

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

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

**PRESENT:** Mayor Virginia Gray; Commissioners: John Boyette, David Myrick, Ben Carroll, and Jason Joyner.

**ABSENT:** Mayor Pro Tem Jon Lutz

**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, Police Chief Bill Carter, and IT Administrator Tamah Hughes.

**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:**

Pastor Asa Bell of Pleasant Grove Baptist Church extended an invitation to attend Sunday morning service. He provided the invocation.

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

**ACTION**

Mover: Commissioner Carroll moved to approve the agenda as presented.

Vote: 4-0.

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

The following persons spoke during Public Comment Period:



Carol Hinnant of the Wendell Historical Society expressed her thanks for the assistance provided with the July 4 Parade and Celebration with financial and Town staff support. She added the event was well attended. She added she hoped this is an on-going event.

**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 June 26, 2017, regular meeting.
- b. Approval of resolution for the 2018 Holiday Schedule.
- c. Approval of Ordinance O-21-2017 enacting and adopting the 2017 S-4 Supplement to the Code of Ordinances for the Town of Wendell.

**ACTION:**

Mover: Commissioner Carroll moved to approve the consent agenda as presented.

Vote: 4-0.

**4. DISCUSSION OF RESOLUTION FOR THE 2018 BOARD OF COMMISSIONERS MEETING SCHEDULE.**

**SPEAKER: Special Assistant to the Manager Sherry Scoggins**

**ACTION: Approval.**

*[Staff Report]*

*Proposed 2018 Board of Commissioners Meeting Schedule for review and action. Includes the proposed January 27, 2018, Board Retreat meeting date.*

Special Assistant to the Manager Scoggins provided an overview of the 2018 Board of Commissioners Meeting Schedule; staff report above in italics.

**ACTION:**

Mover: Commissioner Carroll moved to approve the 2018 Board of Commissioners Meeting Schedule as presented.

Vote: 4-0.

**5. DISCUSSION AND DIRECTION ON THE INCENTIVE POLICY(IES).**

**SPEAKER: Planning Director Bergmark**

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

*[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.*

*At the January 9, 2017 meeting, the Town Board reviewed the current economic development policies and took a comprehensive look at its priorities for economic development. Based on input received at the January 9<sup>th</sup> and March 27<sup>th</sup> meetings, staff created draft language for the Town Board's consideration. The draft language consists of revisions to the 2009 adopted incentive policy covering new large businesses and business expansions, as well as a separate policy incentivizing downtown redevelopment and investment.*

*At the July 10, 2017 meeting, staff is requesting action on the Large Business incentive policy. All downtown incentives have been removed from this request for further evaluation. However, staff is asking that the Town Board consider rescinding the current 'Small Business incentive policy' which offers small fee reductions (\$100 - \$500), for which virtually any business is*

*eligible. In staff's opinion, the current Small Business incentive policy does not sufficiently incentivize desired behavior, and instead reduces revenue for the Town with no additional benefit.*

*Please note that no incentives are granted as a matter of right, even if an applicant meets all eligibility requirements.*

**Current Large Business Incentive Policy:**

*Currently, the town's Large Business Incentive grant (adopted 2013) 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. 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.*

*Staff also believes that the 2013 incentive policy lacks the detail to guide the incentive policy process. For this reason, staff used the 2009 incentive policy as the template for revision.*

**Summary of Proposed Large-Business Incentive Policy Changes:**

- *Raise the minimum investment (building and equipment – not land) from 1 million to 5 million dollars for new businesses. The incentive grant is equivalent to 75% of assessed value on new investment, paid over a 4 year period, reduced by 10% each year.*
  - *Create a tiered system which offers more incentive for investments of \$25+ million, and \$50+ million. Tiers increase the percentage and duration (5 years instead of 4).*
- *Require a minimum of 25 jobs which pay at least 100% of the county average wage (county average wage is \$50,120) and which covers at least 50% of health insurance premiums for new businesses.*
  - *Increase the # of jobs required for \$25+ million investment and \$50+ million tiers to 50 jobs.*
- *Limit eligible users to manufacturing, industrial, distribution, office, and medical industries (not retail or tax exempt uses)*
- *Create a business expansion grant for \$5 million dollars or more of investment with 5 new employees equivalent to 75% of the assessed value of the new investment over a 4 year period, reduced by 10% each year.*
  - *Increase to 85% over 5 years (reduced 10% each year) for business expansion investments of 10 million or more with 10 or more new employees.*

Planning Director David Bergmark provided an overview of the Incentive Policy (ies); staff report above in italics.

**ACTION:**

Mover: Commissioner Carroll moved to adopt the large business incentive policy as staff recommended and rescind the small business policy.

Vote: 4-0.

**6. DISCUSSION BY THE TOWN BOARD ON CONTINUATION OF SNAP SHOT.**

**SPEAKER: Commissioner Boyette**

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

*[Staff Report]*

**Item Summary:**

*At the Town Board's January 2017 Retreat, Commissioner Boyette suggested creating a form that provides a "snap shot" of the Town's finances and an overview of Board goals, priorities and strategies for projects and service priorities.*

*Goals, Priorities, and Strategies may include:*

- *PARTF Project at Park – July 10<sup>th</sup> begin, wrap up in 120 days.*
- *Review of communications used by the Town – Facebook, Twitter, Instagram, etc.*
- *Future programs offered at Parks & Recreation*
  - *Seniors, special populations*
  - *Art classes – painting, pottery, etc.*
- *Future trails to connect and grow our greenway system\*
- *Purchase of 9 South Pine Street*
- *Police Substation*
- *Pedestrian Plan*
- *Wayfinding*

*Staff Services may include:*

- *Bond and Bond Rating of the Town [Davenport & Company]*
- *Districts for municipal elections [UNC-SOG]*
- *Review of the Town Charter [NCLM – ALP]*
- *Small area plan with a focus on connectivity to major interchanges.; i.e. Lizard Lick*
- *Staff study – focus on the anticipated growth of the Town and the delivery of services to the residents [NCLM – Springsted]*
- *Future siting for municipal complex; land banking*
- *Future land needs for park facilities*
- *Review of services – new initiatives, review of current services*
- *Suggested Rules of Procedures for the Town Board*

*Other – What topic would you like to discuss?*

*\*The Fund Balance and Debt Balance information is retrieved from the Town's audit. The auditor will deliver the audit information to the Board in November and the Fund Balance and Debt Balance posted on the Snap Shot will be updated at that time.*

Commission John Boyette provided an overview of the Town Board's continued use of Snap Shot; staff report included above in italics.

Mayor Gray stated she finds the Snap Shot helpful.

Commissioner Boyette would like to continue receiving a paper copy at the first meeting of each month.

Town Manager Piner stated the basketball goal is installed. Requested new items for placement on the list.

Mayor Gray requested the Board members come up with a list and email items. She also suggested making this an agenda item in order to add or remove items.

Commissioner Boyette stated the Snap Shot is a quick overview of revenues, expenditures, fund balance and debt balance as well as projects and services. He added it's a public record and is available when requested.

**ACTION:**

Mover: Town Board members are to compile a list and forward to staff; in turn staff will place on upcoming agenda for Town Board action.

- 7. DISCUSSION AND ACTION ON A FEE-IN-LIEU OF SIDEWALK REQUEST FOR REQUIRED SIDEWALK ON THE EAST SIDE OF S. HOLLYBROOK ROAD, ALONG THE GROVES OF DEERFIELD SUBDIVISION.  
SPEAKER: Planning Director David Bergmark  
ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*Lucius Jones has requested to pay a fee in lieu of sidewalk construction for a section of sidewalk along S. Hollybrook Road, along the side yard of lot 58 (200 Darecrest Lane).*

*Section 9.3 of the UDO states that:*

*“New development or redevelopment with frontages on existing publicly-maintained streets shall be required to upgrade all street frontages to meet the standards of this Ordinance including sidewalks, street trees, curb and gutter, and right-of-way reservations. Payment in lieu of physical improvements may be permitted by the Board of Commissioners”.*

*On January 9, 2017, the Wendell Board of Commissioners adopted the Town's Fee in Lieu of Sidewalk Construction Policy. Per the adopted policy, all fee in lieu of sidewalk construction requests shall be reviewed and decided upon by the Wendell Board of Commissioners.*

*The policy lists the following criteria as potential justification for approving a fee in lieu of sidewalk construction request:*

- The applicable property will be developed for residential purposes with a density of less than 1 dwelling unit per acre.*
- There are no sidewalks in the vicinity of the project, and it is unlikely that there will be development nearby that would require the installation of sidewalks in the future.*
- A stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility.*

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- *The topography would require the construction of a retaining wall more than 6 feet in height to accommodate the sidewalk.*
- *There is a planned roadway or infrastructure improvement scheduled to be implemented within the next 5 years which would require the removal or relocation of the required sidewalk.*
- *Other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.*

*The applicant has pointed to the severe topography and drainage issues as justification for not installing the required sidewalk. Pictures of the existing conditions are included as Attachment A. Those portions of Hollybrook road which require sidewalk installation as part of the Groves of Deerfield development plan are illustrated in Attachment B.*

*As stated in the Town's policy, the fee calculation for approved payments in lieu of sidewalk shall be based on the adopted Town of Wendell Fee Schedule. The adopted fee schedule lists a price of \$25 per linear foot of sidewalk. Based on this figure and the distance from the back of lot 58 to the curb on Darecrest Lane (~165 ft), the fee in lieu of sidewalk construction for this stretch would be approximately \$4125. Due to the recent installation of sidewalk along the north side of lot 158, the applicant has requested to pay \$1500 in lieu of sidewalk construction and has delivered a check to the Town in this amount. Currently this check is being held, pending the Town Board's decision.*

**Staff Recommendation:**

*Staff believes that the existing conditions along the side-yard of lot 58 provide sufficient justification for a fee in lieu of sidewalk construction to be granted. Staff also notes that a similar difficulty will exist in installing sidewalk along the open space lot on the opposite side of Darecrest Lane, along Hollybrook road (~300 feet of sidewalk). The applicant has not submitted a request to pay a fee in lieu of the sidewalk along this open space lot to date.*

Planning Director David Bergmark provided an overview of a fee-in-lieu sidewalk request for required sidewalk on the east side of South Hollybrook Road along the Grove of Deerfield Subdivision; staff report included above in italics.

Commissioner Joyner stated he heard the developer will place sidewalk along the front of the property. Planning Director Bergmark stated yes.

Commissioner Joyner questioned if the sidewalk was not required to be there. Planning Director Bergmark stated sidewalk is required.

Commissioner Joyner questioned if the distance between the blue and yellow on the map is known. Planning Director Bergmark stated that was not measured but i-maps was used and the length was estimated at 165 feet.

Commissioner Joyner stated the fee in lieu money is intended for sidewalk. He stated there is a difference in the dollar amount. He stated his goal is not the amount of money but the amount of sidewalk. He questioned if the option to find another site in need of sidewalk within Town the developer could install. Planning Director Bergmark stated to the best of his recollection the gap between the blue and yellow does not have dedicated right-of-way for sidewalk installation. He added other possibilities can be explored for sidewalk installation such as along the police station

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on Third Street or along the Town Square.

Commissioner Carroll questioned how many different developers had concerns with sidewalks. Planning Director Bergmark stated Olde Wendell, Grove of Deerfield, Foxborough, and Vardy [commercial].

Commissioner Myrick questioned how the \$25 per linear foot was arrived at. Planning Director Bergmark stated the Town reviewed Raleigh's policy and it includes sidewalk and grading. The figure for Todd Street was the basis; however, it did not require grading.

Mayor Gray stated the \$25 per linear foot is an average and a sidewalk project could be more or less depending on the preparation.

Commissioner Boyette questioned how the developer arrived at a figure so much lower with the topographical concerns for this site. Planning Director Bergmark stated it is a figure provided to the developer by someone who installs sidewalk.

Commissioner Boyette stated the \$1,500 figure provided by the developer is not necessarily a quote for this project, it's a flat fee.

Town Attorney Cauley stated as he understands the ordinance, the board's duty is to decide if a fee in lieu is allowed. The amount of the fee is determined by the adopted fee schedule.

Mayor Gray stated the Board needs to decide if this meets the justification for the fee in lieu. She added she looked at the site and she believes the request meets the criteria for fee in lieu. She added the options are to pay the amount as listed in the fee schedule. She added she does not have a problem if the Board wished to amend its policy and add a new option to allow the builder to put in a sidewalk in another area under the supervision of Town staff. She added she believes the sidewalk needs to go to the curb cut.

Commissioner Boyette stated he is not in favor of fee in lieu and believes things should be put in where required. The price per linear foot in the fee schedule is a little higher so the developer is encouraged to put in the sidewalk.

Mayor Gray stated an exception for areas that are challenging needs to be in the rules.

Commissioner Boyette added he would like property identified for sidewalk as a cost share project.

Commissioner Joyner stated the goal of the policy is more sidewalks. He is ok with a developer providing the same amount of sidewalk elsewhere that is a public – private partnership of sorts by the Town working with the developer.

**ACTION:**

Mover: Commissioner Joyner moved to approve the fee in lieu for the section requested by the developer.

Vote: 4-0.

Commissioner Joyner stated the fee in lieu of at the current rate of \$25 per linear foot or 165 feet of sidewalk.

Mr. Lucius Jones stated the width of the lot is 132 feet.

Commissioner Joyner stated the rate protects the Town. If the applicant can put in sidewalk for a lesser amount then that is acceptable.

Commissioner Myrick stated before amending the policy, is the applicant willing to do this. Mr. Jones stated he is willing to work with the Town. His concern is the cost.

Mayor Gray stated on the table is another alternative and whether or not this is something the developer will install the length of sidewalk at another place in town at the same timeframe of the current project and at the developer's cost.

Town Attorney Cauley stated his understanding is the third option only applies if the Board has approved the fee in lieu.

**ACTION:**

Mover: Commissioner Joyner moved to amend the [sidewalk fee in lieu] policy to allow for a third option; the developer will work with the planning staff to come up with the same distance of sidewalk installed in an appropriate manner and same timeframe and to work out location with the staff, subject to the approval of the fee in lieu by the Town Board.

Vote: 4-0.

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

 **Fire Advisory Board [Commissioner Joyner]**

Commissioner Joyner stated the Fire Advisory Board met last Thursday and discussed an internal hire for a new position, plan and budgetary requirements for the new station, as well as the position on Wake County Fire Commission.

**9. COMMISSIONERS' REPORTS.**

Commissioner Joyner stated he enjoyed Downtown Wendell with the July 4<sup>th</sup> event and thanked the Wendell Historical Society. He is very appreciative of the excitement of the [citizen] boards. He stated the best way to contact him is his cell phone and the number is posted on the Town's website.

Commissioner Boyette stated he concurs with Commissioner Joyner. He reviews the Town website to ensure his number is posted correctly. He reminded everyone to stay hydrated during



this warm weather.

Commissioner Myrick thanked the Wendell Historical Society for the fantastic event.

Commissioner Carroll stated July 4<sup>th</sup> was outstanding. He stated the sidewalk and UDO is new and is a work in progress since the recession. He stated Wendell welcomes developers and builders and desires quality of life for the residents.

#### **10. MAYOR'S REPORT.**

Mayor Virginia Gray congratulated Leamon Strickland of Strickland Jewelry Store who is celebrating 70 years of being in business this week in Downtown Wendell. His wife has been at the business with him for 67 years.

Mayor Gray attended the Bluegrass Picnic in the Park this past Saturday. This is a wonderful family event. The next event is August 12<sup>th</sup> from 5 p.m. to 7 p.m.

Mayor Gray thanked the Wendell Historical Society for its hard work, Town of Wendell staff members, Wendell Baptist Church and Boy Scout Troop 515 for the hard work.

Mayor Gray recently attended the Genius Hour Showcase at Lake Myra Elementary School.

Mayor Gray stated the Spring Into the Arts Walk Artist Reception and Silent Auction wrapped up after changes due to weather. She thanked the Appearance Commission and Planner Patrick Reidy for the work that went into the event.

Mayor Gray asked citizens to be patient with Public Works as they work to clean up the Town from the Saturday storm. Please stack along the curb and they will get to it.

#### **11. CLOSED SESSION.**

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

No closed session called.

*[Remainder of Page Left Blank Intentionally.]*

**12. ADJOURN.**

**ACTION:**

Mover: Commissioner Carroll moved to adjourn at 7:48 p.m.

Vote: 4-0.

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

**ATTEST:**

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

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