

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
APRIL 24, 2017**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, April 24, 2017, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

STAFF PRESENT: Town Manger Teresa Piner, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Finance Director Butch Kay, Planning Director David Bergmark, IT Administrator Tamah Hughes, Parks & Recreation Director Jeff Polaski, and Public Works Director Alton Bryant and Police Chief Bill Carter.

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Julia Frutig, Wendell Middle School 7th grader, led the Pledge of Allegiance.

INVOCATION:

Mr. Bennie Collins of Wendell Baptist Church invited everyone to the National Day of Prayer services on Thursday, May 4, 2017, at J. Ashley Wall Square. The first service is at noon and the second service is at 7 p.m. He provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA:

ACTION

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

Vote: Unanimous.

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

No public comments were received by the Town Board.

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

- a. Approval of the Minutes from the April 10, 2017, regular meeting.
- b. Second Reading for Annexation A-17-02; two contiguous parcels totaling 16.19 acres located within the Olde Wendell Subdivision (Public Hearing held on April 10, 2017).

ACTION:

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

Vote: Unanimous.

4. RECOGNITION OF WENDELL MIDDLE SCHOOL TEACHER: SARA SCHULER.

SPEAKER: Mayor Gray

ACTION: Recognition

[Staff Report]

Item Summary

Ms. Schuler is a first year teacher who graduated from Appalachian State University. She was hired by Wake County Schools on an early contract prior to her graduation in May of 2016. We were fortunate that she chose Wendell Middle School to begin her career. She was Wendell Middle School's nomination for the Wake County First Year Teacher of the Year award. Ms. Schuler has been very successful as a first year teacher in a position where even the most experienced teachers may struggle. Ms. Schuler works with students that need an enormous amount of patience, understanding, support, and contact with parents. Her classroom is a place where all of this takes place on a daily basis. Our students experience greater success because of Ms. Schuler. While at Charlotte Catholic High School, Ms. Schuler's soccer team won the State Championship in Women's Soccer. Ms. Schuler shares her knowledge and love of soccer by being the assistant coach for Wendell Middle School's women's soccer team. We are very fortunate to have Ms. Schuler as a teacher at Wendell Middle School.

Mayor Gray introduced and recognized Wendell Middle School teacher Sara Schuler; staff report included above in italics.

5. RECOGNITION OF WENDELL MIDDLE SCHOOL PRINCIPAL ROBERT MORRISON.

SPEAKER: Mayor Gray

ACTION: Recognition

[Staff Report]

Item Summary

Opportunity for Principal Morrison to share what Wendell Middle School has accomplished to-date for the school year and upcoming events.

Mayor Gray recognized Wendell Middle School Principal Robert Morrison; staff report included above in italics.

Principal Morrison stated the school, like the Board, is planning for next year. Students are preparing for End of Grade Testing. He expressed appreciation to the Wendell Board for recognizing the students and teachers this year.

6. RECOGNITION OF DISTRICT ONE WAKE COUNTY SCHOOL BOARD REPRESENTATIVE DONALD AGEE.

SPEAKER: Mayor Gray

ACTION: Recognition

[Staff Report]

Item Summary

Opportunity for District One Wake County School Board Representative Donald Agee to meet the Wendell Town Board of Commissioners and share what is upcoming for eastern Wake County.

Mayor Gray recognized District One Wake County School Board Representative Donald Agee; staff report included above in italics.

District One Wake County School Board Representative Donald Agee stated he's been on the school board for four months. The school board budget is a difficult read and he is in favor of posting the school board budget on-line. He encouraged comments on the upcoming school board budget.

7. INTRODUCTION OF NEW TOWN OF WENDELL EMPLOYEE: IAN REDDY.

SPEAKER: Police Chief Carter

ACTION: Introduction

[Staff Report]

Item Summary:

Ian Joseph Reddy is originally from Sacramento, CA and moved with his family to North Carolina where he spent much of his youth in and around Wake County. Ian is a graduate of Clayton High School. Upon graduating high school, Ian attended Johnston Community College's Basic Law Enforcement Training program which he completed in May 2013.

After completing the Basic Law Enforcement Training program, Ian immediately began his law enforcement career. Ian has over 3 years of law enforcement experience. Ian's most recent position was with the Topsail Police Department. Having grown up in Wake and Johnston Counties and having family near Wendell, Ian sought to move back to this area to continue his law enforcement career.

Ian is currently a resident of Raleigh. He was sworn in as a police officer with the Town of Wendell on April 12, 2017 and began his field training program the same day.

Police Chief Bill Carter introduced Patrol Officer Ian Joseph Reddy; staff report included above in italics.

Officer Reddy stated he appreciates the opportunity to serve our community.

8. **PRESENTATION BY JOE BEAMAN OF LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) TO DISCUSS LEPC INITIATIVES REGARDING SMART GROWTH AS IT RELATES TO CHEMICAL FACILITIES.**
SPEAKER: Police Chief Carter.
ACTION: Presentation.

[Staff Report]

Item Summary:

The Wake County Local Emergency Planning Committee (LEPC) is a federally mandated committee with membership from business and industry; emergency response groups such as fire, medical and law enforcement; community groups; media; hospitals; environmental interest; universities; and the general public. Wendell Police Chief Bill Carter serves as the Wake County Law Enforcement representative on the LEPC

The mission of the LEPC is to effectively plan for emergencies involving hazardous materials. Its primary responsibility is to receive information about hazardous substances from industry and to use this information to develop comprehensive site emergency plans to handle emergencies. It is also responsible for establishing procedures and programs which make it easy for citizens to understand and have access to the information that the industry submits.

Mr. Joe Beaman is the past Chairman of the LEPC and currently serves as the Chairman of the Land Use Sub-Committee. Mr. Beaman is the President and Chief Geologist of Highland Environmental Solutions located in Raleigh. Mr. Beaman has over 21 years of experience in field investigations, as well as supervisory and project management roles for environmental and emergency response projects.

Mr. Beaman will be speaking to the Town Board about the LEPC's efforts to initiate smart growth around existing chemical facilities in Wake County in order to protect sensitive populations and first responders in the event of a chemical emergency. The goal of the presentation is to raise awareness of the issue and provide an overall view of the LEPC initiatives to address it.

Police Chief Bill Carter introduced Joe Beaman who will discuss Local Emergency Planning Committee (LEPC) initiative regarding smart growth as it relates to chemical facilities; staff report included above in italics.

Joe Beaman provided the following PowerPoint presentation:

Community "Smart" Development / Encroachment of Sensitive Land Uses Around Existing Hazardous Sites

Joe Beaman, P.G., RSM
Chairman – Wake County LEPC Land Use Subcommittee

Mission of LEPC

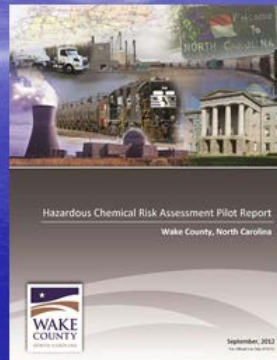
Federally mandated program (Under SARA Title III).

- Promote the overall purpose of SARA Title III.
- Further community awareness.
- Further accident prevention.
- Promote emergency preparedness.

The overall mission is focused on chemical emergencies.

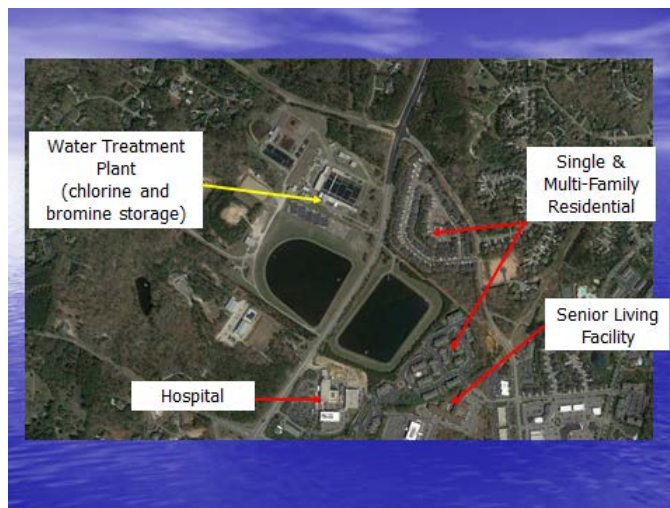
How did we recognize the issue?

- Discussion of presentation Hazardous Chemicals Risk Assessment Pilot Report for Wake County (draft)
- Realization of the number and kinds of hazardous sites (more than 1600)
- Observed sensitive land use encroaching on existing sites
- Discussion of historic incidents
- Local, regional, and national issue

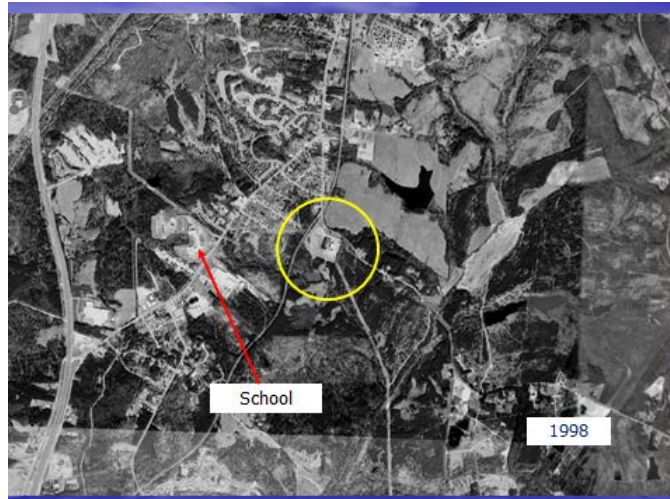
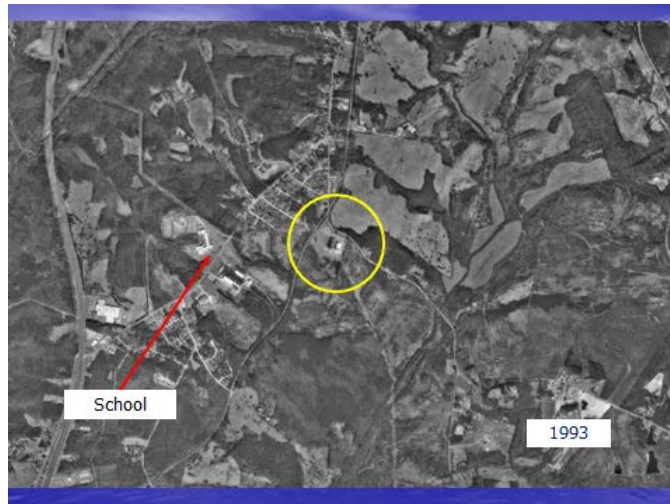
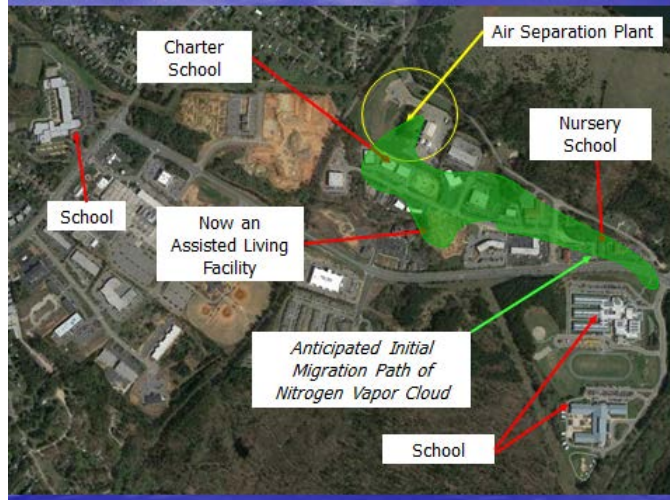


What is encroachment?

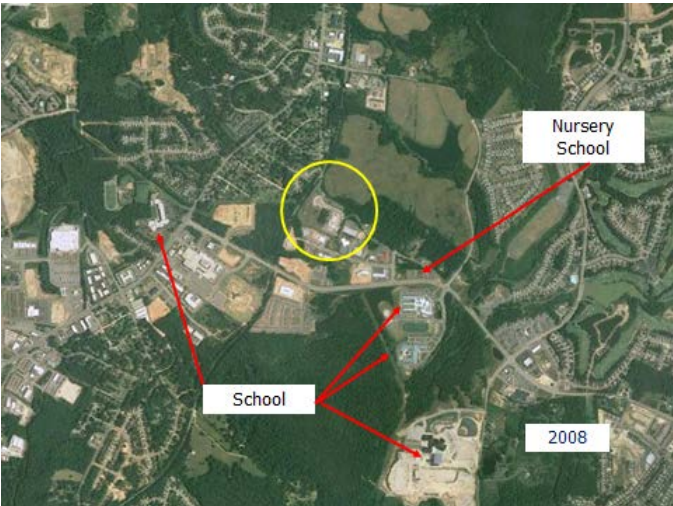
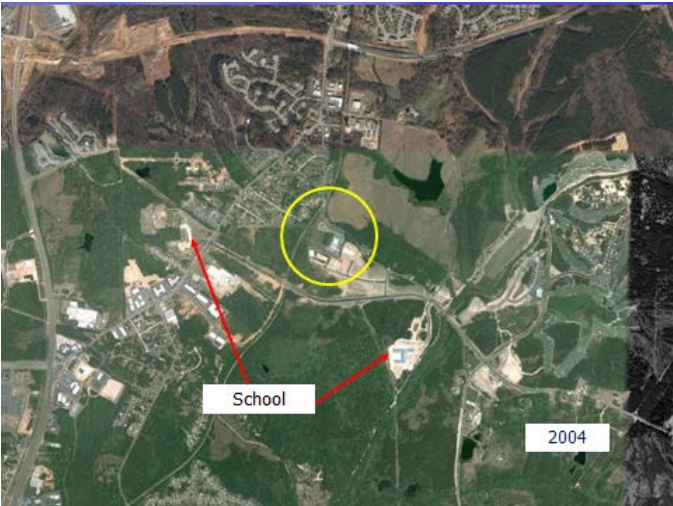
- New development around existing chemical facilities.
- Historic incidents:
 - EQ in Apex
 - EQ in Michigan
 - Fertilizer Explosion in West, TX
 - Propane Explosion in Florida
 - Texas City Refinery Explosion
 - Angus Chemical Explosion in Louisiana
- Local, regional, and national issue



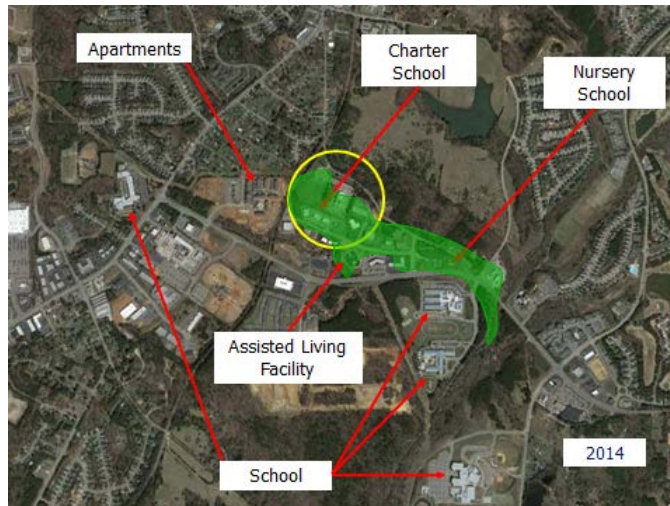
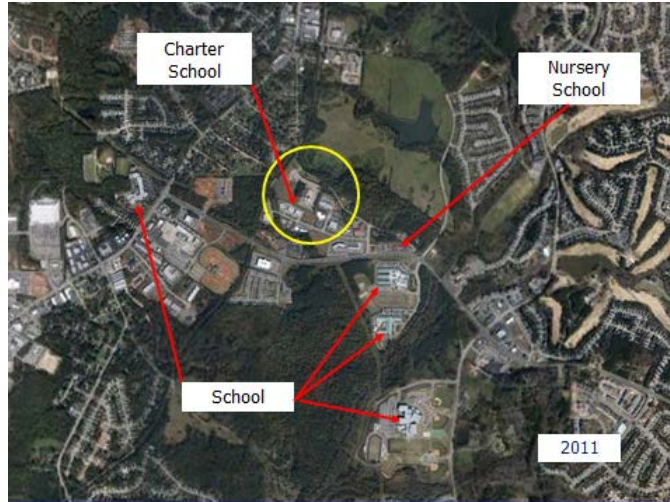
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So, we recognized a concern...what have we done?

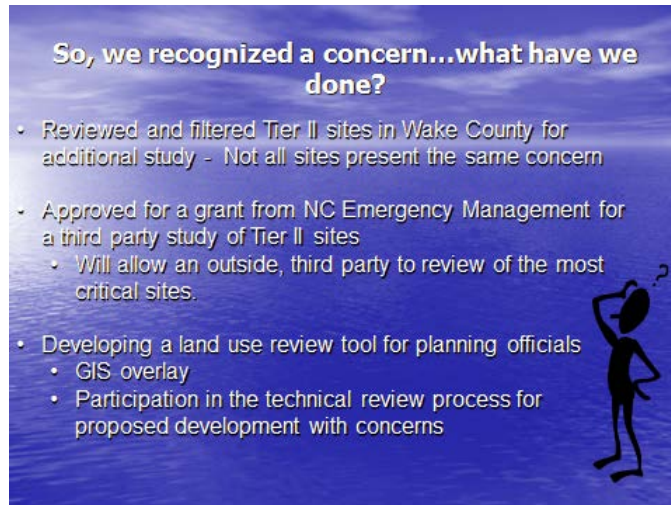
- The LEPC has met with and is educating planning and zoning officials
 - Educational sessions
 - Solicited input
- Brought the issue to the attention of the Wake County Board of Commissioners
 - Addressing this issue is a priority objective for the Board of Commissioners
 - Objective is for **smart** growth, not limited growth



So, we recognized a concern...what have we done?

- Brought the issue and what we are doing to the attention of North Carolina Emergency Management
- Shared this issue and what we are doing with neighboring LEPCs, EPA Region IV, and State Representatives
- Created a Land Use Subcommittee
 - Comprised of public and private members (6)
 - A representative from a real estate developer is a member of this subcommittee





Commissioner Boyette heard the LEPC is a federally mandated committee and the upcoming federal budget has steep cuts and questioned if that will curtail LEPC activities. Mr. Beamon stated the LEPC does not receive federal funding.

9. DISCUSSION OF BIDS RECEIVED FOR THE PARTF PROJECT AND POSSIBLE AWARD TO LOWEST RESPONSIBLE BIDDER.

SPEAKER: Town Manager Piner

ACTION: Board may take action.

[Staff Report]

Specific Action Requested:

On April 17, 2017, the Town received five sealed bids for the Wendell Town Park Improvements. Upon review of the bid packets, the lowest responsible bidder has been certified by Susan Hatchell and Associates as S.T. Wooten at \$533,921.31.

In order to be included in the upcoming Local Government Commission (LGC) agenda for financing of this project, staff respectfully requests the Board take action to award the PARTF project to S.T. Wooten.

Bids received included:

<i>Lanier Construction</i>	<i>\$774,400</i>
<i>McQueen</i>	<i>\$757,300</i>
<i>Fred Smith</i>	<i>\$640,300</i>
<i>Diamond Construction</i>	<i>\$555,500</i>
<i>ST Wooten</i>	<i>\$533,921.31</i>

History:

During the meeting held on October 27, 2014 the Town Board voted for Parks and Recreation Director Jeff Polaski to apply for a Parks and Recreation Trust Fund Grant (PARTF). After speaking with Recreation Resource Services staff and reviewing the Comprehensive Master Plan developed by East Carolina University, the proposed projects were narrowed to include a multi-purpose field (soccer, field hockey, lacrosse, ultimate frisbee, etc...), playground to include a tot lot, a paved walking trail around the ball fields, paved parking lot, and a games court area (bocce, shuffleboard, and horseshoe pits).

The grant was prepared and submitted and the Town of Wendell was awarded a \$250,000

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PARTF grant on October 30, of 2015. The Town entered into a contract with Susan Hatchell engineers. Since that time engineering, plans, permits and bids have been prepared. To date, the playground has been installed and parking area has been paved. Items remaining include the multi-purpose field, concrete walking trail around the fields, and games court. Construction is anticipated to begin upon approval from the LGC and bids for financing are received from area banks.

Town Manager Piner provided an overview of the bids received for the PARTF project; staff report included above in italics. The lowest responsible bidder certified by Susan Hatchell engineers was S. T. Wooten for \$533,921.31. The Town will receive \$250,000 as reimbursement for the PARTF grant. Staff is seeking Town Board action in order to proceed with the LGC application.

ACTION:

Mover: Mayor Pro Tem Lutz moved to awarding the bid to the PARTF project to S.T. Wooten.
Vote: Unanimous.

10. Discussion of applications received for citizen advisory boards.

SPEAKER: Special Assistant to the Manager Scoggins

ACTION: Discussion; Board may take action at its May 8, 2017 meeting.

[Staff Report]

Specific Action Requested:

Recruitment for the citizen advisory boards launched on Tuesday, February 28, 2017, and wrapped-up on Tuesday, April 4, 2017.

Applications were reviewed for those boards with residency requirements. Those meeting the requirements are included in the packet for consideration. Applicants living outside of the residency requirements were notified of their ineligibility to serve at the municipal level and provided information about Wake County citizen advisory boards.

*Letters were mailed to the applicants on April 7th with an invitation to hear the business of the April 24, 2017 regular meeting **and** invited to stay afterwards to meet the mayor and commissioners.*

Action by the Board is requested at the May 8, 2017, Town Board meeting.

Special Assistant to the Manager Scoggins provided an overview of the applications received for the Town's citizen advisory boards; staff report included above in italics. Board applicants were asked to stand so the Town Board could see who was in attendance and asked applicants to stay after the meeting to meet the elected officials.

11. DISCUSSION OF THE WENDELL WOMAN'S CLUB LEASE, CONTINUED FROM THE APRIL 10, 2017, BOARD MEETING.

SPEAKER: Town Manager Piner

ACTION: Discussion. Board may take action.

[Staff Report]

Specific Action Requested:

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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 Piner provided an overview of the Wendell Woman's club lease; staff report included above in italics. The current lease was executed in May 2009 for a ten-year period. If the Board chooses to allow a third party within the Woman's Club facility, the sub-lease would not exceed the duration of the current lease (two years).

Mayor Pro Tem Lutz questioned if the sub-lease was reviewed by the Town Attorney. Town Manager Piner stated he did review and he noted the sub-lease cannot exceed the duration of the primary lease.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the sub-lease for two-years and to include the comments: **1** Paragraph 4 needs to include language that the Tenant's parking is subject to priority use by the Town if needed for Town events; **2** Paragraph 6 needs to contain an end date that coincides with the date of termination of the lease between the Town and the Woman's Club. The sub-lease cannot extend longer than the primary lease; **3** Paragraph 14 needs to provide that renewal will be subject to renewal of the primary lease; **4** Paragraph 19 states that the tenant is not responsible for insurance. This needs to be changed to require coverage and to require that the policy name the Town as an additional insured; **5** I would recommend a new paragraph at the end below the existing signature blocks that would read as follows and would then be signed by the Town, the Woman's Club and the new sub-tenant: "The parties acknowledge that this sublease agreement is subordinate to and subject to all terms and conditions set forth in that Lease Agreement between the Town of Wendell, as Owner/Landlord, and the Wendell Woman's Club, as tenant, dated May 12, 2009 (the "Lease"). To the extent of any conflict between the Lease and this sublease, the terms of the Lease shall control."

Vote: Unanimous.

12. DISCUSSION OF RESOLUTION TO HONOR JAKE MAY; RESOLUTION WILL BE AVAILABLE AT THE BOARD MEETING.

SPEAKER: Mayor Gray

ACTION: Board may take action.

Town Manager Piner stated this is a formal process to name the Large Field to Jake May Field.





Mayor Gray stated the Town had a wonderful event this past Saturday. Jake May's family was invited to Wendell. Many people were involved and it was a successful surprise. The Town celebrated Jake May because he is Wendellian with a hope to have Jake May inducted into the North Carolina Sports Hall of Fame.

ACTION:

Mover: Mayor Pro Tem Lutz moved to adopt the resolution renaming the Large Field to Jake May Field [Filed as Resolution Number R-08-2017].

Vote: Unanimous.

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

-  Technical Review Committee [Commissioner Carroll]
-  Capital Area Metropolitan Planning Organization (CAMPO) [Mayor Gray]
-  Greater Raleigh Convention and Visitors Bureau (GRCVB) Conference Table [Mayor Gray]
-  East Wake Senior Center [Commissioner Myrick]

Commissioner Carroll stated the Technical Review Committee did not meet in April.

Mayor Gray stated CAMPO the meeting was a review of CAMPO 101.

Mayor Gray stated the Conference Table will meet in May.

Commissioner Myrick stated he attended the quarterly East Wake Senior Center meeting and discussed ADA access for the doors and new signage. During the budget discussions, the Town Board discussed funding half for the ADA door access and the Senior Center raising the other half.

14. COMMISSIONERS' REPORTS.

Commissioner Joyner stated he attended the Jake May Opening Day. He stated a good crowd was coming in for the day. He stated Emerson Kate Joyner arrived April 15 and he and wife are excited to have her in Wendell.

Commissioner Boyette congratulated Commissioner Joyner on his newest family member!

Commissioner Myrick congratulated Commissioner Joyner! He expressed a special thanks to the Wendell Historical Society and Town staff for making Jake May Day possible.

Mayor Pro Tem Lutz concurred with the comments for Jake May Opening Day. He thanked all who applied for a citizen advisory board.

Commissioner Carroll stated his thanks to citizens who applied for Town boards.

15. MAYOR'S REPORT.

Mayor Gray stated she attended the Jake May Opening Day. She stated it was a great event and she thanked the Jake May family for attending. She thanked the Wendell Historical Society for their work on Jake May Opening Day. She thanked the Parks & Recreation staff for making the day special.

Mayor Gray stated she recently attended a retirement reception for Coach Richard Sykes. He is a Wendell native who has lived in Wendell his entire life. He is celebrating 46 years as the head golf coach at NC State. He is retiring at the end of this season.

Mayor Gray stated the Arbor Day celebrations wrapped up last week. Five trees were planted in four different locations around Town. When Phillip Smith and the Tree Board do the tree planting ceremony, it includes a presentation and involves the children at the schools.

Mayor Gray did a radio interview a week ago on "What's Right in Wendell?" The interview was done by 96.1 and the interviewers plan to visit Wendell.

16. CLOSED SESSION.

ACTION: Will be called if necessary.

No closed session called.

17. ADJOURN.

ACTION:

Mover: Mayor Pro Tem Lutz moved to adjourn at 7:43 p.m.

Vote: Unanimous.

Duly adopted this 8th day of May 2017, while in regular session.

ATTEST:

Virginia R. Gray, Mayor

Sherry L. Scoggins, MMC; Town Clerk