



Wendell Town Board of Commissioners

Board Room

15 E. Fourth Street, Wendell, NC 27591

Town Board Meeting Agenda

Monday, July 13, 2020 @ 7:00 PM

SPECIAL NOTICE

Due to the Declared State of Emergency in response to the COVID-19 Virus, the Town of Wendell has altered the traditional meeting process to accommodate and encourage positive public health practices. The Town is incorporating virtual meeting practices to continue the work of the Board of Commissioners while taking proactive measures to maintain transparency and provide for public comment.

The public is encouraged to remain home and watch the business meeting on Facebook Live, or after it is posted to the Town website, or by calling (919) 375-6880 and listening to the meeting. No direct access to Town Hall will be allowed.

Public Comment period for the July 13, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their written public comment to the Town Clerk via email to mhoward@townofwendell.com or submit a request to call in and teleconference during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, July 10th at 5 p.m.

CALL TO ORDER

- Welcome – Mayor Virginia Gray
- Pledge of Allegiance – Police Chief Bill Carter
- Invocation –Pleasant Grove Baptist Church – Pastor Asa Bell

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

2. PUBLIC COMMENT PERIOD

- The Public Comment period for the July 13, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to mhoward@townofwendell.com by Friday, July 10th at 5 p.m.

or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, July 10th at 5 p.m. The Clerk will provide the call-in phone number and provide three (3) minutes to speak on any non-public hearing item or topic.
- Questions or comments regarding specific agenda items may be directed to the contact person provided for the individual items on the agenda below for additional information before or after the meeting.

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

3b. Minutes for the Monday, May 11, 2020 Town Board Meeting

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

3c. Minutes for the Tuesday, May 26, 2020 Town Board Meeting

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

3d. Minutes for the Monday, June 8, 2020 Town Board Meeting

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

3e. Certificate for Sufficiency and Resolution setting public hearing date for non-contiguous annexation petition A-19-04 for 151.82 acres of property located at: 4501 Rolesville Road (12.28 acres) and identified by PIN Number 1765-85-2510; 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.

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

No recognitions, reports and presentations scheduled.

5. PUBLIC HEARINGS

PLEASE NOTE: Due to the current State of Emergency and in the interest of public health, the following accommodations will be made to allow public participation in public hearings, but no public attendance at Town Hall will be permitted. No Board action on public hearing items will occur if a virtual meeting is used to conduct the public hearing. The item will be continued and the public will have 24 hours from the end of the meeting to provide comments on the public hearing item.

- Public participation for public hearing items on the agenda for the July 13th, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public hearing comments to the Town Clerk via email to mhoward@townofwendell.com up to 24 hours after the public hearing is held. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments received by Friday, July 10th at 5pm will be provided to the Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting. Comments will be received for 24 hours after the meeting and provided to the Board prior to action and will be included in the minutes.

Or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, phone number, and item number they wish to speak on to the clerk via email by Friday, July 10th at 5 p.m. The Clerk will provide the call-in phone number and provide five (5) minutes to speak on any public hearing item or topic. Comments made by phone will be recorded and transcribed to maintain the public record.
- If you have questions regarding an agenda item, please email the staff contact directly in advance of the meeting. If preferred, you may call Town Hall at (919) 365-4450 to be directed to speak with the staff contact for the agenda item(s) of interest. Communications of this type will not be included in the meeting minutes.

- 5a. **PUBLIC HEARING:** for contiguous annexation petition A-19-08 for 7.45 acres located at 1425 S. Hollybrook Road and identified by PIN number 1793-03-4587

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

- 5b. PUBLIC HEARING:** for contiguous annexation petition A-20-02 for 15.79 acres located at 941 Wendell Falls Parkway and identified by PIN number 1783-17-8750

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

- 5c. PUBLIC HEARING:** to consider a revised R4 Conditional District for 99.9872 acres (PIN #1783-83-7560, PIN #1783-92-1299, PIN #1783-94-6022, PIN #1793-02-0954 and PIN #1793-03-4587) located at 1201 S Hollybrook Rd, 1320 S Hollybrook Rd, 0 S Hollybrook Rd and 1425 S Hollybrook Rd.

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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:



Technical Review Committee (TRC) – Mayor Pro Tempore John Boyette



Wendell Volunteer Fire Department Board of Directors—Commissioner Jason Joyner

8. COMMISSIONERS' REPORTS / COMMENTS

9. MAYOR'S REPORTS / COMMENTS

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN



Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

GREG FORD, CHAIRMAN
VICKIE ADAMSON, VICE-CHAIR
MATT CALABRIA
SUSAN EVANS
JESSICA HOLMES
SIG HUTCHINSON
JAMES WEST

June 2, 2020

Ms. Megan Howard
Town Clerk
Town of Wendell
15 East Fourth Street
Wendell, NC 27591

Dear Ms. Howard:

The Wake County Board of Commissioners, in regular session on June 1, 2020, approved and accepted the enclosed tax report for the Town of Wendell.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hogan".

Denise Hogan
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Tax Committee Meeting: 05/14/2020

Board of Commissioners Meeting: 06/01/2020

TO: Wake County Board of Commissioners and Town Board of Wendell

FOR: Consideration of Requests for Adjustments, Rebates, and/or Refunds of Penalties

Approved by: *Marcus Kinrade*

The Wake County Tax Committee has approved the following policy to recommend relief of the late listing and/or vehicle penalties when at least one of the following conditions apply:

- 1. New to North Carolina
- 2. First time listing
- 3. Previous year listing on time
- 4. Omitted item(s) from listing - Current/previous listing on time
- 5. Military Deployment
- 6. Provided proof of timely listing

Relief Codes:

Item #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Payment Status	Late List Appealed	Appeal/Request Type	Recommendation	Relief Code
16635	AMERICAN BOTTLING COMPANY, THE PROPERTY TAX DEPT 5301 LEGACY DR PLANO TX 75024	BUSINESS PERSONAL PROPERTY WENDELL	0006870637 2020 Not Billed	\$0.74	Late List Penalty	<i>Relief</i>	

This List Requires Board Action

Tax Committee Members: Natasha Baldwin, City Of Raleigh
Kim Lorbacher, Wake County Finance
Jessica Murphy-Rhem, Town Of Cary

Marcus Kinrade

Marcus Kinrade, Tax Administrator

Approved by: Kim J. Cary

Tax Committee Meeting: 05/14/2020
Board of Commissioners Meeting: 06/01/2020

TO: Wake County Board of Commissioners and Town Board of Wendell
FOR: Consideration of Requests for Tax Deferment

Item #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Payment Status	Value Appealed Tax Deferred	Appeal/Request Type	Recommendation
16667	TAYLOR, JOHN TAYLOR, TRACY 124 WENDELL FALLS PKWY WENDELL, NC 27591-6740	124 WENDELL FALLS PKWY WENDELL	0000060337 2020 Not Billed	\$274,204	Tax Deferment Historic Property 105-278	<i>Does not qualify on merit</i>

This List Requires Board Action

Tax Committee Members: Natasha Baldwin, City Of Raleigh
Kim Lorbacher, Wake County Finance
Jessica Murphy-Rhem, Town Of Cary

M. Kinrade
Marcus Kinrade, Tax Administrator

TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
DRAFT – MAY 11, 2020

The Wendell Town Board of Commissioners held their virtual, regularly-scheduled meeting on Monday, May 11, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

ABSENT:

STAFF PRESENT: Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley (virtually), Assistant to the Manager Stephanie Smith, Assistant Planning Director Bryan Coates, and Police Chief Bill Carter.

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

Police Chief Bill Carter led the Pledge of Allegiance.

Pastor Wallace Johnson of the Wendell Council of Churches provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

Mover: Commissioner Jon Lutz moved to approve the agenda, as presented.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

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BOARD OF COMMISSIONER MEETING MINUTES
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2. PUBLIC COMMENT PERIOD

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No Public Comments were provided at this meeting.

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- 3a. Ratification of Temporary Personnel Policy related to Covid-19 for Designation of Essential Personnel, Exempt Employees, and Allowance Pay

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

- 3b. Approval of the February 10, 2020 Board of Commissioners Meeting Minutes.

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

- 3c. Approval of the February 24, 2020 Board of Commissioners Meeting Minutes.

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

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3d. Approval of the March 9, 2020 Board of Commissioners Meeting Minutes.

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

ACTION

Mover: Commissioner Jon Lutz moved to approve the Consent Agenda, as presented.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

4a. Capital Area Metropolitan Planning Organization (CAMPO) Northeast Area Study Update Presentation

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

Mr. Coates presented the following staff report, below in italics:

Item Summary:

As a new decade begins, an updated Northeast Area Study (NEAS) is needed to lay out a long-term vision for a multi-modal transportation network for the region. This will also include a detailed implementation strategy that includes short-term and mid-term recommendations to further that vision.

Previously, in 2014, CAMPO completed the original Northeast Area Study. Designed to be a sustainable transportation strategy for the area, the original study evaluated land use, economic development, and multimodal (freight, highway, transit (bus/rail), bicycle, and pedestrian) issues in the northeastern section of CAMPO's planning area. The Capital Area Metropolitan Planning Organization (CAMPO) conducts area studies in order to achieve more robust public engagement and focus on specific network issues in smaller areas within its planning jurisdiction. Outcomes and recommendations from this NEAS Update will inform the 2050 Metropolitan Transportation Plan, which is a region-wide long-range transportation plan that is updated every 4 years. The current NEAS Update is anticipated to be completed in 2021.

The study area includes parts of Franklin and Wake Counties, the City of Raleigh, as well as the Towns of Bunn, Franklinton, Knightdale, Rolesville, Wake Forest, Wendell, Youngsville, and Zebulon.

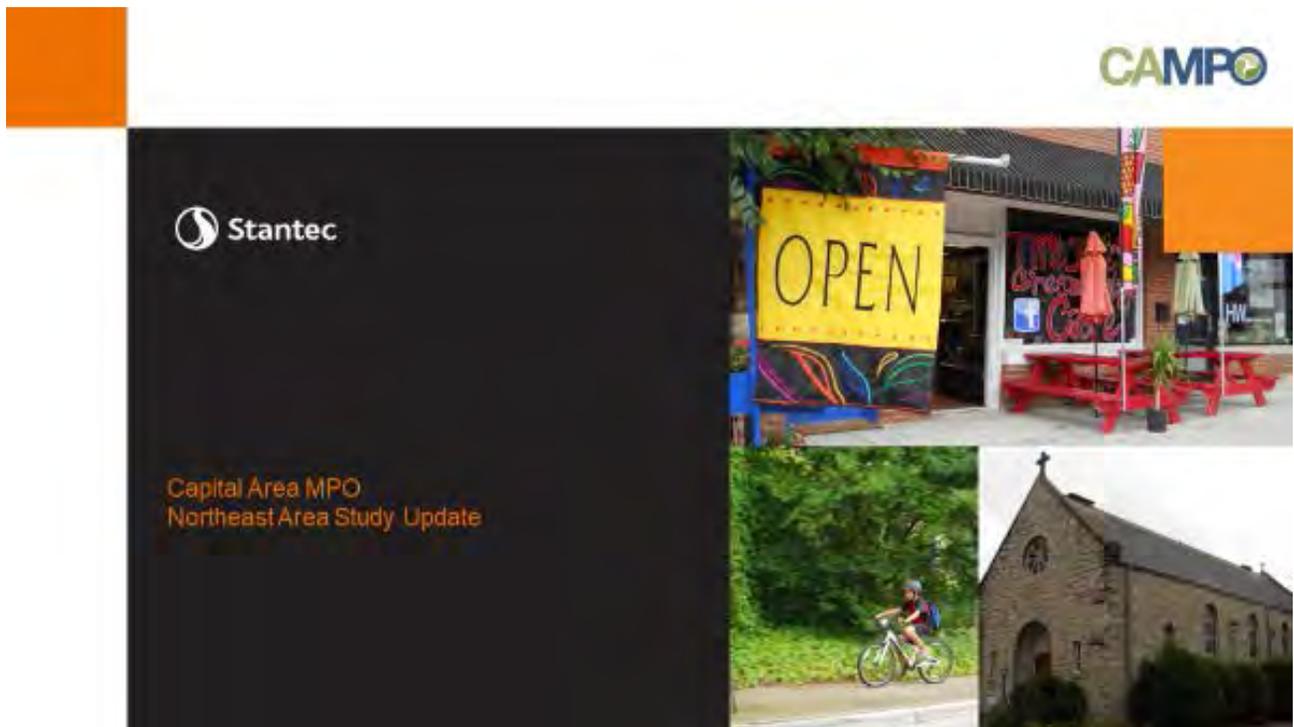
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The NEAS Update will involve extensive public engagement and an evaluation of transportation projects, policies, and priorities that may have evolved or shifted since the original study in 2014. Public engagement will include stakeholder meetings, community outreach and online activities (posted on this site), municipal board presentations, and more.

Save the Dates! NEAS Update Virtual Project Symposium

Tuesday, June 9th 2020 at 5:30 PM

Saturday, June 13th 2020 at 10:00 AM



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The CAMPO Vision

- A multi-modal transportation network that is compatible with our growth, sensitive to the environment, improves quality of life and is accessible to all.



NEAS Update Boundary

- Update to 2014 NEAS Project
- **Jurisdictions**
- Municipal: Bunn, Franklinton, Knightdale, Raleigh, Rolesville, Wake Forest, Wendell, Youngsville, Zebulon
- County: Franklin, Wake
- **Major Corridors**
- Interstates: 540, 87
- US Highways: 1, 1-Alt, 64, 64-Bus, 264, 401, 401-Bus
- NC Highways: 39, 56, 96, 97, 98



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2014 NEAS

Feedback from 2014 Plan



Background

NEAS Update Overview

- Project sponsor: the Capital Area Metropolitan Planning Organization (CAMPO).
- Project consultant: Stantec Team – including Alta Planning & Design, City Explained, Inc., Nealon Planning, J S Lane Company, and LK Consulting Solutions
- Core Technical Team (CTT) – planners and staff
- Stakeholder Oversight Team (SOT) – decision-makers



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NEAS Update
 Process

NEAS Update Tasks

- Discovery and Inventory of Existing Conditions
- Development of Vision, Goals, and Objectives
- Land Use Scenario Planning
- Policy Updates
- Exploration and Assessment of Current and Future Needs
- Discussion and Recommendations
- Performance Standards and Implementation
- Review and Adopt Final Documents

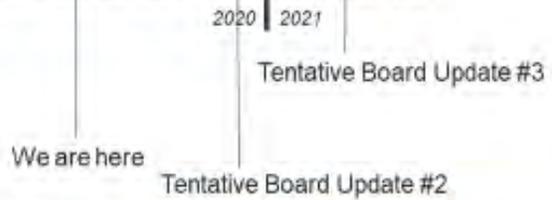
Schedule

Review Project Work Plan

Project Schedule — CAAP/CD/Community Area Study Update

The project schedule below shows the proposed schedule for completion of the key tasks identified in each phase of our project process.

PROJECT TASKS	MONTHS															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
TASK 0: PROJECT MANAGEMENT	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
TASK 1: DEVELOPMENT OF VISION, GOALS, OBJECTIVES, POLICY COORDINATION	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
CTF MEETINGS (H)	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
SOT MEETINGS (H)	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■



16 month process - Tentative **Completion Date: June 2021**

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 BOARD OF COMMISSIONER MEETING MINUTES
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Engagement

Outreach Efforts

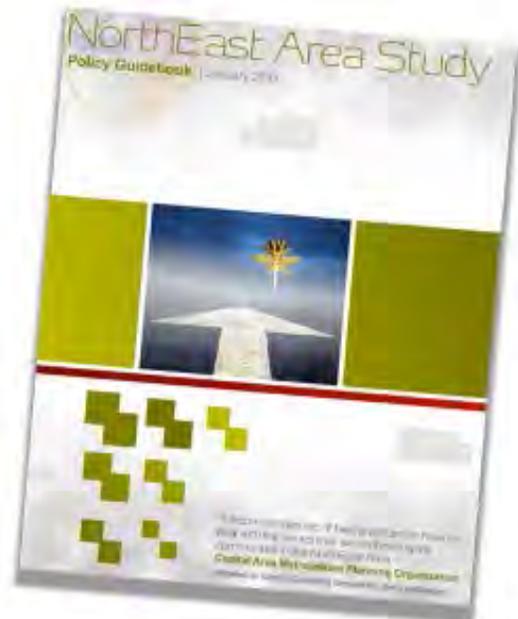
- Project Website
 - Survey (2)
 - Interactive Map (1)
- E-Newsletters (4)
- Virtual Public Project Symposiums
- Stakeholder Interviews (8)
- Traveling Roadshow "Pop-ups" (10)
- Board Briefings (3 phases)
- Project Workshop (1)



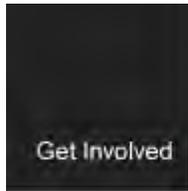
Deliverables

Deliverables

- Project Workbook
- Best Practices/Policy Guidebook
- Public Outreach & Collaboration
- Hot Spots & Concept Designs



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How can you get involved right now?

- Visit Project Website: www.NEASUpdate.com
- Take the Online Survey
- Interactive mapping tool
- Encourage others to do the same
- Virtual Public Symposium – Save the Date!
 - Tuesday, June 9th at 5:30 PM and Saturday June 13th at 10:00 AM



Contact:

Brandon Watson

brandon.watson@campo-nc.us

(919) 996-4397



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

Commissioner Jason Joyner asked Mr. Coates to speak about the timeline of the Town's Comprehensive Plan in addition to the NEAS Update timeline and how the two will work together.

Mr. Coates said that the NEAS Update should be completed by June 2021. The Town's Comprehensive Plan is scheduled for February/March 2021. He said that part of CAMPO's consultant team for the larger team is part of the Town's consultant team for the Comprehensive Plan. So, throughout this process, everything that Wendell residents identify as a priority for the Northeast Study the Town has as feedback that it can tie into the Comprehensive Plan as community needs. Mr. Coates gave the example of pulling transportation data that CAMPO has already pulled for the Northeast Study, which the Town doesn't have to conduct since it's already been completed. Another example that Mr. Coates gave is community outreach coordination with CAMPO for the NEAS Update and Comprehensive Plan. He said the NEAS Study plans to delve into the Regional Transit Network, which is also important for the Town's Comprehensive Plan for feedback purposes on bus routes and times. Mr. Coates said that the Town meet with CAMPO staff in November/December of 2019 to make sure that the two processes could work together to benefit both organizations.

- 4b. Proclamation recognizing the Week of May 3rd to May 9th 2020 as Professional Municipal Clerks Week

Presenter: Mayor Virginia Gray

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Mayor Gray presented the following Proclamation, below in italics:

***PROCLAIMING 51ST ANNUAL PROFESSIONAL MUNICIPAL CLERKS
WEEK, MAY 3-MAY 9, 2020***

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Professional Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW THEREFORE, on behalf of the Wendell Town Board of Commissioners, I, Virginia Gray, Mayor of the Town of Wendell, do hereby recognize the week of May 3 through May 9, 2020, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Megan Howard, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

DULY PROCLAIMED this 11th day of May, 2020.

4c. Proclamation recognizing the Week of May 10th to May 16th 2020 as National Police Week

Presenter: Mayor Virginia Gray

Mayor Virginia Gray presented the following Proclamation, below in italics:

PROCLAIMING NATIONAL PUBLIC WORKS WEEK,

**TOWN OF WENDELL
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MAY 17-MAY 23, 2020

WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police week; and,

WHEREAS, The members of the law enforcement agency of the Wendell Police Department play an essential role in safeguarding the rights and freedoms of those inside the Town of Wendell; and,

WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our Wendell Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, All citizens of Wendell should remember and recognize the men and women who serve and protect them, and keep in mind that there are law enforcement officers working in the Town every hour of every day to ensure that they remain safe.

NOW THEREFORE, on behalf of the Wendell Town Board of Commissioners, I, Virginia Gray, Mayor of the Town of Wendell, do recognize the week of May 10-16, 2020, as National Police Week and further recognize May 15th as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty.

DULY PROCLAIMED this 11th day of May, 2020.

4d. Proclamation recognizing the Week of May 17th to May 23rd as National Public Works Week

Presenter: Mayor Virginia Gray

Mayor Gray presented the following Proclamation, below in italics:

PROCLAIMING NATIONAL PUBLIC WORKS WEEK,

MAY 17-MAY 23, 2020

WHEREAS, Public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Wendell; and,

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WHEREAS, These infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, It is in the public interest for the citizens, civic leaders and children in Wendell to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, The year 2020 marks the 60th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW THEREFORE, on behalf of the Wendell Town Board of Commissioners, I, Virginia Gray, Mayor of the Town of Wendell, do hereby designate the week May 17 – 23, 2020 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

DULY PROCLAIMED this 11th day of May, 2020.

5. PUBLIC HEARINGS

PLEASE NOTE: Due to the current State of Emergency and in the interest of public health, the following accommodations will be made to allow public participation in public hearings, but no public attendance at Town Hall will be permitted:

- Public participation for public hearing items on the agenda for the May 11th, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public hearing comments to the Town Clerk via email to mhoward@townofwendell.com by Friday, May 8th at 5 p.m. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments will be provided to the Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting.

Or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, phone number, and item number they wish to speak on to the clerk via email by Friday, May 8th at 5 p.m. The Clerk will provide the call-in phone number and provide five (5) minutes to speak on any non-public hearing item or topic. Comments made by phone will be recorded and transcribed to maintain the public record.

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5a. PUBLIC HEARING: Budget Hearing for the *Proposed Fiscal Year 2021 Budget*

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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

Item Summary:

Pursuant to Section 159-11 of the North Carolina General Statutes, the Budget Officer submits the Fiscal Year 2020-2021 (FY 2021) budget for the consideration of the Board of Commissioners. The submitted budget is balanced and in compliance with the Local Budget and Fiscal Control Act and the Financial Policies of the Town of Wendell.

Staff requests the Board of Commissioners to hold a Budget Hearing on Monday, May 11, 2020 prior to taking action on the recommended budget at the Tuesday, May 26, 2020 Commission Meeting. A copy of the Budget is provided to the Town Clerk and made available to the media. The budget is also provided digitally on the Town website for the public to review in lieu of the library as an accommodation during Covid-19 closings.

The FY 2021 budget totals \$19,507,171, which represents a 159.1% increase over FY 2020 due to over \$11 million in planned capital expenses. In response to the Wake County revaluation completed in FY 2020, the Town Budget proposes a reduced property tax rate of \$0.47 per \$100 of taxable values, a reduction of 2 cents from the current rate.

While the Raleigh Utilities water and sewer rate increases by 5% as required by the Merger Agreement, the Town will work to complete the Merger in FY 2021 as soon after the first quarter (October 2020) as utility revenues allow for retiring the remaining expenses. This early Merger retains capacity, requires additional payment by the Town, but will reduce rates approximately 40% for residents. The reduced property tax rate and utility merger will result in a net savings for most residents in FY 2021.

The solid waste fee remains \$22 per month, but will include the outsourcing of a portion of leaf and limb service for weekly cart pickup by Waste Industries instead of the Town. The fee schedule remains largely unchanged with an increase of the returned check fee from \$25 to \$35 to reflect the bank charge to the Town. Special event fees are simplified to reflect the consolidated process in the special event policy developed in FY 2020.

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The following charts provide a highlight of revenues and expenses for FY 2021:

Ad Valorem Taxes	\$ 4,392,196
Licenses & Permits	\$ 451,200
Intergovernmental Revenues - Unrestricted	\$ 1,937,500
Intergovernmental Revenues - Restricted	\$ 2,199,507
Permits & Fees	\$ 189,000
Sales & Services	\$ 914,450
Other Revenues	\$ 3,700
Investment Income	\$ 115,000
Transfers/Fund Balance	\$ 804,618
Loan Proceeds	\$ 8,500,000
	\$19,507,171

	FY 2021	Capital	Net
Governing Body	\$ 93,700	\$ -	\$ 93,700.00
Administration	\$ 561,900	\$ 32,000.00	\$ 529,900.00
Information Technology	\$ 166,760	\$ 25,000.00	\$ 141,760.00
Finance	\$ 448,450	\$ -	\$ 448,450.00
Economic Development	\$ 62,300	\$ -	\$ 62,300.00
Planning	\$ 551,450	\$ -	\$ 551,450.00
Public Buildings & Grounds	\$10,872,594	\$10,698,224.00	\$ 174,370.00
Police	\$ 2,336,057	\$ 248,000.00	\$ 2,088,057.00
Fire Services	\$ 4,900	\$ -	\$ 4,900.00
Public Works	\$ 2,318,435	\$ 238,500.00	\$ 2,079,935.00
Powell Bill	\$ 180,000	\$ -	\$ 180,000.00
Parks & Recreation	\$ 914,925	\$ 29,000.00	\$ 885,925.00
Non-Departmental	\$ 993,200	\$ -	\$ 993,200.00
Special Appropriations	\$ 2,500	\$ -	\$ 2,500.00
	\$19,507,171	\$11,270,724.00	\$ 8,236,447.00

TOWN OF WENDELL
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FY 2021 Budget Document

- Budget recognized by GFOA Distinguished Budget Presentation Award for first time....
- Same layout as FY 2020
- New Cover
- Improvements based on GFOA Review
 - Improve fund structure and relationship descriptions
 - Add long-range projections
 - Add Capital Project impact on operating budget



FY 2021 Budget challenges (turned to highlights)

Wake County Property Revaluation	Solid Waste Contract Extension	Sustainable Leaf & Limb Service	Growth Impacts on Staffing	Market Salary Comparison
Capital Facility and Infrastructure Needs	Maintain Structural Balance	Uncertainty of COVID-19 Impacts	Complete Merger with Raleigh Utilities	Achieve a Net Savings to Citizens

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Wake county property revaluation

Data from County Tax Appraiser 1/27/20 Report to Board
 Revenue Neutral rate is \$0.41 per \$100 valuation

Before Revaluation (FY 2020)	After Revaluation (FY 2021)
<ul style="list-style-type: none"> • Residential Value <ul style="list-style-type: none"> • \$560,310,000 (81%) • Commercial Value <ul style="list-style-type: none"> • \$129,915,000 (19%) • Total Valuation <ul style="list-style-type: none"> • \$690,225,000 	<ul style="list-style-type: none"> • Residential Value (22% Increase) <ul style="list-style-type: none"> • \$697,775,000 (80%) • Commercial Value (40% Increase) <ul style="list-style-type: none"> • \$169,925,000 (20%) • Total Valuation (26% Increase) <ul style="list-style-type: none"> • \$867,700,000



Solid waste contract extension

- 5-Year Extension with Waste Industries
- Prices remain same for FY21 and FY22 and 2% CPI increase FY 23, FY 24, & FY 25
- Trash service remains one time per week
- Recycling remains every other week
- Processing fee increases from \$0.75 to \$1.27 (charged to Town)
- Yard waste service at one time per week at \$3.65 per cart (charged to Town)
- Town still pays actual tipping fee (approximately \$25 per ton)
- Waste Industries will provide a direct customer service phone line for Wendell residents
- NO INCREASE IN SOLID WASTE FEE CHARGED TO RESIDENTS IN FY 2021

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Sustainable leaf & limb service

Current Service

- Town staff provide service
- Requires (4) Staff and Significant Capital Equipment and Vehicles
- Weekly curbside pick-up from ground
- Unreliable weekly service due to added lane miles, equipment failure, and competing priorities
- No commercial debris
- Included in solid waste fee

Proposed Service

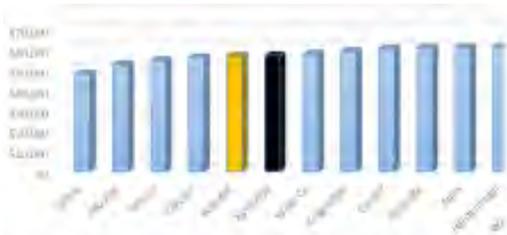
- Waste Industries provides service
- Staff assigned to other duties when not leaf season or scheduled service
- Weekly curbside pick-up with 95 gallon cart (different color)
- Reliable service that reduces staffing and capital equipment strain
- No commercial debris
- Cost offsets with Town expenses
- Included in solid waste fee (no increase)



Growth impacts on staffing

- Added residential growth continues at fast pace necessitating additional staff to maintain current service levels...Proposed budget addresses challenge by:
- Public Safety – Adds two (2) new police officers starting January 1, 2021. Advances goal to increase number of officers per shift to five (5) for 2 of 4 shifts.
- Public Works – Adds Stormwater Manager and Public Works Specialist. Stormwater is to oversee EPA Phase II required program with Engineer. Public Works Specialist is to replace position assigned to Code Enforcement to assist inspections.
- Finance – Adds Accountant I to handle increased accounts payable/receivable transactions and free time of director and senior accountant to assist with procurement and asset management.
- Parks – Reclassifies one Parks Maintenance Technician to Parks Supervisor position to supervise growing park and greenway system.

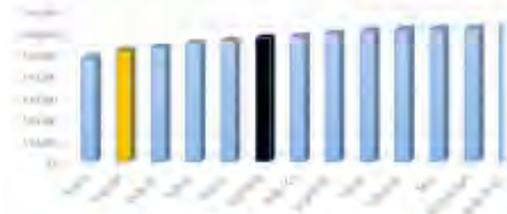
TOWN OF WENDELL
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Market salary comparison



- Implements Pay Plan and Position Classification Study as recommended by consultants
- Addresses competitive position and senior salary deficiencies
- Corrects pay grades and salary ranges
- Town will review positions on a three (3) year rotation
- Sets Board compensation closer to market average
- Provides an additional 3% in-range adjustment for all employees to prevent compression



Capital facility and infrastructure needs

- Addresses Town Hall Replacement
- Starts ADA Transition Plan & Implementation
 - ADA compliant Town Hall
 - (6) ADA intersection improvements (Academy, Wall, Todd)
- Roads (New and Resurface)
 - W. Academy, Landing View park entrance, park driveways and parking
- Intersection Improvements
 - Wendell Blvd / Wendell Falls Pkwy – Signalize with turn lanes
 - Wendell Blvd / Wall St. – Close access to Wall
 - Wendell Blvd / Marshburn – Realign for pedestrian safety
- Sidewalks
 - Wendell Blvd, W. Academy St, Cook St, Wall St, Todd St, Landing View park entrance, Third to park
- Curb and Gutter
 - W. Academy St, Cook St
- Greenway
 - S. Main St to Lake Glad Rd
- Drainage
 - Wendell Blvd / Wall St drainage



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Maintain structural balance

Town of Wendell FY 2021 Budget Projections									
FY 17 Actual	FY 18 Actual	FY 19 Actual	FY 20 Budget	FY 21 Budget	Description	FY 22 Projected	FY 23 Projected	FY 24 Projected	FY 25 Projected
					Revenues				
2,367,258	2,577,258	2,996,942	3,252,300	4,282,196	Ad Valorem Taxes	4,875,338	5,411,625	6,006,900	6,667,668
325,035	390,888	460,518	426,200	450,200	Taxes & Licenses	487,268	464,888	471,810	478,889
1,773,646	1,835,250	1,993,515	1,940,570	1,920,500	Intergovernmental (Unrestricted)	2,294,575	2,236,094	2,242,898	2,305,040
200,207	473,425	260,203	384,611	2,298,507	Intergovernmental (Restricted)	837,487	640,487	643,487	1,096,687
126,320	145,625	180,315	154,950	188,000	Permits & Fees	192,780	195,000	200,500	204,500
855,908	957,524	1,212,000	864,015	884,450	Sales & Services	969,617	1,027,476	1,089,125	1,254,472
4,427	11,840	258,967	5,000	3,700	Other Revenue	5,700	5,700	5,700	5,700
32,227	67,884	98,238	95,620	115,000	Investment Income	115,000	115,000	115,000	115,000
2,385,850	3,077,000	5	1,490,500	9,304,618	Loan Proceeds and Transfers	400,000	400,000	400,000	400,000
7,868,948	6,366,406	7,394,172	8,327,766	24,507,172	Total Revenues	9,882,966	11,875,850	13,175,482	15,475,832
					Expenses				
					Government				
89,124	98,039	79,881	300,200	93,700	Governing Body				
254,105	263,544	380,662	380,900	501,900	Administration	Personnel	1,323,940	1,330,117	1,361,688
211,035	224,940	315,022	280,780	28,780	Information Technology				
254,576	267,705	315,289	333,100	448,450	Finance	Operating	2,570,080	2,669,975	2,773,780
878	1,150	1,630	48,000	62,300	Economic Development				
381,884	323,736	317,640	432,200	350,400	Community Development/Planning	Expatri	1,376,800	1,492,676	1,590,510
346,548	660,908	388,704	1,350,840	10,872,594	Public Buildings & Grounds				
1,288,800	1,757,214	1,999,952	1,323,014	2,338,057	Police - Law Enforcement	Debt	1,010,600	827,010	851,000
-1,098	600	2,234	4,900	4,900	Fire Services				
-1,302,240	1,481,248	1,653,699	1,906,710	-2,918,435	Public Works				
1,377,950	253,375	363,650	375,000	88,000	Pavement				
740,126	1,305,023	784,577	726,577	214,525	Parks & Recreation				
806,540	756,108	855,115	323,885	388,200	Non-Departmental				
1,000	2,500	2,500	2,500	2,500	Special Appropriation				
6,442,746	7,368,396	6,419,051	8,327,766	19,507,177	Total Expenses	9,980,980	11,079,740	12,457,094	14,771,080
1,426,202	-101,990	885,121	0	0	Structural Deficit	-98,014	116,134	118,612	704,748



Uncertainty of covid-19 impacts

- FY 2021 Proposed Revenues are Fiscally Conservative, but evaluating State actions to withhold local revenues collected and impacts of COVID-19
- For example, Intergovernmental Revenue for the FY 21 Budget (\$1,937,500) is slightly less than FY 19 Actual (\$1,993,515). This is approximately equivalent to a 5% reduction per year from actual. Monitoring, but no change at this time.
- Revenue driven by growth – Development activity continues to be strong (property tax valuation continues to increase). Monitoring activity weekly.
- If needed, the following actions will be taken in FY 2021 if revenues underperform:
 - Delay new position hiring and all associated vehicles, equipment, and expenses.
 - Delay capital projects not tied to bank loan
 - Delay non-capital equipment purchases
 - Limit travel and training (other than to maintain/obtain certifications)
 - Delay maintenance and repairs on non-critical items (no health/safety impact)
 - Suspend façade grant and limit economic development services
 - Freeze filling of non-public safety job openings

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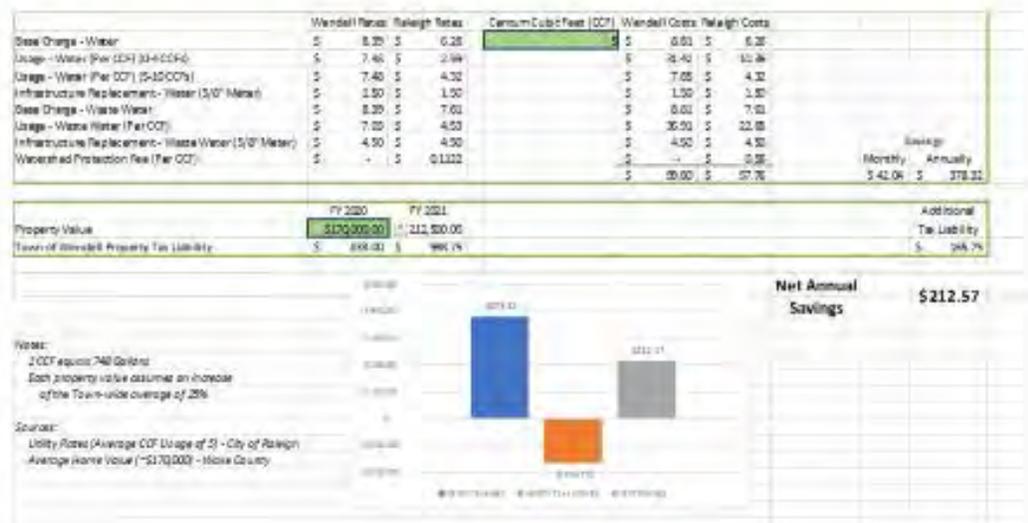


Complete merger with Raleigh utilities

- Approximate cost to Merge on July 1, 2020 is \$4.7 million
- Staff proposes to complete the Merger effective October 1, 2020 (9 months early) by using the following resources:
 - \$2,000,000 set aside for purchasing additional allocation
 - \$1,000,000 revenue above projection FY 2020 (may be lost due to COVID-19)
 - \$1,700,000 utility revenue collected in 1st Quarter of FY 2021 by Raleigh
- Completing the Merger will retire past utility debt and provide a net savings for most residents in FY 2021.



Achieve a net savings to citizens



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WENDELL BOARD OF COMMISSIONERS

Agenda Item #5a: Public Hearing for the proposed Fiscal Year (FY) 2020-2021 Town of Wendell Budget

The following charts provide a highlight of revenues and expenses for FY 2021:

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WENDELL BOARD OF COMMISSIONERS

Agenda Item #5a: Public Hearing for the proposed Fiscal Year (FY) 2020-2021 Town of Wendell Budget

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5-year capital improvement plan FY 2021 Capital Budget

- **Transportation and Infrastructure:**
 - Wendell Boulevard Pedestrian Project \$1,629,164
 - Multi-Purpose Trail Project (Main St. Ext.) \$300,000
 - Neighborhood Improvement Program (Zone 1) \$1,093,540
 - Park Access Road & Repaving Project \$1,100,000
- **Vehicles, Equipment, and Technology:**
 - Light Tower / Generator \$15,000
 - (2) Pick-up Trucks (1 new/1 replace) \$72,000
 - Kioti UTV \$19,000
 - (4) Police Vehicles (2 new / 2 replace) \$248,000
 - Technology Replacement (15 computers) \$25,000
 - Front End Loader \$70,000



5-year capital improvement plan FY 2021 Capital Budget

- **Buildings, Grounds, and Land:**
 - Wendell Park Tennis Court Lights \$23,000
 - Park Land Acquisition \$465,520
 - Town Hall Project \$6,100,000
 - ADA Transition Plan \$32,000
 - Neighborhood Park Design \$25,000
- **Economic and Community Development:**
 - Comprehensive Land Use Plan (Year 2) \$90,000
- 16 Projects totaling \$11,317,224

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Debt Schedule

Annual Debt Service Requirements					
Year Ending June 30	Governmental Activities		Business-type Activities		Total
	Principal	Interest	Principal	Interest	
2020	\$ 391,255	\$ 68,123	\$ 417,048	\$ 39,957	\$ 916,383
2021	\$ 331,035	\$ 59,010	\$ 417,048	\$ 29,572	\$ 836,665
2022	\$ 332,813	\$ 50,906	\$ 417,048	\$ 19,187	\$ 819,954
2023	\$ 215,733	\$ 42,780	\$ 381,866	\$ 8,802	\$ 649,181
2024	\$ 205,500	\$ 36,520	\$ -	\$ -	\$ 242,020
2025-2029	\$ 816,500	\$ 94,188	\$ -	\$ -	\$ 910,688
2030-2031	\$ 200,000	\$ 13,160	\$ -	\$ -	\$ 213,160
	\$ 2,402,836	\$ 364,687	\$ 1,633,010	\$ 97,518	\$ 4,588,051

Computation of Legal Debt Margin	
Estimated Assessed Value - FY 2020	\$ 750,097,606
Debt Limit (at 8% of assessed value)	\$ 60,007,808
Net Debt	\$ 10,508,100
Legal Debt Margin	\$ 49,499,708

FY 2021 Estimated Changes in Long-Term Debt				
	Estimated Balance June 30, 2020	Estimated Additions	Estimated Retirements	Estimated Balance June 30, 2021
General Fund Debt	\$ 2,398,145	\$ 8,500,000	\$ 390,045	\$ 10,508,100
Water and Sewer Fund Debt	\$ 1,273,523	\$ -	\$ 1,273,523	\$ -
Total Debt	\$ 3,671,668	\$ 8,500,000	\$ 1,663,568	\$ 10,508,100



General fund reser

	Fiscal Year								
	2011	2012	2013	2014	2015	2016	2017*	2018	2019
Restricted	\$ 441,449	\$ 565,157	\$ 310,202	\$ 416,973	\$ 229,137	\$ 374,034	\$ 1,364,711	\$ 362,791	\$ 450,652
Committed	\$ 1,239,884	\$ 1,249,178	\$ 386,131	\$ 263,203	\$ -	\$ -	\$ -	\$ -	\$ -
Assigned	\$ -	\$ -	\$ 222,869	\$ 125,000	\$ 891,480	\$ 18,000	\$ 176,970	\$ 245,800	\$ 696,500
Unassigned	\$ 1,755,351	\$ 2,833,622	\$ 3,400,310	\$ 3,952,032	\$ 3,852,598	\$ 5,052,270	\$ 5,328,810	\$ 6,030,012	\$ 6,336,576
Total	\$ 4,436,684	\$ 4,637,957	\$ 4,319,512	\$ 4,757,208	\$ 4,983,125	\$ 5,444,294	\$ 6,870,491	\$ 6,638,603	\$ 7,483,728
Change in Total Fund Balance	\$ 391,553	\$ 201,273	\$ (318,448)	\$ 437,696	\$ 225,917	\$ 481,168	\$ 1,426,197	\$ (211,886)	\$ 846,125
Change in Assigned/Unassigned Fund Balance	\$ 78,771	\$ 789,557	\$ 433,853	\$ 676,956	\$ 316,282	\$ 835,510	\$ 770,032	\$ 757,264	

Assigned Fund Balance is designated fund balance appropriation for succeeding budget year.
 * Reporting loan proceeds to spend in FY 2018

• BUDGETARY FUND BALANCE CALCULATION

- FY 2021 Operating Budget
 - \$19,507,171 Total - \$11,317,224 Capital = \$8,189,947 Operating
- 2019 Unassigned Fund Balance / 2021 Operating Budget * 100% = FY 21 Budgetary Fund Balance
- \$7,483,728 / \$8,189,947 * 100% = **91.4%**
- Exceeds Town Policy (40%) and Local Government Commission minimum (8%)

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TJCOG BROWNFIELD COALITION (\$4K)

FAÇADE GRANT (\$10K)

ECONOMIC DEVELOPMENT CONSULTANT (\$38K)

COMPREHENSIVE PLAN UPDATE (\$80K)

NEIGHBORHOOD IMPROVEMENT PLAN FOR ZONE 1 INCLUDES INFRASTRUCTURE IMPROVEMENTS, HOUSING IMPROVEMENTS, AND INFILL HOUSING DEVELOPMENT WEST OF DOWNTOWN

Implementing the strategic plan goal 1: downtown vibrancy, economic growth, and community character

- CALEA Manager position funded full-year
- Two (2) new positions will add capacity for community engagement and department training
- Department supplies, uniforms, and training increased
- Employee wellness program continued
- Wendell Blvd Pedestrian project increases safety in Wendell Elementary area
- Neighborhood Improvement Program for area west of Downtown to improve infrastructure and housing



IMPLEMENTING THE STRATEGIC PLAN GOAL 2: PUBLIC SAFETY & NEIGHBORHOOD IMPROVEMENT



TOWN OF WENDELL
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-  Stormwater Manager Position and curb and gutter improvements
-  Road improvements in Neighborhood Improvement Program area and access to park
-  Sidewalk improvements in neighborhoods, access to park, and Wendell Blvd.
-  Utility Merger planned for October
-  Intersection improvements at Wendell Blvd and Wendell Falls Pkwy
-  Wendell Blvd Pedestrian Project funded
-  Solid Waste contract resolves inefficiencies in leaf & limb service

-  Design for "first" neighborhood park from Master Plan for PARTF submission to build in FY 22
-  Design and construction of "first" greenway segment to connect Downtown to Park and Wendell Falls
-  Open Space acquisition for passive recreation, greenway, and road connection
-  Tennis Court lights and repaving at Wendell Park



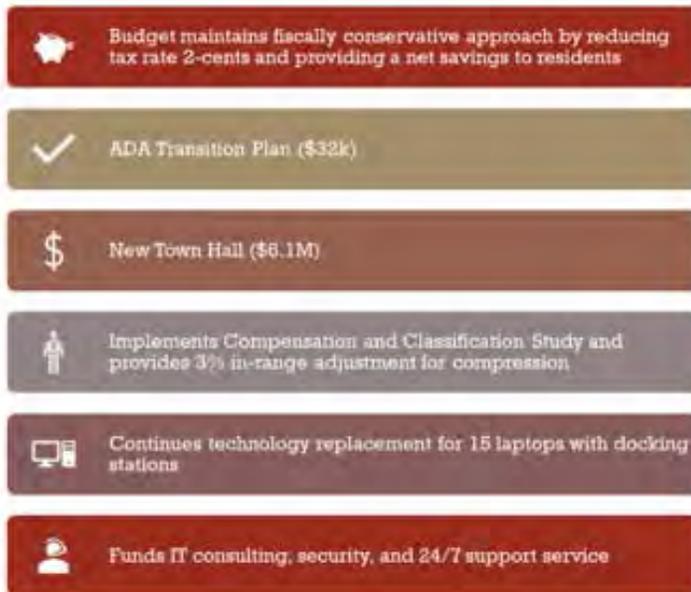
**IMPLEMENTING THE STRATEGIC PLAN
GOAL 3: INFRASTRUCTURE,
TRANSPORTATION, AND
THE ENVIRONMENT**




**IMPLEMENTING THE STRATEGIC PLAN
GOAL 4: PARKS,
RECREATION, SPECIAL
EVENTS, AND CULTURE**



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BUDGET SCHEDULE – NEXT STEPS

- January Review of financial policies and initial budget materials provided to departments
- January Board Organizational Retreat presentation on the Strategic Plan
- February Merger Evaluation with Raleigh Utilities
- February Board Budget Retreat
- March Department budget requests submitted to Budget Officer
- April 27 Board Budget Work Session
- May 6 Presentation of Manager's Recommended Budget
- **May 11 Budget Hearing**
- May 26 Budget, Levy Tax Rate, and Fee Schedule Adoption
- August – November FY 22/FY 23 Strategic Plan Development and Adoption

Mr. Collins said that the Town will continue to accept Public Comment on the Budget Hearing item for the next 24 hours, which would be provided to the Board in advance of the Board taking action at the next Board meeting, as required by statute.

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The following Public Comments and responses were provided during the 24-hour written public comment period after May 11th according to NC G.S. 166A-19.2. Comments were noticed to be sent to the town clerk at mhoward@townofwendell.com or bkay@townofwendell.com

Hello Town Manager,

My Name is Charles Cangialosi

My Address is 1808 Colonial Berry Drive.

My question is focused on the FY 20/21 Budget.

- Capital Budget request for 4 Police Vehicles- 2 new /2 replacements \$248,000

As a past Town Council Member/Town Commissioner in another state, I have found that leasing Police Cruiser to be more fiscally prudent than purchasing said vehicles. This is especially true in small towns that lack the necessary infrastructure to maintain these vehicles which experience demanding conditions that lead to frequent mechanical breakdowns. This can lead to costly operating costs requiring the town to outsource repairs & maintenance that they surely will incur.

I am wondering if the Commissioners and or Town Manager have investigated this option which in the long run over time would be less expensive when you consider the **operational costs** too. This is will only grown exponentially as your long term plans forecast a larger police presents.

Thanks,

Charles Cangialosi

To which Town Manager Marc Collins responded:

Hi Mr. Cangialosi:

Thank you for your input on the potential to lease police vehicles versus purchase as a budget comment. I will forward your comment to the Board of Commissioners with this response for awareness.

Yes, the Town does evaluate lease versus purchase for vehicles and equipment. For example, the RAVO street sweeper used by the Town is an example of an equipment lease.

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The Town evaluated fleet leasing options earlier this year and determined that our current fleet size does not provide sufficient efficiencies to lease at this time. We will continue to evaluate such options regularly as the Town continues to grow.

Thank you again for your input.

Marc

Marc Collins, ICMA-CM
Town Manager

The Town also received the following correspondence:

Hello,

There seems to be a mistake on Public Buildings and Grounds explanation section. see attached

Public Buildings and Grounds

Find (3/175)
 capital
 Previous

Description of Service:
 Public Buildings and Grounds is a budget cost-center used to track expenses for buildings and grounds used or owned by the Town of Wendell.

Revenues:
No revenues are directly attributed to Public Buildings and Grounds.

Expenditures:

	FY 2020	FY 2021	% Change
Personnel	0	0	0
Operating	\$165,840	\$174,370	5.1
Capital	\$185,000	\$10,513,224	5,682.8
Total	\$350,840	\$10,872,594	2,999

\$10,598,224

Summary of Department Budget:
 Reductions in operations in no non-capital equipment (-\$7,000) and senior center scheduled maintenance (-\$1,200). Operations highlights include increased maintenance and repair for building and grounds (\$7,500), landscaping contract (\$5,000), and facility and equipment rental (\$4,200). Significant capital projects are included in the budget though the Town Hall (\$6,100,000), Park Access Road and Repaving Project (\$1,100,000), and Wendell Boulevard Pedestrian Project (\$1,629,164) will extend beyond FY 2021. Additional capital projects in FY 2021 in Building and Grounds include the Neighborhood Improvement Program for Zone 1 west of Downtown (\$1,093,540), Main Street Extension Multi-Use Trail (\$300,000), and the Buffalo Creek Open Space Acquisition Project (\$465,520).

10.0K?

Thanks,

Charlie

To which Mr. Collins responded with the following emails:

TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
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Thanks! We will double check those numbers and make corrections needed.

Marvin “Marc” Collins, ICMA-CM

Town Manager

Town of Wendell

Nickvs11@yahoo.com:

Thanks again, the number \$10,698,224, is correct. It also matches the number in the line item budget preceding the department section. I likely pulled the number from an older spreadsheet version and failed to correct the dated “typo” after updating the open space land acquisition number based on grant request numbers.

Appreciate the sharp eye again!

Yours in service,

Marc

Marvin “Marc” Collins, ICMA-CM

Town Manager

Town of Wendell

To which Charlie replied:

Hello Mr. Collins,

No worries it looked like the FY 2021 figure was the difference between the proposed 2021- FY 2020. I am glad you received this as a curiosity gesture not a criticism.

Thanks,

Charlie

Mayor Gray opened the public hearing. No comments were submitted. Mayor Gray closed the public hearing. This item will be voted upon at the May 26, 2020 Town Board

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
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meeting.

6. ADMINISTRATIVE ITEMS

- 6a. Amendment of *Article VII Holidays and Leaves of Absence of the Town of Wendell Personnel Policy* related to Sick Leave and compliance with the Family Medical Leave Act (FMLA).

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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

Item Summary:

The Family Medical Leave Act (FMLA) are Federal requirements that guide rights for employees in the use of leave for medical reasons or the care of others. The requirements change dependent on the type of business (public versus private) and the size of business. The Town of Wendell passed such a size threshold for Federal regulatory compliance when its number of employees exceeded 50 in FY 2019.

The attached policy amends the Town of Wendell Personnel Policy to maintain compliance with FMLA requirements as it relates to sick leave. The amendment removes language that refers to pre-FMLA Town policy and replaces it with Federal requirements and practices under FMLA.

Mr. Collins offered to answer any questions that the board might have. No questions were asked.

ACTION

Mover: Commissioner Lutz moved to approve the Amendment of Article VII Holidays and Leaves of Absence of the Town of Wendell Personnel Policy related to Sick Leave and compliance with the Family Medical Leave Act (FMLA).
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
Nays: None.
Vote: 5-0

- 6b. Resolution Declaring Official Intent for the Reimbursement of Capital Expenditures and to Finance the Cost of the Projects through the Issuance of Debt pursuant to United States Treasury Regulations Section 1.1 50-2

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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Mr. Collins presented the following staff report, below in italics:

Item Summary:

During the budget process, the Board of Commissioners authorized staff to incur expenditures related to undertake site improvements and construction of a new Town Hall facility. Staff met with the Local Government Commission (LGC) on February 19, 2020 to discuss the financing of the new Town Hall facility. At the meeting, it was recommended by the LGC that the Town adopt a resolution with the intent to reimburse the Town with the debt proceeds at the time of debt issuance. As a result, staff is requesting that the Resolution declaring official intent to reimburse the expenditures to undertake site improvements and construction of a new Town Hall facility in addition to expenditures for construction of a new park access road and resurfacing of existing park access roads, repaving of West Academy Street as part of a neighborhood improvement program, installation of sidewalks on Wendell Boulevard (from Wendell Elementary School to the Food Lion shopping center) and expansion of the Wendell Boulevard-Wendell Falls Parkway intersection as part of a pedestrian project, acquire land designated for future park use, and installation of a multi-purpose trail be adopted.

Mr. Collins offered to answer any questions that the Board might have. No questions were asked.

ACTION

Mover: Commissioner Boyette moved to adopt the Resolution Declaring Official Intent for the Reimbursement of Capital Expenditures and to Finance the Cost of the Projects through the Issuance of Debt pursuant to United States Treasury Regulations Section 1.1 50-2
 Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
 Nays: None.
 Vote: 5-0

6c. Amendment to the Solid Waste Services Contract between the Town of Wendell and Waste Industries LLC (dba GFL Environmental) to Extend the Contract Five (5) Years effective July 1, 2020.

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

Mr. Collins presented the following staff report, below in italics:

Item Summary:

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The Town of Wendell contracts with Waste Industries for the provision of solid waste services. The current contract is scheduled to expire on June 30, 2020. The proposed contract amends the costs, services, and length of the contract to extend the service provision for an additional five (5) years with an effective date of July 1, 2020.

The proposed contract provides for the following:

- *Extends the length of contract for an additional five (5) year period.*
- *Adds weekly, curb-side yard waste service for residential customers by 96-gallon rollout container. (No additional cost. The Town will cover in the existing Solid Waste Fee that remains the same in FY 2022).*
- *Sets rates for services. The current rates remain the same for FY 2021 and FY 2022. The following three (3) years, rates will increase by 2% per year to cover cost of living increases. (This reflects the 20-year average of the consumer price index (CPI) for the industry in this area).*
- *The Town pays for actual disposal costs for yard waste going to the City of Raleigh Yard Waste Facility. (The Town currently pays for this cost. The current rate is \$25 per ton.).*
- *Recycle processing cost for FY 2021 will be \$1.27. It will be reviewed annually and based on actual charges. (This has been an increasing cost for haulers due to increased recycling content standards by material receivers).*
- *Addition of a dedicated customer service line for Wendell customers. (Currently the Town is responsible for receiving the concern and entering the information in the Waste Industries online portal).*
- *All other terms and conditions of the contract remain the same.*

The contract provides a continuation of existing service levels for trash and recycling with known costs for the duration of the contract. The additional services for yard waste and customer service line provide significant efficiencies in cost and time for the Town, while maintaining the weekly service to residents. The yard waste service change will provide for the following:

- *Residents will place any vegetative yard waste in the 96 gallon roll out can for curbside pickup on a set day each week (as needed).*
- *Waste Industries will have dedicated trucks to pick up yard waste (not comingled with trash and/or recycling).*
- *The Town will discontinue its weekly yard waste route and only provide occasional scheduled or leaf season service. Residents will not leave loose yard waste at the curb, but use the rollout cans instead. This benefits the town stormwater program as well.*
- *The Town will establish a large yard waste pickup service for residents that have too much waste to fit in the can over several weeks. The large waste pickup will be available a couple times per year at no additional charge, but must be scheduled in advance.*

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- *The Town will establish a “leaf season” pickup schedule to remove leaves from curbside by zones during “leaf season”. This will be provided at no additional charge to residents and will be in addition to the weekly rollout service provided by Waste Industries.*

The cost increases in the FY 2021 service level do not require an increase to the Town solid waste fee of \$22 per month. As such, the residents will not experience a rate increase this year. Future years will be evaluated during the annual budget process.

Once approved, staff will work with Waste Industries to develop a service change communication plan and schedule for delivery and use of the yard waste cans and customer service line.

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

Mayor Gray stressed the importance of effective communications during this transitional period.

Mr. Collins said that calls received to Town Hall would have a dedicated line that would connect callers with Waste Industries directly. He said that there is a tremendous amount of communications and helping people through the change.

Commissioner Joyner thanked Mr. Collins for this cost savings in the budget and the reorganization in providing better service. He said that the phone line will be of a huge help to town staff. He asked if Waste Industries would be providing the Town with a report on yard waste collected and calls received.

Mr. Collins said that within the contract, public works staff will have a performance portal that will show how many calls Waste Industries has taken, the location of those calls and what the nature of the calls are. Outsourcing this service will not prevent the town for holding the agent accountable for holding the terms of the contract.

ACTION

Mover: Commissioner Lutz moved to approve the Amendment to the Solid Waste Services Contract between the Town of Wendell and Waste Industries LLC (dba GFL Environmental) to Extend the Contract Five (5) Years effective July 1, 2020.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

- 6d. Update to the Pay Plan and Position Classifications to reflect the Piedmont Triad Regional Council Study completed in January 2020.

Staff Contact: Town Manager Marc Collins

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mcollins@townofwendell.com

Mr. Collins presented the following staff report, below in italics:

Item Summary:

The Town of Wendell Personnel Policy defines the Pay Plan as the salary schedule and the Assignment of Classes to Grades adopted by the Board of Commissioners. The salary schedule consists of minimum salary, maximum salary, and midpoint of the salary range for all classifications authorized by the Town. The Personnel Policy provides that the Town Manager and Human Resources Officer are responsible for administering and maintaining the Pay Plan. Each year, if appropriate, the Manager is responsible for recommending a market adjustment amount based on a variety of factors including the Pay Plans of comparative local governments. The Board of Commissioners is responsible for the adoption of any changes to the assignment of classes to the grades.

The Town contracted with human resource consultants from the Piedmont Triad Regional Council to conduct the Town of Wendell Pay Plan and Position Classification Study which was completed in January 2020 and presented to the Board of Commissioners at the March 9, 2020 meeting. The findings of the Study are incorporated into the FY 2021 Budget with an additional 3% in-range adjustment in grade to address compression and maintaining market competitiveness through next fiscal year.

There are two (2) changes to the Pay Plan from the consultant presentation in March; the addition of a Parks Maintenance Supervisor (Grade 19) and a Stormwater Program Manager (Grade 25). While included in the presentation and recommended plan by the consultant, it is also worth noting that the proposed Pay Plan includes adding the Town Manager position (Grade 43) to the plan for the first time.

The proposed Pay Plan and implementation sets the grades and salaries at the market average and corrects the variances in the grades as presented by the consultants in March

Mr. Collins offered to answer any questions that the board might have.

Commissioner Joyner thanked Mr. Collins for his work on this and said that this is important to keep and support good talent.

ACTION

Mover: Commissioner Joyner moved to Update to the Pay Plan and Position Classifications to reflect the Piedmont Triad Regional Council Study completed in January 2020.
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
Nays: None.
Vote: 5-0

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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:

- Commissioner Jason Joyner – Wendell Volunteer Fire Department Board of Directors
Commissioner Joyner said County Budget is being processed and the Fire Commission is doing the same. The new Wendell Fire Station has taken on a 30% increase in staff. Mr. Joyner said that Wake County is a leader in Cardiac Arrest Management and said that the county acknowledges the code safe ceremony. He said there were a lot of code saves this year, and the ceremony is postponed. However, he wanted to highlight that one of the Code Saves was done by Commissioner Boyette, whom he thanked for his service to the community.

8. COMMISSIONERS' REPORTS / COMMENTS

Commissioner DeLoach encouraged residents to look at the Wendell budget and reminded them of the 24-hour period to give public comment. Mr. DeLoach reminded residents of the Citizen Advisory Board vacancies and application process being closed. He encouraged those interested to reach out to him and encouraged people to shop local. Mr. DeLoach wished his wife a happy anniversary and thanked her for all that she does for the community.

Commissioner Lutz encouraged citizens to give their thoughts on the budget. He said those who have applied to Citizen Advisory Boards can reach out to Commissioners. Mr. Lutz thanked town staff for working on the budget, which is exciting to read through.

Commissioner Tarnaski said he's glad that the Town is in Stage 1 and he is looking forward to everything being reopened in Wendell.

Commissioner Boyette thanked Commissioner Joyner for his kind words. He said he's been with the fire department for 20 years and this is his second or third code save, making it a rare occurrence that he takes seriously. He said he's much happier for the person that got to see their family again. He thanked town staff for all the work they put in on the budget during the pandemic. Mr. Boyette said that it's a great budget and being able to pull 2 cents off the tax rate means the town has worked hard on recognizing opportunities where they exist, and that Wendell is a growing community with increasing property values.

Commissioner Joyner thanked town staff on the budget and encouraged citizens to reach out to the Board with questions or concerns.

9. MAYOR'S REPORTS / COMMENTS

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Mayor Gray thanked the finance director and town manager for their hard work on the budget. She thanked all citizens for their patience while the town figures out its technology in holding public meetings. She said that everything the town does now takes extra steps and reminded citizens to be patient with staff. She reminded residents that the Farmer's Market begins Saturday, May 16th and goes until October every Saturday from 9 a.m. to 1 p.m. She said that there are 8 members expected at the grand opening.

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

ACTION:

Mover: Commissioner Joyner moved to adjourn at 8:29 p.m.

Vote: 5-0

Duly adopted this 13th day of July 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk

TOWN OF WENDELL
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The Wendell Town Board of Commissioners held their virtual, regularly-scheduled meeting on Tuesday, May 26, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

ABSENT:

STAFF PRESENT: Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley (virtually), Assistant to the Manager Stephanie Smith, Assistant Planning Director Bryan Coates, and Police Chief Bill Carter.

SPECIAL NOTICE

Due to the Declared State of Emergency in response to the COVID-19 Virus, the Town of Wendell has altered the traditional meeting process to accommodate and encourage positive public health practices. The Town is incorporating virtual meeting practices to continue the work of the Board of Commissioners while taking proactive measures to maintain transparency and provide for public comment.

The public is encouraged to remain home and watch the business meeting on Facebook Live, or after it is posted to the Town website, or by calling (919) 375-6880 and listening to the meeting. No direct access to Town Hall will be allowed.

Public Comment period for the May 26, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to mhoward@townofwendell.com or submit a request to call in and teleconference during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, May 22nd at 5 p.m.

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

Police Chief Bill Carter led the Pledge of Allegiance.

Pastor Wallace Johnson of the Wendell Council of Churches provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

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ACTION

Mover: Commissioner Jon Lutz moved to add item 3b to the Consent Agenda:
 Continuation of a relationship with the Wake County Tax Collection Office for
 the collection of property taxes for the Town of Wendell.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

2. PUBLIC COMMENT PERIOD

- The Public Comment period for the May 26, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to mhoward@townofwendell.com by Friday, May 22th at 5 p.m.

or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, May 22th at 5 p.m. The Clerk will provide the call-in phone number and provide three (3) minutes to speak on any non-public hearing item or topic.
- Questions or comments regarding specific agenda items may be directed to the contact person provided for the individual items on the agenda below for additional information before or after the meeting.

No public comment was received for this meeting.

Mayor Gray said that Commissioner Boyette is unexpectedly detained at the Fire Station for this meeting due to the State of Emergency. She asked for a motion to excuse him should something arise that he needs to be called away for duty.

ACTION

Mover: Commissioner Jon Lutz moved to excuse Commissioner Boyette should he be called away unexpectedly for duty in the event of an emergency.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

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

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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 Reports March 2020 and April 2020
- 3b. Continuation of a relationship with the Wake County Tax Collection Office for the collection of property taxes for the Town of Wendell

Item 3b was an addition to the agenda and its cover sheet and attachment are below, in italics:

Item Title:

Continuation of a relationship with the Wake County Tax Collection Office for the collection of property taxes for the Town of Wendell

Specific Action Requested:

Approve the authorization of the Wake County Revenue Department to collect taxes on behalf of the Town of Wendell.

Item Summary:

The Wake County Revenue Department provides the Town of Wendell with tax collection services that include billing, collecting, and distributing tax revenue via wire transfer. The County requests annual granting of that authority through the attached form.

Attachment:

- A. *Authorization for the Wake County Revenue Department to provide the Town of Wendell with tax collection services*

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TOWN OF WENDELL

NORTH CAROLINA

BOARD OF COMMISSIONERS

STATE OF NORTH CAROLINA

COUNTY OF WAKE

To the Revenue Director of the County of Wake:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Wake County Revenue Department in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Wendell and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Witness my hand and office seal, this 26th day of May, 2020.

Virginia Gray, Mayor
Town of Wendell, North Carolina

ATTEST:

Megan Howard, Town Clerk

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ACTION

Mover: Commissioner Jon Lutz moved to approve the Consent Agenda, with item 3b added.
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
Nays: None.
Vote: 5-0

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

No recognitions, reports, and presentations.

5. PUBLIC HEARINGS

PLEASE NOTE: Due to the current State of Emergency and in the interest of public health, the following accommodations will be made to allow public participation in public hearings, but no public attendance at Town Hall will be permitted. No Board action on public hearing items will occur if a virtual meeting is used to conduct the public hearing. The item will be continued and the public will have 24 hours from the end of the meeting to provide comments on the public hearing item.

- Public participation for public hearing items on the agenda for the May 26th, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public hearing comments to the Town Clerk via email to mhoward@townofwendell.com by Wednesday, May 27th at 10 p.m. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments received by Friday, May 22 at 5pm will be provided to the Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting. Comments will be received for 24 hours after the meeting and provided to the Board prior to action.

Or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, phone number, and item number they wish to speak on to the clerk via email by Friday, May 22th at 5 p.m. The Clerk will provide the call-in phone number and provide five (5) minutes to speak on any non-public hearing item or topic. Comments made by phone will be recorded and transcribed to maintain the public record.
- If you have questions regarding an agenda item, please email the staff contact directly in advance of the meeting. If preferred, you may call Town Hall at (919) 365-4450 to be directed to speak with the staff contact for the agenda item(s) of interest.

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Communications of this type will not be included in the meeting minutes.

- 5a. PUBLIC HEARING: Public Hearing on an R7 Conditional District for property located at 1425 Eagle Rock Road

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

The applicant's proposed R7 Conditional District will feature 82 single family homes and 90 townhomes. This project is located on Eagle Rock Road, about one quarter mile north of Wendell Falls Parkway. The R7 Conditional District is being proposed to be consistent with the Comprehensive Plan as an area where moderate intensity new development is appropriate and to allow for more housing options.

The Overall Site Plan is included as Attachment A (Along with a link to the full Master Plan for download).

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.

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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 in the extraterritorial jurisdiction and is zoned Rural Agricultural (RA) and will need to be annexed into the Town of Wendell.

Project Profile:

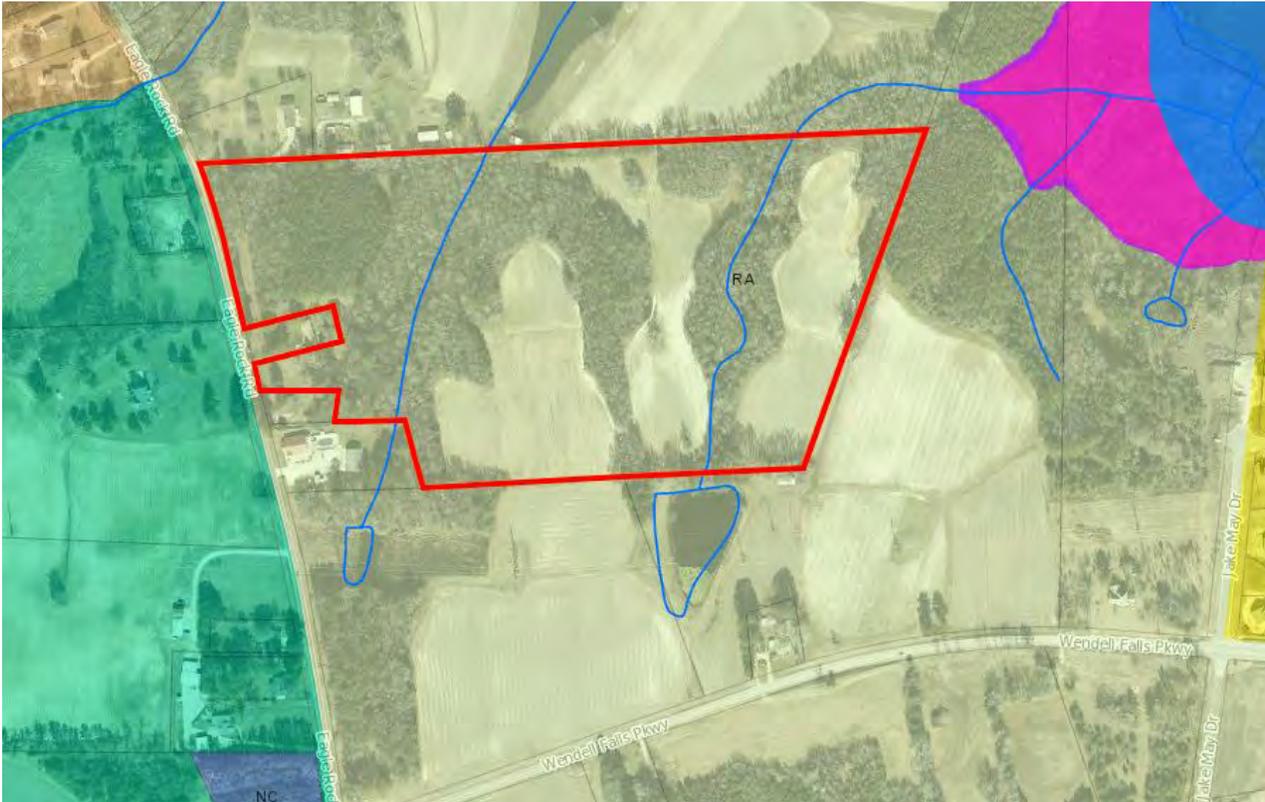
PROPERTY LOCATION:	1425 Eagle Rock Road
WAKE COUNTY PIN:	1773886927
CURRENT ZONING DISTRICT:	RA
CROSS REFERENCES:	N/A
PROPERTY OWNERS:	G&F Properties, LLC PO Box 767 Wendell, NC 27591-0767
APPLICANT:	Brian Duncan, The Spaulding Group, PA 1611 Jones Franklin Road, Suite 101 Raleigh, NC 27606
PROPERTY SIZE:	38.99 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Residential

Project Setting – Surrounding Districts and Land uses:

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

Current Zoning Map:

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Proposed Conditional District Conditions:

The applicant is proposing 7 conditions for the proposed CD, as follows:

1. *UDO Section 2.3 A. – Multifamily dwellings (limited to townhomes only) shall be a permitted use in R7 (CD), and the maximum number of townhomes shall not exceed 53% of the total number of units- UDO Section 2.7 B.2.*
2. *Townhome buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least (3) of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations): Dormers, gables, recessed entries, covered porch or stoop entry, cupolas or towers, pillars or posts, eaves (minimum 10" projection which may include gutter), off-sets in building face or roof (minimum 12"), bay windows, balconies, and decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, and similar features). Sufficient wall articulation is also required to avoid large unbroken expanses of roof or wall planes including the stepping of units and the use of bays and gables where appropriate.*

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3. *Garage doors shall either contain windows or carriage style adornments.*
4. *The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.*
5. *UDO Section 2.7 B. 1. – The minimum lot size for single-family shall be 4,400 sq. ft.*
6. *UDO Section 5 – Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.*
7. *UDO Section 9.7.E.4 – Maximum cul-de-sac length shall exceed 300’ on street ‘F’ only as necessary to preserve environmental and topographic features.*

Applicant’s Justification:

Applicants Justification Statement added as Attachment B in the Agenda Packet.

Public Utilities:

Development of this site will require connection to city water and sewer which will necessitate annexation.

Streets:

The Town’s Arterial and Collector Street Plan calls for widening and improvements to Eagle Rock Road (ultimately a 4-lane divided road; developer is responsible for improving to 3-lane undivided section). This would necessitate some widening and improvements along their frontage. They will dedicate the full R-O-W and construct the required road improvements along Eagle Rock Road. The development plan also includes a minor collector that includes bike lanes and sidewalks from Eagle Rock Rd to the stub on the eastern side of the property. The TIA is requiring a 250 ft. right turn lane from Wendell Falls Parkway onto Southbound Eagle Rock Road.

Phasing:

The applicant has indicated that there will be three phases on this project.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Area and a neighborhood center.

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

Neighborhood centers are “intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.”

The proposed development on the site meets the appropriate uses.



TRC Review:

- *The applicant has addressed all Technical Review Comments identified to date. If the master plan is approved, the TRC would also review the subsequent final development plan (construction drawings).*

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted 5-2 in favor of the requested Conditional District.

Voting in Favor: Ryan Zakany, Jonathan Olson, Brett Hennington, Jimmena Huffman-Hall and Deans Eatman

Voting Against: Michael Firstbrook and Allen Swaim

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Absent: Victoria Curtis and Levin Jones

Statement of Plan Consistency:

The proposed Conditional District is found to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector/Neighborhood Center and is reasonable to allow for diversity in housing options. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

Principle Number 6: “Provide for a range of housing opportunities including upscale housing, senior housing and downtown living choices.”

Staff Comments:

Staff supports the proposed conditional district.

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

Commissioner Lutz asked if Mr. Coates could go over the phases, again.

Mr. Coates pulled up the proposed development map and said that the bold lines on the map separate the phasing of the project. He said in the first phase, there would be single-family townhomes with a park. The second phase would include more bulk of the single-family townhomes and the amenity center. The third phase would contain two pocket parks and the greenway trail that would go over to phase 2.

Commissioner Lutz asked if the smaller, skinnier lines connote the townhome lots in the center of the map.

Mr. Coates confirmed that they are alley-loaded townhomes at the entrance. He said that entering the street will not have street-visible garages, as they will be located in the back alleyways.

Commissioner Joyner said in looking at the map’s amenities, it seems like most of them are in phase 3. He asked what the project’s timeline was for each phase.

Mr. Coates said phase 1 will include the park equipment as part of the water allocation policy requiring detailed information being given on the playground. Phase two will include the pool in the amenity center and another playground, while phase three includes the greenway trail with two small pocket parks with benches and shrubbery.

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Commissioner Joyner said the end product looks great, but he worries about the in-between.

Town Manager Marc Collins asked if Mr. Joyner was asking if each amenity has to be bonded with each phase of the project so that the people that are buying the lots know when they're getting each amenity.

Commissioner Joyner said yes, in addition to the likelihood of getting to phase three.

Mr. Collins said that the more expensive amenities are happening in the first two phases, with pocket parks and the trail in phase three. He said the pool gets bonded with phase 2, which is where most of the density is.

Commissioner DeLoach asked for confirmation on where the right turn lane coming in was.

Mr. Coates said it was coming from Wendell Falls that will go southbound on Eagle Rock Road. He said there will be a 250-foot right turn lane that's DOT-approved.

Commissioner Lutz asked about the surrounding two neighborhoods and what the differences are between the different zoning classifications between them.

Mr. Coates said the R7 District could request lots that are 3,500 square feet, although they are not, as this is a project that is closer to an R4 District. He said that because they're building townhomes, they need to ask for an R7 District as a legal interpretation. An R4 District's minimum lot size is roughly 6,000 square feet, while an R3 District minimum lot size is roughly 10,000 square feet and an R2 is roughly 15,000 square feet. He said, in this case, their average lot size is 5,800 square feet, with their minimum is at 4,400 square feet, making them in between an R4 and an R7.

Mayor Gray opened the public hearing and asked if the Board was hearing from the applicant.

Mr. Coates said that the applicant was available to answer any questions from the Board.

Commissioner Lutz asked what this development is going to add to the Town that the applicant feels will enhance the livability of citizens that are already here. He also asked about the phasing and what the pace will be between each phase.

Applicant Brian Duncan said he thinks that this project will bring a high-quality, diverse development with diversified housing types, high architectural standards, good connectivity to surrounding properties, extension of water and sewer infrastructure, will set up development along the corridor quite nicely, and will bring some needed traffic improvements to the intersection of Eagle Rock Road and Wendell Falls Parkway in the

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form of the right-turn lane as well as substantial widening in front of the project. Mr. Duncan said he thinks that the design of the master plan is mindful of the surrounding properties' uses, with substantial buffers and amenities on the site. He said that the strategy of the phasing would be able to provide all three lot types within each phase, with the exception of phase 3, which will be all single-family to be a better transition to the neighboring property to the east. Mr. Duncan said that the sewer infrastructure will begin from the east of the project all the way up to Eagle Rock Road, facilitating each phase along with the road improvements. He said each phase may be opening up every 6-8 months.

Mayor Gray said the Town received two written public comments for item 5a and asked the Clerk to read them into the record.

Town Clerk Megan Howard read the following public comments into the record:

1. **From: David Liles <davidliles71@gmail.com>**
Subject:

Jeannine/Bob,

Public notice that went out made no mention of the virtual format for the hearing tonight. Per Brian call in number is 919 375-6880.

It appears people may not be aware of this. Those that aren't definitely did not put in request to speak on virtual call.

I've copied my Robert Liles and a neighbor (Mr. Shirley) as both have interest in eagle rock road proposal and may have questions.

Below are couple of questions:

1) Buffers are supposed to protect neighboring properties from audio, visual, soil and water impacts from development. Plans show a buffer around the property except for several roads that are shown in the buffer zone. How does this buffer neighbor owners from the proposed use? If allowed, developer should be required to put up road barricades at property boundaries to help protect neighboring owners from theft, vandalism, trespassing and illegal dumping.

2) Eagle rock road will be widened to accommodate turn lanes for traffic.

Drainage ditches run parallel to both sides of the road. As the road is widened I presume the drainage ditches will be moved also. This could require ditches on neighboring properties to be moved to ensure proper water drainage and flow is maintained in the area. Is the developer going to ensure this is addressed as part of the road construction?

Mr. Liles also submitted the following photo of the notice:

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15 E. Fourth Street Wendell, NC 27591
Telephone: (919) 365-4448 Fax: (919) 366-1462 www.townofwendell.com

CD19-05

May 15, 2020

RE: Public Hearing Notice

Dear Property Owner,

Please be advised that the Wendell Board of Commissioners has scheduled a public hearing on Tuesday, May 26, 2020 at 7:00 p.m. in the Wendell Town Hall.

The purpose of the hearing is to consider a request by Brian Duncan of The Spaulding Group, PA to rezone approximately 38.99 acres of property located at 1425 Eagle Rock Rd and identified by PIN #1773-88-6927 from Rural Agricultural (RA) to a Residential 7 Conditional District (R7-CD) to be developed as a Single-Family and Townhome residential community.

Interested parties and citizens shall have an opportunity to speak and may obtain additional information on the request from the Town of Wendell Zoning Administrator, 15 E. Fourth Street, Wendell, North Carolina 27591.

Sincerely,

A handwritten signature in black ink that reads 'Jeannine Ngwira'.

Jeannine Ngwira
Planner 1, Town of Wendell
jngwira@townofwendell.com
(919)366-6889

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2. From: Robert Liles Robert.liles@duke.edu

Subject:

To encourage public participation, instead of having a virtual meeting because of COVID-19, why not postpone or delay the meeting? There was no mention of a cutoff date for comments on the flyer that was sent out. The flyer showed up on Thursday and there was no time to research anything before the cutoff time on Friday?

When did the virtual meetings thing come about? There was no mention of that on the flyer. Is this public transparency?

Is there truly a need for this housing? Wendell Falls is still a good ways from being at capacity?

Has there been a traffic study for the additional traffic that will be created by this subdivision?

It shows some road work, but it only in this area? Does it go all the way to Wendell Falls Parkway & Wendell Boulevard?

Once they get out of the subdivision they have to be able to get to the major roads.

Has there been a ground water quality study done? Will there be follow-up studies to make sure that the water quality does not decrease?

How are the water / sewer lines going to get across the wetlands to this property without adverse effects to the wetlands?

Is there an impervious/pervious study for this subdivision?

Do the local schools have the capacity to handle the amount of students that will live here?

Will all infrastructure (water, sewer, improvements to existing public roads, etc.) be in place before any building of dwellings begins?

Will there be noise & time restrictions on when work can be performed?

Has there be a study or research done to see how surrounding land values could be affected? (It seems to me that the small lot sizes would not help the surrounding land values.)

These are a few questions that I have off of the top of my head. With a little more time I will probably have had more.

Since the roads shown lead up to surrounding properties, what measure are going to put in place to keep people from being encouraged to drive or venture on to the surrounding properties?

Will the town of Wendell and the developer be assuming any responsibilities for damages that occur to surrounding property?

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What will be done to deter people from trespassing on the neighboring properties?

Will the developer or town be clearly marking the property lines to discourage people from trespassing?

Does the town or developer assume responsibility for people that may get injured while trespassing, if they do not put up adequate deterrents?

I hope that these situations never happen, but as we all know people have a sense of entitlement and seem to at times to do or go where they want even if they know better.

Robert Liles

919-470-4242

The following public comments and responses were provided within the 24-hour period after the May 26, 2020 Town Board Meeting in accordance with NC G.S. 166A-19.2:

Public Comments Submitted within 24-hour period after the meeting:

1. David Liles- Email 1)

There was no public hearing. We had no chance to speak. We could only listen

We are requesting that you make a condition of approval for the developer to put up barricades or gates at the end of the stub roads.

David Liles - Email 2)

My mom and brother's houses are shown by the purple squares below. Allowing them to build the stub roads to the property line is extremely impactful in a negative way for them. Would you want someone building a road right beside your house which is essentially the case – especially for my brother. There are other places on the property for the road to go or only have 1 road connecting to their property (northern boundary).

No other neighboring property has multiple stub roads touching it.

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2. Robert Liles: Email 1)

Unfortunately the public meeting notice mailed out to us made no mention of the virtual meeting – so we weren't allowed to speak. I've attached letter for reference. Hopefully future meetings will add details on how to submit comments, attend virtual call and register to speak. Nonetheless my brother and I emailed some of our questions late this afternoon to staff members. They were read during the meeting and the developer responded during tonight's meeting. Unfortunately my brother and I were not allowed to speak.

Below is a snapshot of the subdivision plan with the stub roads circled in red.

One of our biggest concerns is regarding the stub roads. Buffers are supposed to protect neighboring properties from audio, visual, soil and water impacts from development. Plans show a buffer around the property except for several roads that are shown being built in the buffer zone. How does this buffer neighbor owners from the proposed use? If allowed, developer should be required to put up road barricades at property boundaries to help protect neighboring owners from theft, vandalism, trespassing and illegal dumping. **We are requesting that you make a condition of approval for the developer to put up barricades/gates and increased buffer items (trees/shrubs) at the end of the stub roads.**

At this point I'm not sure why the developer has had no contact with our family to discuss ways to understand our thoughts/concerns regarding the development or discuss ways to minimize the impact to us as neighbors. Only contact has been regarding their interest to buy our property. Hopefully you understand our concerns and are willing to discuss/explore options to make this proposal work for all parties involved.

Regards,

David Liles (919) 272-9976

Robert Liles (919) 210-7832

(more questions below the image.)

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entrance, the bus turned around on Eagle Rock Road by stopping and backing onto the entrance road and pulling back out and going in the opposite direction. While this was happening cars were backing up in each direction.

Thanks for your time,

Robert Liles (919-470-4242 (work))

Mr. Robert Liles spoke with the Town Clerk on the phone about those questions highlighted in yellow. He was informed that he would need to call the Wake County Public School System for questions concerning the school bus operations.

Robert Liles Response from Assistant Planning Director Bryan Coates-Email 2:

Good Evening Mr. Liles, please see my response to questions that you emailed to Town Council members below. My comments are in **blue** and if you have any questions, please feel free to message me.

Bryan

Bryan Coates

Assistant Planning Director

Town of Wendell

919-366-6888

bcoates@townofwendell.com

From: Robert Liles <robert.liles@duke.edu>

Sent: Wednesday, May 27, 2020 10:23 AM

To: LILES, DAVID L <dl7784@att.com>; Phil Tarnaski - Commissioner <PTarnaski@townofwendell.com>; Jason Joyner - Commissioner

<JJoyner@townofwendell.com>; davidliles71@gmail.com <davidliles71@gmail.com>

Cc: Joe DeLoach - Commissioner <JDeLoach@townofwendell.com>; Jon Lutz - Commissioner <JLutz@townofwendell.com>

Subject: RE: Eagles Rise Subdivision - 1425 Eagle Rock Road

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I have a few questions listed below that I did not hear discussed at the meeting last night. I went thru the plans (9 sheets) I found on your website and did not see the information to answer the questions listed below.

Who are the roads maintained by? Wendell? Wake county? State? Privately (if so who)? **The proposed roads would be public streets and maintained by the Town of Wendell.**

How are the roads sloped? **The engineering design of the roads will be completed during the construction drawing phase. All roads would need to meet the Town of Wendell road requirements (Unified Development Ordinance 9.3 General Provisions for Street Designs) and approved by the Town Engineer (AMT Engineering). All streets must be designed as to provide for the discharge of surface water from the right-of-way of all streets. Street drainage facilities shall be designed in accordance with the Town's *Standard Specifications and Details* which is attached.**

If sloped to neighboring properties, what would keep water from running off of the dead end roads and potentially flooding surrounding properties especially during heavy rains? **Unified Development Ordinance Chapter 6.5 – Stormwater Runoff Provisions: Post-Construction Stormwater Ordinance requires that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm to reduce flooding, stream bank erosion, nonpoint and point source which means that no additional runoff can occur than what happens on site currently.**

All stormwater and erosion control plans would need Wake County approval as they provide that service for the Town of Wendell. No site work can be done without the grading, stormwater, and erosion control plans being approved.

There is no information, unless I overlooked it showing the final grading plan or road slope and drainage system plan. (Same question about the entire property depending on the final grading plan.) **The final grading plan that will contain the slope of the roads and the drainage system will be developed as part of the construction drawing phase of the proposal and would need Wake County approval as they provide that service for the Town of Wendell. No site work can be done without the grading, stormwater, and erosion control plans being approved.**

Weird question, will school buses go into this subdivision or just drop the kids off on Eagle Rock Road at the subdivision entrance? Depending on the answer, aren't there safety concerns first about the kids and then about traffic? I ask for 2 reasons: **General Statute 115C-246(b) states that "unless road or other conditions make it inadvisable, public school buses shall be routed on state maintained highways, municipal streets, or other streets with publicly dedicated right of way."** The roads proposed will be public streets maintained by the Town of Wendell and we anticipate the school buses will travel into the neighborhood.

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1.) I heard somewhere that school buses only go on roads maintain by certain agencies? Is this true? [See response above.](#)

2.) I came home early from work a few weeks back and this was happening at the subdivision up the street from there. After dropping of the kids at the subdivision entrance, the bus turned around on Eagle Rock Road by stopping and backing onto the entrance road and pulling back out and going in the opposite direction. While this was happening cars were backing up in each direction.

Thanks for your time,

Robert Liles (919-470-4242 (work))

From: LILES, DAVID L <dl7784@att.com>

Sent: Tuesday, May 26, 2020 10:35 PM

To: ptarnaski@townofwendell.com; jjoyner@townofwendell.com; davidliles71@gmail.com

Cc: jdeloach@townofwendell.com; jlutz@townofwendell.com; Robert Liles <robert.liles@duke.edu>

Subject: Eagles Rise Subdivision - 1425 Eagle Rock Road

Philip/Jason,

Thanks for taking your time earlier this evening to listen to my concerns regarding Eagles Rise Subdivision at 1425 Eagle Rock Road. I've also copied your fellow commissioners Jon Lutz and Joe DeLoach as well as my brother Robert Liles.

Unfortunately the public meeting notice mailed out to us made no mention of the virtual meeting – so we weren't allowed to speak. I've attached letter for reference. Hopefully future meetings will add details on how to submit comments, attend virtual call and register to speak. Nonetheless my brother and I emailed some of our questions late this afternoon to staff members. They were read during the meeting and the developer responded during tonight's meeting. Unfortunately my brother and I were not allowed to speak.

Below is a snapshot of the subdivision plan with the stub roads circled in red.

One of our biggest concerns is regarding the stub roads. Buffers are supposed to protect neighboring properties from audio, visual, soil and water impacts from development. Plans show a buffer around the property except for several roads that are shown being built in the buffer zone. How does this buffer neighbor owners from the proposed use? **The stub streets and firetruck turnarounds are not part of the required buffer. The Town of Wendell Unified**

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Development Ordinance requires all stub street be extended to the property line, a firetruck turnaround is required on all stub streets that are more than 150ft in length.

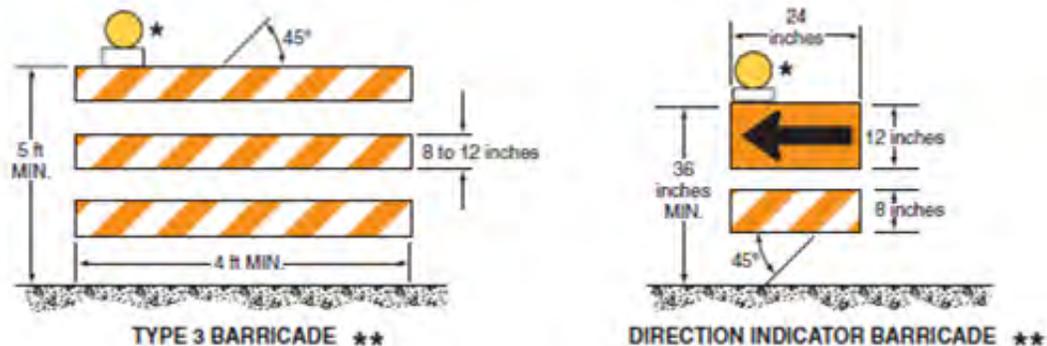
If allowed, developer should be required to put up road barricades at property boundaries to help protect neighboring owners from theft, vandalism, trespassing and illegal dumping. **We are requesting that you make a condition of approval for the developer to put up barricades/gates and increased buffer items (trees/shrubs) at the end of the stub roads.**

The Town's *Standard Specifications and Details* requires all regulatory signs shall meet the requirements of NCDOT's Standard Specifications for Roads & Structures. The location and types of regulatory signs shall be indicated on the construction drawings.

Barricades will be used to mark any of the following conditions: a roadway ends, a ramp or lane closed for operational purposes, or the permanent or semi-permanent closure or termination of a roadway.

Standard: When used to warn and alert road users of the terminus of a roadway in other than temporary traffic control zones, barricades shall meet the design criteria of Section 6F.68 for a Type 3 Barricade, except that the colors of the stripes shall be retroreflective white and retroreflective red. For all stub streets, this is required to notify drivers of the end of the road for safety considerations.

Type 3 Barricade as shown. Note the color for the end of street barricade would be red and white, note orange and white.



* Warning lights (optional)

** Rail stripe widths shall be 6 inches, except that 4-inch wide stripes may be used if rail lengths are less than 36 inches. The sides of barricades facing traffic shall have retroreflective rail faces.

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Robert Liles
919-470-4242 (work until 3 pm)

Response to Robert Liles' Email #3: Sent on 5/29 from the Town Clerk:

Mr. Liles,

The questions you asked, as well as Bryan's responses he emailed, will be provided in the agenda packet for the board at the June 8th meeting. They will be typed into the minutes for the May 26th and June 8th meeting, which will be completed after the previous 3 meeting minutes are completed and approved by the board.

Mr. Coates addressed the questions asked at the May 26th meeting. You can watch the meeting on the [Town's YouTube page](#), if you were unable to hear his responses on the call-in line. Statutorily, town staff is not required to answer questions during Public Comment period, as it is meant for citizens to provide comments on their approval/disapproval on an item for five minutes.

The next Town Board meeting is June 8th. The Town Board meets the second and fourth Monday of every month, unless there's a holiday. Then, it meets the following day.

Thank you,

Megan Howard

Town Clerk

Town of Wendell

3. Rebecca T (no address given) Email 1)

Questions in regards to the Public Hearing help 26May2020:

For the property at 1425 Eagle Rock Rd. What will the average size for the single family homes and townhomes be? What is the target sale price for each?

Has a traffic study been done? I would strongly encourage this to be completed before approving the plan as it is proposed today as traffic at the Eagle Rock / Wendell Fall Parkway is dense at peak hours. With the proposed subdivision, it appears there is only one entrance and exit. Is there an opportunity to add additional entryways and exists?

With this land being annexed, how much tax revenue is the town projecting?

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Sincerely,
R.Taft

Assistant Planning Director Bryan Coates' Response to R. Taft's Email 1: Sent 5/28

Good Afternoon R. Taft,

Thank you for reaching out to the Town of Wendell on the public hearing for the development plan for 1425 Eagle Rock Road. My responses are in **blue** to the questions that you sent to Town Clerk Megan Howard. I have also attached the Traffic Impact Analysis that was completed and approved by NCDOT Congestion Management. If you have any additional questions or comments, please let me know.

Bryan

From: Rebecca T <beck2132@gmail.com>
Sent: Wednesday, May 27, 2020 5:32:59 PM
To: Megan Howard <MHoward@townofwendell.com>
Subject: Public Hearing Questions

Questions in regards to the Public Hearing help 26May2020:

For the property at 1425 Eagle Rock Rd. What will the average size for the single family homes and townhomes be? What is the target sale price for each? **The size and the prices of the single family homes and townhomes are not required as part of the development review by the Town of Wendell. The size of the homes and prices would be determined by a builder at a later date. The consideration of home values is not a legal consideration for a rezoning request under the Fair Housing Act.**

Has a traffic study been done? I would strongly encourage this to be completed before approving the plan as it is proposed today as traffic at the Eagle Rock / Wendell Fall Parkway is dense at peak hours. With the proposed subdivision, it appears there is only one entrance and exit. Is there an opportunity to add additional entryways and exists? **A Traffic Impact Analysis (TIA) was completed for the proposal at 1425 Eagle Rock Road. The TIA does require the developer to construct a 250ft right turn lane from Wendell Falls Parkway eastbound onto southbound Eagle Rock Road. The Town of Wendell requires the developer to widen the portion of Eagle Rock Road that the development proposal fronts. The development proposal contains five future stub roads that would allow for more connections when neighboring properties develop. The TIA for 1425 Eagle Rock Road is attached for reference.**

With this land being annexed, how much tax revenue is the town projecting? **The proposed development meets the criteria for annexation. A tax revenue projection is not required as the housing size and cost have not been determined.**

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Sincerely,
R.Taft

Bryan Coates

Assistant Planning Director

Town of Wendell Planning

15 East Fourth Street

Wendell, NC 27591

919-366-6888

bcoates@townofwendell.com



Mayor Gray asked if the applicant heard the public comments provided at the meeting.

Assistant Planning Director Bryan Coates said that the applicant was given the written comments received prior to the meeting. He said if the Board had any questions based on provided email comments, he can answer them. Mr. Coates said, concerning the stub streets, the Town requires stub streets or turn-arounds go to the property line, so that when the next property develops, there isn't a gap in the road. He said where the buffer is disturbed, it is because there's a stub street there as part of the Town's connectivity policy. Mr. Coates said there is not a groundwater study that was completed, as the project is on city water and city sewer and no wells will be drilled. As far as school capacity, when an applicant submits a subdivision plan, they fill out a form that's created by Wake County Public School System which talks about how many units and expected completion of those units. He said that the school system evaluates that information, yearly. Infrastructure such as water and sewer needs to be in place before any home construction begins. Road improvements need to be done before any CO's are given for any homes. He said that noise and time restrictions are stated in the town's UDO as 6 a.m. to 8 p.m. for allowed construction hours. The road improvements will just be for the frontage of the development's lots. He said the developer will not be

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widening other properties' frontage. During construction, silt fences go up around the property. Traditionally, there's always a stub with some kind of marking letting people know that the street is ending. Mr. Coates said that this stub will be in place during the road construction drawing time.

Mayor Gray said that, since this is a conditional district, she asked if the applicant has agreed to the seven conditions that are listed.

Mr. Coates said that they have.

ACTION

Mover: Commissioner Lutz moved to take action on item 5a at the Monday, June 8, 2020 Town Board Meeting.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

5b. PUBLIC HEARING: Public Hearing on a non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

Edward J. Gehrke, II has submitted an annexation request for 1 non-contiguous parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road. Plans have been submitted to develop a new residential subdivision at this location, but in order gain access to needed utilities, annexation is required.

The Town Clerk has certified the sufficiency of the annexation petition.

Zoning District:

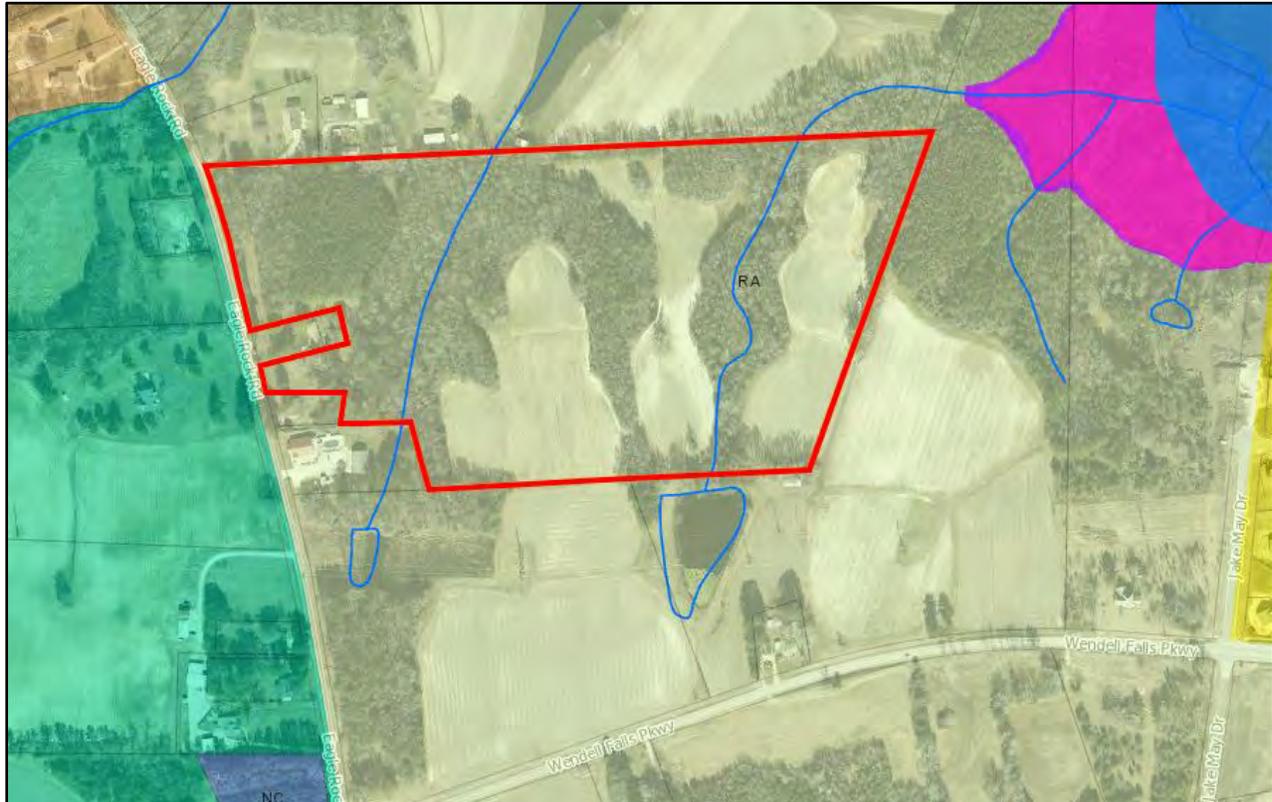
The property is currently located within the Residential Agricultural district. The applicant has also submitted an R7 Conditional District rezoning request for this property.

Police & Public Works & Utility Service:

The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed.

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Location Map:



Staff Recommendation:

Staff recommends approval of the request.

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

Mayor Gray opened the public hearing. No questions were asked.

ACTION

Mover: Commissioner Jon Lutz moved to take action on item 5b at the Monday, June 8, 2020 Town Board Meeting.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

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- 5c. PUBLIC HEARING: Public Hearing on a Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

At this time, a Nursery & Garden Center use does not exist in the Town's UDO. Since we have received an inquiry regarding where a Nursery & Garden Center would be permitted in the Town of Wendell, staff is proposing a text amendment to add this use and the zoning districts in which it can operate. The closest classification currently in place would be 'general retail' and 'outdoor storage as a primary use'.

Per the proposed definition, a 'Nursery & Garden Center' is an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories. As proposed, the following additional standard will apply to all of the permitted zoning districts:

- 1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.*

Proposed Text Amendments:

- 1. To amend Section 2.3 (Use Categories and Tables of Permitted Uses) to modify the Use Matrix titled Retail/Restaurants to include Nursery & Garden Center which will be permitted with additional standards in the RA, CH and M&I districts. (New text is **underlined**)*

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2.3 - Use Categories and Tables of Permitted Uses

C. Use Matrices.

BASE DISTRICT	OS C	PU D	R A	R R	R 2	R 3	R 4	R 7	NC	CM X	CC	DM X	M H	CH	M& I	TN D
Retail/Restaurants																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SU P	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SU P	SUP	SU P	SUP	-	SU P	-	SU P
Car Wash— Stand Alone, Self Service	-	P*	-	-	-	-	-	-	-	PS	PS	-	-	PS	-	PS
Drive-Thru Retail/Restaurants	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	-	-
Gas Station	-	P*	-	-	-	-	-	-	-	PS	PS	SUP	-	PS	-	PS
General Retail— 10,000 sf or less	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
General Retail— 10,001-50,000 sf	-	P*	-	-	-	-	-	-	SU P	P	P	P	-	P	-	P
General Retail— Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
<u>Nursery & Garden Center</u>	-	<u>P*</u>	<u>PS</u>	-	-	-	-	-	-	-	-	-	-	<u>PS</u>	<u>PS</u>	-
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P

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Shopping Center— Neighborhood Center	-	P*	-	-	-	-	-	-	SU P	P	P	-	-	P	-	P
Shopping Center— Community Center	-	P*	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/ Farm Equipment Sales/Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

2. To amend Section 3.3 (Additional Standards by Use) to include an additional standard for Nursery & Garden Center. (New text is underlined)

3.3 - Additional Standards by Use

FF. Nursery & Garden Center (RA, CH, M&I)

1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.

3. To amend Section 19.3 (Definitions) to include the definition for Nursery & Garden Center. (New text is underlined)

19.3 - Definitions

Nursery & Garden Center means an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses

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or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories.

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted 7-0 in favor of the requested zoning text amendment with the following modifications to text amendment proposed by staff in Section 3.3-Additional Standards by Use, FF. Nursery and Garden Center:

1. Replace “fully screened” with “partially screened”
2. Instead of “shall be located in a side or rear yard” replace with “shall be located in a rear yard”

Voting in Favor: Ryan Zakany, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Allen Swaim, Michael Firstbrook and Deans Eatman

Voting Against: None

Absent: Victoria Curtis and Levin Jones

Statement of Plan Consistency and Reasonableness

The proposed zoning text amendment is found to be reasonable in order to diversify and increase the per capita tax base by providing more opportunities for business. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

Principle Number 4: Diversify and increase the per capita tax base. Provide for a diverse workforce with a broad range of skills, making Wendell a more self-sustaining community.

Staff Recommendation:

Staff recommends approval of the proposed text amendment request.

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

Commissioner Joyner asked if the town had these rules in place already or if this was a

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new classification for preexisting businesses that sell landscaping materials.

Mr. Coates said that questions have been received from the Planning Board as to what the Town would classify Bridgers. He said that it is a farm supply store and would not be classified as a garden center. He said a nursery use would be classified as selling plants and landscaping materials to homeowners, small business owners and landscaping companies. They would comprise of indoor-outdoor space, restrooms, and educational facilities to teach people how to plant gardens.

Mayor Gray opened the public hearing. No public comments were given.

ACTION

Mover: Commissioner Jon Lutz moved to take action on item 5c at the Monday, June 8, 2020 Town Board Meeting.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

- 5d. PUBLIC HEARING: Public Hearing on a Zoning Text Amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

The purpose of the Conditional Districts 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.

Conditional districts combine a map amendment request with an associated subdivision or site plan in a manner which supports flexibility and trade-offs. Procedurally, the marriage of the rezoning request with the subdivision plan means that conditional district development plans receive review and approval by the Planning Board and Board of Commissioners. When traditional map amendments are pursued rather than conditional districts, neither board participates in the review of the subdivision plan, since all aspects of the plan must confirm with the Town's adopted development standards.

Section 15.13 of the UDO outlines the procedures governing conditional district approval. Currently Conditional District Master Plans (referred to as a Preliminary Plan outside of a

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conditional district request) are reviewed by both the Technical Review Committee and the Planning Board, prior to Town Board approval. Once the Master Plan has been approved by the Town Board, the developer is free to begin developing a Final Development Plan (referred to as Construction drawings outside of a conditional district request).

A final development plan consists of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the approved master plan.

Under the current process, the Town's Technical Review committee reviews the final development plan for compliance, but the Town's code calls for the Planning Board to be the approving body for the final development plan. Thus, once the Technical Review Committee has finished all aspects of its review of the final development plan, the plan is taken to the Planning Board for a vote. However, since all technical aspects of the plan have already been reviewed and the conditions are already set, the only role at this point for the Planning Board is to confirm that the final development plan is substantially similar to the approved Master Plan. If it were not substantially similar, then the applicant would be required to submit a revised Master Plan.

In order to streamline the review process (which has been highlighted by the difficulties in holding public meetings during the COVID-19 pandemic), staff recommends that the approval authority for the final development plan be changed to the Administrator, rather than the Planning Board. In this format, the Planning Director would evaluate the final development plan to determine if it is substantially similar to the approved Master Plan, much like the Administrator approves Construction Drawings after the Technical Review Committee has approved the Preliminary Plan (for development operating outside of a conditional district).

If the administrator determines that there are substantial changes (many of which are specifically outlined in Section 15.13 of the UDO), then the applicant would need to resubmit a revised Master Plan for the Planning Board and Town Board to approve.

Proposed Amendment:

*In order to permit administrative approval of final development plans, staff recommends amending section 15.13 to read as follows (Deletions are shown with strike-throughs. Additions are **bolded and underlined**).*

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15.13 - Conditional Districts

- A. *Purpose: The purpose of the Conditional Districts 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 Conditional District (CD) established according to the provisions of this section may depart from the strict application of the requirements of the town's general zoning districts, as outlined in Section 2.18, Conditional Districts. The CD alternative may allow uses which are not currently defined or contemplated by the Code. 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.

A second purpose of this section 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.

- B. *General Requirements:*

1. *Applicant: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.*
2. *Standards of District to be Met: Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Board of Commissioners may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice.*
3. *Content of Application:*
 - a. *A Conditional District shall consist of the CD Master Development Plan, individually, or in combination with a CD Final Development Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of*

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Commissioners. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning.

- b. Master Development Plan: The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Development Plan comprised of scaled drawings and associated reports. At a minimum, the Master Development Plan shall adequately describe:
 - i. The overall boundary and area of the district, including underlying zoning districts;*
 - ii. The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;*
 - iii. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;*
 - iv. Full list of proposed uses consistent in character with the underlying zoning district;*
 - v. A proposed development schedule if the project is to be phased.**
 - c. Final Development Plan: All Final Development Plans shall conform to the general development concept of an approved Master Development Plan. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance.*
 - d. In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District.*
- 4. Fair and Reasonable Conditions: 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*

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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. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Board of Commissioners prior to final action.

5. *Decisions: Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.19.C has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.*
- C. *Ability to Proceed: The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Commissioners. A simple majority vote of the Board of Commissioners is required when the Conditional District Master Plan receives a favorable recommendation from the Planning Board. When the Planning Board recommends against the Conditional District Master Plan, a supermajority, or four-fifths, vote from the Board of Commissioners is required for approval. A Conditional District Final Development Plan must also be approved by the ~~Planning Board~~ **Zoning Administrator** and the applicable plat must be recorded with the Wake County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.*
- D. *Approval Process:*
1. *The procedure for approval of the Master Plan shall follow the procedure outlined in the table in subsection H below and in Section 15.12, Map Amendments (Rezoning).*
 2. *Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant shall submit a Final Development Plan to the ~~Planning Board~~ **Zoning Administrator** for approval. The Final Development Plan shall implement the Master Plan with any changes, additions and conditions required and approved by the Board of Commissioners. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.*
- E. *Final Approval by Stages: If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.*
- F. *Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District.*

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1. The following changes to a CD Master Plan or subsequent Final Plan shall require approval by the Board of Commissioners:
 - a. Land area being added or removed from the Conditional District.
 - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
 - c. A change in land use or development type beyond that permitted by the approved Master Plan.
 - d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - e. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.
 - f. When the total floor area of a commercial or industrial classification is increased more than ten percent beyond the total floor area last approved by Board of Commissioners.

2. All other changes to a CD Master Plan or subsequent Final Plan shall receive approval by the ~~Planning Board~~ **Zoning Administrator**. However, if in the judgment of the ~~Planning Board~~ **Zoning Administrator**, the requested changes alter the basic development concept of the CD, the ~~Planning Board~~ **Zoning Administrator** may require **review and recommendation by the Planning Board, followed by** ~~concurrent~~ approval by the Board of Commissioners.

- G. **Rescission of Conditional Districts:** The Applicant shall secure a valid building or construction permit(s) within a 12-month period from date of approval of the Conditional District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12-month period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time.

- H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Conditional District: Rezoning w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness &	n/a

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		<i>code compliance. Issue Staff Report.</i>	
	<i>Planning Board</i>	<i>Courtesy hearing, if requested</i>	<i>n/a</i>
	<i>Planning Board</i>	<i>Review and recommendation of Conditional District application</i>	<i>n/a</i>
	<i>Board of Commissioners</i>	<i>Public hearing</i>	<i>n/a</i>
	<i>Board of Commissioners</i>	<i>Grant Conditional District - or - Denial and Request for Rehearing</i>	<i>Superior Court</i>
	<i>Planning Board</i> <u>Administrator</u>	<i>Approve Final Development Plan</i>	<i>n/a</i>

([Ord. No. 16-2016, § 2, 7-11-2016](#))

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted to deny the requested zoning text amendment.

Voting in Favor: *Deans Eatman*

Voting Against: *Ryan Zakany, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Allen Swaim, and Michael Firstbrook*

Absent: *Victoria Curtis and Levin Jones*

Statement of Plan Consistency:

Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature. In staff's opinion, the requested zoning text amendment is consistent with Principle #5 of the Wendell comprehensive plan and is reasonable to streamline the development review process. Principle #5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.

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Staff Recommendation:

Staff recommends approval of the proposed text amendment

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

Commissioner DeLoach asked if the Town is not making any drastic changes—if it's consistent with what the Board decides, the Board is simply eliminating it going back through an additional time.

Mr. Coates said that is correct—if a developer has spent months developing construction drawings, and staff and TRC have said it's very similar to what they got approval for, sending it back to the Planning Board can slow the process down. He said before, the Planning Board didn't see a whole lot of them, but now that the Town is seeing more conditional districts, they're seeing a lot more. He said it's an extra step that prolongs the process and creates confusion.

Commissioner DeLoach said that he's had a few conversations about this and the perception was from the Planning Board that they were trying to circumvent the process, which is not what the Planning Board is trying to do.

Commissioner Lutz asked if the Board approves it, the Planning Board approves it, staff and the TRC approve it, how many changes are occurring in that time frame.

Mr. Coates said that as an example, preliminary plans come in and get reviewed by the TRC between 2 to 4 times before the plans go to the Planning Board. He said that the Planning Board then makes a recommendation to the Town Board, and the Town Board schedules an official Public Hearing for the preliminary plan, in which the Board either approves or denies those plans. Once an applicant receives preliminary approval, they then start the construction drawing phase for the final development plan, which traditionally takes 3-9 months of engineering work. Once the construction plans are completed, staff sends it back to the TRC to see if they have any additional comments. The TRC reviews the final development plans 2 to 4 times. Town staff then signs the construction drawings stating that it meets what was preliminary-approved. Currently, it would have to go back to the Planning Board before this step to determine if the preliminary plans and the final development plans look the same. If there are significant changes between the plans, it has to be brought back to the Town Board according to the UDO before the final development plans are approved.

Commissioner Lutz asked how many times in that process has the Planning Board decided that both plans didn't match up.

Mr. Coates said that since he's started, they've had 6 final development plans go to the Planning Board for comparison with the preliminary plans and all 6 have been approved as matching. He said that developers usually ensure that the plans match to avoid

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bringing the item back for additional public hearings.

Mayor Gray opened the public hearing. No public comments were given.

ACTION

Mover: Commissioner Jon Lutz moved to take action on item 5d at the Monday, June 8, 2020 Town Board Meeting.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

6. ADMINISTRATIVE ITEMS

6a. Appointments to the Town of Wendell Planning Board and Economic Development Committee

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

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

Item Summary:

Recruitment for the Town of Wendell's Citizen Advisory Boards began in February 2020 and closed at the end of April. Communication efforts included the following:

- *Advertising posted on the Town's website's calendar, News Feed, Events, and Citizen Advisory Board Pages.*
- *An E-Board Post on Wendell Blvd.*
- *Social Media Marketing launched throughout the months on Facebook and Instagram.*
- *A PSA video posted on the Town's Social Media pages.*
- *Advertising posted in When in the Dell*

The Citizen Advisory Board recruitment process was adjusted to provide safe social distancing at Town Hall during COVID-19. Staff requested on Tuesday, May 12, 2020 that the Board of Commissioners review the applications sent via email for the Planning Board and Economic Development Committee and follow up with applicants on any questions concerning their application.

The Planning Board has two vacancies; one (1) in-Town vacancy with a term lasting for three (3) years and one (1) extra-territorial jurisdiction (ETJ) vacancy with a term lasting for two (2) years. The Economic Development Committee has five (5) vacancies with terms lasting for two (2) years.

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The upcoming Citizen Advisory Boards will be filled at the upcoming Town of Wendell Town Board of Commissioners Meetings:

June 8th, 2020: Appearance Commission and Board of Adjustment

June 22nd, 2020: Parks and Recreation Commission and the Tree Board.

The same process will be used as for the appointments considered at this meeting. The Clerk will inquire with applicants not appointed if they would like to be considered on subsequent available boards at the next Board meeting date.

Ms. Howard passed out the ballots to the Board (Commissioner Boyette received his digitally) and tallied the following votes:

Economic Development Committee Votes:

Braxton D. Honeycutt: 4 votes

Rick Shrum: 5 votes

Crystal Keyes-Mwaura: 5 votes

Ashley Anderson: 5 votes

David Grace: 5 votes

Planning Board In-Town Votes:

Jonathan Olson: 3 votes

Jeremy Fryett: 2 votes

Planning Board ETJ Votes:

Cande K. Wood: 4 votes

Crystal Keyes-Mwaura: 1 vote

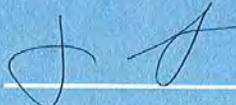
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Citizen Advisory Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE VACANCIES (2-YEAR TERM):

- | | |
|-----------------------------------------------------------------|------------------------------------------------------------|
| <input checked="" type="checkbox"/> <u>Braxton D. Honeycutt</u> | <input checked="" type="checkbox"/> <u>Ashley Anderson</u> |
| <input checked="" type="checkbox"/> <u>Rick Shrum</u> | <input checked="" type="checkbox"/> <u>David Grace</u> |
| <input checked="" type="checkbox"/> <u>Crystal Keyes-Mwaura</u> | |

Signature:  _____



Citizen Advisory Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE VACANCIES (2-YEAR TERM):

- | | |
|-----------------------------------------------------------------|------------------------------------------------------------|
| <input checked="" type="checkbox"/> <u>Braxton D. Honeycutt</u> | <input checked="" type="checkbox"/> <u>Ashley Anderson</u> |
| <input checked="" type="checkbox"/> <u>Rick Shrum</u> | <input checked="" type="checkbox"/> <u>David Grace</u> |
| <input checked="" type="checkbox"/> <u>Crystal Keyes-Mwaura</u> | |

Signature:  _____

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Citizen Advisory Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE VACANCIES (2-YEAR TERM):

- Braxton D. Honeycutt
- Rick Shrum
- Crystal Keyes-Mwaura
- Ashley Anderson
- David Grace

Signature: *[Handwritten Signature]*



Citizen Advisory Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE VACANCIES (2-YEAR TERM):

- Braxton D. Honeycutt
- Rick Shrum
- Crystal Keyes-Mwaura
- Ashley Anderson
- David Grace

① VACANCIES *[Handwritten Mark]*
Signature: *[Handwritten Signature]*

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Citizen Advisory
Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE
VACANCIES (2-YEAR TERM):

- | | |
|-----------------------------------------------------------------|------------------------------------------------------------|
| <input checked="" type="checkbox"/> <u>Braxton D. Honeycutt</u> | <input checked="" type="checkbox"/> <u>Ashley Anderson</u> |
| <input checked="" type="checkbox"/> <u>Rick Shrum</u> | <input checked="" type="checkbox"/> <u>David Grace</u> |
| <input checked="" type="checkbox"/> <u>Crystal Keyes-Mwaura</u> | |

Signature: _____

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be a cursive or semi-cursive name.

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Citizen Advisory Board Ballot

1 PLANNING BOARD IN-TOWN VACANCY
(3-YEAR TERM):

- Jose A. Fuentes
- Jonathan Edwards
- Robert W. Bemis
- Andrew Di Genova
- Michael Mullen
- Terri L. Moore
- Jonathan Olson
- Jeremy Fryett
- Summer Stafford
- John H. Boyette
- Elizabeth M. Narron
- Nicole L. Bills
- Braxton D. Honeycutt

Signature: _____



Citizen Advisory Board Ballot

1 PLANNING BOARD IN-TOWN VACANCY
(3-YEAR TERM):

- Jose A. Fuentes
- Jonathan Edwards
- Robert W. Bemis
- Andrew Di Genova
- Michael Mullen
- Terri L. Moore
- Jonathan Olson
- Jeremy Fryett
- Summer Stafford
- John H. Boyette
- Elizabeth M. Narron
- Nicole L. Bills
- Braxton D. Honeycutt

Signature: _____

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Citizen Advisory
Board Ballot

1 PLANNING BOARD IN-TOWN VACANCY
(3-YEAR TERM):

- Jose A. Fuentes
- Jeremy Fryett
- Jonathan Edwards
- Summer Stafford
- Robert W. Bemis
- John H. Boyette
- Andrew Di Genova
- Elizabeth M. Narron
- Michael Mullen
- Nicole L. Bills
- Terri L. Moore
- Braxton D. Honeycutt
- Jonathan Olson

Signature: 



Citizen Advisory
Board Ballot

1 PLANNING BOARD IN-TOWN VACANCY
(3-YEAR TERM):

- Jose A. Fuentes
- Jeremy Fryett
- Jonathan Edwards
- Summer Stafford
- Robert W. Bemis
- John H. Boyette
- Andrew Di Genova
- Elizabeth M. Narron
- Michael Mullen
- Nicole L. Bills
- Terri L. Moore
- Braxton D. Honeycutt
- Jonathan Olson

Signature: 

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Citizen Advisory
Board Ballot

1 PLANNING BOARD IN-TOWN VACANCY
(3-YEAR TERM):

- | | |
|-----------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> <u>Jose A. Fuentes</u> | <input type="checkbox"/> <u>Jeremy Fryett</u> |
| <input type="checkbox"/> <u>Jonathan Edwards</u> | <input type="checkbox"/> <u>Summer Stafford</u> |
| <input type="checkbox"/> <u>Robert W. Bemis</u> | <input type="checkbox"/> <u>John H. Boyette</u> |
| <input type="checkbox"/> <u>Andrew Di Genova</u> | <input type="checkbox"/> <u>Elizabeth M. Narron</u> |
| <input type="checkbox"/> <u>Michael Mullen</u> | <input type="checkbox"/> <u>Nicole L. Bills</u> |
| <input type="checkbox"/> <u>Terri L. Moore</u> | <input type="checkbox"/> <u>Braxton D. Honeycutt</u> |
| <input checked="" type="checkbox"/> <u>Jonathan Olson</u> | |

Signature: _____

A handwritten signature in black ink, appearing to be 'Jonathan Olson', written over a horizontal line.

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Citizen Advisory
Board Ballot

1 PLANNING BOARD ETJ VACANCY
(2-YEAR TERM):

Crystal Keyes-Mwaura

Cande K. Wood

Signature: _____



Citizen Advisory
Board Ballot

1 PLANNING BOARD ETJ VACANCY
(2-YEAR TERM):

Crystal Keyes-Mwaura

Cande K. Wood

Signature: _____

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Citizen Advisory
Board Ballot

1 PLANNING BOARD ETJ VACANCY
(2-YEAR TERM):

Crystal Keyes-Mwaura

Cande K. Wood

Signature: _____



Citizen Advisory
Board Ballot

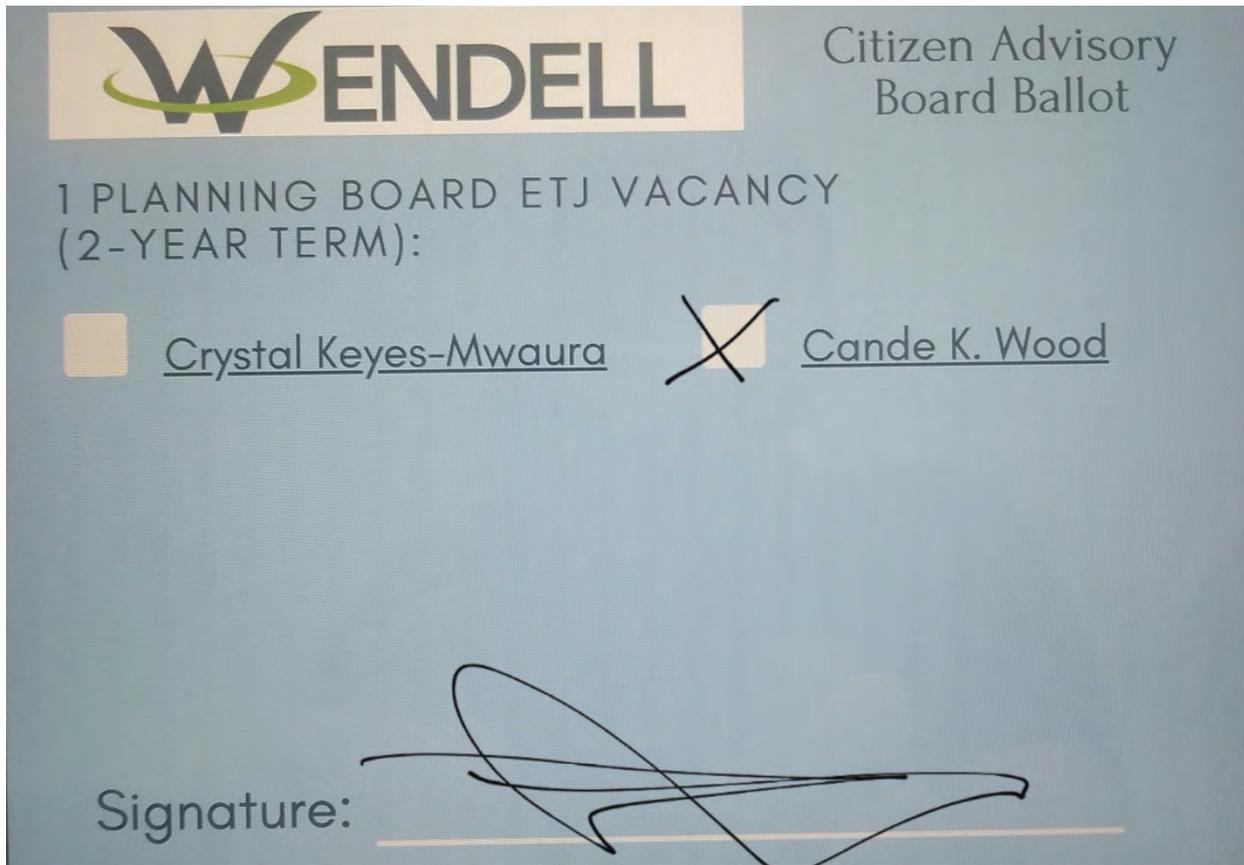
1 PLANNING BOARD ETJ VACANCY
(2-YEAR TERM):

Crystal Keyes-Mwaura

Cande K. Wood

Signature: _____

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6b. Adoption of the Fiscal Year 2020-2021 Budget and Fee Schedule

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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

Item Summary:

The Town of Wendell Budget for Fiscal Year (FY) 2021 for the period of July 1, 2020 through June 30, 2021 is prepared and submitted in accordance with the Local Government Budget and Fiscal Control Act. Consideration of the budget includes the (1) adoption of the budget document to establish the budget policy, (2) approval of the budget ordinance as required by July 1 by Statute, and (3) approval of the fee schedule for FY 2021.

The FY 2021 Budget Document

The FY 2021 Budget document is a primary policy document that connects fiscal appropriations and the levy of revenues with the strategic goals of the governing board

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and the performance measures of the operating departments. The document is intended to provide information in a clear, concise, and organized manner that identifies the services provided by the Town of Wendell and the connection of those services to funding.

The FY 2021 Budget meets the budget priorities established and advances strategic initiatives. The document includes a 5-year capital improvement plan that maintains compliance with the 40-percent fund balance policy. Additional transparency and detail connecting revenue trends and operating expenses is included. A staffing needs analysis and population growth projection are provided to guide position and service needs for the growing community. Additionally, performance goals and measures are provided for the operating departments.

Five (5) new positions are proposed in the budget to include a two (2) police officers, a stormwater program manager, a public works specialist, and an accountant. Additional personnel highlights include a 3% salary in-range adjustment to reduce compression, implementation of the compensation and classification study, and provides for a 15% increase in health care costs. Investing in our staff includes increases in training necessary for employees to meet service and job requirements.

The capital budget for FY 2021 is \$11,270,724 and include a \$4,122,704 investment in transportation and infrastructure projects, \$431,000 in vehicles, equipment, and technology, \$6,225,520 in building, grounds, and land, and \$90,000 in economic and community development.

FY 2021 Budget Ordinance

The FY 2021 Budget ordinance is provided for approval to recognize revenues, authorize expenditures, and levy taxes for the period of July 1, 2020 through June 30, 2021. The proposed budget is balanced with total fund allocations of \$20,007,171. The Budget includes two accounting funds that are also balanced; the General Fund (\$19,507,171) and the Water and Sewer Fund (\$500,000).

The Ad Valorem tax levy is reduced from forty-nine cents (\$0.49) per one hundred-dollar (\$100) valuation of taxable property in FY 2020 to forty-seven cents (\$0.47) in FY 2021. This rate is based upon an estimated county assessed valuation of \$945,000,000 and an estimated collection rate of 98.64%. The revenue neutral rate established by Wake County was forty-one cents (\$0.41) during the 2020 Revaluation. Revenues are budgeted by major source and include ad valorem taxes, licenses and permits, intergovernmental revenues, permits and fees, sales and services, and other revenues.

The FY 2021 Budget appropriates \$744,618 of fund balance to provide for capital project expenditures. The appropriated fund balance is made consistent with adopted financial policies with a calculated fund balance remaining equivalent to 91.4% of the general fund operating non-capital budget. This exceeds the 40% fund balance policy level.

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The Budget Ordinance provides for the aggregate appropriations for each department. Additional line item detail and analysis is provided in the FY 2021 Budget document. Total expenses equal the sum of revenues and appropriated fund balance.

Statute requires the appropriation of the full amount estimated to be required for debt service during the fiscal year. The total debt service descriptions are provided for streets, general expenses, water, and sewer and total \$891,200.

The proposed Budget was presented on May 6, 2020 and a budget hearing was held on May 11, 2020. The budget has been available for public review and comment for greater than ten (10) days as required by Statute and is eligible for approval by the Board of Commissioners.

FY 2021 Fee Schedule

The fee schedule is prepared in the form of an ordinance and sets forth the charges and fees for the Town for the FY 2021 period extending from July 1, 2020 through June 30, 2021. The fee rates provide for administrative fees, parks and recreation fees, and planning and development fees.

The fee schedule remains largely unchanged from last year except a \$10 increase to the returned check fee to match the bank charge and minor consolidation of special event fees.

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

Commissioner Tarnaski asked about the fee schedule regarding the golf cart fees being lowered to \$40 or \$50.

Mr. Collins said there are two reasons that staff are not recommending lowering the fee. After reviewing the fee as requested by the Board, there is a cost to staff for reviewing the program, such as the inspection of each golf cart. He said the second reason is that the Board had discussed making sure the Town had some funding for a recreation scholarship program. While no formal action was taken, staff did honor that request by continuing the scholarship program in this year's budget.

Commissioner Joyner asked what the total line item is.

Mr. Collins said the budgeted amount for golf carts is \$5,000. He said that there is a growth projection, as last year it was \$3,500 and there has been a large growth in interest.

Commissioner Joyner said he appreciates Commissioner Tarnaski's question. He said himself, the Mayor and Chief Carter discussed the golf cart program when it was first created, and it has been a formal process that is important for the police department to perform. He said he would love to see the fee lower, but at the end of the day he

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understands why the fee is where it is from a cost perspective.

Mayor Gray said that when you consider a car fee, that's not something that Town staff handles. She said that there is a lot of staff time that goes into the golf carts.

Commissioner Lutz said the Town makes it very convenient for traveling in golf carts on side streets. He said the large area that is able to be traveled justifies the fee being where it is, as well.

Commissioner Tarnaski said that he can travel in his car for \$98 a year anywhere in the United States.

Commissioner Joyner said that it dawned on him that Chief Carter, Mayor Gray and other staff members remember previous budgets where the goal was to have a Land Use Plan where the goal was figuring out how to finance a new town hall and knowing that the Town would have to eventually grow into that need and that they were already behind the 8-ball on that project. He said seeing this level of capital investments in this budget are unprecedented since he has been on the Board. Mr. Joyner said that the tax rate is going down and he completely understands that people who are new to the area thinking that going down two cents isn't a big deal. However, he said it has been at 49 cents for as long as he could remember, with it last changing in 2008. He said that the long-term investment in Parks and Recreation in the last couple weeks has shown that having open space for public use is worth investing in. He said this budget is setting the Town up to becoming the place to be. He said it has been a great process and he's happy to vote for it.

Mayor Gray agreed and said that she's very excited about the budget this year and the future of Wendell.

ACTION

Mover: Commissioner Jon Lutz moved to adopt the FY 2021 Town of Wendell Budget, the FY2021 Budget Ordinance, and the FY 2021 Fee Schedule.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

6c. Waiver of Building Permit Fees for Operation Coming Home Project Sponsored by the Homebuilders Association of Raleigh-Wake County.

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

In 2007 a group of local veterans and members from the Home Builders Association of Raleigh-Wake County (HBA) decided to establish a project for severely wounded veterans. The mission of this project is to aid a local military service member who was severely wounded in combat, by fulfilling his/her family desire to live the American Dream of home ownership – thus the creation of Operation: Coming Home (OCH). The program relies on donations and sponsorships of individuals and companies as well as labor and supplies to make this program a success.

The HBA has identified its next OCH project in Wendell. This will be the 22nd home that OCH is building free and clear for the family of a deceased veteran. The home is for the family of Sergeant First Class Elis A. Barreto Ortiz, a 34-year-old soldier in the 82nd Airborne Division's Third Brigade stationed at Fort Bragg. Tragically, Sgt. Barreto was killed in combat on the eastern side of Kabul, Afghanistan.

The home will be located at 1604 Stagecoach Trail in the Wendell Falls neighborhood. On average, a little over one home a year is built through this program in Wake County. The builder, Garmin Homes, is requesting the Town of Wendell and Wake County waive the building permit fees for this project. As a reminder, Wake County performs the building inspections for the Town of Wendell through a mutual agreement. The fee rate structure for building permits is set by the Town of Wendell and the Wake County Board of Commissioners.

The Town of Wendell building permit fees for 1604 Stagecoach Trail are \$260 and the Wake County fees total \$711. The Wake County Board of Commissioners will take action on the fee waiver request on Monday June 1st, 2020.

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

ACTION

Mover: Commissioner John Boyette moved to approve the Waiver of Building Permit Fees for Operation Coming Home Project Sponsored by the Homebuilders Association of Raleigh-Wake County.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

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- 6d. Recurring Minor Street Closing on West Campen Street for the Wendell Farmers Market on Saturdays from May 16, 2020 to October 3, 2020.

Staff Contact: Assistant to the Manager Stephanie Smith
ssmith@townofwendell.com

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

Item Summary:

The Town of Wendell is working with area farmers and craft vendors to continue the Wendell Farmers Market on Campen Street between Main Street and Tobacco Alley. Approval by the Board of Commission for the minor street closure is necessary due to the recurring nature of the event. Authorization is requested for the Farmers Market to occupy the location on Saturdays from 9:00 am until 1:00 pm starting on May 16, 2020 and extending through October 3, 2020. The Town will provide barricades and staff the event to ensure only registered vendors are setting up and using the space provided. The Town will also market the events and provide notification of when the market is closed due to weather, holiday, or other cause. Vendors will be responsible for their own tents and tables.

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

ACTION

Mover: Commissioner Lutz moved to approve the Recurring Minor Street Closing on West Campen Street for the Wendell Farmers Market on Saturdays from May 16, 2020 to October 3, 2020.
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
Nays: None.
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:

- Mayor Virginia Gray – Capital Area Metropolitan Planning Organization (CAMPO) Mayor Gray said CAMPO held a public hearing on the Wake Transit Work Plan, a public hearing on the Transportation Improvement Amendment #1, they heard a presentation on the FY 2021 recommended Wake Transit Work Plan, and scheduled an adjustment due to the COVID-19 pandemic and how that will impact future projects. CAMPO heard an update on CAMPO projects and programs funding, as the NCDOT is apparently falling below statutorily-mandated cash flow required for them to enter into new contracts for transportation projects. As a result, active projects can continue to avoid penalties and maintain

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infrastructure and they will be paying invoices from private sector as long as funds are available. They will continue DMV operations and they will have emergency response and will only hire critical staff at this time. They currently cannot enter into any new contracts, purchase any new equipment, or do any right-of way acquisitions. CAMPO received an update to the Public Participation Plan regarding electronic meetings and heard an update on the beginnings of the Northeast Area Study of which Wendell is a part of. The dates for virtual symposiums for that are June 9th and 13th. For updates, visit NEASUpdate.com for more information.

- Mayor Pro Tempore John Boyette – Technical Review Committee (TRC)
Mayor Pro Tem John Boyette said he was unable to attend the TRC meeting this month, which was held virtually. The subject of the meeting was street width and emergency vehicle access in the expansion of Edgemont Landing. He said that a lot of stuff has slowed down due to the pandemic.

8. COMMISSIONERS' REPORTS / COMMENTS

Commissioner Joyner thanked staff for the hard work that went into the budget and scheduling virtual meetings. He said budgets evolve and to those that have watched the town progress, this is the first time in a budget that the Town is going to add multiple staff members. He said there's a lot of good growth and long-term plans that are coming to fruition. He said with that growth comes opportunities for people to help. He said that Citizen Board appointments will continue and encouraged citizens to help the board achieve the town's goals.

Commissioner DeLoach said that this is his first budget as a Commissioner and he was excited to participate and is glad the town is able to achieve its objectives. He thanked staff for their hard work and citizens for their involvement in the Citizen Advisory Boards. He encouraged residents to continue with that involvement. He said he's excited with Project Coming Home and is very happy for that family.

Commissioner Lutz said that he's grown to like the budget more as time has progressed as it continues to better the town. He thanked town staff for their hard work and said it's good to see the vision come to life. He thanked residents for coming out and supporting the Farmer's Market and encouraged people to attend on Saturdays.

Commissioner Tarnaski had no comments.

Commissioner Boyette thanked staff for the budget document, as it represents years of hard work by town staff and the Board. He said it's allowed them to lower the tax rate while continuing to hire good, qualified staff.

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9. MAYOR’S REPORTS / COMMENTS

Mayor Gray also thanked staff for all of their hard work, saying all of the things they do takes extra steps during this time. What has been expected of them has been added to and she appreciates them rising to the challenge. She thanked staff’s efforts for changing and adapting during this time. She said the town is progressing on track with some modifications to abide by the governor’s orders. She said the town needs to hang in there and see what happens. She said she is excited on how the town is lowering the tax rate and progressing. Mayor Gray said that vendors at the Farmer’s Market are always rotating and encouraged residents to check it out on a Saturday morning from 9 a.m. to 1 p.m.

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

ACTION:

Mover: Commissioner Lutz moved to adjourn at 8:43 p.m.

Vote: 5-0

Duly adopted this day of July 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk

TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
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The Wendell Town Board of Commissioners held their virtual, regularly-scheduled meeting on Monday, June 8, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

ABSENT:

STAFF PRESENT: Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley (virtually), Assistant to the Manager Stephanie Smith, Assistant Planning Director Bryan Coates, and Police Chief Bill Carter.

SPECIAL NOTICE

Due to the Declared State of Emergency in response to the COVID-19 Virus, the Town of Wendell has altered the traditional meeting process to accommodate and encourage positive public health practices. The Town is incorporating virtual meeting practices to continue the work of the Board of Commissioners while taking proactive measures to maintain transparency and provide for public comment.

The public is encouraged to remain home and watch the business meeting on Facebook Live, or after it is posted to the Town website, or by calling (919) 375-6880 and listening to the meeting. No direct access to Town Hall will be allowed.

Public Comment period for the June 8, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to mhoward@townofwendell.com or submit a request to call in and teleconference during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, June 6th at 5 p.m.

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

Police Chief Bill Carter led the Pledge of Allegiance.

Pastor Nathan Miller of Hephzibah Baptist Church provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

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ACTION

Mover: Commissioner Jon Lutz moved to approve the agenda, as presented.
 Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
 Nays: None.
 Vote: 5-0

2. PUBLIC COMMENT PERIOD

- The Public Comment period for the June 8, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to mhoward@townofwendell.com by Friday, June 5th at 5 p.m.

or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, June 5th at 5 p.m. The Clerk will provide the call-in phone number and provide three (3) minutes to speak on any non-public hearing item or topic.
- Questions or comments regarding specific agenda items may be directed to the contact person provided for the individual items on the agenda below for additional information before or after the meeting.

No public comments were given at this meeting.

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. Proposed Three-Year Extension for Audit Services with Petway Mills and Pearson PA
- 3b. Approval of the February 29, 2020 Budget Retreat Minutes
- 3c. Approval of the April 27, 2020 Town Board Meeting Minutes
- 3d. Certificate of Sufficiency and Resolution Setting the Public Hearing Date for Property at 941 Wendell Falls Parkway; 15.79 acres; PIN# 1783178750

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ACTION

Mover: Commissioner Jon Lutz moved to approve the consent agenda.
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
Nays: None.
Vote: 5-0

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

4a. Presentation on the Stormwater Gap Analysis Study

Speaker: Public Works Director Brian Bray

Public Works Director Brian Bray presented the following staff report, below in italics:

Item Summary:

The Town of Wendell is required to maintain a MS4 Phase II Permit for its stormwater program to ensure compliance with the 1972 Clean Water Act administered by the US Environmental Protection Agency (EPA). The NC Department of Environmental Quality (DEQ) monitors and enforces permit compliance for municipalities and counties with MS4 permits. The Town is scheduled to have its MS4 permit audited by DEQ in 2022

In anticipation of the DEQ review, the Town requested Withers Ravenel to evaluate the current Town stormwater program and identify program “gaps” for improvement to improve the program. Staff from Withers Ravenel completed the initial gap analysis and will report its findings to the Board.

Moving forward, staff will work with the engineer to prepare implementation recommendations for staffing, maintenance and other improvements to the stormwater program to improve compliance.

Mr. Bray introduced Withers Ravenel representatives Lars Hagen, Katie Balaze, and Katherine Knight, who gave the following presentation, virtually:

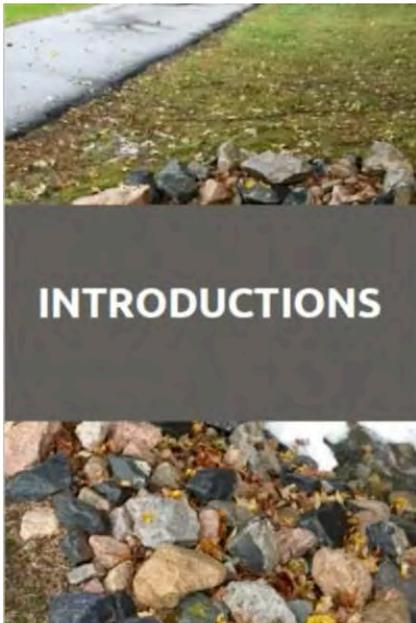
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TOWN COUNCIL UPDATE
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Mr. Hagen greeted the Board and residents of the Town of Wendell and introduced himself as the Stormwater Director at Withers Ravenel. He thanked the Town for allowing his team to present virtually and thanked staff for all of the hard work that they've done.



WITHERSRAVENEL

STORMWATER



Lars Hagen



Katie Balaze



Katherine Knight



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COMPANY OVERVIEW

- 35 Years
- 250+ Employees
- 100% Employee Owned
Employee Stock Ownership Plan (ESOP) Company
- Recognized by our Peers
ENR Top 500 #1 NC-based, NC-focused firm

Services include: SUSTAINABLE DESIGN/ENGINEERING, WATER RESOURCES, SURVEYING, TRANSPORTATION, ENVIRONMENTAL, WASTE REC. YARDING, and COMMUNITY ADMINISTRATION. In-House CAPABILITIES.

WithersRavenel
Our People. Your Success.

Mr. Hagen said that Withers Ravenel is a consulting firm with a broad range of services including stormwater, transportation, planning, environmental, funding and asset management, and many other things. He said that all employees become owners and that’s important to the company culture.



WENDELL STORMWATER

- 1 MS4 Phase II Permit
- 2 Gap Analysis Results
- 3 Moving Forward

WithersRavenel
Our People. Your Success.

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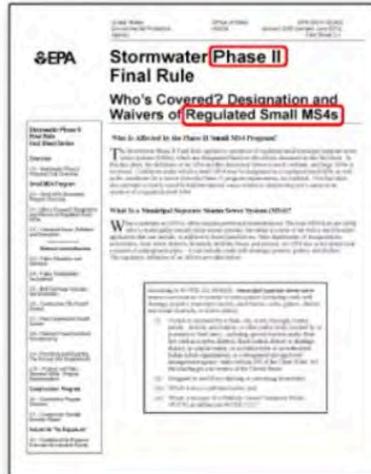
Mr. Hagen said that MS4 is just an abbreviation for Municipal Separate Storm Sewer System. He said that Katie would go over section 2: Gap Analysis Results.



Mr. Hagen asked why does Wendell need a stormwater program and what is a phase 2 permit. He said it all started with the EPA, referring to the photo of the Cuyahoga River in Ohio, which was one of the most polluted rivers in the United States, with 13 fires altogether from the pollution. The EPA was established in the late 1970's and the Clean Water Act was established to create the National Pollutant Discharge Elimination System to prevent such pollution.

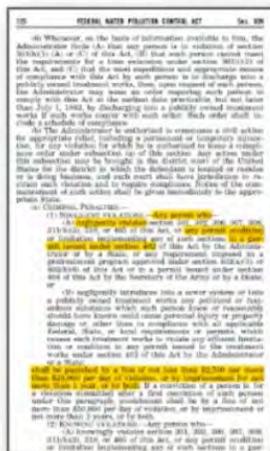
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NPDES



Mr. Hagen said the rules and regulations were established for communities, with Wendell being classified as an MS4, according to NPDES. He said that the EPA looks to the State of North Carolina to enforce the rules, and then the state looks to all of the MS4s including Wendell to enforce these rules.

NPDES



Any person who... negligently violates... any permit condition... in a permit issued under section 402... **shall be punished** by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.



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Mr. Hagen said that the Federal Control Act states that MS4 communities have to meet all rules and regulations, with the state auditing as it sees fit.

NPDES - SIX MINIMUM MEASURES

PUBLIC EDUCATION



Citizen Advisory Board Vacancies

CLARKE	AMHERST COUNTY	SWAIN COUNTY	WYCHE COUNTY	WELLS COUNTY	FLANNING BOARD	TEB BORGES
VACANCY	3	2 (10/2020 - 1/21)	5	2	2 (10/2020 - 1/21)	5
TEAM LEAD	2 (2020)	2 (2020)	2 (2020)	2 (2020)	2 (2020)	2 (2020)
MEMBERS	Plus Members of the Board					

PUBLIC PARTICIPATION

ILLICIT DISCHARGES (IDDE)





CONSTRUCTION SITE RUNOFF



POST-CONSTRUCTION SITE RUNOFF



GOOD HOUSEKEEPING



WithersRavenel

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8

Mr. Hagen introduced Katie Balaze, who would be covering this part of the presentation. Ms. Balaze said in order to meet the NPDES requirements, there are six minimum measures that are identified by the EPA. They make up the tasks that are included in the stormwater plan that will be developed by the town and approved by the state to prevent pollution to be in compliance with the permit.

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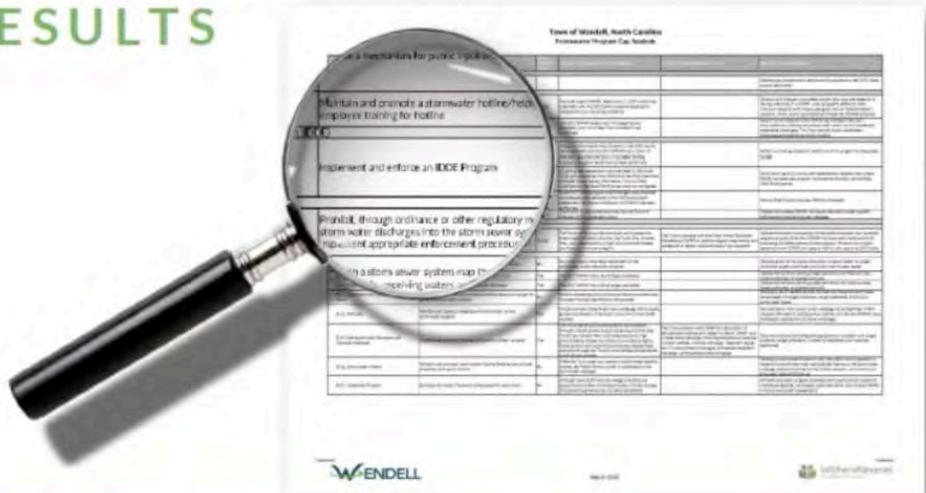
MS4 AUDITS



Ms. Balaze said that the state is now performing audits of each city and town's stormwater program on a five-year cycle, which is the length of the permit. Wendell's audit is currently scheduled for 2022 and the DEQ has posted the results of their audit to date on their website and have indicated that the results aren't great. She said they have completed 30 audits to date and only 3 have been found in compliance. Those who were deemed not substantially compliant received citations.

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GAP ANALYSIS RESULTS



Ms. Balaze said that Withers Ravenel performed a pre-audit gap analysis of Wendell’s stormwater program compared to the requirements in the permit to give Wendell an idea on how to move forward towards compliance.

PROGRAM HIGHLIGHTS TRAINING



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Ms. Balaze said that one of the Program Highlights is that Wendell has performed training for its municipal employees. She said that the town will need to continue these trainings and expand this program to cover all required topics including stormwater control measures.

The collage features several elements: a screenshot of the Town of Wendell website showing the 'Stormwater' department page; the 'CLEAN WATER EDUCATION PARTNERSHIP' logo; the email address 'stormwater@'; a 'BIG TRUCK DAY' poster for the town; a 'Spring into the Arts Walk' poster with colorful paint splatters; a 'Wendell Harvest Festival' poster with pumpkins; and the 'WithersRavenel' logo with the tagline 'Our People. Your Success.' and the number '12' in the bottom right corner.

Ms. Balaze said that another Program Highlight is that Wendell, in conjunction with the Clean Water Education partnership and local volunteers, have been conducting educational outreach. She said that this program should be continued and documented.

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PROGRAM HIGHLIGHTS

MAINTENANCE



13



Ms. Balaze said that Wendell does a great job documenting work orders and maintenance of their storm sewer system. Before the audit, the town will need to document all aspects of the program, as well as maintenance.

IMPROVEMENT AREAS

ILLICIT DISCHARGES (IDDE)



PROGRAM DOCUMENTATION





COMPLETE MS4 MAP AND IDENTIFY MAJOR OUTFALLS





PRO-ACTIVE INSPECTIONS





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Ms. Balaze said that Withers Ravenel has identified two critical areas that will need to be addressed for compliance because they will require lots of work. She said that one of these areas is the Illicit Discharge Detection and Elimination minimum measures. For that, the town will need a complete map of their storm sewer system before any other work on this measure can be completed. She said on this map, major outfalls will need to be identified before standard operating procedure documentation and proactive inspections can occur.

IMPROVEMENT AREAS

GOOD HOUSEKEEPING

The infographic consists of three vertical panels. The first panel, titled 'FACILITY I&M's', features a stack of documents with the WithersRavenel logo and the text 'SUSTAINABLE MAINTENANCE PROGRAM'. The second panel, titled 'SOP DEVELOPMENT', shows a stack of documents with a table. The third panel, titled 'INSPECTIONS & UPGRADES', contains a photograph of a building with a white truck parked in front. Each panel has a circular icon at the bottom: a document for I&M's, a book for SOP Development, and a gear for Inspections & Upgrades. At the bottom of the infographic is the WithersRavenel logo and tagline 'Our People. Your Success.' followed by the number 15.

Ms. Balaze said that another critical component is good housekeeping for municipal operations. Inspections and maintenance programs for each municipal-owned property, which includes buildings, parks and stormwater control measures should be developed and inspections should be performed and documented.

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WHAT REMAINS?



MS4 PERMIT COMPLIANCE



Ms. Balaze said that the goal is to get to permit compliance. She said there are many small permit items that need to be addressed.

WHAT REMAINS?

- STORM WTR MGMT PLAN
- PUBLIC PARTICIPATION
- FISCAL ANALYSIS
- ADDITIONAL MAPPING
- ORDINANCE REVIEW
- SCM INSPECTIONS
- EMPLOYEE TRAINING
- FACILITY I&M'S
- ADD'L PUBLIC EDUCATION
- AND MORE

MS4 PERMIT COMPLIANCE



Ms. Balaze said that some of these other items that will be required for a compliant program are identified here, all of which are explained in the gap analysis. Most concerns

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are in developing standard operating procedures, performing inspections, and documentation. Ms. Balaze turned the presentation back to Mr. Hagen.



Mr. Hagen said that the good news is that Wendell staff and leadership have already begun taking the steps toward compliance.

MS4 AUDITS

Findings	Program Description	Notes	Priority
E&L Staffing and Funding	<p>Does the municipality maintain adequate staffing and funding to implement the MS4 program?</p> <p>The municipality has identified a specific position responsible for the overall coordination, implementation and maintenance of the program.</p> <p>Personnel/level of experience of the Commission staff are documented and listed in the report.</p> <p>The municipality is current on payment of the MS4 program fee and employees involved in the MS4 program are trained and certified.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p>

“maintained adequate funding and staffing”

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Mr. Hagen said that Wendell's audit is coming up in 2022. He said the image on the left of the slide is the state's template of the audit, with the first question being asked being "does Wendell have adequate funding and staffing?" He said they're working towards making that answer be affirmative while showing the appropriate documentation. Today, Mr. Hagen said it would be very hard for Wendell to answer this question with a "yes."



Mr. Hagen said that Withers Ravenel recommends that Wendell be given an overall budget analysis. He said that they've identified the gaps but need to find out what resources are required to fill in these gaps. Mr. Hagen also recommended a utility rate study for Wendell. He said that once they know the resources that are required, they can look at what it will take over the years to meet those requirements. He said that they need to be careful in comparing to the town's neighbor's utility rates. 27 out of the first 30 MS4s that were audited were not compliant. He said when one looks at their neighbors to see what their rates are, chances are that the comparison is not to a compliant program.

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Mr. Hagen opened the floor up to any questions from the Board.

Commissioner Joyner mentioned the staffing requirement and that the town can't make that assessment at this time. He asked if that is because the town doesn't know how big the stormwater system is and where it goes and ultimately won't know the number of staff required to take care of it once the town figures it all out. Or, he asked, is it because they feel that the town at this very moment is an internal problem that can be addressed now or after the study is completed.

Mr. Hagen said he had difficulty hearing the question.

Town Manager Marc Collins asked if completing the map and where the infrastructure is located connected to telling the town what staffing and resources the town needs to allocate to meet the staffing requirement.

Mr. Hagan said no, that's a piece of the puzzle. He said the town needs to finish the mapping of the stormwater system, but there's also a lot of other items such as the SOP development, inspections, and other items identified in the gap analysis.

Mr. Joyner said he was wondering where that staffing requirement will fit into budgeting for the town.

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Mr. Collins said that the budget allocates a position in this coming fiscal year for recruiting a stormwater program manager, which is a staff position that will be dedicated to this program. This staff position will work with other public works staff to work towards implementation along with the town's contract engineer. Mr. Collins said that Withers Ravenel is the town's engineer of record and the town brings them in on different task service agreements as needed. He said that there's also contract engineering funds allocated for FY 2021 which will be for Withers Ravenel to finish the work of mapping, identifying and maintaining what's needed and what staffing equipment and funding over time would be necessary. He said that this will help the town with the challenges of next fiscal year's budget so the town will be able to answer that question going into the audit in FY 2022.

5. PUBLIC HEARINGS

PLEASE NOTE: Due to the current State of Emergency and in the interest of public health, the following accommodations will be made to allow public participation in public hearings, but no public attendance at Town Hall will be permitted. No Board action on public hearing items will occur if a virtual meeting is used to conduct the public hearing. The item will be continued and the public will have 24 hours from the end of the meeting to provide comments on the public hearing item.

- Public participation for public hearing items on the agenda for the June 8th, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public hearing comments to the Town Clerk via email to mhoward@townofwendell.com by Wednesday, June 9th at 10 p.m. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments received by Friday, June 5th at 5pm will be provided to the Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting. Comments will be received for 24 hours after the meeting and provided to the Board prior to action.

Or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, phone number, and item number they wish to speak on to the clerk via email by Friday, June 5th at 5 p.m. The Clerk will provide the call-in phone number and provide five (5) minutes to speak on any non-public hearing item or topic. Comments made by phone will be recorded and transcribed to maintain the public record.
- If you have questions regarding an agenda item, please email the staff contact directly in advance of the meeting. If preferred, you may call Town Hall at (919) 365-

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4450 to be directed to speak with the staff contact for the agenda item(s) of interest. Communications of this type will not be included in the meeting minutes.

There are no Public Hearings Scheduled for this Meeting.

6. ADMINISTRATIVE ITEMS

6a. Appointments to the Town of Wendell Board of Adjustment and Appearance Commission

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

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

Item Summary:

Recruitment for the Town of Wendell's Citizen Advisory Boards began in February 2020 and closed at the end of April . Communication efforts included the following:

- *Advertising posted on the Town's website's calendar, News Feed, Events, and Citizen Advisory Board Pages.*
- *An E-Board Post on Wendell Blvd.*
- *Social Media Marketing launched throughout the months on Facebook and Instagram.*
- *A PSA video posted on the Town's Social Media pages.*
- *Advertising posted in When in the Dell*

The Citizen Advisory Board recruitment process was adjusted to provide safe social distancing at Town Hall during COVID-19. Staff requested on Tuesday, May 12, 2020 that the Board of Commissioners review the applications sent via email for the Board of Adjustment and Appearance Commission and follow up with applicants on any questions concerning their application.

The Appearance Commission has three (3) vacancies with terms lasting for three years. The Board of Adjustment has four vacancies; three (3) in-Town vacancies with terms lasting for three years and one (1) extra-territorial jurisdiction (ETJ) vacancy with a term lasting for three years.

The upcoming Citizen Advisory Boards will be filled at the upcoming Town of Wendell Town Board of Commissioners Meeting:

June 22nd, 2020: Parks and Recreation Commission and the Tree Board.

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The same process will be used as for the appointments considered at this meeting. The Clerk will inquire with applicants not appointed if they would like to be considered on subsequent available boards at the next Board meeting date.

Ms. Howard passed out the ballots and tallied the following votes:

Board of Adjustment In-Town Votes:

Bennie Collins: 3 votes
John H. Boyette: 3 votes
Jose A. Fuentes: 1 vote
Terri L. Moore: 4 votes
Brad Ellis: 1 vote
Jeremy Fryett: 2 votes

Board of Adjustment ETJ Votes:

Kevin King: 5 votes

Appearance Commission Votes:

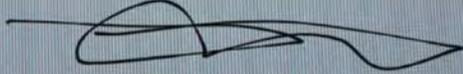
Nicole Bills: 5 votes
Danielle Jordan: 4 votes
John H. Boyette: 0 votes
Jeremy Fryett: 1 vote
Jose A. Fuentes: 5 votes
Terri L. Moore: 0 votes

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 Citizen Advisory Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY (3-YEAR TERM):

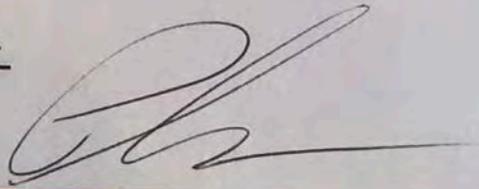
- Bennie Collins
- John H. Boyette
- Jose A. Fuentes
- Terri L Moore
- Brad Ellis
- Jeremy Fryett

Signature: 

 Citizen Advisory Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY (3-YEAR TERM):

- Bennie Collins
- John H. Boyette
- Jose A. Fuentes
- Terri L Moore
- Brad Ellis
- Jeremy Fryett

Signature: 

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WENDELL Citizen Advisory Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY (3-YEAR TERM):

- Bennie Collins
- John H. Boyette
- Jose A. Fuentes
- Terri L Moore
- Brad Ellis
- Jeremy Fryett

Signature: 

WENDELL Citizen Advisory Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY (3-YEAR TERM):

- Bennie Collins
- John H. Boyette
- Jose A. Fuentes
- Terri L Moore
- Brad Ellis
- Jeremy Fryett

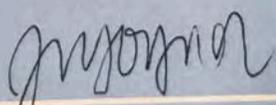
Signature: 

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WENDELL Citizen Advisory Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY (3-YEAR TERM):

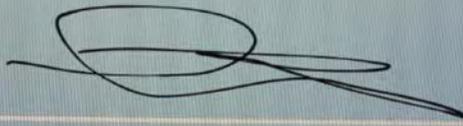
- Bennie Collins
- John H. Boyette
- Jose A. Fuentes
- Terri L Moore
- Brad Ellis
- Jeremy Fryett

Signature: 

WENDELL Citizen Advisory Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY (3-YEAR TERM):

- Kevin King

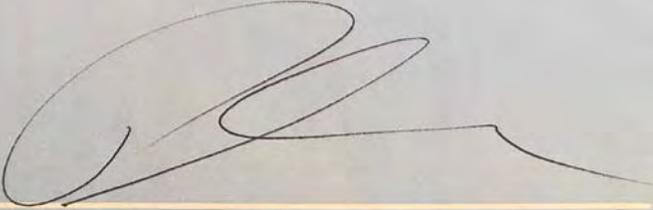
Signature: 

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WENDELL Citizen Advisory Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY (3-YEAR TERM):

Kevin King

Signature: 

WENDELL Citizen Advisory Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY (3-YEAR TERM):

Kevin King

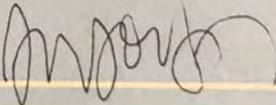
Signature: 

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 Citizen Advisory Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY (3-YEAR TERM):

Kevin King

Signature: 

 Citizen Advisory Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY (3-YEAR TERM):

Kevin King

Signature: 

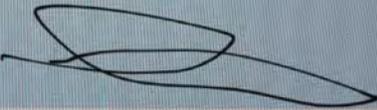
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The following Appearance Commission ballots have the names John H. Boyette and Terri L. Moore's names crossed off due to the fact that they were appointed to the Board of Adjustment and cannot serve on 2 citizen boards at the same time:

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3 APPEARANCE COMMISSION VACANCIES (3-YEAR TERM):

- Nicole Bills
- Danielle Jordan
- John H. Boyette
- Jeremy Fryett
- Jose A. Fuentes
- Terri L. Moore

Signature: _____ 

WENDELL Citizen Advisory Board Ballot

3 APPEARANCE COMMISSION VACANCIES (3-YEAR TERM):

- Nicole Bills
- Danielle Jordan
- ~~John H. Boyette~~
- Jeremy Fryett
- Jose A. Fuentes
- ~~Terri L. Moore~~

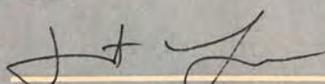
Signature: _____ 

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WENDELL Citizen Advisory Board Ballot

3 APPEARANCE COMMISSION VACANCIES (3-YEAR TERM):

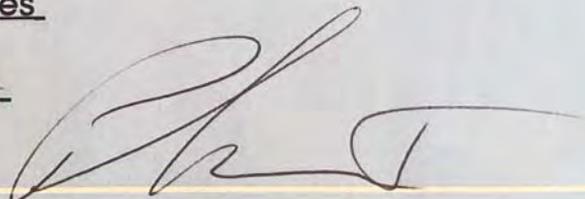
- Nicole Bills
- Danielle Jordan
- ~~John H. Boyette~~
- Jeremy Fryett
- Jose A. Fuentes
- ~~Terri L. Moore~~

Signature: 

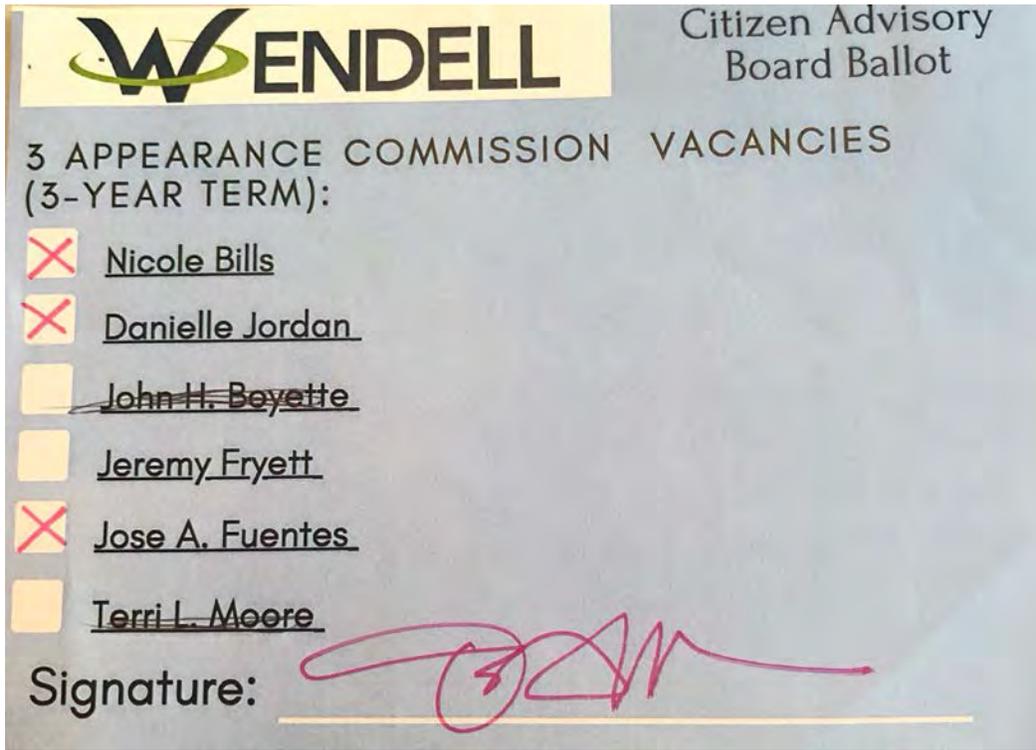
WENDELL Citizen Advisory Board Ballot

3 APPEARANCE COMMISSION VACANCIES (3-YEAR TERM):

- Nicole Bills
- Danielle Jordan
- ~~John H. Boyette~~
- Jeremy Fryett
- Jose A. Fuentes
- ~~Terri L. Moore~~

Signature: 

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6b. Motion on an R7 Conditional District for property located at 1425 Eagle Rock Road continued from the May 26, 2020 Town Board Meeting

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

The applicant's proposed R7 Conditional District will feature 82 single family homes and 90 townhomes. This project is located on Eagle Rock Road, about one quarter mile north of Wendell Falls Parkway. The R7 Conditional District is being proposed to be consistent with the Comprehensive Plan as an area where moderate intensity new development is appropriate and to allow for more housing options.

The Overall Site Plan is included as Attachment A (Along with a link to the full Master Plan for download).

Purpose of a Conditional District:

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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 in the extraterritorial jurisdiction and is zoned Rural Agricultural (RA) and will need to be annexed into the Town of Wendell.

Project Profile:

PROPERTY LOCATION: 1425 Eagle Rock Road

WAKE COUNTY PIN: 1773886927

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CURRENT ZONING DISTRICT: RA

CROSS REFERENCES: N/A

PROPERTY OWNERS: G&F Properties, LLC
PO Box 767
Wendell, NC 27591-0767

APPLICANT: Brian Duncan, The Spaulding Group, PA
1611 Jones Franklin Road, Suite 101
Raleigh, NC 27606

PROPERTY SIZE: 38.99 acres

CURRENT LAND USE: Vacant

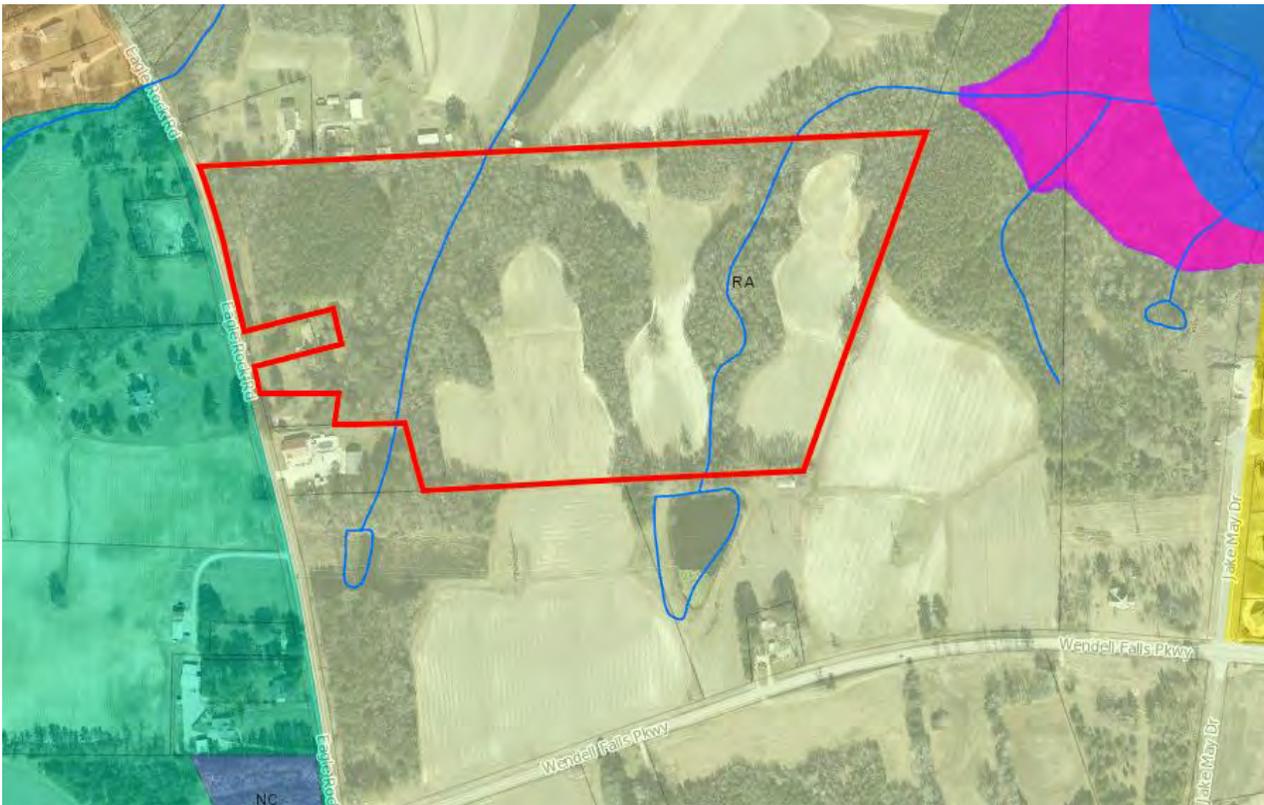
PROPOSED LAND USE: Residential

Project Setting – Surrounding Districts and Land uses:

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

Current Zoning Map:

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Proposed Conditional District Conditions:

The applicant is proposing 7 conditions for the proposed CD, as follows:

1. UDO Section 2.3 A. – Multifamily dwellings (limited to townhomes only) shall be a permitted use in R7 (CD), and the maximum number of townhomes shall not exceed 53% of the total number of units- UDO Section 2.7 B.2.
2. Townhome buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least (3) of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations): Dormers, gables, recessed entries, covered porch or stoop entry, cupolas or towers, pillars or posts, eaves (minimum 10" projection which may include gutter), off-sets in building face or roof (minimum 12"), bay windows, balconies, and decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, and similar features). Sufficient wall articulation is also required to avoid large unbroken expanses of roof or wall planes including the stepping of units and the use of bays and gables where appropriate.

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3. *Garage doors shall either contain windows or carriage style adornments.*
4. *The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.*
5. *UDO Section 2.7 B. 1. – The minimum lot size for single-family shall be 4,400 sq. ft.*
6. *UDO Section 5 – Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.*
7. *UDO Section 9.7.E.4 – Maximum cul-de-sac length shall exceed 300’ on street ‘F’ only as necessary to preserve environmental and topographic features.*

Applicant’s Justification:

Applicants Justification Statement added as Attachment B.

Public Utilities:

Development of this site will require connection to city water and sewer which will necessitate annexation.

Streets:

The Town’s Arterial and Collector Street Plan calls for widening and improvements to Eagle Rock Road (ultimately a 4-lane divided road; developer is responsible for improving to 3-lane undivided section). This would necessitate some widening and improvements along their frontage. They will dedicate the full R-O-W and construct the required road improvements along Eagle Rock Road. The development plan also includes a minor collector that includes bike lanes and sidewalks from Eagle Rock Rd to the stub on the eastern side of the property. The TIA is requiring a 250 ft. right turn lane from Wendell Falls Parkway onto Southbound Eagle Rock Road.

Phasing:

The applicant has indicated that there will be three phases on this project.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Area and a neighborhood center.

The Comprehensive Plan states that S-4 areas “are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community’s new growth should occur. The typically envisioned community type for S-4 is a traditional neighborhood development

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(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.”

Neighborhood centers are “intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.”

The proposed development on the site meets the appropriate uses.



TRC Review:

- *The applicant has addressed all Technical Review Comments identified to date. If the master plan is approved, the TRC would also review the subsequent final development plan (construction drawings).*

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted 5-2 in favor of the requested Conditional District.

Voting in Favor: Ryan Zakany, Jonathan Olson, Brett Hennington, Jimmena Huffman-Hall and Deans Eatman

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Voting Against: Michael Firstbrook and Allen Swaim

Absent: Victoria Curtis and Levin Jones

Statement of Plan Consistency:

The proposed Conditional District is found to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector/Neighborhood Center and is reasonable to allow for diversity in housing options. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

Principle Number 6: “Provide for a range of housing opportunities including upscale housing, senior housing and downtown living choices.”

Staff Comments:

Staff supports the proposed conditional district.

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

Mayor Gray asked if any of the conditions have been changed.

Mr. Coates said that none of the conditions have been changed at this time. He said that the applicant has agreed to not build the stub street and put 20 feet of buffer. He said that they would dedicate the right-of-way but would not construct it if the Board agreed to that condition.

Mayor Gray asked if that was the result of a citizen concern.

Mr. Coates confirmed.

Commissioner Joyner said that he and Commissioner Tarnaski spoke with the applicant and one of the neighbors after the previous town meeting and he understood that was their request to get rid of the stub. He asked what the effect is when future development occurs.

Mr. Coates said that the street right-of-way would be there, but the 20 feet of pavement would not be constructed by this developer. He said most likely it would fall to the town to go back in and finish that in the future when that property to the north develops.

Commissioner Joyner said that the conversation that they had was that you don't want the developer to not build a stub because of plans. He asked if there is a possibility of putting a buffer that would satisfy the citizens with Leyland Cypress trees at the end of

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the stub to get both as a temporary tree with the infrastructure. He said that the concerns that he heard were all concerning line of sight and not so much noise.

Mr. Coates said that, according to the town's UDO, the stub road would go to the property line. The Town Board and the developer would have to make some kind of agreement that the road gets built 4 feet away from the property line with trees being built on the remaining space of the property. Mr. Coates said that he thinks the applicant would be willing to do that.

Commissioner Joyner said the citizen's request was concerning the line of sight and while he appreciates getting rid of the stub street, that won't solve the problem, it's just going to make the road end sooner. He said that he thinks the citizen thought his issue was with the stub street when it was actually line of sight that will be enhanced by a stub street.

Mr. Coates said he would text the applicant to ask.

Commissioner Tarnaski suggested the subdivision put up a privacy fence while construction was occurring and take it down when it's finished like the development on Old Zebulon Road was doing in addition to the buffer.

Mr. Coates said the Old Zebulon Road development was putting up the privacy fence on the back end of the property, not at the end of a stub. He said that he would check with the applicant to see if this was an option. He asked Brian Duncan if he could hear the discussion through the Uber Conference line.

Mr. Duncan said that yes, he could hear the discussion.

Mr. Coates asked if they would be amendable to build the stub up to a few feet from the property line and then put a row of Leyland Cypress trees or some kind of other shrubbery.

Mr. Duncan said absolutely they would.

Mr. Coates asked the Board if that was sufficient.

Commissioner Joyner said that it was.

Commissioner Lutz asked if it is the stub road closest to Eagle Rock Road on the western side.

Mr. Coates confirmed. He said the future street name is Nelson Knobs Court.

Commissioner Joyner said that he appreciates the development coming in.

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ACTION

Mover: Commissioner Jason Joyner moved to approve the R7 Conditional District for property located at 1425 Eagle Rock Road continued from the May 26, 2020 Town Board Meeting with the inclusion of the stub street and buffer addition as discussed.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

6c. Motion on_a non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road continued from the May 26, 2020 Town Board Meeting

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

Edward J. Gehrke, II has submitted an annexation request for 1 non-contiguous parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road. Plans have been submitted to develop a new residential subdivision at this location, but in order gain access to needed utilities, annexation is required.

The Town Clerk has certified the sufficiency of the annexation petition.

Zoning District:

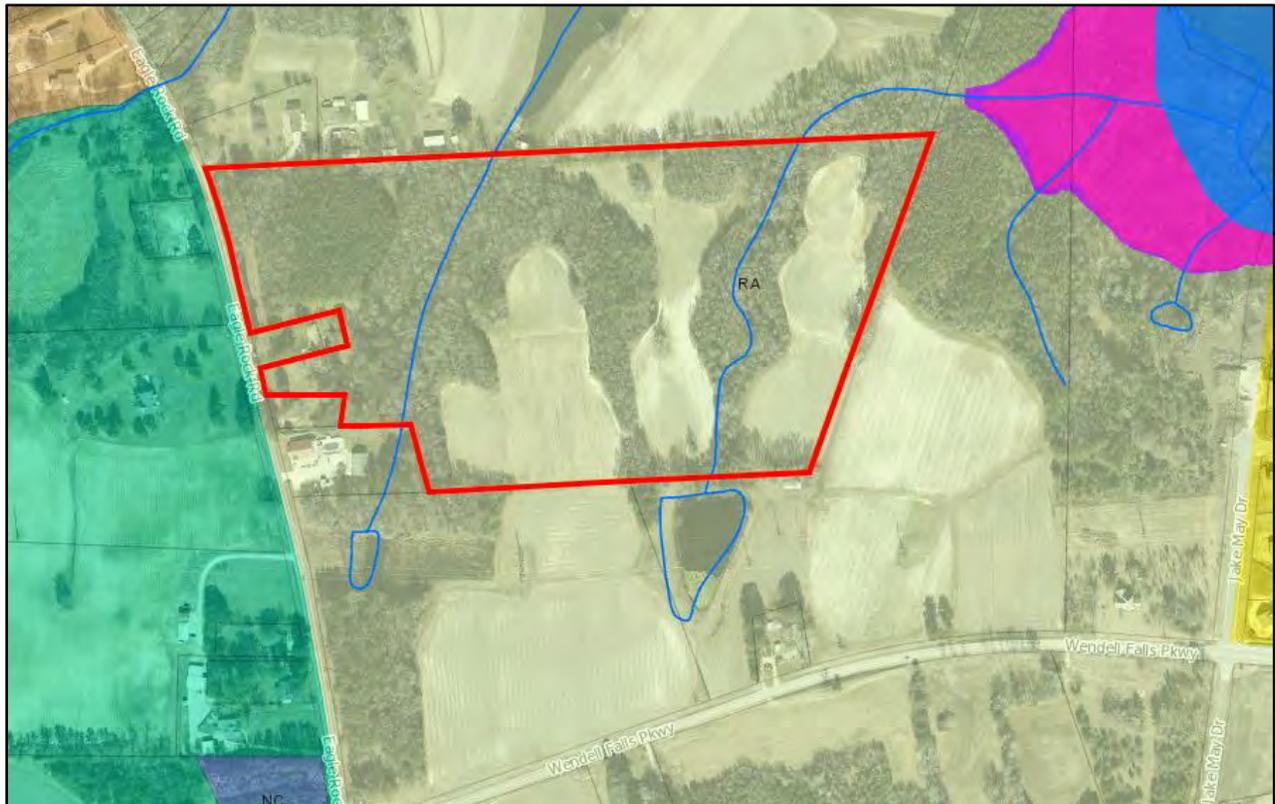
The property is currently located within the Residential Agricultural district. The applicant has also submitted an R7 Conditional District rezoning request for this property.

Police & Public Works & Utility Service:

The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed.

Location Map:

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Staff Recommendation:

Staff recommends approval of the request.

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

ACTION

Mover: Commissioner Jon Lutz moved to approve the non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN#1773-88-6827] at 1425 Eagle Rock Rd.
 Eyes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
 Nays: None.
 Vote: 5-0

- 6d. Motion on a Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use continued from the May 26, 2020 Town Board Meeting

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Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

At this time, a Nursery & Garden Center use does not exist in the Town’s UDO. Since we have received an inquiry regarding where a Nursery & Garden Center would be permitted in the Town of Wendell, staff is proposing a text amendment to add this use and the zoning districts in which it can operate. The closest classification currently in place would be ‘general retail’ and ‘outdoor storage as a primary use’.

Per the proposed definition, a ‘Nursery & Garden Center’ is an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories. As proposed, the following additional standard will apply to all of the permitted zoning districts:

- 1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.*

Proposed Text Amendments:

- 1. To amend Section 2.3 (Use Categories and Tables of Permitted Uses) to modify the Use Matrix titled Retail/Restaurants to include Nursery & Garden Center which will be permitted with additional standards in the RA, CH and M&I districts. (New text is underlined)*

2.3 - Use Categories and Tables of Permitted Uses

C. Use Matrices.

BASE DISTRICT	OS C	PU D	R A	R R	R 2	R 3	R 4	R 7	NC	CM X	CC	DM X	M H	CH	M& I	TN D
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Retail/Restaurants																
<i>Alcoholic Beverage Sales Store</i>	-	<i>P*</i>	-	-	-	-	-	-	<i>SU P</i>	<i>PS</i>	<i>PS</i>	<i>PS</i>	-	<i>PS</i>	-	<i>PS</i>
<i>Auto Parts Sales</i>	-	<i>P*</i>	-	-	-	-	-	-	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	<i>P</i>	-	-
<i>Bar/Tavern/Night Club</i>	-	<i>P*</i>	-	-	-	-	-	-	<i>SU P</i>	<i>SU P</i>	<i>SU P</i>	<i>SU P</i>	-	<i>SU P</i>	-	<i>SU P</i>
<i>Car Wash—Stand Alone, Self Service</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>PS</i>	<i>PS</i>	-	-	<i>PS</i>	-	<i>PS</i>
<i>Drive-Thru Retail/Restaurants</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>PS</i>	-	-	-	<i>PS</i>	-	-
<i>Gas Station</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>PS</i>	<i>PS</i>	<i>SU P</i>	-	<i>PS</i>	-	<i>PS</i>
<i>General Retail—10,000 sf or less</i>	-	<i>P*</i>	-	-	-	-	-	-	<i>PS</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	<i>P</i>	<i>P</i>	<i>P</i>
<i>General Retail—10,001-50,000 sf</i>	-	<i>P*</i>	-	-	-	-	-	-	<i>SU P</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	<i>P</i>	-	<i>P</i>
<i>General Retail—Greater than 50,000 sf</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>PS</i>	<i>PS</i>	<i>PS</i>	-	<i>PS</i>	-	<i>PS</i>
<u>Nursery & Garden Center</u>	-	<u>P*</u>	<u>P S</u>	-	-	-	-	-	-	-	-	-	-	<u>PS</u>	<u>PS</u>	-
<i>Restaurant</i>	-	<i>P*</i>	-	-	-	-	-	-	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	<i>P</i>	<i>P</i>	<i>P</i>
<i>Shopping Center—</i>	-	<i>P*</i>	-	-	-	-	-	-	<i>SU P</i>	<i>P</i>	<i>P</i>	-	-	<i>P</i>	-	<i>P</i>

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Neighborhood Center																
Shopping Center—Community Center	-	P*	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/ Farm Equipment Sales/Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

- To amend Section 3.3 (Additional Standards by Use) to include an additional standard for Nursery & Garden Center. (New text is underlined)

3.3 - Additional Standards by Use

FF. Nursery & Garden Center (RA, CH, M&I)

- Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.

- To amend Section 19.3 (Definitions) to include the definition for Nursery & Garden Center. (New text is underlined)

19.3 - Definitions

Nursery & Garden Center means an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and

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decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted 7-0 in favor of the requested zoning text amendment with the following modifications to text amendment proposed by staff in Section 3.3-Additional Standards by Use, FF. Nursery and Garden Center:

1. Replace “fully screened” with “partially screened”
2. Instead of “shall be located in a side or rear yard” replace with “shall be located in a rear yard”

Voting in Favor: Ryan Zakany, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Allen Swaim, Michael Firstbrook and Deans Eatman

Voting Against: None

Absent: Victoria Curtis and Levin Jones

Statement of Plan Consistency and Reasonableness

The proposed zoning text amendment is found to be reasonable in order to diversify and increase the per capita tax base by providing more opportunities for business. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

Principle Number 4: Diversify and increase the per capita tax base. Provide for a diverse workforce with a broad range of skills, making Wendell a more self-sustaining community.

Staff Recommendation:

Staff recommends approval of the proposed text amendment request.

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

No questions were asked.

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ACTION

Mover: Commissioner Jon Lutz moved to approve the Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use.
 Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
 Nays: None.
 Vote: 5-0

6e. Motion on a Zoning Text Amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans continued from the May 26, 2020 Town Board Meeting

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

The purpose of the Conditional Districts 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.

Conditional districts combine a map amendment request with an associated subdivision or site plan in a manner which supports flexibility and trade-offs. Procedurally, the marriage of the rezoning request with the subdivision plan means that conditional district development plans receive review and approval by the Planning Board and Board of Commissioners. When traditional map amendments are pursued rather than conditional districts, neither board participates in the review of the subdivision plan, since all aspects of the plan must confirm with the Town's adopted development standards.

Section 15.13 of the UDO outlines the procedures governing conditional district approval. Currently Conditional District Master Plans (referred to as a Preliminary Plan outside of a conditional district request) are reviewed by both the Technical Review Committee and the Planning Board, prior to Town Board approval. Once the Master Plan has been approved by the Town Board, the developer is free to begin developing a Final Development Plan (referred to as Construction drawings outside of a conditional district request).

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A final development plan consists of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the approved master plan.

Under the current process, the Town's Technical Review committee reviews the final development plan for compliance, but the Town's code calls for the Planning Board to be the approving body for the final development plan. Thus, once the Technical Review Committee has finished all aspects of its review of the final development plan, the plan is taken to the Planning Board for a vote. However, since all technical aspects of the plan have already been reviewed and the conditions are already set, the only role at this point for the Planning Board is to confirm that the final development plan is substantially similar to the approved Master Plan. If it were not substantially similar, then the applicant would be required to submit a revised Master Plan.

In order to streamline the review process (which has been highlighted by the difficulties in holding public meetings during the COVID-19 pandemic), staff recommends that the approval authority for the final development plan be changed to the Administrator, rather than the Planning Board. In this format, the Planning Director would evaluate the final development plan to determine if it is substantially similar to the approved Master Plan, much like the Administrator approves Construction Drawings after the Technical Review Committee has approved the Preliminary Plan (for development operating outside of a conditional district).

If the administrator determines that there are substantial changes (many of which are specifically outlined in Section 15.13 of the UDO), then the applicant would need to resubmit a revised Master Plan for the Planning Board and Town Board to approve.

Proposed Amendment:

*In order to permit administrative approval of final development plans, staff recommends amending section 15.13 to read as follows (Deletions are shown with strike-throughs. Additions are **bolded and underlined**).*

15.13 - Conditional Districts

- A. *Purpose: The purpose of the Conditional Districts is to provide an alternative means of land development and an alternative zoning procedure that may be used to*

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establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A Conditional District (CD) established according to the provisions of this section may depart from the strict application of the requirements of the town's general zoning districts, as outlined in Section 2.18, Conditional Districts. The CD alternative may allow uses which are not currently defined or contemplated by the Code. 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.

A second purpose of this section 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.

B. General Requirements:

1. *Applicant: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.*
2. *Standards of District to be Met: Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Board of Commissioners may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice.*
3. *Content of Application:*
 - a. *A Conditional District shall consist of the CD Master Development Plan, individually, or in combination with a CD Final Development Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning.*

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- b. *Master Development Plan: The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Development Plan comprised of scaled drawings and associated reports. At a minimum, the Master Development Plan shall adequately describe:*
 - i. *The overall boundary and area of the district, including underlying zoning districts;*
 - ii. *The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;*
 - iii. *Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;*
 - iv. *Full list of proposed uses consistent in character with the underlying zoning district;*
 - v. *A proposed development schedule if the project is to be phased.*
 - c. *Final Development Plan: All Final Development Plans shall conform to the general development concept of an approved Master Development Plan. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance.*
 - d. *In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District.*
4. *Fair and Reasonable Conditions: 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*

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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. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Board of Commissioners prior to final action.

5. *Decisions: Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.19.C has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.*
- C. *Ability to Proceed: The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Commissioners. A simple majority vote of the Board of Commissioners is required when the Conditional District Master Plan receives a favorable recommendation from the Planning Board. When the Planning Board recommends against the Conditional District Master Plan, a supermajority, or four-fifths, vote from the Board of Commissioners is required for approval. A Conditional District Final Development Plan must also be approved by the ~~Planning Board~~ **Zoning Administrator** and the applicable plat must be recorded with the Wake County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.*
- D. *Approval Process:*
1. *The procedure for approval of the Master Plan shall follow the procedure outlined in the table in subsection H below and in Section 15.12, Map Amendments (Rezoning).*
 2. *Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant shall submit a Final Development Plan to the ~~Planning Board~~ **Zoning Administrator** for approval. The Final Development Plan shall implement the Master Plan with any changes, additions and conditions required and approved by the Board of Commissioners. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.*
- E. *Final Approval by Stages: If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.*
- F. *Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District.*
1. *The following changes to a CD Master Plan or subsequent Final Plan shall require approval by the Board of Commissioners:*

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- a. Land area being added or removed from the Conditional District.
 - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
 - c. A change in land use or development type beyond that permitted by the approved Master Plan.
 - d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - e. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.
 - f. When the total floor area of a commercial or industrial classification is increased more than ten percent beyond the total floor area last approved by Board of Commissioners.
2. All other changes to a CD Master Plan or subsequent Final Plan shall receive approval by the ~~Planning Board~~ **Zoning Administrator**. However, if in the judgment of the ~~Planning Board~~ **Zoning Administrator**, the requested changes alter the basic development concept of the CD, the ~~Planning Board~~ **Zoning Administrator** may require **review and recommendation by the Planning Board, followed by concurrent approval by the Board of Commissioners.**
- G. *Rescission of Conditional Districts: The Applicant shall secure a valid building or construction permit(s) within a 12-month period from date of approval of the Conditional District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12-month period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time.*
- H. *Procedure:*

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Conditional District: Rezoning w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report.	n/a

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	<i>Planning Board</i>	<i>Courtesy hearing, if requested</i>	<i>n/a</i>
	<i>Planning Board</i>	<i>Review and recommendation of Conditional District application</i>	<i>n/a</i>
	<i>Board of Commissioners</i>	<i>Public hearing</i>	<i>n/a</i>
	<i>Board of Commissioners</i>	<i>Grant Conditional District - or - Denial and Request for Rehearing</i>	<i>Superior Court</i>
	<i><u>Planning Board Administrator</u></i>	<i>Approve Final Development Plan</i>	<i>n/a</i>

([Ord. No. 16-2016, § 2, 7-11-2016](#))

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted to deny the requested zoning text amendment.

Voting in Favor: Deans Eatman

Voting Against: Ryan Zakany, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Allen Swaim, and Michael Firstbrook

Absent: Victoria Curtis and Levin Jones

Statement of Plan Consistency:

Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature. In staff's opinion, the requested zoning text amendment is consistent with Principle #5 of the Wendell comprehensive plan and is reasonable to streamline the development review process. Principle #5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.

Staff Recommendation:

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Staff recommends approval of the proposed text amendment

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

No questions were asked.

ACTION

Mover: Commissioner Jon Lutz moved to approve the Zoning Text Amendment to section 15.13 of the UDO as it relates to the approval process for Final Development Plans.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

6f. Downtown Façade Grant Request for improvements to 5 N Main Street

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

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

Item Summary:

On April 24, 2020, staff received an from Sigurd Westerlund the owner of 5 N Main Street for the downtown façade grant program. 5 N Main Street faces multiple public right-of-way including Main Street, 3rd Street and Tobacco Alley. The application includes improvements such as constructing a side/rear patio, installation of railings, lighting and other architectural details to enhance the outdoor area that currently is a gravel/dirt area. The project would create a patio that would contain outdoor dining and enclose the air condition units.

The total estimated cost for exterior façade improvements is \$26,522.50, broken down as follows:

- *Site Work & Masonry products and labor- \$13,725.00*
- *Railing - \$4,560.00*
- *Privacy Screening & Equipment- \$6,462.50*
- *Electrical Conduit- \$1,775.00*

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The decision factors for grant approval give extra consideration to new commercial businesses, facades located in the downtown area, recently expanded businesses or seeking renovations and/or projects that are creative or offer enhanced improvements or aesthetic appeal or translates to increase customer visitation or experiences in a neighborhood. The renovation of 5 N Main Street and the creation of outdoor seating on a raised deck are eligible for funding.

The amount applied for by the applicant for the downtown façade grant program is up to \$10,000 with a request for \$5,000 in FY 2020 and \$5,000 in FY 2021. At the time of application, the downtown façade grant program currently permits a 50/50 matching for up to \$10,000 per façade from the town to the applicant based on project costs.

Appearance Commission Recommendation:

The Appearance Commission is hearing the item for recommendation at the Wednesday, June 3, 2020 meeting. The result of the vote will be provided at the Commission meeting.

Staff Recommendation:

Staff recommends that the Board of Commissioners approve the Downtown Façade Grant request for 5 N Main Street up to \$10,000 as the request meets the programs objectives and guidelines with \$5,000 to be appropriated in FY 2020 and \$5,000 to be appropriated in FY 2021.

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

Commissioner Lutz asked if the town has received some official quotes on the project.

Mr. Coates confirmed that they did.

Commissioner DeLoach asked for confirmation that there would be some funds available for other projects.

Mr. Coates said that this request is to use the remaining \$5,000 in this year's budget and then take \$5,000 out of the fiscal year 2021 budget. He said there would still be an additional \$5,000 in fiscal year 2021 for other projects.

Commissioner Joyner asked as to the permanency of these improvements.

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Mr. Coates said that the conduit would be there for lighting and other improvements, the patio would be raised and built with wrought iron, steel and concrete and would be a permanent structure.

Commissioner Lutz asked if this is the building directly next door to 1 N. Main.

Mr. Coates said it was, in an “L” shape on the west side of Third Street.

Mayor Gray said it was between 1 N. Main Street and Agave Restaurant.

ACTION

Mover: Commissioner Jon Lutz moved to approve the Downtown Façade Grant Request for improvements to 5 N. Main Street.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

6g. Contract for Billing Services for Solid Waste Fees between the Town of Wendell and the City of Raleigh

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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

Item Summary:

The Town of Wendell and the City of Raleigh entered into a Merger Agreement for Water and Sewer Utility systems on June 26, 2006. As part of that agreement, the City agreed to collect Town utility rates, fees, charges, and penalties as authorized by General Statutes on behalf of the Town and remit the fees to the Town as provided for under a separate contract.

The utility billing contract was adopted on October 2, 2006. Under that agreement, the Town paid the City \$0.25 per account billing for solid waste fee collection. There was no provision for increase and the cost to provide the service far exceeds the service fee charged to the Town. City staff met with staff from the Towns of Wendell, Knightdale, and Zebulon to discuss revisions needed to update the agreement and developed a draft agreement. The Town Attorney has reviewed and made revisions in coordination with City legal staff.

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The proposed agreement continues the relationship with the City of Raleigh but increases the charge per bill to \$0.50 and allows for the occasional amendment to capture cost based upon cost of service studies. The proposed cost is still significantly less than bringing the billing in-house and provides for an efficiency in billing received by Wendell residents (one bill). Staff recommends approval for the City to continue utility billing services for the Town.

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

Commissioner Joyner asked if this addresses the billing services until the year 2036.

Mr. Collins confirmed, saying that there is a provision in the contract for the cost of increase after the City of Raleigh conducts an internal service study, so the town won't have to come back repeatedly until all of the different jurisdictions have been updated. He said that the actual cost is reviewed with the town and then increased in the proposed contract. He said that they do have to conduct a study to show where that cost increase would come from.

ACTION

Mover: Commissioner Jon Lutz moved to authorize the Town Manager to execute the Contract for Billing Services for Solid Waste Fees between the Town of Wendell and the City of Raleigh.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

6h. Designate Board Member for Design Services Selection Committee

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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

Item Summary:

The Town of Wendell is actively soliciting for design and engineering services through a request for qualifications (RFQ) process for professional services to prepare for the design and associated studies and plans needed to construct a new Town Hall.

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The Owners Project Manager, Cummings Corporation, has requested a Town review committee to work with them to rank design and engineering service providers that respond to the RFQ. The Selection Committee consists of a representative from the functional areas that will use the proposed building and the department responsible for maintaining the facility. As such, the members will include representation from the Governing Board, Town Manager, Finance Department, Planning Department, and Public Works Department with the Owners Project Manager serving as an ex-officio member.

Staff requests the Board to nominate and select a member to represent the Board on the Committee. The member selected will be asked to attend review meetings and potentially interviews (if needed). The Selection Committee will rank the firms and make a recommendation to the Board to direct the Town Manager to enter into negotiations with the selected firm(s) at the end of the process. Once the design process begins, there will be provisions for all of the Board to provide input into the design of the Town Hall.

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

Mayor Gray said that she believed Commissioner Boyette had expressed an interest in serving the Design Services Selection Committee.

ACTION

Mover: Commissioner Jason Joyner moved to designate Mayor Pro Tempore John Boyette for the Design Services Selection Committee.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

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:

- Wendell Volunteer Fire Department Board of Directors – Commissioner Jason Joyner

Commissioner Joyner said the meeting was held at the new Fire Station and it was great to see that new facility. He said that it is still not open to the general public and they had a nice table in the center of the new facility, which was made by Commissioner Boyette. He encouraged citizens to check it out when the station is open to the public.

8. COMMISSIONERS' REPORTS / COMMENTS

TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
DRAFT – JUNE 8, 2020

Commissioner Joyner said that the past couple of weeks have been the longest year in anyone's recent weeks. He said that he would like to say that everyone understands, but the point is that they don't as to how everyone feels amidst the conflict. He said there's a lot going on in the world right now, speaking specifically to the business impacts of COVID-19. He said that he understands that it hurts the community which is experiencing a lot of changes that seem unfair. He said, speaking to the Minneapolis situation, he had the fortunate life experience of growing up in Rocky Mount with a dad that worked at the Fire Station. Mr. Joyner said he had previously worked in EMS and now represents clients from all over the spectrum in policy work and these problems aren't easy, which is why they aren't solved. He said that those that are willing to come to the table should come to the table. He said that those that are not willing to come to the table eventually will see that everyone else is at the table. He said sometimes that's all you can do is to show up at the table. He encouraged citizens to contact him from his information on the town's website to discuss anything from local business what interactions with the Wendell Police Department have been like to what they would like to see future interactions look like. He said his cell phone information is on the website and he's happy to meet anyone at the picnic tables by the railroad tracks. Mr. Joyner said that he's eager to be a part of the conversation.

Commissioner DeLoach said that Garmin is going to have a parade to celebrate Operation Coming Home in Wendell Falls to celebrate First Class Sargent Ortiz family building a home at 7:30 p.m. on Tuesday June 9th. He said that there's a lot of folks hurting and the last couple of weeks have been rough. He said that we need to listen to people, speak to people, and love them. He said that he's proud of Wendell and what it stands for. He said the sense of community is strong and he's proud to be here. He said that love will get us through and encouraged people to support their friends and neighbors.

Commissioner Lutz had no comment.

Commissioner Tarnaski thanked all of the town employees for all of their hard work for making Wendell a great place to work, live, and raise families in. Mr. Tarnaski said he would like to especially thank the Wendell Police Department for keeping the town safe.

Commissioner Boyette said he said he wanted to focus on some good news and media coverage for the town of Wendell. He said that on the front page of WRAL.com under the "WRAL at Home," there is a nice write-up of the Robertson Mill Pond Nature Preserve highlighting Wendell in a very good light. He said that it points out one of the strongpoints that Wendell has on this side of the county which is its open space. He said it was pointed out as a great place to go and get exercise while maintaining social distancing. Overall, he said that he thought it was a great write-up and a great way to point out some of the good things that Wendell has going on this side of the county. Mr. Boyette encouraged people to visit because it's a beautiful place and said that he's very happy that Wendell has so many outdoor activities for people to enjoy.

TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
DRAFT – JUNE 8, 2020

9. MAYOR'S REPORTS / COMMENTS

Mayor Gray said that the Farmer's Market is on Saturdays from 9 a.m. to 1 p.m. on Campen Street with varying vendors, some of which are cycling Wendell's market, as well as others. She said that this gives residents a good variety of products and she hopes people will come and visit as there may be something new there every time that one might not have seen, previously. Mayor Gray congratulated all recent 2020 East Wake High School graduates that are graduating this Monday and Tuesday in a modified ceremony that is taking place at the high school. She said that the modifications are what makes the ceremony take up two days. Mayor Gray thanked Principal Stacey Alston and his staff for making the best of a very unusual situation and doing his best to make students feel special. She said that students are still being able to walk across the stage individually with the music playing and an opportunity for photographs. She said that it is an unusual year and someday students will be able to look back and say that they graduated during that time and that's something unique to them. Mayor Gray said that the town's COVID-19 numbers are still increasing slightly every single day and she wanted to remind residents that as things are beginning to open up to not forget or become too careless to forget to use the precautions to be in the world, especially those in high-risk groups. Mayor Gray said that she feels like there is not enough that she can say about how difficult 2020 has been. She said that she is deeply saddened by the death of George Floyd in Minneapolis and others. She said it is her hope that, when people look back at 2020, maybe we're able to capture something from it that we learned that we didn't know before and we can look back at it instead of a terrible year, but a great year of growth and grace. She said that people need to be giving each other more grace and remember that, as a society, no one is at their best right now and we need to give each other a tiny bit of a pass on that. Mayor Gray said that in the pursuance of the CALEA Accreditation, the town has a lot of plans for its police department. She said that she received a bunch of emails about this from citizens and that she's read every single one of them, writing responses that she decided were just not adequate. She said that she's still working on it and if citizens have emailed her to know that she will email them back, she's just processing like everyone is. She promised citizens that they have had a lot of conversations in Wendell and are taking a look at things in multiple meetings. She said it is her expectation that good things are going to happen here. She encouraged citizens to reach out to her or members of the Board or on Town staff if they have something to add. She said there will be additional opportunities to provide input during the CALEA process, as well.

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
DRAFT – JUNE 8, 2020

ACTION:

Mover: Commissioner Lutz moved to adjourn at 8:07 p.m.

Vote: 5-0

Duly adopted this day of July 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk

Item Title:

Receive the Clerk’s certificate of sufficiency of 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, and schedule the Public Hearing.

Report to the Board of Commissioners:

July 13, 2020 – Receive Revised Certificate of Sufficiency and Set Public Hearing
June 22, 2020 – Set Public Hearing and Received Certificate of Sufficiency
January 13, 2020 - Receive Certificate of Sufficiency and Set Public Hearing
November 12, 2019 - Direct Clerk to Certify Annexation Request

Specific Action Requested:

That the Board of Commissioners receives the Clerk’s certificate of sufficiency and schedule the public hearing for this petition for Monday, July 27, 2020 by adopting the attached resolution.

Item Summary:

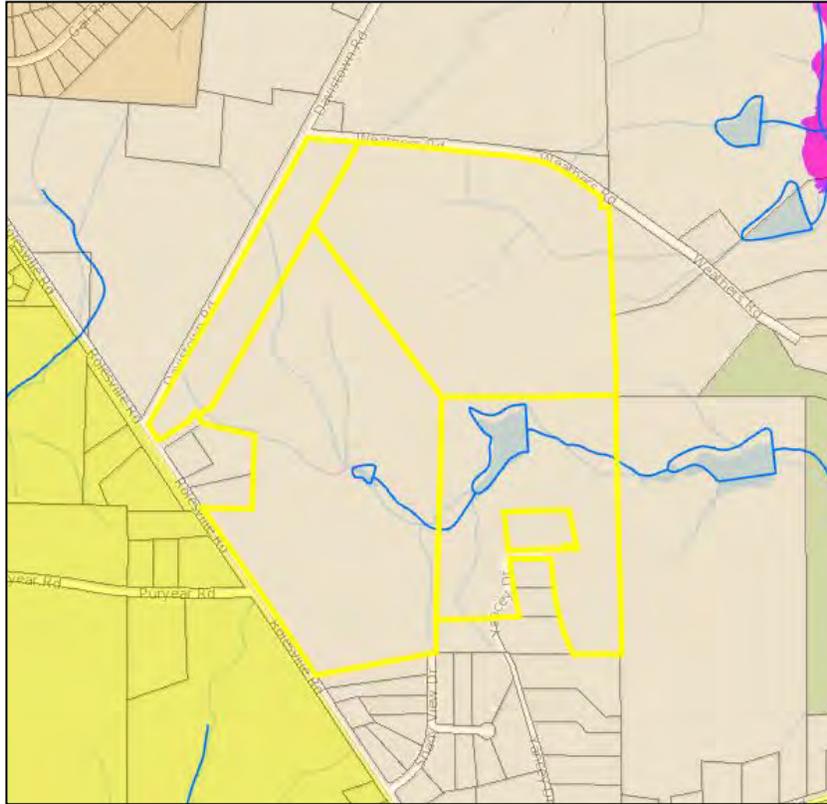
Chris Rurkowski had originally submitted an annexation request for 3 non-contiguous parcels totaling 119.6 acres [12.28- PIN #1765-85-2510, 50.16- PIN #1765-96-2276 and 57.16- PIN #1765-85-6251] located at 4501 Rolesville Rd, 0 Davistown Road and 1401 Davistown Road, respectively. In order to satisfy 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. A technical correction necessitates the certificate of sufficiency to correct a PIN # and set a new public hearing.

The Town Clerk has certified the petition’s sufficiency. A resolution setting the date of the public hearing for July 27, 2020 is attached for approval.

Zoning District:

The properties are located within the Wake County R-40 zoning district.

Location Map:



Attachments:

- A. Certificate of Sufficiency
- B. Resolution setting the date of the public hearing



TOWN OF WENDELL

NORTH CAROLINA

CERTIFICATE OF SUFFICIENCY

To the Town Board of the Town of Wendell, North Carolina:

I, Megan Howard, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NC G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Wendell, this 13 day of July 2020.

Megan Howard,
Town Clerk

DESCRIPTION/ADDRESS A-19-04:

Tract 1: 4501 Rolesville Road Non-Contiguous; 12.28 acres; PIN #:1765852510

Tract 2: 0 Davistown Road; Non-Contiguous; 50.16 acres; PIN#: 1765962276

Tract 3: 1401 Davistown Road; Non-Contiguous; 57.16 acres; PIN #: 1765856251

Tract 4: 6021 Yancey Drive; Non-Contiguous; 32.21 acres; PIN #: 1775042139

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO NC GS 160A-58.2
RESOLUTION NO.: R-17-2020**

WHEREAS, a petition requesting annexation of the area described herein has been received;
and

WHEREAS, the Town Board has by resolution directed the Town Clerk to investigate the
sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made.

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

SECTION 1. A public hearing on the question of annexation of the area described
herein will be held at the Wendell Town Hall, Board Room, at 7:00 p.m. on Monday, July 27,
2020.

SECTION 2. The area proposed for annexation is described as follows:

A 12.28-acre tract located off Rolesville Road addressed as 4501 Rolesville Road, PIN # 1765-
85-2510 and is available in Deed Book 09086, Pages 2064-2066, Wake County Registry;

A 50.16-acre tract located off Davistown Road addressed as 0 Davistown Road, PIN # 1765-96-
2276 and is available in Deed Book 16037, Pages 1579-1582, Wake County Registry;

A 57.16-acre tract located on Davistown Road addressed as 1401 Davistown Road, PIN # 1765-
85-6251 and is available in Deed Book 16037, Pages 1587-1590, Wake County Registry;

A 32.21-acre tract located on Yancey Drive addressed as 6021 Yancey Drive, PIN # 1775-04-
2139 and is available in Deed Book 11017, Pages 981-985, Wake County Registry;

SECTION 3. Notice of the public hearing shall be published in the Wake Weekly, a
newspaper having general circulation in the Town of Wendell, at least ten days prior to the date
of the public hearing.

Duly adopted this 13 day of July 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk

DESCRIPTION/ADDRESS A-19-04:

Tract 1: 4501 Rolesville Road Non-Contiguous; 12.28 acres; PIN #: 1765852510

Tract 2: 0 Davistown Road; Non-Contiguous; 50.16 acres; PIN#: 1765962276

Tract 3: 1401 Davistown Road; Non-Contiguous; 57.16 acres; PIN #: 1765856251

Tract 4: 6021 Yancey Drive; Non-Contiguous; 32.21 acres; PIN #: 1775042139

Item Title:

Public Hearing on a contiguous annexation for 1 parcel totaling 7.45 acres [PIN #1793-03-4587] located at 1425 S. Hollybrook Road.

Report to the Board of Commissioners:

July 13, 2020 – Public Hearing

June 22, 2020 - Receive Certificate of Sufficiency and set Public Hearing

January 13, 2020 - Direct the Clerk to Investigate Sufficiency of the Annexation

Specific Action Requested:

Hold a public hearing for the annexation for 7.45 acres located at 1425 S Hollybrook Road. No decision can be made at this meeting. The decision will be considered on July 27, 2020.

Item Summary:

Franceline H Price has submitted an annexation request for 1 contiguous parcel totaling 7.45 acres located at 1425 S. Hollybrook Road and identified by PIN Number 1793-03-4587. The purpose of this annexation is to accommodate planned changes to the residential Conditional District previously submitted by Fred Smith on S. Hollybrook Rd, to include this land.

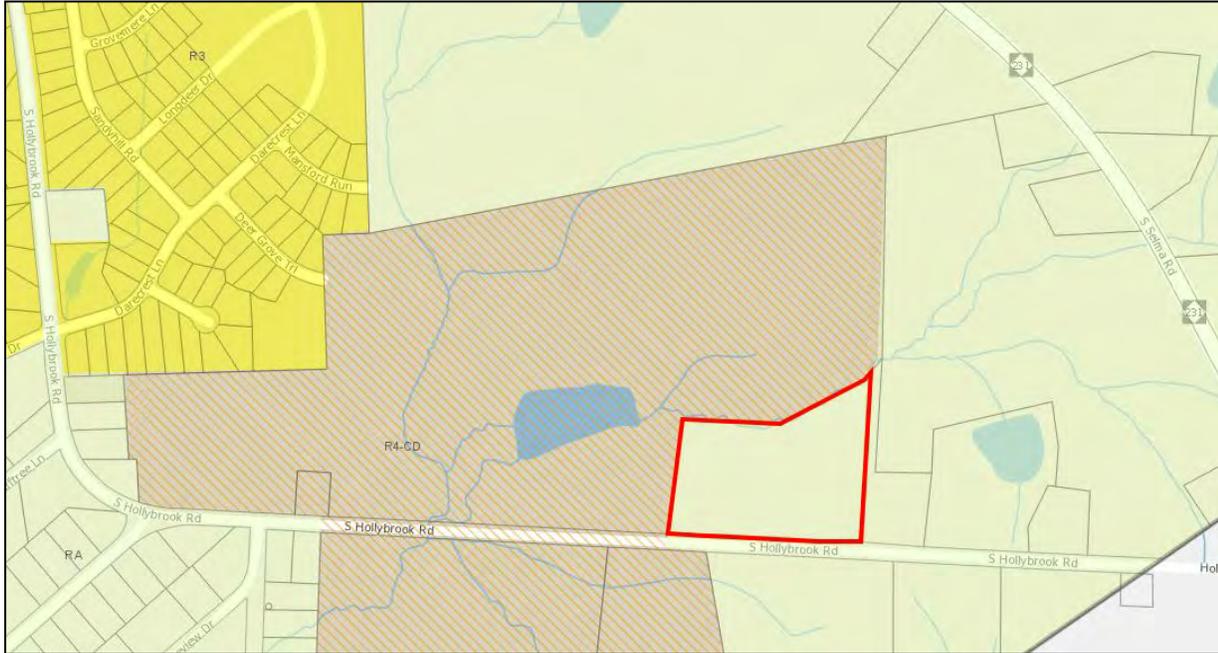
Zoning District:

The property is currently located within the RA zoning district.

Police & Public Works & Utility Service:

The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed.

Location Map:



Staff Recommendation:

Staff recommends approval of the request.

Attachments:

- A. Ordinance for Adoption

Return Address: Bryan Coates, Assistant Planning Director
Town of Wendell
15 E. Fourth Street
Wendell, NC 27591

A19-08

ORDINANCE NO. 0-20-2020
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-31, 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 13th day of July, 2020, after due notice by publication on the 2nd day of July, 2020.

WHEREAS, the Board of Commissioners does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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-31, the property identified by PIN # 1793034587 and also shown as the 7.45 acre tract located at 1425 S. Hollybrook Road 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 July 13, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, 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 27th day of July, 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

CLERK’S CERTIFICATION

I, **MEGAN HOWARD**, Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance **#0-20-2020**, as adopted by the Wendell Board of Commissioners on the 13th day of July, 2020 for property owned by **Franceline H. Price**, 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 27th day of July, 2020.

[TOWN SEAL]

Megan Howard, Town Clerk

Item Title:

Public Hearing on a contiguous annexation petition for 1 parcel totaling 15.79 acres [PIN #1783-17-8750] located at 941 Wendell Falls Parkway.

Report to the Board of Commissioners:

July 13, 2020- Public Hearing

June 8, 2020 - Receive Certificate of Sufficiency and set Public Hearing

April 27, 2020 - Direct Clerk to Certify Annexation Request

Specific Action Requested:

Hold a public hearing for the annexation petition for 15.79 acres located at 941 Wendell Falls Parkway. No decision can be made at this meeting. The decision will be considered on July 27, 2020.

Item Summary:

Jackie Smith has submitted an annexation request for 1 contiguous parcel totaling 15.79 acres [PIN #1783-17-8750] located at 941 Wendell Falls Parkway. Plans have been approved to build a Townhome residential community as part of an NC Conditional District but in order to gain access to needed utilities, annexation is required.

Zoning District:

The property is currently located within the Town of Wendell extraterritorial jurisdiction and is zoned Neighborhood Center (NC) Conditional District.

Police & Public Works & Utility Service:

The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed.

Location Map:



Staff Recommendation:

Staff recommends approval of the request

Attachments:

- A. Ordinance for Adoption

Return Address: Bryan Coates, Assistant Planning Director
Town of Wendell
15 E. Fourth Street
Wendell, NC 27591

A20-02

ORDINANCE NO. 0-21-2020
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-31, 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 13th day of July, 2020, after due notice by publication on the 2nd day of July, 2020.

WHEREAS, the Board of Commissioners does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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-31, the property identified by PIN # 1783178750 and also shown as the 15.79 acre tract located at 941 Wendell Falls Parkway 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 July 13, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, 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 27th day of July, 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

CLERK’S CERTIFICATION

I, **MEGAN HOWARD**, Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance #0-21-2020, as adopted by the Wendell Board of Commissioners on the 13th day of July, 2020 for property owned by **The Jackie F. Smith Revocable Living Trust**, 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 27th day of July, 2020.

[TOWN SEAL]

Megan Howard, Town Clerk

Item Title:

Public Hearing on a revised R4 Conditional District for properties located at 0, 1320 & 1425 S. Hollybrook Road.

Report to the Board of Commissioners:

Monday, July 13, 2020 – Public Hearing

Report to the Planning Board:

Monday, June 15, 2020

Monday, June 1, 2020

Monday, May 4, 2020

Specific Action Requested:

Hold a public hearing on the proposed R4 Conditional District request. No decision can be made at this meeting. The decision will be considered on July 27, 2020 to consider adopting the attached ordinance to rezone the described area subject to conditions and in conformance with the associated Master Plan.

Applicant:

Smith Edwards, LLC

Petition:

The applicant has requested to create an R4 Conditional District for 99.9872 acres of property within the parcels identified by PIN #1783-92-3310, PIN #1783-94-9191, and PIN #1793-03-4587. The proposed conditional district consists of a 290 single-family home subdivision, including club, pool and associated improvements, to be known as The Glen and The Meadows.

Item Summary:

On November 26, 2018, the Wendell Board of Commissioners approved a Conditional District Master Plan submitted by Fred Smith along S. Hollybrook Rd, for up to 310 single family homes. Following Master Plan approval, the project engineers (John A. Edwards And Company) began preparing Construction Drawings. However, based upon various factors including but not limited to wetland impacts, the developer chose to approach the town with a revised Master Plan rather than continuing with the existing one.

The revised Master Plan would remove approximately 23 acres of property from the western portion of the project and add an additional 7.45-acre parcel and connecting drive on the eastern side of the

project. As proposed, the applicant's revised R4 conditional district would feature 290 single family homes (instead of 310). The change eliminates a road crossing that would impact wetland and riparian buffers. The portion of the development north of S. Hollybrook Rd would gain an additional access point to Hollybrook but would lose the connection to Groves of Deerfield (this connection required a stream crossing). Outside of these changes, the development proposal is substantially similar to the approved master plan.

If the revised plan is approved, the applicant would seek to rezone the 23-acre portion that has been removed from the conditional district application to Residential-3 (R3) zoning district.

The Overall Site Plan is included as Attachment A (Along with a link to the full Master Plan for download).

Purpose of a Conditional District:

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

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

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 the UDO 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 the UDO 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:

Two of these properties are currently located in the corporate limits of the Town of Wendell and are zoned R4-CD, with the remaining 1 property located in the Town's extraterritorial jurisdiction and is zoned Rural Agricultural (RA). An annexation request for the property in the ETJ has been submitted.

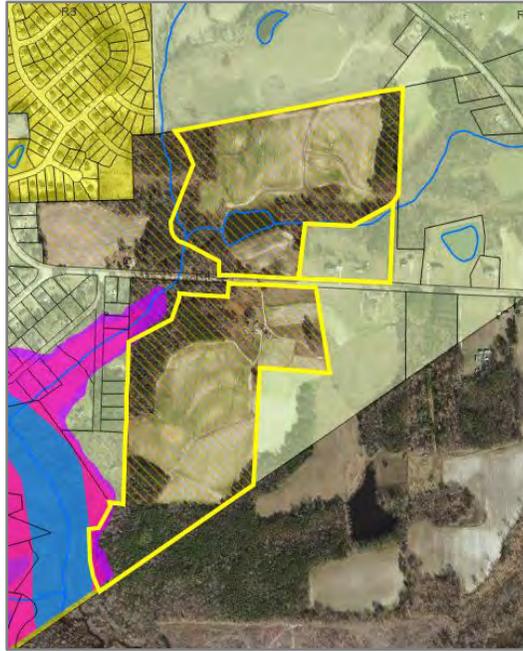
Project Profile:

PROPERTY LOCATIONS: 0, 1320 & 1425 S. Hollybrook Rd
WAKE COUNTY PINS: 1783923310, 1783949191, 1793034587
CURRENT ZONING DISTRICT: R4-CD/RA
CROSS REFERENCES: N/A
PROPERTY OWNERS: Smith-Edwards LLC
2505 Wendell Road
Wendell, NC 27591
Franceline Price
1425 S. Hollybrook Road
Wendell, NC 27591
APPLICANT: Smith-Edwards, LLC
2505 Wendell Road
Wendell, NC 27591
PROPERTY SIZE: 99.9872 acres
CURRENT LAND USE: Residential/Agricultural
PROPOSED LAND USE: Residential

Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	Residential/Agricultural	R3/RA
South	Residential/Agricultural	RA
East	Residential/Agricultural	RA
West	Residential	R3/RA

Current Zoning Map (Subject Properties Outlined in Yellow:



Proposed Conditional District Conditions:

The applicant is proposing to keep the approved zoning conditions 1-9 with new lot number references added. Zoning condition 10 was removed and replaced with a maximum lot count of 300 in keeping with the intent of the original approval. The 10 conditions for the proposed CD are as follows:

1. All single-family dwellings shall have a 5 ft. minimum side setback.
2. A parking ratio shall be applied to the club house amenity site of 1/1,000 SF + 1/75 SF of water surface for the pool.
3. Approval of the subject Conditional District is contingent upon formal acceptance and annexation of the subject parcels into the Town of Wendell. Absent annexation acceptance the Conditional District application will not be approved.
4. All interior lot single-family dwellings shall have a 54 ft. minimum lot width and all corner lots shall have a minimum 60ft. lot width (rather than 50 ft.).
5. The development shall provide a minimum of 2,500 sq. ft. of open space per dwelling (rather than 1,750 sq. ft. of open space)
6. That the club house lot amenities be completed prior to Phase 3 of the development plan.
7. That the proposed Pump Station be screened from view from lot 229 and 230 with a Type A buffer (with the exception of an access drive). Existing vegetation may be counted towards this requirement.

8. That a high visibility crosswalk and pedestrian crossing signs be installed to allow pedestrians to safely cross Hollybrook Rd, in adherence with any required DOT standards for the crossing design.
9. That the subdivision planting requirement for abutting rear yards (described in Section 8.7 of the UDO) be applied to lots 242 through 250, which abut that 3.76 acre tract identified by PIN 1783816842.
10. There shall be a maximum lot count of 300.

Applicant's Justification:

Applicants Justification Statement added as Attachment B.

Public Utilities:

Development of this site will require connection to city water and sewer which is available nearby. The parcel that is not already in the city limits will need to be annexed.

Streets:

The applicant will be responsible for making the required road improvements which include sidewalk, bike lanes, landscape area and curb and gutter. The completed Transportation Impact Analysis requires a left turn lane be constructed from NC 231 to S Hollybrook Road.

Phasing:

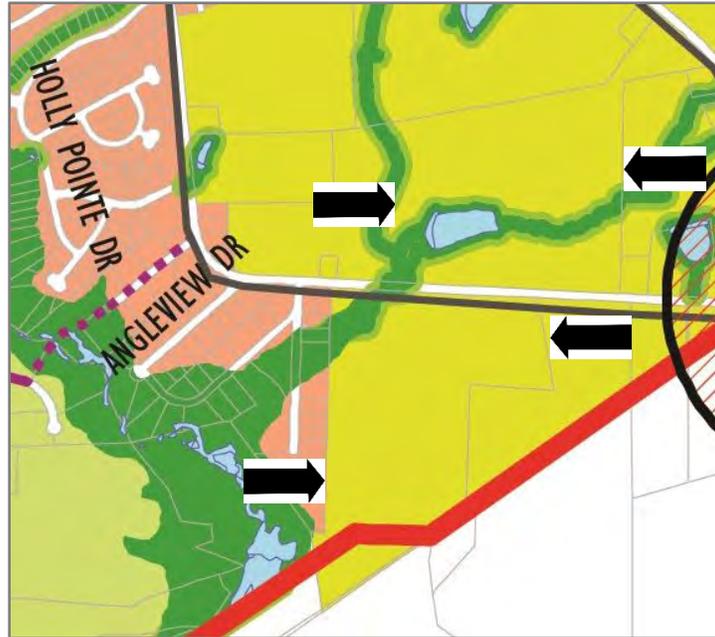
The applicant has indicated that there will be 5 phases on this project. Phasing timelines will need to be updated.

Comprehensive Plan:

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

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

The following development types and uses are appropriate for the S-4 sector: traditional neighborhood developments, neighborhood centers, single-family and multi-family residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses. The proposed development on the site meets the appropriate uses.



Technical Review Committee (TRC) Comments:

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 June 15, 2020 meeting, the Planning Board voted 5-2 in favor of the requested Conditional District.

Voting in Favor: Jimmena Huffman-Hall, Levin Jones, Brett Hennington, Deans Eatman and Ryan Zakany.

Voting Against: Victoria Curtis and Allen Swaim

Absent: Michael Firstbrook and Jonathan Olsen

Statement of Plan Consistency and Reasonableness:

The proposed Conditional District is found to be generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable due to its consistency with the surrounding residential zoning districts and with the following principle of the Comprehensive Plan:

- Principle Number 6: “Provide for a range of housing opportunities including upscale housing, senior housing and downtown living choices.”

Staff Comments:

Staff supports the proposed conditional district.

Attachments:

- A. Overall Site Plan
 - a. Full Master Plan Link:
<https://nmcdn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/05--5--Civil-Plans.pdf>
- B. Applicant's Justification Statement
- C. Original Approved Master Plan:
<https://nmcdn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/Hollybrook---Master-Development-Plan--CD-18-01----180914.pdf>
- D. Letter to Wendell Planning Board from Attorney for Fred Smith Company
- E. Hollybrook TIA
<https://nmcdn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/Wendell-Hollybrook-TIA-Update---Final-2020-05-15.pdf>
- F. Ordinance for Adoption



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www.foxrothschild.com

CLYDE HOLT
Direct No: 919.755.8728
Email: CHolt@Foxrothschild.com

July 6, 2020

Via U.S. Mail and Electronic Mail

Mayor and Members of the Board of Commissioners
Town of Wendell
15 E. Fourth Street
Wendell, NC 27591

Re: Item CD19-09- Revised R4 Conditional District for The Meadows and Glen at Hollybrook, South Hollybrook Road

Dear Mayor and Commissioners:

Your July 13th meeting agenda will include a Planning Board recommendation for approval of a revision of the conditional district zoning and master plan for The Meadows and Glen at Hollybrook. This planned community was originally approved by the Town Board in 2018. The plan revision was filed with the Planning Department last fall to address stream buffer issues and incorporate additional acreage which had become available. Consideration was deferred due to expressed interest by the Town to purchase 23 acres of the original neighborhood for use as a public park. The plan was further modified to accommodate the park land purchase and placed before the Planning Board on May 4th, 2020. Following considerable review and discussion, the Board approved the plan revisions on June 15th.

Staff outlined the changes to the 2018 plan for the Planning Board and asserted:

- 1. The revised plan complies with the Wendell Comprehensive Plan “S-4 Controlled Growth Sector” designation for the area.**
- 2. The revised plan reduces the number of homes the Council approved for the neighborhood in 2018 from 310 to 290. The 2018 traffic impact analysis has been updated to address the changes and recommends relatively minor roadway improvements to support the new community.**

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July 6, 2020

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3. The proposed minimum lot sizes, open space and recreational amenities meet or exceed all applicable Town requirements.

4. The property owner will install a sewer pump station serving not only this neighborhood but nearby land as well, all in conformity with Town of Wendell and City of Raleigh long term utility plans for the area.

5. The property owner has agreed to accommodate the Town's desire to acquire 23 acres of the original tract for public park use.

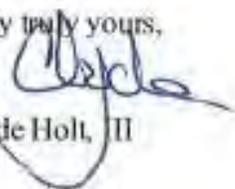
Community Outreach: In early May, I contacted by letter 30 adjacent and nearby residents and property owners outlining the revisions to the 2018 approved plan and invited their questions. Of the 30, I received 4 responses. I phoned each and offered to meet on site to further explain the proposed changes and address any concerns. Three adjacent residents had no objection to the revised master plan, but had questions regarding the future Town Park site. I explained that the Town was early in the process of "programming" for the Park, but gave them contact information for the Planning Director and Manager.

The one resident who expressed opposition to our proposal, essentially restated objections earlier made when the Town approved the 2018 Conditional District and Master Plan. She did not agree with the 2018 rezoning and the extension of the Town corporate limits. She opposes any new R-4 community near her home. I did offer to meet and walk the shared property line and discuss her "privacy" concerns, I suggested that we consider whether supplemental landscaping or a privacy fence might be appropriate. The neighbor declined to meet, I repeated the offer in a second call a week later and was again rejected. Our offer remains open.

This conditional district zoning and master plan revision has been pending for 8 months now. It was first delayed to allow consideration of the Town's interest in acquiring the park site, and then further delayed by the pandemic disruption. Virtual meetings are difficult and frustrating for all, telephone connections make it difficult to hear and respond to questions and concerns. Still, the property owner, the project engineers and I will be available by phone during your Monday night meeting and will do our best to address any questions.

Please support our application, we thank you in advance!

Very truly yours,


Clyde Holt, III



July 6, 2020

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CHIII/cdf

cc: Town Manager
Town Attorney
Town Planning Department
JAECO Engineers
Smith-Edwards, LLC



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April 20, 2020

Chairman and Members of the Wendell Planning Board
Town Hall
15 E. Fourth Street
Wendell, NC 27591

Re: The Meadows and Glen at Hollybrook

Dear Chairman and Members:

I contact you on behalf of Smith-Edwards, LLC owner of the planned Meadows and Glen at Hollybrook residential community on South Hollybrook Road. The master plan for the community was approved by Wendell in 2018. A request to revise the master plan will appear as an “informational” item on your May 4th meeting agenda. A 23 acre tract will be removed from the western portion of the original development plan and replaced by a 7 acre parcel which has become available on the east side of the community. While the original plan provided for a maximum of 310 homes, the revisions limit the number to 300. The change is better for this planned community, for adjacent properties and for the Town of Wendell for several reasons.

1. A north south riparian corridor separates the western 23 +/- acres from the balance of Hollybrook. We believe that the 23 acres would most appropriately be developed under the pre-existing R-2 zoning classification at a density comparable to that of the adjacent Groves at Deerfield Subdivision. This would minimize disruption of the natural riparian area and allow for a meaningful “buffer” between residential neighborhoods developed at differing densities.

2. The addition of the eastern acreage allows for an expanded recreational area and superior street ingress/egress to the Meadows and Glen from Hollybrook Road. The new entrance is further from the 90 degree curve on Hollybrook than was originally designed.

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April 20, 2020

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3. Finally, during preliminary discussions with Town staff regarding these changes, the Town's plan and desire to acquire a public park site in this area became apparent. The Town has focused its attention on the 23 acre Smith Edwards, LLC parcel, and it is now under contract for Town purchase as a public park this summer or fall.

"Virtual" Planning Board meetings are a new experience for all. Project engineer, JAECO and my firm will monitor the Town Planning Board procedures in an effort to make certain you receive all pertinent information and to promptly respond to any questions which may arise. Please feel free to phone my office (919)-755-8728 with any questions or concerns.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Clyde Holt, III'. The signature is written over the typed name 'Clyde Holt, III'.

Clyde Holt, III

CHIII:cj

cc: The Honorable, Virginia Gray, Mayor - vgray@townofwendell.com
Mayor Pro Tem John Boyette - jboyette@townofwendell.com
Commissioner Joe DeLoach - jdeloach@townofwendell.com
Commissioner Jason Joyner - jjoyner@townofwendell.com
Commissioner John Lutz - jlutz@townofwendell.com
Commissioner Philip Tarnaski - ptarnaski@townofwendell.com
Marvin E. "Marc" Collins, Town Manager - mcollins@townofwendell.com
Kelly Chase, Assistant Town Attorney
Bryan Coats, Planning Director - bcoats@townofwendell.com
Smith-Edwards, LLC
JAECO

ORD # 0-18-2020
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-CD19-09) for the properties described below, said properties formerly being zoned R4-CD18-01 and Rural Agricultural (RA); and

WHEREAS said properties are owned by Smith Edwards LLC and Franceline H. Price; 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 July 13, 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-CD19-09) 99.9872 acres of property within the parcels identified by PIN #s 1783923310, 1783949191 and 1793034587.

SECTION 2. The requested zoning map amendment for the parcels within the rezoning area identified as CD19-09 from R4-CD18-01 and Rural Agricultural (RA) to R4-CD19-09, due to the supporting infrastructure and proximity to other residential zoning districts, as well as its consistency with the types and nature of uses described in the S-4 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. All single-family dwellings shall have a 5 ft. minimum side setback.
2. A parking ratio shall be applied to the club house amenity site of 1/1,000 SF + 1/75 SF of water surface for the pool.
3. Approval of the subject Conditional District is contingent upon formal acceptance and annexation of the subject parcels into the Town of Wendell. Absent annexation acceptance the Conditional District application will not be approved.

4. All interior lot single-family dwellings shall have a 54 ft. minimum lot width and all corner lots shall have a minimum 60ft. lot width (rather than 50 ft.).
5. The development shall provide a minimum of 2,500 sq. ft. of open space per dwelling (rather than 1,750 sq. ft. of open space)
6. That the club house lot amenities be completed prior to Phase 3 of the development plan.
7. That the proposed Pump Station be screened from view from lot 229 and 230 with a Type A buffer (with the exception of an access drive). Existing vegetation may be counted towards this requirement.
8. That a high visibility crosswalk and pedestrian crossing signs be installed to allow pedestrians to safely cross Hollybrook Rd, in adherence with any required DOT standards for the crossing design.
9. That the subdivision planting requirement for abutting rear yards (described in Section 8.7 of the UDO) be applied to lots 242 through 250, which abut that 3.76 acre tract identified by PIN 1783816842.
10. There shall be a maximum lot count of 300.

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 27th Day of July 2020

(Town Seal)

Virginia Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

Item Title:

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

 Technical Review Committee (TRC) – Mayor Pro Tempore John Boyette

 Wendell Volunteer Fire Department Board of Directors – Commissioner Jason Joyner

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