

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
August 14, 2017**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, August 14, 2017, 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, and Jason Joyner.

ABSENT: Commissioner Ben Carroll

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, Police Chief Bill Carter, Parks and Recreation Director Jeff Polaski, and IT Administrator Tamah Hughes.

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:

Barry McFarland of New Hope Missionary Baptist Church provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA:

ACTION

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

Vote: 4-0.

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

The following persons spoke during Public Comment Period:

 Jon Thompson of 656 Rockbank Loop in Woods of Blair Hill questioned when speed limit signs would be placed in the neighborhood and if the speed limit could be posted at 25 m.p.h.

3. CONSENT AGENDA

The Board of Commissioners uses a Consent Agenda to act on non-controversial and routine items quickly. 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 items:

Board Meeting Minutes
August 14, 2017

- a. Approval of the Minutes from the July 24, 2017, regular meeting.
- b. Text amendment to Chapter 2, Section 322 relating to the Appearance Commission.
- c. Text amendment to Chapter 18, Solid Waste.
- d. Text amendment to Chapter 6, Businesses to add as Section 1an ordinance to allow the sale of alcoholic beverages before noon on Sundays at licensed premises [Brunch Bill].

ACTION:

Mover: Commissioner David Myrick moved to approve the consent agenda as presented.
Vote: 4-0.

4. DISCUSSION OF TEXT AMENDMENT TO CHAPTER 16, PARKS AND RECREATION AND CHAPTER 14, SECTIONS 110 AND 111, OFFENSES.
SPEAKER: Parks and Recreation Director Polaski and Police Chief Bill Carter
ACTION: Board may take action.

[Staff Report]

Item Summary:

Chapter 16 was adopted by the Board December 12, 1977. Over time, the Board has adopted text amendments as needed to stay current with the growth and changes occurring at the park. Due to a request for signage at the park to coincide with Town ordinances, a review of Chapter 16 in its entirety was performed. The most notable update is the proposed hours of the park reflecting dawn to dusk

The proposed text amendment incorporates the current uses and practices of Wendell Park and the Community Center.

After the July 24, 2017, Board meeting, staff further reviewed Chapter 16 and Chapter 14, Sections 110 and 111 and recommend the following edits with deletions noted in double strike through and additions in red:

Sec. 16-7. - Hours.

*(a) No person ~~or vehicle~~ shall remain on property administered by or under the jurisdiction of the parks and recreation department between dusk to dawn, except at designated fishing sites, camp areas, and other special use areas. However, on application to the parks and recreation department or its authorized agent **or the scheduling of organized, calendared events by the parks and recreation department**, the hours may be extended.*

Sec. 16-12. - Disorderly conduct; gambling.

*(a) Disorderly conduct as ~~is~~ outlined in ~~described in~~ Chapter 14, Section 22 of the Town Code of Ordinances **is prohibited in or on the property administered by or under the jurisdiction of the parks and recreation department**.*

*(b) Any form of gambling, lottery or game of chance **is prohibited in or on the property administered by or under the jurisdiction of the parks and recreation department except as otherwise allowed** shall be in accordance with NC GS Chapter 14, Article 37 and Chapter 18C. (Code 1986, § 96.12; Ord. of 12-12-1977)*

*Sec. 16-13. - Disturbing the peace by means of weapons, fireworks, and loudspeakers **is hereby prohibited**.*

*(a) Weapons **are identified and addressed** ~~Weapons are described~~ in Chapter 14, Section 110 of the Town Code of Ordinances.*

Board Meeting Minutes
August 14, 2017

a. *Lawful carry of concealed weapons is outlined* ~~Legally concealed weapons are described~~
in Chapter 14, Section 111 of the Town Code of Ordinances.

Sec. 16-32. - Regulation of animals.

(6) Nothing in this or related section shall prohibit the use of public safety canines, to include law enforcement, search and rescue or similarly designated canines, from performing their anointed duties while under the control of a handler.

Sec. 16-119. - Parking or driving in prohibited areas.

(d) It shall be unlawful for any vehicle, not owned or controlled by the Town of Wendell, to be left parked overnight unless so authorized by the parks and recreation staff.

Chapter 14, Sections 110 and 111

Sec. 14-110. – Weapons Prohibitions in Town Facilities.

- (a) Pursuant to authority granted in North Carolina General Statute 14-409.40(f), the Town of Wendell hereby ordains that persons are prohibited from having in their immediate possession any bowie knife, dirk, dagger, slingshot, loaded cane, brass, iron or metallic knuckles, razor, pistol, shotgun, rifle, pellet or air gun or other unusual weapon or deadly weapon of like kind in any building, structure or indoor facility owned, appurtenant facilities and parking lots leased or otherwise controlled by the Town of Wendell. A person otherwise lawfully possessing any of these weapons may secure same in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle in the parking lot said facilities.*
- (b) Any and all primary public entrances to structures identified in subsection (a) shall display signage reflecting this prohibition.*
- (c) If any person shall have in his immediate possession and control any bowie knife, dirk, dagger, slingshot, loaded cane, brass, iron or metallic knuckles, razor, pistol, shotgun, rifle, air or pellet rifle or other unusual weapon or deadly weapon of like kind while under the influence of intoxicating drink, controlled substance, drug, or at the premises of a church, polling place, place of public assembly; or using the same to terrorize one (1) or more persons on the streets, sidewalks, public parking lots or other public property in the city, shall be punishable as provided by NC GS 14-4. This section shall not be deemed to prohibit the lawful possession of a concealed handgun by a concealed handgun permittee in accordance with the laws and regulations of the State of North Carolina, the federal government, and any agency or subdivision thereof, and as further provided in section 14-111.*
- (d) Nothing in this section shall prohibit the possession of weapons described in instances where they are being sold, raffled, used as training devices etc. provided they are under the possession of a vendor engaged in lawful commerce or training provided said possession has been approved by facility coordinator prior to a specific event. Additionally this section shall not apply to law enforcement officers engaged in the lawful performance of their duties.*

Sec. 14-111. - Legally concealed weapons prohibited where posted.

The Town of Wendell hereby prohibits the carrying of a legally concealed handgun at any of the following locations:

- (1) Any building, parking lots and other appurtenant premises owned, leased or otherwise under the control of the Town of Wendell; and*
- (2) Any municipal recreational facilities.*

Board Meeting Minutes
August 14, 2017

- (a) *As used herein, the term "recreational facility" includes those facilities specifically identified by the town's parks and recreation director and shall include the following:*
- (1) *An athletic field **or other outdoor facility**, including any appurtenant facilities such as restrooms, during an organized calendared event if the field had been scheduled for use with the Town of Wendell Parks and Recreation Department*
 - (2) *A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool; and*
 - (3) *A facility used for athletic events, including, but not limited to, a gymnasium.*
 - (4) *An street, road, alley, parking lot which has been closed under the authority of the Town for a scheduled calendared festival, or similar event provided that the event is scheduled through the Parks and Recreation Department.*

Parks and Recreation Director Jeff Polaski / Police Chief Bill Carter provided an overview of the text amendment to Chapter 16 and Chapter 14; staff report above in italics.

Commissioner Joyner stated the Town is trying to comply with the 2013 statute amendment for open carry and concealed carry. He questioned the status of open carry within the park. Chief Carter stated there are other statutes that allow the governing body to prohibit open carry and the language has been amended to reflect that. He added there is a caveat in the proposed ordinance for events such as sales of guns.

Commissioner Joyner expressed concern about being in or out at the park for concealed weapons. He would like to discuss making the ordinance clearer. He does not want a lawfully permitted holder having to figure out where they may or may not be at the park. He would like a way to write the ordinance that complies with the statute and more clearly defines where one may or not be.

Mayor Gray stated the Town is in the process of creating a new trail. She questioned what happens when the cross country team runs down the trail.

Commissioner Boyette questioned where concealed weapons are allowed. Chief Carter stated concealed carry is allowed in open spaces of the park as long as there is not scheduled organized event. The ordinance mirrors the NC GS. There was research as to how other communities address concealed carry.

Parks and Recreation Director Polaski stated if someone is walking on the track there is not a violation. When that person stops and goes to sit in the bleachers to watch the game, then the person is in violation.

Commissioner Joyner stated what concerns him is that he often goes to the park. The when and where becomes flexible because of the activities. He thinks that the language could be better.

Board Meeting Minutes
August 14, 2017

He questioned the current status of concealed carry in the park. Police Chief Carter stated the current status of concealed carry prohibits all firearms which is in conflict with the NC GS.

Town Attorney Cauley stated the language closely mirrors that in the statute. The language follows the State law.

Commissioner Joyner stated the State law sets the parameters for local government. The Town can allow less restriction but not be more restrictive. The layout of the park is a concern for him. He would rather get into compliance correctly the first time.

Commissioner Boyette stated he concurs with that point. With the language closely following the NC GS and the police chief and parks and recreation director in favor of this, this seems simple. He is fine deferring to the language of the State, the police chief and parks and recreation director. This is more lenient than what is currently on the books and brings the Town into compliance with State law.

ACTION:

Mover: Commissioner Joyner moved to table to September 11, 2017, board meeting for further discussion.

Vote: 4-0.

5. SNAP SHOT.

ACTION: Information. Board may take action.

The Town Board requested the following:

- Remove basketball goal as this was completed.
- Remove staffing needs assessment
- Add Comprehensive report with City of Raleigh for water and sewer and the Town's progress with its pro-forma
- Add Coffee with a Cop

The Town Board requested the following items for the August 28, 2017, agenda:

- Update on the Wake County Public Safety Center Facility located at Wendell Falls
- Discussion of policy for the weather camera

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

 No updates this agenda.

7. COMMISSIONERS' REPORTS.

Commissioner Joyner stated this past week he visited Mr. Ed Morrell and saw the operation at the Third Street Screen Print. He met some people with more than 20 years of service. He stated the Harvest Festival and other fun stuff are coming up in the next couple of months. He thanked the staff for setting up the Mid-Year Retreat last Thursday.

Commission Boyette stated he heard on WUNC a story about manufacturing coming back to the

Board Meeting Minutes
August 14, 2017

United States. The story featured a San Diego manufacturer who gets its shirts from Wendell. He stated the Town has numerous business owners who have invested heavily in Wendell and have done so for a long time.

Commissioner Myrick thanked the Town staff for work at the Senior Center on the door.

Mayor Pro Tem Lutz stated on September 9, 2017, Wendell United Methodist Church is having it Wendell Community Day. It's a big fundraiser for the church and includes fish plates and activities for the day. He expressed congratulations to Kirk, Kirk, Howell, Thomas, Cutler Law Firm celebrating 60 years of business in Wendell and Strickland Jewelers is celebrating 70 years of business in Wendell.

8. MAYOR'S REPORT.

Mayor Gray stated on August 26 will be the All Star Recognition and Family Movie Night. The Town will recognize the ball players and then watch, "The Secret Life of Pets."

Mayor Gray stated the Wendell weather camera is on line today and it was on WRAL today. It's called Wendell Weather Watch and she stated it can be accessed from the Town's website under the Living in Wendell tab. The purpose of the weather camera is so people can hear the name Wendell.

9. CLOSED SESSION.

ACTION: Will be called if necessary.

No closed session was called.

10. ADJOURN.

ACTION:

Mover: Mayor Pro Tem Lutz moved to adjourn at 7:33 p.m.

Vote: 4-0.

Duly adopted this 28th day of August 2017, while in regular session.

ATTEST:

Virginia R. Gray, Mayor

Sherry L. Scoggins, MMC; Town Clerk