

May 9, 2016
Board Meeting Minutes

The Wendell Town Board of Commissioners held their regularly scheduled meeting Monday, May 9, 2016 at the Wendell Community Center due to ongoing renovations at Town Hall. Presiding over the meeting was Mayor Virginia Gray. Present were Commissioners John Boyette, Jon Lutz, Ben Carroll, David Myrick, Jason Joyner; Teresa Piner-Manager; Jonnie Driver-Town Clerk; Butch Kay-Finance Director; Tamah Hughes-IT Administrator; David Bergmark-Planning Director; Patrick Reidy-Planner; Bill Carter-Police Chief; and Jim Cauley-Town Attorney.

Mayor Gray called the meeting to order at 7:00 pm and welcomed everyone in attendance.

Chief Bill Carter led the Pledge of Allegiance and Invocation was given by Reverend Bob Albritton of Wendell United Methodist Church.

Adjustment and approval of the agenda

Commissioner Joyner asked that Item #7 be removed from the agenda due to the meeting not taking place on May 5th as scheduled. All were in favor of the removing Item #7.

Item 1 – Public Comment Period

Mark Vardy -2255 Wendell Boulevard said the UDO is requiring me to put sidewalks in front of my building, but I see some problems with putting that infrastructure in. He said if you go west from my property the closest sidewalk is .8 miles away at Hephzibah Church and is located on the opposite side of the road. He said back toward Wendell the closest sidewalk is about 3.4 miles away on the same side of the road. He said currently there are no contiguous sidewalks in Wendell and that is my concern. He said the sidewalks that are being proposed will cause a significant threat and hazard to the Town of Wendell. He said I am all about walking and I am all about pedestrian traffic, I encourage it. He said sidewalks should be safe and our current system is going to create a map of non-contiguous sidewalks and that is a problem. Everything you read said incomplete sidewalks put people at risk; people die because of this problem.

Mr. Vardy said what I am proposing is that the Board of Commissioners allows me to get an exemption or variance from the sidewalk rule and for you to consider amending the UDO to prevent people from being at risk.

Item 2 – Consent Agenda

- a. Approval of the Minutes from the April 25, 2016 Special Called Budget meeting.
- b. Approval of the Minutes from the April 25, 2016 Regular Board Meeting.
- c. Approval of Ordinance #0-7-2016 enacting and adopting a supplement to the Code of Ordinances for the Town of Wendell.

Commissioner Carroll made a motion to approve the consent agenda. The motion passed unanimously.

Item 3 – Public Hearing, Discussion and action on a Zoning Map Amendment request to rezone 16.09 acres of property within two parcels identified by PINs #1784263321 and 1784268911 from Manufacturing and Industrial (M&I) to a M&I Conditional District which allows Industrial and Commercial uses.

The applicant Charthouse Holdings, LLC has requested to create an M&I/CH conditional district for approximately 16.09 acres of property within the parcels identified by PIN#s 1784 26 3321 and 1784 26 8911. The proposed conditional district consists of three lots for light industrial

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development and two lots for commercial development, as shown on the Master Development Plan.

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A CD may depart from the strict application of the requirements of the town's general zoning districts.

The CD alternative may allow uses which are not specifically allowed in standard zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternative uses or lot dimensional standards have been proposed by the applicant.

A second purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economic development, and the protection of existing and future adjacent development. In this case, the proposed district does not contain any residential uses or their corresponding amenities.

The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.

This property is located within the extraterritorial jurisdiction (ETJ) of the Town of Wendell and is zoned M&I. The property would be required to be annexed within the corporate limits prior to development occurring. The intent of this application is to alter certain standards from the UDO to the area identified in Attachment B.

The applicant is proposing six conditions for the proposed CD, as follows:

1. Section 9.3.C – Sidewalks; 5' sidewalk along a single side of the proposed development. (CH & M&I districts).

Staff Comment: The UDO requires a 5 foot wide sidewalk along both sides of the entire existing and proposed road.

Staff finds that the request is reasonable, but recommends that the condition be amended to clarify that any future improvements to any property to the western

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side of the road shall provide a 5' wide sidewalk within the 60 foot wide right-of-way.

Planning Board Recommendation: The Planning Board accepted the proposal that the sidewalk be provided on the east side of the street by the applicant and that the western side be provided at the time of development of that side of the road.

2. Section 9.3.G.1 – Storm drainage in streets; No curb and gutter on streets throughout the proposed conditional district.

Staff Comment: The UDO requires that vertical curb be along roads in the CH and M&I districts and provide closed or Low Impact Development storm drainage to discharge surface water from the right-of-way. The applicant is proposing to not provide any curb and gutter or upgrade the existing open swale ditch along the existing road or providing along the new road.

Staff recommends that the condition be altered so that vertical curb and gutter be provided on the eastern side of both the existing and new sections of the road.

Planning Board Recommendation: The Planning Board accepted the staff's recommendation that vertical curb and gutter be provided on the eastern side of both the existing and new sections of the road.

3. Section 8.11.E.1 – Curbing/Bio retention options; No curb and gutter on proposed parking areas/islands throughout the proposed conditional district.

Staff Comment: The UDO requires that "all parking areas and landscaped islands shall either be curbed using a vertical curb or wheel stops. Curbing may be discontinuous or perforated allowing storm water to enter landscaped areas constructed for bio retention. Where bio retention areas are constructed, wheel stops may be used in place of curbing. Where landscaping is above grade, curbing must be continuous to prevent landscaping material from eroding into the parking area". The master plan shows the use of wheel stops along the parking lot, but has not indicated that bio retention is proposed within the parking area.

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. Staff does not recommend approval of the proposed condition.

Planning Board Recommendation: The Planning Board altered the staff's recommendation to state that curb and gutter on proposed parking areas/islands be exempt for Lots 1-3(industrial lots) and required for Lots 4 and 5 (commercial lots).

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Staff Comment to Planning Board Recommendation: Staff recommends that the Board of Commissioners consider requiring that curb and gutter be provided along all interior parking areas. As recommended in Condition 2, curb and gutter is required in the right-of-way, which would include any drive aisle connections and their curb radius. If the applicant is concerned about damaging the curb, the option is available to provide for a wider turning radius.

4. 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”.

Staff Comment: The UDO requires a 30 foot wide undisturbed buffer and 100 foot building setback along all exterior property lines for an M&I district. The applicant has proposed to reduce the setback from 100 feet to 90 feet on the northern and southern property lines; reduce the undisturbed buffer from 30 feet to 20 feet along the CH zoned property; maintain the required buffer along the RA zoned property to the south, and extend the undisturbed buffer from 30 feet to 100 feet along the eastern property line.

The reasoning behind the reduced undisturbed buffer is to allow for additional room for trucks to maneuver while using the loading docks. The applicant has gone above and beyond to buffer along the residentially zoned properties to the east and south. Staff recommends approval of the proposed condition.

Planning Board Recommendation: The Planning Board accepted the applicant’s proposed condition.

5. 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.

Staff Comment: The UDO requires that parking lots “may be placed adjacent to internal streets only, but shall be screened in accordance with the standards of Chapter 8 - Tree Protection & Landscaping. Parking lots shall not be adjacent to external streets unless existing conditions do not provide a practical alternative.”

The applicant will be providing the required landscaping along parking lots. The applicant has proposed that any large vehicles or equipment would not be placed along the road. Staff recommends approval of the proposed condition.

Planning Board Recommendation: The Planning Board accepted the applicant’s proposed condition.

6. Section 15.13.E – Phasing; During Phase I, geotechnical core samples will be conducted on the existing driveway access. Based upon these findings, paving improvements to

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bring the existing drive up to town road standards will be determined & implemented at the time of the Final Development Plan for Phase III.

Staff Comment: The applicant has proposed to split the development of the site in to three phases. The first phase will be to develop Lot 1, Phase II will develop Lots 2 and 3, and Phase III will be to develop Lots 4 and 5. The existing road was built as a private road and does not meet the required paving depth to be accepted as a public right-of-way. The applicant has requested to delay the upgrade of the road until the new road is finished with construction. Staff recommends approval of the proposed condition, but recommends that the timing of the upgrade coincide with the development of Phase II since the narrowness of the Phase III property could substantially delay the required improvement.

Planning Board Recommendation: The Planning Board accepted the staff's recommendation that the existing road upgrade be completed with Phase II of development instead of Phase III as proposed by the applicant.

7. **Staff recommended condition 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.

Staff Comment: The ultimate cross section for Wendell Boulevard is proposed to be widened with the Arterial and Collector Street Plan that is currently being brought before the Planning Board and Board of Commissioners. The improvements shall be determined based on the approved cross-section shown in the Arterial and Collector Street Plan at the time of Final Development Plan for Phase III. This would include any widening, landscaping, or sidewalks.

Planning Board Recommendation: The Planning Board accepted the staff's proposed condition.

8. **Staff recommended condition 8** – Staff recommends prohibiting 'outdoor storage as a primary use' within Lots 4 and 5. This portion of the conditional district is either along or within close proximity to Wendell Boulevard and staff believes it is not in the Town's best interest to have these lots used for outdoor storage purposes.

Planning Board Recommendation: The Planning Board accepted the staff's proposed condition.

9. **Staff recommended condition 9** – The applicants show a 24' wide street in their submitted Master Development Plan (Attachment B). This represents two twelve foot lanes. Currently there is no striping to separate the lanes. Staff recommends that a condition be added that the roadway 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 or curb with no on-street parking allowed.

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Planning Board Recommendation: The Planning Board accepted the staff's proposed condition.

As previously stated one purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economic development, and the protection of existing and future adjacent development.

While conditional districts do allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions are intended to be offset by other improvements which go above and beyond what is required. This process allows for creative trade-offs that can result in a better overall product.

As currently proposed, the only improvement suggested as part of this conditional district request that would go beyond the UDO requirements would be the 100 foot wide undisturbed vegetative buffer along the eastern property boundary. All other proposed changes constitute reductions in design and site standards.

Additional site plan conditions/changes recommended by staff:

1. Add the gross acreage of the site.
2. Add the acreage and square footage of the right-of-way dedication.
3. Revise the current zoning from "CH& M&I" to "M&I".
4. Add bearings & distances to the property lines.
5. Delineate the width of all drive aisles.
6. Revise "proposed gravel yard" to "proposed gravel storage yard" to Lots 1-3.
7. Add existing water and sewer lines to the plan with the size of the pipes.
8. Add existing zoning for adjacent properties.
9. Add property info for the adjacent property to the north of Lot 3.

Staff Comment: All of the proposed changes are technical in nature and are items that are required on any site plan.

At its April 18, 2016 meeting, the Wendell Planning Board voted 4-1 to recommend approval of the proposed Conditional District. Voting in favor: Chairman Harold Broadwell, Errol Briggerman, Gilda Wall, and Kathe Schaecher. Voting in opposition: Ashley Anderson

Normally, at the time of construction of any new building, parking spaces shall be provided in all districts in the amounts specified by Chapter 10 of the Unified Development Ordinance (UDO). As previously stated in proposed conditions 3 and 5, the applicant is seeking to allow the parking lot to be developed without providing any curb and to allow for parking along the external street instead of limited to internal streets only.

Lighting shall meet the requirements as set forth in the UDO at the time of development.

Public water and sewer will be extended along the entire new road at the time of development.

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Normally, at the time of construction of any new roads, the standards are to be met as specified by Chapter 12 of the UDO. As previously stated in proposed conditions 1 and 2, the applicant is seeking to change the requirement so that sidewalk is only provided on the east side of the street and to allow the remaining ditches to remain instead of adding curb and gutter. The applicant is also required to upgrade the paving of the existing private street to a public street standard. The exact upgrades required shall be determined with the Final Development Plan.

All drives shall meet the requirements as set forth in the UDO at the time of development.

As recommended in staff's proposed condition 7, the improvements for the frontage of Lot 5 along Wendell Boulevard shall be determined based on the approved cross-section shown in the Arterial and Collector Street Plan at the time of Final Development Plan for Phase III.

NCDOT has stated that a left turn lane on Wendell Boulevard will be required. The exact timing and design will be determined by NCDOT at the time of the Final Development Plan for Phase I.

As previously stated in proposed condition 4, Section 2.14B.4 of the UDO requires a 100 foot wide exterior building setback and a 30 foot wide undisturbed perimeter buffer along the boundary of an M&I district. The applicant has proposed to provide the 30 foot wide undisturbed buffer along the north property line and a combination of a 20 and 30 foot wide undisturbed buffer along the south property line (the reduced 20 feet along adjoining properties zoned CH and the full 30 feet along the adjoining property zoned); reduce the 100 foot wide building setback to 90 feet; increase the undisturbed buffer to 100 feet wide along the eastern property line; and to provide the 100 foot wide building setback along the eastern property line. These buffers are not required along the western property line since the adjacent parcel to the west is also zoned M&I.

All additional landscaping shall meet the requirements as set forth in the UDO at the time of development.

Development of this site would be required to meet the stormwater standards contained in the UDO.

The proposed conditional district proposes to divide the development in to three phases. The first phase will be to develop Lot 1. Phase II will correspond to the development of Lots 2 and 3. Phase III will be for the development of Lots 4 and 5. As previously stated in the applicant's proposed condition 6, the upgrade of the existing road is requested to be delayed until Phase III. Staff has recommended that the street upgrade be made with Phase II rather than Phase III.

Staff is concerned that the development of Phase III may not occur in the near future, therefore significantly delaying the upgrade of the road in the foreseeable future. The right-of-way will not be accepted for public maintenance until the road has been fully upgraded to town standard for a public street.

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The Wendell Comprehensive Plan defines the subject properties as being completely within the S6 “Infill/Redevelopment Area”; partially within the Wendell Boulevard Gateway Zone; and partially within a Neighborhood Center.

The Comprehensive Plan states that “S-4 lands are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community’s new growth should occur.

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood development, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed industrial development on the northern half of the site meets the appropriate industrial use. The southern half of the site along Wendell Boulevard calls for commercial use, but does not specify what type of commercial could be developed. Staff has recommended prohibiting ‘outdoor storage as a primary use’ within lots 4 and 5.

The Comprehensive Plan also states that “Neighborhood Centers, shown on the framework plan in the smaller circles, are based on a 1/4 mile radius (a typical 5-minute walk) from a major intersection. They are intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing. A neighborhood center should not contain more than 80,000 to 120,000 square feet of retail uses. A grocery-anchored mixed-use development is a typical use for a neighborhood center”.

The proposed industrial development on the northern half of the site does not meet the type of development called for in a neighborhood center. Only approximately half of the industrial development falls within the neighborhood center ring. The southern half of the site along Wendell Boulevard is fully within the neighborhood center and calls for commercial uses, but does not specify what type of commercial could be developed. The creation of the neighborhood center is based on the idea that Liles Dean Road would extend to the north of Wendell Boulevard. This extension is not required at this time. As a result, it is staffs’ opinion that it is reasonable to allow the proposed development even though it does not meet the intent of the neighborhood center.

The Gateway Overlay zone extends 300 feet in either direction of Wendell Boulevard. The Comprehensive Plan recommends that the Wendell Boulevard Gateway Overlay zone “be an area for professional office and service uses and some higher density residential uses. Retail uses along this corridor should be limited to the identified centers or nodes in the Framework Plan.”

Approximately half of the proposed Lot 5 is within the Wendell Boulevard Gateway Zone. It is proposed for commercial, but as previously stated, no more detail for the type of commercial has been identified.

- Any recommended change to the zoning map 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 18th 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 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.

Commissioner Boyette thank staff for the very detailed and time intensive presentation, and it very well lays out all the difficulties with this property. He said this is not an easy lot to develop and it does present some unique challenges. Commissioner Boyette said Patrick you said there would only be sidewalk on one side of the existing street, can you make it clear where the street lies and where the sidewalk would be. Patrick pointed out the location on the map. Commissioner Boyette asked what the width of lots 4 and 5 were. Patrick said they are not very deep and pointed it out on the map. Boyette said under our current development guidelines, what could be built on those two narrow lots. Patrick said there could be some development, but it would be very limited. Assuming it gets rezoned to CH would allow for more. Boyette said as the current rezoning put it they would be basically unbuildable lots. Patrick said that is correct. Boyette said that give me some heartburn, because several conditions of the improved roads, sidewalks being built and things rely on Phase III and Phase III is those two lots being built out. Boyette said I agree that all parking areas need to be curbed especially in an industrial area where all the heavy vehicles are coming through because it is very easy to tear the edge of the parking areas and the street prospered by short turning with no concrete curb there to protect the road. Boyette said there was something in the presentation about prohibiting parking along the road, with no curb and gutter that road is often used for heavy vehicle parking and without curb and gutter it would be extremely easy to continue parking there. He said my recommendation is the entire street needs to be curbed as well as signage posted that parking is not allowed. Patrick said typically we do mark it with signage. Boyette said staff made the comment that a Conditional District allows for creative uses and tradeoff, improved amenities for being able to

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work around some existing rules that might not mesh will with the development and staff is right, there is a lot of take and no giving in this plan. He said the only one was the undisturbed buffer at the very back of the lot. Boyette said the comment we heard from Dr. Vardy prior to this item that property sets adjacent to this and his concern was sidewalks that do not go anywhere and not requiring sidewalks. He said the piece of property east of his was just recently rezoned to make it usable for commercial use and the idea being that if it were to be developed then there would be sidewalks there. Boyette said I think this is a great presentation and I understand the needs of the applicant. I am not a huge fan of having the presentation, public hearing and the vote all in the same night. I would rather be cautious on these things rather than trying to meet a time line. He said I am not going to make a motion to table it, but that would be my recommendation to table the vote on it until the next meeting.

Commissioner Joyner said under the current zoning, what would the width of the road need to be. Patrick said if it is not a collector street or thoroughfare it is left up to staff. Joyner asked what is the widest width of road we currently have for industrial use. Patrick replied probably 70 feet. Joyner asked why they decided on 28 foot. Patrick said we talked with the engineer firm we contract with and he felt instead of having the normal 12 foot lanes, having that extra width for the trucks to accommodate it would help maneuverability and the life of the road. Joyner asked what is it currently. Patrick replied 24 foot black pavement. Joyner said the road would be fixed in Phase II to be triggered by Lot 2 which is staff recommendation. Patrick said it would have to go up to Lot 1 and more than likely the applicant has expressed they will probably put in the whole new existing road, but the upgrade of Lots 4 & 5 would be triggered when lots 2 and 3 are developed. Joyner said this applicant is going to be responsible for putting the road all the way in regardless of what is already there. Patrick said that is correct. Joyner said they are proposing a side walk on the front end, so I guess that would be Wendell Boulevard heading north, west, and east. Patrick said we are requesting the delay only because we do not think it would be in the appropriate ultimate section because the Transportation Plan has not been agreed upon yet. Joyner said when I pass by that location on Wendell Boulevard what would I see under your proposal versus their proposal. Patrick said you would see the existing road as is with no curb and gutter or sidewalks. Under what we are proposing you would see curb, gutter and sidewalk. Joyner said looking at that piece of land the only way I could see it being developed otherwise is if someone bought the Scarboro properties and ran it out northeast on the back side. He said I completely understand Mr. Vardy and Commissioner Boyette's comments on the sidewalk piece. He said I think there is a compromise to be reached here and maybe Commissioner Boyette's comments on looking at this again might be a good idea. He said I think it would be good to see a table on what staff is proposing, and what the applicant is proposing and what would be required if they didn't complete their proposal. He said I want to see what the town is getting out of this conditional use district as well as what the applicant is getting out of the district. He said my concern is I did not realize there was property back there, so the fact that someone wants to develop it is an interest to me and looking at the budget I want any source of new revenue in town if possible.

Commissioner Carroll asked what the projected build out of this project was. Patrick said a Conditional District is only valid for 12 months until they get to the next step of final development and planning. They can request additional time.

Commissioner Joyner said I would hate to table this item if the applicant has an idea of how we can get it done tonight. No one had any further questions.

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Mayor Gray opened the Public Hearing for comments.

Julia Ledford-3 Ledford Lane said she had two concerns and they were the quality of life for the residence that have lived there since the 50's and 60's. She said I am also concerned about the water quality because we have a well. She said in your UDO one of your goals is for the public health, safety and well fair of the citizens and we live within the one radius of Wendell where you do have some control of our property. She said we don't object to being in town, we just don't want your water, I want my well. She said we are the field in the wooded area between 3 Ledford Lane and Dr. Vardy's property. She said the north side of our wooded area is adjoining lot 1. We as a family have not yet decided what we will do with the property that we own. The Ledford's are not going anywhere we are going to stay here. She said I thought I heard the land to the east of lot 1 was commercial, but it is actually agricultural and the land south of it is Residential Agriculture and my concern is that if you want to run businesses right down Highway 64 and make this a corridor and make it commercial development I do not agree with it. She said one thing in the quality of life for a family that has been there all of their lives it seems is our son has always dreamed of putting his dream house on the northeast corner of that property and I don't think he is going to want to do that with this kind of business that will be right behind us. She said if there is going to be a business there I want the deepest, tallest, thickest buffer that is possible to be put in and I do not want any cutting back on those restrictions. She said if it is a fence, I don't want it to be a junk yard fence; I want it to look very nice. I do not know what this business does to the aquifers that run under all of that land and we tap into one of those aquifers. My concern is have you thought about that, are you asking these businesses and requiring them to be sure that nothing drains into the ground and into those aquifers that will be dangerous to those people who live around there and have wells. There are four houses on our property with wells. She said everyone in this room lives somewhere in Wendell or the adjoining areas and if businesses want to come in and the town approves it, it could be your property next. She said if economic development is what you want rather than residential quality of life, I would like to see a balance and remember it can happen anywhere in town.

Dr. Mark Vardy said he would like to reiterate what he said earlier about sidewalks along Wendell Boulevard, it is not contiguous and I think you are creating a significant risk for any pedestrians that could be hurt.

Mr. Clint Ferrell stated he represented the applicant in this request. Mr. Ferrell said he would like to address the ladies concerns. He said there will be a 100 foot undisturbed buffer along the line and you should not be able to see anything through the trees. The buildings will be on the opposite side of your property and about 600 feet from your property line. He said any rain that comes down the site now will drain into retention ponds so your water quality should not be affected and we will not be tapping into any of the aquifers.

Mr. Ferrell said we were here in January to talk about this project and since then talking with the staff we have redesigned and made many changes and compromises. He said originally the road was going to come up and take a right through Lot 2 and make a horseshoe shape smaller lots and that was not feasible for the cost of the infrastructure for the roads and utilities so we made larger lots. We are asking for the existing road that goes up between lot 4 and 5 is to continue that road of 650 feet with a swell ditch. He said doing curb and gutter is cost prohibited for the project. It is 13 feet of road that we have to build to serve that chunk of lots does not work financially. He said we proposed to include a sidewalk down one side and 100 foot on Wendell Boulevard so we are looking at 1400 linear feet of

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sidewalk. He said as far as curb and gutter goes we would curb and gutter the parking areas on lot 4 and 5, and on lot 1 we do not like curb because of the big trucks that run over them and it tears up the trucks and any broken pavement on site would be the responsibility of the property owner anyway to repair, so we did not see any harm in not having curb and gutter and the Planning Board agreed with having it on the back three lots, but include it on the front 2 lots.

Mr. Ferrell said it was said that we were not giving much, but I would argue that rebuilding 650 foot of street to industrial specifications at a considerable cost, we reduced our buffer 10 foot for a section of Lot 1 which was about one-tenth of an acre, but we are giving back 1.5 acres on the eastern side abutting that residential of non-disturbed buffer. He said I would tell you I do not know of an industrial park in Wake County that has sidewalks in it, but we are proposing to compromise and working with staff on the sidewalk to accommodate that.

Commissioner Joyner asked if they had already purchased the property. Mr. Ferrell said yes, last Thursday. Commissioner Joyner said even though we went through this in January you went ahead and bought the property anyway. Mr. Ferrell said we could not get any more time from the owner and if this does not work we can do something else with it or flip it.

Commissioner Myrick said on the map in your proposal it is showing 100 foot buffer, but on number 4 of the request you asked for that to be reduced to 90. Mr. Ferrell said only on the south side to accommodate the trucks to make a bigger swing. Myrick asked if the buffer was being reduced around the Ledford property. Mr. Ferrell answered no. David Bergmark said typically the M&I zoning requires a 30 foot undisturbed buffer and a 100 foot set back. He said what they are reducing from that 100 to 90 is the building setback, not the landscaped area.

Commissioner Boyette said you made a comment that if the property was right on the highway you would not have to upgrade the road or do as much stuff, and then the next comment you made was you got a good deal on the land. He said those two are definitely related because if this property was on the highway you would have paid more for the land. He said as far as the cost of sidewalks, curb and gutter there is 1400 feet of sidewalk in my neighborhood and it has curb and gutter. When builders come in to build residential neighborhoods and I know you will say residential neighborhoods are far more profitable than industrial uses are, but the fact is if you take a larger view 97 Highway is just a little up the road and there is a nice neighborhood on 97 and if any of those parcels were to ever be developed this road you are proposing to put in would be an obvious cut off between 97 and Wendell Boulevard. He said at this point the only way to encircle this large block is at Hephzibah Church, or go past Hanor Lane up Marshburn Road to Lizard Lick. In my mind if you are to improve this area it further opens up development behind you and unlocks some land and those uses are going to want to piggy back on your road and that is not your concern, but it is our concern. He said the reason we don't have a lot of sidewalks is the argument was made they don't have sidewalks so why should we have to have them and it was said ok you don't have to have them. He said it comes down to how this fits into the greater scheme of things in Wendell.

Mr. Ferrell said it is already zoned Industrial and we are in Wake County we are coming to Wendell to be annexed to pull utilities through there and the road and utilities will open all the land around it and it will be on our back. He said esthetically a swell ditch that is there now looks great and there is nothing ugly about it and when you look up the street you will see new asphalt, grass, a sidewalk and street lights. Commissioner Boyette said I was not saying I wanted a 100 foot Wendell Boulevard, or that I

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thought you needed sidewalks on both sides of the road I am fine with one side of the street. He said the issue comes in when the road is built to the spec that we are asking and it gets turned over to the town, the taxpayers are responsible for the maintenance of that road and if it does not have some way of keeping heavy vehicle traffic off the edge of that asphalt it is going to cost more to maintain that road, than a residential street that has only care traffic with curb and gutter. He said while the upfront cost might be on you, the ongoing recurring year after year falls back on the taxpayers.

Commissioner Gray said it seems to me that you have chosen a location that has an unusual shape and it is challenging and it is presenting you with a lot of frustration and you are kind of handing them back to us a little. She said none of use chose this spot for you; you are the ones that chose it and were courageous enough to buy it ahead of time. Mr. Ferrell said when we put it under contract and were doing out initial due diligence we did not know any of this stuff and it came out after meeting with Planning staff that the Town had a UDO that had to be adhered to and that is when we found out the impact of it. Mayor Gray said I think what is at play with that is that you are kind of wearing two hats. She asked if he owned the Louver Company. Mr. Ferrell said no I am the consultant. Mayor Gray said the Louver Company and these folks are with the Louver Company and then they are also being developers and the developer part of it is where all of this has come in and anyone else who came in would have these same responsibilities. She said just because it is placing such a financial burden on them doesn't mean that we can set it aside and place that hardship on the citizens as taxpayers. Mr. Ferrell said we are just asking that the town work with us on this project, it will bring tax base to the town and it does not impact schools, law enforcement and it is all good development for the town, but it is at such a high cost that it can't be developed efficiently.

Mr. Vern Himebauch-2505 Wendell Boulevard stated by way of clarification as I understand the concern of triggering improvement on the existing road. It is my understanding that the developer is going to have to run water and sewer all the way to the back from the beginning and build the new road lots 1, 2, 3, simultaneously to developing Lot 1. He said if that be the case I don't think he is foolish enough not to want to develop lots two and three. He said that is a lot of investment if he has no intention of doing that.

Julia Ledford said now that it is clear to everyone where our property is, it appears to me that the deepest buffer is on the east side and our property is south. I want to see a really deep buffer there. David said 30 feet is what is required and they are not reducing that buffer at all.

Mayor Gray closed the public hearing.

Commissioner Boyette made a motion to table a decision on this matter until the May 23, 2016 meeting. The motion passed unanimously.

Recognition of Mrs. Jonnie Driver

Mayor Gray read a proclamation in honor of the 24 years of service to the Town of Wendell. The proclamation was presented to Mrs. Driver. Mayor Gray said we will take a 10 minute recess and have we have refreshments in the Conference Room.

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Mayor Gray called the meeting back to order.

Item 4 – Review, discussion and authorization to amend the scope of improvements to Town Hall.

Teresa said I just want to update you on the improvements of Town Hall. She said to date improvements to Town Hall, including unforeseen roof and electrical issues are estimated at \$190,000. The question of painting the exterior brick of Town Hall and the inside of the boardroom has been raised. This would add a cost of approximately \$12,000.

Teresa said in addition to the financial cost of painting, some have expressed their concern with paint the brick in the boardroom and the exterior brick for fear of losing the mid-century modern character of the facility, and asked that the matter be given more consideration and evaluation before making the decision to paint the above mentioned surfaces.

As an update to the remainder of the facility improvements, the bid numbers for PARTF and Public Works are also being secured. The cost will then go to the banks to bid and then forwarded to the LGC for review and approval. The Town Board will be presented with bid details and will be required to authorize the loan before being submitted to the LGC for approval.

Mrs. Piner said on Tuesday, May 3, 2016, the LGC approved the loan for street and drainage improvements. Plans are to have construction begin within the month once contracts have been executed.

Mrs. Piner said the landscaping has softened the appearance a lot and there will be sod that will be planted when it is warmer and that will help also, but it could still be improved a little. We would like to know what your thoughts are on the painting.

Mayor Gray said I have thought about this a lot and I was hesitant to paint the inside and we did some inside painting on the earlier improvements and it really was a tremendous improvement on the inside. She said take the cost out of it and just whether or not to paint it. She said it looks better, it is lighter and our meetings that are broadcast are dark. She said as far as the outside it looks better now that it has the landscaping so we could paint the inside and not the outside. Commissioner Lutz said that was my thought to paint inside and leave the outside. Commissioner Carroll said I think we do need to paint the inside with the walls being dark it will lighten it up a lot and we can always do the outside later. Commissioner Myrick asked what the cost would be on just painting the inside. Teresa said probably a couple of thousand dollars.

Commissioner Lutz made a motion to amend the scope and cost of Town Hall improvements by painting the inside of the Courtroom, but not the outside part of the building at this time. The motion passed unanimously.

Item 5 - Presentation and discussion of proposed fee schedule for FY 2017.

Teresa said there are very few changes that we are recommending to the fee schedule. Teresa said some of the changes are for clarification purposes. (Proposed Changes to Fee schedule are attached and made a part of the minutes).

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Mrs. Piner said we will be including the fee schedule in the Public Hearing for the Budget; however it will be a separate item in the event we have to change something later in the year it would not impact the budget.

Item 6 – Presentation and review of the Proposed Budget for FY 2016-2017 and set a Public Hearing for May 23, 2016.

Manager Piner said we have been working on the budget since January when we started with the Department Heads and as you can see we have followed our budget calendar through the process and here we are tonight to present to you the balanced budget. We are asking for a public hearing on the budget for Monday, May 23, 2016 and a vote at the June 13, 2016 Board Meeting.

Teresa said the budget development process focuses on providing high quality services and moving toward meeting the goals of the Town Board and community in a fiscally responsible manner. Mrs. Piner said the loan of \$65,000 will be coming off of the debt payment in 2017 and the equipment is for Police cars that we took on last year will be coming off in 2020. The facilities upgrades at Town Hall, the PARTF Grant and the Public Works Building and Street Improvements. She said all of that is approximately \$1.5 million in street improvements and we are looking at a debt payment of \$325,495. We still have to finish going through the LGC on the PARTF. She said we took roughly \$150,000 out of the Powell Bill to pay for that debt.

Teresa said when the Departmental Request were initially received they came out \$1.19 million above projected revenues. She said the number one request was additional staff. She said even though we are seeing growth the unfortunate part is the taxes have caught up with us yet. She said with the development that we are experiencing and hearing about that is coming in through the Planning Department is going to be very important to us as we grow economically.

Teresa said after seeing the 1.2 deficit we took out the capital and staff request. We left the financial software in the capital request. The larger items that we left are the Debt Service that we committed to last year and now it is time to come due, health insurance increase for the employees, and at that time we left in the 5% COLA and merit increase. She said at that time we left in the Small Area Plan, Parkway Plan, Wayfinding and things we have been working for and are excited to see. She said items not included were the fiber, IT security audit, Truck for Code Enforcement, 2 full time police officers, replacement vehicles, part-time seasonal public works specialist, retractable basketball goal, part-time seasonal Parks Maintenance Worker, interact funding request for \$1,000. She said when we did those changes we were still at a deficit of \$553,000. She said the town cannot tax itself out of this problem, but looking at what one penny represents to the town. She said when Marcus Kinrade came from Wake County and talked about the revaluation, unfortunately Eastern Wake County and Wendell the homes are not back to where they were in 2008. She said we looked at three properties and if we left the taxes at .49 cents those properties would be paying less tax. She said to leave all the items in the budget that were removed the tax rate would have to increase to about .59 cents, but we are not proposing that increase. She said we looked at .51 cents for those same properties and they would still be paying fewer taxes. The revenue neutral rate is .47 cents and the current rate is .49 cents. She said the balanced budget that we presented to you today is at .51 with a \$5 Million dollar budget.

Teresa said although this is something that was in the merger agreement with the City of Raleigh, in addition it would include a 5% increase on the water bill which would mean about \$3.00 per household. No increase in solid waste, user fee changes are minimal, business registration fee that we would look

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at, but could not use those numbers in the budget because the legislators have not yet passed it. She said we have look at the budget at to what we need to reduce or remove even using the .51 cent tax rate to make this work. We removed the small area park plan for the parkway, the merit pay, reduced the amount that was in events, reduced the façade grant, reduced line items, and reduced travel, training and schools when it does not involve maintaining certifications.

Teresa said we did look at an additional police office for ½ of the year and maybe in the spring start looking at hiring that second officer.

Teresa said we looked at dividing the clerk position and how we could take that salary and divide it to help those that are in the area and provide additional resources for customer services. She said the clerk position would go to someone in house whether it is myself or Mrs. Scoggins who has credentials in that areas so that we would not be putting that money back into that position, but diversifying that position as a customer service representative to take payments and administrative support. She said we have retained \$10,000 in wayfinding, also retained Municode and the UDO. She said our Code of Ordinance have been in Municode for a long time, but not the UDO. She said we have maintained that in-house, but it is getting so large and we are concerned about losing information and tracking. She said this gives someone the opportunity to go to Municode and look at the history of the UDO even when our office might be closed, looking at a part-time seasonal position for Public Works, financial software and where we looked at taking out the merit and cost of living pay.

Mrs. Piner said we do not have any vehicles in this budget and we would like to get on a replacement schedule because we know that is going to be a big item and we know that there are a lot of things that are coming as we grow that we need to do.

Mrs. Piner said we are getting the budget and the budget message out to the citizens for their feedback before the Public Hearing on May 23rd. We have it on the web page, Facebook and it will be available at the Library.

Mrs. Piner said I want the citizens to know that if their property did increase with the .51 cent rate you may have to pay more taxes, but with the examples we used that did not have to pay an additional assessment. She said we feel this is a balance and we would like to get feedback from the board to see where you would like for us to go from here.

Commissioner Boyette said the examples that were given on the home values and associated tax rate and how much they paid whether it went up or down seem to all imply that the home values went down so to stay where we were would require a small tax increase, but the second line indicates that it is .47 cents to stay revenue neutral where does the discrepancy come from. Butch said if you recall when Marcus was here the change over from the Multi use facilities like Apartment Complexes are now commercial so those increase in value and the residential dropped so in total our assessed value went up and that is what dropped our rate down.

Commissioner Myrick said is there a specific reason that our value went down. Butch said it is driven by market. David said I am torn because I do not want to raise taxes on citizens who work the private sector and have not seen cost of living increases unless they changed jobs. I know we all want and need things, but I am torn on it. He said I assume that we are not going to get a lot of positive feedback on the rate increase so I would like to get the publics feedback since we represent them. Teresa said we

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are willing to look at those property values and see what it was before this last valuation and sit down and see what those numbers are.

Commissioner Lutz said going from .49 to .51 what does that equate to for us. Butch said about \$90,000.

Commissioner Joyner asked what the projected percentage for COLA was. Teresa said we are looking at 2.5 percent. Joyner asked Department the financial software was in. Butch said in the IT Department. Commissioner Joyner said we are going with the financed option with the software. Joyner said if looks like we eliminated a position in Powell Bill Funds and Public Works gained a position. Teresa said that is correct, we don't have an additional employee we just moved that money from Powell Bill to Public Works. Joyner said the projection for Group Insurance only shows \$2,000 increase. Butch said it was a very small increase in the insurance due to the retiree.

Mayor Gray asked Teresa to be more specific about the reduction in the event line item. Teresa said we reduced it by \$2,000 and the Band for the Harvest Festival is in that line item is \$2,000. Teresa said it may be that we have to other smaller events rather than a big event that is more costly. Mayor said if we do increase the tax rate, when things get better in a couple of years are we going to lower the tax rate. Teresa said we are hoping to see our revenues increase and some of the debt service we have will be coming off as well as the re-valuation every 4 years. She said we do not have to wait for 4 years for the re-valuation to change that rate.

Commissioner Joyner said there is a retirement expense increase in the Administration line item is that tied back to the non-departmental as well. Butch said no, that is for the employees within that department. Commissioner Joyner said if we are doing a 2.5 % COLA where is the other 16% coming from. Butch said the addition would be the staff that was added on this year. Teresa said the position we had was for a half year so this would be the first year of a full year salary.

Mayor Gray said the Public Hearing on the FY 216-2017 Budget is set for May 23, 2016.

Item 7 – Report by Mayor Gray on the Triangle J. Mayors & County Chairs meeting from May 5, 2016.

Mayor Gray said there was a presentation by the Deputy Chief of Police from the Durham Police Department and it was very informative. She said they have just started using cameras and they formed a committee to see what the best option was for the town. They learned the most expensive thing is to store the data and there is a variety of option for your town depending on what you want to pay. She said Wendell is just not there yet, it is a lot of money but like all good things it is a lot to consider.

Item 8 – Commissioners' report

Commissioner Boyette said I would like to thank the clerk for all her years of service to the Town one more time. I think she has done a great job serving the Town of Wendell and if our next clerk is half the clerk as our current clerk we will be full of clerk.

Commissioner Myrick thank Mrs. Driver for her service and said enjoy your retirement.

Commissioner Lutz thanked the Police Department for a successful Public Safety Day.

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Commissioner Carroll said Public Safety Day was pretty well attended and you really get a sense of community.

Item 9 – Mayor’s Report.

Mayor Gray said she attend the 95th Annual Bishop and Workers Conference in Wendell, Stars in the East, National Day of Pray, Ribbon Cutting and various other things and it is always a pleasure to attend events for Wendell.

Mayor Gray said I would like to thank the Police, Fire and EMS for the success of Public Safety Day and it was a great event.

Mayor Gray said we also have an Art Walk, Bluegrass Band, Vendors coming up on Saturday May 14th and I encourage you to come out and join the fun.

Mayor Gray said there was an article in the Eastern Wake News that stated I wanted the Parks and Recreation Department to start charging for services like neighboring towns have done and that I would like to see parks and Recreation Fees implemented soon. She said the reporter must have misunderstood it was never my intention that we add to those fees, what I was suggesting is that we restructure the way we are organized so that as we add programming instead of having the instructor collect the money advertise the program and do all the work and we let them have a place to do it, that we would advertise the program, collect the money and accept the form and pay the instructor for their services. She said I think we are the only town that still does it this way and I think we are a little old fashioned sometimes. She said I think we need to play a bigger role in digging ourselves out of holes and not depending on our citizens so much. I also suggested that we need to do more to recruit businesses to come here and we are getting ready to start that, but none of that was included in the articles.

The meeting was adjourned at 9:30 pm.

Virginia R. Gray, Mayor

Attest:

Jonnie S. Driver, Town Clerk