



Wendell Town Board of Commissioners

Board Room

15 E. Fourth Street, Wendell, NC 27591

Town Board Meeting Agenda

Monday, February 10, 2020 @ 7:00 PM

CALL TO ORDER

- Welcome by Mayor Virginia R. Gray
- Pledge of Allegiance by Lake Myra Elementary Student, Jordan Allen
- Invocation by Wendell Council of Churches: St Eugene Catholic Church, Bruce Tarnaski

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 January 13, 2020 Town Board Meeting Minutes
- 3b. Approval of the January 25, 2020 Town Board Organizational Retreat Minutes
- 3c. Approval of the January 27, 2020 Town Board Meeting Minutes
- 3d. Town of Wendell Interlocal Agreement with PEG Media Partners

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Recognition of Lake Myra Elementary School Teacher, Phillip Solano
Speaker: Mayor Virginia Gray

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:** for annexation petition A-19-06 for a 20.03-acre tract located off of Wendell Boulevard; PIN # 1774-66-5953
Speaker: Planning Director David Bergmark
- 5b. **PUBLIC HEARING:** for annexation petition A-19-07 for a 23-acre tract and a 9.31-acre tract located off of Marshburn Road; PIN # 1784-69-5299 and PIN # 1784-68-2669
Speaker: Planning Director David Bergmark
- 5c. **PUBLIC HEARING:** for a Zoning Text Amendment, Chapter 12 of the UDO as it relates the Town's Mural Agreement
Speaker: Planning Director David Bergmark
- 5d. **PUBLIC HEARING:** Rezoning for Furr Property Investments, LLC at 0 Marshburn Road for 23 acres
Speaker: Planning Director David Bergmark

- 5e. **PUBLIC HEARING:** Zoning Map Amendment request to rezone two parcels totaling .61 acres [.21 acres (PIN #1784-71-2467) located at 313 N. Pine Street and .4 acres (PIN #1784-71-1388) located at 230 N. Main Street] from Residential-2 (R2) to Downtown Mixed-Use (DMX).
Speaker: Planning Director David Bergmark
- 5f. **PUBLIC HEARING:** CD19-03 – Public Hearing on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.
Speaker: Planning Director David Bergmark
- 5g. **PUBLIC HEARING:** for annexation petition A-19-04 for a 12.28-acre tract located off Rolesville Road, PIN # 1765-85-2501; a 50.16-acre tract located off Davistown Road, PIN # 1765-96-2276; a 57.76-acre tract located on Davistown Road, PIN # 1765-85-6251; and a 32.21-acre tract located on Yancey Drive, PIN # 1775-04-2139
Speaker: Planning Director David Bergmark
- 5h. **EVIDENTIARY HEARING:** Special Use request by James A. Harrell, III on behalf of Wendell/Larue, LLC for a two-story, 84-unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive).
Speaker: Planning Director David Bergmark

6. ADMINISTRATIVE ITEMS

No Administrative Items Scheduled

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:



8. COMMISSIONERS' REPORTS / COMMENTS

9. MAYOR'S REPORTS / COMMENTS

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
JANUARY 13, 2020**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, January 13 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

PRESENT: Mayor Virginia Gray; Mayor Pro Tem John Boyette; Commissioners: Jon Lutz, Jason Joyner, Joe DeLoach, and Philip Tarnaski

ABSENT:

STAFF PRESENT: Town Manager Marc Collins, Town Clerk Megan Howard, Assistant to the Manager Stephanie Smith, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Public Works Director Brian Bray, Assistant Planning Director Bryan Coates, and Police Captain John Slaughter.

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

Police Captain John Slaughter led the Pledge of Allegiance.

Errol Briggerman of the Wendell Council of Churches provided the invocation and mentioned the following events at Wendell Baptist Church:

Saturday, January 18, 2020: Science Fair for grade-school children. 10 a.m. – 12 p.m.

Saturday, January 18, 2020: Red Cross Blood Drive 8:30 a.m. – 12:30 p.m.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

Mover: Commissioner Jon Lutz moved to approve the agenda.

Vote: 5-0

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

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- *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.*

No one spoke during public comment period. The following packet was given to the Town Clerk with copies for each member of the Town Board:

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MADAM GINA GRAY

To: WENDELL TOWN COMMISSIONERS

The attached photos were taken the latter part of December 2019. Shepards Park is a subdivision in Zebulon, and is being built by Starlight Homes. This property is located appx. ½ mile east of Southland Steak House, at the intersection of Old Bunn Road and Shephard School Road; (known as Old Hwy 64 going to Pilot).

Starlight Homes is proposing to the Town of Wendell to rezone from R40 to R04, 129 acres at the intersection of Davistown Road and Rolesville Road; and build 274 similar homes, plus 99 2-story Townhomes, on this 129 acres. These 99 Townhomes are 20 feet tall, and stretch 1,000 feet (over 3 football fields) along Rolesville Road, 3/10 of a mile from East Wake High School. In the middle of these 99 townhomes is "AVENUE A", one of only 2 entrances/exits to the entire 129 acre property. This entrance/exit enters Rolesville Road, directly across from existing Puryear Road.

For comparison purposes, the last photo was taken in the Pepper Point Subdivision, in Wendell.

This package was prepared by, and given to you by residents, homeowners, and property owners in the immediate area of Davistown and Rolesville Roads.

A dark blue rectangular advertisement with white and yellow text. At the top, 'STARLIGHT' is written in large white capital letters, with 'HOMES' in smaller white capital letters below it. A thin white horizontal line separates this from 'SHEPARDS PARK', which is written in large white capital letters. Another thin white horizontal line follows. Below that, the text 'Homes from the Low \$200's \$0 Down' is written in yellow, with '\$0 Down' on a new line. A third thin white horizontal line follows. At the bottom, the phone number '919.367.1140' is written in large white capital letters, and the website 'STARLIGHTHOMES.COM' is written in smaller white capital letters below it. There are faint star graphics on the left and right sides of the bottom section.

STARLIGHT
HOMES

SHEPARDS PARK

Homes from the
Low \$200's
\$0 Down

919.367.1140
STARLIGHTHOMES.COM

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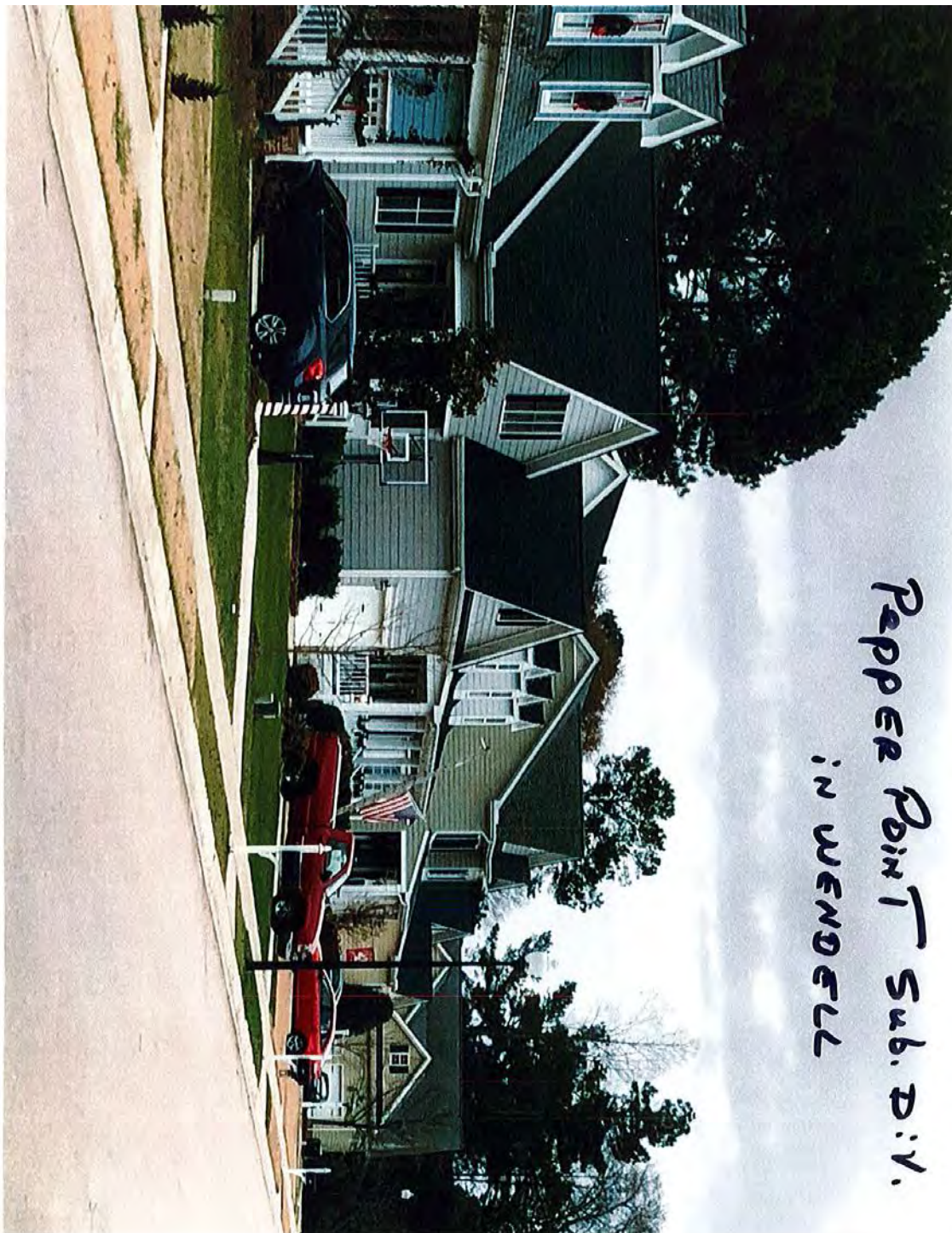
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ACTION

Mover: Mayor Pro Tem John Boyette moved to approve the Consent Agenda as presented.

Vote: 5-0

- 3a. Certification of Sufficiency and setting public hearing date for non-contiguous annexation petition A-19-04 for 151.81 acres of property located at:
4501 Rolesville Road (12.28 acres) and identified by PIN Number 1765-85-2501; 0 Davistown Road (50.16 acres) and identified by PIN Number 1765-96-2276; 1401 Davistown Road (57.16 acres) and identified by PIN Number 1765-85-6251; and 6021 Yancey Drive (32.21 acres) and identified by PIN Number 1775-04-2139.
- 3b. Certification of Sufficiency and setting Public Hearing Date for non-contiguous annexation petition A-19-06 for 20.03 acres of property located at 1500 Wendell Boulevard and identified by PIN Number 1774-66-5953.
- 3c. Certification of Sufficiency and setting Public Hearing Date for non-contiguous annexation petition A-19-07 for 32.31 acres of property located at:
0 Marshburn Road addressed as 0 Marshburn Road (23 acres) and identified by PIN Number 1784-69-5299; 1408 Marshburn Road (9.31 acres) and identified by PIN Number 1784-68-2669.
- 3d. Adoption of the Minutes from the November 25, 2019 Town Board Meeting.
- 3e. Adoption of the Minutes from the December 9, 2019 Town Board Meeting.
- 3f. Wake County Tax Report: December 2, 2019.
- 3g. Amendment to the Board of Commissioners Meeting Schedule to add Organizational and Budget Retreat (R-04-2020)
- 3h. Approval of Resolution directing the clerk to investigate a contiguous annexation for 7.45 acres located within the parcel addressed as 1425 S. Hollybrook Rd and identified by PIN Number 1793-03-4587.

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Wendell Neighborhood Improvement Program Application to Wake County for CBDG Funding

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Speaker: Assistant to the Manager Stephanie Smith

Assistant to the Manager Stephanie Smith presented the following staff report, below in italics:

Item Summary:

Staff has been working on developing a Neighborhood Improvement Program, which seeks to create healthy, safe, walkable neighborhoods through investments that will enhance infrastructure, preserve affordability, and increase accessibility for all residents. This program implements several Strategic Plan goals, including:

Goal 1 Downtown, Vibrancy, Economic Growth, and Community Character

- *Identify opportunities for infill housing and commercial development in Downtown and establish a program to promote the potential development or redevelopment projects. (Top Priority Initiative)*

Goal 2 Public Safety and Neighborhood Improvement

- *Seek opportunities and programs to improve traffic and pedestrian safety near school sites. (High Priority Initiative)*
- *Conduct a comparative analysis of community improvement programs to seek a neighborhood driven solution for engagement, housing repair, and aesthetic improvement.*
- *Develop a pilot project for a “neighborhood clean-up day” to connect citizens in-need to resources for home and yard improvements, encourage voluntary efforts, and improve public spaces for a targeted geographic area.*
- *Evaluate housing stock and identify opportunities to encourage a diversity of housing types, promote infill development, and provide for connectivity, beautification, and park improvements.*

Goal 3 Infrastructure, Transportation, and the Environment

- *Establish a sidewalk maintenance program to implement the Pedestrian Plan.*
- *Identify needed stormwater projects and maintenance of existing infrastructure.*

Goal 4 Parks, Recreation, Special Events and Culture

- *Implementation of the Parks & Recreation Master Plan.*

The Neighborhood Improvement Program divides the community into four quadrants, based on US Census Block Groups, and focuses efforts on one quadrant each fiscal year, based on that area’s greatest needs. The determination of need is mostly data driven, using information such as citizen surveys, infrastructure analysis, home values and age. For fiscal year 2021, staff is focusing efforts on Zone 1 (see map attached).

The two major priorities of the identified project are housing rehabilitation and infrastructure improvements. The recommended infrastructure projects have been identified by Town staff as

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having the highest priority in order to complete pedestrian networks, repair failing infrastructure, and protect public safety. As a result, the Town is planning for \$257,000 in the CIP for fiscal year 2021 to address road and sidewalk improvements on Academy, Todd, Cook and Wall Streets, drainage improvements on Short Street and ADA sidewalk improvements at the Wall Street/Todd Street intersection.

To supplement the infrastructure improvements the Town has budgeted, staff has submitted a Letter of Intent to Wake County to receive funding through their redesigned Community Development Block Grant (CDBG) program. To address the infrastructure needs of the target area, the Town of Wendell is requesting Wake County to provide funding assistance in the amount of \$886,040 for needed improvements. This includes road, sidewalk and ADA improvements on Academy, Todd, Cook and Wall Streets.

Upon full project completion, a substantial portion of area residents would be able to safely and conveniently navigate to the Wendell Blvd/Wendell Falls Parkway intersection, for secure crossing at a signalized intersection to the broader Wendell Blvd pedestrian network.

To address the housing rehabilitation needs the Town of Wendell will partner with Wake County Department of Housing Affordability and Community Revitalization, Wendell Council of Churches, and other local and regional non-profits to preserve the aging housing stock and provide cleanup in the area. This will include major home repair, minor home repair, lead hazard reduction and abatement, health and safety repairs, related home repair activities and neighborhood cleanup initiatives. Housing rehabilitation work will only be performed for those that qualify as LMI based on the HUD-CDBG income requirements.

The Town of Wendell has the following goals related to housing rehabilitation within the targeted area;

- ✓ Housing rehabilitation (major, minor and health and safety repairs) of 20 homes*
- ✓ Painting and/or power washing of 10 homes*
- ✓ Weatherization/Energy Efficiency type improvements of 6 homes*
- ✓ Neighborhood cleanup efforts in a substantial area of the targeted zone*

Timeline & Next Steps

Wake County expects to announce funding awards in early March, with funds available on July 1, 2020. From here, staff will continue to develop the Neighborhood Improvement Program to include a work plan based on Strategic Plan goals and a webpage on the Town's website to promote progress and provide program updates to the community.

Stephanie offered to answer any questions that the Board might have.

Mayor Gray said that she was very excited about this and looks forward to the

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improvements.

- 4b. Town of Wendell Economic Development Strategic Plan 2025
Speaker: Assistant Planning Director Bryan Coates

Assistant Planning Director Bryan Coates presented the following staff report, below in italics:

Item Summary:

This economic development strategic plan will serve as a framework for the Town's economic development effort. The plan seeks to adapt to trends in economic development, resilient to changes in economic conditions and a creates a foundation to ensure a sustainable and long-term growth that enriches Wendell's economic and tax base.

The economic development strategic plan contains the following four strategic goals;

- 1) Support existing businesses & industries*
 - Build strong relationships with businesses through the business retention and expansion program visits.*
 - Enhance industry clusters.*
 - Continue to develop and refine business events for the community.*
 - Create a resource for small business entrepreneurs.*
- 2) Enhance recruitment of identified industries*
 - Work to grow and locate companies in Wendell to create jobs.*
 - Continue developing and maintaining relationships with businesses, site selectors, brokers, developers, and land owners.*
 - Enhance our online presence.*
- 3) Workforce development initiatives*
 - Develop stronger relationships with educational institutions that serve Wendell's workforce.*
 - Partner with NC Works and Capital Area Workforce Development to encourage utilization of programs and incentives.*
 - Work to make Wendell more desirable and well-known to the greater community and state.*
- 4) Create a vibrant downtown connected to all neighborhoods*
 - Develop a framework for a sustainable, non-profit, tax exempt downtown development organization.*
 - Create visual and physical connections between downtown and all neighborhoods.*
 - Develop gathering spaces/activities/events throughout town where all people from all neighborhoods feel welcome.*

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- *Increase Downtown retail and dining options.*
- *Infill Downtown development.*

Each strategic goal contains a framework on how to implement the identified goals. The Town of Wendell needs to partner with other agencies, universities, businesses and residents to implement the identified goals and programs.

This Plan will be reviewed every two years to accommodate successes, identify new goals, as well review existing priorities.

The Town's economic development commission recommended approval of the Town of Wendell 2025 Economic Development Strategic Plan at its December 18, 2019 meeting.

No action is requested at this meeting as the item will be included on the January 27, 2020 meeting agenda for adoption.

Bryan offered to answer any questions that the Board might have.

No questions were asked by the Board.

- 4c. Triangle J Council of Government (TJCOG) FY20 Brownfields Assessment Coalition Grant
Speaker: TJCOG Engagement Specialist Alana Keegan

TJCOG Engagement Specialist Alana Keegan presented the following:

Item Summary:

The Triangle J Regional Brownfields Coalition is a collaborative and ongoing effort between TJCOG, the coalition lead, and the towns of Fuquay-Varina, Selma, and Wendell. The Towns in the coalition view brownfields redevelopment a critical piece of revitalization and preservation strategy to create walkable vibrant downtowns, mitigate contamination, reduce sprawl, preserve green space, and bring well-paying jobs to residents.

The grant application focuses on three target areas within each communities' downtown areas. These areas are critical to revitalize the communities into burgeoning small-town centers. If awarded the grant would provide for community engagement and education, phase I and II environmental assessments and redevelopment site planning on the sites identified within the application.

In addition to brownfields funding, the coalition will work to secure funding from other sources and public entities to maximize the potential of target sites. Local funds will be foundational; the coalition will pursue Historic Tax Credits eligible for all target areas to preserve the character of the downtowns, leverage internal planning and staffing support, and utilize strategic support from Preservation NC and the NC Main Street Program. The coalition will also pursue monetary support from the NC Brownfields Program to coordinate redevelopment efforts and secure liability

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insurance for developers. After receiving brownfields funding and entering site planning stages, the coalition will apply for additional funding to incentivize and secure investment from companies. Funding through the U.S Economic Development Administration and TJCOG's Economic Development District will be leveraged for infrastructure needs - EDA funds rarely reward assessment or planning activities. Wake County's Community Block and Development Grant (CBDG) funding is only available for projects that incorporate affordable housing. The brownfields grant will allow the communities to conduct remediation and infrastructure-specific activities and identify ideal sites for housing opportunities that can ultimately qualify for and access CBDG funds. Wake County Equitable Economic Development project offers additional incentives and funding to businesses that invest in highly vulnerable census tracts – both Fuquay-Varina and Wendell's sites are designated highly vulnerable. Additional funding will include the NCDOT Rail Industrial Access Program to improve railroad tracks near target sites and Golden LEAF Infrastructure Grants intended to assist with economic recovery for historic tobacco communities.

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Brownfields are abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by real or perceived environmental contamination. Brownfields are often assumed to be blighted, abandoned properties, however they can also be commercial buildings with little or no contamination such as former service stations or warehouses.

Do I own a brownfield? Ask yourself: Is my land idle, vacant, or less productive than it ought to be? Are concerns about environmental contamination contributing to this problem? If you answered yes, you might.

WHAT IS THE PURPOSE OF THE REGIONAL CONSORTIUM?

The Triangle J Council of Governments Regional Brownfields Consortium provides assistance to local governments looking to improve redevelopment efforts in their community, grow "smart", and identify their local economic development strategy, relative to the region. Working directly with **Fuquay-Varina** and three other communities, Triangle J Council of Governments is applying to the U.S EPA Brownfields grant program for \$300,000 of funding to assess and prepare potential brownfields sites for their highest and best use.

WHAT DO I NEED TO KNOW?

- Your property was identified as a **priority site** through analysis of its current use, the current value of the property, and the potential value of the property.
- As a priority site, your property could (with your approval) be included in the grant application.
- If funding is awarded, your site would be included in assessments for identification and remediation of contamination, but also in planning activities such as market or infrastructure studies that can attract developers.

HOW CAN I BENEFIT FROM A BROWNFIELDS GRANT?

A successful brownfields grant can help you

- avoid potential environmental enforcement actions
- receive tax benefits for cleaning up and reusing the property
- realize an enhanced return from the property making it more valuable and marketable
- connect with and assure developers that the property is prepared for its next use
- reduce the potential liabilities from contamination on the property and its impact nearby the site.



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Regional Brownfields Consortium *Town of Wendell*



About TJCOG



- Originally created as the Research Triangle Planning Commission
- Formally become Triangle J Council of Governments in 1968 by the Intergovernmental Cooperation Act calling for closer cooperation between federal, state and local programs.
- Serves 43 local governments in Chatham, Durham, Johnston, Lee, Moore, Orange, and Wake counties.
- Acts as an extension of local governments. As member needs change, TJCOG services change and adapt.
- 2019-2020 Organizational Priorities:
 - Aging & Human Services
 - Economic Development
 - Housing
 - Resilience
 - Services to our Members
 - Transportation
 - Water



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A Regional Look



Housing



197,004 (28%) households in the region are housing cost-burdened.

This means they pay 30% or more of their gross monthly income for housing.



The median sales price in the region is \$259,600.

Prices have increased 33.5% since January 2015.



69% of households in the region are 1-2 person households.

Only 1/3 of housing units are 1- and 2- bedroom units.



A flooding event in the region has the potential to make **30,000 properties in Durham, Orange, and Wake counties** inaccessible to residents or emergency vehicles.



Hurricane Florence had a \$17B impact on NC, with \$8.8B not covered by federal/state funds or insurance.

Our region had \$3M in public assistance claims and \$3M in individual assistance claims.



Water and wastewater infrastructure needs in NC are estimated to be \$17B-\$26B over the next 20 years.

Only 7% of these needs can be met by existing state/federal grants.

Resilience



191,000 vehicles travel the roadway segment on I-40, just west of I-540, every day.

This is the highest volume link in our region, straddling the Durham/Wake County line.



Almost 24 million transit trips were taken in 2017, on 12 different transit agencies.

These ranged from small rural to major urban systems.



Of the 900,000 workers in the region, 2% walk, 2% take public transit and 7% work from home.

The median commute travel time is 24.5 minutes, an increase of 2 minutes since 2010.



The average household income in 2015 for a person born to a low-income family in the region was \$27,000.

An individual born to a high-income family had an average household income of \$51,000.



16% of people in the region have a household income below the poverty level.

79% of children under the age of 18 are below the poverty level.



\$15,320 individuals in the region's labor force do not have any health insurance coverage (public or private).

This is 14.9% of the total labor force with no coverage.

Transportation

Economic Mobility

@TJCOGnc

Regional Brownfields Consortium



Towns of Fuquay-Varina, Selma, Wake Forest, and Wendell

1. Help consortium member governments **identify potential brownfields sites**.
2. Teach pre-development strategies to government staff to help **prepare sites for development**.
3. Increase **awareness and understanding** of brownfields redevelopment and its benefit.
4. Make **stronger connections** between developers and local governments.
5. Submit applications on behalf of member governments to the EPA Brownfields Program for **additional funding**.

@TJCOGnc

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What in the World is a *Brownfield*?



Brownfields – Quick Definition & Overview



Abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by **real or perceived** environmental contamination. *Brownfields are often assumed to be blighted, abandoned properties, however they can also be underutilized commercial buildings with little or no contamination such as former service stations or warehouses.*

Brownfields redevelopment and federal grant programs

- reduce liability for current and future owners regarding the site and nearby properties,
- assist with planning activities (vision for site, reuse for site, market appetite),
- and make the property more marketable.



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Brownfields Redevelopment – Community Benefits



- ✓ **Focused Development** - brownfields are often located in dense or developed areas (downtowns, industrial parks, neighborhoods) identified as community priorities.
- ✓ **Smart Growth & Reduced Sprawl** - a focus on brownfields sites can move development away from open space and undeveloped areas and encourage compact cores.
- ✓ **Revenue Potential** - Due to their location, redeveloped brownfields sites have tremendous tax revenue potential. *An EPA study found between \$29 to \$97 million in additional tax revenue each year after clean-up.*
- ✓ **Resident Benefit(s)** - Studies have found that clean-up of brownfield properties led to residential property value increases of between 5% and 15% within 1.3 miles of the site.
- ✓ **Economic Stimulus** - On average, 9 new jobs per \$100,000 of EPA Brownfields Funding.

@TJCOGnc

Consortium Work 2019-2020



- Data analysis of underutilized or (suspected) contaminated properties.
- Identification of sites & property owner support.
- Promotion of identified sites.
- Greater connection & education for local developers.
- Ongoing and annual grant process to receive funding – always room to improve! Building off successful regional grants received by the Piedmont-Triad COG.
- Administration and coordination of grant funds ** if received **

@TJCOGnc

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EPA Brownfields Coalition Grant

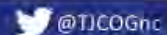


Grant Funding & Community Allocation

- \$600,000 of funds requested
- 3 sites per community (a total of 9 sites)

Grant Activities

- Administration and oversight
- Community engagement and education (visioning, overview on priority sites, materials)
- Environmental assessments to determine if contamination exists on the sites
- Redevelopment planning
 - Site reuse assessment
 - Market study
 - Site reuse vision document
- Prepare sites for clean-up (additional funding available for these efforts)



EPA Brownfields Grant – The Story



- ❑ **Changing communities**, from agricultural hubs to growing bedroom communities and suburban meccas.
- ❑ **Dramatic population growth in municipalities** (*Wake County's growth is 80% municipal*) causing greater need for services, improved quality of life, and management of growth (congestion, long commutes, economic mobility challenges).
- ❑ **Disproportionate residential vs. commercial growth** means little tax revenue to manage and offer such services.
- ❑ **Smart growth and infill development** to address **blight and preserve historic buildings**, increase opportunity near residents, and increase connectivity.



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How Sites Were Selected for the Grant



- **Infill development**
- **Factors:**
 - **Land use** (*vacancy, zoning, proximity to existing infrastructure*)
 - **Community revitalization** (*previously developed areas, underutilization or blight, community-identified focus area*)
 - **Economic development** (*opportunity zones, potential for job creation or tax revenue generation*)
 - **Property owner support**

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Wendell Sites – Downtown Core



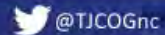
		
18 West Third Street <i>.77 acres</i> <i>Commercial & Underutilized</i>	235 Cook Street <i>1.49 acres</i> <i>Commercial</i>	East Fourth Street <i>2 acres</i> <i>Vacant & Underutilized</i>

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Questions?



Alana offered to answer any questions that the Board might have.

No questions were asked by the Board.

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*
-

There are no Public Hearings scheduled for this meeting.

6. ADMINISTRATIVE ITEMS

**TOWN OF WENDELL
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- 6a. Request to Establish a Deadline for the Receipt of Citizen Advisory Board Applications and Appointment of EDC non-officio member Peedie Edwards.
Speaker: Town Clerk Megan Howard

Town Clerk Megan Howard presented the following staff report, below in italics:

Item Summary:

The Town of Wendell has six citizen advisory boards with several vacancies available for new members this year. A list of vacancies and the associated term limits are as follows:

Appearance Commission: 1 in-town vacancy with the term expiring June 30, 2022

Economic Development Committee: 1 ex-officio, non-voting vacancy which has been nominated by the Wendell Chamber of Commerce as Wendell Business owner Aubrey “Peedie” Edwards to be appointed by the Board of Commissioners, with the term expiring June 30, 2021.

Parks and Recreation Commission: 1 in-town vacancy with the term expiring June 30, 2020.

Planning Board: 1 in-town vacancy with the term expiring June 30, 2021.

Tree Board: 3 vacancies with 2 terms expiring June 30, 2022, and one term expiring June 30, 2021.

Once a deadline is set for application submission, the Town Clerk will begin marketing the available positions through the Town’s website, social media, newsletter, and print communications tools. Citizens may visit the Town’s website – www.townofwendell.com – for an overview of what each citizen advisory board does for the Town of Wendell and an application. Applications may be returned to Town Hall, 15 E Fourth Street, Wendell, Attention Town Clerk Megan Howard or remitted via email to mhoward@townofwendell.com

Megan offered to answer any questions the Board might have.

Mayor Gray said that in the past there was a timeline of days that the Board started accepting applications, when the deadline for applications was, and then votes were made. Mayor Gray asked if the Board could do it the same way that it’s been done in previous years.

Mayor Pro Tem John Boyette said that it was sometime in April when recruitment began.

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Mayor Gray advised Town Clerk Howard to look at what's been done in the past and to go by that process with applications being due in April and the Town Board voting on appointments in May with the terms beginning in June.

Commissioner Jason Joyner said that the new vacancy on the Planning Board should be filled before June in order to meet quorum requirements for redevelopment voting.

Commissioner Jon Lutz asked if the Town has received any applications for vacancies since last June.

Town Clerk Megan Howard responded that no new applications have been received.

Mayor Gray asked how many open spaces are available on the Planning Board.

Ms. Howard said there is currently one in-town vacancy with the term ending June 30, 2021. She said that in June of this year, three other terms would become open: two in-town and one ETJ.

Mayor Pro Tem John Boyette asked how many members were on the Planning Board

Commissioner Joe DeLoach said that it's a 9-member Board.

Mr. Boyette said that it's the largest Citizen Advisory Board that the Town has and that he's concerned about it being an even number for voting purposes.

Mr. Lutz asked that, in limiting town staff time and resources, what goes into advertising and what is the cost to the Town and inquired as to timing.

Ms. Howard said it doesn't cost the Town anything, as she creates graphics in-house. She said that East Wake TV can do a video as a part of the PEG agreement. The video that Ms. Howard made last year can be used at no cost. Ms. Howard said she can also write a news release to be emailed out to publications at no cost to the Town and see if they would like to publish it as a story. She said she can also push print advertisements to be dropped off at local businesses and post the advertisement on the Eboard, as well.

Commissioner Joe DeLoach said that he would recommend what Mayor Pro Tem John Boyette said about there being an even number. As a previous member, Mr. DeLoach said that there's a lot coming through the Planning Board. He said he'd prefer filling the one spot on the Planning Board now and filling the others along the regular timeline.

Mayor Gray asked what the rest of the Board thought about Mr. DeLoach's recommendation.

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Mr. Lutz said he agreed with Mr. DeLoach's recommendation and asked if the deadline could be set for the middle of February for the open position on the Planning Board, with the Town Board to vote on the open position at its regular meeting on February 24, 2020.

Mr. Boyette asked how long the terms were for with the 3 upcoming availabilities in June.

Ms. Howard said the in-town terms were for three years. The ETJ terms last for two years.

Mr. Boyette said that the spot that is currently available on the Planning Board is only for one year, with the term expiring on June 30, 2021.

<p>ACTION:</p> <p>Vote:</p>	<p>Ballots were passed out to the 5 commissioners to nominate Peedie Edwards to the Economic Development Committee.</p> <p>5-0</p>
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- 6b. Town of Wendell Logo Licensing Agreement
Speaker: Assistant to the Manager Stephanie Smith

Assistant to the Manager Stephanie Smith presented the following staff report, below in italics:

Item Summary:

Staff requests the approval of the Town of Wendell Logo Licensing Agreement to permit the use of the Town of Wendell logo on items for sale by Third Party Vendors. This agreement is created as a supplement to the Logo Use Policy, approved in October 2019. In the Logo Licensing Agreement, the Town grants Third Party Vendors a non-exclusive, non-transferable license to use the Trademark and Work in connection with the customization of apparel and accessories throughout the United States and abroad. The Third Party Vendor shall make no other use of the Trademark or Work. The Third Party Vendor also acknowledges that the Town is the sole and exclusive owner of the Trademark and Work. The Town must approve the format in which the Trademark and Work is used. Each agreement will last for one year, with the option to extend additional one year terms.

In return for the use of the Trademark and Work, the Town will collect fifteen percent of proceeds for each item of apparel and accessory sold to the public. This will be done by the Third Party Vendor adding an additional fifteen percent to the base price for each item. Payment will be collected by the Town quarterly. The Agreement also includes a provision to terminate the agreement, if the Third Party Vendor is found to misuse the Trademark and Work.

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Stephanie offered to answer any questions that the Board might have.

Commissioner Philip Tarnaski asked why the Town was charging 15%.

Ms. Smith said that the expectation would be that if somebody was to use the Town's logo, since it is trademarked, the Town would collect a fee as the logo is a result of the Town's work. She said that it is comparable to what other municipalities are doing for third party vendors who are using their logo.

Mr. Tarnaski asked if the Board could waive that if they wanted to, as it helps get Wendell's name out.

Ms. Smith said that there's currently not a provision to waive the agreement. This would be a process for approval for any third-party vendor. The agreement is in response to discussion at the logo use policy meeting recognizing that third-party vendors may desire to use the logo and since the logo mark is owned by the Town, the discussion was that the Town should benefit by a nominal fee for that use.

Commissioner Jon Lutz asked if this applies only to people who are using the logo to sell goods or for other purposes.

Ms. Smith said that it applies to when people are using the logo to sell goods. People who are using the logo in general and wouldn't be profiting from that would go through the traditional logo use policy, which does not include a fee.

Mayor Gray asked how the Town was going to enforce this agreement.

Ms. Smith said that this is somewhat of an honors system and the Town would ask the vendor that is selling items with the logo and making a profit to contact Town staff to execute the agreement process.

Town Manager Marc Collins said that when people sell items, they have to report their sales to the state as sales tax, which is also an honor system. He said that this is no different of a process.

Mayor Gray said that she understands where this came about and where it's going. She said she agrees with the agreement when it comes to large use of the logo. She said in other instances she thinks it puts the Town dangerously close to nickel and diming, in her opinion.

Commissioner Tarnaski said that perhaps the Town should set a max amount of profit for enforcing the agreement.

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Commissioner Jason Joyner said that for him it's not about the revenue. He said that in paying the revenue to the Town is an acknowledgement on their part that the logo is something of value that the Town has a trademark on. Mr. Joyner said that he thinks it's more about protecting the image and how the intake is done will be important. He said he does understand the enforcement concern.

Mayor Gray said there's a benefit to people doing some things. She said the Town provides municipal services and will not be creating things with a logo on them. She said that she feels that other people making items with the logo is a service to the Town.

ACTION

Mover: Mayor Pro Tem John Boyette moved to approve the Town of Wendell Logo Licensing Agreement.

Vote: 4-1

- 6c. Town of Wendell Downtown Mural Agreement
Speaker: Assistant to the Manager Stephanie Smith

Assistant to the Manager Stephanie Smith presented the following staff report, below in italics:

Request approval for the Town of Wendell Downtown Mural Agreement. With the support of the Appearance Commission, staff has selected Matthew Wiley Murals, Inc. to provide a mural located on the side of the Perry building, along East Campen Street. Matthew Willey will create an original, one-of-a-kind, hand-painted mural featuring honey bees and other pollinators on the wall of the Perry building in Wendell, NC. Design will begin upon acceptance of the agreement. This piece will forever be considered a part of the 50,000 bees that Matthew is creating as a part of his global project titled The Good of the Hive. Once the mural is completed, the Town of Wendell NC will have a presence on TheGoodoftheHive.com describing the project.

Utilizing with an internationally-known muralist will bring regional and national attention to downtown Wendell, reinforcing the Board's Strategic Plan Goal 1: Downtown Vibrancy, Economic Growth, and Community Character. The mural will be scheduled to begin next summer, once the work on the downtown parking/event space project is substantially complete on E Campen Street.

Item Summary:

Staff requests the approval of the Town Manager to negotiate and sign the Town of Wendell Downtown Mural Agreement.

Stephanie offered to answer any questions that the Board might have.

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ACTION

Mover: Mayor Pro Tem John Boyette moved to direct the Town manager to negotiate and sign the Town of Wendell Downtown Mural Agreement.

Vote: 5-0

- 6d. Fee in Lieu Request for 103 feet of Roadway Improvements on Wendell Boulevard (Charthouse Self-Storage Lot).
Speaker: Planning Director David Bergmark

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

Item Summary:

In July of 2018, Construction plans were approved for the Wendell Builders Supply business at 2505 Wendell Boulevard. One site improvement required by the Department of Transportation (DOT) as part of this development included the addition of dedicated left turn lane and a wider shoulder to assist with right turning movements on Wendell Boulevard. Since this site contained an existing business in operation, a bond was provided to DOT to guarantee the roadway improvements. This work has not been completed to date, but the bond is still in effect. No additional Certificates of Occupancy will be issued along Chighthouse Drive until these improvements have been constructed.

Following the Wendell Builders Supply site approval, a Conditional District Master Plan revision was approved by the Town Board to permit a Self-Storage facility to locate on the opposite corner from Wendell Builder's supply, addressed as 709 Chighthouse Drive. The development of this site would require separate roadway improvements according to Wendell's Unified Development Ordinance, along the site's frontage.

The applicant's fee in lieu request does not impact the DOT required improvement, but rather represents the difference between the widening already scheduled to occur and the additional widening/improvements which Wendell's regulations would require along 103 feet of Wendell Blvd.

Wendell's cross-section would call for a bike lane and curb and gutter, in addition to the minor widening already required by DOT. Since the original improvements are not yet in place, and the length of improvements is so short (103 feet), the applicant is requesting to pay a fee in lieu of these additional improvements in the amount of \$17,520.

If approved, the fee in lieu of roadway improvements would be due prior to staff signing the Final Development Plan for the self-storage facility.

Staff Recommendation:

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The fee in lieu request and estimate have been reviewed by the Town engineer for accuracy and completeness. Currently there is no curb and gutter, storm drains, or bike lanes along this section of Wendell Boulevard. Right-of-way has already been dedicated based on the Town's ultimate cross-section. The applicant would still be installing sidewalk along Wendell Boulevard as part of his project.

Based on the limited length of improvement and the additional complications resulting from coordinating the Town's required improvements for the self-storage facility with DOT's requirements related to Wendell Builders Supply, staff recommends approval of a fee-in-lieu request. Approval of the request would permit these funds to be used by the Town to support roadway improvements in higher priority areas of Town as part of a larger, complete project.

Mr. Bergmark offered to answer any questions that the Board might have.

Commissioner Jon Lutz asked if the curb and gutter will still be installed, since the bike lane is being removed.

Mr. Bergmark said that there would not be a curb and gutter. He said that they're asking to pay in lieu of installing curb/gutter and the extra width that would have been associated with the bike lane. There is some additional width already there, and it would be a piece within that five feet of width.

Mr. Lutz asked if the sidewalk would still be there.

Mr. Bergmark confirmed that it would be.

Mayor Pro Tem John Boyette said that he's usually not a fan of fee in lieu items, but in this case he is in favor of it.

ACTION

Mover: Mayor Pro Tem John Boyette moved to approve the Fee-in-lieu request for 103 ft of roadway improvements on Wendell Boulevard (Charthouse Self-Storage Lot).

Vote: 5-0

6e. Adoption of the Wake County Multi-Jurisdictional Hazard Mitigation Plan
Speaker: Planning Director David Bergmark

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

Item Summary:

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In an effort to reduce the nation's mounting natural disaster losses, the U.S. Congress passed the Disaster Mitigation Act of 2000 (DMA 2000), which requires state and local governments to develop hazard mitigation plans as a condition for federal mitigation grant assistance. These funds are administered by the Federal Emergency Management Agency (FEMA) under the Department of Homeland Security, and include:

- *the Hazard Mitigation Grant Program (HMGP),*
- *the Pre-Disaster Mitigation Program (PDM), and*
- *the Flood Mitigation Assistance Program (FMA).*

DMA 2000 also requires that jurisdictions update their hazard mitigation plans every five years. If the approved hazard mitigation plan expires and a new one is not adopted, that jurisdiction is not able to pursue federal funding for which a current hazard mitigation plan is a prerequisite.

In 2014, Wake County and most of the municipalities within the County joined together to develop the first Wake County Multi-Jurisdictional Hazard Mitigation Plan. Previously, each jurisdiction had developed its own, individual Hazard Mitigation Plan. The 2014 Multi-Jurisdictional Hazard Mitigation Plan will expire in January 2020. In order to remain compliant with federal regulations, the Wood Company was contracted by the North Carolina Division of Emergency Management to complete the 2020 – 2025 Wake County Multi-Jurisdictional Hazard Mitigation Plan.

The general purpose of the plan is to protect life and property by reducing the potential for future damages and economic losses that result from natural hazards, allow the participating communities to qualify for pre and post-disaster grant funding, facilitate recovery and redevelopment following disaster events, demonstrate a firm local commitment to hazard mitigation principles, and comply with state and federal requirements for disaster recovery and mitigation funding.

The 2020 - 2025 Wake County Multi-Jurisdictional Hazard Mitigation Plan includes an Action Plan for each jurisdiction. The Town of Wendell's Plan is listed in Annex L, which is included in the Wake County Multi-Jurisdictional Hazard Mitigation Plan Complete Review Draft (link below) starting on page 455. The Action Plan includes action items that reduce the Town of Wendell's vulnerability to the effects of natural hazards. The Action Plan is the core of the Hazard Mitigation Plan and includes an outline of mitigation actions by each department, priority, and target date of completion. The Plan recommends an annual report outlining progress on Mitigation Action Implementation. The annual report ensures that goals and objectives continue to address current and expected conditions. The link to the Complete Draft of the Wake County Multi-Jurisdictional Hazard Mitigation Plan is below:

http://www.wakecountyhmp.com/assets/pdf/documents/Draft_Documents/Wake%20County%20Complete%20Review%20Draft_Revised.pdf

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Wendell's current Hazard Mitigation Plan is set to expire on January 28th, 2020. Adoption of the updated plan will keep Wendell compliant with North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Planning Board Recommendation:

At their December 16, 2019 meeting, the Planning Board voted 8-0 in favor of adopting the Wake County Multi-Jurisdictional Hazard Mitigation Plan.

Voting in Favor: Victoria Curtis, Ryan Zakany, Allen Swaim, Jimmena Huffman-Hall, Jonathan Olson, Michael Firstbrook, Levin Jones and Brett Hennington.

Voting Against: None

Absent: None

Staff Recommendation:

Staff recommends approval and adoption of the 2020 - 2025 Wake County Multi-Jurisdictional Hazard Mitigation Plan.

David offered to answer any questions that the Board might have.

ACTION

Mover: Commissioner Jon Lutz moved to approve the Wake County Multi-Jurisdictional Hazard Mitigation Plan.

Vote: 5-0

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:
No committee meetings were held.

8. COMMISSIONERS' REPORTS / COMMENTS

- Commissioner Jason Joyner thanked town staff for all their work on all of the items on the agenda that involve the Town's strategic initiatives. He also said that Wendell Methodist Church is going to have a pancake dinner that Commissioner Lutz or DeLoach will have the details for.
- Mayor Pro Tem John Boyette said go Tigers.
- Commissioner Tarnaski wished everyone a Happy New Year and said that he's happy to be a part of the 2020 vision for Wendell.

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- Commissioner Jon Lutz said the Pancake Dinner at Wendell Methodist Church is on January 30th with all proceeds going to missions work. The event is all you can eat and will take place from 5 to 7 p.m.
- Commissioner Joe DeLoach said that they've heard a lot of material tonight and if any citizens want to get involved, there are plenty of opportunities available.

9. MAYOR'S REPORTS / COMMENTS

- The Town Board will hold its Organizational retreat from 8 a.m. to 1 p.m. on Saturday, January 25th at the Garner Town Hall and is open to the public.
- Saturday, January 25th is Family Movie Night at the Community Center showing *The Secret Life of Pets 2*
- Thursday, January 30th is the Wendell Chamber of Commerce Banquet and tickets are available on the Chamber's website.
- Mayor Gray thanked Town staff and the Public Works department for all of their hard work with the Town's Christmas decorations.
- Mayor Gray said that the Town is starting 2020 with a bang with the Neighborhood Improvement Program, the Economic Development Strategic Plan and the Brownfield Consortium Grant. Each of these will be beneficial to Wendell.
- Mayor Gray read the following Proclamation proclaiming the week of January 20th as Dr. Martin Luther King Jr. Week:

PROCLAIMING DR. MARTIN LUTHER KING JR. WEEK

WHEREAS, Dr. Martin Luther King Jr. dedicated his life to the American proposition that we have achieved and can continue to achieve non-violent social change; and

WHEREAS, Dr. King advanced the cause of attaining social change for all people and the establishment of "the beloved community" worldwide; and

WHEREAS, Dr. King admonished us that it is far better to love than hate, to seek justice rather than revenge, and to refrain from acts of violence and not condone those who engage in it or profess hatred for any people, group or race; and

WHEREAS, Dr. King was a great orator and leader whose eloquent message influenced his country to integrate peacefully and resulted in the passing and signing of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, Dr. King was a leader whose life and message influenced this nation to integrate peacefully

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NOW THEREFORE, on behalf of the Wendell Town Board of Commissioners, I, Virginia Gray, Mayor of the Town of Wendell, do hereby proclaim the week of January 20th, 2020 as Dr. Martin Luther King Jr. Week and urge our citizens to rededicate themselves to the principle of justice and equality for all.

DULY PROCLAIMED this 13th day of January, 2020.

Virginia R. Gray, Mayor

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

ACTION:

Mover: Mayor Pro Tem John Boyette moved to adjourn at 7:58 p.m.

Vote: 5-0

Duly adopted this 10th day of February 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Stephanie Smith,
Deputy Town Clerk

**TOWN OF WENDELL
BOARD OF COMMISSIONER ORGANIZATIONAL RETREAT MINUTES
JANUARY 25, 2020**

The Wendell Town Board of Commissioners held their annual Organizational Retreat on Saturday, January 25, 2020 in Garner Town Hall, 900 7th Street, Garner, NC, 27529

PRESENT: Mayor Virginia Gray; Mayor Pro Tem John Boyette; Commissioners: Jon Lutz, Jason Joyner, Joe DeLoach, and Philip Tarnaski

ABSENT:

STAFF PRESENT: Town Manager Marc Collins, Town Clerk Megan Howard, Assistant to the Manager Stephanie Smith, and Town Attorney Jim Cauley

Mayor Gray called the meeting to order at 8:00. a.m. and welcomed attendees.

Garner Mayor Marshburn welcomed attendees and thanked the Board for their public service.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

Mover: Mayor Pro Tem John Boyette moved to approve the agenda.

Vote: 5-0


2. RETREAT OBJECTIVES

Town Manager Marc Collins reviewed the Agenda and goals for the retreat and thanked the Board for their investment of time. Mr. Collins gave the Board a few minutes to get breakfast and coffee before presenting item 2a.

2a. Commission Rules of Procedure Review

Town Manager Marc Collins presented the following report:

**TOWN OF WENDELL
BOARD OF COMMISSIONER ORGANIZATIONAL RETREAT MINUTES
JANUARY 25, 2020**

	POLICY	
	Administration	Effective: January 18, 2020
<p style="text-align: center;">Town of Wendell Board of Commissioners</p> <p style="text-align: center;">Rules of Procedure</p> <p style="text-align: center;">Version 1.0</p>	Supersedes: New	
	Prepared By: Megan Howard, Town Clerk	
	Approved By: Marc Collins, Town Manager	

I. Purpose

These Rules of Procedure were designed for use by a municipal council. They incorporate general principles of parliamentary procedure and applicable North Carolina laws. Essentially, the rules are a modified version of the Roberts's Rules of Order Newly Revised (hereinafter referred to as RONR). However, RONR is intended primarily to guide the deliberations of large legislative bodies. Its detailed rules are not always appropriate for a small governing board. A small board can afford to do some things that are not appropriate for a large body, and in some cases the procedure prescribed by RONR for larger assemblies is unnecessary. RONR itself recognizes that more informality is desirable with small boards (RONR, Sec. 48, pp. 477-78); these rules detail the more informal procedures that might be expected with a small board.

II. RONR Principles

1. The Council [Board] must act as a body.
2. The Council [Board] should proceed in the most efficient manner possible.
3. The Council [Board] must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision-making
5. The Council's [Board's] rules of procedure must be followed consistently.

**TOWN OF WENDELL
BOARD OF COMMISSIONER ORGANIZATIONAL RETREAT MINUTES
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6. The Council's [Board's] actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

III. NC G.S. Statutes

Many of the rules suggested here reflect the provisions of the North Carolina City [Town] Council meeting procedure statutes, Chapter 160A, Article 5, Parts 1-3, of the North Carolina General Statutes (hereinafter G.S.) (G.S. 160A-68 to -81) and the North Carolina open meetings law, G.S. Chapter 143, Article 33C (G.S. 143318.9 to 143-318.18). When the rules in this book state procedures that are required by sections of these statutes, the fact is noted in the Comments. City [Town] Councils [Boards] must follow procedures required by these laws, whether or not they adopt some version of the rules in this book.

Note that G.S. 160A-82 provides that nothing in G.S. 160A-68 through G.S. 160A-81 (with certain exceptions not pertinent here) is to be construed to repeal any inconsistent provision of any city charter. (See also G.S. 160A-3, which provides rules for resolving conflicts between charter provisions and other statutes.) City [Town] officials should examine the City [Town] Charter whenever a comment refers to a general law, to determine whether the Charter conflicts with the cited general law.

A City [Town] Council [or Board of Commissioners] has a relatively free hand in designing its own rules of procedure, as long as the requirements of the general laws mentioned above, and the city's charter are followed, and the Board adheres to the general principles listed earlier. Most of the rules in this book are merely suggested procedures, and each council should feel free to change them to suit local needs and customs. For example, Rule 11 eliminates the requirement of a second to a motion. A Council [Board] may choose to adopt that rule or not. Alternative wordings and optional language for some of the rules are shown enclosed in brackets. Throughout these rules the City [Town] Governing Board is referred to as the "Council," in keeping with the wording of G.S. Chapter 160A.

IV. DEFINITIONS

Rule 1 - Definitions

**TOWN OF WENDELL
BOARD OF COMMISSIONER ORGANIZATIONAL RETREAT MINUTES
JANUARY 25, 2020**

The following are definitions for the benefit of meetings of the Board of Commissioners for the Town of Wendell:

"BOARD OF COMMISSIONERS." The governing body of the Town of Wendell, North Carolina.

"CODE or CODE OF ORDINANCES." The Code of the Town of Wendell, North Carolina.

"COMPUTATION OF TIME." The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is Saturday, Sunday, or a legal holiday, that day shall be excluded. State law references: Computation of time, G.S. 1-593.

"COUNTY." The County of Wake, in the State of North Carolina, except as otherwise provided.

"DEVELOPMENT." Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"GENDER." Words importing the masculine gender include the feminine and neuter.

"G.S." The abbreviation "G.S." refers to the latest edition of the General Statutes of North Carolina, as amended.

"IN THE TOWN." Any territory jurisdiction of which for the exercise of its regulatory power has been conferred on the town by public or private law.

"MONTH." A calendar month.

"OATH." An affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"OFFICIALS, DEPARTMENTS, BOARDS, COMMISSIONS, COMMITTEES." Whenever reference is made to "OFFICIALS, DEPARTMENTS, BOARDS, COMMISSIONS, COMMITTEES etc.," by title only, they shall be construed as if followed by the words "of the Town of Wendell, North Carolina."

"OFFICIAL TIME STANDARDS." Whenever certain hours are named in this code, they shall mean standard time or daylight savings time as may be in current use in the town.

**TOWN OF WENDELL
BOARD OF COMMISSIONER ORGANIZATIONAL RETREAT MINUTES
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"OWNER." When applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or part of the building or land.

"PERSON." Includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

"PERSONAL PROPERTY." Every species of property, except real property as herein defined.

"PRECEDING" and **"FOLLOWING."** Next before and next after, respectively.

"PROPERTY." Real and personal "PROPERTY."

"REAL PROPERTY." Lands, tenements, and hereditaments.

"RIGHT-OF-WAY." The entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for public purposes.

"SIDEWALK." Any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

"STORM SEWER DRAINAGE FACILITIES." Includes drain outlets in connection with the curb and gutter, underground drain lines to carry water away from the street, and any other necessary or incidental appurtenances as may be required under the street.

"STREET." A dedicated public right-of-way permitting public vehicular traffic.

"SIGNATURE" or **"SUBSCRIPTION."** Shall include a mark when a person cannot write.

"STATE." The State of North Carolina.

"STATUTES REFERENCES." The General Statutes of North Carolina shall be cited to throughout this code as "G.S."

"STREET." Any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge, and the approaches thereto within the town and the entire width of the right-of-way between abutting property lines.

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"TENANT" or "OCCUPANT." Applied to a building or land shall include any person who occupies the whole or part of the building or land, whether alone or with others.

"TOWN." The Town of Wendell, in the County of Wake and the State of North Carolina, except as otherwise provided.

"TOWN LIMITS" or "CORPORATE LIMITS." The legal boundary of the Town of Wendell, North Carolina.

"VARIANCE" is a grant of relief from the requirements of the ordinance.

"WRITING" or "WRITTEN." Shall include printing and any other mode of representing words and letters.

"YEAR." A calendar year.

V. APPLICABILITY

Rule 2 - Applicability of Rules

These rules shall apply to all meetings of the Board of Commissioners of the Town of Wendell, at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

VI. OPEN MEETINGS

Rule 3 – Meetings to be Open

- a.) The public policy of North Carolina and the Town of Wendell is that the hearings, deliberations, and actions of this Board and its committees shall be conducted openly, as is required by NC G.S. 143-318.9.
- b.) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Town of Wendell Board of Commissioners shall be open to the public, and any person may attend, as required by NC G.S. 143-318.10.
- c.) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the Board is defined as a meeting, assembly, or gathering together at any time or place, or the simultaneous communication by conference telephone or other electronic means of a majority of the members of the Board of Commissioners for the purpose of

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conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the Board of Commissioners. However, a social meeting or other informal assembly or gathering together of the members of the Board of Commissioners does not constitute an official meeting unless called or held to evade the spirit and purposes of the Open Meetings Law, as required by NC G.S. 143-318.10 (b).

Rule 4-Closed Sessions

- a.) Notwithstanding the provisions of the applicability of the rules, the Board may hold a closed session and exclude public, but only upon the following circumstances, which are authorized by North Carolina General Statute:
- 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 Board of Commissioners in order to preserve the attorney-client privilege between the attorney and the Board of Commissioners, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit the Board of Commissioners to close a meeting that otherwise would be open merely because an attorney employed or retained by the Board of Commissioners may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure. If the Board of Commissioners has approved or considered a settlement other than a malpractice settlement by or on behalf of a hospital, in a closed session, the terms of that settlement shall be reported to the Board of Commissioners 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 Town of Wendell.
 - 5.) To establish, or to instruct Town of Wendell staff or negotiating agents concerning the position to be taken by or on behalf of the Board of Commissioners in negotiating (I)

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the price of 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 or 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 Board of Commissioners or another body and may not consider or fill a vacancy among its own membership except in open meeting. The final action making an appointment or discharge or removal by the Board of Commissioners 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.) Applies to a local board of education to respond to incidents of school violence or to formulate and adopt school safety components of school improvement plans.
 - 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.
- b.) The Board may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in Subsection (a) of this rule. A motion based on preventing the disclosure of information that is privileged or confidential shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. Any motion to go into a closed session must be approved by a majority of those Board members present and voting. The Board of Commissioners shall terminate the closed session by majority vote. A motion to adjourn or recess shall not be in order during a closed session. [NC G.S. 143-318.11]

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VII. ORGANIZATION OF THE BOARD

Rule 5 – Organizational Meeting

At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes from the previous meeting. For the second order of business, the newly elected members of the Board shall take and subscribe the oath of office. The third order of business shall be the election of a Mayor Pro Tempore. [NC G.S. 160A-68 (a) and (b)]

VIII. REGULAR AND SPECIAL MEETINGS

Rule 6 – Regular Meetings

The Board of Commissioners shall hold two regular meetings per month. One meeting shall be on the second Monday of each month. A second meeting shall be on the fourth Monday of each month. Each of the meetings shall be held at 7:00 p.m. in the Wendell Town Hall. A copy of the Board of Commissioners' current meeting schedule shall be filed with the Town Clerk. [Sec. 2 – 105 (a) of the Code of Ordinances 31.053 (A)]

The Board may hold special work sessions to be called at the discretion of the Mayor or at the request of any two Commissioners. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings and work sessions. Work sessions and other informal meetings not held regularly are subject to the same notice requirements as Special Board Meetings.

Rule 7 – Special, Emergency and Adjourned (or Recessed) Meetings

a.) **Special Meetings** – The Mayor, the Mayor Pro Tempore, or any two members of the Board of Commissioners may at any time call a Special Board of Commissioners Meeting by signing a written notice stating the time and place of the meeting, and the subjects to be considered. At least 48 hours before a Special Meeting is called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be: [Sec. 2 – 105 (d) of the Code of Ordinances]

1.) Delivered to the mayor and each Board of Commissioners member or left at his or her usual dwelling place;

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- 2.) Posted on the Board of Commissioners' principal bulletin board, or if none, at the door of the Board of Commissioners' usual meeting room and
- 3.) Mailed, e-mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

[NC G.S. 143-318.12 (b) and NC G.S. 160A-71 (b) (1)]

A Special Meeting may also be called or scheduled by vote of the Board of Commissioners in open session during another duly called meeting. The motion calling or scheduling at the Special Meeting shall specify its time, place, and purpose. At least 48 hours before a special meeting called in this manner, notice of the time, place and purpose of the meeting shall be:

- 1.) Posted on the Board of Commissioners' principal bulletin board, or if none, at the door of the Board of Commissioners' usual meeting room and
- 2.) Mailed, e-mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the Town Clerk. Such notice shall also be mailed or delivered at least 48 hours before the meeting to each Board of Commissioners member not present at the meeting at which the Special Meeting was called or scheduled and to the Mayor if he or she was not present at that meeting.

[NC G.S. 160A-71 (b) (1) and NC G.S. 160A-71 (b) (3)]

- b.) **Emergency Meetings** – The Mayor, the Mayor Pro Tempore, or any two members of the Board of Commissioners may at any time call an emergency Board of Commissioners meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Board of Commissioners member or left at his or her usual dwelling place at least six hours before the meeting. Notice of the meeting shall be given to each local newspaper, local wire service, local radio station and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire services' or station's telephone number, with the Town Clerk. This notice shall be given either by e-mail,

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telephone, fax or by the same method used to notify the Mayor and the Board of Commissioners members and shall be given at the expense of the party notified.

Emergency meetings shall only be called because of generally unexpected circumstances that require immediate consideration by the Town Board of Commissioners. Only business connected with the emergency may be considered at an emergency meeting.

[NC G.S. 160A-71 (b1)]

- c.) **Adjourned (or Recessed) Meetings** – A properly called regular, special or emergency meeting may be adjourned (or recessed) by a procedural motion and adopted as provided in Rule XIV in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of an adjourned (or recessed) session of a properly called regular, special or emergency meeting.

[NC G.S. 160A-71 (b1)]

- d.) **Sunshine List**—Any individual and any newspaper, wire service, radio station, and television station may file a written request with the Clerk to the Board of Commissioners for notice of all special meetings of the Board. Request by individuals and news organizations must be renewed annually by the **second meeting in December** of each year and are not subject to any fee.

[NC G.S. 143-318.12 (b)]

Rule 8 – Broadcasting and Recording of Meetings

Except as provided in this rule, any radio or television station may broadcast all or any part of an official Board meeting required to be open to the public. Any person may photograph, file, tape record, or otherwise reproduce any part of a meeting required to be open.

[NC G.S. 143-318.14]

It is the intention of the Board of Commissioners to have all regular Board meetings on East Wake TV as soon as funding allows it.

IX. AGENDA

Rule 9 – Agenda

The Town Manager shall prepare a proposed agenda for each meeting.

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[Sec. 2 – 107 (a) (1) (a) of the Code of Ordinances]

A request to have an item of business placed on the agenda must be received at least two working consecutive days before the meeting.

[Sec. 2 – 107 (a) (1) (b) of the Code of Ordinances]

Any Commissioners or the Mayor may have an item placed on the proposed agenda, so long as the request is timely and is consistent with the notice requirements of Rule II, if applicable.

[Sec. 2 – 107 (a) (1) (c) of the Code of Ordinances]

To be included on the written, distributed agenda, the item needs to be sent in writing or via electronic mail at least ten calendar days prior to the meeting. This allows the staff sufficient time to conduct research and prepare background information on the item. This will not preclude anyone from placing an item on the agenda at the approval of the agenda during the meeting, itself.

A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda packet shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Board of Commissioners member shall receive a copy of the proposed agenda and the agenda packet and it shall be available for public inspection and distribution or copying when it is distributed to Board of Commissioners members. The Board of Commissioners may by majority vote add items to the agenda, except that only business connected with the emergency may be considered at an emergency meeting.

[Sec. 2 – 107 (a) (1) (f) of the Code of Ordinances]

Rule 10 – Consent Agenda

Agenda items that are deemed by the Town Manager as generally non-controversial, including but not limited to Approval of Minutes, Budget Amendments, etc., may be combined into a single agenda item titled, "Items for Consent." If such an objection is raised, the item or items so noted must be removed from the Consent Agenda and placed as additional individual items in the agenda and acted upon, accordingly.

[Town Procedures]

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Rule 11 – Progression of Agenda Items

- The agenda item is introduced by the staff or the Mayor.
- The Mayor asks if there are any questions after the presentation is made.
- The Mayor calls for a motion.
- A motion is made (the motion must be stated clearly.)
- The Mayor states the motion made and opens the table for discussion.
- A vote is taken.

[Loose interpretation of Sec. 2 – 107 (a) (2) of the Code of Ordinances]

Rule 12 – Public Address to the Board of Commissioners

Any individual or group who wishes to address the Board of Commissioners shall make a request to be on the agenda to the Town Manager.

[modification of Sec. 2 – 107 (a) (1) (b) of the Code of Ordinances]

The Board of Commissioners shall also set aside part of each regular meeting for individuals or groups to address the Board of Commissioners.

[NC General Statute 160A-81.1]

Rule 13 – Order of Business

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

- Adjustment and approval of the agenda,
- Public comment period,
- Consent agenda,
- Presentations,
- Public hearings,
- Administrative items,
- Other business,
- Commissioners reports/comments,
- Mayors reports/comments,
- Closed session (if applicable),

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- Adjourn

[Loose interpretation of Sec. 2 – 107 (a) (2) of the Code of Ordinances]

By general consent of the Board of Commissioners, items may be considered out of order.

X. CONDUCT OF DEBATE

Rule 14 – Office of the Mayor

The Mayor shall preside at all meetings of the Board of Commissioners but shall have the right to vote only when there is a tie.

[NC General Statute 160A-69]

In order to address the Board of Commissioners, a member must be recognized by the Mayor.

The Mayor shall have the following powers:

1. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

[town procedures]

Rule 15 – Office of the Mayor Pro Tempore

At the organizational meeting, the Board of Commissioners shall elect from among its members a Mayor Pro Tempore to serve at the Board of Commissioners' pleasure.

[Charter Sec. 3.4 of the Code of Ordinances; NC General Statute 160A-70 and 160A-71]

A Board of Commissioners member who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Board of Commissioners member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Board of Commissioners may confer on the Mayor Pro Tempore any of the Mayor's powers and duties. If

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the Mayor should become physically or mentally unable to perform the duties of his or her office, the Board of Commissioners may by unanimous vote declare that the Mayor is incapacitated and confer any of the Mayor's powers and duties on the Mayor Pro Tempore. When a Mayor declares that he or she is no longer incapacitated, and a majority of the Board of Commissioners concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and the Mayor Pro Tempore are absent from a meeting, the Board of Commissioners may elect from among its members a temporary chairman to preside at the meeting.

[NC General Statute 160A-70]

Rule 16 – Presiding Officer When the Mayor is in Active Debate

The Mayor shall preside at meetings of the Board of Commissioners unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she shall designate another Board of Commissioners member to preside over the debate. The Mayor shall resume presiding as soon as action on the matter is concluded.

[town procedures]

Rule 17 – Presiding Officer When the Chair is Active in Debate

If the Mayor, Mayor Pro Tempore (as appropriate,) or other presiding officer wishes to debate a proposal actively, he or she shall designate another Board member to preside. The Mayor, Mayor Pro Tempore (as appropriate,) or other presiding officer shall resume the duty to preside as soon as action on the matter is concluded.

[town procedures]

Rule 18 – Action by the Board

The Board shall proceed by motion that is made. Any Commissioner, including the Mayor Pro Tempore, may make a motion. A second is not required.

[town procedures]

Rule 19 – One Motion at a Time

A member may only make one motion at a time.

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[town procedures]

Rule 20 – Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

Rule 21 – Adoption by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina laws.

Rule 22 – Debate

The Mayor (or individual presiding) shall state the motion and then open the floor to debate, presiding according to these general principles:

1. The member making the motion or introducing the ordinance, resolution, or order may speak first.
2. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

[town procedures]

Rule 23 – Procedural Motions

- a.) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.
- b.) In order of priority (if applicable,) the procedural motions are:
 - 1.) *To Adjourn*. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
 - 2.) *To Recess*.
 - 3.) *To Call to Follow the Agenda*. The motion must be made at the first reasonable opportunity, or it is waived.
 - 4.) *To Suspend the Rules*. The motion requires a vote equal to a quorum.
 - 5.) *To Divide a Complex Motion*.

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- 6.) *To Defer Consideration (also refers to "tabled items."* A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
- 7.) *To Call the Previous Question.* The motion is not in order until every member has had opportunity to speak.
- 8.) *To Postpone to a Certain Time or Day.*
- 9.) *To Refer to Committee.* Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board.
- 10.) *To Amend.* An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect to the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.
- 11.) *To Revive Consideration.* The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
- 12.) *To Reconsider.* The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter, but is in order any time before adjournment.
- 13.) *To Prevent Reconsideration for Six Months.* An agenda item may not be reconsidered for a period of six months after the initial vote, except by the vote of 4/5 of the Board of Commissioners.

Rule 24 – Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 25 – Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

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Rule 26 – Duty to Vote

It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

[NC General Statute 160A-75]

Rule 27 – Prohibition of Secret Voting

No vote may be taken by secret ballot. If the Board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, then they may be destroyed.

[town procedures and NC GS 143-318.13]

Rule 28 – Action by Reference

The Board shall not deliberate, vote or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or document number being referenced are available for public inspection at the meeting and are so worded that the people at the meeting can understand what is being discussed or acted on.

[town procedures]

Rule 29 – Introduction of Ordinances, Resolutions, and Orders

A proposed ordinance shall be deemed introduced on the date the subject matter is first voted on by the Board.

[NC General Statute 160A-75]

Rule 30 – Adoption, Amendment, or Repeal of Ordinances

To be adopted at the meeting where it is first introduced an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget

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ordinance, a bond order, or another similar ordinance requiring a public hearing before adoption) must be approved by two-thirds of the members of the Board of Commissioners. If the proposed measure is approved by a majority but not by all the members of the Board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the Board. If it then or at any time thereafter within one hundred days of its introduction receives a majority of the votes cast, the measure is adopted.

[NC General Statute 160A-75]

RULE 31. Adoption of the Budget Ordinance

Notwithstanding the provision of any town charter, general law or local act:

- 1.) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Board of Commissioners by a simple majority of those present and voting, a quorum being present;
- 2.) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Board of Commissioners; and
- 3.) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the Board of Commissioners and ending with the adoption of the budget ordinance, the Board of Commissioners may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the Open Meetings Law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as:

1. Each member of the Board has actual notice of each special meeting called for the purpose of considering the budget; and
2. No business other than consideration of the budget is taken up.

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This rule does not allow, and may not be construed to allow, the holding of closed meetings or closed sessions by the Board of Commissioners if it is otherwise prohibited by law from holding such a meeting or session.

[NC General Statute § 159-17 with minor modifications]

RULE 32. Quorum

A majority of the actual membership of the Board of Commissioners, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

[NC General Statute § 160A-74]

RULE 33. Public Hearings

Public hearing required by law or deemed advisable by the Board of Commissioners shall be organized by a special order, adopted by a majority vote that sets forth the subject, date, place and time of the hearing as well as any rules regarding the length of time for each speaker and other pertinent matters. The rules may include, but are not limited to, rules:

- 1.) Fixing the maximum time allotted to each speaker;
- 2.) Providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
- 3.) Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing); and
- 4.) Providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirement of the Open Meetings Law applicable to Board of Commissioners meetings shall also apply to public hearings at which a majority of the Board of Commissioners is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of law have been given may be continued to a time and place certain

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without further advertisement. The requirements of Rule IIC shall be followed in continuing a hearing at which a majority of the Board of Commissioners is present.

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

[NC General Statute § 160A-81]

RULE 34. Quorum at Public Hearings

A quorum of the Board of Commissioners shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Board of Commissioners meeting without further advertisement.

[NC General Statute § 160A-81]

RULE 35. Minutes

Full and accurate minutes of the Board of Commissioners proceedings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule, within seven calendar days of the date of the meeting. The results of each vote shall be recorded in the minutes, and the ayes and noes upon any question shall be taken. Full and accurate minutes shall be kept of all actions taken during closed sessions. Minutes and other records of a closed session shall be sealed upon adoption and withheld from public inspection, for so long as public inspection would frustrate the purpose of the closed session. On January 1, or shortly thereafter each year, the Town Clerk, with the approval of the Town Manager, shall unseal all closed session minutes from the prior year(s), if appropriate.

[NC General Statute § 160A-72]

[Code of Ordinances Sec. 2 – 113]

RULE 36. Appointments

The process for appointments to boards and commissions shall be as follows:

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1. The town clerk advertises opportunities for service at the beginning of each year, or as necessary. Each time the Board of Commissioners wishes to fill an advisory board vacancy, the Board of Commissioners establishes a deadline for receipt of the advisory board applications.
2. Interested citizens fill out applications and return them to the town clerk. If an applicant is interested in serving on multiple boards, the applicant should prioritize his/her preferences for board appointments.
3. The town clerk marks each application with a date stamp to show the date the application is received and enters all of the applications into a tracking table, which lists the names of citizens and the boards for which they wish to apply. This document is an internal document used by the clerk's staff for tracking purposes.
4. A letter is sent to applicants acknowledging receipt and thanking them for their application and noting the approximate schedule for appointments by the Board of Commissioners.
5. The town clerk fills-out the advisory board vacancies chart, which lists boards with openings and the schedule for consideration of appointment by the Board. This chart is an internal document used by the clerk's staff for tracking purposes.
6. Copies of applications are filed in the folder of each board for which each person applied.
7. Board members may not serve more than two consecutive full terms on any one particular advisory board. Consideration will be given to sitting members of an advisory board for reappointment to a second term; however, appointment for a second term is not guaranteed.
8. Immediate family members, as defined by the Town of Wendell Personnel Policy, of any elected official cannot be appointed to an advisory board / commission.
9. Town employees (full-time or part-time) cannot be appointed to an advisory board / commission.
10. Contractors / contract employees of the town cannot be appointed to an advisory board / commission.
11. At a regular meeting, the Board of Commissioners will vote on appointments to the various boards and commissions. Voting on advisory board appointments will be done by written ballot. Applicants must receive an affirmative vote from a majority of the Board members present and voting to be appointed. After each round of balloting, votes will be counted to determine if sufficient votes have been received by candidates for appointment. Once an applicant receives the majority of votes by the Board needed for appointment, his/her

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name will be removed from the ballot for any subsequent balloting, and he/she will be considered appointed. Additionally, the name of the lowest vote-getter from that round of voting (along with the names of anyone else who ties as the lowest vote getter for that particular round of voting) will also be removed from any subsequent ballot until the point in time when the proper number of board appointments has been made. If the applicant is appointed, a letter is mailed to their residence.

12. In general, appointees will start their new positions on July 1st of the new fiscal year.
13. No person can serve on multiple standing town advisory boards / commissions at the same time.
14. For those applicants not chosen, a letter is sent to them informing them that they were not chosen. Advisory Board applications will be kept on file for a period of at least twelve (12) months for consideration of appointments to fill vacancies that may arise during the middle of a year. In order to ensure that information received is up-to-date, after annual appointments are made, anyone wishing to have an application considered in the future should submit a new application.

[town procedures]

Rule 37 – Committees and Boards

The Board of Commissioners or the Mayor, as appropriate, may establish and appoint members for such temporary and standing committees and boards as are needed to help carry on the work of municipal government. Any specific provisions of law relating to particular committees and boards shall be followed.

The requirements of the Open Meetings Law shall apply to all committees and boards that are established by the Board of Commissioners.

[NC General Statute 143-318.10, 160A-146 and town procedures]

Rule 38 – Reference to Robert's Rules of Order

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Board of Commissioners shall refer to the most recent copy of *Robert's rules of Order, Newly Revised*, to answer unresolved procedural questions.

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→Initially effective on the 1st day of August 2008. Initially adopted on the 14th day of July, 2008.

→Revised on the 8th day of June 2009.

→Adopted as shown on the 12th day of April 2010

→Revised and adopted on the 23rd day of May 2016.

→Reformatted on the 3rd day of January 2020.

Town Clerk Megan Howard mentioned that under Rule 7, section d, that the Sunshine List renewal was set for the second Board Meeting in December. As the Town Board doesn't hold a second Board Meeting in December, Ms. Howard requested that this rule be changed to the first and only meeting in December.

The Board agreed that the adjustment should be changed.

Town Manager Marc Collins asked if the Board had any comments on the recording or Broadcasting of Town Board Meetings.

Mayor Pro Tem John Boyette asked if the Board could be able to teleconference in to meetings if they are unable to attend.

Town Attorney Jim Cauley said that it can be done, but it's not used very often because you have to hear and be heard. Mr. Cauley also mentioned having to record the vote, which makes it mechanically awkward. He said that is legally permissible, but it becomes more difficult to do if more than one council member is in need of teleconferencing into a meeting.

Mayor Pro Tem Boyette asked if it counts for a quorum.

Attorney Cauley confirmed that it does, if the Board member is present electronically when the meeting is called to order. He said he wouldn't recommend it for a Quasi-Judicial Meeting.

Town Manager Marc Collins said that the Town currently has audio and PEG Channel recordings of the Board Meetings. The Town has chosen not to participate in Facebook

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Live recordings of the meetings at this time, due to a lack of staff to contribute to monitoring and response to inquiries. He asked about the Board's thoughts on this.

Commissioner Joe DeLoach said that the Town could provide the feed but turn off the comments portion of it.

Commissioner Jason Joyner said that there's a benefit to having it broadcasted in real time, but he understands that the Town can't respond and monitor comments.

Mr. Collins said evaluating controlling the message would be revisited once the Town has moved into a new Town Hall with newer technology opportunities.

Mayor Pro Tem Boyette asked for clarification to Rule 16: Presiding Officer when the Mayor is in Active Debate.

Town Attorney Cauley said that this rule comes from Robert's Rules and addresses that you don't want someone presiding over a meeting that can decide how the debate goes if they become actively and sentimentally engaged in it. The Mayor should preside impartially on items up for debate.

Mr. Collins asked about setting agendas and procedural motions and if the Board had any questions about that.

Commissioner Jon Lutz said that Rule 12 for Public Comment has been working out great with the light timer in reminding people of the 3-minute limit.

Commissioner Joyner brought up Quasi-Judicial Hearings and Public Comment period.

Mayor Gray said that she generally reminds individuals who try speaking on a Quasi-Judicial Matter during Public Comment period that they need to speak during the Public Hearing.

Town Manager Collins said that the Board gets to delegate which statements are of value and how much credibility and weight they hold.

Town Attorney Cauley said that Quasi-Judicial proceedings are due process, like a court proceeding. The rules are different for Town Boards compared to other hearings.

Mr. Collins said that staff can identify a process in letting the Board know when a Quasi-Judicial hearing is coming near to being presented at a Town Board Meeting, once an application is received to prevent ex parte discussion.

Mayor Gray mentioned that there isn't back-and-forth discussion during Public Comment period.

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Town Manager Collins said if the Board wants him to follow up with public inquiry requests, he will let the Assistant to the Manager know to get the citizen's information before the meeting is adjourned.

Assistant to the Manager Stephanie Smith mentioned that staff takes note of inquiries presented and that social media might be a great opportunity to inform the public beyond the individual if clarification on process is needed.

Mr. Collins said it's appropriate for someone on the Board to ask the citizen to direct their comments to the Board as a whole if the citizen decides to address individual members or the audience, rather than the Town Board as a whole. Mr. Collins said that if there is a contentious issue being presented, he will have an increased Police presence and will have them stationed closer to the front of the Board room to maintain decorum.

Mayor Gray said that recent Planning Board meetings have become increasingly disruptive and it's not appropriate for a Town Board meeting.

Commissioner Joyner said he understands EWTN records regular meetings and suggested that Planning Board meetings be recorded as well to ensure that people will behave with more decorum if they're behavior is being broadcasted.

Commissioner DeLoach said there are also some safety concerns from Planning Board members.

Mr. Collins said staff will look at comparatives and process and cost on recording Planning Board meetings and will report back to the Board on the findings. Training staff on the equipment might be useful.

Commissioner DeLoach said the video could be posted on the minutes page on the Town's website to share with the public.

Mr. Collins said that training of members of the Planning Board on ethical guidelines might be helpful.

Commissioner Joyner said training of Planning Board members is a different problem.

Commissioner DeLoach said that some members want more training on guidelines of serving. He said the orientation wasn't extensive enough and the vetting of members might need some growth.

Commissioner Boyette said that he thought the Planning Board was on the large side and it prevents the Town Board from being more selective in appointments.

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Mr. Collins asked if there's an interest in staff examining per capita representation of the Planning Board for a numbers comparison to lower the membership numbers. Mr. Collins offered to report the findings on this back to the Town Board.

Commissioner DeLoach asked how it got to 9 and if it used to be less in the past.

Mayor Gray said it used to be 7 members and was raised due to attendance issues.

Mr. Collins said that the Planning Board serves as an advisory committee to the Town Board to get a barometer of the community's response to planning development.

Mayor Pro Tem Boyette suggested just asking them for advice rather than a vote.

Mr. Collins said that's essentially what they're doing through a vote.

Mr. Boyette said there's a public misconception that the Planning Board's vote is strictly a recommendation and that there needs to be clarification on that fact.

Mr. Collins said that the Citizen Boards are an extension of the Town Board, with the Planning Board having more statutory direction and guidelines around land use and real estate. They are citizen advisors to the Board.

Mr. Boyette said that perhaps before the Planning Board takes a vote, they should read that voting is strictly for making an advisory recommendation to the Town Board, and it isn't binding.

Mr. Collins said that the Planning Board needs to know the Town Board's policy and understand the Town Board's direction on that. He said the Town Board might have to meet with the Planning Board to discuss growth, densities, uses, etc. so that they can get a sense to where the Town Board expects things to happen. When the development comes in later, they should know what the Board expects and they can be held accountable if they're acting inconsistent in reflecting that policy.

Commissioner Jon Lutz said that staff liaisons should also remind citizen advisory boards of the Town Board's policies.

Commissioner Joe DeLoach asked about the Agenda process and when that generally gets finalized.

Mr. Collins said that the week prior the agenda gets sent out, staff starts sending in cover sheets and materials for the agenda packet for the Town Manager to review. The Town Clerk compiles the reports and formats the materials for uniformity. He said that the cover sheet stands as to be a summary that covers important materials in the attachments. The following Monday/Tuesday, the Town Manager has a meeting with

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the Mayor, Clerk and Assistant to the Manager to read over the agenda and discuss the upcoming meeting. Mr. Collins said that having another member of the Board present, so long as it doesn't exceed two members of the Board to prevent having a quorum, would be useful. He suggested having the Mayor Pro Tem present at these meetings in the future.

Mayor Pro Tem Boyette said he would like to attend some of these meetings.

2b. Review of Town Charter, Code Amendments, and Ethics Policy

Town Attorney Jim Cauley presented the following information and recommendations:

Subpart A - CHARTER^[1]

Sec. 1. The Charter of the Town of Wendell is revised and consolidated to read:

Footnotes:

--- (1) ---

Editor's note— Printed herein is the Charter of the Town of Wendell, Session Laws of 1985, chapter 107, as adopted by the General Assembly on April 19, 1985. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original session law. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

State Law reference— General laws supplementary to the charter, G.S. 160A-3.

ARTICLE I. - INCORPORATION AND CORPORATE POWERS

Sec. 1.1. - Incorporation.

The Town of Wendell, North Carolina, in the County of Wake, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the "Town of Wendell," hereinafter at times referred to as the "town."

Sec. 1.2. - Powers.

The Town of Wendell shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of Wendell specifically, or upon municipal corporations generally, by this Charter, by the state Constitution, or by general or local law.

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ARTICLE II. - CORPORATE BOUNDARIES

Sec. 2.1. - Existing corporate boundaries.

The corporate boundaries of the Town of Wendell shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the town, and as the same may be altered from time to time in accordance with law. An official map of the town, showing the current town boundaries, shall be maintained permanently in the office of the town clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the town shall be made.

Sec. 2.2. - Extension of corporate boundaries.

All extensions of the corporate boundaries shall be governed by the General Statutes.

State Law reference— Corporate limits, G.S. 160A-21 et seq.

ARTICLE III. - MAYOR AND BOARD OF COMMISSIONERS

Sec. 3.1. - Governing body.

The mayor and the Board of Commissioners, elected and constituted as herein set forth, shall be the governing body of the town. On behalf of the town, and in conformity with applicable laws, the mayor and board may provide for the exercise of all municipal powers, and shall be charged with the general government of the town.

Sec. 3.2. - Board of commissioners; composition; terms of office.

The Board of Commissioners shall be composed of five members, each of whom shall be elected for a term of four years in the manner provided by article IV of this Charter, provided they shall serve until their successors are elected and qualified.

Sec. 3.3. - Selection of the mayor; term of office; duties.

The mayor shall be elected directly by the voters of the town in the manner provided by article IV of this Charter, for a term of four years; provided, the mayor shall serve until his successor is elected and qualified. The mayor shall be the official head of the town government and shall preside at all meetings of the Board of Commissioners. He shall have the right to vote only if there are an equal number of votes in the affirmative and the negative on any matter before the board. The mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes, by this Charter, and by the ordinances of the town.

Sec. 3.4. - Mayor pro tempore.

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In accordance with applicable state laws, the Board of Commissioners shall appoint one of its members to act as mayor pro tempore to perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the board.

Sec. 3.5. - Meetings of the board.

In accordance with the General Statutes, the Board of Commissioners shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

Sec. 3.6. - Ordinances and resolutions.

The adoption, amendment, repeal, pleading, or proving of town ordinances and resolutions shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the board. The enacting clause of all town ordinances shall be: "Be it ordained by the Board of Commissioners of the Town of Wendell."

Sec. 3.7. - Voting requirements; quorum.

Official action of the Board of Commissioners shall, unless otherwise provided by law, be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the board, is present. Vacant seats are to be subtracted from the normal board membership to determine the actual membership.

Sec. 3.8. - Qualifications for office; vacancies; compensation.

The compensation of board members, the filling of vacancies on the board, and the qualifications of board members shall be in accordance with applicable provisions of the General Statutes.

ARTICLE IV. - ELECTIONS

Sec. 4.1. - Regular municipal elections.

Elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections.

Sec. 4.2. - Conduct and method of election.

Elections for mayor and Board of Commissioners shall be by the nonpartisan plurality method set out in the General Statutes. All elections and referendums of the Town of Wendell shall be held and conducted as provided by the applicable General Statutes.

If a vacancy occurs on the Board of Commissioners and under G.S. 160A-63 there is an election to fill the remainder of the unexpired term, then the election to fill the

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remainder of the unexpired term shall be held on the same ballot, the candidates receiving the highest number of votes equal to the number of persons to be elected to four-year terms receive those terms, and the candidate or candidates receiving the next highest numbers of votes equal to the number of persons to be elected to two-year terms receive those terms. There shall be no separate designation on the ballot for the two-year terms, and each voter shall have as many votes as there are persons to be elected.

(Session Laws of 1997, ch. 569)

Sec. 4.3. - Election of mayor and Board of Commissioners.

The Board of Commissioners shall be elected for four-year terms on a staggered basis as follows: At the regular municipal election to be held in 1985, two members shall be elected to serve four-year terms. At the regular municipal election to be held in 1987, the two candidates who receive the highest number of votes shall be elected for four-year terms, while the candidate receiving the third highest number of votes shall be elected for a two-year term. At the regular municipal election to [be] held in 1989, and every four years thereafter, three members of the Board of Commissioners shall be elected to serve four-year terms. Beginning at the regular municipal election to be held in 1991 and every four years thereafter, two members of the Board of Commissioners shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 1987 and every four years thereafter, the mayor of the Town of Wendell shall be elected for a four-year term.

ARTICLE V. - ORGANIZATION AND ADMINISTRATION

Sec. 5.1. - Form of government.

The town shall operate under the council-manager form of government in accordance with part 2 of article 7 of chapter 160A of the General Statutes [G.S. 160A-147 et seq.].

Sec. 5.2. - Town manager, appointment; compensation.

The Board of Commissioners shall appoint an officer whose title shall be "town manager" and who shall be the head of the administrative branch of the city government. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the town at the time of his appointment. The town manager shall serve at the pleasure of the Board of Commissioners and shall receive such salary as the Board of Commissioners shall fix. In case of absence or disability of the town manager, the commissioners may designate a qualified administrative officer of the town to perform the duties of the manager during such absence or disability. The manager shall have all powers and duties as conferred upon him by the General Statutes of North Carolina.

Sec. 5.3. - Town attorney.

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The Board of Commissioners shall appoint a town attorney who shall be licensed to engage in the practice of law in the State of North Carolina. The town attorney need not be a resident of the town during his tenure. It shall be the duty of the town attorney to prosecute and defend suits against the town; to advise the mayor, Board of Commissioners and other town officials with respect to the affairs of the town; to draft all legal documents relating to the affairs of the town; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the town may be concerned; to attend meetings of the Board of Commissioners; and to perform other duties required by law or as the Board of Commissioners or mayor may direct.

Sec. 5.4. - Town clerk.

The Board of Commissioners shall appoint a town clerk to keep a journal of the proceedings of the board, to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform other duties required by law or as the Board of Commissioners may direct.

Sec. 5.5. - Town finance officer.

The Board of Commissioners shall appoint a town finance officer to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act.

Sec. 5.6. - Town budget officer.

The Board of Commissioners shall appoint a town budget officer to perform the duties of the budget officer as required by the Local Government Budget and Fiscal Control Act.

Sec. 5.7. - Town tax collector.

The Board of Commissioners may appoint a town tax collector to collect all taxes, licenses, fees and other monies belonging to the town, subject to the General Statutes, the provisions of this Charter and the ordinances of the town.

Sec. 5.8. - Consolidation of functions.

The Board of Commissioners may consolidate any two or more positions of town clerk, town tax collector, town budget officer and town finance officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

Sec. 5.9. - Other administrative officers and employees.

Consistent with applicable state laws, the Board of Commissioners may establish positions, provide for the appointment of other administrative officers and employees, and generally organize the town government in order to promote the orderly and efficient administration of the affairs of the town.

ARTICLE VI. - PLANNING AND REGULATION OF DEVELOPMENT

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Sec. 6.1. - Conditional use zoning districts.

In addition to the powers granted to the town in G.S. 160A-381 et seq., the town may provide for the creation of conditional use zoning districts.

It is the purpose and intent of this section to permit the town to create, through the legislative process, both general use districts, in which a variety of uses are permitted, and conditional use districts, in which limited uses are permitted only upon approval by the town.

A person petitioning for rezoning of a tract of land where conditional use districts are authorized by ordinance may elect to request a general use district or a conditional use district for the tract. If the petitioner elects to petition for the general use zoning, and if the petition is approved, the rezoned property may be used for any of the uses permitted in the applicable general use district. If the petitioner elects to petition for conditional use district zoning, the petition must specify the actual use or uses which are intended for the property specified in the petition. If the petition is for conditional use district zoning, the town is to approve or disapprove the petition on the basis of the specific use or uses requested.

ARTICLE VII. - LOCAL IMPROVEMENTS AND ASSESSMENTS FOR LOCAL IMPROVEMENTS

Sec. 7.1. - Local improvements; assessment of costs.

In addition to any authority which is now or may hereafter be granted by general law to the town for making local improvements, the Board of Commissioners may make the local improvements described in this Charter as in its discretion it may deem appropriate, with or without any petition so to do and to assess the total cost of said improvements against the benefited property within its corporate limits in accordance with the provisions of section[s] 7.1 through 7.7 herein.

Sec. 7.2. - Separate proceeding not required.

One or more local improvements may be made in a single proceeding, and assessments for one or more local improvements may be combined.

Sec. 7.3. - Improvements described.

The Board of Commissioners shall have the authority to make special assessments against benefited property within its corporate limits for:

- (1) Constructing, reconstructing, paving, widening, installing curbs and gutters and otherwise building and improving streets;
- (2) Constructing, reconstructing, paving, widening and otherwise building or improving sidewalks on any public street;
- (3) Constructing, reconstructing, extending and otherwise building or improving water systems;

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- (4) Constructing, reconstructing, extending or otherwise building or improving sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;
- (5) Constructing, reconstructing, extending and otherwise building or improving storm sewer and drainage systems; and
- (6) Constructing, reconstructing, extending or otherwise making any other improvements within the corporate limits for which the town is allowed to make special assessments pursuant to article 10 of chapter 160A of the General Statutes [G.S. 160A-216 et seq.].

Sec. 7.4. - Assessment procedure.

In ordering improvements to be made without a petition and assessing the cost thereof under authority of this article, the Board of Commissioners shall comply with the procedure provided by article 10, chapter 160A of the General Statutes [G.S. 160A-216 et seq.], except those provisions relating to the requirement for petition of property owners and the sufficiency thereof and the payment of assessments by installments as modified herein.

Sec. 7.5. - Payment of assessment in cash or by installments.

The property owner assessed shall have the option of paying for improvements in cash or in not more than 10 annual installments as may have been determined by the Board of Commissioners in the resolution directing the project giving rise to the assessment to be undertaken. Provided, the Board of Commissioners may provide in said resolution directing the project to be undertaken that payment shall be made in cash or in fewer than 10 annual installments as in its discretion it may deem appropriate.

Sec. 7.6. - Enforcement of assessments.

Assessments shall be enforced as provided in the procedure set forth in article 10 of chapter 160A of the General Statutes [G.S. 160A-216 et seq.].

Sec. 7.7. - Effect of assessments.

The effect of the act of levying assessments under the authority of this article shall for all purposes be the same as if the assessments were levied under authority of article 10 of chapter 160A of the General Statutes [G.S. 160A-216 et seq.].

ARTICLE VIII. - CHARTER AMENDMENTS

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Sec. 8.1. - Incorporation of amendments.

- (a) As soon as possible after the adjournment of each General Assembly, the town attorney shall present to the Board of Commissioners copies of all local laws relating to the property, affairs and government of the Town of Wendell that were enacted by such General Assembly, whether or not amending any terms of this Charter, and recommend formal changes in this Charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catchlines, and for such other changes in arrangement and form that do not change the law, as may be thought necessary to implement the purposes of this section.
- (b) After considering the recommendations of the town attorney, the commissioners may provide for the incorporation of such laws into this Charter.
- (c) The purpose of this section is, to enable the town to maintain at all times a current and accurate town Charter, organized in clear and orderly fashion and embracing all pertinent local laws relating to the property, affairs and government of the town.

Sec. 2. The purpose of this act is to revise the Charter of the Town of Wendell and to consolidate herein certain acts concerning the property, affairs and government of the town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4.

- (a) The following acts are repealed:
 - (1) Chapter 316, Private Laws of 1903.
 - (2) Chapter 221, Private Laws of 1907.
 - (3) Chapter 156, Private Laws of 1913.
 - (4) Chapter 105, Private Laws, Extra Session of 1913.
 - (5) Chapter 244, Private Laws of 1915.
 - (6) Chapter 265, Private Laws of 1915.
 - (7) Chapter 35, Private Laws of 1921.
 - (8) Chapter 233, Private Laws of 1933.
 - (9) Chapter 77, Private Laws of 1935.
 - (10) Chapter 63, Public-Local Laws of 1939.
 - (11) Chapter 454, Session Laws of 1951.
 - (12) Chapter 294, Session Laws of 1953.
 - (13) Chapter 132, Session Laws of 1961.
- (b) The following acts are not repealed:
 - (1) Chapter 5, Session Laws of 1949.

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- (2) Chapter 273, Session Laws of 1965.
- (3) Chapter 689, Session Laws of 1977.
- (4) Chapter 364, Session Laws of 1973.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way, any rights or interest (whether public or private):

- (1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act; or
- (2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

- (1) The repeal herein of any act repealing such law; or
- (2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7.

- (a) All existing ordinances and resolutions of the Town of Wendell and all existing rules and regulations of departments or agencies of the Town of Wendell not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.
- (b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Wendell or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 10. In the General Assembly read three times and ratified, this the 19th day of April 1985.

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TOWN OF WENDELL

CHARTER REVIEW

Cauley♦Pridgen
LAWYERS P.A.

**ORGANIZATION OF
WENDELL'S CHARTER**

PART I – CHARTER AND LOCAL LAWS

A. CHARTER

**B. LOCAL ACTS OF THE GENERAL
ASSEMBLY**

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SUBPART A – CHARTER

ARTICLE I - Incorporation and General Powers

ARTICLE II - Corporate Boundaries

ARTICLE III - Mayor and Board of Commissioners

ARTICLE IV - Elections

ARTICLE V - Organization and Administration

ARTICLE VI - Planning and Regulation of Development

**ARTICLE VII - Local Improvements and Assessments
for Local Improvements**

ARTICLE VIII - Charter Amendments

**PROCEDURES FOR AMENDING
TOWN'S CHARTER**

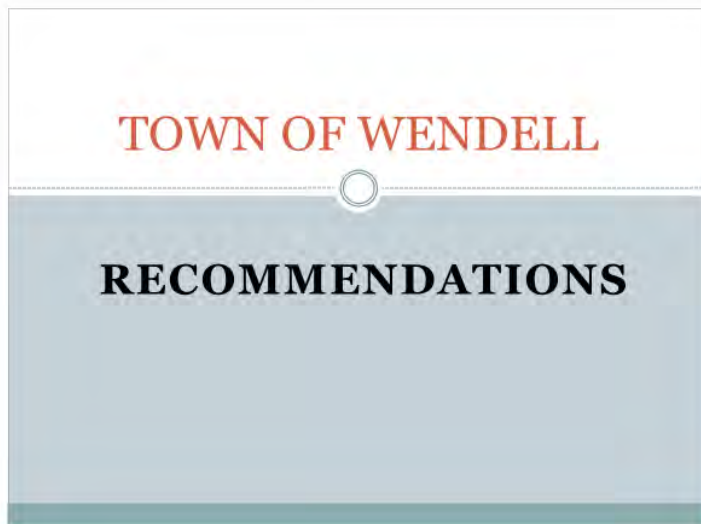
BY ORDINANCE

- Name, Style, Board, Terms of Office, Number,
Mode of Election
see GS 160A-102**
- Incorporating local acts
see GS 160A-496**

BY GENERAL ASSEMBLY

- Everything else**

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Town Attorney Cauley said that Subpart A of the Town Charter was approved by the Legislature, updated in 1985. The second part of the Town Charter is Local Acts, with the Town's Charter only including two. One of the local acts has to do with the Wendell/Knightdale Airport Authority, and the other local act has to do with exchanging of property with the Chamber of Commerce. Mr. Cauley said that the Town Charter is comprised of eight chapters, which he reviewed for any recommended changes. He said that he wouldn't recommend any changes because of the process of amending this particular part through the General Assembly and the nature of the recommended changes. Mr. Cauley said that the Charter is gender specific, throughout. If revising, the Charter should be gender neutral. Another recommendation has to do with Article Five, listing the Town as a Manager-Council form of government. One of the provisions in Article Five is 5.6: Town Budget Officer. Mr. Cauley said that there has been a statutory change under the local government budget and fiscal control act that says that the Town Manager is the Town Budget Officer. This language in the charter has therefore been superseded by statute but can be taken out if doing a rewrite. Mr. Cauley said that under Article six, there's a provision for conditional use zoning districts which is now statutorily allowed. If a rewrite was being done, it can be taken out.

Mr. Cauley said that the Charter is otherwise in good shape and doesn't need a whole lot of work. He said if you wanted to change the Town's name, style, Terms of Office, Number of Board Numbers and Mode of Election by Ordinance. The Town Board can also incorporate Local Acts by Ordinance, if it wishes to do so. Mr. Cauley said that he's started going through the Local Acts since 1985 to see if any Local Acts need to be incorporated in the Town's Charter.

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Town Manager Marc Collins asked if the Board had anything about the Code of Ordinances that they would like staff to review.

Mayor Pro Tem Boyette said some of the cross-sections for residential streets as it has to do with width, parking, and the type and style of curbing, which has been a kind of easy ramping so they don't have to do curb cutouts for driveways. Mr. Boyette said that this causes people to park on the grass and sometimes on the sidewalk when trying to street park. He said street parking is going to require wider streets for access of emergency vehicles. Mr. Boyette said that maximum parking requirements also need to be considered because parking lots aren't the best land use.

Commissioner Tarnaski asked about when to discuss fees and said he thought the golf cart fees was too high at \$100.00 a year.

Commissioner Joyner said there was an initial high barrier in trying to do that process during its first ideation regarding insurance requirements.

Mr. Collins said that if the cost of providing the service were to exceed the revenue, is it fair to tax revenues to subsidize that use. There's an appropriate revaluation to incentivize golf cart use. He said an analysis would be conducted on the fees and PD staff time for registration. He said there is also police department time and travel involved with registration inspections for golf carts in Town.

Commissioner Lutz said he had a problem with the temporary sign code of ordinance and asked if the Board could revisit that, again. He said he felt a business should be able to put a sign up to promote their business after paying a sign permit and take it down in a particular amount of time. He proposed having businesses due it twice a year with a certain amount of signs and a timeline on how long the signs can be displayed.

Town Manager Marc Collins said that staff would do a comparative analysis and bring back reports to the Board for further review. He said code enforcement does quarterly sweeps and everything else regarding enforcement was complaint-based. He asked the Board if they felt that it was okay for a mixed-use to have additional signage.

The Board responded in the affirmative.

Mr. Collins said if a Mixed-Use property allows a commercial use in a residential property, then one way to address that is to look at the signage allowances for that type of property and make sure that it's appropriate. If the overall business landowner doesn't want the signage, they want their signage to take up the liable square foot, then sometimes it's a tenant-landlord issue more than a signage policy issue.

Assistant to the Manager Stephanie Smith presented the following ethics policy with recommendations for changes:

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TOWN OF WENDELL

NORTH CAROLINA

CODE OF ETHICS POLICY FOR ELECTED AND APPOINTED OFFICIALS

Adopted July 14, 2008

Effective August 1, 2008

Policy Purpose

The Wendell Board of Commissioners has adopted a Code of Ethics for members of the town's board of commissioners and the town's advisory boards / commissions to assure public confidence in the integrity of local government and its effective and fair operation.

POLICY STATEMENT

Preamble:

The citizens and business of Wendell are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the Town of Wendell's commitment to excellence, the effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Wendell Board of Commissioners has adopted a Code of Ethics for members of the Board of Commissioners and of the town's advisory boards / commissions to assure public confidence in the integrity of local government of respect and civility.

1. **Act in the Public Interest-** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Wendell and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Town of Wendell Board of Commissioners, as well as various advisory boards / commissions.
2. **Comply with the Law-** Members shall comply with the laws of the nation, the State of North Carolina and the Town of Wendell in the performance of their public duties. These laws

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include, but are not limited to: the United States and North Carolina constitutions; the Wendell town charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and town ordinances and policies.

3. **Conduct of Members** - The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of boards and commissions, the staff or public.
4. **Respect for Process** - Members shall perform their duties in accordance with the processes and rules of order established by the Wendell Board of Commissioners and advisory boards / commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the town board of commissioners by the town staff.
5. **Conduct of Public Meetings** - Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit** - Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Communication** - Members shall publicly share substantive information that is relevant to a matter under consideration by the board or commission, which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest** - In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may create a conflict of interest or which give the appearance of a conflict of interest. As may be related to matters before them, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. **Gifts and Favors** - Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. **Confidential Information** - Members shall respect the confidentiality of information concerning the property, personnel or affairs of the town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Commented [SS1]: Alternative language option: The Board should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. To assert that any Board member is behaving unethically due to the fact that one has a disagreement with that person based on a question of policy (and not on the person's ethical behavior) is unfair, dishonest, irresponsible, and itself unethical.

Commented [SS2]: Option to add: Members shall recognize that individual Board members are not generally allowed to act on behalf of the Board, but may only do so if they Board specifically so authorizes, and that the board must take official action as a body.

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11. **Use of Public Resources-** Members shall not use public resources not available to the public in general, such as town staff time, equipment, supplies or facilities, for private gain or personal purposes.
12. **Representation of Private Interests-** In keeping with their role as stewards of the public interest, members of any board or commission shall not appear on behalf of the private interests of third parties before the any board, commission or proceeding of the town, nor shall members of any boards and commissions appear before their own bodies or before the board of commissioners on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy -** Members shall represent the official policies or positions of the appropriate board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Wendell, nor will they allow the inference that they do.
14. **Policy Role of Members -** Members shall respect and adhere to the council manager structure of Wendell town government as outlined by the Wendell town charter. In this structure, the Town Board of Commissioners determines the policies of the town with the advice, information and analysis provided by the public, boards and commissions, and town staff. Except as provided by the town charter, members therefore shall not interfere with the administrative functions of the town or the professional duties of town staff; nor shall they impair the ability of staff to implement board of commissioners policy decisions.
15. **Independence of Boards and Commissions -** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of the board of commissioners shall refrain from using their position to unduly influence the deliberations or outcomes of advisory board or commission proceedings.
16. **Positive Work Place Environment-** Members shall support the maintenance of a positive and constructive work place environment for town employees and for citizens and businesses dealing with the town. Members shall recognize their special role in dealings with town employees to in no way create the perception of inappropriate direction to staff.
17. **Implementation -** As an expression of the standards of conduct for members expected by the town, the Wendell Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for the board of commissioners, applicants to advisory board / commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the Town of Wendell Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by the board of commissioners and advisory boards / commissions, and the board of commissioners shall consider recommendations from the advisory boards / commissions and update it as necessary.
18. **Compliance and Enforcement -** The Town of Wendell Code of Ethics expresses standards of ethical conduct expected for members of the Wendell Board of Commissioners and advisory boards / commissions. Members themselves have the primary responsibility to

Commented [SS3]: Option to add to this section: Board members should live as if they are on duty as elected officials or staff members regardless of where they are or what they are doing.

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assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

Any citizen of Wendell has the right and responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention. The board of commissioners may impose sanctions on members of any board member when their conduct does not comply with the town's ethical standards. Sanctions may take the form of a reprimand, formal censure, loss of seniority or committee assignment, budget restriction, or removal from an advisory board. Except as provided by law, violation of this code of ethics shall not be considered a basis for challenging the validity of a board of commissioners or advisory board / commission decision.

Effective on the 1st day of August, 2008. Adopted, this the 14th day of July, 2008.

Ms. Smith offered to answer any questions the Board might have.

Town Manager Marc Collins mentioned a former Commissioner receiving a contract that involved state grant money. He said after review with the Town Attorney, there was no ethical violation of that due to appropriate recusing. However, there was a public perception of ethical issue. He said it's appropriate to consider that as a part of this policy. Mr. Collins opened up the opportunity for the Board to discuss perceived ethical issues with the Town Attorney regarding process. He said if there is anything the Board would like to add to amending this policy, to email Stephanie with their thoughts over the next month.

Commissioner Joyner said that the fourth recommendation concerns him with the language stating that a majority of the Board can make the decision. He said that everything is becoming politically polarized and the use of a simple majority to be able to essentially have a political prosecution of a member of a minority of the Board wasn't something he wanted to facilitate.

Town Attorney Jim Cauley said that having the sitting Town Attorney investigate a sitting Board Member isn't the best process. Hiring an outside municipal attorney that wasn't sitting as the Town Attorney would be better recommended. If it comes to that and the Town needs a review process to facilitate.

Mr. Collins said that if the Board had an ethical question, to come to the Town Attorney or himself or to discuss it amongst themselves. If a recommendation is to be made, the Town Manager and Attorney would seek outside guidance, particularly with a legal action. He said that the Board polices itself as an elected body and the electorate polices the Board through elections. There's nothing the Attorney, Manager or Clerk can do to reprimand as an elected body.

Ms. Smith said the language is meant to bring in a neutral third party to examine the allegations through a fair process. If there was a majority/minority difference of opinion, having a third party that is able to research the facts for the Board to consider and take action on is more of the intent of the fourth recommendation.

Commented [S54]: Alternative process option: If, by a majority vote the Town of Wendell Board of Commissioners has reasonable cause to believe that one or more of its members of the Board has violated a provision of this Code of Ethics, it may at a regular meeting direct the Town Attorney to open an investigation into the matter. All information compiled, including the grounds for the finding of reasonable cause, shall be shared with the member when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to the North Carolina public records statutes. If, upon investigation of a violation of this Code of Ethics, the Town of Wendell Board of Commissioners has reasonable cause to believe that a violation of a criminal law may have occurred, it shall refer the matter to the local district attorney. Should the Town of Wendell Board of Commissioners determine that it wishes to proceed further with censure proceedings, it shall, by a majority vote, call for a hearing to be held at a regular meeting or at a special meeting convened for that purpose..

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Mr. Collins asked Mr. Joyner if he wanted to leave the language as is without the addition of recommendation four to prevent the citizen witch hunt of sitting Board members.

Mr. Joyner said the citizen piece doesn't concern him as much as the simple majority language piece of the fourth recommendation. He said if it was a super majority it would be better.

Mr. Collins said staff could leave this recommendation out of the revised ethics policy and asked if the Town Board had any issue with leaving it out.

Mayor Gray said that she felt like if staff wasn't allowed to enter into contractual agreements that involved the Town, that elected officials should have that rule, as well.

Town Attorney Jim Cauley said that there is a statutory prohibition on contracting with the Town. He said that the Board member couldn't approve a contract with themselves or their company. He said that the situation in this example was one step removed because it wasn't a contract with the Town, it was a contract that was funded in part by money that the Town had secured. Therefore, it didn't fit the self-dealing statute.

Mr. Collins said that the one-step removal is what starts to enter into a gray area.

Mr. Cauley said that if it was added into the ethics policy that "any conflict provisions applicable to Town employees would also apply to Commissioners," then town-approved grant acceptance by an elected official or their company could be avoided.

Mr. Collins said that his ethical standard is different than an elected official's ethical standard, due to the different roles of a Town employee versus an elected official.

Mayor Pro Tem John Boyette said that elections are already set up as a solution for this. Perception determines election every four years where ethical and morals are examined of every elected official. He agreed that there is a whole lot of gray area.

Town Manager Marc Collins said that staff will do a comparative analysis as to where other Towns draw the line in gray areas. Currently, they're legally in compliance with these standards. He said that if the Board hears something from the public that needs to be examined, to bring that back up.

Town Attorney Jim Cauley said that he sees more Boards texting and emailing/communicating outside of a meeting and among Board members when a meeting is going on. He advised the Board to be aware of that, particularly during a Quasi-Judicial hearing regarding Public Records requests, as these communications are a Public Record.

ACTION

The Board took a ten-minute recess at 10:30 a.m., reconvening at 10:40 a.m.

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Town Manager Marc Collins mentioned that the Town Board shouldn't open an email phishing attempt claiming to be inviting the Board to Princesses in the Park. He offered to have the IT Consultant to look at screenshots of suspicious emails that the Board might have questions about.

2c. Administrative Procedure Review

Town Clerk Megan Howard presented the following information and recommendations to the Board:

Administrative Procedure Review

1. Communications

- Emails/Calls/Text Messaging to the Board materials such as RSVP requests, Agenda Packets, newsletters and polls for scheduling.
 - Requests for direction at Town Board Meetings regarding Citizen Advisory Boards, Seminars with TJCOG/SOG
 - Manager's Weekly Update
- ➔ Are there any recommendations or direction from the Board concerning Communications? Email is the main method of communications to the Board. If there's an emergency or a pressing situation, we will contact the Board via phone.

Commissioner Joyner said that he appreciates getting text messages directing him to check his email when there's a pressing issue that's been emailed out.

2. Agenda Packets

- Prepared the Wednesday prior to the Board Meeting.
- Emailed as a PDF to members of the Board, Town Attorney and Department Heads
- Posted on the Town's Website
- Printed for the Mayor and several Department Heads

Town Manager Marc Collins said that he's moved the cover sheet deadline to an earlier time in order to have enough time to review the materials. The weakness in the process is legal review in giving Jim Cauley enough time for response.

Mayor Gray mentioned that the deadline for Commissioners has been moved, as well.

Mr. Collins said that if there is something the Board wants to discuss, they don't have to wait for a retreat. Just let the Mayor or the Town Manager know to add it to the Agenda and let the Manager know if it's an item for discussion or if it's something that staff needs time to review policy and make recommendations when there's an action required. He asked if the Board could use the same deadline, the Thursday before the Wednesday of Agenda Packet compilation.

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Mayor Gray asked if she could get copied on Agendas being sent to the Citizen Boards so that the Town Board would know what they're getting ready to discuss.

Mr. Collins said ~~he and the Town Clerk that the Town Clerk and him~~ have been discussing posting all of these agendas on the website in addition to sending them to the Town Board by the Staff Liaisons to each Citizen Advisory Board. He said he would have staff liaisons send him and the Assistant to the Manager the agenda and would then forward them to the Board.

3. Citizen Advisory Board Rule 36 Appointments in Rules of Procedure

According to the Town Board Rules of Procedure, the following process is used for Citizen Advisory Board Recruitment. Some recommendations have been noted for the Board's review:

RULE 36. Appointments

The process for appointments to boards and commissions shall be as follows:

1. The town clerk advertises opportunities for service at the beginning of each year, or as necessary. Each time the Board of Commissioners wishes to fill an advisory board vacancy, the Board of Commissioners establishes a deadline for receipt of the advisory board applications.

Mayor Gray said that with unexpected vacancies, to make the deadline for applications be within 2 months of the opening.

Commissioner Jon Lutz recommended that the deadline be set to the fourth Friday in April each year, with this year being April 24th. This would give the Town Board to the end of May to vote at its second May meeting, and gives appointees the month of June to attend the Citizen Advisory Board meeting they've been appointed to and meet with the Staff Liaison of that Advisory Board.

2. Interested citizens fill out applications and return them to the town clerk. If an applicant is interested in serving on multiple boards, the applicant should prioritize his/her preferences for board appointments.

The Board agreed to remove this language to prevent confusion.

3. The town clerk marks each application with a date stamp to show the date the application is received and enters all of the applications into a tracking table, which lists the names of citizens and the boards for which they wish to apply. This document is an internal document used by the clerk's staff for tracking purposes.
4. A letter is sent to applicants acknowledging receipt and thanking them for their application and noting the approximate schedule for appointments by the Board of Commissioners.

Commented [MH5]: I would recommend that we set a consistent deadline for each year for vacancies, with the exception of the Planning Board. It was May 23rd last year. If a Planning Board vacancy becomes available before the end of the term's expiration date, the item will be added to the Agenda for the Town Board to establish a deadline to fill the Planning Board vacancy as is deemed necessary to provide for a quorum for voting purposes.

Commented [MH6]: I would remove the language "serving on," because it misleads the applicant to think that they can serve on multiple boards at the same time, which is not allowed.

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5. The town clerk fills-out the advisory board vacancies chart, which lists boards with openings and the schedule for consideration of appointment by the Board. This chart is an internal document used by the clerk's staff for tracking purposes.
6. Copies of applications are filed in the folder of each board for which each person applied.
7. Board members may not serve more than two consecutive full terms on any one particular advisory board. Consideration will be given to sitting members of an advisory board for reappointment to a second term; however, appointment for a second term is not guaranteed.
8. Immediate family members, as defined by the Town of Wendell Personnel Policy, of any elected official cannot be appointed to an advisory board / commission.
9. Town employees (full-time or part-time) cannot be appointed to an advisory board / commission.
10. Contractors / contract employees of the town cannot be appointed to an advisory board/commission.
11. At a regular meeting, the Board of Commissioners will vote on appointments to the various boards and commissions. Voting on advisory board appointments will be done by written ballot. Applicants must receive an affirmative vote from a majority of the Board members present and voting to be appointed. After each round of balloting, votes will be counted to determine if sufficient votes have been received by candidates for appointment, his/her name will be removed from the ballot for any subsequent balloting, and he/she will be considered appointed. Additionally, the names of the lowest vote-getter from that round of voting (along with the names of anyone else who ties as the lowest vote-getter for that particular round of voting) will also be removed from any subsequent ballot until the point in time when the proper number of board appointments has been made. If the applicant is appointed, a letter is mailed to their residence.

Commented [MH7]: Considering that the Board generally votes on one ballot for Citizen Advisory Board appointments, this language/process should be removed.

Mr. Collins said that if you have 20 applicants on the ballot and it requires a majority of votes, this is a process of weeding out an abundance of applicants in order to get to the right number of appointments. He said this would be a minor adjustment of language to make the same point.

Mayor Pro Tem Boyette asked if the Mayor only has tie-breaking ability for just yes/no questions.

Town Attorney Cauley said that the Mayor has tie-breaking ability in the event of a tie, not strictly for yes/no questions.

12. In general, appointees will start their new positions on July 1st of the new fiscal year.
13. No person can serve on multiple standing town advisory boards/commissions at the same time.
14. For those applicants not chosen, a letter is sent to them informing them that they were not chosen. Advisory Board applications will be kept on file for a period of at least twelve (12) months for consideration of appointments to fill vacancies that may arise during the middle of a year. In order to ensure that information received is up-to-

Commented [MH8]: Unless it is for a Planning Board vacancy, we don't generally reach out to previous applicants for vacancies on the other Boards in the middle of the year.

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date, after annual appointments are made, anyone wishing to have an application considered in the future should submit a new application.

Commissioner Jon Lutz said that reaching out to applicants to tell them that they're reopening the application process is fine, but be careful not to let them think it's a shoe-in.

The Board asked Town Clerk Howard to require a new application be submitted.

Commissioner Joyner said it seemed a waste of time to have the clerk go out and call people and require application responses when there will be marketing when a position becomes open.

Mayor Gray said that in the past, the Town had such a hard time filling openings, and this was a way to keep people that were at least interested in serving on a Citizen Advisory Board.

Mr. Collins said that it's easier to have a policy that says that town staff reaches out to all applications on file, stating "as your application was on file for the past 12 months, policy requires that we reach out to notify you of an opening" in an email, one time with everyone listed.

Town Clerk Howard asked if it would help the Board to meet applicants to the planning Board as an interview process to ensure that appointees reflect the Board's policies and ensure qualifications of serving.

Commissioner Lutz said that meeting the Board at the end of a Town Board meeting seems to work out best, preferably the meeting before voting takes place at the next Regular meeting.

Mayor Gray asked that it be added to the Mayor's ~~Red-red~~ letter to remind applicants and Board Members to stay a little late after adjourning.

4. Process for notification of absence at an upcoming Board Meeting.

- If a Board Member plans to be absent from a Regular Tow Board meeting, the individual should send communication to the Town Clerk by text, phone call, or email by noon of that day, if possible.

Mr. Collins said that this also allows for ensuring a quorum.

Town Clerk Howard gave the Town Board her phone number and was instructed to email the Town Board this same information for notifying her of a Board Member's absence to a regular meeting.

5. Technology on the Dais: Town Manager to Lead Discussion

Mr. Collins said that if a citizen is looking up at the elected body on the Dais and there's texting going on, the perception can be 1) that the Board is being disrespectful to staff or the public presenter--2) that you're talking with the developer in the crowd or the motions

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or are having a conversation amongst yourselves rather than talking about the topic at hand before the public. He said that he's learned that college-aged council members have a generational gap of that perception, as millennials are able to ~~multi-multi~~-task while using technology. Mr. Collins asked the Board to be alert to both perceptions and asked if the Board wanted to self-regulate in some way the use of technology on the dais. He said one option would be to not address it, as it's a younger Board. Another option is only allowing technology when an emergency arises or that there be an allowable use for agenda packets unless there's a quasi-judicial proceeding that could create a legal risk when using technology.

Commissioner Lutz said he uses his laptop for agenda packets and looking at a map, but he agrees when it comes to quasi-judicial proceedings.

Commissioner Joyner asked that quasi-judicial items should be provided as paper documents so that the technology can be put away to eliminate that perception.

Town Attorney Jim Cauley said that when reviewing a map, it could be permissible.

Mr. Joyner said that people can link their [text messaging](#) ~~imessaging~~ to their computers which could still create an issue.

Mr. Collins said that in having the new Town Hall would present new technologies being provided for elected officials. Having paper copies in the room at a meeting is required in case technology fails. Having town-issued tablets for commissioners would allow for Town-only materials, email, etc. would be on these technologies, with no personal software synced to those tablets. Mr. Collins said that limiting technology use during quasi-judicial proceedings, it would help staff and citizen perceptions.

6. Board Representation at Pre-Agenda Meetings

ACTION

The Board took a recess at 11:30 a.m. to take a tour of Garner Town Hall.

Town Manager Collins asked to move item 2d to the end while he presents items 4a and 4b to the Board during lunch.

The Board agreed.

3. BREAK – LUNCH

4a. Strategic Plan Process

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Town Manager Marc Collins presented the following information to the Board:

...Small Town, Big Charm

The Town of Wendell, NC
STRATEGIC PLAN



Vision

Goals

Initiatives

Updated by the Board of Commissioners February 2019

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Town of Wendell - Small Town, Big Charm
PURPOSE OF THE STRATEGIC PLAN



The Town of Wendell recognizes that the realization of a community vision is only achieved when the strategic goals of the community are in alignment with available and planned resources. As such, the purpose of the strategic plan is to provide for a process that aligns resources with commitment from Town organization leaders to bridge the gap between the assessed current conditions and envisioned community of the future.

SMART Goals

S pecific	What exactly will you do?
M easurable	How will you know if you meet your goal?
A chievable	What steps are you going to take to reach your goal?
R elevant	What about your goal makes it important to you?
T imely	When do you want to complete your goal?

The 2019 Town of Wendell Strategic Plan represents a compilation and prioritization of the annual strategic planning sessions for 2016 through 2018. The strategic planning sessions include input from the Board and staff to develop the Town Vision Statement and policy goals incorporated into this document.

The Town organization is committed to SMART goal principles to establish actionable outcomes that are linked to long-term financial planning. Through the strategic planning process, the Town Commission works with community stakeholders to provide policy direction for implementation by the Town Manager and staff in partnership with the citizens and organization that call Wendell home.

Initiatives are identified to be advanced within the annual planning period. While not all goals can be finished in one year, action items identify limitations and expectations of management-in-progress that are timely.

Wendell Board of Commissioners
(Left to Right)

Jason Joyner, Commissioner
John Boyette, Commissioner
David Myrick, Commissioner
Virginia Gray, Mayor
Dr. Jon Lutz, Mayor Pro-Tem
Ben Carroll, Commissioner



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Town of Wendell - Small Town, Big Charm

VISION STATEMENT



Vision Statement for the Town of Wendell

“The Town of Wendell is clean, safe, vibrant, and full service with a diverse population. Our citizen friendly reputation is assured by the quality of our facilities and professional staff who work efficiently to provide great customer service. We have a knowledgeable Town Board who works efficiently to incorporate input from Citizen Advisory Boards and staff to be responsible stewards of our tax dollars, through leveraging, by watching return on investments and maintaining our fund balance.”

In working to achieve this vision for the Town of Wendell, the Board of Commissioners have committed to the following:

- **Strive for efficiency** in the way we handle business. We are hard-working and attend all meetings.
- Keep the **best interests of the Town** uppermost in our minds.
- Consider all aspects of a situation and make **thorough, deliberate, and well-reasoned decisions**.
- **Explore all viewpoints**. We are open to hearing from others, learning from them and compromising, when needed.
- **Stay cohesive, collaborative, collegial, and connected** to the manager and to each other.
- **Demonstrate respect for all opinions**, especially in public. And we support the decisions of the Board. Once decisions are made by the majority, we support that decision.
- Tackle **new and novel ideas** and processes.

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POLICY GOALS



Policy goal areas are intentionally broad and are used to identify the most critical issues facing the community. Each policy goal has specific action initiatives that are prioritized annually to assist in the allocation of resources and staff time to ensure efficiency and effectiveness. The policy goal areas identified include the following:

- **GOAL 1: Downtown Vibrancy, Economic Growth, and Community Character**
Promote economic vitality through the development of a vibrant Downtown, economic growth, and unique community character.
- **GOAL 2: Public Safety and Neighborhood Improvement**
Provide for a safe and secure community that nurtures livable and well-maintained neighborhoods that are family friendly.
- **GOAL 3: Infrastructure, Transportation, and the Environment**
Develop and maintain infrastructure and policies to support new growth, improve the quality of life for residents, and provide for a clean and green environment.
- **GOAL 4: Parks, Recreation, Special Events, and Culture**
Establish facilities, events, and programs that connect the community, promote healthy lifestyle opportunities, and culturally engage citizens and visitors.
- **GOAL 5: Organization Culture and Communication**
Build a professional and inclusive Town organization that is fiscally responsible, seeks innovative practices, and values the development of staff.

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GOAL 1: Downtown Vibrancy, Economic Growth, and Community Character

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GOAL 1: Downtown Vibrancy, Economic Growth, and Community Character

Promote economic vitality through the development of a vibrant Downtown, economic growth, and unique community character.

Downtown vibrancy, economic growth, and community character goal attainment occurs when the following opportunities are realized or conditions exist.

A. Downtown contains a vibrant mix of businesses that are centered on food and beverage, retail, and neighborhood services that attract area residents in coordination with sufficient parking, attractive public spaces, and regular special events to foster the "Small Town, Big Charm" motto.

Management in Progress

1. Conduct a Downtown Engagement Session facilitated by the NC Department of Commerce to receive input from stakeholders and businesses.
2. Administer the NC Department of Commerce grant for Downtown improvements related to building façades, utilities, and establishment of the Meet of Main organization.
3. Evaluate opportunities to acquire and/or enhance parking and public spaces Downtown.
4. Provide project updates on Raleigh Public Utilities capital project for water main improvements to enhance communication and reduce business impact.
5. Prepare for the NC Department of Transportation capital project to mill and resurface Third Street in 2019 to enhance communication and reduce business impact.
6. Seek enhancements through the Transportation Alternative Program to improve sidewalk crossing for accessibility and aesthetics.
7. Evaluate downtown streetlight options with Duke Energy to enhance efficiency, improve lighting, and aesthetics.

Strategic Initiatives

1. Seek to implement recommendations developed during the NC Department of Commerce engagement meeting with Downtown stakeholders and businesses.
2. Evaluate existing Downtown grant opportunities, like the façade grant program, and update to reflect goals related to desired uses.
3. Revise the zoning uses for the Downtown area in the Unified Development Ordinance to community and business preference and market needs.
4. Review current special events sponsored by the Town and work with community organizations to enhance existing events and develop a sustainable, year-round event schedule.
5. Establish a Special Event policy and process to guide the use of public space, facilities, and Town resources.
6. Identify opportunities for the mid and long-term use for the Wendell Elementary School property in coordination with Wake County Schools.
7. Identify opportunities for infill housing and commercial development in Downtown and establish a program to promote the potential development or redevelopment projects.

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**GOAL 1: Downtown Vibrancy, Economic Growth, and
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B. The Town contains an appropriate mix of land uses including the development of commercial, office, and industrial uses to enhance property values, create jobs for residents, and make opportunities available for shopping, services, and products desired by the community and region.

Management in Progress

1. Work with the NC Department of Commerce to facilitate an economic development assessment to establish stakeholder opportunities, community vision, and identify market gaps.
2. Review established economic development plans, strategies, and programs to identify opportunities to attract commercial and industrial development.
3. Participate in the Triangle J Council of Governments Brownfields Coalition to submit a grant application to the EPA Brownfield Program to assess brownfield properties in the region.

Strategic Initiatives

1. Update the economic development strategic plan to reflect the NC Department of Commerce vision, stakeholder, and engagement sessions to include an action plan for implementation.
2. Evaluate the establishment of either an in-house, contract, or hybrid service delivery for economic development.
3. Develop marketing material and service level data to assist in economic recruitments and annexation.
4. Establish a Wendell Falls Corridor Action Plan to encourage appropriate development, connectivity, and infrastructure extension.
5. Establish a broadband policy and action plan.
6. Work with Newland Communities and area health systems to encourage the development of a hospital and medical park in the Wendell Falls commercial district or other suitable location.
7. Conduct a comparative growth analysis with area jurisdictions to determine best practices and avoidable issues related to growth to maintain a positive quality of life.
8. Establish growth boundaries with Archer Lodge and Rolesville.
9. Complete a small area plan with a focus on connecting Downtown to major interchanges to evaluate opportunities and impediments to development, annexation, public facilities, and preservation.
10. Initiate planning to update the Comprehensive Land Use Plan and update associated development and transportation plans to incorporate the update.

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GOAL 2: Public Safety and Neighborhood Improvement

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GOAL 2: Public Safety and Neighborhood Improvement

Provide for a safe and secure community that nurtures livable and well-maintained neighborhoods that are family friendly.

Public safety and neighborhood improvement goal attainment occurs when the following opportunities are realized or conditions exist.

A. Develop an environment for community engaged policing and code enforcement that emphasizes maintaining safe, family friendly neighborhoods, improving the public environment for accessibility, and encouraging community ownership in improving private property.

Management in Progress

1. Include police officer involvement in special events, school activities, and other civic engagements to encourage interaction and relationship building with citizens.
2. Conduct a comparative analysis of community improvement programs to seek a neighborhood driven solution for engagement, housing repair, and aesthetic improvement.
3. Review the temporary sign provisions and waiver to evaluate the benefit of business advertising versus sign clutter and aesthetic impact on neighborhoods.
4. Complete a comprehensive review of the use of force policies and update as needed.

Strategic Initiatives

1. Establish an action plan for the police department to achieve Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation and initiate policy review and development to implement.
2. Identify methods and seek department-wide training to proactively and consistently utilize community engaged policing methods.
3. Identify opportunities to improve officer health and safety through the promotion of physical fitness, use of employee assistance programs, ergonomic equipment, and like practices.
4. Seek opportunities and programs to improve traffic and pedestrian safety near school sites.
5. Evaluate the towing rotation policy and parking enforcement practices to incorporate Wendell Falls streets and Downtown event parking.
6. Expand officer participation in Crisis Intervention Training to expand existing capabilities beyond the supervisory level to properly assist persons in crisis receive appropriate agency referrals.
7. Partner with external stakeholders to address illegal drug (opioid) issues in the community to include enforcement and referral to treatment and support opportunities as the problems are identified.
8. Develop a pilot project for a "neighborhood clean-up day" to connect citizens in-need to resources for home and yard improvements, encourage voluntary efforts, and improve public spaces for a targeted geographic area.
9. Evaluate housing stock and identify opportunities to encourage a diversity of housing types, promote infill development, and provide for connectivity, beautification, and park improvements.

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GOAL 3: Infrastructure, Transportation, and the Environment

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GOAL 3: Infrastructure, Transportation, and the Environment

Develop and maintain infrastructure and policies to support new growth, improve the quality of life for residents, and provide for a clean and green environment.

Infrastructure, transportation, and the environment goal attainment occurs when the following opportunities are realized or conditions exist.

A. Public utilities, land, services, and open spaces are designed, maintained, and extended to provide for necessary water, sewer, stormwater, roads, sidewalks, bikeways, paths, intersections, facilities, and debris removal for the existing and planned community.

Management in Progress

1. Evaluate the water and sewer system merger and seek feasible options with CORPUD for an early merger opportunity to reduce utility rates while maintaining needed access to capacity.
2. Compare infrastructure rates with area municipalities for inclusion in the budget.
3. Identify stormwater program compliance requirements with costs for inclusion in the budget.
4. Implement a street repaving program to regularly resurface Town streets and pave unimproved roads.
5. Support the completion of the NCDOT Old Battle Bridge replacement bridge project in 2019.
6. Identify next steps for the U-5323 NCDOT intersection realignment project to determine continued liabilities and options to resolve.
7. Establish a sidewalk maintenance and extension program to implement the Pedestrian Plan.
8. Prepare for the design and funding submission for the Wendell Boulevard Sidewalk Project.

Strategic Initiatives

1. Establish an infrastructure plan for the connection and extension of water and sewer for inclusion in the capital improvement plan to promote development, annexation, and close service gaps.
2. Evaluate the water allocation policy for efficiencies in cost and providing necessary infrastructure to encourage appropriate growth.
3. Complete a review of comparative stormwater practices and programs and present a recommended program that includes a prioritization of needed projects and maintenance of existing infrastructure.
4. Seek opportunities to improve the Transportation Plan to balance necessary improvements to occur in a timely manner with economic development, including the Wendell Boulevard widening.
5. Prioritize and prepare intersection improvements for NCDOT and CAMPO funding processes.
6. Establish an eligible projects list for transportation, bike, and pedestrian improvements through CAMPO administered funding sources for inclusion in future capital improvement plans.
7. Establish a facility and lands prioritization list to identify future acquisition needs with funding strategies for inclusion in the capital improvement plan.
8. Submit the Wendell Boulevard Sidewalk Project to CAMPO in FY 2020 for construction in FY 2021.
9. Identify new bus stops and work with regional transit partners to develop implementation strategies.
10. Review solid waste service levels and contract for efficiencies and service improvement options.

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GOAL 4: Parks, Recreation, Special Events, and Culture

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GOAL 4: Parks, Recreation, Special Events, and Culture

Establish facilities, events, and programs that connect the community, promote healthy lifestyle opportunities, and culturally engage citizens and visitors.

Parks, recreation, special events, and culture goal attainment occurs when the following opportunities are realized or conditions exist.

A. Provide recreation amenities and services to residents and visitors through quality facilities, a diverse program offering, varied parks, and special events guided by a community-driven master plan that provides for accessibility, connectivity and healthy fun for all.

Management in Progress

1. Initiate a comprehensive parks and recreation master plan to guide future recreation services and facility needs.
2. Provide for the installation of shade structures at the Town park.
3. Establish a parks maintenance plan to include staff resources needed to sustain current programming.
4. Work with the Meet on Main group to coordinate a year-round special event schedule.
5. Prepare a lease for the 122 Second Street property for use as a historic museum.
6. Revise athletic program offerings to meet current seasonal demands to increase field use.

Strategic Initiatives

1. Complete the development and plan for implementation of a comprehensive parks and recreation master plan to guide future recreation services and facility needs.
2. Evaluate the fee-in-lieu policy for parks in the Unified Development Ordinance (UDO).
3. Identify and provide for the acquisition for the next active recreation site identified in the parks and recreation master plan.
4. Update the park plan for the Wendell Town Park to identify next steps for the use of the "new" areas.
5. Develop a plan to link Wendell Falls to Downtown and the Park by greenway that allows for multiple transportation alternatives.
6. Evaluate the transition of Main Street Extension to a greenway connector to Downtown rather than a street for vehicles.
7. Initiate planning for signature special events to ensure sustainability, maintain attendee interest, and provide for appropriate growth.
8. Coordinate the development of a new Wendell Branch Library with Wake County to include space for historic preservation and community group meetings.
9. Identify methods to incorporate sports tourism and visitor marketing for awareness of special events and recreation offerings.

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GOAL 5: Organization Culture and Communication



GOAL 5: Organization Culture and Communication

Build a professional and inclusive Town organization that is fiscally responsible, seeks innovative practices, and values the development of staff.

Organization culture and communication goal attainment occurs when the following opportunities are realized or conditions exist.

A. Build an organization committed to improving daily towards a goal of excellence in service to its citizens, businesses, visitors, and employees through responsible fiscal management, inclusive communication, innovative technologies, and professional development.

Management in Progress

1. Maintain a fiscally conservative approach in the review of comparative tax and utility rates for inclusion in the budget.
2. Establish a capital improvement plan that incorporates a capital budget with a capital funding reserve that identifies revenues, preserves the fund balance policy, and incorporates debt service.
3. Enhance the budget document to provide greater detail and transparency on department expenses and how they connect to strategic initiatives.
4. Complete a comparative staffing needs analysis that is updated annually to assist in budget development and to guide organization growth over the next five to fifteen year period.
5. Identify existing work performance data collected by the departments, establish levels of service, and incorporate performance goals tying service levels to strategic goals in the budget process.
6. Complete the analysis of the IT program to consider both efficiencies and organization growth needs.
7. Evaluate current communications like the Snapshot and weekly update to ensure that information is tied to organization performance and strategic goals to be of value to the reader.

Strategic Initiatives

1. Maintain GFOA financial reporting recognition and seek recognition for the budget submission as well.
2. Establish a quarterly (at least) update of strategic initiatives that includes the responsible party and timelines.
3. Evaluate current department policies and practices to enhance efforts to improve customer service.
4. Establish an online agenda that includes background materials and the opportunity for public comment.
5. Develop a communication plan to market Wendell to external interests and increase communication for internal interests.
6. Establish biannual retreats for the Commission and a biennial strategic planning process that provides for community and stakeholder input.
7. Determine requirements for compliance with the Americans with Disabilities Act, as amended, and prepare a transition plan as necessary for facilities, infrastructure, programs, and communications.
8. Complete a review of the Charter and procedural rules of the Commission.
9. Evaluate human resource policies for overtime, insurance selection, employee evaluation, compensation, comparative benefits, and training programs.

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9. Establish an Economic Development Program	Economic Development consultant required part-time. The consultant will work with the Manager on further program development in FY 2020.	Complete	7/1/2019	Management
10. Develop Marketing Material for Economic Development	Project will formally start after economic development program and practices are further developed. Initial steps of updating demographic data completed in spring 2019. Program updates for websites initiated and in progress.	In Progress	9/13/2019	Planning
11. Wendell Falls Consider Action Plan Development	WCDOK held stakeholder meeting for corridor in spring 2019. Staff assessed development impediments with CAMPO, NCDOT, CORPUS, development community, and property owners. Transportation plan amended 8/12/2019 by BOC. Land Use will be updated in the Comprehensive Land Use Plan process starting Spring 2020. Planning BOC for consultants in process.	In Progress	1/20/2020	Planning
12. Recodify Policy and Action Plan	Not started or scheduled at this time. Waiting on BOC consultant selection, likely to schedule evaluation in spring 2020 for future consideration.	On Hold	9/9/2019	Management / IT / Planning
13. Facilitate Health Industry Development	Economic development consultant met with Newland, WEPP, and staff in August. Water West announced acquisition of land in Wendell Falls. Development details and timing TBD.	In Progress	9/9/2019	Management / Planning
14. Comparative Growth Analysis	Assistant to the Manager collecting data points from comparative places.	In Progress	1/20/2020	Management
15. Growth Boundaries with Archer Lodge and Rolesville	Project to be included into the Comprehensive Land Use Plan update process to start in spring 2020. Meeting with County staff regarding areas between towns in December as part of Plan/Map process. Draft County map prepared.	In Progress	12/8/2019	Planning
16. Small Area Plan for Downtown Connections to Interstate	Project to be included into the Comprehensive Land Use Plan update process to start in spring 2020.	In Progress	9/9/2019	Planning
17. Comprehensive Land Use Plan Update	Planned to start in spring FY 2020 and be completed in FY 2021. Planning soliciting for consultants to conduct plan in January 2020.	In Progress	1/20/2020	Planning
Goal 2: Public Safety and Neighborhood Improvement				
Initiative	Update	Status	Date	Assigned
Management Initiatives				
1. Increase Police involvement in Community Events	Maintained existing effort. Activity will be reported in monthly Police Report started in August 2019. Initiative is ongoing service level.	Complete	8/26/2019	Police
2. Comparative analysis of neighborhood improvement programs	Planning and Assistant to Manager conducted comparative analysis and project scoring. Draft program presented to Board at 1/13/2020 meeting.	Complete	1/13/2020	Management
3. Temporary sign provision review	Manager reviewing policy for winter report to Commission.	In Progress	9/9/2019	Management
4. Use of Force Policy Review and Update	Department committee doing comparative analysis from CALEA accredited agencies. Report scheduled for completion in spring 2020.	In Progress	7/27/2019	Police
Strategic Initiatives				
1. CALEA Accreditation Action Plan	Action plan established and reported to the BOC in spring 2019. Accreditation is a 3-year process. Funding provided in FY 2020 budget to initiate the process. First step is hiring a Records & Training Administrator to manage the process with a department team. Implementation will be reported in monthly police report. Final goal is achieving accreditation.	Complete	7/1/2019	Police
2. Community Engaged Policing Methods and Training	Project start anticipated fall 2019. Assistant to Manager will work with Police Department on comparative analysis and program development in 2020.	On Hold	9/9/2019	Police / Management
3. Officer Health and Safety Initiative	Management met with Police staff in spring 2019. FY 2020 budget funded EAP and wellness program reimbursement for officers. In addition funding was increased for equipment, training, uniforms, and supplies to improve officer conditions. Effort will be evaluated annually during the budget process to continue improvement as resources allow.	Complete	7/1/2019	Police

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2019 Town of Wendell Strategic Plan					
November 25, 2019 Update					
GOAL 1: Downtown Vitality, Economic Growth, and Community Character					
Initiative	Update	Status	Date	Assigned	
Management Initiatives					
1. Downtown Engagement Session by NCDOC	Sessions conducted by NCDOC in Spring 2019	Complete	7/1/2019	Planning	
2. Administer NCDOC Grant for Downtown	Meet on Main group established. Facade grant awarded for 1 N Main project. Second update provided to NCDOC on 1/15/2020. Work in nearing completion.	In Progress	1/27/2020	Planning	
3. Downtown parking evaluation/acquisition	Design Build RFP selection and negotiate agreement to Board. Mural artist contracts in anticipation approved 1/13/2020. Last item is finalizing agreement with contractor prior to initiating design and construction phase.	In Progress	11/20/2019	Management / Planning	
4. Wendell Walkway/Smart Main CORPUS Project	CORPUS completed Third Street area and Parish Court and moving to other areas of project. Work completion on Hester and awaiting paving. Working on Campus as of 1/20/2020	In Progress	1/20/2020	Public Works	
5. NCDOC Third Street milling and resurfacing	NCDOC contractor started project 9/16. Resurfacing complete. Striping done.	Complete	11/23/2019	Public Works	
6. TAP Sidewalk Accessibility Projects	NCDOC contractor to start in FY 2020 on identified intersections.	On Hold	7/1/2019	Planning / Public Works / Maint.	
7. Downtown Streetlight Evaluation and Options	Staff evaluating condition and options for future CIP project.	In Progress	7/1/2019	Public Works	
8. NCDOC Facilitated Economic Development Assessment	NCDOC completed the Economic Development Assessment and presented it to the BOC in June 2019.	Complete	7/1/2019	Planning	
9. Review Economic Development Plans, Strategies, and Programs	Economic Development Consultant completed review, staff prepared draft plan, ED Committee recommended, and Board adoption of plan at 1/21/2020	In Progress	1/20/2020	Management / Planning	
10. TRCDG Roundtable Coalition Grant Submission	No Brownfield grants were awarded in NC in 2019. TRCDG for regional coalition grant submitted in 12/2019 with 3 Town sites identified. Presentation of grant and program to be held at 1/14/2020 meeting.	Complete	1/13/2020	Management / Planning	
Strategic Initiatives					
1. Implementation Plan for NCDOC Downtown Engagement Session	Economic Development Assessment completed with action plan. Implementation update provided to BOC at 1/13/2020 Commission meeting as part of the updated economic development strategic plan.	Complete	1/27/2020	Management / Planning	
2. Evaluate Downtown Grants and Update	Facade grant program update approved by BOC 8/1/2019.	Complete	8/1/2019	Planning	
3. Revise Downtown zoning use table	Process will be incorporated into Comprehensive Plan update and MPO amendment Planning RFP for consultants in process.	In Progress	1/20/2020	Planning	
4. Review special events practices and schedule	Meet with partner organizations with staff in advance of events and update for sustainable practices and locations. Review completed.	Complete	11/23/2019	Management	
5. Develop a Special Events Policy and Process	Current policies and forms collected from departments. Draft guide and policy drafted. Present to Board at 1/27/2020 meeting.	In Progress	1/20/2020	Management	
6. Evaluate Wendell elementary Property	Project to be included into the Comprehensive Land Use Plan update process to start in spring 2020. Planning RFP for consultants in process.	In Progress	1/20/2020	Planning	
7. Downtown Infill Opportunities Identification	Project to be included into the Comprehensive Land Use Plan update process to start in spring 2020. Planning RFP for consultants in process.	In Progress	1/20/2020	Planning	
8. Update Economic Development Strategic Plan	Economic Development consultant evaluated current practices and properties. Planning staff completed draft plan. Presentation 1/13/2020 and adoption by BOC at 1/27/2020 meeting.	In Progress	1/20/2020	Management / Planning	

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4. Pedestrian Safety Near School Sites	Wendell Boulevard Sidewalk Project design approved in FY 2020 budget. LAPP grant will be prepared by design consultant in fall 2019. Design complete prior to construction start in fall / winter 2020. LAPP application submitted 10/19. Technical Committee recommended funding project to CAMPO Board.	In Progress	1/26/2020	Planning
5. Parking Enforcement Review	Staff evaluated HOA parking requirements at Wendell Falls and Town ordinances related to parking in Spring 2019. Staff is drafting parking ordinance resolutions for presentation to Board on 1/27/2020.	In Progress	1/26/2020	Police / Management
6. Crisis Intervention Training Expansion	Goal for team 2 officers per year pending Wain-Torff course availability.	On Hold	7/22/2019	Police
7. Open House Awareness and Partnerships	Department is researching new community resources for inclusion on website. Project ongoing in future.	In Progress	7/22/2019	Police
8. Neighborhood Clean-Up Day Pilot	Assistant to Manager conducting comparative analysis, seeking resources, and developing project scope. Pilot project goal set for spring 2020.	In Progress	9/9/2019	Management
9. Housing Diversity and Neighborhood Improvements	Town hosted Wain County housing public comment session in November 2019. Staff with meeting County staff in January 2020 to coordinate efforts. Staff submitted CORG funding request to County in 12/20 to implement Staff Neighborhood Improvement Program presented to Board 1/13/2020. Improvements to be implemented in FY 2021.	Complete	1/13/2020	Planning
Goal 3: Infrastructure, Transportation, and the Environment				
Initiative	Update	Status	Date	Assigned
Management in Progress				
1. CORRID Merge Evaluation	Completed FY19 evaluation for Merge. CORRID presented to BOC in spring 2020. Policy direction to maintain capacity allocation at this time. Staff evaluating FY21 merge using budget process in spring 2020.	Complete	1/26/2020	Management / Planning / Finance
2. Infrastructure Rate Comparison	Comparative rates were researched and included in the FY20 Budget.	Complete	7/1/2019	Management / Finance
3. Stormwater Program Compliance	Town Engineer completed the multi-year stormwater mapping project in November 2019. Now engaged to review maps and assist with developing compliant program prior to DLP and 8 in 2022. Task order for engineer drafted in December 2019 and in progress. Next step is reporting gaps and implementing program to address in FY 2021.	In Progress	1/26/2020	Public Works
4. Street Paving Program Implementation	Program funding and description included in CIP. Engineer to evaluate streets for resurfacing priority and needs for capital budgeting. Task order completed in January 2020. Parish and segments of 1st and 2nd completed, Hester Court being evaluated with CORRID.	In Progress	1/26/2020	Management / Public Works
5. NCOT Old Bottle Bridge Replacement	Waiting on NCOT to initiate project. Public Works impervious area to ensure barriers remain intact and monitor NCOT P issues. Current schedule is completion in 2021 with indication it could be advanced to 2020.	On Hold	7/1/2019	Public Works
6. Martin Crossing Improvements (U-323)	Planning met with CAMPO and NCOT regarding next steps. Engineering evaluation of options needed. Request will be provided in winter 2020 to BOC.	In Progress	1/26/2020	Planning
7. Sidewalk Maintenance and Extension Program	Funding added in FY 2020 Budget and CIP for Pedestrian Plan implementation efforts. Recurring funding program established.	Complete	7/1/2019	Management / Planning / Public Works
8. Wendell Boulevard Sidewalk Project Design	Funding added in FY 2020 Budget for design. Design firm selection complete. Kinky-Horn prepared project for initial CIP grant submission to CAMPO. Final submission scheduled in October. Design work in progress by consultant. CAMPO technical committee recommends funding for applications.	In Progress	1/26/2020	Planning

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Strategic Initiatives				
1. Infrastructure Plan for CIP	Requires analysis by Economic Development and Engineer. On hold for engineering services contract. Project scheduled to be started with FY 21 CIP process in spring 2020.	On Hold	4/9/2019	Management / Planning
2. Evaluate the Water Allocation Policy	Evaluation being conducted by Planning. Management reviewing current policy. Presentation to BOC in winter 2020.	In Progress	9/9/2019	Management / Planning
3. Stormwater Program Analysis	Public Works works with Wake County, HCLC, and DNR for permit compliance. Staff will work with an engineering consultant to present the program needs in spring 2020. RFP and R is tented for 2022.	In Progress	11/21/2019	Public Works
4. Transportation Plan Review	Planning staff completed a review of the Transportation Plan. UDO amendments to Planning Board in June 2019 and BOC adopted 8/12/2019.	Complete	8/12/2019	Planning
5. Prioritize Intersection Improvements	Waiting for engineering services selection to be completed. Project will be added to FY 2021 Budget process for consideration.	On Hold	3/6/2019	Public Works and Planning
6. CAMPO Eligible Projects List for Future Funding	Planning to evaluate Transportation Plan and Pedestrian Plan with engineer, CAMPO, and DOT and provide report in summer 2020.	In Progress	1/26/2020	Planning
7. Facility and Land Prioritization	Staff worked with Cumming on Town Hall project for presentation to BOC in July 2020. Recreation needs completed master plan in Fall 2019. Additional facility and land needs will be evaluated in the CIP process.	In Progress	1/26/2020	Management / Public Works / Planning
8. Wendell Boulevard Sidescape Project to CAMPO	Engineer firm selection in July 2019 to prepare CAMPO grant submission for LAFF funds for project. Submitted to CAMPO in 10/2019.	Complete	10/23/2019	Planning
9. Evaluate Additional Transit Modes	Project assigned to Assistant Planning Director to develop project schedule and scope. Some portions will be in the Comprehensive Plan. Meeting with Transit staff to discuss project planning in November 2019.	In Progress	11/21/2019	Planning
10. Solid Waste Service Level and Contract Review	Solid waste contract expires in June 2020. Staff will initiate contract discussions and review service options in winter 2019-2020.	On Hold	1/13/2019	Public Works / Finance
Goal 4: Parks, Recreation, Special Events, and Culture				
Initiatives	Update	Status	Date	Assigned
Management in Progress				
1. Initiate Parks and Recreation Master Plan	BOC awarded bid to MCull to complete plan. Plan is in process and is scheduled for completion in early fall 2019.	Complete	7/1/2019	Parks & Recreation
2. Shade Structure Installation at Park	Shade structures installed late spring 2020.	Complete	7/1/2019	Parks & Recreation
3. Parks Maintenance Plan	Parks Maintenance position added in FY 2020 budget.	Complete	1/1/2019	Management and Parks & Recreation
4. Meet on Main Special Event Planning	Initial event planned and held on 9/26.	Complete	9/26/2019	Mgt/PD/PW/P&R
5. WPS Lease of 122 Second Street for Museum	Lease completed in spring 2019.	Complete	7/1/2019	Management
6. Update Athletic Program Offerings	FY 2020 fee schedule includes new programs for football, soccer, and softball.	Complete	7/1/2019	Parks & Recreation
Strategic Initiatives				
1. Plan for Implementation of Master Plan	Master plan adopted and initiatives will be included in the CIP process.	In Progress	1/26/2020	Management and Parks & Recreation
2. Evaluate UDO Fee in Lieu for Parks	Planning Director began a comparative analysis after P&R Master Plan adopted and will present proposed changes to Board in spring 2020.	In Progress	1/26/2020	Planning
3. Plan for Acquisition of New Park	Staff is assessing opportunities for acquisition of park sites as recommended by the adopted Master Plan.	In Progress	1/26/2020	Management and Parks & Recreation
4. Update the Wendell Park Plan	Recommendations for improvements in adopted master plan.	Complete	1/26/2020	Parks & Recreation
5. Greenway Plan to Connect Downtown to Woodhill Falls	Planning working with developers to incorporate trail into design. Will present trail options to Board in spring 2020.	In Progress	1/26/2020	Planning

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6. Main Street Pedestrian/Greenway Connector to Downtown (other than a Street for Vehicles)	Project conceived, drafted and submitted to Wata County for grant funding in FY 2011.	Complete	5/20/2019	Planning
7. Evaluate Special Events to Increase Impact	Staff meets with event organizers to evaluate opportunities to improve events and ensure that locations provide opportunity for growth. Layout for Downtown events modified to include Main Street for existing events. New events added for Memorial and Veterans' Market.	Complete	11/13/2019	Management and Parks & Recreation
8. Wendell Branch in Regional Library Site	Staff met with library leadership in spring 2019. Staff will monitor and participate in the library master plan update and prepare for a potential future bond offering. Project assigned to Assistant Planning Director.	In Progress	9/9/2019	Planning
9. Incorporate Sports Tourism and Marketing into Events and Recreation Program Offerings	Staff met with Trail Ralight staff regarding implementation of the tourism plan. Staff attended a hotel development meeting and partnered with Newland to develop a marketing piece in the visitors' guide. Visit Ralight actively promoting Tourism events (multiple posts for Wendell Wonderland).	Complete	11/13/2019	Management and Parks & Recreation
Goal 3: Organization Culture and Communication				
Initiative	Update	Status	Date	Assigned
Management Initiatives:				
1. Tactically conservative budget approach for tax and utility rates in developing FY 2020 Budget	No rate increases were proposed for the FY 2020 Budget for property tax or utility rates.	Complete	7/1/2019	Management and Finance
2. Establish a Capital Improvement Plan	Capital Improvement Plan established and adopted in FY 2019 Budget.	Complete	7/1/2019	Management and Finance
3. Enhance the FY 2020 Budget document for transparency and detail connecting department expenses to policy	Significant enhancements provided to the Budget document for FY 2020. Adopted Strategic Plan with BOC priorities incorporated with section linking budget expenses to strategic plan.	Complete	7/1/2019	Management and Finance
4. Staffing Needs Analysis	A 10-year staffing needs analysis was included in the FY 2020 Budget.	Complete	7/1/2019	Management and Finance
5. Establish performance goals in budget	Performance management goals included for each department in FY 2020.	Complete	7/1/2019	Management and Finance
6. IT Program Analysis	Went RFP for IT services issued in partnership with Hokesville. Vendor selected at 9/23 board meeting. Consultant to conduct 2-month evaluation of system and needs for CIP starting in December 2019.	In Progress	11/13/2019	Management and Finance
7. Update regular communications to reflect performance and strategic goals	Finance developing draft reports. Content reported at 7/27/19 BOC meeting. First updated reports to be provided at 8/16/19 BOC meeting.	Complete	8/26/2019	Management and Finance
Strategic Initiatives:				
1. CPOA recognition for audit and Budget	CPOA recognition for audit received in spring 2019. Budget submitted for first time on 8/21/2019 to CPOA. Response expected in several months.	Complete	8/21/2019	Management and Finance
2. Strategic Plan Quarterly Updates	Updates incorporated into monthly reports starting July 2019.	Complete	8/26/2019	Management
3. Customer Service Policy Review with Departments	Project not started yet. Project design to start spring 2020.	On Hold	7/21/2019	Management
4. Online Agenda Packets with Background Material	Waiting on IT consultant selection to work with Clerk on software.	On Hold	7/21/2019	Management
5. Communication Plan	FWPV communications contact staff started in July 2019. Project was coordinated with Hokesville. Cumulative analysis and initial draft plan complete. Staff presented to Board in November 2019. Implementation in 2020.	Complete	1/20/2020	Management
6. Biannual Retreats and Retreat Strategic Planning Process	Retreats in process and strategic plan adopted in 2019. Staff will work with BOC at Wata's retreat to establish the Strategic Planning process. Process developed will be implemented in FY 2020 to cover the next 2-year period.	In Progress	7/21/2019	Management
7. ADA Compliance	Management is evaluating current requirements and will name an ADA Coordinator in 2019. The organization will work to develop a Transition plan over the next 5 years.	In Progress	7/21/2019	Management

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8. Charter and Procedural Review with Commission	Staff is preparing for the review at a work session in the winter.	In Process	9/9/2019	Management
9. Human Resources Policy and Program Review	Employee Committee rule updated, employee recognition program updated, bereavement policy updated, insurance selection completed with budget. EAP program included in insurance with Budget, training funding increased, and compensation and classification study started 9/1 and findings to be presented to Board in 2/2020 for inclusion in budget. Board authorized HR Administrator position to assist with implementation. Recruitment process started in December 2019. Expert staff on board by March 2020.	In Process	1/20/2020	Management

4b. FY20 Strategic Plan Report and FY21 Recommendations

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FY 20 Strategic Plan Report

Presented January 25, 2020
Organizational Retreat



Strategic Plan - Purpose

- The Town of Wendell recognizes that the realization of a community vision is only achieved when the strategic goals of the community are in alignment with available and planned resources. As such, the purpose of the strategic plan is to provide for a process that aligns resources with commitment from Town organization leaders to bridge the gap between the assessed current conditions and envisioned community of the future.

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Current Plan

- ▶ First written and adopted strategic plan
- ▶ Based on past retreat minutes, Board discussion, and staff recommendation.
- ▶ Adopted February 11, 2019
- ▶ Vision Statement
- ▶ 5 Policy Goals
- ▶ 35 Management in Progress
- ▶ 53 Strategic Initiatives
 - ▶ 12 Top Priority Initiatives (Board Consensus)
 - ▶ 12 High Priority Initiatives (Board Majority)

▶ GOAL 1: Downtown Vibrancy, Economic Growth, and Community Character

Promote economic vitality through the development of a vibrant Downtown, economic growth, and unique community character.

▶ TOP PRIORITY INITIATIVES

1. Identify opportunities for infill housing and commercial development in Downtown and establish a program to promote the potential development or redevelopment projects. (In-Progress)
2. Establish a Wendell Falls Corridor Action Plan to encourage appropriate development, connectivity, and infrastructure extension. (In-Process)

▶ HIGH PRIORITY INITIATIVES

1. Review current special events sponsored by the Town and work with community organizations to enhance existing events and develop a sustainable, year-round event schedule. (Complete with ongoing evaluation)
2. Identify opportunities for the mid and long-term use for the Wendell Elementary School property in coordination with Wake County Schools. (Upcoming)
3. Evaluate the establishment of either an in-house, contract, or hybrid service delivery for economic development. (Complete)
4. Work with Newland Communities and area health systems to encourage the development of a hospital and medical park in the Wendell Falls commercial district or other suitable location. (In-Process)

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Goal 1 - Likely Next Steps in FY 21

- ▶ Complete Downtown Parking and Event Space
- ▶ Evaluate need for streetscape updates Downtown
- ▶ NCDOT Sidewalk Accessibility Projects
- ▶ Evaluate NCDOT Main Street Program
- ▶ Downtown Zoning updated in Comprehensive Plan Update
- ▶ Wendell Elementary property evaluation started
- ▶ Brownfield site assessments Downtown (if funded by EPA)
- ▶ Planning for Downtown Infill
- ▶ Comprehensive Plan Updated
- ▶ Urban Growth Boundary and ETJ updates started
- ▶ Seek opportunities to implement ED Strategic Plan
- ▶ Expand Farmers Market Programming and Marketing

▶ GOAL 2: Public Safety and Neighborhood Improvement

Provide for a safe and secure community that nurtures livable and well-maintained neighborhoods that are family friendly.

▶ TOP PRIORITY INITIATIVES

1. Establish an action plan for the police department to achieve Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation and initiate policy review and development to implement. (Complete with ongoing evaluation)
2. Identify opportunities to improve officer health and safety through the promotion of physical fitness, use of employee assistance programs, ergonomic equipment, and like practices. (Complete with ongoing evaluation)

▶ HIGH PRIORITY INITIATIVES

1. Seek opportunities and programs to improve traffic and pedestrian safety near school sites. (In-Process)
2. Expand officer participation in Crisis Intervention Training to expand existing capabilities beyond the supervisory level to properly assist persons in crisis receive appropriate agency referrals. (On-Hold awaiting training)

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Goal 2 - Likely Next Steps in FY 21

- ▶ Continue increasing Police involvement in community relations and events
- ▶ CALEA Accreditation Manager hired and process formally started
- ▶ Evaluate Community Engaged Policing comparative practices
- ▶ Implement the Neighborhood Improvement Program - Zone 1
- ▶ Plan the Neighborhood Improvement Program - Zone 2
- ▶ Complete design for a signalized, safe pedestrian crossing at Wendell Blvd & Wendell Falls Parkway
- ▶ Increase Bicycle & Pedestrian Safety programs and marketing
- ▶ Increase Opioid and drug safety awareness

▶ GOAL 3: Infrastructure, Transportation, and the Environment

Develop and maintain infrastructure and policies to support new growth, improve the quality of life for residents, and provide for a clean and green environment.

▶ TOP PRIORITY INITIATIVES

1. Establish an infrastructure plan for the connection and extension of water and sewer for inclusion in the capital improvement plan to promote development, annexation, and close service gaps. (In-Process, but limited)
2. Prioritize and prepare intersection improvements for NCDOT and CAMPO funding processes. (On-hold for budget)

▶ HIGH PRIORITY INITIATIVES

1. Evaluate the water allocation policy for efficiencies in cost and providing necessary infrastructure to encourage appropriate growth. (In-Process)
2. Seek opportunities to improve the Transportation Plan to balance necessary improvements to occur in a timely manner with economic development, including the Wendell Boulevard widening. (Complete with ongoing evaluation)
3. Establish a facility and lands prioritization list to identify future acquisition needs with funding strategies for inclusion in the capital improvement plan. (In-Process, but limited)

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Goal 3 - Likely Next Steps in FY 21

- ▶ Adopt and begin implementing a Stormwater Program in preparation of the 2022 NCDEQ program audit
- ▶ Complete the CORPUD merger
- ▶ Complete the Town Hall design and move to construction with funding schedule in place and include road/utility extensions
- ▶ Complete a Road Resurfacing evaluation and schedule with funding
- ▶ Complete a Sidewalk evaluation and schedule with funding
- ▶ Complete design of the Wendell Boulevard Sidewalk project and advance to right-of-way acquisition and construction
- ▶ Complete review for CAMPO funding eligible transportation projects and identify priority project for submission
- ▶ Complete a transit stop evaluation in Wendell Falls area
- ▶ Negotiate a new solid waste contract
- ▶ Start a facility and lands prioritization process

▶ GOAL 4: Parks, Recreation, Special Events, and Culture

Establish facilities, events, and programs that connect the community, promote healthy lifestyle opportunities, and culturally engage citizens and visitors.

▶ TOP PRIORITY INITIATIVES

1. Complete the development and plan for implementation of a comprehensive parks and recreation master plan to guide future recreation services and facility needs. (In-process)
2. Identify and provide for the acquisition for the next active recreation site identified in the parks and recreation master plan. (In-Process)
3. Develop a plan to link Wendell Falls to Downtown and the Park by greenway that allows for multiple transportation alternatives. (In-Process)

▶ HIGH PRIORITY INITIATIVES

1. Initiate planning for signature special events to ensure sustainability, maintain attendee interest, and provide for appropriate growth. (Complete)

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Goal 4 - Likely Next Steps in FY 21

- ▶ Incorporate the Parks & Recreation Master Plan into the capital improvement plan in greater detail
- ▶ Update the fee-in-lieu wording for parks and open space for Master Plan consistency
- ▶ Plan for acquisition of land for new parks
- ▶ Fund the design of a neighborhood park site (if land secured)
- ▶ Design and start construction of "Main Street" Greenway (if grant support received)
- ▶ Purchase open space (if grant support received)
- ▶ Plan for the design of a splash pad and/or adventure park in coordination with the Town Hall construction project
- ▶ Seek a hotel development commitment in coordination with private developments
- ▶ Assist in special events to include a full-season of Meet on Main events

▶ GOAL 5: Organization Culture and Communication

Build a professional and inclusive Town organization that is fiscally responsible, seeks innovative practices, and values the development of staff.

▶ TOP PRIORITY INITIATIVES

1. Establish a quarterly (at least) update of strategic initiatives that includes the responsible party and timelines. (Complete)
2. Complete a review of the Charter and procedural rules of the Commission. (Complete)
3. Evaluate human resource policies for overtime, insurance selection, employee evaluation, compensation, comparative benefits, and training programs. (In-Process)

▶ HIGH PRIORITY INITIATIVES

1. Evaluate current department policies and practices to enhance efforts to improve customer service. (On-Hold)
2. Develop a communication plan to market Wendell to external interests and increase communication for internal interests. (Complete with ongoing evaluation)

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Goal 5 - Likely Next Steps in FY 21

- ▶ Continue improvements to the CIP, long-range fiscal planning, performance goals, and other Budget document improvements to incorporate GFOA reviewer feedback
- ▶ Update the staffing needs analysis (annual)
- ▶ Incorporate presented IT program needs in the CIP and operating budget
- ▶ Evaluate Communication Plan implementation after Year 1
- ▶ Seek program recognition for audit and budget again from GFOA
- ▶ Implement the biennial strategic planning process
- ▶ Develop an ADA Transition Plan
- ▶ Complete customer service evaluations
- ▶ Complete an evaluation employee evaluation systems

Strategic Plan Process for FY 21 Budget

- ▶ FY 21 is a Mid-Year Plan Update, not a New Plan
- ▶ Update the existing plan implementation and align in Budget
 - ▶ Receive input from Commission and Departments
 - ▶ Priority review at Budget Retreat 2-29-2020
 - ▶ Present draft revised strategic plan at Board meeting
 - ▶ Incorporate revised strategic plan in Budget document for adoption
- ▶ Budget for starting a new 2-year plan in FY 2021
 - ▶ Plan will encompass FY 22 and FY 23 Budgets
 - ▶ Provide for significant community, appointed board, Commission, and staff input
 - ▶ Start late summer 2020 and adopt by December 2020
 - ▶ Implementation will start in July 2021

4. STRATEGIC PLAN

2d. Commissioner Committee Assignment Discussion

Town Clerk Megan Howard and Town Manager Marc Collins presented the following information to the Board:

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Town of Wendell
Elected Officials Committee
Assignment Packet

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Under item 7 on the Agenda entitled, "Other Business," is the Update on Board and Committees. The committees below are represented on the agenda. Depending on when the Board meets will determine if an update is provided by an elected official. Items highlighted in blue are additional boards that do not come under item 7 currently but could be included on the agenda at the Board's pleasure.

Capital Area Metropolitan Planning Organization (CAMPO)

Mayor Gray – Primary representative Alternate – vacant

421 Fayetteville Street, Suite 203, Raleigh, NC

The Capital Area MPO is comprised of three parts: An Executive Board, a Technical Coordinating Committee (TCC,) and a staff that serves the members of these boards. The MPO is responsible for carrying out an annual work program approved by the Executive Board, a portion of which includes updating the Metropolitan Transportation Improvement Program and the Long-Range Transportation Plan.

CAMPO Executive Board is the decision-making body of the MPO. It is comprised of elected officials from member governments, as well as stakeholders from other agencies. The Executive Board typically meets monthly at 4:00 p.m. on the third Wednesday of each month, unless otherwise listed on the calendar. Calendar can be found at <https://www.campo-nc.us/about-us/executive-board>

2020 Meeting dates and times are currently as follows:

January: Wednesday, Jan. 15th at 4 p.m.

February: Wednesday, Feb. 19th at 4 p.m.

March: Wednesday, Mar. 18th at 4 p.m.

April: Wednesday, Apr. 15th at 4 p.m.

May: Wednesday, May 20th at 4 p.m.

June: Wednesday, Jun. 17th at 4 p.m.

July: Wednesday, Jul. 15th at 4 p.m.

August: Wednesday, Aug. 19th at 4 p.m.

September: Wednesday, Sep. 16th at 4 p.m.

October: Wednesday, Oct. 21st at 4 p.m.

November: Wednesday, Nov. 18th at 4 p.m.

December: Wednesday, Dec. 16th at 4 p.m.

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N.C. CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION

EXECUTIVE BOARD BYLAWS

(January 18, 2017)

ARTICLE I - NAME

The name of this organization shall be the Capital Area Metropolitan Planning Organization Executive Board.

ARTICLE II - PURPOSE

The purpose and goals of the Executive Board shall be:

- To develop and direct a continuing, comprehensive transportation planning process carried on cooperatively by the State and local communities in concurrence with Federal guidelines.
- To advise the policy boards of local government members of the Capital Area Metropolitan Planning Organization on the status of needs identified through the continuing transportation planning process.
- To facilitate coordination and communication between local policy boards and agencies represented on the Executive Board and the Technical Coordinating Committee (TCC).
- To facilitate coordination between the local policy boards of the members of the Capital Area Metropolitan Planning Organization and the North Carolina Board of Transportation.
- To assist the general public in understanding decisions and policies of the policy boards.
- To act as a forum for cooperative decision-making by elected officials of this metropolitan area in cooperation with the State, thereby serving as the basis for a cooperative planning process.

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ARTICLE III - RESPONSIBILITIES

As specified in the Memorandum of Understanding (Agreement No.12-16-93), the responsibilities of this committee shall include:

- Establishment of goals and objectives for the transportation planning process.
- Review and approval of a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- Review and approval of changes to the Urbanized Area Boundary, and the Metropolitan Area Boundary, as well as review and make recommendations for changes to the National Highway System;
- Review and approval of the annual Capital Area Metropolitan Planning Organization Unified Planning Work Program (UPWP);
- Review and approval of changes to the adopted Capital Area Metropolitan Planning Organization Long-Range Comprehensive Transportation Plan. (As required by General Statutes Section 136-66.2(d), revisions in the area's thoroughfare plan must be jointly approved by the local governing board having jurisdiction and the North Carolina Department of Transportation). And,
- Review and approval of the Capital Area Metropolitan Planning Organization Transportation Improvement Program (TIP) for multimodal capital and operating expenditures to insure coordination between local and State capital and operating improvement programs;

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ARTICLE IV - MEMBERS

Section 1 - Number and Qualifications:

As specified in the Memorandum of Understanding (Agreement No.12-16-93), the Executive Board shall include as voting members:

The membership of the **Executive Board**

- One member of the Angier Town Council
- One member of the Apex Town Council
- One member of the Archer Lodge Town Council
- One member of the Bunn Town Council
- One member of the Cary Town Council
- One member of the Clayton Town Council
- One member of the Creedmoor Board of Commissioners
- One member of the Franklinton Town Board of Commissioners
- One member of the Fuquay-Varina Town Board of Commissioners
- One member of the Garner Board of Aldermen
- One member of the Holly Springs Town Council
- One member of the Knightdale Town Council
- One member of the Morrisville Town Council
- One member of the Raleigh City Council
- One member of the Rolesville Town Board of Commissioners
- One member of the Wake Forest Town Board of Commissioners
- One member of the Wendell Town Board of Commissioners
- One member of the Youngsville Town Board of Commissioners
- One member of the Zebulon Town Board of Commissioners
- One member of the Franklin County Board of Commissioners
- One member of the Granville County Board of Commissioners
- One member of the Harnett County Board of Commissioners
- One member of the Johnston County Board of Commissioners
- One member of the Wake County Board of Commissioners
- Three members of the North Carolina Board of Transportation representing the Highway Divisions (currently 4, 5, and 6) within the Metropolitan Planning Area
- One member of Triangle Transit
- One member of the NC Turnpike Authority, ex-officio non-voting member
- One member of the Butner Town Council, ex-officio non-voting member;
- One member of the Louisburg Town Council, ex-officio non-voting member; and
- The Division Administrator of the Federal Highway Administration or his or her representative who shall serve as an advisory, ex officio non-voting member.

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Section 2 - Terms of Office:

Members of the Executive Board shall be designated by the local governing boards or agencies that they represent. Members shall remain in office until (1) their designation has been rescinded by their respective local governing board; (2) their local governing board has designated a duly qualified replacement member, or (3) their membership in their respective local governing board has ceased. It is recommended that the appointed Executive Board member be the jurisdictional Mayor, the County Commission Chair, or a senior member of the Board, Council or Commission.

Section 3 - Alternates

Each member local government policy board may appoint an alternate to its representative provided each alternate also meets the same qualifications of membership. The alternate member may serve as a full voting member during any meeting where that board's representative is not in attendance. Proxy and absentee voting are not permitted.

Section 4 - Standing

Member jurisdictions that regularly attend scheduled meetings of the Executive Board, per Article VI, Section 4 – Attendance, have complied with all requirements of the State Ethics Act pertaining to MPO Executive Board members, and are up-to-date in payments of member dues are considered to be in good standing.

ARTICLE V - OFFICERS

Section 1 - Officers Defined:

The officers of the Executive Board shall consist of a Chairman and Vice-Chairman, to be elected by the members of the Executive Board.

Section 2 - Elections:

The Chairman and Vice-Chairman shall be elected annually at the first regularly scheduled meeting of the calendar year. The newly elected Chairman and Vice-Chairman shall take office immediately following the election.

Section 3 - Terms of Office:

The term of office for officers shall be one year. Officers may serve successive terms but shall be limited to three (3) successive terms. Each officer shall hold office until his/her successor has been duly elected or until his/her earlier death, resignation, disqualification, incapacity to serve, or removal in accordance with the law.

Section 4 - Duties of Officers:

The Chairman shall call and preside at meetings and appoint committees. The Chairman shall

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appoint a staff member to serve as Clerk of the Committee. The Clerk shall provide or otherwise delegate staff service for the Executive Board, as needed, and will be responsible for taking summary minutes of the Committee's proceedings. The Clerk shall maintain a current copy of these Bylaws as an addendum to the Memorandum of Understanding, to be distributed to the public upon request.

In the absence of the Chairman, the Vice-Chairman shall preside and complete all other duties of the Chairman.

ARTICLE VI -- MEETINGS

Section 1 - Regular Meetings:

Meetings will be held monthly on the third Wednesday of the month. Meeting notices and agendas are to be mailed in sufficient time for them to have been received by each committee member at least seven (7) days prior to the meeting. Unless otherwise stated, all meetings will begin at 4:00 pm. Regular meetings may be canceled by the Chairman should there be insufficient business on the Board's tentative agenda.

Section 2 - Special Meetings:

Special meetings may be called by the Chairman with seven (7) days notice, or at the request of the majority of the eligible voting members. Whenever possible, at least four (4) days notice shall be given.

Section 3 - Quorums:

A quorum of the Executive Board shall consist of greater than fifty percent (50% +1) of voting members in good standing who together represent a minimum of one more than fifty percent (50% +1) of the total optional weighted votes of members in good standing (see Section 6).

Section 4 - Attendance:

Each member shall be expected to attend each regular meeting and each special meeting provided at least four (4) days notice is provided. For members not attending three (3) consecutive Executive Board meetings, the Chairman will send to the chief elected officer of the jurisdiction of the member in question a letter indicating the number of absences and requesting reaffirmation or redesignation of the jurisdiction's representative. Members will be considered non-voting members for the purpose of determining a quorum, and considered to be 'not in good standing' as of the third meeting. A member's or alternate's voting privileges will be reinstated at the first Executive Board meeting he/she attends.

Section 5 - Agenda:

The agenda is a list of considerations for discussion at a meeting. Items on the agenda originate as a carryover from previous Executive Board meetings, or are placed on the agenda prior to its distribution by any member of the Executive Board, by request from any jurisdiction or agency

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party to the Memorandum of Understanding, or by the request of the Chairman of the Technical Coordinating Committee. Additional items may be placed on the regular agenda following discussion of the last item on the regular agenda, as long as a majority concurrence of the present and eligible voting members is received.

Section 6 - Voting Procedures:

The Chairman and any member may call for a vote on any issue, provided that it is seconded and within the purposes set forth in Article II and provided the issue is on the agenda as outlined in Section 5 of this article. As specified in the Memorandum of Understanding, a majority vote of the voting membership shall be sufficient for approval of matters coming before the Executive Board with the exception that an Executive Board member may invoke the following weighted voting procedures on any matter. The weighted voting procedures shall be approved annually at the first regularly scheduled meeting of the calendar year.

WEIGHTED VOTING SCHEDULE

(to be updated periodically)

<u>Local Governing Body</u>	<u>Votes</u>
Angier	1
Apex	5
Archer Lodge	1
Bunn	1
Cary	15
Clayton	2
Creedmoor	1
Franklinton	1
Fuquay-Varina	3
Garner	3
Holly Springs	4
Knightdale	2
Morrisville	3
Raleigh	44
Rolesville	1
Wake Forest	4
Wendell	1
Youngsville	1
Zebulon	1
Franklin County	4
Granville County ^b	2
Harnett County ^b	2
Johnston County ^b	9
Wake County ^b	21

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GoTriangle ^c	1
N. C. Board of Transportation ^d	3
TOTAL	<u>131</u>

- a Each member local government has been apportioned weighted voting based on the most recent Certified NC Population Estimates utilizing a vote weighting formula of one vote for each 10,000 population, or portion thereof.
- b County populations are the estimated persons within the Metropolitan Area Boundary including the area within the Municipalities' Extraterritorial jurisdictions assigned by the County but outside the corporate limits of the Municipalities.
- c The GoTriangle Board of Trustees shall appoint one member to represent regional transit interests on the Executive Board, and that member shall count as one vote.
- d One vote per member

The Chairman, voting members, and qualified alternates are permitted to vote. Non-voting members and unauthorized alternates are not permitted to vote. Abstentions shall be considered affirmative votes. By approval of the Executive Board, a member may withdraw from voting on an issue. In the absence of any direction from these Bylaws or other duly adopted voting procedures pursuant to certain approval actions, Robert's Rules of Order will designate procedures governing voting.

ARTICLE VII - AMENDMENTS TO BYLAWS:

Amendments to these Bylaws of the Executive Board shall require the affirmative vote of eligible voting members who together represent at least two-thirds of the weighted vote, provided that written notice of the proposed amendment has been received by each member at least seven (7) days prior to the meeting at which the amendment is to be considered and provided that such amendment does not conflict with the letter or fundamental intent of the Memorandum of Understanding governing this document. In the event of any conflict, the Memorandum of Understanding shall carry precedence over these Bylaws.

These Bylaws were originally approved by the Capital Area Metropolitan Planning Organization Transportation Advisory Committee (now Executive Board) on July 8, 1993.

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INFORMATION ON AMENDMENTS:

DATE APPROVED:

January 18, 2017

DESCRIPTION OF AMENDMENT:

Global

Changed name of Transportation Advisory Committee (TAC)
to Executive Board
New Adoption Date: January 18, 2017

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Article IV – Members

Section 1 – Number and Qualifications

Added one member from the Archer Lodge Town Council Corrected Morrisville's governing body to Town Council from Town Board of Commissioners
Clarified non-voting status of members from NC Turnpike Authority, Butner Town Council, Louisburg Town Council, and Federal Highway Administration.

Section 4 – Standing

Added requirement that member jurisdictions' members must have complied with all requirements of the State Ethics Act pertaining to MPO Executive Board members in order to be considered to be in good standing.

Deleted the statement that members not in good standing would be subject to a penalty for project funding.

Article V – Officers

Section 3 – Terms of Office

Terms of office for Officers was expanded to be limited to three (3) successive one-year terms, instead of two (2) successive one-year terms.

Article VI – Meetings

Weighted Voting Schedule

Weighted voting schedule was updated to reflect latest population estimates. Votes for Apex increased from 4 to 5; votes for Archer Lodge increased from 0 to 1; votes for Cary increased from 14 to 15; votes for Fuquay-Varina increased from 2 to 3; votes for Holly Springs increased from 3 to 4; votes for Morrisville increased from 2 to 3; votes for Raleigh increased from 41 to 44; votes for Wake Forest increased from 3 to 4; votes for Johnston County increased from 7 to 9; votes for Wake County increased from 19 to 21.

Updated name of Triangle Transit Authority to GoTriangle Board of Trustees.

February 15, 2012

Article IV – Members

Section 1 - Number and Qualification of Members

Modified Triangle Transit Authority to Triangle Transit Added NC Turnpike Authority as Ex Officio member Added Towns of Archer Lodge, Butner and Louisburg as Ex Officio members

Section 2 – Terms of Office

Added – It is recommended that the TAC member be the jurisdictional Mayor, the County Commission Chair, or a senior member of the Board, Council or Commission.

Added Section 4 - Standing

Added - Member jurisdictions that regularly attend scheduled meetings of the TAC and are up-to-date in payments of member dues are considered to be in good standing. Member jurisdictions not in good standing will be subject to a penalty for project funding.

Article V – Officers

Section 3 – Terms of Office

Added - but shall be limited to two (2) successive terms.

Article VI – Meetings

Section 2 – Special Meetings

Added - Whenever possible four (4) days notice shall be given

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Section 3 – Quorum

Changed quorum requirements to greater than fifty percent (50% +1) of voting members in good standing ... total optional weighted votes of members in good standing

Section 4 – Attendance

Changed 7 day notice for meetings/special meetings to 4 days Added - Members will be considered non-voting members for the purpose of determining a quorum, and considered to be 'not in good standing' as of the third meeting. A member's or alternate's voting privileges will be reinstated at the first TAC meeting he/she attends.

Section 6 – Voting Procedures:

Updated weighted voting schedule

Changed apportionment source to current Certified NC Population Estimates

Update note from Wake to all county population Added note for NCBOT - One vote per member Revised - The Chairman, voting members, and qualified alternates are permitted to vote.

January 18, 2006

Change quorum requirements from seven (7) to fourteen

(14);

add: Cities/Towns of Angier, Bunn, Clayton, Creedmoor, Franklinton and Youngsville, and counties of Franklin, Granville, Harnett, and Johnston; adjust weighted voting based on latest NC Certified Population Estimates.

November 18, 1998

Change quorum requirements from eight (8) to seven (7).

April 16, 1997

Change TAC Meeting date and time to the third Wednesday of the month at 4:00 pm.

January 16, 1997
MOU (Agrmt. # 12-16-93)

Add Rolesville, Wendell and Zebulon as per

Ethics Compliance

According to state law, MPO Executive Board members are required to comply with N.C. Ethics Commission mandatory filing and disclosure requirements. Board members must file a Statement of Economic Interest and Real Estate disclosure form prior to serving as a voting member of the Executive Board. Members must update their filings by April 15 of each year or could face penalties. More information, including access to the appropriate forms, is available on the NC Ethics Commission website.

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Eastern Wake Senior Center

Primary – vacant Alternate – vacant

323 Lake Drive, Wendell, NC, 27591

Contact for 2020 schedule is East Wake Senior Center: (919) 365-4248 Flyers posted inside the Senior Center for calendar. Will be going over the bylaws January 16th at their next meeting. Norma is the coordinator will be back after 27th of December.

ewscordinator@rfsnc.org

Next meeting: January 16th, 2020 at 12 p.m.

North Carolina League of Municipalities (NCLM)

Primary – vacant Alternate – vacant

The NCLM League holds numerous events and training opportunities for members throughout the year. They offer both in-person and online training for all members that involve networking with fellow local government officials, hearing from thought leaders on emerging issues facing municipalities, and providing practical training in local government.

Some upcoming opportunities include:

City Vision 2020: May 5-7, in Wilmington, NC.

Two full days of engaging speakers, educational sessions with tools you can use, and networking opportunities that connect you to both new and established partners from across the state.

On-Demand Process & Procedures for Successful Board Meetings: 30-minute webinar

This training walks elected officials through the basics for navigating the first meeting and being sworn into office. Prior to taking the Essentials of Municipal Government course, it will take you through holding an organizational meeting, the oath of office, parliamentary procedure and more process details related to your new role during board meetings.

Essentials of Municipal Government: December and January, 11 locations statewide.

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New and returning municipal elected officials are invited to join the League and UNC School of Government for this one-day workshop designed to provide municipal elected leaders with the knowledge and skills necessary to transition from campaigning to governing. Upcoming dates and locations for this training are as follows:

January 9th, 2020: Winston Salem, NC, 8:30 a.m. to 5:30 p.m.

January 10th, 2020: Kannapolis, NC, 8:30 a.m. to 5:30 p.m.

January 11th, 2020: Fayetteville, NC, 8:30 a.m. to 5:30 p.m.

January 23rd, 2020: Durham, NC, 8:30 a.m. to 5:30 p.m.

January 30th, 2020: Wilmington, NC, 8:30 a.m. to 5:30 p.m.

January 31st, 2020: New Bern, NC, 8:30 a.m. to 5:30 p.m.

Budgeting & Municipal Finance: Online Course

This online module will walk local government elected officials through the municipal budgeting process from planning through audits. You'll learn what statutory requirements for municipal budgets exist and the best practices for planning and managing your town's budget process. Registration opens early Spring 2020.

Wendell Volunteer Fire Department Board of Directors

Primary – vacant Alternate – vacant

2960 Wendell Blvd., Wendell, NC, 27591

Meets the first Thursday of the month at 7:30 p.m. at Wendell Fire Department, Station 1. The mission of the Fire Commission shall be to make formal recommendations to the Wake County Board of Commissioners on fire protection and emergency services delivery applicable to those departments covered under the venue of the Fire Commission.

Next Meeting: Thursday, February 6th at 7:30 p.m.

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

- Reviewing and making recommendations on operating budget requests.
- Reviewing and making recommendations on CIP budget requests.
- Reviewing and supporting firefighter and volunteer incentive retention and

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recruitment programs.

- Making recommendations to the Wake County Board of Commissioners for continuing improvement of the fire protection system.
- Reviewing ISO and consultants reports and recommending action for improvement as deemed necessary.
- Developing and providing overview of all service district operational regulations and guidelines for the Wake County Fire protection service district.

Fire Commission Rules of Procedure:

I. Name

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

II. Mission

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

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

III. Membership and Composition

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

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

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

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

A. Wake County Board of Commissioners Appointee (1) - The Wake County Board of Commissioners shall appoint a member to serve as the Board of Commissioner appointee to the Fire Commission. The Board of Commissioners, at their discretion, may appoint an alternate Commissioner, to represent the Commissioners in the event of the absence of the appointed Commissioner.

B. Fire Service Positions (4) - Each fire service planning and service region shall elect two representatives from each region be represented on the Fire Commission. One representative shall be identified as the primary representative to the Fire Commission. The second representative shall be identified as the alternate representative. The representative shall serve for a period of two years. The selection of the region representative shall be based upon vote of the members of that region, with that person's name submitted to the Wake County Board of Commissioners for approval. Should an appointed region representative's status within his region or fire department change, the fire service region may make a recommendation to the Board of Commissioners that the appointee be removed from the Fire Commission and request that another representative of that region be appointed to the Fire Commission.

C. President of Wake County Firefighters' Association (1) - The President of the Wake County Firefighters' Association shall receive an automatic recommendation for appointment to the Fire Commission. The appointed term of the President of the Wake County Firefighters' Association shall coincide with the President's tenure as President of the Association. Should the President be replaced by another member of the Firefighters' Association, the Wake County Board of Commissioners shall appoint the person serving as President of the Association to the Fire Commission. The President of the Wake County Firefighters' Association shall recommend an alternate representative for appointment.

D. Citizen Appointees (5) - The Wake County Board of Commissioners shall appoint five citizens to serve on the Fire Commission. Each appointment shall be for a two-year term. The Wake County Board of Commissioners shall have the option to appoint alternates for the Citizen Appointees.

E. Municipal Representatives (1 seat per each participating municipality) - Municipalities that elect to join the Fire Protection Service Tax District shall receive one seat on the Fire Commission.

F. Director - Wake County Department of Fire and Emergency Management (non-voting) - The Director and his staff shall provide administrative support to the Fire Commission. The Director and/or his designee may be called on to provide requested information and/or advice to the Commission. He may participate in any discussions, however is not permitted to vote.

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

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

IV. Fire Commission Officers

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

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

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

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

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

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

B. Fire Commission Vice-Chair - The Fire Commission will elect a Vice-Chair annually from among the voting membership. The position of Vice-Chair shall be a voting position. The role of the Vice-Chair shall be to serve as the presiding officer of the Fire Commission

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in the absence of the Chair. While serving as the presiding officer, the Vice-Chair shall have the same powers as the Chair.

V. Meetings

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

A. Regular Meetings

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

B. Special Emergency and Rescheduled Meetings

(a) Special Meetings.

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

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

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

(b) Emergency Meetings.

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

(c) Recessed Meetings.

A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting

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will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting.

C. Organizational Meeting

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

D. Cancellation and Rescheduling of Meetings

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

E. Meeting Notice - Regular Meeting

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

F. Meeting Notice – Special Meetings

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

G. Meeting Cancellations

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

H. No Notice – Continuation of Recessed Meetings

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

I. Quorum

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

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

J. Attendance

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

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

(a) Committees

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

K. Action for Nonattendance

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

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

(a) Committees

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

L. Meeting Agenda

The agenda should be prepared to achieve two functions:

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

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

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

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

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

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

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

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M. Order of Business

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

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

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

N. Conduct of Meetings

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

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

As presiding officer, the Chair may take whatever action is necessary to provide opportunity for discussion on issues, focus comments and discussion on issues being considered, ensure orderly meetings, and ensure the efficient and effective disposition of issues before the Fire Commission. At the time the meeting is scheduled to begin, or at some reasonable waiting time thereafter if a quorum is not initially present, the Chair will call the meeting to order and announce which members are absent.

VI. Action by the Fire Commission

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

After a motion is made, the Chair shall state the motion and then open the floor for debate.

The Chair shall preside over the debate according to the following general principles:

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

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

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

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

- **Second Required** - A motion requires a second.

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

Procedural Motions

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

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

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the Chair ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the whole of the Fire Commission. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

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

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

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

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

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

Motion 7. To Leave Closed Session.

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

Motion 9. To Defer Consideration. The Fire Commission may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 60 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules [Motion 5].

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

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

Motion 12. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed [order] [policy] [regulation] [resolution] shall be reduced to writing before the vote on the amendment.

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

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

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

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

C. Renewal of Motion

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

D. Withdrawal of a Motion

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

VII. Duty to Vote

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

A. Basis for Determining a Voting Result – A simple majority of a qualified quorum shall determine the voting result.

B. Voting Procedure – Regular business of the Fire Commission shall be ratified or opposed by a voice vote or show of hands. Per NCGS 143-318.13 (b): At no time shall the Fire Commission or any subcommittee of the Fire Commission vote by secret ballot.

C. One Vote each – Each member of the Fire Commission or subcommittee of the Fire Commission shall be entitled to one vote. Since the Chair and Vice-Chair serve as voting members their vote shall be counted.

D. Abstention – Members of the Fire Commission may register their abstention on any vote, which shall be reflected in the minutes. Members are to abstain from voting and from participating in deliberations on matters, which may pose a conflict of interest for them or an agency represented.

E. Determination of Actions – All final actions, committee appointments, or policy recommendations shall require the favorable vote of a majority of those Fire Commission or subcommittee members present and not abstaining on the vote at a duly called meeting.

F. Public Address to the Fire Commission - Any individual or group who wishes to address the Fire Commission shall make a request to the Chair be on the agenda. The

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Chair shall determine whether it will hear the individual or group. Allowable time for the address shall be no more than three (3) minutes, unless there is an affirmative vote to suspend the rule.

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

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

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

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

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

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

VIII. Committees

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

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

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

B. Minimum Standing Committee Membership - Voting membership of each standing committee must consist of at least one member from each region and one voting member of the Fire Commission. Not more than two (2) departments from a single region can be represented by voting members on a committee. Each fire department can be represented by no more than one (1) voting member on each committee.

C. Standing Committee Appointments – The Fire Commission Chair shall make appointments for voting members to Standing Committees. Each committee is composed of one member and one alternate member from each of the Wake County Fire Service Regions. A Standing Committee Chairperson will be appointed by the Fire Commission Chair to manage activities of the Standing Committee. The appointed Standing

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

D. Standing Committee Procedures – The Chair of the Standing Committee will supervise the meetings and all minutes and agendas. Each member of the Standing Committee or subcommittee of the Fire Commission shall be entitled to one vote. Since the Chair and Vice-Chair serve as voting members their vote shall be counted. Agendas are to be sent to all Fire Chiefs whose departments fall under the fire tax districts, Fire Commission members, and each voting member of the committee at least two (2) days prior to a meeting. Final meeting minutes are to be distributed to the same persons listed above within one (1) week of a committee meeting. A Standing Committee quorum will consist of a simple majority of the members (including the Chairperson).

E. Ad-Hoc Committees – As addressed in VIII (A) - above, the Chair has the power to appoint special committees to address issues of interest to the Fire Commission that do not fall under the purview of a standing committee. The chairman of the committee can vote on any measure brought before or addressed by this committee and is responsible for presenting the findings to the Fire Commission on or before the date requested.

IX. Amendment of Rules

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

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Technical Review Committee (TRC)

Primary – vacant Alternate – vacant

Town Hall, 15 E Fourth Street, Wendell, NC, 27591

Planning Director David Bergmark is the staff liaison for this committee. Meetings take place in the Planning Conference Room the second Thursday of each month at 9:30 a.m.

Next Meeting: Thursday, February 13, 2020 at 9:30 a.m.

The TRC is established and listed in the Town Code of Ordinance 14.4, which states:

“The authority to establish the Technical Review Committee for the Town of Wendell is granted under the authority of G.S. 160A-361 & 373.

A. Authority and Responsibility: The Technical Review Committee shall have the following duties and responsibilities:

1. To assist in the establishment of technical requirements for all applications, including: submission schedules, size and number of drawings, type of media, etc.;
2. To review and approve major site plans and preliminary plans for compliance with this Ordinance. In determining compliance with this Ordinance, the TRC may take the following actions:
 - a. Approve the site plan or preliminary plat as submitted (or with changes agreed to by the applicant at the meeting); or,
 - b. Deny the site plan or preliminary plat for non-compliance with this Ordinance; or,
 - c. Make recommendations to be considered by the applicant upon re-submittal to ensure compliance with this Ordinance; or,
 - d. Conditionally approve site plans or preliminary plats subject to final review by the Administrator; or,
 - e. Table the site plan or preliminary plat for further study or additional information.

B. Membership: The Technical Review Committee shall be chaired by the Planning Director (or their designee) and may consist of the following members:

1. One Board of Commissioners Member (ex-officio)
2. One Planning Board Member (ex-officio)
3. The following Departments Heads or their designee:

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- a. Planning
 - b. Utilities (CORPUD)
 - c. Fire
 - d. Public Works
 - e. Police
 - f. Parks & Recreation
4. The following technical staff (as selected by the Planning Director as needed or on a project by project basis):
- a. Planner (1)
 - b. Engineer (1)
 - c. Zoning Official (1)
 - d. Town Attorney (1)
 - e. Emergency Medical Services (1)
5. In addition, the Chair may, at their discretion, or at the request of other TRC members, invite other administrative staff members from the following organizations to participate in the meetings. Such participants shall serve in an ex-officio capacity only.
- a. Other Town of Wendell Departments
 - b. Wake County
 - c. NCDOT
 - d. Other NC State and/or Federal agencies

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Triangle J Council of Governments (J COG)

Primary – Mayor Pro Tem John Boyette Alternate – vacant

4307 Emperor Blvd., Suite 110, Durham, NC, 27703, TJCOG Large Conference Room

Triangle J COG has a Board of Delegates Meeting and an Executive Meeting. Mayor Pro Tem serves on the Board of Delegates, which is comprised of one elected official from each of the 43 counties and municipalities served by the organization. The full board meets seven times a year to set policy for TJCOG, guide programming, and discuss regional challenges. Wendell does not currently sit on the Executive Committee, so no delegate needs to be present for the Executive Meetings.

Board of Delegates Meeting Schedule: 5:30 p.m. for dinner, with the business meeting starting at 6:00 p.m.

Wednesday, January 22, 2020

Wednesday, March 25, 2020

Wednesday, April 22, 2020

Wednesday, May 27, 2020

July 2020 – No meeting

Wednesday, August 26, 2020

Wednesday, October 28, 2020

Wednesday, November 18, 2020

TJCOG's 2019-2020 Priorities:

Aging & Human Services: Connect older adults to resources, assist partners to make holistic and strategic decisions about aging services, and help local communities build aging-friendly places for the rapidly growing older adult population.

Economic Development: Coordinate local economic development efforts and provide a direct connection for member governments to the US Economic Development Administration regarding grant applications, administration, and technical assistance.

Housing: Assist communities to preserve, improve, and build quality, affordable housing through education, technical assistance, facilitation, research & data analysis, and fund administration.

Resiliency: Work with declared counties to identify projects, assist with grant applications/administration and provide technical assistance, and assess threats, stressors and potential strategies for resilience across multiple jurisdictions.

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Service to Our Member Governments: Serve critical member needs and offer technical assistance to help local governments of all sizes provide services and improve quality of life for their citizens. Member services change over time to address regional needs.

Transportation: Focus on the intersection between land use, transportation, and quality of life, and help communities think long-term about their comprehensive transportation needs.

Water: Assist with quality, quantity, and water/sewer infrastructure needs that increase as the region experiences population growth, a decrease in available funding sources, and an aging infrastructure.

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Audit Committee

Mayor Gray Town Manager Collins
Mayor Pro Tem Boyette Finance Director Kay
Town Attorney Cauley

Planning Conference Room, 15 E Fourth Street, Wendell, NC, 27591

Meets once a year prior to the Board meeting to hear the results of the Town Fiscal Year audit and provide discussion on the audit. Finance Director Butch Kay will assist with the meeting date.

Wake County Fire Commission

Lucius Jones is the Town of Wendell Representative. Municipalities that elect to join the Fire Protection Service Tax District shall receive one seat on the Fire Commission.

North Carolina Mayors Association

Primary – Mayor Gray

434 Fayetteville Street, Suite 1900, Raleigh, NC, 27601

The North Carolina Mayors Association is an information exchange association formed by North Carolina mayors. NCMA offers a unique opportunity to network and exchange information with NC Mayors. A cornerstone of NCMA is to further the shared interests of NC cities and towns. Their goal is that mayors from all over NC will learn and develop from one another. Mayors will have many opportunities to meet, learn from and take back ideas from peer mayors. NCMA serves as a collective voice, helping to lead the state on issues of importance to cities and towns.

Wake County Mayor's Association

Primary – Mayor Gray

East Wake Education Foundation

Mayor Gray – Board Member

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BOARD OF COMMISSIONER ORGANIZATIONAL RETREAT MINUTES
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The Board made the following appointments to the committees, to be added to the consent agenda at the next regular board meeting for approval:

CAMPO:

Primary- Mayor Gray; Alternate-Mayor Pro Tem John Boyette

East Wake Senior Center:

Primary – Commissioner DeLoach; Alternate – Commissioner Lutz

NCLM:

Primary – Commissioner Joyner; Alternate – Commissioner Lutz

Volunteer Fire:

Primary – Commissioner Joyner; Alternate – Commissioner Lutz

TRC:

Primary – Mayor Pro Tem Boyette; Alternate – Commissioner DeLoach

Fire Commission:

Primary – Lucius Jones

TJCOG

Primary – Commissioner Tarnaski; Alternate – Commissioner DeLoach

5. REVIEW

6. ADJOURN 1:00 PM

ACTION

Mover: Commissioner Lutz moved to adjourn at 1:39 p.m.

Vote: 5-0

Duly adopted this 10th day of February 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Stephanie Smith,
Deputy Town Clerk

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
JANUARY 27, 2020**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, January 27, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

PRESENT: Mayor Virginia Gray; Mayor Pro Tem John Boyette; Commissioners: Jon Lutz, Jason Joyner, Joe DeLoach, and Philip Tarnaski

ABSENT:

STAFF PRESENT: Town Manager Marc Collins, Town Clerk Megan Howard, Assistant to the Manager Stephanie Smith, Town Attorney Jim Cauley, Planning Director David Bergmark, Public Works Director Brian Bray, and Police Chief Bill Carter.

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

Wendell Middle School Student, Jaeden Crandle led the Pledge of Allegiance.

Errol Briggerman of the Wendell Council of Churches provided the invocation and mentioned the following events at Wendell Baptist Church:

- The Red Cross Blood Drive and Science Fair was a huge success
- March 14, 2020 is Wendell Baptist's BBQ from 11 am to 3 pm to fundraise for mission trips.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

Mover: Mayor Pro Tem John Boyette moved to pull Item 3c from the Consent Agenda and move it to Item 7a in Other Business and to add Item 3f to the Consent Agenda: Committee Assignments for the Remainder of Calendar Year 2020.

Vote: 5-0

ACTION

Mover: Mayor Pro Tem John Boyette moved to approve the Agenda, as amended.

Vote: 5-0

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.

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
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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. Wake County Tax Report, January 6, 2020
- 3b. Town of Wendell Personnel Policy Update
- 3c. ~~Amendment to the Town of Wendell Logo Licensing Agreement~~
This item was moved to "Other Business" as item 7a.
- 3d. Economic Development Strategic Plan
- 3e. Approval of Resolution directing the Clerk to Investigate a Non-contiguous Annexation for 38.99 acres located at 1425 Eagle Rock Rd and identified by PIN Number 1773-88-6927.
- 3f. Committee Assignments for Remainder of Calendar Year 2020**

Item 3f was added to the Consent Agenda as follows:

CAMPO:

Primary: Mayor Gray; Alternate: Mayor Pro Tem John Boyette

East Wake Senior Center:

Primary: Commissioner Joe DeLoach; Alternate: Commissioner Jon Lutz

NCLM:

Primary: Commissioner Jason Joyner; Alternate: Commissioner Jon Lutz

Volunteer Fire:

Primary: Commissioner Jason Joyner; Alternate: Commissioner Jon Lutz

TRC:

Primary: Mayor Pro Tem John Boyette; Alternate: Commissioner Joe DeLoach

**TOWN OF WENDELL
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Fire Commission:

Primary: Lucius Jones

TJCOG:

Primary: Commissioner Philip Tarnaski; Alternate: Commissioner Joe DeLoach

ACTION

Mover: Mayor Pro Tem John Boyette moved to approve the Consent Agenda, as amended.

Vote: 5-0

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Recognition of Wendell Middle School Teacher, Burgandy Trimmer
Speaker: Mayor Virginia Gray

Mayor Gray presented the following recognition:

Mrs. Trimmer is a dedicated drama teacher with over 19 years of teaching experience. She has truly built a quality program that rivals that of what one might see in high school settings. Each year she directs two mainstage productions, a fall play and spring musical in which, after months of daily rehearsals, the kids run the final productions. The shows that she has done at Wendell include; 10 Ways to Survive the Zombie Apocalypse, Annie Jr., And Then There Was One A Spoof, The Lion King Jr. and her most current production of Charlie and the Chocolate Factory. She has also established the WMS International Thespian Society troupe, an honors society for students highly involved in theatre and academics.

This year, the Thespian Society members attended the second annual North Carolina Junior Thespian Festival in Greensboro, where they took a one-act play for adjudication and participated in workshops lead by professionals. Because of the hard work and dedication of Mrs. Trimmer, drama is an important part of our school culture and community. It offers a place for kids to express themselves and be accepted for who they are, and it helps students grow socially and become more confident in their writing and public speaking. Mrs. Trimmer believes in students and because of her strong belief in the students and her incredible talents, she uncovers amazing talent in so many of our students. Wendell would not be the incredible place that it is without her dedication and love for students and the arts. Thank you, Mrs. Trimmer for your love of learning and dedication to our community.

Mrs. Trimmer thanked the Mayor and her colleagues for the recognition. She invited

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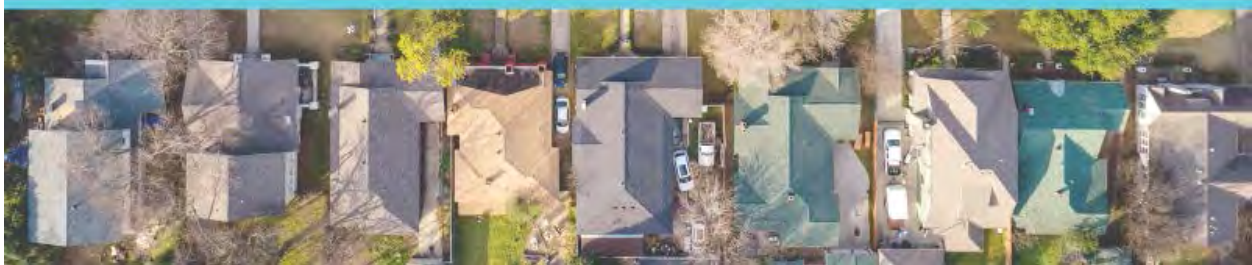
anyone to come see a Wendell Middle Production—a Talent Show is this Friday and there will be a Hairspray Jr. play in April.

- 4b. Wake County 2020 Reappraisal Results
Speaker: Wake County Tax Administrator Marcus Kinrade

Wake County Tax Administrator Marcus Kinrade presented the following to the Board:



2020
Reappraisal
Results



TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
JANUARY 27, 2020

What is Reappraisal?

The process of updating Wake County's real property values to reflect fair market value as of January 1, 2020

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- ▶ **Fair market value** is the most probable price a property would bring in an open and competitive market. A hypothetical sale.
- ▶ **The last countywide reappraisal** was conducted 4 years ago with an effective date of January 1, 2016.
- ▶ **Wake County transitioned** from an 8-year to a 4-year reappraisal cycle in the Spring of 2016.

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**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
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Why Perform a Reappraisal?

- ▶ **Required by NC General Statutes**
North Carolina law requires all counties to reappraise real property at least once every 8 years.
- ▶ **Equity and Fairness**
Reappraisal reestablishes the fairness of the tax burden between properties which typically change in value at different rates by location and property type.

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Reappraised Every 4 Years

85% of the property tax base

- ▶ All residential, commercial and rural farm land throughout Wake County and all improvements to the land.



**TOWN OF WENDELL
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Appraised Annually

15% of the property tax base

- ▶ **Business personal property**
Business equipment, computers, desks, chairs, machinery, equipment
- ▶ **Individual personal property**
Cars and trucks, boats, aircraft, RV's, trailers
- ▶ **Public utilities property**
Electric/nuclear power generation, gas companies, bus lines, railroads



Reappraisal Review Activity

Property Type	Office Reviews	Field Reviews
 Residential	287,000 parcels	51,000 parcels
 Rural	13,000 parcels	17,000 parcels
 Commercial	9,000 parcels	15,000 parcels

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Cost Comparison – Contracts

2008	2016	2020 (anticipated)
\$9,000,000	\$7,100,000	\$5,850,532
325,000 parcels	360,000 parcels	395,000 parcels
\$27.69 per parcel	\$19.72 per parcel	\$14.81 per parcel

Cost Comparison – Permanent Staff

2016	2020
\$4,213,500	\$5,850,532
\$11.70 per parcel	\$14.81 per parcel
65 Staff	76 Staff
1 to 5,538 parcels	1 to 5,197 parcels

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Administration Cost Paid by Town

To: Wake County

To: NCDMV

Collected: \$2.93 million

Collected: \$465,500

Paid: \$5,875

Paid: \$11,950

Rate: 0.2 %

Rate: 2.5%

2020 Reappraisal Results - Overall

Wake County Property

Overall Change



Residential

20%



Commercial

33%



Total

24%

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Reappraisal History - Countywide

	1992	2000	2008	2016	2020
Total Parcels	165,000	230,000	325,000	360,000	395,000
Single Family	105,000	150,000	258,000	283,700	312,000
% Change from Reappraisal	43%	43%	40%	5%	24%
Taxable Value Post Reappraisal	\$21B	\$43B	\$94B	\$118.3 B	\$162.2 B
Taxable Value After Growth (New Construction)	\$30 B	\$67B	\$112.3 B	\$131.3 B	

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2020 Reappraisal Results - Wendell

Wendell Property	Overall Change
 Residential	22%
 Commercial	40%
 Total	26%

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Jurisdictional Percent Change

	Residential Change	Commercial Change	Overall Change
Angier	20%	35%	22%
Apex	18%	31%	21%
Cary	18%	28%	21%
Durham	20%	51%	37%
Fuquay Varina	21%	32%	23%
Garner	23%	32%	27%
Holly Springs	18%	31%	20%
Knightdale	25%	36%	29%
Morrisville	22%	31%	27%
Raleigh	23%	36%	28%
Rolesville	13%	15%	13%
Wake Forest	15%	26%	17%
Wendell	22%	40%	26%
Zebulon	28%	28%	28%
Unincorporated	16%	29%	17%
Wake County Overall	20%	33%	24%

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Residential Value Drivers – Countywide

Value Range	Total % Change
Over \$1 million	3%
\$700 k to \$1 million	8%
\$450 k to \$700 k	12%
\$250 k to \$450 k	17%
Less than \$250 k	31%
Overall	20%
Higher demand at lowest price point	

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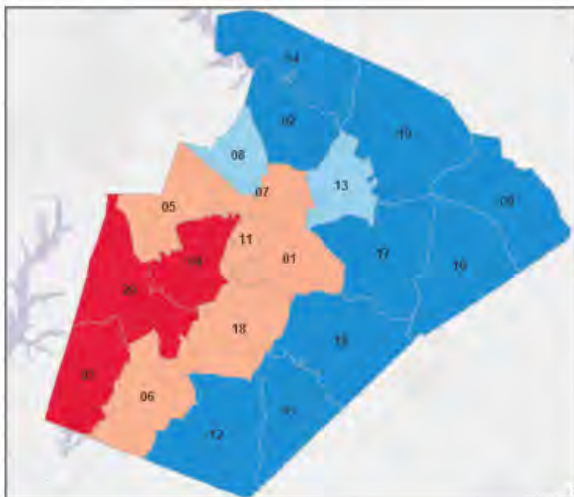
**TOWN OF WENDELL
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Wendell Residential Unit Count, Value Change

Value Range	Unit Count	(% Chg)
Over \$1 million	0	
\$700 k to \$1 million	0	
\$450 k to \$700 k	4	(3%)
\$250 k to \$450 k	536	(8%)
Less than \$250 k	2,544	(30%)
Total	3,084	(22%)

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Residential Property Value Change by Township - 2016

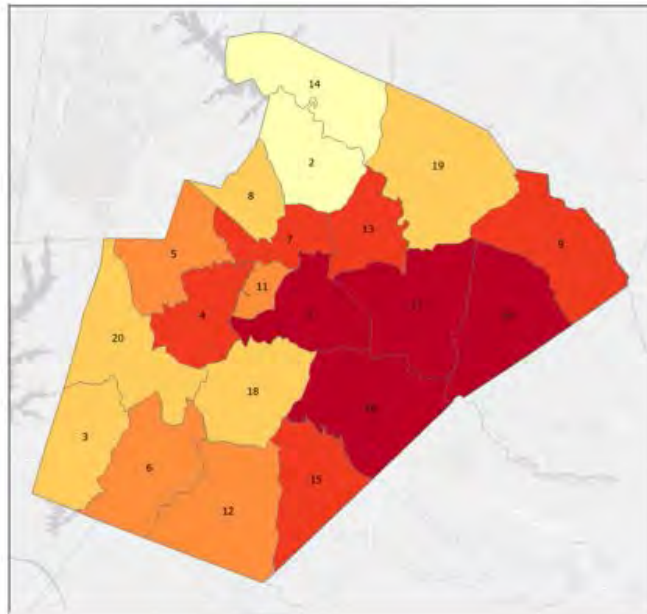
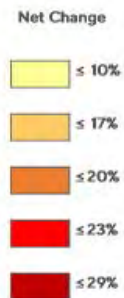


Township	Change	Township	Change
03	18%	08	-1%
04	6%	12	-3%
20	5%	02	-4%
11	3%	16	-5%
01	3%	15	-5%
06	2%	19	-7%
07	1%	17	-7%
05	1%	09	-8%
18	1%	10	-9%
13	-1%	14	-14%

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Residential Property Value Change by Township - 2020



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Commercial Value Drivers – Countywide

Property Type	Total Change
Hotels	48%
Apartments	45%
Industrial	31%
Service Garage	26%
Office	25%
Restaurant	24%
Retail	16%

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Total Real Property Tax Base (Pre)

2020/2021 Real Property Tax Base Prior to Reappraisal

Residential Value	\$92,236,450,000	70%
Commercial Value	\$39,080,659,000	30%
<hr/>		
Total Taxable Real Property	\$131,317,109,000	



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Total Real Property Tax Base (Post)

2020/2021 Real Property Tax Base After Reappraisal

Residential Value	\$110,288,494,750	68%
Commercial Value	\$51,877,918,400	32%
<hr/>		
Total Taxable Real Property	\$162,166,413,150	



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**Wendell Real Property Tax Base
Prior to reappraisal, without 2020 new construction**

2020/2021 Real Property Tax Base Prior to Reappraisal

Residential Value	\$ 560,310,000	81%
Commercial Value	\$ 129,915,000	19%
<hr/>		
Total Taxable Real Property	\$ 690,225,000	



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**Wendell Real Property Tax Base
Reappraised, without 2020 new construction**

2020/2021 Real Property Tax Base After Reappraisal

Residential Value	\$ 697,775,000	80%
Commercial Value	\$ 169,925,000	20%
<hr/>		
Total Taxable Real Property	\$ 867,700,000	



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NC Property Tax Relief Programs

- ▶ **Elderly or Disabled** – 65 or total and permanent disability and income below \$31,000 or \$46,500 depending on program.
- ▶ **Disabled Veteran** – Total service connected disability and discharged under honorable conditions (or unmarried surviving spouse.
- ▶ **2020 Applications due by June 1**
Call (919) 856-5400
wakegov.com/tax/relief

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Project Schedule 2020

January 14 • New values viewable on the Wake County website
 • Notices mailed to property owners
 • Start Informal appeals (7% expected or 27,650)

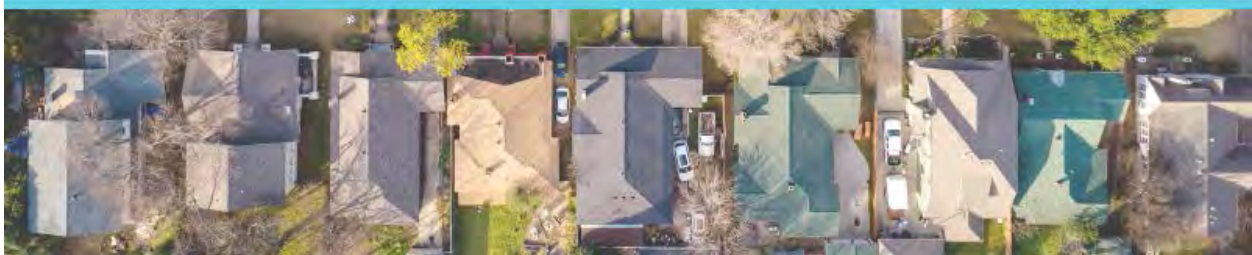
FEB. • Submit pool of qualified BOER candidates for BOC review
 FEB. • Appoint 2020 BOER members
 APR. • Begin BOER hearings
 MAY • BOER Adjourns from receiving additional appeals
 JUN. • Adopt FY21 budget, set FY21 tax rate

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Wake County Tax Administration
919-857-3800
reappraisal@wakegov.com
wakegov.com/taxportal



Mr. Kinrade said that Wake County is accepting appeals now to make sure there are no data errors. On March 2nd, the Board of Equalization and review will begin accepting applications for more formal appeals until May 28th, 2020. Mr. Kinrade said the county will go through the Budget process this spring and the Town has to publish a revenue neutral tax rate in its budget, which is budget-specific, not property-specific. Mr. Kinrade offered to answer any questions from the Board.

Commissioner DeLoach thanked Mr. Kinrade for coming.

Mayor Gray asked for a copy of the powerpoint that was presented.

Commissioner Joyner said the Board will get the contact information that Mr. Kinrade left with the clerk out to citizens.

- 4c. Town of Wendell Interlocal Agreement with PEG Media Partners
Speaker: PEG Media Partners Studio Director Gary McConkey

PEG Media Partners Studio Director Gary McConkey presented the following report to the Board:

Item Summary:

Gary McConkey, PEG Media Partners Studio Director will present the updated Interlocal Agreement with PEG Media Partners for East Wake Television. East Wake Television was established more than 15 years ago between Knightdale, Wendell & Zebulon

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through an Interlocal Agreement. Rolesville was then added. Clayton and Garner contracted with East Wake Television to operate their cable TV channels.

In 2012, a new Interlocal Agreement was adopted, adding the towns of Archer Lodge, Clayton and Garner and changing the organization name to PEG Media Partners. The current Interlocal Agreement needs to be updated and revisions have been discussed by the PEG Media Board of Directors. A proposed Interlocal Agreement was presented at the June Board meeting. Each town was to review the proposed agreement between July and August with final adoption by December.

The Town Attorneys for Rolesville and Zebulon made suggestions for improvement to the proposed Interlocal Agreement. The PEG Media Board discussed the revisions at its regular December meeting and voted 6-0 to accept the revised proposal and to send it to their Town Boards for final approval. All of the wording suggested by Rolesville and most of the suggested Zebulon wording is in the final proposed document.

This proposed Interlocal Agreement has a three year term. If a Member withdraws from the agreement on its expiration date, then the remaining members can continue by adopting a new agreement. If no town withdraws, the Agreement will automatically renew for an additional three years.

This item will be on the agenda for approval at the February 10, 2020 Board Meeting.

Gary offered to answer any questions that the Board might have.

No questions were asked.

- 4d. Parking Ordinance Amendment Presentation
 Speaker: Town Manager Marc Collins

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

Item Summary:

The Town of Wendell has existing Code related to the regulation of parking. New developments, like Wendell Falls have roads dedicated for public and private use with restrictive covenants in place that regulate parking. As the publicly dedicated roads are conveyed to Town maintenance in the coming months, an ordinance amending code related to parking will be needed to provide consistent enforcement and ensure public safety and access.

Staff will provide a presentation on current requirements and proposed amendments needed to accomplish this goal. No action is requested at the January 27, 2020 meeting. The proposed text amendment will return for decision on February 24, 2020.

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Marc offered to answer any questions that the Board might have.

Mayor Pro Tem Boyette said that he was very happy to see this and said that, in these neighborhoods, where the HOA has been doing the enforcement, and the Town is looking to take it over, has the HOA been doing enforcement and how can the Town monitor enforcement? Mr. Boyette also asked if parking areas are going to be marked.

Mr. Collins said that the HOA enforces currently by towing vehicles and there is an education through social media and through property owners receiving restrictive covenants. Marking of the streets will be done per the Town's general statute requirements, whether that's general signage throughout the development or if it's through some other overlay design, that would be left in the details of the ordinance, which he is open to direction on. From a general design standpoint, Mr. Collins said that you try to balance tremendous amount of sign clutter throughout your residential neighborhoods and streets versus the ability for people to know when they can and can't park on different streets. He said that nothing is changing from where people can park now, it's just a change in who is enforcing.

Commissioner Joyner asked how the Town would go about the towing process.

Mr. Collins said that the Town has a towing rotation that it uses. If there is a repeat offender or someone that is parking in a manner that creates a public safety concern, those more extreme conditions tend to be when a Town tows. Initially there would be a public education period to put out the word and mail out what's changing, who your contact persons are so that there is that attempted awareness from an enforcement standpoint.

Commissioner Tarnaski asked if the HOA would no longer be maintaining roads after this is enacted.

Mr. Collins said that if it's a privately dedicated road, they would remain the maintenance and enforcement entity. Any road on a recorded plat in a subdivision that is a publicly dedicated road, once it's accepted into the public roads system, the Town would accept that maintenance responsibility. These roads would be local roads in Wendell Falls. This would also allow the Town's Police force to be more active in enforcement of state driving requirements regarding speed and safety concerns.

- 4e. Special Events Policy Presentation
Speaker: Assistant to the Manager Stephanie Smith

Assistant to the Manager Stephanie Smith presented the following staff report, below in italics:

Item Summary:

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Staff has modified the special events policy process to create a more user-friendly application process. Forms and information previously located on multiple pages on the website will be relocated to one place, allowing for easier access for applicants.

The policy also includes a co-sponsorship application, a process that will formalize the partnerships the town has with other organizations when collaborating on special events (i.e. Harvest Festival). It allows for a clear understanding on which organization is responsible for each aspect of an event, and includes a requirement of recognition of partnership.

Internally, the special event review process will become a more collaborative effort, with applications being processed through the Administration Department, to ensure all appropriate departments are consulted when determining approval for a proposed event.

Staff feels these changes will improve the overall application process for customers, and will streamline the internal review process for events.

Stephanie offered to answer any questions that the Board might have.

Town Manager Marc Collins thanked staff for spending a lot of time working on the Communications Plan and Special Events Policy. He said that updating this process was listed in the Town's Strategic Plan.

- 4f. Snap Shot Reports for November and December 2019
Speaker: Town Manager Marc Collins

Town Manager Marc Collins offered to answer any questions that the Board might have regarding the Snap Shot Reports.

Commissioner Joyner asked if the Board could get more information about Police CIT Officers and Training at a future meeting.

Mr. Collins agreed.

5. PUBLIC HEARINGS

No Public Hearings

6. ADMINISTRATIVE ITEMS

- 6a. Approval of a resolution authorizing Wake County Housing Authority to finance work on the Crestfield Apartments through the issuance of multifamily housing revenue bonds.
Speaker: Planning Director David Bergmark

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

Item Summary:

Crestfield Apartments, located at 701 Marshburn Rd, is a HUD 202 development built in 1985 comprised of 40 units of senior housing. The 40 units are spread over a 5.3 acre site in 10 buildings with a stand-alone office and community room. All the rental units have project-based Section 8 rental assistance, and economic occupancy has been 99+%. The 576 SF units are nearly identical 1-bedroom units.

The property was acquired from the current owner with a bridge loan. National Housing Corporation began managing the property for a hold period of approximately 18 months to allow for an application of tax credit financing and architectural design. The closing on the construction loan and LIHTC equity will be followed by a ten-month, tenant in place rehabilitation of the entire property including new roofs, HVAC, flooring, kitchens and bathrooms. Covered front porches will be added, as well as extensive work to the sidewalks to allow for step-free entry into the units.

In order to permit the financing of these improvements through the use of housing revenue bonds from Wake County, the applicant is seeking the Wendell Board of Commissioners to approve the attached resolution.

These residential units are already subsidized to provide affordable housing. The proposed housing revenue bonds would simply maintain this status while allowing for physical improvements to the buildings and grounds.

David offered to answer any questions the Board might have.

Mayor Pro Tem Boyette asked if these updates would be similar to the ones made at Alexander Place.

Mr. Bergmark said they would be similar.

Mr. Boyette said the apartments at Alexander Place and their upgrades were done very well and it's time for Crestfield Apartments to have upgrades and ADA improvements.

Town Attorney Jim Cauley said that there is no financial commitment or obligation on these bonds, they're a legal prerequisite because they're in the Town's jurisdiction.

Commissioner Joyner asked how the Town came about this.

Mr. Bergmark said that Don Brown with Volunteers of America reached out requesting Board approval for this project and they put together this resolution for the Town. Staff also reached out to County staff.

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Mr. Joyner said that this would be great to happen as a continual process for other neighborhoods in Town.

Mr. Bergmark said that he would communicate that to the applicant.

Town Manager Marc Collins said that the new Wake County Housing Department is keeping better data of when the old bonds and projects are expiring and are encouraging these projects, routinely.

ACTION:

Mover: Commissioner Jon Lutz moved to approve the resolution authorizing Wake County Housing Authority to finance work on the Crestfield Apartments through the issuance of multifamily housing revenue bonds.

Vote: 5-0

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. Logo Licensing Agreement Policy

The following Logo Licensing Agreement Policy Amendment was moved to Other Business to be discussed by the Board:

**Trademark and Copyright Licensing Agreement
Town of Wendell Logo Use**

This Trademark and Copyright Licensing Agreement, made and entered into this ____ day of _____, 2019, by and between THE TOWN OF WENDELL, a North Carolina Municipal Corporation, having a mailing address of 15 East Fourth Street, Wendell, NC, 27591, (hereinafter known as "Licensor") and ____ having a mailing address of ____ (hereinafter known as "Licensee").

WHEREAS, Licensor has adopted, registered with the State of North Carolina Secretary of State's Office, and is using a Certificate of Registration for a Service Mark and is using the trademark logo for the Town of Wendell (hereinafter "Trademark") throughout the world in connection with its branding and marketing campaign.

WHEREAS, Licensor owns all proprietary rights in and to copyrightable works, generally described as the word "Wendell" in which the "W" is a different font from "endell", and the "W" has a swoosh going around the "W" (hereinafter "Work") and is using the Work throughout the world in connection with its branding and marketing campaign; and

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Licensors has the exclusive right to license others to produce, copy, make or sell the Trademark and Work.

WHEREAS, Licensee desires to use the Trademark and Work in connection with Licensee's apparel and accessory customization services; and

WHEREAS, Licensors, subject to the terms and conditions set forth in the Agreement, is willing to permit Licensee to use the Trademark and Work in connection with the Licensee's customization services for the mutual benefit of Licensors and Licensee.

WHEREAS, exemption from fees will be granted to Licensee's operating and selling approved items in the Downtown District (DMX) of Wendell;

NOW, THEREFORE, in consideration of the above premises, the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**TOWN OF WENDELL
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Section 1. LICENSE

Scope of License

Subject to and in consideration of the terms and conditions set forth in this Agreement and the Scope of Services set forth in Appendix A, Licensors grants to Licensee a non-exclusive, non-transferable license to use the Trademark and Work in connection with the customization of apparel and accessories ("Merchandise") throughout the United States and abroad, and as more specifically set forth in Appendix A. Licensee shall make no other use of the Trademark or Work.

Non-Assignment

Licensee acknowledges and agrees that the rights granted to Licensee by and obtained by Licensee as a result of or in connection with this Agreement are license rights only, and nothing contained in this Agreement constitutes or shall be construed to be an assignment of any or all of Licensors rights in the Trademark or Work.

Licensors Ownership

Licensee acknowledges that Licensors is the sole and exclusive owner of the Trademark and Work. Licensee agrees that it will do nothing inconsistent with such ownership either during the term of the Agreement or afterwards. Licensee agrees that its use of the Trademark and Work shall inure to the benefit of and be on behalf of Licensors. Licensee acknowledges that the Trademark and Work are valid under the applicable law and that Licensee's utilization of the Trademark and Work will not create any right, title or interest in said Trademark or Work.

Licensee further agrees that it will not claim ownership rights to the Trademark or Work, or any derivative, compilation, sequel or series, or related Trademark or Work owned by or used by Licensors. Licensee agrees that nothing in this Agreement shall give Licensee any right, title, or interest in the Trademark or Work other than the right to use the same in accordance with this Agreement.

Section 2. USE OF TRADEMARK AND WORK

Trademark and Work Formats

Licensors retains the right to specify the format in which Licensee shall use and display the Trademark and Work, and Licensee shall only use or display the Trademark and Work in a format approved by Licensors. Approval will be granted by the Town Manager or their designee.

Impairment of Licensors Rights

Specifically, Licensee shall supply best efforts to use the Trademark and Work in a manner that does not deviate from Licensors rights in the Trademark and Work. Licensee shall not at any time, whether during or after the term of this Agreement, do or cause to be done any act or thing challenging, contesting, impairing, invalidating, or tending to impair or invalidate any of Licensors rights in the Trademark and Work or any

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registrations derived from such rights. The Licensee shall use the Trademark and Work so that such trademark and copyright rights are separate and distinct impression from any other trademark or Work that may be used or affixed to the Merchandise, their associated documentation or marketing material. Except as permitted in this agreement, Licensee agrees that it will not adopt or use as part or all of any corporate name, trade name, trademark, service mark or certification mark, the licensed Trademark or the Work, either alone or in combination with other words, or any other mark based on the Trademark or Work or any designation confusingly similar to the Trademark or Work.

Licensors Rights and Remedies

Licensee acknowledges and agrees that Licensor has, shall retain, and may exercise, both during the term of this Agreement and thereafter, all rights and remedies available to Licensor, whether derived from this Agreement, from statute, or otherwise, as a result of or in connection with Licensee's breach of this Agreement, misuse of the Trademark or Work, or any other use of the Trademark or Work by Licensee which is not expressly permitted by this Agreement.

Section 3. TERM AND TERMINATION

Term

The term of this Agreement shall be for one (1) year from the Effective Date; provided, however, that either party may terminate this Agreement, with or without cause, by delivering sixty (60) days written notice of termination to the other party. The Agreement will be reviewed and can be extended for additional one year terms, if both parties agree.

Termination for Cause

Notwithstanding the provisions of Section 4 of this Agreement, this Agreement and all rights granted hereby, including but not limited to Licensee's right to use the Trademark and Work, shall automatically terminate without notice from Licensor if (i) Licensee attempts to assign, sub-license, transfer or otherwise convey, without first obtaining Licensor's written consent, any of the rights granted to Licensee by or in connection with this Agreement; (ii) Licensee fails to obtain Licensor's approval of Licensee's use of the Trademark or Work in accordance with Section 2 of this Agreement; (iii) Licensee uses the Trademark or Work in a manner in violation of, or otherwise inconsistent with, the restrictions imposed by or in connection with this Agreement; or (iv) licensee uses the Trademark or Work in a manner not expressly permitted by this Agreement.

Effect of Termination

All rights granted by this Agreement, including, without limitation, Licensee's right to use the Trademark and Work, shall expire upon termination of this Agreement, and upon termination Licensee shall immediately cease and desist from all further use of the Trademark and Work. Licensee agrees to discontinue use of the Work, upon termination of this Agreement, as quickly as practicable, and in no event longer than the time specified herein.

**TOWN OF WENDELL
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Section 4. INDEPENDENT BUSINESS RELATIONSHIP

Licensor and Licensee are independent contractors and are not and shall not be construed as partners, employer/employee, or agents of the other, and neither shall have the power to bind or obligate the other, except as set forth in this Agreement.

Section 5. MISCELLANEOUS

Assignment

Licensee shall not assign, sublicense, transfer, or otherwise convey Licensee's rights or obligations under this Agreement without Licensor's prior written consent.

Indemnification

Licensee shall indemnify, defend, and hold harmless Licensor against all liability, costs, and expenses, including but not limited to a reasonable attorneys' fee, arising out of or in connection with claims relating to an attempted assignment, sublicense, transfer, or other conveyance of Licensee's rights and obligations.

Applicable Law

This Agreement shall be interpreted, construed, and enforced pursuant to, and in accordance with, the laws of the State of North Carolina.

Entire Agreement

This Agreement supersedes all previous agreements, understandings, and arrangements between the parties, whether oral or written, and constitutes the entire agreement between the parties.

Amendments

This Agreement may not be modified, amended, altered, or supplemented except by an agreement in writing executed by the parties hereto.

Waivers

The waiver by either party of a breach or other violation of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or other provision of this Agreement.

Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original, but all of which together shall constitute one and the same Agreement.

Articles and Other Headings

The articles and other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of the terms of this Agreement.

**TOWN OF WENDELL
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IN WITNESS WHEREOF, the parties hereto have set their hand this the _____ of
_____ 2019.

Marvin "Marc" Collins
Town Manager
Town of Wendell
15 East Fourth Street
Wendell, NC 27591
919-365-4450

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Appendix A. SCOPE OF SERVICES

1. Licensee shall provide customization services for apparel, accessories, and other items as identified and selected by the Licensor.
2. Licensee may sell select apparel and accessories at its _____ location(s).
3. Licensee may sell select apparel and accessories at local festivals, as requested by Licensor.
4. Licensee shall add an additional fifteen percent (15%) to the base price for each item of apparel and accessories available for purchase by the public in Licensee's physical store or through events.
5. Licensee shall remit the additional fifteen percent (15%) of the proceeds for each item of apparel and accessory sold to the public on-line, in-store, or at festivals to Licensor. Remittance shall occur on a quarterly schedule developed by Licensor.

Town Manager Marc Collins offered to have staff answer any questions that the Board might have.

Commissioner Joyner asked for clarification that the only amendment that has been made to the Policy was that exemptions could be made for businesses in the DMX.

Assistant to the Manager Stephanie Smith confirmed.

Commissioner DeLoach said the Town spent money to have the logo done and have protected its interest in processing the Trademark. He asked what kind of time, money and effort was put into this.

Ms. Smith said that effort was made to create and trademark the logo, which was extensive paperwork and financial investment that was done previously.

Mr. DeLoach said that he talked with business owners in and outside of downtown. He thinks that since the Town owns the logo, no businesses he talked to had an issue with compensation being made to the Town if they're selling items with that logo. He said that the policy doesn't stop anyone from promoting the Town or sharing the logo in any way, with permission to use it. Mr. DeLoach said that if someone is making money off of the logo, it's different. He said he was okay with leaving it the same as it was prior to the amendment being added, by requiring compensation.

Mr. Joyner said that he agreed with Mr. DeLoach. He said that people should pay to use the brand of the Town.

Commissioner Jon Lutz said that he had no problems with the original proposal. He seconded Mr. DeLoach's sentiments as far as fees should be required for selling the Town's logo. He said he felt there wasn't a problem with waiving fees at the discretion of the Board, but he did have an issue with the wording making it seem like a given right and restricting it to businesses downtown in the DMX. He said he would open it up to

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the whole town and allow the Board to waive at its own discretion. He said that if the Board was to be presented with a waiver request, it had to be proven as a necessity for maintaining the success of a business, which would require bookkeeping being shared, and businesses wouldn't want to share that information in open session. He said if the Town wanted to include the amendment, he would change the language to this affect.

Mayor Gray asked how the DMX language ended up in the amendment.

Town Manager Marc Collins said he looked at existing Board policy saying to have a vibrant, economically diverse downtown that encourages growth. He said there was clear policy in the past to incorporate downtown as a sense of place. To have businesses invest in marketing the Town by using the logo, if they come to the Board to provide an approved product line that's approved by the Town, it would support that. He said that it's ultimately at the Board's pleasure to include the amendment or not.

Commissioner Joyner said he felt like the amendment should not include the amendment waiving DMX because businesses outside of downtown don't consistently benefit on foot traffic of Town events. He said he doesn't see an economic benefit to Mr. Lutz' comment and that this isn't a break the books kind of thing.

Commissioner Philip Tarnaski said he thinks that businesses should be able to promote Wendell at no charge.

Commissioner Joyner said there's a lot of businesses such as the Chamber, 41 North and others that promote the Town by using the logo without profiting on it. He said there's plenty of ways to promote the Town.

Mayor Pro Tem Boyette said he liked the policy as it was approved without the amendment at a prior meeting.

ACTION: No Action was taken.

8. COMMISSIONERS' REPORTS / COMMENTS

Commissioner Jason Joyner said that Wake County's website has a lot of information about reappraisals and whether citizens' reassessment rates are correct. He said that May 28th is the last date to ask for an appeal. Mr. Joyner thanked Town staff for the Organizational Retreat. He said that every decision isn't the end of the world and he thinks that decisions have been made to move forward and it's important to work together as a Town to continue to move forward.

Mayor Pro Tem Boyette encouraged citizens to reach out to the Board if they have issues with decisions being made. He said he thought the Organizational Retreat went well and he looks forward to the Budget Retreat and Go Pack.

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Commissioner Tarnaski thanked staff for the retreat and tour of Garner Town Hall.

Commissioner Jon Lutz said that one thing he saw that was a trend was that land is an important and valuable asset to the Town and seeing where the growth is coming, he urged citizens to take the time to look at these proposals and make sure they're useful to the Town. Mr. Lutz said that housing diversity is important and something that the Town needs and has a chance to take into account as development occurs. Mr. Lutz said the Wendell Rotary Club will be hosting the State of the Town at Town Hall on February 18th at 7:00 PM to hear about the past year and the coming year.

Commissioner DeLoach thanked Town staff for the retreat and thanked the Mayor and Assistant Manager of Garner. He said this coming Thursday is the Chamber of Commerce's Annual Banquet and encouraged people to purchase tickets. Mr. DeLoach said this Friday is the Methodist Church's pancake dinner from 5 to 7 p.m.

9. MAYOR'S REPORTS / COMMENTS

Mayor Gray welcomed new East Wake High School football coach, Dealton Cotton and said she can't wait to see what he does. She congratulated Wendell Creative Arts and Science Magnet Elementary School for being named a Magnet School of Excellence this past week. Mayor Gray said that Meet on Main's Board will be releasing the schedule after their meeting on Tuesday, January 28th. Mayor Gray said the Organizational Retreat was very productive and thanked Garner and Town staff for organizing and hosting.

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

ACTION:

Mover: Commissioner Jon Lutz moved to adjourn at 8:21 p.m.

Vote: 5-0

Duly adopted this 10th day of February 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Stephanie Smith,
Deputy Town Clerk

Item Title:

Town of Wendell Interlocal Agreement with PEG Media Partners

Board of Commissioners Meeting:

Monday, February 10, 2020

Specific Action Requested:

Request approval for the Interlocal Agreement with PEG Media Partners.

Item Summary:

Staff requests the approval of the updated Interlocal Agreement with PEG Media Partners for East Wake Television. East Wake Television was established more than 15 years ago between Knightdale, Wendell & Zebulon through an Interlocal Agreement. Rolesville was then added. Clayton and Garner contracted with East Wake Television to operate their cable TV channels.

In 2012, a new Interlocal Agreement was adopted, adding the towns of Archer Lodge, Clayton and Garner and changing the organization name to PEG Media Partners. The current Interlocal Agreement needs to be updated and revisions have been discussed by the PEG Media Board of Directors. A proposed Interlocal Agreement was presented at the June Board meeting. Each town was to review the proposed agreement between July and August with final adoption by December.

The Town Attorneys for Rolesville and Zebulon made suggestions for improvement to the proposed Interlocal Agreement. The PEG Media Board discussed the revisions at its regular December meeting and voted 6-0 to accept the revised proposal and to send it to their Town Boards for final approval. All of the wording suggested by Rolesville and most of the suggested Zebulon wording is in the final proposed document.

This proposed Interlocal Agreement has a three year term. If a Member withdraws from the agreement on its expiration date, then the remaining members can continue by adopting a new agreement. If no town withdraws, the Agreement will automatically renew for an additional three years.

Attachments:

- A. Town of Wendell Interlocal Agreement with PEG Media Partners

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (the "Agreement") is made and entered into by, between, and among the TOWN OF ARCHER LODGE, a North Carolina municipal corporation ("Archer Lodge"); the TOWN OF CLAYTON, a North Carolina municipal corporation ("Clayton"); the TOWN OF GARNER, a North Carolina municipal corporation ("Garner"); the TOWN OF KNIGHTDALE, a North Carolina municipal corporation ("Knightdale"); the TOWN OF ROLESVILLE, a North Carolina municipal corporation ("Rolesville"); the TOWN OF WENDELL, a North Carolina municipal corporation ("Wendell") and the TOWN OF ZEBULON, a North Carolina municipal corporation ("Zebulon"). Each of Archer Lodge, Clayton, Garner, Knightdale, Rolesville, Wendell and Zebulon shall be referred to herein as a "Member" and collectively shall be known as the "Members."

WITNESSETH

WHEREAS, North Carolina General Statutes § 66-350 *et. seq.*, commonly known as the State Cable Franchise law, requires cable service providers with a State-issued franchise to provide for and transmit public, educational, or governmental access channels ("PEG Channels"); and

WHEREAS, East Wake Television, a North Carolina non-profit corporation, and PEG Media Partnership, a North Carolina non-profit corporation (collectively, "PEG Media") are owned and operated by the Members for the purpose of providing community access television programming on four (4) certified PEG Channels; and

WHEREAS, the Members, through PEG Media, are committed to the delivery of the highest possible level of community access television programming to the citizens of the Members; and

WHEREAS, the Members desire to continue their existing relationship for the joint funding and operations of their PEG Channels; and,

WHEREAS, North Carolina General Statutes § 160A-460 *et. seq.*, commonly known as the Interlocal Cooperation Act, permits the Members to enter into an interlocal agreement to execute any power, function, public enterprise, right, privilege or immunity of local government on behalf of one another.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained in this Agreement, the sufficiency of which is hereby acknowledged, the Members agree as follows:

ARTICLE 1. Definitions

For all purposes of this Agreement, unless the context requires otherwise, the following capitalized and underlined terms shall have the following meanings:

"ACT" shall mean Session Law 2006-151 of the State of North Carolina titled "An Act to Promote Consumer Choice in Video Service Providers and to Establish Uniform Taxes for Video Programming Services" as signed into law by Governor Michael F. Easley on or about July 20, 2006 and as subsequently codified at North Carolina General Statutes § 66-350 *et. seq.*, as amended.

"EFFECTIVE DATE" shall mean the latest date of execution by any one of the Members as evidenced from the signature pages of this Agreement.

"EXPIRATION DATE" shall mean 11:59 p.m. Eastern Time on that date marking the end of the Term.

"PEG CHANNELS" shall mean any public, educational, or governmental access channel provided to any or all Members by Spectrum Cable, AT&T, Google, its successors in interest, or other Cable system (as defined by the Act) providing Cable service (as defined by the Act) within the jurisdictions of the Members.

"PEG FUNDS" means the funds received from distributions made pursuant to N.C .G.S . 105-164.44I(a) and supplemental P E G channel support funds distributed pursuant to N.C .G.S. § 105-164.44I(b).

"PERMANENTLY INSTALLED EQUIPMENT" shall mean equipment and cabling fastened to real property where removal would damage the real property.

"STATE" shall mean the State of North Carolina along with any agency of the State of North Carolina charged with administering the provisions of the Act.

"TERM" shall mean collectively the Initial Term plus any Subsequent Term created pursuant to this Agreement.

ARTICLE 2. Joint Operations Agreement

Agreement. The Members hereby agree and covenant that they shall jointly fund and operate PEG Media pursuant to the terms of this Agreement.

Term. The initial term of this Agreement shall be for a period of three (3) years commencing on the Effective Date. Unless otherwise terminated as provided for in Article 7, this Agreement shall automatically renew for an additional three (3) year term upon the same terms and conditions provided for herein (the "Subsequent Term").

2.1. Governance. The Board of Directors ("Board") of PEG Media shall consist of the six (6) Town Managers of Clayton, Garner, Knightdale, Rolesville, Wendell and Zebulon, or their designee, and the Town Administrator of Archer Lodge, or its designee (the "Directors"). The Board shall be responsible for establishing the By-laws and policies and procedures for PEG Media. The Board shall:

2.1.1. Insure compliance with the provisions of Article 3 of Chapter 159 of the North Carolina General Statutes, commonly known as The Local Government Budget and Fiscal Control Act, as it relates to Public Authorities; and

2.1.2. Conform programming to the requirements set forth by Article 3 of this Agreement; and

2.1.3. Adopt a budget and monitor the status of receipts from PEG Funds; and

2.1.4. Expend PEG Funds in accordance with restrictions imposed by North Carolina Law; and

2.1.5. Contract with other towns, organizations or companies, for the operation of the PEG Channels; and

2.1.6. Employ appropriate staff, including a Studio Director, who shall manage the daily operations of the PEG Channels, sign documents on behalf of PEG Media, purchase supplies and equipment provided for in the budget, set the programming schedules, hire staff, utilize professional consultants and serve as chief liaison between PEG Media, the Members, the appropriate State agencies charged with administering the provisions of the Act and the cable providers.

Paid employees of PEG Media, if any, shall be considered employees of PEG Media and shall not be considered employees of the individual Members and shall not be eligible for town benefits, including but not limited to, the Local Government Employees Retirement System.

Meetings of PEG Media.

2.2.1. Quarterly Meetings. The Directors shall meet at least quarterly to adopt a budget and to discuss and adopt rules or policies governing the management, operations, programming, maintenance, or funding of PEG Media.

2.2.2. Other Meetings. For any of the purposes expressed by this Agreement and in recognition of the mutual benefits accruing to the Members from the active coordination and cooperation of the Members, in supplement to the quarterly meetings, the Directors agree to meet from time to time (in person or online), as is reasonable and necessary, to coordinate, discuss, decide, adopt, or amend By-laws, rules or policies governing the management, operations, programming, or maintenance of PEG Media.

2.2.3. Voting. The Members hereby designate the Directors as the proper representatives at meetings described by this Section 2.4. The adoption or amendment of the By-laws or any budget, rule, or policy of PEG Media shall require a 4/7 vote of the-Directors. Online voting is authorized with a fixed time period of at least 48 hours to respond.

2.2.4. Ad Hoc Committees. The Board may appoint temporary Ad Hoc Committees, made up of at least three (3) Directors, to study issues and make recommendations to the full Board.

ARTICLE 3. Programming

All programming provided on PEG Channels shall be non-commercial in nature as required by the FCC and N.C .G.S. § 66-357(f).

Video programming shall be provided on the PEG Channels to meet requirements of North Carolina State statutes.

It is anticipated by the Members that the Members may wish to acquire additional PEG Channels during the Term or broadcast additional Cable services. The Members intend that any future-acquired PEG Channels be governed pursuant to this Agreement.

ARTICLE 4. PEG Media Funding

4.1. Source of Funds. For the purpose of ensuring that adequate financial resources are available to accomplish the goals of the Members, hereto, each of the Members hereby commits individually and severally to making all best efforts reasonably necessary to financially support-PEG Media. Without limiting the foregoing, the Members explicitly commit as follows:

4.1.1. Certified PEG Channels. Each of the Members individually shall certify to the State on or before the due date established by the North Carolina Department Revenue each year of the Term the number of qualifying PEG Channels operated by the Member, currently two each.

4.1.2. Grants. At the request of the Studio Director, the Members shall apply, either individually or collectively, as determined by the Studio Director, for any grant monies available to PEG Channels-

4.1.3. PEG Channel Supplemental Support. Funds distributed quarterly to the Members from the North Carolina Department of Revenue for Supplemental PEG Channel Support pursuant to N.C .G.S. §§ 105-164.44I and 105-164.44J shall be transferred immediately to and expended only for the operation and support of the PEG Channels.

4.2. Loss of Funding. If N.C.G.S. § 105-164.44I is repealed or changed such that PEG Media loses all or a significant portion of its State funding (fifty-one percent or more), each Member shall have the right to immediately withdraw from this Agreement. Members withdrawing based on loss of funding shall have the right to keep assets assigned to them for their use and shall retain their interest in the equipment, furnishings and other assets of PEG Media.

ARTICLE 5. Title to Property

Title to any Permanently Installed equipment or fixtures acquired during the Term shall be with the fee owner Member of the real property to which the installed equipment or fixtures are affixed.

Title to any real property constructed on previously owned property shall remain with the Member holding title to such property.

ARTICLE 6. Assets

6.1 Sale of Assets. The Studio Director may sell surplus assets of PEG Media as necessary in the reasonable discretion of the Studio Director. Funds received from the sale of surplus-assets shall be used for the operation of PEG Media.

6.2 Termination Right. Should any Member exercise its Termination Right (as defined in Article 7 herein), and the remaining Members agree to continue the operation of PEG Media through a new agreement, all real property, personal property, equipment, and inventories shall remain with PEG Media; the terminating Member shall lose their right to any furniture, equipment or other assets, including proceeds in the event of a future dissolution.

6.3 Planning For Dissolution. The distribution of PEG Media's assets before dissolution shall be made in accordance with the Policy for the Distribution of the Corporation's Assets Before Dissolution, as approved by the Board and as amended from time to time (the "Planning For Dissolution Policy"), which is attached hereto as Exhibit A and incorporated herein by this reference. Notwithstanding anything herein to the contrary, in the event a Member withdraws from this Agreement pursuant to Section 7.2 herein, such Member shall be deemed to be a member of PEG Media on the last day of operation, solely for the purpose of distributing assets in accordance with the Policy on the Distribution of the Corporation's Assets Before Dissolution.

6.4 Dissolution. Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by a court of competent jurisdiction in the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE 7. Termination or Withdrawal

7.1 Termination. This Agreement shall not otherwise be terminated prior to the end of its Term except as follows:

7.1.1 Unanimous Vote. This Agreement may be terminated at any time upon the unanimous vote of all the Directors at a duly called meeting. In which event, PEG Media shall be dissolved and the assets shall be distributed in accordance with the policy for the Distribution of the Corporation's Assets Upon Dissolution, as approved by the Board.

7.1.2 90 Days' Notice. This Agreement may be terminated by any Member through written notice to the other Members made no less than ninety (90) days prior to the proposed termination date (the "Termination Right"). Should any Member exercise its Termination Right and the remaining Member agree to continue the operation of PEG Media through a new agreement, then the terminating Member shall lose their right to any furniture, equipment or other assets, including proceeds in the event of a future dissolution.

7.2. Withdrawal.

Loss of Funding. In accordance with Section 4.2, each Member shall have the right to immediately withdraw from this Agreement if PEG Media loses all or substantially all its State funding. Members withdrawing from this Agreement based on loss of funding shall have the right to keep assets assigned to them for their use and shall retain their interest in the equipment, furnishings and other assets of PEG Media.

Super Majority Vote. This Agreement may be modified by allowing a Member to voluntarily withdraw from this Agreement on an affirmative vote of at least five (5) Directors. In the event a Member withdraws in accordance with this Section, such Member shall have the right to keep assets assigned to them for their use. The Board may allow the Member to retain their interest in the equipment, furnishings and other assets of PEG Media.

ARTICLE 8. Miscellaneous Provisions

Notices. Any notice, demand, consent, agreement, request or other communication required to be given, served, sent or obtained hereunder (a "Notice") must be in writing, and must be either (i) mailed by first-class mail, registered or certified, return-receipt requested, postage prepaid, (ii) hand delivered personally or by nationally recognized courier service, fees prepaid or (iii) transmitted by telecopy, addressed as follows:

If to Archer Lodge:

Town of Archer Lodge c/o Town Administrator
Archer Lodge Town Hall
Archer Lodge Town Hall
14094 Buffalo Road
Archer Lodge, NC 27527

If to Clayton:

Town of Clayton c/o Town Manager
Clayton Town Hall
P.O. Box 879
Clayton, NC 27528

If to Garner:

Town of Garner c/o Town Manager
Garner Town Hall
900 Seventh Ave,
Garner, NC 27529

If to Knightdale:

Town of Knightdale c/o Town Manager
950 Steeple Square Court
Knightdale, NC 27545

If to Rolesville:

Town of Rolesville c/o Town Manager
Rolesville Town Hall
PO Box 250
Rolesville, NC 27571

If to Wendell:

Town of Wendell c/o Town Manager
15 E Fourth St
Wendell, NC 27591

If to Zebulon:

Town of Zebulon c/o Town Manager
Zebulon Town Hall
1003 N. Arendell Avenue
Zebulon, NC 27597

Each party may designate by notice a new address to which any notice thereafter may be given, served, or sent. Each notice that is delivered in the manner described above will be deemed given and received for all purposes at the earlier of such time as it is delivered to the addressee (with the return-receipt, courier delivery receipt or telecopy answer-back confirmation being deemed conclusive evidence of such delivery) or such time as delivery is refused by the addressee upon presentation.

Amendments. No modification or amendment of this Agreement, including the Dissolution Policy attached hereto as Exhibit A, will be valid or binding upon any Member(s) unless in writing and signed by the Member(s) against whom such modification or amendment is asserted.

Entire Agreement. This Agreement constitutes the entire agreement between the Members with respect to an interlocal agreement for the joint funding and operations of PEG Media. All previous undertakings or agreements between the Members with respect to these matters are merged herein and superseded hereby. No representation, promise, or inducement not included herein shall be binding on any Member hereto.

Transferability. No additional Members shall be allowed to participate during the Term. This Agreement shall not be transferred or assigned, either voluntarily or involuntarily. Any purported transfer or assignment of a Member's rights under this Agreement shall be null and void, and shall not transfer any rights, interest or title to the purported transferee.

Interpretation. If there arises any issue regarding the intent of the Members to this Agreement or the interpretation of any provision of this Agreement or any ambiguity arising from this Agreement, no presumption or burden of proof shall arise favoring or disfavoring any Member, and this Agreement shall not be strictly construed against any Member. When the context in which a word is used in this Agreement indicates that such is the intent, a word in the singular number shall include the plural and vice-versa, and a word in the masculine gender shall include the feminine and neuter and vice-versa. Any use in this Agreement of any form of the verb "to include" means the word stated but not limited to. The paragraph headings or titles used in this Agreement are for convenience only, and shall not define, limit, extend or interpret the scope of this Agreement or any particular section, paragraph or provision of this agreement. Any reference in this Agreement to any statute, code, rule or law (collectively or individually, a "Law") shall include any amendments to the Law referred to, any comparable successor Law that replaces the Law referred to, as well as any amendments to any such successor Law.

Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina without giving effect to any conflict of law rule or provision thereof that would cause the application of the laws of any other jurisdiction.

Faxed Signatures. Any party to this Agreement transmitting its signature on this Agreement by telecopy shall be deemed to have accepted and adopted such telescoped signature as that party's original signature, and to have accepted that the same is sufficient to bind that party to this Agreement as if that party's original handwritten signature were attached hereto, it being the intention of the Members that a telescoped signature on this Agreement is binding from the time a copy of this Agreement with a party's signature is telescoped to another party hereto, and that any person may rely on the authority thereof for implementing the provisions of this Agreement.

Severability. The Members intend that this Agreement be enforced to the fullest extent permissible under the Law and public policy applied by any jurisdiction in which enforcement is sought. Accordingly, if any provision, sentence, phrase or word of this Agreement, or the application thereof to any person or circumstance, or the enforceability thereof in any jurisdiction, is held invalid, the remainder of this Agreement, or the application of such provision, sentence, phrase or word to persons or circumstances other than those as to which it is held invalid, or the enforceability thereof in other jurisdictions, shall not be affected thereby.

Agreement in Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument. In addition, this Agreement may contain more than one counterpart of the signature pages, and this Agreement may be executed by the affixing of the signatures of each of the Members to one of such counterpart signature pages. All of such signature pages shall be read as though one and they shall have the same force and effect as though all of the signers had signed a single signature page.

Other Documents. The Members agree to execute such other documents as may be necessary for the implementation and consummation of this Agreement and the covenants contained herein.

Force Majeure. If either party is delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of strike, lockouts, labor troubles, power failure, riots, insurrection, war, fire, earthquake, flood, explosion, governmental sanctioned embargo, acts of God, inclement weather or other reason beyond such party's control of like or unlike nature or cause, then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay.

Third-party Beneficiaries. Except as may be otherwise expressly provided herein, this Agreement shall not confer any rights or remedies upon any person or entity other than the Members hereto, and their respective successors and permitted assigns.

Injunctive Relief. The Members acknowledge that any breach or violation of this Agreement will cause irreparable harm to the non-breaching Members for which there is no adequate remedy at Law. Accordingly, in addition to any other remedies available at law or equity, any Party hereto that is aggrieved by a breach or threatened breach of any of the provisions of this Agreement shall be entitled to seek from any court of competent jurisdiction an order for specific performance and/or for temporary and/or permanent injunctive relief to enforce the provisions of this Agreement without the necessity of proving actual damages or posting bond or other security.

[the remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, the Members have caused this Agreement to be ratified by resolution of their governing boards or councils as evidenced by the minutes of their governing boards or councils, and executed by their duly authorized officers as of the date noted below each signature.

THE TOWN OF ARCHER LODGE,
a North Carolina municipal corporation

By: _____

Name: _____ Date: _____

Title: _____

THE TOWN OF CLAYTON,
a North Carolina municipal corporation

Name: _____ Date: _____

Title: _____

THE TOWN OF GARNER,
a North Carolina municipal corporation

Name: _____ Date: _____

Title: _____

THE TOWN OF KNIGHTDALE,
a North Carolina municipal corporation

Name: _____ Date: _____

Title: _____

THE TOWN OF ROLESVILLE,
a North Carolina municipal corporation

Name: _____ Date: _____

Title: _____

THE TOWN OF WENDELL,
a North Carolina municipal corporation

Name: _____ Date: _____

Title: _____

THE TOWN OF ZEBULON,
a North Carolina municipal corporation

Name: _____ Date: _____

Title: _____

Policy on the Distribution of the Corporation's Assets Before Dissolution

The Board, on a positive vote of five (5) Members at a regularly called meeting, shall set a future date for dissolution.

Employees of PEG Media shall immediately be notified of the dissolution date and the last date of their employment.

All personal property, equipment and inventories located in the various town halls and used by the Members to record board meetings or to generate content shall remain there and become property of that Member.

The exclusive use of the Studio building shall revert to the Town of Knightdale the day after dissolution.

Certain equipment located in the Studio and used to broadcast a cable TV signal or generate content may be given to one or more of the Members for their use with approval of the Board. An estimate of the value shall be made for such equipment and the value deducted from the proceed split if any.

All other personal property, equipment and inventories of PEG Media shall be sold online, at auction or any method approved by the Board and consistent with state law. After all payroll, leave, taxes, bills, accounts payable and obligations are paid in full the proceeds shall be split equally among the Members, as it exist on the last day of operation, of PEG Media. These proceeds may only be used by the Members as allowed by state law.

The current Members are currently the towns of Archer Lodge, Clayton, Garner, Knightdale, Rolesville, Wendell and Zebulon.

All other assets shall be distributed according to IRS provisions (Section 6.4).

Item Title:

Recognition of Lake Myra Elementary School Teacher, Phillip Solano

Specific Action Requested:

Recognition.

Item Summary

Phillip Solano graduated from NC State University as a North Carolina Teaching Fellow in Elementary Education with a concentration in Science. After 3 years as a fourth-grade teacher, Phillip found himself at Lake Myra Elementary as the Cross Categorical Resource Instructional Assistant. Phillip founded the Serving Otters Club at his school, a group dedicated to serving the local community. Mr. Solano and his club have had two successful drives, collecting blankets for local animal shelters, as well as toys for Zach's Toy Chest, a charity that provides toys for children in hospitals. Mr. Solano has been selected as Lake Myra's instructional assistant of the year and is also one of the ten finalists for WCPSS for the instructional assistant of the year. We can also count on Mr. Solano to bring creativity and humor to everything he does. We are so grateful to have him in our school community.

Attachments:

None

Item Title:

Public Hearing on a non-contiguous annexation petition for 20.03 acres located at 1500 Wendell Boulevard (PIN #1774-66-5953).

Report to the Board of Commissioners:

February 10, 2020

January 13, 2020

December 9, 2019

Specific Action Requested:

- That the Board of Commissioners holds a public hearing and considers taking action on an annexation petition for 20.03 acres located at 1500 Wendell Boulevard (PIN #1774-66-5953).
 - Action could consist of approving the attached ordinance for adoption.

Item Summary:

SPC Mechanical Headquarters has submitted an annexation request for a 20.03 acre parcel located at 1500 Wendell Boulevard and identified by PIN Number 1774-66-5953. The owner has submitted plans to build a headquarters and office complex at this location as part of a CMX Conditional District, but in order gain access to needed utilities, annexation is required. This request is for land which is adjacent to existing satellite annexation areas but is still considered non-contiguous.

Public Utilities:

Public water and sewer are available.

Tax Information:

Currently, the property is vacant with a total assessed value of \$1,021,221. At the current tax rate of 49 cents, annexation of this property “as-is” would result in approximately \$5000 in annual tax revenue for the Town. This figure will increase substantially as the parcel is developed for a future 27,000 sq. foot headquarters and ancillary office buildings.

Location Map:



Attachments:

- A. Ordinance for Adoption

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

A19-06

**ORDINANCE NO. 0-1-2020
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WENDELL, NORTH CAROLINA**

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Wendell Courtroom at 7:00 p.m. on the 10th day of February, 2020, after due notice by publication on the 31st day of January, 2020.

WHEREAS, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b) to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation:

WHEREAS, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the property identified by PIN # 1774665953 and also shown as the 20.03 acre tract located at 1500 Wendell Boulevard on the below identified survey plat is hereby annexed and made part of the Town of Wendell, North Carolina, as of the date of adoption of this Ordinance on February 10, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, Satellite Extension of Corporate Limits of the Town of Wendell" and recorded in Book of Maps Book Number _____, Page Number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the attached described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Wendell and shall be entitled to the same privileges and benefits as other parts of the Town of Wendell. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Wendell shall cause to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of the ordinance. Such map shall also be delivered to the County Board of Elections as required by G.S. 163.228.1.

Duly adopted the 10th day of February, 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Smith, Deputy Town Clerk
Attorney

James P. Cauley III, Town

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CLERK'S CERTIFICATION

I, **STEPHANIE SMITH**, Deputy Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance **#0-1-2020**, as adopted by the Wendell Board of Commissioners on the 10th day of February, 2020 for property owned by **F.D.A EAT, LLC**, and is approved for recording in the Wake County Register of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Wendell, North Carolina this 10th day of February, 2020.

[TOWN SEAL]

Stephanie Smith, Deputy Town Clerk

Item Title:

Public Hearing on a non-contiguous annexation petition for 2 parcels: 23 acres located at 0 Marshburn Road (PIN #1784695299) and 9.31 acres located at 1408 Marshburn Road (PIN #1784682669).

Report to the Board of Commissioners:

February 10, 2020
January 13, 2020
December 9, 2019

Specific Action Requested:

- That the Board of Commissioners holds a public hearing and considers taking action on an annexation petition for 2 parcels: 23 acres located at 0 Marshburn Road (PIN #1784695299) and 9.31 acres located at 1408 Marshburn Road (PIN #1784682669).
 - Action could consist of approving the attached ordinance for adoption.

Item Summary:

Joshua E. Furr has submitted an annexation request for 2 parcels: 23 acres located at 0 Marshburn Rd and identified by PIN Number 1784-69-5299 and 9.31 acres located at 1408 Marshburn Rd and identified by PIN Number 1784-68-2669.

Zoning District:

The property located at 0 Marshburn Road and identified by PIN #1784-69-5299 is currently located within the Wake County R-40 zoning district and has petitioned to be rezoned Residential Agricultural (RA). The property located at 1408 Marshburn Road and identified by PIN #1784-68-2669 is currently located in the RA zoning district.

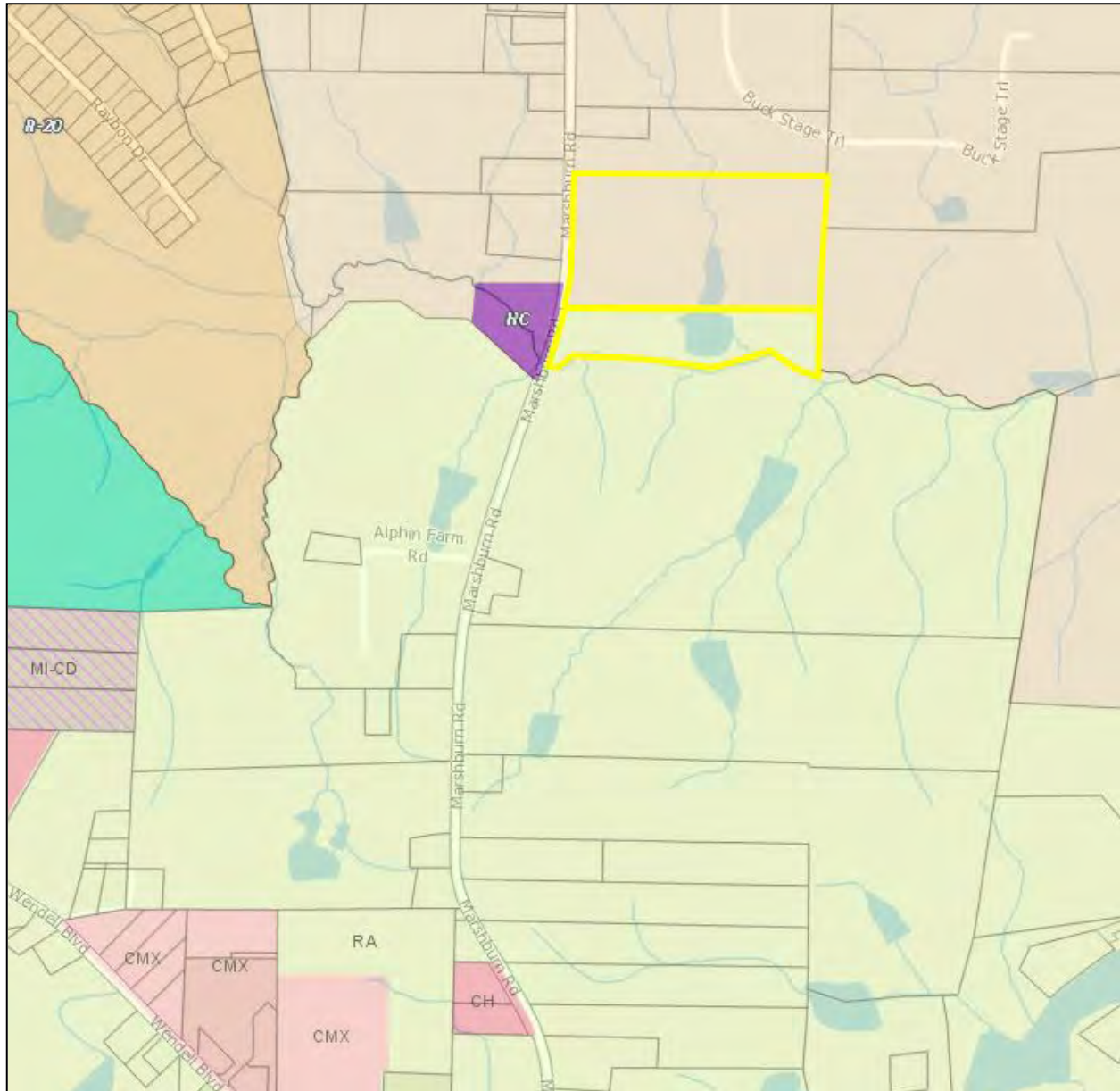
Public Utilities:

Public water is available on Marshburn Rd. Public sewer is not available currently.

Tax Information:

Currently, the two properties contain 1 dwelling, with a total assessed value of \$726,669. At the current tax rate of 49 cents, annexation of this property “as-is” would result in approximately \$3561 in annual tax revenue for the Town.

Location Map:



Attachments:

- A. Ordinance for Adoption

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

A19-07

ORDINANCE NO. 0-2-2020
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WENDELL, NORTH CAROLINA

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Wendell Courtroom at 7:00 p.m. on the 10th day of February, 2020, after due notice by publication on the 31st day of January, 2020.

WHEREAS, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b) to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation:

WHEREAS, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the properties identified by PIN # 1784695299 and PIN #1784682669, also shown as the 23 acre tract located at 0 Marshburn Road and the 9.31 acre tract located at 1408 Marshburn Road on the below identified survey plat are hereby annexed and made part of the Town of Wendell, North Carolina, as of the date of adoption of this Ordinance on February 10, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, Satellite Extension of Corporate Limits of the Town of Wendell" and recorded in Book of Maps Book Number _____, Page Number _____, and Book of Maps Book Number 16790, Page Number 314, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the attached described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Wendell and shall be entitled to the same privileges and benefits as other parts of the Town of Wendell. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Wendell shall cause to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of the ordinance. Such map shall also be delivered to the County Board of Elections as required by G.S. 163.228.1.

Duly adopted the 10th day of February, 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Smith, Deputy Town Clerk

James P. Cauley III, Town Attorney

Page 2

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CLERK'S CERTIFICATION

I, **STEPHANIE SMITH**, Deputy Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance **#0-2-2020**, as adopted by the Wendell Board of Commissioners on the 10th day of February, 2020 for property owned by **Joshua E. Furr/Furr Property Investments LLC**, and is approved for recording in the Wake County Register of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Wendell, North Carolina this 10th day of February, 2020.

[TOWN SEAL]

Stephanie Smith, Deputy Town Clerk

Item Title:

PUBLIC HEARING - Zoning Text Amendment to modify Chapter 12 of the Unified Development Ordinance (UDO) as it relates to requirements for murals.

Board of Commissioner Meeting:

Monday, February 10, 2020

Planning Board Meeting:

Monday, January 21, 2020

Specific Action Requested:

- The Board of Commissioners is asked to hold a public hearing and consider taking action on proposed amendments to Chapter 12 of the UDO as it relates to mural requirements.
 - Action could consist of adopting the attached ordinance.

Applicant:

Town of Wendell

Item Summary:

In 2014, regulations for Murals were added to the Section 12.8Q of the UDO, based on a review of other municipalities' standards (including Cary, NC; Conway, SC; Durham, NC; Knightdale, NC; Los Angeles, CA; Matthews, NC; Portland, OR; Raleigh, NC; and Sanford, NC).

One such standard relates to the placement of murals. Currently, murals are not permitted on the primary façade of the building. The intent of this standard is to make the primary façade focused on the business use and direct any murals to side or rear facades. However, the Wendell Appearance Commission's work plan calls for the Commission to explore small mural projects aiming to give visual interest to mundane streetscape objects (see Attachment A for examples).

Staff does not wish to preclude these smaller art projects from being placed on a front façade. For this reason, staff is proposing to amend Section 12.8Q of the UDO to clarify that while front façade murals are generally discouraged, the Town Board may permit murals on the front façade of a structure so long as they are no more than 50 sq. ft in size.

Existing Mural Regulations:

Murals or Wall Art: A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:

1. No mural shall be added to the primary facade of the building.
2. Murals are not intended to be placed on residential structures or their accessory structures.
3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.
5. The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.

Proposed Text Amendment

To Amend Chapter 12.8Q1 to read as follows (amended section is underlined):

“Signs Not Requiring a Permit – 12.8Q:

Murals:

A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:

1. Murals are generally discouraged from being placed on the primary façade of a building. However, the Town Board reserves the right to approve a primary façade mural if it does not exceed 50 sq. ft in size.
2. Murals are not intended to be placed on residential structures or their accessory structures.
3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.
5. The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.

Planning Board Recommendation:

At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested text amendment.

Voting in Favor: Victoria Curtis, Ryan Zakany, Jimmena Huffman-Hall, Michael Firstbrook, Allen Swaim, Jonathan Olson, Levin Jones and Brett Hennington

Voting Against: None

Absent: None

Statement of Plan Consistency and Reasonableness

- Any recommended change, if deemed necessary, 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, the requested text amendment is consistent with principle number 2 of the comprehensive plan (below) and is reasonable in order to allow flexibility to enhance visual interest in small ways without detracting from the character of the downtown.
 - Principle Number 2: "Protect and enhance the strengths of the downtown core, making the area a place to experience"

Staff Recommendation:

Staff recommends approval of the proposed zoning text amendment.

Attachments:

- A. Examples of Transforming mundane objects through art
- B. Ordinance for Adoption

Attachment A



Attachment B

ORD # 0-3-2020
AN ORDINANCE TO AMEND SECTION 12.8 OF THE
TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE
AS IT RELATES TO MURALS

WHEREAS, Section 12.8 of the UDO contains the Town's general provisions for signs not requiring a permit; and

WHEREAS, there is a desire to permit small murals on the front façade of buildings; 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 12.8Q of the UDO be amended to read as follows:

- Q.** Murals or Wall Art: A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:
1. Murals are generally discouraged from being placed on the primary façade of a building. However, the Town Board reserves the right to approve a primary façade mural if it does not exceed 50 sq. ft in size.
 2. Murals are not intended to be placed on residential structures or their accessory structures.
 3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
 4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.
 5. The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 4. 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 5. That the proposed text amendment to Section 12.8Q of the UDO is found to be consistent with Principle # 2 of the Wendell comprehensive plan and is reasonable in order to allow flexibility to enhance visual interest in small ways without detracting from the character of the downtown.

Number 2: “Protect and enhance the strengths of the downtown core, making the area a place to experience”

SECTION 6. That this ordinance has been adopted following a duly advertised public hearing of the Town Board and following recommendation by the Planning Board.

SECTION 7. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

SECTION 8. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED the 10th day of February 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Smith, Deputy Town Clerk

James P. Cauley III, Town Attorney

Item Title:

PUBLIC HEARING – Zoning Map Amendment request to rezone 23 acres (PIN #1784-69-5299) located at 0 Marshburn Road from Wake County Residential-40 (R-40) to Rural Agricultural (RA).

Report to the Board of Commissioners:

- Monday, February 10, 2020

Report to the Planning Board:

- Tuesday, January 21, 2020

Specific Action Requested:

That the Town Board holds a public hearing on the proposed Zoning Map Amendment request and consider taking action.

- Action could consist of adopting the attached ordinance, which includes a statement of comprehensive plan consistency and reasonableness.

Applicant:

Joshua Furr (of Furr Property Investments LLC)

Petition:

The applicant has requested a change in zoning classification for property located at 0 Marshburn Road (PIN #1784-69-5299) from Wake County Residential-40 (R-40) to Rural Agricultural (RA).

Item Summary:

This property is located in Wake County within the Urban Service Area for the Town of Wendell and is currently zoned Wake County R-40. The applicant has requested annexation of this parcel and the adjacent parcel to the south. Any area annexed into the Town must be given a Wendell zoning designation. Since the adjacent parcel is zoned Residential Agricultural (RA), the applicant is requesting to rezone the subject property to RA as well.

Justification:

The applicant lists the following reasons for rezoning the property from R-40 to RA:

“My goal is to:

1. Annex the land at 0 Marshburn to be in Wendell’s jurisdiction.
2. Change the zoning at 0 Marshburn to conform with the same zoning as the adjacent property I own at 1408 Marshburn.
3. Combine my two parcels into one.
4. I would like to Connect to city water which is located in front of my house at 1408 Marshburn, I do not want the primary source to be a well.

For the next few years my goal for this property is beautification and landscaping for my own enjoyment.”

Project Profile:

PROPERTY LOCATION:	0 Marshburn Road
WAKE COUNTY PIN:	1784 69 5299
ZONING DISTRICT:	Proposed RA/ Current Wake County R-40
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Furr Property Investments LLC (Joshua Furr) 1408 Marshburn Rd Wendell, NC 27591
APPLICANT:	Same as Owner
PROPERTY SIZE:	23 acres
CURRENT LAND USE:	Agricultural
PROPOSED LAND USE:	Agricultural

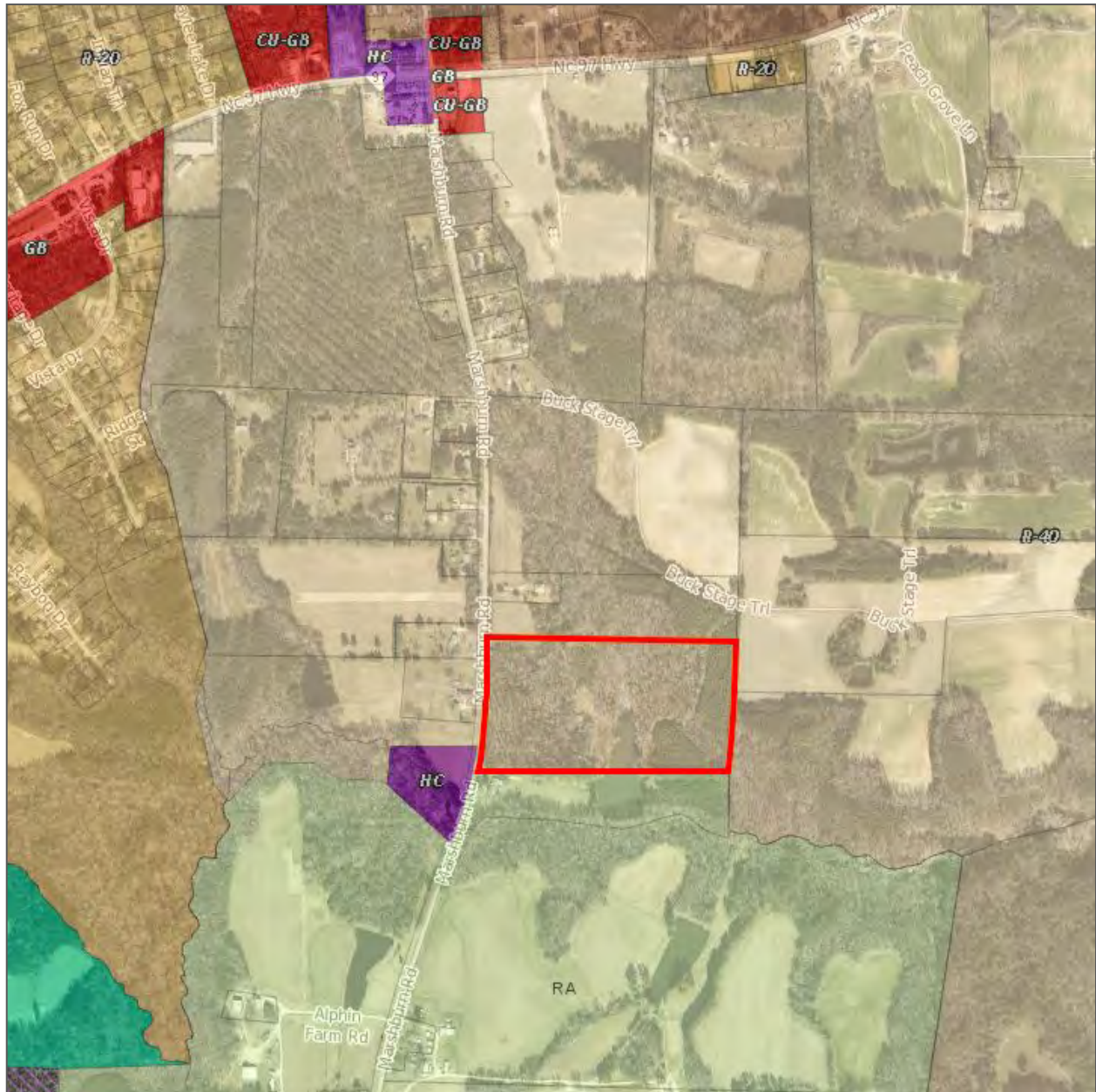
Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Agricultural	R-40
South	Residential	RA
East	Residential/Agricultural	R-40
West	Residential	R-40

Zoning District:

This property is located in Wake County within the Town’s Urban Service Area and is zoned Wake County R-40. The surrounding properties are currently zoned RA and Wake County R-40.

Current Zoning Map (Requested Property outlined in red):



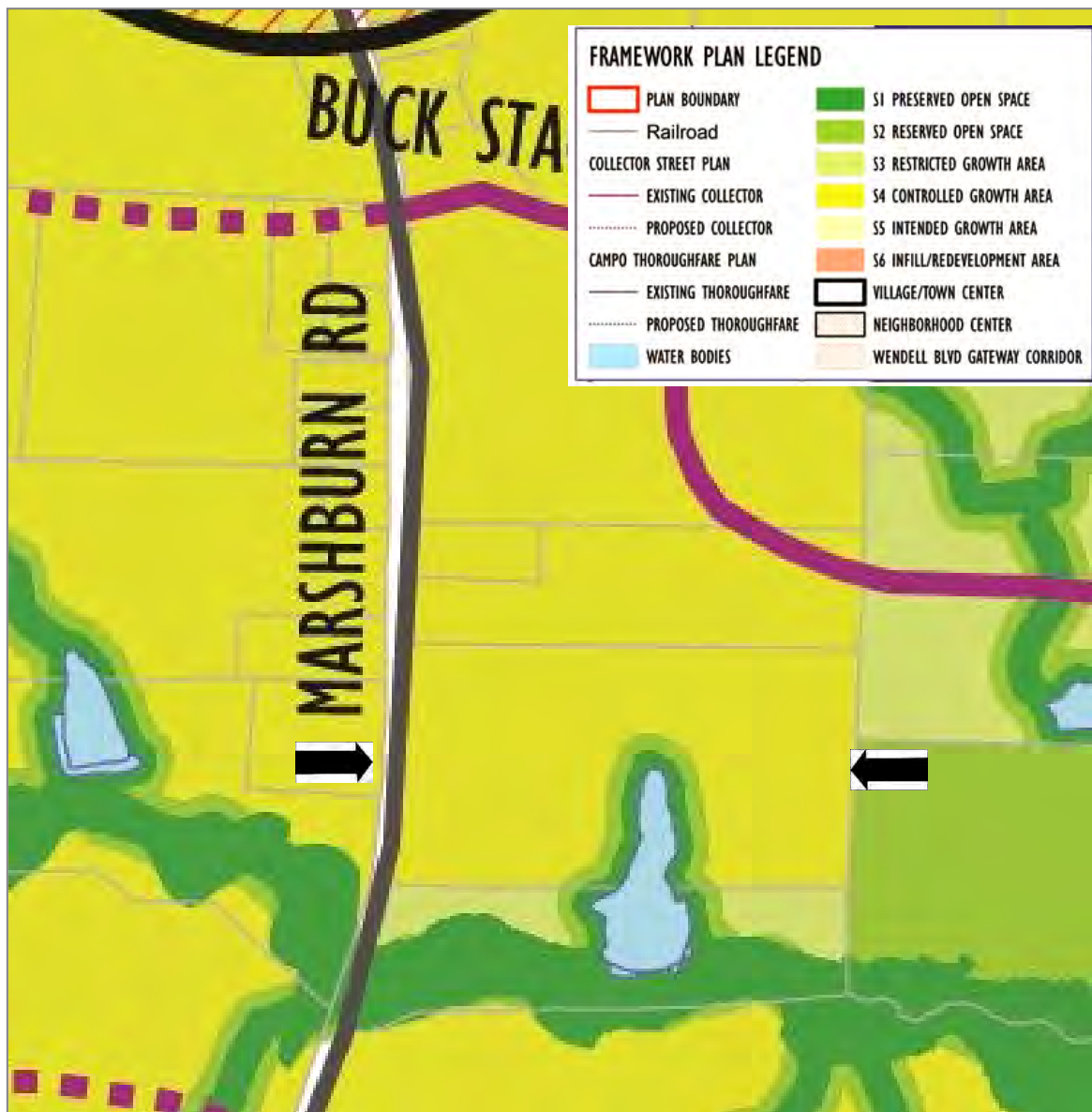
Comprehensive Plan:

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.



Statement of Plan Consistency 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.
 - In staff's opinion, the requested zoning map amendment is consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable to be consistent with the adjacent parcel with a Wendell zoning designation. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:
 - Principle Number 1: "Preserve the small-town feel and historic character of the community."

Planning Board Recommendation:

At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested zoning map amendment.

Voting in Favor: Victoria Curtis, Ryan Zakany, Jimmena Huffman-Hall, Michael Firstbrook, Allen Swaim, Jonathan Olson, Levin Jones and Brett Hennington

Voting Against: None

Absent: None

Staff Recommendation:

Staff recommends approval of this rezoning request. The RA zoning district is the most comparable district to the County's R-40 zoning district which currently applies.

Attachments:

- A. RA Zoning District Land Use Chart
- B. Ordinance for Adoption

Town of Wendell, NC
Residential Agricultural District
Land Use Chart

RA

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
Agriculture Bed and Breakfast Inns Dwelling-Single Family Government Services Schools - Elementary & Secondary Storage - Outdoor as a primary use	Amusements, Outdoor Animal Services Campground Cemetery Child/Adult Day Care Home (8 or less persons) Cultural or Community Facility Dwelling-Secondary Family Care Home (6 or fewer residents) Group Care Facility (More than 6 residents) Home Occupation Manufactured Housing Meeting Facility/Indoor Event Venue Outdoor Kennels/Equine Facilities Recreation Facilities, Indoor Recreation Facilities, Outdoor Utilities-Class 1 Utilities-Class 2 Utilities-Class 3	Airport Event Venue, Outdoor Public Safety Station Religious Institutions Wireless Telecommunication Facility - Stealth Wireless Telecommunication Facility - Tower

O-4-2020

AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF WENDELL

WHEREAS a petition has been filed with the Board of Commissioners of the Town of Wendell requesting an amendment to the Zoning Map of the Town of Wendell to include in the Rural Agricultural (RA) zoning district the property described below, said property formerly being zoned Wake County Residential-40 (R-40); and

WHEREAS said property is owned by Furr Property Investments LLC; and

WHEREAS the Planning Board of the Town of Wendell reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in the Wake Weekly, a local newspaper, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-364 of the General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-384 of the General Statutes; and

WHEREAS, the Wendell Board of Commissioners reserves and exercised the right to change the existing zoning classification of the area in question or any part or parts thereof to a more restrictive general zoning classification without the necessity of withdrawal or modification of the petition.

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on February 10, 2020 in the board room at Wendell Town Hall and wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments:

THEREFORE, after duly considering the matter, THE TOWN OF WENDELL DOES HEREBY ORDAIN;

SECTION 1. That the Zoning Map of the Town of Wendell is hereby amended to include in the **Rural Agricultural (RA)** zoning district 23 acres of land located at 0 Marshburn Road (PIN # 1784-69-5299).

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as ZM19-08 from Wake County Residential-40 (R-40) to **RA** is found to be consistent with the adjacent parcel with a Wendell zoning designation and is consistent with the

recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S4 sector.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED the 10th Day of February 2020

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Smith, Deputy Town Clerk

James P. Cauley III, Town Attorney

Item Title:

PUBLIC HEARING: Zoning Map Amendment request to rezone two parcels totaling .61 acres [.21 acres (PIN #1784-71-2467) located at 313 N. Pine Street and .4 acres (PIN #1784-71-1388) located at 230 N. Main Street] from Residential-2 (R2) to Downtown Mixed-Use (DMX).

Report to the Board of Commissioners:

- Monday, February 10, 2020

Report to the Planning Board:

- Tuesday, January 21, 2020

Specific Action Requested:

That the Town Board holds a public hearing on the proposed Zoning Map Amendment request and consider taking action.

- Action could consist of adopting the attached ordinance, which includes a statement of comprehensive plan consistency and reasonableness.

Applicant:

Mrs. Joy Strickland

Petition:

The applicant has requested a change in zoning classification for properties located at 313 N. Pine Street (PIN #1784-71-2467) and 230 N. Main Street (PIN #1784-71-1388) from Residential-2 (R2) to Downtown Mixed-Use (DMX).

Item Summary:

These properties are located within the city limits of the Town of Wendell and are currently zoned R2. There is a service garage located at 313 N. Pine Street that was an auto repair business owned and operated by the Strickland family for many years before the Town adopted the UDO. After its adoption, the property was zoned R2, which does not permit an auto repair shop, but the existing business was grandfathered in as a legal nonconforming use. Mr. Strickland continued to operate the auto shop for many years until he lost his sight and was not able to work anymore.

At this time, Mr. & Mrs. Strickland would like to rent out their service garage to a local mechanic to operate a small auto repair business, but since the nonconforming use has been abandoned for several years, the UDO will not allow a non-conforming use to be re-established.

In order for the auto repair shop to conduct business again, they will need to rezone the property to a zoning district that allows that use. On the same block as the service garage, Wendell Baptist Church is zoned DMX-CU. Due to the proximity of the DMX zoning district, Mrs. Strickland is requesting to rezone her property at 313 N. Pine Street and the adjacent property at 230 N. Main Street, which is also owned by Wendell Baptist Church, to DMX. This will create a continuous DMX zone. Wendell Baptist Church is aware of the request and has submitted a letter of support to staff.

Justification:

The applicant lists the following reasons for rezoning the property from R2 to DMX:

“We have a financial need due to the fact that my husband is now in need of 24-hour care. Thomas ran an electrical automotive business at 313 N. Main Street before he lost his eyesight. The business had been grandfathered in, but this is no longer valid since he couldn’t work and keep it going. The Planning Department recommended to rezone the property in order to start the business again.”

Project Profile:

PROPERTY LOCATIONS:	313 N. Pine Street & 230 N. Main Street
WAKE COUNTY PIN:	1784-71-2467 & 1784-71-1388
ZONING DISTRICT:	Proposed DMX/ Current R2
CROSS REFERENCES:	N/A
PROPERTY OWNERS:	Thomas & Joy Strickland 240 N. Main Street Wendell, NC 27591 Wendell Baptist Church PO Box 187 Wendell, NC 27591-0187
APPLICANT:	Joy Strickland 240 N. Main Street Wendell, NC 27591
PROPERTY SIZES:	.21 & .4 acres
CURRENT LAND USE:	Storage & Institutional
PROPOSED LAND USE:	Commercial & Institutional

Project Setting – Surrounding Districts and Land uses:

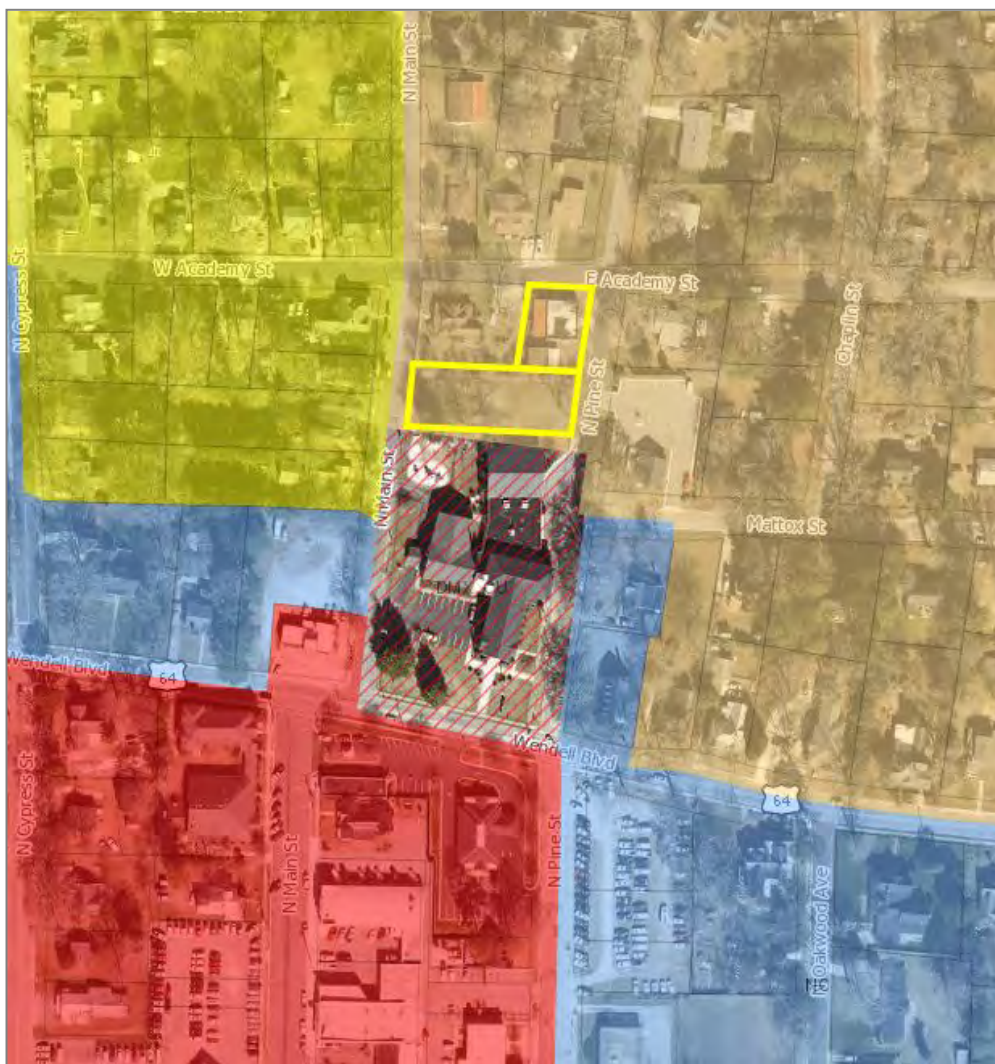
<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential	R2
South	Institutional	DMX-CD
East	Residential	R2
West	Residential	R3

Zoning District:

These properties are located within the town’s city limits and are zoned R2. The surrounding properties are currently zoned R2, R3 and DMX-CU. The DMX zoning district permits vehicle services- minor maintenance/repair with the following additional standards:

1. All vehicles, materials or equipment shall be stored within an enclosed building or outdoor storage with opaque fence or wall and restricted to the rear yard.
2. Storage yards shall be set back a minimum of 50 feet from any residential district. No stored vehicles may be visible from any property line.
3. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.
4. No vehicle may be kept or used for parts for other vehicles.
5. No vehicles may be stored for more than 30 calendar days without repair work.
6. Car washes must be approved by the City of Raleigh Public Utilities Department.

Current Zoning Map (Requested Properties outlined in yellow):

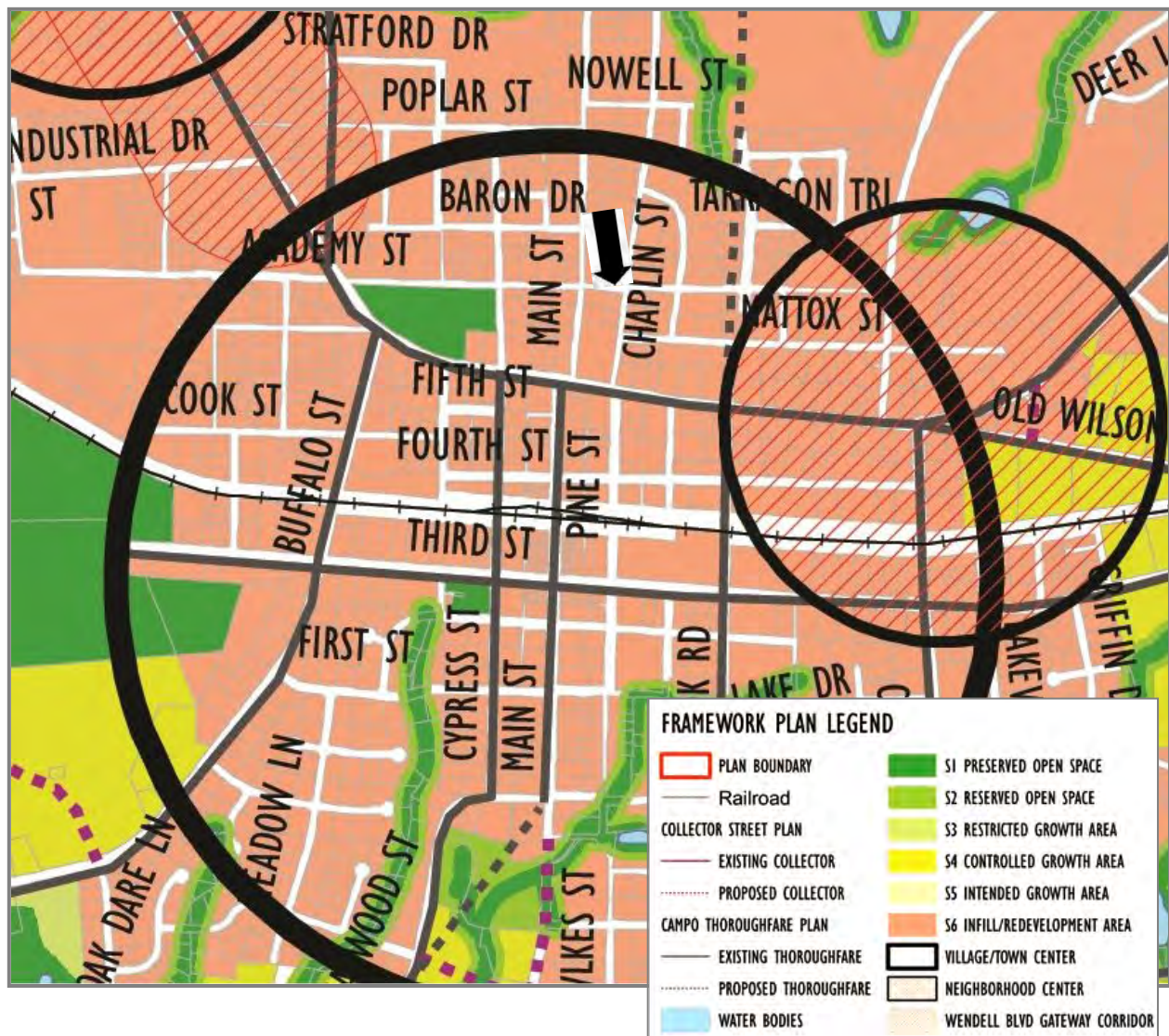


Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S-6 “Infill/Redevelopment Sector” in a Village Town Center.

The Comprehensive Plan states the “Existing urban/suburban development” with a fairly dense street grid are classified as S-6. This includes most of the built-out areas of Wendell around the historic downtown core. These areas are already urbanized and well served with infrastructure (roads, utilities, etc.), and access to services and amenities. Because these areas are already well provided for in terms of urban services, they are the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels.

The following community types and uses are appropriate in the S-6 sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses and light industrial 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.
 - In staff's opinion, the requested zoning map amendment is consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-6 Sector and is reasonable since the properties are adjacent to the DMX zoning district. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:
 - Principle Number 1: "Preserve the small-town feel and historic character of the community."

Planning Board Recommendation:

At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested zoning map amendment.

Voting in Favor: Victoria Curtis, Ryan Zakany, Jonathan Olson, Brett Hennington, Allen Swaim, Michael Firstbrook and Levin Jones

Voting Against: None

Absent: None

Staff Recommendation:

Given the history of this site and the long-time non-residential use that was present until recent years, staff has no objections to the rezoning request. However, staff asks the Board to keep in mind ALL uses which may be permitted in the DMX zoning district (beyond a vehicle service shop). A list of uses permitted in the DMX zoning district is included as Attachment B.

Attachments:

- A. R2 Zoning District Land Use Chart
- B. DMX Zoning District Land Use Chart
- C. Ordinance for Adoption

Town of Wendell, NC
Residential (2) Zoning District
Land Use Chart

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
Bed and Breakfast Inns Dwelling-Single Family Government Services Schools - Elementary & Secondary	Animal Services Cemetery Child/Adult Day Care Home (8 or less persons) Cultural or Community Facility Dwelling-Secondary Family Care Home (6 or fewer residents) Home Occupation Meeting Facility/Indoor Event Venue Recreation Facilities, Indoor Recreation Facilities, Outdoor Transit Station - Passenger Utilities - Class 1 Utilities - Class 2	Public Safety Station Religious Institutions Wireless Telecommunication Facility - Stealth Wireless Telecommunication Facility - Tower

Town of Wendell, NC
Downtown Mixed Use District
Land Use Chart
DMX

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
ATM Auto Parts Sales Banks, Credit Unions, Financial Services Bed and Breakfast Inns Business Support Services Community Service Organization Dwelling-Single Family Funeral Homes General Retail - 10,000 sf or less General Retail - 10,001 - 50,000 sf Government Services Home Occupation Hotels/Motels/Inns Housing Service for the elderly Laundry Services Media Production Medical Services - Clink, Urgent Care Center Medical Services - Doctor Office Parking Lot (primary use) Personal Services Post Office Professional Services Public Safety Station Restaurant Schools - Vocational/Technical Theater, Live Performance, Indoor Theater, Movie	Alcoholic Beverage Sales Store Amusements, Indoor Animal Services Child/Adult Day Care Center (More than 8 persons) Child/Adult Day Care Home (8 or less persons) Dwelling-Secondary Family Care Home (6 or fewer residents) General Retail - Greater than 50,000 sf Group Care Facility (More than 6 residents) Live-Work Units Micro-Distillery/Micro-Brewery/ Micro-Winery Parking Structure (primary use) Rooming or Boarding House Storage, Warehouse, Indoor Storage Studio - Art, Music Transit Station - Passenger Vehicle Sales Vehicle Services - Major Repair/Body Work Vehicle Services - Minor Maintenance/Repair Wireless Telecommunication Facility - Stealth Wireless Telecommunication Facility - Tower	Bar/Tavern/Night Club Billiard/Pool Hall Colleges/Universities Cultural or Community Facility Drive Thru Service Dwelling-Multi Family Event Venue, Outdoor Gas Station Hospital Manufacturing, Light Manufacturing, Neighborhood Meeting Facility/ Indoor Event Venue Metal Products Fabrication, machine or welding shop Recreation Facilities, Indoor Recreation Facilities, Outdoor Research and development Studio - Dance, Martial Arts Wireless Telecommunication Facility - Stealth Wireless Telecommunication Facility - Tower

O-5-2020

AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF WENDELL

WHEREAS a petition has been filed with the Board of Commissioners of the Town of Wendell requesting an amendment to the Zoning Map of the Town of Wendell to include in the Downtown Mixed-Use (DMX) zoning district the properties described below, said properties formerly being zoned Residential 2 (R2); and

WHEREAS said properties are owned by Thomas & Joy Strickland and Wendell Baptist Church; and

WHEREAS the Planning Board of the Town of Wendell reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in the Wake Weekly, a local newspaper, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-364 of the General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-384 of the General Statutes; and

WHEREAS, the Wendell Board of Commissioners reserves and exercised the right to change the existing zoning classification of the area in question or any part or parts thereof to a more restrictive general zoning classification without the necessity of withdrawal or modification of the petition.

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on February 10, 2020 in the board room at Wendell Town Hall and wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments:

THEREFORE, after duly considering the matter, THE TOWN OF WENDELL DOES HEREBY ORDAIN;

SECTION 1. That the Zoning Map of the Town of Wendell is hereby amended to include in the **Downtown Mixed-Use (DMX)** zoning district .61 acres of land [.21 acres (PIN #1784-71-2467) located at 313 N. Pine Street and .4 acres (PIN #1784-71-1388) located at 230 N. Main Street].

SECTION 2. The requested zoning map amendment for the parcels within the rezoning area identified as ZM19-07 from Residential 2 (R2) to **DMX** is found to be reasonable since the

properties are adjacent to the DMX zoning district and is consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S6 sector.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED the 10th Day of February 2020

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Smith, Deputy Town Clerk

James P. Cauley III, Town Attorney

Item Title:

CD19-03 – Public Hearing on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.

Report to the Board of Commissioners:

- Monday, February 10, 2020

Report to the Planning Board:

- Monday, November 18, 2019 (Expanded Boundary & Revised)
- Monday, August 19, 2019
- Monday, July 15, 2019
- Monday, May 20, 2019 (Introduction – No Action)

Specific Action Requested:

That the Town Board holds a public hearing on the proposed R-4 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:

Chris Rurkowski of TMTLA Associates

Petition:

The applicant has requested to create a R4 conditional district for approximately 129.59 acres of property within the parcels identified by PIN #1765852510, PIN #1765962276, PIN #1765856251 and PIN #1775042139. The proposed conditional district consists of 275 single family homes and 99 Townhomes (374 units total), with associated open space, amenities, and infrastructure.

Item Summary:

The applicant's proposed conditional district has a mix of single-family homes and townhomes, with an overall density of 2.88 dwellings units per acre. The 2.88 DUA figure only includes 10 acres of the 32-acre Yancey property within the Conditional District. The 2.88 DUA figure does not account for an additional 22 acres of open space within the Yancey property, which is now offered to the Town in its entirety as public open space. The remainder of the Yancey Property would be rezoned to Residential Agricultural (RA) at a subsequent meeting if the Conditional District is approved.

This project is located just northwest of East Wake High School, along Rolesville Road.

Following the August Planning Board meeting, the applicant amended their R4 conditional district request to include a 10-acre portion of the Yancey property in order to meet the 3-mile rule established by general statute for satellite annexations. They also made the following amendments in response to comments received from the Planning Board and broader community:

1. Total unit count was reduced to 374 (from 427) with an overall density of 2.88 DUA.
2. The number of Townhomes was reduced to 99 (from 161)
3. The average lot size of single-family home lots was increased to 8,462 (6,000 is required)
4. Additional open space was added with the Yancey Property, as well as a public green in the townhome section along Street B.
5. Along Rolesville Rd, they expanded the street yard from 20 ft wide to 50 ft wide, with double the plantings required. This also effectively pushed the Townhomes further back from Rolesville Rd.
6. The townhome layout was revised south of Avenue 'A' to reduce the number of townhomes and meet the connectivity index (eliminating this as a condition).
7. The lots bordering Shady View drive have been changed from Townhomes to Single Family homes to create a more gradual transition for neighboring homes. A Type B buffer was still maintained between abutting property.
8. Requests for concessions to front yard and rear yard planting requirements were removed from their conditional district submittal.
9. Schedules for installation of amenities have been included as conditions

Amenities include a clubhouse, a 6-lane Jr. Olympic pool, picnic and grill area, dog park, a small playground, a 9-hole disc golf course, and 32 acres within the Yancey Property offered to the Town as dedicated parkland.

The Overall Site Plan is included as Attachment A (with a link to the full Master Plan for download).

Based on comments received at the Planning Board Introduction meeting, the applicant voluntarily conducted a Neighborhood Meeting with adjacent property owners.

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 or lot dimensional standards 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 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:

This property is currently located outside in Wake County's jurisdiction and is zoned Residential-40 (R-40). Annexation must be approved by the Wendell Board of Commissioners for the conditional district to take effect.

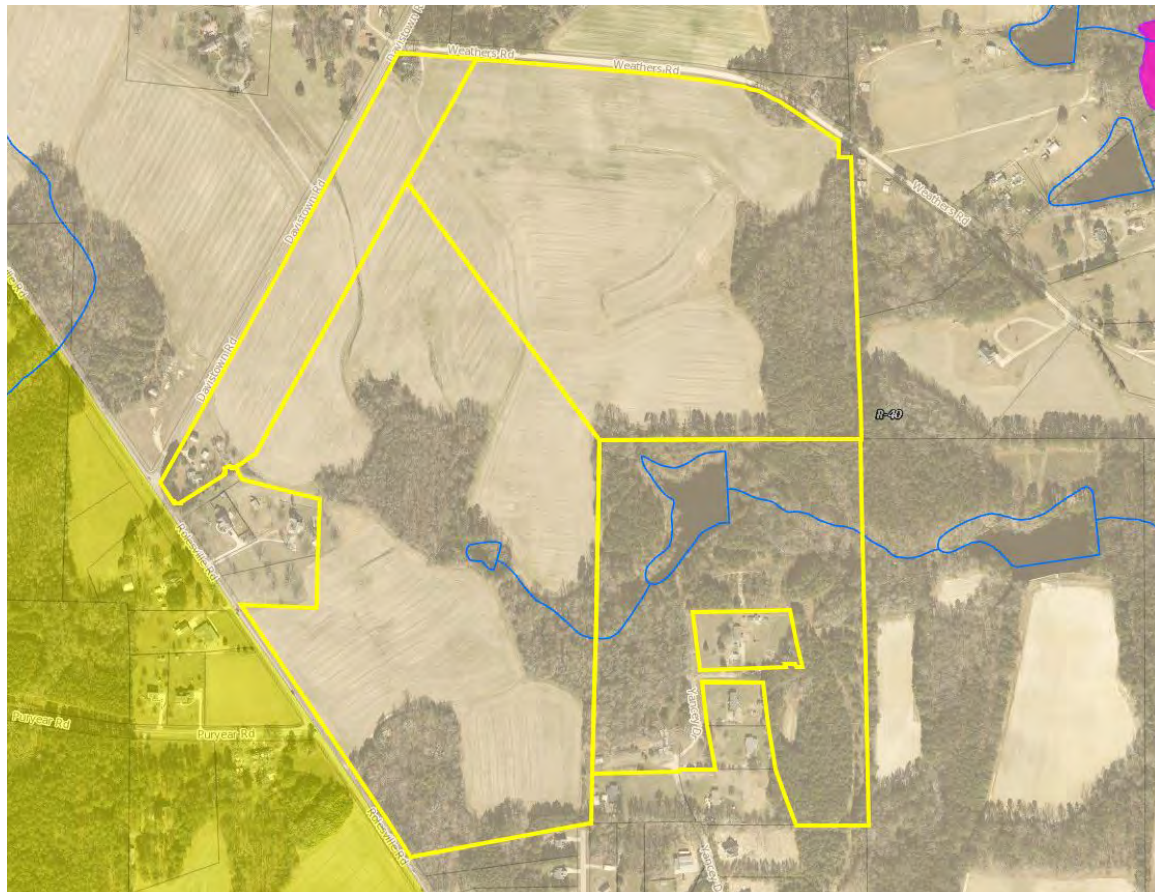
Project Profile:

PROPERTY LOCATIONS:	4501 Rolesville Rd, 0 Davistown Rd, 1401 Davistown Rd and 6021 Yancey Drive (portion)
WAKE COUNTY PINS:	1765852510, 1765962276, 1765856251, & 1775042139 (portion)
CURRENT ZONING DISTRICT:	Wake County R-40
CROSS REFERENCES:	N/A
PROPERTY OWNERS:	Amy Weathers Nuttall & John J Nuttall III 4501 Rolesville Rd Wendell, NC 27591 Eva Weathers Herring 1800 Eastwood Rd, Apt 219 Wilmington, NC 28403 George Yancey 3632 Willow Bluff Drive Raleigh, NC 27604
APPLICANT:	Chris Rurkowski 5011 Southpark Dr, Ste 200 Durham, NC 27713
PROPERTY SIZE:	129.59 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Residential

Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	Residential/Agricultural	R-40
South	Residential/Agricultural	R-30/R-40
East	Residential/Agricultural	R-40
West	Residential/Agricultural	R-30

Current Zoning Map:



Proposed Conditional District Conditions:

The applicant is proposing 26 conditions for the proposed CD, as detailed below. Only 2 of the 26 conditions represent concessions. The remaining 24 conditions are clarifications or represent improvements beyond what the UDO requires. Conditions added following the Planning Board action meeting are underlined.

1. **[Improvement]** The developer proposed to preserve a minimum of 35 acres as open space. The development shall exceed all open space requirements as prescribed in Chapter 7 of the Unified Development Ordinance (UDO).
2. **[Improvement]** The developer shall dedicate approximately 32 contiguous acres of land (PIN 1775042139) to the Town for a future Town park prior to the recording of the plat for Phase 1. This dedication brings the total open space and dedicated land to approximately 65 acres. This dedication will include a minimum of 2 access points to public streets.

3. **[Improvement]** The use of vinyl siding shall be prohibited. Trim Elements such as windows, eaves, fascia, columns, and soffits may be vinyl or aluminum.
4. **[Improvement]** All units shall be designed to provide for a combination of at least two of the following materials on the front/primary façade facing the public street or open space: cultured stone, brick, lap siding, shakes, or board and batten, unless the front elevation is entirely brick or cultured stone.
5. **[Improvement]** Roof eaves shall have a minimum 10” overhang.
6. **[Improvement]** Front-loaded garage doors shall either contain windows or carriage style adornments.
7. **[Clarification]** The maximum number of townhomes shall not exceed one hundred (100).
8. **[Clarification]** All townhome units shall be rear loaded with garages facing the alley.
9. **[Improvement]** All residential lots shall have Bermuda sod on the front, sides, and up to 25’ beyond the rear line of the primary structure.
10. **[Clarification]** The neighborhood shall be governed by a Homeowner’s Association (HOA) that shall maintain all open space that has been dedicated to the HOA.
11. **[Clarification]** The HOA shall be guided by a Declaration of Covenants, Conditions, and Restrictions.
12. **[Clarification]** Architectural Guidelines shall be included in the HOA documents that restrict and monitor landscaping, additions, outbuildings, fences, parking, and maintenance.
13. **[Clarification]** The Townhome lots shall be maintained by the HOA to include mowing, turf treatments, pruning, and mulch.
14. **[Improvement]** The developer shall complete the amenity area to include a 6 lane Jr. Olympic pool, poolhouse, bathrooms, covered seating area, and grilling area prior to the issuance of the 75th CO of Phase 1.
15. **[Improvement]** The developer shall construct a playground to include a central play structure and benches prior to the issuance of the 75th CO of Phase 1.
16. **[Improvement]** The developer shall complete the dog park to include a fenced mulch area, benches, and water station prior to the issuance of the 25th CO of Phase 2.
17. **[Improvement]** The developer shall complete a gravel walking trail connecting the dog park area and Phase 2 to the amenity center and Phase 1 prior to the 25th CO of Phase 2.
18. **[Improvement]** The developer shall construct an approximately 200 yard by 30 yard common green area to include a seating area, gazebo, walkway, and plantings in the median area of Avenue ‘I’ prior to the issuance of the 25th CO of Phase 3.
19. **[Improvement]** The developer shall construct a 9-hole disc golf course in the northeast open space area prior to the issuance of the 25th CO of Phase 3.
20. **[Improvement]** The developer shall add 30’ to the required 20’ buffer to create a 50’ wide streetyard buffer along the project’s frontage along Rolesville Rd. This buffer shall be planted at double the required 20’ streetyard buffer design and contain a minimum of four (4) canopy trees and sixteen (16) shrubs per 100 linear feet.
21. **[Improvement]** The developer shall construct a 35’ wide Type ‘B’ perimeter buffer along the southern project boundary between Rolesville Rd and Shady View Dr.
22. **[Improvement]** The developer shall construct a 40’ wide Type ‘B’ perimeter buffer along the project boundary bordering the N/F K&J Construction (PIN 1765-74-8520), N/F Oliver Winslow (PIN 1765-84-0581), and N/F Efren Castro (PIN 1765-84-0246) properties.
23. **[Improvement]** The developer shall construct a 6’ privacy fence along the back of the project lots bordering with properties N/F Oliver Winslow (Wake County PIN 1765-84-0581) and N/F Efren Castro (Wake County PIN 1765-84-0246).
24. **[Clarification]** The developer shall pay a fee in lieu for ½ of improvements to Weathers Road for the rural road cross section as described on MP-4 of the Master Plan.

25. **[Concession]** There shall be two (2) cul de sacs allowed a length greater than 300' but not longer than 425'.

- **Staff note – Environmental site conditions warrant this deviation.**

26. **[Clarification]** The developer shall complete Rolesville Road improvements for ½ of the ultimate 110' cross section of Rolesville Rd prior to the 1st CO for the project.

- **Staff note – a bond would also be required by staff in order to approve the final plat. This note is for clarification. This is an existing requirement and does not have to be included within their condition language.**

Condition Amendments Recommended by Staff:

1. Amend Condition #7 to request Townhomes to be permitted by right (not to exceed 100 units). This would be considered a concession of the conditional district request.

Applicant's Justification:

“4501 Rolesville Rd, 1401 Davistown Rd, and 0 Davistown Rd and 6201 Yancey Dr, commonly referred to as Weather's Property, is requesting rezoning to R4-CD as well as annexation into the Town of Wendell's ETJ. We are seeking a rezoning to R4-CD to allow flexibility for the development of this property which would allow appropriate lot sizes, slight variations to the street cross sections, and a modification that would allow a maximum of 100 townhomes in the R4-CD district, as requested in the conditions above. The conditional district allows the design to take into account environmental barriers, wetlands, topography, and the parcel shape and allow for design flexibility to appropriately accommodate and utilize these features as amenities to the residents. Any conditions not herein modified or expressly stated shall defer to the Town of Wendell UDO standards for the R4 zoning district.

Included in this submittal is a Master Plan document which will define the general layout, configuration and quantity of lots, amenities, open space, park space, preliminary utility locations, and street cross sections. All elements of the Master Plan are subject to minor changes, as deemed so by the Town of Wendell Planning Department. The town framework plan indicates these parcels as S3, Restricted Growth Area. The development of this project is limited by the sewer capacity of the proposed offsite sewer extension to the nearest sewer location located at East Wake High School.

This project will have no negative impacts on surrounding properties. The property will be buffered appropriately from all developed or vacant surrounding parcels and recommended road improvements per the Traffic Impact Analysis (TIA) shall be constructed or a payment in lieu shall be made to the Town of Wendell until such time as it is appropriate to make the road improvements. The Comprehensive Land Use Plan does not include the parcels that are to be rezoned so consistency with the Comprehensive Land Use Plan cannot be assessed. Impacts on all other public and governmental services have been analyzed with the guidance of Town of Wendell Staff or the appropriate governing body to verify that there are no negative impacts and no capacities are exceeded.”

Parking:

Off-street parking shall be required for any active open space areas. The applicant is showing a total of 61 off-street parking spaces to serve their Pool/Amenity Center, Dog Park, and Disc Golf course.

The applicant is also showing 78 on-street parking spaces within their Townhome section, utilizing bump-outs for increased safety.

Open Space:

The applicant is required to provide 13.31 acres of passive open space and 3.33 acres of park space (with 1.11 acres of the park space being fully active). The applicant is providing well above the total amount of open space required (49.35 acres of open space is being provided within the conditional district boundary and ~20 more acres within the remainder of the Yancey Property offered to the Town), as well as much more improved open space than what is required. The applicant is providing 2.54 acres of fully active open space (1.11 acres required), comprised of a junior Olympic pool and clubhouse, playground, and 9-hole disc golf course. Additionally, the applicant is providing 4 acres of Park Space (2.5 acres required).

Approximately 5 acres of the passive open space falls within wetlands or riparian buffers.

Public Utilities:

Development of this site will require extension of utilities along Rolesville Road from the High School site.

Streets:

The Town's Arterial and Collector Street Plan calls for widening and improvements to Rolesville Rd (4-lane divided), and Davistown Road (2-lane undivided). The applicant is showing additional ROW dedication for Weathers road per Capital Area Metropolitan Planning Organization (CAMPO)'s transportation plans, but plans on requesting the Town Board to pay a fee in lieu of building their portion of a rural road cross-section, which is what is required by the Town.

The applicant's typical street sections are included on page 6 of their Master Plan. These sections include an 'Urban Street' with a center median, as well as a one-way street section. Both of these sections are not typical sections included within the Town's cross-sections and would be specific to this development.

Staff recommends that 'No Parking' signs be shown on the construction drawings for the one-way street cross-section (part of Avenue I forming a loop).

The applicant is also showing a different alley cross-section, which has a 16' paved drive within a 20 ft easement.

Traffic Impact Assessment (TIA)

The number of proposed dwelling units required the developer to prepare a Traffic Impact Assessment (TIA) report. This report is reviewed by NC-DOT, as well as the Town contracted engineer. Since all impacted roads are DOT maintained, they would determine what if any improvements are required, based on the additional traffic being generated by this site. These improvements typically involve the addition of turn lanes, striping improvements, or signal improvements (when applicable).

Recommended improvements for this project include:

- A dedicated Right-Turn lane on Rolesville Rd into the new site's entrance.
- A dedicated Right-Turn lane on Rolesville Rd to turn onto Davistown Rd
- Striping Improvements at the intersection of Keiths Rd and Business 64.

The applicant's plans also show a dedicated left turn lane on Rolesville Rd into the new site's entrance.

Landscaping:

All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan, unless otherwise specified through the approved Master Plan. The applicant has included 4 conditions (#20-23) improving the site's landscaping beyond what is required.

Phasing:

The applicant has identified 3 phases of development. The clubhouse and pool are included in Phase 1. The applicant's conditions detail when each amenity would be completed.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject properties as being completely within the S-3 "Restricted Growth Sector".

The Comprehensive Plan states that "although not a formal open space sector, S-3 is intended for very limited development under tightly controlled conditions." This sector is generally classified as lands that are not proximate to thoroughfares and that are not projected to be high growth areas due to limited access to the transportation network and utilities. Generally, the S-3 areas are outside of the short range urban service area for water and sewer service and are close to S-1 and S-2 areas."

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: low density cluster developments or hamlets (a clustering of buildings around a rural crossroad), single family residential development, very limited convenience retail uses, civic uses (parks, schools, religious and government uses), and some industrial uses.

The proposed development on the site consists of single-family detached home and townhomes, with an overall density of 2.88 DUA. The S-2 sector to the east is buffered from the proposed development with the inclusion of the disc golf course. The densest portion of the development (Townhomes) are clustered close to Rolesville Road, which is to be widened to a 4-lane road.



TRC Review:

The Technical Review Committee has completed their review of the applicant's Master Plan and the applicant has made corrections based on their comments. Additional review would occur upon submittal of construction drawings (final development plan for conditional districts).

Planning Board Recommendation:

At their November 18, 2019 meeting, the Planning Board voted 4-3 in favor of the requested Conditional District.

Voting in Favor: Jonathan Olson, Brett Hennington, Ryan Zakany and Levin Jones

Voting Against: Michael Firstbrook, Allen Swaim and Victoria Curtis

Absent: Jimmena Huffman-Hall

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.
 - In Staff's opinion, the requested conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-3 sector and reasonable due to its location along Rolesville Road and its proximity to I-87.

Technical corrections:

1. Add 'No-Parking' signs along the one-way street for clarity.

Staff Recommendation:

- Staff recommends approval of the proposed Weathers Property Master Plan, with inclusion of the 1 technical correction referenced and the amendment to Condition #7.
 - The applicant has included numerous conditions improving buffers, open space, public park land, and architectural standards. In exchange, they are seeking concessions related to cul-de-sac length and to permit Townhomes.
 - Proposed lot size is notably smaller than surrounding properties (which are served by well and septic), but overall project density is 2.88 dwelling units per acre, which is less than what would normally be allowed in the R4 zoning district.
 - This site is located less than a mile from an Interstate, on a future 4-lane thoroughfare, near an existing high school, with access to municipal water and sewer. All of these factors support a growth pattern other than 'rural'.
 - Concerns were expressed by neighbors that the proposed development would negatively impact property values. Staff analyzed all single-family homes within ¾ mile of the site (which captures Ridge Haven and Candlewick subdivisions to the north), and the average building value was \$122,305, with an average land value for half acre lots at \$32,000 (for a total value of \$154,305).

Attachments:

- A. Overall Site Plan (Weathers Property)
 - a. Full Master Plan Link: <https://www.townofwendell.com/files/weathers-property-5>
- B. Ordinance for Adoption
- C. Applicant's conditions



1110 Navaho Drive, Suite 600
Raleigh, NC 27609

6/10/19- per Town of Wendell Comments
7/1/19- per Town of Wendell Comments
8/7/19- per Town of Wendell Comments
10/18/19- Revised Layout
11/12/19- per Town of Wendell Comments
1/22/20 - Lot Revisions

SCALE:
1"=200'

DRAWN BY:
CDR

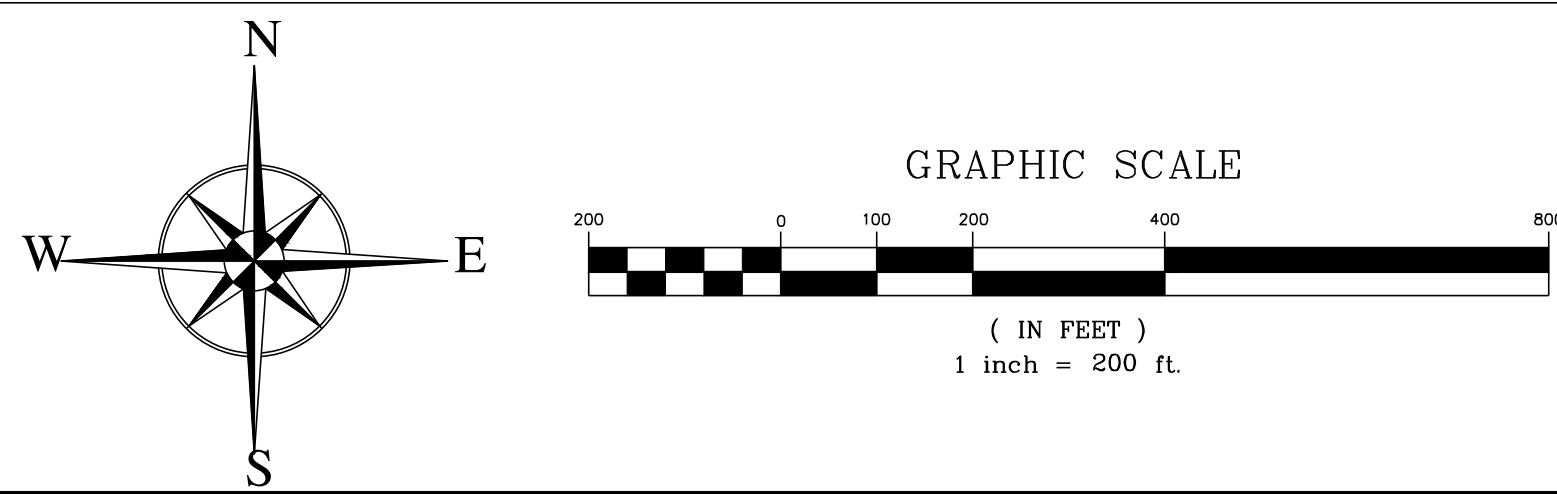
PROJECT #
18061

DATE:
3/7/19

SHEET
MP-1

OF

OF



Townhomes	
<u>Min. Setbacks</u>	
Front:	10'
Side:	5'
Distance between buildings:	10'
Rear:	0'
Min. Lot Width:	16'
Front Max.	20'

PROJECT BOUNDARY

PHASE LINE

PSNC GASOLINE EASEMENT

PSNC TEMPORARY CONS. EASEMENT

WETLAND BUFFER

PASSIVE OPEN SPACE

PARK SPACE

Required:

1,750 SF/ SFL Lot x 275 Lots =	481,250 SF	(11.04 AC)
1,000 SF/ TH Lot x 99 Lots =	99,000 SF	(2.27 AC)
	580,250 SF	(13.31 AC)

25% Park Space =	145,063 SF	(3.33 AC)
$\frac{1}{3}$ Programmed Active=	48,354 SF	(1.11 AC)
$\frac{2}{3}$ Improved Park Space=	96,709 SF	(2.22 AC)
75% Passive Open Space =	435,187 SF	(9.99 AC)

Proposed Open Space:	49.35 AC
Improved Park Space:	4.00 AC
Programmed Active Space:	2.54 AC
Passive Open Space:	42.81 AC

Pool/Amenity- 32,500 SF (0.75 AC)
Disc Golf- 75,000 SF (0.36 AC)
Playground- 3,000 SF (0.07 AC)
Total Programmed Open Space: 110,500 SF (2.54 AC)
Minimum SF of Park Space: 145,063 SF (3.33 AC)
Benches: 145,063 SF/ 10,000 SF = 15 Benches Min.
Add'l Trees: 145,063 SF/ 2,500 SF = 58 Trees
Trash Recept.: 145,063 SF/ 20,000 SF = 8 Trash Recept.
1 Parking Space per 1,000 SF Active Open Space
48,354 SF / 1,000 SF = 49 Spaces Req'd
61 Parking Spaces Provided

Density: 2.88 du/ac

- NOTES:
1. Boundary information taken from digital file provided by Summit Design and Engineering dated February 2019.
2. Field topographic information taken from Wake County GIS.
3. Contractor shall verify the location of all existing utilities and shall be responsible for any damage resulting from his activities. Call utility locator service at least 48 hours prior to digging.
4. All construction shall conform to Town of Wendell standards and specifications.
5. All utilities shall be located underground and shall conform to City of Raleigh standards and specifications.
6. Wheelchair ramps and depressed curbs shall be constructed in accordance with NC Building Code, Volume 1C, Accessibility.
7. Sign permits shall be required for any signage in the Town of Wendell. Permits will be required prior to fabrication or installation of signs. Sign permitting is a separate submittal, review and approval process.
8. The Engineer shall control all construction within the Town of Wendell. Environmental Services prior to any grading on this site. Grading contractor shall contact Wake County for final verification of on site erosion control measures prior to construction.
9. No revisions may be made without permission from the permit issuing authority.
10. All landscaping should be installed and maintained in accordance with the Town of Wendell's Standards.
11. Do not scale drawings. Digital information shall be provided for construction.
12. All dimensions are referenced from back of curb to back of curb.
13. Contractor shall provide positive drainage away from the structure in all locations.
14. Buildings shall be field staked by a professional surveyor prior to construction.
15. All parking areas shall be surfaced with 6" C&B and 2" asphalt. Drive aisles shall be surfaced with 8" C&B and 2" asphalt.
16. Provide electrical service to all sign locations.
17. The General Contractor shall be responsible for the coordination of any proposed easements required by this plan prior to the Certificate of Occupancy.
18. The municipal address shall be displayed on all building at least 12" tall, readily visible from the street and in a contrasting background.
19. All grades shown are finished top of mulch. Never fill mulch above finish floor elevations.
20. Lot reclamation needs to occur prior to obtaining a building permit for this site.
21. The owner/builder must supply the Town with a final letter of certification from the lighting engineer, lighting designer, or architect or lighting contractor verifying that all site lighting is installed according to Town standards, the approved plans and any applicable conditions.

	AREA	
	SQ.FT	AC
ROAD	543703	12.48
SIDEWALK + TRAILS	128132	2.94
SFH LOTS*	962500	22.10
TOWNHOMES	131076	3.01
PARKING	26019	0.60
AMENITY FEATURES	17154	0.39

TOTAL PARCEL AREA	5640384	129.49
IMPERVIOUS AREA	1808584	41.52
IMPERVIOUS AREA %	32%	

	SQ.FT	AC
STREAM BUFFER	51715	1.19
WETLAND	160576	3.69



Know what's **below**.
Call before you dig

The **Construction Contractor** responsible for the extension of water, sewer, and/or reuse, as approved in these plans, is responsible for **contacting** the **Public Utilities Department** at **(919) 996-4540** at least **twenty four hours** prior to beginning any of their construction.

Failure to notify both **City Departments** in advance of beginning construction, will result in the issuance of **monetary fines**, and require reinstallation of any water or sewer facilities not inspected as a result of this notification failure.

Failure to call for **Inspection, Install a Downstream Plug**, have **Permitted Plans** on the **Jobsite**, or any other **Violation of City of Raleigh Standards** will result in a **Fine and Possible Exclusion** from future work in the **City of Raleigh**.

ORD # 0-6-2020
AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF WENDELL

WHEREAS a petition has been filed with the Board of Commissioners of the Town of Wendell requesting an amendment to the Zoning Map of the Town of Wendell to create the R4 Conditional District (R4-CD19-03) for the properties described below, said properties formerly being zoned Wake County R-40; and

WHEREAS said properties are owned by Amy Weathers Nuttall, John J Nuttall III, Eva Weathers Herring and George Stancil Yancey; and

WHEREAS the Planning Board of the Town of Wendell reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in the Wake Weekly, a local newspaper, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-364 of the General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 160A-384 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on February 10, 2020 at the Wendell Town Hall and wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments:

THEREFORE, after duly considering the matter, THE TOWN OF WENDELL DOES HEREBY ORDAIN;

SECTION 1. That the Zoning Map of the Town of Wendell is hereby amended to include the R4 Conditional District (R4-CD19-03) 129.59 acres of property within the parcels identified by PIN #s 1765852510, 1765962276, 1765856251 and 1775042139 (partial).

SECTION 2. The requested zoning map amendment for the parcels within the rezoning area identified as CD19-03 from Wake County R-40 to R4-CD19-03, due to the supporting infrastructure and proximity to the interstate, as well as its consistency with the types and nature of uses described in the S-3 Sector, is found to be reasonable and consistent with the recommendation of the Wendell Comprehensive Land Use Plan.

SECTION 3. That the application is approved with the following zoning/site plan conditions:

1. The developer proposed to preserve a minimum of 35 acres as open space. The development shall exceed all open space requirements as prescribed in Chapter 7 of the Unified Development Ordinance (UDO).
2. The developer shall dedicate approximately 32 contiguous acres of land (PIN 1775042139) to the Town for a future Town park prior to the recording of the plat for Phase 1. This

- dedication brings the total open space and dedicated land to approximately 65 acres. This dedication will include a minimum of 2 access points to public streets.
3. The use of vinyl siding shall be prohibited. Trim Elements such as windows, eaves, fascia, columns, and soffits may be vinyl or aluminum.
 4. All units shall be designed to provide for a combination of at least two of the following materials on the front/primary façade facing the public street or open space: cultured stone, brick, lap siding, shakes, or board and batten, unless the front elevation is entirely brick or cultured stone.
 5. Roof eaves shall have a minimum 10" overhang.
 6. Front-loaded garage doors shall either contain windows or carriage style adornments.
 7. Townhomes shall be permitted by right and the number of townhomes shall not exceed one hundred (100).
 8. All townhome units shall be rear loaded with garages facing the alley.
 9. All residential lots shall have Bermuda sod on the front, sides, and up to 25' beyond the rear line of the primary structure.
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 17. The developer shall complete a gravel walking trail connecting the dog park area and Phase 2 to the amenity center and Phase 1 prior to the 25th CO of Phase 2.
 18. The developer shall construct an approximately 200 yard by 30 yard common green area to include a seating area, gazebo, walkway, and plantings in the median area of Avenue 'I' prior to the issuance of the 25th CO of Phase 3.
 19. The developer shall construct a 9-hole disc golf course in the northeast open space area prior to the issuance of the 25th CO of Phase 3.
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 24. The developer shall pay a fee in lieu for ½ of improvements to Weathers Road for the rural road cross section as described on MP-4 of the Master Plan.
 25. There shall be two (2) cul de sacs allowed a length greater than 300' but not longer than 425'.

26. The developer shall complete Rolesville Road improvements for ½ of the ultimate 110' cross section of Rolesville Rd prior to the 1st CO for the project.

SECTION 4. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED the 10th Day of February 2020

(Town Seal)

Virginia Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Smith, Deputy Town Clerk

James P. Cauley III, Town Attorney



The Overlook at Weathers Farm

Revised 1/28/20

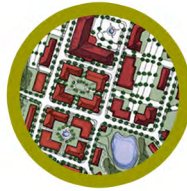
R4-CD Zoning Conditions

Park Dedication and Open Space

1. The developer shall preserve a minimum of 35 acres as open space. The development shall exceed all open space requirements as prescribed in Chapter 7 of the Unified Development Ordinance (UDO).
2. The developer shall dedicate approximately 32 contiguous acres of land (PIN 1775042139) to the Town for a future Town park prior to the recording of the plat for Phase 1. This dedication brings the total open space and dedicated land to approximately 65 acres. This dedication will include a minimum of 2 access points to public streets.

Architectural and Homeowner's Association (HOA)

3. The use of vinyl siding shall be prohibited. Trim elements such as windows, eaves, fascia, columns, and soffits may be vinyl or aluminum.
4. All units shall be designed to provide for a combination of at least two of the following materials on the front/primary façade facing the public street or open space: cultured stone, brick, lap siding, shakes, or board and batten, unless the front elevation is entirely brick or cultured stone.
5. Roof eaves shall have a minimum 10" overhang.
6. Front-loaded garage doors shall either contain windows or carriage style adornments.
7. The maximum number of townhomes shall not exceed one hundred (100).
8. All townhome units shall be rear loaded with garages facing the alley.
9. All residential lots shall have Bermuda sod on the front, sides, and up to 25' beyond the rear line of the primary structure.



10. The neighborhood shall be governed by a Homeowner's Association (HOA) that shall maintain all open space that has been dedicated to the HOA.
11. The HOA shall be guided by a Declaration of Covenants, Conditions, and Restrictions.
12. Architectural Guidelines shall be included in the HOA documents that restrict and monitor landscaping, additions, outbuildings, fences, parking, and maintenance.
13. The Townhome lots shall be maintained by the HOA to include mowing, turf treatments, pruning, and mulch.

Amenities

14. The developer shall complete the amenity area to include a 6 lane Jr. Olympic pool, poolhouse, bathrooms, covered seating area, and grilling area prior to the issuance of the 75th CO of Phase 1.
15. The developer shall construct a playground to include a central play structure and benches prior to the issuance of the 75th CO of Phase 1.
16. The developer shall complete the dog park to include a fenced mulch area, benches, and water station prior to the issuance of the 25th CO of Phase 2.
17. The developer shall complete a gravel walking trail connecting the dog park area and Phase 2 to the amenity center and Phase 1 prior to the 25th CO of Phase 2.
18. The developer shall construct an approximately 200 yard by 30 yard common green area to include a seating area, gazebo, walkway, and plantings in the median area of Avenue 'I' prior to the issuance of the 25th CO of Phase 3.
19. The developer shall construct a 9-hole disc golf course in the northeast open space area prior to the issuance of the 25th CO of Phase 3.

**Buffers**

20. The developer shall add 30' to the required 20' buffer to create a 50' wide streetyard buffer along the project's frontage along Rolesville Rd. This buffer shall be planted at double the required 20' streetyard buffer design and contain a minimum of four (4) canopy trees and sixteen (16) shrubs per 100 linear feet.
21. The developer shall construct a 35' wide Type 'B' perimeter buffer along the southern project boundary between Rolesville Rd and Shady View Dr.
22. The developer shall construct a 40' wide Type 'B' perimeter buffer along the project boundary bordering the N/F K&J Construction (PIN 1765-74-8520), N/F Oliver Winslow (PIN 1765-84-0581), and N/F Efren Castro (PIN 1765-84-0246) properties.
23. The developer shall construct a 6' privacy fence along the back of the project lots bordering with properties N/F Oliver Winslow (Wake County PIN 1765-84-0581) and N/F Efren Castro (Wake County PIN 1765-84-0246).

Roads

24. The developer shall pay a fee in lieu for ½ of improvements to Weathers Road for the rural road cross section as described on MP-4 of the Master Plan.
25. There shall be two (2) cul de sacs at a length greater than 300' but not longer than 425'.
26. The developer shall complete Rolesville Road improvements for 1/2 of the ultimate 110' cross section of Rolesville Rd prior to the 1st CO for the project.

Item Title:

Public Hearing on a non-contiguous annexation for 4 parcels totaling 151.81 acres [12.28 for PIN #1765-85-2510, 50.16 for PIN #1765-96-2276, 57.16 for PIN #1765-85-6251 and 32.21 for PIN #1775-04-2139] located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.

Report to the Board of Commissioners:

February 10, 2020
January 13, 2020
November 12, 2019

Specific Action Requested:

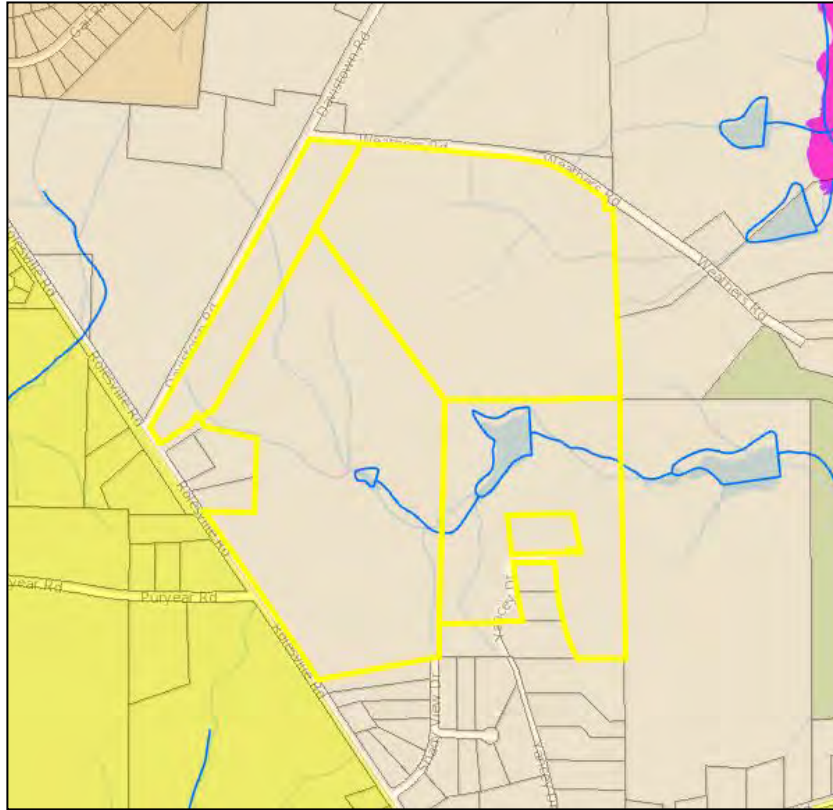
- That the Board of Commissioners holds a public hearing and considers taking action on an annexation petition for 4 parcels totaling 151.81 acres [12.28 for PIN #1765-85-2510, 50.16 for PIN #1765-96-2276, 57.16 for PIN #1765-85-6251 and 32.21 for PIN #1775-04-2139] located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.
 - Action could consist of approving the attached ordinance for adoption.

Item Summary:

Chris Rurkowski had originally submitted an annexation request for 3 non-contiguous parcels totaling 119.6 acres [12.28- PIN #1765-85-2510, 50.16- PIN #1765-96-2276 and 57.16- PIN #1765-85-6251] located at 4501 Rolesville Rd, 0 Davistown Road and 1401 Davistown Road, respectively. In order to satisfy the 3-mile requirement for satellite annexation, another parcel totaling 32.21 acres [PIN #1775-04-2139] located at 6021 Yancey Drive has been added to the annexation request. All these parcels are located in Wake County and are currently in the Residential-40 (R-40) Zoning District.

Zoning District:

The properties are located within the Wake County R-40 zoning district. 129.59 acres are contained within a R4 Conditional District request. The remaining acreage has been requested to be rezoned Residential Agricultural.

Location Map:**Public Utilities:**

Public water and sewer will be extended at the time of development.

Tax Information:

Currently, the subject properties are primarily vacant, with only two dwelling units. The total assessed value is \$2,590,195. At the current tax rate of 49 cents, annexation of this property “as-is” would result in approximately \$12,691 in annual tax revenue for the Town. This figure will increase substantially as the area is developed.

Staff cannot speak to what the average value of the homes would be. The applicant’s plan calls for 374 residential lots. The bullets below list the annual tax revenue for the Town at buildout (of 374 lots) under different value assumptions.

<u>Avg Lot value (Home and Land)</u>	<u>Annual Tax Revenue at Buildout</u>
• \$225,000	\$412,335
• \$250,000	\$458,150
• \$275,000	\$503,965
• \$300,000	\$549,780

Police & Public Works & Utility Service:

- The proposed annexation area would require services from the Town's Police and Public Works departments if annexed. The closest service area for the Police is at Kioti Drive to the south. The closest residential area served by Public Works is Edgemont Landings.

Attachments:

- A. Ordinance for Adoption

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

A19-04

ORDINANCE NO. 0-7-2020
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WENDELL, NORTH CAROLINA

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Wendell Courtroom at 7:00 p.m. on the 10th day of February, 2020, after due notice by publication on the 31st day of January, 2020.

WHEREAS, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b) to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation:

WHEREAS, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the properties identified by PIN #s 1765852510, 1765962276, 1765856251 and 1775042139, also shown as the 12.28, 50.16, 57.16 and 32.21 acre tracts located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive on the below identified survey plat are hereby annexed and made part of the Town of Wendell, North Carolina, as of the date of adoption of this Ordinance on February 10, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, Satellite Extension of Corporate Limits of the Town of Wendell" and recorded in Book of Maps Book Number _____, Page Number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the attached described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Wendell and shall be entitled to the same privileges and benefits as other parts of the Town of Wendell. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Wendell shall cause to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of the ordinance. Such map shall also be delivered to the County Board of Elections as required by G.S. 163.228.1.

Duly adopted the 10th day of February, 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Smith, Deputy Town Clerk

James P. Cauley III, Town Attorney

Page 2

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CLERK'S CERTIFICATION

I, **STEPHANIE SMITH**, Deputy Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance **#0-7-2020**, as adopted by the Wendell Board of Commissioners on the 10th day of February, 2020 for properties owned by **Amy Weathers Nuttall, John J Nuttall III, Eva Weathers Herring and George Stancil Yancey**, and is approved for recording in the Wake County Register of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Wendell, North Carolina this 10th day of February, 2020.

[TOWN SEAL]

Stephanie Smith, Deputy Town Clerk

Item Title:

Evidentiary Hearing on a Special Use request by James A. Harrell, III on behalf of Wendell/Larue, LLC for a two-story, 84 unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive).

Report to the Board of Commissioners:

- Monday, February 10, 2020
- Monday, April 22, 2019
- Monday, April 8, 2019

Specific Action Requested:

- The Board of Commissioners is asked to hold a public hearing and consider taking action on a Special Use Permit request for property described herein.

Item Summary:

James A. Harrell, III, on behalf of Wendell/Larue, LLC, has requested a Special Use Permit for a two-story, 84-unit apartment complex at 0 Wendell Blvd (Behind Industrial Drive).

This item was tabled during the April 22, 2019 Board of Commissioners meeting in order to address procedural requirements related to development review. Following the April 22nd meeting, a text amendment was approved by the Town Board permitting Special use Permit applications to be reviewed and approved by the Board in advance of review by the Town's Technical Review Committee (TRC). Under this new procedure, applicants may submit Special Use Permit requests with a reduced site plan for Town Board review. If the Town Board approves the Special Use request, then applicants must submit a full development plan for review and approval by the Town's TRC. The applicant has revised their special use permit application to satisfy the Town's new Special Use Permit procedure.

The proposed special use request would allow for the development of a multi-family apartment complex on a 17 acre tract located at 0 Wendell Blvd. In order to address access concerns expressed at the last board meeting, the applicant's site plan includes roadway access to Wendell Boulevard through the adjacent lot at 3030 Wendell Boulevard under common ownership. This connection would need to be included as a condition of approval, if the SUP request is approved.

Applicant's Justification:

The applicant's justification and SUP responses are included within Attachment C.

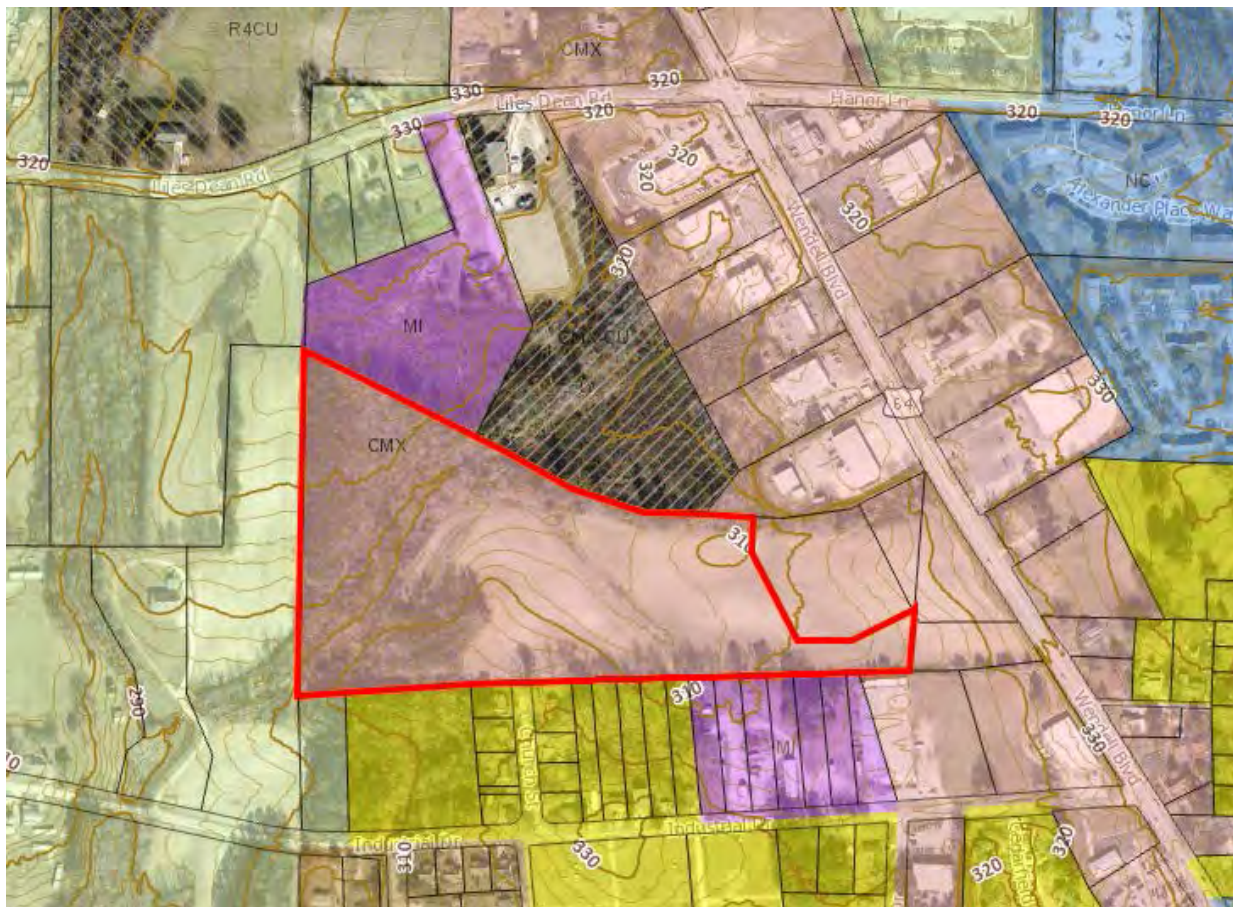
Project Profile:

PROPERTY LOCATION:	0 Wendell Blvd. (Behind Industrial Drive)
WAKE COUNTY PIN:	1784 32 6835
ZONING DISTRICT:	CMX
PROPERTY SIZE:	17 ac.
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Multi-family

PROPERTY OWNER:	Wendell/Larue, LLC 9101 Glenwood Avenue Raleigh, NC 27617-7507
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APPLICANT:	James A. Harrell, III 2600 Fairview Road, Suite 200 Raleigh, NC 27608
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Existing Zoning Map:



Zoning District:

This site is located in the Corridor Mixed Use (CMX) Zoning District. Multifamily dwellings require Special Use Permit approval within the CMX district.

Off Street Parking:

The parking requirement for residential use is 1 spaces per bedroom, up to 2 per unit. Using this standard, the proposed 84-unit apartment complex will require 154 parking spaces. The applicant's concept map shows 170 new parking spaces. The applicant will be required to meet all Wendell Parking Standards at the time of preliminary plat approval.

Public Utilities:

Gravity sewer lines and manholes currently exist on the property and water lines are located adjacent to the site.

Buffering:

The applicant has proposed a 35-foot setback along the south property boundary and 25-foot setback along the west, north and east property boundaries. The south and west property boundaries abut residential uses and would require a Type B Buffer Yard. The applicant plans to use existing vegetation along the majority of the western property boundary to act as a buffer. Existing or newly planted landscaping that meets Type B Buffer Yard, as outlined in Chapter 8 of the UDO, will be required along the remainder of the western and southern boundaries that abut residential uses. These areas should be labeled as 'Type B Buffer' on the site plan.

Stormwater Management:

The proposed site changes will require review by Wake County for conformity with the Town's stormwater regulations. While the reduced site plan does show a stormwater device on the southwest corner of the lot, the final stormwater plan could vary from what is shown based on review of the Construction Drawings.

Staff Comments:

- This property is located within the area designated as the S-6 Section in the Towns' Comprehensive Plan, which is identified as the most efficient and most attractive area for redevelopment of underutilized sites or infill of vacant parcels. Thus, a dense residential development, due to its proximity to the downtown and existing services, would align with the goals of the Comprehensive Plan.
- The proposed driveway connection to Wendell Boulevard significantly improves access concerns. However, the applicant is proposing the Church Street connection as an 'emergency entrance/exit'. Staff does not support this limited access to Church Street. To facilitate access and the flow of traffic, Church Street should be extended to connect to the internal private roads without the limitation of being for emergency access.

- An 84-unit apartment complex does not generate enough peak hour trips to automatically require a Transportation Impact Analysis (TIA). However, per Section 15.15 of the UDO, the Town Board reserves the right to require a TIA for any Special Use Permit when they believe it is warranted.
- If the SUP request is approved, inclusion of the access drive to Wendell Boulevard should specifically be listed as a condition of approval, as it is an off-site improvement.

Attachments:

- A. Section 15.15B2 - When conditional or special uses may be granted.
- B. Type B Buffer requirements
- C. Application – SU19-02 (with the applicant’s responses to SUP questions)
- D. Reduced Site Plan
- E. Building Elevations

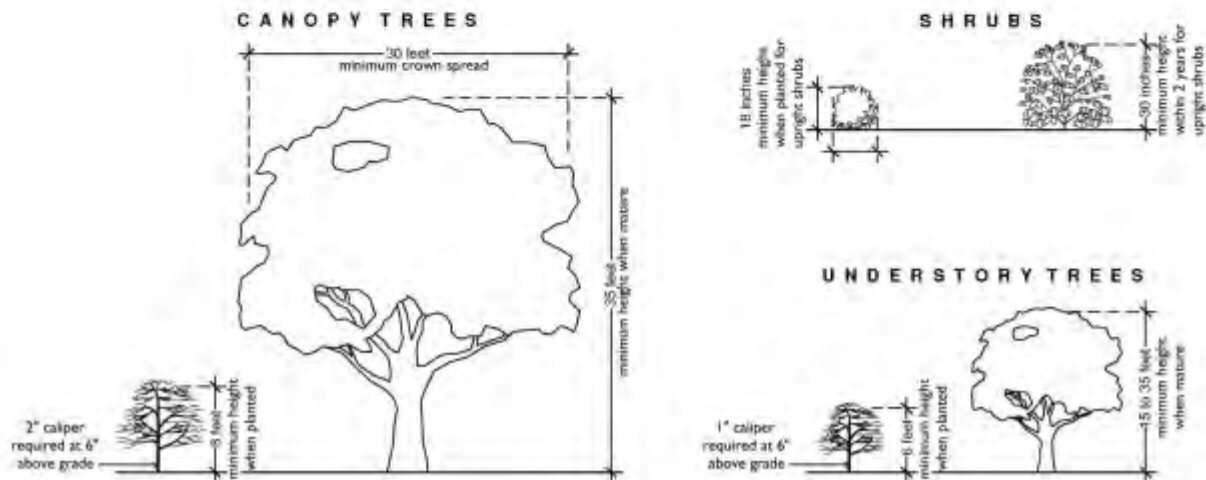
B. General Requirements:

- 1.** Only those uses enumerated as Special Uses in a zoning district shall be authorized by the Board of Commissioners.
- 2.** The evaluation and approval of the Special Use Permit shall be governed by quasi-judicial proceedings, which are based upon the sworn testimony and evidence presented at the hearing relevant to the following standards:
 - a.** That the proposed use does not affect adversely the general plans for the physical development of the town as embodied in this Ordinance and in any plan or portion thereof adopted by the Board of Commissioners;
 - b.** The proposed use will not be contrary to the purposes stated for these regulations;
 - c.** The proposed use will not adversely affect the health and safety of residents and workers in the town;
 - d.** The proposed use will not be detrimental to the use of development of adjacent properties or other neighborhood uses;
 - e.** The proposed use will not be affected adversely by the existing uses;
 - f.** The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use;
 - g.** The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of physical activity;
 - h.** The standards set forth for each particular use for which a permit may be granted have been met;
 - i.** The Board may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of works and residents in the community, and to protect the value and use of property in the general neighborhood;
 - j.** The proposed use shall be subject to the minimum area, setback, and other location requirements of the zoning district in which it will be located; and
 - k.** The proposed use shall be subject to the off-street parking and service requirements of these regulations.
 - l.** Wherever the Board shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions, or restrictions, on which such permit was granted are not being complied, the Board shall rescind and revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

2. Type B Buffer Yard	
a. Description	A Type B buffer is medium density screen which is intended to create a visual separation between uses and zoning districts.
b. Minimum Width	20 feet
c. Minimum Plantings	Trees: 1 tree every 25 feet Shrubs: 1 shrub every 6 feet

A. Plant Material Classifications and Standards:

1. **Canopy (Large Shade) Trees:** Canopy trees must be a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of 30 feet or greater. Canopy trees, existing or planted, must be a minimum of 8 feet high, and have a minimum caliper of 2 inches measured 6 inches above grade. Multi-stemmed trees shall have at least 3 stalks and be at least 8 feet in height.
2. **Understory (Small) Trees:** Understory trees must be a minimum of 6 feet high and 1-inch in caliper, measured 6 inches above grade when planted. When mature, understory trees should have an expected height of 15 to 35 feet.
3. **Shrubs:** All shrubs shall be a minimum of 1½ feet in height when planted. All shrubs shall reach a height of 36 inches and a minimum spread of 30 inches within two years of planting.
4. **Groundcover:** All required groundcover type plants must be a minimum of 1-1/2 to 2-1/2 inch pots with a 4 inch minimum length. Groundcover must be planted with on-center spacing equivalent to the average mature spread for each particular species.





2019 TOWN OF WENDELL
SPECIAL USE PERMIT
APPLICATION PACKET



Town of Wendell Planning Department
15 E. Fourth St.
Wendell, NC 27591

Phone: 919.365.4448
Fax: 919.365.1462
www.townofwendell.com

ACKNOWLEDGEMENT OF SPECIAL USE PETITION
INFORMATION

I, JAMES A. HARRELL, III, acknowledge the receipt of the following
items pertaining to the Special Use request for the property located at

CHURCH STREET, WENDELL, NC 27591 PIN# 1784326835

✓ Application
✓ Submittal Schedule
✓ Site Plan Requirements
✓ Required Findings of Fact
✓ Special Use Procedures

Submittal Deadline Date: 11-14-19

James A. Harrell, III
Applicant

11-14-19
Date

January



TOWN OF WENDELL SPECIAL USE PERMIT APPLICATION

Date of Application: 11-14-19 Application Number: _____

Location of Property: CHURCH STREET WENDELL, NC 27591

Current Zoning District: CMX Wake Co. PIN: 17843268.35

Applicant's Name: JAMES A. HARRELL, III

Applicant's Mailing Address: 2600 FAIRVIEW ROAD, SUITE 200

City/State/ZIP: RALEIGH, NC 27608

Phone: 919-771-6605 Email: jim@badeharrell.com

Property Owner's Name: WENDELL/LARUE, LLC

Property Owner's Address: 9101 GLENWOOD AVENUE

City/State/ZIP: RALEIGH, NC 27617-7507

Phone: 919-571-5074 Email: shudson@anderson-auto.net

Type of Special Use/Reason for Special Use (cite the code section to which this Special Use applies):

CURRENT CMX ZONING DISTRICT MULTIFAMILY DEVELOPMENT REQUIRES
SPECIAL USE PERMIT.

Intended use of property, building or structure as a Special Use (describe below):

TO DEVELOP A MULTIFAMILY COMMUNITY

Is this a modification of a previously-issued SUP? ☐ Yes ☒ No

Other information: NO

List of Adjacent Property Owners:

Herdon, Geraldine Robertson

230 Church Street
Wendell, NC 27591

PO Box 811
Wendell, NC 27591

Owner list Unknown

580 Industrial Drive
Wendell, NC 27591

James, Woodard Lee, Jr.

570 Industrial Drive
Wendell, NC 27591

123 Church Street
Wendell, NC 27591

Evans, Heather

564 Industrial Drive
Wendell, NC 27591

Battle, Kathleen

556 Industrial Drive
Wendell, NC 27591

PO Box 465
Wendell, NC 27591

Sanderson, Steven S

Sanderson, Lisa

552 Industrial Drive
Wendell, NC 27591

105 Lake Drive
Wendell, NC 27591

Deans Oil Company

520, 518, 516, 514 Industrial Drive
Wendell, NC 27591

PO Box 1446
Wilson, NC 27894

Kalas Properties, LLC

512, 510, 508, 430 Industrial Drive
Wendell, NC 27591

4805 Westminster Drive
Raleigh, NC 27604

Wendell/ Larue, LLC

3030 Wendell Blvd.
Wendell, NC 27591

9101 Glenwood Ave.
Raleigh, NC 27617

Wendell Holmes Rural Fire Department

2960 Wendell Blvd.
Wendell, NC 27591

Dixon, Thomas E

Dixon, Lorraine H
55, 65 Liles Dean Road
Wendell, NC 27591

1200 Pulley Gordon Rd.
Zebulon, NC 27597

Ayscue, Betty P

890 Industrial Drive
Wendell, NC 27591

827 Industrial Drive
Wendell, NC 27591

Ayscue, Hugh Dean
0 Industrial Drive
Wendell, NC 27591

890 Industrial Drive
Wendell, NC 27591

Wake County
0 Industrial Drive
Wendell, NC 27591

PO Box 550
Raleigh, NC 27591

Parrish, Robin S
Parrish, Percy Dale
231 Church St.
Wendell, NC 27591

PO Box 125
Zebulon, NC 27597

Attachment B

1. There are no variances being requested.
2. Water and sewer availability and capacity has been verified with the city which will service the property and provide adequate fire protection flow. There will be fire protection and fire sprinkler system onsite and the fire department is adjacent to the proposed site. Police will have adequate access to easily monitor the property with proper lighting throughout. The full time manager will develop a strong relationship with local law enforcement and town officials to ensure the safety of the community and residents.
3. The proposed community will not negatively affect the health and or safety of anyone in Wendell. The community will provide additional safe and healthy living options that will benefit the citizens of Wendell.
4. The proposed use will positively affect the development potential of surrounding properties for additional quality housing, commercial development and or park opportunities.
5. The proposed use will not be a nuisance and or hazard to anyone in Wendell. The new development will be an asset to the town and community.
6. The community will have a full time manager and maintenance employee that will be onsite 40 hours a week 8am-5pm with 24 hour emergency call availability.
7. Work shifts are 40 hours a week Monday-Friday 8am-5pm.
8. 2 full time employees.

The following information MUST be included before the application will be accepted and processed:

- ☒ Attachment A – A list of adjacent property owners (including across public right-of-ways) and their mailing and physical addresses.
- ☒ Attachment B – write up with the following questions numbered, listed, and answered:
1. Are there any variances being requested? If so, list each one.
 2. Will utilities, fire, police, and other necessary public and private facilities and services be adequate to handle the proposed use? Please explain how they will or will not be adequate.
 3. How will the proposed use affect the health and safety of the residents and workers of Wendell?
 4. Will the proposed use affect the use or development of adjacent properties or other uses?
 5. Will the proposed use constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of activity? Explain.
 6. What are the hours of operation?
 7. How many work shifts will there be?
 8. How many employees will work per shift? 2 Full-time _____ Part-time

The undersigned property owner hereby authorizes the filing of this application and any subsequent revisions thereto. The filing of this application authorizes the Town of Wendell staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: WENDELL/LARUE, LLC Date: 11/14/19
BY: [Signature]
NAME: ERIC VERNON, ATTORNEY IN FACT

As the applicant, I agree that this permit, if granted, is issued on the presentation made herein and that this permit may be revoked in the event of any breach of representation or non-compliance of conditions of the permit. It is further understood that if the Special Use as requested herein is not started within twelve (12) months from the date of issuance, that the permit shall become invalid. Fees are nonrefundable. The applicant is responsible for presenting their case to the town.

Signature: [Signature] Date: 11-14-19

OFFICE USE ONLY

Fee Paid: _____ Check # _____ Recvd By: _____ Date: _____

BOARD OF COMMISSIONERS Date of Public Hearing: _____ Date Sign Erected: _____

Dates Public Hearing Advertised (#1) _____ in _____ (#2) _____ in _____

Town Board Recommendation ☐ Approval ☐ Denial

Conditions _____

Town Clerk Signature _____ Date _____

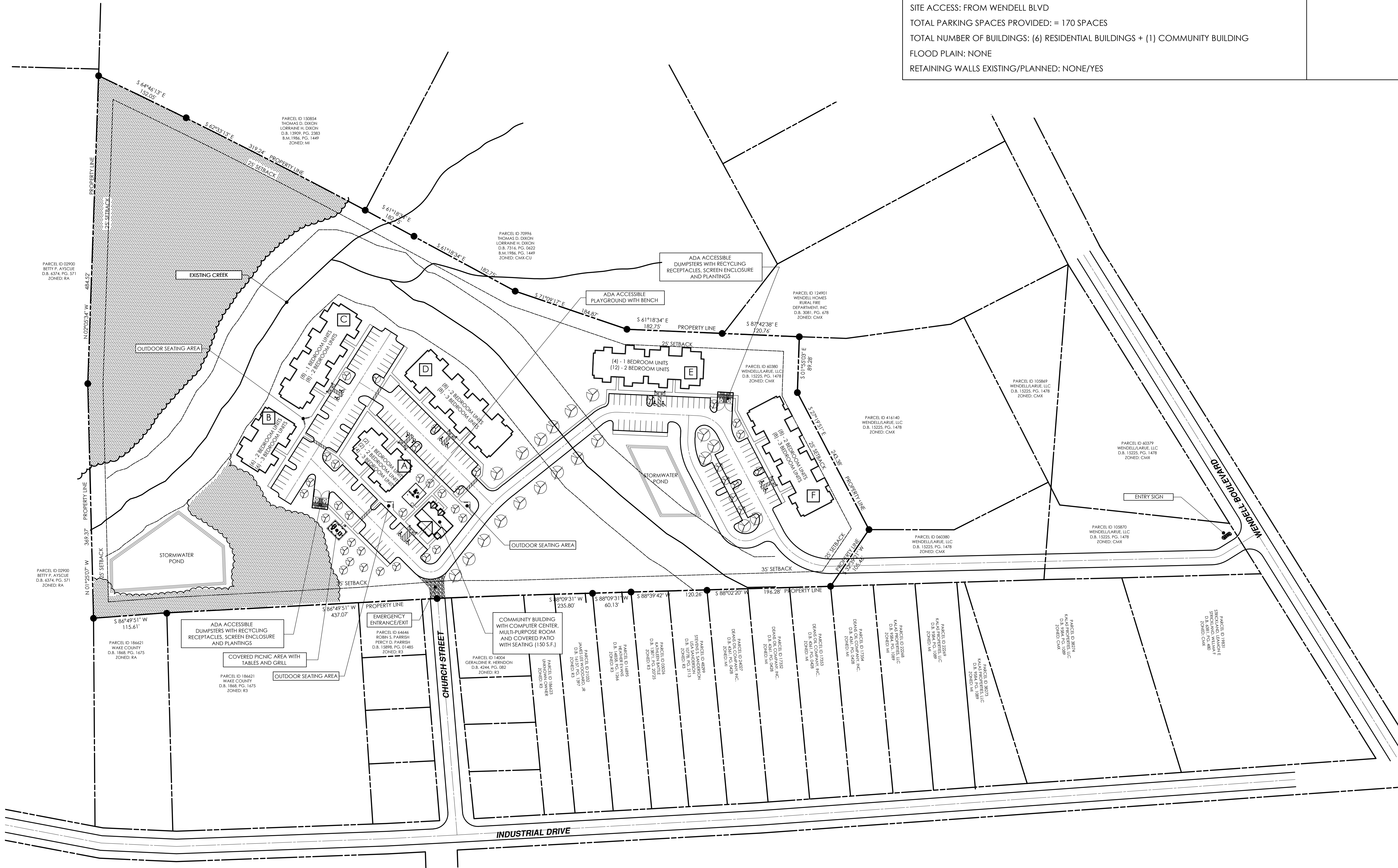
Mayor's Signature _____ Date _____

SITE INFORMATION:

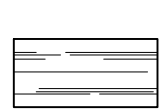
SITE ACREAGE: (+/-) 15.06 ACRES
TOTAL ACREAGE OF RECREATIONAL OPEN SPACE AND NON RESIDENTIAL USES: 10.94 ACRES
TOTAL NUMBER AND ACREAGE OF PARCELS: (1) PARCEL, 15.06 ACRES
TOTAL NUMBER OF HOUSING UNITS: 84 UNITS
SITE ACCESS: FROM WENDELL BLVD
TOTAL PARKING SPACES PROVIDED: = 170 SPACES
TOTAL NUMBER OF BUILDINGS: (6) RESIDENTIAL BUILDINGS + (1) COMMUNITY BUILDING
FLOOD PLAIN: NONE
RETAINING WALLS EXISTING/PLANNED: NONE/YES

BUILDING LETTER

A



ELEVATION KEY



MARK (M1) ROOF
OC WEATHERED WOOD COLOR (OR SIMILAR)
30 YEAR ARCHITECTURAL, DIMENSIONAL
ANTI-FUNGAL ASPHALT SHINGLES, ON ONE
LAYER OF 15# BUILDING FELT ON 7/16"
OSB TYP.



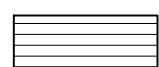
MARK (M2) VINYL SIDING
MIN. .044 HEAVY GAUGE
CEDAR SHAKE PROFILE



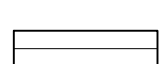
MARK (M3) VINYL SIDING
MIN. .044 HEAVY GAUGE
BOARD AND BATTEN PROFILE



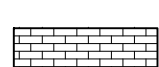
MARK (M4) VINYL SIDING
VERTICAL SIDING - MIN. .044 HEAVY GAUGE
DOUBLE 5 EXPOSURE



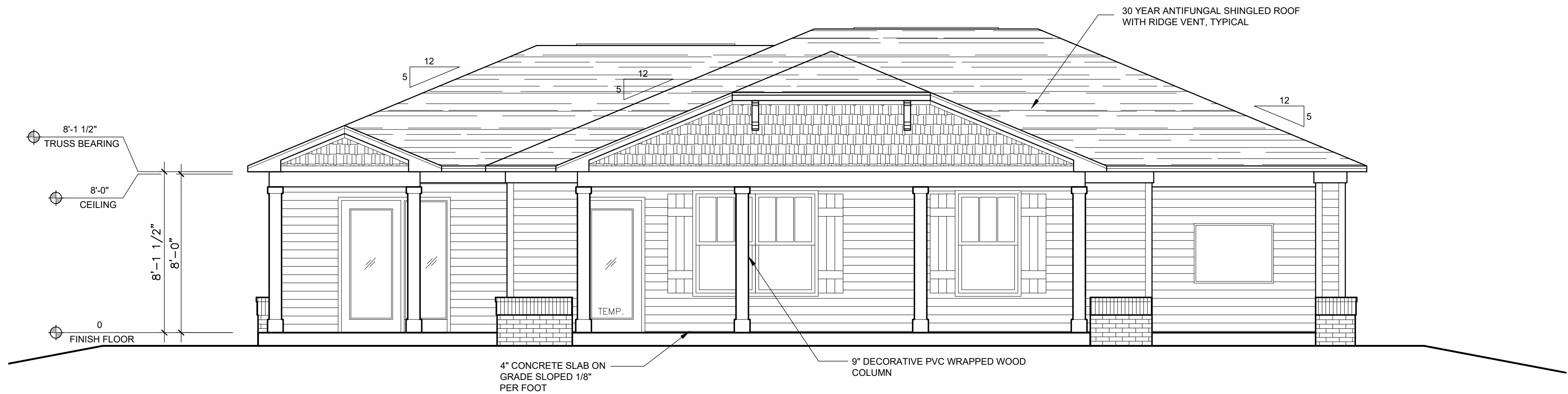
MARK (M5) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
TRIPLE 3 EXPOSURE



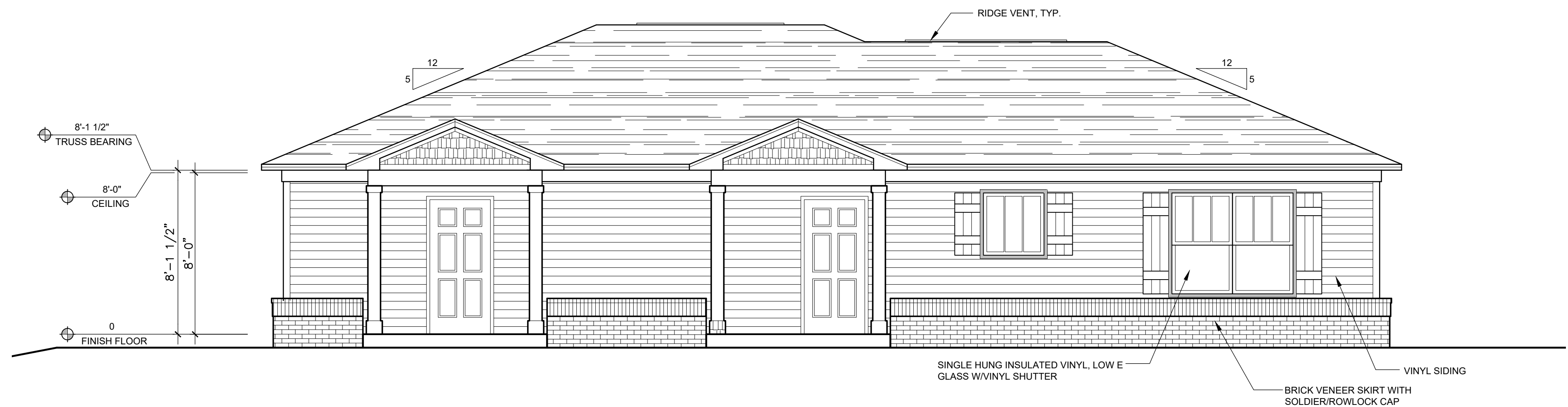
MARK (M6) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
DOUBLE 5 EXPOSURE



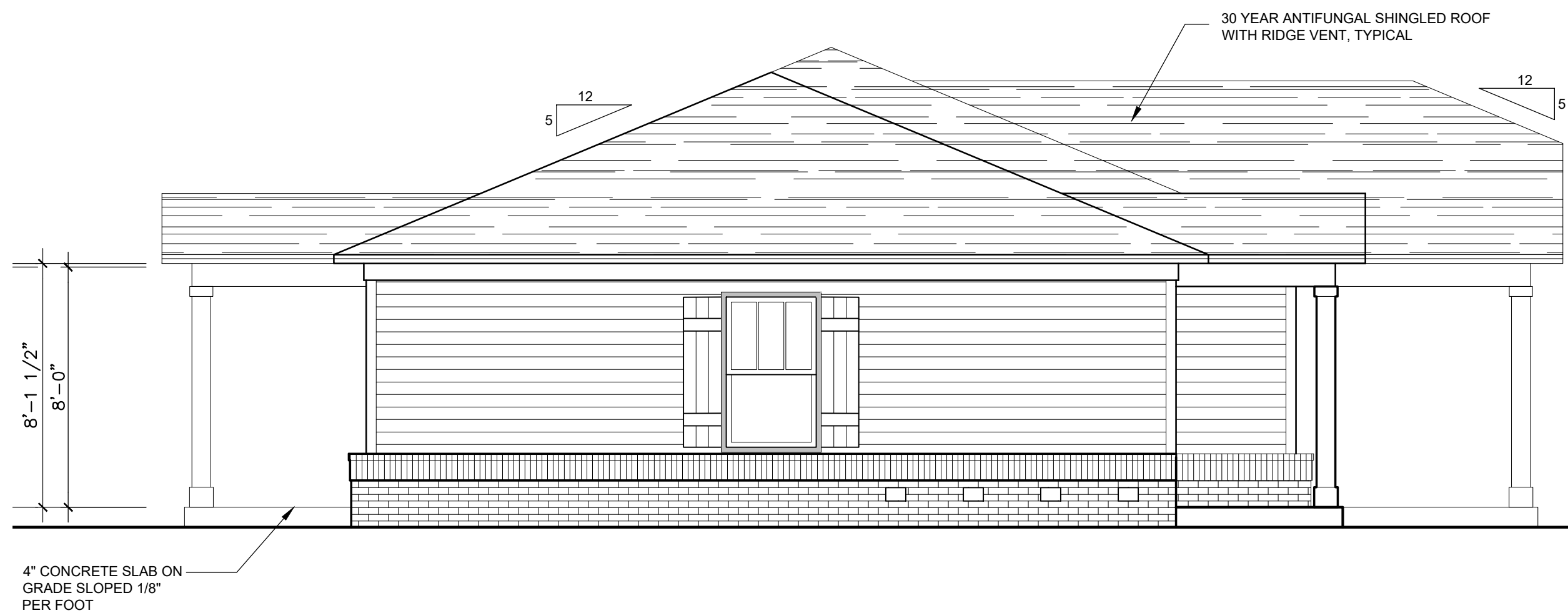
MARK (M7) BRICK VENEER
BRICK VENEER WITH MASONRY TIES @ 1'-4"
O.C.
BOTH DIRECTIONS



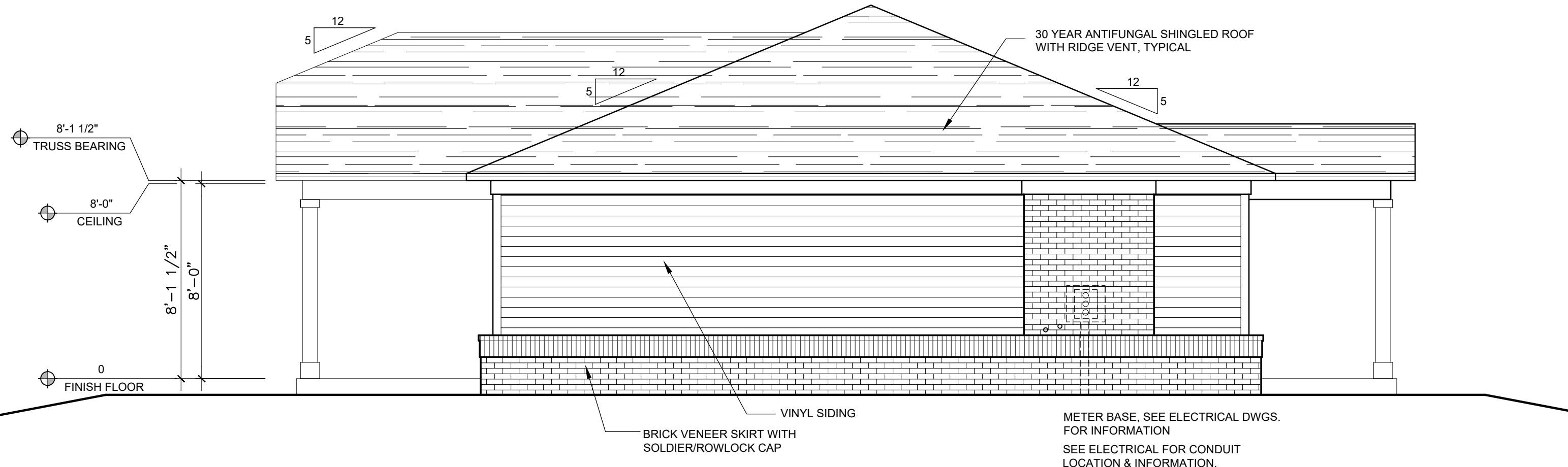
1 Front Elevation
Scale: 1/4" = 1'-0"



2 Rear Elevation
Scale: 1/4" = 1'-0"



3 Left Elevation
Scale: 1/4" = 1'-0"



4 Right Elevation
Scale: 1/4" = 1'-0"

NOT FOR
CONSTRUCTION

SEALS

CONSULTANTS

PROJECT

REVISIONS

DATE

SET #

SHEET

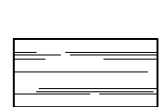
#

TOTAL SHEETS IN SET

DRAWN BY:

CHECKED BY:

ELEVATION KEY



MARK (M1) ROOF
OC WEATHERED WOOD COLOR (OR SIMILAR)
30 YEAR ARCHITECTURAL, DIMENSIONAL
ANTI-FUNGAL ASPHALT SHINGLES, ON ONE
LAYER OF 15# BUILDING FELT ON 7/16"
OSB TYP.



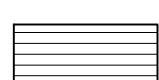
MARK (M2) VINYL SIDING
MIN. .044 HEAVY GAUGE
CEDAR SHAKE PROFILE



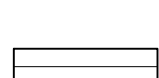
MARK (M3) VINYL SIDING
MIN. .044 HEAVY GAUGE
BOARD AND BATTEN PROFILE



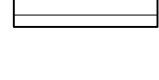
MARK (M4) VINYL SIDING
VERTICAL SIDING - MIN. .044 HEAVY GAUGE
DOUBLE 5 EXPOSURE



MARK (M5) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
TRIPLE 3 EXPOSURE



MARK (M6) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
DOUBLE 5 EXPOSURE



MARK (M7) BRICK VENEER
BRICK VENEER WITH MASONRY TIES @ 1'-4"
O.C.
BOTH DIRECTIONS



1 Front Elevation
Scale: 1/8" = 1'-0"



2 Rear Elevation
Scale: 1/8" = 1'-0"



3 Left Elevation
Scale: 1/8" = 1'-0"



4 Right Elevation
Scale: 1/8" = 1'-0"

Buildings A + B
8 - 2 Bedroom Units
8 - 3 Bedroom Units

A3.2

NOT FOR
CONSTRUCTION

ELEVATION KEY

- MARK (M1) ROOF
OC WEATHERED WOOD COLOR (OR SIMILAR)
30 YEAR ARCHITECTURAL, DIMENSIONAL
ANTI-FUNGAL ASPHALT SHINGLES, ON ONE
LAYER OF 15# BUILDING FELT ON 7/16"
OSB TYP.
- MARK (M2) VINYL SIDING
MIN. .044 HEAVY GAUGE
CEDAR SHAKE PROFILE
- MARK (M3) VINYL SIDING
MIN. .044 HEAVY GAUGE
BOARD AND BATTEN PROFILE
- MARK (M4) VINYL SIDING
VERTICAL SIDING - MIN. .044 HEAVY GAUGE
DOUBLE 5 EXPOSURE
- MARK (M5) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
TRIPLE 3 EXPOSURE
- MARK (M6) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
DOUBLE 5 EXPOSURE
- MARK (M7) BRICK VENEER
BRICK VENEER WITH MASONRY TIES @ 1'-4"
O.C.
BOTH DIRECTIONS



1 Front Elevation
Scale: 1/8" = 1'-0"



2 Rear Elevation
Scale: 1/8" = 1'-0"



3 Left Elevation
Scale: 1/8" = 1'-0"



4 Right Elevation
Scale: 1/8" = 1'-0"

Building C
2 - 2 Bedroom Units
2 - 2 Bedroom Units
4 - 3 Bedroom Units

NOT FOR
CONSTRUCTION

SEALS

CONSULTANTS

PROJECT

REVISIONS

DATE

SET #

SHEET

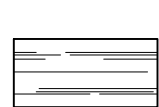
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TOTAL SHEETS IN SET

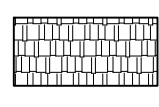
DRAWN BY:

CHECKED BY:

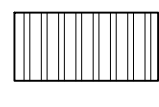
ELEVATION KEY



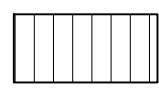
MARK (M1) ROOF
OC WEATHERED WOOD COLOR (OR SIMILAR)
30 YEAR ARCHITECTURAL, DIMENSIONAL
ANTI-FUNGAL ASPHALT SHINGLES, ON ONE
LAYER OF 15# BUILDING FELT ON 7/16"
OSB TYP.



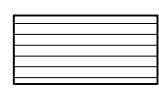
MARK (M2) VINYL SIDING
MIN. .044 HEAVY GAUGE
CEDAR SHAKE PROFILE



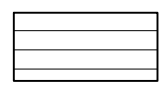
MARK (M3) VINYL SIDING
MIN. .044 HEAVY GAUGE
BOARD AND BATTEN PROFILE



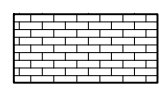
MARK (M4) VINYL SIDING
VERTICAL SIDING - MIN. .044 HEAVY GAUGE
DOUBLE 5 EXPOSURE



MARK (M5) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
TRIPLE 3 EXPOSURE



MARK (M6) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
DOUBLE 5 EXPOSURE



MARK (M7) BRICK VENEER
BRICK VENEER WITH MASONRY TIES @ 1'-4"
O.C.
BOTH DIRECTIONS



1

Front Elevation

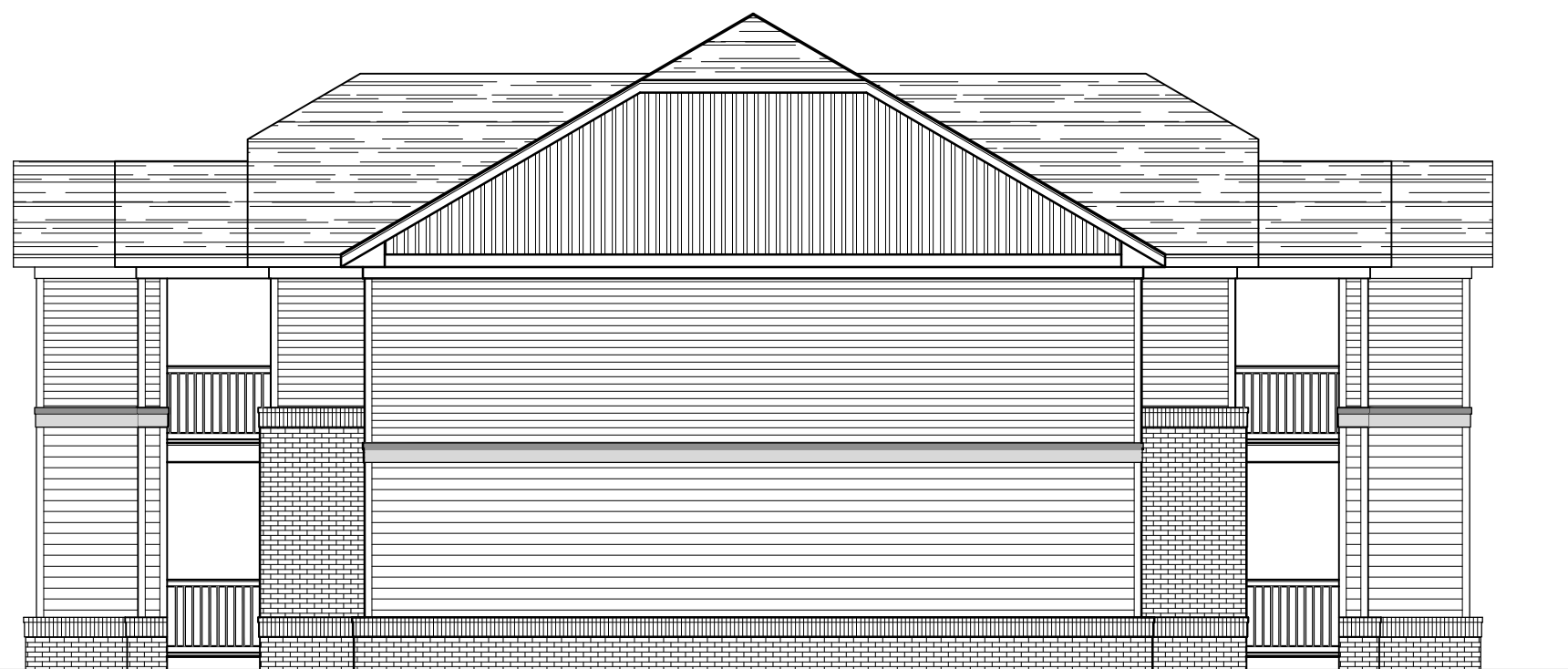
Scale: 1/8" = 1'-0"



2

Rear Elevation

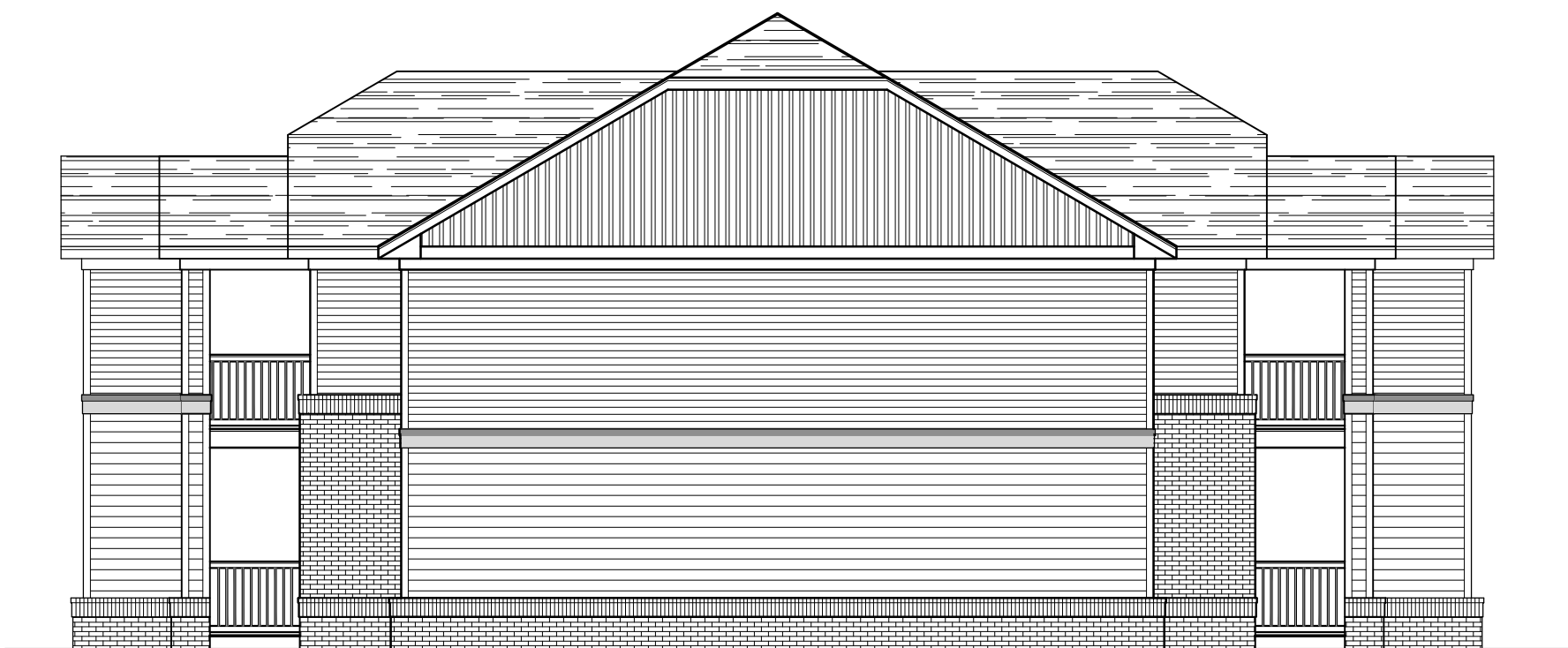
Scale: 1/8" = 1'-0"



3

Left Elevation

Scale: 1/8" = 1'-0"



4

Right Elevation

Scale: 1/8" = 1'-0"

Building D
8 - 1 Bedroom Units
8 - 2 Bedroom Units

NOT FOR
CONSTRUCTION

SEALS

CONSULTANTS

PROJECT

REVISIONS

DATE

SET #

SHEET

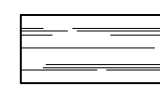
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TOTAL SHEETS IN SET

DRAWN BY:

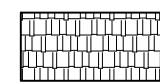
CHECKED BY:

ELEVATION KEY



MARK (M1) ROOF

OC WEATHERED WOOD COLOR (OR SIMILAR)
30 YEAR ARCHITECTURAL, DIMENSIONAL
ANTI-FUNGAL ASPHALT SHINGLES, ON ONE
LAYER OF 15# BUILDING FELT ON 7/16"
OSB TYP.



MARK (M2) VINYL SIDING

MIN. .044 HEAVY GAUGE
CEDAR SHAKE PROFILE



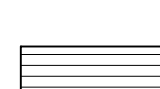
MARK (M3) VINYL SIDING

MIN. .044 HEAVY GAUGE
BOARD AND BATTEN PROFILE



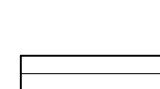
MARK (M4) VINYL SIDING

VERTICAL SIDING - MIN. .044 HEAVY GAUGE
DOUBLE 5 EXPOSURE



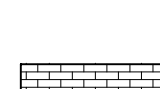
MARK (M5) VINYL SIDING

HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
TRIPLE 3 EXPOSURE



MARK (M6) VINYL SIDING

HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
DOUBLE 5 EXPOSURE



MARK (M7) BRICK VENEER

BRICK VENEER WITH MASONRY TIES @ 1'-4"
O.C.
BOTH DIRECTIONS



1

Front Elevation

Scale: 1/8" = 1'-0"



2

Rear Elevation

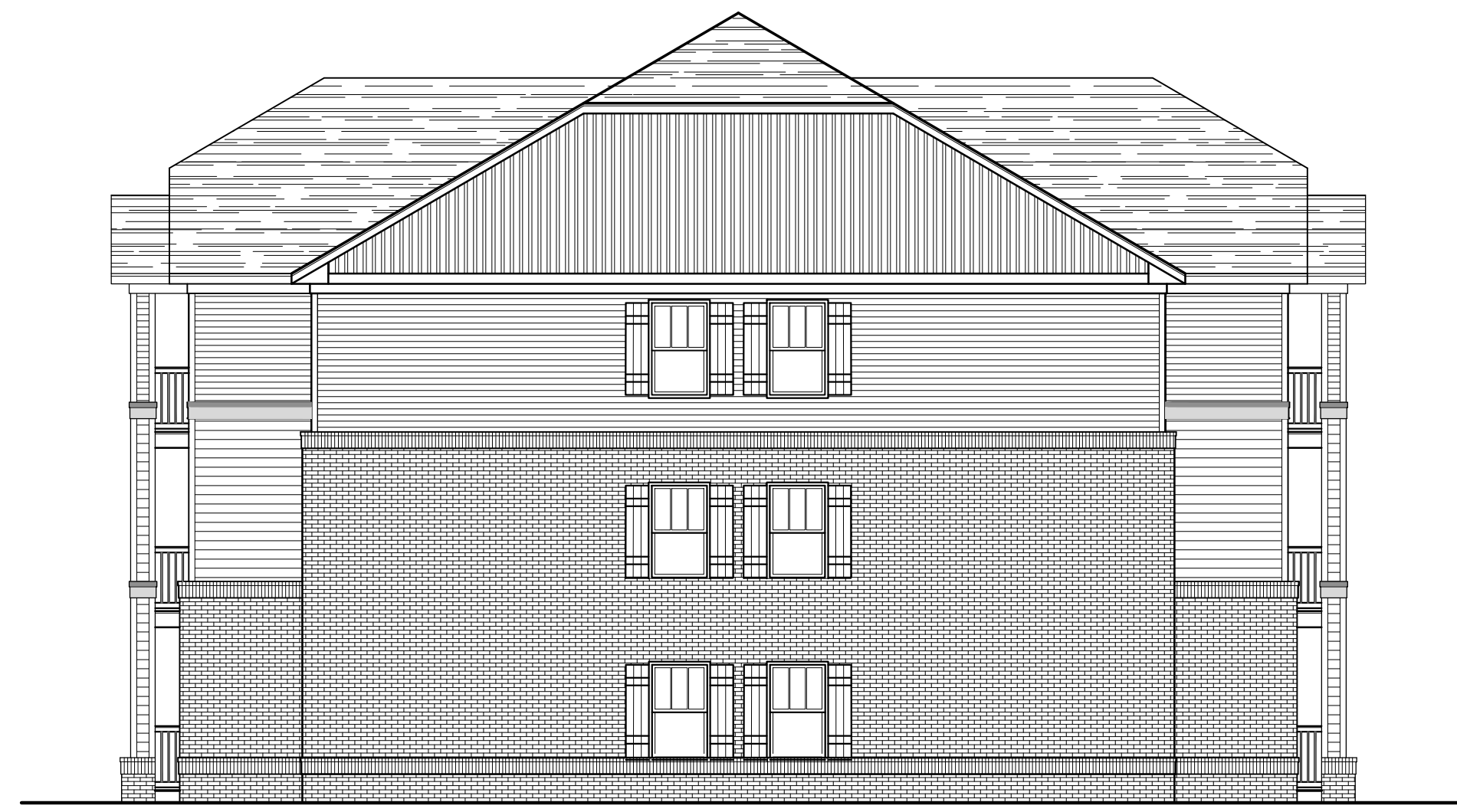
Scale: 1/8" = 1'-0"



3

Left Elevation

Scale: 1/8" = 1'-0"



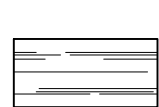
4

Right Elevation

Scale: 1/8" = 1'-0"

Building E
6 - 2 Bedroom Units
6 - 3 Bedroom Units

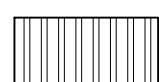
ELEVATION KEY



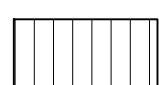
MARK (M1) ROOF
OC WEATHERED WOOD COLOR (OR SIMILAR)
30 YEAR ARCHITECTURAL, DIMENSIONAL
ANTI-FUNGAL ASPHALT SHINGLES, ON ONE
LAYER OF 15# BUILDING FELT ON 7/16"
OSB TYP.



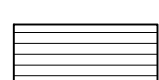
MARK (M2) VINYL SIDING
MIN. .044 HEAVY GAUGE
CEDAR SHAKE PROFILE



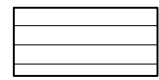
MARK (M3) VINYL SIDING
MIN. .044 HEAVY GAUGE
BOARD AND BATTEN PROFILE



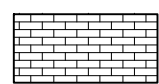
MARK (M4) VINYL SIDING
VERTICAL SIDING - MIN. .044 HEAVY GAUGE
DOUBLE 5 EXPOSURE



MARK (M5) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
TRIPLE 3 EXPOSURE



MARK (M6) VINYL SIDING
HORIZONTAL SIDING - MIN. .044 HEAVY
GAUGE
DOUBLE 5 EXPOSURE



MARK (M7) BRICK VENEER
BRICK VENEER WITH MASONRY TIES @ 1'-4"
O.C.
BOTH DIRECTIONS



1

Front Elevation

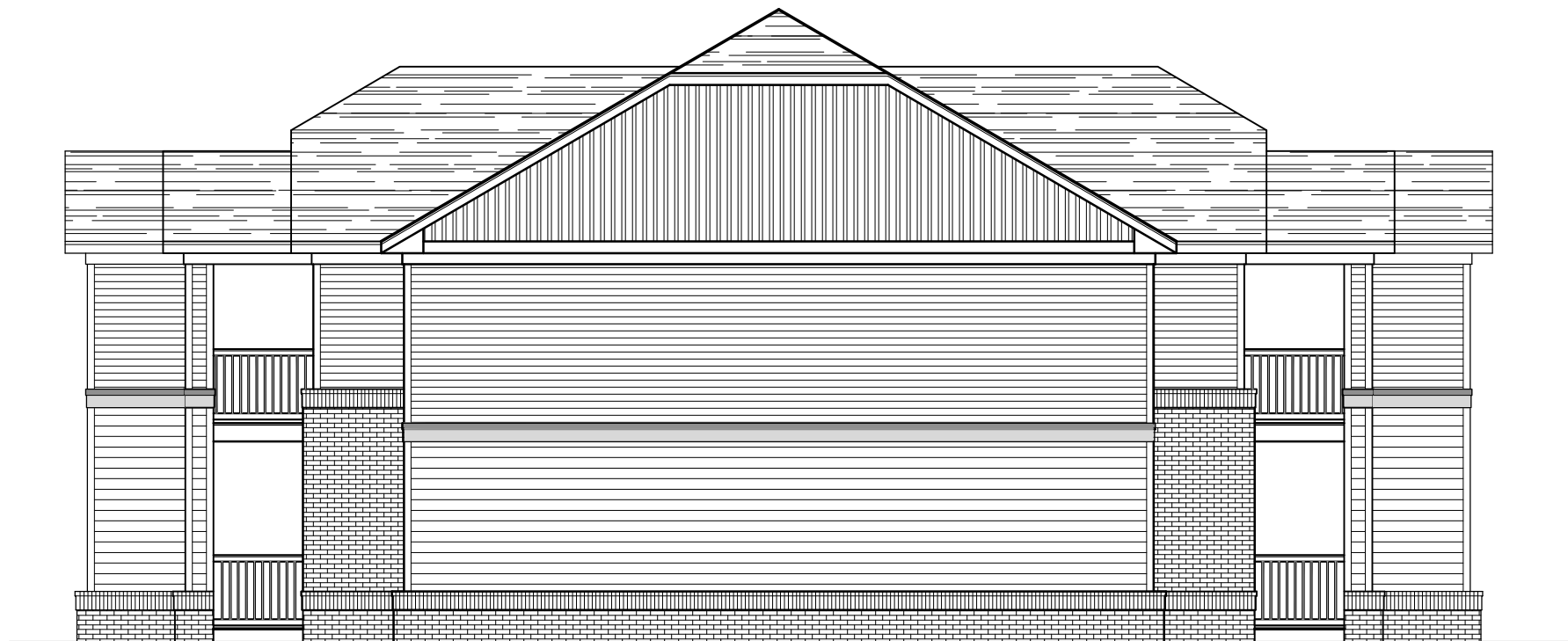
Scale: 1/8" = 1'-0"



2

Rear Elevation

Scale: 1/8" = 1'-0"



3

Left Elevation

Scale: 1/8" = 1'-0"



4

Right Elevation

Scale: 1/8" = 1'-0"

Building F
4 - 1 Bedroom Units
12 - 2 Bedroom Units

Item Title:

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

Specific Action Requested:

None

Attachments:

None

Item Title:

Commissioners' Reports.

Specific Action Requested:

None

Attachments:

None

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