

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
September 11, 2017**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, September 11, 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, Parks and Recreation Director Jeff Polaski, and IT Administrator Tamah Hughes.

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

In recognition of Patriot's Day, Mr. Ricky Ray and Mr. Allen White, members of American Legion Post 148, led the Pledge of Allegiance.

**INVOCATION:**

Reverend James Lee of Wendell First Baptist 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:

 Nora Cambier, 3851 Wendell Boulevard, expressed concern with the truck with the lighted sign across from Wendell Elementary as it is within a historic district.

**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. Certifying sufficiency and setting public hearing date for satellite annexation petition for 93.29 acres of property located in Wendell Falls and identified by PIN Numbers 1773080073, 1764716160, and 1774116521.

- b. Harvest Festival 2017, request by the Wendell Chamber to operate a Beer Garden at Town Square.

**ACTION:**

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

Vote: Unanimous.

**4. Presentation by the Wendell Chamber of Commerce for the Harvest Festival.**

**SPEAKER: Bryan Green, member of the Wendell Chamber of Commerce**

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

***Item Summary:***

*This year's 90<sup>th</sup> Annual Harvest Festival is scheduled for Friday, October 6 from 5 p.m. to 10 p.m. and Saturday, October 7 from 9 a.m. to 10 p.m.*

Mr. Bryan Green, member of the Wendell Chamber of Commerce provided an overview of the upcoming Harvest Festival. He thanked the sponsors for making the events possible for the Harvest Festival.

Mayor Gray stated a motion is needed for the temporary street closure for the Harvest Festival.

**ACTION:**

Mover: Commissioner Carroll moved to the temporary street closure for the Harvest Festival.

Vote: Unanimous.

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**Evidentiary (Quasi-Judicial) Hearing Guidelines:**

- Case is announced
  - Town Attorney provides rules of procedure for an evidentiary hearing
  - Town Clerk provides oath for persons wishing to present testimony
  - Staff presentation
  - Applicant presentation
  - Opposition presentation
  - Applicant rebuttal
  - Opposition rebuttal
  - Staff closing comments
  - Board inquiry
  - Board called into deliberation
  - Board discussion of the findings of fact:
    - Approve
    - Approve with conditions
    - Deny (must include reason)
-

**5. PUBLIC HEARING ON A SPECIAL USE PERMIT REQUEST TO EXPAND THE KIOTI TRACTOR FACILITY LOCATED AT 6300 KIOTI DRIVE.**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Evidentiary Hearing. Board may take action.**

*[Staff Report]*

**Item Summary:**

*Withers and Ravenel (on behalf of Daedong USA Inc.) has requested a Special Use Permit to authorize building expansions and site improvements at an existing facility at 6300 Kioti Drive. This site houses Kioti Tractor, which acts as an assembly, warehousing, and distribution center for Kioti.*

*The proposed special use request would add 265,700 square feet of additional warehousing space, split between two phases. This area would be used primarily for storage and light assembly, with some possible additional office space. Per Withers and Ravenel's application, an additional 21 employees are projected to work at this site once all phases are completed. At this time, 79 employees work at the existing facility.*

*This item was originally scheduled to be heard by the Wendell Board of Commissioners in April of 2017. However, Withers and Ravenel withdrew their application to make additional changes at the request of their client. Those changes included adding an additional 15,700 square feet to the building, reworking the circular access drive, adding additional parking, and changing the truck loading areas. The applicant has also included a 20 foot greenway easement along the edge of the floodplain to allow future greenway expansion along Buffalo Creek.*

**Applicant's Justification:**

*The applicant's justification and Special Use Permit responses are included within Attachment B.*

*The applicant has requested one variance – a reduction in the required rear building setback from 100 feet to 75 feet. The Manufacturing and Industrial district has a 100 foot exterior building setback established to create separation between manufacturing and industrial zoning districts and surrounding uses. In order to accommodate their building expansion, the applicant is requesting that this exterior building setback be reduced to 75 feet, only along the north side (the rear of their building). This requested change would not impact the requirement for a 30 foot vegetated buffer to be in place along the northern property line (inclusive within the building setback).*

**Location:**

*6300 Kioti Drive.*

**History:**

*The existing facility was constructed in 2004. Recently Kioti completed interior renovations to add a second floor within their existing building, where a mezzanine previously existed, in order to create additional office space. When this site was originally rezoned by the Town of Wendell, a conditional was attached to the rezoning which required that a special use permit be obtained when development activity occurs on this site, due to the proximity of East Wake High School, which sits approximately 2000 feet to the west.*

*The request includes 86 additional parking spaces to complement the 77 existing spaces, as well as a new circulator drive around the building and required stormwater bmps to offset the impact of additional impervious surfaces. The Town's TRC has reviewed the applicant's original site plan with only minimal revisions noted, but construction drawings will not be submitted until the*

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*Special Use Permit is approved. As a result, there could be minor revisions to items such as the parking layout, or stormwater bmps once the construction documents are reviewed. A copy of the proposed site plan is included as Attachment C. A simplified illustrative plan has also been included as Attachment D.*

*Withers and Ravenel has received approval from the State to remove wetlands which would be impacted by their building expansion. As part of their development proposal, they would also be creating new constructed wetlands.*

*As shown on the site plan, the applicant has proposed the following changes to the site:*

- *A building expansion to the rear of the existing facility (163,700 square feet) to be included in Phase 1.*
- *A building expansion to the side of Phase 1 (102,000 square feet) to be included in Phase 2.*
- *A new access drive will loop behind the proposed building expansion*
- *A revised drive aisle in the front of the facility, to include a truck queuing line.*
- *86 additional parking spaces, incorporating permeable pavement to meet UDO standards.*
- *The addition of constructed wetlands as a stormwater BMP device.*
- *Additional parking lot landscaping to meet UDO standards.*

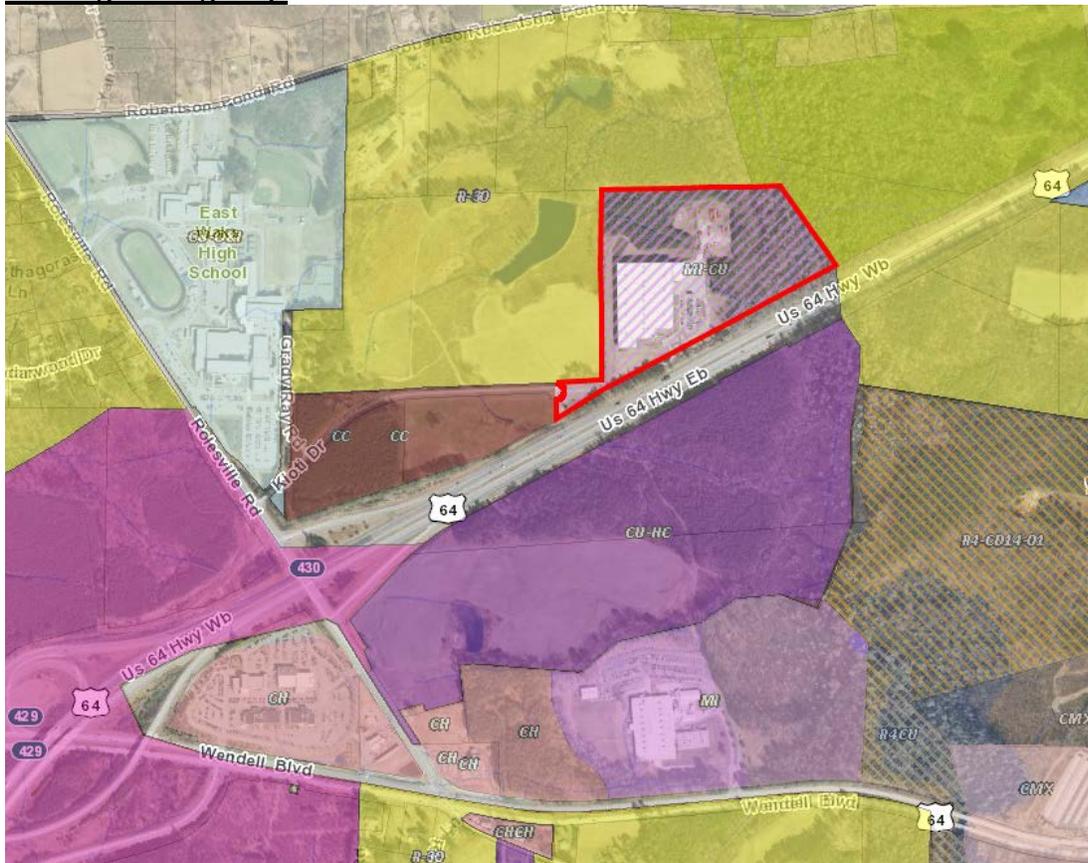
**Project Profile:**

<i>PROPERTY LOCATION:</i>	<i>6300 Kioti Drive</i>
<i>WAKE COUNTY PIN:</i>	<i>1775 30 5843</i>
<i>ZONING DISTRICT:</i>	<i>M&amp;I-CU</i>
<i>CROSS REFERENCES:</i>	
<i>PROPERTY OWNER:</i>	<i>Daedong USA Inc. 6300 Kioti Dr Wendell, NC 27591</i>
<i>APPLICANT:</i>	<i>Withers &amp; Ravenel 115 MacKenan Drive Cary, NC 27511</i>
<i>PROPERTY SIZE:</i>	<i>31.21 ac.</i>
<i>CURRENT LAND USE:</i>	<i>Manufacturing &amp; Industrial (primarily warehouse/assembly)</i>
<i>PROPOSED LAND USE:</i>	<i>Manufacturing &amp; Industrial (primarily warehouse/assembly)</i>

**Project Setting – Surrounding Zoning Districts and Land Uses:**

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
<i>North</i>	<i>Vacant/Residential</i>	<i>R-30 (Wake)</i>
<i>South</i>	<i>Vacant/Commercial</i>	<i>CU-HC (Wake)</i>
<i>East</i>	<i>Vacant/Res./Floodplain</i>	<i>R-30 (Wake)</i>
<i>West</i>	<i>Vacant/Residential</i>	<i>R-30 (Wake)</i>

**Existing Zoning Map:**



**Zoning District:**

*This site is located in a Manufacturing and Industrial Conditional Use (M&I-CU) Zoning District. A conditional use rezoning was approved in the early 2000's in order to require a special use permit review prior to development activity on this site as a protective measure due to the proximity of East Wake High School to the west.*

**Off Street Parking:**

*The parking requirement for manufacturing/wholesale/storage uses is 0.25 spaces per 1000 sq ft of non-office space. Using this standard, the proposed building expansions would require 63 additional parking spaces. The applicant has proposed 86 new parking spaces and has incorporated impervious paving within the new parking lot.*

**Lighting:**

*Any lighting changes shall be in accordance with the lighting requirements in place at the time of permitting.*

**Public Utilities:**

*The site utilizes public water and sewer.*

**Buffering:**

- *The applicant has proposed a 30 foot landscape buffer along the west and north property boundaries and will utilize existing vegetation along the eastern property boundary.*
- *For clarity, a note should be added that the vegetation within the 30 foot buffer shall, at a minimum, be equivalent to a Type A buffer, as outlined in Chapter 8 of the UDO. The 30 foot buffer width is based on a zoning district requirement, but the amount of plantings should be greater or equal to a Type A buffer per the Town's code.*

**Stormwater Management:**

*The proposed site changes will require review by Wake County for conformity with the Town's stormwater regulations. While the site plan does account for stormwater devices, the final stormwater plan could vary from what is shown based on review of the Construction Drawings.*

**Staff Comments:**

- *As previously noted in the report, a note should be added to the site plan that the vegetation within the 30 ft landscape buffers shall at least be equivalent to a Type A buffer, as outlined in Chapter 8 of the UDO.*
- *The applicant has requested a variance to the exterior district setback requirement along the rear of their site, to reduce the requirement from 100 ft to 75 feet. Due to the 30' landscape buffer provided and the nature of this manufacturing and industrial use, staff does not believe granting this exception would create a negative impact on adjoining property.*

Planning Director David Bergmark provided an overview of the special use request to expand the Kioti Tractor Facility located at 6300 Kioti Drive; staff report included above in italics.

Town Attorney Cauley provided an overview of the guidelines for an evidentiary (quasi-judicial) hearing.

Town Clerk Scoggins provided an oath to the following persons providing testimony on this special use request:

- Don Mizelle
- Chris Whitley

Don Mizelle of Withers Ravenel, 115 MacKenan Drive in Cary, presented testimony on behalf of Kioti Tractor. He requested to submit the justification statements of the special use permit into the record. He displayed the site plan of the existing building and described the existing conditions of the site. A permit has been approved from the Corps of Engineers to build in the wetland. That will make the site more developable for Kioti. He displayed a site plan for the proposed expansion – it's a two phase expansion process - and described its future use. Phase Two expansion will consist of 163,000 square feet off the back of the existing building, additional area for receiving and the existing truck area will be for shipping, add 86 parking spaces, and reconfigure employee and visitor traffic interacts with tractor trailer traffic. Phase Three expansion will consist of 102,000 square feet of expansion and the receiving area will go away and be moved further to the east. The total expansion is 440,000 under roof for Kioti's operations. The request is for a variance to reduce the rear set-back from 100 feet to 75 feet and all buffer and landscaping requirements will be met. Storm water measures will be re-tooled during the build out to meet the Town's current code and regulations.

Chris Whitely, Facility and Project Manager for Kioti, 6300 Kioti Drive in Wendell, provided a snap shot of Kioti; handout included in the record and is attached to the minutes.

Commissioner Boyette stated Kioti has been an exemplary corporate partner in and around Wendell. The fire department has gotten much use out of the donated UTV. A UTV was

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donated to EMS, police, and public works. The manufacturing facility is the cleanest and best maintained with the happiest people. He is happy to see the business expanding.

Commissioner Joyner stated in the staff's presentation there is a BMP requirement for storm water. This is a fact finding about storm water requirements and requested Mr. Mizelle discuss the storm water requirements. Mr. Mizelle will comply with the County's storm water regulations. Withers and Ravenel is looking at several different options for storm water treatment – wet ponds, dry ponds, and underground treatment.

Commissioner Joyner requested how much of the storm water requirements the Town imposed on Kioti versus another agency making them do it. Planning Director Bergmark stated the Town's requirements do go above the County's requirements.

Commissioner Joyner requested to review the Town's storm water requirements in comparison to the County and surrounding municipalities and bring back to the County. He would like to understand better what the Town imposes and wants to ensure the Town is competitive.

Planning Director Bergmark stated the one condition attached to the special use request is related to the requested setback from 100 feet to 75 feet.

Mayor Pro Tem Lutz stated Kioti is a good community partner. He appreciates the presentation. He moved to approve the special use request.

Mayor Gray questioned if that included the requested setback.

Mayor Pro Tem Lutz stated yes.

Mayor Gray closed public hearing at 7:37 p.m.

Commissioner Boyette questioned future reviews for this request. Town Manager Piner stated future reviews would be separate from this request.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the special use permit request for Kioti Tractor Facility with the requested variance for the set back.

Vote: Unanimous.

**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

- 6. PUBLIC HEARING: PUBLIC HEARING ON A MAP AMENDMENT REQUEST TO REZONE 12.75 ACRES OF LAND (EXCLUDING ROW) LOCATED AT 501 W. ACADEMY STREET FROM R3 TO R4.  
SPEAKER: Planning Director David Bergmark  
ACTION: Public Hearing. Board may take action.**

*[Staff Report]*

**Applicant:**

*Lucius Jones*

**Petition:**

*The applicant has requested a change in zoning classification for approximately 12.75 acres of property within that parcel identified by PIN # 1784319395 and addressed as 501 W. Academy Street. This area is currently zoned Residential-3 (R3) and is being requested to be rezoned to Residential-4 (R4).*

**Location and History:**

*This property is currently vacant and is located within the corporate limits of the Town of Wendell. The current owner, Lucius Jones, has indicated a desire to construct a single family subdivision on this property.*

*On November 10, 2015, the Board of Commissioners voted 3-2 to deny a similar request by Kirk Rightmyer and Bob Polanco to rezone this property from R3 to R4.*

**Justification:**

*The current applicant provided the following justification within their petition:*

*“This property has been sitting undeveloped since it used to be farm land. The property adjacent is industrial and residential. The single family lots in this area are comparable in size to the requested rezoning. This site is across Academy Street from the Town cemetery.”*

*“This rezoning request complies with the town land use plan. The development of this property will foster economic development and it will [add approximately \$10 million dollars of taxable property value to the town].”*

**Project Profile:**

PROPERTY LOCATION:	501 W. Academy Short Street
WAKE COUNTY PIN:	1784319395
ZONING DISTRICT:	Proposed R4/ Current R3
CROSS REFERENCES:	
PROPERTY OWNER:	Lucius Jones
APPLICANT:	Lucius Jones
PROPERTY SIZE:	12.75 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Single Family Residential

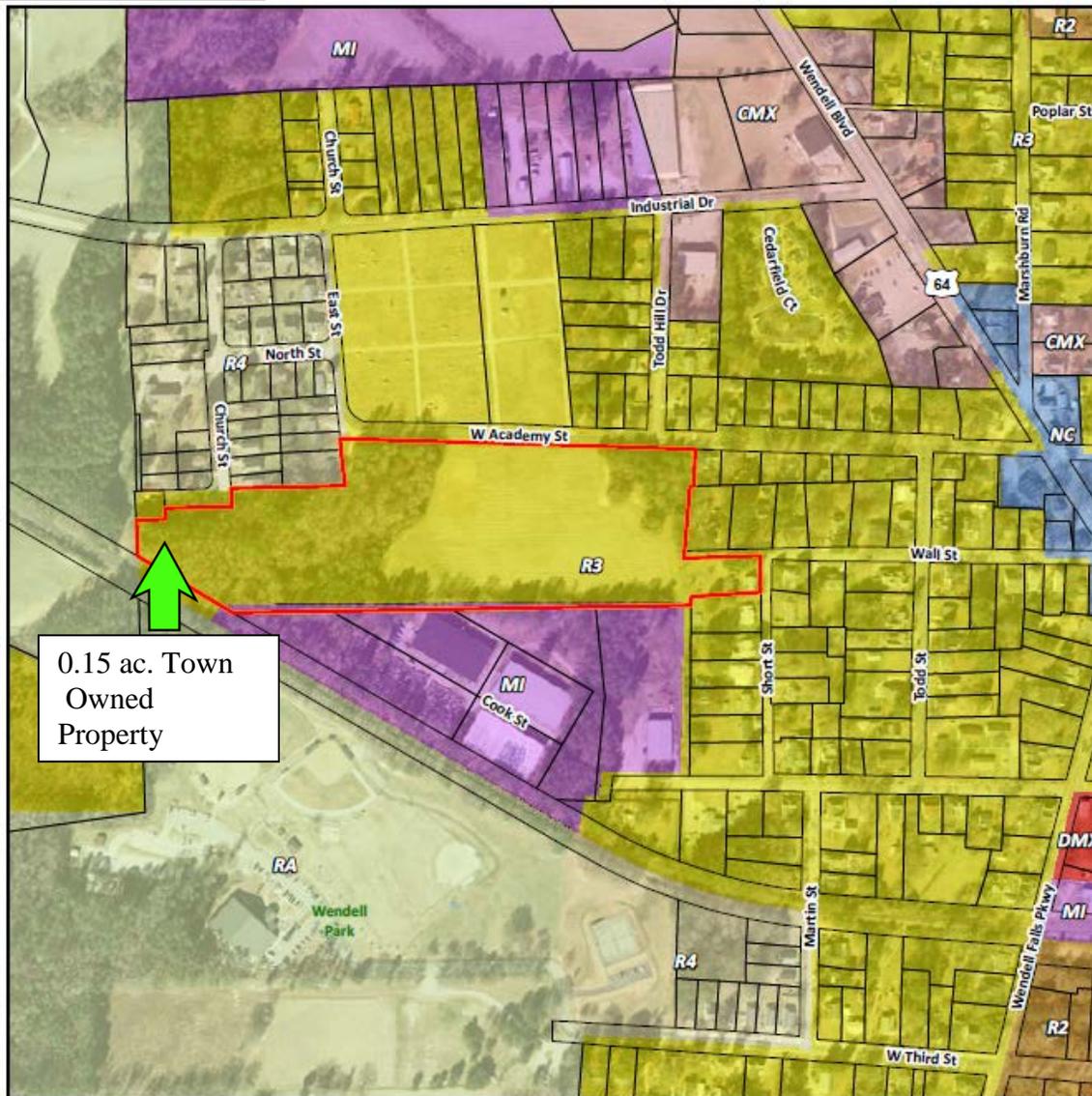
**Project Setting – Surrounding Districts and Land uses:**

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential/Cemetery	R3 & R4
South	Manufacturing/Industrial	MI
East	Residential	R3
West	Residential/Farm	R4 & RA

**Zoning District:**

The property is currently zoned Residential-3 (R3). The applicant has indicated the desire to construct single family residential products at a higher density than the current zoning district allows. The R3 zoning district has a minimum lot size requirement of 10,000 square feet. The requested zoning designation (R4) has a minimum lot size requirement of 6,000 square feet. The only use allowed in the R4 zoning district which is not allowed in the R3 zoning district is 'Group Care Facilities (More than 6 Residents)', which requires a Special Use Permit (SUP) in the R4 zoning district. Neither zoning category permits multi-family dwellings.

**Current Zoning Map:**



**Off-Street Parking:**

At the time the use changes, 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 would require extension and connection to municipal 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. Residential landscaping would include street trees, front yard plantings, and foundation plantings. Depending on the layout of lots, abutting rear yard plantings and/or street yards could be required.

**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.

**Comprehensive Plan:**

The Wendell Comprehensive Plan defines this section as S6 “Infill Redevelopment Area”.

The Comprehensive Plan states the S6 sector is already urbanized and well served with infrastructure (roads, utilities, etc.), and access to services and amenities. The comprehensive plan lists the following uses as appropriate land uses/development types within this sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses, civic uses, and light industrial uses.



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

**Planning Board Action:**

At their August 21, 2017 meeting, the Planning Board voted 5-1 in favor of the requested zoning map amendment.

**Voting in Favor:** Chairperson Ashley Anderson, Kathe Schaecher, Michael Clark, Jonathan A. Olson, and Errol Briggerman.

**Voting to Abstain:** Allen Swaim

**Voting in Opposition:** Lloyd Lancaster

**Absent:** Gilda Wall and Victoria Curtis

**Statement of Plan Consistency and Reasonableness**

- At their August 21, 2017 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 S-6 sector and reasonable due to the surrounding zoning districts, which includes the R-4 zoning district.

**Staff Recommendation:**

Staff finds the requested map amendment to be consistent with the Wendell Comprehensive Land Use Plan. If approved, staff recommends that the request be expanded to include the 0.15 acre Town-owned property at the end of Church Street, so as not to leave a tiny piece of R-3 zoned property surrounded by other districts. This would increase the total area to 12.9 acres.

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Planning Director David Bergmark provided an overview on a map amendment request to rezone 12.75 acres of land (excluding ROW) located at 501 West Academy Street from R3 to R4; staff report included above in italics.

Commissioner Joyner questioned the .15 acres staff is requesting is a pump station behind the fence. Planning Director Bergmark stated yes.

Mayor Gray opened the public hearing at 7:43 p.m.

Ms. Franky Ruth of Wall Street expressed concern with the width of the streets to accommodate traffic, lack of adequate parking, and increased traffic.

Ms. Regina Harmon of 6616 Tells Branch Road stated she appreciates the developer investing in the Town.

Ms. Heather Wolfgang of 445 West Academy Street expressed concern with the carpool situation at Wendell Elementary and she concurs with Ms. Ruth.

Mr. Will Janke of 436 Wall Street expressed concern with the road infrastructure and the speed limit being observed.

Mayor Gray closed the public hearing at 7:54 p.m.

Commissioner Joyner stated he shares the concern with Wendell Elementary. The size of the streets as they are is something that was set by previous boards and it's outside the hands of the seated board. He can vote to take undeveloped land and make it developable. This will allow someone to come in to develop with what the market will allow. The other end of the street will have new people. Road improvements typically come with development. The pump station looks like it is containing the jungle. He had driven through the area and this is a shot to put in homes that can be sold to people outside of Wendell coming in. The developer will make sure the issues are addressed because the developer does not want those homes on the books. He stated as for the parking on the street, the planning department and police department can look into those concerns.

Commissioner Boyette stated in the past the Town has striped near the intersections due to parking concerns. As far as getting in and out, it's limited because of the railroad tracks and what borders it on the back. He added other neighborhoods in Town queue into smaller (older) streets. If a fire truck needs to get to the property, it will. Wake County Public Schools recognized the difficulty in the large vehicles on those streets. This brings up the importance of everyone being involved with the Town Board discusses the transportation plan.

Mayor Gray stated in-fill development has its own challenges.

Commissioner Carroll thanked the citizens for coming in to speak. He shared he lives on Academy Street behind the school. The Board realizes there is an issue and we live in the heart

of downtown and there will be traffic.

Mayor Gray requested the town manager ask the planning department to look at Academy Street. She questioned if parking needs to be limited. She is seeking recommendations.

Commissioner Carroll added to review the parking at the duplexes beside the dental office.

Mayor Gray shared the police chief has met with the principal about the traffic concerns at the school. The first few weeks of school are a challenge until we can work through this together.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to the rezoning request from R3 to R4 for the total acreage [12.9] requested on Academy Street.

Vote: Unanimous.

**Public Hearing Guidelines:**

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- 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: PEDESTRIAN PLAN**  
**SPEAKER: Planning Director David Bergmark**  
**ACTION: Public hearing. Board may take action.**

*[Staff Report]*

**Item Summary:**

*In November of 2014, planning staff submitted a Pedestrian Plan grant application to the NC Department of Transportation for their 2015 call for projects. In April of 2015, the Town of Wendell was notified that its application was accepted and the Town would be the recipient of a Pedestrian Plan Grant. The total plan cost for the pedestrian plan was \$32,000, with the Town paying twenty percent (\$6400).*

*STANTEC was chosen by DOT as the consultant group to lead plan development. Per NCDOT's requirements, a Pedestrian Plan Steering Committee was formed to guide the planning process and ensure citizen involvement. Wendell's Pedestrian Plan stakeholder committee included representatives from municipal police, downtown business interests, municipal planning staff, DOT, Wake County Public Schools System, an ad-hoc member of CAMPO and one citizen advocate. This committee met several times, beginning in early 2016, to guide key decisions about public engagement and plan goals. In addition to having a presence at Planning Board and Town Board meetings, the Pedestrian Committee hosted two open houses (held at Town Hall and Wendell Elementary School), participated at Wendell's Big Truck Day, conducted on-line*

*surveys, and held a Bike Safety clinic.*

*The purpose of the Wendell Pedestrian Plan is to evaluate the current pedestrian system in place, determine where pedestrians want to travel, identify existing gaps and obstacles to the pedestrian system, create a list of recommended pedestrian improvements (sidewalks, crosswalks, pedestrian signals, lighting, etc.), prioritize recommended projects for budgeting purposes, and make suggested changes to current codes, ordinances, standards, and policies related to pedestrian travel.*

*The Pedestrian Plan in itself does not create new development standards related to pedestrian facilities. However, it does make recommendations which could later be incorporated into the UDO, the Town's Standards and Specifications document, or Town policies.*

*During development of the Pedestrian Plan, STANTEC conducted a detailed on-line survey. The results of this survey showed that the majority of survey participants indicated they currently walk for recreation. Only ten percent of participants indicated they walked for transportation purposes. However, survey responses strongly indicated that a lack of sidewalks in Wendell contributes to the decision not to walk more, in addition to fear of traffic and concerns over distance or time. Approximately half of survey participants indicated they felt comfortable walking downtown, while local intersections were rated as the least comfortable pedestrian environment.*

*The draft Pedestrian Plan is 120 pages in total, including numerous tables, maps, resource lists, and best practices. A link to view or download a digital copy of the plan is provided as an attachment to this report. Physical copies are also available at Town Hall. In general, the plan can be broken into the following four sections:*

- 1) Introduction (pages 7-16)*
- 2) Existing Conditions (pages 17-42)*
- 3) Recommendations (pages 43-66)*
- 4) Implementation (pages 67+)*

*Sidewalk recommendations are contained in Table 3 of the Pedestrian Plan, organized alphabetically by street name. Crossing improvements are contained in Table 4. Table 5 prioritizes sidewalk projects into 'short-term', 'mid-term' and 'long-term' projects, with the higher priority projects listed first in each category. Table 9 performs the same function for crossing recommendations. Construction cost estimates are provided for each project. The project ID relates back to Table 3 and is also identified on the accompanying maps. Priority scoring was assessed based on the sites accessibility (proximity to schools, parks, commercial areas, etc.), safety (measured by average daily traffic on the roadway), connectivity (completing connections to existing facilities), and Constructability/Cost.*

*The Pedestrian Plan also highlights five enhancement areas, where additional review for pedestrian improvements was performed. These enhancement areas were chosen by the pedestrian committee due to the concentration of destinations and the presence of pedestrians. Before and after renderings of the proposed recommendations for these five areas are included for visualization purposes. The five enhancement areas include:*

- 1. Wendell Blvd (near Tropicana)*
- 2. Wendell Blvd at Hanor Lane*
- 3. Wendell Blvd at Wendell Elementary*
- 4. Hollybrook Rd at Lake Drive/Second Street*
- 5. Wendell Blvd at Old Wilson Rd/Selma Road*

**Planning Board Recommendation:**

*At their August 21, 2017 meeting, the Planning Board voted 7-0 in favor of the Wendell Comprehensive Pedestrian Plan, with the following conditions/guidance to the Town Board:*

- 1. That prioritization of pedestrian improvements emphasize filling in existing gaps and performing maintenance of existing sidewalks before installing new, non-infill, segments.*
- 2. That the Town Board evaluate the recommended intersection crossing improvements to determine if the intersection of Old Battle Bridge Road and Wendell Boulevard should be the top priority as currently listed.*
- 3. That on page 82, the last sentence for the countdown pedestrian signals policy recommendation be deleted. This sentence recommended requiring pedestrian signals to be installed with new development even when no sidewalk was in place.*

***Voting in Favor:*** Chairperson Ashley Anderson, Kathe Schaecher, Michael Clark, Allen Swaim, Jonathan A. Olson, Lloyd Lancaster, and Errol Briggerman.

***Voting to Abstain:***

***Voting in Opposition:***

***Absent:*** Gilda Wall and Victoria Curtis

**Statement of Plan Consistency and Reasonableness:**

- *At their August 21, 2017 meeting, the Planning Board found the requested Wendell Pedestrian Plan to be consistent with the recommended implementation steps outlined in the Wendell Comprehensive Plan, as well as following principle identified in the Comprehensive Plan:*
  - *Principle Number 8: “Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.”*

**Staff Recommendation:**

*Staff recommends approval of the Draft Pedestrian Plan, which will help the town prioritize pedestrian projects and assist the Town to receive future grants related to plan implementation. The only specific change to the Pedestrian Plan requested by the Planning Board was to delete a single sentence on page 82 within the recommended policies section.*

*Following the Planning Board meeting, staff spoke with STANTEC regarding the intersection improvement scoring as it relates to the Wendell Boulevard/Old Battle Bridge Road intersection. STANTEC informed staff that this intersection scored high due to high Average Daily Traffic (ADT), as well as nearby accidents. While these accidents were not at this intersection, the proximity of the accidents was viewed by STANTEC as a warning that pedestrians could be at risk at this intersection. However, in staff’s opinion, any pedestrian activity near this intersection is most likely not crossing the intersection itself, as there are few pedestrian destinations or origins to the south or west.*

Planning Director David Bergmark provided an overview of the pedestrian plan; staff report included above in italics.

Mayor Pro Tem Lutz noticed that along with the intersection at the elementary school, he thinks the intersection at Main Street and Wendell Blvd and Cypress and Wendell Blvd are challenging to cross due to site distance. Believes those should be a higher priority. He does not see Old Battle Bridge Road intersection to mid or long-range as there are few pedestrians in the area. Planning Director Bergmark stated this is a town plan and can be amended.

Town Manager Piner requested Planning Director Bergmark share information about TAP [Transportation Alternatives Program] and the areas that were just mentioned. Planning Director Bergmark stated NCDOT had TAP funds available and put out requests for municipalities. The Town has submitted for improvements to numerous intersections and the focus was on Wendell Blvd improvements.

Mayor Gray opened the public hearing at 8:18 p.m.

Michelle Peele of Stantec helped to develop the Pedestrian Plan for the Town of Wendell. She heard from a number of citizens desiring to walk. Walkability will make Wendell competitive with other communities. Wendell Elementary was a topic at many of the stakeholder meetings. She thanked the Board for investing in its citizens.

Bennie Collins of 302 West Second Street finds the plan is comprehensive. Sidewalks have been a struggle for the Town because so many other things have become a priority. He recommended adoption and that it be used as a tool for the Town. He noted several pages that noted grant funding options.

Mayor Gray closed the public hearing at 8:22 p.m.

Mayor Pro Tem Lutz questioned what the plan of action is and how to use funds for these projects. Planning Director Bergmark stated the Board created the fee in lieu for sidewalk. The Pedestrian Plan would be the Board prioritizing where sidewalks are needed. The Pedestrian Plan would help substantiate grant funds for which the Town could apply.

Mayor Pro Tem Lutz stated he likes the plan and he would like a little more time to review. He requested to move this to the next meeting for action.

**ACTION:**

Consensus of the Board to move to the next meeting for action.

- 8. DISCUSSION OF TEXT AMENDMENT TO CHAPTER 16, PARKS AND RECREATION AND CHAPTER 14, SECTIONS 110 AND 111, OFFENSES.  
SPEAKER: Parks and Recreation Director Polaski and Police Chief Bill Carter  
ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*At its Monday, August 14, 2017, meeting, the Board received proposed changes to Town of Wendell, Code of Ordinances, Chapter 16, Parks and Recreation and Chapter 14 (Sections 110 and 111), Offenses. As a result of questions received from the Board, Chapter 16, has been amended, and is brought before you for subsequent review and action. Section 16-13 of this chapter has been removed since the last presentation and will serve as a place holder for future use. Section 16-13 deals with disturbing the peace by discharging weapons, fireworks or use of amplified loud speakers and further review reflected these actions are addressed in other*

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*Ordinances and or state law.*

*The presentation of review at the August 14, 2017 meeting, Code of Ordinances, Chapter 14, (Sections 110 and 111,) resulted in redirection by the Board to clarify the weapons section with regard to specific prohibitions and limitations of both exposed and concealed weapons on Town Property.*

*As both of the above Ordinances were on the same document, both were tabled until the Monday, September 11, 2017, Board meeting.*

*After the August 14, 2017, meeting, staff has conducted additional research associated with weapons carry, both exposed and concealed, on Town Property. This research resulted in staff contacting Jeffrey B. Welty, Director of the North Carolina Judicial College and Associate Professor of Public Law and Government at the School of Government. Professor Welty was requested to conduct a review of the Town's proposed amendments for weapons. The initial review of the amendments resulted in Professor Welty providing feedback, in terms of comments and questions. Staff has reviewed the comments which have resulted in a need for additional dialogue with Professor Welty which has been ongoing.*

*Chapter 16 and Chapter 14 were refreshed so that these would come to the Board as two ordinances – one for Chapter 16 and one for Chapter 14.*

- *Chapter 16, Section 13 was amended by reserving it for future use as the original violations are covered in other Ordinances.*
- *Chapter 14, Sections 110 and 111 are unchanged*

*The Board is requested to review Chapter 16. If the amendment captures the Board's intent, the Board may take action.*

*The Board is requested to table Chapter 14, Sections 110 and 111. This will allow staff to continue with research in an effort to provide the Board with a proposal that is clearer while still meeting the intent of the law as well as take additional direction from the Board.*

Parks and Recreation Director Jeff Polaski and Police Chief Bill Carter provided an overview of the text amendment to Chapter 16 (Parks and Recreation) and Chapter 14, Sections 110 and 111 (Offenses); staff report included above in italic.

Commissioner Joyner stated he met with the Police Chief, Town Manager and Town Clerk. In an effort to move the Parks and Recreation ordinances forward, will hold section 16.13 in reserve. Staff will continue working with UNC-SOG Professor Welty for the firearms piece of Chapter 14 of the Town Ordinances and bring back something to the first meeting in October.

**ACTION:**

Mover: Commissioner Joyner moved to approve Chapter 16 as written and for staff to continue working with the School of Government for Chapter 14.

Vote: Unanimous.

**9. DISCUSSION OF POLICY FOR WEATHER CAMERA.**

**SPEAKER: IT Administrator Tamah Hughes**

**ACTION: Discussion. Direction from Town Board.**

*[Staff Report]*

**Item Summary:**

*At the request of the Town Board, discussion for this item was continued to the September 11, 2017, meeting.*

*With the new installation of the weather camera located on Main Street, the need for a weather camera policy was discussed at the Board meeting on August 12, 2017. Most policies reviewed were related to surveillance and security monitoring cameras and do not apply to the proposed use of the camera for the Town of Wendell.*

*A draft policy is attached for discussion. The Town Attorney and State Department of Archives will be consulted before requesting adoption.*

IT Administrator Tamah Hughes provided an overview of the weather camera policy; staff report included above in italics.

Commissioner Joyner stated after the last Board meeting he spoke with a person who is an expert in this field. The draft policy as written will be honed with the Town Attorney and Department of Archives review. The Board is asked to determine a number of days to retain the footage. The camera is intended for the promotion of Wendell and is not a security camera. The weather camera is open to the public. There is a provision in the policy that the custodian of the records will maintain a log of some sort noting who, when and amount of time to fulfill the records request.

Town Attorney Cauley recommended the following amendment to the policy: Cameras deployed under this policy will only be installed in public areas ~~and positioned so as to promote personal privacy where a reasonable expectation of privacy exists.~~

**ACTION:**

Consensus of the Board to bring this item back to the next meeting with the Department of Archives Records and Retention Schedule relating to promotional cameras [Standard 15: Public Relations Records].

**10. WAKE COUNTY FIRE COMMISSION APPOINTMENT RECOMMENDATION TO THE WAKE COUNTY BOARD OF COMMISSIONERS.**

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

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*Wake County Clerk to the Board Denise Hogan sent a letter of notice that the term for Lucius Jones, municipal representative for the Town of Wendell on the Wake County Fire Commission, expires October 31, 2017. Mr. Jones has served as the Town's municipal representative on the Fire Commission since December 2003.*

*Appointment to the Wake County Fire Commission is made by the Wake County Board of Commissioners.*

*The Wake County Board of Commissioners will make appointments to the Wake County Fire*

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*Commission at its Monday, October 2, 2017 regular meeting.*

*If it is the pleasure of the Town Board to make a recommendation for a municipal representative to serve on the Fire Commission, a letter of recommendation from the Town of Wendell must be received by the Wake County Clerk to the Board Denise Hogan by September 18, 2017.*

*Additionally, the recommended appointee will need to complete a Wake County application, available at <http://www.wakegov.com/commissions/Pages/default.aspx>, by September 18, 2017.*

**Monday, August 28, 2017**

*This October, the term for Lucius Jones, the Town's representative on the Wake County Fire Commission, expires.*

*On December 7, 1998, the Wendell Town Board of Commissioners adopted a resolution to join the county fire service tax district effective July 1, 1999. Additionally at the December 7, 1998, meeting, the Town Board of Commissioners unanimously recommended Commissioner Buddy Scarboro as the Town's municipal representative. The Wake County Board of Commissioner formally appointed Commissioner Scarboro on June 7, 1999, first meeting was held October 5, 1999, with his term expiring October 31, 2000. Mr. Scarboro represented the Town of Wendell through November 20, 2003. On December 1, 2003, the Wake County Board of Commissioners appointed Lucius Jones to serve on the Wake County Fire Commission.*

*Membership and Composition to the Wake County Fire Commission includes:*

- *Wake County Board of Commissioner member (1)*
- *Representative of fire service planning and service regions (4)*
- *President of Wake County Firefighters' Association (1)*
- *Public consumers (5)*
- *Representatives of municipalities participating in Fire Protection Service District (1 seat per each participating municipality)*
- *County staff (non-voting)*

*The Wendell Town Board of Commissioner members are requested to bring nomination(s) of person(s) who would represent the Town of Wendell to its September 11, 2017, Board meeting.*

*In turn, the nomination(s) will be sent to the Clerk to the Board for the Wake County Commissioners for inclusion in an upcoming agenda with the final appointment by the Wake County Board of Commissioners during a regular Board meeting.*

**Monday, June 26, 2017:**

*The Town of Wendell participates in the Wake County Fire Protection Service District. As a participant, Wake County appoints a representative to the Wake County Fire Commission to represent the Town of Wendell. Persons appointed by Wake County to the Fire Commission serve a two-year term beginning November 1 and expiring October 30. Persons appointed may serve for two consecutive terms.*

*Mr. Lucius Jones is the Town's current Fire Commission representative and his term expires October 31, 2017. Mr. Jones has served two consecutive terms. [The Wake County Board of Commissioners reserves the right to waive the number of terms.]*

*Meetings of the Wake County Fire Commission are held on the third Thursday of every other month beginning in January, except that if a regular meeting day is a legal holiday the meeting shall be held on the next business day. The meeting is held at the Wake County Emergency Medical Services Training Center unless otherwise scheduled elsewhere and shall begin at 7:00 PM. An organizational meeting is conducted in January in which a chair and vice-chair are selected.*

*Information about the Wake County Fire Commission is being provided to the Town Board so*

*that the Town Board may submit a citizen recommendation by its September 11, 2017, Town Board meeting. In turn, the Wendell Town Board of Commissioner's recommendation will be forwarded to the Wake County Clerk to the Board for placement on an upcoming Wake County Board of Commissioners agenda.*

Special Assistant to the Manager Sherry Scoggins provided an overview of the Wake County Fire Commission appointment recommendation to the Wake County Board of Commissioners; staff report above in italics.

**ACTION:**

Mover: Commissioner Boyette moved to recommend Lucius Jones as the town representative to serve on the Fire Commission and for the recommendation to be forwarded to the Wake County Clerk to the Board.

Vote: Unanimous.

Mayor Gray stated the person appointed to the Wake County Fire Commission representing the Town will be expected to make a report to the Town Board.

**11. UPDATE ON WENDELL CO-LOCATING WITHIN THE PROPOSED WAKE COUNTY PUBLIC SAFETY FACILITY.**

**SPEAKER: Town Manager Teresa Piner**

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

*[Staff Report]*

**Item Summary:**

*Estimated Costs - \$595,000*

*No Interest = \$4,958 per month or \$59,500 per year*

*10 year buy-in (Garner)*

- *4% interest = \$6,024 per year or \$72,300 per year (10 year)*
- *Private Loan – difficult to obtain – unsecured collateral (10 year)*

*9% of utility costs – Living quarters for fire and EMS (24/7)*

*Lease Facility = approximately same as purchase but no buy in.*

*Estimated cost to build standalone police facility (1.5-2 million)*

***Funding Assumptions from August 25, 2017***

- *Construction of the station will be debt financed*
  - *EMS CIP will repay the EMS portion*
  - *Town of Wendell would pay for the police portion via some type of annual payment mechanism.*
- *Percentage for each component based on the current design is as follows: o Fire Station - 61%*
  - *EMS Station - 30%*
  - *Police Station - 9%*
- *Land Acquisition of 2.5 acre site was approved 11/21/16 for a price of \$450,000.*
  - *Town Portion Using Police Station ratio = \$40,000 (rounded)*
- *Estimated construction cost of Police Station (based on actual square footage + 9% allocation of conference room and public restrooms) = \$ 490,000*

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• *Soft Cost Estimate (Fees @10% x construction allocation \$49,000 + FF+E \$20,000) = \$65,000*

- *(FF+E is estimated based upon past experience, but can be reduced based upon Town's requirements*

- *this is not just furniture, but also any other equipment that Town determines is needed for Police)*

• **Total Estimated Cost to Town of Wendell: \$595,000**

**Timeline**

• *FY 2018 – (current year) – project design, bid document preparation, permitting and bidding*

• *FY 2019 – construction – approximately one year duration*

• *Summer 2019 – Completion and Grand Opening*

\* ***A decision is needed by the Town of Wendell no later than September 15, 2017.***

**Responses to Town of Wendell Questions on Potential Police Station Funding**

1) *Once the Town's portion is paid to Wake County, would the space belong to the Town of Wendell indefinitely? If Fire or EMS expanded, would Wendell be expected to relocate?*

***County will hold the deed but the Town's portion will be owned by the Town. The Police component is self-contained at the NW corner of the building. If expansion were to occur for the other entities, that expansion would not occur where the police station is planned.***

2) *If the property were sold by the County or repurposed, would Wendell receive any form of payment back for its percentage of ownership?*

***Again, this is extremely unlikely, but if it did occur, the Town would receive payment back for its percentage of ownership, including any inflation value that would be realized in the sale.***

3) *How would utility cost be divided? Current calculations have Wendell using 8.5 percent of the building, given that it would not occupy the building 24/7, how would utility responsibilities be prorated?*

***The cleanest method to use to apportion these costs is the same ratio as development of the project.***

***This is really the best and easiest method of calculation. Utilities are available 24/7 to all occupants, which accommodates potential usage after hours. Trying to project the true percentage of usage per day by a particular entity is very complicated and impossible to calculate accurately.***

4) *How are maintenance costs to be addressed, to include on-going, routine, and emergency events?*

***Cost is allocated to the entity where the repairs are needed. If it is a system-wide repair, routine maintenance or scheduled life cycle replacement, (i.e. roof or mechanical system replacement), those costs would be allocated according to the percentage share of users. If the repair is for a component or item that is specific to one of the entities, for example, repair of a light fixture or a door in the police unit, then that cost would be passed onto the Town. This will be clarified in a funding agreement.***

5) *Are there financing options available to the Town through Wake County?*

***The County has past examples for reference. While not exactly the same, the County has an agreement with the Town of Garner for Garner Fire Station #4, which is operated by a non-profit fire department, similar to Wendell Fire Dept. Under this arrangement, the County is financing the Town's portion of the fire station over a 10-year period, based on the response area located within the Town's municipal limits. Costs included land acquisition, design, construction and FF+E. Should the Town of Garner ever decide to provide its own fire***

*services in the future, the agreement provides for the Town to purchase the station at fair market value.*

6) *What is the timeline for payment by the Town to Wake County?*

***Long term payments are an option, open to negotiation and based on the final financing term obtained for the project.***

7) *If financing options are not available is there the option to lease space in the facility, duration, expectations, and costs?*

***If a lease agreement were made, in lieu of cost-sharing of the construction, the terms of the lease would include a minimum term, so that the county could recoup the construction costs of the additional space added, as well as design fees and land allocation. Lease payments also would cover the approximate cost for utilities, debt payments, maintenance, etc. Since a lease is not a purchase, then there would be no ownership stake by the Town, and at the end of the term, the Town would vacate or sign another lease.***

***The total of the lease payments would not be any less than ownership, therefore, unlike a commercial lease/buy comparison, it is unlikely that the Town would realize any financial advantage through a lease agreement in this situation.***

***August 28, 2017***

*Following the June 26, 2017 meeting, questions received by Wendell's Town Board were forwarded to Wake County for discussion and review. The questions included:*

- *Once the Town's percentage of the building is paid to Wake County, would the space belong to the Town of Wendell indefinitely? If Fire or EMS needed to expand, would Wendell be expected to relocate before the County built another location?*
- *If the property was determined surplus, sold by the County or repurposed, would Wendell receive any form of payment back for its percentage of ownership?*
- *How would utility cost be divided? Current calculations have Wendell using 8.5 percent of the building, given that it would not occupy the building 24/7, how would utility responsibilities be prorated?*
- *How are maintenance costs to be addressed, to include on-going, routine, and emergency events?*
- *Are there financing options available to the Town through Wake County?*
- *What is the timeline for payment by the Town to Wake County?*
- *If financing options are not available is there the option to lease space in the facility, duration, expectations, and costs*

*Staff has contacted Wake County the week of the 21<sup>st</sup> asking for an update in preparation of the meeting on August 28<sup>th</sup>. As a part of the planning and scoping process, a draft plan was presented to Town staff regarding the future Wake County Public Safety Facility to be located on Wendell Falls Parkway near the intersection with the 264 Bypass. Staff expressed its concern with the cost associated with the Town's portion of the estimated \$1.2 million. The County indicated they would revisit the proposed facility cost breakdown between the County and the Town. The County was also asked if a second story to house living quarters and mechanical rooms would be a cost saving measure. Staff was told there was little or no cost savings in constructing a second story due to: fire separation requirements, elevator purchase, installation and maintenance, required stairways, ease of access, additional steel, and more complicated HVAC and mechanicals. County facilities have been built with two stories on occasion but it was due to geography of the site.*

**June 26, 2017**

*On June 8<sup>th</sup>, Chief Carter and Town Manager Piner participated in a phone conference with Wake County representatives. The reduction in the size of the facility was discussed. For the police department, major reductions included the police meeting room and office space.*

*The Town has been supplied with a revised facility plan. The total building size has been reduced to 17,767 square feet. The total project cost with land and escalation to 2019 is \$6,620,762. The Police dedicated square footage is now 1,509 vs. 2,778. The Police Department would also be charged a prorated amount to cover a shared training room of 850 square feet, public restrooms and the lobby. As a result, the Police Department would occupy approximately 14% of the facility which would bring the Town's cost to an estimated \$927,000. County representatives noted that any significant reduction in square footage would not result in an equivalent reduction in costs. The estimate provided is for a building fully furnished with fixtures and equipment and includes land purchase and preparation costs.*

<i>Land</i>	<i>\$ 65,800</i>
<i>Professional Services</i>	<i>\$ 83,673</i>
<i>Site Development Costs</i>	<i>\$145,427</i>
<i>Construction Cost (237 sf)</i>	<i>\$587,846</i>
<i>Contingency</i>	<i>\$ 21,998</i>
<i>FFE</i>	<i>\$ 22,256</i>
<hr/>	
<i>Total Police 14%</i>	<i>\$927,000</i>

*The cost is approximately \$372 per square foot (\$6,620,762 / 17,767 square feet) which is higher than normal; however \$1.5 million is the purchase and prep of site costs. The breakdown for funding the facility is proposed as follows: 58 percent fire tax, 28 percent CIP (EMS), and 14 percent Police*

*The value of a second story was revisited and again the lack of savings and ease of maintenance were stated as reasons to have all services located on the first floor. When asked about financing, the County stated that Garner's portion was financed by Wake County; however, some form of payment will be required for participation. The police department's portion of the design and fees portion would be around \$83,000 with the remainder of the costs being financed. The County anticipates purchasing the property July 2017, to prepare construction documents between July 2017 and 2018, and to begin construction after July 1, 2018 (FY 2018/2019). This would require a financial commitment in the FY 2018-2019 Town Budget.*

Town Manager Teresa Piner provided an update on Wendell co-locating within the proposed Wake County Public Safety Facility; staff report included above in italics. An attachment comparing costs of 9 South Pine Street and the Proposed Public Safety Facility was distributed and is incorporated as an attachment into the minutes. She added Wake County is requesting a response from the Town of Wendell by September 15, 2017.

Commissioner Boyette questioned the number of residents in Wendell Falls. Town Manager Piner stated believes a couple of hundred homes are occupied, placing the number of residents near 500.

Commissioner Joyner questioned for section 3 the commercial rental the amount of square footage. Town Manager Piner stated 1,500.

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Commissioner Joyner stated it's the staff's position to not compare Pine Street to Wendell Falls. The calculations include \$102,000 to the total cost for rent for the 9 South Pine Street and included in the total cost. He stated it's akin to him renting a car for 10 years and then including the cost when it was not owned. He took that amount out. The facility on South Pine Street came to \$495,000 and comes to a cost per square foot of \$107 upfitted. He heard two percentages with the new facility – zero percent and four percent. Town Manager Piner stated that is a range for payments.

Commissioner Joyner stated the Garner facility was financed for 10 years and this request is for 20 years. The request is a lower interest rate at twice the amount of time. He questioned why the first \$105,000 is not included in the finance request. Town Manager Piner stated the indication with Wake County staff and they are moving forward with design. The belief is the \$105,000 would not be financed.

Commissioner Joyner stated there are two ranges – zero percent and four percent. The least cost anticipated is \$595,000 and the most expensive cost anticipated is \$817,560. Wake County appears to have reduced the Town's portion and Wake County is requesting an answer in four days and the Board does not have a percentage rate, unknown as to financier, and amount of time to be financed. He questioned the security at the new facility. Town Manager Piner stated it is a 24/7 facility.

Commissioner Joyner stated he is interested in security for the residents and not a building. He in looking at the facility, he pulled out the soft costs and arrived at \$490,000 and puts the cost per square foot at \$324.71. Wake County did come down on the cost somewhat. Unable to vote in good conscious with a fluctuating interest rate and needs more information before making a decision.

Mayor Pro Tem Lutz stated at \$595,000 with a great rate, still believes that majority of police work is in the vehicle and in the community.

Commissioner Boyette stated he believes that in the near future a presence will be needed. He stated this was brought up two years ago. He expressed concern with the current price per square foot.

Town Manager Piner stated the process for Town staff with a comprehensive facilities plan would be benefit for future needs.

Commissioner Joyner stated it does not take a comprehensive plan to know what something costs or the finances before bringing it to the Town Board. He stated this item does not have a financial component. He stated this does not include a next step for the Town Board.

Town Manager Piner stated that would help and this is the available information.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to not collocate in the Wake County public safety facility at this time.

Vote: Unanimous.

**12. DISCUSSION OF TEMPORARY SIGNS.**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Discussion.**

*[Staff Report]*

**Item Summary:**

***March 13, 2017 – Public Hearing***

- *Enforcement of the temporary sign section 12.7D was suspended for 1 year.*
- *Changes to other sections of Chapter 12 (outside 12.7D) were made at this time.*

*Those changes made outside of Section 12.7D of the UDO are summarized on page 3 of this report. A complete copy of Chapter 12 as currently written is provided as Attachment B. Those changes not incorporated into Section 12.7D are included as Attachment C. Additional background material from the March 13, 2017 report is provided on the following page.*

**Information (From March 13, 2017 Report):**

*In January of 2015, the Town Board approved amendments to Chapter 12 of the UDO related to temporary signage. Significant features of the approved text amendment (see Attachment A) were that small ground signs erected by a non-profit operating within the Town's jurisdiction or a business located within the Town's jurisdiction could post up to 12 signs (no more than 2 per property) with no time limit. The text of the ordinance was based on language provided at the board meeting. Prior to these new rules and following a period of no enforcement at the Town Board's direction, only 6 small ground signs could be erected at once and the permit was valid for 10 calendar days.*

*The intent of the 2015 amendment was to provide more flexibility to businesses wishing to erect temporary signs and to provide staff time to gauge the impact of the amendments passed. However, the current regulation which provides no expiration date for these temporary signs has created enforcement issues for staff and has caused complaints from citizens. Some citizen complaints have been related to signs being erected on their property without their permission. Other complaints were regarding temporary signs creating an overall unkempt and messy appearance along the town's entrance roadways. Even if properly placed and permitted, the omission of a duration period for smaller temporary sign permits increases the total number of temporary signs erected around town at any given time.*

*As a result, at the March 13, 2017 meeting, staff recommended that an expiration date for temporary signs be re-established. At the February 7<sup>th</sup> board meeting, the Town Board expressed a desire to simplify regulations by avoiding having separate permit durations for different types of signs, to the greatest extent possible. The Board acknowledged that lighter than air signs did require a different standard. The Board also expressed a desire to create language to accommodate more than one feather flag sign.*



Towards this purpose, staff suggested that businesses be allowed to obtain a total of 5 temporary signs permits in a given calendar year (rather than 4) and that small temporary signs permits and banners be valid for 21 days (5 permits x 21 days = 104 days). This represented a significant increase in the duration of small ground sign permits and a small decrease in the duration of banner permits, compared to prior standards. Proposed language was developed to create a new temporary sign category for feather flags, which would be permitted for 21 days as well. The number of feather flags permitted ranged from 2-4, depending upon the frontage of the lot. The proposed amendments also included modifications to other sections of Chapter 12 in order to make the Town's regulations more in line with the 'Reed vs. Town of Gilbert' court case. This case found sign regulations should be as content-neutral as possible.

**Summary of Changes Proposed at March 2017 Hearing (items in red [1,2,3, & 5] were not changed. Enforcement of the temporary sign section 12.7D was suspended for 1 year.**

1. Make temporary 'ground signs- small' valid for 21 days (rather than 10), with 6 signs permitted per business (rather than 12).
2. Remove content related language from the 'Banners' section and make banner permits valid for 21 days (rather than 30).
3. Add 'feather flags' as a temporary sign category and permit 2-4 feather flags (up to 12 feet tall) with a single permit for up to 21 days. The number of feather flags allowed is increased to 4 for those businesses with greater road frontage.
4. Amend 'sandwich board signs' so that the sign does not have to be located within 8 feet of the business's door. Instead, the sign simply has to be placed on or directly behind the sidewalk in front of the business, with at least 4 feet of clearance if placed on a sidewalk.
5. Remove the 'Mobile Sign' category from temporary signs. This provision is rarely used, and can be lumped into the 'All other temporary signs' category.
6. Remove language related to 'special event signs of recognized non-profit or charitable organizations' from the 'Realtor and Non-Realtor Open House Signs, and Yard Sales Sign' section of 'Signs Not Requiring a Permit'. Special event signs should be addressed by the 'temporary sign permit' section.
7. Add language under the 'Applicability' section of Chapter 12 to reference the general statute ([160A-381j](#)) which creates a 24 month exemption from sign regulations for fence wrapping. Currently Chapter 12 does not address fence wrapping. The added language is meant to provide clarification of a recent change to the general statutes.

**January 17, 2017 – Planning Board Review**

At its January 17, 2017 meeting, the Planning Board reviewed proposed amendments to the Town's temporary sign regulations and made two motions. In the first motion, the Planning Board voted 4-2 against proposed changes to section 12.7D (Temporary Signs Requiring a Permit) and to suspend temporary sign enforcement of section 12.7D for a period of 1 year. In the second motion, the Planning Board voted 6-0 in favor of all other proposed changes outside of section 12.7D

Following the Planning Board recommendation, the Town Board held a public hearing on this item at its March 13, 2017 meeting. At the completion of the public hearing, Commissioner Joyner moved to adopt the Planning Board's recommendations to suspend enforcement of Section 12.7D for a period of one year, and to support proposed changes outside Section 12.7D. The vote passed unanimously (4-0). At the April 10, 2017 meeting, staff requested clarification on the intent of the March 13<sup>th</sup> vote, in order to ensure all voting members were in agreement.

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Planning Director David Bergmark provided an overview of temporary signs; staff report included above in italics.

Mayor Gray stated she requested this item be placed on the agenda.

Mayor Pro Tem Lutz stated he received concerns from citizens in regards to the truck with the sign on it in front of the (Wendell Elementary) school. He questioned the classification this sign falls in. Planning Director Bergmark stated it is under mobile sign.

Mayor Pro Tem Lutz stated he his preference is to enforce the mobile sign category. Planning Director Bergmark stated it is in the ordinance.

Mayor Pro Tem Lutz stated on a vehicle or on the ground it is tacky.

Mayor Gray questioned the size of the sign. Planning Director Bergmark stated there are some limitations.

Mayor Gray would like to limit the digital sign. Planning Director Bergmark stated this would go back to the Planning Board due to the changes.

Commissioner Myrick questioned if the sign is permitted. Planning Director Bergmark stated at this time it is not prohibited.

Commissioner Boyette stated this has been discussed at five different meetings with the year. He is in favor of fixing the rules then suspending the rules. The suspension was to accommodate an entity in Wendell to put up temporary signs and for the Board to evaluate how it works. His concern with sign is it is located within a school zone, it's located adjacent to the main cross walk for children, sign is located in a curve, and the message changes very rapidly for businesses not within Wendell. It is in an intersection that blocks site lines coming off of Magnolia Street. Those are his concerns with the sign and because enforcement has been suspended the Town does not have a way to remedy the situation. For him, this is a public safety concern. He is in favor of sitting down and figuring this out, possibly at a special called meeting and he would like to hear from interested persons.

Mayor Gray questioned if this has been looked at from a public safety stand point. Planning Director Bergmark stated he has not spoken to the police chief. He stated the frequency of the message changing can be addressed. He stated the Town approached the property owner about the signage.

Mayor Pro Tem Lutz stated this is a safety issue. He questioned if there is anything that can be done now to address it from a public safety stand point. Planning Director Bergmark stated it is a matter of reviewing the ordinances to see if there is something the Town may do.

Town Attorney Cauley stated the Town Board may withdraw the suspension.

Planning Director Bergmark stated is the suspension is withdrawn, then enforcement can begin

immediately. He clarified that the Town may not regulate signage based on content.

Mayor Gray questioned if suspended and if permitted could there be guidelines – size, distance from the street, proximity to intersections. Planning Director Bergmark stated the ordinance can be reviewed.

Town Attorney Cauley stated the first step is to withdraw the suspension.

Commissioner Myrick stated as long as the property owner and/or sign owner obtain a permit, the sign can go up.

Commissioner Carroll questioned if the public safety concern can be verified. Planning Director Bergmark stated yes.

Commissioner Carroll stated he would like to check that first. If not, then the Board may explore other options.

Commissioner Joyner stated his concern is the business that purchased signs in March because of the Town Board decision.

Mayor Gray stated a permit for every sign is busy work. She stated that when suspending enforcement there were three exceptions: signs behind the sidewalk, must be upright, and not attached to a power pole. She rides around and sees the signs violating the exceptions and it needs to be enforced.

**ACTION:**

Consensus of the Board to have this item on the next agenda.

**13. SNAP SHOT**

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

The Town Board requested the following items added to the Snap Shot:

-  Sign at the Town Square was damaged and the poles were left. Requested the poles be removed.
-  Painting of the [four] bathrooms in the administrative offices.
-  Painting of the Code Enforcement and IT offices and the hall leading into the offices.
-  Follow up with the railroad about the rail ties protruding at Hollybrook Road crossing.
-  Review of storm water regulations and how the Town's regulations compare to surrounding counties and municipalities.
-  Coffee with a Cop status
-  Tracking of the loan approved for the purchase of vehicles and equipment; wants a listing of the vehicle/equipment purchased, when, and cost.

**14. Update on board committee(s) by Town board members:**

-  **Fire Advisory Board [Commissioner Joyner]**
-  **Triangle J COG Mayors and County Chairs [Mayor Gray]**

*[This item was discussed after the Board returned from closed session.]*

Commissioner Joyner stated the Board discussed the budget and the new fire station.

Mayor Gray stated she attended the Triangle J COG Mayors and County Chairs meeting and they received a presentation from the North Carolina Rural Center.

**15. COMMISSIONERS' REPORTS.**

Mayor Pro Tem Lutz and Commissioners Carroll, Myrick, Boyette and Joyner did not have a report.

**16. MAYOR'S REPORT.**

Mayor Gray stated the Wendell Annual Mayor's Award has its own page on the Town website. If someone has worked selflessly or done something behind the scenes for the Town, visit the site and submit a nomination. Nominations are being accepted through Friday, October 13<sup>th</sup>.

Mayor Gray stated the last Bluegrass Picnic was held this past Saturday. This series will resume next spring. She thanked Mr. Joey Tedder and the artists for their entertainment.

Mayor Gray stated the 15<sup>th</sup> Annual Food and Music Festival will be at the Town Square this Saturday from 11 a.m. to 5 p.m.

Mayor Gray stated the Wendell Historical Society Reverse Raffle is Thursday, September 21, 2017 at the Wendell Community Center. Funds raised will go towards a history museum for the Town of Wendell.

**17. CLOSED SESSION.**

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

*[This item was held after Item 13.]*

**ACTION**

Mover: Commissioner Joyner moved that the Board go into closed session to discuss a personnel matter pursuant to NC GS 143-318.11 (a) (6) at 9:28 p.m.

Vote: Unanimous.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to return to open session at 10:20 p.m.

Vote: Unanimous.

**18. ADJOURN.**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 10:23 p.m.

Vote: Unanimous.

Duly adopted this 9th day of October 2017, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Sherry L. Scoggins, MMC;  
Town Clerk