

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
November 14, 2016**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, November 14, 2016, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

**STAFF PRESENT:** Town Manager Teresa Piner, Special Assistant to the Manager-Town Clerk Sherry Scoggins, Town Attorney James P Cauley III, Finance Director Butch Kay, Planning Director David Bergmark, Town Planner Patrick Reidy, Public Works Director Alton Bryant, IT Administrator Tamah Hughes, and Police Chief Bill Carter.

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

Natalie Broadwell and Jaden Miller, fifth graders at Carver Elementary School, co-led the Pledge of Allegiance.

**INVOCATION:**

Mr. Errol Briggerman of Wendell Baptist Church provided the invocation.

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

**ACTION**

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

Vote: Unanimous.

**2. PUBLIC COMMENT PERIOD (*one hour time limit in total*):**

No public comments were received by the Town Board.

**3. CONSENT AGENDA**

The Board of Commissioners uses a Consent Agenda to act on non-controversial and routine items quickly. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of the Mayor or a Commissioner. The Consent Agenda contains the following items:

- a. Approval of the Minutes from the October 24, 2016, regular meeting.

**ACTION**

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

Vote: Unanimous.

**4. RECOGNITION OF CARVER ELEMENTARY SCHOOL TEACHER: DANA HULINGS.**

**SPEAKER: Mayor Gray**

**ACTION: Recognition**

*[Staff Report]*

**Item Summary**

*Ms. Dana Hulings has been teaching for 19 years. This is her 10th year at Carver Elementary. She has served as Grade Chair, on our Leadership Team, on our School Improvement Plan Team, has been our Discovery Education Teacher Leader and is currently serving as one of our representatives for the Bring Your Own Device program. Ms. Hulings is an exemplary teacher and leader for our school. This year, her peers chose her as Teacher of the Year for Carver Elementary.*

Mayor Gray introduced and recognized Carver Elementary School teacher Dana Hulings; staff report included above in italics.

**5. PRESENTATION OF THE TOWN OF WENDELL 2016 AUDIT REPORT BY PETWAY MILLS AND PEARSON PA.**

**ACTION: Presentation**

*[Staff Report]*

**Item Summary:**

*The annual audit for the Town of Wendell was conducted by Petway Mills and Pearson for the fiscal year 2015-2016 (July 1 to June 30). Prior to the board meeting of November 14th, the audit committee met with the previously mentioned audit firm to discuss the details of the audit. A summary of the audit committee meeting will be presented to the public and the full board of commissioners by Phyllis Pearson of Petway Mills and Pearson. Staff is recommending that the 2016 audit report be approved.*

Finance Director Butch Kay introduced Ms. Phyllis Pearson of Petway Mills and Pearson PA.

Ms. Phyllis Pearson provided a PowerPoint presentation on the Town of Wendell audit for fiscal year 2015-2016; herewith attached as **Attachment A**. The Town received an unmodified audit opinion for its fiscal year 2015-2016 audit report.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to adopt the fiscal year 2015-2016 audit report.

Vote: Unanimous.

*[Remainder of page left blank intentionally.]*

**6. PRESENTATION BY MR. RANDALL BILLINGS ON UPDATES TO THE 2013 PERSONNEL POLICY.**  
**ACTION: Presentation**

*[Staff Report]*







**Item Summary:**

*The Board of Commissioners is asked to receive the updates to several personnel policies. The Town of Wendell contracted with Randall Billings in fiscal year 2013 to assist with preparing of the Town's personnel policies. Since that time, the Town has been tracking recommended changes to the personnel policies to help with the Town's practices and to bring clarity to the personnel policies where needed. The attached outline summarizes the recommended changes to be presented to the Board of Commissioners.*

*Staff is recommending that the updates be placed on the November 28<sup>th</sup> agenda for approval.*

Finance Director Butch Kay introduced Mr. Randall Billings.

Mr. Randall Billings provided an update on the 2013 personnel policies; staff report included above in italics. The following revisions are proposed:

-  Holiday schedule to coincide with the North Carolina State Government holiday schedule;
-  Compensatory time is to be used prior to vacation **and** sick leave;
-  Longevity pay clarified for full-time personnel with continuous service towards recognizing years of service;
-  Updated the definition of immediate family for purposes of bereavement and updated live-in relationship to ***life-partner***;
-  Vacation Accrual Rate from days of service to hours of service; and
-  Travel Policy – clarifying the use of personal vehicles and outlining when reimbursement would be available for mileage.

Commissioner Boyette questioned under bereavement leave, the 24 consecutive working hours; it would still be three working days for an office employee and two shift days for a police officer. Mr. Billings stated yes.

Commissioner Joyner questioned under Article 1, Section 11 the change from live-in relationship to life-partner. Mr. Billings stated the current policy for live-in relationship could be interpreted as a renter. The intent was to clarify.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to place the personnel policy on the November 28, 2016, consent agenda.

Vote: Unanimous.

*[Remainder of page left blank intentionally.]*

**Public Hearing Guidelines:**

- Case is announced
  - Staff presentation
  - Applicant presentation
  - Public hearing is opened; citizens will follow the same rules as Public Comment Period and will have five minutes to speak
  - Close public hearing
  - Board members ask questions
  - Board may take action
- 

- 7a. PUBLIC HEARING FOR ANNEXATION PETITION A-16-02 FOR 2.013 ACRES OF PROPERTY (EXCLUDING ROW) LOCATED AT 5329 ROLESVILLE ROAD AND IDENTIFIED AS A PORTION OF PIN # 1774297076.**  
**ACTION: Public hearing. Town Board may take action.**

*[Staff Report]*

**Item Summary:**

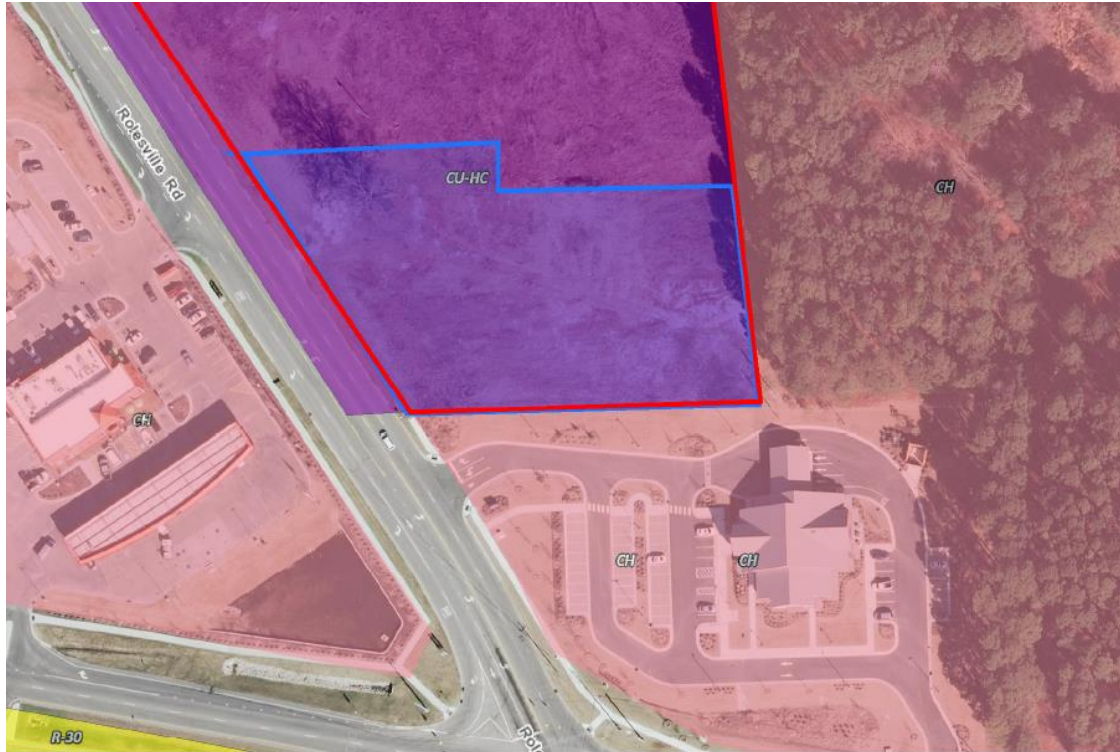
*David Royster (on behalf of Capitol Funds Inc.) has submitted an annexation request for 2.013 acres of land located at 5329 Rolesville road. Wake County ABC, which has this property under contract, has also signed the annexation petition in case the change in ownership occurs prior to any annexation approval. This land represents a portion of the 50.55 acre parcel identified by PIN # 1774297076. This property is currently vacant and the applicant is seeking to prepare this property for development as an ABC store. The applicant has also submitted a rezoning request, as this property is currently under Wake County's zoning jurisdiction. The Town Clerk has certified the sufficiency of the annexation petition. The applicant has also submitted a copy of the annexation plat to be signed and recorded. No additional material is required to be submitted prior to the public hearing.*

**Project Profile:**

PROPERTY LOCATION:	5329 Rolesville Road
WAKE COUNTY PIN(s):	1774297076
ZONING DISTRICT:	CU-HC (Wake County)
PROPERTY OWNER(s):	Capitol Funds Inc PO Box 144 Shelby, NC 28151-0144
APPLICANTS:	Capitol Funds Inc & Wake County ABC
PROPERTY SIZE:	50.55 acres (request is for 2.013 acres)
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Commercial

**Location:**

*{Remainder of page left blank intentionally.}*



**Zoning District:**

*This property is currently zoned CU-HC, which is a Wake County zoning designation meaning 'Highway Commercial'. The applicant has also submitted a rezoning petition to be acted upon immediately following annexation into the Town's limits. In that separate petition, the applicant is requesting the property to be zoned Wendell's 'Highway Commercial' (CH) designation.*

**Tax Information:**

*Currently, the entire 50.55 parcel is undeveloped and is valued at \$10,257,335, which equates to approximately \$200,000 an acre. At the current tax rate of 49 cents, the annexation of this property (undeveloped) would result in approximately \$2000 in increased tax revenue for the Town. If the property is developed as an ABC store, it would be considered tax exempt. However, this type of development would likely spur additional commercial development in the area.*

Planning Director David Bergmark provided an overview for annexation petition A-16-02 for 2.013 acres of property located at 5329 Rolesville Road; staff report included above in italics.

Mayor Gray opened the public hearing at 7:24 p.m.

Mr. Kelvin Lucas stated he has two kids attending East Wake High School. He asked if there is any consideration of an eating establishment in the area that would benefit the high school. The closest eating establishment is the Sheetz Gas Station.

Mr. Lucius Jones stated at one time the Town of Wendell had an ABC Store and it was lost due to low volume of business. The Town of Wendell is the only town in Wake County that does not have an ABC Store. This is a great location and lends itself to future development.

Mayor Gray closed the public hearing at 7:27 p.m.

Commissioner Joyner stated he appreciates the folks who came out tonight to speak. He stated the Town is looking forward to commercial development and hopes the proposed development spurs more development.

Mayor Gray stated the Economic Development Committee sent out numerous letters requesting businesses to consider locating in Wendell.

Commissioner Boyette stated when he attended East Wake High School there was no off campus lunch because there was no nearby eatery. The rumor when he was in high school was there would be a Cracker Barrel and Super Wal-Mart. The Super Wal-Mart went to Zebulon and he does not know what happened to the Cracker Barrel. The Town Board does all it can to attract business for the Town of Wendell.

**ACTION**

Mover: Commissioner Joyner moved to approve the annexation ordinance for annexation petition A-16-02.

Vote: Unanimous.

- 7b. PUBLIC HEARING FOR REZONING REQUEST FOR WAKE COUNTY ABC TO REZONE 2.013 ACRES OF LAND (EXCLUDING ROW) LOCATED AT 5329 ROLESVILLE ROAD FROM CU-HC (WAKE COUNTY) TO COMMERCIAL HIGHWAY (CH). THE WENDELL BOARD OF COMMISSIONERS RESERVES THE RIGHT TO CHANGE THE EXISTING ZONING CLASSIFICATION OF THE AREA IN QUESTION OR ANY PART OR PARTS THEREOF TO A MORE RESTRICTIVE GENERAL ZONING CLASSIFICATION WITHOUT THE NECESSITY OF WITHDRAWAL OR MODIFICATION OF THE PETITION. ACTION: Public hearing. Town Board may take action.**

*[Staff Report]*

**Specific Action Requested:**

- The Town Board is asked to hold a public hearing on a map amendment request for 2.013 acres of land along Rolesville Road and consider adopting the attached ordinance for approval.*

**Applicants:**

*Wake County ABC*

**Petition:**

*The applicant has submitted a request for a change in zoning classification for a 2.013 acre portion of that parcel located at 5329 Rolesville road, identified by PIN # 1774297076. The applicant is seeking to rezone the property from Wake County's Conditional Use – Highway Commercial designation to Wendell's Highway Commercial (CH) zoning designation.*

**Location and History:**

*This property is located directly north of the State Employees Credit Union, and the applicant has expressed an interest in the property for the purpose of establishing an ABC store. This area is currently zoned Highway Commercial (Conditional Use) under Wake County's zoning*

jurisdiction. The applicant has also submitted an annexation petition for review by the Town Board. If the property is annexed into Wendell's corporate limits, this map amendment request could subsequently be acted upon to give this property a Wendell zoning district designation.

**Justification:**

The applicants provided the following justification as part of their request:

"The site is currently located in and under the jurisdiction of Wake County and zoned CU-HC (Wake County Commercial Zoning Designation). We are petitioning the Town of Wendell to be annexed into the town and to rezone this site to Wendell's Highway Commercial Designation.

The rezoning being requested is consistent with your comprehensive plan. This request is consistent with adjacent property that at some time will be developed for commercial purposes and be annexed into the Town of Wendell as well. The development of this site will extend the services of the Town of Wendell to include the need for Utilities, Public Safety and Streets. It is reasonable to expect commercial growth to bring jobs and also increase the needs for additional schools. The annexation request will allow the Town of Wendell to control and influence its future growth. This request will have a positive effect on the economy and quality of life for the residents in the Town of Wendell."

**Project Profile:**

PROPERTY #1 LOCATION:	5329 Rolesville Road (portion of parcel)
WAKE COUNTY PIN:	1774297076 (2.013 acre portion)
ZONING DISTRICT:	CU-HC (Wake County)
CROSS REFERENCES:	
PROPERTY OWNER:	Capitol Funds Inc.
APPLICANT(s):	Wake County ABC (has land under contract)
PROPERTY SIZE:	2.013
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Commercial

**Project Setting – Surrounding Districts and Land uses:**

DIRECTION	LAND USE	ZONING
North	Vacant Commercial	CU-HC (WC)
South	Commercial	CH
East	Commercial	CH
West	Commercial	CH

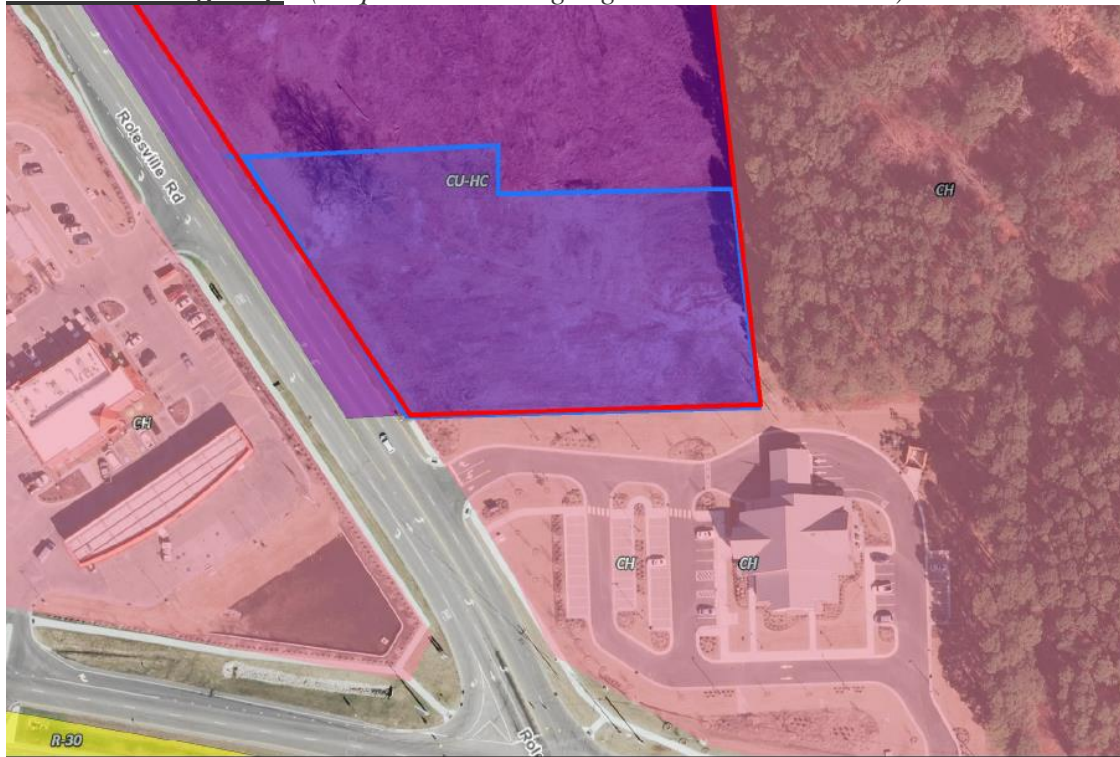
**Zoning District:**

The property is currently zoned Highway Commercial (Conditional Use) under Wake County's zoning jurisdiction. If the property is annexed into Wendell's corporate limits, it will need to be given a Wendell zoning designation. The requested zoning designation (Highway Commercial) is comparable to the current county designation and is consistent with the zoning of all adjacent Wendell properties to the east, west, and south. The majority of this property also falls within the Gateway Overlay (GO) zoning district. The Gateway Overlay district implements additional development standards related to parking, building setbacks, and buffering, but does not impact permitted uses.

In approving a rezoning request, the Town Board should consider all uses permitted in the proposed zoning district. The rezoning request is not specific to an ABC Store use. A copy of those uses permitted in the Highway Commercial zoning district is included as Attachment A.



**Current Zoning Map:** *(Requested area highlighted with blue outline)*



**Off-Street Parking:**

*At the time of development, parking spaces shall be provided in the amount specified by Chapter 10 of the Unified Development Ordinance (UDO).*

**Lighting:**

*Lighting shall be in accordance with the lighting requirements in place at the time of permitting.*

**Public Utilities:**

*Development of this site would require connection to municipal water and sewer.*

**Streets:**

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

**Landscaping:**

*Landscaping shall be required to meet the requirements as set forth in the UDO at the time of development.*

**Stormwater Management:**

*Development of this site would be required to meet the stormwater standards contained in the UDO at the time of site plan submission.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines this area as falling within the S5 “Intended Growth Area”.*

*The Comprehensive Plan states the S5 sector is generally within ½ miles of high-capacity regional thoroughfares. Appropriate development types are higher density mixed-use centers of employment, commerce, and residential uses. The Comprehensive Plan highlights the following land uses as compatible for this sector: traditional neighborhood developments, neighborhood centers, village/town centers, single-family and multi-family residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses.*



*This property also falls within a Village/Town Center, which is prioritized for more intense development patterns.*



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

**Planning Board Recommendation:**

*At their October 17, 2016 meeting, the Planning Board voted 7-0 in favor of the requested zoning map amendment.*

***Voting in Favor:*** Chairman Harold Broadwell, Ruth Van der Grinten, Gilda Wall, Kathe Schaecher, Lloyd Lancaster, Victoria Curtis, and Errol Briggerman.

***Voting to Abstain:*** None

***Voting in Opposition:*** None

***Absent:*** Allen Swaim, Ashley Anderson

**Statement of Plan Consistency and Reasonableness**

- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
  - *At their October meeting, the Planning Board found the requested zoning map amendment to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S5 sectors and reasonable due to its location along two thoroughfares, and the adjacency of existing CH zoning districts.*

**Staff Recommendation:**

*Staff recommends approval of this rezoning request.*

Planning Director David Bergmark provided an overview of rezoning request for Wake County ABC to rezone 2.013 acres of land located at 5329 Rolesville Road from CU-HC (Wake County) to Commercial Highway (CH); staff report included above in italics.

Mayor Gray opened the public hearing at 7:35 p.m.

No one spoke on this item.

Mayor Gray closed the public hearing at 7:35 p.m.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the rezoning request at 5329 Rolesville Road from CU-HC to Highway Commercial as presented.

Vote: Unanimous.

**7c. PUBLIC HEARING FOR ANNEXATION PETITION A-16-03 FOR 16.09 ACRES OF PROPERTY LOCATED ON WENDELL BOULEVARD AND IDENTIFIED BY PIN # 1784263321 AND PIN # 1784268911.**

**ACTION: Public hearing. Town Board may take action.**

*[Staff Report]*

**Item Summary:**

*Brian D. Gower (President of Charthouse Holdings LLC) has submitted an annexation request for 16.09 acres of land located by the Knott Square shopping center, identified by PIN # 1784263321 and PIN # 1784268911. This property is currently vacant and the applicant is seeking to prepare this property for development as commercial and light industrial sites.*

*The Town Clerk has certified the sufficiency of the annexation petition. The applicant has also submitted a copy of the annexation plat. No additional material is required to be submitted prior to the public hearing.*

**Project Profile:**

**PROPERTY # 1 LOCATION:**

WAKE COUNTY PIN(s):

ZONING DISTRICT:

PROPERTY OWNER(s):

0 Wendell Boulevard

1784268911

MI-CD

Charthouse Holdings LLC

33 Pale Stone Dr

Garner, NC 27529-8349

APPLICANTS:

Brian D. Gower (President, Charthouse Holdings)

8771-B Cleveland Rd

Clayton, NC 27520

PROPERTY SIZE:

13.43 ac.

CURRENT LAND USE:

Vacant

PROPOSED LAND USE:

Manufacturing and Industrial

**PROPERTY # 2 LOCATION:**

WAKE COUNTY PIN(s):

2530 Wendell Boulevard

1784263321

ZONING DISTRICT:

CH-CD

PROPERTY OWNER(s):

Charthouse Holdings LLC

33 Pale Stone Dr

Garner, NC 27529-8349

APPLICANTS:

Brian D. Gower (President, Charthouse Holdings)

8771-B Cleveland Rd

Clayton, NC 27520

PROPERTY SIZE:

1.78 ac.

CURRENT LAND USE:

Vacant

PROPOSED LAND USE:

Commercial

**Zoning District:**

*This property was rezoned earlier in 2016 as a Conditional District, with commercial uses along*

*Wendell Boulevard and manufacturing/industrial uses on the larger portion of this property off of Wendell Boulevard to the north.*

**Tax Information:**

*Currently, the 16.09 acres under petition for annexation are undeveloped and valued at \$602,665 by the Wake County Tax assessor. Prior to development, this property would generate \$2953 of annual property taxes for the town if annexed. Post-development tax value will depend on the level of improvements installed. The applicant has submitted a final development plan for 4.43 acres of the petitioned area (lot 1 of the Conditional District) for the purpose of constructing an 18,000 square foot industrial/office building to house AAA Louvers.*

Planning Director David Bergmark provided an overview of annexation petition A-16-03 for property located at 2530 Wendell Boulevard [near Knott Square]; staff report included above in italics.

Mayor Gray opened the public hearing at 7:38 p.m.

No one spoke on this item.

Mayor Gray closed the public hearing at 7:39 p.m.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the annexation ordinance for 16.09 acres along Wendell Boulevard.

Vote: Unanimous.

**7d. PUBLIC HEARING TO CONSIDER REQUEST BY AAA LOUVERS INC. TO RECEIVE ECONOMIC DEVELOPMENT INCENTIVES FOR 4.48 ACRES OF PROPERTY WITHIN THE PARCEL IDENTIFIED BY PIN # 1784268911 AND ADDRESSED AS 0 WENDELL BOULEVARD.**

**ACTION: Public hearing. Town Board may take action.**

*[Staff Report]*

**Item Summary:**

*On March 7 2016, an application was submitted to the Town of Wendell Planning Department by AAA Louvers, Inc by business owner Wayne Gower for the Town's large business economic incentive policy. Additional information was requested by the Planning Department and that information was submitted on October 4, 2016.*

*The Town first adopted its economic development incentive policy on July 27, 2009 and later amended on August 12, 2013. The policy is broken up into small business incentive grants and large business incentives grants. The large business incentive grant, which AAA Louvers has applied for, is a grant equivalent to 75% of the Town of Wendell local property tax assessment on the new investment for each year over a total five-year period. In order to be eligible, the taxable value of any building improvement must be a minimum of \$1 million and the business must either employ 15 or more employees, or have gross sales over \$1 million. Per the adopted policy, the Town Board has the authority to approve any type of incentive grant as long as it is no more than 75% of the assessed building value. The grant could include the full 75% of the*

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*assessed building value over 5 years, 75% over a lesser time period, or use a step down approach over each year.*

*AAA Louvers is currently located at 7328 Siemens Road, which is not within the corporate limits of Wendell. They are a wholesale manufacturing company that primarily manufactures exterior millwork for new housing and other developments. Product lines include PVC and wood louvers, crawlspace doors, porch columns, and mailbox/lamp posts. During the fiscal year of 2015, they had a sales total of \$1.3 million.*

*They have operated from 1995-2007 in one 5,000 square foot building and use another 4,000 square feet in an adjacent building. In 2007, more space was needed and they rented another 2,500 square feet in a building located down the road from their other operations. Charthouse Holdings, LLC purchased the property located at 0 Wendell Boulevard (PIN 1784268911) on April 21, 2016.*

*Since purchasing the property, Charthouse Holdings, LLC has been working to develop three industrial lots and two commercial lots. The Master Development Plan for their proposed conditional district was approved by the Board of Commissioners on May 23, 2016. A Final Development Plan has been reviewed for Lot 1 of the Charthouse Industrial Park, which will be the new location of AAA Louvers. This facility consists of 18,000 square feet of industrial/office space and a storage yard. The applicant expects the building to be complete and fully operational in the fall of 2017. The requested incentive grant only applies to Lot 1, the new location of AAA Louvers.*

*If the building's assessed value were to be exactly \$1,000,000 (the minimum value required by the policy), the town taxes on that improvement would be \$4,900 annually. Over a five year period, that would equate to a total of \$24,500 in local taxes to be paid to the Town of Wendell. If the town board were to grant the full request of 75% over 5 years the grant would be in the amount of \$3,675 annually or a total of \$18,375 over the five year period. This would provide the town with an additional, 1,225 in taxes per year or a total of \$6,125 in tax revenue for the next five years.*

*AAA Louvers has submitted a construction budget of \$900,000 for their building. If the project remains on budget, it is possible that the assessed value could be greater than the actual cost of the building. Generally, Wake County has assessed building values to be higher than the construction cost. If the town board approves an incentive grant, but the assessed value of the building does not meet or exceed the \$1,000,000 minimum threshold after construction, the incentive grant would be considered voided and no grant would be dispersed. Staff has made the applicant aware of this requirement and they have acknowledged the assessed building value threshold that must be met.*

*AAA Louvers currently has 13 full time employees. They have indicated that they plan to add 2-5 more employees within 18 months of moving in to the new facility.*

*Staff has reviewed the incentive policy application for AAA Louvers, Inc and it has been deemed complete. If the town board does approve a grant, the applicant shall be required to execute a legally-binding agreement with the Town of Wendell that outlines the amount and terms of the grant, the specific investment amount and job creation goals guaranteed by the grantee, and all other agreed terms and conditions.*

*The initial grant payment made under the terms of the legally-binding agreement would not be paid until all fees and charges due to the town for development activity were paid, and proof was received from the Wake County Revenue Department that county and town taxes had been paid for the year of the initial tax assessment that includes the new investment value utilized to*

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*calculate the base grant amount. Requests for grant payments shall be presented to the town prior to March 31<sup>st</sup> following the previous year's tax assessment.*

*Attachment A includes additional financial information concerning the applicant's businesses operation.*

*The Town Board is being asked to review the incentive grant request for approval and state any conditions attached to the grant if approved. The Town Board may deny the request outright, may fully approve the request (an annual payment by the Town equivalent to 75% of the tax value of the building over a 5 year period), or may reduce the percentage or time period of the grant. The Town Board also has the option of attaching other conditions at its discretion which might deal with items such as the number or salary of jobs provided as part of this project. Any conditions attached to the approval would then be incorporated into a legally-binding agreement drafted by the applicant and reviewed by the Town attorney prior to signature.*

Town Planner Patrick Reidy provided an overview of request by AAA Louvers to receive economic development incentive for 4.48 acres of property at Wendell Boulevard; staff report included above in italics.

Commissioner Boyette questioned if nothing is added to this agreement, this would be for the assessed valuation, the number of employees, and the specified number of years. Planner Reidy stated yes.

Mayor Gray questioned if this is the first time for this grant. Planner Reidy stated the Town used the small incentive grant for the Vardy site and this is the first time for the large incentive grant.

Mayor Gray questioned if there is a process in place to verify the information before reimbursement of funds. Planner Reidy stated it is set-up so that the requestor pays in full the county and town taxes. The Town will verify the assessed value and then pay a grant amount based on the actual assessed value taxed.

Mayor Gray questioned the number of employees. Planner Reidy stated if the Board wishes to attach conditions it could specify a minimum number of employees required to receive the grant.

Mayor Gray questioned what is in the policy.

Commissioner Boyette questioned the basic framework is 15 employees.

Planner Reidy stated this request must qualify as a large business which is 15 employee or \$1 million dollars in sales and to receive the grant they must have \$1 million in assessed building value.

Mayor Gray questioned if there is a process in place to verify all those items before reimbursement. Planner Reidy stated after the payment of taxes by the applicant, a request is submitted to the Town and at that time the information would be verified.

Planner Reidy stated the policy can be revised and brought back to the Town Board at the first meeting in January 2017.

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Commissioner Joyner stated the understanding is the building value is \$900,000 and the Town Board can attach a percentage to that. His concern is the value listed is a low figure and is concerned about attaching a percentage without knowing the actual cost of the building. Planner Reidy said if the building does not assess at one million dollars or more, the contract would be voided. He said he has notified the applicant of this fact that that Mr. Gower is comfortable with the budgeted amount for the building.

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

No one spoke on this item.

Mayor Gray closed the public hearing at 7:50 p.m.

Commissioner Boyette moved to grant the full 75% contingent on the \$1 million in assessed value improvement and also the \$1 million in sales and meeting the minimum of 15 employees. The applicant stated he has less than 15 employees currently but plans to hire more.

Planner Reidy questioned when the clock would start.

Mayor Gray stated if these are the requirements set forth by the Board, they should all be in place.

Commissioner Boyette stated he may not be ready to hire more employees at this time. He is fine with the number of employees within three years. Must meet all the requirements within three years or the agreement is null and void.

Mayor Pro Tem Lutz stated this is too fluid. Even the grant itself with percentages and yes or no. Prefers a grant proposal similar to the façade grants. If a contingency is granted, need to have all the requirements met.

Commissioner Boyette stated he agrees. He stated this is to decide if they have five years to meet all those conditions.

Mayor Pro Tem Lutz stated if it is a condition then they should have 15 employees when starting.

Commissioner Boyette questioned the 75 percent.

Wayne Gower, applicant, stated it will be a few months to a year before adding two more employees.

Commissioner Boyette stated this can be put in place and if all requirements are met within three years, and then the clock starts for five years.

Mayor Pro Tem Lutz questioned if they would receive the full 75 percent for five years.



Commissioner Boyette stated yes.

Commissioner Joyner stated he appreciates business coming to Wendell. He is familiar with the product. He hopes he hits the \$2 million mark in a few years. He is comfortable with offering 50 percent.

Commissioner Boyette stated this is the lowest monetary amount to qualify for the big incentive break. He feels it is disingenuous to dangle 75 percent and not give it. If this policy needs modification, he is fine with modifying it in the future so that it shows 50 percent or 40 percent.

**ACTION**

Mover: Commissioner Boyette moved to approve: apply tax rebate grant in the amount of 50 percent; with the condition that at least \$1 million in taxable improvements; \$1 million in sales per year; and a minimum of 15 employees; and the applicant has three years to meet those requirements and once met then the applicant will have five consecutive years of incentive grant payments.

Vote: Unanimous.

**8. TRANSPORTATION PLAN DISCUSSION AND ACTION - CONTINUED FROM THE OCTOBER 10, 2016, MEETING; PUBLIC HEARING HELD SEPTEMBER 12, 2016.**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*At the Town's request, Mike Surasky of AMT developed a proposal in February of 2015 for updating the Town's various transportation plans. The scope of work created by Mr. Surasky included changes and updates to the Town's Collector Street Plan, Thoroughfare Plan, and Unified Development Ordinance. The purpose of the new Arterial and Collector Street Plan (ACS) is to provide citizens, the development community and government staff with an easy-to-understand and rational document to guide arterial and collector street location and design.*

*The Town's existing Collector Street Plan was adopted in November of 2006, and incorporated into the Town's Comprehensive Plan in 2007. Since that time, changes in regional transportation plans and actual development patterns have made updates to the town's transportation plans necessary. Additionally, the Collector Street Plan and the UDO fail to identify what the ultimate right-of-way should be for those roads identified.*

*The UDO does include typical cross-sections for different road types, but does not assign those classifications to the roads within the plan. Without this information, the ultimate right of way is not identified and staff is unable to inform developers how much right-of-way dedication is required, or what resulting road improvements are necessary when adjoining property is developed. As a result of current regulations, the Town has only required 90 feet of right-of-way to be dedicated in areas where 100 or 110 feet is needed to construct the appropriate cross-section. Additional right of way is also due in part to the increased demand for pedestrian and bicycle facilities.*

*One key element of the Arterial and Collector Street Plan is to assign roadway classifications to all existing and future road connections in the Town's jurisdiction. AMT has also evaluated all*

*relevant regional transportation plans, such as CAMPO's Metropolitan Transportation Plan (MTP) and the Northeast Area Study, to ensure that any long-range regional projects are incorporated into the Town's plan. The plan, in conjunction with the UDO, includes clear standards for when infrastructure improvements are required, how they are implemented, and who the responsible parties are. Finally, the Arterial and Collector Street Plan includes a corridor study of Wendell Falls Parkway, as well as a priority list of projects for the Town to pursue through grant opportunities.*

*The Draft ACS document is available on the Town website at*

*<http://www.townofwendell.com/departments/planning/transportation>*

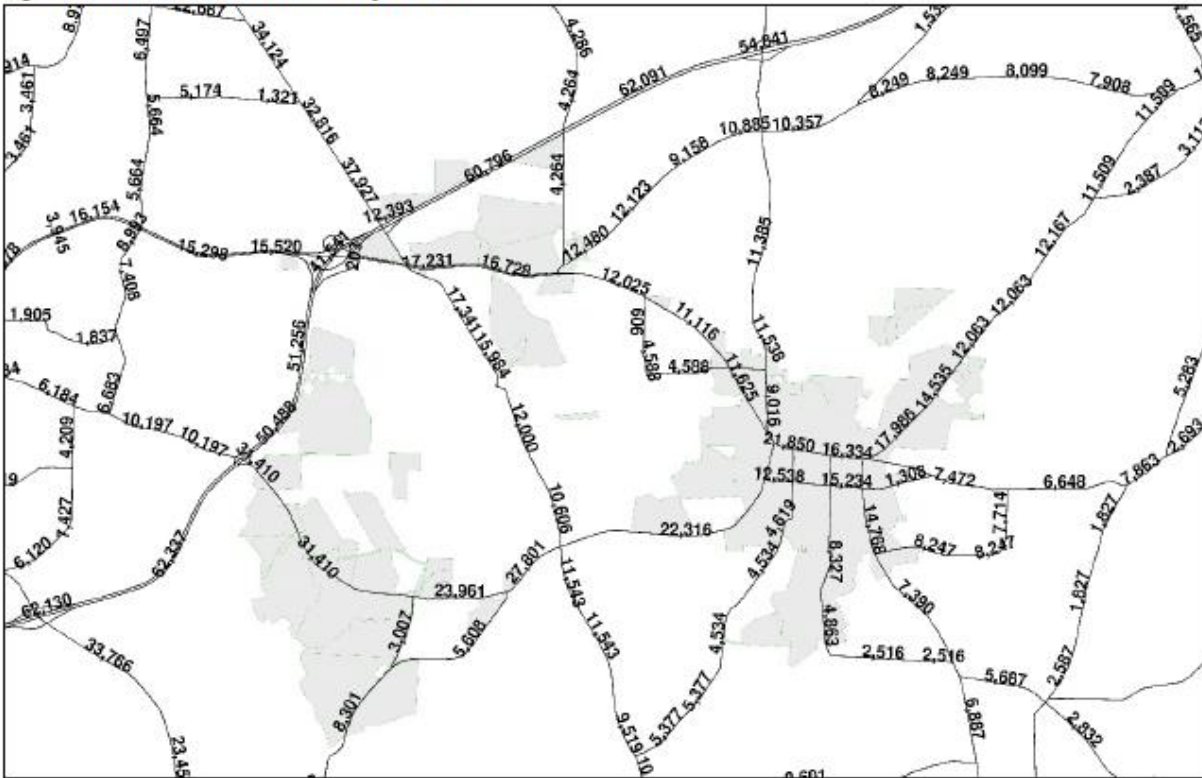
*This document includes an internal and external literature review, new roadway cross-sections, a new arterial and collector street map which assigns those cross-sections to new and existing roads, as well as information on infrastructure improvement requirements and transportation impact assessments (TIA). This document should be referenced to view applicable street cross-sections referenced in Attachments D & E.*

*The purpose of developing a new Arterial and Collector street map (Attachment D) is to remove outdated or unnecessary connections, realign roads where necessary, and propose new connections where needed. New road connections are shown with a solid line. Modifications to existing road sections are shown with a dashed line. Many of the 'new connections' may already be shown as required improvements on the existing collector street map. Each collector or thoroughfare shown on the map is linked to a specific cross-section. The existing Collector Street Plan Map (adopted by the Town Board in 2006) is included as Attachment C.*

*Proposed improvements are guided by future traffic volume projections. The Capital Area Metropolitan Planning Organization (CAMPO) has a regional transportation model used for predicting future road volumes. The results of their 2040 projections are included as Figure (below). As can be seen in Figure 1, CAMPO's traffic model predicts heavy vehicle capacity being required on Wendell Falls Parkway, and subsequently onto Third Street and Wendell Boulevard. In order to accommodate future traffic volumes, the Town will need to widen existing roads, or create additional new connections to provide alternative routes to reduce congestion on these roads.*

*{Remainder of page left blank intentionally.}*

Figure 1: 2040 Total Volume Projections



New roads to be shown on the future Arterial and Collector Street Plan map would be required to be dedicated and constructed and the time of development. In some cases, a fee in lieu of transportation improvements may be warranted where the full cross-section cannot be achieved at the time of development.

In rare cases, other plans or agreements approved by the Town of Wendell may supersede the roadway classifications and corresponding cross-sections shown in this document. These could include adopted corridor plans, Planned Unit Developments (PUDs), development agreements, or conditional districts. For example, the Wendell Falls subdivision is governed by a PUD document which includes cross-sections specific to this development. Similarly, the portion of Old Battle Bridge road south of the bridge is governed by a conditional use rezoning approval (ZM08-01). So long as these approvals remain in effect, they shall determine the applicable cross-sections in these areas. This language has been added to the draft plan for reference.

A public hearing was held on this item at the September 12, 2016 Town Board meeting. The only change made to the plan since the public hearing was to include the realignment of Marshburn road at the intersection of Wendell Blvd to the priority project list. The realignment would adjust the angle at which Marshburn road intersects Wendell Boulevard to improve safety. This improvement has long been discussed by the town, but previously was not included in the project list. At the October 10, 2016 meeting, the Town Board requested additional time to review the plan, but did not direct staff to make any changes to the material provided.

Timeline:

- February 23, 2015 – Town Board approved funding for Transportation Plan Update
- March, 2015 – AMT began research and development of the ACS Plan
- May 18, 2015 – Planning Board briefed on the ACS Plan

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- *June 15, 2015 – Planning Board received Draft ACS Plan material*
- *June 29, 2015 – A public information session was held at the Community Center for the purpose of receiving public input.*
- *July 20 2015 – The Planning Board voted to send the ACS Plan to the Town Board without a formal recommendation of approval or denial.*
- *September 14, 2015 – A public hearing was held, but no action was taken. Staff was directed to obtain additional public input.*
- *October 19, 2015 – A transportation sub-committee was formed to obtain additional public input and staff was directed to do additional advertising/outreach at a projected cost of \$1400.*
- *March, 2016 – Sub-committee met to review draft plan and organize public workshops. Letters and/or utility inserts were delivered to property owners and residents within Wendell's corporate limits, ETJ, and urban service area notifying them of the upcoming public workshops.*
- *April 5-14, 2016 – Three public workshops were held at Hephzibah Baptist church, Central Baptist Church, and East Wake Senior Center to solicit public input.*
- *May 16, 2016 – Sub-committee reviewed written comments received from the public, received updated recommendations from the Town engineer, and voted to send those recommendations to the full Planning Board with one additional request to consider Stott's Mill as an alternative southern bypass.*
- *July 7, 2016 – Planning Staff met with property owners along Marshburn road to discuss their thoughts and concerns about proposed improvements to Marshburn road.*
- *July 18, 2016 – the Planning Board voted 4-2 In favor of recommending approval of the Draft ACS Plan.*

### Public Input Received:

*Prior to the September 2015 public hearing, the Town received a limited amount of public comments regarding the Transportation Plan. As a result, staff was directed to initiate a new round of public input which resulted in a more robust response from the public.*

*Some concerns expressed did not relate to a specific property or area, but rather focused on the potential impact infrastructure improvement requirements could have on rural property owners wishing to build a home for a relative or existing homeowners looking to replace their homes.*

*In order to address these concerns, staff has included a proposal within the ordinance for adoption to address 'family subdivisions'. This language would replace the limited 'family subdivision' provision contained in the Town's current regulations for the Residential Agricultural (RA) zoning district. Under the proposed language, property owners could subdivide lots for direct family members without having to improve existing road frontage, but would be required to dedicate additional right-of-way to accommodate the future road improvements. A similar provision was created for the construction of one dwelling on a parcel of 10 acres or more in size which currently has no dwellings.*

*Additionally, staff included language which would allow the replacement of homes without being required to make road infrastructure improvements, with the exception of sidewalk and curb and gutter where there is an existing sidewalk on the same side of the street within 300 feet of the property.*

*Other concerns expressed were related to specific streets or areas shown on the draft ACS map. Staff mapped these comments on the draft ACS plan and consulted the Town engineer to determine which proposed changes were appropriate from an engineering standpoint.*

*Attachment D shows the results of that evaluation. The comments shown in green represent those changes the Town's engineer is in favor of. Those comments in red represent changes the engineer did not support. Finally, comments shown in yellow represent changes which may be reasonable from an engineering perspective, but which have other complications or obstacles to implementation. Attachment E represents the Draft ACS plan with those changes suggested by the public AND supported by the Town engineer incorporated.*

*Residents of Marshburn Road expressed concern over Marshburn being classified as a 4-lane divided major thoroughfare. Those who attended the July 7<sup>th</sup> public meeting requested that Marshburn Road be shown as a 3-lane undivided road instead. The Town engineer was not in support of this change due to the development potential and access Marshburn Road has to US-64 Bypass. To help illustrate this point, staff created a map which shows the amount of undeveloped or underdeveloped acreage along Marshburn Road (Attachment F).*

*As seen in Attachment F, there is nearly 1500 acres of undeveloped or underdeveloped property along Marshburn Road (bounded by Marks Creek on the east and existing development on the west) which would use Marshburn Road as the primary point of access. If this area were developed at 2 units per acre (which is lower than a typical subdivision), this would still equate to over 7000 residents at build-out. The transportation impact would be even greater if the area were developed at a higher density, or included non-residential uses.*

*Finally, staff also kept a log of all written comments received – some of which cannot be mapped. A copy of those comments is included on the town website at <http://www.townofwendell.com/departments/planning/transportation>.*

*UDO Updates:*

*Incorporation of the Arterial Collector Street (ACS) Plan material into the appendix of the UDO will require minor modifications to other sections of the UDO. References to the Collector Street plan or Thoroughfare Plan in the following sections of the UDO will need to be replaced with references to the ACS plan. These proposed changes to the UDO are included in the draft ordinance (see Attachment B)*

- *Table of Contents –*
  - *Rename Appendix C 'Arterial and Collector Street Plan'*
  - *Rename 9.5 and 9.6 to reference the ACS Plan*
- *Section 2.8,B,1 – Replace 'Collector Street Plan' with 'Arterial and Collector Street Plan'*
- *Section 16.4 (Sketch Plan requirements)*
- *Section 17.8E1 (Open Channel in Dedicated Floodplain and Open Space Area)*
- *Chapter 19 (Definitions)*
- *Chapter 9 (Circulation) – Replace all references to the 'Town of Wendell Collector Street Plan' or 'Thoroughfare Plan' with 'Town of Wendell Arterial and Collector Street Plan'*

*Additionally, the following more substantive changes will need to be made to the UDO:*

- *Based on public comments received regarding the impacts of the transportation plan, staff recommends that an amended 'family subdivision' provision be added to Chapter 15 of the UDO, to exempt eligible properties from infrastructure improvements.*
- *That a provision be added to the UDO which exempts undeveloped properties of 10 acres or more constructing one single family dwelling from infrastructure improvement requirements normally subjected to development. Right-of-way dedication will still be required.*
- *That a provision be added to the UDO which exempts the replacement of existing single family homes from infrastructure improvement requirements, with the exception of sidewalk,*

*curb, and gutter for properties with existing sidewalk on the same side of the street within 300 feet.*

- That a provision be added to chapter 15 to allow for administrative modifications to site-specific applications of the proposed cross-sections. These modifications would not change the number of lanes required, but would allow for minor changes in the location or width of elements such as sidewalk, bike lanes, the vegetative verge, etc. where needed, such as in transition areas between cross-sections or when fitting a new road section with an existing street section that is not likely to redevelop soon.*
- All non-local street cross-sections in Chapter 9 will need to be deleted, as they will be replaced with the new cross-sections developed in the ACS plan. All local street cross-sections are replaced with updated graphics to account for the Town's revised street tree regulations.*
- As recommended by AMT, staff proposes to lower the threshold for when a Transportation Impact Assessment (TIA) is required to be more consistent with adjacent municipalities (150 peak hour trips).*
- Section 9.3D (Bikeways) will need to be updated to reference the new cross-sections in the ACS plan. Currently, all collector and thoroughfare cross-sections proposed in the ACS incorporate bike-lanes. This represents a change from our current standards, which only require bicycle facilities on those roads identified within the comprehensive plan.*
- Section 2.17 (Gateway Overlay) will need to be updated to include deletion of the 5 cross-sections included for Wendell Boulevard and removal of 2.17D3 (Streetscape Standards). Development along Wendell Boulevard shall follow the applicable cross-sections and associated streetscape standards included in the ACS.*

**Staff Recommendation:**

- Staff recommends approval of the proposed text amendments to include material from the updated transportation plan as Appendix C of the UDO, and to amend various sections of the UDO to support the changes proposed in Appendix C.*
- The proposed changes establish the ultimate cross-section for existing roads, updates the Town's needs as it relates to future connections, and provides measures to mitigate costs in extenuating circumstances, such as for family subdivisions.*

**Planning Board Recommendation:**

*At their July 18, 2016 meeting, the Planning Board voted 4-2 in favor of recommending approval of the Draft ACS plan and associated UDO amendments. The only change since the Planning Board's vote was to amend the road segment between Eagle Rock Road and Wendell Boulevard from a 4-lane divided road to a 3 lane undivided road (item R26 on Attachment D), based on conversations with DOT about the replacement of the Old Battle Bridge Road bridge.*

***Voting in Favor:*** Errol Briggerman, Ruth van der Grinten, Victoria Curtis, & Harold Broadwell

***Voting Against:*** Ashley Anderson & Lloyd Lancaster

***Absent:*** Gilda Wall, Kathe Schaecher

**Statement of Plan Consistency and Reasonableness:**

- The Planning board found the proposed amendments to be consistent with the following principle of the comprehensive plan and deemed them reasonable and desirable in order to anticipate and respond to traffic needs in a manner which provides clear expectations for developers and citizens.*
  - Principle Number 8: "Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community."*



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- *Principle Number 5: “Promote Wendell’s attractiveness to business and people of all walks of life. Emphasize the strengths of the Town’s diverse population.”*

Planning Director David Bergmark provided an overview of the Transportation Plan; staff report included above in italics.

Commissioner Boyette stated the Transportation Plan is what got him interested in local government. Developers who are building put in the road and infrastructure improvements to service their project. At the same time he did not want to over burden people who own family farms or tracts of land for personal use or allow kids to build a house. He did not want massive road improvements for the building of one house to burden a family. A family subdivision exception would allow this meaning as long as it is in the family you are exempt from the upgrades. He suggested a sunset provision under Item 2, Conveyance such that any improvement or any transfer from the grantee to a non-lineal family member within a 10-year period approval of the family subdivision, would not be required to do upgrades after that point. The sunset provision is a protection for those with family farms and allows a family to build upon it. ***Attachment B, proposed Family Subdivision provision.***

Commissioner Boyette questioned who counts as lineal family. Town Attorney Cauley stated he is not aware of a legal definition for lineal family and it is something that can be added.

Planning Director David Bergmark stated at last meeting the town attorney provided language that this is conceptual in nature. That language would carry with the plan.

Town Attorney Cauley read the following into the record:

***The specific roadway network established by the Transportation Plan is conceptual in nature. The final location and design capacity of roads will be determined as development occurs. The Transportation Plan is designed to aid the Town in its review and consideration of development plans in establishing infrastructure, improvement requirements and road cross sections. The final requirement will be determined at the time a development is proposed taking into consideration the impact of the development.***

Mayor Pro Tem Lutz moved to approve the Transportation Plan including the language read by the town attorney and the provision for transfer of land to a lineal family member [Family Subdivision provision].

Commissioner Joyner stated he still has concerns with the Lake Glad pieces because development is unknown.

Mayor Gray questioned the meetings Mr. Joyner mentioned. She said there has been some gentlemen’s agreement to address concerns and is there language to protect those folks. Planning Director Bergmark stated there have been modifications to the plan itself based on citizen comments.

Mayor Gray questioned if all that has been done is reflected in the map. Planning Director

Bergmark stated yes. He said the map included all changes which came from public comment that also were OK'd by the engineer. The plan also includes language so that areas that require four lane roads and the development is creating less than 10 percent of traffic at build out would only be required to do two of the four lanes. He added there is an exception for the family subdivisions as well.

Commissioner Carroll stated he encouraged the citizens to reach out and he heard from three different individuals. He is willing to listen to hear even after the vote. This process has been going on for some time. There are a lot of good things on the map. This is a development driven plan and any portion that impacts a land owner and feels it need to be changed and they have the option of coming before the Board with an amendment to the process. Feels it is time to make a decision.

#### **ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the Transportation Plan including the language read by the Town Attorney Cauley, *[The specific roadway network established by the Transportation Plan is conceptual in nature. The final location and design capacity of roads will be determined as development occurs. The Transportation Plan is designed to aid the Town in its review and consideration of development plans in establishing infrastructure, improvement requirements and road cross sections. The final requirement will be determined at the time a development is proposed taking into consideration the impact of the development.]* and the provision for transfer of land to a lineal family member [Family Subdivision provision].

Vote: Motion carried 3-2. Mayor Pro Tem Lutz, Commissioner Carroll and Commissioner Boyette voted in favor of the motion. Commissioner Joyner and Commissioner Myrick voted in opposition of the motion.

#### **9. CITY WIDE SPEED LIMIT; FOLLOW-UP FROM THE 9/12/2016 BOARD MEETING.**

**ACTION: Board may take action.**

*[Staff Report]*

##### **Item Summary:**

***November 14, 2016***

*The Board will find that the attached speed reduction policy will provide residents the mechanism to request a speed limit change as provided under G.S. 20-141(e) (f).*

*If the Town Board approves a speed limit change, it must do so by ordinance. Speeds do not go into effect until appropriate signage, giving notice of the speed, has been erected on the affected street.*

*The draft policy is before the board for review and comment. Depending upon comments received, the policy may be placed on the November 28, 2016 agenda for action.*

*Items for consideration in the policy include:*

- Number or percentage of individuals required to submit petition needed to initiate a study. The policy currently states 20 percent. What percentage is reasonable, higher or lower?*
- What is a reasonable time frame for surveys to be returned to planning staff? Draft policy currently reads 21 days.*

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- *Should residents or homeowners be allowed to participate in the process? Draft policy currently reads residents.*

### **PREVIOUS REPORT MATERIAL**

#### **September 12, 2016**

*In follow up to the memo dated August 22, 2016, speeds in some neighborhoods have been recorded by the Town's radar sign posted within neighborhoods within the Town. Although there are outliers, most vehicles were found to be driving less than the posted speed, therefore traffic calming measures and other tools may need to be explored in addition to speed reduction measures.*

*On Monday, August 30, 2016, staff met with Mike Surasky with AMT to discuss criteria for speed limit changes. AMT has worked with other communities to assess and provide guidelines for traffic calming and speed limit reductions in an effort to assist residents and staff regarding the process and procedures for implementing traffic process and procedures that focus upon "the 5 E's".*

- *Education – Neighborhood receive the necessary information and tools to be active participants in addressing their traffic concerns.*
- *Engineering – Traffic calming strategies that address community – identified traffic issues, traffic calming measure(s) are developed and applied.*
- *Evaluation – The applied traffic calming measure is evaluated for effectiveness. The policy criteria and standards should be regularly updated to reflect the results.*
- *Economics- Support implementation of the least restrictive and least expensive traffic calming methods to stay within budget.*
- *Enforcement – Police enforcement supports the traffic calming plan developed by residents, town staff, and public officials.*

*Staff plans to review the material provided by AMT and bring back a proposal to the Town Board for its consideration to address speed and safety within neighborhoods.*

#### **August 22, 2016 Memo**

*At the Monday, August 8, 2016 Board meeting, the question was raised as to whether a 35 mph speed limit was suitable for all neighborhoods in the town limits. Chief Carter and I have met to discuss the best approach for assessing the speed limits within the town. All available information suggests that the best practices for setting speed zones should be based on an engineering study and analysis of free flow speeds.*

*In its September/October 2013 Issue of Public Roads, the Federal Highway Administration published an article entitled "Setting Speed Limits for Safety" by Davey Warren, Guan Xu, and Raghavan Srinivasan. The authors indicated that for residential streets, the Federal Highway Administration suggests the following should be included in any study:*

- *Operating speed: 50<sup>th</sup> and 85<sup>th</sup> percentile speed as recorded by radar speed display equipment (The 85<sup>th</sup> percentile speed is the speed that 85 percent of drivers travel at or below. Similarly, the 50<sup>th</sup> percentile speed is the speed that 50 percent of drivers travel at or below. The 85<sup>th</sup> percentile is typically viewed as one of the best indicators of a reasonable and safe speed.),*
- *Crash statistics,*
- *Extent of pedestrian/bicyclist activity,*
- *Presence/usage of on-street parking,*
- *Access density: driveways and unsignalized intersections per mile,*
- *Signals per mile,*

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- Area type,
- Presence/absence of adverse alignment,

*It is our desire to develop a comprehensive approach, using quantifiable and objective data such as that listed above, which can be used to determine the appropriateness of speeds along a street or combination of streets. Appropriate speeds are defined as those that are safe, credible, consistent, and enforceable.*

*Engineering study and analysis may lead to recommendation of any one or a combination of several of the following options:*

- Traffic calming devices
- Stop signs
- New or additional sidewalk installation (50/25/25)
- Prohibition of street parking
- Adjustment of speed limits

*As we conduct this study and evaluate recommendations it is critical that any recommendations be driven on ensuring all evaluated speed zones are set so that the speeds are safe, credible, consistent, and enforceable. According to the previously mentioned article the Federal Highway Administration reports that “studies show that setting speed limits lower than the prevailing speed without changing the road environment will have little effect on speed and might increase crash risk.” As a collateral issue best practice would preclude us from creating speed zones that actually impede traffic or create the impression of a speed trap.*

*As we move forward in our efforts on how to best address this issue, we are scheduling a meeting with the town’s traffic engineer to examine and prepare an objective and systematic approach to ensure a comprehensive process. This meeting is set for August 30, 2016.*

*On Monday, August 30, 2016, staff met with Mike Surasky with AMT to discuss criteria for speed limit changes.*

### **DRAFT POLICY:**

#### **Purpose**

*The Town of Wendell’s Neighborhood Speed Reduction Policy has been developed to guide Town staff and inform residents about the process and procedures for requesting and implementing neighborhood speed reduction measures. Under this policy, the Town Planning Department will work with residents to identify speed reduction needs in their neighborhoods and identify appropriate solutions.*

*First, the policy outlines how citizens may request speed reductions in their neighborhood no lower than 25 miles per hour. Secondly, the policy describes the procedures for reviewing a speed reduction request and developing an implementation plan.*

#### **Definitions**

*Neighborhood – The Webster’s International Dictionary defines a neighborhood as “The region near where one is or resides.” A neighborhood can be as small as one street or a network of homes and small businesses with shared streets, parks, and people.*

*Affected Residents – An affected resident is a resident that lives on the street under study within the limits of the block or blocks being considered for speed limit reduction.*

*Affected Street – A minimum roadway section of 1000’ in length with 75 percent of the road frontage comprised of residential land uses directly fronting the roadway. **Note:** As a part of the review process, staff may determine that the study area may need to be expanded to other street sections for continuity.*

*Direct Fronting – A property is considered direct fronting when its address and driveway are*

*oriented to the roadway section.*

*Request Reduction – The initial speed reduction petition to 25 miles per hour must be submitted by 20 percent of the residents on the affected roadway section.*

**Procedure for Applying for a Speed Reduction**

*Initiation – Resident(s) of the proposed speed reduction project area may initiate the process by submitting a petition from 20 percent of the residents in an affected area to the Town Planning Department. Once the petition is received, a speed reduction survey form is then mailed or hand delivered to all resident(s) in the affected area along with a copy of the Neighborhood Speed Reduction Policy.*

*In order for the speed reduction request to be considered, the Town Planning Department must receive a minimum of 75 percent of the residents' signatures in the affected area in favor of the speed reduction. Only one signature per household is counted to determine the 75 percent approval. Surveys must be returned within 21 days of the survey's post mark. If the required signatures are not obtained, the process is stopped. If the resident signature requirement is met, the request is reviewed by the Town Planning Department and then sent to the Town Board for action.*

**Qualifying Criteria for a Neighborhood Speed Reduction**

*There are many factors taken into consideration when reviewing residential traffic concerns to determine the feasibility of the request. These factors include:*

- *Speeds and /or volume of traffic*
- *The surrounding roadway network*
- *Accident history*
- *Resident network and access*
- *Neighborhood response and*
- *Budget considerations.*

*In order to qualify for a speed reduction under the Town of Wendell Neighborhood Speed Reduction Policy, the roadway being considered should be a town-maintained public street classified as a local or collector street, and must be primarily residential. "Primarily residential" means that at least 75% of the properties with frontage on the street are in residential zoning or have existing land use that is residential. State maintained roads are not eligible for consideration under this policy.*

*The street must have:*

- *A posted speed limit of 30 mph or more.*
- *Traffic volume on the affected street less than 4000 vehicles per day (vpd) regardless of its classification.*
- *Not a primary run route for emergency services such as fire and ambulance.*
- *Application must not have been denied or become void within the last 60 months.*

*It is critical that the following appropriate agencies be contacted and included in the review process.*

- |                            |  |
|----------------------------|--|
| • <i>Police Department</i> | • <i>Public Works</i>                                |
| • <i>Fire Department</i>   | • <i>Planning Department</i>                         |
| • <i>Eastern Wake EMS</i>  | • <i>Wake County Public Schools – Transportation</i> |
|                            | • <i>Solid Waste Contractor</i>                      |

*Town staff will perform a site study and determine if the request meets the preliminary qualifying criteria for a speed reduction. If the data does not meet the qualifying criteria, alternative measures are offered for discussion. If the data meets the criteria, the traffic calming process is*

taken to the Town Board for consideration.

**Implementation** - The proposed schedule for implementation must consider the availability of funding and prioritization. Due to limited resources, some areas may not be identified and funded for a project for significant periods of time.

**Budget & Funding**

For projects previously approved by the Town Board, and for which funding is not available, property owners or a home owners association may elect to pay for 100% of the installation to implement the speed reduction.

**Appendix A**

**Speed Reduction Petition**

Neighborhood Name: \_\_\_\_\_

Street Name & Location: \_\_\_\_\_

**Citizen Neighborhood Speed Reduction petition to be completed by 20 percent of residents directly fronting the requested section of roadway under consideration.**

We, the undersigned property owners, do respectfully petition the Town of Wendell to reduce the neighborhood speed to 25 miles per hour in the neighborhood/intersection of

\_\_\_\_\_.

\*A detailed map to include block numbers or addresses within the area to be considered must be included.

The reasons for the petition include:

\_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Signature	Name Printed	Address	Apt. No.

Neighborhood Name: \_\_\_\_\_

Street Name & Location: \_\_\_\_\_

Reason for Petition: \_\_\_\_\_

Signature	Name Printed	Address	Apt. No.
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**Appendix B**

**Resident Speed Reduction Survey**

**Note:** In order for a speed reduction request to be considered by the Town Board for approval, this request must be signed by a minimum of 75 percent of the affected residents. Should the request receive insufficient signatures or otherwise be denied by the Town Board, no similar requests shall be considered through this policy for a five year period.

I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour in the neighborhood/intersection of

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The reasons for the requests are:

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*I have lived in the neighborhood for \_\_\_\_\_ months/years.*

*\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\**

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

Town Manager Teresa Piner provided an overview of the city-wide speed limit; staff report and draft policy included above in italics.

Mayor Pro Tem Lutz questioned if it is a group of homes like a neighborhood. Town Manager Piner stated the road length minimum is 1,000 feet for a section of roadway and to have a change at either a stop sign or stop light.

Commissioner Boyette thanked the town manager and town staff for time in this and working with him. It's important to the people who live in the area to have a say in their living environment. If a neighborhood feels safer at 25 mph, he has no problem with it. The policy is as simple as it can be made.

Town Manager Piner stated a question that arose is resident instead of property owner.

Commissioner Boyette stated he requested resident because it impacts the people who live there more so than the owner of the house. Voting in America is not about who owns where you live, if you live there that is where you vote. This allows people who live there a say in how the neighborhood is run.

Town Manager Piner requested the Town Board to review this week and remit comments. This will be included in the November 28, 2016, agenda for Board action.

Commissioner Boyette requested hard copies of what someone would receive if they came to town hall.

Town Attorney Cauley stated this is ultimately a Board decision. Even if the petition meets all of the criteria of the policy, there may be a reason that the Board thinks a speed change or reduction would not be a good idea. The Board retains the ultimate decision.

Town Manager Piner stated this is a policy. Applications would be reviewed by a technical team and then the application and staff recommendations would come directly to the Town Board.

Town Boyette clarified that if emergency services or town engineer had concerns, those concerns would be forwarded to the Town Board along with the application. Town Manager Piner stated correct.

<b>ACTION:</b> This item will be on the November 28, 2016, agenda for Town Board discussion and action.
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**10. RESOLUTION DESIGNATING AGENT(S) TO FILE APPLICATIONS WITH FEDERAL EMERGENCY MANAGEMENT AGENCY AND NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT ON BEHALF OF THE TOWN OF WENDELL.**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*On Saturday, October 8, 2016, Hurricane Matthew affected the Town of Wendell with high winds and 9 + inches of rain. As a result of this weather event, power lines were downed resulting in wide spread power outages and a high volume of vegetative debris was created. Additionally three of the five town facilities incurred some damage and one vehicle sustained some damage as a result of the storm.*

*During and immediately after the event, Manager Piner and Chief Carter worked closely with Wake County Emergency Management to provide preliminary damage and recovery cost estimates which were combined with those of other entities in Wake County. The damage rose to a level sufficient enough to allow for the submittal of reimbursement requests to the Federal Emergency Management Agency and North Carolina Division of Emergency Management. This submittal will allow for the Town of Wendell to apply for reimbursement for overtime costs, debris removal and unreimbursed deductibles associated with damage to facilities and vehicles. As a component of the process to seek reimbursement, the Town must designate a Primary Agent and Alternate Contact who will work the Federal Emergency Management Agency and North Carolina Division of Emergency Management in filing the necessary forms, meeting with those parties and essentially managing our activities in this process from start to finish. This action must be done in the form of a resolution passed and approved by the governing body, in this case the Wendell Town Board of Commissioners.*

*It is requested that the Wendell Town Board of Commissioners consider authorizing Chief Bill Carter to serve as the Primary Authorized Agent and Finance Director Butch Kay to serve as the Alternate Agent for this process. Both have attended the initial kick off meeting for the process and have worked to collect the data necessary to seek the reimbursement for costs incurred.*

Police Chief Bill Carter provided an overview of the resolution designating agent(s) to file applications with the Federal Emergency Management Agency and North Carolina Division of Emergency Management on behalf of the Town of Wendell; staff report included above in italics.

Commissioner Boyette questioned the costs associated with Hurricane Matthew. Police Chief Carter stated that information is still being collected.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the resolution authorizing Police Chief Bill Carter and Finance Director Butch Kay as the Town of Wendell authorized agents for purposes of filing a request for public assistance with FEMA and NC Division of Emergency Management.

Vote: Unanimous.

**11. UPDATE BY MR. SID BAYNES ON NOMINATION OF JAKE MAY TO THE NORTH CAROLINA SPORTS HALL OF FAME.**

**ACTION: Board support of nomination.**

*[Staff Report]*

**Specific Action Requested:**

*Mr. Baynes requests Board support of the nomination of Jake May to the North Carolina Sports Hall of Fame by submitting letters to the North Carolina Sports Hall of Fame Board of Directors.*

Mr. Sid Baynes provided an overview of nomination of Jake May to the North Carolina Sports Hall of Fame; report included above in italics. Mr. Baynes asked the Town Board to help with letters of support for Mr. Jake May's nomination to each member serving on the board of directors of the North Carolina Sports Hall of Fame.

**ACTION:** It was the consensus of the Town Board to send letters of support.

**12. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:**



**Triangle J Council of Governments (COG) Board of Delegates [Mayor Pro Tem Lutz]**

Mayor Pro Tem Lutz stated at that meeting new staff were introduced and relief efforts for areas impacted by Hurricane Matthew.



**North Carolina League of Municipalities [Commissioner Boyette]**

Commissioner Boyette stated he missed the last Town Board meeting to attend the NCLM Annual meeting held at the Raleigh Convention Center. Informative sessions on community policing and revitalization of downtown with an emphasis on walkability were presented. Zebulon Mayor Bob Matheny was installed as President to the NCLM Board of Directors for the upcoming year. He appreciated the opportunity to attend and network.



**Wendell Fire Department Board of Directors [Commissioner Joyner]**

Commissioner Joyner stated at the meeting was a review of the health screening program and completed the audit. Also have a couple of fire personnel in the Lake Lure area assisting with the fire and he requested to keep them in your thoughts.



**Technical Review Committee [Commissioner Carroll]**

Commissioner Carroll stated at the last TRC meeting, Wendell Falls Medical Office building was approved with conditions. Construction will begin early 2017 and end in fall of 2017 for a 38,000 square foot facility. Conditions were for the pedestrian walkways in the parkway.



**Regional Mayors and County Chairs (TJCOG) [Mayor Gray]**

Mayor Gray attended the Triangle J Regional Mayors and County Chairs meeting held in Clayton. The presentation was on Economic Development efforts in Johnston County.

### **13. COMMISSIONERS' REPORTS.**

Commissioner Carroll stated no report.

Mayor Pro Tem Lutz thanked the Town staff and the Chamber Board and volunteers for the Harvest Festival. Being held the first weekend in November felt more like fall.

Commissioner Myrick stated the Chamber of Commerce did a great job planning the Harvest Festival. Thanked the town staff. Expressed his appreciation to all the veteran's and their families; we have a veteran on the Town Board and there are several in attendance this evening. He wished everyone a Happy Thanksgiving!

Commissioner Boyette expressed his appreciation to all for putting in their time and effort for the Transportation Plan. The Transportation Plan is a working document. Thanked all of the veterans and those who serve in our military.

Commissioner Joyner echoed the thoughts of the military. Looking forward to continuing to work on getting the remainder of the Transportation Plan squared away. He stated the food at this year's Harvest Festival was scrumptious! It was an amazing culinary experience and fun overall at the Harvest Festival.

### **14. MAYOR'S REPORT.**

Mayor Gray provided the following report:



Harvest Festival was great. Thanked the town staff for their work. Saw them out and about cleaning up and helping to keep it safe.



Trick or Treat Trail had almost 2,000 participants and it was really fun!



Invited this week to view and judge the reflections art contest at Lake Myra Elementary School. Enjoyed visiting the school.



The Appearance Commission has the Tobacco Worm puzzle for sale for \$10. Available for sale at Town Hall and the proceeds go toward public art project. Great Christmas gift!



Christmas Decorating Contest forms are due by December 9<sup>th</sup>. Forms are available on the Town website and at Town Hall.



Wendell Wonderland is Friday, December 2<sup>nd</sup> and some of the activities are:

- Music begins at 5 p.m.
- Wendell Middle School Band
- Southeastern Baptist Seminary Choir
- Mrs. Clause will join Santa Clause at 6 p.m. at the gazebo
- Trolley rides will begin at 5:30 p.m.
- Wendell Light Show will be in the event
- Working with the businesses to stay open and participate
- Looking to have pop-up shops in the empty stores

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- Wood carving
- Possibly ice carving
- Black Smithing by Mr. Leon Cobb
- Wendell Methodist will have its Cookie Walk
- Wendell Baptist will have music



Mayor Gray requested the closure of Cypress Street between Second and Third Streets during the Wendell Wonderland.

**15. CLOSED SESSION.**

**ACTION: Closed Session will be called if necessary.**

**ACTION**

Mover: Mayor Pro Tem Lutz moved pursuant to NC GS 143-318.11 (a) (6) that we go into closed session to consider a personnel matter.

Vote: Unanimous.

**16. ADJOURN.**

**ACTION**

Mover: Mayor Pro Tem Lutz moved to adjourn at 11:08 p.m.

Vote: Unanimous.

Duly adopted this 28th day of November 2016, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk