



**Wendell Town Board of Commissioners
Board Room
15 E. Fourth Street, Wendell, NC 27591
Town Board Meeting Agenda
Monday, September 09, 2019 @ 7:00 PM**

CALL TO ORDER

- Welcome by Mayor Virginia R. Gray
- Pledge of Allegiance by Police Chief Bill Carter
- 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. Approval of the minutes from the August 12, 2019 regular Town Board meeting

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Introduction of new Town Employee: Field Maintenance Technician Connor Earp
Speaker: Parks and Recreation Director Jeff Polaski

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:** Zoning Text Amendment to Sections 2.3 and 19.3 of the UDO to create a new Commissary Kitchen use.
Speaker: Planning Director David Bergmark

- 5b. **PUBLIC HEARING:** Zoning Map Amendment request to rezone 3 acres (PIN #1784-90-8357) located at 450 Old Wilson Rd from Corridor Mixed-Use (CMX) to Highway Commercial (CH).
Speaker: Planning Director David Bergmark

6. ITEMS FOR DECISION

- 6a. Discussion of the Special Use Permit (SUP) Procedural Requirements Pertaining to the Technical Review Committee (TRC)
Speaker: Planning Director David Bergmark
- 6b. Fee Waiver Community Center Request of the Wendell Historical Society for the Annual Reverse Raffle Fundraiser
Speaker: Parks and Recreation Director Jeff Polaski

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

- 7a. Update on board committee(s) by Town board members:
 Wendell Volunteer Fire Dept., Board of Directors [Commissioner Joyner]

8. COMMISSIONERS' REPORTS / COMMENTS

9. MAYOR'S REPORTS / COMMENTS

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN



Board of Commissioners

P.O. Box 550 • Raleigh, NC 27602

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

August 20, 2019

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

Dear Ms. Howard:

The Wake County Board of Commissioners, in regular session on August 19, 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)

Tax Committee Meeting: 07/18/2019

Board of Commissioners Meeting: 08/19/2019

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

FOR: Consideration of Requests for Tax Relief Exclusions

Approved by:

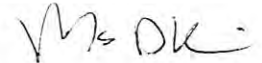


Item 3a

Item #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Payment Status	Value Appealed	Appeal/Request Type	Recommendation
15633	PARKER, JAMES PARKER, GOLDIE 1512 CHESTNUT FALLS RD WENDELL NC 27591-6870	1512 CHESTNUT FALLS RD WENDELL	0000425267 2019 Not Billed	\$45,000	Exclusion Veterans Relief 105-277.1C	Granted
15643	TONGUE, CANDACE 238 S MAIN ST WENDELL NC 27591-9025	238 S. MAIN ST WENDELL	0000071061 2019 Not Billed	\$72,623	Exclusion Elderly Exclusion 105-277.1	Granted

This List Requires Board Action

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



Marcus Kinrade, Tax Administrator



Wake County Revenue Department

Rebate Details

06/01/2019 - 06/30/2019

WENDELL

DATE
07/10/2019TIME
10:13:41 AMPAGE
1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
INDIVIDUAL PROPERTY ACCOUNTS											
729202	61.84	0.00	0.00	0.00	61.84	06/19/2019	0006878737	2019	2018	000000	RITCH, JOSHUA GICE
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	61.84	0.00	0.00	0.00	61.84	1	Properties Rebated				
TOTAL REBATED FOR WENDELL	61.84	0.00	0.00	0.00	61.84	1	Properties Rebated for City				

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
AUGUST 12, 2019**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, August 12, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

ABSENT: Commissioner Jason Joyner

STAFF PRESENT: Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Public Works Director Brian Bray, Public Works Specialist II Harold Mayo, Public Works Maintenance Technician Robert Fischer, and Police Chief Bill Carter.

CALL TO ORDER

Mayor Gray called the meeting to order at 7:05 p.m. and welcomed attendees.

Police Chief Bill Carter led the Pledge of Allegiance.

Reverend Brown of the Wendell Council of Churches provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

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

Vote: 4-0

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

Curt Phipps, 515 Liles Dean Road, spoke on the TIA transportation plan regarding cost differences between 3- and 4-lane roads.

Carol Hinnant, 205 Dogwood Trail, spoke on the TIA transportation plan regarding the 3-lane road and the cost of road improvements.

Regina Harmon, 6616 Tells Branch Road, spoke about 1 North Main Street.

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

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individual board member may pull items from the Consent Agenda for further discussion. Items pulled will be handled with the "OTHER BUSINESS" agenda topic.

ACTION

Mover: Mayor Pro Tem Jon Lutz moved to approve the Consent Agenda as presented.
Vote: 4-0

- 3a. Approval of the minutes from the July 22, 2019 Board Meeting.
- 3b. Approval of the minutes from the July 31, 2019 Special-Called Work Session.
- 3c. Approval of the 2020 General Bus Operations Agreement between the Town of Wendell and GoTriangle.

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Introduction of new Public Works Employees
Speaker: Public Works Director Brian Bray

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

[Staff Report]

Item Summary:

The Public Works Director will introduce (2) new hires that started on 8/9/2019. Public Works Specialist II Harold Mayo will be assigned primarily to Heavy Truck Operations, operating knuckleboom, leaf and sweeper trucks after training. Public Works Maintenance Technician Robert Fischer will be assigned to Fleet Maintenance and will act as a backup driver for Heavy Truck Operations.

- 4b. Third Street Utility Replacement and Resurfacing Project Update
Speaker: Public Works Director Brian Bray

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

[Staff Report]

Item Summary:

The Public Works Director will provide updates for City of Raleigh Public Utility Department (CORPUD) project to replace water and sewer mains in the Downtown area and the upcoming North Carolina Department of Transportation (NCDOT) project to mill and resurface Third Street from Wendell Falls Parkway to Morphus Bridge Road.

Commissioner Myrick asked if the milling and paving on the third street alley on the west side of Main Street has been relayed to business owners.

Public Works Director Bray said he knew that there's been communication with Raleigh and that he would check to see that the business owners had been notified.

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Mayor Gray said that she knows this has taken longer than anticipated and asked Mr. Bray to speak to the cause of that.

Mr. Bray said there are areas of the water and sewer replacements that require repair to ensure that proper pressures are maintained. The age and condition of the pipes are degraded, so CORPUD is taking the time to fix the degraded piping for the property owners. This takes additional time during the project, to ensure that CORPUD does not need to return later after Third Street is resurfaced to make unnecessary road cuts.

Mayor Gray said that the final product is going to be outstanding for the community and the businesses and thanked Mr. Bray for his update.

- 4c. Discussion of Wake County Fire Commission Appointment.
Speaker: Town Clerk Megan Howard

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

[Staff Report]

Item Summary:

The Town of Wendell participates in the Wake County Fire Protection Service District. As a participant, Wake County appoints a representative to the Wake County Fire Commission to represent the Town of Wendell. Persons appointed by Wake County to the Fire Commission serve a two-year term beginning November 1 and expiring October 30. Persons appointed may serve for two consecutive terms.

Mr. Lucius Jones is the Town's current Fire Commission representative and his term expires October 31, 2019. Mr. Jones has served three consecutive terms. The Wake County Board of Commissioners reserves the right to waive the number of terms. Meetings of the Wake County Fire Commission are held on the third Thursday of every other month beginning in January, except if a regular meeting day is a legal holiday, in which the meeting shall be held on the following business day. The meetings are held at the Wake County Emergency Services Education Center at 221 S. Rogers Lane, Suite 160 in Raleigh, unless scheduled elsewhere and shall begin at 7:00 p.m. An organizational meeting is conducted in January in which a chair and vice-chair are selected. Information about the Wake County Fire Commission is being provided to the Town Board so that the Town Board may submit a citizen recommendation by its September 9, 2019 Town Board meeting. In turn, the Wendell Town Board of Commissioner's recommendation will be forwarded to the Wake County Clerk to the Board for placement on an upcoming Wake County Board of Commissioners agenda.

Town Clerk Howard said she would answer any questions that the Board might have.

Commissioner Boyette said that after having some discussions with Commissioner Joyner and the Fire Board, the Wendell Fire Board has recommended Mr. Lucius Jones

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keep his position on the Fire Board.

ACTION

Mover: Commissioner Boyette moved to recommend Lucius Jones as the Wendell representative to the Fire Commission.

Vote: 4-0

5. PUBLIC HEARINGS

5a. ITEM FOR DECISION: To consider text amendments to the Arterial and Collector Street (ACS) Plan and to the Wendell Unified Development Ordinance (UDO) as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.

***Public Hearing held and closed July 22, 2019.**

***A Special-Called Work Session was held for this item on July 31, 2019 at Town Hall.**

Speaker: Planning Director David Bergmark

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

[Staff Report]

Item Summary:

In early 2019, the Town engaged the NC Main Street & Rural Planning Center to facilitate an Economic Development Assessment of Wendell. This assessment included 4 engagement sessions with different stakeholders and regions of the town to identify economic strengths, weaknesses, opportunities, and threats. One such engagement session focused on the Wendell Falls Parkway Strategic corridor – specifically property owners of large undeveloped tracts.

During the Wendell Falls Parkway engagement session, staff sought feedback from property owners and real estate agents on what types of development impediments they were encountering. One comment repeatedly received was that the Town's infrastructure improvement requirements for Wendell Falls Parkway (which is identified as a 4-lane divided roadway section for much of its extent) put too high a financial strain on prospective developers. The same requirement would apply to development along sections of Wendell Blvd and Marshburn Rd.

The sentiment expressed by property owners appears to be largely supported by the location of recently submitted and approved developments, which are generally choosing locations with lesser road improvements (such as S. Hollybrook Rd) rather than areas that would otherwise appear more desirable and appropriate for development (such as Wendell Falls Parkway).

Due to this feedback, staff is asking the Town Board to consider amendments to its Arterial and Collector Street (ACS) Plan and infrastructure improvement requirements to reduce the financial burden on developers seeking to build along arterial or collector

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roads. While the Town still intends to ensure that developers pay their fair share of roadway improvements (since their ventures are increasing traffic along these roadways), it is staff's belief that amendments are needed to make the cost burden more balanced between developers and future tax-payers.

To achieve a more balanced mix of improvement costs and apply a more rational nexus for determining developer's infrastructure improvement obligations, staff proposes the following changes to the Town's regulations. Amendments to the ACS plan are visually represented in **Attachment A**. ACS plan amendments are also being proposed to reduce impacts on environmentally sensitive areas, by removing or realigning roads. Proposed road realignments are not impacting any new property owners.

Changes Proposed by Staff:

1. **Reduce the infrastructure improvement requirement along existing roads identified as future 4-lane divided cross-sections, such that developers are only responsible for installing a 3-lane undivided cross-section (rather than 4-lane divided).**
 - a. Developers would still be required to dedicate the full 4-lane road right-of-way so that the Town could build a 4-lane road in the future and would construct the sidewalk in it's ultimate location. However, this represents a significant cost savings for the developer.
2. **Change the section of Wendell Blvd between it's intersecting points with Liles Dean Road from a 4-lane divided cross-section to a 3-lane undivided cross-section.**
 - a. This change was presented as an option during the Public Hearing and was added to the ordinance based on the discussion which followed.
3. **Change all 2-lane median-divided Cross-sections (86' ROW) in the ACS Plan to 3-lane undivided cross-sections (79' ROW).**
 - a. The cost of constructing these cross-sections for a new road is very similar, but the cost of changing an existing 2-lane road to a 2-lane median-divided cross-section is much higher. Additionally, the proposed change would save the developer from dedicating an extra 7' of road ROW, since a divided median requires more space than a center turn lane.
4. **To balance the reduced improvement requirements described in Amendments # 1-3, staff suggests reducing the threshold for when a Transportation Impact Assessment (TIA) would be required from 150 peak hour trips to 100 peak hour trips. As proposed, the Planning Director would have further discretion to require a TIA for projects generating 75 peak hour trips or more, based on case specific determining factors.**
 - a. The TIA would identify only those improvements (typically turn lanes and signal improvements) which directly relate to the trips generated by proposed development.
 - b. For reference, a Single-family home typically generates, on average, ~ 1 trip during the PM peak hour (4-6 PM). A multi-family dwelling typically generates, on average, ~ 0.6 trips during the peak hour. For example, the Edwards Property subdivision submittal included 273 single-family

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dwelling and was estimated to generate 266 PM peak hour trips. PM peak hour trips are generally higher than AM peak hour trips.

- c. Determining factors which may cause the Director to apply a 75 peak hour trip threshold could include urban context (i.e. suburban apartments will generate more trips than downtown apartments), previously approved but not yet constructed development in the vicinity (which will contribute trips in the future), or the lack of pedestrian and bicycle facilities (which reduces viable alternative to vehicular trips).
5. **Delete minor collectors (as shown in Attachment A) which impact Turnipseed Preserve and Robertson Mill Pond Preserve, and which serve no critical function.**
 - a. Now that Wake County has developed these natural parks and protected them with perpetual conservation easements, there is no real possibility of these properties being developed. Thus, there is no need to show roadways traversing these areas.
6. **Delete the Minor Thoroughfare (4-lane divided road) shown crossing Rolesville Road and running parallel to Weathers Rd.**
 - a. This road is a future connection shown in CAMPO's long-range transportation plans. It is ultimately attempting to connect Buffaloe Rd to the west with Doc Proctor Rd and Riley Hill Rd to the east. This would require crossing floodplains and building extensive amounts of new road mileage. Removing this road from the Town's plan would not eliminate the need for the developer to reserve road ROW for this future road, but it would eliminate the need to construct improvements.
7. **Realign eastern-most leg of future 2-lane collector connecting Eagle Rock Road to Jake May Drive** (to align with Horseman Park Place and to avoid Buffalo Creek).
8. **Realign the future 4-lane divided road on the eastern side of Town such that its connection point to Wendell Blvd avoids the floodplain.**

Proposed UDO Language Changes

Proposed amendments to the UDO to enact the changes recommended by staff are shown below. Amended text is underlined. Deleted text is shown with ~~strike-through~~. The Town's Arterial and Collector Street plan would also be amended to include the proposed changes to the map, as well as to reference the proposed TIA trip threshold.

1. Section 9.5B (Arterial and Collector Street Plan Conformity)

Whenever a tract of land included within any proposed development plan embraces any part of the thoroughfare network as designated on the Arterial and Collector Street Plan [see Appendix C], the Capital Area Metropolitan Planning Organization's [CAMPO] Thoroughfare Plan (also referred to as the Comprehensive Transportation Plan or Metropolitan Transportation Plan), or other adopted Transportation Plan, the development shall be required to dedicate and plat the thoroughfare right-of-way, and shall be responsible for the cost and the installation of the improvements in accordance with the Town's and NCDOT's standards for roadways.

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Any existing road which is shown on the Town's Arterial and Collector Street (ACS) Plan as to be improved to an ultimate 4-lane divided cross-section shall dedicate the full ROW needed for such improvements, but shall only be required to install a 3-lane divided cross-section (unless otherwise required by NCDOT, CAMPO, or per the results of a Transportation Impact Assessment (TIA)). This provision shall not negate any applicable requirements for bicycle or pedestrian improvements to an existing 4-lane road. Pedestrian facilities for the 3-lane cross-section shall be installed in the correct location for a future 4-lane cross-section, unless otherwise permitted by the Administrator.

2. Section 9.10A - Transportation Impact Analysis

The Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and government agencies in making land use decisions involving annexations, subdivisions, rezonings, special land uses, and other development reviews. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

- A. A TIA shall be required for a rezoning, conditional district, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments and/or their subsequent phases with an estimated trip generation of ~~150~~ **100** peak hour trips per day or greater during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual. At the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.

3. Section 16.11A - Traffic Impact Analysis (TIA)

- A. Transportation Impact Analyses shall be required for a rezoning, subdivision plan, site plan, Special Use Permit, certificate of zoning compliance, or Preliminary Plan for developments with an estimated trip generation of **100 peak hour trips** ~~3,000 vehicles~~ per day or greater as defined in Section 9.10 (or as required by NCDOT, in which case NCDOT TIA regulations should also be followed). Furthermore, at the discretion of the Planning Director, a TIA may be required for projects generating 75 or more peak hour trips, based on case specific determining factors.

1. Rezoning Transportation Impact Analysis Report: Evaluates whether adequate transportation capacity exists or will be available within a reasonable time period to safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.
2. Transportation Impact Analysis Report: Required for certain permitted and special uses, subdivisions, and Preliminary Plans exceeding the specific trip generation threshold.

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Planning Board Recommendation:

At their June 17, 2019 meeting, the Planning Board voted unanimously (5-0) to approve the proposed changes to the UDO and ACS Plan (divided into 3 motions).

Voting in favor: Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Victoria Curtis, Lloyd Lancaster

Voting against: None

Absent: Errol Briggerman and Jonathan Olsen

Statement of Plan Consistency and Reasonableness:

- *Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.*
 - *At their June meeting, the Planning Board found the proposed amendment to be consistent with the following principle of the comprehensive plan and deemed it reasonable and desirable to accommodate future traffic needs in a manner which more equitably distributes costs between the Town and the developer.*
 - *Principle Number 8: "Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community."*

Staff Recommendation:

- *Staff recommends approval of the proposed changes. These amendments would help promote development on the Town's strategic corridors in a manner which is more financially feasible to developers, while still providing needed transportation improvements, both today and in the future.*

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

Commissioner Boyette said that there were some questions raised about "fee in lieu of." Mr. Boyette asked if Mr. Bergmark could give an example of how these changes would cause someone to do a fee in lieu of as opposed to what's outlined in this plan.

Mr. Bergmark said that the changes shouldn't increase or decrease the likelihood of fee in lieu. Fee in lieu is used when a developer is improving a short stretch of road frontage and it might not make sense to widen a road for a short distance. Nothing in this amendment would increase the likelihood of a fee in lieu. The amount of the fee in lieu required should be reduced in some instances as a result of the amendment as it reduces the infrastructure improvements required.

Commissioner Boyette asked if a fee in lieu is paid for a stretch of road, but then the state came in and said that the road needed to be widened, would the state consider money that's already been paid for that improvement and expect the Town to turn over that money to help cover the cost of those improvements.

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Mr. Bergmark said that it's not happened before, but his assumption would be that, because it's not specifically allocated to that section of road, that there wouldn't be an expectation of the state. He said that he didn't know for sure and asked if the Town Attorney had any insight.

Town Attorney Jim Cauley said that he didn't know the answer to that, either, but that he assumed that it would not.

Town Manager Marc Collins said that his understanding was that the state wouldn't ask for that specific fee in lieu to be applied to that specific project. Depending on the state funding source, it may require a local match. He said that the fee in lieu transportation reserve provides the Town the opportunity to participate in those funding sources to receive state and federal funds. In that case, the state isn't doing the project, the Town's contractor is doing the project using state and federal funds with a local match.

Mr. Bergmark said that fee in lieu certainly allows the Town the ability to leverage funds to go after projects.

Mayor Pro Tem Lutz said that he wasn't at the last meeting and apologized for his absence. He said that the amendment is an improvement from what the Town had previously and acknowledged that it is a fluid document, to be changed and modified as the Board moved forward with it.

Commissioner Boyette said that he grew up in the ETJ and owns land there that would be affected by the Transportation Plan. He said that he understands the feelings that people in the ETJ had on this subject. Wendell is growing fast because there's nowhere else in the county left to build. Mr. Boyette said that he's in support of this amendment.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the text amendments to the Arterial and Collector Street (ACS) Plan and to the Wendell Unified Development Ordinance (UDO) as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.

Vote: 3-2 with Mayor Gray breaking the tie and Commissioners Boyette and Carroll opposed.

6. ADMINISTRATIVE ITEMS

6a. Second reading for the discussion and action on changes to the Town's Façade Grant Program.

Speaker: Planning Director David Bergmark

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

[Staff Report]

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Item Summary:

The objective for the Downtown Façade Grant Program is “to provide financial incentives to business and property owners to assist them in façade preservation and restoration that demonstrates enhanced and superior appearance and aesthetic improvements to a business, neighborhood and/or frontage on the public right-of-way.” During FY 2018-2019, the town budget did not allocate any funds to the Façade Grant Program. Fortunately, NC Commerce did provide a one-time grant, which, through the Expanded Downtown Façade Grant Program, enabled the town to assist with a large façade improvement project. The funds that were provided by NC Commerce are not a recurring funding source.

The budget for FY 2019-2020 allocates \$10,000 to the Downtown Façade Grant Program. However, the current Façade Grant guidelines limit each application to a maximum grant amount of \$1000 (based on a 50/50 match). This \$1000 limit represented one quarter of the \$4000 budgeted in FY 2017-2018. With \$10,000 budgeted in the current fiscal year, staff is seeking approval from the Town Board to raise the \$1000 grant award cap currently in place.

Proposed Changes:

1. *Raise the maximum grant amount from \$1000 (current) to \$10,000 (proposed) [50/50 match]*
 - a. *This would allow the Board to provide a greater incentive to larger façade projects. The actual amount approved for any request is at the full discretion of the Town Board.*
2. *Revise language to clarify that projects cannot be completed prior to Town Board approval*
3. *Require a minimum of 2 quotes from contractors, to be included with the application*
 - a. *This change was requested by the Appearance Commission and would apply to any future submittal. Multiple quotes help ensure that reasonable estimates are provided.*
4. *Require façade grant applications to be submitted to staff at least 7 days prior to the next Appearance Commission meeting to be included on their agenda (instead of 5 days)*

Staff Comments:

- *In Staff's opinion, the current \$1,000 cap may limit the ability of business owners to provide the aesthetic improvements and superior appearance that the grant program seeks to achieve. Furthermore, it may result in the full budgeted amount not being used, as it would take 10 approved applications.*
- *The Appearance Commission was briefed on the desired changes at their last meeting and contributed to the changes included in this proposal.*

Mayor Pro Tem Lutz asked if the applicant would be required to use contractors that provided quotes in the application.

Mr. Bergmark said no, they would not be required to use the contractors. It is to ensure that the Town is receiving a reasonable estimate.

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Commissioner Jon Boyette asked if Mr. Bergmark could explain the accounting process to verify that the Town wasn't writing the applicant a check, but rather the applicant pays for it and is reimbursed by the Town if their grant is approved.

Mr. Bergmark affirmed that the applicant pays for the project and requests a reimbursement of an amount up to that amount the Board approves to be granted. The reimbursement is only made by the Town after staff reviews receipts, invoices and the work that was done.

Commissioner David Myrick asked what additional verification was made to ensure that the work was done, even though they show receipts and invoices.

Mr. Bergmark said that yes, the Town would verify on site that work approved was completed. Also, some projects require a building permit which would prove work was completed by required inspections being completed.

Commissioner Myrick said that he still believed the Town should limit the maximum amount awarded to two \$5,000.00 grants to two applicants.

ACTION:

Mover: Commissioner David Myrick moved to approve the changes to the Town's Façade Grant Program, with an amendment that grants awarded not exceed \$5,000.00

Vote: 4-0

- 6b. 1 N. Main Façade Grant Extension Request
Speaker: Planning Director David Bergmark

Commissioner Ben Carrol said that he needed to recuse himself from this vote and said that he was in favor of the Façade Grant be extended.

ACTION:

Mover: Commissioner Jon Lutz moved to recuse Ben Carroll from a vote on item 6b.

Vote: 4-0

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

[Staff Report]

Item Summary:

At the April 22, 2019 meeting, the Town Board reviewed and approved an Expanded Façade Grant Application request submitted by Sigurd Westerlund for exterior improvements 1 N Main in the amount of \$45,000.

The application includes the removal of the existing metal siding on the corner building located at 1 N Main Street, as well as comprehensive exterior renovations to restore the building to its former appearance. The proposed exterior renovations include window

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replacement, new decorative cornice, masonry repair, and new exterior lighting fixtures. The total estimated cost for exterior façade improvements was \$103,327:

- *Removal of existing metal paneling/siding:* \$4000
- *Replacement of all exterior windows and doors:* \$38,350
- *Cornice replacement & Installation:* \$25,512.52
- *Masonry Repair:* \$34,000
- *Outdoor Lighting:* \$1464.74

Per the adopted Expanded Façade Grant Program Policy, the applicant has until August 31, 2019 to complete all work and submit their reimbursement request (based on a 50-50 match). The August 31st deadline was incorporated into the policy to allow time for the Town to pursue another project, in the event that the Expanded Façade Grant Program was not utilized. The Town has until June 30, 2019 to expend the funds received from the State via NC Commerce.

The recipient of the Expanded Downtown Façade Grant (Sigurd Westerlund) has requested an extension of the August 31, 2019 deadline – through December 31, 2019. While progress has been made on design and permit submittal, they have encountered delays in soliciting bids and scheduling work due to the high level of demand for contractors in the present environment (see Attachment B). As a result, they are requesting an extension to the deadline for reimbursement submittal until December 31, 2019.

If approved, this extension to the policy would still leave a 6-month buffer between the request for reimbursements and the deadline with the State.

Staff Recommendation:

Staff recommends approval of the amendment to the Expanded Downtown Façade Grant Policy, to extend the reimbursement deadline through December 31, 2019.

Planning Director David Bergmark offered to answer any questions the Board may have.

Commissioner David Myrick asked if the applicant was present.

Mr. Bergmark said that yes, he was.

Commissioner Myrick asked if the applicant would like to speak.

Sigurd Westerlund introduced himself as the owner of the property located at 1 N Main Street.

Mr. Myrick asked if, with the extension and Mr. Westerlund's contractor, he would be able to complete the project by the newly proposed December 31st date.

Mr. Westerlund said that he asked Amos Greene from B & B Builders if he could attend to answer this question. However, he had a previous commitment and was unable to attend. He offered to speak with anyone on the Commission or Staff to reach out to him, as he saw no reason for the project to be completed by the year's end, 6 months before the grant expired by the state.

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Mr. Myrick asked if Mr. Westerlund had any questions as to who was in control of the grant.

Mr. Westerlund said that he didn't have any questions in regards to the grant and that he was very appreciative for the grant. He said he would be spending it to improve the city and it would be the highest dollar-per-square foot of any property in downtown south of 41 North Street. Mr. Westerlund said that he's very excited to improve the city. He said that during this project, he was initially planning on restoring the building without renovating the plumbing and electrical. However, he has changed his mind after speaking with Town Manager Marc Collins, his architect, his engineer and other people in Town, he decided to turn it into a food and drink establishment. He said that process involving contractors took a lot longer than he anticipated. He interviewed several General Contractors and selected Old Oak Construction by error, in retrospect, and is planning on hiring Amos Green, tomorrow. Mr. Westerlund said that he and his wife who own the building together have a very good feeling that they will not have the same errors as they did in the past.

Commissioner Myrick asked if Mr. Westerlund was planning to move forward with this project.

Mr. Westerlund affirmed that he was planning to move forward if the city would extend the grant. He said that nothing would make him more happy than moving forward with the project for the good of the Town of Wendell.

Commissioner Boyette asked what kind of food and drink establishment he planned on opening.

Mr. Westerlund said it would be a place to take your significant other out on a date to.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the 1 N. Main Façade Grant Extension Request.

Vote: 3-0

6c. Downtown Façade Grant Request for improvements to 14 & 16 E Third Street
Speaker: Planning Director David Bergmark

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

[Staff Report]

Item Summary:

On July 1, 2019, an application was submitted to the Town of Wendell Planning Department by property owners Martha Greer and William Parish for the downtown façade grant program. The application includes the refacing/painting of the entire front of the building located at 14 & 16 E Third Street, as well as re-caulking windows and trims.

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The property is in the Downtown Mixed-Use (DMX) zoning district on the south side of Third Street.

The proposed exterior renovations include refacing and repainting the store front and re-caulking the windows and trims. The proposed paint color chosen by the applicant is 'Tan'. The items below represent those costs which are eligible for façade grant funds.

The total estimated cost for exterior façade improvements is \$4,388, broken down as follows:

- Reface/point up entire front of brick store*
- Repaint entire store front*
- Re-caulk windows and trims*

The amount applied for by the applicant for the downtown façade grant program is \$1,000-\$1500. At the time of application, the downtown façade grant program currently permits a 50/50 matching for up to \$1,000 per façade from the town to the applicant based on project costs. Proposed changes to the maximum grant amount under the Façade Grant Program are also being brought before the Town Board at the same meeting, which could increase the grant amount the Town Board could permit.

The project includes eligible improvements as defined by the current downtown façade grant program guidelines. The application was deemed complete with project costs indicated and project details provided and photos of the existing façade are included with the application.

Existing:

(Note – the window signage depicted in the photos below has been removed by the owner)



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Appearance Commission Recommendation:

At their August 5, 2019 meeting, the Appearance Commission voted unanimously to recommend approval of the façade grant request for \$1000 (under the current policy), or up to 50% of the project cost if the policy is amended by the Town Board to permit a higher grant amount.

Staff Recommendation:

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

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

- 1. Project Review Checklist:
 - a. Completed application by application deadline*
 - b. Project proposes eligible exterior improvement(s)**
- 2. Extra consideration shall be provided to:
 - a. new commercial businesses;*
 - b. facades located in the downtown area;*
 - c. removal of metal awnings and/or replacement of fabric awnings*
 - d. recently expanded businesses or seeking renovation; and/or*
 - e. Projects that are creative or offer enhanced improvements or aesthetic appeal or translates to increase customer visitation or experiences in a neighborhood.**
- 3. Site visit and view of existing conditions;*

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4. *Strength of the application and support materials submitted with the application will be judged against applications during the grant deadline cycle;*
5. *Project costs;*
6. *Available program funds.*

David Bergmark said that the applicant was present and asked if they wanted to speak to the Board.

Martha Greer and Trisha Parrish introduced themselves as the owners of the buildings and said that they're working to improve the roof and the building. Mrs. Greer said that the Board had seen the proposal from Curtis Dean Construction, and they were ready to move forward with the project with the Board's approval. Mrs. Parrish said that they're trying to improve what their parents started, and they appreciate the Town's help.

Mayor Pro Tem Jon Lutz said that the application was for \$1,000 to \$1,500 originally, but in light of the Town's recent developments and with the Appearance Commission's recommendation of up to 50% of costs covered, Mr. Lutz asked if 50% be more of a help for Mrs. Greer and Mrs. Parrish.

Mrs. Greer affirmed that it would.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the Downtown Façade Grant Request in the amount of up to 50% not to exceed \$2,650 of the cost for improvements to 14 & 16 E Third Street.

Vote: 4-0

- 6d. Request to temporarily close a portion of Main Street on Friday, September 20, 2019 for the Meet on Main special event.

Speaker: Town Manager Marc Collins

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

[Staff Report]

Item Summary:

The Wendell Community Partnership (WCP) plans to host its inaugural "Meet on Main" event on Friday, September 20, 2019. The event will run from 5:30 p.m. until 9:00 p.m. The event will include a band, food trucks, a bounce house and the sale of beer and unfortified wine. The band will play from a trailer/ stage located on the south end of Main Street while other participants will be located along or adjacent to Main Street between Third Street and Fourth Street. The intent of the WCP is to host a similar event each month during the spring, summer, and fall of 2020. A future request would be required for closing streets for those dates.

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The WCP requests the Town to approve the temporary closure of Main Street (from Fourth Street to Third Street), Campen Street (Tobacco Alley to Perry's Alley), and Depot Street (Cypress Street to Pine Street). The roads would be closed from 3:30pm until 10:30pm. The Police Department will make necessary road closure announcements and railroad notifications as per normal procedures. A map of the proposed road closure is attached.

Town of Wendell Code of Ordinances Section 14-21 prohibits the consumption of alcoholic beverages "on or within the rights-of-way of any municipal street, public vehicular area, alley, or any public property owned or occupied by the town..... or as otherwise approved by the Wendell Board of Commissioners. Staff is before the Board of Commissions seeking approval for the sale and consumption of beer within the previously defined event area. Alcohol sales would run from 5:00 p.m. until 9:00 p.m. with possession of open containers or consumption not extending past 9:30 p.m.

The serving of alcohol will create a unique staffing requirement to ensure compliance. The WCP will hire necessary staffing from a licensed and insured security firm to assist with overall event security and compliance with alcohol regulations. This staffing will supplement Town Staffing required to manage the normal components of a downtown event. The WCP will be responsible for costs associated with Town Staff needed to work this as it would be an off-duty event. The request to allow alcohol is limited to a designated area that will be permitted and compliant with legal requirements and regulations.

In 2018 the Wendell Community Partnership was formed by business owners and with the purpose of enhancing the downtown experience for residents, visitor, businesses and the community. It has been recognized as a 501(c)4 by the IRS in order to receive donations and make disbursements which will be used to enhance the downtown and community has a whole.

The Board of Commissioners previously authorized the expenditure of Economic Development Grant Funds obtained through the North Carolina Department of Commerce to assist the Wendell Community Partnership with preparation and filing of Articles of Incorporation, 501(c)4 applications and other documents needed to properly establish the organization.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the request to temporarily close a portion of Main Street, Campen and Depot Street on Friday, September 20, 2019 for the Meet on Main special event and allow alcohol as requested.

Vote: 4-0

- 6e. Request for temporary street closure for the Hemp Festival on Saturday, September 21, 2019.
Speaker: Town Manager Marc Collins

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

[Staff Report]

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Item Summary:

Armney and Charles Peterson, owners of the Hemp Source, plan to host the Carolina Hemp Festival in Wendell at the Town Square and adjacent Town-owned block on Saturday, September 21, 2019 from 8:00am to 6:00pm. The event proposes to include speakers, vendors, food trucks, and games for children. On Sunday, participants will load buses on Campen Street to take a tour of the hemp farm and facilities. No street closure is necessary for Sunday.

The event would necessitate the closure of Cypress Street from Third Street to Second Street to provide for pedestrian safety during the event. The roads would be closed from 7:00am to 8:00pm. A map of the proposed area and requested closure is attached.

The Petersons met with Town staff on Monday, August 5, 2019 to discuss the event. The event will require a rental application for the square and a sound permit. Insurance is required with the Town listed as an additional insured in the minimum amount of \$1,000,000. Three (3) Public Works employees are necessary with volunteer assistance to handle solid waste disposal and maintain electric service. Four to five (4 to 5) Police Department staff will be required to handle safety and traffic control. The event organizer is responsible for all costs and scheduling all services as this is not a Town sponsored event.

Last year, the event was held in a hotel in the region and attracted approximately 900 attendees to an event that required prior registration and charged a fee. The Petersons are not charging a fee to attend this year and are changing to the festival format. They anticipate approximately 1,500 attendees for the event. The event organizers anticipate between 30 to 50 vendors.

Mr. Collins said that the Petersons were present and can answer any questions the Board might have about the event.

Commissioner David Myrick asked if the Petersons would be the only vendor at the festival, or if there would be multiple vendors.

Armney Peterson said that The Hemp Source would not be a vendor at the event, but they would have 5 retail vendors in addition to processors, farmers and textiles within the industry. There is a vendor maximum.

Mr. Myrick asked if they were planning on having this event every year.

Mrs. Peterson affirmed that it would be an annual event. The previous year, it was held at the Marriott Hotel at Crabtree Valley Mall, with 900 attendees and 50 vendors. This year, they expected more attendees as it will be a free event. She said that she wanted to host the event in her hometown as it was closer to the farm.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the request for temporary street closure for the Hemp Festival on Saturday, September 21, 2019.

Vote: 4-0

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

7a. Update on board committee(s) by Town board members:



Wendell Volunteer Fire Dept., Board of Directors [Commissioner Joyner]

Commissioner Joyner being absent, Brian Staples the Fire Chief gave the update on the Wendell Volunteer Fire Department Board. The Board discussed bills that were paid, an update on the progress of the Wendell Falls fire station, an update on a turnout gear extractor, and discussion of the council seat on the Fire Commission. He said that station 3's contract completion date is scheduled for February 11, 2020, currently. The roof is already on the building, which will progress the project more quickly. April 1st will be the latest that the station is projected to be running. He said the new station would be located at Taylor Road and Wendell Falls Parkway.

8. COMMISSIONERS' REPORTS / COMMENTS

Commissioner Boyette said that it was Sir Mixalot's birthday.

Commissioners Myrick, Lutz and Carroll did not have any reports.

9. MAYOR'S REPORTS / COMMENTS

Mayor Gray provided the following:



Tuesday, August 13th Wendell Falls and the Wendell Police Department are hosting a Golf Cart Inspection Event from 6 p.m. to 8 p.m. at the parking lot next to Wendell Falls' Farmhouse. Don't forget to pay your registration fee in advance at Town Hall and bring all completed forms identified in the application packet to the event!



Saturday, August 17, 2019 at 7 p.m., Wendell Parks and Recreation and Wendell Falls will co-host its first Summer Outdoor Movie Series hosted at the Lakeside Pavilion. The evening feature presentation is Jurassic World: Fallen Kingdom. This is a FREE community event.



Mayor Gray said that the Transportation Plan was fluid and that it would be periodically adjusted. She said the adjustment provided at this meeting was an improvement and it would continue to be worked on as time moves on.

10. CLOSED SESSION

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ACTION: Mayor Pro Tem Lutz moved to go into closed session at 8:20 p.m. according to NC GS 143-318.11

(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.

Vote: 4-0

11. ADJOURN

ACTION:

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:40 p.m.

Vote: 4-0

Duly adopted this 9 day of September 2019, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk

Item Title:

Introduction of new Parks & Recreation employee.

Report to the Board of Commissioners:

Monday, September 9, 2019

Specific Action Requested:

None

Item Summary:

The Parks & Recreation Director will introduce the Connor Earp who was hired as the Maintenance Technician on August 6, 2019

Attachments:

A. None

Item Title:

ZTA19-07 –Zoning Text Amendment to Sections 2.3 and 19.3 of the Unified Development Ordinance (UDO) to Establish a Commissary Kitchen Use.

Report to the Board of Commissioners:

Monday, September 9, 2019

Report to the Planning Board:

Monday, August 19, 2019

Specific Action Requested:

Hold a public hearing and discuss the application followed by a motion to approve/deny the proposed text amendment to Sections 2.3 and 19.3 of the UDO to create a new Commissary Kitchen use.

Applicant:

Mark Vasbinder

Petition:

The applicant requests to amend the UDO Sections 2.3 and 19.3 to create a Commissary Kitchen use in order to start the same business in the Town of Wendell. The request adds the definition of Commissary Kitchen to Section 19.3 and identifies it a permitted use in the CH, CMX and M&I districts in the Tables of Permitted Uses in Section 2.3.

Item Summary:

At this time, the term “commissary kitchen” does not exist as a use in the UDO. Since the applicant desires to open a commissary kitchen at 450 Old Wilson Rd, the use needs to be added to the UDO’s use table in order to be permitted.

Per the proposed definition, a ‘commissary kitchen’ is a licensed commercial kitchen where food trucks and other food services may prepare and store food. This type of use can serve as home base for food trucks or caterers to produce and pick up food. It can also be used by entrepreneurs looking to start a business or running a side business, who do not have the capital or time to run a retail establishment or restaurant (such as someone that sells cakes/cupcakes). This type of establishment allows these types of users to operate their business model within a permitted commercial kitchen setting in adherence with health code requirements.

It is important to note that these establishments are NOT restaurants or retail establishments serving the public directly from the commissary kitchen location.

Proposed Amendments (by Applicant):

1. To amend Section 2.3 (Use Categories and Tables of Permitted Uses) to modify the Use Matrix titled Manufacturing/Wholesale/Storage to include Commissary Kitchen which will be permitted in the CH, CMX, and M&I districts. (New text is **underlined**)

2.3 - Use Categories and Tables of Permitted Uses

C. Use Matrices.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Manufacturing/Wholesale/Storage																
Agriculture	P	P*	P	P	-	-	-	-	-	-	-	-	-	-	P	-
<u>Commissary Kitchen</u>	-	-	-	-	-	-	-	-	-	<u>P</u>	-	-	-	<u>P</u>	<u>P</u>	-
Laundry, dry cleaning plant	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Manufacturing, Light	-	P*	-	-	-	-	-	-	-	PS	-	SUP	-	PS	P	-
Manufacturing, Neighborhood	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	P	PS
Manufacturing, Heavy	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Media production	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	P	-
Metal products fabrication, machine or welding shop	-	P*	-	-	-	-	-	-	-	P	-	SUP	-	P	P	-
Micro-Distillery/Micro-Brewery/Micro-Winery	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	PS	PS
Mini-Warehouses	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	PS	-
Research and Development	-	P*	-	-	-	-	-	-	-	SUP	SUP	SUP	-	PS	P	P
Storage—Outdoor as a primary use	-	P*	P	-	-	-	-	-	-	-	-	-	-	P	P	-
Storage—Warehouse,	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	-	P	-

indoor storage																
Wholesale Distribution	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-

2. To amend Section 19.3 (Definitions) to include the definition for Commissary Kitchen.
(New text is underlined)

19.3 - Definitions

Commissary Kitchen means a licensed commercial kitchen where food trucks and other food services may prepare and store food.

Staff Proposed Amendment

Staff recommends excluding the Corridor Mixed Use (CMX) zoning district from the list of permitted zoning districts for the Commissary Kitchen use. Since the CMX district is intended to be a mixed-use, pedestrian oriented zone, the frequent deliveries generated by this use and the fact that it does not provide a direct service to the public (i.e. It's more manufacturing than retail), makes it a better fit for the Highway Commercial (CH) and Manufacturing and Industrial (M&I) zoning districts. The attached ordinance reflects staff's recommendation.

If there was a strong desire to include this use within the CMX zoning district, staff would recommend that it be Permitted with additional Standards (PS) in the CMX district, with the following standard to apply:

Food truck and carts shall be parked to the side or rear of the building and shall not be visible from a public right-of-way.

The applicant is aware of staff's recommendation and has also submitted a map amendment request to rezone his property to Highway Commercial (CH). Staff supports the rezoning request.

Planning Board Recommendation:

At their August 19, 2019 meeting, the Planning Board voted unanimously to amend sections 2.3 and 19.3 of the UDO to create a new Commissary Kitchen use, according to Staff's recommendation (which excludes this use from the CMX zoning district).

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

Voting against: None

Absent: None

Statement of Plan Consistency and Reasonableness

Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.

At their August meeting, the Planning Board found the requested zoning text amendment is consistent with Principle # 4 of the Wendell comprehensive plan and is reasonable to diversify and increase the per capita tax base by providing more opportunities for business.

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

Staff Recommendation:

The Planning Board unanimously recommended staff's proposal, which permitted this use in the CH and M&I zoning districts (excluding the CMX district).

Staff recommends approval of the text amendment request with language recommended by staff and the Planning Board (ordinance attached).

Attachments:

- A. Ordinance for Adoption (reflecting the staff and Planning Board recommendation)

Attachment A

ORD # 0-18-2019
AN ORDINANCE TO AMEND SECTIONS 2.3, AND 19.3 OF THE
TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE
TO CREATE A NEW COMMISSARY KITCHEN USE

WHEREAS, Section 2.3 of the UDO contains the Town's general provisions for use categories and tables of permitted uses according to zoning district; and

WHEREAS, Section 19.3 of the UDO contains the Town's general provisions for definitions; and

WHEREAS, the Town of Wendell Unified Development Ordinance Section 15.11 establishes uniform procedures for amending the text of the Ordinance;

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

SECTION 1. That the 'Manufacturing/Wholesale/Storage' sub-category of Section 2.3 of the UDO be amended to add the 'Commissary Kitchen' use, to read as follows:

2.3 – Use Categories and Tables of Permitted Uses

C. Use Matrices.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Manufacturing/Wholesale/Storage																
Agriculture	P	P*	P	P	-	-	-	-	-	-	-	-	-	-	P	-
Commissary Kitchen	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Laundry, dry cleaning plant	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Manufacturing, Light	-	P*	-	-	-	-	-	-	-	PS	-	SUP	-	PS	P	-
Manufacturing, Neighborhood	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	P	PS
Manufacturing, Heavy	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Media production	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	P	-
Metal products fabrication, machine or welding shop	-	P*	-	-	-	-	-	-	-	P	-	SUP	-	P	P	-
Micro-Distillery/Micro-Brewery/Micro-Winery	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	PS	PS
Mini-Warehouses	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	PS	-

Research and Development	-	P*	-	-	-	-	-	-	-	-	SUP	SUP	SUP	-	PS	P	P
Storage— Outdoor as a primary use	-	P*	P	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Storage— Warehouse, indoor storage	-	P*	-	-	-	-	-	-	-	-	PS	-	PS	-	-	P	-
Wholesale Distribution	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-

SECTION 2. That Section 19.3 of the UDO be amended to add the definition for ‘Commissary Kitchen’ to read as follows:

19.3 – Definitions

Commissary Kitchen means a licensed commercial kitchen where food trucks and other food services may prepare and store food.

SECTION 3. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 4. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 5. That the proposed text amendment to Sections 2.3 and 19.3 of the UDO is found to be consistent with Principle # 4 of the Wendell comprehensive plan and is reasonable to diversify and increase the per capita tax base by providing more opportunities for business.

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

SECTION 6. That this ordinance has been adopted following a duly advertised public hearing of the Town Board and following recommendation by the Planning Board.

SECTION 7. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

SECTION 8. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED the 9th day of September, 2019.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

Item Title:

ZM19-04– Zoning Map Amendment Request to Rezone 3 acres (PIN #1784-90-8357) located at 450 Old Wilson Rd from Corridor Mixed-Use (CMX) to Highway Commercial (CH).

Report to the Board of Commissioners:

Monday, September 9, 2019

Report to the Planning Board:

Monday, August 19, 2019

Specific Action Requested:

Hold a public hearing and discuss the application followed by a motion to approve/deny the proposed Zoning Map Amendment and adopt the attached ordinance, which includes a statement of comprehensive plan consistency and reasonableness.

Applicant:

Mark Vasbinder

Petition:

The applicant requests a change in zoning classification for property located at 450 Old Wilson Rd (PIN #1784-90-8357) from Corridor Mixed-Use (CMX) to Highway Commercial (CH).

Item Summary:

The property is located within the city limits of the Town of Wendell and is zoned CMX (Corridor Mixed-Use). There is currently a large warehouse on the site where the owner wishes to start a Commissary Kitchen.

The Corridor Mixed Use (CMX) zoning district is intended to be pedestrian oriented. Given the existing building layout, as well as the intended use of this site, staff felt that the Highway Commercial (CH) zoning district would be an appropriate zoning category. Furthermore, the proposed CH zoning district would serve as a transition between the CMX zoning district and the adjacent Manufacturing and Industrial (M&I) zoning district.

Justification:

The applicant lists the following reasons for rezoning the property from CMX to CH:

“In working with the Planning Department at the city of Wendell we feel the commissary kitchen would work under the existing CMX but might be a better fit if it was CH zoned.”

Project Profile:

PROPERTY LOCATION:	450 Old Wilson Road
WAKE COUNTY PIN:	1784 90 8357
ZONING DISTRICT:	Proposed CH/ Current CMX
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Cool Hand Holdings LLC
	2221 Watkins Street
	Raleigh, NC 27604
APPLICANT:	Mark Vasbinder
	6634 Winding Trl
	Raleigh, NC 27612
PROPERTY SIZE:	3 acres
CURRENT LAND USE:	Industrial
PROPOSED LAND USE:	Commercial

Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Commercial/Institutional	CMX
South	Residential	R3
East	Industrial	M&I
West	Commercial/Residential	CMX/NC-CU

Zoning District:

This property is located within the town’s city limits and is zoned CMX. The surrounding properties are currently zoned CMX, M&I, R3 and NC. While the section of Old Wilson Rd to the west of this site is predominantly zoned CMX, the uses present are not pedestrian oriented. Further to the east along Old Wilson Road, the current land use is fully industrial. Even if the commercial sites closer to Wendell Blvd were to become more pedestrian oriented in the future with connections to adjacent neighborhoods, the proximity to the M&I district will obstruct this area from fully becoming a pedestrian-scaled corridor.

Current Zoning Map (Requested Property outlined in red):

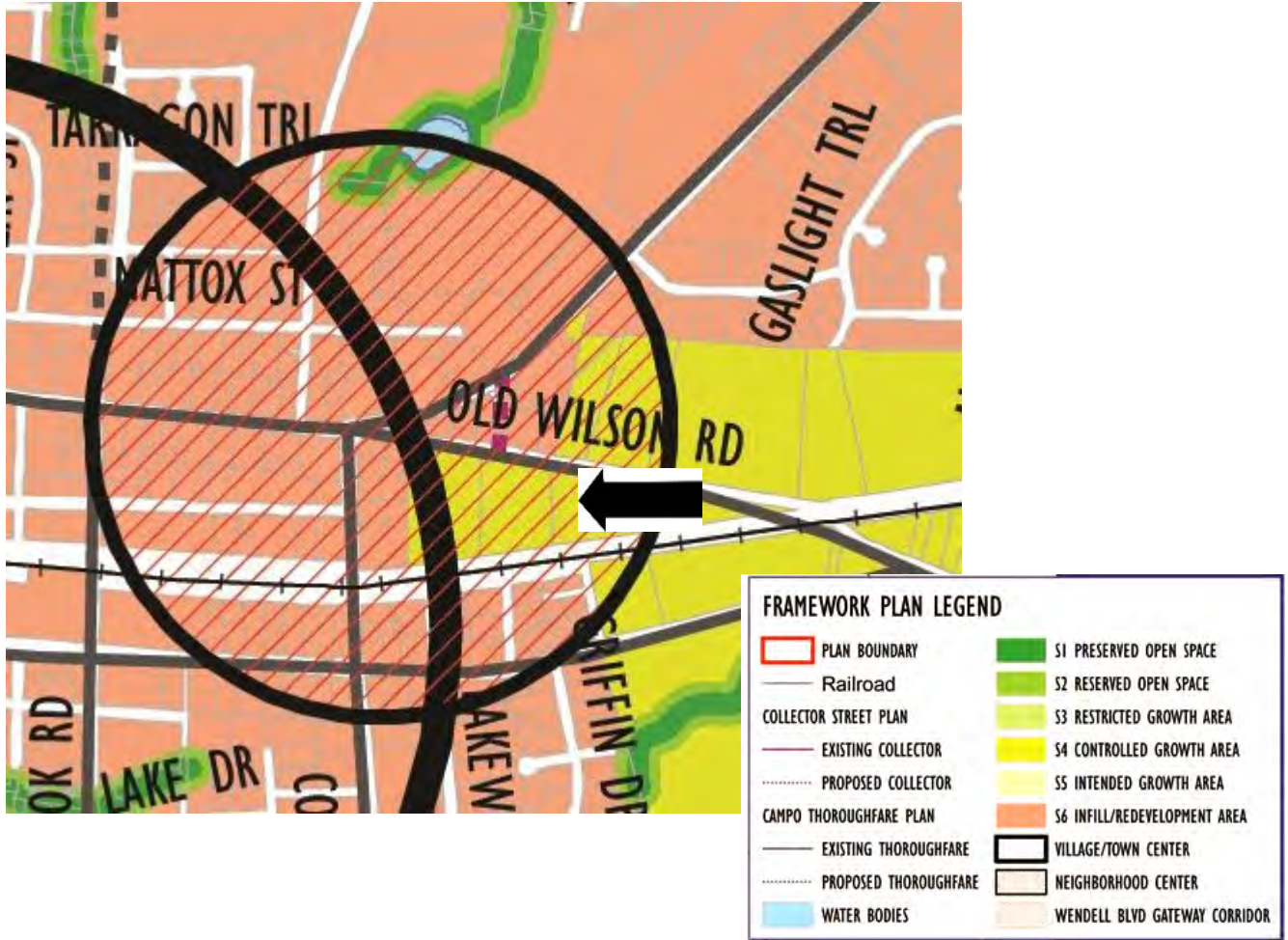


Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S-4 “Controlled Growth Sector” in a Neighborhood Center.

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

The following community types and uses are appropriate in the S-4 sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses.



Statement of Plan Consistency Reasonableness:

Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.

In staff's opinion, the requested zoning map amendment is consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable in order to provide a transition between the industrial uses to the east and the proposed neighborhood center to the west.

Planning Board Recommendation:

At their August 19, 2019 meeting, the Planning Board voted 9-0 in favor of the requested zoning map amendment.

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

Voting Against: None

Absent: None

Staff Recommendation:

Staff recommends approval of this rezoning request.

Attachments:

- A. CH Zoning District Land Use Chart
- B. CMX Zoning District Land Use Chart
- C. Ordinance for Adoption

Town of Wendell, NC
Commercial Highway (CH) Zoning District
Land Use Chart

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
ATM	Alcoholic Beverage Sales Store	Bar/Tavern/Night Club
Auto Parts Sales	Amusements, Indoor	Billiard/Pool Hall
Banks, Credit Unions, Financial Services	Amusements, Outdoor	Colleges/Universities
Bed and Breakfast Inns	Animal Services	Dwelling - Multifamily
Business Support Services	Car Wash - Stand Alone, Self Service	Event Venue, Outdoor
Community Service Organization	Cemetery	Religious Institutions
Cultural or Community Facility	Child/Adult Day Care Center (more than 8 persons)	Residential Treatment Facility
Dwelling-Single Family	Child/Adult Day Care Home (8 or less persons)	Sweepstakes Center
Equipment Rental	Drive Thru Service	Shooting Range, Indoor
Funeral Homes	Drive-Thru Retail/Restaurant	Theater, Live Performance, Outdoor
General Retail - 10,000 sf or less	Dwelling-Secondary	Wireless Telecommunication Facility - Stealth
General Retail - 10,001 - 50,000 sf	Family Care Home (6 or fewer residents)	Wireless Telecommunication Facility - Tower
Government Services	Gas Station	
Home Occupation	General Retail - Greater than 50,000	
Hotels/Motels/Inns	Group Care Facility (More than 6 residents)	
Housing Services for the Elderly	Heavy Equipment/RV/Farm Equipment/Mobile Home Sales	
Laundry Services	Live-Work Units	
Laundry, dry cleaning plant	Manufacturing, Light	
Media Production	Manufacturing, Neighborhood	
Medical Services - Clinic, Urgent Care	Micro-Distillery/Micro-Brewery/ Micro-Winery	
Medical Services - Doctor Office	Mini-Warehouses	
Meeting Facility/Indoor Event Venue	Outdoor Kennels/Equine Facilities	
Metal products fabrication, machine or welding shop	Research and Development	
Personal Services	Tattoo Parlor	
Post Office	Transit Station - Passenger	
Professional Services	Utilities - Class 1	
Public Safety Station	Utilities - Class 2	
Recreation Facilities, Indoor	Utilities - Class 3	
Recreation Facilities, Outdoor	Vehicle Sales	
Restaurant	Vehicle Services - Major Repair/Body Work	
Schools - Vocational/Technical	Vehicle Services - Minor Maintenance/Repair	
Shopping Center - Community Center		
Shopping Center - Neighborhood		
Storage - Outdoor as a primary use		
Studio - Art, Music		
Studio - Dance, Martial Arts		
Theater, Live Performance, Indoor		
Theater, Movie		
Wholesale Distribution		

Town of Wendell, NC
Corridor Mixed Use (CMX) Zoning District Land Use Chart

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
ATM	Alcoholic Beverage Sales Store	Bar/Tavern/Night Club
Auto Parts Sales	Amusements, Indoor	Billiard/Pool Hall
Banks, Credit Unions, Financial Services	Amusements, Outdoor	Colleges/Universities
Bed and Breakfast Inns	Animal Services	Dwelling - Multifamily
Business Support Services	Car Wash - Stand Alone, Self Service	Event Venue, Outdoor
Community Service Organization	Cemetery	Hospital
Cultural or Community Facility	Child/Adult Day Care Center (more than 8 persons)	Religious Institutions
Dwelling-Single Family	Child/Adult Day Care Home (8 or less persons)	Research and Development
Equipment Rental	Drive Thru Service	Residential Treatment Facility
Funeral Homes	Drive-Thru Retail/Restaurant	Shooting Range, Indoor
General Retail - 10,000 sf or less	Dwelling-Secondary	Theater, Live Performance, Outdoor
General Retail - 10,001 - 50,000 sf	Family Care Home (6 or fewer residents)	Wireless Telecommunication Facility - Stealth
Government Services	Gas Station	Wireless Telecommunication Facility - Tower
Home Occupation	General Retail - Greater than 50,000	
Hotels/Motels/Inns	Group Care Facility (More than 6 residents)	
Housing Services for the Elderly	Live-Work Units	
Laundry Services	Manufacturing, Light	
Media Production	Manufacturing, Neighborhood	
Medical Services - Clinic, Urgent Care Center	Micro-Distillery/Micro-Brewery/ Micro-Winery	
Medical Services - Doctor Office	Mini-Warehouses	
Meeting Facility/Indoor Event Venue	Parking Structure - Primary Use	
Metal products fabrication, machine or welding shop	Rooming or Boarding House	
Personal Services	Storage - Warehouse, Indoor Storage	
Post Office	Transit Station - Passenger	
Professional Services	Utilities - Class 1	
Public Safety Station	Utilities - Class 2	
Recreation Facilities, Indoor	Vehicle Sales	
Recreation Facilities, Outdoor	Vehicle Services -	
Restaurant	Major Repair/Body Work	
Schools - Elementary & Secondary	Vehicle Services -	
Schools - Vocational/Technical	Minor Maintenance/Repair	
Shopping Center - Community Center		
Shopping Center - Neighborhood Center		
Studio - Art, Music		
Studio - Dance, Martial Arts		
Theater, Live Performance, Indoor		
Theater, Movie		

O-19-2019

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 Highway Commercial (CH) zoning district the property described below, said property formerly being zoned Corridor Mixed-Use (CMX); and

WHEREAS said property is owned by Cool Hand Holdings LLC; and

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

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

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

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

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on September 9, 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 **Highway Commercial (CH)** zoning district 3 acres of land located at 450 Old Wilson Road (PIN # 1784908357).

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as ZM19-04 from Corridor Mixed-Use (CMX) to **CH** is found to be reasonable in order to provide a transition zone between the existing CMX and M&I zoning districts and is consistent with

the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S4 sector.

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

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

DULY ADOPTED the 9th Day of September, 2019

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

Item Title:

Discussion of the Special Use Permit (SUP) Procedural Requirements Pertaining to the Technical Review Committee (TRC)

Report to the Board of Commissioners:

Monday, September 9, 2019

Specific Action Requested:

Receive and discuss information on potential regulation changes to the review process for Special Use Permits and provide direction to staff.

Statute requires any proposed changes to the Unified Development Ordinance (UDO) receive a recommendation from the Planning Board and a Public Hearing prior to action by the Board of Commissioners.

Item Summary:

Staff evaluated Wendell's current UDO regulations which require multi-family development proposals to have Technical Review Committee (TRC) approval before granting of the Special Use Permit by the Board of Commissioners (BOC).

For uses other than multi-family, the UDO does not prescribe the order of the review process (i.e. should the SUP approval or the TRC approval occur first). Staff's practice has been to require TRC review to begin prior to the SUP public hearing for new development proposals, but not necessarily require that the TRC review be fully completed prior to the public hearing.

Based on staff's preliminary research, local municipalities address the combination of TRC reviews and Special Use Permits in various ways. Staff researched eight local municipalities and compiled a chart (see attachment) that highlights how each addresses the review and approval process. The results of the peer review were mixed, with no clear prevailing practice.

Four options were derived from reviewing local municipalities;

- 1) Full TRC review and approval before BOC considers Special Use Permit. (current process for multi-family in the Town of Wendell)*
- 2) Begin TRC review with full plans before Special Use Permit considered by BOC*
- 3) Reduced Site Plan for Special Use Permit by BOC; if approved, full plans submitted to TRC*

4) *Full Plans required for Special Use Permit by BOC; if approved full plans submitted to TRC*

Option One (1) applicant needs TRC approval before submitting for Special Use Permit approval. This option is the current Town of Wendell review process for multi-family development, and is used by Towns of Cary, Knightdale and Wake Forest.

- Pros:
 - Plans have been fully vetted by the TRC prior to Town Board review, providing a greater amount of detail and information for the Public Hearing.
- Cons:
 - Requires a greater up-front time and capital investment from the applicant for a project which may not have political or community support.
 - The SUP approval may include conditions which require amendments to the plans reviewed by the TRC.

Option Two (2) would provide first round of TRC comments to the applicant before the item is presented to BOC for Special Use Permit. Currently no other community is utilizing this process.

- Pros:
 - Plans have received some technical review prior to SUP hearing in order to identify any glaring issues.
 - Applicant could incorporate BOC approval and conditions into design before resubmittal for TRC approval.
- Cons:
 - Still requires a greater up-front time and capital investment from the applicant for a project (may save a little time and money for the developer compared to Option #1, but full plans are still required)
 - There may be unresolved issues identified by the TRC

Option Three (3) would allow an applicant to submit a site plan with reduced requirements for the Special Use Permit specifically. If approved, the applicant would need to submit full plans for TRC review. The Towns of Apex, Morrisville and Rolesville follow this process.

- Pros:
 - Saves time and resources for the applicant, if the SUP is not approved
- Cons:
 - Less information available at the Public Hearing comparatively (reduced site plan would still include project elements most pertinent to the SUP decision).

- Greater chance of changes occurring to the site plan during the TRC review, which could require a second SUP hearing if there are substantial changes (minor changes can be administratively approved).

Option Four (4) applicant applies for Special Use Permit with full development plans before TRC review. Towns of Clayton and Zebulon follow this process.

- **Pros:**
 - The Board receives a full development plan (i.e. not reduced)
 - Saves some time and resources for the applicant, if the SUP is not approved (though not as much as Option #3).
- **Cons:**
 - Though plans are not reduced, they have not been vetted by the TRC.
 - Greater chance of changes occurring to the site plan during the TRC review, which could require a second SUP hearing if there are substantial changes (minor changes can be administratively approved).

Staff Comments:

All options provided have benefits and costs to the Town and the SUP applicant. The technical concerns can be addressed regardless of the order of the approval by fact (or lack thereof) based conditions on the SUP and the requirement of the plans submitted to the TRC to be consistent with the SUP. As such, the decision of whether or not to amend the SUP process is more of a policy decision of the community rather than a technical recommendation. The additional cost of a complete plan preparation for TRC in advance of an uncertain SUP zoning decision can deter multi-family and other SUP applications from being submitted. If the community desires to limit multi-family and other SUP applications, the current policy achieves this goal. If the community wants to encourage multi-family development or other SUP uses in appropriate locations, then staff should be directed to draft an ordinance amendment that changes the process.

Staff is seeking direction from the Town Board to determine:

1. Are changes to the Town's current SUP review procedures desired?
2. If so, does the Town Board have a preference for one or more of the options that it would want the Planning Board to focus on?

Attachments:

- A. Comparative Analysis of Local Municipalities

Municipality	TRC Approval Required before SUP	SUP Precedes TRC Review	SUP Plan Requirements	Other Provisions
Morrisville		X	Reduced Site Plan requirements w/ key elements	Minor modifications to SUP site plan may be approved by Planning Director
Apex		X	Reduced Site Plan requirements w/ key elements	Neighborhood Meeting is required for SUP
Rolesville		X	Reduced Site Plan requirements w/ key elements	Substantial changes to SUP will need to go through BOC again
Cary	X		Full Development Plan	Submittal/Review may occur concurrently but TRC approval required prior to SUP hearing.
Clayton		X	Full Development Plan	Minor modifications to SUP site plan may be approved by Planning Director. Neighborhood Meeting is required for SUP.
Wake Forest	X		Full Development Plan	TRC review is required and plans to be fully in compliance with ordinances before it goes to BOC with the SUP. Once approved they can submit Construction Drawings
Knightdale	X		Full Development Plan	Site Plan Submitted with SUP Application. TRC reviews plans but does not approve until SUP is granted.
Zebulon		X	Full Development Plan	Substantial changes to SUP will need to go through BOC again

Item Title:

Community Center Fee Waiver Request of the Wendell Historical Society for the Annual Reverse Raffle and Dinner Fundraiser

Report to the Board of Commissioners:

Monday, September 9, 2019

Specific Action Requested:

Motion to approve/deny the request of the Wendell Historical Society for a fee waiver for the rental of the Wendell Community Center on September 19, 2019 for the Annual Reverse Raffle and Dinner Fundraiser.

Item Summary:

The Wendell Historical Society, applicant, has requested a fee waiver to host a reverse raffle and dinner fundraiser at the Wendell Community Center on Thursday, September 19, 2019 for 7 hours for the following schedule:

- Setup beginning at 3:30pm
- Dinner and reverse raffle from 6:00pm-9:00pm
- Cleanup completed by 10:30pm

The anticipated attendance is 350 for the event. The applicant requests the fee waiver to increase funds retained to benefit historic society efforts in establishing a museum.

The total community center rental fee is \$860 with an amount of \$295 of facility fees eligible to be waived. Payment for the total remaining charges for staffing and cleaning in the amount of \$565 was received from the applicant. This amount is not eligible to be waived by policy. Staffing charges provide for two (2) Parks and Recreation staff and one (1) Police staff.

The Recreation Commission met on Monday September 2, 2019 and voted unanimously in favor of approving the community center fee waiver request.

Attachments:

- A. Waiver of Community Center Rental Fee Application



Town of Wendell
Parks & Recreation

Item 6b

Waiver of Community Center Rental Fee Application
(Waiver request is for the rental of the entire Community Center.)

Applicant Information

Applicant Name: Mary Jo Cashion

Applicant Address: 3981 Wendell Blvd. P.O. Box 157, Wendell, NC 27591
Street/Route City State Zip

Home Telephone # (919) 365-6313 Business Telephone # —

Cell Phone # (919) 744-5442 Fax # —

Email Address: mjcashion@bellsouth.net

Name of Sponsoring Organization: Wendell Historical Society

Organization Address: _____
Street/Route City State Zip

Organization Telephone # _____ Number of Organization Members: 100+

Purpose of Organization: Preservation of Wendell's historical treasures

Status of Organization Requesting Waiver

☒ Non-profit / Tax exempt [U.S.C. 501(C)(3)] Non-profit / Tax exempt # 56-140 4176
☐ For Profit
☐ Government Agency:
☐ Federal ☐ State ☐ County ☐ Municipal

NOTE: Applications will be considered when a copy of the organization's IRS Determination Letter is attached.

Event Information

Name of Event: Reverse Raffle + Dinner

How will this event benefit the citizens of Wendell? This fourth annual reverse raffle will continue to raise funds for a Wendell museum. Working with the Town of Wendell, a building has been secured and renovations will be completed within several months. Raffle money is funding renovations and in the future will fund maintenance. A museum fulfills the society's goal, making Wendell history more visible and, therefore, more appreciated.

Purpose of Event and the types of activities during the Events: Reverse Raffle + Dinner
To raise funds for the Wendell museum

Event Date:	Thursday, Sept. 19	
Set-up Time Begins	3:30pm	
Time Event Begins:	6 p.m. dinner	7 p.m. raffle
Time Event Ends:	9 p.m.	
Clean-up Time Ends:	10:30 pm	

Proposed Event is:	
<input type="checkbox"/> Charitable	<input type="checkbox"/> Social Welfare
<input type="checkbox"/> Public Health or Safety	<input type="checkbox"/> Youth Amateur Sports
<input type="checkbox"/> Gallery, Music, Literary, or Performance Arts	<input type="checkbox"/> Youth Development (e.g. Boy/Girl Scouts)
<input type="checkbox"/> Town of Wendell Co-Sponsored Event	

Is this Event open to the public? ☒ Yes ☐ No

Will there be a fee charged to participants? ☒ Yes ☐ No If yes, how much? \$100

Anticipated Attendance: 350

Expected Participants	Less than 250	250-500
No Alcohol	1 P&R supervisor	1 police officer & 2 P&R supervisors
~With Alcohol	1 police officer & 1 P&R supervisor	2 police officers & 2 P&R supervisors

~Code of Ordinance Section 14-21; Parks and Recreation Policies and Procedures

Will alcohol be served at this event?	Yes	<input checked="" type="radio"/> No
<p><input checked="" type="checkbox"/> If yes, contact the Alcoholic Beverage Control Commission at 400 East Tryon Road, Raleigh or call 919-770-0700 to secure a Special Occasion Permit.</p> <p><input checked="" type="checkbox"/> If yes, contact the Wendell Parks and Recreation Department at 601 West Third Street or call 919-366-2266 to obtain the required insurance.</p> <p><input checked="" type="checkbox"/> If yes <u>and</u> this is an outdoor event, contact the Town Manager at 15 East Fourth Street or call 919-365-4450 to have this request placed on the agenda for an upcoming board meeting for board action.</p> <p><input checked="" type="checkbox"/> If yes, <u>police attendance is required.</u></p> <p><input checked="" type="checkbox"/> Code of Ordinance Section 14-21; Parks and Recreation Policies and Procedures</p>		
Will you need police (security) for this event?	Yes	<input checked="" type="radio"/> No
<p><input checked="" type="checkbox"/> If yes, contact the Wendell Police Department at 9 South Pine Street or call 919-365-4444 to arrange security and payment.</p> <p><input checked="" type="checkbox"/> Full payment is due without 48 hour notice of cancellation.</p>		
Will signs be requested to advertise the event?	Yes	<input checked="" type="radio"/> No
<p><input checked="" type="checkbox"/> If yes, contact the Wendell Planning Department at 15 East Fourth Street or call 919-365-4448 prior to placement of any signs or advertisements.</p> <p><input checked="" type="checkbox"/> How else will your event be advertised? <u>local TV, Wake Weekly, Facebook Flyers</u></p>		

Will vendors be a part of your event?	Yes	Item 6b
---------------------------------------	-----	---------

W Please indicate the number of vendors in each of the following types:

- o Food: _____
- o Merchandise: _____
- o Amusement rides: _____
- o Total number of vendors: _____

W **Food Vendors:** Contact the Wake County Environmental Services, Temporary Food Establishment at 336 Fayetteville Street in Raleigh or call 919-856-7419 to secure a Temporary Food Event Coordinators Application and to schedule an inspection. A copy of all food vendor applications must be on file with the Town of Wendell 30 days prior to the event.

W **Amusement Ride Vendors:** Contact the Department of Labor and Amusement Device Bureau at 11 Hillsborough Street in Raleigh or call 919-807-2770 to insure compliance and schedule an inspection. A copy of all inspection reports must be on file with the Town of Wendell thirty days prior to the event.

W **Merchandizing Vendors:** Contact the Wendell Parks and Recreation Department at 601 West Third Street or call 919-366-2266. A complete list of merchants and their wares must be on file with the department prior to the event.

Why are you requesting the Waiver of Rental Fees? _____

To cut expenses to benefit the Wendell museum

Parks and Recreation Commission

Action by the Wendell Parks and Recreation Commission at its Sept 3, 2019
(meeting date):

X Approved

_____ Denied

Wendell Town Board of Commissioners

Action by the Wendell Town Board of Commissioners at its _____
(meeting date):

_____ Approved

_____ Denied

Applicant Responsibilities

- W Waiver request is for the entire Community Center only.
- W Application must be on file 90 days prior to the date of the event.
 - o Parks and Recreation Commission review request and make a recommendation.
 - o Recommendation of the Parks and Recreation Commission is forwarded to the Wendell Town Board of Commissioners.
 - o Wendell Town Board of Commissioners will review the request and make decision.
- W Space is reserved when the non-refundable deposit of the cleaning fee is received.
- W Event coordinator must present a valid picture ID when submitting application.
- W Requests must be in writing for each occasion and are not automatically renewed.
- W Certificate of liability naming the Town of Wendell as an additional insured to be received when paying the deposit.
- W Payment for the staffing fees and/or dumpster fee must be paid a minimum of 30 days prior to the event, cash, certified check or money order.
- W If alcohol will be served, applicant must abide by the rules for the Wendell Community Center; and have all applicable Alcohol Beverage Control (ABC) permits on file with the Town of Wendell 30 days prior to the event.
- W If food trucks will be on site, all commercial food vendors must be approved by Wake County Environmental Services; and a copy of all food vendor applications must be on file with the Town of Wendell 30 days prior to the event.
- W If amusement rides will be on site, all rides must be inspected and approved by the Department of Labor and Amusement Device Bureau; and a copy of all inspection reports must be on file with the Town of Wendell 30 days prior to the event.
- W If merchandise will be sold, a listing of all vendors the ware for sell must be provided to the Parks and Recreation Department 30 days prior to the event.

Insurance Requirements and Affidavit of Event Coordinator

I understand that evidence of insurance is required before final approval. The event coordinator must provide a certificate of insurance which names the Town of Wendell as an additional insured for a minimum of one million in general liability insurance. Events that include alcohol will require an additional one million in liquor liability insurance and the policy will indemnify and hold harmless the Town of Wendell, its employees, and the Board of Commissioners. I also understand that as the event coordinator, I am responsible for any accidents or damages to persons or property resulting from the issuance of this permit.

I certify that the information in this application is correct to the best of my knowledge. I understand that if the information is found to be incorrect or the event does not accurately represent what has been applied for that the Town of Wendell is authorized to amend the event, including closure of the event if warranted to protect the health, safety and welfare of the Town and its citizens and businesses. All programs and facilities of the Town of Wendell are open to all citizens regardless of race, sex, age, color, religion, national origin or limitation.

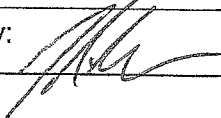
I understand the space is reserved when the non-refundable deposit of the cleaning fee is received in full by the Town of Wendell.

Mary Jo Cashion
Name of the Event Coordinator

Mary Jo Cashion
Signature of the Event Coordinator

Aug. 3, 2019
Date

Town of Wendell Staff Use Only

Date application received:	Received by: 
Valid picture ID: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

All non-waived fees paid and all permits received by the Town of Wendell 30 days prior to the event.

Hourly rates are available in the Parks & Recreation Fee Schedule

Non-waived Fees

	Number of staff	Hours	Amount	Cost	Account Code
Amount due for P&R staff	2	2	\$ 35.00	\$ 210	
Amount due for police	1	3	\$ 35.00	\$ 105	10-208-0000
Amount due for public works staff			\$ 30.00	\$ -	
Total Amount Due for Staffing				\$ 315	
Amount due for dumpster				\$ -	
Amount due for clean up (based upon number of people in attendance)				\$ 250	10-620-4600
Total Amount Due for Cleaning				\$ 250	
Total Amount Due for Staffing and Cleaning				\$ 565	

Waived Facility Fees

	Hours	Amount	Cost	Account Code
Amount due for setup		\$ 20.00	\$ -	
Amount due for breakdown	2	\$ 20.00	\$ 40	
Amount due for event	3	\$ 85	\$ 255	
Total Amount Due for Facility Fees			\$ 295	10-365-0200
Total Amount Due for Staffing and Cleaning			\$ 565	
Total Amount Due for Facility Fees			\$ 295	
Amount Waived			\$ 295	
TOTAL Amount Due to the Town of Wendell			\$ 565	

Payment Schedule

	Amount Due	Amount Paid	Date Received:	Received by:	Receipt Number:
Cash or Check [Check Number 2417]	\$ 565	565	8-9-17	C. Pendergast	484023
Cash or Check [Check Number _____]	\$ -				
Cash or Check [Check Number _____]	\$ -				
Cash or Check [Check Number _____]	\$ -				
Cash or Check [Check Number _____]	\$ -				

Date: September 9, 2019

Item # 7a

Item Title:

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

Specific Action Requested:

None

Attachments:

None

Date: September 9, 2019

Item # 8

Item Title:

Commissioners' Reports.

Specific Action Requested:

None

Attachments:

None

Date: September 9, 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