

**TOWN OF WENDELL**  
**BOARD OF COMMISSIONER MEETING MINUTES**  
**July 25, 2016**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, July 25, 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, Ben Carroll, and Jason Joyner.

**ABSENT:** Commissioner David Myrick

**STAFF PRESENT:** Town Manger Teresa Piner, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Finance Director Butch Kay, Planning Director David Bergmark, Planner Patrick Reidy, Parks and Recreation Director Jeff Polaski, 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:**

Deacon Michael Vereen of Pleasant Grove Baptist Church provided the invocation.

**ADJUSTMENT AND APPROVAL OF THE AGENDA:**

Commissioner Joyner requested to remove Item 2d, text amendment to the golf cart ordinance, from the consent agenda to Item 9a.

**ACTION**

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

Vote: 4-0.

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

The following citizens spoke during Public Comment Period:

 Jean Degolier of 5 Beefeater Lane thanked the Town for the recent paving of the road. She shared pictures of her neighbor's backyard and expressed concern with its condition.

**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 11, 2016, regular meeting.
- b. Approval of the Wake County Tax report for May 2016.
- c. Personnel Policy Amendment
- d. ~~Text amendment to the golf cart ordinance.~~ Moved to Item 9a.

**ACTION**

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

Vote: 4-0.

**3. RECOGNITION OF AJ SWAIM FOR EAGLE SCOUT PROJECT AT WENDELL COMMUNITY PARK ON THE HUGH T MOODY NATURE TRAIL.**

**ACTION: Presentation to the Board.**

*[Staff Report]*

**Item Summary:**

*A.J. Swaim, with the help of Troop 365, worked on a new boardwalk and observation deck as a part of the park's trail system. Construction on the trail improvements began April 10 and ran through April 30. The deck was built and terminated at the end of one of the trails at a wetland bog. It will be a wonderful destination for picnics or just a quiet place to relax. The Town contributed \$500 towards this project with the remaining funds being raised by A.J. Swaim.*

Parks and Recreation Director Jeff Polaski provided an overview of the Eagle Scout project by AJ Swaim at Wendell Community Park; staff report included above in italics.

AJ Swaim of Troop 365 provided a Power Point presentation of the project he completed at Wendell Community Park as part of his Eagle Scout project.

The Board of Commissioners expressed appreciation to AJ Swaim for the trail improvements.

**4. CITIZEN BOARD UPDATE BY THE PARKS AND RECREATION COMMISSION.**

**ACTION: Presentation to the Board.**

Chair of the Parks and Recreation Commission Ryan Zakany provided the following update:

-  Comprised of five members – three in-town members and two ETJ members
-  Terms are three years and staggered
-  Helps with the events and recreational activities of the Town such as Treat Trail, Big Truck Day, and Arts and Blues Day
-  Reviews and approves PARTF grants
-  Reviews fee waiver requests
-  In past 18 months, a dog park and disc golf course were added
-  Sponsored a ball team

**5. LITTLE RIVER RESERVOIR PRESENTATION.**

**SPEAKER: Kenneth Waldroup, City of Raleigh Assistant Public Utilities Director**

**ACTION: Presentation to the Board**

*[Staff Report]*

**Item Summary:**

*The Little River was first identified as a potential water source for Wake County as early as 1986, and by 1993 was determined to be a feasible source of drinking water in terms of existing land use, planned development, water quality and available yields. The purpose of the project is to develop a safe and dependable water supply for the 7-municipality service area (Raleigh, Garner, Rolesville,*

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*Knightsdale, Wake Forest, Wendell, Zebulon) that, together with existing water supplies – Falls Lake and Swift Creek (Lakes Wheeler and Benson) – will help satisfy estimated water demands for a period ending in 2040. Wake County, the City of Raleigh, and partnering communities have purchased land for the development of the Little River Reservoir.*

*As part of the City of Raleigh's long-term water supply planning, Raleigh is pursuing the construction of a reservoir in eastern Wake County. The reservoir would impound approximately 3.7 billion gallons, providing a 50-year safe yield of approximately 13.7 million gallons per day (mgd). A new water treatment plant in relative close proximity to this water supply would deliver finished water to Raleigh's distribution system. Stearns & Wheler assisted Raleigh by facilitating a site evaluation and selection process for this new water treatment plant.*

*Raleigh's Public Utilities Department currently delivers an average 47.5 mgd to serve the nearly half million people in the 7-municipality service area. By 2025, demand is projected to be 81.9 mgd and, by 2030, 88.9 mgd. By 2040, projections estimate total water demand of 101.8 mgd (92.4 mgd including conservation measures and wastewater re-use). The 50-year safe yield projection for our existing water sources is 80.5 mgd. The Little River reservoir would make up the deficit by providing 13-20 mgd of water for residential and business use.*

*The Little River project is currently in the environmental review draft process. An Environmental Impact Statement (EIS) is required by the National Environmental Policy Act (NEPA) as part of applying for a permit for wetlands destruction. An EIS must also be completed that complies with the NC State Environmental Policy Act. The lead federal agency for the Little River EIS is the Army Corps of Engineers. The lead agency for the Little River Reservoir project is the City of Raleigh Public Utilities (RPU). The EIS must include a plan for mitigating wetlands and habitat loss, analyze direct and indirect impacts to natural resources and humans, and rigorously analyze all feasible alternatives to building the reservoir.*

*In 2007, the Town of Wendell entered into an interlocal agreement with the City of Raleigh and Wake County regarding land uses within the watershed. Today the ILA is going through an amendment process. The proposed changes are relatively minor, with some expanded use for preexisting, non-residential uses, to include cell towers. Changes to the ILA will be brought back before the Town of Wendell Board of Commissioners for approval.*

*Mr. Kenneth Waldroup is available to answer questions regarding the reservoir, scheduling and permitting process.*

Town Manager Teresa Piner introduced City of Raleigh Assistant Public Utilities Director Kenney Waldroup.

City of Raleigh Assistant Public Utilities Director Kenneth Waldroup provided an overview and Power Point presentation on the Little River Reservoir; staff report included above in italics. Mr. Waldroup invited the Board to tour Raleigh's water treatment facilities.

### **6. REQUEST BY THE WENDELL HISTORICAL SOCIETY FOR FEE WAIVER TO HOST A REVERSE RAFFLE FUND RAISER AT THE WENDELL COMMUNITY CENTER.**

**ACTION: Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

*The Wendell Historical Society has asked for a fee waiver to host a reverse raffle fund raiser at the Wendell Community Center on September 15 from 3:00pm to 9:00pm.*

**Item Summary:**

*The Recreation Commission voted unanimously in favor of waiving the rental fee but not waiving the cleaning fee of \$225 due to the anticipated attendance (300-400). There would be no staffing fee as this is Tim Kay's normal work time. The waiving of this fee will mean more funds to benefit the work of the Wendell Historical Society.*

Parks and Recreation Director Jeff Polaski provided an overview of the request by the Wendell Historical Society for fee waiver to host a reverse raffle fund raiser at the Wendell Community Center on September 15, 2016, from 3 p.m. to 9 p.m.; staff report included above in italics.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve waiving the rental fee but not the cleaning fee of \$225 for the Wendell Historical Society for the September 15 event.

Vote: 4-0.

**7. REQUEST TO REZONE 43.57 ACRES OF PROPERTY LOCATED AT 1609 WENDELL BOULEVARD FROM NC AND CMX TO CONDITIONAL DISTRICT; PUBLIC HEARING HELD: JULY 11, 2016.**

**ACTION: Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

- *Having held a public hearing on July 11<sup>th</sup>, the Board of Commissioners is asked to take action on the creation of a Conditional District for Greater NC Jurisdiction Church of God in Christ.*
  - *Action may consist of:*
    - *Tabling this item for further discussion*
    - *Approving the request (as modified), or*
    - *Denying the request*

**Planning Board Recommendation:**

*At its June 20, 2016 meeting, the Wendell Planning Board voted 7-0 to recommend approval of the proposed Conditional District for Greater NC Jurisdiction Church of God in Christ with the following conditions:*

1. *No Special Use Permit is required for multi-family development including townhouse/duplex units, apartment buildings, and assisted living/housing services for the elderly.*
2. *Core samples of the existing drive aisle will be tested to determine construction of drive aisle and any necessary public road standards prior to the approval of the first Final Development Plan.*
3. *Restrictive Covenants will be submitted and reviewed for approval prior to the approval of the Tract E Final Development Plan.*
4. *The Water Allocation Policy worksheet must be approved independently with each phase's Final Development Plan.*
5. *Speed humps and tables shall not be used for traffic calming.*
6. *Greenway paths to be 8' minimum asphalt with the exception of environmentally sensitive areas where boardwalk or other permeable material will be used.*

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7. *Stormwater Management maintenance parties will be identified at the time of each tract's Final Development Plan.*
8. *Residential Development Standards:*
  - *Where garages are present on townhouse (or duplex) units, they shall be setback a minimum of one foot from the front façade.*
  - *Vinyl siding shall not be used on multi-family or attached units.*
  - *Townhome/Duplex lots:*
    - *Minimum lot size 3,500 SF.*
    - *Minimum lot width (at front setback) 25'*
    - *Front setback 0-10'*
    - *Rear setback 25'*
    - *Side setback 10' aggregate (between buildings)*
  - *Single Family lots:*
    - *Minimum lot size 6,000 SF.*
    - *Minimum lot width (at front setback) 25'*
    - *Front setback 25'*
    - *Rear setback 20'*
    - *5' minimum, 10% combined lot width*
  - *Apartments and Assisted Living/Housing Services for the Elderly*
    - *Garage Doors: Garage doors are not permitted on the front elevation of any apartment building or assisted living building.*
    - *Building Elevations: All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60% of the front elevations, and a minimum of 30% of the side and rear building elevations, as applicable, shall meet this standard.*  
*Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces, and/or windows. This standard applies to each full and partial building story.*
    - *Rooftop Equipment: All rooftop equipment shall be screened from view.*
    - *Design Details: All apartment buildings and assisted living buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least three of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):*
      - *Dormers*
      - *Gables*
      - *Recessed entries*
      - *Covered porch or stoop entries*
      - *Cupolas or towers*
      - *Pillars or posts*
      - *Eaves (minimum 10 inch projection which may include gutter)*
      - *Off-sets in building face or roof (minimum 16 inches)*
      - *Window trim (minimum 4 inches wide)*
      - *Bay windows*
      - *Balconies*
      - *Decorative patterns or exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)*
      - *Decorative cornices and roof lines (for flat roofs)*

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- *Other architectural features appropriate to the architectural style of the unit.*
- 9. *Precluded uses in Commercial Tract "B" shall be: manufacturing, wholesale/storage, civic/institutional.*
- 10. *Shared parking for meeting facility (church parking lot) with the provision that the use is accessory to the Church. Pedestrian crossing with crossing island to be provided.*
- 11. *Section 15.14.C.2 and 15.13.G: Vested Rights period shall be for 3 years and applicant shall have 2 years from the approval of the Master Development Plan to secure a valid building or construction permit before the conditional district rescission process may be initiated.*
- 12. *Add the total open space area required for dedication to the Site Data.*
- 13. *Revise the amount of street right-of-way listed in the Overall Site Data and the individual Tract site data's. The amounts do not match each other. Clarify if Road A is already included in the acreage.*
- 14. *Add a note stating that access requirements for this site are contingent upon NCDOT review and approval of the TIA and any subsequent final development plans.*

**Voting in Favor:** *Chairman Harold Broadwell, Ruth Van der Grinten, Errol Briggerman, Gilda Wall, Ashley Anderson, Kathe Schaecher, and Billy Bryant*

**Voting Against:** *None*

**Public Hearing Concerns:**

*At the July 11, 2016 public hearing, Matthew Pellas, of 5943 Coopers Hawk Trail, expressed the following 5 concerns about the proposed development:*

1. *On Tract E, nine townhouse/duplex units would be developed on one acre and back up to Edgemont Landing - one such lot within Edgemont Landings is owned by Mr. Pellas. Other areas of the plan are being developed at a density of 4-5 units per acre.*
  - **Staff Comment:** *The 9 lots being developed at the northern end of Tract E are being developed on 1.83 acres. This equates to a density of 4.9 units per acre, making the proposed development comparable to the other areas in the Conditional District and Edgemont Landing. The UDO does not have a maximum density requirement so long as dimensional standards for the lot are met and all open space and infrastructure requirements are in place.*
2. *The 25 foot setback is not met for Lots 30-33.*
  - **Staff Comment:** *The proposed 25 foot setback is a zoning requirement to be reviewed and enforced at the time of the building permit for construction of the proposed units. The engineer stated that at this stage the Master Development Plan is conceptual.*
3. *There are not enough trees that will remain within the open space area or buffer between the lots and houses. He would like for the Neuse River buffer guidelines to be expanded upon from a 30 foot natural area to a 50 foot natural area.*
  - **Staff Comment:** *The Neuse River Buffer regulations require a 50 foot wide riparian buffer on each side of regulated streams. This buffer is split in to two zones: Zone 1 is a 30 foot wide zone starting at the top of bank, which is to remain undisturbed. Zone 2 is a 20 foot wide zone extending from Zone 1 back and additional 20 feet. Zone 2 can be graded, but must be revegetated.*

*The applicant is providing North Carolina's mandated buffer and is not asking for any exemption to the buffer. The intention is to leave the 50 foot wide buffer in place without creating any impacts other than the allowable greenway trail, which would stub to HOA land at Edgemont Landing.*

*The applicant has provided an exhibit (Attachment B) demonstrating that they will provide a Type A buffer along the northern property line. For the Type A buffer, the applicant has chosen option B which is a 10 foot wide buffer, with a fence and the required plantings. A*

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*Type A buffer is the town's most dense buffer. This type of buffer creates a completely opaque buffer once it is installed. The applicant has also proposed to extend the buffer along Lots 28 and 2, which would normally not be required. At its narrowest point, 29 feet of open space separates lots 28 and 29 of the proposed development from the two single family lots at Edgemont Landing, providing more separation than required by the UDO. The exhibit also shows what the unit could look like if a smaller front setback were applied – the front setback is allowed to be 0-10 feet per the UDO.*

4. *The allowable three story height of townhouses is too tall and would prefer to see the height limited to two stories.*
  - *Staff Comment: The UDO allows for townhouses to be up to three stories tall in the CMX zoning district. The applicant has expressed that the units will likely be one story since they are being developed for senior housing.*
5. *The first preference is to see a conservation area adjacent to units 28-36, for the lots to be left as is with trees. The next order of preference is for units 28-33 to not be built and left as is with trees. Because the earlier mentioned buffers are not in place, possibly move Lots 28 and 29 around and up to allow for more wooded sections for existing properties.*
  - *Staff Comment: The applicant has met all required buffers for the stream and adjacent uses and is proposing to add an additional 10 foot wide buffer on Lots 28 and 29. The original developers of Edgemont Landings chose not to voluntarily incorporate additional exterior buffers into their development. The applicant has stated that getting a stream crossing approved by The North Carolina Division of Water Resources is expensive and time consuming and that in order to justify making the stream crossing, all nine lots would need to remain.*

**Statement of Plan Consistency and Reasonableness**

- *Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
  - *At their June meeting, the Planning Board recommended the following statement of plan consistency and reasonableness:*
    - *The proposed conditional district is found to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-5 sector. The proposed district is not completely consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for Neighborhood Centers. In staff's opinion, the request is still reasonable to approve since the majority of the conditional district meets the intent of the Neighborhood Center.*

**Staff Recommendation:**

*Staff recommends approval of the proposed Conditional District Master Development Plan for Greater NC Jurisdiction Church of God in Christ with the 14 conditions as recommended by the Planning Board.*

Planner Patrick Reidy provided an overview of the rezoning request for the property located at 1609 Wendell Boulevard from NC and CMX to Conditional District; staff report included above in italics.

Commissioner Joyner questioned if this is the time to discuss roads. Planner Reidy stated if there is a concern about road widths now would be a good time to discuss.

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Commissioner Joyner stated his concern echoes what was expressed at the last meeting for the turn lane as that is an NCDOT portion and with the senior living as the road narrows internal to the development. He wants to ensure emergency vehicles can get in and out. Planner Reidy stated the Technical Review Committee; hereafter TRC, includes the Deputy Fire Marshal and the Fire Chief and that concern is noted.

Commissioner Joyner stated this needs to be addressed and he is seeking clarification on the best time to request clarification. Planner Reidy stated this will be brought to the attention of the Deputy Fire Marshal and the Fire Chief.

Commissioner Boyette stated he recently spoke with the Deputy Fire Marshal. The Deputy Fire Marshal will stop by the fire station to inquire how much road is needed for emergency vehicles.

Mayor Pro Tem Lutz stated he likes the layout of the project. The turn from Wendell Boulevard – Highway 64, to get into the development and is his biggest concern. Planner Reidy stated a traffic impact analysis; hereafter TIA, was performed and they are working with NCDOT to figure out accessibility. He added condition 14 states that access requirements to this site are contingent upon NCDOT approval and approval of the TIA.

Commissioner Carroll stated there has been talk about this development. He sees this as a good thing for the Town. For the privacy fence, would like to see it in a composite material, such as stone or brick to ensure that it lasts for a long time. He would like to see some sort of hard siding throughout the project. Newland set the bar high at Wendell Falls and he would like to see that continued throughout Wendell. He too has a concern with the turn.

Steve Janowski of Rivers & Associates understands what is being discussed. A composite material can be done as it has a longer life span than treated wood for the fence. They are agreeable to non-vinyl product for the single family units.

Commissioner Carroll stated he is satisfied.

Mayor Gray stated she heard no vinyl anywhere. Planner Reidy stated he would recommend altering condition 8 from, “vinyl siding shall not be used on multi-family or attached units,” to “vinyl siding shall not be used on multi-family, attached units or single family dwellings.” And add as a new condition fencing within the buffer yard shall not be made of wood; it must be comprised of rot-resistant materials such as composite, brick or stone.

Commissioner Carroll stated he received several phone calls this week. He wanted to clarify that everything going into this development is at market rate. Planner Reidy stated that is correct.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the request to rezone to Conditional District with the conditions to include the revisions of no vinyl and a fence that is not wood.

Vote: 4-0.

**8. FAÇADE GRANT REQUEST FOR 41 NORTH MAIN STREET.**

**ACTION: Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

*The Board of Commissioners is requested to review, discuss, and take action on the Appearance Commission's recommendation regarding the Downtown Façade Grant request.*

**Item Summary:**

*At the July 7, 2016 meeting, the Appearance Commission reviewed one Downtown Façade Grant application for the June 30<sup>th</sup> deadline period. This request is the only façade grant application received during the last submittal cycle of **FY2016**.*

*The Appearance Commission members recommended to the Board of Commissioners by a vote of 4 to 0, approval of the downtown façade grant application for 41 N. Main Street in the amount of \$1,000. The Appearance Commission noted that the application met the intent of the program.*

*Additional detailed information on the Downtown Façade Grant Program application request submitted for this review cycle is included herein.*

**41 N. Main Street**

*On June 27, 2016, an application was submitted to the Town of Wendell Planning Department by building owner Christine Dara for the downtown façade grant program. The application is to remove the metal siding, restore the brick, replace the roof caps, and replace the windows on the building at 41 N. Main Street. The property is currently being renovated to be occupied by a coffee shop. The property is located in the Downtown Mixed Use (DMX) zone.*

*The total estimated cost for the project is \$3,650.00. The amount applied for by the applicant for the downtown façade grant program is \$1,000. The downtown façade grant program permits a 50-50 match up to \$1,000 from the town to the applicant based on project costs. Additional details are found in the downtown façade grant application guidelines.*

*Staff has reviewed the downtown façade grant application for 41 N. Main Street. The application was deemed complete with project costs indicated, project details provided and photos of the existing façade included in the application. The project includes eligible improvements as defined by the current downtown façade grant program guidelines. The applicant has not begun the work.*

**Staff Recommendation:**

*Staff requests that the Board of Commissioners review the recommendation of the Appearance Commission in relation to the Downtown Façade Grant program objective and guidelines in order to render action on these submitted applications.*

*The Downtown Façade Grant Program decision guidance factors for approval include the following:*

- 1. Project Review Checklist:
  - a. Completed application by application deadline*
  - b. Project proposes eligible exterior improvement(s)**
- 2. Extra consideration shall be provided to:
  - a. new commercial businesses;*
  - b. facades located in the downtown area;*
  - c. removal of metal awnings and/or replacement of fabric awnings*
  - d. recently expanded businesses or seeking renovation; and/or*
  - e. Projects that are creative or offer enhanced improvements or aesthetic appeal or translates to increase customer visitation or experiences in a neighborhood.**
- 3. Site visit and view of existing conditions;*

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4. *Strength of the application and support materials submitted with the application will be judged against applications during the grant deadline cycle;*
5. *Project costs;*
6. *Available program funds.*

Planner Patrick Reidy provided an overview of the façade grant request for 41 North Main Street; staff report included above in italics.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the façade grant request for 41 N Main Street.  
Vote: 4-0.

**9. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:**



**Technical Review Committee [Commissioner Carroll]**

Commissioner Carroll stated at the last meeting there was discussion of growth for Groves of Deerfield, Phase 3 and 4, for 57 single family lots. Discussed open space required and the location of the volley ball and tot lot.



**Capital Area Metropolitan Planning Organization (CAMPO) [Mayor Gray]**

Mayor Gray stated the meeting for month of July was cancelled.



**East Wake Senior Center [Mayor Gray]**

Mayor Gray and Commissioner Myrick attended the meeting last week. Town of Wendell owns and maintains the building. The new stove is appreciated. Calendar of events was shared.

**9a. TEXT AMENDMENT TO THE GOLF CART ORDINANCE.**

**ACTION: Board may take action. [Moved from consent agenda as Item 2d.]**

*[Staff Report]*

**Specific Action Requested:**

*The Town Board is asked to make a technical correction to Article V, Sec. 156 and Sec. 157 of the Code of Ordinances as they relate to golf cart equipment.*

**Change**

*Sec. 156 – Inspection.*

*(a) Headlight(s) and tail light(s);*

**To**

*Sec. 156 – Inspection.*

*(a) Operational Headlight(s) and tail light(s);*

**Change**

*Sec 157 – Operation.*

*(15) Golf carts meeting the requirements set forth below may operate at any time:*

*(a) Golf carts having two (2) operating headlights(s) one on each side of the front of the golf cart;*

*(b) Two (2) operating tail lights, one on each side of the rear of the cart; and*

*(c) All four (4) lights must be visible from a distance of 500 feet.*

**To**

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*Sec 157 – Operation.*

*The operator of the golf cart is mandated to use headlight(s) and tail light(s), as defined in Section 152 of this article whenever the vehicle is operated during the period from dusk until dawn so as to maximize its visibility.*

Police Chief Bill Carter provided an overview of the technical amendments to the golf cart ordinance; staff report included above in italics. Two of the technical amendments are in the above staff report. A third technical amendment is to section 152, item d as it relates to requirement of a rear triangle reflector and the request is to remove this from the ordinance as there is a requirement in the ordinance for operational taillight(s) required.

Commissioner Joyner stated in reviewing other golf cart ordinances some communities have the rear triangle reflector requirement and it was unintentionally included after settling on tail light(s). Mayor Gray asked if elimination of the rear triangle reflector would create a safety concern. Chief Carter said the requirement for operational tail light(s) seemed to be a reasonable alternative to the requirement for the triangle.

Commissioner Boyette shared the golf cart ordinance with a golf cart purveyor. The golf cart purveyor stated golf carts usually go between 22 m.p.h. and 26 m.p.h. If there is a requirement to limit the speed to 20 m.p.h. then a device to regulate the speed may be required for both the electric and gas golf carts. He questioned if 35 m.p.h. is the maximum speed. Chief Carter stated that 25 m.p.h is the maximum for a low speed vehicle. Chief Carter said he believed that state law described a golf cart as not exceeding 20 m.p.h.

Commissioner Boyette stated the ordinance includes that a golf cart shall not be operated at greater than 20 m.p.h. and does not prohibit its ability to go faster. He questioned if this will be an issue. Chief Carter stated the definition describes the speed limit for use of the golf cart and he does not foresee this being an issue.

**ACTION**

Mover: Commissioner Joyner moved to approve item 2d as presented and striking item d of section 152 of the golf cart ordinance.

Vote: 4-0.

**10. COMMISSIONERS' REPORTS.**

Commissioner Carroll commended AJ Swaim for his contribution to our community. He encouraged folks to visit the park.

Mayor Pro Tem Lutz and Commissioner Boyette both stated no report.

Commissioner Joyner commended AJ Swaim for his commitment to complete his Eagle Scout project. He commended Town staff for working with AJ Swaim. He attended the grand opening of 1903 Boutique on Third Street last Saturday. Main Street was busy throughout the day and he noticed a spirit of cooperation among the downtown businesses supporting one another.

**11. MAYOR'S REPORT.**

Mayor Gray thanked AJ Swaim for his project and wished him the best of luck in his pursuit of Eagle Scout.

Mayor Gray shared that North Carolina Recreation and Parks Association, NCRPA, chose the Town of Wendell Parks and Recreation Department to host their Instagram and Facebook accounts today with information and pictures going out all day. Out of the 225 park departments within the state, Wendell was one of 25 departments chosen by the NCRPA for this program. Our Parks and Recreation department is a source of economic development. Thanked the Wendell Parks and Recreation staff for their hard work and dedication.

**12. CLOSED SESSION**

**ACTION: Closed Session will be called if necessary.**

No closed session called.

**13. ADJOURN:**

**ACTION**

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:10 p.m.

Vote: 4-0.

Duly adopted this 8th 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