

**February 8, 2016  
Board Meeting Minutes**

The Wendell Town Board of Commissioners held the regularly scheduled board meeting on Monday, February 8, 2016, with Mayor Gray presiding. Present at the meeting were Commissioner's Jason Joyner; John Boyette; David Myrick; Jon Lutz; and Ben Carroll; Manager Teresa Piner; Sherry Scoggins-Special Assistant to Manager; Jonnie Driver-Town Clerk; Butch Kay-Finance Director; Bill Carter-Police Chief; Attorney Jim Cauley; David Bergmark-Planning Director; Patrick Reidy-Planning; and Tamah Hughes-IT.

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

Chief of Police-Bill Carter led the Pledge of Allegiance.

Invocation was given by Mr. Bruce Tarnaski of Saint Eugene Catholic Church. He said he would like to make everyone aware that Wendell Council of Churches would be holding a Lent Service at 12:15 each Wednesday, beginning Wednesday, February 10, 2016 at Wendell Methodist Church with a short invocation and service along with a light lunch. He said everyone is invited to attend.

**Adjustment and approval of the agenda.**

Commissioner Lutz made a motion to approve the agenda as written. With no further discussion the motion passed unanimously.

**Item 1 – Public Comment Period**

Mr. James Parham signed up to speak, but said he would hold his comments until the Public Hearing on 'Housing Services for the Elderly'. No one else wished to be heard.

**Item 2 – Consent Agenda**

- a. Approval of the Minutes from Monday, January 25, 2016, Board of Commissioners' meeting.

Commissioner Lutz made a motion to approve the Consent Agenda. With no further discussion the motion passed unanimously.

**Item 3 – Wake County Transit Plan update by Tim Maloney, Director of Wake County Planning, Development and Inspections.**

Mr. Sig Hutchinson Vice Chairman of the Wake County Commissioners and Wake County Planning Director Tim Maloney, and Community Affairs Director, Chris Dillon were in attendance to explain and discuss the Wake County transportation and transit plan. He said on his way to the meeting, he was struck by how wonderful Wendell was and how he thought Wendell's future was bright. He said of the twelve municipalities in the county around 5:00 p.m., roads in every community, except Wendell, were a parking lot. When you look at the 64 Bypass and the opportunities with Wendell Falls, he thought Wendell was positioned for the growth that lay ahead.

Mr. Hutchinson said tonight would speak on economic development, and transportation options. He was glad that Mayor Gray and he had held conversations about future greenway connections. He said transit was very important. He said that Wake County representatives had visited the surrounding towns and sat down with their Mayors and Commissioners and talked about important issues from a transit perspective. He said if communities like Wendell were going to help us grow this tree, we want to make sure you were covered by the shade and received all the benefits associated with that. He said in talking with those mayors, they had learned three things (1) that every municipality was going to be

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connected to the transit system (2) that every town wanted connectivity within the towns and connectivity with surrounding towns so they had worked to create a matching fund option. A plan to provide towns with a 50-50 match to design routes within Wendell and/or with Zebulon and Knightdale (3) they wanted to sit down with the mayor and staff of Zebulon and Knightdale and design a system realizing your citizen's needs to be serviced by this plan.

Mr. Maloney said he was in Wendell in the spring of 2015 and he presented the Town Board with a recommended plan that the Wake County Board of Commissioners would consider adopting later this spring. Mr. Maloney said the plan took shape in the summer of 2015 with community input, elected official input, and a lot of technical and financial work behind the scenes.

Mr. Maloney said this plan could be described as the "Four Big Moves"

1. Stronger Regional Connections – He said we had connections today, but we want them to be stronger. He said the main component was commuter rail with the NC Railroad Corridor of 37 miles that extended from Garner to west Durham, this would be in the first 10 years, beyond that time, and we could look at how extensions could be made. He said regional express bus from Raleigh to RDU, Chapel Hill and Durham would also be expanded.
2. Connections - As Commissioner Hutchinson mentioned, connections to all communities within Wake County was important. He said the plan connected bus links from all towns to the urban core, new links between some smaller communities, a combination of 30 and 60 minute all day service, peak service, and commuter rail.
3. Frequent, Reliable Bus Service in Urban Areas – the frequency of 15 minute bus service would be increased from 17 miles to 83 miles, weekend and evening services would expand, and Bus Rapid Transit with 15 minute service in key corridors (approximately 20 miles of BRT) would be implemented.
4. Enhanced Access to Transit – Expansion and improvement too many fixed route services across the urban core, expansion and improvement to non-fixed route paratransit services in rural areas, provide 50 percent match for towns to establish local services.

Mr. Maloney said the project would be paid for with a half-cent sales tax, new \$7 county vehicle registration fee, increase from \$5 to \$8 regional vehicle registration fee, existing 5 percent vehicle rental tax, and fare box revenue. He said State and Federal Funds would also be needed to fund the project and make it sound.

Mr. Maloney said the next step would be approval of the plan by the Wake County Board of Commissioners, Capital Area MPO, and the Go Triangle Executive Board would consider future adoption of the plan. At this same time the County Board of Commissioners would consider authorizing a transit referendum, which would occur in the general election in November of 2016.

Mr. Maloney said he would answer any questions of the Town Board. Commissioner Boyette commented that he was excited to hear Mr. Maloney say that enough roads would not be built to build out of road congestion problems. He thought the data backed that up. He was glad to see Wake County moving in the direction of more mass transit. He thought the east side of Wake County would like to see

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a little more from the plan a little faster, but it is good to see a county wide plan and good to see there were places that could be upgraded. He said he was happy to see the rail corridors of the NC Railroad, which come through Knightdale, Wendell and Zebulon, being used. Thank you for coming and sharing this information with us.

Commissioner Joyner said he would ask that the map that showed road congestion, using the blue color and below that blue is some blue drops, he would like to see a few more drops on the east side of the County. With that exception, he appreciated their time and effort.

With no further questions, Mayor Gray thanked Mr. Maloney and Commissioner Hutchinson for coming.

**Item 4 – Public Hearing on a request to create an R-3 Conditional District for property along West Academy Street (addressed as 245 Short Street) to be developed as ‘Housing Services for the Elderly’.**

Planner Patrick Reidy stated the purpose of the Conditional Districts (CD) was to provide an alternate means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations in accordance with the planning and development objectives of the Town.

Patrick said a CD may depart from the strict application of the requirements of the Town’s general zoning districts.

Patrick stated the CD alternative may allow uses which were not specifically allowed in standard zoning districts. A primary purpose of this section was to provide standards by which such flexibility could be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternate uses or lot dimensional standards had been proposed by the applicant.

Patrick said a second purpose of the conditional district was to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

Patrick said the provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend, and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.

Patrick stated the Final Development Plan, which would show detailed construction drawings and be created in conformance with the Master Development Plan, would only go to the Planning Board for final action.

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Patrick said this property was located within the corporate limits of the Town of Wendell and was zoned R3. The intent of this application was to alter certain standards from the UDO to the area identified in Attachment A. In 2015, a rezoning application was submitted to rezone the entire 12.75 acre parcel from R3 to R4 for single family development. The application was denied by the Board of Commissioners.

As stated at the January 11, 2016 Town Board meeting, developers may claim credits over 10 years equal to the present value of up to 70 percent of the qualified costs of a development project. The credit rate would be reduced to 30 percent for projects receiving other federal subsidies or acquiring existing housing. Qualified costs, equal the eligible costs, multiplied by the fraction of the rental units reserved for low-income families.

Eligible projects generally must have at least:

- (1) 20 percent of residential units occupied by tenants with household income below 50 percent of the area median income; or
- (2) 40 percent of residential units occupied by tenants with household income below 60 percent of the area median income. Rent for these units could not exceed 30 percent of family income.

Patrick stated project specific rental restrictions may vary based on the development subsidies requested. The projected rental values by unit for this project were included within the applicant's Wake County tax credit application (See Attachment F). Additional information on the County's program requirements and the process for consideration and approval were included in Wake County's request for proposals for Affordable Housing Tax Credit Developments (Attachment E). The applicant was prepared to answer specific questions regarding residents and the selection process.

Patrick said the project owners must comply with the set-aside requirements and rent restrictions for 30 years which were enforced through deed restrictions. Past tax credits were recaptured with interest if the project violates the terms during the first 15 years.

Patrick stated property taxes for tax-credit projects were based on annual rental income generated by the project, rather than improvement value. North Carolina General Statute § 105-277.16 (Taxation of low-income housing property), states the following language to determine the taxable value of low income tax credit projects:

A North Carolina low-income housing development, to which the North Carolina Housing Finance Agency allocated a federal tax credit under section 42 of the Code, was designated a special class of property under Article V, Section 2(2) of the North Carolina Constitution and must be appraised, assessed, and taxed in accordance with this section. The assessor must use the income approach as the method of valuation for property classified under this section and must take rent restrictions that apply to the property into consideration in determining the income attributable to the property. The assessor may not consider income tax credits received

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under section 42 of the Code or under G.S. 105-129.42 in determining the income attributable to the property. (2008-146, s. 3.1; 2008-187, s. 47.6.)

Patrick said the developer estimated the project would increase the tax value from the existing \$3,000 annually to approximately \$17,000-\$20,000 annually. Almost half of that tax base would go to the Town of Wendell, with the other amount going to Wake County. A similar project built near Triangle Town Center, by the same builder, had a tax value of approximately \$15,000 for 2015.

Patrick said the proposed conditional District Conditions are as follows:

1. Section 10.4.A – Parking Requirements; reduce the required number of parking spaces from 73 to 58.

*Staff Comment: The UDO requires 1 parking space per bedroom with a max of 2 spaces per unit and 1 parking space per 1,000 square feet of office area. The applicant is requesting 1 parking space per unit and providing the one required space for office area plus an additional four visitor spaces. Staff recommends approval of the proposed condition.*

2. Section 3.3.X.3 – Additional Standards for the Housing Service for the Elderly; Remove the requirement that the housing service for the elderly use front on a road with no less than a collector street class in the R3 zone.

*Staff Comment: The UDO requires that the housing service for the elderly use in the R3 zone front on no less than a collector street and that ingress and egress shall be provided directly onto that collector or to a neighborhood street within 150 feet to the collector. The applicant is asking that the standard be waived for this project. Staff recommends approval of the proposed condition with the following modification: "This project shall be exempt from Section 3.3.X.3 of the UDO".*

3. Section 5.11.D.2 – Porches and Stoops; Modify the requirement for 30% of the front façade be useable porches and stoops to allow for Juliet balconies to be used in place of porches and balconies for a total of 23% of the front façade.

4. Section 5.11.D.4 – Building Elevations; Modify the requirement that 60% of the front elevation comprise of doors, porches, balconies, and/or windows to allow for building wall offsets greater than 3 feet deep be allowed as an elevation feature for a minimum of 60% of the front façade.

*Staff Comment: If the building wall offsets are not allowed, the current design of doors, porches, balconies, and/or windows only totals 44% of the front façade. If building walls offsets of greater than 3 feet deep are allowed as an elevation detail, the total amount of the front façade would be 60%.*

1. Section 5.11.D.5 – Raised Entrances; Removed the requirement that the front entrance be raised a minimum of 1 ½ feet above the finished grade.

*Staff Comment: Since the proposed development is restricted to residents 55 years old and older, ease of access in to the building for handicap residents should be considered. Staff recommends approval of the proposed condition.*

2. Section 5.8.A.1.B – The applicant requests the use of Vinyl; Areas of vinyl shall be limited to less than 44% of the front façade and less than 54% of all other facades. To offset the vinyl, areas of brick shall be at least 37% of the front façade and at least 55% of all other facades.

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3. Staff recommended conditions – Along the eastern property line, the applicant shall provide a 20 foot wide undisturbed vegetative buffer to screen the development from the adjacent single family dwellings.

*Staff Comment: The applicant had shown the requested buffer on the site plan and staff recommended the buffer be included as a condition to make clear that it would be required.*

Patrick stated additional site plan conditions/changes were recommended by staff:

Provide a 50 foot-wide right-of-way dedication to extend East Street to provide frontage for the existing lots. No road improvements should be made by the applicant. Delineate the dedication width on the plan.

1. Label the proposed parcels as “Parcel A”, “Parcel B”, and “Parcel C”.
2. Delineate the right-of-way dedication width of Wall Street on the plan.
3. Revise the legend to match the labels with the correct shading.
4. Add bearings & distances to the property lines.
5. Delineate the width of all drive aisles.
6. Identify any proposed entrance sign locations.
7. Add existing water and sewer lines to the plan with the size of the pipes.

*Staff Comment: All of the proposed changes are technical in nature and are items that are required on any site plan.*

As previously stated one purpose of the conditional district was to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

Patrick said while conditional districts did allow an applicant to ask for exemptions from certain types of standards, as part of their application; those exemptions were intended to be offset by other improvements which go above and beyond what was required. This process allowed for creative trade-offs that could result in a better overall product.

As currently proposed, the only improvements suggested as part of this conditional district request, that go beyond the UDO requirements, would be the 20 foot wide undisturbed vegetative buffer along the eastern property boundary and approximately 1,040 square feet of additional passive open space. The request to reduce the number of required parking spaces was technically a reduction, but had a positive environmental and functional impact given the smaller parking need for age-restricted housing. All other proposed changes constitute reductions in design and site standards. As currently proposed, one small gazebo and a 4'x20' raised planter bed were proposed to meet the active open space requirement, but that amenity alone did not fulfill the required 9,000 square feet of active open space.

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Patrick stated at the January 11, 2016 Board of Commissioners meeting, multiple commissioners expressed concern over the lack of amenities for the residents. Staff recommended that the Planning Board provide input to possible uses to fulfill the active open space requirement for the Board of Commissioners consider as a condition.

Patrick said the Planning Board recommended approval of the project with the **following additional condition** (beyond those proposed by staff and the applicant):

1. That the applicant include a condition to allow for the open active space to be moved to the rear of the parking lot (near the BMP) and include additional recreational elements to meet the active open space requirement, such as: Walking paths around the perimeter of the open space; horseshoe pits; shuffle board; a workshop area; and/or bocce ball.

Staff asked the Board of Commissioners to consider this additional condition or alter the condition to meet their desired recreational amenities.

At its January 19, 2016 meeting, the Wendell Planning Board voted 6-1 to recommend approval of the proposed Conditional District for Wendell Haven Senior Living with the 16 previous stated zoning conditions proposed by the applicant, staff, and Planning Board. Voting in favor were Chairman Harold Broadwell, Vice Chairperson Ruth Van der Grinten, Billy Bryant, Errol Briggerman, Gilda Wall, and Kathe Schaecher. Ashley Anderson voted against the proposed Conditional District for Wendell Haven Senior Living.

Patrick stated that at the time of construction of new building, parking spaces shall be provided in all districts in the amounts specified by Chapter 10 of the Unified Development Ordinance (UDO). As previously stated in proposed condition 1, the applicant was seeking a reduction in parking spaces required from 73 spaces to 58 parking spaces (1 per living unit and 10 additional spaces for guests and employees).

Patrick said all streets and drives shall meet the requirements as set forth in the UDO at the time of development. All landscaping shall meet the requirements as set forth in the UDO at the time of development. Landscaping was not required to be shown on the Master Development Plan. No landscaping buffers were required between adjacent residential zoning districts; however staff had proposed an undisturbed 20 foot wide buffer along the eastern property line.

Patrick said the Wendell Comprehensive Plan defined this section as S6 "Infill/Redevelopment Area". He said the Comprehensive Plan stated that "Existing urban/suburban development with a fairly dense street grid is classified as S-6. This included most of the built out areas of Wendell around the historic downtown core. These areas were already urbanized and well served with infrastructure (roads, utilities, etc.), and access to services and amenities. Because these areas were well provided for, in terms of urban services, they were the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels".

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Patrick said the comprehensive plan listed the following uses as appropriate land uses/development types within this sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses, and light industrial uses.

Patrick said Mr. Lucius Jones and Rick Baker who was the project engineer present at the meeting would answer any questions.

Commissioner Lutz asked what the total open space would be with the new addition. Patrick said it would be approximately 46,000 square feet.

With no further questions Mayor Gray opened the public hearing for comments.

Mr. James Parham- 17 Deere Lake Trail, Wendell, stated he was there to support the decision of the Planning Board and also to ask the Commissioners to really give it a lot of consideration. He thought that for that particular piece of land, the plan being proposed was the best use because of the surrounding environment. He said he had always been an advocate for older people and school age kids, and could not go against something that would help them in many ways. He said that all the young men he saw sitting before him would one day be his age and we do not know what might happen between now and then. He said there was a book that he frequently read that says the poor would always be among us, and he always remembered that.

Mr. Parham said he knew affordable housing was taboo in Wendell. Wendell has the highest percentage of affordable housing, however that should not curtail the way the Board thought because we had to work together and we need to compromise sometimes to get things done. He said he could understand the businesses wanting people in town with disposable income, however Wendell had existed for a long time and God had always looked after this town and would continue to do so in the future.

Mr. Parham said some people were forced to live in places they did not want, but if we had people willing to put their money where their mouth was and do things for older people, even though we knew there would be less revenue, but getting more revenue that the town was receiving now was good. Please think about the need for the elderly and do the right thing and vote for this project.

Paul White-Business owner in Wendell said he was not in the building business, but he thought this would be a positive use of the land. He served on the Planning Board and this land had come up over the last twenty year numerous times. You had a cemetery on one side and a cell tower behind it. He said he thought it would a good use of the property. We had one development similar to this on Hollybrook Road, and that project had been well received.

Mr. James Lee-25 Knott Street, Wendell said he had lived in Wendell for a good while and had sat where the Board was sitting now. He said his father had now passed away, but when he was living we looked for a place for him to stay and everything was full and had waiting periods. He said he was here in support of the project. He thought it was a good location for our senior citizens to be able to walk to the store, or accessible for someone to pick them up. He said he hoped the Board would consider utilizing this location.

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Regina Harmon-6616 Tales Branch Road said she too was a business owner, and had thought about this project and even spent some time with Mr. Jones who tried to help her understand the project. She said she had looked at it from the Town's perspective and kept hearing things like this was the best use of the land because nothing else was going to go there. She said the land was zoned R-3 and several months' back some people came before the board and asked for an R-4 zoning and the board said no. She said now Mr. Jones had come forward and wanted to put a senior home at that location; he wanted to get tax deferred money which was basically government money to help build this project. He was asking for a number of rules to be changed in order to put this project there. She said the Planning Department OK'd the rules and were telling you it was a good idea. She said she did not know if it was a good or a bad idea, but she knew it was zoned R-3 and rules were in place and if someone wanted to build under those rules let's do it, but let's not change the rules for them. She said let's not give them subsidized government money whether it is 1% or 100% to build something. She said it was said that if we let this happen we would have control over the design standards. She said she was under the understanding if it was commercial property, whether government funded or not, you still had control over the design standards. She said she also understood from Mr. Jones today that if he did not get the government money, he would not build the project because he could not build it on his own in the same location. She said Mr. Jones said that with the property being zoned R-3; people would not build the kind of houses that Wendell wanted. She asked what kind of houses were they, what would be the price point. He said between \$140,000-\$160,000. She said those were the people that work for a living, bring spendable money to your community and they were not living off of other people's money.

Regina said this property had been sitting there for a while, but was not the job of the commissioners' or leaders to change rules just so someone could buy or sell a piece of property. She said take the senior citizens out of it, this project should be built with no changes in the rules, and no offering of government funded money. She said another thing that was mentioned, was the people living there would be charged 40%-50% of their income to live there.

Regina said this was what the new members of the board ran on in the election, Wendell would not have any more subsidized, low income housing, and the very first vote that came before you was that. She said she knew it was a tough decision but she asked the Board to remember and believe in the direction they wanted to take Wendell over the next 20-30 years. She said this had nothing to do with the seniors; it had to do with the property being given to this person and all the free stuff that he had requested. She said if it had to do with seniors, he would build it straight out the best way it could be built.

Lucius Jones-Selma Road, Wendell said he thought there was a little mistake in what Ms. Harmon had presented. Tax credits were paid to the developer over a 10 year period, but it was a locked in situation regarding rental rates for 30 years. He said the money from tax credits went into the project as equity. It would allow for a better product for the homeowner than what could be built without the tax credits. He said without the tax credits the rent would cost between \$1200-\$1300 per unit. He said by placing tax credits into the equity part of the project we could rent these units in the \$650-\$700 range. He said this was money coming into Wendell that would help seniors have a better place to live. He said he

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thought we had met all the requirements, and we had changed some of the rules and did it so the Town would have more control over what was put there. He said we met the Planning Board requirements as well as the Planning Department requests and he thought we had met the requests of the Board. He said they had agreed to everything that had been asked for and they would continue to do that.

Commissioner Carroll said that in talks with most of the citizens, the problem was with the subsidies. He said with the influx of the subsidies and you want to put this development in this particular location, what was the status of the project previously proposed for 353 E. Fourth Street. Mr. Jones said we asked to build a senior project by Special Use Permits and we still own the land but a senior project was no longer planned for that location. At the time we received approval from the Town Board, we did not receive tax credit funding. He said we could not build the development with 24 units, without tax credits and make it work financially. There would never be a senior project built on that property. He said the property was not big enough. If we could only have 24 units, it would be economically impossible to build one there.

Mayor Gray said she just wanted to clear up one thing that was said earlier. Should this project be approved, it would be a 30 year commitment. Mr. Jones said yes and it could go up to 40 years. He said it was difficult to get these projects built because you had to have tax credits and other loans, and that was why we were asking for State, Federal and County money to put into the development to make it feasible. Mayor Gray said Mr. Reidy spoke earlier about conditional districts and how their purpose was to have enhanced qualities and she noticed that it was sent back to the Planning Board to discuss some of the outdoor active open space and she thought the open space had moved to a new location and a horse-shoe pit was added. Mr. Jones said there would also be picnic tables.

Mr. Rick Baker, engineer for the project said when we originally laid this out, the open space on the map did not meet UDO requirements. He said the active open space had to have frontage on the public street. That was when we agreed with the Planning Board and shifted it more to the rear of the building which was a more inviting location for the residents. He said what was included in the open space was a gazebo, raised garden bed, picnic tables and the horse-shoe pits and it now meets the UDO requirements. He said with this type of project there had to be an accessible route to each of those amenities so you would see sidewalks.

Commissioner Joyner said so that we were all clear, when you say this project does not exist without the tax credits what do you mean. Mr. Jones said because of the equity, if you take the tax credits out of this project, an apartment would rent for \$1500-\$1700 per month. With the tax credits the builder had the ability to lower the rent to meet the criteria. Mr. Joyner said it sounded to him as if you were trying to say the market did not support what you were trying to build. Mr. Jones said with the tax credits the project was exactly what he was trying to build, but it could not be built without the tax credits.

Mayor Gray asked if the tax credits meant that if you borrowed less money, the monthly payment was lower so you could charge a lower rent. Mr. Jones said that was correct. Mayor Gray stated that it allowed the developer to do more with less borrowing. Mr. Jones said that was correct and it created a much nicer product.

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Commissioner Boyette said 40% of the units would be subject to this rent control as he understood it. Mayor Jones said they would all have a control on them, but the residents would be making 60%, 50% and 40% of median. Commissioner Boyette said there would be no market rate apartments in this building, was that correct. Mayor Jones said that was correct.

Commissioner Carroll said if the subsidies were allowing you to build a nicer product and you were coming to us with a list of stipulations that you would not do, what made this a nicer product. Mr. Jones said you had more amenities like a computer room, a library, a mini gym, a room where they could hold events with a full kitchen, and the design of the project. Mr. Jones said we could put that building up for a lot less money if we did not have the design standards. He said he was competing against other developers to get those credits, they also have standards.

Mayor Gray asked Mr. Jones what he had planned for the rest of the land. Mr. Jones said he had no plans for it; we had to purchase the entire tract to be able to get it. He said anything that would take place there in the future would have to come back to the board for approval, but he had no plans.

Regina Harmon asked if the 40% and 50% of median living there was that based on the level of income in Wendell right now. She said from what she knew, the median was around \$20,000 or below so for people to live there it would be based on the income level of our Town. Mr. Jones said no, that was not correct, the median was based on the income level of Wake County. She said if the people that looked at this property two months ago decided to come back and he take the option off of it and they purchased it, they would put up houses under the rules the town has in place. She said Vardy Chiropractic spent a lot of money on the new building, and found out they had to put paved parking, curb and gutter and they did not come and ask for that to be taken away, they just did it because it was the rule. She said Mr. Jones said he did not know what he would do with the rest of the property. She said she was asking the Town Board to hold firm on what you ran your campaign on, the standards that you set so in the future we don't have this constantly coming up.

Mr. Parham said that as a citizen, one could say whatever was on their mind; don't camouflage it, which was what most people try to do, especially when talking about affordable housing. He said most people think that affordable housing would bring in families that would bring the scores down in schools and families that would not work, and families that would only sit around and get checks. He said that was not a fact. He said he grew up with 50 families and 5 out of those 50 earned their PHD's, so please don't tell me that poor people make low scores.

Commissioner Joyner asked Mayor Gray if the board could keep the conversation germane to this development. Mr. Parham said it was germane to this development, but he had made his comments.

Mayor Gray closed the Public Hearing.

Commissioner Lutz made a motion that this item be placed on the February 22, 2016 agenda for action. Without further discussion the motion passed unanimously.

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**Item 5 – Public Hearing on a Zoning Text Amendment to amend Chapters 4 and 5 of the Unified Development ordinance to bring the Town’s standards into compliance with state regulations established by Senate Bill 25.**

Planning Director David Bergmark stated this was coming before the Board because in June 2015 the senate and house passed a bill that essentially took away some of the municipality’s authority to regulate design standards for 1 and 2 family dwellings. He said to avoid liability; we were advised to make changes to the UDO which the Town did not have the legal authority to enforce.

Mayor Gray opened the Public Hearing. No one wished to be heard and Mayor Gray closed the Public hearing.

Commissioner Lutz made a motion to amend Chapters 4 and 5 of the UDO to bring the Town’s standards into compliance with state regulations established by Senate Bill 25. Without further discussion the motion passed unanimously.

**Item 7 - Update from the Wednesday, January 26<sup>th</sup> Triangle J. Council of Government meeting by Commissioner Lutz.**

Commissioner Lutz said this was the first meeting of the year and they did some initial recognition of outgoing and incoming delegates. Mr. Lee Worley was there to speak with us. The new business for the meeting included a presentation on smart cities where local governments used data technology to make better decisions by having access to more information and having the ability to analyze that information. Their current focus is on public safety. There were not a lot of action items. They approved the addition of an Aging Program Coordinator.

**Item 8 – Commissioners’ Comments**

Commissioner Joyner said he had the opportunity to attend the Wendell Fire Department Board of Directors meeting on Thursday, February 4<sup>th</sup> as well as talking with people that were interested in making a movie in Wendell and he was appreciative of all the local businesses that welcomed and talked with those looking to make the film. He said there seemed to be some very spirited conversation over the East Academy Street Project and he was happy to hear that there were conversations outside of the board about it. He said he would like to encourage citizens to attend the meetings and express their opinions.

Commissioner Boyette said it was a new day and he did not want to discuss last night’s football game. It was also the Chinese New Year. He would like to recognize the Great Wok Chinese Restaurant. They had been in Wendell for quite some time and it was a great place for Chinese Food. He said when the Police, Fire and EMS had to work on holidays they could always go and get Chinese Food and it was always good. He wanted to thank the Great Wok for being such a great business in Wendell and he really appreciates them.

Commissioner Myrick said Happy Chinese New Year to everyone. He said he appreciated hearing all the comments tonight and the community involvement. He said the Chamber sent out an updated calendar today and we had some really great events coming up throughout the whole year.

Commissioner Lutz and Carroll did not have any comments.

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**Item 9 – Mayor’s Comments**

Mayor Gray said she knew that one of our public hearings went on for a long time, but it was her desire for people to feel if they had something to say, they would be heard. She said she did not think it was a good idea for us to be getting into the back and forth discussion, so in the future she wanted everyone to get all their concerns out as quick as they could. She said she had a lot of calls and conversation about this and a lot of people were concerned.

Mayor Gray said she attended East Wake High School mid-year graduation, and she had a lot of respect for those kids that graduated. She said students were either behind and had enough courage to stick it out and do more or the students finished early. The school had invited her to next spring’s graduation at 8:00 a.m. at Raleigh Memorial Auditorium.

Mayor Gray said she also attended the N.C. Auto Expo as well as some of those with me tonight and we would like to thank Mr. Paul White for the invitation. She said it was a nice opportunity to be around a lot of people and a lot of politicking was going on so hopefully something good would come out of that.

Mayor Gray said she also attended, and spoke with the Wendell Rotary Club and gave them the State of the Town Address at their February meeting and it was recorded and was on Facebook. If you had not seen it, take a look at it.

**Item 10 – Adjourn**

Commissioner Boyette made a motion to adjourn. Without further discussion or comments the motion passed unanimously, and the meeting was adjourned at 8:40 p.m.

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Virginia Gray, Mayor

Attest:

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Jonnie S. Driver, Town Clerk