

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
November 13, 2017**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, November 13, 2017, 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 Manger Teresa Piner, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Planner Patrick Reidy, Police Chief Bill Carter, and IT Administrator Tamah Hughes.

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

Emma Cuthrell and Logan Champion, fourth grade students at Carver Elementary School, led the Pledge of Allegiance.

**INVOCATION:**

Errol Briggerman of Wendell Council of Churches 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 23, 2017, regular meeting.

**ACTION:**

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

Vote: Unanimous.

- 4. RECOGNITION OF CARVER ELEMENTARY TEACHER: MRS. ASHLAN GOLDEN**  
**SPEAKER: Mayor Gray**  
**ACTION: Recognition**

*[Staff Report]*

**Item Summary**

*Mrs. Ashlan Golden grew up in Louisburg, NC. She graduated Magna Cum Laude from NCSU in May 2016 with a Bachelor of Science in Education with a concentration in STEM [science, technology, engineering, and mathematics]. She previously taught in Franklin County. Mrs. Golden and her family live in Middlesex, NC, since last April. She says: "I have two amazing sons who I look forward to attending Carver in the future! Teaching is my calling. I love working with students each day and building lasting relationships with them. I feel so blessed to be at Carver and have felt so welcomed by the Wendell community!"*

*Ashlan Golden is new to Carver Elementary this year. We are so fortunate to have her as a member of our Carver family. She teaches second grade and has done an amazing job of quickly establishing positive relationships with our children, staff and parents. She is an enthusiastic and passionate educator as is evident in her attitude, the high level of student engagement in her classroom as well as the successes her students are experiencing every day. Mrs. Golden is a strong collaborator and communicator with all members of our Carver Community and is a joy to have on our staff.*

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

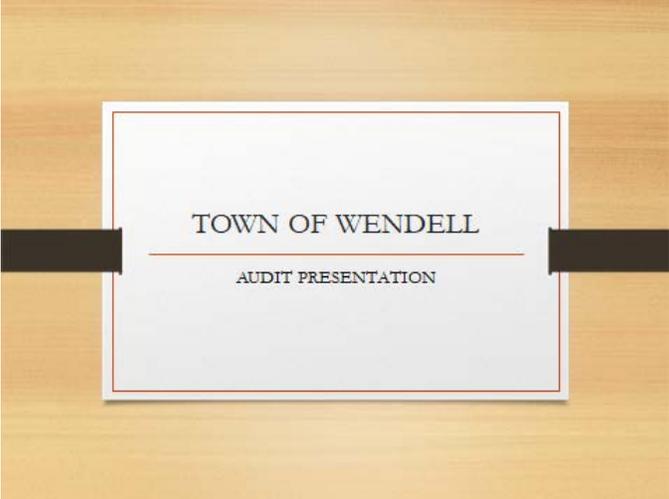
- 5. PRESENTATION OF THE TOWN OF WENDELL 2017 AUDIT REPORT BY PETWAY MILLS AND PEARSON PA.**  
**SPEAKER: ~~Jessica Murphy~~ Phyllis Pearson**  
**ACTION: Presentation.**

*[Staff Report]*

**Item Summary:**

*The annual audit for the Town of Wendell was conducted by Petway Mills and Pearson for the fiscal year 2016-2017 (July 1 to June 30). Prior to the board meeting of November 13th, 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 Jessica Murphy of Petway Mills and Pearson. Staff is recommending that the 2017 audit report be approved.*

Ms. Phyllis Pearson, of Petway Mills and Pearson PA, presented the following PowerPoint presentation:



### BUSINESS-TYPE ACTIVITIES

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- Total assets       \$   2,467,126
- Total liabilities       2,467,126
  
- Total revenues     \$       71,111
  
- Total expenses       71,111

### GENERAL FUND

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- Total assets       \$ 9,250,806
- Total liabilities     2,380,315
- Total fund balances   6,870,491
  
- Total revenues       \$ 8,420,280
  
- Total expenditures   6,994,083

### UNASSIGNED FUND BALANCE

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- Actual as of June 30, 2017: \$5,328,810
  
- Statutory recommendation  
8% of prior year expenditures  
  
Recommended amount \$559,527  
  
Town meets and exceeds recommendations

## FINDINGS

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- There was a changes in accounting policies related to recording pension liabilities for the law enforcement officers separation allowance.

## FINDINGS (CONTINUED)

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- No changes in use of estimates.
- Most sensitive disclosures dealt with capital assets and debt.

## FINDINGS (CONTINUED)

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- No disagreements with management.
- Management's representation letter was signed timely and promptly.
- Report was submitted timely to LGC.
- No uncorrected misstatements.



**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adopt the FY 17 audit report as presented.

Vote: Unanimous.

**6. PRESENTATION BY SPECTRUM ON INTERNET ASSISTANCE PROGRAM.**

**SPEAKER: Mia Bailey, Director, Government Affairs for Charter Communications**

**ACTION: Presentation**

*[Staff Report]*

**Item Summary**

*Ms. Bailey will provide an overview of a new internet assistance program being offered by Spectrum. Additional information is available at:*

<https://www.spectrum.com/browse/content/spectrum-internet-assist.html>

Ms. Mia Bailey, Director of Government Affairs for Charter, provided the following PowerPoint presentation:



SPECTRUM INTERNET ASSIST PROGRAM  
(SIA)

[www.SpectrumInternetAssist.com](http://www.SpectrumInternetAssist.com)



SPECTRUM INTERNET ASSIST PROGRAM (SIA)

Qualifications

- The National School Lunch Program (NSLP); free or reduced cost lunch
- Supplemental Security Income (SSI); 65 years of age or older

Disqualifications

- Residential customers who have subscribed to Spectrum internet services w/in 30 days
- NO outstanding debt for any Spectrum/Charter services within 1 year of application for SIA
- NO outstanding debt from Spectrum/Charter that is in collections

[www.SpectrumInternetAssist.com](http://www.SpectrumInternetAssist.com)



SPECTRUM INTERNET ASSIST PROGRAM (SIA)

What do you get with SIA?

- Fast internet speeds (30/4 Mbps)
- \$14.99 per month
- Self-install modem
- SIA customers are eligible for promotional TV/phone bundle offerings

Added Features

- Additional \$5 – Home WiFi w/ router and no activation fees

[www.SpectrumInternetAssist.com](http://www.SpectrumInternetAssist.com)



## How to Sign Up for SIA

- *Complete the eligibility verification process and sign up:*
  - 1-844-525-1574
  - [www.SpectrumInternetAssist.com](http://www.SpectrumInternetAssist.com)

[www.SpectrumInternetAssist.com](http://www.SpectrumInternetAssist.com)



**Mia D. Bailey**  
Director, Government Affairs

[Charter Communications/Spectrum](#)  
19 W. Hargett Street, Ste. 805  
Raleigh, NC 27601-2937  
919.882.4741  
[mia.bailey@charter.com](mailto:mia.bailey@charter.com)

[www.SpectrumInternetAssist.com](http://www.SpectrumInternetAssist.com)

**7. PRESENTATION OF FAÇADE GRANT REQUEST FOR 11 WEST THIRD STREET.**

**SPEAKER: Planner Patrick Reidy**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*At the November 6, 2017 meeting, the Appearance Commission reviewed one Downtown Façade Grant application for the October 1<sup>st</sup> application period. This request is the first and only façade grant application that was received prior to the 1<sup>st</sup> Appearance Commission meeting during the cycle.*

*The Appearance Commission members recommended to the Board of Commissioners by a vote of 6 to 0, approval of the downtown façade grant application for 11 W. Third Street in the amount of \$1,000. The Appearance Commission noted that the application met the intent of the program.*

*Additional detailed information on the Downtown Façade Grant Program application request submitted for this review cycle is included herein.*

**11 W. Third Street**

*On October 21, 2017, an application was submitted to the Town of Wendell Planning Department, by owners Bobby and Shirley Walker, for the downtown façade grant program. The application is to remove the blue cedar shake siding, replace 2 large existing windows with windows of the same size, add three smaller windows above the existing windows and door (transoms), replace the front door, and paint the exterior on the building at 11 W. Third Street. The property is being renovated by the owners to create a “shell” building to be leased. The tenant will be responsible for upfitting the space for the proposed business. The property is located in the Downtown Mixed-Use (DMX) zone.*

*The total estimated cost for the project is \$4,900. The amount applied for by the applicant for the downtown façade grant program is \$1,000.00. The downtown façade grant program permits a 50-50 match up to \$1,000 from the town to the applicant based on project costs. Additional details are found in the downtown façade grant application guidelines. In addition to the façade grant improvements, the applicant will also be reroofing the building and making interior renovations to make it more attractive to a tenant.*

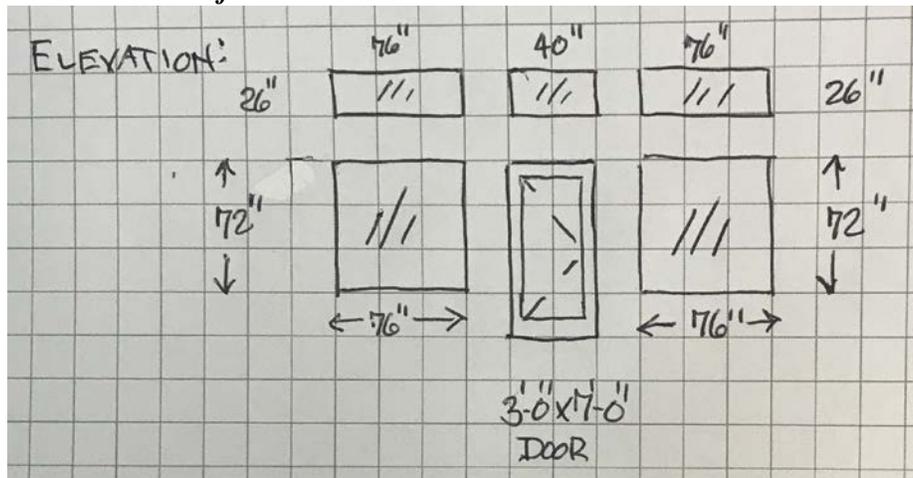
*Staff has reviewed the downtown façade grant application for 11 W. Third Street. The*

*application was deemed complete with project costs indicated, project details provided and photos of the existing façade included in the application. The project includes eligible improvements as defined by the current downtown façade grant program guidelines. The applicant has not begun making improvements to the building.*

**Existing Conditions:**



**Proposed Covered Deck/Roofline Extension:**



**Staff Recommendation:**

*Staff requests that the Board of Commissioners review the recommendation of the Appearance Commission in relation to the Downtown Façade Grant program objective and guidelines in order to render action on these submitted applications.*

*The Downtown Façade Grant Program decision guidance factors for approval include the following:*

1. *Project Review Checklist:*
  - a. *Completed application by application deadline*

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- b. Project proposes eligible exterior improvement(s)*
2. *Extra consideration shall be provided to:*
  - a. new commercial businesses;*
  - b. facades located in the downtown area;*
  - c. removal of metal awnings and/or replacement of fabric awnings*
  - d. recently expanded businesses or seeking renovation; and/or*
  - e. Projects that are creative or offer enhanced improvements or aesthetic appeal or translates to increase customer visitation or experiences in a neighborhood.*
3. *Site visit and view of existing conditions;*
4. *Strength of the application and support materials submitted with the application will be judged against applications during the grant deadline cycle;*
5. *Project costs;*
6. *Available program funds.*

Planner Patrick Reidy provided a presentation of the façade grant request for 11 West Third Street; staff report above in italics.

Commissioner Boyette questioned if the building is structurally sound. Planner Reidy stated a building permit for the renovations was obtained and during the due diligence the realization was a new roof was needed.

Mayor Pro Tem Lutz questioned when the grant would be paid. Planner Reidy stated after the work is completed.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the façade grant request for 11 West Third Street as presented.

Vote: Unanimous.

**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

**8. PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO CHAPTER 12 OF THE UDO AS IT RELATES TO TEMPORARY ELECTRONIC MESSAGE BOARD AND MOBILE SIGNS.**

**SPEAKER: Planning Director David Bergmark**

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

[Staff Report]

**Item Summary:**

*In January of 2017, the Planning Board reviewed and made a recommendation on several proposed changes to Chapter 12 of the UDO related to temporary signage. At their February 6, 2017 meeting, the Town Board voted to extend the suspension on temporary sign regulations for an additional year, but otherwise did not make any changes to the Temporary Sign Section (12.7D) of the UDO at that time.*

*In early September, an electronic message board sign placed in the back of a pickup truck was positioned along Wendell Boulevard near Wendell Elementary. The Town Board expressed concern over the appearance and safety of having this type of sign located on Wendell Boulevard. In order to avoid these types of signs from reoccurring in the future, the Town Board directed staff at the September 25, 2017 meeting to initiate a text amendment to add Temporary Electronic Message Board signs to the prohibited sign section of Chapter 12 (Section 12.9).*

*In addition to this change, staff recommends that Section 12.7D3 (Mobile Signs) be deleted for clarity. While Section 12.7D3 does not speak specifically to electronic message board signs, it does address the type of sign on a mobile framework which would commonly be used for a temporary electronic message board sign.*

*These changes would not prevent NCDOT, police, or other governmental bodies from erecting temporary directional and informational signs, as these are permitted by Section 12.8 (Signs Not Requiring a Permit). Language has also been added to Section 12.9 to clarify this point. Likewise, these changes would not prevent a permanent electronic message board sign from being erected, as part of a permitted monument or wall sign.*

**Proposed Amendments:**

*The proposed text amendments to Section 12.9 and 12.7D are included below. Amended text is shown in red.*

**12.9 Prohibited Signs**

*All signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with this Chapter are prohibited. Such signs include but are not limited to:*

- A. Signs that Impact Traffic Safety:** *No sign shall be erected or continued that:*
  - 1.** *Obstructs the sight distance along a public right-of-way or at intersections;*
  - 2.** *Would tend by its location, color or nature to be confused with or obstruct the view of traffic signs or signals or would tend to be confused with a flashing light of an emergency vehicle; or*
  - 3.** *Uses admonitions such as “stop,” “go,” “slow,” “danger” and the like which might be confused with traffic directional signals.*
- B. Flashing Signs:** *No flashing or intermittent illumination shall be permitted on any advertising sign or structure.*
  - 1.** *Electronic message board signs shall not be considered flashing or intermittent provided the graphic message does not change faster than every 8 seconds.*

*(Amended 12-8-14)*
- C. Animated, Rotating or Moving Signs.** *No animated, rotating, or moving signs shall be permitted.*
  - 1.** *Electronic message board signs shall not be considered an animated sign simply due to the changing nature of its graphic message.*

*(Amended 12-8-14)*
- D.** *Permanent off premise signs.*
- E.** *Billboards*
- F.** *Pennants and strings of lights strung between poles, pillars or buildings unless they are from a recognized non-profit or charitable organization.*

- G. Signs on vehicles that are parked or placed in a stationary position.
- H. Roof signs
- I. Pole signs
- J. Temporary Electronic Message Board Signs
  - I. This provision shall not include directional or information signs erected and maintained by public agencies or governmental bodies, which are permitted by Section 12.8.

### 12.7D Temporary Signs Requiring a Permit

A temporary sign permit, obtained from the Administrator, shall be required for the following sign types. No more than 4 total sign permits combined (excluding "Ground Signs – Small") may be issued to any party within the same calendar year. Signs enumerated below shall be located either behind a sidewalk or ditch line, or where neither is present, signs must be located at least 5 feet from the edge of pavement. Ground mounted signs (excluding lighter-than-air and mobile signs) shall be limited to 7 feet in height. The applicant must obtain permission from the property owner to post the sign. All temporary signs shall be properly maintained and kept in an upright position, or may be subject to removal by the Town.

- I. **Lighter-Than-Air Signs:** A lighter than air sign may be permitted on the premises of any given business up to two times per year for no longer than three consecutive calendar days per use. The sign shall be situated so that the height of the sign is directly proportional to the distances to the property lines, not to exceed 100 feet in height.
- 2. **Seasonal Farm Product Signs:** Off-premise signs advertising the seasonal sale of farm products may be permitted for a maximum period of 60 calendar days. Signs are not to exceed 3 square feet in size and are to be located on private property. No more than six signs will be allowed at any one time.
- 3. **Mobile Signs:** Signs mounted on a mobile framework, trailer, or other movable apparatus other than vehicles used for transporting are prohibited on a permanent basis. One mobile sign will be permitted on a temporary basis at grand openings, open houses or special events in any commercial or manufacturing district for a 14 day calendar period.
- 4. **Banners and Pennants.** Banners and pennants may be displayed on a commercial building under the following conditions:
  - a. Only one banner may be displayed by each business at any time and shall be no greater than 32 square feet in area. Banners may be erected for 30 days at a time no more than four times per calendar year.
  - b. No banner and/or pennant may be displayed unless the commercial message contained in the banner relates to a specific, special promotion of limited duration.
  - c. No banner and/or pennant may be displayed or used as a general or ongoing advertisement of the business or its customary activities.
  - d. No banner and/or pennant may be displayed or used as a replacement for permanent signage.
  - e. The administrator may exempt the applicant from the requirements listed in b - d of this section if they have obtained an approved commercial building permit for a permanent sign.
  - f. The Administrator shall have the authority to order the removal of any banner and/or pennant that:
    - i. Is, or appears to be, out of date.
    - ii. Is, or appears to be deteriorated, or in a state of disrepair, wear, or neglect.
    - iii. Is, or appears to be, abandoned.
- 5. **Ground Signs – Small:** Ground mounted signs not exceeding 3 square feet in size and erected by a non-profit operating within the Town's jurisdiction or a business located within the Town's jurisdiction must adhere to the following conditions:
  - a. Such signs shall not exceed 12 per business or non-profit.
  - b. No more than 2 signs shall be permitted on any single property.
  - c. Signs adhering to these standards shall have no limit on the duration of the permit.
  - d. Such signs shall be properly maintained and kept in an upright position, or may be subject to removal by the Town.

6. **All Other Temporary Signs:** *All other temporary signs not enumerated in section 12.7D shall be limited by the additional standards herein. Such signs shall not exceed six per event and the combined square footage of the signs shall not exceed 32 square feet. If more than one ground-mounted sign is placed on the same property, the sign area allowed per sign shall be reduced to 3 square feet each. The sign permit shall be valid for 14 calendar days.*

**Planning Board Recommendation:**

*At their October 16, 2017 meeting, the planning board expressed concern over the broad nature of the proposed ban on temporary electronic message board signs. Some members suggested that a narrower rule could prevent this type of sign within the downtown or close to the school. They also pointed out that, if approved, the proposed language would cause any mobile food truck set up in town using an electronic message board on their vehicle to be in violation of the UDO. For these reasons, the Planning Board voted 7-2 to recommend denial of the proposed text amendments to Chapter 12 of the UDO.*

***Voting to Deny Proposed Changes:*** Chairperson Ashley Anderson, Allen Swaim, Jonathan Olson, Kathe Schaecher, Lloyd Lancaster, Gilda Wall, and Victoria Curtis.

***Voting Against Motion to Deny Proposed Changes:*** Michael Clark & Errol Briggerman.

***Absent:*** none

**Staff Recommendation:**

*Staff recommends approval of the proposed text amendments. If the Board wishes to tailor the proposed language to make it more specific, staff could add additional language that speaks to things such as location or size. For example, the rule could apply along a specific road or within national register districts (the center of Wendell Boulevard is such a district). Alternatively, the Town could prohibit temporary electronic message board signs over a given size (6 sq. ft.; etc.). The content of the message cannot be regulated based on recent court rulings.*

*Since the planning board recommended denial of the proposed text amendment, a supermajority vote of the Town Board (4 of 5) would be required in order to approve the amendment.*

**Statement of Plan Consistency and Reasonableness**

- *Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
- *Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:*
  - *Principle Number 5: “Promote Wendell’s attractiveness to business and people of all walks of life...”*
- *A statement of reasonableness and consistency has been incorporated into the draft ordinance.*

Planning Director David Bergmark provided an overview of the text amendments to Chapter 12 of the UDO as it relates to temporary electronic message board mobile signs; staff report above in italics.

Commissioner Joyner questioned if he would be in violation if he is driving his truck through town with a sign in the back. Planning Director Bergmark stated no because he is not stationary.

Mayor Pro Tem Lutz questioned if the size of the sign was discussed by the Planning Board. Planning Director Bergmark stated he included that as an option to potentially address concerns over electronic message board signs on food trucks, but it did not receive much discussion by the Planning Board.

Mayor Gray opened the public hearing at 7:22 p.m. No one spoke. Mayor Gray closed the public hearing at 7:22 p.m.

Commissioner Boyette stated the reason this came up is the because of a mobile electronic sign parked at Wendell Boulevard and Magnolia Street near the right-of-way across from the school and in the sight triangle. His concern is having video boards in places that are unsafe.

**ACTION:**

Mover: Commissioner Boyette moved to approve an ordinance text amendment to Chapter 12 of the UDO as it relates to temporary electronic message board and mobile signs as recommended by staff.

Vote: Unanimous.

**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

**9. PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO CHAPTER 9 OF THE UDO AS IT RELATES TO SIGHT TRIANGLE STANDARDS.**

**SPEAKER: Planning Director David Bergmark**

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

*[Staff Report]*

**Applicant:**

*Nash Wendell Falls LLC*

**Item Summary:**

*The applicant has submitted a zoning text amendment to change Section 9.3.E.3, which describes the Town's Sight Triangle Provisions. Sight Triangles represent an imaginary triangular area along street intersections which must be kept free of any structures taller than 3 feet in height in order to maintain visibility for motorists approaching an intersection.*

*As currently stated in Section 9.3.E.3, the Town's sight triangle requirements call for a triangular area which extends 25 feet in either direction from the right-of-way point of intersection. The standard sight triangle for NCDOT calls for a 10' x 70' sight triangle easement, which does not extend as far down the secondary road, but which ensures greater visibility along the primary road.*

*Both sight triangle standards have their merits. For the intersection of two local, low traffic roads, the Town's current sight triangle standard may be better suited. However, when one road is higher speed or planned to receive significantly more traffic than the other, NCDOT's sight triangle standard is often preferable.*

*As can be seen in Attachment A, the applicant is proposing to amend the UDO in order to provide the zoning administrator the option of applying either sight triangle standard, based upon which is more appropriate in a given situation. The amended text within Attachment A is shown in red.*

**Planning Board Recommendation:**

*At their October 16, 2017 meeting, the Wendell Planning Board voted 9-0 in favor of the proposed text amendment.*

***Voting in Favor:** Chairperson Ashley Anderson, Vice-Chairman Michael Clark, Errol Briggerman, Allen Swaim, Jonathan Olson, Gilda Wall, Kathe Schaecher, Lloyd Lancaster and Victoria Curtis.*

***Voting Against:** none*

***Absent:** none*

**Statement of Plan Consistency and Reasonableness**

- *At their October 16, 2017 meeting, the Planning Board found the proposed amendment to be reasonable in order allow for enhanced visibility at intersections and is consistent with the following principle of the Comprehensive Plan:*
  - *Principle Number 8: “Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.”*

**Staff Recommendation:**

*Staff recommends approval of the proposed text amendment. Under the proposed amendment, the Town would retain its current sight triangle, but would also have the option of using the NCDOT sight triangle where deemed appropriate.*

Planning Director Bergmark provided an overview of the text amendment to Chapter 9 of the UDO as it relates to sight triangle standards; staff report included above in italics.

Mayor Gray opened the public hearing at 7:28 p.m. No one spoke. Mayor Gray closed the public hearing at 7:28 p.m.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the ordinance text amendment to Chapter 9 of the UDO as it relates to sight triangle standards.

Vote: Unanimous.

**Quasi-Judicial [Evidentiary] Hearing Guidelines:**

- Case is announced
- Town Attorney provides rules of procedure for an evidentiary hearing
- Town Clerk provides oath for persons wishing to present testimony
- Staff presentation
- Applicant testimony [how the request meets the findings of fact]
- Opposition testimony [how the request does not meet the findings of fact]
- Applicant rebuttal
- Opposition rebuttal
- Staff closing comments
- Board inquiry

- Board called into deliberation
  - Board discussion of the findings of fact
    - Approve
    - Approve with conditions
    - Deny (must include reason)
- 

**10. QUASI-JUDICIAL PUBLIC HEARING TO CONSIDER A SPECIAL USE REQUEST BY THOMAS H. JOHNSON ON BEHALF OF NEXSEN PRUET TO PERMIT A NEW CELL TOWER TO BE LOCATED ON POINSETTIA LANE (PIN # 1764903527).**

**SPEAKER: Planning Director David Bergmark**

**ACTION: Quasi-judicial public hearing; Board may take action.**

*[Staff Report]*

**Applicant:**

*Thomas H. Johnson, Jr. on behalf of Nexsen Pruet, PLLC as agent for TowerCom, IV, LLC*

**Item Summary:**

*The applicant has submitted a special use permit request to locate a new wireless facility and wireless support structure along Poinsettia Lane on property identified by PIN # 1764903527, as permitted by Appendix D of the UDO. This property is currently vacant and is located within the Town's Extra Territorial Jurisdiction (ETJ). Per Appendix D of the UDO, all new cell towers require special use permit approval. The applicant is proposing to construct a Monopole Wireless Tower at 175 feet with a four foot lighting rod, totaling 179 feet in height. If the application is approved as proposed, the new tower would be capable of supporting at least four telecommunication carriers.*

**Applicant's Justification:**

*The applicant's justification and Special Use Permit responses are included within Attachment B. These responses speak to how the proposed tower will impact adjacent properties, as well as what type of services this use requires.*

*As permitted in section IV,C(1) of Appendix D, the applicant has submitted a waiver request to permit a wireless support structure in excess of the 120 feet typically allowed in residential districts. The UDO permits the Town Board to approve such a waiver request, so long as it finds the Applicant has provided such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Town Board.*

*The applicant has provided technical information to support their waiver request (Attachment D) for additional height. The Town of Wendell's Wireless Review Consultant, Cityscape, has reviewed the material provided and is in support of the requested height waiver. If the Town Board approves the Special Use request, Cityscape recommends that the following justification language be added to the Town Board's approval as it relates to the requested height of 179 feet (175' pole and 4' lightning rod):*

*"CityScape has reviewed the Applicant's statement for the height increase and confirms there is reasonable justification based on two factors:*

*1. The proposed location is zoned RA for future residential development. Being the proposed location is outside the view of the current residential development there is minimal, if any, impact to current property owners. The proposed facility will be approved and possibly constructed prior to any residential development in the immediate area of visibility, thus*

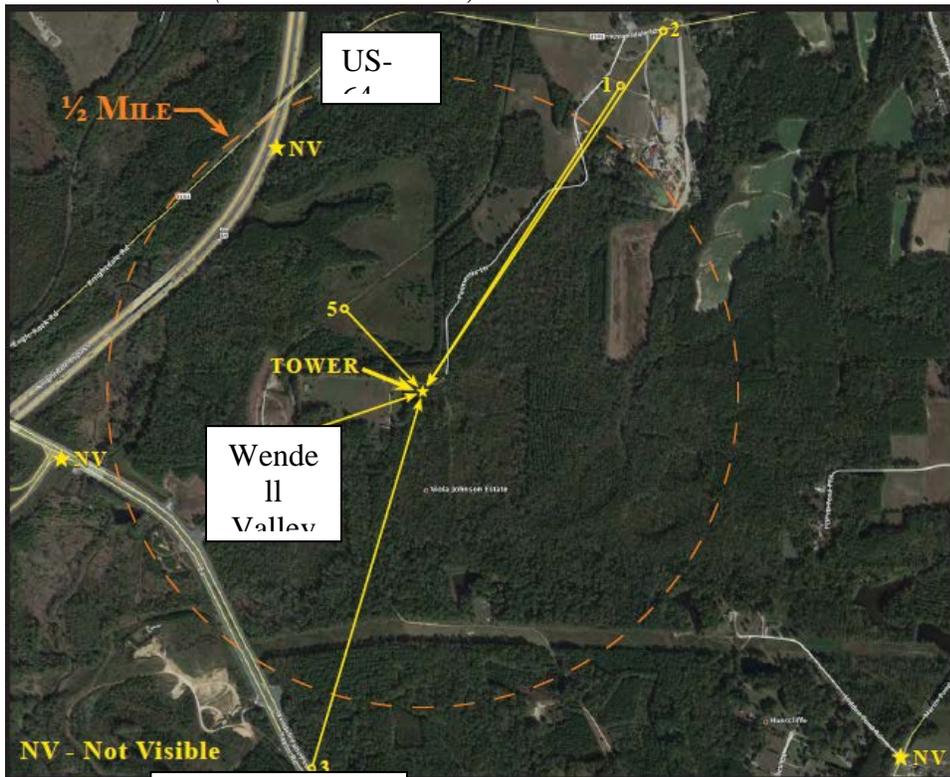
*prospective property owners would be aware.*

*2. The antenna elevation is needed to provide service to this new developing neighborhood and relieve poor service along US 64, Eagle Rock Road and Martin Pond Road.*

*The Applicant submitted coverage maps depicting the existing Verizon coverage are and how the proposal would improve this coverage. The site is located within the search ring and there does not appear to be any other useable sites within the search ring. It is clear from the coverage maps that the existing Verizon service is weak in the area and only reliable is spots for outdoor users. In-vehicle service would be sporadic at best and indoor service is unlikely within 1.5 miles of the site. The proposal is needed to improve service along bypass 264 as well as the developing areas surrounding the site. A reduction in height, especially to the 120-foot level would reduce the coverage area and limit the reliability at the outer coverage edges. Taller towers with greater spacing are more prevalent in less congested areas like this location. It also allows for more effective co-locations on the tower. These factors will reduce the need for an additional tower in the area. Based on the above, CityScape believes the proposed height of 175 feet is justified to provide needed service between the existing handoff sites.”*

**Location:**

Poinsettia Lane (PIN # 1764903527)



**History:**

Wendell Falls

*This property is currently vacant and was added to the Town’s ETJ in 2012 when the Town extended its zoning jurisdiction to fill the gap between Wendell Falls and the ETJ in place at the time.*

*As required by Section V of Appendix D, a balloon test was performed on Monday, August 21, 2017 between the hours of 9:00 A.M. and 1:00 P.M. Abutting property owners within 400 feet of the subject property were notified of the date and time of the balloon test, and an ad was placed in East Wake News on August 13, 2017. The results of the balloon test showed the*

*proposed tower would be visible from Wendell Falls Parkway, Wendell Valley Boulevard, and select portions of Knightdale-Eagle Rock Road. The balloon test showed no evidence of the tower being visible from US-64 or Martin Pond Road. Visibility is subject to change as development results in additional clearing of vegetation.*

**Project Profile:**

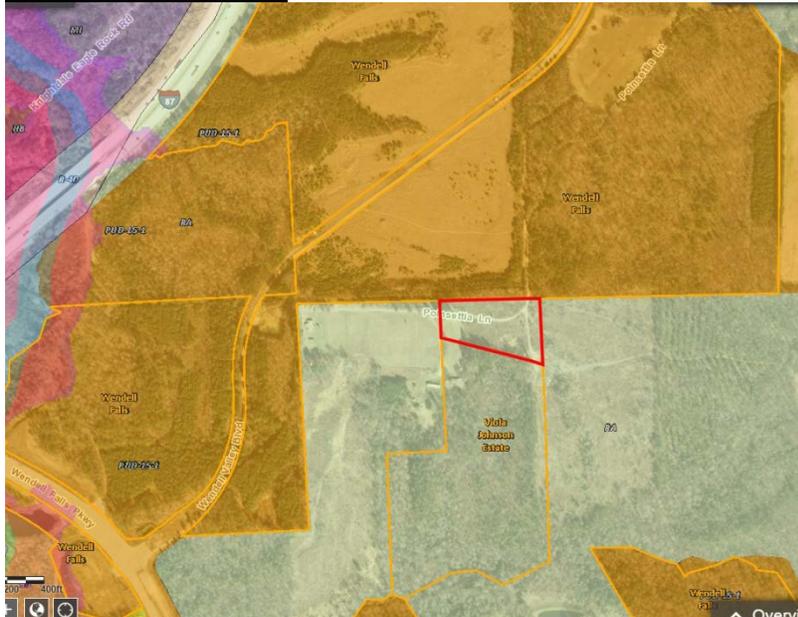
**PROPERTY LOCATION:** 0 Poinsettia Lane  
**WAKE COUNTY PIN:** 1764 90 3527  
**ZONING DISTRICT:** Residential Agricultural (RA)  
**CROSS REFERENCES:**  
**PROPERTY OWNER:** Cuthrell, Geneva J  
 1712 Hattie Ave  
 Winston Salem, NC 27105  
**APPLICANT:** Thomas H. Johnson, on behalf of Nexsen Pruet,  
 PLLC as agent for TowerCom, IV, LLC  
 4141 Parklake Avenue, Suite 200  
 Raleigh, NC 27612

**PROPERTY SIZE:** 3.37 ac.  
**CURRENT LAND USE:** Vacant  
**PROPOSED LAND USE:** Cell Tower

**Project Setting – Surrounding Zoning Districts and Land Uses:**

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

**Existing Zoning Map:**



**Zoning District:**

*This site is located in the Residential Agricultural (RA) District. It is also within close proximity to the Wendell Falls PUD zoning district. New Cell Towers are permitted with a Special Use*

*Permit in the RA zoning district. Per the UDO, the wireless support structure shall be set back from all property lines, at a minimum, a distance equal to its engineered fall zone.*

**Off Street Parking:**

*Any parking shall be in accordance with the parking requirements in place at the time of permitting.*

**Lighting:**

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

**Public Utilities:**

*Water and sewer are not required for this site.*

**Buffering:**

- *The UDO requires a minimum of a Type B landscaping buffer (20 ft. wide).*
- *The applicant has proposed to retain existing vegetation to meet the town's buffer requirement. Their site plan also includes a note that "in the event that existing vegetation is removed, a 20' wide type B buffer yard shall be planted around the perimeter of the compound as per section 8.6(B) of the Town of Wendell UDO".*
  - *However, as noted in Cityscape's review (Attachment F), the submitted site plan does not provide adequate space on the northern portion of the site to provide a 20' buffer. The site will need to be shifted slightly to the south to accommodate a Type B buffer along the northern boundary.*
- *Their site plan shows a 6' chain link fence with barbed wire along the top (bringing the height to a maximum of 8 feet).*
  - *Section 4.5 of the UDO does not permit barbed wire fences adjacent to any lot in residential use or zoning. The applicant will need to modify their fencing detail to meet the requirements of section 4.5 of the UDO.*

**Stormwater Management:**

*The proposed site changes will disturb less than 20,000 square feet, and are thus exempt from the Town's stormwater regulations.*

**Staff Comments:**

- *The requirements for granting a special use permit are contained in Attachment A for reference by the Town Board during its deliberation.*
- *If the Town Board approves the special use request, the application will still be reviewed by Town staff for final site plan conformity, and by Wake County to ensure compliance with state building code.*
  - *The only required changes noted by staff to date relates to the fence type and buffering along the northern boundary of the property.*
- *Staff recommends that any motion for approval includes:*
  - *Incorporation of the height justification language provided by the Town's cell tower consultant (Attachment E)*
  - *Compliance with Cityscape's recommended conditions for approval (Attachment F – page 6 of pdf).*
  - *Revision of site plan to comply with the Town's fencing and buffer requirements.*

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Planning Director David Bergmark provided a staff overview of the special use request by Thomas H. Johnson on behalf of Nexsen Pruet to permit a new cell tower to be located on Poinsettia Lane; staff report above in italics.

Town Attorney Cauley provided the rules of procedure for an evidentiary hearing.

Town Clerk Sherry Scoggins administered the oath to those providing testimony during the evidentiary hearing at 7:38 p.m.

Tom Johnson of the law firm Nexsen and Pruet located at 4141 Parklake Avenue, Suite 200, Raleigh, is here on behalf of the applicant TowerCom who is building the tower for the use by the tenant Verizon. He requested the application and associated documentation reviewed by staff and the consultants be admitted into evidence in support of the application. He concurred with the conditions listed by staff. No intent of producing a buffer less than 20 feet buffer on any side and the barbed wire will be omitted. He again accepted all of the conditions and concurred with the recommendations of the consultant, CityScape, as well as the staff report. He has several witnesses available to assist with any questions.

Commissioner Boyette questioned the fall zone. Mr. Johnson stated the fall zone would fall within the property within which it is located.

Commissioner Boyette stated if this falls over, it would not fall outside of the property line. Mr. Johnson stated that is correct. The tower is constructed with break point technology so that in the event of weather, it will collapse (fold-over) within the site instead of falling over.

George Davis of TowerCom stated they elected to purchase the entire parcel where the site is located. The break point technology or fall zone will be designed to meet the minimum of the distances of the adjoining property lines. In looking at the site plan, it is 113 feet which is a reasonable fall zone.

Town Clerk Sherry Scoggins administered the oath to those providing testimony during the evidentiary hearing at 7:44 p.m.

Kenneth Hall stated he is an adjacent property owner [Jessie Hall Jr Heirs]. He questioned the impact to the adjacent property.

Tom Johnson stated as part of the record, an impact study was submitted. The appraiser concluded there would be no impact. Mr. Smith the appraiser is here.

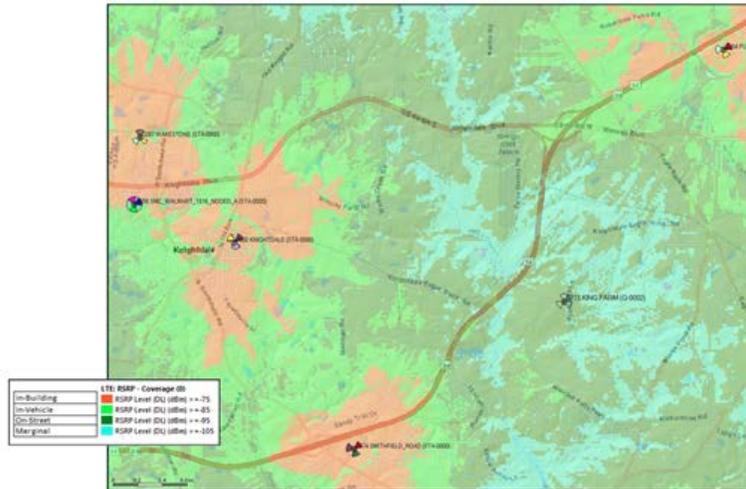
Planning Director Bergmark stated if approved that the motion include the following:

- Incorporation of the height justification language provided by the Town's cell tower consultant (Attachment E);
- Compliance with Cityscape's recommended conditions for approval (Attachment F-page 6); and
- Revision of site plan to comply with the Town's fencing and buffer requirements.

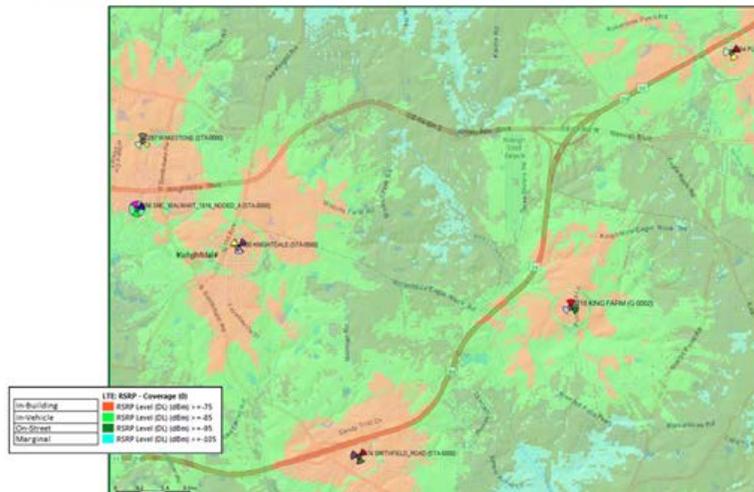
Mayor Pro Tem Lutz questioned with regards to the tower height, going from 120 to 175 feet, as far as range what would not be covered.

Tom Johnson presented the following PowerPoint slides to address the question of coverage:

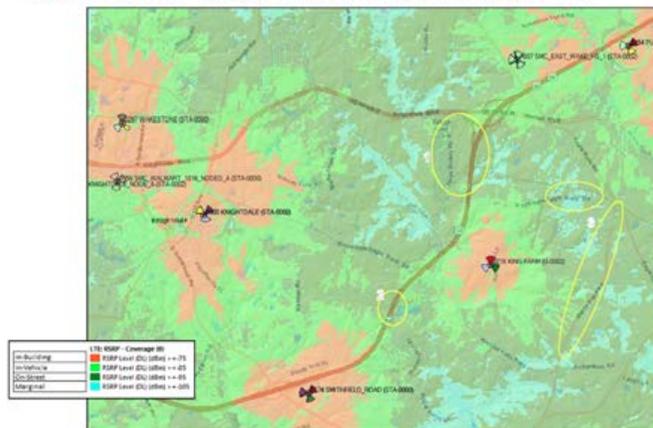
**KING FARM – Existing Coverage**



**KING FARM – Proposed Coverage**



**KING FARM** — Coverage Prediction at 120' Antenna Center Line requested by Cityscape



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

Tom Johnson stated the areas circled in yellow would be lost at the shorter height. Because of terrain and vegetation those areas will have degraded service or no service.

Tom Johnson stated the points mentioned by Mr. Bergmark for inclusion are acceptable for this application.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the special use permit to locate the cell tower on Poinsettia Lane with the following conditions:

- Incorporation of the height justification language provided by the Town's cell tower consultant (Attachment E)
- Compliance with Cityscape's recommended conditions for approval (Attachment F-page 6)
- Revision of site plan to comply with the Town's fencing and buffer requirements

Vote: Unanimous.

**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

- 11. PUBLIC HEARING CONTINUED FROM THE OCTOBER 9, 2017 MEETING: APPLICATION BY GREATER NC JURISDICTION CHURCH OF GOD IN CHRIST, INC. TO AMEND A CMX CONDITIONAL DISTRICT LOCATED AT 1609 WENDELL BOULEVARD.**  
**SPEAKER: Planner Patrick Reidy**  
**ACTION: Public Hearing. Board may take action.**

*[Staff Report]*

*Greater NC Jurisdiction Church of God in Christ, Inc*

**Update since October 9, 2017 Public Hearing:**

*At the October 9, 2017 Public Hearing, there were concerns raised by adjacent property owners and Commissioners regarding the proximity of the units to adjacent properties, the additional height of the apartments buildings from three to four stories, and the funding of the project to allow for affordable-income tax credit development. On October 25<sup>th</sup>, the applicant, staff, the Town's Engineer, Mayor Gray, and Commissioner Joyner met to discuss the concerns that were raised at the public hearing.*

*Commissioner Joyner indicated that he had attended meetings with the Edgemont Landing Home Owners Association and they expressed the same concerns from the public hearing. The applicant was upfront that no affordable housing income tax credits would be used as a funding source as agreed to adding a condition removing that as an allowable funding source. The consultant for the applicant expects the investment of development costs to be between \$60-80 million for site improvements and construction. This proposed condition will ensure that the fully taxable amount will be received by Wendell as any other "typical" project would provide.*

*It should be noted that the increase in height for the senior apartments from three stories to four stories is allowed in the CMX zoning district which is one story less than the five stories allowed in that district. The applicant also indicated that based on the topography of the site in relation to Edgemont Landing, the apartments will be lower in elevation and will have an appearance of 3 stories from the view of the adjacent Edgemont Landing lots as residents stand in their yards. The applicant has revised the proposed plan to include the following changes:*

- Increasing the bufferyard from 10 feet wide to 25 feet wide in more areas along the northern property line.*
- Reconfiguration of quadraplex units in the northeastern corner of the site, which pushes the units slightly further away from the adjacent properties.*
- Reconfiguring the drive aisle for the apartments and healthcare building to reduce the amount of paving along that property line.*

*The applicant expects to provide an exhibit at the public hearing to illustrate the laying of buffer between the subject site and the adjacent properties as well as the topography differences.*

**Petition:**

*In July of 2016, the applicant was approved to create a CMX conditional district for approximately 43.57 acres of property within the parcel identified by PIN# 1774 78 1425. The proposed conditional district consisted of five tracts for a mixture of development, as shown on the approved Master Development Plan (Attachment A). This approval allowed the property owner to market this tract to prospective developers. As a result, the church has brought on a retirement community developer (SearStone) as a consultant and potential developer for this site. Together they have worked to enhance the master plan to fit an improved active adult and retirement development model. For a comparable community recently created by SearStone in*

Cary, please visit their website at <http://www.searstone.com/searstone-cary>.

In general, the proposed conditional district amendments removed the previously proposed single family and duplex lots shown in Tract D and Tract E, and replaced them with additional market-rate independent and assisted senior apartment facilities, as well as a number of townhome units in the form of quadraplexes. No changes were made to Tract B. Tract C was removed from the plan, and the community center/clubhouse previously contained in Tract C was relocated to a more central position within the development. As can be seen in the proposed amendment to the Master Plan (Attachment B), the applicant has also reconfigured their open space and parking in an attempt to create a more cohesive development pattern.

**Purpose of a Conditional District:**

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

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

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

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

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

**Location and History:**

This property is located within town limits of the Town of Wendell and is zoned as a Corridor Mixed Use (CMX) Conditional District. The intent of this application is to amend the Master Development Plan approved in 2016 to accommodate the preferred design and layout of the developer which has been selected by the property owner. At the previous review in 2016, the Board of Commissioners unanimously recommended approval of the conditional district.

**Project Profile:**

PROPERTY LOCATION:	1609 Wendell Boulevard
WAKE COUNTY PIN:	1774781425
CURRENT ZONING DISTRICT:	CMX-CD
CROSS REFERENCES:	CD16-03
PROPERTY OWNER:	Greater NC Jurisdiction Church of God in Christ

*APPLICANT:* Greater NC Jurisdiction Church of God in Christ  
P.O. Box 1985  
Washington, NC 27889

*PROPERTY SIZE:* 43.57 acres

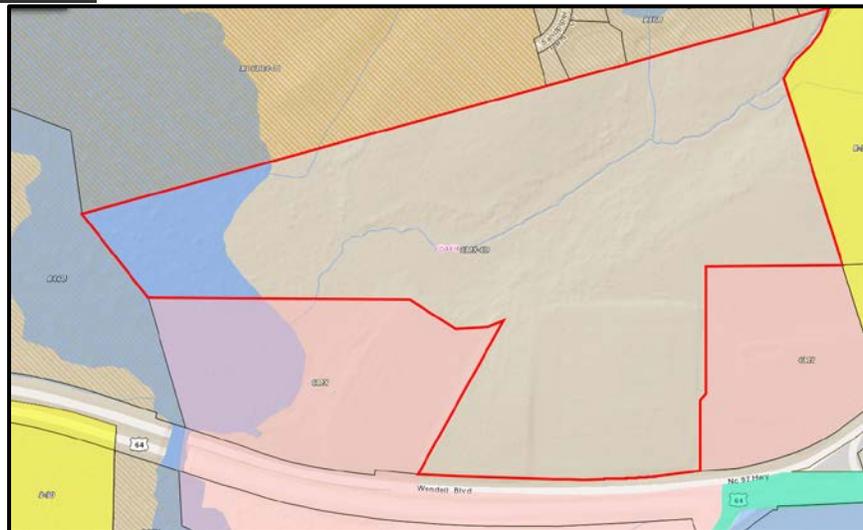
*CURRENT LAND USE:* Church/Vacant

*PROPOSED LAND USE:* Multi-family Residential, Institutional and Commercial

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

<i>DIRECTION</i>	<i>LANDUSE</i>	<i>ZONING</i>
<i>North</i>	<i>Residential</i>	<i>R4-CD14-01</i>
<i>South</i>	<i>Vacant</i>	<i>CMX</i>
<i>East</i>	<i>Residential and Commercial</i>	<i>R-30 and CMX</i>
<i>West</i>	<i>Commercial and Vacant</i>	<i>R4CU and CMX</i>

**Current Zoning Map:**



**Proposed Amendments to 2016 Conditional District Approval:**

- Increase the total number of residential units from 202 to 300.
  - Remove 26 single family lots (formerly in Tract D)
  - Increase the number of townhome units from 36 to 42, and design them as two story quadraplexes, rather than duplexes.
  - Increase the number of independent senior apartments from 40 units to 184 units (Two 4-story buildings with 92 apartments each).
  - Decrease the number of assisted living units from 100 to 74 (46 initial beds with ability to add an additional 28 beds)
- Open space dedication is changing from 4.39 acres of required/3.94 acres of dedication to 3.94 acres of required/4.55 acres of dedication.
- Changing the 6,250 square foot meeting facility to a 45,000 square foot clubhouse with kitchen/dining facilities, recreational space, meeting rooms, health clinic, and administrative

**Proposed Conditional District Conditions:**

The applicant is proposing 11 conditions for the proposed CD, as follows:

1. No Special Use Permit is required for multi-family development including quadraplex/duplex units, apartment buildings, and assisted living/housing services for the elderly.

*Staff Comment: The applicant has submitted an accompanying zoning text amendment to allow for the Board of Commissioners to waive the SUP requirement and allow for multi-family construction to be allowed by right. The town would still have to give their support if the applicant wanted to create tax-credit subsidized housing.*

*Staff finds that the request is reasonable since additional design standards have been proposed by Condition #8. The Town Board will have the opportunity to add any additional standards they find justified. By having these additional standards in place, the SUP would not review anything new that could not be handled through the Conditional District review. The SUP requirement would be burdensome on the applicant since all review and concerns of the use can be handled through the Conditional District. This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

2. *Core samples of the existing drive aisle will be tested to determine construction of drive aisle and any necessary public road standards prior to the approval of the first Final Development Plan.*

*Staff Comment: The applicant is proposing to provide core samples of the existing drive aisle in to the site that will be converted to a 70 foot wide public right-of-way. The applicant will make the improvements to the base layer of the road prior to the approval of the First Development Plan.*

*Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

3. *This community shall be developed as an age restricted (55 years and older) community. Restrictive Covenants shall be submitted and reviewed for approval prior to the approval of the Tract C Final Development Plan to ensure that it is developed as such.*

*Staff Comment: Providing the restrictive covenants for staff review will help ensure that appropriate protections are in place for making sure that the future of the community will be harmonious to the desires of Wendell. Also, since Tract C is being developed for senior living and some standards are requested to be reduced for senior living, the restrictive covenants would verify that residents meet a minimum age threshold.*

*Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

4. *The Water Allocation Policy worksheet must be approved independently with each phase's Final Development Plan.*

*Staff Comment: The Water Allocation Policy is a point based allocation policy using base points (varies depending on the use) and bonus points if necessary to meet the minimum of 50 points required. It is difficult to determine the correct base and bonus points for each of the tracts with the Master Development Plan. For example, the use for Tract B has not been determined yet, so it would be impossible to determine the appropriate base*

*points.*

*Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

5. *Speed humps and tables shall not be used for traffic calming.*

*Staff Comment: The Town of Wendell generally does not allow for speed humps and speed tables to be used for traffic calming. If a vehicle is low to the ground, damage could occur to the vehicle and it is possible that the town would be liable for the damage. Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

6. *Greenway paths to be 8' minimum asphalt with the exception of environmentally sensitive areas where boardwalk or other permeable material will be used.*

*Staff Comment: The applicant has proposed to provide a greenway through the site as part of the amenities. The UDO does not have a requirement for the type of surface required. The applicant proposed to provide asphalt unless it crosses an environmentally sensitive area where a permeable surface would be more appropriate.*

*Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

7. *Stormwater Management maintenance parties will be identified at the time of each tract's Final Development Plan.*

*Staff Comment: Section 6.5.O.7.b of the UDO requires that maintenance of structural BMPs must be accepted by a property owner's association (HOA) or lot owner. If the stormwater is handled in a manner other than a structural BMP, other options are available for maintenance. In general, the Town of Wendell will not accept maintenance of stormwater devices.*

*Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

8. *Residential Development Standards:*

- *Where garages are present on ~~townhouse~~ quadraplex (or duplex) units, they shall be setback a minimum of one foot from the front façade.*
- *Vinyl siding shall not be used on multi-family or attached units.*
- *~~Townhome~~ Quadraplex/Duplex lots:*
  - *Minimum lot size: N/A*
  - *Minimum lot width: N/A*
  - *Minimum unit square footage: 1,200 square feet*

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- *Front setback minimum: 0'*
- *Front setback maximum: N/A*
- *Rear setback 0'*
- *Side setback 10' between buildings*
- ~~*Single Family lots:*~~
  - ~~*Minimum lot size 6,000 SF.*~~
  - ~~*Minimum lot width (at front setback) 25'*~~
  - ~~*Front setback 25'*~~
  - ~~*Rear setback 20'*~~
  - ~~*5' minimum, 10% combined lot width*~~
- *Apartments and Assisted Living/Housing Services for the Elderly*
  - *Garage Doors: Garage doors are not permitted on the front elevation of any apartment building or assisted living building.*
  - *Rooftop Equipment: All rooftop equipment shall be screened from view.*
  - *Design Details: All apartment buildings and assisted living 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 three 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 entries*
    - *Cupolas or towers*
    - *Pillars or posts*
    - *Eaves (minimum 10 inch projection which may include gutter)*
    - *Off-sets in building face or roof (minimum 16 inches)*
    - *Window trim (minimum 4 inches wide)*
    - *Bay windows*
    - *Balconies*
    - *Decorative patterns or exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)*
    - *Decorative cornices and roof lines (for flat roofs)*
    - *Other architectural features appropriate to the architectural style of the unit.*

*Staff Comment:* *The applicant has proposed to enhance and increase multiple design standards for the Conditional District beyond what is currently required by the Town. The garage setback of a minimum of one foot from the front façade and the exclusion of the use of vinyl siding from all multi-family units are standards above and beyond the UDO. The applicant has proposed these standards in hopes that it would alleviate any concerns over the look of the product and make the Town Board more comfortable waiving the requirement for an SUP for the multifamily development. The applicant has removed the standards requiring porches, stoops, and raised entrances since the apartments and assisted living facility are being developed for seniors who may not be able to walk up to a raised elevation or would not be appropriate to have a unit that has a porch or balcony for safety reasons. This condition shall supersede and replace all of the design standards found in Section 5.11.D of the UDO.*

*Staff finds that the proposed standards are acceptable. Staff recommends including the design standard found in Section 5.11.C.4 which requires that building elevations visible from streets to a minimum of 60% of the façade contain doors, porches, balconies, and/or windows. The UDO also requires 30% of the side and rear elevations to provide the same options stated above. Staff finds that this provision ensures that long spans of blank walls are not visible from the street.*

*This condition was previously approved by the Town Board and agreed upon by the applicant and has only been modified to remove the single family standards and updates the unit types listed.*

*Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition.*

9. *Precluded uses in Commercial Tract "B" shall be: manufacturing, wholesale/storage, civic/institutional.*

*Staff Comment: The applicant has proposed to preclude the above uses as they would not be attractive uses along Wendell Boulevard.*

*Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

10. *Shared parking for ~~meeting~~ clubhouse facility (church parking lot) with the provision that the use is accessory to the Church. Pedestrian crossing to be provided and reviewed for adequate safety at the time of the Final Development Plan for Tract C.*

*Staff Comment: Section 10.4.G of the UDO allows for satellite parking so long as continued availability of off-site parking spaces necessary are ensured by an appropriate condition be made for continued validity of zoning compliance. This condition and the site plan would require the satellite parking be provided on Tract A and that if parking was not made available, the site would be in violation. Pedestrian safety has been made a priority be providing that the applicant show an acceptable crossing at the time of the Final Development Plan*

*Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant and has only been modified to change the meeting facility to the clubhouse use.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

11. *Section 15.14.C.2 and 15.13.G: Vested Rights period shall be for 3 years and applicant shall have 2 years from the approval of the Master Development Plan to secure a valid building or construction permit before the conditional district is rescinded.*

*Staff Comment: The applicant is requesting one additional year to allow for more time to enter in to contracts with developers of all tracts. This project is complex with a diversity of uses provided and could warrant multiple developers for the full implementation of the Conditional District.*

*Staff finds that the request is acceptable, but recommends altering the condition to state "Section 15.14.C.2 and 15.13.G: Vested Rights period shall be for 3 years and applicant shall have 2 years from the approval of the Master Development Plan to secure a valid building or construction permit before the conditional district rescission process may be*

*initiated". The rescission process is not automatic and does take time to go through the process, so the change recognizes that the rescission would not happen immediately at the conclusion of the 2 years.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition.*

12. *Fencing within a bufferyard shall not be made of wood. It must be comprised of rot-resistant materials such as composite wood, brick, or stucco.*

*Staff Comment: The applicant has proposed to provide fencing within the bufferyards in a material that will not as much maintenance.*

*Staff finds that the request is acceptable.*

*This condition was previously approved by the Town Board and agreed upon by the applicant.*

*Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition.*

**Staff recommended conditions with revised plan:**

13. *All cluster mailbox units shall be incorporated in to the interior of the buildings or provide overhead shelter to protect residents from rain, snow, wind, etc.*

*Staff Comment: The applicant has proposed to develop residential housing for aging adults and staff finds that standard cluster mailbox units that are out in the elements could provide safety risks.*

*Planning Board Recommendation: The Planning Board accepted staff's proposed condition.*

14. *No funding mechanism shall be used which would reduce the amount of property taxes collected by the Town of Wendell, (specifically) affordable housing tax credits.*

*Staff Comment: At the October 9, 2017 Public Hearing, the applicant was asked about tax-credit funding for the project. The applicant was non-committal at the hearing regarding funding for the project. At the October 25, 2017 meeting with the applicant, the Mayor, Commission Joyner, and staff, the applicant proffered this condition to alleviate any concerns about their desire not to use low-income housing tax credits for this project.*

*Planning Board Recommendation: This condition was added after the Planning Board made their recommendation.*

15. *If the land uses exceed either 3,000 total daily; and/or AM peak or PM peak trips by ten percent (10%) or greater; the Traffic Impact Analysis shall be revised.*

*Staff Comment: Trips for the outparcel land uses were generated using general retail (i.e. shopping center / land use code 820). The study states that this is a higher generator than the other uses that have been considered for the site. However, the study does not state what other uses are considered for the site. If the eventual land uses exceed either 3,000 total daily and/or AM peak or PM peak trips by ten percent (10%) or greater; the TIA shall be revised to verify that additional improvements are not required.*

*Planning Board Recommendation: This condition was added after the Planning Board made their recommendation.*

16. *Any landscaping removed by the developer along Wendell Boulevard for turn lanes shall be replaced along a public right-of-way within the Corporate Limits or ETJ of Wendell. The*

*plan for replacing the landscaping shall be approved by the Zoning Administrator and NCDOT, if required.*

*Staff Comment: In 2002, the Town of Wendell installed plantings in the Wendell Boulevard median from Rolesville Road to Highway 97. The town has been maintaining the landscaping since 2004. The proposed left turn lane in to the proposed site, as well as the proposed U-turn lane west of this site, will require most of the landscaping to be removed. This condition ensures that the significant investment made by the Town will be replaced elsewhere within the community. Until the roadway improvement plans are created, it is not possible to determine if landscaping can be incorporated in the same location or if it will need to be located elsewhere in Wendell.*

*Planning Board Recommendation: This condition was added after the Planning Board made their recommendation.*

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

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

*As currently proposed, the Master Development Plan has a mixture of improvements and exemptions being sought.*

*Proposed Improvements:*

- *Adding open space beyond the minimum acreage required (0.63 extra acres)*
- *Providing a paved greenway trail through the site that connects to another proposed greenway trail at Edgemont Landing*
- *A pedestrian bridge across the stream*
- *The exclusion of undesirable uses along Wendell Boulevard*
- *Recessed garage requirements for quadraplex/duplex development*
- *No vinyl material allowed on any multi-family products*
- *Wider streets through the commercial and senior housing tracts*
- *Safer pedestrian crossings*
- *Reduced height of the apartment buildings to 4 stories as opposed to the 5 stories allowed by the UDO in the CMX zone.*

*Proposed Exemptions:*

- *No SUP approval required*
- *A longer timeframe to obtain construction permits (1 extra year)*
- *Reducing some multi-family design standards (no raised elevation, roof pitch, required porches and stoops due to elderly residents)*

**Additional site plan conditions/changes recommended by staff:**

1. *Add the total open space area required/proposed for dedication in square feet to the Site Data.*
2. *Revised the Tract C Site Data to included:*
  1. *Change "Lots Created" to "Proposed number of units".*
  2. *Add the maximum height of each type of facility.*

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3. Add a parking calculation for the Clubhouse use. 45 spaces shall be required. List 15 provided on site; 40 provided as shared parking for a total of 55 spaces provided.
4. Change the Parking Required for the Assisted Living from "30" to "56". (UDO allows the Town Board to approved a 25% reduction for housing for the elderly use)
3. Show one way traffic patterns on the private roads.
4. Provide a Type B bufferyard along the eastern property line of Tract C.
5. Provide expected dumpster locations to ensure that adequate space is provided to accommodate trash service and screening for all buildings.
6. Add Site Data For Tract B as shown on the original approved Master Development Plan
7. Update the open space calculations to match the changes to Open Space Dedication recently approved by the Board of Commissioners.
8. Revise the TIA as proposed by AMT comments dated 10/26/17.

*Staff Comment:* All of the proposed changes are technical in nature and are items that are required on any site plan.

*Planning Board Recommendation:* The Planning Board accepted the staff's proposed change to the condition.

**Off-Street Parking:**

Parking shall meet the requirements as set forth in the UDO at the time of development. As stated in Condition 10, the applicant has proposed to allow satellite parking for the clubhouse facility on Tract B with the existing parking lot on Tract A.

**Lighting:**

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

**Public Utilities:**

Public water and sewer will be extended at the time of development.

**Streets:**

At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO. The applicant has proposed one main street right-of-way (70 foot wide), one residential main street right-of-way (72 foot wide); two local street right-of-ways (52 foot wide), and privately maintained streets and parking lots. The applicant is also providing a traffic calming device with a refuge island for pedestrian crossing for the residents on Tract B to cross to the commercial component on Tract C. Staff recommends that this proposed crossing and a pedestrian crossing between the Clubhouse and the shared parking on Tract A be reviewed at the time of the Final Development Plan for adequate safety.

The applicant is also required to upgrade the paving of the existing private street to a public street standard. The exact upgrades required shall be determined with the first Final Development Plan. This is reflected in Condition 2.

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

As recommended in Condition 2, the improvements for the frontage of Tract A along Wendell Boulevard shall be constructed at the time of the first Final Development Plan. Condition 16 requires the developer to replace any plantings in the Wendell Boulevard median that are removed due to turn lane improvements.

NCDOT has stated that a left turn lane on Wendell Boulevard may be allowed. They have also indicated that deceleration and acceleration lanes may be requested on the west bound lanes. The exact timing and design any those improvements will be determined by NCDOT at the time of the Final Development Plans.

A traffic impact analysis (TIA) is required for this project based on the number of multifamily

*units being provided. The draft TIA was provided on October 2, 2017 to staff; however staff, the Town's Engineer, and NCDOT did not have an opportunity to properly review the report prior to the October 9<sup>th</sup> public hearing.*

*On October 18<sup>th</sup>, a final TIA was submitted to staff, the Town's Engineer, and NCDOT. On October 26<sup>th</sup>, AMT provided review comments (Attachment C). Most of the comments were related to the methodology of the TIA, but none of the recommended changes by AMT are expected to change the recommendations found on page 33 of the TIA. The full TIA can be read online at: <http://www.townofwendell.com/files/cogic-tia>.*

***Recommended Improvements by Developer***

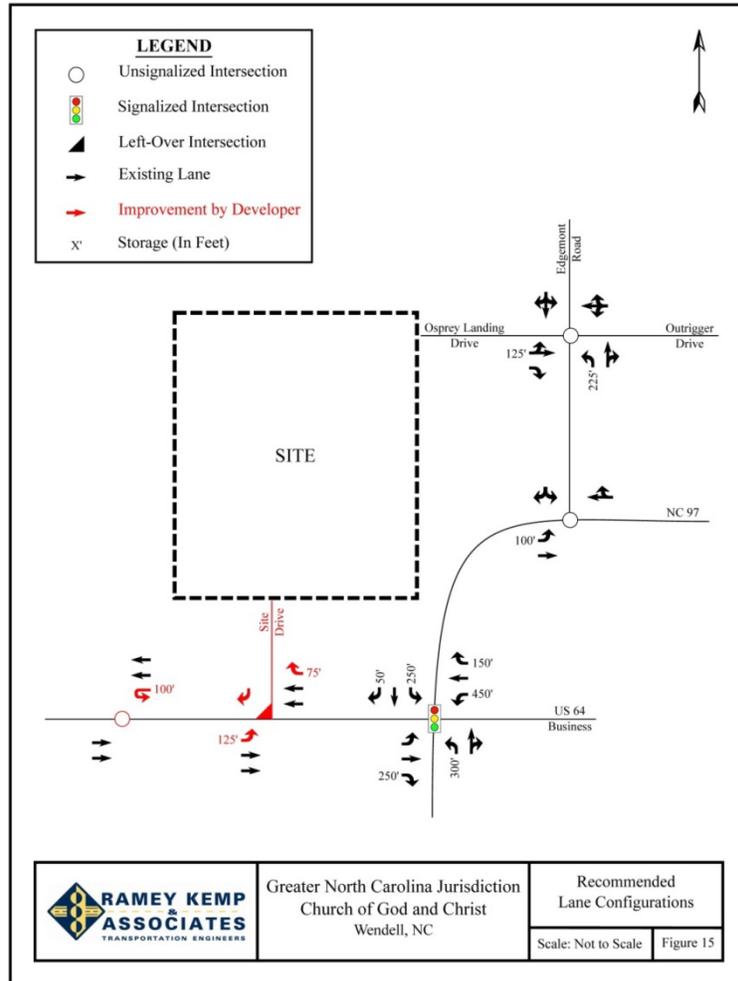
***US 64 Business and Site Drive***

- Provide site access via a left-over intersection. The site drive currently exists with one ingress lane and one egress lane.*
- Provide stop control for Site Drive.*
- Provide an exclusive westbound right-turn lane on US 64 Business with 75 feet of storage and appropriate taper.*
- Provide an exclusive eastbound left-turn lane on US 64 Business with 125 feet of storage and appropriate taper.*

***US 64 Business and U-Turn for Site Drive***

- Provide U-turn access for westbound vehicles on US 64 Business.*
- Provide stop control for U-turn movement.*
- Provide an exclusive westbound U-turn lane with 100 feet of storage and appropriate taper.*

*[Remainder of page left blank intentionally.]*



**Landscaping:**

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

**Stormwater Management:**

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

**Phasing:**

The proposed conditional district proposes to divide the development in to three tracts. The applicant has requested vested rights for a term of three years and the conditional district to be valid for an additional year (from one year to two years) to allow for additional time to work with developers to get the project started.

**Comprehensive Plan:**

The Wendell Comprehensive Plan defines the subject properties as being completely within the S-5 “Intended Growth Sector”; partially within the Wendell Boulevard Gateway Zone; and partially within a Neighborhood Center.

The Comprehensive Plan states that “S-5 lands are typically within ½ mile of high-capacity regional thoroughfares, such as Wendell Boulevard and the US64 Bypass. Appropriate development types are higher density missed-use centers of employment, commerce, and residential uses.”

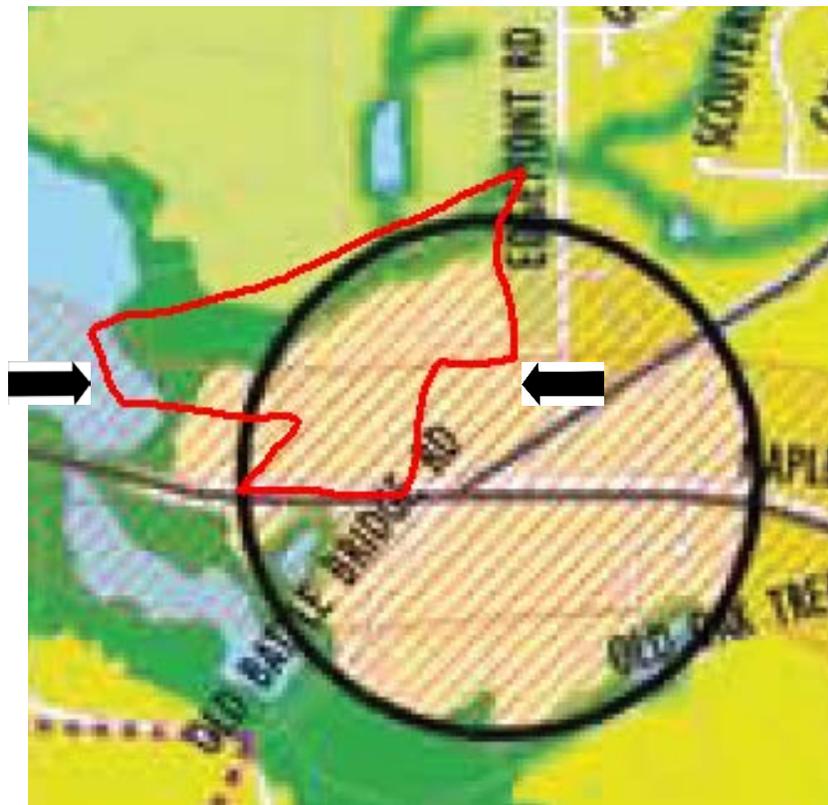
*The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood development, neighborhood centers, village/town centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site meets the appropriate uses. The applicant has proposed in Condition 9 to preclude some uses that are not considered retail or office.*

*The Comprehensive Plan also states that “Neighborhood Centers, shown on the framework plan in the smaller circles, are based on a 1/4 mile radius (a typical 5-minute walk) from a major intersection. They are intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing. A neighborhood center should not contain more than 80,000 to 120,000 square feet of retail uses. A grocery-anchored mixed-use development is a typical use for a neighborhood center”.*

*With the removal of the single family dwellings from the proposed Master Plan, the revised plan better fits the type of development called for in a neighborhood center.*

*The Gateway Overlay zone extends 300 feet in either direction of Wendell Boulevard. The Comprehensive Plan recommends that the Wendell Boulevard Gateway Overlay zone “be an area for professional office and service uses and some higher density residential uses. Retail uses along this corridor should be limited to the identified centers or nodes in the Framework Plan.”*

*Approximately half of the site is within the Wendell Boulevard Gateway Zone. Of the area within the Gateway Zone, half of it already developed with a church use. The undeveloped portion is proposed for commercial, but as previously stated, no more detail for the type of commercial has been identified.*



**Statement of Plan Consistency and Reasonableness**

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- *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 September 18<sup>th</sup> meeting, the Planning Board recommended the following statement of plan consistency and reasonableness:*
    - *The proposed conditional district is found to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-5 sector.*

**Staff Recommendation:**

*Staff recommends approval of the amended Conditional District for Greater NC Jurisdiction Church of God in Christ with the 16 conditions with two minor modifications as recommended by staff for Conditions 8 and 10 to reflect the new housing types.*

***Public hearing continued from the October 9, 2017, Board meeting.***

Planner Patrick Reidy provided an overview of the application by Greater NC Jurisdiction Church of God in Christ, Inc to amend a CMX Conditional District located at 1609 Wendell Boulevard; staff report above in italics.

Steve Janowski of Rivers and Associates introduced those in attendance for the Church of God in Christ Inc request.

Commissioner Boyette stated this is an age-restricted community located along a major thoroughfare. It's possible for a future need for a mass transit stop along Wendell Boulevard. He questioned if the current storage in the turn lane be enough to provide an adequate bus stop. Andy Archer of Ramey and Associates, Raleigh, stated 75 feet is adequate to stop a bus. He caveated that is not the preferred methodology for the transit service.

Commissioner Boyette stated a future bus stop may need more than what is currently shown. Mr. Archer stated whomever designs may want to handle differently.

Commissioner Carroll questioned the purpose of the U-turn on HWY 64 versus coming in and out of the same cut-through at the median. Mr. Archer stated the concept shown is called a left-over. It is being seen more and goes along with the synchronized signals. This allows the left turn to continue as there is only one direction of traffic to contend with at that point. This eliminates persons making a left into the site having a turning conflict with vehicles making a left out of the site.

Commissioner Joyner questioned what portions of this project could be built by right in the CMX District. Planner Reidy stated the multi-family use would require a special use permit. Like the cell tower, if the request meets the criteria then the Board would approve the project.

Commissioner Joyner would like to understand the routes this project could take. If this CMX district went away, the applicant could come back with a special use permit and the Board would go through the quasi-judicial process, and if it meets the specifications of the UDO the Board would approve. He heard no tax credits would be in this project and that is a condition. Planner

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Reidy stated yes.

Town Attorney Jim Cauley stated someone needs to confirm that the conditions requested by staff are acceptable to the applicant. Steve Janowski stated the conditions are acceptable.

Town Attorney Cauley stated he asked because the statutes creating the conditional district rezoning allow the Board to approve or deny. If the Board has conditions, it may only impose mutually agreeable conditions.

Mayor Gray opened the public hearing at 8:17 p.m.

Lance Lee of 5917 Sandpiper Farm Lane, vice-president of HOA, stated he is not against development and added he is against this development. He stated there were concerns with the plan presented last year and those concerns were worked out. This new plan came out a month ago. His understanding is the Edgemont Landing residents may use the road to go out to HWY 64; however, no one mentioned going through Edgemont Landing to get to Edgemont Road. More discussions are needed.

Johnnie Evans of 1117 Raven Perch Drive stated he moved to Wendell from Raleigh. Apartments and townhouses change ownership. His concern is crime and traffic.

Dare Robertson of 5948 Coopers Hawk Trail moved from Raleigh to Wendell so she could raise her family. She appreciates the traffic study and she does not believe it includes the new homes being built in Edgemont Landing and traffic is a concern. She requested the applicant go back to plan one.

Frank Boccia of 5947 Coopers Hawk Trail stated he knows Wendell needs more homes. He stated the project seems very ambitious and will ruin Edgemont Landing.

Luke Duggins of 5954 Coopers Hawk Trail, president of HOA, stated a community meeting was held a few weeks back. He is concerned about property value and traffic.

Cynthia Cooper of 1100 Raven Perch Drive stated she moved to Wendell from New York. She wanted to be able to sit on her porch and relax and not see tall buildings. It's disheartening to see the trees coming down. She is concerned with property devaluing.

Planner Reidy stated the original plan did include two three-story apartment buildings. The other homes in Edgemont Landing are an additional 150 homes previously approved for the west end of the subdivision.

Mayor Gray closed the public hearing at 8:34 p.m.

Commissioner Boyette questioned could the property owners withdraw from any of the conditions such as not be age-restricted any more. Planner Reidy stated the applicant intends to retain ownership. If the Board approves the zoning conditions, the conditions are tied to the land. The only way to remove them is to come back before the Town Board. The restrictive

covenants would be recorded at the Wake County Register of Deeds as well as the condition of the tax value.

Commissioner Boyette questioned who would enforce the age-restriction requirement. Planner Reidy stated the covenants are tied to a zoning condition so the Town would enforce the conditions.

Commissioner Boyette questioned if the Board denied the request, the applicant could come back with an application for basically the same project and the request could be approved by right. Planner Reidy stated yes.

Commissioner Joyner stated he can sympathize with both sides. The frustration of the Edgemont Landing residents is more with the development than with the Town. He stated the affordable housing and tax piece is addressed. This becomes a property rights at some point. In this case, he has heard from both sides. The public hearing has been closed. His request is that maybe two or three leaders from the HOA and two or three members of the development team discuss. This is a good step to have the meeting within the next two weeks.

Planner Reidy stated the public hearing is closed and a new public hearing is needed to receive additional information.

Town Attorney Cauley stated the Town Board may re-open the public hearing.

**ACTION:**

Mover: Commissioner Joyner moved to re-open the public hearing and to continue to the Monday, November 27, 2017, meeting.

Vote: Unanimous.

Commissioner Boyette questioned if it is allowable for the elected officials to attend the meeting. Town Attorney Cauley stated it is allowable as this is a legislative hearing.

**12. AMENDMENT TO TOWN CODE OF ORDINANCES CHAPTER 14, SECTIONS 110 AND 111.**

**SPEAKER: Police Chief Bill Carter**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

***November 13, 2017:***

*At its October 9, 2017 Board meeting, the Board of Commissioners tabled the proposed text amendment to allow staff to continue working with the Board on a proposal that is clearer while still meeting the intent of the law.*

*The text amendment has been updated to include:*

- *Listing of where carry concealed is prohibited on Town owned property and specifically on Parks and Recreation facilities; and*

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- *Allowance for those with a carry concealed access to the bathroom facilities which are only accessible from outside a building.*

*The proposed draft was sent to UNC-SOG Professor Welty for review and comment on November 3, 2017. Professor Welty completed a brief review and responded on November 7, 2017. He noted that his only potential concern was, "That the concealed weapon ordinance refers to various athletic fields, but does not limit the prohibition on concealed carry to times when a scheduled and organized athletic event is taking place. I think such a limitation is required by G.S. 14-415.23(c)(1)."*

*North Carolina General Statute 14-415.23(c)(1) defines a recreational to include "(1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the municipality or county office responsible for operation of the park or recreational area."*

*The attached version of the Ordinance does not include the language recommendations as submitted by Welty however the existing attachment and Welty's comments have been provided to the Attorney for review and recommendation.*

Police Chief Bill Carter provided an overview to amendment to Town Code of Ordinances Chapter 14, Section 110 and 111; staff report above in italics.

Commissioner Joyner stated he appreciated Chief Carter and Ms. Scoggins working on this and collaborating with Dr. Welty. This ordinance is clearer, allows for use of the bathrooms outside of the Community Center and lists the fields.

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to approve the ordinance text amendment to Chapter 14 Sections 110 and 111 of the Town Code of Ordinances as presented.

Vote: Unanimous.

**13. SNAP SHOT.**

**ACTION: Information. Board may take action.**

Commissioner Boyette requested his name be removed from the January 2017 item summary.

Town Manager Piner stated the financial information will be updated with the audit information received by the Town Board. Requested the removal of Bond with the Blue, painting of the bathrooms at Town Hall, review of the storm water regulations, and PARTF project has reached substantial completion.

Mayor Gray requested the removal of the painting of bathrooms at Town Hall.

Mayor Gray questioned the schedule for the Bond with the Blue. Town Manager Piner stated this would occur once a quarter and scheduling for next year has not yet been finalized.

It was the consensus of the Town Board to keep Bond with the Blue on the Snap Shot.

Commissioner Joyner stated he will follow up with the staff in an email on storm water and he

would appreciate leaving it on the Snap Shot. He re-emphasized the railroad crossing on Hollybrook Road.

Commissioner Boyette stated there is a railroad maintenance vehicle that has been parked beside the track [Pine Street crossing] and it is leaking grease.

Mayor Gray questioned the brick edging at Town Square. Town Manager Piner stated the brick edging has been deteriorating. Staff is evaluating a re-do for the area and the estimated costs are \$9,000 to \$10,000. Staff would like to do a holistic review of the Town Square.

Mayor Gray questioned what happened to the bricks. Town Manager Piner stated the concrete base that the bricks are in has deteriorated and is no longer holding the bricks in place.

Mayor Gray questioned how to make the area safe. Town Manager Piner stated the brick edging may be removed in its entirety.

Mayor Gray stated her preference is to remove the brick edging as she does not want anyone to fall.

- 14. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:**
-  **CAMPO [MAYOR GRAY]**
  -  **TRIANGLE J COG BOARD OF DELEGATES [MAYOR PRO TEM LUTZ]**
  -  **GRCVB CONFERENCE TABLE [MAYOR GRAY]**
  -  **FIRE ADVISORY BOARD [COMMISSIONER JOYNER]**
  -  **TECHNICAL REVIEW COMMITTEE (TRC) [COMMISSIONER CARROLL]**

Mayor Pro Tem Lutz provided the following update about Triangle J COG Board of Delegates meeting:

- Recap of the summit hosted in Clayton
- Presentation by Ryan Combs who is with the Research Triangle Regional Partnership

Mayor Gray attended CAMPO. They approved the FY 2018 NCDOT Bicycle and Pedestrian Planning grant applications and FY 2018 Unified Planning Board Program Amendment #1, received an update on federal funds for transportation planning, discussed the Wake Transit Plan update and cost share agreement for a commuter rail and discussed the 2045 Metropolitan Transportation Plan Update.

Mayor Gray stated the Greater Raleigh Convention and Visitors Bureau Conference Table was hosted in Cary. It was a similar presentation received at Wendell Town Hall a couple of weeks ago. The meeting was about tourism and how the outside looks in and at your community and/or county and how to be competitive and what assets that can be promoted and improve our tourism to others.

Commissioner Joyner stated the Fire Advisory Board met discussed the appointment of officers

and re-appointing the positions with the department.

Commissioner Carroll stated there was no TRC meeting.

## **15. COMMISSIONERS' REPORTS.**

Commissioner Carroll stated no report.

Mayor Pro Tem Lutz stated he is honored and thankful for all who came out and voted. It feels good to have the vote of the citizens to serve four more years.

Commissioner Myrick congratulated Commissioners Lutz, Boyette and Joyner for re-election win. It's a pleasure serving with them. He wished everyone a Happy Thanksgiving.

Commissioner Boyette stated his thanks to those who came out and voted. He stated Wendell does have leash law and asked people to keep their dog on a leash or inside a fenced in yard. The leash law is intended to keep folks safe.

Commissioner Joyner stated he appreciated folks coming out and voting. This was his first time on the ballot. The budget process is not that far away and he encouraged citizens to approach the Town Board with ideas.

## **16. MAYOR'S REPORT.**

Mayor Gray stated she attended a ribbon cutting at the Wendell Community Park for the new walking trail that is part of the PARTF project. She congratulated the Town staff for working on this project. She is looking forward to applying for the next PARTF grant.

Mayor Gray stated Saturday at 7 p.m. is a free movie night at the Wendell Community Center. It's *The Smurfs, Lost Village*.

Mayor Gray stated the Treat Trail was well-attended and a wonderful event.

Mayor Gray stated the Wendell Rams Mighty Mites are facing the Durham Firebirds for the Super Bowl Championship of the 2017 season on Saturday, November 18<sup>th</sup> at 3:30 p.m. at Franklinton Middle School. This is a great program for our kids.

Mayor Gray stated the Lake Myra Christmas Light Show in Downtown Wendell will open on Wednesday, November 22<sup>nd</sup>.

Mayor Gray reminded everyone to mark their calendars for Friday, December 1<sup>st</sup> for Wendell Wonderland. The Methodist Church will have a cookie walk, the Raleigh trolley, Santa and Mrs. Claus, food trucks, and the stores will be open, area churches and schools will have choirs, and the inaugural lighting of the Town tree. There is one other surprise at this year's event at the Town Square.

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- 17. CLOSED SESSION.**  
**ACTION: Will be called if necessary.**

No closed session was called.

- 18. ADJOURN.**

<p><b>ACTION:</b> Mover: Mayor Pro Tem Lutz moved to adjourn at 9:08 p.m. Vote: Unanimous.</p>
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Duly adopted this 11th day of December 2017, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Sherry L. Scoggins, MMC;  
Town Clerk