



**Wendell Town Board of Commissioners
Board Room
15 E. Fourth Street, Wendell, NC 27591
Town Board Meeting Agenda
Monday, July 22, 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 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.

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

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Presentation on Performance Management Reports.
Speaker: Town Manager Marc Collins
- 4b. Presentation by Parks and Recreation on the new Youth Athletic Scholarship Program.
Speaker: Parks and Recreation Director Jeff Polaski

5. PUBLIC HEARINGS

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

6. ADMINISTRATIVE ITEMS

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

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 Joyner]
 -  Technical Review Committee [TRC] [Commissioner Ben Carroll]



8. COMMISSIONERS' REPORTS / COMMENTS

9. MAYOR'S REPORTS / COMMENTS

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

Wendell Board Meeting Minutes

Monday, June 24, 2019

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, June 24, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

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

CALL TO ORDER

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

Police Chief Bill Carter led the Pledge of Allegiance.

Mike Harrison of Wendell Christian Church provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

Mover: Commissioner Joyner moved that items 6b and 6c become items 4b and 4c.

Vote: Unanimous.

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

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Linda Newcombe of 10 West Academy Street spoke in opposition to the arcade being opened without any regulations enforced to control children without parental supervision.

Regina Harmon of 6616 Tales Branch Road spoke in opposition to the arcade and asked for a special use permit to be enforced.

Kathy Dara of 3512 Coach Lantern Avenue spoke in opposition to the arcade.

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ACTION

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

Vote: Unanimous.

- 3a. Budget ordinance amendment for the FY 2018-2019 budget.
Speaker: Finance Director Butch Kay

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Presentation of recommendations for Wendell Town Hall.
Speaker: Vice President Chris Whitley of The Cummings Group, Town Manager Marc Collins.

Town Manager Marc Collins said that in talking with the Commissioners upon arriving to Wendell, one of the frequent items of conversation was the need for staff to evaluate Town Hall and provide options for the Commission to act on. He said the existing Town Hall has served the community well over its lifespan. It has been renovated, but it's time for a more major overhaul. It's time to look at the organization and put the modern workforce into a safe and productive environment. That may be using the existing structure, or it may be somewhere else. Mr. Collins introduced Vice President Chris Whitley of The Cumming Group, who evaluated Town Hall.

Chris Whitley provided the following PowerPoint presentation to the Board:



TOWN HALL

- Development Process
- Staffing Projections / Space Summary
- Options
- Next Steps

CUMMING
Building Value Through Expertise

TOWN HALL DEVELOPMENT PROCESS

- Assessed Building Conditions of Existing Town Hall
- Confer with Town Staff to Gain Knowledge of Current Building
- Review 10 Year Staff Projections provided by the Town
- Program Spaces to Meet Growth Projections

TOWN HALL DEVELOPMENT PROCESS

Department: Finance (A Existing, B Future)					1942
Description	Qty	SF	NSF	Circulation	Total
Finance Director	1	120	120	0.1	136
Accountant	1	120	120	0.1	136
Payroll & Benefits Specialist	1	100	100	0.1	106
Accounting Technician	1	120	120	0.1	136
Purchasing Agent (Future)	1	100	100	0.1	106
Administrative Support Specialist (Future)	1	120	120	0.1	136
Budget Analyst (Future)	1	120	120	0.1	136
Conference	1	200	200	0.25	250
Restroom	2	80	160	0.25	200

TOWN HALL DEVELOPMENT PROCESS

- Assessed Building Conditions of Existing Town Hall
- Confer with Town Staff to Gain Knowledge of Current Building
- Review 10 Year Staff Projections provided by the Town
- Program Spaces to Meet Growth Projections
- Develop Cost Models for Various Options
- Review Cost Models and Options with Town Staff

WENDELL TOWN HALL

- Approximate 14,000 SF is needed to meet the 10-Year Staff Projections
- 13 Existing Positions within the Town Hall
- 11 Additional Positions Anticipated over the Next 10 Years
- Additional Positions will likely be Required in Years 11 – 15.
- The following Departments will be located within the Town Hall:
 - *Commission Chambers*
 - *Administration*
 - *Finance*
 - *Planning*
 - *Communication and Technology*

CUMMING
WE BUILD YOUR TOWN'S FUTURE

TOWN HALL OPTIONS

Option #1 - Renovate Existing Town Hall & Construct a 2-Story Addition for Future Growth (Begin 2019)

Option #2 - Construct a New Town Hall on a New Site (Begin 2019)

Option #3 - Renovate Existing Town Hall & Construct a 2-Story Addition for Future Growth (Begin 2020)

Option #4 - Construct a New Town Hall on a New Site (Begin 2020)



OPTION #1: RENOVATE EXISTING TOWN HALL



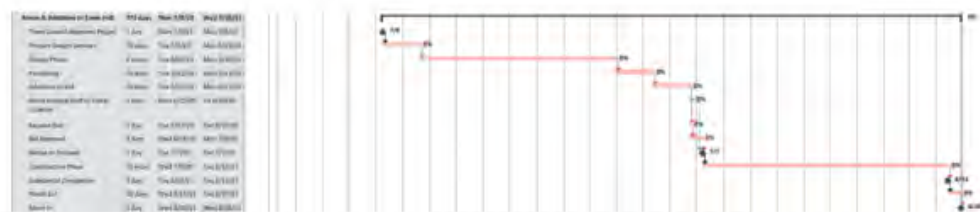
OPTION #1: RENOVATE EXISTING TOWN HALL

- 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

Timeline



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** (Begin 2019)

CUMMING
Building Better Through Innovation

OPTION #2: CONSTRUCT NEW TOWN HALL

- 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
 - Land Cost is not Included in Budget

CUMMING
Building Better Through Innovation

OPTION #2: CONSTRUCT NEW TOWN HALL

Timeline



CUMMING
Building Value Through Experience

OPTION #2: CONSTRUCT NEW TOWN HALL

PRO'S

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

CON'S

- Potential for Land Purchase Cost
- Higher Development Cost

Estimated Cost: \$5,988,281.00 (Begin 2019)



SUMMARY

Option #1	Option #2	Option #3	Option #4
Renovated & Expand Existing Town Hall (Begin 2019)	Construct New Town Hall (Begin 2019)	Renovated & Expand Existing Town Hall (Begin 2020)	Construct New Town Hall (Begin 2020)
\$5,284,234.00	\$5,988,281.00	\$5,513,060.00	\$6,247,603.00



NEXT STEPS

- Town Council Determine Option that Best Aligns with the Town's Vision
- Procure Design Services
- Perform Due Diligence on Existing Site or New Site
- Begin Design Phase while implementing Continuous Cost Management to Ensure the Project Remains on Budget
- Develop Bid Packages
- Award Bid
- Construction Phase
- Move In
- Closeout Phase





QUESTIONS / ANSWERS



Commissioner John Boyette asked if Mr. Whitley had looked at the cost of doing a 3-story building, instead of a 2-story building.

Chris Whitley said they did not look at a 3-story building, but it would not make a drastic swing in numbers to go from a 2 to a 3-story, as long as the square footage stays the same.

Commissioner Boyette asked what if they increased the square footage. Mr. Boyette asked is 14,000 square feet enough, considering the growth expectations.

Mr. Whitley said that if they were looking to go to 21,000 square feet, it would be \$1.2-1.5 million more.

Town Manager Marc Collins asked the Commissioners if there were any additional questions that they would like staff to pursue on this topic to get to a decision point as far as existing structure vs. a new site.

Commissioner David Myrick said that if the Town is considering a new construction site, it would be good for staff to create a list of potential site locations to present to the Commissioners.

Town Manager Collins said he'll speak to what's available and what the Town already owns. He said Option 1 and 3 is the current Town Hall site. Regarding the current site, one of Mr. Collins' concerns is what's the ability to expand to meet any growth of the Town beyond the life of Town Hall's current building was the ten-year staff analysis that was a part of the Board's budget. It is known that additional space is needed. He said that there's not room to grow on the current site. There are also parking issues—where does the staff park and where does the public in that larger community that's doing business with the Town park? Mr. Collins said that's limited at this point. When staff looks offsite, the Town owns the block across the street from Town Square, which is a little larger than the current Town Hall site and would allow a little more flexibility. Another site of land that the Town currently owns is at the Town Park. Mr. Collins said that there's areas of land that would be separated from the park site in the community center when landing view is extended up to 3rd street with the second Park entrance. Mr. Collins said that there's a 3-8-acre area, there which would allow the Town Hall not to have to build vertically and would provide a municipal campus that is still in the Downtown area. These two sites would not add land costs at this time, and anything else would have to require some negotiation with another property owner.

Mayor Gray asked if staff could talk about how the Town got to this point on the subject of a new Town Hall, for reference.

Town Manager Marc Collins said that right now, when the Town hires a new staff member, the Town will either have to give up the conference room or they're going to have to adapt the old jail cells into office space. It's hard to recruit talent to work in a jail cell. Regarding workspace, the systems are old. One can hear wildlife in places where vents aren't closed appropriately, old brick walls create breathing difficulties, as well. The Town is at a point right now where some significant investment needs to happen in this building as evidenced by what it would take to renovate the portion of the current Town Hall building to get it to functioning legal work space. Mr. Collins said that a part of that functional legal workspace is ADA compliance. The Town has crossed a 50-employee threshold that necessitates that the Town start a three-year transition plan for Americans with Disability Act compliance. When the Town is evaluating a building such as Town Hall, staff is also looking at its ability to bring the environment into that compliance. Mr. Collins stated that the Commission has brought the issue of Town Hall up previously. He said it can be funded through the Capital Improvement Plan, which identifies that the town is able to incrementally increase dedicated revenues that would cover the cost of the debt service. Mr. Collins said that one issue is that the longer the Town delays, the more increase in construction costs. One thing the finance director and Mr. Collins are looking into is the ability to start design now but have a resolution in place to pay back to reimburse the town for the upfront expense so that the debt service payments are consistent to what's in the Capital Improvement Plan and hopefully is more than offset by cost savings of going earlier rather than later. If the Town is borrowing money, there's also a concern about how long interest rates stay low as opposed to move up. If you're looking at a borrowing over a number of years, that can also increase costs. Mr. Collins said that a downtown location would be preferred.

Mayor Pro Tem Jon Lutz said that this is something that the Board should address sooner than later. He suggested that the Board look at these sites before construction costs increase.

Commissioner John Boyette said that he's worked on old houses before and said the costs never seem to align. He said it concerns him to rehab the current Town Hall building any more than they already have. Mr. Boyette said there might be a few other options but would like to see a work session scheduled so that the Board can discuss it further.

Commissioner Jason Joyner agreed that a work session would be necessary and requested that the Board go into closed session at that work session, in case the Board wanted to talk about additional sites.

Commissioner Ben Carroll requested to have information about the cost of demolition and a rebuild of Town Hall on the current site.

- 4b. Appointments to the Town of Wendell Citizen Advisory Boards
Speaker: Town Clerk Megan Howard

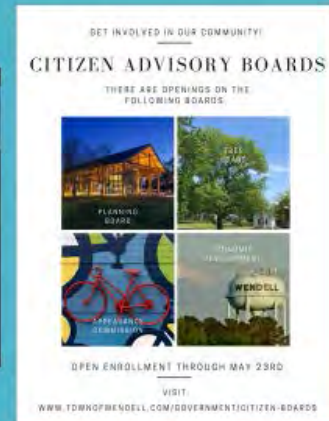
Town Clerk Megan Howard Presented the following PowerPoint presentation:

Appointment to the Town of Wendell Citizen Advisory Boards

Item #6b: June 24, 2019

June 10, 2019 Board Meeting: Review

Recruitment for the Town of Wendell's Citizen Advisory Boards began on April 23, 2019 and closed on May 23, 2019. Communication Efforts were released throughout the month and the Town received a total of 13 applications.



June 10, 2019 Board Meeting: Review

As was discussed, there are two Citizen Advisory Boards that had applications submitted. The Economic Development Committee, which has 3 vacancies, and The Planning Board, which has 5 vacancies (4 In-Town; 1 ETJ.) Please note that the Planning Board received 7 In-Town applications and 2 ETJ applications. However, staff requests that the Board take notice that one of the ETJ Planning Board applicants withdrew their application, which is communicated in Item 6b's Attachment A packet.

Economic Development Committee Applicants:

Name	Board	ETJ/In-Town
Haley Day	EDC	In-Town
Cande Killian Wood	EDC	ETJ
Amanda S. Norris	EDC	In-Town
H. Lee Mabry	EDC	Out-of-Town

Planning Board Applicants:

Name	Board	ETJ/In-Town
Tim Fisher	Planning	In-Town
Michael Firstbrook	Planning	In-Town
Regina Harmon	Planning	ETJ
Brett Hennington	Planning	In-Town
Jimmie Huffman-Hall	Planning	In-Town
Levin Jones	Planning	In-Town
Lloyd Lancaster	Planning	In-Town
T. Allen Swaim Jr.	Planning	ETJ
Cande Killian Wood	Planning	ETJ
Melissa Kay Brand	Planning	In-Town

Specific Action Requested:

Staff requests that the Board of Commissioners make appointments to the Planning Board and Economic Development Committee by using the Ballots provided at today's Board Meeting.

Once appointments have been made, the Board may reach out to remaining applicants if known personally, and ask if they would be willing to serve on the Tree Board or Appearance Commission, which received no applications this year. Staff also offers to reach out to East Wake High School about an opportunity for students to serve on the Tree Board or Appearance Commission.

The Town will be sending out acknowledgement letters to applicants tomorrow, with Appointment letters being sent out via email on Friday with the results of the Board's decision this evening.

Ballots-Voting

Economic Development Committee Applicants:

Name	Board	ETJ/In-Town
Haley Day	EDC	In-Town
Cande Killian Wood	EDC	ETJ
Amanda S. Norris	EDC	In-Town
H. Lee Mabry	EDC	Out-of-Town

Planning Board Applicants:

Name	Board	ETJ/In-Town
Tim Fisher	Planning	In-Town
Michael Firstbrook	Planning	In-Town
Regina Harmon	Planning	ETJ
Brett Hennington	Planning	In-Town
Jimmena Huffman-Hall	Planning	In-Town
Levin Jones	Planning	In-Town
Lloyd Lancaster	Planning	In-Town
T. Allen Swalm Jr.	Planning	ETJ
Cande Killian Wood	Planning	ETJ
Melissa Kay Brand	Planning	In-Town

Ballots were passed out and there was a tie for the Planning Board. Town Clerk Howard requested that Mayor Gray vote to break the tie for the Planning Board.

Town Clerk Howard said that the results were as follows:

In-Town Planning Board:

-Michael Firstbrook, Brett Hennington, Jimmena Huffman-Hall, and Levin Jones

ETJ Planning Board:

-T. Allen Swaim, Jr.

Economic Development Committee:

-Haley Day, Amanda S. Norris, and H. Lee Mabry.

Mayor Gray thanked everyone who applied for the Citizen Advisory Boards. She said that the Town still has openings on a couple of other boards and would love for people to apply to those. She said she likes the idea of a rising senior also being on the Tree Board or the Appearance Commission, which would need to be worked out as one-year appointments.

- 4c. Second reading for zoning text amendment to Section 10.4 of the UDO as it relates to parking requirements; in accordance with NC GS 16A-75.
Speaker: Planning Director David Bergmark

Planning Director David Bergmark presented the following staff report in italics.

Item Summary:

The purpose of the proposed zoning text amendment is to adjust the Town's parking standards to be in line with other municipalities and industry parking needs by use. Currently our UDO requires a minimum number of parking spaces by use category (i.e. Retail/Restaurant, Office/Service, Etc.). While the UDO does not contain Maximum parking space requirements, it does require that a portion of the parking spaces in excess of 150% of the minimum required be pervious. All parking spaces in excess of 200% of the minimum number required must be pervious.

Thus, parking minimums that are too low will unnecessarily require some uses to provide pervious paving (which is costlier), where other municipalities allow for more impervious parking. Low minimum parking requirements can also lead to developments with insufficient parking to accommodate their use, which can cause spillover effects to adjacent businesses. To avoid this, staff is proposing to raise the parking space minimums for select categories to be more in line with other municipalities' requirements and to not be unduly burdensome on developers.

A similar change was incorporated into the Wendell Falls PUD when it was approved. The PUD raised the parking minimums for 3 uses: Office/Service, Retail and Restaurants. Office/Service Uses went from 2 spaces/1,000 sf. to 2.5 spaces/1,000 sf. Retail Uses was raised from 2 to 3.5/1,000 sf and Restaurants from 1 per 4 seats to 1.5 per 4 seats. While staff is not proposing to mirror these figures exactly, this change did indicate that the Town's Parking standards were not perfectly aligned with industry needs.

The following table shows the parking requirements of specific uses, as compared to other municipalities. Staff chose these uses because they are the most pertinent and in need of adjustment. The uses that are not represented in the table are either those in which Wendell's standards were comparable to those of other municipalities or uses where additional research and evaluation is needed. This change was spurred by a specific developer seeking to create a

significant office development in Wendell, but the Town's low parking ratio for 'Office/Service' presented a financial obstacle to development.

Minimum Parking Requirements Per Use (Municipal Comparison):

Use	Wendell	Knightdale	Wake Forest	Archer Lodge	Chapel Hill	Fuquay-Varina	Apex
Office/ Service	2/1000 sf	2-2.5/1000 sf	2-4/1000 sf	2.86/1000 sf	2.86-4.44/1000 sf	2.5/1000 sf	3.33/1000 sf
Retail	2/1000 sf	1.75-3/1000 sf	2.5-3.33/1000 sf	4/1000 sf	3.33/1000 sf	4.5/1000 sf	3.33/1000 sf
Restaurants	1/4 seats (8 min)	11.25/1000 sf	5/1000 sf (8 min)	1/4 seats	9.09/1000 sf	1/4 seats	1/50 sf public use area
Entertainment Recreation	1/1000 sf	1/1.5 Persons Permitted	1/4 Persons Permitted	Indoor: 5/1000 sf, Outdoor: varies	2/1000 sf	1/200 sf public use area	TBD
Theaters	1/3 seats	1/4 seats	1/5 seats	5/1000 sf	1/5 seats	1/200 sf public use area	1/5 seats

*Note: A range represents specific uses in that category

As can be seen above, Wendell's parking minimums are lower than any other municipality for Office/Service and Entertainment/Recreation and the second lowest for Retail. For Restaurants, we are on the lower end. Conversely, Wendell has the highest parking requirement for Theaters of those evaluated.

Proposed Amendments:

1. To amend Section 10.4 (General Parking Requirements) to modify the Town's minimum required parking spaces. (New text is **underlined**). Based on comments received during the public hearing, staff has created two versions of the proposed text amendment for consideration.

Version 1 contains the language originally presented at the Public Hearing – where each use category has a set minimum parking ratio which applies to all businesses within that use category.

Version 2 includes amended language meant to address concerns brought up during the public hearing. Specifically, Version 2 lists a range of minimum parking ratios permitted within a use category. Applicants can select an applicable minimum parking ratio within that range provided. This would permit small operations with minimal parking needs to apply a smaller parking requirement, while permitting specific uses within a use category with larger parking needs to apply a larger minimum parking ratio. The larger minimum parking ratio would in turn allow more parking spaces to be permitted without previous paving requirements applying.

VERSION 1: 10.4 - General Parking Requirements

A. Parking Ratios

Use Type	Auto Parking Spaces	Bicycle Parking Spaces (b)
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	<i>Minimum Required (a)</i>	
<i>Residential</i>	<i>1 per bedroom up to 2 per unit</i>	<i>1/20 auto spaces (c)</i>
<i>Secondary Dwelling</i>	<i>1 space in addition to spaces for primary dwelling</i>	<i>N/A</i>
<i>Lodging</i>	<i>1 per room or suite</i>	<i>1/50 auto spaces</i>
Office/Service Uses	2 <u>3</u> per 1,000 sq. ft.	<i>1/20 auto spaces</i>
Retail Uses	2 <u>3.33</u> per 1,000 sq. ft.	<i>1/20 auto spaces</i>
Restaurants	4 <u>1.25</u> per 4 seats (d)	<i>1/20 auto spaces</i>
Entertainment/Recreation Uses	4 <u>2</u> per 1,000 sq. ft.	<i>1.20 auto spaces</i>
Theaters	1 per 3 <u>4</u> seats	<i>1/20 auto spaces</i>
<i>Manufacturing/Wholesale/Storage</i>	<i>.25 per 1000 sq. ft. of non-office space</i>	<i>1/50 auto spaces</i>
<i>Civic/Institutional (Schools)</i>	<i>2 per 1,000 sq. ft.</i>	<i>1/20 auto spaces</i>
<i>Civic/Institutional (Non-Assembly Uses, e.g., Hospital, Public Safety Station)</i>	<i>2/1,000 sq. ft.</i>	<i>1/20 auto spaces</i>
<i>Civic/Institutional Uses (Assembly Uses Only, e.g., Religious Institutions)</i>	<i>1 per 4 seats (if benches or pews are used then the standard shall be measured as 1 per 6 ft.)</i>	<i>1/20 auto spaces</i>
<i>Infrastructure</i>	<i>2 per 1,000 sq. ft.</i>	<i>1/50 auto spaces</i>
<i>Meeting Facilities/Event Venues</i>	<i>1 per 4 seats</i>	<i>1/20 auto spaces</i>

(a) All square footage is in gross square feet.

(b) Required bicycle parking spaces are based on 1 bicycle parking space per the indicated number of auto parking spaces provided. A single “inverted U” bicycle parking rack will count as two bicycle parking spaces. The maximum required bicycle spaces shall be 20, equivalent to 10 racks. The minimum required shall be two spaces or one rack.

(c) Bicycle parking is only required for multi-family dwellings of more than 4 units/building.

(d) Restaurants shall not provide less than eight parking spaces, even if no seating is provided.

VERSION 2: 10.4 - General Parking Requirements

A. Parking Ratios

Use Type	Auto Parking Spaces	Bicycle Parking Spaces (B)
	<i>Minimum Required (a)</i>	
<i>Residential</i>	<i>1 per bedroom up to 2 per unit</i>	<i>1/20 auto spaces (c)</i>
<i>Secondary Dwelling</i>	<i>1 space in addition to spaces for primary dwelling</i>	<i>N/A</i>
<i>Lodging</i>	<i>1 per room or suite</i>	<i>1/50 auto spaces</i>
Office/Service Uses	≥ <u>2-3</u> per 1,000 sq. ft. (e)	<i>1/20 auto spaces</i>
Retail Uses	≥ <u>2-3.33</u> per 1,000 sq. ft. (e)	<i>1/20 auto spaces</i>
Restaurants	4 <u>1-1.25</u> per 4 seats (d)(e)	<i>1/20 auto spaces</i>
Entertainment/Recreation Uses	4 <u>1-2</u> per 1,000 sq. ft. (e)	<i>1.20 auto spaces</i>
Theaters	1 per 3 <u>3-4</u> seats (e)	<i>1/20 auto spaces</i>
<i>Manufacturing/Wholesale/Storage</i>	<i>.25 per 1000 sq. ft. of non-office space</i>	<i>1/50 auto spaces</i>
<i>Civic/Institutional (Schools)</i>	<i>2 per 1,000 sq. ft.</i>	<i>1/20 auto spaces</i>
<i>Civic/Institutional (Non-Assembly Uses, e.g., Hospital, Public Safety Station)</i>	<i>2/1,000 sq. ft.</i>	<i>1/20 auto spaces</i>
<i>Civic/Institutional Uses (Assembly Uses Only, e.g., Religious Institutions)</i>	<i>1 per 4 seats (if benches or pews are used then the standard shall be measured as 1 per 6 ft.)</i>	<i>1/20 auto spaces</i>
<i>Infrastructure</i>	<i>2 per 1,000 sq. ft.</i>	<i>1/50 auto spaces</i>
<i>Meeting Facilities/Event Venues</i>	<i>1 per 4 seats</i>	<i>1/20 auto spaces</i>

(a) All square footage is in gross square feet.

- (b) Required bicycle parking spaces are based on 1 bicycle parking space per the indicated number of auto parking spaces provided. A single “inverted U” bicycle parking rack will count as two bicycle parking spaces. The maximum required bicycle spaces shall be 20, equivalent to 10 racks. The minimum required shall be two spaces or one rack.
- (c) Bicycle parking is only required for multi-family dwellings of more than 4 units/building.
- (d) Restaurants shall not provide less than eight parking spaces, even if no seating is provided.
- (e) **Applicants may select a minimum parking ratio within the range provided to apply to their development/business.**

Planning Board Recommendation:

At their May 20, 2019 meeting, the Planning Board voted unanimously to amend section 10.4 of the UDO (as shown in Version 1) to be more in line with other municipalities and industry standards.

Voting in favor: Errol Briggerman, Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Victoria Curtis, Lloyd Lancaster and Jonathan Olsen

Voting against: None

Absent: None

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 May meeting, the Planning Board found the requested zoning text amendment to be consistent with Principle # 5 of the Wendell comprehensive plan and to be reasonable to promote Wendell’s attractiveness to business that provide jobs and increase the Town’s tax base while still protecting the aesthetic beauty of the town and the environment in which it is located.
- Principle # 5: Promote Wendell’s attractiveness to business and people of all walks of life. Emphasize the strengths of the Town’s diverse population.

Staff Recommendation:

Staff recommends approval of the text amendment request. While staff included changes to the minimum parking requirements for 5 use categories, the ‘Office/Service’ use is the most time sensitive, as it is needed to accommodate a pending office development.

Staff has provided 2 versions of the proposed text amendment for the Board’s consideration based on the discussion held during the public hearing.

Planning Director David Bergmark offered to answer any questions that the Board may have.

Mayor Pro Tem Jon Lutz said that he preferred the amended version 2, as it gave the Town more flexibility with businesses in knowing what their needs are and issuing the office services category, which can vary depending on what services they're providing.

Mayor Virginia Gray said that she liked the range that allows businesses to tailor it to their specific needs.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the text amendment of Chapter 2 Section 10.4 with version 2 of the Parking Requirements.

Vote: 4-1 with Commissioner John Boyette opposing.

Commissioner John Boyette said that he's against this for reasons he stated at the June 10, 2019 meeting. He said that the Town is becoming more restrictive by offering a smaller minimum and no maximum number of parking spaces. Mr. Boyette said that his other reasons for being against the text amendment include environmental reasons and walking distances.

Commissioner David Myrick said that he was against the text amendment at the June 10, 2019 meeting. He said that he had talked with staff and thanked staff for answering the questions he had. Mr. Myrick said that the biggest issues for him involved water runoff and that after 5 years the permeable pavement gets clogged and becomes obsolete. After researching the issue, Mr. Myrick said that he has had a change of heart on being against the amendment.

5. PUBLIC HEARINGS

EVIDENTIARY HEARING ~~continued from the Monday, April 22, 2019, meeting for a special use request to construct an 84-unit apartment complex on 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.).~~ **On June 17, 2019, the applicant withdrew the SUP request. No action is requested at the June 24, 2019 meeting by the Town Board of Commissioners.**

***PUBLIC HEARINGS** are legislative. Persons speaking will have five-minutes.*

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: Request by Arnold Huerta to rezone 18.94 acres of property located along Wendell Falls Parkway and identified by PIN #1783385088 [0.55 ac], PIN #1783387100 [0.69 ac], PIN #1783389601 [.12 ac], and PIN #1783388411 [17.58 ac] to an NC Conditional District to be developed as a Townhome residential neighborhood. The described properties are currently zoned Neighborhood Center (NC).
Speaker: Planning Director David Bergmark

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

Item Title:

CD18-02 – Discussion and action on a request to create an NC Conditional District for property located at 616 Wendell Falls Pkwy.

Specific Action Requested:

- *That the Town Board holds a public hearing on the proposed conditional district request and consider taking action.*
- *Action could consist of adopting the attached ordinance to rezone the described area, subject to conditions and in conformance with the associated Master Plan.*

Applicant:

Arnold Huerta

Petition:

The applicant has requested to rezone 18.94 acres of property located along Wendell Falls Parkway and identified by PIN #1783385088 [0.55 ac], PIN #1783387100 [0.69 ac], PIN #1783389601 [.12 ac], and PIN #1783388411 [17.58 ac] to an NC Conditional District to be developed as a Townhome residential neighborhood. The described properties are currently zoned Neighborhood Center (NC). The proposed conditional district consists of 101 townhome units and recreational amenities including a playground, sand volleyball court, a dog park, and park space. The requested properties are located just south of the Town park along Wendell Falls Pkwy, across from the existing Jones Landing Subdivision. The entry drive to the proposed development would align with Landing View Drive and would serve as future entry point to the Town Park. A link to view the submitted Master Plan is included as Attachment A.

Purpose of a Conditional District:

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A CD may depart from the strict application of the requirements of the town's general zoning districts.

The CD alternative may allow uses which are not specifically allowed in standard zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternative uses have been proposed by the applicant.

A second purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community

planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economic development, and the protection of existing and future adjacent development.

The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend, and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.

Location and History:

All the requested properties are currently located within the corporate limits and zoned Neighborhood Center (NC). The NC zone is coded to provide for areas of residential and mixed-use development near existing and planned neighborhood centers. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity.

To review the complete set of plans, please download the file at:

<http://edit.www.townofwendell.com/hifi/site/edit/files/wf-pkwy-townhomes-huerta>

Project Profile:

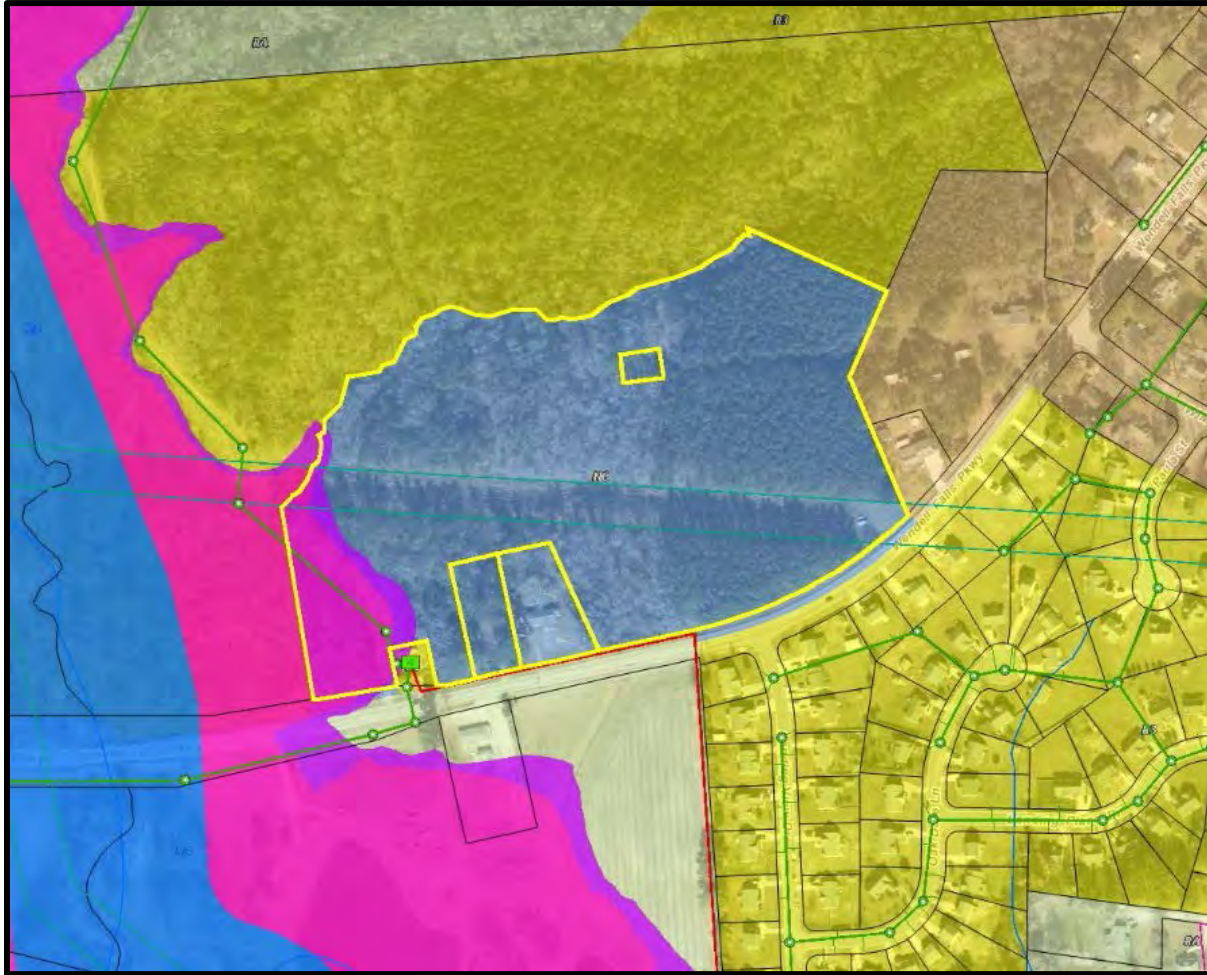
PROPERTY LOCATION:	616 Wendell Falls Pkwy
WAKE COUNTY PIN:	1783387100
CURRENT ZONING DISTRICT:	NC
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Kristina Huerta Castaneda
APPLICANT:	Arnold Huerta
	701 S New Hope Rd
	Raleigh, NC 27610
PROPERTY SIZE:	0.69 acres
CURRENT LAND USE:	Single Family Home
PROPOSED LAND USE:	Townhome Development
 PROPERTY # 2 LOCATION:	 0 Wendell Falls Pkwy
WAKE COUNTY PIN:	1786685088
CURRENT ZONING DISTRICT:	NC
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Kristina Huerta Castaneda
APPLICANT:	Arnold Huerta
	701 S New Hope Rd
	Raleigh, NC 27610
PROPERTY SIZE:	0.55 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Townhome Development
 PROPERTY # 3 LOCATION:	 0 Wendell Falls Pkwy
WAKE COUNTY PIN:	1783388411

CURRENT ZONING DISTRICT: NC
 CROSS REFERENCES: N/A
 PROPERTY OWNER: Maria Huerta & Arnold Huerta
 APPLICANT: Arnold Huerta
 701 S New Hope Rd
 Raleigh, NC 27610
 PROPERTY SIZE: 17.58 acres
 CURRENT LAND USE: Vacant
 PROPOSED LAND USE: Townhome Development

PROPERTY # 4 LOCATION: 0 Wendell Falls Pkwy
 WAKE COUNTY PIN: 1783389601
 CURRENT ZONING DISTRICT: NC
 CROSS REFERENCES: N/A
 PROPERTY OWNER: Maria Huerta & Arnold Huerta
 APPLICANT: Arnold Huerta
 701 S New Hope Rd
 Raleigh, NC 27610
 PROPERTY SIZE: 0.12 acres
 CURRENT LAND USE: Family Cemetery
 PROPOSED LAND USE: Family Cemetery

Project Setting – Surrounding Districts and Land Uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Park	R3
South	Single Family Residential	RA/R3
East	Single Family Residential	R2
West	Park	R3

Current Zoning Map:**Proposed Conditional District Conditions:**

The applicant has proposed 10 conditions (listed on the Master Plan cover page). Staff has suggested 1 additional condition for clarification purposes.

1. Development will be in accordance with the approved site development plan.
2. All structures must be in compliance with the dimensional standards provided in the approved site development plan.
3. Alley Section shown in approved site plan (20' edge to edge, inverted crown, in a 20' public access easement) shall be used within the development (privately owned and maintained).
4. Parking spaces located within the public right-of-way shall be maintained by the homeowner's association.
5. A recorded plat of recombination and all necessary city of Raleigh utility easements and right-of-way dedication shall be required prior to the approval of building permits.
6. Construction of public water, public sewer, private water, and private sewer main approval required prior to construction plan approval.
7. NCDOT minimum sight triangle for a stop condition of 70' x 10' shall be used where indicated on the preliminary site development plan.

8. Grading in the special flood hazard area will be permitted to allow for future connection to public utilities.
9. Townhomes shall be a permitted use within the proposed conditional district (No separate SUP required).
10. Townhomes units shall have a maximum front setback of 16' (30' for those that front along Wendell Falls Parkway).
11. **Staff Recommended Condition 11** – On-street parking shall only be permitted within marked spaces, as noted on the Master Plan. Signage stating this requirement shall be provided along all entrances (existing and future) of the development.

As previously stated one purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economic development, and the protection of existing and future adjacent development.

While conditional districts do allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions are intended to be offset by other improvements which go above and beyond what is required. This process allows for creative trade-offs that can result in a better overall product.

As currently proposed, the Master Development Plan seeks to permit townhomes through the legislative conditional district process and allow for minor modifications of street requirements and limited development activity to take place in the Special Flood Hazard Area to connect to existing sewer lines. The applicant has provided a variety of recreational areas, with a total amount of passive open space and park space which exceeds the Town's requirements.

Off-Street Parking:

Off-street parking and loading for townhomes is required to be in the rear and accessed by alleys. The applicant is providing this in the proposed plan. The applicant is also providing an additional 55 off-street and on-street overflow and amenity parking spaces for residents and guests.

Open Space:

The applicant is required to dedicate a minimum of 101,000 square feet of open space, with a minimum of 25,250 square feet of Park Space, as set forth in UDO Chapter 7. Of the 25,250 square feet of Park Space, 8,333 square feet must be designed for active recreational purposes. The applicant is proposing to dedicate 34,512 square feet as park space with 8,461 square feet of active space. Active open space is comprised of a playground and sand volleyball court. Per Chapter 7 of the UDO, up to one-half of the total open space land required may be located within areas of special flood hazard, including the 100-year floodplain. Approximately 30% of the total proposed open space falls within the special flood hazard area.

Lighting:

Lighting shall meet the requirements as set forth in the UDO at the time of the final development plan.

Public Utilities:

Public water and sewer will be extended at the time of development. Per the adopted Water Allocation Policy, this project has 38 base points and must provide 12 bonus points. The applicant has met the requirements for obtaining 50 points and is eligible for water and sewer allocation.

A 30' sanitary sewer easement already runs through the property. The applicant proposes tying into the existing sewer line just north of the sanitary sewer lift station. The applicant also proposes tying into an existing water main on the south side of Wendell Falls Pkwy.

The City of Raleigh Public Utilities Department will review the proposed connections and new lines for compliance with the Public Utilities Handbook as part of the final development plan.

Streets:

At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO unless special requests are made as conditions.

Per the Town's Arterial and Collector Street Plan (ACS), the applicant will be responsible for minor widening along the north side Wendell Falls Pkwy, for the road to meet the Town's standard for a Minor Collector (2 lane undivided) with 67' of R/W. These improvements are reflected in their plan and will involve 3.5 feet of additional right-of-way dedication on the north side of Wendell Falls Pkwy.

The ACS also calls for the extension of Landing View Dr to also be a Minor Collector. As part of the Master Plan, the applicant has modified the Town's typical collector and local road cross-section to allow for a 60' wide ROW on Street A (to match the 60' easement the Town has through the property to the north) and to permit on-street parking on one-side within a 54' ROW for their internal roads. To create space for the on-street parking, the applicant is showing the street tree planting area within a planting easement on one side.

Six new alleys are proposed in the development. The town's standard residential alley has a 20' easement and 12' of pavement that includes a 1' wide concrete band on both sides. The applicant has included a condition to permit a 20' edge-to-edge alley without a concrete band.

All drives shall meet the requirements as set forth in the UDO, or as modified through the approved conditional distribution.

Landscaping:

All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan and building permits.

Stormwater Management:

Development of this site would be required to meet the stormwater standards contained in the UDO.

Phasing:

The applicant has proposed 2 phases of development. The first phase would permit the developer to construct 28 townhomes along Wendell Falls Parkway, as well as the required active open space and stormwater control measure. The second phase would consist of the remainder of the development.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject properties as being completely within the S-4 "Controlled Growth Sector".

The Comprehensive Plan states that S-4 areas "are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community's new growth should occur. The typically envisioned community type for S-4 is a traditional neighborhood development (TND), which includes neighborhood serving commercial and civic uses surrounded by a mix of housing types that decrease in density as they get farther away from the commercial area."

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site meets the appropriate uses.



Statement of Plan Consistency and Reasonableness

- Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.
- At their February meeting, the Planning Board found the requested conditional district to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector and reasonable due to its proximity to the downtown core and the Town Park.

Planning Board Recommendation:

At its February 18, 2019 meeting, the Wendell Planning Board voted 7-0 to recommend approval of the proposed Conditional District request contingent upon the applicant making the following technical corrections (said corrections are incorporated in the attached Master Plan):

1. Detailed plans of parks, recreation and open space are required as part of the Master Plan. More detailed plans and description for the active open space area is required prior to final approval of the Master Plan. Currently the applicant is only providing approximately half of the active open space required. The applicant should specify how the standard will be met or request a condition to provide a greater percentage of park space than required in exchange for a lesser percentage of active open space. Remove all easements from any open space calculations. Dry detention ponds if there are any may also not be counted in open space. Add riparian buffer area into passive open space total.
2. Correct cross sections for proposed alleys to match the permitted street section in the UDO. The proposed cross section calls for an 18' wide alley easement with 16' width of concrete or asphalt paving for both the alley and residential parking areas. The UDO street section calls for a 20' wide alley easement with 12' pavement width. The pavement width includes a 1' wide concrete band on either side of a 10' unspecified pavement type. The applicant needs to meet the required alley standard or request that the alternative alley design be accepted by staff through a condition.
3. Plant understory street trees in the overhead utility easements at an average of 25' on-center.
4. Mailbox kiosks to be included in Phase 1.

Voting in Favor: Terry “Allen” Swaim, Errol Briggerman, Michael Clark, Joe DeLoach, Lloyd Lancaster, Grace Walter, Jonathan Olson, and Ryan Zakany

Voting Against: None

Absent: Victoria Curtis

Staff Recommendation:

- *Staff recommends approval of the proposed Master Plan. In staff’s opinion, a Townhome development in this location is an ideal use, as it adds additional density to support downtown businesses and better utilizes the Town Park.*
- *The design of the master plan (with outward facing Townhomes on Wendell Falls Parkway) creates a more attractive streetscape and creates the beginning of a secondary entrance into the park.*
- *On-street parking was intentionally omitted from Street A in order to create a more attractive entry-way into the park in the future.*
- *In staff’s opinion, the proposed conditions are minor in nature and are intended to facilitate the intended design, rather than avoid standard town requirements.*
- *Though not listed as a condition, the applicant has exceeded the town’s open space requirements (as shown on the Master Plan).*

Mayor Pro Tem Lutz asked if there was any reason why the Planning Board added the conditions if they’re not asking for concessions.

Planning Director Bergmark said that he thought some of them were taking comments that were coming out of the TRC review and then moved them over. He said that it wouldn’t hurt the Town in anyway. If the comments about CORPUD weren’t there, it doesn’t mean they wouldn’t have to do them. Mr. Bergmark said that it might give their clients slightly more assurances on certain things, or they may just think that that’s what the Town wants to have as assurances.

Mayor Gray opened the public hearing at 8:20 PM and asked to hear from the applicant.

Mike Sanchez with McAdams Company in Durham introduced his company as the land consulting, planning and engineering firm that’s working with the developer. Mr. Sanchez said that one of the reasons that his company feels like this is such a great addition to Wendell is the juxtaposition between the downtown area and the future Town Park area and the type of development that’s going to meet the traditional neighborhood development style with rear-entry garages, a closer streetscape of the homes, and the town atmosphere in a traditional neighborhood style. Mr. Sanchez offered to answer any questions that the Board might have.

No questions were presented from the Board.

Mayor Gray asked if there were any citizens that would like to speak.

Carrol Hinnant, 205 Dogwood Trail, spoke on a concern about the ingress and egress, saying that the primary ingress was at a very dangerous curve. She said that people going to Raleigh are speeding on this road. She also spoke on the road improvements.

Mayor Gray asked if the applicant would like to respond.

Mike Sanchez said that Mrs. Hinnant's point is well-taken regarding the access point. He said that she is seeing a preliminary view of what's going to be developed, but they are just at the beginning stages of discussing with NCDOT as to what that's going to need to be to provide the necessary safety. Mr. Sanchez said that as the developers get the traffic engineers involved, they will work with NCDOT to see what needs to happen for safety concerns.

Planning Director David Bergmark added that there is a left-turn lane shown as being an improvement to turn into this as a queue for cars. He said that, from a safety standpoint, whenever possible, they look to align the road, so you don't have offset intersections as those create safety hazards for people. He said that there could be some signage that would be addressed through the construction drawings to increase safety, but in general they would look to align those intersections.

Town Manager Marc Collins asked if Mr. Bergmark could also clarify the question about transportation plan improvements.

Mr. Bergmark said that the cross-section for Wendell Falls Parkway does change as you get closer into town. The reasons for that are that (1) there's a bridge-crossing, so to try to limit the environmental impact of and the cost of widening that bridge to accommodate a larger road and (2) you're getting into a narrower, denser area of town where a lot more homes are pulled closer, so it is scaled down to a two-lane and shows bike lanes being added and curb, gutter and sidewalk. He said that this section is shown as a two-lane compared to further out, where plans currently show four-lane cross section as you go further out towards Wendell Falls Parkway.

Mayor Gray asked if any other citizens would like to speak.

No other citizens requested to speak.

Mayor Gray closed the public hearing at 8:27 PM.

Commissioner John Boyette asked if there was a timeline to start the project.

Mike Sanchez said that the timeline for the project involves moving forward with the construction drawings currently and are hoping that within the next couple of weeks they would be at a point where they can submit these construction drawings. After that is the traffic engineers getting involved to do that design. Mr. Sanchez said that typically, working this through the Town and the City of Raleigh's processes, the developers hope that construction drawings would have approval within a several-month time period, with construction starting shortly thereafter.

Commissioner Boyette said that the one thing he liked was the demarcation of on-street parking. He appreciated the parallel and perpendicular parking as well and the marked curb cutouts. He said that's an added expense to develop and cuts down the amount of parking that could be utilized on this project. Mr. Boyette asked why the developers decided to go that route and if it was based on something they heard from the TRC.

Mr. Sanchez said that there was some feedback and there was also some discussion on the look and feel that the developer wanted to achieve on the project.

Planning Director David Bergmark said that they did add a couple of conditions and needed to be approved by the applicant.

Mike Sanchez said that the conditions are acceptable to the applicant.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the conditional district for property 616 Wendell Falls Parkway with all conditions including staff-recommended conditions.

Vote: Unanimous.

5b. PUBLIC HEARING: request by Charthouse Holdings, LLC, to amend the existing conditional district CD16-02 regulating the property with an updated master plan proposing a multi-level climate controlled self-storage facility and new conditions on the 1.73-acre parcel located at 709 Charthouse Dr and identified by PIN #1784263321.

Speaker: Planning Director David Bergmark

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

Item Title:

CD18-03 – Discussion and action on a request to amend a Commercial Highway Conditional District along Charthouse Drive (CD16-02).

Specific Action Requested:

- *That the Town Board holds a public hearing on the proposed conditional district request and consider taking action.*
- *Action could consist of adopting the attached ordinance to rezone the described area, subject to conditions and in conformance with the associated Master Plan.*

Applicant:

Charthouse Holdings, LLC

Petition:

The applicant has requested to amend the existing conditional district CD16-02 regulating the property with an updated master plan proposing a multi-level climate controlled self-storage facility and new conditions on the 1.73-acre parcel located at 709 Charthouse Dr and identified by PIN #1784263321. The property is located at the northeast corner of Wendell Blvd and Charthouse Dr.

Purpose of a Conditional District:

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A CD may depart from the strict application of the requirements of the town's general zoning districts.

A second purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend, and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.

Location and History:

The property was rezoned by CD16-02 to a Commercial Highway (CH) conditional district designation. CD16-02 was submitted to create 5 lots along a newly created road to be named 'Charthouse Drive'. The back three lots (lots 1 -3) were given a Manufacturing and Industrial (M&I) designation, while the front 2 lots (labeled as lots 4 & 5 on the approved Master Plan) were given a Commercial Highway (CH) designation. One of the three back lots has been developed for AAA Louver's manufacturing facility.

Land developed as part of a conditional district must adhere to the Master Plan that is adopted with the ordinance to amend the zoning map. The master plan adopted with CD16-02 did not detail proposed uses or structures for the subject property (lots 4 & 5). Development within a conditional district requires a master plan approved by the Board of Commissioners; thus, the applicant is petitioning to update the original master plan as it applies to the subject property to provide the necessary site plan information for the commercial highway lots. Lots 4 & 5 as originally shown in the 2016 Master Plan (Attachment E) are being combined into one lot for this application.

To review the plans digitally, you may click on the following link:

<http://edit.www.townofwendell.com/hifi/site/edit/files/2018-charthouse-drive-cd-amendment>

Project Profile:

PROPERTY LOCATION:	709 Charthouse Dr
WAKE COUNTY PIN:	1784263321
CURRENT ZONING DISTRICT:	CH-CD16-02
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Charthouse Holdings, LLC

APPLICANT: Charthouse Holdings, LLC
 8771-B Cleveland Rd
 Clayton, NC 27520
 PROPERTY SIZE: 1.73 acres
 CURRENT LAND USE: Vacant
 PROPOSED LAND USE: Mini-Warehouses

Project Setting – Surrounding Districts and Land Uses:

DIRECTION	LANDUSE	ZONING
North	Manufacturing	MI-CD16-02
South	Vacant	NC
East	Indoor Recreation Facility	CH
West	Manufacturing & Outdoor Storage	CH

Current Zoning Map:



Proposed Conditional District Conditions:

The applicant is proposing 6 conditions. Conditions 1-4 are existing; approved with CD16-02. The applicant is requesting that they are maintained in the amendment. Conditions 5-6 are new conditions requested based on the new proposed master plan.

12. **(Previously Approved in CD16-02)** Section 8.11.E.11-Curbing/bioretenion options; no curb and gutter on proposed parking areas/islands for lot 4. Wheel stops shall be provided for all parking spaces and landscape islands.
13. **(Previously Approved in CD16-02)** The Wendell Boulevard frontage requirements shall be determined at the time of the final development plan for lot 4. A 6' sidewalk will be installed at the edge of the ultimate right of way. Any additional right-of-way improvements along Wendell Boulevard (to include, but not limited to: curb and gutter, additional travel lanes, and bike lanes) shall be determined at the time of the final development plan for lot 4. Based upon approved plans in place at that time.

Staff Comment: Approved roadway improvements at Wendell Builders Supply located at 2505 Wendell Blvd are currently in the process of being installed. It is the applicant's desire to request a fee in lieu of any additional roadway improvements beyond the DOT turn lane requirements that were initiated by the Wendell Builder's Supply project. This request would come back to the board prior to approval of the applicant's Final Development plan.

14. **(Previously Approved in CD16-02)** – Outdoor storage as a primary use shall be prohibited within lot 4.

Staff Comment: Supplemental use standards related to mini-warehouses in the CH district do not allow for outdoor storage of any "goods or materials" as a primary or accessory use.

15. **(Previously Approved in CD16-02)** – No on-street parking is allowed.

16. **(New Request)** – Eliminate the 100' maximum front setback requirement for Context Zone 2 of the Gateway Overlay District.

- **Staff comment:** the topography of the site necessitates that the stormwater control measure (SCM) be located towards the front of the lot, which pushes the building more than 100' from the ROW (~230' back).

17. **(New Request)** – Eliminate the requirement for planting street trees in a planting strip within the right-of-way of Wendell Blvd due to conflicts with NCDOT clear zone requirements.

Staff Comment: Staff has no objections to the proposed condition, which may be granted administratively. A 20' street yard buffer is required directly behind the sidewalk.

As previously stated one purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

While conditional districts do allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions are intended to be offset by other improvements which go above and beyond what is required. This process allows for creative trade-offs that can result in a better overall product.

As currently proposed, the Master Development Plan seeks conditions previously approved as a part of CD16-02, as well as an increase setback allowance and modification of plantings along Wendell Blvd.

Off-Street Parking:

The applicant has instead requested that all parking have wheel stops as was approved in CD16-02.

Lighting:

Lighting shall meet the requirements as set forth in the UDO at the time of the final development plan.

Public Utilities:

The proposed development would tap into existing public water and sewer within the rights-of-way of Wendell Blvd and Charthouse Dr.

Streets:

The property is located at the northeast corner of Wendell Blvd and Charthouse Dr.

Per the Town's Arterial and Collector Street Plan (ACS), the bordering section of Wendell Blvd is to be a Major Thoroughfare with four lanes of traffic divided by a center median. Some roadway improvements are already required as part of the Wendell Builders Supply expansion. The applicant has requested that roadway improvements for this development be determined at the time of final development plan rather than master plan (as indicated in the original Master Plan approval). This gives time for neighboring improvements to be finalized to better determine what improvements are needed (and should be covered under a fee in lieu request). No additional right-of-way dedication is required on the north side of Wendell Blvd to satisfy the requirements of the ACS.

All drives shall meet the requirements as set forth in the UDO at the time of development.

Landscaping:

All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan and building permits.

Stormwater Management:

Development of this site would be required to meet the stormwater standards contained in the UDO.

Phasing:

The applicant has not proposed any phasing.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as being within the S-4 "Controlled Growth Sector". It also places the property within a "Neighborhood Center" and the "Wendell Blvd Gateway Corridor."

The Comprehensive Plan states that S-4 areas "are typically close to thoroughfares and at key cross-road locations." This sector is where moderate intensity new development is appropriate and where the majority of the community's new growth should occur. The typically envisioned community type for S-4 is a traditional neighborhood development (TND), which includes neighborhood serving commercial and civic uses surrounded by a mix of housing types that decrease in density as they get farther away from the commercial area."

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site meets the appropriate uses.

Neighborhood centers are “intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.” “Professional office and service uses and some high-density residential uses” are recommended for the Wendell Blvd Gateway Corridor. While the proposed use does not easily fall into any of the categories listed, it is a commercial use that would serve surrounding commercial and residential uses. It’s location on the outer edge of the neighborhood center also lends itself to commercial uses outside of the grocery-anchored mixed-use development that is called for as the typical use for a neighborhood center. The applicant has request relief from the 100’ maximum setback of the Gateway Overlay district that was established from Comprehensive Plan recommendations for the Wendell Blvd Gateway Corridor.



Statement of Plan Consistency and Reasonableness

- Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.
- At their January meeting, the Planning Board found the requested conditional district to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector and to be reasonable due to its location on Wendell Boulevard.

Planning Board Recommendation:

At its January 22, 2019 meeting, the Wendell Planning Board voted 7-0 to recommend approval of the proposed Conditional District request.

Voting in Favor: Terry “Allen” Swaim, Errol Briggerman, Michael Clark, Victoria Curtis, Grace Walter, Jonathan Olson, and Ryan Zakany

Absent: Lloyd Lancaster and Joseph DeLoach

Staff Recommendation:

- Staff recommends approval of the proposed Conditional District request. The subject property due to its shape has limited uses, and the applicant’s additional conditions are meant to accommodate the proposed use locating on this site.

Mayor Pro Tem Lutz asked if there no longer was a lot 4 and lot 5 because they are all one lot.

Planning Director David Bergmark said that it is all just one lot and that they had already recombined the parcels.

Commissioner John Boyette said that in the increased setback, there's a big rectangle-shaped space. He asked if that is going to be open grass or stormwater retention.

Mr. Bergmark said that they're going to have a stormwater retention, there.

Mayor Gray opened the public hearing at 8:42 PM.

Brian Gower of Charthouse Holdings LLC said that he saw a great need for this with Wendell Falls coming into the area. He said that there's currently not a lot of storage facilities in Wendell. He opened the floor for any questions from the Board.

No questions were asked of the applicant by the Board

Mayor Gray opened the floor to citizens that wanted to speak.

Julia Ledford of Ledford Lane said that there is a field between their house and where the project is proposed. She's concerned about traffic and safety concerns when it comes to getting out of her driveway. She asked if the Board had a plan in place to widen that roadway or a plan to prevent future accidents. Mrs. Ledford also spoke about a concern for water drainage on her and the project owner's property.

Mayor Gray asked Planning Director David Bergmark to speak about the road.

Planning Director David Bergmark acknowledged that there is going to be an increase in traffic over time. Currently, Mr. Bergmark said that this section calls for a four-lane road and the project is only looking at about a hundred feet of frontage, which isn't enough to widen the road. However, the applicant is looking for a fee in lieu, and that money is available for the Town if the fee in lieu were presented and accepted by the Board to make transportation improvements. Mr. Bergmark said that there are improvements that were already approved as part of the Wendell Builders Supply's site that will be adding turn lanes into Charthouse Drive. He said that there is a drainage issue, which will be helped because it's currently on a vacant lot and the project will require a stormwater plan to be developed to address the water that's currently flowing into the site. The developers will be required to retain from a storm event and to convey to the storm drainage system. This will help the adjoining properties in terms of the drainage concerns.

Brian Gower said that he knew that stormwater was a problem after first coming to Wendell to develop Charthouse Drive. He said in doing so, Charthouse Holdings, LLC raised the grade of that area six inches at the curb and gutter, which acted as a dam and backed up water. He said that with the permit, he plans to take care of the water issues.

Mayor Gray asked if there were any other citizens that would like to speak for or against this project.

Curt Phipps of 515 Liles Dean Road, said that he isn't opposed to this storage facility, but that the stormwater situation is likely to get a lot worse before it gets better. He said that Vardy's, Knott's Square, and Wendell Builder Supply don't have stormwater retention. Mr. Phipps said his concern is that all of that water is coming his way, which already runs over the dam of his pond. He said that if this project will have a retention pond in place, then it's a step in the right direction.

Mayor Gray closed the public hearing at 8:52 PM.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the Conditional District on Charthouse Drive.

Vote: Unanimous.

Jason Joyner said that if the Board had decided to go with a swale bank from his amendment of 2016, maybe the water runoff wouldn't be bad. He said that he had witnessed, from walking at Wendell Building Supply, the water issue. He thanked staff for all that they've done to amend this issue.

Commissioner John Boyette asked Mr. Bergmark whose responsibility it is to ensure that water retention ponds are maintained.

Planning Director David Bergmark said that Wake County Environmental serves as the Town's stormwater administrator. He said that he can ask them to take a look at the site and that they had already been out to look at Triple A Louvers' Retention pond. He said that he didn't know if they looked at Knott Square, but he would ask them to take a look.

Commissioner Boyette thanked Mr. Bergmark for looking into that.

5c. PUBLIC HEARING held Monday, June 10, 2019: Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO as it relates to Indoor Amusements, Game Rooms and Pool Halls.

Speaker: Planning Director David Bergmark

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

Item Summary:

A public hearing was held on this item at the June 10, 2019 Town Board meeting. Staff was directed to remove supplemental standards #2 & #3 (regarding hours of operation and transparency), amend standard #1 to remove the language “or any audio system”, to add a staffing requirement within the definition of Indoor Amusements, and to amend the proposed use table to NOT require a SUP for this use in the DMX zoning district.

Currently, Game Rooms and Pool Halls are permitted in the UDO within select districts, but there are requirements in the Code of Ordinances that cannot be complied with since there no longer exists a means of carrying them out. Previously the Town required businesses to obtain a Privilege License, but now according to GS 106-65.40 a city may not levy a privilege license tax on persons engaged in business, therefore the Town of Wendell no longer issues the licenses. Since much of the language in the ordinance regarding game rooms and pool halls pertains to the requirements of obtaining a privilege license, staff is requesting to delete Article III- Game Rooms and Pool Halls from Chapter 6 of the Code of Ordinances and to add any relevant language to the UDO for these uses.

Under the UDO, Game Rooms would be classified as a type of Indoor Amusements, which is defined as “establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys.” Currently, the only use standard for Indoor Amusement is that no audio system may be permitted that can be heard beyond the property. Staff’s proposal adds additional supplemental use standards to the Indoor Amusement use, based on some of the language currently located in Article III for game rooms and pool halls.

Key Questions:

1. Where should Indoor Amusements be permitted to operate?
2. What supplemental use standards should apply to them?

Districts Where Indoor Amusements are Currently Allowed:

Indoor Amusements – Permitted with Additional Standards (PS) in the CMX, CC, DMX, and CH zoning districts.

Proposed Amendments to the UDO:

The following proposed text amendment will be added to Section 19.3 (Definitions), Section 3.3 (Additional Standards by Use) and Section 2.3 (Use Categories and Tables of Permitted Uses). Per the Planning Board’s direction, the Pool Hall use was incorporated into the ‘Indoor Amusement’ use category.

The Indoor Amusement definition was modified to list billiard/pool halls as an example, and the Billiard/Pool Hall definition was amended to encompass an establishment with ‘more than two billiard or pool tables’ (previously any establishment with even 1 pool table was considered a Pool Hall).

19.3 – Definitions

Amusements, Indoor means establishments that provide facilitated (through on-site staffing) commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, ~~and~~ bowling alleys, and billiard/pool halls.

Billiard/Pool Hall generally means any place where more than two billiard or pool tables are operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit.

3.3 - Additional Standards by Use

D. Amusements, Indoor (CMX, CC, DMX, CH).

1. No outdoor public address or any audio system shall be permitted which can be heard beyond the boundaries of the property. All noise shall comply with the Town's noise ordinance.

2.3 – Use Categories and Tables of Permitted Uses

Entertainment/Recreation																
BASE DISTRICT	OS C	PU D	RA	R R	R 2	R 3	R 4	R 7	NC	CM X	CC	DM X	M H	CH	M& I	TN D
Adult Establishment	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	PS	-
Amusements, Indoor	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	-
Amusements, Outdoor	-	P*	PS	PS	-	-	-	-	-	PS	-	-	-	PS	-	-
Billiard/Pool Hall	-	P*	-	-	-	-	-	-	SU P	SU P	SU P	SU P	-	SU P	-	-
Cultural/Community Facility	PS	P*	PS	PS	PS	PS	PS	PS	P	P	P	SU P	P	P	P	P
Event Venue, Outdoor	-	P*	SU P	-	-	-	-	-	SU P	SU P	SU P	SU P	-	SU P	SU P	SU P
Farmers Markets	-	P*														
Meeting Facility/Indoor Event Venue	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	SU P	PS	P	P	P
Recreation Facilities, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SU P	P	P	P	P
Recreation Facilities, Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SU P	P	P	P	P
Shooting Range, Indoor	-	P*	-	-	-	-	-	-	-	SU P	SU P	-	-	SU P	SU P	-
Sports Training/Fitness Complex	-	P*														
Sweepstakes Center	-	P*	-	-	-	-	-	-	-	-	-	-	-	SU P	-	-
Theater, Live Performance, Indoor	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P

Theater, Live Performance, Outdoor		P*								SU P	SU P			SU P	SU P	
Theater, Movie	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	-

Planning Board Recommendation:

At their May 20, 2019 meeting, the Planning Board voted 5-2 in favor of amending Section 19.3 (Definitions), Section 3.3 (Additional Standards by Use) and Section 2.3 (Use Categories and Tables of Permitted Uses) in order to amend the permitting standards for Indoor Amusements and Pool Halls.

Voting in favor: Errol Briggerman, Joe DeLoach, Ryan Zakany, Terry Allen Swaim (by absentia), and Victoria Curtis.

Voting against: Lloyd Lancaster and Jonathan Olsen

Absent: None

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 May meeting, the Planning Board found the requested zoning text amendment to be consistent with Principle #5 of the Wendell comprehensive plan and to be reasonable in order to promote Wendell's attractiveness to business.
- Principle # 5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.

Staff Recommendation:

Staff recommends approval of the proposed text amendment request.

Attachments:

- A. Chapter 6, Article III- Game Rooms and Pool Halls
- B. Ordinance for Adoption

Attachment A**ARTICLE III. - GAME ROOMS AND POOL HALLS****DIVISION 2. - GAME ROOMS****Sec. 6-74. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Game room.

(1) The term "game room" means any place of business that principally operates mechanical games or pay devices for which a charge is made either directly or indirectly.

a. Examples of game rooms, by way of illustration and not limitation, are bowling alleys, amusement centers, arcades, recreation centers, and the like.

b. A game room is any place of business which operates five or more mechanical games or pay devices for which a charge is made either directly or indirectly.

(2) The term "game room" shall not include any pool room or billiard parlor which is principally operated for the purpose of a pool room or billiard parlor and is governed by a town ordinance regulating such place of business.

(Code 1986, § 112.01; Ord. of 11-8-1982)

Sec. 6-75. - Licenses; restrictions.

(a) Every operator of a game room shall be required to pay a privilege license tax in accordance with the article II of [chapter 22](#).

(b) In addition, every operator of a game room shall apply for and obtain a license from the town to operate a game room. The application for such license shall be made on forms provided by the town.

(c) An application fee, as provided in the fee schedule which is on file in the town clerk's office, shall be paid to and collected by the town when the application is submitted to cover the cost of administration of this division.

(d) It shall be unlawful to operate a game room within the town without a license as required by subsection (b) of this section. However, no such license shall be issued within 30 days upon receipt of such application.

(e) Every operator of a game room shall be required to comply at all times with all applicable fire, health, and safety codes.

(Code 1986, § 112.02; Ord. of 11-8-1982)

Sec. 6-76. - Qualifications for license.

In order to obtain a license from the town, the applicant must:

(1) Be at least 21 years old;

(2) Be a resident of the state unless:

a. He is an officer, director or stockholder of a corporate applicant or permittee and is not a manager or otherwise responsible for the day-to-day operation of the business; or

b. He has executed a power of attorney designating a qualified resident of the state to serve as attorney in fact for the purposes of receiving service of process and managing the business for which permits are sought;

(3) Not have been convicted of a felony within three years, and, if convicted of a felony before then, shall have had his citizenship restored;

(4) Not have been convicted of an alcoholic beverage offense within two years;

(5) Not have been convicted of a misdemeanor controlled substance offense within two years;

(6) Not have had an alcoholic beverage permit revoked within three years, except where the revocation was based solely on a permittee's failure to pay the annual registration and inspection fee required in G.S. 18B-903(b1); and

(7) Not have, whether as an individual or as an officer, director, shareholder or manager of a corporate permittee, an unsatisfied outstanding final judgment that was entered against him in an action under G.S. 18B-120 et seq.

(Code 1986, § 112.02; Ord. of 11-8-1982)

State Law reference— Similar qualifications for ABC permit, G.S. 18B-90.

Sec. 6-77. - Rules for operation.

The following rules shall be observed by all operators of game rooms within the town:

- (1) All game rooms shall be closed from 12:00 midnight until 6:00 a.m. Monday through Saturday. All game rooms shall be closed from 12:00 midnight Saturday until 6:00 a.m. Monday.*
- (2) No playing of any game shall be allowed during the times when game rooms are required by this division to be closed.*
- (3) All game rooms shall be operated only on the ground floor of a building and plate glass windows shall be in those parts of the building facing any street, so that a clear and unobstructed view of the interior may be had from the street.*
- (4) No curtains, screens, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear walls of the room so that a clear view of the interior may be had from the street.*
- (5) Adequate lighting shall be provided inside the game room as well as the immediate exterior of the building of the licensed premises.*
- (6) No loud noises shall be allowed to emanate beyond the licensed premises.*
- (7) There must be an adult person, 18 years of age or older, managing the business on the premises during hours of operation at all times.*
- (8) All game rooms must provide adequate restroom facilities for its patrons on the licensed premises. The restrooms must be in good working order at all times during the hours of operation of the business.*

(Code 1986, § 112.03; Ord. of 11-8-1982)

Sec. 6-78. - Prohibited conduct.

Licensees under this division shall not, and neither shall their employees:

- (1) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football, or other parlay cards or gambling boards or devices;*
- (2) Suffer or permit the licensed premises to become disorderly;*
- (3) Employ any person in a supervisory capacity who has been convicted of unlawfully selling or possessing alcoholic beverages or narcotic drugs;*
- (4) Suffer or permit the sale, possession, or consumption of any type of alcoholic beverage on the licensed premises;*
- (5) Suffer or permit any person to enter or remain on the licensed premises while under the influence of any alcoholic beverage or narcotic drug.*

(Code 1986, § 112.04; Ord. of 11-8-1982)

Sec. 6-79. - Revocation of license.

After giving the operator of a game room adequate notice and an opportunity to be heard by the Board of Commissioners, the board may revoke the license of any game room operator who:

- (1) Violates any provision of [section 6-77](#) or [6-78](#); or*
- (2) Is convicted of unlawfully selling or possessing any alcoholic beverage or narcotic drugs.*

(Code 1986, § 112.05; Ord. of 11-8-1982)

DIVISION 3. - POOL HALLS**Sec. 6-102. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Pool hall means any place of business that operates as a pool hall, pool room, or billiard parlor. Examples of pool halls, by way of illustration and not limitation, are:

- (1) Places where the game of pool or billiards is played;
- (2) Any place of business which operates for the purpose of playing pool or billiards;

or

- (3) Any place where games are played on an oblong table by driving small balls against one another or into pockets with a cue or games in which one scores by causing a cue ball to hit in succession two object balls.

(Code 1986, § 112.10; Ord. No. 0-12-87, 8-10-1987)

Sec. 6-103. - Licenses; restrictions.

- (a) Any person shall obtain a license issued by the Board of Commissioners before operating or maintaining any pool hall.
- (b) The application for such license shall be made on forms provided by the town accompanied with an application fee, as provided in the fee schedule which is on file in the town clerk's office, to cover the administrative costs of processing the application.
- (c) Every operator of any pool hall, pool room, or billiard parlor upon the issuance of a license to operate same shall pay a privilege license tax to the town as required.
- (d) Every operator of any pool hall, pool room, or billiard parlor shall be required at all times to comply with all applicable fire, health, and safety codes.
- (e) The Board of Commissioners shall not issue any license to any applicant who:
 - (1) Has been convicted of any violation of the North Carolina Controlled Substance Act or any violation of the North Carolina Alcoholic Beverage Control Law;
 - (2) Is not a resident of the state;
 - (3) Is not of good moral character, or has been convicted of any law regarding moral turpitude;
 - (4) Is a habitual user of alcoholic beverages or narcotic drugs; or
 - (5) Is a convicted felon.
- (f) The applicant must not be less than 21 years of age.
- (g) The applicant must provide the following information:
 - (1) The name, social security number, and address of applicant and the length of the applicant's residence in the state;
 - (2) The particular place for which the license is desired, designating the same by street and number if practicable;

(3) A statement that the place or building the applicant proposes to use for the business conforms to all health, fire, and safety regulations applicable thereto, and is a safe and proper place or building;

(4) The name of the owner of the premises upon which the proposed business is to be carried on, and, if the owner is not the applicant, that the applicant is the actual and bona fide lessee of the premises; and

(5) A statement that the applicant intends to carry on the business authorized by the license for himself or under his immediate supervision and direction.

(Code 1986, § 112.11; Ord. No. 0-12-87, 8-10-1987)

Sec. 6-104. - Rules for operation.

The following rules shall be observed by all operators of pool halls, pool rooms, or billiard parlors within the town:

(1) All pool halls, pool rooms, or billiard parlors shall be closed from 12:00 midnight until 8:00 a.m. Monday through Sunday.

(2) No pool hall, pool room, or billiard parlor shall be allowed to remain open during the times when they are required by this division to be closed.

(3) All pool halls, pool rooms, or billiard parlors shall be operated only on the ground floor of a building and plate glass windows shall be in those parts of the building facing any street, so that a clear and unobstructed view of the interior may be had from the street.

(4) No curtains, screens, blinds, partitions, or other obstructions shall be placed between the entrance to the business and the rear walls of the building so that a clear view of the interior may be had from the street.

(5) Adequate lighting shall be provided inside the business as well as the immediate exterior of the building of the licensed premises.

(6) No loud noises shall be allowed to emanate beyond the licensed premises.

(7) There must be an adult person, 18 years of age or older, managing the premises at all times during the hours of operation.

(8) The business must provide adequate restroom facilities for its patrons on the licensed premises. The restrooms must be in good working order at all times during the hours of operation of the business.

(Code 1986, § 112.12; Ord. No. 0-12-87, 8-10-1987)

Sec. 6-105. - Prohibited conduct.

Licensees under this division shall not, and neither shall their employees:

(1) Suffer or permit any gambling on the licensed premises at any time, nor the sale or use of any racing, football, or other parlay cards or gambling boards or devices;

(2) Suffer or permit the licensed premises to become disorderly, or permit any profane, obscene, or indecent language thereon;

(3) Employ any person in a supervisory capacity who has been convicted of unlawfully selling or possessing alcoholic beverages or narcotic drugs;

(4) Suffer or permit the sale, possession, or consumption of any type of alcoholic beverage on the licensed premises; or

(5) Suffer or permit any person to enter or remain on the premises while under the influence of any alcoholic beverage or narcotic drug.

(Code 1986, § 112.13; Ord. No. 0-12-87, 8-10-1987)

Sec. 6-106. - Age requirement of patrons.

It shall be unlawful for the owner, operator, or licensee of any pool hall, pool room, or billiard parlor to permit any person under the age of 16 years to enter, play pool or billiards, frequent, or remain in any such place of business.

(Code 1986, § 112.14; Ord. No. 0-12-87, 8-10-1987)

Sec. 6-107. - Revocation of license.

After giving the operator of a licensed pool hall, pool room, or billiard parlor at least five days' notice of any alleged violation and after granting the operator an opportunity to be heard by the Board of Commissioners, the board may revoke the license of any operator who:

(1) Violates any provision of this division; or

(2) Is convicted of unlawfully selling or possessing any alcoholic beverage or narcotic drug.

(Code 1986, § 112.15; Ord. No. 0-12-87, 8-10-1987)

Mayor Pro Tem Jon Lutz said that the Board spoke on this topic at the last meeting and that he had spoken about the ability to control business hours and that it was not something that he felt comfortable doing. Mr. Lutz said that he spoke with Mrs. Dara earlier in the evening, heard her concerns, but still didn't like the idea of putting on business hours, as he felt it wasn't the Board's place. However, he said that he did feel like the initial discussions that the Planning Board had with making sure that the business was visible from the outdoors was a good idea. Mayor Pro Tem Lutz asked that David add a condition that the windows be tinted to the level set by NC ordinances for motor vehicles.

Mr. Bergmark asked if he wanted a condition that says that the windows cannot be tinted more than the level set.

Commissioner Jason Joyner said that in talking with Commissioner Lutz, that his request for staff would be to bring something back with similar rules in Ordinance 2127 to all DMX businesses. He said that he would like to see the rules applied to all businesses.

Mayor Gray asked if Mr. Lutz wanted this condition to apply to other types of window coverings as well.

Mayor Pro Tem Lutz said that this is more of a permanent effect on the window, but that he wouldn't prohibit using curtains.

Commissioner John Boyette said that if the Board is making rules, it should apply to all districts and not just one. He also said that he's had his windows on his vehicle tinted before and his windows have to be checked for inspection. He said the device for checking the tint requires a window being rolled down. He was wondering if there was a device for windows that can't be opened. Mr. Boyette wanted to ensure that the Town can enforce these conditions.

Police Chief Bill Carter said that the ones you do most commonly see officers are generally one piece, but they do make a 2-piece device that could be used for permanent windows.

Town Attorney Jim Cauley asked the Mayor to clarify, regarding the motion, that it cannot be tinted beyond the level allowed by the DMV.

Mayor Gray and Mayor Pro Tem Lutz confirmed.

Town Manager Marc Collins requested that the motion also include direction of staff for the follow-up, as two Commissioners requested that it be brought back as an additional Ordinance including all DMX businesses for the same conditions.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the Zoning Text Amendment to sections 2.3, 3.3, 19.3 as it relates to indoor amusements, game halls and pool halls with the changes also to include a statement that the window tinting may not be greater than what's allowed by NC Ordinances for Motor Vehicles and for Town Staff to report back to the Board with another Text Amendment that applies the same standard to the whole DMX District.

Vote: 4-1 with Commissioner Ben Carroll opposed.

Commissioner Jason Joyner asked Mayor Gray to be excused from the remainder of the Town Board Meeting at 9:08 PM.

6. ADMINISTRATIVE ITEMS

- 6a. Campen Street Closing for Farmer's Market
Speaker: Town Manager Marc Collins

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

Item Title:

Minor Street Closing for Wendell Farmers Market on Campen Street

Report to the Board of Commissioners:

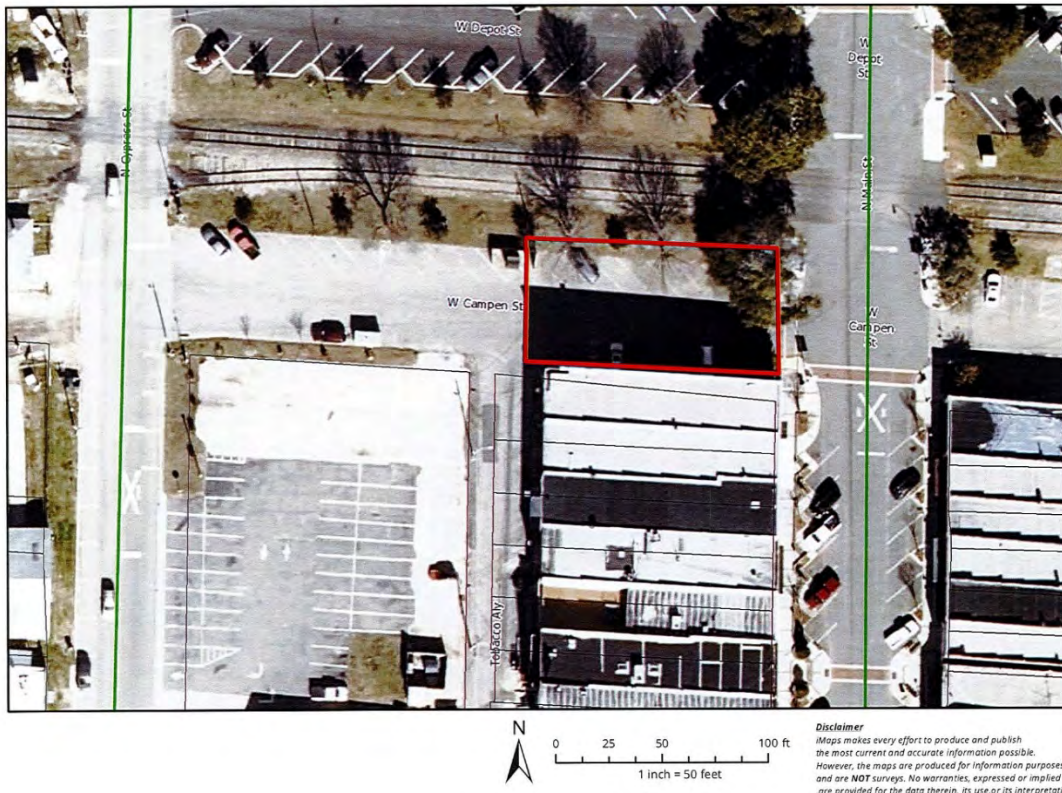
Monday, June 24, 2019

Specific Action Requested:

Approve the recurring minor street closing permit for the use of Campen Street between Main Street and Tobacco Alley for the Wendell Farmers Market.

Item Summary:

The Town of Wendell is working with area farmers and craft vendors to re-establish the Wendell Farmers Market on Campen Street between Main Street and Tobacco Alley. Approval by the Board of Commission for the minor street closure is necessary due to the recurring nature of the event. Authorization is requested for the Farmers Market to occupy the location on Saturdays from 9:00 am until 1:00 pm starting on June 29, 2019 and extending through November 23, 2019. The Town will provide barricades and staff the event to ensure only registered vendors are setting up and using the space provided. The Town will also market the events and provide notification of when the market is closed due to weather, holiday, or other cause. Vendors will be responsible for their own tents and tables.



ACTION

Mover: Mayor Pro Tem Lutz moved to approve the recurring minor street closing.

Vote: Unanimous.

~~6b. Appointments to the Town of Wendell Citizen Advisory Boards~~

~~Speaker: Town Clerk Megan Howard~~ **Moved to item 4b.**

~~6c. Second reading for zoning text amendment to Section 10.4 of the UDO as it relates to parking requirements; in accordance with NC GS 16A-75.~~

~~Speaker: Planning Director David Bergmark~~ **Moved to item 4c.**

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:



Technical Review Committee [TRC] [Commissioner Ben Carroll]



Capital Area Metropolitan Planning Organization [CAMPO] [Mayor Gray]

Will be provided at the next meeting.

8. COMMISSIONERS' REPORTS / COMMENTS

Commissioner Boyette said that he wanted to announce information that he got from a WRAL news story. June 24, 25, and 26th in Rolesville, the Dept. of Environmental Resources are holding a workshop/seminar about Eastern Wake County and well water health concerns.

Commissioner Jon Lutz thanked staff for Big Truck Day.

9. MAYOR'S REPORTS / COMMENTS

Mayor Gray reminded citizens of the July 4th celebration hosted by the Wendell Historical Society, beginning at 10:30 a.m.

Mayor Gray said that Friday July 5th at noon, municipal filing for elections opens and the Town will have a mayor and two Commissioners on the 2019 ballot. People may file at the Wake County Board of Elections, which is located at 1200 N. New Hope Road in Raleigh.

Saturday, July 20th, Wendell Parks and Recreation and Wendell Falls will host an outdoor movie at the lakeside pavilion as a free community event.

Mayor Gray said that she's been asked to join the InterAct steering committee that is seeking to develop a family justice center, to get all of InterAct's services all under one roof, which provides help for victims of domestic and sexual violence. Mayor Gray said that it's a good cause for volunteerism and urged citizens to get involved.

Mayor Gray congratulated East Wake High School graduates.

She said that Wendell Middle School is holding a community forum on Thursday, June 27, at 6 PM to look for a new principal, as their current middle school principal was promoted to a high school.

Mayor Gray said that the Farmer's Market will be open on Saturday, June 29 from 9 a.m. to 1 p.m.

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

ACTION

Mover: Mayor Pro Tem Lutz moved to adjourn at 9:17 PM

Vote: Unanimous.

Duly adopted this 22 day of July 2019, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
JULY 08, 2019**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, July 8, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

STAFF PRESENT: Town Manager Marc Collins, Town Clerk Megan Howard, Special Assistant to the Manager-Deputy Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Planning Director David Bergmark, Parks & Recreation Director Jeff Polaski and Police Captain John Slaughter.

CALL TO ORDER

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

Police Captain John Slaughter led the Pledge of Allegiance.

Pastor Asa Bell of Pleasant Grove Baptist Church provided the invocation and invited citizens to Pleasant Grove Baptist Church, which meets on Sundays at 10:00 a.m. Pastor Bell also announced that Pleasant Grove Baptist Church is in the middle of its East Wake Leadership Academy Summer Camp, which has 50 students over the period of six weeks at no charge. Pastor Bell said that many of the students who are participating in the summer camp are a part of the East Wake Leadership Academy After-school program, which instills leadership and academic skills in students.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

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

Vote: Unanimous.

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

The following person(s) spoke during Public Comment Period:



No one signed up for public comment.

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 May 28, 2019, regular Town Board meeting.
- 3b. Approval of the minutes from the June 10, 2019 regular Town Board meeting.
- 3c. Request to purchase an ODB Xtreme Vac leaf truck.

ACTION:

Mover: Mayor Pro Tem Jon Lutz moved to approve the Consent Agenda.

Vote: Unanimous.

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

No recognition, reports and presentations were made.

5. PUBLIC HEARINGS

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:** Zoning Map Amendment request to rezone 2 parcels totaling 2.73 acres [1.31 acres for PIN #1784551118 and 1.42 acres for PIN #1784551064] located at 1027 and 1011 Marshburn Rd from Rural Agricultural (RA) to Highway Commercial (CH).
Speaker: Planner 1 Jeannine Ngwira

[Staff Report]

Applicant: Thomas Mak

Petition:

The applicant has requested a change in zoning classification for property located at 1027 Marshburn Rd (PIN #1784551118) and 1011 Marshburn Rd (PIN #1784551064) from Rural Agricultural (RA) to Highway Commercial (CH).

Item Summary:

These properties are currently located within the extraterritorial jurisdiction (ETJ) of the Town of Wendell and are zoned RA. These parcels are the location of an existing landscape supply business, known as Wendell Landscape Supply. The owner wishes to add the sales of vehicular trailers to his business.

While the Residential Agricultural (RA) zoning district allows Outdoor Storage as a primary use, the sale of merchandise which is stored outside is more retail in nature than storage. The Town has an existing use category for 'Heavy Equipment/RV Sales/Farm Equipment Sales/Mobile Home Sales' that would allow for the owner's desire for vehicular trailer sales. This use is



permitted in the Highway Commercial (CH) zoning district, but is not permitted in the Residential Agricultural (RA) zoning district.

Thus, the requested rezoning (from RA to CH) better reflects the existing use of the site (as a landscape supply business), as well as supports the owner's desire to sell vehicular trailers on site.

Justification:

The applicant lists the following reasons for rezoning the property from RA to CH:

"The two parcels we are trying to get rezoned are already an established business. Rezoning to allow trailer sales will not increase traffic flow. We plan on having a limited selection to cater to the existing customer base. Also, with the property directly behind these two lots being rezoned to allow the development, it should not affect the neighbors in any way. To the left of the property is a field and to the right is a wooded lot. Directly across the street is the owner Matthew Privette, so there should not be any issues with surrounding properties."

Project Profile:

PROPERTY LOCATIONS:	1027 Marshburn Rd, 1011 Marshburn Rd
WAKE COUNTY PIN:	1784551118 & 1784551064
ZONING DISTRICT:	Proposed CH/ Current RA
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Matthew & Melanie Privette
	1020 Marshburn Rd, Wendell, NC 27591
APPLICANT:	Thomas Mak
	508 N Kennelman Cir, Wendell, NC 27591
PROPERTY SIZE:	2.73 acres
CURRENT LAND USE:	Agricultural
PROPOSED LAND USE:	Commercial

Project Setting – Surrounding Districts and Land uses:

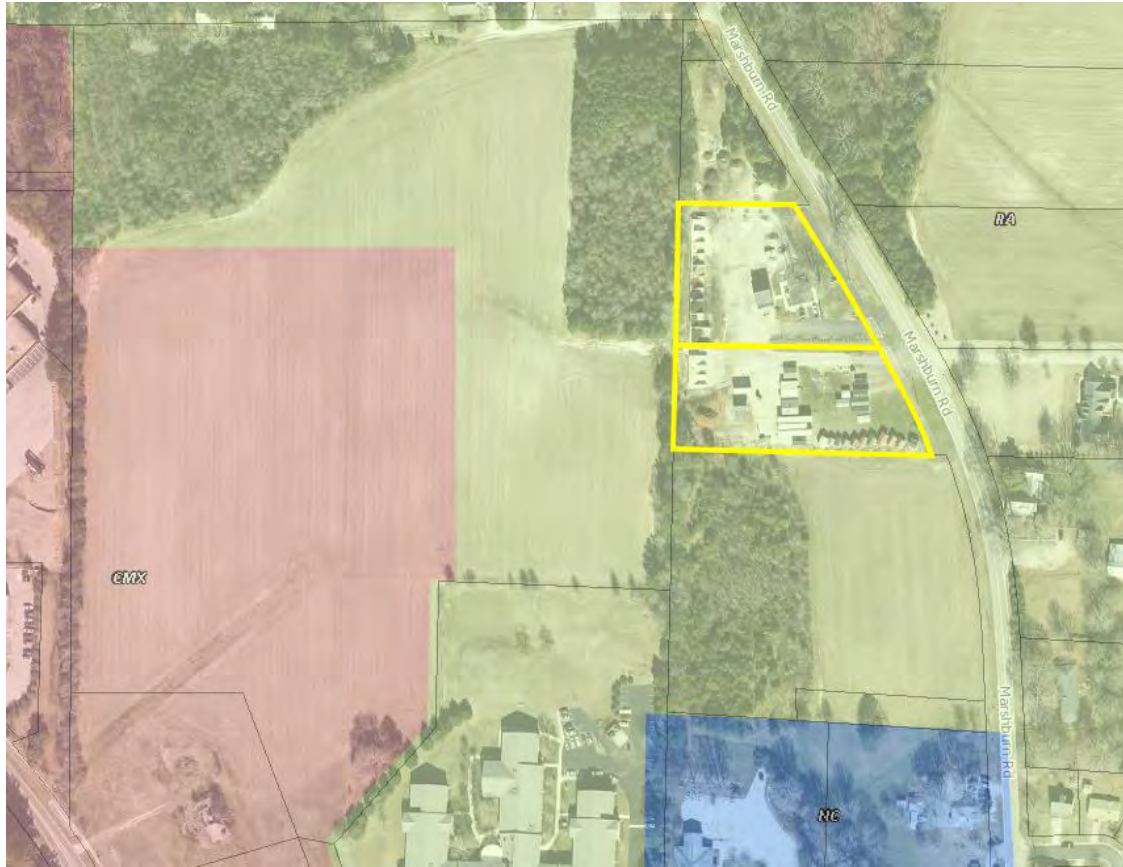
<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Agricultural	RA
South	Agricultural	RA
East	Residential	RA
West	Agricultural	RA

Zoning District:

These properties are currently located within the town's extraterritorial jurisdiction and are zoned RA. While the surrounding properties are currently zoned RA, it is anticipated that the properties to the west and south of this site will eventually obtain a more commercial zoning designation as the Village of Wendell (Food Lion shopping center) develops over time.

Current Zoning Map (Requested Property outlined in yellow):



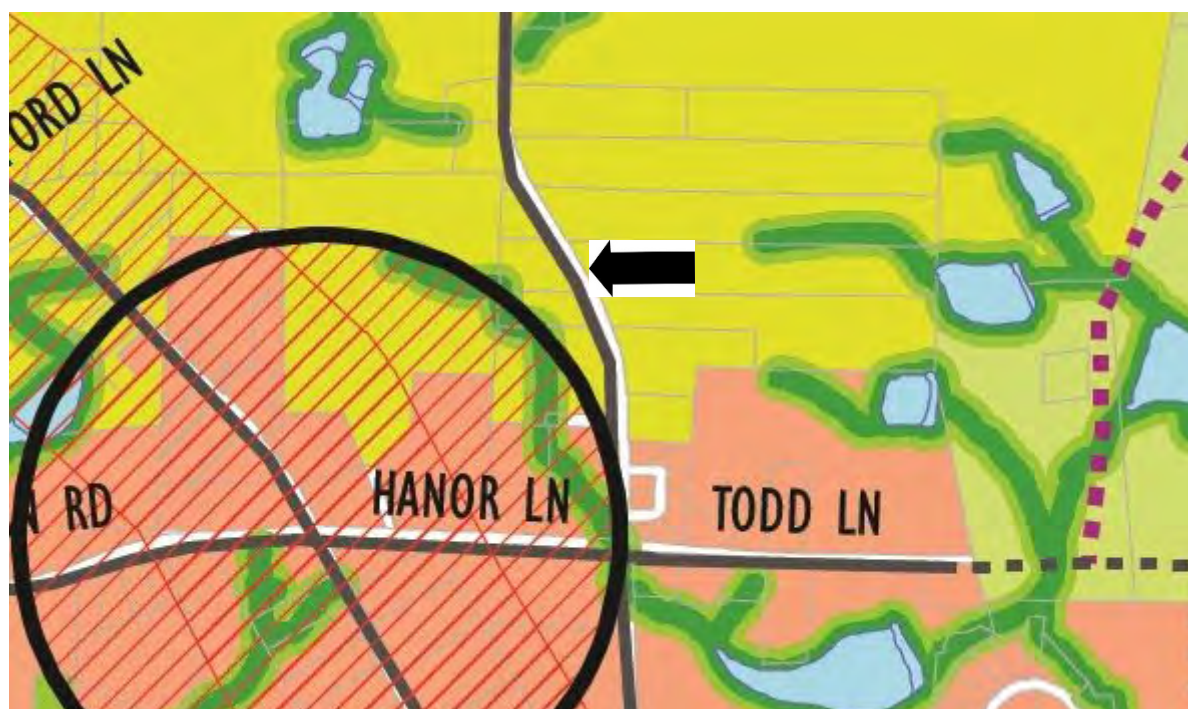


Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S-4 “Controlled Growth Sector”. The Comprehensive Plan states the S-4 sector typically consists of “lands that are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community’s new growth should occur. The typically envisioned community type for S-4 is a traditional neighborhood development (TND), which includes neighborhood serving commercial and civic uses surrounded by a mix of housing types that decrease in density as they get farther away from the commercial area.”

The following community types and uses are appropriate in the S-4 sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses.





FRAMEWORK PLAN LEGEND	
 PLAN BOUNDARY	 S1 PRESERVED OPEN SPACE
 Railroad	 S2 RESERVED OPEN SPACE
 COLLECTOR STREET PLAN	 S3 RESTRICTED GROWTH AREA
 EXISTING COLLECTOR	 S4 CONTROLLED GROWTH AREA
 PROPOSED COLLECTOR	 S5 INTENDED GROWTH AREA
 CAMPO THOROUGHFARE PLAN	 S6 INFILL/REDEVELOPMENT AREA
 EXISTING THOROUGHFARE	 VILLAGE/TOWN CENTER
 PROPOSED THOROUGHFARE	 NEIGHBORHOOD CENTER
 WATER BODIES	 WENDELL BLVD GATEWAY CORRIDOR

Statement of Plan Consistency and Reasonableness

- At their June 17, 2019 meeting, the Planning Board found the requested zoning map amendment for the parcel within the rezoning area identified as ZM19-03 from RA to CH to be consistent with the recommendation of the Wendell Comprehensive Land Use Plan and is reasonable given the expected future land use of the surround area, and the existing use of this site.

Planning Board Recommendation:

At their June 17, 2019 meeting, the Planning Board voted 5-0 in favor of the requested zoning map amendment.

Voting in Favor: Victoria Curtis, Joe DeLoach, Ryan Zakany, Lloyd Lancaster and Allen Swaim.

Voting Against: None

Absent: Jonathan Olson

Staff Recommendation:

Staff recommends approval of this rezoning request since its purpose is to support the existing use at this site and the requested zoning category is in line with future growth expectations.

Planner 1 Jeannine Ngwira provided an overview of ZM19-03– Zoning Map Amendment



request to rezone two parcels totaling 2.73 acres [1.31 acres for PIN #1784551118 and 1.42 acres for PIN #1784551064] located at 1027 and 1011 Marshburn Rd from Rural Agricultural (RA) to Highway Commercial (CH); staff report included above in italics.

Mayor Gray opened the public hearing at 7:09 p.m.

Thomas Mak said that the land is currently being used as Wendell Landscape Supply, which sells mulch, top soil, fertilizers, and sheds. Mr. Mak said that he would like to be able to put some small trailers there, as well as landscape dump trailers and landscape utility trailers, which go along with his business.

Mayor Gray closed the public hearing at 7:10 p.m.

Commissioner John Boyette said that for several years he has bought mulch and topsoil from Wendell Landscape Supply and that it is one of the cleaner, most well-maintained places. He said that it's very convenient for the citizens of Wendell.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the request to rezone the parcels to Highway Commercial.

Vote: Unanimous.

- 5b. PUBLIC HEARING held Monday, June 10, 2019:** Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO as it relates to short term rentals, specifically Bed and Breakfast Inns, Homestays and Whole-house Lodging.
Speaker: Planning Director David Bergmark

[Staff Report]

Item Title:

ZTA19-04 – Discussion and Action on a Zoning Text Amendment to Chapters 2, 3 and 19 of the UDO as it relates to Short Term Rentals, specifically Bed and Breakfast Inns, Homestays and Whole-house Lodging.

Report to the Board of Commissioners:

- Monday, July 8, 2019
- Monday, June 10, 2019 (Public Hearing)

Report to the Planning Board:

- Monday, May 20, 2019
- Monday, April 15, 2019

Specific Action Requested:

- *Having held a public hearing, the Board of Commissioners is asked to consider taking action on the proposed text amendment to Chapters 2, 3 and 19 of the UDO as it relates to Short Term Rentals.*

Applicant: Town of Wendell

Petition:

Staff is requesting to amend the UDO Section 2.3- Use Categories and Tables of Permitted Uses, Section 3.3- Additional Standards by Use and Section 19.3- Definitions, as it pertains to the following Short-Term Lodging uses: Bed and Breakfast Inns, Homestays and Whole-house



Lodging.

Key Questions to Consider:

- How do short-term rentals differ from typical single-family dwellings in terms of impact and use?
- Should the Town permit Whole-house lodging (where the owner doesn't have to live there)?
- In which zoning districts should short-term lodging uses be permitted?
- What supplemental standards should apply to these different lodging uses?

July 8, 2019 Update:

Based comments received at the Public Hearing and subsequent meetings with Planning Board representatives, staff has included amended language addressing short-term rentals. The original proposal (as presented at the Public Hearing) is included as Attachment B. The updated language is reflected in Attachment A.

Staff was also requested to determine if any other municipalities of a similar population to Wendell regulate short-term rentals. Staff conducted this investigation and found only 1 jurisdiction out of 27 reviewed to have short-term rental regulations.

Item Summary:

In response to a citizen inquiry and per the direction of the Town Board, staff is proposing to revise the existing Bed and Breakfast Inn use in the UDO and create two new types of short-term rental uses: Homestay and Whole-house Lodging. Since online short-term lodging services such as Airbnb and HomeAway are rapidly gaining popularity, and there is no current use in the Town's UDO that sufficiently captures these short-term rentals, it has become necessary to update the existing Bed and Breakfast Inn use in the UDO and implement new regulations that will allow for these lodging alternatives without adversely affecting surrounding residential uses or businesses. Please note that any rental establishment with a term longer than 30 days would not be considered a short-term rental use and would not be subject to these standards. Thus, these regulations would not impact typical residential rental properties with leases of 6 months, 1 year, etc.

A Bed and Breakfast Inn is currently defined as a short-term lodging in a private home where breakfast is included as part of the room rate. Homestay and Whole-house Lodging uses are being proposed as new short-term lodging uses with definitions, permitted districts and additional standards. The proposed lodging types are uses that are associated with online short-term rental services such as Airbnb, VRBO and HomeAway. These temporary single room and whole house rentals, that generally do not provide any services or amenities, are an affordable alternative to traditional hotels, motels and inns.

The following table shows how various municipalities in North Carolina regulate short-term lodging. For municipalities of Wendell's size, staff only found 1 town out of 27 reviewed to regulate this use.

City	Separation Requirement Included	Occupancy Limits	Owner Occupied Allowed	Annual Registration Required	Specified Districts Listed	Whole House Allowed	Inspection Required
Asheville		X	X	X	X		X
Raleigh		X	X	X	X		
Wilmington	X	X		X	X	X	
Greensboro	X	X	X		X		X
Fayetteville		X			X	X	

All of the municipalities have varying occupancy limits for Homestays ranging from 4 adults, including residents, to 5 overnight guests but some do not limit the occupancy for Whole-house lodging and Bed and Breakfasts. Greensboro and Wilmington both have separation requirements of 400 feet. Asheville, Raleigh and Wilmington require annual registration for Homestays and Whole-house lodging units.



Proposed Amendments:

1. To amend Section 19.3 (Definitions) to alter the definition for *Bed and Breakfast Inn* (see underlined additions) and to include new definitions for 'Homestay' and 'Whole-house Lodging'

19.3 – Definitions

Homestay means a private, resident-occupied dwelling unit, with up to two guest rooms where overnight lodging accommodations are provided to transients for a maximum continuous period of 30 days for compensation and where the use is subordinate and incidental to the main residential use of the building. A homestay is considered a "lodging" use under this UDO. This definition shall include secondary dwellings operating as a short-term rental.

Whole-house Lodging means a business engaged in the rental of an entire dwelling unit that provides lodging for pay, for a maximum continuous period of thirty (30) days and does not include the serving of food.

2. To amend the lodging category under Section 2.3 to permit bed and breakfasts, homestays, and Whole-house lodging within the zoning districts shown below, with additional standards. In general, whole-house lodging would be limited to the Residential Agricultural, primarily Commercial zoning districts, or within 200 ft of commercial districts. Bed and Breakfast Inns and Homestays would be permitted in virtually all districts.

2.3 – Use Categories and Tables of Permitted Uses Lodging

Base District	OS C	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Lodging																
Bed and Breakfast Inns		<u>P*</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	<u>P</u> <u>PS</u>	-	<u>P</u> <u>PS</u>	-	<u>P</u> <u>PS</u>
Hotels/Motels/Inns		<u>P*</u>								<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>
Rooming/Boarding House		<u>P*</u>						<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>				<u>PS</u>
Homestay		<u>P*</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>PS</u>		<u>PS</u>
Whole-house Lodging		<u>P*</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>PS</u>		<u>PS</u>

3. To Amend Section 3.3 (Additional Standards by Use) to include standards for 'Bed and Breakfast Inn', 'Homestay', and 'Whole House Lodging' uses, as detailed on the following page.

3.3 - Additional Standards by Use

I. Bed and Breakfast Inn (RA, RR, R2, R3, R4, R7, NC, CMX, CC, DMX, CH, TND).

1. Any Bed and Breakfast Inn without on-site staff present during the overnight stay shall only be permitted within the RA zoning district, or within 200 feet of the NC, CMX, CC, DMX, and CH zoning districts.

X. Homestay (RA, RR, R2, R3, R4, R7, NC, CMX, CC, DMX, CH, TND).

1. The homestay operation shall be managed by a person who:
 - a. is a full-time resident of the property; and
 - b. is present during the homestay term for the entire time lodgers are staying at the property. To be a "full-time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For purposes of this regulation, a person can



only have one primary, full time residence, and the homestay must be operated from that primary, full time residence. In order to be "present during the homestay term," the full-time resident shall be at the property overnight and not away on vacation, visiting friends or family, travelling out of town for business or personal reasons, etc. during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. A minimum of two documents establishing proof of residency shall be supplied prior to operation of the use.

UU. Whole-house Lodging (RA, RR, R2, R3, R4, R7, NC, CMX, CC, DMX, CH, TND)

1. *For this use to be permitted within the RR, R2, R3, R4, or R7 zoning districts, it must be located within 200 feet of a NC, CMX, CC, DMX, or CH zoning district boundary. (measured from the property line).*
2. *Whole-house lodging uses shall be prohibited on the ground floor of any street-facing multi-tenant structure established for non-residential use. Any new residential attached unit shall be subject to those standards and regulations specified within the Wendell Unified Development Ordinance for multifamily dwellings.*

Planning Board Recommendation:

At their May 20, 2019 meeting, the Planning Board voted unanimously to amend Section 2.3 of the UDO to permit by right (i.e. No Standards) Bed and Breakfast Inns, Homestays, and Whole House rentals in all zoning districts.

Voting in favor: *Errol Briggerman, Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Victoria Curtis, Lloyd Lancaster and Jonathan Olsen*

Voting against: *None*

Absent: *None*

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.*
 - *In staff's opinion, staff's amended zoning text amendment is consistent with Principle # 1 of the Wendell comprehensive plan and is reasonable in order to preserve the small-town feel and historic character of the community while allowing property owners the ability to create revenue from their homes.*
 - *Principle # 1: Preserve the small-town feel and historic character of the community.*

Staff Recommendation:

- *Staff recommends approval of staff's proposed text amendment request.*
- *In general, the proposed amendments would restrict 'Whole House Rental' units to areas within proximity to commercial zoning districts, or within the Residential Agricultural district. Homestays are permitted in virtually all districts, with the only requirement being that the owner lives on site. Bed and Breakfast Inns are permitted in the same manner as other short-term rentals, with their permitted location dependent on whether on-site staff is present during the overnight stay.*

Planning Director David Bergmark provided an overview of ZTA19-04 – Discussion and Action on a Zoning Text Amendment to Chapters 2, 3 and 19 of the UDO as it relates to Short Term Rentals, specifically Bed and Breakfast Inns, Homestays and Whole-house Lodging; staff report included above in italics.

Town Manager Marc Collins thanked the Board of Commissioners for giving staff the time



to work with the Planning Board on the revised language. He also thanked Planning Board members for making the time to meet with staff.

Mayor Pro Tem Lutz asked Mr. Bergmark if any of the Planning Board members had seen the revised ordinance.

Mr. Bergmark said that the contents of the ordinance were discussed during the meeting with Jonathan Olson and Joe Deloach and members were satisfied with the revisions.

Commissioner Jason Joyner asked whether Bed and Breakfasts were required to serve breakfast under the current UDO.

Mr. Bergmark said that right now there's no standards attached to it, although there is a definition which requires the meal be served at an in-room rate. He said this proposal wouldn't modify this definition for Bed and Breakfasts.

Commissioner Joyner said that he went to a presentation on Airbnb policy and what one should do for municipal governments. He said he thinks that this ordinance is a solution in search of a problem. He would love for downtown Wendell to be so popular that there was an abundance of Airbnbs, but that isn't the case right now. He said that the town limits itself and finds itself as the benefactors of unintended consequences when it arbitrarily limits itself, specifically in policies relating to technology. Mr. Joyner said that he understands the logic of someone buying the house next door for an Airbnb use and having that create problems for neighbors. He said that he hasn't heard that concern from anybody that wants anything but the ability to use this, rather than be told when they can't use it. Mr. Joyner said he doesn't support the ordinance because he felt that there is nothing to regulate.

Mayor Pro Tem Lutz said that he had a different perspective, and that some regulation is safe when going into something new with the Town. He said that there was a lot of concern from the Planning Board regarding the level of restrictions, which was returned to staff after hearing from one of the most unsupportive members of the Planning Board. Mr. Lutz was grateful that staff met with the Planning Board to compromise. He expressed his support for the ordinance as a solution for an issue that was brought to the Board's attention.

The Public Hearing for item 5b was held at the June 24, 2019 Board Meeting.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the revised ordinance regarding short-term rentals.

Vote: 2-3 with Commissioners Myrick, Boyette and Joyner in opposition.

6. ADMINISTRATIVE ITEMS



- 6a. Presentation of Citizen Advisory Board Appearance Commission Applicant
Speaker: Town Clerk Megan Howard

[Staff Report]

Item Summary:

Applicant Melissa Brand of Kimley Horn has requested to be considered for the Appearance Commission, serving a one-year term from July 1, 2019 to June 30, 2020. Her application has been resubmitted and is attached for the Board's review.

Town Clerk Megan Howard provided an overview of the citizen advisory board applicant for the Appearance Commission; staff report included above in italics.

The Board of Commissioners voted in Melissa Kay Brand as the new member of the Appearance Commission.

Town Clerk Howard updated the Board on the Tree Board recruitment efforts.

- 6b Request for waiver of community center rental fee by East Wake Alumni Association
Speaker: Parks and Recreation Director Jeff Polaski

[Staff Report]

Item Summary:

On behalf of the East Wake High School Alumni Association, Greg Dragos is asking for the Community Center rental fees to be waived for the EWHSA Scholarship Fundraiser event on Saturday September 28, 2019. This event is from 10:00am to 10:30pm. The requested fee waiver is \$2,500 for the entire facility rental with alcohol. The East Wake Alumni Association would be responsible for the clean-up fee of \$250 and the staffing/police fee of \$647.50 for a total of \$897.50. When a waiver of community center rental fee is submitted, the waiver request is for the rental of the entire Community Center. The waiver is reviewed by the Parks and Recreation Commission and it makes a recommendation on the waiver. In turn, the recommendation is forwarded to the Wendell Board of Commissioners for action. The Community Center is reserved when the non-refundable deposit of the cleaning fee is received. And a certificate of liability naming the town as an additional insured is to be received when paying the deposit. If applicable, payment of the staffing fees must be paid a minimum of 30 days prior to the event. On June 3, 2019, the Parks and Recreation Commission reviewed and voted unanimously in favor of the waiver of the rental fee for this event.

Parks & Recreation Director Jeff Polaski provided an overview of the request for waiver of community center rental fee by East Wake High School Alumni Association; staff report included above in italics.

Commissioner John Boyette asked if this event is for scholarship fundraising.



Mr. Polaski affirmed that 100% of the money goes to East Wake High School students that have been accepted to college but can't afford to go.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the request for the community center fee waiver.

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. Snap Shot: Financial & Operating Report

Town Manager Collins said that the Finance Department would be presenting the new look of the Snap Shot at the July 22, 2019 Board Meeting. In August, the Board would start seeing July's numbers from the metrics in the budget.

ACTION: Reviewed.

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



Wendell Fire Board [Commissioner Joyner]



Technical Review Committee [TRC] [Commissioner Ben Carroll-from last meeting]



Capital Area Metropolitan Planning Organization [CAMPO] [Mayor Gray-pushed to this Board Meeting from last meeting]

An update was provided.

8. COMMISSIONERS' REPORTS / COMMENTS



Commissioner Jason Joyner thanked staff and Wendell Historical Society for the July 4th Celebration.



Commissioner John Boyette congratulated the USA Women's Soccer Team.



Commissioner David Myrick announced that he will not be running for election this year and thanked the Town and the Mayor for their support.



Mayor Pro Tem Lutz thanked staff and the Wendell Historical Society for the July 4th Celebration.



Commissioner Ben Carroll had no reports or comments.

9. MAYOR'S REPORTS / COMMENTS

Mayor Gray provided the following:



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



Thank you to the Wendell Historical Society for planning the July 4th celebration and thank you to citizens and staff who participated.





Saturday, July 20, 2019 at 7 PM, Wendell Parks and Recreation and Wendell Falls will co-host its first Summer Outdoor Movie Series hosted at the Lakeside Pavilion. The evening feature presentation is *Incredibles 2*. This is a FREE community event.

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

ACTION:

Mover: Mayor Pro Tem Lutz moved to adjourn at 7:37 p.m.

Vote: Unanimous.

Duly adopted this 22 day of July 2019, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk



**TOWN OF WENDELL****NORTH CAROLINA**

**RESOLUTION – 2020 BOARD OF COMMISSIONERS MEETING SCHEDULE
R-15-2019**

WHEREAS, the Wendell Board of Commissioners meetings are held the second and fourth Monday of the month at 7:00 PM in the Board Room of the Town hall, unless otherwise noted; and

WHEREAS, each meeting of the Wendell Board of Commissioners is open to the public, unless otherwise provided by NC GS 143-318.11; and

WHEREAS, the Wendell Board of Commissioners may amend the yearly meeting schedule in accordance with NC GS 143-318.12:

**TOWN OF WENDELL
2020 BOARD OF COMMISSIONERS MEETING CALENDAR**

January 13, 2020 & January 27, 2020
February 10, 2020 & February 24, 2020
March 9, 2020 & March 23, 2020
April 13, 2020 & April 27, 2020
May 11, 2020 & May 26, 2020 (Tuesday)
June 8, 2020 & June 22, 2020
July 13, 2020 & July 27, 2020
August 10, 2020 & August 24, 2020
September 14, 2020 & September 28, 2020
October 12, 2020 & October 26, 2020
November 9, 2020 & November 23, 2020
December 14, 2020 – One meeting in December

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Town of Wendell adopts the 2020 Board of Commissioners meeting calendar as presented.

Duly adopted this 22 day of July, 2019 while in regular session.

Virginia R. Gray, Mayor

ATTEST:

Megan Howard; Town Clerk

**TOWN OF WENDELL****NORTH CAROLINA**

**RESOLUTION – 2020 HOLIDAY SCHEDULE
R-16-2019**

WHEREAS, Article VII of the Town of Wendell Personnel Policy permits the Board of Commissioners to designate holidays with full pay for the employees of the Town; and

WHEREAS, the following 2020 Holiday Schedule is proposed for the Town of Wendell employees:

2020 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	1-Jan-20	Wednesday
Martin Luther King Jr.'s Birthday	20-Jan-20	Monday
Good Friday	10-Apr-20	Friday
Memorial Day	25-May-20	Monday
Independence Day	3-Jul-20	Friday
Labor Day	7-Sep-20	Monday
Veterans Day	11-Nov-20	Wednesday
Thanksgiving	November 26 & 27, 2020	Thursday & Friday
Christmas	December 24, 25, & 28 2020	Thursday, Friday & Monday

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Commissioners of the Town of Wendell hereby adopts the 2020 Holiday Schedule as presented.

Duly adopted this 22nd day of July, 2019, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard; Town Clerk

Item Title:

Amendment to Article 7 of the Personnel Policy for Bereavement Leave

Report to the Board of Commissioners:

Monday, July 22, 2019

Specific Action Requested:

Approve the personnel policy amendment

Item Summary:

The proposed amendment to Article VII. Holidays and Leaves of Absences, Section 29. Bereavement Leave of the Personnel Policy extends the existing policy to cover two events annually and extends the definition of “immediate family” to be consistent with current human resources practices.

The Employee Committee reviewed an employee suggestion received in the suggestion box requesting that the Town evaluate the current bereavement policy after employees experienced the loss of family members that did not meet the definition of “immediate family”. The Employee Committee was assigned to evaluate human resources best practices and complete a comparative analysis of area jurisdictions to determine if an amendment was recommended.

Upon completion of the research staff recommends the following amendment to the policy:

“Bereavement Leave may be used for death in the employee’s immediate family not to exceed 24 consecutive hours for any **two occurrences in a calendar year**. Additional leave time required for such occurrence may be charged to vacation or other leave such as accrued compensatory time when approved by the department head. Bereavement Leave for those not covered by the immediate family definition may be charged to vacation or compensatory leave. For purposes of this policy immediate family includes:

~~spouse, parents, children and life partner~~

Spouse	Parent (Mother/Father)	Child (Daughter/Son)	Brother/Sister	Grand/Great	Dependents / Life Partner
Husband Wife	Biological Adoptive Step In Loco Parentis In-law	Biological Adoptive Foster Step In Loco Parentis In-law	Biological Adoptive Step Half In- law	Parent Child Step In-law	Living in the employee’s household

The proposed amendment is recommended to update the definition of “immediate family” to be more inclusive and recognize the diversity of modern family units.

Attachments:

- A. Memo to Town Manager from the Employee Committee dated July 15, 2019 referencing “Holidays and Leaves of Absence: Bereavement Leave”



15 E Fourth Street Wendell, NC 27591 919.365.4450
www.townofwendell.com

TO: Manager Marc Collins
FROM: Phillip Smith, Chair of Employee Committee [EC]
REF.: Holidays and Leaves of Absence: Bereavement Leave
DATE: July 15, 2019

The Employee Committee was requested to review the Town's Personnel Policy relating to Holidays and Leaves of Absence. The review coincides with the Town Board's approval of a compensation and classification study that will be undertaken during this fiscal year.

One of the leaves in question is bereavement leave and its definition of immediate family.

Current Town of Wendell Bereavement Leave:

"Bereavement Leave may be used for death in the employee's immediate family not to exceed 24 consecutive hours for any one occurrence. Additional leave time required for such occurrence may be charged to vacation or other leave such as accrued compensatory time when approved by the department head. Bereavement Leave for those not covered by the immediate family definition may be charged to vacation or compensatory leave. For purposes of this policy immediate family includes *spouse, parents, children and life partner.*"

After researching neighboring municipalities, the Employee Committee believed the Town of Wendell definition of immediate family was limiting and did not take into account the diversity of today's family members.

The Employee Committee respectfully submits an amendment to the Town's bereavement leave. The goal of revision is updating the definition of immediate family is to be more inclusive and reflective of who are members of the immediate family.



15 E Fourth Street Wendell, NC 27591 919.365.4450
www.townofwendell.com

Proposed Town of Wendell Bereavement Leave:

“Bereavement Leave may be used for death in the employee’s immediate family not to exceed 24 consecutive hours for any **two occurrences in a calendar year**. Additional leave time required for such occurrence may be charged to vacation or other leave such as accrued compensatory time when approved by the department head. Bereavement Leave for those not covered by the immediate family definition may be charged to vacation or compensatory leave. For purposes of this policy immediate family includes: ~~spouse, parents, children and life partner~~

Spouse	Parent (Mother/Father)	Child (Daughter/Son)	Brother/Sister	Grand/Great	Dependents / Life Partner
Husband Wife	Biological Adoptive Step In Loco Parentis In-law	Biological Adoptive Foster Step In Loco Parentis In-law	Biological Adoptive Step Half In- law	Parent Child Step In-law	Living in the employee’s household

The Employee Committee recognizes that if the suggested amendment is acceptable, that the next step is inclusion on an upcoming agenda for review and action by the Wendell Town Board of Commissioners.

Item Title:

Presentation of Performance Management Reports

Report to the Board of Commissioners:

Monday, July 22, 2019

Specific Action Requested:

None

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 of the department goals and work units.

Attachments:

None

Item Title:

Presentation of the new Youth Athletic Scholarship Program

Report to the Board of Commissioners:

Monday, July 22, 2019

Specific Action Requested:

None

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.

Attachments:

- A. Youth Athletic Scholarship Program Application



Parks & Recreation Department

Mailing Address: 15 E. Fourth Street Wendell, NC 27591
Physical Address: 601 W. Third St. Wendell, NC 27591
Telephone: (919) 366-2266 Fax: (919) 366-1462 www.townofwendell.com

Youth Athletics Scholarship Program

The Youth Athletics Scholarship program is designed to provide financial assistance to youth who may not otherwise be able to participate in youth athletics in Wendell. All forms must be turned into the Parks & Recreation Department during the registration period of that program.

Eligibility: Youth, up to 18 years of age and/or through high school. The recipient **must** be a Wendell resident. Foster children are also eligible for this scholarship. Household must be eligible for free school lunch and receiving government benefits. This scholarship will cover 50% of the program cost and the reminder balance is the responsibility of the parent/guardian.

Registration: Completing the scholarship form DOES NOT register a child for the program. Please complete the registration form separately. If awarded a scholarship, the Parks & Recreation Department will notify the recipient.

Process: Complete the Youth Athletic Scholarship Application form as instructed. Only 1 child and 1 activity per form. Staff will review the application for approval or denial, prior to the end of the registration period

Notification: You will be notified when the application form is approved or denied.

Questions: If you have any questions about the scholarship application or process, contact Jeff Polaski at 919-366-2266. Applications can be dropped off at 601 West Third St. Wendell or emailed directly to jpolaski@townofwendell.com.

Note: If for any reason your child does not use the scholarship, please notify the Parks & Recreation Department as soon as possible.

Incomplete applications will not be processed and will be returned.



Youth Athletic Scholarship Application

This scholarship program is funded by the Town of Wendell to give families financial assistance toward youth athletics. Wendell residents with youth, up to 18 years of age and/or through high school, and foster children are eligible for this scholarship. The scholarship will cover 50% of the program cost and the reminder balance is the responsibility of the parent/guardian.

Incomplete application will be returned.

Name of Child:	Date of birth	Age:	Sex:
Parent/Guardian Name	Phone:		
Mailing Address:	Wendell Citizen: Yes No		
Name of Program:	Total Registration Fee:		
Has applicant applied for a scholarship before? Yes No	If yes, when?		
Has applicant been awarded a scholarship before? Yes No	If yes, when?		
Does your child qualify for free lunch at school? Yes No	Attach Proof		
Do you receive any government benefits? Yes No	Attach Proof		

Please give a brief statement of reasons for applying:

By my signature below, I affirm that the information provided herein is complete, true and accurate to the best of my knowledge.

Parent/Guardian Signature _____ **Date** _____

Staff Use Only	
Date application was received:	
Free lunch confirmed:	Yes No
Government benefits confirmed:	Yes No
Approved	Denied Reason:
Amount of Scholarship:	
Parks & Recreation Director:	Date:

Item Title:

Public Hearing 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.

Report to the Town Board:

Monday, July 22, 2019

Report to the Planning Board:

Monday, June 17, 2019

Specific Action Requested:

- That the Town Board hold a public hearing and 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 it's 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 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 Baffaloe 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

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

Arterial and Collector Street
Amended 5-08-17

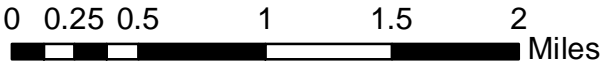
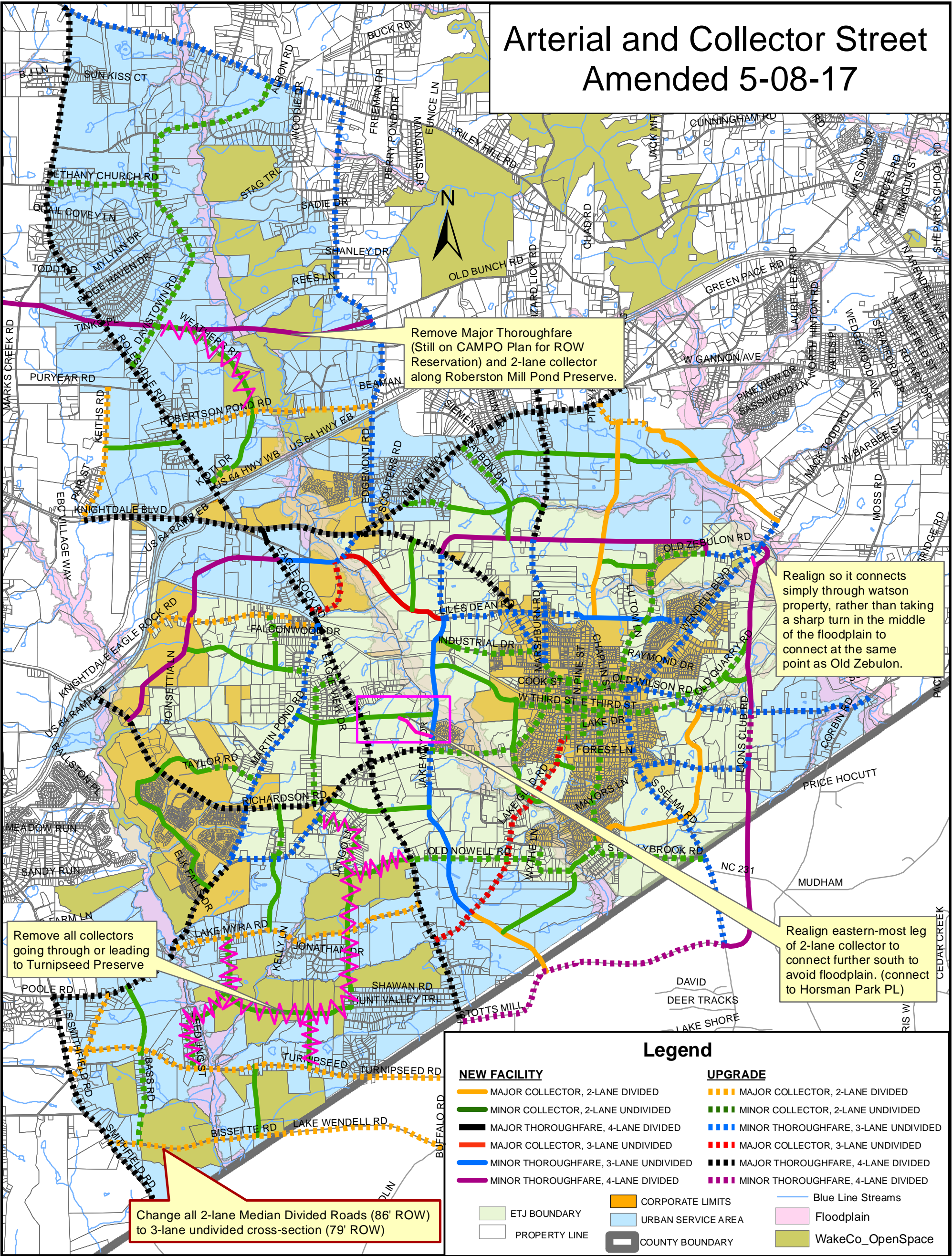
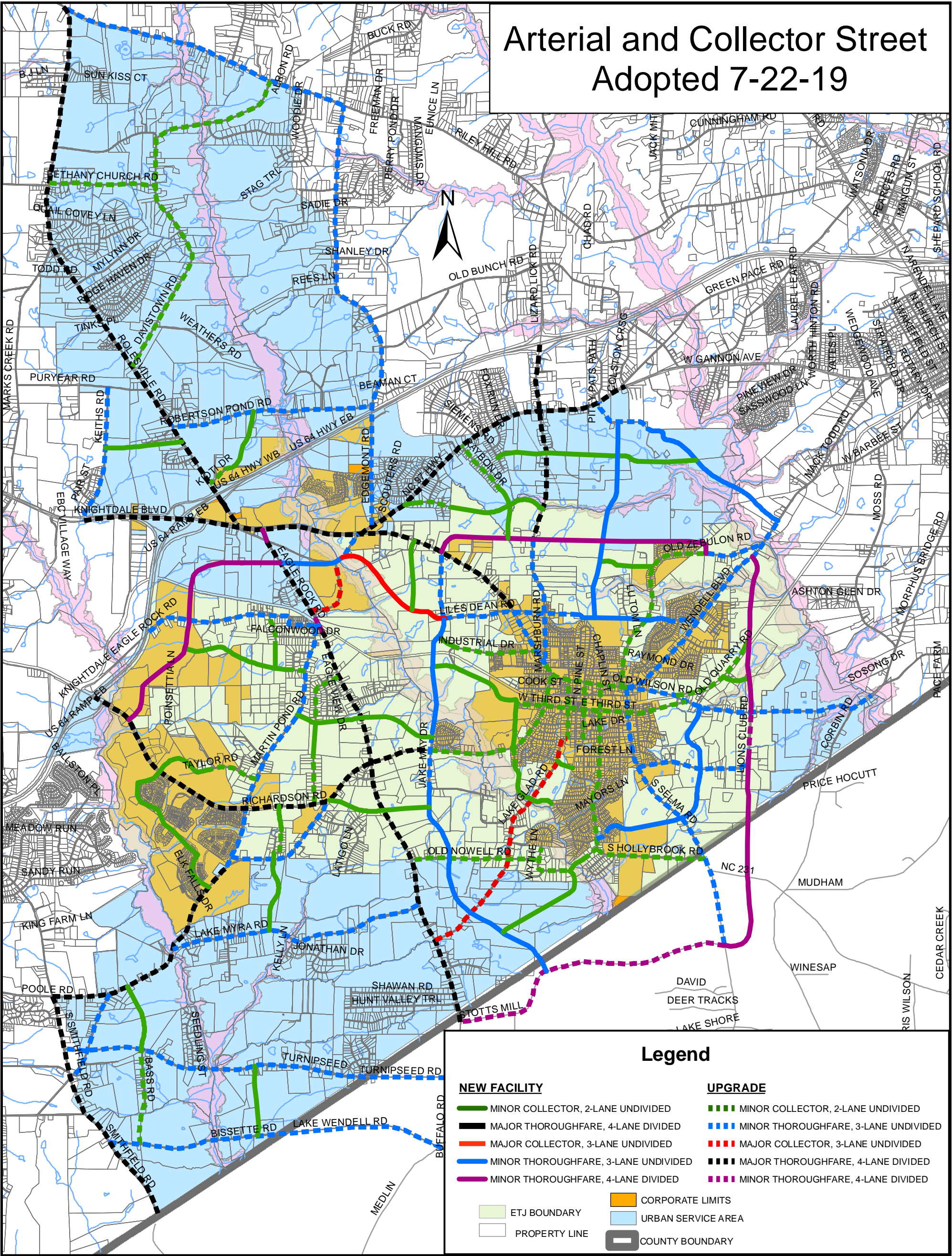


EXHIBIT 1

Arterial and Collector Street
Adopted 7-22-19



0 0.25 0.5 1 1.5 2 Miles

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 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 22nd day of July, 2019.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

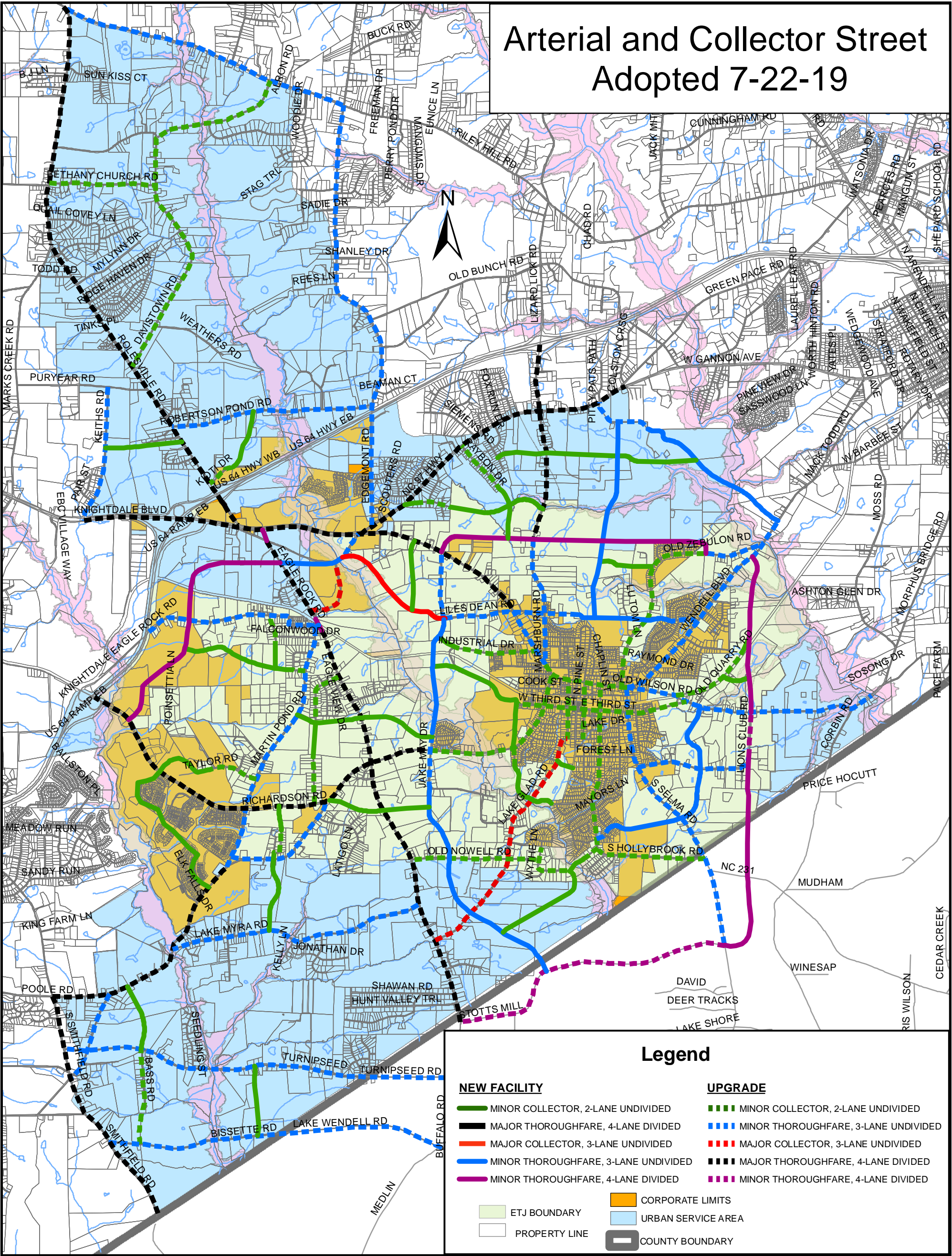
APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

EXHIBIT 1

Arterial and Collector Street Adopted 7-22-19



0 0.25 0.5 1 1.5 2 Miles

Item Title:

Update to the Downtown Façade Grant Program Policy

Board of Commissioners Meeting:

Monday, July 22, 2019

Specific Action Requested:

- The Town Board is requested to review and provide direction to staff on proposed amendments to the downtown façade grant program guidelines.

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;
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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.
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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:

Request for the Town Board to authorize the Town Manager to enter negotiations with RFQ respondents for Transportation and Engineering Services related to Wendell Blvd pedestrian improvements.

Board of Commissioners Meetings:

Monday, July 22, 2019

Specific Action Requested:

- The Town Board is asked to authorize the Town Manager to enter negotiations in rank order with RFQ respondents for Transportation and Engineering Services related to Wendell Blvd pedestrian improvements.

Background:

One of the priorities of the Town Board, as reflected by the Town of Wendell Strategic Plan and the adopted Capital Improvement Plan (CIP), is to implement pedestrian improvements to the Wendell Boulevard corridor between Wendell Elementary and the Food Lion shopping center.

The proposed improvements to Wendell Boulevard would include:

- The construction of approximately 2000 LF of new sidewalk to fill existing gaps.
- Closing off Wall Street at its intersection with Wendell Blvd.
- Signalization/improvements to the Wendell Blvd/Wendell Falls Parkway intersection.
- Re-alignment of Marshburn Road at its intersection with Wendell Blvd.
 - Alternatively, design options for other pedestrian improvements to allow safe crossing of Marshburn Road would be developed, in the event that realignment of Marshburn Road at its intersection with Wendell Blvd is unable to be achieved.

A basic concept plan for the proposed Wendell Boulevard Improvements is included as Attachment B.

To advance this goal, staff distributed a Request For Qualifications (RFQ) (Attachment B) for qualified private engineering firms (PEF) to submit Letters of Interest (LOI) to provide preliminary engineering and design services needed for this project.

Staff's objective, with the assistance of the selected engineering firm, is to complete all engineering, design, and environmental documentation required for the Town to subsequently pursue Right-of-Way (ROW) and Construction grant funds through the Capital Area Metropolitan Planning Organization's (CAMPO) Locally Administered Projects Program (LAPP) for completion of the project.

The LAPP submittal for ROW and Construction funds would occur in October of 2019, but the expenditure of Town funds for ROW and Construction (if the project is approved by CAMPO) would not occur before October of 2020. This would leave ample time for the Town's selected engineering firm to complete design work prior to that October 2020 date.

Based on preliminary cost estimates, the Town's CIP included \$185,000 for design/engineering work for this project, with an additional \$1,300,000 for ROW acquisition and construction. LAPP funding would be sought to help finance the ROW and Construction phases.

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:

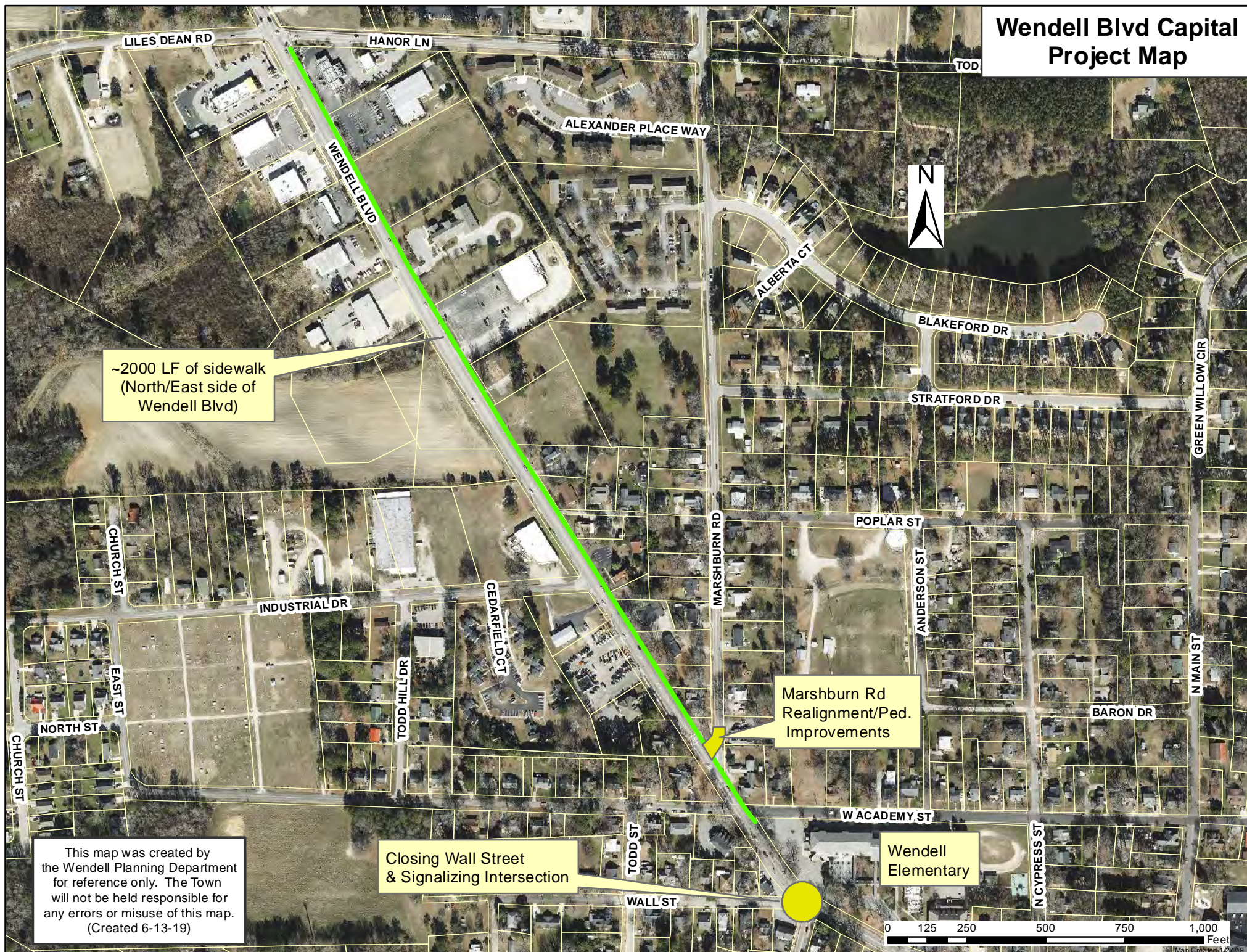
1. Kimley Horn
2. Ramey Kemp Associates
3. Johnson, Mirmiran & Thompson, Inc. (JMT)

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

Wendell Blvd Capital Project Map





TOWN OF WENDELL REQUEST FOR QUALIFICATIONS

Request for Qualifications	Transportation Planning & Engineering Services
Project:	Wendell Blvd Corridor Improvements
Project Manager:	David Bergmark, Planning Director
Phone Number:	919.366.1464
Date of Advertisement:	June 17, 2019
Qualifications Due Date:	Monday, July 8, 2019 @ 2:00 p.m.

The Town of Wendell (Wendell) invites qualified private engineering firms (PEF) to submit Letters of Interest (LOI) to provide preliminary engineering and design services for planned pedestrian and intersection improvements along the Wendell Blvd (Business-64) corridor. The consultant firm selected will serve as extensions of Town of Wendell Planning Department staff and will develop all engineering, design, and environmental documentation required for the Town to subsequently pursue ROW and Construction grant funds through the Capital Area Metropolitan Planning Organization's (CAMPO) Locally Administered Projects Program (LAPP). Additionally, the consultant shall be responsible for preparing all material required for LAPP *submittal* for the subsequent ROW/Construction phases. Work shall be secured through a project-specific master agreement with the selected firm. The Town is seeking a firm whose combination of experience and personnel will provide timely, cost-effective professional services.

I. BACKGROUND

The Town's adopted Capital Improvement Plan (CIP) included funding for design and construction of pedestrian improvements along Wendell Blvd to fill an existing gap in the Town's pedestrian network and connect citizens to key resources. It is the town's desire to implement this capital improvement project with the assistance of a qualified engineering firm, through coordination with CAMPO and NCDOT. Though the design work described in this RFQ is not relying on Federal or State funding, it is the intention of Wendell to apply for Federal and State funding to support later stages of the described transportation improvements. Thus, the selected firm is to administer the contract and to ensure that all work is performed in accordance with all applicable town, state agency, county, NCDOT and FHWA contract requirements which would apply when receiving Federal and State funding. Due to this, the PEF should indicate which disciplines related to this scope they are pre-qualified by the North Carolina Department of Transportation to conduct.

II. DESCRIPTION OF SERVICES

This is a project-specific contract for professional transportation planning and engineering services related to desired pedestrian improvements along Wendell Blvd. The full scope and fee will be determined through the development of a Master Agreement prior to notice to proceed. Additional project information is contained in Section VI.

Project scope generally includes the following core service areas listed below:

- Engineering, design, planning, cost estimation, and Programmatic Categorical Exclusion and work associated with locally administered federally funded projects;
- NEPA and project planning/environmental studies;

- Prepare and obtain required permit/environmental letters from agencies/municipalities;
- Prepare all documentation and materials required for LAPP submittal of the ROW acquisition and Construction phases of this project (the scope of this agreement shall not include conducting ROW acquisition and construction work, but shall include collecting the data necessary for the Town to apply for funding for these phases through CAMPO's LAPP). Though this project is located along a single corridor, for LAPP submittal, initial discussions with CAMPO staff indicates this project shall be submitted as 3 separate, but related projects as follows:
 1. Wendell Blvd Sidewalk extension
 2. Marshburn Road Realignment/Intersection Improvements
 3. Intersection Improvements to Wendell Blvd/Wendell Falls Parkway (including the closing of Wall Street).
- Field surveying and route locations (property and right-of-way surveys including necessary research at the Register of Deeds Office and the Town of Wendell Planning Department);
- Consultation with individual property owners on design, location and access questions;
- Provide presentations and status summaries to Project Manager, Board of Commissioners and Advisory Boards as requested; and
- Prepare mapping and computerized visualization of design information suitable for use at public input opportunities as well as for placement on project websites.

The primary and/subconsultant(s) shall at the time of submittal of this LOI be prequalified by NCDOT to perform the services listed below. Prequalification work code descriptions and requirements may be accessed on the NCDOT website at:

<https://connect.ncdot.gov/business/Prequal/Documents/List%20of%20Discipline%20Requirements.pdf>

- Multi-use trail design, survey and layout (work code 316)
- Surveying (work code 199)
- Wetland and stream delineation (work code 280)
- Wetlands, stream and buffer permitting (work code 284)
- Threatened and Endangered Species Survey & Studies (work code 243)
- Geotechnical engineering services and geotechnical specialty service (work codes 364 and 294)
- Erosion and sediment control design (work code 70)
- Traffic control plans (work code 247)
- Public involvement (work code 171)
- Visualization (work code 276)
- Categorical exclusions (work code 32)
- Utility Coordination (work code 270)
- Right of Way Acquisition (work codes 192 and 194)
- Hydraulic Design (work codes 433 and 434)
- Roadway Design (work codes 201 and 269)
- Roadway Construction Engineering & Inspection (work code 195)
- Structures Construction Engineering & Inspection (work code 233)

Additionally, the Consultant shall coordinate with the North Carolina Wildlife Resources Commission, State Historic Preservation Office, and U.S. Fish and Wildlife Service Ecological Services to obtain all necessary environmental documentation letters. Other agencies that will have to be contacted include, but are not limited to the City of Raleigh, Army Corps of Engineers, Duke-Progress Energy Company, North Carolina Department of Transportation (various Departments and Divisions), Department of Environmental Quality, and other departments within the Town of Wendell.

The firm selected will be required to enter into a Master Agreement with the Town of Wendell. This master agreement will:

- Establish current hourly rates for each employee that may perform work on the contract by position class and also establish a method of calculation and payment for all other direct/indirect project expenses.
- Identify work scope, timeframe, deliverables, staff to perform work, estimated work hours by position class, and total cost.

The selected firm will report directly to the Town of Wendell. The selected firm is to administer the contract and ensure that all work is performed in accordance with the contract requirements.

The PEF will be responsible for providing engineers, planners, landscape architects and technicians within the appropriate skills and qualifications to ensure contract compliance. The PEF will be directly responsible for oversight of the project for the Town. The PEF shall indemnify and save harmless the Town for claims and liabilities resulting from negligence, errors or omissions of the PEF; including, but not limited to, the engineers, technicians, architects or subconsultants.

Any firm wishing to be considered must be properly registered with the Office of the Secretary of State and with the North Carolina Board of Professional Engineers, Professional Landscape Architects and Land Surveyors. Any proposed corporate subsidiaries or subcontractors must also be properly registered with the appropriate NC Board of Registration for their role in the project. The Engineers or Landscape Architects performing the work and in responsible charge of the work must be registered Professional Engineers or Landscape Architects in the State of North Carolina and must have a good ethical and professional standing. It will be the responsibility of the selected private firm to verify the registration of any corporate subsidiary or subcontractor prior to submitting a Letter of Interest. The firm and subconsultants shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of any contract entered into under this pre-qualification process.

The firm must have the financial ability to undertake the work and assume the liability. The selected firm(s) will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of \$1,000,000. The firm(s) must have an adequate accounting system to identify costs chargeable to the project.

The proposed method of payment for these contracts will be LUMP SUM.

The selection of a PEF to provide the desired services on this project will be handled in accordance with the following process:

- A. Submission of a Letter of Interest (LOI) by private engineering firms.
- B. The Town anticipates selection of PEFs based on the LOI.
- C. The Town reserves the option to create a short list of firms and conduct oral interviews.
- D. The Town will contract with the selected PEFs to provide the required Transportation Planning and Engineering Services identified in and in accordance with the Master Agreement.

III. SMALL PROFESSIONAL SERVICE FIRM (SPSF) PARTICIPATION

NCDOT encourages the use of Small Professional Services Firms (SPSF). Small businesses determined to be eligible for participation in the SPSF program are those meeting size standards defined by Small Business Administration (SBA) regulations, 13 CFR Part 121 in Sector 54 under the North American Industrial Classification System (NAICS). The SPSF program is a race, ethnicity, and gender neutral program designed to increase the availability of contracting opportunities for small businesses on federal, state or locally funded contracts. SPSF participation is not contingent upon the funding source.

The Firm, at the time the Letter of Interest is submitted, shall submit a listing of all known SPSF firms that will participate in the performance of the identified work. The participation shall be submitted on the NCDOT's Prime Form RS-2 and/or sub consultant Form RS-2.

Form RS-2 forms may be accessed on the NCDOT website at <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

The SPSF must be qualified with the Department to perform the work for which they are listed.

Real-time information about firms doing business with the NCDOT and firms that are SPSF certified through North Carolina's Unified Certification Program is available in the Directory of Transportation Firms. The Directory can be accessed by the link on the Department's homepage or by entering <https://apps.dot.state.nc.us/vendor/directory/> in the address bar of your web browser.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firm.

IV. PREQUALIFICATION

The North Carolina Department of Transportation maintains on file the qualifications and key personnel for each approved discipline, as well as any required samples of work. Each year on the anniversary date of the company, the firm shall renew their prequalified disciplines. If your firm has not renewed its application as required by your anniversary date or if your firm is not currently prequalified, please submit an application to the Department prior to submittal of your LOI. An application may be accessed on the Department's website at Prequalifying Private Consulting Firms; <https://connect.ncdot.gov/business/Prequal/Pages/Private-Consulting-Firm.aspx>. Learn how to become Prequalified as a Private Consulting Firm with NCDOT. Having this data on file with the Department eliminates the need to resubmit this data with each letter of interest.

Even though specific DBE/MBE/WBE goals are not required for this project, the Department of Transportation is committed to providing opportunity for small and disadvantaged businesses to perform on its contracts through established Department goals. The Firm, subconsultant and subfirm shall not discriminate on the basis of race, religion, color, national origin, age disability or sex in the performance of this contract.

V. SELECTION PROCESS

Pursuant to North Carolina General Statute 143-64.31, the Town of Wendell utilizes a "qualifications-based" selection process without consideration of fee proposals in the initial stage for selecting consultants. The selection process and schedule will be as follows:

- A. **Advertisement:** An advertisement for the RFQ will be posted on the following website(s):
<http://www.townofwendell.com/departments/finance/bids-announcements>
- B. **Qualifications Submittal:** Written submittals must be received by the Town Planning Department no later than **2:00pm, Monday, July 8, 2019**. Submittals received after this deadline will not be considered.
- C. **Submittal Material:** Consultants interested in providing services as described in this RFQ shall submit five (5) originals and one (1) digital copy in a PDF format of the submittal in a sealed container/envelope labeled on the outside; LOI for **"Transportation Planning and Engineering Services for the Wendell Blvd Corridor Improvements Project,"** along with the firm name. Send or hand-deliver submittals to:

Town of Wendell
Planning Department
Attn: David Bergmark, Planning Director
15 E. Fourth Street
Wendell, NC 27591

Completed qualification packages must be received at the address above by **2:00 p.m. on July 9, 2019**.
Qualification packages containing more than the requested number of pages (20 pages (front and

back equals 2 pages, minimum font size of 11)) will not be considered. Sub-tabs or dividers are acceptable and do not count toward the page limit.

Firms submitting qualifications packages are encouraged to carefully check them for conformance to the submission requirements or if they are delivered to any other office other than the Town of Wendell Planning Department, they will be disqualified. **No exception granted.**

- D. Award:** The selected firm/consultant shall provide consulting services required for the Wendell Boulevard Corridor Improvements Project, as outlined in the Master Agreement. At the option of the Town, oral interviews with short-listed firms will be conducted. In the event the Town elects to hold oral interviews, they will be held at Wendell Town Hall (15 E. Fourth Street, Wendell, NC 27591). The Town of Wendell reserves the right to reject any or all RFQ's and to make the award as deemed in the best interest of the Town of Wendell.
- E. Notification:** The firm selected will be notified by phone and email. Email notification will be sent to firms not selected. The Town reserves the right to reject any and all Letters of Interest.
- F. Board Approval:** Staff will request Wendell Board of Commissioner approval to negotiate with the recommended firms in priority order.
- G. Contract Agreements:** Contract agreements with the selected firms will be negotiated and executed immediately after selection. If negotiations are unsuccessful with the first firm selected, a second firm will be selected and negotiations initiated.

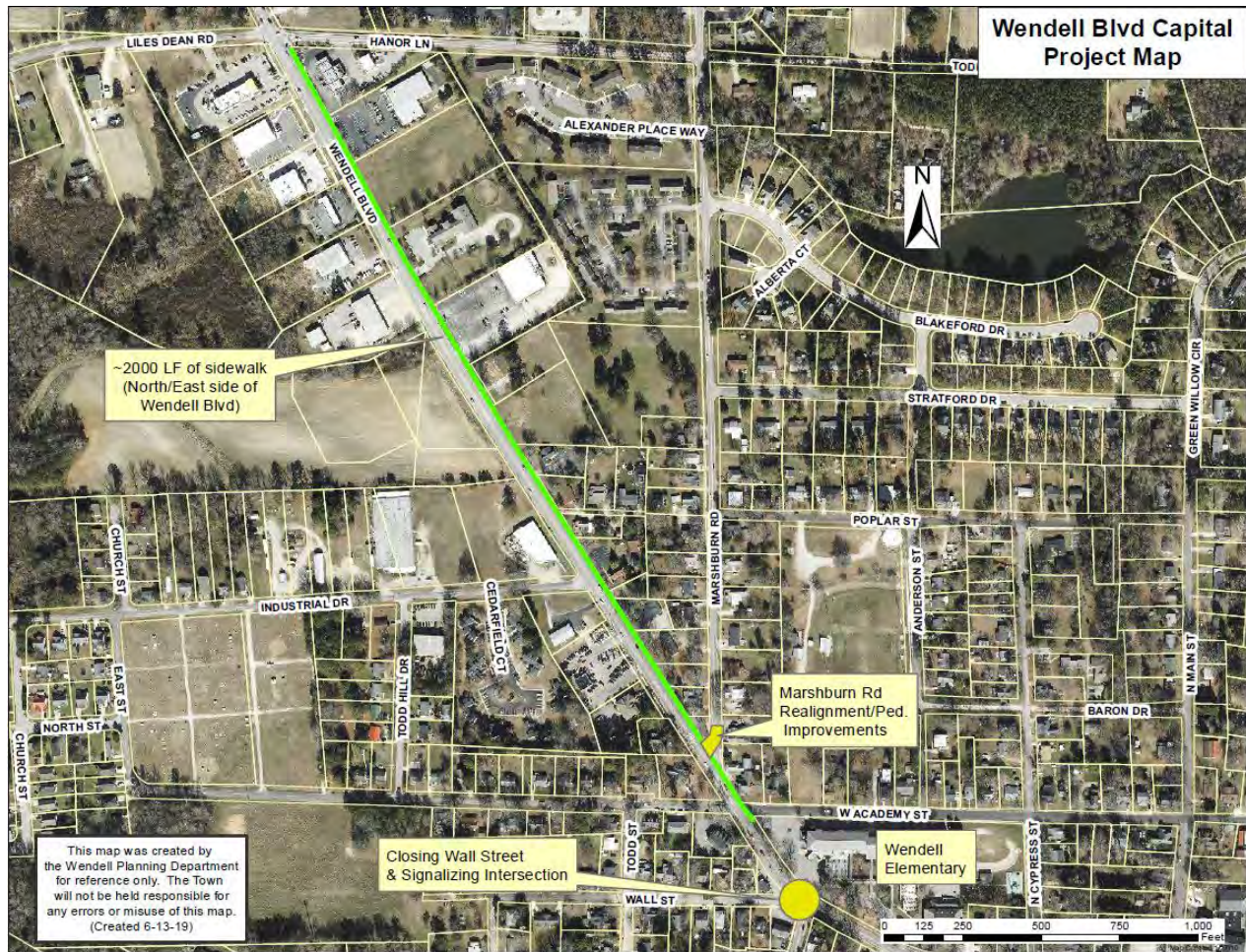
***All firms submitting LOIs are expected – if selected – to prepare a scope of services, fee estimate (with personnel rate schedule), and any other required documentation in a timely manner. These documents should meet all NCDOT requirements. Failure to provide timely response will result in termination of the negotiation process.**

VI. PROJECT INFORMATION

The Town of Wendell (in coordination with NCDOT) is seeking to make pedestrian improvements along Wendell Blvd (Business 64) between its intersection with Wendell Falls Pkwy and Hanor Lane. This project will consist of developing full design work and NEPA documentation to facilitate:

- The future construction of approximately 2000 LF of new sidewalk.
- Closing off Wall Street at its intersection with Wendell Blvd.
- Signalization/improvements to the Wendell Blvd/Wendell Falls Parkway intersection.
- Re-alignment of Marshburn Road at its intersection with Wendell Blvd.
 - Additionally, the selected firm is tasked with designing alternative pedestrian improvements to allow safe crossing of Marshburn Road, in the event that realignment of Marshburn Road at its intersection with Wendell Blvd is unable to be achieved.

Below is a preliminary map showing the proposed locations of the described improvements.



VII. QUALIFICATION SUBMISSION REQUIREMENTS

A firm interested in submitting a Transportation Planning and Engineering Services proposal must address the firm's qualification and expertise in the aforementioned general services.

This qualification packet shall be submitted on 8 1/2" x 11" paper, side bound with Table of Contents and reference tabs for key sections. The packet submitted shall not exceed twenty (20) pages double-sided (front/back covers, Table of Contents, RS-2 forms, and tab pages are excluded from these totals). Complete responses to each of the following categories are required:

A. Cover Letter

The Letter of Interest (LOI) must be addressed to David Bergmark, Planning Director. Said letter is limited to one (1) page and should contain the following elements of information:

1. Expression of firm's interest and why you feel your firm would be best suited for the Transportation Planning and Engineering Services required to achieve the objectives of the Wendell Blvd Corridor Improvements project;
2. Statement of whether the PEF and any sub consultants are on the NCDOT register and the desired services for which they are prequalified and which they anticipate performing for this project, including the date of the most recent qualifications submittal;
3. Statement regarding firms' possible conflict(s) of interest for the work; and
4. Identification of the Project Manager and their contact information.

B. Organization of Consultant Team

1. Team Organization Chart showing all firms, contractual relationship between firms, and names of specific staff proposed for this project, including their titles. Identify Small Professional Service Firms (SPSF), if any. Also, include other information you feel is appropriate for field surveying, geotechnical and other subcontract work.
2. Responsibilities to be fulfilled by each team member assigned to the Project. The description of responsibilities shall include an estimated percentage of the total project that is to be completed by each individual team member.
3. Indicate how the work described in this RFQ will fit into the total workload of the firm.
4. Detailed resumes for key staff.
5. Names, classifications, and location(s) of the firms' North Carolina employees and resources to be assigned to the advertised work.

C. Qualifications/Experience

1. Provide a description of the qualifications and experience of the key individuals who will be actively involved in the work (including registration numbers of landscape architects, engineers, planners, etc.). Include the office location in which each key individual is located.
2. Clearly identify each key individual's experience with similar type projects, the specific role that individual performed, and the firm they were employed by at the time of the project work.
3. Previous experience and examples of similar projects designed by the office where the work was performed, giving the name of the client and brief description of the project, dates work was started and completed, project cost, special design considerations, etc. Please also include a current contact person with a phone number for each project. Limit projects to those completed in the last five years. Do not include projects on which members of the applicant firm worked on while employed by another firm.

D. Similar Project Experience (Graphics & Narrative)

Provide a summary and pictures of at least three (3) transportation projects (greenway, Complete Streets, sidewalk improvements, etc.) or projects of similar scope for which the Consultant was primarily responsible within the last five (5) years. Each of the project summaries shall include the following:

1. Description of the project including size and scope. Please indicate if the project was LAPP funded.
2. Description of services rendered by the Consultant.
3. Degree of involvement (prime consultant or sub consultant).
4. Associate firms involved and their assigned responsibilities.
5. Key principal and associate staff involved, along with their assigned responsibilities.
6. Project schedule (initial schedule and actual/final schedule), including an explanation of delays, if any.
7. Key design/construction challenges and solutions.
8. Public Involvement process.
9. Initial project budget and final project cost. List design fees and construction costs separately (if applicable).
10. Project references including current names, addresses, telephone numbers and email.
11. Identify all public agencies that reviewed the project.

E. Core Services

1. Provide a brief description of the firm's capability to perform the following:
 - Provide transportation planning and engineering services to include corridor & area studies, multi-modal transportation planning, project planning/development, functional/conceptual designs, programmatic Categorical Exclusion, feasibility studies, cost estimates, public involvement/meetings, right-of-way certification, and permits. Offer any innovative approaches/context sensitive solutions previously used.

- Completing projects efficiently and timely is imperative. This project shall be conducted in a manner to meet federal guidelines for funding through CAMPO's LAPP. The selected firm must be prepared to begin gathering and compiling information for permits and conceptual design services to be undertaken immediately after notice-to-proceed in order to enhance and validate submittal material for the ROW and Construction phases of this project (Submittal Material Due October 2019). Provide examples of your firm's successful track record for project completion.
- Discuss experiences developing plans, specifications, and cost estimates in coordination with a municipality and NCDOT as part of a turn-key design service from feasibility study through preparation of final construction documents.
- Describe the proposed project team's experience with a minimum of two (2) successful pedestrian corridor improvements. Please provide references including current names, addresses, telephone numbers and email.

F. Project Management

1. Describe the project team's method of cost control.
2. Describe method of keeping pre-construction activities, to include Design, Environmental Documentation, Right of Way Certification and final PS&E package on schedule.
3. Approach to ensuring accurate coordination during all phases of project development.

G. Appendices - Consultant Certification Form RS-2

Completed Form RS-2 forms SHALL be submitted with the firm's letter of interest. The RS-2 pages are excluded from the total page count.

Submit Form RS-2 forms for the following:

1. Prime Consultant firm (Prime Consultant Form RS-2 Rev 1/14/08), and;
2. ANY/ALL subconsultant firms (Subconsultant Form RS-2 Rev 1/15/08) to be or anticipated to be utilized by your firm.

Complete and sign each Form RS-2 (instructions are listed on the form)

In the event the firm has no subconsultant, it is required that this be indicated on the Subconsultant Form RS-2 by entering the word "None" or the number "ZERO" and signing the form.

The required forms are available at:

<https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

VIII. EVALUATION CRITERIA

The following criteria will be the basis on which consultants will be selected for further consideration (in no particular order):

- Team organization and structure - 10%;
- Project personnel qualifications, experience, knowledge, familiarity and past performance with the desired services, similar contract experiences with local governments -20%;
- Specialized experience of firm and related experience on similar projects within the last five years for other NC municipalities or the NCDOT -15%;
- Past work experience with the Town of Wendell; 15%
- Core Services experience; transportation planning and engineering services -30%; and
- Current workload and firm commitment to provide personnel resources and capacity. - 10%.

IX. GENERAL PROVISIONS

- A. SUBMITTAL OWNERSHIP/COSTS:** All responses, inquiries or correspondence relating to this Request for Qualifications will become property of the Town of Wendell when received. Drawings, tracings, specifications, reports, models, computer discs, renderings, copyrights, and all other documents to be prepared and furnished by the Consultant pursuant to specific projects undertaken by the successful proposer, are the sole property of the Town of Wendell, whether the project for which they are made is executed or not, and may be used by the Town of Wendell as they see fit. If such documents are used on another project or for another purpose by the Town of Wendell, the Consultant shall not be responsible for such use, and shall not received additional compensation. All costs for development of the written submittal and the oral presentation are entirely the obligation of the Consultant and shall not be remunerated in any manner by the Town of Wendell.
- B. NON-WARRANTY OF REQUEST FOR QUALIFICATIONS:** Due care and diligence has been used in preparing this RFQ. However, the Town shall not be responsible for any error or omission in this RFQ, nor for the failure on the part of the Consultants to ensure that they have all information necessary to affect their submittals.
- C. REQUEST FOR CLARIFICATION:** The Town of Wendell reserves the right to request clarification of information submitted and to request additional information of one or more Consultants, either orally or in writing.
- D. ACCEPTANCE/REJECTION OF SUBMITTALS:** The Town of Wendell reserves the right to accept or reject any or all submittals in whole or in part, with or without cause; to waive technicalities; or to accept submittals or portions thereof which, in the Town's judgment, best serve the interest of the Town.

The Town of Wendell reserves the right to allow alterations, modifications, or revisions to individual elements of the Scope of Services any time during the period of contracts which result from this RFQ.

- E. COLLUSION:** The Consultant, by submitting a Qualifications Statement, declares that the submission is made without any previous understating, agreement, or connections with any persons, Consultants, or corporations making a competing submission on the same project, and that it is in all respects fair and in good faith without any outside control, collusion, or fraud.
- F. CONSIDERATION OF SUBMITTALS:** Proposals will be considered from firms/consultants normally engaged in providing and performing services as specified in this RFQ. The firm must have adequate organization, facilities, equipment and personnel to ensure prompt and efficient service to the Town. The Town reserves the right to inspect the facilities and organization or to take any other action necessary to determine ability to perform in accordance with specifications, terms and conditions before recommending any award.
- G. AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE:** The Town of Wendell will comply with the Americans with Disabilities Act (ADA) which prohibits discrimination on the basis of a disability. The Town of Wendell will make reasonable accommodations in all programs to enable participation by an individual with a disability who meets essential eligibility requirements. Town of Wendell programs will be available in the most integrated setting for each individual. If any accommodations are necessary for participation in any program or services, participants are encouraged to notify Town staff.

All work shall comply with the Americans with Disability Act along with Chapter 11 of the 2009 NC Building Code and the 2003 edition of ICC/ANSI A117.1.

- H. MINORITY/WOMEN/SMALL BUSINESS ENTERPRISE:** It shall be the practice of the Town of Wendell Government to provide minority-owned, women-owned, and small business enterprises

(collectively “M/W/SBE”) as well as other responsible vendors with fair and reasonable opportunity to participate in Town of Wendell’s business opportunities including but not limited to employment, construction development projects, and material/services, consistent with the laws of the State of North Carolina. The policy of the Town of Wendell prohibits discrimination against any person or business in pursuit of these opportunities on the basis of race, color, national origin, religion, sex, age, disability, or veteran’s status. It is further the policy of the Town of Wendell to conduct its contracting and procurement programs so as to prevent such discrimination and to resolve any and all claims of such discrimination.

- I. INSURANCE AND INDEMNITY REQUIREMENTS:** To the extent permitted by law, the Consultant shall indemnify and save harmless the Town of Wendell, its agents and employees and assigns from and against all loss, cost damages, expense and liability caused by injury, sickness and disease to any person; or damage or destruction to property, real or personal; arising from the negligent acts, errors, or omissions of the Consultant in the performance of professional services provided to the Town.

The Consultant further agrees to purchase and maintain during the life of any contracts entered into with the Town the following insurance with an insurance company acceptable to the Town of Wendell and authorized to do business in the State of North Carolina:

Automobile: Bodily injury and property damage liability covering all owned, non-owned, and hired automobiles for limits of not less than \$1,000,000 each person/ \$1,000,000 each occurrence.

Comprehensive General Liability: Bodily injury and property damage liability insurance shall protect the Consultant from claim of bodily injury or property damage which arises from operations of this contract. The amounts of such insurance shall not be less than \$1,000,000 bodily injury and property damage liability each occurrence/aggregate. This insurance shall include coverage for product/completed operations and contractual liability assumed under the indemnity provision of this contract. The Town of Wendell shall be listed as an **“Additional Insured”**.

Consultant’s Professional Liability: In a limit of not less than \$1,000,000.

Workers’ Compensation and Occupational Disease Insurance:

Coverage A – Worker’s Compensation: Meeting the statutory requirements of the State of North Carolina.

Coverage B – Employer’s Liability: \$1,000,000 each accident / \$1,000,000 disease – each employee/\$1,000,000 disease – policy limits.

Certificates of such insurance with the Town of Wendell listed as **Certificate Holder** will be furnished to the Town of Wendell Finance Director and shall contain the provision that the Town of Wendell be given thirty (30) days written notice of any intent to amend or terminate by either the consultant or the insuring company.

Butch Kay, Finance Director

bkay@townofwendell.com

919. 365.3451

Town of Wendell

15 E. Fourth Street

Wendell, NC 27591

- J. METHOD OF PAYMENT:** The proposed method of payment for this contract is LUMP SUM. Payments will be made on a monthly basis for work completed during the month upon submission of an invoice, approval by the Town of Wendell, and accompanied by proper supporting documentation (project progress report). The selected firm must have an adequate accounting system to identify costs chargeable to

the project. Total project costs may not exceed the amount specified in the Master Agreement (unless subsequent amendment to the agreement are approved).

K. COMMUNICATION: Respondents are advised to refrain from contact with Selection Committee members. Any specific questions regarding the Request for Qualifications should be directed to David Bergmark, Planning Director, Town of Wendell Planning Department – phone: 919.366.1464 or email: dbergmark@townofwendell.com.

L. RESOURCES:

1. Town of Wendell Transportation Plan –
http://files.www.townofwendell.com/departments/planning/transportation/Wendell_Trans_Plan_Nor2016_Adopted.pdf
2. Town of Wendell Pedestrian Plan –
http://files.www.townofwendell.com/departments/planning/transportation/Wendell_Final_TownDOTapproved.pdf

M. ELECTRONIC FORMAT: The Consultant shall produce all Construction Drawings for projects in the latest version of AutoCAD. These drawings shall include accurate base drawings for the entire building / project area. Specification shall be produced in MS Word. Final illustrative drawings and reports (if required) should be produced by Adobe Acrobat Professional or equivalent with bookmarks of sections and hyperlinks from Table of Contents to corresponding sections. Upon completion of the project, three sets of disks containing electronic files of the reports and construction documents (drawings and specifications) shall be sent to the Town of Wendell Planning Department.

N. PERMITS: The Town of Wendell expects that the Consultant shall work with all of the various permitting agencies throughout the design process in order that code and permit related issues can be identified, resolved, and incorporated into the final contract drawings and specifications. The Town wishes to eliminate future construction change orders that may be necessitated as the result of the permitting process. The Consultant shall obtain all permits and/or resolve all permit requirements prior to completion of 100% Construction Documents.

O. COMPLIANCE: All work shall be in compliance with all local, state, and federal codes.

P. ALTERNATES: If required, the Consultant shall develop documents with add or deduct alternates, and shall clearly identify these alternates in all estimates of probable cost.

Q. DOCUMENT PRINTING: The Consultant shall deliver to the Planning Department prints of the contract drawings and specifications (quantity to be determined). At the request of the Project Manager, the Consultant shall deliver the original mylar drawings, sealed and signed by the Architect/Engineer of record, and the original specification package.

R. Required/ Requested Documentation: Selected firms will have 7 business days to return any requested/required documentation for the duration that this RFQ is valid. Failure to do so may result in the firm being disqualified as a vendor.

S. E-Verify: The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes. Further, if the Contractor utilizes a subcontractor, the Contractor shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.

T. Iran Divestment Act: The Contractor shall submit a form stating that their company is not on the Final Divestment List, in accordance with the Iran Divestment Act, before being awarded a contract. The Town is prohibited to contract with any company that is on the NC State Treasurer's Final Divestment List.

END OF REQUEST FOR QUALIFICATIONS

Date: July 22, 2019

Item # 7a

Item Title:

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

Specific Action Requested:

None

Attachments:

None

Date: July 22, 2019

Item # 8

Item Title:

Commissioners' Reports.

Specific Action Requested:

None

Attachments:

None

Date: July 22, 2019

Item # 9

Item Title:

Mayor's Report.

Specific Action Requested:

None

Attachments:

None

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