

September 8, 2014
Board of Commissioners Meeting Minutes

The Wendell Town Board of Commissioners held their regularly scheduled meeting Monday, September 8, 2014, at 7:00 p.m. in the Board of Commissioner's Meeting Room with Mayor Timothy A. Hinnant presiding. Present at the meeting were Commissioners John Boyette; Sam Laughery; Virginia Gray; Jon Lutz; James Parham; Manager Teresa Piner Town Clerk Jonnie Driver; IT Administrator Tamah Hughes; Finance Director Butch Kay; Chief Bill Carter; Public Works Director Alton Bryant; Planning Director David Bergmark; Planner Patrick Reidy; Planner Allison Rice.

Mayor Hinnant called the meeting to order at 7:00 p.m.

Chief Bill Carter led the Pledge of Allegiance and the invocation was given by Mr. Bruce Tarnaski of St. Eugene Catholic Church.

Adjustment and approval of the agenda

Commissioner Laughery said there are three items on the agenda that I think are significant and I would like to recommend that we have a special 2-4 hour meeting to talk about the LAPP, the UDO and improvements to Town Hall. He said he was thinking about Saturday, September 20, 2014 but he was flexible.

Mayor Hinnant said if we are planning a meeting about these items it seems useless to talk about them tonight, are you asking that we not act on these items tonight. Commissioner Laughery said if everyone agrees to a special meeting, we might limit the discussion on these items tonight.

Item 1 - Public Comment Period

Lucius Jones – 410 Selma Road stated he was here to speak on the cell tower business. He said I have read a lot in the paper about this and I know that you have discussed it, but this is an urgent issue. He said we are the only town in Wake County that does not have sufficient service from a cell tower. He said it was an embarrassment when you had people come into Wendell to try and sell a house and they can't get cell phone service. He said this is ridiculous. He said I know people have voiced their opinion of where the tower needs to be, what kind of tower we can get and to me any tower that we can get would be beautiful. He said whatever you as a town board have to do to get that cell phone tower, I am here to encourage you to do whatever it takes to get it here.

Regina Harmon stated she agreed with Mr. Jones that the need for a cell tower in town was an issue. She said I am here to talk about movie night which is a week away. She thanked the board for allowing Total Connection to put this event on for the Town of Wendell. She said we have worked really hard with Mrs. Piner and staff at Parks and Recreation to get things ready. She said the nugget eating contest should be interesting as well as some of the schools have had their own contest to see who should be the participant from their school to enter the nugget eating contest.

Item 2 – Consent Agenda

- a. Approval of the Minutes from Monday, August 25, 2014 Board of Commissioners' meeting.

Commissioner Parham made a motion to approve the consent agenda as written. The vote was unanimous 5-0.

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Item 3 – Public Hearing on a Text Amendment to allow citizen boards to elect officers.

Planning Director David Bergmark stated the Planning Board looked at this item per the Town Boards request on whether or not to allow the Planning Board and Board of Adjustment to elect their own officers rather than the Town Board appointing them. The Planning Board was unanimously in favor of making that change.

Mayor Hinnant opened the Public Hearing for comments. No one wished to be heard. Mayor Hinnant closed the Public Hearing.

Item 4 – Public Hearing on a Text Amendment to Chapters 2 and 5 of the UDO as they relate to parking and design standards.

David Bergmark stated Bartlett Engineering was the applicant and had submitted a sketch plan to staff for a proposed Family Dollar to be located next to McDonald's on Wendell Boulevard. The applicant had concerns with parking regulations in the gateway overlay and the design standards for commercial buildings. Staff advised the applicant about the UDO public comment period, but in the interest in time, the applicant decided to submit a zoning text amendment.

David said the proposed changes focus on allowing more flexibility for small businesses to provide parking in the front yard, as well as provide more flexibility in the commercial building design standards. The applicant stated the proposed amendments "will promote development without jeopardizing the intent of the UDO".

Proposed Text Amendment (Proposed changes are underlined and bold):

1. Amend Section 2.17.D.4.B.i which limits parking in front of the building to 40% of the total required parking.
 - i. Up to 40 percent of the required parking **or 20 spaces, whichever is greater**, may be located in the front of the building on Gateway streets where the developer will install a continuous concrete, brick, or imprinted concrete paved 5 foot walk from the street sidewalk to the entrance of the building closest to the street. Parking in the front yard is prohibited where a continuous walkway from the street sidewalk to the entrance of the building is not provided. The paved walk may be located on planter islands but must connect across all crossing asphalt parking areas and be built to traffic type standards across drives. Paved walks must have grades that transition smoothly and continuously across drive areas with asphalt paving brought up to level with paved walks. For each of the following additional conditions which are met, the developer may increase the amount of parking allowed in the front yard by 10 percent (of the total 100% of parking allowed on site) to a maximum of 60 percent. The remainder of the parking may be located in the side and rear only.
 - *Comment: This would allow smaller businesses to provide a set amount of parking in the front (typically a drive aisle with parking on either side), but would still require larger businesses to put most of their parking on the rear or side.*
 - *Comment: Change the wording of the first sentence to say "may be located in the front yard" rather than "may be located in front of the*

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building". This language would make it more consistent with other sections of the UDO.

2. Amend Section 2.17.D.4.b.iv which restricts parking lots in the side yard to 35% of the lot width along Wendell Blvd Context Zones 2, 3 and 4. The proposed amendment will be to restrict parking width in the side yard to 35% of the lot width or 64 feet, whichever is greater, which will accommodate two bays and a drive aisle.
 - iv. Parking lots in the side yard shall not occupy more than 35 percent of the width of the lot **or 64 feet to accommodate two bays and a drive aisle, whichever is greater,** along the primary street. (Context Zones 2, 3, 4 only).
 - Comment: *This allows businesses on narrower lots to more easily fit parking within the side yard. For example, on a 150 feet wide lot, the 35% rule by itself would only allow 52 feet of width to be used for parking. A standard drive aisle is 24 feet. If you want to allow a drive aisle with parking on either side, 64 feet may be needed. Larger lots would still be held to the 35% rule.*
3. Amend Section 5.12.B.1.c to add sub-section 'i' and 'ii':
 - c. Blank Walls: Expanses of blank walls may not exceed **2025** feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)

i. Façades without transparent windows or doors must be divided into architecturally distinct sections or bays with each section taller than it is wide and no wider than 25 linear feet. The following techniques may be used to delineate the different bays:

a. The use columns, ribs, pilasters piers, or an equivalent element that otherwise visually subdivides the wall through at least 50% of its height.

b. The use of parapets, arches, wing walls, or porches that extend from the vertical plane of the façade at least 6 feet; and/or

c. The incorporation of a clearly defined, highly visible, public entrance that features one or more of the following: canopies, awnings, porticos, colonnades, arcades or similar weather protection;

ii. Rear Façades which do not adhere to the standards in Section 5.12.B.1.c.i must be screened from view by a Type B buffer.

- Comment: *Previous projects have been permitted to use similar features to break up blank walls where windows or doors were impractical. This change would more clearly define this practice.*

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- *Comment: The exception for rear facades should be amended to apply to rear facades which do not front streets or civic gathering places, as was done in the proposal for 5.12.E.1 below.*

4. Amend 5.12.E.1 (Materials: Mixed-Use, Commercial, Civic, Institutional) by deleting and replacing with the following:

Existing Text of 5.12.E.1:

- ~~I. Mixed Use and non residential building walls shall be brick, stucco, pre-cast concrete, stone, cementitious fiber board, architectural concrete block or wood clapboard. Exterior insulation finishing systems (EIFS) type stucco may be used above 8 feet from the base of the building. Vinyl or metal siding is not permitted.~~

Proposed Text for 5.12.E.1:

The standards in this subsection shall apply to all façades except rears, unless facing streets or civic gathering places.

1. **At least 80% of the façades shall consist of one or more of the following approved materials: Brick or glazed brick, wood, cementitious fiber board, stone, cast stone, stone masonry units, metal composite panels, glass, marble or similar material. Metal composite panels shall be a minimum of 2'x2' in size. All buildings which use metal composite panels as a façade material shall include a non-metal base around all sides of the building.**
2. **Façades may also consist of the following materials provided that they comprise no greater than 20% of the façade area: Concrete masonry units (CMU), Exterior insulation finishing systems (EIFS), split face block, concrete (pre-cast or cast in place), or concrete block.**

- *Comment: The proposed change would create more flexibility in the materials used, but would still require the more desired materials to comprise at least 80 percent of the façade. Rear facades are exempted from the material standards if they do not face streets or civic gathering places. Metal composite panels were moved into the 80 % or more category.*
- *Comment: Add language which states that metal composite panels should have a generally flat appearance to avoid a developer using a solid composite panel that has a corrugated exterior.*
- *Comment: Add 'architectural concrete block' to the 80% or more category. Architectural concrete block includes such features as splitface, scored, ribbed, wirecut, offset face, and fluted block. As proposed, all concrete products including architectural blocks are limited to 20 percent of the building façade.*

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- *Comment: Add language stating "Cinder Block is not permitted" to the 20% category.*
5. Amend Section 5.14.C to increase the maximum front setback.
- Front Setback (maximum) for Commercial Buildings in CMX, CC Zones: **increase from 75 to 100 feet.**
 - *Staff comment: Chapter 10 restricts parking for commercial buildings in these two zoning districts to one drive aisle with parking on either side. To allow this amount of parking, the developer needs 64 feet. There is also a minimum 10 foot street yard, bringing the total to 74 feet. For the developer to provide a sidewalk in front of the building, or to provide a larger street yard than is required, the developer would need more than the 75 feet allowed in section 5.14.C.*
 - i. *The developer could of course move the parking to the side or rear, but if it is the Town's intention to allow one drive aisle with parking on either side in the front yard, the current maximum setback of 75 feet makes it very difficult to do so.*
6. Amend Section 5.12.D to reduce the projection requirement for canopies as follows:
- D. **Building Canopy:** A building canopy, awning, or similar weather protection may be provided and should project a minimum of **5 3** feet from the façade.
- *Comment: The original requirement for 5 feet was due to the desire to have a canopy be functional, as well as aesthetic. A 5 foot canopy provides shelter in addition to shade. Staff recommends that canopies over primary entrances be required to project a minimum of 5 feet. This would require entrance canopies to be functional, while not restricting other decorative canopies over windows or other building features.*

David stated the Planning Board voted unanimously to recommend approval of the proposed text amendment, with staff's recommended modifications. The applicant agreed with all of staff's revisions, with the exception of the proposed change to require the primary building entrance to maintain its current 5 foot projection requirement for canopies. Staff recommends approval as well.

Commissioner Boyette said in 5.12d it says a canopy may be provided, but they are not required. It states if there is a canopy it requires them to be 5 feet. David said that is correct the canopy is not required but must be 5 feet if in place.

Mayor Hinnant asked David to go back and explain the proposed text for 5.12.E.1 #2 in reference to using concrete a little more. David explained it in more detail stating currently architectural concrete is allowed which could be splitface, scored, ribbed, wirecut, offset face, and fluted block and this would allow the architectural concrete plus the other ones as well.

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Mayor Hinnant opened the public hearing for comments.

Mr. Robert Bartlett of Bartlett Engineering and Surveying and the applicant on this proposed text amendment. He said there is a lot of aspects of the proposed text amendments that don't have any impact on the proposed lot or development that we are looking at, but there were a few key things that needed to be changed to make it work and while we were doing that and working with staff we expanded that which we feel will enhance the current UDO and better meet the intent that you have with that. He said the canopies is the only aspect that I disagree with, it is not going to impact this development and probably will not be a show stopper on any project, but personally I think that should be dropped. He said if you are not going to require a canopy then why dictate what the canopy can be if somebody does provide one. We are comfortable with the Planning Boards recommendations.

Commissioner Boyette said that lot is low are you planning to fill it in. Mr. Bartlett said it will be filled in significantly. He said there is a drainage pipe that comes underneath the road and that will have to be dealt with to route the water under the fill and around the building. He said there is also some buffer and stream on the back of the lot that will limit how far back we can go and we may even have to have a retainer wall in the back. The developer also has the adjoining lot under contract with this and their intentions are to go ahead and improve both the lots at the same time.

Mayor Hinnant closed the public hearing with no one else wishing to be heard.

Item 5 – Discussion and action on a Text Amendment to allow Citizen Boards to elect their own officers.

Commissioner Parham made a motion to approve the text amendment to allow Citizen Boards to elect their own officers. The vote was unanimous 5-0.

Item 6 – Discussion and Action on a Text Amendment to Chapters 2 and 5 of the UDO as they relate to parking and design standards.

Commissioner Parham made a motion to approve a text amendment to Chapters 2 and 5 of the UDO as they relate to parking and design standards. The vote was unanimous 5-0.

Item 7 – Discussion of Town of Wendell rental waiver policy

Manager Piner stated an application was in the agenda packet for review and it was asked that this item be placed on the agenda for review of its policies and procedures.

Commissioner Boyette said the previous application said any organization requesting a waiver had to be non-profit or tax exempt for at least one year. He said that is not listed on the new application, is that still a requirement. Mrs. Piner said it is, she said under the application process one of the very first things is whether or not it has been longer than a year or less than a year and that would stop the application process if they checked less than one year. Commissioner Boyette said I did not know if it should be on the application itself for clarification purposes. Manager Piner said she would add that to the application.

Commissioner Gray asked the reason for having been in place for a year. Mrs. Piner said, I am not sure not being manager at that time, but I would assume just making sure it was a stable organization. Commissioner Hinnant said I would like to see that removed, I think if you have gone through the process to obtain a tax exempt status you have it and we don't need to be splitting hairs like that. She said the only question I had was the rental of the entire building. She said I don't understand what the

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need is for that. Mrs. Piner said this was set up for agencies and not smaller groups and usually the functions they have are large and they use the additional rooms for food preparation, changes of costumes, so that is why that is in there. Commissioner Gray said I would prefer a system where if you need the entire building you can request it, but if you don't then you are tying up the use of additional space if someone else wanted to use it at the same time.

Mayor Hinnant said I agree with Commissioner Gray, would it appropriate to have the Recreation Commission to take a look at it and make a recommendation and then bring it back to us. Mrs. Piner said that would be a good place to start. Mrs. Piner asked if there were other comments or suggestion that the board would like to give to the Recreation Commission for consideration.

Commissioner Boyette said there is a provision in there that states any event that charges admissions, sells tickets, or anything like that, the town gets a cut of that amount. Could that be looked at to either eliminate or change especially for fund raisers?

Commissioner Gray said under the Waiver Criteria Item A needs to be looked at, it seems like the grammar organization of that could be a little bit better.

Manager Piner stated she would get this to the Recreation Commission to review at their next meeting.

Item 8 – Discussion and approval of the Calendar of Events for January thru June 2015.

Mrs. Piner stated during the budget process, the desire to have more downtown events to spur economic development was expressed. She said in your agenda packet is an event schedule of items through the 2014 calendar year.

Mrs. Piner said also included in your packet is a list of scheduled events that the Town Board would need to approve for funding purposes in the amount of \$7,050 to cover the cost of those events from January 2015 thru June 2015.

Mrs. Piner said we need approval of these events so we can move forward with scheduling the dates. We have tried to include things that are different from sports events and one of the things is the DMX Exhibition which is the most expensive event for \$3500. We have had a lot of request for things that are not ball related and this is a great exhibition and should draw a rather large crowd from other areas. She said these items were not budgeted and that is why we need approval for the \$7,050.

Mayor Hinnant said I was thinking of incorporating something like the BBQ cook-off which has a huge following. He said I am not against putting money in any of these items, but unfortunately if we put money on an event that is poorly attended we have spent a lot of money and nothing to show for it. He said if marketed correctly it should generate some revenue and exposure to our town from areas other than Wendell.

Commissioner Gray said you have a list of other items under consideration and Corn Hole Tournament is under that and I feel like we need to leave that alone, the chamber already has that with the Harvest Festival. She said as far as the story telling we talked one time about doing something with the local librarian and she mentioned that she would do that. Teresa said we would have that with another event, because it would not draw a large crowd. Commissioner Gray said the Movie Night is also on here and I feel like we need to have the one we already have scheduled and we need to see how that goes and how many people attend before we make a decision of whether we need to pursue that. She

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said the Band for June 4th is a cost of \$1,500 and I know that we can get a band right here in Wendell that is a lot less than that and it needs to be in conjunction with something else.

Commissioner Laughery said we talked about having something on a regular basis, something that people would know like the 1st Friday, or last Friday so that people would know when the event was going to be held and could make plans ahead to attend. He said my other question is where are we with the electronic sign. Mrs. Piner said we are working on the lease agreement to be able to erect the sign. He asked if the sign had been ordered. Mrs. Piner said no, we do not want to order the sign until we know that we have a place to put it.

Commissioner Gray said the Chamber is moving away from event planning, they are focusing their efforts on member services and thing like that and I don't know that they will be taking on any event planning.

Mayor Hinnant said could any of our citizen boards look at this and make recommendations on the events. He said I think we need public input. Mrs. Piner said I would assign this to the Parks and Recreation Department. Commissioner Gray said she would suggest the Economic Development Committee discuss it as well.

Mrs. Piner said the only event I have a question about is the BMX Exhibition; this group is on the ESPN BMX Mountain Dew Tour. Their schedule fills up very quickly and we need to let them know if we want them to come.

Mayor Hinnant said in my opinion this is one of the things that if you are going to spend \$3,500 on the event that you would have a BBQ cook-off or some other big event to bring more people in not just from Wendell but surrounding areas. Commissioner Laughery said if we had something like the BMX Exhibition who in the town would take care of all the planning. Mrs. Piner said Parks and Recreation and this is something that would be a regional draw, not a Wendell draw.

Commissioner Lutz asked if anyone in Parks and Recreation had any experience with planning events of this type. Mrs. Piner said the new Director of Parks and Recreation has experience and he knows the members of this group. Commission Lutz said he could speak more to the turnout and what all is involved. Mrs. Piner said that is correct.

Commissioner Boyette said I agree with the Mayor in that this is something that you pair with another event. He said while I enjoy BBQ as much as anyone else, this sort of event would draw a bit of a younger crowd and if you paired it with a battle of the bands that is higher energy it would probably work better.

Item 9 - Receipt of the LAPP update

Planning Director David Bergmark stated he attended CAMPO's annual LAPP training session on August 27th and was advised that in order to submit the Wendell Boulevard/Buffalo Street intersection improvement project, Wendell would need to perform the preliminary engineering phase of the project outside of the LAPP submittal for this round. He said the LAPP submittal would still include any necessary right-of-way acquisition costs and construction costs. David said Mike Suraksy of AMT was contacted to determine how much preliminary engineering designs would cost for this project and he estimated approximately \$36,000 for the preliminary engineering and required NEPA documentation.

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David said it was discussed for the Town to pay upfront for the preliminary engineering phase in advance, still submitting for the right-of-way and construction as a LAPP project.

David said Wendell Boulevard and Buffalo Streets are DOT roads, and Wendell would be required to submit a letter of endorsement from NCDOT for this project. He said NCDOT has previously informed staff that this intersection did not meet signal warrants. If NCDOT does not support adding a traffic signal as an element to the intersection improvement the Town would still have the option of submitting a LAPP project to make other improvements to this intersection – such as widening of the road, the addition of a left turn lane to turn onto Buffalo Street, and the closing of Wall Street, but we would still need to know if the board were interested if we could not have a signal as part of this project.

Mayor Hinnant said we continue to talk about LAPP, even though DOT said we do not have a problem. DOT says it is not a priority. I don't see why we keep talking about this every month when DOT does not support this, or see the need for it. Why do you think this is a good idea? Commissioner Laughery said DOT turned down Spot Funds which depends on the number of accidents. He said it was in the North East Study but not as one of their top priorities, but all you have to do is drive thru that area when school is taking in or letting out and it is a problem whether DOT says it is or not. He said DOT classified this intersection as an E intersection and that it would soon be an F when Wendell Falls starts to build which is in the very near future.

Commissioner Laughery asked if we spent the \$36,000 for the project, would that be reimbursed to the Town. David said it would not if we submitted it outside of the LAPP program. Commissioner Laughery said we know that area is a problem and it is going to get worse over the years. He said unless the board thinks we need to drop this as an area that needs improvement, I think we should move forward with it.

Mayor Hinnant said can we apply for DOT funding without the \$36,000 that we will not get reimbursed for. David said I do not think so in this case, the engineering itself is not enough for a LAPP Project and once you add the construction you have to many items that can't fit within the timing you have to get it into one phase. Mayor Hinnant said unless the board tells me different, I do not think we need to apply for LAPP funds.

Commissioner Boyette said the intersection obviously is not a safety concern because no one is moving fast enough to hit anything. How bad does congestion have to get before it completely falls on DOT. David said we did not meet the Spot Funds which is accident focused, but they did have a separate measure that just looked at signal warrants for how many and it looked at three different phases one would look at peak hours and two other phases and you have to meet more than one of those phases to do it and out of those three we were close to meeting one, but we were not even close on the other two.

Commissioner Boyette said we talked about putting up a sign about not allowing left turns in the morning and afternoon rush, because that is what seems to back up Buffalo Street waiting to turn left. He asked if there was any way without paving a new turn lane or closing Wall Street or any major engineering to just erect a sign that does not allow left turns. David said I will be glad to check with DOT and see.

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Commissioner Laughery said the \$36,000 is a new issue and I am not ready to spend that kind of money, but I am not ready to drop it. Mayor Hinnant said I am not saying drop it, but DOT has dropped us from being able to apply for LAPP funding. David said I think this is a matter of we think it is a problem area, and DOT says it will probably become a problem down the road, but is not a problem now. I think we should get them to do the signal testing again maybe next year and see if it has changed anything.

Commissioner Lutz said I agree with not spending the money, because right now I think it would be putting money down the drain. I think we don't need to drop it, but move on and address it as best we can and keep banging on DOT's door.

Commissioner Gray asked David if he would update the board on the left turn signs at the next meeting. David said I will try; it will depend on when I get a response from DOT.

Commissioner Laughery said it is a shame that this \$36,000 wrinkle has come up, because it is only going to get worse in the next couple of years.

Item 10 – Update and discussion of community input regarding the Unified Development Ordinance.

David said the board gave staff direction for how they would like to receive public comments regarding the UDO and we extended the comment period through the end of August. He said we received 16 comments. We wanted to share these comments with you and hear your feedback as to where we should go from here.

Mayor Hinnant said my suggestion would be to schedule a time to get the public input and then this board look at this and go through this and hear the comments developers and builders would like to make and this board decide what needs to be done from that point.

Commissioner Laughery said getting additional input is a good idea, my thought for the board would be to set down and go through these and prioritize them and send them to the Planning Board. Mayor Hinnant said after we have prioritized it, I am not sure that we will listen to the Planning Boards recommendation that is why we originally said we would deal with it. I feel like the Planning Board should review it first and after we have their recommendations we can have a meeting and make a decision. He asked staff to pick two nights to give citizens time to get home from work maybe 6-8 and send it to the Planning Board for their recommended changes.

Manager Piner said I support a comprehensive approach; however there have been some builders that expressed the desire to move forward with a text amendment that would include some of these items. I am asking would there be any objections from the board if they decided to move forward now. Mayor Hinnant said they have that right and it is no problem.

Item 11 – Discussion and approval of improvements to Town Hall.

Manager Piner stated we talked about improvement to Town Hall for some time now and we have some ideas to share with you. We have paired this down, we started out with \$800,000 plan and over a couple of years we have narrowed it down to \$100,000 plan and basically it involves some tweaks and improvements. She said the board approved \$100,000 for Town Hall improvements in July 2014. They asked that we talk with staff and see what their needs might be. Mrs. Piner said we are looking at improvements to what is now known as the conference room and the reason for that is that many meetings that the Planning Department have they have to reserve a spot at the Community because we don't have a place large enough to meet. It would also give them a table to review plans. She said this

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come in under \$100,000 and the reason I would not recommend spending the rest of the money or moving to Phase II is we all know the air conditioning unit we have in place has been here a long time and if we do move forward with the improvements to the conference room in the back and the dispatch areas the reserve would cover the unit if it goes out.

Mayor Hinnant said I think the question is how long are we going to be in this building, and it is my opinion that it will be 10 years. He said I see what you recommended, but that is not much and we will need to increase staff as we get more demands and I hate to spend \$86,000 on a building that will not even hold the increase in staff.

Commissioner Laughery asked what the size of the conference room would increase to. Teresa said we would be pushing it out four feet. Commissioner Laughery said we do need a larger conference room, but I don't understand painting the outside brick, it just causes more maintenance in the future, but I don't see any reason not to move forward with the first two items of the light fixtures and Phase 1A.

Mayor Hinnant said I am not against the improvements, but if we spend \$86,000 now that is not nearly what we will have to spend two or three more times as our needs grow. He said I just went the board to know that once we put \$100,000 into this building there is no turning back because we have obligated ourselves to finish it out. It may be that we would be better to lease some space than to sink \$100,000 in this building which is not going to even begin to meet the need of the future.

Commissioner Laughery said at the planning meeting we had, we made a decision to make this building more livable for the people that work here. He said just looking at the couple of items that are listed here I think it will be an improvement. He said my only question is why we want to paint the outside brick. Teresa said that is just a matter of modernization. Teresa said the building is 50 years old and we have been approached by those that are much more up to date on design than I am. We are trying to do what the board has been working on and that is drawing people in from other area whether it is through economic development, events downtown or people moving into the area. Commissioner Laughery said I am all for making the building more livable for the people that work here, but I am not sure that improving the building from the outside is something that I would put very high on the list, but that is my opinion.

Commissioner Gray said I think we do need to put a better face out to the public. We have had some meetings in here where I have been embarrassed about our facilities. We need to do better, that is a part of marketing our town and dragging ourselves kicking and screaming into the next century. I agree with the mayor as far as the lease, I love the idea of leasing like we did for the Police Department and there are cost, but that is the cost of doing business. We are not in the position to start looking at a \$5-6 million dollar facility. She said I am hesitant not to do anything; we have been talking about this for 5 years. We need to stop worrying about what ifs and make a decision and move on it. She said I am willing to do whatever everyone else is talking about, but it is time to move and do something.

Commissioner Boyette said his only comment was unless someone walks into the building, unless they are going directly into Mrs. Piner's office or Mr. Bergmark's office, you have to walk through that work room. It is no longer a separate space. He said if the building is not big enough for the employees and we only expect it to last for 10 years it will take 5 years to build one, I don't understand why it is a conversation, we can at least look at places. He said interest rates are only going to continue to rise and construction cost are at an all-time low and the longer we wait to start, the longer it is until we finish. He said as far as sprucing the place up a little bit, I think it does need to be improved for the staff that

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has to work here every day. He said we talked about making the courtroom more conducive to meetings by getting rid of the pews and doing something to make this a meeting space during the work days because it sits here empty most days as opposed to tearing out walls in offices. Mrs. Piner said that is certainly an option, that is Phase II which is \$90,000 and both would work. She said we had heard some comments about concerns that money was being spent on the Town Board, but it would be beneficial to the staff.

Mayor Hinnant said I see furniture listed on here, is that furniture for all employees, because it all needs to be scrapped. Teresa said not for the amount of money that is listed here. Mayor Hinnant said I would like to see a motion made that allows the \$100,000 to be spent and get new furniture and get the place looking right for the employees and the public.

Commissioner Gray said I just want to make sure that everyone understands that the \$90,000 for Phase II is not just for the courtroom, it includes \$32,000 for HVAC units for the entire building, carpet and chairs and the lobby. I don't want people to think we are trying to spend \$90,000 on ourselves. Mrs. Piner said that is one of the reasons that I did not recommend Phase II, because of the comments that have been made in the past. She said improvements to this room are also improvements for staff.

Mayor Hinnant said as we add more staff we may have to use some of the space in the courtroom for offices, but I think we all want to move forward to get these things done. Mayor Hinnant asked if we got more than one bid for the improvements, because I am going to have heartburn over \$100,000 if it was one bid. Mrs. Piner said no because we did not plan on spending the entire \$100,000. Mayor Hinnant said even at \$86,000 that is too much money not to have a competitive bid, it does not make sense not to have a competitive bid.

Commissioner Gray asked where the dispatch area was addressed in the plan. Mrs. Piner said in Phase 1A it say sheetrock the brick in the old dispatch area. Commissioner Gray said at that point are we going to designate adding an entrance to this building, because to me that is one of the problems, there is no front door. We need to have a place where you come in with someone sitting there welcoming them to Wendell and offering help. Mrs. Piner said we could utilize the dispatch area on a daily basis.

Commissioner Boyette said if that be the case then the lack of a hallway back there would not matter, you could make that old lobby an even bigger meeting room and have no need to put the glass wall there.

Commissioner Laughery made a motion to authorize the manager to do the light fixtures, Phase 1A. He said if someone really thinks painting the outside brick is that important I will modify my motion, but on the furniture, we do not have any numbers and we need the manager to come back with some numbers at the next meeting. Mayor Hinnant said I do not think we should move forward until she has gotten a second bid. Commissioner Gray said I would like to consider taking out the glass wall back there also as Commissioner Boyette suggested.

Attorney Cauley said I think the manger has put this in front of you in steps and she is looking for approval to go to the next step which would be to get the bids, and bring a contract to you. The bid is not likely to be exactly \$30,000. I think what she has is for estimate purposes and the next step would be to bring you bids and then you would make a recommendation to award the bid to somebody.

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Mayor Hinnant said my recommendation would be to table this until the manager comes back with more information.

Commissioner Boyette said it is obvious that none of us up here are design experts in architecture, with getting bids there should be a lot of lead way to say what the need is for the space, not necessarily what it will cost to move this wall here and put a wall over there. I feel sometimes construction people will walk in and say for half the cost you can do this.

Commissioner Parham made a motion to table this item until the manager comes back with more information. The vote was unanimous 5-0.

Commissioner Laughery asked how long it would take to get another bid, would it be by the next meeting. Mrs. Piner said no, because we will have to advertise for the bid and then get someone in here.

Item 12 – Discussion and approval of a mural at 128 North Main Street.

Planner Patrick Reidy said on August 28, 2014, an application was submitted to the Town of Wendell Planning Department by future tenant Ben Carroll for a mural. The property is owned by Sheree Hedrick and the applicant will be occupying an existing office in the rear of the building. The property is located in the Downtown Mixed Use (DMX) zoning district. He said the mural is a silhouette of an Oak Tree, which is the logo for Old Oak Construction.

Patrick stated staff has reviewed the proposed mural and it was deemed to meet the regulations. The text of the mural will count towards signage and per Section 12.7.C the text will be limited to approximately 23 square feet.

Patrick stated the Appearance Commission recommended to the Board of Commissioners by a vote of 4-0, approval of the mural application for the rear of 128 N. Main Street.

Commissioner Boyette said I have no problem with it in theory, but to me it is not a mural it is a sign. I understand it falls under sign regulations, but to me it is a sign. Patrick said based on the regulations that we passed a few months ago it states that if the name of any business within the Town's jurisdiction is included it will be counted as a sign and must meet the signage. The tree is the mural portion of it, but wording has to meet the signage regulations. Commissioner Boyette said a mural to me is intended for art purposes not marketing purposes. He said I understand only the letters count as the signage part, but it seems to be a little back way around it.

Commissioner Gray made a motion to approve the mural application at the rear of 128 N. Main Street. The motion passed with a 5-0 vote.

Item 13 – Update on the filling of a vacant police position within the Wendell Police Department.

Chief Bill Carter stated the board gave approval to fill a vacant position in the police department in January 2014 which was a budgeted position in the 2013-2014 budgets. We posted the position in January 2014 and we received 28 applications. We held interviews for 6 candidates the first week of April and two withdrew. We selected a candidate that we felt was appropriate to move to the background check. That candidate withdrew in May of 2014 due to some family emergency. We moved to the second candidate and in late May after completing the initial background investigation I met with the manager and we discussed the findings and made a decision not to pursue that candidate any more.

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We reposted the position again and only received 11 applications and we reviewed the applications and interviewed them and selected a candidate to move forward with on the background check and we made that candidate a conditional offer of employment on August 24th. He has to complete the state mandated training for firearms, but he is currently a sworn law enforcement officer and that will speed up the process a little. We are hoping to have him on board by the middle of October 2014.

Item 14 – Update by the planning department on annexation agreements between the Town of Wendell and nearby municipal jurisdictions.

Planning Director David Bergmark stated we currently have two annexation agreements one with Knightdale and one with Zebulon. He said the Knightdale agreement is thru October 2025 and the Zebulon one is thru July 2026. He said the agreements are based on the urban service areas, they are not binding, but it is usually frowned upon if you annex another municipality's sewer service area. He said Johnston County does not have any urban service boundaries. He said in able to establish these agreements if the boundary you are looking at is more than 3 miles from your corporate limits, you have to get the county to sign off on it as well and in our case the boundaries we would be looking at based on where the urban service area boundary is to the north between us and Rolesville and based on where we are going to look if we are going to the south towards Archer's Lodge, we would likely need both counties to sign off on those.

David said Riley Hill Road is the dividing line in terms of our urban service area to the north and I spoke to Manager Brian Hicks of Rolesville and he directed it toward Thomas the Planning Director and they are looking into it and they seem generally acceptable to it. We could consider Raleigh, because as your are going to the north you start to have Raleigh encroaching toward Rolesville Road on the western side and then if you look more toward Wendell Falls area to southwest Raleigh sort of curves around Knightdale, and they would also have a boundary along Smithfield Road. I have not had any response from Archer Lodge so I am waiting to see if they are interested in an agreement or not.

Mayor Hinnant said I asked staff to look at this and in 2005 and 2006 we looked at this because of potential growth and we thought it was a good time to get some kind of agreement in place before the growth came and it got more difficult to reach an agreement. I felt like now would be a good time to look at our north and south boundaries before Wendell Falls gets too far along.

Commissioner Boyette asked David if he could supply the board with a map of the different areas at the next meeting. David said yes.

Item 15 – Commissioners' Comments

Commissioner Laughery said we have a couple of new businesses moving into the downtown area in the near future and I would just say please support our local businesses.

Commissioner Lutz said he attended a meeting of the Triangle J Council of Governments and one of the topics we discussed was merging rural and urban areas and how to gracefully do this. We discussed the best way to do this and we came up with the decision to look at other towns that had done this before us and draw on our neighbors as good references.

Commissioner Parham said I just want to give the mayor and the commissioner kudos for working together and trying to move Wendell forward.

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Commissioner Boyette thanked Mr. Jones for his comments about the cell tower and also Miss Harmon, always a cheerleader for the town. I would like to bring up the fact that the railroad tracks have not been fixed and I think we can engineer a solution to this problem. He said it is a rough place to get across and I am concerned that I am going to pop a tire, and I don't want to see us get off track.

Commissioner Gary congratulated Edwards and Jones Investments and Lisa McKenzie which is the Wendell Chamber of Commerce Business of the month for September. She said I attended the Chamber monthly Board meeting and they discussed the Harvest Festival and some things they are doing for their members right now. She said I also attended a meeting at the Chamber with the Lake Myra Light Show and Town Staff regarding moving the light show and how to make sure that is coordinated well and how to fit in the arrival of Santa and the lightening of the Square. She said I also want to address the cell tower. That is an ongoing thing and numerous efforts have been made to get one and it seems we keep getting something out of our control. The town has done everything it can to facilitate it in numerous locations and I can't imagine that Teresa and her staff could do any more. Hopefully one of these efforts is going to come to fruition real soon. She said the last thing I want to share is there is a group of people who gets together at Zepp's on Monday nights and play music for fun and they are going to be featured October 29th on the Tar Heel Traveler in Wendell at 5 or 6 p.m. She said I encourage everyone to go to movie night Friday night.

Item 16 – Mayor's Comments

Mayor Hinnant said the railroad tracks are something that we have talked about over and over again and they have not been fixed. The citizens are getting impatient and my question is would there be a possibility that the town could pay the money to fix those tracks and bill the railroad for the improvements and take the shot that they will either reimburse us or can we recoup those funds in court. We are not meeting the needs of our citizens if the railroad tracks are not fixed. I would ask that the attorney and the manger check into this and see what information we can find out on getting reimbursed if we repair the tracks ourselves and share that at the next meeting.

Item 17 – Closed Session

Commissioner Parham made a motion to go into closed session to discuss a real estate matter pursuant to G.S. 143.318.11(a)(5). The vote was unanimous 5-0.

Commissioner Parham made a motion to resume the regular meeting. The vote was unanimous 5-0.

Item 18 – Adjourn.

Commissioner Parham made a motion to adjourn the meeting at 9:10 p.m. The vote was unanimous 5-0.

Timothy A. Hinnant, Mayor

Attest:

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Jonnie S. Driver, Town Clerk