

December 8, 2014
Town Board of Commissioners Meeting Minutes

The Wendell Town Board of Commissioner's regularly scheduled meeting was held Monday, December 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 Commissioner's Virginia Gray; John Boyette; James Parham; Jon Lutz; and Sam Laughery; Town Manager Teresa Piner; Town Clerk Jonnie Driver; Finance Director Butch Kay; IT Administrator Tamah Hughes; Police Chief Bill Carter; Planning Director David Bergmark; Planners Patrick Reidy and Allison Rice; and Parks and Recreation Director Jeff Polaski.

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 Reverend Albritton of Wendell United Methodist Church.

Adjustment and approval of the agenda

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

Item 1 – Public Comment Period

Joe Ann Wright of Kannon's Clothing Store said she loved this town and her family had lived in this town since 1916. She said her family had dedicated time, energy and money to downtown Wendell and she really did not like what she saw. She said she was disappointed in the progress over the past few years and with that being said, she was here to tell the Board that she was opposed to allowing slab on grade. She said we had over 200 homes already approved and she did not think that the Town needed more low income housing. She said people that were living in starter homes now need to be able to move to a larger home in Wendell. She said that Wendell is in Wake County and she believed Wendell would grow. She said please do not let the wishes of a few affect the opinion of the majority of this town and that majority was who you were elected to represent. She said slab on grade would devalue neighborhoods and schools which she believed were already over 70% free and reduced lunch. She said it had already affected businesses in town, it was a real struggle for businesses in this town and she believed that sales were big revenue for the town. She said she was happy to serve on the Economic Development Committee, but she wondered what she could say to businesses that we try to entice to come here. She said we need the people in this town to support the local businesses. She said we need more diversity and that was up to you as the Board of Commissioners to make that happen.

Allison Klipchek sent a letter to be read which stated that she was a homeowner and business owner in Wendell. She said she was very involved in different organizations and volunteered many hours to the Eastern Wake County American Cancer Society. She said she was invested in this town's growth; the mission for Wendell was to grow and bring more families and businesses to the area. She said over the past few years she had seen growth in this area and things going in the right direction. She said changing the UDO would enable more people to take advantage of the property in Wendell without contributing to the promotion of Wendell. She said as a business owner in Wendell, she was already charging below average for her services and if the town continues to grow with financially dependent people, she along with other existing and future businesses will feel the effects. She asked the Board to consider her concerns when voting on this matter and not make changes to the UDO.

Regina Harmon – stated she wanted to thank everyone for all the hard work that had gone into the December 5th event downtown. She said it was an outstanding event with about 2,000 people

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attending. She said most of the Town's revenue comes from property tax from the homes and sales tax from the businesses. She said the housing industry in any community drives everything from the property tax base to the type of businesses that are opened to the amount of free and reduced lunches you see in our schools. She said our schools have about 53 percent free or reduced lunches, but Wake County Schools as a whole has approximately 32 percent free or reduced lunches. She said Wendell had very few businesses and middle to upper income homes. She said slab on grade houses were the low end of the housing industry. She said we just recently asked the citizens and builders to come and share their concerns over the UDO document and within just a few weeks of these changes, we are coming to you to have the UDO changed again. She said asked had the Town really looked at this issue. She realized there were some things that needed to be changed such as signage and some of the housing issues to better serve our citizens and our community. She said slab on grade foundations provide the least amount of property taxes to any community and it brings down our property values, which in turn does not help the resale value of a home. She said we have over 300 slab on grade foundations available to be built that were grandfathered in with the old UDO. We need people who have expendable income, more variety in our housing industry for these families to choose from. She said by lowering our standards to change the UDO to allow slab on grade foundations we open the door to more low income housing, more subsidized homes built here which hurts our property tax and sales tax base. She said businesses will not come to a community that does not have expendable income needed to support their businesses. She said she had put a petition together from citizens living in Wendell that do not want any more slab on grade foundations built in Wendell. She said I only worked on it for a few hours and I got 50 names.

Item 2 – Consent Agenda

- a. Approval of the minutes from the November 25, 2014 Board of Commissioners' meeting.

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

Item 3 – Public hearing on a zoning text amendment to Chapter 5 of the UDO related to residential design standards.

Planning Director David Bergmark said at the September 8, 2014 meeting, the Town Board directed staff to take the complete list of the UDO comments received from the public to the Planning Board and to have the Planning Board begin making recommendations based on the comments in batches.

David said at the November 17th, Planning Board meeting the Planning Board made a recommendation on each of the items list below except for the rear alley-access requirements for townhomes. The Planning Board requested additional information from staff on townhomes.

1. Garage width requirements
2. Rear alley-access requirement for townhomes
3. Front porch width requirement
4. Front porch depth requirement
5. Raised entrance requirement

Item # 1: Garage width requirement

- Current Language of the UDO (5.9E):
 - "The width of an attached garage shall not exceed 40 percent of the total building façade."
 - David said for reference, as part of Wendell Fall's text amendment, the following standard

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was applied to master planned communities in excess of 1000 acres.

- Garage **Width**. Notwithstanding Section 5.9.E.5f, garage doors will not exceed:
 - 65% of the length of the façade on lots less than 65 feet in width; and
 - 40% of the length of the façade on lots 65 feet in width or greater.

David said the porch width requirement was also changed to 30 percent for master planned communities. Otherwise, the 65 percent rule above would conflict with the porch width requirement (40% for narrow lots).

David said staff's original recommendation was to raise the percentage of the front façade which the garage may comprise from 40% to 50%. He said the Planning Board's recommendation was to raise the percentage of the front facade which the garage may comprise from 40% to 60%.

Item #2: Rear Alley Access requirements for Townhomes

- David said the Planning Board had not yet made a recommendation on this item.

Item #3 & 4: Front Porch Width and Depth Requirements (single family dwellings)

- Current Language of the UDO (5.9E):
 - "Front Porches on lots 49 feet or less in width, ground level front porches shall be at Least 8 feet deep and extend more than 40 percent of the façade:

- David said For reference, as part of the Wendell Fall's text amendment, the porch width percentage was changed to 30 percent of the façade and the porch depth requirement was reduced to 7 feet.

- David said the Planning Board's recommendation was to amend section 5.9E to require lots 49 feet or less in width to have porches which are at least 6 feet deep and extend more than 30 percent of the façade.

Item # 5: Raised Entrance Requirement

- David presented the current language of the UDO (Section 5.9E & 5.10D)
 - "raised Entrances (single family dwellings): "All front entrances shall be raised above the finished grade a minimum of 1 ½ feet."
 - raised entrances (Townhomes): "All front entrances shall be raised from the finished Grade (at the building line) a minimum of 1 ½ feet, except live-work units, which may have entrances at grade.

David said the Planning Board Recommendation's was to eliminate the requirement for raised entrances for single family dwellings and Townhomes. He said staff maintained that a raised entrance helped support the value of the home as well as reduced the opportunities for rainwater infiltration from heavy storms. He said if it was the Town Board's desire to remove the requirement that all single family dwellings and townhomes use raised entrances, staff recommended that raised entrances only be required for multi-story dwellings.

David said the statement was made at the Planning Board meeting that residents may have difficulty with stairs, making slab on grade a better option for some. He said in the case of multi-story structures,

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the dwelling would incorporate stairs whether there was a raised entrance or not. David said by limiting the raised entrance requirement to multi-story homes, those homeowners who did not desire stairs could purchase a one story built at grade without any stairs.

David said Mayor Hinnant recommended that the Town does not modify the UDO's requirements for single family homes in relation to the current requirement for raised entrances and garage width limitations. He said this would keep the 1 ½ foot raised entrance and the 40 percent rule for garage widths for single family homes.

David said the Mayor recommend for Townhomes, modifying the UDO so that townhomes may be built with slab on grade, and may be constructed with front-loaded garages so long as the following conditions are met:

1. They utilize a carriage style or similarly stylistic garage door (not a paneled garage door).
2. The garage door does not extend beyond the front plane of the habitable space of the Townhome unit, with no limit placed on the width of the garage.

Mayor Hinnant opened the public hearing for anyone to speak for or against and stated he would be speaking and would step down and turn the meeting over to Mayor Pro Tem James Parham.

Mayor Pro Tem Parham asked Mayor Hinnant to speak first.

Tim Hinnant – of 320 E. Haywood Street, Wendell, stated he recommended not changing the UDO requirements for single family homes, because Wendell Falls was getting ready to get built and if we lower our standards of the UDO he was afraid that Wendell Falls would come back to this board and ask to lower their standards. He said it was imperative that we do not change the UDO; we need to give it a chance to work. He said the UDO was put into place for us to be able to raise the bar to build a home that would attract a higher socioeconomic demographic and we owe it to our businesses and ourselves and our neighbors. He said if the housing market in Wendell Falls or any new development goes up then our homes would start to appreciate and currently they do not appreciate. He said there were times in this housing market our homes have depreciated.

Mr. Hinnant said slab on grade homes were being built right now, so this vote tonight would not restrict those homes under construction or that were approved under the old zoning code. He said the only chance Wendell has to diversify was to let Wendell Falls go ahead with their planned PUD and raise that bar for us. He said if we make the mistake of passing this and lower our standards, Wendell Falls would want to lower theirs and we would lose the opportunity to reinvent this town. He said he had looked at the UDO to see if there was a place that we could compromise and he felt that townhomes built on slab would meet that needed. The Mayor stated that he realized that steps would be a problem for the elderly and he thought slab on grade in that situation should be offered. He said he was also of the opinion that a slab on grade home was less expensive per square foot and most of the time people were moving into a townhome that were either elderly or downgrading for a financial reasons, or an individual buying their first residence.

Mr. Hinnant said he also saw that the UDO did not allow for front loading garages and he was of the personal opinion that a garage was more attractive than having a townhome without a garage and he believed that it would enhance the value of the townhome. He felt that a carriage style garage door

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should be installed for taste and to add character but he did not think that front loaded garages should extend out further than the façade of a townhome.

Mrs. Ann Stuart – Holly Brook Road, Wendell said she wanted to know why Wendell continues to have builders and realtors swing us by the tail. She said it was time for us to take a stand and tell them what the town needed. She said that had been a big problem in this town. She said she visited Hedingham this week and they had townhomes on the golf course and all you see along the street was garage doors. She said when did cars and carports become more important than living space for human beings. She said it was because they were cheaper to build therefore people that could not spend money or shop in Wendell, or pay big taxes could come in. She said we were supposed to have integrated schools but she was at Zebulon Middles School last week and there were 22 kids in one class with only one white child. This was not an integrated school. She said this was what slab on grade, all garage cheap houses were doing to Wendell and we continue to let the builders swing us by the tail. She said please put your personal feelings aside and think about the tax payers in this town who invested and pay taxes and are good citizens. Please don't continue to run this town down because of good old buddies.

Mr. Ben Carroll – Main Street, Wendell said he was a builder and would like to be able to build his product in Wendell, but right now he could not do that. He said he respected the other builders in town, but he did not believe that was the direction we wanted to go. He said he would be fine with slab on grade for townhomes, but he believed we needed to step up our standards on the single family homes and he thought we had enough low income housing and it needed to stop. He said with the development of Wendell Falls, he felt like we were separating ourselves between good and bad. He said as a homeowner in Wendell he did not want his property to depreciate anymore. He would like to give other people a chance to prosper with their businesses as well. He said please take into consideration everybody involved and set personal feelings aside.

Commissioner Laughery asked Mr. Carroll what the name of his business was. Mr. Carroll replied Old Oak Construction.

Larry Vaughan – S Main Street said he served on the Planning Board and the decisions the Planning Board came to were related to the idea that what was happening with the codes and the way they were now they were restricted to situations where there should be more flexibility. He said there were a lot of actions that were well intentioned in developing the UDO and many were laboring under the assumption that codes, whether slab on grade or crawl space, would dictate the quality of the housing. He said he did not think this was where the problem lies. He said he did not know what the solution was, but he did not believe it was going to get builders to come in and build these kinds of houses; it has to do with the quality of the basic subdivision that was being built. He said he differed with Mayor Hinnant in that Wendell Falls would come back and asks to lower their standards; this board determines whether there were changes in the code. He said if they come back, the UDO does not have to be changed. He said he did not think we were at a point where we understand what the problem was and we need someone to come in and speak to us about this problem and try to get some further help in this area. He said this town does have too much lower income housing, but it was also true that you could have entry courts and they were slab on grade and it was very high quality housing. He said thank you for considering what the Planning Board had attempted to do and vote your heart and minds.

Mr. Ray Hinnant – 205 Dogwood Trail, said Wendell had no diversity in housing. He said if someone gets a raise or promoted with a little better standard of living there was nothing to buy in Wendell, they either have to buy in Wake Forest, Knightdale, Cary or Raleigh. He said Wendell would be like Kannon's

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only having red dresses. If Sam's wife went in to buy a white dress they would say we don't have them; we only have red dresses so you will have to go to Wake Forest to get a white dress. He said if we lower our standards we will only have red dresses and we will never have anything else. He asked the Board to reject this move to reduce the housing standards.

Kathy Shecker – 35 S. Buffalo Street said she loved Wendell, but as Allison Klepchik stated earlier we have to lower our prices less than average. She said we attract lots of clientele and sometimes we have someone who comes just because they don't want to pay Raleigh prices and that was an insult to her. She said she had been considering moving her business toward Wendell Falls, and would like for this board to help her not be as curious about what was happening in Wendell Falls, that what was here.

Regina Harmon – business owner in Wendell, She thanked the Mayor for speaking on the matter at hand. She also wanted to thank everyone that came out tonight and it showed how passionate our Town was and how we paid attention to the decision that was made every day. She said the special events that we had this past year had been a tremendous help to our business, because we did not have the expendable income in our housing market. She hoped this board would take some time to consider the changes to the UDO.

Renea Farrah stated she had been a resident of Wendell for about one year and when she first came, she asked her husband what military base used to be here. She said it really looked like that with all the slab homes. She said she was an appraiser in North Carolina and all the homes that she saw that were built slab on grade had moisture problems and appraised low. She said she would like the Board to give that some consideration. She said she did not think Wendell needed anymore slab on grade homes. She said she also did developing and when you look at slab on grade you know that you would be able to save \$3,000 or more so you were encouraging low income housing developers to come into Wendell if you change the UDO.

Lucius Jones – 410 Selma Road said that he knew that the Board makes the decisions, but he thought there was a lot of people that were misinformed about construction. He said 95 percent of the homes being built in this area were being built on slab. He said he did not know where the myth came from that slab makes a cheap house, it doesn't. He said we were building 2200 square foot houses on slab and we were selling them and it bothers me that people get misinformed. He said he could build a slab house with 1000, 2000, or a 5000 square foot house on slab. He said he agreed that we do not need any more starter homes, but you don't see any being built in Wendell. He said everything being built in Wendell was from \$180,000 up. There was not a market for starter homes in Wendell and a builder was going to build things that they could sell, not what they could not sell. He said if you would go and look at any of the houses being built today in Wendell they were aesthetically appealing because people were buying them. He said you do not drive a market, you respond to a market.

Mayor Pro Tem Parham closed the public hearing. Mayor Hinnant continued the meeting.

Commissioner Laughery made a motion to amend the garage width to 55 percent of the front facade. He said the Planning Board recommended 60 percent and staff recommended 50 percent.

Commissioner Gray said staff recommended 50 not 55. Commissioner Laughery said that was correct. She said she did not think we needed to change the garage width percentage.

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Commissioner Parham said somewhere along the way we had to come to a compromise and he agreed with Commissioner Laughery that 55 percent was a good compromise.

Commissioner Boyette said his house plan was the same as the one shown in staff's presentation for 58 Wood Green Drive and that was the one where the garage was 54 percent of the front façade. He said he liked his house and was surprised when he saw the width of the garage. He said he was fine with compromising with the 55 percent. He said he thought 60 percent was a little much. He said he realized where you park your car was not as important as where you park your family.

Commissioner Lutz said looking at the samples we had they do not stand out as being disproportional and he found 55 percent acceptable as well.

Commissioner Gray said it seemed like everyone was grabbing these figures out of their head. She said the 40 percent was untested and 2 people commented, but of all the multitude of builders that had an opportunity to come and comment, they chose not to come and speak, so she felt like it must be ok. She asked why the Board does not leave it as is.

Mayor Hinnant said we have had many citizens speak against the change and we had a petition from 50 residents of Wendell that did not feel the Board should change the UDO. He said it appeared that the majority of this board had not listened to the citizens, as they were sworn to do when they took their oath of office. He said he thought it would be cheap square footage; it would devalue the development that would take place in Wendell Falls because they would come back and state the fact that we had already reduced our standards. He said he did not think it was a good move for this town.

Commissioner Laughery said the petition presented was concerning slab on grade and we had not gotten to that yet. He said we were talking about the width of the garage and it was not a quality of building issue, but a number that was chosen years ago that was wrong. He said he did not see this as lowering our building standards.

Commissioner Laughery, Parham, Lutz and Boyette voted in favor of the motion to allow the garage to be 55 percent of the building façade. Commissioner Gray voted against the motion. The motion carried with a 4-1 vote.

Mayor Hinnant said we would now vote on raised entrances.

Commissioner Laughery said this was a major issue and he had received a lot of comments and discussions on this item. He asked if he could make a motion to table this item so that the Board could get more information and have further discussion on this item. Attorney Cauley said it depended on what the board wished to do. He said if the Board chose to have a discussion on it then they could. Commissioner Laughery made a motion to table this item until the first meeting in January since the attorney would be in attendance at the first meeting.

Commissioner Gary stated that you could twist any of these changes around systematically and say it was a wrong number, but it was an adjustment to the design standards and the UDO for this town. She said we had all known for several weeks that this item was coming to us tonight and the Planning Board reviewed it and made a recommendation to us. She stated that she was prepared to vote, she did not see the need to put it off. She said she could not imagine what additional information could be brought

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to us that would change our vote. She said there was nothing that anyone could tell her that would change her mind on slab-on-grade.

Commissioner Lutz said he was not sure that additional information could be any more convincing than what had been presented via the citizens tonight.

Commissioner Parham did not wish to comment.

Commissioner Boyette said he saw this perhaps a little bit differently than anyone else that spoke tonight. He said his issue with slab on grade was not necessarily how it looked or the value of the house; it was the quality of the build when it came to single family homes. He said you heard the lady that spoke about appraising the houses and the moisture problem that was there. He said he grew up on Eagle Rock Road and there were two houses across the road and one was built just before the civil war and one just after the civil war and neither had running water inside and no electricity and both of those houses were built on a raised foundation. He said they understood that if you were going to build a house of wood, it had to be off the ground. He said there was not much more that he needed to know about slab houses. He said his house has a slab on stem wall, it's raised above the ground and there was a vapor barrier there to block the moisture. He said he did not think slab- on- grade was a good idea.

Commissioner Laughery and Parham voted in favor of the motion to table the item until the first meeting in January 2015. Commissioner Lutz, Boyette and Gray voted against the motion to table the item. The motion failed by a 3-2 vote.

Commissioner Lutz made a motion to leave the UDO as currently written regarding raised entrances. Commissioner Parham said he felt that we needed more information and that was the reason he voted to table it. He said he remembered voting on something a couple of years ago that he did not have enough information on and he voted in the affirmative and it was the wrong thing to do. He said he had promised himself that he would not do that anymore. Commissioner Laughery said the reason he asked to table this item was that he had a couple of questions. He said Edgemont Landing came in with their second set of plans under the UDO and we modified them to build slab on grade if they put a certain face on the front of the house. He said the other question was what were other communities doing. He said someone tonight said that 95% of the construction going on was slab on grade, was that true, that was information that he needed. He said he agreed with Commissioner Gray, we need to vote on things, but we need to make an educated vote. He said we do not need to vote on something just because we do not want to change the UDO.

Commissioner Gray said she was sorry if some of the commissioners had not been able to get information. She said she had spent several days preparing for this meeting. She said she had a copy of what was passed for Edgemont Landing, Wendell Falls and all the things we had done thus far and the demographics about Wendell. She stated that she had asked numerous questions last week and the week before. She said she had educated herself and had never voted when she did not know what she was voting for. She stated that she was ready to vote.

Commissioner Lutz, Boyette, Gray and Laughery voted in favor of the motion to leave the UDO as currently written regarding raised entrances. . Commissioner Parham voted against the motion because he did not have the information he needed. The motion passed with a 4-1 vote.

Mayor Hinnant said the Board would now vote on front porch width and depth.

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Commissioner Laughery asked was the amendment to change the front porch width from 8 feet to 6 feet. David said yes, the amendment was to change the depth of the front porch from 8 feet to 6 feet and also to change the amount of the front façade which the porch comprises from 40% to 30%. He said these amendments are only for lots less than 50 feet wide.

Commissioner Gray made a motion to change the standard to seven feet and 30 percent which was what the Board did for Wendell Falls. Everyone voted in favor of the motion. The motion passed 5-0.

Item 5 – Public hearing on a zoning text amendment to Chapter 12 of the UOD related to sign regulations.

David said the second group of UDO comments and potential changes brought before the Planning Board dealt with sign regulations. He said this item was seen as more time sensitive than others, as the Food Lion Shopping Center was trying to create a new monument sign. He said the shopping center had problems for years with their existing monument sign, which sits in the middle of the drive aisle. He said the existing sign was hard to see from the road, and had caused multiple accidents and property damage to the sign and motorists' vehicles. He said the shopping center was under new management and the new owner wished to develop a larger monument sign to be located outside of the drive aisle.

David said based on research conducted on other town's regulations and the Town's recent experience designing and purchasing its own welcome sign, it was believed that a new, larger monument sign category was needed for shopping centers. He said the proposed text amendments addressed this need, as well as other perceived deficiencies in the town's current sign regulations based on community input.

David said at the November meeting, the Wendell Planning Board voted to recommend approval of a number of changes to the sign chapter, with the exception of Temporary Signs and Wall Signs. He said the Planning Board requested additional information on those two categories, and also asked staff to look into developing alternative sign standards for the downtown area.

David presented the following material regarding current standards and proposed amendments:

- Amend the table under 12.7B to allow subdivisions in the NC district to have 2 monument signs per neighborhood entrance. Currently only one was allowed
- Amend Section 12.7B to change the height of neighborhood monument signs from 7 feet to 8 feet (to be consistent with "low monument signs"). Add language stating that the sign copy may not exceed 7 feet in height.
 - This would allow a decorative border or top to be placed up to 8 feet, while keeping the actual commercial signage at 7 feet tall.
- Amend Section 12.6E5 to say "Monument signs shall include a support or base (min. 2 feet in height) constructed of stone, brick, or other masonry material (rather than min. 1 foot in height)."
 - A one foot base does little to make the sign more prominent and is typically covered if landscaping is installed.

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- Amend the monument sign section (Section 12.6E) to include the following language under #7.
 - 7. Monument signs shall be broken into two categories: Low Monument sign and Tall Monument sign. Tall monument signs may only be used for single or multi-tenant developments where the total square footage equals or exceeds 50,000 square feet of retail commercial space and is adjacent to a limited-access highway.
- Amend Section 12.6E to include #8, with the following language.
 - 8. The maximum height of sign copy for all monument signs shall be one foot less than the maximum sign height. The purpose of this provision is to allow decorative borders or sign toppers to extend an additional foot beyond the height of the sign face.
- Amend Section 12.6E to include #9, with the following language:
 - 9. All monument signs shall be fully encased or skirted at a minimum width that is one-half of the width of the sign face so as to present an appearance of pillars or other substantial supports.
 - Staff comment: This language ensures that you don't end up with a monument Sign that has a 2 foot base, but that otherwise has the appearance of a pole sign.
- Amend Section 12.7C to list 2 categories of monument signs:
 - 1. Low Monument Sign
 - Max Area: 50 square feet per sign face
 - Maximum Height: 8 feet
 - Maximum number: 1 per street frontage
 - 2. Tall Monument Sign
 - Maximum area: 120 Square foot per sign face
 - Maximum Height: 13 feet
 - Maximum Number: 1 per street frontage

Item # 2: Development/Subdivision Advertising Signs

- Current Language of the UDO (Section 12.8F):

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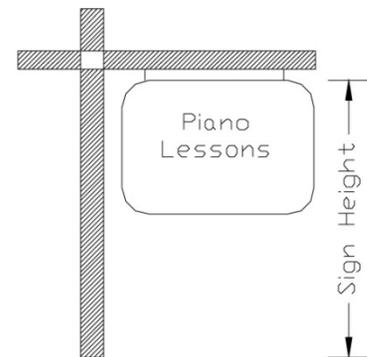
- **Development Advertising Signs.** Subdivision signs advertising the sale of lots, buildings within new subdivisions, or nonresidential development are permitted on site provided:
 - They do not exceed 20 square feet;
 - They are non-illuminated or indirectly illuminated;
 - Not more than one such sign may be erected at each major entrance to the development;
 - They meet all requirements applicable to principal structures with respect to yard, setback, and height requirements;
 - Display of such signs shall be reviewed every two years. Once development is complete signs of a temporary nature must be removed or replaced with a sign of a permanent nature. Signs of a permanent nature shall be constructed in accordance with sections 12.1-12.7 of this chapter.

Potential Changes

- Amend section 12.8F (Development Advertising Signs) to increase the square footage of signs advertising the sale of lots or buildings within new subdivision or non-residential development on which they are located from 20 square feet to 32 square feet.
 - Discussions with multiple signage companies have indicated that 32 square feet is the industry standard.

Item # 3: Suspended Single Post Signs

- Currently section 12.6 A (Suspended Shingle Post Signs) does not have clear standards for how these types of signs may be designed and used. The UDO states that you may substitute a monument sign with one of these signs, but does not provide standards for such things as the size, height, etc. when a monument sign is substituted for this type of sign. Staff recommends that the following amendments to section 12.6A be made to provide clear regulations and allow larger lots to have a slightly larger sign face.



- Change title to ‘Suspended Single Post Signs’ instead of ‘Suspended Shingle Post Signs’
- Add “4. Suspended single post signs may not exceed 5 feet in height, as measured from the top of the sign face (not the top of the post).”

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- Add “5. For Non-residential lots between 50 and 99 feet wide, the sign face shall not exceed 6 square feet. For lots 100 feet wide or greater, suspended single post signs substituted for a monument sign may have 12 sq. feet of signage per sign face.
- Amend Section 12.7B to replace the term “Suspended Shingle Post Sign” with “Suspended Single Post Sign”.
- Amend Section 12.7C to add a row for ‘Suspended Single Post Sign’.
 - List ‘See 12.6A’ in the first two columns.
 - For maximum height, list 5 feet.
 - For Maximum number, list ‘1 per street frontage’.

Item # 4: Wall Signs

- No recommendation provided by the Planning Board at this time.

Item # 5: Temporary Signs

- No recommendation provided by the Planning Board at this time.

Item #6: Electronic Message Board Signs

- Currently the UDO does not directly address Electronic Message Board (EMB) signs. In order to clarify that EMB signs are generally permitted, staff recommends amending the text of ‘Flashing Signs’ and ‘Animated, rotating or moving signs’ to state that EMB signs are not considered one of these types of prohibited signs.
- Potential Change:
 - Amend 12.9B (Flashing Signs) to read as follows:
 - **Flashing signs:** No flashing or intermittent illumination shall be permitted on any advertising sign or structures.
 1. Electronic message board signs shall not be considered flashing or intermittent provided the graphic message does not change faster than every 8 seconds.
 - Amend 12.9C (Animated, rotating or moving signs.) to read as follows:
 - **Animated, rotating or moving signs:** No animated, rotating, or moving signs shall be permitted.
 1. Electronic message board signs shall not be considered an animated sign simply due to the changing nature of its graphic message.

Commissioner Boyette asked if the fan powered tube man that waves his arms was considered a sign. David said yes, the Town had a section under temporary signs that was lighter than air signs, and it was only permitted for three days twice a year, and it had to be a set distance from the road. Commissioner Boyette said would that also apply to balloons. David replied yes. Commissioner Boyette said what about people standing on the side of the road holding a sign. David said that was not directly addressed in the ordinance, because you start running into difficulties with first amendment rights.

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Mayor Hinnant opened the public hearing for comments.

Regina Harmon – stated she was a business owner and businesses need signage. Businesses need to be able to promote what was available in Wendell. She said David was talking about the monument sign at the Food Lion and she was not sure if you were talking about a pole sign or a sign like was already there, just bigger. David said it would not be a pole sign, it would be a sign like what was currently on site, only bigger and relocated. Regina said relocated was good, because she did not know about all of you, but at least somebody in this room has hit that sign. She said we definitely need to look at this and address it because signage was important. She said the board recently adjusted the sign ordinance to allow businesses to put up signs for advertisement and the Restaurant at Robinwood had taken advantage of using their sign and it was a good thing, because she was not aware that the public could go there and eat, but you can.

Renee with Broach Custom signs stated what had been proposed tonight would be aesthetically appealing and was a combination of other municipalities' ordinance minus their mistakes. She said a lot of what she had suggested was looking at the sign as an architectural element that was harmonious and should complement the building structure that it goes with. She said she thought it would be an attribute to this Town to adopt these changes.

Nora Cambier – 3851 Wendell Boulevard said on the block where she lives there was a law office with an enormous sign that she felt was out of proportion to the building and she could not tell whether what was being proposed would allow that kind of sign. David said that sign went in before the UDO was adopted. He said in terms of size he was not sure if that was bigger than what you could do in the proposed amendment.

Mayor Hinnant closed the public hearing after no one else wished to be heard.

Item 6 – Discussion and action on a zoning text amendment to Chapter 12 of the UDO related to sign regulations.

Commissioner Parham made a motion to accept the text amendments to Chapter 12 of the UDO. Commissioner Laughery asked if staff's recommendation was to accept the text amendments. David said yes. The motion passed unanimously with a 5-0 vote.

Item 7 – Discussion and action on two fee-in-lieu of open space dedication requests for proposed development on either side of Garden Club Way.

Planner Patrick Reidy stated staff met with Andrew Hodge and his surveyor regarding the development of two parcels of land for single family dwellings along Garden Club Way. The proposed development would be located immediately adjacent to the Olde Wendell subdivision and would be called "Wendell Gardens".

Patrick stated the applicant asked if open space had to be dedicated or if a fee-in-lieu could be paid. Section 7.6A of the UDO allows for "any person developing and/or subdividing property subject to this Chapter, upon approval of the Board of Commissioners, may make a payment in lieu of any required dedication of open space land".

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Patrick said the applicant plans to submit the development project in two phases therefore two fee-in-lieu payments must be considered by the board.

Patrick said based on the appraisal, Phase 1's post development value per acre is \$44,124.14, which would require a payment of \$8,872.57 in lieu of open space, if approved. Phase II's post development value per acre is \$44,882, make the required Phase II fee-on-lieu request amount \$9,021.35.

Patrick said staff believed the total proposed fee-in-lieu of open space payment (\$17,892.92) was justified. Approving the fee-in-lieu request would provide funds for the Town to make improvements in a more beneficial location and would allow two additional single family lots to be developed in Wendell Gardens.

Commissioner Boyette said explain what you mean by post development value because to me it sounds like what the lot is worth after it is built out, was that not correct. Patrick said it was the value of the land after improvements such as water, sewer and roads were made.

Commissioner Laughery asked the attorney if he needed to be recused from this discussion and vote because the surveyor stakes were in his back yard. Attorney Cauley said if you do not have any financial interest in the development you cannot be excused.

Commissioner Parham made a motion to accept the two payments in lieu of open space for Wendell Gardens totaling \$17,892.92.

Commissioner Boyette said normally he was not a big fan of payment in-lieu-of, but as small as this development is .2 acres of open space and that was not enough to utilize open space so he was in favor also.

The motion passed unanimously in favor of the payments in lieu of open space with a 5-0 vote.

Item 8 – Review and discussion on a proposed Traffic Control Device at Main Street and Fowlkes Street.

Chief Bill Carter stated town staff recently received an inquiry from a resident of South Main Street concerning the lack of any traffic control device or signage at the intersection of South Main Street and Fowlkes Street. We have looked at the location to determine what if any action would be appropriate.

Bill said the majority of the traffic in that intersection flows onto Fowlkes and Main, regardless of the direction of travel. There are only two properties located on that short end portion. As a result the traffic flow heading north on Main from the dead end portion was minimal when compared to the traffic using Fowlkes Street. He said there are no significant crash data reported at that intersection as well as nothing to demonstrate substantial population changes.

Bill said it was staff's recommendation that the Town Board authorize the placement of a Yield Sign on Main Street so as to require vehicles traveling north on Main Street from the dead end and approaching Fowlkes Street to yield to other traffic moving through that intersection

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pursuant to its authority as provided for in North Carolina General Statute 20-158.1 and associated Town Ordinances.

Mayor Hinnant asked Chief Carter if the sign being requested would only affect two houses. Chief Carter said that was correct. Mayor Hinnant said and you were requesting that we put up that sign. Chief Carter said we had a request from a citizen who was concerned about it. Mayor Hinnant said from your professional opinion do you think we should put up a sign for those two houses. Chief Carter said he understood and thought the same thing under first review, but in reality we have been placed in a position where we have been made publicly aware of the lack of a traffic control device and something should be done.

Commissioner Parham asked what the cost of the proposed sign would be. Chief Carter said less than \$100. Commissioner Parham said it would be worth that.

Commissioner Boyette asked if the proposal had been discussed with the citizen who filed the complaint and was it an adequate solution to the person. Bill stated he had contacted the person via e-mail and provided all the information and received a positive response.

Commissioner Lutz asked if the two houses that were there had been made aware of the sign being installed. Bill said one home was for sale and not occupied and the other was the occupant that brought it to our attention.

Mayor Hinnant said he was concerned that we were setting a precedent that if one person had a complaint and it only affects two houses that we were going to spend a \$100. He said he did not recommend it.

Commissioner Parham said two families and \$100 sign from the standpoint of safety he thought it was a good idea.

Commissioner Gray asked if the citizen that contacted the town might have seen something that made them concerned. Bill said they reported that visitors coming to their home and heading north found it difficult with no sign.

Commissioner Boyette said when the chief said we sort of have an obligation because they brought it to our attention. He said if it had been brought to our attention and we do nothing about it and then an accident happened, as unlikely as it seems, would that possibly put us in a spot of the Town knew about this and did nothing. Mayor Hinnant said there was no documentation that there had ever been an accident there.

Attorney Cauley said he heard Chief Carter recommend installing a yield sign, so that would be my recommendation.

Commissioner Parham made a motion to accept the installation of the yield sign per the statute of limitations. The motion passed with a 5-0 vote.

Item 9 – Update on the Town’s suspension of enforcement of temporary sign regulations.

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David said on August 11, 2014 the Town Board of Commissioners voted to suspend enforcement of the town's temporary sign regulations for 6 months.

David said during the six month period town staff and the Town Board could evaluate the impact of not enforcing the ordinance.

David said within this time period, a local business was re-established in the downtown and needed a banner to be erected to advertise the business while it got on its feet. He said during this same period, sports registrations, the Harvest Festival and the Food Festival were also erecting temporary banner signs. David said due to these types of issues and confusion by local businesses and the sign section to be reviewed by the Planning Board, staff had not enforced the erection of banners in addition to smaller temporary signs, in an effort to be more consistent.

David said the town had received complaints about all types of the temporary signs which had been allowed to remain in place. Specifically, the Town Board received complaints about banners erected on poles by the entrance of the Knott Square shopping center. He said due to these complaints, staff was asked to provide an update on the temporary sign regulations so that the Town Board could determine if more immediate action is required.

David said as part of the UDO public comment review, the Planning Board had discussed potential changes to the temporary sign section of the UDO. He said the changes proposed by staff based on citizen input would simplify the categories of temporary signage and allow them to remain up for 30 calendar days, 4 times a year. He said the Planning Board was generally receptive to the change. However, they requested additional information on a potential height requirement, as well as different options for handling 'feather-signs', which are essentially vertical banners erected on small poles. David said as a result, the Planning Board delayed their recommendation until their next Planning Board meeting in December.

David said if the Town Board wished to direct staff to take action on the erection and removal of all banners before the Planning Board completes its review, staff could resume enforcement of temporary sign regulations immediately, in part or in whole.

David said the board would also need to provide direction to staff on how it would like feather signs to be addressed. He said currently the temporary sign section contains no language placing a limit on the height of temporary signs. He said in the past staff has taken the stance that temporary signs may not be taller than permanent signs, which were currently limited to 4 feet tall. If this approach was taken, the feather signs similar to those at a local restaurant, as well as other business at the Food Lion Shopping Center would have to come down and would not be allowed to obtain a permit to go back up.

Mayor Hinnant asked David if staff recommended continuing the suspension of enforcement until we get a recommendation from the Planning Board. David replied yes sir.

Commissioner Lutz asked when it would be going back before the Planning Board. David said at the December meeting. Commissioner Lutz asked if they were going to discuss this fully as in

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future regulations of this or were they going to discuss just the matter of what to do with the current signs. David said they were looking at how to amend the ordinance.

Commissioner Parham said he would like for the board to give the Planning Board time to look at this and make recommendations to the board. Commissioner Gray said she was fine with that, because the six months would not be up until February 2015. Everyone was in agreement to wait on the Planning Board recommendations.

Item 10 – Update on Town Hall improvements

Teresa said at one of our Town Board meetings the board gave us approval to move forward with \$30,000 improvements to Town Hall. She said that was mainly to spruce up the building by painting, install carpet and move a wall to enlarge the conference room. We have cost estimates on carpet and are now ready to move forward with those changes.

Teresa said we have sent a drawing to Tony Johnson about moving some walls and adding some additional offices and that cost would be \$80,000 - \$100,000. We did not want to move a wall and then come back and move it again. The work being done was mostly in the Planning Department, Manager's Office and the Clerk and Dispatch areas.

Mayor Hinnant said he would like to ask the board to allow Mrs. Piner to move forward with this plan and not have to come to us every time there is a need for additional money every time a change is made.

Commissioner Gray asked if there was a cost for the items. Teresa said it is from \$80,000-\$100,000. Commissioner Gray made a motion to allow the manager to move forward with the improvements up to \$100,000. Everyone voted in favor of the motion 5-0.

Item 11 – Commissioner's Comments

Commissioner Laughery said he just wanted to let everyone know that the event downtown Friday night was such a success and the cookie walk at the Methodist Church and the singing was wonderful. He encouraged everyone to shop locally in Wendell and support the businesses. He said there are a lot of new businesses opening the first of the year and they will be a great asset to the downtown area.

Commissioner Lutz said thanks to everyone who came and commented tonight on the UDO changes. He said I agree with Commissioner Laughery that Friday night was wonderful and we as a family had a great time. Thanks to staff for putting out the luminaries and to the Chamber for all their help. It was another great event.

Commissioner Parham said I have heard so many definitions about affordable housing, so when he heard it here, he did not know which definition he was dealing with. He understood there was a lot of low income housing, not meaning poor folks, that just don't have the income to support the businesses, but those of us that live in Wendell could do a better job of spending our money right here in our own town. We need to come up with things that other areas don't offer and more people will come.

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Commissioner Boyette said the UDO was a living document and subject to change. He said he did not want people to get the misunderstanding that just because something comes before this board or any other board that it does not necessarily mean that everyone agrees with it or wants it, but when anyone comes and wants something looked at, we owe it to that person to look at it. It may be that some people are not always happy with that. He said he hated that he was not able to attend the festivities Friday night, but he rode through and it looked very nice.

Commissioner Gray said she wanted to thank the people that came in and spoke tonight, we don't always get a lot of people to comment, but it showed that people were interested in what was happening in Wendell. Joe Ann said she did not see a lot of us down town, but she was downtown all the time. She said she also wanted to thank Regina Harmon for marketing the event Friday night, the town had some unexpected electrical expenses that had to be taken care of for the light show and she marketed the event Friday night and continues to market the Lake Myra Light Show at her own cost. People who put their money where their mouth is, and were giving and not just taking, she had a lot of respect for. She wanted to thank the town staff and chamber for their hard work. I also want to remind everyone that the Wendell Christmas Decorating Contest deadline is December 14th and you can do it on line. She said since this was the last meeting this year, she would like to wish everyone a Merry Christmas and Happy New Year.

Item 12 – Mayor's Comments

Mayor Hinnant said Friday night was a wonderful event and he would like to say thank you to the Town Staff, Chamber of Commerce, volunteers and everyone involved. He wished everyone a Merry Christmas and Happy New Year.

Mayor Hinnant said as we debate the issues of the UDO we have differences of opinions and it was not always easy to decide what was best for the town.

Mayor Hinnant said we will be in recess until 9:21 and then go into Closed Session.

Item 13 – Closed Session to discuss a personal matter Pursuant to GS 143-318.11(3).

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

Item 14 – Adjourn

Commissioner Parham made a motion to adjourn. The vote was unanimous. The meeting was adjourned at 9:35 p.m.

Mayor Timothy A. Hinnant

Attest:

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Jonnie S. Driver, Town Clerk