

January 12, 2015

Board Meeting Minutes

The Wendell Town Board of Commissioners regularly scheduled meeting was held Monday, January 12, 2015, 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 Attorney Jim Cauley; Town Clerk Jonnie Driver; Finance Director Butch Kay; IT administrator Tamah Hughes; Police Chief Bill Carter; Planning Director David Bergmark; Planners Patrick Reidy and Parks and Recreation Director Jeff Polaski.

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

The Pledge of Allegiance was led by Chief Bill Carter, and the invocation was given by Mr. Greg Lane of Wendell Baptist Church.

Adjustment and approval of the agenda

Item 1 – Public Comment Period

Claudette Cox, Manager of McDonalds in Wendell, stated she would like to thank the Board of Commissioners for all the events that had taken place over the past year such as the light show, the ball tournaments and other the other events that brought a lot of people into town. She said at the end of December her sales were up by 4% which was very good because there were four other McDonalds in her group and none had increased sales.

Regina Harmon, business owner in town stated the events that had taken place over the past year not only helped McDonalds but had also helped other businesses in town and the Board of Commissioners are the ones who made that happen. She said she would like to jump start 2015 and the big events that such as the BMX event, the Dog Park and the Frisbee Golf. She said she was recommending and asking for the town to look at an advertising package with Total Connection. Last year she spent a lot of time and money promoting those events. The town took on the expense of promoting Movie Night with a cost of \$5800 and spent about \$300 for banners to promote the light show through her. She said if the board had advertised the light show this year, it would have spent another \$1600, but instead she donated that advertising to the town because there was a need for some electrical work to be done in the Town Square and she offered to help. She said she was recommending the BMX Event be marketed, and she would give the Town in return, Movie Night for free this year which is \$5800. She had put an advertising package together, that would promote any event that the town sponsors. She asked the board to take a look at what she had put together and she would be available to answer any questions. The advertising package would be at a cost of \$974.14 per month.

Ann Stewart - Hollybrook Road said she read in the East Wake News that the average cost of a house in Wendell Falls would start at \$180,000. She stated she did not know why Wendell would settle for \$150,000 when we were trying to raise the bar to get more people into town that would help support our businesses. She said she did not think that the existing Town should settle for less than Wendell Falls.

January 12, 2015

Board Meeting Minutes

Item 2 – Consent Agenda

- a. Approval of the Minutes from Monday, December 8, 2014 Board of Commissioners’ meeting.
- b. Approval of the October 2014 Wake County Tax Report.

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

Item 3 – Recognition of the Town of Wendell Christmas Decorating Contest winners.

Planner Patrick Reidy stated the Wendell Appearance Commission in conjunction with Old Oak Construction and Domino’s Pizza, sponsored the 1st annual Wendell Christmas Decorating Contest.

Patrick said on December 16th, the Appearance Commission judged all of the entries that were submitted. He said there were 22 entries, 17 residential and 5 commercial.

Patrick asked each person to stand as he announced the winners and categories:

- Best Overall: The Byrd Family – 231 Dogwood Trail
- Best Storefront: Designs by Donna Florist – 36 N. Main Street
- Most Creative: The Whitley Family – 36 S. Buffalo Street
- Most Outlandish: The Jones Family – 228 Wood Green Drive
- Best Traditional: The Barnes Family – 231 N. Main Street

Mayor Hinnant thanked the participants for participating in the decorating contest and for helping to make our town look better.

Patrick stated the Appearance Commission was reworking the judging of the participants and hoped to have more awards for participants next year.

Item 4 – Public Hearing on a text amendment to Chapter 12 of the UDO as it relates to temporary sign regulations.

Planning Director David Bergmark stated this item was part of the UDO public comment period. Renae Farrah, Commissioner Gray and Regina Harmon had submitted comments regarding temporary sign regulations. He said the general consensus was to review the ordinance and it seemed to be a desire to allow for additional signage. He said staff created some proposed amendments to achieve that goal. He said currently 4 permits can be approved per year and they were good for 10 calendar days and generally the weekends are not counted, but it was a little unclear whether or not you could combine categories or not.

David said in the proposed language we looked at trying to clear up some issues like the height of a sign and whether or not one could combine categories. He said the language in 12.7D stated no more than 4 total sign permits (combined, of the categories listed below may be issued to any part within the same calendar year. He said ground mounted signs (excluding lighter-than-air

January 12, 2015

Board Meeting Minutes

and mobile signs) shall be limited to 7 feet in height, and the applicant must obtain permission from the property owner to post the sign. He said all temporary signs shall be properly maintained and kept in an upright positions, or may be subject to removal by the Town. David said we also added language under the banner section normally if you were opening a new business and you were building a permanent sign, the banner sign was only good for 30 days. He said if you wanted to put up another banner sign it would have to display a different message. We added language if you obtained a permit for a permanent sign, staff would be able to allow the applicant to continue to use that banner sign until the permanent sign was available.

David said all other temporary signs shall be limited by the additional standards herein. He said such signs shall not exceed six per event and the combined square footage of the signs shall not exceed 32 square feet. If more than one ground-mounted sign is placed on the same property, the sign area allotted per sign shall be reduced to 3 square feet each. He stated the duration of each sign permit shall vary according to the size of the proposed signs, as follows:

- a. Where the maximum size of any sign does not exceed 3 square feet, the permit shall be valid for 30 calendar days.
- b. Where the maximum size of any sign exceeds 3 square feet, the permit shall be valid for 14 calendar days.

David stated the Planning Board voted 4-1 to recommend approval of the proposed amendment to Section 12.7D of the UDO.

Staff recommended approval of the proposed amendments with one modification, that the Town Board consider removing 'Mobile Signs' from section 12.7D (Temporary Signs Requiring a Permit) and add it to section 12.9 (Prohibited Signs). He said this type of sign was rarely requested by businesses and, in staff's opinion, was more obtrusive than ground-mounted signs.

Commissioner Gray asked if someone had a car with the name of their business on their car would that count as a mobile sign. David said that would be fine, the only time it would be a problem was if they parked it on the edge of the property and left it there for several days. Commissioner Gray said how about if they park it in front of their business. David said as long as it was moving and being used for transportation to and from work and not just setting in one place, that it would be ok. Mayor Hinnant said he did know that the City of Raleigh had some problems with Bail Bondsmen putting signs on their vehicles and just letting the vehicles sit parked on the street. Commissioner Gray said she could see where that would be a problem, but just displaying it on their car would be different.

Mayor Hinnant opened the Public Hearing for comments.

Regina Harmon stated she was at the meeting held to gather comments on the UDO, and she felt like staff was on the right track, but not quite there. She said one thing she thought about was let's take in consideration that you could get a permit four times per year, and if you count the Harvest Festival, the light show and the seven tournaments and the Fourth of July, she was only going to get to tap into four of those major events. She said that was a way that her businesses

January 12, 2015

Board Meeting Minutes

got extra income. She said she thought that David was on track, but she did not feel like it was enough. She said when we explode within the next year we would see more traffic, businesses, and events taking place, but we don't want to stifle our businesses and not let them have the opportunity to make extra income.

Paul White stated he wanted to compliment the board on the sign along Wendell Boulevard at Hephzibah Church and the message board in town and that would not have been allowed four years ago. He said he was glad to see that we were loosening up. He said the small signs had been important to businesses especially those businesses that were like Robinwood Retirement Home. He said people do not realize the public can go into that restaurant and eat.

Mayor Hinnant closed the Public Hearing with no one else wishing to speak.

Item 5 – Discussion and action on a text amendment to Chapter 12 of the UDO as it relates to temporary sign regulations.

Commissioner Gray said she would like to talk specifically about the yard sign category listed in all other categories. She stated that she had drafted her own suggestion as to how this should be handled. She thought it needed to be businesses or non-profits in the City Limits or ETJ only, with no yard sale or no mattresses for sale or signs like that. She said she felt there should be no time limit because it would be too difficult to enforce. She said she was having a hard time following it when it was being read aloud. She said she thought it is way too complicated and we do not need our code enforcement and planning staff sitting around thinking if it been 5 day or 6 days. She said she did not think there should be a time limit on it for right now. She said you should be able to have 12 signs out at one time with no more than two on any one piece of property and the signs need to be kept upright and in good repair or they would be picked up. She said she thought we should look at this in one year. She said she had only had one complaint about the number of temporary signs, and she went to look and there was 1 business sign and about 15 political signs and this was about the end of October. She said there was nothing we could do about that. She said she did not want to hold political campaign signs against our businesses who were working themselves to death. She said she wanted to break this category of signs out from the rest and we could talk about those later. She said she would like to make this a motion.

Commissioner Boyette said he liked the motion Commissioner Gray made, and thought it added flexibility, but he would also like to address something that Ms. Harmon said. He thought the reason we called these temporary signs was that they were not meant to be ongoing, and he realized it could be cost prohibited for some of the business who may not be able to locate a permanent sign. He said part of the reason we had a temporary sign ordinance was to try and move the businesses to a permanent sign which he thought people paid more attention to. He said he did not have a problem with coming back in a year and looking at this ordinance again.

Commissioner Gray restated her motion to place yard signs in their own category, and be open to businesses or non-profits within the City Limits or ETJ, with no yard sale or mattresses for sale, and only 12 signs out at any one time with no more than 2 on any one property at one time, and the ordinance was to be looked at in one year. The motion passed with a unanimous vote of 5-0.

January 12, 2015

Board Meeting Minutes

Mayor Hinnant asked the board what their desire was on the other sign categories. Commissioner Parham made a motion to approve staff's recommendation on all other categories of signs. David asked if the motion was to keep mobile signs as an allowed type of sign or not. Commissioner Parham said the motion was to keep mobile signs as an allowed type. Commissioner Boyette said we don't think that mobile signs are a problem right now, so for now he thought we could leave them and if they become a problem we could always come back and take another look at that category. The motion passed with a unanimous vote of 5-0

Item 6 – Public Hearing on proposed text amendments to Chapter 5 of the UDO related to Garage Standards for Townhomes.

Planning Director, David Bergmark stated currently the UDO prohibits a front entrance garage on townhomes. He said it was trying to push for a garage with a rear access or a detached garage behind the townhome.

David said at the Planning Board meeting the board voted to keep the current language that prohibits front entrance garages on townhomes. David said that is staff's recommendation as well.

Commissioner Boyette said if we move toward a Special Use Permit would we only approve it through a Special Use permit and put restrictions on the Special Use Permit up to a certain percentage of units in a development. David said right now any and all units require a special use permit. He said you could change the ordinance to say a special use permit was required for a certain number of units. Commissioner Boyette said could we make it so a Special Use Permit could be approved for a certain number of units. Commissioner Laughery said he was not in favor of front loaded garages on townhomes, but there may be exceptions where it makes sense to have front loading garage doors. He said he thought if we said you were not allowed to have front loaded garages unless approved by the Board of Commissioners, then that would give us the flexibility for that case where it might make sense to have a front loading garage. David said that flexibility already exists, because they can ask for an exception or variance under the Special Use Permit. Commissioner Laughery said but they would not know that there could be an exception if they read the ordinance. Some language needs to be put in there that lets them know they it could be an exception and can have a front loading garage if approved by the Board of Commissioners.

Commissioner Boyette asked if we could put in language that says we would allow a certain percentage of front loaded garages in a development, and that the board could not go above that percentage unless the board changes the ordinance. David said what we had done in the past was permit a use as 'permitted with additional standards' and put that standard in the ordinance and stipulate that a special use permit was required. David said they had to go through Special Use and could request a variance. Commissioner Parham said what that he thought that Commissioner Boyette was asking was could there be a percentage of homes that could have front loaded garages and what David just said does not include a percentage. David said the Board could allow for a percentage.

January 12, 2015

Board Meeting Minutes

Mayor Hinnant said he did not know why we would want to put that language in the ordinance. He said that takes away the flexibility and he did not think we should do that. He said this board could decide how many units can have front loaded garages. Attorney Cauley said under a Special Use Permit if it meets the criteria it must be approved.

Mayor Hinnant opened the Public Hearing for any comments. No one wished to speak and the Public Hearing was closed.

Item 7 – Discussion and action on proposed text amendments to Chapter 5 of the UDO related to Garage Standards for Townhomes.

Mayor Hinnant said he did not object to having front loaded garages. He said his fear was that people would start to park on the street and he would rather have people parking in the garages. He said his recommendation to the board would be to allow for single front loaded garages. He said in his opinion the townhomes would attract the elderly and his recommendation would allow townhomes to be on-grade slabs and single front loaded garages would be required to have a carriage door.

Commissioner Laughery said he did not agree with the Mayor. He thought it should require approval from this board to have front loaded garages. He said he was concerned that we were trying to come up with some text that fits what we want and he recommended that we table this and allow staff to work on the text and come back to us at the next meeting with what had been suggested here tonight. Mayor Hinnant said he had not heard any suggestion for the Board or staff to look at. He said if you do not agree with my recommendation, we need to vote and move on. Commissioner Laughery said the suggestion was that front loaded garages only be allowed with a Special Use Permit. Mayor Hinnant said that was already in place. Commissioner Laughery stated that anyone can ask for an exception. Commissioner Boyette said it was his understanding that right now that front loaded garages were prohibited and if the applicants want to get request a variance they could ask for it. He said at the last meeting we had the discussion of slab-on-grade and that a certain demographic might want a slab-on-grade so not to have steps going in and he stated that he completely understood that, but he could not see slab-on-grade when you were building a two story home. He said a lot more goes into that also, you have to have extra wide hallways and other requirements. He said he did not have a problem with slab-on-grade at all but because of the mobility issue that does not matter. He said he would make a motion to approve the Planning Board's recommendation to recommend the denial of the proposal to amend the current language of the UDO. Commissioners Gray, Parham, Boyette and Lutz voted in favor of the motion with Commissioner Laughery voting against the motion. The motion carried with a 4-1 vote.

Item 8 – Public Hearing on a Parks and Recreation Capital Improvement Plan

Parks and Recreation Director Jeff Polaski stated as part of the PARTF Grant that we were applying for; the Town would receive extra points for a Capital Improvement Plan. He said he had been going over future needs based on what the Master Plan stated and the projected population. He said he had gone over the needs for each facility and had prioritized the needs. Jeff stated the adoption of the CIP did not constitute a commitment to appropriate funds, rather,

January 12, 2015

Board Meeting Minutes

the CIP adoption signifies the Board's goal to fund capital projects during the annual budget process.

Mayor Hinnant opened the public hearing for anyone to speak. No one wished to be heard and the public hearing was closed.

Item 9 – Discussion and approval of a Parks and Recreation Capital Improvement Plan.

Commissioner Gray made a motion to approve the 5 year Capital Improvement Plan. The vote was unanimous 5-0.

Item 10 – Public Hearing on a text amendment to alter sign requirements in Chapter 12 of the UDO as they relate to model home lots and master planned projects in excess of 500 acres

Planning Director David Bergmark stated Matthew Cunningham on behalf of Newland Communities submitted a text amendment to add additional sign standards, and amend the existing sign requirements in Chapter 12 of the UDO as they would apply to master planned developments in excess of 500 acres. He said this item was also connected to the Development Agreement which governs Wendell Falls.

David said the purpose of these amendments was to provide standards for sign types that were not currently addressed in Chapter 12 (such as auto and pedestrian oriented wayfinding signs, kiosks, gateway signs, and signs for model homes as well as allow greater flexibility for dimensional and design requirements for signs in large developments. David said normally many of these signs were paid for and installed by the town. However, Newland Communities had prepared a master sign plan which they wished to implement.

Mayor Hinnant opened the public hearing for anyone to speak.

Matthew Cunningham gave a presentation for the board on the signs based on the Development Plan stepping into the UDO.

David said he would like to inform the Board that the height standard limitations for the pedestrian and the auto signs was set at 13 feet as the maximum. However the height of the signs proposed by Newlands was approximately 8 to 10 feet.

Mayor Hinnant opened the public hearing for anyone wishing to speak for or against the matter. No one wished to be heard and the public hearing was closed.

Item 11 – Discussion and action on a text amendment to alter sign requirements in Chapter 12 of the UDO as they relate to model home lots and master planned projects in excess of 500 acres.

Commissioner Laughery made a motion to approve the text amendment to alter sign requirements of the UDO as they relate to model home lots and master planned projects in excess of 500 acres as presented. The vote was unanimous 5-0.

January 12, 2015

Board Meeting Minutes

Item 12 – Public Hearing on an amendment to the Developer’s Agreement governing Wendell Falls as it relates to sign regulations.

David Bergmark stated in order for the changes just approved in Item #11 to actually affect Wendell Falls they would need the board to pass a Developers Agreement Amendment to allow the UDO standards, as it relates to signage, to apply to all of Wendell Falls and it currently does not.

Mayor Hinnant opened the public hearing for anyone wishing to speak. No one wished to be heard and the public hearing was closed.

Item 13 – Discussion and action on an amendment to the Developer’s Agreement governing Wendell Falls as it relates to sign regulations.

Commissioner Parham made a motion to approve the amendment to the Developer’s Agreement with Wendell Falls as it relates to sign regulations. The motion passed unanimously with a 5-0 vote.

Item 14 – Discussion and action to adopt the amended Hazard Mitigation Plan.

Planner Patrick Reidy stated traditionally, each municipality within Wake County develops and submits its own Hazard Mitigation Plan every five years as required by FEMA. He said this year, planning directors from municipalities and Wake County agreed to collaborate on the next submission unifying the thirteen plans into a single Hazard Mitigation Plan for the County.

Patrick stated all twelve municipal Governing Boards in Wake County, and the Wake County Board of Commissioners, formally approved and signed a Memorandum of Agreement to collaborate on this project.

Patrick said the general purpose of the plan was to protect life and property by reducing the potential for future damages and economic losses that result from natural hazards, allow the participating communities to qualify for pre and post-disaster grant funding, facilitate recovery and redevelopment following disaster events, demonstrate a firm local commitment to hazard mitigation principles, and comply with state and federal requirements for disaster recovery and mitigation funding.

Patrick stated Wendell’s current Hazard Mitigation Plan was set to expire on January 13, 2015. Adoption of the consolidated plan would keep Wendell compliant with North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Commissioner Boyette made a motion to approve the amended Hazard Mitigation Plan. The vote was unanimous 5-0.

Item 15 – Review and discussion on a request by the East Wake Education Foundation to waive the Wendell Community Center rental fees for the Valentine Ball Fundraiser.

Parks and Recreation Director Jeff Polaski stated East Wake Education Foundation asked that the Community Center rental fees be waived for their Valentine Ball Fundraiser.

January 12, 2015

Board Meeting Minutes

Jeff stated that he had taken the application fee to the Parks and Recreation Commission and that the application did meet all the requirements that were in the rental fee agreement and that the Parks and Recreation Commissioner voted unanimously in favor of waiving the rental fees for the East Wake Education Foundation.

Commissioner Parham made a motion to approve the waiver of the rental fee for The East Wake Education Valentine Ball Fundraiser. The vote was unanimous 5-0

Item 16 – Approval of the Wendell Parks and Recreation Masterplan as prepared by East Carolina University.

Jeff stated in preparation of the PARTF Grant he came across the Masterplan prepared by East Carolina that was presented in April 2011, but was never approved by the board. He said the item was tabled at one of the Board meetings and never brought back for approval. He stated the Masterplan does have to be approved to allow the town to receive the extra points allowed for having a Masterplan.

Commissioner Parham made a motion to approve the Masterplan prepared by East Carolina University. Commissioner Laughery asked Jeff in reading over the Masterplan are there things that you are concerned that might need to be changed. Jeff stated that he would recommend looking at the plan in another five years, but at the current time it was sufficient. The motion passed with a 5-0 vote.

Item 17 – Update on the Wifi testing in Downtown Wendell.

IT Administrator Tamah Hughes said testing began on December 17th and there was a very good reading from Wendell Boulevard to Second Street.

Tamah said we had replicated what Lexington did without any problems and she was trying to see how many pieces of equipment the Town would need so that she could more accurately determine equipment needs and costs.

Commissioner Laughery stated that since the testing was going well, he thought it was time that goals and dates were set. He said maybe at the next update Tamah could come back with some goals and dates. Tamah said she would also bring cost estimates at the next update.

Commissioner Laughery said he had asked Teresa to give an update on the cell phone tower. Teresa stated the site on Hollybrook and Fourth Street recently completed a balloon test and they were continuing to look at that site, but SHPO had not signed off on that location because they felt it would have a negative effect on the area. She said the site on Cook Street had been given approval from SHPPO and they were moving forward as well.

Item 18 – Commissioners' Comments

Commissioner Gray thanked Old Oak Construction and Domino's Pizza for sponsoring the Christmas Decorating Contest. She said she also wanted to thank Paulette Cox, Regina Harmon and Paul White and to let them know that she heard them and she thought that the Board

January 12, 2015

Board Meeting Minutes

demonstrated that tonight. She wanted to remind the citizens and businesses that Parks and Recreation was accepting sponsorships for the Frisbee Golf, Dog Park and Fitness Trail. This was a wonderful way to give back to your community. She said she also wanted to thank Tamah Hughes. She was always so enthusiastic when presenting things and she really appreciate that.

Commissioner Boyette commented, "How about that Wolfpack".

Commissioner Parham said the lights had been upgraded to LEDs on his street and it really made a difference. He appreciated everything the Manager did to have the lights upgraded.

Commissioner Lutz said he echoed everything that Commissioner Gray said, with the Christmas Lights, homes and businesses the Town looked beautiful during the Holidays.

Commissioner Laughery said he entered the Christmas Decoration Contest, however he was out of Town when the judging was done so his house was dark. He said he would like to encourage everyone to support the local eating places and businesses to keep them in our town.

Item 19 – Mayor’s Comments

Mayor Hinnant said he would like to thank the local police and law enforcement for everything they do and what they have to go through each and every day to keep our town safe. He said he would also like to thank the Fire Department and Emergency Management Services for all that they do as well as the veterans that were away from their families and what they do to keep our nation safe.

Mayor Hinnant said he was going to have to come up with some way to have some private partnerships to accomplish the needs of the Town. We need to try to be creative in doing this and he certainly hoped the PARTF Grant was approved. He said it may be that the Town’s next setting board might need to look at a bond to help us pay for needs of the Town. He said the Town needed to start planning heavily for the needs that were taking place.

Item 20 – Adjourn.

Commissioner Parham made a motion to adjourn at 8:30 p.m. The vote was unanimous.

Timothy A. Hinnant, Mayor

Attest:

Jonnie S. Driver, Town Clerk