

**TOWN OF WENDELL  
BOARD OF COMMISSIONER WORK SESSION MEETING MINUTES  
JANUARY 09, 2017**

The Wendell Town Board of Commissioners held a work session meeting on Monday, January 09, 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, Town Attorney Jim Cauley, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Finance Director Butch Kay, Planning Director David Bergmark, Parks & Recreation Director Jeff Polaski, Public Works Director Alton Bryant, IT Administrator Tamah Hughes, and Police Chief Bill Carter.

1. Meeting Called to Order

Mayor Gray called the meeting to order at 5:32 p.m.

2. Discussion of incentive policy initiatives. [30 minutes]

*[Staff Report]*

**Item Summary:**

*Economic development incentive policies are meant to incentivize specific activities that advance the Town's economic goals. As a community evolves and changes, so too will its economic priorities. As such, it is prudent to periodically review the town's economic incentive policies to ensure they meet the Town's current needs.*

*As the Town of Wendell emerges from the recession, it is braced to see significant economic growth. Staff asks that the Town Board review the current economic development policies, take a comprehensive look at its priorities for economic development, and determine what changes may be needed to make the Town's policies support those priorities.*

**Current Large Business Incentive Policy:**

*Currently, the adopted Large Business Incentive grant states that "all new large businesses meeting the investment/job threshold requirement will be considered for an incentive grant equivalent to 75% of the Town of Wendell local property tax assessment on the new investment for each year over a total five-year period for each \$2 million in investment in land and buildings or \$1 million in investment in buildings."*

*Staff believes that the threshold of \$1 million in building value or \$2 million in land and building value is too low of a threshold. In order to grant an economic development incentive, a public hearing must be held. With today's construction cost most new commercial development would exceed the \$1 million building value threshold. For example, the McDonald's in town has an assessed building value of \$1,208,286 and the Family Dollar has an assessed building value of \$992,793. While the Family Dollar falls just short of the threshold for a grant, an additional \$7,000 of improvements could have easily been made so that a grant could be sought. Using the current incentive policy, if all eligible new commercial buildings are provided the full incentive grant, the Town could potentially find itself lagging 5 years behind in local property tax revenue, as it would only be receiving 25 percent of the property taxes it would otherwise realize from new commercial buildings valued at 1 million dollars or more.*

*To help guide the Board's discussion of economic incentive policies, the Town Board is asked to consider the following questions:*

**Key Questions for Changes to Business Incentive Policy:**

- *Are there specific uses the Town wishes to incentivize (ex. industrial, upper-story residential in the downtown, restaurants, etc.)?*
- *Are there minimum amounts of investment which the town expects in order to grant incentives?*
  - *Current threshold for large businesses is considered to be too low. Does the board want to create certain levels that provide for more incentives for higher investments?*
    - *Example: Allowing a 50% reduction for a business making \$5-\$50 million in investments vs. allowing a 90% reduction for a business making more than \$50 million in investment (percentages are for example only).*
- *Would the town rather use a flat rate across the board for the allowed number of years or use a step down approach over each year? The policy could allow for both approaches depending on the investment level.*
  - *Example: 50% reduction over a 5 year period, or a set percentage step down over the 5 years (90% 1<sup>st</sup> year, 75% 2<sup>nd</sup> year, 60% 3<sup>rd</sup> year, 45% 4<sup>th</sup> year, 30% 5<sup>th</sup> year).*
- *Are there minimum numbers of jobs which must be created, or minimum salaries which must be met to be eligible for incentives?*
- *Are there specific regions/areas the town wants to incentivize (ex. Downtown, gateway overlays)?*
- *Should incentives only be linked to improvements that raise property values, or would the town consider providing incentives for other improvements (for example, certain interior improvements or equipment upgrades may have a positive impact on that business and the downtown in general without necessarily increasing the property's tax value)*
- *Should eligibility standards vary based on the amount of investment, the type of use, or the region?*
  - *Example: You could require a lower property value improvement threshold or lesser job requirement for improvements in the downtown, or for particular uses the Town desired throughout town.*
- *Will proposed incentives **actually incentivize** the decisions the Town desires?*
  - *Example: If an incentive is too low compared to the cost of the investment, a business may gladly accept it, but the incentive grant did not actually influence their choice to locate in Wendell, or to make an improvement. In this case, the Town gave away funds to support a positive effect which would have occurred anyways.*

**Town of Wendell Large Business Incentive Policy: Questions to Guide Approval**

*Once an updated large business incentive policy is approved by the Town Board, staff suggests that the following questions be used to guide its discretionary approval process when reviewing a specific incentive request:*

1. *Is the proposed business use something the Town desires?*

- a. *If the answer to this question is “NO”, stop here. No incentive is needed.*
2. *Is the proposed use ALREADY financially, contractually, or otherwise committed to locating in Wendell.*
  - a. *If the answer to this question is “YES”, stop here. No incentive is needed.*
3. *Is ANY incentive needed in order to cause the business to locate in Wendell?*
  - a. *The proposed business may be something which the Town Board desires, but does not believe an incentive is needed in order to obtain. For example, the Town Board may desire additional fast food options, but may realize that the location choice for a new “drive-thru establishment” will be made irrespective of whether or not it receives an incentive.*
  - b. *If the answer to this question is “NO”, stop here. No incentive is needed.*
4. *If the responses to questions 1, 2, and 3 indicate incentives are warranted, what conditions would the Town wish to attach to the incentive agreement, as it relates to the grant percentage, # of jobs, salary requirements, timing, etc.*

**Current Small Business Incentive Policy:**

*While the Town does currently have an incentive policy intended to support small businesses as well as large, there are limitations within the small business policy which may not incentivize opening or relocating a business to Wendell. The current small business incentive policy allows for parking reductions, development permit fee exemptions or reductions, accelerated review processes, and business privilege license fee reduction. Although these policy features may sound positive, their true impact is limited.*

*The UDO establishes a relatively low threshold for parking, so a reduction would not be ideal in most situations. Within the downtown, businesses are already allowed to use on-street parking along their frontage to count towards their parking requirements. Additionally, there is also a provision to allow multiple businesses under certain conditions to use shared/combined parking with permission of the zoning administrator.*

*A public hearing must be held for any fee reductions or exemptions, so with the legal advertising costs, the town could potentially spend more on a public hearing than the actual fee amount being reduced. In most instances, a few hundred dollars’ worth of fees being waived would not be a deciding factor in moving a business to town. As currently structured, there is no investment or job threshold for a business to be eligible, so essentially all small businesses are eligible for minor fee reductions.*

*Staff maintains a goal of reviewing development plans and building permits as quickly as possible. With the high number of outside review agencies that contract with the town, the Town has certain limitations on the amount of time that needs to be given to reviewers. Staff believes that listing an accelerated review time as an incentive provides a false sense of immediate approval. Generally the Town of Wendell is regarded as having one of the quickest review processes in Wake County.*

*Lastly, due to changes by the General Assembly, the town can no longer charge a business privilege license fee, so that incentive is no longer applicable.*

*Staff believes that there are other options such as targeting specific businesses with grants or budgeting for the façade grant program that would be more effective in bringing desired small businesses to the town and be more cost beneficial to the business owner and the town.*

**Staff recommendation:**

*Staff recommends that the Board of Commissioners discuss the incentive policies and their*

*desired goals. Staff will then create a draft policy based on feedback from the board and present the policy at a future meeting.*

Planning Director David Bergmark provided an overview of the Economic Development Incentive [large] brought up at the November 14, 2016, Town Board meeting for possible revisions to the policy and approval process; staff report included above in italics.

The Board discussed the following points for the large incentive policy:

- Restaurants
  - Sit down and a business the Town does not presently have
- Industrial and/or larger business; not downtown
  - Number of new employees
  - Number of jobs
  - Employee salary
  - Is the facility new or existing
  - Raise threshold to \$5 million
  - Investment by the business to the Town – infrastructure, jobs, and/or taxes
- Upper story residential above businesses in downtown
- Vacant store fronts in downtown
- Reach out to the county and state
  - Number of investments for downtown and average of the amounts for the incentives
- Revise the small business policy for use as a small downtown business policy incentive
  - Grant amount may exceed the tax rate
  - Additional criteria such as licensed contractor
- Step down method for reimbursement
  - Percentage of improved value

<b>ACTION: Staff will draft a policy based on feedback received from the board for a future board meeting.</b>
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3. Discussion of proposed downtown retail overlay district. [30 minutes]

*[Staff Report]*

**Item Summary:**

**January 9, 2017**

Based on feedback received at the public hearing, staff has also prepared an alternative text amendment option which restricts certain uses in the entire Downtown Mixed Use district, rather than creating a new overlay district. Details on this alternative option can be found in Attachment D and Attachment E. As can be seen in these attachments, in order to make use restrictions fit the larger district, the number of uses prohibited outright had to be reduced to 4 uses. Funeral homes were also moved to require a special use permit rather than have them permitted by right. However, the requirement that certain uses must locate on the second floor of a building had to be removed from this option, as it would be far too restrictive if applied to the entire DMX zoning district.

**November 28, 2016**

*Prior to the adoption of the Unified Development Ordinance (UDO), the core of our downtown was subject to the Downtown Retail Overlay District (DROD). The purpose of the DROD was to “preserve a core of the Downtown Commercial (CD) zoning district for primarily retail, personal service, and financial service business uses while promoting an efficient use of space and enhancing the business community”. The overlay district accomplished this by restricting certain uses outright and by limiting other uses to the second floor in order to preserve the ground floor for businesses which create more foot-traffic.*

*When the UDO was adopted, this overlay district was not carried over into the new zoning code. While the Town was in the middle of the recession, this omission was not a great concern. However, now that economic conditions are improving, the absence of this type of overlay district makes Wendell vulnerable to having undesired uses locating within the core of our downtown. In order for retail businesses to thrive, they need to be surrounded by other businesses which generate foot-traffic and create the opportunity for mutual customers. The location of certain businesses within the downtown core, such as indoor storage uses, provides little or no benefit to adjacent businesses and should be discouraged from locating within the prescribed area.*

*The Downtown Mixed Use zoning district encourages a mix of business uses that are needed to support a healthy downtown. However, there are several uses permitted in the DMX that would not support the bustling retail district envisioned along Main Street and Third Street. The area covered by the proposed Downtown Retail Overlay further encourages retail uses by prohibiting non-traffic generating uses like storage, and reserving street level storefronts for customer-oriented enterprises. The proposed Downtown Retail Overlay boundary is included as Attachment A. This boundary has been modified to specifically focus on businesses along Main Street and Third Street, which represent the two primary corridors of the downtown.*

*Staff researched 8 municipalities in North Carolina to compare their downtown regulations. All of the municipalities surveyed had a downtown commercial zoning district, but there was little consistency in the uses permitted within those districts. Several municipalities reviewed had overlay districts. These overlay districts typically used design standards to encourage a walkable, pedestrian scaled commercial district. Some also had limits on square footage of a business and required shop windows, awnings, etc. on new development.*

*A copy of the proposed district standards and amendments to Wendell’s UDO are included as Attachment B. The proposed changes are also included within this report with all modified language highlighted or crossed-out. The majority of the proposed changes pertain specifically to the proposed overlay district. However, during its review staff identified a few changes which made sense to address within the entire DMX district, rather than solely within the overlay district.*

*One such item staff has attempted to address through amendments to Chapter 3 is how to handle vehicle service and vehicle sales uses within the downtown. While the Town may not desire small body shops or used car dealerships from establishing themselves in the downtown, it also does not want to negatively impact larger established businesses of this type which currently support the downtown economy. In order to respond to these concerns, staff has drafted language which would prohibit new stand-alone vehicle service uses and which would require any new vehicle sales establishment to have a large indoor showroom. Staff would also note that existing regulations restrict vehicle sales to comprising no more than 16% of the DMX district. Staff has also proposed that language be included within the UDO that will require*

*Bars/Taverns/Night Club uses within the proposed overlay district to be open to the public, rather than be classified as a private club. The ABC Board defines any bar that generates less than 30% of sales from food as a private club. These types of venues often have limited hours and are closed during the day. While alcohol based establishments are a key part of entertainment in a vibrant downtown, staff does not believe that private club establishments are conducive to a vibrant, inclusive atmosphere within the downtown at this time. Please note that 'bottle shops' such as Wine and Beer 101 are not considered a Bar by the ABC Board since less than 40% of their sales comes from on-site consumption.*

*Members of the Planning Board had expressed concerns regarding the proposed amendment requiring Bar/Tavern/Night Clubs not be classified as a private club. If the Town Board does not wish to prohibit Private Bars/Taverns/Night Clubs within the overlay district, this language could be removed.*

*Staff has received several inquiries throughout the years from church groups, nonprofits, and other organizations that wish to rent a downtown storefront for administrative office use. These types of uses do not receive clients and therefore don't generate foot traffic. Currently, Wendell's use code does not differentiate this use from the Professional Services use, which includes accountants, architects, insurance agents, and other intellectual-based services that receive clients. Staff has therefore proposed language defining the Office Administrative Services use and adding the use to the Use Table. Staff has also proposed allowing this use only on the second story within the Downtown Retail Overlay district.*

*Finally, staff has proposed to create a new 'Civic Club' use. Currently fraternal organizations and civic clubs are lumped into the 'Cultural or Community Facility' use category, which also includes uses such as art galleries and indoor theatres. Staff believes it would be more appropriate to make civic clubs its own use and restrict it to the second floor within the proposed overlay district. Much like other uses the overlay district is designed to address, civic clubs have sporadic periods of use and do not generate the foot traffic desired to support existing retail businesses.*

### **Proposed Text Amendments (Overlay Option)**

*Proposed new language to the UDO is **highlighted**. Proposed deleted language is **crossed-out**.*

**Amend Section 2.18 to include the following proposed Downtown Retail Overlay district standards:**

*(Conditional Districts (CD) are currently in section 2.18 of the UDO and will move to section 2.19.)*

#### **2.18 Downtown Retail Overlay (DRO)**

- A. Purpose and Intent:** *The purpose of the Downtown Retail Overlay district is to preserve a core of the Downtown Mixed Use (DMX) zoning district for primarily retail, restaurant, personal service, and entertainment business uses while promoting an efficient use of space and enhancing the business community. This objective is accomplished by restricting certain uses on the ground floor and upper floors of eligible properties which do not support the creation of a vibrant downtown consumer business community.*

**B. Applicability:** *The use of land permitted in Section 2.3C of the UDO for the underlying zoning district shall apply to the DROD, with the exception of those uses listed as prohibited below.*

***Downtown Retail Overlay District (DROD) Prohibited Use Table***

<b>Prohibited Outright</b>	<b>Prohibited on Ground Floor</b>
Gas Stations	Meeting Facilities
Funeral Homes	Community Service Organizations
Medical Services – Clinic, Urgent Care Center	Business Support Services
Post Offices	Research and Development*
Outdoor Recreational Facilities	Dwelling - Multifamily
Child/Adult Day Care Home	Office Administrative Services
Child/Adult Day Care Center	Media Production
Storage - Warehouse, indoor Storage	Schools – Vocational/Technical
Metal Products Fabrication, machine or welding shop	Medical Services – Doctor Office
Manufacturing - Light	Civic Club
General Retail – Greater than 50,000 sf	
Hospitals	
Dwelling - Single Family (detached)	
Family Care Home	
Group Care Facility	
Drive Thru Service	
Dwelling - Secondary	

\*Requires Special Use Permit in the DMX District

**Amend Section 2.1C to include reference for the Downtown Retail Overlay district**

**C. Overlay Districts**

*In accordance with North Carolina General Statute 160A-382, the following overlay districts are established. These overlay districts impose additional requirements on properties within one or more underlying base or conditional districts.*

- Manufactured Housing Overlay (MHO) (Old MHOD)*
- Gateway Overlay (GO) (Old SHOD)*
- Downtown Retail Overlay (DRO)***

**Amend Section 3.3 (Additional Standards by Use) to add to supplemental standards that require vehicle services (major and minor) to be an accessory use to a vehicle sales operation, and to require vehicles sales within the DMX district to meet additional standards (#3).**

**Vehicle Sales (CMX, CC, DMX, CH, M&I)**

1. **Equipment Display/Storage:** *No equipment for sale or rent shall be permitted to encroach on any required landscaping areas or buffer yards.*
2. **Outdoor PA Systems:** *No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.*
3. **DMX District:** *Vehicle Sales shall not at any time occupy more than 16 percent of the DMX District and must include a minimum of 3000 square feet of interior showroom space.*

**B. Vehicle Services – Minor Maintenance/Repair (CMX, CC, DMX, CH, M&I)**

1. *All vehicles, materials or equipment shall be stored within an enclosed building or outdoor storage with opaque fence or wall and restricted to the rear yard.*
2. *Storage yards shall be set back a minimum of 50 feet from any residential district. No stored vehicles may be visible from any property line.*
3. *Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.*
4. *No vehicle may be kept or used for parts for other vehicles.*
5. *No vehicles may be stored for more than 30 calendar days without repair work.*
6. *Car washes must be approved by the City of Raleigh Public Utilities Department.*
7. *Within the DMX district, vehicles services must be an accessory use to a contiguous (excluding ROW) vehicle sales operation under the same ownership.*

**C. Vehicle Services – Major Repair/Body Work (CMX, DMX, CH, M&I)**

1. *All vehicles, materials or equipment shall be stored within an enclosed building or outdoor storage with opaque fence or wall and restricted to the rear yard.*
2. *Storage yards shall be set back a minimum of 50 feet from any residential district. No stored vehicles may be visible from any property line.*
3. *Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.*
4. *No vehicle may be kept or used for parts for other vehicles.*
5. *No vehicles may be stored for more than 30 calendar days without repair work.*
6. *Car washes must be approved by the City of Raleigh Public Utilities Department.*
7. *Within the DMX district, vehicles services must be an accessory use to a contiguous (excluding ROW) vehicle sales operation under the same ownership.*

**Amend Section 3.3 (Additional Standards by Use) to add to supplemental standards that require Bars, Taverns, and Night Clubs within the Downtown Overlay to be an accessory use to be open to the public (#2).**

**H. Bar/Tavern/Night Club (NC\*, CMX\*, CC\*, DMX\*, CH\*, TND\*) \*Special Use**

1. *No such facility shall be located within 300 feet of the property line of any lot containing a church or school or any residential district (RA, RR, R2, R3, R4, R7).*
2. *Any facility within the Downtown Retail Overlay must be open to the general public (i.e. not a private club as classified by NC ABC).*

**Amend Section 2.3C to include Office Administrative Services use within the Use Matrices**

**Amend Section 19.3 to include the definition Office Administrative Services**

BASE DISTRICT	OSC	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Office/Service (cont)															
Office Administrative Services	!	!	!	!	!	!	!	P	P	P	P	!	P	P	P

**Office Administrative Services:** Location of business operations generally without daily face to face contact with customers or clients, including back office functions, telephone or internet based customer service and sales, or other business functions engaged in intellectual research or consulting, and call centers or data centers not located with distribution operations.

**Amend Section 2.3C to remove the Special Use Permit requirement for Neighborhood Manufacturing in the DMX**

BASE DISTRICT	OSC	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Manufacturing/Wholesale/Storage															
Manufacturing, Neighborhood	-	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	P	PS

**Amend Section 3.3 BB to require that Neighborhood Manufacturing in the DRO include a gallery or retail space open to the public.**

**BB. Manufacturing, Neighborhood (NC, CMX, CC, DMX\*, CH, TND) \*Special Use**

1. All materials or equipment shall be stored within an enclosed building.
2. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.
3. Uses such as, but not limited to, small woodworking shop, minor assembly, craftsman, and artisan are preferred.

4. *Neighborhood Manufacturing uses located on the ground floor in the Downtown Retail Overlay must include a minimum of 400 square feet of gallery and/ or retail space that is accessible and open to the public during normal operating hours (i.e. not by appointment only).*

**Amend Section 2.3C to include the ‘Civic Club’ use within the Use Matrices**

BASE DISTRICT	OSC	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Civic/Institutional															
Civic Club	↓	SUP	↓	↓	↓	↓	↓	SUP	SUP	SUP	SUP	↓	SUP	SUP	SUP

**Amend Section 19.3 to include the definition for Civic Club**

**Civic Club:** *A not for profit club for civic, social or fraternal purposes operated by a civic, social or fraternal organization, including offices for local, State and regional officials.*

**Amend Section 19.3 to remove non-profit civic or fraternal organizations from the ‘Cultural or Community Facility definition and to clarify that studio uses are otherwise addressed in the use code.**

**Cultural or Community Facility:** *Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, museums, exhibition, or similar facility; ~~non profit civic or fraternal organizations~~; libraries; and community centers, such as the YMCA and YWCA. This use shall not include smaller establishments covered under the ‘studio – art, music, martial arts’ use category. (LBCS S3800, S4400, ~~F5110, F5210, and FS6830~~)*

**Planning Board Recommendation:**

*At their October 17, 2016 meeting, the Planning Board voted to recommend denial of proposed text amendment. Planning Board members expressed concerns over the ‘private club’ provision for the Bar/Tavern/Nightclub use. They also expressed more general concerns over placing additional restrictions within the downtown. Following the Planning Board meeting, staff did amend the proposed overlay districts to consolidate the boundary to Main Street and Third Street, removing some properties which were included under the proposal reviewed by the Planning Board.*

**Voting to approve:**

**Voting to deny:** *Harold Broadwell, Errol Briggerman, Victoria Curtis, Gilda Wall, Ruth Van der Grinten, Lloyd Lancaster, Kathe Schaecher, Allen Swaim*

**Absent:** *Ashley Anderson*

**Staff Recommendation:**

*Staff recommends approval of the proposed overlay text amendment.*

**Statement of Plan Consistency and Reasonableness:**

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

*Staff suggests that the recommended change adheres to the following principles highlighted in the comprehensive plan:*

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- *Principle 2: “Protect and enhance the strengths of the downtown core, making the area a place to experience”;*
- *Principle 3: “Increase downtown and in-town retail, dining, and residential options; likewise, continue the tradition of local business.”*

Planning Director David Bergmark provided an overview of the zoning text amendment to modify chapters 2, 3, and 19 of the UDO for the purpose of re-establishing a downtown retail overlay district or alternatively to prohibit certain uses in the Downtown Mixed Use (DMX) district; staff report included above in italics. *Handouts were provided as illustration and are incorporated into the minutes.*

Planning Director Bergmark clarified the retail overlay would apply to what is within the blue lines and the DMX is within the red lines. The goal of the overlay is to promote foot traffic to support the existing businesses.

Town Manager Piner stated an example is the Inside Out Building that was used for storage because the buildings are fairly inexpensive and not in the best repair.

Commissioner Joyner is in favor of the south part of downtown not being used for storage and to promote foot traffic. His preference is to remove storage and not to permit large retail.

Commissioner Myrick questioned why not bring the line from Wendell Boulevard to Fourth Street. Planning Director Bergmark stated that was proposed to a prior Board. Concern was expressed that it appeared tailored to special interests. South of Fourth Street is a more dense retail hub for downtown.

Commissioner Myrick stated the overlay could be expanded as uses change.

Commissioner Joyner supports Commissioner’s Myrick idea for Fourth Street.

Mayor Pro Tem Lutz would rather leave the overlay district as proposed.

Commissioner Joyner stated if that is the approach taken would rather take the line to Depot Street over to Pine Street.

Mayor Gray stated she would not know why not to include the area to the north of Fourth Street. This visualizes what our downtown core business district is.

Commissioner Boyette stated there is angled street parking turning onto Main Street from Wendell Boulevard. Questioned why Perry’s building is cut in half. Planning Director Bergmark stated Perry’s is the only building and the Agave’s lot is cut in half.

Commissioner Carroll questioned what this proposal does if Nationwide Insurance moves out of the office and the house beside Nationwide Insurance moves out as well. Planning Director Bergmark stated that similar uses would be permitted. Planning Director Bergmark stated there is an existing standard that limits the growth for car sales and service in the DMX.

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Commissioner Carroll stated with the way the car dealership is laid out, he does not see much else happening at that end of the street. Town Manager Piner stated staff would examine the requirements and perform calculations based on the existing policy not the proposed overlay district.

Commissioner Carroll asked how this impacts the other business north of Fourth Street. Town Manager Piner stated customers go in and out of the antique stores and the other businesses receive clients and would not be impacted.

Commissioner Myrick questioned if the church moved out would another denomination be able to move in. Planning Director Bergmark stated it if the use changes like the church were to leave and the space became offices, a church would not be allowed at a later time. If the church moves out and another church moves in, that is allowed.

Commissioner Joyner stated if storage is the concern, then limit storage.

It was the consensus of the Board to support limiting storage.

Town Manager Piner stated staff was concerned with limiting storage within the DMX because of its size. For example, the warehouse on Cook Street may wish to become storage.

Mayor Pro Tem Lutz asked if the business owners have discussed. Planning Director Bergmark stated some of the owners have been involved. This was initially discussed at the Economic Development Committee.

Commissioner Boyette questioned if this comes back to communication and how it is being explained.

Town Manager Piner questioned what information the Board would like staff to bring back to the Board.

Commissioner Myrick stated if the issue is storage, then address storage.

Commissioner Boyette questioned if there is anything beyond storage that could happen in our downtown.

Mayor Pro Tem Lutz stated he sees this as an opportunity to incentivize those businesses wished for in our downtown and not coming across as restrictive.

Commissioner Joyner stated the free market will dictate what is allowable in downtown.

Planning Director Bergmark recommended updating the lists in the DMX to reflect what the Board wants and does not want.

**ACTION: Staff will draft a text amendment removing from the DMX those items in red and yellow in the handout marked as Attachment E; handout incorporated for reference.**

4. Review of proposed budget calendar. [15 minutes]

*[Staff Report]*

***Specific Action Requested:***

*To minimize the number of nights away for meetings and to maximize your time, staff is proposing budget work sessions before the regular meeting. The meetings will require an earlier start time of 5:30 p.m. with a short break before the regular meeting. Additional meetings may be scheduled as needed.*

*The Board is asked to review the schedule and share if this is doable.*

Town Manager Teresa Piner provided an overview of the proposed budget calendar; staff report included above in italics.

**ACTION: The Board expressed support of the proposed calendar. This item will come back to the Board for action at its January 23, 2017, Board meeting.**

5. **ADJOURN.**

**ACTION: Adjourned at 6:53 p.m.**

Duly adopted this 23rd day of January 2017, while in regular session.

**ATTEST:**

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

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