

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
MAY 23, 2016**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, May 23, 2016, at the Wendell Community Center, 601 West Third Street, due to renovations at Town Hall.

PRESENT: Mayor Virginia Gray; Mayor Pro Tem Jon Lutz; Commissioners: John Boyette, Ben Carroll, Jason Joyner, and David Myrick.

STAFF PRESENT: Town Manger Teresa Piner, Town Attorney Jim Cauley, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Finance Director Butch Kay, Planning Director David Bergmark, Planner Patrick Reidy, IT Administrator Tamah Hughes, Parks & Recreation Director Jeff Polaski, and Police Captain John Slaughter.

CALL TO ORDER:

Mayor Gray called the meeting to order at 7:02 p.m. and welcomed attendees.

PLEDGE OF ALLEGIANCE:

Police Captain John Slaughter led the Pledge of Allegiance.

INVOCATION:

Reverend Bob Albritton of Wendell United Methodist Church provided the invocation.

Due to sound equipment malfunction, Mayor Gray called for a recess at 7:05 p.m. Meeting resumed at 7:09 p.m.

ADJUSTMENT AND APPROVAL OF THE AGENDA:

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the agenda as presented.

Vote: Unanimous.

1. PUBLIC COMMENT PERIOD (one hour time limit):

No one spoke during the Public Comment Period.

2. CONSENT AGENDA:

The Consent Agenda is acted upon by one motion and one vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of the Mayor or a Commissioner. The Consent Agenda contains the following items:

- a. Approval of the Minutes from the May 9, 2016 Regular Board Meeting.
- b. Wake County – March 2016 Tax Report.
- c. Rules of Procedure for the Board of Commissioners.
- d. Proposed ordinance amendments for Chapter 2, Article 5 for the Planning Board and Board of Adjustment.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the consent agenda as presented.
Vote: Unanimous.

3. CITIZEN BOARD UPDATE BY THE WENDELL APPEARANCE COMMISSION:

Chair Sandy Foutch provided the following update of the Wendell Appearance Commission:

- Recognized the members of the commission: Allison Klepchick (Vice-Chair), Nora Cambier, Peggy Laughery, Linda Tracy, and Kim Murray
- Past accomplishments include:
 - Three murals completed through private donations
 - “Party with a Purpose” hosted to raise money for future projects in Wendell
 - Four Adopt-A-Highway clean-ups held each year near Wendell Boulevard and US 64
 - Quarterly recommendation to the Board of Commissioners for façade grants
 - Christmas decorating contest for businesses and residents
 - Harvest Festival booth to raise awareness of efforts and solicit funds
 - Inaugural Art Walk held May 14, 2016, with 16 artists with a portion of the funds returning to the Appearance Commission
 - Children’s Art Show held May 14, 2016, raised funds that will be distributed equally among the participating schools
- Future goals include:
 - Host an annual “Party with a Purpose”
 - Host an annual Art Walk
 - Presence in the Harvest Festival
 - Continue hosting the Christmas decorating contest for residences and businesses
 - Identify large scale long term fundraising project
 - Help Wendell identify a mascot to help brand the town

4. DISCUSSION AND ACTION ON A ZONING MAP AMENDMENT REQUEST TO REZONE 16.09 ACRES OF PROPERTY SUBMITTED BY CHARHOUSE HOLDINGS LLC ON A CONDITIONAL DISTRICT LOCATED OFF OF WENDELL BOULEVARD, ADJACENT TO 2555 WENDELL BOULEVARD. PUBLIC HEARING HELD: MAY 9, 2016

[Staff Report]

Planning Board Recommendation:

At its April 18, 2016 meeting, the Wendell Planning Board voted 4-1 to recommend approval of the proposed Conditional District for Charthouse Industrial Park with the following conditions:

- 1. Section 2.14.B.4 – Lot & Building Dimensional Requirements; 1. A 90 foot exterior district/development setback is proposed. 2. A 30 foot district/undisturbed buffer is proposed on the north, 100 foot undisturbed buffer on the east, and 20 foot undisturbed buffer on the*

south adjacent to the properties zoned “CH” and a 30 foot undisturbed buffer is proposed on the south adjacent to the property zoned “RA”.

- 2. Section 2.14.B.3 – Parking; All oversized commercial vehicles & equipment shall be parked/stored along the side and rear of the proposed buildings. All parking between the buildings and street shall be for passenger vehicles.*
- 3. Section 8.11.E.11 – Curbing/Bioretenion options; no curb and gutter on proposed parking areas/islands for proposed Lots 1-3 (industrial), but curb and gutter shall be provided on proposed parking areas/islands for Lots 4 and 5 (commercial).*
- 4. Section 9.3.C – Sidewalks; 5’ wide sidewalk along the east side of the road of the proposed development. Any development of the western side of the road shall require a 5’ wide sidewalk within the 60 foot wide right-of-way.*
- 5. Section 9.3.G.1 – Storm drainage in the streets; vertical curb and gutter be provided on the eastern side of both the existing and new sections of the road.*
- 6. Section 15.13.E – Phasing; During Phase I, geotechnical core samples will be conducted on the existing access road. Based upon these findings, paving improvements to bring the existing road up to the town standards shall be determined & implemented at the time of the Final Development Plan for Phase II.*
- 7. The Wendell Boulevard frontage requirements shall be determined at the time of the final development plan for Lot 5. 15’ of dedication will be required at the time of the final plat for Phase I. Any additional right of way to be dedicated along Wendell Boulevard shall be determined at the time of the final development plan for Lot 5, based upon approved plans in place at that time.*
- 8. Outdoor storage as a primary use shall be prohibited within proposed Lots 4 and 5.*
- 9. The roadway shall be widened to a minimum of 28 feet (to include a two foot shoulder outside of the twelve foot lane) to accommodate large delivery trucks and protect the roadway edge and curb.*
- 10. Add the gross acreage of the site.*
- 11. Add the acreage and square footage of the right-of-way dedication.*
- 12. Revise the current zoning from “CH& M&I” to “M&I”.*
- 13. Add bearings & distances to the property lines.*
- 14. Delineate the width of all drive aisles.*
- 15. Revise “proposed gravel yard” to “proposed gravel storage yard” to Lots 1-3.*
- 16. Add existing water and sewer lines to the plan with the size of the pipes.*
- 17. Add existing zoning for adjacent properties.*
- 18. Add property info for the adjacent property to the north of Lot 3.*

Voting in Favor: Chairman Harold Broadwell, Errol Briggerman, Gilda Wall, and Kathe Schaecher

Voting Against: Ashley Anderson

Statement of Plan Consistency and Reasonableness

- Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*

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- *At their April meeting, the Planning Board recommended the following statement of plan consistency and reasonableness:*
- *The proposed conditional district is found to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector. The proposed district is not consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for Neighborhood Centers. In the Planning Board's opinion, the request is still reasonable to approve since the road extension that would create a major intersection has no timeframe for construction and is not immediately adjacent to the conditional district.*

Staff Recommendation:

Staff recommends approval of the proposed Conditional District for Charthouse Industrial Park with the 18 conditions as recommended by the Planning Board with one modification as recommended by staff for Condition 3. Staff recommends that curb and gutter be provided along all interior parking areas. Many existing developments in Wendell and other nearby areas have parking areas that do not have curbing. Those areas typically have pavement that is breaking away from the edges and landscaping that is regularly damaged from vehicular traffic.

Based on concerns about sidewalk connectivity during the public hearing, the Board of Commissioners, if desired, could require 20 feet of dedication (5 additional feet than currently required) along Wendell Boulevard to prevent a delay in the installation of the sidewalk along Wendell Boulevard.

Planner Patrick Reidy provided an overview of the zoning map amendment (as provided in the above staff report).

Commissioner Boyette questioned whether the conditions were proposed by the applicant and approved by the Planning Board. Reidy stated the Planning Board made tweaks.

Commissioner Boyette questioned the condition to extend the road to 28 feet wide. Reidy stated yes.

Commissioner Boyette questioned at what part of the development that would be triggered. Reidy stated at each phase.

Commissioner Boyette questioned if the entirety of the street – the new part- would be built at one time or built in phases. Reidy responded either way and added the applicant indicated it would be built all at one time.

Commissioner Boyette stated nowhere in the information could it be construed that Wendell would take over responsibility for the street before the geo-technical survey and making sure the road is up to standard. Reidy stated yes.

Commissioner Boyette stated the existing road would not have to be improved to build Phase

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one. Reidy stated correct.

Commissioner Boyette questioned if there were more construction at a later time further off of Wendell Boulevard, further north, and the property owner of the north wanted to tie into the road but Phase 2 had not yet been completed, what would trigger the road being re-paved or re-built if someone came in behind it and wanted to tie in using the road. Reidy stated that would be dependent on the road being installed by the current developer, the property owner to the north, or the Town.

Commissioner Boyette questioned who is responsible for putting in the road. Reidy stated the applicant if the applicant chose to do anything beyond Phase one.

Commissioner Boyette questioned if the applicant decides to never improve the road, he could block off the property. Reidy stated the full width would have to be installed for Phase one and development beyond Phase one would require the current road section to be upgraded.

Commissioner Boyette questioned if someone to the north were to come in and wished to tie in to the road. Reidy stated the Town has a stub requirement.

Town Attorney Cauley questioned for the conditions if the applicant is agreeable to the conditions proposed by the Planning Board. Mr. Ferrell stated he is requesting relief on the curb and gutter on the inside parking areas and along the roadway.

Commissioner Carroll stated the applicant is not in agreement with the recommendations.

Commissioner Joyner expressed appreciation for the chart provided by staff. He heard the applicant is agreeable on seven of the proposed conditions: sidewalk, parking, phasing, Wendell Blvd frontage, right-of-way and outdoor storage. Reidy stated the applicant is concerned with curb and gutter and the additional road width.

Commissioner Joyner requested additional information on the road width. Reidy stated the road cross-sections in the UDO are primarily based on residential and leaves room for staff interpretation. Staff contacted the Town engineer and it was the opinion the additional width would help protect the integrity of the roadway.

Commissioner Joyner stated he heard interior parking pavements breaking because there is not curb and gutter as well as landscape being damaged. He questioned if it is in the Town's UDO would the Town have authority to enforce repair. Town Attorney Cauley stated the Town would in that scenario.

Commissioner Boyette agreed with most of the request. He stated a wider road for industrial use makes sense to him. He stated he is in favor of curb and gutter on both sides of the road and the dedication on Wendell Boulevard for sidewalk. He stated sidewalks are important and this is a short piece. Reidy stated the draft Transportation Plan reflects 25 feet right of way.

Commissioner Boyette is in favor of making sure that when the sidewalk needs to be installed it

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and can be as well as curb and gutter along the road and the road does not come under the Town until it is improved meeting the specifications.

Commissioner Myrick questioned whether the Board is voting on the conditions as recommended. Reidy stated the Board has the option to modify.

Commissioner Joyner stated he understands the purpose of curb and gutter is to protect the roadway. This project is 1400 foot at \$100 per foot is a steep price. He stated a compromise for road width is from 28 foot to 24 foot. He stated he heard agreement for: sidewalk on the eastern side of the road, buffer, parking, road phasing (as recommended by staff), Wendell Boulevard improvements (with staff recommendation of 25 feet), right-of-way width, and outdoor storage. He recommended for the other two conditions: road width of 26 feet and swale ditch on both sides; curb stops made out of concrete within the interior of the project in lieu of curb and gutter. Mr. Ferrell stated he is in agreement to the Wendell Boulevard improvements with the staff recommendation of 25 feet so the sidewalk aligns. Commissioner Joyner stated the Sheetz has sidewalk and does not have curb and gutter and it looks nice.

Mayor Gray asked if the applicant was in agreement with the conditions. Mr. Ferrell stated the proposed conditions are acceptable.

Mayor Gray stated the motion before the Board is: sidewalk on the east side of the road, proposed buffer, parking, staff's recommendation for phasing, Wendell Boulevard improvements with staff recommendation of 25 feet right of way width recommended by staff, staff recommendation on outdoor storage, road width of 26 feet with swale ditch on both sides, and curb and gutter in the parking to be replaced with curb stops.

Commissioner Boyette questioned if this has no curb and gutter.

Commissioner Joyner stated it would have curb and gutter along Wendell Boulevard and include the sidewalk.

Commissioner Boyette questioned if there would be no curb and gutter along the new street to be developed is correct.

Commissioner Joyner stated that is correct.

Planner Reidy requested clarification on the sidewalk and curb and gutter being installed on Wendell Boulevard with Phase one. Commissioner Joyner stated he would yield to staff on that. Joyner expressed concern that the Transportation Plan has not yet been adopted and he does not wish to hold-up the project.

Mayor Pro Tem Lutz requested additional information on curb stops. Reidy stated these are in parking lots in which there is no curb along landscaping and these are the wheel stops in every space.

Commissioner Joyner stated examples are the Wendell Park and Central Baptist.

Mayor Pro Tem Lutz questioned where the curb stops would be located. Reidy stated at the end of a parking space.

Commissioner Joyner added his suggestion is to also put curb stop around any landscaped areas in the parking lot.

Mayor Pro Tem Lutz questioned what the Planning Board recommendation was for the curb and gutter. Reidy stated the Planning Board recommended no interior curb and gutter in the parking lot for the industrial uses. He said the Planning Board recommended interior curb and gutter for the commercial lots closer to Wendell Boulevard.

Commissioner Boyette stated he is OK with no curb and gutter in the parking lot. He is not in favor of not requiring curb and gutter along the road as this is a road the Town will have to maintain.

Mayor Pro Tem Lutz stated he does not feel strongly about the interior parking. He does lean more with Commissioner Boyette and the Planning Board that at least along lots four and five with curb and gutter.

Commissioner Joyner stated he spoke with his dad who is a former street inspector. The recommendation is to make the entry ways three times larger so as to reduce trucks running over the curb and gutter and asphalt is less to lay than concrete.

Commissioner Myrick questioned who is responsible for maintaining the swales. Reidy stated the Town would be as those are in the right-of-way.

Commissioner Joyner questioned if a condition could be included that the applicant will maintain the swale ditch. Town Attorney Cauley stated it would be difficult to enforce.

ACTION

Mover: Commissioner Joyner moved to approve with sidewalk on the eastern side of the road, buffer, parking, phasing (as recommended by staff), Wendell Boulevard improvements (with staff recommendation of 25 feet) right-of-way width, and no outdoor storage as a primary use in lots 4 and 5; road width of 26 feet and swale ditch on both sides; curb stops made out of concrete within the interior of the project in lieu of curb and gutter.

Vote: Motion failed 1 to 4 with the following voting opposed: Mayor Pro Tem Lutz, Commissioner Carroll, Commissioner Myrick, and Commissioner Boyette.

Commissioner Boyette requested to make a motion that would use Commissioners Joyner's motion [sidewalk on the eastern side of the road, buffer, parking, phasing (as recommended by staff), Wendell Boulevard improvements (with staff recommendation of 25 feet), right-of-way width, and no outdoor storage as a primary use in lots 4 and 5] and to amend by requiring curb and gutter along the road and exclude the parking area. Curbing would be required for lots 1, 2 and 3 when the road was built and curbing would not be required for lots 4 and 5 until that section of road is improved. Reidy stated it would depend on which Phase the applicant

develops.

Commissioner Boyette stated he is not requesting curb and gutter on what is currently a driveway until such time as that road has to be improved. He also questioned if it is staff's intention for curb and gutter on one side. Reidy stated the road will be such that it drains. He added the applicant only has frontage on one side of the road.

Commissioner Boyette moved that the Board approve sidewalk on the eastern side of the road, buffer, parking, phasing (as recommended by staff), Wendell Boulevard improvements (with staff recommendation of 25 feet right-of-way width), and no outdoor storage as a primary use in lots 4 and 5; curb stops made out of concrete within the interior of the project in lieu of curb and gutter; and requiring curb and gutter as in the phase agreement along the east side of the road with road width of 26 feet.

Mayor Gray questioned if the applicant is agreeable to the proposed conditions. Mr. Ferrell stated the intent was to do the road at one time with a building on lot one.

Commissioner Boyette stated he is not hearing phasing for the road. Mr. Ferrell stated lots four and five are developable when zoned as highway commercial. He was in favor of a 26 foot wide road with swale ditch. He stated curb and gutter is a negative impact to the development.

Mayor Gray stated she hears the applicant is not agreeable to the curb and gutter.

Commissioner Boyette stated the curb and gutter was the sticking point on the last motion. Reidy stated the phasing is in place to protect the Town.

Mayor Gray stated she hears the sticking point is the curb and gutter.

Commissioner Boyette believes the Board has made concessions and the curb and gutter is only on one side of the road.

Commissioner Myrick questioned if the Board may vote on this if the applicant is not in favor of the condition(s). Reidy stated the applicant may withdraw or the Board may deny.

Mr. Ferrell proposed to the amendment that he build the entire length of street upfront instead of phasing until lots two and three are developed in exchange for not installing curb and gutter on the east side.

Commissioner Boyette stated he heard the applicant is willing to repave the street at one time without phasing in lieu of any curb and gutter except along Wendell Boulevard.

Town Attorney Cauley stated if the applicant is not agreeable, the Board need not vote; he cited the NC GS language.

Mr. Ferrell stated he would accept the motion as presented.

ACTION

Mover: Commissioner Boyette moved sidewalk on the eastern side of the road, buffer, parking, phasing (as recommended by staff), Wendell Boulevard improvements (with staff recommendation of 25 feet right-of-way width, and no outdoor storage as a primary use in lots 4 and 5; curb stops made out of concrete within the interior of the project in lieu of curb and gutter; and requiring curb and gutter as in the phase agreement along the east side of the road with pavement width of 26 feet.

Seconded: Mayor Pro Tem Lutz

Vote: Unanimous

5. PUBLIC HEARING ON THE TOWN OF WENDELL FY 2017 FEE SCHEDULE AND SCHEDULE ACTION FOR JUNE 13, 2016:

Town Manager Teresa Piner provided an overview of the FY 2017 Fee Schedule for the Planning Department and Parks and Recreation Department:

- Amendments to the Planning Department schedule:
 - Processing fee for trade permits - \$20
 - Utility fee amendments proposed by the City of Raleigh:
 - Meter set fee for 5/8 inch water from \$218 to \$245
 - Meter set fee for 1 inch water from \$279 to \$323
 - Irrigation meter set fee for 5/8 inch from \$218 to \$245
 - Stub inspection for water from \$82 to \$84
 - Tap fee for 5/8 inch from \$2,648 to \$2,710
 - Irrigation split for 5/8 inch from \$530 to \$542
 - Irrigation split for 5/8 inch from \$1,091 to \$1,116
 - Four inch sewer tap from \$3,311 to \$3,388
 - New printing fees
 - New demolition permit process fee - \$25
 - New development agreement or amendment - \$400
- Amendments to Parks and Recreation Department schedule

Mayor Gray opened the public hearing at 8:01 p.m. No one spoke. Mayor Gray closed the public hearing at 8:02 p.m.

ACTION: Council may take action at its June 13, 2016, Board Meeting.

6. PUBLIC HEARING ON THE PROPOSED BUDGET FOR FY 2016-2017 AND SCHEDULE ACTION FOR JUNE 13, 2016:

Town Manager Teresa Piner provided an overview of the proposed budget for fiscal year 2016-2017. Budget presented to the Board is balanced with a 51 cent tax rate.

Mayor Gray opened the public hearing at 8:19 p.m.

Regina Harmon, 6616 Tells Branch Road, shared the following:

- Business owner in Downtown Wendell
- Requested to be revenue neutral
- Did not see Wendell Falls Subdivision in the budget presentation
- Suggested changes how programs are charged for Parks & Recreation as a revenue source
- Wants Town Hall to remain downtown and suggested a second floor

Mayor Gray closed the public hearing at 8:24 p.m.

Commissioner Joyner questioned the dollar amount for the re-purposing of the Town Clerk position.

Town Manager Piner stated the split is roughly \$30,000 salary per position and then there are the benefits.

Commissioner Joyner stated \$1,900,798 which equates to 29% of the budget. Any other municipality at the beginning of the process having to cut 29% of budget would find this a tall task. Commended the Town Administration and noted the follow for each department: Parks and Recreation – 33%, Public Works – 8.8%, Police – 10.7%, Planning – 2.7%....and the list goes on. Those are all cuts and are negative numbers. The rate may be adjusted and will most likely not impact people's taxes. Looks forward to working with administration on the last few numbers. Would like to see the economic development line item re-evaluated. He expressed appreciation to the staff.

ACTION: Council may take action at its June 13, 2016, Board Meeting.

**7. UPDATE ON APPLICATIONS RECEIVED FOR TOWN OF WENDELL
CITIZEN ADVISORY BOARDS:**

[Staff Report]

Appearance Commission: The Appearance Commission consists of six members. There are no terms expiring 2016.

Board of Adjustment: The Board of Adjustment consists of seven members; five members shall live within the Town and two members shall live within the Town's ETJ. There are no terms expiring 2016; however, there is one vacancy.

Economic Development Committee: The Economic Development Committee consists of eight voting members and one ex-officio member of the Wendell Chamber.

Currently there are five members with terms expiring 2016:

Donald Brown

Lesia McKenzie

Edward Morrell

Barry Perry

Ms. Stacey Piesche stated she is new to Wendell and would like to be involved.

ACTION: Council may take action at its June 13, 2016, Board Meeting.

8. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:

- Capital Area Metropolitan Planning Organization (CAMPO)

Mayor Gray provided the following:

- Update of on-going projects
- Joint public hearing held with Go Triangle on the Wake County Transit Plan
 - CAMPO Executive Board adopted the plan and it will continue

- Transportation Planning Committee

Mayor Gray provided the following update

- Compiled the received citizen comments from the three meetings, emails, phone calls
- Unable to attend the meeting due to a conflict
- Attended an earlier meeting with the Town Manager and Planning Director for an update
- Commended Planning Director Bergmark for going above and beyond with the process

9. COMMISSIONERS' REPORTS:

Commissioner Carroll stated thanks to those involved in the Art Walk,

Mayor Pro Tem Lutz stated he looked over the budget and likes doing things in the Parks and Recreation. Encouraged everyone to look at ways to generate revenue for the Town.

Commissioner Myrick stated no report.

Commissioner Boyette stated no report.

Commissioner Joyner stated the Art Walk was great. Recently visited Forestville Elementary and discussed the three branches of government with third grade classes. Assignment with the students was to give money and then take half. Overwhelming proposal was swimming pools on the corner and slip-n-slides to connect them. And then the cost was discussed. Read the following note from a third grade student:

“Could not believe we get \$1 million dollars to decide what to build in the Town of Wendell. I really like the idea of making pools on the corner of Wendell and having lots of nice things. Was a little upset when I realized as we still have to pay for what we have to keep it going. I hope that in the future we can raise more money to do more fun things.”

Thinks that is a good analysis of where we are in the budget process.

10. MAYOR'S REPORT:

Mayor Gray expressed appreciation to those who helped with the Art Walk. Children's Art

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contest was great. Blue Grass picnic was nice. Thanked the Chamber for participating in the day.

Mayor Gray attended Community Day at the Carolina Mud Cats and threw out the first pitch.

Mayor Gray attended the Wake County Mayors meeting where they invited the Wake County delegation of the General Assembly to attend.

Mayor Gray congratulated Grounds Café, Wendell Falls, and Brown Bag Bagel for celebrating one-year anniversary.

Mayor Gray went to the Carver Elementary third grade plant sale fundraiser today. The fundraiser was to raise money for the end-of-the-year party. Students were excited about the fundraiser and the mayor being a customer.

11. ADJOURN:

ACTION

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:40 p.m.

Vote: Unanimous

Duly adopted this 13th day of June 2016, while in regular session.

ATTEST:

Virginia Gray,
Mayor

Sherry L. Scoggins, MMC
Town Clerk