

March 9, 2015

### Board of Commissioners Meeting Minutes

The Wendell Town Board of Commissioners held their regularly scheduled meeting Monday, March 9, 2015, at 7:00 p.m. in the Board Meeting Room with Mayor Timothy A. Hinnant presiding. Present at the meeting were Commissioners 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; Planning Director David Bergmark; Planners Patrick Reidy; and Allison Rice. Commissioner Sam Laughery was unable to attend the meeting.

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

The Pledge of Allegiance was led by Chief Bill Carter and invocation was given by Pastor Claude Wilson-Staten of Covenant Presbyterian Church.

#### **Adjustment and approval of the agenda**

No adjustments were made and Commissioner Parham made a motion to approve the agenda. The motion passed unanimously 4-0.

#### **Item – 1 Public Comment Period**

Mr. Ray Hinnant of 205 Dogwood Trail, Wendell - stated there was an item on the agenda concerning fee in-lieu of sidewalks for Olde Wendell Phase 3. He said Wendell needs sidewalks and it might be that in the future it can be joined. We need to take advantage of a sidewalk possibility whenever it presents itself. He asked the board to reject this request for fee in-lieu of sidewalks.

Katy Lewis, PTA member at Lake Myra Elementary School of Wendell – stated that last year’s Movie Night was absolutely wonderful and that students at Lake Myra were still talking about it and asking when there was going to be another Movie Night. She said her family enjoyed it so much, and it is their hope that the Board of Commissioners would approve this event again this year.

Ms. Lindsey Davis – 3218 Royal Deeside Ct. Zebulon NC stated she was having a fundraiser for the Lupus Foundation of NC at the Wendell Community Center and that there would be vendors at the fundraiser which would bring a lot of people into Wendell. She said she would like to ask the board to grant the request for a waiver of the rental fees at the community center for the Lupus Foundation.

Regina Harmon - Wendell stated she would like to thank Teresa Piner and the workers that cleaned the snow off the streets and sidewalks. She said she was here to speak on Movie Night and hopefully would have the opportunity to do it again for the town. She said movie night was a huge success last year. She said it was a great event and brought together commerce and community involvement. She said when you look at this item tonight seriously consider what a great thing it did for the citizens last year. It brought in over 3,000 people that might have purchased gas, food or groceries while being in town.

Ms. Carol Hinnant – 205 Dogwood Trail spoke about movie night. She said we had a movie theater in Wendell when she was a child on Main Street and when that was forced to close the Town of Wendell put on movie night at what is now known as the Betsy Rountree Gymnasium and it was well attended.

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We didn't even have a screen. She said we have advanced to the point that we can have a much better movie night and last year's was well attended with several thousand people there and a lot going on. She said that was what we want Wendell to be, a place where families could have things to do. She encouraged the board to approve this request.

#### Item 2 – Consent Agenda

- a. Approval of the Minutes from Monday, February 23, 2015 Board of Commissioners' meeting.
- b. Approval of the Wake County Tax Report for December 2014.

Commissioner Parham made a motion to approve the consent agenda as written. The motion passed unanimously with a 4-0 vote.

#### Item 3 – Public Hearing on a Zoning Map Amendment request by Matthew Cunningham to rezone approximately 147.9 acres of land within SF13, SF14, and SF15 of Wendell Falls from R3 to Neighborhood Center, and to rezone approximately 26.4 acres of land within SF4 from R3 to R7.

Planning Director David Bergmark stated the property was currently zoned R3, but was subject to the zoning and development standards outlined in the PUD document. The PUD document requires a minimum lot size of 4500-5000 square feet, a minimum lot width of 45 feet, and a minimum front setback of 20 feet. These standards would prevent the applicant from providing any housing product on a smaller scale lot, as well as make the use of rear access alleys impractical.

David said what that by the rezoning Newland would bring the district into the UDO the same way they did SF1,2,3.

David said R7 zoning district was similar to the NC Zoning District in terms of required setbacks and minimum lot width and depth requirements. He said the R7 zoning district requires a minimum lot size of 3500 square feet, resulting in a slightly larger lot size than the NC district. He said the R7 zoning district would preclude 26 foot wide lot products, but would still allow Newland's other proposed products, which begin at 32 foot wide lots and up.

David said at the February 2015 meeting, the Planning Board voted 5-0 in favor of the requested zoning map amendment. Staff recommended approval of this rezoning request.

David said although the NC and R7 Districts would allow smaller lots, the total number of units for the development as a whole was capped. The rezoning of lots would not allow for more units in the subdivision.

David said the requested rezoning area is classified as being part of the S4 "controlled growth area" in the comprehensive plan. The proposed zoning classification fits the intended uses for the S4 sector.

Mayor Hinnant opened the public hearing for comments.

Matthew Cunningham said he represented Newland Communities. He said we have SF1, SF2, and SF3 in place and we have to look at where we were going next in order for Newland to be able to deliver lots to builders within the next 18 months. To meet that timeline, we need to have movement on the ground by this summer. He said looking at the map, the areas we were talking about rezoning to NC lie along

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the roadway leading between SF1, SF2, and SF3 through to the school and we feel that anytime you were approaching a school, more density was appropriate in this area of development than in SF4 which backs up to open space. He said we were hopeful that the council would understand that we need a certain amount of continuity between SF1, SF2, SF3 and SF13, SF14, and SF15 to carry that flow through and to get builders that we would need and provide them with a good sense of the inventory available in the next 18 months.

Mr. Cunningham said moving from the PUD to the UDO was consistent with the Town's Plan but also with our Plan of Development. We develop in a style that fits well with the UDO when it comes to single family residential. He said all areas would remain subject to the Development Agreement and its cap on units. He said there may be more density in pockets here and there, but Newland would have to give that up elsewhere.

Carol Hinnant – 205 Dogwood Trail stated she had concerns about the request. She said she was on the Board of Commissioners when the Development Plan was accepted by the Town after the problems that we faced with the previous developers. She said part of the rationale for approving the development plan, was to make certain that lot sizes remain at a reasonable amount. She said Mr. Cunningham said the lot sizes would stay the same, but we were going from 10,000 square feet to 3500 square feet and some of the houses that might be built were around 3,000 feet. She said she realized they could be two stories, but 3500 square feet was not that large. She said we had homes in Wendell on very small lots and we had hoped Wendell Falls would have homes somewhat bigger so children could play in their yards at home. She said when you reduce the lot size by 2 1/2 times you were taking some of that away and you had to look at the affect it had on parking and the quality of the environment. She said she was asking the board to consider this when they reduced the size of lots in a development this size.

Mayor Hinnant closed the public hearing.

**Item 4 – Discussion and action on a Zoning Map Amendment request by Matthew Cunningham to rezone approximately 147.9 acres of land within SF13, SF14, and SF15 of Wendell Falls from R3 to NC, and to rezone approximately 26.4 acres of land within SF4 from R3 to R7.**

Commissioner Parham made a motion to approve the rezoning request. The motion passed with a unanimous vote of 4-0.

**Item 5 – Public Hearing on a text amendment to alter the foundation covering requirement in 5.4D(3) of the UDO as it relates to master planned development in the R7 zoning district.**

David Bergmark stated when Newland Communities requested and received text amendments; they asked that the foundation covering regulations of the UDO only apply on the facades that were facing a public street. David said this was approved in May 2014 but it only applied to the NC Zoning District.

David said after discussions with staff, Newland decided to submit for a rezoning application that included the R7 District, as well as the NC Zoning Districts. He said Newland would like to apply that same standard and to the R7. Their justification for the change is that the district contains the same side setback and the foundations are close together and the sides are not really that visible.

Mayor Hinnant opened the Public Hearing for anyone wishing to speak for or against. No one wished to be heard and Mayor Hinnant closed the Public Hearing.

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**Item 6 – Discussion and action on a text amendment to alter the foundation covering requirement in section 5.4D(3) of the UDO as it relates to master planned development in the R7 zoning district.**

Commissioner Parham made a motion to approve the text amendment for section 5.4D9(3) to alter the foundation covering requirement. The motion passed with a unanimous vote of 4-0.

**Item 7 – Public Hearing on an amendment to the Wendell Falls Development Agreement.**

David said this amendment was to bring those sections that were rezoned SF-13, SF-14, SF-15 and SF-4 into the UDO so that the UDO standards apply, not the standards contained in the PUD.

David said unlike the amendment which applied to SF-1, SF-2, and SF-3, the attached amendment did not stipulate a maximum number of units for the four Pods it relates to. However, this area would still be governed by the zoning district lot standards, as well as the overall number of units permitted for the development as a whole.

Mayor Hinnant opened the Public Hearing for anyone to speak for or against. No one wished to speak and Mayor Hinnant closed the Public Hearing.

**Item 8 – Discussion and action on an amendment to the Wendell Falls Development Agreement.**

Commissioner Parham made a motion to approve the amendment to the Wendell Falls Development Agreement. The motion passed by a unanimous vote of 4-0.

**Item 9 – Public Hearing on a request to amend a special use permit related to the operation of the East Raleigh Operations Center at 1715 Wendell Boulevard.**

Allison Rice stated Zak Pierce on behalf of the City of Raleigh had requested a Special Use permit to change the design and layout of an existing facility at 1715 Wendell Boulevard. She stated the building houses CORPUD's Eastern Operation Center, which includes offices as well as vehicle and equipment storage. She said this request represents an update to the Special Use permit issued in 2007 and would void the Special Use permit issued in 2010 for a detached warehouse structure to be located on the lot behind the existing building. She stated the applicant had proposed to implement the proposed site plan improvements over several phases in order to meet current budget restrictions, but they had noted these improvements were scheduled to be installed within 5 years of this application and requests that the special use permit, if approved, provide them with 5 years to fully implement the changes.

Allison said any significant modification to an existing special use permit required board approval. The amount of changes proposed to the parking and landscaping of the site constitutes a significant modification.

Mayor Hinnant opened the Public Hearing for anyone to speak for or against.

Carol Hinnant – 205 Dogwood Trail asked what was the change they were asking to receive. Allison stated the changes were updating the traffic and parking flow, increasing the landscaping on site, expanding the storage, extending the fence closer to Wendell Boulevard on the western side of the lot to include a new parking area, and removing the "old" parking lot fixtures and poles from the property and replacing them with few LED lights.

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Mrs. Hinnant was sworn in by Jonnie Driver, Town Clerk.

Carol Hinnant said they wanted to change the fence and the landscaping. The board was being asked to vote on it. Change it to what, you were buying a pig in a poke. She asked if they were putting chain link up instead of what they had, do they want to plant cactus. Exactly what were they asking to change?

Paul Young, Jeanine Goodwin, Herman Chapman, and Zak Pierce were all sworn in by the Town Clerk.

Paul Young stated that Raleigh would like to change the existing buffer and replacing it with a Type A buffer along Highway 97 and install a new fence. He said they would rearrange the current entrance to the facility at the corner of Highway 97 and Edgemont Road. Paul said the fence would be replaced, but at this time we had not decided which of two fences they would use, it would depend on the cost. The fence, on the Highway 97 side would be moved out toward the property lines to encompass a little more space for parking. He said another issue that the City had found was that the parking area was used as a cut through from Edgemont to Highway 97, so this would be closed. The existing light fixtures and poles would be removed and decrease the number of lights with the installation of newer LED fixtures once the Special Use Permit was approved. He said the façade on the front of the building would be updated although it was not a requirement of the Special Use Permit.

Mayor Hinnant opened the Public Hearing for anyone wishing to speak for or against the Special Use Request. No one wished to be heard and Mayor Hinnant closed the Public Hearing.

**Item 10 – Discussion and action on a request to amend a Special Use permit related to the operation of the East Raleigh Operations Center at 1715 Wendell Boulevard.**

Commissioner Parham made a motion of approval to amend a Special Use permit related to the operation of the East Raleigh Operations Center. The motion passed unanimously with a 4-0 vote.

**Item 11 – Discussion and Action on a fee in lieu of sidewalk request for Olde Wendell Phase 3.**

Patrick Reidy said at the last meeting this item was tabled so that commissioners would have a chance to conduct a site visit to help inform their decision on the matter.

Patrick said Commissioner Boyette, Commissioner Laughery and he had met to discuss the fee-in-lieu request. Commissioner Boyette said it was a very productive on site visit and there were a couple of things he saw. He said there were a lot of drainage ditch issues going on and to put in a sidewalk would require either putting in a pipe or building some sort of bridge over the drainage ditch. He said behind the trees there is also a berm. He said one of his concerns was once this sidewalk was built, it was turned over to the town for maintenance and he recalled the issue with Lake Drive where a pipe was put in by somebody building houses and was now inadequate and the town had to address the drainage issues. He said if the transportation plan was already in place this would not be as much of an issue. He said while sidewalks were expected and if that road was widened, he would hate to see the sidewalks put in and then torn out. He said he agreed that there should be sidewalks and if there was not a sidewalk on the other side of Wendell Boulevard, he could not see not installing a sidewalk on one side. He said the developer had agreed to put in at least one cross walk and he was paying a fee in lieu of which he would like to see go for putting sidewalks in somewhere else where they could be more useful. He said he did not have a problem doing a fee-on-lieu of in this particular case.

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Commissioner Gray said she was hesitant to let just the fact that we may widen that road at some point in the future be the reason for not installing sidewalk. That could be said all over town and where do you stop. She said that was not a determining factor for me. She said had held fast to sidewalks, but in this instance she was willing to concede since there was a sidewalk across the street and they would install a crosswalk. She said typically she was in favor of a fee-in-lieu of sidewalks, but in this situation she would be ok with not requiring its installation.

Commissioner Parham said he agreed with Commissioner Gray and Boyette and made a motion to approve the fee-in-lieu of sidewalks for Olde Wendell Phase III – formerly (Garden Club Way). The motion passed unanimously with at 4-0 vote.

#### **Item 12 – Review and discussion to contract with Total Connection for Movie Night in FY 2015/2016.**

Manager Piner stated during the 2014 budget process, the desire to have more events to spur economic development in the Downtown core was expressed. She said following the adoption of the 14/15 budget, a budget amendment was passed supporting activities and events for a total amount of \$22,000

Mrs. Piner said the Town contracted with the Total Connection for the Movie Night in September of 2014. The event was successful and the Town received positive feedback. Total Connection had contacted the town asking to reserve Movie Night for September 2015. The Town was informed that the screen and equipment needed to be reserved in April for use in September.

Mayor Hinnant said this is a 2015/2016 request and if it was not in the budget process we had already spent down to our 40% of the Fund Balance. This would have to be a budgeted line item or we would not be able to do it. He said he would rather we say we would spend \$10,000 for Economic Development. He said he had heartburn over the board being asked to approve a \$5,000 line item when the manager has the authority to approve contracts for grass cutting of the medians or whatever. He said we had not even had any budget meetings and we should not be deciding tonight as to whether we were going to fund this. He said once we start having the budget meetings we could decide how much we would set aside for Economic Development and the manager should be able to decide whether or not we approve the request. He said he thought we should table this item until we were further into the budget process.

Commissioner Parham asked if there was a drop dead date for the movie night to be put on the calendar. Mrs. Piner said not from the Town's position. Ms. Harmon said she needed to reserve a screen in April for a movie night in September. Mrs. Piner stated she called other vendors that have screens available if Total Connection was not able to reserve it in by her April deadline.

Commissioner Parham said he had to agree with Mayor Hinnant that it should be tabled until later into the budget process.

The board was in agreement to table until a later time.

#### **Item 13 – Review and discussion of a request by Lindsay Davis to waive rental fees of the community center for the Lupus Foundation of NC.**

Mrs. Piner said Miss Lindsay Davis of Zebulon was hosting a vendor/craft sale event at the Community Center on March 18, with all the money raised going towards the Lupus Foundation of North Carolina.

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Ms. Davis stated that vendors would purchase a booth to showcase their business with a silent auction/raffle consisting of items donated by local businesses and crafters. This event would be open to the public. She said not only would the event raise funds for Lupus research, but would also bring awareness to this disease. This organization meets the requirements to have the fee waived.

Teresa said the Recreation Board thought this was a great event but felt this event did not directly impact the citizens of Wendell and voted to deny waiving the event fee. They felt this privilege should be first awarded to organizations and groups that live in or that assist Wendell in a more direct manner.

Mayor Hinnant stated that his biggest concern was we had allowed people to think that if they come to Wendell with a request, we would waive the rental fees of the community center and this was not anything that Ms. Davis had done. We have created this rule and he thought that we needed to have the Recreation Commission look at the Facility Rental Policies and Procedures.

Commissioner Gray said she agree that we need to take another look at the rental policy. She felt like it should be waived for an organization in Wendell, not in Wake County or the State of North Carolina but directly in Wendell.

Commissioner Lutz asked what other items had the board waived fees for this year. Mrs. Piner said East Wake Education Foundation Valentine Ball was the only one that comes to mind for this calendar year.

Commissioner Parham said Lupus would benefit the citizens of Wendell because it was a fund raiser, however if he remembered correctly we were talking about immediate benefit for Wendell rather than down the road. He thought it was a little confusing and agreed with the others that it needed to be reviewed.

Mayor Hinnant said to give Ms. Davis some resolution, since she complied with our rules, we need to give her consideration and waive the fee.

Commissioner Parham made a motion to waive the rental fee for use of the Wendell Community Center for a Fund Raising Event for Lupus. The motion passed unanimously with a 4-0 vote.

#### **Item 14 – Commissioner Comments**

Commissioner Gray congratulated Wendell Parks and Recreation Department for receiving the Wendell Chamber Business of the Month. She said there was a lot going on out there, Tuesday would be the first food truck rodeo from 11:00 am to 2:00 pm and the ProTown BMX Show would be coming on March 21<sup>st</sup>. She said she attended the Chamber Board meeting and they were working hard on the Harvest Festival and other events for the Town and the Farmers Market committee was meeting and getting ready for that. She said she attended the Economic Development meeting and the Appearance Commission meeting this week and these two groups were considering working together to do some curb appeal projects for some of the businesses. She said the Appearance Commission was also planning their first mural project. Commissioner Parham had to excuse himself and asked her to let everyone know that Sarah Wright, a sixth grade English teacher in Wendell had launched a campaign to raise money for children in her class to buy books. If interested, you may communicate with Commissioner Parham if interested in helping with this campaign. She said the Magnet Schools of America have awarded recognition of varying levels to a few Wake County Schools and the Wendell

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Creative Arts and Science Magnet Elementary School had been named The Magnet School of Excellence. She said this was the very top category that was only awarded to a select group of magnet schools and she was proud of them for receiving this honor.

Commissioner Boyette said the town staff; especially public works had been so busy lately. He saw them blocking street and the backhoe picking up limbs and everywhere he looked they were cleaning and getting things looking good as it normally does. He said he appreciated people staying off the road as much as possible. It keeps the emergency personnel from having to drive around so much. He said he thought the handling of the storm in this latest bout of winter weather went especially well.

Commissioner Lutz said he would like to remind everyone about the BMX Event coming on March 21<sup>st</sup>. He said this was a very different event than what we have had before and he hoped it brought a lot of new energy to Town and hoped the people would come and support the event even if it was not their type of event because it should be a good time. He said he would echo the comments of the other commissioners that the Public Works Department did a fantastic job of getting the street clear and cleaned up in a timely manner. He said on the subject of sidewalks, they were needed badly and Commissioner Boyette had a great idea about taking the money and using it somewhere else where sidewalks might be more useful.

**Item 15 - Mayor's Comments**

Mayor Hinnant said he wanted to thank Public Works for their hard work, and the Police for all their continued patrolling in the weather and the Fire and Rescue for all the efforts that they endured during the bad weather.

**Item 16 – Adjourn.**

Commissioner Lutz made a motion to adjourn at 8:00 p.m. The motion passed unanimously with a 4-0 vote.

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Timothy A. Hinnant, Mayor

Attest:

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Jonnie S. Driver, Town Clerk