

## Wendell Board Meeting Minutes

Monday, June 10, 2019

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, June 10, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

**STAFF PRESENT:** Town Manager Marc Collins, Special Assistant to the Manager-Deputy Town Clerk Sherry Scoggins, Town Clerk Megan Howard, Town Attorney Jim Cauley, Finance Director Butch Kay, Public Works Director Brian Bray and Police Chief Bill Carter.

### CALL TO ORDER

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

Fernando Ramirez Tapia, student at Lake Myra Elementary School, led the Pledge of Allegiance.

George Fuller of Wendell Christian Church provided the invocation.

### 1. ADJUSTMENT AND APPROVAL OF THE AGENDA

#### **ACTION**

**Mover:** Mayor Pro Tem Lutz moved to approve the agenda with the adjustment of adding an item to discuss parking on Third Street, as Item 6c.

**Vote:** Unanimous

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

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

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

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

- *Sign up prior to the beginning of the meeting. The sign-up period will begin 20 minutes prior to the start of the meeting and will end when the meeting begins.*
- *When the Public Comment Period is announced, come to the podium and state your name and address for the record.*

- *Be concise and limit your comments to three minutes or less. Designate a spokesperson for large groups. Direct comments to the full Town Board and not to an individual Town Board member.*

No one signed up for 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.*

#### **ACTION**

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

Vote: Unanimous

- 3a. Approval of the minutes from the April 22, 2019 regular Town Board meeting.
- 3b. Approval of the minutes from the April 29, 2019 budget work session Town Board meeting.
- 3c. Approval of the minutes from the May 13, 2019, regular Town Board meeting.
- 3d. Request for the Town Board to authorize the Town Manager to sign an amended Streetlight Reimbursement Agreement with Wendell Falls.

### 4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Recognition of Lake Myra Elementary School staff: Sandra Ramirez Tapia  
Speaker: Mayor Virginia Gray

Mayor Gray recognized Lake Myra Elementary School Staff Sandra Ramirez Tapia.

- 4b. GFOA Finance Recognition: Certificate of Achievement for Excellence in Financial Reporting  
Speaker: Accountant II Garrett Johnson

Accountant II Garrett Johnson presented the following staff report below, in italics.

#### **Item Summary:**

*The Town of Wendell has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report (CAFR) by the Government Finance Officers Association (GFOA) for the third consecutive year. The Wendell Finance Department received the CARF award following its first submittal for fiscal year ended 2016. The CAFR is a voluntarily constructed document that*

represents above and beyond financial and non-financial reporting. The report is made up of four sections: Introductory, Financial, Statistical, and Compliance/Single Audit (optional). The report must be submitted to the GFOA no later than six months after the end of the fiscal year being reported. The CAFR is reviewed by a panel of evaluators to determine whether or not the report complies with financial reporting standards and portrays a true story of the Town's financial (and non-financial) position.

Members of the Finance Department include:

- Finance Director Butch Kay
- Accountant II Garrett Johnson
- Human Resources Specialist Melia Edwards, and
- Accounting Technician Elizabeth Jones

- 4c. Presentation of the Wendell, North Carolina Report of Economic Assessment prepared by the NC Main Street & Rural Planning Center.  
Speakers: Planning Director David Bergmark and Bruce Naegeen

Planning Director David Bergmark introduced NC Department of Commerce Professional Bruce Naegeen.

Bruce Naegeen thanked those who were a part of the NC Report of Economic Assessment and presented the following PowerPoint.



## Report: Wendell Economic Development Assessment

June 10, 2019

## Introduction



- Town is experiencing significant change
  - Residential development
  - Business expansions
  - Construction
- Need to examine how to leverage attributes and strengths to address challenges of growth
- Economic Development Assessment
  - Economic positioning & vision statement
  - *Town of Wendell Economic Development Strategic Plan*
- Demographic and market data

## Introduction



### Community Engagement Sessions

- February 5 - **Local Work Group Engagement**
  - Half-day at Community Center
  - Prominent business owners, planning & economic development board members, Chamber of Commerce officials and others
  - Discussed issues, attributes and challenges

## Introduction



### Community Engagement Sessions

- February 5 - Local Work Group Engagement
- February 12 - **Community-Wide Engagement / Economic Positioning & Vision Forum**
  - 2-1/2 hours in Council Chambers
  - Open to the public at large
  - About 25 citizens, business and property owners
  - Developed Economic Positioning/Vision statement



### *Wendell Economic Positioning/Vision*

Wendell is a thriving hub of commerce, industry and recreation. Located just minutes from the state Capital, Wendell offers a small town feel to residents, with direct Interstate access to commercial and industrial corporations. Our historic downtown is the center of diverse locally-owned shopping, art, dining and nightlife. Wendell's inclusive communities provide diverse housing, amenities, and civic engagement for all residents.

## Introduction



### Community Engagement Sessions

- February 5 - Local Work Group Engagement
- February 12 - Community-Wide Engagement: Economic Positioning & Vision Forum

#### February 26 - Downtown Stakeholder Engagement

- 2 hours at GrillBillies classroom
- 35 business and property owners, investors and others interested in downtown issues
- Issues, concerns, attributes and challenges
- Review of Land Use Chart & Downtown Mixed Use District (DMX)

## Introduction



### Community Engagement Sessions

- February 5 - Local Work Group Engagement
- February 12 - Community-Wide Engagement: Economic Positioning & Vision Forum
- February 26 - Downtown Stakeholder Engagement

#### March 5 – Wendell Falls Parkway Engagement

- 2 hours at Community Center
- 20 property owners of large, vacant parcels along Wendell Falls Parkway
- Facilitated discussion: area strengths, challenges & opportunities
- Discussed potential tools and processes to address impediments to appropriate development

# Introduction



## Community Engagement Sessions

- February 5 - Local Work Group Engagement
- February 12 - Community-Wide Engagement: Economic Positioning & Vision Forum
- February 26 - Downtown Stakeholder Engagement
- March 5 – Wendell Falls Parkway Engagement

**Almost 70 people participated in the process!**

## Key Community Assets



<u>Economic</u>	<u>Cultural</u>	<u>Natural/Recreational</u>	<u>Community</u>
Access to highways	Festivals & events	Community Center & Parks	Council of Churches
Affordable land	Historic districts & homes tours	Tarpley's Mill Pond	Garden Club
Downtown Wendell	Mural Trail	Lake Myra	Golf carts on the streets!
National Register Historic Districts (2)	"Oliver", the largest tobacco worm depiction in the world	Mystery Lakes	Masons
Natural Gas line		Turnipseed Nature Preserve	Rotary
Wendell Falls		Wendell Falls Trails	Historical Society
Industrial Park (private)			Woman's Club
Industry – Kloti & Vishay			

# SWOT Analysis Highlights



## Strengths

Open for Business

Affordable land

Access to Interstate

Certified Industrial Site

Town communication

Diversity

Events/Festivals

Historic downtown

Incentives

Leadership

Local investors

Proximity to Raleigh

Natural Gas

Community Ctr & Parks

Sense of Community

Water/sewer capacity

Wayfinding signage

Wendell Falls S/D

## Weaknesses

Lack of businesses support

Downtown bldgs. as storage

Geographically split town

Lack of communication

Direction/vision for town

Lack of organizational capacity

Lack of sidewalks

Low residential tax base

Resistance to change

Out-of-area property owners

Property hoarders

Sidewalk needs

Unwilling DT property owners

## Opportunities

More festivals & events

Advertising

All retail

Wendell Falls / Wendell

Highway access

Highway signage

Hotels

Job creation

Kiotti Tractor Expansion

Proximity to Raleigh

Public transportation

Water capacity

Wendell Falls

## Threats

Commercial retail market

Housing market cycles

Construction costs, tariffs

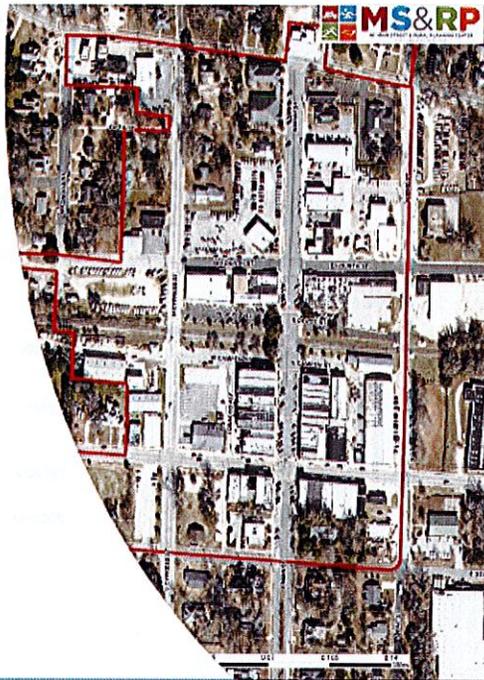
Local jobs for local people

Attitude about Eastern Wake

State Tier designations (Tier 3)

## Downtown

- Strong love for downtown Wendell
- Passion to succeed
- Mixed messaging about what is the "downtown district"
- How to move forward to achieve desired changes



## Downtown Mini-SWOT



DOWNTOWN STRENGTHS	DOWNTOWN WEAKNESSES
People	Parking
Golf cart use	Lack of retail and restaurants (need more)
Pedestrian-friendly	Need more active storefronts
Dog-friendly	Street repairs needed
Business institutions (long term legacy businesses)	Need (commercial buildings) with grease-traps/commercial kitchens to attract more restaurants
Safe	Rents are high for start-up businesses
Events - Artwalk / Christmas / Harvest Fest / etc.	Rents are too low to encourage owner investment
Food trucks	Connectivity of outer areas to Main Street
Clean	Better definition / expand downtown boundaries
Proximity to Raleigh	Consistent streetscape/lighting
Low traffic congestion	Extend business hours/activity
Wayfinding signage	Hard to find information about available businesses/buildings
DOWNTOWN OPPORTUNITIES	MISSING BUSINESS TYPES (Downtown)
Building renovations - Investment opportunity	Seafood restaurant
Vacant land available for infill	Sit-down restaurants
Upstairs residential / edge/walkable	Fed-Ex/UPS Store
Job creation/more businesses	Sports bar
Identify parking - establish a parking plan	Anything open on Sunday (expand hours)
Branding - signs, flags, directories	Dry cleaners
Marketing of downtown - tie to events and sports	Clothing
	Gifts, furniture & retail

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## Downtown Mini-SWOT



KEY DOWNTOWN ASSETS		QUALITIES UNIQUE TO WENDELL
Historic district (feel)	Wi-Fi	Small town charm
Event space/Town Square	Safe	Golf cart friendly
Parking	Town Hall	Mural trail (Tobacco worm)
Feels genuine	Library	Namesake - Oliver Wendell Holmes
Streetscape/hardscape	Police Department	Compact, multi-street downtown
Compact/buildings	Chamber of Commerce	Independent local businesses
Architecture	Niche businesses	Home of UPC Code developer
Park nearby	Weather cam	Healthy design/businesses/active living
Diversity of people and businesses		

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# Downtown Mixed Use District DMX



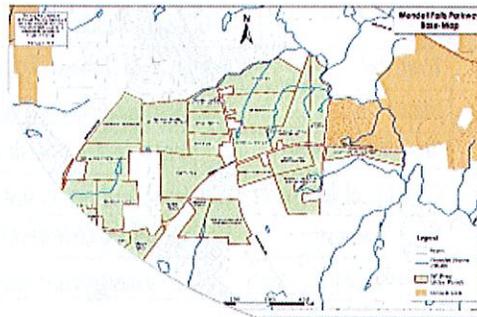
Participant Recommendations: **Blue** = moved from / to another category  
**Red** = new Use  
**Purple** = question

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
ATM Business Support Services Community Service Organization General Retail - 10,000 sf or less Government Services Laundry Services Media Production Medical Services - Doctor Office Personal Services Post Office Professional Services Public Safety Station Restaurant Retail Sales Sidewalk Café/Outdoor seating Studio - Art, Music Theater, Live Performance, Indoor Theater, Movie Upper-floor Residence	Alcoholic Beverage Sales Store Amusements (Entertainment), Indoor Animal Services Banks, Credit Unions, Financial Services Bed & Breakfast Inns Dwelling-Secondary Hotels/Motels/Inns Live-Work Units Micro-Distillery/Micro-Brewery / Micro-Winery Parking Structure (primary use) Transit Station - Passenger	Bar/Tavern/Night Club Billiard/Pool Hall Colleges/Universities Cultural or Community Facility Drive Thru Service Dwelling-Multi Family Apt Gas Station Hospital Manufacturing, Light Manufacturing, Neighborhood Meet Facilities/ Indoor Event Medical Services - Clinic, Urgent Care Center Metal Products Fabrication, machine or welding shop Nursery/Community Garden Parking Lot (primary use) Recreation Facilities, Indoor Research and development Schools - Vocational/Technical Studio - Dance, Martial Arts Wireless Telecom Facility-Stealth



## Wendell Falls Parkway Strategic Corridor

- Key growth area
- Connector from Wendell Falls Mixed Use Community to Downtown
- Identified development issues
- Potential solutions



## Wendell Falls Parkway Mini-SWOT



STRENGTHS	WEAKNESSES
Location	Gap in utilities
Available land	UDO road requirements
Major road access	Hit or miss rock
Water / sewer capacity	Transportation plan requirements
Development interest	Schools
	Parcels "small"
	Unclear where to access sewer
	Property owner resource limits
	Ground water issues
	Land use map outdated
	Zoning map outdated

OPPORTUNITIES
Quality land for quality prices
Church interests
Coordinated utility expansion
Right-size roads now instead of after a project
Resolve public health water concerns

## Wendell Falls Parkway Mini-SWOT



### POTENTIAL SOLUTIONS

1. Potential funding for utility extensions for desirable projects (to assist developers)
2. Joint property/town easements for sewer (facilitated through development agreements)
3. System-Health Waterline Extensions (Martin Pond Loop & Possible Eagle Rock Loop)
4. Interest in pro-active water/sewer easements
5. Need for proactive conversation with Raleigh and NCDOT about infrastructure design issues
6. Appropriate/Reasonable valuations of property to make it desirable/easier for developers to buy
7. Possible assessment on developed lots to pay back utility extension costs
8. Potential amendments to Town infrastructure improvement requirements (as development occurs)

# Wendell Economic Development Assessment Implementation Plan

## Wendell Economic Positioning/Vision



Wendell is a thriving hub of commerce, industry and recreation. Located just minutes from the state Capital, Wendell offers a small town feel to residents, with direct Interstate access to commercial and industrial corporations. Our historic downtown is the center of diverse locally-owned shopping, art, dining and nightlife. Wendell's inclusive communities provide diverse housing, amenities, and civic engagement for all residents.

## Economic Development Assessment Implementation



Strategy 1 Community Connectivity	Strategy 2 Downtown Development	Strategy 3 Business Development	Strategy 4 Promotion/Branding
The Town of Wendell boundaries are non-contiguous making a "sense of place" difficult especially for new businesses and residents in Martin Center, Wendell Falls and Eagle Rock.	Downtown Wendell has a great looking streetscape, historic buildings, legacy and new retail businesses and a terrific sense of community. It's missing, however, an organizational structure, strategic goals, plans and someone to help move the needle.	There are several businesses and industrial companies that claim Wendell as "world headquarters" with branches in other locations. Why? The answers may help in developing a strategic recruitment plan with resources to help attract the right businesses/industry to the right section of town.	The branded wayfinding signs are a start with connectivity and promotion of Wendell. A series of existing events in downtown and Wendell Falls helps keep and bring people into town. The Town should build on these efforts with additional events and branding initiatives.
<b>GOAL 1: Create a Town-wide Sense of Place</b>	<b>GOAL 2: Create a Successful and Vibrant Downtown District</b>	<b>GOAL 3: Grow the Local Economy in Wendell</b>	<b>GOAL 4: Make Wendell Known Statewide</b>

## Economic Development Assessment Implementation



Strategy 1 Community Connectivity	Strategy 2 Downtown Development	Strategy 3 Business Development	Strategy 4 Promotion/Branding
The Town of Wendell boundaries are non-contiguous making a "sense of place" difficult especially for new businesses and residents in Martin Center, Wendell Falls and Eagle Rock.	Downtown Wendell has a great looking streetscape, historic buildings, legacy and new retail businesses and a terrific sense of community. It's missing, however, an organizational structure, strategic goals, plans and someone to help move the needle.	There are several businesses and industrial companies that claim Wendell as "world headquarters" with branches in other locations. Why? The answers may help in developing a strategic recruitment plan with resources to help attract the right businesses/industry to the right section of town.	The branded wayfinding signs are a start with connectivity and promotion of Wendell. A series of existing events in downtown and Wendell Falls helps keep and bring people into town. The Town should build on these efforts with additional events and branding initiatives.

**Strategy 1: Community Connectivity**  
**Goal 1: Create Town-wide Sense of Place**

**Objective 1.1** Create visual connections between Downtown, Wendell Falls, Eagle Rock and Martin Center.

**Action 1.1A:** Research towns with similar disconnection characteristics, (i.e. Fuquay-Varina NC "The Link"; and Eden NC) to develop best practices for future actions.

**Objective 1.2:** Develop gathering spaces / activities and events throughout town where people from all neighborhoods feel welcome.

**Action 1.2A:** Evaluate the Parks & Recreation Master Plan to identify property and progress plans, to serve as gathering places in currently underserved areas, geared towards the community's various recreational needs.

**Strategy 1: Community Connectivity**  
**Goal 1: Create Town-wide Sense of Place**

**Objective 1.2:** Develop gathering spaces / activities and events throughout town where people from all neighborhoods feel welcome.

**Action 1.2A:** Evaluate the Parks & Recreation Master Plan to identify property and progress plans, to serve as gathering places in currently underserved areas, geared towards the community's various recreational needs.

**Action 1.2B:** Produce a live music concert series alternating between Wendell Falls and Downtown within or adjacent to the commercial areas.

**Objective 1.3:** Facilitate development opportunities along the Wendell Falls Parkway Strategic Corridor.

**Action 1.3A:** Research and develop *Potential Solutions* identified in Section 5 of the *Assessment Report*.

# Economic Development Assessment Implementation



Strategy 1 Community Connectivity	Strategy 2 Downtown Development	Strategy 3 Business Development	Strategy 4 Promotion/Branding
The Town of Wendell boundaries are non-contiguous making a "sense of place" difficult especially for new businesses and residents in Martin Center, Wendell Falls and Eagle Rock.	Downtown Wendell has a great looking streetscape, historic buildings, legacy and new retail businesses and a terrific sense of community. It's missing, however, an organizational structure, strategic goals, plans and someone to help move the needle.	There are several businesses and industrial companies that claim Wendell as "world headquarters" with branches in other locations. Why? The answers may help in developing a strategic recruitment plan with resources to help attract the right businesses/industry to the right section of town.	The branded wayfinding signs are a start with connectivity and promotion of Wendell. A series of existing events in downtown and Wendell Falls helps keep and bring people into town. The Town should build on these efforts with additional events and branding initiatives.

## Strategy 2: Downtown Development

### Goal 2: Create a Successful & Vibrant Downtown

**Objective 2.1:** Develop a framework for a sustainable, non-profit, tax-exempt downtown development organization based on successful downtown revitalization models.

**Action 2.1A:** Research mission/purpose statements and bylaws from no more than 3 successful downtown organizations of similar size towns (i.e. Edenton, Aberdeen, Mt. Airy, Elon & Morehead City). Then develop draft organizational bylaws and mission/purpose statement based on these.

**Strategy 2: Downtown Development**  
**Goal 2: Create a Successful & Vibrant Downtown**

**Objective 2.2: Increase downtown retail and dining options.**

**Action 2.2A:** Complete and maintain a building & business inventory with property condition notes.

**Action 2.2B:** Speak with downtown property owners about potential building uses and improvements.

**Action 2.2C:** Promote the Town's Façade Grant Program.

**Action 2.2D:** Update the Town's guide/brochure to assist in the process of opening a new business in Downtown Wendell.

**Action 2.2E:** Facilitate the development of additional downtown gathering spaces, and parking areas for special events.

**Strategy 2: Downtown Development**  
**Goal 2: Create a Successful & Vibrant Downtown**

**Objective 2.3: Create best regulatory environment downtown for business strengthening and recruitment.**

**Action 2.3A:** Review ordinances and incorporate best practices for downtown district, including signage, parking, design, etc.

**Action 2.3B:** Review and revise for most appropriate and desired downtown (DMX) land uses.

## Economic Development Assessment Implementation



Strategy 1 Community Connectivity	Strategy 2 Downtown Development	Strategy 3 Business Development	Strategy 4 Promotion/Branding
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### Strategy 3: Business Development Goal 3: Grow Wendell's Local Economy

**Objective 3.1: Increase the annual sales revenue of locally-owned businesses.**

**Action 3.1A:** Develop and implement a *Business Retention and Expansion (BRE) Program* - develop a comprehensive program of visitation, assistance and promotion of existing businesses to retain and enhance their abilities to grow and expand; creating additional jobs and economic opportunities.

**Objective 3.2: Improve appearance of residential & commercial properties.**

**Action 3.2A:** Initiate neighborhood workshops to discuss advantages of property appearance. Research and develop a neighborhood "clean up" event/program.

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## Strategy 3: Business Development

### Goal 3: Grow Wendell's Local Economy

**Objective 3.3:** Provide proper tools for staff and community to make good decisions.

**Action 3.3A:** Review and update *Town's Future Land Use Map* and *Comprehensive Plan*.

**Action 3.3B:** Produce a "Development Guide" page on the Town website, with staff contacts listed.

**Objective 3.4:** Provide information about available properties for commercial or residential development.

**Action 3.4A:** Manage *Properties Available* page on the Town website.

**Action 3.4B:** Include links to development process and Town contacts for assistance.

## Economic Development Assessment Implementation



Strategy 1 Community Connectivity	Strategy 2 Downtown Development	Strategy 3 Business Development	Strategy 4 Promotion/Branding
<p>The Town of Wendell boundaries are non-contiguous making a "sense of place" difficult especially for new businesses and residents in Martin Center, Wendell Falls and Eagle Rock.</p>	<p>Downtown Wendell has a great looking streetscape, historic buildings, legacy and new retail businesses and a terrific sense of community. It's missing, however, an organizational structure, strategic goals, plans and someone to help move the needle.</p>	<p>There are several businesses and industrial companies that claim Wendell as "world headquarters" with branches in other locations. Why? The answers may help in developing a strategic recruitment plan with resources to help attract the right businesses/industry to the right section of town.</p>	<p>The branded wayfinding signs are a start with connectivity and promotion of Wendell. A series of existing events in downtown and Wendell Falls helps keep and bring people into town. The Town should build on these efforts with additional events and branding initiatives.</p>

**Strategy 4: Promotion/Branding**  
**Goal 4: Make Wendell NC Known Statewide**

**Objective 4.1:** Engage in creative and unconventional (guerilla) marketing techniques.

**Action 4.1A:** Start a video promotion series on the proper pronunciation of Wendell, and key events and activities in Town.

**Action 4.1B:** Identify places where visitors and residents are likely to take pictures (ie. Tobacco Worm mural) and place a Town logo, website address, hashtag (*#OnlyinWendellNC*) that will be visible in the photo when it gets shared or, maybe goes viral!

**Strategy 4: Promotion/Branding**  
**Goal 4: Make Wendell NC Known Statewide**

**Objective 4.2:** All Town events should have the purpose of bringing people to town/downtown to generate retail foot traffic.

**Action 4.2A:** Review existing events to make sure they create foot traffic for businesses. If not, add event components, with help fo merchants, to create foot traffic.

**Objective 4.2B:** Create a cross-promotion culture in downtown.

**Action 4.2B:** In partnership with the Chamber of Commerce, start monthly Wendell business-owner/employee only networking to meet and learn about other businesses in downtown and throughout Town.

## Wendell Economic Positioning/Vision



Wendell is a thriving hub of commerce, industry and recreation. Located just minutes from the state Capital, Wendell offers a small town feel to residents, with direct Interstate access to commercial and industrial corporations. Our historic downtown is the center of diverse locally-owned shopping, art, dining and nightlife. Wendell's inclusive communities provide diverse housing, amenities, and civic engagement for all residents.



<b>GOAL 1:</b> Create a Town-wide Sense of Place	<b>GOAL 2:</b> Create a Successful and Vibrant Downtown District	<b>GOAL 3:</b> Grow the Local Economy In Wendell	<b>GOAL 4:</b> Make Wendell Known Statewide
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# Wendell Economic Development Implementation Plan





# Questions?

Bruce Naegelen  
Community Economic Development Planner  
North Central Prosperity Zone  
[Bruce.Naegelen@nccommerce.com](mailto:Bruce.Naegelen@nccommerce.com)

**ACTION:** Report was received by the Board of Commissioners.

## 5. PUBLIC HEARINGS

### **Public Hearing Guidelines:**

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

- 5a. **PUBLIC HEARING:** Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO as it relates to Indoor Amusements, Game Rooms and Pool Halls.  
Speaker: Planning Director David Bergmark

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

### **Item Summary:**

Currently, Game Rooms and Pool Halls are permitted in the UDO within select districts, but there are requirements in the Code of Ordinances that cannot be complied with since there no longer exists a means of carrying them out. Previously the Town required businesses to obtain a Privilege License, but now according to GS 106-65.40 a city may not levy a privilege license tax on persons engaged in business, therefore the Town of Wendell no longer issues the licenses. Since much of the language in the ordinance regarding game rooms and pool halls pertains to the requirements of obtaining a privilege license, staff is requesting to delete Article III- Game Rooms and Pool Halls from Chapter 6 of the Code of Ordinances and to add any relevant language to the UDO for these uses. Under the UDO, Game Rooms would be classified as a type of Indoor Amusements, which is defined as “establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys.” Currently, the only use standard for Indoor Amusement is that no audio system may be permitted that can be heard beyond the property. Staff’s proposal adds additional supplemental use standards to the Indoor Amusement use, based on some of the language currently located in Article III for game rooms and pool halls.

**Key Questions:**

1. Where should Indoor Amusements be permitted to operate?
2. What supplemental use standards should apply to them?

**Districts Where Indoor Amusements are Currently Allowed:**

**Indoor Amusements** – Permitted with Additional Standards (PS) in the CMX, CC, DMX, and CH zoning districts.

**Proposed Amendments to the UDO:**

The following proposed text amendment will be added to Section 19.3 (Definitions), Section 3.3 (Additional Standards by Use) and Section 2.3 (Use Categories and Tables of Permitted Uses).

Per the Planning Board’s direction, the Pool Hall use was incorporated into the ‘Indoor Amusement’ use category. Additionally, the Indoor Amusement Use was amended to require Special Use Permit (SUP) approval in the DMX zoning district.

The Indoor Amusement definition was modified to list billiard/pool halls as an example, and the Billiard/Pool Hall definition was amended to encompass an establishment with ‘more than two billiard or pool tables’ (previously any establishment with even 1 pool table was considered a Pool Hall).

Finally, supplemental standards for Indoor Uses were added to address hours of operation, and transparency requirements.

**19.3 – Definitions**

**Amusements, Indoor** means establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys, and billiard/pool halls.

**Billiard/Pool Hall** generally means any place where more than two billiard or pool tables are operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit.

**3.3 - Additional Standards by Use**

**D. Amusements, Indoor (CMX, CC, DMX, CH).**

1. No outdoor public address or any audio system shall be permitted which can be heard beyond the boundaries of the property. All noise shall comply with the Town's noise ordinance.
2. Shall be closed from 11:00 PM until 8:00 a.m. Monday through Sunday.
3. Transparency shall be maintained for windows along the front façade of the business so that a clear view of the interior may be had from the street. This shall not exclude the use of shade blinds or temporary use of blinds during daylight hours.

### 2.3 – Use Categories and Tables of Permitted Uses

Entertainment/Recreation																	
BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND	
Adult Establishment	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	PS	-	
Amusements, Indoor	-	P*	-	-	-	-	-	-	-	PS	PS	PS SUP	-	PS	-	-	
Amusements, Outdoor	-	P*	PS	PS	-	-	-	-	-	PS	-	-	-	PS	-	-	
Billiard/Pool Hall	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	-	
Cultural/Community Facility	PS	P*	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P	
Event Venue, Outdoor	-	P*	SUP	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	SUP	SUP	
Farmers Markets	-	P*															
Meeting Facility/Indoor Event Venue	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	SUP	PS	P	P	P	
Recreation Facilities, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P	
Recreation Facilities, Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P	
Shooting Range, Indoor	-	P*	-	-	-	-	-	-	-	SUP	SUP	-	-	SUP	SUP	-	
Sports Training/Fitness Complex	-	P*															
Sweepstakes Center	-	P*	-	-	-	-	-	-	-	-	-	-	-	SUP	-	-	
Theater, Live Performance, Indoor	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P	
Theater, Live Performance, Outdoor		P*								SUP	SUP			SUP	SUP		
Theater, Movie	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	-	

**Planning Board Recommendation:**

At their May 20, 2019 meeting, the Planning Board voted 5-2 in favor of amending Section 19.3 (Definitions), Section 3.3 (Additional Standards by Use) and Section 2.3 (Use Categories and Tables of Permitted Uses) in order to amend the permitting standards for Indoor Amusements and Pool Halls.

**Voting in favor:** Errol Briggerman, Joe DeLoach, Ryan Zakany, Terry Allen Swaim (by absentia), and Victoria Curtis.

**Voting against:** Lloyd Lancaster and Jonathan Olsen

**Absent:** None

**Statement of Plan Consistency and Reasonableness**

- Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.
  - At their May meeting, the Planning Board found the requested zoning text amendment to be consistent with Principle #5 of the Wendell comprehensive plan and to be reasonable in order to promote Wendell's attractiveness to business.
    - Principle # 5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.

**Staff Recommendation:**

Staff recommends approval of the proposed text amendment request. The following summarizes the changes made by staff to the additional standards for indoor amusements, according to the comments from planning board members and the Town Attorney:

- All language regarding employees, supervisors or owners (from the code of ordinances) was eliminated since these cannot be regulated under our zoning and development rules, per the Town Attorney.
- The wording of the standard regarding unobstructed views of the interior was changed to be more accommodating.
- Staff removed the standard 'Shall not be permitted to operate above a separate use within a multi-story structure.'
- Standard #1 was expanded on to explicitly state that the use "shall comply with the Town's noise ordinance".
- Language in Standard # 3 was modified to allow blinds on windows during daylight hours.
- The Indoor Amusement use was amended to require a special use permit in the DMX zoning district.

**Attachments:**

- A. Chapter 6, Article III- Game Rooms and Pool Halls
- B. Ordinance for Adoption

**Attachment A**

**ARTICLE III. - GAME ROOMS AND POOL HALLS**

## **DIVISION 2. - GAME ROOMS**

### **Sec. 6-74. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Game room.

(1) The term "game room" means any place of business that principally operates mechanical games or pay devices for which a charge is made either directly or indirectly.

a. Examples of game rooms, by way of illustration and not limitation, are bowling alleys, amusement centers, arcades, recreation centers, and the like.

b. A game room is any place of business which operates five or more mechanical games or pay devices for which a charge is made either directly or indirectly.

(2) The term "game room" shall not include any pool room or billiard parlor which is principally operated for the purpose of a pool room or billiard parlor and is governed by a town ordinance regulating such place of business.

(Code 1986, § 112.01; Ord. of 11-8-1982)

### **Sec. 6-75. - Licenses; restrictions.**

(a) Every operator of a game room shall be required to pay a privilege license tax in accordance with the article II of [chapter 22](#).

(b) In addition, every operator of a game room shall apply for and obtain a license from the town to operate a game room. The application for such license shall be made on forms provided by the town.

(c) An application fee, as provided in the fee schedule which is on file in the town clerk's office, shall be paid to and collected by the town when the application is submitted to cover the cost of administration of this division.

(d) It shall be unlawful to operate a game room within the town without a license as required by subsection (b) of this section. However, no such license shall be issued within 30 days upon receipt of such application.

(e) Every operator of a game room shall be required to comply at all times with all applicable fire, health, and safety codes.

(Code 1986, § 112.02; Ord. of 11-8-1982)

### **Sec. 6-76. - Qualifications for license.**

In order to obtain a license from the town, the applicant must:

(1) Be at least 21 years old;

(2) Be a resident of the state unless:

a. He is an officer, director or stockholder of a corporate applicant or permittee and is not a manager or otherwise responsible for the day-to-day operation of the business; or

b. He has executed a power of attorney designating a qualified resident of the state to serve as attorney in fact for the purposes of receiving service of process and managing the business for which permits are sought;

(3) Not have been convicted of a felony within three years, and, if convicted of a felony before then, shall have had his citizenship restored;

(4) Not have been convicted of an alcoholic beverage offense within two years;

(5) Not have been convicted of a misdemeanor controlled substance offense within two years;

(6) Not have had an alcoholic beverage permit revoked within three years, except where the revocation was based solely on a permittee's failure to pay the annual registration and inspection fee required in G.S. 18B-903(b1); and

(7) Not have, whether as an individual or as an officer, director, shareholder or manager of a corporate permittee, an unsatisfied outstanding final judgment that was entered against him in an action under G.S. 18B-120 et seq.

(Code 1986, § 112.02; Ord. of 11-8-1982)

**State Law reference**— Similar qualifications for ABC permit, G.S. 18B-90.

**Sec. 6-77. - Rules for operation.**

The following rules shall be observed by all operators of game rooms within the town:

- (1) All game rooms shall be closed from 12:00 midnight until 6:00 a.m. Monday through Saturday. All game rooms shall be closed from 12:00 midnight Saturday until 6:00 a.m. Monday.
- (2) No playing of any game shall be allowed during the times when game rooms are required by this division to be closed.
- (3) All game rooms shall be operated only on the ground floor of a building and plate glass windows shall be in those parts of the building facing any street, so that a clear and unobstructed view of the interior may be had from the street.
- (4) No curtains, screens, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear walls of the room so that a clear view of the interior may be had from the street.
- (5) Adequate lighting shall be provided inside the game room as well as the immediate exterior of the building of the licensed premises.
- (6) No loud noises shall be allowed to emanate beyond the licensed premises.
- (7) There must be an adult person, 18 years of age or older, managing the business on the premises during hours of operation at all times.
- (8) All game rooms must provide adequate restroom facilities for its patrons on the licensed premises. The restrooms must be in good working order at all times during the hours of operation of the business.

(Code 1986, § 112.03; Ord. of 11-8-1982)

**Sec. 6-78. - Prohibited conduct.**

Licensees under this division shall not, and neither shall their employees:

- (1) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football, or other parlay cards or gambling boards or devices;
- (2) Suffer or permit the licensed premises to become disorderly;
- (3) Employ any person in a supervisory capacity who has been convicted of unlawfully selling or possessing alcoholic beverages or narcotic drugs;
- (4) Suffer or permit the sale, possession, or consumption of any type of alcoholic beverage on the licensed premises;
- (5) Suffer or permit any person to enter or remain on the licensed premises while under the influence of any alcoholic beverage or narcotic drug.

(Code 1986, § 112.04; Ord. of 11-8-1982)

**Sec. 6-79. - Revocation of license.**

After giving the operator of a game room adequate notice and an opportunity to be heard by the Board of Commissioners, the board may revoke the license of any game room operator who:

- (1) Violates any provision of [section 6-77](#) or [6-78](#); or
- (2) Is convicted of unlawfully selling or possessing any alcoholic beverage or narcotic drugs.

(Code 1986, § 112.05; Ord. of 11-8-1982)

**DIVISION 3. - POOL HALLS**

**Sec. 6-102. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Pool hall means any place of business that operates as a pool hall, pool room, or billiard parlor. Examples of pool halls, by way of illustration and not limitation, are:

- (1) Places where the game of pool or billiards is played;
- (2) Any place of business which operates for the purpose of playing pool or billiards; or

(3) Any place where games are played on an oblong table by driving small balls against one another or into pockets with a cue or games in which one scores by causing a cue ball to hit in succession two object balls.

(Code 1986, § 112.10; Ord. No. 0-12-87, 8-10-1987)

**Sec. 6-103. - Licenses; restrictions.**

- (a) Any person shall obtain a license issued by the Board of Commissioners before operating or maintaining any pool hall.
- (b) The application for such license shall be made on forms provided by the town accompanied with an application fee, as provided in the fee schedule which is on file in the town clerk's office, to cover the administrative costs of processing the application.
- (c) Every operator of any pool hall, pool room, or billiard parlor upon the issuance of a license to operate same shall pay a privilege license tax to the town as required.
- (d) Every operator of any pool hall, pool room, or billiard parlor shall be required at all times to comply with all applicable fire, health, and safety codes.
- (e) The Board of Commissioners shall not issue any license to any applicant who:
  - (1) Has been convicted of any violation of the North Carolina Controlled Substance Act or any violation of the North Carolina Alcoholic Beverage Control Law;
  - (2) Is not a resident of the state;
  - (3) Is not of good moral character, or has been convicted of any law regarding moral turpitude;
  - (4) Is a habitual user of alcoholic beverages or narcotic drugs; or
  - (5) Is a convicted felon.
- (f) The applicant must not be less than 21 years of age.
- (g) The applicant must provide the following information:
  - (1) The name, social security number, and address of applicant and the length of the applicant's residence in the state;
  - (2) The particular place for which the license is desired, designating the same by street and number if practicable;
  - (3) A statement that the place or building the applicant proposes to use for the business conforms to all health, fire, and safety regulations applicable thereto, and is a safe and proper place or building;
  - (4) The name of the owner of the premises upon which the proposed business is to be carried on, and, if the owner is not the applicant, that the applicant is the actual and bona fide lessee of the premises; and
  - (5) A statement that the applicant intends to carry on the business authorized by the license for himself or under his immediate supervision and direction.

(Code 1986, § 112.11; Ord. No. 0-12-87, 8-10-1987)

**Sec. 6-104. - Rules for operation.**

The following rules shall be observed by all operators of pool halls, pool rooms, or billiard parlors within the town:

- (1) All pool halls, pool rooms, or billiard parlors shall be closed from 12:00 midnight until 8:00 a.m. Monday through Sunday.

(2) No pool hall, pool room, or billiard parlor shall be allowed to remain open during the times when they are required by this division to be closed.

(3) All pool halls, pool rooms, or billiard parlors shall be operated only on the ground floor of a building and plate glass windows shall be in those parts of the building facing any street, so that a clear and unobstructed view of the interior may be had from the street.

(4) No curtains, screens, blinds, partitions, or other obstructions shall be placed between the entrance to the business and the rear walls of the building so that a clear view of the interior may be had from the street.

(5) Adequate lighting shall be provided inside the business as well as the immediate exterior of the building of the licensed premises.

(6) No loud noises shall be allowed to emanate beyond the licensed premises.

(7) There must be an adult person, 18 years of age or older, managing the premises at all times during the hours of operation.

(8) The business must provide adequate restroom facilities for its patrons on the licensed premises. The restrooms must be in good working order at all times during the hours of operation of the business.

(Code 1986, § 112.12; Ord. No. 0-12-87, 8-10-1987)

**Sec. 6-105. - Prohibited conduct.**

*Licensees under this division shall not, and neither shall their employees:*

(1) Suffer or permit any gambling on the licensed premises at any time, nor the sale or use of any racing, football, or other parlay cards or gambling boards or devices;

(2) Suffer or permit the licensed premises to become disorderly, or permit any profane, obscene, or indecent language thereon;

(3) Employ any person in a supervisory capacity who has been convicted of unlawfully selling or possessing alcoholic beverages or narcotic drugs;

(4) Suffer or permit the sale, possession, or consumption of any type of alcoholic beverage on the licensed premises; or

(5) Suffer or permit any person to enter or remain on the premises while under the influence of any alcoholic beverage or narcotic drug.

(Code 1986, § 112.13; Ord. No. 0-12-87, 8-10-1987)

**Sec. 6-106. - Age requirement of patrons.**

*It shall be unlawful for the owner, operator, or licensee of any pool hall, pool room, or billiard parlor to permit any person under the age of 16 years to enter, play pool or billiards, frequent, or remain in any such place of business.*

(Code 1986, § 112.14; Ord. No. 0-12-87, 8-10-1987)

**Sec. 6-107. - Revocation of license.**

*After giving the operator of a licensed pool hall, pool room, or billiard parlor at least five days' notice of any alleged violation and after granting the operator an opportunity to be heard by the Board of Commissioners, the board may revoke the license of any operator who:*

(1) Violates any provision of this division; or

(2) Is convicted of unlawfully selling or possessing any alcoholic beverage or narcotic drug.

(Code 1986, § 112.15; Ord. No. 0-12-87, 8-10-1987)

Mayor Gray opened the public hearing.

Regina Harmon of 6616 Tales Branch Road said that she hoped the Commission would keep some of the rules the same in the UDO, concerning the hours of operation, blind requirements, and staffing.

Kathy Dara of 3512 Coach Lantern expressed her concern for the UDO rules and the requirement for staffing of the proposed business being opened by this young man.

Mayor Gray closed the public hearing for comment and asked the Board if any of the Commissioners had any questions or comments.

Commissioner Jason Joyner asked who the young man is that Mrs. Dara was talking about as the business owner.

Planning Director David Bergmark stated that it is the son of the owner of Bravo's Pizza that purchased the property and proposed opening a Game Room.

Commissioner Joyner asked Mr. Bergmark if he could explain the concerns that this type of use would bring.

Mr. Bergmark responded that it is more an identifying of supplemental standards, which has the purpose of deciding whether such things are more conducive to creating more noise or glare, atypical hours of operation, etc. He said that citizens mentioned a number of concerns, but that he will not speak to what is and isn't justified.

Commissioner Joyner mentioned that the audio system standard causes concern because other businesses would be in violation of that, as would the Town when it has events. On the standard of requiring the business to be closed from 11 PM to 8 AM, Mr. Joyner asked if there are any other businesses that are open from 11 PM to 8 AM that are worried about the traffic that this business would create. Mr. Joyner said he's trying to figure out why a time frame was put on this particular use. Concerning the window tint, Commissioner Joyner said he doesn't see what is necessary to see inside from the outside in this case and that he doesn't know how that requirement could be enforceable. Mr. Joyner expressed that he didn't believe this to be a good set of regulations as it is antiquated. He appreciated the Planning Board's work on this and asked Mr. Bergmark about the business hours.

Mr. Bergmark said that staff began with an entire litany of rules written in the Code of Ordinances and the question was "is there some smaller list that can address concerns that were brought up?" Mr. Bergmark said that if one was to look at comparative analyses of other towns, some will have this as a permitted use with no conditions attached to it.

Commissioner Joyner said that the Special Use Permit gives the Board the appearance of having the ability to say yes or no. He said that if this process was in place, the Board would receive a lot of phone calls about a permitted use, which they would then have to be objective about for the Quasi-Judicial Hearing.

Commissioner Boyette thanked staff for taking what was a lot of standards and condensed it down to three. Mr. Boyette stated that a couple of the standards should be removed, such as regulation of business hours, as the Town doesn't regulate business hours for anyone else. He said that families with kids aren't generally downtown at midnight, so there was no reason to create a standard for this business to close at 11 p.m. Mr. Boyette also said that the window tint standard shouldn't be in place, as it would be difficult to enforce. He said he did agree with having a staff member working during business hours.

Commissioner Myrick asked if the staff requirement was something that would be added to the Special Use Permit standards or the UDO.

Attorney Jim Cauley affirmed and said that staff was drawing a distinction between those standards that apply to the operator and those that apply to the property. The standards that apply to the property can be imposed as a part of the UDO. The ones that were connected to the privilege license and applied to the person—for example, you couldn't get the license if you were a felon—those can't be a part of the UDO because the permit is transferable. If you grant the permit, you're not granting it to the person per se, you're granting it for that specific property and it can be transferred to the next person that operates that property. When it comes to Special Use Permits, Mr. Cauley said that it sets you up in the quasi-judicial process in a no-win situation. Either allow them, or don't. Mr. Cauley said that he wouldn't recommend allowing them.

Commissioner Myrick said that section 6-78 (prohibited conduct), 6-79 and 6-15 should be addressed.

Town Manager Marc Collins clarified that most of those are State Law.

Attorney Jim Cauley said that these laws are going to be addressed by other provisions and would not have to be included to be enforceable.

Commissioner Myrick asked that if there's criminal activity taking place in that business, would the law apply to that person and not that business?

Attorney Cauley confirmed.

Commissioner Myrick said that the Town should still have the right to withdraw that business's ability to stay in business if they're conducting criminal activity.

Attorney Cauley said that it wouldn't be a revocation of the land use permit and the Board doesn't have the authority to grant a privilege license. What the language allows the Board to do is revoke the privilege license based on conduct, but with a land use permit, the Board doesn't have that authority. All of the concerns toward conducting criminal activity would be addressed by other State laws and the Police Chief would address those issues.

Mayor Gray asked if any standards they put in place were violated, it doesn't take away the land use permit?

Attorney Cauley confirmed.

Commissioner John Boyette asked when does the Board determine when the place becomes a nuisance and not just the people?

Attorney Cauley said that the conduct has to be so egregious to meet the public nuisance standard.

Commissioner Joyner said that these rules should be applied to everyone. He said that these are an antiquated set of provisions that are underneath a privilege license, which hasn't been in place since he was appointed to the Board, so it should have been removed a while ago and appears like the Town is setting up a third rail of the law. Mr. Joyner said that if one violates the law, police enforce the law, if it's a zoning issue, the Town Planning Department enforces it. When the Town tries to comingle those two things, it creates funny codes of ordinances such as this.

Commissioner Myrick said that Amusements have a section in the Town's UDO which requires more thought on what may or may not happen in those establishments.

Commissioner Joyner said that these were not what were originally carved out—it was pool tables that were originally carved out in the UDO because it involved gambling, which is not going to happen anytime soon.

Commissioner Myrick said that he felt like section 6 was mostly dated but he thinks the Board shouldn't scrap all of it.

Commissioner Joyner said that the Board isn't scrapping it because at the General Assembly scrapped it for the Board. Mr. Joyner asked if the Board had the ability to mandate a person being there on staff.

Attorney Jim Cauley said that it could be done through a zoning amendment, which was looked at as a supervised work versus an unsupervised work, and a facilitated versus an unfacilitated.

Commissioner Joyner said that he has no problem with requiring someone to be on staff when the business is open. Mr. Joyner said that he thinks that the sound standard should always be the Town's Noise Ordinance. He still disagrees with the hours of operation standard.

Mayor Gray said that she would also like to see someone on staff and asked Attorney Jim Cauley to further explain how to create the wording for such a standard.

Attorney Jim Cauley said that you would implement it in the definitions of the use, including that it is supervised.

Mayor Gray asked that, if Mr. Cauley wouldn't recommend a Special Use Permit, what would he recommend?

Attorney Jim Cauley said that he would either allow it in the zone, or not, by right or with additional standards. He said that the Special Use requirement creates an expectation in the general public that the Town has an authority that the Town doesn't have. If it meets the requirements, the law says that the Town shall grant the permit.

Town Manager Marc Collins said that it is currently allowed in DMX as a use with additional standards, meaning that would be no change from the current use requirements.

Mayor Gray said that the Board could discuss the standards of the current DMX, while adjusting the standards to require the business to be supervised.

Mayor Pro Tem Lutz said that he had a few questions for Planning Director David Bergmark. When it comes to the outdoor public address, regarding noise ordinances—someone with a microphone trying to get people to come into their place of business could still fall into the outdoor public address in some areas. Mr. Lutz asked if that would still be a gray area in the Town.

Planning Director David Bergmark said that what is currently listed is stricter than just the noise ordinance by itself, although the noise ordinance is subjective regarding what the Police Department can determine what's too loud.

Mayor Pro Tem Lutz said he didn't mind the audio system because it was being projected outside the building and that should be allowed. Mr. Lutz said he would take out the business hours standard because of the staffing requirement. He said he understands the tint requirement for transparency, but that it should apply to every business, if required.

Planning Director David Bergmark said that if the hours of operation were enforced, the tinted windows at night issue could be avoided. He advised that the Board could strike out "or any audio system" if they wanted to leave public address prohibiting an outdoor PA.

Commissioner Jason Joyner said that he is anticipating a really cool arcade with all the sounds associated with the games.

Mayor Pro Tem Lutz said that people were concerned about the negative side of things, but he could see some good things coming out of this, as well. He said he didn't want to see the Board putting rules on this business because it might be something that develops into a problem—that's something the police will address if it becomes a problem. Mr. Lutz said he would like to see some of it reworded, adding in the staffing requirement, take out the audio system and the blinds and have it presented to the Board, again.

Commissioner Carroll asked if anyone has talked to the supervisor to see if he has plans for supervision in the arcade.

Planning Director Bergmark said that he was present at the Planning Board meeting, saying that it was generally his intention of having someone there. Mr. Bergmark said that he didn't know that it was his intention to always have someone there.

Mayor Gray asked what the Board would like to do on the matter.

Mayor Pro Tem Lutz requested that staff strike audio systems, as well as #2 and #3 completely and add in a clause about some employee or supervisor present during business hours. Mr. Lutz asked for the attorney to look at it and have it brought back to the next Board Meeting on June 24.

**ACTION**

**Mover:** Mayor Pro Tem Lutz moved to have staff adjust the amendment by striking audio systems as well as #2 and #3 completely, while adding in a clause about employees being present during business hours. Staff will present the adjusted amendment at the June 24 Board meeting for action.

**Vote:** Unanimous.

5b. **PUBLIC HEARING:** Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO as it relates to short term rentals, specifically Bed and Breakfast Inns, Homestays and Whole-house Lodging.

Speaker: Planning Director David Bergmark

Planning Director David Bergmark presented the following Staff Report in Italics, below:

***Item Summary:***

*In response to a citizen inquiry and per the direction of the Town Board, staff is proposing to revise the existing Bed and Breakfast Inn use in the UDO and create two new types of short-term rental uses: Homestay and Whole-house Lodging. Since online short-term lodging services such as Airbnb and HomeAway are rapidly gaining popularity, and there is no current use in the Town's UDO that sufficiently captures these short-term rentals, it*

*has become necessary to update the existing Bed and Breakfast Inn use in the UDO and implement new regulations that will allow for these lodging alternatives without adversely affecting surrounding residential uses or businesses. Please note that any rental establishment with a term longer than 30 days would not be considered a short-term rental use and would not be subject to these standards. Thus, these regulations would not impact typical residential rental properties with leases of 6 months, 1 year, etc.*

*A Bed and Breakfast Inn is currently defined as a short-term lodging in a private home where breakfast is included as part of the room rate. Under the existing regulations, Bed and Breakfasts have no associated standards and could essentially be created in any home in Wendell without any regulations. As a result, staff is proposing to incorporate language from the 2018 Residential Building Code into our definition of Bed and Breakfast Inn and to adopt additional standards that will better regulate this use and differentiate it from other new lodging uses added.*

*Homestay and Whole-house Lodging uses are being proposed as new short-term lodging uses with definitions, permitted districts and additional standards. The proposed lodging types are uses that are associated with online short-term rental services such as Airbnb, VRBO and HomeAway. These temporary single room and whole house rentals, that generally do not provide any services or amenities, are an affordable alternative to traditional hotels, motels and inns.*

*According to GS 160A-424, a city may not adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the city to lease or rent residential real property or to register the rental property with the city or to levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties. Staff has taken this General Statute into consideration when drafting the additional standards for these uses. As a result, the Town may require a zoning compliance form (since this is applied to all commercial uses) but may not require rental registration.*

*The following table shows how various municipalities in North Carolina regulate short-term lodging.*

City	Separation Requirement Included	Occupancy Limits	Owner Occupied Allowed	Annual Registration Required	Specified Districts Listed	Whole House Allowed	Inspection Required
Asheville		X	X	X	X		X
Raleigh		X	X	X	X		
Wilmington	X	X		X	X	X	
Greensboro	X	X	X		X		X
Fayetteville		X			X	X	

All of the municipalities have varying occupancy limits for Homestays ranging from 4 adults, including residents, to 5 overnight guests but some do not limit the occupancy for Whole-house lodging and Bed and Breakfasts. Greensboro and Wilmington both have separation requirements of 400 feet. In Greensboro, the separation requirement is from any tourist home to any other tourist home, which encompasses Bed and Breakfast and Homestay uses since Whole-house lodging is not permitted. In Wilmington, the separation requirement only applies to Whole-house lodgings in residential districts and where there are existing Whole-house lodgings within 400 feet of each other. The idea is to not allow a concentration of these short-term lodging uses in one area.

Staff is proposing a 400 ft. separation requirement only in the residential districts that will apply to Homestays and Whole-house Lodging. This standard would prevent neighborhoods from having a concentration of short-term rental units, while allowing more flexibility in commercial districts.

All of the municipalities evaluated specify which type of lodging is permitted in which zoning districts and many have additional standards as well. Asheville, Raleigh and Wilmington require annual registration for Homestays and Whole-house lodging units, but since GS 160A-424 clearly prohibits a city from requiring the registration of any rental property, staff discourages the adoption of this requirement. Instead, staff recommends that the Town require all Homestays and Whole-house Lodging units to submit a Commercial Zoning Compliance form since it is already a requirement of all other lodging types in Wendell.

**Proposed Amendments:**

1. To amend Section 19.3 (Definitions) to alter the definition for Bed and Breakfast Inn (see underlined additions) and to include new definitions for 'Homestay' and 'Whole-house Lodging'

**19.3 – Definitions**

**Bed and Breakfast Inn** means establishments primarily engaged in providing short-term lodging in facilities known as bed-and-breakfast inns. These establishments provide short-term lodging in private homes or small buildings of not more than eight guest rooms, converted for this purpose. Bed-and-breakfast inns are characterized by a highly

personalized service and inclusion of a full breakfast in a room rate for a period of less than one week.

**Homestay** means a private, resident-occupied dwelling unit, with up to two guest rooms where overnight lodging accommodations are provided to transients for a maximum continuous period of 30 days for compensation and where the use is subordinate and incidental to the main residential use of the building. A homestay is considered a "lodging" use under this UDO.

**Whole-house Lodging** means a business engaged in the rental of an entire dwelling unit that provides lodging for pay, for a maximum continuous period of thirty (30) days and does not include the serving of food.

- To amend the lodging category under Section 2.3 to permit bed and breakfasts, homestays, and Whole-house lodging within the zoning districts shown below, with additional standards. In general, whole-house lodging would be limited to the Residential Agricultural and primarily Commercial zoning districts. Bed and Breakfast Inns and Homestays would be permitted in more districts than Whole House Lodging, but would have further location limitations specified in their additional standards.

### 2.3 – Use Categories and Tables of Permitted Uses

#### Lodging

Base District	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
<b>Lodging</b>																
<b>Bed and Breakfast Inns</b>	<u>P</u> <u>PS</u>	<u>P*</u>	<u>P</u> <u>PS</u>	-	<u>P</u> <u>PS</u>	-	<u>P</u> <u>PS</u>									
<b>Hotels/Motels/Inns</b>		<u>P*</u>								<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>
<b>Rooming/Boarding House</b>		<u>P*</u>						<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>				<u>PS</u>
<b>Homestay</b>	<u>PS</u>	<u>P*</u>	<u>PS</u>		<u>PS</u>		<u>PS</u>									
<b>Whole-house Lodging</b>		<u>P*</u>	<u>PS</u>						<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>PS</u>		<u>PS</u>

- To Amend Section 3.3 (Additional Standards by Use to include standards for 'Bed and Breakfast Inn', 'Homestay', and 'Whole House Lodging' uses, as detailed on the following page. The additional standards for Bed and Breakfast Inn came from the 2018 NC building code for 'bed and breakfast homes'.

#### 3.3 - Additional Standards by Use

**I. Bed and Breakfast Inn (OSC, RA, RR, R2, R3, R4, R7, NC, CMX, CC, DMX, CH, TND).**

1. All Bed and Breakfast Inns within a primarily residential zoning district (OSC, RA, RR, R2, R3, R4, R7) must be located in one of the following:
  - a. A Local Historic District;
  - b. A property designated as a Historic Landmark;
  - c. A property listed on the National Register of Historic Places; or
  - d. A property located within a National Register Historic District.
2. The stay within any given Bed and Breakfast Inn shall be for a period of less than one week.
3. A Bed and Breakfast Inn may not have more than eight guest rooms.
4. A Bed and Breakfast Inn may not serve food or drink to the general public for pay.
5. On-site staff must be present during the stay and shall serve the breakfast meal to overnight guests.
6. The price of the breakfast shall be included in the room rate.

**X. Homestay (OSC, RA, RR, R2, R3, R4, R7, NC, CMX, CC, DMX, CH, TND).**

1. One sign is permitted per lot not to exceed 2 square feet in size. Sign may not be internally illuminated.
2. Homestay units located within residential districts shall be a minimum distance of 400 ft. from any other lodging use.
3. The homestay operation shall be managed by a person who:
  - a. is a full-time resident of the property; and
  - b. is present during the homestay term for the entire time lodgers are staying at the property. To be a "full-time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For purposes of this regulation, a person can only have one primary, full time residence, and the homestay must be operated from that primary, full time residence. In order to be "present during the homestay term," the full-time resident shall be at the property overnight and not away on vacation, visiting friends or family, travelling out of town for business or personal reasons, etc. during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. A minimum of two documents establishing proof of residency shall be supplied prior to operation of the use.
4. A property owner operating a Homestay use shall:
  - a. Submit a Commercial Zoning Compliance form to the Town prior to operation;
  - b. Be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to tax code, building code, fire code, and environmental health regulations for the level of occupancy of the short-term lodging; and

- c. *Not allow any regular event, classes, weddings, receptions, or other large gatherings on the premises, unless otherwise permitted as an indoor or outdoor event venue use.*
- 5. *No additional off-street parking is required for a homestay.*
- 6. *Only one homestay shall be permitted per lot/parcel.*
- 7. *The length of stay of guests shall not exceed 30 days.*
- 8. *The number of guests is limited to three adults per guest room and no more than two guestrooms may be rented out.*

**UU. Whole-house Lodging (RA, NC, CMX, CC, DMX, CH, TND).**

- 1. *A property owner, as well as any host/operator, shall:*
  - a. *Submit a Commercial Zoning Compliance form to the Town;*
  - b. *Be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to tax code, building code, fire code, and environmental health regulations for the level of occupancy of the short-term lodging; and*
  - c. *Not allow any regular event, classes, weddings, receptions, or other large gatherings on the premises, unless otherwise permitted as an Indoor or Outdoor event venue.*
- 2. *Whole-house lodging uses shall be prohibited on the ground floor of any street-facing multi-tenant structure established for non-residential use. Any new residential attached unit shall be subject to those standards and regulations specified within the Wendell Unified Development Ordinance for multifamily dwellings.*

**Planning Board Recommendation:**

*At their May 20, 2019 meeting, the Planning Board voted unanimously to amend Section 2.3 of the UDO to permit by right (i.e. No Standards) Bed and Breakfast Inns, Homestays, and Whole House rentals in all zoning districts.*

***Voting in favor:*** *Errol Briggerman, Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Victoria Curtis, Lloyd Lancaster and Jonathan Olsen*

***Voting against:*** *None*

***Absent:*** *None*

**Statement of Plan Consistency and Reasonableness**

- *Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
  - *In staff's opinion, staff's proposed zoning text amendment is consistent with Principle # 1 of the Wendell comprehensive plan and is reasonable in order to preserve the small-town feel and historic character of the community while allowing property owners the ability to create revenue from their homes.*
    - *Principle # 1: Preserve the small-town feel and historic character of the community.*

**Staff Recommendation:**

- *Staff recommends approval of staff's proposed text amendment request.*
- *In general, the proposed amendments would restrict 'Whole House Rental' units to primarily commercial zoning districts and the Residential Agricultural district. Since this use is more restricted in terms of zones, no separation requirement between lodging uses was included. Homestays (where the resident lives in the house during the stay) are permitted in both commercial and residential districts, but if located in residential districts, a 400 ft separation requirement applies. This standard was included to avoid concentration of short-term residential units within neighborhoods. Bed and Breakfast Inns are permitted in virtually all zoning districts, so long as they are also located within an area of historical designation. The Town's sole Bed and Breakfast Inn (on Wendell Falls Pkwy) is located within a National Register Historic District. Standards from the NC building code were also applied to the Bed and Breakfast Inn use.*

Town Manager Marc Collins added one clarification. He said that, in residential districts, citizens are going to expect residential uses. He said that this Amendment is set out to maintain that residential character where those standards apply to that district. One is more that laissez-faire opened up a commercial activity free market—those are in the commercial areas, where that is more expected by people who live on the Main Street. Mr. Collins said that staff took this on because there were citizens who wanted to use this use in residential neighborhoods. It's the response of technology to the commercial industry. What staff didn't want to happen is allow it by right in all districts, then create non-conforming uses that the town has to come back and respond to later. Staff would rather start at this point and scale back to meet demand that would create an issue than have to live with a non-conformity in our neighborhoods. Mr. Collins said that one thing did come up with the Planning Board that staff wanted to address about what happens when you have more than one dwelling unit on one parcel—is it a homestay or if it was a detached garage with an apartment, but the owner's still on the property, is it a homestay?

Planning Director David Bergmark stated that a question came up as to how secondary dwellings would be treated—would they be a homestay or a whole house rental? Mr. Bergmark recommended that it would fall under the homestay use, but that it would be better to make that clear in the language itself by adding a statement within the homestay definition stating that the definition shall include secondary dwellings that operate as a short-term rental within the homestay definition.

Mayor Gray opened the Public Hearing.

Jonathan Olsen, of 115 Mattox Street, said he is a member of the Town's Planning Board and he spoke in opposition to the amendment on short term rentals.

Mayor Gray closed the public hearing.

Mayor Pro Tem Lutz asked Planning Director David Bergmark to clarify the definitions on the difference between “homestay” and “whole house lodging.”

Planning Director David Bergmark said that with a homestay, there’s a full-time resident on the property, as well as the guests. With a whole house rental, there’s no standard requirement that a full-time resident be present with guests during their stay.

Mayor Pro Tem Lutz asked if 30 days is a typical number for these standards.

Planning Director David Bergmark confirmed as far as what’s considered short-term versus anything beyond that, short-term is typically 30 days.

Town Manager Marc Collins said that anything that falls above 30 days falls into the rental property for residential uses.

Commissioner David Myrick said that regarding the other towns that were used for comparison, Wendell has no hotels. If somebody called and asked what the town’s policy was can they legally operate?

Town Manager Marc Collins said they could not.

Commissioner Jason Joyner asked what’s currently preventing them from operating?

Town Manager Collins said that it’s not in the use table. Uses that are not permitted by law, the Town Attorney can clarify that it’s not allowed.

Commissioner Myrick asked how is the Town supposed to enforce it if it’s illegal currently—how is it being enforced?

Town Manager Collins said if someone let the town know that someone’s conducting an illegal activity, then it lets the town know where to go. Otherwise, the town has plenty to do because it’s not proactively looking.

Commissioner Myrick said that, even if the Board passes this, it would be difficult to enforce. He said that he would agree with the Planning Board that it be permitted by right.

Mayor Pro Tem Lutz said he doesn’t see this as a large problem, but he does think having some rules on it would be better.

Mayor Gray said that it would likely be complaint-driven and asked what the Town Manager thought.

Town Manager Collins said that different types of impacts and size and types of communities, different neighborhoods and economic classes within the community are going to experience short-term rentals in different ways. He said that, if you're in a resort community, then it's impacting your business community. Here, the Town doesn't have that yet, so it's seen as a positive means to add rooms. If someone were to create a hotel out of their home, it would not be allowed for them to just set that into a residential district. The same impact that in a zoning ordinance that you would separate the commercial use from your residential uses would not be in place. If one was going to somebody's wedding in Wendell and get a room, you don't live in that neighborhood, you're not worried about the neighbors around you and their routines. The person staying in that residence is acting like they're staying in a hotel room. That's the use that's happening. In dispersed moderation, no big deal. But if there's an increased use—if those uses happen all on one block—that might create a change in the neighborhood that doesn't currently exist.

Commissioner Myrick asked if the Town knew how many of these houses are being rented out.

Town Manager Collins said no and the industry's made it challenging for local governments to get that information.

Commissioner John Boyette asked if there are some of these short-term rentals that are currently already being used, if the Board passes staff's recommendation, would these rentals become non-conforming and still be allowed to operate?

Town Manager Collins stated that if you allow them as a use-by-right, as recommended by the Planning Board in all districts, and the Town Board starts to receive concerns, at the point the Town goes and changes it to put requirements in, the pre-existing businesses would have an argument that they are a preexisting, non-conforming use and would continue to operate.

Commissioner John Boyette said it's not a big issue right now, but could become a big issue. If the Board does nothing and it doesn't become a problem, the Town Board would never have to speak of it, again. If it did become a problem, the Board could pass Staff's plan and the ones that already exist don't have legitimacy.

Town Manager Collins said that a Planning Board is an advisory body and staff implements policy and provides a recommendation to avoid the issues seen critically across other jurisdictions that could potentially occur. The value judgment here is whether the Board allows the use by right or places the additional value on something—that's a policy decision that is completely up to the Board. He said that staff will move forward with whichever decision this Board wants to make.

Commissioner Boyette said that no matter what the Board does it either becomes a problem in the future or it doesn't. If the Board adopts the Planning Board's recommendation to permit it by right and somewhere down the road, the Board decides to change that, then all the ones that came before that precipitated the problem would still be allowed. If the Board did nothing, the Board could take staff's recommendation later if and when it became a problem, which would allow for the elimination of preexisting rentals operating under illegal non-conforming uses.

Commissioner Ben Carrol moved to table this amendment for further discussion on a later agenda and he requested additional information be presented.

Mayor Gray asked if there could be information brought to the Board on Towns that are more similar to Wendell on the subject of short-term rentals.

**ACTION**

Mover: Commissioner Ben Carrol moved to table the amendment to the July 22 Board Meeting, with additional information to be brought to the Board by staff.

Vote: Unanimous.

5c. **PUBLIC HEARING:** Zoning Text Amendment to Section 10.4 of the UDO as it relates to parking requirements.

Speaker: Planning Director David Bergmark and Town Manager Marc Collins

Planning Director David Bergmark and Town Manager Marc Collins presented the following staff report below in italics:

**Item Summary:**

*The purpose of the proposed zoning text amendment is to adjust the Town's parking standards to be in line with other municipalities and industry parking needs by use. Currently our UDO requires a minimum number of parking spaces by use category (i.e. Retail/Restaurant, Office/Service, Etc.). While the UDO does not contain Maximum parking space requirements, it does require that a portion of the parking spaces in excess of 150% of the minimum required be pervious. All parking spaces in excess of 200% of the minimum number required must be pervious.*

*Thus, parking minimums that are too low will unnecessarily require some uses to provide pervious paving (which is costlier), where other municipalities allow for more impervious parking. Low minimum parking requirements can also lead to developments with insufficient parking to accommodate their use, which can cause spillover effects to adjacent businesses. To avoid this, staff is proposing to raise the parking space minimums for select categories to be more in line with other municipalities' requirements and to not be unduly burdensome on developers.*

A similar change was incorporated into the Wendell Falls PUD when it was approved. The PUD raised the parking minimums for 3 uses: Office/Service, Retail and Restaurants. Office/Service Uses went from 2 spaces/1,000 sf. to 2.5 spaces/1,000 sf. Retail Uses was raised from 2 to 3.5/1,000 sf and Restaurants from 1 per 4 seats to 1.5 per 4 seats. While staff is not proposing to mirror these figures exactly, this change did indicate that the Town's Parking standards were not perfectly aligned with industry needs.

The following table shows the parking requirements of specific uses, as compared to other municipalities. Staff chose these uses because they are the most pertinent and in need of adjustment. The uses that are not represented in the table are either those in which Wendell's standards were comparable to those of other municipalities, or uses where additional research and evaluation is needed. This change was spurred by a specific developer seeking to create a significant office development in Wendell, but the Town's low parking ratio for 'Office/Service' presented an obstacle to development.

**Minimum Parking Requirements Per Use (Municipal Comparison):**

Use	Wendell	Knightdale	Wake Forest	Archer Lodge	Chapel Hill	Fuquay-Varina	Apex
Office/ Service	2/1000 sf	2-2.5/1000 sf	2-4/1000 sf	2.86/1000 sf	2.86-4.44/1000 sf	2.5/1000 sf	3.33/1000 sf
Retail	2/1000 sf	1.75-3/1000 sf	2.5-3.33/1000 sf	4/1000 sf	3.33/1000 sf	4.5/1000 sf	3.33/1000 sf
Restaurants	1/4 seats (8 min)	11.25/1000 sf	5/1000 sf (8 min)	1/4 seats	9.09/1000 sf	1/4 seats	1/50 sf public use area
Entertainment Recreation	1/1000 sf	1/1.5 Persons Permitted	1/4 Persons Permitted	Indoor: 5/1000 sf, Outdoor: varies	2/1000 sf	1/200 sf public use area	TBD
Theaters	1/3 seats	1/4 seats	1/5 seats	5/1000 sf	1/5 seats	1/200 sf public use area	1/5 seats

*\*Note: A range represents specific uses in that category*

As can be seen above, Wendell's parking minimums are lower than any other municipality for Office/Service and Entertainment/Recreation and the second lowest for Retail. For Restaurants, we are on the lower end. Conversely, Wendell has the highest parking requirement for Theaters of those evaluated.

**Proposed Amendments:**

- To amend Section 10.4 (General Parking Requirements) to modify the Town's minimum required parking spaces. (New text is underlined)

**10.4 - General Parking Requirements**

A. Parking Ratios

Use Type	Auto Parking Spaces	Bicycle Parking Spaces (B)
	Minimum Required (a)	
Residential	1 per bedroom up to 2 per unit	1/20 auto spaces (c)
Secondary Dwelling	1 space in addition to spaces for primary dwelling	N/A
Lodging	1 per room or suite	1/50 auto spaces
Office/Service Uses	± <u>3</u> per 1,000 sq. ft.	1/20 auto spaces
Retail Uses	± <u>3.33</u> per 1,000 sq. ft.	1/20 auto spaces
Restaurants	+ <u>1.25</u> per 4 seats (d)	1/20 auto spaces
Entertainment/Recreation Uses	+ <u>2</u> per 1,000 sq. ft.	1.20 auto spaces
Theaters	1 per <u>3 4</u> seats	1/20 auto spaces
Manufacturing/Wholesale/Storage	.25 per 1000 sq. ft. of non-office space	1/50 auto spaces
Civic/Institutional (Schools)	2 per 1,000 sq. ft.	1/20 auto spaces
Civic/Institutional (Non-Assembly Uses, e.g., Hospital, Public Safety Station)	2/1,000 sq. ft.	1/20 auto spaces
Civic/Institutional Uses (Assembly Uses Only, e.g., Religious Institutions)	1 per 4 seats (if benches or pews are used then the standard shall be measured as 1 per 6 ft.)	1/20 auto spaces
Infrastructure	2 per 1,000 sq. ft.	1/50 auto spaces
Meeting Facilities/Event Venues	1 per 4 seats	1/20 auto spaces

**Planning Board Recommendation:**

At their May 20, 2019 meeting, the Planning Board voted unanimously to amend section 10.4 of the UDO which modified the minimum required parking to be more in line with other municipalities and industry standards.

**Voting in favor:** Errol Briggerman, Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Victoria Curtis, Lloyd Lancaster and Jonathan Olsen

**Voting against:** None

**Absent:** None

**Statement of Plan Consistency and Reasonableness**

- Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.
  - At their May meeting, the Planning Board found the requested zoning text amendment to be consistent with Principle # 5 of the Wendell comprehensive plan and to be reasonable to promote Wendell's attractiveness to business that provide jobs and increase the Town's tax base while still protecting the aesthetic beauty of the town and the environment in which it is located.
    - Principle # 5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.

**Staff Recommendation:**

Staff recommends approval of the text amendment request. While staff included changes to the minimum parking requirements for 5 use categories, the 'Office/Service' use is the most time sensitive, as it is needed to accommodate a pending office development.

Mayor Gray opened the Public Hearing.

Steven Sanderson, 105 Lake Drive, Wendell, spoke against the parking requirements amendment and asked if it could be a range, rather than a set number.

Planning Director David Bergmark clarified that the Town's parking ratios are broken in those specific asset categories: office service, retail restaurant—some municipalities have more categories so they might have different categories, which is how the ranges came about in other towns.

Mayor Gray closed the public hearing.

Commissioner John Boyette said that the Town does have a range, which runs from the minimum up to as many as one can fit on the property. He said that there is no maximum that one could put. Mr. Boyette said that parking lots attract cars and traffic and are not very attractive. He said that a lot of space is wasted on parking lots and he thinks there shouldn't be a minimum number of spaces but rather, a maximum number allowed. He said that if there were more parking lots on Main Street downtown, then nobody would

walk between businesses. Another issue is hurricanes and thunderstorms, which create stormwater runoff issues on paved lots, which the town is already experiencing. If the Town allows developers to pave parking lots at a cheaper cost, the cost is going to be borne by the taxpayers when all the water runs off and has to be dealt with in the stormwater systems. Some of the increases in the systems are as high as 66%. He said that adding more pavement is not a good solution to the runoff and flooding issues. It could also push development out of downtown, due to lack of space for parking lots if there was an increased minimum.

Commissioner Jason Joyner said that he wished he knew which portion of this amendment really needed to be approved. However, it sounds like the Town is making movements toward updating and getting closer to where other communities are being competitive with this community. Mr. Joyner said he would like to see the Board move forward on this and then allow an ad hoc committee of Mr. Boyette and Mr. Sanderson, himself and whomever else would like to work on a better way of doing parking.

Planning Director David Bergmark said that if there was a desire to move forward with a portion of the amendment, the Board could modify just the office service use and not the other uses.

Town Manager Marc Collins asked Mr. Bergmark to explain the Comparative Analysis and what the market is and what the Wendell Falls PUD and its requirements and what's already been approved by the Town in the past to address market demand. He said that he's hearing a mix between encouraging business development with Environmental Policy.

Planning Director David Bergmark said the chart that shows where the others lie for office service uses—in some cases you have ranges meaning they had different breakdowns for different office uses, but in Knightdale there's was closest to Wendell's. Knightdale's range was 2-2.5, which is closer to where Wendell is right now. Wake Forest, depending on the type of office or service, it could be anywhere from 2-4. In Archer Lodge it was 2.86 parking spaces per thousand square feet. Chapel Hill was also a range depending on the type of office service use, but the lowest was 2.86 and it went up to almost four and a half. Fuquay-Varina is 2.5, which is kind of halfway between where Wendell is right now and Apex is 3.33. He said that in terms of runoff, any runoff they're creating they're still going to have to account for. They will have to capture that through the Town's storm water regulations. The parking lots aren't going to be just flowing into the streets, based on the new development going forward under stormwater regulations. Mr. Bergmark said that one other possible way to address this outside of strictly affecting the minimums would be to impact when the pervious paving kicks in. Initially it came in at 150% and then kicks in even harder at 200%, which the Town Board could modify as a standard so that it didn't kick in at all until 200% moved without changing necessarily the minimums

while still allowing more parking before any kind of pervious paving requirement kicks in. Mr. Bergmark said that staff based it on what other towns are doing. In addition to just pervious paving and more expense to the developer, one has to think about providing an adequate number to provide that use. He said if there isn't an adequate number for that use, it could mean that they're parking in what's supposed to be other businesses parking spaces. Mr. Bergmark said that the number of spaces are based on square footage because the business' next user could have more employees. In terms of Wendell Falls, when going through the PUD process, one of the changes that staff approved was to change the office service uses from 2 spaces to 2.5 spaces per 1,000 square feet. Their retail was changed from 2 to 3.5 and their restaurants from 1 per 4 seats to 1.5 per 4 seats, based on their analysis of what the industry needed.

Commissioner John Boyette said that Mr. Bergmark said even if it's all impervious, that they would still have to have stormwater capture. He said that if a significant portion of their parking lot is pervious paving, that would obviously be taken into consideration when they were sizing their catchment basins. Mr. Boyette said that you're still losing the space and if it's all impervious, now one has to have larger catchment basins, which eliminates the option of parking there. He said that when he looks at the numbers, they're all just minimums. Meaning that if someone wants to build an office building with the number of spaces that Knightdale or Wake Forest or Archer Lodge requires, the Town doesn't stop them. He said if there is a business that doesn't need more parking, then it's not business-friendly to them. Mr. Boyette suggested putting in a maximum number of parking spaces allowed.

Commissioner Jason Joyner said that he thinks the Board should start with the minimums and go from there. He said they should move forward on this because it's purely the ratio portion, not the maximum.

Commissioner Boyette said that he doesn't have trouble finding a parking space. He said that a shared public parking lot is much better than requiring each business to require a certain number of spaces.

Commissioner Joyner said that he thinks the Board should take staff's recommendation and that he believed that the Planning Board was unanimous on this.

<p><b>ACTION</b> Mover: Commissioner Jason Joyner made a motion to approve the Zoning Text Amendment to Section 10.4 of the UDO as it relates to parking requirements. Vote: 3-2</p>
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**6. ADMINISTRATIVE ITEMS**

- 6a. Scope of Economic Development Services Provided by Sanford Holshouser Economic Development Consultants to the Town of Wendell  
Speaker: Town Manager Marc Collins

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

**Item Summary:**

*The 2019 Town of Wendell Strategic Plan established a goal to “Promote economic vitality through the development of a vibrant downtown, economic growth, and unique community character”. Further, the goal provides guidance to seek an appropriate mix of land uses including the development of commercial, office, and industrial uses to enhance property values, create jobs, and provide opportunities for shopping, services, and products sought by area residents.*

*The retention of an economic development consultant is sought to advance the economic goals of the Town to address the following strategic initiatives:*

- 1. Determination through a short-term interim effort how best to deliver economic development for the Town of Wendell by examining options for in-house full-time staff, contracting a third-party consultant, or a hybrid of the two options.*
- 2. To create a proactive, market-facing economic development program that can promote the Town externally to companies seeking a location and internally to members of the community, existing companies, and external stakeholders.*
- 3. To develop organizational structure and components to create a sustainable and comprehensive entity that provides permanent economic development services.*

*Staff recommends the use of David Denny of Sanford Holshouser Economic Development Consultants to provide the economic development consultant services. Mr. Denny is a managing partner with the firm and has 30 years of experience working with companies and economic development organizations with a focus in product marketing, strategic planning and evaluation, site selection and development, project funding/finance, and organizational operations.*

*A highlight of the proposed scope of services to meet the economic development initiatives includes the following:*

- Serves as the “face” and primary point of contact for economic development for the Town of Wendell and develop closer relationships with the internal business community and external economic development partners in the county, region, and state.*
- Respond to economic development inquiries and manage the preparation and submittal of all requests for information from companies, consultants, and economic development organizations.*
- Arrange and host prospect visits.*
- Evaluate current incentive programs and make recommendations to make the Town be in-line with good practice and increase competitiveness.*

- *Work with the Planning Department and area developers to create an inventory of sites and buildings currently controlled by the Town or targeted as good prospects for future economic development purposes.*
- *Attend monthly/quarterly meetings as directed by the Town Manager and submit regular reports of activities prior to monthly Town Commission meetings.*
- *Preliminary development of an economic development brand and messaging for the Town of Wendell and provide input for the development of social media material to promote the Town to external economic opportunities.*

*The FY 2020 budget provides \$30,000 for the provision of contract services for economic development. The scope of services provides for monthly installments and reimbursement of expenses subject to prior review and approval by the Town Manager. Given the limitation of funding available, the Town Manager and Economic Development Consultant will develop monthly work plans that are subject to change to reflect current projects and priorities within the time allotted. The agreement provides for \$25,200 per year to provide approximately 120 hours of work (approximately 10 hours per month depending on monthly work plans).*

*If approved, staff will establish a base agreement consistent with the terms of the attached Scope of Services with the initiation of work to begin July 1, 2019 and extend through June 30, 2020 with the option to extend the agreement for two additional years.*

Town Manager Marc Collins asked David Denny to come forward and introduce himself to the Board. He said that this is seen as a bridge and interim service level until the town gets to where it needs to be. He said the contract would start on July 1 and would allow for two additional one-year periods in the contract.

David Denny said that he's worked as an executive and marketing and business development for engineering, construction, architectural firms and environmental firms for 25 years. He said that he's done a lot of projects that had to do with site development for economic development. He decided to start his own local consulting practice that worked with small localities and some regional groups. He said that he joined Sanford Holshouser six years ago and became an equity partner with them. Mr. Denny said that his role is to be a tool and a resource to the Town.

Town Manager Collins said that, looking at the strategic initiatives of this community and the need to diversify the economy and the failure of that to happen over time—even when the markets around us are building out—that's why a consultant is necessary. Mr. Collins asked the Board if they had any questions.

Commissioner Jason Joyner said he appreciated Mr. Denny being there and thanked staff for moving this process forward.

**ACTION**

Mover: Commissioner Jason Joyner moved to approve the contract on the Scope of Economic Development Services Provided by Sanford Holshouser Economic Development Consultants to the Town of Wendell

Vote: 5-0

- 6b. Presentation of the applications received for the citizen advisory boards.  
Speaker: Town Clerk Megan Howard

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

**Item Summary:**

*Recruitment for the Town of Wendell's Citizen Advisory Boards began on April 23, 2019 and closed on May 23<sup>rd</sup>, 2019. Communication Efforts included the following:*

- *Designed/Printed Posters posted in all Elementary, Middle and High schools in Wendell.*
- *Advertising posted on the Town's website's calendar, News Feed, Events, and Citizen Advisory Board Pages.*
- *An E-Board Post on Wendell Blvd.*
- *An E-Blast on MailChimp*
- *Social Media Marketing launched throughout the month on Facebook and Instagram.*
- *A PSA video posted on the Town's Social Media pages.*
- *Advertising posted in Wendell Buzz's May Newsletter.*
- *Print Ads posted in Downtown Businesses (10 in total.)*
- *EWTV Promotional Advertising*
- *An article published in The Grey Area news.*
- *Advertising design for web and print sent to Wendell Falls HOA*
- *Advertising posted in Zebulon Times*
- *Requests were sent to WRAL, WNCN and 96.1 BBB to advertise as a PSA.*

*The Board of Adjustment has 7 current members with no terms expiring this year. The Parks and Recreation Committee has 5 current members with no terms expiring this year.*

*The Economic Development Committee 8 members, with 3 members' terms expiring this year: Valerie DeLoach, Bryan M. Green, and H. Lee Mabry. Below is a list of the EDC members, with expiring terms highlighted.*

Board	Name	In-Town or ETJ	Address - Physical	Address - Mailing	Term Begins	Term Ends	Term Number	Term Length	Appt Date
EDC	Stacey Piesche	In-town	3421 Wendell Blvd	3421 Wendell Blvd	7/1/2018	6/30/2020	2nd term	2 years	6/13/2016
EDC	Ashley Anderson	ETJ	313 Old Battle Bridge Road	313 Old Battle Bridge Road	7/1/2018	6/30/2020	1st term	2 years	5/14/2018
EDC	Emma Benson King	ETJ	131 Jake May Drive	131 Jake May Drive	7/11/2018	6/30/2020	1st term	2 years	7/11/2018
EDC	Lucius S. Jones Jr.	ETJ	172 Jake May Drive	PO BOX 128	7/11/2018	6/30/2020	1st term	2 years	7/11/2018
EDC	Paul White	ETJ	651 Lions Club Road	PO BOX 980	7/1/2018	6/30/2020	3rd term	2 years	6/8/2015
EDC	Valerie DeLoach	In-town	1704 Drift Falls Lane	1704 Drift Falls Lane	7/1/2017	6/30/2019	1st term	2 years	5/8/2017
EDC	Bryan M. Green	Out-of-town	500 Boswell Ln, Clayton, 27527	500 Boswell Ln, Clayton	7/1/2017	6/30/2019	1st term	2 years	5/8/2017
EDC	H. Lee Mabry	Out-of-town	8900 Wood Vine Ct, RA, 27613	8900 Wood Vine Ct, RA	7/1/2017	6/30/2019	1st term	2 years	5/8/2017

The applications received for these EDC vacancies are listed in the table below. The 4 applications are attachments in your Agenda Packet for review.

Name	Board	ETJ/In-Town
Haley Day	EDC	In-Town
Cande Killian Wood	EDC	ETJ
Amanda S. Norris	EDC	In-Town
H. Lee Mabry	EDC	Out-of-Town

The Planning Board has 8 current members with 3 members' terms expiring: Errol Briggerman, Lloyd Lancaster, and Terry Allen Swaim, Jr. There are also 2 vacant spots that expires June 2020. This leaves 5 vacancies on the Planning Board.

Board	Name	In-Town or ETJ	Address - Physical	Address - Mailing	Term Begins	Term Ends	Term Number	Term Length	Term Limit	Appt Date
Planning	Victoria Curtis	ETJ	102 Skipwith Drive	102 Skipwith Drive	7/1/2018	6/30/2020	2nd term	In-Town - 3	2 terms	6/13/2016 & 7/05/2016 (WC)
Planning	Errol Briggerman	In-Town	14 Forest Lane	14 Forest Lane	7/1/2016	6/30/2019	2nd term	In-Town - 3	2 terms	
Planning	0	In-Town	0	0	7/1/2018	6/30/2020	1st term	In-Town - 3	2 terms	1/0/1900
Planning	Lloyd Lancaster	In-Town	309 Paula Drive	309 Paula Drive	7/1/2016	6/30/2019	1st term	In-Town - 3	2 terms	6/13/2016
Planning	Ryan Zakany	In-Town	238 Grovemere Lane	238 Grovemere Lane	7/1/2018	6/30/2021	1st term	In-Town - 3	2 terms	5/14/2018
Planning	Joe DeLoach	In-town	1704 Drift Falls Lane	1704 Drift Falls Lane	7/1/2018	6/30/2021	1st term	In-Town - 3	2 terms	5/14/2018
Planning	Terry Allen Swaim, Jr.	ETJ	1133 Marshburn Road	1133 Marshburn Road	7/1/2017	6/30/2019	1st term	In-Town - 3	2 terms	5/8/2017
Planning	0	In-town	0	0	1/0/1900	6/30/2020	0	0	2 terms	1/0/1900
Planning	Jonathan Andrew Olson	In-town	313 Caroline Drive	313 Caroline Drive	7/1/2017	6/30/2020	1st term	In-Town - 3	2 terms	5/8/2017

In order to comply with State Statute and the Town's Ordinances, an adjustment will be made to the number of ETJ and In-Town members on the Planning Board. This change has occurred due to significant population growth in the Town's Corporate limits, with marginal growth in the ETJ.

Section 14.2B1 of the UDO states "The Planning board shall consist of a total of nine members. In accordance with G.S. 160A-360, the total membership of the Planning board shall be proportional to the population of residents of the Town of Wendell and residents in the ETJ. Population shall be determined by best available U.S. Census/GIS Data."

The County used Census Data and Wake county Revenue data to generate their projections. Based on the County's recent population estimates, 18% of our Jurisdiction's total population is within the ETJ. For a 9 person Planning Board, that requires 1.62 ETJ members (rounded to 2). That is 1 less than our current 3-member ETJ makeup on the planning Board. This means that there will be 7 In-Town Planning Board Members, and 2 ETJ Planning Board Members this year.

Currently, there are 3 In-Town members and 1 ETJ member whose terms are not expiring. This leaves 4 in-town vacancies (one of which has a partial term expiring in 2020) and 1 ETJ vacancy.

The applications received for these Planning Board vacancies are listed in the table below. The 10 applications are attachments in your Agenda Packet for review. **Please note that we received 7 In-town applications to fill 4 In-town vacancies, and 3 ETJ applications to fill 1 ETJ vacancy.**

Name	Board	ETJ/In-Town
Tim Fisher	Planning	In-Town
Michael Firstbrook	Planning	In-Town
Regina Harmon	Planning	ETJ
Brett Hennington	Planning	In-Town
Jimmena Huffman-Hall	Planning	In-Town
Levin Jones	Planning	In-Town
Lloyd Lancaster	Planning	In-Town
T. Allen Swaim Jr.	Planning	ETJ
Cande Killian Wood	Planning	ETJ
Melissa Kay Brand	Planning	In-Town

The Tree Board has 2 partial term vacancies, one expiring in 2021 and one expiring in 2020. Below is a list of the Tree Board's current members. There were no applications received this year for the Tree Board.

Name	In-Town or ETJ	s - Physical	Address - Mailing	Term Begins	Term Ends	Number	Term Length	Term Limit	Appt Date
	0	0	0	0		1/0/1900	3 years	none	
Bobby Clint Honeycutt	In-town	332 Mattox	332 Mattox	42562	6/30/2019	1st term	3 years	none	42562
Lewis Piner	In-town / ex-officio	600 Beaut	600 Beaut	42917	6/30/2020	1/0/1900	3 years	none	42863
Warren Boyette	In-town	724 S Holl	PO BOX 1	42917	6/30/2020	1/0/1900	3 years	none	42863
Marriott L. Sheldon	Out-of-town	7001 Doc	7001 Doc	43017	6/30/2020	1st term	3 years	none	43017
	0	0	0	0	6/30/2020	1/0/1900	3 years	none	

The Appearance Commission has 6 current members with no terms expiring and 1 partial term vacancy that expires in 2020. There were no applications received for the Appearance Commission this year. Below is a list of the Appearance Commission's current members.

Board	Name	In-Town or ETJ	Address - Physical	Address - Mailing	Term Begins	Term Ends	Term Numb	Term Length	Term Limit	Appt Date
Appearance	Brianna Sizemore	In-town / Alternate	259 Darecrest Lane	259 Darecrest Lane	7/1/2018	6/30/2021	1st term	3 years	0	5/14/2018
Appearance	Megan Hinkle	In-town / Alternate	421 Daniel Ridge Rd	421 Daniel Ridge Rd	7/1/2018	6/30/2021	1st term	3 years	0	5/14/2018
Appearance	0	0	0	0	1/0/1900	6/30/2020	1st term	3 years	0	1/0/1900
Appearance	Michael Eugene Hancock	In-town	3500 Wendell Blvd	PO BOX 853	7/1/2017	6/30/2020	1st term	3 years	0	5/8/2017
Appearance	Brian Pace	In-town	3300 Wendell Blvd	3300 Wendell Blvd	7/1/2017	6/30/2020	1st term	3 years	0	5/8/2017
Appearance	Allison Yeargin	In-town	228 West Third Street	228 West Third Street	7/1/2018	6/30/2021	2nd term	3 years	0	6/8/2018
Appearance	Leigh Ann Thompson	In-town	206 S Main Street	206 S Main Street	7/1/2018	6/30/2021	2nd term	3 years	0	11/28/2018

Staff Liaisons of the Citizen Advisory Boards have provided the following attendance records for each board for the Commissioners' review.

**2018-2019 Citizen Advisory Boards Attendance Records**

The following is a summary of last year's attendance from each Citizen Advisory Board. Due to the fact that the Tree Board meets as needed and during special events, the attendance of members has been satisfactory.

The following are missed meetings from the Parks and Recreation Commission:

- Lorinda S. Michieka - April, February
- Thomas J. Mak - June, April, October
- Seth Amidon - June
- Michael Gardner - January, October, August
- Emma Garner - February

The following attendance records are for the period from January 2018 to May 2019.

Parks and Recreation Commission															
	Jan-18	Mar-18	Apr-18	May-18	Jul-18	Aug-18	Sep-18	Nov-18	Dec-18	Jan-19	Spec. Mtg.	Apr-19	May-19	# attended	% attended
Brian Pace	1	1	1	1	1	0	1	1	0	1	1	1	1	11	85%
Allison Yeargin	1	1	1	1	1	1	0	1	1	1	1	1	1	12	92%
Leigh Ann Thompson	0	1	0	1	1	0	1	1	1	1	1	0	1	9	69%
Michael Hancock	1	1	1	0	1	0	1	1	1	1	1	1	0	10	77%
Megan Hinkle	N/A	N/A	N/A	N/A	0	1	0	0	1	1	1	1	0	5	56%
Brianna Sizemore	N/A	N/A	N/A	N/A	1	1	1	1	1	1	1	1	1	9	100%

Economic Development Commission									
	Feb-18	Mar-18	Jul-18	Aug-18	Oct-18	Jan-19	May-19	# attended	% attended
Stacey Piesche	1	1	1	1	0	1	0	5	71%
Paul White	1	1	1	1	1	1	0	6	86%
Valerie DeLoach	1	1	0	1	1	0	0	4	57%
Bryan M. Green	1	0	0	1	1	0	0	3	43%
H. Lee Mabry	1	1	1	1	0	1	1	6	86%
Ashely Anderson	N/A	N/A	1	0	1	1	0	3	60%
Emma Benson King	N/A	N/A	1	1	1	1	1	5	100%
Lucius S. Jones, Jr.	N/A	N/A	1	1	1	0	0	3	60%

<b>Board of Adjustment</b>			
	<b>May-19</b>	<b># attended</b>	<b>% attended</b>
Lucius Jones	0	0	0%
Amy Swaim	1	1	100%
Kenkesha Clark Staton	0	0	0%
Nicholas Chad Benson	1	1	100%
Russel 'Blair' Hinkle	1	1	100%
Tommy Scoggins	1	1	100%
Paula M. Shearon	0	0	0%

<b>Planning Board</b>																				
	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	# attended	% attended	
Errol Briggerman		1	1		1		1	1	1		1		1	1	1	1	1	12	100%	
Victoria Curtis		1	1		X		1	1	1		1		1	x	x	1	1	9	75%	
Joseph DeLoach								1	1		1		x	1	1	1	1	7	88%	
Lloyd Lancaster		1	1		1		1	1	1		1		x	1	1	1	1	11	92%	
Jonathan Olson		1	x		1		1	1	1		x		1	1	1	1	1	10	83%	
Terry "Allen" Swalm		x	1		1		1	1	1		1		1	1	1	1	1	11	92%	
Ryan Zachary							1	1	1		1		1	1	1	1	1	9	100%	

Meeting Cancelled

Commissioner John Boyette asked if there was an age requirement to join the Parks and Rec Board, the Tree Board or the Appearance Commission on the posters delivered to the schools.

Town Clerk Howard said that there was no age requirement listed.

Commissioner Boyette said it would be a great idea if some of the high school students could join one of those Boards.

Mayor Gray thanked applicants who were present at the Board Meeting and looked forward to speaking with them after the meeting was over.

**ACTION:** Presentation; action at June 24, 2019 meeting.

- 6c. Downtown Public Parking and Event Space Lease of Land at 15 East Third Street from June G. Perry and Patsy K. Perry  
Speaker: Town Manager Marc Collins

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

***Item Summary:***

The 2019 Town of Wendell Strategic Plan establishes the goal of a Downtown that contains a vibrant mix of businesses that are centered on food and beverage, retail, and neighborhood services that attract area residents in coordination with sufficient parking, attractive public spaces, and regular special events to foster the “Small Town, Big Charm” motto.

To advance this goal, staff initiated a project to evaluate opportunities to acquire and/or enhance parking and public spaces Downtown. The existing unimproved drives and parking located on 15 E. Third Street were identified as a viable location for the following reasons:

- Location – central location in Downtown behind Main Street and Third Street.
- Access – direct access to Main Street (via Campen Street area), Third Street, and Pine Street.
- Connectivity – provides pedestrian connectivity to three areas of downtown.
- Building wall – potential for adaptive reuse of adjoining buildings.
- Past use – parking was a previous use of the property.
- Utilities – resolves utility easement issue and has water and sewer available.
- Size – 0.3 acres less the building area on Third plus existing Campen Street area leased from Norfolk Southern Railroad by the Town provides sufficient space.
- Ownership – The Perry family is a willing partner to lease the property to the Town.

The downtown parking and event space project is included in the five (5) year capital improvement plan for lease and utility work to start in fiscal year 2019 and \$300,000 of improvements planned for fiscal year 2022. Staff may recommend changes to the project timing based on business investments on adjoining properties.

After discussion with the Commission, staff negotiated the proposed lease for consideration. The main points of the lease include the following:

- Term of Lease – Twenty (20) years with two successive ten (10) year terms for an annual rent of \$3,600. The term provides a lease period that extends beyond the useful life of the planned improvements.
- Use of Premises – Town is leasing the property “as is” for the use as parking and event space. The Town has the authority to improve the space.
- Repairs, maintenance, and utilities – The Town is responsible to repair and maintain the parking and event area. Utility costs are the responsibility of the Town.
- Resolves Existing Utility Easement Issue - The owner provides an easement to the City of Raleigh for the replacement of water and sewer mains on the leased area (Exhibit B). The Town is responsible under the Merger Agreement with the City of Raleigh to provide for easements where utilities exist without an easement. The City of Raleigh will move the water and sewer mains to the center of the drive within the easement provided and connect the utilities to the existing meters.
- Insurance – The Town will add the leased area and any future improvements and property to the insurance policy with minimal impact like other parking and open spaces for a minimum of \$1,000,000 per occurrence.
- Early Termination of Lease – After five (5) years, the owner can terminate the lease at any time with a two (2) year notice provided to the Town. The owner will be

*required to pay the Town the value of any improvement made to the property prorated for the remaining years of the initial lease term. Reimbursement for improvements in future lease terms are not covered in this lease and would require a negotiated amendment at that later time.*

*The first-year's rent is not included in the current budget. If approved, the Town will pay the prorated amount and include the line item in the fiscal year 2020 budget amendment. Staff reviewed the lease with the owner and both parties are in agreement. The utility easement is under review by the City of Raleigh. To provide for the timely installation of utilities by the City of Raleigh contractor upon approval of the easement language, staff recommends that the Commission approve the lease and authorize the Town Manager to sign the documents when approved by all parties.*

Town Manager Marc Collins opened the floor for any questions and thanked the Perry family.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the Downtown Public Parking and Event Space Lease of Land at 15 East Third Street from June G. Perry and Patsy K. Perry and to authorize the Town Manger to sign approval from the City of Raleigh.

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. Snap Shot.

Commissioner John Boyette asked if Staff was finished working with CORPUD on the Comprehensive Report.

Town Manager Collins said that his understanding from Raleigh was that the Town will wait an additional year and then evaluate the opportunity as it gets closer to the merger.

7b. Update on board committee(s) by Town board members:  
Wendell Fire Board [Commissioner Jason Joyner]

Commissioner Joyner provided an update.

7c. Update on Farmers Market Meeting  
Speaker: Mayor Gray

Mayor Gray presented the following report, below in italics:

**Item Summary:**

*After receiving input from farmers market stakeholders, a meeting was held on Wednesday, June 5, 2019 to discuss the current farmers market and explore opportunities to reinvent the farmers market in a new location downtown. A meeting update will be provided on the topic and identify potential next steps discussed.*

Mayor Gray said that things are finally coming together for the Town's Farmer's Market. She said the location is going to be on Campen and Main Street. Rules and Vendors were discussed. The Town is looking to work with the NC Department of Agriculture, moving forward. Marketing, signage, road closure, and guidelines were discussed. The first market will be held Saturday, June 29<sup>th</sup> from 9:00 a.m. until 1:00 p.m.

## **8. COMMISSIONERS' REPORTS / COMMENTS**

No Commissioners had any reports/comments.

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

- W** The American Legion Post 148 and Boy Scout Troop 515 will conduct a flag retirement ceremony on Friday, June 14<sup>th</sup> at 9 PM at the American Legion Post.
- W** Saturday, June 15<sup>th</sup> from 8 PM to 10 PM is the Graduation Ceremony for East Wake High School graduates at the Raleigh Convention Center.
- W** Sunday, June 16<sup>th</sup> at 7 PM Wendell Parks and Recreation and Wendell Falls will co-host its first summer outdoor movie series hosted at the Lakeside Pavillion. The feature presentation is Avengers: Infinity War. This event is free to the public.
- W** Saturday, June 22 is Big Truck Day, hosted by Wendell Parks and Recreation. From 11 AM to 2 PM, kids can have a honking good time exploring big trucks of all kinds on Campen and Depot Streets in Downtown Wendell.

## **10. CLOSED SESSION**

*Closed session will be called if necessary.*

## **11. ADJOURN**

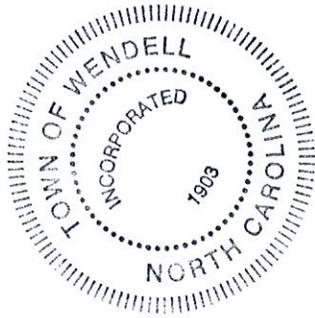
### **ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 10:07 p.m.

Vote: Unanimous

Duly adopted this 8 day of July 2019, while in regular session.

Duly adopted this 8 day of July 2019, while in regular session.



ATTEST:

Virginia R. Gray

Virginia R. Gray,

Mayor

Megan Howard

Megan Howard,

Town Clerk