

November 25, 2014
Town Board of Commissioners Meeting Minutes

The Wendell Town Board of Commissioners regularly scheduled meeting was held on Tuesday, November 25, 2014, at 7:00 p.m. due to a death and burial of an immediate family member of Town Manager Teresa Piner. The meeting was held in the Board of Commissioner's Meeting Room with Mayor Timothy A. Hinnant presiding. Present at the meeting were Commissioners John Boyette; James Parham; Virginia Gray; Jon Lutz; Sam Laughery; Town Clerk Jonnie Driver; IT Administrator Tamah Hughes; Finance Director Butch Kay; Police Chief Bill Carter; and Planning Director David Bergmark.

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

Chief Bill Carter led the Pledge of Allegiance and the invocation was given by Mr. Errol Briggerman of Wendell Baptist Church.

Adjustment and approval of the agenda

Mayor Hinnant said since the manager was not able to attend the meeting, he would like to table Items 5, 6, and 8. He said it would not be fair to give direction to the staff without the manager in attendance. He said the items that he felt were necessary were to recognize office Justin Loy and have the second reading and action on the amendment to the UDO as it relates to the design requirements for garages.

Commissioner Laughery said he would suggest that since they were picking a date for the Board Retreat, maybe the board could get a census on the date. Mayor Hinnant said that will be fine so we need a motion to table Items 5, 7, and 8.

Commissioner Parham made a motion to table items 5, 7, and 8. The vote was unanimous 5-0.

Item 1 – Public Comment

Mrs. Ruth Van der Grinten - 636 Timber Drive, Wendell said she was a Planning Board Member, but was here as a citizen. She said in hind sight when the Planning Board made a recommendation to the board in reference to the text amendment to the UDO concerning the design requirements for garages she realized that they missed how far out the garage could come. She said she drove around and looked at different areas and in Clayton she saw one that the garages stuck out a full length of the house and when you pull into the subdivision all you saw was walls. She would like to ask the board to consider how far out the garage could extend.

Nora Cambier – 3851 Wendell Boulevard said she understood that this proposed change to the UDO was one of several changes that the Board would be considering. She said she felt because of the recession the UDO had not really been tried. She said we worked so hard on the UDO thinking that we were making Wendell a better and more attractive place, encouraging others to move here and she urged the Board to give very serious consideration before making changes to the UDO.

Regina Harmon stated she would like to remind everyone about the Lake Myra Light Show and especially the December 5th event. She said Santa would be there and there would be lots of events going on, ice carving, singing, carolers in front of the General Store, hay rides and Wendell Methodist Church would be doing their cookie sale and would have a live nativity scene.

November 25, 2014
Town Board of Commissioners Meeting Minutes

Regina said she had spent a lot of time over the past few weeks thinking about and talking with people in the town about the UDO. She said this had become the talk of Wendell once again. She said changes to the UDO were being asked to be made. She said Wendell Falls recently came before the board and asked for a few changes to their PUD document which basically was the UDO for Wendell Falls. She said she was only addressing the housing design standards tonight. She said if all the changes in their PUD document for housing standards for Wendell Falls, which we already know is outstanding, why aren't they good enough for all of Wendell. Why were we selling ourselves short on this side of town? Why don't we just adjust Wendell's UDO to have the same requirements as Wendell Falls? Why were we not asking all of the builders in Wendell to use the same standards, let's have one set of standards throughout all of Wendell? She said if raise our standards across the board and hold ourselves up to that standard that has been set for Wendell Falls, our schools, businesses, and our town as a whole would be better.

Item 2 – Consent Agenda

- a. Approval of the Minutes from Monday, November 10, 2014 Board of Commissioners' meeting.
- b. Approval of the September 2014 Wake County Tax Report
- c. Approval of the 2015 Holiday Schedule
- d. Approval of the 2015 Town Board meeting schedule.

Commissioner Parham made a motion to approve the consent agenda items as listed. The vote was unanimous 5-0.

Item 3 – Recognition of Justin D. Loy on the receipt of his Advanced Law Enforcement Certification.

Chief Carter stated on Friday, November 14, 2014 Officer Justin Loy was presented his Advances Law Enforcement Certificate. He said this is a prestigious award and is presented by the Criminal Justice Education and Training Standards Commission to recognize the competence of law enforcement officers, to foster interest in college and education and professional law enforcement training programs and to attract highly qualified persons to the law enforcement field. He said it can take from 6 to 12 years to achieve this award.

Chief Carter said receipt of the Advanced Law Enforcement Certificate is a symbol of Justin's dedication and hard work in the law enforcement profession and is a credit not only to Justine, but to the community he serves.

Mayor Hinnant said Justin we are very proud to have you as a Police Officer in Wendell.

Officer Loy said he would like to thank the Commissioner's for all that they do and for giving him the opportunity to be a Patrol Officer in Wendell. He also would like to thank his family and friends for their support, they were what made it easy to come out and do the best he could every day.

Item 4 – Second Reading and action on a Zoning Text Amendment to Chapter 5 of the Unified Development Ordinance as it relates to design requirements for garages.

David Bergmark said the Board was asked to have a second reading and to take action on a text amendment to Chapter 5 of the Unified Development Ordinance regarding the design requirements for garages and more specifically the recess or non-recess requirements. He said because we only had a simple majority vote it required a second reading.

November 25, 2014
Town Board of Commissioners Meeting Minutes

David said the proper way to proceed would be to have a vote on what we did before, however if it was the boards desire to use some kind of alternative language other than what was voted on at the last meeting, you could vote down the initial staff proposal and suggest alternative language and only a simple majority vote would be required. Mayor Hinnant said if we do not have a consensus on what was passed at the last meeting, would one simple vote tonight remedy that or would it have to go before another reading. David said it would not require another reading, but we must first vote on the initial motion which was to adopt staff's recommendation.

David said currently our requirements state that the garage had to be recessed 5 feet behind the front façade of the house. There was a requested change by MI Homes that instead of being recessed 5 feet from the front façade it would be recessed 2 feet from the front façade.

David said at the last meeting the board was presented three options, one which would be the applicants request, another option was what staff recommended, and the third option was the Planning Board's version. He said the applicants request was to change it from 5 feet behind the façade of the house to 2 feet recess, staff's recommendation was to change it so that it would be a 2 foot recess, but if the applicant wanted to have it extend further past the front facade, a number of additional design requirements would be added such as using two individual doors rather than one large door, incorporate window inserts or a carriage style door rather than a flat panel door and incorporate one of three design requirements either a trellis, eyebrow roof or columned projection or other architectural elements. David said with those additional design standards as written by staff, the garage could go beyond the front of the house by six feet. He said staff wanted to be very specific on what was considered the front façade. Based on the way it was worded, it would be the front wall of the house or if there was a porch present that made up at least 30% of the front of the house, you could measure from the front of the porch an additional 6 foot deep. He said the Planning Board's recommendation was similar to staff's recommendation, it removed the requirement of the individual garage doors, but it did maintain the design requirements, and it maintained the requirements to having window inserts, or carriage style door, trellis, eyebrow roof or columned projection. In the Planning Board's case those design requirements actually applied no matter if it was recessed, or projects out, or if it was flush. He said the Planning Board did not put a limit on how far forward the garage could extend past the façade as long as it met the front setback requirement for that zoning district.

David said the Board of Commissioners voted on the staff's recommendation at the November 10, 2014 Town Board meeting but it was only a 3-2 vote in favor.

Mayor Hinnant said Commissioner Laughery stated he wanted to entertain a motion, but if he understood it correctly, we have to first vote on the second reading, and if it does not get a favorable vote then we could change the motion, but if the second reading passes it was finished.

Commissioner Gray reinstated her motion from November 10th to follow the Planning Staff's recommendations. The motion passed with Commissioners Gray, Boyette and Lutz voting in favor of the motion and Commissioner Laughery and Parham voting against the motion. It was a 3-2 vote in favor of the motion

November 25, 2014
Town Board of Commissioners Meeting Minutes

Item 5 – Tabled.

Item 6 – Scheduling of January 2015 Town Board retreat.

Commissioner Laughery said January 24th and January 31st were the suggested dates. Commissioner Lutz said he had a conflict with the 24th and would prefer the 31st. Commissioner Gray said she was fine with either date. Commissioner Boyette said the 24th was better for him, but he could make the 31st work. Mayor Hinnant said the 31st will be the tentative date and we will let the manager know.

Item 7 - Tabled

Item 8 – Tabled

Item 9 – Commissioners’ Comments

Commissioner Laughery stated he would like to remind everyone to support our local businesses.

Commissioner Lutz said he would like to congratulate Officer Loy on his Advanced Law Enforcement Certification and it feels nice to have such a distinguished officer in our town. He said I also would like to wish everyone a Happy Thanksgiving.

Commissioner Parham said he had an opportunity to talk with Mr. Williams of Lake Myra Light Show and we were talking about the expense of having to replace his bulbs and other things that had to be replaced. He said Mr. Williams said since he had moved into town his donations had dwindled, and he would just like to mention this to the merchants in town as well as our citizens when you go by the donation box please drop something in.

Commissioner Boyette said having personally worked with Officer Loy he was an outstanding officer and a real benefit to the Town of Wendell. He said receiving that higher accreditation was truly beneficial for the town. He would like to say thank you to him and all the other police officers in town for what they do.

Commissioner Gray said since our last meeting she attended a second meeting to discuss the Wendell Farmers Market and it was looking like we would have a Farmers Market again this year. She said she attended the Wendell Chamber of Commerce Annual Banquet and it was very nice and she appreciated the extra effort that staff did to get all of that going with the lights downtown. She said the Town of Wendell was recognized as the Large Business of the Year by the Chamber of Commerce and she thought that was very nice. She was very proud of that. She also would like to congratulate Justin Loy and she was very proud of him and we are lucky to have him as well as the other officers in town. She said she would like to thank Mrs. Van der Grinten, Mrs. Cambier, and Ms. Harmon for their comments tonight and let them know that you were being heard. She stated that she was listening to their comments about the UDO. She thought there were a handful of folks that were self-serving in their desire to have it changed and they meet at the table of knowledge for breakfast and they call the commissioners, but they do not call me, and a lot goes on that way and that was a shame.

Commissioner Gray said she would like to thank Ms. Harmon for mentioning the things that were going on downtown the week of December 5th and she hoped that everyone would be able to come. She said I would also like to wish everyone a Happy Thanksgiving.

November 25, 2014
Town Board of Commissioners Meeting Minutes

Item 10 – Mayor’s Comments

Mayor Hinnant asked that everyone continue to keep Mrs. Piner and her family in their prayers during the loss of her mother. He would also like to wish everyone a Happy Thanksgiving.

Item 11 – Closed Session

No closed session was called for.

Item 12 – Adjourn.

Commissioner Gray made a motion to adjourn the meeting at 7:30 p.m. The vote was unanimous.

Timothy A. Hinnant, Mayor

Attest:

Jonnie S. Driver, Town Clerk