

**TOWN OF WENDELL**  
**BOARD OF COMMISSIONER MEETING MINUTES**  
**April 9, 2018**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, April 9, 2018, 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, David Myrick, and Jason Joyner.

**STAFF PRESENT:** Town Manger Teresa Piner, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Planner Patrick Reidy, Parks & Recreation Director Jeff Polaski, Police Chief Bill Carter, 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:**

Members of Boy Scout Troop 515 led the Pledge of Allegiance.

**INVOCATION:**

Greg Lane of Wendell 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: 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. Wake County Tax Report.
- b. Approval of the minutes from the March 26, 2018 budget work session meeting.

**ACTION:**

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

Vote: Unanimous.

**4. RECOGNITION OF SWAC WENDELL U-10 ALL STAR STATE CHAMPIONS**  
**SPEAKER: Mayor Virginia Gray**  
**ACTION: Recognition.**

*[Staff Report]*

**Item Summary:**

*Leading up to the Sunday, March 18, 2018, SWAC U-10 All Star State Championship game, Wendell U-10 had played Zebulon, Knightdale and Fuquay-Varina to reach the medal round. The Sunday, March 18, 2018, State Championship game was a re-match between Wendell and Fuquay-Varina.*

*Wendell SWAC U-10 won its first All Star State Championship! Congratulations!!*

Mayor Gray recognized the Coach Stacey Alston and the SWAC Wendell U-10 All Star State Champions; report included above in italics.

Coach Stacey Alston recognized the assistant coaches and basketball players of the SWAC Wendell U-10 All Star team.



**5. FAÇADE GRANT APPLICATION REQUESTED FOR 28 NORTH MAIN STREET.**  
**SPEAKER: Planner Patrick Reidy**  
**ACTION: Board may take action.**

[Staff Report]

**Item Summary:**

*At the April 2, 2018 meeting, the Appearance Commission reviewed one Downtown Façade Grant application for the April 1<sup>st</sup> application period. This request is the first and only façade grant application that was received prior to the 1<sup>st</sup> Appearance Commission meeting during the cycle.*

*The Appearance Commission members recommended to the Board of Commissioners by a vote of 6 to 0, approval of the downtown façade grant application for 28 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.*

**28 N. Main Street**

*On March 2, 2018, an application was submitted to the Town of Wendell Planning Department by building owner Regina Harmon for the downtown façade grant program. The application is to replace the blue fabric awning with a red standing seam metal awning on the building at 28 N. Main Street. The property is currently operated as the Wendell General Store. The property is located in the Downtown Mixed-Use (DMX) zone.*

*The total estimated cost for the project is \$2,275. The amount applied for by the applicant for the downtown façade grant program is \$1,000.00. 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 28 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.*

*Existing Façade:*



*Proposed Awning (will be red):*



**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 the submitted application.*

*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;*
- 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 28 North Main Street; staff report include above in italics.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the façade grant request for 28 N Main Street as presented.

Vote: Unanimous.

**6. DISCUSSION OF REQUEST FOR BIKE LANE FEE-IN-LIEU FOR PHASE 2 OF WOODLANDS OF TIMBERLAKE.**

**SPEAKER: Planner Patrick Reidy**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*On September 14, 2007, the Woodlands of Timberlake, Phase 2 plat was recorded by developer Johnny Watson (Attachment A). This plat included several lots along Wendell Boulevard for commercial development, including a 0.55 acre lot identified as 'Lot 101'. On June 1, 2017, Mr. Watson recorded a plat to recombine several lots along Raymond Drive to allow for additional residential units in place of some of the commercial lots that were not attracting development interest (Attachment B). This recombination left the commercial lot on the corner of Wendell Boulevard and Raymond Drive (Lot 101) in the originally platted configuration.*

*Since that time, owner and developer, Johnny Watson approached Planning Staff about splitting the corner lot into two residential lots (Attachment C). The proposed subdivision of the lot would require the installation of a bike lane along Wendell Boulevard. The frontage along Wendell Boulevard already has curb and gutter, as well as sidewalk in place. The curb and gutter were installed by Mr. Watson as an original development requirement for Woodlands of Timberlake, Phase 2. The sidewalk was more recently installed as part of a Community Development Block Grant (CDBG) project.*

*In staff's opinion, removing curb and gutter and recently installed sidewalk for the installation of a short linear footage of bike lane could be overly burdensome for the applicant. Instead, staff suggested submitting a fee in lieu request as a manageable alternative.*

*On March 29th, the developer asked staff to move forward with processing a bike lane fee-in-lieu request for the west side of Wendell Boulevard (Attachment D), which the UDO does allow for. All requests must be granted by the Board of Commissioners.*

*The UDO requires that an engineer's estimate be provided for the work required. The linear footage of the bike lane required is 155 feet. The estimate, verified by AMT Engineering, for installing 155 feet of bike lane is \$3,062.00. If approved, that amount would be due prior to the recordation of the recombination plat. The Town could then use these funds to make transportation improvements where needed.*



**Staff Recommendation:**

*Staff believes that the \$3,062.00 for the bike lane fee-in-lieu is a reasonable request based on current site conditions. Staff recommends approval of the fee-in-lieu request.*

Planner Patrick Reidy provided an overview of the request for bike lane fee-in-lieu for Phase 2 of Woodlands of Timberlake; staff report include above in italics.

Commissioner Carroll questioned if a prioritized sidewalk project would be completed with this money. Planner Reidy stated he did not know.

Commissioner Boyette stated he would like to see the funds used for sidewalk, especially the area at Wendell Boulevard between Academy and the fire station.

Mayor Pro Tem Lutz stated the spirit of the policy was to improve non-vehicle transportation.

Commissioner Carroll requested for the next meeting staff come back with a recommendation for these fee-in-lieu funds.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the fee-in-lieu request as presented and the \$3,062 is used for a high needs sidewalk area.

Vote: Unanimous.

**Public Hearing Guidelines:**

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- Case is announced
  - Staff presentation
  - Applicant presentation
  - Public hearing is opened; citizens will follow the same rules as Public Comment Period and will have five minutes to speak
  - Close public hearing
  - Board members ask questions
  - Board may take action
- 

7. **PUBLIC HEARING: PUBLIC HEARING TO CONSIDER A ZONING TEXT AMENDMENT TO CHAPTERS 9 AND 13 OF THE UDO AS THEY RELATE TO ROADWAY INFRASTRUCTURE IMPROVEMENT REQUIREMENTS.**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Public Hearing. Board may take action.**

*[Staff Report]*

**Item Summary:**

**Applicant:**

*Town of Wendell*

**Petition:**

*Chapter 9 of the UDO contains the Town's general provisions for street design, including street types, connectivity standards, and infrastructure improvement requirements.*

*Section 9.3 of the UDO (General Provisions for Street Design) states "new development or redevelopment with frontages on existing publicly-maintained streets shall be required to upgrade all street frontages to meet the standards of this Ordinance including sidewalks, street*

*trees, curb and gutter, and right-of-way dedication. Payment in lieu of physical improvements may be permitted by the Board of Commissioners.”*

*Section 9.5 (B & F) further states that whenever a tract of land included within any proposed development plan embraces any part of the [thoroughfare or collector network] as designated on the Town’s Arterial and Collector Street Plan...the development shall be required to dedicate and plat the [road] right-of-way, and shall be responsible for the cost and the installation of the improvements in accordance with the Town’s and NCDOT’s standards for roadways.*

*Certain exceptions to roadway improvements for Family Subdivisions and the construction of a single dwelling on a vacant tract of 10 acres or more are included in Section 9.3 of the UDO.*

*However, as written, there is no differentiation provided for new development vs. expansions to existing development as it relates to roadway improvements. Such differentiation does exist in Chapter 13 for other site improvements (sidewalks, landscaping, parking), but not for roadway improvements which may include adding bike lanes, curb and gutter, or even a travel lane.*

*In staff’s opinion, the current language of Chapter 9 would be overly burdensome if applied as written, as even a 5% increase in building square footage could trigger expensive roadway improvements, where applicable. As such, staff proposes to include language within Chapter 13 (and references in Chapter 9) to establish a minimum threshold of building expansion which must take place before roadway improvements are triggered.*

*Currently Chapter 13 uses a 25% expansion threshold for other improvements such as sidewalks, landscaping, and parking. Originally staff recommended that the same standard be applied to roadway improvements. Staff also suggested that any expansion of 2500 square feet or less be exempt from roadway improvement requirements, regardless of what percentage increase this expansion represents. This provision would ensure that a very small business (such as a dentist office or attorney’s office in a 2000 square foot building) could make reasonable expansions without triggering roadway improvements. Building expansions would be tracked cumulatively (i.e. A developer could not circumvent the UDO’s requirements by expanding 20% year one, and an additional 20% year 3).*

*At their March Meeting, the Planning Board recommended differentiating expansions of heated square footage vs. unheated square footage. They proposed that a 25% threshold be applied to heated square footage expansions, but that the threshold is increased to 50% for expansions of unheated square footage.*

*The proposed changes contained in this text amendment would allow small expansions to existing developments without creating an economic disincentive to improving one’s site. At the same time, it would still ensure that significant expansions to existing development include the same roadway improvements that would be required of new development.*

*The following section details the specific changes proposed for Section 9.3, 9.5B, 9.5F2, 13.2, and 13.9 of the UDO, with the **amended text shown in red**. To view Chapter 9 and Chapter 13 in full, you may visit Wendell’s Municode webpage at:*

*[https://library.municode.com/nc/wendell/codes/code\\_of\\_ordinances?nodeId=UNDEORUD](https://library.municode.com/nc/wendell/codes/code_of_ordinances?nodeId=UNDEORUD).*

***Proposed Amendments to Chapter 9 (modified language shown in red)***

***9.3 General Provisions for Street Design***

*New development or redevelopment with frontages on existing publicly-maintained streets shall be required to upgrade all street frontages to meet the standards of this Ordinance including sidewalks, street trees, curb and gutter, and right-of-way dedication. Payment in lieu of physical improvements may be permitted by the Board of Commissioners. **See Chapter 13 for modifications to this requirement for expansions to existing development.** The following specifications shall apply to street design:*

*[STAFF NOTE: NO CHANGES MADE TO THE REMAINDER OF SECTION 9.3]*

**Section 9.5B (Arterial and Collector Street Plan Conformity)**

Whenever a tract of land included within any proposed development plan embraces any part of the thoroughfare network as designated on the Arterial and Collector Street Plan [see Appendix C], the Capital Area Metropolitan Planning Organization's [CAMPO] Thoroughfare Plan (also referred to as the Comprehensive Transportation Plan or Metropolitan Transportation Plan), or other adopted Transportation Plan, the development shall be required to dedicate and plat the thoroughfare right-of-way, and shall be responsible for the cost and the installation of the improvements in accordance with the Town's and NCDOT's standards for roadways. *See Chapter 13 for modifications of this improvement requirement for expansions to existing development.*

**Section 9.5F2 (Arterial and Collector Street Plan Conformity)**

The street layout in any development shall conform to the arrangement, width and location of collector streets indicated in the adopted ACS Plan. (See Arterial and Collector Street Plan Map, Appendix C). Whenever a tract of land included within any proposed development plan includes any part of the collector street system as designated on the ACS Plan, the development shall be required to dedicate and plat a collector right-of-way, and shall be responsible for the cost and the installation of the improvements in accordance with the Town's standards for roadways. *See Chapter 13 for modifications of this improvement requirement for expansions to existing development.*

**Proposed Amendments to Chapter 13 (modified language, including Planning Board changes, shown in red)**

**13.2 Summary Applicability Matrix**

The following table summarizes the primary requirements that shall be met when there are changes to existing development and/or to nonconforming structures or uses. A ✓ indicates that compliance with all applicable standards is required. *Site changes which would initiate improvements shall be counted cumulatively from the effective date of this ordinance.*

	Ch. 5	Ch. 5	Ch. 8	Ch. 8	Ch. 9	Ch. 9	Ch. 10	Ch. 11	Ch. 12
	Dimensional Standards	Building Design	Landscaping & Planting	Parking Area Landscaping	Sidewalks	Road Improvement	Parking	Outdoor Lighting	Signs
<b>Parking Area Expansion</b>									
12 or more spaces (Sec. 13.8.A)			✓	✓(a)					
Expansion of ≥ 40% of paved area (Sec. 13.9)					✓(c)				
<b>Existing Development</b>									
Expansion of nonconforming residential use (Sec. 13.4.C)	✓	✓							
Reconstruction of nonconforming principal structure (damage > 65% of assessed value) (Sec. 13.4.H)	✓	✓	✓	✓	✓		✓	✓	✓
Replacement of non-conforming manufactured home (Sec. 13.5)		✓							
Nonconforming vacant lot (Sec. 13.3.A)	✓								
Replacement, alteration of nonconforming signs (Sec. 13.7)									✓
Expansion of non-residential structure: >25% of total floor area (Sec. 13.8.A) (Sec. 13.9)		✓(a)	✓(a)	✓	✓	✓(d)	✓	✓	✓

- (a) For expanded portion only; (b) non-residential structures only; (c) non-residential and multi-family uses only; (d) 25% threshold shall apply to heated space. For unheated spaces, improvements shall be required at 50% expansion.

### **13.9 Nonconforming Street Frontages**

*For an existing non-residential or multi-family use, if there is an expansion of heated space greater than 25 percent of the total square footage of the building, or an expansion of unheated space (enclosed or open-sided) greater than 50 percent of the total square footage of the building, then the lot shall fully comply with the roadway improvement requirements of Chapter 9, including right-of-way dedication and installation of physical improvements. Expansions of less than 2500 square feet shall be exempt from the Town's requirement for physical improvements to roadway infrastructure, but shall adhere to right-of-way dedication requirements.*

*Notwithstanding the preceding language in section 13.9, if there is an expansion to the heated square footage of an existing non-residential or multifamily use and/or to the paved areas which increases the total impervious area more than 40 percent, the lot shall fully comply with the sidewalk requirements of Chapter 9, Section 9.3.C, Sidewalks. This requirement for sidewalks shall not apply in the OSC, RA and RR zoning districts.*

#### **Planning Board Recommendation:**

*At their March 19, 2017 meeting, the planning board voted 4-3 in favor of amending staff's original proposal in order to allow for a greater amount of expansion of unheated square footage (50% of existing building) before road improvements were triggered. The planning board's recommendation has been incorporated into the attached ordinance.*

***Voting in Favor:** Errol Briggerman, Gilda Wall, Kathe Schaecher, and Victoria Curtis.*

***Voting Against:** Ashley Anderson, Lloyd Lancaster, and Allen Swaim*

***Absent:** Michael Clark, and Jonathan Olson*

#### **Statement of Plan Consistency and Reasonableness**

- 1. At their March 19, 2018 meeting, the Wendell Planning Board found the proposed text amendments to be reasonable in order to ensure transportation improvements occur over time without creating a disincentive to businesses looking to make small expansions or improvements. Furthermore, they considered the proposed amendments to be consistent with the following principle of the Comprehensive Plan:
  - o Principle Number 8: "Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community."**
- 2. A statement of reasonableness and consistency has been incorporated into the draft ordinance.*

#### **Staff Recommendation:**

*Staff recommends approval of the text amendment request.*

Planning Director David Bergmark provided an overview of the Zoning Text Amendment to Chapters 9 and 13 of the UDO as they relate to Roadway Infrastructure Improvement Requirements; staff report included above in italics.

Commissioner Boyette questioned the reasons for the split vote on the Planning Board. Planning Director Bergmark stated Mr. Lancaster is pro private property rights and is in objection to most development requirements; Mr. Swaim and Ms. Anderson did not state a reason.

Commissioner Myrick questioned what brought this request about. Planning Director Bergmark stated Wendell Builders Supply wants to do expand.

Mayor Pro Tem Lutz said he is generally more on the side of regulation, but he thought this was

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going too far. This is someone who wants to refurbish an existing building. He understands sidewalk, landscaping and parking improvements but not road improvements. He wants to be more business friendly.

Commissioner Joyner questioned if the Town has the ability to not allow someone to do road improvements. Planning Director Bergmark stated this is a NCDOT road, so they could object to something the Town planned along that road.

Commissioner Joyner stated this does not address the transportation plan. This does not address a new development that may come in across the road. He recommended addressing the roadway improvements. He will vote for this as it alleviates the current problem.

Commissioner Boyette stated there is a solution, and it's not within the grasp of the Town Board as it is an impact fee. The State Legislature has removed that option and that's why the Town Board is discussing this amendment.

Mayor Gray opened the public hearing at 7:35 p.m.

David Perry, owner of Wendell Building Supply, stated this is the sixth store and the most cumbersome for regulations. He appreciates the Town being pro-business for the creation of jobs. He stated he has stores in Goldsboro, Mount Olive, Kinston, Fayetteville, and Morehead City. He added in 1999, he was the developer for the mini storage facility located on Wendell Boulevard.

Lucius Jones appreciated the business coming to Wendell. He requested a review of the Unified Development Ordinance (UDO).

Paul White stated this business is located on a road maintained by the North Carolina Department of Transportation (NCDOT), so DOT would still have some requirements, such as for turn lanes.

Mayor Gray closed the public hearing at 7:42 p.m.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the zoning text amendment to Chapter 9 and 13 of the UDO as they relate to roadway infrastructure improvements as presented.

Vote: Unanimous.

**Public Hearing Guidelines:**

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- Case is announced
  - Staff presentation
  - Applicant presentation
  - Public hearing is opened; citizens will follow the same rules as Public Comment Period and will have five minutes to speak
  - Close public hearing
  - Board members ask questions
  - Board may take action
- 

**8. PUBLIC HEARING CONTINUED FROM MARCH 26, 2018 BUDGET WORK SESSION: PUBLIC HEARING ON A ZONING TEXT AMENDMENT TO CHAPTERS 11 AND 17 OF THE UDO AS THEY RELATE TO STREET LIGHTS.**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Public Hearing; Board may take action.**

*[Staff Report]*

**Item Summary:**

**Applicant:**

*Town of Wendell*

**March 26, 2018 Update:**

*At their January 22, 2018 meeting, the Wendell Board of Commissioners moved to continue the public hearing regarding street light regulations to the first budget work-session (March 26, 2018). Staff was requested to bring back information regarding what the Town is currently paying Duke Energy for its street lights. In January of 2018, the monthly bill to Duke Energy for Street light service for the Town of Wendell was \$10,418. Based on this figure, the annual cost to the Town would be \$125,013.*

*This annual cost figure does not include fees for any street lights in Wendell Falls, as they contracted directly with Duke Energy and are seeking reimbursement from the Town. As of January 2018, Wendell Falls had 146 pedestrian street lights, costing them approximately \$26,000 on an annual basis. Using the Town's proposed streetlight policy for all developments, which bases its reimbursement on standard street light fixtures spaced 300 feet apart, the Town's annual reimbursement to Wendell Falls for the same area would be approximately \$12,500, approximately half. This policy also provides relief to the developer who would otherwise be required to pay upfront fees for all street lights for the length of the 20 year contract with Duke Energy.*

**Petition:**

*Due to an increase in residential development, the need to make modifications to the Town's street light policies has been identified. While Town Policies, such as a new Street Light Policy, do not require a public hearing for adoption, two sections of the UDO which reference Street Light standards would need to be amended to comply with recommended policy standard updates.*

*As can be seen in the existing language of Section 17.5 of the UDO, the Town's current standard requires the developer to be responsible for the difference in the costs between the Town's standard pole (a 25' wood pole) versus the upgraded lighting for a period of 20 years. This*

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*requirement creates a large up-front cost for the developer, and creates a long-term cost for the Town as that development will extend beyond 20 years. While this standard worked adequately for smaller subdivisions, the up-front cost can become untenable for larger subdivisions with hundreds of lots. Ultimately the existing standard could harm the Town, as after the 20 year period, the Town would be financially responsible for the full cost of the upgraded fixture indefinitely into the future.*

*At the request of the Town Board, an analysis of the financial impact of the existing and proposed streetlight standards is contained in Attachment C. This analysis consists of a price comparison summary with bulleted points illustrating the financial impact, as well as a detailed cost table. This analysis shows that under the existing policy the Town is paying more for pedestrian lights after 11 years, even with the up-front payment from the developer. Visual illustrations of different street light options are contained in Attachment D.*

*As proposed in the recommended changes to Section 11.10, the new Town regulation would call for a 25' fiberglass pole vs a wooden pole as the Town's standard residential street light. If a given developer uses this standard street light at the recommended spacing, the Town would pay all monthly operating costs due to Duke Energy. However, if the developer chose upgraded street light poles and/or fixtures, the new standard would require that a HOA enter into a contract with Duke/Progress Energy, with the Town reimbursing them the cost of the standard pole and fixture. An example agreement between the Town and a HOA is included as Attachment A.*

*Following the January 8, 2018 Town Board meeting, staff met with representatives of the Wendell Falls, Edgemont Landings, and Groves of Deerfield subdivisions to discuss the proposed street light policy. Lucius Jones expressed concerns for the up-front cost required under the current policy for pedestrian lighting (which would be approximately \$60,000 for Phase 3 and 4 of Groves of Deerfield). He did not wish to pursue the option to form an HOA to assume the cost of pedestrian lighting installation under the proposed policy, but he also voiced his desire to avoid payment as a developer for the up-front cost. His expressed preference was for the Town to pay street light installation costs using tax dollars. As a result of these concerns, he chose to change the lighting in Phase 3 and 4 to standard road lighting with fiberglass poles. Jason Reiswig of DR Horton said he was very much in favor of the proposed street light policy. This response was expected, as DR Horton had already contracted directly with Duke Energy for lighting to avoid the up-front fee called for under the existing policy for Phase 2A-1 of Edgemont Landings. Newland also expressed support of the new street light policy structure. Similar to DR Horton, Newland Communities has been contracting directly with Duke Energy for lighting in order to avoid the up-front cost to the developer required by the Town's current policy.*

*The proposed text amendment would also reduce the number of zoning districts which require pedestrian street lights, as the long-term cost to the Town for pedestrian vs. roadway street lights is significantly higher. Developers who desired pedestrian lights in any zoning district could choose the option provided in the policy for installation, with the Town reimbursing them the cost of standard street lighting and the HOA assuming financial responsibility for the cost beyond the standard.*

*More detailed procedural information on the Town's proposed Street Light standards are contained in the proposed Wendell Street Light Policy (Attachment E). This policy has been reviewed by the Town attorney.*

*The following section details the specific changes proposed for Section 11.10 and 17.5 of the UDO, with the **amended text shown in red.***

Existing Language (Section 11.10)

**11.10 Street Lighting**

**A.** *Street lighting shall be placed on all streets by the developer to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the following minimum design standards:*

**1. Minimum average street light spacing:**

	R7, TND, NC, RR, R2, CMX, R3, R4, CC, MH DMX CH, M&I				
	OSC	RA	MH	DMX	CH, M&I
<b>Minimum Average Street Light Spacing</b>	n/a	n/a	300 ft.	150 ft. (pedestrian-scaled)	300 ft.

2. *Lighting shall be placed at street intersections and is preferred at street curves.*
3. *Pedestrian-scaled lighting (no taller than 18 feet) should be prioritized over automobile lighting. Lighting should be placed in a manner to limit the casting of shadows on sidewalks.*
4. *All lighting shall utilize a cutoff fixture. Where buildings are close to the street (less than 15 feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.*

**B.** *Alleys are excluded from the spacing and lighting requirements of this Chapter.*

Proposed Language (Section 11.10) (modified language (including PB change) shown in red)

**11.10 Street Lighting**

**A.** *Street lighting shall be placed on all streets by the developer to allow for the safe use of streets by both cars and pedestrians. **Developer placed lighting shall also include all improved frontages on local and NCDOT streets (with DOT approval). Developers requesting upgrades beyond the Town's minimum street light specification of a 25' fiberglass pole with a fully-shielded, arm-mounted LED fixture must follow the procedures outlined in the Town's Street Light Policy.** All street lighting shall be placed in accordance with the following minimum design standards:*

**1. Minimum average residential street light spacing:**

	RR, R2, R3, R4, MH, R7, TND, NC, CMX, CC, CH, M&I DMX		
	OSC, RA	DMX	DMX
<b>Minimum Average Street Light Spacing</b>	n/a	300 ft.	150 ft. (pedestrian-scaled)

2. *Lighting shall be placed at street intersections **and at the end of cul-de-sacs or street stubs 200 ft. or longer,** and is preferred at street curves.*
3. *Pedestrian-scaled lighting (no taller than 18 feet) **is required in the DMX zoning district. Developers electing to use pedestrian lighting in other zoning districts may do so with the Administrator's approval, using the same spacing requirement as listed for the DMX district.** Where used, pedestrian lighting should be placed in a manner to limit the casting of shadows on sidewalks.*
4. *All lighting shall utilize a cutoff fixture. Where buildings are close to the street (less than 15 feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.*
5. ***Nothing in these provisions shall exempt the developer from meeting any additional NCDOT lighting standards along state maintained roadways.***

- 6.** *The construction of a single dwelling not part of a major or minor subdivision, or which is located within a Family Subdivision shall not initiate street light requirements.*
- B.** *Alleys are excluded from the spacing and lighting requirements of this Chapter.*
- C.** *More information on Street Lighting may be found in the Town's Street Light Policy.*

Existing language (Section 17.5)

**17.5 Street Lights**

- A.** *The developer shall install underground wiring for street lights and shall install lights at the developer's cost prior to final plat approval. The Town will notify Progress Energy when the lights should become operational for each block within the applicable phase.*
- B.** **Decorative Street Lights:** *Custom or decorative street lighting proposed by the developer is subject to approval by the Town prior to installation. The developer is responsible for all costs associated with the use of custom or decorative materials, to include the difference in the costs associated with the town's standard pole versus the upgraded lighting for a period of 20 years.*

Proposed Language (Section 17.5)

**17.5 Street Lights**

- A.** *The developer shall install underground wiring for street lights and shall install lights at the developer's cost prior to final plat approval. The Town will notify Duke Energy when the lights should become operational for each block within the applicable phase.*
- B.** **Decorative Street Lights:** *Use of any street lighting other than the Town's standard 25' fiberglass pole with a fully-shielded, arm-mounted LED fixture must follow the procedures outlined in the Town's Street Light Policy, and is subject to approval by the Town prior to installation. Use of non-standard poles shall require the owner to enter into a contract directly with the utility provider. The Town shall issue reimbursements to the owner based upon its standard pole costs, as outlined in the Town's Street Light Policy.*

Statement of Plan Consistency and Reasonableness

- *Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
  - *At their November meeting, the Planning Board found the requested zoning text amendment (as modified at the meeting) to be consistent with Principle # 5 of the Wendell comprehensive plan and reasonable in order to protect vehicular and pedestrian safety through adequate lighting.*
    - *Principle # 5: Promote Wendell's attractiveness to business and people of all walks of life.*

Planning Board Recommendation:

*At their November 20, 2017 meeting, the Wendell Planning Board voted 6-2 in favor recommending approval of a modified version of the proposed text amendment. The only change made by the Planning Board was to remove the requirement for street lighting in the Residential Agricultural (RA) zoning district, and to leave the spacing requirement for the Rural Residential (RR) zoning district as 300 feet.*

**Voting in Favor:** Michael Clark, Errol Briggerman, Gilda Wall, Jonathan Olson, Kathe Schaecher, and Victoria Curtis.

**Voting Against:** Lloyd Lancaster and Allen Swaim

**Absent:** Ashley Anderson

Staff Recommendation:

*Staff supports the proposed UDO amendments and Street Light Policy. The attached ordinance for adoption reflects the Planning Board's recommended amendment.*

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Planning Director David Bergmark provided an overview of the Zoning Text Amendment to Chapters 11 and 17 of the UDO as they relate to Street Lights; staff report included above in italics.

Commissioner Carroll asked if any other developers expressed any concerns, specifically not wanting to go under contract. Planning Director Bergmark stated no. He added this amendment impacts developers, not builders. Developers presently in Wendell include Lucius Jones, DR Horton [Edgemont Subdivision] and Wendell Falls.

Mayor Pro Tem Lutz asked if a developer chooses to not have an HOA, is the developer responsible for the cost. Planning Director Bergmark stated yes. The developer is responsible for the one time underground fee. If no HOA is established, the developer would use the Town's standard.

Commissioner Myrick stated he sees this as a deterrent. On Main Street the Town did something more decorative because it was nicer. The figures provided would add to the HOA fees. This would not be a big fee to the Town if the development gets a nicer fixture.

Commissioner Joyner stated without an HOA a subdivision cannot have pedestrian poles. He stated the Town would require a developer to set up an HOA for something nicer. He understands Town staff. He would like to get away from wood poles. At the end of the day the Town is responsible. He stated this has not come up in the three budgets since he's been on the Board. He sees this as hurting the smaller and in-fill developments who do not desire an HOA.

Mayor Gray questioned how this will impact big developments. Planning Director Bergmark stated Edgemont Subdivision contracted directly with Duke. Wendell Falls contracted directly with Duke. He sees this as clear evidence of a problem with the existing policy.

Commissioner Boyette stated the figure of \$3 to \$5 per unit of increased monthly cost for residents in an HOA to pay for pedestrian poles. He questioned in order to raise \$4 per unit the amount of property rate increase to cover the cost. Town Manager Piner stated that would need to be calculated.

Commissioner Boyette questioned how much the property tax would need to be increased today to raise another \$4 from every home in Wendell.

Planning Director Bergmark stated another question is who to make responsible for this – community wide or applicable to the subdivision.

Commissioner Boyette stated his neighborhood does not have an HOA and has pedestrian lights. He does not believe this to be that big a burden for the nicer lights. He agrees that when developers are thinking of solutions outside of the Town to pay for installation of lighting. He questioned what happens if an HOA disbands.

Town Manager Piner stated Duke Energy has changed the policy in that Duke requires an underground fee of \$500 per pole. As this is development, the Town is seeking payment for the

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pole from the developer upfront. Another option is working with Duke to pay the fee over time versus paying the fee upfront to the Town. Previously, Duke did not have a fee for lighting.

Commissioner Joyner stated lighting in a neighborhood is a basic responsibility of a municipality.

Commissioner Carroll stated the bigger issue is Duke Power and the cost of \$500 per pole. As a builder the cost of the pole does not impact him as it would a developer. As part of the tax payer services provided by the Town, the Town should provide the light poles and off-line come up with better ways for funding as the Town can only incur so much.

Commissioner Boyette stated he sees it's like paving streets. The developer pays for its installation and afterwards the Town takes over upkeep. This has come to the Town because Duke has placed a \$500 fee on the developer. Planning Director Bergmark stated the Town could choose to absorb the cost of pedestrian lighting and cover it with tax money, but he wanted to make sure that such a decision was informed and thoughtful. He said he did not think this type of conversation had previously taken place.

Commissioner Carroll questioned if the Town has projected the cost on the commercial tax base and how that increased revenue could help offset the cost of lighting. This is one more reason as to why Wendell needs to be a competitive community and welcoming of businesses.

Planning Director Bergmark stated having more commercial tax revenue would certainly help, but the proposed policy should not impact businesses.

Commissioner Joyner questioned why this only impacts residential. Planning Director Bergmark stated commercial does not typically have pedestrian lights and is usually along an NCDOT road.

Mayor Gray opened the public hearing at 8:12 p.m.

Lucius Jones stated he has chosen to place regular poles in his development because of the cost. He stated small builders will not be encouraged to put in pedestrian lighting.

Mayor Gray closed the public hearing at 8:15 p.m.

Town Manager Piner requested direction from the Board of Commissioners. She heard concern with the aesthetics of fiberglass in a residential pole and the size of the subdivision. Additional feedback from the Board is requested as the upfront cost is a concern for developers.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to send this back to staff for further evaluation, more streamlined between the large and small developments, and bring back at the July work session [July 23, 2018].

Vote: Unanimous.

**9. SNAP SHOT**

**ACTION: Information. Board may take action.**

The Board requested to add the prioritization of the bike fee-in-lieu funds and sites for sidewalk improvements.

Mayor Gray requested estimates for improving the IT and code enforcement work space.

Mayor Gray requested an update on the railroad. Commissioner Joyner stated he left a voice message.

Commissioner Carroll stated the sidewalk at Academy Street needed a better control joint. He volunteered to replace that section as it adjoins his driveway. He has played tag with the concrete person. He has made another phone call today and hopes to have it taken care of by the next Board meeting.

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



**Triangle J Council of Governments (JCOG) [Mayor Pro Tem Lutz]**



**Fire Advisory Board [Commissioner Joyner]**

Mayor Pro Tem Lutz provided the following JCOG update:

- Wilson's Mills inducted into the Triangle J
- Presentation on businesses into the foreign trade zone

Commissioner Joyner provided the following Fire Advisory Board update:

- More information on the new fire station; \$7.2 million dollars
- Working on the upcoming budget

**11. COMMISSIONERS' REPORTS.**

Commissioner Carroll stated he heard concerns about the Town's UDO. The UDO was put in place during a time with no development. The Board will continue to work through the UDO. He noticed The Zebulon Times is now a newspaper in the community. He congratulated the U10 All Stars for their victory and Stacy Alston's commitment to our youth.

Mayor Pro Tem Lutz and Commissioner Myrick stated no report.

Commissioner Boyette noticed the young people playing basketball at Third Street beside the police department. He stated Officer Opanasenko is leaving the Town of Wendell and he wished him the best.

Commissioner Joyner stated he went by GrillBillies a Duck's Unlimited event was hosted with more than 50 people on a week night. On Saturday, GillBillies featured Myron Mixon at its Open House. On Saturday, Everest's Kitchen opened on Main Street with positive reviews.

**12. MAYOR'S REPORT.**

Mayor Gray provided the following updates:

- Thank you to The Passage Church for the great Egg Hunt turn out.
- Community Garden will open on Saturday, April 14 at 8 a.m.
- Will participate on the 2019 Community Health Needs Steering Committee for Wake County; opportunity to shine the light on Wendell
- Was here when the UDO was adopted and reflected the times of 2009. Anticipated changes were anticipated.
- Reverse Raffle Fundraiser at East Wake High School for the Warriors Booster Club; contact her for additional information
- Saturday, April 21 is Opening Day at the Park from 8 a.m. to 3 p.m.
- Saturday, April 21 is Wendell Fall (Re) Cycles from 9 a.m. to 12 noon

**13. CLOSED SESSION.**

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

No closed session was called.

**14. ADJOURN.**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:36 p.m.

Vote: Unanimous.

Duly adopted this 14th day of May 2018, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Sherry L. Scoggins, MMC;  
Town Clerk