

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

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, July 9, 2018, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Mayor Pro Tem Lutz; Commissioners: John Boyette, Ben Carroll, Jason Joyner and David Myrick.

**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 & Recreation Director Jeff Polaski, Public Works Specialist Chris Smith, Athletics Program Supervisor Tim Kay, 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:**

Pastor Asa Bell of Pleasant Grove Baptist Church provided the invocation.

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

Commissioner Joyner requested to strike Item 8.

**ACTION**

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

Vote: Unanimous.

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

No one spoke during the Public Comment Period.

**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 June 5, 2018, special called budget work session meeting.

**ACTION:**

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

Vote: Unanimous.

**4. LEASE AGREEMENT BETWEEN TOWN OF WENDELL AND INNERSTATE MINISTRIES.**

**SPEAKER: Parks & Recreation Director Jeff Polaski**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*Ryan Jones, Lead Pastor for Innerstate Ministries, has approached the Town of Wendell requesting a lease agreement to use the Community Center on a yearly basis to host their church services.*

*The lease would be for the usage of the Community Center and would include: activity rooms A & B, conference room, kitchen and gymnasium. The proposed monthly rate is \$1,000.*

*The initial term of this agreement shall include every Sunday beginning September 2018 through June 2019. The contract will then renew annually July 1 of each subsequent year. The Town shall have the option to terminate this agreement any time by providing a 30 day notice.*

Parks and Recreation Director Jeff Polaski provided an overview of the lease agreement between the Town of Wendell and Innerstate Ministries; staff report included above in italics.

Commissioner Joyner questioned if there would be any staffing by the Town. Parks & Recreation Director Polaski stated no.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the lease agreement between the Town of Wendell and Innerstate Ministries as presented.

Vote: Unanimous.

**Evidentiary (Quasi-Judicial) Hearing Guidelines:**

- Case is announced
- Town Attorney provides rules of procedure for an evidentiary hearing
- Town Clerk provides oath for persons wishing to present testimony
- Staff presentation
- Applicant presentation
- Opposition presentation
- Applicant rebuttal
- Opposition rebuttal
- Staff closing comments
- Board inquiry
- Board called into deliberation
- Board discussion of the findings of fact:

- Approve
  - Approve with conditions
  - Deny (must include reason)
- 

**5. EVIDENTIARY (QUASI-JUDICIAL) HEARING: WATER ALLOCATION APPLICATION REQUEST FOR EXEMPTION.  
SPEAKER: Planning Director David Bergmark  
ACTION: Evidentiary Hearing. Board may take action.**

*[Staff Report]*

**Item Summary:**

*The Town of Wendell water allocation policy seeks to manage distribution of water allocation in order to preserve and enhance property values, manage its limited water supply as a vital natural resource, promote economic development and incentivize smart growth practices. This is accomplished by establishing a scoring system that prioritizes specific uses and improvements which advance the goals of the town, as stated in the adopted policy.*

*The adopted policy includes three scenarios under which an applicant may obtain water allocation, which vary based upon the amount of available sanitary sewer capacity and the number of points scored by the project. Details of the three allocation scenarios are provided in the following section.*

*Lucius S. Jones has submitted a water allocation request and is seeking to obtain allocation through Scenario 3, which allows a development submittal to be exempt from the normal requirements of the Wendell Water Allocation Policy, so long as the applicant meets specific criteria as outlined in the policy.*

*In order for the Town Board to approve the requested allocation request, the Board must hold a public hearing, review the criteria outlined in Scenario 3, and the applicant must demonstrate that each criterion has been met, on the record and as outlined in the attached utility agreement.*

**Allocation Scenarios**

**1. Scenario 1: Project scores a minimum of 50 points and maintains 100,000+ GPD of sanitary sewer capacity for the Town.**

- a. Approval Authority: Town Manager
- b. Process: If a project is awarded a minimum of 50 TOTAL POINTS or more, water allocation can automatically be granted by the Town Manager with a completed Utility Allocation Agreement, so long as granting such allocation would leave the Town with a minimum of 100,000 GPD of reserve sewer capacity.

**2. Scenario 2: Project Scores a minimum of 50 points, but the requested allocation would not maintain a reserve of at least 100,000 GPD of sanitary sewer capacity for the Town.**

- a. Approval Authority: Board of Commissioners
- b. Process: Qualification for water allocation under Scenario 2 shall be determined by the Board of Commissioners according to the standards listed under this section. Projects must substantially advance at least 3 of the 9 categories listed below in order to be approved for allocation:
  - i. Anticipated increases in the Town's ad valorem tax base or the level of developer investment

- ii. *Construction and dedication of public infrastructure*
  - iii. *Provision of employment opportunities for Wendell citizens*
  - iv. *Provisions of diversified housing stock*
  - v. *Preservation of open space or conservation of existing habitat*
  - vi. *Protection of existing tree canopy or the provision of additional landscaping*
  - vii. *Provision of recreational amenities for current or future Wendell residents*
  - viii. *Provision of outdoor enhancements and/or transit improvements*
  - ix. *Advancement of the Town's goal of obtaining a 60%-40% ratio of residential to non-residential tax values*
3. **Scenario 3: Project scores less than 50 points but qualifies as a 'Special Exception'**
- a. **Approval Authority:** *Board of Commissioners*
  - b. **Process:** *In order to facilitate residential infill development of smaller parcels, a Special Exception may be granted by the Board of Commissioners for major subdivisions to receive water allocation, regardless of point totals. In order to receive water allocation under this provision, the applicant must demonstrate that the following conditions have been met:*
    - i. *The property submitted for allocation is within the primary corporate limits or adjacent to the primary corporate limits.*
    - ii. *The property is less than 20 acres in size.*
    - iii. *There is no vacant or underdeveloped land of 10 acres or more in size adjacent to the project which could feasibly be added to the development to create a larger subdivision.*
    - iv. *The market will not support the development of the subject land as a non-residential use that would score more base points than a major subdivision.*
    - v. *All homes shall have at least 1800 square feet of heated space (per the approved utility agreement or development agreement).*

**Staff Comments:**

- *Criteria 1-2 of Scenario 3 are objective, quantifiable standards which staff can confirm have been met by the applicant's submittal.*
- *Criteria #3 requires that evidence be presented demonstrating that no adjacent, vacant parcels of 10 acres or more in size could be added to the development to make it larger than 20 acres in size. In staff's opinion, there is no adjacent land which could reasonably be added to this parcel as part of a cohesive development. The only adjacent parcel of 10 acres or more in size is a 58.12 acre parcel owned by Betty Ayscue to the west, which contains an active farming operation, and which shares less than 100 feet of property boundary with Mr. Jones's proposed development. There is no existing road access between the two parcels.*
- *Given the recent rezoning of this property to a residential zoning classification, staff believes it is reasonable to find that the Town Board has acknowledged that residential (rather than commercial) development is more appropriate at this site, meeting the requirements of Criteria #4.*
- *The final criterion requires that all homes have at least 1800 square feet. Should the applicant formally agree to meet this requirement as part of his approval for water allocation, staff finds all required standards for approval are met.*

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Town Attorney Jim Cauley provided an overview of the rules of procedure for an evidentiary hearing.

Town Clerk Sherry Scoggins swore in persons presenting testimony for the water allocation application request for exemption.

Planning Director David Bergmark provided an overview of the water allocation application request for exemption; staff report above and in italics.

Lucius Jones, applicant, stated his request meets all the criteria for water allocation. He added this is in-fill development. He added this evening his engineer and attorney are in attendance

Pedro Krompecher, attorney for the applicant, stated he maintains the right to cross examine.

Lucius Jones added this is housing that Wendell needs.

Town Attorney Cauley questioned if Mr. Jones is amenable to the condition of the 1,800 square foot of heated space requirement. Mr. Jones stated yes.

Polina Voronsky, owner of 235 Short Street, spoke in opposition of the request.

Serge Cassel [sp?] spoke in opposition of the request.

Town Attorney Cauley questioned when the property was rezoned.

Planning Director David Bergmark stated about a year and a half ago. He added a sign was posted on Academy Street and letters were sent to abutting property owners.

Commissioner Boyette questioned the undeveloped piece that is near this site.

Planning Director David Bergmark displayed the site. The site is owned by Betty Ayscue.

Commissioner Boyette stated to him that is not feasible to join these properties in the future for development

Mayor Pro Tem Lutz questioned what does feasible mean.

Planning Director Bergmark stated the intent of the rule is whether vacant property adjacent to the request is under the same ownership and can be developed as a larger subdivision. For this request, the adjacent property is owned by a different person. There is not a natural extension of the two properties to be adjoining and the adjacent property is environmentally sensitive.

Mayor Gray closed the hearing.

Mayor Pro Tem Lutz stated that connecting the two properties is not feasible.

Commissioner Boyette stated other than approve and deny, there is an option to approve with conditions. The persons who spoke in opposition expressed concern about the proximity to their property line. He asked if it is possible to approve with the condition to add a larger buffer to the side adjoining 235 Short Street.

Lucius Jones stated the plot plan has been approved. The lot would have to meet the setbacks of the zoning. This is the lot on the corner of Short Street and Wall Street.

Mayor Gray questioned if Mr. Jones would be willing to add additional buffering for that lot.

Mayor Gray requested Planning Director David Bergmark display the plot plan.

Planning Director Bergmark showed the plot plan and highlighted Lot 1 of the property being discussed. Under the R-3 zoning the minimum lot width is 60 feet and the minimum setback is six feet and in this district it can go down to five feet.

Planning Director Bergmark displayed the iMap of the two properties being discussed. The current lot width is 100 feet and will be reduced for street right of way for Wall Street and the house will front on Short Street. He clarified this would be a side yard buffer between Lot 1 and 235 Short Street.

Lucius Jones stated he is willing to double the size of the buffer for Lot 1.

Planning Director Bergmark clarified this is for a set-back from five feet to ten feet.

**ACTION:**

Mover: Commissioner Boyette moved to approve with the following conditions: doubling the set back from five feet to 10 feet for Lot 1 and houses will be a minimum of 1800 [heated] square feet.

Vote: Unanimous.

**6. BOARD APPOINTMENTS TO CITIZEN ADVISORY BOARDS.**

**SPEAKER: Special Assistant to the Town Manager Sherry Scoggins**

**ACTION: Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

*At the conclusion of the appointments to the citizen advisory boards on May 14, 2018; the following boards have vacancies effective July 1, 2018:*

*Board of Adjustment – 1 in-town member*

*Economic Development Committee – 2 members*

*Parks & Recreation Tree Commission – 1 in-town member*

*Tree Board – 1 member*

*Round Two of the citizen advisory board recruitment launched May 29, 2018, and concluded June 14, 2018.*

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*Applications were placed in the June 25, 2018, agenda packet for the Town Board's review – **no** action was requested. The Board had the opportunity to put a face with the name. The Board is requested to take action at its July 9, 2018, Town Board meeting.*

Special Assistant to the Town Manager Sherry Scoggins provided an overview of the appointments to the Town of Wendell citizen advisory board; staff report above in italics.

**Board of Adjustment:**

**ACTION:**

The following person was selected to serve on the Board of Adjustment:  
Nicholas Chad Benson – In-Town

**Economic Development Commission [EDC]:**

**ACTION:**

The following persons were selected to serve on the Economic Development Committee:  
Emma Benson King  
L. Sandy Jones Jr.

Special Assistant to the Manager Scoggins stated the Town is accepting applications for an in-town Parks and Recreation member and one Tree Board member.

**7. SNAP SHOT**

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

The Board questioned if a trash can and bench were added at the basketball court adjacent to the police department. Chief Carter stated he will reach out to the Boy Scouts for a community service project for the bench. Chief Carter stated a trash can was added and is serviced by the Public Works Department.

~~**8. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:  
 Wendell Fire Advisory Board [Commissioner Joyner]**~~

Removed under Adjustment and Approval of the Agenda.

**9. COMMISSIONERS' REPORTS.**






Commissioner Joyner stated he was out of Town during July 4<sup>th</sup> and it looked successful. He thanked Town staff for assisting with the event.

Commissioner Boyette stated this year his little girl rode her bicycle in the parade. He saw more people this year having a good time. He thanked Town staff.

Mayor Pro Tem Lutz thanked the businesses for being open on July 4<sup>th</sup>.

**10. MAYOR'S REPORT.**

Mayor Gray provided the following report:

-  Thanked the Wendell Historical Society for planning and assisting with the July 4<sup>th</sup> Parade and Celebration.
-  Thanked Wendell Baptist Church for preparing the food served at the July 4<sup>th</sup> celebration.
-  Thanked the Town staff that assisted with the July 4<sup>th</sup> celebration.
-  Thanked the children for participating in the parade.
-  Bond with the Blue is Tuesday, July 17<sup>th</sup> from 6 p.m. to 8 p.m. at the Farmhouse at Wendell Falls.

**11. CLOSED SESSION.**

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

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to go into closed session in accordance with NC GS 143-318.11(a) 6 [personnel] at 7:59 p.m.

Vote: Unanimous.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to return to open session at 8:17 p.m.

Vote: Unanimous.

**12. ADJOURN.**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:17 p.m.

Vote: Unanimous.

Duly adopted this 13th day of August 2018, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Sherry L. Scoggins, MMC;  
Sp. Asst. to the Town Manager - Town Clerk