

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, July 22, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Commissioners: John Boyette, Ben Carroll, and David Myrick.

**ABSENT:** Mayor Pro Tem Jon Lutz and Commissioner Jason Joyner

**STAFF PRESENT:** Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley, Planning Director David Bergmark, Parks & Recreation Director Jeff Polaski, Police Chief Bill Carter, Public Works Director Brian Bray, and Finance Director Butch Kay.

### **CALL TO ORDER**

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

Police Chief Bill Carter led the Pledge of Allegiance.

Pastor Asa Bell of Pleasant Grove Baptist Church provided the invocation.

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

#### **ACTION**

Mover: Commissioner Ben Carroll moved to approve the Agenda.

Vote: Unanimous

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

No one spoke during Public Comment Period.

### **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. Approval of the minutes from the June 24, 2019, regular Town Board meeting.
- 3b. Approval of the minutes from the July 8, 2019, regular Town Board meeting.
- 3c. Resolution confirming the 2020 Board of Commissioners Meeting Schedule.
- 3d. Resolution confirming the 2020 Holiday Schedule.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

- 3e. Amendment to Article 7 of the Personnel Policy for Bereavement Leave.

**ACTION:**

Mover: Commissioner Ben Carroll moved to approve the Consent Agenda.

Vote: Unanimous

**4. RECOGNITIONS, REPORTS, AND PRESENTATIONS**

- 4a. Presentation on Performance Management Reports.  
Speaker: Town Manager Marc Collins

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

***Item Summary:***

*The Town Manager and Finance Department worked closely with Town departments to develop initial work units and performance goals as part of the Fiscal Year 2020 budget. This is a first step for the organization to measure performance and increase transparency for the public to learn what we achieve and what we need to improve upon. Staff also worked with the Board of Commissioners to develop the 2019 Town of Wendell Strategic Plan which was adopted in February 2019 and incorporated into the adopted Budget in May 2019.*

*As previously reported, there is a one-month delay in gathering July data. As such the first edition of the new "Snap Shot" will be provided at the second August Commission meeting. It will be provided a space on the Town website and monthly reports continued thereafter.*

*The presentation will provide the format and content for the new "Snap Shot". The new communication tool will provide the "Snap Shot" consisting of Strategic Plan updates and key department goals and measures followed by a finance report and operating report. The finance report will include many of the same measures as on the old Snap Shot. The operating report will include all the department goals and work units.*

Town Manager Marc Collins provided a presentation on the reports being prepared for August that will include a "Snapshot" summary, strategic initiatives update, monthly finance report, and monthly operating report. The Commission was provided an update of strategic initiatives through July 22, 2019.

- 4b. Presentation by Parks and Recreation on the new Youth Athletic Scholarship Program.  
Speaker: Parks and Recreation Director Jeff Polaski

Parks and Recreation Director Jeff Polaski presented the following staff report, below in italics:

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

**Item Summary:**

*In the 2019-2020 budget, the Town Board approved \$1,000 to the Parks & Recreation Department as part of a new Youth Athletic Scholarship Program. Staff reviewed the Scholarship Program with the Parks and Recreation Commission on July 1, 2019.*

*In an effort to provide all Wendell residents access to our programs and facilities, individuals may apply for a scholarship. Youth, up to 18 years of age and/or through high school are eligible. Wendell residents and foster children are eligible for the scholarship. The participant must be eligible for free school lunch and receiving government benefits. This scholarship will cover 50% of the program cost and the remaining balance is the responsibility of the parent/guardian. Scholarships will be awarded seasonally for all youth sports. The Parks & Recreation staff reviews each scholarship and, if approved, the participant will be notified of their scholarship.*

Mayor Gray thanked Mr. Polaski and insisted on privacy of application information.

Mr. Polaski said that he would only be reporting the number of scholarships awarded.

**5. PUBLIC HEARINGS**

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***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:** 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.

Speaker: Planning Director David Bergmark

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

**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*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

*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 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 its ultimate location. However, this represents a significant cost savings for the developer.*
- 2. 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*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

*ROW, since a divided median requires more space than a center turn lane.*

3. **To balance the reduced improvement requirements described in Amendment #1 and #2, 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 dwellings 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).*
4. **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.*
5. **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 Buffalo 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.*
6. **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).**
7. **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**

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

*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.*

*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.*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

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.

**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.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

- *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.*

**Attachments:**

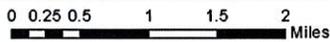
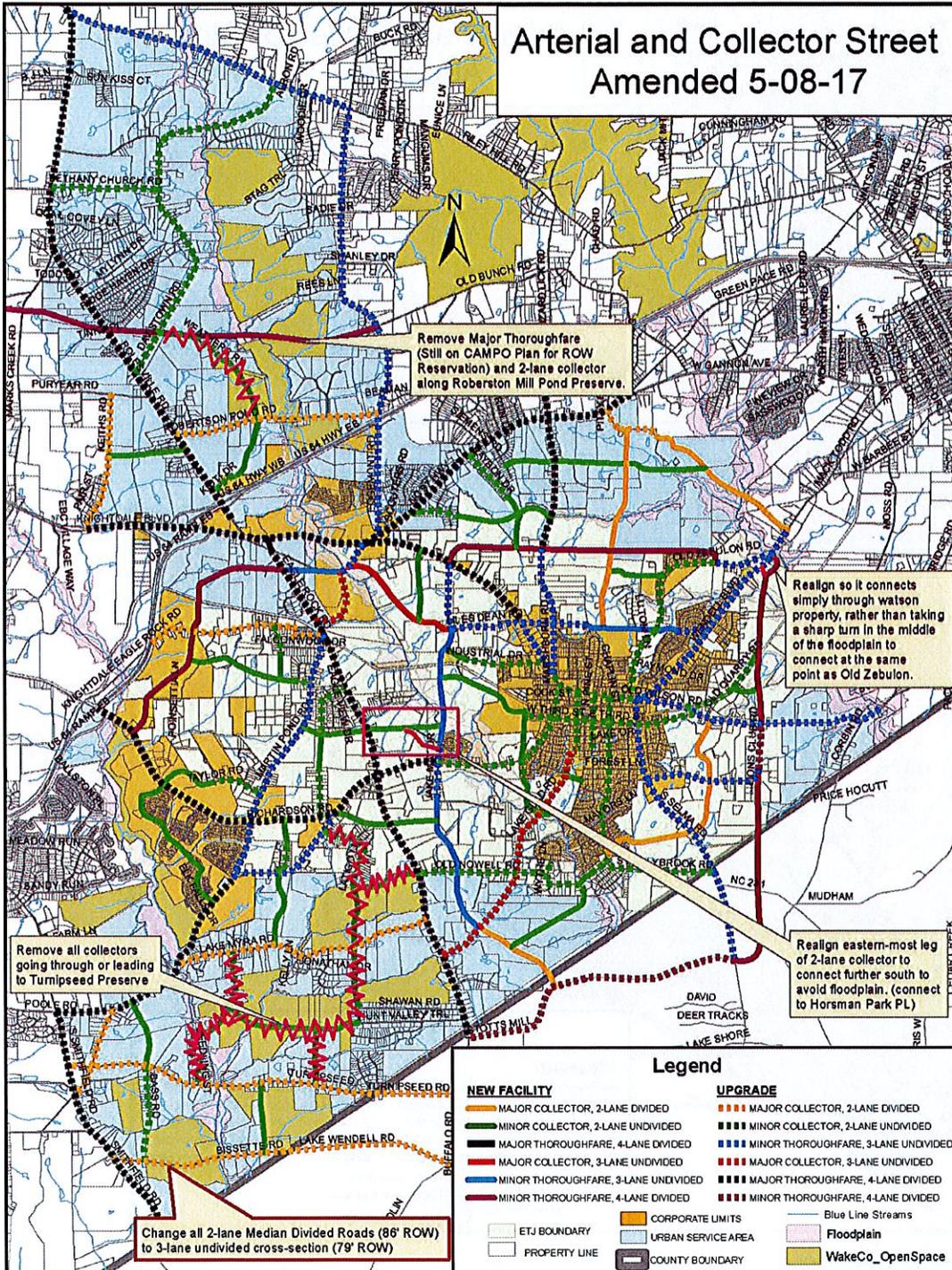
- A. *Arterial and Collector Street (ACS) plan with proposed amendments identified.*
- B. *Amended Arterial and Collector Street (ACS) Plan Map [ Changes Incorporated]*
- C. *Ordinance for Adoption*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

Attachment A - 2019 Proposed Changes Item 5a

**EXHIBIT 1**

**Arterial and Collector Street  
Amended 5-08-17**

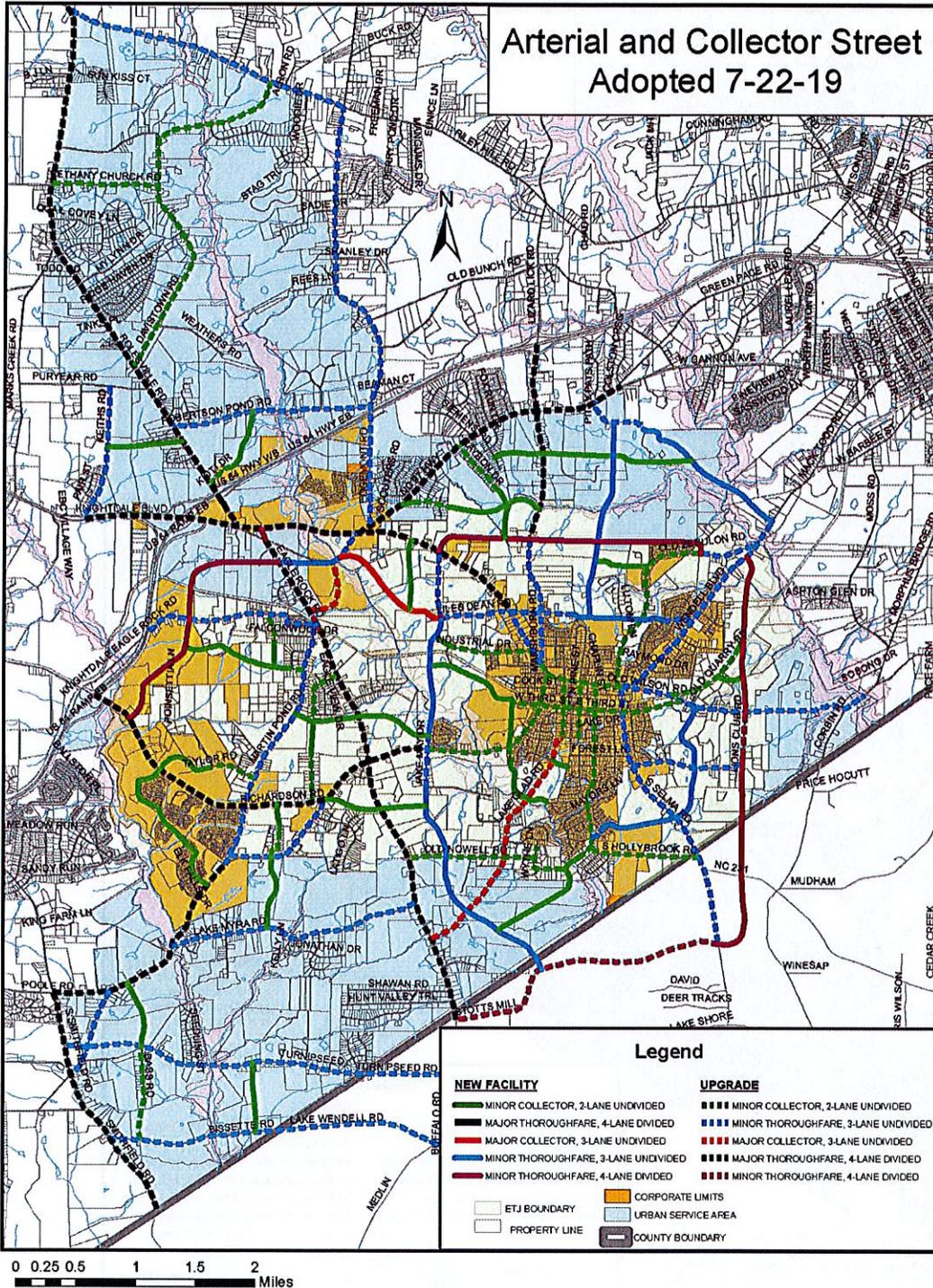


**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

Item 5a  
**Attachment B - DRAFT**

**EXHIBIT 1**

**Arterial and Collector Street  
Adopted 7-22-19**



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

Following the staff presentation, Planning Director Bergmark opened the floor for any questions from the Board.

Commissioner Myrick asked Mr. Bergmark to clarify that the changes on the map related to Wendell Boulevard or Wendell Falls Parkway.

Mr. Bergmark explained the change regarding Wendell Boulevard and Wendell Falls Parkway would be the language that says, 'although it shows up on the map as a four-lane, you only have to build to the three-lane.' He said that it is still dedicating the right-of-way for that full amount. So, the cost is less, but it doesn't show up differently on the map—it shows up differently in the text in terms of your requirement to build.

Commissioner Myrick asked confirmed that landowners would still have to give up land for the four-lane.

Town Manager Marc Collins reminded the Board of input heard from a couple residents at a prior rezoning case in June on traffic and right-of-way requirements in a section of Wendell Boulevard. He said a potential amendment to the staff recommendation on Wendell Boulevard would be converting the section from Hanor Lane to Liles Dean Road from a four-lane divided to a three-lane cross-section. The revision is based on this segment being a built environment with current stormwater and other utility impediments adjoining the road that would be cost-prohibitive and adversely affect a four-lane divided being constructed. From Liles Dean Road out to Highway 97, there is sufficient room and undeveloped land that the four-lane divided could be constructed as is currently in the Transportation Plan. Mr. Collins said that if the Commission wanted to address the citizen concern, they could approve with an amendment on Wendell Boulevard to divide the four- and three-lane as just described.

Mr. Bergmark said that the section being described is shown by the black, dotted line on the map. He said if the change were made as the manager described, then that section of Wendell Boulevard between Liles Dean at the corner of Knott Square, down to Hanor Lane where the McDonald's is would change it from a black, dotted line to a blue dotted line, signifying a three-lane, undivided cross-section rather than a four-lane divided cross-section.

Commissioner Myrick asked if the property owners would still have to give up the property for the four-lane.

Town Manager Marc Collins said no, not from Hanor Lane to Liles Dean.

Mayor Gray said only in that little section from Liles Dean to Highway 97.

Town Manager Collins clarified that the policy decision before the Board is that the cost of development is the cost of development—it's just a matter of when it's paid and by whom. The road improvements are going to be needed because of development.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

Whether or not the right-of-way is put into place as part of the transaction between a property owner and a developer, or whether or not the right-of-way is acquired later by the taxpayer is the issue. The staff recommendation is maintaining the right-of-way requirement, which was also the recommendation that was received from NCDOT and CAMPO in reviewing the issue. He said that it's harder to go back after development and obtain right-of-way as it adds significant cost to the total general fund later compared to the upfront dedication of the right-of-way. Staff is recommending that the Board not defer the cost to a later taxpayer. The staff recommendation reduces the cost of development. The recommendation does not increase costs for development beyond what is currently in the Code. Mr. Collin's cautioned that there is a risk of reducing the development cost to the point that encourages less appropriate development than the Town, the Commission and the property owners themselves have said that they want to see in that development.

Mayor Gray asked if there were any other questions or comments.

Mayor Gray opened the public hearing at 7:35 p.m. and announced that the Board has already had the applicant presentation.

Kurt Phelps, 515 Liles Dean Road, said that he believed some of this came about because Wendell can't charge an impact fee for developers. He said he thought that this was a way for Wendell to collect some money from a few landowners. Mr. Phelps said that he couldn't see a developer building half of a three-lane road, so they're going to pay in lieu of. He said that NCDOT will build it and buy the right of way when they decide to build the road.

Paul White, Lions Club Road, said that he has land that would intersect with this. He said it's one thing that the Town wants to build a four-lane road through a field like at Wendell Falls that is doing a major subdivision. When talking about adding a right-of-way, the Town started drawing lines to build roads in 1962 and the only thing that NCDOT has ever built is the road in front of the Post Office, which NCDOT designed and backed out of the project afterwards. Mr. White said he didn't want to see Wendell end up with a hodgepodge of different roads. He said that a three-lane road on Wendell Boulevard would give the Town a center section where people can pull into and would keep the traffic moving.

Carol R. Hinnant, 205 Dogwood Trail, said that for every 1000 feet of road frontage a person has, one will have to give up 8/10-9/10—almost an acre of land—for the widening process. Mrs. Hinnant said that this is a lot of land to give up. She said that she believes that developers need to pay their fair share and thinks that impact fees would be a solution to the problem. She asked the Commission to consider the citizens when making generational decisions for the Town.

Billie Poole, 1521 Wendell Falls Parkway, said that she lives in the ETJ and that some of the decisions that are being made would affect her property. She said there was once a

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

line from Wendell Falls Parkway that would go through some family's land that would include her property also as well as a farm her and her family owns on Eagle Rock Road.

Lucius Jones, 410 Selma Road, said that he was a builder and developer. He said that he doesn't own any property on any of these roads. Regarding this property for a four-lane, divided highway, it's a lot of property. Mr. Jones said that he doesn't know of any developers that would come along to buy a piece of this property knowing they've got to build a four-lane divided highway or donate the land to the Town to build it. Mr. Jones said he's been in Wendell for 76 years and the Town has never built a road. He said that the Town paved some streets with CBDG money received from the county. Mr. Jones said that NCDOT is in the road business and when the Town brings a plan in, they have to approve it. He said if it was his land, he'd have to have a legal discussion with the Town about taking his land.

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

Commissioner Myrick asked where the money the Town would receive for fee-in-lieu of required improvement would go.

Planning Director David Bergmark said that any fee in lieu money that is requested by an applicant and accepted by the Board has to be used for transportation improvements. It does not necessarily have to be used along that stretch of road, but it's not something that the Town can just use for whatever they want.

Commissioner Myrick asked if the Town would take the money from the developer to build that road, rather than use it somewhere else in the Town.

Planning Director Bergmark said that the Town could use it on that stretch of road, if the Town wanted to hold it, but it's not required. The Town could use it to make an improvement in an area that was determined to be a higher need in town for a transportation improvement.

Commissioner Myrick asked if NCDOT has seen these plans.

Planning Director Bergmark said that they've seen the adopted transportation plan, but they have not seen the plans for changing the cross-sections that staff has talked about as part of this, although this isn't putting in any new roads on property owners where they don't exist now.

Commissioner Myrick asked what would make the DOT come in and build the four-lane where the Town wanted it.

Mr. Bergmark said that they probably wouldn't. If the Town was to wait for NCDOT to come and build these roads it would take a long time, as the gasoline tax doesn't go as far as it used to, and it would continue to be a problem as more fuel-efficient vehicles are

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

introduced. So, that's why staff has tried to look to have something that's more development-driven. DOT doesn't have the money to come in and do everything for the Town and the Town doesn't have the money to build everything, but if it gets incremental improvements as development occurs, that's probably the only way that the Town is going to realistically get improvements to happen.

Town Manager Marc Collins explained that the Capital Area MPO has funding streams to build projects and implement transportation plans. It requires a local match. He said that fees in lieu can be used for this local match to offset federal and state funds to build roads that are needed as the Town grows. During the periods when the Town wasn't growing, the Town didn't have to build roads. Mr. Collins said that the Town didn't have the tax base to build roads. With the growth in the community that's already been approved, there is a need at intersections and roads for improvements to be made. Proper fiscal controls and planning allows the Board to plan for implementing the transportation plan to make those improvements. One of the funds is the local area project planning (LAPP) funding that is on this agenda to do the design for sidewalk improvements and road improvements along Wendell Boulevard. Mr. Collins said that there is funding available from the state federal sources, but it requires a local match to make it happen.

Commissioner Myrick asked if the Town provided the match, would the state feds build the road.

Town Manager Collins said not necessarily. The Town's contractor would build the road.

Planning Director Bergmark said that they would help provide funding.

Town Manager Marc Collins said that the intersection with Wendell Boulevard and Wendell Falls Parkway has warranted a stoplight and DOT is not going to install that. That is a project example that the Town can apply for funding with a local match, to receive state money to implement the transportation improvement. He said the only way to make improvements in our road system—unless it's a larger arterial road—is to participate in that regional funding, which the Town has not traditionally done. The Town will need to consider doing that, moving forward.

Commissioner Myrick asked Mr. Bergmark for clarification that the lines on the map have already been approved.

Mr. Bergmark said yes, with the exception of the couple of realignments that are being shown and that he mentioned in the report. He explained that comments about large property owners meeting in the NCDOT stakeholders meeting referred to undeveloped lots larger than three acres. Staff didn't send an invitation to already-developed tracts that had a house on an acre or two because the purpose of the process was to solicit input from property owners with undeveloped land that may impact development on Wendell Falls Parkway.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

Town Manager Marc Collins said that the meeting Mr. Bergmark is talking about was the Department of Commerce-facilitated meeting, which the Hinnants attended.

Commissioner John Boyette said that he grew up in the ETJ off Eagle Rock Road and attended his first Board meeting at 12 years old. He said that the reason he attended the meeting was because of a transportation plan. His parents received a letter in the mail with one of the same maps included. He said that he remembered thinking that it wasn't fair that people who lived in Town got to vote for Commissioners to control things that happened in the ETJ. It was an experience that influenced him running for office. Mr. Boyette said he and his wife own property in the ETJ and it has a proposed three-lane road running right through the middle of it. He said that one thing people don't understand about the transportation plan is that it's like the building code—it's not saying you have to build just because there's a line on the map. It just says that if improvements are going to be made, this is where the Town would like it. It's just a guide for future development. Mr. Boyette said that he believed impact fees were the best way to deal with this issue, but that option has been taken away by state legislators. He said that he would at least like to get a local bill up to Raleigh so they can at least tell the Town 'no.' The Town shouldn't wait until it has 30,000 people in Wendell before DOT says they're going to widen the roads. Mr. Boyette said that this is a way for the Town to improve its own roads with local input, because the time the state comes in, it's not going to be just a turning lane put in. He said that he would much rather take care of it, now before development comes in. He said they review the transportation plan every four years to remind people of these measures being taken. Mr. Boyette said that he doesn't have a problem with this plan.

Attorney Jim Cauley clarified that the Transportation Plan does not constitute a taking because the lines on the map are not reservations of specific locations on the ground. The Town went through this issue when it adopted the plan back in 2016 and 2017. It is a guide—a conceptual plan that shows where roads make sense. It is a planning tool that Towns are allowed to use. Mr. Cauley recommends that the following language be included in the revision if it is to be adopted, saying, "The specific roadway network established by the transportation plan is conceptual in nature. The final location and design capacity of roads will be determined as development occurs. The transportation plan is designed to aid the Town in its review and consideration of development plans by establishing infrastructure improvement requirements and road cross-sections, but final requirements will be determined at the time a development is proposed, taking into consideration the impact of the development." Mr. Cauley said that this statement is still true as a part of the change in this plan.

Mayor Gray asked if the lines on the map have not been engineered.

Planning Director Bergmark confirmed they have not been engineered.

Mayor Gray said that the Town doesn't even know if they can even be there because of topography, so it's just a guide to create connectivity.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

**ACTION:**

Mover: Commissioner Carroll moved to table item 5a until the other Commissioners are present at the Special-Called Work Session on July 31, 2019

Vote: Unanimous

**6. ADMINISTRATIVE ITEMS**

- 6a. Discussion and action on changes to the Town's Façade Grant Program.  
Speaker: Planning Director David Bergmark

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

**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*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

- 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.*

**Attachments:**

- A. *Downtown Façade Grant Program Guidelines (Current Language)*
- B. *Revised Downtown Façade Grant Program Guidelines*

Planning Director David Bergmark opened the floor for any questions.

Commissioner Myrick asked if #3 on the Proposed Changes list would have follow-through involving contractors.

Mr. Bergmark said that the program is reimbursement-based. The rules do not require the applicant to use one of the two contractors that provide quotes. The purpose is to show that the estimates being provided are reasonable. After the project is done, the applicant would have to provide the actual cost incurred to the Town to be able to receive the reimbursement money that was agreed upon. If they didn't spend as much as they were approved, then they can only get reimbursed for 50% of what they did spend.

Commissioner Myrick said that in the past, the Commission has only voted on \$1,000.00 and he is not a fan of taxpayer dollars going to private businesses. He said that he shouldn't have voted for the last grant that they approved and that \$10,000.00 is a lot of money. He said that the way the Town used to do it involved \$1,000.00 with the max that the Town budgeted was \$4,000, making it 25%. Mr. Myrick asked why the Town couldn't just divide the \$10,000.00 into four and just do the max grant at \$2,500.00. That way, it gives more people the opportunity to get the grant.

Town Manager Marc Collins said that staff was evaluating the cost of the actual projects that would be done. The project that one could complete for a lower dollar amount will have a limited tax use value to the community. The Town is trying to incentivize a larger investment in projects downtown. He said that this wouldn't be enough funds to encourage a significant investment, but it can make a difference on some of the aesthetic appeal outside, that might drive further investment.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

Mayor Gray said it could still be a \$1,000.00 grant, but it could be up to \$10,000.00

Town Manager Collins said the Town could still get make ten \$1,000.00 grants. Or, there might be a \$400,000.00 project that the Commission might want to incentivize an additional outside improvement to make it that much more special for the downtown.

Commissioner Myrick said that he understands that projects cost money and the \$10,000.00 would be used up fairly quickly. He said that he would still like to see the opportunity presented to more than one person, per year.

Town Manager Collins said that a good problem to have is to have more applicants than the Town has resources because that means there's a lot of interest in investment downtown.

Mayor Gray asked about the number of applications that have been submitted. She said that she thought the Town was running low on people who were interested in applying but understands that it goes in cycles.

Planning Director David Bergmark said that there were some periods where the number of applications received was slowing down some. Staff received a request at the end of last fiscal year, so there isn't a lack of interest.

Commissioner Carroll said his issue regards the "2 quotes from contractors" requirement. He said that regardless of whether the building owner uses a contractor or not, some of the business owners might want to do it themselves. It doesn't matter to him if they have two quotes or not, so long as they're providing receipts for the transaction. He said that anybody that's going to meet a \$10,000.00 match is going to spend a significant amount of money. As a business owner, Mr. Carroll said this is a loss leader and it's his suggestion the Town take a calculated risk and look at the fact that the Town is spending \$10,000.00, but the tax revenue that's going to come back from a commercial business in Town that has invested enough money to receive the full \$10,000 is going to be significantly higher. He said that it's great to make it available to more than one applicant, but if one applicant wants to invest enough to receive the full \$10,000 then so be it. If there's more than one business that would like to have it, they can wait until it's available again. He said he thinks it's a good incentive for a medium-sized business.

Mayor Gray said that she thinks that it should require 2 contractor bids. She told Mr. Carroll that she didn't know what he meant by not having contractor bidding process.

Commissioner Carroll said if someone owned a building downtown and wanted to contract an awning and new windows, but they were going to sub it out themselves and manage the work—if they didn't want to call two people to get bids on that, he didn't see what the issue is so long as the money was spent. Mr. Carroll said he didn't think it was the Commission's job to make sure the investor is getting the best deals on their money

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

spent. If they spent \$300,000 to renovate a downtown building, he doesn't see a difference it's going to make how many different quotes they have.

Planning Director Bergmark said that Mr. Carroll was right about the Town not reimbursing them for more than half of what they applied for, because the Town will have to get actual costs. At the same time, the Town isn't always going to be funding people at exactly 50% of what they're asking for. If someone came and gave the Town an estimate that said they're spending \$15,000 and the Town decided to award them \$4,000 it might have been based on the idea that they were going to be spending \$15,000 but they only spent \$8,000—if the Town knew they were only going to be spending \$8,000 it might have awarded them less. He said that this is a good reason to get more than one quote. The Town isn't at risk of giving them more than 50%, but that is one thing that could impact the Commission's thinking on how it allocates funding.

Commissioner Boyette asked if they could split the difference and say "contractors or suppliers" because the business owner isn't going to build their own awning or make their own windows. They will still have to get quotes for that.

Planning Director Bergmark said that they weren't really trying to focus on the contractor's part, just to require two estimates.

Commissioner Carroll said that the business owner is spending their money and he doesn't believe that it's the Town's responsibility to ensure that they got two quotes for how they're going to do it if they have a receipt for the best deal.

Town Manager Collins said that the quotes are being used in the application process by the Town before the work is done. So, whatever the cost of the project is—whatever the contractor or installer or developer the owner hires—that's still going to be the cost. What the appearance commission and staff is saying here is that having the two quotes lets the Commission see at least two different prices to provide a ballpark cost, rather than the applicant happened to get a high quote that is unrealistic. It is to be able to make sure that they are recommending the right amount to use for the decision. The owner gets to pick their contractor or installer and the receipt's cost is used to get the reimbursement on the application.

Commissioner Carroll said he could see Mr. Collins' point.

Town Manager Collins asked for clarification regarding whether a "contractor" was realistic if an installer that might not be a "contractor" be the one doing the work.

Mayor Gray said that this might be a whole semantics discussion that the Commission is in.

Commissioner Carroll said that he doesn't care about the semantics of who the owner gets the quotes from. He said he doesn't think that the Town needs to manage the

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

business owner getting two quotes. However, he said that he was ready to drop that issue, leave it as is and see if the Commission can push the Façade Grant through with the option for a business that is going to make a significant investment in our town to receive up to \$10,000 for the grant.

Commissioner Myrick said that he would be more comfortable with two \$5,000 Façade Grant opportunities. He agreed that it isn't the Board's responsibility to see who's getting the better deal, but it's also not the taxpayer's responsibility to subsidize building renovations.

**ACTION:**

Mover: Commissioner Carroll moved to approve the Façade Grant with staff recommendations.

Vote: 2-1 with Commissioner Myrick opposed.

Attorney Jim Cauley mentioned that Item 6a-The Façade Grant Program-will have to have a second reading, because it didn't pass with 3 votes.

6b. Request for the Town Board to authorize negotiations with respondents to the Town's RFQ for Transportation and Engineering Services for pedestrian improvements to Wendell Blvd.

Speaker: Planning Director David Bergmark

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

**Item Summary:**

*Three engineering firms submitted Letters of Interest (LOI) in response to the Town's RFQ for preliminary engineering and design services for planned pedestrian and intersection improvements along the Wendell Blvd (Business-64) corridor. Staff has evaluated their LOI and has ranked their qualifications, based upon the evaluation criteria included within Attachment B.*

***Staff hereby requests the Board to authorize the Town Manager to enter negotiations with RFQ respondents in the following rank order:***

1. Kimley Horn
2. Ramey Kemp Associates
3. Johnson, Mirmiran & Thompson, Inc. (JMT)

*Following successful negotiations with the selected firm, a Master Agreement will be prepared and signed by both parties outlining the scope of services, deliverables, and hourly rates of project team members.*

**Attachments:**

- A. Wendell Blvd Capital Project Map
- B. Wendell Blvd RFQ

Commissioner Carroll asked if the Board would hear back from staff before anything is agreed upon.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

Town Manager Collins said that staff would report back to the Board on the final agreement after staff has negotiated the agreement.

Commissioner Carroll said that he wanted to know before the contract was signed, how much would be spent.

Mayor Gray said the Board is voting to authorize to enable the Town Manager and staff to handle the contract negotiations.

Town Manager Collins confirmed and said that it would be within the budgeted amount that the Board has appropriated. He said that the Town is going through a process established by State Statute to acquire engineering services for a project that's anticipated to be above a certain amount. Staff is asking for approval from the Board on that process for the Town Manager to handle the negotiations.

**ACTION:**

Mover: Commissioner Carroll moved to approve the Request for the Town Board to authorize negotiations with respondents to the Town's RFQ for Transportation and Engineering Services for pedestrian improvements to Wendell Blvd.

Vote: Unanimous.

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

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

-  Wendell Fire Board [Commissioner Boyette] – The Wendell Fire Department has received 4 new extrication tools. The new fire department at Wendell Falls Parkway should be completed by Thanksgiving.
-  Technical Review Committee [TRC] [Commissioner Ben Carroll] –Phase 7 of Wendell Falls east of Martin Pond Rd. Resubmittal has not been seen of this phase, yet. Phase 9 of Wendell Falls, a development on Old Battle Bridge Rd., was approved with conditions for resubmittal.
-  East Wake Senior Center Auxiliary [Commissioner David Myrick]—This meeting has been rescheduled for July 25<sup>th</sup>  
The Mayor reported that CAMPO doesn't meet in July.

**8. COMMISSIONERS' REPORTS / COMMENTS**

No reports were announced.

**9. MAYOR'S REPORTS / COMMENTS**

Mayor Gray provided the following:

-  Mayor Gray attended Pleasant Grove Baptist Church's service. She congratulated the church on their 156<sup>th</sup> anniversary. She announced that the

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 22, 2019**

church published a historical book on the church, which she would like to include at the Wendell Historical Society's museum.

- W* Congratulations to the Girls 8u All-Stars who finished 2<sup>nd</sup> in the state championships.
- W* The boy's 8U and 10U All Stars will be competing in the State tournament this weekend, July 26<sup>th</sup> – 28<sup>th</sup> in Smithfield. Mayor Gray thanked the parents of little league athletes for all that they do.
- W* The Wendell Farmers Market is open Saturdays from 9:00 a.m. to 1:00 p.m.

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**

**ACTION:**

Mover: Commissioner Carroll moved to adjourn at 8:36 p.m.

Vote: Unanimous.

Duly adopted this 12 day of August 2019, while in regular session.

**ATTEST:**

*Megan Howard*  
\_\_\_\_\_  
Megan Howard,  
Town Clerk



*Virginia R. Gray*  
\_\_\_\_\_  
Virginia R. Gray,  
Mayor