

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
MARCH 11, 2019**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, March 11, 2019, 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, and Jason Joyner.

**ABSENT:** Commissioner David Myrick

**STAFF PRESENT:** Town Manager Marc Collins, Special Assistant to the Manager-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, and Police Chief Bill Carter.

### **CALL TO ORDER**

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

Gabrielle Buchanan student at East Wake High School led the Pledge of Allegiance.

Bob Fleming of Covenant Presbyterian Church provided the invocation.

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


#### **ACTION**

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

Vote: 4-0.

### **2. PUBLIC COMMENT PERIOD *[one-hour time limit in total]***

The following persons spoke during Public Comment Period:

 Ray Hinnant, 205 Dogwood Trail, spoke in opposition to returning water allocation.

 Regina Harmon, 6616 Tells Branch Ln, spoke about the water policy.

### **3. CONSENT AGENDA**

*The Board of Commissioners uses a Consent Agenda to act on non-controversial items unanimously recommended for approval or have been discussed at previous meetings. The Consent Agenda is acted upon by one motion and vote of the Board. Any individual board member may pull items from the Consent Agenda for further discussion. Items pulled will be handled with the "OTHER BUSINESS" agenda topic.*

3a. Approval of audit service contract with Petway Mills and Pearson PA for FY 2019.

3b. Approval of resolution directing the clerk to investigate a non-contiguous

annexation for 11.67 acres [11.21 for parcel and .46 for r-o-w] located on Wendell Boulevard behind Knott Square Shopping Center and identified by PIN Number 1784-17-7071.

**ACTION:**

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

Vote: 4-0

**4. RECOGNITIONS, REPORTS, AND PRESENTATIONS**

- 4a. Recognition of East Wake High School teacher: Toni Vick Dupree  
Speaker: Mayor Virginia Gray

*[Staff Report]*

**Item Summary**

*Toni Vick Dupree is the Special Populations Coordinator and Varsity Girls Basketball Coach at East Wake High School. She attended East Wake High School from 1994-1998 and played varsity girls basketball all four years. During those four years, she scored over 1000 points. She was a starter on the East Wake 4A 1997 Girl Basketball State Championship Team and was the team MVP, All-Conference, and Wake County Player of the Year. Coach Dupree was a member of the 1998 Volleyball team her senior year. Participated in track and field all 4 years. In 1998, Regionals top 3 in throwing discus and advance to States to finish in the top 10.*

*Coach Dupree received a basketball scholarship to High Point University and graduated in 2002 with a Bachelor of Science in Computer Information Systems. She also has a master's degree from NC State in School Counseling. She started working and coaching at East Wake High in October 2002. Assistant track coach for 4 years and junior varsity girls' basketball coach for 7 years. She started coaching the varsity girls' basketball team in 2009. Coach Dupree's teams have made the State playoffs for 8 years. She was voted Greater Neuse River Coach of the Year in 2015, 2018, 2019. Coach Dupree was honored to be an Assistant Coach for the East team in the NC East-West All-Star game in 2014. She has a 162-71 coaching record. Coach Dupree has been working at East Wake for 16 years and enjoys working with the students. Toni Dupree is married to Leon Dupree and has two daughters, Paige and Leah.*

Mayor Gray recognized East Wake High School teacher: Toni Vick Dupree; staff report is included above in italics.

Mrs. Dupree invited citizens to help proctor for the upcoming end-of-year testing. She also invited residents to come out and support the student athletes.

- 4b. Recognition of Zackery Feick for his Eagle Scout project at the Wendell Police Department.  
Speaker: Police Chief Bill Carter.

*[Staff Report]*

**Item Summary:**

*Upon installing the basketball goal at the Police Department, it became apparent that there was a need to have a place for players to take a break. A variety of options were explored with the*



*focus being solving the need through a community service type project. Communications with our local scout troop began and what started off as a good group service project morphed into the opportunity for an Eagle Scout candidate to complete a critical component necessary to reach that honor.*

*To quote from a Scout publication for Eagle project beneficiaries:*

**The Eagle Scout Rank and the Service Project:** *Service to others is an important part of the Scout Oath: "... to help other people at all times." Each year, tens of thousands of Scouts strive to achieve the coveted Eagle Scout rank by applying character, citizenship, and Scouting values in their daily lives. One of the rank requirements is to plan, develop, and give leadership to others in a service project helpful to any religious institution, school, or community. Through this requirement, Scouts practice what they have learned and gain valuable project management and leadership experience.*

*Zackery Feick is a sophomore at Wake Forest High School. He is a member of the Jr ROTC program and is part of its Saber Team. He enjoys playing basketball, baseball and video games with his younger brother Nolan.*

*Zackery has been involved in Scouting since the age of seven. He serves as an Assistant Patrol Lead in Wendell's Troop 515 and in that capacity helps to lead the younger scouts. Zackery's commitment to Scouting has been recognized over the years as he has been chosen to attend the Boy Scouts largest National High Adventure Base last summer for leadership training, National Youth Leadership Training and National Advanced Youth Leadership Training. As noted above, the requirement to fulfill this rank requirement is extensive. Zachery was responsible for developing a plan which addressed the process from beginning to end, acquiring materials, coordinating volunteers and serving as the construction manager on the day of the "build". Leading up to the "build", Zachery had to meet with Chief Carter on several occasions with the final meeting including a review of the proposal and an implementation schedule. Once approved, a complete packet had to be submitted to the Awahili District Advancement Chair for their approval which occurred in mid-November 2018. Zackery's goal was to create a safe and effective social area which could be used by community members using the basketball court.*

*After an early winter snow and holidays, Zackery's plan was finally ready to take shape. On January 5, 2019, a cold and blustery day, Zackery along with a few people arrived. However, the work force quickly grew to almost two dozen of all ages. Zackery's role changed from unloading trucks to coordinating the various team members helping that day. By days end, the project was essentially completed with the construction of a seating area with three benches, a mulched area on which the benches are located, the repurposing of sod removed to install the mulch, general landscaping in the area and as a bonus the construction of a trash can enclosure which was designed to complement the benches.*

*The project is not quite complete, as Zackery and a smaller team will return in April to stain the benches and the trash can enclosure.*

*We are extremely proud to have the opportunity to help someone such as Zackery fulfill one of the many steps needed to attain Eagle Scout. We are equally proud of the contribution Zackery and his project have made to the Police Department facilities and are comfortable in saying that the goal of his project has been met in an outstanding manner.*

*Many thanks to Zackery and the team he led!*



Police Chief Bill Carter recognized Zackery Feick for his Eagle Scout project at the Wendell Police Department; staff report included above in italics.



## 5. PUBLIC HEARINGS

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

- *Case is announced*
- *Town Attorney provides rules of procedure for an evidentiary hearing*
  - *Disclosure*
- *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)*
- 

5a. **EVIDENTIARY HEARING:** Special use request by Maria Zarate and Filiberto Ramirez to permit a Neighborhood Manufacturing use to operate in the rear portion of property located at 36 N Main Street.  
Speaker: Planning Director David Bergmark

*[Staff Report]*

**Item Summary:**

*Maria Zarate and Filiberto Ramirez have requested a Special Use Permit to permit a Neighborhood Manufacturing use to operate in the rear portion of that property addressed as 36 N Main Street (PIN # 1784700311).*

*The proposed special use request would allow the tenant, who is starting a cabinet showroom, to do on-site assembly in the rear portion of their store. The total tenant space is approximately 1,940 sf and the rear portion that will be used for assembly is 448 sf. This tenant space was formerly occupied by a flower shop.*

**Applicant's Justification:**

*The applicant's justification and Special Use Permit responses are included within Attachment B. As can be seen in Attachment B, the cabinets that are to be assembled on site have been pre-cut by the manufacturer, but occasionally the applicant may need to cut boards or panels on site as well. The applicant would be subject to the Town's Noise Ordinance, which is contained in Sec. 10-80 of the Code of Ordinances. Furthermore, the applicant's hours of operation are limited to 8:00 am – 8:00 pm, per their application.*

**Project Profile:**

|                    |   |
|--------------------|---|
| PROPERTY LOCATION: | 36 N Main Street  |
| WAKE COUNTY PIN:   | 1784 70 0311  |
| ZONING DISTRICT:   | DMX   |
| CROSS REFERENCES:  |   |
| PROPERTY OWNER:    | Len Properties, LLC (New Owner)<br>3614 Forward Way<br>Raleigh, NC 27614  |
| APPLICANT:         | Maria Zarate and Filiberto Ramirez<br>2826 Rexford Lane<br>Cary, NC 27518 |
| PROPERTY SIZE:     | .31 ac. (Portion)   |

The following persons were sworn in to provide testimony:

|                    |                                |
|--------------------|--------------------------------|
| CURRENT LAND USE:  | Commercial                     |
| PROPOSED LAND USE: | Neighborhood Manufacturing Use |



**Existing Zoning Map:**



**Zoning District:**

*This site is located in the Downtown Mixed-Use (DMX) Zoning District. The majority of the tenant space will be used as a cabinet showroom, which would fall under the ‘General Retail’ use category. General Retail is permitted in the DMX district. The light assembly taking proposed in the rear of the premises is considered ‘Neighborhood Manufacturing’, which requires a Special Use Permit in the DMX district.*

*All adjacent properties fall within the DMX zoning district.*

**Off Street Parking:**

*Adjacent on street parking satisfies the tenant’s parking requirements for the DMX zoning district.*

**Site Improvements:**

*No improvements are planned or required related to lighting, landscaping, stormwater or public utilities.*

**Staff Comments:**

- The primary use of this space (as a showroom) is permitted by right under current regulations.*
- The assembly of cabinets in the rear of the tenant space does require a Special Use Permit in order to confirm it would not negatively impact adjacent uses. Given the applicant’s proposal, staff does not foresee any negative impacts related to noise, dust, or traffic from the proposed use. The Town’s noise ordinance would still apply should any noise complaints arise.*

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

The following persons were sworn in to provide testimony to the Board of



Commissioners: David Bergmark [Planning Director], Maria Zarate [applicant], Filiberto Ramirez [applicant], Kathy Dara and Regina Harmon.

Planning Director David Bergmark provided an overview of the special use request submitted by Maria Zarate and Filiberto Ramirez requesting a Neighborhood Manufacturing use to operate in the rear portion of the property addressed as 36 N Main Street (PIN # 1784700311); staff report included above in italics.

Mr. Ramirez and Ms. Zarate provided an overview of the request for their showroom.

Kathy Dara stated she is excited to have a kitchen and showroom. She is concerned with manufacturing in Downtown Wendell.

Regina Harmon stated she owns two businesses in Downtown Wendell. She is excited for the growth. She stated several years ago a request for metal fabrication manufacturing at the Agave location was received and turned down. She stated this may open the door for other manufacturing requests.

Planning Director David Bergmark stated this request is the least intensive manufacturing requests. He added jewelry makers and seamstresses sewing clothes are also considered assembly manufacturing.

Based upon question by the Board about equipment used by the applicant, Planning Director Bergmark stated the equipment that the applicant will use includes a three-gallon air compressor and staple gun.

Based upon question by the Board about noise, Planning Director Bergmark stated the Town's noise ordinance would be in place.

Based upon question by the Board about hours of operation, Ms. Zarate and Mr. Ramirez stated they would be open from 9 AM to 5 PM Monday through Friday and 9 AM to noon on Saturday.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the special use request by Maria Zarate and Filiberto Ramirez to permit a Neighborhood Manufacturing use to operate in the rear portion of the property at 36 N Main Street with the condition that the [noise] decibel level could not be louder than the surrounding properties' noise level.

Vote: 4-0

Mayor Gray called for a recess at 8:01 PM. Mayor Gray called the meeting back to order at 8:05 PM.



## 6. ADMINISTRATIVE ITEMS

- 6a. Presentation of draft finance policies.  
Speaker: Town Manager Marc Collins

*[Staff Report]*

**Item Summary:**

*Staff will provide a brief presentation on proposed updates and additions to the Town of Wendell Financial Goals & Policies (Policy 107). The policy was last amended in March 13, 2017 and May 26, 2009. The updates will clarify existing policy and provide additional guidance based on Government Finance Officers Association (GFOA) best practices. All proposed policies remain consistent with the Local Government Budget and Fiscal Control Act.*

*The current Town of Wendell financial policies are attached for reference. Proposed changes and additions will be provided at the meeting on March 11, 2019.*

Town Manager Marc Collins presented an overview of the draft finance policies; staff report included above in italics. A summary of the revisions is below:

### Minor Update to the Town of Wendell Financial Goals & Policies

- No action requested this evening, will return at next meeting.
- General – Adds compliance with LGFCA, GFOA, and GAAP
- Fund Balance Reserves
  - Defines process to calculate the percentage (remains 40%)
  - Adds additional clarification to use of fund balance example; policy same
  - Provides policy to replenish reserve if used
- Capital Improvement Plan (CIP)
  - Wording that CIP can be “realistically funded”, not a “wish list”
  - CIP is collaborative with departments and includes public input
- Tax Rate and Fees – Ties service level with low tax rate policy.
- Minor Changes Only – Expect more significant review after first budget submittal to GFOA to address recommendations

#### **ACTION**

Place on the March 25, 2019, consent agenda for Board action.







**7. OTHER BUSINESS** (any item pulled from the CONSENT AGENDA [item 3 on this agenda] will be discussed during this portion of the agenda)

7a. Snap Shot.

Commissioner Joyner requested to amend the Snap Shot to incorporate the Battle Bridge Road Project.

7b. Update on board committee(s) by Town board members:

-  Triangle J Council of Governments Executive Roundtable Discussion [Mayor Gray]
-  Wendell Fire Board [Commissioner Joyner]

Mayor Gray had a conflict and was unable to attend the Triangle J Council of Governments Executive Roundtable Discussion.

Commissioner Joyner provided an update on the Wendell Fire Board.

Commissioner Boyette provided an update on the Town Clerk recruitment process.






**8. COMMISSIONERS' REPORTS / COMMENTS**

Commissioner Joyner stated, Joel Moody, neighbor and friend, passed away last Tuesday. He added Joel was a native of Wendell and he was the embodiment of Wendell.

Mayor Pro Tem Lutz stated his appreciation to the Appearance Commission for the Party with a Purpose and Mr. Paul White and Universal Chevrolet for being the host site of this year's red-carpet affair.

**9. MAYOR'S REPORTS / COMMENTS**

Mayor Gray provided the following:

-  Attended Stars in the East program that showcased the talents of our children.
-  On Friday, celebrated and participated in "Read Across America" by reading Dr. Seuss books at Wendell Elementary School and East Wake Academy.
-  Wendell Community Partners [also known as Meet on Main] is collecting pledges. No community events are scheduled at this time.
-  Saturday, March 23<sup>rd</sup> at 10 AM the Wendell Tree Board is celebrating Arbor Day at the Town Square. This is a FREE event.
-  Saturday, March 30<sup>th</sup> is a busy day in Downtown Wendell. ProTown BMX will host two FREE shows on Main Street at 11 AM and 2 PM. During the show you will smell good eats as GrillBillies is hosting its Second Annual People's Choice Barbeque Challenge beginning at 12 noon. This is a FREE event and you are





the judge of who created the most delectable barbeque.

Wendell Council of Churches is having its spring food drive. On Saturday, April 6<sup>th</sup> members of the Wendell Council of Churches will put out bags for participants to fill with nonperishable food items. On Saturday, April 13<sup>th</sup> members will return to collect the bags in order to re-stock our local food pantries.

## 10. CLOSED SESSION

10a. Closed session will be called if necessary for the following:

No closed session was called.

## 11. ADJOURN

**ACTION:**

Mover: Commissioner Joyner moved to adjourn in memory of Joel Moody.

Vote: 4-0..

Duly adopted this 28th day of May 2019, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Megan Howard,  
Town Clerk

