

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
February 11, 2019**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, February 11, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Mayor Pro Tem Jon Lutz; Commissioners: John Boyette and David Myrick.

**ABSENT:** Commissioners Ben Carroll and Jason Joyner

**STAFF PRESENT:** Town Manager Marc Collins, Special Assistant to the Manager-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Permit Technician Linda Barbour, Parks & Recreation Director Jeff Polaski, Public Works Director Brian Bray, Public Works Specialist I Michael Jones Jr., Public Works Specialist II David Gay and Police Chief Bill Carter.

### **CALL TO ORDER**

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

Gabrielle Spivey student at Lake Myra Elementary School led the Pledge of Allegiance.

Bruce Tarnaski of St. Eugene Catholic 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: 3-0.

### **2. PUBLIC COMMENT PERIOD [one-hour time limit in total]**

No public comment was received.

### **3. CONSENT AGENDA**

*The Board of Commissioners uses a Consent Agenda to act on non-controversial items unanimously recommended for approval or have been discussed at previous meetings. The Consent Agenda is acted upon by one motion and vote of the Board. Any individual board member may pull items from the Consent Agenda for further discussion. Items pulled will be handled with the "OTHER BUSINESS" agenda topic.*

- 3a. Certifying sufficiency and setting public hearing date for a non-contiguous annexation petition for .4 acres of property located at 2412 Wendell Blvd and identified by PIN Number 1784-16-1389.

- 3b. Adoption of amendment to the 2012 Records Retention and Disposition Schedule dated 10/01/2016.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the consent agenda as presented.  
Vote: 3-0.

**4. RECOGNITIONS, REPORTS, AND PRESENTATIONS**

- 4a. Recognition of Lake Myra Elementary School teacher: Carla Parker  
Speaker: Mayor Virginia Gray

*[Staff Report]*

**Item Summary**

*Carla Parker is currently a 4th-grade teacher at Lake Myra. She has been an educator in a variety of elementary schools for over 24 years. She has a Master's in Education and has specialized in literacy. She began her career in Prince William County in Virginia and has bounced back and forth between there and Wake County for 24 years. She has taught at Bugg Elementary, Brentwood Elementary, and Lake Myra in Wake County. This last year she exceeded growth in reading and math with the students in her classroom and was recognized for making the top 25% of highest growth both for the state and the district. Lake Myra is honored to have such a dedicated teacher with such a focus on student achievement, growth, and learning. Carla has tons of energy and enthusiasm.*

Mayor Gray recognized Carla Parker of Lake Myra Elementary School; staff report included above in italics.

Ms. Parker extended an invitation to the Black History Month Live Museum on Wednesday, February 27 at 10 AM at Lake Myra Elementary. Students will dress up and share the story of the selected person.

- 4b. Introduction of new Town of Wendell employees:
- i. Linda Barbour, Permit Technician
  - ii. Michael Jones Jr., Public Works Specialist I
  - iii. David Gay, Public Works Specialist II

**ACTION:** Introductions

- 4c. Presentation on leaf and limb debris collection service.  
Speaker: Public Works Director Brian Bray

*[Staff Report]*

**Item Summary:**

*The wreck and total loss of the sole leaf truck of the Town in November 2018 provided the opportunity for staff to complete a comprehensive evaluation of the leaf and limb debris service from collection equipment, staffing, level of service, collection route, temporary storage of material collected, and appropriate disposal of the material. The presentation by the Public Works*





- 5a. PUBLIC HEARING:** Discussion and Action on a Map Amendment request to rezone property at 719 Marshburn Road from Residential-3 (R3) to Neighborhood Center (NC).  
Speaker: Planning Director David Bergmark

[Staff Report]

**Applicant:**

*Volunteers of America National Services*

**Petition:**

*The applicant has requested a change in zoning classification for property located at 719 Marshburn Rd (PIN # 1784532377) from Residential-3 (R3) to Neighborhood Center (NC).*

**Location and History:**

*This property is currently located within the corporate limits of the Town of Wendell and is zoned R3. This site is the location of an existing apartment complex, known as Crestfield Apartments. Per the application, "Crestfield Apartments is an existing project-based Section 8, 55 and older senior multifamily development. The 5.38-acre site contains one single-story leasing office building and ten, one -story residential buildings housing 40 units. The project was originally constructed in 1988 and is currently 100% occupied. The project is located were built in 1985 and include 41 residential units. The project is located in a quiet residential neighborhood but is within a quarter mile of a grocery store, post office, fire station, shopping, and restaurants."*

*When the Unified Development Ordinance was passed in July of 2010, multi-family dwelling units became prohibited in the R3 zoning district. As a result, Crestfield Apartments is considered an existing non-conforming use. As further explained in the 'Justification' section of this report, the applicant is seeking to rezone their property in order to place this project within a zoning district designation which does not prohibit multi-family dwellings. This would be an important step in the event that this property were ever significantly damaged and required reconstruction.*

**Justification:**

*The applicant lists the following reasons for rezoning the property from R3 to NC:*

*"The site is zoned R-3...which allows for multifamily uses with a special permit from the city. Minimum lot size is 10,000 square feet in the R3 zoning district. Maximum building height is three stories. Multifamily development is approved on a case by case basis, and according to the zoning office, this development likely predates this zoning designation. Thus, the site is a grandfathered use. The site conforms to parking requirements at 62 parking spaces, meeting the minimum 40 parking spaces requirement. The parcel adjacent north of the site is Alexander Place Apartments, which was recently rezoned to NC, Neighborhood Center. It was further approved for its multifamily use and density as it exists when it underwent renovation. Thus, because there is a new precedent set with the adjacent property Alexander Place, the owners of the Crestfield Apartments site are seeking rezoning designation from R-3 to NC."*

**Project Profile:**

PROPERTY LOCATION:	719 Marshburn Rd
WAKE COUNTY PIN:	1784532377
ZONING DISTRICT:	Proposed NC/ Current R3
CROSS REFERENCES:	ZM12-01
PROPERTY OWNER:	Sunshine Development Corp (Volunteers of America is the parent organization)
APPLICANT:	Volunteers of America National Services 1660 Duke Street Alexandria, VA 22314
PROPERTY SIZE:	5.38 acres



CURRENT LAND USE: Multi-family Residential  
 PROPOSED LAND USE: Multi-family Residential

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

<u>DIRECTION</u>	<u>LAND USE</u>	<u>ZONING</u>
North	Commercial, MF Residential	NC
South	Vacant	R3
East	Residential	R3CU, R2
West	Commercial	CMX

**Zoning District:**

The property is currently located within the town’s corporate limits and is zoned R3. When the Unified Development Ordinance was passed in July of 2010, multi-family dwelling units became prohibited in the R3 zoning district. As a result, Crestfield Apartments is considered an existing non-conforming use. Chapter 13 of the UDO outlines the standards for nonconforming uses and structures.

Existing non-conforming uses may continue their use and even be enlarged or altered, so long as any enlargement or alteration is in compliance with all yard requirements and other regulations. If a nonconforming use is abandoned for 180 consecutive calendars days or more, the use shall not be allowed to be re-established, except in conformance with the town’s regulations. Furthermore, should a nonconforming structure be destroyed by any means to an extent of more than 65 percent of its appraised value at time of destruction, it shall not be reconstructed except in conformity with the provisions of the UDO.

In order to allow this use to be re-established in the event of a severe natural disaster or fire, the applicant is requesting that the property be rezoned from R3 to Neighborhood Commercial (NC). Multi-family dwellings are permitted with a special use permit in the NC district. Under the UDO, multi-family dwellings are only allowed with Board approval through the special use permit process.

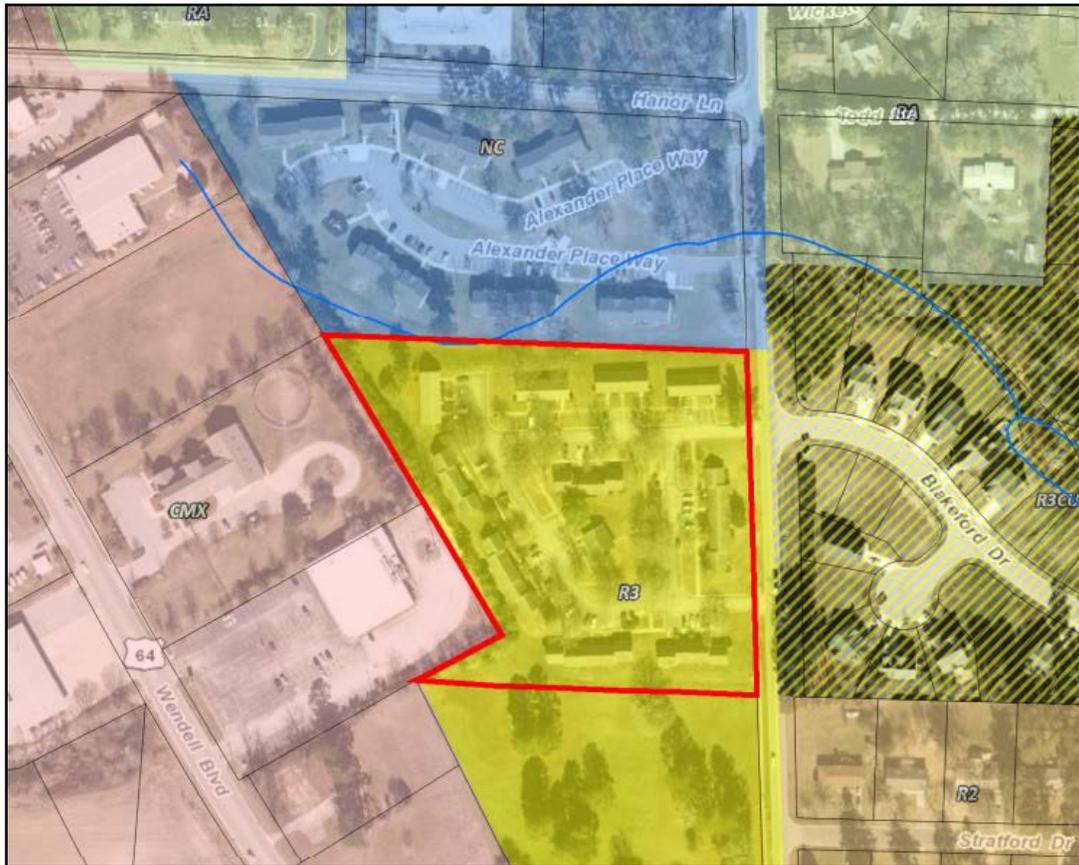
Currently the site is bordered by an existing Neighborhood Commercial (NC) district to the north. The Alexander Place Apartments to the north was rezoned from R3 to NC in 2012 for the same reason as this request. The rezoning of the requested property would constitute an extension of that existing district.

As stated in section 2.8 of the UDO, the purpose and intent of the Neighborhood Commercial (NC) District is to “...provide for areas for residential and mixed-use development in close proximity to existing and planned neighborhood centers. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.”

A complete list of those uses allowed in the NC district is contained in the Neighborhood Commercial zoning district land use chart (Attachment A).

**Current Zoning Map (Requested Property outlined in red):**





**Off-Street Parking:**

*At the time of construction of any new building, permanent parking spaces shall be provided in all districts in the amounts 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:**

*This site is currently served by public water and sewer.*

**Streets:**

*The site currently has two access points along Marshburn Road. No changes to the current road structure are proposed by the applicant.*

**Landscaping:**

*Any future development would be required to submit a landscaping plan to be reviewed by the Technical Review Committee as part of the development review process.*

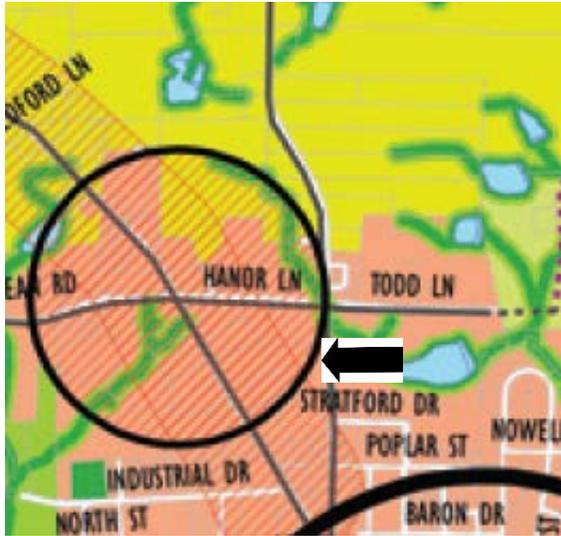
**Stormwater Management:**

*Any substantial re-development of this site would be required to meet the stormwater standards contained in Chapter 6 of the UDO.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines this section as S6 “Infill/Redevelopment Area”. The Comprehensive Plan states the S6 sector typically consists of “areas already urbanized and well served with infrastructure and access to services and amenities. Because these areas are already well provided for in terms of urban services, they are the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels. Appropriate land uses listed for the S6 sector are neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses, and light industrial uses.*





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

**Statement of Plan Consistency and Reasonableness**

- o *At their January 22, 2019 meeting, the Planning Board found the zoning map amendment for the parcel within the rezoning area identified as ZM19-01 from R3 to NC to be consistent with the recommendation of the Wendell Comprehensive Land Use Plan, and reasonable in nature due to existing use of the property as an apartment complex.*

**Planning Board Recommendation:**

*At their January 22, 2019 meeting, the Planning Board voted 7-0 in favor of the requested zoning map amendment.*

**Voting in Favor:** *Victoria Curtis, Michael Clark, Jonathan A. Olson, Grace Walter, Ryan Zakany, Allen Swaim, and Errol Briggerman.*

**Staff Recommendation:**

*Staff recommends approval of this rezoning request.*

Planning Director Bergmark provided an overview of the request submitted by Volunteers of America National Services to rezone property at 719 Marshburn Rd from Residential-3 (R3) to Neighborhood Center (NC); staff report included above in italics.

Mayor Gray opened the public hearing at 7:16 p.m. No one spoke on this item. Mayor Gray closed the public hearing at 7:16 p.m.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the rezoning request as presented.  
Vote: 3-0

*\*To adopt an ordinance on the date on which it is introduced for a vote, two-thirds of the actual elected officials, excluding vacant seats, must cast a vote. This item will come back for a second reading (vote) at the February 25, 2019 Board meeting [NC GS 160A-75].*

**6. ADMINISTRATIVE ITEMS**



- 6a. Request for temporary closure of Main Street for the ProTown BMX.  
Speaker: Parks & Recreation Director Jeff Polaski

*[Staff Report]*

**Item Summary:**

*ProTown BMX is a bike stunt team out of Greenville NC that has performed all over the world. They will perform two shows on Saturday, March 30, 2019. Shows are at 11:00am and 2:00pm. Each show would follow up with an autograph session and free riding clinics.*

*In the event of inclement weather, the rain date is Sunday, March 31, 2019, with shows at 11:00am and 2:00pm.*

*North Main Street would be closed from Third Street to the railroad tracks from 9:30am-5:00pm. Public Works will provide the street barricades and cones for this event with delivery on the Friday before the activity. The Parks and Recreation Department will submit the sound permit. Parks and Recreation Department will staff this event with one full time employee and one part time employee. All Main Street businesses have been contacted and are looking forward to ProTown being in Downtown Wendell. The only concern with this event in the past has been with Ladybug's Cottage having its annual Shop Hop on the same day. This year the ProTown BMX event is a week later so as to not interfere with the Shop Hop.*

*GrillBillies will also host their 2<sup>nd</sup> Annual Peoples Choice BBQ Challenge on this day beginning at 12 noon.*

Parks & Recreation Director Jeff Polaski provided an overview of the temporary closure of Main Street for the ProTown BMX; staff report included above in italics.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the request for temporary closure of Main Street for the ProTown BMX as presented.

Vote: 3-0

- 6b. Request to purchase an HVAC air handler and door and lock replacement at the East Wake Senior Center.  
Speaker: Public Works Director Brian Bray

*[Staff Report]*

**Item Summary:**

*The Total Life Center adult day care portion of the East Wake Senior Center building experienced heating system issues beginning in early January 2019. The HVAC system was installed in 1987 and parts are no longer readily available to complete repairs. The Town HVAC maintenance contractor, Alford Mechanical, was able to repair the system to the point where the heat pump is effective. On very cold days, the heat strip in the blower does not function and Public Works provides an auxiliary portable heater to raise temperatures to a habitable standard. The interior air handler in the HVAC system has failed due to age and use and requires replacement. The quote to replace the entire system and remove the old is \$7,600 from Alford Mechanical. The Senior Center will accommodate the Total Life participants during the two (2) days to replace the system.*

*In addition to the HVAC repair, staff identified a risk management concern that needs to be remedied in the Total Life adult day care portion of the building. There are three (3) exterior locking*



*door handles that have deteriorated to the point that neither public works staff nor a locksmith can repair or rebuild the mechanisms. While they are currently functioning, staff estimates locking mechanism failure to occur prior to the end of the current fiscal year. In addition to the locking mechanism, the northern entry door requires replacement due to severe warping and rusting that leaves open gaps for moisture and animals to enter the building. Staff recommends replacing the door and locks at the same time and received a quote of \$4,175.97 from Cox Locksmith to complete the work.*

Public Works Director Brian Bray provided an overview of the request to purchase an HVAC air handler and door and lock replacement at the East Wake Senior Center; staff report included above in italics.

Commissioner Boyette questioned if natural gas is available. Public Works Director Bray stated not at this time.

Commissioner Boyette questioned the number and age of the HVAC units. Public Works Director Bray stated there are three units and they were installed in the late 1980's.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the request to purchase an HVAC air handler and door and lock replacement at the East Wake Senior Center as presented.  
Vote: 3-0.

- 6c. Request to purchase a multi-purpose tow vehicle and pull behind leaf collector.  
Speaker: Public Works Director Brian Bray

*[Staff Report]*

**Item Summary:**

*Following the wreck of the primary and only leaf truck owned by the Town in November 2018, the insurance company declared the vehicle a total loss and provided a pro-rated insurance settlement in the amount of \$149,000, which includes the remaining value of the wrecked vehicle. Staff initiated a "piggyback" bid process using an ODB leaf truck bid contract received from the Town of Oxford, NC. In the week prior our January 2019 Commission meeting, ODB cancelled the Oxford bid and staff requested the item to be removed from the Commission agenda. Staff consulted with ODB and learned that prices were increasing and delivery on the new vehicle would be extended from 6 to 8 months to approximately 12 to 18 months. Staff began searching for alternative solutions to providing leaf and limb debris collection and conducted a demo lease of a pull behind leaf collection system like the requested equipment.*

*The tow behind leaf collector requires a heavy-duty tow vehicle such as the Chevy 5500. Staff used a dump truck and larger tow behind leaf collector for the demonstration collection in January and determined that the length of the dump truck and tow behind collector created challenges on narrow streets and in cul-de-sacs. The proposed truck and smaller tow behind collector provide a solution to access issues and maintains significant collection ability beyond the RAVO. The tow behind can be delivered within 2 to 4 months from order at a cost within the insurance settlement funds received. As such, the tow behind collector should be in service prior to peak grass debris collection season this summer. When not used for leaf collection, the crew-cab truck also provides a needed fleet vehicle for Public Works.*



*However, the tow behind collector is not recommended as the primary leaf collection system for the Town long-term, due to the extra manpower required to operate the equipment compared to the single operator leaf truck. As the number of lots and lane miles served increases, the use as a sole collection system will cause service level failures. As such, staff is proposing to buy the back-up and peak season tow behind system first using the insurance settlement funds in advance of a future capital improvement plan purchase of the more efficient and effective leaf truck. In the future, both the leaf truck and tow behind systems could be used during peak season to maintain service levels.*

*Staff received competitive pricing for the quotes received. The Finance Department made the arrangement to adjust the prior bank borrowing with KS Bank to reflect the new equipment in lieu of the wrecked leaf truck. If approved, the final purchase prices will be included in the end of fiscal year budget amendment.*

Public Works Director Brian Bray provided an overview of the request to purchase a multi-purpose tow vehicle and pull behind leaf collector; staff report included above in italics.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the request to purchase a multi-purpose vehicle and pull behind leaf collector as presented.

Vote: 3-0

6d. Adoption of the 2019 Town of Wendell, NC Strategic Plan.

Speaker: Town Manager Marc Collins

*[Staff Report]*

**Item Summary:**

*Staff requests the adoption of the draft strategic plan presented to the Commission at the January 25, 2019 Commission meeting. Discussion and amendments are welcome and can be incorporated into the adopted document by will of a majority of the Commission. If adopted, staff will guide the Commission on a priority exercise to identify top priority (consensus) initiatives, high priority (majority) initiatives, and other initiatives. Staff will incorporate the priorities and an action implementation schedule for the plan into the FY 2020 Budget document.*

*The draft Strategic Plan represents a compilation of initiatives identified at Commissioner planning retreats from 2016 to current as well as individual meetings between Commissioners and the Town Manager. The Strategic Plan restates the Town Vision Statement and five (5) broad goal areas established to guide the organization to achieve its vision. Each goal has specific policy initiatives divided into management in progress (current or near-term work efforts of staff) and strategic initiatives (initiatives that necessitate direction and prioritization by the Commission to work towards in the coming year).*

*In addition to the action implementation schedule, the goals and initiatives in the Strategic Plan are incorporated into the establishment of department goals, service levels, and performance measures submitted with the department budgets in the FY 2020 Budget. This will provide a closer understanding of how the line item budgets achieve the Town vision and identify successes and opportunities for improvement with monthly reporting. Draft department goals will be presented by the department heads at the Budget Retreat on February 23, 2019.*

Town Manager Marc Collins provided an overview of the Town of Wendell, NC Strategic



Plan; staff report included above in italics.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the adoption of the 2019 Town of Wendell Strategic Plan as presented.

Vote: 3-0.

**7. OTHER BUSINESS** (any item pulled from the CONSENT AGENDA [item 3 on this agenda] will be discussed during this portion of the agenda)

7a. Snap Shot.

Mayor Gray requested the removal of the approval of the purchase of the property at 122 W Second Street. Manager Collins stated the lease for this property is a work in progress and will be available in the next several weeks.

**ACTION:** Reviewed.

7b. Update on board committee(s) by Town board members:  
 Wendell Fire Board [Commissioner Joyner]

As Commissioner Joyner was not present, this item will be placed on the February 25, 2019 agenda.

**8. COMMISSIONERS' REPORTS / COMMENTS**

Commissioner Boyette stated the Wendell Fire Department received its newest fire engine.

**9. MAYOR'S REPORTS / COMMENTS**

Mayor Gray provided the following:

-  TOMORROW -Tuesday, February 12<sup>th</sup> from 6 PM to 8:30 PM in the Board Room, *Community Visioning / Economic Positioning Forum* being facilitated by a representative of the NC Dept of Commerce. This is an open meeting and citizens are invited to be a part of the process!
-  Saturday, February 23<sup>rd</sup> from 9 AM to 3 PM at the Clayton Center, *Board Retreat*
-  Saturday, February 23<sup>rd</sup> at 4 PM at the Wendell Community Center, *Princesses in the Park*
-  Thursday, February 28<sup>th</sup> the East Wake Education Foundation is hosting Stars in the East at East Wake High School. Dinner begins at 5:30 PM and the show starts at 7 PM. Contact the East Wake Education Foundation for your ticket.
-  Saturday, March 2<sup>nd</sup> from 6 to 11 PM at Universal Chevrolet, *Party with a Purpose*; this year's theme is **A RED CARPET AFFAIR**



**10. CLOSED SESSION**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to go into closed session in accordance with NC GS 143-318.11 (a) (5) at 7:39 p.m.

Vote: 3-0.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to return to open session at 7:56 p.m.

Vote: 3-0.

**11. ADJOURN**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 7:56 p.m.

Vote: 3-0.

Duly adopted this 28th day of May 2019, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Megan Howard  
Town Clerk

