

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
August 08, 2016**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, August 8, 2016, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Mayor Pro Tem Jon Lutz; Commissioners: John Boyette, David Myrick, Ben Carroll, and Jason Joyner.

**STAFF PRESENT:** Town Manger Teresa Piner, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Planner Patrick Reidy, Public Works Director Alton Bryant, IT Administrator Tamah Hughes and Police Chief Bill Carter.

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

Police Chief Bill Carter led the Pledge of Allegiance.

**INVOCATION:**

Mr. Errol Briggerman of Wendell Baptist Church provided the invocation.

**ADJUSTMENT AND APPROVAL OF THE AGENDA:**

Commissioner Boyette requested to add as Item 5a, Discussion of Town wide speed limit.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the agenda as adjusted.

Vote: Unanimous

**1. PUBLIC COMMENT PERIOD (*one hour time limit in total*):**

No public comments were received by the Town Board.

**2. CONSENT AGENDA:**

The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of the Mayor or a Commissioner. The Consent Agenda contains the following item(s):

- a. Approval of the Minutes from the July 25, 2016, regular meeting.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the consent agenda.

Vote: Unanimous.

**3. RESOLUTION ADOPTING A TAX FORECLOSURE POLICY BETWEEN WAKE COUNTY AND THE TOWN OF WENDELL.  
ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*The Town of Wendell's current tax lien foreclosure resolution was approved in 1986, 30 years ago. Since that time, general statutes have been amended, elected officials have changed and turnover of key staff members has presented an opportunity to refresh the resolution and answer questions regarding the process.*

*Wake County currently collects property taxes for the Town of Wendell and follows the foreclosure procedure resulting in the sale of property, within Town limits, owing delinquent taxes in accordance with General Statute 105-374, 105-375 and 105-376. Properties subject to tax foreclosure are typically several years delinquent in annual County and Town taxes. The tax foreclosure process is a tool in which the County and Town can recoup the tax dollars spent on providing services to the property.*

*Currently, any property going through tax foreclosure is put up for sale to bidders with a minimum bid set on behalf of the taxing units (the Town and County) in an amount equal to the taxes including special assessments plus expenses of the sale. In the event of no higher bids, the deed would be ordered jointly to the Town and County. Since joint ownership presented logistical challenges to managing, maintaining, and dispensing of property, Wake County adopted a policy in the 1980s by which properties would be deeded to the Town alone, provided the municipality agreed to pay any unpaid County taxes to Wake County.*

*A policy adopted by resolution is needed to enter into this agreement. The adoption of this resolution would provide significant value to the Town, as it would encourage Wake County to move forward in the tax foreclosure process.*

Town Manager Teresa Piner provided an overview of the tax foreclosure policy between Wake County and the Town; staff report included above in italics.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve as presented.

Vote: Unanimous.

**4. PROPOSED MURAL REQUEST ON BEHALF OF THE APPEARANCE COMMITTEE TO BE LOCATED AT 15 W. FOURTH STREET.  
ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*At the August 1, 2016 meeting, the Appearance Commission reviewed a mural application. The Appearance Commission recommends to the Board of Commissioners by a vote of 4 to 0, approval of the mural application for the west end of 15 W. Fourth Street (Ritch's Gym).*

**15 W. Fourth Street**

*In 2013, as part of their long-range work plan, the Appearance Commission set a goal of having murals painted in the downtown area of Wendell. The purposes of adding murals is to create*

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*conversation pieces to help draw visitors to the downtown area and surrounding area; help improve the vibrancy of the community; and to help encourage other building/business owners to have a mural painted on their property or just a fresh coat of paint to the building.*

*Over the course of the past two years, the Appearance Commission held fundraisers to help pay for beautification efforts in Wendell. Over the past year, they have raised approximately \$7,000. All money raised has been given by private individuals.*

*The Appearance Commission contacted Michael Brown, a professional muralist from Carrboro with over 30 years of experience, to create mural ideas to honor Wendell's tobacco heritage. Based on prior mural feedback from residents and business owners, the Appearance Commission felt that a tobacco theme was the next desired theme for a mural.*

*Mr. Brown was asked to design a mural on the Cypress Street end of the building since it provided a large canvas to properly depict a tobacco mural. Mr. Brown created several sketches for the Appearance Commission to review and decide on a specific theme to move forward with a more detailed sketch.*

*The Appearance Commission voted at their May meeting to move forward with a mural depicting the world's largest tobacco worm as a fun way of honoring Wendell's rich history of tobacco. The worm would also serve to stir conversations among citizens about farming and art. This mural is being proposed to give Wendell a bit of a bold shock factor to help create a buzz for the town.*

*The Appearance Commission is going to work on creating a QR code to put on the mural so anyone can scan the code and go to a website dedicated to the mural. On the webpage, people could leave their stories about working in tobacco and their encounters with tobacco worms. Almost everyone who has worked in tobacco has a story to tell and this would serve as a way of capturing those stories to be enjoyed by others. The desire is that news stations and newspapers would cover the mural giving Wendell publicity within the Triangle and the Appearance Commission would also apply with Guinness World Records to officially have the worm deemed the World's Largest Tobacco Worm.*

*The Appearance Commission voted to fund the cost of the proposed mural due to its prominent location along Cypress Street and the fun interpretation of the tobacco history in Wendell.*

*The proposed mural consists of the 70 foot long tobacco worm and a tobacco leaf. Mr. Brown submitted a revised sketch on August 3, 2016 which is shown as Attachment A.*

*The proposed mural is expected to be completed in less than two weeks. Mr. Brown has availability in his schedule to begin work immediately. If action were delayed, it is possible that the mural could not be completed until after the Harvest Festival. Due to Mr. Brown's desire to create the world's largest tobacco worm and limited Town funds, he personally reached out to CT Wilson Construction of Durham, and he has received an agreement with the owner to donate the cost of the paint for the mural in exchange for a small placement of recognition on the mural for their donation.*

*The property is owned by G&W LLC and is currently occupied by a gym (Ritch's Gym). The property owner has agreed for the mural to be placed on the property. The property is located in the Downtown Mixed Use (DMX) zoning district.*

*Section 12.8.Q states that:*

*A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:*

- 1. No mural shall be added to the primary façade of the building.*
- 2. Murals are not intended to be placed on residential structures or their accessory structures.*
- 3. The mural shall not extend more than 6 inches from the plane of the wall upon which it is*

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*tilled or painted or to which it is affixed.*

4. *If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*
5. *The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

*Staff has reviewed the proposed mural. The mural was deemed to meet the regulations.*

**Staff Recommendation:**

*Staff requests that the Board of Commissioners review the recommendation of the Appearance Commission in relation to the mural regulations in order to render action on the submitted application.*

Planner Patrick Reidy provided an overview of the proposed mural request on behalf of the Appearance Committee; staff report included above in italics. He introduced the artist Michael Brown.

Michael Brown provided an overview of the tobacco worm.

Commissioner Myrick stated the tobacco worm is also a pest to grapevines each spring.

Commissioner Boyette suggested allowing the school children to come up with the name for the tobacco worm.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the mural of the tobacco worm.

Vote: Unanimous.

**5. CAPITAL IMPROVEMENT PLAN UPDATE.  
ACTION: Presentation to the Board.**

*[Staff Report]*

**Item Summary:**

*The Capital Improvement Plan is a listing of projects and/or capital items for each department to determine immediate needs or to consider for future funding. The items listed in the Draft CIP show the capital needs as provided by each department.*

*A total of \$7,005,551 is suggested for the five-year period from 2018 to 2022. A total of \$1,764,250 has been identified for FY 2018.*

*The development of the Capital Improvements Plan is only one step in the maintenance and development of town-owned facilities and infrastructure. The plan is not an approved budget for expenditures but a tool to recognize and track the needs on the Town. The CIP is used as a guide for decision makers and citizens. The draft CIP will be used during the budget development process. After approval, staff will include funding when available in the fiscal year to follow.*

*It is the Board of Commissioners that will appropriate funds in the annual budget. Therefore, adoption of the CIP does NOT constitute a commitment to appropriate the funds; rather the CIP*

*adoption signifies the Board's commitment to tracking the needs of the Town during the budget process.*

*The items listed in FY 2018-2022 will be considered in the upcoming budget along with appropriate funding sources. The remaining items are listed for tracking purposes and are to be considered for future funding.*

Town Manager Teresa Piner provided an overview of the Capital Improvement Plan (CIP) update; staff report included above in italics.

Commissioner Joyner asked if this will come back to the Board for action. Town Manager Piner stated yes.

Commissioner Joyner stated he would like additional discussion on the requests. By his projections, the tax rate would need to be raised 38 cents to cover the requests.

<b>ACTION: Presentation to the Board. Capital Improvement Plan will come back to the Board for action at a later date.</b>
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**5a. DISCUSSION OF TOWN WIDE SPEED LIMIT [REQUESTED BY COMMISSIONER BOYETTE]  
ACTION: Discussion.**

Commissioner Boyette stated he was approached about speed limit in the neighborhoods. Most of the Town streets are not marked. Every neighborhood is 35 miles per hour. He would like Town staff to come up with proposals to reduce speeds in subdivision. Pedestrians have been hit in the past. The lack of sidewalk has people walking in the roads.

Mayor Gray stated she too believes something needs to be done. Speed monitors have been used. She would like additional discussion as changing the speed limit is not the only response.

**6. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:  
 Wendell Fire Department Board of Directors [Commissioner Joyner]**

Commissioner Joyner stated the Wendell Fire Department Board of Directors met. They reviewed the budget and discussed newly received equipment.

**7. COMMISSIONERS' REPORTS.**

Commissioner Carroll, Mayor Pro Tem Lutz and Commissioner Joyner stated no report.

Commissioner Myrick stated he missed the last meeting due to a work commitment. Board room renovations look great.

Commissioner Boyette congratulated NC State swimmer Ryan Held for his winning the gold in the free style relay.

**8. MAYOR'S REPORT.**

Mayor Gray provided the following:

-  Congratulated both the 7-8 and 9-10 year old TarHeel League State Championship baseball teams. Both teams will be recognized on Saturday, August 27 at J Ashley Wall Square.
-  Wendell Historical Society is hosting a reverse raffle on Thursday, September 15 at the Wendell Community Center.

**9. ADJOURN:**

**ACTION**

Mover: Mayor Pro Tem Lutz moved to adjourn at 7:35 p.m.  
Vote: Unanimous.

Duly adopted this \_\_\_\_ day of August 2016, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk