

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
July 23, 2018**

The Wendell Town Board of Commissioners held its regularly scheduled meeting on Monday, July 23, 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, 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 Captain John Slaughter, Public Works Superintendent Brian Bray, Parks and Athletic Program Supervisor Tim Kay.

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

Captain John Slaughter led the Pledge of Allegiance.

**INVOCATION:**

Reverend Cynthia Smith of Pleasant Grove 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 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. Direct the Town Clerk to certify the sufficiency of a satellite annexation petition for 9.58 acres of property located at Edgemont Road and adjacent to Edgemont Landing Subdivision and identified by PIN Number 1775705201.
- b. Approval of the Standards and Specifications Manual.

**ACTION:**

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

Vote: Unanimous.

**4. PUBLIC HEARING ON A ZTA17-07 –DISCUSSION ON A ZONING TEXT AMENDMENT TO CHAPTERS 11 AND 17 OF THE UDO AS THEY RELATE TO STREET LIGHTS; PUBLIC HEARING CLOSED AT THE APRIL 9, 2018 BOARD MEETING.**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Board to provide direction to staff.**

*[Staff Report]*

**July 23, 2018 Update:**

*At their April 9, 2018 meeting, the Wendell Board of Commissioners voted to bring the proposed changes to the Town's streetlight standards back to the Town Board at their July work session. The public hearing was closed at the April 9, 2018 meeting. The Board asked staff to consider ways the proposed changes could be modified to accommodate both large and small subdivisions alike. Concerns were expressed that smaller developments may not desire a Home Owners Association (HOA).*

*Below, staff has provided a list of different streetlight standard options for smaller subdivisions for the Board's consideration. To do this, the board must consider what constitutes a 'smaller subdivision' as well as what standard should apply to this group, once defined.*

**Decision 1 – What qualifies as a 'smaller subdivision'?**

1. Residential development less than 20 acres in size (and not part of a larger subdivision)
  - a. Note - staff recommends that # of lots be used, rather than # of acres due to density variables.
2. Residential development with less than 25 lots (and not part of a larger subdivision)
3. Residential development with less than 50 lots (and not part of a larger subdivision)
4. Residential development with less than 75 lots (and not part of a larger subdivision)

**Examples of Existing Subdivisions**

- Olde Wendell (Ph 1) – 29 lots; ~ 20 acres
- Wendell Crossing (proposed) – 49 lots; ~13 acres
- Woods of Blair Hills - 51 lots; ~36 acres
- Pepper Point – 59 lots; ~18 acres
- Brighton – 65 lots; ~20.5 acres
- Foxborough Crossing - 90 lots; ~60 acres
- Edgemont Landings (Ph 1) – 110 lots; ~38 acres
- Groves of Deerfield (Ph 1-3) – 122 lots; ~44 acres (36 addit. lots in Ph 4)
- Edgemont Landings (Ph 2 – beginning construction) – 150 lots; ~64 acres

**Decision 2 – What streetlight standard should apply to smaller subdivisions?**

1. The same standard as for larger development (Board expressed concern with this option)
2. The applicant has the option of following the same standard as large development **OR** following the current streetlight regulations which would have the developer pay an upfront fee equivalent to the cost difference between the standard pole and the upgraded pole they have chosen for a 20 year period. (length of contract with Duke Energy)
3. The applicant the option of following the same standard as large development **OR** have the developer pay an up-front fee equivalent to the difference between the standard pole and the upgraded pole they have chosen for a 10 year period.

**March 26, 2018 Update:**

Board Meeting Minutes  
July 23, 2018

*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 current 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 has been favored because it 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 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. 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, which would allow him to seek reimbursement for the town's standard pole cost. 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 contracted 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, CMX, CC, DMX CH, M&I				
	OSC	RA	RR, R2, R3, R4, MH	RR, R2, R3, R4, MH	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:*

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

	OSC, RA	RR, R2, R3, R4, MH, R7, TND, NC, CMX, CC, CH, M&I	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**

- D.** *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.*
- E. 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**

- F.** *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.*
- G. 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 reflects the Planning Board's recommended amendment. Staff will amend the draft ordinance and streetlight policy based on feedback received from the Board.*

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; report included above in italics.

Mayor Pro Tem Lutz questioned how the adding of the different phases would be handled. He stated for example Olde Wendell has 29 lots and adds 70 lots. Planning Director Bergmark stated that the lighting proposal could be structured in different ways. If enough times passes between phases it could be treated as a new submittal.

Commissioner Joyner requested to review the number of lots or acreage size. Planning Director Bergmark stated more lots will have more of a return because of more density.

Commissioner Joyner stated the Board is considering the idea of acreage of lots. He added when payment is made it is made on the number of poles. He questioned why not base the cost on the number of poles. Planning Director Bergmark stated the number of poles could be an option.

Mayor Pro Tem Lutz questioned for this process was the change prompted by the Town or outside. Planning Director Bergmark stated both. The outside is the developers who are feeling the upfront cost for the onset of the development. The Town will feel the cost in the long-term.

Commissioner Joyner stated he likes the number of poles as an option and he likes the either or option. He would like something brought back for the Board's review.

Commissioner Boyette requested to include language for the build out of phases that are more than seven years.

**ACTION:**

Bring back options for Town Board consideration for the next agenda.

**5. DISCUSSION ON RECEIPT OF ECONOMIC DEVELOPMENT GRANT.**

**SPEAKER: Town Manager Teresa Piner**

**ACTION: Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

*The Town of Wendell received a Letter of Award for downtown development revitalization.*

*Wendell is excited to receive the award and staff is preparing a list of potential projects and cost estimates for the board to use in selecting submittals to the Department of Commerce.*

*One project for consideration is the improvement of downtown pedestrian lighting. Areas in need of improvement include Main Street between Third and Second, the south side of Third between Main and Pine, and both the north and south side of Third between Main and Cypress. McKim and Creed has submitted a proposal to engineer the electrical design for \$10,600. An estimated cost for construction has not been provided. The estimate and construction costs should be received in about 4 weeks once the contract for design is approved. The desire is to replace the wiring in those areas, to replace existing fixtures with LED fixtures (to match that which Duke Energy is installing this month), and to install a new breaker box for this section of lights.*

*Currently there are several lights which are not working due to failure in the system. The work will need to be performed in the near future for pedestrian safety as well as aesthetics. The wiring would be contracted but the fixture upgrade to LED could be addressed in house. In 2011, old numbers indicated a cost of about \$30,000. With today's economy, costs are estimated to have increased.*

*As part of the grant, the Wendell Town Board of Commissioners voted on June 25, 2018, to support the creation of an independent economic development group to assist with downtown events and promotion not to exceed \$5,000.*

*If there are other economic areas of interest, please inform the Manager so cost estimates can be obtained. The grant will require periodic check-ins with the Department of Commerce to include status of project(s) and financial updates.*

***Wendell has been asked to submit projects as soon as possible but no later than **October 5, 2018.*****

Town Manager Piner provided an overview of the receipt of the Economic Development Grant; staff report included above in italics.

Commissioner Myrick questioned if Duke Energy could provide the upgrades why not the design. Town Manager Piner stated the Town owns the pedestrian lights. The Town met with a Duke Energy representative. The Duke Energy representative stated because the electrical and

conduit does not meet Duke's standards, it would require a complete re-do and be very expensive on the front end for downtown pedestrian lights. Duke Energy recommended that the Town upgrade the lighting infrastructure.

Commissioner Myrick questioned if updated, will the sidewalks be torn up. Town Manager Piner stated there will be construction on Main Street south of Third Street and on both sides of Third Street between Main and Cypress Streets and one side of Third Street between Main and Pine Streets. She added some of this was done on the upper end by saw cuts and was less destructive.

Commissioner Myrick questioned the total cost of the project. Town Manager Piner stated constructions costs are between \$33,000 to \$35,000. She added the engineering cost is \$10,600.

Mayor Pro Tem Lutz questioned if the Economic Development Committee has been approached about thoughts for the downtown. Town Manager Piner stated that can be done. She added the Town has until October 5, 2018, to submit paperwork for expending the funds.

Mayor Pro Tem Lutz stated he would be interested in hearing from the downtown businesses too.

**ACTION:**

It was the consensus of the Town Board of Commissioners for the Economic Development Committee [EDC] to review.

**6. DISCUSSION AND REVIEW OF TOWN CHARTER AND BOARD RULES OF PROCEDURE.**

**SPEAKER: Town Manager Teresa Piner**

**ACTION: Discussion. Board is requested to provide direction.**

*[Staff Report]*

**Specific Action Requested:**

*In the FY 19 budget, the Board approved funding to update the Town's Charter. Additionally the Town Board expressed a desire to review and update its Rules of Procedure.*

*On February 26, 2018, the Board received a presentation by Bob Joyce of the UNC School of Government on the options for municipal elections.*

Town Manager Piner provided an overview of the Town Charter and Board Rules of Procedure; staff report included above in italics.

**ACTION:**

It was the consensus of the Town Board for the Town Attorney to review the Town Charter.

**7. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:  
 East Wake Senior Center Auxiliary Meeting [Commissioner Myrick]**

Commissioner Myrick stated the East Wake Senior Center Auxiliary met last Thursday.

Previously the EWSCA requested funding for signage and it was not in the Town's budget. The EWSCA has raised the funds for the signage and is requesting assistance with the sign ordinance. He added he will reach out and work with Planning Director David Bergmark.

**8. COMMISSIONERS' REPORTS.**

No reports.

**9. MAYOR'S REPORT.**

Mayor Gray shared the following:

-  Meet on Main steering committee to establish the non-profit. It was mentioned this evening that the Town is assisting with the paperwork, not to exceed \$5,000.
-  Attended the Bond with the Blue at Wendell Falls Subdivision. Appreciated Wendell Falls being the host for the event.
-  Attended the Wake County Mayors Association this past Friday at the Carolina Mudcats and is a great opportunity to meet colleagues from other Wake County municipalities.

**10. CLOSED SESSION.**

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

No closed session was called.

**11. ADJOURN.**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 7:34 p.m.

Vote: Unanimous.

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

**ATTEST:**

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

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