

TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
May 08, 2017

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, May 08, 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 Manager Teresa Piner, Special Assistant to the Manager-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Accounting Technician Garrett Johnson, Human Resource Specialist Melia Edwards, Customer Service Representative Elizabeth Jones, Planning Director David Bergmark, IT Administrator Tamah Hughes, Public Works Director Alton Bryant and Police Chief Bill Carter.

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Police Chief Bill Carter led the Pledge of Allegiance.

INVOCATION:

Reverend Bob Albritton of Wendell United Methodist Church shared that the church will host a spaghetti dinner this Friday. He stated the church has been very involved in helping with clean up in Princeville and Tarboro since Hurricane Matthew. He stated the church is also looking forward to a future Habitat project in the area next year. He provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA:

ACTION

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

Vote: Unanimous.

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

No public comments were received by the Town Board.

3. CONSENT AGENDA

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

- a. Approval of the Minutes from the April 24, 2017, budget work session.
- b. Approval of the Minutes from the April 24, 2017, regular meeting.

ACTION:

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

Vote: Unanimous.

- 4. PRESENTATION BY A REPRESENTATIVE OF THE GOVERNMENT FINANCE OFFICERS ASSOCIATION FOR THE TOWN OF WENDELL FINANCE DEPARTMENT BEING AWARDED THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING [CAFR].**
SPEAKER: Finance Director Butch Kay
ACTION: Recognition.

[Staff Report]

Item Summary

The Certificate of Achievement for Excellence in Financial Reporting was awarded to the Town of Wendell by Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of government accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Jeff McCauley stated he is the President of the North Carolina Government Finance Officers Association. On behalf of the Government Finance Officers Association he is honored to present the Certificate of Achievement in Excellence for Financial Reporting [CAFR] to the Town of Wendell. The purpose of the program is to encourage preparation of financial reports in the highest quality. To earn the CAFR the Town of Wendell had to complete a 48-page checklist substantially conforming to the program's stringent criteria and the report is reviewed by three separate individuals. Today's presentation mark's the first year the Town of Wendell submitted to NCGFO and they were honored with their first award. Mr. McCauley recognized the Town of Wendell Finance Department – Butch Kay, Melia Edwards, Garrett Johnson, and Elizabeth Jones. There are 90,000 governmental units in the United States and five percent obtain this pinnacle in financial reporting. Mr. McCauley presented the CAFR to Finance Director Butch Kay.

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
-

5a. PUBLIC HEARING FOR ACCEPTANCE OF BANK LOAN PROPOSAL, CONTINGENT UPON LOCAL GOVERNMENT COMMISSION (LGC) APPROVAL.






SPEAKER: Finance Director Butch Kay

ACTION: Public hearing. Board may take action.

[Staff Report]

Item Summary









During the April 24, 2017, budget work session, staff shared that the following items are requested for inclusion in a 10-year facility loan for placement in the FY 2018 budget:

-  *Police Station*
-  *Tennis Courts*
-  *PARTF*
-  *Park Property [remaining balance of the Wake County loan for the Clark property]*
-  *Wayfinding signage (approximately 16 signs)*

On April 21, 2017, a phone conference with members of the Local Government Commission (LGC) and the proposed items listed above for the proposed facility loan were discussed. The LGC noted that the request to roll the Park Property into the facility loan is acceptable and added that it could only be financed for six years which is the remaining time on the current loan.

During the April 24, 2017, budget work session, the Town Board approved a resolution authorizing Town staff to file an application with the LGC; Resolution number R-09-2017.

Steps to date and/or next steps:

-  *Notice in the newspaper the Town is accepting proposals from qualified banking institutions interested in providing a bank load. Published in the Eastern Wake News on April 26, 2017.*
-  *Notice in the newspaper the Town Board will have a public hearing on May 8, 2017, concerning the facility loan; published in the Eastern Wake News on April 26, 2017.*
-  *Bank proposals to be received and opened on Monday, May 8, 2017, at 3 PM.*
-  *Summary of the results of the bank proposals will be provided to the Town Board at its Monday, May 8, 2017, Town Board meeting.*
-  *Public hearing and action by the Town Board at its May 8, 2017, Town Board meeting.*
-  *Finalize the resolution to reflect Town Board action from its May 8, 2017, Town Board meeting.*
-  *Support documents forwarded to the LGC by May 10, 2017, for inclusion in the LGC agenda packet for the upcoming June 6, 2017 LGC meeting.*
-  *LGC meeting on Tuesday, June 6, 2017.*

Finance Director Butch Kay stated the Town received bid results for the loan being applied for with the LGC: KS Bank and BB&T. BB&T is the lowest bid at 2.4% overall.

Mayor Gray opened the public hearing at 7:08 p.m. No one spoke. Mayor Gray closed the public hearing at 7:08 p.m.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the acceptance of the bank loan proposal contingent upon LGC approval.

Vote: Unanimous.

- 5b. PUBLIC HEARING TO CONSIDER ZONING MAP AMENDMENT REQUEST BY GREGORY HOPKINS TO REZONE 12.07 ACRES OF LAND LOCATED AT 0 INDUSTRIAL DRIVE (PIN # 1784019955) FROM MANUFACTURING & INDUSTRIAL (M&I) TO RESIDENTIAL AGRICULTURAL (RA). THE WENDELL BOARD OF COMMISSIONERS RESERVES THE RIGHT TO CHANGE THE EXISTING ZONING CLASSIFICATION OF THE AREA IN QUESTION OR ANY PART OR PARTS THEREOF TO A MORE RESTRICTIVE GENERAL ZONING CLASSIFICATION WITHOUT THE NECESSITY OF WITHDRAWAL OR MODIFICATION OF THE PETITION. SPEAKER: Planning Director David Bergmark
ACTION: Public hearing. Board may take action.**

[Staff Report]

Item Summary

Applicants:

Gregory Hopkins (property owner)

Petition:

The applicant has submitted a request for a change in zoning classification for a single parcel (split by Industrial Drive) totaling 12.07 acres (not counting associated right-of-way). This area is currently zoned Manufacturing and Industrial (M&I) and is being requested to be rezoned Residential Agricultural (RA).

This property was previously part of a larger area zoned M&I due to its proximity to the railroad and sewer service. However, all adjacent properties except this piece have been subsequently rezoned. The applicant has expressed a desire to rezone the property to Residential Agricultural in order to build a home on this tract. Residential uses are not permitted within the existing zoning (M&I).

Location and History:

The parcel in question is not currently located within the Town's corporate limits. The property contains no structures and a significant portion of the tract is encumbered by a protected stream buffer. Road frontage is provided along Industrial Drive. The property also has railroad right-of-way frontage along its northern border. The adopted transportation plan does call for right-of-way reservation (but no dedication or construction) along the western boundary of this property.

Justification:

The applicants provided the following justification as part of their request:

"[I am requesting this property to be] rezoned to RA, in line with the Comprehensive Plan, to be able to build a single family home on the land"

Project Profile:

PROPERTY LOCATION:	<i>0 Industrial Drive</i>
WAKE COUNTY PIN:	<i>1784 01 9955</i>
ZONING DISTRICT:	<i>M&I</i>

CROSS REFERENCES:

PROPERTY OWNER: Hopkins, Gregory B Jr. & Allison H
APPLICANT(s): same
PROPERTY SIZE: 12.07
CURRENT LAND USE: Vacant
PROPOSED LAND USE: Residential

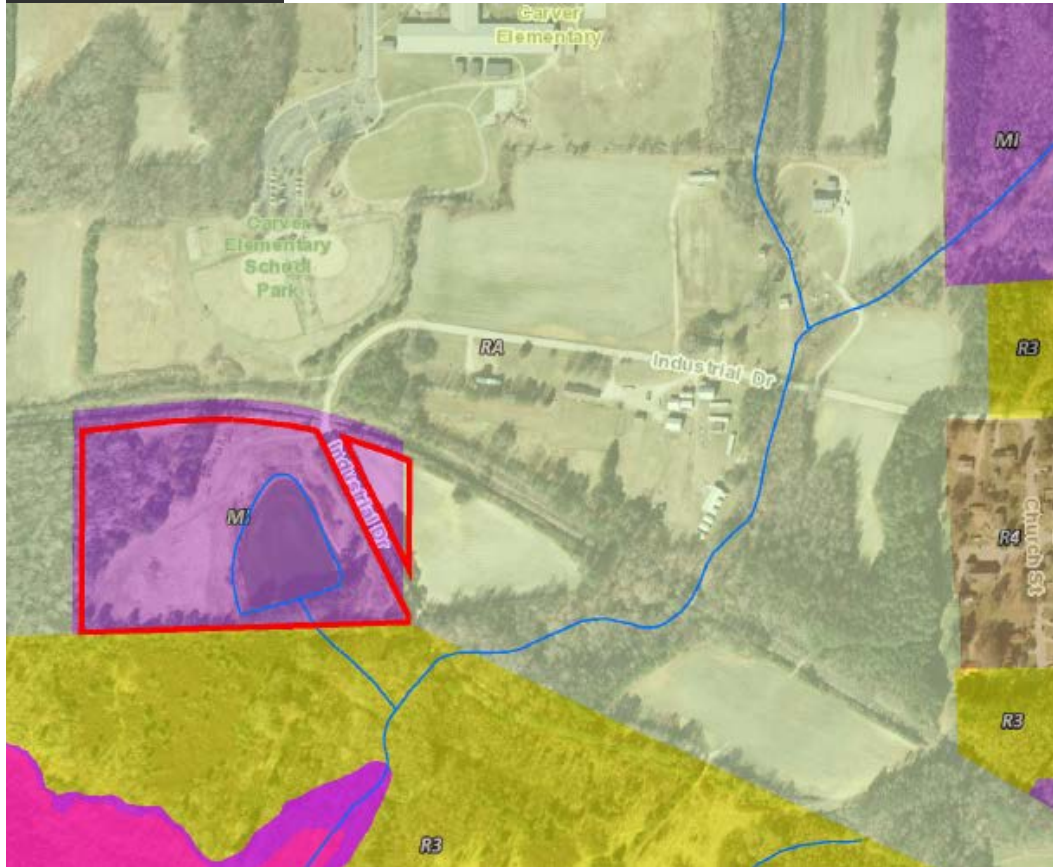
Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential/School	RA
South	Residential/Vacant	R3
East	Residential/Vacant	RA
West	Vacant	RA

Zoning District:

The property is currently zoned Manufacturing & Industrial (M&I). The applicant has requested the property to be rezoned to the Residential Agricultural (RA) zoning district. A copy of the uses allowed in both the M&I and RA zoning districts are included as Attachment A.

Current Zoning Map:



Off-Street Parking:

At the time of development, parking spaces shall be provided in the amount specified by Chapter 10 of the Unified Development Ordinance (UDO).

Lighting:

Lighting shall be in accordance with the lighting requirements in place at the time of permitting.

Public Utilities:

Development of this site for a single home would not require connection to water and sewer.

Streets:

All streets and drives shall meet the requirements as set forth in the UDO at the time of development.

Landscaping:

Landscaping shall be required to meet the requirements as set forth in the UDO at the time of development.

Stormwater Management:

Development of this site would be required to meet the stormwater standards contained in the UDO at the time of site plan submission. If this site is developed with only one single family dwelling, stormwater requirements would not apply.

Comprehensive Plan:

The Wendell Comprehensive Plan defines this area as falling primarily within the S2 “Reserved Open Space Area”.

The Comprehensive Plan states the S2 sector include lands which are legally developable, however they are areas that based on environmental and urban service factors should be lightly developed or undeveloped, remaining in a rural or natural state.



FRAMEWORK PLAN LEGEND	
PLAN BOUNDARY	S1 PRESERVED OPEN SPACE
Railroad	S2 RESERVED OPEN SPACE
COLLECTOR STREET PLAN	
EXISTING COLLECTOR	S3 RESTRICTED GROWTH AREA
PROPOSED COLLECTOR	S4 CONTROLLED GROWTH AREA
CAMPO THOROUGHFARE PLAN	
EXISTING THOROUGHFARE	S5 INTENDED GROWTH AREA
PROPOSED THOROUGHFARE	S6 INFILL/REDEVELOPMENT AREA
WATER BODIES	VILLAGE/TOWN CENTER
	NEIGHBORHOOD CENTER
	WENDELL BLVD GATEWAY CORRIDOR

Planning Board Recommendation:

At their April 17, 2017 meeting, the Planning Board voted 7-0 in favor of the requested zoning map amendment.

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

Voting to Abstain: None

Voting in Opposition: None

Absent: Ashley Anderson, Ruth Van der Grinten

Statement of Plan Consistency and Reasonableness

- At their April meeting, the Planning Board found the requested zoning map amendment to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S2 sector and deemed it reasonable due to the surrounding zoning districts and the presence of protected waters within the property.*

Staff Recommendation:

Staff recommends approval of this rezoning request.

Planning Director David Bergmark provided an overview of the zoning map amendment request

submitted by Gregory Hopkins to rezone 12.07 acres on Industrial Drive from Manufacturing & Industrial (M&I) to Residential Agricultural (RA); staff report included above in italics.

Mayor Gray opened the public hearing at 7:13 p.m. No one spoke. Mayor Gray closed the public hearing at 7:13 p.m.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the rezoning request of the 12.07 acres from M&I to RA.

Vote: Unanimous.

5c. PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO CHAPTERS 2, 3, 10, AND 19 OF THE UDO AS THEY RELATE TO OUTDOOR AND INDOOR EVENT VENUES.

SPEAKER: Planning Director David Bergmark

ACTION: Public hearing. Board may take action.

[Staff Report]

Item Summary

Applicant:

Joshua Furr

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 adjust these standards as part of the Special Use proceedings.

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 as a condition of the Special Use Permit approval, any music or amplified noise activity shall not be audible beyond the boundary of the property after 11:00 p.m.
 - 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.
 - 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 Additional Standards (PS) in the CMX, CC, CH, and M&I districts
 - b. Permitted with a Special Use Permit (SUP) in the DMX and TND districts.
3. Add 'Theater, Live Performance, Outdoor' to Section 3.3 of the UDO (Additional Standards by Use) with the following standards:
 - 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.
 - Any 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:
 - **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 of the text amendments to Chapters 2, 3, 10, and 19 of the UDO as they relate to outdoor and indoor event venues; staff report included above in italics.

Planning Director Bergmark paused after the first text amendment on the outdoor event venue to receive questions.

Mayor Gray questioned how the traveling of sound before 11 p.m. would be managed. Planning Director Bergmark stated a certain decibel level could be specified.

Commissioner Myrick questioned if 11 p.m. coincided with the other communities. Planning Director Bergmark stated 11 p.m. is standard.

Commissioner Carroll questioned if the applicant is present. Planning Director Bergmark stated yes.

Commissioner Carroll requested to hear the vision of this request.

Mayor Gray opened the public hearing at 7:23 p.m.

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Mary Moser, 1601 Marshburn Road, expressed concern about the venue and the outdoor music as she is a neighbor and she expressed concern about selling her home in the future.

Joshua Furr owner of 1408 Marshburn Road stated he came across the property two years ago. His vision is for a high-class venue that is available for use. He is looking to acquire an additional piece of property at a future date. His preference is to maintain the 11 p.m. time for the venues such as an outdoor wedding. He is trying to bring something to the Town that is positive and is versatile in use. He loves the property and he is available for questions.

Commissioner Carroll questioned the vision for the adjacent piece of property. Mr. Furr stated he was concerned about the noise and privacy. He wants to keep the property as undisturbed as possible. He is aware of possible development along Marshburn Road. For the 23 acre site he would like a barn and horses, an outdoor pavilion and outdoor bathrooms.

Commissioner Myrick questioned if there are structures on the property. Mr. Furr stated a house and carport are on the site. The vision is to build an outdoor pavilion and handicap accessible building. He sees a dock at the pond in the future. He sees the house being torn down and that site being used for bathroom facilities.

Commissioner Myrick questioned if the event can be brought inside to reduce the noise. Mr. Furr stated the point of the venue is to be outside because of its landscaping.

Commissioner Myrick stated his experience is every weekend the venue was rented out because it is very popular. He stated if he were a property owner, this would frustrate him every weekend. Mr. Furr stated he understands. He stated he believes his request is in the best interest of Wendell.

Commissioner Boyette stated the discussion this evening is not the approval of a specific project but the framework to approve or deny such requests. As it stands now, the Town does not have the classification for outdoor venues. The discussion tonight is not a specific property. The discussion is a process to put in place a permit for such requests by a property owner.

Mayor Gray closed the public hearing at 7:35 p.m.

Commissioner Joyner questioned the hours of the Town's current noise ordinance. Planning Director Bergmark stated the hours are 6 a.m. to 11 p.m. for certain activities.

Commissioner Joyner stated by putting this process in place, the process gives the concerned homeowners greater protection because the request will have to have a special use permit. Each time the event process comes back can evaluate if this is working or not.

Mayor Gray stated the process is for the venue, not each event. The Board would add parameters for noise levels not to exceed.

Commissioner Joyner stated if he owned the property he could play music every evening until 11 p.m. whether it's an event venue or not.

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Commissioner Boyette questioned what process is in place or would be in place if any venue made noise beyond the allotted time frame. Planning Director Bergmark stated anytime there is a special use permit that includes a component for noise and it is violated the Board may revoke the permit.

Commissioner Boyette questioned if the rules are disregarded, the Board may revoke the special use permit if it becomes a nuisance. Planning Director Bergmark stated yes.

Commissioner Myrick questioned if the Board set decibel levels. Planning Director Bergmark stated that is not in this text amendment. He added the Board could include it [decibels] as part of the conditions of the special use permit. These are guidelines to begin with and could be customized for each special use request before the Board.

Mayor Pro Tem Lutz moved to approve the proposed text amendment changes to Chapters 2, 3, 10 and 19 of the UDO relating to outdoor and indoor event venues.

Town Attorney Cauley stated his experience indicates once the Board has these conditions it's difficult to impose additional conditions as part of the special use process. In looking at Item 3c for event venue outdoor, trying to see how to make it more flexible in the permitting process so that if factors presented themselves during the hearing the Board would have the ability to impose different hours or different decibel levels based on factors that come up, such as proximity of residential use to the event venue. The hearings are such that the Board's hands are tied by way of condition. He suggested for Item 3c, second line after the word 'otherwise' have the sentence read, "Unless otherwise imposed based on factors presented at the hearing as a condition of the special use permit approval and use parameters to define noise activity, shall not be audible beyond the boundary of the property after 11 p.m." The point being that trying to allow the Board flexibility as part of the hearing process that to impose different conditions if deemed them to be warranted.

Planning Director Bergmark questioned adding decibels as time is the only reference. Town Attorney Cauley stated that would add to flexibility.

Mayor Gray questioned where the language would be inserted. Town Attorney Cauley stated it can be added at the end of the sentence in addition to time periods the Board may impose noise level limitations.

Mayor Gray questioned if Mayor Pro Tem Lutz wished to amend his motion to reflect the changes.

Mayor Pro Tem Lutz stated he would amend his motion based on the changes recommended by the Town Attorney.

Mayor Gray stated there is a motion to amend chapters 2, 3, 10 and 19.

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Planning Director Bergmark stated the ordinance amendment relates to all and the overview is for the first of five text amendments. He continued with an overview of amendment 2.

Commissioner Boyette questioned for 2a, where permitted with additional standards, if a special use is permitted with additional standards would the Board have latitude to pull the permit if a use is by right. Planning Director Bergmark stated the Town could fine because of a zoning violation or ordinance violation.

Commissioner Boyette stated because the Town does not have privilege licenses, the special use permit could be revoked by the Board. And if not a special use permit, would be fined per the ordinance. Planning Director Bergmark stated yes.

Commissioner Boyette stated he does not have a problem with outdoor venue use and does not see the Board being overburdened with review of special use permit. As the attorney stated, it's harder for the Board to oppose additional standards other than what is in here. It's hard for the Board to impose additional standards if the ordinances are too lax; whereas, it's easier for the Board to relax the standards if written strictly.

Town Attorney Cauley stated that is true. If the request of the special use permit satisfies the conditions within the Town's ordinance, the Board shall grant the permit. Additional conditions may only be imposed with the consent of the applicant. Unless the applicant consents to the conditions, the Board is bound by the ordinances. The ordinance needs to be correct on the front to allow the Board flexibility when the Board has these hearings.

Commissioner Boyette does not have a problem with these uses being a special use permit as he does not see many of these coming to the Town Board.

Planning Director Bergmark stated the language from the first amendment could be applied as well. Planning Director Bergmark continued with the overview of Amendments 3, 4, and 5.

Mayor Gray opened the public hearing at 7:56 p.m. No one spoke. Mayor Gray closed the public hearing at 7:56 p.m.

Commissioner Boyette understood the Board's role is to make the text amendment restrictive and the Board would have flexibility with the special use permit to relax the restrictions if the conditions warrant. If the applicant meets the conditions of the permit and does not accept additional conditions then the Board must approve the special use permit.

Town Attorney Cauley stated if there is opposition to the application, the opponent will want the Board to abide by the terms for the permit.

Commissioner Myrick stated he is not in a position to vote this evening. He would like to know more and have more detail to make a decision.

Town Attorney Cauley stated the Board can adopt with the amended language.

Planning Director Bergmark stated the amended language will aid with the noise level concerns.

Mayor Pro Tem Lutz requested to see the revised text amendment so the Board may review at the June 12, 2017, Board meeting.

ACTION:

Continue action to the first meeting in June [June 12, 2017].

5d. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TOWN'S ARTERIAL AND COLLECTOR STREET PLAN AS IT RELATES TO ROLESVILLE ROAD.

SPEAKER: Planning Director David Bergmark

ACTION: Public hearing. Board may take action.

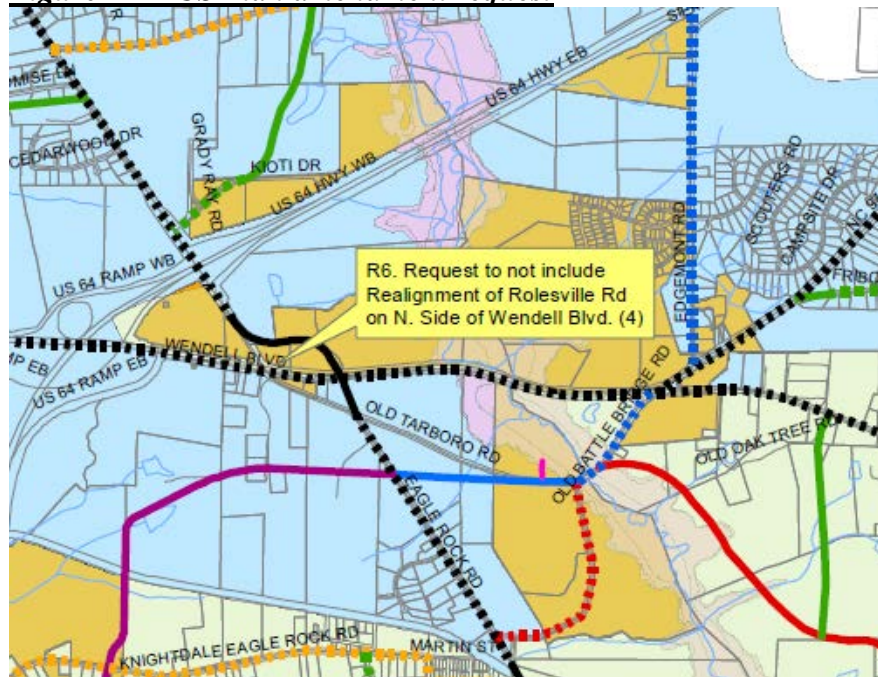
[Staff Report]

Item Summary

The Town's Arterial and Collector Street plan was adopted in November of 2016. One area which received attention was the intersection of Rolesville Road and Wendell Boulevard. At the time of the plan's adoption, there was a belief that the Town could potentially partner with the Capital Area Metropolitan Planning Organization (CAMPO) to fund the realignment of Rolesville road. However, after further analysis, the Town has determined that even if MPO funding was received, the Town's required match would exceed its financial capabilities. As a result, staff has been directed to initiate a change to the ACS plan to remove the realignment of Rolesville road from the plan. The plan would retain a new connection between eagle rock road and Wendell Boulevard (on the south side of Wendell Boulevard), but the northern realignment of Rolesville road would be removed. See Figure 1 on the following page.

No other changes are proposed as part of this amendment request.

Figure 1 – ACS Plan amendment request



Planning Board Recommendation:

At their April 17, 2017 meeting, the Planning Board voted 7-0 in favor of the requested amendment to the Town's Arterial and Collector Street (ACS) map.

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

Voting to Abstain: None

Voting in Opposition: None

Absent: Ashley Anderson, Ruth Van der Grinten

Statement of Plan Consistency and Reasonableness:

- *At their April 17, 2017 meeting, the Planning Board found the proposed amendment is to be consistent with the following principle of the comprehensive plan and deemed it reasonable and desirable in order to anticipate and respond to traffic needs in a manner which provides clear expectations for developers and citizens.*
 - *Principle Number 8: "Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community."*

Planning Director David Bergmark provided an overview of the text amendments to the Town's Arterial and Collector Street Plan as it relates to Rolesville Road; staff report included above in italics.

Mayor Gray opened the public hearing at 8:04 p.m.

Grace Walter, 1001 Clear Circle, questioned how the re-alignment will work. Planning Director Bergmark stated NCDOT would make the final decision on the intersection. The Town is proposing a T-in and signalization.

Mayor Gray closed the public hearing at 8:06 p.m.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the amendment to the Town's Arterial and Collector Street Plan as it relates to Rolesville Road.

Vote: Unanimous.

5e. PUBLIC HEARING 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.

SPEAKER: Planner Patrick Reidy

ACTION: Public hearing. Applicant requests the Board delay action until its June 12, 2017, Board meeting.

[Staff Report]

Item Summary

Applicant:

Savvy Homes (on behalf of Bucks Family LLC)

Petition:

The applicant has requested to create a R2 conditional district for approximately 20.89 acres of property within the parcel identified by PIN# 1784 49 5755. The proposed conditional district consists of 23 lots for single family development and 3 lots for Open Space, as shown on the Master Development Plan (Attachment B).

Purpose of a Conditional District:

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A CD may depart from the strict application of the requirements of the town's general zoning districts.

The CD alternative may allow uses which are not specifically allowed in standard zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternative uses or lot dimensional standards have been proposed by the applicant.

A second purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development. In this case, the proposed district does not contain any residential uses or their corresponding amenities.

The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.

Location and History:

This property is currently located within the jurisdiction of Wake County, but falls within the Town of Wendell's Short Range Urban Service Area. Urban Service Areas represent areas which the County expects to eventually come under a given municipality's jurisdiction. The property is zoned R-40 (County Zoning). The applicant has requested to annex the property into Wendell's corporate limits. Annexation must be approved by the Wendell Board of Commissioners prior to the approval of the conditional district to grant the town the zoning authority for the subject property.

The applicant is proposing to extend the existing public waterline located along Marshburn Road into any new streets created as part of this development proposal. Public sewer is not available, so each lot must provide a septic system and recovery repair area. Sewer easements should be provided in order to ease the burden of installing sewer to the lots in the future.

To review the complete set of plans, please download the file at:

<http://www.townofwendell.com/files/charthouse-industrial-park-final-development-plan-phase-1>.

Project Profile:

PROPERTY LOCATION:

1505 Marshburn Road

WAKE COUNTY PIN:

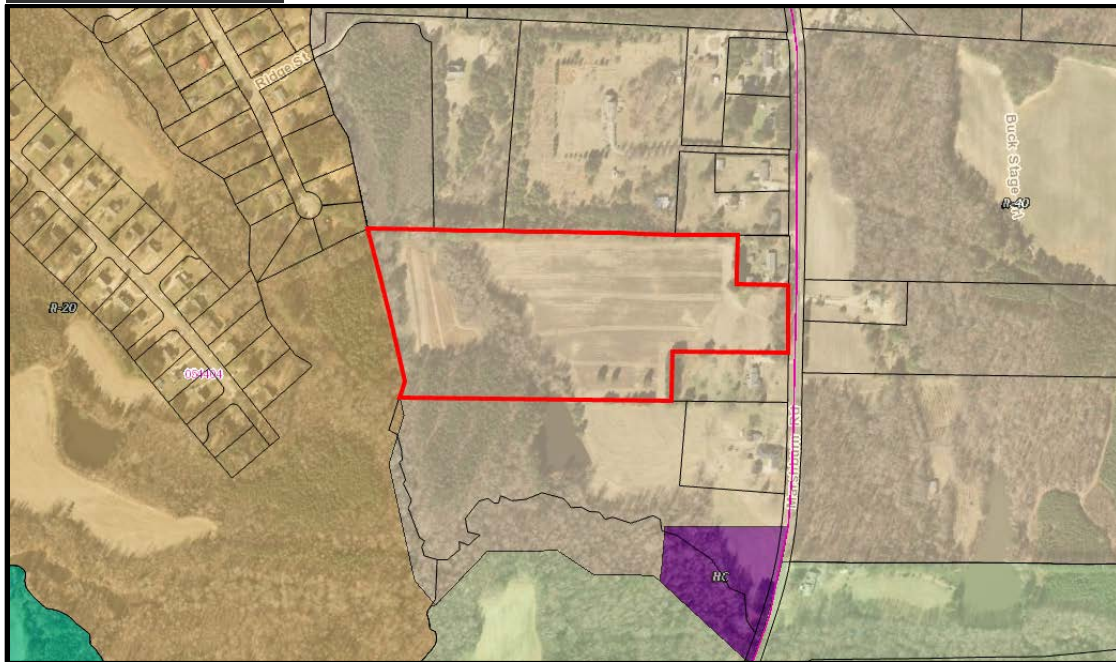
1784 49 5755

CURRENT ZONING DISTRICT:	<i>R-40</i>
CROSS REFERENCES:	<i>N/A</i>
PROPERTY OWNER:	<i>Bucks Family LLC</i>
APPLICANT:	<i>Savvy Homes</i>
	<i>8025 Creedmoor Road</i>
	<i>Raleigh, NC 27613</i>
PROPERTY SIZE:	<i>20.89 acres</i>
CURRENT LAND USE:	<i>Vacant</i>
PROPOSED LAND USE:	<i>Single Family Residential</i>

Project Setting – Surrounding Districts and Land uses:

<i>DIRECTION</i>	<i>LANDUSE</i>	<i>ZONING</i>
<i>North</i>	<i>Residential</i>	<i>R-40</i>
<i>South</i>	<i>Residential</i>	<i>R-40</i>
<i>East</i>	<i>Residential</i>	<i>R-40</i>
<i>West</i>	<i>Residential</i>	<i>R-20</i>

Current Zoning Map:



Proposed Conditional District Conditions:

The applicant is proposing 7 conditions for the proposed CD, as follows:

1. Limit use to Single-Family Residential and associated uses only.

Staff Comment: The applicant is proposing that only single-family dwellings and their associated accessory structures are allowed to be built in this development. This condition removes all other uses that would be allowed in the R2 zone, including, but not limited to: Family Care Homes, Child/Adult Day Care Home, cemeteries, and churches.

Staff finds that the request is acceptable.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

2. A fee-in-lieu for Marshburn Road improvements, in the amount of \$158,583.00, shall be provided prior to the approval of the final plat.

Staff finds the request to pay a fee in lieu of road improvements acceptable, however the Town Engineer's review of the estimate provided determined that an additional \$7,770.25 should be added to the estimate. Adding this additional amount makes the total \$166,353.25. Staff recommends using the Town's Engineer's revised estimate.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition, but did not have a fee estimate from the Town's Engineer provided for their review.

3. *A 20 foot wide Greenway easement to be provided along the western edge of the Neuse Buffer, located within the Zone 2 buffer area as shown on the Master Development Plan. Staff finds that the request is acceptable.*

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

4. *Future 20-foot wide sanitary sewer easements shall be provided, locations to be determined during the Final Development Plan.*

Staff finds that the request is acceptable.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

5. *A 5-foot wide concrete sidewalk shall be provided on one side of the road, on the back side of the ditch utilizing a Rural Street Road Cross Section as shown on the Master Development Plan.*

Staff finds that the request is acceptable.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

6. *Street trees shall be placed outside of the right-of-way and provide a landscape easement.*

Staff finds that the request is acceptable.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

7. *All single family dwellings shall be at least 1,900 square feet (finished and heated areas). Staff finds that the request is acceptable.*

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

8. ***Staff recommended condition 8*** – *Staff recommends that at the time of the Final Development Plan, signage shall be provided at both ends of Road B to indicate that future road connections will be made at those locations.*

Planning Board Recommendation: The Planning Board accepted staff's proposed condition.

9. ***Staff recommended condition 9*** – *Staff recommends that at the time of the Final Plat, the following note shall be added:*

"This development was made possible by a voluntary satellite annexation request. At the time of development, there is no reasonable means to provide municipal sewer service to this subdivision. The owners hereby acknowledge that the Town shall not be responsible for maintenance, repair, or replacement of any septic systems included as part of this development. Furthermore, the cost of any future extension or connection of municipal sewer facilities to this subdivision shall be bore in full by the

property owners in place at the time of said utility improvement.”
As previously stated, one purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

While conditional districts do allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions are intended to be offset by other improvements which go above and beyond what is required. This process allows for creative trade-offs that can result in a better overall product.

As currently proposed, the Master Development Plan has a mixture of improvements and exemptions being sought. The applicant is proposing to limit development to only single-family dwellings and set a minimum house size of 1,900 square feet. All other proposed changes, such as allowing the use of a rural road cross section (which does not require curb and gutter) and allowing a sidewalk instead of a multiuse path, constitute reductions in design and site standards.

Off-Street Parking:

No off street parking is required for single family dwellings. Two parking spaces are proposed Open Space Area 1 to serve the cluster mailbox units.

Open Space:

The applicant is required to dedicate a minimum of 0.92 acres of open space, with a minimum of 0.23 acres of active open space, as set forth in the UDO. The applicant is proposing to dedicate 3 acres of open space and 0.24 acres of active open space. The active open space is proposed to be developed as a tot lot.

The applicant is also proposing to provide a 20’ wide public access greenway easement along the on-site stream for the Town to install a greenway trail in the future, if desired.

Lighting:

Lighting shall meet the requirements as set forth in the UDO at the time of the final development plan.

Public Utilities:

Public water will be extended at the time of development. Per the adopted Water Allocation Policy, this project has 38 base points and must provide 12 bonus points. The applicant has proposed to provide certified playground equipment (3 points), 30 light pole banners (6 points), and 3 acres of additional open space (3 points).

Public Sewer is not available for the subject property. The applicant is proposing to develop the lots using Wake County’s Septic regulations, which requires a drainage area and a repair area. The application is also proposing to provide sewer easements for future connections, but they are not shown on the plan. Staff recommends that they be shown at the time of the Final Development Plan.

Streets:

At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO. The applicant has proposed two rural road cross section streets (60 foot wide). All drives shall meet the requirements as set forth in the UDO at the time of development.

As requested in Condition 2, the applicant is requesting to use the rural road cross-section in the R2 district. This cross section does not require curb and gutter, but does require a 5’ wide

sidewalk on one side of the street and street trees.

The Arterial and Collector Street Plan (ACS Plan) calls for frontage improvements along Marshburn Road. The ACS plan identifies this section of Marshburn Road as a 4-lane divided, major thoroughfare, which is a 110' wide right-of-way. Marshburn Road is currently a 60' wide right-of-way, requiring the applicant to dedicate 25' of additional right-of-way. The plan calls for the applicant to either install half of a median, 2 12' wide lanes, a 5' bike lane, curb and gutter, street trees, and a 6' wide sidewalk or pay a fee-in-lieu for the improvements. The applicant is proposing to pay the fee-in-lieu for their frontage (~ 265 feet), which must be approved by the Board of Commissioners.

Landscaping:

All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan and building permits.

Stormwater Management:

Development of this site would be required to meet the stormwater standards contained in the UDO.

Phasing:

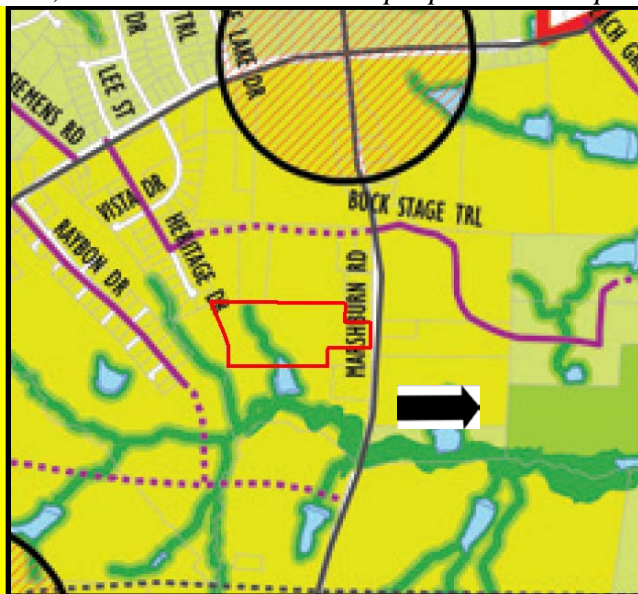
No phasing is being proposed.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject properties as being completely within the S-4 "Controlled Growth Sector".

The Comprehensive Plan states that S-4 areas "are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community's new growth should occur. The typically envisioned community type for S-4 is a traditional neighborhood development (TND), which includes neighborhood serving commercial and civic uses surrounded by a mix of housing types that decrease in density as they get farther away from the commercial area."

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site meets the appropriate uses.



Statement of Plan Consistency and Reasonableness

- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
 - *In staff's opinion, the requested conditional district is consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector.*

Planning Board Recommendation:

At its April 17, 2017 meeting, the Wendell Planning Board voted 7-0 to recommend approval of the proposed Conditional District.

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

Voting Against: None

Staff Comments:

- *Staff suggested the following site plan changes be added as a condition of approval of the Master Development Plan:*
 - *At the time of the Final Development Plan, signage shall be provided at both ends of Road B to indicate that future road connections will be made at those locations.*
 - *At the time of the Final Plat, the following note shall be added:*
"This development was made possible by a voluntary satellite annexation request. At the time of development, there is no reasonable means to provide municipal sewer service to this subdivision. The owners hereby acknowledge that the Town shall not be responsible for maintenance, repair, or replacement of any septic systems included as part of this development. Furthermore, the cost of any future extension or connection of municipal sewer facilities to this subdivision shall be bore in full by the property owners in place at the time of said utility improvement."

Planner Patrick Reidy provided a request by Savvy Homes to rezone 20.89 acres of property at 1505 Marshburn Road from R-40 to a R2 Conditional District to be developed as 23 single family dwellings; staff report included above in italics. Planner Reidy added the applicant, Jerry Radman of Savvy Homes, is in attendance.

Commissioner Boyette heard the active open space is a tot lot. He questioned the location. Planner Reidy pointed to the top northern corner of map.

Commissioner Carroll questioned why the applicant is requesting a delay of action to June 12. Planner Reidy stated the applicant is here and will answer the question. He added the Board has before them this evening a written request from an adjacent property owner with a request of the applicant; included as an attachment to the minutes and available for inspection at Town Hall. He added the property owner was invited to this evening's meeting to make the request to the Board.

Mayor Gray opened the public hearing at 8:17 p.m.

Mary Moser, 1601 Marshburn Road, questioned if the owner of the property proposed for an

outdoor venue is responsible to disclose the use to the applicant of this request.

Town Attorney Cauley stated this is an opportunity to receive public comment.

Mr. Joyner stated he spent a couple of days looking at aerials of this area. He understands the angst. This request can be done anywhere. The Board will look at how to balance the requests that are before them.

Ms. Moser suggested including language of impact of the use.

Town Attorney Cauley stated that is an issue for this Board. He stated it would be for that property owner to determine and to disclose. He questioned which property is hers.

Ms. Moser stated she is 1601 Marshburn and her property is close to Buck Stage Road.

Joe Faulkner of CE Group, 301 Glenwood Avenue, stated the proposed development will provide 20 percent of the open space. The off-site venue is somewhat of a concern. He is available for questions.

Town Attorney Cauley questioned if a delay in the decision is requested. Mr. Faulkner stated yes. He stated the delay was requested due to the outdoor venue request.

Mayor Gray stated some of the other projects that have been done are advertised as eco-select homes. She questioned if that is planned for this site.

Jerry Radman of Savvy Homes is not familiar with an eco-select line. Requested the delay because they are looking at property on both sides of Marshburn Road and there is a concern with the venue request.

Mayor Gray closed the public hearing at 8:26 p.m.

ACTION:

Consensus of the Town Board to table to the June 12, 2017, meeting.

- 5f. PUBLIC HEARING TO CONSIDER A SATELLITE ANNEXATION PETITION FOR 20.89 ACRES OF PROPERTY (EXCLUDING ROW) LOCATED AT 1505 MARSHBURN ROAD AND IDENTIFIED BY PIN # 1784495755.**
SPEAKER: Planning Director David Bergmark
ACTION: Public hearing. Applicant requests the Board delay action until its June 12, 2017, Board meeting.

[Staff Report]

Item Summary

Bucks Family, LLC has submitted a voluntary satellite annexation request for 21.24 acres of land (including ROW) located on the west side of Marshburn Road, identified by PIN # 1784495755. This property is currently vacant and is located within Wake County's jurisdiction

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approximately one mile to the north of the Town's current corporate limits, and 800 feet outside of the Town's Extra Territorial Jurisdiction (ETJ). It is being considered for purchase and development of single family homes by Savvy Homes. The Buck Family owns another 43 acres on the east side of Marshburn road that is also being considered by Savvy Homes, but is not included in this proposal.

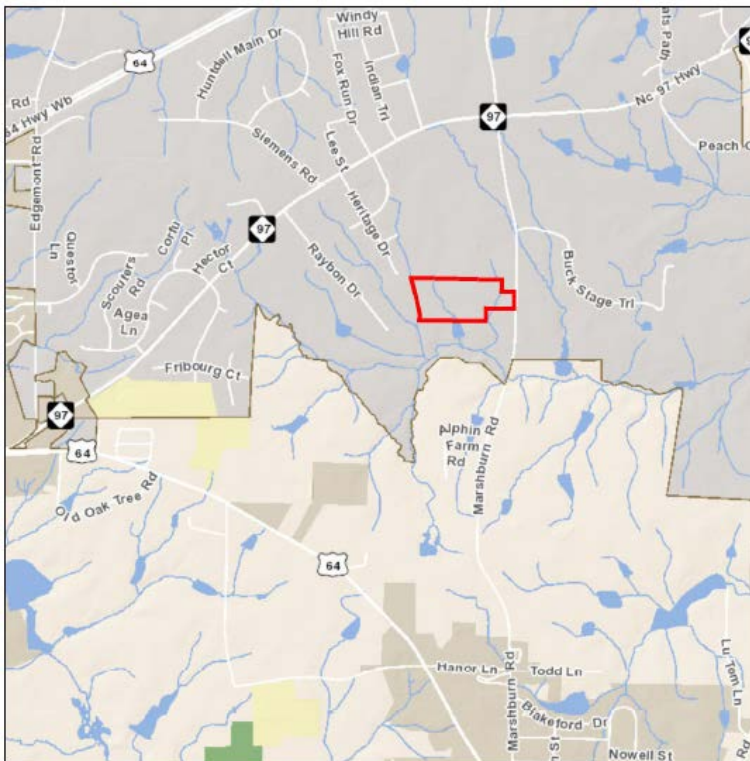
The applicant has also submitted a conditional district request for the area under petition for annexation. However, if the Town Board does not approve the annexation petition, the conditional district request will be voided, as the property would remain in the County's jurisdiction.

At the April 10, 2017 meeting, the Town Board received the Clerk's Certificate of Sufficiency and set the date of the public hearing for May 8, 2017. The applicant notified staff that they wish to delay action on the annexation and conditional district requests until the June 12, 2017 meeting.

Project Profile:

<u>PROPERTY # 1 LOCATION:</u>	1505 Marshburn Road
<u>WAKE COUNTY PIN(s):</u>	1784495755
<u>ZONING DISTRICT:</u>	R-40 (Wake County)
<u>PROPERTY OWNER(s):</u>	Bucks Family LLC PO Box 980 Wendell, NC 27591
<u>APPLICANTS:</u>	Same (owner)
<u>PROPERTY SIZE:</u>	21.24 ac. (including ROW on Marshburn)
<u>CURRENT LAND USE:</u>	Vacant
<u>PROPOSED LAND USE:</u>	Residential

Locator Map



Zoning District:

This property is currently zoned R-40 by Wake County. The R-40 zoning district represents a residential zoning category with a minimum square footage requirement of 40,000 square feet per lot. The applicant has also submitted an R2 conditional district rezoning request for consideration if the annexation request is approved. If the annexation petition is not approved, the rezoning request would become null and void, as it would remain in the county's jurisdiction.

Public Utilities:

Public water is available along Marshburn road. If annexed and developed, the developer would be required to extend water lines into the proposed subdivision. Sewer is not available at this site. The nearest sewer is approximately one mile to the south. Thus, development of single family lots would require the use of septic. The applicant has performed soil testing to determine the location of suitable soils. Septic permits would be reviewed and approved by Wake County. Septic permits require the designation of a drainage field, as well as a repair area. The repair area serves as a secondary location where a septic field can be established on the lot, should the initial drainage field fail over time. Staff has requested that a note be added to the development plat that maintenance and repair of septic systems are the property owner's responsibility (not the Town's). If municipal sewer becomes available on Marshburn Road at a later date, property owners can pay to extend the line into the neighborhood and connect to the public system. As part of the development plan, the Town will require the delineation of sewer easements for future installation.

Tax Information:

Currently, this property is undeveloped and is valued at \$291,400. At the current tax rate of 49 cents, annexation of this property would result in approximately \$1,428 in tax revenue for the Town. This figure will increase as the parcel is developed. The conditional district request associated this annexation petition shows 23 residential lots. If the value of each developed lot averaged \$200,000 that would equate to \$22,540 in tax revenue from the development. If the average value of each lot was \$250,000, the tax revenue would be \$28,175 for the property.

Police & Public Works & Utility Service:

- The proposed annexation area would require services from the Town's Police and Public Works departments if annexed. Currently this area is not part of the Town's routine service route, as the corporate limits currently stops approximately 1 mile to the south on Marshburn Road. If annexed, both Police and Public Works would have to adjust their patrols/service routes to accommodate this development until additional development spurs new annexation requests along Marshburn Road.*
- The annexation would increase the number of water customers to the existing system. Additional customers would provide revenue through connection and ongoing user fees which would be applied to the pro forma.*

Planning Director David Bergmark provided an overview of the voluntary satellite annexation petition for 20.89 acres of property (excluding right-of-way) located at 1505 Marshburn Road; staff report included above in italics.

Mayor Gray opened the public hearing at 8:29 p.m.

Jerry Radman of Savvy Homes resides at 102 Fox Briar Lane. Requested the delay to not compromise the property owners.

Commissioner Joyner stated this is gray. He is hearing concern and projects are contingent upon each other with a delay to June 12. He questioned what is needed to make a decision on the project.

Mr. Radman stated he is a land manager for Savvy Homes. He will report back the event venue seems to be on a track. It's a lot of money per lot and a large investment. In the next couple of weeks will discuss if this is feasible to do.

Commissioner Boyette stated the Board delaying action on the text amendment is rescheduled for June 12.

Mr. Radman stated he heard the venue owner may purchase a second parcel for his livelihood. He will advise his team and they will perform a risk assessment.

Mr. Joshua Furr, 1408 Marshburn Road, stated he introduced himself to Mr. Radman and discussed the plan. His understanding from the meeting was support as this is a venue needed in Wendell. The acquisition of the other parcel is scheduled for May 26th. He stated the cooperation changed with him due to his purchasing the land and not providing an easement.

Mr. John Anderson of 2449 West Lake Drive in Raleigh stated he owns the property at 1548 Marshburn Road. He expressed concern with noise. He does not believe anyone wants to live next to this venue. He questioned what is fair to the surrounding land owners.

Mayor Gray closed the public hearing at 8:36 p.m.

ACTION:

Consensus of the Town Board to table to the June 12, 2017, meeting.

6. DISCUSSION AND ACTION OF A PROPOSED MURAL AT 128 NORTH MAIN STREET.

SPEAKER: Planner Patrick Reidy

ACTION: Board may take action.

[Staff Report]

Item Summary

At the May 1, 2017 meeting, the Appearance Commission reviewed one mural application. The Appearance Commission recommended to the Board of Commissioners by a vote of 4 to 0, approval of the mural application for side of 128 N. Main Street (Hedrick Insurance Agency).

115 E. Third Street

In 2013, as part of their long-range work plan, the Appearance Commission set a goal of having murals painted in the downtown area of Wendell. The purposes of adding murals is to create conversation pieces to help draw visitors to the downtown and surrounding areas; help improve the vibrancy of the community; and to encourage other building/business owners to have a mural painted on their property, or just a fresh coat of paint to the building.

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Sheree Hedrick, owner of Hedrick Insurance Agency, approached the Appearance Commission in 2016 about adding a mural to the Wendell Boulevard side of her building. At the April 3, 2017 meeting, Peggy Laughery stated that she would like to do a mural using the Oliver Wendell Holmes quote "Where we love is home, home that our feet may leave, but not our hearts." Mrs. Laughery suggested to place the mural located on the side of Hedrick Insurance Agency. Mrs. Laughery stated that with the permission of Ms. Hedrick, she would ask members of the community to donate towards the cost of the mural. The estimated cost is approximately \$2,500. She would like to paint the names of the donors in the corner of the mural as a Thank You for their donations. Mrs. Laughery will outline and paint the mural. Ms. Hedrick has approved the design. The mural will be on a majority of the wall. The bushes shown on the picture of the wall have been removed. If approved and funding is available, Peggy would like to start working on the mural as part of the Spring into the Arts Walk event on May 13th.



The property is owned by Ms. Sheree Hedrick.

Section 12.8.Q of the UDO states that:

A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:

1. No mural shall be added to the primary façade of the building.
2. Murals are not intended to be placed on residential structures or their accessory structures.
3. The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.

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4. *If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*
5. *The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

Staff has reviewed the proposed mural and has determined that it meets the regulations.

Staff Recommendation:

Staff requests that the Board of Commissioners review the recommendation of the Appearance Commission in relation to the mural regulations in order to render action on the submitted application.

Planner Patrick Reidy provided an overview of the proposed mural at 128 North Main Street; staff report included above in italics.

Commissioner Carroll questioned if the colors are exact. Planner Reidy stated a sample of the paint colors is available.







Mayor Gray stated colored pencils look brighter than the paint chips.

ACTION:

Mover: Commissioner Myrick moved to approve the mural for 128 North Main Street as presented.

Vote: Unanimous.

7. APPOINTMENTS TO THE FOLLOWING CITIZEN ADVISORY BOARDS:

-  **Appearance Commission,**
-  **Board of Adjustment,**
-  **Economic Development Committee,**
-  **Parks & Recreation Commission,**
-  **Planning Board, and**
-  **Tree Board**

SPEAKER: Special Assistant to the Manager Scoggins

ACTION: Board may take action.

[Staff Report]

Item Summary

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

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

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

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On April 24, 2017, Ms. Elizabeth Houck requested to withdraw her application as she is moving out of the area.

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

Special Assistant to the Manager Scoggins provided an overview of the citizen advisory boards; staff report included above in italics. Town of Wendell has six citizen advisory boards. Across the six boards are 19 seats with terms expiring June 30, 2017. For those in attendance, each elected official has been given a ballot sheet for all citizen advisory boards and it includes the names of applicants wishing consideration. The ballot sheet notes the number of vacant seats and if there is a residency requirement for that board. In reviewing the Town Board's Rules of Procedures, a person can serve on one town advisory board at a time. Several of the applicants requested consideration on more than one board. When an applicant is selected for a board, the applicant's name will be stricken from the other requested board(s).

Planning Board:

Three members have terms expiring 2017; two are for In-town positions and one is for an ETJ position. The ETJ is a recommendation and will be forwarded to the Wake County Board of County Commissioners for appointment.

ACTION:

The following persons were selected to serve on the Planning Board:

Michael Clark

Jonathan Andrew Olson

T. Allen Swaim, ETJ*

*letter of recommendation will be sent to the Wake County Board of Commissioners

Appearance Commission:

Four members have terms expiring 2017.

ACTION:

Mover: Commissioner Joyner moved to suspend the rules for the Appearance Commission ballot and allow Board members to write in an applicant as seen fit.

Vote: Unanimous.

ACTION:

The following persons were selected to serve on the Appearance Commission:

Brian Pace

Sandy Foutch

Tiffany Graham

Michael Eugene Hancock

Board of Adjustment:

Four members have terms expiring 2017; three are for In-Town and one is for ETJ.

The ETJ is a recommendation and will be forwarded to the Wake County Board of County Commissioners for appointment.

ACTION:

The following persons were selected to serve on the Board of Adjustment:

Lucius Jones

Paula M. Shearon

Russell “Blair” Hinkle

Thomas W. Scoggins, ETJ*

*letter of recommendation will be sent to the Wake County Board of Commissioners

Economic Development Committee:

Three members have terms expiring 2017.

ACTION:

The following persons were selected to serve on the Economic Development Committee:

Valerie DeLoach

Bryan M. Green

H. Lee Mabry

Parks & Recreation Commission:

Two In-Town members have terms expiring 2017. [All the requesting applicants are In-Town.]

ACTION:

The following persons were selected to serve on the Parks & Recreation Commission:

Thomas J Mak

Will Hardison

Tree Board:

Three members have terms expiring 2017.

If it is the pleasure of the Board, Mr. Piner requests appointment as an ex-officio to the Tree Board. An ex-officio does not vote and does not count toward a quorum. Section 28.21 of the Code of Ordinances allows the Board to appoint ex-officio member(s).

ACTION:

The following persons were selected to serve on the Tree Board:

Kathryn Edwards

Warren Boyette

Joy B Hicks

Lewis Piner appointed as ex-officio

Mayor Gray thanked the applicants for their willingness to help the Town of Wendell. She stated there are opportunities to volunteer and suggested following up with the Wendell Chamber and the Eastern Wake Senior Center.

8. RESOLUTION OPPOSING HOUSE BILL 436; TABLED AT THE APRIL 10, 2017 BOARD MEETING.

SPEAKER: Town Manager Piner

ACTION: Board may take action.

[Staff Report]

Item Summary

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

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

At the April 10, 2017, Town Board meeting, a resolution was presented to the Town Board. The resolution presented was prepared by the Triangle J Council of Governments. Commissioner Joyner requested a resolution reflecting how HB 436 would impact the Town of Wendell.

An amended resolution in opposition of HB 436 is included for Town Board consideration at its May 8, 2017 meeting.

Town Manager Piner provided an overview of House Bill 436; staff report included above in italics.

Commissioner Joyner stated he requested the previous resolution be tabled. The bill has been marked for study. In the Town's resolution language is included that the bill has not been reviewed by the NCLM, NCACC, or other local government stakeholders.

ACTION:

Mover: Commissioner Joyner moved to approve as presented.

Vote: Unanimous.

9. PRESENTATION OF PROPOSED FY 18 BUDGET TO THE TOWN BOARD.

SPEAKER: Town Manager Piner

ACTION: Presentation. Public Hearing scheduled for May 22, 2017.

[Staff Report]

Item Summary

The proposed FY 2017-2018 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 is being presented this evening with the public hearing scheduled for May 22, 2017.

Town Manager Piner provided an overview of the proposed FY 18 budget; staff report included above in italics.

Commissioner Boyette stated the budget increased by ten percent and no merit increases for employees is hard to swallow. Likes the cost of living increases for the employees. Keeping the tax rate as low as feasible is a priority. His concern with the budget is the lack of merit increases.

ACTION:

Public hearing for the FY 18 budget scheduled for Monday, May 22, 2017; Board action requested at the June 12, 2017 Board meeting.

10. PRESENTATION OF FY COMPREHENSIVE LIST OF FEE SCHEDULE.

SPEAKER: Town Manager Piner

ACTION: Presentation. Board may take action at its May 22, 2017, meeting.

[Staff Report]

Item Summary

On an annual basis, staff reviews its current fee schedule to determine if revisions are needed or to add additional information for clarity. For water and sewer fees, the utility merger agreement requires utility fees to be equal to or more than those charged by the City of Raleigh.

Town Manager Piner provided an overview of the proposed fee schedule for 2017-2018 fiscal year and to schedule for action on June 12, 2017; staff report included above in italics. The following are amendments to the FY 18 fee schedule:

Board Meeting Minutes
May 08, 2017

- Addition of the legislative and administrative fees that currently exist and are being incorporated for transparency
- Amendment to Parks & Recreation fees for field use during athletic tournaments
- Addition to Parks & Recreation fee for Beach Volleyball court
- Amendment to Parks & Recreation fee for use of the entire facility
- Update to the number of occupants within the Wendell Community Center based upon Wake County Fire Marshal posting

ACTION:

Presentation of the FY 18 fee schedule at the Monday, May 22, 2017; Board action requested at the June 12, 2017 Board meeting.

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



Triangle J Council of Governments – Board of Delegates [Mayor Pro Tem Lutz]



Fire Board [Commissioner Jason Joyner]

Mayor Pro Tem Lutz stated the meeting included presentation of the FY 18 budget and presentation of the FY 16-17 annual report.

Commissioner Joyner stated the Fire Board meeting is moved to next week.

Mayor Gray stated she attended the Triangle J Council of Government Mayors and Chairs meeting and how dementia impacts a community. Towns are implementing initiatives for citizens with dementia.

12. COMMISSIONERS' REPORTS.

Commissioner Joyner stated the FY 18 budget is a good budget. Commended the manager and finance director working together to present a budget in which the tax rate remained the same. He attended the Expressions of Faith dance recital hosted in Louisburg this past weekend and watched a commissioner's daughter in the program while out with his daughter. He stated Mark Binker of WRAL passed away suddenly. Mark provided a service to local and state government.

Commissioner Boyette stated no report.

Commissioner Myrick stated he attended the National Day of Prayer at the Town Square. He thanked the Wendell Council of Churches for hosting the two events. He also attended the Public Safety Day. He thanked the Town staff for Public Safety Day! He thanked Town staff for FY 18 budget.

Mayor Pro Tem Lutz stated no report.

Commissioner Carroll congratulated the finance department on the received award! He thanked Town staff for a balanced budget and for holding the tax rate two years in a row. He thanked all the applicants for the citizen boards. He is seeing the enthusiasm and willingness of citizens to

be involved. He requested a letter to all applicants.

13. MAYOR'S REPORT.

Mayor Gray stated she attended the Wendell Elementary Spring Fling and it was a great opportunity to meet Principal Zellmer.

Mayor Gray met with other mayors and community stakeholders at a meeting hosted by Dr. McFarland who is the Eastern Wake County Superintendent for Wake County Public School Systems. He is developing a support group for this area that will provide volunteer help for schools and fundraising opportunities that would provide classroom supplies.

Mayor Gray attended the evening National Day of Prayer Service. She thanked the Council of Churches for leading the events and Town staff for helping with the move of the evening service due to weather.

Mayor Gray stated Public Safety Day was this past Saturday. She thanked the police, fire, EMS, public works, police from other communities and Highway Patrol for participating. She added a lot of children signed up for Camp Choices.

14. CLOSED SESSION.

ACTION: Will be called if necessary.

No closed session called.

15. ADJOURN.

ACTION:

Mover: Commissioner Joyner moved to adjourn in memory of WRAL reporter Mark Binker at 9:29 p.m.

Vote: Unanimous.

Duly adopted this 12th day of June 2017, while in regular session.

ATTEST:

Virginia R. Gray, Mayor

Sherry L. Scoggins, MMC; Town Clerk