

February 9, 2015

## Board of Commissioner Meeting Minutes

The Wendell Town Board of Commissioners held their regularly scheduled meeting Monday, February 9, 2015, at 7:00 p.m. in the Board Meeting Room with Mayor Timothy A. Hinnant presiding. Present at the meeting were Commissioners Sam Laughery; John Boyette; Jon Lutz; and Virginia Gray; Manager Teresa Piner; Town Clerk Jonnie Driver; Town Attorney Jim Cauley; Finance Director Butch Kay; Police Chief Bill Carter; IT Administrator Tamah Hughes; Parks and Recreation Director Jeff Polaski; Planning Director David Bergmark; Planner Allison Rice; and Boy Scout Troop 515.

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

The Pledge of Allegiance was led by Boy Scout Troop 515 and the invocation was given by Ray Hinnant of Wendell United Methodist Church.

Adjustment and approval of the agenda. Commissioner Laughery said prior to Item 7, he would like to amend the agenda to include a financial update under Item 6B-Financial Report. Mayor Hinnant said he would like to add Item 13B – Closed session to discuss a personnel matter. Commissioner Parham made a motion to approve the agenda adding the two additional items. The vote was unanimous 5-0.

### Item 1 – Public Comment Period

Regina Harmon stated as you remember McDonald's came last month and shared with us how they had a 4% increase in sales in 2014. She said it made her think about the General Store and it took in about \$10,200 extra dollars due to events and extra people coming into town. She said if she did that at the General Store think about what some of the other stores must have taken in. She estimated about \$100,000 for the other businesses. We need to continue to keep these events coming to Wendell.

### Item 2 – Consent Agenda

- a. Approval of the Minutes from Monday, January 26, 2015 Board of commissioners' meeting.
- b. Approval of the Budget Calendar for FY 2015/2016
- c. Approval of the Wake County Tax Report for November 2014

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

### Item 3 – Public Hearing on proposed Text Amendments to Chapter 7 of the Unified Development Ordinance as it relates to Open Space Requirements.

Planning Director David Bergmark stated we had 2 UDO comments asking us to review "the required amount of open space, to determine if the Town's requirements are in-line with other Wake County areas". He said the second request supported the Town's open space requirements and asked the Town to "consider adding active open spaces" as a requirement for new development. David said that based upon his research, he thought Wendell's dedication requirements were in line with other jurisdiction's standards.

David said staff proposes that Section 7.4A (Open Space Types) be amended to require that a minimum of 25 percent of dedicated open space be designed for active purposes.

David stated the Planning Board recommended approval of the attached text amendments and staff recommends approval of the proposed text amendments.

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Mayor Hinnant opened the Public Hearing for comments and no one wished to be heard, the Public Hearing was closed.

**Item 4 – Discussion and action on proposed Text Amendments to Chapter 7 of the Unified Development Ordinance as it relates to Open Space Requirements.**

Commissioner Laughery made a motion to approve the text amendments to 7.4 Open Space Types as recommended by staff and the Planning Board. Commissioner Boyette asked if a playground falls into disrepair, who would be responsible for the repair and upkeep. David said the Home Owners Association. Commissioner Boyette said what if there was no Home Owners Association. David said they would have to identify a Home Owners Association and if there was not one the Town would have to look at whether it wanted to take it on or whether a fee in lieu of the open space should be accepted.

Mayor Hinnant asked do we need this change, because there were developments that do not have an HOA. If it falls into disrepair, the Town would be looking at something that it does not like and can't do anything to correct. He said he was hesitant to pass this amendment in that we may be looking at something that we do not have control.

Teresa said we do have a certified playground equipment inspector that could handle the reviews. Mayor Hinnant said his concern was if we pass the text amendment we do not have the authority to make the developer bring it up to the standards and when Jeff leaves, we may not have anyone to inspect the equipment. Teresa stated that as a Town we would have some authority to correct or abate the safety concern.

Commissioner Boyette said he was in agreement with this; his only point was that he did not want to see playgrounds put up and fall into disrepair, but if we do have some type of regulations to control that then he was fine with the amendment. Commissioner Gray asked if there were any regulations that control what could be installed as playground equipment. David said a plan for the equipment would be submitted and the building inspector would have to inspect the equipment, but he was not aware of anything that tells specifically what had to be used.

The motion passed unanimously with a 5-0 vote

**Item 5 – Public Hearing on proposed Text Amendments to Chapter 2 and Chapter 9 of the Unified Development Ordinances as they relate to Pedestrian Facilities.**

David Bergmark stated this came out of the comment list we received for the UDO and Staff comments. Staff's log of potential UDO issues referenced the need to consider revising section 9.3C of the UDO, which calls for Multi-use paths rather than sidewalks in the R2 zoning district. The log also noted the need to revise the Wendell Boulevard cross-sections in Chapter 2 to include sidewalks, curb and gutter in all context zones.

David said the first comment stated the UDO's "sidewalk requirements, and ...multi-use paths and bike parking" were "good for health and mobility for residents". The second comment asked the town to "look at the environmental impact and cost of sidewalks on both sides of the road".

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David said staff's log of potential UDO issues referenced the need to consider revising section 9.3C of the UDO, which calls for multi-use paths rather than sidewalks in the R2 Zoning district. The staff log also noted the need to revise the Wendell Boulevard cross-section in Chapter 2 to include sidewalks, curb and gutter in all context zones.

David said the proposed text amendment was:

- Amend the chart in Section 9.3C (Sidewalks) to list sidewalks as required on one side of the road (5 ft. min.) in the R2 zoning district.
- Amend the chart in Section 9.3G (Drainage) to list the R2 zoning district as generally requiring curb and gutter (by placing it in the same column as R3, R4, MH and MHO).
- Amend the chart in Section 2.2 (Form-Based standards by Zoning District) to list the R2 district as requiring "Closed/LOD" drainage options instead of open swales and to require sidewalks on at least one side (R2 – 5-8 ft. one/both sides)

David said staff recommended approval of the proposed text amendments, which would require sidewalk (and generally curb and gutter) instead of a multi-use trail in the R2 zoning district. He said based on an evaluation of nearby municipal standards, staff did not find justification for changing sidewalk standards in regards to when sidewalk would be required on one side of the road vs. both sides of the road.

David said at their January meeting, the Planning Board voted 5-0 in favor to recommend the proposed text amendments.

David said the Planning Board recommended deleting the sentence in Section 2.17D1 stating, "Development standards for building setbacks and streetscape treatments are keyed to these various context zones" and proposed amending Section 2.17D3.

Staff recommended approval of the proposed text amendments, which would require sidewalk, curb, and gutter along all portions of Wendell Boulevard. When budgeting allows, these cross-sections (as well as others) should be comprehensively evaluated and updated as part of a Transportation Plan. However, the proposed changes will help ensure that adequate pedestrian facilities are provided until such an update can occur.

Mayor Hinnant opened the public hearing for comments.

Nora Cambier – 3851 Wendell Boulevard said she really hoped that this change would do something about what we have all seen on Wendell Boulevard which is deployable which is extremely handicapped people in wheelchairs on a four lane highway trying to get to the grocery store. She said this reflects very poorly on us.

There were no further comments and Mayor Hinnant closed the Public Hearing.

#### **Item 6 – Discussion and action on proposed Text Amendments to Chapter 2 and Chapter 9 of the Unified Development Ordinances as they relate to Pedestrian Facilities.**

Commissioner Parham made a motion to approve the proposed Text Amendments to Chapter 2 and Chapter 9 of the UDO as they relate to pedestrian Facilities.

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Commissioner Laughery asked if this change would affect any of the permits that were in place now such as Hephzibah Church. David said no, it would only affect the new permits that were issued. Commissioner Boyette said the comments made by Mr. Stockett that said to look at the environmental impact and cost of sidewalks on both sides of the road". He said when he said look at the environmental impact, does he mean it was a bad impact not to have them because people have to drive rather than walk or was it because of drainage or taking up space. David said he thought Mr. Stockett was talking about the environmental impact of installing curb.

Commissioner Boyette asked when you spoke of developers in #3 were you referring to subdivisions or were you referring to someone building a single home. David said it would take a minimum of 5 lots (minor subdivision) before it would be required to put in a sidewalk.

### Item – 6B Financial Update from the Town Manager

Town Manager Teresa Piner stated at the beginning of FY 2014-2015 the Town had a little over 2.1 million dollars in Fund Balance. She said the Board chose to fund \$100,000 for Town Hall renovations and \$25,000 for the Electronic Message Board. She said since that time we had made some amendments since approval of the budget, such as Movie Night \$6,000, Bike Racks and tables in the downtown area \$6,000, additional events we had in the downtown area \$7,000. With those amendments our Fund Balance is at 43% of expenditures. She said the League of Municipalities requires 8%, but a previous board set the Town's limit at 40%. For reference purposes, Rolesville had about 61% and Zebulon has 71% in fund balance. She said with Wendell being at 43%, there are few projects that could be included such as the Lake Drive Project at \$100,000, the Transportation Plan \$40,000, Wi-Fi Project \$20,000 and bathrooms at the Park \$15,000. She said these are thing we do have some control over and if we spend those funds we would be right at 40% of fund balance.

Mayor Hinnant said we were going to have to look at this self-imposed 40%, a loan or a bond. He said our next board would have to do some major restructuring of our fiscal situation. Teresa said we do have some major expenditures committed for the next fiscal year, such as the PARTF Grant, but improvements can be spread over 3 years.

Commissioner Laughery asked the manager if she could break down the 3 percent into dollars. He said you said we are at 43 percent which is 3 percent more than the limit that was set by the board, but what does that equate to in dollars. Mayor Hinnant said it would be 3% of the \$2,000,000 which would be approximately \$60,000. Commissioner Boyette asked what the total budget for the year was. Finance Director Butch Kay said 4.6 million. Commissioner Boyette said 3 percent of 4.6 million would be \$138,000 rather than \$60,000. Mayor Hinnant said you were talking about two separate things. The fund balance and the operating budget are two different things. We need to make sure we are talking about the right thing, one is the fund balance and the other is the operating budget. Mayor Hinnant said the fund balance does not change until you spend from it, it was not a part of the operating budget. Commissioner Laughery said but the 3 percent of the total budget was what we were over on the fund balance, so were we correct in the \$138,000 calculation that was made. Mayor Hinnant said that was correct. Teresa said based upon the projects we had coming down the pipeline, the Lake Drive Storm Water, the Transportation Plan, the Wi-Fi, and the bathrooms at the Community Center, The total \$177,000, which would take us to the 40% threshold. Mayor Hinnant said we had already committed to the Lake Drive Storm Water so if you take that \$100,000 you have \$38,000 and he was already looking at

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\$75,000 that you have listed here. We were going to have to change our rule on the 40% if we want to fund what we see as a priority to fund. We have some major issues here and we need to be aware of these things and we have to, by statute, provide the equipment that we need to provide services. We continue to operate in the red, not in the black. He said we were not operating fiscally sound and the board was going to have to help staff create a way that we could fiscally balance our operating budget and we were not doing that.

Commissioner Laughery said he asked for this report because we need to know where we were if staff was going to be asking for items. Mayor Hinnant said he agreed. Commissioner Laughery said he thought we needed a list from the manager of the priorities. Mayor Hinnant said we were either going to have to borrow money, or change the self-imposed fund balance percentage to be able to balance the budget. Teresa said the Wi-Fi, bathrooms at the Community Center, Transportation Plan all ranked very high by the board as priorities at the board retreat in January.

### **Item 7 – Discussion and presentation on Downtown Wi-Fi and fiber installation projects.**

IT Administrator Tamah Hughes stated at the January 12<sup>th</sup> Board meeting the board received an update on the testing of the Downtown Wi-Fi project. She said the testing helped to solidify the design for the Wi-Fi equipment. She said the test proved successful and estimates had been gathered for the Wi-Fi equipment, installation of electrical poles and electrical access on existing poles in the downtown areas with permitting and the signage to promote Wi-Fi in the downtown. She said estimates for increased internet access are also included for calculating annual costs. She said it is estimated that installing the equipment would take 3-4 months depending upon weather delays, inspections, and/or working with Duke Progress.

Tamah said the overall costs for the Downtown Wi-Fi project were estimated at \$22,591.37 and includes the recently completed testing costs of \$380.65; therefore the amount to proceed with this project is \$22,210.72. She said due to increased bandwidth, additional electricity, and annual licenses, the monthly cost for providing Wi-Fi downtown is \$1,188.20 or an increased annual cost of \$14,049.60. She said the increased bandwidth would be an added advantage to the town staff/facilities and this increased costs would be serving both the Wi-Fi project and improved internet access for the Town.

Tamah said on the fiber installation project at the October 13, 2014, the Board approved hiring CTC Technology and Energy to provide a fiber Network Feasibility Analysis for the town for a cost not to exceed \$9,000. Mr. Matt DeHaven was present to give his report to the board. The study focused on the results that would best benefit the town's current needs with keeping projected growth in mind. She said the overall plan was a phased approach allowing for evaluation of each phase before continuing to the next phase to ensure the best plan for the Town of Wendell's growth.

Matt DeHaven went over the Fiber Network Feasibility Analysis with the board and asked if the board has any questions or comments.

Commissioner Boyette said if we said we were going to spend a couple of million dollars and put in our own fiber optic network all over town the providers would find a business case to put in their own fiber, that was why they fought Wilson and Chattanooga so hard because they saw when municipalities put in fiber access as a utility, it brought down the competition and the price. He said asked Mr. DeHaven's opinion of the recent FCC opinion that a municipality could just ignore the state law saying we can't

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build our own municipal fiber networks? Mr. DeHaven said he was not a lawyer and was not able to provide an opinion as an engineer, but from a practical perspective there were things you could do that come far short of violating those kinds of rules. Commissioner Boyette asked how much other fiber infrastructure was already in town, he knew there was some. Mr. DeHaven said his firm had not done a full assessment of that, but it was going to be privately owned, it was going to be the individual carriers like Time Warner that were primarily a hybrid fiber coax network provider and because of that they typically would have fiber to a neighborhood.

Commissioner Lutz asked Mr. DeHaven's how long 50 megabytes per second would be adequate. Matt said 50 megabytes per second was not unreasonable to meet your needs at this point, but at some time you would need to increase it, maybe in 5 years.

Mayor Hinnant said he would like to ask the board to allow Commissioner Laughery to head up some task force to work with Tamah to find the best course of action for the town and maybe get three citizens to see if we can move this forward and what was the best action for us. Commissioner Laughery said he would be glad to do that. The board was in agreement to allow the task force.

Commissioner Laughery said he had hoped that the financial numbers were better than what and we could move forward with this. He said since it was not that crisp and clear at this point. He would like to see the manager come back with a list of our priorities and what we could expect some of these expenses to be so we had a better picture of the fund balance.

Mayor Hinnant called for a 5 minute break.

#### **Item 8 – Resolution adopting a policy for mutual assistance with other law enforcement agencies.**

Police Chief Bill Carter stated the North Carolina General Statute 160A-288 authorizes law enforcement agency heads to enter into mutual assistance agreements with other law enforcement agencies. It specifically states that "In accordance with rules, policies, or guidelines officially adopted by the governing body of the city or county by which he is employed, and subject to any conditions or restrictions included therein, the head of any law-enforcement agency may temporarily provide assistance to another agency in enforcing the laws of North Carolina if so requested in writing by the head of the requesting agency. The assistance may comprise allowing officers of the agency to work temporarily with officers of the requesting agency (including in an undercover capacity and lending equipment and supplies.

Chief Carter said similarly North Carolina General Statute 90-95.2 states, in part, that "The head of any law enforcement agency may temporarily provide assistance to another agency in enforcing the provisions of this Article if so request in writing by the head of the other agency.

Chief Carter said the Wendell Town Ordinance Section Sec. 2-190 deals with cooperation with other local governments and appears to be the sole reference to the application of either of the previously mentioned statutes. It provides that "The town shall participate in joint law enforcement and criminal justice planning efforts in cooperation with other units of local government in this area of the state."



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- Wendell Chamber of Commerce                      Commissioner Gray, Liaison
  
- NC League of Municipalities                      Commissioner Boyette, Delegate  
   Commissioner Gray, Alternate
  
- Eastern Wake Senior Center                      Commissioner Parham
  
- Wendell Fire Department Board of Directors      Commissioner Parham

Commissioner Lutz made a motion to approve the appointments to the committees including the two new alternates that were suggested. The motion passed with a unanimous vote of 5-0.

**Item 11 – Request to close North Main and Depot Streets between Campen Street and Fourth Street on Saturday, March 21, 2015.**

Jeff Polaski stated the BMX Protown Exhibition Event is scheduled for Saturday, March 21, 2015 in Downtown Wendell. He said we were requesting to close this part of Main Street to encourage downtown pedestrian traffic. He said the street would be closed from around 10:30 am until 6:30 pm. He said the first exhibition would begin at Noon followed by an autograph session and riding clinic and the second show would begin at 2:00 pm.

Jeff said he contacted the businesses along this section of Main Street except for Peedie’s Grill and all are support of the closure.

Commissioner Gray asked if the street was closed how we were going to indicate from Wendell Boulevard that the street was closed and let shoppers know that need to go around getting to the other end of Main Street. Manager Piner stated it would be closed at Fourth Street so when you come off of down Wendell Boulevard down Main, it would be closed on the south side of Fourth Street so that people coming from Wendell Boulevard could turn left or right on Fourth or go Cypress or Pine down to Campo. There will be detour signs out also.

Commissioner Parham made a motion to approve the closure of North Main Street and Depot Street between Campen Street and Fourth Street from 10:30 am to 6:30 pm on March 21, 2015. The motion passed with a unanimous vote of 5-0.

**Item 12 – Commissioner Comments**

Commissioner Laughery said we need to support our local businesses, we had some very good restaurants and some new businesses that would be opening up and we need to support them to keep them downtown.

Commissioner Lutz stated that he attended Triangle J. Council of Governments meeting and we had a presentation from the Town Clerk of Holly Springs about communication. He said she made a couple of

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interesting points when talking about the Wi-Fi projects it made him think every citizen communicates in a different way and their goal was to always try and communicate the messages in several different ways whether it is social media, message boards, or being a friendly face at the desk when someone comes in. The Clerk stated she it is important to find out what was needed and help them understand what information could be found and how to use that information.

Commissioner Parham said Dancing with Heart on February 17<sup>th</sup> at 6:30. The event will be held at Carver School on Morphus Bridge Road in Wendell and there would be a free Zumba Class. The event was sponsored by The East Wake Human Services Production for the prevention of Chronic Heart Disease.

Commissioner Boyette said while he was personally disappointed at the lack of snow this winter, he was happy to know that we do not have to spend money on snow removal. He said it would not be long before it was warm outside and he felt like we were doing so much more downtown to push events to get people in the downtown area. He said he was looking forward to the budget discussions, as it seems it would be interesting.

Commissioner Gray said since our last meeting she attended a meeting of the Economic Development Committee and the speaker discussed the benefits of the Residential Property in the downtown and how to go about creating them and the amount of life and activity they bring to the downtown area and that they are wonderful for revitalization. She said some of the examples they used were bigger than what Wendell had, but some of them we could use on a smaller scale, such as units above the downtown businesses. She said the speaker said one thing that impressed him was the amount of open space and lots that we had in the downtown area where some upscale living could be built with some shopping below. She said a couple of comments they made that stuck with me were (1) whenever you have events, promote, promote, promote and that made her think about the new message board sign, and (2) that the most successful towns were towns that invest in themselves. She said we had a lot of talk tonight about the fund balance and she knows money is tight, but it did make her feel good about some of the decisions that the board had made, and she considered a lot of them to be like low hanging fruit, we had addressed some small obvious things. She said another meeting she attended was the Board of Commissioners Retreat on Saturday, January 31<sup>st</sup> and we had a good day and it was a good opportunity for the board and staff to focus on things that we thought was important and to focus on visioning for the future. She said she would like to congratulate Carolina Mini Storage as business of the month for February and she also wanted to thank them because they were doing some temporary storage for the town as we do some renovations to Town Hall and she appreciated their assistance. She said she also wanted to thank the Friends of the Wendell Police for organizing the Police Officer Appreciation Night with a really nice evening. She said the students from our elementary schools made cards and brought to the officers and it was nice to see children interacting with the Police Officers and thanking them. She said she attended the Vintage Dreams Ribbon Cutting at their new location on Main Street and encouraged everyone to stop in and see the work they had done in the building. It was very nice. She said the East Wake Education Foundation was having their Sweetheart Ball Friday, February 13<sup>th</sup> at the Wendell Community Center and the tickets are \$25.00 and she urged everyone to go and if you needed tickets, please buy them from her because Commissioner Parham had sold a whole lot of tickets and she was working hard to catch up.

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**Item 13 – Mayor’s Comments**

Mayor Hinnant said he would be meeting with a potential commercial developer in Wendell Falls and it was encouraging that we now have people looking from a commercial standpoint. He said he would like to see this board create some type of plan of how we could possibly borrow some money to be able to address a multitude of needs. He said some of the needs were like a cancer, they were not going away and we were going to have to address them. He said we had not even talked to the Departments Heads about their needs for upgrading their equipment and the need for future personnel. He said as we had our budget meetings and we could weigh our options and he would ask that Butch and Teresa get some idea of what our borrowing potential was for the upcoming year.

**Item 13a – Closed Session**

Mayor Hinnant said they board will now go into Closed Session to discuss a personnel matter pursuant to General Statue 143-318.11(a)6.

Commissioner Parham made a motion to return to regular session. The motion passed with a unanimous vote.

**Item 14 – Adjourn.**

Commissioner Lutz made a motion to adjourn. The motion passed with a unanimous vote of 5-0. The meeting was adjourned at 9:25 pm.

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Timothy A. Hinnant, Mayor

Attest:

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Jonnie S. Driver, Town Clerk