



**Wendell Town Board of Commissioners  
Board Room  
15 E. Fourth Street, Wendell, NC 27591  
Town Board Meeting Agenda  
Monday, August 12, 2019 @ 7:00 PM**

## **CALL TO ORDER**

- Welcome by Mayor Virginia R. Gray
- Pledge of Allegiance by Police Chief Bill Carter
- Invocation by Wendell Council of Churches

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

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

*The Public Comment Period is your opportunity to share comments with the Town Board on any topic as long as it is not an item scheduled for public hearing. During Public Comment, the Town Board receives comments and refrains from speaking.*

*Thanks to everyone in the audience for respecting the business meeting by abstaining from speaking from the audience, applauding speakers, or other actions that distract from the meeting.*

*Anyone wanting to speak during Public Comment Period should do the following:*

- *Sign up prior to the beginning of the meeting. The sign-up period will begin 20 minutes prior to the start of the meeting and will end when the meeting begins.*
- *When the Public Comment Period is announced, come to the podium and state your name and address for the record.*
- *Be concise and limit your comments to three minutes or less. Designate a spokesperson for large groups. Direct comments to the full Town Board and not to an individual Town Board member.*

## **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 the minutes from the July 22, 2019 Board Meeting.
- 3b. Approval of the minutes from the July 31, 2019 Special-Called Work Session.
- 3c. Approval of the 2020 General Bus Operations Agreement between the Town of Wendell and GoTriangle.

#### 4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Introduction of new Public Works Employees  
Speaker: Public Works Director Brian Bray
- 4b. Third Street Utility Replacement and Resurfacing Project Update  
Speaker: Public Works Director Brian Bray
- 4c. Discussion of Wake County Fire Commission Appointment.  
Speaker: Town Clerk Megan Howard

#### 5. PUBLIC HEARINGS

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***Public Hearing Guidelines:***

- *Case is announced*
  - *Staff presentation*
  - *Public hearing is opened*
  - *Applicant presentation*
  - *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*
- 

- 5a. **ITEM FOR DECISION:** To consider text amendments to the Arterial and Collector Street (ACS) Plan and to the Wendell Unified Development Ordinance (UDO) as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.

**\*Public Hearing held and closed July 22, 2019.**

**\*A Special-Called Work Session was held for this item on July 31, 2019 at Town Hall.**


Speaker: Planning Director David Bergmark

#### 6. ADMINISTRATIVE ITEMS

- 6a. Second reading for the discussion and action on changes to the Town's Façade Grant Program.  
Speaker: Planning Director David Bergmark
- 6b. 1 N. Main Façade Grant Extension Request  
Speaker: Planning Director David Bergmark

- 6c. Downtown Façade Grant Request for improvements to 14 & 16 E Third Street  
Speaker: Planning Director David Bergmark
- 6d. Request to temporarily close a portion of Main Street on Friday, September 20, 2019 for the Meet on Main special event.  
Speaker: Town Manager Marc Collins
- 6e. Request for temporary street closure for the Hemp Festival on Saturday, September 21, 2019.  
Speaker: Town Manager Marc Collins

**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. Update on board committee(s) by Town board members:  
 Wendell Volunteer Fire Dept., Board of Directors [ Commissioner Joyner]

**8. COMMISSIONERS' REPORTS / COMMENTS**

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

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**

**TOWN OF WENDELL  
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The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, July 22, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Commissioners: John Boyette, Ben Carroll, and David Myrick.

**ABSENT:** Mayor Pro Tem Jon Lutz and Commissioner Jason Joyner

**STAFF PRESENT:** Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley, Planning Director David Bergmark, Parks & Recreation Director Jeff Polaski, Police Chief Bill Carter, Public Works Director Brian Bray, and Finance Director Butch Kay.

**CALL TO ORDER**

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

Police Chief Bill Carter led the Pledge of Allegiance.

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

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

**ACTION**

Mover: Commissioner Ben Carroll moved to approve the Agenda.

Vote: Unanimous

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

No one spoke during Public Comment Period.

**3. CONSENT AGENDA**

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- 3a. Approval of the minutes from the June 24, 2019, regular Town Board meeting.
- 3b. Approval of the minutes from the July 8, 2019, regular Town Board meeting.
- 3c. Resolution confirming the 2020 Board of Commissioners Meeting Schedule.
- 3d. Resolution confirming the 2020 Holiday Schedule.



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- 3e. Amendment to Article 7 of the Personnel Policy for Bereavement Leave.

**ACTION:**

Mover: Commissioner Ben Carroll moved to approve the Consent Agenda.

Vote: Unanimous

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

- 4a. Presentation on Performance Management Reports.  
Speaker: Town Manager Marc Collins

Town Manager Marc Collins presented the following staff report, below in italics:

**Item Summary:**

*The Town Manager and Finance Department worked closely with Town departments to develop initial work units and performance goals as part of the Fiscal Year 2020 budget. This is a first step for the organization to measure performance and increase transparency for the public to learn what we achieve and what we need to improve upon. Staff also worked with the Board of Commissioners to develop the 2019 Town of Wendell Strategic Plan which was adopted in February 2019 and incorporated into the adopted Budget in May 2019.*

*As previously reported, there is a one-month delay in gathering July data. As such the first edition of the new "Snap Shot" will be provided at the second August Commission meeting. It will be provided a space on the Town website and monthly reports continued thereafter.*

*The presentation will provide the format and content for the new "Snap Shot". The new communication tool will provide the "Snap Shot" consisting of Strategic Plan updates and key department goals and measures followed by a finance report and operating report. The finance report will include many of the same measures as on the old Snap Shot. The operating report will include all the department goals and work units.*

Town Manager Marc Collins provided a presentation on the reports being prepared for August that will include a "Snapshot" summary, strategic initiatives update, monthly finance report, and monthly operating report. The Commission was provided an update of strategic initiatives through July 22, 2019.

- 4b. Presentation by Parks and Recreation on the new Youth Athletic Scholarship Program.  
Speaker: Parks and Recreation Director Jeff Polaski

Parks and Recreation Director Jeff Polaski presented the following staff report, below in italics:

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**Item Summary:**

*In the 2019-2020 budget, the Town Board approved \$1,000 to the Parks & Recreation Department as part of a new Youth Athletic Scholarship Program. Staff reviewed the Scholarship Program with the Parks and Recreation Commission on July 1, 2019.*

*In an effort to provide all Wendell residents access to our programs and facilities, individuals may apply for a scholarship. Youth, up to 18 years of age and/or through high school are eligible. Wendell residents and foster children are eligible for the scholarship. The participant must be eligible for free school lunch and receiving government benefits. This scholarship will cover 50% of the program cost and the remaining balance is the responsibility of the parent/guardian. Scholarships will be awarded seasonally for all youth sports. The Parks & Recreation staff reviews each scholarship and, if approved, the participant will be notified of their scholarship.*

Mayor Gray thanked Mr. Polaski and insisted on privacy of application information.

Mr. Polaski said that he would only be reporting the number of scholarships awarded.

## **5. PUBLIC HEARINGS**

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**Public Hearing Guidelines:**

- *Case is announced*
  - *Staff presentation*
  - *Public hearing is opened*
  - *Applicant presentation*
  - *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*
- 

**5a. PUBLIC HEARING:** To consider text amendments to the Arterial and Collector Street (ACS) Plan and to the Wendell Unified Development Ordinance (UDO) as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.

Speaker: Planning Director David Bergmark

Planning Director David Bergmark presented the following staff report, below in italics:

**Item Summary:**

*In early 2019, the Town engaged the NC Main Street & Rural Planning Center to facilitate an Economic Development Assessment of Wendell. This assessment included 4 engagement sessions with different stakeholders and regions of the town to identify economic strengths, weaknesses, opportunities, and threats. One such engagement*

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*session focused on the Wendell Falls Parkway Strategic corridor – specifically property owners of large undeveloped tracts.*

*During the Wendell Falls Parkway engagement session, staff sought feedback from property owners and real estate agents on what types of development impediments they were encountering. One comment repeatedly received was that the Town's infrastructure improvement requirements for Wendell Falls Parkway (which is identified as a 4-lane divided roadway section for much of its extent) put too high a financial strain on prospective developers. The same requirement would apply to development along sections of Wendell Blvd and Marshburn Rd.*

*The sentiment expressed by property owners appears to be largely supported by the location of recently submitted and approved developments, which are generally choosing locations with lesser road improvements (such as S. Hollybrook Rd) rather than areas that would otherwise appear more desirable and appropriate for development (such as Wendell Falls Parkway).*

*Due to this feedback, staff is asking the Town Board to consider amendments to its Arterial and Collector Street (ACS) Plan and infrastructure improvement requirements to reduce the financial burden on developers seeking to build along arterial or collector roads. While the Town still intends to ensure that developers pay their fair share of roadway improvements (since their ventures are increasing traffic along these roadways), it is staff's belief that amendments are needed to make the cost burden more balanced between developers and future tax-payers.*

*To achieve a more balanced mix of improvement costs and apply a more rational nexus for determining developer's infrastructure improvement obligations, staff proposes the following changes to the Town's regulations. Amendments to the ACS plan are visually represented in **Attachment A**. ACS plan amendments are also being proposed to reduce impacts on environmentally sensitive areas, by removing or realigning roads. Proposed road realignments are not impacting any new property owners.*

**Changes Proposed by Staff:**

- 1. Reduce the infrastructure improvement requirement along existing roads identified as future 4-lane divided cross-sections, such that developers are only responsible for installing a 3-lane undivided cross-section (rather than 4-lane divided).**
  - a. Developers would still be required to dedicate the full 4-lane road right-of-way so that the Town could build a 4-lane road in the future and would construct the sidewalk in its ultimate location. However, this represents a significant cost savings for the developer.*
- 2. Change all 2-lane median-divided Cross-sections (86' ROW) in the ACS Plan to 3-lane undivided cross-sections (79' ROW).**
  - a. The cost of constructing these cross-sections for a new road is very similar, but the cost of changing an existing 2-lane road to a 2-lane median-divided cross-section is much higher. Additionally, the proposed change would save the developer from dedicating an extra 7' of road*

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ROW, since a divided median requires more space than a center turn lane.

3. To balance the reduced improvement requirements described in Amendment #1 and #2, staff suggests **reducing the threshold for when a Transportation Impact Assessment (TIA) would be required from 150 peak hour trips to 100 peak hour trips. As proposed, the Planning Director would have further discretion to require a TIA for projects generating 75 peak hour trips or more, based on case specific determining factors.**
  - a. The TIA would identify only those improvements (typically turn lanes and signal improvements) which directly relate to the trips generated by proposed development.
  - b. For reference, a Single-family home typically generates, on average, ~ 1 trip during the PM peak hour (4-6 PM). A multi-family dwelling typically generates, on average, ~ 0.6 trips during the peak hour. For example, the Edwards Property subdivision submittal included 273 single-family dwellings and was estimated to generate 266 PM peak hour trips. PM peak hour trips are generally higher than AM peak hour trips.
  - c. Determining factors which may cause the Director to apply a 75 peak hour trip threshold could include urban context (i.e. suburban apartments will generate more trips than downtown apartments), previously approved but not yet constructed development in the vicinity (which will contribute trips in the future), or the lack of pedestrian and bicycle facilities (which reduces viable alternative to vehicular trips).
4. **Delete minor collectors (as shown in Attachment A) which impact Turnipseed Preserve and Robertson Mill Pond Preserve, and which serve no critical function.**
  - a. Now that Wake County has developed these natural parks and protected them with perpetual conservation easements, there is no real possibility of these properties being developed. Thus, there is no need to show roadways traversing these areas.
5. **Delete the Minor Thoroughfare (4-lane divided road) shown crossing Rolesville Road and running parallel to Weathers Rd.**
  - a. This road is a future connection shown in CAMPO's long-range transportation plans. It is ultimately attempting to connect Buffalo Rd to the west with Doc Proctor Rd and Riley Hill Rd to the east. This would require crossing floodplains and building extensive amounts of new road mileage. Removing this road from the Town's plan would not eliminate the need for the developer to reserve road ROW for this future road, but it would eliminate the need to construct improvements.
6. **Realign eastern-most leg of future 2-lane collector connecting Eagle Rock Road to Jake May Drive (to align with Horseman Park Place and to avoid Buffalo Creek).**
7. **Realign the future 4-lane divided road on the eastern side of Town such that its connection point to Wendell Blvd avoids the floodplain.**

**Proposed UDO Language Changes**

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*Proposed amendments to the UDO to enact the changes recommended by staff are shown below. Amended text is underlined. Deleted text is shown with ~~strike-through~~. The Town's Arterial and Collector Street plan would also be amended to include the proposed changes to the map, as well as to reference the proposed TIA trip threshold.*

**1. 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.*

*Any existing road which is shown on the Town's Arterial and Collector Street (ACS) Plan as to be improved to an ultimate 4-lane divided cross-section shall dedicate the full ROW needed for such improvements, but shall only be required to install a 3-lane divided cross-section (unless otherwise required by NCDOT, CAMPO, or per the results of a Transportation Impact Assessment (TIA)). This provision shall not negate any applicable requirements for bicycle or pedestrian improvements to an existing 4-lane road. Pedestrian facilities for the 3-lane cross-section shall be installed in the correct location for a future 4-lane cross-section, unless otherwise permitted by the Administrator.*

**2. Section 9.10A - Transportation Impact Analysis**

*The Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and government agencies in making land use decisions involving annexations, subdivisions, rezonings, special land uses, and other development reviews. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.*



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- A. A TIA shall be required for a rezoning, conditional district, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments and/or their subsequent phases with an estimated trip generation of ~~150~~ 100 peak hour trips per day or greater during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual. At the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.

**3. Section 16.11A - Traffic Impact Analysis (TIA)**

- A. Transportation Impact Analyses shall be required for a rezoning, subdivision plan, site plan, Special Use Permit, certificate of zoning compliance, or Preliminary Plan for developments with an estimated trip generation of 100 peak hour trips ~~3,000 vehicles~~ per day or greater as defined in Section 9.10 (or as required by NCDOT, in which case NCDOT TIA regulations should also be followed). Furthermore, at the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.

1. Rezoning Transportation Impact Analysis Report: Evaluates whether adequate transportation capacity exists or will be available within a reasonable time period to safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.
2. Transportation Impact Analysis Report: Required for certain permitted and special uses, subdivisions, and Preliminary Plans exceeding the specific trip generation threshold.

**Planning Board Recommendation:**

At their June 17, 2019 meeting, the Planning Board voted unanimously (5-0) to approve the proposed changes to the UDO and ACS Plan (divided into 3 motions).

**Voting in favor:** Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Victoria Curtis, Lloyd Lancaster

**Voting against:** None

**Absent:** Errol Briggerman and Jonathan Olsen

**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 June meeting, the Planning Board found the proposed amendment to be consistent with the following principle of the comprehensive plan and deemed it reasonable and desirable to accommodate future traffic needs in a manner which more equitably distributes costs between the Town and the developer.

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- *Principle Number 8: “Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.*

**Staff Recommendation:**

- *Staff recommends approval of the proposed changes. These amendments would help promote development on the Town’s strategic corridors in a manner which is more financially feasible to developers, while still providing needed transportation improvements, both today and in the future.*

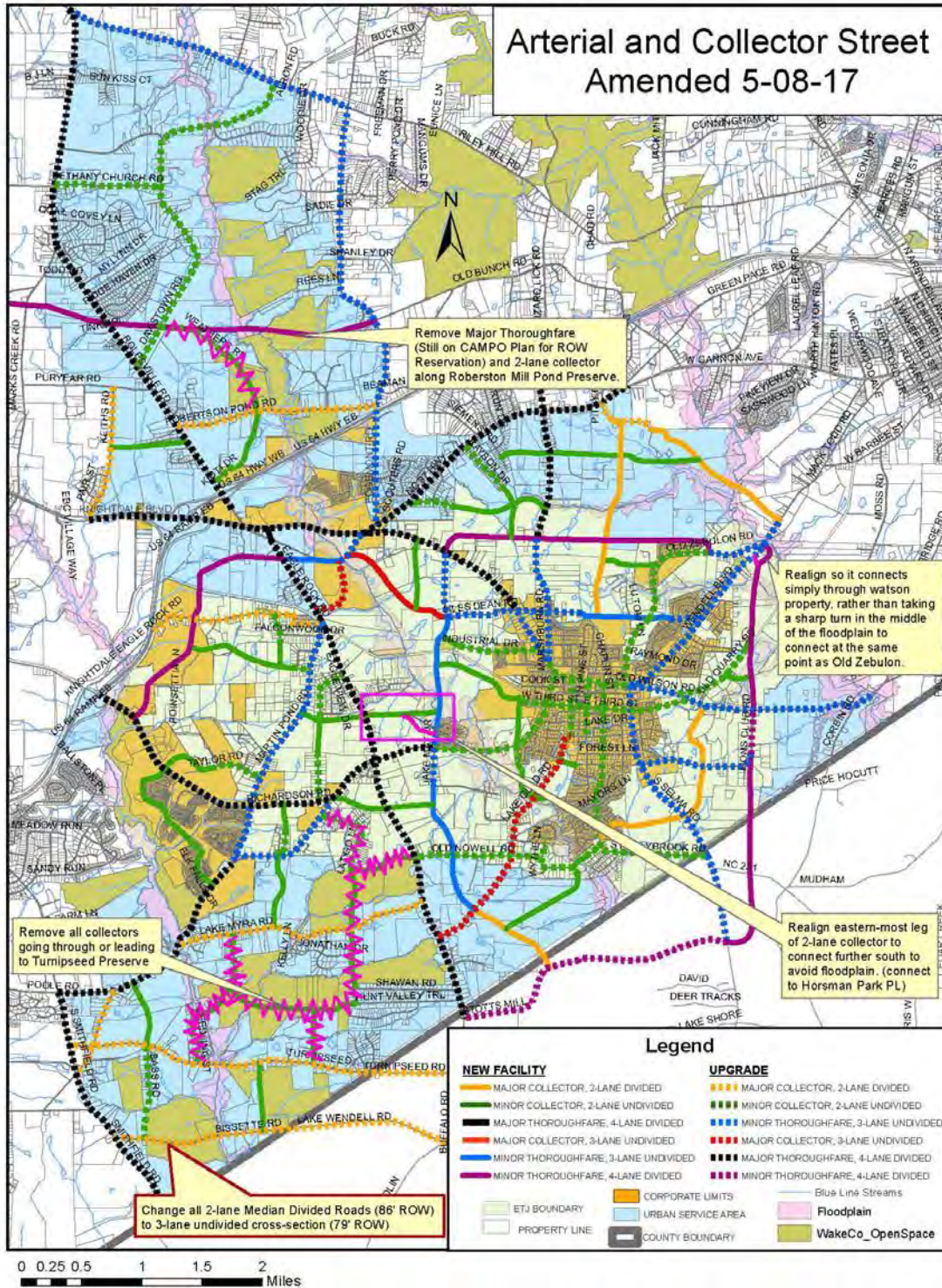
**Attachments:**

- A. *Arterial and Collector Street (ACS) plan with proposed amendments identified.*
- B. *Amended Arterial and Collector Street (ACS) Plan Map [ Changes Incorporated]*
- C. *Ordinance for Adoption*

# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES JULY 22, 2019

Attachment A - 2019 Proposed Changes Item 5a

## EXHIBIT 1

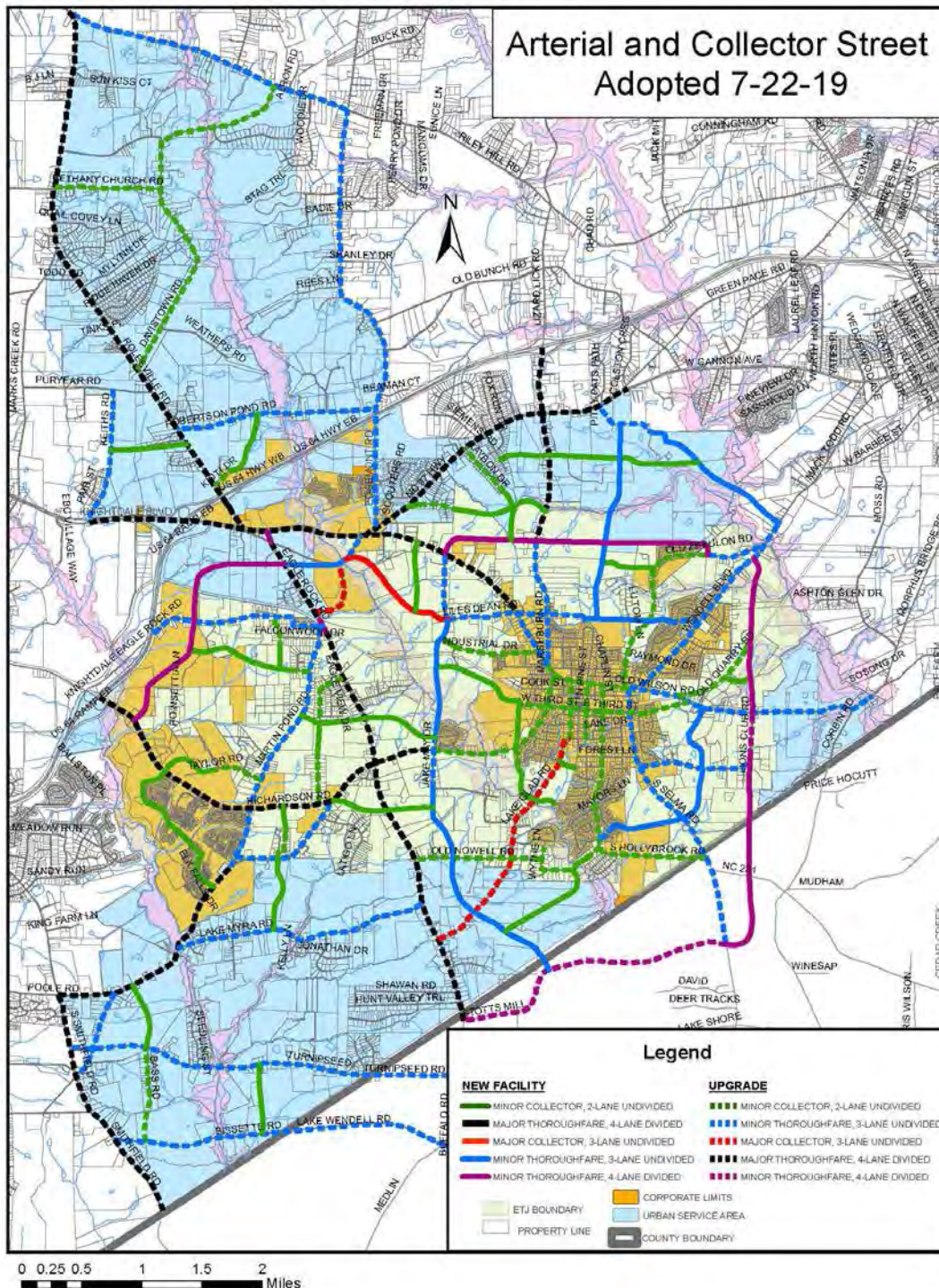




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Attachment B - DRAFT

EXHIBIT 1



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Following the staff presentation, Planning Director Bergmark opened the floor for any questions from the Board.

Commissioner Myrick asked Mr. Bergmark to clarify that the changes on the map related to Wendell Boulevard or Wendell Falls Parkway.

Mr. Bergmark explained the change regarding Wendell Boulevard and Wendell Falls Parkway would be the language that says, 'although it shows up on the map as a four-lane, you only have to build to the three-lane.' He said that it is still dedicating the right-of-way for that full amount. So, the cost is less, but it doesn't show up differently on the map—it shows up differently in the text in terms of your requirement to build.

Commissioner Myrick asked confirmed that landowners would still have to give up land for the four-lane.

Town Manager Marc Collins reminded the Board of input heard from a couple residents at a prior rezoning case in June on traffic and right-of-way requirements in a section of Wendell Boulevard. He said a potential amendment to the staff recommendation on Wendell Boulevard would be converting the section from Hanor Lane to Liles Dean Road from a four-lane divided to a three-lane cross-section. The revision is based on this segment being a built environment with current stormwater and other utility impediments adjoining the road that would be cost-prohibitive and adversely affect a four-lane divided being constructed. From Liles Dean Road out to Highway 97, there is sufficient room and undeveloped land that the four-lane divided could be constructed as is currently in the Transportation Plan. Mr. Collins said that if the Commission wanted to address the citizen concern, they could approve with an amendment on Wendell Boulevard to divide the four- and three-lane as just described.

Mr. Bergmark said that the section being described is shown by the black, dotted line on the map. He said if the change were made as the manager described, then that section of Wendell Boulevard between Liles Dean at the corner of Knott Square, down to Hanor Lane where the McDonald's is would change it from a black, dotted line to a blue dotted line, signifying a three-lane, undivided cross-section rather than a four-lane divided cross-section.

Commissioner Myrick asked if the property owners would still have to give up the property for the four-lane.

Town Manager Marc Collins said no, not from Hanor Lane to Liles Dean.

Mayor Gray said only in that little section from Liles Dean to Highway 97.

Town Manager Collins clarified that the policy decision before the Board is that the cost of development is the cost of development—it's just a matter of when it's paid and by whom. The road improvements are going to be needed because of development.

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Whether or not the right-of-way is put into place as part of the transaction between a property owner and a developer, or whether or not the right-of-way is acquired later by the taxpayer is the issue. The staff recommendation is maintaining the right-of-way requirement, which was also the recommendation that was received from NCDOT and CAMPO in reviewing the issue. He said that it's harder to go back after development and obtain right-of-way as it adds significant cost to the total general fund later compared to the upfront dedication of the right-of-way. Staff is recommending that the Board not defer the cost to a later taxpayer. The staff recommendation reduces the cost of development. The recommendation does not increase costs for development beyond what is currently in the Code. Mr. Collin's cautioned that there is a risk of reducing the development cost to the point that encourages less appropriate development than the Town, the Commission and the property owners themselves have said that they want to see in that development.

Mayor Gray asked if there were any other questions or comments.

Mayor Gray opened the public hearing at 7:35 p.m. and announced that the Board has already had the applicant presentation.

Kurt Phelps, 515 Liles Dean Road, said that he believed some of this came about because Wendell can't charge an impact fee for developers. He said he thought that this was a way for Wendell to collect some money from a few landowners. Mr. Phelps said that he couldn't see a developer building half of a three-lane road, so they're going to pay in lieu of. He said that NCDOT will build it and buy the right of way when they decide to build the road.

Paul White, Lions Club Road, said that he has land that would intersect with this. He said it's one thing that the Town wants to build a four-lane road through a field like at Wendell Falls that is doing a major subdivision. When talking about adding a right-of-way, the Town started drawing lines to build roads in 1962 and the only thing that NCDOT has ever built is the road in front of the Post Office, which NCDOT designed and backed out of the project afterwards. Mr. White said he didn't want to see Wendell end up with a hodgepodge of different roads. He said that a three-lane road on Wendell Boulevard would give the Town a center section where people can pull into and would keep the traffic moving.

Carol R. Hinnant, 205 Dogwood Trail, said that for every 1000 feet of road frontage a person has, one will have to give up 8/10-9/10—almost an acre of land—for the widening process. Mrs. Hinnant said that this is a lot of land to give up. She said that she believes that developers need to pay their fair share and thinks that impact fees would be a solution to the problem. She asked the Commission to consider the citizens when making generational decisions for the Town.

Billie Poole, 1521 Wendell Falls Parkway, said that she lives in the ETJ and that some of the decisions that are being made would affect her property. She said there was once a



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line from Wendell Falls Parkway that would go through some family's land that would include her property also as well as a farm her and her family owns on Eagle Rock Road.

Lucius Jones, 410 Selma Road, said that he was a builder and developer. He said that he doesn't own any property on any of these roads. Regarding this property for a four-lane, divided highway, it's a lot of property. Mr. Jones said that he doesn't know of any developers that would come along to buy a piece of this property knowing they've got to build a four-lane divided highway or donate the land to the Town to build it. Mr. Jones said he's been in Wendell for 76 years and the Town has never built a road. He said that the Town paved some streets with CBDG money received from the county. Mr. Jones said that NCDOT is in the road business and when the Town brings a plan in, they have to approve it. He said if it was his land, he'd have to have a legal discussion with the Town about taking his land.

Mayor Gray closed the public hearing at 7:49 p.m.

Commissioner Myrick asked where the money the Town would receive for fee-in-lieu of required improvement would go.

Planning Director David Bergmark said that any fee in lieu money that is requested by an applicant and accepted by the Board has to be used for transportation improvements. It does not necessarily have to be used along that stretch of road, but it's not something that the Town can just use for whatever they want.

Commissioner Myrick asked if the Town would take the money from the developer to build that road, rather than use it somewhere else in the Town.

Planning Director Bergmark said that the Town could use it on that stretch of road, if the Town wanted to hold it, but it's not required. The Town could use it to make an improvement in an area that was determined to be a higher need in town for a transportation improvement.

Commissioner Myrick asked if NCDOT has seen these plans.

Planning Director Bergmark said that they've seen the adopted transportation plan, but they have not seen the plans for changing the cross-sections that staff has talked about as part of this, although this isn't putting in any new roads on property owners where they don't exist now.

Commissioner Myrick asked what would make the DOT come in and build the four-lane where the Town wanted it.

Mr. Bergmark said that they probably wouldn't. If the Town was to wait for NCDOT to come and build these roads it would take a long time, as the gasoline tax doesn't go as far as it used to, and it would continue to be a problem as more fuel-efficient vehicles are

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introduced. So, that's why staff has tried to look to have something that's more development-driven. DOT doesn't have the money to come in and do everything for the Town and the Town doesn't have the money to build everything, but if it gets incremental improvements as development occurs, that's probably the only way that the Town is going to realistically get improvements to happen.

Town Manager Marc Collins explained that the Capital Area MPO has funding streams to build projects and implement transportation plans. It requires a local match. He said that fees in lieu can be used for this local match to offset federal and state funds to build roads that are needed as the Town grows. During the periods when the Town wasn't growing, the Town didn't have to build roads. Mr. Collins said that the Town didn't have the tax base to build roads. With the growth in the community that's already been approved, there is a need at intersections and roads for improvements to be made. Proper fiscal controls and planning allows the Board to plan for implementing the transportation plan to make those improvements. One of the funds is the local area project planning (LAPP) funding that is on this agenda to do the design for sidewalk improvements and road improvements along Wendell Boulevard. Mr. Collins said that there is funding available from the state federal sources, but it requires a local match to make it happen.

Commissioner Myrick asked if the Town provided the match, would the state feds build the road.

Town Manager Collins said not necessarily. The Town's contractor would build the road.

Planning Director Bergmark said that they would help provide funding.

Town Manager Marc Collins said that the intersection with Wendell Boulevard and Wendell Falls Parkway has warranted a stoplight and DOT is not going to install that. That is a project example that the Town can apply for funding with a local match, to receive state money to implement the transportation improvement. He said the only way to make improvements in our road system—unless it's a larger arterial road—is to participate in that regional funding, which the Town has not traditionally done. The Town will need to consider doing that, moving forward.

Commissioner Myrick asked Mr. Bergmark for clarification that the lines on the map have already been approved.

Mr. Bergmark said yes, with the exception of the couple of realignments that are being shown and that he mentioned in the report. He explained that comments about large property owners meeting in the NCDOT stakeholders meeting referred to undeveloped lots larger than three acres. Staff didn't send an invitation to already-developed tracts that had a house on an acre or two because the purpose of the process was to solicit input from property owners with undeveloped land that may impact development on Wendell Falls Parkway.

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Town Manager Marc Collins said that the meeting Mr. Bergmark is talking about was the Department of Commerce-facilitated meeting, which the Hinnants attended.

Commissioner John Boyette said that he grew up in the ETJ off Eagle Rock Road and attended his first Board meeting at 12 years old. He said that the reason he attended the meeting was because of a transportation plan. His parents received a letter in the mail with one of the same maps included. He said that he remembered thinking that it wasn't fair that people who lived in Town got to vote for Commissioners to control things that happened in the ETJ. It was an experience that influenced him running for office. Mr. Boyette said he and his wife own property in the ETJ and it has a proposed three-lane road running right through the middle of it. He said that one thing people don't understand about the transportation plan is that it's like the building code—it's not saying you have to build just because there's a line on the map. It just says that if improvements are going to be made, this is where the Town would like it. It's just a guide for future development. Mr. Boyette said that he believed impact fees were the best way to deal with this issue, but that option has been taken away by state legislators. He said that he would at least like to get a local bill up to Raleigh so they can at least tell the Town 'no.' The Town shouldn't wait until it has 30,000 people in Wendell before DOT says they're going to widen the roads. Mr. Boyette said that this is a way for the Town to improve its own roads with local input, because the time the state comes in, it's not going to be just a turning lane put in. He said that he would much rather take care of it, now before development comes in. He said they review the transportation plan every four years to remind people of these measures being taken. Mr. Boyette said that he doesn't have a problem with this plan.

Attorney Jim Cauley clarified that the Transportation Plan does not constitute a taking because the lines on the map are not reservations of specific locations on the ground. The Town went through this issue when it adopted the plan back in 2016 and 2017. It is a guide—a conceptual plan that shows where roads make sense. It is a planning tool that Towns are allowed to use. Mr. Cauley recommends that the following language be included in the revision if it is to be adopted, saying, "The specific roadway network established by the transportation plan is conceptual in nature. The final location and design capacity of roads will be determined as development occurs. The transportation plan is designed to aid the Town in its review and consideration of development plans by establishing infrastructure improvement requirements and road cross-sections, but final requirements will be determined at the time a development is proposed, taking into consideration the impact of the development." Mr. Cauley said that this statement is still true as a part of the change in this plan.

Mayor Gray asked if the lines on the map have not been engineered.

Planning Director Bergmark confirmed they have not been engineered.

Mayor Gray said that the Town doesn't even know if they can even be there because of topography, so it's just a guide to create connectivity.

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**ACTION:**

Mover: Commissioner Carroll moved to table item 5a until the other Commissioners are present at the Special-Called Work Session on July 31, 2019

Vote: Unanimous

**6. ADMINISTRATIVE ITEMS**

- 6a. Discussion and action on changes to the Town's Façade Grant Program.  
Speaker: Planning Director David Bergmark

Planning Director David Bergmark presented the following staff report, below in italics:

**Item Summary:**

*The objective for the Downtown Façade Grant Program is "to provide financial incentives to business and property owners to assist them in façade preservation and restoration that demonstrates enhanced and superior appearance and aesthetic improvements to a business, neighborhood and/or frontage on the public right-of-way."*

*During FY 2018-2019, the town budget did not allocate any funds to the Façade Grant Program. Fortunately, NC Commerce did provide a one-time grant, which, through the Expanded Downtown Façade Grant Program, enabled the town to assist with a large façade improvement project. The funds that were provided by NC Commerce are not a recurring funding source.*

*The budget for FY 2019-2020 allocates \$10,000 to the Downtown Façade Grant Program. However, the current Façade Grant guidelines limit each application to a maximum grant amount of \$1000 (based on a 50/50 match). This \$1000 limit represented one quarter of the \$4000 budgeted in FY 2017-2018. With \$10,000 budgeted in the current fiscal year, staff is seeking approval from the Town Board to raise the \$1000 grant award cap currently in place.*

**Proposed Changes:**

1. *Raise the maximum grant amount from \$1000 (current) to \$10,000 (proposed) [50/50 match]*
  - a. *This would allow the Board to provide a greater incentive to larger façade projects. The actual amount approved for any request is at the full discretion of the Town Board.*
2. *Revise language to clarify that projects cannot be completed prior to Town Board approval*
3. *Require a minimum of 2 quotes from contractors, to be included with the application*

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- a. *This change was requested by the Appearance Commission and would apply to any future submittal. Multiple quotes help ensure that reasonable estimates are provided.*
4. *Require façade grant applications to be submitted to staff at least 7 days prior to the next Appearance Commission meeting to be included on their agenda (instead of 5 days)*

**Staff Comments:**

- *In Staff's opinion, the current \$1,000 cap may limit the ability of business owners to provide the aesthetic improvements and superior appearance that the grant program seeks to achieve. Furthermore, it may result in the full budgeted amount not being used, as it would take 10 approved applications.*
- *The Appearance Commission was briefed on the desired changes at their last meeting and contributed to the changes included in this proposal.*

**Attachments:**

- A. *Downtown Façade Grant Program Guidelines (Current Language)*
- B. *Revised Downtown Façade Grant Program Guidelines*

Planning Director David Bergmark opened the floor for any questions.

Commissioner Myrick asked if #3 on the Proposed Changes list would have follow-through involving contractors.

Mr. Bergmark said that the program is reimbursement-based. The rules do not require the applicant to use one of the two contractors that provide quotes. The purpose is to show that the estimates being provided are reasonable. After the project is done, the applicant would have to provide the actual cost incurred to the Town to be able to receive the reimbursement money that was agreed upon. If they didn't spend as much as they were approved, then they can only get reimbursed for 50% of what they did spend.

Commissioner Myrick said that in the past, the Commission has only voted on \$1,000.00 and he is not a fan of taxpayer dollars going to private businesses. He said that he shouldn't have voted for the last grant that they approved and that \$10,000.00 is a lot of money. He said that the way the Town used to do it involved \$1,000.00 with the max that the Town budgeted was \$4,000, making it 25%. Mr. Myrick asked why the Town couldn't just divide the \$10,000.00 into four and just do the max grant at \$2,500.00. That way, it gives more people the opportunity to get the grant.

Town Manager Marc Collins said that staff was evaluating the cost of the actual projects that would be done. The project that one could complete for a lower dollar amount will have a limited tax use value to the community. The Town is trying to incentivize a larger investment in projects downtown. He said that this wouldn't be enough funds to encourage a significant investment, but it can make a difference on some of the aesthetic appeal outside, that might drive further investment.



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Mayor Gray said it could still be a \$1,000.00 grant, but it could be up to \$10,000.00

Town Manager Collins said the Town could still get make ten \$1,000.00 grants. Or, there might be a \$400,000.00 project that the Commission might want to incentivize an additional outside improvement to make it that much more special for the downtown.

Commissioner Myrick said that he understands that projects cost money and the \$10,000.00 would be used up fairly quickly. He said that he would still like to see the opportunity presented to more than one person, per year.

Town Manager Collins said that a good problem to have is to have more applicants than the Town has resources because that means there's a lot of interest in investment downtown.

Mayor Gray asked about the number of applications that have been submitted. She said that she thought the Town was running low on people who were interested in applying but understands that it goes in cycles.

Planning Director David Bergmark said that there were some periods where the number of applications received was slowing down some. Staff received a request at the end of last fiscal year, so there isn't a lack of interest.

Commissioner Carroll said his issue regards the "2 quotes from contractors" requirement. He said that regardless of whether the building owner uses a contractor or not, some of the business owners might want to do it themselves. It doesn't matter to him if they have two quotes or not, so long as they're providing receipts for the transaction. He said that anybody that's going to meet a \$10,000.00 match is going to spend a significant amount of money. As a business owner, Mr. Carroll said this is a loss leader and it's his suggestion the Town take a calculated risk and look at the fact that the Town is spending \$10,000.00, but the tax revenue that's going to come back from a commercial business in Town that has invested enough money to receive the full \$10,000 is going to be significantly higher. He said that it's great to make it available to more than one applicant, but if one applicant wants to invest enough to receive the full \$10,000 then so be it. If there's more than one business that would like to have it, they can wait until it's available again. He said he thinks it's a good incentive for a medium-sized business.

Mayor Gray said that she thinks that it should require 2 contractor bids. She told Mr. Carroll that she didn't know what he meant by not having contractor bidding process.

Commissioner Carroll said if someone owned a building downtown and wanted to contract an awning and new windows, but they were going to sub it out themselves and manage the work—if they didn't want to call two people to get bids on that, he didn't see what the issue is so long as the money was spent. Mr. Carroll said he didn't think it was the Commission's job to make sure the investor is getting the best deals on their money

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spent. If they spent \$300,000 to renovate a downtown building, he doesn't see a difference it's going to make how many different quotes they have.

Planning Director Bergmark said that Mr. Carroll was right about the Town not reimbursing them for more than half of what they applied for, because the Town will have to get actual costs. At the same time, the Town isn't always going to be funding people at exactly 50% of what they're asking for. If someone came and gave the Town an estimate that said they're spending \$15,000 and the Town decided to award them \$4,000 it might have been based on the idea that they were going to be spending \$15,000 but they only spent \$8,000—if the Town knew they were only going to be spending \$8,000 it might have awarded them less. He said that this is a good reason to get more than one quote. The Town isn't at risk of giving them more than 50%, but that is one thing that could impact the Commission's thinking on how it allocates funding.

Commissioner Boyette asked if they could split the difference and say "contractors or suppliers" because the business owner isn't going to build their own awning or make their own windows. They will still have to get quotes for that.

Planning Director Bergmark said that they weren't really trying to focus on the contractor's part, just to require two estimates.

Commissioner Carroll said that the business owner is spending their money and he doesn't believe that it's the Town's responsibility to ensure that they got two quotes for how they're going to do it if they have a receipt for the best deal.

Town Manager Collins said that the quotes are being used in the application process by the Town before the work is done. So, whatever the cost of the project is—whatever the contractor or installer or developer the owner hires—that's still going to be the cost. What the appearance commission and staff is saying here is that having the two quotes lets the Commission see at least two different prices to provide a ballpark cost, rather than the applicant happened to get a high quote that is unrealistic. It is to be able to make sure that they are recommending the right amount to use for the decision. The owner gets to pick their contractor or installer and the receipt's cost is used to get the reimbursement on the application.

Commissioner Carroll said he could see Mr. Collins' point.

Town Manager Collins asked for clarification regarding whether a "contractor" was realistic if an installer that might not be a "contractor" be the one doing the work.

Mayor Gray said that this might be a whole semantics discussion that the Commission is in.

Commissioner Carroll said that he doesn't care about the semantics of who the owner gets the quotes from. He said he doesn't think that the Town needs to manage the

**TOWN OF WENDELL  
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business owner getting two quotes. However, he said that he was ready to drop that issue, leave it as is and see if the Commission can push the Façade Grant through with the option for a business that is going to make a significant investment in our town to receive up to \$10,000 for the grant.

Commissioner Myrick said that he would be more comfortable with two \$5,000 Façade Grant opportunities. He agreed that it isn't the Board's responsibility to see who's getting the better deal, but it's also not the taxpayer's responsibility to subsidize building renovations.

**ACTION:**

Mover: Commissioner Carroll moved to approve the Façade Grant with staff recommendations.

Vote: 2-1 with Commissioner Myrick opposed.

Attorney Jim Cauley mentioned that Item 6a-The Façade Grant Program-will have to have a second reading, because it didn't pass with 3 votes.

- 6b. Request for the Town Board to authorize negotiations with respondents to the Town's RFQ for Transportation and Engineering Services for pedestrian improvements to Wendell Blvd.

Speaker: Planning Director David Bergmark

Planning Director David Bergmark presented the following staff report, below in italics:

**Item Summary:**

*Three engineering firms submitted Letters of Interest (LOI) in response to the Town's RFQ for preliminary engineering and design services for planned pedestrian and intersection improvements along the Wendell Blvd (Business-64) corridor. Staff has evaluated their LOI and has ranked their qualifications, based upon the evaluation criteria included within Attachment B.*

***Staff hereby requests the Board to authorize the Town Manager to enter negotiations with RFQ respondents in the following rank order:***

1. Kimley Horn
2. Ramey Kemp Associates
3. Johnson, Mirmiran & Thompson, Inc. (JMT)

*Following successful negotiations with the selected firm, a Master Agreement will be prepared and signed by both parties outlining the scope of services, deliverables, and hourly rates of project team members.*

**Attachments:**

- A. Wendell Blvd Capital Project Map
- B. Wendell Blvd RFQ

Commissioner Carroll asked if the Board would hear back from staff before anything is agreed upon.

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Town Manager Collins said that staff would report back to the Board on the final agreement after staff has negotiated the agreement.

Commissioner Carroll said that he wanted to know before the contract was signed, how much would be spent.

Mayor Gray said the Board is voting to authorize to enable the Town Manager and staff to handle the contract negotiations.

Town Manager Collins confirmed and said that it would be within the budgeted amount that the Board has appropriated. He said that the Town is going through a process established by State Statute to acquire engineering services for a project that's anticipated to be above a certain amount. Staff is asking for approval from the Board on that process for the Town Manager to handle the negotiations.




**ACTION:**

Mover: Commissioner Carroll moved to approve the Request for the Town Board to authorize negotiations with respondents to the Town's RFQ for Transportation and Engineering Services for pedestrian improvements to Wendell Blvd.

Vote: Unanimous.

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


-  Wendell Fire Board [Commissioner Boyette] – The Wendell Fire Department has received 4 new extrication tools. The new fire department at Wendell Falls Parkway should be completed by Thanksgiving.
-  Technical Review Committee [TRC] [Commissioner Ben Carroll] –Phase 7 of Wendell Falls east of Martin Pond Rd. Resubmittal has not been seen of this phase, yet. Phase 9 of Wendell Falls, a development on Old Battle Bridge Rd., was approved with conditions for resubmittal.
-  East Wake Senior Center Auxiliary [Commissioner David Myrick]—This meeting has been rescheduled for July 25<sup>th</sup>  
The Mayor reported that CAMPO doesn't meet in July.

**8. COMMISSIONERS' REPORTS / COMMENTS**

No reports were announced.

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

Mayor Gray provided the following:

-  Mayor Gray attended Pleasant Grove Baptist Church's service. She congratulated the church on their 156<sup>th</sup> anniversary. She announced that the

**TOWN OF WENDELL  
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church published a historical book on the church, which she would like to include at the Wendell Historical Society's museum.



Congratulations to the Girls 8u All-Stars who finished 2<sup>nd</sup> in the state championships.



The boy's 8U and 10U All Stars will be competing in the State tournament this weekend, July 26<sup>th</sup> – 28<sup>th</sup> in Smithfield. Mayor Gray thanked the parents of little league athletes for all that they do.



The Wendell Farmers Market is open Saturdays from 9:00 a.m. to 1:00 p.m.

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**

**ACTION:**

Mover: Commissioner Carroll moved to adjourn at 8:36 p.m.

Vote: Unanimous.

Duly adopted this 12 day of August 2019, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Megan Howard,  
Town Clerk

**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
JULY 31, 2019**

The Wendell Town Board of Commissioners held their special-called work session meeting on Wednesday, July 31, 2019, in the Planning Conference Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Commissioners: John Boyette, Ben Carroll, Jon Lutz and Jason Joyner.

**ABSENT:** Commissioner David Myrick

**STAFF PRESENT:** Town Manager Marc Collins, Town Clerk Megan Howard, Planning Director David Bergmark, Public Works Director Brian Bray, Finance Director Butch Kay, and Public Works Superintendent Daryl Hales.

### **CALL TO ORDER**

Mayor Gray called the meeting to order at 5:30 p.m. and welcomed attendees.

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

#### **ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the Agenda.  
Vote: Unanimous

### **2. RECOGNITIONS, REPORTS, AND PRESENTATIONS**

- 2a. Presentation to consider text amendments to the Arterial and Collector Street (ACS) Plan and to the Wendell Unified Development Ordinance (UDO) as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.  
Speaker: Planning Director David Bergmark

Planning Director David Bergmark announced that this item will be coming back to the August 12 Town Board Meeting for action. Mr. Bergmark presented the following presentation, below:

TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
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# Arterial and Collector Street Plan Changes

BEFORE AND AFTER

4-lane Divided vs.  
3-lane Undivided

Figure 24: Major Thoroughfare, 4 Lane Divided Cross-Section



Figure 26: Minor Thoroughfare, 3 Lane Undivided Cross-Section



**Require 4-lane divided  
dedication, but 3-lane  
undivided Construction**



**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
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## Change all 2-lane Divided roads to 3-lane Undivided

Figure 26: Major Collector, 2 Lane Divided Cross-Section



Figure 27: Major Collector, 3 Lane Undivided Cross-Section



- Cost of New vs. Retrofitting existing road

## Wendell Blvd – 4-lane divided roadway classification to Hanor Lane vs. 3-lane



BLACK = 4-Lane Divided (110' ROW)



BLUE = 3 Line Undivided (79' ROW)



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## New 2-lane Undivided Collector Current Position (Left) ; Proposed (RT)

Current



Proposed



NOTE – ALIGNMENT STILL CONCEPTUAL

## 2 lane undivided cross-section

Figure 29: Minor Collector, 2 Lane Undivided Cross-Section



Comparison to Local Road

Remove all collectors going through or leading to Turnipseed Preserve

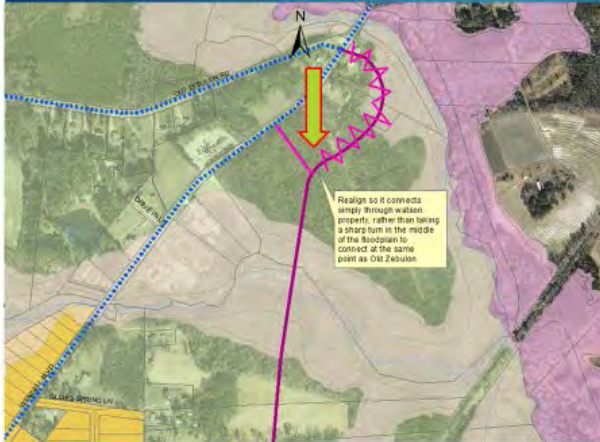


Remove Major Thoroughfare  
(Still on CAMPO Plan for ROW  
Reservation) and 2-lane collector  
along Roberston Mill Pond Preserve

Remove Major Thoroughfare  
(Still on CAMPO Plan for ROW  
Reservation) and 2-lane collector  
along Roberston Mill Pond Preserve.

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BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
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## Eastern Bypass – Realignment (4-lane)



## Arterial and Collector Street Plan Changes

Commissioner Ben Carroll asked if the sidewalks would be pushed back and who would build the sidewalks.

Planning Director David Bergmark said that the sidewalk would be pushed back, and it would be built and maintained by the developer until accepted by either the Town or DOT.

Town Manager Collins said that some development agreements would require the developer to take care of maintenance requirements.



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Commissioner Carroll asked if the Town has had conversations with DOT on the subject.

Town Manager Collins said the Town spoke with DOT staff and CAMPO staff. It was discussed in order to avoid mistakes that have been made in other communities. Identifying a sufficient right-of-way was deemed a priority. Looking at what gets built for a smaller community, there's an increased chance of funding through Federal and State road funding that requires a local match. DOT will more likely participate with projects that connect to the interstate.

Commissioner Boyette asked which roads were considered arterial.

Mr. Bergmark said Wendell Boulevard, I-87 and Wendell Falls Parkway were considered arterial.

Commissioner Joyner thanked staff for the presentation and said that he supports the plan.

Town Manager Collins said that this plan impacts less properties and impacts the environment less than the Town's previous plan.

Commissioner Carroll said that he's willing to talk to any citizens who wanted to talk about the plan presented.

- 2b. Presentation of site options and finances for Wendell Town Hall  
Speakers: Chris Whitley, Cumming Group; Public Works Director Brian Bray;  
Town Manager Marc Collins

Chris Whitley from Cumming Group presented the following presentation, below:



**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
JULY 31, 2019**

## **TOWN HALL OPTIONS**

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**Option #1** - Renovate Existing Town Hall & Construct a 2-Story Addition for Future Growth

**Option #2** - Construct a New Town Hall on Current Site

**Option #3** - Construct a New Town Hall on the Women's Club Site

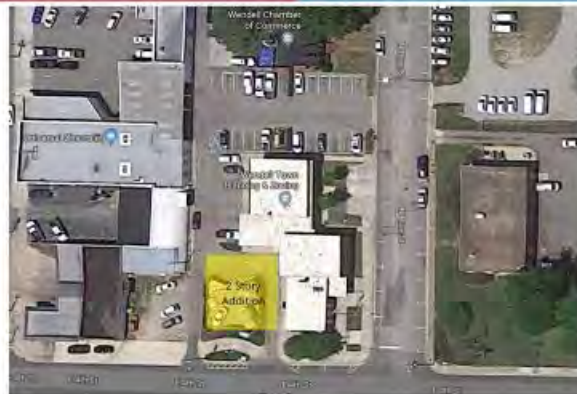
**Option #4** - Construct a New Town Hall on Wendell Tire Site

**Option #5** - Construct a New Town Hall on the Park Site



## **OPTION #1: RENOVATE EXISTING TOWN HALL**

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## **Existing Town Hall Site**

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**TOWN OF WENDELL  
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**OPTION #1: RENOVATE EXISTING TOWN HALL**

- Renovate Existing 6,689 SF Town Hall
  - New Roof
  - Waterproof Exterior Walls
  - New HVAC System
  - Abatement as required
  - Provide ADA access
  - Install Fire Sprinkler, Fire Alarm, and Security Systems
  - Temporarily Relocated Staff to Portable Offices During Construction
- Build 7,500 SF Two Story Addition
  - Approximately 2,300 SF will be Shell Space for Future Growth



---

**OPTION #1: RENOVATE EXISTING TOWN HALL**

**PRO'S**

- Maintains Existing Town Hall Location
- Maximizes Existing Property
- Lower Development Costs
- No Land Purchase Cost

**CON'S**

- Confined Site
- Construction Logistics
- Temporary Relocation of Staff
- Disruptive Service Delivery to Citizens
- Limited Parking
- Unknowns of Renovating Existing Building
- Less Efficient Design
- Slightly Longer Construction Schedule

Estimated Cost: **\$5,284,234.00**



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**OPTION #2: NEW TOWN HALL ON EXISTING SITE**



**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
JULY 31, 2019**

## Existing Town Hall Site



CUMMING  
Building Value Through Expertise

### OPTION #2: NEW TOWN HALL ON EXISTING SITE

#### PRO'S

- More Efficient Design
- Maintains Existing Town Hall Location
- Maximizes Existing Property
- No Land Purchase Cost

#### CON'S

- Higher Development Cost
- Confined Site
- Construction Logistics
- Temporary Relocation of Staff
- Disruptive Service Delivery to Citizens
- Limited Parking

Estimated Cost: \$5,801,153

CUMMING  
Building Value Through Expertise

### OPTION #2: NEW TOWN HALL ON EXISTING SITE

- Build 14,300 SF Three Story Town Hall on Existing Town Hall Site
  - Approximately 2,300 SF will be Shell Space for Future Growth
  - Approximately 2/3 of an acre

CUMMING  
Building Value Through Expertise



**TOWN OF WENDELL  
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**OPTION #3: NEW TOWN HALL AT WOMEN'S CLUB**

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CUMMING  
Building Value Through Expertise

**Women's Club Block Site**

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CUMMING  
Building Value Through Expertise

**OPTION #3: NEW TOWN HALL AT WOMEN'S CLUB**

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- + Build 14,300 SF Three Story Town Hall
  - Approximately 2,300 SF will be Shell Space for Future Growth
  - Assumed 1.3 Acres for New Site
  - Town already owns the land
  - Includes credit of approximately \$600k to sell existing Town Hall

CUMMING  
Building Value Through Expertise



**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
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**OPTION #3: NEW TOWN HALL AT WOMEN'S CLUB**

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**PRO'S**

- More Efficient Design
- Potentially More Parking
- Potentially Less Unknowns during Construction
- Staff is not Disturbed During Construction
- Services to Citizens is Unaffected
- Low Development Cost

**CON'S**

- Would potentially have to relocate Town Museum and Historic House
- May necessitate 3 Story Structure due to site size

Estimated Cost:    \$4,890,793



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**OPTION #4: NEW TOWN HALL AT WENDELL TIRE**

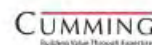
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**Fourth and Hollybrook Site**

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**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
JULY 31, 2019**

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**OPTION #4: NEW TOWN HALL AT WENDELL TIRE**

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**PRO'S**

- More Efficient Design
- Potentially More Parking
- Potentially Less Unknowns during Construction
- Staff is not Disturbed During Construction
- Services to Citizens is Unaffected

**CON'S**

- Need to Purchase Property

Estimated Cost: \$5,242,316



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**OPTION #5: NEW TOWN HALL AT PARK SITE**

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**OPTION #4: NEW TOWN HALL AT WENDELL TIRE**

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- Build 14,300 SF Two Story Town Hall
  - Approximately 2,300 SF will be Shell Space for Future Growth
  - Assumed 2 Acres for New Site
  - Assumed Land Cost of \$150,000.00
  - Includes credit of approximately \$600k to sell existing Town Hall



**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
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**Park Site (area separated by second access road)**



**OPTION #5: NEW TOWN HALL AT PARK SITE**

- \* Build 14,300 SF Two Story Town Hall
  - Approximately 2,300 SF will be Shell Space for Future Growth
  - Assumed 3 Acres for New Site
  - Includes credit of approximately \$600k to sell existing Town Hall

CUMMING  
Building Value Through Expertise

**OPTION #5: NEW TOWN HALL AT PARK SITE**

**PRO'S**

- \* More Efficient Design
- \* More Parking
- \* More Room for Future Growth
- \* Potentially Less Unknowns during Construction
- \* Staff is not Disturbed During Construction
- \* Services to Citizens is Unaffected

**CON'S**

- \* Higher Development Cost Due to Larger Site

Estimated Cost: \$5,380,206

CUMMING  
Building Value Through Expertise

**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
JULY 31, 2019**

## SUMMARY

Option #1	Option #2	Option #3	Option #4	Option #5
Renovated & Expand Existing Town Hall	Construct New Town Hall on Existing Town Hall Site	Construct New Town Hall at Women's Club Site	Construct New Town Hall at Wendell Tire Lot	Construct New Town Hall at Park Site
\$5,284,234.00	\$5,801,153.00	\$4,890,793.00	\$5,242,316.00	\$5,380,206.00

**CUMMING**  
Building What You Need To Succeed

## NEXT STEPS: DESIGN

DESIGN	OWNER	ARCHITECT	CUMMING
<input type="checkbox"/> Leadership			✓
<input type="checkbox"/> Design criteria development	✓	✓	✓
<input type="checkbox"/> Design management		✓	✓
<input type="checkbox"/> Constructability reviews			✓
<input type="checkbox"/> Value analysis			✓
<input type="checkbox"/> Risk management		✓	✓
<input type="checkbox"/> Quantity takeoffs			✓
<input type="checkbox"/> Milestone estimating			✓
<input type="checkbox"/> Design Status report		✓	✓
<input type="checkbox"/> Budget Monitoring			✓
<input type="checkbox"/> Milestone scheduling			✓
<input type="checkbox"/> Performance assessment			✓
<input type="checkbox"/> LEED facilitation		✓	✓
<input type="checkbox"/> Reporting			✓

Goal: Establish a basis of design so that all stakeholders have the same expectations for time/cost/quality of the project. Manage design time, project cost, project quality, and provide continuous reporting.

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Building What You Need To Succeed

## NEXT STEPS: CONSTRUCTION

CONSTRUCTION	OWNER	ARCHITECT	CUMMING
<input type="checkbox"/> Leadership			✓
<input type="checkbox"/> Bid facilitation		✓	✓
<input type="checkbox"/> Bid review	✓		✓
<input type="checkbox"/> Change management		✓	✓
<input type="checkbox"/> Quality assurance		✓	✓
<input type="checkbox"/> Contract administration		✓	✓
<input type="checkbox"/> Schedule management			✓
<input type="checkbox"/> Continuous cost management			✓
<input type="checkbox"/> Change order review	✓	✓	✓
<input type="checkbox"/> Payment application review	✓	✓	✓
<input type="checkbox"/> Cash flow monitoring	✓		✓
<input type="checkbox"/> Cash flow reporting			✓
<input type="checkbox"/> Document controls		✓	✓
<input type="checkbox"/> Cost controls			✓
<input type="checkbox"/> Schedule controls			✓
<input type="checkbox"/> Project monitoring		✓	✓
<input type="checkbox"/> Labor productivity analysis			✓
<input type="checkbox"/> Construction Reporting			✓

Goal: Ensure that the design equals the construction. Provide quality assurance/cost control, and cost control.

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Building What You Need To Succeed



**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
JULY 31, 2019**

**NEXT STEPS: CLOSEOUT**

CONSTRUCTION	OWNER	ARCHITECT	CUMMING
<input type="checkbox"/> Leadership			<input checked="" type="checkbox"/>
<input type="checkbox"/> F.S.E. coordination			<input checked="" type="checkbox"/>
<input type="checkbox"/> Punchlist facilitation		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Move management	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
<input type="checkbox"/> Lessons learned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Final change order approvals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Cost segregation		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Final payment review	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closeout reporting		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Document archiving	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Financial closeout	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
<input type="checkbox"/> Project & final painting	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

Goal: Our goal is to have the "keys" turned over. We will be a part of the project through the warranty period.

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**Town Hall Financing: 5-Year CIP**

- FY 2021: Town Hall Design (\$500,000)
- FY 2022: Town Hall Construction (\$5,000,000)
- FY 2022: \$453,500 scheduled payments starting
- All options (except a new Town Hall on the current site) are within anticipated capital expenses if started in current FY 2020.

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**Town Hall Financing: Rates, Terms, Payment**

TOWN OF WENDELL					
LOAN AMOUNT	INTEREST RATE	AMORTIZED YEARS	ANNUAL PAYMENT	PAYMENT AT 0%	PAYMENT AT 5%
\$400,000	3.00%	30	\$14,096	\$14,000	\$14,142
\$450,000	3.00%	30	\$15,744	\$15,000	\$15,714
\$500,000	3.00%	30	\$17,411	\$16,667	\$17,387
\$550,000	3.00%	30	\$19,096	\$18,333	\$19,062
\$600,000	3.00%	30	\$20,800	\$20,000	\$20,766
\$650,000	3.00%	30	\$22,521	\$21,667	\$22,487
\$700,000	3.00%	30	\$24,259	\$23,333	\$24,215
\$750,000	3.00%	30	\$26,014	\$25,000	\$25,960
\$800,000	3.00%	30	\$27,785	\$26,667	\$27,711
\$850,000	3.00%	30	\$29,572	\$28,333	\$29,467
\$900,000	3.00%	30	\$31,375	\$30,000	\$31,229
\$950,000	3.00%	30	\$33,193	\$31,667	\$32,996
\$1,000,000	3.00%	30	\$35,026	\$33,333	\$34,768
\$1,050,000	3.00%	30	\$36,874	\$35,000	\$36,535
\$1,100,000	3.00%	30	\$38,737	\$36,667	\$38,307
\$1,150,000	3.00%	30	\$40,614	\$38,333	\$40,083
\$1,200,000	3.00%	30	\$42,505	\$40,000	\$41,864
\$1,250,000	3.00%	30	\$44,410	\$41,667	\$43,649
\$1,300,000	3.00%	30	\$46,329	\$43,333	\$45,438
\$1,350,000	3.00%	30	\$48,261	\$45,000	\$47,230
\$1,400,000	3.00%	30	\$50,206	\$46,667	\$49,025
\$1,450,000	3.00%	30	\$52,164	\$48,333	\$50,824
\$1,500,000	3.00%	30	\$54,135	\$50,000	\$52,627

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**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
JULY 31, 2019**

## **Town Hall Financing: LGC Timelines**

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- LGC Reimbursement Timelines
  - Resolution for project reimbursement allowed for 3 years after original expenditure is paid.
  - LGC can extend to 5-years for long-term construction.



## **Town Hall Financing: Available Debt**

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- Debt Limit (8% of Assessed Value): \$52,607,160
- Current Town Net Debt: \$3,668,200
- Legal Debt Margin: \$48,938,960
  
- Town has capacity to handle borrowing without limiting potential future needs.



**QUESTIONS / ANSWERS**



**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
JULY 31, 2019**

Commissioner Boyette asked why option 3 was so much less than option 5 and where the difference was.

Mr. Whitley said that the difference was in the site improvement in relation to acreage, as option 3 was on less acres than option 5.

Commissioner Carroll asked if the assessed value of the current Town Hall is \$600,000.

Town Manager Collins confirmed that is the assessed value for the three properties that the Town currently owns. He said that there's a lot of risk in renovating the current Town Hall site, due to the age of the building and the issues to repair. He recommended keeping the other departments of the Town where they are and keeping the departments in the current Town Hall together.

Commissioner Carroll said options 4 and 5 seemed the most feasible to him.

Commissioner Joyner and Lutz agreed.

Commissioner Joyner said he preferred option 5 over option 4, due to drainage issues and the uncertainty of being able to acquire that land from the current owner.

Commissioner Boyette said he doesn't like options 1 and 2 due to expense. He said that he wasn't fond of option 3 or 4 either. Option 5 seemed the best option to him.

Commissioner Lutz said that he felt the same way and preferred option 5.

Mayor Gray agreed that option 1 isn't a good option, due to repairs needed. Option 2 would cause a disruption in work flow. Option 3's sites should be protected as it is. Option 4 isn't guaranteed. She said that option 5 is the best option due to parking potential, shared facilities, and getting a water line installed.

Town Manager Marc Collins presented the following amortization schedule for Town Hall:



**TOWN OF WENDELL**  
**BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES**  
**JULY 31, 2019**

**TOWN OF WENDELL**

<u>LOAN AMOUNT</u>	<u>INTEREST RATE</u>	<u>AMORTIZED YEARS</u>	<u>ANNUAL PAYMENT</u>	<u>PAYMENT AT 4%</u>	<u>PAYMENT AT 5%</u>
\$6,000,000	3.00%	20	\$403,290	\$441,487	\$481,452
\$6,000,000	3.00%	25	\$344,564	\$384,069	\$425,713
\$6,000,000	3.00%	30	\$306,113	\$346,979	\$390,307
\$7,000,000	3.00%	20	\$470,506	\$515,069	\$561,695
\$7,000,000	3.00%	25	\$401,992	\$448,081	\$496,665
\$7,000,000	3.00%	30	\$357,132	\$404,809	\$455,358
\$8,000,000	3.00%	20	\$537,721	\$588,650	\$641,937
\$8,000,000	3.00%	25	\$459,420	\$512,093	\$567,617
\$8,000,000	3.00%	30	\$408,152	\$462,639	\$520,410
\$9,000,000	3.00%	20	\$604,937	\$662,232	\$722,180
\$9,000,000	3.00%	25	\$516,848	\$576,105	\$638,569
\$9,000,000	3.00%	30	\$459,171	\$520,469	\$585,461
\$10,000,000	3.00%	20	\$672,153	\$735,814	\$802,423
\$10,000,000	3.00%	25	\$574,276	\$640,117	\$709,522
\$10,000,000	3.00%	30	\$510,190	\$578,299	\$650,513

**TOWN OF WENDELL  
BOARD OF COMMISSIONER SPECIAL-CALLED WORK SESSION MINUTES  
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Town Manager Marc Collins said that based on the Capital Improvement Plan, the current Town Hall Budget of \$500,000 is programmed for next year's budget for design, with construction beginning the following year. He said that the borrowing is scheduled for 2021, which is set for \$5.0 million. The Local Government Commission talked to the Finance Director and discussed a reimbursement resolution. If interest rates are going to be better in the future, the Town can hold off on borrowing. Mr. Collins said that the cost of borrowing money is low right now, and that construction costs would increase in the coming years.

Mayor Gray opened the floor to comments about timing and feedback.

Commissioners Joyner and Boyette said that now is the time to get started. Commissioner Carroll agreed.

Town Manager Marc Collins said it would be later this year when staff came back with terms and conditions, as he would like to present the Parks and Recreation Master Plan to the Board, beforehand.

### **3. ADJOURN**

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 7:12 p.m.

Vote: Unanimous.

Duly adopted this 12 day of August 2019, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Megan Howard,  
Town Clerk

**Item Title:**

Approval of the 2020 General Bus Operations Agreement between the Town of Wendell and GoTriangle.

**Board of Commissioners Meetings:**

August 12, 2019

**Specific Action Requested:**

- The Town Board is asked to authorize the Town Manager to sign the FY20 Operating agreement for Bus Operations with GoTriangle.

**Item Summary:**

Following the adoption of the Wake County Transit Plan, GoTriangle and its partners developed annual Wake Transit Work Plans to budget for all capital and operating expenses related to transit projects for a given fiscal year.

In order to implement the components of the 2020 Wake Transit Work Plan, participating municipalities must adopt annual operating agreements with Wake County in order to receive funds for transit expenditures within their jurisdiction.

In the case of Wendell, the Town receives reimbursement for the funds it spends leasing its Park & Ride lot located at 7 N Oakwood Avenue. The Town may make quarterly reimbursement requests based upon funds expended for this purpose. However, for these reimbursement requests to be processed, the Town must annually adopt an operating agreement with GoTriangle (attached). Wendell's reimbursement requests for Park and Ride lease costs may be up to \$4305 for FY20, based on actual costs incurred.

**Attachments:**

- A. FY20 General Operating Agreement for Bus Operations – for signature

## GENERAL OPERATING AGREEMENT FOR BUS OPERATIONS

### WAKE TRANSIT FY 2020

This Operating Agreement ("Agreement") is made by and between Research Triangle Regional Public Transportation Authority, d/b/a GoTriangle ("GoTriangle") and the Town of Wendell ("Implementing Party"). The foregoing may collectively be referred to as "Parties."

WHEREAS, the Parties to Agreement, who have or may have specific roles in the implementation of public transit and the support of public transit infrastructure in the Wake County area, have determined that it is in their best interest and the best interest of the constituents they represent to coordinate future public transit planning, funding, expansion and construction; and

WHEREAS, an extensive community driven process was used to develop a strategic transit vision document that set forth an enhanced public transit plan for Wake County, referred to as the "Wake County Transit Plan" ("Wake Transit Plan"), and this plan was unveiled on or about December 8, 2015, and adopted by the GoTriangle Board of Trustees on May 25, 2016, the Capital Area Metropolitan Planning Organization's ("CAMPO") Executive Board on May 18, 2016, and the Wake County Board of Commissioners on June 6, 2016; and

WHEREAS, in conjunction with the Wake Transit Plan, GoTriangle, Wake County, and CAMPO (collectively, "the Governance ILA Parties") adopted the Wake Transit Governance Interlocal Agreement ("Governance ILA") that creates a governance structure for the implementation of the Wake Transit Plan by and through the annual Wake Transit Work Plan; and

WHEREAS, the Governance ILA specifically created the Transportation Planning Advisory Committee ("TPAC") and charged the TPAC with coordinating and recommending the planning and implementation aspects of the Wake Transit Work Plan; and

WHEREAS, the Governance ILA Parties, together with the Implementing Party, numerous Wake County municipalities, and other entities, entered into a Master Participation Agreement ("Participation Agreement"), which, among other purposes, established standards that govern the Participation Agreement Parties' eligibility for inclusion of sponsored Implementation Elements in the Wake Transit Work Plan, receipt of funding allocations from Wake County Transit Tax Revenue, and confirmed the Participation Agreement Parties' roles in carrying out TPAC responsibilities; and



WHEREAS, the FY 2020 Wake Transit Work Plan was developed and recommended by the TPAC, presented for public comment, and adopted, as required, by the Boards of CAMPO and GoTriangle; and

WHEREAS, the FY 2020 Triangle Tax District Wake Operating Ordinance was adopted by the GoTriangle Board of Trustees on June 26, 2019; and

WHEREAS, the Parties desire to implement the components of the 2020 Wake Transit Work Plan as adopted by GoTriangle and CAMPO; and

WHEREAS, as stated in the Participation Agreement, all Implementation Elements contained in the Wake Transit Work Plan, whether partially or fully funded with Wake County Transit Tax Revenues, will not move forward until Implementation Agreements, which shall include a Capital Funding Agreement and an Operating Agreement, are executed by and between the Implementing Party; GoTriangle, as administrator of the Special District, and CAMPO, if the Implementing Agreement involves federal or state funding that is otherwise under the distribution and program management responsibility of CAMPO or, regardless of funding source, constitutes a regionally significant project as defined in 23 CFR § 450.104; and

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to, inter alia, N.C.G.S. §§ 160A-20.1; 160A-312; 160A-313; 160A-610; 153A-275; 153A-276; and 153A-449.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants herein contained, the Parties hereto agree as follows:

1. **Term:**

The Agreement shall become effective upon execution by all Parties ("Effective Date"). The term of this Agreement shall be from the Effective Date until September 30, 2020. The Parties may extend the term of this Agreement or may otherwise amend this Agreement as set forth in Section 7.

2. **Purpose:**

The purpose of this Agreement is to outline the details of how the Project(s) listed in Exhibit A attached hereto and incorporated herein by reference, being an approved Project(s) in the Wake County Transit Annual Work Plan, shall be implemented, in accordance with the requirements of the Participation Agreement.

3. **Responsibilities:**

A. Responsibilities of the Implementing Party.

- (1) The Implementing Party shall provide the Projects listed in Exhibit A and fund the cost of the Projects on an up-front basis, except as provided herein. The Implementing Party is responsible for ensuring funds are available to pay for the Projects prior to requesting reimbursement from GoTriangle.
- (2) The Wake Transit Work Plan Reimbursement Request and Financial Report Template ("Reimbursement Request Template") must be submitted by the Implementing Party at least quarterly but may be as often as is efficient and effective for the Implementing Party. The reimbursement request shall be emailed to [waketransitreimbursement@gotriangle.org](mailto:waketransitreimbursement@gotriangle.org).

All Reimbursement Requests must be made using the Wake Transit Work Plan Reimbursement Request and Financial Report template agreed to by the Parties and must include a signed statement by the Implementing Party's Finance Officer or designee stating that funds were spent in accordance with the Wake Transit Work Plan and with all applicable laws, rules, and regulations, and that the Reimbursement Request includes items due and payable. All Reimbursement Requests shall be based on actual expenses incurred as recorded in the financial system.

- (3) In special circumstances where an advance payment may be required, Reimbursement Requests must be submitted using the Reimbursement Request Template and with a justification for the advance payment request. Advance payments received by the Implementing Party must be disbursed within 72 hours of receipt from GoTriangle.
- (4) Any performance on which an Implementing Party receives reimbursement must be performed by June 30 of that fiscal year.
- (5) Reimbursement Requests for expenses incurred as of June 30, 2020 shall be submitted by August 10 for the fiscal year in which the work was done.
- (6) Further, the Implementing Party shall:
  - (a) Ensure that Wake Transit funds provided by GoTriangle are not misappropriated or misdirected to any other account, need, project, or line item, other than as listed in Exhibit A.
  - (b) Monitor award activities, to include sub-awards, to provide reasonable assurance that funds are spent in compliance with applicable requirements. Responsibilities include accounting for receipts and

expenditures, cash management, maintaining adequate financial records, and refunding disallowed expenditures.

(c) Maintain a financial management system adequate for monitoring the accumulation of costs.

(7) The implementing party agrees to coordinate with the municipality as it relates to transit service that enters the local municipal area. These coordination efforts should include discussions as it relates to, but are not limited to, route planning and development, schedule development, passenger amenities, maintenance and upkeep of passenger amenities, public engagement and advertisement in relation to the new services, etc. These coordination efforts shall occur prior to the execution of the transit services.

B. Responsibilities of GoTriangle.

(1) GoTriangle, as administrator of the Triangle Tax District, shall have the responsibilities and duties as set forth in the Governance ILA, including appropriating funds from the FY 2020 Triangle Tax District Wake Operating Ordinance in accordance with the Governance ILA. The specific appropriation and approved project budgets are further detailed in Exhibit A and in the FY 2020 Wake Transit Work Plan.

(2) GoTriangle, upon receipt of a Reimbursement Request, shall verify within five business days whether the Reimbursement Request is complete; is within the approved budget; is within the annual work plan; and is in accordance with the Wake Transit Billing, Payment, and Reimbursement Policy and Guidelines, adopted by GoTriangle on June 28, 2017 and CAMPO on June 21, 2017. Payment will be remitted within thirty (30) days of verification to the Implementing Party according to the payment instructions on file.

If GoTriangle is unable to verify the Reimbursement Request, GoTriangle shall, within two (2) business days, notify the Implementing Party in writing of the deficiencies in the Reimbursement Request. The Implementing Party may thereafter submit a revised Reimbursement Request ("Revised Reimbursement Request"), which shall be verified within five business days of receipt. If the Revised Reimbursement Request is denied, the Implementing Party may place the item on the next TPAC agenda for discussion and a recommendation to GoTriangle and the Implementing Party.

(3) Where advance payments are requested, GoTriangle, after due consideration of the request, will remit funds via payment instructions on file.

(4) All disbursements from GoTriangle shall be in accordance with North Carolina General Statute 159 Article 3, known as the North Carolina Budget and Fiscal

Control Act, and the Wake Transit Financial Policies and Guidelines, adopted by GoTriangle on June 28, 2017 and CAMPO on June 21, 2017.

4. **Minimum Service Standards:**

For the Projects listed in Exhibit A, the Implementing Party agrees to:

- A. Maintain all vehicles and facilities in accordance with a preventative maintenance program.
- B. Maintain all vehicles and facilities in a safe and dependable condition and clean all vehicles and facilities regularly.
- C. Monitor services and respond to incidents in a timely and professional manner.
- D. Conduct regular reviews of service including: safety, on-time performance, customer satisfaction, accessibility, cleanliness, security, and customer service training.
- E. Conduct public engagement activities in accordance with state and federal guidelines and agency and municipal policies and procedures, if applicable.

5. **Performance Reporting:**

Unless otherwise agreed in writing between Parties, the Implementing Party shall report operating statistics and ridership to the National Transit Database and to the North Carolina Department of Transportation Public Transportation Division.

The Implementing Agency also agrees to provide quarterly and annual reporting per the Master Participation Agreement for the Reported Deliverables as identified in Exhibit A using a Reporting Template agreed to by the Parties. . The Implementing Agency shall include in its quarterly reports any details of issues that may impact delivery of the Projects identified in Exhibit A

The Annual Wake Transit Report prepared by GoTriangle shall provide information regarding how strategic public transit objectives have been met and shall include the performance achieved, the strategies being followed, and performance targets and key milestones for capital projects and operating services.

Quarterly Status Reports prepared by GoTriangle and/or CAMPO shall provide information regarding progress toward strategic objectives outlined in the Wake Transit Work Plan and include the performance achieved, the strategies being following, and performance targets and key milestones for Capital Projects and operating services identified in the Wake Transit Work



Plan. GoTriangle shall include in its Quarterly Status Reports any details of issues that may impact delivery of funding for the Projects identified in Exhibit A.

The Parties agree to share supporting documentation, if requested, in addition to their quarterly and annual reporting, in a timely manner.

6. **Further Agreements:**

The Parties agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for carrying out the intention of this Agreement. The Parties agree to work together in good faith and with all due diligence to provide for and carry out the purpose of this Agreement.

7. **Amendment:**

Any extension of the term of this Agreement and/or change to the content of this Agreement shall be by written amendment signed by all Parties.

8. **Breach; Termination:**

In the event that (1) the Implementing Party is not able or fails to provide a Project(s) as required by the Agreement; or (2) GoTriangle is not able or fails to provide funding for a Project(s) as required by the Agreement; or (3) GoTriangle fails to fulfill its responsibilities and duties as set out in the Governance ILA; or (4) any Party fails to fulfill a responsibility or duty of this Agreement; or (5) any Party withdraws from the Master Participation Agreement (separately each a “breach”), any Party to this Agreement shall notify the Clerk to the TPAC Committee and the other Parties to this Agreement. The Non-Breaching party may place the item on a TPAC agenda for discussion and a non-binding recommendation to the Parties.

The Non-breaching Party may provide the Breaching Party with a period of time to cure the breach to the reasonable satisfaction of the Non-breaching Party. If the breach is not timely cured, or cannot be cured, the Non-breaching Party may (1) elect to terminate this Agreement in full; or (2) elect to terminate this Agreement only as to one or more Projects listed in Exhibit A. In the event of breach of this Agreement, the Parties shall be entitled to such legal or equitable remedy as may be available, including specific performance.

In the event the Agreement is terminated for any reason other than by the end of

the Term of the Agreement:

- (a) The Implementing Party shall not be required to continue implementing the Projects, but may elect to continue implementing the Projects using funds from sources other than the Wake Transit Tax.
- (b) GoTriangle shall reimburse the Implementing Party for any expenses for the Projects that have been approved in the annual work plan and made in reliance on this Agreement, whether or not a Reimbursement Request has been made by Implementing Party at the time of termination. The Implementing Party shall have sixty (60) days after the date of termination to submit all Reimbursement Requests.
- (c) The Implementing Party shall report the final status for its deliverable and GoTriangle shall do a final quarterly report and shall issue the annual report required by this Agreement.

9. **ADA and Paratransit Requirements:**

The Implementing Party shall provide paratransit service as required by law within the ADA-required radius of the all day fixed-route bus services implemented as Projects pursuant to this Agreement.

10. **Record Retention:**

All parties must adhere to record retention guidelines as set forth in North Carolina General Statutes or federal guidelines as appropriate

11. **Notices:**

Any notice given pursuant to this Agreement shall be deemed given if delivered by hand or if deposited in the United States Mail, postage paid, certified mail, return receipt requested and addressed as follows:

If to GoTriangle:  
GoTriangle  
Attn: President and CEO  
GoTriangle  
P.O. Box 13787  
Research Triangle Park, NC 27709

And with a copy to:  
GoTriangle  
Attn: General Counsel  
GoTriangle

P.O. Box 13787  
Research Triangle Park, NC 27709

If to Clerk to the TPAC Committee:  
CAMPO  
Attn: Clerk to the TPAC Committee  
One City Plaza  
421 Fayetteville Street, Suite 203  
Raleigh, NC 27601

If to the Town of Wendell:  
Town of Wendell  
Attn: Town Manager  
15 East Fourth Street  
Wendell, NC 27591

With a copy to:  
Town of Wendell  
Attn: Town Attorney  
15 East Fourth Street  
Wendell, NC 27591

12. **Representations and Warranties:**

The Parties each represent, covenant and warrant for the other's benefit as follows:

- A. Each Party has all necessary power and authority to enter into this Agreement and to carry out the transactions contemplated by this Agreement, and the individuals signing this Agreement have the right and power to do so. This Agreement is a valid and binding obligation of each Party.
- B. To the knowledge of each Party, neither the execution and delivery of this Agreement, nor the fulfillment of or compliance with its terms and conditions, nor the consummation of the transactions contemplated by this Agreement, results in a breach of the terms, conditions and provisions of any agreement or instrument to which a Party is bound, or constitutes a default under any of the foregoing.

- C. To the knowledge of each Party, there is no litigation or other court or administrative proceeding pending or threatened against such party (or against any other person) affecting such Party's rights to execute or deliver this Agreement or to comply with its obligations under this Agreement. Neither such Party's execution and delivery of this Agreement, nor its compliance with its obligations under this Agreement, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.
- D. The Parties agree to work together in good faith and with all due diligence to provide for and carry out the purpose of this Operating Agreement.

13. **Merger and Precedence:**

The provisions of this Agreement, including all Exhibits and attachments, constitute the entire agreement by and between the Parties hereto and shall supersede all previous communications, representations or agreements, either oral or written between the Parties hereto with respect to the subject matter hereof. Notwithstanding the foregoing, in the event of any inconsistency or conflict between this Agreement and the Participation Agreement or the Governance ILA, the terms of the Participation Agreement and Governance ILA have precedence.

14. **Dispute Resolution:**

In the event of conflict or default that might arise for matters associated with this Agreement, the Parties agree to informally communicate to resolve the conflict. If any such dispute cannot be informally resolved, then such dispute, or any other matter arising under this Agreement, shall be subject to resolution in a court of competent jurisdiction. Such disputes, or any other claims, disputes or other controversies arising out of, and between the Parties shall be subject to and decided exclusively by the appropriate general court of justice of Wake County, North Carolina.

15. **No Waiver of Non-Compliance with Agreement:**

No provision of this Agreement shall be deemed to have been waived by any Party hereto unless such waiver shall be in writing and executed by the same formality as this Agreement. The failure of any Party hereto at any time to require strict performance by the other of any provision hereof shall in no way affect the right of the other Party to thereafter enforce the same. In addition, no waiver or acquiescence by a Party hereto of any breach of any provision hereof by another Party shall be taken to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.



16. **Governing Law:**

The Parties intend that this Agreement be governed by the law of the State of North Carolina. Proper venue for any action shall solely be Wake County.

17. **Assignment:**

No Party may sell or assign any interest in or obligation under this Agreement without the prior express written consent of the other Parties.

18. **Independence of the Parties:**

Nothing herein shall be construed to modify, abridge, or deny the authority or discretion of any Party to independently develop, administer, or control transportation projects pursuant to enumerated authority or funding sources separate from those in this Agreement.

19. **Execution in Counterparts/Electronic Version of Agreement:**

This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Any Party may convert a signed original of the Agreement to an electronic record pursuant to a North Carolina Department of Natural and Cultural Resources approved procedure and process for converting paper records to electronic records for record retention purposes. Such electronic record of the Agreement shall be deemed for all purposes to be an original signed Agreement.

20. **No Waiver of Sovereign Immunity:**

Nothing in this Agreement shall be construed to mandate purchase of insurance by any municipality pursuant to N.C.G.S. 160A-485; or to in any other way waive any Party's defense of sovereign or governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law.

21. **No Waiver of Qualified Immunity:**

No officer, agent or employee of any Party shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

22. **Verification of Work Authorization; Iran Divestment Act:**

All Parties, and any permitted subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes. The Parties hereby certify that they, and all permitted subcontractors, if any, are not on the Iran Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58.

23. **No third-Party Beneficiaries:**

There are no third-party beneficiaries to this Agreement.

**SIGNATURE PAGES FOLLOW**

<p><b>RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (d/b/a GoTriangle)</b></p> <p>By: _____ _____, President and CEO</p> <p>This, the ____ day of _____, 2019.</p>	<p>This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act.</p> <p>_____ Saundra Freeman, Chief Financial Officer for GoTriangle</p> <p>This, the ____ day of _____, 2019.</p>
	<p>Reviewed and Approved as to legal form.</p> <p>_____ _____, General Counsel</p>

<b>TOWN OF WENDELL NORTH CAROLINA</b>  By: _____ Marvin Collins, Town Manager  This, the ____ day of _____, 2019.	Approved as to Form:  _____ James P. Cauley III, Town Attorney  This, the ____ day of _____, 2019.
[Seal]  <b>ATTEST:</b>  By: _____ Megan Howard, Town Clerk	

**Item Title:**

Introduction of new Public Works Employees

**Report to the Board of Commissioners:**

Monday, August 12, 2019

**Specific Action Requested:**

None

**Item Summary:**

The Public Works Director will introduce (2) new hires that started on 8/9/2019.

Public Works Specialist II Harold Mayo will be assigned primarily to Heavy Truck Operations, operating knuckleboom, leaf and sweeper trucks after training.

Public Works Maintenance Technician Robert Fischer will be assigned to Fleet Maintenance and will act as a backup driver for Heavy Truck Operations.

**Attachments:**

None



**Item Title:**

Third Street Utility Replacement and Resurfacing Project Update

**Report to the Board of Commissioners:**

Monday, August 12, 2019

**Specific Action Requested:**

None

**Item Summary:**

The Public Works Director will provide updates for City of Raleigh Public Utility Department (CORPUD) project to replace water and sewer mains in the Downtown area and the upcoming North Carolina Department of Transportation (NCDOT) project to mill and resurface Third Street from Wendell Falls Parkway to Morphus Bridge Road.

**Attachments:**

None

**Item Title:**

Discussion of Wake County Fire Commission Appointment

**Report to the Board of Commissioners:**

Monday, August 12, 2019

**Specific Action Requested:**

Presented as information and will be on the September 9, 2019 agenda with a request for action.

**Item Summary:**

The Town of Wendell participates in the Wake County Fire Protection Service District. As a participant, Wake County appoints a representative to the Wake County Fire Commission to represent the Town of Wendell. Persons appointed by Wake County to the Fire Commission serve a two-year term beginning November 1 and expiring October 30. Persons appointed may serve for two consecutive terms.

Mr. Lucius Jones is the Town's current Fire Commission representative and his term expires October 31, 2019. Mr. Jones has served three consecutive terms. The Wake County Board of Commissioners reserves the right to waive the number of terms.

Meetings of the Wake County Fire Commission are held on the third Thursday of every other month beginning in January, except if a regular meeting day is a legal holiday, in which the meeting shall be held on the following business day. The meetings are held at the Wake County Emergency Services Education Center at 221 S. Rogers Lane, Suite 160 in Raleigh, unless scheduled elsewhere and shall begin at 7:00 p.m. An organizational meeting is conducted in January in which a chair and vice-chair are selected. Information about the Wake County Fire Commission is being provided to the Town Board so that the Town Board may submit a citizen recommendation by its September 9, 2019 Town Board meeting. In turn, the Wendell Town Board of Commissioner's recommendation will be forwarded to the Wake County Clerk to the Board for placement on an upcoming Wake County Board of Commissioners agenda.

**Attachments:**

- A. [Wake County Fire Commission Rules of Procedure](#), 9/18/2014
- B. [Wake County Fire Commission Members](#), retrieved 7/31/2019

# *Wake County Fire Commission Rules of Procedure*

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## **I. Name**

The name of this board appointed to serve the Wake County Board of Commissioners shall be referred to as the Wake County Fire Commission (hereinafter referred to as the Fire Commission).

## **II. Mission**

The mission of the Fire Commission shall be to make formal recommendations to the Wake County Board of Commissioners on fire protection and emergency services delivery applicable to those departments covered under the venue of the Fire Commission.

The roles of the Fire Commission members as approved by the Wake County Board of Commissioners are:

- A. Reviewing and making recommendations on operating budget requests.
- B. Reviewing and making recommendations on CIP budget requests.
- C. Reviewing and supporting firefighter and volunteer incentive retention and recruitment programs.
- D. Making recommendations to the Wake County Board of Commissioners for continuing improvement of the fire protection system.
- E. Reviewing ISO and consultants reports and recommending action for improvement as deemed necessary.
- F. Developing and providing overview of all service district operational regulations and guidelines for the Wake County fire protection service district.

## **III. Membership and Composition**

As approved by the Wake County Board of Commissioners, the structure of the Fire Commission is:

- A. Wake County Board of Commissioner member (1)
- B. Representatives of fire service planning and service regions (4)
- C. President of Wake County Firefighters' Association (1)
- D. Public consumers (5)
- E. Representatives of municipalities participating in Fire Protection Service District (1 seat per each participating municipality)
- F. County Staff (non-voting)

**Appointment and Term** - The Wake County Board of Commissioners shall make all primary and alternate appointments to the Fire Commission. All appointments shall comply with established rules and procedures of the Board of Commissioners. Any person appointed



by the Wake County Board of Commissioners to fill an unexpired term shall be appointed to serve the duration of the term.

- A. **Wake County Board of Commissioners Appointee (1)** - The Wake County Board of Commissioners shall appoint a member to serve as the Board of Commissioner appointee to the Fire Commission. The Board of Commissioners, at their discretion, may appoint an alternate Commissioner, to represent the Commissioners in the event of the absence of the appointed Commissioner.
- B. **Fire Service Positions (4)** - Each fire service planning and service region shall elect two representatives from each region be represented on the Fire Commission. One representative shall be identified as the primary representative to the Fire Commission. The second representative shall be identified as the alternate representative. The representative shall serve for a period of two years. The selection of the region representative shall be based upon vote of the members of that region, with that person's name submitted to the Wake County Board of Commissioners for approval. Should an appointed region representative's status within his region or fire department change, the fire service region may make a recommendation to the Board of Commissioners that the appointee be removed from the Fire Commission and request that another representative of that region be appointed to the Fire Commission.
- C. **President of Wake County Firefighters' Association (1)** - The President of the Wake County Firefighters' Association shall receive an automatic recommendation for appointment to the Fire Commission. The appointed term of the President of the Wake County Firefighters' Association shall coincide with the President's tenure as President of the Association. Should the President be replaced by another member of the Firefighters' Association, the Wake County Board of Commissioners shall appoint the person serving as President of the Association to the Fire Commission. The President of the Wake County Firefighters' Association shall recommend an alternate representative for appointment.
- D. **Citizen Appointees (5)** - The Wake County Board of Commissioners shall appoint five citizens to serve on the Fire Commission. Each appointment shall be for a two-year term. The Wake County Board of Commissioners shall have the option to appoint alternates for the Citizen Appointees.
- E. **Municipal Representatives (1 seat per each participating municipality)** - Municipalities that elect to join the Fire Protection Service Tax District shall receive one seat on the Fire Commission.
- F. **Director - Wake County Department of Fire and Emergency Management (non-voting)** - The Director and his staff shall provide administrative support to the Fire Commission. The Director and/or his designee may be called on to provide requested information and/or advice to the Commission. He may participate in any discussions, however is not permitted to vote.

G. **Recommendation for Removal from Fire Commission** – Other than those actions outlined in Section V (K) of this document, the Fire Commission may recommend to the Wake County Board of Commissioners the removal of any appointed member for actions that might damage or compromise the integrity of the Fire Commission or any committee thereof. This will require a majority vote of the Fire Commission, excluding the member under consideration. It is the responsibility of the Wake County Board of Commissioners to determine if grounds are sufficient to warrant removal of the appointee from the Fire Commission.

- a. **Removal of Committee Chair or Member** – The Fire Commission has the power to remove a committee chair or member deemed to have acted in a manner that damage or compromise the integrity or used his/her position in a manner inconsistent with the intent of the Fire Commission. A two thirds majority of the Fire Commission is required for the removal.

#### IV. Fire Commission Officers

A. **Fire Commission Chair** - The Fire Commission will elect a Chair annually from among the voting membership. The Chair shall preside at Fire Commission meetings if he or she is present. The chair may vote in all cases. In order to address the Fire Commission, a member must be recognized by the chair.

If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the Fire Commission shall preside. The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair becomes actively involved in debate on a particular matter, he or she may designate another Fire Commission member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers, to include but not be limited to:

- To rule motions in or out of order, including any motion deliberately offered to obstruct or delay the conducting of Fire Commission business;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time;
- To adjourn in an emergency.

A decision by the presiding officer under any of the powers listed may be appealed to the Fire Commission upon motion of any Commission member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

- B. **Fire Commission Vice-Chair** - The Fire Commission will elect a Vice-Chair annually from among the voting membership. The position of Vice-Chair shall be a voting position. The role of the Vice-Chair shall be to serve as the presiding officer of the Fire Commission in the absence of the Chair. While serving as the presiding officer, the Vice-Chair shall have the same powers as the Chair.

## V. **Meetings**

The Fire Commission shall meet as needed to accomplish its mission as designated by the Chair.

A. **Regular Meetings**

The Fire Commission shall hold a regular meeting on the third Thursday of every other month beginning in January of each year, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the Wake County Emergency Medical Services Training Center unless otherwise scheduled elsewhere and shall begin at 7:00 PM.

B. **Special Emergency and Rescheduled Meetings**

- (a) **Special Meetings.** The chair or a majority of the members may at any time call a special meeting of the Fire Commission. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be given to each Fire Commission member and to the Clerk to the Board of County Commissioners.

A special meeting may also be called or scheduled by vote of the Fire Commission in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be given to each Fire Commission member and to the Clerk to the Board of County Commissioners.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the Fire Commission determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

- (b) **Emergency Meetings.** The chair or a majority of the members may at any time call an emergency meeting of the Fire Commission by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each Fire Commission member and to the Clerk to the Fire Commission of County Commissioners. Emergency meetings may be called only because of generally unexpected circumstances that require immediate

consideration by the Fire Commission. Only business connected with the emergency may be considered at an emergency meeting.

- (c) **Recessed Meetings.** A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting.

C. **Organizational Meeting**

On the date and at the time of the regular meeting in January, the Fire Commission shall nominate and elect from its own membership a Chair and Vice-Chair. Beginning with the regular Fire Commission meeting in January the Chairperson will open the nominations and accept nominations from the Fire Commission members. The Chairperson shall close the nominations and if necessary, immediately conduct an election. A simple majority of those voting, providing a quorum is present, shall be sufficient in determining the outcome.

D. **Cancellation and Rescheduling of Meetings**

The Chair may cancel or reschedule a scheduled regular meeting upon determining that there will be no business for the Fire Commission to consider at that meeting, or sufficient notification has been given that indicates that there will be not be a quorum at the meeting.

E. **Meeting Notice - Regular Meeting**

A regular schedule specifying the time, date, and place of the Fire Commission's regular meetings for the calendar year will be kept on file with the Clerk to the Wake County Board of Commissioners. Any revision to the schedule will be sent to the Clerk at least seven calendar days before the first meeting to be held under the revised schedule.

F. **Meeting Notice – Special Meetings**

For any Fire Commission meeting to be held at a time or place other than those shown on the filed schedule of the Fire Commission's meeting, a written notice of the date, time, and place and purpose of the meeting will be sent to the Clerk to the Wake County Board of Commissioners at least three calendar days before the meeting.

G. **Meeting Cancellations**

For cancellations of any meeting, all Fire Commission members will be notified at least 24 hours before the scheduled meeting time. Fire Commission members may be notified via phone, fax, e-mail, or in writing. In addition, written notice will be sent to the Clerk to the Wake County Board of Commissioners at least 24 hours before the scheduled meeting time.

H. **No Notice – Continuation of Recessed Meetings**

If the Fire Commission recesses a regular or special meeting for which proper notice was given, after the Chair has announced in open session the time and place at which the meeting will be continued, no further notice needs to be given for the continuation of the meeting.

I. **Quorum**

A majority of the actual membership of the Fire Commission excluding vacant seats shall constitute a quorum. A majority is more than half. The Chair shall be considered a member of the Fire Commission in determining the number on which a majority is based and in counting the number of members actually present.

A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. The Chair may not call a meeting to order until such time as a quorum is present unless, after waiting a reasonable time past the meeting's scheduled starting time, the Chair determines that there is no hope of obtaining a quorum. In that case, the Chair will call the meeting to order, note the lack of a quorum, and adjourn the meeting. If a quorum ceases to be present at any time during a meeting, the Chair will note the lack of a quorum, order the cessation of business, and adjourn the meeting.

J. **Attendance**

All members of the Fire Commission are expected to be present at all regularly scheduled meetings. Members who are not physically present but are in direct contact via telephone or internet shall be counted present. NOTE: It is not the intent of the previous sentence to encourage telecommuting for Fire Commission meetings. The intent is to provide for those members who, for a legitimate reason, cannot be physically present for the meetings a means to be involved in the Commission's business and represent those he/she is responsible.

Absences due to health, family emergencies, and shift assignment (fire service where no relief can cover) and work conflict (citizen members) are considered excused for the purpose of this section. All others are considered unexcused.

(a) **Committees**

Members of any Fire Commission committee are also expected to attend all committee meetings. Therefore the same standard of attendance is required for Committee members.

K. **Action for Nonattendance**

Should any appointed member of the Fire Commission, other than alternate appointees, have three (3) unexcused absences within a calendar year, the Fire Commission shall make a recommendation to the Wake County Board of Commissioners that the appointee be removed from the Fire Commission and that a new person be appointed to fulfill the unexpired term of the original appointee.



It should be noted the importance of consistent attendance by all Fire Commission members. In the event a pattern is noted concerning a lack of consistent attendance by a member, the Chair shall recommend to the Board of Commissioners the replacement of that member.

**(a) Committees**

Absences due to health, family emergencies, and shift assignment (fire service where no relief can cover) and work conflict (citizen members) are considered excused for the purpose of this section. All others are considered unexcused.

**L. Meeting Agenda**

The agenda should be prepared to achieve two functions:

- Focus the Fire Commission by determining what issues will be considered at the meeting and what order each issue will be considered.
- Serve as a guide to the public as to what issues will be considered at the meeting.

- (a) Proposed Agenda.** The Chair determines the content and order of the agenda for Fire Commission meetings. The Chair will advise the Wake County Director of Fire and Emergency Management as to the content of the agenda. At least 7 calendar days before the Fire Commission's next scheduled meeting, the Director of Fire and Emergency Management will prepare the meeting's agenda. Copies of the Fire Commission proposed agenda and any supporting documents shall be emailed to all Commission members and chief officers of all departments prior to the applicable meeting.

Any Fire Commission member may, by a timely request, have an item placed on the proposed agenda. A request to have an item of business placed on the agenda must be received at least 10 working days before the meeting. Each member that requests an item to be on the agenda shall provide a copy of all proposed information, reports, resolutions, etc., that will be attached to the proposed agenda. All agenda documents shall be submitted in the format (see attachment page 18 of 18) identified by the Director of the Fire and Emergency Management Department.

An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce and/or distribute. Each Fire Commission member shall receive a copy of the proposed agenda and the agenda package and the materials shall be available for public inspection and/or distribution when they are distributed to the Fire Commission members.

- (b) Adoption of the Agenda.** As its first order of business at each meeting, the Fire Commission shall discuss and revise the proposed agenda and adopt an agenda for the meeting. The Fire Commission may, by majority vote, add items to or subtract items from the proposed agenda, except that the Fire Commission may not add items to the agenda of a special or emergency meeting unless (a) all members are present and (b) the Fire Commission determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Fire

Commission may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Fire Commission members.

The Fire Commission may designate certain agenda items “for discussion and possible action.” Such designation means that the Fire Commission intends to discuss the general subject area of that agenda item before making any motion concerning that item.

- (c) **Open Meetings Requirements.** The Fire Commission shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Fire Commission to understand what is being deliberated, voted, or acted on. However, the Fire Commission may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

M. **Order of Business**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Discussion and revision of the proposed agenda; adoption of an agenda
- Approval of the minutes
- Unfinished business
- New business
- Committee reports
- Appointments
- Informal discussion and public comment

By general consent of the Fire Commission, items may be considered out of order.

N. **Conduct of Meetings**

The deliberations of all meetings of the Fire Commission and various subcommittees shall be governed by NCGS 143-318, N.C. Open Meeting Law, these Rules of Procedure, and Robert’s Rules of Order, Newly Revised. The Fire Commission shall conduct business in accordance with the distributed agenda.

All official meetings of the Fire Commission will be open to the general public and any person is entitled to attend. An “official” Fire Commission meeting is any gathering together of, or simultaneous communication between, a majority of Fire Commission members for the purpose of considering the public business of the Fire Commission. A purely social gathering or communication does not constitute an official meeting.

As presiding officer, the Chair may take whatever action is necessary to provide opportunity for discussion on issues, focus comments and discussion on issues being considered, ensure orderly meetings, and ensure the efficient and effective disposition of

issues before the Fire Commission. At the time the meeting is scheduled to begin, or at some reasonable waiting time thereafter if a quorum is not initially present, the Chair will call the meeting to order and announce which members are absent.

## VI. Action by the Fire Commission

The Fire Commission shall proceed by motion as provided for in this section. Any member, including the Chair, may make a motion. A motion must be on the floor before a Fire Commission may proceed with discussion or action.

After a motion is made, the Chair shall state the motion and then open the floor for debate. The Chair shall preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before someone who has already spoken.

To the extent possible, the debate shall alternate between proponents and opponents of the motion.

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

The introducer may withdraw a motion at any time before it is amended or before the Chair puts the motion to a vote, whichever occurs first.

- **Second Required** - A motion requires a second.
- **One Motion at a Time** - A member may make only one motion at a time.
- **Substantive Motions** - A substantive motion (any motion other than a procedural motion) is out of order while another substantive motion is pending.
- **Adoption by Majority Vote** - A motion shall be adopted by a majority of the votes cast, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

### **Procedural Motions**

**A. Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

**B. Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the Chair ruling a motion in or out of order, determining whether a speaker has gone beyond

reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the whole of the Fire Commission. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to [recess] [adjourn] to a time and place certain shall also comply with the requirements of Section V. Meetings, B. (c).

**Motion 3. To Take a Brief Recess.** This motion may be made to provide a break of no more than fifteen (15) minutes to allow members to attend to personal matters, attempt to gather necessary information for Committee actions, or for basic relief. The Chair shall determine the length of the recess.

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.

**Motion 5. To Suspend the Rules.** The Fire Commission may not suspend provisions of the rules that state requirements imposed by law on the Fire Commission. For adoption, the motion requires an affirmative vote equal to a two-thirds majority of the entire membership of the Fire Commission.

**Motion 6. To Go into Closed Session.** The Fire Commission may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a) (1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the Fire Commission expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 7. To Leave Closed Session.**

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration.** The Fire Commission may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 60 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend

the rules [~~Motion 5~~].

**Motion 10. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules.

**Motion 11. To Refer a Motion to a Committee.** The Fire Commission may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Fire Commission, whether or not the committee has reported the matter to the Fire Commission.

**Motion 12. To Amend.**

- (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
- (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.
- (c) Any amendment to a proposed [order] [policy] [regulation] [resolution] shall be reduced to writing before the vote on the amendment.

**Motion 13. To Revive Consideration.** The Fire Commission may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9. The motion is in order at any time within 120 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 120 days after the deferral unless a motion to revive consideration is adopted.

**Motion 14. To Reconsider.** The Fire Commission may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “nos” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

**Motion 15. To Rescind or Repeal.** The Fire Commission may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.



**Motion 16. To Prevent Reintroduction for [Six] Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to ~~{a majority}~~ [two-thirds] of the entire membership of the Fire Commission. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the Fire Commission, whichever occurs first.

**C. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

**D. Withdrawal of a Motion**

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

## **VII. Duty to Vote**

Every member must vote unless excused by the remaining members of the Fire Commission. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Fire Commission or by law, or the member's official conduct. In all other cases, a failure to vote by a member who is physically present in the Fire Commission meeting, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

- A. Basis for Determining a Voting Result** – A simple majority of a qualified quorum shall determine the voting result.
- B. Voting Procedure** – Regular business of the Fire Commission shall be ratified or opposed by a voice vote or show of hands. Per NCGS 143-318.13 (b): At no time shall the Fire Commission or any subcommittee of the Fire Commission vote by secret ballot.
- C. One Vote each** – Each member of the Fire Commission or subcommittee of the Fire Commission shall be entitled to one vote. Since the Chair and Vice-Chair serve as voting members their vote shall be counted.
- D. Abstention** – Members of the Fire Commission may register their abstention on any vote, which shall be reflected in the minutes. Members are to abstain from voting and from participating in deliberations on matters, which may pose a conflict of interest for them or an agency represented.
- E. Determination of Actions** – All final actions, committee appointments, or policy recommendations shall require the favorable vote of a majority of those Fire Commission or subcommittee members present and not abstaining on the vote at a duly called meeting.

**F. Public Address to the Fire Commission** - Any individual or group who wishes to address the Fire Commission shall make a request to the Chair be on the agenda. The Chair shall determine whether it will hear the individual or group. Allowable time for the address shall be no more than three (3) minutes, unless there is an affirmative vote to suspend the rule.

**G. Public Hearings** - Public hearings required by law or deemed advisable by the Fire Commission shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing

All notice and other requirements of the open meetings law applicable to Fire Commission meetings shall also apply to public hearings at which a majority of the Fire Commission is present; such a hearing is considered to be part of a regular or special meeting of the Fire Commission. These requirements also apply to hearings conducted by appointed or elected committees of Fire Commission members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Section V. Meetings, B. (c) shall be followed in continuing a hearing at which a majority of the Fire Commission, or of a Fire Commission committee, as applicable, is present.

At the time appointed for the hearing, the Chair or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

**H. Closed Sessions** - The Fire Commission may hold closed sessions as provided by law. The Fire Commission shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a) (1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a) (3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into

closed session must be approved by the vote of a majority of those present and voting. The Fire Commission shall terminate the closed session by a majority vote, using Motion 7. Only those actions authorized by statute may be taken in closed session. A motion to adjourn shall not be in order during a closed session.

- I. **Minutes** - Accurate minutes of the Fire Commission meetings shall be kept. The Fire Commission shall also keep an audio recording of any session. These minutes and audio recordings shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Fire Commission, the entire Fire Commission shall be polled by name on any vote. Minutes shall be kept by a representative of the Wake County Fire Services Department.

## VIII. Committees

- A. **Establishment and Appointment** - The Fire Commission may establish and appoint members for such standing and ad hoc committees as are required to help carry on the Fire Commission's work. The Fire Commission's standing committees are:

- Budget Committee
- Apparatus Committee
- Facility Committee
- Equipment Committee
- Staffing & Compensation Committee
- Communications Committee
- Administrative Committee
- Steering Committee
- Training Committee

If the Fire Commission proposes to refer an issue to a committee for further review but the issue is not within the purview of one of the standing committees, the Fire Commission may refer it to an ad hoc committee appointed for a particular purpose. If the Fire Commission makes such a referral, the Chair will appoint members of the ad hoc committee.

- B. **Minimum Standing Committee Membership** - Voting membership of each standing committee must consist of at least one member from each region and one voting member of the Fire Commission. Not more than two (2) departments from a single region can be represented by voting members on a committee. Each fire department can be represented by no more than one (1) voting member on each committee.
- C. **Standing Committee Appointments** – The Fire Commission Chair shall make appointments for voting members to Standing Committees. Each committee is composed of one member and one alternate member from each of the Wake County Fire Service Regions. A Standing Committee Chairperson will be appointed by the Fire Commission Chair to manage activities of the Standing Committee. The appointed Standing

Committee Chairperson may be a fire service representative from any region. No person can serve on more than two committees. Each fire department can be represented by no more than one (1) voting member on each Standing Committee. Citizens may be representatives on established Standing Committees. The Fire Commission Chair may appoint up to four (4) citizens members and four (4) citizen alternates to Standing Committees.

- D. Standing Committee Procedures** – The Chair of the Standing Committee will supervise the meetings and all minutes and agendas. Each member of the Standing Committee or subcommittee of the Fire Commission shall be entitled to one vote. Since the Chair and Vice-Chair serve as voting members their vote shall be counted. Agendas are to be sent to all Fire Chiefs whose departments fall under the fire tax districts, Fire Commission members, and each voting member of the committee at least two (2) days prior to a meeting. Final meeting minutes are to be distributed to the same persons listed above within one (1) week of a committee meeting. A Standing Committee quorum will consist of a simple majority of the members (including the Chairperson).
- E. Ad-Hoc Committees** – As addressed in VIII (A) - above, the Chair has the power to appoint special committees to address issues of interest to the Fire Commission that do not fall under the prevue of a standing committee. The chairman of the committee can vote on any measure brought before or addressed by this committee and is responsible for presenting the findings to the Fire Commission on or before the date requested.

## **IX. Amendment of Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the Fire Commission provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

# Fire Commission Members

Name	Position
Lucius Jones	Town of Wendell
David McNulty	North Region Primary
Tim Pope	North Region Alternate
Keith McGee	Chairman/West Region Primary
Garland Johnston	West Region Alternate
Tony Mauldin	South Region Primary
Matt Poole	South Region Alternate
Chris Perry	East Region Primary
Rodney Privette	East Region Alternate
Lee Price	Vice Chair/Firefighter's Association
Matt Calabria	County Commissioner Rep
Billy Myrick	Citizen Consumer
Keith Gregory	Citizen/Consumer
Robert Stagg	Citizen/Consumer
Robert Overton	Citizen/Consumer
Susan Ramsey	Citizen/Consumer Alternate
Nancy Anderson	Citizen/Consumer Alternate

*Published by Christopher J. Lacasse on Friday, June 29, 2018.*

**Item Title:**

Item for discussion on amendments to the Arterial and Collector Street (ACS) Plan and to the Wendell Unified Development Ordinance (UDO) as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.

**\*Public hearing held and closed July 22, 2019**

**\*A special-called work session was held for this item on July 31, 2019 at Town Hall.**

**Report to the Town Board:**

Monday, August 12, 2019

Monday, July 31, 2019

Monday, July 22, 2019 (Public Hearing)

**Report to the Planning Board:**

Monday, June 17, 2019

**Specific Action Requested:**

- Having held a public hearing, that the Town Board consider taking action on amendments to the Arterial and Collector Street Plan and to Chapters 9, 16, and Appendix C of the UDO as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.

**Item Summary:**

In early 2019, the Town engaged the NC Main Street & Rural Planning Center to facilitate an Economic Development Assessment of Wendell. This assessment included 4 engagement sessions with different stakeholders and regions of the town to identify economic strengths, weaknesses, opportunities, and threats. One such engagement session focused on the Wendell Falls Parkway Strategic corridor – specifically property owners of large undeveloped tracts.

During the Wendell Falls Parkway engagement session, staff sought feedback from property owners and real estate agents on what types of development impediments they were encountering. One comment repeatedly received was that the Town's infrastructure improvement requirements for Wendell Falls Parkway (which is identified as a 4-lane divided roadway section for much of its extent) put too high a financial strain on prospective developers.



The same requirement would apply to development along sections of Wendell Blvd and Marshburn Rd.

The sentiment expressed by property owners appears to be largely supported by the location of recently submitted and approved developments, which are generally choosing locations with lesser road improvements (such as S. Hollybrook Rd) rather than areas that would otherwise appear more desirable and appropriate for development (such as Wendell Falls Parkway).

Due to this feedback, staff is asking the Town Board to consider amendments to its Arterial and Collector Street (ACS) Plan and infrastructure improvement requirements to reduce the financial burden on developers seeking to build along arterial or collector roads. While the Town still intends to ensure that developers pay their fair share of roadway improvements (since their ventures are increasing traffic along these roadways), it is staff's belief that amendments are needed to make the cost burden more balanced between developers and future tax-payers.

To achieve a more balanced mix of improvement costs and apply a more rational nexus for determining developer's infrastructure improvement obligations, staff proposes the following changes to the Town's regulations. Amendments to the ACS plan are visually represented in **Attachment A**. ACS plan amendments are also being proposed to reduce impacts on environmentally sensitive areas, by removing or realigning roads. Proposed road realignments are not impacting any new property owners.

#### **Changes Proposed by Staff:**

1. **Reduce the infrastructure improvement requirement along existing roads identified as future 4-lane divided cross-sections, such that developers are only responsible for installing a 3-lane undivided cross-section (rather than 4-lane divided).**
  - a. Developers would still be required to dedicate the full 4-lane road right-of-way so that the Town could build a 4-lane road in the future and would construct the sidewalk in its ultimate location. However, this represents a significant cost savings for the developer.
2. **Change the section of Wendell Blvd between its intersecting points with Liles Dean Road from a 4-lane divided cross-section to a 3-lane undivided cross-section.**
  - a. This change was presented as an option during the Public Hearing and was added to the ordinance based on the discussion which followed.
3. **Change all 2-lane median-divided Cross-sections (86' ROW) in the ACS Plan to 3-lane undivided cross-sections (79' ROW).**
  - a. The cost of constructing these cross-sections for a *new road* is very similar, but the cost of changing an existing 2-lane road to a 2-lane median-divided cross-section is much higher. Additionally, the proposed change would save the developer from dedicating an extra 7' of road ROW, since a divided median requires more space than a center turn lane.
4. To balance the reduced improvement requirements described in Amendments # 1-3, staff suggests **reducing the threshold for when a Transportation Impact Assessment (TIA) would be required from 150 peak hour trips to 100 peak hour trips. As proposed, the Planning Director would have further discretion to require a TIA for**

**projects generating 75 peak hour trips or more, based on case specific determining factors.**

- a. The TIA would identify only those improvements (typically turn lanes and signal improvements) which directly relate to the trips generated by proposed development.
  - b. For reference, a Single-family home typically generates, on average, ~ 1 trip during the PM peak hour (4-6 PM). A multi-family dwelling typically generates, on average, ~ 0.6 trips during the peak hour. For example, the Edwards Property subdivision submittal included 273 single-family dwellings and was estimated to generate 266 PM peak hour trips. PM peak hour trips are generally higher than AM peak hour trips.
  - c. Determining factors which may cause the Director to apply a 75 peak hour trip threshold could include urban context (i.e. suburban apartments will generate more trips than downtown apartments), previously approved but not yet constructed development in the vicinity (which will contribute trips in the future), or the lack of pedestrian and bicycle facilities (which reduces viable alternative to vehicular trips).
5. **Delete minor collectors (as shown in Attachment A) which impact Turnipseed Preserve and Robertson Mill Pond Preserve, and which serve no critical function.**
- a. Now that Wake County has developed these natural parks and protected them with perpetual conservation easements, there is no real possibility of these properties being developed. Thus, there is no need to show roadways traversing these areas.
6. **Delete the Minor Thoroughfare (4-lane divided road) shown crossing Rolesville Road and running parallel to Weathers Rd.**
- a. This road is a future connection shown in CAMPO's long-range transportation plans. It is ultimately attempting to connect Buffaloe Rd to the west with Doc Proctor Rd and Riley Hill Rd to the east. This would require crossing floodplains and building extensive amounts of new road mileage. Removing this road from the Town's plan would not eliminate the need for the developer to reserve road ROW for this future road, but it would eliminate the need to construct improvements.
7. **Realign eastern-most leg of future 2-lane collector connecting Eagle Rock Road to Jake May Drive (to align with Horseman Park Place and to avoid Buffalo Creek).**
8. **Realign the future 4-lane divided road on the eastern side of Town such that its connection point to Wendell Blvd avoids the floodplain.**

### **Proposed UDO Language Changes**

Proposed amendments to the UDO to enact the changes recommended by staff are shown below. Amended text is underlined. Deleted text is shown with ~~strike-through~~. The Town's Arterial

and Collector Street plan would also be amended to include the proposed changes to the map, as well as to reference the proposed TIA trip threshold.

#### **1. 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.

Any existing road which is shown on the Town's Arterial and Collector Street (ACS) Plan as to be improved to an ultimate 4-lane divided cross-section shall dedicate the full ROW needed for such improvements, but shall only be required to install a 3-lane divided cross-section (unless otherwise required by NCDOT, CAMPO, or per the results of a Transportation Impact Assessment (TIA)). This provision shall not negate any applicable requirements for bicycle or pedestrian improvements to an existing 4-lane road. Pedestrian facilities for the 3-lane cross-section shall be installed in the correct location for a future 4-lane cross-section, unless otherwise permitted by the Administrator.

#### **2. Section 9.10A - Transportation Impact Analysis**

The Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and government agencies in making land use decisions involving annexations, subdivisions, rezonings, special land uses, and other development reviews. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

- A. A TIA shall be required for a rezoning, conditional district, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments and/or their subsequent phases with an estimated trip generation of ~~150~~ **100** peak hour trips per day or greater during an average weekday based on a five day national average as defined in

the ITE Trip Generation Manual. At the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.

### **3. Section 16.11A - Traffic Impact Analysis (TIA)**

A. Transportation Impact Analyses shall be required for a rezoning, subdivision plan, site plan, Special Use Permit, certificate of zoning compliance, or Preliminary Plan for developments with an estimated trip generation of **100 peak hour trips** ~~3,000 vehicles~~ per day or greater as defined in Section 9.10 (or as required by NCDOT, in which case NCDOT TIA regulations should also be followed). Furthermore, at the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.

1. Rezoning Transportation Impact Analysis Report: Evaluates whether adequate transportation capacity exists or will be available within a reasonable time period to safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.
2. Transportation Impact Analysis Report: Required for certain permitted and special uses, subdivisions, and Preliminary Plans exceeding the specific trip generation threshold.

### **Planning Board Recommendation:**

At their June 17, 2019 meeting, the Planning Board voted unanimously (5-0) to approve the proposed changes to the UDO and ACS Plan (divided into 3 motions).

**Voting in favor:** Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Victoria Curtis, Lloyd Lancaster

**Voting against:** None

**Absent:** Errol Briggerman and Jonathan Olsen

### **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 June meeting, the Planning Board found the proposed amendment to be consistent with the following principle of the comprehensive plan and deemed it reasonable and desirable to accommodate future traffic needs in a manner which more equitably distributes costs between the Town and the developer.
    - Principle Number 8: “Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.

### **Staff Recommendation:**

- Staff recommends approval of the proposed changes. These amendments would help promote development on the Town's strategic corridors in a manner which is more financially feasible to developers, while still providing needed transportation improvements, both today and in the future.

**Attachments:**

- A. Arterial and Collector Street (ACS) plan with proposed amendments identified.
- B. Amended Arterial and Collector Street (ACS) Plan Map [ Changes Incorporated]
- C. Ordinance for Adoption



EXHIBIT 1

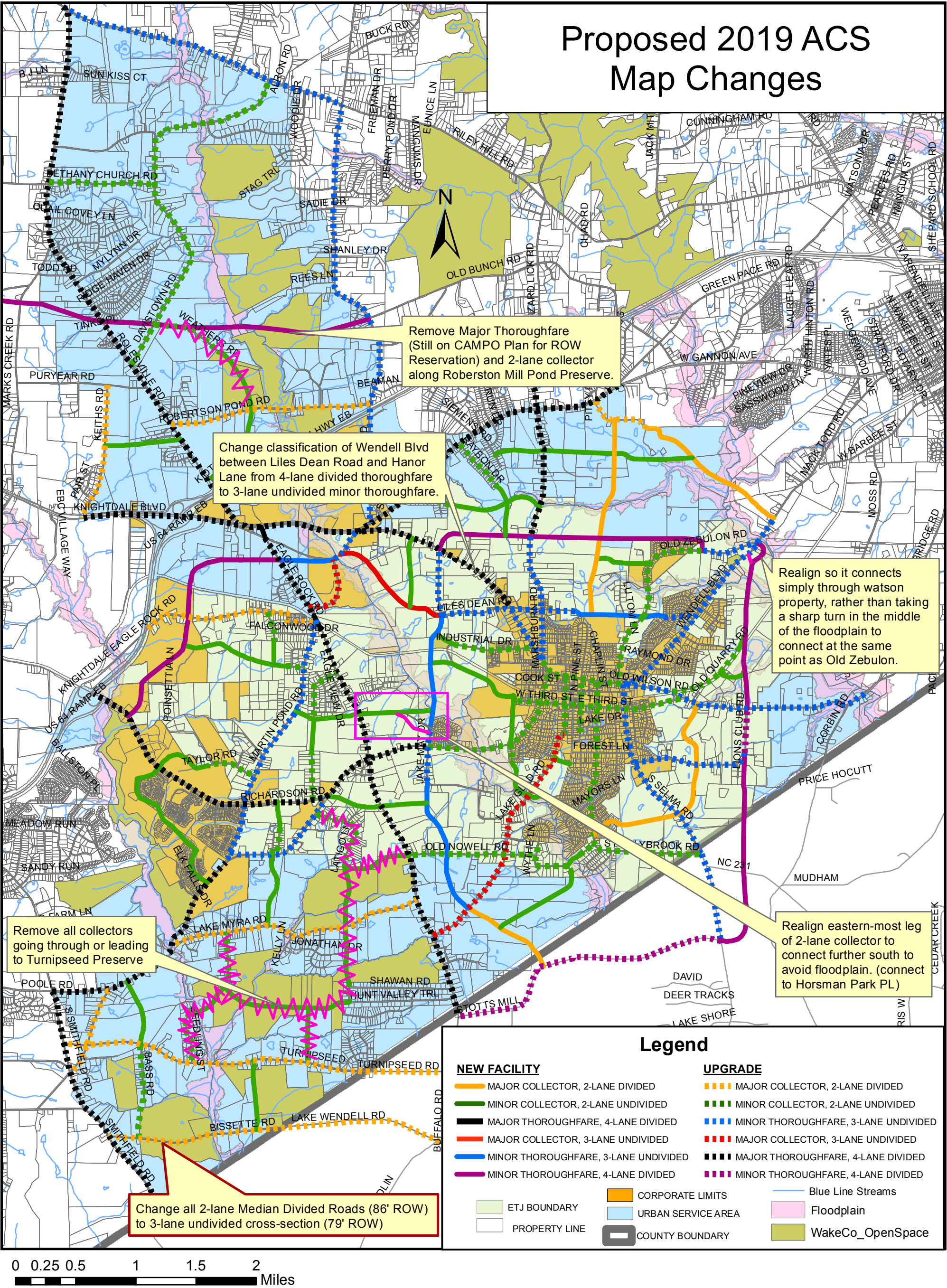
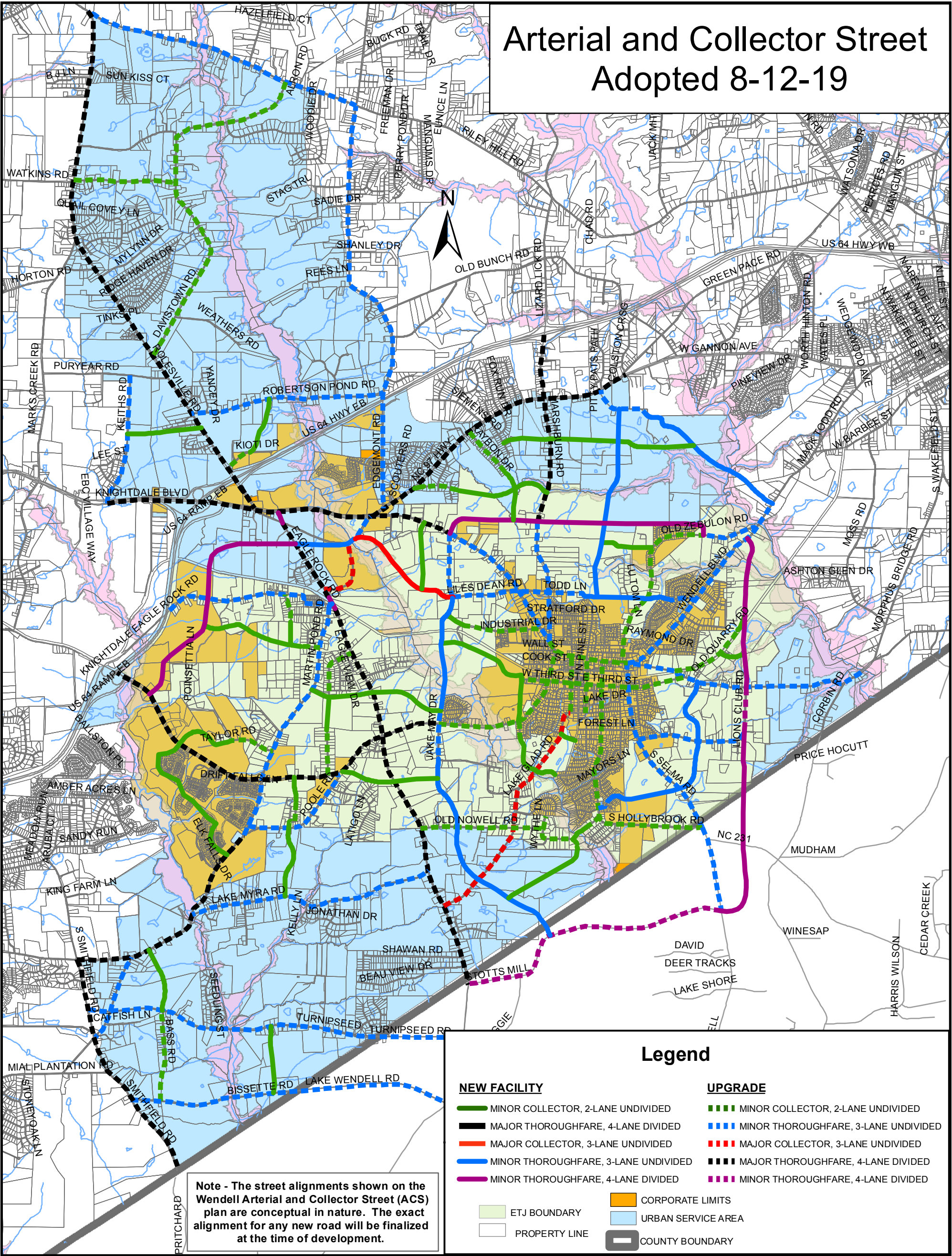




EXHIBIT 1

Arterial and Collector Street  
Adopted 8-12-19





## Attachment C

## ORD # 0-17-2019

**AN ORDINANCE TO AMEND SECTIONS 9.5, 9.10, 16.11 AND APPENDIX C OF THE  
TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE  
AS THEY RELATE TO INFRASTRUCTURE IMPROVEMENT AND  
TRANSPORTATION IMPACT ANALYSIS (TIA) REQUIREMENTS.**

WHEREAS, Section 9.5 of the UDO contains the Town's general provisions for arterial and collector street plan conformity; and

WHEREAS, Section 9.10 of the UDO contains the Town's general provisions for transportation impact analysis; and

WHEREAS, Section 16.11 of the UDO contains the Town's general provisions for transportation impact analysis as it relates to development plan requirements; and

WHEREAS, Appendix C, Exhibit 1 contains the Town's Arterial and Collector Street (ACS) Plan; and

WHEREAS, the executive summary of the ACS plan specifies that "the specific roadway network established by the transportation plan is conceptual in nature. The final location and design capacity of roads will be determined as development occurs. The transportation plan is designed to aid the Town in its review and consideration of development plans by establishing infrastructure improvement requirements and road cross-sections, but final requirements will be determined at the time a development is proposed, taking into consideration the impact of the development"; and

WHEREAS, the Town has initiated a petition to amend Sections 9.5, 9.10, 16.11 and Appendix C of the UDO in order to balance transportation infrastructure costs between developers seeking to build along arterial or collector roads and future tax payers; and

WHEREAS, the Town of Wendell Unified Development Ordinance Section 15.11 establishes uniform procedures for amending the text of the Ordinance;

NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Wendell, North Carolina:

SECTION 1. That Section 9.5B (Arterial and Collector Street Plan Conformity) of the UDO be amended to read as follows:

- B. 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.

Any existing road which is shown on the Town's Arterial and Collector Street (ACS) Plan as to be improved to an ultimate 4-lane divided cross-section shall dedicate the full ROW needed for such improvements, but shall only be required to install a 3-lane divided cross-section (unless otherwise required by NCDOT, CAMPO, or per the results of a Transportation Impact Assessment (TIA)). This provision shall not negate any applicable requirements for bicycle or pedestrian improvements to an existing 4-lane road. Pedestrian facilities for the 3-lane cross-section shall be installed in the correct location for a future 4-lane cross-section, unless otherwise permitted by the Administrator.

SECTION 2. That Section 9.10A (Transportation Impact Analysis) of the UDO be amended to read as follows:

- A. A TIA shall be required for a rezoning, conditional district, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments and/or their subsequent phases with an estimated trip generation of 100 peak hour trips per day or greater during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual. At the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.

SECTION 3. That the table entitled "Trip Generation" in Section 9.10 (Transportation Impact Analysis) be deleted entirely.

SECTION 4. That Section 16.11A of the UDO be amended to read as follows:

### **16.11 – Traffic Impact Analysis**

- A. Transportation Impact Analyses shall be required for a rezoning, subdivision plan, site plan, Special Use Permit, certificate of zoning compliance, or Preliminary Plan for developments with an estimated trip generation of 100 peak hour trips per day or greater as defined in Section 9.10 (or as required by NCDOT, in which case NCDOT TIA regulations should also be followed). Furthermore, at the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.
  - 1. Rezoning Transportation Impact Analysis Report: Evaluates whether adequate transportation capacity exists or will be available within a reasonable time period to safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.
  - 2. Transportation Impact Analysis Report: Required for certain permitted and special uses, subdivisions, and Preliminary Plans exceeding the specific trip generation threshold.

SECTION 5. That Appendix C of the UDO be amended to include the revised ACS Plan map (Attached as Exhibit I)

SECTION 6. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 7. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 8. That the proposed text amendments to Sections 9.5, 9.10, 16.11 and Appendix C of the UDO are found to be consistent with Principle # 8 of the Wendell Comprehensive Plan and reasonable in nature in order to accommodate future traffic needs in a manner which more equitably distributes costs between the Town and the developer.

- Principle Number 8: “Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.”

SECTION 9. That this ordinance has been adopted following a duly advertised public hearing of the Town Board and following recommendation by the Planning Board.

SECTION 10. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

SECTION 11. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED the 12th day of August, 2019.

(Town Seal)

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Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

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Megan Howard, Town Clerk

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James P. Cauley III, Town Attorney

**Item Title:**

SECOND READING - Update to the Downtown Façade Grant Program Policy

**Board of Commissioners Meeting:**

Monday, August 12, 2019

Monday, July 22, 2019

**Specific Action Requested:**

- The Town Board is requested to take action on proposed amendments to the downtown façade grant program guidelines. This item was presented at the July 22, 2019 board meeting, but requires a second reading due to the 2-1 vote which was received.

**Item Summary:**

The objective for the Downtown Façade Grant Program is “to provide financial incentives to business and property owners to assist them in façade preservation and restoration that demonstrates enhanced and superior appearance and aesthetic improvements to a business, neighborhood and/or frontage on the public right-of-way.”

During FY 2018-2019, the town budget did not allocate any funds to the Façade Grant Program. Fortunately, NC Commerce did provide a one-time grant, which, through the Expanded Downtown Façade Grant Program, enabled the town to assist with a large façade improvement project. The funds that were provided by NC Commerce are not a recurring funding source.

The budget for FY 2019-2020 allocates \$10,000 to the Downtown Façade Grant Program. However, the current Façade Grant guidelines limit each application to a maximum grant amount of \$1000 (based on a 50/50 match). This \$1000 limit represented one quarter of the \$4000 budgeted in FY 2017-2018. With \$10,000 budgeted in the current fiscal year, staff is seeking approval from the Town Board to raise the \$1000 grant award cap currently in place.

**Proposed Changes:**

1. Raise the maximum grant amount from \$1000 (current) to \$10,000 (proposed) [50/50 match]
  - a. *This would allow the Board to provide a greater incentive to larger façade projects. The actual amount approved for any request is at the full discretion of the Town Board.*
2. Revise language to clarify that projects cannot be completed prior to Town Board approval
3. Require a minimum of 2 quotes from contractors, to be included with the application
  - a. *This change was requested by the Appearance Commission and would apply to any future submittal. Multiple quotes help ensure that reasonable estimates are provided.*

4. Require façade grant applications to be submitted to staff at least 7 days prior to the next Appearance Commission meeting to be included on their agenda (instead of 5 days)

**Staff Comments:**

- In Staff's opinion, the current \$1,000 cap may limit the ability of business owners to provide the aesthetic improvements and superior appearance that the grant program seeks to achieve. Furthermore, it may result in the full budgeted amount not being used, as it would take 10 approved applications.
- The Appearance Commission was briefed on the desired changes at their last meeting and contributed to the changes included in this proposal.

**Attachments:**

- A. Downtown Façade Grant Program Guidelines (Current Language)
- B. Revised Downtown Façade Grant Program Guidelines



## Town of Wendell

### DOWNTOWN FAÇADE GRANT PROGRAM

#### *Guidelines*

**Grant Objective:**

To provide financial incentives to business and property owners to assist them in façade preservation and restoration that demonstrates enhanced and superior appearance and aesthetic improvements to a business, neighborhood and/or frontage on the public right-of-way.

**Eligible Exterior Improvements:**

Exterior lighting; repair or purchase of new awnings; exterior painting; storefronts or facades repair; window repair or replacement; masonry repair; transom glass repair/replacement of architectural details or materials, and relocation of electrical wiring.

For the downtown façade grant program, facades are defined as an individual storefront or building side which faces the public right-of-way or is otherwise visible to the general public. For the purpose of this grant program, separate addresses within a single building may qualify as separate facades of one or more of the spaces tenants are applying for a grant(s) subject to the guidelines of the program.

**NOTE:** Project cannot be completed prior to submittal of application; however, it can be started prior to application approval.

**Who Can Apply:**

1. Property Owners; and/or
2. Commercial Tenants with the Property Owner's written permission

**Grant Deadline:**

The grant deadline will be on a quarterly basis. Applications may be submitted on the first calendar day of January, April, July, and October. Applications are accepted on a first come, first served basis per quarterly cycle. When an application or multiple applications are submitted at the beginning of a new cycle, all submitted applications will be reviewed during the next Appearance Commission meeting (applications must be received at least 5 days before scheduled meeting date to make it on meeting agenda).

An applicant/business may submit an application for a property up to twice a year. If awarded, the applicant/business cannot reapply for three years for the same property for which they were previously awarded a façade grant. This provision shall not prohibit a new business owner from applying for a façade grant for the same property within the three year period.

**Grant Amount:**

The grant amount is up to \$1,000 per downtown façade based on 50-50 match, with a total of four grants awarded per year. Applicant project costs must total more than \$2,000 in order to receive the maximum grant amount. Once grant funds expire for the fiscal year, applications shall continue to be forwarded for consideration to the approval entity pending any additional funds allocated by the Board of Commissioners for the Downtown Façade Grant Program. Grant amounts will be based on allocated funds available in the budget.

**Application:**

Application will be one page in length and made accessible to the public. Copies of the Design Façade Grant Program Guidelines will be made accessible to the public. Marketing of the downtown façade grant program is

encouraged. Completed applications will consist of: 1) completed and signed application; 2) detailed and itemized project budget with cost breakdowns is required as part of the application. All aspects of the project shall be included; and 3) Photos of property/project area.

**Application Review Process:**

1. Planning Department Staff (completeness review)
2. Appearance Commission (recommendation to Board of Commissioners)
3. Board of Commissioners (final review and approval)

Upon completion of work, copies of applicants canceled checks and contractors paid statements must be sent to Planning Department. Inspectors ensure work is in conformance with all applicable plans and ordinances. Completed paperwork is forward to the Finance Department for grant disbursement to applicant and is mailed to the applicant within two weeks of receipt of completed paperwork.

General processing and approval timeframe for all qualified applications will be a maximum of 45 days from receipt of qualified applications.

**Decision Factors for Grant Approval:**

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.
7. Grants previously awarded to property.

**Overall Guidelines:**

1. General maintenance expenses may not be included in the grant application.
2. All improvements not listed under eligible improvements shall be considered ineligible improvements.
3. Projects must begin no later than three months after approval of the grant and completed within the current town fiscal year, whichever comes first.
4. Work shall conform to all applicable ordinances and building codes and permits shall be applied for when required. Applicants are required to secure any required permits.
5. All work must be in keeping with the specifications approved as part of the grant application.
6. Approval or denial of all applications by the town should be submitted in writing to applicants.

## Town of Wendell

### DOWNTOWN FAÇADE GRANT PROGRAM

#### *Guidelines*

**Grant Objective:**

To provide financial incentives to business and property owners to assist them in façade preservation and restoration that demonstrates enhanced and superior appearance and aesthetic improvements to a business, neighborhood and/or frontage on the public right-of-way.

**Eligible Exterior Improvements:**

Exterior lighting; repair or purchase of new awnings; exterior painting; storefronts or facades repair; window repair or replacement; masonry repair; transom glass repair/replacement of architectural details or materials, and relocation of electrical wiring.

For the downtown façade grant program, facades are defined as an individual storefront or building side which faces the public right-of-way or is otherwise visible to the general public. For the purpose of this grant program, separate addresses within a single building may qualify as separate facades of one or more of the spaces tenants are applying for a grant(s) subject to the guidelines of the program.

**NOTE:** Project cannot be completed prior to application approval; however, it can be started prior to application approval for larger projects.

**Who Can Apply:**

1. Property Owners; and/or
2. Commercial Tenants with the Property Owner's written permission

**Grant Deadline:**

The grant deadline will be on a quarterly basis. Applications may be submitted on the first calendar day of January, April, July, and October. Applications are accepted on a first come, first served basis per quarterly cycle. When an application or multiple applications are submitted at the beginning of a new cycle, all submitted applications will be reviewed during the next Appearance Commission meeting (applications must be received at least 7 days before scheduled meeting date to make it on meeting agenda).

An applicant/business may submit an application for a property up to twice a year. If awarded, the applicant/business cannot reapply for three years for the same property for which they were previously awarded a façade grant. This provision shall not prohibit a new business owner from applying for a façade grant for the same property within the three year period.

**Grant Amount:**

The grant amount is up to \$10,000 per downtown façade, based on 50-50 match. Once grant funds expire for the fiscal year, applications shall continue to be forwarded for consideration to the approval entity pending any additional funds allocated by the Board of Commissioners for the Downtown Façade Grant Program. Grant amounts will be based on allocated funds available in the budget.

**Application:**

Application will be one page in length and made accessible to the public. Copies of the Design Façade Grant Program Guidelines will be made accessible to the public. Marketing of the downtown façade grant program is encouraged. Completed applications will consist of: 1) completed and signed application; 2) detailed and

itemized project budget with cost breakdowns (min. of 2 quotes from contractors) is required as part of the application. All aspects of the project shall be included; and 3) Photos of property/project area.

**Application Review Process:**

1. Planning Department Staff (completeness review)
2. Appearance Commission (recommendation to Board of Commissioners)
3. Board of Commissioners (final review and approval)

Upon completion of work, copies of applicants canceled checks and contractors paid statements must be sent to Planning Department. Inspectors ensure work is in conformance with all applicable plans and ordinances. Completed paperwork is forward to the Finance Department for grant disbursement to applicant and is mailed to the applicant within two weeks of receipt of completed paperwork.

General processing and approval timeframe for all qualified applications will be a maximum of 45 days from receipt of qualified applications.

**Decision Factors for Grant Approval:**

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.
7. Grants previously awarded to property.

**Overall Guidelines:**

1. General maintenance expenses may not be included in the grant application.
2. All improvements not listed under eligible improvements shall be considered ineligible improvements.
3. Projects must begin no later than three months after approval of the grant and completed within the current town fiscal year, whichever comes first.
4. Work shall conform to all applicable ordinances and building codes and permits shall be applied for when required. Applicants are required to secure any required permits.
5. All work must be in keeping with the specifications approved as part of the grant application.
6. Approval or denial of all applications by the town should be submitted in writing to applicants.

**Item Title:**

Downtown Expanded Façade Grant Extension Request – 1 N Main St

**Board of Commissioners Meeting:**

Monday, August 12, 2019

Monday, April 22, 2019 (original approval)

**Appearance Commission Meeting:**

Monday, April 1, 2019

**Specific Action Requested:**

The Board of Commissioners is requested to review, discuss, and take action on a request to extend a deadline incorporated into the Expanded Downtown Façade Grant Policy approval, for improvements to 1 N. Main Street

**Item Summary:**

At the April 22, 2019 meeting, the Town Board reviewed and approved an Expanded Façade Grant Application request submitted by Sigurd Westerlund for exterior improvements 1 N Main in the amount of \$45,000.

The application includes the removal of the existing metal siding on the corner building located at 1 N Main Street, as well as comprehensive exterior renovations to restore the building to its former appearance. The proposed exterior renovations include window replacement, new decorative cornice, masonry repair, and new exterior lighting fixtures.

The total estimated cost for exterior façade improvements was \$103,327:

- Removal of existing metal paneling/siding: \$4000
- Replacement of all exterior windows and doors: \$38,350
- Cornice replacement & Installation: \$25,512.52
- Masonry Repair: \$34,000
- Outdoor Lighting: \$1464.74

Per the adopted Expanded Façade Grant Program Policy, the applicant has until August 31, 2019 to complete all work and submit their reimbursement request (based on a 50-50 match). The August 31<sup>st</sup> deadline was incorporated into the policy to allow time for the Town to pursue another project, in the event that the Expanded Façade Grant Program was not utilized. The Town has until June 30, 2019 to expend the funds received from the State via NC Commerce.

The recipient of the Expanded Downtown Façade Grant (Sigurd Westerlund) has requested an extension of the August 31, 2019 deadline – through December 31, 2019. While progress has been made on design and permit submittal, they have encountered delays in soliciting bids and scheduling work due to the high level of demand for contractors in the present environment (see Attachment B). As a result, they are requesting an extension to the deadline for reimbursement submittal until December 31, 2019.

If approved, this extension to the policy would still leave a 6-month buffer between the request for reimbursements and the deadline with the State.

**Staff Recommendation:**

Staff recommends approval of the amendment to the Expanded Downtown Façade Grant Policy, to extend the reimbursement deadline through December 31, 2019.

**Attachment:**

- A. Expanded Downtown Façade Grant Policy
- B. Extension Request Letter – Owners of 1 N Main Street



# Town of Wendell

## EXPANDED DOWNTOWN FAÇADE GRANT PROGRAM

### *Guidelines*

#### **Grant Objective:**

To provide financial incentives to business and property owners within the core of the downtown to assist them in façade preservation and restoration that demonstrates enhanced and superior appearance and aesthetic improvements to a business, neighborhood and/or frontage on the public right-of-way.

#### **Eligible Exterior Improvements:**

Exterior lighting; repair or purchase of new awnings; exterior painting; storefronts or facades repair or replacement; window repair or replacement; masonry repair; transom glass repair/replacement of architectural details or materials, and relocation of electrical wiring.

For the expanded downtown façade grant program, facades are defined as an individual storefront or building side which faces the public right-of-way or is otherwise visible to the general public. For the purpose of this grant program, separate addresses within a single building *may* qualify as separate facades of one or more of the spaces tenants are applying for a grant(s) subject to the guidelines of the program.

**NOTE:** No eligible work for which an applicant is seeking façade grant funds can be completed prior to submittal of application; however, it can be started prior to application approval.

#### **Who Can Apply:**

1. Property Owners within the defined Downtown Façade Grant Boundary; and/or
2. Commercial Tenants within the defined boundary, with the Property Owner's written permission

#### **Grant Deadline:**

The Town's Expanded Downtown Façade Grant Program was made possible through funding allocated by the NC Department of Commerce, via the 2018 Budget Act. The 2018 Budget Act allocated \$50,000 to the Town of Wendell to use for Downtown Development Revitalization.

In order to ensure that all State Funding is put to use, the Town's Expanded Downtown Façade Grant program will have an **open application period through June 1, 2019**. In order to receive reimbursement from the Town, approved projects must complete all described work and submit all required invoices/documentation by **August 30, 2019–December 31, 2019**. Applications are accepted on a first come, first served basis. All submitted applications will be reviewed during the next Appearance Commission meeting (applications must be received at least 7 days before scheduled meeting date to make it on meeting agenda).

#### **Grant Amount:**

The eligible grant amount is dependent upon the availability of façade grant match funds, based on 50-50 match. The total match provided by the Town for all expanded façade grants approved through June 1, 2019 may not exceed \$45,000. These matching funds may be applied towards a single grant request, or multiple requests, at the sole discretion of the Town Board. Grant approvals in excess of \$10,000 shall be reserved for prominent downtown projects which will result in significant increased property valuation, job development, or substantial aesthetic improvements in a prominent location. If previous grant fund requests have been approved, subsequent applicants' requests shall be limited by the remaining balance.

**Application:**

Application will be one page in length and made accessible to the public. Copies of the Design Façade Grant Program Guidelines will be made accessible to the public. Marketing of the downtown façade grant program is encouraged. Completed applications will consist of: 1) completed and signed application; 2) detailed and itemized project budget with cost breakdowns is required as part of the application. All aspects of the project shall be included; and 3) Photos of property/project area.

**Application Review Process:**

1. Planning Department Staff (completeness review)
2. Appearance Commission (recommendation to Board of Commissioners)
3. Board of Commissioners (final review and approval)

Upon completion of work, copies of applicants canceled checks and contractors paid statements must be sent to Planning Department. Inspectors ensure work is in conformance with all applicable plans and ordinances. Completed paperwork is forward to the Finance Department for grant disbursement to applicant and is mailed to the applicant within two weeks of receipt of completed paperwork.

General processing and approval timeframe for all qualified applications will be a maximum of 45 days from receipt of qualified applications.

**Decision Factors for Grant Approval:**

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. removal of metal awnings and/or replacement of fabric awnings
  - c. recently expanded businesses or seeking renovation; and/or
  - d. 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.
7. Grants previously awarded to property.

**Overall Guidelines:**

1. General maintenance expenses may not be included in the grant application.
2. All improvements not listed under eligible improvements shall be considered ineligible improvements.
3. Approved projects must complete project and submit required invoices/documentation by August 30, 2019 in order to receive reimbursement by the Town.
4. Work shall conform to all applicable ordinances and building codes and permits shall be applied for when required. Applicants are required to secure any required permits.
5. All work must be in keeping with the specifications approved as part of the grant application.
6. Approval or denial of all applications by the town should be submitted in writing to applicants.

**1 North Main Street LLC****Attachment B**

David Bergmark, AICP  
Planning Director  
Town of Wendell  
15 East Fourth Street  
Wendell, NC 27591

*VIA EMAIL TO: dbergmark@townofwendell.com*

David:

Our project for the renovation of the former bank building located at 1 North Main Street in downtown Wendell on the corner of 3<sup>rd</sup> and Main is progressing. We have contracted for many of the exterior and interior renovations and we now have finalized plans for the interior renovation and have submitted those into the Energov Permitting System.

Despite the progress, however, we have encountered delays in soliciting bids and anticipate we will therefore also encounter delays in completion of work due to the current boom associated with contracting in the area, as well as our need to change general contractor. By way of example, the required masonry work to restore the exterior façade of the building cannot be commenced by the chosen contractor until September 1, 2019, and the remaining exterior façade improvements are sequential and must be completed after the masonry work (such as windows and cornice). We therefore would like to request confirmation from you that we can extend the date to obtain grant reimbursement until December 31, 2019.

We understand that you will need to obtain consent for this at a meeting to take place August 12, 2019 and we look forward to hearing from you.

Regards,

Jennifer & Sigurd Westerlund

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**Item Title:**

Downtown Façade Grant Request for improvements to 14 & 16 E Third Street.

**Town Board Meeting:**

Monday, August 12, 2019

**Appearance Commission Meeting:**

Monday, August 5, 2019

Monday, July 1, 2019

**Specific Action Requested:**

The Board of Commissioners is requested to review, discuss, and take action on the Appearance Commission's recommendation regarding the Downtown Façade Grant request.

**Item Summary:**

On July 1, 2019, an application was submitted to the Town of Wendell Planning Department by property owners Martha Greer and William Parish for the downtown façade grant program. The application includes the refacing/painting of the entire front of the building located at 14 & 16 E Third Street, as well as re-caulking windows and trims. The property is in the Downtown Mixed-Use (DMX) zoning district on the south side of Third Street.

The proposed exterior renovations include refacing and repainting the store front and re-caulking the windows and trims. The proposed paint color chosen by the applicant is 'Tan'. The items below represent those costs which are eligible for façade grant funds.

The total estimated cost for exterior façade improvements is \$4,388, broken down as follows:

- Reface/point up entire front of brick store
- Repaint entire store front
- Re-caulk windows and trims

The amount applied for by the applicant for the downtown façade grant program is \$1,000-\$1500. At the time of application, the downtown façade grant program currently permits a 50/50 matching for up to \$1,000 per façade from the town to the applicant based on project costs. Proposed changes to the maximum grant amount under the Façade Grant Program are also being brought before the Town Board at the same meeting, which could increase the grant amount the Town Board could permit.

The project includes eligible improvements as defined by the current downtown façade grant program guidelines. The application was deemed complete with project costs indicated and project details provided and photos of the existing façade are included with the application.

**Existing:**

(Note – the window signage depicted in the photos below has been removed by the owner)





**Appearance Commission Recommendation:**

At their August 5, 2019 meeting, the Appearance Commission voted unanimously to recommend approval of the façade grant request for \$1000 (under the current policy), or up to 50% of the project cost if the policy is amended by the Town Board to permit a higher grant amount.

**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.

**Attachment:**

- A. Downtown Façade Grant Program Application – 14 & 16 E Third St



## Downtown Facade Grant Program Application

Planning Department, 15 E. Fourth Street, Wendell, NC 27591  
Phone: (919) 365-4448 [www.townofwendell.com](http://www.townofwendell.com)

### APPLICANT INFORMATION

Name: <u>Martha P Green</u>
Phone: <u>420 Madham Rd</u>
Email: <u>Martagreen13@gmail.com</u>

### FOR OFFICE USE ONLY

Application Date: <u>5-23-19</u>
Approval Date: _____ Amount: _____
Tax ID number: _____

### PROPERTY OWNER OR TENANT INFORMATION

Name: <u>Martha P Green / William W Parish</u>	Years Owned / Leased: _____
Address: <u>420 Madham Rd</u>	<u>3113 Charles B Root Wynd</u> Apt 103 Phone: _____
City: <u>Wendell NC 27591</u>	State: <u>NC</u> Zip: <u>27612</u>
Type of Ownership: <u>Joint - 14 E 3rd St Wendell NC</u>	Owner's / Tenant Signature-Improvements Approved: <u>Martha P Green</u>

### BUSINESS AND / OR PROJECT INFORMATION

Name of Business: <u>Helping Hand</u>	Business / Project Owner's Name: _____
Address: <u>14 E 3rd St</u>	Phone: <u>Martha P Green 919-588-0836</u> <u>William W Parish 919-614-5642</u>
City: <u>Wendell</u>	State: <u>NC</u> Zip: <u>27591</u>
Type of Business: <u>Gift Store</u>	Upper floor use: _____

### PROPOSED IMPROVEMENTS

Facade Improvements: <u>Reface / paint up entire front of brick store</u> <u>Reprint entire store front</u> <u>Recalk windows and trim</u>
Total Estimated Project Cost: <u>\$4,388.00</u>
Grant Amount Applied For (Based on 50-50 match): <u>\$1,000 - 1,500</u>

### Check Appropriately:

☒ I own the property in consideration

☐ I lease the property in consideration and have permission of property owner

I have read the Downtown Façade Grant Program and Design Guidelines. I understand that if the proposal is approved, I will make the above improvements to the property within the specified time allowed.

APPLICANT'S SIGNATURE:



DATE:

William W. Parisi Martha Parish Ave 5/6/19

5/14/19

Town of Wendell Façade Grant Program

### OFFICE USE ONLY

Date of Application Submittal: \_\_\_\_\_

Date of Appearance Commission Review: \_\_\_\_\_ ☐ Approve ☐ Denial

Date of Board of Commissioners Review: \_\_\_\_\_ ☐ Approve ☐ Denial

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Staff \_\_\_\_\_

Date \_\_\_\_\_

**Proposal**  
**CURTIS DEAN CONSTRUCTION**  
 PO BOX 549  
 ZEBULON, NC 27597  
 Business Phone (919) 269-0060 or (919) 365-0378  
 Fax (919) 269-0039

Proposal Submitted to: <b>Marty Greer</b>	Phone: <b>919-588-0836</b>
Street: <b>16 E 3<sup>rd</sup> Street</b>	Job Name: <b>Helping Hand Mission</b>
City, State and Zip: <b>Wendell, NC 27591</b>	Job Location: <b>14 &amp; 16 E 3<sup>rd</sup> Street, Wendell</b>

Date: May 14, 2019\_

We hereby submit specifications and estimates for: exterior repairs to both store fronts	
1. reface/point up entire front of brick store	
2. repaint entire store front	
3. recaulk windows and trims	
<b>TOTAL</b>	<b>\$4,388.00</b>

We propose hereby to furnish material and labor-complete in accordance with above specifications, for the sum of:

Four Thousand Three Hundred Eighty Eight and 00/100(\$4,388.00).

Payment to be made as follows:

**Deposit to order materials, balance upon completion of job**

All material is guaranteed to be as specified. All work to be complete in workman like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Karl Horvath

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within thirty (30) days.

**Acceptance of Proposal**-The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of acceptance 5/22/19

Marty P. Greer  
Signature

\_\_\_\_\_  
Signature

**Curtis Dean Construction**

PO Box 549

Zebulon, NC 27597

(919) 269-0060

# INVOICE

Item #6c

**Marty Greer-Helping Hand Mission**

16 E. 3rd Street

Wendell, NC 27591

Invoice Number: 6700

Invoice Date: 05/22/2019

Due Date: 05/22/2019

Summary: Exterior repairs and painting to both store fronts

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Description	Quantity	Unit	Per	Total
1. deposit/draw on materials	1.00		\$2,000.00	\$2,000.00
<b>Total:</b>				<b>\$2,000.00</b>

**Item Title:**

Request to temporarily close a portion of Main Street on Friday, September 20, 2019 for the Meet on Main special event.

**Report to the Board of Commissioners:**

Monday, August 12, 2019

**Specific Action Requested:**

Approve the temporary closure of the section of Main Street, Campen Street, and Depot Street and allow alcohol in permitted areas as requested.

**Item Summary:**

The Wendell Community Partnership (WCP) plans to host its inaugural “Meet on Main” event on Friday, September 20, 2019. The event will run from 5:30 p.m. until 9:00 p.m. The event will include a band, food trucks, a bounce house and the sale of beer and unfortified wine. The band will play from a trailer/ stage located on the south end of Main Street while other participants will be located along or adjacent to Main Street between Third Street and Fourth Street. The intent of the WCP is to host a similar event each month during the spring, summer, and fall of 2020. A future request would be required for closing streets for those dates.

The WCP requests the Town to approve the temporary closure of Main Street (from Fourth Street to Third Street), Campen Street (Tobacco Alley to Perry’s Alley), and Depot Street (Cypress Street to Pine Street). The roads would be closed from 3:30pm until 10:30pm. The Police Department will make necessary road closure announcements and railroad notifications as per normal procedures. A map of the proposed road closure is attached.

Town of Wendell Code of Ordinances Section 14-21 prohibits the consumption of alcoholic beverages “on or within the rights-of-way of any municipal street, public vehicular area, alley, or any public property owned or occupied by the town..... or as otherwise approved by the Wendell Board of Commissioners. Staff is before the Board of Commissions seeking approval for the sale and consumption of beer within the previously defined event area. Alcohol sales would run from 5:00 p.m. until 9:00 p.m. with possession of open containers or consumption not extending past 9:30 p.m.

The serving of alcohol will create a unique staffing requirement to ensure compliance. The WCP will hire necessary staffing from a licensed and insured security firm to assist with overall event security and compliance with alcohol regulations. This staffing will supplement Town Staffing required to manage the normal components of a downtown event. The WCP will be responsible for costs associated with Town Staff needed to work this as it would be an off-duty event. The



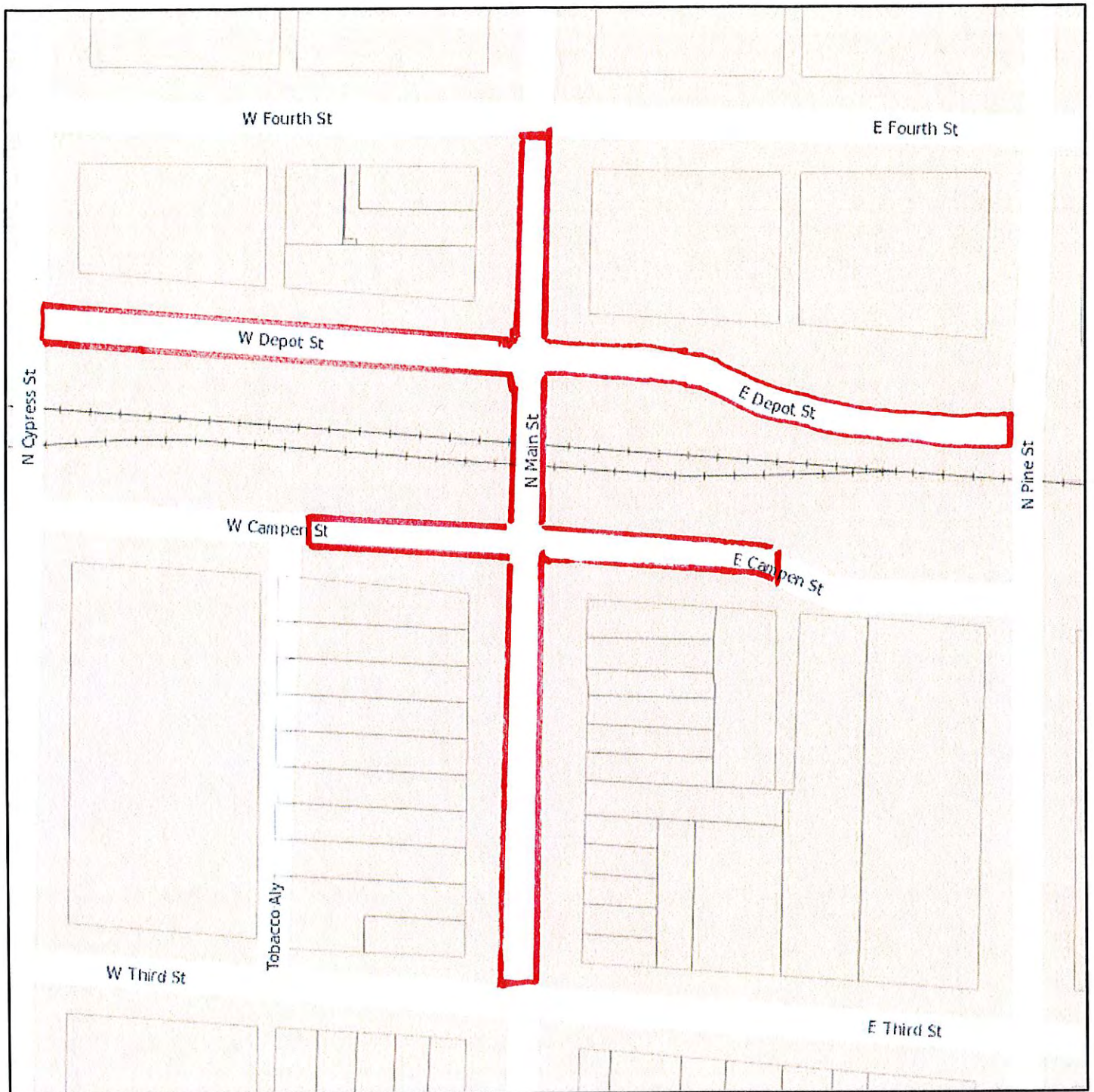
request to allow alcohol is limited to a designated area that will be permitted and compliant with legal requirements and regulations.

In 2018 the Wendell Community Partnership was formed by business owners and with the purpose of enhancing the downtown experience for residents, visitor, businesses and the community. It has been recognized as a 501(c)4 by the IRS in order to receive donations and make disbursements which will be used to enhance the downtown and community has a whole.

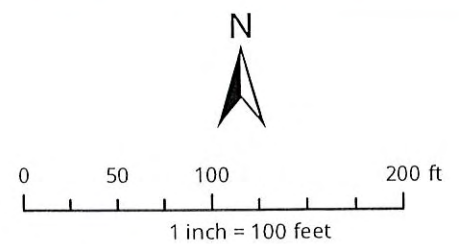
The Board of Commissioners previously authorized the expenditure of Economic Development Grant Funds obtained through the North Carolina Department of Commerce to assist the Wendell Community Partnership with preparation and filing of Articles of Incorporation, 501(c)4 applications and other documents needed to properly establish the organization.

**Attachments:**

Road Closure Map



Meet on Main  
Road  
Closure



**Disclaimer**

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

**Item Title:**

Request to temporarily close a portion of Cypress Street on Saturday, September 21, 2019 for the Carolina Hemp Festival special event.

**Report to the Board of Commissioners:**

Monday, August 12, 2019

**Specific Action Requested:**

Approve the temporary closure of the section of Cypress Street as requested.

**Item Summary:**

Armney and Charles Peterson, owners of the Hemp Source, plan to host the Carolina Hemp Festival in Wendell at the Town Square and adjacent Town-owned block on Saturday, September 21, 2019 from 8:00am to 6:00pm. The event proposes to include speakers, vendors, food trucks, and games for children. On Sunday, participants will load buses on Campen Street to take a tour of the hemp farm and facilities. No street closure is necessary for Sunday.

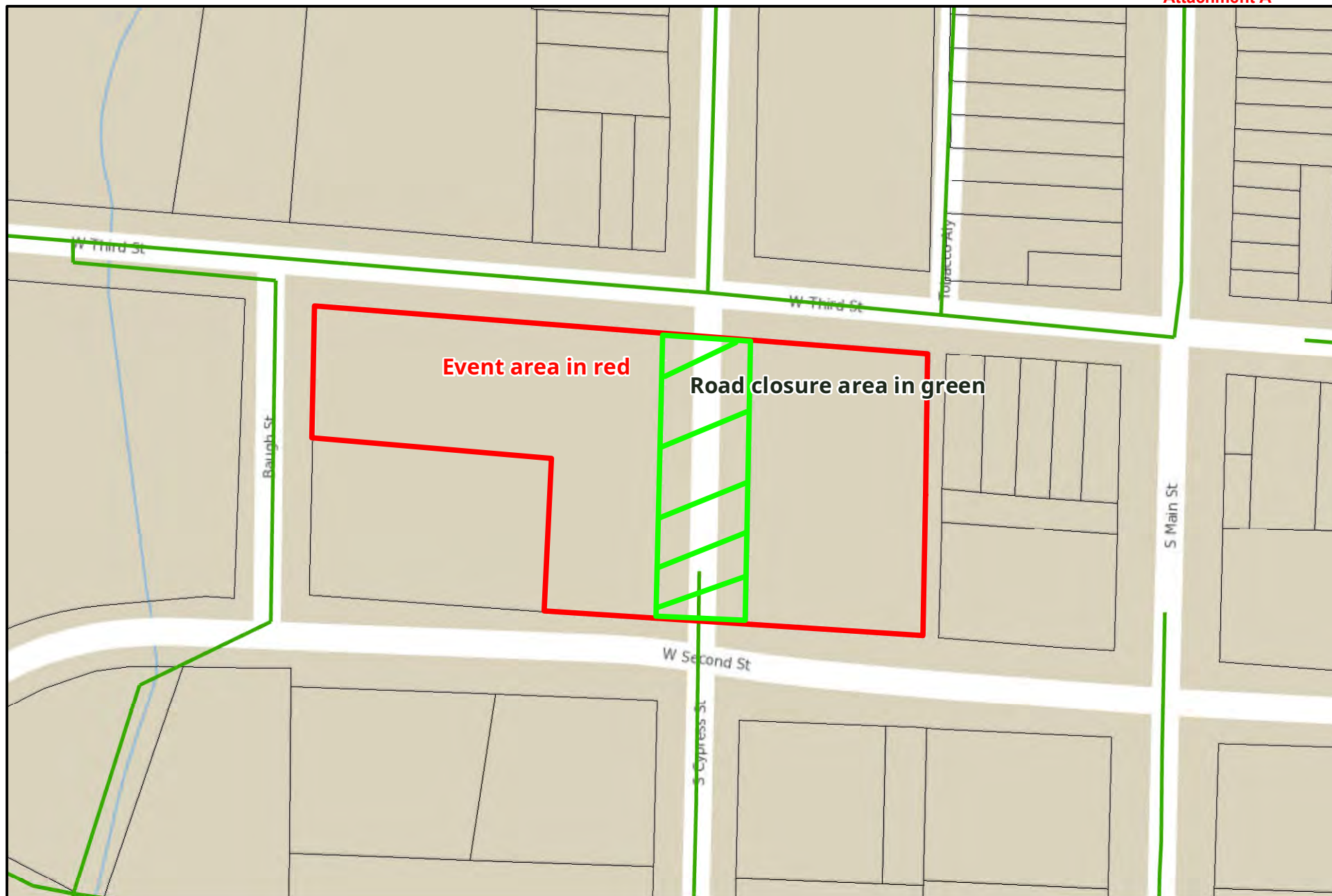
The event would necessitate the closure of Cypress Street from Third Street to Second Street to provide for pedestrian safety during the event. The roads would be closed from 7:00am to 8:00pm. A map of the proposed area and requested closure is attached.

The Petersons met with Town staff on Monday, August 5, 2019 to discuss the event. The event will require a rental application for the square and a sound permit. Insurance is required with the Town listed as an additional insured in the minimum amount of \$1,000,000. Three (3) Public Works employees are necessary with volunteer assistance to handle solid waste disposal and maintain electric service. Four to five (4 to 5) Police Department staff will be required to handle safety and traffic control. The event organizer is responsible for all costs and scheduling all services as this is not a Town sponsored event.

Last year, the event was held in a hotel in the region and attracted approximately 900 attendees to an event that required prior registration and charged a fee. The Petersons are not charging a fee to attend this year and are changing to the festival format. They anticipate approximately 1,500 attendees for the event. The event organizers anticipate between 30 to 50 vendors.

**Attachments:**

Road Closure Map



0 50 100 200 ft  
1 inch = 100 feet

**Disclaimer**

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**Date: August 12, 2019**

**Item # 7a**

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**Item Title:**

Update on board committee(s) by Town Board members.

**Specific Action Requested:**

None

**Attachments:**

None

**Date: August 12, 2019**

**Item # 8**

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**Item Title:**

Commissioners' Reports.

**Specific Action Requested:**

None

**Attachments:**

None



**Date: August 12, 2019**

**Item # 9**

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**Item Title:**

Mayor's Report.

**Specific Action Requested:**

None

**Attachments:**

None

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**Item Title:**

Closed Session [NC GS 143-318.11].

**Specific Action Requested:**

Will be called if necessary for one or more of the following within NC GS 143-318.11(a):

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or

grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(10) To view a recording released pursuant to G.S. 132-1.4A.

**Attachments:**

None