

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
September 25, 2017**

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

**STAFF PRESENT:** Town Manger Teresa Piner, Special Assistant to the Manager – Town Clerk Sherry Scoggins, Finance Director Butch Kay, Planning Director David Bergmark, Police Chief Bill Carter, Parks and Recreation Director Jeff Polaski, and Information Technology 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:**

Reverend James Lee of Wendell First Baptist Church provided the invocation.

**1. ADJUSTMENT AND APPROVAL OF THE AGENDA:**

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the agenda with the addition of Item 9a, discussion and action of proposed mural at 235 Cook Street.

Vote: Unanimous.

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

No public comments were received by the Town Board.

**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:

- a. Approval of the Minutes from the August 28, 2017, regular meeting.
- b. Wake County Tax Report for July 2017.

**ACTION:**

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

Vote: Unanimous.

**4. PRESENTATION BY CAPITAL AREA WORKFORCE DEVELOPMENT.  
SPEAKER: Eric Breit, Strategic Initiatives Director  
ACTION: Presentation.**

*[Staff Report]*

***Item Summary:***

*Eric Breit, Strategic Initiatives Director for the Capital Area Workforce Development Board (CAWD), will make a presentation about CAWD and their services.*

*Capital Area Workforce Development is a public-private partnership that focuses on economic development by ensuring the local workforce has the skills, training and education to meet the needs of local employers. The board oversees workforce solutions in Wake and Johnston counties designed to serve businesses and individuals of all ages.*

*The mission of CAWD is to create a highly effective workforce system. This system provides employers with productive, skilled workers and offer citizens training and employment opportunities that promote job satisfaction and economic stability. The accomplishment of this mission enables all citizens to contribute to the prosperity of the community.*

Mr. Eric Breit, Strategic Initiatives Director for Capital Area Workforce Development, provided an overview; report above in italics.

Mr. Darryl Blevins, Director of Wake County Eastern Regional Center, provided an overview of the Career Center resources available at the Wake County Eastern Region Center.

Ms. Susan Johnston of Capital Area Workforce Development discussed the work with businesses to support their talent needs such as on the job training and labor market data research.

**5. REQUEST BY WENDELL CHAMBER OF COMMERCE TO HOST THE  
UPCOMING ANNUAL CHAMBER BANQUET AT THE WENDELL  
COMMUNITY CENTER.  
SPEAKER: Parks and Recreation Director Jeff Polaski  
ACTION: Board may take action.**

*[Staff Report]*

***Item Summary:***

*On August 4, 2017, the Wendell Chamber of Commerce submitted a request to use the Community Center for the Annual Chamber Banquet. The Parks and Recreation Commission received the request on August 7, 2017 and voted unanimously in favor of waiving the rental fee. In accordance with the rental policy, the Wendell Chamber of Commerce is responsible for the cleaning fee and the hiring of a law enforcement officer as this venue will serve alcohol.*

Parks and Recreation Director Jeff Polaski provided an overview of the Wendell Chamber of Commerce request to host the Annual Chamber Banquet at the Wendell Community Center on November 9, 2017; staff report above in italics.

Wendell Chamber of Commerce President Regina Harmon stated this is the annual business dinner meeting that is a year in review of what has been accomplished, what is on the horizon,

recognition of outgoing Board members, welcome of new Board members, and awards given out to area businesses in various categories. Invitations will go out the first of October.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the Wendell Chamber of Commerce request for a waiver of the rental fee of the Community Center.

Vote: Unanimous.

**6. REVIEW AND APPROVAL OF THE AMENDED UTILITY FEE SCHEDULE FOR 2017-2018.**

**SPEAKER: Town Manager Teresa Piner**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*On an annual basis, staff reviews its current fee schedule to determine if revisions are needed for the upcoming fiscal year. For water and sewer fees, the utility merger agreement requires utility fees to be equal to or more than those charged by the City of Raleigh. The Fee Schedule was adopted in June of this year; however HB 436 has impacted the current Fee structure and requires amendments to the schedule previously adopted.*

*In response to new water and sewer development fee legislation (SL 2017-138) the City of Raleigh Utility Department has determined adjustments to their recently adopted fee Schedule were necessary. Subsequently, Raleigh's City Council approved updated Water and Sewer Capital Facilities fees on September 5, 2017, which will go into effect September 30, 2017.*

*Attached is a copy of Raleigh's updated fee ordinance for all meter sizes. In order for the towns to continue collecting Water and Sewer Capital Facilities fees on Raleigh's behalf after October 1, 2017, Raleigh has requested that merger communities adopt the utility fee schedule that the Raleigh City Council approved on September 5<sup>th</sup>.*

*Most Towns have enabling legislation allowing for the collection of impact fees for water and sewer services "to be furnished". The new law is effective October 1, 2017, but has a bridge provision allowing Raleigh and the merger towns the ability to continue under their prior authority until July 1, 2018.*

Town Manager Teresa Piner provided an overview of the request to amend the utility fee schedule for FY 2017-2018; staff report above in italics.

Commissioner Joyner stated this is non-negotiable. Town Manager Piner stated that is correct.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adopt the utility fee schedule for FY 2017-2018.

Vote: Unanimous.

**7. DISCUSSION OF POLICY FOR WEATHER CAMERA.**

**SPEAKER: IT Administrator Hughes**

**ACTION: Board may take action.**

*[Staff Report]*

***Item Summary:***

*At the request of the Town Board, discussion for this item was continued to the September 25, 2017, meeting.*

*At the request of the Town Board, discussion for this item was continued to the September 11, 2017, meeting.*

*With the new installation of the weather camera located on Main Street, the need for a weather camera policy was discussed at the Board meeting on August 12, 2017. Most polices reviewed were related to surveillance and security monitoring cameras and do not apply to the proposed use of the camera for the Town of Wendell.*

*A draft policy is attached for discussion. The Town Attorney and State Department of Archives will be consulted before requesting adoption.*

Information Technology Administrator Tamah Hughes provided an overview of the policy for the weather camera; staff report above in italics.

Commissioner Joyner thanked the staff for its work through the policy.

Mayor Gray questioned if there is language about adopting the Records and Retention Schedule.

Commissioner Boyette stated the Town of Wendell weather was shown on both the noon and 5 p.m. WRAL news programs.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the policy and the record retention schedule [standard 15].

Vote: Unanimous.

**8. PEDESTRIAN PLAN; CONTINUED FROM THE SEPTEMBER 11, 2017, BOARD MEETING.**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Board may take action; public hearing was held on 9/11/2017.**

*[Staff Report]*

***Item Summary:***

*In November of 2014, planning staff submitted a Pedestrian Plan grant application to the NC Department of Transportation for their 2015 call for projects. In April of 2015, the Town of Wendell was notified that its application was accepted and the Town would be the recipient of a Pedestrian Plan Grant. The total plan cost for the pedestrian plan was \$32,000, with the Town paying twenty percent (\$6400).*

*STANTEC was chosen by DOT as the consultant group to lead plan development. Per NCDOT's requirements, a Pedestrian Plan Steering Committee was formed to guide the planning process and ensure citizen involvement. Wendell's Pedestrian Plan stakeholder committee included representatives from municipal police, downtown business interests, municipal planning staff, DOT, Wake County Public Schools System, an ad-hoc member of CAMPO and one citizen advocate. This committee met several times, beginning in early 2016, to guide key decisions*

*about public engagement and plan goals. In addition to having a presence at Planning Board and Town Board meetings, the Pedestrian Committee hosted two open houses (held at Town Hall and Wendell Elementary School), participated at Wendell's Big Truck Day, conducted on-line surveys, and held a Bike Safety clinic.*

*The purpose of the Wendell Pedestrian Plan is to evaluate the current pedestrian system in place, determine where pedestrians want to travel, identify existing gaps and obstacles to the pedestrian system, create a list of recommended pedestrian improvements (sidewalks, crosswalks, pedestrian signals, lighting, etc.), prioritize recommended projects for budgeting purposes, and make suggested changes to current codes, ordinances, standards, and policies related to pedestrian travel.*

*The Pedestrian Plan in itself does not create new development standards related to pedestrian facilities. However, it does make recommendations which could later be incorporated into the UDO, the Town's Standards and Specifications document, or Town policies.*

*During development of the Pedestrian Plan, STANTEC conducted a detailed on-line survey. The results of this survey showed that the majority of survey participants indicated they currently walk for recreation. Only ten percent of participants indicated they walked for transportation purposes. However, survey responses strongly indicated that a lack of sidewalks in Wendell contributes to the decision not to walk more, in addition to fear of traffic and concerns over distance or time. Approximately half of survey participants indicated they felt comfortable walking downtown, while local intersections were rated as the least comfortable pedestrian environment.*

*The draft Pedestrian Plan is 120 pages in total, including numerous tables, maps, resource lists, and best practices. A link to view or download a digital copy of the plan is provided as an attachment to this report. Physical copies are also available at Town Hall. In general, the plan can be broken into the following four sections:*

- 1) Introduction (pages 7-16)*
- 2) Existing Conditions (pages 17-42)*
- 3) Recommendations (pages 43-66)*
- 4) Implementation (pages 67+)*

*Sidewalk recommendations are contained in Table 3 of the Pedestrian Plan, organized alphabetically by street name. Crossing improvements are contained in Table 4. Table 5 prioritizes sidewalk projects into 'short-term', 'mid-term' and 'long-term' projects, with the higher priority projects listed first in each category. Table 9 performs the same function for crossing recommendations. Construction cost estimates are provided for each project. The project ID relates back to Table 3 and is also identified on the accompanying maps. Priority scoring was assessed based on the sites accessibility (proximity to schools, parks, commercial areas, etc.), safety (measured by average daily traffic on the roadway), connectivity (completing connections to existing facilities), and Constructability/Cost.*

*The Pedestrian Plan also highlights five enhancement areas, where additional review for pedestrian improvements was performed. These enhancement areas were chosen by the pedestrian committee due to the concentration of destinations and the presence of pedestrians. Before and after renderings of the proposed recommendations for these five areas are included for visualization purposes. The five enhancement areas include:*

- 1. Wendell Blvd (near Tropicana)*
- 2. Wendell Blvd at Hanor Lane*
- 3. Wendell Blvd at Wendell Elementary*

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4. *Hollybrook Rd at Lake Drive/Second Street*
5. *Wendell Blvd at Old Wilson Rd/Selma Road*

**Planning Board Recommendation:**

*At their August 21, 2017 meeting, the Planning Board voted 7-0 in favor of the Wendell Comprehensive Pedestrian Plan, with the following conditions/guidance to the Town Board:*

1. *That prioritization of pedestrian improvements emphasize filling in existing gaps and performing maintenance of existing sidewalks before installing new, non-infill, segments.*
2. *That the Town Board evaluate the recommended intersection crossing improvements to determine if the intersection of Old Battle Bridge Road and Wendell Boulevard should be the top priority as currently listed.*
3. *That on page 82, the last sentence for the countdown pedestrian signals policy recommendation be deleted. This sentence recommended requiring pedestrian signals to be installed with new development even when no sidewalk was in place.*

***Voting in Favor:*** Chairperson Ashley Anderson, Kathe Schaecher, Michael Clark, Allen Swaim, Jonathan A. Olson, Lloyd Lancaster, and Errol Briggerman.

***Voting to Abstain:***

***Voting in Opposition:***

***Absent:*** Gilda Wall and Victoria Curtis

**Statement of Plan Consistency and Reasonableness:**

- *At their August 21, 2017 meeting, the Planning Board found the requested Wendell Pedestrian Plan to be consistent with the recommended implementation steps outlined in the Wendell Comprehensive Plan, as well as following principle identified in the Comprehensive Plan:*
  - *Principle Number 8: “Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.”*

**Staff Recommendation:**

*Staff recommends approval of the Draft Pedestrian Plan, which will help the town prioritize pedestrian projects and assist the Town to receive future grants related to plan implementation. The only specific change to the Pedestrian Plan requested by the Planning Board was to delete a single sentence on page 82 within the recommended policies section.*

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*At the September 11, 2017 public hearing, there was some discussion on changing the ordered list for intersection improvements to reflect local priorities more closely. The intersection of Old Battle Bridge Road was specifically referenced. To facilitate this discussion, staff has included the priority tables for intersections and sidewalk improvements as Attachment C. If any changes are made to this list by the Town Board, staff suggests demarking any projects moved with an asterisk and/or color differentiation and adding a note on the bottom of the page to clarify that these projects were moved to reflect local priorities.*

Planning Director David Bergmark provided an overview of the Pedestrian Plan; staff report included in italics.

Mayor Pro Tem Lutz stated he would like to move the Wendell Boulevard and Old Battle Bridge Road recommendation to the three to five year from the one to two year.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the Wendell Comprehensive Pedestrian Plan with the note to move the Wendell Boulevard and Old Battle Bridge Road recommendation moved to the three to five year section.

Vote: Unanimous.

**9. DISCUSSION OF TEMPORARY SIGNS.**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Board may take action.**

*[Staff Report]*

Item Summary:

*Following the September 11, 2017 Board meeting, staff reviewed the UDO and Wendell Code of ordinances to determine if the temporary electronic message board sign placed across from Wendell Elementary violated any UDO or Wendell Code of Ordinance provisions. It was the desire of the Town Board to have this sign removed immediately if possible.*

*Code violations observed by staff included the frequency with which messages may change on an electronic message board sign (8 seconds minimum) and the sign's location within the sight triangle. The sight triangle is not physically marked at this intersection but identifies an area triangle in shape along street intersections, within which no structures taller than 3 feet are supposed to be placed. Due to the width of the right-of-way along Wendell Boulevard, the sign in question was placed within the sight triangle, despite being more than a dozen feet back from the curb.*

*Since both of these issues are zoning violations, the UDO would call for staff to notify the property owner (NOT the sign operator) of the violation, and give him or her 7 days to come into compliance before fines could be assessed against the property owner. Staff spoke with the property owner concerning these violations and the possible repercussions, and he agreed to withdraw his permission for the sign to be placed on his lot. The sign was removed on September 12<sup>th</sup>.*

*While this immediate concern has been alleviated, staff did want to note that the sign could have been legally left on site if the operator had changed the frequency of message changes, and moved the vehicle further from the intersection. As the ordinance currently stands, nothing would prevent a similar sign from being placed at any location along Wendell Boulevard.*

March 13, 2017 – Public Hearing

- *Enforcement of the temporary sign section 12.7D was suspended for 1 year.*
- *Changes to other sections of Chapter 12 (outside 12.7D) were made at this time.*

*Those changes made outside of Section 12.7D of the UDO are summarized on page 3 of this report. Additional background material from the March 13, 2017 report is provided on the following page.*

Information (From March 13, 2017 Report):

*In January of 2015, the Town Board approved amendments to Chapter 12 of the UDO related to temporary signage. Significant features of the approved text amendment were that small ground signs erected by a non-profit operating within the Town's jurisdiction or a business located within the Town's jurisdiction could post up to 12 signs (no more than 2 per property) with no time limit. The text of the ordinance was based on language provided at the board meeting. Prior to these new rules and following a period of no enforcement at the Town Board's*

direction, only 6 small ground signs could be erected at once and the permit was valid for 10 calendar days.

The intent of the 2015 amendment was to provide more flexibility to businesses wishing to erect temporary signs and to provide staff time to gauge the impact of the amendments passed. However, the current regulation which provides no expiration date for these temporary signs has created enforcement issues for staff and has caused complaints from citizens. Some citizen complaints have been related to signs being erected on their property without their permission. Other complaints were regarding temporary signs creating an overall unkempt and messy appearance along the town's entrance roadways. Even if properly placed and permitted, the omission of a duration period for smaller temporary sign permits increases the total number of temporary signs erected around town at any given time.

As a result, at the March 13, 2017 meeting, staff recommended that an expiration date for temporary signs be re-established. At the February 7<sup>th</sup> board meeting, the Town Board expressed a desire to simplify regulations by avoiding having separate permit durations for different types of signs, to the greatest extent possible. The Board acknowledged that lighter than air signs did require a different standard. The Board also expressed a desire to create language to accommodate more than one feather flag sign.



Towards this purpose, staff suggested that businesses be allowed to obtain a total of 5 temporary signs permits in a given calendar year (rather than 4) and that small temporary signs permits and banners be valid for 21 days (5 permits x 21 days = 104 days). This represented a significant increase in the duration of small ground sign permits and a small decrease in the duration of banner permits, compared to prior standards. Proposed language was developed to create a new temporary sign category for feather flags, which would be permitted for 21 days as well. The number of feather flags permitted ranged from 2-4, depending upon the frontage of the lot. The proposed amendments also included modifications to other sections of Chapter 12 in order to make the Town's regulations more in line with the 'Reed vs. Town of Gilbert' court case. This case found sign regulations should be as content-neutral as possible.

Summary of Changes Proposed at March 2017 Hearing (items in red [1,2,3, & 5] were not changed. Enforcement of the temporary sign section 12.7D was suspended for 1 year.

1. Make temporary 'ground signs- small' valid for 21 days (rather than 10), with 6 signs permitted per business (rather than 12).
2. Remove content related language from the 'Banners' section and make banner permits valid for 21 days (rather than 30).
3. Add 'feather flags' as a temporary sign category and permit 2-4 feather flags (up to 12 feet tall) with a single permit for up to 21 days. The number of feather flags allowed is increased to 4 for those businesses with greater road frontage.
4. Amend 'sandwich board signs' so that the sign does not have to be located within 8 feet of the business's door. Instead, the sign simply has to be placed on or directly behind the sidewalk in front of the business, with at least 4 feet of clearance if placed on a sidewalk.
5. Remove the 'Mobile Sign' category from temporary signs. This provision is rarely used, and can be lumped into the 'All other temporary signs' category.



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6. *Remove language related to ‘special event signs of recognized non-profit or charitable organizations’ from the ‘Realtor and Non-Realtor Open House Signs, and Yard Sales Sign’ section of ‘Signs Not Requiring a Permit’. Special event signs should be addressed by the ‘temporary sign permit’ section.*
7. *Add language under the ‘Applicability’ section of Chapter 12 to reference the general statute [\(160A-381j\)](#) which creates a 24 month exemption from sign regulations for fence wrapping. Currently Chapter 12 does not address fence wrapping. The added language is meant to provide clarification of a recent change to the general statutes.*

January 17, 2017 – Planning Board Review

*At its January 17, 2017 meeting, the Planning Board reviewed proposed amendments to the Town’s temporary sign regulations and made two motions. In the first motion, the Planning Board voted 4-2 against proposed changes to section 12.7D (Temporary Signs Requiring a Permit) and to suspend temporary sign enforcement of section 12.7D for a period of 1 year. In the second motion, the Planning Board voted 6-0 in favor of all other proposed changes outside of section 12.7D*

*Following the Planning Board recommendation, the Town Board held a public hearing on this item at its March 13, 2017 meeting. At the completion of the public hearing, Commissioner Joyner moved to adopt the Planning Board’s recommendations to suspend enforcement of Section 12.7D for a period of one year, and to support proposed changes outside Section 12.7D. The vote passed unanimously (4-0). At the April 10, 2017 meeting, staff requested clarification on the intent of the March 13<sup>th</sup> vote, in order to ensure all voting members were in agreement.*

Planning Director David Bergmark provided an overview of temporary signs; staff report included above in italics.

Mayor Pro Tem Lutz thanked the staff for assistance with the signage from a safety stand point. He still feels this can be a potential issue in the future. He would like to see temporary electronic signage moved to the prohibited list. Planning Director Bergmark stated this would go back to the Planning Board for discussion and recommendation and then notice for a public hearing by the Town Board.

**ACTION:**

Refer to the Planning Board for discussion and recommendation.

- 9a. DISCUSSION AND ACTION OF A PROPOSED MURAL AT 235 COOK STREET. [Added during adjustment of the agenda.]**  
**SPEAKER: Planner Patrick Reidy**  
**ACTION: Board may take action.**

Planner Patrick Reidy provided an overview of the proposed mural at 235 Cook Street; staff report included as an attachment to the minutes and available in the Town’s minute book.

Commissioner Boyette questioned if anyone spoke with the homeowner across the street about this request. Planner Reidy stated no.

Commissioner Boyette stated this is not the first art mural at the site. Some 20 years ago there

was a fox on the side of the building.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the request for a mural at 235 Cook Street.

Vote: Unanimous.

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

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

Mayor Gray stated she the following was discussed:

- Public hearing on the project list
- Discussed the FY 16-2017 TIP program
- Discussed 2018-2017 Transportation Improvement Plan
- Discussed the NC DOT Transportation Strategic Fund

**11. COMMISSIONERS' REPORTS.**

Commissioner Carroll stated no report.

Mayor Pro Tem Lutz stated he attended the Open House at Wendell Elementary School. The PTA had food trucks and a festivity with a great turn out. The parents, teachers, and community were involved and it was a great time.

Commissioner Myrick stated he attended the International Food and Music Festival. He thanked the church for the organization of the event and the Town staff for assisting. It was well attended and the food was delicious.

Commissioner Boyette stated he received questions about campaign signs. He stated any citizen or Town employee may put up a campaign sign.

Commissioner Joyner stated he attended the International Food and Music Festival. He attended the Triangle Community Coalition event and he spoke to many real estate professionals. He stated Wendell is the new real estate hot spot. He also attended the Wendell Historical Society Reverse Raffle and it was a good time.

**12. MAYOR'S REPORT.**

Mayor Gray stated the Harvest Festival is October 6 and October 7. The Wendell Chamber has done a lot planning and there are new events – like the duck call contest.

**13. CLOSED SESSION.**

**ACTION: Will be called if necessary.**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to go into closed session to discuss a personnel matter, in accordance with NC GS 143-318.11(a) (6) 7:46 p.m.

Vote: Unanimous.

**ACTION:**

Consensus of the Board to return to open session at 10:11 p.m.

**14. ADJOURN.**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 10:11 p.m.

Vote: Unanimous.

Duly adopted this 9th day of October 2017, while in regular session.

**ATTEST:**

\_\_\_\_\_  
Virginia R. Gray, Mayor

\_\_\_\_\_  
Sherry L. Scoggins, MMC; Town Clerk