

**TOWN OF WENDELL**  
**BOARD OF COMMISSIONER MEETING MINUTES**  
**June 12, 2017**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, June 12, 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, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Police Chief Bill Carter, and EWTV 22 Studio Director Gary McConkey.

**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:**

Mike Harrison of Wendell Christian Church 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*):**

The following persons spoke during Public Comment Period:

- Mr. Jim Herthum of 601 Green Willow Circle expressed concern with children skateboarding on Green Willow Circle and walking on his property.
- Ms. Regina Harmon of Tell's Branch Lane expressed interest in agenda item 11.
- Mr. Ray Hinnant of 205 Dogwood Trail expressed appreciation for the street pavement projects, especially Lakewood Drive.

**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:

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- a. Approval of the Minutes from the May 8, 2017, regular meeting.
- b. Approval of the Minutes from the May 22, 2017, regular meeting.
- c. Continuation of a relationship with the Wake County Tax Collection Office for the collection of property taxes for the Town of Wendell.
- d. Town of Wendell Comprehensive List of Fees.

**ACTION:**

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

Vote: Unanimous.

**4. FY 2017-2018 Town of Wendell Budget.**

**SPEAKER: Finance Director Butch Kay**

**ACTION: Board may take action. Public hearing held 5/22/2017.**

*[Staff Report]*

**Item Summary:**

*The proposed FY 2017-2018 [July 1, 2017 – June 30, 2018] Budget for the Town of Wendell has been prepared in accordance with the Local Government Budget and Fiscal Control Act. The budget presents financial information summarized by major categories of expense for each department and outlines the operations of the Town. As mandated by State law, the budget is balanced and identifies methods of raising and spending funds for specific programs during the coming fiscal year.*

*The budget development process focused on providing high quality services while moving toward meeting the goals of the Town Board and community in a fiscally responsible manner. The development of the budget was guided by the priorities established at the 2017 retreat though the updating of the Town's Financial Goals and Policies and the development of an Equipment Replacement Policy. Priorities were influenced by the positive economic changes in the area resulting in increased workloads; desire to improve customer service, and efficiency and effectiveness through technology.*

*The proposed budget maintains a tax rate of .49 per \$100 of valuation. Projected property tax revenues make up approximately 32 percent of the Town's budget. Property tax revenue is based upon the values of existing homes, non-residential buildings, as well as new construction. Tax revenues for 2018 have seen an increase of approximately \$200,000. An increase in revenues will allow for the purchase of equipment and the addition of needed staff by leveraging of loans, fund balance and the operating budget.*

*FY 2018 will also see an increase in the debt service for the operation budget from \$175,500 in 2017, to \$336,000 in 2018. The Town's debt service comprises approximately 4.56 percent of the Town's operating budget.*

*Grants proposed for this year include a Wake County ABC Grant for \$21,000 to support Camp Choices and Track-out Camp and a Governor's Crime Commission Grant in the amount of \$24,206 for firearm replacement.*

*The proposed balanced budget was presented at the May 8, 2017, Board meeting. The Town Board held the public hearing at its May 22, 2017, Town Board meeting*

Finance Director Butch Kay provided an overview of the FY 2017-2018 Town of Wendell budget; staff report included above in italics.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to FY 18 budget ordinance as presented.

Vote: Unanimous.

**5. Wake County First Amendment to the Interlocal Agreement on the Consolidation of Building Permitting, Building Plan Review, and Building Inspections of all Wake County Public School System Construction and Renovation Projects.**

**SPEAKER: Town Manager Teresa Piner**

**ACTION: Board may take action.**

*[Staff Report]*

***Item Summary:***

*On March 1, 2008, Wake County entered into an Interlocal Agreement (ILA) with the Towns Apex, Cary, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, Zebulon and City of Raleigh to centralize the building permitting, building plan review, and building inspections of all Wake County Public School System projects into Wake County's Planning, Development & Inspections Division. The purpose of this effort was to provide consistency and efficiency in the implementation of public school facilities by allowing one agency to provide the building permitting and inspections services. After nearly ten (10) years of this partnership, the process has proved beneficial and accommodating for all parties. The Agreement is scheduled to expire on February 28, 2018. The desire from all parties is to extend the agreement for an additional ten (10) years. The original agreements authorized the County to provide uniform enforcement of the North Carolina State Building Code to all Wake County Public School System construction and renovation projects located in its own territorial jurisdiction and municipal jurisdiction of each party. This First Amendment will extend the term for ten (10) years.*

Town Manager Teresa Piner provided an overview of the Wake County First Amendment to the Interlocal Agreement on the Consolidation of Building Permitting, Building Plan Review, and Building Inspections of all Wake County Public School System Construction and Renovation Projects; staff report included above in italics.

Commissioner Joyner questioned if the other amendments affect Wendell. Town Manager Piner stated there were minor edits to verbiage with no substantive changes for services [to Wendell].

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to authorize extension of the contract as presented.

Vote: Unanimous.

**6. Discussion and Action on Wake County Transit Plan Agreements requiring local adoption. SPEAKER: Planning Director David Bergmark**

**ACTION: Board may take action.**

[Staff Report]

**Item Summary:**

*On March 27<sup>th</sup>, staff presented material on the Draft FY18 Wake Transit Work Plan, which begins implementation of the Wake County Transit Plan adopted in June of 2016.*

*The Fiscal Year 2018 Annual Work Plan allocates received funds from July 2017 through June 2018. This will be the first full year of tax collection. The Work Plan focuses on regional bus connections, increasing weekend and evening local bus service, and supporting the Wake TRACS system.*

*The Work Plan includes services that can be implemented without additional bus purchases. Future bus service improvements will be made each year as funding and supporting items such as new buses become available. Additionally, it outlines planning efforts and studies that will bring new bus service and facilities, Bus Rapid Transit corridors, and the Commuter Rail corridor from a vision to a reality. Capital costs associated with the work plan are divided between four categories: Capital Planning, Vehicles, Bus Infrastructure, and Reserve for Future Projects.*

*The Wake County Transit plan permanently relieved Wendell of its responsibility for supplying a local match for the GoTriangle express bus service (\$28,000) which serves Wendell and Zebulon. The FY18 Work Plan goes further by allocating an additional \$4200 to pay for Wendell's Park and Ride lot lease, which the Town is currently paying with local tax dollars. This payment, which is structured as a reimbursement of \$4200 to the Town of Wendell, is reflected in the Attached Operating Agreement (Attachment C). In order to receive these funds, the Town Board will need to sign the following agreements by June 30, 2017.*

- 1. Master Participation Agreement (prerequisite to the Annual Operating Funding Agreement)
    - a. The purpose of this Participation Agreement is to:
      - i. serve as the master joint agency operations agreement referenced in Section 8.02 of the Governance ILA;*
      - ii. establish standards that will govern the Parties' eligibility for inclusion of sponsored Implementation Elements in the Wake Transit Work Plan and receipt of any funding allocation from Wake County Transit Tax Revenue;*
      - iii. evidence the Parties' approval of the Wake County Transit Plan and the annual update process; and*
      - iv. confirm the Parties' roles in carrying out Transportation Planning Advisory Committee (TPAC) responsibilities.***
- 2. \$7 Vehicle Registration Tax ILA (prerequisite to the Master Participation agreement) –
  - a. By signing this agreement, municipalities agree to allocate all current and future vehicle registration taxes towards implementation of the Wake County Transit Plan (Only municipalities which serve as a transit provider would be eligible to charge a vehicle registration tax. As such, Wendell currently has no vehicle registration tax. )**
- 3. Annual Operating Funding Agreement
  - a. By signing this agreement, municipalities would agree to receive and use Wake County Transit funds for those projects outlined in the Work Plan.
    - i. Wendell's General Operating Funding Agreements specifies that we would receive \$4200 to cover the lease for our Park and Ride lot.***

*Copies of each agreement requiring execution are included as Attachments A-C of this report.*

*Attachment B represents an amendment to the original Vehicle Registration Tax ILA, which was only signed by select parties. The purpose of the amendment is to add Wendell as one the parties to the agreement. The original agreement, which does not require approval, is included as Attachment D for reference.*

Planning Director David Bergmark provided an overview of the Wake County Transit Plan Agreements; staff report included above in italics.

Commissioner Joyner questioned the Town is waived the \$28,000 annually for the bus and \$4,200 for the park and ride lot. Planning Director Bergmark stated that is correct. He added there are opportunities for future funding.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to authorize the town manager to sign the agreements as presented.

Vote: Motion carried 4 to 1 with Commissioner Joyner voting opposed.

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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
- 

**7. Public Hearing on proposed amendments to Chapters 2 and 12 of the UDO to allow Electronic Billboards with specific standards.**

**SPEAKER: Planning Director David Bergmark**

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

*[Staff Report]*

**Item Summary:**

*Fairway Outdoor Advertising has expressed an interest in constructing an electronic billboard along US 64. This group has recently constructed a similar electronic billboard in Rolesville near the new bypass. Currently, Chapter 12 of the UDO prohibits billboards of any type. As a result of these regulations, the applicant has submitted a zoning text amendment request to remove the language from Chapter 2 and Chapter 12 of the UDO which would prohibit billboards, and has included specific standards related to the size, height, location, and operation of electronic billboards. A similar process was taken in Rolesville in order to allow the electronic billboard to be constructed. A copy of the standards used in Rolesville is included as Attachment C for reference.*

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Planning Director David Bergmark provided an overview on the proposed text amendments to Chapters 2 and 12 of the UDO to allow Electronic Billboards with specific standards; staff report included above in italics.

Commissioner Boyette stated his understanding is NC GS 136 seems to prohibit outdoor advertising. He questioned what exception allows these on the highway. Planning Director Bergmark stated he would have to research.

Commissioner Boyette questioned what Planning Director Bergmark knows about the sign in Rolesville. Planning Director Bergmark stated he was aware it existed and it was approved through a special use process.

Commissioner Joyner stated the applicant may be able to answer the question. His understanding is this is within the corporate limits of Wendell and not on NCDOT frontage.

Commissioner Boyette stated the way he read the NC GS is that even if the billboard is built in an urban area, if the intent is to be seen from a primary or interstate highway, then it is prohibited. All authority the Town has is from the State. He would like to know the exemption for the billboard built in Rolesville. He is aware billboards are a thriving industry and to date he has not seen a billboard along US 64 between Raleigh and Wendell. Planning Director Bergmark stated he would be willing to look at that with the assistance of the Town Attorney.

Commissioner Myrick stated he agrees with the Planning Board on the shrubs recommendation. He does not see a need to landscape the bottom of the sign when the eyes are drawn to the billboard. He is also OK with the Planning Board's recommendation of two miles. He questioned if this is only for electronic billboards. Planning Director Bergmark stated correct.

Commissioner Myrick questioned the reasoning for not allowing a standard billboard. Planning Director Bergmark stated more options to change the messages including Amber or Silver Alerts.

Mayor Gray stated this evening the Board approved the budget that includes Wayfinding Signage for the Town. She is concerned that two or three miles may crowd the road with signage. She suggested beginning with fewer and smaller.

Mayor Pro Tem Lutz questioned what zoning areas one of these could be constructed. Planning Director Bergmark stated just along US 64 between Wendell Falls Parkway near Marshburn Road.

Mayor Pro Tem Lutz questioned the setbacks. Planning Director Bergmark stated the setbacks are to give the property owner space to maintain the property. The pole will be a distance from the right-of-way.

Mayor Pro Tem Lutz stated he agrees with Commissioner Myrick about the shrubs and he would keep the distance at the three miles.

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Commissioner Boyette questioned the distance along US 64. Planning Director Bergmark stated roughly five miles.

Town Attorney Cauley stated he is not familiar with the Rolesville sign. In NC GS 136-129, there are six exceptions listed. The two most likely exceptions are for areas zoned commercial or industrial or an area un-zoned.

Commissioner Boyette questioned the zoning of the area for the sign. Planning Director Bergmark stated is it zoned commercial and industrial.

Mayor Gray opened the public hearing at 7:37 p.m.

Ms. Regina Harmon stated the company doing the signage is professional. She stated the Town is small and she would like to see the Town promoted. She stated the company has signage in Smithfield. She questioned how long a message would be on the board and the height of the board.

Aaron Guyton of 322 N Cypress Street, Wendell, stated he goes around the nation to do signage. He wants this to be an integral part of the community as he lives here with his family. A benefit of the technology is providing public service with public messaging at no cost to the municipality. Participate in the Center for Missing and Exploited Children and work with the police departments to assist with Amber Alerts. The NC GS mentioned by Commissioner Boyette is a regulatory provision exception only in an area zoned industrial or commercial.

Paul White, owner of the site for the proposed signage, stated this is the ability to promote the Town and Town events.

Ray Hinnant of 205 Dogwood Trail stated he is opposed to additional signs. He can see this sign going up on Wendell Boulevard and then another request.

Commissioner Joyner questioned if the text amendment precludes Wendell Boulevard. Planning Director Bergmark stated yes.

Mayor Gray closed the public hearing at 7:48 p.m.

Commissioner Joyner stated he heard the sign being used to direct traffic to Wendell as well as a public safety tool. The highway is away from downtown Wendell and it is hard to get folks to turn on Wendell Boulevard to come downtown. He hopes this sign would help to get people off the highway and then the Wayfinding Signs can be used to get folks downtown. He stated the shrubbery as written by staff is good so the base is not visible. He stated the three mile boundary radial is his recommendation.

**ACTION:**

Mover: Commissioner Joyner moved to approve the text amendment request with a three mile radial [distance] and the shrubs at the base where visible [staff recommendation].

Vote: Unanimous.

**8. Continuation of Board discussion for text amendments to Chapters 2, 3, 10, and 19 of the UDO relating to outdoor and indoor event venues. Public hearing held May 8, 2017.**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*Joshua Furr has applied for a zoning text amendment to create a zoning use designation of Outdoor Event Space. Mr. Furr has recently purchased property at 1408 Marshburn Road for the purpose of establishing an outdoor wedding and event venue. However, the UDO currently does not have such a use listed in the Use Matrices of Chapter 2. The closest existing uses are 'Outdoor Recreational Facilities' and 'Meeting Facilities', which due to their definitions and associated standards would not work for an outdoor wedding venue. As a result, Mr. Furr asked for planning staff's help to develop a use category and associated standards to allow his proposed business.*

*While conducting research related to this request, staff determined that the Town would benefit from adding additional uses with associated standards, such as live performance theaters, sports arenas, and meeting facilities. In conducting its research, staff reviewed the use tables and standards of Raleigh, Wake Forest, Fuquay Varina, Garner, Clayton, and Knightdale. The proposed amendments related to these other uses may be acted on separately from the applicant's request, which is specific to the proposed 'Outdoor Event Venue' use.*

*As can be seen in the following section, staff has proposed that a new use be created for 'Event Venue, Outdoor', which would be allowed with a Special Use Permit in the RA, NC, CMX, CC, DMX, CH, M&I, and TND zoning districts. Staff has also proposed supplemental use standards to be included in Chapter 3, which would guide the Special Use proceedings.*

*During its review of outdoor wedding venues, it became clear that the size, location, nature, and impact of outdoor event venues can vary significantly. In some cases, these establishments are located on large acre, remote sites. In other cases, outdoor wedding venues are located in the middle of historic residential districts, immediately adjacent to traditional single family homes. Venues may be designed to accommodate anywhere from 50 people to several hundred people. Due to the wide variety of impacts which different venues may have, staff felt it was most appropriate to evaluate each site on a case by case basis as part of a Special Use Permit process. This strategy would allow the Board of Commissioners to consider the size, scale, location, and nature of each request and apply appropriate conditions as part of their approval. The standards included in Chapter 3 set general expectations for development of these sites, but the Town Board may impose additional standards as part of the Special Use proceedings.*

*Staff contacted Wake County to determine how an outdoor wedding/event venue would be regulated in their jurisdiction. Wake County planning staff indicated the proposed use would either be classified as 'all other outdoor recreation/entertainment' or 'retreat house/conference center' depending on the presence of buildings and the location of the activity on the site. The*



*former requires a special use permit in any zoning district and the latter requires a special use permit in residential zoning districts, but not within commercial districts.*

*Staff has also included a recent article from April 2017 addressing a wedding venue in Johnston County near Flowers Plantation which was recently permitted. The Johnston County approval required noise activity to stop at 11 p.m., and for all activity to cease by 1 a.m. The tract is 17 acres in size, will have two banquet halls with space for up to 500 people, but won't have an outdoor stage. The 11 p.m. limit on noise corresponds with Johnston County's noise ordinance. Following the public hearing, staff made the following changes based on Town Board input:*

- 1. Outdoor theaters now require a Special Use Permit in all permitted zoning districts (previously it was permitted with additional standards in specific districts).*
- 2. Language regarding changes to time limits on noise were modified based on the Town Attorney's comments.*
- 3. Language referencing the Town Board's ability to limit the presence of a permanent stage for outdoor event venues was included.*
- 4. Example Noise ordinance regulations were included in Attachment C for reference.
  - a. Decibel limits are not included in the text amendment standards. As currently formatted, decibel limitations would be established during the SUP hearing.**
- 5. An example of the 200 foot separation requirement which would apply to Outdoor Live Theater uses was included as Attachment D.*

**Proposed Amendments:**

*Listed below are five proposed amendments related to both outdoor and indoor recreational uses. The applicant's request relates specifically to Amendment 1. Amendments 2-5 represent related changes which staff feels would benefit the Town and remove the need for many future applicants to submit text amendments.*

**Amendment 1 (Outdoor Event Venue – Applicant's request):**

- 1. Add the following definition for 'Event Venue, Outdoor' to Chapter 19 of the UDO:  
**Event Venue, Outdoor:** A permanent, predominantly outdoor facility, including any associated structures, for outdoor event venues, including but not limited to weddings, birthday celebrations, reunions, retreats, conferences, and festivals. Outdoor theater uses shall be addressed by the 'theater, live performance, outdoor' use category.*
- 2. Amend Section 2.3C (Use Matrices) to include 'Event Venue, Outdoor' under the 'Entertainment/Recreation' Category. Mark this use as 'Special Use Permit Required' (SUP) in the RA, NC, CMX, CC, DMX, CH, M&I, and TND districts. Place 'PUD\*' under the PUD column to denote that all uses included in a Planned Unit Development proposal shall be stipulated as part of the PUD.*
- 3. Add 'Event Venue, Outdoor' to Section 3.3 of the UDO (Additional Standards by Use) with the following standards:
  - a. A special use permit shall be required for all uses which meet the definition for Outdoor Event venues.*
  - b. The traffic generated to and from the site will not create unsafe or inefficient parking, loading, vehicular and pedestrian circulation patterns with consideration, among other things, to: the physical character of roads, the classification of roads, accident experience near the site, traffic volumes existing and projected from approved site plans and subdivisions, interference with any other driveway, and response time of nearby emergency services.*
  - c. The nearby properties must be protected from sound amplification and lighting. Unless otherwise stipulated based upon factors presented at the public hearing, any music or**

- amplified noise activity shall not be audible beyond the boundary of the property after 11:00 p.m. In addition to time periods, the Town Board may impose noise level limitations or prohibit the presence of a permanent stage as a condition of the special use approval.*
- d. *Buffers must be provided between the proposed use and adjacent residential uses. The type and location of buffers shall be determined as part of any Special Use Permit approval. Existing vegetation may count towards buffer requirements. Based upon factors presented at the public hearing, the Town Board may include a separation requirement between any proposed activity areas and adjacent property owners.*
  - e. *As part of the SUP proceedings, consideration may be given to the inclusion of non-paved parking facilities for those venues located within a more rural setting where paved parking would detract from the character of the outdoor event space.*
4. *Amend the chart in Section 10.4A of the UDO (General Parking Requirements) to include an additional row for 'Meeting Facilities/Event Venues' with the standard of 1 auto parking space per 4 seats and 1 bicycle parking space per 20 auto parking spaces.*

**Amendment 2 (Theater, Live Performance, Outdoor)**

1. *Amend Chapter 19 of the UDO to include the following definition:  
**Theater, Live Performance, Outdoor:** An establishment for the performing arts with open-air seating for audiences.*
2. *Amend Section 2.3C (Use Matrices) to permit Theater, Live Performance, Outdoor as follows:*
  - a. *Permitted with a Special Use Permit (SUP) in the DMX, CMX, CC, CH, M&I, and TND districts.*
3. *Add 'Theater, Live Performance, Outdoor' to Section 3.3 of the UDO (Additional Standards by Use) with the following standards:*
  - *All such uses shall require a special use permit. As part of the special use permit approval process, sites may be subject to additional conditions related to such items as noise and occupancy levels, and hours of operation.*
  - *Outdoor Theaters shall be buffered from adjoining residential uses with a Type A buffer, as described in Chapter 8 of the UDO.*
  - *The performance and audience areas for any outdoor theater shall be located a minimum of 200 feet from any adjacent residentially zoned property.*
  - *Primary access to all outdoor theatres shall be to a collector or higher order street.*
  - *Nearby properties must be protected from sound amplification and lighting. Unless otherwise stipulated based upon factors presented at the public hearing, any music or amplified noise activity shall not be audible beyond the boundary of the property after 11:00 p.m.*

**Amendment 3 (Theater, Live Performance, Indoor)**

1. *Amend Chapter 19 of the UDO to include the following definition:*
  - o ***Theater, Live Performance, Indoor:** A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.*
2. *Amend Section 2.3C (Use Matrices) to add 'Theater, Live Performance, Indoor' under the 'Entertainment/Recreation' Category. Make it permitted (P) in the NC, CMX, CC, DMX, CH, and TND districts. Place 'PUD\*' under the PUD column to denote that all uses in a proposed PUD shall be determined as part of the PUD approval.*

**Amendment 4 (Sports Arena/Stadium)**

1. *Amend Chapter 19 of the UDO to include the following definition:*

- ***Sports Arena/Stadium:*** *A structure that is open or enclosed and used for games, concerts, and major events and is partly or completely surrounded by tiers of seats for spectators.*
- 2. Amend Section 2.3C (Use Matrices) to add 'Sports Arena/Stadium' under the 'Entertainment/Recreation' Category. Make it permitted with a Special Use Permit (SUP) in the CH, M&I, and CC district. Place 'PUD\*' under the PUD column to denote that all uses in a proposed PUD shall be determined as part of the PUD approval.

**Amendment 5 (Meeting Facility/Indoor Event Venue)**

1. Amend Chapter 19 of the UDO to include the following definition:
  - ***Meeting Facility/Indoor Event Venue:*** *An indoor commercial or non-profit facility for event venues or public assembly, including but not limited to conference facilities, convention centers, indoor event space, auditoriums, exhibition halls, and the like.*
2. Amend Section 2.3C (Use Matrices) to replace the term 'Meeting Facilities' with 'Meeting Facility/Indoor Event Venue'. Amend the Use Table to also make this use Permitted with additional Standards (PS) in the MH & NC zoning districts.
  - a. Note: This use is already listed as PS in all residential districts, Permitted (P) in the CMX, CC, CH, M&I, and TND districts, and requires a Special Use Permit (SUP) in the DMX district.
3. Amend Section 3.3 of the UDO (Additional Standards by Use) to add the following additional standard:
  - a. In the NC zoning district, a Meeting Facility/Indoor Event Venue use which is not part of a common plan of development and which is designed to accommodate more than 99 occupants shall require a Special Use Permit.

**Planning Board Recommendation:**

*At their April 17, 2017 meeting, the Planning Board voted 7-0 in favor of the proposed text amendment. The only change proposed by the Planning Board as part of their motion was to include language which would provide flexibility on the Town's bicycle parking requirement for outdoor event venues, to be determined as part of any special use proceedings.*

***Voting in Favor:*** Chairman Harold Broadwell, Errol Briggerman, Kathe Schaecher, Allen Swaim, Victoria Curtis, Lloyd Lancaster, and Gilda Wall

***Voting Against:***

***Absent:*** Ashley Anderson, Ruth Van der Grinten

**Staff Recommendation:**

*Staff recommends approval of the proposed text amendments.*

**Statement of Plan Consistency and Reasonableness**

- *At their April meeting, the Planning Board found the proposed text amendment to Chapters 2, 3, 10, and 19 of the UDO to be reasonable in order to accommodate different recreational business uses, while protecting adjacent property owners. Additionally, the proposed changes were found to be consistent with the following principles of the Wendell Comprehensive Plan:*
  - *Principle Number 4: Diversify and increase the per capita tax base.*
  - *Principle Number 5: Promote Wendell's attractiveness to business and people of all walks of life.*

Planning Director David Bergmark provided an overview on the proposed text amendments to Chapters 2, 3, 10, and 19 of the UDO relating to outdoor and indoor event venues; staff report included above in italics.

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Commissioner Joyner stated the applicant made a narrow request to amend the ordinance. He requested how to separate the applicant's request from the staff's recommendations. Planning Director Bergmark stated the applicant requested a venue for outdoor weddings with outdoor music. The other items have potential for higher intensity as an outdoor theater or stadium.

Commissioner Carroll requested to hear from the applicant on the plan for the property.

Mr. Joshua Furr, 1408 Marshburn and 0 Marshburn, spoke with the neighbors. He will follow the lead of the Town for guidance as he is here for the long-term. He is willing to annex the property into the Town of Wendell. He does not have a plan at this time.

Planning Director Bergmark stated the next step after the text amendment, if approved, is the ability to approve a submittal of a request for an outdoor venue and the particulars for the activity.

Mr. Furr stated he is aware the residents are concerned and some are in attendance this evening. He wants to preserve the beauty of the area and he believes this will grow in a positive way.

Commissioner Carroll requested being walked through what to expect if hosting a wedding. He added his concern is the recently acquired property will become a parking lot. Mr. Furr stated at 1408 Marshburn Road is a house. He envisioned two entrances – the existing and a new entrance left of the house and a walk way to go out to the field. He has not confirmed the location of the pavilion. Where the carport is he will build an indoor handicap accessible bathroom facility. He has not factored any activities on the newly acquired property.

Commissioner Boyette questioned the maximum number of people for an event. Mr. Furr stated a wedding may have 150 to 200 people on upward of 300 to 400 people.

Commissioner Boyette questioned the number of vehicles for a wedding with 300 people. Mr. Furr stated it is one vehicle per four people.

Commissioner Boyette stated that is about 75 to 80 vehicles. He questioned the amount of land needed to accommodate the cars. Mr. Furr stated about two acres.

Commissioner Boyette questioned if he will pave the parking area. Mr. Furr stated his preference is to keep the area natural and would like to use natural or pea gravel material.

Commissioner Myrick questioned if the Town Board may restrict the number of people for a venue. Town Attorney Cauley stated the definition is broad.

Commissioner Myrick stated he sees a difference between a wedding venue and a band. Mr. Furr would like a case-by-case scenario.

Town Attorney Cauley stated if this were a ticketed event.

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Commissioner Boyette stated that is similar to the Community Center when hosting a ticketed event.

Town Attorney Cauley stated the proposed uses are not typically thought of as ticketed events – celebrations, birthdays, reunions, conferences and festivals.

Mr. Furr stated he sees the potential to host a one-day art fair like the ones hosted on Hillsborough Street.

Commissioner Boyette asked would the applicant be willing to postpone action on the text amendment as it relates to a temporary permit for ticketed events. Mr. Furr stated he would follow the Town's lead.

Commissioner Boyette questioned if the delay would harm the applicant if continued for an additional two weeks. Mr. Furr stated this would impact those working with him.

Mayor Pro Tem Lutz stated he likes the outdoor wedding venue concept. He is more concerned with big parties because of the disruption or not as well regulated. He stated the sports arena are excessive and prefers not to address at this time and to remove. If handling as a special use permit, then he sees no problem to approve the changes to the UDO.

Commissioner Boyette stated without any restrictions or ticketed events. Mayor Pro Tem Lutz stated yes.

Planning Director Bergmark stated for clarification, the motion is to strike the arena. Mayor Pro Tem Lutz stated yes.

Mayor Gray stated the motion is to adopt the ordinance with the exception of the sports arena stadium component.

Town Attorney Cauley stated for clarification the applicant would still need to go through the special use process. Mr. Furr stated yes.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the text amendment with the exception of the sports arena.

Vote: Motion carried 4 to 1 with Commissioner Myrick voting opposed.

9. *At the request of the applicant, this item is withdrawn. ~~Continuation of Board discussion to consider a request by Savvy Homes to rezone 20.89 acres of property within the parcel identified by PIN # 1784 49 5755 and addressed as 1505 Marshburn Road from R-40 to a R2 Conditional District to be developed as 23 single family dwellings. Public hearing held May 8, 2017.~~*  
**SPEAKER: Planner Patrick Reidy**  
**ACTION: No action.**

On June 5, 2017, the applicant sent an email withdrawing the request.

- 10. At the request of the applicant, this item is withdrawn. Continuation of Board discussion to consider a satellite annexation petition for 20.89 acres of property (excluding ROW) located at 1505 Marshburn Road and identified by PIN # 1784495755. Public hearing held May 8, 2017.  
SPEAKER: Planning Director David Bergmark  
ACTION: No action.**

On June 6, 2017, the applicant sent an email withdrawing the annexation request.

- 11. Proposed Text Amendment to Town of Wendell Code of Ordinances Chapter 4 regarding establishment of bird sanctuaries and prohibition against hunting birds; tabled 5/22/2017.  
SPEAKER: Police Chief Bill Carter and Town Manager Teresa Piner  
ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*North Carolina General Statute 160A-188 provides that “a city may by ordinance create and establish a bird sanctuary within the city limits. When a bird sanctuary has been established, it shall be unlawful for any person to hunt, kill, trap, or otherwise take any protected birds within the city limits except pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. 113-274(c) (1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within city limits.” Certain Birds are considered not protected under applicable federal and state law and include but are not limited to English Sparrows, Pigeons and European Starlings. As such the current ordinance, adopted June 7, 1956, is unclear on the mechanism to obtain a permit to eradicate these birds should they become a nuisance. Accordingly, the North Carolina Wildlife Resource Commission reports that a Town may allow the depredation of unprotected birds subject to its own ordinances.*

*Periodically non-protected birds nest and roost in or around structures. In certain circumstances they congregate in a manner as to constitute a nuisance or menace to health or property. The requested amendment to the ordinance will provide for depredation techniques to be utilized to eliminate the hazard causing birds.*

*The proposed amendment permits the police chief to authorize a registered Wildlife Damage Control Agent to eliminate the birds in such numbers and manner as deemed appropriate. The agent shall be required to hold current liability insurance as it relates to the business. Written notification of these activities to adjacent or affected property owners may be required at the discretion of the Town. This authorization shall be valid for 30 days.*

Police Chief Bill Carter provided an overview on the proposed text amendments to the Town of Wendell Code of Ordinances Chapter 4 regarding establishment of bird sanctuaries and prohibition against hunting birds; staff report included above in italics.

Mayor Gray agreed with the need to update the ordinance. Her hope is that the aggressive approaches are a last resort. Police Chief Carter said if the ordinance is approved the methods for bird removal will be a stepped approach from non-lethal working toward aggressive techniques.

Commissioner Myrick asked if those approaches would be undertaken by the wildlife damage control agent. Police Chief Carter stated that would be the case.

Commissioner Carroll questioned if there are current situations that would require the use of damage control agent under this ordinance. Police Chief Carter stated yes.

Commissioner Carroll questioned the specific type of birds causing issues. Police Chief Carter stated pigeons were a part of the current issue.

Commissioner Boyette questioned what was so special about birds. He stated people have more leeway to deal with possums, raccoons, deer, and snakes than they do with birds. Police Chief Carter stated federal and state laws protect birds and that if other wildlife becomes a problem, a person can reach out to the state wildlife resource commission for guidance.

Commissioner Boyette questioned if this rule will impact the Town's ability to address the vulture problem at the water tower. Police Chief Carter stated no as vultures are federally protected. The Town has been in touch with the federal officials in the past regarding this issue and federal authorities provided guidance to address it which was then shared with the City of Raleigh.

Commissioner Boyette stated even with the amendment, the birds will be more protected than most other animals – nuisance or not. Police Chief Carter stated yes.

**ACTION:**

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

Vote: Unanimous.

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



**Triangle J COG Board of Delegates [Mayor Pro Tem Lutz]**



**Fire Advisory Board [Commissioner Joyner]**



**Technical Review Committee (TRC) [Commissioner Carroll]**

Mayor Pro Tem Lutz stated at the last meeting the Triangle J COG officers were nominated and the budget was adopted.

Commissioner Joyner stated at the last meeting the Fire Advisory Board discussed the upcoming budget and planning for the Wendell Falls Station.

Commissioner Carroll stated at the last meeting the Technical Review Committee discussed Wendell Falls 6A and 6B. These will be larger lots with a higher price point.

**13. COMMISSIONERS' REPORTS.**

Commissioner Joyner stated this is a budget that will fund more priorities for the Town. Town staff did a strong job on providing financing and operating options. And the budget maintained the current tax rate. The public hearing for the budget was held on May 8<sup>th</sup>. He stated there was no turnout for the budget process. He stated the East Wake News editor announced there will no longer be a true East Wake News. He stated this evening no one from the media was in attendance. His request is the news agencies continue to cover small towns and local governments for accountability. He stated in July he will file for municipal office.

Commissioner Boyette stated he was also disappointed by the turnout the night of the budget public hearing. He would have liked the budget to have included merit raises for the employees. He would have liked to have seen something for Town Hall. The current Town Hall looks nice and the current facility will not be able to house the staff needed in the next few years. He would also like to see money toward the public safety station at Wendell Falls Parkway. He has not yet decided on filing for municipal office.

Commissioner Myrick stated no report.

Mayor Pro Tem Lutz echoed the comments to the Town staff for the hard work on the budget. He would also like to have given merit and the trade-off was man-power and equipment. He would like to see the citizens remain active in Town as there are events in Town this summer. He encouraged citizens to use the Tell Wendell App. He announced he will file for re-election for municipal office.

Commissioner Carroll echoed the praise of the Town staff and board for the budget.

**14. MAYOR'S REPORT.**

Mayor Gray stated she agrees about the Town having a police presence in the Wendell Falls area. The most recent cost is \$927,000 for the Town's portion. She is pleased with the Town's tax rate and the staffs' efforts for the budget. Steps for implementing a merit program are being researched. As a taxpayer, she prefers not to have a \$5 or \$6 million dollar building.

Big Truck Day is Saturday, June 24<sup>th</sup> at 11 AM. The Grass Cats will provide live music.

This morning she attended the East Wake High School graduation. She is very proud of the graduates. She praised Principal Stacey Alston. She also met Megan Faircloth who graduated with the highest GPA and persevered even when she was homeless during the school year. Ms. Faircloth has a full scholarship to attend Stanford University.

**15. CLOSED SESSION.**

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

No closed session called.



**16. ADJOURN.**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:45 p.m.

Vote: Unanimous.

Duly adopted this 26th day of June 2017, while in regular session.

**ATTEST:**

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

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