

**TOWN OF WENDELL**  
**BOARD OF COMMISSIONER MEETING MINUTES**  
**April 10, 2017**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, April 10, 2017, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Mayor Pro Tem Jon Lutz; Commissioners: David Myrick, and Jason Joyner.

**ABSENT:** Commissioner John Boyette and Ben Carroll

**STAFF PRESENT:** Town Manger Teresa Piner, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, and Police Chief Bill Carter.

**ALSO PRESENT:** Gary McConkey of EWTN 22

**CALL TO ORDER:**

Mayor Gray called the meeting to order at 7:00 p.m. and welcomed attendees.

**PLEDGE OF ALLEGIANCE:**

Police Chief Bill Carter led the Pledge of Allegiance.

**INVOCATION:**

Mr. Errol Briggerman of Wendell Baptist Church expressed his appreciation for the community's participation in the Wendell Council of Churches Food Drive. He added 575 bags of groceries were picked up. He stated on May 4, 2017, is the National Day of Prayer event. There is a noon service and a 7 p.m. service, both hosted at the Ashley Wall Town Square. Mr. Briggerman provided the invocation.

**1. ADJUSTMENT AND APPROVAL OF THE AGENDA:**

**ACTION**

Mover: Mayor Pro Tem Lutz moved to remove Item 5 at the request of the applicant.

Vote: 3-0.

**2. PUBLIC COMMENT PERIOD (*one hour time limit in total*):**

Ms. Regina Harmon of 6616 Tell's Branch Road spoke about Item 6 (signage). Requested the Town Board not change its decision from the March meeting as signage is important for businesses.

**3. CONSENT AGENDA**

The Board of Commissioners uses a Consent Agenda to act on non-controversial and routine items quickly. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular

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Agenda at the request of the Mayor or a Commissioner. The Consent Agenda contains the following items:

- a. Approval of the minutes from the March 27, 2017, budget work session meeting.
- b. Approval of the minutes from the March 27, 2017, regular meeting.  
Certificate of Sufficiency and Resolution Fixing Date of Public Hearing for annexation petition A-17-03 for property located at 1505 Marshburn Road.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the consent agenda as presented.  
Vote: 3-0.

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**Public Hearing Guidelines:**

- Case is announced
  - Staff presentation
  - Applicant presentation
  - Public hearing is opened; citizens will follow the same rules as Public Comment Period and will have five minutes to speak
  - Close public hearing
  - Board members ask questions
  - Board may take action
- 

- 4. PUBLIC HEARING FOR ANNEXATION A-17-02; TWO CONTIGUOUS PARCELS TOTALING 16.19 ACRES LOCATED WITHIN THE OLDE WENDELL SUBDIVISION.  
SPEAKER: Planning Director Bergmark  
ACTION: Public hearing. Board may take action.**

*[Staff Report]*

**Item Summary:**

*Stonebriar Inc. has submitted an annexation request for 16.19 acres of land located in Phase 2 of the Olde Wendell subdivision, identified by PIN # 1794324805 and PIN # 1794223959. This property is currently vacant and was recently approved as a conditional district for residential development. The approved conditional district master plan consisted of 33 lots for single family development.*

*Following the Town Clerk's certification of sufficiency, a public hearing was set for April 10, 2017.*

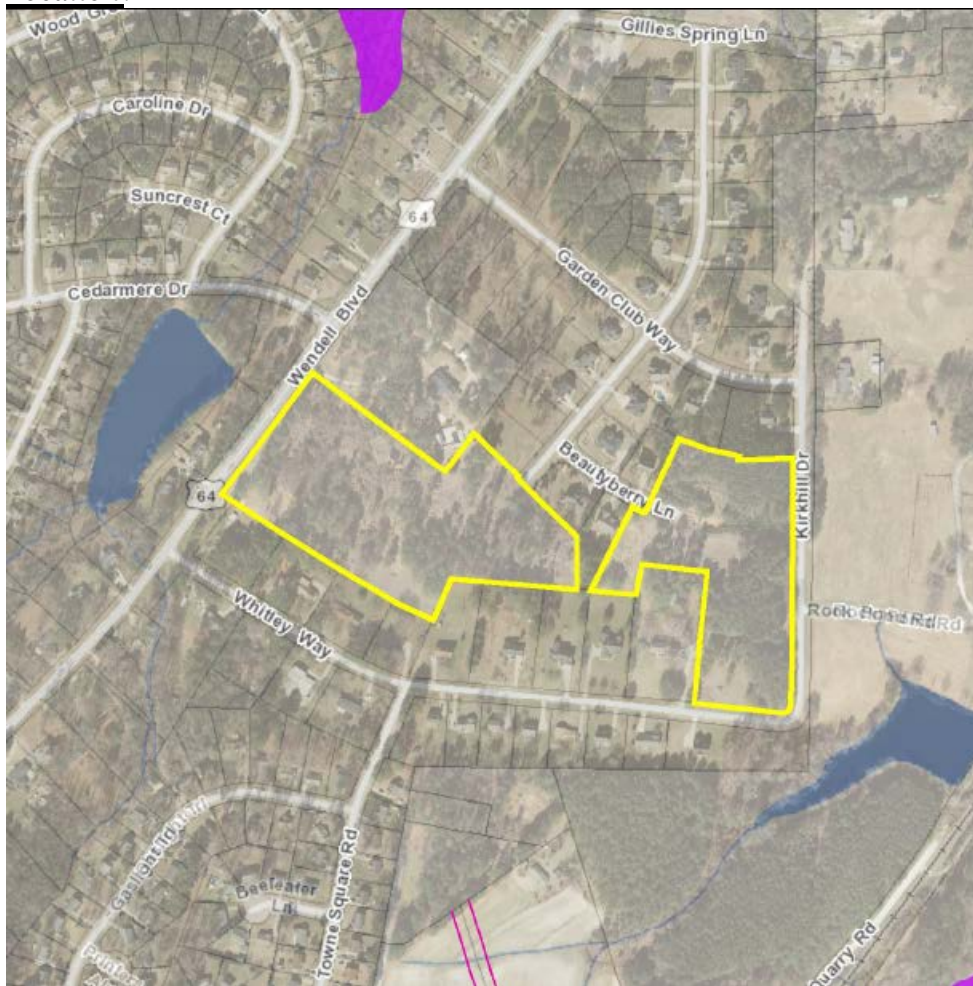
**Project Profile:**

**PROPERTY # 1 LOCATION:** 0 Trumpet Vine Ct  
**WAKE COUNTY PIN(s):** 1794223959  
**ZONING DISTRICT:** R2-CD  
**PROPERTY OWNER(s):** Stonebriar Inc.  
3000 Highwood Blvd, STE 105  
Raleigh, NC 27604  
**APPLICANTS:** Same (owner)  
**PROPERTY SIZE:** 9.47 ac.

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<i>CURRENT LAND USE:</i>	<i>Vacant</i>
<i>PROPOSED LAND USE:</i>	<i>Residential</i>
<i>PROPERTY # 2 LOCATION:</i>	<i>0 Kirkhill Drive</i>
<i>WAKE COUNTY PIN(s):</i>	<i>1794324805</i>
<i>ZONING DISTRICT:</i>	<i>R2-CD</i>
<i>PROPERTY OWNER(s):</i>	<i>Stonebriar Inc.</i> <i>3000 Highwood Blvd, STE 105</i> <i>Raleigh, NC 27604</i>
<i>APPLICANTS:</i>	<i>Same (owner)</i>
<i>PROPERTY SIZE:</i>	<i>6.72 ac.</i>
<i>CURRENT LAND USE:</i>	<i>Vacant</i>
<i>PROPOSED LAND USE:</i>	<i>Residential</i>

**Location:**



**Zoning District:**

*This property was rezoned in January of 2017 as an R2 Conditional District, with the intent of completing the undeveloped residential portions of the Olde Wendell subdivision. The conditional district included specific construction standards, such as requirements for two car garages, a minimum of 1900 square feet, raised entrance requirements, and a prohibition on vinyl siding.*

**Tax Information:**

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*Currently, the two parcels included in the annexation request are undeveloped and valued at \$315,744. At the current tax rate of 49 cents, the annexation of this property would result in approximately \$1547 in increased tax revenue for the Town. This figure will increase as the parcel is subdivided and homes are constructed. The average tax value of developed lots in Olde Wendell Phase 1 is approximately \$260,000, which results in tax revenue of \$1274 per lot. The phase being annexed will include 33 lots, which at the same average value and once developed would generate tax revenue of approximately \$42,000. This figure will vary based on the actual tax value of new dwellings being constructed.*

Planning Director David Bergmark provided an overview of annexation A-17-02 for two contiguous parcels totaling 16.19 acres located within the Olde Wendell Subdivision; staff report included above in italics.

Mayor Gray opened the public hearing at 7:06 p.m. No one came forward to speak. Mayor Gray closed the public hearing at 7:06 p.m.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the annexation ordinance A-17-02 for the two parcels located within Olde Wendell Subdivision as presented.

Vote: 3-0.

Town Attorney Cauley stated this item will need to come back to the Board for a second reading as there is not a super majority present.

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**Evidentiary (Quasi-Judicial) Hearing Guidelines:**

- Case is announced
  - Town Attorney provides rules of procedure for an evidentiary hearing
  - Town Clerk provides oath for persons wishing to present testimony
  - Staff presentation
  - Applicant presentation
  - Opposition presentation
  - Applicant rebuttal
  - Opposition rebuttal
  - Staff closing comments
  - Board inquiry
  - Board called into deliberation
  - Board discussion of the findings of fact:
    - Approve
    - Approve with conditions
    - Deny (must include reason)
-

**5. EVIDENTIARY HEARING ON A SPECIAL USE REQUEST BY WITHERS AND RAVENEL RELATED TO BUILDING EXPANSIONS AND SITE IMPROVEMENTS AT 6300 KIOTI DRIVE.**

**SPEAKER: Planning Director Bergmark**

**ACTION: Evidentiary hearing. Board may take action.**

**ACTION: Under adjustment of the agenda, this item was withdrawn at the request of the applicant.**

**6. DISCUSSION ON TEMPORARY SIGNS ENFORCEMENT.**

**SPEAKER: Planning Director Bergmark**

**ACTION: Discussion. Board may take action.**

*[Staff Report]*

**Item Summary:**

*At its January 17, 2017 meeting, the Planning Board reviewed proposed amendments to the Town's temporary sign regulations and made two motions. In the first motion, the Planning Board voted 4-2 against proposed changes to section 12.7D (Temporary Signs Requiring a Permit) and to suspend temporary sign enforcement of section 12.7D for a period of 1 year. In the second motion, the Planning Board voted 6-0 in favor of all other proposed changes outside of section 12.7D*

*Following the Planning Board recommendation, the Town Board held a public hearing on this item at its March 13, 2017 meeting. At the completion of the public hearing, Commissioner Joyner moved to adopt the Planning Board's recommendations to suspend enforcement of Section 12.7D for a period of one year, and to support proposed changes outside Section 12.7D. The vote passed unanimously (4-0).*

*At the April 10, 2017 meeting, staff is requesting clarification on the intent of the March 13<sup>th</sup> vote, in order to ensure all voting members are in agreement.*

**Attachments:**

- A. UDO Sections 12.3 (General Provisions), 12.7D (Temporary Signs Requiring a Permit), and 12.8 (Signs not requiring a permit).

**Attachment A**

**Section 12.3 (General Provisions)**

**General Provisions**

- A.** *The scale of the sign(s) should be appropriate for the building on which they are placed. Signs should reflect the proportional and dimensional relationships of the structure.*
- B.** *Signs should not obscure building elements such as windows, cornices, or decorative details and should be integrated with the design of the building.*
- C.** *Any structurally unsafe sign that endangers the public safety shall be immediately removed.*
- D.** *In no way shall a sign hinder or obstruct visibility of the right-of-way, either at intersections or points of ingress or egress from parking lots, or be located in a sight triangle.*
- E.** *Signage on buildings should be pedestrian-oriented in pedestrian-oriented areas (e.g. Downtown Wendell and other mixed-use areas) as well as near entrances.*
- F.** *Overhead signs shall be placed so as not to be easily reached by pedestrian traffic. The bottom of the sign shall be located a minimum of 8 feet above grade immediately under the sign, if the sign is within 15 feet of the edge of the street right-of-way.*

- G.** *Illumination devices for signs such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays of illumination from being cast on neighboring buildings or vehicles approaching from either direction.*
- H.** *No non-governmental sign shall be attached to or painted on power poles, traffic signs or other objects not intended to support a sign.*
- I.** *No signs shall be permanently erected within the public right-of-way, except that signs for buildings permitted to have 0-foot setbacks may over hang the right-of-way with approval from NCDOT on State-maintained roads. Temporary signs, such as sandwich board signs, may be allowed in the right-of-way consistent with the regulations in this Chapter and/or approval by the Administrator.*

**Section 12.7D (Temporary Signs Requiring a Permit)**

**D. Temporary Signs Requiring a Permit**

*(Amended 1-12-15)*

*A temporary sign permit, obtained from the Administrator, shall be required for the following sign types. No more than 4 total sign permits combined (excluding "Ground Signs – Small") may be issued to any party within the same calendar year. Signs enumerated below shall be located either behind a sidewalk or ditch line, or where neither is present, signs must be located at least 5 feet from the edge of pavement. Ground mounted signs (excluding lighter-than-air and mobile signs) shall be limited to 7 feet in height. The applicant must obtain permission from the property owner to post the sign. All temporary signs shall be properly maintained and kept in an upright position, or may be subject to removal by the Town.*

- 1. Lighter-Than-Air Signs:** *A lighter than air sign may be permitted on the premises of any given business up to two times per year for no longer than three consecutive calendar days per use. The sign shall be situated so that the height of the sign is directly proportional to the distances to the property lines, not to exceed 100 feet in height.*
- 2. Seasonal Farm Product Signs:** *Off-premise signs advertising the seasonal sale of farm products may be permitted for a maximum period of 60 calendar days. Signs are not to exceed 3 square feet in size and are to be located on private property. No more than six signs will be allowed at any one time.*
- 3. Mobile Signs:** *Signs mounted on a mobile framework, trailer, or other movable apparatus other than vehicles used for transporting are prohibited on a permanent basis. One mobile sign will be permitted on a temporary basis at grand openings, open houses or special events in any commercial or manufacturing district for a 14 day calendar period.*
- 4. Banners and Pennants.** *Banners and pennants may be displayed on a commercial building under the following conditions:*
  - a.** *Only one banner may be displayed by each business at any time and shall be no greater than 32 square feet in area. Banners may be erected for 30 days at a time no more than four times per calendar year.*
  - b.** *No banner and/or pennant may be displayed unless the commercial message contained in the banner relates to a specific, special promotion of limited duration.*
  - c.** *No banner and/or pennant may be displayed or used as a general or ongoing advertisement of the business or its customary activities.*
  - d.** *No banner and/or pennant may be displayed or used as a replacement for permanent signage.*
  - e.** *The administrator may exempt the applicant from the requirements listed in b - d of this section if they have obtained an approved commercial building permit for a permanent sign.*
  - f.** *The Administrator shall have the authority to order the removal of any banner and/or pennant that:*
    - i.** *Is, or appears to be, out of date.*
    - ii.** *Is, or appears to be deteriorated, or in a state of disrepair, wear, or neglect.*
    - iii.** *Is, or appears to be, abandoned.*
- 5. Ground Signs – Small:** *Ground mounted signs not exceeding 3 square feet in size and erected by a non-profit operating within the Town's jurisdiction or a business located within the Town's jurisdiction must adhere to the following conditions:*

- a. *Such signs shall not exceed 12 per business or non-profit.*
  - b. *No more than 2 signs shall be permitted on any single property.*
  - c. *Signs adhering to these standards shall have no limit on the duration of the permit.*
  - d. *Such signs shall be properly maintained and kept in an upright position, or may be subject to removal by the Town.*
- 6. All Other Temporary Signs:** *All other temporary signs not enumerated in section 12.7D shall be limited by the additional standards herein. Such signs shall not exceed six per event and the combined square footage of the signs shall not exceed 32 square feet. If more than one ground-mounted sign is placed on the same property, the sign area allowed per sign shall be reduced to 3 square feet each. The sign permit shall be valid for 14 calendar days.*

### **Section 12.8 (Signs not Requiring a Permit)**

#### **Signs Not Requiring a Permit**

*The following types of signs may be allowed in any district without a permit, subject to the specific provisions below. Signs enumerated below shall be located either behind a sidewalk or ditch line, or where neither is present, signs must be located at least 5 feet from the edge of pavement.*

- B.** *Any sign that is required by law.*
- C. Business and/or House Number Signs.** *Signs bearing only property numbers, post office box numbers, names of occupants, or other identification not having commercial connotations.*
- D. Directional and Information Signs.** *Signs erected and maintained by public agencies and governmental bodies.*
- E. Bulletin Boards.** *Churches, schools, community centers, and similar public and institutional uses may erect one sign or bulletin board not to exceed 12 square feet in area for the purpose of displaying the name of the institution and related information. Such signs shall be used as wall signs or shall be located a minimum of 12 feet from the street line and side lot lines. Where side yards are required, no such sign shall be erected in the side yards. Such signs may be indirectly illuminated.*
- F. Construction Signs.** *During the construction, repair, or alteration of a structure, temporary signs which denote builder, or other participants in the project, or which denote the name of the structure and its occupants-to-be may be placed within the required yard setbacks as ground, wall, or roof signs. The total area of such signs shall not exceed 32 square feet.*
- G. Development Advertising Signs.** *Subdivision signs advertising the sale of lots, buildings within new subdivisions, or nonresidential development are permitted on site provided:*
  1. *They do not exceed 32 square feet;*
  2. *They are non illuminated or indirectly illuminated;*
  3. *Not more than one such sign may be erected at each major entrance to the development;*
  4. *They meet all requirements applicable to principal structures with respect to yard, setback, and height requirements;*
  5. *Display of such signs shall be reviewed every two years. Once development is complete signs of a temporary nature must be removed or replaced with a sign of a permanent nature. Signs of a permanent nature shall be constructed in accordance with sections 12.1-12.7 of this chapter.*

*(Amended 12-8-14)*
- H. Governmental Flags, Banners, Signs, and Insignias.** *Flags of the United States, the State, the Town, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a safe and properly-installed pole, the top of which is more than 45 feet in height. All flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.*
- I. Temporary Political Signs.**
  1. *Signs may be erected 30 days before the beginning date of "one-stop" early voting.*
  2. *Signs shall be removed within 10 calendar days following election.*

3. *At the voting place, any number of political signs not to exceed 6 square feet each in size may be erected. Such signs shall not be placed 24 hours preceding the opening of the polls and shall be removed within 24 hours following the closing of the polls. The candidate shall be responsible for collecting the signs within 24 hours following the closing of the polls.*
4. *No sign located within the right-of-way shall be higher than 42 inches above the edge of the pavement of the road.*
5. *No sign shall be larger than 6 square feet if it is within the right-of-way. These signs must be at least 3 feet from the edge of pavement.*
6. *Signs outside of the right-of-way and at least 15 feet off the roadway do not have size limitations subject to the other rules regarding sight obstructions within this chapter. Large signs may be subject to the North Carolina Building Code and may require a building permit.*
7. *No sign shall obscure or replace another sign.*
8. *Signs are not allowed in the medians of any roadways within the town limits or its planning jurisdiction.*
9. *The candidate must obtain the permission of any property owner of a residence, business or religious institution fronting the right-of-way where a sign would be erected.*

*(Amended 7-23-12)*

**J. Holiday Decorations.** *As part of customary holiday decorations and annual civic events, signs and decorations may be displayed so long as they are not placed in any public right-of-way and shall be displayed for a period of not more than 60 consecutive calendar days, or more than 30 calendar days following the holiday or event.* *(Amended 7-23-12)*

**K. Real Estate Signs (On-Premise)**

1. *Signs advertising the sale, rental or lease of the premises on which the sign is located, provided such signs do not exceed one sign per street frontage, and do not exceed 3 square feet in area per display surface for a residential premises.*
2. *For properties in excess of 1 acre, signs may not exceed 32 square feet of aggregate signage per street frontage. Signs are to be located a minimum of 10 feet off the right-of-way. The sign must be removed within 90 calendar days of the sale of the property.*
3. *Real estate signs are not to be located on any right-of-way.*
4. *Signs in residential districts may not be illuminated.*

*(Amended 7-23-12)*

**L. Realtor and Non-Realtor Open House Signs, and Yard Sale Signs (Off-Premise)**

1. **Authorized Time Period for Display:** *Yard sale signs, realtor and non-realtor open house signs shall only be displayed on or after 4 p.m. on the Friday before the yard sale, open house, or special event, whichever is applicable, and shall be removed no later than 7 p.m. on the Sunday of the weekend of the yard sale, or open house, whichever is applicable.*
2. **Size of Signs:** *Yard sale signs, realtor and non-realtor open house signs shall not exceed 9 square feet in size, not including the device attaching the sign to the ground.*
3. **Placement of Sign:** *Yard sale signs, realtor and non-realtor open house signs shall not be placed on utility poles, stop signs, street signs, public right of ways, nailed to trees, or placed on private property without permission of the property owner, etc.*
4. *This policy does not authorize non-compliance with other provisions of this Chapter or with Section 4.6.B.7, Yard Sales, except as set forth in this policy.*

*(Amended 7-23-12)*

**M. Signs Inside a Building:** *Any sign inside a building, not attached to a window or door that is not legible from a distance of more than 3 feet beyond the lot line of the parcel on which such sign is located.*

**N. Ballpark Signage:** *Signage within ballfields and sports stadiums that is directed within the facility including, but not limited to, banners, fixed placards and scoreboards does not require a permit.*

**O. Memorial Signs & Date Blocks:** *Memorial signs or tablets, and names and construction dates of buildings when cut into any masonry surface, or inscribed on or otherwise affixed to a permanent metal plaque.*

**P. Sandwich Board Signs:** *Sandwich board signs may be placed on or directly behind sidewalks in the NC, CC, CMX, or DMX districts provided they maintain clear pedestrian access a minimum of 4 feet in width and*



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*are removed each night after the business is closed. Neither face shall exceed 3 feet in width or 12 square feet in area. The sandwich board must be located in front of the business it pertains to. The chalk board frame shall be a non-reflective material or color.*

- Q. Traffic Control Signs on Private Property:** *Signs directing and guiding traffic and parking on private property on which the signs are located, provided such signs are not internally or indirectly illuminated and do not exceed 4 square feet in sign area for each sign face. Exemptions to this area requirement are permitted only for signage erected in accordance with the Federal Highway Administration's Manual for Uniform Traffic Control Devices (MUTCD).*
- R. Murals or Wall Art:** *A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:*
- 1. No mural shall be added to the primary façade of the building.*
  - 2. Murals are not intended to be placed on residential structures or their accessory structures.*
  - 3. The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.*
  - 4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*
  - 5. The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

Planning Director David Bergmark provided an overview of the temporary signs; staff report included above in italics.

Mayor Gray stated her expectation that the signs behind the walk or the ditch, no out of town business signs within Wendell, a legitimate business, and needs to be upright and in good repair.

Commissioner Myrick questioned what happens to a sign when it is out of compliance. Planning Director Bergmark stated Code Compliance Officer Daryl Hales will pull the signs.

Commissioner Myrick stated for new businesses, to make them aware of where they may pick up their signs. Planning Director Bergmark stated if it is a Town business, the Town will make them aware of where the sign is located for pick-up.

Mayor Gray suggested creating an informational flyer to provide to business owners.

Town Attorney Cauley stated from a legal standpoint the Town need not distinguish the sign based on content, meaning in-town from out-of-town business. The Town can regulate based on location such as behind the sidewalk or right-of-way. He advised staying clear of content of the sign.

**ACTION:**

Consensus of the Town Board that signs are to be located behind the sidewalk or ditch or five feet from the pavement; upright; in good repair; and not attached to a utility pole.

- 7. DISCUSSION OF RESOLUTION OPPOSING HOUSE BILL 436.**  
**SPEAKER: Town Manager Piner**  
**ACTION: Discussion. Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

*On March 23, 2017, Representative Stevens introduced a bill that would not allow counties and cities to impose regulatory fees on new construction, titled House Bill 436 [HB 436].*

*HB 436 would impact the Town's ability to leverage capacity fees that are applied toward the Town's Pro Forma with the City of Raleigh. Last year the Town collected approximately \$635,000 due to increase growth in the area. The Town's ability to pay off its Pro Forma includes several factors, one being the payment of capacity fees. The City of Raleigh determined that Wendell would have to raise water rates approximately 9 percent to make up the difference it would lose if HB 436 passes. If the Town Board elected to make up the loss from the general fund, instead of water user fees, the tax rate would need to be increase by approximately .13 (1 cent = approximately \$49,000).*

*A resolution in opposition of HB 436 will be presented to the Town Board for consideration at its April 10, 2017 meeting.*

*Proposed resolution presented to the Town Board of Commissioners:*

***A RESOLUTION OPPOSING HOUSE BILL 436, WHICH WOULD ELIMINATE CERTAIN FEES ON NEW CONSTRUCTION THAT FUND CRITICAL LOCAL GOVERNMENT INFRASTRUCTURE NEEDS***

*Resolution No. R-06-17*

***Whereas on March 22, 2017, House Bill 436, entitled "An Act Providing that Counties and Cities Shall not Impose Regulatory Fees on New Construction" was filed for consideration by the North Carolina General Assembly;***

***Whereas the Bill, as written, would eliminate approximately \$28.9 million in local government revenues across the Triangle J Region which would be used to build critical infrastructure needs due to new construction;***

***Whereas the Triangle Region grew by 40,264 residents in 2015-16 and is estimated to grow by another 1 million residents in the next 30-40 years;***

***Whereas the growth in the region serves as a critical economic development driver not only for the Triangle, but the State of North Carolina as a whole, bringing new jobs and revenue to the state;***

***Whereas to accommodate the economic development opportunities which growth brings, local governments must have revenues to provide required services like schools, water, sewer and street networks;***

***Whereas House Bill 436, would eliminate important sources of revenue being used to build this critical infrastructure and services; and***

***Whereas across the Triangle J region, individual local governments would have to consider property tax increases ranging from 1.45 to 14 cents to deal with the revenue loss.***

***NOW THEREFORE BE IT RESOLVED that we, the members of the Wendell Town Board of Commissioners, express our opposition to House Bill 436 as it will affect Wendell's ability to provide critical infrastructure to our community.***

***Duly resolved this the 10th day of April 2017, while in regular session.***

Town Manager Teresa Piner provided an over of the resolution opposing House Bill 436; staff report included above in italics.

Commissioner Joyner stated the Town of Wendell Board is engaged and actively work with its [State] delegation. He stated in his professional opinion the bill will rest in committee. The staff explanation was very good on how this bill impacts Wendell. He is willing to entertain a resolution that includes those facts about Wendell in the future. He does not believe the Town needs to step in and defend all of the Triangle J members. Until the staff brings back a resolution that reflects Wendell, he recommends tabling this item.

**ACTION:**

Mover: Commissioner Joyner moved to table the resolution.  
Vote: 3-0.

**8. DISCUSSION OF THREE YEAR EXTENSION FOR SOLID WASTE AND RECYCLING SERVICES WITH WASTE INDUSTRIES.**

**SPEAKER: Town Manager Piner**

**ACTION: Discussion. Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

*The current Waste Industries agreement expires June 30, 2017.*

*Waste Industries wishes to extend the term of the agreement with the Town of Wendell for an additional three years based on the rate adjustment schedule of 2 percent as included in the letter dated March 30, 2017 (Attachment A).*

**Due to comments received from residents regarding confusion with recycling pick-up being every other week, staff has requested a quote from Waste Industries for weekly recycling pickup for budget consideration.**

Town Manager Teresa Piner provided an overview of the three-year extension for solid waste and recycling services with Waste Industries; staff report included above in italics. The Town has requested additional information from Waste Industries on the cost to move to a weekly recycling schedule.

Commissioner Joyner questioned if there is another municipal service provider. Town Manager Piner stated there a few vendors who provide this service.

Commissioner Myrick questioned if the frequency of recycling pick-up increased if the amount would increase. Town Manager Piner stated yes. She added it would come back during the budget discussion.

Commissioner Joyner concurred that the two percent is reasonable.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the staff executing the agreement with Waste Industries for another three years.  
Vote: 3-0.

**9. DISCUSSION OF THE WENDELL WOMAN'S CLUB LEASE.**  
**SPEAKER: Town Manager Piner**  
**ACTION: Discussion. Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

*The Wendell Woman's Club and Town of Wendell entered into a ten-year lease agreement effective May 12, 2009.*

*Ms. Sally Mathues, President of the Wendell Woman's Club, contacted the Town sharing the Club's intent to rent the Wendell Woman's Club to a third party on a long term basis. The Club has indicated that rental of the facility would provide:*

- *Steady income to continue civic projects, scholarships, prison visits, battered and abused women and project operation smile.*
- *Daily use would keep the building from neglect, deterioration and vandalism.*
- *There would be no changes to the use of the grounds and parking lot by the town and other civic events to include light show and international food festival.*
- *The club would provide an Art and Craft center for children and adults.*

*As the current lease agreement does not allow for the transfer of the lease, this is being brought before the Board for discussion.*

Town Manager Teresa Piner provided an overview of the Wendell Woman's Club lease and request; staff report included above in italics. She stated Ms. Mathues is in attendance.

Commissioner Joyner questioned the termination of the lease. Town Attorney Cauley stated the Town must be involved with the lease because it is Town property.

Commissioner Joyner questioned the ability to sub-lease. Town Attorney Cauley it would have to be in the primary lease for there to be a sub-lease.

Commissioner Joyner questioned if the sub-lease extends the term of the lease. Town Manager Piner stated the Town requests that a new lease be drawn up to address these questions.

Town Attorney Cauley stated the nature of the use may determine the conditions in the lease.

Mayor Gray stated that it would be for one sublease, not for multiple sublease tenants.

Town Attorney Cauley stated if the Board is inclined to consider this is for the Wendell Woman's Club to work out a lease with the sub-tenant and bring that back to the Board for consideration.

Mayor Pro Tem Lutz stated with the tenant coming in, it is business as usual for the tenant such as classes. Ms. Mathues stated absolutely. She added the Woman's Club will continue to host its meetings there. She added the sub-tenant is a member of the Woman's Club.

Mayor Pro Tem Lutz is in favor of the sub-lease.

Town Manager Piner asked if Ms. Mathues has a draft agreement. Ms. Mathues stated yes.

Town Manager Piner requested a copy so that she could get it to the Board for its consideration.

Mayor Pro Tem Lutz questioned if there is a pressing deadline. Ms. Mathues stated the sub-lease timeframe preference is five years, not ten and the tenant has until the end of May.

**ACTION: Consensus of the Board to review and bring back to the next meeting.**

**10. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:**  
 **Wendell Fire Board [Commissioner Joyner]**

Commissioner Joyner stated the last meeting discussed the upcoming budget cycle. The firefighter position added temporarily in last year's budget is now a permanent position in the upcoming budget.

**11. COMMISSIONERS' REPORTS.**

Commissioner Joyner stated he attended NCLM Town Hall Day at the General Assembly. Commissioner Boyette and he had lunch and discussed a variety of topics. He is looking forward to the upcoming budget. He encouraged citizens of the Town to share priorities by sharing at a public meeting or share an email.

Commissioner Myrick and Mayor Pro Tem Lutz stated no report.

**12. MAYOR'S REPORT.**

Mayor Gray shared the following:

- Attended Stars in the East talent show with participants of local eastern wake county public school.
- Congratulated the Finance Department for achieving the Comprehensive Annual Financial Report [CAFR] for fiscal year 16 qualified for a Certificate of Achievement for Excellence in Financial Reporting.
- PARTF improvements are underway at the Town Park; grading for pavement for the parking lot and new signage.
- Wendell Community Easter Egg Hunt, sponsored by Passage Church, is this Saturday at Wendell Community Park at 10:30 a.m.
- Saturday, April 22<sup>nd</sup> from 8 a.m. to 3 p.m. is Jake May Opening Day Celebration at the Park. Full of baseball and recognition of Jake May. The May family members will be in attendance.

**13. CLOSED SESSION**

**ACTION: Will be called if necessary.**

No closed session was called.

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April 10, 2017

**14. ADJOURN.**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 7:36 p.m.

Vote: 3-0.

Duly adopted this 24th day of April 2017, while in regular session.

**ATTEST:**

\_\_\_\_\_  
Virginia R. Gray, Mayor

\_\_\_\_\_  
Sherry L. Scoggins, MMC; Town Clerk