

March 24, 2014

Wendell Town Board of Commissioners Meeting Minutes

The Wendell Town Board of Commissioners held their regularly scheduled board meeting on Monday, March 24, 2014 at 7:00 p.m. in the Town Boardroom with Mayor Pro Tempore James Parham presiding. Present at the meeting were Commissioners Sam Laughery; Jon Lutz; 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; Parks and Recreation Director Brinkley Wagstaff; Interim Planning Director David Bergmark, and Planner Patrick Reidy. Mayor Hinnant was unable to attend the meeting due to being out of town on business.

Mayor Pro Tem Parham called the meeting to order and thanked the guest for attending.

Police Chief Bill Carter led the Pledge of Allegiance and Pastor Smith of New Hope Baptist Church gave the invocation.

Adjustment and approval of the agenda.

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

Item 1 – Public Comment

No one wished to speak

Item 2- Consent Agenda

- a. Approval of the Minutes from the Monday, March 10, 2014 Board of Commissioners' Meeting
- b. Approval of the minutes from the Saturday, February 22, 2014 Retreat
- c. Approval of the Town of Wendell Retirement Policy

Commissioner Gray made a motion to approve the Consent Agenda as stated. The vote was unanimous.

Item 3 – Introduction of Patrol Officer Trevor McGhee.

Chief Carter stated Trevor McGhee is a Wake County native and a graduate of Wake Forest-Rolesville High School in Wake Forest, North Carolina. Trevor entered Vance-Granville Community College in Henderson, where he graduated in December 2012 with an Associate in Applied Science Degree in Criminal Justice Technology. In January 2013 he began attending Basic Law Enforcement Training through Nash Community College where he successfully completed the program in July 2013.

Chief Johnson said Trevor is currently a resident of Northern Wake County and was sworn in as a Police Officer and began his career with the Town of Wendell on March 7, 2014.

Trevor stated he was very excited to be working with the Town of Wendell and that he thought it was a great future for him.

Item 4 – Presentation by Linda Johnson, Executive Director of the East Wake Education Foundation.

Mrs. Johnson stated that she had a short video that would explain exactly what East Wake Education Foundation does for the community. She said Wendell is so important to us and about 1/3 of the families served are from Wendell. We also serve Knightdale and Zebulon and we reach those children who do not have the benefit of a formal preschool program. It is so important to have Wendell as a partner with us as we move forward. She said over 50 percent of the children arriving at kindergarten

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age in our East Wake County Schools lack some of the basic skills that they need to be successful. You will see how we are working to change that.

Mayor Pro Tem Parham thanked Linda for sharing one of the most important economic development aspects in Wendell and we certainly hope that everyone will support the foundation, if not financially, to offer any type of services they can. He said as an educator of 47 years, he knew how important it was for readiness and socialization of students just to come to school. They seem to have a jump start compared to kids who have not been a part of that.

Item 5 –Presentation by Tanya Barrett, Coordinator of the Eastern Wake Senior Center.

Mayor Pro Tem Parham stated Ms. Barrett had a conflict tonight and was unable to be here, so she would be rescheduled on the next work session agenda.

Item 6 – Review and Approval of the Preliminary Plat for the Wendell Falls Amenity Center.

Patrick Reidy stated Newland Communities submitted a preliminary plan for review and consideration by the Wendell Planning Board on March 17, 2014 with the 12 attached conditions as carried forward in the staff recommendations.

Patrick stated staff recommends approval of the preliminary plan with the following conditions:

- (1) Change “Road B 50’ public right-of-way dedication” to Parcel B 50’ private right-of-way to be Dedicated to HOA”; label the acreage: and provide the proposed street name.
- (2) Delineate and label all existing and proposed easements.
- (3) Provide full utility plan which includes: Connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for sanitary sewer, water distribution, storm sewer, natural gas, electric, and cable TV.
- (4) Provide the proposed street name for “Road A”
- (5) Delineate and label the following dimensions for Road A and B: Centerline, full pavement width, right-of-way from the centerline, the full right-of-way.
- (6) Subtract Road B from the public right-of-way acreage and list it as Parcel B with the corresponding acreage listed in the site data.
- (7) Add the proposed square footage of the tobacco barn and play area to the site data and drawings
- (8) Add the tobacco barn to the parking calculations and revise the minimum number of spaces required.
- (9) Revise Site Note #2 to state “Dry utilities to be provided underground by service providers”.
- (10) Provide pedestrian plaza area in front of “Building A” similarly to what was shown on Applicant’s Exhibit A
- (11) At the time of Construction drawings, all trail widths and materials on site shall be approved by the Administrator. Width of the trails should range between four and ten feet and appropriate materials could include: asphalt, concrete, mulch, or similar natural materials
- (12) Provide a loading zone/drop off area in close proximity to the tobacco barn in order to prevent vendors from stopping to unload equipment or products and causing traffic conflicts on the private street.

Commissioner Laughery said he visited Briar Chapel, built by Newland Communities, and was very excited about what he saw. The development was top notch and very impressive. He asked if the staff’s

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recommendations had been shared with the applicant. Patrick said yes and they were in agreement. Commissioner Laughery asked how street names were selected. Does the Town Board have any control over that, because there were a lot of family farms that were sold in that area and it would be nice if some of the names could be used on the streets within the development. Patrick said there was already a preapprove list of names that the previous developer had but the applicant was able to make changes to that list and if they are submitted, staff could work with Wake County. Commissioner Laughery said he would suggest that staff get with the Wendell Historical Society and get the name of some of the farms. Commissioner Laughery said the serpentine wall beside the barn has a sign on it, have we shared our sign guidelines that we came up with. Patrick said we had shared that with them, but he did not know if Newland's programming had gotten to that step yet. We expressed a desire to work with them to get our signage to complement instead of clash. Commissioner Laughery asked how the barn would be used. Patrick said it was a multi-functional building. It could be used for a farmers market, to hold concerts, and other miscellaneous events. Commissioner Laughery said we were under two different UDO's in this development and it would be helpful to him if we could get a list of all of the plans and who needs to review and support each of the plans. He said if you could send that electronically so that he could keep it on his computer that would help.

Laurie Ford of Newland Communities said they were very excited to be before the board as they consider the first preliminary plat for our new development. She introduced Mr. Brad Rhinehalt who will oversee all of the different development activities on the property. She said Newland was in the process of bringing the home that was located on the property up to business standards and the home will be used as an office and Brad will be there regularly.

Laurie said that the preliminary plat was the first phase of the amenities for the Wendell Falls Project. Since closing on the property in October, Newland had been working with their team of land planners, architects and engineers to try to do the best job they could to apply all of the things that are directing us with regards to this project. All of their projects were of the same caliber, but what was unique about each project was that everyone had its own character and flavor. We were drawn to the charter of this town, such as the tobacco farming which Newland wants to pay homage. Newland officially adopted the name Wendell Falls as there was some debate as to whether they should stick to that name.

Lori said that Newland invited Planning Board members to come out and take a tour of the site. They found the property very interesting and Newland would like to extend that invitation to the Town Board of Commissioners. Brad asked that the board could contact Patrick or David to set up that visit.

Commissioner Laughery made a motion to approve the preliminary plat for the Wendell Falls Amenity Center of Wendell Falls as approved by the Planning Board. Everyone voted in favor of the motion.

Item 7 – Appointment of an Alternate Member to the Technical Advisory Committee of CAMPO.

David Bergmark stated that the town board currently did not have an alternate assigned to the Technical Advisory Committee of Campo. He said Commissioner Laughery serves as our primary member and Commissioner Adams served as the alternate before her term expired.

David said the TAC typically meets on the third Wednesday of every month at 4:00 p.m.

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David said also as part of changes to the NC State Ethics Law enacted last year, all MPO TAC members and alternates must file a statement of Economic Interest (DEI) and a Real Estate Disclosure Form with the NC State Ethics Commission annually. For 2014 the forms must be filed with the NC State Ethics Commission on or by April 15, 2014.

Commissioner Boyette volunteered to serve as the alternate on the TAC of CAMPO. Everyone was in favor.

Item 8 – Review and discussion of sidewalk installation along Wendell Boulevard between ATS Medical and Variety Pickup.

Manager Piner stated the Town of Wendell has partnered with Wake County putting together CDBG Funds which are used for Community Development activities to benefit low income families, including public facilities.

Manager Piner said the Wendell boulevard Sidewalk project was a FY 2012-2013 CDBG Project which extended the sidewalk from Mortex on the east to the Variety Pick-up on the west. The project did not require any direct payouts for the installation of sidewalk by property owners along the route.

Mrs. Piner said the project has been completed but stopped short of its goal. She said Shearon's Body Shop, the car wash, and Variety Pick-up would not give the Town an easement. Continuation of the sidewalk in the future will be at the cost of the Town and property owners.

Mrs. Piner said it appears the sidewalk could be installed in front of the Auto Sales, adjacent to the curb, with public right-of-way (outside the fence), but it is extremely tight. In front of the car wash, it appears the sidewalk could be constructed within the right-of-way, also by installing the sidewalk adjacent to the back of the curb. A temporary easement for these properties would be best but it appears that it was not absolutely necessary.

Mrs. Piner said the Variety Pickup would require an easement regardless. The estimate for the installation of sidewalk is \$47,800.00 which included easement acquisition and mapping. The estimates assume that the sidewalk would extend the entire stretch, so if the sidewalk is shortened and the easement is not obtained the cost could be reduced.

Commissioner Laughery said obviously the best way to handle this is to get the property owners to agree to an easement. He said he recommend that staff prepare a document that could be presented to the property owners by private citizens and the Town Board think about folks that they could get to approach these property owners. He said he had already solicited one person who was a neighbor of one of the property owners. If anyone had any idea of who might be able to talk to these folks that would be a help.

Mayor Pro Tem asked Commissioner Laughery if he had a time that he would like to have the information back to the board. Commissioner Laughery said he thought we should try to have it done by the end of April. Everyone was in agreement.

Commissioner Lutz asked how the initial contact with the property owners was made. Mrs. Piner said letters and phone calls. Commissioner Lutz said he agreed that face to face discussion was better.

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Mayor Pro Tem asked Manager Piner to prepare a document that could be given to the property owners so that we can move forward.

Item 9 – Review and discussion of the alcohol policy for Wendell Park.

Manager Piner stated we recently had an amendment to our policy that dealt with alcohol on property that fell underneath the Parks and Recreation Department.

Commissioner Gray said this was regarding #15D which states “at event where alcohol is distributed and consumed, the entire Community Center must be rented. No event where alcohol is served shall be scheduled in the Community Center during times when other activities have been scheduled in the park”. She said she did not understand the need not to use the park when there was an event in the Community Center. Manager Piner said if you were renting out the Community Center and you were serving alcohol, you would not want youth coming in from sporting events into the Community Center. She said the other concern was parking. If you were renting the entire Community it was usually a large event and we had limited parking.

Commissioner Gray said if she had an event and there isn't alcohol being served, she would not want people wandering in and out. She did not think that alcohol being served was where you differentiate. She understood the increased concern about serving alcohol and children at the park, but she thought we were being a little overboard. She said there was a restaurant two blocks up the street that serves alcohol. She said she did not see why if someone was having an alcohol event inside why someone could not be playing tennis or walking on the trail. She said it was the only place in town where we had playground equipment and kids may want to swing. She felt we were a little old fashion about it. She said our biggest hurdle was parking, but it was not the way she would like to see it proceed.

Mayor Pro Tem Parham said he thought in terms of safety first of all, and when you had kids out there they would disregard safety and wander over to the building where the event was and if alcohol was being used, just one beer could raise the alcohol level in some people and had saw it as a safety issue in addition to the parking.

Commissioner Laughery asked how many alcohol events were we talking about. Mr. Wagstaff said 15-20. Commissioner Laughery asked what the impact on the other events had been. Mr. Wagstaff said most of the alcohol events do not start until 7:00 p.m. He said we do schedule practices up until 6:00 p.m. He said the park was open until the starting time of the event involving alcohol.

Commissioner Laughery asked how the park was cleared out once the alcohol event starts. Mr. Wagstaff said we have one full time staff member there and 3-4 part-time workers as well as 2 police officers on duty. Commissioner Laughery said for it is all a matter of how severe the impact was and he was not sure he was 100% clear. He asked if there had been complaints. Mr. Wagstaff said we have not had any complaints.

Commissioner Lutz asked if there were any liability issues involved with having alcohol inside and other events outside. Mr. Wagstaff said the renters are required to purchase a million dollar policy to cover the event, but then there is the normal liability of anyone being in the park at any time. Commissioner Lutz said I think parking and the restrooms are the big issues. He said he was not sure that he wanted alcohol to be the barrier. It was making alcohol the umbrella that says nothing was going to happen

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here. He said if parking and bathrooms were the issue then he would rather it be that rather than alcohol.

Commissioner Gray said the fact that there was insurance and two police officers were there as well as a full time employee she just did not know that we were reaching far enough. She just did not like it that a blanket alcohol policy was in place. She would rather know that we don't have a policy and that you were scheduling to accommodate these concerns without it being written in stone.

Commissioner Laughery said he thought the main issue was the parking. How many of the 20 events were of size that parking was a problem. Could we base it on size rather than alcohol. Brinkley said the alcohol events were the big events in the park; you would have between 250-300 people at any event that serves alcohol. He said I thought Commissioner Gray was talking about the casual person who chooses to come to the park and if they come during the event, it was their right to have access to the park, but not for us to schedule events that would create conflicts. Commissioner Gray said unless it was a parking issue, she did not want to have a blanket rule that because there was alcohol, we were not going to let anyone use park facilities.

Manager Piner asked for the direction of the board, for staff to look at amending the policy or leave it as it was. We would be glad to take direction from the board since this was a work session.

Commissioner Boyette said if an alcohol event and another group both decide they want to use the park at the same time, who gets precedence. Brinkley said we normally get reservations for the alcohol events 8 to 10 months in advance so we know the schedule. It would be based on the first to come and rent the Community Center.

The Commissioner's directed Mrs. Piner to put this on the April agenda for discussion and action.

Commissioner Gray said if we need more parking, she would like to see us planning for more parking.

Item 10 – Review and discussion of a proposed amendment to the agreement between the Town of Wendell and Research Triangle Regional Transportation Authority

Manager Piner said the contract Wendell has with Triangle Transit has expired and Wake County is asking the town to renew that contract. Mrs. Piner said the express bus service has been successful and Monthly ridership rates have increased steadily since the service began on October 26, 2009.

Mrs. Piner stated due to demand and the I-Fortify project, TTA has increased its frequency during weekday peak periods from hourly to 30-minute headways. The 30-minute headways will continue until the I-Fortify project is complete.

Mrs. Piner said TTA had asked that the agreement be amended to include the following:

- Extend the agreement through June 2017
- Increase the amount the Town can be charged from \$20,000 to 28,000 beginning in FY 2015-16
- Amend the holiday schedule.

Mrs. Piner said in the event the Town could not afford an increase in cost to support the program in FY 2015-16, the Town may terminate the contract with TTA with 6 months' notice.

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Mayor Pro Tem Parham asked Mrs. Piner to place the 2014 amended agreement on the April 14, 2014 agenda for discussion and approval.

Item 11 – Review and discussion of the Lake Mya Light Show.

Manager Piner stated this was an item that the mayor had asked that it be put on the agenda for the retreat because it might take longer to discuss it than what we have tonight. She said he had also asked that the discussion of Town Hall improvements be moved to the Retreat Agenda for April 19, 2014.

Mayor Pro Tem Parham asked the board if anyone had any problem moving Item 11 and Item 12 to the retreat agenda. Commissioner Laughery stated he did not object to that, but he had a couple of questions he would like to ask. Commissioner Laughery said he had a chance to speak with Jimmy Green and if I were him, I would be very upset with the mess there on his property. He asked if staff had contacted Mr. Williams about the mess that was still there. Mrs. Piner said she had had conversation with members of Lake Myra Lights and also contacted the property owner that was preparing space for Mr. Williams to store the light equipment. She said she explained to Mr. Williams that the contract ended January 31, 2014 and that the additional insurance the town carried in case of accidents on the property had expired. She said Mr. Green had expressed that he would like the materials removed from the property as well. Teresa said the town could always go through the nuisance abatement process and have the materials removed.

Commissioner Laughery said maybe what we need to discuss at the next meeting was whether or not we want to impose fines. Mayor Pro Tem asked Teresa if she could gather the information on the process and have it available at the next meeting. Commissioner Lutz said he would like to at least have a date from their standpoint as to when this warehouse moving would occur. Commissioner Gray said it might be that they need to investigate a plan B for storage since the warehouse remains uncertain.

Item 12 – Review and discussion of Town Hall improvements

Manager Piner stated this was an item that the Mayor had requested be placed on the Retreat Agenda. Commissioner Laughery said there is a long list of enhancements for this building and it would be very helpful if we could have them in some kind of priority order. Mrs. Piner said that was why the mayor wanted to have this on the agenda for discussion at the retreat because it was a very long detailed list and it adds up very quickly. She said there were a lot of options for us to look into, both short and long term.

Item 13 – Review and discussion of a request by the Wendell Chamber of Commerce to close Main Street on Thursday, May 1, 2014 from Campen Street to Third Streets from 5:30 pm until 9:00 pm to kick off the Downtown Merchants Sidewalk Sale scheduled for May 2nd and 3rd.

Manager Piner said the Chamber of Commerce wanted to close Main Street on May 1st from 5:30 until 9:00 p.m. Mrs. Piner said staff does not have the authority to close off Main Street. We met with the Chamber and let them know that the board would most likely want something in writing from the business that were open during that time stating that they did not have any objections to the street being closed.

Jenny from the Chamber stated she and Dene Castleberry met with Chief Carter and Mrs. Piner as to what we would like to do. Some of the merchants had asked if we would like to support them to make

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this a larger event for the Town of Wendell. She said after most of the businesses have closed we would close Main Street from Campen Street to Third Street and have a band to enjoy. This would encourage them to come back and shop. She said Chief Carter had said the busiest time for Main Street was until 6:00 p.m. and we took that back to the businesses that would be open on Main Street and they said they would be in support of us doing it Friday evening and closing the street at 6:30 and opening it at 9:00 if that would be more beneficial to the needs of the Police Department. She said Mrs. Piner stated that she would have to have extra personnel on call for the clean-up and help close the street so we have asked for volunteers to help close the street and we would not have the Public Works guys to work.

She said the chamber would go to all the businesses on Main Street and ask them to sign a letter of support for this to take place.

Mrs. Piner said in the meeting, they had discussed Thursday. The Police Department has Public Safety Day scheduled for Saturday so she would need to check staffing because we would have to pull extra officers in to work the Public Safety Day. Chief Carter said a lot of Friday was spent preparing for the Public Safety Day. Jenny asked the Chief if Thursday would work better for having the Public Safety Day on Saturday. Chief Carter replied he believed it would.

Commissioner Laughery asked Jenny which night she felt would be more successful. Jenny said we were having a lot of events that weekend, Parks and Recreation would have a tournament going on and she thought either night would be successful, this was their first year doing this and there would be lessons learned. She said the benefit of doing it on Friday was that we could close the street later which would help transportation and participants would not have to work or go to school the next day.

Commissioner Boyette asked which night you would want to hold the event. Jenny said Friday night was what the business owners were supporting over Thursday night. Mayor Pro Tem Parham said he thought it was the consensus of the board to place this on the agenda for discussion and action at the next meeting.

Commissioner Laughery said he would like for the town to see what we need to do to have it on Friday. He understood the issues, but Friday night would be better. Commissioner Lutz said that way it would just roll right into the rest of the weekend.

Commissioner Gray said Jenny said she was going to have volunteers working and they would be the ones to place the barriers for closing the street, what was the Police Department's roll at that point. Mrs. Piner said when you have a concentrated group of people in one area and there tends to be more accidents. Commissioner Gray said what she was asking was how many Police Officers you would need standing out there. Mrs. Piner she would need to discuss this with the chief. This would need to be discussed with the chamber to determine how many we would need. Commissioner Gray said if you had a group of 100 people out that night, how many police officers would you need 1,3,5 just a ball park figure. Chief Carter said he would supplement the normal staffing level that night with two additional officers.

Commissioner Lutz asked if any thought had been given to clearing out the parking on Main Street before the street was closed. Mrs. Piner said as parking places become vacant cones would be put out as well as flyer could be put on the windows. Jenny said the Chamber volunteers would handle that.

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Jenny said May 9th could be the date for the Chamber Annual Golf Tournament and invited everyone to come out and take part in the 3 man Golf Tournament.

Item 14 – Review and discussion of retreat items and date scheduled for April 19, 2014.

Manager Piner said we had a list of topics which you as the board had sent and we were looking at the date of April 19, 2014. Because it was a holiday weekend this may cause some conflicts with some participants. She said if the agenda was more focuses on visioning and not the budget, we could move it to April 26th with the Budget request going to you at the April 28th meeting. It was decided to stay with the date of April 19, 2014.

Item – 15 Commissioner’s Comments

Commissioner Gray reminded everyone that the citizen board application would be coming to the end soon and encouraged everyone to apply if interested.

Commissioner Boyette said he would like to welcome Officer McGee to Wendell and thanked Mrs. Johnson for her presentation. We have a lot of work ahead of us for the second Board Retreat and I look forward to digging into it.

Mayor Pro Tem Parham said the reading material in the agenda packet was very interesting this time as to where Wendell Falls is in statistics.

Commissioner Lutz said he thought the reading material was interesting also and when he saw that bicycling was one of the things that were popular, he thought about the fact of whether or not we had bicycle lock ups downtown.

Commissioner Laughery said he would just remind everyone to support our local businesses. He said one of the items on the Retreat Agenda was how we incorporate Wendell Falls and make it a part of Wendell. He thought supporting and having good downtown businesses was important.

Item 16 – Mayor’s Report

Mayor Hinnant was out of town on business and no report was given.

Item 17 – Adjourn.

Commissioner Lutz made a motion to adjourn the regular Board of Commissioners Meeting. The vote was unanimous. The meeting was adjourned at 8:50 p.m.

Timothy A. Hinnant, Mayor

Attest:

Jonnie S. Driver, Town Clerk