



**Wendell Town Board of Commissioners
Board Room
15 E. Fourth Street, Wendell, NC 27591
Town Board Meeting Agenda
Monday, February 25, 2019 @ 7:00 PM**

CALL TO ORDER

- Welcome by Mayor Virginia R. Gray
- Pledge of Allegiance by Logan Champion student at Carver Elementary School
- Invocation by Wendell Council of Churches

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

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

The Public Comment Period is your opportunity to share comments with the Town Board on any topic as long as it is not an item scheduled for public hearing. During Public Comment, the Town Board receives comments and refrains from speaking.

Thanks to everyone in the audience for respecting the business meeting by abstaining from speaking from the audience, applauding speakers, or other actions that distract from the meeting.

Anyone wanting to speak during Public Comment Period should do the following:

- *Sign up prior to the beginning of the meeting. The sign-up period will begin 20 minutes prior to the start of the meeting and will end when the meeting begins.*
- *When the Public Comment Period is announced, come to the podium and state your name and address for the record.*
- *Be concise and limit your comments to three minutes or less. Designate a spokesperson for large groups. Direct comments to the full Town Board and not to an individual Town Board member.*

3. CONSENT AGENDA

The Board of Commissioners uses a Consent Agenda to act on non-controversial items unanimously recommended for approval or have been discussed at previous meetings. The Consent Agenda is acted upon by one motion and vote of the Board. Any individual board member may pull items from the Consent Agenda for further discussion. Items pulled will be handled with the "OTHER BUSINESS" agenda topic.

3a. Wake County Tax Report.

- 3b. Second reading for a Map Amendment request to rezone property at 719 Marshburn Road from Residential-3 (R3) to Neighborhood Center (NC). [Public hearing held on 2/11/2019; vote of 3 to 0 to approve as presented.]
- 3c. Approval of the November 13, 2018, regular meeting minutes.

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Recognition of Carver Elementary School teacher: Judy Champion
Speaker: Mayor Virginia Gray
- 4b. Introduction of new Town of Wendell employee: Police Officer Taylor Akins
Speaker: Police Chief Bill Carter
- 4c. Presentation by City of Raleigh Public Utilities Department [CORPUD] to discuss merger.
Speaker: City of Raleigh Public Utilities Director Robert Massengill

5. PUBLIC HEARINGS

Public Hearing Guidelines:

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

- 5a. **PUBLIC HEARING** for annexation petition A-19-01 for property located at 2412 Wendell Blvd; .4 acres, noncontiguous; PIN # 1784-16-1389.
Speaker: Planning Director David Bergmark

6. ADMINISTRATIVE ITEMS

- 6a. Discussion of the vision statement for the Little River.
Speaker: Mayor Virginia Gray

7. OTHER BUSINESS (any item pulled from the CONSENT AGENDA [item 3 on this agenda] will be discussed during this portion of the agenda)

- 7a. Update on board committee(s) by Town board members:
 -  Wendell Fire Board [Commissioner Joyner]
 -  Capital Area Metropolitan Planning Organization [CAMPO] [Mayor Gray]

8. COMMISSIONERS' REPORTS / COMMENTS

9. MAYOR'S REPORTS / COMMENTS

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

Date: February 25, 2019

Item # 3a

Item Title:

Wake County Tax Report.

Specific Action Requested:

Approval.

Attachments:

A. Wake County Tax Report.



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

TEL 919 856 6160
FAX 919 856 5699

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

February 5, 2019

Sherry L. Scoggins
Special Assistant to the Manager
Town of Wendell
15 East Fourth Street
Wendell, NC 27591

Dear Ms. Scoggins:

The Wake County Board of Commissioners, in regular session on February 4, 2019, approved and accepted the enclosed tax report for the Town of Wendell.

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

Sincerely,

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

Denise Hogan
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Rec'd 2-8-2019 shs



Wake County Revenue Department

Rebate Details

12/01/2018 - 12/31/2018

WENDELL

DATE 01/07/2019
TIME 1:40:10 PM
PAGE 1

REBATE NUMBER	PROPERTY TAG	CITY LIST	LATE INTEREST	BILLED REBATED	TOTAL PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
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BUSINESS ACCOUNTS

716599	579.09	0.00	57.91	0.00	637.00	12/21/2018	0006824699	2018	000000	CUT TIRE RECYCLING INC
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SUBTOTALS FOR BUSINESS ACCOUNTS	579.09	0.00	57.91	0.00	637.00	1	Properties Rebated			
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TOTAL REBATED FOR WENDELL	579.09	0.00	57.91	0.00	637.00	1	Properties Rebated for City			
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Item Title:

Second reading for a Map Amendment request to rezone property at 719 Marshburn Road from Residential-3 (R3) to Neighborhood Center (NC). [Public hearing held on 2/11/2019; vote of 3 to 0 to approve as presented.]

Report to the Board of Commissioners:

- Monday, February 25, 2019
- Monday, February 11, 2019

Report to the Planning Board:

- Tuesday, January 22, 2019

Specific Action Requested:

The public hearing was held on Monday, February 11, 2019.

To adopt an ordinance on the date on which it is introduced for a vote, two-thirds of the actual elected officials, excluding vacant seats, must cast a vote. This item will come back for a second reading (vote) at the February 25, 2019 Board meeting [NC GS 160A-75].

Applicant:

Volunteers of America National Services

Petition:

The applicant has requested a change in zoning classification for property located at 719 Marshburn Rd (PIN # 1784532377) from Residential-3 (R3) to Neighborhood Center (NC).

Location and History:

This property is currently located within the corporate limits of the Town of Wendell and is zoned R3. This site is the location of an existing apartment complex, known as Crestfield Apartments. Per the application, "Crestfield Apartments is an existing project-based Section 8, 55 and older senior multifamily development. The 5.38 acre site contains one single-story

leasing office building and ten, one -story residential buildings housing 40 units. The project was originally constructed in 1988 and is currently 100% occupied. The project is located were built in 1985 and include 41 residential units. The project is located in a quiet residential neighborhood but is within a quarter mile of a grocery store, post office, fire station, shopping, and restaurants.”

When the Unified Development Ordinance was passed in July of 2010, multi-family dwelling units became prohibited in the R3 zoning district. As a result, Crestfield Apartments is considered an existing non-conforming use. As further explained in the ‘Justification’ section of this report, the applicant is seeking to rezone their property in order to place this project within a zoning district designation which does not prohibit multi-family dwellings. This would be an important step in the event that this property were ever significantly damaged and required reconstruction.

Justification:

The applicant lists the following reasons for rezoning the property from R3 to NC:

“The site is zoned R-3...which allows for multifamily uses with a special permit from the city. Minimum lot size is 10,000 square feet in the R3 zoning district. Maximum building height is three stories. Multifamily development is approved on a case by case basis, and according to the zoning office, this development likely predates this zoning designation. Thus, the site is a grandfathered use. The site conforms to parking requirements at 62 parking spaces, meeting the minimum 40 parking spaces requirement. The parcel adjacent north of the site is Alexander Place Apartments, which was recently rezoned to NC, Neighborhood Center. It was further approved for its multifamily use and density as it exists when it underwent renovation. Thus, because there is a new precedent set with the adjacent property Alexander Place, the owners of the Crestfield Apartments site are seeking rezoning designation from R-3 to NC.”

Project Profile:

PROPERTY LOCATION:	719 Marshburn Rd
WAKE COUNTY PIN:	1784532377
ZONING DISTRICT:	Proposed NC/ Current R3
CROSS REFERENCES:	ZM12-01
PROPERTY OWNER:	Sunshine Development Corp (Volunteers of America is the parent organization)

APPLICANT:	Volunteers of America National Services 1660 Duke Street Alexandria, VA 22314
PROPERTY SIZE:	5.38 acres
CURRENT LAND USE:	Multi-family Residential
PROPOSED LAND USE:	Multi-family Residential

Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Commercial, MF Residential	NC
South	Vacant	R3
East	Residential	R3CU, R2
West	Commercial	CMX

Zoning District:

The property is currently located within the town’s corporate limits and is zoned R3. When the Unified Development Ordinance was passed in July of 2010, multi-family dwelling units became prohibited in the R3 zoning district. As a result, Crestfield Apartments is considered an existing non-conforming use. Chapter 13 of the UDO outlines the standards for nonconforming uses and structures.

Existing non-conforming uses may continue their use and even be enlarged or altered, so long as any enlargement or alteration is in compliance with all yard requirements and other regulations. If a nonconforming use is abandoned for 180 consecutive calendars days or more, the use shall not be allowed to be re-established, except in conformance with the town’s regulations. Furthermore, should a nonconforming structure be destroyed by any means to an extent of more than 65 percent of its appraised value at time of destruction, it shall not be reconstructed except in conformity with the provisions of the UDO.

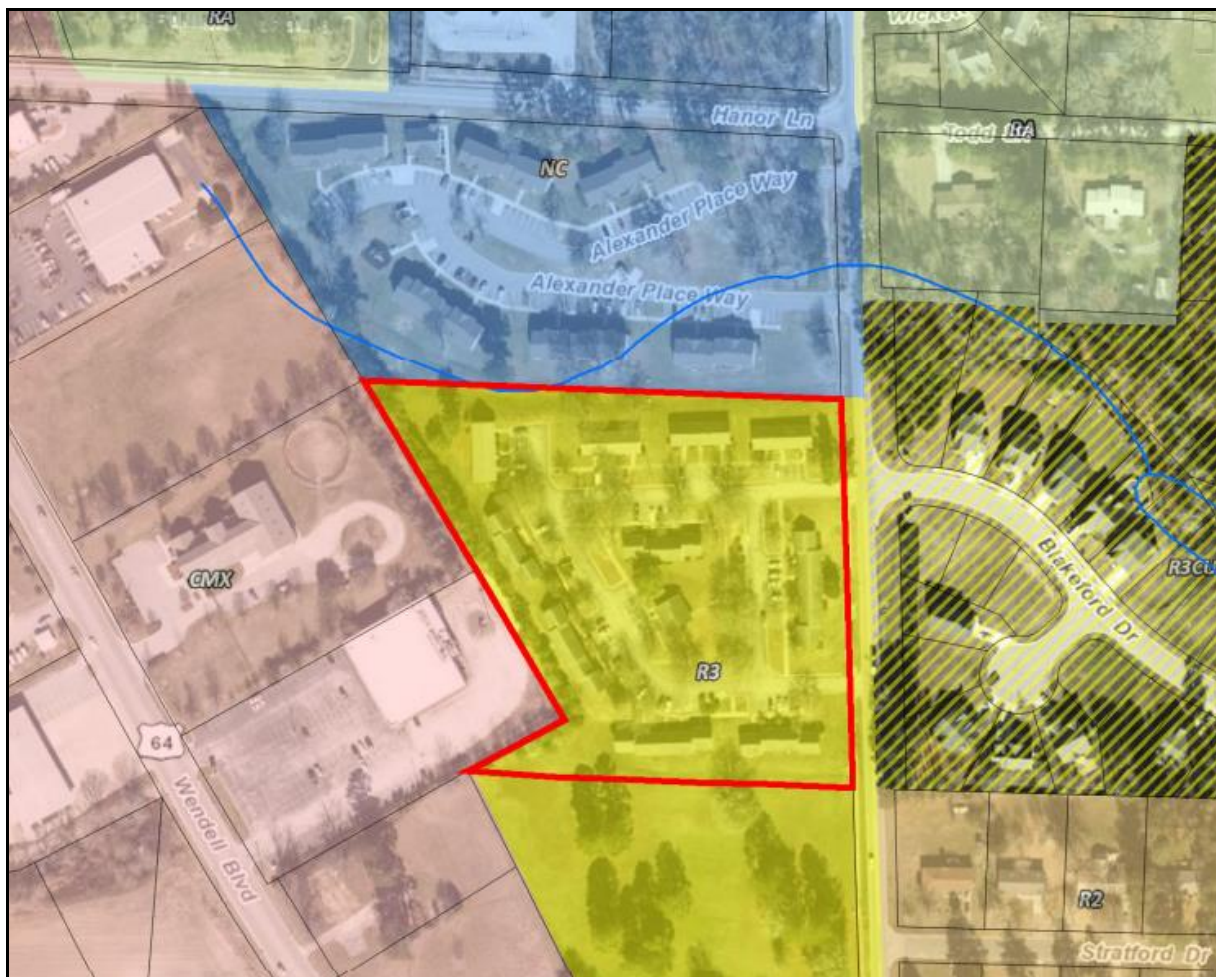
In order to allow this use to be re-established in the event of a severe natural disaster or fire, the applicant is requesting that the property be rezoned from R3 to Neighborhood Commercial (NC). Multi-family dwellings are permitted with a special use permit in the NC district. Under the UDO, multi-family dwellings are only allowed with Board approval through the special use permit process.

Currently the site is bordered by an existing Neighborhood Commercial (NC) district to the north. The Alexander Place Apartments to the north was rezoned from R3 to NC in 2012 for the same reason as this request. The rezoning of the requested property would constitute an extension of that existing district.

As stated in section 2.8 of the UDO, the purpose and intent of the Neighborhood Commercial (NC) District is to “...provide for areas for residential and mixed-use development in close proximity to existing and planned neighborhood centers. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.”

A complete list of those uses allowed in the NC district is contained in the Neighborhood Commercial zoning district land use chart (Attachment A).

Current Zoning Map (Requested Property outlined in red):



Off-Street Parking:

At the time of construction of any new building, permanent parking spaces shall be provided in all districts in the amounts specified by Chapter 10 of the Unified Development Ordinance (UDO).

Lighting:

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

Public Utilities:

This site is currently served by public water and sewer.

Streets:

The site currently has two access points along Marshburn Road. No changes to the current road structure are proposed by the applicant.

Landscaping:

Any future development would be required to submit a landscaping plan to be reviewed by the Technical Review Committee as part of the development review process.

Stormwater Management:

Any substantial re-development of this site would be required to meet the stormwater standards contained in Chapter 6 of the UDO.

Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S6 “Infill/Redevelopment Area”.

The Comprehensive Plan states the S6 sector typically consists of “areas already urbanized and well served with infrastructure and access to services and amenities. Because these areas are already well provided for in terms of urban services, they are the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels. Appropriate land uses listed for the S6 sector are neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses, and light industrial uses.



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

Statement of Plan Consistency and Reasonableness

- At their January 22, 2019 meeting, the Planning Board found the zoning map amendment for the parcel within the rezoning area identified as ZM19-01 from R3 to NC to be consistent with the recommendation of the Wendell Comprehensive Land Use Plan, and reasonable in nature due to existing use of the property as an apartment complex.

Planning Board Recommendation:

At their January 22, 2019 meeting, the Planning Board voted 7-0 in favor of the requested zoning map amendment.

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

Staff Recommendation:

Staff recommends approval of this rezoning request.

Attachments:

- A. NC Zoning District Land Use Chart
- B. Ordinance for adoption

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
Auto Parts Sales Banks, Credit Unions, Financial Services Bed and Breakfast Inns Business Support Services Community Service Organization Cultural or Community Facility Dwelling-Single Family Funeral Homes Government Services Home Occupation Housing Services for the Elderly Laundry Services Medical Services - Clinic, Urgent Care Center Medical Services - Doctor Office Meeting Facilities Personal Services Post Office Professional Services Public Safety Station Recreation Facilities, Indoor Recreation Facilities, Outdoor Restaurant Schools - Elementary & Secondary Schools - Vocational/Technical Studio - Art, Music Studio - Dance, Martial Arts Theatre, Live Performance (indoor)	ATM Child/Adult Day Care Home Drive Thru Service Dwelling-Secondary Family Care Home General Retail - 10,000 sf or less Group Care Facility (8 or less persons) Live-Work Units Manufacturing, Neighborhood Meeting Facility/Indoor Event Venue Micro-Distillery/Brewery/Winery Rooming or Boarding House Transit Station - Passenger Utilities - Class 1 Utilities - Class 2	Alcoholic Beverage Sales Store Bar/Tavern/Night Club Billiard/Pool Hall Child/Adult Day Care Center (more than 8 persons) Colleges/Universities Dwelling - Multifamily Event Venue, Outdoor General Retail - 10,001 - 50,000 sf Hospitals Religious Institutions Residential Treatment Facility Shopping Center - Neighborhood Center Wireless Telecommunication Facility - Stealth Wireless Telecommunication Facility - Tower



TOWN OF WENDELL

NORTH CAROLINA

O-02-2019

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF WENDELL**

WHEREAS a petition has been filed with the Board of Commissioners of the Town of Wendell requesting an amendment to the Zoning Map of the Town of Wendell to include in the Neighborhood Center (NC) zoning district the property described below, said property formerly being zoned Residential-3 (R3); and

WHEREAS said property is owned by Sunshine Development Corporation; and

WHEREAS the Planning Board of the Town of Wendell reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in the Zebulon Times, a local newspaper, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-364 of the General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-384 of the General Statutes; and

WHEREAS, the Wendell Board of Commissioners reserves and exercised the right to change the existing zoning classification of the area in question or any part or parts thereof to a more restrictive general zoning classification without the necessity of withdrawal or modification of the petition.

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on February 11, 2019 in the board room at Wendell Town Hall and wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments:

THEREFORE, after duly considering the matter, THE TOWN OF WENDELL DOES HEREBY ORDAIN;

SECTION 1. That the Zoning Map of the Town of Wendell is hereby amended to include in the **Neighborhood Center (NC)** zoning district 5.38 acres of land (including ROW) located at 719 Marshburn Rd (PIN # 1784532377).

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as ZM19-01 from Residential-3 (R3) to NC is found to be reasonable due to the existing use of the property as an Apartment Complex site, and consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S6 sector.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED the 25th Day of February 2019.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, Town Clerk

James P. Cauley III, Town Attorney

Date: February 25, 2019

Item # 3c

Item Title:

Approval of the November 13, 2018, regular meeting minutes.

Specific Action Requested:

Approval.

Attachments:

A. Minutes.

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
DRAFT – November 13, 2018**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Tuesday, November 13, 2018, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

STAFF PRESENT: Town Manager Marc Collins, Special Assistant to the Manager-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Parks & Recreation Director Jeff Polaski and Police Chief Bill Carter.

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Carson Lane, student at Carver Elementary School, led the Pledge of Allegiance.

INVOCATION:

Errol Briggerman of the 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 one spoke during the Public Comment Period.

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 resolution authorizing sale of surplus personal property valued at less than \$30,000 by electronic auction.
- b. Approval of the minutes from the October 22, 2018, regular meeting.
- c. Approval of the resolution appointing the town manager as budget officer.

ACTION:

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

Vote: Unanimous.

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4. RECOGNITION OF CARVER ELEMENTARY SCHOOL TEACHERS: MS. TURNER AND MRS. WISE.

SPEAKER: Mayor Virginia Gray

ACTION: Presentation.

[Staff Report]

Item Summary

Ms. Turner has been a teacher for the past 17 years at Carver Elementary and serves as Carson's reading teacher.

Mrs. Wise, who joined Carver this year, has 7 years of teaching experience and serves as Carson's math teacher. She knows Carson through their dance program as well.

Mayor Gray provided the introduction of Carver Elementary School Teachers Ms. Turner and Mrs. Wise; staff report included above in italics.

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
-

5a. PUBLIC HEARING TO CONSIDER REQUEST SUBMITTED BY SMITH-EDWARDS LLC TO REZONE 115.74. ACRES OF PROPERTY LOCATED ALONG S. HOLLYBROOK ROAD TO A RESIDENTIAL-4 (R4) CONDITIONAL DISTRICT.

SPEAKER: Planning Director David Bergmark

ACTION: Public hearing.

[Staff Report]

Applicant:

Smith-Edwards LLC

Petition:

The applicant has requested to create a R4 conditional district for approximately 116.19 acres of property within the parcels identified by PIN #s 1783921299, 1793020954, 1783947008 (partial), and 1783837560. The proposed conditional district consists of 339 single family development lots, an amenity site with a clubhouse and pool, as well as a proposed pump station. A link to view the submitted Master Plan is included as Attachment A.

The applicant has proposed to break the Master Plan into 5 phases, which would allow for separate Final Development Plan submittals.

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.

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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 majority of this property is currently located within Wendell's Extra Territorial Jurisdiction (ETJ) and is zoned Residential Agricultural (RA). The RA zone often serves as a holding zone until development is proposed. Approximately 8 acres of land within the parcel identified by PIN # 1783921299 falls within Wake County's jurisdiction and is zoned Residential-30 (R30). Annexation must be approved by the Wendell Board of Commissioners prior to the approval of the conditional district for the applicant to pursue the proposed project. 3.81 acres of the northern tract which has frontage along Selma Road has been excluded from the Conditional District and Annexation request.

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

<http://www.townofwendell.com/files/hollybrook-rd-conditional-district>

Project Profile:

PROPERTY # 1 LOCATION:	1320 S. Hollybrook Rd
WAKE COUNTY PIN:	1783921299
CURRENT ZONING DISTRICT:	RA (Wendell) and R-30 (WC)
CROSS REFERENCES:	N/A
PROPERTY OWNER & APPLICANT:	Smith Edwards LLC 2505 Wendell Blvd Wendell, NC 27591
PROPERTY SIZE:	48.38 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Single Family Residential & pump station
PROPERTY # 2 LOCATION:	0 S. Hollybrook Rd
WAKE COUNTY PIN:	1783947008
CURRENT ZONING DISTRICT:	RA
CROSS REFERENCES:	N/A
PROPERTY OWNER & APPLICANT:	Smith Edwards LLC 2505 Wendell Blvd Wendell, NC 27591
PROPERTY SIZE:	60.5 acres of the 64.3 acre tract
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Single Family Residential
PROPERTY # 3 LOCATION:	1217 S. Hollybrook Rd
WAKE COUNTY PIN:	1783837560
CURRENT ZONING DISTRICT:	RA

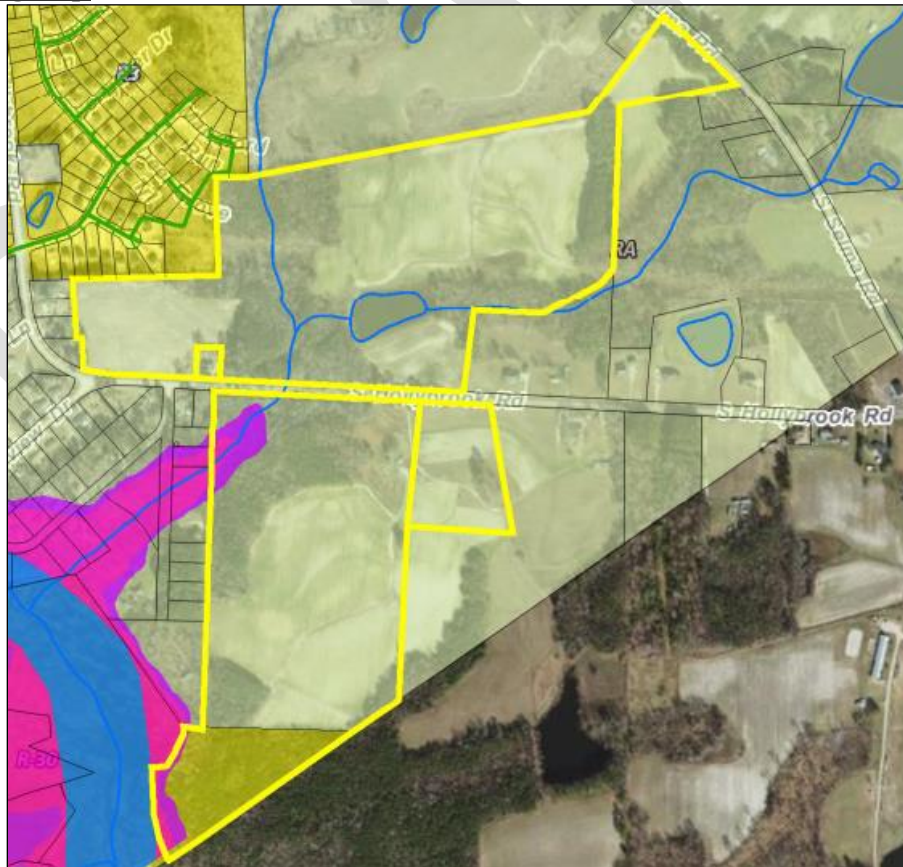
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CROSS REFERENCES:	N/A
PROPERTY OWNER & APPLICANT:	Smith Edwards LLC 2505 Wendell Blvd Wendell, NC 27591
PROPERTY SIZE:	0.47 acres
CURRENT LAND USE:	Single Family Residential
PROPOSED LAND USE:	Single Family Residential
PROPERTY # 4 LOCATION:	0 S. Hollybrook Rd
WAKE COUNTY PIN:	1793020954
CURRENT ZONING DISTRICT:	RA
CROSS REFERENCES:	N/A
PROPERTY OWNER & APPLICANT:	Smith Edwards LLC 2505 Wendell Blvd Wendell, NC 27591
PROPERTY SIZE:	6.83 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Single Family Residential

Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential	RA & R3
South	Agricultural	JC
East	Residential/Ag	RA
West	Residential	RA/R3

Current Zoning Map:



Proposed Conditional District Conditions:

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The applicant's submission requires 6 conditions as proposed, as described below (2 additional conditions are recommended by staff):

1. **(Clarification)** Apply a 5 foot minimum side setback instead of the 20% total lot width being applied to side setback.

Staff Comment: A simple 5' side setback is clearer than a 10% setback on each side (which based on the R-4's standard 50' lot width requirement would be 5' anyways unless they side-loaded all of the lots along a block)

Staff finds that the request is acceptable.

2. **(Clarification)** Apply a parking ratio to the amenity site of 1/1,000 SF + 1/75 SF of water surface for the pool.

The applicant is showing a total of 54 parking spaces on the amenity site. This condition is less of a request of the town, than a clarification of how to address pool parking, which is not clearly defined in the UDO.

Staff Comment: Staff finds that the request is acceptable.

3. **(Clarification)** Approval of the subject Conditional District is contingent upon formal acceptance and annexation of the subject parcels into the Town of Wendell. Absent annexation acceptance the Conditional District application will not be approved.

4. **(Offering Improvement)** Apply a 55 ft. minimum lot width (rather than 50 ft.).

Staff Comment: Staff finds this request acceptable.

5. **(Offering Improvement)** Providing a minimum of 2,500 sq. ft. of open space per dwelling (rather than 1,750 sq. ft. of open space)

Staff Comment: Per Chapter 7 of the UDO, up to one-half of the total open space land required may be located within areas of special flood hazard, including the 100-year floodplain. Easements or areas for public utility transmission lines shall not receive credit as open space. Similarly, dry detention structures may not be towards open space calculations. In response to staff inquiries, the applicant has stated that dry detention structures will not be used.

57.9 percent of the passive open space provided is located within undevelopable property (floodplain or riparian buffers). However, per the revised Master Plan, the applicant is providing 5.27 acres of Improved/Park space, where only 3.42 acres is required.

Staff Comment: Staff finds that the request is acceptable

6. Per the phasing plan, that the club house lot amenities not be required to be constructed until after Phase 3.

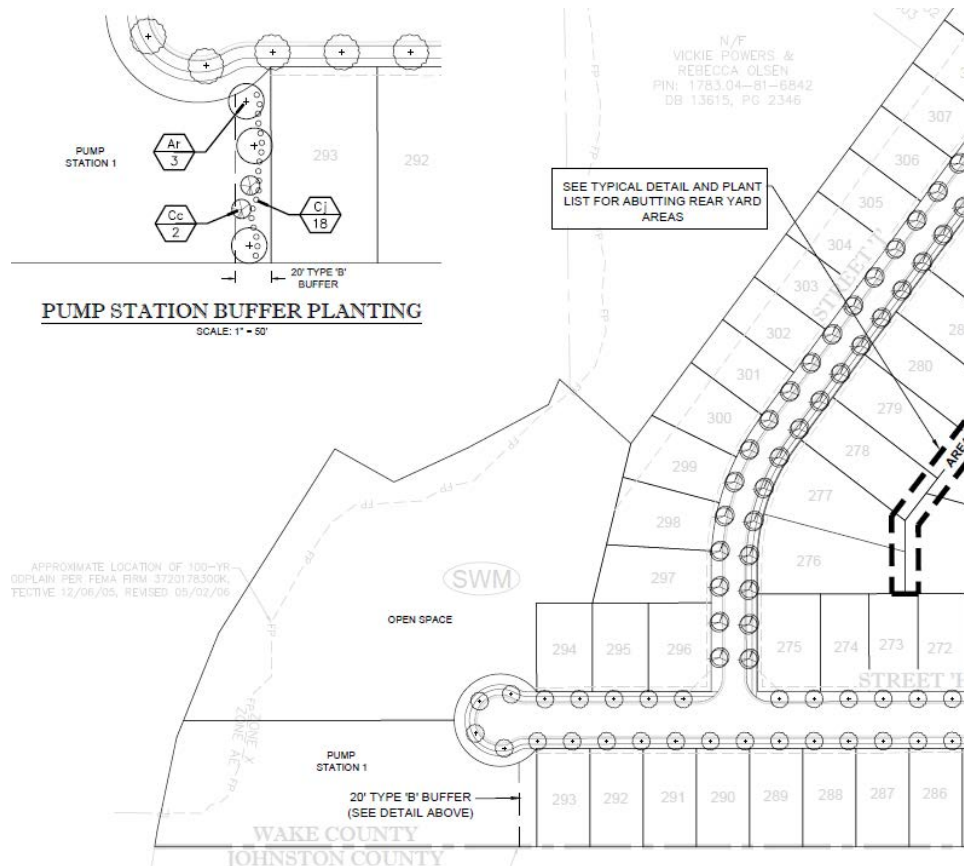
Staff Comment: Phases 1-3 constitute 213 of the 339 proposed lots. The club house lot represents the only active open space for this development.

Staff Comment: Staff recommends that the amenity site be completed prior to the Phase 3 final plat (Phases 1 & 2 constitute 150 of the 339 proposed lots). The applicant is proposing temporarily locating one mail kiosk on each side of Hollybrook to be consolidated into the Club once constructed

Staff Recommended Conditions # 7 & 8

7. That the proposed Pump Station be screened from view from lot 293 and 294 with a Type A buffer (with the exception of an access drive). Existing vegetation may be counted towards this requirement.

Staff Comment: Currently the development plans (see below) show a Type B buffer (20 ft) between the pump station and lot 293, but no screening is provided along the side lot line of the pump station. Staff recommends that a Type A buffer (25 ft.) be applied along the 2 sides facing lots 293 and 294.



8. *That a high visibility crosswalk and pedestrian crossing signs be installed to allow pedestrians to safely cross Hollybrook Rd, in adherence with any required DOT standards for the crossing design.*

Staff comments: One concern which has been raised is in regards to pedestrians crossing Hollybrook Rd in order to access the Clubhouse lot. Town regulations require all open space to be 'conveniently accessible to all residents of the neighborhood'. The clubhouse lot represents the only active open space in this development and is divided by a collector road. In staff's opinion, these improvements (at a minimum) are needed for pedestrian safety.

Technical Corrections

The following technical corrections were identified by staff based on the most recent development plan submittal. It is not necessary for these types of corrections to be incorporated as conditions of the Conditional District. These items are being provided purely for informational purposes.

1. *All lots should have rear lot setbacks along at least one property line. In the case of corner lots, the rear yard will be positioned at the rear of the home orientation.*
2. *A rear yard landscape buffer should be provided in the rear of lots 116-118, 130-134, and 308-317.*
3. *Label the rear property line length for lots 7, 225, and 300.*
4. *Replace oak tree type street trees with a street tree type from Appendix F in the UDO or similar tree. Oaks were not included in list of approved street trees due to acorns.*
5. *Replace tulip popular on street trees with a street tree type from Appendix F in the UDO or similar tree.*
6. *Active recreation requirements are not currently listed in the base standards on the cover sheet. Please detail what is required and provided. If you draw a rectangle that includes the clubhouse, pool and parking area, the required square feet of active recreations space is generally met.*

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7. When calculating rear yard buffer plantings fractions round to a whole. Following areas are missing shrubs and trees due to rounding down.
 - a. Area 3: Missing 4 of each
 - b. Area 4: Missing 1 of each
 - c. Area 5: Missing 1 of each
 - d. Area 7: Missing 2 of each
 - e. Area 9: Missing 2 of each
8. Clubhouse
 - a. All parking lot islands should be landscaped with a minimum of one tree and four shrubs.
 - b. The clubhouse parking lot facing Hollybrook Rd should be screened with a "semi-opaque screen from the ground to at least a height of 3.5 feet for screening of car lights and glare (minimum width: 10 feet)."
 - c. Dumpster area is not currently shown on plan. If one is planned, it should be screened according to UDO Section 8.10D. This does not necessarily need to be addressed in this plan.

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

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

As currently proposed, the Master Development Plan seeks to gain additional density in exchange for extra open space and an amenity center which exceeds the town's minimum requirements.

Applicant's Justification:

Rezoning of the "development" is required as part of the Town's Annexation process. The Town of Wendell Comprehensive Plan (adopted April 23, 2007) uses a two-step methodology to define future land uses within the Framework Plan.

Step one is to "define regional sector boundaries", and per the Framework Plan Map, the "development" is within the "Controlled Growth Sector" (S4). Single-family residential is listed as an appropriate use within the S4 sector.

Step two is to "subdivide regional sectors into transect zones", with transect zones T2, T3, T4, and T5 recommended within the S4 sector. Per UDO section 2.2, the requested base zoning of R-4 is an appropriate base district within the T3 transect zone. As such, R-4 is an appropriate base district for the "development," and is in keeping with the planned future development outlined in the Town of Wendell Comprehensive Plan.

In addition to an existing 100' utility easement running the width of Parcel 1, and to be confirmed by field studies: stream corridor buffers (UDO 6.6), FEMA 100-yr floodplain, an existing pond, and appreciable steep slopes (>25%) both expanding the stream buffers and precluding development, account for approximately 26 acres (23%±) of the "development" area.

As such, the Conditional District provisions are requested in order to offset the significant environmental restrictions existing on site by allowing a minimum lot size of 6,000 SF.

The proposed athletic club includes a proposed pool, with significant parking demand expected above the base requirement for the club gross square footage. The Town UDO does not specify a parking ratio for a swimming pool use and based upon the owner's experience with similar development they currently maintain, a parking ratio of 1 space per 75 square feet of water surface is proposed. Additionally, this parking ratio is consistent with the Town of Cary Land

Development Ordinance, effective 12/14/17, 7.8.2.D.A – Recreation/Entertainment, Outdoor – Swimming Pool.

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Benefits to Town:

The base requirement for Open Space dedication per UDO 7.5.A.1 is 1,750 SF/dwelling. The subject Conditional District proposes to raise the Open Space dedication requirement to **2,500**

SF/dwelling as further justification in support of the reduced lot size as well as mitigate the additional impervious area from the increased parking ratio.

Additionally, the proposed Athletic Club and swimming pool exceed the Active Open Space requirements in UDO 7.5.C, with the added benefit of membership in the Fred Smith Sports Club

(including access to all four (4) Fred Smith Athletic Clubs and privileges at four (4) Golf Clubs) for Hollybrook residents.

A new pump station is proposed at the southern end of the Glen at Hollybrook parcel. The total Hollybrook development accounts for approximately 10% of the sewer basin. The new pump station, per coordination with the City of Raleigh, will be constructed to provide 25% of total build out for pumps, electrical, generator, odor control, and 50% for structure, electrical building, and force main while also allowing for future expansion for full capacity of the entire basin.

Off-Street Parking:

No off-street parking is required for single family dwellings. Fifty-four parking spaces are shown on the amenity site. The applicant's plans indicate that they will locate their cluster mailboxes at the club-house site. Cluster mailboxes would be required to be provided with the first phase of development, even if other improvements at the club-house site are delayed until a later phase.

Open Space:

The applicant is required to dedicate a minimum of 13.7 acres of open space, with a minimum of 3.42 acres of Park Space, as set forth in the UDO. Of those 3.42 acres of Park Space, 1.13 acres must be designed for active recreational purposes. The applicant is proposing to dedicate 3.03 acres of park space within the Club/amenity tract, plus an additional ~2.2 acres of park space around the pond and for a pedestrian connection between the club tract and the residential road to the north (for a total of ~5.27 acres). The active recreational open space requirement would be satisfied by the pool and club house.

In response to staff concerns regarding the absence of Park Space on the south side of S. Hollybrook Rd, the applicant revised their plans to show 10,000 square feet of Park Space between Lot 317 and a proposed Stormwater Management device.

Overall, the applicant is proposing to dedicate a minimum of 19.57 acres of open space, with 57.9 percent of passive open space falling within riparian buffers (53.1%) or floodplain (4.8%).

Per Chapter 7 of the UDO, up to one-half of the total open space land required may be located within areas of special flood hazard, including the 100-year floodplain. Easements or areas for public utility transmission lines shall not receive credit as open space. Similarly, dry detention structures may not be towards open space calculations. In response to staff's inquiries, the applicant has stated that no dry detention structures shall be included within the Storm Water Management (SWM) areas.

Lighting:

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

Public Utilities:

Public water and sewer will be extended at the time of development. Per the adopted Water Allocation Policy, this project has 38 base points and must provide 12 bonus points. The applicant has proposed to provide 7.8 acres of additional open space for conservation (7 points), a pool (2 points), an outdoor patio area of more than 3000 square feet (3 points), and a Meeting space without a kitchen more than 3500 square feet in size (8 points). As proposed, these improvements would bring the applicant's point total to 58 points.

Per the applicant's submittal, "A new pump station is proposed at the southern end of the Glen at Hollybrook parcel. The total Hollybrook development accounts for approximately 10% of the sewer basin. The new pump station, per coordination with the City of Raleigh, will be constructed to provide 25% of total build out for pumps, electrical, generator, odor control, and 50% for structure, electrical building, and force main while also allowing for future expansion for full capacity of the entire basin."

The City of Raleigh Public Utilities Department (CORPUD) has confirmed that the applicant would be

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required to over-size the pump station equipment to handle more than just their development. Plans and engineering for the pump station are still under review and would require CORPUD approval.

Streets:

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

Per the Town's Arterial and Collector Street Plan (ACS), the applicant will be responsible for minor widening along S. Hollybrook Road, in order for the road to meet the Town's standard for a Minor Collector (2 lane undivided). These improvements are reflected in their plan, and will involve 3.5 feet of additional right-of-way dedication on either side of S. Hollybrook Road.

All internal subdivision roads shall be designed as a Local Street (52' ROW) or Residential Main Street (64' ROW). Residential Main Streets allow for on-street parking on both sides.

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

Based upon the size of this proposed development, a Transportation Impact Assessment was required and submitted to NCDOT for review. At this time, the only improvement called for by DOT's review of the TIA is a left turn lane on 231/Selma Road to turn onto S. Hollybrook Rd.

Landscaping:

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

Stormwater Management:

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

Phasing:

The applicant has proposed to break the Master Plan into 5 phases, which would require separate Final Development Plan submittals. The phasing plan is shown on Page 7 of the Master Plan pdf. (See Attachment A)

TRC Comments:

The majority of TRC comments represented small technical corrections or reminders of items that will need to be provided or added prior to construction document approval. Many of the comments have already been addressed by the applicant's updated plans. Only one TRC comment related to emergency ingress/egress would reasonably impact the subdivision's layout or design. Both sides of this development have only 1 roadway connection to Hollybrook Road and rely largely upon future connections to undeveloped tracts. This could be a serious issue in the event of a natural disaster or accident if the route out of the development were blocked or otherwise inaccessible.

In response to this concern, the applicant revised their plan to show an emergency access way with removable bollards (which doubles as pedestrian access) on the south side of Hollybrook Rd. DOT has allowed this type of request before, but would need to review the construction details at the time of the final development plan. The location of this connection is identified on Page 4 of the Master Plan pdf (See Attachment A).

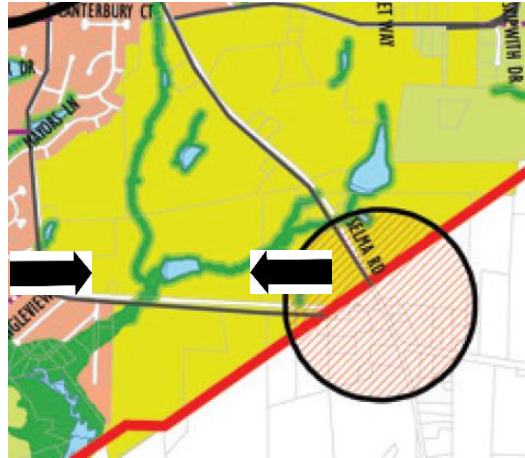
Comprehensive Plan:

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

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

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

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Statement of Plan Consistency and Reasonableness

- Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.
 - In staff's opinion, the requested conditional district is consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector.

Planning Board Recommendation:

- At their September 17, 2018 meeting, the Wendell Planning Board voted unanimously to approve the proposed conditional district with two amendments to the plan as presented. The second recommendation has subsequently been incorporated into the developer's plan.
 - 1. To require a Type A buffer between the pump station site and adjacent residential lots.
 - 2. To require a Type B buffer along the eastern boundary of the club house lot.
- **Voting in Favor:** Victoria Curtis, Michael Clark, Jonathan A. Olson, Lloyd Lancaster, Grace Walter, Ryan Zakany, Joe DeLoach, Allen Swaim, and Errol Briggerman.

Staff Comments & Recommendation:

- Staff recommends approval of the proposed conditional district, with the addition of 'Staff Recommended Condition #7 & #8' to properly buffer the pump station and provide for increased pedestrian safety (in addition to adherence to all technical corrections).

Planning Director David Bergmark provided an overview of the request submitted by Smith-Edwards LLC to rezone 115.74 acres of property located along S. Hollybrook Road to a Residential-4 (R4) Conditional District; staff report included above in italics.

Commissioner Boyette questioned the street cross sections for the 64-foot-wide and the 52-foot wide. Planning Director Bergmark stated the 52-foot-wide street allows for parking on one side of the street. Commissioner Boyette questioned how it is determined which side to park on if it is not marked and who enforces parking only on one side of the street.

Mayor Pro Tem Lutz questioned the club house amenities. Planning Director Bergmark stated the club house is slated for Phase 3 and the residents would have access to the other Fred Smith Subdivision amenities.

Commissioner Carroll questioned the exclusion of the acreage from this request. Planning Director Bergmark stated decision was based on cost.

Mayor Gray questioned if the speed limit on Hollybrook Road will be adjusted. Planning

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Director Bergmark stated when annexed it would be reduced unless otherwise indicated.

Commissioner Joyner stated conditions one and four seem to relate. Planning Director Bergmark stated condition four was offered by the applicant. Commissioner Joyner stated the infrastructure pieces in place are important to him.

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

Fred Smith of 632 Marseilles Way (Clayton), spoke as the applicant and developer for this request and he provided an overview of his projects.

Town Attorney Cauley questioned if Mr. Smith is agreement with staff recommendations and the conditions.

Mr. Smith stated he agrees with the staff recommendations.

David and Judy Arnold of 1429 S Hollybrook Road stated the Robert Price property sold included covenants and questioned if the covenants remain in place.

Town Attorney Cauley stated the restrictive covenants are not affected by the Town's development approvals. If the property sold, the restrictions remain in place.

Shelton Bridgers of 402 N Pine Street spoke in opposition of the request.

Ray Hinnant of 205 Dogwood Trail spoke in opposition of the request.

Becky Olson of 105 Angleview Drive abuts the project and would like more buffering.

Jason Love of 76 Angleview Drive is concerned with the watershed and the buffer as he abuts the project.

Glen Bridgers of 894 Lions Club requested the Board consider transitional zones between homes.

Warren Bridgers of 725 Selma Road spoke in opposition of the project.

Commissioner Myrick questioned how this development impacts traffic throughout Town. Planning Director Bergmark stated that is the reason for the Traffic Impact Analysis [TIA]. He stated the TIA was reviewed by the NCDOT.

Mayor Pro Tem Lutz stated the northside of the development appears to abut Deerfield and he questioned the zoning for Deerfield. Planning Director Bergmark stated R-3 which has a 10,000 square foot minimum lot size and the request for this development is 6,000 square foot minimum lot size.

Planning Director Bergmark stated there was a question about extension of utility line. The City

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of Raleigh requires extension of water lines to the edge of your property. He heard reference of 10 or 10 and a half homes per acre. This request is three homes per acre.

Fred Smith stated the density for this request is 2.94 units per acre and this request exceeds the amount of open space. This project includes a pump station that will benefit the Town and future development(s). This request complies with the rules of the Town and is amenity driven. The proposed homes are not starter homes.

Commissioner Joyner questioned the average lot size. Fred Smith stated approximately 8,300 square foot.

Commissioner Carroll questioned the type of home. Fred Smith stated there are various sizes of homes. The covenants allow for a minimum of 1,300 square feet up to and over 1,800 square feet. Homes are intended for the working class – teachers, police officers and firefighters.

Warren Bridgers of 725 Selma Road questioned if two cars per home will impact the Town.

Fred Smith stated the TIA is not up to the developer. A traffic engineer provided a study that was reviewed by NCDOT and NCDOT recommended the improvements to be made for traffic to flow efficiently.

Mayor Gray questioned how the calculations for traffic study are arrived at. Planning Director Bergmark stated there is a guidebook for acceptable trip numbers based on usage, peak times, existing traffic patterns and then recommendations are made.

Mayor Gray questioned how far out from a development is a traffic study parameter. Planning Director Bergmark stated he would have to consult with the engineer.

John Baronski stated he is the civil engineer for the applicant. The manhole is proposed at the end of street A. He heard concerns for emergency access points. The Town has requirements for the number of stub outs. He stated he heard concerns for the water run-off for impervious areas. For storm water management they are required to design structures to mitigate increased run-off. He heard a concern about density. The request is closer to an R3 density than an R4 density.

Commissioner Boyette questioned with regards to one access on the southern piece, even if a second access is within the footprint, NCDOT has rules as to its proximity. Mr. Baronski stated that is correct.

Jason Love of 76 Angleview Drive questioned where the storm water drainage from the neighborhood goes. Planning Director Bergmark stated as part of the development plan, a storm water and erosion control plan will have to be submitted. He added the post-development flow from this site cannot exceed the pre-development flow. Mr. Baronski stated what they do is break down the site into drainage areas and the storm water facility size is determined. The discharge will continue to go to the creek.

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David Arnold of 1429 S Hollybrook Rd stated traffic is a concern and requested the traffic be looked at further out than Wendell Boulevard as well as neighborhoods off Hollybrook Road.

Susan Love of 76 Angleview Drive questioned where the children will go to school. Commissioner Joyner stated the transportation plan was voted on in 2015 and is based on development numbers for the whole Town and Johnston County. Wake County Public Schools has a similar plan for growth.

Commissioner Boyette stated Lake Myra Elementary was originally designed to be year-round as a 4-track school and is presently running 1-track. At some point in the future, Wendell Elementary will be re-evaluated by Wake County Public Schools. The Board of Commissioners does not have a seat at the table with the Wake County Public Schools. Wendell Elementary was recognized as a magnet school and is a draw.

Judy Arnold of 1429 S Hollybrook Rd questioned the developer for this request. Fred Smith stated the developer is the Fred Smith Company and the owner is Smith-Edwards LLC.

Mayor Gray closed the public hearing at 8:28 p.m.

Commissioner Boyette stated he heard concerns about the open space and how it will be taken care of. He heard concerns about density. When looking at the numbers and if each lot was one acre with street frontage, the Town would not be able to afford paving the streets. It would take far longer to collect trash and deliver the mail and would not have the density to pay for Town services such as police or fire. A higher density neighborhood comes closer to paying for itself short of commercial property. If every lot in Town was an acre, the Town would be bankrupt. That's not getting down on larger lots, some of the nicest new developments in the past few years have been on smaller lots. Restaurants, businesses, and amenities are possible with more people. A medium and higher density development provides the additional people. As far as improvements to Wendell Blvd and the Wendell Falls Parkway, one could look at Holly Springs who did a bond for streets improvements. The western side of Wake County is filling up and eastern Wake County is available. The emergency access along streets I and K is not what he would use. He will drive the fire truck down the street and hope no cars are parked on street. As the development builds out, more access points will be available.

ACTION:

Mover: Mayor Pro Tem Lutz moved to table action until after discussing Item 5b.

Vote: Unanimous.

Commissioner Joyner stated he has a friend that connects big boxes with communities and the Town is between 500 and 3500 rooftops away from a lot of the amenities desired. Density is a requirement if the restaurants are wanted. Developers do not build 300 houses unless the market drives it. He understands the concerns of the road and believes those have been addressed by NCDOT. He heard the concerns with the schools. He's heard the comments that there is no plan and there are plans. He lives directly above this request. He's looking for the middle on this request.

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Mayor Pro Tem Lutz stated this is prime real estate for being developed and it abuts an existing development. His concern is the density beside the adjacent neighborhood. Wendell is fortunate to have land and he wants to take time to ensure this is good use for the land. He agrees with density for restaurants and on the same note he is hearing that people like the charm of Wendell. He wants this to be a valuable asset to the community and not just more rooftops.

Commissioner Myrick stated the traffic is his concern. He is not in favor because the Town has not done its due diligence to traffic impact.

Mayor Pro Tem Lutz stated he concurs with Commissioner Myrick about the traffic impact.

ACTION:

Mover: Commissioner Boyette moved to approve the conditional use district subject to the annexation and includes approval of the conditions as recommended by the Planning Board and Town staff and agreed to by the developer.

Vote:

Commissioner Joyner stated there are a lot of people in the room that have his cell number and this is the first time he is hearing from them. He stated he would be inclined to table to allow time to review the traffic study.

Mayor Gray stated she would like to know the parameters of the traffic study. Planning Director Bergmark stated the traffic study is done and this can be brought back with explanation.

Town Manager Collins stated the Board may hear the road is designed to handle certain capacities at a certain percentage of the time, capacity at certain times of the day and days of the week consistently over time, that is the kind of detail being referenced by the planning director. The further away from an impact point, the more difficult it becomes to determine of all other things happening within the community.

Planning Director Bergmark stated the town's engineer, AMT, can be asked to review and provide comments.

Planning Director Bergmark stated a condition that can be added no parking on the narrow streets.

ACTION:

Mover: Commissioner Boyette withdrew his motion and moved to table Items 5a and 5b until the November 26, 2018, meeting, contingent on additional information from the Town's engineer and any other interested parties.

Vote: Unanimous.

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- 5b. **PUBLIC HEARING** FOR ANNEXATION PETITION A-18-03 FOR 115.74 ACRES OF PROPERTY (EXCLUDING ROW) LOCATED ADJACENT TO THE GROVE OF DEERFIELD SUBDIVISION ON EITHER SIDE OF S HOLLYBROOK RD AND IDENTIFIED BY PIN NUMBERS 1783921299 [48.38 AC], 1793020954 [6.84 AC], 1783837560 [.47 AC], AND 1783947008 (PARTIAL) [60.05]; CONTIGUOUS.
SPEAKER: Planning Director David Bergmark
ACTION: Public hearing; *continued from the October 8, 2018, meeting.*

[Staff Report]

Item Summary:

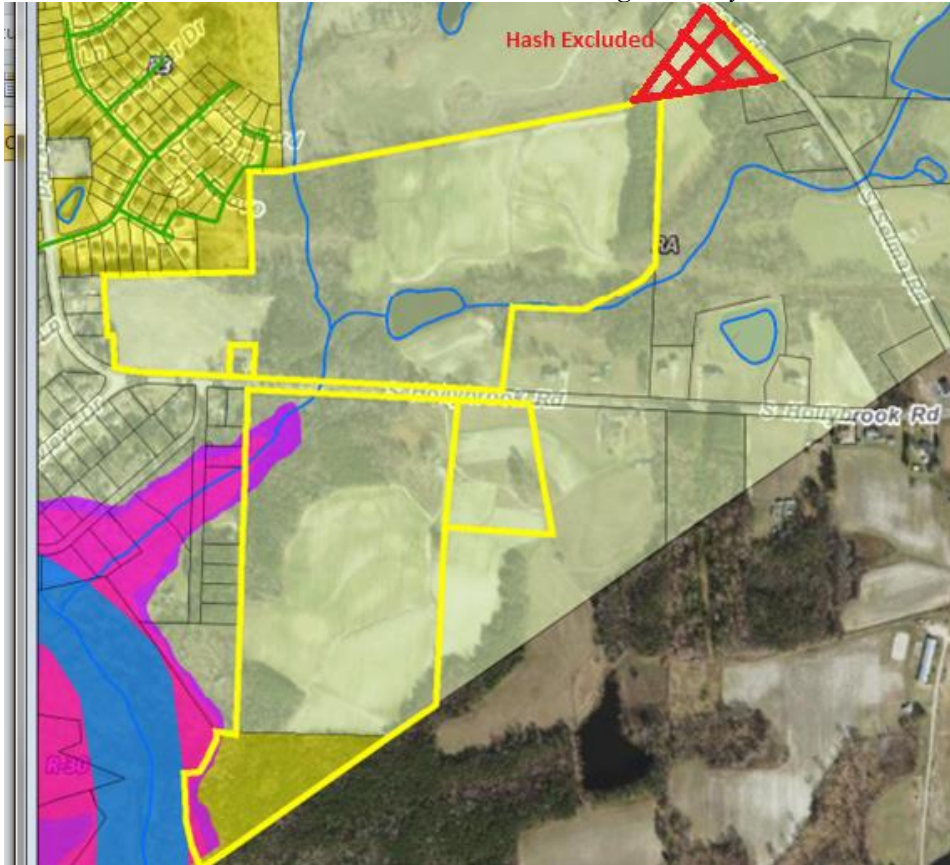
Fred Smith has submitted an annexation request for 116.19 acres of land (and 2.35 ac. of ROW) located on S. Hollybrook Rd. The request includes 4 contiguous parcels as detailed below. These properties currently contain 1 dwelling, but are otherwise vacant. The property owner has submitted an R-4 Conditional District request for this property to create a 339 unit subdivision. The Town Clerk has certified the sufficiency of the submitted annexation petition. The applicant has requested that action on the annexation petition be delayed until an agreement is reached on the submitted Conditional District request. Were no agreement to be reached, the applicant would withdraw their annexation petition.

Project Profile:

PROPERTY # 1 LOCATION:	1320 S. Hollybrook Rd
WAKE COUNTY PIN:	1783921299
CURRENT ZONING DISTRICT:	RA (Wendell) and R-30 (WC)
CROSS REFERENCES:	N/A
PROPERTY OWNER & APPLICANT:	Smith Edwards LLC 2505 Wendell Blvd, Wendell, NC 27591
PROPERTY SIZE:	48.38 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Single Family Residential & pump station
PROPERTY # 2 LOCATION:	0 S. Hollybrook Rd
WAKE COUNTY PIN:	1783947008
CURRENT ZONING DISTRICT:	RA
CROSS REFERENCES:	N/A
PROPERTY OWNER & APPLICANT:	Smith Edwards LLC 2505 Wendell Blvd, Wendell, NC 27591
PROPERTY SIZE:	60.5 acres of the 64.3 acre tract
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Single Family Residential
PROPERTY # 3 LOCATION:	1217 S. Hollybrook Rd
WAKE COUNTY PIN:	1783837560
CURRENT ZONING DISTRICT:	RA
CROSS REFERENCES:	N/A
PROPERTY OWNER & APPLICANT:	Smith Edwards LLC 2505 Wendell Blvd, Wendell, NC 27591
PROPERTY SIZE:	0.47 acres
CURRENT LAND USE:	Single Family Residential
PROPOSED LAND USE:	Single Family Residential
PROPERTY # 4 LOCATION:	0 S. Hollybrook Rd
WAKE COUNTY PIN:	1793020954
CURRENT ZONING DISTRICT:	RA

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<i>CROSS REFERENCES:</i>	<i>N/A</i>
<i>PROPERTY OWNER & APPLICANT:</i>	<i>Smith Edwards LLC</i>
	<i>2505 Wendell Blvd, Wendell, NC 27591</i>
<i>PROPERTY SIZE:</i>	<i>6.84 acres</i>
<i>CURRENT LAND USE:</i>	<i>Vacant</i>
<i>PROPOSED LAND USE:</i>	<i>Single Family Residential</i>



Zoning District:

This property is currently zoned primarily Residential-Agricultural (RA), with a ~8 acre piece of property on the southern tip of this site zoned R-30 (Wake County). The applicant has submitted an R-4 Conditional District request, which is scheduled for the November 13, 2018 board meeting.

Public Utilities:

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

Per the applicant's submittal, "A new pump station is proposed at the southern end of the Glen at Hollybrook parcel. The total Hollybrook development accounts for approximately 10% of the sewer basin. The new pump station, per coordination with the City of Raleigh, will be constructed to provide 25% of total build out for pumps, electrical, generator, odor control, and 50% for structure, electrical building, and force main while also allowing for future expansion for full capacity of the entire basin."

The applicant has been working with the City of Raleigh Public Utilities Department (CORPUD) to facilitate this use, which would require CORPUD approval. Construction details for the pump station would be incorporated into the Final Development Plan for this conditional district.

Tax Information:

Currently, the subject properties contain only one dwelling, and have a total assessed value of \$1,737,087. At the current tax rate of 49 cents, annexation of this property "as-is" would result in approximately \$8,511 in annual tax revenue for the Town. This figure will increase as the area is developed.

Staff cannot speak to what the average value of the homes would be. However, the applicant's plan calls

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for 339 lots. If the average value of each developed lot were \$200,000 (which is approximately the average value of the adjacent Groves of Deerfield Lots, though they are zoned R3), the annual tax revenue for the Town at buildout would be \$332,000.

Police & Public Works & Utility Service:

- *The proposed annexation area would require services from the Town's Police and Public Works departments if annexed. Both departments are currently serving adjacent residential developments.*

Planning Director David Bergmark provided an overview of the annexation petition A-18-03 for 115.74 acres of property located adjacent to the Grove of Deerfield Subdivision and on either side of S. Hollybrook Road; staff report included above in italics.

Mayor Gray opened the public hearing at 8:41 p.m. No one spoke. Mayor Gray closed the public hearing at 8:42 p.m.

Commissioner Joyner stated he saw that the Planning Board voted 6-0 to recommend approval with the conditions. He questioned if any other conditions were presented this evening.

Town Attorney Cauley stated the conditions would be a discussion for the rezoning request. He recommended that when discussing the conditional district, if the conditions are acceptable to the applicant, then it could be voted on and approved subject to the annexation. Then the Board may take up the annexation.

Mayor Gray stated the Board would go back to Item 5a.

ACTION:

Mover: Mayor Pro Tem Lutz moved to table action on 5b and resume discussion on Item 5a.

Vote: Unanimous.

ACTION:

Mover: Mayor Pro Tem Lutz moved to continue Item 5b to the November 26, 2018 meeting.

Vote: Unanimous.

6. REQUEST FOR TEMPORARY STREET CLOSURE(S) FOR WENDELL WONDERLAND IN DOWNTOWN WENDELL ON FRIDAY, DECEMBER 7, 2018.

SPEAKER: Parks & Recreation Director Jeff Polaski

ACTION: Board may take action.

[Staff Report]


Item Summary:

Last year's Wendell Wonderland was very well attended! The evening included performances throughout Downtown, Santa and Mrs. Clause at the Town Square, the Light Show at the Woman's Club Lot, trolley ride throughout Downtown, Downtown businesses were open, food trucks, Craft Market, a cookie walk and live nativity scene – just to name a few of the many activities!! Staff is in the preliminary planning phases of activities and performances and this year promises to be memorable and festive for attendees! The safety of those attending our community events is our first and foremost priority. Staff has evaluated the locations of last year's performances and noted that a couple of the locations were unsafe due to the

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volume of people wanting to enjoy the show and spilling into the street. To minimize conflicts between vehicles and pedestrians, the proposal is for performances to be schedule at J Ashley Wall Town Square or at Main and Fourth Streets.

For the well-being and enjoyment of patrons and vendors at this year's Wendell Wonderland, staff is requesting the following temporary street closure(s):

-  *Cypress Street between Third and Second Streets*
-  *Third Street between Cypress and Main Streets*

Parks & Recreation Director Jeff Polaski provided an overview of the request for temporary street closure(s) for Wendell Wonderland on Friday, December 7, 2018; staff report above in italics.

ACTION:

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

Vote: Unanimous.

7. DISCUSSION AND ACTION ON A PROPOSED AMENDMENT TO THE TOWN'S NOISE ORDINANCE AS IT RELATES TO CHURCH BELLS.

SPEAKER: Planning Director David Bergmark

ACTION: Board may take action.

[Staff Report]

Item Summary:

The Town's general noise regulations are contained in Article III of the Wendell Code of ordinances. Section 10-80(a) of the Code states, "It shall be unlawful for any person to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, and unnecessary noise in the town. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited."

The subsequent section then proceeds to identify specific noises which are expressly prohibited. Some noises, such as those associated with garages and construction activities, have specific hours in which they are prohibited. Other noises, such as the use of sirens, have specific exceptions for police fire, rescue or other emergency vehicle use. The Police Department enforces the Town's noise ordinance, and has a fair amount of latitude in interpreting what level, frequency, or duration of noise is excessive or disturbing.

It has come to staff's attention that one specific type of prohibited noise (Bells and Gongs) is in need of an amendment. Section 10-80(b)(13) considers "The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity" a prohibited noise type. No exceptions or allowances are stated the periodic ringing of church bells. Several churches within Wendell have physical bells, or simulated electronic chimes which periodically sound. While the police department has never received a complaint regarding church bells, the current language would support such a complaint and put the Police Department an unintended enforcement situation.

To address this oversight, staff proposes the following amendment be made to Section 10-80(b)(13) to clarify when a bell/gong/chime would be a prohibited noise.

Proposed Amendment:

(13) Bells, gongs, chimes. The sounding of any bell, gong, chime, or similar electronic simulation attached to any building or premises which disturbs the quiet or repose of persons in the vicinity, with the exception of church bells or chimes when part of a religious observance or service, provided they operate for no more than ten (10) minutes in any hour between the hours of 7:00 a.m. and 8:00 p.m.

Staff Recommendation:

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Staff supports the proposed text amendment.

Planning Director David Bergmark provided an overview on a proposed text amendment to the Town's Noise Ordinance as it relates to church bells; staff report included above in italics.

Commissioner Carroll questioned how this item arose. Planning Director Bergmark stated a church requested to add church bells and in checking the ordinances, it is not a permissible use.

Commissioner Myrick stated he was unaware of the noise ordinance until this evening. He questioned if the noise ordinance covers loud mufflers. Police Chief Carter stated there is a piece about vehicles.

Manager Collins requested staff have a focused and timely response rather than a long review of the noise ordinance.

Commissioner Myrick would like a review of the noise ordinance as it relates to loud vehicles.

Commissioner Boyette noted that Wendell Christian Church has chimes.

ACTION:

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

Vote: Unanimous.

8. PRESENTATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF COMMERCE NC MAIN STREET AND RURAL PLANNING CENTER TO COMPLETE THE WENDELL, NC ECONOMIC DEVELOPMENT AND DOWNTOWN ASSESSMENT.

SPEAKER: Manager Marc Collins

ACTION: Board may take action.

[Staff Report]

Item Summary:

Following a meeting between Town and Department of Commerce staff, the NC Main Street and Rural Planning Center proposes to prepare an economic development and downtown assessment. The assessment will provide economic development assistance to achieve the following outcomes:

- Provide community input into desired economic growth and develop stakeholders.*
- Update the Economic Development Strategic Plan to reflect current strategic initiatives.*
- Conduct trade area and business gap analysis to identify needed businesses with locations.*
- Prepare a retail market analysis to identify retail leakage.*
- Engage two areas (potentially downtown and one other area) with the findings to seek input and opportunities for implementation.*

The work will position staff and identify resources needed to implement economic development goals of the Town. The NC Main Street and Rural Planning Center staff will complete the work in coordination with Town staff. The project schedule provides for a January 2019 start and deliverables to be provided prior to July 2019. The only fiscal impact is mileage and materials estimated to be \$400. The expense will be covered in the existing Town budget.

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Town Manager Marc Collins introduced Community Economic Development Planner Bruce Naegelen of the NC Department of Commerce.

Community Economic Development Planner Bruce Naegelen provided an overview of the services for the proposed economic development and downtown assessment.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve as the town manager to sign the memorandum of understanding with the NC Department of Commerce as presented.

Vote: Unanimous.

9. REVIEW AND APPROVAL OF AN AMENDMENT TO THE DOWNTOWN FAÇADE GRANT PROGRAM USE OF THE DOWNTOWN REVITALIZATION FUNDS.

SPEAKER: ~~Manager Marc Collins~~ Planning Director David Bergmark

ACTION: Board may take action.

[Staff Report]

Item Summary:

The Expanded Façade Grant Program was approved on September 10, 2018. The program recognized uses \$45,000 of funding available for the grant award from the NC Department of Commerce available for Downtown Revitalization.

The current Expanded Façade Grant Program provides for the following:

1. *Use the Downtown Revitalization Funds to Create an expanded Downtown Façade Grant program with the following structure:*
 - a. *Façade grant awards must be matched by the private property owner 1:1, but may be awarded for up to \$10,000.*
 - b. *Eligible projects must be located within the core of the downtown, as identified on the attached boundary map.*
 - c. *Eligible façade grant improvements and review processes shall follow the existing Façade Grant program requirements. (i.e. Review by Appearance Commission and approval by the Town Board)*
 - d. *All approved façade grant projects must be completed and submit their reimbursement requests by July 1, 2019.*
2. *In the event that funds remain following July 1, 2019, the remaining balance would be applied towards downtown electric improvements.*

Note – This 2-step approach would ensure that the Town would use all \$50,000 granted by the Commerce Department, but would require the Town to budget for any overages in the event that additional funding was needed to complete electrical repairs and streetlight replacement.

Staff requests to amend the approved program language to provide flexibility for larger impact projects by removing the \$10,000 cap on grant amounts subject to staff review and Commission approval. The applicant is still required to provide a minimum 1:1 match with additional match, increased valuation, job development, and prominent location for aesthetic improvement considered to receive additional funding.

There is no change to the façade grant program approval process. The total funds available remain restricted to the NC Department of Commerce grant funds. No additional funding is required by the amendment.

Planning Director David Bergmark provided an overview of the amendment to the Downtown

Board Meeting Minutes
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Façade Grant Program using the Downtown Revitalization Funds; staff report included above in italics.

Commissioner Myrick questioned if the Economic Development Committee or planning staff have anything on the horizon as this is a lot of tax payer dollars.

Manager Collins stated this would be eligible to projects with a one-to-one match and a demonstrated return on investment. There have been inquiries that would be substantial investments.

Commissioner Joyner stated the funds are grant monies from the State.

ACTION:

Mover: Mayor Pro Tem Lutz moved to amend the Downtown Façade Grant Program as presented by staff.

Vote: Unanimous.

10. AUTHORIZATION TO ESTABLISH A PLANNER I POSITION IN THE PLANNING DEPARTMENT.

SPEAKER: ~~Manager Mare Collins~~ Planning Director David Bergmark

ACTION: Board may take action.

[Staff Report]

Item Summary:

Staff requests mid-year authorization to add a Planner I position to the Planning Department due to the continued increases in permit and site plan workload of the department. The increased development activity combined with the new County permitting system created a backload of approximately one month of permitting and review activity. Management and staff are receiving concerns from the development community regarding the impact of review delays. The additional staff is necessary to alleviate the concern of the development community and maintain the past level of service.

The Planner I position has a salary range of \$47,875 to \$71,798. Benefits costs are approximately \$7,920 dependent on salary. The actual cost of the position will depend on the hiring rate and length of time the position is filled in FY2019. An effective start date of February 1, 2019 will cost approximately \$23,555. Staff is requesting the position to be funded from fund balance reserves during the end of year budget amendment if sufficient revenues are not received above budget to cover the expense. The position would be budgeted and paid for with recurring revenue funds in the FY2020 Budget. Ancillary expenses for technology, office supplies, and operating expenses will be provided from existing budget lines. The position will be located in the Town Hall offices in an existing vacant office.

Planning Director David Bergmark provided an overview of the request to establish a Planner I position in the Planning Department; staff report included above in italics.

Manager Collins stated this is a choke point for processing within planning at this time. The Town's revenues are tracking to cover this expense.

ACTION:

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

Vote: Unanimous.

11. SNAP SHOT

ACTION: Information. Board may take action.

ACTION: Reviewed.

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



East Wake Senior Center Auxiliary [Commissioner Myrick]



Triangle J Council of Governments [JCOG] Board of Delegates [Mayor Pro Tem Lutz]



Wendell Fire Board [Commissioner Joyner]



Triangle J Council of Governments – County Chairs and Mayors [Mayor Gray]

An update was provided by each representative.

13. COMMISSIONERS' REPORTS.

Commissioner Joyner stated there many events upcoming and for citizens to check out the Town's Facebook page. He added not every issue is the last line in the sand. Talk about what you want to achieve and together we can get to a solution. He wants to hear from people. This is not the first or last development in our community and we need to be able to work together toward a solution.

14. MAYOR'S REPORT.

Mayor Gray provided the following:



Attended a second-grade field trip with East Wake Academy hosted within Downtown Wendell



Attended a third-grade field trip with Wendell Elementary to discuss civics. The weather necessitated hosting the civic lesson at the school.



Attended a third-grade field trip at East Wake Academy on civics lesson



Treat Trail hosted at Parks & Recreation was a success



Attended three ribbon cuttings in five days:

- Cruizers

- Turnipseed Nature Preserve

- Eastern Wake EMS – Wendell Main



Appearance Commission hosts numerous projects throughout the year for the Town of Wendell. Wendell Falls and the Appearance Commission hosted the Trick or Trot 5k and the proceeds benefitted the Appearance Commission



Wendell Rams have two out of three teams competing in this year's Super Bowl.

15. CLOSED SESSION.

Board Meeting Minutes
November 13, 2018

ACTION: Will be called if necessary.

ACTION:

Mover: Mayor Pro Tem Lutz moved to into closed session to consult with the Town Attorney in accordance with NC GS 143-318.11 (a) (5) for land acquisition at 9:53 p.m.

Vote: Unanimous.

ACTION:

Mover: Mayor Pro Tem Lutz moved to return to open session at 9:59 p.m.

Vote: Unanimous.

16. ADJOURN.

ACTION:

Mover: Mayor Pro Tem Lutz moved to adjourn at 9:59 p.m.

Vote: Unanimous.

Duly adopted this _____ day of February 2019, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Sherry L. Scoggins, MMC;
Sp. Asst. to the Town Manager - Town Clerk

Item Title:

Recognition of Carver Elementary teacher: Judy Champion

Specific Action Requested:

Recognition.

Item Summary

Ms. Champion has been with Carver Elementary for a number of years. She teaches in the Pre-K classroom. She is also the mom to Logan Champion.

Attachments:

None

Item Title:

Introduction of Patrol Officer Taylor Rae Akins

Report to the Board of Commissioners:

Monday, February 25, 2019

Specific Action Requested:

- Introduction of Patrol Officer Taylor Rae Akins

Item Summary:

Taylor Rae Akins, who goes by Taylor, is from Jacksonville, Florida. Taylor received her GED at Beville State Community College in 2016 after which she moved to Raleigh. Upon graduating, Taylor worked in various retail establishments and lived in several states before returning to Raleigh. Taylor has had a long-time desire to enter the law enforcement profession. In order to fulfil that goal, she enrolled in the Wake Tech Community College Basic Law Enforcement Training program and upon successful completion graduated in December 2018.

We first met Taylor at a recruiting event at Wake Tech where she was inquisitive about the Town of Wendell, what it had to offer and the community in general. Her interest in Wendell caused her to pursue employment here even when she had been in the hiring process with larger agencies in Wake County.

Taylor was sworn in as a police officer with the Town of Wendell on February 19, 2019 and is currently in the Field Training Program.

Item Title:

Presentation by City of Raleigh Public Utilities Department [CORPUD] to discuss merger.

Report to the Board of Commissioners:

Monday, February 25, 2019

Specific Action Requested:

- No action requested.

Item Summary:

City of Raleigh Public Utilities Department [CORPUD] will provide a PowerPoint presentation.

Attachment:

None

Item Title:

Public Hearing on a satellite annexation petition for 0.4 acres of property located at 2412 Wendell Blvd.

Report to the Board of Commissioners:

- February 25, 2019
- February 11, 2019
- January 28, 2019

Specific Action Requested:

- That the Board of Commissioners hold a public hearing and consider taking action on an annexation petition for a 0.4-acre parcel located at 2412 Wendell Blvd.
 - Action could consist of approving the attached ordinance.

Item Summary:

Coconut Boat LLC has submitted an annexation request 0.4 acres of property located at 2412 Wendell Blvd and identified by PIN Number 1784-16-1389. This property is located across the street from the Knott Square Shopping Center and is occupied by one single family dwelling. The home had been unoccupied for some time, and the new tenant discovered severe problems with the well and septic serving this lot. As a result, the owner has petitioned for annexation in order to access the existing water and sewer utility lines running along Wendell Blvd.

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

Zoning District:

The property is located within the Residential Agricultural (RA) zoning district.



Public Utilities:

Both water and sewer run along Wendell Boulevard and are available to the property.

Tax Information:

Currently, the subject property is developed and is valued at \$103,576. At the current tax rate of 49 cents per \$100 valuation, annexation of this property would result in approximately \$508 in annual tax revenue for the Town.

Police & Public Works & Utility Service:

- The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed. Both departments currently serve nearby property along Wendell Boulevard.

Attachments:

- A. Ordinance for Adoption

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

A-19-01

ORDINANCE NO. O-03-2019
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WENDELL, NORTH CAROLINA

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160-58.1, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Wendell Courtroom at 7:00 p.m. on the 25th day of February 2019, after due notice by publication on the 14th day of February 2019.

WHEREAS, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b) to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation:

WHEREAS, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Wendell, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the property identified by PIN # 1784-16-1389 and also shown as the 0.4-acre parcel on the below identified survey plat is hereby annexed and made part of the Town of Wendell, North Carolina, as of the date of adoption of this Ordinance on February 25, 2019. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, Satellite Extension of Corporate Limits of the Town of Wendell" and recorded in Book of Maps Book Number _____, Page Number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the attached described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Wendell and shall be entitled to the same privileges and benefits as other parts of the Town of Wendell. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Wendell shall cause to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of the ordinance. Such map shall also be delivered to the County Board of Elections as required by G.S. 163.228.1.

Duly adopted the 25th day of February 2019.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, Town Clerk

James P. Cauley III, Town Attorney

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**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

CLERK'S CERTIFICATION

I, **SHERRY L. SCOGGINS**, Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance **O-03-2019**, as adopted by the Wendell Board of Commissioners on the 25th day of February 2019 for property owned by **Coconut Boat LLC**, and is approved for recording in the Wake County Register of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Wendell, North Carolina this _____ day of _____, 2019.

[TOWN SEAL]

Sherry L. Scoggins, Town Clerk

Item Title:

Discussion of the vision statement for the Little River.

Report to the Board of Commissioners:

Monday, February 25, 2019

Specific Action Requested:

- Discussion

Item Summary:

Mayor Gray will lead the discussion on the vision statement for the Little River.

Attachment:

Report

A Vision Statement for the Little River Corridor, Wake County, North Carolina January 1, 2019

This document is intended to present a simple vision of what could be done now to insure the conservation of the Little River Corridor and its vast natural resources in Wake County, North Carolina. It is not intended to be a completed action plan or a listing of the corridor's resources. Hopefully it will serve as a catalyst for more comprehensive study of the area and the creation and implementation of such a plan.

Today the Little River Corridor includes one of the State's most pristine water courses and its rich river bottom lands as evidenced by the natural diversity found there, including several endangered mussels, fish, and other aquatic species. Its characteristics, importance, and rich natural resources have been mentioned by the Corps of Engineers, N. C. State University, N. C. Wildlife Resources Commission, various conservation organizations, Wake County, and several municipalities in their many various studies, plans, research documents, and publications. The works done by the Little River Reservoir Interlocal Agreement partners and the Division of State Parks to acquire properties and establish protective regulations for the upper reaches of the river have gone a long way to help conserve this portion of the river and its corridor. Now seems to be the time to build on this work and begin to extend such conservation programs into the lower portions of the river through the development and application of a comprehensive and coordinated Little River Corridor action plan. Considering the current accelerating development within the eastern part of Wake County and the continued need to protect the water quality of the potential future Little River Reservoir, now also seems to be the time to expand the area's use and to develop and initiate educational programs and activities to interpret the natural resources and values of the river corridor.

Simply stated, the vision presented herein is to eventually connect the entirety of the river's 15-mile corridor through Wake County (See Figure 1.) into a linear, combination park/reservoir/conservation area/outdoor recreation area/ farmland protection area/ education area and conserve it for posterity. Approximately sixty percent of this corridor, primarily that portion north of U. S. Highway 64 (including Mitchell's Mill State Natural Area and the planned site of the Little River Reservoir), already runs through over 2,200 acres of publically owned or controlled lands. Also, just south of this area, Moore's Millpond is owned by the Town of Zebulon and Tarpley's Millpond is jointly owned by the Towns of Zebulon and Wendell.

Some steps toward achieving this vision might include:

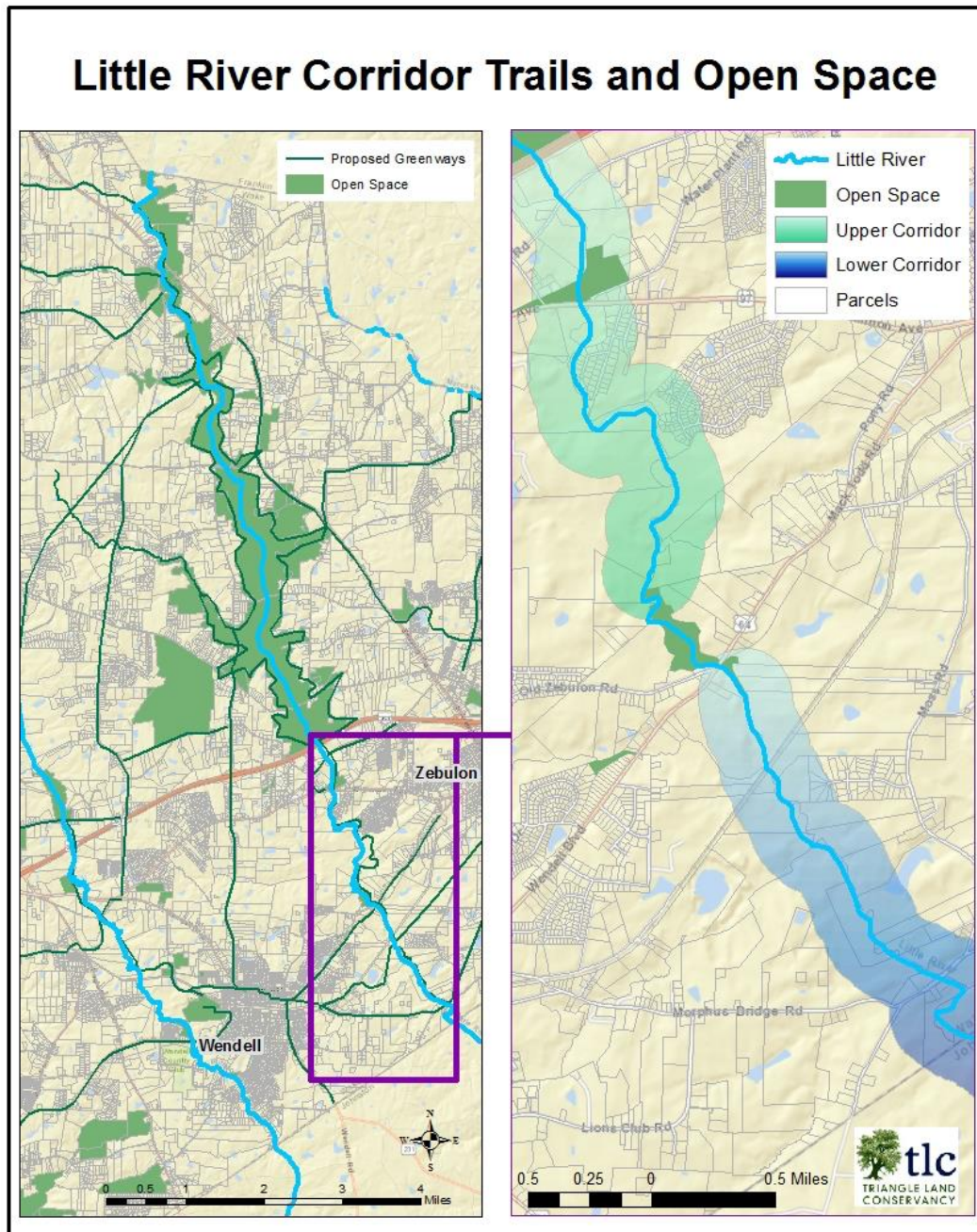
1. Wake County, the entity most capable of overseeing the management of this corridor, should do so.
2. Zebulon and Wendell should consider transferring ownership of their river properties to the County.
3. A Little River Corridor study and planning group should be appointed and overseen by the County.
4. Efforts should begin to capture, organize, broaden and focus the momentum and public support that currently exists surrounding the possible restoration of the failed dam at Moore's Millpond.
5. Easements and/or properties should be acquired by Wake County and the Triangle Land Conservancy to connect Moore's Millpond, Tarpley's Millponds and the existing public properties and then to incorporate the remaining southern corridor lands.
6. A farmland protection program should be established to support efforts to acquire easements on high quality farmlands in this area.
7. These millponds and the river between should become an educational and recreational area. (The Moore's Millpond area, in particular, is perfectly located for use as a natural "billboard" and enticement to the thousands of people who pass through it daily on N. C. Highway 97. It is also easily accessible from other parts of the county. With the development of an education and natural recreational center, it could serve as the base of operations and support for the entire vision. The dam at Moore's Millpond was breached by Hurricane Matthew in October, 2016. This vision statement does not deal with whether or not the dam should be repaired; however, there is much public support for the restoration of the dam, and this issue should be considered by any planning

group that considers the implementation of this vision. Images of the millpond areas can be seen in Figures 2. through 5.).

In conclusion, the value and offerings of the Little River far exceed its use as just a potential source of water, and the goal of protecting it primarily for such use is too limited. Through the development and implementation of a broader river-long vision and conservation action plan including conservation education and outdoor recreation, the river, including that portion reserved for a potential reservoir, can be protected and conserved. Bringing such a vision to fruition would also give much added value to the public resources already expended on and committed to the Little River Corridor and should greatly expand public understanding of and support for existing and future conservation efforts.

?

Figure 1.?



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Figure 2. Moore's Millpond Above the Dam (After the Breach)



Figure 3. Moore's Millpond Below the Dam (After the Breach)



Figure 4. Tarpley's Millpond Below the Dam



Figure 5. A Portion of Tarpley's Millpond Dam



Date: February 25, 2019

Item # 7a

Item Title:

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

Specific Action Requested:

None

Attachments:

None

Date: February 25, 2019

Item # 8

Item Title:

Commissioners' Reports.

Specific Action Requested:

None

Attachments:

None

Date: February 25, 2019

Item # 9

Item Title:

Mayor's Report.

Specific Action Requested:

None

Attachments:

None

Item Title:

Closed Session [NC GS 143-318.11].

Specific Action Requested:

Will be called if necessary for one or more of the following within NC GS 143-318.11(a):

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or

grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(10) To view a recording released pursuant to G.S. 132-1.4A.

Attachments:

None