot of hard work by a few and it was great that the town assisted and hopefully we can in the future. We always talk about getting the best bang for our buck and for the amount of money they spent on this event, we got a huge return.

Mayor Hinnant said he mentioned this in previous years that the Harvest Festival dates were always the same time of Garner’s Fireman Day and we had to compete. If we could change the date, he thought it would be beneficial to the town.

Mayor Hinnant said in the past we had worked with Knightdale and Zebulon as to what the corporate limits would be. He said he would like to charge Mr. Bergmark with working out our corporate limits boundaries to the north and south. He would like for us to look at the possibility of being able to sure up our City limits if we were ever going to expand the corporate limits before it gets built out and we had more issues.

Mayor Hinnant said he would like to request prayer for two children and he would withhold the last names for confidentiality one is a little girl named Addie who was facing some difficult life pressing situations health wise and a little boy named Davis who also has some serious health issues.

Mayor Hinnant said he would agree with Commissioner Laughery on the skateboarding issues. There is an ordinance in place against it, but because it was being done by juveniles. The police department will have difficulty enforcing the ordinance with juveniles. He would ask the manager to look into the possibility of any way that we could impose a fine to the parents.

July 14, 2014
Board of Commissioners Meeting Minutes

Item 14 – Adjourn

Commissioner Gray made a motion to adjourn at 8:20 p.m. The motion passed with a 4-0 vote.

Timothy A. Hinnant, Mayor

Attest:

Jonnie S. Driver, Town Clerk