

**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 ~~450~~ **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:

W 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:

W 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!

W 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.

W 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

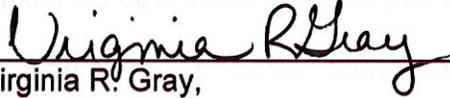
11. ADJOURN

ACTION:

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

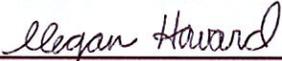
Vote: 4-0

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



Virginia R. Gray,
Mayor

ATTEST:



Megan Howard,
Town Clerk

